

GOVERNMENT NOTICE No. 418 published on 17/5/2022

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under section 129)

THE MINING (MINERALS AND MINERAL CONCENTRATES TRADING) (AMENDMENT)
REGULATIONS, 2022

Citation
GN. No.
2 of 2018

1. These Regulations may be cited as the Mining (Minerals and Mineral Concentrates Trading) (Amendment) Regulations, 2022 and shall be read as one with the Mining (Minerals and Mineral Concentrates Trading) Regulations, 2018 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 2

2. The principal Regulations are amended in regulation 2 by adding the following definitions in the appropriate alphabetical order:

“licenced broker for industrial minerals or building material” means a person holding a broker licence granted under the Act;

“Point of Sale Machine (POS Machine)” means an electronic device used for capturing industrial and building materials minerals’ production records and sell transactions;

“POS application” means the electronic software installed to the POS machine by the Commission.

Addition of new
regulation 6A

3. The principal Regulations are amended by adding immediately after regulation 6 the following:

“Agreement to process tailings 6A. Any person other than mineral right holder who wishes to process tailings shall be required to enter into agreement with mineral right holder and the same be

registered to the Commission.”

Addition of new
regulation 13A

4. The principal Regulations are amended by adding immediately after regulation 13 the following:

“Application
for broker
licence for
building
materials or
industrial
minerals

13A.-(1) An application for a broker licence for building materials or industrial minerals shall be made in a prescribed form and accompanied by a prescribed fee as specified under the First Schedule.

(2) An application for a broker licence for building materials or industrial minerals shall be made by filling in Form MTF 8 specified in the Second Schedule to the principal Regulations and submitted to the Commission in duplicate.

(3) A broker licence shall be in the Form MTF. 9 set out under the Second Schedule to the principal Regulations.

Discretion of
Commission
on Grant of
broker
licence for
building
materials or
industrial
minerals on
specific
issues

13B.-(1) Without prejudice to section 81 of the Act, the Commission may under special circumstances issue a broker licence for building materials or industrial minerals to a group of individuals depending on the quantity of the minerals

(2) For the purpose of this regulation “special circumstances” means circumstances where industrial minerals or building materials in small quantity are cut or crashed by local people using hand tools.

Grant of
temporary
permit for
building
materials or
industrial
minerals

13C.-(1) For the purpose of collecting royalty and inspection fee on sale or remove of building materials in river banks, construction leftovers or other similar areas, the Commission may issue a temporary permit for such sale or removal of building materials.

(2) Before issuance of such permit, the applicant shall submit to the

Commission an authorization from the responsible Authority, if any, permitting such sale or removal of industrial minerals.

(3) A holder of temporary permit shall pay royalty and inspection fees at the rates specified in the Act.

(4) Temporary permit may be given for a period of three (3) months for a specific activity stated in the permit.

Rights of
holder of
broker
licence for
building or
industrial
minerals

13D.-(1) A broker licence for building or industrial minerals shall authorise the holder:-

- (a) to buy or acquire industrial minerals or building materials from an authorised miner or a licenced dealer or any other area
- (b) specified in the licence within the administrative boundary of the respective resident mines offices;
- (c) to sell or dispose industrial minerals or building materials so acquired for consumption within Tanzania; and
- (d) to possess and use more than one POS Machine within the licenced area.

(2) No licenced broker is authorised to export industrial minerals or building materials.

Obligation of
holder of
broker
licence or
temporary
licence

13E.-(1) Without prejudice to the obligations of the licenced broker for industrial minerals or building material prescribed under the Act, such licenced broker shall be required to meet the following conditions:-

- (a) to have a POS Machines to capture mineral production

records or mineral sale transactions;

(b) to ensure all the mineral production records or mineral sale transactions are electronically transmitted to the Commission through POS Machines; and

(c) uninstall the POS Application without prior consent of the Commission.

(2) A licenced broker for industrial minerals or building material who contravenes this regulation shall pay the penalty amounting to the highest sales or production multiplied by a number of offline vouchers transacted.

(3) A licenced broker for industrial minerals or building material who contravenes this regulation for more than three times shall be in default under the Act.

Records
keeping

13F. A licensed broker shall keep full and accurate records and accounts in respect of each transaction in Form MTF 10 specified in the Second Schedule to these Regulations and submit quarterly report of such records and accounts.

Renewal of
broker
licence for
building or
industrial
minerals

13G. Application for renewal of a broker licence for building or industrial minerals shall be in Form MTF.12 set out in the Second Schedule and accompanied with fees specified in the First Schedule to these Regulations

Addition of
new regulation
16A

5. The principal Regulations are amended by adding immediately after regulation 16 the following:

Transport
permit of
tailing and
loaded carbon

16A.-(1) A person shall not transport or cause to be transported any tailing or loaded carbon without a permit of the Commission.

(2) Any person who contravenes the provision of this regulation commits an offence, and on conviction-

(a) in case of tailing, shall liable to a fine, of two million shillings or to imprisonment for a period of not exceeding six months or to both; and

(b) in case of loaded carbon, shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a period of not exceeding twelve months or to both.

(Made under Regulations 5)

EXPORT PERMIT FOR MINERALS AND SAMPLES OF MINERALS

Permission is hereby granted to (full name)

.....holder of licence No of (full address)

.....

To export packages(s) containing (type, variety and net weight of minerals) ..

.....

..... by (state means of transmission from Tanzania and post office or
place at which the minerals are to be
exported).....

I hereby certify that the payment (provisional payment) in lieu of royalty and inspection fees, due from the mineral right holder, or licensed dealer in respect of these minerals has been received.

This permit is valid for a period of days from the date hereof. this permit is issued subject to (the following conditions(s)

.....

.....

..... Dated at this
..... day of 20

.....
EXECUTIVE SECRETARY

Dodoma,
6th June , 2022

DOTO M. BITEKO,
Minister for Minerals