

LEGAL NOTICE NO. 41

THE MINING ACT, 2016

(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 (DEALINGS IN MINERALS) (AMENDMENT)
REGULATIONS, 2024

1. These Regulations may be cited as the Mining (Dealing in Minerals) (Amendment) Regulations, 2024. Citation.
2. Regulation 4 of the Mining (Dealings in Minerals) Regulations, 2017 (in these Regulations referred to as the “principal Regulations”) is amended in sub-regulation (5) by inserting the words “as set out in the Third Schedule” immediately after the words “prescribed application fee”. L.N. 88/2017.
3. Regulation 5 of the principal Regulations is amended—
 - (a) in subregulation (2)(e), by inserting the word “recognized” immediately after the word “any”;
 - (b) by deleting paragraph (g) of sub-regulation (2) and substituting therefor the following new paragraph—
 - (g) where applicable, appointed agents of the applicant, their identity card numbers, physical and postal addresses, contacts and their areas of operation.
4. Regulation 7 of the principal Regulations is amended—
 - (a) in subregulation (1), by inserting the word “set” immediately after the words “Form DPL1 as”;
 - (b) in subregulation (2)—
 - (i) by deleting paragraph (c)(i);
 - (ii) by deleting paragraph (c)(ii);
 - (iii) in paragraph (j), by inserting the words “where applicable” immediately after the words “environmental licence”;
 - (iv) by paragraph (k) and substituting therefor the following new paragraph—
 - (k) where applicable, appointed agents of the applicant, their identity card numbers, physical and postal addresses, contacts and their areas of operation;
 - (c) in subregulation (3), by inserting the word “processing” immediately after the words “mineral dealer’s”.
5. The principal Regulations are amended by deleting regulation 8 and substituting therefor the following new regulation—

(8) A mineral dealer's (processing) licence shall be issued in Form DPL 2 as set out in the Second Schedu

6. Regulation 11 is amended—

- (a) in subregulation (1), by inserting the word “jewellery” immediately after the words “a mineral dealer’s licence for trading”;
- (b) in subregulation (3), by deleting the words “Environment and Land Court” and substituting therefor the words “relevant court”.

7. The principal Regulations are amended in regulation 15—

- (a) by deleting subregulation (2) and substitution therefor the following new subregulation—

(2) A mineral dealer's permit shall be issued in Form DP 2 as set out in the Second Schedule.

- (b) in subregulation (3)—

- (i) by deleting the word “licence” appearing in paragraph (c) and substituting therefor the word “permit”;
- (ii) by deleting the word “licence” appearing in paragraph (e) and substituting therefor the word “permit”.

8. Regulation 17 of the principal Regulations is amended in subregulation (4), by deleting the words “Environment and Land Court” and substituting therefor the words “relevant court”.

9. The principal Regulations are amended in regulation 18, by inserting the words “mineral export” immediately after the words “the person holds a”.

10. Regulation 19 of the principal Regulations is amended, in paragraph (a) by inserting the words “(trading, jewellery or processing)” immediately after the words “a holder of a mining licence, mining permit or a dealer’s”.

11. Regulation 20 of the principal Regulations is amended, in subregulation (1) by inserting the words “and pay the fee specified in the Third Schedule” immediately after the words “as set out in the Second Schedule”.

12. The principal Regulations are amended in the Schedule by inserting a Third Schedule immediately after the Second Schedule.

THIRD SCHEDULE

(r. 20(1))

Mineral Dealings Fees

<i>No.</i>	<i>Licence</i>	<i>Fee</i>
1.	Mineral dealers Processing licence (Precious metals and Base metals)	Application fee- Kshs 100,000 Licence fee-Kshs. 500,000 (Annually)
2.	Mineral dealers Processing licence (Gemstone Faceting)	Application fee- Ksh 5,000 Licence fee- Kshs. 50,000 (Annually)
3.	Mineral Dealers (Trading) License 1 calendar year (term Expires on 31st day of December)	Application fee – Ksh 5,000 Industrial and Construction minerals - Ksh 50,000 (Annually) Precious Stones - Ksh 20,000 (Annually) Semi – Precious Stones – Ksh 20,000 (Annually) Base and Rare Metals -Ksh. 500,000 (Annually) Precious Metals-Ksh 200,000 (Annually)
4.	Mineral Dealers permit 1 calendar year (term Expires on 31st day of December)	Application fee Ksh. 2000 Industrial and Construction minerals Ksh. 20,000 (Annually) Precious stones -Ksh. 5,000 (Annually) Semi-precious stones- Ksh. 5,000(Annually) Base and Rare metals - Ksh. 5,000 (Annually) Precious Metals-Ksh. 5,000(Annually)
5.	Mineral Dealers (Jewelers') Licence	Application fee – Ksh. 1,000 Licence fee of Ksh. 20,000(Annually)
6.	Mineral Export permit	Processing fee of Ksh. 5,000

FORMS

FORM DJL-1

Application for a Mineral Dealer's (Jewellery) Licence

1. Name National ID (Kenyans) Passport
No./Country (Non-Kenyans)..... is applying on behalf of:

(a) An individual:

Name National ID (Kenyans)
Passport No./Country (Non-Kenyans).....

(b) A company (complete all information in this section):

Registered company name:

Registration certificate/date of incorporation

.....

(c) Physical location of business:

Street: Building:

Floor/Office No.

Town/City:

Sub-county:

County:

(d) Address:

P.O. Box Postal code:

Town/City: County:

Telephone No. Mobile No.

Email address (mandatory)

(e) Name of authorized officer, if any:

(1) Mobile No. Area of operation
.....

(2) Mobile No. Area of operation
.....

2. Category of Mineral or Minerals as set out in the First Schedule to the Mining
(Dealings in Minerals) Regulations, 2024

Select the category of minerals for which the licence is required (use separate
forms if more than one category)

- (a) Construction, Industrial, Gaseous Minerals and Coal

(b) Precious and Semi-Precious Stones [All gemstones except diamonds]

(c) Precious and Rare Metals.

(d) Base Metals

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

- ☐ duplicate copy of the receipt of the payment of the prescribed fee;
- ☐ where the applicant is a company, a certified copy of the applicant company's certificate of incorporation, current CR12 and certified copy of its memorandum and articles of association;
- ☐ where the applicant is an individual, a certified copy of Kenyan national identity or current passport for non-Kenyans
- ☐ "Knowledge and Experience", a description of the applicant's knowledge or experience of mineral dealings in Kenya and elsewhere;
- ☐ a statement giving particulars of the financial resources available to the applicant;
- ☐ Letters of appointment of agents detailing their contacts and areas of operations and their identification documents

4. Declaration

(Note: Where any declaration made in this Form is found to be false the applicant commits an offence and shall be subject, on conviction, to the relevant penalty specified in the Act)

FORM DJL-2

MINERAL DEALER'S (JEWELLERY) LICENCE

Mineral Dealers (Jewellery) Licence No.

This licence is valid up to the 31st December, 20.....

1. Subject to the conditions set out in the Mining Act, in the Mining (Dealings in Minerals) Regulations, 2024, and in this Mineral Dealer's Licence,

Name (hereinafter referred to as the "holder")
whose registered office in Kenya is at:

Physical address.....

City/Town County

Nationality

and whose place of business is situated at:

City/Town Ward Sub-county

County

is, by this licence, granted the right to buy and sell, including export, of
..... *(insert category of minerals)*

DATED this day of, 20.....

Cabinet Secretary (*name*) (*signature*)

In the presence of:

.....

Director of Mines (*name*) (*signature*)

(*Dated seal here*)

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Terms and conditions

2. The holder, during the term of this licence, shall:

- (a) carry out trading in minerals in accordance with the conditions set out hereinafter;
- (b) commence trading in minerals within thirty calendar days from the date the licence is issued;
- (c) buy the minerals specified in the licence; and
- (d) sell the mineral to the National Mining Corporation or to any person in Kenya who is lawfully entitled to deal in minerals or to export the minerals.

3. The holder, during the term of this licence, shall:

- (a) keep a register of the mineral dealings in the Form as prescribed
- (b) record the following information in respect of each transaction:
 - (i) the name, grade and weight of the minerals purchase or sold;
 - (ii) the price paid or received for the minerals;
 - (iii) the date of the purchase or sale;
 - (iv) The royalty liability for each transaction;
 - (v) The name and address of the supplier or the seller and the source of the minerals; and
 - (vi) The name and address of the vendor or the purchaser or consignee.

4. The holder shall submit to the Cabinet Secretary a true copy of the register in duplicate for the preceding three months, together with a statutory declaration of the correctness thereof, in the months of January, April, July and October of every year

Made on the 23rd January, 2024.

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