

Rwanda

## Regulations of the Chief Executive Officer determining the Provision of Services Relating to Mining and Quarry Operations

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# Regulations of the Chief Executive Officer determining the Provision of Services Relating to Mining and Quarry Operations

## Contents

Chapter One – General provisions .....	1
Article One – Purpose of these Regulations .....	1
Article 2 – Scope of these Regulations .....	1
Article 3 – Definitions .....	1
Chapter II – Classification and updating services relating to mining and quarry operations .....	1
Article 4 – Classification of services relating to mining and quarry operations .....	1
Article 5 – Procurement of services relating to mining and quarry operations .....	2
Article 6 – Publication of a list of providers of services relating to mining and quarries .....	2
Chapter III – Modalities for licensing services relating to mining and quarry operations .....	2
Article 7 – Registration of providers of general services relating to mining and quarry operations .....	2
Article 8 – Application for registration as a provider of general services relating to mining and quarry operations .....	3
Article 9 – Issuance of registration certificate to a provider of general services relating to mining and quarry operations .....	3
Article 10 – Duration of registration certificate .....	3
Article 11 – Renewal of a registration certificate for providing general services in mining and quarry operations .....	3
Article 12 – Application for a licence to provide essential services relating to mining and quarry .....	3
Article 13 – Issuance of the licence to provide essential services relating to mining and quarry operations .....	4
Article 14 – Duration of a licence .....	4
Article 15 – Application for renewal of a licence for providing essential services relating to mining and quarry operations .....	4
Chapter IV – Rights and obligations of service providers of mining and quarry operations .....	4
Article 16 – Rights of a licensed essential services provider in mining and quarry operations .....	4
Article 17 – Rights of a licensed provider of general services relating to mining and quarry operations .....	4
Article 18 – Obligations of a holder of a licence for providing essential services in mining and quarry operations .....	5
Article 19 – Obligations of a registered provider of general services provider in mining and quarry operations .....	5
Article 20 – Fees paid for a licence or a certificate for providing mining and quarry operations .....	5
Chapter V – Final provisions .....	5
Article 21 – Repealing provision .....	5
Article 22 – Commencement .....	5
Annex I-VIII .....	5

## Rwanda

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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;**

Pursuant to Law n° 58/2018 of 13/08/2018 on mining and quarry operations, especially in Article 61;

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

**ISSUES THE FOLLOWING REGULATIONS:**

## **Chapter One General provisions**

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

These Regulations govern the provision of services relating to mining and quarry operations.

### **Article 2 – Scope of these Regulations**

These Regulations apply to services relating to mining and quarry operations.

### **Article 3 – Definitions**

For the purpose of these Regulations, the following terms are defined as follows:

- 1° **Chief Executive Officer:** Head of the public organ in charge of mines and quarries;
- 2° **person:** individual, company or cooperative that provide services relating to mining and quarry operations.

## **Chapter II Classification and updating services relating to mining and quarry operations**

### **Article 4 – Classification of services relating to mining and quarry operations**

Services relating to mining and quarry operations are classified as follows:

- 1° essential services which are directly connected to the mining and quarry operations, including:
  - a. mineral or quarry exploration services, including geological, geophysics, remote sensing and geochemistry activities;

- b. environmental and social management services such as reclamation, re-vegetation, mine waste and water and tailings management, mine closure and rehabilitation and tailings management;
  - c. drilling services;
  - d. laboratory services;
  - e. contract mining services;
  - f. extraction of minerals;
  - g. mining transport services;
  - h. blasting services;
  - i. civil engineering works and construction of mine or quarry facilities;
  - j. mineral or quarry analysis services;
  - k. manufacturing and fabrication of equipment, components and consumables.
- 2° general services which are indirectly connected with the mining or quarry operations, including:
- a. importing and dealing in mining or quarry, equipment and spare parts supplies;
  - b. research services;
  - c. mining transportation services;
  - d. due diligence services;
  - e. mineral traceability or certification services;
  - f. other consultancy services.

The Chief Executive Officer may extend the list of services relating to mining and quarry operations.

### **Article 5 – Procurement of services relating to mining and quarry operations**

A holder of a mining licence must not engage or employ mining and quarry relating services provider, unless the mining services provider is licensed or registered in accordance with the provisions of these regulations.

### **Article 6 – Publication of a list of providers of services relating to mining and quarries**

The Chief Executive Officer regularly publishes on the website of the Public Organ in charge of mines and quarries a list of persons licensed or registered as providers of essential or general services relating to mining and quarry operations.

## **Chapter III**

### **Modalities for licensing services relating to mining and quarry operations**

#### **Article 7 – Registration of providers of general services relating to mining and quarry operations**

A provider of general services related to mining and quarry operations must register with the Chief Executive Officer in accordance with the provisions of these Regulations.

### **Article 8 – Application for registration as a provider of general services relating to mining and quarry operations**

A person who intends to register as a provider of general services relating to mining and quarry operations must submit his or her application to the Chief Executive Officer using the form prescribed in Annex II of these Regulations.

The application file for registration must comprise of the following information or documents:

- 1° a business registration certificate;
- 2° profile of the applicant;
- 3° curriculum vitae of the key management and professional personnel of the applicant showing their qualifications and experience in providing the planned services;
- 4° a valid tax clearance certificate of the applicant;
- 5° any other information that may be required by the Chief Executive Officer.

### **Article 9 – Issuance of registration certificate to a provider of general services relating to mining and quarry operations**

The Chief Executive Officer may, within sixty (60) days from the date of receipt of application file for registration for provision of general services relating to mining and quarry operations, and after reviewing the application, issue or refuse to issue a registration certificate to the applicant.

The Chief Executive Officer issues a registration certificate to the applicant in the form prescribed in annex IV of these Regulations.

### **Article 10 – Duration of registration certificate**

A registration certificate of a provider of general services relating to mining and quarry lasts for three (3) years renewable depending on the evaluation of the services provided by the holder.

Each renewal of the certificate must not exceed three (3) years.

### **Article 11 – Renewal of a registration certificate for providing general services in mining and quarry operations**

A person who wants to apply for renewal of a registration certificate for providing general services in mining and quarry operations submits his or her application to the Chief Executive Office not later than thirty (30) days before the certificate expires, in the form prescribed in annex VI of these Regulations.

### **Article 12 – Application for a licence to provide essential services relating to mining and quarry**

A person who wants to provide essential services relating to mining and quarry must, with an appropriate form in Annex I of these Regulations, apply for a licence from the Chief Executive Officer.

Without prejudice to provisions of Paragraph One of this Article, the application file for the licence must comprise of the following information or documents:

- 1° a business registration certificate;
- 2° a profile of the applicant;

- 3° curriculum vitae of the key management and professional personnel of the applicant showing their qualifications and experience in providing the expected services;
- 4° a valid tax clearance certificate of the applicant;
- 5° copies of certifications or authorisations for providing the services, if applicable;
- 6° equipment to be used in providing services relating to mining and quarry operations;
- 7° any other information or document that may be required by the Chief Executive Officer.

### **Article 13 – Issuance of the licence to provide essential services relating to mining and quarry operations**

The Chief Executive Officer may, within sixty (60) days from the date of receipt of the application file for the licence, issue the licence or reject the application for the licence to provide essential services relating to mining and quarry operations.

The Chief Executive Officer issues the licence to the applicant in the form prescribed in Annex III of these Regulations.

### **Article 14 – Duration of a licence**

A licence for provision of essential services relating to mining and quarry operations is issued for a period of five (5) years renewable depending on the evaluation of the services provided.

Each period for renewal of the licence must not exceed five (5) years.

### **Article 15 – Application for renewal of a licence for providing essential services relating to mining and quarry operations**

A person who applies for renewal of his or her licence of providing essential services relating to mining and quarry operations do so by filling a form prescribed in Annex V of these Regulations in a period not later than one (1) month before the expiry of the previous one.

The Chief Executive Officer must, before approving renewal of the licence referred to under Paragraph One of this Article, examine whether the applicant complied with relevant conditions of these regulations relating to the licence.

## **Chapter IV**

### **Rights and obligations of service providers of mining and quarry operations**

#### **Article 16 – Rights of a licensed essential services provider in mining and quarry operations**

A licensed essential service provider in mining and quarry operations is permitted to provide services as specified in the licence with benefits or incentives granted under relevant laws.

#### **Article 17 – Rights of a licensed provider of general services relating to mining and quarry operations**

A person registered to provide general services in mining and quarry operations provides services as stipulated in the licence and is entitled to benefits or incentives specified under relevant laws.

### **Article 18 – Obligations of a holder of a licence for providing essential services in mining and quarry operations**

A holder of a licence for providing essential services in mining and quarry operations must:

- 1° comply with the provisions of these regulations and any other law applicable to the holder's operations;
- 2° submit annual reports to the Chief Executive Officer not later than three (3) months after the end of each year as set out in annex VII of these regulations;
- 3° allow an authorised officer to inspect his or her operations.

### **Article 19 – Obligations of a registered provider of general services provider in mining and quarry operations**

A registered provider of general services in mining and quarry operations must:

- 1° comply with the provisions of these regulations and any other law applicable to the holder's operations;
- 2° submit annual reports to the Chief Executive Officer not later than one month after the end of each year as set out in annex VIII of these Regulations;
- 3° allow an authorised officer to inspect his or her operations.

### **Article 20 – Fees paid for a licence or a certificate for providing mining and quarry operations**

An applicant for or a holder of a licence or a certificate for providing mining and quarry operations pays the following fees:

- 1° fifty thousand Rwandan francs (FRW 50,000) for the application or for registration;
- 2° fifty thousand Rwandan francs (FRW 50,000) for application of renewal of a licence or a certificate.

Fees referred to under Paragraph One of this Article are paid to the bank account designated by the Public Organ in charge of mines and quarries.

## **Chapter V Final provisions**

### **Article 21 – Repealing provision**

All prior provisions contrary to these Regulations are repealed.

### **Article 22 – Commencement**

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

## **Annex I-VIII**

*[Editorial note: The forms have not been reproduced ]*