

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. | Title

S. I. No. 84
of 2008 |
| 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; | Amendment of
regulation 2 |
| 3. The principal Regulations are amended by the deletion of Part VI and the substitution therefor of the following Part: | Deletion and
substitution
of Part VI |

PART VI

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

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 34. (1) An application for consent to— | Application
for
consent to
transfer or
assign |
| (a) register the transfer of a share or shares in a company which holds a mining right or mineral processing licence; | |
| (b) transfer control of a company which holds a mining right or mineral processing licence; or | |
| (c) transfer or assign a mining right or mineral processing licence; | |

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

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

- (a) 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
- (b) accompanied by an application for a mining right or mineral processing licence, as the case may be, made by the prospective assignee.

Grant of
consent to
transfer

35. (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 —

- (a) register the transfer of a share or shares in a company which holds a mining right or mineral processing licence;
- (b) transfer control of a company which holds a mining right or mineral processing licence; or
- (c) 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.

Amendment
of regulation
39

4. Regulation 39 of the principal Regulations is amended by the insertion, immediately after sub-regulation (2), of the following new sub-regulations:

(3) The minimum annual prospecting expenditures are set out in the Sixth Schedule.

(4) 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.

(5) 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.

(6) 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.

5. The Fourth Schedule to the principal Regulations is amended in paragraph B by the—

Amendment
of Fourth
Schedule

(a) insertion of the following new sub-paragraph:

2. The holder shall —

(a) 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 —

(i) 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

(ii) 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

(b) 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.

6. 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.

Amendment
of Fifth
Schedule

7. 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.

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

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 official use only	Licence code	
			Date and Time	
Information Required:		Information Provided		
1	Mining Right or licence No:			
2	Holder of mining right or licence			
3	Proposed assignee or transferee			
4	(a) Name(s) of applicant(s) (b) Type of applicant	Individual	Company	Co-operative
		Partnership		
5	(a) Date of Birth or Registration (dd/mm/yyyy) (b) Nationality or country of registration (c) Identity (National registration Card No. or Passport No.) or Company registration No. – Attach copies			
6	Applicant's Address Tel: Fax: E-mail:			

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, mineral processing 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 by proposed transferee
	Appendix No. 5	Tax clearance certificate by holder of mining right
 Applicant Date
 Officer Date
	<p>FOR OFFICIAL USE ONLY</p> <p>Received by:..... Officer (Name and Signature) Date</p> <p>Amount Received:.....</p> <p>Serial No. of application:.....</p>	

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

<i>Type of Mining Right or Application</i>	<i>Fee Units</i>
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 licences	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

<i>Type of Licence, Certificate, Permit or Consent</i>	<i>Fee Units</i>
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

<i>Type of licence or Permit</i>	<i>Fee Units per hectare per year</i>			
	<i>Year 1-2</i>	<i>Year 3-4</i>	<i>Year 5-6</i>	<i>Year 7 and later years where applicable</i>
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

4. PRESCRIBED MAXIMUM AREAS

<i>Mining Right or Licence</i>	<i>Maximum Area</i>		
	<i>Hectare</i>	<i>Square Kilometers</i>	<i>Cadastre Units</i>
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

5. MINIMUM ANNUAL PROSPECTING EXPENDITURE PER HECTARE

<i>Type of Licence</i>	<i>Fee Units per hectare per year</i>						
	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>	<i>Year 6</i>	<i>Year 7</i>
Prospecting Licence	40	40	120	120	160	160	220

LUSAKA

1st February, 2013

[MMMD/101/3/6]

Y. MUKANGA,
*Minister of Mines,
Energy and Water Development*