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THE MINING ACT
(CAP.123)

REGULATIONS

(Made under section 112)

THE MINING (MIRERANI CONTROLLED AREA) REGULATIONS, 2019

PART I
PRELIMINARY PROVISIONS

Citation and Commencement 1. These Regulations may be cited as the Mining (Mirerani Controlled Area) Regulations, 2019, and shall come into operation on the date of publication.

Interpretation 2. In these Regulations, unless the context otherwise requires-
Cap. 123 "Act" means the Mining Act;
"Authorized officer" has the meaning ascribed to it under the Act;

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GN No.
408 of
2010

“Commission” has the meaning ascribed to it under the Act;
“Controlled Area” means the Mirerani Controlled Area;
“holder of mineral right” means the person in whose name a mineral right is registered under the Act;
“identification card” means an authorization permit issued by the Commission for entrance in the Controlled Area;
“inspector of mines” means the inspector of mines appointed under section 25 of the Act;
“mine guard” means a person authorized by holders of mineral rights to guard the area under their mineral rights;
“Mines Manager” means a person in-charge of a mine as referred to under regulation 4 of the Mining (Safety, Occupational Health and Environment Protection) Regulations;
“mine warden” means any public officer authorized by the Commission to enter the Controlled Area for the purposes of observing the breach of these Regulations;
“Minister” means the Minister responsible for mining affairs;
“Mirerani controlled area guard” means a person assigned by the Security Committee to guard the entire Controlled Area;
“Security Committee” means the committee referred to under regulation 21;
“tourist” any person who visits the controlled area for pleasure;
“visitor” means a resident or non-resident who visits the Controlled Area on temporary basis;
“visitor’s pass” means an authorization permit which allows a person to enter and remain in the Controlled Area for the period specified under regulation 13(2); and
“wall” means thirty metres in the constructed wall except where there is existing building which forms part of the mining operations.

PART II
SECURITY COMMITTEE

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Establish-
ment of
Security
Committee

3.-(1) There shall be established a Committee to be known as the Security Committee for the Controlled Area.

(2) The Committee established under sub-regulation (1) of regulation 3 shall be composed of-

(a) the Chairman of the Security Committee who shall be the District Commissioner of Simanjiro; and

(b) other members of the Committee shall consist of-

(i) one representative from Manyara Region Miners Association;

(ii) Officer Commanding District;

(iii) District Security Officer;

(iv) one representative from Mimerani Village Council;

(v) one representative from Naisinyai Village Council;

(vi) one representative miner from each of the Mimerani Mining Blocks;

(vii) a Township Executive Officer; and

(viii) any other person appointed by the Commission.

(3) The Resident Mines Officer shall be a member and secretary to the Security Committee and in his absence to any date scheduled for Committee meeting, the Mines Resident Officer shall be the Secretary for that meeting.

(4) In the absence of the Chairman the members of the meeting shall appoint one of the members to be the Chairman for that meeting.

Duties of
Security
Committee

4. The duties of the Security Committee shall be to advise the Commission on the matters of security, environment and management of the Controlled Area.

Commission
to issue
directives

5. The Commission may issue directives to the Security Committee or any other person or body of persons on any matter relating to the proper implementation of these Regulations.

PART III
THE CONTROLLED AREA

Mining (Mimerani Controlled Area)

GN. No. 135 (contd.)

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| Controlled Area | <p>6.-(1) The Controlled Area shall comprise of the entire area by order of the Minister as published in the <i>Gazette</i>.</p> <p>(2) The Controlled Area under sub-regulation (1) shall have a wall, or other means of enclosure established by the Government.</p> <p>(3) There shall be the main gate of the wall to be used for control purposes.</p> <p>(4) Every person shall be required to pass through the main gate of the wall at the time of entry and exit.</p> |
| Notice Board | <p>7. (1) There shall be a notice board to be displayed conspicuously for the purposes of notifying the public on conditions of the Controlled Area.</p> <p>(2) The notice to be displayed shall be written in both Kiswahili and English languages.</p> |
| Fencing of mineral right area by holders | <p>8. (1) Every holder of a mineral right granted within the Controlled Area, shall be required to establish fences for enclosure of the areas of his mineral rights.</p> <p>(2) The holder of each mineral right shall be required at his mineral right area to display a notice board in a conspicuously place.</p> <p>(3) The notice shall be written in both Kiswahili and English languages indicating the particulars of the mineral right holder as specified by the Security Committee.</p> <p>(4) Subject to sub-regulation (1), upon fulfillment of the requirements of establishing the fences, the holder of a mineral right shall give notice of the completion in writing to the Security Committee.</p> <p>(5) The Security Committee shall notify the Commission or any other officer authorized by the Commission to inspect such fences.</p> |
| Certificate of compliance | <p>9. Subject to regulation 8, the Commission shall issue a certificate of compliance to the holder of the mineral right, where it is satisfied that the work of fencing of the mineral rights area is complete and it has been executed in accordance with the requirements specified.</p> |

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Right of way	10. Subject to regulation 8(1), every holder of a mineral right shall not attempt or block access to other mineral right holders to access their mineral right areas within the Controlled Area.
Restriction of certain activities	11. The mining activities on the surface or underground of the Controlled Area shall not be conducted at 200 meters from the wall.
Maintenance of enclosure	12.-(1) The holder of each mineral right shall maintain or cause to be maintained to the satisfaction of Commission, every wall or other means of enclosure under his mineral rights area and every notice board, gate and lock required under these Regulations. (2)The Commission shall have the powers of setting out the period necessary for the holder of mineral right to complete the establishment of the fences, walls or other means of enclosure of the mineral right areas. (3) Any holder of mineral right who fails to comply with the completion period specified by the Commission shall be liable to a fine of not exceeding five hundred thousand shillings.
Mine wardens	13.-(1) There shall be a mine warden who shall be under the supervision of the Resident Mines Officer. (2) Mine wardens shall have the power to enter the Controlled Area to inspect surface boundaries and search for, arrest any person for minerals illegally acquired or deemed to have been illegally acquired.
Prohibition for alterations of boundaries	14. The holder of any mineral right in the Controlled Area under these Regulations shall not be permitted to amend, make alteration or attempt to or permit any person to alter the boundaries and other details relating to the mineral right except with the approval of the Commission.
Identification cards	15.-(1) No person shall enter or remain upon the Controlled Area or attempt to work in the mineral right area without having an identification card issued by the Resident

Mines Officer.

(2) Every holder of a mineral right, his employee, agent or contractor shall be issued with an identification card which provides access to work in the Controlled Area during the working shift.

(3) Identification cards issued under this regulation shall be valid-

- (a) in case of a holder of a mineral right, until the expiry period or revocation of a mineral right by the relevant authority; and
- (b) in case of the employee, agent or contractor, until the termination of the employment contract by the holder of the mineral right.

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(4) Any person who enters or attempts to enter, remains upon or works in the Controlled Area without an identification card issued under subregulation (1) commits an offence and upon conviction, shall be liable to a fine of not less than fifty thousand shillings.

Visitors
pass

16.-(1) No person shall be permitted to enter or remain upon the Controlled Area without possession of a visitor's pass issued at the entry gate by Resident Mines Officer.

(2) The hours for a visitor to remain into the Controlled Area shall be 12 hours starting from 7:00am to 7:00pm, and after such hours no person shall be allowed to remain within the Controlled Area.

(3) Any person who remain within the Controlled Area after the lapse of 12 hours, shall be deemed to have contravened these Regulations and shall be liable to a fine of not more than one hundred thousand shillings.

Entering
Controlled
Area

17.-(1) Nothing in these Regulations shall prevent or be construed as preventing any person authorized from entering the Controlled Area by virtue of an authorization issued by the Commission.

(2) The persons authorized to enter and remain upon the Controlled Area at any time in the course of performing their duties are-

- (a) Chief Inspector of Mines;
- (b) Resident Mines Officer;
- (c) Mines Resident Officer or any other authorized officer;
- (d) a police officer;
- (e) an officer from the Tanzania Electric Supply Company Limited (TANESCO);
- (f) an immigration officer;
- (g) a fire and rescue officer; and
- (h) a driver of any motor vehicles used for by the officers mentioned in paragraphs (a) to (e) of this regulation.

Prohibition
of entry or

18.-(1) No person shall be allowed to enter or leave the Controlled Area other than through the established gate.

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exit
through
other gate

(2) Any person who contravenes the provisions of subregulation (1), commits an offence and is liable on conviction to a fine not less than three million shillings or to an imprisonment for a term not exceeding six months, or to both.

(3) No any person shall drive or bring any vehicle or motorcycle into the Controlled Area unless there is prior permission from the Resident Mines Officer upon proof of good cause.

(4) Subject to the provisions of sub-regulations (3), vehicles used by the Government officer authorized to enter the Controlled Area shall be permitted to enter into the area upon obtaining a permit from the Resident Mines Officer.

Powers of
Commission
and
authorized
person

19.-(1) The Commission or any authorized person shall have powers to-

- (a) search any person entering or exiting the Controlled Area;
- (b) stop for search or detain any vehicle or motor circle suspected to be carrying minerals obtained from the Controlled Area without any permits
- (c) search for minerals believed to be hidden by the holder of mineral right or any other person anywhere in the Controlled Area.

(2) Subject to sub-regulation (1), the Commission may authorize any person to perform its powers provided under this regulation.

(3) The Commission shall have the power to revoke any authorization issued under subregulation (2) .and shall give the reasons for so doing.

(4) The authorization issued by the Commission to any person under this regulation, shall not be transferable to any third party thereof.

Validity of
authorization

20. Every authorization issued under this regulation shall, unless revoked by the Commission under regulation

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19(3), remain in force for a period to be determined by the Commission.

Variation,
restriction
or
modification
of
powers

21. The Commission may, in its discretion and by endorsement, vary any power conferred to an authorized person.

Use of
monies,
report and
audit

22.-(1) The Commission shall determine the amount of contribution to be made by the holders of mineral rights and amounts collected as entry fees or other fees payable by the service providers, tourists, mineral traders or any other persons who shall be involved in mining activities in the Controlled Area.

(2) The fees and annual contributions payable in sub-regulation (1), shall be prescribed in the Schedule to these Regulations.

(3) The fees and annual contributions collected by the Commission shall be used for maintenance of the Controlled Area.

(4) Subject to provisions of this regulation the Commission shall keep the reports of the income and expenditure of such amount collected and be subjected to audit as may be appropriate.

Revocation
of
GN.450 of
2002

23. The Mirerani (Controlled Area) Regulations are hereby revoked.

**SCHEDULE
(Made Under Regulation 22(b))**

Fees and annual contribution fees

Na.	ITEM	AMOUNT(TSH)	AMOUNT (USD)
Daily Entry Fee			
1.	Motorcycles	200	
2.	Private cars	1000	
3.	Min tracks	2000	
4.	Trucks	5000	
5.	Shops, Restaurants and Hotels	1000	
6.	Visitors	Resident	1000
		Non Resident	20
8.	Tourist	18 year and Above	15
		Below 18 years and Students	5
Annual contribution Fee			
9.	<u>Primary Mining Licence</u>	20,000	
10.	<u>Mining Licence</u>	500,000	
11.	<u>Magazene</u>	500,000	

Dodoma,
30th January, 2019
Minerals

DOTO MASHAKA BITEKO,
Minister for