

LEGAL NOTICE NO. 43

THE MINING ACT, 2016

(No. 12 of 2016)

THE MINING (LICENCE AND PERMIT) (AMENDMENT)
REGULATIONS, 2023

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

THE MINING (LICENCE AND PERMIT) (AMENDMENT)
REGULATIONS, 2024

1. These Regulations may be cited as the Mining (Licence and Permit) (Amendment) Regulations, 2024. Citation.
2. Regulation 5 of the Mining (Licence and Permit) Regulations, 2017 (in these Regulations referred to as the “principal Regulations”) is amended—
 - (a) in the marginal note, by inserting the words “and perusal of documents” after the words “public access to the cadastre”;
 - (b) in paragraph (a), by deleting the word “and” appearing after the words “minerals through the cadastre and”;
 - (c) in paragraph (b), by inserting the words “the fee specified on the Second Schedule” immediately after the words “upon payment”;
 - (d) by adding the following new paragraph immediately after paragraph (b)—
 - (c) pursuant to section 195 and payment of the fee specified in the Second Schedule, be issued with an evidentiary certificate.
3. The principal Regulations are amended in regulation 9(5), by adding the words upon payment of the fee specified in the Second Schedule” at the end thereof.
4. The principal Regulations are amended in regulation 11(1), by inserting the words “application fee specified in the Second Schedule” immediately after the words “payment of the”.
5. Regulation 25 of the principal Regulations is amended—
 - (a) in subregulation (1), by adding the words “and payment of the application fee specified in the Second Schedule”;
 - (b) in subregulation (2)—
 - (i) by deleting the word “and” appearing after the words “large scale mineral right”;
 - (ii) by adding the following new paragraphs immediately after paragraph (a)—

(b) within sixty days after the date of application for a small scale or artisanal mining permit; and

(c) upon approval of the application, the transferor shall pay the transfer fee as specified in the Second Schedule.

6. The principal Regulations are amended by inserting the following new regulation immediately after regulation 25—

Annual rent. 25A. The holder of a mineral right shall pay annual rent due on the first day of the licence year and is payable as specified in the Second Schedule.

7. The principal Regulations are amended by inserting the following new regulation immediately after regulation 28—

Mineral development levy. 28A. (1) The holder of a mineral right or a mineral dealer shall pay a mineral development levy at the rate specified in the Second Schedule.

(2) The purpose of the levy shall be to promote sustainable mineral resource development in Kenya.

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

FIRST SCHEDULE

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

SECOND SCHEDULE		
<i>Fees, rent and other charges</i>		
A. DOCUMENT PERUSAL AND DUPLICATION FEES		
<i>S/No.</i>	<i>Item</i>	<i>Fees</i>
	Perusal of documents (per hour or part thereof)	Ksh. 2,000
	Duplication of documents	
	(a) Copy of licence/permit document	Ksh. 2,000
	(b) Evidentiary certificate, per document	Ksh. 2,000
	(c) Any other document, per page	Ksh. 100
B. APPLICATION FEES		
(i) Licences		
1.	Reconnaissance licence	Ksh. 50,000
2.	Prospecting licence	Ksh. 500,000

SECOND SCHEDULE		
<i>Fees, rent and other charges</i>		
3.	Retention licence	Ksh. 500,000
4.	Mining licence	Ksh. 500,000
(ii) Permits		
1.	Reconnaissance permit	Ksh. 5,000
2.	Prospecting permit	Ksh. 7,000
3.	Mining permit	Ksh. 7,000
4.	Artisanal mining permit	Ksh. 2,000
5.	Mineral movement permit	—
C. ANNUAL RENT		
(i) Licenses		
1.	Prospecting licence	Ksh. 3,000 per km ² subject to a minimum of Ksh. 500,000 per licence year
2.	Retention licence	Ksh. 6,000 per km ² subject to a minimum of Ksh. 500,000 per licence year
3.	Mining licence	Ksh. 2,500 per hectare subject to a minimum of Ksh. 500,000 per licence year
(ii) Permits		
1.	Prospecting permit	Ksh. 20,000
2.	Mining permit	Ksh. 50,000
3.	Artisanal mining permit	Ksh. 10,000
D. TRANSFER FEES		
1.	Prospecting licence	Ksh. 50,000 per km ² subject to a minimum of Ksh. 5,000,000
2.	Mining licence	Ksh. 1,000,000
3.	Prospecting permit	Ksh. 100,000
4.	Mining permit	Ksh. 100,000
5.	Artisanal mining permit	Ksh. 50,000
E. MINERAL DEVELOPMENT LEVY		

SECOND SCHEDULE		
<i>Fees, rent and other charges</i>		
1.	All minerals (except salt)	1% of gross sale value
2.	Salt	0.5% of gross sale value
3.	Cement	0.5% of gross sale value

Made on the 23rd January, 2024.

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