

THE GOVERNMENT NOTICE NO. 58 published on 28/1/2022

THE MINING ACT, (CAP.123)

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**REGULATIONS**

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*(Made under section 27E)*

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THE MINING (GOVERNMENT MINERALS WAREHOUSE) REGULATIONS, 2021

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THE MINING ACT,

(CAP. 123)

**REGULATIONS**

*(Made under section 27E)*

THE MINING (GOVERNMENT MINERALS WAREHOUSE) REGULATIONS, 2021

Citation

1. These Regulations may be cited as the Mining (Government Minerals Warehouse) Regulations, 2021.

Application

2. These Regulations shall apply in respect of Government Minerals Warehouses established or designated under these Regulations.

Interpretation

Cap. 123

3. In these Regulations, unless the context requires otherwise• "Act" means the Mining Act; "authorised officer" has the meaning ascribed to it under section 4 of the Act; "Bank" means the Bank of Tanzania; "Commission" means the Mining Commission established under section 21 of the Act; "deposit" means placing minerals in the warehouse for custody and storage; "gemstone" has the meaning ascribed to it under section 4 of the Act; "metallic minerals" has the meaning ascribed to it under section 4 of the Act; "mineral right holder" means a person who holds any of the licenses referred to under section 7 of the Act; "Minister" means the Minister responsible for finance; "raw minerals" has the meaning ascribed to it under section 4 of the Act; "unique reference number" means a unique system generated identifier

assigned by the warehouse keeper to a consignment of minerals; "Warehouse" means the Government Minerals Warehouse established or designated under regulation 4;  
"warehouse keeper" means an officer appointed under regulation 6.

PART II  
ESTABLISHMENT AND FUNCTIONS OF THE GOVERNMENT  
MINERALS WAREHOUSE

Establishment  
of  
mineral  
warehouse

4.-(1) There is established Government Minerals Warehouses at the head office and branches of the Bank.

(2) Without prejudice to sub regulation (1), the Minister may, in consultation with the Governor and the Commission, designate any premises other than head office or branches of the Bank to be a Warehouse.

(3) Notwithstanding the provisions of subregulations (1) and (2), the Minister may, in consultation with the Governor and the Commission, designate premises within a mining site where metallic and gemstone minerals are produced in bulk to be a Warehouse.

(4) The Warehouses designated under subregulations (2) and (3) shall be under control and management of the Bank.

(5) The premises designated under subregulations (2) and (3) shall-

- (a) have unimpeded access;
- (b) be capable of being fortified;
- (c) be in a secure neighbourhood; and
- (d) have its specifications certified as to its impregnability.

(6) Without prejudice to the requirement under subregulation (5), the Warehouse shall be built in

*Mining (Government Minerals Warehouse)*

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accordance with the best construction standards and shall include:

- (a) fire alarm security systems;
- (b) intrusion detection systems;
- (c) twenty-four hours monitored surveillance cameras;
- (d) secured combination locks and keys to avoid duplication; and
- (e) secured safes and storage equipment, which are rust free, water resistant and fireproof.

Functions of minerals warehouse

5. The Warehouse shall provide facilities for keeping in custody minerals deposited.

Appointment of warehouse keeper

6. The Governor shall appoint a warehouse keeper from among the Bank's staff to be in-charge of the Warehouse operations at each branch and Head office of the Bank and in respect of any designated Warehouse.

Qualifications of warehouse keeper

7. A person shall not qualify to be appointed as the warehouse keeper unless he possesses the following qualifications:

- (a) diploma or any other higher qualification in warehouse management; or
- (b) any other equivalent qualification in the field of warehouse management.

Duties of warehouse keeper

8.- (1) The Warehouse keeper, while discharging his duties, shall adhere to the principles relating to protection of the legitimate rights and interests of the mineral right holders and shall be responsible to-

- (a) witness verification of minerals intended for warehousing;
- (b) ensure that the minerals are appropriately packed and effectively labeled for warehousing;
- (c) receive minerals for warehousing;
- (d) enforce strict observance of these Regulations and other relevant instruments;
- (e) maintain proper records relating to deposited minerals;
- (f) properly arrange deposited minerals in the Warehouse and in a manner that permits unimpeded inspection and orderly handling of deposited minerals;
- (g) such other responsibilities as may be assigned to him by the Governor for the proper management of the Warehouse.

(2) The warehouse keeper shall be responsible for implementation of the operational security measures and proper control of the warehoused minerals.

Powers of  
warehouse  
keeper

9.-(1) In the performance of his duties, the warehouse keeper shall, upon advice of authorised officer, have powers to-

- (a) accept deposit of minerals which meet the requirements of these Regulations;  
and
- (b) refuse deposit of minerals which do not satisfy the requirement of these Regulations.

(2) Where the warehouse keeper refuses to accept minerals delivered to the warehouse for deposit, he shall state the reasons for such refusal.

PART iII

TRANSPORTATION OF MINERALS

Appointment  
of authorised  
officers

Application to

transport  
minerals

Permit to  
transport  
minerals

10. The Commission shall appoint and introduce to the Bank authorised officers responsible for matters relating to depositing into or withdrawing minerals from the Warehouse.

11.-(1) A mineral right holder who is required to transport raw minerals from a mine to the Warehouse shall inform the Mines Resident Officer who shall, with immediate effect, require him to apply for the permit to transport minerals from the mine to the Warehouse through Form No. 1 set out in the First Schedule to these Regulations.

(2) The Mines Resident Officer shall, within twenty-four hours after receiving Form No. I from the mineral right holder or his agent, employee or contractor submit such Form to the Commission with a copy of the report on the mining, sorting and valuation of raw minerals concerned made under section IOOB of the Act.

(3) The Commission shall, within twenty-four hours after receiving Form

No. 1 with a copy of the report on the mining, sorting and valuation of raw minerals, verify the group, type, quantity, and purity level of raw minerals intended to be removed from the mine to the Warehouse.

(4) The verification under subregulation (3) shall be made by the authorised officer or designated officer of the Commission, other than the Mines Resident Officer, in the presence of an officer from Tanzania Revenue Authority and other relevant institutions of state organ.



Sealing and identification of parcels of minerals

12.-(1) The Commission shall, within three days after verifying the group type, quantity and purity level of minerals intended to be transported, issue a permit to the applicant in Form No. 2 set out in the First Schedule to these Regulations.

(2) Upon receiving a permit under sub regulation (1), the mineral right holder shall pack the minerals in a manner prescribed by the Commission.

Sealing and identification of parcels of minerals

13.-(1) The Commission shall, where satisfied that minerals are properly packed, seal the parcel of minerals in the presence of mineral right holder, an officer from Tanzania Revenue Authority, and other relevant institutions of state organ.

(2) Subject to subregulation (1), the mineral right holder and an officer from Tanzania Revenue Authority shall each place their own seal on the parcel.

Approval of means of transport

14.-(1) The Commission shall indicate the means of transportation in the permit for transportation of mineral.

(2) A mineral right holder shall transport minerals by means of transportation indicated in the permit for transportation of minerals from mines to the Warehouse as approved by the Commission.

(3) In determining the means of transportation, the Commission shall take into consideration the nature, value of the minerals to be transported and the distance from mines to the Warehouse.

Transportation of minerals

15. A mineral right holder shall transport minerals to, and from the Warehouse under the escort of authorised officers of the Commission, an officer from the Tanzania Revenue Authority and other relevant institutions of state organ.

Time of  
transport  
ation

16.-(1) Transportation of minerals to, and from the Warehouse shall be done between 8:00 a.m. and 5:00 p.m. on working days or on such other days and hours as the Commission may authorise.

(2) Notwithstanding the provisions of subregulation (1), the Governor may authorise in writing the warehouse keeper to accept deposit of minerals out of the prescribed time.

Transport  
ation  
costs

17.-(1) The mineral right holder shall bear costs of transportation of minerals to, and from the Warehouse.

(2) Subject to subregulation (1), the costs of transportation of minerals shall consider the nature, value of the mineral to be transported and the distance from the mines to the Warehouse.

(3) The Commission shall bear travel expenses of officers from Tanzania Revenue Authority and other relevant institutions of state organ.

Notification  
to Bank

18.-(1) The Commission shall, in writing, notify the Bank of the issuance of mineral transportation permit from mines to the Warehouse.

(2) The notification shall-

(a) be signed by authorised officer of the Commission who have been introduced to the Bank under regulation 10;

(b) be made at least one working day prior to the day of deposit;

(c) state group, type, quantity, and purity level of minerals intended to be transported and warehoused; and

- (d) indicate the name of an officer from the Commission authorised to escort the minerals on the relevant date.

#### PART IV

#### DEPOSIT AND WITHDRAWAL OF MINERALS

Deposit of  
minerals to  
Warehouse

19. -(1) Upon delivery of the minerals to the Warehouse, the authorised officer shall-

(a) jointly with the warehouse keeper, verify particulars of the minerals as

set out in Minerals Transportation Permit;

(b) break seals and open the parcel containing the minerals for purpose of conducting physical verification of the minerals with the view to ascertaining the authenticity of the minerals and certifying correctness of the information contained in the Minerals Transportation Permit;

(c) where he is satisfied as to the authenticity of the minerals and correctness of the particulars contained in the Minerals Transportation Permit, require-

(i) the mineral right holder to fill Form No. 3 set out in the First Schedule to these Regulations; and

(ii) properly re-pack the minerals.

(d) seal the parcel of the repacked minerals along with officer from Tanzania Revenue Authority and the mineral right holder in the presence of other relevant institutions of state organ and the warehouse keeper;

(e) sign Form No. 3 along with an officer from Tanzania Revenue Authority, warehouse keeper, relevant institutions of state organ and the mineral right holder and hand over to the warehouse keeper the parcel containing the minerals;

(2) Subject to subregulation (1), the warehouse keeper shall assign and mark the parcel with unique system generated reference number for identification.

(3) The Commission shall ensure that there are different authorized officers involved in the verification of the minerals at the mines and at the Warehouse to safeguard the integrity of the process.

Rejection of deposit of minerals

20.- (1) Where there is discrepancy between the particulars of the minerals submitted and the actual minerals group, type, purity level and quantity, the warehouse keeper shall, after being advised by the authorised officer, refuse deposit of minerals and state the reasons thereof

(2) Where the warehouse keeper has refused to accept the minerals for deposit, it shall be the duty of the mineral right holder to rectify the defects or request for conditional deposit which shall be subjected to surcharge fee as prescribed under regulation 22.

Storage period

21.- (1) Storage of minerals in the Warehouse shall be for an initial period of one month at a fee prescribed in regulation 22.

(2) Upon expiry of the initial period, storage of the deposited minerals

may be extended for additional period of two months.

(3) The mineral right holder shall pay surcharges prescribed in regulation 22 for the additional extended period.

Storage fees

22. The mineral right holder shall pay storage fees as prescribed in the Second Schedule to these Regulations

Purchase of  
deposited  
minerals

23.-(1) Where, after expiry of the extended period, the mineral right holder fails to withdraw the deposited minerals, the Bank may, after reaching an agreement with mineral right holder, purchase the deposited minerals or advise the Government to purchase the minerals at market price provided that the minerals meet the level of purity determined by the Bank in accordance with provisions of section 270 (c) of the Act.

(2) Where the Bank or Government decides to purchase the deposited minerals, it shall make payment in Tanzania shillings on the purchase date.

(3) The payment made under this regulation, shall be subjected to deduction of all applicable taxes, royalties, and accrued storage fees.

Withdrawal  
of deposited  
minerals

24.-(1) A mineral right holder who intends to withdraw minerals from the Warehouse shall apply to the Commission for a permit by using Form No. 1 set out in the First Schedule to these Regulations.

(2) The application to the Commission shall be accompanied by a copy of the Minerals Deposit Form.

(3) The Commission shall, upon consideration and issuance of the permit to the mineral right holder, notify the Tanzania Revenue Authority, the relevant institutions of state organ and the Bank, of the intended withdrawal of minerals from the Warehouse.

(4) The notification to the Bank shall be made at least one working day prior to the day of withdrawal and shall be accompanied by a copy of the Mineral Deposit Form and approval of the Commission.

(5) The mineral right holder shall fill, in triplicate, the Minerals Withdrawal Form No.

3 set out in the First Schedule to these Regulations and shall submit it to the warehouse keeper.

(6) For the purpose of withdrawal of minerals from the Warehouse, the warehouse keeper, mineral right holder, authorised officer of the Commission, an officer from Tanzania Revenue Authority and the relevant institutions of state organ shall-

(a) verify the seals of each parcel of minerals indicated in the minerals withdrawal form; and

(b) sign the Minerals Withdrawal Form No. 3.

(7) Upon completion of the procedure set out under subregulation (6), the warehouse keeper shall release and hand over the parcel of minerals to the mineral right holder.

Transportation  
of withdrawn  
minerals

25. The provisions of regulations 14, 15, 16 and 17 shall apply *mutatis mutandis* in relation to the transportation of withdrawn minerals.

## PART V

### GENERAL PROVISIONS

Duty of Bank:

26. - (1) The Bank shall ensure that minerals stored in warehouse are kept in a manner that does not, in any way, jeopardise the quality or quantity of the minerals.

(2) The warehouse keeper or the Bank shall not be liable for any loss or

liability that may arise relating to-

(a) the authenticity of the minerals stored in the Warehouse where it is established that the seal and package of the minerals have not been tampered with;

(b) normal wear and tear of the minerals; or

(c) war, terrorists act or force majeure events.

Insurance  
cover

27. The mineral right holder shall take appropriate insurance cover for the minerals during transportation and storage in the Warehouse.

Register of  
minerals  
authorised for  
transport

28.-(1) The Commission shall keep and maintain a register containing particulars of the minerals verified and authorised to be transported to, and from the Warehouse.

(2) The register shall contain particulars of the mineral right holder, specify group, type, quantity and purity level of the minerals and purpose for which minerals are transported.

Records  
management

29. The Bank, the Commission, the Tanzania Revenue Authority, other relevant institutions of state organ and mineral right holder shall each maintain records relating to transportation, deposit and withdrawal of minerals to and from the Warehouse for the period of not less than ten years.

Confidentiality

30.-(1) Any person involved in the transportation or storage of the minerals, in the Warehouse shall not, without lawful authority, disclose any information relating to the transportation, deposit or withdrawal of the minerals. (2) Any person who contravenes the provisions of sub regulation (1), commits an offence, and upon conviction, shall be liable to a fine not exceeding ten million shillings, or imprisonment for a term not exceeding twelve months or both.

Offences  
and  
penalties

31.-(1) Any person who-

- (a) transports minerals without a permit issued under these Regulations; or
- (b) transports minerals by means of transportation not approved by the Commission, commits an offence, and upon conviction, shall be liable to a fine equivalent to three times of the value of the minerals involved.

(2) In addition to penalty prescribed under subregulation (1), the court shall order the minerals involved to be confiscated to the Government and revocation of the license, in respect of which the offence was committed.

Reports to  
Minister

32. The Bank shall prepare quarterly reports of the operations of the warehouse and submit to the Minister.



FIRST SCHEDULE

\_\_\_\_\_  
\_\_\_\_\_

*(Made under regulation 11 and 24(1))*

\_\_\_\_\_

APPLICATION FOR TRANSPORTATION OF MINERALS TO/FROM THE  
GOVERNMENT MINERALS WAREHOUSE

[To be filled in duplicate]

To: Executive Secretary, Mining Commission

1. I/ We \_\_\_\_\_

*(Full name of the Applicant)*

of \_\_\_\_\_

*(Physical Address of the Applicant)*

hereby apply for transportation of minerals from \_\_\_\_\_

to \_\_\_\_\_

for the purpose of The minerals have the following particulars:

SINO	MINERAL CATEGORY	VARIETY	NET WEIGHT	QUALITY PARAMETERS( Eg Purity, colour, clarity,
1.				
2.				
3.				

2. The source of minerals:

(a) Mining Company \_\_\_\_\_

*(Full name and Licence number of the Applicant)*

(b) Minerals dealers \_\_\_\_\_

*(Full name and Licence number of the Applicant)*

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(c) Minerals broker \_\_\_\_\_

*(Full name and Licence number of the Applicant)*

(d) Artisanal \_\_\_\_\_

*(Full name and Identity number of the Applicant)*

(e) Any other sources \_\_\_\_\_

*(Full name and Identity number of the Applicant)*

*Add details for withdrawal*

3. Proposed transportation details:

Type of vehicle/ vessel/ craft: \_\_\_\_\_

Owner \_\_\_\_\_ Tel No \_\_\_\_\_

Physical Address \_\_\_\_\_

Driver/pilot/captain's name \_\_\_\_\_ Tel No \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Signature of Applicant*

*Mining (Government Minerals Warehouse)*

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FORMNO.2

\_\_\_\_\_  
(Made under regulation 12)

MINERALS TRANSPORTATION PERMIT

This permit is issued to \_\_\_\_\_

*(Full name)*

Of \_\_\_\_\_

*(Full name)*

For transporting minerals from \_\_\_\_\_

to \_\_\_\_\_

This permit authorises the holder of license number/ National Identity number/  
Import Permit number \_\_\_\_\_ to transfer \_\_\_\_\_ parcel(s)  
of minerals having the

following particulars:

Unique reference number	MINERAL GROUP	MINERAL TYPE	GROSS WEIGHT	NET WEIGHT	QUALITY PARAMETERS (E.g Purity, colour, clarity, Cut etc)	SEAL NUMBER: (1)	SEAL NUMBER: (2)

APPROVED TRANSPORTATION DETAILS:

Type of vehicle/ Vessel/ Craft: \_\_\_\_\_

Owner \_\_\_\_\_ Tel No: \_\_\_\_\_

Physical Address \_\_\_\_\_

Driver/pilot/captain's name \_\_\_\_\_ Tel No: \_\_\_\_\_

ISSUED BY:

Name of the designated Officer of the Commission \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

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FORMNO.3

*(Made under regulation 19 and 24(6))*

**FOMU YA KUWEKA I KUTOA MADINI  
(MINERALS DEPOSITIRE-DEPOSIT/WITHDRAWAL FORM)**

1. KUTO.KA <i>FROM</i>		3. TAREHE <i>DATE</i>	
2. KWENDA <i>TO</i>		4. UZITO WA JUMLA	
5. MAELEZO YA MADINI , NYARA.KA NA LAKIRI/ <i>MINERALS PARCELS,</i>			
A. MAJINA <i>PARCEL 'S</i>			C. JUMLA YA UZITO
B. UZITO WA <i>NET WEIGHT</i>			
D. MAJINA <i>NAME OF</i>			
E. NAMBA ZA <i>SEAL</i>	LL	L2.	L3.
L5.	L6.	L7.	L8.
L9.			
6. DHUMUNI LA MAKABIDHIANO/ <i>PURPOSE FOR HAND OVER</i>			
A. MKABIDHISHAJI: <i>MINERAL RIGHT HOLDER: JINA/NAME</i>			
<i>SIMUIPHONE</i>			
<i>CHEOITITLE</i>			
<i>SAINI/SIGNATURE</i>			
B. A UTHORJZED OFFICER OF <i>(JINA/NAME, SIMUIPHONE, SIGNATURE)</i>			
C. OFFICER TANZANIA REVENUE <i>(JINA/NAME, SIMUIPHONE, SIGNATURE)</i>			
D. OFFICER OF THE RELEVANT <i>(JINA/NAME, SIMUIPHONE, SIGNATURE)</i>			
F. SHAHIDINA. 4: AFISA WA <i>WITNESS NO. 4:POLICE OFFICER (JINA/NAME, SIMU/PHONE, SIGNATURE)</i>			
E.WITNESS NA. 5 : WAREHOUSE <i>(JINA/NAME, SIMU/PHONE, SIGNATURE)</i>			
UNIQUE REFERENCE NUMBER			

\* To be filled in triplicate

SECOND SCHEDULE

*(Made under regulation 22)*

STORAGE FEES

- (a) TZS 200,000 in respect of the initial term of one month.
- (b) TZS 500,000 in respect of first extension of two months or portion thereof after the lapse of the initial term. (c) TZS 1,000,000 for every additional month or portion thereof after the expiry of the first extension of two months.
- (d) TZS 500,000 for conditional deposit.

Dodoma,  
15<sup>th</sup> November,

MWIGULU LAMECK NCHEMBA MADELU,  
*Minister of Finance and Planning*