

# **THE MINES AND MINERALS (TRADING IN RESERVED MINERALS) REGULATIONS [ARRANGEMENT OF REGULATIONS]**

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### **SECTION 123-TRADING IN RESERVED MINERALS *Regulations by the Minister***

***Statutory  
Instrument  
110 of  
1995***

## **PART I PRELIMINARY**

**1.** These Regulations may be cited as the Mines and Minerals (Trading in Reserved Minerals) Regulations. Title

**2.** In these Regulations, unless the context otherwise requires-

Interpretation

"Committee" means the Reserved Minerals Traders' Licensing Committee established under regulation 5;

"licence" means a reserved minerals trader's licence issued under sub-regulation (3) of regulation 8;

"licensed trader" means the holder of a valid licence;

"permit" means written authority granted by the Committee under sub-regulation (2) of regulation 3 authorising a person to possess reserved minerals;

"registered lapidary" means a lapidary operating under a manufacturing licence issued under Part III of the Investment Act and duly registered with the Engineer. Cap. 385

## PART II

# TRADING IN RESERVED MINERALS

3. (1) Subject to these Regulations, a person shall not-

Trading in and  
possession of  
reserved  
minerals

(a) buy, deal in, or receive by way of barter or pledge, either as principal or agent, any reserved mineral, unless he is

(i) licensed or authorised under this Part to trade in reserved minerals; or

(ii) the operator of a registered lapidary.

(b) sell, offer, display for sale, barter or pledge, either as principal or agent, any reserved mineral unless-

(i) subject to the provisions of section *forty* of the Act, he is the holder of a valid prospecting or exploration licence relating to that reserved mineral;

(ii) the reserved mineral is won or recovered by him from land on which he is lawfully mining for reserved minerals; or

(iii) he is authorised under this Part to sell or dispose of that reserved mineral.

(c) possess any reserved mineral unless-

(i) he is authorised under these Regulations to be in possession of that reserved mineral; or

(ii) he has a permit.

(2) The Committee may grant, in writing, authority to trade and possess reserved minerals to any person who is not a citizen of Zambia or is not ordinarily resident in Zambia for a period of two years.

(3) The authority granted under sub-regulation (2) shall convey any right in respect of the grant of a licence.

(4) Any person who contravenes sub-regulation (1) shall be guilty of an offence and liable upon conviction to a fine not exceeding twenty thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

**4.** (1) Subject to this Part, any person may apply to the Committee for, and obtain a licence. Application for licence

(2) An application made under sub-regulation (1) shall be in Form 1 set out in the Schedule.

**5.** (1) There shall be a reserved minerals traders' licensing committee which shall consist of- Reserved minerals traders' licensing committee

(a) Chairman;

(b) the Engineer;

(c) the Director; and

(d) any other two persons appointed by the Minister.

(2) The Chairman shall be appointed by the Minister from outside the civil service and shall preside at all meetings of the Committee.

(3) In the absence of the Chairman, the members present at a meeting of the Committee shall choose a chairman from amongst themselves for the purposes of that meeting.

(4) Three members of the Committee shall form a quorum and the chairman at any meeting shall have a casting as well as a deliberative

vote.

(5) The Minister shall appoint the Secretary to the Committee.

**6.** (1) The Committee shall not consider an application for the grant or renewal of a licence, unless the applicant has given at least fourteen days' notice of his intention to make the application.

Publication of names of applicants

(2) The notice referred to in sub-regulation (1) shall-

(a) be made in the prescribed form;

(b) include an address at which service of notices and documents may be made; and

(c) be published in the *Gazette* and in two consecutive issues of a national newspaper.

(3) The period of fourteen days referred to in sub-regulation (1) shall be calculated from the date of the 1st publication of the notice.

**7.** (1) If any person applying for a licence under this part, knowingly makes or causes to be made a statement which is false in any material particular, he shall be guilty of an offence and liable upon conviction to a fine not exceeding two thousand penalty units.

False statement by applicant

(2) A licence or permit issued to a person convicted for contravening sub-regulation (1) shall be null and void.

**8.** (1) The Committee shall within thirty days, notify the applicant of the result of the application.

Notification of grant or rejection of application

(2) Where the application is granted, the notification of the grant shall include terms and conditions on which the application is granted and shall require the applicant to accept the conditions within such time as

the Committee may specify.

(3) Where the applicant-

(a) accepts within the time specified by the Committee, the terms and conditions on which the application is granted, the Committee shall issue a licence to him; or

(b) fails to notify the Committee within the time specified under paragraph (a), his application shall lapse.

(4) If an applicant is dissatisfied with the decision of the Committee he may, within thirty days of being notified of that decision, appeal to the High Court.

**9.** (1) Subject to these Regulations, a licence shall not be granted to or held by- Restrictions on licence

(a) a person-

(i) under the age of eighteen years; or

(ii) who is or becomes an undischarged bankrupt.

(b) a company-

Cap. 388

(i) unless it has been incorporated under the Companies Act;

(ii) which is in liquidation.

(2) A licence shall-

(a) not be transferrable;

(b) be terminated where the holder-

(i) is adjudged or declared bankrupt;

(ii) goes into liquidation; or

(iii) dies.

(3) A person applying for a licence shall lodge with the Committee a certificate in Form 4 set out in the Schedule under the hand of a police officer of or above the rank of Sub-Inspector, together with sufficient sureties who have entered into a recognizance, which recognizance shall be in Form 3 set out in the Schedule.

(4) In this regulation, "liquidation" shall not include a liquidation which forms part of a scheme for the reconstruction or amalgamation of the holder.

<b>10.</b> An applicant shall pay, for every issue or renewal of a licence, a fee of one hundred thousand kwacha per year or part thereof.	Fees on issue or renewal of licence
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<b>11.</b> The licence shall be in Form 2 set out in the Schedule and shall expire on the 31st December of each year.	Form of licence
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<b>12.</b> (1) The applicant's office or place of business shall be endorsed on the applicant's licence.	Place of business
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(2) A person who holds a licence shall inform the Committee of any changes of his business premises.

<b>13.</b> (1) A person who holds a licence shall keep or cause to be kept a true and correct register relating to the details of reserved minerals received, purchased, imported, sold or exported.	Register of transactions
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(2) The register relating to the details of reserved minerals received, purchased or imported shall be in Form 5 set out in the Schedule and that of reserved minerals sold or exported shall be in Form 6 set out in the Schedule.

(3) A person who holds a licence shall within fifteen days after the end of every month forward to the Committee a true copy of all entries in the register for the previous month, together with a declaration stating that the entries are correct.

**14.** (1) A person who contravenes regulation 13 shall be made to appear before the Committee and if found guilty of an offence shall be liable to a fine not exceeding fifty thousand penalty units.

Penalty for  
contravening  
Regulation 13

(2) The fine referred to in sub-regulation (1) shall be paid to the Committee.

(3) The moneys received from fines shall be paid into the general revenues of the Republic.

(4) A person who fails to pay the fine imposed under sub-regulation (1) within ninety days from the date of such imposition shall have his licence cancelled by the Committee.

**15.** (1) Any reserved mineral destined for export, shall be valued by an independent Government approved valuer who shall issue a valuation certificate in Form 7 set out in the Schedule.

Valuation  
certificate for  
reserved  
minerals  
destined for  
export

(2) An application to the Committee for registration as a Government approved valuer, shall contain the following information-

(a) the full name and business address of the applicant; and

(b) copies of academic qualifications and professional experience.

**16.** (1) A person shall not buy or receive by way of barter, pledge or otherwise any reserved mineral from any person not authorised under paragraph (a) of sub-regulation (1) of regulation 3 to trade in reserved minerals.

Purchase from  
or sale to  
unauthorised  
person

(2) A person not authorised to trade in reserved minerals shall not sell or offer or display for sale, barter, pledge or otherwise dispose of or deliver any reserved mineral to any person not authorised under paragraph (b) of sub-regulation (1) of regulation 3 or any other provision of this Part to buy or receive that reserved mineral.



(3) Any person who contravenes sub-regulations (1) and (2) shall be guilty of an offence and liable upon conviction to a fine not exceeding two thousand penalty units.

**17.** (1) The Committee may, cancel a licence if it is satisfied that any licensed trader is or has been on reasonable grounds suspected of being engaged in illicit trade in reserved minerals or has contravened these Regulations or that Act. Power to cancel licence

(2) The notice to cancel the licence shall be from the date specified in the notice, which shall not be less than one month from the date of giving such notice.

(3) Any person whose licence is cancelled under sub-regulation (1) may appeal to the High Court.

# SCHEDULE

## REPUBLIC OF ZAMBIA

No. ....

Date of receipt.....

**Form 1**  
**(Regulation 4)**

### APPLICATION FORM FOR A RESERVED MINERALS TRADER'S LICENCE

The Mines and Minerals (Trading in Reserved Minerals) Regulations

Type(s) of Reserved mineral:

#### A PARTICULARS OF APPLICANT (other than company, co-operative or association)

(1) Full names of applicant

(a) Surname (Maiden Name).....

(b) Other names

(c) Place and date of birth

(2) Address of applicant

(a) Residential address Telephone No. ....

(b) Business address Telephone No. ....Fax: No. ....

(3) Identity documents

(a) NRC No. Date/place of issue.....

(b) Passport No. Date/place of issue.....

(c) Nationality

(d) Period resident in Zambia

#### B. PARTICULARS OF ORGANIZATION (company or association)

(4) (a) Name of Company Association

(b) Location and postal address of Company/Association

Telephone Fax.....Telex.....

(c) Company/Association Registration No.

(d) Address of registration office in Zambia

.....

(e) Date of incorporation

(f) Nominal capital

(g) Paid up capital

(h) Shareholders (owning more than 5 percent of paid up capital)

Full Name	Shares held	Nationality	NRC/Passport No.
(i).....	.....	.....	.....
(ii).....	.....	.....	.....
(iii).....	.....	.....	.....
(iv).....	.....	.....	.....
(v).....	.....	.....	.....

(i) Full name and nationality of Chief Executive

(j) Full name and nationality of Company Secretary

### C. PARTICULARS OF THE CO-OPERATIVE

(5) (a) Name and address of Co-operative

Telephone      Fax.....Telex.....

(b) Registration Certificate No.

(c) Date and place of registration

(d) Share capital (nominal)

(e) Share capital (paid up)

(f) Full names of

Member	Nationality	NRC/Passport No.
(i).....	.....	.....
(ii).....	.....	.....
(iii).....	.....	.....
(iv).....	.....	.....
(v).....	.....	.....
(vi).....	.....	.....
(vii).....	.....	.....
(viii).....	.....	.....
(ix).....	.....	.....
(x).....	.....	.....

(g) Full name and nationality of Chief Executive

(h) Full name and nationality of Company Secretary

### D. PARTICULARS OF FINANCE

(6) Name and address of bankers      Telephone No. ....

(7) Financial status

(a) Details of finance available for intended trade (with documentary evidence)

(b) Details of other assets

(8) Financial references

(i)

(ii)

(9) Name and address of lawyers      Telephone No. ....

Telex No. Fax No. ....

#### E. PARTICULARS OF OTHER STATUTORY REQUIREMENTS

(10) Details required for application for reserved minerals trader's licence:

All applicants for a reserved minerals trader's licence will require the following documentation to be attached to the application:

(a) police certificates; and

(b) recognizance.

NOTE: Any declaration in this application which is to the knowledge of the maker, false or untrue, shall render this application void *ab initio*.

Date      Signature.....

(In what capacity?)

\*Where space is not adequate additional information to be submitted separately.

Three copies to be submitted to:

Chairman,  
Reserved Minerals Trader's Licensing Committee,  
P.O. Box 31969,  
Lusaka.

**REPUBLIC OF ZAMBIA**

**Licence No. RML.....**

**Form 2**

**(Regulation 9)**

**RESERVED MINERALS TRADER'S LICENCE**

(Part II)

Mines and Minerals (Trading in Reserved Minerals) Regulations

WHEREAS of Plot No. .... Road: ..... Town: .....

Postal address

Telephone No. .... Telex No. ....

Telefax No. .... has this.....day

of.....19.....been duly licensed to trade in the minerals  
specified below:

.....  
*Chairman*

Expiry date: 31st December, 19.....

OFFICIAL STAMP

\*Not Transferable

NB-Applicants are advised to lodge their application for renewal of this licence at least sixty days before the date of expiry.

ENDORSEMENT OF BUSINESS ADDRESS, ADDITIONAL ADDRESSES OR  
CHANGES THEREOF

## REPUBLIC OF ZAMBIA

### Form 3

#### (Regulation 9)

#### RECOGNIZANCE

The Mines and Minerals (Trading in Reserved Minerals) Regulations

On the day of .....19..... appeared before me ..... Magistrate of the District of ..... and acknowledge themselves to owe the Republic to which the said the sum of one hundred thousand Kwacha and the said ..... and ..... each the sum of one hundred thousand Kwacha to be respectively made and levied of their several goods, chattels, lands and tenements to the use of the Republic if the said shall fail in performing the conditions underwritten.

The condition of this recognizance is that if the said shall strictly conform to and abide by all and singular the provisions of the Mines and Minerals (Trading in Reserved Minerals) Regulations during the time the licence to be obtained by him under these Regulations shall be in force, then this recognizance shall be null and void or else shall remain in full force and effect.

The said ..... and the said ..... and the said ..... do hereby further jointly and severally agree that in the event of the said ..... being convicted of contravening any provision of these Regulations this recognizance shall *ipso facto* become at once executable without the necessity of further process just as if judgment had been obtained upon it.

Taken and acknowledged this day and year above written.

Proposed holder

Surety

Surety

Magistrate

**REPUBLIC OF ZAMBIA**

**Form 4**

***(Regulation 9)***

**The Mines and Minerals (Trading in Reserved Minerals) Regulations**

**RESERVED MINERALS TRADER'S CERTIFICATE**

I,           Police  
Officer of       do hereby certify  
that       is a fit  
and proper person to receive a licence to buy and sell reserved minerals.

(Station)       Police Officer

(Date) Rank.....

(Assistant Inspector or above)

OFFICIAL STAMP

**REPUBLIC OF ZAMBIA**

**Form 5**

***(Regulation 13)***

**MONTHLY RECEIPTS RETURN**

The Mines and Minerals (Trading in Reserved Minerals) Regulations

Full Name:      Month: .....19.....

Address



# REPUBLIC OF ZAMBIA

## Form 6

### (Regulation 13)

#### MONTHLY SALES RETURN

The Mines and Minerals (Trading in Reserved Minerals) Regulations

Full Name:    Month: .....19.....

Address

Sales and Exports								
Date	Type of Reserved Mineral	Name of Buyer	Lot No.	Weight (g)	Value		Currency	Remarks
					K	US\$		
TOTAL								

I,        do hereby  
solemnly and sincerely declare that the above is true and correct, and I make this certificate  
conscientiously believing the same to be true.

Signature: .....

In what capacity signing

To be submitted to:  
Chief Mining Engineer,  
P.O. Box 31969,  
Lusaka,  
(2 copies)

# REPUBLIC OF ZAMBIA

## Form 7

### (Regulation 15)

#### VALUATION CERTIFICATE

The Mines and Minerals (Trading in Reserved Minerals) Regulations

Certificate No. ....

Lot No.	Description	Grade	Quantity	Colour	Valuation	
					Per Unit	Total
TOTAL						

Company:

Address:

Buyer:

Examined by:

For Sale/Market Survey

For Ministry of Mines and Minerals Development

Approved/Not Approved for Export by:

Name:

Rank:

Signature:

Date:

## Receipts, Purchases, Imports

Receipts, Purchases, Imports								
Date	Type of Reserved Mineral	Name of Seller	Lot No.	Weight (g)	Value		Currency	Remarks
					K	US\$		
TOTAL								

I, \_\_\_\_\_ do hereby solemnly  
and sincerely declare that the above is true and correct, and I make this certificate  
conscientiously believing the same to be true.

Signature:

In what capacity signing

To be submitted to:

Chief Mining Engineer,

P.O. Box 31969,

Lusaka,

(2 copies)