

GOVERNMENT NOTICE No. 479 published on. 8/7/2022

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THE MINING ACT,
(CAP.123)

REGULATIONS

(Made under section 129)

THE MINING (LOCAL CONTENT) (AMENDMENT) REGULATIONS, 2022

Citation 1. These Regulations may be cited as the Mining (Local Content) (Amendment) Regulations, 2022 and shall be read as one with the Mining (local Content) (Amendment) Regulations, 2018 hereinafter referred to as the “principal Regulations”.

GN. No.
3 of 2018

Amendment
of regulation
3

2. The principal Regulations are amended in regulation 3, by-

(a) deleting the definition of the word “contractor” and substituting for it the following:

““contractor” means a person who has entered into a contract with a licensee within or outside the United Republic for provisions of goods and services in mining operations.”;

(b) deleting the definition of the term “mining activities” and substituting for it the following:

““mining activities” means any activity engaged in within and outside Tanzania related to the exploration for, development and production of minerals, the acquisition of data, mining and extraction or mining of minerals, storage, transportation and decommissioning and the planning, design, construction, installation, operation, provision of goods, services and use of any facility for

the purpose of the mining operations;”;

- (c) deleting the definition of the word “sub-contractor” and substituting for it the following:

““subcontractor” means a third party to whom a corporation or contractor has entered into a contract for the provision of goods and services for mining operations;”

Amendment
of regulation
5

3. The principal Regulations are amended in regulation 5, by:

- (a) deleting paragraph (b) of subregulation (2) and substituting for it the following:

“(b) the Labour Commissioner”;

- (b) adding new paragraphs immediately after paragraph (f) as follows:

“(g) a representative from the Immigration Department;

(h) a representative of the Commissioner for Minerals responsible for local content.”

Amendment
of regulation
11

4. The principal Regulations are amended in regulation 11, by deleting a phrase “regulation 7(3)” appearing in subregulation (1) and substituting for it the phrase “regulation 10(3).

Amendment
of regulation
15

5. The principal Regulations are amended in regulation 15 by deleting paragraph (b) of subregulation (5) and substituting for it the following:

“(b) provide the goods and services in joint venture with an indigenous Tanzanian company;”

Amendment
of regulation
16

6. The principal Regulations are amended in regulation 16 by adding immediately after subregulation (4) the following:

“(5) A proposed contract shall be sole sourced only under the following conditions:

- (a) where a contractor, sub-contractor, licensee or other allied entity has issued an advertisement relating to expression of interest for the provision of the particular goods or services and has been able to obtain only one particular tenderer who is suitable for the provision of the goods and services;
- (b) where there is an urgent need for the goods and services and engaging in tendering proceedings would therefore, be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by a contractor, sub-contractor, licensee or other related entity nor the result of dilatory conduct on its party.”

Amendment
of regulation
20

7. The principal Regulations is amended in regulation 20 by adding immediately after subregulation (2) the following:

“(3) The quarterly performance report shall be filled in the format specified in the Fourth Schedule to these regulations to be submitted to the Commission not later than fourteen days after the end of each quarter.”

Amendment
of regulation
25

8. The principal Regulations are amended in regulation 25 by deleting the word “Commission” appearing in the first and fourth line and substituting for it the word “Ministry”.

Amendment
of regulation
37

9. The principal Regulations are amended in regulation 37 by deleting the words “forty-five” and substituting for them the word “sixty”

Amendment
of regulation
49

10. The principal Regulations are amended in regulation 49, by-

- (a) deleting subregulation (6) and substituting for it the following:

“(6) A contractor, subcontractor, licensee or other allied entity that-

- (a) carries out mining activities without the required local content requirement in contravention of regulation 7;
- (b) fails to submit a local content plan in contravention of regulation 10;
- (c) fails to satisfy the content requirement of a local content plan in contravention of regulation 12; or
- (d) fails to inform the Commission of each proposed contract or purchase order in contravention of regulation 16 and 18,

shall be liable to-

- (i) cancellation of a contract in respect of the mining activity; and
- (ii) pay to the Commission an administrative penalty of five percent of the value of the proceeds obtained from the mining activity in respect of which the breach is committed or fifty million shillings whichever amount is greater;”

(b) adding new subregulation (7) immediately after subregulation (6) as amended as follows:

“(7) A contractor, subcontractor, corporation, licensee or other allied entity that fails to submit any quarterly or annual performance report within the required period shall pay to the Commission ten million shillings for none submission of performance report.”;

- (c) renumbering subregulation (7) as subregulation (8);
- (d) adding immediately after subregulation (8) as renumbered a new subregulation as follows:

“(9) Where a contractor, subcontractor, corporation or other allied entity other than mineral right holder fails to effect payment under subregulation (7) or continue none submission of report shall be prohibited from bidding on provisions of goods and services until complies with the requirement provided under these regulations.”

Addition of
Schedule

11. The principal Regulations are amended by adding immediately after the Third Schedule the following:

“FOURTH SCHEDULE

(Made under Regulation 20)

(COMPANY NAME) LOCAL CONTENT (ANNUAL/ QUARTERLY) PERFORMANCE REPORT FOR (YEAR ENDED 20...../ QUARTER FOR THE YEAR 20.....)					
COMPANY LOGO					
CATEGORY (MINERAL RIGHTS HOLDER/CONTRACTOR/SUBCONTRACTOR):					
TYPE OF MINERAL/ SERVICE:					
REPORTING PERIOD	(ANNUAL/QUARTER)		FROM		TO
PREPARED BY:					
NAME:					
COMPANY POSITION:					
SIGNATURE:					
DATE:					
APPROVED BY:					
NAME:					
COMPANY POSITION:					
SIGNATURE:					
DATE:					
NOTE:					
1.	Annual Local Content Performance Report should be Submitted within 45 days after the end of each year				
2.	Quarterly Local Content Performance Report should be submitted within 14 days after the end of each Quarter				
3.	Ensure that only CORRECT information have been provided				
4.	Ensure that all sheets have been filled (PART I - PART IX) * PART VII is mandatory for Mineral Rights Holders				
5.	Ensure that the cover page has been filled and signed				
6.	The Report should be submitted in the excel format and the signed copies in pdf format to the email: localcontent@tumemadini.go.tz				
7.	The Signed Report hard copies should be submitted to the Address: Executive Secretary, The Mining Commission, P.O BOX 2292, DODOMA.				

Dodoma,
23rd June, 2022

DOTO M. BITEKO,
Minister for Minerals