

GOVERNMENT NOTICE No. 419 published on 17/5/2022

THE MINING ACT,
(CAP. 123)

REGULATIONS

(Made under section 129)

THE MINING (MINERAL RIGHTS (AMENDMENT) REGULATIONS, 2022

Citation
GN. No.
1 of 2018

1. These Regulations may be cited as the Mining (Mineral Rights) (Amendment) Regulations, 2022 and shall be read as one with the Mining (Mineral Rights) 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 definition in the appropriate alphabetical order:

“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 an electronic software installed to the POS Machine by the Commission.

Addition of
new regulation
5A

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

“Rights of
holder of
mining licence

5A. Without prejudice to the rights of the holder of Primary Mining Licence or Mining Licence for building or industrial minerals prescribed under the Act, such Licence holders shall be required to possess and use more than one POS Machine within the licenced area.

Obligation of
holder of
mining licence

5B.-(1) Without prejudice to the obligations of the Primary Mining licence or Mining Licence for industrial minerals or building material prescribed under the Act, the licence holder 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 that 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 primary mining licence or mining licence holder for industrial minerals or building materials who contravenes this regulation shall pay the penalty amounting to the highest production multiplied by a number of offline vouchers transacted.

(3) A primary mining licence or mining licence holder for industrial minerals or building materials who contravenes this regulation for more than three times shall be in default under the Act.

Amendment of
regulation 18

4. The principal Regulation is amended in regulation 18 by-

- (a) designating regulation 18 as subregulation (1);
- (b) inserting in subregulation (1) the words-
 - (i) “or transfer” immediately after the word “assign”;
 - (ii) “or transferor” immediately after the word “assignor”;

- (c) adding the following new subregulation (2):
“(2) Application for registration of transfer or assignment of mineral rights shall be made to the Commission in Form No. MRF 15 as specified in the Second Schedule to these Regulations.”

Amendment of
First Schedule

5. The principal Regulations are amended in the First Schedule in paragraph 8 by deleting-

- (a) shillings 80,000/= and substituting for it shillings 90,000/= appearing in item (a);
- (b) shillings 160,000/= and substituting for it shillings 180,000/= appearing in item (b).

Amendment of
Second
Schedule

6. The principal Regulations are amended in the Second Schedule by-

- (a) deleting Form No. MRF 2 and replace it with the contents of Form No. MRF 3;
- (b) adding the following new Form No. MRF 3:

FORM NO. MRF 3

APPLICATION FOR RENEWAL OF MINERAL RIGHTS UNDER DIVISION "A"

The applicant(s) hereby apply (applies) to the Commission for the renewal of the mineral right in accordance with the Mining Act, Cap. 123

1. Name(s) of applicant (s)
2. Nationality
3. Postal address, telephone and e-mail
4. Name and address of company, or any other body corporate
5. Type/No./date of grant of relevant mineral right
6. Duration for which renewal is sought
7. Locality, size and coordinates of the licenced area as granted or last renewed
 - (a) locality
 - (b) size.....Sq.km or hectares
 - (c) coordinates.....latitudes(S).....longitudes(E).....
8. Size and coordinates of the area after relinquishment
 - (a) Size..... Sq.km or hectares
 - (b) Coordinates latitudes (S) longitudes(E).....
9. Indicate available technical resources
10. Information to be attached
 - (a) Employment and training programme
Appendix No. 1
 - (b) Any other information required under the Mining Act.

Date
applicant

Signature of

NOTES
MRF 3 (notes)

FORM NO.

The notes and section references in this form are provided for guidance purposes only. They do not form part of the application.
All references to "Appendix No." mean that the information concerned is to be set out in a numbered appendix to the application.

Mining (Mineral Rights (Amendment))

Gn. No.419 (Contd.)

(c) adding the following new Form No. MRF 15:

FORM NO. MRF 15

APPLICATION FOR REGISTRATION OF ASSIGNMENT/TRANSFER OF MINERAL RIGHTS

The Applicant(s) hereby apply (applies) to the Licensing Authority registration of assignment/transfer of licence(s) in accordance with Section 9 (6) of the Mining Act, Cap. 123.

1. Name(s) of the Applicant(s).....
2. Type/No./date of grant of mineral right(s) to be transferred/assigned
3. Information of transferee/assignee
 - (a) Name¹.....
 - (b) Nationality.....
 - (c) Postal address.....
 - (d) Tel/Mobile number.....
 - (e) E-mail address.....

I/we the undersigned (herein referred to as transferor/assigner) being the owner(s) of valid licence(s) No(s)..... do hereby apply for registration of transfer/assignment of (in words) percentum (..... %) of the said licence(s) to M/S..... (herein referred to as transferee/assignee) in consideration of Tanzanian shillings/US dollar (.....TZS/US\$) paid to me by the transferee/assignee.

.....
Signature of Applicant

.....
Date

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If company, or any other body corporate attach company memorandum and certificate of incorporation.

Dodoma,
6th June , 2022

DOTO M. BITEKO,
Minister for Minerals