

MINES AND MINERALS (AMENDMENT) ACT, 2024

No. 14



of 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. General amendment to Cap. 66:01
3. Amendment of section 2 of the Act
4. Substitution of section 3 of the Act
5. Amendment of section 6 of the Act
6. Substitution of section 12 of the Act
7. Substitution of section 13 of the Act
8. Amendment of section 14 of the Act
9. Amendment of section 16 of the Act
10. Amendment of section 17 of the Act
11. Amendment of section 18 of the Act
12. Amendment of section 19 of the Act
13. Amendment of section 21 of the Act
14. Substitution of section 22 of the Act
15. Substitution of section 23 of the Act
16. Amendment of section 25 of the Act
17. Amendment of section 30 of the Act
18. Amendment of section 32 of the Act
19. Amendment of section 33 of the Act
20. Amendment of section 36 of the Act
21. Amendment of section 37 of the Act
22. Amendment of section 39 of the Act
23. Amendment of section 40 of the Act
24. Amendment of section 42 of the Act
25. Amendment of section 44 of the Act
26. Amendment of section 45 of the Act
27. Amendment of section 50 of the Act
28. Amendment of section 52 of the Act
29. Amendment of section 53 of the Act
30. Amendment of section 55 of the Act
31. Amendment of section 59 of the Act
32. Amendment of section 65 of the Act
33. Amendment of section 70 of the Act
34. Amendment of section 80 of the Act
35. Amendment of section 81 of the Act
36. Amendment of section 83 of the Act
37. Amendment of section 84 of the Act
38. Substitution of Second Schedule to the Act

An Act to amend the Mines and Minerals Act.

Date of Assent: 08.10.2024

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

Short title and commencement	<p>1. This Act may be cited as the Mines and Minerals (Amendment) Act, 2024, and shall come into operation on such date as the Minister may, by Order published in the <i>Gazette</i>, appoint.</p>
General amendment to Cap. 66:01	<p>2. The Mines and Mineral Act (in this Act referred to as “the Act”), is amended by substituting for –</p> <p>(a) the words “Director of Department of Geological Surveys” wherever they appear in the Act, the words “Director of Mines”; and</p> <p>(b) the words “servants” wherever it appears in the Act, the word “employees”.</p>
Amendment of section 2 of the Act	<p>3. The Act is amended in section 2 (1) –</p> <p>(a) by inserting, in their correct alphabetical order, the following new definitions –</p> <p>““beneficiate” means the transformation of any ore or any other mineral through processing or treatment, with the aim of readying the ore or mineral for a purpose, or improving or remedying a condition, and “beneficiation” shall have a corresponding meaning;</p> <p>“coal bed methane” means a gas occurring naturally in association with coal, or in strata associated with coal mining;</p> <p>“coal bed methane licence” means a licence granted under this Act for the right to extract coal bed methane;</p> <p>“closure certificate” means a certificate issued under the Act after successful completion of rehabilitation of a mineral concession area in accordance with the Environmental Assessment Act;</p> <p>“concession area” means land subject to a mineral concession;</p> <p>“employee” has the meaning assigned to it under the Employment Act;</p> <p>“good mining industry practice” means the exercise of a degree of skill and diligence that would reasonably be expected to be applied by a skilled and experienced person in the mining industry;</p> <p>“precious stone” has the same meaning assigned to it under the Precious and Semi-Precious Stones (Protection) Act;</p> <p>“rehabilitation” means an action taken in accordance with good mining industry practice for the purpose of restoring the environment; and</p>
Cap. 65:07	
Cap. 47:01	
Cap. 66:03	

“rehabilitation and mine closure plan” means a plan for the rehabilitation of the area of a mine site that is intended to be carried out in the course of mining operations or the discontinuance or closure of a mine;”;

(b) by deleting the definition of the words “Director of Department of Geological Surveys”; and

(c) by substituting for the definition of —

(i) the words “Director of Mines”, the following new definition —

““Director of Mines” means the Director of Mines in the Ministry responsible for mineral resources;”, and

(ii) the words “small scale mining”, the following new definition —

““small scale mining” means the intentional mining of minerals other than precious stones and precious metals in operations involving the mining and processing of less than 50 000 tonnes of raw ore per annum;”.

4. The Act is amended by substituting for section 3, the following new section —

“Ownership of minerals vested in Republic
Cap. 66:02

3. (1) Subject to the provisions of the Mineral Rights in Tribal Territories Act, all rights of ownership in minerals are vested in the Republic, and the Minister shall ensure, in the public interest and in order to benefit the needs of the Republic’s economy, that the mineral resources of the Republic are investigated and exploited in the most efficient, beneficial and timely manner.

(2) A person licensed under this Act shall, when exploiting mineral resources, ensure that —

(a) mineral resources are explored and developed in a manner that promotes, benefits and contributes to the Republic’s economy;

(b) citizens have equitable access to mineral resources and benefit from the exploitation of minerals resources; and

(c) the exploitation of mineral resources ensures safety, health and environmental protection.”.

Substitution of section 3 of the Act

5. Section 6 of the Act is amended —

(a) in paragraph (a), by inserting immediately after subparagraph (iv), the following new subparagraph —

“(v) is a director or shareholder of a company that is in default in terms of this Act;”; and

(b) in paragraph (b), by substituting for subparagraph (iv), the following new subparagraph —

“(iv) which has among its directors or shareholders any person who would be disqualified in terms of paragraph (a) (iii), (iv) or (v).”.

Amendment of section 6 of the Act

Substitution of section 12 of the Act

6. The Act is amended by substituting for section 12, the following new section —

“Preference for Botswana products, etc.

12. (1) The holder of a mineral concession issued under this Act shall, in the conduct of any operations under such concession, and in the purchase, construction and installation of facilities, give preference to —

- (a) materials and products made by manufacturing companies —
 - (i) in which citizens hold shares, or
 - (ii) which are registered in Botswana; and
- (b) service agencies and companies —
 - (i) in which citizens hold shares, or
 - (ii) which are registered in Botswana.

(2) The holder of a mineral concession issued under this Act shall —

- (a) in the conduct of any operations under such concession, beneficiate the minerals as far as is feasible, in such manner as may be prescribed;
- (b) in all phases of any operations, under such concession, give preference in employment to citizens; and
- (c) every three months, submit reports, in writing, on all operations under this section to the Minister.

(3) The holder of a mining licence issued under this Act shall, in the conduct of his operations, conduct training programmes in consultation with the Minister for the benefit of the employees of the holder of a mining licence.”.

Substitution of section 13 of the Act

7. The Act is amended by substituting for section 13, the following new section —

“Application for prospecting licence

13. (1) The Minister may, by Order published in the *Gazette*, declare that an area specified in the Order shall not be the subject of a prospecting licence.

(2) Notwithstanding subsection (1), the Minister may, by Notice published in the *Gazette*, invite applications for prospecting licences in respect of an area declared under subsection (1) specifying the period within which such applications may be made.

(3) A person who wishes to obtain a prospecting licence shall make an application to the Minister by completing Form I set out in the First Schedule, and the application shall be accompanied by a non-refundable fee set out in the Second Schedule.”.

Amendment of section 14 of the Act

8. Section 14 of the Act is amended —

(a) in subsection (1) by substituting for paragraph (c), the following new paragraph —

- “(c) the proposed prospecting area is not of the same commodity or associated mineral as of the existing prospecting area, and does not overlap with the existing retention area, mining area or minerals permit area; and

- (b) by substituting for subsection (3), the following new subsection —
“(3) Where an application is made for a prospecting licence in respect of an area over which another prospecting licence in respect of the same commodity or associated mineral has been held, the Minister shall not grant a new prospecting licence before the expiry of that other prospecting licence.”.
9. The Act is amended in section 16 by substituting for subsection (1), the following new subsection — Amendment of section 16 of the Act
“(1) A prospecting licence shall be in Form II of the First Schedule, and shall —
(a) include the terms and conditions on which the licence is granted;
(b) include a description and place of the area under which the licence is granted; and
(c) state the period for which the licence is granted.”.
10. Section 17 of the Act is amended — Amendment of section 17 of the Act
(a) in subsection (2) by inserting immediately after paragraph (b), the following new paragraph —
“(c) a non-refundable application fee set out in the Second Schedule.”;
(b) in subsection (3) by substituting for the words “two renewals” appearing therein, the words “three renewals”;
(c) in subsection (4), by substituting for the words “reasonable time”, appearing therein the words “period of not more than 60 days”; and
(d) by substituting for subsection (5), the following new subsection —
“(5) The Minister shall, before rejecting an application for renewal under subsection (3) (b), give an applicant 30 days within which to make satisfactory amendments to the proposed programme of prospecting operations.”.
11. Section 18 of the Act is amended by substituting for subsection (4), the following new subsection — Amendment of section 18 of the Act
“(4) An amendment of a prospecting licence under subsection (3) shall not be permitted if —
(a) any person other than the applicant is the holder of a prospecting licence, retention licence, mining licence or minerals permit in respect of the mineral concerned or an associated mineral over the area in which it was discovered;
or
(b) the prospecting licence for the mineral discovered is issued or reserved for issuance through a prescribed method.”.
12. Section 19 of the Act is amended by substituting for subsection (1), the following new subsection — Amendment of section 19 of the Act
“(1) Subject to the provisions of this Act, a prospecting licence shall cover such area, not exceeding 1000km² in total at any given time, irrespective of the type of mineral related to the prospecting licence, as is in accordance with the applicant’s application:

Provided that a company, entity or organisation or its subsidiaries shall not under its prospecting licence cover a cumulative area in excess of 10 000km² in total at any given time, irrespective of the type of mineral related to the prospecting licence.”

Amendment of section 21 of the Act

13. Section 21 of the Act is amended —

(a) in subsection (1), by substituting for paragraph (i), the following new paragraph —

“(i) submit to the Minister quarterly reports within 30 days of the following quarter, containing the information required under the licence and the Act both in written and electronic form.”; and

(b) in subsection (3), by substituting for the words “at least once in every three months”, the words “within 30 days of the following quarter”.

Substitution of section 22 of the Act

14. The Act is amended by substituting for section 22, the following new section —

“Amendment of programme of prospecting operations 22. (1) The holder of a prospecting licence may, from time to time, notify the Minister of any amendments he wishes to make to his programme of prospecting operations, and such amendments shall not effect until the Minister has approved the amendments.

(2) The Minister shall notify the holder of a prospecting licence of the Minister’s decision to reject or approve the amendments, within three months of the Minister receiving the notification under subsection (1).

(3) The Minister may, on application being made to him by the holder of a prospecting licence, limit or suspend the obligation to carry on prospecting as required by section 21 (1) (b), or to expend moneys as required by section 21 (1) (h).”

Substitution of section 23 of the Act

15. The Act is amended by substituting for section 23, the following new section —

“Transfer of prospecting licence 23. (1) Subject to the provisions of this section, a prospecting licence or any controlling interest in the holder of the prospecting licence shall not be transferred, assigned, encumbered or dealt with in any other way to any other person without approval by the Minister.

(2) An application for approval by the Minister under subsection (1) shall be accompanied by an original copy or certified copy of the company resolution, signed by the directors or shareholders of the company.

(3) The Minister shall, before the approval of the application notify the Commissioner General of Taxes in writing in accordance with section 31 (5) of the Income Tax Act.

(4) The Minister may grant the approval where the Minister is satisfied that the transferee is not disqualified under any provision of this Act from holding a prospecting licence.

Cap. 52:01

(5) For the purposes of this section, “a controlling interest in the holder of a prospecting licence” shall mean —

- (a) an interest, whether directly or indirectly, of more than 50 per cent of the issued share capital of the holder of the prospecting licence;
- (b) an interest, whether directly or indirectly, of more than half of the voting rights in respect of the issued shares of the holder of the prospecting licence; or
- (c) an interest granting the power, whether directly or indirectly, to appoint or remove the majority of directors of the holder of the prospecting licence.”.

16. Section 25 of the Act is amended by substituting for subsection (1), the following new subsection —

Amendment of section 25 of the Act

“(1) The holder of a prospecting licence may apply to the Minister in Form III set out in the First Schedule, upon payment of the fee set out in the Second Schedule, for a retention licence in relation to an area and a mineral covered by the prospecting licence.”.

17. Section 30 of the Act is amended —

Amendment of section 30 of the Act

- (a) in subsection (2), by substituting for the words “3 years”, the words “two years”; and
- (b) by inserting immediately after subsection (2), the following new subsection —

“(2A) Notwithstanding the provisions of subsection (2), the Minister may renew a retention licence for two further periods of two years each in excess of the two year period specified in subsection (2), where the mineral relating to the retention licence cannot be mined on a profitable basis within a period of two years or where other circumstances to the knowledge of the Minister exist.”.

18. Section 32 of the Act is amended in subsection (3) by substituting for the words “feasibility study” appearing in paragraph (b), the words “bankable feasibility study”.

Amendment of section 32 of the Act

19. Section 33 of the Act is amended in subsection (2) by substituting for the words “feasibility studies” appearing therein, the words “bankable feasibility studies”.

Amendment of section 33 of the Act

20. The Act is amended by substituting for section 36, the following new section —

Substitution of section 36 of the Act

“Transfer or assignment of retention licence

36. (1) A retention licence or any controlling interest of the holder of the licence shall not be transferred, assigned, encumbered or dealt with in any other way without the approval of the Minister.

(2) In any application to the Minister for his approval under subsection (1), the applicant shall submit such particulars concerning the proposed transferee, assignee or other party concerned as would be required in an application for a retention licence, and these particulars shall include an original copy or certified copy of the company resolution signed by the directors or shareholders of the company.

(3) The Minister shall, before approving the application made under subsection (2), notify the Commissioner General of Taxes in writing in accordance with section 31 (5) of the Income Tax Act.

(4) The Minister may grant his approval to the transfer, assignment, or other dealing with any retention licence or controlling interest of the holder where the Minister is satisfied that the applicant is not disqualified under any provision of this Act.

(5) For the purposes of this section, "a controlling interest in the holder of a retention licence" shall mean —

- (a) an interest, whether directly or indirectly, of more than 50 per cent of the issued share capital of the holder of the retention licence;
- (b) an interest, whether directly or indirectly, of more than half of the voting rights in respect of the issued shares of the holder of the retention licence; or
- (c) an interest granting the power, whether directly or indirectly, to appoint or remove the majority of directors of the holder of the retention licence."

Amendment of
section 37
of the Act

21. Section 37 of the Act is amended by —

- (a) substituting for subsection (2), the following new subsection —
“(2) An application made under subsection (1) shall be made not less than three months prior to the expiry of the prospecting licence or retention licence and shall be accompanied by the non-refundable fee set out in the Second Schedule.”; and
- (b) inserting immediately after subsection (4), the following new subsection —
“(4A) An application for a mining licence to exploit industrial minerals shall be granted to a person who is a citizen or to a company in which citizens have more than 60 per cent shareholding.”.

Amendment
of section 39
of the Act

22. Section 39 of the Act is amended —

- (a) in subsection (1) by substituting for the words “feasibility study” appearing in paragraph (e), the words “bankable feasibility study”; and
- (b) by inserting immediately after subsection (4), the following new subsection —

“(5) The Minister may revoke a prospecting, mining or other licence issued under this Act, due to non-compliance with the Act or in the national interest.”.

23. Section 40 of the Act is amended by inserting immediately after subsection (2), the following new subsections —

Amendment of
section 40 of
the Act

“(2A) Where the Government does not exercise its option of acquiring a working interest under subsection (1), the holder shall dispose of the working interest participation of up to 24 per cent to citizens or citizen owned companies within a period of three years of issuance of a mining licence.

(2B) A holder of a mining licence shall notify the Minister of the process of disposing of the working interest participation of up to 24 per cent to citizens or citizen owned companies, and give annual progress reports to the Minister.

(2C) Where the holder of a mining licence has made efforts to dispose of the working interest participation to the citizens or citizen owned companies in accordance with subsection (2A), and no citizen or citizen owned company is successful in taking the working interest within three years, the obligation on the holder to dispose of the working interest participation under subsection (2A) shall lapse.”.

24. Section 42 of the Act is amended by substituting for subsection (2) the following new subsection —

Amendment of
section 42 of
the Act

“(2) The holder of a mining licence may apply to the Minister for the renewal of his licence at any time not later than one year before the expiry of such licence, and upon payment of the non-refundable fee set out in the Second Schedule.”.

25. Section 44 of the Act is amended by substituting for subsection (3), the following new subsection —

Amendment of
section 44 of
the Act

“(3) Subject to section 51, if the Minister is satisfied with the proposed programme of mining operations submitted under subsection (2), the Minister shall approve such application and shall amend the mining licence accordingly:

Provided that the amendment of the mining licence shall not overlap with an existing prospecting licence, retention licence, mining licence or mineral permit in respect of the mineral concerned or an associated mineral within the area in which the mineral was discovered.”.

26. Section 45 of the Act is amended by inserting immediately after subsection (2), the following new subsection —

Amendment of
section 45 of
the Act

“(3) The holder of a mining licence shall not remove a mineral or mineral sample from Botswana for studies, surveys or tests, including analytical, metallurgical, mineralogical or geo-physical tests, without the written permission of the Director of Mines and subject to such reasonable conditions as the Director of Mines may determine.”.

Amendment of
section 50 of
the Act

27. Section 50 of the Act is amended —

- (a) by substituting for subsection (1), the following new subsection —
“(1) A mining licence or any controlling interest therein shall not be transferred, assigned, encumbered or dealt with in any other way without the approval of the Minister, irrespective of whether the transfer takes place in Botswana or outside Botswana.”;
- (b) by substituting for subsection (2), the following new subsection —
“(2) In any application to the Minister for his approval under subsection (1), the applicant shall submit such particulars concerning the proposed transferee, assignee or other party concerned as would be required in an application for a mining licence, and these particulars shall include an original copy or certified copy of the signed company resolution of each of the parties concerned in the transaction.”;
- (c) by substituting for subsection (4) the following new subsection —
“(4) The Minister shall, upon approval of the application for transfer of a mining licence or any interest therein or any controlling interest in the holder of the mining licence, notify the Commissioner General of Taxes in writing in accordance with section 31 (5) of the Income Tax Act.”; and
- (d) by inserting immediately after subsection (4), the following new subsection —
“(5) For the purposes of this section, “a controlling interest” shall mean —
 - (a) an interest, whether directly or indirectly, of more than 50 per cent of the issued share capital of the holder of the mining licence;
 - (b) an interest, whether directly or indirectly, of more than half of the voting rights in respect of the issued shares of the holder of the mining licence; or
 - (c) an interest granting the power, whether directly or indirectly, to appoint or remove the majority of directors of the holder of the mining licence.”.

Amendment of
section 52
of the Act

28. Section 52 of the Act is amended —

- (a) in subsection (1), by substituting for the word “diamonds” appearing therein, the words “precious stones”;
- (b) by substituting for subsection (2), the following new subsection —
“(2) A person who wishes to obtain a minerals permit shall apply to the Minister by completing Form VII of the First Schedule, and such application shall be accompanied by the fee set out in the Second Schedule.”; and
- (c) in subsection (7), by substituting for the word “diamonds” appearing therein, the words “precious stones”.

29. Section 53 of the Act is amended by —
- (a) substituting for subsection (1), the following new subsection —
“(1) Subject to the provisions of subsection (2), a minerals permit to exploit industrial minerals shall be granted to a person who is a citizen or to a company in which citizens have 100 per cent shareholding”; and
 - (b) inserting immediately after subsection (1), the following new subsections —
“(1A) The Minister shall grant a minerals permit in accordance with subsection (1) if he is satisfied that —
 - (a) the applicant, being the holder of a valid prospecting licence or retention licence or waiver from prospecting, has applied for a minerals permit within the prospecting licence or retention licence area or area covered by waiver or in respect of the mineral covered by such prospecting licence, retention area or waiver;
 - (b) the issuing of a minerals permit shall reduce the prospecting licence or retention area by the area in respect of the minerals permit granted;
 - (c) the applicant applied three months before the expiry date of the prospecting licence or retention licence;
 - (d) the application for minerals permit is made by a company incorporated under the Companies Act which carries on the sole business of mining;
 - (e) the applicant is the holder of a prospecting licence, a waiver or retention licence which includes a company formed by a holder or the holder’s representative; and
 - (f) the person applying for a renewal of a minerals permit applied for the renewal six months before the expiry of the minerals permit.
 - (1B) The Minister shall grant an industrial minerals permit if he is satisfied that —
 - (a) the proposed programme of work will ensure efficient and beneficial use of the mineral resources;
 - (b) the proposed mining area does not overlap with an existing mining area, retention area without prior authority of the holder of that area;
 - (c) the holder of the retention licence has made an application in terms of section 35 (1);
 - (d) the proposed area extends to cover the area reasonably required for mining and treatment facilities and the proved, indicated or inferred reserves;
 - (e) the applicant has secured access to adequate financial resources, technical competence and experience to carry on effective mining operations;

- (f) the proposed financing plan submitted as part of a bankable feasibility study is in accordance with good financial practice and provides for debt to equity ratio of no more than 3:1; and
- (g) the applicant is not in default in terms of the Act.

(1C) Notwithstanding the provisions of subsection (1B) (g), the Minister shall not reject an application for an industrial minerals permit unless the applicant has been notified and has failed to remedy his default, or to propose, within three months, reasonable amendments to his programme of work or financing plan to the satisfaction of the Minister.”.

Amendment of section 55 of the Act

30. Section 55 of the Act is amended by substituting for subsection (1), the following new subsection —

“(1) Subject to the provisions of subsection (2), a minerals permit shall be valid for such period, not exceeding 10 years, as the Minister may determine and may, on application made to the Minister in accordance with Form VII set out in the First Schedule, and upon payment of the non-refundable fee set out in the Second Schedule, be renewed for further periods not exceeding 10 years at a time.”.

Amendment of section 59 of the Act

31. Section 59 of the Act is amended —

(a) by substituting for subsection (1), the following new subsection —

“(1) A minerals permit or any interest therein shall not be transferred, assigned, encumbered or dealt with in any other way without the approval of the Minister, irrespective of whether the transfer takes place in Botswana or outside Botswana.”;

(b) by substituting for subsection (2), the following new subsection —

“(2) In any application to the Minister for his approval under subsection (1), the applicant shall submit such particulars concerning the proposed transferee, assignee or other party concerned as would be required in an application for a minerals permit, and these particulars shall include an original copy or certified copy of the signed company resolutions of all parties concerned in the transaction.”; and

(c) by inserting immediately after subsection (3) the following new subsection —

“(3A) The Minister shall, upon approval of the application for transfer of a minerals permit or any interest therein or any controlling interest in the holder of the minerals permit, notify the Commissioner General of Taxes in writing in accordance with section 31 (5) of the Income Tax Act.”.

Amendment of section 65 of the Act

32. Section 65 of the Act is amended —

(a) by substituting for subsection (2), the following new subsection —

“(2) An applicant for a mining licence or a minerals permit or any renewal for the mining licence or minerals permit, shall prepare and submit a comprehensive environmental impact assessment as part of the Project Feasibility Study Report, and the applicant shall not be granted the mining licence or minerals permit, or the renewal thereof, unless the environmental impact assessment is authorised in terms of the Environmental Assessment Act.”;

- (b) by substituting for subsection (9), the following new subsection —
 “(9) An applicant for a mineral concession or the renewal of a mineral concession shall make adequate financial provision for the rehabilitation and closure of the mine site in accordance with an environmental impact assessment submitted and approved under subsection (2), before the mineral concession or the renewal of the mineral concession is granted by the Minister.”; and
- (c) by inserting, immediately after subsection (9), the following new subsections —
 “(10) The holder of a mineral concession shall —
 - (a) make adequate on-going financial provision for compliance with his obligations under this section; and
 - (b) set up one or more of the following methods for the financial provision referred to under paragraph (a) —
 - (i) an environmental rehabilitation trust fund or any other trust fund registered under the Trust Property Control Act, Cap. 31:05
 - (ii) a financial guarantee from a bank licensed under the Banking Act, or any non-bank financial institution licensed under the Non-Bank Financial Institutions Regulatory Authority Act, or any other bank, financial institution or non-bank financial institution approved by the Minister, or Cap. 46:04
Cap. 46:08
 - (iii) any other method as may be prescribed.
 - (11) The Director of Mines shall, where satisfied that a concession area has been rehabilitated and reclaimed in accordance with the Environmental Assessment Act, issue the holder of a mineral concession with a closure certificate.”.

33. Section 70 of the Act is amended by deleting subsection (3).

Amendment of
section 70 of
the Act

34. Section 80 of the Act is amended in subsection (1), by inserting immediately after paragraph (h), the following new paragraphs —

Amendment
of section 80
of the Act

- “(i) the work programmes for coal bed methane operations and the phasing of such operations;
- (j) the manner in which coal bed methane operations, prospecting or mining may be carried out;
- (k) the safety management and environmental procedures that need to be carried out by coal bed methane licence holders;
- (l) the manner of filing, the contents of and the procedure in amending rehabilitation and mine closure plans;
- (m) the methods of determining the financial provisions for mine closures;
- (n) the methods for determining the costs involved in mine closures;

- (o) the types and methods of providing and use of financial provisions for rehabilitation and closure of mine sites and their regular recalculation and updating;
- (p) the method of periodic reporting on the rehabilitation to be carried out on a mine site;
- (q) the measures to be taken on the suspension or permanent closure of a mining operation, including the issuance of a closure certificates;
- (r) the procedures for the recording, auditing and protection of records of a mineral concession;
- (s) beneficiation of mineral resources and the requirements to be complied with to ensure such beneficiation; and
- (t) the forms or documents to be used for any of the purposes of this Act.”.

Amendment of section 81 of the Act

35. Section 81 of the Act is amended in subsection (2) by substituting for the word “P50 000”, the word “ P500 000”.

Amendment of section 83 of the Act

36. Section 83 of the Act is amended —

- (a) in subsection (1), by substituting for the word “P1 000”, the word “P500 000”;
- (b) in subsection (2), by —
 - (i) substituting for the word “P5 000”, the word “P500 000”, and
 - (ii) substituting for the words “12 months”, the words “five years”; and
- (c) in subsection (3), by substituting for the word “P100 000”, the word “P1 000 000”.

Amendment of section 84 of the Act

37. Section 84 of the Act is amended —

- (a) in subsection (1), by substituting for the word “P200”, the word “P5 000”; and
- (b) by inserting immediately after subsection (5), the following new subsection —

“(6) An authorised officer or a specially authorised officer may, if satisfied that any person has contravened section 82, summarily confiscate, impound and dispose of any equipment believed to be used in contravening the Act.”.

Substitution of Second Schedule to the Act

38. The Act is amended by substituting for the Second Schedule, the following new Schedule —

“SECOND SCHEDULE
Fees

(sections 13, 17, 25, 37, 42, 52, 55, 70 and 71)

- | <i>1. Licence</i> | <i>Application fee</i> |
|--|------------------------|
| <i>(a) Prospecting licence</i> | <i>P1 000</i> |
| <i>(b) Prospecting licence renewal</i> | <i>P1 000</i> |
| <i>(c) Retention licence</i> | <i>P1 000</i> |
| <i>(d) Retention licence renewal</i> | <i>P1 000</i> |
| <i>(e) Mining licence</i> | <i>P1 000</i> |
| <i>(f) Mining licence renewal</i> | <i>P1 000</i> |
| <i>(g) Minerals Permit</i> | <i>P500</i> |
| <i>(h) Minerals Permit Renewal</i> | <i>P500</i> |
2. The annual charges payable under this Act shall be as follows:
- (a) Prospecting licence – P10 per km² or part thereof subject to a minimum of P1 000 for industrial minerals and P2 000 for all other minerals;*
 - (b) Retention licence – P5 000 per km² or part thereof for the first year, increasing annually by P5 000 per km² for the second and subsequent years;*
 - (c) Mining licence – P200 per km² or part thereof subject to a minimum of P1 000; and*
 - (d) Minerals permit – P200 per km² or part thereof subject to a minimum of P500.”.*

PASSED by the National Assembly this 25th day of July, 2024.

BARBARA N. DITHAPO,
Clerk of the National Assembly.