

PROPOSED AMENDMENTS TO THE MINING AND MINERALS BILL, AS RETURNED BY THE PRESIDENT.

1. Amendment of clause 8.

Amend clause 8 by deleting the definition of the term “**large scale mining**”; and insert a new provision numbered 59 (under the cross heading “*Large Scale Mining Licences*”).

Justification: Clause 8 defines “large scale mining” to mean “the intentional mining of minerals in mechanised operations, involving the excavation of large surface pits, sinking of shafts, driving of adits or other underground openings with limitations to extents of the mining operation dictated by the extents of the ore body and annual ore production volumes or throughput exceeding one million tons”

The current definition if maintained has the effect of excluding projects such as Kilembe Mines, Makutu Rare Earth Element, Rubanda and Muko iron Ore which are complex and capital intensive but may not meet the annual ore production of throughput exceeding one million tonnes.

2. Amendment of clause 31

Substitute sub clause (7) with the following-

“For avoidance of doubt, competitive bidding shall not apply to areas under a mineral right, **except for a mineral right held by a State own enterprise.**”

Justification: The bill as passed by Parliament empowers the Minister to announce areas open for bidding for an exploration licence, medium scale licence or a large scale mining licence. It further states that “competitive bidding shall not apply to areas under a mineral right.” The exemption would prevent Government from applying competitive bidding for licences under control of Government, like Kilembe Mines. The proposed amendment will enable Government to use competitive bidding for licences under its control.



3. Amendment of clause 33.

- a. Amend sub-clause (6) by substituting the words “may appeal against the decision **to the tribunal** within thirty days of receipt of the decision” with the words “may appeal **to the High Court** within thirty days of receipt of the decision”

Justification: The establishment of a tribunal is contrary to the Government’s on-going process of rationalizing and merging of agencies; and since the High Court has unlimited jurisdiction, it’s empowered to handle such grievances.

- b. Delete sub clauses (7) and (8)

Justification: Consequential.

4. Insertion of a new provision.

- a. Insert a new provision numbered 59 (under cross heading “*large scale mining licences*”) to read as follows-

“59. Threshold for Large Scale Mining licence.

The Minister shall, by regulations, prescribe the threshold for large scale mining licence under this Act”

- b. Renumber the provisions accordingly

Justification: Consequential.