

**THE GEOLOGICAL AND MINERALS DEVELOPMENT
BILL, 2024**

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the geological survey, mapping and exploration of minerals in the Republic;
- (b) provide for the establishment of the Artisanal and Small-Scale Mining Fund; and
- (c) provide for matters connected with, or incidental to, the foregoing.

M. MUCHENDE,
Solicitor-General

**THE GEOLOGICAL MINERALS DEVELOPMENT
BILL, 2024**

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A BILL

ENTITLED

An Act to provide for the geological survey, mapping and exploration in the Republic; provide for the establishment of the Artisanal and Small-Scale Mining Fund and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Geological and Minerals Development Act, 2024 and shall come into operation on the date appointed by the Minister, by statutory instrument.

Short title and commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“appropriate authority” has the meaning assigned to the words in the Minerals Regulation Commission Act, 2024;

Act No. of 2024

“authorised officer” means a public officer or other person designated as authorised officer under section 4;

“citizen empowered company” has the meaning assigned to the words in the Citizen Economic Empowerment Act, 2006;

Act No.9 of 2006

“citizen influenced company” has the meaning assigned to the words in the Citizen Economic Empowerment Act, 2006;

Act No. 9 of 2006	“citizen owned company” has the meaning assigned to the words in the Citizen Economic Empowerment Act, 2006;	
Act No. of 2024	“Commission” means the Minerals Regulation Commission established under the Minerals Regulation Commission Act, 2024;	5
Act No. of 2024	“exploration area” has the meaning assigned to the words in the Mineral Regulation Commission Act;	
Act No. of 2024	“exploration licence” means an exploration licence granted under the Minerals Regulation Commission Act, of 2024;	
	“exploration” has the meaning assigned to the word in the Mineral Regulation Commission Act;	10
Act No. of 2024	“formalisation” means the process of changing informal artisanal and small scale mining activities to comply with the Minerals Regulation Commission Act, 2024;	
	“Fund” means the Artisanal and Small Scale Mining Fund established under section 13;	15
	“holder” has the meaning assigned to the word in the Minerals Regulation Commission Act;	
Act No. of 2024	“mineral” has the meaning assigned to the Minerals Regulation Commission Act, 2024;	20
Act No. of 2024	“mineral processing licence” has the meaning assigned to the Minerals Regulation Commission Act, 2024;	
Act No. of 2024	“mineral processing operation” has the meaning assigned to the words in the Minerals Regulation Commission Act, 2024;	25
Act No. of 2024	“mining” has the meaning assigned to the word in the Minerals Regulation Commission Act, 2024;	
Act No. of 2024	“mining area” has the meaning assigned to the words in the Minerals Regulation Commission Act, 2024;	
Act No. of 2024	“mining operations” has the meaning assigned to the words in the Minerals Regulation Commission Act, 2024;	30
Act No. of 2024	“mining right” means a right granted under Part III of the Minerals Regulation Commission Act, 2024;	
Act No. of 2024	“non mining right” means a right granted under section 11(2) of the Minerals Regulation Commission Act, of 2024;	35
Act No. of 2024	“ore” has the meaning assigned to the word in the Minerals Regulation Commission Act, 2024;	
N. A. B. 33, 2024		

- “radioactive mineral” has the meaning assigned to the words in the Minerals Regulation Commission Act, 2024; Act No. of 2024
- “public officer” has the meaning assigned to words in the Constitution; Cap. 1
- 5 “State institution” has the meaning assigned to words in the Constitution; and Cap.1
- “Zambia Development Agency” means the Zambia Development Agency established under the Zambia Development Agency Act, 2022. Act No. 17 of 2022
- 10 PART II
ADMINISTRATION
3. (1) The Civil Service Commission shall appoint as public officers in the ministry responsible for Mines, the— Appointment of Directors
- (a) Director of Geological Survey;
- 15 (b) Director of Artisanal, Small Scale Mining and Value Addition;
- (c) Director of Mineral Investment Promotion and Local Content; and
- (d) such other public officers as may be necessary for the proper administration of this Act.
- 20 (2) The Directors referred to in subsection (1) (a) (b) and (c) shall exercise and perform the powers and functions conferred on them by or under this Act.
4. (1) The Minister may, by *Gazette* notice, designate a public officer to be an authorised officer for the purpose of the exercise and performance of any of the functions conferred on an authorised officer under this Act. Designation of authorised officer
- 25 (2) The Director shall, issue to an authorised officer an identity card which shall be *prima facie* evidence of the authorised officer’s appointment.
- 30 (3) An authorised officer, shall in performing a function under this Act—
- (a) be in possession of the identity card referred to under subsection (2); and
- 35 (b) show the identity card to a person who requests to see it or who is subject to an investigation under this Act.

(4) The Minister may, by direction in writing and on conditions that the Minister considers necessary, assign a public officer from the ministry responsible for mines, or an authorised officer, to an institution to perform any of the functions conferred on an authorised officer. 5

Powers of
authorised
officers

5. (1) Subject to and for purposes of this Act, an authorised officer may, at any reasonable time with a warrant, enter on a mining area or any premises to—

- (a) inspect the area, premises or workings and examine exploration, mining or mineral processing operations 10
or the treatment of minerals at the area or
premises;
- (b) ascertain whether or not any nuisance exists on the area,
land or mine or in the premises or workings;
- (c) give directions and take steps to enforce any provision of 15
this Act or to abate or remove any nuisance;
- (d) take soil samples or specimens of rocks, ore concentrates,
tailings, minerals or any other material from the area,
premises or workings for the purpose of examination
or assay; 20
- (e) examine books, accounts, vouchers, documents, maps,
drilling logs or records of any kind;
- (f) take extract from, or make copies of, any book, document,
map or record; and
- (g) obtain any information necessary for the purposes of this 25
Act.

(2) An authorised officer who removes anything from any land, building or premises shall—

- (a) issue a receipt for anything removed to the owner or the
person in control of the land, building or premises; and 30
- (b) return anything removed as soon as practicable after the
thing removed has served the purpose for which it was
removed.

PART III

GEOLOGICAL SURVEY

6. (1) Subject to other provisions of this Act, the Director of Geological Survey shall—

Functions of
Director of
Geological
Survey

5 (a) undertake, develop and compile geo scientific research and related technological development;

(b) develop a comprehensive and integrated geo scientific database;

10 (c) promote the search for, and the exploitation of, minerals in the Republic;

(d) advise the Minister on matters relating to geological survey;

(e) study the —

(i) distribution and nature of mineral resources;

15 (ii) geo environmental aspects of past, current and future mineral exploitation; and

20 (iii) use of the surface and the subsurface of land and the seabed, and advise a State institution and the public on the judicious and safe use of the surface and the subsurface of land and the seabed for purposes of facilitating sustainable development;

25 (f) review and evaluate geotechnical engineering reports in respect of geo hazards that may affect infrastructure and development;

(g) conduct geological investigations; and

(h) provide specialised geological services to public and private institutions.

30 (2) The department responsible for geological survey in the ministry responsible for mines may provide consultancy and geological services to the public in a prescribed manner and on payment of a prescribed fee.

35 7. (1) The Director of Geological Survey or an authorised officer may, for the purposes of carrying out geological survey, mapping or exploration operations enter on land with persons that the Director of Geological Survey or an authorised officer may consider necessary and exercise the rights of a holder of an exploration licence.

Geological
survey,
mapping
and
exploration

(2) The Director of Geological Survey or an authorised officer may, for the purposes of carrying out the geological survey, mapping or exploration—

- (a) enter, at a reasonable time, on land with persons, animals, vehicles, appliances, instruments and materials that are necessary for the survey; 5
- (b) break up the surface of a part of land for the purposes of ascertaining the rocks or minerals within or under the land;
- (c) take samples and specimens of the soil, rocks or minerals found on the land; 10
- (d) fix a post, stone, mark or object to be used in the survey of the land;
- (e) dig up the ground for the purposes of fixing a post, stone, mark or object; and 15
- (f) enter into, or on, land through which it may be necessary to pass for the purposes of the survey.

(3) The Director of Geological Survey or an authorised officer shall not, in exercising a power conferred under this section fix an object, post, stone or mark on land without the consent of the owner or occupier of the land, which consent shall not be unreasonably withheld. 20

(4) The owner or occupier of the land referred to in subsection (3) shall, within thirty days of the request for consent, grant the consent. 25

(5) Where the owner or occupier of the land to which access is requested under subsection (3) delays or unreasonably withholds to grant consent, the Director of Geological Survey or an authorised officer shall refer the matter to the Minister.

(6) A notice of the intention to exercise a power conferred under this section shall be published in the *Gazette* and in a daily newspaper of general circulation in the area where the land is situated, at least fourteen days before the exercise of the power, unless the land is State land alienated by the President in accordance with the Lands Act. 30 35

(7) The Director of Geological Survey shall ensure that —

(a) as minimal damage and inconvenience as possible is caused by the exercise of a power conferred under this section; and

5 (b) an excavation opened is backfilled before abandoning land.

(8) Nothing in this section authorises a person to enter on land referred to under subsection (1) without obtaining the relevant consent required from an appropriate authority.

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PART IV

ARTISANAL AND SMALL-SCALE MINING

8. (1) The Director of Artisanal and Small-Scale Mining shall promote the sustainable development of artisanal and small-scale mining sector.

Functions of
Director of
Artisanal
and Small-
Scale
Mining

15 (2) Despite subsection (1), the Director of Artisanal and Small-Scale Mining shall—

(a) collaborate with the Minerals Regulation Commission on aspects of mapping the artisanal and small-scale mining subsector;

20 (b) collaborate with the ministries responsible for finance, environment, small and medium enterprise, commerce and other ministries and cooperating partners on matters supporting the growth of the artisanal and small-scale mining subsector;

25 (c) promote the conservation of mineral resources of the Republic through appropriate mining methods and mineral processing technology in order to prevent wasteful mining;

30 (d) provide technical extension services to artisanal and small-scale mining to build capacity;

(e) promote formalisation of artisanal and small-scale mining to ensure participation of the citizens in artisanal and small-scale mining;

35 (f) advise the Minister on the formulation of policy relating to artisanal and small-scale mining; and

(g) promote value addition to optimise mineral exploitation.

Functions of
Director of
Mineral
Investment
Promotion
and Local
Content

9. The Director of Mineral Investment Promotion and Local content shall, in collaboration with the ministry responsible for finance and the Zambia Development Agency—

- (a) develop policies that seek to identify and attract potential investors to the mining industry; 5
- (b) develop and execute investment promotion awareness programmes and strategies in the mining sector with the aim of enabling the sector to become investment promotion conscious and utilise investment promotion as a tool for innovation and creativity; 10
- (c) develop and implement policies and programs that promote local content in the mining industry;
- (d) promote international or regional cooperation agreements that would contribute to improving the investment promotion regime; 15
- (e) conduct investment promotion by showcasing the mineral wealth at local investment forum and international investment forum to attract investment in the mining sector;
- (f) consult with relevant stakeholders in the development of incentives targeted at attracting investors in the mining and make appropriate recommendations to the Zambia Development Agency ; and 20
- (g) promote value addition and reinvestment by existing investors to increase investment. 25

Preference
for Zambian
products,
contractors
and
employment
of citizens

10. (1) Subject to the Minerals Regulations Commission Act, 2024, a holder of a mining right or a mineral processing licence shall, in the conduct of mining operations or mineral processing operations and in the sales purchase, construction, installation and decommissioning of facilities, give preference to the— 30

Act No. of
2024

N. A. B. 33, 2024

(a) materials and products made in the Republic; and

(b) contractors, suppliers and service agencies located in the Republic which are citizen empowered, or citizen owned companies.

5 (2) A holder of a mining right or mineral processing licence shall, in the course of operations—

(a) subject to the Employment Code Act, 2019 give preference in employment to citizens with relevant qualifications or skills; and Act No. 3 of 2019

10 (b) conduct training programmes for the transfer of technical and managerial skills to citizens.

(3) A person who contravenes subsection (1) and (2) commits an offence and is liable, on conviction, to a fine of not less than one million penalty units and to a further penalty of one hundred
15 and fifty thousand penalty units for each day that the offence continues.

(4) The Minister may, by statutory instrument determine the threshold of local content eligible for preference under this Act.

11. (1) Except for the purpose of analysing a mineral or
20 conducting tests on the mineral, a holder of an exploration licence shall not remove any mineral from the exploration area without the written consent of the Director of Geological Survey and shall, when removing any mineral, comply with the conditions as the Director of Geological Survey may in consultation with the
25 Commission specify in writing. Restrictions on removal of minerals

(2) The Minister may, by statutory instrument, determine the quantities of mineral samples to be removed from an exploration area for the purposes of mineral analysis or conducting tests on the mineral.

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PART V

ARTISANAL AND SMALL-SCALE MINING FUND

12. (1) There is established the Artisanal and Small-Scale Mining Fund for purposes of promoting the development of the artisanal and small-scale subsector. Establishment of Artisanal and Small-Scale Mining Fund

35 (2) Despite the generality of subsection (1), the Fund may be applied for purposes of —

- (a) capacity development of artisanal and small-scale miners;
- (b) providing grants, loans to artisanal and small-scale miners;
- (c) paying administrative and management expenses not exceeding five percent of the Fund; and
- (d) any other matter relating to promoting the development of the artisanal and small-scale subsector. 5
- (3) The Fund consists of monies that may—
- (a) be appropriated by Parliament for purposes of the Fund;
- Act No. 1 of 2018 (b) subject to the Public Finance Management Act, 2018, be received by way of grants and donations from any source, with the approval of the Minister; 10
- (d) vest in, or accrue to, the Fund; and
- (e) be payable to the Fund by or under any other written law.
- (4) The ministry responsible for mines may, subject to the Public Finance Management Act, 2018 charge and collect fees for services provided by the ministry responsible for mines. 15
- Act No. 1 of 2018
- (5) Subject to the Public Debt Management Act, 2022, the ministry responsible for mines may raise by way of loans or otherwise, the monies that it may require for the discharge of its functions. 20
- Act No. 15 of 2022
- (6) Subject to the Public Finance Management Act, 2018, the ministry responsible for mines may invest any monies of the Fund that are not immediately required for the purpose of the Fund, in a manner authorised by the ministry.
- Act No. 1 of 2018
- 13.** (1) Subject to the Public Finance Management Act, 2018, the Fund shall be managed and administered by the ministry responsible for mines. 25
- Management of Fund
- Act No. 1 of 2018 (2) The ministry responsible for mines shall ensure that prudent controls are established for the Fund relating to—
- (a) fiscal controls and accounting procedures governing the Fund; 30
- (b) reporting procedures for matters relating to the Fund; and
- (c) investment of the monies of the Fund.
- Accounts and audit
- 14.** (1) The ministry responsible for mines shall cause to be kept proper books of accounts and other records relating to the Fund. 35

(2) The Fund shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The fees for the audit of the Fund shall be paid from the Fund.

5 **15.** (1) The ministry responsible for mines shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the minister responsible for finance a report concerning the ministry's activities relating to the Fund during the financial year. Annual report

10 (2) The report under subsection (1), shall include information on the financial affairs of the ministry relating to the Fund and there shall be appended to the report—

(a) an audited statement of financial position;

15 (b) an audited statement of comprehensive income and expenditure; and

(c) other information that the Minister responsible for finance may require.

(3) The Minister responsible for finance shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report under subsection (1), lay the report before the National Assembly.

PART VII

GENERAL PROVISIONS

25 **16.** (1) The ministry responsible for mines may in the exercise of its functions under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act. Guidelines

(2) The ministry responsible for mines shall cause to be published the guidelines issued under this Act in the *Gazette* and in a daily newspaper of general circulation in the Republic or on the website for the ministry responsible for mines and the guidelines shall take effect on the date of publication.

(3) The guidelines published under subsection (2) shall bind the persons regulated under this Act.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
persons

17. (1) A person shall not, without the consent in writing, given by or on behalf of the Minister, otherwise than in the course of duties of that person, publish or disclose to an unauthorised person, the contents of any document, communication or information, which relates to or which has come to the knowledge of that person 5
in the course of that person's duties under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both. 10

(3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty 15
units or to imprisonment for a period not exceeding two years, or to both.

Immunity

18. The Director or an authorised officer shall not be liable for anything done or omitted to be done in good faith in the exercise or performance, of purported exercise or performance, of any, 20
power or function conferred or imposed on the Directors or authorised officers by or under this Act.

Regulations

19. The Minister may, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act. 25