

Rwanda

## Law on Mining and Quarry Operations

Law 13 of 2014

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## Rwanda

# Law on Mining and Quarry Operations

Law 13 of 2014

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Assented to on 20 May 2014

Commenced on 30 June 2014

*[This is the version of this document from 30 June 2014.]*

We, KAGAME Paul,

President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA**

**THE PARLIAMENT:**

The Chamber of Deputies, in its session of 25/02/2014;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 62, 66, 67, 90, 92, 93, 108 and 201;

Pursuant to Organic Law n° 04/2005 of 08/04/2005 determining modalities for protection, conservation and promotion of environment in Rwanda;

Having reviewed Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation;

**ADOPTS:**

### Chapter One General provisions

#### Article One – Purpose of this Law

This Law governs mining and quarry operations in Rwanda.

#### Article 2 – Definitions of terms

For the purpose of this Law, the following terms shall have the meanings assigned to them below:

- 1° **mining area:** an area where artisanal, small-scale and large-scale mining is carried out in accordance with this Law;
- 2° **small-scale mining licence area:** an area that is subject to a small-scale mining licence;
- 3° **minerals:** substances which can be processed to increase their economic value and which include metallic and non-metallic substances with the exception of hydrocarbons and water;
- 4° **mineral ores:** substances consisting of one or more types of components extracted from artisanal, small-scale or large-scale mine;
- 5° **mineral ore samples:** minerals collected from a set of other minerals for the purpose of determining the quality thereof and getting an idea of the quality of the set of minerals from which they are collected;

- 6° **mineral ore specimens:** minerals whose quality is recognized and certified and used as a reference quality;
- 7° **radioactive minerals:** any minerals which contain by weight at least one twentieth of one percent (0.05 %) of uranium or thorium or any combination thereof;
- 8° **environmental management program:** a plan satisfying all the requirements provided under this Law and other environment protection and conservation laws;
- 9° **Government:** the Government of Rwanda;
- 10° **mineral products:** any substances derived from the extraction or processing of minerals;
- 11° **exploration operations:** activities designed to search for mineral ores and mineral deposits including the geological survey and assessment of the extent and economic value of mineral deposits;
- 12° **prescribed:** something that is permitted in compliance with the requirements of this Law;
- 13° **excavation:** trench, pit, shaft or any other open large pit;
- 14° **mining operations:** any operations carried out in the course of mining;
- 15° **camp:** a place of facilities, equipment and temporary buildings used in the mining operations and which can be moved whenever required;
- 16° **controlling interest:** a person's ability to hold, directly or indirectly, more than fifty percent (50%) of the power to direct the management of activities or acquisition of a majority holding;
- 17° **quarry:** an open surface or excavation from which materials that can be processed in factories and a rock material obtained using drilling, blasting, cutting and any other method are extracted;
- 18° **discovery:** detection of mineral ores or a stockpile of various mineral ores found in large quantities or indications of the presence of mineral ore deposits;
- 19° **Minister:** the Minister in charge of mines and quarries;
- 20° **artisanal mining:** mining operations that are categorized as such in accordance with the provisions of item 5 of article 4 of this law;
- 21° **large-scale mining:** mining operations that are categorized as such in accordance with the provisions of item 5 of article 4 of this law;
- 22° **small-scale mining:** mining operations that are categorized as such in accordance with the provisions of item 5 of article 4 of this law;
- 23° **person:** an individual, a company, a cooperative or organization;
- 24° **authorized officer:** any person authorized by the Government to act as such;
- 25° **mining licence:** a document authorizing artisanal, small-scale and large-scale mining in accordance with this law;
- 26° **quarry licence:** a document authorizing non-commercial, commercial small-scale quarry operations or commercial large-scale quarry operations in accordance with this law;
- 27° **mineral licence:** a document authorizing exploration, artisanal mining, small-scale mining and large-scale mining in accordance with this law.

### Article 3 – Scope of this Law

This Law shall apply to the activities relating to the exploration, mining, purchase, sale, stocking, processing, transportation and marketing of mineral and quarry products. It shall also apply to radioactive minerals.

## Article 4 – General principles

The general principles relating to mining and quarry operations shall be the following:

- 1° all rights of ownership in and control of mineral or quarry products in, under or upon any land in Rwanda are vested in the Republic of Rwanda notwithstanding any right of ownership or otherwise that any person may possess to the soil on, in or under which mineral ores or quarry products are found or situated;
- 2° exploration or mining operations shall be carried out by any person who has been granted a mineral licence in accordance with this Law;
- 3° carrying out quarry operations shall be conducted by any person who has been granted a licence in accordance with this Law;
- 4° mineral licences that may be granted under this law shall be the following:
  - a. an exploration licence;
  - b. a small-scale mining licence;
  - c. a large-scale mining licence;
  - d. an artisanal mining licence;
- 5° the criteria used in categorizing the extent and type of mines shall be determined by a Ministerial Order;
- 6° quarry licences that may be granted under this law shall be the following:
  - a. a non-commercial small-scale quarry licence;
  - b. a commercial small-scale quarry licence;
  - c. a large-scale quarry licence.
- 7° subject to the provisions of item 2 of this article, the Minister may, in the public interest and by way of an Order or regulations, authorize any person to undertake purely non-commercial exploration operations of geological or mineral resources without requiring him/her to apply for a mining licence;
- 8° subject to the provisions of item 3°, the Minister may, by way of an Order or regulations, grant the Government exclusive exploitation of certain quarries for use therein in infrastructure projects for general interest purposes;
- 9° with the help of relevant organs, a person granted a mineral licence must explain his/her project activities to the surrounding communities.

## Chapter II

### Acquisition of a mineral licence

#### Article 5 – Mineral licence application

Modalities for mineral licence application shall be determined by an Order of the Minister.

#### Article 6 – Mineral licence application through public procurement procedure

Subject to the provisions of this law, the Minister may, by way of an order, decide that a mineral licence cannot be granted in respect of any of the following areas except by way of a competitive bidding process used for public procurement:

- 1° any area in which mineral ores have been discovered through exploration carried out by the Government;
- 2° any area with known mining potential based on past exploration or mining operations.

A person bidding for a public contract must fulfil the requirements provided under public procurement laws.

### **Article 7 – Issue of a mining licence**

The Minister shall notify the applicant in writing of his/her decision to grant or refuse to grant a mineral licence. When the application is rejected, the Minister shall explain to the applicant the reasons for rejection.

### **Article 8 – Restrictions on the grant of a mineral licence**

No exploration licence shall be granted in respect of an area of land covered by another existing mining licence.

No person other than the holder of an exploration licence shall be granted any type of mineral licence in respect of an area of land which constitutes any part of the exploration area.

### **Article 9 – Content of a mineral licence**

A mineral licence must contain the following information:

- 1° the licensee and his/her address;
- 2° the date of issue and validity period;
- 3° the type of a mineral ore or mineral ores in respect of which it is granted;
- 4° a description of the area in respect of which it is granted;
- 5° the terms and conditions of its use.

### **Article 10 – Shape and size of a mineral licence area**

The mineral licence area shall consist of contiguous blocks, each of which is of such shape, dimension and orientation as follows:

- 1° four hundred hectares (400 ha) for an exploration licence;
- 2° one hundred hectares (100 ha) for a small-scale mining licence;
- 3° four hundred hectares (400 ha) for a large-scale mining licence;
- 4° forty nine hectares (49 ha) for an artisanal mining licence.

A ministerial Order may determine other dimensions on grounds of public interest.

### **Article 11 – Duration of a mineral licence**

An exploration licence shall be valid for an initial period not exceeding four (4) years and may be renewed once for a period not exceeding four (4) years and after relinquishment of fifty percent (50%) of the unexplored area.

A small-scale mining licence shall be valid for an initial period not exceeding fifteen (15) years or the estimated life of the ore body proposed to be mined, whichever is shorter. Such a licence may be renewed for further periods each not exceeding ten (10) years.

A large-scale mining licence shall be valid for an initial period not exceeding twenty-five (25) years or the estimated life of the mineral ore body proposed to be mined, whichever is shorter. Such a licence may be renewed for further periods each not exceeding fifteen (15) years.

An artisanal mining licence shall be valid for a period not exceeding five (5) years. Such a licence may be renewed for further periods each not exceeding five (5) years.



## Article 12 – Application for renewal of a mineral licence

The application for renewal of a mineral licence shall be submitted to the Minister in the prescribed form and shall include:

- 1° a report on exploration or mining operations carried out as of the date of the application and associated costs;
- 2° a detailed report of the work carried out over any portion of the licence area accompanied by the results, data, analysis and interpretation thereof;
- 3° a proposed programme of operations to be carried out during the period of renewal and the estimated cost thereof;
- 4° a plan identifying that part of the licence area for which renewal is sought.

In the case of a small-scale or large-scale mining licence, an application for renewal shall additionally include a statement giving details of:

- 1° the latest proved, estimated or inferred mineral ore reserves verified by an independent consultant at the cost of the applicant and approved by the Minister;
- 2° the capital investment to be made in, and production costs and revenue forecasts in respect of the period of renewal;
- 3° mining operations proposed to be carried out in the period of renewal if substantially different from the previous operations;
- 4° any expected changes in the method of extraction and processing of mining products;
- 5° likely social and environmental impacts as well as proposed mitigation and compensation measures.

## Article 13 – Renewal of a mineral licence

When the application is consistent with legal provisions and terms and conditions of a mineral licence, the Minister shall renew the licence with or without variation of the terms and conditions of the initial licence.

The person making application for renewal of a licence shall be notified in writing within sixty (60) days of the decision on the renewal application, and if the application is denied, the Minister shall notify the applicant of the reasons for such refusal.

## Article 14 – Application for transfer of a mineral licence

The application for transfer of a mineral licence shall be addressed to the Minister in writing.

Subject to the provisions of paragraph one of this article, the transfer shall include:

- 1° any form of assignment, sale or any other disposal of a mineral licence;
- 2° the pledge of a mineral licence or seizure of the pledged mining licence;
- 3° the transfer of a controlling interest of the holder of any mineral licence;
- 4° the acquisition by any person of a controlling interest in the holder of the mineral licence.

Modalities for the transfer of a mineral licence between the holder thereof and a third party shall be determined by a Ministerial Order.

When the mineral licence is registered in the name of the new holder by way of transfer, the rights, responsibilities and other obligations of the transferor shall immediately pass to the transferee.

### **Chapter III**

#### **Rights and responsibilities of the holder of a mineral licence**

##### **Article 15 – Rights of the holder of an exploration licence**

Without prejudice to this Law or other exploration licence conditions, the holder of an exploration licence shall have the full right to carry out exploration operations in the exploration licence area.

The holder of an exploration licence may:

- 1° explore for all mineral ores in respect of which he/she is granted the licence;
- 2° drill boreholes and make such excavations as may be necessary;
- 3° collect from the exploration licence area mineral ore specimens and samples for the purpose of having them analysed and valued without exceeding such limit as specified by a ministerial Order for exploration purposes;
- 4° sell, with prior authorization of the Minister, mineral ore specimens and samples obtained from exploration operations and pay taxes associated with the sale of such mineral ores;
- 5° erect camps and temporary buildings; and, unless the Minister decides otherwise, remove before or upon the termination of the exploration operations, any such camps, temporary buildings or other facilities erected by the holder of a licence.

Subject to the provisions of this law, the holder of an exploration licence shall have the exclusive right to apply for a mining licence over any portion of the exploration licence area where an economically mineable mineral deposit is discovered.

The application under paragraph 3 of this Article shall be made within ninety (90) days before the expiry of the exploration licence.

When an exploration licence expires pending a response on a mining licence application, the exploration licence shall remain valid until a mining licence application is determined in accordance with this law.

##### **Article 16 – Responsibilities of the holder of an exploration licence**

The holder of an exploration licence must:

- 1° commence exploration operations within ninety (90) days from the date of issue of the exploration licence;
- 2° carry out and finance exploration operations in accordance with a program of exploration operations approved by the Minister;
- 3° submit to the Minister, every six (6) months in the prescribed form, a summary report on work progress in consideration of the approved program prepared;
- 4° employ and train employees in accordance with the terms and conditions agreed upon when issuing the licence;
- 5° notify the Minister of the discovery of any mineral ore deposit of possible economic value not included in his/her licence within a period of thirty (30) days of such discovery;
- 6° keep at his/her address in Rwanda exploration records indicating the following:
  - a. boreholes drilled;
  - b. strata penetrated, with detailed logs of such strata;
  - c. mineral ores discovered;

- d. all the results of the geochemical or geophysical analysis;
  - e. the results of identification and analysis of minerals collected from the exploration area for such purposes;
  - f. the geological interpretation of the records maintained under items (a) and (e);
  - g. all the expenditures incurred under the agreed annual exploration operations program.
- 7° submit to the Minister, every year, not later than ninety (90) days after the end of each year of the issuance of the licence, an audited statement of expenditure directly incurred under agreed exploration activities, and if any money required to be spent under the provisions of the licence are not so spent, the Minister may cancel the licence unless the holder of a licence provides him/her with compelling justification for the shortfall;
- 8° notify the Minister of any amendments he/she wishes to make to the agreed program of exploration operations and such amendments shall, unless the Minister rejects the same within sixty (60) days after being so notified, have effect after such period.

### **Article 17 – Rights of the holder of small-scale mining licence**

Subject to the provisions of this law and other terms and conditions of a small-scale mining licence, the holder of a small-scale mining licence shall have the full right to carry out exploration and mining operations in the licensed area and may:

- 1° mine and process minerals to which the licence relates;
- 2° erect the equipment, plant, machinery and buildings for the purpose of mining, transporting, treating, smelting and refining the minerals or mineral products during mining operations;
- 3° dispose of any mineral products recovered;
- 4° stack or dump any mineral or waste product in a manner approved by the relevant health and environmental authorities.

The holder of a small-scale mining licence may apply to the Minister to make amendments to the approved program of mining operations and the approved environmental management programme. The Minister may, basing on approved terms and conditions, approve and amend the small-scale mining licence accordingly.

### **Article 18 – Responsibilities of the holder of a small-scale mining licence**

The holder of small-scale mining licence shall:

- 1° carry out promptly any directives relating to its exploration or mining operations which may be given to the holder by the Minister for the purposes of ensuring safety or good mining practices;
- 2° notify the appropriate local government authority and an authorised officer, of the intention to begin or cease exploration or mining, as the case may be;
- 3° carry out rehabilitation and reclamation of mined out areas;
- 4° keep accurate records of minerals mined from the mining area and such records shall be produced for inspection on demand by the Minister or a duly authorised officer;
- 5° submit all reports within the prescribed time limit.

## Article 19 – Rights of the holder of a large-scale mining licence

Subject to the provisions of this law and any condition of a large-scale mining licence, the holder of a large-scale mining licence shall have the full right to carry on mining operations in the licensed area and may:

- 1° mine and process the minerals to which the licence relates;
- 2° erect the necessary equipment, plant, machinery and buildings for the purpose of mining;
- 3° treat, smelt and refine the minerals or mineral products during the mining operations;
- 4° dispose of mineral products recovered;
- 5° stack or dump any mineral or waste product in a manner approved by the health and environmental authorities.

If the holder of a large-scale mining licence discovers any further deposit of the mineral to which his/her licence relates or any other mineral not included in such licence, he/she must, within thirty (30) days after such discovery, notify the Minister thereof, giving particulars of the deposit or other type of minerals discovered, and may apply to the Minister to have the mining of such deposit or mineral included in the existing mining licence, giving in his/her application a proposed program of mining operations in respect of such discovered minerals.

The holder of a large-scale mining licence may, within ninety (90) days of the discovery referred to in paragraph 2 of this article, apply to the Minister to have his/her mining licence area enlarged and the Minister may approve such application if he/she is satisfied that such approval will ensure the most efficient and beneficial use of the mineral resources of Rwanda and the enlargement shall not extend beyond the mining licence size limitations set forth in this law in respect of such licence.

The holder of a large-scale mining licence may apply to the Minister to make some amendments to the approved programme of mining operations and the approved environmental management programme. The Minister may, basing on agreed terms and conditions, approve such amendments and amend the large-scale mining licence where necessary.

## Article 20 – Responsibilities of the holder of a large-scale mining licence

Subject to the provisions of this law, the holder of a large-scale mining licence must:

- 1° develop and mine the mineral deposits covered by the licence in accordance with a programme of mining operations approved by the Minister and an environmental management programme approved by relevant authorities;
- 2° commence mining operations within one hundred and eighty (180) days from the issuance of the licence;
- 3° demarcate and keep demarcated the large-scale mining licence area in the prescribed manner;
- 4° notify the Minister, as soon as the holder commences mining, of his/her large-scale mining licence area;
- 5° maintain at his/her address in Rwanda:
  - a. complete and accurate technical records of his/her operations in the form prescribed by the Minister;
  - b. copies of all maps, geological reports, including interpretations, mineral analyses, aerial photographs, core logs, analyses and test results and all other data available to the holder of a licence in respect of his/her large-scale mining licence area;
  - c. accurate and systematic financial records of his/her operations in the large-scale mining area and such other books of accounts and financial records as required by relevant laws. If such holder is engaged in any activity not connected with his/her operations under the large-scale mining licence, he/she shall maintain separate books of accounts of his/her operations under such licence.

- 6° permit an authorized officer at any time to inspect all the books and records maintained pursuant to the provisions of paragraphs one and 2 of this article;
- 7° submit to the Minister, free of charge, copies of such books and records as the Minister may from time to time require and, every six (6) months, deliver to the Minister, all copies of books used;
- 8° provide the Minister with a copy of every annual financial report within ninety (90) days of the end of each financial year showing the profit or loss for the year and the financial statements of the previous year;
- 9° submit prescribed reports;
- 10° notify the Minister:
  - a. one year in advance, if he/she proposes to permanently cease mining operations;
  - b. six (6) months in advance, if he/she proposes to temporarily suspend mining operations;
  - c. three (3) months in advance, if he/she proposes to curtail the level of mining operations;
- 11° in all cases, give reasons for such permanent cessation, temporary suspension or curtailment. The Minister shall cause the matter to be examined and may give approval to the same including a date of resumption of mining operations.

### **Article 21 – Rights of the holder of artisanal mining licence**

Subject to the provisions of this law and any requirements for an artisanal mining licence, the holder of an artisanal mining licence shall have the exclusive right:

- 1° to carry on exploration and mining operations in the licensed area;
- 2° to sell the mineral ores obtained in the licensed mining area as prescribed.

### **Article 22 – Responsibilities of the holder of an artisanal mining licence**

The holder of an artisanal mining licence shall:

- 1° provide the Minister with such information relating to exploration or mining operations as may be prescribed;
- 2° carry out promptly any directives relating to exploration and mining operations given to the holder by the Minister for the purposes of ensuring safety or good mining practices;
- 3° carry out rehabilitation and reclamation of mined out areas;
- 4° keep accurate records of mineral ores mined from the mining licence area and such records shall be produced for inspection upon request by the Minister or a duly authorised officer;
- 5° submit an environment management plan to be approved by the Minister before commencing mining operations.

### **Article 23 – Special responsibilities relating to the holder of a radioactive minerals mining licence**

When the holder of a mining licence has discovered any radioactive mineral, he/she shall notify the Minister not later than seven (7) calendar days after the discovery.

The holder of a mining licence in respect of a radioactive mineral shall within the first week of every month, furnish the Minister with a report, in writing, of the exploration and mining operations conducted in the preceding month by the holder of a mining licence in respect of a radioactive mineral.

No person shall treat or possess or export or import or otherwise dispose of any radioactive mineral except under and in accordance with the terms and conditions of a permit granted by the Minister.

### **Article 24 – Relinquishment of a mineral licence area**

The holder of a mining licence who wishes to relinquish a mining licence area or part of it shall:

- 1° give to the Minister, not less than ninety (90) calendar days' notice;
- 2° comply with relevant conditions as may be prescribed or stated in the mining licence;
- 3° provide a map with coordinates of the area to be relinquished;
- 4° submit detailed technical reports as prescribed containing all information, relating to the area to be relinquished from the commencement of a mining licence.

The holder of a mining licence shall within a prescribed period after relinquishment of a mining licence area:

- 1° submit a tax clearance certificate issued by the relevant authority;
- 2° submit a certificate of no debt to the employees issued by the labor inspection department at the district level;
- 3° submit a certificate of compliance to the environmental management programme issued by relevant organs.

The relinquishment of a mining licence area shall take place without prejudice to any liabilities or obligations incurred by the holder in relation to the area relinquished prior to the date of relinquishment as well as obligations imposed under Paragraph 2.

## **Chapter IV Suspension and cancellation of a mineral licence**

### **Article 25 – Suspension and cancellation of a mineral licence**

The Minister may suspend or cancel a mineral licence if the holder:

- 1° fails to make any of the payments required under this law on the date due;
- 2° fails without cause to start the relevant exploration or mining operations by the due date;
- 3° fails without cause to meet the holder's minimum work or expenditure obligations;
- 4° violates health, safety, property and environment protection regulations;
- 5° fails to submit reports required by this Law;
- 6° contravenes any of the provisions of this law or the conditions of a mining licence;
- 7° for any reason, becomes ineligible for a mining licence under this law.

The Minister shall, before suspending or cancelling any mineral licence give at least a thirty (30) days' notice to the holder and in such a notice, require the holder to remedy within such period as the Minister may specify any breach of the conditions of a mining licence or violations of the provisions of this law or other applicable laws.

The Minister shall cancel the licence of a large-scale mining license when the production has been terminated or suspended for a continuous period without resumption as planned.

On cancellation of a licence under this article, the rights of the holder shall cease but without prejudice to any liabilities or obligations incurred in relation to the licence prior to the date of cancellation.

### **Article 26 – Assets on cancellation of a mineral licence**

Where the holder of a mineral licence intends to cease operations either during the period of or on cancellation of his/her mining licence, he/she shall, not less than ninety (90) calendar days before such cessation or cancellation, provide to the Minister, a full register of assets which the licence holder intends to remove or to leave in the mineral licence area and shall further notify the Minister of any potentially hazardous substances, erections or excavations in that area.

### **Article 27 – Records and reports on cancellation of a mineral licence**

Upon cancellation of a mineral licence, the holder thereof shall deliver to the Minister all records which the holder is obliged under this law to maintain including full and detailed reports as prescribed containing all information, results, interpretation, data and other related information pertaining to the exploration and mining of minerals under the mining licence.

## **Chapter V Land owner's rights**

### **Article 28 – Rights of land owner on a mineral licence area**

The rights conferred by a mineral licence shall be exercised reasonably and so as to affect as little as possible the interests of any owner or lawful occupier of the land on which such rights are exercised consistent with the reasonable and proper conduct of the mining operations concerned.

### **Article 29 – Compensation to land owners**

The holder of a mineral licence must upon request of the owner or lawful occupier of any land subject to such licence pay such owner or lawful occupier fair and reasonable compensation as may be negotiated for any disturbance of the rights of such owner or occupier and for any damage done to the surface of the land by the operations of the holder of a mining licence.

The basis upon which compensation shall be payable for damage to the surface of any land shall be according to the relevant applicable laws.

## **Chapter VI Protection of the environment, health and safety**

### **Article 30 – Compliance with laws related to environment**

A holder of a mineral licence shall comply with environmental laws and regulations.

### **Article 31 – Rehabilitation of damaged areas**

A mineral licence granted under this law shall include conditions relating to the rehabilitation, reinstatement, levelling, reforestation and contouring of any part of the exploration, artisanal mining, small-scale mining or large-scale mining licence area that may be damaged by exploration or mining operations.

### **Article 32 – Deposit a financial guarantee for environment protection**

Any person requesting for a mining licence shall provide, within a prescribed time, financial guarantees for the protection of the environment.

A ministerial Order shall determine modalities and requirements for the financial guarantee of environmental protection.

### **Article 33 – Health and safety of workers and other persons**

Every holder of any type of mineral licence shall:

- 1° ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers shall perform their work without endangering the health and safety of themselves or of any other person;
- 2° ensure that persons who are not employees, but who may be directly affected by the activities at the mine are not exposed to any hazards to their health and safety;
- 3° ensure that all persons working at the mine have the necessary skills, competence and resources to undertake their work safely and to ensure the safety of others.

Where an authorised officer considers any mining operation or anything connected with any such operation to be so dangerous or defective as to be likely to cause bodily injury to any person, such officer may give a prompt notice in writing to the holder of a mining licence. The notice may require the danger or defect to be remedied or removed, either immediately or within such time as may be specified, and if the authorised officer considers it necessary, order the mining operations to be suspended until the danger is removed or the defect remedied.

If the holder of a mineral licence intends to make an appeal to any decisions or orders given by the authorised officer, he/she shall immediately cease the mining operations or that part of the operations affected by the notice and make an appeal to the Minister against that decision and the Minister's decision shall not be subject to appeal.

## **Chapter VII Quarry licence**

### **Article 34 – Application for grant or renewal of a quarry licence**

The application for the grant or renewal of a quarry licence shall be determined by a ministerial Order.

### **Article 35 – Coexistence of a quarry licence and a mining licence**

A quarry licence may be granted in the same mining licence area provided that the Minister finds that the quarrying operations will not interfere with the mining operations.

### **Article 36 – Transfer of quarry licences**

All quarry licences are transferrable.

The requirements and conditions for transfer of quarry licences shall be determined by a ministerial Order.

Upon the registration of the transfer of a quarry licence, the transferee shall assume and be responsible for all rights, liabilities and duties of the transferor under the quarry licence.

### **Article 37 – Rights of the holder of a quarry licence**

The holder of a quarry licence shall have the right to explore, use and add value to quarry products obtained from quarrying.

The holder of a commercial small-scale or a large-scale quarry licence may sell quarry products obtained from quarrying.



### **Article 38 – Responsibilities of the holder of a quarry licence**

The holder of a quarry licence shall:

- 1° produce such reports with content and at intervals as may be determined by a Ministerial Order;
- 2° provide a fair compensation for damage to land and property resulting from quarrying operations in the licence area;
- 3° ensure the protection of the environment in accordance with law;
- 4° ensure the reclamation of any damage caused by the quarry and relinquish the quarry licence area;
- 5° pay taxes and other applicable fees relating to quarrying and sale of quarry products.

### **Article 39 – Relinquishment of a quarry licence area**

In accordance with this law, the holder of a quarry licence may relinquish the whole or part of a quarry licence area and must:

- 1° give to the Minister or the Authority that issued the quarry licence, not less than thirty (30) days' notice for non-commercial quarries and sixty (60) days' notice for other quarries;
- 2° comply with terms and conditions of the quarry licence;
- 3° submit a detailed report as requested containing all information on all activities carried out in the relinquished area.

The holder of non-commercial quarry licence shall within a prescribed period after relinquishment:

- 1° submit a tax clearance certificate issued by the relevant authority;
- 2° submit a certificate of no debt to the employees issued by the labour inspection department in the District where he/she operates.

The relinquishment of a quarry licence area shall be without prejudice to any liabilities or obligations incurred by the holder in relation to the area relinquished prior to the date of relinquishment as well as obligations imposed under Paragraph 2.

### **Article 40 – Cancellation of quarry a licence**

A quarry licence may be cancelled by the Minister or the relevant authority that issued the licence if the holder contravenes any of the provisions of this law and directives or terms and conditions of the quarry licence.

## **Chapter VIII Financial provisions**

### **Article 41 – Income tax and other taxes**

The holder of a mineral or quarry licence shall be subject to income tax and other taxes in accordance with relevant tax laws.

### **Article 42 – Tax on mineral ores**

In accordance with the provisions of tax laws, the seller of mineral ores shall, within the prescribed period, pay tax in respect of any mineral ore obtained pursuant to the mining licence.

### **Article 43 – Mineral or quarry licence application fee**

An applicant for a mineral or quarry licence shall pay a non-refundable fee determined by a ministerial Order.

### **Article 44 – Annual surface area fees**

The holder of a mineral or a quarry licence shall pay annual fees to the Government for the surface area covered by the licence.

The annual fee payable shall be determined by a ministerial Order.

### **Article 45 – Trading in mineral ores**

The person who is authorized to purchase or sell mineral ores is the following:

- 1° the holder of mining licence issued by the Minister;
- 2° the owner of a smelting or mineral ore processing plant based in Rwanda;
- 3° the holder of a mineral ore trading permit granted by the Minister in charge of commerce.

### **Article 46 – Sales of mineral ores to affiliated purchasers**

The holder of a mineral licence shall sell mineral ores to affiliates only at prices equivalent to the prices that would be obtained in arm's length sales to non-affiliated purchasers and in accordance with such other terms and conditions on which agreements would be made if the parties had not been affiliated.

The Minister may prescribe the manner in which arm's length prices will be determined for sales by holders of a mineral licence to their affiliates.

### **Article 47 – Government equity participation**

The Government shall have the option to acquire on such terms as shall be agreed upon between the holder of a mineral licence and the Government, shareholding interest in any mining operations.

## **Chapter IX**

### **Miscellaneous, transitional and final provisions**

### **Article 48 – Employment and training of employees**

The holder of a mineral licence and his/her direct subcontractors shall comply with the requirements of applicable labour laws.

A mineral licence must include conditions requiring its holder to provide training to employees to enable them to perform well their duties.

### **Article 49 – Procurement of local goods and services**

As prescribed by the Minister or as provided for in the conditions to a mineral licence, the holder of a mining licence shall:

- 1° give priority to Rwandan contractors for services, provided that the rates, quality and time schedule for delivery are competitive to what is submitted by nonresidents contractors;

- 2° give priority to materials and goods produced in Rwanda, so long as they are comparable in quality, quantity, price and delivery to materials and goods produced outside of Rwanda;
- 3° provide periodic reports to the Minister regarding its compliance with the requirements of this article.

### **Article 50 – Value addition and transformation**

A mineral licence may include provisions requiring a holder to explore the feasibility of carrying out inside Rwanda processing and refining of mineral products or other operations that would add value to or transform the mineral products derived from the applicable mining areas.

### **Article 51 – Mining agreements**

Without prejudice to the provisions of this law, the Minister may enter into mining agreements with mining and quarry licence holders to perfect the rights and obligations of a holder of a mining licence or a quarry licence.

The content of the agreement shall be determined by an Order of the Minister.

### **Article 52 – Transitional provision**

Any mineral licence or quarry permit granted under Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation shall remain into force until expiration of the period for which it was granted.

No mineral or quarry licence granted prior to this law shall be extended or renewed. However, where the mineral or quarry licence granted prior to this law provided for a right to apply for a renewal or extension of the licence, the holder thereof may be granted, subject to this law, a similar type of licence on a priority basis if he/she meets the requirements.

### **Article 53 – Drafting, consideration and adoption of this Law**

This Law was drafted in English, considered and adopted in Kinyarwanda.

### **Article 54 – Repealing provision**

Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation as well as all prior legal provisions contrary to this Law are hereby repealed.

### **Article 55 – Commencement**

This law shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.