

Rwanda

Law establishing Rwanda Mines, Petroleum and Gas Board and Determining its Mission, Organization and Functioning Law 7 of 2017

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Law 7 of 2017

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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 31 January 2017;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 34, 35, 53, 64, 69, 70, 88, 90, 91, 93, 106, 112, 119, 120, 139, 165 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions;

ADOPTS:

Chapter One General provisions

Article One – Purpose of this Law

This Law establishes Rwanda Mines, Petroleum and Gas Board hereinafter referred to as “the Board”. It also determines its mission, organisation and functioning.

Article 2 – Legal personality and autonomy

The Board has legal personality and enjoys administrative and financial autonomy and is governed in accordance with relevant laws.

Article 3 – Category of the Board

The Board falls within the category of non-commercial public institutions.

Article 4 – Head office of the Board

The head office of the Board is located in Kigali City, the Capital of the Republic of Rwanda. It may be relocated elsewhere on the Rwandan territory when considered necessary.

The Board may, when considered necessary and upon approval by a Prime Minister's Order, have branches elsewhere in the country.

Chapter II Mission of the Board

Article 5 – Mission of the Board

The Board has the following main mission:

- 1° to implement national policies, laws and strategies related to mines, petroleum and gas;
- 2° to advise the Government on issues related to mines, petroleum and gas;
- 3° to monitor and coordinate the implementation of strategies related to mines, petroleum and gas;
- 4° to conduct research in geology, mining, petroleum and gas and disseminate research findings;
- 5° to carry out mineral, petroleum and gas resources exploration operations in the country;
- 6° to provide advice on the establishment of standards and regulations in mining, petroleum and gas;
- 7° to supervise and monitor public or private entities conducting mining, trade and value addition of minerals operations;
- 8° to assist the Government in valuing mining and quarry concessions;
- 9° to cooperate and collaborate with other regional and international institutions carrying out similar mission.

Chapter III Supervising organ of the Board and performance contract

Article 6 – Supervising organ of the Board

The supervising organ of the Board is determined by an Order of the Prime Minister.

Article 7 – Performance contract

The Board operates on the basis of performance contract.

Modalities for the conclusion and evaluation of performance contract of the Board are determined by relevant laws.

Chapter IV Organisation and functioning of the Board

Article 8 – Management organs of the Board

The Board is comprised of the following two (2) management organs:

1. the Board of Directors;
2. the Executive Organ.

Section One – Board of Directors

Article 9 – Composition of the Board of Directors

The Board of Directors of the Board is composed of seven (7) members appointed by a Presidential Order, including the Chairperson and the Deputy Chairperson.

Members of the Board of Directors are selected on the basis of their wisdom, competence and expertise.

At least thirty percent (30%) of members of the Board of Directors must be females.

The term of office of members of the Board of Directors as well as their replacement are determined by a Presidential Order.

Article 10 – Powers of the Board of Directors

The Board of Directors of the Board is the supreme management and decision-making organ. It has absolute power to make decisions regarding administration, human resources and property of the Board in order to fulfil its mission.

Article 11 – Responsibilities of the Board of Directors

The main responsibilities of Board of Directors of the Board are the following:

1. to oversee the functioning of the Executive Organ of the Board and provide strategic guidance to be followed by the Executive Organ in fulfilment of its responsibilities;
2. to approve the long-term strategic plan, medium and short term action plan of the Board and related reports;
3. to conclude a performance contract with the supervising organ of the Board and make follow up of its execution;
4. to approve the Internal Rules and regulations of the Board;
5. to approve the draft budget proposal of the Board and to monitor the use of budget and its execution;
6. to approve the report on activities and use of property for the previous year;
7. to approve the draft organizational structure of the Board;
8. to evaluate the functioning of the Board on the basis of the action plan and budget;
9. to submit quarterly and annual activity reports to the supervising organ of the Board;
10. to take decisions on all critical matters falling under the mission of the Board.

Article 12 – Responsibilities of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors has the following responsibilities:

1. to lead the Board of Directors and coordinate its activities;
2. to convene and preside over meetings of the Board of Directors;
3. to submit minutes of meetings of the Board of Directors of the Board to its supervising organ;
4. to sign the performance contract between the Board of Directors and the supervising organ of the Board;
5. to submit reports of the Board adopted by the Board of Directors to relevant organs;

6. to follow-up the implementation of resolutions of the Board of Directors;
7. to perform any other duties falling within the responsibilities of the Board of Directors as may be assigned to him/her by the Board of Directors.

Article 13 – Responsibilities of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson has the following responsibilities:

1. to assist the Chairperson and deputize for him/her in case of his/her absence;
2. to perform any other duties falling within the responsibilities of the Board of Directors as may be assigned to him/her by the Board of Directors.

Article 14 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors are not allowed to perform any remunerated activity within the Board.

Members of the Board of Directors are also not allowed, whether individually or through companies in which they hold shares, to bid for tenders of the Board.

Article 15 – Reasons for loss of membership in the Board of Directors and modalities for replacement

A member of the Board of Directors loses membership if:

1. his/her term of office expires;
2. he/she resigns in writing;
3. he/she is no longer able to perform his/her duties due to the physical or mental disability certified by a committee of three (3) authorized medical doctors;
4. he/she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months;
5. he/she is absent from meetings for three (3) consecutive times without valid reasons;
6. he/she manifests any behaviours likely to compromise his/her dignity, that of his/her work or his/her position;
7. he/she jeopardizes the interests of the Board;
8. he/she is convicted of the crime of genocide or genocide ideology;
9. he/she no longer fulfils the requirements considered at the time of his/her appointment;
10. he/she dies.

In case a member of the Board of Directors leaves his/her duties before the expiration of his/her term of office, the competent authority appoints his/her substitute to complete the remainder of his/her term of office.

Article 16 – Convening and holding of a meeting of the Board of Directors and decision-making

The meeting of the Board of Directors is held once a quarter and whenever necessary upon invitation by its Chairperson or, in his/her absence, by its Deputy Chairperson at their own initiative or at the request in writing of at least one third (1/3) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen days before the date of the meeting.

However, an extraordinary meeting is convened in writing at least three (3) working days before the date of the meeting.

Among items to be considered by the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

In every quarter, the Board of Directors must also examine the financial and activity reports relating to the previous quarter to be transmitted to the supervising organ of the Board.

A quorum for a meeting of the Board of Directors consists of two thirds (2/3) of its members. However, when a meeting is convened for the second time it takes place regardless of its members present.

The Chief Executive Officer attends the meeting of the Board of Directors.

Procedures for decision-making by the Board of Directors are determined by internal rules and regulations of the Board.

Article 17 – Invitation of a resource person to the meeting of the Board of Directors

The Board of Directors may invite in its meeting any person from whom it may seek advice on a certain item on the agenda.

The invited person is not allowed to vote and follow debates on other items on the agenda.

Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors

Resolutions of the meeting of the Board of Directors are signed by its members immediately after the meeting, and a copy thereof is sent to the organ supervising the Board in the period not exceeding five (5) working days.

The head of the supervising organ of the Board gives his/her views on the resolutions of the meeting of the Board of Directors in the period not exceeding fifteen (15) working days from receipt thereof. If this period expires before he/she gives his/her views, such resolutions are considered definitively approved.

The minutes of the meeting of the Board of Directors are signed jointly by the Chairperson and its rapporteur and approved at the next meeting. A copy of the minutes of the meeting is sent to the supervising organ of the Board in the period not exceeding fifteen (15) working days from approval thereof.

Article 19 – Rapporteur of a meeting of the Board of Directors

The Chief Executive Officer of the Board serves as the rapporteur of the meeting of the Board of Directors, but he/she has no right to vote in decision making.

The Chief Executive Officer of the Board does not participate in the meetings that make decisions on issues that concern him/her. In that case, members of the Board of Directors elect from among themselves a rapporteur.

Article 20 – Personal interest in issues under consideration

When a member of the Board of Directors has a direct or indirect interest in the issue under consideration, he/she must immediately inform the Board of Directors about where his/her interest lies. A member who declares an interest in the issue under consideration cannot attend the meeting deliberating on that issue.

When it happens that most if not all members of the Board of Directors have a direct or indirect interest in the issues under consideration in such a way that it is impossible to decide on the issues, the issues are submitted to the supervising organ of the Board which decides thereon within thirty (30) days.

Article 21 – Sitting allowances for members of the Board of Directors

Sitting allowances for members of the Board of Directors are determined by a Presidential Order.

Section 2 – Executive Organ

Article 22 – Composition of the Executive Organ and modalities for appointment

The Executive Organ of the Board is comprised of the Chief Executive Officer appointed by a Presidential Order and other staff members recruited in accordance with relevant laws.

A Presidential Order may also appoint Deputy Chief Executive Officers and determine their powers and duties.

Article 23 – Functioning of members of the Executive Organ

The functioning of members of the Executive Organ of the Board is determined by an Order of the Prime Minister.

Article 24 – Responsibilities of the Executive Organ

The Executive Organ of the Board has the following main responsibilities:

1. to monitor and coordinate daily functions and activities;
2. to perform any other duties falling within the mission of the Board as may be assigned by the Board of Directors.

Article 25 – Powers and responsibilities of the Chief Executive Officer of the Board

The Chief Executive Officer of the Board has the power to make decisions on the administrative and financial management in accordance with relevant laws. He/she also coordinates and directs the activities of the Board.

The Chief Executive Officer has the following responsibilities:

1. to make follow-up on daily activities of the Board;
2. to serve as the legal representative of the Board;
3. to serve as the spokesperson of the Board;
4. to ensure the implementation of decisions of the Board of Directors of the Board;
5. to ensure the management of staff, equipment and property of the Board and submit a related report to the Board of Directors;
6. to prepare the action plan and activities report to be approved by the Board of Directors;
7. to prepare the draft internal rules and regulations of the Board to be approved by the Board of Directors;
8. to prepare the draft budget proposal of the Board;
9. to ensure the execution of the budget of the Board;
10. to attend the meetings of the Board of Directors and act as rapporteur;
11. to perform any other duties falling within the mission of the Board as may be assigned to him/her by the Board of Directors.

Article 26 – Responsibilities of other staff members of the Executive Organ of the Board

The duties of other staff members of the Executive Organ are determined by a Prime Minister’s Order.

Article 27 – Statutes governing the staff of the Board

The staff of the Board is governed by the General Statutes for Public Service.

Article 28 – Salaries and fringe benefits for members of the Executive Organ

Salaries and fringe benefits for members of the Executive Organ are fixed in accordance with laws governing public service.

Chapter V Property and finance

Article 29 – Property of the Board and its sources

The property of the Board is comprised of movable and immovable assets.

The property of the Board derives from the following sources:

1. State budget allocations;
2. State or development partners’ subsidies;
3. income from services rendered;
4. interests from its property;
5. loans granted to the Board as approved by the Minister in charge of finance;
6. donations and bequests.

Article 30 – Budget of the Board

The Board prepares its annual budget to be approved by the relevant authority and executed in accordance with relevant laws.

Article 31 – Use, management and audit of property of the Board

The use, management and audit of the property of the Board are carried out in accordance with relevant laws.

The Board internal audit service submits a report to the Board of Directors with a copy to the Chief Executive Officer of the Board.

Article 32 – Annual financial report

Within three (3) months following the closure of the financial year, the Chief Executive Officer of the Board submits the annual financial statements to the supervising organ of the Board after approval thereof by the Board of Directors in accordance with laws governing the management of State finance and property.

Chapter VI

Miscellaneous, transitional and final provisions

Article 33 – Transfer of employees

Former employees of Rwanda Natural Resources Authority established by [Law No 53/2010](#) of 25/01/2011 are transferred to Rwanda Mines, Petroleum and Gas Board established by this Law in accordance with its organisational structure.

Article 34 – Transfer of property, contracts and liabilities

Movable and immovable property as well as liabilities and contracts of Rwanda Natural Resources Authority established by [Law No 53/2010](#) of 25/01/2011 are transferred to the Board established by this Law in accordance with its mission.

Article 35 – Validity of performed acts

Acts performed pursuant to [Law No 53/2010](#) of 25/01/2011 establishing Rwanda Natural Resources Authority (RNRA) and determining its mission, organisation and functioning relating to mines, petroleum and gas remain valid.

Article 36 – Transitional period

There is established a transitional period not exceeding six (6) months from the date of publication of this Law in the *Official Gazette* of the Republic of Rwanda for provisions relating to employees, contracts and property in connection with the mission of this Board to be enforced.

Article 37 – Drafting, consideration and adoption of this Law

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

Article 38 – Repealing provision

All prior legal provisions contrary to this Law are repealed.

Article 39 – Commencement

This Law comes into force on the date of its publication in the *Official Gazette* of the Republic of Rwanda.