

(Legislative Supplement No. 23)

LEGAL NOTICE NO. 40

THE MINING ACT

(No.12 of 2016)

IN EXERCISE of the powers conferred by section of 223 of the Mining Act, 2016, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, makes the following Regulations—

THE MINING (MINE SUPPORT SERVICES) (AMENDMENT)
REGULATIONS, 2024

1. These Regulations may be cited as the Mining (Mine Support Services) (Amendment) Regulations, 2024. Citation.
2. Regulation 4 of the Mining (Mine Support Services) Regulations, 2017 (in these Regulations referred to as the “principal Regulations”) is amended—L.N. 151/2017.
 - (a) in subregulation (2), by deleting the word “Schedule” and substituting therefor the words “First Schedule”;
 - (b) in subregulation (3), by deleting the words “prescribed fee” and substituting therefor the words “fees specified in the Second Schedule”.
3. Regulation 6 of the principal Regulations is amended—
 - (a) in subregulation (1), by deleting the word “Schedule” and substituting therefor the words “First Schedule”;
 - (b) by inserting the following new subregulation immediately after sub-regulation (1)—
 - (1A) The issuance of the license under subregulation (1) shall be upon payment of the annual fee specified in the Second Schedule.
4. Regulation 8 of the principal Regulations is amended by inserting the words “or transferred” immediately after the words “may be assigned”.
5. The principle Regulations are amended in regulation 8 by inserting the following new sub-regulations—
 - (1) An application for assignment or transfer of a license under this regulation shall be made online by completing Form MS5 in the First Schedule.
 - (2) An application under subregulation (1) shall be registered by the Cadastre upon completion and payment of the fee specified in the Second Schedule.

6. Regulation 9(3) of the principal Regulations is amended—

- (a) in paragraph (a), by deleting the word “Schedule” and substituting therefor the words “First Schedule”;
- (b) in paragraph (c), by deleting the words “prescribed fee” and substituting therefor the words “fee specified in the Second Schedule”.

7. Regulation 11 of the principal Regulations is amended in subregulation (2), by deleting the word “Schedule” and substituting therefor the words “First Schedule”.

8. The principal Regulations are amended by deleting the heading of the Schedule and substituting therefor the following new heading—

FIRST SCHEDULE

9. The Schedule to the principal Regulations is amended by adding the following new form immediately after Form MS4—

Form MS5

[Reg. 4(1).]

Application for Transfer of Mine Support Services License]

1. Transferor's identity and contact information

Full Name:

Physical Address:

Postal Address:

Town/City: County:

Other required information:

Phone number:

Mobile:

Email address:

2. Transferee's identity and contact information

Full Name:

Physical Address:

Postal Address:

Town/City: County:

Postal Address:

Other required information:

Phone number:

Mobile:

Email address:

3. Attachments (tick each item attesting that the required document is attached to this application)

- (a) duplicate copy of receipt of payment of application fee.
- (b) copy of Mine Support Services License.
- (c) a certified copy of the transferee company's certificate of incorporation.
- (d) "Director Information", a list of the full names and nationalities of all the transferee company's directors;
- (e) "Profile and History", in the case of an application for contract mining services, a description of the transferee 's profile and history of contract mining services in Kenya or elsewhere [mandatory for transferee for contract mining services
- (f) "Technical and Financial Qualifications", a statement giving particulars of the technical and financial resources available to the transferee;
- (g) Tax compliance certificate of transferee.

Declaration:

If any information provided in this form is found to be false, the application will be rejected or terminated and if discovered after the grant and the person whose signature appears below shall be guilty of an offence and subject to penalty as provided in the Act.

10. The principal Regulations are amended by adding the following new Schedule immediately after the First Schedule—

SECOND SCHEDULE

[rr. 4(3), 6(1A), 8(2), (9)(3)(c)]

<i>Fees</i>	<i>Amount (Kshs)</i>
Application and renewal	5,000
Annual Fee	50,000
Transfer Fee	50,000

Made on the 23rd January, 2024.

SALIM MVURYA,
Cabinet Secretary for Mining,
Blue Economy and Maritime Affairs.