

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 (MINE SUPPORT SERVICES) (AMENDMENT)
REGULATIONS, 2023**

Citation.

1. These Regulations may be cited as the Mining (Mine Support Services) (Amendment) Regulations, 2023.

Amendment of
regulation 4 of L.N.
151 of 2017.

2. The Mining (Mine Support Services) Regulations, 2017 in these Regulations referred to as the “principal Regulations” is amended in regulation 4—

(a) by inserting the word “First” immediately after the words “by completing Form MS1 in the” in sub-regulation (2);

(b) in sub-regulation (3)—

i. by deleting the word “prescribed”; and

ii. by inserting the following words “the fee specified Second Schedule” immediately after the words “upon payment of”.

Amendment of
regulation 6 of L.N.
151 of 2017.

3. Regulation 6 (1) of the principal Regulations is amended by inserting the following new sub-regulation (1)—

1A. The issuance of the licence under sub-regulation (1) shall be upon payment of an annual fee as specified in the Second Schedule.

Amendment of
regulation 8 of L.N.
151 of 2017.

4. Regulation 8 is amended—

(a) by inserting the following words “or transferred” immediately after the words “A licence may be assigned”;

(b) by inserting the following new sub-regulations—

(1) An application for assignment or transfer of a licence under this regulation shall be made online by completing Form MS5 in the First Schedule

(2) The application referred under sub-regulation (1) shall be registered by the Cadastre only when complete and upon payment of the fee specified in the Second Schedule.

Amendment of regulation 9 of L.N. 151 of 2017.

5. Regulation 9 is amended in sub-regulation (3) (c) by inserting the following words “fee specified in the Second Schedule” immediately after the words “paying the”.

Amendment of regulation 11 of L.N. 151 of 2017.

6. Regulation 11 is amended in sub-regulation (2) by inserting the word “First” immediately after the words “set out in Form MS4 in the”

Amendment of regulation 9 of L.N. 151 of 2017.

7. The principal Regulations are amended in regulation 13 by inserting the following expression “,1999” immediately after the words “under the Environmental Coordination and Management Act”.

Amendment of the sub-heading Schedule to L.N. 151 of 2017.

8. The principal Regulations are amended in the Schedule by deleting the word SCHEDULE and substituting therefor the words “First Schedule”.

Amendment of the Schedule to L.N. 151 of 2017.

9. The Schedule to the principal Regulations is amended by inserting the following new form after Form MS5.

Amendment of the Schedule to L.N. 151 of 2017.

10. The principal Regulations are amended by inserting the following Schedules immediately after the First Schedule.

SECOND SCHEDULE

Form MS5 [Reg. 4(2).]

[Application for Transfer of Mine Support Services Licence]

1 Transferor’s identity and contact information

Full Name:
(Physical Address):
Address:
Town/City: County:
Postal Address
Address:
Town/City: County:
Other required information:
Phone number:
Mobile:
Email address:
.....

2 Transferee's identity and contact information

Full Name:
(Physical Address):

Address:
 Town/City: County:
 Postal Address
 Address:
 Town/City: County:
 Other required information:
 Phone number:
 Mobile:
 Email address:

3. Attachments (tick each item attesting that the required document is attached to this application)
- duplicate copy of receipt of payment of application fee; copy of Mine Support Services License;
 - a certified copy of the transferee company's certificate of incorporation
 - "Director Information", a list of the full names and nationalities of all the transferee company's directors;
 - "Profile and History", in the case of an application for contract mining services, a description of the transferee 's profile and history of contract mining services in Kenya or elsewhere [mandatory for transferee for contract mining services];
 - "Technical and Financial Qualifications", a statement giving particulars of the technical and financial resources available to the transferee;
 - Tax compliance certificate of transferee.

Declaration

If any information provided in this form is found to be false, the application will be rejected or terminated and if discovered after the grant and the person whose signature appears below shall be guilty of an offence and subject to penalty as provided in the Act.

THIRD SCHEDULE

FEES

Application fee and renewal thereof	Kshs. 5,000
Annual Fee	Kshs. 50,000
Transfer Fee	Kshs. 50,000