

LEGAL NOTICE NO.

THE MINING ACT

(No. of 2016)

IN EXERCISE of the powers conferred by section of 223 of the Mining Act, 2016, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, makes the following Regulations—

**THE MINING (LICENCE AND PERMIT) (AMENDMENT)
REGULATIONS, 2023**

Citation.

1. These Regulations may be cited as the Mining (Licence and Permits) (Amendment) Regulations, 2023.

Amendmen
t of
regulation 5
of L.N. 87
of 2017.

2. The Mining (Licence and Permit) Regulations, 2017 in these Regulations referred to as the “principal Regulations” are amended in regulation 5—

(a) in the marginal note by adding the words “and perusal of documents” immediately after the words “public access to the Cadastre”;

(b) in paragraph (a) delete the word “and” appearing after the words “minerals through the Cadastre and;”

(c) in paragraph (b) by adding the word “a fee specified in the Second Schedule” immediately after the words “upon the payment”;

(d) by inserting the following new paragraph immediately after paragraph (b)—

(c) pursuant to section 195 of the Act and upon payment of a fee specified in the Second Schedule be issued an evidentiary certificate.

Amendmen
t of
regulation 9
of L.N. 87
of 2017.

3. Regulation 9 (2) is amended by inserting the words “upon payment of the fee specified in the Second Schedule”.

4. Regulation 11 (1) is amended by inserting the following words “application fee as specified in the Second Schedule” immediately after the words “payment of the”.

Insertion of
a new
regulation
to L.N. 87 of
2017.

5. The principal Regulations are amended by inserting the following new regulation immediately after regulation 25—

Annual rent.

Subject to Section 223 (2)(a) of the Act, the holder of a mineral right shall pay annual rent due on the first day of the license year and is payable as specified in the Second Schedule.

Amendment of section 26 of L.N. 87 of 2017.

6. The principal Regulations are amended in regulation 25—
- (a) In sub-regulation (1) by inserting the following words “and upon payment of an application fee as specified in the Second Schedule”;
- (b) In sub-regulation (2)—
- i. by deleting the word “and” appearing after the words “in the case of a large scale mineral right”;
- ii. by inserting the following new paragraphs after sub-regulation (2)
- (a)—
- (b) within sixty days of the date of application for a small scale or artisanal mining permit; and
- (c) upon approval of the application, the transferor shall pay the transfer fee as specified in the Second Schedule.

Insertion of a new regulation to L.N. 87 OF 2017

7. The principal Regulations are amended by inserting the following new regulation immediately after regulation 28—

Mineral Development Levy

28A. (1) The holder of a mineral right or a mineral dealer shall pay a mineral development levy as specified in the Second Schedule.

(2) The purpose of the levy shall be to promote sustainable mineral resource development in Kenya.

Amendment of the Schedule to L.N. 87 of 2017.

8. The principal Regulations are amended by inserting a Second Schedule immediately after the Schedule.

SECOND SCHEDULE

FEES, RENT AND OTHER CHARGES

DOCUMENT PERUSAL AND DUPLICATION FEES	
Perusal of Documents (per hour or part thereof)	Kshs. 2,000
Duplication of documents	
a. Copy of License/Permit document	Kshs. 2,000

b. Evidentiary Certificates	Kshs. 2,000 per document
c. Any other document	Kshs. 100 per page
APPLICATION FEES (and renewal thereof)	
<i>Licenses</i>	
a. Reconnaissance License	Kshs. 50,000
b. Prospecting License	Kshs. 500,000
c. Retention License	Kshs. 500,000
d. Mining License	Kshs. 500,000
<i>Permits</i>	
e. Reconnaissance Permit	Kshs. 5,000
f. Prospecting Permit	Kshs. 7,000
g. Mining Permit	Kshs. 7,000
h. Artisanal Mining Permit	Kshs. 2,000
i. Mineral Movement Permit	No charge
ANNUAL RENT	
<i>Licenses</i>	
a. Prospecting License	Kshs. 3,000 per km ² subject to minimum of Kshs. 500,000 per license year
b. Retention License	Kshs. 6,000 per km ² subject to minimum of Kshs. 500,000 per license year
c. Mining License	Kshs. 2,500 per Ha subject to minimum of Kshs. 500,000 per license year
<i>Permits</i>	
d. Prospecting Permit	Kshs. 20,000
e. Mining Permit	Kshs. 50,000
f. Artisanal Mining Permit	Kshs. 10,000
TRANSFER FEE	
a. Prospecting License	Kshs. 50,000 per km ² subject to minimum of Kshs. 5,000,000
b. Mining License	Kshs. 1,000,000
c. Prospecting Permit	Kshs. 100,000
d. Mining Permit	Kshs. 100,000
e. Artisanal Mining Permit	Kshs. 50,000
MINERAL DEVELOPMENT LEVY	
a. All minerals (except Salt)	1% of gross sale value
b. Salt	0.5% of gross sale value

c. Cement	0.5% of gross sale value
-----------	--------------------------