

Rwanda

## Regulations of the Chief Executive Officer determining the Nature, Amount and Deposit of Environmental Rehabilitation Guarantee Regulation 1 of 2019

Legislation as at 29 July 2019

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Regulations of the Chief Executive Officer determining the Nature, Amount and Deposit of  
Environmental Rehabilitation Guarantee  
Contents

Article One – Purpose of these Regulations .....	1
Article 2 – Environmental rehabilitation guarantee .....	1
Article 3 – Nature of environmental rehabilitation guarantee .....	1
Article 4 – Amount of environmental rehabilitation guarantee .....	1
Article 5 – Basis for determination of the environmental rehabilitation budget .....	1
Article 6 – Composition of the environmental rehabilitation guarantee .....	2
Article 7 – Modalities for depositing environmental rehabilitation guarantee .....	2
Article 8 – Certificate of environmental rehabilitation .....	2
Article 9 – Refund of environmental rehabilitation guarantee .....	2
Article 10 – Repealing provision .....	2
Article 11 – Commencement .....	2

## Rwanda

# Regulations of the Chief Executive Officer determining the Nature, Amount and Deposit of Environmental Rehabilitation Guarantee Regulation 1 of 2019

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**Assented to on 18 July 2019**

**Commenced on 29 July 2019**

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

**The Chief Executive Officer of Rwanda Mines, Petroleum and Gas Board;**

Pursuant to Law n° 58/2018 of 13/08/2018 on mining and quarry operations, especially in Article 42;

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

**ISSUES THE FOLLOWING REGULATIONS:**

### **Article One – Purpose of these Regulations**

These Regulations determine the nature, amount and modalities for depositing the environmental rehabilitation guarantee.

### **Article 2 – Environmental rehabilitation guarantee**

Environmental rehabilitation guarantee aims at ensuring that a mining or quarry licence holder will rehabilitate environment in respect of any degradation as a result of the mining or quarrying operations.

The environmental rehabilitation guarantee is provided by mining or quarry licence holder.

### **Article 3 – Nature of environmental rehabilitation guarantee**

Environmental rehabilitation guarantee may be a cash deposit or a bank guarantee.

A bank guarantee must be issued by a bank licenced by the National Bank of Rwanda.

### **Article 4 – Amount of environmental rehabilitation guarantee**

The amount of the environmental rehabilitation guarantee must be equal to the budget of the liabilities of the mining or quarry licence holder under the environmental management plan.

### **Article 5 – Basis for determination of the environmental rehabilitation budget**

A mining or quarry licence holder determines the environmental rehabilitation budget on the basis of the value of the environment that may be degraded as a result of the mining or quarrying operations.

If the Chief Executive Officer of Rwanda Mines, Petroleum and Gas Board finds that the budget has been intentionally or erroneously undervalued, he or she orders the mining or quarry licence holder to review it at his or her cost.

## **Article 6 – Composition of the environmental rehabilitation guarantee**

The environmental rehabilitation guarantee is composed of:

- 1° ten percent (10%) non-refundable of the amount of environmental rehabilitation guarantee;
- 2° ninety percent (90%) that may be refunded of the amount of environmental rehabilitation guarantee.

## **Article 7 – Modalities for depositing environmental rehabilitation guarantee**

The mining or quarry licence holder deposits the environmental rehabilitation guarantee to the bank account of the National Fund for Environment, before starting mining or quarrying operations.

## **Article 8 – Certificate of environmental rehabilitation**

When mining or quarry licence holder completes rehabilitation of environment degraded as a result of mining or quarry operations, he or she requests, in writing, from the organ in charge of environmental protection a certification of completion of environmental rehabilitation.

After three (3) years, the mining or quarry licence holder is provided with the certification of completion of environmental rehabilitation, he or she requests, in writing, from the organ in charge of environmental protection a certification of non-outstanding liabilities for environmental rehabilitation.

## **Article 9 – Refund of environmental rehabilitation guarantee**

The mining or quarry licence holder requests, in writing, from the National Fund for Environment, to be refunded the deposited environmental rehabilitation guarantee. The certification of non-outstanding liabilities for environmental rehabilitation must be annexed to the request.

The National Fund for Environment refunds the deposited guarantee to the mining or quarry licence holder, in accordance with provisions of Article 6 of these Regulations.

## **Article 10 – Repealing provision**

All prior provisions contrary to these Regulations are repealed.

## **Article 11 – Commencement**

These Regulations come into force on the date of their publication in the Official *Gazette* of the Republic of Rwanda.