

MINES AND MINERALS (AMENDMENT) ACT, 2007

No. 19



of 2007

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 38 of Cap. 66:01
3. Amendment of section 42 of the Act
4. Amendment of the First Schedule

An Act to amend the Mines and Minerals Act.

Date of Assent: 24.12.2007

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Mines and Minerals (Amendment) Act, 2007 and shall come into force on such date as the Minister may, by Order, determine. Short title and commencement
2. The Mines and Minerals Act (in this Act referred to as “the Act”) is amended by substituting for section 38, the following new section — Amendment of section 38 of Cap. 66:01

“Application for mining licence 38. A person wishing to obtain a mining licence shall apply to the Minister by submitting an application in Form V (a) as set out in the First Schedule.”.
3. Section 42 of the Act is amended — Amendment of section 42 of the Act
 - (a) by substituting for subsection (3), the following new subsection —

“(3) An application for renewal of a mining licence shall be in Form V (b) as set out in the First Schedule”; and
 - (b) in subsection (4) —
 - (i) by deleting the semi-colon that appears therein and the word “and” and adding a colon; and
 - (ii) by inserting after paragraph (c) the following new proviso —

“Provided that in exceptional or special circumstances where the national interest so requires and where in terms of a licence issued under section 39, an agreement exists between the Government and the licensee, the Minister may provide in the initial licence that this paragraph shall not apply to the renewal of that licence; and”
4. The Act is amended in the First Schedule by — Amendment of the First Schedule
 - (a) substituting for the heading to Form V the following new heading —

**“Form V (a)
MINING LICENCE APPLICATION FORM”;** and

(b) inserting, immediately after Form V (a), the following new form —

**“Form V (b)
MINING LICENCE RENEWAL APPLICATION FORM
(Attach additional sheets or documents where necessary)**

1. Name of Applicant (attach copy of certificate of incorporation)	Address in Botswana
2. Full Name(s) of Directors	Nationalities
3. Authorised share capital and issued capital	
4. Name(s) of shareholder who is a beneficial owner of more than 5% of the issued capital	Nationalities
5. Details of Financial Status (attach supporting documents, Bankers reference and most recent financial statements)	
6. Technical Competence (established mining track record is an advantage but is not essential)	
7. Mining licence number	
8. Description of area applied for (attach plan and coordinates)	
9. Name(s) of mineral which it is intended to mine	
10. Period for which the renewal is sought	
11. Attach parent company guarantee as in Annexure I	
12. Proof that development of mining area has proceeded with reasonable diligence	
a. Performance against production targets	
b. Performance against financial targets	
c. Performance against environmental targets	
d. Performance against occupational health and safety targets	
e. Legal compliance	
13. Attach proposed programme of mining with the following details or documentation	
a. Details of mineral deposit (including all known inferred, indicated, measured resources and probable and proven reserves)	
b. Annual production rates	
c. Estimated recovery rates	
d. Nature of product	

e. Annual sales volumes or tonnages	
f. Forecast of capital investment and cashflow	
g. Employment projections and skills development plan	
h. Projections of value of local procurement	
i. Environmental Management Plan including Closure Plan	
14. Disclose any other information material to this application	
15. I being duly authorized, declare that the applicant and its partners/directors/members/shareholders are persons qualified in terms of Section 6 of the Mines and Minerals Act to hold a mining licence and that the information contained herein is true and correct.	
Signed.....	Capacity
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Date.....	Place

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PASSED by the National Assembly this 10th day of December, 2007.

E.S. MPOFU,
Clerk of the National Assembly.