

Rwanda

Prime Minister's Order determining the Structure and Functioning of the Committee in Charge of Assessment of Applications for Licences and Disputes Related to Mining and Quarry Operations

Prime Ministers Order 79 of 2019

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Assented to on 26 July 2019

Commenced on 29 July 2019

[This is the version of this document from 29 July 2019.]

The Prime Minister;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 120, 122 and 176;

Pursuant to Law n° 58/2018 of 13/08/2018 on mining and quarry operations, especially in Article 7;

On proposal by the Chief Executive Officer of Rwanda Mines, Petroleum and Gas Board;

After consideration and approval by the Cabinet, in its session of 07/06/2019;

ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order determines the responsibilities, organisation and functioning of the Committee in charge of assessment of applications for licences and disputes related to mining and quarry operations. It also determines membership of the Committee.

Article 2 – Definitions

In this Order the following terms mean:

- 1° **competent authority:** head of the organ in charge of mines and quarries;
- 2° **Committee:** Committee in charge of assessment of applications for licences and disputes related to mining and quarry operations.

Chapter II Responsibilities and organisation of the Committee

Article 3 – Responsibilities of the Committee

The Committee has the following responsibilities:

- 1° to assess application for industrial mineral or quarry licence;
- 2° to assess bids for industrial mineral or quarry licences;
- 3° to advise the competent authority on applications and bids for mining licences;
- 4° to advise the competent authority on matters which must be referred to the Board of Directors of the organ in charge of mines and quarries;
- 5° to determine the type of the licence to be issued to the applicant;
- 6° to handle other matters related to issuing minerals or quarry licences received from the competent authority.

Article 4 – Composition of the Committee

The Committee is composed of the following members:

- 1° a representative of the organ in charge of mines and quarries, Chairperson;
- 2° a representative of the Ministry in charge of finance, Vice Chairperson;
- 3° a representative of the organ in charge of investment promotion, Rapporteur;
- 4° a representative of the Ministry in charge of environment;
- 5° a representative of the Ministry in charge of local government;
- 6° a representative of the national organ in charge of intelligence and security;
- 7° a representative of Rwanda National Police;
- 8° a representative of the organ in charge of environment;

Members of the Committee are appointed by their respective institutions after consultation with the Office of the Prime Minister.

Members of the Committee are selected based on their integrity, knowledge and expertise.

Members of the Committee must be at least on the level of a Director of Unit in the institutions they represent.

Article 5 – Term of office of members of the Committee

Members of the Committee are appointed for a three (3) year term, renewable once.

Article 6 – Reasons for loss of membership of the Committee

A Committee member may lose membership by the decision of the institution he or she represents if:

- 1° the term of office expires;
- 2° he or she is unable to perform the responsibilities of the Committee;
- 3° he or she is absent from at least three (3) consecutive meetings of the Committee without valid reasons;

4° no longer fulfil requirement on basis of which he or she was appointed in the Committee.

Chapter III Functioning of the Committee

Article 7 – Holding and convening of a meeting of the Committee

An ordinary meeting of the Committee is held at least once (1) a quarter and whenever necessary.

An extraordinary meeting of the Committee may be held whenever necessary.

The ordinary or extraordinary meeting of the Committee is convened in writing and chaired by the Chairperson of the Committee or by the Vice Chairperson in case of the absence of the Chairperson.

Article 8 – Invitation to the Committee meeting

The invitation to the Committee meeting is submitted to the members of the Committee at least three (3) working days before the date of the meeting through an invitation letter specifying items on the agenda with working documents in annex.

Members of the Committee may propose modifications to the agenda prior to the meeting.

Article 9 – Quorum for the meeting of the Committee

The quorum for a meeting of the Committee consists of two-thirds ($\frac{2}{3}$) of its members.

When the quorum is not attained, the meeting is postponed and held within fifteen (15) days from the date of postponement.

When the meeting is convened for the second time it takes place regardless of the number of its members present.

Article 10 – Personal interest in issues under consideration

When a member of the Committee has a direct or indirect interest in the issue under consideration, he or she must immediately inform, in writing, the Committee about where his or her interests lie.

A member who declares an interest in the issue under consideration cannot attend the meeting deliberating on that issue.

Article 11 – Invitation of a resource person to the meeting of the Committee

The Committee may invite in its meeting any resource person from whom it may seek advice on an item on the agenda.

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

A person invited to attend committee meeting is bound by professional secrecy.

Article 12 – Decision making

Decisions of the Committee are taken by a simple majority of members of the Committee present.

Article 13 – Resolutions and minutes of the Committee meeting

Resolutions of the Committee meeting are immediately signed by members present after the meeting.

A copy of resolutions is submitted to the competent authority within two (2) working days.

When the competent authority disagrees with the Committee on any item of the resolutions, he or she requests the Committee, in writing by stating reasons for reconsideration, to reconsider the resolution within five (5) days from the receipt of the resolutions.

The minutes of the Committee meeting are approved in the next meeting and signed by the Chair of the meeting and the Rapporteur.

Article 14 – Sitting allowances for members of the Committee

Members of the Committee present in meeting are only entitled to sitting allowances entitled to members of the Board of Directors present in meeting.

Sitting allowances are granted only once in a period of one (1) month, even if meetings of the Committee are held more than once in the same period.

Article 15 – Funding of the Committee

Sitting allowances for members of the Committee and other activities of the Committee are funded by the organ in charge of mines and quarries.

Article 16 – Reports of the Committee

Within three (3) months following the closure of the financial year, the Committee submits annual activities report to the Office of the Prime Minister with a copy to the competent authority.

Article 17 – Institutional cooperation

Respective organs represented in the Committee work closely with the Committee in the performance of its duties.

Chapter IV Final provisions

Article 18 – Authorities responsible for the implementation of this Order

The Minister of Local Government, the Minister of Finance and Economic Planning and the Chief Executive Officer of Rwanda Mines, Petroleum and Gas Board are entrusted with the implementation of this Order.

Article 19 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 20 – Commencement

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