Republic of Kenya
MINISTRY OF MINING

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING)
REGULATIONS, 2016
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IN EXERCISE of the powers conferred by sections 223(1) and pursuant to Sections 30(1) of the Mining Act, 2015, the Cabinet Secretary for Mining makes the following regulations:

Mining (Licensing and Permitting) Regulations, 2015

PART I: PRELIMINARY

1. Citation
These regulations may be cited as the Mining (Licensing and Permitting) regulations, 2015.

2. Commencement
These regulations shall come into force on the date of its publication in the Kenya Gazette.

3. Interpretation
In these regulations words and phrases shall have the meanings given to them in the Act or as defined in these regulations;,

―Act‖ means the Mining Act, 2015;

―ancillary activities‖ means actions taken in support of reconnaissance activities, mineral prospecting and exploration, mining, processing, transport or other activities necessary to ensure effective implementation of licence or permit;

―application area‖ means the area identified by a licence or permit applicant during the process of the application;

―application date‖ means the date (day/month/year) and time (hour/minute/second) recorded respectively as (dd/mm/yyyy) and (hh:mm:ss) in Kenya time at which the licence or permit application registration receipt was issued by the OMC;

―artisanal mining area‖ means an area that is subject to an artisanal mining permit;

―Artisanal Mining Committee‖ means the committee appointed pursuant to Clause 94 of the Act that shall be established in every County having mining operations and charged to advise the representative of the Director of Mines in respect to the granting, renewal, or revocation of artisanal mining permits in that County;

―artisanal mining programme‖ means a simplified mining programme to be prepared in a manner appropriate to artisanal operations, commensurate to the artisanal mining operations for which it is planned;

―associated mineral‖ means a mineral which occurs with a mineral resource in such circumstances that it is physically impossible to mine the mineral resource without also mining the mineral found in association with the mineral resource;

―block or cadastral unit‖ has the meaning as defined in the Act;

―cadastre‖ shall be the same as “mining cadastre” which, for the purposes of these regulations, means a digital register of mining properties and applications;

―cadastral coordinates‖ has the meaning assigned to it in the Fourth Schedule to these regulations;
“cadastral map” means the digital, topographical map indicating the limits of each mineral right perimeter in force or whose application is being processed, prepared for each County and zone by the Mining Cadastre Office established and maintained as prescribed in the Third Schedule of these regulations;

“cadastral register” means a digital as well as a paper-based, spatially integrated database and associated applications used to store and manage all mineral rights’ tenures within Kenya, including: reconnaissance licence register, prospecting licence register, retention licence register, mining licence register, reconnaissance permit register, prospecting permit register, mining permit register, artisanal mining permit register, Mineral Agreements register and any other register established by the Director that is to be used to record information for all mineral rights and related matters, as specified in regulation 9 of these regulations;

“cadastral coordinates” has the meaning assigned to it in the Fourth Schedule to these regulations;

“cadastral map” means the digital cadastral map established and maintained as prescribed in the Fourth Schedule of these regulations;

“cancel”, which shall include ‘cancelled’, means to terminate the processing of a licence or permit application prior to its granting;

“commercial production start date” means the date on which the mine, or where the mining operations consist solely of, or are inclusive of, mineral processing operations, is first expected to commence production of mineral products for sale;

“community” has the same meaning as in the Act;

“Community Development Agreement” means a legal commitment entered into by a mineral right holder and affected mine community to define their mutual relationships and obligations, and which is agreed upon and signed by the parties pursuant to the Mining Act and any regulations made thereunder

“complete”, which shall include completed, the opposite of which shall be incomplete, means-

(a) in reference to a licence or permit application, having all necessary and appropriate and not obviously erroneous information to the extent required under the Online Mining Cadastre (OMC), including all required documents that are not obviously spurious submitted to the OMC; or

(b) in reference to a report that the contents of the report meet the criteria of the Act or relevant Act, its regulations or relevant regulations, or any published Ministry or applicable guidelines;

“County Office of the Ministry” means the office of the Ministry in a County as defined in the Act;

“day” means a calendar day beginning 00:00 midnight and ending on 23:59:59 midnight the following day, in accordance with Kenyan time;

“dealer’s rights” means a mineral dealer’s licence or a mineral dealer’s permit under the Act.

“Director” means the Director of Mines as defined in Clause 20 of the Act and as may be amended;
“Email tracking” means a method for monitoring the delivery of an email to an intended recipient; tracking technologies use a digitally time-stamped record that indicate the precise time and date that an email was received, opened and/or read as well the IP address of the recipient.

“eligible person” means:

1. in relation to large-scale operations, a person or a company that may be granted a mineral right pursuant to Clause 11 of the Act;
2. in relation to small-scale operations, a person or a company that may be granted a mineral right pursuant to Clause 124 of the Act;
3. in relation to artisanal mining operations, a person or a legally constituted group that may be granted a mineral right pursuant to Clause 124 of the Act;

“environmental and social impact assessment” (ESIA) report means a prior scientific foreseeable analysis of potential effects of an activity that would affect the environment and social conditions and which addresses certain issues through active and time-based mitigation and alleviation measures; as defined by the applicable environmental laws and any regulations or guidelines made thereunder.

“environmental and social management plan” (ESMP) means a programme and work plan in respect of the environment and the affected community, aimed at eliminating or minimising any negative impacts during the working life of a mining project and to make good, restore or rehabilitate as far as is possible the resultant damages in case of negative impacts, or compensate the affected communities where this is not possible;

“environmental and social screening plan” means a preliminary programme in respect of the environment and any affected community intended to identify and address any likely negative impacts of the proposed prospecting or mining operations;

“environmental audit report” means an assessment of potential effects of an activity that would affect the environment and social conditions relevant to artisanal mining and which addresses certain issues through active and time-based mitigation and alleviation measures as required under Environmental Management and Coordination Act (EMCA);

“expire”, which shall include ‘expired’, means the natural end of the term of a licence or permit in respect of a mineral right, dealer’s right, export permit or import permit at midnight on the final day of validity;

“exploration” which shall include ‘explore’, ‘explored’, shall mean the search for, and evaluation of, minerals, mineral deposits or other naturally occurring substances of potential economic value by any and all methods, which shall include reconnaissance, prospecting and any other geological, geophysical, geochemical, remote sensing or other appropriate scientific methodology.

“feasibility study” means advanced exploration of a mineral deposit to determine its size, grade, mining options, environmental and community factors, mineral processing, infrastructure requirements and considerations, and economic modelling in order to establish commercial viability of exploiting that mineral deposit;

“force majeure” means any cause beyond the reasonable control of a holder that impedes or delays performance required under its licence or permit and shall include: fire, flood, earthquake, storm, hurricane, lightning, cyclone, tornado, explosion, epidemic, act of war or terrorism (whether declared or undeclared), riot, civil unrest, strikes, which a holder is unable to avoid despite effort and foresight;
“grant”, which shall include ‘granting’, ‘granted’, means final written approval after due process and issuance of a licence or permit by the Cabinet Secretary;

“Health and Safety Plan” means a plan prepared by the holder that includes a description of the potential health and safety hazards associated with any mine or mine-related project based upon the activities to be carried out, and the preventive and mitigation measures proposed to be implemented to safeguard workers and communities. The plan is designed and implemented through staff training, the use of technically appropriate equipment, enforcement of relevant measures, and adoption of accurate methods of monitoring. Specific requirements for the Health and Safety Plan shall be provided in Mining Health & Safety Regulations;

“holder” means a person or persons in whose name a mineral right, dealer’s right or import or export permit is registered in the online mining cadastre and to whom a licence or permit is issued;

“invasive activities” used in the context of prospecting or mining operations means activities that disturb the natural surface of and below the earth, including air and water, within the licence or permit area.

“Liaison Officer” means the public officer in the Community Liaison Unit of the Directorate of Mines, designated as “Liaison Officer”, whose role is coordinating mineral rights’ matters between County governments, communities, mine and mine-related companies and the Ministry;

“licence year” means each consecutive twelve (12) month period beginning 00:00 midnight on a specific date (i.e. the start date of the licence) and ending at 23:59:59 midnight on the same date, twelve (12) months later;

“materially complete”, shall include materially completed, and means an licence or permit application that has met all the necessary application criteria, confirmed online by fully checked boxes thus allowing the uploading of supporting application information, but which is not yet verified and validated by the technical team;

“mine development” means the work undertaken to prepare licence or permit area for mining operations or processing operations including the rehabilitation, construction or commissioning of necessary infrastructure and related facilities;

“mine manager” means the technically qualified person in charge of all mine operations and who has overall responsibility for the day-to-day management of the mine and whose appointment has been approved by the Director;

“mine-related activities” means prospecting, exploration, pre-production, exploitation, processing, transformation, transportation, export, marketing or sale of minerals, whether on surface or sub-surface or water courses;

“mineral agreement” means a written agreement between the State and an eligible person for the exploitation of minerals in which the rights and obligations of each party are set out in accordance with the provisions of the Act and regulations;

“mineral deposit” means an accumulation of minerals in a potentially economical form and concentration;

“mineral right” means a property right through which the holder is granted permission to explore for and/or exploit minerals, which may be separate from property ownership, and which is evidenced in a written licence or a permit including, in accordance with the Act:
areconnaissance licence; prospecting licence; a retention licence; a prospecting permit; mining permit and artisanal mining permit;

“mining licence” has the meaning as defined in the Act and may be referred to as “licence”;

“mining operations” has the meaning as defined in the Act;

“mining permit” has the meaning as defined in the Act and may be referred to as “permit”;

“mining permit programme” means the programme that shall contain particulars of the proposed mining operations to be carried out under the permit;

“Ministry” means the government agency responsible for mining or any official successor government agency unless otherwise indicated;

“Online Mining Cadastre” (OMC) pursuant to Clauses 191 and 192(3) of the Act means the online interactive, digital system for administering the provisions of the Act and these regulations in relation to the rights and obligations of licence and permit holders, which is available for public inspection;

“operator” means a person, including a government corporation, who, as the owner or lessee of a mineral right or the holder of a mineral right or registration certificate, operates a mine, but does not include:

(1) a person who receives only a royalty or rent from the person who operates the mine;

(2) an owner of a mine that is subject to a licence or grant in favour of the person who operates the mine, where the owner does not participate in the operations of the mine; and

(3) an owner of land on which a mine is operated or an owner of the surface rights pertaining to such land, where the owner has no right or title to minerals situated in the land and does not participate in the operations of the mine;

“ore” means a natural aggregate of materials formed by geological process from which one (1) or more exploitable minerals, elements or compounds may be extracted;

“permit year” means each consecutive twelve (12) month period beginning 00:00 midnight on a specific date (i.e. first date of the permit year effectiveness) and ending at 23:59:59 midnight on the same date, twelve (12) months later;

“person” means a natural or legal person as defined under the laws of the Republic of Kenya;

“pollution” means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by discharging or depositing waste, emitting noise or substantial disturbance, so as to adversely affect any beneficial use, or to cause a condition that is hazardous or potentially hazardous, or which has a significantly negative impact on public health, safety or welfare, or to animals or plants;

“processing” means the artificial transforming of minerals so as to change their natural characteristics or to prepare a final or semi-final product for sale or for use and includes winning, extracting, concentrating, refining, classifying, crushing, screening, washing, reduction, smelting, polishing or gasification;

“programme for mining operations” has the meaning as defined in the Act and includes the final, fully-costed and approved series of time-based actions to be carried out under a mining licence, based on the feasibility study as submitted to the Mining Cadastre Office in support of the application for the mining licence, including all amendments thereto;
“prospecting” means a search for minerals by conducting geological, geophysical (including remote sensing) or geochemical surveys, by trenching, stripping, excavating or drilling or by any other reasonable method and shall include all mineral exploration activities including feasibility studies up to the point where a commercially viable mineral deposit can be demonstrated;

“prospecting licence” has the meaning as defined in the Act;

“prospecting permit” has the meaning as defined in the Act;

“programme for prospecting operations” means the final, fully-costed and approved series of time-based actions to be carried out under a prospecting licence, based on the proposal submitted in support of the application for the prospecting licence, including all amendments thereto;

“reconnaissance” as used herein means the preliminary search for minerals or the identification of areas of mineral potential over large areas using generally non-invasive techniques including, but not limited to, geological, geochemical and geophysical (including remote sensing) methods;

“reconnaissance licence” has the meaning as defined in the Act;

“reconnaissance licence work programme” means the final, fully-costed and approved series of time-based actions to be carried out under a reconnaissance licence, based on the proposal submitted to the Mining Cadastre Office in support of the application for the reconnaissance licence, including all amendments thereto;

“reconnaissance permit” means the reconnaissance permit as granted under Part IX.1. of these regulations;

“Registrar” means the authorised officer of the Ministry, appointed as Registrar of mineral rights who also heads the Mining Cadastre Office;

“regulations” mean these Mining (Licensing and permitting) regulations, 2015 unless otherwise indicated;

“rehabilitation and mine closure plan” means a series of active and time-based measures to be implemented by the holder as required by regulation 98 of these regulations;

“Representative of the Director of Mines” means for purposes of an artisanal mining permit, the head(s) of every County office, appointed by the Cabinet Secretary under Clause 93 of the Act, authorised to grant, renew and revoke artisanal mining permits and to supervise and monitor artisanal mining operations;

“retention licence” has the meaning as defined in the Act;

“revoke”, which include ‘revoked’, ‘revocation’, has the meaning as defined in the Act and for reference herein means to repeal and to invalidate a licence or a permit;

“royalty” has the meaning as defined in the Act;

“Schedule” means those forms, tables and special descriptions attached and as prescribed under these regulations;

“start date” means that date on which a licence or a permit is issued by the Mining Cadastre Office; the start date shall be clearly indicated on the relevant licence or permit;

“social heritage impact audit report” means a report as required under Environmental Management and Coordination Act (EMCA);
“Technical Committee” is an ad hoc committee appointed by the Director of Mines comprising senior and experienced geologists and mining engineers, primarily from the Ministry’s own staff, whose role it is to provide feedback, advice and recommendations on the content of applications and technical reports submitted in relation to mineral rights.

4. Purpose

The purpose of these regulations is to regulate the licensing and permitting of mineral rights and dealing permits in accordance with the Act.

5. Application

(1) These regulations shall apply to the processing of all applications for mineral rights as well as the dealer’s rights, import permits and export permits in the Republic of Kenya.

(2) Notwithstanding subregulation (1), mining and mine-related activities may also be subject to separate regulations as may be prescribed under the Act.

(3) Notwithstanding subregulation (1) and regulation 6, mining and mine-related activities may be subject to separate regulations as may be prescribed by other ministries or government agencies.

6. Administration

(1) The Cabinet Secretary responsible for mining shall exercise the powers, perform the functions specified under these regulations and shall be responsible for the day to day oversight and supervision required to ensure the proper and effective implementation of the provisions of these regulations.

(2) The Director is authorised by these regulations to carry out those acts that are attributed to be conducted prior to the grant of mineral rights or dealer’s rights and any modification of licence terms or conditions.

(3) The Director may, in order to better implement the requirements under these regulations, establish a Technical Committee, membership of which shall be composed of staff from the Directorate of Mines and the Directorate of Geological Survey or such other Directorate in the Ministry whose input may be deemed useful to the Committee.

7. Mining Cadastre Office (MCO)

(1) The Mining Cadastre Office shall be established under the Ministry of Mining, Directorate of Mines and may be referred to as the “MCO.”

(a.) The Mining Cadastre Office shall be headed by the Registrar of mineral rights and dealer’s Rights and is referred to as the “Registrar”.

(b.) The Registrar shall be the authorised officer, appointed by the Cabinet Secretary, responsible for administering mineral rights and dealer’s rights in Kenya.

(2) The Cabinet Secretary may establish County offices as are useful to implement the responsibilities of the MCO.

(3) The Mining Cadastre Office responsibilities include:

(a.) installation, operation and maintenance of the Online Mining Cadastre;

(b.) developing, maintaining and updating the cadastral survey map;
(c.) developing and maintaining registries to ensure up-to-date cataloguing of licence and permit applications and activities;
(d.) managing licence and permit reporting requirements;
(e.) harmonising, as required, with other cadastres including land, agriculture, social cadastres;
(f.) participating, as required, in Ministry activities to ensure responsible implementation of licence and permit requirements; and
(g.) any other functions or responsibilities that the Cabinet Secretary may reasonably assign to the MCO.

(4) All official communications from the Mining Cadastre Office to registered users of the OMC shall, in the first instance, be by electronic mail (email) to the registered email address with tracking enabled.

(5) For the purposes of this Act and these regulations, any communication sent by the Mining Cadastre Office to a registered OMC user shall be considered as having been received on the date of sending by the Mining Cadastre Office that is reflected in a tracking email.

8. Online Mining Cadastre

(1) An Online Mining Cadastre (OMC) shall be established at the Ministry of Mining as the online repository and information management tool for regulating the licensing and permitting of mineral rights, dealer’s rights, import permits and export permits and shall be implemented by the Registrar.

(2) OMC as information management tool:

(a.) The OMC shall be the official and only means of submitting information relating to mineral rights and dealer’s rights, import permits or export permits.

(b.) The OMC shall be used by the Mining Cadastre Office as the information management tool for regulating the application process for the development, mining and dealing of minerals in Kenya as well as the import and export of minerals.

(3) OMC as facilitator:

The OMC shall be the official communication portal for mineral rights and dealer’s rights and import and export permits between the Ministry, the applicants and the holders.

(4) OMC upgrade:

The OMC may be upgraded from time to time as the Cabinet Secretary considers necessary to include modules and features to improve the administration of mineral rights and any or all obligations conferred on parties by the Mining Act.

(5) Administration of the Online Mining Cadastre:

(a.) The OMC shall include an online help system for users which shall provide detailed directions and explanations in respect of each application, submission and related action including the submission of electronic documentation.

(b.) Information received and sent by the OMC shall be incorporated into the cadastral registers as prescribed herein.

(c.) Application information, requirements, forms and screens required under the Act and these regulations shall be accessible and available to all registered users for download from the OMC.
(d.) Any additionally required information, as prescribed by the Cabinet Secretary and not addressed in the prepared forms, shall be either directly entered during the application process or uploaded as supporting documents by the registered user.

(e.) In order to update and ensure efficient administration of the OMC, guidelines may be prepared and issued by the Mining Cadastre Office.

(6) Public access to the Online Mining Cadastre:

(a.) Any person wishing to review any non-confidential information held in the cadastral registers shall be required to first register as an OMC user as prescribed later in these regulations.

(b.) The OMC shall be accessible every day of the year, twenty four (24) hours per day excepting periods when technical maintenance is required, during which time the OMC shall provide online notice.

(c.) For members of the public requiring computer access, the Mining Cadastre Office shall during its regular business hours make computers available for use by the public; a nominal user fee may be charged for this service.

(d.) Hard copies of any non-confidential information maintained by the OMC may be made available to any interested party on payment of any prescribed fee.
PART II: REGISTRATION, RECORDS AND MINING CADASTRE

9. Cadastral registers

(1) Information submitted to or sent from the OMC shall be held in a cadastral register or registers, including the following:
   (a.) reconnaissance licences;
   (b.) prospecting licences;
   (c.) retention licences;
   (d.) mining licences;
   (e.) mineral agreements;
   (f.) reconnaissance permits;
   (g.) prospecting permits;
   (h.) mining permits;
   (i.) artisanal mining permits;
   (j.) mineral dealer’s licences;
   (k.) mineral dealer’s permits;
   (l.) import permits;
   (m.) export permits; and
   (n.) any other information that the Mining Cadastre Office may require to reasonably conduct its business.

(2) All licences, permits and mineral agreements issued under the Act shall be digitally maintained in the Online Mining Cadastre and in addition:
   (a.) two (2) paper copies shall be prepared, as follows:
      (i) one (1) copy to be issued to the holder (or to the non-Government party to a mineral agreement); and
      (ii) the other copy to be retained by the Mining Cadastre Office in secure storage; and
      (iii) the serial numbers for the digital and paper copies shall be the same.
   (b.) Pursuant to Clause 191 of the Act, in case of any discrepancy between a digital file copy and a paper copy of any licence, permit or mineral agreement, the digital file copy shall prevail.

10. Registrar

(1) The Registrar shall establish and maintain an up-to-date cadastral register or registers within the OMC.

(2) The register shall include for each application the following information, as required by the respective regulation:
   (a.) the application number, which shall be a unique number sequentially incorporating the date and time on which the application was accepted as complete;
   (b.) the full name, nationality and address of the applicant;
(c.) the date (dd/mm/yyyy) and time (hh:mm:ss) that the application registration receipt was issued;
(d.) the date the application was rejected and the applicant so notified;
(e.) the date on which the Director received the report from the Technical Committee;
(f.) the date on which the Cabinet Secretary received the report from the Director;
(g.) the date on which the Mineral Rights Board received the report from the Cabinet Secretary;
(h.) the date on which the Cabinet Secretary received the recommendation of the Mineral Rights Board;
(i.) the date on which the Cabinet Secretary granted or denied the mineral right, dealer’s right, import or export permit;
(j.) the date(s) on which the Registrar notified the applicant that the application was granted or denied;
(k.) the date on which the mineral right, dealer’s right or import and export permit was registered as issued;
(l.) any other information required under these regulations to be included in the application register;
(m.) such other information as may be prescribed; and
(n.) such other information as the Director may require;

3 The Registrar shall keep separate, up-to-date records on each application for a mineral right, dealer’s right, import or export permits for not less than five (5) years for unsuccessful applications and for seven (7) years after the expiry of the term for successful applications, to include the following information, after which time the records shall be archived:
(a.) the application;
(b.) a copy of the application registration receipt;
(c.) a copy of the Technical Committee report
(d.) a copy of the Director’s report
(e.) a copy of the Mineral Rights Board recommendation
(f.) a copy of any notices sent to the applicant by the Mining Cadastre Office and notices from the applicant received by the Mining Cadastre Office; and
(g.) such other information as the Cabinet Secretary may require;

4 The Registrar shall maintain separate, complete, electronic, up-to-date information for each of the following:
(a.) reconnaissance licences;
(b.) prospecting licences;
(c.) retention licences;
(d.) mining licences;
(e.) mineral agreements;
(f.) reconnaissance permit
(g.) prospecting permits;
(h.) mining permits;
(i.) artisanal mining permits;
(j.) mineral dealer’s licences;
(k.) mineral dealer’s permits;
(l.) import permits;
(m.) export permits; and
(n.) any other licence, permit or document that may be established.

(5) The Registrar shall enter into the cadastral register any prescribed information including the:

(a.) OMC registration number;
(b.) full name, nationality and contact details of the holder or the non-governmental party to an agreement;
(c.) date of issuance of a licence or permit, import or export permit;
(d.) duration and expiry date;
(e.) duration and expiry date of any extension or renewal;
(f.) description of the licence or permit rights including, where relevant, the mineral right area;
(g.) where relevant, mineral or minerals for which a licence or permit was issued;
(h.) where relevant, cadastral coordinates defining the mineral right area including any updates as a result of enlargement or relinquishment;
(i.) duplicate licences, permits or mineral agreements, including all conditions;
(j.) date that an official receipt was issued confirming the receipt by the Mining Cadastre Office of any report submitted as required by these regulations and the type of report;
(k.) date on which an Community Development Agreements, the subject of the licence, became effective and the name of the affected community(ies);
(l.) for a mining licence, the date on which any Community Development Agreements, the subject of the licence, became effective and the name of the affected community(ies);
(m.) for a mining licence, all Community Development Agreement(s);
(n.) date on which a notice was sent by the Mining Cadastre Office to the holder or the non-governmental party to a mineral agreement and the nature of such notice;
(o.) date that any communication was received by the Mining Cadastre Office from the holder or the non-governmental party to a mineral agreement and the nature of such communication;
(p.) all confidential reports;
(q.) all non-confidential reports;
(r.) all environmental and social reports;
(s.) all notices from the Ministry and any other government agency;
(t.) dates on which a fee was paid, the service to which it relates, and the amount;
(u.) dates on which rent was paid, and the amount;
(v.) dates on which royalty was paid, the category of mineral(s) for which it was paid, the weight and quantity of the mineral on which the royalty was calculated, and the amount(s) paid;
(x.) date of any consolidation of like types of licences and relevant details;
(y.) date and nature of any assignment or transfers including legal succession;
(z.) any other modification including term extension or renewal, area relinquishment, area enlargement, and any charges or encumbrance in respect thereof;
(aa.) such other information as the Cabinet Secretary may require; and
(bb.) such other information as prescribed.

(6) The Registrar shall maintain a complete and up-to-date register of all confidential reports submitted by holders plus reports produced by the Director, the Technical Committee, the Mineral Rights Board and the Artisanal Mining Committee. Access to this file shall be limited to the Registrar, any MCO employees having official business with the files, and the Cabinet Secretary. Any access to any of the confidential reports shall be recorded by the Registrar.

(7) Public access shall be available to any non-confidential information maintained in the cadastral registers. This information shall be freely available to view via the OMC.

(8) Any person wishing to view any non-confidential information in the cadastral registers shall be required to register as a user in the OMC.

(9) Public access to the cadastre may be provided either through the internet or by appointment with the Director of Mines or the respective County office during office hours upon payment of a prescribed fee.

(10) On payment of the fee set out in Tables 1 to 13 - Fees of the Second Schedule to these regulations, a member of the public may obtain a copy of any non-confidential document or report contained in the cadastral registers.

11. Constitution of cadastral units and mineral right areas

(1) Pursuant to Clause 6 of the Act, for the purposes of the operations of the Mining Cadastre Office, the surface area of Kenya shall be divided into cadastral blocks.

(2) The cadastral block system shall be established according to Part XI. IV - FOURTH SCHEDULE - DESIGNATION OF MINERAL RIGHT AREAS to these regulations.

(3) All mineral right areas shall be delineated as a contiguous polygon of cadastral blocks in accordance with the Fourth Schedule to these regulations.

(a.) Notwithstanding, upon renewal and accompanying part-surrender, a prospecting licence may be subdivided into up to three (3) non-contiguous areas.

(4) All cadastral coordinates submitted to the Mining Cadastre Office for the purpose of delineating mineral right areas shall be in degrees, minutes and seconds format for latitude and longitude using the World Geodetic System 1984 (WGS-84), and shall be digitally uploaded into the OMC in a straight text version, such as comma separated value format, selected using the onlinedastralblock selection tool or typed in manually.

(5) For the sake of clarity and consistency, area-based fees in respect of mineral rights shall be calculated on the basis of blocks or parts thereof regardless of any variations in actual surface area related to latitude.

12. Cadastral maps

(1) Subject to Clause 191 of the Act, the Mining Cadastre Office shall establish and maintain an up-to-date digital cadastral map of Kenya, including a full back-up system.

(2) The cadastral map shall be based on maps specified in the Third Schedule to these regulations.

(3) The official cadastral map maintained within the OMC shall indicate all areas:

(a.) where mineral rights’ applications are pending:
(b.) where mineral agreements are pending;
(c.) where mineral rights are currently in force;
(d.) where mineral agreements are currently in force;
(e.) which are reserved for small-scale mining and/or artisanal mining operations pursuant to Clause 13 of the Act;
(f.) which are reserved for tendering pursuant to Clause 14 of the Act;
(g.) which are excluded from prospecting and mining operations by order of the Cabinet Secretary pursuant to Clause 15 of the Act;
(h.) which are reserved for small-scale mining and/or artisanal mining operations pursuant to Clause 13 of the Act;
(i.) that have been declared to be strategic minerals or strategic mineral deposits pursuant to Clause 16 of the Act and the Strategic Minerals Regulations;
(j.) that have been declared closed to prospecting and mining operations under the Act; and

(4) The cadastral map shall show all areas described in subregulation (3) of this regulation and shall be used only for informational and illustrative purposes. Boundaries of such areas shall be officially established using the cadastral coordinate system specified in the Fourth Schedule to these regulations.

13. Specific cadastral blocks

(1) For large-scale mining operations, reconnaissance licences, prospecting licences, retention licences, and mining licences shall be composed of whole cadastral blocks.

(2) For small-scale mining and artisanal mining operations a mineral right may be defined also in fractions of 0.25 cadastral blocks.

(3) The coordinates of the bounding vertices of the resulting polygon shall suffice as the legal description of any licence or permit area.

14. Duplicate documents and evidentiary certificates

(1) Pursuant to Clause 194 of the Act, the holder of a mineral right, dealer’s right, import permit or export permit may apply, via the OMC, for a replacement or duplicate document, stating the reason for such request, and upon payment of the appropriate fee as stated in Tables 1 to 13 - Fees of the Second Schedule to these regulations.

(2) Pursuant to Clause 195 of the Act, the holder of a mineral right may, via the OMC and on payment of a fee as stated in Tables 1 to 13 - Fees of the Second Schedule of these regulations, request an evidentiary certificate in respect of one or more items listed in Clause 195 of the Act.

(3) The Director shall issue such replacement or duplicate document or evidentiary certificate within fourteen (14) days.
PART III: APPLICATIONS

15. Applications

(1) Online Mining Cadastre access
The OMC may be accessed through website that will be prescribed by the Cabinet Secretary.

(2) Submission of applications
   (a.) All new applications shall be electronically submitted via the OMC and include all required supporting documentation appended in electronic format.
   (b.) Any applications relating to mineral rights and dealer’s rights, import permit and export permits and any other related communications to the Ministry with respect to maintenance of the licence or permit shall be electronically submitted via the OMC and include all required supporting documentation appended in electronic format.
   (c.) No Ministry manager, employee or other government representative, working directly or indirectly on licensing or permitting, shall be permitted to assist any applicant directly or indirectly on applications. Such an engagement shall render the application invalid.
   (d.) Unless specifically notified, hard copy documents or other physical submissions shall not be accepted by the Mining Cadastre Office in lieu of an electronic submission to the OMC.
   (e.) Paper-based applications for any mineral right or dealer’s right shall not be accepted.

(3) OMC user registration
   (a.) User registration:
      In order for any person to submit an application for a mineral right, dealer’s right, or import or export permit, that person must register to become an OMC user at the Registration tab in the Mining Cadastre Portal.
   (b.) Multiple users
      Where it is intended for more than one (1) person to have access on behalf of the same registered OMC user, the person making the application shall provide the other users with a copy of the OMC guidelines to be followed to ensure secure multiple user access.
   (c.) User renewal
      Once an OMC user registration is approved, it shall remain valid for a period of twelve (12) months and is renewable.

(4) OMC user responsibilities
   (a.) It shall be the responsibility of the user to maintain a valid user electronic mail (email) account. The email account shall have tracking enabled so that the system records the:
      (i) date and time any emails were received by the OMC, including the IP address from which they were sent;
      (ii) date and time of any emails sent by the OMC, including the IP address to which they were sent;
      (iii) date and time any email sent from the OMC were received, read or deleted; and
      (iv) date and time any email sent from the OMC was read or if deleted, the date and time of the deletion without having been read.
(b.) The user shall be responsible for updating the OMC registration information in respect of any changes to the original registration details, within fourteen (14) days of reasonably knowing of such change, including but not limited to:

(i) user name;
(ii) user email address; and
(iii) any addition or removal of multiple user access.

16. Charges and fees, obligations and penalties

(1) Charges and fees

(a.) All charges or fees shall be levied and paid pursuant to Clause 182 Of The Act And Error! Reference source not found. Tables 1 to 13 - Fees under these regulations as shall be published in the Kenya Gazette; making good on requirements for Charges and Fees, which shall be referred to as “payments.”

(b.) All payments shall be electronically wired via the OMC payment system within the prescribed time.

(2) Obligations

(a.) All payments due in respect of a licence or permit shall be made via the OMC payment system.

(b.) Minimum operational expenditure

(i) Where a shortfall in the minimum operational expenditures arises, the balance shall be notified to the holder using Form N-17 [Notice of shortfall in minimum operational expenditure]

(c.) Other fees and payments,

(i) application fees;
(ii) annual fees;
(iii) area based annual fees;
(iv) maintenance fees;
(v) performance bonds;
(vi) environmental bonds;
(vii) escrow accounts; and
(viii) any additional payment obligations as may be prescribed.

(3) Penalties

Any penalties shall be paid by the offender via the OMC payment system within the prescribed time period.

(4) Receipt of all payments

Payments shall be acknowledged by the Mining Cadastre Office via the OMC with an electronic receipt that shall include:

(a.) the date and time at which the payment was received;
(b.) the category of the payment, obligation, or penalty; and
(c.) the reference number to the relevant mineral right, dealer’s licence, dealer’s permit, import permit or export permit.

17. Applications to obtain licence or permit
(1) Submission of application

(a.) An application to obtain any of the following licences or permits shall be submitted to the Cabinet Secretary via the OMC by a registered OMC user:

(i) reconnaissance licence;
(ii) prospecting licence;
(iii) retention licence;
(iv) mining licence;
(v) reconnaissance permit;
(vi) prospecting permit;
(vii) mining permit;
(viii) artisanal mining permit;
(ix) dealer’s permit;
(x) dealer’s licence;
(xi) import permit; and
(xii) export permit.

(b.) A registered user wishing to apply for a licence or permit or any change to such licence or permit shall:

(i) access user account by signing in at the Mining Cadastre Portal
(ii) complete the relevant application form, including the coordinates of the application area;
(iii) append all required documentation;
(iv) upon successful completion, the OMC shall be automatically advanced to the next stage in the application process.

(c.) Once all application documents have been successfully uploaded, the applicant shall review the misrepresentation commitment stating that applicant understands that falsifying, misrepresenting or intentionally withholding information shall be grounds for rejection of the application;

(d.) Once the payment window appears, payment should be made noting the following:

(i) Credit card and bank wire transfers are acceptable for all payments and shall be deemed received upon verification by the OMC.
(ii) Upon successful payment of the application fee, the application shall be registered with the OMC.
(iii) Payment of the application fee is not a confirmation that the application is validated, accepted, granted, or denied.

(e.) An OMC help facility shall be available to users to resolve any submission difficulties.

(2) Acceptance of application

(a.) An application shall be processed by the OMC provided that:

(i) the application is made by a registered OMC user or an individual acting on behalf of that user;
(ii) all information required as part of the relevant online application form has been correctly entered and all required attachments in digital format uploaded.
(b.) Notwithstanding sub regulation (2), an application shall be finally accepted only after it has been fully checked and validated for compliance by an authorized officer of the MCO.

(3) Application registration
(a.) Upon successful payment of the application fee, the application shall be registered.
(b.) The OMC shall issue the applicant with a receipt for the application fee stating:
   (i) the amount of the payment;
   (ii) the type of mineral right, dealer’s right, import permit or export permit applied for;
   (iii) the sequentially numbered identification code for the application;
   (iv) the date the application was registered in the cadastral register in the format date, hour and minute; and
   (v) in the case of an application seeking a mineral right, a confirmation of the coordinates of the mineral right area applied for.

(4) Registration of artisanal mining permits
(a.) An application for an artisanal mining permit shall be submitted via the OMC to the Representative of the Director of Mines for that County in which fifty per cent (50%) or more of the artisanal mining permit area is located.
(b.) The application process for an artisanal mining permit shall follow the same procedure as described under sub regulations (1) to (3).
(c.) The Representative of the Director of Mines shall, within three (3) days of receipt of an application for an artisanal mining permit:
   (i) confirm that the application is submitted by an eligible person under the Act;
   (ii) verify the application documentation and prepare one (1) signed copy of the registered application form containing all application details, and
   (iii) send the registered and signed application form to the applicant by both email and registered mail;
(d.) The Representative of the Director of Mines shall within three (3) days of notifying the applicant submit the registered application to the Artisanal Mining Committee for review as set out in PART X – ARTISANAL MINING of these regulations.

(5) Withdrawal of application
(a.) An applicant, having submitted and registered an application for the grant or renewal of mineral right, dealer’s licence, dealer’s permit, import permit or export permit, may at any time withdraw the application.
(b.) Upon withdrawal of an application, all online application information shall be deleted.
(c.) In the case of withdrawal for any reason the application fee is not refundable.

(6) False statements
(a.) Where, at any time, it is discovered that a falsified document was submitted or that a materially false statement was made in any licence or permit application, the application shall be immediately cancelled or any already-granted licence or permit revoked, and the date of such cancellation or revocation recorded in the relevant register.
(b.) A minor error in the application made inadvertently, such as a misspelling or incorrect date, shall not be deemed to constitute a falsified document or to be a false statement.
   (i) The Registrar may in writing notify the applicant that he or she has seven (7) days from receipt of notice in which to modify any minor error in the application.
(ii) If the applicant fails to respond, the Registrar may make the proposed minor modification and send an electronic copy to the applicant.

(7) Right to appeal

(a.) An applicant who is aggrieved by the decision of the Cabinet Secretary not to grant an application may appeal to the High Court within thirty (30) days of receipt of the notification.

(b.) Where an application is rejected and the applicant has not appealed within the prescribed appeal time pursuant to regulation 15, the Registrar shall immediately update the cadastral map.

(c.) An area removed from the cadastral map shall be immediately open to new applications unless otherwise closed under the Act.

18. Review of applications for mineral rights, dealer’s rights, import permits or export permits

(1) Review of applications

(a.) With respect to new applications for mineral right, dealer’s right, import permit or export permit, the Registrar shall, within the prescribed time, request the Technical Committee to conduct a review.

(i) Where any application is found to be wholly or partially false or spurious, the Registrar shall:
   a. immediately recommend to the Cabinet Secretary that the application be rejected pursuant to regulation 15; and
   b. notify the applicant by email, giving reasons for the rejection.

(ii) Where an application is reviewed and found to be generally compliant, the Registrar shall:
   a. if necessary, notify the applicant of any minor errors or omissions and request that these be corrected within seven (7) days; and
   b. once satisfied, confirm to the applicant that the information provided in the application is complete and correct;

(b.) Where the Technical Committee so advises, the Registrar shall:

(i) request the applicant to provide additional information, using Form N-1 [Notice of Demand for Additional Information];

(ii) where necessary, recommend consultation with other specialists; and/or

(iii) where necessary, seek consultation with other relevant government agencies.

(c.) Following their review, including all consultations, the Technical Committee shall prepare a written report with recommendations for the Director who shall consider the findings and submit final recommendations through the Principal Secretary to the Cabinet Secretary.

(d.) The Cabinet Secretary and the Mineral Rights Board shall consider the report and recommendations, and, where additional information is required, they shall advise the Registrar who shall request the applicant, using Form N-1 [Notice of Demand for Additional Information] to provide this within seven (7) days.

(e.) The Cabinet Secretary, having considered all information, and on the advice of the Mineral Rights Board shall:
(i) inform the Mineral Rights Board of his or her decision whether to grant or reject the application; and

(ii) once the Mineral Rights Board has been so advised shall inform the applicant of the decision through the Registrar within seven (7) days.

(2) Applicant response

(a.) Upon notification that the application is accepted, the applicant shall:

(i) where no additional information or amendment is required, confirm receipt and acknowledge that the application is accepted.

(b.) Where additional information is required

(i) pursuant to sub regulation 18(1)(ii)(a), comply within seven (7) days of receiving a request from the Cabinet Secretary to provide any information; or

(ii) pursuant to sub-regulation 18(1)(ii)(b), respond within twenty-eight (28) days of receiving the request from the Cabinet Secretary to amend the application;

(c.) The applicant may within seven (7) days of receiving a request for additional information request an extension of time, stating reasons

(i) The response to grant or reject an extension shall be communicated to the applicant within seven (7) days of receipt of such request.

(d.) The failure of an applicant to provide the Cabinet Secretary with the requested information within the required time, or to comply with any other application requirements, shall cause the application to be rejected; and

(i) in such an event the Mining Cadastre Office shall within seven (7) days from the date of the submission deadline:

a. notify the applicant in writing that the application is rejected, and

b. the Registrar shall record the date of such notifications in the applications register.

(3) Processing of application.

(a.) Pursuant to Clause 56 of the Act, all applications for mineral rights, dealer's licence, dealer's permit, import permit and export permit shall be considered on a ‘first-come, first-served’ basis in the order in which complete applications are received and officially registered.

(4) Hard copies

(a.) The Cabinet Secretary may, through the Director, require an applicant at any time during the review process, using Form N-7 [Notice to deliver hardcopy originals], to provide verification in the form of hard copy documents and/or certified originals and/or sworn affidavits.

(b.) Where so notified, these documents must be delivered to the Director within seven (7) days of the date of such notice, failing which the application shall be rejected.

(i) An applicant may request reasonable additional time to have documents certified or obtain sworn affidavits.

(ii) Where an applicant fails to comply with such request, the application shall be rejected.

(c.) Provided such documentation or information is received within the allotted time, and is later validated, the date and time of the original application shall remain.
(d.) For the avoidance of doubt, the request to provide original documents is not an opportunity to submit anything other than the originals of the documents submitted digitally at the time of the original application;

(i) Any new or modified document will not be accepted and the application shall be rejected without further notice.

(e.) Any extension of time resulting from a request for additional information shall be added to all subsequent time lines.

(5) Rejection of application

(a.) The Technical Committee shall review all applications for licence or permit.

(b.) Where an application is technically non-compliant, the Technical Committee report shall clearly state the reasons, including references to relevant Clause(s) of the Act, regulations, or other matters that form the basis for the rejection.

(c.) Where the Cabinet Secretary rejects the decision of the Mineral Rights Board, he or she shall provide the Board with reasons for the rejection, and send a copy to the Registrar.

(d.) Upon rejection by the Cabinet Secretary, the Registrar shall immediately enter such decision in the relevant cadastral register and inform the applicant using Form N-10 [Notice of approval or rejection of an application] within seven (7) days.

(6) Grant of application

(a.) Where the Cabinet Secretary decides against the advice of the Mineral Rights Board to grant an application, he or she shall inform the Board, with a copy to the Registrar, giving reasons.

(b.) The Cabinet Secretary shall, through the Registrar, inform the applicant of the decision to grant the licence or permit, using Form N-10 [Notice of approval or rejection of an application].

(c.) The Cabinet Secretary shall, through the Registrar, ensure that notification of the grant or the rejection of an application is communicated to the applicant, and that where the application is granted, that the notification and the hard copy of the licence or permit are mailed to the applicant.

(7) Acceptance of grant of application

(a.) Where the Cabinet Secretary has granted an application:

(i) the Registrar shall issue a notification to the applicant under subregulation 15 Error! Reference source not found., and

(ii) the applicant shall confirm acceptance or rejection of the grant within twenty-one (21) days from the date of the Registrar’s notification.

(b.) Where the Cabinet Secretary has approved an application and the applicant fails to respond to the Registrar,

(i) the approval of the application shall lapse immediately after the period specified under subregulation 15 Error! Reference source not found., lapses.

(8) Issuance of digital licence or permit

(a.) The Registrar shall, within seven (7) days of acceptance by the applicant, issue a digital licence or permit, as the case may be, by email and enter it into the relevant register.

(b.) The Mining Cadastre Office shall prepare and send by registered mail to the applicant’s registered mailing address a paper copy of the licence or permit using Form N-10 [Notice of approval or rejection of an application].
19. Overlapping applications

(1) Where during an online application for a mineral right, the area applied for partially or wholly overlaps an existing licence or permit area or any area closed to applications, the overlapping area shall be highlighted on the screen to indicate the portion of the requested area that is available.

(2) The applicant shall then be given the opportunity to:
   (a.) accept the reduced area; or
   (b.) modify the area; or
   (c.) withdraw the application and terminate the application process.

20. Environmental and social information in support of an application

(1) Notwithstanding anything contained elsewhere in these regulations, where an environmental and social impact assessment (ESIA) report and/or an environmental and social management plan (EMSP) is required, the Cabinet Secretary shall advise the applicant to provide such report and/or plan using Form N-2 [Notice of demand for a report].

(2) Excluding the preparation of financial plans, the staffing of operations, and general office setup, an ESIA report and an EMSP shall be required before commencement of activities under the following mineral rights:
   (a.) mining licence; and
   (b.) mining permit

(3) An environmental and social screening (ESS) report shall be required before the commencement of activities under the following mineral rights:
   (a.) reconnaissance licence;
   (b.) prospecting licence;
   (c.) retention licence;
   (d.) reconnaissance permit;
   (e.) prospecting permit; and
   (f.) artisanal mining permit.

(4) ESIA, EMSP and ESS reports shall comply with the requirements of the Environmental Management and Coordination Act (EMCA) and any regulations or guidelines made thereunder.

21. Discovery of minerals

(1) Pursuant to Clause 9 of the Act, any person who discovers a mineral or potential mineral deposit on or under land or water not held under a mineral right, within fourteen (14) days, report the discovery to the Cabinet Secretary, using Form N-26 [Notice of discovery of mineral or minerals] under these regulations.

(2) The person may report the discovery via the Mining Cadastre Office or through the County Office, which shall enter the details of the discovery in the OMC, including the name of the person making the report and the date and time of such report.
   (a.) In the event that the person has no access to the OMC or ability to access the OMC, reporting the discovery in paper form shall be accepted.
   (b.) The Cabinet Secretary shall issue an acknowledgement of the report in writing using Form R-6 [Receipt for report of newly discovered mineral(s)].
A person who at the time of reporting the discovery of a mineral or mineral deposit does not hold an exclusive mineral right over the area in which the discovery is made shall be entitled to the right of first refusal to apply for a mineral right in respect of the block or blocks containing the mineral discovery.

(a.) such application shall be dealt with in accordance with the Act and any regulations made thereunder including all eligibility and other conditions of application; however:

(b.) such application shall not be accepted where:

(i) the discovery is a strategic mineral in which case the Strategic Minerals regulations shall apply;

(ii) the discovery is in a restricted area; or

(iii) the discovery is in a reserve area

(4) Notwithstanding having registered an interest, the person making the discovery, in order to exercise their right of first refusal, shall within fifty-six (56) days from reporting the discovery, register with the OMC and submit an application for a mineral right over the area of the discovery.

(5) During such time period, the area in and around the discovery, defined in cadastral blocks, shall be closed to all other mineral rights’ applications.

(6) Where a holder of an exclusive mineral right discovers minerals or mineral deposits of potential commercial value in or under its licence or permit area but which mineral(s) is not included in its licence or permit, the holder shall notify the Cabinet Secretary using Form N-19 [Notice of discovery of mineral deposit in potential commercial quantities] and shall have the sole right to apply to have the mineral or minerals included subject to the provisions of this Act and regulations.

(a.) Such application shall be submitted by the holder via the OMC and be accompanied by a work programme in the form of Form A-16 [Application to include discovered mineral or minerals into licence] with respect to the newly-discovered mineral or minerals.

(b.) The Cabinet Secretary shall, on advice of the Mineral Rights Board, agree to amend the licence subject to review and acceptance of the work programme by the Technical Committee.

(c.) Where a holder decides not to apply to amend the licence, the newly discovered mineral may be included on the Kenyan Geological Survey map of the area.

22. Areas designated for small-scale mining or artisanal mining

(1) The Cabinet Secretary may, by notice in the Kenya Gazette, designate land exclusively for small-scale mining and/or artisanal mining operations.

(a.) A designated area shall be so categorized for up to five (5) years at which time the Cabinet Secretary shall review the status of the area which may then,

(i) be extended by up to an additional five (5) years on a regular basis; or

(ii) be removed from designation by notice in the Kenya Gazette and amending the cadastral map and register as prescribed.

(2) Notwithstanding sub regulation (1), a reconnaissance permit, prospecting permit, mining permit or artisanal mining permit may be applied for over areas not designated as being exclusively for small-scale mining or artisanal mining operations.

PART IV: INSTITUTIONAL ARRANGEMENTS AND BODIES

23. Mineral Rights Board
Pursuant to Clause 31 of the Act, the Cabinet Secretary shall seek the advice of the Mineral Rights Board on matters including:

(a.) the granting, rejection, substantial modification or revocation of a mineral right and any matters relating to minerals including exploration, mining, and processing;

(b.) the transaction preparation, negotiation and conclusion of mineral agreements.

These regulations set out general guidelines for the operations of the Mineral Rights Board which shall be supplemented by the Mineral Rights Board operating procedures to be adopted by the Board by a majority vote of its members.

24. Composition of the Mineral Rights Board

(1) The Mineral Rights Board (the ‘Board’) shall comprise an odd number of members-

(a.) Chairperson, appointed by the President, with demonstrable knowledge and experience of the minerals and mining sector;

(b.) Principal Secretary responsible for matters relating to mining, who shall be the Secretary to the Board;

(c.) Principal Secretary responsible for the National Treasury;

(d.) Principal Secretary responsible for matters relating to devolution;

(e.) Chairperson of the National Land Commission;

(f.) Director of Mines;

(g.) Director of the Geological Survey; and

(h.) two (2) individuals with demonstrable professional qualifications and experience in the mining industry, appointed by the Cabinet Secretary.

(2) The Ministry shall maintain a secretariat and provide office space and secretarial support sufficient for the administration and implementation of the Board’s functions.

25. Qualification of Mineral Rights Board members

(1) A person shall be qualified for appointment as a Chairperson or member of the Mineral Rights Board if that person:

(a.) is a citizen of Kenya;

(b.) holds a degree from a recognized university in geology, geophysics, mining, engineering, economics, business administration, law or other relevant subject;

(c.) in the case of the Chairperson has not less than ten (10) years experience of the mining sector; and

(d.) satisfies the requirements of Chapter Six of the Constitution.

26. Tenure of Mineral Rights Board members

(1) The Chairperson and members of the Mineral Rights Board shall serve a term not exceeding three (3) consecutive years and may be eligible for reappointment as prescribed for up to an additional three (3) consecutive years.

(2) A person appointed to be a member of the Mineral Rights Board shall have ten (10) days to disclose any mineral holdings in the form of shares, mineral rights, permits or other investments in the mining sector.

(a.) The appointed person shall have sixty (60) days from the date of appointment to divest any mineral holdings in the form of shares, mineral rights, permits or other investment in the mining sector.
(b.) Divestment may include establishment of a trust to remain in effect for the duration of the member’s term plus one (1) year following departure from the Board, removal from the investment, sale or transfer of the investment.

(3) A person shall be ineligible to become or remain a member of the Mineral Rights Board if such person:
(a.) is a mineral rights or a permit holder;
(b.) holds any amount of equity in any mineral licence or permit operation under the Act;
(c.) is prevented by reason of prolonged physical or mental illness from performing the required duties; or
(d.) has been convicted of an offence with a term of imprisonment exceeding six (6) months;

27. Functions of the Mineral Rights Board

(1) The purpose of the Mineral Rights Board is to advise the Cabinet Secretary on:
(a.) the grant, rejection, retention, renewal, suspension, revocation, variation, assignment, trading, tendering, or transfer of mineral rights or mineral agreements;
(b.) areas suitable for designation for small-scale and artisanal mining;
(c.) areas in which mining operations should be excluded, reserved and restricted;
(d.) the declaration of certain minerals as strategic minerals;
(e.) the cessation, suspension, or curtailment of production in respect of mining licences;
(f.) fees, charges and royalties payable in respect of mineral rights or minerals;
(g.) any other matters which under the Act are required to be referred to and performed by the Mineral Rights Board; and
(h.) any other matters on which the Cabinet Secretary requires the Mineral Rights Board’s counsel.

(2) All Mineral Rights Board advice to the Cabinet Secretary shall be in writing, copies of which shall be kept by the secretariat.

(a.) Any matters relevant to the applications process shall follow the procedures used by the Online Mining Cadastre.

(3) The Mineral Rights Board may, for the purpose of implementing its functions, including review and research:
(a.) establish such number of committees as its members deem necessary to advise the Mineral Rights Board; or
(b.) hire Kenyan or international experts and consultants for short-term advisory work.

28. Mineral Rights Board Procedures

(1) Meetings

(a.) The Mineral Rights Board shall meet:
(i) at least twelve (12) times in every fiscal year with not more than five (5) weeks between meetings: and
(ii) at such times during business hours that the Chairperson may determine is necessary for the timely review of applications or matters arising in respect of a mineral right.

(b.) The Chairperson shall preside over each meeting of the Board, save that:
in the absence of the Chairperson, a member of the Board, designated in writing by the Chairperson shall preside with full powers; and

(ii) in the absence of that appointed member, the members present shall by majority vote elect another member from amongst their number who shall, with respect to that meeting and the business conducted thereat, have the full powers to preside as Chairperson.

(c.) The Mineral Rights Board shall within ninety (90) days of the coming into effect of these regulations make provision for its operating procedures including the regulation of its meetings subject to the provisions of the Act.

29. Disclosure of interest

(1) A member of the Mineral Rights Board, or any member of a committee constituted under the Board, or any consultant hired by or otherwise advising the Board, shall disclose to the Board:

(a.) any holding of a mineral right in Kenya in accordance with regulation 25(3);

(b.) any vested interest in any topic to be considered by the Board, of a committee that may reasonably be considered of relevance to that topic and its review;

(c.) any immediate family members having any holding in minerals or related rights in Kenya or relevant to any topic to be considered that may reasonably be considered of relevance to participation on that topic.

(i) Immediate family members shall include parents, siblings, first cousins, immediate nephews and nieces.

(2) Any disclosure shall be made in writing and such disclosure shall be recorded in the minutes of the Mineral Rights Board meeting or relevant committee or consultant meeting.

(3) Where a disclosure is such that it may reasonably be considered to impair judgement or provide an environment of collusion, the member, committee member or consultant shall not:

(a.) take part in any deliberations or decision relating to that topic, application or matter; and

(b.) shall not vote on a decision on that topic, application or matter.

(4) A member, committee member or consultant shall with immediate effect cease to hold such position if it is discovered that that person has an interest in any matter before the Mineral Rights Board relevant to its work and fails to disclose that interest or participates in any work related to the topic, application or matter including attending any meetings, conducting any research, participating in any deliberations or other activity that may reasonably be considered a violation of disclosure of interest principles.

(a.) Where the failure to disclose is of a criminal nature, it may be treated as such and shall be considered an actionable offence against the member, committee member or consultant.

30. Reporting
(1) Pursuant to regulation 15, the Mineral Rights Board shall report on every application received in a timely manner, providing reasons in writing for every recommendation it makes.

(2) The Mineral Rights Board shall, not later than ninety-one (91) days after the end of each fiscal year, submit a report to the Cabinet Secretary summarising the activities of the Board during the year.

(3) The Mineral Rights Board shall submit to the Cabinet Secretary such other reports as the Cabinet Secretary may, in writing, from time to time request.

(4) For purposes of the openness and clarity, reports of the Mineral Rights Board shall:
   (a.) be prepared in plain written English in Word format and be available in hard and soft copy versions;
   (b.) shall include an executive summary, a detailed review of issues, conclusions and recommendations of the Board, signatures of Board members, and dates of signing.

31. Stipend for members
   (1) The members of the Board shall be paid a stipend determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

32. Mineral Rights Board member vacancies
   (1) The Secretary of the Mineral Rights Board shall notify the Cabinet Secretary of any vacancy that occurs in the membership of the Board within seven (7) days of the occurrence of the vacancy.
   
   (2) A vacancy on the Board shall not prevent or hold up the work of the Board except:
      (a.) where the vacancy level is fifty-one per cent (51%) or more, in which case operations of the Board shall be suspended.

33. Removal of a Board member
   (1) A member of the Mineral Rights Board may be removed by the President or the Cabinet Secretary on the receipt of reliable written evidence from a named and recorded source that:
      (a.) the member is not qualified under these regulations to serve as a member of the Board;
      (b.) demonstrable information exists of the member’s inability to perform the functions of a member; or
      (c.) demonstrable information exists of the member’s misbehaviour including inappropriate conduct.
PART V: GENERAL PROVISIONS ON MINERAL RIGHTS

34. General obligations

(1) Where the holder of a mineral right, pursuant to Clause 44 of the Act, acts unreasonably in respect of another mineral right holder or any legitimate owner or occupier of the land over which the mineral right extends, the Cabinet Secretary may give notice to suspend or revoke the mineral right in Form N-3 [Notice of intent to suspend a licence or permit] under these regulations or in Form N-4 [Notice of intent to revoke a licence or permit].

(2) Where a mineral right holder fails to honour a condition, commitment or obligation of the mineral right, the Cabinet Secretary may issue notice to the holder to comply within a prescribed of time using Form N-5 [Notice to Comply] under these regulations, failing which the licence or permit may be suspended or revoked using Form N-3 [Notice of intent to suspend a licence or permit] under these regulations or Form N-4 [Notice of intent to revoke a licence or permit]. Pursuant to Clause 42(2) of the Act, such condition, commitment or obligation shall continue after the expiry, suspension or revocation of all or part of the mineral right.

(3) The Cabinet Secretary may, pursuant to Clause 43 of the Act, give notice to any holder of a mineral right in connection with any legitimate matter under this Act, its provisions or regulations, using Form N-5 [Notice to Comply] and the holder shall comply within the prescribed time or it shall be an offence.

(4) The Cabinet Secretary and the Mining Cadastre Office shall use all reasonable efforts to ensure that notification of the grant of an application is delivered to the applicant in a timely manner.

(a) Any negligent or fraudulent action on the part of any Ministry, Mining Cadastre Office or third party that results in the failure of the applicant to receive timely notification of the grant of application shall be actionable under the Act.

(b) If it becomes known that for any reason, evidenced by the applicant, that the notification of its mineral right being granted has been negligently or fraudulently withheld by a Ministry official, third party or other party, the offended applicant shall retain the right to the grant of the mineral right.

(5) When it becomes known to the Mining Cadastre Office that a false declaration was made in First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction], any resultant mineral right shall be revoked and the date upon which the mineral right was revoked shall be immediately recorded in the relevant register.

35. Area-based annual fees

(1) Pursuant to Clause 182(3) of the Act, a holder shall pay an area-based annual charge that is equal to the number of cadastral units that comprise the mineral right area multiplied by the area-based annual charge per cadastral unit for that type of mineral right as set out in Table 16 – Area-based Annual Charges of the Second Schedule to these regulations.

(2) The number of cadastral units to be used for the purposes of an area-based annual charge calculation under sub regulation Error! Reference source not found. of this regulation shall be the number of cadastral units that comprise the mineral right area on the date the right is issued.

(3) in all other licence or permit years the number of cadastral units that comprise the mineral right area shall be the number that comprise the mineral right area on the day of renewal of the year for which the area-based annual charge is being paid.
(4) A holder required to pay an area-based annual charge shall make payment via the OMC within thirty-five (35) days after the issue date of the licence or permit and for every licence or permit year thereafter.

(5) In the event that an area-based annual charge is not paid by the holder by the due date, the Mining Cadastre Office shall issue a written notice using Form AR-6 [Request to pay an area-based annual charge] to the defaulting party and:

(a.) The holder shall have seven (7) days from the receipt of notice to make payment;

(b.) if payment is not effected during that period, the Mining Cadastre Office shall record the default in the respective licence/certificate; and

(c.) proceed to request the Cabinet Secretary to revoke the licence.

(6) Any part of an area-based annual charge payable pursuant to these regulations and unpaid may be recovered by the Government in the same manner as recovery of a civil debt.

(7) Unpaid area-based annual charges shall accrue daily interest at the prevailing Central Bank of Kenya interest rate.

36. Demarcation of a mineral right area

(1) Physical boundaries. The physical boundaries of a mineral right area shall be the vertices of the polygon defining the mineral right area being applied for, conforming to the cadastral graticule established in the Fifth Schedule Designation of mineral right under these regulations.

(2) Use of markers. The horizontal surface demarcation points of a retention licence area, mining licence area and mining permit area shall be identified by markers set in or on the ground or riverbed, which shall be positioned using the cadastral coordinates that define the vertices of the polygon consisting of the cadastral units that comprise the mineral right area.

(3) Establishment of demarcation points. Unless a survey is requested by the Director, surface demarcation points may be established using global positioning system (GPS) equipment. The Mining Cadastre Office shall provide, free of charge on request to the holder, the parameters for the transformation between cadastral coordinates and the appropriate Universal Transverse Mercator (UTM) grid system.

(4) Demarcation points. The holder of a retention licence, mining licence or a mining permit or a person authorised on their behalf shall:

(a.) at every demarcation point described in subregulation Error! Reference source not found. of this regulation, markers as prescribed shall:

(i) where physically possible, consist of a round post that shall be not less than ten (10) centimetres in diameter or a square post each side of which shall be not less than ten (10) centimetres in width, standing at least one (1) metre above the surface and sunk not less than fifty (50) centimetres in the ground or riverbed. That part of the post above the surface shall be painted white. Where posts are of timber construction they shall be barked and dried of sap before use. There shall be engraved, or in some way durably marked, on each post the holder family name and the licence or permit number;

(ii) where it is not possible to insert a post, consist of a cairn of stones, or a concrete cone, at least fifty (50) centimetres high erected in the place where the post would have been inserted. Stones, comprising the cairn or the cone shall be painted white. There shall be engraved, or in some way durably marked, on each stone, or on the cone, the holder family name and licence or permit number;

(iii) be maintained during the full term of the licence; and

(iv) be removed upon revocation or expiry of the licence.
(5) The field demarcation carried out under subregulation Error! Reference source not found. of this regulation shall beat the expense of the holder.

(6) A retention licence, a mining licence or a mining permit holder shall:
(a.) complete the placement of all demarcation point markers in accordance with subregulation Error! Reference source not found. of this regulation within thirtyfive (35) days from the start date of the licence; and
(b.) submit an attestation to the Mining Cadastre Office via the OMC, using Form AT-1 [Boundary marker placement attestation] signed by the holder or the holder’s authorised representative.

(7) A mining licence or a mining permit holder shall not undertake any mining operations in the mineral right area until the requirements of subregulations Error! Reference source not found. and Error! Reference source not found. of this regulation are satisfied.

(8) If there is any contradiction between a field demarcation point established under subregulation Error! Reference source not found. of this regulation and cadastral coordinates defining that point, the cadastral coordinates shall take priority.

(9) Any person may challenge the validity of the location of any demarcation marker by requesting the Director in writing to order a survey of that marker’s location.

(10) Upon the order of the Director given at any time, a retention licence, a mining licence, a prospecting permit or a mining permit holder shall:
(a.) have the land the subject thereof, or any part thereof specified by the Director, surveyed or further surveyed to establish the positioning of demarcation points and boundaries;
(b.) cause to be removed any miss-located demarcation point markers; and
(c.) place demarcation point markers at such locations as are determined by such survey.

(11) For the purposes of subregulation Error! Reference source not found. of this regulation, demarcation point marker locations shall be surveyed by a licenced land surveyor.

(12) The Cabinet Secretary or authorized public officials shall not be liable for anything done or omitted to be done in good faith in the performance of any function vested in or delegated to them under this law.

(13) The applicant or holder to whom an order is made under subregulation Error! Reference source not found. of this regulation shall incur and be liable to pay all costs associated with the work carried out by licenced land surveyor under this regulation, except where it can be established by the applicant or holder to the satisfaction of the Director that it is or was an unjustified request, made subsidregulation (9) above. In the latter case the person challenging the validity of the location of any demarcation marker by requesting the Director in writing to order the re-survey shall be required to incur and be liable to pay all costs associated with the work carried out by licenced land surveyor under this regulation.

(14) A licenced land surveyor who holds or is entitled (directly or indirectly) to the benefits of any share or interest in a mining permit or mining licence shall not carry out a survey of the land the subject thereof for the purposes of these regulations.

(15) The area and boundaries of a reconnaissance licence, reconnaissance permit shall be based on the coordinates of cadastral blocks and do not require demarcation; however, the holder may demarcate the licence area or permit area as prescribed insub regulations 36 should he or she so choose.
37. Boundary disputes

(1) Any dispute on the demarcation of boundaries, placement of markers or other boundary matter shall be placed before the Director for resolution.

(a.) Each party shall be given an opportunity to be heard.

(b.) The Director may convene a panel of experts to conduct a review.

(c.) The Director may seek inputs from the Directorate of Geological Survey, or technical, land, survey or other relevant experts or parties,

(i) at the shared expense of the parties; or

(ii) at the expense of the party found to be in violation of the boundary issue.

(2) The Director shall resolve such disputes resulting from the definition and demarcation of markers and boundary lines of mineral right areas the subject to licences and permits, and, in writing, notify the holders of the resolution.

(3) Prospecting or mining operations shall not commence in any land that is subject to an unresolved boundary dispute.

(a.) Where operations are underway, the Director may determine that they shall be suspended in part or in whole where a boundary dispute is of such seriousness as to warrant such action.

38. Land surface rights

(1) Land ownership is not a right of any licence or permit.

(2) A land holder refers to the owner or lawful occupant of land on which a licence or permit holder intends to conduct mineral operations.

(a.) A land holder may exploit minerals on its property for use within its territory and not for commercial use or sale;

(b.) A land holder shall not conduct reconnaissance, prospecting or mining of minerals of a commercial nature without having been granted a licence or a permit in accordance with the Act and these regulations.

(3) Land holders have the right to be given prior notice by the Ministry that it intends to grant a licence or permit over the land.

(4) The Ministry shall prescribe clear notice and consultative processes to be followed as part of each mineral right award.

(5) Pursuant to Clause 99 in the Act, where a mineral right is granted to a person other than the owner of the land in a designated area, the holder shall compensate the owners of the land adequately.

39. Consent from land holders to conduct mining operations

(1) No application for a mining licence shall be accepted without the consent of landholders as prescribed. Consent shall be in the form of a written agreement that clearly describes the boundaries of the land in relation to the licence or permit area for which the applicant is applying.

(2) Pursuant to Clauses 36, 37 and 38 of the Act, parties from whom consent may be required include:

(a.) a Ministry, State agency or authority;

(b.) a County or local government agency or authority;

(c.) land holders that can include land owners and lawful occupants of land; and
(d.) other reasonable occupants as may be agreed between the applicant and that occupant.

(3) Pursuant to Clauses 36, 37, and 38 of the Act, an applicant shall, following approval of an application for a mineral right, with respect to land holder consent:

(a.) seek and obtain the written consent of any and all land holders whose consents are required or with whom agreements must be entered into;

(b.) submit these documents within the time limit specified in the respective application according to the category of mineral right using Form AR-1 [Seek and obtain written consents] under these regulations.

(c.) where multiple land holders are required for consent, the Ministry shall work with the applicant to facilitate public consultation; and

(d.) where requested to do so by Form N-7 [Notice to deliver hardcopy originals], the applicant shall in addition to OMC entries, deliver to the Mining Cadastre Office hard copy originals of any signed land holder consents or agreements within seven (7) days of full execution of such signed consent and agreement.

(4) The Mining Cadastre Office shall verify the validity of all consent and agreement documents and upload the fully executed consents and agreements into the applicant’s registry information.

(5) Notwithstanding, the applicant may, giving reasons, request additional time to obtain land holder consents or agreements, and the Cabinet Secretary may in writing agree to such renewal, if the Cabinet Secretary considers the request reasonable.

(6) A Community Development Agreement (CDA) is not and shall not be considered as land holder consent or agreement.

(7) Consents shall be received from land holders in accordance with the categories of land as prescribed under the Clauses 36, 37 and 38 of the Act.

(8) Pursuant to Clause 39 of the Act, if the person responsible for the State agency, authority or person referred to under Clauses 36, 37 and 38 of the Act:

(a.) fails to respond to the applicant’s request for consent within twenty-one (21) days; or

(b.) refuses to give such consent

the applicant may request the Cabinet Secretary, using Form AR-28 [Request to grant mineral right due to no objection or unreasonable refusal], to grant themineral right on the basis that no objection has been made or that the refusal is being unreasonably withheld.

(c.) This procedure shall apply in full to any County or local organ, agency, authority or person.

(9) Pursuant to Clause 40 of the Act, where the Cabinet Secretary considers that a consent has been unreasonably withheld or delayed, he or she shall determine, on the advice of the Mineral Rights Board, whether inclusion of said land is:

(a.) appropriate; and/or

(b.) does not so harm the local environment or people as to warrant additional review; and/or

(c.) it is in the national interest to include such land under the mineral right.

(10) The Cabinet Secretary’s decision, with reasons, shall be published in the Kenya Gazette and notified to the applicant and the party withholding consent within seven (7) days of the applicant’s request using Form N-9 [Notice to grant mineral right due to no objection or unreasonable refusal].
40. Categories of land

(1) Restricted or excluded land

(a.) The applicant shall in the first instance be responsible for determining whether the area applied for includes land that is restricted or excluded or falls within one (1) or more of the categories listed under Clause 36(2)(a) to (i) of the Act and, if so, to indicate in the application whether the applicant seeks to include such land within the licence or permit area.

(b.) The Ministry shall confirm the application area as prescribed under the Act and regulations.

(c.) Where the applicant seeks such inclusion of land as part of the licence or permit area, it shall be the applicant’s responsibility to seek and obtain the written consent in each case of the relevant:

(i) State agency; or

(ii) Government authority; or

(iii) any person referred to under sections 36, 37 or 38 pursuant to Clause 39 of the Act.

(d.) Failure on the part of the applicant to make clear which lands are applied for and to supply all necessary consents shall result in such areas being automatically denied.

(2) Private land

(a.) The applicant shall in the first instance be responsible for determining whether the area applied for includes land that is restricted or excluded or falls within Clause 37 of the Act, and if so to indicate in the application whether the applicant seeks to include such land within the licence or permit area.

(b.) The Ministry shall confirm the application area as prescribed under the Act and regulations.

(c.) An applicant whose application includes private land on which any excavation or drilling is proposed shall submit copies of all legally binding agreements entered into with the land owners as required under Clause 37 of the Act.

(3) Community land

(a.) The applicant shall in the first instance be responsible for determining whether the area applied for includes land that is restricted or excluded or falls within Clause 38 of the Act, and if so to indicate in the application whether the applicant seeks to include such land within the licence or permit area.

(b.) The Ministry shall confirm the application area as prescribed under the Act and regulations.

(c.) An applicant whose application includes community land on which any excavation or drilling is proposed shall submit a signed copy of each legally binding agreement entered into with, as appropriate, the authority obligated by the law relating to the administration and management of community land, or the National Land Commission as required under Clause 38 of the Act and pursuant to Clause 39 of the Act.

41. Information, reports and confidentiality

(1) Holders of mineral rights are required to submit full and detailed reports of all prospecting and mining work carried out, using or accompanied by the forms provided, as follows:

(a.) Exploration reports including the status of prospecting and mine development, equipment and methodologies, problems encountered, related costs and any other relevant information;
(b.) Financial reports including labour and operational costs, royalties, taxes, fees, investment challenges, loan repayment and any other relevant information;

(c.) Health and safety reports in accordance with the Health and Safety regulations under the Act;

(d.) Environmental and social management reports in accordance with relevant regulations;

(e.) Community development reports in accordance with the Community Development regulations under the Act;

(f.) Infrastructure development reports including the status of development, related investment and financing issues, maps of developments, and any other relevant information; and

(g.) Any other such reports as may be required under the licence or permit;

(2) Holders of dealer’s rights are required to submit full and detailed reports of business transactions, using the forms provided that shall include:

(a.) Records of individual transactions, including source, volumes, values and dates of transactions;

(b.) Financial reports including labour and operational costs, royalties, taxes, fees and any other relevant information; and

(c.) Audited profit and loss accounts.

(3) Professional reporting standards:

(a.) All reporting shall be in English.

(b.) Reports required as a condition of a mineral right shall be prepared to professional standards in accordance with published Ministry of Mining guidelines, with emphasis on clarity, full information and timely submission; in the absence of such guidelines, best international practice shall be followed.

(i) Reports shall include all original and interpreted data;

(ii) An executive summary shall be included in reports summarising the work carried out and the results obtained.

(iii) All analytical data electronically submitted shall also be provided in hardcopy form within the physical report.

(iv) In addition to the electronic report, the holder shall provide a bound hardcopy and, in the case of all technical reports, two (2) bound hard copies.

(4) Confidentiality of information and reports

(a.) All prospecting and mining reports, including original and analytical data and prospecting methodology, shall be treated as confidential.

(i) Upon termination of the mineral right, whether by surrender, revocation, cancellation or expiry, all data and information relating to the mineral right shall become the property of the State and, unless decided otherwise by the Cabinet Secretary, shall be added to the geoscience database of Kenya; and

(ii) shall be made publicly available in order to stimulate and encourage the further development of Kenya’s mineral resources.

(b.) Subject to any other applicable environmental laws of Kenya, environmental reports shall be considered public documents, available for inspection via the OMC by any party who is a registered user or in person at the Mining Cadastre Office.

(5) Financial reports
(a.) Pursuant to Clause 53 of the Act, the holder of a mineral right shall submit audited financial statements within ninety-one (91) days following the end of each fiscal year.

(b.) International accounting standards for independent audits shall be required in respect of:
   (i) reconnaissance licences;
   (ii) prospecting licences;
   (iii) retention licences;
   (iv) mining licences; and
   (v) mineral agreements;

(c.) At a minimum, compliance with Kenyan accounting practices with internal audits shall be required in respect of:
   (i) artisanal mining permits;
   (ii) reconnaissance permits;
   (iii) prospecting permits; and
   (iv) mining permits;

(6) Where the holder of a mineral right fails to provide a mandatory report, the Mining Cadastre Office shall request the report be submitted within seven (7) days using Form N-2 [Notice of demand for a report].

(7) Failure to submit a compliant report by its due date may, by order of the Cabinet Secretary, result in:
   (a.) suspension of the mineral right until such report is submitted, in which case the Mining Cadastre Office shall give the holder seven (7) days’ notice from the due date of an impending suspension or revocation using Form N-3 [Notice of intent to suspend a licence or permit]; or
   (b.) revocation of the mineral right, in which case the Mining Cadastre Office shall give the holder seven (7) days’ notice from the due date of an impending revocation using Form N-4 [Notice of intent to revoke a licence or permit].

42. Assignment, transfer and mortgage of mineral rights

(1) Pursuant to Clause 51 of the Act, a holder of a mineral right may apply in Form A-11 [Application for mineral right transfer] to assign, mortgage or transfer a mineral right and pay the non-refundable mineral right transfer application fee specified in Tables 1 to 13 - Fees of the Second Schedule to these regulations.

(2) Application for the assignment, transfer or mortgage of a mineral right shall be submitted through the OMC to the Cabinet Secretary as prescribed and may include:
   (a.) details of the proposed mortgage, assignment or transfer including copies of any agreement; and
   (b.) details of the assignee or transferee, confirming that:
      (i) the assignee or transferee is a qualifying person or company under the Act;
      (ii) the assignee or transferee has the requisite technical and financial capabilities to carry out the obligations of the holder’s licence or permit; and
      (iii) providing detailed information proving eligibility as required for that mineral right under the Act and theregulations.
Pursuant to Clause 54 of the Act, the Cabinet Secretary may request any additional information, using Form N-1 [Notice of demand for additional information]. Where so requested:

(a.) The applicant shall provide such additional information within seven (7) days of receiving the Cabinet Secretary request.

(b.) The Cabinet Secretary shall review such information and may solicit the advice of experts, within:
   (i) sixty (60) days for large scale mining operations
   (ii) ten (10) days for small scale mining operations

An applicant who is aggrieved by the decision of the Cabinet Secretary may appeal to the High Court within thirty (30) days of receipt of the notification of the rejection of the application.

Pursuant to Clause 51(6) of the Act, a holder shall inform the Mining Cadastre Office of a change of interest using Form N-12 [Notice of change of interest in a mineral right] when:

(a.) there exists a proposed change of interest in a mineral right;
(b.) that proposed change of interest exceeds twenty-five percent (25%) of the entire equity of the mineral right;
   In such instance, the holder shall pay the non-refundable mineral right transfer application fee specified in Tables 1 to 13 - Fees of the Second Schedule.

A change of interest may generally be referred to as a “transfer”. The Mining Cadastre Office shall provide the Mineral Rights Board with a copy of any notice of change of interest in a mineral right and attach any documents for review by the Mineral Rights Board.

(a.) Within fourteen (14) days of receipt of the Notice of Change of Interest, the Mineral Rights Board shall review the information and provide the Cabinet Secretary with its written advice on whether to:
   (i) grant the change of interest;
   (ii) deny the change of interest; or
   (iii) seek additional information with respect to the change of interest.

The Cabinet Secretary shall, on advice of the Mineral Rights Board, make a final determination using Form N-10 [Notice of approval or rejection of an application].

The Cabinet Secretary may seek additional information from the applicant.

The Cabinet Secretary shall, on the advice of the Mineral Rights Board, advise the applicant of the decision whether to grant or reject using Form N-10 [Notice of approval or rejection of an application].

Approval of change of interest.

(a.) Pursuant to Clause 51(4) of the Act, prior to assignment, mortgage, of transfer and within twenty-one (21) days from the date on which the holder receives the Cabinet Secretary approval through the OMC, the transferor, assignor or mortgagor shall -
   (i) in writing notify the Kenya Revenue Authority of the transfer of interest; and
   (ii) immediately make arrangements to pay any outstanding tax or legal debt not carried over to the new holder.
(12) The transferor, assignor, mortgagor shall confirm via the OMC that it has complied with all conditions of the transfer, assignment or mortgage and shall submit written evidence that satisfactory arrangements have been reached with the Kenya Revenue Authority for payment of outstanding or other due tax and debts in respect of the assignment, mortgage, or transfer.

(13) The assignee or transferee shall confirm acceptance of all expenditure, work programme commitments and other obligations originally incumbent on the transferor for that part of the mineral right being transferred from the date of transfer of interest, using Form AT-4 [Attestation to accept terms of transferred mineral right], and shall make payment of the transfer fee within fourteen (14) days of receiving the notice to pay from the Kenya Revenue Authority.

(14) The Mining Cadastre Office shall register the interest of an assignee, mortgagee or transferee who has complied with all conditions of the assignment, transfer or mortgage and has paid the appropriate transfer fee according to Tables 1 to 13 - Fees of the Second Schedule within seven (7) days using Form N-12 [Notice of Change of Interest in a mineral right].

(15) In the case of a full transfer of the mineral right, the transferor shall have its interest in the licence removed from the register and shall be notified within seven (7) days using Form N-11 [Notice of revocation of a mineral right or part thereof].

43. Inheritance of artisanal mining permit rights

(1) Excepting artisanal mining permit rights, no mineral right shall be inherited.

(2) In any case of an artisanal mining permit where the holder dies, irrespective of the circumstances of death -

(a) the obligations of the deceased holder shall, according to the Act and these regulations or by any regulations made under the Act, be suspended;

(b) the rights conferred on such holder by the Act or by these regulations shall be preserved for six (6) months from the date of death; and

(c) additional time may be granted to preserve such rights provided that the Representative of the Director of Mines considers that good and sufficient cause exists.

(3) Any heir(s) seeking to inherit rights and obligations of the Artisanal Mining permit shall apply through the OMC to the Representative of the Director of Mines in Form A-11 [Application for mineral right transfer] within sixty-three (63) days of the date of death of the holder.

(a) The applicant shall pay the non-refundable mineral right transfer application fee specified in Tables 1 to 13 - Fees of the Second Schedule to these regulations.

(b) Such application shall include:

(i) the name and date of death of the holder;

(ii) details of the proposed transfer, including copies of any agreements made between or amongst relevant parties;

(iii) details of the transferee confirming that he or she:

a. is a rightful heir to the deceased;

b. it is a qualifying person under the Act, using Form AT-3 [Attestation legally competent individual without conviction];

c. has the requisite technical and financial capabilities to carry out the obligations of the deceased holder’s Artisanal mining permit; and
d. providing any additional information requested by the Representative of the Director of Mines.

(4) The Representative of the Director of Mines may request any additional information using Form N-1 [Notice of demand for additional information].

(a.) The applicant shall provide such additional information within seven (7) days of receiving a written request.

(b.) The applicant may request additional time, which shall not be unreasonably denied;

(c.) In the event that the applicant does not provide the additional information in the time prescribed and any additional time granted, the application shall be rejected.

(5) The Representative of the Director of Mines shall decide to grant or reject the application for transfer within seven (7) days of receipt of the application or submission of additional information if so requested, and inform the applicant using Form N-10 [Notice of approval or rejection of an application]

44. Land compensation guarantee bond

(1) Pursuant to Clauses 153(2) of the Act, a mineral right holder shall deliver a bond as guarantee against a claim for compensation payable to a land holder (landowner or lawful occupier) that -

(a.) shall be of an amount prescribed to cover for any loss of land use, damage to land or loss of earnings;

(b.) may be in the form of a letter of credit or cash; and

(c.) shall be held by the Ministry of Mining in a non-interest bearing escrow account.

(2) Pursuant to Clause 153(3) of the Act, the Cabinet Secretary shall, based on the nature and extent of land to be used for mineral activities, determine the amount and nature of the bond on a case by case basis according to the probable loss of use, damage to land or loss of earnings.

(a.) The Cabinet Secretary shall require the mineral right holder, within seven (7) days of grant of the mineral right, to deliver the bond, accompanied by Form AR-2 [Request to deliver a bond].

(b.) The holder shall within fourteen (14) days of the Cabinet Secretary’s notice deliver the bond.

(c.) No prospecting or mining shall commence before the Mining Cadastre Office has confirmed receipt of the land compensation bond.

(3) Notwithstanding Clause 153(2) of the Act, and pursuant to Clause 158(3) of the Act, a land compensation guarantee bond shall not be required in the case of non-invasive reconnaissance or prospecting operations.

45. Encumbrance

(1) No encumbrance may be placed by a holder upon any:

(a.) mineral resource; or

(b.) licence or permit or upon the facilities, installations and other fixtures that are part of the operations unless it is to secure financing for any operations or activities of the holder in connection with the licence or permit.

(2) Where any rights arising from a licence that are transferable under the Act are assigned, mortgaged, or subject to any security interest, the holder shall notify the Mining Cadastre Office within thirty (30) days in Form N-45 [Notice of encumbrance or lien].
(3) Any encumbrance on licence or permit shall be recorded by the Mining Cadastre Office in the respective register.

46. Discovery of cultural, historic or archaeological relics

(1) Cultural, historic or archaeological relics shall be reported to the Cabinet Secretary in Form N-20 [Notice of archaeological relics] under these regulations within seven (7) days of the discovery.
PART VI: RECONNAISSANCE AND PROSPECTING
MINIMUM OPERATIONAL EXPENDITURE OBLIGATIONS

47. Minimum operational expenditure obligation.
   (1) The minimum operational expenditure is that amount of funds, or work of a calculated value, that a holder is required to expend on its mineral right as prescribed under these regulations.
   (2) In accordance with its approved work programme, holders of the following mineral rights shall be required to meet a minimum operational expenditure:
      (a.) reconnaissance licence
      (b.) prospecting licence
      (c.) reconnaissance permit
      (d.) prospecting permit.
   (3) Those holders as described in sub regulation (2) shall expend on operations in each licence or permit year not less than the minimum amount specified in sub regulation of this regulation.
   (4) If during any licence or permit year, the holder of a reconnaissance or prospecting licence or permit expends in excess of the required annual minimum operational expenditure amount, any excess shall be applied to satisfy the holder’s minimum operational expenditure requirement in the following licence or permit year.
   (5) The minimum operational expenditure required in each licence or permit year shall be calculated on the number of cadastral units comprising the licence or permit area at the start date of the licence or permit year, multiplied by the base amount per cadastral unit as specified in Tables 1 to 13 - Fees in the Second Schedule to these regulations, multiplied in turn by a factor corresponding to the licence or permit year as set out in Table 14 and 15 - Minimum Operations Expenditure of the Second Schedule to these regulations.
   (6) Where a reconnaissance or prospecting licence or permit holder fails to meet the annual minimum operational expenditure obligation for any licence or permit year, the shortfall shall be a debt due to the Government recoverable in a court of competent jurisdiction.
      (a.) Any failure to meet minimum operational expenditure obligation that is attributed to an allowable event of force majeure or other reason that is acceptable under these regulations shall be exempted from this sub regulation (6).
   (7) On application by the holder of a reconnaissance or prospecting licence or permit, and where cash has been used to fund the minimum operational expenditure obligation, the Cabinet Secretary may refund a cash payment under sub regulation of this regulation, in whole or in part; provided that the holder satisfies the Director that, in the licence or permit year or years since the year in which the deficiency arose, the holder has performed required work or has incurred eligible expenditures for the performance of required work the value of which exceeds the prescribed required minimum operational expenditure value applicable in the subsequent licence or permit year or years and that no deficiency or a reduced deficiency remains in respect of required work.

48. Qualifying minimum operational expenditure obligations
(1) Work acceptable the Director of Mines in fulfilment of the minimum operational expenditure obligation as required in this regulation for reconnaissance or prospecting operations shall include:

(a.) literature research and analysis of previous work;
(b.) boundary and control surveys and topographic mapping;
(c.) photogeological and remote imagery interpretations;
(d.) geological, geophysical (including airborne) and geochemical surveys;
(e.) structural mapping and interpretation;
(f.) establishing grid lines;
(g.) trenching, stripping and excavating pits;
(h.) shaft sinking, tunnelling and other underground development work;
(i.) sample collection including bulk sampling, analyses and assays;
(j.) drilling, where core or cuttings are logged and analysed;
(k.) geophysical logging of drill holes;
(l.) logging of drill core or cuttings;
(m.) petrographical, petrological, analytical and mineralogical studies;
(n.) beneficiation studies, pilot plants;
(o.) mine pre-feasibility and feasibility studies;
(p.) mineral product marketing studies;
(q.) environmental baseline studies;
(r.) environmental and social impact assessments;
(s.) implementation of environmental management programmes;
(t.) preparation of rehabilitation and mine closure plans;
(u.) preparation of social, gender and cultural impact studies and plans;
(v.) community consultation and outreach;
(w.) preparation of reports in compliance with the Act;
(x.) rehabilitation of the environment; and
(y.) such other work as may be reasonably approved by the Director.

(2) Provided that expenditures related to the work activities are documented in sufficient detail to establish their authenticity to the satisfaction of the Director, and are directly related to the performance of work as listed in sub regulation (1) of this regulation carried out on the licence or permit area, acceptable operational expenditures shall include:

(a.) At full cost -
   (i) salaries and benefits of field and laboratory personnel;
   (ii) food and accommodation for workers in Kenya at licence or permit area;
   (iii) equipment and instrument rental including short- and long-term rentals;
   (iv) analyses and assays;
   (v) prospecting work contracted out;
   (vi) compensation to land owners and land users;
(vii) licence or permit access road construction;
(viii) camp construction and operation;
(ix) training of Kenyans including all ancillary costs of travel and accommodation;
(x) reasonable international transportation to Kenya for expatriate staff; and
(xi) domestic transportation to the licence area and related sites.

(b.) Not exceeding ten per cent (10%) in total of the total of all costs claimed under subregulation(2)(a.) of this regulation -

(i) freight and customs duties;
(ii) office supplies and services;
(iii) the purchase price of equipment intended to remain on site for future production work; and
(iv) salaries and benefits of office/clerical personnel dedicated more than seventy-five per cent (75%) staff time to the Kenyan licence.
PART VII SURRENDER, SUSPENSION AND REVOCATION OF MINERAL RIGHTS

49. Surrender of mineral rights

(1) Pursuant to Clause 143 of the Act, a holder may apply through the OMC to the Cabinet Secretary to surrender all or part of its mineral right, using Form A-21 [Application to surrender mineral right].

(2) The Cabinet Secretary, on the advice of the Mineral Rights Board, may allow a holder to surrender that mineral right in respect of the whole or any part of the area specified in the mineral right.

(3) An application made under sub regulation (1) shall give:

(a.) in the case of a reconnaissance or prospecting permit, not less than thirtyone (31) days’ notice of intention to surrender part or the whole of the area specified in the permit; or

(b.) in the case of all other mineral rights, not less than ninetyone (91) days’ notice of intention to surrender part or the whole of the area specified in the mineral right.

(4) An application fee is not payable in the case of a partial or complete surrender of a mineral right.

(5) An application to surrender under sub regulation (1) shall include:

(a.) Where part only of the reconnaissance or prospecting area is surrendered pursuant to Clause 84, 144 of the Act or regulation 92:

(i) The coordinates of the cadastral blocks of that part of the area to be surrendered in the prescribed format;

(ii) A surrender report prepared according to Ministry guidelines, covering all activities carried out in or over the area to be surrendered since the mineral right was first granted, namely:

a. all records and reports with respect to the mineral right operations carried out in the mineral right area to be surrendered including all original results and data previously submitted in annual exploration reports;

b. the report shall summarise earlier technical reports up to and including the most recent annual report, together with final conclusions and should include:

1. rationale for surrender;

2. any suggestions to mothball operations or alternatives to partial development of the area;

3. status of any mining operations as of date of surrender;

4. plans for the removal of equipment and infrastructure;

5. status of mine and mine-related workers affected by the surrender;

6. environmental and social issues arising; and

7. status of implementation of any Community Development Agreement, Environmental and Social Management Plans, infrastructure development and any ancillary work related to the area to be surrendered.
(iii) In addition to all electronic documents, two (2) bound hardcopies of all required documents shall be delivered to the Mining Cadastre Office within seven (7) days of the application date.

(iv) Confirmation from the authorised agency that approved environmental and social management plans, relating to the area being surrendered have been fully implemented;

(b.) Where the entire mineral right area is surrendered the following shall be submitted:

(i) The original paper copy of the mineral right, sent by registered mail;

(ii) A final exploration report in digital and hard copy form, prepared according to published Ministry guidelines, covering all work carried out during the final year of the licence subsequent to the previous annual report, and including a summary of all work carried out and conclusions on the licence area since the mineral right was first granted.
   a. A surrender report shall not be required provided all original data has been submitted in past annual and other technical reports, except that any original data or interpretation not previously submitted shall be provided in the final report.

(iii) A statement of expenditure for the current licence or permit year up to the date of application for surrender for the following mineral rights:
   a. Form AR-4 [Reconnaissance licence annual expenditure report];
   b. Form AR-8 [Prospecting licence annual expenditure report];
   c. Form AR-13 [Retention licence annual expenditure report];
   d. Form AR-18 [Prospecting permit annual expenditure report];

(iv) Where the operational expenditure is less than the pro-rata annual committed operational expenditure, any shortfall shall be a debt owed to the Government of Kenya;

(v) Confirmation from the authorised agency that any approved environmental and social management plans have been fully implemented;

(vi) A statement of assets the holder intends to remove from the area and assets he or she intends to leave;

(vii) In accordance with subregulation 51, details of any potentially hazardous substances, excavations and buildings remaining in the area, if any.

(c.) Upon receipt of all required information, the Cabinet Secretary shall, on the advice of the Mineral Rights Board through the OMC issue a notice to the holder that the application for surrender has been approved, using Form N-31 [Notice of approval for surrender] confirming that,

(i) The mineral right area is reduced; or

(ii) The mineral right is terminated.

(6) The requested surrender of an area covered under a mineral right shall have no effect unless and until the Cabinet Secretary, on the advice of the Mineral Rights Board, gives the holder thereof written notice, pursuant to sub regulation (6) above.

(7) An approval for the surrender of a mineral right may be granted subject to such conditions as the Cabinet Secretary, on the advice of the Mineral Rights Board, may consider appropriate.
(a.) Where the application is for part only of a mineral right area, the mineral right shall cease to have effect in respect of that part of the area but shall continue to have effect in respect of the remaining area.

(b.) Except as provided by Clause 146 of the Act, a mineral right shall cease to have any effect once an application to surrender the entire area is approved.

50. Suspension of mineral rights

(1) Pursuant to Clause 147 of the Act, where a mineral right holder fails to comply with a condition or obligation, the Cabinet Secretary may issue a notice to the holder using Form N-3 [Notice of intent to suspend a licence or permit] that:

(a.) the mineral right may be suspended within fourteen (14) days of the holder receipt of such notice unless the holder:
   (i) compiles with the outstanding condition or obligation within the prescribed time; or
   (ii) shows cause to the satisfaction of the Cabinet Secretary why the condition or obligation cannot be satisfied; or
   (iii) provides other reasons to the satisfaction of the Cabinet Secretary as to why the mineral right should not be suspended.

(2) Where a holder does not respond to such notice within the prescribed time, or fails to satisfy the Cabinet Secretary, the Cabinet Secretary shall suspend the mineral right, using Form N-13 [Notice of suspension of a mineral right or part thereof].

(3) Where the Cabinet Secretary suspends a mineral right, the holder may, within thirty (30) days, file an appeal with the High Court of Kenya for adjudication.

51. Revocation of a mineral right

(1) Only the Cabinet Secretary is authorised to revoke a mineral right.

(2) Pursuant to Clause 147 of the Act, the Cabinet Secretary may, on the advice of the Mineral Rights Board, revoke a mineral right in accordance with the Act for any reason prescribed under the Act.

(3) Where the Cabinet Secretary intends to revoke a mineral right, the Cabinet Secretary shall provide not less than sixty-three (63) days written notice to the holder using Form N-4 [Notice of intent to revoke a licence or permit], and such notice shall contain in detail the grounds for revocation.

(4) The Cabinet Secretary shall revoke a mineral right and shall notify in writing the Mining Cadastre Office:

(a.) where the Act requires revocation for failure to meet a condition or other contravention as prescribed and the holder fails within thirty-five (35) days of receiving a notice under regulation (2) to:
   (i) remedy the stated grounds for revocation; or
   (ii) provide sufficient evidence to justify its failure to meet a condition or other act as prescribed

(5) The Cabinet Secretary shall notify the holder of the decision to revoke the mineral right, using Form N-11 [Notice of revocation of a mineral right or part thereof].

(6) The Cabinet Secretary shall ensure that notification of the revocation is communicated to the holder and shall cause it to be recorded in the relevant register and on the relevant cadastral map.
(7) Upon revocation of a mineral right, the Cabinet Secretary shall submit to the former holder a demand notice in Form N-15 [Notice of demand for final documents] under the regulations demanding delivery of:

(a.) all records and reports, digitally and in hard copy that the holder has been and is legally obligated to submit under the provisions of the Act and regulations;

(b.) all plans and maps, digitally and in hard copy of the mineral right area covered by the licence or permit prepared by the holder or at its instructions by its agent, subcontractor, or affiliate; and

(c.) such other documents, digitally and in hard copy relating to the licence or permit as may be requested in the notice.

(8) Upon receipt of a demand notice under regulation 51(7) of this regulation, the holder shall provide all information requested in the demand to the Mining Cadastre Office within twenty-eight (28) days of receipt of the notice.

52. Management of assets and hazardous materials on expiry or revocation of a mineral right

(1) Pursuant to Clause 149(2) of the Act, where a holder does not intend to apply for an extension or renewal of a mineral right, the holder shall, at least fifty-six (56) days before the expiry date of the right, submit a statement to the Cabinet Secretary using Form N-46 [Statement of assets & hazardous materials] listing any:

(a.) immovable and movable assets;

(b.) potentially hazardous substances; and

(c.) excavations and buildings remaining in the area.

(2) On receipt of the information from the holder in regard to assets and hazardous substances left in the area, the Cabinet Secretary may serve notice, using Form N-14 [Management of assets & hazardous materials on expiry/revocation of a mineral right] in regard to:

(a.) instructing the former holder on the handling of the assets or hazardous substances;

(b.) mitigating measures to be taken;

(c.) advising the costs to be covered by the former holder; and

(d.) advising that the holder must comply within fifty-six (56) days of receipt of such notice or otherwise seek an extension to ensure compliance with the notice.

53. Management of mine-related infrastructure on expiry or revocation of a mineral right

Subject to the Mining Act and any regulations made thereunder, all public utility infrastructure erected by the holder of a mineral right shall become the property of the State upon expiration or revocation of the right.
PART VIII – LARGE-SCALE MINING OPERATIONS

VIII.1 -RECONNAISSANCE LICENCE

54. Purpose and scope

(1) A reconnaissance licence grants a qualifying person or company the right to carry out non-invasive investigations for minerals in or over the licence area according to an approved reconnaissance licence work programme.

(2) A reconnaissance licence right is non-exclusive.

(3) Areas covered by existing exclusive mineral rights falling within the boundaries of reconnaissance licence are automatically excluded from the reconnaissance licence except that airborne surveys are permitted over such land subject to restricted use of the data so collected.

(4) More than one (1) reconnaissance licence may be granted to different applicants over the same area or parts of an area.

(5) Where during the duration of the reconnaissance licence, any land which is the subject of the reconnaissance licence becomes the subject of an exclusive mineral right, or is declared as strategic, restricted or reserved, or is otherwise closed to prospecting or mining as may be prescribed, that land shall cease to be included under the reconnaissance licence.

55. Form of licence

(1) A reconnaissance licence shall be issued in digital form along with one (1) paper copy using Form L-1 [Reconnaissance licence] under these regulations.

(2) Pursuant to Clause 61 of the Act, a reconnaissance licence shall specify the:
   (a.) full name, nationality and address of the licence holder;
   (b.) coordinates in the prescribed format delineating the licence area;
   (c.) term of the licence;
   (d.) a digital map showing the approximate geographical reconnaissance area;
   (e.) the approved reconnaissance licence work programme;
   (f.) the approved detailed minimum operational expenditure commitment for the first year of the licence and an estimated minimum operational expenditure commitment for the subsequent year;
   (g.) approved plans for the procurement of Kenyan goods and services;
   (h.) the approved plan for employment and training of Kenyan citizens;
   (i.) resumes of the Project Manager and key staffs committed at least throughout year one (1) of the reconnaissance licence work programme; and
   (j.) any other special conditions that may apply.

56. Duration of reconnaissance licence

A reconnaissance licence may be granted for a period of up to two (2) years and shall not be renewable.

57. Size of reconnaissance licence area
The area of land in respect of which a reconnaissance licence may be granted shall not be more than five thousand (5,000) contiguous cadastral blocks.

Any one holder may hold not more than two (2) reconnaissance licences concurrently.

Notwithstanding subregulation (1), in the case of an aerial survey the Cabinet Secretary, on the advice of the Mineral Rights Board, may grant a reconnaissance licence over the entire territory of Kenya or such lesser area as requested.

58. **Shape of reconnaissance licence area**

A reconnaissance licence may be of any shape as defined by whole contiguous cadastral blocks.

59. **Application for reconnaissance licence**

(1) An application in Form A-2 [Application for reconnaissance licence] for grant of reconnaissance licence shall be made to the Cabinet Secretary.

(2) The application shall include the following:

(a.) full name, nationality and address of the applicant;

(b.) in the case of a company:

(i) the legally registered name and address, the certificate of incorporation and Articles of Incorporation of the company;

(ii) name and addresses, nationalities and contact information of each corporate officer, Board of Directors members and shareholder(s) as listed with the Registrar of Companies;

(iii) a declaration, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be, affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act;

(iv) a statement of past work relevant to the proposed reconnaissance licence activities;

(c.) details of the proposed reconnaissance area and, if less than the entire territory of Kenya, the cadastral blocks in the prescribed format defining the area;

(d.) a proposed reconnaissance licence work programme setting out the work intended over the duration term of the licence, with details of the equipment, methodology, and technologies expected to be used including for aerial survey;

(e.) a detailed minimum operational expenditures commitment for the first year of the licence and estimated minimum operational expenditure commitment for the subsequent year;

(f.) resumes of the Project Manager and key staff committed to the project at least throughout year one (1) of the reconnaissance licence work programme;

(g.) information on any minerals rights held in Kenya by the applicant or representatives;

(h.) an environmental and social screening report comprising a plan describing how, on an ongoing basis, local government traditional authorities and communities will be informed and consulted about those reconnaissance operations that require physical entry onto the land within their jurisdiction;

(i.) a plan for the employment and training of Kenyan citizens, and the progressive replacement of expatriate workers;

(j.) a plan for the use of national goods and services;

(k.) details, in writing, on how the proposed reconnaissance licence work programme will be financed;
(l.) a certified or signed statement or formal letter of intent from a bank or other financial source confirming the financial resources available to the applicant exclusively for this licence; and

(m.) any other information that may be requested in Form A-2 [Application for reconnaissance licence] under these regulations.

(3) The registered reconnaissance licence application shall be reviewed by the Technical Committee, pursuant to regulation 6, and in accordance with regulations 15.

60. Processing of an application for a reconnaissance licence

(1) Pursuant to Clause 33(2)(a) of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall grant or reject an application for a reconnaissance licence within ninety (90) days of the registration date.

(2) The date that the digital reconnaissance licence is issued by the Mining Cadastre Office shall be:

(a.) marked on the reconnaissance licence;

(b.) considered the start of the reconnaissance licence year; and

(c.) recorded by the Registrar in the reconnaissance licence register.

61. Amendments to an approved reconnaissance licence work programme

(1) Amendments to an approved reconnaissance licence work programme may be sought as follows:

(a.) Pursuant to Clause 70 of the Act and subject to regulation 55(2)(e), a holder may request to amend an approved reconnaissance licence work programme using Form A-13 [Application to amend work programme].

(b.) Written justification for any proposed amendment shall be based on the results of the reconnaissance work to date or other new and relevant information that has come to light that support the need for such a change.

(2) Where the Cabinet Secretary requires more information to decide the requested amendment, the applicant shall be notified using Form N-1 [Notice of demand for additional information].

(a.) The applicant shall submit the requested information within thirty-five (35) days of receipt of the Cabinet Secretary’s notice;

(b.) The Cabinet Secretary shall review and respond to the holder in light of the additional information; and

(c.) Where deemed necessary, the Cabinet Secretary may request review by technical experts.

62. Rights and restrictions under a reconnaissance licence

(1) A reconnaissance licence permits the holder to conduct preliminary exploration for minerals through aerial, geophysical, geochemical and geological surveys together with limited sampling of surface soil and rocks.

(2) A reconnaissance licence allows the collection of surface samples in accordance with the reconnaissance licence work programme but excludes intrusive activities such as drilling, trenching and excavation.

63. Airborne survey conducted under a reconnaissance licence
Pursuant to Clause 63(4) of the Act, the copyright of any regional airborne data, including geophysical and other remote sensing data, acquired under a reconnaissance licence shall rest with the holder for as long as the licence is valid.

Once the reconnaissance licence has expired or has been invalidated in any other way, the copyright of the airborne data acquired under the licence shall rest with the Government.

(a.) Notwithstanding, the holder shall retain the copyright to areas over which a prospecting licence is applied for during the term of the reconnaissance licence and which is subsequently granted.

Any airborne survey may, in addition to anything contained herein, and if the Cabinet Secretary on the advice of the Mineral Rights Board so requires, be subject to a special agreement with the Government which shall, amongst other things, include:

(a.) details of the flying campaign including plans and approvals from relevant authorities;
(b.) health and safety plans;
(c.) monitoring by Ministry personnel;
(d.) technical specifications of the survey; and
(e.) any special conditions governing the disposal or sale of the data and any derived products or interpretation under Kenyan Law.

All pilots shall be qualified to internationally recognised standards and all flying shall adhere to national regulations of the Kenya Civil Aviation Authority.

Throughout any aerial survey, the holder shall, on a weekly basis, keep the Ministry informed of progress and shall, without delay, advise the Cabinet Secretary through the Mining Cadastre Office of any health and safety concerns, accidents or incidents.

Notwithstanding subsection (1) above, any data collected under an airborne geophysical survey over land held under an exclusive mineral right shall not be published or sold or otherwise disclosed without the written consent of the holder of the exclusive mineral right, save that the data may be included in processed form as part of a regional interpretation so long as actual raw data values over such areas held by others cannot be derived by backward calculation.

The holder of a reconnaissance licence who undertakes an airborne geophysical survey shall, not later than seven (7) days after the end of each twenty-eight (28) day period, submit a progress report to the Ministry prepared according to published Ministry guidelines. The report shall include:

(a.) a narrative description of the progress achieved during the previous month and since the campaign commenced;
(b.) an index map showing flight lines (including tie-lines) and indicating line-kilometres flown; and
(c.) hardcopy plots of any processed or interpreted data, including cumulative plots of data collected since commencement of the survey.

Not later than two (2) months following completion of the survey, the holder shall submit a final report in both digital format and hard copy, prepared according to Ministry guidelines together with a digital copy of all raw data, processed data and interpretation in an industry-standard format. Such report shall be required in addition to the annual exploration report.

64 Obligations and conduct under a reconnaissance licence

Pursuant to Clause 67 of the Act, reconnaissance licence work programme shall be subject to the following:
(a.) the holder of an operational licence shall commence operations within ninety-one (91) days from the start date of the licence;

(i) where evidence is provided to demonstrate the need for additional time to commence reconnaissance activities, application may be made to the Cabinet Secretary for consideration.

(b.) an operational licence holder shall submit a written notice using First Schedule Form N-16 [Notice of fieldwork commencement reconnaissance/prospecting] not later than seven (7) days before commencing reconnaissance operations.

(c.) investigations shall be conducted in accordance with the approved reconnaissance work programme and minimum operational expenditures, and in compliance with all other terms and conditions of the licence, any special agreements, and the Mining Act, regulations and any other applicable acts and regulations.

(d.) an applicant whose reconnaissance licence is granted shall, before commencement of reconnaissance work, provide personal details of the senior technical manager responsible for reconnaissance operations (‘Reconnaissance Manager’), including contact details. The holder shall update this information if at any time during the term of the licence the Reconnaissance Manager is replaced.

(e.) all transfer camps, temporary installations or installed machinery shall be removed, and any damage done to the surface of any land repaired, within sixty (60) days after the expiry date of the licence or date of licence revocation

65. Reporting required under a reconnaissance licence

(1) Pursuant to Clause 67 of the Act, and notwithstanding the reporting requirements in respect of airborne surveys under regulation 63(7) and (8), the holder of a reconnaissance licence shall submit:

(a.) within fourteen (14) days of the end of six (6) months of each licence year, a six (6) monthly progress report on all reconnaissance work carried out over the licence area in compliance with published guidelines, and in accordance with the approved reconnaissance licence work programme and all expenditures using Form AR-5 [Reconnaissance licence six (6) monthly report];

(b.) not later than thirty-five (35) days following the end of each licence year, a full and detailed annual report, using Form AR-3 [reconnaissance licence annual report] on all reconnaissance work carried out over the licence area in compliance with published guidelines, and in accordance with the approved reconnaissance licence work programme. In addition, two (2) hardcopies, suitably bound to provide a long-term record, shall be delivered to the Mining Cadastre Office;

(i) the annual report shall be accompanied by an updated reconnaissance licence work programme for the following licence year;

(c.) an annual declaration of minimum operational expenditures on reconnaissance activities using Form AR-4 [Reconnaissance licence annual expenditure report] to accompany the annual report. It shall be certified as true by the holder. Any shortfall in the committed minimum operational expenditures shall be declared by the holder;

(2) The annual report, reconnaissance licence work programme and declaration of the minimum operational expenditures shall be reviewed by the Director of Geological Survey, and the Director of Mines shall inform the holder if any modifications are required, using Form N-1 [Notice of demand for additional information];

(i) the holder shall respond within twenty-eight (28) days of receipt the Director of Mines’ notification.
Where a submitted report is non-compliant, the Mining Cadastre Office shall inform the holder within thirty-five (35) days of submission using Form N-5 [Notice to Comply].

The Cabinet Secretary may give the holder a further thirty-five (35) days in which to submit a compliant report, failing which the licence shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof].

The holder of a reconnaissance licence shall expend minimum operation expenditures for the licence area as prescribed in regulations 47 and 48, calculated as per Table 14 and 15 - Minimum Operations Expenditure in the Second Schedule to these regulations.

Pursuant to regulation 47, where there is a shortfall in minimum operational expenditures, the balance shall be a debt owing to the Government. This debt shall be notified by the Mining Cadastre Office to the holder using Form N-17 [Notice of shortfall in minimum operational expenditure].

The holder shall have thirty-five (35) days from the end of the licence year to pay any debt of outstanding balance, failing which the licence shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof]. Any application for renewal of the licence shall not be considered, nor shall the licence remain valid within its current term, until such debt is paid in full.

Notwithstanding the reported expenditure and any submitted audited annual return, the Cabinet Secretary shall have the power to call for an independent audit of expenditure using Form N-18 [Notice of call for an independent audit of expenditure under these regulations], and this shall be at the holder’s expense.

66. Surrender of a reconnaissance licence

Pursuant to Part VIII of the Act, the holder of a reconnaissance licence who wishes to surrender part of the original reconnaissance licence shall apply in accordance with the process established under regulation 49.
PART VIII.II - PROSPECTING LICENCE

67. Purpose

(1) A prospecting licence grants a qualifying person the right to prospect for a mineral or minerals in the licence area according to an approved programme of prospecting operations.

(2) A prospecting licence is an exclusive right.

68. Form of prospecting licence

(1) A prospecting licence shall be issued digitally together with a paper copy using Form L-2 [Prospecting licence] under these regulations.

(2) Pursuant to Clause 72 of the Act, a prospecting licence shall specify or have appended to it:
   (a.) the name, nationality and address of the licence holder;
   (b.) the mineral or minerals in respect of which the prospecting licence is issued;
   (c.) the cadastral coordinates in the prescribed form defining the prospecting area;
   (d.) a digital map with the approximate position of the prospecting area marked upon it, and any directly adjacent mineral right areas, with the exception of reconnaissance licences;
   (e.) the duration of the licence;
   (f.) the approved programme for prospecting operations;
   (g.) any approved minimum operation expenditures;
   (h.) plans for the procurement of national goods and services;
   (i.) the approved plan for employment and training of Kenyan citizens;
   (j.) details of any significant adverse effects that carrying out the programme of prospecting operations is likely to have on the environment, gender impact and on any monument, cultural heritage, artefacts or relic in the proposed prospecting area, measures to be taken to mitigate such effects and an estimate of the cost of mitigating such impacts;
   (k.) financial resources available to the applicant exclusively in respect of this application and acceptable to the Mining Cadastre Office to cover:
      (i) the minimum operation expenditures; and
      (ii) the approved rehabilitation programme;
   (l.) a certified copy of the applicant’s audited accounts, if any;
   (m.) performance bond or escrow account information;
   (n.) other proof of financial resources;
   (o.) resumes of the Project Manager and key staffs committed at least throughout year one (1) of the prospecting programme; and
   (p.) any other documents as appropriate or other special conditions that may apply.

69. Duration of prospecting licence

(1) A prospecting licence shall be issued for a term not exceeding three (3) years.

(2) A prospecting licence may be extended twice, for a term of up to three (3) years on each occasion subject to the surrender of part of the licence area pursuant to Clause 84 of the Act.
70. **Size of prospecting licence area**

(1) A prospecting licence area shall be no larger than one thousand, five hundred (1,500) contiguous cadastral blocks and no smaller than one hundred and twenty five (125) cadastral blocks.

(2) A prospecting licence may, as a consequence of renewal and part-surrender, comprise up to three (3) discrete areas.

(3) A person or company may hold several prospecting licences covering in aggregate not more than ten thousand (10,000) cadastral blocks.

71. **Shape of prospecting licence area**

A prospecting licence may be of any shape as defined by contiguous cadastral blocks.

72. **Application for prospecting licence**

(1) An application in Form A-3 [Application for prospecting licence] for grant of a prospecting licence shall be made to the Cabinet Secretary.

(2) The application shall include the following:

   (a.) name, nationality and address of applicant; or

   (b.) in the case of a company:

      (i) the legally registered name and address, the certificate of incorporation and Articles of Incorporation of the company;

      (ii) names and addresses, nationalities and contact information of each corporate officer, Board of Directors members and shareholder(s) who hold ten percent (10%) or more of shares of the company, and a list of all directors, as listed at the Registrar of companies.

      (iii) a statement using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] or Form AT-4 [Attestation to accept terms of transferred mineral right] under these regulations as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of this law;

   (c.) a statement of relevant past work;

   (d.) the mineral or minerals in respect of which the prospecting licence is sought;

   (e.) the cadastral coordinates in the prescribed form defining the proposed prospecting licence area;

   (f.) a digital map with the approximate position of the prospecting area marked upon it, and any directly adjacent mineral right areas, with the exception of reconnaissance licences;

   (g.) the requested duration of the licence;

   (h.) a programme for prospecting operations setting out the detailed work intended for the first year of the licence and an indicative programme of work for the remainder of the term of the licence, with details of the equipment expected to be used in connection with it;

   (i.) minimum operational expenditure commitment for the first licence year and estimated minimum operational expenditure for the subsequent licence years;

   (j.) proposal for the procurement of national goods and services;
(k.) a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted in regard to those prospecting works that require physical entry onto the land within their jurisdiction;

(l.) proposals for employment and training of Kenyan citizens;

(m.) activities and actions that, as a result of the programme of prospecting operations, may be reasonably expected to result in significant adverse effects on the environment, gender impact and on any monument, cultural heritage, artefacts or relic in the proposed prospecting area, together with measures to be taken to mitigate such effects and an estimate of the cost of such mitigating actions;

(n.) a signed statement of the financial resources available to the applicant exclusively in respect of this application and acceptable to the Mining Cadastre Office to cover:

(i) minimum operational expenditures;

(ii) remediation measures;

(iii) community development commitments; and

(iv) the rehabilitation programme;

(o.) a certified copy of the applicants' audited accounts.

(p.) a signed statement of financial resources available to implement the exploration activities and proof of financial resources, performance bond or escrow account information;

(q.) any permit or licence that may be required under the applicable environmental laws of Kenya;

(r.) names, addresses and certification of the skills of the person responsible for the prospecting work programme, including resumes of the Project Manager and key staff committed to the project at least throughout year one (1) of the prospecting work programme; and

(s.) any additional information requested in Form A-3 [Application for prospecting licence] or as the Ministry of Mining and the applicant considers it necessary.

(3) The registered licence application shall be reviewed by the Technical Committee, established pursuant to regulation [Error! Reference source not found.], and in accordance with regulations 15.

73. Processing of an application for a prospecting licence

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall grant or reject an application for a prospecting licence within ninety (90) days of the registration date.

(2) The date that the digital prospecting licence is issued by the Mining Cadastre Office shall be:

(a.) marked on the prospecting licence;

(b.) considered the start of the prospecting licence year; and

(c.) recorded by the Registrar in the prospecting licence register.

(3) Upon receiving a valid application for a prospecting licence, the Cabinet Secretary shall within seven (7) days issue a notice in writing to the relevant landowner, lawful occupier or community, and the County government, using Form N-22 [Notice of an application for a prospecting licence] under these regulations and within the same period shall place an announcement in a local newspaper with wide circulation.
The applicant shall be immediately informed of the cost of the published announcement, using Form N-23 [Notice of cost of published announcement] and shall make payment within seven (7) days of receiving such notice.

Where the applicant fails to make the payment within seven (7) days, the Cabinet Secretary shall reject the application.

Any person who believes he or she has a valid objection to the granting of a prospecting licence may, pursuant to Clause 34 of the Act, within twenty-one (21) days of the Cabinet Secretary’s notice referred to in regulation 73(3) above, submit the objection in writing to the Mining Cadastre Office or local County Office.

Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of receipt of the objection. An objection shall be considered only if it addresses a matter referred to in the Mining Act or its regulations or in another applicable law of Kenya.

Where an objection to the grant of a prospecting licence has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection using Form N-24 [Notice of Decision on Objection to Grant a licence].

Pursuant to Clause 176 of the Act, and the provisions of the Environmental Management and Coordination Act, a prospecting licence shall not exempt a person from complying with any law concerning the protection of the environment. The holder of a prospecting licence shall be required to undertake an environmental and social impact assessment (ESIA) report and provide an environmental and social management plan (ESMP) to the relevant environmental authority under the Environmental Management and Coordination Act to the extent commensurate with the nature of the prospecting work planned.

Where an ESIA report and/or an ESMP are required, the provision of such approved plan shall be a condition of granting of the prospecting licence.

Pursuant to Clauses 36, 37, 38 and 39 of the Act, an application for a prospecting licence shall not be granted unless and until the applicant has obtained all necessary written consents and agreements with land holders or other relevant authorities as prescribed.

(a.) All consents and agreements should be submitted not later than forty-nine (49) days after the original application is made.

(b.) If requested by the Mining Cadastre Office, Form N-7 [Notice to deliver hardcopy originals] the applicant shall within seven (7) days of receiving such notice deliver one (1) original copy of any consent or agreement for the Mining Cadastre Office to confirm authenticity.

**74. Amendments to approved programme for prospecting operations**

Pursuant to Clause 80 of the Act, an application to amend an approved programme for prospecting operations in Form A-13 [Application to amend work programme] under these regulations, shall be accompanied by a revised programme for prospecting operations. The justification for such amendment shall be that the results of the prospecting work to date or other new information require such change. Amendments may be requested by:

(a.) the applicant; or

(b.) the Ministry of Mining, which may recommend to the applicant that an amendment be made.

The Cabinet Secretary shall respond using Form N-10 [Notice of approval or rejection of an application].
(3) If the Cabinet Secretary requires more information or sees a need for a meeting, he or she shall notify the applicant, using Form N-1 [Notice of demand for additional information]. The applicant shall submit the requested information or arrange for such meeting within thirty-five (35) days of such notice.

75. Renewal of a prospecting licence

(1) Pursuant to Clause 80 of the Act, the holder of a prospecting licence may apply for renewal of part of the licence area not later than ninety-one (91) days before the date of expiry. The term of renewal shall be for a maximum of three (3) years and only two (2) successive terms shall be allowed.

(2) An application for renewal of a prospecting licence shall be for not more than fifty per cent (50%) of the original area, or in the case of a second renewal, not more than fifty per cent (50%) of the reduced area, defined in terms of whole contiguous cadastral blocks and comprising not more than three (3) discrete areas, save that the licence area shall not be reduced to a total area of less than one hundred and twenty five (125) cadastral blocks. The application shall give the coordinates of the area for surrender and the area to be retained.

(3) Pursuant to Clause 84 of the Act, the holder of two (2) or more contiguous prospecting licences having the same term and in respect of the same mineral(s) may, as part of the renewal application and for the purposes of relinquishment, request to have the areas consolidated as a single prospecting licence, using Form A-15 [Application to consolidate licences]. If so approved, the holder shall be notified, using Form N-25 [Notice of consolidation of licences] within thirty-five (35) days of making the request.

(a.) Where the request for consolidation is refused, the Cabinet Secretary shall inform the holder the reasons in writing.

(4) An application for renewal shall be submitted to the Cabinet Secretary using Form A-18 [Application to renew prospecting licence term].

(5) In addition to the electronic document a bound hardcopy of each required document shall be delivered to the Mining Cadastre Office within seven (7) days.

(6) The application shall include the following:

(a.) any change in management or other significant operational change to the prospecting licence;

(b.) an annual report for the current year, accompanied by Form AR-7 [Prospecting licence annual report]. It shall give a detailed account of the prospecting work carried out during the previous year, prepared according to published Ministry guidelines, together with a summary of the work reported in previous annual reports;

(c.) a full and detailed surrender report describing all work carried out in, over or under the surrendered ground since first granting of the licence. The report shall reproduce in detail all information relating to the surrendered ground contained in any earlier annual report (which itself cannot be placed on open file because it relates also to retained areas). Two (2) bound hardcopies shall be delivered to the Mining Cadastre Office within seven (7) days of the application being submitted.

(d.) an updated programme for prospecting operations for the first year of the renewal period plus an outline programme for the remainder of the proposed renewal term. Where the reduced area comprises more than a single contiguous area, a programme for each discrete area shall be provided.

(e.) in the case of a second renewal, the work programme shall include plans for feasibility and related studies designed to advance the project to a point where the holder is in a position to apply for a mining licence by the end of the final renewal term.
(f.) a statement of expenditure incurred during the previous year, using Form AR-8 [Prospecting licence annual expenditure report];

(g.) an updated and certified or signed statement or formal letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

(h.) where the proposed work includes bulk sampling, diamond drilling or other invasive procedures, an ESIA and if appropriate an ESMP, approved by the National Environment Management Authority.

(i.) where there is an ESMP in place, a summary report on environmental mitigation and remediation activities carried out in the preceding term;

(j.) an updated plan describing how, on an ongoing basis, local government traditional authorities and communities will be informed and consulted about those prospecting operations that require physical entry onto the land within their jurisdiction or that may reasonably be expected to impact them;

(k.) a plan for the employment and training of Kenya citizens, and the progressive replacement of expatriate workers during the renewal term;

(l.) updated proposals for the use of national goods and services;

(m.) information on any other licence held by the applicant holder in Kenya; and

(n.) any other information that may be requested by the Cabinet Secretary or which the holder considers useful.

(7) When an application to renew a prospecting licence term is registered by the applicant, the mineral right area applied for shall be recorded on the cadastral map and be published on the Ministry’s website.

(8) The registered licence application shall be reviewed by the Technical Committee, established pursuant to regulations, and in accordance with regulations 15.

76. Processing of application to renew a prospecting licence

(1) Pursuant to Clause 33 of the Act the Cabinet Secretary shall, on the advice of the Mineral Rights Board, approve or reject an application for renewal of a prospecting licence within thirty (30) days of the application registration date.

(2) Where further information or clarification on the application is required, the Director shall notify the holder using Form N-1 [Notice of demand for additional information] within seven (7) days of the receipt of the Technical Committee report, and the holder shall provide the information within seven (7) days of such notification. In the event of any delays on the part of the Ministry, the holder has the right to continue prospecting operations until a decision is notified by the Ministry but any eventual renewal shall date from the prospecting licence anniversary.

77. Rights under a prospecting licence

(1) Pursuant to Clause 9 of the Act, the holder of a mineral right, having discovered a mineral occurrence not included in the licence, shall report the find to the Cabinet Secretary using Form N-26 [Notice of discovery of mineral or minerals] within fourteen (14) days and may apply to have the mineral or minerals included in the licence using Form A-16 [Application to include discovered mineral or minerals into licence]. The application shall be accompanied by a proposed programme to conduct commercial evaluation of the mineral(s).
(2) The holder of a prospecting licence, having discovered a commercially viable mineral deposit shall have the exclusive right, subject to this Act and its provisions, to apply for a mining licence over the mineral deposit.

78. Obligations and conduct under a prospecting licence

(1) Pursuant to Clause 77 of the Act, prospecting licences shall be subject to the following:

(a) Following granting of the licence, the holder of a prospecting licence shall commence work not later than ninety (90) days from the issuance of the licence, or such period as specified in the approved programme for prospecting operations.

(b) A prospecting licence holder shall submit a written notice in the form of Form N-16 [Notice of fieldwork commencement reconnaissance/prospecting] not later than seven (7) days before commencing field prospecting over the prospecting area, and shall at the same time in writing inform any affected land holders in accordance with these regulations. The holder shall not commence activities until approval is given in writing, using Form N-27 [Notice of permission to commence fieldwork], which shall be within seven (7) days of submitting the request.

(c) The holder shall undertake prospecting work according to the approved programme for prospecting operations and minimum operational expenditures, and in compliance with all other terms and conditions of the licence and this Act, its provisions and regulations.

(d) An applicant whose prospecting licence is granted shall, before commencement of operations, provide confirmation of the technical person in charge of operations, including qualifications, experience and contact details. The holder shall update this information if at any time during the term of the licence the individual is replaced.

(e) The annual report, work programme and expenditure proposal shall be reviewed by the Director of Geological Survey, and the Director of Mines shall inform the holder if these do not meet the requirements, using Form N-1 [Notice of demand for additional information].

(f) Where a work programme includes activities of, or what might become, an invasive nature with the potential to damage the environment or adversely affect communities, the Cabinet Secretary shall give notice to the holder to provide an EISA report and an ESMP, using Form N-2 [Notice of demand for a report]. Failure to supply the EISA and ESMP within thirty-five (35) days of notification shall result in suspension of the licence until such report or plan is provided, Form N-3 [Notice of intent to suspend a licence or permit] under these regulations.

79. Reporting under a prospecting licence

(1) Pursuant to Clause 77 of the Act, the holder of a prospecting licence shall submit digital reports and in addition hard copies, suitably bound as follows:

(a) Within fourteen (14) days of the end of every quarter of each licence year, a quarterly progress report, using Form AR-9 [Prospecting licence quarterly report] on activities and expenditures.

(b) Within thirty-five (35) days of the end of each licence year, a full and detailed annual technical report covering all prospecting activities carried out over the prospecting licence area in compliance with published Ministry guidelines accompanied by Form AR-7 [Prospecting licence annual report] under these regulations and in accordance with the programme for prospecting operations and minimum operational expenditures, using Form AR-8 [Prospecting licence annual expenditure report];
(c.) The annual report shall be accompanied by an updated programme for prospecting operations and a declaration by the applicant of the minimum operational expenditures for the following licence year.

(d.) An annual ESIA report, using Form AR-10 [Environmental and Social Impact Assessment Report] or, where there is an ESMP attached to the licence, a detailed progress report prepared according to guidelines. Such environmental reports shall be made publicly available via the Mining Cadastre Office.

(2) Where an annual technical report is determined to be non-compliant by the Director of Mines, he/she shall inform the holder and specify issues of non-compliance using Form N-5 [Notice to Comply].

(3) The Director of Mines shall give the holder thirty-five (35) days from receipt of the notice under subregulation (3) above in which to submit a compliant report, failing which the licence shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof].

(4) The holder of a prospecting licence shall expend minimum operational expenditures in each year of the licence as prescribed in regulations 47 and 48, calculated as per Table 14 and 15 - Minimum Operations Expenditure in the Second Schedule to these regulations.

(5) Pursuant to regulation 47, where there is a shortfall in minimum operational expenditures, the balance shall be a debt owing to the Government of Kenya. This debt shall be notified to the holder using Form N-17 [Notice of shortfall in minimum operational expenditure].

(6) The holder shall have thirty-five (35) days of the end of the licence year to pay the balance of its unspent minimum operational expenditure, failing which the licence shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof] under these regulations. So that there is no doubt, any application for renewal of the licence shall not be considered, nor shall the licence remain valid within its current term, until such balance is paid. Notwithstanding the reported expenditure and any submitted audited annual return, the Cabinet Secretary shall have the power to call for an independent audit of expenditure using Form N-18 [Notice of call for an independent audit of expenditure], and this shall be at the holder’s expense.

(7) Pursuant to regulation 47, the holder of a prospecting licence shall pay the annual area charges, calculated according to Table 16 – Area-based Annual Charges of the Second Schedule within thirty-five (35) days of the grant of the licence and annually thereafter at the start of each licence year.

(8) Pursuant to Clause 181 of the Act if, at any stage during the term of a prospecting licence, the Cabinet Secretary determines that an ESIA report or ESMP is required, the Mining Cadastre Office shall notify the holder, using Form N-28 [Notice to provide an environmental protection bond] and request an Environmental Protection Bond or other financial security. The amount and nature of the bond or other financial security shall be decided by the Mining Cadastre Office based on the cost estimate in the approved programme for prospecting operations. Until such bond or security is provided, the prospecting operations which triggered the notice shall not be carried out.

(9) On receiving notice that an environmental protection bond is required the holder shall, within thirty-five (35) days, submit a copy of the bond via the OMC and within a further seven (7) days deliver the original hard copy bond to the Mining Cadastre Office.

80. Surrender of a prospecting licence

(1) Pursuant to Part VIII of the Act, the holder of a prospecting licence who wishes to surrender part or all of the licence shall apply to the Cabinet Secretary in accordance with the process established under regulation 49.
PART VIII.III - RETENTION LICENCE

81. Purpose
A retention licence grants the holder of a prospecting licence who has identified a mineral deposit which has potential economic significance but which is, in whole or in part, temporarily uneconomic, the exclusive right for a limited period and subject to continuous re-evaluation by the Mining Cadastre Office, to conduct prospecting and feasibility operations in the retention area and to apply for a mining licence.

82. Eligibility
(1) A person or company who holds a prospecting licence can apply to convert all or part of that licence to a retention licence if:
   (a) the holder has identified a mineral deposit within the licence area which is of potential commercial significance; but
   (b) the identified mineral deposit cannot be developed immediately for reasons of adverse market conditions, economic factors, technical constraints, or other factors beyond the reasonable control of the holder of the licence; and
   (c) the adverse conditions are expected to be of a temporary nature.

83. Form of licence
A retention licence shall be issued digitally together with a paper copy Form L-3 [Retention licence].

84. Duration
A retention licence shall be granted for a term not exceeding two (2) years and shall be renewable once only for a further period not exceeding two (2) years.

85. Size
(1) A retention licence area shall fall within the holder’s prospecting licence area.
(2) A retention licence area shall be contiguous and may be all or part of the prospecting licence area but not less than one hundred and twenty five (125) cadastral blocks.

86. Shape
A retention licence area may be of any shape defined by contiguous whole cadastral blocks.

87. Application for retention licence
(1) An application for a retention licence by the holder of a prospecting licence shall be made to the Cabinet Secretary using Form A-4 [Application for retention licence].
(2) The application shall include the following:
   (a) full name, nationality and address of the applicant; and
   (b) in the case of a company -
      (i) name of the company;
      (ii) place and date of incorporation;
      (iii) Articles of Incorporation;
      (iv) names and nationalities of directors;
(v) names and addresses of all shareholders holding more than ten per cent (10%) of the registered share capital;

(vi) registered address; and

(vii) registered address in Kenya;

(c.) the cadastral blocks in the prescribed format defining the area;

(d.) the mineral or minerals applied for;

(e.) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] under these regulations or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility criteria in accordance with the provisions of the Act;

(f.) a summary report, covering the most recent licence year, accompanied by Form AR-7 [Prospecting licence annual report] describing the prospecting activities carried out to date and the results obtained;

(g.) a full study and assessment of the mineral deposit by an independent expert, pursuant to Clause 87 of the Act, sufficient to demonstrate that the deposit is potentially commercially exploitable and including:

(i) the prospects for economic recovery;

(ii) the commercial significance of the mineral deposit; an analysis of the relevant adverse market conditions, economic factors, technical constraints or any other factors preventing development of the deposit at the present time;

(iii) a clear explanation of what change in relevant adverse market conditions, economic factors, technical constraints or any other factors that make it currently impossible to develop the mineral deposit would be necessary in order for the deposit to become commercially viable, and the extent to which these factors are in the control of the applicant or can be expected on reasonable grounds to change within the foreseeable future;

(h.) as appropriate, a programme of fieldwork, geological and/or metallurgical investigations, and research and analysis designed to advance the state of knowledge of the deposit, to monitor market conditions relevant to the development of the deposit, and if appropriate to solve any technological problems preventing development, together with the proposed expenditures;

(i.) where appropriate, a surrender report on any part of the prospecting licence, not included in the retention licence application and being surrendered;

(j.) evidence of financial resources available to the applicant exclusively for this application and acceptable to the Mining Cadastre Office:

(i) to cover the proposed prospecting operational expenditures;

(ii) for rehabilitation and compensation;

(iii) a certified copy of the holder’s accounts;

(iv) a performance bond or escrow account information, if required; and

(v) any other proof of financial resources;

(k.) resumes of the retention licence manager and key management staff committed to the project at least throughout year one (1) of the retention work programme;

(l.) a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about those prospecting operations that require physical entry onto the land within their jurisdiction;
(m.) a plan for the employment and training of Kenya citizens and the progressive replacement of expatriate workers;
(n.) a proposal for the use of national goods and services;
(o.) a description of the positive and negative impacts the work programme is likely to have, if any, on gender relations within that community;
(p.) a description of the physical impact that the planned work is likely to have on the environment and community;
(q.) details of any other licence held by the applicant in Kenya; and
(r.) any other information that may be requested in Form A-4 [Application for retention licence] under these regulations.

(3) When a retention licence application is registered, the retention area applied for shall be recorded on the cadastral map and shown on the Ministry’s website.

(4) The registered retention licence application shall be reviewed by the Technical Committee, established pursuant to regulation 6.88.

88. Processing of an application for a retention licence

(1) Pursuant to Clause 33 of the Act, and on the advice of the Mineral Rights Board, the Cabinet Secretary shall approve or reject an application for a retention licence within ninety (90) days of the application registration date.

(3) The date that the digital retention licence is issued by the Mining Cadastre Office shall be:
(a.) marked on the retention licence;
(b.) considered the start of the retention licence year; and
(c.) recorded by the Registrar in the retention licence register.

(2) A retention licence shall be granted only where the Cabinet Secretary is satisfied that there is a valid case why an identified mineral deposit cannot be immediately developed and where there is sound technical or financial reason to believe that the circumstances or conditions preventing such development are likely to change in the foreseeable future.

89. Obligations and conduct under a retention licence

(1) Notwithstanding the term of validity of a retention licence, the holder shall continuously review market conditions, including market predictions, technological advances, and other aspects included as the basis for the retention licence and shall submit quarterly reports, Form AR-11 [Retention Licence Quarterly Report] under these regulations, together with supporting documents and reports, to show that the mineral deposit remains non-viable for the reasons the licence was originally granted. Continuing validity of a retention licence is dependent on the holder demonstrating to the satisfaction of the Cabinet Secretary that the circumstances under which the licence was first granted continue to apply, and the Cabinet Secretary may demand up-to-date evidence of this.

(2) Pursuant to Clause 91 of the Act, where the Cabinet Secretary, on the advice of the Mineral Rights Board and supported by a report prepared by an independent expert, believes that the deposit has become viable for development he or she may instruct the holder using Form N-29 [Notice to apply for a mining licence] to apply for a mining licence before the end of the next quarter. Where the holder fails to comply, the Cabinet Secretary shall give thirty-five (35) days’ notice, using Form N-30 [Notice to show cause], to show cause why the licence should not be revoked and, where the holder fails to respond or to show cause why
(3) Pursuant to regulations (Error! Reference source not found.) the holder of a retention licence shall pay annual area charges, calculated according to Table 16 – Area-based Annual Charges of the Second Schedule within thirty-five (35) days of the grant of the licence and annually thereafter at the start of each licence year.

90. Renewal of a retention licence

(1) Renewal of a retention licence beyond the initial renewal period shall only be considered where the Cabinet Secretary is satisfied that the market conditions or technical difficulties or other circumstances under which the retention licence was granted and that made the deposit non-viable still remain and where there is reason to believe that the conditions will improve within the renewal period.

(2) Pursuant to Clause 87 of the Act, the holder of a retention licence may apply for renewal of the licence, once only, not later than ninety-one (91) days before the date of expiry.

(3) An application for renewal shall be submitted to the Cabinet Secretary, using Form A-19 [Application to renew retention licence term].

(4) The application shall include the following:

(a.) a report summarising the activities carried out to date during the first term of the retention licence demonstrating that the deposit is potentially commercially exploitable;

(b.) analysis of the relevant adverse market conditions, economic factors, technical constraints or any other factors preventing development of the deposit at the present time;

(c.) a clear exposition of how the circumstances have changed, or show signs of changing, so as to make the deposit viable in the near future;

(d.) a programme of full feasibility investigations designed to lead to an application for a mining licence within the extension period, together with proposed expenditures;

(e.) a statement of expenditure incurred during the previous year, using Form AR-13 [Retention licence annual expenditure report];

(f.) an updated and certified or signed statement or letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

(g.) where the proposed work includes bulk sampling, diamond drilling or other invasive procedures, an ESIA report and if appropriate an ESMP, approved by the National Environment Management Authority;

(h.) where there is an ESMP in place, a summary report on environmental remediation activities carried out in the preceding term;

(i.) an updated plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about any operations that require physical entry onto the land within their jurisdiction;

(j.) a plan for the employment and training of Kenya citizens, and the progressive replacement of expatriate workers;

(k.) an updated plan for the use of national goods and services; and

(l.) an updated description of the positive and negative affects the prospecting will have on gender relations within the community.

(5) Such application shall be submitted in accordance with regulation (88) where appropriate.
(6) When an application to renew a retention licence is registered, the retention area applied for shall be recorded on the cadastral map and shown on the Ministry’s website.

(7) The registered application shall be reviewed by the Technical Committee, established pursuant to regulation 6, and in accordance with regulations 15.

91. Processing of application to renew a retention licence

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for renewal of a retention licence within thirty (30) days of the application registration date.

(2) Where further information or clarification is required, the Director shall notify the holder using Form N-1 [Notice of demand for additional information] and the holder shall provide the information within seven (7) days. In the event of any delays on the part of the Ministry, the holder may continue retention operations until a decision is notified but any eventual renewal shall date from the licence anniversary.

(3) Where the Cabinet Secretary is satisfied that the holder of a retention licence will be in a position to apply for a mining licence within the renewal period requested, he or she shall renew the retention licence for up to two (2) years.

92. Surrender of a retention licence

(1) Pursuant to Part VIII of the Act, the holder of a retention licence who wishes to surrender part of the original prospecting licence and or the retention licence shall apply to the Cabinet Secretary in accordance with the process established under regulations 15.
PART VIII.IV - MINING LICENCE

93. Purpose
A mining licence grants a qualifying person or company the exclusive right to develop a deposit, extract, process, beneficiate and dispose of a mineral or minerals, including from mine dump or mine waste and tailings and to conduct further exploration activities within the licence area according to an approved programme for mining operations.

94. Form of licence
(1) A mining licence shall be issued digitally with a paper backup copy using Form L-4 [Mining licence].
(2) Pursuant to Clause 98 of the Act, a mining licence shall specify, and have appended to it:
   (a.) the name, nationality and address of the licence holder;
   (b.) the mineral or minerals in respect of which the mining licence is issued;
   (c.) the cadastral coordinates in the prescribed format of the polygon defining the mining licence area;
   (d.) a map showing the approximate position of the mining area, and any directly adjacent mineral right areas, with the exception of reconnaissance licences;
   (e.) the area in respect of which the licence is issued;
   (f.) the start date and the expiry date of the licence;
   (g.) the feasibility study;
   (h.) the programme for mining operations;
   (i.) an environmental licence accompanied by:
      (i) an environmental and social impact assessment report;
      (ii) an environmental and social management plan; and
      (iii) a mine closure and rehabilitation plan;
   (j.) an agreement signed by all relevant land holders for land use including detailed information on compensation, resettlement or other land use arrangements;
   (k.) the approved plan for the procurement of national goods and services;
   (l.) the approved plan for employment and training of Kenyan citizens;
   (m.) the details of any significant adverse effects that carrying out the programme for mining operations is likely to have on gender relations and on any monument, cultural heritage, artefacts or relic in the proposed mining area, measures to be taken to mitigate such effects, and an estimate of the cost of mitigating such impacts;
   (n.) a certified copy of its audited financial accounts for the previous three (3) years;
   (o.) evidence of the financial resources available to the applicant exclusively for this licence and acceptable to the Mining Cadastre Office, including:
      (i) the approved mine closure and rehabilitation plan;
      (ii) performance bond or escrow account information;
      (iii) compensation and resettlement commitments; and
      (iv) other proof of financial resources, required for licence commitments.
(p.) the Community Development Agreement(s), giving particulars of the applicant’s proposals with respect to social responsible investments for the local community;
(q.) any additional community development commitments that may not be included in the Community Development Agreement;
(r.) resumes of the mine manager and senior key staff committed at least through to the end of year two (2) of the programme for mining operations; and
(s.) any other such documents considered by the Mining Cadastre Office or the applicant to be appropriate or other special conditions that may apply.

95. **Duration**

A mining licence shall be granted for an initial term not exceeding twenty-five (25) years and shall be renewable for a term not exceeding fifteen (15) years or the remaining life of the mine, whichever is determined by the Mining Cadastre Office, on the advice of the Director, to be the shorter.

96. **Size**

The area in respect of which a mining licence may be granted shall not be larger than is reasonably required to cover the proposed mining area, having regard to the proven, indicated and inferred resources, the surface and/or underground mining operations and processing operations, but not exceeding three hundred (300) whole cadastral blocks.

97. **Shape**

A mining licence area may be of any shape defined by contiguous cadastral blocks comprising not more than three (3) discrete areas.

98. **Application for mining licence**

(1) A mining licence application under Clauses 93 of the Act, in Form A-5 [Application for mining licence] shall be made to the Cabinet Secretary.

(2) The application shall include the following:

(a.) full name, nationality and address of the applicant

(b.) in the case of a company,

(i) the name of the company;

(ii) place and date of incorporation;

(iii) Articles of Incorporation

(iv) names and nationalities of Directors;

(v) names and address of all shareholders holding more than ten per cent (10%) of the registered share capital;

(vi) registered address;

(vii) address in Kenya;

(viii) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act; and

(ix) a detailed statement of relevant past work;

(c.) the mineral or minerals in respect of which the licence is sought;
(d.) a description of the area applied for which shall form not more than three (3) discrete sub-areas;
(e.) the cadastral blocks in the prescribed format defining such area(s);
(f.) a map of the area showing the following:
(i) coordinates of the area;
(ii) the location of any existing building, infrastructure, agricultural activity and other significant man-made surface feature within one (1) kilometre of any licence boundary;
(iii) the proposed route of access to such licence area; and
(iv) defined boundaries of each concerned district.
(g.) the proposed programme of mining operations and production forecasts over the term of the licence, including plans for mineral processing and beneficiation within and outside of Kenya, mineral transportation, together with details of the type and sourcing of equipment and mining methodologies expected to be used;
(h.) the feasibility study as defined in regulation 3;
(i.) a report on the economic mineral or minerals discovered in the area of land over which the licence is sought, including the proven and probable mineral reserves defined according to:
(i) the Australasian Code for Reporting of Mineral Resources and Ore Reserves (The JORC Code); or
(ii) the Canadian Institute of Mining, Metallurgy and Petroleum (CIM), CIM Standards on Mineral Resources and Reserves; or
(iii) The South African Code for the Reporting of Exploration Results, Mineral Resources and Mineral Reserves (The SAMREC Code); or
(iv) The SME Guide for Reporting Exploration Results, Mineral Resources and Mineral Reserves; or
(v) Any other internationally recognised standard as the Director of the Geological Survey may approve;
(j.) resumes of the mine Manager and key senior staffs committed through to at least the end of year two (2) of the mining programme;
(k.) a certified and signed statement from a bank or other financial institution testifying to the financial resources available to the applicant exclusively in respect of this application sufficient to cover:
(i) mine development;
(ii) rehabilitation and mine closure;
(iii) compensation and resettlement;
(iv) Community Development Agreement commitments; and
(v) any performance bond or escrow account;
(l.) pursuant to Clause 103 of the Act, an ESIA report and ESMPs as required and approved by the National Environmental Management Authority;
(m.) a detailed rehabilitation and mine closure plan covering the various stages of mining and the final closure and rehabilitation of the licence area;
(n.) a Community Development Agreement signed by representatives of all affected communities;

(o.) legally binding agreements entered into with the owners of private land;

(p.) consents from those authorised to give such consent in the case of community land and or any land that is excluded or restricted from mining;

(q.) a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about any mining operations that require physical entry onto the land within their jurisdiction;

(r.) a plan for the employment and training of Kenyan citizens, including projections over time and the progressive replacement of expatriate by national staff;

(s.) a plan for the use of national goods and services;

(t.) a description of the likely positive and negative affects the mining will have on gender relations within that community; and

(u.) any other information that may be requested in Form A-5 [Application for mining licence].

(3) The ESIA report and the ESMP shall be available for public review for a period of not less than thirty-five (35) days prior to the Cabinet Secretary making a decision on the mining licence application.

(4) Where a mining licence area is to be awarded by tender, the Cabinet Secretary shall designate the entire area which shall be closed to normal applications. The Cabinet Secretary shall publish the cadastral coordinates of the area and proposed duration of the tender process, which shall not exceed three (3) years.

(5) Any person who is otherwise eligible to apply for a mining licence shall be ineligible to apply for a mining licence if:

(a.) the person is a former mining licence holder whose licence has been revoked for the same mining area, or any part therein, if such application is made within two (2) years of the date of such revocation; or

(b.) the person is a former mining licence holder in Kenya and such licence was revoked for failure to perform; or

(c.) the applicant has been employed by the Ministry or has been a member of the Technical Committee at any time within the two (2) years preceding the submission of the application.

(6) The registered mining licence application shall be reviewed by the Technical Committee, established pursuant to regulation 15.99. Processing of an application for a mining licence

(1) Pursuant to Clause 33(2)(b) of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for a mining licence within one hundred and twenty (120) days of the formal registration date.

(2) The date that the digital mining licence is issued by the Mining Cadastre Office shall be:

(a.) marked on the mining licence; and

(b.) considered the start of the mining licence year; and

(c.) recorded by the Registrar in the mining licence register.
(3) Upon receiving a valid application for a mining licence, the Cabinet Secretary shall, in writing within seven (7) days, issue a notice to the relevant land holder, community or County government, using Form N-32 [Notice of an application for a mining licence] and within the same period shall place an announcement in a local newspaper with wide circulation.

(4) The Mining Cadastre Office shall immediately notify the applicant of the cost of the published announcement, using Form N-23 [Notice of cost of published announcement] including the receipt of such payment and the applicant shall reimburse such payment within seven (7) days of receiving such notice.

(5) Any person who believes that he or she or it has a valid objection to the granting of mining licence may, pursuant to Clause 34(2)(c)(ii)) of the Act and within forty-two (42) days of the Cabinet Secretary’s notice referred to in sub-regulation (1) above, submit in writing the objection to the Mining Cadastre Office or local County Office.

(6) Any objections officially submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

(7) Where an objection to the grant of mining licence has been officially submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection using Form N-24 [Notice of Decision on Objection to Grant a licence].

(8) Pursuant to Clauses 96(1)(a) of the Act, mining operations shall commence not later than one hundred and eighty-two (182) days following grant of the mining licence or as otherwise stated in the approved programme for mining operations.

(9) Pursuant to Clause 109 of the Act, mining licence shall not be granted to a person unless the person has entered into a Community Development Agreement pursuant to applicable regulations.

(10) Pursuant to Clauses 36, 37, 38 and 39 of the Act, an application for mining licence shall not be granted unless and until the applicant has obtained all necessary written consents and agreements with landowners or other relevant authorities. These should be submitted not later than thirty-five (35) days after the original application is officially registered. If requested to do so by the Mining Cadastre Office, Form N-7 [Notice to deliver hardcopy originals] shall be used by the applicant to deliver original hard copies of written consents or signed agreements for confirmation to the Mining Cadastre Office within seven (7) days of receiving such notice.

(11) Mining licence shall not be granted unless the Cabinet Secretary is satisfied that a commercially viable mineral deposit exists and that the proposed mining plan responsibly exploits and develops the mineral resource in the best interests of Kenya and its citizens.

100. Obligations and Conduct under mining licence

(1) Pursuant to Clause 109 of the Act, mining operations shall commence not later than one hundred and eightytwo (182) days following grant of the mining licence or as otherwise stated in the approved programme for mining operations.

(2) A mining licence holder shall:

(a.) Within thirty-five (35) days of receiving notice of the amount of the environmental protection bond and any other performance or financial guarantee, submit copies of the bond document and other security via the OMC, and within a further seven (7) days shall deliver the original hard copy documents to the Mining Cadastre Office;
(b.) pursuant to regulations (Error! Reference source not found.), the holder of a mining licence shall pay the annual area-based charges, calculated according to Table 16 – Area-based Annual Charges of the Second Schedule within thirty-five (35) days of the grant of the licence and annually thereafter at the start date of each licence year;

(c.) pursuant to Clause 135(1) of the Act, the holder of a mining licence shall pay royalties, calculated according to the Royalty Rates by assessed Minerals as set out in the Third Schedule, within thirty-five (35) days after the commencement of production, and monthly thereafter, and submit with each payment Form N-43 [Notice of royalty assessment payment];

(d.) not commence activities until approval is given, on Form N-27 [Notice of permission to commence fieldwork], which shall be within twenty-one (21) days of submitting the request;

(e.) before commencement of operations, provide confirmation of the technical manager in charge of operations, including qualifications, experience and contact details. The holder shall update this information if at any time during the term of the licence the manager is replaced;

(f.) submit a written notice in Form N-33 [Notice of commencement of mine development] not later than thirty-five (35) days before commencing mine development and shall at the same time inform all affected land holders;

(g.) submit a written notice using Form N-42 [Notice of design capacity] at least thirty-five (35) days prior to the commercial production start date, and each time that there is a significant change in capacity, stating the design capacity of the mine(s) and any processing plants intended to produce a saleable mineral product;

(h.) submit a written notice in Form N-41 [Notice of commencement of mineral production] not later than ninety-one (91) days before the commercial production start date and shall at the same time inform any affected land holders;

(i.) undertake field operations according to the approved programme for mining operations and in compliance with all other terms and conditions of the licence and this Act, its provisions and regulations;

(j.) demarcate and keep demarcated the mining area in the prescribed manner; and

(k.) stack or dump any mineral or waste products in the manner provided for in the licence or as otherwise prescribed, having due regard to good mining industry practice;

101. Reporting under a mining licence

(1) Reporting shall be subject to the following:

(a.) Pursuant to Clause 101(1)(f), the holder of a mining licence shall submit reports as detailed below. In the case of annual reports relating to the environment, social impact or community, a hardcopy must also be provided to the Mining Cadastre Office:

(i) Within five (5) days of the end of every month of each licence year, monthly reports on mine development and mineral production, using Form AR-27 [Mining Licence Monthly Report]. This shall include full details of ore mined and processed during the period, its grade, and the amount of mineral or concentrate produced, stockpiled and/or exported.

(ii) Within fourteen (14) days of the end of every quarter of each licence year, quarterly reports on mine development and mineral production, using Form AR-14 [Mining Licence Quarterly Report]. This shall include full details of ore mined and processed during the period, its grade, and the amount of mineral or concentrate produced, stockpiled and/or exported.
Within thirty-five (35) days of the end of each licence year, annual reports of mine development and mineral production, using Form AR-15 [Mining licence annual report] under these regulations.

Any additional mineral rights and details of same that the holder has obtained in Kenya in the past twelve (12) months.

The quarterly reports shall include:

(i) summary details of ore mined and processed and its grade;
(ii) the amount of mineral or concentrate produced and exported;
(iii) expenditures and receipts for the specified licence period;
(iv) a review of status of implementation of the Community Development Agreement;
(v) updated plan for the employment and training of Kenya citizens, including names of counterpart training institutions, job titles, job creation projections over time and the progressive replacement of expatriate and those position title by national staff; and
(vi) updated proposals and detailed plans for the use of national goods and services including names of providers;

The annual reports shall include:

(i) summary details of ore mined and processed and its grade;
(ii) the amount of mineral or concentrate produced and exported;
(iii) an updated programme of mining operations;
(iv) expenditures and receipts over the licence period;
(v) an updated social heritage impact audit report;
(vi) an updated and approved environmental audit report as required under Environmental Management and Coordination Act (EMCA);
(vii) a review of the status of implementation of the Community Development Agreement;
(viii) an updated rehabilitation and mine closure plan, including an account of the previous years’ rehabilitation works;
(ix) a report describing in detail how, on an ongoing basis, local government, traditional authorities and communities have been informed and consulted about mining operations that require physical entry onto the land within their jurisdiction and the outcomes of these consultations including dates and locations of formal consultations;
(x) an updated plan for the employment and training of Kenya citizens, including names of counterpart training institutions, job titles, job creation projections over time and the progressive replacement of expatriate and those position title by national staff;
(xi) an updated proposal and detailed plan for the use of national goods and services including names of providers; and
(xii) description of the positive and negative effects that mining has had on gender relations within that community;

The annual report shall be accompanied by an updated programme for mining operations for the following year.
(3) The reports shall be reviewed by the Director of Mines and he or she shall inform the holder if these do not meet the requirements, using Form N-1 [Notice of demand for additional information].

(4) Where a report is non-compliant, the Mining Cadastre Office shall inform the holder using Form N-5 [Notice to Comply].

(5) The Mining Cadastre Office shall give the licence holder an additional thirty-five (35) days in which to submit a compliant report, failing which the holder may be given notice to show cause why the licence should not be suspended or revoked using Form N-11 [Notice of revocation of a mineral right or part thereof].

102. Amendments to approved programme of mining operations

(1) Pursuant to Clause 103 of the Act, a request to amend the approved programme for mining operations shall be submitted to the Cabinet Secretary using Form A-13 [Application to amend work programme], and shall take effect after ninety (90) days unless the Cabinet Secretary rejects the proposed amendment.

(2) Any proposal to amend the approved programme for mining operations must be expressly approved by the Cabinet Secretary. The holder shall request written approval on Form N-6 [Notice to seek and obtain written consent]. The Cabinet Secretary shall respond within good time, using Form N-10 [Notice of approval or rejection of an application].

103. Cessation or curtailment of mining operations

(1) The holder of a mining licence who proposes to cease or curtail mining operations shall give advance notice to the Mining Cadastre Office using Form N-34 [Notice of intent to cease or curtail operations], not later than:
   (a) one hundred and eightytwo (182) days in the case of cessation of mining operations; or
   (b) twenty-eight (28) days for a curtailment in production.

(2) The holder shall state the technical and/or economic reasons for the requested cessation or curtailment.

(3) Notwithstanding, where the holder curtails production from a mine for reasons that are beyond his or her control including, without limitation, market conditions the holder shall notify the Cabinet Secretary as soon as possible and not later than three (3) days from the time of curtailment.

(4) The Cabinet Secretary, having investigated the circumstances, may approve the requested curtailment or cessation of mining subject to any conditions he or she may consider necessary, using Form N-35 [Notice of approval to cease or curtail operations] not later than three (3) days before the end of the time lines under regulation (1) above.

(5) During any period of suspension of mining operations, the holder shall keep the Cabinet Secretary advised on a weekly basis of the conditions at the mine, including details regarding prospects for the recommencement of normal mining operations.

(6) The holder of a mining licence who has given notice of cessation of mining operations shall, on receiving notice Form N-35 [Notice of approval to cease or curtail operations] from the Mining Cadastre Office, deliver all reports, records and other information as specified by the Mining Cadastre Office to the Mining Cadastre Office within the period stated in the notice.

(7) A mining licence holder who has given one hundred and eighty-two (182) days’ notice of the intention to cease mining shall, not later than the end of that period and pursuant to Clauses 148, 149, 150 and 151 of the Act, apply to the Mining Cadastre Office to surrender the licence, using Form A-21 [Application to surrender mineral right].
(8) Where a holder of a mining licence has ceased mining operations but has not applied to surrender, the Cabinet Secretary may instruct the holder to do so within a stated period using Form N-5 [Notice to Comply]. Notwithstanding, the holder shall be required to submit a detailed, updated rehabilitation and mine closure plan together with plans for compensation, resettlement, Community Development Agreement commitments and any additional employee and community arrangements.

(9) The cessation of mining operations shall not relieve the holder or former holder of any obligations under the licence or the provisions of this Act and its regulations in regard to protection of the mine, its facilities, the rehabilitation and mine closure plan and any agreements entered into with land holders, communities or others. Failure to comply with any requirement or obligation or with the Cabinet Secretary’s reasonable instructions shall be an offence under this Act.

(10) Pursuant to Clause 155 of the Act, a former holder of a mining licence shall arrange with the Mining Cadastre Office to deliver all plans, maps, reports, records, logs, analyses and other information and records relating to the mining operations in digital and paper based form within thirty-five (35) days of surrender being approved.

(11) The Cabinet Secretary may in addition require the holder to deliver any samples or cores or to make arrangements to preserve such samples or cores in a secure manner at the mine site for delivery at an agreed time.

(12) Pursuant to regulation 52, any infrastructure or assets not removed by the holder prior to cessation shall become the property of the State.

104. Surrender of a mining licence

Pursuant to Part VIII of the Act, the holder of a mining licence who wishes to surrender part or all of a mining licence shall apply to the Cabinet Secretary in accordance with the processes established under regulation 49.

105. Renewal of a mining licence

(1) An application for renewal of a mining licence shall be made to the Cabinet Secretary by the holder, or by a person acting on the holder’s behalf, using Form A-22 [Application to renew a mining licence] not later than three hundred and sixty five (365) days before expiry of the licence.

(2) Pursuant to Clause 107(1) of the Act, an application for renewal shall include the following:

   (a.) the period of renewal applied for, which shall be the lesser of:

   (i) fifteen (15) years; or

   (ii) the remaining commercial operating life of the mine based on the proven and indicated mineral reserves;

   (b.) An updated programme of mining operations for the proposed renewal period including:

   (i) the cadastral coordinates of area to be included under the renewed mining licence in the prescribed form;

   (ii) a technical assessment supporting the existence, quantity and grade of remaining economically viable mineral reserves;

   (iii) a forecast of the remaining operating life of the mine;

   (iv) any proposed new mine development;

   (v) planned mining operations including production figures;

   (vi) a demonstration that the programme of mining operations includes the recovery of any remaining marginal reserves and minor by-products in an efficient manner; and
(vii) a description of any new or upgraded equipment, or improvements to infrastructure, processing, beneficiation and waste disposal;

c. a report describing environmental remediation actions taken since mining began;

d. an updated ESIA report approved by the National Environmental Management Authority;

e. an updated ESMP approved by the National Environmental Management Authority;

f. an updated Community Development Agreement;

g. audited profit and loss accounts and balance sheets for the last three (3) years of operating;

h. a signed statement of available financial resources;

i. a business plan giving details of the financial resources available to the holder together with financial and economic projections for the mine;

j. mine and related mining activities workforce statistics over time including present and future employment and training of Kenyan citizens including job titles, wage/salary payments and the status of implementation of the progressive replacement of expatriate by national staff;

k. incident and accident reports and remediation measures to be taken to ensure mitigation of incidents during renewal period;

l. violations and penalties occurring during the initial licence period;

m. current and proposed future use of national goods and services;

n. any additional mineral rights in Kenya acquired by the holder since issuance of themininglicence and details of those mineral rights; and

(o.) such further information or clarification that the Cabinet Secretary may reasonably require or is at the time prescribed, using Form N-1 [Notice of demand for additional information] under these regulations.

106. **Processing of an application to renew a mining licence**

(1) Pursuant to Clause 33(2)(b) of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for renewal of a mining licence within ninety-one (91) days of the official registration date.

(2) Where further information or clarification is required, the Director shall notify the holder using Form N-1 [Notice of demand for additional information] within seven (7) days of the receipt of the Technical Committee report, and the holder shall provide the information within twenty-one (21) days. In the event of any delays on the part of the Ministry or the Mining Cadastre Office, the holder may continue mining operations until a decision is notified but any eventual renewal shall date from the licence year anniversary.

(3) On renewal of a mining licence, the Cabinet Secretary shall notify the holder of any change in the amount and or nature of the environmental protection bond and any other financial security, using Form N-36 [Notice of change of the environmental protection bond or financial security]. Until such bond or security is in place, themininglicence shall not be renewed.

(4) On receiving notice that a change to a bond or security is required, the holder shall within thirty-five (35) days submit a copy of the bond or security, and within a further seven (7) days shall deliver the original bond or security document to the Mining Cadastre Office.
PART VIII.V – MINERAL AGREEMENTS

107. Mineral agreement

(1) Pursuant to Part VII of the Mining Act 2015 the Cabinet Secretary, in consultation with the National Treasury and with the approval of Parliament, may enter into a mineral agreement with the holder of a mining licence where the proposed investment in mining is at least five hundred million (500,000,000) US dollars.

(2) A holder of a mining licence who wishes to enter into a mineral agreement with the Government shall apply in writing to the Cabinet Secretary, using Form A-6 [Application for mineral agreement]

(3) The mineral agreement shall be prepared in accordance with the mineral agreement regulations 2015, using Form L-5 [Mineral agreement] under these regulations.
PART IX – SMALL-SCALE MINING OPERATIONS
This Part of the regulations concerns the formal and informal small-scale and artisanal mining sector of Kenya and is intended to ensure that mining operations are regulated, conducted on a legal basis, and integrated into the general economy of Kenya.

(1) Small-scale mineral rights include:
   (a.) reconnaissance permits;
   (b.) prospecting permits;
   (c.) mining permits; and
   (d.) artisanal mining permits

(2) Only Kenyan citizens or, in the case of a body corporate where at least sixty (60) percent of the shares are held by Kenyan citizens, are eligible to apply for a small-scale mineral right.

PART IX.1 -RECONNAISSANCE PERMIT

108. Purpose
   Subject to Clause 111 of the Act, a reconnaissance permit grants a person or body corporate the non-exclusive right to carry out non-invasive investigations for minerals within the permit area.

109. Form of permit
   (1) A reconnaissance permit shall be issued digitally together with a paper copy, Form L-6 [Reconnaissance permit].
   (2) Pursuant to Clause 117 of the Act, a reconnaissance permit shall specify:
      (a.) the full name and address of the permit holder;
      (b.) the mineral or minerals to be included under the permit;
      (c.) the County in which the reconnaissance operations are to be carried out; and
      (d.) any other special conditions prescribed by the Cabinet Secretary or authorized Government agency that may apply.

110. Duration
   A reconnaissance permit shall be granted for a period not exceeding one (1) year.

111. Renewal
   A reconnaissance permit shall not be renewable.

112. Size
   A reconnaissance permit shall be for an entire County and is non-exclusive.

113. Application for a reconnaissance permit
   (1) Pursuant to Clause 125 of the Act, an application for the grant of a reconnaissance permit shall be submitted to the Cabinet Secretary, using Form A-7 [Application for reconnaissance permit].
   (2) The application shall include:
(a.) full name, nationality and address of the applicant;
(b.) the mineral or minerals in respect of which the permit is sought; and
(c.) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act;

(3) An application that is found not to be materially complete or that does not provide all supporting information under regulation of this regulation shall be rejected and not registered.

(4) When a reconnaissance permit application is registered, the mineral right area applied for shall be recorded online on the cadastral map and be shown on the Ministry’s website.

(5) If requested by the Mining Cadastre Office in writing, using Form N-1 [Notice of demand for additional information], the applicant shall provide such further information or clarification as required within seven (7) days, and an application shall not be determined until this is supplied.

(6) If the applicant fails to provide additional information or clarification as requested under regulation within seven (7) days of issuance of the request, the application shall be deemed rejected.

### 114. Processing of an application for reconnaissance permit

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for a reconnaissance permit within ninety (90) days of the formal registration.

(2) The date that the digital reconnaissance permit was issued by the MCO and which is included on the permit shall be considered to be the start of the permit year for all matters related to the permit including ongoing reporting, fees and expiry date purposes, and shall be recorded by the Registrar in there reconnaissance permit register.

### 115. Obligations and conduct under reconnaissance permit

(1) The holder of a reconnaissance permit shall pay the fixed fee annual area charges, as listed in Table 16 – Area-based Annual Charges of the Second Schedule within fourteen (14) days of the permit being issued. Failure by the holder to make such timely payment shall result in the permit being revoked.

(2) A reconnaissance permit holder may collect surface geological samples with the consent of the land owner; and

(3) A reconnaissance permit holder may transport, assay, and export samples of a size commensurate with the testing of that soil, rock or mineral type, and which shall not under any circumstance exceed ten kilograms (10kg) per sample.

### 116. Reporting under reconnaissance permit

The holder of a reconnaissance permit shall, within fourteen (14) days after the end of the permit term, submit a report on reconnaissance work, including laboratory results, on Form AR-16 [Reconnaissance permit annual report]. Failure on the part of the holder to submit such report shall result in any subsequent application for reconnaissance permit being rejected.
PART IX.II - PROSPECTING PERMIT

117. **Purpose**

Subject to Clause 132 of the Act, a prospecting permit grants a person or body corporate the exclusive right to prospect for a mineral or minerals in the permit area according to an approved programme for prospecting operations.

118. **Form of permit**

(1) A Prospecting permit shall be issued digitally together with hardcopy in the form of Form L-7 [Prospecting permit].

(1) Pursuant to Clause 129 of the Act, a prospecting permit shall specify:

(a.) the full name, nationality and address of permit holder; or

(b.) in the case of a company:

(i) the name of the company

(ii) its place and date of incorporation;

(iii) Articles of Incorporation; and

(iv) its registered address;

(c.) the mineral or minerals in respect of which the prospecting permit is sought;

(d.) the cadastral coordinates in the prescribed form defining the prospecting area;

(e.) a map showing the approximate position of the prospecting area and any directly adjacent mineral right areas, with the exception of reconnaissance licences or permits;

(f.) the duration of the permit;

(g.) the approved programme of prospecting operations;

(h.) details of the experience and financial resources available to the applicant to enable the prospecting operations;

(i.) a statement of any significant adverse effects that carrying out the prospecting programme is likely to have on the environment, and mitigating measures to be undertaken; and

(j.) any other such documents as appropriate or other special conditions that may apply.

119. **Duration**

The term of a prospecting permit shall be specified in the permit and shall not exceed five (5) years, renewable once only for a further term of up to five (5) years.

120. **Size**

(1) A prospecting permit shall not exceed twenty five (25) whole contiguous blocks.

(2) A person or company may hold several prospecting permits covering in aggregate not more than one hundred (100)cadastral blocks.

121. **Shape**

Pursuant to Clause 6(6) and 131 of the Act, a prospecting permit may be of any shape as defined by whole, and fractions of 0.25 cadastral blocks.

122. **Application for prospecting permit**
Pursuant to Clause 129 of the Act, a prospecting permit application shall be made to the Cabinet Secretary, using Form A-8 [Application for prospecting permit].

(2) The application shall include or have appended the following:
(a.) full name, nationality and address of the applicant; or
(b.) in the case of a company,
(i) the name of the company;
(ii) place and date of incorporation;
(iii) Articles of Incorporation; and
(iv) registered address;
(c.) the mineral or minerals sought;
(d.) the cadastral blocks in the prescribed form defining the area;
(e.) a proposal for a programme for prospecting operations;
(f.) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act;

(3) When a prospecting permit application is registered, the mineral right area applied for shall be recorded on the cadastral Map and shown on the Ministry’s website.

(4) The registered permit application shall be reviewed by the Technical Committee, established pursuant to Regulation 15, and in accordance with regulations 15.

(5) Any person who otherwise qualifies to apply for a prospecting area shall be ineligible to apply for a prospecting permit if -
(a.) the applicant is a former prospecting permit holder whose permit has been revoked for the same prospecting area, or any part therein applied for, if such application is made within two (2) years from the date of such revocation; or
(b.) the applicant has been employed by the Ministry or been a member of the Technical Committee within two (2) years of application submission.

123. Processing of an application for a prospecting permit

(1) Pursuant to Clause 33 of the Act the Cabinet Secretary, on the advice of the Mineral Board, shall approve or reject an application for a prospecting permit within ninety (90) days of the official registration date.

(2) The date that the digital prospecting permit was formally issued by the Mining Cadastre Office and which is included on the permit, shall be considered the start of the permit year for all prospecting permit related matters including ongoing reporting, fees and expiry date purposes, and shall be recorded by the Registrar in the prospecting permit register.

(3) Upon receiving a valid application for a prospecting permit, the Cabinet Secretary shall within seven(7) days issue a notice in writing to the relevant land holder, community, County government, or others as required, using Form N-37 [Notice of an application for a prospecting permit] and within the same period shall place an announcement in a local newspaper with wide circulation.

(4) The applicant shall be immediately informed of the cost of the published announcement, using Form N-23 [Notice of cost of published announcement] and shall make payment via the OMC within seven(7) days of receiving such notice.
(5) Any person who claims to have a valid objection to the granting of a prospecting permit may, pursuant to Clause 34 of the Act, within twenty-one (21) days of the Cabinet Secretary’s notice referred to in sub regulation (3) above, submit the objection in writing to the Mining Cadastre Office or local County Office.

(6) Where an objection to the grant of a prospecting permit has been officially submitted, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall inform the applicant and objector of the decision in respect to the objection, using Form N-38 [Notice of decision on objection to grant a permit].

(7) Pursuant to Clauses 36, 37, 38 and 39 of the Act, an application for a prospecting permit shall not be granted unless and until the applicant has obtained all necessary written consents and agreements with landowners or other relevant authorities. These should be submitted not later than forty-nine (49) days after the original application is made. If requested to do so, on Form N-7 [Notice to deliver hardcopy originals] the applicant shall deliver original copies of consents or agreements for verification purposes to the Mining Cadastre Office within seven (7) days of receiving such notice.

(8) An applicant whose application is rejected shall have thirty-five (35) days in which to remedy the deficiency by making a further submission, failing which the application shall be rejected.

(9) Based on the applicant’s further proposals, the Cabinet Secretary may approve or reject the prospecting permit and shall advise the applicant of his or her final decision using Form N-10 [Notice of approval or rejection of an application]

124. Obligations and conduct under a prospecting permit

(1) Pursuant to Clause 133 of the Act, a prospecting permit shall be subject to the following:

(a.) The holder of a prospecting permit shall commence work in accordance with the approved programme for prospecting operations.

(b.) A prospecting permit holder shall submit a written notice in Form N-16 [Notice of fieldwork commencement reconnaissance/prospecting] not later than fourteen (14) days before commencing field prospecting over the prospecting area and shall at the same time inform any affected land holders. The holder shall not commence activities until approval is given, using Form N-27 [Notice of permission to commence fieldwork], which shall be within seven (7) days of submitting the request.

(c.) The holder shall undertake prospecting work according to the approved prospecting programme and minimum operation expenditure proposal, and in compliance with all other terms and conditions of the permit and this Act, its provisions and regulations.

(d.) An applicant whose prospecting permit is granted shall, before commencement of operations, provide confirmation of the manager in charge of operations, including experience and local contact details. The holder shall update this information if at any time during the term of the permit the individual is replaced.

(e.) The annual report, programme for prospecting operations and expenditure proposal shall be reviewed by the Director of Mines who shall inform the holder if any information provided does not meet the requirements, using Form N-1 [Notice of demand for additional information].

125. Reporting under a prospecting permit

(1) Reporting shall be subject to the following:

(a.) Pursuant to Clause 133 of the Act, the holder of a prospecting permit shall submit digitally and in addition suitably bound hardcopies, to provide a long-term record:
(i) Within thirty-five (35) days of the end of each permit year, an annual report covering all prospecting activities carried out over the prospecting permit area, using Form AR-17 [Prospecting permit annual report] and an annual expenditure report using Form AR-18 [Prospecting permit annual expenditure report]; and

(ii) An annual environmental progress report which shall be made publicly available via the OMC.

(2) Where a report is non-compliant, the Mining Cadastre Office shall inform the holder using Form N-5 [Notice to Comply].

(3) The Mining Cadastre Office shall give the holder an additional thirty-five (35) days in which to submit a compliant report, failing which the permit shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof].

(4) The holder of a prospecting permit shall expend the minimum operational expenditures for the permit area as prescribed in regulations 47 and 48, calculated as Table 16 – Area-based Annual Charges in the Second Schedule to these regulations.

(5) Pursuant to regulation 47, the holder of a prospecting permit shall expend the minimum operational expenditures, the balance shall be a debt owing to the Government of Kenya. This debt shall be notified to the holder using Form N-17 [Notice of shortfall in minimum operational expenditure].

(6) The permit holder shall have thirty-five (35) days of the end of the permit year to pay the debt, failing which the permit shall be revoked using Form N-11 [Notice of revocation of a mineral right or part thereof]. So that there is no doubt, any application for renewal of the permit shall not be considered, nor shall the permit remain valid within its current term, until such debt is paid.

(7) Pursuant to regulations, the holder of a prospecting permit shall pay the annual area charges, calculated according to Table 16 – Area-based Annual Charges of the Second Schedule within thirty-five (35) days of the grant of the permit and annually thereafter at the start date of each permit year.

126. Renewal of a prospecting permit

(1) Pursuant to Clause 134 of the Act, the holder of a prospecting permit may apply for renewal of the permit area, using Form A-24 [Application to renew prospecting permit] not later than ninety-one (91) days before the date of expiry of the original permit.

(2) The renewal shall not exceed five (5) years.

(3) The application shall include the following:
   
   (a.) a report, using Form AR-17 [Prospecting permit annual report], summarising the prospecting work carried out to date and the minerals found;

   (b.) an update programme for prospecting operations, describing the proposed prospecting work to be carried out during the renewal period;

   (c.) a statement of expenditure incurred during the previous year, using Form AR-18 [Prospecting permit annual expenditure report]; and

   (d.) any additional information that the Mining Cadastre Office or holder believes is relevant to the application.

(4) Upon registration of an application, the mineral right area applied for shall be recorded on the cadastral map and published on the Ministry’s website.
The registered permit application shall be reviewed by the Technical Committee, established pursuant to regulation 15, and in accordance with regulations 15.

127. Processing of an application to renew a prospecting permit

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for renewal of a prospecting permit within forty-nine (49) days of the official registration.

(2) Where further information or clarification is required, the Director shall notify the holder using Form N-1 [Notice of demand for additional information] and the holder shall provide the information within fourteen (14) days of the receipt of the notice. In the event of any delays on the part of the Ministry, the holder may continue prospecting operations until a decision is notified by the Director but any eventual renewal shall date from the permit year anniversary.

(3) Where the Cabinet Secretary, after due consideration of all information and on the advice of the Mineral Rights Board, rejects an application for renewal such rejection shall be notified to the holder using Form N-10 [Notice of approval or rejection of an application], together with reasons. The holder shall have thirty-five (35) days from date of receipt of the rejection notice to appeal the decision and to remedy any deficiency to the satisfaction of the Cabinet Secretary, failing which the permit shall be revoked.
PART IX.III –MININGPERMIT

128. **Purpose**

A mining permit grants an eligible person or body corporate the exclusive right to carry out small-scale mining operations in the permit area according to an approved mining permit programme.

129. **Mining permit applicant status**

(1) A mining permit application shall be submitted using Form A-9 [Application for mining permit], in conformity with the provisions of Clause 136 of the Act and regulation 134(2) of these regulations whether or not the application is emergent from a prospecting permit.

(2) An application for a mining permit may be submitted by the holder of an extant prospecting permit covering the same area or part of it.

(3) An application for a mining permit may be submitted by a person or body corporate not holding a prospecting permit.

130. **Form of permit**

(1) A mining permit shall be issued using Form L-8 [Mining permit].

(2) Pursuant to Clause 136 of the Act, a mining permit shall specify:

   (a.) the full name and address of permit holder or;
   
   (b.) in the case of a company,
   
      (i) the name of the company;
      
      (ii) its place and date of incorporation;
      
      (iii) Articles of Incorporation; and
      
      (iv) its registered address;
   
   (c.) the mineral or minerals to be mined;
   
   (d.) the cadastral coordinates of the polygon in the prescribed format defining the permit area;
   
   (e.) a map showing the approximate location of the mining area together with any directly adjacent mineral right areas, excluding reconnaissance permits;
   
   (f.) the duration of the permit;
   
   (g.) the approved mining permit programme of work;
   
   (h.) details of the mining experience and financial resources available to the applicant to conduct the mining operations;
   
   (i.) an ESMP;
   
   (j.) the mine closure and rehabilitation plan; and
   
   (k.) any other such documents that the Cabinet Secretary considers appropriate or any other special conditions that may apply.

131. **Duration**
A mining permit shall be granted for a period not exceeding five (5) years and shall be renewable. The term of renewal shall not exceed five (5) years or the commercial life of the mine whichever period is the shorter.

132. **Size**

(1) A mining permit shall not exceed two (2) contiguous whole cadastral blocks in area but may comprise or include contiguous fractions of cadastral blocks.

(2) A person or company may not hold more than five (5) mining permits per County.

133. **Shape**

Pursuant to Clause 6(6) and 131 of the Act, a mining permit may be any shape as defined by whole, and fractions of 0.25 cadastral blocks.

134. **Application for mining permit**

(1) Pursuant to Clause 136 of the Act, a mining permit application shall be made to the Cabinet Secretary, using Form A-9 [Application for mining permit].

(2) The application shall include:

(a.) the full name, nationality and address of permit holder or;

(b.) in the case of a company,

(i) the name of the company;

(ii) the names and nationalities of the directors;

(iii) its place and date of incorporation;

(iv) Articles of Incorporation; and

(v) its registered address;

(c.) the mineral or minerals to be mined;

(d.) the cadastral coordinates of the polygon in the prescribed format defining the permit area;

(e.) the duration of the mining permit applied for;

(f.) the proposed mining permit programme;

(g.) a description of the proposed permit area and a map showing the approximate location of the mining area together with any directly adjacent mineral rights areas, excluding reconnaissance permits;

(h.) a pre-feasibility study report as may be prescribed by the Director demonstrating that a mineral deposit can be mined economically by using small scale mining methods and including:

(i) a summary of community consultation activities;

(ii) proposed land access plan and related compensation proposals;

(i.) an ESMP;

(j.) a proposed mine closure and rehabilitation plan;

(k.) a detailed statement of relevant past work;

(l.) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act;
(m.) evidence of the declared financial and technical resources available exclusively for this application within seven (7) days of receiving the request;

(n.) details of any licence held within Kenya by the applicant or the applicant’s legal representative; and

(o.) any other such documents that the applicant considers relevant.

(3) When amining a permit application is registered, the mining permit area applied for shall be recorded on the cadastral map and published on the Ministry’s website.

(4) The registered permit application shall be reviewed by the Technical Committee, established pursuant to regulation[s]., and in accordance with regulations 15.

(5) Any person who is otherwise eligible to apply for a mining permit shall be ineligible to apply for a mining permit if:

(a.) the applicant is a former mining permitholder whose permit has been revoked for the same mining area, or any part therein, within twelve (2) years from the date of such revocation; or

(b.) the applicant has been employed for the administration of the Act and related regulations by the Ministry of Mining, Environment, Finance or Minerals Advisory Board or been a member of the Technical Committee or served in any capacity as advisor or consultant on mineral-related topics within two (2) years of application submission,

in which case, any application submitted shall be rejected.

(6) The ESMP shall be available for public scrutiny for a period of at least thirty-five (35) days prior to the Cabinet Secretary making a decision on the mining permit application.

135. Processing of an application for mining permit

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for a mining permit within ninety (90) days of the official registration date.

(2) The date that the digital mining permit was officially issued by the Mining Cadastre Office and which is included on the permit, shall be considered the start of the permit year for all permit-related matters including ongoing reporting, fees and expiry date purposes and shall be recorded by the Registrar in the mining permit register.

(3) Upon receiving a valid application for a mining permit, the Cabinet Secretary shall issue a notice in writing to the relevant land holder, community, County Government or others using Form N-39 [Notice of an application for a mining permit] and within the same period shall publish an announcement in a local newspaper with wide circulation.

(4) The applicant shall be immediately informed of the cost of the published announcement, using Form N-23 [Notice of cost of published announcement] and shall make payment via the OMC within seven (7) days of receiving such notice of cost.

(5) Any person who claims to have a valid objection to the granting of a mining permit may, pursuant to Clause 34 of the Act, within forty-two (42) days of the Cabinet Secretary’s notice referred to in sub regulation (3) above, submit the objection in writing to the Mining Cadastre Office or local County Office.

(6) An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or any applicable law or regulations of Kenya.

(7) Where an objection to the grant of a mining permit has been submitted, the Cabinet Secretary shall, on the advice of the Mineral Rights Board inform the applicant and objector of
his or her decision in respect to the objection within twenty-one (21) days of receipt of the objection, using Form N-38 [Notice of decision on objection to grant a permit].

(8) Pursuant to Clause 176 of the Act, and the provisions of the Environmental Management and Coordination Act or any successor legislation, amining permit shall not exempt a person from complying with any law concerning the protection of the environment. The holder of amining permit shall be required to provide an ESMP to the relevant environmental authority to the extent that is reasonably commensurate with the nature of the proposed mining permit work programme.

(9) Amining permit shall not be granted unless the Cabinet Secretary is satisfied that a commercially viable mineral deposit exists and that the proposed mining permit programme exploits the mineral resource in the best interests of Kenya and its citizens.

(10) An ESMP is required and the provision of such approved plan shall be a condition of granting of the mining permit.

(11) Pursuant to Clauses 36, 37, 38 and 39 of the Act, an application for a mining permit shall not be granted unless and until the applicant has obtained all necessary written consents and agreements with land holders or other relevant authorities. Any consents and agreements shall be submitted not later than forty-nine (49) days after the original application is registered. If requested by the Mining Cadastre Office to do so, Form N-7 [Notice to deliver hardcopy originals] the applicant shall deliver copies of written consents or signed agreements for confirmation purposes to the Mining Cadastre Office within seven (7) days of receiving such notice.

136. Obligations and conduct under a mining permit

(1) Pursuant to Clause 140 of the Act, mining permits shall be subject to the following:

(a.) The holder of a mining permit shall commence work in accordance with the approved mining permit work programme.

(b.) On receiving notice that an environmental protection bond is required, the holder of the mining permit shall, within thirty-five (35) days, submit a copy of the bond and within a further seven (7) days deliver the original bond to the Mining Cadastre Office.

(c.) Pursuant to regulations (Error! Reference source not found.), the holder of a mining permit shall pay the annual area charges, calculated according to Table 16 – Area-based Annual Charges of the Second Schedule within thirty-five (35) days of the grant of the permit and annually thereafter at the start date of each permit year.

(d.) Pursuant to Clause 140 of the Act, the holder of amining permit shall pay royalties, calculated according to the Royalty Rates by assessed Minerals in the Third Schedule within thirty-five (35) days after the commencement of production and monthly thereafter.

(e.) Amining permit holder shall submit a written notice in Form N-33 [Notice of commencement of mine development] not later than fourteen (14) days before commencing mining operations over the mining area and shall at the same time inform any affected land holders.

(f.) The holder shall not commence activities until approval is given, using Form N-27 [Notice of permission to commence fieldwork], which shall be within seven (7) days of submitting the request.

(g.) The holder shall undertake mining operations according to the approved mining permit programme and in compliance with all other terms and conditions of the permit and this Act, its provisions and regulations.
(h.) An applicant whose mining permit is granted shall, before commencement of operations, provide confirmation of the technical manager in charge of operations, including, experience and contact details. The holder shall update this information if at any time during the term of the permit if the individual is replaced.

(i.) A holder shall demarcate and keep demarcated the mining area in the prescribed manner.

(j.) A holder shall stack or dump any mineral or waste products in the manner provided for in the permit or as otherwise prescribed, having regard to good mining industry practice.

(k.) A holder shall not use any equipment larger than the equipment size trucks and excavators permitted on public roads; and

(l.) A holder shall not utilise chemicals including cyanide and mercury.

137. Reporting under a mining permit

(1) Pursuant to Clause 140 of the Act the holder of a mining permit shall:

(a.) maintain full records of all prospecting and mining operations and shall make these available for inspection by any duly authorised Inspector of Mines;

(b.) conduct mining operations with due regard to the environment and shall submit an annual report on environmental damage and remediation which shall be made publically available;

(c.) submit reports digitally and in addition in the form of suitably bound hard copies to provide a long-term record:

(i) within fourteen (14) days of the end of every quarter of each permit year, a quarterly report of mine development and mineral production, using Form AR-19 [Mining permit quarterly report]. This shall include full details of ore mined and processed, its grade, and the amount of mineral or concentrate produced and exported; and

(ii) within thirty-five (35) days of the end of each permit year, an annual report of mine development and mineral production, using Form AR-20 [Mining permit年度 report] which shall include:

a. summarised details of ore mined and processed and its grade;

b. the amount of mineral or concentrate produced and exported; and

c. an updated mining permit programme for the following year;

(d.) within ninety-one (91) days following the end of each financial year, furnish the Cabinet Secretary with a copy of annual financial statements in such manner as the Cabinet Secretary shall prescribe;

(e.) an updated ESMP;

(f.) an updated rehabilitation and mine closure plan, reporting also on the previous years’ rehabilitation works; and

(g.) a description of the positive and negative affects that mining has had on gender relations within that community.

(2) The annual report shall be reviewed by the Director of Mines and he shall inform the holder within thirty-five (35) days of receipt if additional information are required, using Form N-1 [Notice of demand for additional information].

(3) Where an annual technical report is non-compliant, the Mining Cadastre Office shall inform the permit holder within thirty-five (35) days of submission using Form N-5 [Notice to Comply].
138. **Application for renewal of a mining permit**

(1) An application for renewal of a mining permit shall be made to the Cabinet Secretary by the holder, or by a person acting on the holder’s behalf, using Form A-25 [Application to renew mining permit] not less than ninety-one (91) days before expiry of the mining permit.

(2) An application for renewal under Clauses 141 of the Act shall include or be accompanied by the following:
   a. a report using Form AR-20 [Mining permit annual report] under these regulations summarising mining work undertaken since the permit was granted;
   b. the proposed term of the renewal which shall not exceed five (5) years;
   c. a revised and up-to-date mining permit work programme;
   d. a report describing environmental remediation actions taken since mining began;
   e. an updated ESMP; and
   f. evidence of the declared financial and technical resources available exclusively for this application within seven (7) days of receiving the request;

(3) The Cabinet Secretary shall notify the applicant if any further information or clarification is required using Form N-1 [Notice of demand for additional information] and the applicant shall provide this within thirty-five (35) days of receipt of such notice.

(4) The registered permit application shall then be reviewed by the Technical Committee, established pursuant to regulation 6, and in accordance with regulations 15.

139. **Processing of an application to renew a mining permit**

(1) Pursuant to Clause 33 of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board, shall approve or reject an application for renewal of a mining permit within forty-nine (49) days of the formal registration date.

(2) Where further information or clarification is required, the Director shall notify the holder using Form N-1 [Notice of demand for additional information] and the holder shall provide the information within seven (7) days. In the event of any delays on the part of the Ministry, the holder may continue mining operations until a decision is notified but any eventual renewal shall date from the permit year anniversary.

(3) On renewal of a mining permit, the Cabinet Secretary shall notify the holder of any change in the amount and or nature of the environmental protection bond and any other financial security, using Form N-36 [Notice of change of the environmental protection bond or financial security] under these regulations. Until such bond or security is in place, the mining permit shall not be renewed.

(4) On receipt of notice by the holder from the Mining Cadastre Office that a change to a bond or security is required, the holder shall within thirty-five (35) days submit a copy of the bond or security, and within a further seven (7) days shall deliver the original hard copy bond or security document to the Mining Cadastre Office.
PART X – ARTISANAL MINING

140. Purpose

Pursuant to Clause 95 and the Second Schedule, Clause 2(b) of the Act an artisanal mining permit grants an eligible person, who shall be a resident of the County, the exclusive right to carry out prospecting and mining operations using traditional and customary methods in accordance with an approved artisanal mining programme.

141. Form of permit

(1) An artisanal mining permit shall be issued using Form L-9 [Artisanal mining permit] under these regulations.

(2) Pursuant to Clause 95 of the Act, an artisanal mining permit shall specify:
   (a.) the full name, nationality and address of the applicant; or
   (b.) in case of a cooperative, association or group, the place of registration and the address of registered office;
   (c.) the mineral or minerals sought;
   (d.) the cadastral coordinates of the polygon in the prescribed format defining the permit area;
   (e.) a map showing the approximate location of the permit area together with any directly adjacent mineral right areas, excluding reconnaissance permits;
   (f.) the duration of the permit;
   (g.) the approved artisanal mining programme to be carried out;
   (h.) an ESMP;
   (i.) the relevant land holder’s consent; and
   (j.) any other such documents considered appropriate or other special conditions that may apply.

142. Duration

An artisanal mining permit shall be granted for a period not exceeding three (3) years and shall be renewable once only for a period not exceeding three (3) years.

143. Size

(1) An artisanal mining permit area shall not exceed one (1) whole cadastral block.

(2) An artisanal mining permit holder may hold not more than five (5) artisanal mining permits concurrently.

144. Shape

Fractions of 0.25 cadastral blocks may be used to configure the shape of an artisanal mining permit.

145. Application for an artisanal mining permit

(1) An application for grant of an artisanal mining permit, shall be submitted to the Representative of the Director of Mines using Form A-10 [Application for artisanal mining permit] pursuant to Clause 93 of the Act.

(2) The application shall include:
(a.) in the case of an individual, the full name, nationality and address of the applicant; or
(b.) in the case of a cooperative, association or group, the place of registration and the registered office address;
(c.) the mineral or minerals sought;
(d.) a description of the permit area, a map and the cadastral coordinates of the polygon in the prescribed form defining the permit area;
(e.) the proposed duration of the permit;
(f.) an artisanal mining programme to be carried out;
(g.) a statement, using Form AT-2 [Attestation of no Mining Act offence penal conviction] or Form AT-3 [Attestation legally competent individual without conviction] as the case may be affirming that the applicant meets the eligibility requirements in accordance with the provisions of the Act;
(h.) the relevant land holder’s written consent where the land has not been designated as an artisanal or small-scale mining area;
(i.) an environmental and social impact screening report, together with suggested mitigating measures commensurate with scale and nature of the operation;
(j.) details of any other mineral rights held in Kenya; and
(k.) any other such documents considered appropriate or other special conditions that may apply.

(3) When an artisanal mining permit application is registered, the artisanal mining permit area applied for shall be recorded online on the cadastral map and be shown on the Ministry’s website.

(4) The registered permit application shall be reviewed by the Artisanal Mining Committee, established pursuant to Clause 94 of the Act.

(5) Any person who otherwise qualifies to apply for an artisanal mining area shall be ineligible to apply for an artisanal mining permit:

(a.) the applicant is a former artisanal mining permit holder whose permit has been revoked for the same mining area, or any part therein applied for, if such application is made within two (2) years from the date of such revocation, or
(b.) the applicant has been employed by the Ministry in the administration of the Act or has been a member of the Technical Committee within two (2) years of the application submission; or
(c.) the applicant holds five (5) artisanal mining permits at the time of registration; in which case, any the application shall be rejected.

(6) Where an artisanal mining permit application is rejected by the Representative of the Director of Mines the artisanal mining permit register and the cadastral map shall be immediately updated by the Registrar.

146. Processing of an application for an artisanal mining permit

(1) Pursuant to Clause 93 of the Act, the Representative of the Director of Mines, on the advice of the Artisanal Mining Committee, shall approve or reject an application for an artisanal mining permit within fifty-six (56) days of the official registration date and shall inform the applicant, using Form N-10 [Notice of approval or rejection of an application] of the decision within seven (7) days.
(2) Once an application has been assigned a registration number, the Representative of the Director of Mines shall review the application.

(3) In carrying out the application review, the Representative of the Director of Mines shall, where necessary:

(a.) where it is so determined, recommend rejection of an application pursuant to regulation 12(3), sent to the applicant by email, detailing reasons for the rejection;
(b.) request the applicant to correct any defects or omissions;
(c.) consult with other technical experts as may be helpful in assessing the merits of the application;
(d.) request additional information and or propose amendments to the application, using Form N-1 [Notice of demand for additional information]; and
(e.) consult as necessary with Ministry and/or other relevant government entities;

(4) Where an applicant fails to provide any of the information requested or to amend the application pursuant to sub regulation(3)(b.) and (d.) within seven(7) days of receiving the request, or to comply with any other application requirements, the application shall be rejected, and the Representative of the Director of Mines, in such case, shall:

(i) in writing, notify the applicant that the application is rejected; and
(ii) record the date of such notifications in the application register.

(5) Where the Representative of the Director of Mines considers the application is technically compliant with the current legislation to prepare a report and forward the application and the report to the Artisanal Mining Committee who shall confirm or otherwise.

(6) The Representative of the Director of Mines shall upon review of the Artisanal Mining Committee report approve or reject the application.

(7) Following the grant of an artisanal mining permit, the Representative of the Director of Mines shall immediately notify the Artisanal Mining Committee and thereafter the applicant, using Form N-10 [Notice of approval or rejection of an application].

(8) Where the application is approved, the grant notice, issued by the Representative of the Director of Mines, shall require the applicant to accept or reject the grant of the permit within fourteen (14) days from the date of notification.

(9) Where the applicant fails to respond within the required period, the grant of the mining permit shall lapse.

(10) The Representative of the Director of Mines shall issue an artisanal mining permit in digital form via email and send a paper copy by registered mail in the form of Form L-9 [Artisanal mining permit].

(11) The date on which the digital artisanal mining permit is officially issued by the Representative of the Director of Mines and that is included on the permit shall be considered the start of the permit year for all permit-related issues including ongoing reporting, fees and expiry date purposes, and shall be recorded by the Registrar in the artisanal mining permit register.

(12) In the event that the Representative of the Director of Mines determines that the application is not technically compliant, his report shall give reasons.

(13) The Representative of the Director of Mines may require an applicant, using Form N-1 [Notice of demand for additional information] to provide verifications in the form of hardcopy documents and or certified originals documents and or sworn affidavits. Where so
notified, such verification must be delivered to the Representative of the Director of Mines within seven (7) days of the date of such notice, failing which the application shall be rejected.

(14) Provided that such verification is received within the allotted time, and is later validated, the date and time of the original application shall remain. For the avoidance of doubt, the request to provide original, hard copy documents is not an opportunity to submit any new information other than the originals of the documents submitted digitally at the time of application. Any new or modified information will be rejected, the application invalidated, and the application rejected without further notice.

(15) An applicant, having submitted and had registered an application for grant or renewal of an artisanal mining permit, may at any time withdraw the application. In the case of withdrawal for any reason, the application fee is not refundable.

(16) An applicant whose application is rejected may, within thirty-five (35) days, remedy any deficiency in the application and re-submit, failing which the application shall be finally cancelled. Any re-submitted application shall be treated as a new application. The Representative of the Director of Mines may approve or reject the application and shall advise the applicant of his or her final decision using Form N-10 [Notice of approval or rejection of an application] under these regulations.

(17) An applicant who is aggrieved by the decision of the Representative of the Director of Mines may appeal to the High Court within thirty (30) days.

(18) Where a permit application is rejected and the applicant has not appealed within the time period prescribed in subregulation (17), the cadastral map shall be immediately updated by the Registrar and the area made available for new applications.

(19) When it becomes known to the Representative of the Director of Mines that a false attestation was provided in an application, any resultant artisanal mining permit shall be revoked.

147. Renewal of an artisanal mining permit

(1) An application for renewal of an artisanal mining permit shall be made to the Representative of the Director of Mines by the holder, or by a person acting on the holder’s behalf, using Form A-26 [Application to renew artisanal mining permit] not less than forty-nine (49) days before expiry of the permit.

(2) An application for renewal under Clauses 96 of the Act shall include or be accompanied by the following:

(a.) a report summarising mining work undertaken since the permit was granted;

(b.) the proposed duration of the renewal period that shall not exceed three (3) years;

(c.) a revised and updated artisanal mining programme;

(d.) a summary report describing environmental remediation actions taken since mining first began; and

(e.) an updated environmental and social screening report, together with suggested mitigating measures commensurate with the type and scale and nature of the operation.

(3) The Representative of the Director of Mines shall notify the applicant if any further information or clarification is required using Form N-1 [Notice of demand for additional information] that may be reasonably provided in the prescribed time period and the applicant shall respond within thirty-five (35) days of receipt of the notice.
148. Processing of an application to renew an artisanal mining permit

(1) The Representative of the Director of Mines shall, on the advice of the Artisanal Mining Committee, approve or reject an application for renewal of an artisanal mining permit within thirty-five (35) days of receipt of a complete application, using Form N-10 [Notice of approval or rejection of an application].

(2) Where further information or clarification is required, the Representative of the Director of Mines shall notify the permit holder using Form N-1 [Notice of demand for additional information] within seven(7) days of the receipt of the Artisanal Mining Committee report, and the holder shall provide the information within seven(7) days. In the event of any delays on the part of the Representative of the Director of Mines, the holder may continue artisanal mining operations until a decision is notified but any eventual renewal shall date from the permit anniversary.

(3) Where the Representative of the Director of Mines, after due consideration of all information and on the advice of the Artisanal Mining Committee, refuses a renewal this shall be notified to the holder using Form N-10 [Notice of approval or rejection of an application] together with the reasons.

(4) The holder shall have thirty-five (35) days to appeal the decision to the Representative of the Director of Mines' satisfaction failing which the permit shall be revoked.

(5) An applicant who is aggrieved by the decision of the Representative of the Director of Mines may appeal to the High Court within thirty (30) days.

149. Obligations and conduct under an artisanal mining permit

(1) Pursuant to Clause 98 of the Act, the holder of an artisanal mining permit shall commence prospecting and or mining operations not later than thirty-five (35) days following grant of the permit.

(a.) A holder may show just cause for extension of this time period to the Representative of the Director of Mines;

(b.) The Representative of the Director of Mines may suspend or revoke the permit when a holder fails to comply.

(2) The holder of an artisanal mining permit may:

(a.) access the permit area;

(b.) process any mineral derived from operations within the permit area;

(c.) stack or dump a mineral or waste product;

(d.) utilize water as required to conduct artisanal mining activities; and

(e.) conduct other activities related to artisanal mining.

(3) The holder shall undertake mining in an effective, efficient and safe manner with due regard to the protection of the environment. Pursuant to the Second Schedule, Clause 2(b) of the act, the holder shall:

(a.) not exceed any of the following production limits:

(i) for extraction of minerals an annual throughput of twenty five thousand cubic metres (25,000 m³);

(ii) not mine underground; and

(iii) not use:
a. specialised prospecting equipment, including metal detectors;  
b. mechanised mining technologies;  
c. mercury or cyanide;  
d. harmful chemicals as may be prescribed; or  
e. dynamite or explosives as are prescribed.

(b.) conduct operations with due regard to the health and safety provisions of this Act and the Mine Health and Safety regulations;  
(c.) not pollute water courses or surface waters; and  
(d.) backfill excavations to protect people, livestock and flora.

(4) An artisanal mining permit holder shall submit a written notice in Form N-33 [Notice of commencement of mine development] not later than fourteen (14) days before commencing mining operations over the mining area and shall in writing at the same time inform any affected land holders.

(5) The permit holder shall not commence activities until approval is given, using Form N-27 [Notice of permission to commence fieldwork].

(6) The holder of an artisanal mining permit shall submit monthly returns on mineral production using Form AR-23 [Artisanal mining permit monthly report] and shall make these available for inspection by an Inspector.

(7) The holder shall submit an annual report on environmental damage and remediation which shall be made publicly available.

(8) The holder of an artisanal mining permit shall pay an area-based annual charge as set out in Table 16 – Area-based Annual Charges of the Second Schedule of these regulations within thirty-five (35) days of the grant of the permit and annually thereafter at the start date of each permit year, failing which the permit shall be suspended and may be revoked by the Representative of the Director of Mines.
150. Transitional provisions
PART XI - SCHEDULES

XI.I - FIRST SCHEDULE – FORMS

Form A-1 [Application for an Online Mining Cadastre (OMC) User Registration]
Form A-2 [Application for Reconnaissance Licence]
Form A-3 [Application for Prospecting Licence]
Form A-4 [Application for Retention Licence]
Form A-5 [Application for Mining Licence]
Form A-6 [Application for Mineral Agreement]
Form A-7 [Application for Reconnaissance Permit]
Form A-8 [Application for Prospecting Permit]
Form A-9 [Application for Mining Permit]
Form A-10 [Application for Artisanal Mining Permit]
Form A-11 [Application for Mineral Right Transfer]
Form A-12 [Application to Relinquish Mineral Right Area]
Form A-13 [Application to Amend Work Programme]
Form A-14 [Application to Extend Reconnaissance Licence Term]
Form A-15 [Application to Consolidate Licences]
Form A-16 [Application to Include Discovered Mineral or Minerals into Licence]
Form A-17 [Application to Enlarge Mining Licence Area]
Form A-18 [Application to Renew Prospecting Licence Term]
Form A-19 [Application to Renew Retention Licence Term]
Form A-21 [Application to Surrender Mineral Right]
Form A-22 [Application to Renew Mining Licence Term]
Form A-23 [Application for Compensation of Immovable and Movable Assets]
Form A-24 [Application to Renew Prospecting Permit Term]
Form A-25 [Application to Renew Mining Permit Term]
Form A-26 [Application to Renew Artisanal Mining Permit]
Form N-1 [Notice of Demand for Additional Information]
Form N-2 [Notice of Demand for a Mandatory Report]
Form N-3 [Notice of Intent to Suspend a Licence or Permit]
Form N-4 [Notice of Intent to Revoke a Licence or Permit]
Form N-5 [Notice to Comply]
Form N-6 [Notice to seek and obtain written consent]
Form N-7 [Notice to Deliver Hardcopy Originals]
Form N-8 [Notice to Agree on Time Renewal]
Form N-9 [Notice to Grant Mineral Right due to No Objection or Unreasonable Refusal]
Form N-10 [Notice of Approval or Rejection of an Application]
Form N-11 [Notice of Revocation of a Mineral Right or part thereof]
Form N-12 [Notice of Change of Interest in a Mineral Right]
Form N-13 [Notice of Suspension of a Mineral Right or part thereof]
Form N-14 [Management of Assets & Hazardous Materials on Expiry/Revocation of a Mineral Right]
Form N-15 [Notice of Demand for Final Documents]
Form N-16 [Notice of Fieldwork Commencement Reconnaissance/Prospecting]
Form N-17 [Notice of Shortfall in Minimum Operational Expenditure]
Form N-18 [Notice of Call for an Independent Audit of Expenditure]
Form N-19 [Notice of Discovery of Mineral Deposit in Potential Commercial Quantities]
Form N-20 [Notice of Archaeological Remains]
Form N-22 [Notice of an Application for a Prospecting Licence]
Form N-23 [Notice of Cost of Published Announcement]
Form N-24 [Notice of Decision on Objection to Grant a Licence]
Form N-25 [Notice of Consolidation of Licences]
Form N-26 [Notice of Discovery of Mineral or Minerals]
Form N-27 [Notice of Permission to Commence Fieldwork]
Form N-28 [Notice to Provide an Environmental Protection Bond]
Form N-29 [Notice to apply for a Mining Licence]
Form N-30 [Notice to show cause]
Form N-31 [Notice of Approval for Surrender]
Form N-32 [Notice of an Application for a Mining Licence]
Form N-33 [Notice of Commencement of Mine Development]
Form N-34 [Notice of Intent to Cease, Suspend or Curtail Operations]
Form N-35 [Notice of Approval to Cease, Suspend or Curtail Operations]
Form N-36 [Notice of Change of the Environmental Protection Bond or Financial Security]
Form N-37 [Notice of an Application for a Prospecting Permit]
Form N-38 [Notice of Decision on Objection to Grant a Permit]
Form N-39 [Notice of an Application for a Mining Permit]
Form N-40 [Notice to Surrender a Licence or Permit]
Form N-41 [Notice of Commencement of Mineral Production]
Form N-42 [Notice of Design Capacity]
Form N-43 [Notice of Royalty Assessment Payment]
Form N-44 [Notice of Area-based Annual Charge Payment]
Form N-45 [Notice of Encumbrance or Lien]
Form N-46 [Request to Cabinet Secretary for Permission to Revoke Mineral Right]
Form N-47 [Statement of Assets & Hazardous Materials]
Form R-1 [Receipt for Payment of Application Fee]
Form R-2 [Receipt for Payment of Licence Registration Fee]
Form R-3 [Receipt for Submitted Report]
Form R-4 [Receipt for Payment of Conversion Application Processing Fee]
Form R-5 [Receipt for Payment of Bond]
Form L-1 [Reconnaissance Licence]
Form L-2 [Prospecting Licence]
Form L-3 [Retention Licence]
Form L-4 [Mining Licence]
Form L-5 [Mineral Agreement]
Form L-6 [Reconnaissance Permit]
Form L-7 [Prospecting Permit]
Form L-8 [Mining Permit]
Form L-9 [Artisanal Mining Permit]
Form AR-1 [Seek and Obtain Written Consents]
Form AR-2 [Request to Deliver a Bond]
Form AR-3 [Reconnaissance Licence Annual Report]
Form AR-4 [Reconnaissance Licence Annual Expenditure Report]
Form AR-5 [Reconnaissance Licence six (6) monthly Report]
Form AR-6 [Request to Pay an Area-based Annual Charge]
Form AR-7 [Prospecting Licence Annual Report]
Form AR-8 [Prospecting Licence Annual Expenditure Report]
Form AR-9 [Prospecting Licence Quarterly Report]
Form AR-10 [Environmental and Social Impact Assessment Report]
Form AR-11 [Retention Licence Quarterly Report]
Form AR-12 [Retention Licence Annual Report]
Form AR-13 [Retention Licence Annual Expenditure Report]
Form AR-14 [Mining Licence Quarterly Report]
Form AR-15 [Mining Licence Annual Report]
Form AR-16 [Reconnaissance Permit Annual Report]
Form AR-17 [Prospecting Permit Annual Report]
Form AR-18 [Prospecting Permit Annual Expenditure Report]
Form AR-19 [Mining Permit Quarterly Report]
Form AR-20 [Mining Permit Annual Report]
Form AR-21 [Work Carried Out Under the Environmental Management Plan]
Form AR-22 [Artisanal Mining Permit Annual Report]
Form AR-23 [Artisanal Mining Permit Quarterly Report]
Form AR-25 [Annual Employment and Training Report]
Form AR-27 [Mining Licence Monthly Report]
Form AR-28 [Request to Grant Mineral Right due to No Objection or Unreasonable Refusal]
Form AT-1 [Boundary Marker Placement Attestation]
Form AT-2 [Attestation of No Mining Act Offence Penal Conviction]
Form AT-3 [Attestation Legally Competent Individual without Conviction]
Form AT-4 [Attestation to Accept Terms of Transferred Mineral Right]
Form AT-5 [Declaration of Mineral Rights Interests]
Form I-1 [Identification of Mineral Right Area]
151. Form A-1 [Application for an Online Mining Cadastre (OMC) user Registration]

(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and permitting) regulations, 2015)

SECTION A: PURPOSE OF REGISTRATION

☐ I wish to make use of the Online Mining Cadastre (OMC) on my own behalf

Complete section A, B, D

Please provide:

- Proof of identity (passport or ID card)

☐ I wish to make use of the Online Mining Cadastre (OMC) on behalf of a company, either as an employee or agent of that Company

Complete sections A, B, C, D

Please provide:

- Proof of identity (passport or ID card)
- Proof of company registration (certified copy of certificate of incorporation)
- Signed letter of authority to use the Mining Cadastre Portal on behalf of the Company

☐ I am already registered user on the Online Mining Cadastre (OMC) and would like to act as an employee or agent of another Company

Complete sections A, B, C, D

Please provide:

- Proof of identity (passport or ID card)
- Proof of company registration (certified copy of certificate of incorporation)
- Signed letter of authority to use the Online Mining Cadastre (OMC) on behalf of the Company

SECTION B: DETAILS FOR THE AUTHORISED USER

Surname

First Names

E-mail Address

(used for login and e-mail notifications)

Mobile Number
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| Line 3 |     |     |     |     |     |     |     |
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| Post Code / Zip |     |     |     |     |     |     |     |
| Country |     |     |     |     |     |     |     |

**Postal Address**

| Line 1 |     |     |     |     |     |     |     |
| Line 2 |     |     |     |     |     |     |     |
| Line 3 |     |     |     |     |     |     |     |
| Province |     |     |     |     |     |     |     |
| Post Code / Zip |     |     |     |     |     |     |     |
| Country |     |     |     |     |     |     |     |

**Telephone 1**

| e.g. +44822354111 not +44(0)822354111 |     |     |     |     |     |     |     |

**Telephone 2**

| e.g. +44822354111 not +44(0)822354111 |     |     |     |     |     |     |     |

**Fax Number**

| e.g. +44822354111 not +44(0)822354111 |     |     |     |     |     |     |     |
**SECTION C: COMPANY DETAILS**

| **Company Name** |  |
| **Abbreviation** |  |
| **Registration Number** |  |
| **Registered Country** |  |
| **Registration Date** |  |
| **Company Type** | Private, Listed |

**Physical Address**

| **Line 1** |  |
| **Line 2** |  |
| **Line 3** |  |
| **Province** |  |
| **Post Code / Zip** |  |
| **Country** |  |

**Postal Address**

| **Line 1** | Same as Physical |
| **Line 2** |  |
| **Line 3** |  |
| **Province** |  |
| **Post Code / Zip** |  |
| **Country** |  |
SECTION D: TERMS OF USE

- I confirm that all information provided is correct
- I attach completed Form AT-5 [Declaration of mineral rights interests]
- I agree to the Terms of Use and Privacy Statement of the Online Mining Cadastre
- Number of pages submitted for this application

D D / MM / YYYY

Signed by ______________________________________________________________________ Date ______________________________________________________________________ Location ______________________________________________________________________
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>All documents received and in good order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All existing mineral rights in good standing (where such rights existed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User added to Online Mining Cadastre (OMC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User given access to requested Company</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments**

Signed by Cadastre Officer: __________________

Date: __________/ ______/ ______

Location: __________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

152. Form A-2 [Application for reconnaissance licence]
(Clause 196(3) of the Mining Act and regulation 59 of the Mining (Licensing and permitting) regulations, 2015)

Dated seal here

Application verified as complete:
  o Date verified complete and registered: Day ___ Month ___ Year _____
  o Time verified complete and registered: Hr.____ Min______

Officer verifying application is complete and has been registered as complete in the register:
Name: _______________________ Signature: _________________________

All required attachments listed in Section 4 of this form are attached to this application
Application registration number: __________

If the application is approved:

Reason for approval: ________________________________________________

Cabinet Secretary’s signature: _________________________________
Date of signature: _______________

If denied,

Reason for denial: ________________________________________________

Cabinet Secretary’s signature: _________________________________
Date of signature: _______________

If approved,

Date approval was registered in the reconnaissance licence register: _______________
Date applicant was notified of the approval decision: ____________________

If denied,

Date denial was registered in the register: _______________
Date applicant was notified of the denial decision: ____________________
1. **Instructions:**
   This form is used to apply for a reconnaissance licence and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant's identity and contact information**
   a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:
      
      Full name: __________________________
      
      **Physical Address**
      Address: __________________________________________________________
      City: _______________ State: _______________ Postal Code: _____________
      Country: _______________
      o Send correspondence to this Address
      
      **Postal Address**
      Address: __________________________________________________________
      City: _______________ State: _______________ Postal Code: _____________
      Country: _______________
      o Send correspondence to this Address
   
   b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:
      
      Address of headquarters:
      registered company name: ___________________________________________
      City Company is incorporated: _______________________________________
      
      **Physical Address**
      Address: __________________________________________________________
      City: _______________ State: _______________ Postal Code: _____________
      Country: _______________
      o Send correspondence to this Address
      
      **Postal Address**
      Address: __________________________________________________________
      City: _______________ State: _______________ Postal Code: _____________
      Country: _______________
      o Send correspondence to this Address
c. Name of legal representative:
Physical Address of legal representative:
Address: ____________________________________________________________
City: __________________ State: __________ Postal Code: _______________
Country: __________________
Send correspondence to this Address

Postal Address
Address: ____________________________________________________________
City: __________________ State: __________ Postal Code: _______________
Country: __________________
Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: __________________________________________________________________
Address: ____________________________________________________________
City: ______ State: ___ Postal Code: ______________
County: __________________

e. Other required contact information:
Phone number: __________________
Mobile: __________________
Fax number (if any): __________________
E-mail address: __________________

3. Name and qualifications of the person responsible for supervising the proposed Programme of Reconnaissance:
Name: _____________________________
Qualifications:
____________________________________________________
____________________________________________________
____________________________________________________

4. licence duration applied for: (Please indicate appropriate option)
   o 1 year
   o 2 years
5. Mandatory attachments (Check each item attesting that the required document is attached to this application)
   - duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
   - Form I-1 [Identification of mineral right area] and its required attachments;
   - when the applicant is an individual, First Schedule Form AT-3 [Attestation legally competent individual without conviction];
   - when the applicant is a body corporate,
   - certified copy of the company’s certificate of incorporation and certified copy of its memorandum and articles of association,
   - “Director Information”, a sheet listing the full names and nationalities of all its directors,
   - “Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital
   - First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
   - “Profile and History”, a sheet describing the applicant’s profile and history of Reconnaissance and Prospecting Operations in Kenya and elsewhere;
   - “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts or other form of proof of financial resources, acceptable to the Director for the year immediately preceding the application;
   - “Reconnaissance Programme”, a proposed Reconnaissance Programme setting the work intended over the term of the licence, with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;
   - “Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of the Reconnaissance Programme would be likely to have on the environment and on any monument or relic in the proposed Reconnaissance Area, measures to mitigate these effects and an estimate of the cost of combating such effects;
   - A description of the positive and negative affects the reconnaissance will have on gender relations within that community
   - “Consultation Plan”, a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about those Reconnaissance operations that require physical entry onto the land within their jurisdiction;
   - “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors; and
   - at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

6. Attestation
   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name: ___________________________________________ Date: ______________
Signature: _________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

153. Form A-3 [Application for prospecting licence]

(Clause 196(3) of the Mining Act and regulation 72 of the Mining (Licensing and permitting) regulations, 2015)

Dated seal here

Application verified as complete:

Date verified complete and registered: Day ___ Month ___ Year ____

Time verified complete and registered: Hr.____ Min____

Officer verifying application is complete and has been registered as complete in the register:

Name: __________________ Signature: _________________________

All required attachments listed in Section 4 of this form are attached to this application

Application registration number:_______________

* * * * * * * * * * * * * * * * *

Application is approved

Application is denied

Reason for denial:____________________________________________________

Cabinet Secretary’s signature: ______________________

Date of signature: ______________

If approved,

Date application was registered in the prospecting licence register: ______________

Date applicant was notified of the approval decision: ______________

If denied,

Date denial was registered in the register: ______________

Date applicant was notified of the denial decision: ______________
1. **Instructions:**
   This form is used to apply for a prospecting licence and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant's identity and contact information**
   a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:
   Full name: ______________________________

   **Physical Address**
   Address: ________________________________________________
   City: ___________________ State: ___________ Postal Code: ___________
   Country: _______________
   o Send correspondence to this Address

   **Postal Address**
   Address: ________________________________________________
   City: ___________________ State: ___________ Postal Code: ___________
   Country: _______________
   o Send correspondence to this Address

   b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:
   Address of headquarters:
   registered company name: ______________________________________
   City Company is incorporated: ________________________________

   **Physical Address**
   Address: ________________________________________________
   City: ___________________ State: ___________ Postal Code: ___________
   Country: _______________
   o Send correspondence to this Address

   **Postal Address**
   Address: ________________________________________________
   City: ___________________ State: ___________ Postal Code: ___________
   Country: _______________
   o Send correspondence to this Address

   c. **Name of legal representative:**
   Physical Address of legal representative:
Address: _______________________________________________________________
City: ____________________ State: _______________ Postal Code:_______________
Country: ___________________

Postal Address
Address: _______________________________________________________________
City: ____________________ State: _______________ Postal Code:_______________
Country: ___________________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):  
Name: _______________________________________________________________
Address: _______________________________________________________________
City: ____________________ State: _______________ Postal Code:_______________
County: _______________

e. Other required contact information:  
Phone number: ______________________
Mobile: ______________________
Fax number (if any): ______________________
E-mail address: ______________________

3. Name and qualifications of the person responsible for supervising the proposed Prospecting Programme: 
Name: _____________________________
Qualifications:  
________________________________________________________________________ 
________________________________________________________________________ 
________________________________________________________________________
4. Type of Mineral or Minerals
Name the type of mineral or minerals for which the prospecting right is required (refer to the attached List):

<table>
<thead>
<tr>
<th>Code</th>
<th>Mineral</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. licence duration applied for: *(Please indicate appropriate option)*
- 1 year
- 2 years
- 3 years

6. Mandatory attachments (tick each item attesting that the required document is attached to this application)
- duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
- Form I-1 [Identification of mineral right area] and its required attachments;
- a certified copy of the applicant company’s certificate of incorporation and certified copy of its memorandum and articles of association;
- “Director Information”, a sheet listing the full names and nationalities of all the applicant company’s directors;
- “Shareholder Information”, a sheet listing the name of every shareholder of the applicant company who is the beneficial owner of ten per cent (10%) or more of the issued share capital;
- First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
- “Profile and History”, a sheet describing the applicant’s profile and history of Prospecting Operations in Kenya and elsewhere;
- “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;
- “Prospecting Programme”, setting out the particular Mineral requested, the Prospecting Operations work intended over at least the first year of the licence and the names and particulars of the persons to be responsible for the conduct thereof, plus an indicative Programme for the remainder of the period applied for, together with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;
- “Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of Prospecting Programme would be likely to have on the environment and on
any monument or relic in the proposed Prospecting Area, measures to mitigate these effects and an estimate of the cost of combating such effects;

- A description of the positive and negative effects the reconnaissance will have on gender relations within that community

- “Consultation Plan”, a plan describing how (in compliance with such guidelines as may be provided by the Mining Cadastre Office or in the absence of such guidelines according to best industry practice), on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about those Prospecting Operations that require physical entry onto the land within their jurisdiction;

- “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors; and

- at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

7. **Attestation**

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name: ___________________________ Date: ______________

Signature: ___________________________
## 8. List of mineral types

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Commodity</th>
<th>Type code</th>
<th>Type Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RM</td>
<td>AGGREGATE</td>
<td>I</td>
<td>Industrial minerals</td>
</tr>
<tr>
<td>2</td>
<td>GA</td>
<td>AGATE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>4</td>
<td>Al</td>
<td>ALUMINIUM ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>5</td>
<td>GAz</td>
<td>AMAZONITE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>6</td>
<td>GAAt</td>
<td>AMETHYST (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
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<tr>
<td>7</td>
<td>AA</td>
<td>AMOSITE (ASBESTOS)</td>
<td>A</td>
<td>Asbestos</td>
</tr>
<tr>
<td>8</td>
<td>An</td>
<td>ANDALUSITE</td>
<td>I</td>
<td>Industrial minerals</td>
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<tr>
<td>9</td>
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<td>ANTHOPHYLLITE (ASBESTOS)</td>
<td>A</td>
<td>Asbestos</td>
</tr>
<tr>
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<td>Sh</td>
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<td>B</td>
<td>Ferrous &amp; base metals</td>
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<td>11</td>
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<tr>
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<tr>
<td>17</td>
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<td>BARYTES</td>
<td>I</td>
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<td>23</td>
<td>QB</td>
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<td>CHROME ORE</td>
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<td>Clay</td>
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<td>C</td>
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<td>C</td>
<td>Coal</td>
</tr>
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<td>Co</td>
<td>COBALT</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
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<td>Type code</td>
<td>Type Description</td>
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<td>DIAMOND</td>
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<td>Diamond</td>
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<td>I</td>
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<td>Gemstones (except diamonds)</td>
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<td>QD</td>
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<td>Industrial minerals</td>
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<td>QL</td>
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<td>Silica (general)</td>
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<td>Silica (general)</td>
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<td>Cy</td>
<td>Clay</td>
</tr>
<tr>
<td>56</td>
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FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

154. Form A-4 [Application for retention licence]
(Clause 196(3) of the Mining Act and regulation 87 of the Mining (Licensing and permitting) regulations, 2015)

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</table>

1. Instructions:
This form is used to apply for a retention licence and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in
full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

This form is being submitted as application for a Retention licence for the following type of mineral right (tick one option):

- Prospecting licence
- Mining licence

2. Applicant’s identity and contact information

Note: complete all information in this Section, and indicate where correspondence should be sent.

a. Company
   registered company name under Companies Law: ________________________________
   Company Registration Number: ________________________________

   Physical Address
   Address: ________________________________________________________________
   City: ________________ State: ________________ Postal Code: ________________
   Country: __________________
   - Send correspondence to this Address

   Postal Address
   Address: ________________________________________________________________
   City: ________________ State: ________________ Postal Code: ________________
   Country: __________________
   - Send correspondence to this Address

b. Name of Legal Representative:
   Physical Address of legal representative:

   Address: ________________________________________________________________
   City: ________________ State: ________________ Postal Code: ________________
   Country: __________________
   - Send correspondence to this Address
Postal Address
Address: ________________________________________________________________
City: _______________ State: _______________ Postal Code: _______________
Country: ___________________

○ Send correspondence to this Address

c. Commercial representative in Kenya:
Name: ________________________________________________________________
Address of commercial representative:
Address: ________________________________________________________________
City: __________ State: __ Postal Code: _______________
County: __________

○ Send correspondence to this Address

d. Other required contact information:
Phone number: _______________
Mobile: _______________
Fax number (if any): _______________
E-mail address: _______________

3. Retention licence duration applied for:
○ 1 year
○ 2 years

Note:
Max 2 years for prospecting licences and / or mining licences

4. Mandatory attachments (Check each item attesting that the required document is attached to this application)
○ duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
○ Form I-1 [Identification of mineral right area] and its required attachments; when the applicant is an individual,
○ First Schedule Form AT-3 [Attestation legally competent individual without conviction];
when the applicant is a body corporate,
○ certified copy of the company’s certificate of incorporation and certified copy of its memorandum and articles of association,
○ “Director Information”, a sheet listing the full names and nationalities of all its directors,
○ “Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital
○ First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
○ Explanation describing the reason for applying for a Retention licence, detailed enough to convey the reason for the request for a Retention licence and covering
  a) an updated Resource Estimate within the Prospecting or Mining Area that shows the potential for commercial significance
b) the adverse market conditions or security issues that are reasonably believed to be of a temporary character
   ○ studies and assessments from eligible experts on:
     The prospects for a change of the adverse market conditions or other factors, the extent and commercial significance of the Mineral Resource under the relevant market conditions, trends and economic factors; and
   ○ at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

5. Request
   I hereby request that the Cabinet Secretary approves the retention licence for the licence, whose Registration Code Number appears at the top of this form.

6. Attestation
   By my signature below, I attest that following statements that are marked are true (as of the date of signature below): --
   In regard to the mineral right whose registration number appears at the top of this form, I am *(tick the appropriate option)*
       ○ the holder
       ○ the authorised representative of the corporate body in whose name the mineral right is held

   Name of corporate body: ____________________________

   Name of authorised person: ________________________

   Title or Position: _________________________________

   Signature: _________________________________

   Date: _________________________________

   Telephone number: __________________

   Mobile Number: _____________________________

   E-mail: _________________________________

   Note please:
   Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

155. Form A-5 [Application for mining licence]

(Clause 196(3) of the Mining Act and regulation 98 of the Mining (Licensing and permitting) regulations, 2015)

O Dated seal here

Application verified as complete:

F

Application verified as complete:

F

I

Date verified complete and registered: Day ___ Month ___ Year ___

C

I

Time verified complete and registered: Hr. _____ Min _____

A

L

Officer verifying application is complete and has been registered as complete in the register:

Name: ___________________ Signature: ___________________

U

S

All required attachments listed in Section 5 of this form are attached to this application

E

Application registration number: _____________

* * * * * * * * * * * * * * * * *

o Application is approved

o Application is denied

Reason for denial: ________________________________

Cabinet Secretary’s signature: _________________

Date of signature: _________________

If approved,

Date approval was registered in the mining licence register: _____________

Date holder was notified of the approval decision: _________________

If denied,

Date denial was registered in the register: _________________

Date applicant was notified of the denial decision: _________________
1. Instructions:
This form is used to apply for a mining licence and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. Applicant’s identity and contact information

*Note: complete all information in this Section, and indicate where correspondence should be sent.*

a. Company
registered company name under Companies Law: __________________________
Company Registration Number: __________________________

Physical Address
Address: ____________________________________________________________
City: ___________________ State: _______________ Postal Code: ____________
Country: ________________
  o Send correspondence to this Address

Postal Address
Address: ____________________________________________________________
City: ___________________ State: _______________ Postal Code: ____________
Country: ________________
  o Send correspondence to this Address

b. Name of Legal Representative:

Physical Address of legal representative:
Address: ____________________________________________________________
City: ___________________ State: _______________ Postal Code: ____________
Country: ________________
  o Send correspondence to this Address

Postal Address
Address: ____________________________________________________________
City: ___________________ State: _______________ Postal Code: ____________
Country: ________________
  o Send correspondence to this Address
c. Commercial representative in Kenya:
Name: _________________________________________________________________
Address of commercial representative:
Address :________________________________________________________________
City :_______ State: ____ Postal Code:_______________
County :__________
   o Send correspondence to this Address

d. Other required contact information:
Phone number: _____________________
Mobile: _____________________
Fax number (if any): _____________________
E-mail address: _____________________

3. Name and qualifications of the person responsible for the Mining Operation
Mine Manager: ________________________________
Qualifications: ________________________________

4. Mining licence duration applied for:
   ____________years (not to exceed twenty five years).

5. Prospecting licence
The applicant named above is the holder of a prospecting licence and the mining licence Area being
applied for in this mining licence application is located completely within the Prospecting Area of
that prospecting licence: (tick one option)
   o Yes: prospecting licence registration number: PL__________________
   o No

6. Mandatory attachments (tick each item attesting that the required document is attached to
this application)
   o duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
   o Form I-1 [Identification of mineral right area] and its required attachments;
   o a certified copy of the applicant company’s certificate of incorporation and certified copy of
   its memorandum and articles of association;
   o “Director Information”, a sheet listing the full names and nationalities of all the applicant
   company’s directors;
   o “Shareholder Information”, a sheet listing the name of every shareholder of the applicant
   company who is the beneficial owner of ten per cent (10%) or more of the issued share
   capital;
   o First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
   o “Profile and History”, a sheet describing the applicant’s profile and history of prospecting
   operations and mining operations in Kenya and elsewhere;
o “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;

o “Feasibility Study”, that shall include -
  (i) the targeted mineral(s)
  (ii) planned commencement date of Mine Development;
  (iii) the planned Commercial Production start date;
  (iv) the planned production profile and capacity;
  (v) details of the mineral deposit, including proven, estimated and inferred reserves, and the physical and chemical, mineralogical, and technical characteristics of the mineral;
  (vi) mine site design showing the likely and approximate location and position of Mine workings including pits and shafts, infrastructure, tailings, dams, buildings, treatment, processing and washing plants, worker accommodation, maintenance sheds, and other buildings during the first ten (10) Years of mining;
  (vii) description of the likely mining method or methods to be used in the first ten (10) Years of mining;
  (viii) details of infrastructure requirements (such as power, water, transportation);
  (ix) description of the Mineral Product(s) likely to be produced and sold, and how the applicant intends to market or sell the Mineral Product;
  (x) description of how the applicant plans to finance the development of the Mine site and infrastructure;
  (xi) description of the methods to be used to process raw mineral(s) into Mineral Product, and a description of any hazards that such methods may pose to employees and the public;
  (xii) description of explosives and hazardous chemicals and substances that will be used in mining, if any, and how they will be transported, handled, used, stored and or destroyed;
  (xiii) economic analysis of the projected mining income and costs including estimated yearly sales, revenues, capital and operating costs, depreciation and other deductions, profits, cash-flows, breakeven year, net present value and internal rate of return;

o “Mine Plan” a plan, accurately drawn to a marked scale, of the proposed mining area over which the licence is sought, showing clearly the approximate locations and features of the proposed mining operations as described in the feasibility study;

o “Environmental and Other Impacts,” a description of any significant adverse effects that mining operations would be likely to have on the environment and on any monument, measures to mitigate these effects and an estimate of the cost of combating such effects;

o An approved gender impact assessment

o “Consultation Plan”, a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the applicant’s mining operations in or near to their jurisdictions;

o “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods; and

o at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

7. Attestation
(Note when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant company’s authorised representative and by this application request on behalf of the applicant that a mining licence is granted for the area requested herein. I attest that the information contained in this application and attached to it is true and accurate.

Name of authorised person: _________________ Title or Position: _____________________

Signature of authorised person: ______________________

Date: _____________________
156. **Form A-6 [Application for mineral agreement]**

*(Clause 196(3) of the Mining Act and regulation 107 of the Mining (Licensing and permitting) regulations, 2015)*

To be included from the Mineral Agreement Regulations
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSENG ANDPERMITTING) REGULATIONS, 2015

157. Form A-7 [Application for reconnaissance permit]

(Clause 196(3) of the Mining Act and regulation 113 of the Mining ( Licensing and permitting) regulations, 2015)

Dated seal here

Application verified as complete:

- Date verified complete and registered: Day ___ Month ___ Year _____
- Time verified complete and registered: Hr.____ Min_____

Officer verifying application is complete and has been registered as complete in the register:
Name: _______________________ Signature: _______________________

All required attachments listed in Section 4 of this form are attached to this application

Application registration number:
* * * * * * * * * * * * * *

- Application is approved
- □ Application is denied

Reason for denial: ______________________________________________________

Cabinet Secretary’s signature: _______________________
Date of signature: ___________________

If approved,

Date approval was registered in the reconnaissance permit register: _______________
Date applicant was notified of the approval decision: _______________

If denied,

Date denial was registered in the register: _______________
Date applicant was notified of the denial decision: _______________
1. **Instructions:**

This form is used to apply for a Reconnaissance and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant's identity and contact information**

b. **If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:**

   Address of headquarters:
   
   registered company name: __________________________________________

   City Company is incorporated: ____________________________

   Physical Address
   
   Address: :________________________________________________________
   
   City :________________ State: ______________ Postal Code:____________
   
   Country :________________

   o Send correspondence to this Address
Postal Address

Address: ______________________________________________________________
City: _______________ State: _______________ Postal Code: ____________
Country: _______________

Send correspondence to this Address

c. Name of legal representative:
Physical Address of legal representative:

Address: ______________________________________________________________
City: _______________ State: _______________ Postal Code: ____________
Country: _______________

Postal Address

Address: ______________________________________________________________
City: _______________ State: _______________ Postal Code: ____________
Country: _______________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: ________________________________________________________________
Address: _____________________________________________________________
City: _______________ State: _______________ Postal Code: ____________
County: _______________

e. Other required contact information:
Phone number: ____________________________
Mobile: ____________________________
Fax number (if any): ____________________________
E-mail address: ____________________________

Name and qualifications of the person responsible for supervising the proposed Programme of Reconnaissan ce:

Name: ____________________________
Qualifications:
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
3. Permit duration applied for: (Please indicate appropriate option)
   o 1 year
   o 2 years

4. Mandatory attachments (Check each item attesting that the required document is attached to this application) (This must be a radio button, which can be read by the computer software automatically)
   o duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
   o Form I-1 [Identification of mineral right area] and its required attachments;
   o when the applicant is an individual, First Schedule Form AT-3 [Attestation legally competent individual without conviction];
   o when the applicant is a body corporate,
   o certified copy of the company’s certificate of incorporation and certified copy of its memorandum and articles of association,
   o “Director Information”, a sheet listing the full names and nationalities of all its directors,
   o “Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital
   o First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
   o “Profile and History”, a sheet describing the applicant’s profile and history of Reconnaissance and Prospecting Operations in Kenya and elsewhere;
   o “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts or other form of proof of financial resources, acceptable to the Director for the year immediately preceding the application;
   o “Reconnaissance Programme”, a proposed Reconnaissance Programme setting the work intended over the term of the permit, with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;
   o “Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of the Reconnaissance Programme would be likely to have on the environment and on any monument or relic in the proposed Reconnaissance Area, measures to mitigate these effects and an estimate of the cost of combating such effects;
   o A description of the positive and negative affects the reconnaissance will have on gender relations within that community
   o “Consultation Plan”, a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about those Reconnaissance operations that require physical entry onto the land within their jurisdiction;
o “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors; and

o at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

5. Attestation
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name: __________________________ Date: ______________

Signature: __________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

158. Form A-8 [Application for prospecting permit]
(Clause 196(3) of the Mining Act and regulation 122 of the Mining (Licensing and permitting) regulations, 2015)

O Dated seal here
F Application verified as complete:
F
I ○ Date verified complete and registered: Day ___ Month ___ Year _____
C ○ Time verified complete and registered: Hr. _____ Min _____
A
L Officer verifying application is complete and has been registered as complete in theregister:

Name: _______________________ Signature: _________________________

U All required attachments listed in Section 4 of this form are attached to this application
S
E Application registration number: _____________

* * * * * * * * * * * * * * * * *

○ Application is approved
○ Application is denied

Reason for denial:

____________________________________________________________

Cabinet Secretary’s signature: _____________________________

Date of signature: _____________________________

If approved,

Date application was registered in the prospecting permit register: _______________

Date applicant was notified of the approval decision: _______________

If denied,

Date denial was registered in theregister: _______________

Date applicant was notified of the denial decision: _______________

1. Instructions:

This form is used to apply for a prospecting permit and shall be presented via the OMC
to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. Applicant’s identity and contact information
   a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:

   **Full name**: _______________________

   **Physical Address**

   **Address**: ____________________________________________________________

   **City**: _______________ **State**: __________ **Postal Code**: ______

   **Country**: _______________

   o Send correspondence to this Address

   **Postal Address**

   **Address**: ____________________________________________________________

   **City**: _______________ **State**: __________ **Postal Code**: ______

   **Country**: _______________

   o Send correspondence to this Address

   b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:

   **registered company name**: ___________________________________________

   City Company is incorporated: ________________________________

   **Physical Address**

   **Address**: ____________________________________________________________

   **City**: _______________ **State**: __________ **Postal Code**: ______

   **Country**: _______________

   o Send correspondence to this Address

   **Postal Address**

   **Address**: ____________________________________________________________

   **City**: _______________ **State**: __________ **Postal Code**: ______

   **Country**: _______________

   o Send correspondence to this Address

   c. **Name of legal representative**:

   **Physical Address of legal representative**:

   **Address**: ____________________________________________________________
City: __________________ State: ______________ Postal Code: ______________
Country: ______________
Postal Address
Address: ________________________________________________________________
City: __________________ State: ______________ Postal Code: ______________
Country: ______________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: ________________________________________________________________
Address: ________________________________________________________________
City: _____ State: ___ Postal Code: ______________
County: ______________
e. Other required contact information:
    Phone number: ______________
    Mobile: ______________
    Fax number (if any): ______________
    E-mail address: ______________

3. Name and qualifications of the person responsible for supervising the proposed Prospecting Programme:
Name: __________________________
Qualifications:

____________________________________________________________________
____________________________________________________________________

4. Type of Mineral or Minerals
Name the type of mineral or minerals for which the prospecting right is required (refer to the attached List):

<table>
<thead>
<tr>
<th>Code</th>
<th>Mineral</th>
<th>Type</th>
</tr>
</thead>
</table>

5. Permit duration applied for: *(Please indicate appropriate option)*  
- 1 year  
- 2 years  
- 3 years  
- 4 years  
- 5 years

6. Mandatory attachments (tick each item attesting that the required document is attached to this application)  
- duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];  
- Form I-1 [Identification of mineral right/area] and its required attachments;  
- a certified copy of the applicant company’s certificate of incorporation and certified copy of its memorandum and articles of association;  
- “Director Information”, a sheet listing the full names and nationalities of all the applicant company’s directors;  
- “Shareholder Information”, a sheet listing the name of every shareholder of the applicant company who is the beneficial owner of ten per cent (10%) or more of the issued share capital;  
- First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];  
- “Profile and History”, a sheet describing the applicant’s profile and history of Prospecting Operations in Kenya and elsewhere;  
- “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;  
- “Prospecting Programme”, setting out the particular Mineral requested, the Prospecting Operations work intended over at least the first year of the permit and the names and particulars of the persons to be responsible for the conduct thereof, plus an indicative Programme for the remainder of the period applied for, together with details of the equipment expected to be used in connection with it and the names and particulars of the persons to be responsible for the conduct thereof;  
- “Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of Prospecting Programme would be likely to have on the environment and on any monument or relic in the proposed Prospecting Area, measures to mitigate these effects and an estimate of the cost of combating such effects;  
- A description of the positive and negative affects the reconnaissance will have on
gender relations within that community

- “Consultation Plan”, a plan describing how (in compliance with such guidelines as may be provided by the Mining Cadastre Office or in the absence of such guidelines according to best industry practice), on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about those Prospecting Operations that require physical entry onto the land within their jurisdiction;

- “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors; and

- at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.

7. **Attestation**

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name: ___________________________________ Date: ______________

Signature: ___________________________________

8. **List of mineral types**

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Commodity</th>
<th>Type code</th>
<th>Type Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RM</td>
<td>AGGREGATE</td>
<td>I</td>
<td>Industrial minerals</td>
</tr>
<tr>
<td>2</td>
<td>GA</td>
<td>AGATE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>4</td>
<td>Al</td>
<td>ALUMINIUM ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>5</td>
<td>GAz</td>
<td>AMAZONITE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>6</td>
<td>GAt</td>
<td>AMETHYST (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>7</td>
<td>AA</td>
<td>AMOSITE (ASBESTOS)</td>
<td>A</td>
<td>Asbestos</td>
</tr>
<tr>
<td>8</td>
<td>An</td>
<td>ANDALUSITE</td>
<td>I</td>
<td>Industrial minerals</td>
</tr>
<tr>
<td>No.</td>
<td>Code</td>
<td>Commodity</td>
<td>Type code</td>
<td>Type Description</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>-------------------------------</td>
<td>-----------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>AP</td>
<td>ANTHOPHYLLITE (ASBESTOS)</td>
<td>A</td>
<td>Asbestos</td>
</tr>
<tr>
<td>10</td>
<td>Sb</td>
<td>ANTIMONY ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>11</td>
<td>GAp</td>
<td>APATITE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>12</td>
<td>GPP</td>
<td>APOPHYLLITE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>13</td>
<td>GAq</td>
<td>AQUAMARINE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>14</td>
<td>A</td>
<td>ASBESTOS (GENERAL)</td>
<td>A</td>
<td>Asbestos</td>
</tr>
<tr>
<td>15</td>
<td>CA</td>
<td>ATTAPULGITE/SEPIOLITE (CLAY)</td>
<td>Cy</td>
<td>Clay</td>
</tr>
<tr>
<td>16</td>
<td>CL</td>
<td>BALL CLAY</td>
<td>Cy</td>
<td>Clay</td>
</tr>
<tr>
<td>17</td>
<td>Ba</td>
<td>BARYTES</td>
<td>I</td>
<td>Industrial minerals</td>
</tr>
<tr>
<td>18</td>
<td>CB</td>
<td>BENTONITE (CLAY)</td>
<td>Cy</td>
<td>Clay</td>
</tr>
<tr>
<td>19</td>
<td>GB</td>
<td>BERYL (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>20</td>
<td>Be</td>
<td>BERYLLIUM ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>21</td>
<td>Bi</td>
<td>BISMUTH ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>22</td>
<td>QO</td>
<td>CONCRETE SAND (SILICA)</td>
<td>Q</td>
<td>Silica (general)</td>
</tr>
<tr>
<td>23</td>
<td>qb</td>
<td>BUILDING SAND (SILICA)</td>
<td>Q</td>
<td>Silica (general)</td>
</tr>
<tr>
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FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

159. Form A-9 [Application for mining permit]
(Clause 196(3) of the Mining Act and regulations 129 and 134 of the Mining (Licensing and permitting) regulations, 2015)

O Dated seal here
F Application verified as complete:
F
I o Date verified complete and registered: Day ___ Month ___ Year ___
C I o Time verified complete and registered: Hr.____ Min____
A Officer verifying application is complete and has been registered as complete in the register:
L Name: __________________ Signature: ______________________
U All required attachments listed in Section 5 of this form are attached to this application
E Application Registration number: __________

* * * * * * * * * * * * * * * * *
O Application is approved
F o Application is denied

Reason for denial: __________________________________________________________
Cabinet Secretary’s signature: __________________________
Date of signature: __________

If approved,
Date approval was registered in the mining permit registers: __________
Date applicant was notified of the approval decision: __________

If denied,
Date denial was registered in the register: __________
Date applicant was notified of the denial decision: __________
1. **Instructions:**
   This form is used to apply for mining permit and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant’s identity and contact information**
   
a. **If the applicant is an individual** complete all information in this Section and indicate where correspondence should be sent:
   
   - **Full name:** __________________________
   - **Physical Address**
     - **Address:** __________________________________________
     - **City:** ___________________ State: _______________ Postal Code: ________________
     - **Country:** ___________________
     - o Send correspondence to this Address
   - **Postal Address**
     - **Address:** __________________________________________
     - **City:** ___________________ State: _______________ Postal Code: ________________
     - **Country:** ___________________
     - o Send correspondence to this Address

   b. **If the applicant is a company** complete all information in this Section and indicate where correspondence should be sent:
   
   - **Address of headquarters:** __________________________
     - **registered company name:** __________________________
   - **Physical Address**
     - **Address:** __________________________________________
     - **City:** ___________________ State: _______________ Postal Code: ________________
     - **Country:** ___________________
     - o Send correspondence to this Address
   - **Postal Address**
     - **Address:** __________________________________________
     - **City:** ___________________ State: _______________ Postal Code: ________________
     - **Country:** ___________________
     - o Send correspondence to this Address
c. Name of legal representative:
Physical Address of legal representative:
Address: __________________________
City: __________________ State: __________ Postal Code: __________
Country: __________________
Postal Address:
Address: __________________________
City: __________________ State: __________ Postal Code: __________
Country: __________________
Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: ________________________________________________
Address of commercial representative:
Address: __________________________
City: __________________ State: __________ Postal Code: __________
County: __________________

e. Other required contact information:
Phone number: ________________
Mobile: ________________________
Fax number (if any): ________________
E-mail address: _________________

3. Name and qualifications of the person responsible for the Mining Operation:
Mine Manager: _______________________
Qualifications:
____________________________________
____________________________________
____________________________________

4. Mining permit duration (not to exceed five (5) years) applied for:
   o 1 years
   o 2 years
   o 3 years
   o 4 years
   o 5 years
5. Prospecting licence

The applicant named above is the holder of a prospecting licence and the mining area being applied for in this mining permit application is located completely within the Prospecting Area of that prospecting licence: (tick one option)

- Yes: prospecting licence registration number: _________
- No

6. Mandatory attachments (tick each item attesting that the required document is attached to this application)

- Duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
- Form I-1 [Identification of mineral right area] and its required attachments;
- when the applicant is an individual, First Schedule Form AT-3 [Attestation legally competent individual without conviction];
- when the applicant is a body corporate,
  - a certified copy of the company’s certificate of incorporation and certified copy of its memorandum and articles of association,
  - “Director Information”, a sheet listing the full names and nationalities of all its directors,
  - “Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital,
- First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
- “Profile and History”, a sheet describing the applicant’s profile and history of prospecting and mining operations in Kenya and elsewhere;
- “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;
- “Prefeasibility Study”, a description of the proposed mining scheme, including sufficient detail to indicate the scale of operation including the planned production profile and capacity (maximum amounts of mineral product that might be produced in a year should not to exceed such limits as are stipulated in the Act), and the possible location of all major mining operation facilities, pits, dumps and dams; a statement to the effect that the Mine will not use any of the following mining operations practices: (i) explosives, or (ii) toxic chemicals or agents; the expected number of employees or workers on a typical work day (not to exceed twenty-five (25) persons); the approximate commencement date of Mine Development; the approximate Commercial Production start date; the characteristics and nature of the final Mineral Products; the intended market(s) for the Mineral Products.
- “Mine Plan” a plan, accurately drawn to a marked scale, of the proposed mining permit Area over which the permit is sought, showing clearly the approximate locations and features of the proposed mining operations as described in the prefeasibility study;
- “Environmental and Other Impacts,” a description of any significant adverse effects that mining operations would be likely to have on the environment and on any monument, measures to mitigate these effects and an estimate of the cost of combatting such effects;
- An approved gender impact assessment
- “Consultation Plan”, a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the applicant’s mining operations in or near to their jurisdictions;
7. **Attestation**
*(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)*

I am the applicant’s authorised representative and by this application request, on behalf of the applicant, that a mining permit be granted for the area requested herein. The proposed Mining Operation will not exceed any of the limits imposed by the Mining Act or its regulations on a mining permit. I attest that the information contained in this application and attached to it is true and accurate.

Name of authorised person: ___________________

Title or Position: __________________

Signature of authorised person: ______________________

Date: _____________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

160. Form A-10 [Application for artisanal mining permit]
(Clause 196(3) of the Mining Act and regulation 145 of the Mining (Licensing and permitting) regulations, 2015)

O Dated seal here
F Application verified as complete:
F
I o Date verified complete and registered: Day ___ Month ___ Year ___
C
I o Time verified complete and registered: Hr. _____ Min _____
A
L
O Officer verifying application is complete and has been registered as complete in the register:
U
S
E Application Registration number: _____________

* * * * * * * * * * * * * * * * *

o Application is approved
o Application is denied

Reason for denial: ____________________________

Cabinet Secretary’s signature: ______________

Date of signature: ______________

If approved,

Date approval was registered in the Artisanal mining permit registers: ______________

Date applicant was notified of the approval decision: ______________

If denied,

Date denial was registered in the register: ______________

Date applicant was notified of the denial decision: ______________
1. Instructions:
This form is used to apply for an Artisanal mining permit and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. Applicant’s identity and contact information
a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:
Full name: __________________________
Physical Address
Address: __________________________
City: __________ State: __________ Postal Code: __________
Country: __________
Send correspondence to this Address
Postal Address
Address: __________________________
City: __________ State: __________ Postal Code: __________
Country: __________
Send correspondence to this Address
b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:
Address of headquarters:
registered company name: __________________________
Physical Address
Address: __________________________
City: __________ State: __________ Postal Code: __________
Country: __________
Send correspondence to this Address
Postal Address
Address: __________________________
City: __________ State: __________ Postal Code: __________
Country: __________
Send correspondence to this Address
c. Name of legal representative:
Physical Address of legal representative:

Address: _________________________________________________________________
City: __________________ State: _________________ Postal Code: ________________
Country: ___________________
Postal Address:
Address: _________________________________________________________________
City: __________________ State: _________________ Postal Code: ________________
Country: ___________________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: _________________________________________________________________
Address of commercial representative:

Address: _________________________________________________________________
City: __________________ State: _________________ Postal Code: ________________
Country: ___________________

County: ___________________

e. Other required contact information:
Phone number: ___________________
Mobile: ___________________
Fax number (if any): ___________________
E-mail address: ___________________

3. Name and qualifications of the person responsible for the Mining Operation:
Mine Manager: ___________________
Qualifications:
____________________________________________________________
____________________________________________________________
____________________________________________________________
____________________________________________________________

4. Artisanal mining permit duration (not to exceed three years) applied for:

- 1 years
- 2 years
- 3 years
5. Mandatory attachments (tick each item attesting that the required document is attached to this application)

- Duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
- Form I-1 [Identification of mineral right area] and its required attachments;
- when the applicant is an individual, First Schedule Form AT-3 [Attestation legally competent individual without conviction];
- when the applicant is a body corporate,
- a certified copy of the company’s certificate of incorporation and certified copy of its memorandum and articles of association,
- “Director Information”, a sheet listing the full names and nationalities of all its directors,
- “Shareholder Information”, a sheet listing the name of every shareholder who is the beneficial owner of ten per cent (10%) or more of the issued share capital,
- First Schedule Form AT-2 [Attestation of no Mining Act offence penal conviction];
- “Profile and History”, a sheet describing the applicant’s profile and history of prospecting and mining operations in Kenya and elsewhere;
- “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;
- “Prefeasibility Study”, a description of the proposed mining scheme, including sufficient detail to indicate the scale of operation including the planned production profile and capacity (maximum amounts of mineral product that might be produced in a year should not to exceed such limits as are stipulated in the Act), and the possible location of all major mining operation facilities, pits, dumps and dams; a statement to the effect that the Mine will not use any of the following mining operations practices: (i) explosives, or (ii) toxic chemicals or agents; the expected number of employees or workers on a typical work day (not to exceed twenty-five (25) persons); the approximate commencement date of Mine Development; the approximate Commercial Production start date; the characteristics and nature of the final Mineral Products; the intended market(s) for the Mineral Products.
- “Mine Plan” a plan, accurately drawn to a marked scale, of the proposed mining permit Area over which the permit is sought, showing clearly the approximate locations and features of the proposed mining operations as described in the prefeasibility study;
- “Environmental and Other Impacts,” a description of any significant adverse effects that mining operations would be likely to have on the environment and on any monument, measures to mitigate these effects and an estimate of the cost of combating such effects;
- An approved gender impact assessment
- “Consultation Plan”, a plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the applicant’s mining operations in or near to their jurisdictions;
- “Employment and Contracting”, a description giving particulars of the applicant’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods; and
- at the option of the applicant (not required) “Optional Additional Information”, such other information as the applicant desires to include.
6. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant’s authorised representative and by this application request, on behalf of the applicant, that a mining permit be granted for the area requested herein. The proposed Mining Operation will not exceed any of the limits imposed by the Mining Act or its regulations on a mining permit. I attest that the information contained in this application and attached to it is true and accurate.

Name of authorised person: _________________
Title or Position: _________________
Signature of authorised person: _________________
Date: _________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

161. Form A-11 [Application for mineral right transfer]

(Clause 196(3) of the Mining Act and regulation 42 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________

licence Registration Code Number: ________

Date of seal here

Date received: __________________________

Receiving officer: _____________________

Application is complete (all relevant of the following are attached):

- Explanation describing the reason for the transfer is attached and detailed enough to convey the reason for the request to transfer the mineral right.
- Technical and financial qualifications demonstrating the ability of the transferee to perform the obligations of the licence.
- Authenticated copy of the proposed instrument of assignment or transfer.
- Copy of Form AT-4 [Attestation to accept terms of transferred mineral right]
- Copy of Form R-1 [Receipt for payment of application fee].
- If transfer is because of the holder’s death, certificate of death or similar evidence.
- If transfer is because of the holder’s mental incapacity, legal documentation of such incapacity and proof of guardianship/power of attorney.
- If the transfer concerns a Mineral licence, which was repealed under the Mining Act, copy of the repealed licence

Application is approved

Application is denied

Reason for denial: ______________________________________

Cabinet Secretary’s signature: ____________________________

Date of signature: ____________________________
If approved,
Date transfer was registered in the respective cadastral register: _______________
Date holder was notified of the approval decision: ____________________

If denied,
Date denial was registered in the respective cadastral register: _______________
Date holder was notified of the denial decision: ____________________
1. **Instructions:**

This form is used to transfer or assign a mineral right in its entirety and is to be submitted by the holder (or in the case of the death or mental incapacity of the holder, by the legal heirs or person holding a valid power of attorney) via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title. Use a separate application form to transfer each mineral right (no combined transfer applications). A reparation licence cannot be transferred or assigned.

2. **Request:**

*(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)*

This form is being submitted to transfer or assign the following type of mineral right *(tick one option):*

- □ prospecting licence
- □ mining licence

I hereby request that the Director of Mines transfer or assign the licence whose Registration Code Number or whose reference number for a repealed licence appears at the top of this form.

3. **Attestation**

By my signature below, I attest that following statements that are marked are true (as of the date of signature below):

1. In regard to the mineral right whose registration number or who’s reference number for a repealed licence appears at the top of this form, I am *(tick the appropriate option)*

   - □ the holder
   - □ the authorised representative of the corporate body in whose name the mineral right is held

   Name of company: ________________________________

2. If applicable:

   - □ all the heirs to the mineral right and the holder are now deceased
   - □ I am the legal guardian of the holder who is now mentally incompetent

Date holder was found to be mentally incompetent: ______________________

3. All information contained in this form and in the attached evidentiary documents is true.

Name of corporate body: ________________________________

Name of authorised person: _____________________

Title or Position: ____________________

Signature: _______________________

Date: _______________________

Telephone number: __________
Mobile Number: ______________________
E-mail: ______________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
162. **Form A-12 [Application to relinquish mineral right area]**

(Clause 196(3) of the Mining Act and regulations 10 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: ________________________ |
| licence Registration Code Number: ________ |

| Date received: __________________________ |
| Receiving officer: ______________________ |
| o All reports required to be submitted by the holder prior to this date have been submitted and found to be complete: |
| o All rent required to be paid by the holder prior to this date has been paid. |
| o All royalties required to be paid by the holder prior to this date have been paid. |
| o All the holder’s environmental obligations relevant to the area to be relinquished have been met. |
| o All the holder’s Rehabilitation and Mine Closure Plan obligations relevant to the area to be relinquished have been met. |
| o The mineral right Area remaining after relinquishment meets any prescribed minimum area requirements. |

Comments:
_______________________________________________________________________
________________________________________________________________________

**Dated seal here**

Reviewing officer’s signature: ________________________ Date: __________________
| o Application is approved |
| o Application is denied |

Reason for denial:
________________________________________________________________________

Cabinet Secretary’s signature: ____________________________

Date of signature: ____________________

If approved,

Date area relinquishment was registered in the respective cadastral register: _________
Date applicant was notified of the approval decision: ____________________

If denied,

Date denial was registered in the cadastral register: ____________________

Date applicant was notified of the denial decision: ____________________

1. **Instructions:**

This form is used to apply to relinquish Prospecting Area or mining licence Area. Reconnaissance Area cannot be relinquished. This form should be completed in full in accordance with the Act and the regulations and submitted via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title. Attach a completed First Schedule for each relinquishment application. For any one mineral right, area can be relinquished only one-time in any year.

2. **Request and attestations:**

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

This form is being submitted for the following purpose:

- ☐ Relinquish prospecting area licence no.: PL ______
- ☐ Relinquish mining licence area licence no.: ML ______

I hereby request to relinquish area currently the subject of the licence.

The area to remain mineral right area should this application be approved is set out in the attached Schedule.

By my signature below, I attest that following statements are true (as of the date of signature below):

1. I am authorised by the corporate body named below to represent and sign this form on its behalf.
2. All reports required to be submitted by the terms and conditions applying to the mineral right have been submitted and submission receipts have been obtained.
3. All rent required to be paid for the mineral right area have been paid and receipts obtained.
4. All royalties required to be paid on minerals produced from the mineral right area have been paid and receipts obtained.
5. All current environmental obligations relevant to the area to be relinquished have been met.
6. All current Rehabilitation and Mine Closure Plan obligations relevant to the area to be relinquished have been met.
Note: at the option of the submitter, evidentiary documents may be attached to this form

Name of Company: ________________________________________________________

Name of authorised person: ________________  Title or Position: ___________________

Signature of authorised person  :______________________

Date :_____________________

Telephone number  :_____________

Mobile Number  :____________________________

E-mail  :________________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

163. Form A-13 [Application to amend work programme]
(Clause 196(3) of the Mining Act and regulations 61, 74, 102, 102 of the Mining (Licensing and permitting) regulations, 2015)

This form is being submitted to amend the Work Programmes for the following licences (tick as appropriate):

- reconnaissance licence
- prospecting licence
- mining licence

Licence Registration Number: __________________________

O Dated seal here
F

Attached documents as required:

**Reconnaissance licence**

1. The results of the reconnaissance work to date or other new and relevant information that has come to light.

2. An updated summary report covering all reconnaissance activities carried out since the licence was first granted. It shall summarise the work reported in any earlier technical report and provide a detailed account of the reconnaissance work carried out since, prepared according to Ministry guidelines. In addition to the electronic document, a bound hardcopy shall be delivered to the Mining Cadastre Office within seven (7) days;

3. The time table for a detailed data evaluation programme that may justify the requested amendment

4. A statement of expenditure incurred, using Form AR-4 [Reconnaissance licence annual expenditure report];

5. an updated and certified/signed statement or formal letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

**Prospecting licence**

1. A revised programme for prospecting operations. Where the area comprises more than a single contiguous area, a programme for each discrete area shall be provided. The justification for such amendment shall be where the results of the prospecting work to date or other new information require such change. In addition to the electronic document a bound hardcopy of each required document shall be delivered to the Mining Cadastre Office within seven (7) days.

2. A summary report using Form AR-7 [Prospecting licence annual report] covering all prospecting activities carried out since the licence was first granted. It shall
summarise the work reported in earlier annual technical reports plus give a detailed account of the prospecting work carried out to date, prepared according to Ministry guidelines in regulation 269.

3. A statement of expenditure incurred, using Form AR-9 [prospectinlicensure Annual Expenditure Report];

4. an updated and certified/signed statement or formal letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

5. Where the proposed work includes bulk sampling, diamond drilling or other invasive procedures, an Environmental and Social Impact Assessment and if appropriate an Environmental Management Plan, approved by the National Environment Management Authority.

○ Mining licence

1. The justification for any amendment shall be where the results of the mining operations to date or other new information require such change. In addition to the electronic document a bound hardcopy of each required document shall be delivered to the Mining Cadastre Office within seven (7) days.

2. Any proposal to substantially alter the approved Programme forming mining operations must be expressly approved by the Cabinet Secretary. Where there is any doubt, the holder shall request additional written approval on Form N-6 [Notice to seek and obtain the written consents], updated “Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;

3. Amended “programme of mining operations” to be carried out is attached;

4. An amended “Mine Plan,” accurately drawn to a marked scale, of the mining licence Area showing clearly the approximate locations and features of the future mining operations as described in the revised programme of mining operations is attached;

5. Approved amended “Rehabilitation and Mine Closure Plan” is attached.

○ For all licences:

1. duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee] is attached;

2. Where there is an Environmental Management Plan in place, a summary report on environmental remediation activities carried out in the preceding term;

3. updated “Consultation Plan”, a revised plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the licence holder’s future Operations in or near to their jurisdictions is attached;

4. amended “Employment and Contracting Plan”, a revised description giving particulars of the licence holder’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods is attached;

5. an amended description of the positive and negative affects the prospecting will have on gender relations within the community;

6. All reports required by the Act to be submitted by the holder prior to this date have been submitted and found to be complete.

7. All rent required to be paid by the holder prior to this date has been paid.
8. All royalties required to be paid by the holder prior to this date have been paid.
9. The holder is in compliance with its environmental obligations as of this date.
10. The holder has obtained all environmental authorisations necessary to continue mining operations for the term applied for.
11. The holder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.
12. The holder has informed and consulted with local government and traditional authorities about this application.

Application verified as complete:

- Date verified complete and registered: Day ___ Month ___ Year ____

Officer verifying that the application is complete and has been registered as complete in the cadastral register:

Name: _______________________ Signature: _________________________

Applicant, or applicant’s representative, verifying the officer’s signature above:

Name: _______________________ Signature: _________________________

Cabinet Secretary’s signature: ________________________
Date of signature: __________________

If approved,

Date approval was registered in the appropriate licence register: _____________
Date holder was notified of the approval decision: _____________
Date term extension was noted in the mining licence: _____________

If denied,

Date denial was registered in the appropriate licence register: ________________
Date holder was notified of the denial decision: ________________
1. Instructions:

This form is used to apply for an amendment of the Work Programme for a reconnaissance licence, a prospecting licence or a mining licence. This form should be completed in full in accordance with the Act and these regulations and submitted via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. Applicant’s identity and contact information

Note: complete all information in this Section, and indicate where correspondence should be sent.

a. Company

registered company name under Companies Law: _______________________________________

Company Registration Number: _______________________________________

Physical Address

Address: _______________________________________________________________

City: __________________ State: ______________ Postal Code: ______________

Country: __________________

Send correspondence to this Address

Postal Address

Address: _______________________________________________________________

City: __________________ State: ______________ Postal Code: ______________

Country: __________________

Send correspondence to this Address

b. Name of Legal Representative:

Physical Address of legal representative:

Address: _______________________________________________________________

City: __________________ State: ______________ Postal Code: ______________

Country: __________________

Send correspondence to this Address

Postal Address

Address: _______________________________________________________________

City: __________________ State: ______________ Postal Code: ______________

Country: __________________

Send correspondence to this Address
c. **Commercial representative in Kenya:**

Name: __________________________________________

Address of commercial representative:

Address :__________________________________________

City :_______ State: ___________ Postal Code:____________

County :_____________

o Send correspondence to this Address

d. **Other required contact information:**

Phone number: ___________________

Mobile: _______________________

Fax number (if any): ______________

E-mail address: ___________________

3. **Name and qualifications of the person responsible for the Mining Operation**

Mine Manager: _______________________

Qualifications: _______________________

________________________________________

4. **Attestation**

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the licenc holder’s authorised representative and by this application request, on behalf of the applicant, that an amendment be granted for the licence identified herein. By my signature below, I attest that following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the licence have been submitted and submission receipts have been obtained.

2. All rent required to be paid for the mineral right area have been paid and receipts obtained.

3. All royalties required to be paid on minerals produced from the mineral right area have been paid and receipts obtained.

4. All environmental obligations relevant to the licence as of this date have been met.

5. All the Rehabilitation and Mine Closure Plan obligations relevant to the licence as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account the amended operations has been approved.

6. All environmental authorisations required by applicable law for the amendment have been obtained.

7. The holder has informed and consulted with local government and traditional authorities about this application.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: ___________________
Title or Position: 
Signature of authorised person: 
Date: 
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

164.  Form A-14 [Application to extend reconnaissance licence term]

(Clause 55 of the Mining Act and regulation 56 Error! Reference source not found. of the Mining (Licensing and permitting) regulations, 2015

<table>
<thead>
<tr>
<th>Registration Number: RL__________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dated seal here</td>
</tr>
<tr>
<td>Attached documents:</td>
</tr>
<tr>
<td>o Duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee] is attached;</td>
</tr>
<tr>
<td>o Justification for term extension</td>
</tr>
<tr>
<td>o All results of reconnaissance work done to date and work still outstanding, using Form AR-3 [reconnaissance licence annual report]</td>
</tr>
</tbody>
</table>

Application verified as complete:

| o Date verified complete and registered: Day ___ Month ___ Year _____ |
| o Time verified complete and registered: Hr._____ Min______ |

Officer verifying that the application is complete and has been registered as complete in the reconnaissance licence register:

Name: ____________________ Signature: ____________________

| o Reconnaissance licence term extension is approved |
| o Reconnaissance licence term extension is denied |

Reason for denial: __________________________________

Cabinet Secretary’s signature: ____________________

Date of signature: _________________

If approved,

Date term extension was registered in the reconnaissance licence register: _________________

Date holder was notified of the approval decision: ____________________

Date term extension was noted in the reconnaissance licence: _________________

If denied,

Date denial was registered in the reconnaissance licence register: _________________
Date holder was notified of the denial decision: _________________

1. **Instructions:**
   This form is used to apply for a reconnaissance licence term extension and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant’s identity and contact information**
   a. **If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:**
      
      Full name: _______________________________

      **Physical Address**
      Address: _____________________________________________________________
      City: ______________ State: ______________ Postal Code: _______________
      Country: _______________
      o  Send correspondence to this Address

      **Postal Address**
      Address: _____________________________________________________________
      City: ______________ State: ______________ Postal Code: _______________
      Country: _______________
      o  Send correspondence to this Address

   b. **If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:**
      
      Address of headquarters:
      registered company name: ____________________________________________

      **Physical Address**
      Address: _____________________________________________________________
      City: ______________ State: ______________ Postal Code: _______________
      Country: _______________
      o  Send correspondence to this Address
Postal Address
Address: _______________________________________________________________
City : __________________ State: ___________ Postal Code: __________________
Country : __________________
o Send correspondence to this Address

c. Name of legal representative:
Physical Address of legal representative:
Address: _______________________________________________________________
City : __________________ State: ___________ Postal Code: __________________
Country : __________________

Postal Address
Address: _______________________________________________________________
City : __________________ State: ___________ Postal Code: __________________
Country : __________________
o Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: _______________________________________________________________

Address of commercial representative:
Address: _______________________________________________________________
City : ___________ State: ___________ Postal Code: __________________
County : ___________

e. Other required contact information:
Phone number: __________________
Mobile: __________________
Fax number (if any): __________________
E-mail address: _________________
3. Reconnaissance licence term extension applied:
   - Months: _______________
   - Years: _______________

4. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the reconnaissancelice holder (or in the case of a company the holder’s authorised representative) and by this application request that a term extension be granted for the reconnaissancelice identified herein. By my signature below, I attest that the following statements are true (as of the date of signature below):

- All reports required to be submitted by the terms and conditions applying to the reconnaissancelice have been submitted and submission receipts have been obtained.
- All rent required to be paid for the reconnaissancelice Area have been paid and receipts obtained.
- All environmental obligations arising under applicable law relevant to the reconnaissancelice Area have been met.
- All environmental authorisations required by applicable law for the term extension have been obtained.
- The holder has informed and consulted with local government and traditional authorities about this application.
- Reconnaissancese Operations within the reconnaissancelice Area have been carried out in accordance with the approved Reconnaissance Programme.
- Annual work Programme expenditure requirements have been met.
- At least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines is employed for Reconnaissance Operations.
- A corporate social responsibility Programme has been implemented in conformity to Mining Cadastre Office guidelines (or in the absence of such guidelines, according to ISO 26000).
- Owners and users of Land have been compensated for any damage to land and property resulting from Reconnaissance Operations in the Reconnaissance Area.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: _____________________
Date: _____________________
165. Form A-15 [Application to consolidate licences]

(Clause 196(3) of the Mining Act and regulation 75(3) of the Mining (Licensing and permitting) regulations, 2015)

Dated seal here

Date received and registered in the register: __________________________

Receiving officer: _____________________

Application is complete

☐ Explanation describing the reason for consolidation is attached and detailed enough to convey the reason for the request to consolidate the mineral rights areas.

☐ All licence rents and royalties have been paid.

☐ All licence reports required by the Act have been submitted.

☐ All environmental requirements for the consolidated licence have been met.

☐ Where required a Rehabilitation and Mine Closure Plan or revised Rehabilitation and Mine Closure Plan covering the consolidated licence has been approved.

☐ The applicant meets the Mining Act requirements of the licence applied for.

☐ Application is approved

Licence registration code number for the consolidated licence: __________

Licences registration codes to be struck from the registers:

Registration Code Number: ______

Registration Code Number: ______

Registration Code Number: ______

Registration Code Number: ______

Registration Code Number: ______

☐ Application is denied

Reason for denial:

________________________________________________________________________

Cabinet Secretary’s signature: ________________________

Date of signature: __________________

If approved,
Date approval was registered in the register: ______________________
Date holder was notified of the approval decision: ________________
Date the register and cadastral Maps were updated: ____________

If denied,
Date denial was registered the application register: ______________
Date holder was notified of the denial decision: ________________
1. **Instructions:**
   This form is used to consolidate one or more physically contiguous mineral right areas. Mining permits cannot be consolidated with one another but may be consolidated with mining licences. This form should be completed in full in accordance with the Act and these regulations and submitted via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title. Before submitting this form the applicant shall first satisfy any environmental requirements imposed by Environmental Law and obtain the approval of a Rehabilitation and Mine Closure Plan covering the consolidated mineral right area. Attach an explanation of why the holder is applying to consolidate its contiguous mineral right areas.

2. **Request:**
   *(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)*
   
   This form is being submitted to consolidate the following physically contiguous licences *(tick as appropriate):*

   **prospecting licences**
   - Registration Code Number: __________
   - Registration Code Number: __________
   - Registration Code Number: __________

   **mining licences**
   - Registration Code Number: __________
   - Registration Code Number: __________
   - Registration Code Number: __________

   **mining permits**
   - Registration Code Number: __________
   - Registration Code Number: __________
   - Registration Code Number: __________

   I hereby request approval to consolidate the contiguous mineral right areas whose Registration Code Numbers appear above.

3. **Attestation**
   
   By my signature below, I attest that following statements are true *(as of the date of signature below):*

   1. All the licences for which consolidation approval is being applied for are held by me or the Company for whom I am the authorised representative.
   2. The attached explanation describing the reason for consolidation is accurate.
   3. All rents and royalties for the above listed licences have been paid.
   4. All reports required by the Act for the above listed licences have been submitted.
   5. All environmental requirements for a consolidated licence have been met.
6. Where required the Rehabilitation and Mine Closure Plan for the consolidated licences has been approved.

*Note: at the option of the submitter, evidentiary documents may be attached to this form.*

Name of corporate body: ______________________________________________________
Name of authorised person: ______________________
Title or Position: _____________________
Signature of authorised person: ______________________
Date: _____________________
Telephone number: _____________
Mobile Number: ______________________
E-mail: ______________________

*Note please:*

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING ( LICENSING AND PERMITTING) REGULATIONS, 2015

166. Form A-16 [Application to include discovered mineral or minerals intolicense]"
1. **Instructions:**
   This form is used to apply to include a newly discovered Mineral or Minerals into an existing licence and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title.

2. **Applicant's identity and contact information**
   a. **If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:**
      - Full name: __________________________
      - Physical Address
        - Address: __________________________
        - City: __________ State: __________ Postal Code: __________
        - Country: __________
      - o Send correspondence to this Address
      
      - Postal Address
        - Address: __________________________
        - City: __________ State: __________ Postal Code: __________
        - Country: __________
      - o Send correspondence to this Address

   b. **If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:**
      - Address of headquarters:
        - registered company name: __________________________
        - City Company is incorporated: __________________________
      
      - Physical Address
        - Address: __________________________
        - City: __________ State: __________ Postal Code: __________
        - Country: __________
      - o Send correspondence to this Address
      
      - Postal Address
        - Address: __________________________
        - City: __________ State: __________ Postal Code: __________
        - Country: __________
      - o Send correspondence to this Address
c. Name of legal representative:
Physical Address of legal representative:
Address: __________________________________________________________
City: ____________________ State: ________________ Postal Code:______________
Country: __________________
Postal Address
Address: __________________________________________________________
City: ____________________ State: ________________ Postal Code:______________
Country: __________________
o Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: ____________________________________________________________
Address: __________________________________________________________
City: ______ State: ___ Postal Code:____________
County: __

e. Other required contact information:
   Phone number: ________________
   Mobile: ________________
   Fax number (if any): ________________
   E-mail address: ________________

3. Type of newly discovered Mineral or Minerals
   Name the type of mineral or minerals for which the application is made (refer to the attached List):

<table>
<thead>
<tr>
<th>Code</th>
<th>Mineral</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. Mandatory attachments (tick each item attesting that the required document is attached to this application)
   - duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee];
   - “Technical and Financial Qualifications”, a statement giving particulars of the technical and financial resources available to the applicant, and a certified copy of its audited accounts for the year immediately preceding the application;
   - “Prospecting Programme”, setting out the particular Mineral requested, the Prospecting Operations work intended over at least the first year and the names and particulars of the persons to be responsible for the conduct thereof, plus an indicative Programme for the remainder of the licence period;
   - “Environmental and Other Impacts,” a description of any significant adverse effects that the carrying out of Prospecting Programme would be likely to have on the environment and measures to mitigate these effects and an estimate of the cost of combating such effects;

5. Attestation
   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the applicant or its authorised representative and attest that the information contained in this application and attached to it is true and accurate:

Name: ____________________________ Date: __________
Signature: __________________________
### 6. List of mineral types

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Commodity</th>
<th>Type code</th>
<th>Type Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RM</td>
<td>AGGREGATE</td>
<td>I</td>
<td>Industrial minerals</td>
</tr>
<tr>
<td>2</td>
<td>GA</td>
<td>AGATE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>4</td>
<td>Al</td>
<td>ALUMINIUM ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
<td>5</td>
<td>GAz</td>
<td>AMAZONITE (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
</tr>
<tr>
<td>6</td>
<td>GAt</td>
<td>AMETHYST (GEMSTONE)</td>
<td>GS</td>
<td>Gemstones (except diamonds)</td>
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<tr>
<td>7</td>
<td>AA</td>
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<td>Asbestos</td>
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<td>I</td>
<td>Industrial minerals</td>
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<td>AP</td>
<td>ANTHOPHYLLITE (ASBESTOS)</td>
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<td>Asbestos</td>
</tr>
<tr>
<td>10</td>
<td>Sh</td>
<td>ANTIMONY ORE</td>
<td>B</td>
<td>Ferrous &amp; base metals</td>
</tr>
<tr>
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<td>Gemstones (except diamonds)</td>
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<td>Asbestos</td>
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<td>ATTAPULGITE/SEPIOLITE (CLAY)</td>
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<td>Clay</td>
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<tr>
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<td>BALL CLAY</td>
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<td>Clay</td>
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<td>Ba</td>
<td>BARYTES</td>
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<td>Ferrous &amp; base metals</td>
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<td>23</td>
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<td>Q</td>
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<td>Type Description</td>
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<td>46</td>
<td>GDu</td>
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<td>P</td>
<td>Petroleum &amp; gas</td>
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<td>GEMSTONES EXCEPT DIAMONDS</td>
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<td>Gemstones (except diamonds)</td>
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<td>Ge</td>
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<td>Ferrous &amp; base metals</td>
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<td>GIBBSITE</td>
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FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

167. Form A-17 [Application to enlarge mining licence area]

(Clause 196(3) of the Mining Act and regulation 10 of the Mining (Licensing and permitting) regulations, 2015)

Mineral licence Registration Code Number: ________

Dated seal here

Application verified as complete

Date verified complete and registered: Day ___ Month ___ Year _____

Time verified complete and registered: Hr.____ Min_____

Application registration number: ______________

Officer verifying application is complete and has been registered as complete in the application register:

Name: _______________________ Signature: _________________________

All required attachments listed below are attached to this application

○ Amended Mine plan is attached.
○ Amended programme of mining operations is attached.
○ Approved amended Rehabilitation and Mine Closure Plan is attached.
○ Completed First Schedule Form I-1 [Identification of mineral right area].
○ All reports required to be submitted by the holder prior to this date have been submitted and found to be complete.
○ All rent required to be paid by the holder prior to this date has been paid.
○ All royalties required to be paid by the holder prior to this date have been paid.
○ The holder is in compliance with its environmental obligations as of this date.
○ The holder has obtained all environmental authorisations for the area sought to be added to the mineral right Area.
○ The holder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.
○ The holder has informed and consulted with local government and traditional authorities about this application.

Application is approved
Application is denied
Reason for denial:

__________________________________________________________

Cabinet Secretary’s signature: ____________________________
Date of signature: __________________

If approved,
Date enlargement was registered in the mining licence registers: _________
Date holder was notified of the approval decision: _________________

If denied,
Date denial was registered in the application and mining licence registers:
________________
Date holder was notified of the denial decision: _________________
1. Instructions:
This form is used to apply to enlarge the area of a mining licence. The area of a mining permit cannot be enlarged, but the holder of a mining permit can apply for a mining licence in order to obtain a larger mining area. Reconnaissance area and prospecting area cannot be enlarged. This form should be completed in full in accordance with the Act and the regulations and be submitted via the OMC. Attach a completed First Schedule Form I-1 [Identification of mineral right area] that specifies the mining licence Area that will result in the event that the application is approved (do not specify just the area to be added). Use a separate application form and a separate First Schedule Form I-1 for each enlargement application. Attach a revised Mine plan and an approved amended Rehabilitation and Mine closure plan that takes into account the area being requested. For any one mining licence, area can be added only one-time in any Year.

2. Request:
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
I hereby request to enlarge the area of the mining licence identified above.
The total area of the mining licence, including the area enlargement should this application be approved, is set out in the attached Schedule Form I-1 [Identification of mineral right area].

3. Attestation
By my signature below, I attest that following statements are true (as of the date of signature below):

1. I am authorised by the corporate body named below to represent and sign this form on its behalf.
2. All reports required to be submitted by the terms and conditions applying to the mining licence have been submitted and submission receipts have been obtained.
3. All rent required to be paid for the mining licence area have been paid and receipts obtained.
4. All royalties required to be paid on minerals produced from the mining licence area have been paid and receipts obtained.
5. All the environmental obligations relevant to the mining licence as of this date have been met.
6. All the Rehabilitation and Mine Closure Plan obligations relevant to the mining licence as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account the applied for area has been approved.
7. Any environmental authorisation required by applicable law for the area expansion has been obtained.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of corporate body: ______________________________________________________
Name of authorised person: _______________________ Title or Position: __________________
Signature of authorised person :________________________
Date :________________________
Telephone number: :________________________
Mobile Number :________________________
E-mail :________________________
Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING

THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

168. Form A-18 [Application to renew prospecting licence term]
(Clause 196(3) of the Mining Act and regulation 75(4) of the Mining (Licensing and permitting) regulations, 2015)

prospecting licence Registration Number: _____

O Dated seal here
F Attached documents:
F
I C I A L

O Dated seal here
F Attached documents:
F
I C I A L

Application verified as complete:

U S E

o Date verified complete and registered: Day ___ Month ____ Year _____
O Dated seal here
F Attached documents:
F
I C I A L

O Dated seal here
F Attached documents:
F
I C I A L

Officer verifying that the application is complete and has been registered as complete in the prospecting licence register:

Name: _______________________ Signature: _________________________

o prospecting licence term extension is approved

o prospecting licence term extension is denied

Reason for denial: _______________________________________________________

Cabinet Secretary’s signature: _________________________ Date of signature: ________

If approved,

Date term extension was registered in the prospecting licence register: ______________

Date holder was notified of the approval decision: _________________________

Date term extension was noted in the prospecting licence: _________________________

If denied,

Date denial was registered in the prospecting licence register: ______________

Date holder was notified of the denial decision: _________________________

1. Instructions:

This form is used to apply for a prospecting licence term extension and shall be
presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title. An application Form A-12 [Application to relinquish mineral right] to relinquish mineral right may be attached to this application.

2. Applicant’s identity and contact information
   a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:

   Full name: __________________________
   Physical Address
   Address: ___________________________________________
   City: __________________ State: ______________ Postal Code: ____________
   Country: __________________
   o Send correspondence to this Address

   Postal Address
   Address: ___________________________________________
   City: __________________ State: ______________ Postal Code: ____________
   Country: __________________
   o Send correspondence to this Address

   b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:

   Address of headquarters:
   registered company name: ___________________________

   Physical Address
   Address: ___________________________________________
   City: __________________ State: ______________ Postal Code: ____________
   Country: __________________
   o Send correspondence to this Address
Postal Address

Address: _______________________________________________________________
City: __________________ State: ____________ Postal Code: ___________
Country: ______________

Send correspondence to this Address

c. Name of legal representative:
Physical Address of legal representative:

Address: _______________________________________________________________
City: __________________ State: ____________ Postal Code: ___________
Country: ______________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: _______________________________________________________________

Address of commercial representative:

Address: _______________________________________________________________
City: ____________ State: ____________ Postal Code: ____________
Country: ______________

Send correspondence to this Address

e. Other required contact information:
Phone number: ______________________
Mobile: ______________________
Fax number (if any): ______________________
E-mail address: ______________________
3. **Prospecting licence term extension applied for (not to exceed three (3) Years each) (Please indicate appropriate option):**
   - First extension:
     - 1 year
     - 2 years
     - 3 years
   - Second extension:
     - 1 year
     - 2 years
     - 3 years

4. **Attestation**
   
   *(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)*

   I am the prospecting licence holder (or in the case of a company the holder’s authorised representative) and by this application request that a term extension be granted for the prospecting licence identified herein. By my signature below, I attest that the following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the prospecting licence have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the prospecting licence area have been paid and receipts obtained.
3. All royalties required to be paid on mineral product produced from the prospecting licence area have been paid and receipts obtained.
4. All environmental obligations arising under applicable law relevant to the prospecting licence area have been met.
5. All environmental authorisations required by applicable law for the term extension have been obtained.
6. The holder has informed and consulted with local government and traditional authorities about this application.
7. Prospecting Operations within the prospecting licence area have been carried out in accordance with the approved Prospecting Programme.
8. Annual work Programme expenditure requirements have been met.
9. Land area relinquishment requirements have been met (50% reduction in prospecting licence area) or an application for area relinquishment is attached to this application.
10. At least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines is employed for Prospecting Operations.
11. Owners and users of land have been compensated for any damage to land and property resulting from prospecting operations in the prospecting area.

   Note: at the option of the applicant, evidentiary documents may be attached to this form
Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: ________________
Date: ________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

169. Form A-19 [Application to renew retention licence term]

(Clause 196(3) of the Mining Act and regulation 90 of the Mining (Licensing and Permitting) Regulations, 2015)

Retention licence Registration Number: _____

O Dated seal here

F Attached documents:

I C o Duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee] is attached;

I Application verified as complete:

A L o Date verified complete and registered: Day ___ Month ___ Year ____

U S E o Time verified complete and registered: Hr._____ Min_____

Officer verifying that the application is complete and has been registered as complete in the prospecting licence register:

Name: ______________________ Signature: _______________________

o Retention licence term extension is approved
o Retention licence term extension is denied

Reason for denial: ________________________________________________

Cabinet Secretary’s signature: ________________________________

Date of signature: ____________________

If approved,

Date term extension was registered in the retention licence register: ______________

Date holder was notified of the approval decision: _______________

Date term extension was noted in the retention licence: _______________

If denied,

Date denial was registered in the retention licence register: ______________

Date holder was notified of the denial decision: _______________

1. Instructions:
This form is used to apply for a retention licence term extension and shall be presented via the OMC to the Mining Cadastre Office. The OMC cannot accept the application unless this form is completed in full and all required, supporting documentation is appended in electronic format. When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be named with that title. An application Form A-12 [Application to relinquish mineral right area] to relinquish mineral right area may be attached to this application.

2. Applicant’s identity and contact information
a. If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:

Full name: ________________________________

Physical Address
Address: ____________________________________________________________
City: __________________ State: _______________ Postal Code: _______________
Country: __________________

Send correspondence to this Address

Postal Address
Address: ____________________________________________________________
City: __________________ State: _______________ Postal Code: _______________
Country: __________________

Send correspondence to this Address

b. If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:

Registered company name: ________________________________

Physical Address
Address: ____________________________________________________________
City: __________________ State: _______________ Postal Code: _______________
Country: __________________

Send correspondence to this Address

Postal Address
Address: ____________________________________________________________
City: __________________ State: _______________ Postal Code: _______________
Country: __________________

Send correspondence to this Address

c. Name of legal representative:

Physical Address of legal representative:
Address: ____________________________________________________________
City: ______________________ State: ________________ Postal Code: ________________
Country: ___________________

Postal Address
Address: ________________________________________________________________
City: ______________________ State: ________________ Postal Code: ________________
Country: ___________________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: ________________________________________________________________
Address of commercial representative:
Address: ________________________________________________________________
City: ______ State: ____________ Postal Code: ________________
County: ______

e. Other required contact information:
Phone number: ________________
Mobile: ________________
Fax number (if any): ________________
E-mail address: ________________

3. Retention licence term extension applied for (not to exceed two (2) Years) (Please indicate appropriate option):
   o 1 year
   o 2 years
4. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the retention licence holder (or in the case of a company the holder’s authorised representative) and by this application request that a term extension be granted for the retention licence identified herein. By my signature below, I attest that the following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the retention licence have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the retention licence have been paid and receipts obtained.
3. All environmental obligations arising under applicable law relevant to the retention licence have been met.
4. All environmental authorisations required by applicable law for the term extension have been obtained.
5. The holder has informed and consulted with local government and traditional authorities about this application.
6. Retention operations within the retention licence area have been carried out in accordance with the approved retention programme.
7. Annual work Programme expenditure requirements have been met.
8. At least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines is employed for retention operations.
9. Owners and users of land and property resulting from retention operations in the retention licence area have been compensated for any damage to land and property.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: _____________________
Date: _____________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

170. Form A-21 [Application to surrender mineral right]
(Clause 196(3) of the Mining Act and regulations 49(1) and 103, of the Mining (Licensing and Permitting) Regulations, 2015)

Type of licence: ________________________
licence Registration Code Number: _______

Dated seal here

Date received: ________________________
Receiving officer: _____________________

Application is complete
Explanation describing the reason for surrender is attached and detailed enough to convey the reason for the request to surrender.

All rent, royalty and fees relating to the mineral right have been paid.
All environmental obligations relating to the mineral right have been met.
All Rehabilitation and Mine Closure Plan obligations relating to the mineral right have been met (mining licence only).
All reports required to be submitted under the Act have been submitted in compliance with the Act.

Application is approved
Application is denied

Reason for denial:
Cabinet Secretary’s signature: ________________________
Date of signature: ________________________

If approved,
Date surrender was registered in the respective cadastral register: _______________
Date holder was notified of the approval decision: ____________________

If denied,
Date denial was registered in the respective cadastral register: ________________
Date holder was notified of the denial decision: ____________________
1. **Instructions:**

   This form is used to surrender a reconnaissance licence, prospecting licence, Retention licence, mining licence, prospecting permit, mining permit or Artisanal mining permit in its entirety. Before submitting this form all obligations of the holder to pay rent, royalty and fees, submit reports, to meet environmental and rehabilitation obligations arising under this Act or any other applicable law, and all other obligations, except to complete an uncompleted work Programme, shall have been paid, submitted or done. This form should be completed in accordance with the regulations. Use a separate application form to surrender each mineral right (no combined surrender applications). Attach an explanation of the reasons why the holder is applying surrender its mineral right.

2. **Request:**

   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

   This form is being submitted to surrender the following type of mineral right (Please tick one option):

   - reconnaissance licence
   - prospecting licence
   - retention licence
   - mining licence
   - prospecting permit
   - mining permit
   - artisanal mining permit

   I hereby request that the Director of Mines approve and accept a surrender of the licence who’s Registration Code Number appears at the top of this form.

3. **Attestation**

   By my signature below, I attest that following statements are true (as of the date of signature below):

   1. I am the holder of the mineral right for which surrender approval is being applied for or am authorised by the corporate body named below to represent and sign this form on its behalf.
   2. The attached explanation describing the reason for surrender is accurate.
   3. All rent, royalty and fees relating to the mineral right have been paid.
   4. All environmental and rehabilitation obligations relating to the mineral right have been met.
   5. All reports required to be submitted under the Act have been submitted in compliance with the Act.
Note: at the option of the submitter, evidentiary documents, in addition to the mandatory attached explanation, may also be attached to this form.

Name of corporate body (if applicable) or individual holder: ____________________________________________

Name of authorised person (if holder is a company): ______________________

Title or Position: ______________________

Signature of authorised person or holder: ______________________

Date: ______________________

Telephone number: ______________

Mobile Number: ______________________

E-mail: ______________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSENGS AND PERMITTING) REGULATIONS, 2015

171. Form A-22 [Application to renew mining licence term]

(Clause 196(3) of the Mining Act and regulation 105 of the Mining (Licensing and permitting) regulations, 2015)

mining licence Registration Number: ML__________________________

O  Dated seal here

F  Attached documents:

I  o duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee] is attached;

C  o “Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;

I  o proposed “programme of mining operations” to be carried out during the extension period is attached;

A  o a revised “Mine Plan,” accurately drawn to a marked scale, of the mining licence Area showing clearly the approximate locations and features of the future mining operations as described in the revised programme of mining operations is attached;

L  o Approved amended “Rehabilitation and Mine Closure Plan” is attached.

U  o “Consultation Plan”, a revised plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the mining licence holder’s future mining operations in or near to their jurisdictions is attached;

S  o “Employment and Contracting Plan”, a revised description giving particulars of the mining licence holder’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods is attached;

E  o All reports required by the Act to be submitted by the holder prior to this date have been submitted and found to be complete.

o All rent required to be paid by the holder prior to this date has been paid.

o All royalties required to be paid by the holder prior to this date have been paid.

o The holder is in compliance with its environmental obligations as of this date.

o The holder has obtained all environmental authorisations necessary to continue mining operations for the term applied for.

o The holder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.

o The holder has informed and consulted with local government and traditional authorities about this application.
Application verified as complete:

○ Date verified complete and registered: Day ___ Month ____ Year _____

Officer verifying that the application is complete and has been registered as complete in the Small-Scale or cadastral register, as the case requires:

Name: _______________________ Signature: _________________________

........................

○ Mining licence term extension is approved
○ Mining licence term extension is denied

Reason for denial:

_________________________________________________

Cabinet Secretary’s signature: ________________________

Date of signature: __________________

If approved,

Date extension was registered in the mining licence register: _____________

Date holder was notified of the approval decision: ________________

Date term extension was noted in the mining licence: ________________

If denied,

Date denial was registered in the mining licence register: ______________

Date holder was notified of the denial decision: ________________
1. Instructions:
   This form is used to apply for a mining licence term extension and shall be presented to the Mining Cadastre Office via the OMC. The application cannot be accepted unless this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. Applicant’s identity and contact information

Note: complete all information in this Section, and indicate where correspondence should be sent.

a. Company
   Registered company name under Companies Law: ______________________________________
   Company Registration Number: ________________________________________________

   Physical Address
   Address: __________________________
   City: __________________________ State: __________________________ Postal Code: ____________
   Country: ________________________
   o Send correspondence to this Address

   Postal Address
   Address: __________________________
   City: __________________________ State: __________________________ Postal Code: ____________
   Country: ________________________
   o Send correspondence to this Address

b. Name of Legal Representative:
   Physical Address of legal representative:
   Address: __________________________
   City: __________________________ State: __________________________ Postal Code: ____________
   Country: ________________________
   o Send correspondence to this Address

   Postal Address
   Address: __________________________
   City: __________________________ State: __________________________ Postal Code: ____________
   Country: ________________________
   o Send correspondence to this Address
c. Commercial representative in Kenya:
Name: ________________________________________________________________
Address of commercial representative:
Address :______________________________________________________________
City :_______ State: ___ Postal Code: ________________
County : __________
o  Send correspondence to this Address

d. Other required contact information:
Phone number:  ___________________
Mobile:  ___________________
Fax number (if any):  ___________________
E-mail address:  ___________________

3. Name and qualifications of the person responsible for the Mining Operation
Mine Manager: ________________________________
Qualifications: ________________________________

4. Mining licence term extension applied for:
o  mining licence: ____ years (not to exceed fifteen (15) Years).
5. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the mining licence holder’s authorised representative and by this application request, on behalf of the applicant, that a term extension be granted for the mining licence identified herein. By my signature below, I attest that following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the mining licence have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the mineral right area have been paid and receipts obtained.
3. All royalties required to be paid on minerals produced from the mineral right area have been paid and receipts obtained.
4. All environmental obligations relevant to the mining licence as of this date have been met.
5. All the Rehabilitation and Mine Closure Plan obligations relevant to the mining licence as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account future operations has been approved.
6. All environmental authorisations required by applicable law for the term extension have been obtained.
7. The holder has informed and consulted with local government and traditional authorities about this application.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: _____________________
Date: _____________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

172. Form A-23 [Application for compensation of immovable and movable Assets]

(Clause 196(3) of the Mining Act and Regulation 52 of the Mining (Licensing and Permitting) Regulations, 2015)

Type of licence: _______________________
Licence Registration Code Number: ________

O Dated seal here
F

Application Received:

I
   o Dated registered: Day ___ Month ___ Year _____

C
   o Timeregistered: Hr._____ Min_______

A
L

Notice recorded in: (tic one box)

o reconnaissance licence register
o mining licence register
o prospecting licence register
o retention licence register
o mining permit register
o reconnaissance permit register
o prospecting permit register
o mining permit register
o Artisanal mining permit register

Receiving Officer’s name: ______________________

Signature: ______________________
1. **Instructions:**

A Mineral holder, who has been instructed in Form N-14 [Management of Assets & Hazardous Materials on Expiry/Revocation of a mineral right] to rescind his assets without compensation and who is not satisfied with this decision, may complete this form in full, sign it and submit it to the Mining Cadastre Office via the OMC. Use a separate notice form for each surrender (combined notices are not permissible).

2. **Description**

Please describe why you should be compensated for the immovable and movable assets as listed below. Please use additional pages, if required.

(a) Immovable assets
   i. ____________________________________________
   ii. ____________________________________________
   iii. ____________________________________________

(b) Movable assets
   i. ____________________________________________
   ii. ____________________________________________
   iv. ____________________________________________

3. **MINERAL RIGHT HOLDER DETAILS**

Name of holder: _______________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ____________________________________________

City: _______________ State: ___ Postal Code: ____________

County: _______________________________

Phone number: _______________________

Mobile: _____________________________

Fax number (if any): ___________________

E-mail address: _______________________

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

4. **Attestation**

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME.

Name of corporate body: ___________________________________________

Name of authorised person: ___________________ Title or Position: ________________

Signature of authorised person: _______________________

Date: ___________________

Telephone number: ___________________

Mobile Number: _______________________

E-mail: ______________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

173. Form A-24 [Application to renew prospecting permit term]
(Clause 196(3) of the Mining Act and regulation 126 of the Mining (Licensing and permitting) regulations, 2015)

Prospecting permit Registration Number: _____

Dated seal here

Attached documents:

- Duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee] is attached;
- Proof that the holder has relinquished 50% of its prospecting permit area or an application to do so is attached to this application

Application verified as complete:

- Date verified complete and registered: Day ___ Month ___ Year _____
- Time verified complete and registered: Hr.____ Min____

Verifying Officer:

Name: _______________________ Signature: _________________________

- Prospecting permit term extension is approved
- Prospecting permit term extension is denied

Reason for denial: _________________________________________________________________

Cabinet Secretary’s signature: _______________________ Date of signature: _________

If approved,

- Date term extension was registered in the prospecting permit register: _____________
- Date holder was notified of the approval decision: _______________________
- Date term extension was noted in the prospecting permit: _____________

If denied,

- Date denial was registered in the prospecting permit register: _____________
- Date holder was notified of the denial decision: _______________________

1. Instructions:

This form is used to apply for an prospecting permit term extension and shall be presented to the
Mining Cadastre Office via the OMC. The application cannot be accepted unless this form is completed in full (no partial submission is allowed). An application to relinquish mineral right area may be attached to this application.

2. Applicant’s identity and contact information
a. If the applicant is an individual complete all information in this section and indicate where correspondence should be sent:

Full name: __________________________

Physical Address
Address: ________________________________________________________________
City: ___________________ State: ___________ Postal Code: ________________
Country: __________________
o Send correspondence to this address

Postal Address
Address: ________________________________________________________________
City: ___________________ State: ___________ Postal Code: ________________
Country: __________________
o Send correspondence to this address

b. If the applicant is a company complete all information in this section and indicate where correspondence should be sent:

Address of headquarters:
Registered company name: _____________________________________________

Physical Address
Address: ________________________________________________________________
City: ___________________ State: ___________ Postal Code: ________________
Country: __________________
o Send correspondence to this address

Postal Address
Address: ________________________________________________________________
City: ___________________ State: ___________ Postal Code: ________________
Country: __________________
o Send correspondence to this address
c. Name of legal representative:
Physical Address of legal representative:

Address: ________________________________
City: __________________ State: __________ Postal Code: __________
Country: __________________

Postal Address

Address: ________________________________
City: __________________ State: __________ Postal Code: __________
Country: __________________

Send correspondence to this Address

d. Commercial representative in Kenya (if any):
Name: __________________________________________________________

Address of commercial representative:

Address: ________________________________
City: _________ State: __ Postal Code: __________

County: __________

e. Other required contact information:
Phone number: __________________________
Mobile: ________________________________
Fax number (if any): ______________________
E-mail address: __________________________

3. Prospecting permit term extension applied for (not to exceed five (5) Years) (Please indicate appropriate option):
   o 1 year
   o 2 years
   o 3 years
   o 4 years
   o 5 years
4. Attestation
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the prospecting permit holder (or in the case of a company the holder’s authorised representative) and by this application request that a term extension be granted for the prospecting permit identified herein. By my signature below, I attest that the following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the prospecting permit have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the prospecting permit area have been paid and receipts obtained.
3. All royalties required to be paid on Mineral Product produced from the prospecting permit area have been paid and receipts obtained.
4. All environmental obligations arising under applicable law relevant to the prospecting permit area have been met.
5. All environmental authorisations required by applicable law for the term extension have been obtained.
6. The holder has informed and consulted with local government and traditional authorities about this application.
7. Prospecting Operations within the prospecting permit area have been carried out in accordance with the approved Prospecting Programme.
8. Annual work Programme expenditure requirements have been met.
9. Land area relinquishment requirements have been met (50% reduction in prospecting permit area) or an application for area relinquishment is attached to this application.
10. At least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines is employed for prospecting operations.
11. A corporate social responsibility programme has been implemented in conformity to Mining Cadastre Office guidelines (or in the absence of such guidelines, according to ISO 26000).
12. Owners and users of land have been compensated for any damage to land and property resulting from prospecting operations in the prospecting area.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: _____________________
Date: _____________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

174. Form A-25 [Application to renew mining permitterm]

(Clause 196(3) of the Mining Act and regulation 138 of the Mining (Licensing and permitting) regulations, 2015)

mining permit Registration Number: __________________________

Attached documents:

- duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee] is attached;
- “Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;
- proposed “programme of mining operations” to be carried out during the renewal period is attached;
- a revised “Mine Plan,” accurately drawn to a marked scale, of the mining permit area showing clearly the approximate locations and features of the future mining operations as described in the revised programme of mining operations is attached;
- Approved amended “Rehabilitation and Mine Closure Plan” is attached.
- “Consultation Plan”, a revised plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the mining permit holder’s future mining operations in or near to their jurisdictions is attached;
- “Employment and Contracting Plan”, a revised description giving particulars of the mining permit holder’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods is attached;
- All reports required by the Act to be submitted by the holder prior to this date have been submitted and found to be complete.
- All rent required to be paid by the holder prior to this date has been paid.
- All royalties required to be paid by the holder prior to this date have been paid.
- The holder is in compliance with its environmental obligations as of this date.
- The holder has obtained all environmental authorisations necessary to continue mining operations for the term applied for.
- The holder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.
- The holder has informed and consulted with local government and traditional authorities about this application.
Application verified as complete:

- Date verified complete and registered: Day ___ Month ___ Year _____

Officer verifying that the application is complete and has been registered as complete in the cadastral register:

Name: _______________ Signature: _________________________

* * * * * * * * * * * * * * * * * *

- mining permit term renewal is approved
- mining permit term renewal is denied

Reason for denial: _______________________________________

Cabinet Secretary’s signature: __________________________

Date of signature: __________________

If approved,

Date renewal was registered in the appropriate mining permit register: _____________

Date holder was notified of the approval decision: __________________

Date term renewal was noted in the mining permit: ________________

If denied,

Date denial was registered in the appropriate mining permit register: _____________

Date holder was notified of the denial decision: __________________
1. **Instructions:**

   This form is used to apply for a mining permit term renewal and shall be presented to the Mining Cadastre Office via the OMC. The application cannot be accepted unless this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. **Applicant’s identity and contact information**

   *(Note: complete all information in this Section, and indicate where correspondence should be sent.)*

   - If the applicant is an individual complete all information in this Section and indicate where correspondence should be sent:
     - Full name: _______________________________
     - **Physical Address**
       - Address: _______________________________________________
       - City: _______________ State: _______________ Postal Code: _______________
       - Country: ___________________
     - o Send correspondence to this Address
     - **Postal Address**
       - Address: _______________________________________________
       - City: _______________ State: _______________ Postal Code: _______________
       - Country: ___________________
     - o Send correspondence to this Address

   - If the applicant is a company complete all information in this Section and indicate where correspondence should be sent:
     - Address of headquarters:
     - Registered company name: _______________________________
     - **Company**
       - Registered company name under Companies Law: _______________________________
       - Company Registration Number: _______________________________
     - **Physical Address**
       - Address: _______________________________________________
       - City: _______________ State: _______________ Postal Code: _______________
       - Country: ___________________
     - o Send correspondence to this Address
Postal Address

Address: _______________________________________________________________
City: __________________ State: ___________ Postal Code: _______________
Country: ________________

Send correspondence to this Address

c. Name of Legal Representative:
Physical Address of legal representative:

Address: _______________________________________________________________
City: __________________ State: ___________ Postal Code: _______________
Country: ________________

Send correspondence to this Address

Postal Address

Address: _______________________________________________________________
City: __________________ State: ___________ Postal Code: _______________
Country: ________________

Send correspondence to this Address

d. Commercial representative in Kenya:
Name: _______________________________________________________________
Address of commercial representative:

Address: _______________________________________________________________
City: ___________ State: ___________ Postal Code: _______________
County: ________________

Send correspondence to this Address

e. Other required contact information:
Phone number: ________________
Mobile: ________________
Fax number (if any): ________________
E-mail address: ________________

3. Name and qualifications of the person responsible for the mining operation
Mine Manager: ________________________
Qualifications: ________________________________________________________________
4. mining permit term renewal applied for:
   ○ mining permit: _____ years (not to exceed five (5) Years).

5. Attestation

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I am the mining permit holder’s authorised representative and by this application request, on behalf of the applicant, that a term renewal be granted for the mining permit identified herein. By my signature below, I attest that following statements are true (as of the date of signature below): --

1. All reports required to be submitted by the terms and conditions applying to the mining permit have been submitted and submission receipts have been obtained.
2. All rent required to be paid for the mineral right area have been paid and receipts obtained.
3. All royalties required to be paid on minerals produced from the mineral right area have been paid and receipts obtained.
4. All environmental obligations relevant to the mining permit as of this date have been met.
5. All the Rehabilitation and Mine Closure Plan obligations relevant to the mining permit as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account future operations has been approved.
6. All environmental authorisations required by applicable law for the term renewal have been obtained.
7. The holder has informed and consulted with local government and traditional authorities about this application.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: ______________________
Title or Position: ______________________
Signature of authorised person: ______________________
Date: ______________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

175. Form A-26 [Application to renew artisanal mining permit]

(Clause 196(3) of the Mining Act and regulation 147 of the Mining (Licensing and Permitting) regulations, 2015)

Artisanal mining permit Registration Number: __________________

Dated seal here

Attached documents:

- Duplicate copy of First Schedule Form R-1 [Receipt for Payment of Application Processing Fee] is attached;
- “Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;
- Proposed “programme of mining operations” to be carried out during the renewal period is attached;
- A revised “mine plan,” accurately drawn to a marked scale, of the Artisanal mining permit area showing clearly the approximate locations and features of the future mining operations as described in the revised programme of mining operations;
- Approved amended “Rehabilitation and Mine Closure Plan” is attached.
- “Consultation plan”, a revised plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the Artisanal mining permit holder’s future mining operations in or near to their jurisdictions is attached;
- “Employment and contracting Plan”, a revised description giving particulars of the Artisanal mining permit holder’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods is attached;
- All reports required by the Act to be submitted by the holder prior to this date have been submitted and found to be complete.
- All rent required to be paid by the holder prior to this date has been paid.
- All royalties required to be paid by the holder prior to this date have been paid.
- The holder is in compliance with its environmental obligations as of this date.
- The holder has obtained all environmental authorisations necessary to continue mining operations for the term applied for.
- The holder is in compliance with its Rehabilitation and Mine Closure Plan.
- The holder has informed and consulted with local government and traditional authorities about this application.

Application verified as complete:
Date verified complete and registered: Day ___ Month ___ Year ____

Officer verifying that the application is complete and has been registered as complete in the Small-Scale or cadastral register, as the case requires:
Name: _______________________ Signature: _________________________

Reason for denial: ____________________________________________
Cabinet Secretary’s signature: ____________________________
Date of signature: ________________

If approved,
Date renewal was registered in the appropriate artisanal mining permit register: ______
Date holder was notified of the approval decision: ________________
Date term renewal was noted in the artisanal mining permit: ________________

If denied,
Date denial was registered in the appropriate artisanal mining permit register: ______
Date holder was notified of the denial decision: ________________
1. **Instructions:**

This form is used to apply for an artisanal mining permit term renewal and shall be presented to the Mining Cadastre Office via the OMC. The application cannot be accepted unless this form is completed in full and the following listed documents are complete and attached (no partial submission is allowed). When attaching required documents, they shall be arranged in the order appearing below. All documents shall be submitted in English. Where a title for the document appears in the list, the document shall be titled with that title, or a cover sheet with that title shall be included.

2. **Applicant’s identity and contact information**

*Note: complete all information in this Section, and indicate where correspondence should be sent.*

**a. If the applicant is an individual complete all information in this section and indicate where correspondence should be sent:**

Full name: __________________________

**Physical Address**

Address: __________________________________________________________

City: ______________ State: ______________ Postal Code: ______________

Country: ______________

- Send correspondence to this Address

**Postal Address**

Address: __________________________________________________________

City: ______________ State: ______________ Postal Code: ______________

Country: ______________

- Send correspondence to this Address

**b. If the applicant is a company complete all information in this section and indicate where correspondence should be sent:**

Address of headquarters:

registered company name: ______________________________________________

Company

registered company name under Companies Law: __________________________

Company Registration Number: _________________________________________

**Physical Address**

Address: __________________________________________________________

City: ______________ State: ______________ Postal Code: ______________

Country: ______________

- Send correspondence to this Address
Postal Address
Address: ____________________________________________________________
City: ______________ State: ______________ Postal Code: _____________
Country: ______________
O Send correspondence to this Address

c. Name of Legal Representative:
Physical Address of legal representative:
Address: ____________________________________________________________
City: ______________ State: ______________ Postal Code: _____________
Country: ______________
O Send correspondence to this Address
Postal Address
Address: ____________________________________________________________
City: ______________ State: ______________ Postal Code: _____________
Country: ______________
O Send correspondence to this Address

d. Commercial representative in Kenya:
Name: ____________________________________________________________
Address of commercial representative:
Address: ____________________________________________________________
City: __________ State: __ Postal Code: _____________
County: ______________
O Send correspondence to this Address

e. Other required contact information:
Phone number: _____________________
Mobile: _____________________
Fax number (if any): _____________________
E-mail address: _____________________

3. Name and qualifications of the person responsible for the Artisanal Mining Operation
Mine Manager: _____________________
Qualifications: _____________________
______________________________
______________________________
4. Mining permit term renewal applied for:
   - Artisanal mining permit: _____ years (not to exceed three (3) Years).

5. Attestation
   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

   I am the Artisanal mining permit holder’s authorised representative and by this application request, on behalf of the applicant, that a term renewal be granted for the Artisanal mining permit identified herein. By my signature below, I attest that following statements are true (as of the date of signature below):

   1. All reports required to be submitted by the terms and conditions applying to the Artisanal mining permit have been submitted and submission receipts have been obtained.
   2. All rent required to be paid for the mineral right area have been paid and receipts obtained.
   3. All royalties required to be paid on minerals produced from the mineral right area have been paid and receipts obtained.
   4. All environmental obligations relevant to the Artisanal mining permit as of this date have been met.
   5. All the Rehabilitation and Mine Closure Plan obligations relevant to the Artisanal mining permit as of this date have been met and a revised Rehabilitation and Mine Closure plan taking into account future operations has been approved.
   6. All environmental authorisations required by applicable law for the term renewal have been obtained.
   7. The holder has informed and consulted with local government and traditional authorities about this application.

Note: at the option of the applicant, evidentiary documents may be attached to this form

Name of authorised person: _____________________
Title or Position: _____________________
Signature of authorised person: _____________________
Date: _____________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

176. Form N-1 [Notice of demand for additional information]
(Clause 196(3) of the Mining Act andregulation 15 Error! Reference source not found.. 42 Error! Reference source not found., 61, 65(2), 74, 78, 91, 101, 105, 106, 113, 124, 127, 137, 138, 139, 146, 147 and 148 of the Mining (Licensing and permitting) regulations, 2015

| Type of licence: ________________________ |
| licence Registration Code Number: _______ |
| Dated seal here |
| (notice date) |
| Demand Notice date: ______________________ |
| Delivery method: ________________________ |
| Sending Officer’s name: __________________ |
| Sending Officer’s signature: __________________ |

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Demand Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

- reconnaissance licence Number RL ___________
- prospecting licence Number PL ____________
- retention licence Number RTL _____________
- mining licence register ML _____________
- reconnaissance permit Number RP __________
- prospecting permit Number PP ___________
- mining permit register MP _____________
- artisanal mining permit register AMP ___________

on Day ______ Month _______ Year _________

Recording officer’s signature: ___________________________
1. **Instructions to Recipient of this Demand Notice:**

Upon receipt of this demand notice the holder named below is required by the provisions of the Mining Act and its regulations to submit to the Mining Cadastre Office the following, additional information:

______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________

The additional information shall be submitted:

(a) In the case of reconnaissance, prospecting or retention licence applications and permit applications within fourteen (14) days from the application registration date.

(b) In the case of a mining licence application within forty-nine (49) days from the application registration date.

The failure of an applicant to provide any of the information requested within the requested time period shall render the application null and void.

2. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ____________________________________________

City: ______________ State: ______________ Postal Code: ______________

County: ______________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________
**FIRST SCHEDULE**

**THE GOVERNMENT OF THE REPUBLIC OF KENYA**

**MINISTRY OF MINING**

**THE MINING ACT**

**MINING (LICENSING AND PERMITTING) REGULATIONS, 2015**

177. **Form N-2 [Notice of demand for a report]**

(Clause 196(3) of the Mining Act and regulation 20 and 41(6), 78 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: | ________________________ |
| Licence Registration Code Number: | ________ |
| Demand Notice date: | __________________________ |
| Delivery method: | __________________________ |
| Sending Officer’s name: | __________________________ |
| Sending Officer’s signature: | __________________________ |
| Demand Notice date (from box above) was recorded in the: | |
| Dated seal here (date recorded) | |
| o reconnaissance licence Number | RL | ____________ |
| o prospecting licence Number | PL | ____________ |
| o retention licence Number | RTL | ____________ |
| o mining licence register | ML | ____________ |
| o reconnaissance permit Number | RP | ____________ |
| o prospecting permit Number | PP | ____________ |
| o mining permit register | MP | ____________ |
| o artisanal mining permit register | AMP | ____________ |
| on Day | ______ | Month | ______ | Year | ______ |
| Recording officer’s signature: | __________________________ |
1. Instructions to Recipient of this Demand Notice:

Upon receipt of this demand notice the holder named below is required by the provisions of the Mining Act and its regulations to submit to the Mining Cadastre Office the following mandatory report or reports:

____________________________________________________
____________________________________________________
____________________________________________________

The report(s) shall be submitted within ______________ days.

An applicant who fails to provide the requested report(s) within the requested time period shall be guilty of an offence.

2. TITLEHOLDER or PRIOR TITLEHOLDER DETAILS

Name of holder: __________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:________________________________________________

City   : ______________ State: ______________ Postal Code: ______________

County : ______________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________
178. Form N-3 [Notice of intent to suspend a licence or permit]

(Clause 196(3) of the Mining Act and regulation Error! Reference source not found. Error! Reference source not found., 41(7)(a.), 50, 78 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________

licence Registration Code Number: ________

Dated seal here

Notice date: __________________________

Delivery method: _____________________________

Sending Officer’s name: ________________________

Sending Officer’s signature: _____________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL ____________
- prospecting licence Number PL ____________
- retention licence Number RTL ____________
- mining licence register ML ____________
- reconnaissance permit Number RP ____________
- prospecting permit Number PP ____________
- mining permit register MP ____________
- artisanal mining permit register AMP ____________

on Day ______ Month ______ Year ________

Recording officer’s signature: __________________________
1. **Notice of intent to suspend mineral right**

   Pursuant to Part V of the Mining Act and regulation, notice is given to the Mineral holder of the mineral right, referenced above, of the intent to suspend the mineral right.

2. **Instructions to Recipient of this Notice:**

   Upon receipt of this notice the holder named below is required to comply with the condition or obligation as stated below.

   The mineral right who’s holder, the recipient of this notice, fails to comply with the condition or obligation or otherwise shows cause to the satisfaction of the Cabinet Secretary why the mineral right should not be suspended, is liable to be suspended.

3. **Condition or obligation**

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

4. **TITLEHOLDER DETAILS**

   Name of holder: __________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: ________________________________________________

   City : ______________ State: ______________ Postal Code: ___________

   County : ______________

   Phone number: __________________

   Mobile: __________________

   E-mail address: __________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

179. **Form N-4 [Notice of intent to revoke a licence or permit]**

Clause 196(3) of the Mining Act and regulations, 41(7)(b), 51, 89 of the Mining (Licensing and permitting) regulations, 2015

| Type of licence: | ________________________ |
| licence Registration Code Number: | ________ |
| Dated seal here | |
| Notice date: | ________________________ |
| Delivery method: | ________________________ |
| Sending Officer’s name: | ________________________ |
| Sending Officer’s signature: | ________________________ |

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

- [ ] reconnaissance licence Number RL __________
- [ ] prospecting licence Number PL __________
- [ ] retention licence Number RTL __________
- [ ] mining licence register ML __________
- [ ] reconnaissance permit Number RP __________
- [ ] prospecting permit Number PP __________
- [ ] mining permit register MP __________
- [ ] artisanal mining permit register AMP __________

on Day ______ Month ______ Year ________

Recording officer’s signature: ___________________________
1. Notice of intent to revoke mineral right
   Pursuant to Part III of the Mining Act and regulation 15 notice is given to the Mineral holder of the mineral right, referenced above, of the intent to revoke the mineral right.

2. Instructions to recipient of this notice:
   The holder named below is required within forty-two (42) days of receiving this notice to remedy the stated grounds for revocation.

   The mineral right who’s holder, the recipient of this notice, fails to remedy the stated grounds for the intended revocation or otherwise shows cause to the satisfaction of the Cabinet Secretary why the mineral right should not be revoked, is liable to be revoked.

3. Detailed Grounds for the intent of revocation

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

4. TITLEHOLDER DETAILS
   Name of holder: __________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   Address: ________________________________
   City : ______________ State: ______________ Postal Code: ___________
   County : ______________
   Phone number: ______________________
   Mobile: ______________________
   E-mail address: ______________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING

THE MINING ACT

MINING (LICENSED AND PERMITTING) REGULATIONS, 2015

180. Form N-5 [Notice to Comply]

(Clause 196(3) of the Mining Act and regulations, 65(3), 79, 101, 103(a)(b), 125, 137 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________

licence Registration Code Number: ________

O Dated seal here

F (notice date)

F

I Notice date: _________________________

C Delivery method: _______________________

I A Sending Officer’s name: ___________________

L Sending Officer’s signature: ___________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL _____________
- prospecting licence Number PL _____________
- retention licence Number RTL _____________
- mining licence register ML _____________
- reconnaissance permit Number RP _____________
- prospecting permit Number PP _____________
- mining permit register MP _____________
- artisanal mining permit register AMP _____________

on Day _____ Month _____ Year _________

Recording officer’s signature: _________________________
1. **Notice to Comply**
   The Cabinet Secretary may, pursuant to Clause 43 of the Act, give notice to any holder of a mineral right in connection with any legitimate matter under this Act, its provisions or regulations and the holder shall comply within the stated period or it shall be an offence.

2. **Condition or obligation to comply with**
   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

3. **Period within which the holder shall comply**
   ______________________________________________________
   ______________________________________________________

4. **TITLEHOLDER DETAILS**
   Name of holder: __________________________________________
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   Address:____________________________________________________
   City : ______________ State: ______________ Postal Code: ______________
   County : ______________
   Phone number: ______________
   Mobile: ______________
   E-mail address: ______________
181. Form N-6 [Notice to seek and obtain written consent]

(Clause 196(3) of the Mining Act and regulation102(2) of the Mining (Licensing and permitting) regulations, 2015)

This form is being submitted to substantially amend the Work Programmes for the following licences (tick as appropriate):

- [ ] reconnaissance licence
- [ ] prospecting licence
- [ ] mining licence

Licence Registration Number: _____________________________

O Dated seal here

F Attached documents as required:

F

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A

L

O

Reconnaissance licence

1. The results of the reconnaissance work to date or other new and relevant information that has come to light.

2. An updated summary report covering all reconnaissance activities carried out since the licence was first granted. It shall summarise the work reported in any earlier technical report and provide a detailed account of the reconnaissance work carried out since, prepared according to Ministry guidelines. In addition to the electronic document, a bound hardcopy shall be delivered to the Mining Cadastre Office within seven (7) days;

3. The time table for a detailed data evaluation programme that may justify the requested amendment

4. A statement of expenditure incurred, using Form AR-4 [Reconnaissance licence annual expenditure report];

5. An updated and certified/signed statement or formal letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

O Prospecting licence

1. A revised Programme for prospecting operations. Where the area comprises more than a single contiguous area, a programme for each discrete area shall be provided. The justification for such amendment shall be where the results of the prospecting work to date or other new information require such change. In addition to the electronic document a bound hardcopy of each required document shall be delivered to the Mining Cadastre Office within seven (7) days.

2. A summary report using Form AR-7 [Prospecting licence annual report] covering all prospecting activities carried out since the licence was first granted. It shall
summarise the work reported in earlier annual technical reports plus give a detailed account of the prospecting work carried out to date, prepared according to Ministry guidelines regulation 269.

3. A statement of expenditure incurred, using Form AR-9 [prospecting licence Annual Expenditure Report];

4. an updated and certified/signed statement or formal letter of intent from a bank or other financial source of the financial resources available to the applicant exclusively for this application;

5. Where the proposed work includes bulk sampling, diamond drilling or other invasive procedures, an Environmental and Social Impact Assessment and if appropriate an Environmental Management Plan, approved by the National Environment Management Authority.

- mining licence

1. The justification for any amendment shall be where the results of the mining operations to date or other new information require such change. In addition to the electronic document a bound hardcopy of each required document shall be delivered to the Mining Cadastre Office within seven (7) days.

2. Any proposal to substantially alter the approved Programme for mining operations must be expressly approved by the Cabinet Secretary. Where there is any doubt, the holder shall request additional written approval on Form N-6 [Notice to seek and obtain the written consents]. updated “Reserve and Mine Life Report” on the current proven and estimated reserves, and the estimated economic life of the Mine is attached;

3. Amended “programme of mining operations” to be carried out is attached;

4. An amended “Mine Plan,” accurately drawn to a marked scale, of the mining licence area showing clearly the approximate locations and features of the future mining operations as described in the revised programme of mining operations is attached;

5. Approved amended “Rehabilitation and Mine Closure Plan” is attached.

- For all licences:

1. duplicate copy of First Schedule Form R-1 [Receipt for payment of application fee] is attached;

2. Where there is an Environmental Management Plan in place, a summary report on environmental remediation activities carried out in the preceding term;

3. updated “Consultation Plan”, a revised plan describing how, on an ongoing basis, local government, traditional authorities and communities will be informed and consulted about the licence holder’s future Operations in or near to their jurisdictions is attached;

4. amended “Employment and Contracting Plan”, a revised description giving particulars of the licence holder’s plans to employ or contract Kenyan persons or contractors and to use Kenyan goods is attached;

5. an amended description of the positive and negative affects the prospecting will have on gender relations within the community;

6. All reports required by the Act to be submitted by the holder prior to this date have been submitted and found to be complete.

7. All rent required to be paid by the holder prior to this date has been paid.
8. All royalties required to be paid by the holder prior to this date have been paid.

9. The holder is in compliance with its environmental obligations as of this date.

10. The holder has obtained all environmental authorisations necessary to continue mining operations for the term applied for.

11. The holder is in compliance with its Rehabilitation and Mine Closure Plan as of this date.

12. The holder has informed and consulted with local government and traditional authorities about this application.

Application verified as complete:

- Date verified complete and registered: Day ___ Month ___ Year ____

Officer verifying that the application is complete and has been registered as complete in the cadastral register:

- Name: __________________ Signature: ______________________

Cabinet Secretary’s signature: ______________________

Date of signature: ______________

**If approved,**

- Date approval was registered in the appropriate licence register: ______________
- Date holder was notified of the approval decision: __________________
- Date term extension was noted in the mining licence: __________________

**If denied,**

- Date denial was registered in the appropriate licence register: ______________
- Date holder was notified of the denial decision: ______________
1. Information to the applicant:

Pursuant to Clause 103 of the Act, a request to change the approved Programme for mining operations shall be submitted via the OMC to the Cabinet Secretary, using Form A-13 [Application to amend work programme] and shall take effect after ninety-one (91) days unless the Cabinet Secretary rejects the proposed amendment.

Any proposal to substantially alter the approved programme for mining operations must be expressly approved by the Cabinet Secretary. Where there is any doubt, the holder shall request additional written approval on Form N-6 [Notice to seek and obtain written consent]. The Cabinet Secretary shall respond within ninety-one (91) days, using Form N-10 [Notice of approval or rejection of an application].

2. TITLEHOLDER DETAILS

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City : _______________ State: _______________ Postal Code:_______________

   County : _______________

   Phone number: ___________________

   Mobile: ___________________

   Fax number (if any): _______________

   E-mail address: ___________________
182. **Form N-7 [Notice to deliver hardcopy originals]**

(Clause 196(3) of the Mining Act and regulations 15 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________

licence Registration Code Number: ______

O Dated seal here

F (notice date)

F Demand Notice date: __________________________

C Delivery method: _____________________________

I Sending Officer’s name: ________________________

I Sending Officer’s signature: _____________________

A This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

A Demand Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

- o reconnaissance licence Number RL __________
- o prospecting licence Number PL __________
- o retention licence Number RTL __________
- o mining licence register ML __________
- o reconnaissance permit Number RP __________
- o prospecting permit Number PP __________
- o mining permit register MP __________
- o artisanal mining permit register AMP __________

on Day _____ Month _______ Year _________

Recording officer’s signature: __________________________
1. Instructions to recipient of this demand notice:

   The recipient of this notice is requested to provide verification in the form of hardcopy documents and/or certified originals and/or sworn affidavits for the following documents:

   ___________________________________________________
   ___________________________________________________
   ___________________________________________________

   Where so notified, these documents must be delivered to the Mining Cadastre Office within seven (7) days of the date of such notice, failing which the application shall be rendered null and void.

   Provided such documentation or information is received within the allotted time, and is later validated, the date and time of the original application shall remain.

   For the avoidance of doubt, the request to provide original documents is not an opportunity to submit anything other than the originals of the documents submitted digitally at the time of application. Any new or modified document will not be accepted and the application shall be disqualified without further notice.

2. TITLEHOLDER DETAILS

   Name of holder: ________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: _______________________________________________________

   City : ______________ State: ______________ Postal Code: ____________

   County : __________________

   Phone number: ______________

   Mobile: ______________________

   Fax number (if any): ______________

   E-mail address: ______________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

183. Form N-8 [Notice to agree on time renewal]
(Clause 196(3) of the Mining Act and regulation Error! Reference source not found. Error! Reference source not found. Error! Reference source not found. of the Mining (Licensing and permitting) regulations, 2015

Type of licence: ______________________
licence Registration Code Number: ______
O Dated seal here
F (notice date)
F Notice date: _________________________
C Delivery method: _________________________
I Sending Officer’s name: _________________________
A Sending Officer’s signature: _________________________
U This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
S E Notice date (from box above) was recorded in the:

○ reconnaissance licence Number RL __________
○ prospecting licence Number PL __________
○ retention licence Number RTL __________
○ mining licence register ML __________
○ reconnaissance permit Number RP __________
○ prospecting permit Number PP __________
○ mining permit register MP __________
○ artisanal mining permit register AMP __________
on Day ______ Month ______ Year _______
Recording officer’s signature: _________________________
1. Notice

Notice is hereby given that the application no. __________________, dated ____________ has been

o Approved
o Rejected

In case of approval, the Mineral holder of the above referenced mineral right is given an addition ___________ days from the receipt of this notice to obtain such consents or agreements.

2. Information

Pursuant to Clauses 36, 37 and 38 of the Act, an applicant shall following submission of an application for a mineral right is approved, seek and obtain the written consents of any and all parties whose consents are required or with whom agreements must be entered into.

Notwithstanding, the applicant may, giving reasons, request additional time to obtain such consents or agreements, and the Cabinet Secretary may agree to such renewal if he or she considers the reason(s) to be reasonable.

Agreements must be entered into with three potential land owners:

(a.) Restricted or excluded land:

It shall be the applicant’s responsibility in the first instance to determine, and for the Ministry to then verify, whether the area applied for includes land that is restricted or excluded or falls within one or more of the categories listed under (a) to (i) of Clause 36 (2) of the Act, and if so to indicate in the application whether he or she wishes to have such land included in the Right. Unless excluded, it shall be the applicant’s responsibility to seek and obtain the written consent in each case of the relevant authorities or bodies. Failure to make clear which lands are applied for and to supply all necessary consents shall result in such areas being automatically excluded.

(b.) Private land:

An applicant whose application includes private land on which any excavation or drilling is proposed shall submit copies of all legally binding agreements entered into with the land owners as required under Clause 37 of the Act.

(c.) Community land:

An applicant whose application includes community land on which any excavation or drilling is proposed shall submit a signed copy of each legally binding agreement entered into with, as appropriate, the authority obligated by the law relating to the administration and management of community land, or the National Land Commission as required under Clause 36 of the Act.

Pursuant to Clause 39 of the Act, if the person responsible for the State organ, agency, authority or person referred to under Clauses 36, 37 and 38 of the Act fails to respond to the applicant’s request for consent within twenty-one (21) days, or refuses to give such consent, the applicant may request the Cabinet Secretary to grant the mineral right on the basis that no objection has been made or that the refusal is unreasonable using Form N-9 [Notice to grant mineral right due to no objection or unreasonable refusal].

Pursuant to Clause 40 of the Act, where the Cabinet Secretary considers that any consent has been unreasonably withheld or delayed, he or she shall decide on the advice of the Mineral...
Rights Board whether it is appropriate and/or in the national interest to include such land under the mineral right despite such consent not having been given. The Cabinet Secretary’s decision, with reasons, shall be published in the Gazette and notified to the applicant and the party withholding consent within seven (7) days of the applicant’s request using Form N-9 [Notice to grant mineral right due to no objection or unreasonable refusal].

3. TITLEHOLDER DETAILS

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:____________________________________________________________

City : ______________ State: ______________ Postal Code: _____________

County : __________________

Phone number: __________________

Mobile: __________________

E-mail address: _______________
**FIRST SCHEDULE**

THE GOVERNMENT OF THE REPUBLIC OF KENYA  
MINISTRY OF MINING  
THE MINING ACT  
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

184. Form N-9 [Notice to grant mineral right due to no objection or unreasonable refusal]  

(Clause 196(3) of the Mining Act and regulations of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: ________________________ |
| Licence Registration Code Number: ________ |
| O Dated seal here |
| F Notice date: __________________________ |
| I Delivery method: ________________________ |
| C Sending Officer’s name: ____________________ |
| A Sending Officer’s signature: ____________________ |

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

- o reconnaissance licence Number RL __________
- o prospecting licence Number PL __________
- o retention licence Number RTL __________
- o mining licence register ML __________
- o reconnaissance permit Number RP __________
- o prospecting permit Number PP __________
- o mining permit register MP __________
- o artisanal mining permit register AMP __________

on Day _____ Month _____ Year _________

Recording officer’s signature: __________________________
1. **Information**

Pursuant to Clauses 36, 37 and 38 of the Act, an applicant shall following submission of an
application for a mineral right is approved, seek and obtain the written consents of any and all parties
whose consents are required or with whom agreements must be entered into.

Agreements must be entered into with three potential land owners:

   (a.) **Restricted or excluded land:**

   It shall be the applicant’s responsibility in the first instance to determine, and for
   the Ministry to then verify, whether the area applied for includes land that is
   restricted or excluded or falls within one or more of the categories listed under (a)
   to (i) of Clause 36 (2) of the Act, and if so to indicate in the application whether
   he or she wishes to have such land included in the Right. Unless excluded, it shall
   be the applicant’s responsibility to seek and obtain the written consent in each
   case of the relevant authorities or bodies. Failure to make clear which lands are
   applied for and to supply all necessary consents shall result in such areas being
   automatically excluded.

   (b.) **Private land:**

   An applicant whose application includes private land on which any excavation or
   drilling is proposed shall submit copies of all legally binding agreements entered
   into with the land owners as required under Clause 37 of the Act.

   (c.) **Community land:**

   An applicant whose application includes community land on which any
   excavation or drilling is proposed shall submit a signed copy of each legally
   binding agreement entered into with, as appropriate, the authority obligated by
   the law relating to the administration and management of community land, or the
   National Land Commission as required under Clause 36 of the Act.

Pursuant to Clause 40 of the Act, where the Cabinet Secretary considers that any consent has
been unreasonably withheld or delayed, he or she shall decide on the advice of the Mineral
Rights Board whether it is appropriate and/or in the national interest to include such land
under the mineral right despite such consent not having been given. The Cabinet Secretary’s
decision, with reasons, shall be published in the Gazette and notified to the applicant and the
party withholding consent within seven (7) days of the applicant’s request using Form N-9
[Notice to grant mineral right due to no objection or unreasonable refusal].

2. **Notice**

Notice is hereby given that consent has been unreasonably withheld or delayed for the application
No. ______________, dated ____________.

The Cabinet Secretary considers, on the advice of the Mineral Rights Board, that it is appropriate
and/or in the national interest to include such land under the mineral right despite such consent not
having been given.

The application has thus been approved.
3. TITLEHOLDER DETAILS

Name of holder: __________________________

(Hereinafter referred to as the “holder”) whoseregistered office in Kenya is at

Address:____________________________________________________________

City : _______________ State: ___________________ Postal Code:_______________

County : __________________

Phone number: _________________

Mobile: _________________

E-mail address: _________________
**FIRST SCHEDULE**

**THE GOVERNMENT OF THE REPUBLIC OF KENYA**

**MINISTRY OF MINING**

**THE MINING ACT**

**MINING (LICENSING AND PERMITTING) REGULATIONS, 2015**

185. **Form N-10 [Notice of approval or rejection of an application]**

(Clause 196(3) of the Mining Act and regulation 15, 102(2), 123, 127, 146 and 148 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: | ________________________ |
| Licence Registration Code Number: | ________ |

O Dated seal here
F (notice date)
I Notice date: __________________________
C Delivery method: __________________________
A Sending Officer’s name: ________________________
L Sending Officer’s signature: ________________
U __________________________________________________________________________
S This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
E Notice date (from box above) was recorded in the:

- reconnaissancelicence Number RL ______________
- prospecting licence Number PL ______________
- retention licence Number RTL ______________
- mining licence register ML ______________
- reconnaissance permit Number RP ______________
- prospecting permit Number PP ______________
- mining permit register MP ______________
- artisanal mining permit register AMP ______________

on Day _____ Month _____ Year _________

Recording officer’s signature: ____________________________
1. Notice of approval or rejection of an application

Notice is hereby given that the application no. ______________, dated ____________

- to change of interest in a mineral right
- to assign, mortgage, transfer or trade a mineral right
- for a reconnaissance licence
- to extend the term of a reconnaissance licence
- to amend an approved Reconnaissance Programme
- for a prospecting licence
- to extend the term of a prospecting licence
- to amend an approved Prospecting Programme
- for a retention licence
- to extend the term of a retention licence
- to amend an approved retention Programme
- for a mining licence
- to extend the term of a mining licence
- to amend an approved Mining Programme
- for a reconnaissance permit
- to extend the term of a reconnaissance permit
- to amend an approved reconnaissance permit
- for a prospecting permit
- to extend the term of a prospecting permit
- to amend an approved prospecting permit
- for a mining permit
- to extend the term of a mining permit
- to amend an approved mining permit
- to surrender a mining permit
- for an artisanal mining permit
- to extend the term of an artisanal mining permit
- to amend an approved artisanal mining permit
- to surrender an artisanal mining permit

has been

- Approved
- Rejected
2. **Instructions to recipient of this notice:**
   Upon receipt of a notice of approval the holder named below is required to confirm acceptance of the decision to the MCO.
   
   Where the application is approved, the applicant is required to accept or reject the grant of
   
   - a reconnaissance licence, an exploration licence, a retention licence or a mining licence within twenty-one days from the date of notification of the approval
   
   - a reconnaissance permit, a prospecting permit, a mining permit or an artisanal mining permit within fourteen (14) days from the date of notification of the approval
   
   An applicant whose application is rejected shall be informed of the reason(s) and shall have twenty-eight (28) days in which to apply to the Cabinet Secretary for the review of the decision.

3. **Reasons for rejection**
   The decision to reject the mineral right is based on the following Clauses of the Mining Act or the following regulations:

3.1 __________________________________________________________________________

3.2 __________________________________________________________________________

3.3 __________________________________________________________________________

4. **TITLEHOLDER DETAILS**
   Name of holder: ______________________________________________
   
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   
   Address: ______________________________________________________
   
   City : ______________ State: ___________________ Postal Code: ______________
   
   County : __________________
   
   Phone number: ______________________
   
   Mobile: ______________________
   
   E-mail address: ________________
Form N-11 [Notice of revocation of a mineral right or part thereof]  

(Clauses 196(3) of the Mining Act and Regulation of the Mining (Licensing and Permitting) Regulations, 2015)

Type of licence: ________________________

licence Registration Code Number: ________

O Dated seal here

F Notice date: __________________________

I Sending Officer’s name: ________________________

C Sending Officer’s signature: ________________________

I Delivery method: ____________________________

A Notice date (from box above) was recorded in the:

- o reconnaissance licence Number  RL __________
- o prospecting licence Number  PL __________
- o retention licence Number  RTL __________
- o mining licence register  ML __________
- o reconnaissance permit Number  RP __________
- o prospecting permit Number  PP __________
- o mining permit register  MP __________
- o artisanal mining permit register  AMP __________

on Day _____ Month _____ Year _______

Recording officer’s signature: __________________________
1. **Revocation**

Pursuant to Part VIII of the Mining Act and regulation 39 the mineral right, referenced above, is revoked.

2. **Instructions to recipient of this notice:**

Upon receipt of this notice the prior holder named below is required to submit to the Mining Cadastre Office:

(a) all reports and records that the holder is obliged under the provisions of the Mining Act to submit,

(b) all plans or maps of the area covered by the mineral right prepared by the holder or at its instructions, and

(c) such other documents relating to the mineral right as the Director may direct.

Specifically, the items to be submitted as required under (a), (b) and (c) above are as follows:

______________________________________________________

______________________________________________________

______________________________________________________

Any prior holder, the recipient of this notice, who fails to comply with the demands of this notice within forty-two (42) days from the Notice Date above shall be guilty of an offence and subject to the penalties provided under the Mining Act for failure to comply with this revocation notice.

3. **Reasons for revocation**

The decision to revoke the mineral right is based on the following Clauses of the Mining Act or the following regulations:

______________________________________________________

______________________________________________________

______________________________________________________

4. **PRIOR TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:___________________________________________________

City : __________ State: __________ Postal Code: _______________

County : ______________

Phone number: ______________

Mobile: ______________

E-mail address: ______________
187. **Form N-12 [Notice of change of interest in a mineral right]**

(Clause 196(3) of the Mining Act and regulation 42 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: | ________________________ |
| Licence Registration Code Number: | ________ |
| Dated seal here | |
| Date notice received: | ____________________________ |
| Receiving Officer’s name: | ____________________________ |
| Receiving Officer’s signature: | ____________________________ |

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL __________
- prospecting licence Number PL __________
- retention licence Number RTL __________
- mining licence register ML __________
- reconnaissance permit Number RP __________
- prospecting permit Number PP __________
- mining permit register MP __________
- artisanal mining permit register AMP __________

on Day ______ Month ______ Year _______

Recording officer’s signature: __________________________
1. **Information**
   Pursuant to Clause 51(6) of the Act, a company shall inform the Cabinet Secretary where there is a proposed change of interest in a mineral right exceeding twenty-five (25) percent.
   The Cabinet Secretary shall on the advice of the Mineral Advisory Board give his or her decision within fourteen (14) days of notice of such proposed change.

2. **Notice:**
   The holder of the above referenced mineral right herewith notifies the Mining Cadastre Office of a proposed change of interest in the mineral right of
   o ________________%.

3. **New interest holder**
   The proposed, new interest holder is
   Name of new interest holder: ____________________________________________
   whose registered office in Kenya is at
   Address: ________________________________________________________________
   City : __________ State: ___________ Postal Code: ______________
   County: ________________
   Phone number: ________________
   Mobile: ________________
   E-mail address: ________________
**FIRST SCHEDULE**

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

188. Form N-13 [Notice of suspension of a mineral right or part thereof]

*(Clause 196(3) of the Mining Act and regulation of the Minng (Licensing and permitting) regulations, 2015)*

| Type of licence: ________________________ |
| licence Registration Code Number: ________ |
| Dated seal here |
| Notice date: ____________________________ |
| Delivery method: __________________________ |
| Sending Officer’s name: ____________________ |
| Sending Officer’s signature: ____________________ |

*This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.*

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL ____________
- prospecting licence Number PL ____________
- retention licence Number RTL ____________
- mining licence register ML ____________
- reconnaissance permit Number RP ____________
- prospecting permit Number PP ____________
- mining permit register MP ____________
- artisanal mining permit register AMP ____________

on Day ______ Month _______ Year _________

Recording officer’s signature: __________________________
1. **Suspension**

   Pursuant to Part VII of the Mining Act and Regulation 50, the mineral right, referenced above, is suspended.

2. **Instructions to recipient of this notice:**

   Upon receipt of this notice the prior holder named below is required to suspend any works in the mineral right area.

   Any holder, the recipient of this notice, who fails to comply with the demands of this notice with immediate effect on receipt of this notice shall be guilty of an offence and subject to the penalties provided under the Mining Act.

3. **Reasons for suspension**

   The decision to suspend the mineral right is based on the following Clauses of the Mining Act or the following regulations:

   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

4. **TITLEHOLDER DETAILS**

   Name of holder: _______________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City : ___________ State: ___________ Postal Code: ___________

   County : ___________

   Phone number: ___________________

   Mobile: ___________________

   E-mail address: ___________________
**FIRST SCHEDULE**

**THE GOVERNMENT OF THE REPUBLIC OF KENYA**

**MINISTRY OF MINING**

**THE MINING ACT**

**MINING (LICENSING AND PERMITTING) REGULATIONS, 2015**

189. **Form N-14 [Management of assets & hazardous materials on expiry/revocation of a mineral right]**

*(Clause 196(3) of the Mining Act and regulation 51(2) of the Mining (Licensing and permitting) regulations, 2015)*

| Type of licence: ________________________ |
| licence Registration Code Number: ________ |

*O Dated seal here*

Form N-48 [Statement of Assets & Hazardous Materials] received:

I ○ Dateregistered: Day ___ Month ____ Year _____

I ○ Timeregistered: Hr._____ Min_____

*Notice recorded in: (tic one box)*

- ○ reconnaissance licence register
- ○ prospecting licence register
- ○ retention licence register
- ○ mining licence register
- ○ reconnaissance permit register
- ○ prospecting permit register
- ○ mining permit register
- ○ artisanal mining permit register

Form N-14 Management of Assets & Hazardous Materials on Expiry/Revocation of a mineral right] sent:

○ Dateregistered: Day ___ Month ____ Year _____

○ Timeregistered: Hr._____ Min_____

Sending Officer’s name: _______________________

Signature: _________________________
1. **Instructions:**

Pursuant to Clause 149 of the Mining Act you are instructed to manage all immovable and movable assets, e.g. excavations and buildings and all hazards that may pose a danger to the safety and health of employees and the public, e.g. explosives, hazardous chemicals and substances that will be used in mining as follows:

(a) Immovable assets
   i. 
   ii. 
   iii. 

(b) Movable assets
   i. 
   ii. 
   iv. 

(c) Potential Hazards
   i. 
   ii. 
   v. 

(d) Explosives
   i. 
   ii. 
   vi. 

(e) Hazardous chemicals and substances
   i. 
   ii. 
   vii. 

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ___________________________________________

City : _____ State: ___ Postal Code: ________________

County : _________________________________________

Phone number: __________________

Mobile: __________________

Fax number (if any): ________________

E-mail address: __________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATION

2015

190. Form N-15 [Notice of demand for final documents]

(Clause 196(3) of the Mining Act and regulation51(7) of the Mining (Licensing and permitting) regulations, 2015

Type of licence: ______________________

Licence Registration Code Number: ______

Dated seal here

Demand Notice date: __________________________

Delivery method: _____________________________

Sending Officer’s name: ______________________

Sending Officer’s signature: _____________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Demand Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

○ reconnaissance licence Number RL _____________
○ prospecting licence Number PL _____________
○ retention licence Number RTL _____________
○ mining licence register ML _____________
○ reconnaissance permit Number RP _____________
○ prospecting permit Number PP _____________
○ mining permit register MP _____________
○ artisanal mining permit register AMP _____________

on Day _____ Month _____ Year __________

Recording officer’s signature: _____________________________

1. Instructions to recipient of this demand notice:
Upon receipt of this demand notice the current or prior holder named below is required by the provisions of the Mining Act and its regulations to submit to the Mining Cadastre Office:

(a) all reports and records that the holder is obliged under the provisions of the Mining Act to submit,
(b) all plans or maps of the area covered by the mineral right prepared by the holder or at its instructions, and
(c) such other documents relating to the mineral right as the Director may direct.

Specifically, the items to be submitted as required under (a), (b) and (c) above are as follows:

______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________

Any holder or prior holder the recipient of this notice who fails to comply with the demands of this notice within forty-two (42) days from the notice date above shall be guilty of an offence and subject to the penalties provided under the Mining Act for failure to comply with this demand notice.

2. TITLEHOLDER DETAILS

Name of holder: ______________________________________________
(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : ______________ State: ______________ Postal Code: ______________
County : ______________

Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

191. Form N-16 [Notice of fieldwork commencement
reconnaissance/prospecting]
(Clause 196(3) of the Mining Act and regulation 64, 78, 124 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence/Permit: ________________________ |
| licence/Permit Registration Code Number: ________ |

O Dated seal here
F Application Received:
I Datergistered: Day ___ Month ___ Year _____
C Timergistered: Hr._____ Min______
A Notice recorded in: (tic one box)
L o reconnaissance licence register
U o prospection licence register
E Receiving Officer’s name: ________________________

Signature: ________________________
1. Instructions:
This form shall be completed in full and be submitted via the OMC. Field exploration work shall commence with ninety-one (91) days from the date a reconnaissance licence is issued, within ninety-one (91) days from the date a prospecting licence is issued and for a prospecting permit not later than fourteen (14) days before commencing field prospecting. If field work has not commenced by this time, attach a detailed explanation describing why not. On this form report only matters pertinent to the Reconnaissance/Prospecting Right Registration Code Number reported above. Use a separate reporting form and report for each licence (combined notices are not permissible).

This form is being submitted for the following purpose:
Notification that (tick one item)

- o □ Field Reconnaissance began on: day ____, month ____, year______
- o □ Field Prospecting Operations began on: day ____, month ____, year______

within the mineral right area whose Registration Code Number appears at the top of this form.

2. TITLEHOLDER DETAILS
1. Name of holder: ________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City :_____ State:___ Postal Code:_______________

County :_

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
3. Attestation

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body: ______________________________________________________

Name of authorised person: __________  Title or Position: ______________________

Signature of authorised person: ____________________

Date: ______________________

Telephone number: ______________

Mobile Number: ______________________

E-mail: ______________________

Note please:

Any communication will be sent to the address indicated in the licence application or as amended.
192. Form N-17 [Notice of shortfall in minimum operational expenditure]

(Clause 196(3) of the Mining Act and regulation 15, 64, 65, 79, 125 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________
licence Registration Code Number: ________

Dated seal here

Notice date: __________________________
Delivery method: _____________________________
Sending Officer’s name: ________________________
Sending Officer’s signature: _____________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:
Dated seal here
(date recorded)
- reconnaissance licence Number RL _____________
- prospecting licence Number PL _____________
- reconnaissance permit Number RP _____________
- prospecting permit Number PP _____________
on Day ______ Month _______ Year _________

Recording officer’s signature: __________________________
1. **Instructions to Recipient of this Demand Notice:**

   The holder of a mineral right shall spend Minimum Operation Expenditures for the licence area as prescribed in regulations (0) and (48), calculated as per table 14 in the Second Schedule to these regulations.

   Pursuant to regulation 65(2), where there is a shortfall in minimum operational expenditures, the balance shall be a debt owing to the Government of Kenya.

   The licence holder shall have thirty-five (35) days from the end of the licence Year to pay the balance, failing which the licence shall be revoked.

   So that there is no doubt, any application for renewal of the licence shall not be considered, nor shall the licence remain valid within its current term, until such debt is paid.

   Notwithstanding the reported expenditure and any submitted audited annual return, the Cabinet Secretary shall have the power to call for an independent audit of expenditure using Form N-18 [Notice of call for an independent audit of expenditure], and this shall be at the holder’s expense.

2. **TITLEHOLDER DETAILS**

   Name of holder: ____________________________________________
   
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:____________________________________________________

   City : ______________ State: ______________ Posta l Code: ____________

   County : __________________

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________
193. **Form N-18 [Notice of call for an independent audit of expenditure]**

*(Clause 196(3) of the Mining Act and regulation 65(8), 79, of the Mining (Licensing and Permitting) Regulations, 2015)*

---

**Type of licence:** 

**Licence Registration Code Number:** 

**Dated seal here**

**Notice date:** 

**Delivery method:** 

**Sending Officer’s name:** 

**Sending Officer’s signature:**

---

*This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.*

---

**Notice date (from box above) was recorded in the:**

**Dated seal here**

**(date recorded)**

- **reconnaissance licence Number RL**
- **prospecting licence Number PL**
- **reconnaissance permit Number RP**
- **prospecting permit Number PP**

**on Day _____ Month _____ Year _____**

**Recording officer’s signature:**
1. Notice

The holder of a mineral right as referenced above is herewith notified that notwithstanding the reported expenditure and any submitted audited annual return, the Cabinet Secretary has called for an independent audit of expenditures.

The cost shall be at the holder’s expense.

2. Information

The holder of a mineral right shall spend Minimum Operation Expenditures for the licence area as prescribed in regulations (0) and (48), calculated as per table 14 in the Second Schedule to these regulations.

Pursuant to regulation 65(2), where there is a shortfall in minimum operational expenditures, the balance shall be a debt owing to the Government of Kenya.

The licence holder shall have thirty-five (35) days from the end of the licence Year to pay the balance, failing which the licence shall be revoked.

So that there is no doubt, any application for renewal of the licence shall not be considered, nor shall the licence remain valid within its current term, until such debt is paid.

3. TITLEHOLDER DETAILS

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ________________________________________________

City : __________ State: ______________ Postal Code: ____________

County : __________________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: __________________
194. **Form N-19 [Notice of discovery of mineral deposit in potential commercial quantities]**

*Clause 196(3) of the Mining Act and regulationError! Reference source not found. of the Mining (Licensing and permitting) regulations, 2015*

<table>
<thead>
<tr>
<th>Type of licence</th>
<th>Registration Code Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>________________</td>
<td>________________</td>
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</tbody>
</table>

**Dated seal here**

**notice date**

**Notice date:** ________________

**Receiving Officer’s name:** ________________

**Receiving Officer’s signature:** ________________

Notice date (from box above) was recorded in the:

- **Reconnaissance licence Number:** RL ________________
- **Prospecting licence Number:** PL ________________
- **Mineral licence:** ML ________________
- **Reconnaissance permit Number:** RP ________________
- **Prospecting permit Number:** PP ________________
- **Mining permit:** MP ________________
- **Artisanal mining permit:** AMP ________________

on Day _____ Month _____ Year ________

**Recording officer’s signature:** ________________
1. **Information:**
   Pursuant to the Mining Act and regulations the discovery of any mineral deposit in potential commercial quantities shall be reported within seven (7) days.

2. **Notice:**
   Notice is hereby given that on the above referenced licence area a mineral deposit in potential commercial quantities has been discovered.
   
   The deposit is described in the attached report.

3. **TITLEHOLDER DETAILS**
   Name of holder: ______________________________________________
   
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   Address:________________________________________________________
   
   City   : ___________ State: _______________ Postal Code: ____________
   County : ______________
   
   Phone number: ________________
   Mobile: ______________________
   E-mail address: ________________
195. **Form N-20 [Notice of archaeological relics]**

*(Clause 196(3) of the Mining Act and regulation 46 of the Mining (Licensing and permitting) regulations, 2015)*

| Type of licence: ________________________ |
| licence Registration Code Number: ________ |

O **Dated seal here**

F **(notice date)**

I **Notice date: ________________________**

C **Receiving Officer’s name: ________________________**

A **Receiving Officer’s signature: ________________________**

U **Notice date (from box above) was recorded in the:**

E

- o **reconnaissance licence Number RL ______________**
- o **prospecting licence Number PL ______________**
- o **mining licence register ML ______________**
- o **reconnaissance permit Number RP ______________**
- o **prospecting permit Number PP ______________**
- o **mining permit register MP ______________**
- o **artisanal mining permit register AMP ______________**

on Day ______ Month ______ Year ______

Recording officer’s signature: ________________________
1. **Information:**
   Pursuant to the Mining Act and regulations the discovery of any archaeological remains shall be reported within seven (7) days.

2. **Notice:**
   Notice is hereby given that on the above referenced licence area a find of archaeological remains has been discovered.
   The find is described in the attached report.

3. **TITLEHOLDER DETAILS**
   Name of holder: ______________________________________________
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   Address:_____________________________________________________
   City : ______________ State: ______________ Postal Code: _____________
   County : ______________
   Phone number: ___________________
   Mobile: ___________________
   E-mail address: _______________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSESING AND PERMITTING) REGULATIONS, 2015

Form N-22 [Notice of an application for a prospecting licence]
(Clause 196(3) of the Mining Act and regulation 73 of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________
Licence Registration Code Number: ________
Dated seal here

Notice date: ________________________
Delivery method: ________________________
Sending Officer’s name: ________________________
Sending Officer’s signature: ________________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:
Dated seal here
(date recorded)

Prospecting licence number
PL _______________

on Day _____ Month _______ Year _________
Recording officer’s signature: ________________________
1. **Instruction to the recipients of this notice**

   Any person who believes he or she has a valid objection to the granting of a prospecting licence may, pursuant to Clause 34(2)(c)(i)) of the Act, within twenty-one (21) days of this notice submit objections in writing to the Mining Cadastre Office or local County Office.

2. **Information to the landowner, lawful occupier, community and the County government:**

   Upon receiving a valid application for a prospecting licence, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

   Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

   Where an objection to the grant of a prospecting licence has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection within seven (7) days, using Form N-24 [Notice of Decision on Objection to Grant licence]

3. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City : ______________ State: ______________ Postal Code:_______________

   County : __________________

   Phone number: ______________

   Mobile: ____________________

   Fax number (if any): ______________

   E-mail address: __________________

4. **Annexes**

   Annexed to this notice are

   a) the cadastral coordinates in the prescribed form of the Polygon defining the prospecting area;

   b) a map with the approximate position of the prospecting area marked upon it, and any directly adjacent mineral rights areas, with the exception of reconnaissance licences;
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

196. Form N-23 [Notice of cost of published announcement]
(Clause 196(3) of the Mining Act and regulation 73, 99, 123, 135 of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

Type of licence: ________________________
licence Registration Code Number: ________

Dated seal here
Notice date: __________________________
Delivery method: _____________________________
Sending Officer’s name: ________________________
Sending Officer’s signature: __________________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
Notice date (from box above) was recorded in the:
Dated seal here
(date recorded)

○ reconnaissance licence Number RL __________
○ prospecting licence Number PL __________
○ mining licence register ML __________
○ reconnaissance permit Number RP __________
○ prospecting permit Number PP __________
○ mining permit register MP __________
○ artisanal mining permit register AMP __________

on Day ______ Month _______ Year _________
Recording officer’s signature: __________________________
1. **Instruction to the recipient of this notice**

   Notice is herewith given that the cost of the published announcement of the application is KES _______________________.

   The recipient of this notice shall make payment via the OMC within seven (7) days of receiving such notice.

2. **Information to the landowner, lawful occupier, community and the County government:**

   Upon receiving a valid application for a prospecting licence, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

   Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

   Where an objection to the grant of a mineral right has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection within seven (7) days, using Form N-24 [Notice of Decision on Objection to Grant a licence]

3. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City : ______________ State: ______________ Postal Code: ____________

   County : __________________

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________
First Schedule

The Government of the Republic of Kenya
Ministry of Mining
The Mining Act
Mineral Licensing and Permitting Regulations, 2015

197. Form N-24 [Notice of Decision on Objection to Grant a Licence]

(Clause 196(3) of the Mining Act and regulation 73, 99, of the MINERAL LICENSING AND PERMITTING REGULATIONS, 2015)

Type of licence: ________________________

licence Registration Code Number: ________

Dated seal here

notice date

Notice date: __________________________

Delivery method: _____________________________

Sending Officer’s name: ______________________

Sending Officer’s signature: _____________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

- reconnaissance licence Number RL ___________
- prospecting licence Number PL ___________
- mining licence register ML ___________

on Day ______ Month ______ Year _______

Recording officer’s signature: ______________________
1. **Decision**
   
   The Cabinet Secretary informs the applicant and the objector of his or her decision in respect to the objection. The applications is
   
   - Approved
   - Rejected

2. **Information to the landowner, lawful occupier, community and the County government:**

   Upon receiving a valid application for a prospecting licence, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

   Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

3. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: ______________________________________________________

   City : ______________ State: ______________ Postal Code: ____________

   County : __________________

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________

4. **CC Objector**

   Each objector receives an individual copy of this notice.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

198. Form N-25 [Notice of consolidation of licences]

(Clause 196(3) of the Mining Act and regulation75 of the Mining (Licensing and permitting) regulations, 2015)

Prospecting licence Registration Code Number: ________

O Dated seal here
F (notice date)
I Notice date: ________________________________
C Receiving Officer’s name: ________________________
A Receiving Officer’s signature: ______________________
L

U Notice date (from box above) was recorded in the:
S Dated seal here
E (date recorded)

   o Prospecting licence number PL _______________

on Day ______ Month _______ Year _________

Application is complete
   o □Explanation describing the reason for consolidation is attached and detailed enough to convey the reason for the request to consolidate the mineral right areas.
   o □All licence rents and minimum operation expenditures have been paid.
   o □All licence reports required by the Act have been submitted.
   o □All environmental requirements for the consolidated licence have been met.
   o □Where required a Rehabilitation and Mine Closure Plan or revised Rehabilitation and Mine Closure Plan covering the consolidated licence has been approved.
   o □The applicant meets the Mining Act requirements of the licence applied for.

Application is approved

licence registration code number for the consolidated prospecting licence: ________
licences registration codes to be stricken from the registers:

Registration Code Number: _________
Registration Code Number: _________
Registration Code Number: _________

If approved,
Date approval was registered in the register: _______________________
Date holder was notified of the approval decision: _____________________
Date the register and cadastral Maps were updated: __________

If denied,
Reason for denial:
________________________________________________________________________
Date denial was registered in the Application register: ________________
Date holder was notified of the denial decision: ______________________

Cabinet Secretary’s signature: __________________________
Date of signature: __________________________
1. Request:
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

This request is being submitted for consolidation two (2) or more contiguous prospecting licences having the same term and in respect of the same mineral(s) (tick as appropriate):

Prospecting licences
Registration Code Number: __________
Registration Code Number: __________
Registration Code Number: __________

2. Information
Pursuant to Clause 85(2) of the Act, the holder of two (2) or more contiguous prospecting licences having the same term and in respect of the same mineral(s) may, as part of the renewal application then and for the purposes of relinquishment, request to have the areas considered as a single prospecting licence. If so approved, the holder shall be notified within thirty-five (35) days of making the request.

3. Attestation
By my signature below, I attest that following statements are true (as of the date of signature below): -

1. All the licences for which consolidation approval is being applied for are held by me or the Company for whom I am the authorised representative.
2. The attached explanation describing the reason for consolidation is accurate.
3. All rents and minimum operation expenditures for the above listed licences have been paid.
4. All reports required by the Act for the above listed licences have been submitted.
5. All environmental requirements for a consolidated licence have been met.
6. Where required the Rehabilitation and Mine Closure Plan for the consolidated licence has been approved.

Note: at the option of the submitter, evidentiary documents may be attached to this form.

Name of corporate body: _______________________________________________________
Name of authorised person: ____________________
Title or Position: ___________________
Signature of authorised person: ___________________
Date: ___________________
Telephone number: ___________
Mobile Number: ___________________
E-mail: ___________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
199. **Form N-26 [Notice of discovery of mineral or minerals]**

*(Clause 196(3) of the Mining Act and regulation)*

**The Mining Act**

**Mining (Licensing and Permitting) Regulations, 2015**

| Type of licence: | ________________________ |
| Licence registration code number: | ________ |

*O Dated seal here*

*F Notice date (from box above) was recorded in the:*

  - O reconnaissance licence Number RL __________
  - O prospecting licence Number PL __________
  - O mining licence register ML __________
  - O reconnaissance permit Number RP __________
  - O prospecting permit Number PP __________
  - O mining permit register MP __________
  - O artisanal mining permit register AMP __________

*on Day _____ Month ______ Year _______

*Recording officer’s signature: __________________________*
1. **Notice:**

Notice is hereby given that on the above referenced licence area for a
- mining licence
- other mineral right

a mineral deposit in potential commercial quantities has been discovered.

The deposit is described in the attached report.

2. **Information:**

Pursuant to Clause 104 of the Act, the holder of a mining licence shall, within thirty-five (35) days, report the discovery of any mineral not the subject of his licence, which report shall include details of the discovery and its potential economic value.

The holder of a mining licence having discovered and reported a mineral or minerals not included in the licence may apply to have the mineral included. The discovery shall be reported in Form N-19 [Notice of discovery of mineral deposit in potential commercial quantities] within seventy (70) days. Appended to such application shall be a proposed programme of economic evaluation and extraction for the mineral(s).

Pursuant to Clause 9 of the Act, the holder of a mineral right, having discovered a mineral occurrence not included in his or her licence, shall report that find to the Cabinet Secretary via the OMC using Form N-26 [Notice of discovery of mineral or minerals] within fourteen (14) days and may apply to have the mineral or minerals included in his or her licence using Form A-16 [Application to include discovered mineral or minerals into licence]. The application shall be accompanied by a proposed programme of economic evaluation for the mineral(s).

The holder of a prospecting licence, having discovered an economically viable mineral deposit shall have the exclusive right, subject to this Act and its provisions, to apply for a mining licence over the deposit.

3. **TITLEHOLDER DETAILS**

Name of holder: __________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ________________________________________________

City: ___________ State: ______________ Postal Code: ___________

County: ______________

Phone number: ______________

Mobile: ______________

E-mail address: ______________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

200. Form N-27 [Notice of permission to commence fieldwork]
(Clause 196(3) of the Mining Act and Regulation 78, 100, 124, 136 and 149 of the Mining (Licensing and Permitting) Regulations, 2015)

| Type of licence: __________________________ |
| licence Registration Code Number: ______ |
| O Dated seal here |
| F (notice date) |
| I Notice date: __________________________ |
| C Delivery method: __________________________ |
| A Sending Officer’s name: __________________________ |
| L Sending Officer’s signature: __________________________ |

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL __________
- prospecting licence Number PL __________
- retention licence Number RTL __________
- mining licence register ML __________
- reconnaissance permit Number RP __________
- prospecting permit Number PP __________
- mining permit register MP __________
- artisanal mining permit register AMP __________

on Day _____ Month _____ Year _________

Recording officer’s signature: __________________________
1. Notice of permission to commence fieldwork
   Notice of Permission to Commence Fieldwork is hereby given.

2. Instructions to recipient of this notice:
   Upon receipt of this notice the holder named below may begin with field works immediately.

3. TITLEHOLDER DETAILS
   Name of holder: ______________________________________________
   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at
   Address: ______________________________________________________
   City : _______________ State: _______________ Postal Code: __________
   County : _______________
   Phone number: _______________
   Mobile: _______________
   E-mail address: _______________
201. Form N-28 [Notice to provide an environmental protection bond]

(Clause 196(3) of the Mining Act and regulation79, of the Mining (Licensing and permitting)regulations, 2015)

Type of licence: ________________________
Licence Registration Code Number: ______

O Dated seal here
F (notice date)
I Date notice sent: __________________________
C I Sending Officer’s name: _______________________
A Sending Officer’s signature: _______________________
L Report was received for:
U
S o prospecting licence register ML ____________
E o prospecting permit register MP ____________

on Day _____ Month _____ Year _________

Recording officer’s signature: __________________________

1. Notification

Pursuant to Clause 184 of the Act the Cabinet Secretary has determined that an Environmental Protection Bond is required.

The title holder is hereby requested to provide an Environmental Protection Bond.

The amount and nature of the Bond or other financial security has been decided based on the cost estimate in the approved Prospecting Programme and is enclosed to this notice.

Until such Bond or security is provided, the invasive prospecting operations which triggered the notice shall not be carried out.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

202. Form N-29 [Notice to apply for a mining licence]

(Clause 196(3) of the Mining Act and Regulation 89 of the Mining (Licensing and Permitting) Regulations, 2015)

Retention licence Registration Code Number: ________

Notice date: ________________

Delivery method: ________________

Sending Officer’s name: ________________________

Sending Officer’s signature: _____________________

This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

on Day ________ Month ________ Year _________

Recording officer’s signature: __________________________
1. **Instruction to the recipient of this notice**

Pursuant to Clause 92(2) of the Act, the Cabinet Secretary, on the advice of the Mineral Rights Board and supported by a report prepared by an independent expert, believes that the deposit has become viable for development.

The recipient of this notice is therefore instructed, before the end of the next quarter, to apply for a mining licence.

2. **Information to the landowner, lawful occupier, community and the County government:**

Notwithstanding the term of validity of a retention licence, the holder shall continuously review market conditions, including market predictions, and technological advances, and shall submit quarterly reports together with supporting documents and reports, to show that the mineral deposit remains non-viable for the reasons it was originally granted.

Continuing validity of a retention licence depends on the holder demonstrating to the satisfaction of the Cabinet Secretary that the circumstances under which the licence was first granted continue to apply, and the Cabinet Secretary may demand up-to-date evidence of this.

Where the holder fails to comply, the Cabinet Secretary shall give thirty-five (35) days’ notice to show cause why the licence should not be revoked and, where the holder fails to respond or to show cause within fourteen (14) days why development is not feasible, the licence shall be revoked.

3. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ______________________________________________________

City : ______________ State: _______________ Postal Code:_______________

County : __________________

Phone number: _______________

Mobile: _______________

Fax number (if any): _______________

E-mail address: _______________

4. **Annexes**

Annexed to this notice are

c) the cadastral coordinates in the prescribed form of the polygon defining the mining area;

d) a map with the approximate position of the mining area marked upon it, and any directly adjacent mineral right areas, with the exception of reconnaissance licences;
203. Form N-30 [Notice to show cause]

(Clause 196(3) of the Mining Act and Regulation 89 of the Mining (Licensing and Permitting) Regulations, 2015)

Type of licence: ________________________

Retention licence Registration Code Number: ________

O Dated seal here
F (notice date)
F Notice date: ____________________________
C Delivery method: ____________________________
A Sending Officer’s name: _______________________ 
L Sending Officer’s signature: ____________________________
U This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
S
E Notice date (from box above) was recorded in the:

on Day ______ Month _______Year ________

Recording officer’s signature: __________________________
1. **Notice**

The retention licence holder is herewith given thirty-five (35) days’ notice to show cause why the licence should not be revoked.
Where the holder fails to respond or to show cause why development is not feasible, the licence shall be revoked.

2. **Information to the retention licence holder:**

Notwithstanding the term of validity of a retention licence, the holder shall continuously review market conditions, including market predictions, and technological advances, and shall submit quarterly reports, Form AR-11 [Retention licence Quarterly Report], together with supporting documents and reports, to show that the mineral deposit remains non-viable for the reasons it was originally granted. Continuing validity of a retention licence depends on the holder demonstrating to the satisfaction of the Cabinet Secretary that the circumstances under which the licence was first granted continue to apply, and the Cabinet Secretary may demand up-to-date evidence of this.

Pursuant to Clause 92(2) of the Act, where the Cabinet Secretary, on the advice of the Mineral Rights Board and supported by a report prepared by an independent expert, believes that the deposit has become viable for development he or she may instruct the holder using Form N-29 [Notice to apply for a mining licence] before the end of the next quarter to apply for a mining licence.

3. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : __________ State: ___________ Postal Code: ______________

County : ______________

Phone number: __________________

Mobile: __________________

Fax number (if any): ______________

E-mail address: __________________

4. **CC Objector**

Each objector receives an individual copy of this notice.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

204. Form N-31 [Notice of approval for surrender]
(Clause 196(3) of the Mining Act and regulation 49(5)(c.) of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: _______________________
Licence Registration Code Number: ________

O Dated seal here
F F (notice date)
I I Notice date: _______________________
C C Delivery method: _______________________
A A Sending Officer’s name: _______________________
L L Sending Officer’s signature: _______________________
U U This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
S S Notice date (from box above) was recorded in the:
Dated seal here
(date recorded)

○ reconnaissance licence Number RL _______________
○ prospecting licence Number PL _______________
○ mining licence register ML _______________
○ reconnaissance permit Number RP _______________
○ prospecting permit Number PP _______________
○ mining permit register MP _______________
○ artisanal mining permit register AMP _______________

on Day ______ Month _______ Year _________

Recording officer’s signature: _______________________


2. **Notice:**

The application for surrender of the mineral right who’s Registration Code Number appears at the top of this form has been approved.

It is herewith confirmed that

- the mineral right has been terminated or that
- the licence area is reduced to ______________ Cus.

The following conditions shall be complied with

_____________________________________________________________________________
_____________________________________________________________________________

3. **Information**

On satisfactory receipt of all required information, the Cabinet Secretary on the advice of the Mineral Rights Board shall give the holder of the licence written notice within thirty-five (35) days that the application for surrender has been approved

4. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________________

City: ___________ State: ___________ Postal Code: ___________

County: ___________

Phone number: ___________

Mobile: ___________

Fax number (if any): ___________

E-mail address: ___________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

205. Form N-32 [Notice of an application for a mining licence]

(Clause 196(3) of the Mining Act and Regulation 99 of the Mining (Licensing and Permitting) Regulations, 2015)

| Type of licence: ________________________ |
| Licence Registration Code Number: ________ |
| O Dated seal here |
| F (notice date) |
| F |
| I Notice date: __________________________ |
| C Delivery method: __________________________ |
| I |
| A Sending Officer’s name: ________________________ |
| L Sending Officer’s signature: ________________________ |
| U This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder. |
| S |
| E |

Notice date (from box above) was recorded in the:
Dated seal here (date recorded)

- mining licence Number PL __________

on Day ______ Month _______ Year _________

Recording officer’s signature: __________________________
1. **Instruction to the recipients of this notice**

Any person who believes he or she has a valid objection to the granting of a mining licence may, pursuant to Clause 34(2)(c)(i)) of the Act, within twenty-one (21) days of this notice submit objections in writing to the Mining Cadastre Office or local County Office.

2. **Information to the landowner, lawful occupier, community and the County government:**

Upon receiving a valid application for a mining licence, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

Where an objection to the grant of a mining licence has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection within seven (7) days, using Form N-24 [Notice of Decision on Objection to Grant a licence]

3. **TITLEHOLDER DETAILS**

Name of holder: ________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ____________________________________________________________

City : __________ State: ______________ Postal Code: ____________

County : ______________

Phone number: ________________

Mobile: ________________

Fax number (if any): ______________

E-mail address: ________________

4. **Annexes**

Annexed to this notice are

c) the cadastral coordinates in the prescribed form of the polygon defining the mining area;

f) a map with the approximate position of the mining area marked upon it, and any directly adjacent mineral rights areas, with the exception of reconnaissance licences;
206. Form N-33 [Notice of commencement of mine development]

(Clause 196(3) of the Mining Act andregulation100, 136 and 149 of the Mining (Licensing and permitting)regulations, 2015)

Type of licence: ______________________

Licence Registration Code Number: ______

Dated seal here

Application received:

Date registered: Day ___ Month ____Year _____

Time registered: Hr._____ Min_____

Notice recorded in: (tic one box)

mining permit register

mining licence register

artisanal mining permit

Receiving Officer’s name: ______________________

Signature: ______________________

Applicant, or applicant’s representative, verifying officer’s signature above:

Name: ______________________ Signature: ______________________
1. Instructions:
This form shall be completed in full and be submitted via the OMC. Substantial mine development work shall commence as specified in the approved programme. On this form include only matters pertinent to the mining licence Registration Code Number reported above. Use a separate notice form for each licence (combined notices are not permissible).

Substantial on-site mine development work is scheduled to commence on:
Day ______, Month ______, Year _________
within the mining licence area who’s Registration Code Number appears at the top of this form.

2. TITLEHOLDER DETAILS
Name of holder: ______________________________________________
(Hereinafter referred to as the “holder”) whose registered office in Kenya is at
Address:__________________________________________________________
City :______ State:___ Postal Code:_______________
County :
Phone number:___________________
Mobile:___________________
Fax number (if any):___________________
E-mail address:___________________
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

3. Attestation
I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME
Name of corporate body: ______________________________________________
Name of authorised person: _______________ Title or position: _______________
Signature of authorised person :___________________
Date :___________________
Telephone number: :___________________
Mobile Number :___________________
E-mail :___________________
Note please:
Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING

THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

207. Form N-34 [Notice of intent to cease or curtail operations]

Clause 196(3) of the Mining Act and Regulation 103 of the Mining (Licensing and Permitting) Regulations, 2015

Type of licence: ___________________
licence Registration Code Number: ________

Dated seal here

Application Received:

Date registered: Day ___ Month ____ Year ______
Time registered: Hr._____ Min______

Notice recorded in: (tic one box)

- mining permit register
- mining licence register

Receiving Officer’s name: ____________________

Signature: ___________________________

Applicant, or applicant’s representative, verifying officer’s signature above:

Name: ____________________ Signature: ____________________
2. **Instructions:**

This form shall be completed in full and be submitted via the OMC. Report on this form the date that the mining licence holder expects to permanently cease production on its mining licence area and the reason why production will cease. The form shall be submitted at least one hundred and eighty-two (182) days prior to the date on which mineral production will permanently cease. On this form include only matters pertinent to the mining licence Registration Code Number reported above. Use a separate notice form for each licence (combined notices are not permissible).

The mining licence area who’s Registration Code Number appears at the top of this form is expected to permanently cease mineral production on:

Day ______, Month ______, Year _________.

The reason that production will cease is:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

*If necessary, attach additional sheet.*

3. **MINING LICENCE TITLEHOLDER DETAILS**

Name of holder: ___________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: _________________________________________________________

City : ______ State: ___ Postal Code: ______________

County : __

Phone number: __________________

Mobile: __________________

Fax number (if any): ______________

E-mail address: ________________

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
4. Attestation
I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body: ________________________________________________________

Name of authorised person: _______________ Title or Position: ________________

Signature of authorised person :____________________

Date :____________________

Telephone number: :__________

Mobile Number :____________________

E-mail :____________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
### Form N-35 [Notice of approval to cease or curtail operations]

*Clause 196(3) of the Mining Act and regulation 103 of the Mining (Licensing and permitting) regulations, 2015*

| Type of licence: ________________________ |
| Licence Registration Code Number: ______ |

**Dated seal here**

Notice sent: ____________________________

- **Date registered:** Day ___ Month ____ Year _____
- **Time registered:** Hr._____ Min_______

Notice recorded in: (tick one box)

- mining permit register
- mining licence register

Sending Officer’s name: ________________________

Signature: ________________________
2. **Instructions:**

The Cabinet Secretary, having investigated the circumstances, has

- **Approved**
- **Rejected**

such proposed curtailment, suspension or cessation of mining.

The approval shall become valid not later than 3 days before the end of the time line of one hundred and eighty-two (182) days prior to the date on which mineral production will permanently cease.

The mining licence who’s Registration Code Number appears at the top of this form is expected to permanently cease mineral production on:

Day _____, Month _____, Year _________.

The approval is subject to the following conditions considered necessary:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

*If necessary, attach additional sheet.*

3. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ______________________________________________________

City: __________ State: __________ Postal Code: ________________

County: _______________

Phone number: ____________

Mobile: ________________

Fax number (if any): ________________

E-mail address: ________________
209. Form N-36 [Notice of change of the environmental protection bond or financial security]

(Clause 196(3) of the Mining Act and regulation 106, 139 of the Mining (Licensing and permitting) regulations, 2015)

| Type of licence: ________________________ |
| License Registration Code Number: ________ |

O Dated seal here

F (notice date)

I Date notice sent: _________________________

C Sending Officer’s name: ____________________

A Sending Officer’s signature: ________________

L Report was received for:

U S o mining licence register ML _____________

E o mining permit register MP _____________

on Day _____ Month _____ Year _________

Recording officer’s signature: ___________________________
1. Notification
This notice serves to notify the holder of the above referenced Mineral holder of a change in the

- amount and/or nature of the environmental protection bond or
- any other financial security.

The new

- amount of the environmental protection bond has been set to KES ________ and the new
  nature of the environmental protection bond shall be

  ______________________________________________________________
  ____________________________________________________________________

or

- the new financial security shall cover KES ________________________________.

2. Information
On renewal of a mining licence, the Cabinet Secretary shall notify within seven (7) days the
holder of any change in the amount and/or nature of the environmental protection bond and
any other financial security, using Form N-36 [Notice of change of the environmental
protection bond or financial security]. Until such bond or security is in place, the
mining licence shall not be renewed.

On receiving notice that a change to a bond or security is required, the holder shall within
thirty-five (35) days submit a copy of the bond or security via the OMC, and within a further
seven (7) days shall deliver the original bond or security document to the Mining Cadastre
Office.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

210. Form N-37 [Notice of an application for a prospecting permit]

(Clause 196(3) of the Mining Act and Regulation 123 of the Mining (Licensing and permitting) Regulations, 2015)

Type of licence: ________________________
Licence Registration Code Number: ______

O Dated seal here
F (notice date)
I Notice date: ________________________
C Delivery method: ________________________
A Sending Officer’s name: ________________________
L Sending Officer’s signature: ________________________

US This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.

Notice date (from box above) was recorded in the:
Dated seal here
(date recorded)

○ Prospecting permit Number PP ____________

on Day _____ Month _____ Year _________

Recording officer’s signature: ________________________
1. **Instruction to the recipients of this notice**

Any person who believes he or she has a valid objection to the granting of a prospecting permit may, pursuant to Clause 34(2)(c)(i)) of the Act, within twenty-one (21) days of this notice submit objections in writing to the Mining Cadastre Office or local County Office.

2. **Information to the landowner, lawful occupier, community and the County government:**

Upon receiving a valid application for a prospecting permit, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

Where an objection to the grant of a prospecting permit has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection within seven (7) days, using Form N-24 [Notice of Decision on Objection to Grant a licence]

3. **TITLEHOLDER DETAILS**

Name of holder: ______________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ______________________________________________________________

City : ______________ State: ______________ Postal Code: ______________

County : ______________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________

4. **Annexes**

Annexed to this notice are

   g) the cadastral coordinates in the prescribed form of the polygon defining the prospecting area;

   h) a map with the approximate position of the prospecting area marked upon it, and any directly adjacent mineral rights areas, with the exception of reconnaissance licences;
211. **Form N-38 [Notice of decision on objection to grant a permit]**

*(Clause 196(3) of the Mining Act and regulation 123, 135 of the Mining (Licensing and permitting) regulations, 2015)*

| Type of licence: ________________________ |
| Licence Registration Code Number: ________ |

O  Dated seal here
F  (notice date)
I  Notice date: __________________________
C  Delivery method: ________________________
A  Sending Officer’s name: __________________
L  Sending Officer’s signature: ______________
U  This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder.
S  _______________
E  _______________

Notice date (from box above) was recorded in the:
Dated seal here
*(date recorded)*

- o  reconnaissance permit Number  RP __________
- o  prospecting permit Number     PP __________
- o  mining permit register        MP __________
- o  artisanal mining permit register AMP __________

on Day ______ Month ______ Year _______

Recording officer’s signature: __________________________
1. **Decision**

The Cabinet Secretary informs the applicant and the objector of his or her decision in respect to the objection. The applications is
- Approved
- Rejected

2. **Information to the landowner, lawful occupier, community and the County government:**

Upon receiving a valid application for a mineral right, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

3. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ________________________________________________________________

City: ______________ State: ______________ Postal Code: ______________

County: ______________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

4. **CC Objector**

Each objector receives an individual copy of this notice.
### FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

#### 212. Form N-39 [Notice of an application for a mining permit]

*Clause 196(3) of the Mining Act and regulation 135 of the Mining (Licensing and permitting) regulations, 2015*

| Type of licence: ________________________ |
| Licence Registration Code Number: ________ |
| Dated seal here |
| F (notice date) |
| F |
| I Notice date: __________________________ |
| C Delivery method: ________________________ |
| I |
| A Sending Officer’s name: __________________ |
| L Sending Officer’s signature: __________________ |
| U This box to be completed on Government’s demand notice copy only, not on the copy sent to the holder. |
| S |
| E |

Notice date (from box above) was recorded in the:

Dated seal here

(date recorded)

- mining permit number

on Day ______ Month ______ Year ________

Recording officer’s signature: ___________________________
1. **Instruction to the recipients of this notice**

Any person who believes he or she has a valid objection to the granting of a mining permit may, pursuant to Clause 34(2)(c)(i)) of the Act, within twenty-one (21) days of this notice submit objections in writing to the Mining Cadastre Office or local County Office.

2. **Information to the landowner, lawful occupier, community and the County government:**

Upon receiving a valid application for a mining permit, the Cabinet Secretary, within seven (7) days, issue a notice in writing to the relevant landowner, lawful occupier, community and the County government, and within the same period places an announcement in a local newspaper with wide circulation.

Any objections duly submitted shall be determined by the Cabinet Secretary within fourteen (14) days of the receipt of the objection. An objection shall be considered only if it addresses a matter referred within the Mining Act or its regulations or in another applicable law of Kenya.

Where an objection to the grant of a mining permit has been duly submitted, the Cabinet Secretary shall inform the applicant and objector of his or her decision in respect to the objection within seven (7) days, using Form N-24 [Notice of Decision on Objection to Grant a licence]

3. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : ___________ State: ___________ Postal Code: ____________

County : ______________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

4. **Annexes**

Annexed to this notice are

i) the cadastral coordinates in the prescribed form of the polygon defining the mining area;

j) a map with the approximate position of the mining area marked upon it, and any directly adjacent mineral rights areas, with the exception of reconnaissance licences;
213. Form N-40 [Notice to surrender a licence or permit]

(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and permitting)regulations, 2015)

Type of licence: ______________________

Licence Registration Code Number: ______

Dated seal here

Notice of Reception date: __________________________

Receiving Officer’s name: __________________

Receiving Officer’s signature: _____________________

Notice date (from box above) was recorded in the:

- reconnaissance licence Number RL _______________
- prospecting licence Number PL _______________
- mining licence register ML _______________
- reconnaissance permit Number RP _______________
- prospecting permit Number PP _______________
- mining permit register MP _______________
- artisanal mining permit register AMP _______________

on Day ______ Month ______ Year ______

Recording officer’s signature: __________________________
4. Notice:
Herewith the holder of the mineral right who’s Registration Code Number appears at the top of this form gives formal notice that it wishes to surrender the mineral right.

- All required documents are attached to this notice
- Details of any potentially hazardous substances, excavations and buildings remaining in the area using are provided

5. Information
Copies of all reports, records and other information not previously submitted in respect of the Mining area to be delivered to Mining Cadastre Office within the notice period; and
a report covering the work carried out under the Environmental Management Plan since the last annual report and in particular actions taken in regard to the closure of the mine, protection of the environment and rehabilitation of the mining area.

6. TITLEHOLDER DETAILS
Name of holder: ____________________________________________
(Hereinafter referred to as the “holder”) whose registered office in Kenya is at
Address:__________________________________________________________
City:____________________ State:_________ Postal Code:_______________
County:_____________________
Phone number: ___________________
Mobile: ___________________
Fax number (if any): ______________
E-mail address: _______________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

214. **Form N-41 [Notice of commencement of mineral production]**

*(Clause 196(3) of the Mining Act and regulation 100 of the Mining (Licensing and permitting) regulations, 2015)*

| Type of licence: __________________________ |
| Licence Registration Code Number: ________ |
| Dated seal here |
| Application received: |
| Date registered: Day ___ Month ____ Year _____ |
| Time registered: Hr._____ Min______ |
| Notice recorded in: *(tic one box)* |
| mining permit register |
| mining licence register |
| Receiving Officer’s name: _______________________ |
| Signature: ________________________________ |
| Applicant, or applicant’s representative, verifying officer’s signature above: |
| Name: ___________________________ Signature: ___________________________ |
1. **Instructions:**

   This form shall be completed in full and be submitted via the OMC. Mineral production shall commence as specified in the approved programme. Report on this form the date that the mining licence holder expects to first achieve commercial, not just trial production. This form should be submitted no less than forty-two (42) days from the expected commercial production start date. The commercial production start date is the date on which the mine is first expected to produce at or in excess of twenty per cent (20%) of the design capacity of the mine(s), or where the mining operations consist solely of mineral processing operations, at twenty per cent (20%) of the design capacity of the processing plant. The expected commercial production start date reported on this form will be the commercial production start date for the mining licence irrespective of whether commercial production is achieved sooner or later than on the date reported herein. On this form include only matters pertinent to the mining licence Registration Code Number reported above. Use a separate notice form for each licence (combined notices are not permissible).

2. **Commercial production start date**

   The mining licence area who’s Registration Code Number appears at the top of this form is expecting the commercial production start date to be on:

   Day ______, Month ______, Year ________.

3. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: ______________________________________________________

   City :_____ State:___ Postal Code:_______________

   County :_

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________

   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
4. Attestation

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body: ________________________________________________________________

Name of authorised person: ______________ Title or Position: ____________________

Signature of authorised person :________________________

Date :________________________

Telephone number: :________________

Mobile Number :________________________

E-mail :________________________

Note please:

Any communication will be sent to the address indicated in the licence application or as amended.
215. **Form N-42 [Notice of design capacity]**

*(Clause 196(3) of the Mining Act and regulation100 of the Mining (Licensing and permitting) regulations, 2015)*

| Type of licence: ____________________________ |
| Licence Registration Code Number: ________ |
| Dated seal here |
| Application received: |
| Date registered: Day ___ Month ___ Year ____ |
| Time registered: Hr._____ Min______ |
| Notice recorded in: *(tic one box)* |
| Mining permit register |
| Mining licence register |
| Receiving Officer’s name: ____________________________ |
| Signature: ____________________________ |
| Applicant, or applicant’s representative, verifying officer’s signature above: |
| Name: ____________________________ Signature: ____________________________ |
1. **Instructions:**

This form shall be completed in full and be submitted via the OMC. This form should be submitted no less than forty-two (42) days from the expected commercial production start date and each time that there is a significant change in capacity (for example due to an expansion). The commercial production start date is the date on which the mine is first expected to produce at or in excess of twenty per cent (20%) of the design capacity of the mine(s), or where the mining operations consist solely of mineral processing operations, at twenty per cent (20%) of the design capacity of the processing plant. A “processing plant” is a plant that produces a mineral product that is intended for sale other than raw ore (for example, a concentrator producing saleable concentrate). On this form include only matters pertinent to the mining licence Registration Code Number reported above. Use a separate notice form for each licence (combined notices are not permissible).

<table>
<thead>
<tr>
<th>Mine(s)</th>
<th>Processing Plant(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Capacity:</td>
</tr>
</tbody>
</table>

2. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ____________________________________________

City: _____ State: ___ Postal Code: __________

County: __________________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
3. **Attestation**

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body: ______________________________________________________

Name of authorised person: ____________ Title or Position: _________________

Signature of authorised person :________________________

Date :________________________

Telephone number: :____________

Mobile Number: :________________________

E-mail: :________________________

**Note please:**

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSENG ANDPERMITTING)REGULATIONS, 2015

216. Form N-43 [Notice of royalty assessment payment]
(Claue 196(3) of the Mining Act andregulation100 of the Mining (Licensing and permitting)regulations, 2015

| Type of licence: ________________ |
| Licence Registration Code Number: ______ |
| Dated seal here |

| Date notice received: _____________________________ |
| Receiving officer’s name: _________________________ |

| Receiving officer’s signature: ____________________ |
| Amount on payment receipt received: KSh__________ |

  o mining permitregister_____
  o mininglicenceregister_____
1. **Instructions to the holder:**
   This form should be submitted with any royalty payment to the Government agency responsible for the collection of royalties in the State(s) wherein the mineral right area is located. A copy should also be sent to the Director of Mines. The holder shall retain a copy at its registered place of business. A separate form is required for each mineral product sales (or transfer) transaction. Attach a detailed explanation of how the amount of royalty paid was calculated including the royalty rate. This assessment return notice form can also be used to amend a previous notice wherein an underpayment or overpayment was reported, and if used for this purpose, attach a detailed explanation.

2. **Date of mineral product sale (or transfer):**
   Day ________, Month ________, Year __________.

   Party to whom the sale (or transfer) was made:
   Name of holder: ______________________________________________
   whose registered office in Kenya is at
   Address:________________________________________________________
   City:_____________ State:_____________ Postal Code:_____________
   County:__________
   Phone number: ___________________
   Mobile: ________________
   Fax number (if any): ________________
   E-mail address: ________________

3. **Type of mineral:**

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<th>Code</th>
<th>Mineral</th>
<th>Type</th>
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</tbody>
</table>

4. **Detailed description of mineral products sold (or transferred) including quantity and quality (attach additional sheet if necessary).**

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
5. **Description of how the realised sales price was established (attach additional sheet if necessary).**

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

6. **The amount of the royalty paid** *(or that is included for payment with this Notice)*.

KSh __________________

7. **Holder details:**

   Name of holder: ________________________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:__________________________________________________________

   City : ______ State: ___ Postal Code: __________

   County : _

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________

   *(Note: when any attestation provided in this form is found to be false the person whose
   signature appears below shall be guilty of an offence and subject to penalty.)*

8. **Attestation**

   I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE AND IN THE
   ATTACHMENTS HERETO IS TRUE AS IT IS KNOWN TO ME AND THAT ALL
   SALES UPON WHICH THIS NOTICE IS BASED WERE MADE ON AN “ARMS
   LENGTH BASIS” AS DEFINED IN THE MINING ACT.

   Name of corporate body: ________________________________________________________

   Name of authorised person: ______________ Title or position: ______________

   Signature of authorised person: ______________

   Date: ______________

   Telephone number: ______________

   Mobile Number: ______________

   E-mail: ______________

   *(Note please:)*

   Any communication will be send to the address indicated in the licence application or as
   amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

217. Form N-44 [Notice of area-based annual charge payment]
(Clause 196(3) of the Mining Act and regulation 15 of the Mining (Licensing and Permitting) regulations, 2015)

Type of licence: _______________________
Licence Registration Code Number: ______

Date notice received: _______________________
Receiving officer’s name: ___________________
Receiving officer’s signature: ___________________
Amount on payment receipt received: KSh__________

- prospecting licence register
- mining permit register
- mining licence register
1. **Instructions to holder:**

A holder, except for reconnaissance licence, a retention licence or reconnaissance permit holder, is required to pay area-based annual charges as prescribed in regulation 15. This form should be submitted with the area-based annual charge payment to the Director of Mines. The holder shall retain a copy at its registered place of business. A separate form is required for each mineral right (no combined notices). This return notice form can also be used to amend a previous notice wherein an underpayment or overpayment was reported, and if used for this purpose, attach a detailed explanation.

2. **Mineral right area:**

   If mineral right was issued this year, CUs comprising the mineral right area on the date of issue, otherwise the mineral right area as of January 1 this year:

   _________ Sq. km

3. **mineral right** *(tick option)*
   - o prospecting licence
   - o mining licence
   - o prospecting permit
   - o mining permit
   - o artisanal mining permit

4. **Annual area-based charge from the Second Schedule:**  
   _________ KSh/ sq.km

5. **Annual area-based charge payable:**  
   _________ KSh

6. **Holder details:**

   Name of holder: ____________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________

   City:______ State:___ Postal Code:_______________

   County:_________

   Phone number: ________________

   Mobile: ________________

   Fax number (if any): ________________

   E-mail address: ________________

   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
7. Attestation

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE AND IN ANY ATTACHMENTS HERETO IS TRUE AS IT IS KNOWN TO ME.

Name of corporate body: ______________________________________________________

Name of authorised person: ______________________ Title or Position: ___________________

Signature of authorised person :____________________

Date :____________________

Telephone number: :____________

Mobile Number :________________________

E-mail :________________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

218. Form N-45 [Notice of encumbrance or lien]
(Clause 196(3) of the Mining Act and regulation 45(2) of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: _____________________
licence Registration Code Number: ________
Dated seal here
Application Received:
○ Dated registered: Day ___ Month ____ Year _____
○ Time registered: Hr.____ Min_____
Notice recorded in: (tic one box)
○ prospecting licence register
○ mining licence register
○ mining permit register
Receiving Officer’s name: ____________________
Signature: ______________________
Applicant, or applicant’s representative, verifying officer’s signature above:
Name: ____________________ Signature: ____________________
1. Instructions:
When any rights arising from a mineral right that are transferable under the Act are wholly or partially assigned, sublicenced, pledged, mortgaged, charged, hypothecated or subject to any security interest this form shall be completed in full, signed by the holder and submitted to the Mining Cadastre Office via the OMC within forty-two (42) days of such transaction date. A copy of the document or documents comprising the transaction shall be attached. Use a separate notice form for each such transaction (combined notices are not permissible).

2. Titleholder Details
Name of holder: ______________________________________________ (hereinafter referred to as the “holder”) whose registered office in Kenya is at
Address: ______________________________________________________
City : _____ State: ___ Postal Code: ______________
County :__
Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

3. Attestation
I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME
The transaction reported in this form does not violate the following prohibited acts: no encumbrance or lien may be placed upon any mineral resources, or upon any mining permit or mining licence or upon the facilities, installations and other fixtures that are part of the mining operations unless it is to secure financing for said activities.
Name of corporate body: ______________________________________________
Name of authorised person: ________________ Title or position: ________________
Signature of authorised person : __________________________________________
Date : ______________________
Telephone number: ________________
Mobile Number: ______________________
E-mail : ______________________

Note please:
Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

219. Form N-46 [Statement of assets & hazardous materials]

(Clause 149 of the Mining Act and regulation 52 of the Mining (Licensing and permitting) regulations, 2015

| Type of licence: ________________________ |
| Licence Registration Code Number: ________ |
| Dated seal here |
| Application received: |
| Dated registered: Day ___ Month ___ Year _____ |
| Time registered: Hr._____ Min______ |
| Notice recorded in: (tic one box) |
| o reconnaissance licence register |
| o prospecting licence register |
| o retention licence register |
| o mining licence register |
| o reconnaissance permit register |
| o prospecting permit register |
| o mining permit register |
| o artisanal mining permit register |
| Receiving Officer’s name: __________________________ |
| Signature: __________________________ |
| Applicant, or applicant’s representative, verifying officer’s signature above: |
| Name: __________________________ Signature: __________________________ |
1. **Instructions:**
   A mineral right holder, who wishes to surrender their mineral right, shall complete this form in full, sign it and submit it to the Mining Cadastre Office via the OMC. Use a separate notice form for each surrender (combined notices are not permissible)

2. **Description**
   Please describe any immovable and movable assets, e.g. excavations and buildings and all hazards that may pose a danger to the safety and health of employees and the public, e.g. explosives, hazardous chemicals and substances that will be used in mining, if any, and how they will be transported, handled, used, stored and or destroyed. Please use additional pages, if required.
   
   (c) **Immovable assets**
   
   i. 
   
   ii. 
   
   iii. 
   
   (d) **Movable assets**
   
   i. 
   
   ii. 
   
   iv. 
   
   (e) **Potential Hazards**
   
   i. 
   
   ii. 
   
   v. 
   
   (f) **Explosives**
   
   i. 
   
   ii. 
   
   vi. 
   
   (g) **Hazardous chemicals and substances**
   
   i. 
   
   ii. 
   
   vii. 
   

3. **MINERAL RIGHT HOLDER DETAILS**

   **Name of holder:** ______________________________________________
   (hereinafter referred to as the “holder”) whose registered office in Kenya is at
   **Address:** ______________________________________________
   **City:** _______ **State:** ___ **Postal Code:** ________________
   **County:** __
   **Phone number:** ________________
   **Mobile:** ________________
   **Fax number (if any):** ________________
   **E-mail address:** ________________
(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

4. Attestation

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE IS TRUE AS IT IS KNOWN TO ME

Name of corporate body: _______________________________________________________

Name of authorised person: _______________ Title or Position: ___________________

Signature of authorised person: __________________

Date: __________________

Telephone number: __________________

Mobile Number: __________________

E-mail: __________________

Note please:

Any communication will be sent to the address indicated in the licence application or as amended.
220. Form R-1 [Receipt for payment of application fee]

For all applications under the Mining Act and the Mining (Licensing and permitting) regulations, 2015

Instructions:

- This form shall be completed in full, signed and date sealed by the officer receiving the receipt of payment, and issued to the applicant.
- Any fee shall be paid in full as per the amount specified in the Second Schedule to these regulations (no partial payments are allowed).

Fee specified in the Second Schedule to these regulations: (KSh): _________

Receipt received by Mining Cadastre Office over (KSh): _________

Type of application fee: (tick one option)

- reconnaissance licence application processing fee
- prospecting licence application processing fee
- prospecting licence term extension application processing fee: (1st extension)
- prospecting licence term extension application processing fee: (2nd extension)
- retention licence application processing fee
- mining licence application processing fee
- mining licence area enlargement processing fee
- mining licence application for term extension processing fee
- application to Consolidate mining licences processing fee
- reconnaissance permit application processing fee
- prospecting permit application processing fee
- prospecting permit application for term extension processing fee
- mining permit application processing fee
- mining permit application for term extension processing fee
- artisanal mining permit application processing fee
- artisanal mining permit application for term extension processing fee
- prospecting and mining agreement application fee
- mineral right transfer application processing fee
- other: __________________________

(date seal here)
Date receipt received: ___________________
Receiving officer’s name: ___________________
Receiving officer’s title: ___________________
Receiving officer’s signature: ___________________
**FIRST SCHEDULE**

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

221. **Form R-2 [Receipt for payment of licence registration fee]**

For all licences under the Mining Act and the Mining (Licensing and permitting) regulations, 2015

**Instructions:**

- This form shall be completed in full, signed and date sealed by the officer receiving the payment receipt, and issued to the applicant.
- Any licence registration fee shall be paid in full as per the amount specified in the Second Schedule to these regulations (no partial payments are allowed).

Registration fee specified in the Second Schedule to these regulations: (KSH):

Payment receipt received by Mining Cadastre Office over (KSH):

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<th>Type of application fee: (tick one option)</th>
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<td>o mining permit registration fee</td>
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<td>o artisanal mining permit registration fee</td>
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Date received: ______________________
Receiving officer’s name: ______________________
Receiving officer’s title: ______________________
Receiving officer’s signature: ______________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (licensing and permitting) regulations, 2015

222. Form R-3 [Receipt for submitted report]
Mining Act and the Mining (Licensing and Permitting) regulations, 2015

Instructions:
This form shall be completed in full, signed and dated by the officer receiving the report and issued to holder submitting the report. Use a separate receipt form for each report received.

Report received by Mining Cadastre Office: (tick one option)

- Form AR-3 [reconnaissance licence annual report] licence No.RL _______
- Form AR-4 [reconnaissance licence annual expenditure report] licence No.RL _______
- Form AR-5 [reconnaissance licence six (6) monthly report] licence No.RL _______
- Form AR-7 [prospecting licence annual report] licence No.PL _______
- Form AR-8 [prospecting licence annual expenditure report] licence No.PL _______
- Form AR-9 [prospecting licence quarterly report] licence No.PL _______
- Form AR-10 [Environment and Social Impact Assessment report] licence No._______
- Form AR-11 [Retention licence quarterly report] licence No.RTL _______
- Form AR-12 [Retention licence annual report] licence No.RTL _______
- Form AR-13 [Retention licence annual expenditure report] licence No.RTL _______
- Form AR-14 [mining licence quarterly report] licence No.ML _______
- Form AR-15 [mining licence annual report] licence No.ML _______
- Form AR-16 [reconnaissance permit annual report] Permit No.RP _______
- Form AR-17 [Prospecting permit annual report] Permit No.RP _______
- Form AR-18 [Prospecting permit annual expenditure report] Permit No.RP _______
- Form AR-19 [mining permit quarterly report] Permit No.MP _______
- Form AR-20 [mining permit annual report] Permit No.MP _______
- Form AR-21 [Work carried out under the Environmental Management Plan] licence No._______
- Form AR-22 [Artisanal mining permit annual report] Permit No.AP _______
- Form AR-23 [Artisanal mining permit quarterly report] Permit No.AP _______
- Form AR-25 [Annual employment and training report] licence No._______
- Form AR-27 [mining licence monthly report] licence No.ML _______

Date report received: ___________________
Receiving officer’s name: ____________________  
(dated seal here)
Receiving officer’s title: ______________________
Receiving officer’s signature: ________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

223. Form R-4 [Receipt for payment of conversion application processing fee]

Mining Act and the Mining (Licensing and permitting) regulations, 2015

Instructions:
- This form shall be completed in full, signed and date sealed by the officer receiving the payment receipt, and issued to the applicant.
- Any fee shall be paid in full as per the amount specified in the Second Schedule to these regulations (no partial payments are allowed).

Fee specified in the Second Schedule to these regulations: (KSH): _______
Payment receipt received by Mining Cadastre Office over (KSH): _______

Type of application fee: (tick one option)
- mining permit Conversion Processing Fee for permit No. MP___________
- Other: __________________________

Date payment received: ________________

(dated seal here)

Receiving officer’s name: __________________________
Receiving officer’s title: __________________________
Receiving officer’s signature: __________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSEING AND PERMITTING) REGULATIONS, 2015

224. Form R-5 [Receipt for payment of bond]

Instructions:
- This form shall be completed in full, signed and date sealed by the officer receiving the payment receipt, and issued to the applicant.
- Any Bond shall be paid in full as per the amount specified (no partial payments are allowed).

Payment receipt received by Mining Cadastre Office over (KSH): _______________

Bond is paid for: (tick one option)

- reconnaissance licence No. _______________
- prospecting licence No. _______________
- retention licence No. _______________
- mining licence No. _______________
- reconnaissance permit No. _______________
- prospecting permit No. _______________
- mining permit No. _______________
- artisanal mining permit No. _______________

Date received: _______________

Receiving officer’s name: _______________________

Receiving officer’s title: _______________________

Receiving officer’s signature: ____________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

225. Form R-6 [Receipt for report of newly discovered mineral(s)]

Mining Act and regulation of the Mining (Licensing and permitting) regulations, 2015.

Instructions:

This form shall be completed in full, signed and date sealed by the officer receiving the report and issued to holder submitting the report.

Report received by Mining Cadastre Office

- Form N-26 [Notice of Discovery of Mineral or Minerals]

1. Particulars of the discoverer:
Name of discoverer: ______________________________________________
Address: _______________________________________________________
City : ______ State:___ Postal Code:_______________
County : __________________
Phone number: _________________
Mobile: _______________________
Fax number (if any): _________________
E-mail address: _________________

2. Particulars of the report
Date report received: _________________
Receiving officer’s name: _______________________
Receiving officer’s title: _______________________
Receiving officer’s signature: ___________________

(dated seal here)
Reconnaissance Licence Registration No. RL ______

Term of licence: ________ years

Term commences on: day____, month____, year ______

Term ends on: day____, month____, year ______

This licence cannot be transferred or assigned.

The mineral right area granted under this licence cannot be enlarged or reduced in size.

3. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this reconnaissance licence,

Name: _____________________________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________________________

City: ______ State: ___________ Postal Code: ___________

County: ______________________

Phone number: __________________

Mobile: _______________________

Fax number (if any): ______________

E-mail address: ___________________

is hereby granted the non-exclusive right to do reconnaissance work within and over the mineral right area specified in Annex 1 of this licence (comprising an area of _________ CUs).

4. This licence confers on the holder the non-exclusive right within the reconnaissance area to:
   
   (a) obtain access and to enter on the area to carry on reconnaissance operations;

   (b) fly over the area to carry on reconnaissance operations, in compliance with applicable law;

   (c) implement a reconnaissance programme as approved by the Mining Cadastre Office;

   (d) take and remove specimens and samples not exceeding such limit as is reasonably required for reconnaissance with the prior written permission of the Director of Mines and to analyse said specimens and samples;
(e) erect camps and temporary buildings, including installations in any water forming part of the area, provided that the erection of any camp or building under this Subsection shall not be construed as conferring any right, title or interest in the land; and

(f) remove any camps, temporary buildings or installations the holder erected.

5. The holder, during the term of this reconnaissance licence, shall do all things required by the Mining Act including but not limited to:

(a) within the reconnaissance area carry out reconnaissance operations in accordance with a reconnaissance programme approved by the Mining Cadastre Office;

(b) commence field reconnaissance in accordance with the approved reconnaissance programme;

(c) employ for reconnaissance at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines;

(d) submit geological samples, information and such periodical reports as may be prescribed as may be prescribed;

(e) not engage in drilling, trenching, excavation or other subsurface techniques;

(f) inform and consult, on an ongoing basis, with local government, traditional authorities and communities about those Reconnaissance operations that require physical entry onto the land within their respective jurisdictions;

(g) compensate owners and users of land for damage to land and property resulting from reconnaissance in the reconnaissance area; and

(h) maintain and restore from any damage resulting from reconnaissance the land that is subject to the mineral right area to a safe state and in compliance with environmental law and standards.
6. ACCOMPANYING ANNEXES

Annex 1: Form I-1 [Identification of mineral right area] and its required attachments
Annex 2: Map of reconnaissance area
Annex 3: Approved reconnaissance programme

__________________________________
__________________________________
__________________________________

DATED THIS ________ DAY OF ___________________ 2

__________________________________
Cabinet Secretary (name) (signature)

In the presence of:

__________________________________
Director of Mines (name) (signature)

(dated seal here)
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

227. Form L-2 [Prospecting licence]

Clause 196(3) of the Mining Act and Regulation 68 of the Mining (Licensing and Permitting) Regulations, 2015

Prospecting licence Registration No. PL _____
Initial term of licence: ______ years
Initial term commences on: day____, month____, year_____
Initial term ends on: day____, month____, year_____
First Renewed term ends on: day____, month____, year_____
Second Renewed term ends on: day____, month____, year_____
Provided all conditions under the Act have been met, the term of this licence can be renewed twice.
The prospecting area granted in this licence cannot be enlarged but the holder may apply to relinquish area.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this prospecting licence,

Name: ___________________________________________________________________
(Hereinafter referred to as the “holder”) whose registered office in Kenya is at
Address: ___________________________________________________________________
City: ______ State: _______ Postal Code: __________
County: __________
Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________
is by this licence granted the exclusive right to conduct prospecting operations within and over the prospecting area specified in Annex 1 of this licence (comprising an area of ________ CUs).
2. This licence confers on the holder the exclusive right within the prospecting area to:

(1) conduct prospecting operations on an exclusive basis for the concerned mineral(s)

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<th>Mineral</th>
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(2) to carry out the operations and work necessary to the achievement of this objective;
(3) obtain access and to enter upon the land;
(4) inform, on an ongoing basis, local government, traditional authorities and communities about those prospecting operations that require physical entry onto the land within their jurisdiction;
(5) with prior written permission of the Director take, remove and export specimens and samples not exceeding such limit as is reasonably required for prospecting operations purposes;
(6) with prior written permission of the Director do bulk sampling and trial processing of mineral resources not exceeding such limit as is reasonably required for determining mining potential;
(7) occupy the land and erect temporary installations, camps, or structures necessary to the carrying out of prospecting operations in consultation with local authorities;
(8) construct temporary access roads, subject to applicable law;
(9) sink shafts or drill holes or wells and dig holes and trenches; and
(10) apply to transfer the licence to an eligible party in the prescribed manner.

3. The holder, during the term of this prospecting licence, shall do all things required by the Mining Act including but not limited to:

(1) carry out prospecting operations within the prospecting licence area in accordance with its approved prospecting programme;
(2) commence prospecting operations in the prospecting area within ninety-one (91) days from the date the prospecting licence is issued;
(3) comply with such annual work programme expenditure requirements and land area relinquishment requirements as is approved in the work Programme;
(4) The holder of an prospecting licence shall submit to the Director of Geological Survey not later than three months after the end of each licence Year, an audited statement of expenditure directly incurred under the licence and any moneys required to be spent under the provisions of Subsection (2) and which are not so spent shall be a debt due to Government recoverable in a court of competent jurisdiction.
(5) On application by the holder of an prospecting licence, the Cabinet Secretary may refund a cash payment under subsection (4) of this section, in whole or in part, where the holder satisfies the Director that, in the year or years since the year in which the deficiency arose, the holder has performed required work or has incurred...
expenditures for the performance of required work the value of which exceeds the
prescribed required work minimum value applicable in the subsequent year or years
and that no deficiency or a reduced deficiency remains in respect of required work.

(6) submit geological samples, information and such periodical reports as may be
prescribed;

(7) inform and consult, on an ongoing basis, with local government, traditional
authorities and communities about those prospecting operations that require physical
entry onto the land within their respective jurisdictions;

(8) employ for prospecting operations at least one fully eligible geologist, mining
engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable
university or school of mines;

(9) implement a corporate social responsibility Programme in conformity to Mining
Cadastre Office guidelines (or in the absence of such guidelines, according to ISO
26000);

(10) compensate owners and users of land for damage caused to land and property
resulting from prospecting operations in the prospecting area;

(11) maintain and restore land and the environment, from any damage resulting from
prospecting operations, including but not limited to:
   (a) filling up any shafts, wells, holes or trenches made by the holder; and
   (b) restoring the land subject to the right to a safe and secure environment and in
compliance with Environmental Law and standards;

(12) relinquish any area required by government for a public purpose other than for any
activity related to mineral exploitation;

(13) not divert water from any watercourse without the consent in writing of the relevant
competent authority after consultation with the local communities and authorities and
subject to Subsection (10) of this Section; and

(14) if intending to conduct prospecting operations on land occupied under National
Government, State Government or local government licence, or land subject to
another right of occupancy including occupancy under customary law, give notice to
the lessee or occupant before commencing prospecting operations on the land.

(15) pay area-based annual charges as is prescribed.
4. ACCOMPANYING ANNEXES
   Annex 1: Form I-1 [Identification of mineral right area] and its required attachments
   Annex 2: Map of prospecting area
   Annex 3: Approved prospecting programme

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

   DATED THIS _________ DAY OF ___________________2____

   Cabinet Secretary (name) (signature)
   In the presence of:

   Director of Mines (name) (signature)

   (dated seal here)
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

228. **Form L-3 [Retention licence]**

(Clause 196(3) of the Mining Act and regulation 83 of the Mining (Licensing and permitting) regulations, 2015)

Retention licence Registration No. RTL_____

This retention licence is valid for

- prospecting licence Registration No. PL _________________
- mining licence No. ________________________________
- Initial term of licence: _______ years
- Initial term commences on: day____, month____, year_____
- Initial term ends on: day____, month____, year_____
- First Renewed term ends on: day____, month____, year_____

This licence cannot be transferred.

1. Subject to the conditions set out in the Mining Act, in these regulations made under the Act and in this retention licence,

   Name: ___________________________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: __________________________________________________________________

   City: ______ State: ______ Postal Code: _______________

   County: __________
   Phone number: _______________
   Mobile: _______________
   Fax number (if any): _______________
   E-mail address: _______________

   is by this licence granted that it is still the rightful holder of the licence listed above, but the terms for the approved Prospecting Programme and minimum expenditure obligation in respect of the licence are suspended.

2. The Director of Mines shall consider in case of sub economy of the project whether the project review by the holder has shown sufficient evidence that the project is at current commodity prices sub-economical. For the purposes of this regulation, “sub-economical” means, current commodity prices do not cover production costs as presented in the project
review and commodity price projections, as presented by major commodity price platforms, such as but not limited to plats, do not predict a price recovery in the near future.

3. Retention shall have no impact on the holder’s obligation to pay the fees specified in regulations.

4. **ACCOMPANYING ANNEXES**

   Annex 1: Form I-1 [Identification of mineral right area]

   Annex 2: Map of retention licence area

   DATED THIS _______ DAY OF ________________________ 2____

   __________________________________________________________
   Cabinet Secretary (name)                                       (signature)

   In the presence of:

   __________________________________________________________
   Director of Mines (name)                                        (signature)

   (dated seal here)
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

229. Form L-4 [Mining licence]

(Clause 196(3) of the Mining Act and regulation 94 of the Mining (Licensing and permitting) regulations, 2015

Mineral licence Registration No. ML_____

Initial term of licence: _______ years

Initial term commences on: day_____, month _____, year ______

Initial term ends on: day_____, month _____, year ______

First renewed term ends on: day_____, month _____, year ______

Provided all conditions under the Act have been met, the term of this licence can be extended.

The holder may apply to enlarge or relinquish mining area granted in this licence.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this mining licence,

Name: ____________________________________________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________________________________________

City: ___________ State: ___________ Postal Code: ___________

County: ___________

Phone number: ___________

Mobile: ___________

Fax number (if any): ___________

E-mail address: ___________

is by this licence granted the exclusive right to conduct mining operations for the specified mineral resources within the mining licence area specified in Annex 1 of this licence (comprising an area of ________ CUs).
2. This licence confers on the holder the exclusive right within the mining licence area to:
   (1) exclusively carry out mining operations of the following mineral resources

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   (2) to carry out necessary operations and works related thereto;
   (3) utilise the land and construct installations and infrastructure necessary to carrying out mineral exploitation;
   (4) stack or dump any mineral or waste product in a manner approved by the Director, in consultation with the health and environmental authorities;
   (5) store, transport, process, smelt and refine mineral resources and dispose of any waste in a prescribed manner;
   (6) sell or otherwise dispose of the mineral products resulting from the mineral exploitation; and
   (7) apply to transfer the licence to an eligible party in the prescribed manner.

3. The holder shall not commence any mine development or carry on mining operations on the area subject to this licence until the holder has -
   (1) obtained approval of all assessments, plans and Programmes for the protection of the environment and to manage pollution as may be required under Environmental Law;
   (2) obtained approval of a Rehabilitation and Mine Closure Plan;
   (3) provided a notice of commencement of mine development to the Director of Mines that specifies the date by when the company intends to commence substantial on-site mine development;
   (4) submitted to the Director of Mines a plan of mining operations;
   (5) extinguished, compensated, relocated or otherwise settled all land and use rights held by third parties in the mining licence area; and
   (6) entered into approved Community Development Agreements in such form and manner as may be prescribed.

4. The holder, during the term of this licence, shall do all things required by the Mining Act including but not limited to:
   (1) commence substantial on-site mine development or processing plant development, where the mining licence area is for mineral processing operations only, as specified in the approved programme;
   (2) commence mineral production no later than specified in the approved programme;
   (3) maintain continuous commercial production, as may be prescribed, after mineral product extraction has commenced;
(4) cause to be kept true and sufficient books of account of the mining operations and other business carried on upon the mining licence area, and of the sale or other disposal of the mineral product obtained; and to produce such books upon request by duly authorised officers;

(5) submit geological and mineral product samples, information and such periodical reports as may be prescribed;

(6) maintain the safety standards of the mineral right area and mining operations in accordance with all labour and occupational health and safety laws and comply with such other health and safety requirements that may be prescribed by regulations;

(7) comply with all requirements for assessments and maintain plans and programmes for the protection of the environment and to manage pollution under this Act or as provided by applicable law;

(8) comply with its approved Rehabilitation and Mine Closure Plan, and update it as may be prescribed;

(9) not mine radioactive minerals without a written authorisation granted by the Cabinet Secretary;

(10) maintain, update and submit a plan of mining operations, as may be prescribed;

(11) allow through the mining licence area access to any adjoining land as shall not in the opinion of the Director interfere with mining operations;

(12) allow the construction and use on mining licence area such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, and public utilities as shall not reasonably interfere with mining operations;

(13) compensate users of land for damage to land and property resulting from mining operations; and

(14) mark and maintain the boundaries of the mining licence area as prescribed;

(15) employ for mining operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines;

(16) notify the Director of Mines at least one hundred seventy-five (175) days prior to permanently ceasing mineral product production, in such manner and form as may be prescribed.

(17) assist in the development of communities near to or affected by its operations to promote the general welfare and enhance the quality of life of the inhabitants living there, and to enter into Community Development Agreements with such communities, at such time, in such manner and in such form as may be prescribed, in cooperation with relevant government authorities; and

(18) pay area-based annual charges and royalties as may be prescribed.
5. ACCOMPANYING ANNEXES

Annex 1. Form I-I [Identification of mineral right area].
Annex 2: Map of mining licence area
Annex 3: Approved programme for mining operations

____________________________________

____________________________________

DATED THIS _________ DAY OF ___________________2____

________________________________

Cabinet Secretary (name) (signature)

In the presence of:

________________________________

Director of Mines (name) (signature)

(dated seal here)
230. Form L-5 [Mineral agreement]

(Clause 196(3) of the Mining Act and Regulation 107 of the Mining (Licensing and Permitting) Regulations, 2015)

To be inserted from the Mineral Agreement regulations
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

231. **Form L-6 [Reconnaissance permit]**

(Clause 196(3) of the Mining Act and regulation 109 of the Mining (Licensing and permitting) regulations, 2015)

Reconnaissance permit Registration No. RP____

Term of permit: ______ years

Term commences on: day_____, month ______, year ______

Term ends on: day_____, month ______, year ______

This permit cannot be transferred or assigned.

The mineral rights area granted in this permit cannot be enlarged or reduced in size.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this reconnaissance permit,

   **Name**: ____________________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   **Address**: __________________________________________________________

   **City**: ______ **State**: ______ **Postal Code**: __________

   **County**: ______________

   **Phone number**: ______________

   **Mobile**: ______________

   **Fax number (if any)**: ______________

   **E-mail address**: ______________

   is by this permit granted the non-exclusive right to conduct reconnaissance work within and over the mineral rights area specified in Annex 1 of this permit (comprising an area of ________ CUs).

2. This permit confers on the holder the non-exclusive right within the reconnaissance area to:

   (a) obtain access and to enter on the area to carry on Reconnaissance;

   (b) carry out reconnaissance in compliance with applicable law;

   (c) implement a reconnaissance programme as approved by the Mining Cadastre Office;

   (d) take and remove specimens and samples not exceeding such limit as is reasonably required for reconnaissance with the prior written permission of the Director of Mines and to analyse said specimens and samples;

   (e) erect camps and temporary buildings, including installations in any water forming part of the area, provided that the erection of any camp or building under this
subsection shall not be construed as conferring any right, title or interest in the land;
and
(f) remove any camps, temporary buildings or installations the holder erected.

3. The holder, during the term of this reconnaissance permit, shall do all things required by the Mining Act including but not limited to:

(a) within the reconnaissance area carry out reconnaissance in accordance with a reconnaissance programme approved by the Mining Cadastre Office;
(b) commence field reconnaissance in accordance with the approved reconnaissance programme;
(c) employ for reconnaissance at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines;
(d) submit geological samples, information and such periodical reports as may be prescribed as may be prescribed;
(e) not engage in drilling, trenching, excavation or other subsurface techniques;
(f) inform and consult, on an ongoing basis, with local government, traditional authorities and communities about those reconnaissance operations that require physical entry onto the land within their respective jurisdictions;
(g) compensate owners and users of land for damage to land and property resulting from reconnaissance in the reconnaissance area; and
(h) maintain and restore from any damage resulting from reconnaissance the land that is subject to the mineral right area to a safe state and in compliance with environmental law and standards.
4. ACCOMPANYING ANNEXES
   Annex 1: Form I-1 [Identification of mineral right/area]
   Annex 2: Map of reconnaissance area
   Annex 3: Approved reconnaissance programme

   ______________________________________
   ______________________________________
   ______________________________________

   DATED THIS _________ DAY OF ___________________ 2____
   ______________________________________
   _________________________
   Cabinet Secretary (name)   (signature)
   In the presence of:
   ______________________________________
   ______________________________________
   Director of Mines (name)   (signature)

   (dated seal here)
232. **Form L-7 [Prospecting permit]**

(Clause 196(3) of the Mining Act and regulation 118 of the Mining (Licensing and Permitting) Regulations, 2015)

Prospecting permit Registration No. PP____

Initial term of permit: ______ years

Initial term commences on: day____, month____, year____

Initial term ends on: day____, month____, year____

First Renewed term ends on: day____, month____, year____

Provided all conditions under the Act have been met, the term of this permit can be renewed once.

The Prospecting Area granted in this permit cannot be enlarged but the holder may apply to relinquish area.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this prospecting permit,

Name: __________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________

City: _________ State: _________ Postal Code: ________

County: ______________

Phone number: ______________________

Mobile: ______________________

Fax number (if any): ______________________

E-mail address: ______________________

is by this permit granted the exclusive right to conduct prospecting operations within and over the prospecting area specified in Annex 1 of this permit (comprising an area of ________ CUs).
2. This permit confers on the holder the exclusive right within the prospecting area to:

(1) conduct prospecting operations on an exclusive basis for the concerned mineral(s)

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<th>Mineral</th>
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(2) to carry out the operations and work necessary to the achievement of this objective;

(3) obtain access and to enter upon the land;

(4) inform, on an ongoing basis, local government, traditional authorities and communities about those prospecting operations that require physical entry onto the land within their jurisdiction;

(5) with prior written permission of the Director of Mines take, remove and export specimens and samples not exceeding such limit as is reasonably required for prospecting operations purposes;

(6) with prior written permission of the Director of Mines do bulk sampling and trial processing of mineral resources not exceeding such limit as is reasonably required for determining mining potential;

(7) occupy the land and erect temporary installations, camps, or structures necessary to the carrying out of prospecting operations in consultation with local authorities;

(8) construct temporary access roads, subject to applicable law;

(9) sink shafts or drill holes or wells and dig holes and trenches; and

(10) apply to transfer the permit to an eligible party in the prescribed manner.

3. The holder, during the term of this prospecting permit, shall do all things required by the Mining Act including but not limited to:

(1) carry out prospecting operations within the prospecting permit area in accordance with its approved prospecting programme;

(2) commence prospecting operations in the prospecting area within ninety-one (91) days from the date the prospecting permit is issued;

(3) comply with such annual work programme expenditure requirements and land area relinquishment requirements as is approved in the work programme;

(4) The holder of an prospecting permit shall submit to the Director of Geological Survey not later than three (3) months after the end of each year of the permit, an audited statement of expenditure directly incurred under the permit and any moneys required to be spent under the provisions of subsection (3) and which are not so spent shall be a debt due to Government recoverable in a court of competent jurisdiction.

(5) On application by the holder of a mineral prospecting permit, the Cabinet Secretary may refund a cash payment under Subsection (4) of this Section, in whole or in part.
where the holder satisfies the Director of Mines that, in the year or years since the
year in which the deficiency arose, the holder has performed required work or has
incurred expenditures for the performance of required work the value of which
exceeds the prescribed required work minimum value applicable in the subsequent
year or years and that no deficiency or a reduced deficiency remains in respect of
required work.

(6) submit geological samples, information and such periodical reports as may be
prescribed;

(7) inform and consult, on an ongoing basis, with local government, traditional authorities
and communities about those prospecting operations that require physical entry onto
the land within their respective jurisdictions;

(8) employ for prospecting operations at least one fully eligible geologist, mining
engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable
university or school of mines;

(9) implement a corporate social responsibility programme in conformity with Mining
Cadastre Office guidelines (or in the absence of such guidelines, according to ISO
26000);

(10) compensate owners and users of land for damage caused to land and property
resulting from prospecting operations in the prospecting area;

(11) maintain and restore land and the environment, from any damage resulting from
prospecting operations, including but not limited to:

(a) filling up any shafts, wells, holes or trenches made by the holder; and

(b) restoring the land subject to the right to a safe and secure environment and in
compliance with environmental law and standards;

(12) relinquish any area required by government for a public purpose other than for any
activity related to mineral exploitation;

(13) not divert water from any watercourse without the consent in writing of the relevant
competent authority after consultation with the local communities and authorities and
subject to subsection (10) of this section; and

(14) if intending to conduct prospecting operations on land occupied under National
Government, state government or local government permit, or land subject to another
right of occupancy including occupancy under customary law, give notice to the
lessee or occupant before commencing prospecting operations on the land.

(15) pay area-based annual charges as is prescribed.
4. ACCOMPANYING ANNEXES
   Annex 1: Form I-1 [Identification of mineral right area]
   Annex 2: Map of prospecting area
   Annex 3: Approved prospecting programme

   ___________________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________

   DATED THIS _________ DAY OF ___________________2____

   ___________________________________________________________________
   ___________________________________________________________________

   Cabinet Secretary (name) (signature)
   In the presence of:

   ___________________________________________________________________
   ___________________________________________________________________

   Director of Mines (name) (signature)

   (dated seal here)
**FIRST SCHEDULE**

**THE GOVERNMENT OF THE REPUBLIC OF KENYA**

**MINISTRY OF MINING**

**THE MINING ACT**

**MINING (LICENSES AND PERMITTING) REGULATIONS, 2015**

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### 233. Form L-8 [Mining permit]

*Clause 196(3) of the Mining Act and regulation 130 of the Mining (Licensing and Permitting) Regulations, 2015*

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<th>Field</th>
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<tbody>
<tr>
<td>Mining permit Registration No.</td>
<td>MP______</td>
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<tr>
<td>Initial term of permit</td>
<td>_____ years</td>
</tr>
<tr>
<td>Initial term commences on</td>
<td>day____, month____, year____</td>
</tr>
<tr>
<td>Initial term ends on</td>
<td>day____, month____, year____</td>
</tr>
<tr>
<td>First Renewed term ends on</td>
<td>day____, month____, year____</td>
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</table>

Provided all conditions under the Act have been met, the term of this permit can be renewed once.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this mining permit,

   Name: ____________________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: _______________________________________________________

   City: __________ State: __________ Postal Code: __________

   County: _______________________________________________________

   Phone number: _______________________

   Mobile: ___________________________

   Fax number (if any): ____________________

   E-mail address: _______________________

   is by this permit granted the exclusive right to conduct mining operations for the specified mineral resources within the mining permit area specified in Annex 1 of this permit (comprising an area of _______ CUs).
2. This permit confers on the holder the exclusive right within the mineral right area to:

(1) exclusively carry out mining operations of the following mineral resources

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(2) to carry out necessary operations and works related thereto;
(3) utilise the land and construct installations and infrastructure necessary to carrying out mineral exploitation;
(4) stack or dump any mineral or waste product in a manner approved by the Director, in consultation with the health and environmental authorities;
(5) store, transport, process, smelt and refine mineral resources and dispose of any waste in a prescribed manner;
(6) sell or otherwise dispose of the mineral products resulting from the mineral exploitation; and
(7) apply to transfer the permit to an eligible party in the prescribed manner.

3. The holder only has the right to conduct a mining operation -
(1) that does not exceed any of the following production limits
   (a) for extraction of mineral resources an annual throughput of 25,000 m³; or
   (b) that does not have underground workings; and
   (c) do not employ
      (i) specialised prospecting
      (ii) mechanised mining technologies
      (iii) chemicals including mercury and cyanide or
      (iv) explosives:
   (2) that do not involve an investment or expenditure which exceed such amount as may be prescribed
   (3) A mining permit may be revoked when any term, condition or limitation specified in subsection (1) of this section is violated.

4. The holder shall not commence any mine development or carry on mining operations on the mineral right area until the holder has -
(1) obtained approval of all assessments, plans and programmes for the protection of the environment and to manage pollution as may be required by environmental law;
(2) obtained approval of a Rehabilitation and Mine Closure Plan;
(3) provided a notice of commencement of mine development to the Director of Mines that specifies the date by when the company intends to commence substantial on-site mine development;
submitted to the Director of Mines a plan of mining operations; and

extinguished, compensated, relocated or otherwise settled all land use rights held by third parties in the mining permit area.

5. The holder, during the term of this permit, shall do all things required by the Mining Act including but not limited to:

(1) commence mine development or processing plant development, where the mining permit area is for mineral processing operations in accordance with the approved programme;

(2) commence mineral production no later than approved in the programme;

(3) maintain continuous commercial production, as may be prescribed, after mineral product extraction has commenced;

(4) cause to be kept true and sufficient books of account of the mining operations and other business carried on the mining right area, and of the sale or other disposal of the mineral product obtained; and to produce such books upon request by the duly authorised officers;

(5) submit geological and mineral product samples, information and such periodical reports, as may be prescribed;

(6) maintain the safety standards of the mining right area and mining operations in accordance with all applicable laws concerning health and safety and comply with such other health and safety requirements that may be prescribed by regulations;

(7) comply with all requirements for assessments, plans or programmes for the protection of the environment and to manage pollution under this Act and any applicable law;

(8) comply with its approved Rehabilitation and Mine Closure Plan, and update it as may be prescribed;

(9) not mine radioactive minerals without a written authorisation granted by the Cabinet Secretary;

(10) maintain, update and submit a plan of mining operations, as may be prescribed;

(11) allow access through the permit area to any adjoining land as shall not in the opinion of the Director of Mines interfere with mining operations;

(12) allow the construction and use on the mining right area, such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, and public utilities as shall not in the opinion of the Director of Mines interfere with mining operations;

(13) employ for mining operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines;

(14) compensate users of land for damage to land and property resulting from mining operations; and

(15) mark and maintain the boundaries of the mining right area as prescribed;

(16) notify the Director of Mines at least forty-two (42) days prior to permanently ceasing mineral product production, in such manner and form as may be prescribed; and

(17) pay area-based annual charges and royalties as may be prescribed.
6. ACCOMPANYING ANNEXES
   Annex 1. Form I-1 [Identification of mineral right/area]
   Annex 2. Map of mining permit area
   Annex 3: Approved mining permit programme

   DATED THIS _________ DAY OF ___________________2____

   ________________________________  ________________________________
   Cabinet Secretary (name)  (signature)

   In the presence of:

   ________________________________  ________________________________
   Director of Mines (name)  (signature)

   (dated seal here)
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

234. Form L-9 [Artisanal mining permit]

(Clause 196(3) of the Mining Act and regulation 141 and 146 of the Mining (Licensing and permitting) regulations, 2015)

Artisanal mining permit Registration No.: AMP_____

Initial term of permit: _______ years

Initial term commences on: day_____, month _____, year _______

Initial term ends on: day_____, month _____, year _______

First Renewed term ends on: day_____, month _____, year _______

Provided all conditions under the Act have been met, the term of this permit can be renewed once.

1. Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this artisanal mining permit,

Name: _______________________________________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ________________________________________________

City: _________ State: _______ Postal Code: _____________

County: __________________

Phone number: ___________________

Mobile: ___________________

Fax number (if any): ___________________

E-mail address: ___________________

is by this permit granted the exclusive right to conduct mining operations for the specified mineral resources within the artisanal mining permit area specified in Annex 1 of this permit (comprising an area of _______ CUs).
2. This permit confers on the holder the exclusive right within the mineral right area to:

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<th>Code</th>
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(1) exclusively carry out mining operations of the following mineral resources:

(2) to carry out necessary operations and works related thereto;

(3) utilise the land and construct installations and infrastructure necessary to carrying out mineral exploitation;

(4) stack or dump any Mineral or waste product in a manner approved by the Director, in consultation with the health and environmental authorities;

(5) store, transport, process, smelt and refine mineral resources and dispose of any waste in a prescribed manner;

(6) sell or otherwise dispose of the mineral products resulting from the mineral exploitation; and

(7) apply to transfer the permit to an eligible party in the prescribed manner.

3. The holder only has the right to conduct a Mining Operation -

(1) that does not exceed any of the following production limits

(a) for extraction of mineral resources an annual throughput of 25,000 m³; or

(b) that does not have underground workings; and

(c) do not employ

(i) specialised prospecting

(ii) mechanised mining technologies

(iii) chemicals including mercury and cyanide or

(iv) explosives:

(2) that do not involve an investment or expenditure which exceed such amount as may be prescribed

(3) An artisanal mining permit holder has the right to apply for a mining permit on a priority basis in such manner and form as may be prescribed by regulation.

(4) An artisanal mining permit may be revoked when any term, condition or limitation specified in Subsection (1) of this Section is violated.

4. The holder shall not commence any mine development or carry on mining operations on the mineral right area until the holder has -

(1) obtained approval of all assessments, plans and programmes for the protection of the environment and to manage pollution as may be required by environmental law;

(2) obtained approval of a Rehabilitation and Mine Closure Plan;

(3) provided a notice of commencement of mine development to the Director of Mines that specifies the date by when substantial on-site mine development will commence;

(4) submitted to the Director of Mines a plan of mining operations; and
(5) extinguished, compensated, relocated or otherwise settled all land use rights held by third parties in the artisanal mining permit area.

5. The holder, during the term of this permit, shall do all things required by the Mining Act including but not limited to:

(1) commence mine development or processing plant development, where the artisanal mining permit area is for mineral processing operations in accordance with the approved programme;

(2) commence mineral production no later than approved in the programme;

(3) maintain continuous commercial production, as may be prescribed, after mineral product extraction has commenced;

(4) cause to be kept true and sufficient books of account of the mining operations and other business carried on the mineral right area, and of the sale or other disposal of the mineral product obtained; and to produce such books upon request by the duly authorised officers;

(5) submit geological and mineral product samples, information and such periodical reports, as may be prescribed;

(6) maintain the safety standards of the mineral right area and mining operations in accordance with all applicable laws concerning health and safety and comply with such other health and safety requirements that may be prescribed by regulations;

(7) comply with all requirements for assessments, plans or programmes for the protection of the environment and to manage pollution under this Act and any applicable law;

(8) comply with its approved Rehabilitation and Mine Closure Plan, and update it as may be prescribed;

(9) not mine radioactive minerals without a written authorisation granted by the Cabinet Secretary;

(10) maintain, update and submit a plan of mining operations, as may be prescribed;

(11) allow access through the permit area to any adjoining land as shall not in the opinion of the Director interfere with mining operations;

(12) allow the construction and use on the mineral right area, such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads, and public utilities as shall not in the opinion of the Director interfere with mining operations;

(13) employ forming operations at least one fully eligible geologist, mining engineer or geoscientist holding a bachelor’s degree or equivalent from a reputable university or school of mines;

(14) compensate users of Land for damage to land and property resulting from mining operations; and

(15) mark and maintain the boundaries of the mineral right area as prescribed;

(16) notify the Director of Mines at least forty-two (42) days prior to permanently ceasing mineral product production, in such manner and form as may be prescribed; and

(17) pay area-based annual charges and royalties as may be prescribed.
5. ACCOMPANYING ANNEXES
   Annex 1. Form I-1 [Identification of mineral right area]
   Annex 2. Map of artisanal mining permit area
   Annex 3. Approved mining permit programme

____________________________________
____________________________________
____________________________________

DATED THIS _________ DAY OF ___________________2__

________________________________
Director of Mines (name) (signature)

In the presence of:

________________________________
Cabinet Secretary (name) (signature)

(dated seal here)
235. Form AR-1 [Seek and obtain written consents]

(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and Permitting) Regulations, 2015)

Date: _______________________

Requesting officer’s name: ____________________________________________

Signature: ___________________________________________________________
1. Instruction to the mineral rightholder
This notice is to be attached as a cover to the written consents of any and all parties whose consents are required or with whom agreements must be entered into.

2. Information to mineral rightholder:
Pursuant to Clauses 36, 37 and 38 of the Act, an applicant shall following submission of an application for a mineral right is approved, seek and obtain the written consents of any and all parties whose consents are required or with whom agreements must be entered into, and submit these documents via the OMC within the time limit specified in the respective application according to the category of mineral right.

Where requested to do so the applicant shall in addition deliver to the Mining Cadastre Office hardcopy originals of any consents or agreements for verification within seven (7) days of receiving such notice.

Notwithstanding, the applicant may, via the OMC and giving reasons, request additional time to obtain such consents or agreements, and the Cabinet Secretary may agree to such renewal, using Form N-8 [Notice to agree on time renewal] if he or she considers the reason(s) to be reasonable.

(1) Agreements must be entered into with three potential land owners:

(a.) Restricted or excluded land:
It shall be the applicant’s responsibility in the first instance to determine, and for the Ministry to then verify, whether the area applied for includes land that is restricted or excluded or falls within one or more of the categories listed under (a) to (i) of Clause 36 (2) of the Act, and if so to indicate in the application whether he or she wishes to have such land included in the right. Unless excluded, it shall be the applicant’s responsibility to seek and obtain the written consent in each case of the relevant authorities or bodies. Failure to make clear which lands are applied for and to supply all necessary consents shall result in such areas being automatically excluded.

(b.) Private land:
An applicant whose application includes private land on which any excavation or drilling is proposed shall submit copies of all legally binding agreements entered into with the land owners as required under Clause 37 of the Act.

(c.) Community land:
An applicant whose application includes community land on which any excavation or drilling is proposed shall submit a signed copy of each legally binding agreement entered into with, as appropriate, the authority obligated by the law relating to the administration and management of community land, or the National Land Commission as required under Clause 36 of the Act.

(2) Pursuant to Clause 39 of the Act, if the person responsible for the State organ, agency, authority or person referred to under Clauses 36, 37 and 38 of the Act fails to respond to the applicant’s request for consent within twenty-one (21) days, or refuses to give such consent, the applicant may request the Cabinet Secretary to grant the mineral right on the basis that no objection has been made or that the refusal is unreasonable using Form N-9 [Notice to grant mineral right due to no objection or unreasonable refusal].
236. **Form AR-2 [Request to deliver a bond]**

*(Clause 196(3) of the Mining Act and regulation 44 of the Mining (Licensing and permitting) regulations, 2015)*

| O | Dated seal here |
| F | Day request sent: |
| I | Day ___ Month ___ Year _____ |
| C | Request relates to: (tic one box and add the number) |
| A | o reconnaissance licence No. _____________ |
| L | o prospecting licence No. ________________ |
| U | o retention licence No. _________________ |
| S | o mining licence No. ____________________ |
| E | o reconnaissance permit No. ______________ |
|   | o prospecting permit No. ________________ |
|   | o mining permit No. _____________________ |
|   | o artisanal mining permit No. ____________ |

Requesting officer’s name: _______________________

Signature: _______________________

1. **Information to mineral right holder:**

   Pursuant to Clauses 158(1) and (2) of the Act, a mineral right holder shall deposit a bond as guarantee against a claim for compensation payable to a landowner or lawful occupier of land for loss of use, damage to land or loss of earnings.

   Pursuant to Clause 158(3) of the Act, the Cabinet Secretary shall decide the amount and nature of the bond on a case by case basis according to the proven loss of use, damage to land or loss of earnings. A compensation guarantee bond shall not be required in the case of non-invasive reconnaissance or prospecting works.

   No invasive mining or prospecting works shall start without the bond having been delivered.

2. **Instruction to mineral right holder:**

   The mineral right holder shall deliver a bond to a sum as calculated in the attached document. The holder shall within fourteen (14) days of the Cabinet Secretary’s notice deliver the bond via the OMC.
237. **Form AR-3 [reconnaissance licence annual report]**

(Clauses 196(3) of the Mining Act and regulation 49(5)(b), 65(1)(b.), of the Mining (Licensing and Permitting) Regulations, 2015)

Reconnaissance licence Registration Code Number: RL__________

Year: _________

O Dated seal here

F Date report received: _____________________________

I Attestation has been signed (tick option):

C   o Yes

A   o No

L   (note: if attestation signature is absent, the report cannot be accepted)

U Report is confirmed complete: ____________

E Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**
   This form shall be completed in full, signed by a duly authorised officer or director of the reconnaissance licence holder who has been awarded a university degree in geological sciences or Mining Engineering and submitted via the OMC. This form shall be attached to the reconnaissance licence annual report. On this form report only matters pertinent to the mineral right registration code number reported above. Use a separate reporting form and report for each registered reconnaissance licence (combined reports are not permissible).

   There reconnaissance licence annual report attaching to this form shall describe all reconnaissance activities, discoveries, results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. **TITLEHOLDER DETAILS**
   
   Name of holder: _______________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City:_________ State:_______ Postal Code:_______________

   County:__________________

   Phone number: _________________

   Mobile: _________________

   Fax number (if any): _________________

   E-mail address: _________________

3. **Attestation**
   
   (Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

   I hereby attest that the reconnaissance licence annual report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its material details.

   Geologist/Geoscientist/Mining Engineer’s title: ____________________________

   Geologist/Geoscientist/Mining Engineer’s name: ____________________________

   Signature: __________________________

   Date: __________________________

   E-mail: ___________________________ Telephone: ___________________________

   Mobile Number: ___________________________

   Fax: ___________________________

   Address: _______________________________________________________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

238. Form AR-4 [Reconnaissance licence annual expenditure report]

(Clause 196(3) of the Mining Act and regulation 49(5)(b)(iii) and 65(b.) of the Mining (Licensing and Permitting) Regulations, 2015)

Reconnaissance licence Registration Code Number: RL__________

Year: _________

Dated seal here

Date report received: ____________________________

Attestation has been signed (tick option):

○ Yes
○ No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: ______________________

Receiving officer’s signature: __________________
1. **Instructions:**

This form shall be completed in full and signed by a duly authorised officer or director of the reconnaissance licence holder who has been awarded a university degree in geological sciences or Mine engineering. This form shall be attached to the reconnaissance licence annual expenditure report and submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered reconnaissance licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1.

There reconnaissance licence annual expenditure report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office, and it shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations and for the Mining Cadastre Office to verify such amounts.

2. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________

City:___________________ State:__________________ Postal Code:________

County: ___________________

Phone number: ______________

Mobile: ___________________

Fax number (if any): ______________

E-mail address: ______________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the reconnaisance licence annual expenditure report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Geologist/Geoscientist/Mining Engineer’s title: __________________________
Geologist/Geoscientist/Mining Engineer’s name: __________________________
Signature: __________________________
Date: ____________________________
E-mail: __________________________ Telephone: __________________________
Mobile Number: __________________________
Fax: __________________________
Address: _______________________________________________________________
________________________________________________________________________
________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSINGANDPERMITTING)REGULATIONS, 2015

239. Form AR-5 [Reconnaissance licence six (6) monthly report]

(Clause 196(3) of the Mining Act and regulation 65 of the Mining (Licensing and permitting) regulations, 2015)

<table>
<thead>
<tr>
<th>Reconnaissance licence Registration Code Number: RL__________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year: ________</td>
</tr>
<tr>
<td>O Dated seal here</td>
</tr>
<tr>
<td>F Date report received: ______________________________</td>
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<td>F</td>
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<tr>
<td>I Attestation has been signed (tick option):</td>
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<tr>
<td>C</td>
</tr>
<tr>
<td>I ☐ Yes</td>
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<tr>
<td>A ☐ No</td>
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<td>(note: if attestation signature is absent, the report cannot be accepted)</td>
</tr>
<tr>
<td>U</td>
</tr>
<tr>
<td>S Report is confirmed complete: __________</td>
</tr>
<tr>
<td>E</td>
</tr>
<tr>
<td>Receiving officer’s name: ____________________________</td>
</tr>
<tr>
<td>E</td>
</tr>
<tr>
<td>Receiving officer’s signature: ________________________</td>
</tr>
</tbody>
</table>
1. **Instructions:**

This form shall be completed in full, signed by a duly authorised officer or director of
thereconnaissance licence holder who has been awarded a university degree in geological sciences
or Mining Engineering and submitted via the OMC. This form shall be attached to
thereconnaissance licence six (6) monthly report. On this form report only matters pertinent to
the mineral right registration code number reported above. Use a separate reporting form and
report for each registered reconnaissance licence (combined reports are not permissible).

Thereconnaissance licence six (6) monthly report attaching to this form shall describe all
Reconnaissance activities, discoveries, results and be in such form and contain such information as
may be specified in guidelines available from the Mining Cadastre Office.

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : ______________  State: __________  Postal Code: ______________

County: ______________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

3. **Attestation**

(Note: when any attestation provided in this form is found to be false, the person whose signature
appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that thereconnaissance licence six (6) monthly report attached to this form was prepared
under my supervision. The information as provided above and in the attached report is truthful and
substantially accurate in all its material details.

Geologist/Geoscientist/Mining Engineer’s title: ____________________________

Geologist/Geoscientist/Mining Engineer’s name: ____________________________

Signature: __________________________

Date: _________________________

E-mail: __________________________ Telephone: _________________________

Mobile Number: __________________________

Fax: __________________________

Address: _________________________________________________________________

_________________________________________________________________
**FIRST SCHEDULE**

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

240. **Form AR-6 [Request to pay an area-based annual charge]**

*Clause 196(3) of the Mining Act and regulations of the Mining (Licensing and permitting) regulations, 2015*

| **Type of licence:** | __________________________ |
| **Licence Registration Code Number:** | _________________ |
| **Dated seal here** |  |
| **Date notice received:** | __________________________ |
| **Receiving officer’s name:** | __________________________ |
| **Receiving officer’s signature:** | __________________________ |
| **Amount on payment receipt received:** | KSh _______________ |

- [ ] reconnaissance licence register
- [ ] prospecting licence register
- [ ] retention licence register
- [ ] mining licence register
- [ ] reconnaissance permit register
- [ ] prospecting permit register
- [ ] mining permit register
- [ ] artisanal mining permit register
1. **Instructions to holder:**

A holder, except for a reconnaissance licence, a retention licence or a reconnaissance permit holder, is required to pay an area-based annual charge as prescribed in regulation xx. This form should be submitted with the area-based annual charge payment to the Director of Mines. The holder shall retain a copy at its registered place of business. A separate form is required for each mineral right (no combined notices). This return notice form can also be used to amend a previous notice wherein an underpayment or overpayment was reported, and if used for this purpose, attach a detailed explanation.

2. **Mineral right area:**

If mineral right was issued this year, CUs comprising the mineral right area on the date of issue, otherwise the mineral right area as of January 1 this year:

____________ CUs

3. **Mineral right (tick option)**

- o prospecting licence
- o mining licence
- o prospecting permit
- o mining permit
- o artisanal mining permit

4. **Area-based annual charge rate from the Third Schedule:** __________ KSH/CU

5. **Area-based annual charge payable:** __________ KSH

6. **Holder details:**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: _______________________________________________________

City: __________ State: __________ Postal Code: __________

County: __________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

(Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)
7. Attestation

I HEREBY ATTEST THAT THE INFORMATION AS PROVIDED ABOVE AND IN ANY ATTACHMENTS HERETO IS TRUE AS IT IS KNOWN TO ME.

Name of corporate body: ______________________________
Name of authorised person: ______________ Title or Position: ______________
Signature of authorised person: ______________
Date: ______________
Telephone number: ______________
Mobile number: ______________
E-mail: ______________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

241. Form AR-7 [Prospecting licence annual report]

(Clause 196(3) of the Mining Act and Regulation 49(5)(b) of the Mining (Licensing and Permitting) Regulations, 2015)

Prospecting licence Registration Code Number: PL_________

Year: ________

Date: _____________________________

Attestation has been signed (tick option):

- Yes
- No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ___________

Receiving officer’s name: _______________________

Receiving officer’s signature: ______________________
1. **Instructions:**

   This form shall be completed in full, signed by a duly authorised officer or director of the prospecting licence holder who has been awarded a university degree in geological sciences or Mining Engineering and submitted via the OMC. This form shall be attached to the prospecting licence Annual Report. On this form report only matters pertinent to the mineral right registration code number reported above. Use a separate reporting form and report for each registered prospecting licence (combined reports are not permissible).

   This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the licence.

   The prospecting licence annual report attached to this form shall describe all prospecting operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. **TITLEHOLDER DETAILS**

   Name of holder: ________________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:__________________________________________________________

   City: ___________ State:_________ Postal Code:_____________________

   County: ___________________

   Phone number: ______________

   Mobile: _________________

   E-mail address: ______________

3. **Attestation**

   *(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)*

   I hereby attest that the prospecting licence annual report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its material details.

   Geologist/Geoscientist/Mining Engineer’s title: ____________________________

   Geologist/Geoscientist/Mining Engineer’s name: ____________________________

   Signature: _________________________

   Date: _________________________

   E-mail: _________________________ Telephone: _________________________

   Mobile Number: _________________________

   Fax: _________________________

   Address: ____________________________________________________________

   ____________________________________________________________
242. Form AR-8 [Prospecting licence annual expenditure report]

(Clauses 196(3) of the Mining Act and Regulation 49(5)(b)(iii)(b), 75(6)(f) and 78 of the Mining (Licensing and Permitting) Regulations, 2015)

Prospecting licence Registration Code Number: PL______________

Year: __________

Dated seal here

Date report received: ____________________________

Attestation has been signed (tick option):

- Yes
- No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

   This form shall be completed in full and signed by a duly authorised officer or director of the prospecting licence holder who has been awarded a university degree in geological sciences or Mine engineering. This form shall be attached to the prospecting licence annual expenditure report and submitted via the OMC. On this form report only matters pertaining to the registration code number reported above. Use a separate reporting form and a separate report for each registered prospecting licence (combined reports are not permissible).

   This form and its accompanying report shall be submitted annually on or before March 1. The prospecting licence annual expenditure report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office, and it shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations and for the Mining Cadastre Office to verify such amounts.

2. **TITLEHOLDER DETAILS**

   Name of holder: __________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:___________________________________________________

   City:_________________ State:_________________ Postal Code:_____________

   County:_________________-

   Phone number: ______________

   Mobile: ______________

   Fax number (if any): ______________

   E-mail address: ______________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the prospecting licence annual expenditure report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Geologist/Geoscientist/Mining Engineer’s title: __________________________

Geologist/Geoscientist/Mining Engineer’s name: __________________________

Signature: __________________________

Date: ________________

E-mail: __________________________ Telephone: __________________________

Mobile Number: __________________________

Fax: __________________________

Address: _________________________________________________________________

________________________________________________________________________

________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) regulations, 2015

243. Form AR-9 [Prospecting licence quarterly report]
(Clause 196(3) of the Mining Act and regulation 79 of the MINING (LICENSING ND PERMITTING) REGULATIONS, 2015)

Prospecting licence Registration Code Number: PL__________
Year: _________

Dated seal here

Date report received: ____________________________

Attestation has been signed (tick option):

- Yes
- No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
2. **Instructions:**

   This form shall be completed in full and signed by a duly authorised officer or director of the prospecting licence holder, who has been awarded a university degree in geological sciences or Mine engineering. This form shall be attached to the prospecting licence quarterly report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered prospecting licence (combined reports are not permissible).

   This form and its accompanying report shall be submitted quarterly within thirty-five (35) days following the closure of the quarter.

   The prospecting licence quarterly report attached to this form shall describe all prospecting operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

3. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address:_____________________________________________________________

   City : __________ State: __________ Postal Code: __________

   County: __________________- 

   Phone number: ______________

   Mobile: ___________________

   Fax number (if any): ______________

   E-mail address: ______________

4. **Attestation**

   *(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)*

   I hereby attest that the prospecting licence quarterly report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

   Geologist/Geoscientist/Mining Engineer’s title: __________________________

   Geologist/Geoscientist/Mining Engineer’s name: __________________________

   Signature: __________________________

   Date: __________________________

   E-mail: __________________________ Telephone: __________________________

   Mobile Number: __________________________

   Fax: __________________________

   Address: _________________________________________________________________
244. **Form AR-10 [Environmental and Social Impact Assessment Report]**

*(Clause 196(3) of the Mining Act and regulation 79 of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)*

- **Type of licence:** ________________
- **Licence Registration Code Number:** ____________
- **Dated seal here (notice date)**
- **Date report received:** ________________
- **Receiving Officer’s name:** ________________
- **Receiving Officer’s signature:** ________________

**Report was received for:**

- **o** reconnaissance licence Number RL ________________
- **o** prospection licence Number PL ________________
- **o** retention licence Number RTL ________________
- **o** mining licence register ML ________________
- **o** reconnaissance permit Number RP ________________
- **o** prospecting permit Number PP ________________
- **o** mining permit register MP ________________
- **o** artisanal mining permit register AMP ________________

on Day ______ Month ______ Year ________

**Recording officer’s signature:** ___________________________

**1. Instruction to the mineral rightholder**

This notice is to be attached as a cover to the report covering the annual Environmental and Social Impact Assessment Report or where there is an Environmental Management Plan attached to the licence, a detailed progress report prepared according to guidelines. Such environmental reports shall be made publicly available via the OMC.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

245. Form AR-11 [Retentionlicence Quarterly Report]

(Clause 196(3) of the Mining Act andregulation89 of the MINING (LICENSING NDPERMITTING)REGULATIONS, 2015

Retentionlicence Registration Code Number: RTL__________

Year: _________

Dated seal here

Date report received: ________________________

Attestation has been signed (tick option):

Yes

No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: __________

Receiving officer’s name: ___________________

Receiving officer’s signature: __________________
1. **Instructions:**

This form shall be completed in full and signed by a duly authorised officer or director of the retention licence holder, who has been awarded a university degree in geological sciences or Mining Engineering. This form shall be attached to the retention licence quarterly expenditure report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered retention licence (combined reports are not permissible).

This form and its accompanying report shall be submitted quarterly within thirty-five (35) days following the closure of the quarter.

The retention licence quarterly expenditure report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office, and it shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations and for the Mining Cadastre Office to verify such amounts.

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : __________ State:____________ Postal Code:____________
County : __________________-

Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the retention licence quarterly expenditure report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Geologist/Geoscientist/Mining Engineer’s title: __________________________

Geologist/Geoscientist/Mining Engineer’s name: __________________________

Signature: __________________________

Date: _____________________

E-mail: __________________________ Telephone: _______________________________

Mobile Number: __________________________

Fax: __________________________

Address: ___________________________________________________________________

________________________________________________________________________

________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING

THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

246. Form AR-12 [Retention licence annual report]

Clause 196(3) of the Mining Act and regulation 49(5)(b) Error! Reference source not found. of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

Retention licence Registration Code Number: RTL_________

Year: __________

O Dated seal here
F
F

I Date report received: _____________________________

I Attestation has been signed (tick option):
C
A
L o Yes

o No

(note: if attestation signature is absent, the report cannot be accepted)

U Report is confirmed complete: __________

E Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. Instructions:

This form shall be completed in full, signed by a duly authorised officer or director of the retention licence holder who has been awarded a university degree in geological sciences or Mining Engineering and submitted via the OMC. This form shall be attached to the retention licence annual report. On this form report only matters pertinent to the mineral right registration code number reported above. Use a separate reporting form and report for each registered retention licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the licence.

The retention licence annual report attached to this form shall describe all retention operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. RETENTION LICENCE TITLEHOLDER DETAILS

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City : _______________ State:______________ Postal Code:_______________

County : _______________

Phone number: _______________

Mobile: _______________

E-mail address: _______________

3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the retention licence annual report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its material details.

Geologist/Geoscientist/Mining Engineer’s title: ____________________________

Geologist/Geoscientist/Mining Engineer’s name: ____________________________

Signature: __________________________

Date: _____________________

E-mail: ____________________________ Telephone: _______________________

Mobile Number: ____________________________

Fax: ____________________________

Address: _______________________________________________________________

_________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

247. Form AR-13 [Retention licence annual expenditure report]

(Clause 196(3) of the Mining Act and regulation 49(5)(b),(iii) and 90, of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

Retention licence Registration Code Number: RTL____________

Year: _________

Dated seal here

Date report received: ______________________________

Attestation has been signed (tick option):

Yes

No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: __________

Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by a duly authorised officer or director of the retention licence holder who has been awarded a university degree in geological sciences or Mine engineering. This form shall be attached to the retention licence annual expenditure report and submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered retention licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1.

The retention licence annual expenditure report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office, and it shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations and for the Mining Cadastre Office to verify such amounts.

2. **TITLEHOLDER DETAILS**

Name of holder: ____________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________

City :_____________ State:_____________ Postal Code:_____________

County :________________——-

Phone number: ______________

Mobile: ____________________

Fax number (if any): ______________

E-mail address: ______________

3. **Attestation**

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the retention licence annual expenditure report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Geologist/Geoscientist/Mining Engineer’s title: _______________________

Geologist/Geoscientist/Mining Engineer’s name: _______________________

Signature: _______________________

Date: _______________________

E-mail: _______________________

Telephone: _______________________

Mobile Number: _______________________

Fax: _______________________

Address: _______________________

FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

248. Form AR-14 [mining licence Quarterly Report]
(Clause 196(3) of the Mining Act and regulation 101 of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

Mining licence Registration Code Number: ML_________
Year: _________. Month: ____________

Dated seal here
Date report received: ____________________________
Attestation has been signed (tick option):
○ Yes
○ No
(note: if attestation signature is absent, the report cannot be accepted)
Report is confirmed complete: ____________
Receiving officer’s name: _______________________
Receiving officer’s signature: _________________
1. **Instructions:**

This form shall be completed in full and signed by an authorised director of the mining licence holder and by its mine manager. This form shall be attached to the mining licence quarterly report and be submitted via the OMC. On this report form only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered mining licence (combined reports are not permissible).

This form and its accompanying report shall be submitted quarterly, not later than thirty-five (35) days after the month end. Failure to submit a complete quarterly report may result in the revocation of the licence.

The mining licence quarterly report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Prospecting Operations, discoveries, reserve estimates, mineral product production and sales for the month, rent and royalties paid, changes in mining operations, the mine manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. **TITLEHOLDER DETAILS**

(a) **If in Kenya**

Name of holder: ____________________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________________

City: __________ State: __________ Postal Code: ____________

County: __________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________

(b) **If outside Kenya**

City: __________ State: __________ Postal Code: ____________

County: __________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________
3. Attestation  
(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the mining licence quarterly report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

(a) Mine manager’s title: ______________________________
Mine manager’s name: ______________________________
Mine manager’s signature: ____________________ Date: ________________
Address: ______________________________________
City :____ State: ___ Postal Code:_______________
County :___________________
Phone number: ________________
Mobile: ________________
Fax number (if any): ________________
E-mail address: ________________

(b) holder (or Authorised Director’s) name: ______________________________
holder (or Authorised Director’s) signature: ______________________________
City :______ State: ______ Postal Code:_______________
County :___________________
Phone number: ________________
Mobile: ________________
Fax number (if any): ________________
E-mail address: ________________
249. **Form AR-15 [Mining licence annual report]**

(Clause 196(3) of the Mining Act and regulation 49(5)(b) of the MINING LICENSING AND PERMITTING REGULATIONS, 2015)

Mining licence Registration Code Number: ML____________

Year: _________

_Dated seal here_

Date report received: ______________________________

Attestation has been signed (tick option):

- Yes
- No

(none: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: ______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by an authorised director of the mining licence holder and by its mine manager. This form shall be attached to the mining licence annual report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered mining licence (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the licence.

The mining licence annual report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Prospecting Operations, discoveries, reserve estimates, mineral product production and sales on a monthly and year basis, rent and royalties paid, changes in mining operations, the mine manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. **TITLEHOLDER DETAILS**

(a) **If in Kenya**

Name of holder: ____________________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: _________________________________________________

City : ___________ State: ___________ Postal Code: ___________

County : ___________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________

(b) **If outside Kenya**

City : ___________ State: ___________ Postal Code: ___________

County : ___________

Phone number: __________________

Mobile: __________________

Fax number (if any): __________________

E-mail address: __________________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the mining licence annual report attached to this form was prepared under our supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

(a) Mine manager’s title: ________________________________

Mine manager’s name: ________________________________

Mine manager’s signature: ______________________ Date: ______________

Address:____________________________________________________________

City: ___________ State: ___________ Postal Code: ___________

County: ___________________________________

Phone number: ______________________

Mobile: ______________________

Fax number (if any): ______________________

E-mail address: ______________________

(b) holder (or Authorised Director’s) name: ________________________________

holder (or Authorised Director’s) signature: ________________________________

City: ___________ State: ___________ Postal Code: ___________

County: ___________________________________

Phone number: ______________________

Mobile: ______________________

Fax number (if any): ______________________

E-mail address: ______________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

250. Form AR-16 [Reconnaissance permit annual report]

(Clause 196(3) of the Mining Act and regulation 49(5)(b) of the MINING AND PERMITTING REGULATIONS, 2015)

Reconnaissance permit Registration Code Number: RP_________

Year: ________

O Dated seal here

Date report received: _____________________________

Attestation has been signed (tick option):

   o Yes
   o No

   (note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: _______________________

Receiving officer’s signature: ___________________
1. **Instructions:**

This form shall be completed in full and signed by the reconnaissance permit holder (if held by an individual person) or by a duly authorised officer or director of the holder (if a company). This form shall be attached to the reconnaissance permit annual report and be submitted via the OMC. On this form report only matters pertinent to the mineral right registration code number reported above. Use a separate reporting form and report for each registered reconnaissance permit (combined reports are not permissible).

The reconnaissance permit annual report attaching to this form shall describe all reconnaissance activities, discoveries, results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City :______ State: ___ Postal Code:_____________

County :_____________

Phone number: ________________

Mobile:

Fax number (if any): ________________

E-mail address: ________________

3. **Attestation**

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the reconnaissance permit annual report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its material details.

Signature: __________________________  Date: _____________________

Name: _____________________________  Position: ___________________

E-mail: ____________________________  Telephone: _________________

Mobile Number: ________________

Fax: ________________

Address: _________________________________________________________________

_________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

Mining ( LICENSING AND PERMITTING) REGULATIONS, 2015

251. Form AR-17 [Prospecting permit annual report]

(Clause 196(3) of the Mining Act and Regulation 49(5)(b) of the Mining (LICENSING AND PERMITTING) REGULATIONS, 2015)

Prospecting permit Registration Code Number: PP _______

Year: _______

O Dated seal here

F Date report received: _____________________________

F Attestation has been signed (tick option):

C I ○ Yes

A L ○ No

U (note: if attestation signature is absent, the report cannot be accepted)

S Report is confirmed complete: ___________

E Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by an eligible mining engineer, geologist or geoscientist (holding a bachelor’s degree from a reputable university or school of mines) and the prospecting permit holder’s manager. This form shall be attached to the prospecting permit annual report and be submitted via the OMC. On this form report only matters pertinent to the mineral right registration code number reported above. Use a separate reporting form and report for each registered prospecting permit (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the permit.

The prospecting permit annual report attached to this form shall describe all prospecting operations, discoveries and results and be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office.

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: __________________________________________________________

City : ______________ State: ______________ Postal Code: ______________

County : __________________________

Phone number: __________________________

Mobile: __________________________

Fax number (if any): __________________________

E-mail address: __________________________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the prospecting permit annual report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its material details.

Manager’s title: __________________________
Manager’s name: __________________________
Signature: __________________________ Date: __________________________
Name: __________________________ Position: __________________________
E-mail: __________________________ Telephone: __________________________
Mobile Number: __________________________
Fax: __________________________
Address: _________________________________________________________________
________________________________________________________________________
Geologist/Geoscientist/Mining Engineer’s title: __________________________
Geologist/Geoscientist/Mining Engineer’s name: __________________________
University name and country where degree in a geological science or mining engineering was awarded:
University: _______________; Country: ___________; Degree: __________________________
Geologist’s/Geoscientist’s/Mining Engineer’s signature: __________________________
E-mail: __________________________ Telephone: __________________________
Fax: __________________________
Mobile Number: __________________________
Address: _________________________________________________________________
________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

252. Form AR-18 [Prospecting permit annual expenditure report]

(Clause 196(3) of the Mining Act and regulation 49(5)(b)(ii)(d), 125 and 126 of the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

Prospecting permit Registration Code Number: PP__________

Year: _________

Dated seal here

Date report received: __________________________

Attestation has been signed (tick option):

Yes

No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by a duly authorised officer or director of the prospecting permit holder and by a person who has been awarded a university degree in geological sciences or mine engineering. This form shall be attached to the prospecting permit annual expenditure report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered prospecting permit (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1.

The prospecting permit annual expenditure report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office, and it shall be sufficiently detailed to determine the amount of expenditure that qualifies to meet minimum work obligations and for the Mining Cadastre Office to verify such amounts.

2. **TITLEHOLDER DETAILS**

Name of holder: ______________________________________

(Hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:_____________________________________________________________

City: _______________ State: _____________ Postal Code: _____________

County: _____________

Phone number: _____________

Mobile: _____________

Fax number (if any): _____________

E-mail address: _____________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the prospecting permit annual expenditure report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Signature: __________________________ Date: ________________
Name: ___________________________ Position: __________________
E-mail: ___________________________ Telephone: ________________
Mobile Number: ____________________
Fax: _______________________________
Address: _________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Geologist/Geoscientist/Mining Engineer’s title: ____________________________
Geologist/Geoscientist/Mining Engineer’s name: ____________________________
University name and country where degree in a geological science or mining engineering was awarded:
University: ________ ; Country: ________ ;
Degree: _____________________________________________________________
Geologist’s/Geoscientist’s/Mining Engineer’s signature: ______________________
E-mail: ___________________________ Telephone: _______________________
Fax: _______________________________
Mobile Number: _______________________
Address: _________________________________________________________________
________________________________________________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

253. Form AR-19 [Mining permit quarterly report]
(Clause 196(3) of the Mining Act and regulation 137 of the MINING
(LICENSING AND PERMITTING) REGULATIONS, 2015)

Mining permit Registration Code Number: MP _______

Year: ________. Month: _____________

Dated seal here

Date report received: _____________________________

Attestation has been signed (tick option):

○ Yes
○ No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ___________

Receiving officer’s name: ____________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by an authorised director of the mining permit holder and by its Mine Manager. This form shall be attached to the mining permit quarterly report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered mining permit (combined reports are not permissible).

This form and its accompanying report shall be submitted quarterly, not later than fourteen (14) days after the month end. Failure to submit a complete quarterly report may result in the revocation of the permit.

The mining permit quarterly report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all Prospecting Operations, discoveries, reserve estimates, mineral product production and sales for the month, rent and royalties paid, changes in mining operations, the mine manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. **TITLEHOLDER DETAILS**

(a) **If in Kenya**

Name of holder: ______________________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address:____________________________________________________

City : __________ State: __________ Postal Code: __________

County : __________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________

(b) **If outside Kenya**

City : __________ State: __________ Postal Code: __________

County : __________

Phone number: ______________

Mobile: ______________

Fax number (if any): ______________

E-mail address: ______________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the mining permit quarterly report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

(a) Mine manager’s title: ______________________________
Mine manager’s name: _______________________________
Mine manager’s signature: __________________ Date: ______________

Address:_______________________________________________________
City :______ State:________ Postal Code:_____________
County :________________
Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________

(b) holder (or Authorised Director’s) name: ______________________________
holder (or Authorised Director’s) signature: _______________________

City :_______ State: _______ Postal Code: ______________
County : ______________
Phone number: ______________
Mobile: ______________
Fax number (if any): ______________
E-mail address: ______________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
Mining (LICENSING AND PERMITTING) REGULATIONS, 2015

254. Form AR-20 [Mining permit annual report]
(Clause 196(3) of the Mining Act and regulation 49(5)(b) of the MINING LICENSING AND PERMITTING REGULATIONS, 2015)

Mining permit Registration Code Number: MP________

Year: _________

Dated seal here
Date report received: ____________________________

Attestation has been signed (tick option):

○ Yes
○ No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: __________

Receiving officer’s name: _______________________

Receiving officer’s signature: ____________________
1. **Instructions:**

This form shall be completed in full and signed by an authorised director of the mining permit holder and by its mine manager. This form shall be attached to the mining permit annual report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered mining permit (combined reports are not permissible).

This form and its accompanying report shall be submitted annually on or before March 1. Failure to submit a complete annual report may result in the revocation of the permit.

The mining permit annual report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all prospecting operations, discoveries, reserve estimates, mineral product production and sales on a monthly and year basis, rent and royalties paid, changes in mining operations, the mine manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. **TITLEHOLDER DETAILS**

(a) **If in Kenya**

Name of holder: ________________________________________________

(hereinafter referred to as the “holder”) whose registered office in Kenya is at

Address: ________________________________________________

City : ___________ State: ___________ Postal Code: ___________

County : ___________

Phone number: _______________

Mobile: _______________

Fax number (if any): _______________

E-mail address: _______________

(b) **If outside Kenya**

City : ___________ State: ___________ Postal Code: ___________

County : ___________

Phone number: _______________

Mobile: _______________

Fax number (if any): _______________

E-mail address: _______________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the mining permit annual report attached to this form was prepared under our supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

(a) Mine manager’s title: ______________________________
Mine manager’s name: __________________________________
Mine manager’s signature: __________________ Date: __________
Address: __________________________________________________________________________
City: __________________ State: __________ Postal Code: _______________
County: ___________________________________
Phone number: _____________________________
Mobile: ________________________________
Fax number (if any): ____________________
E-mail address: ___________________________

(b) holder (or Authorised Director’s) name: ______________________________
holder (or Authorised Director’s) signature: ________________________________
City: __________ State: __________ Postal Code: _______________
County: ___________________________
Phone number: _____________________________
Mobile: ________________________________
Fax number (if any): ____________________
E-mail address: ___________________________
255. Form AR-21 [Work carried out under the environmental management plan]

(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ______________________
licence Registration Code Number: ______

Date report received: __________________________
Receiving Officer’s name: ________________________
Receiving Officer’s signature: _____________________

Report was received for:

- reconnaissance licence Number RL _______________
- prospecting licence Number PL _____________
- retention licence Number RTL _____________
- mining licence register ML _____________
- reconnaissance permit Number RP _____________
- prospecting permit Number PP _____________
- mining permit register MP _____________
- artisanal mining permit register AMP _____________

on Day _____ Month _____ Year _______

Recording officer’s signature: __________________________

1. Information to the mineral rightholder

This notice is to be attached as a cover to the report covering the work carried out under the Environmental Management Plan since the last annual report and in particular actions taken in regard to the closure of the works, protection of the environment and rehabilitation of the mining area.
256. Form AR-23 [Artisanal mining permit monthly report]

(Article 196(3) of the Mining Act and Regulation 149 of the Mining (Licensing and Permitting) Regulations, 2015)

Artisanal mining permit Registration Code Number: AP ______

Year: ________. Month: ____________

Dated seal here

Date report received: ____________________________

Attestation has been signed (tick option):

- Yes
- No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: ____________

Receiving officer’s name: _______________________

Receiving officer’s signature: _________________
1. Instructions:

This form shall be completed in full and signed by the artisanal mining permit holder. This form shall be attached to the artisanal mining permit monthly report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered artisanal mining permit (combined reports are not permissible).

This form and its accompanying report shall be submitted monthly, not later than the fifth (5) day after the month end. Failure to submit a complete monthly report may result in the revocation of the permit.

The artisanal mining permit monthly report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all prospecting operations, discoveries, reserve estimates, mineral product production and sales for the month, rent and royalties paid, changes in artisanal mining operations, the artisanal mining permit holder and his or her contact details, accidents and any other information as may be required.

2. Titleholder Details

Name of holder: ______________________________________________

(hereinafter referred to as the “holder”) whose registered address in Kenya is at

Address:_____________________________________________________________

City : ____________ State: ______________ Postal Code:_______________

County:____________________

Phone number: ______________________

Mobile: ______________________

Fax number (if any): ______________________

E-mail address: ______________________

3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the artisanal mining permit monthly report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

Artisanal mining permit holder’s name: ______________________

Artisanal mining permit holder’s signature: ______________________

Date: ______________
257. Form AR-25 [Annual employment and training report]

Clause 196(3) of the Mining Act and Regulation 41 of the Mining (Licensing and Permitting) Regulations, 2015

Licence Registration Code Number: ________________

year being reported: __________

Dated seal here

Date report received: ____________________________

Attestation has been signed (tick option):

- [ ] Yes
- [ ] No

(note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: __________

Receiving officer’s name: _______________________

Receiving officer’s signature: ___________________
1. **Instructions:**

This form shall be completed in full and signed by the mineral right holder’s manager. This form shall be attached to the employment and training annual report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate employment and training report for each registered mineral right (combined reports are not permissible). This report is to be submitted annually during the term of the mining licence, no later than February 1.

The employment and training report shall consist of: --

- A cover page titled “Employment and training report”, containing the mineral right

  1. Year being reported, the mineral right registration code number, and the mineral right holder’s name.
  2. A Section titled “Employment information” wherein the following information as of the last day of the licence year is provided:
  3. the total number of the mineral right holder’s employees;
     a) a breakdown of the total number of employees into the following categories: unskilled, skilled, clerical, technical and management;
     b) the number and percentage of employees in each of the above categories who are Kenyan;
  4. a description of how in the coming year the mineral right holder intends to reduce the number of employees who are not Kenyan and the same information shall be reported for each contractor who undertakes substantial operations on behalf of the mineral right holder.
  5. A Section titled “Training programme summary” describing in detail:
     a) the mineral right holder’s training programmes during the previous licence year;
     b) any training done in fulfilment under obligations of the mineral right holder’s Community Development Agreement(s);
     c) whether the training Programmes met the objectives set out in the previous licence year’s proposed training programme, and if not, why not;
     d) an estimate of the money spent by the mineral right holder on training; and
     e) any other information the mineral right holder wants to include.
  6. A Section titled “Proposed training programme” describing in detail:
     a) the mineral right holder’s training programme plan for the next licence year;
     b) specific training objectives and metrics to measure whether such objectives are being met;
     c) the amount of money budgeted to implement the training programme plan;
     d) specific objectives hoped to be achieved; and
     e) any other information the mineral right holder wants to include.
2. **TITLEHOLDER DETAILS**

   Name of holder: ______________________________________________

   (Hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: ________________________________________________________

   City : _______________ State: _____________ Postal Code: ______________
   County : __________________________

   Phone number: ________________________________

   Mobile: ________________________________

   Fax number (if any): ________________________________

   E-mail address: ________________________________

3. **Attestation**

   (Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

   I hereby attest that the annual employment and training report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

   Mine manager’s title: ________________________________

   Mine manager’s name: ________________________________

   Mine manager’s signature: ________________________________ Date: ________________

   Address: ____________________________________________

   City : _______________ State: _____________ Postal Code: ______________
   County : __________________________

   Phone number: ________________________________

   Mobile: ________________________________

   Fax number (if any): ________________________________

   E-mail address: ________________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

258. Form AR-27 [Mining licence monthly report]

(Clause 196(3) of the Mining Act and regulation 101 of the Mining (Licensing and permitting) regulations, 2015)

Mining licence Registration Code Number: ML________

Year: _______. Month: __________

Dated seal here

Date report received: ______________________________

Attestation has been signed (tick option):

○ Yes
○ No

(Note: if attestation signature is absent, the report cannot be accepted)

Report is confirmed complete: __________

Receiving officer’s name: _______________________

Receiving officer’s signature: ______________________
1. **Instructions:**

   This form shall be completed in full and signed by an authorised director of the mining licence holder and by its mine manager. This form shall be attached to the mining licence monthly report and be submitted via the OMC. On this form report only matters pertinent to the registration code number reported above. Use a separate reporting form and a separate report for each registered mining licence (combined reports are not permissible).

   This form and its accompanying report shall be submitted monthly, not later than five (5) days after the month end. Failure to submit a complete monthly report may result in the revocation of the licence.

   The mining licence monthly Report attached to this form shall be in such form and contain such information as may be specified in guidelines available from the Mining Cadastre Office and describe all prospecting operations, discoveries, reserve estimates, mineral product production and sales for the month, rent and royalties paid, changes in mining operations, the mine manager’s name and contact details, accidents, status of Community Development Agreements and any other information as may be required.

2. **TITLEHOLDER DETAILS**

   (a) **If in Kenya**

   Name of holder: __________________________________________________________

   (hereinafter referred to as the “holder”) whose registered office in Kenya is at

   Address: ________________________________________________________________

   City : ___________ State: ___________ Postal Code: ___________

   County : ___________

   Phone number: _____________________

   Mobile: _____________________

   Fax number (if any): _____________________

   E-mail address: _____________________

   (b) **If outside Kenya**

   City : ___________ State: ___________

   County : ___________

   Phone number: _____________________

   Mobile: _____________________

   Fax number (if any): _____________________

   E-mail address: _____________________
3. Attestation

(Note: when any attestation provided in this form is found to be false, the person whose signature appears below shall be guilty of an offence and subject to penalty.)

I hereby attest that the mining licence monthly report attached to this form was prepared under my supervision. The information as provided above and in the attached report is truthful and substantially accurate in all its details.

(a) Mine manager’s title: ______________________________
Mine manager’s name: ______________________________
Mine manager’s signature: __________________________ Date: __________________
Address: __________________________________________
City : ______________ State: ___________ Postal Code: ______________
County : __________________
Phone number: __________________
Mobile: __________________
Fax number (if any): __________________
E-mail address: __________________

(b) holder (or Authorised Director’s) name: ______________________________
holder (or Authorised Director’s) signature: ______________________________
City : __________ State: __________ Postal Code: ______________
County : ______________
Phone number: __________________
Mobile: __________________
Fax number (if any): __________________
E-mail address: __________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

259. Form AR-28 [Request to grant mineral right due to no objection or unreasonable refusal]

(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: ________________________

Licence Registration Code Number: ________

Dated seal here

Request Notice date: __________________________

Receiving Officer’s name: _____________________

Receiving Officer’s signature: _____________________

Notice date (from box above) was recorded in the:

- reconstruction licence Number RL _______________
- prospecting licence Number PL _______________
- retention licence Number RTL _______________
- mining licence register ML _______________
- reconnaissance permit Number RP _______________
- prospecting permit Number PP _______________
- mining permit register MP _______________
- artisanal mining permit register AMP _______________

on Day ______ Month ______ Year ___________

Recording officer’s signature: ___________________________
1. Information

Pursuant to Clauses 36, 37 and 38 of the Act, an applicant shall following submission of an application for a mineral right is approved, seek and obtain the written consents of any and all parties whose consents are required or with whom agreements must be entered into.

Agreements must be entered into with three potential land owners:

(a.) Restricted or excluded land:

It shall be the applicant’s responsibility in the first instance to determine, and for the Ministry to then verify, whether the area applied for includes land that is restricted or excluded or falls within one or more of the categories listed under (a) to (i) of Clause 36 (2) of the Act, and if so to indicate in the application whether he or she wishes to have such land included in the right. Unless excluded, it shall be the applicant’s responsibility to seek and obtain the written consent in each case of the relevant authorities or bodies. Failure to make clear which lands are applied for and to supply all necessary consents shall result in such areas being automatically excluded.

(b.) Private land:

An applicant whose application includes private land on which any excavation or drilling is proposed shall submit copies of all legally binding agreements entered into with the land owners as required under Clause 37 of the Act.

(c.) Community land:

An applicant whose application includes community land on which any excavation or drilling is proposed shall submit a signed copy of each legally binding agreement entered into with, as appropriate, the authority obligated by the law relating to the administration and management of community land, or the National Land Commission as required under Clause 36 of the Act.

Pursuant to Clause 39 of the Act, if the person responsible for the State organ, agency, authority or person referred to under Clauses 36, 37 and 38 of the Act fails to respond to the applicant’s request for consent within twenty-one (21) days, or refuses to give such consent, the applicant may request the Cabinet Secretary to grant the mineral right on the basis that no objection has been made or that the refusal is unreasonable.

2. Request

In the opinion of the mineral right holder of the above referenced mineral right consent for the application No. ______________, dated ____________ has been unreasonably withheld or delayed.

Request is thus made that the application is granted on grounds that consent has been unreasonably withheld or delayed.
3. TITLEHOLDER DETAILS

Name of holder: ______________________________________________
(Hereinafter referred to as the “holder”) whose registered office in Kenya is at
Address:_____________________________________________________________
City: ___________ State: _______________ Postal Code: _______________
County: _______________
Phone number: __________________
Mobile: __________________
E-mail address: __________________
FIRST SCHEDULE
THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

260. Form AT-1 [Boundary marker placement attestation]
(Clause 196(3) of the Mining Act and regulation of the Mining (Licensing and permitting) regulations, 2015)

Type of licence: _______________________
Licence Registration Code Number: ______

Dated seal here

Application received:

Date registered: Day ___ Month ____ Year _____
Timeresistered: Hr._____ Min_____

Notice recorded in: (tic one box)

○ mining licence register
○ mining permit register

Receiving officer’s name: ______________________
Signature: ______________________

Applicant, or applicant’s representative, verifying officer’s signature above:

Name: ______________________ Signature: ______________________
1. **Instructions:**

   A mining permit or mining licence holder is required to complete the placement of all demarcation point markers that define the inflection points of the polygon comprising the boundary of the mining licence area within thirty-five (35) days from the date the licence is issued. Upon completing the physical emplacement of the markers the holder shall submit the attestation in this form to the Mining Cadastre Office via the OMC. Use a separate form for each mining licence (no combined reporting).

2. **Attestation**

   (Note: when any attestation provided in this form is found to be false the person whose signature appears below shall be guilty of an offence and subject to penalty.)

   By my signature below, I attest that following statements that are marked are true (as of the date of signature below):

   1. All field demarcation point markers to identify on-the-ground the cadastral coordinate points for the following mineral right (tick the appropriate option)
      - [ ] mining permit, licence No. MP _______________
      - [ ] mining licence, licence No. ML _______________
      
      have been physically put into place as of the date of this notice in full compliance with the provisions of the Mining Act and its regulations.

   2. Demarcation cadastral coordinates establishing points on the ground were positioned using: (tick the appropriate option)
      - [ ] Global Positioning System
      - [ ] licenced land surveyor (ground-based survey)

   3. The licenced land surveyor, establishing the location on the ground of the mining licence cadastral coordinates for the demarcation point markers was (Please fill in the appropriate Section):

      **Physical Address**
      
      Address: __________________________________________________________
      
      City: ___________________ State: _______________ Postal Code: __________
      
      Country: _______________

   **Postal Address**

   Address: __________________________________________________________
   
   City: ___________________ State: _______________ Postal Code: __________
   
   Country: _______________

   **Address in Kenya:**

   Address: __________________________________________________________
   
   City: _______ State: ___ Postal Code: ______________
   
   County: ____________

4. In regard to the mineral right whose registration number appears at the top of this form, I am
(tick the appropriate option)
  o  the holder
  o  the authorised representative of the corporate body in whose name the mineral right is held

Name of corporate body: ________________________________________________________
Name of authorised person: ______________________
Title or position: __________________________
Signature: ____________________________
Date: ____________________________
Telephone number: ______________________
Mobile number: ______________________________
E-mail: ________________________________

Note please:

Any communication will be send to the address indicated in the licencier as amended.
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING

THE MINING ACT

MINING ( LICENSING AND PERMITTING) REGULATIONS, 2015

261. Form AT-2 [Attestation of no Mining Act offence penal conviction]

(Clause 196(3) of the Mining Act andregulation.Error! Reference source not found.Error! Reference source not found. 59(iii), 72, 87(2)(e.),98, 113, 134, 145 of the Mining (Licensing and permitting) regulations, 2015)

1. Instructions:

This form shall be completed in full and signed by a duly authorised officer or director of any corporate body applying for a reconnaissance licence, prospecting licence, retention licence, mining licence or mining permit. This form shall be attached to the respective licence application before such application is submitted to the Mining Cadastre Office via the OMC. The attesting signature below shall be witnessed by two persons. When any attestation provided in this form is found to be false –

a) the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;

b) the licence or licence application to which this form is attached is rejected;

c) any resultant licence to which this form relates is revoked.

2. Attestation:

By my signature below, I attest that following statements are true (as of the date of signature below):

1. I am authorised by the corporate body named below to represent and sign this form on its behalf.

2. No director of the corporate body named below:

   o has been convicted of an offence under The Mining Act requiring imprisonment, or

   o is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of mineral resources.

3. No shareholder holding a controlling share (10% or greater shareholding) of the corporate body named below:

   o has been convicted of an offence under the Mining Act requiring imprisonment, or

   o is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of mineral resources.
4. Name of corporate body: ____________________________________________
   - Name of authorised person: ____________________________
   - Title or position: ____________________________
   - Signature: ____________________________
   - Date: ____________________________
   - Telephone number: _________________
   - Mobile number: ____________________________
   - E-mail: ____________________________

Note please:

Any communication will be send to the address indicated in the licence application or as amended.

Witness number 1. Name: _________________ Signature: _______________________
Witness number 2. Name: _________________ Signature: ________________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSEING AND PERMITTING) REGULATIONS, 2015

262. Form AT-3 [Attestation legally competent individual without conviction]

(Clause 196(3) of the Mining Act and regulation Error! Reference source not found. Error! Reference source not found. and 59(iii), 72, 87(2)(e),98, 113, 145 of the Mining (Licenseing and Permitting) Regulations, 2015)

1. Instructions:

This form shall be completed in full and signed by any individual (non-corporate person) applying for a reconnaissance licence, prospecting licence, retention licence, mining licence or mining permit. This form shall be attached to the respective licence application before such application is submitted to the Mining Cadastre Office via the OMC. The attesting signature below shall be witnessed by two persons. When any attestation provided in this form is found to be false –

a) the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;

b) the licence or licence application to which this form is attached shall be null and void;

c) any resultant licence to which this form relates is null and void.

2. Attestation:

By my signature below, I attest that following statements are true (as of the date of signature below): --

a) I am legally competent.

b) I have never been convicted of an offence under the Mining Act requiring imprisonment.

c) I am not an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of mineral resources.

Name: _________________________

3. Physical Address

Address: __________________________________________________________

City: ___________________________ State: _______________ Postal Code: _____________

Country: ____________________________

Postal Address

Address: __________________________________________________________

City: ___________________________ State: _______________ Postal Code: _____________

Country: ____________________________

Address in Kenya:

Address: __________________________________________________________
City: ____________  State: ________________  Postal Code: ____________
County: _______________
Witness number 1. Name: ________________  Signature: ______________________
Witness number 2. Name: ________________  Signature: ______________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA
MINISTRY OF MINING
THE MINING ACT
MINING (LICENSES AND PERMITTING) REGULATIONS, 2015

263. Form AT-4 [Attestation to accept terms of transferred mineral right]

(Clause 196(3) of the Mining Act and Regulation 42 of the Mining (Licensing and Permitting) Regulations, 2015)

1. Instructions:
   When the holder of a transferable and assignable mineral right applies to transfer or assign its mineral right, this form shall be completed by the person or corporation to whom the mineral right will be transferred or assigned. This form shall be completed in full and signed by the intended transferee. This form shall be attached to the mineral right transfer application before such application is submitted to the Mining Cadastre Office via the OMC. The attesting signature below shall be witnessed by two persons. The transferee shall attach to this form adequate evidentiary proof to demonstrate its financial and technical competence to fulfil all and every obligation imposed by the Mining Act on the holder.

2. Information to be completed by transferee
   a) Type of licence: ______________________
   b) Licence Registration Code Number: ________________
   c) Name of the intended person or corporation to whom the mineral right will be transferred to (hereinafter the Transferee):
      ______________________________________________________________________
   d) Name of the current holder:
      ______________________________________________________________________

3. Attestation:
   When any attestation provided in this form is found to be false –
   a) the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty; and
   b) if so decided by the Cabinet Secretary -
      i. the mineral right transfer application to which this form is attached is null and void;
      ii. any transfer of the mineral right is null and void and the mineral right obligations shall revert to the original holder; and
      iii. any instrument purporting to transfer or assign the mineral right is null and void.
By my signature below, I attest that following statements are true (as of the date of signature below):

a) I am the intended transferee or am authorised by the corporate body who is the transferee to represent and sign this form on its behalf.

b) I have attached to this form evidentiary proof of the ability of the Transferee demonstrating its ability to undertake all and every obligation of the mineral right identified above.

c) Upon transfer of the mineral right identified above, I agree that the Transferee will assume all liability for actions or non-actions arising out of the obligations of the mineral right identified above that occurred before the transfer of such title to the Transferee.

d) Upon transfer of the mineral right identified above, the Transferee will assume all and every obligation imposed on the mineral right by the Act and its regulations.

e) The Transferee (and, in the case of the Transferee being a corporation, no director or any shareholder holding a controlling share of the corporate body named below):
   i. is disqualified under the Mining Act, or
   ii. is presently an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of mineral resources.

Name of authorised person: ____________________
Title or Position: ___________________
Signature: ______________________
Date: _____________________
Telephone number: _____________
Mobile Number: ___________________
E-mail: ______________________

Note please:
Any communication will be send to the address indicated in the licence application or as amended.

Witness number 1. Name: _________________ Signature: _________________
Witness number 2. Name: _________________ Signature: _________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

264. Form AT-5 [Declaration of mineral rights interests]

(Clause 196(3) of the Mining Act and regulation 151 of the Mining (Licensing and permitting) regulations, 2015)

1. Instructions:

This form shall be completed in full and signed by any individual applying for registration for the OMC.

I, the undersigned herewith declare that I have the following interests in mineral rights in Kenya:

- reconnaissance licence No. ____________________________________________.
- prospecting licence No. _____________________________________________.
- retention licence No. ________________________________________________
- mining licence No. _________________________________________________
- reconnaissance permit No. ___________________________________________
- prospecting permit No. ______________________________________________
- mining permit No. __________________________________________________
- artisanal mining permit No. __________________________________________

This form shall be attached to Form A1 - [Application for an Online Mining Cadastre (OMC) user Registration] when registering for the OMC before such application is submitted to the Mining Cadastre Office via the OMC. The attesting signature below shall be witnessed by two persons.

When any attestation provided in this form is found to be false –

a) the person whose signature below attests to accuracy of the attestations provided in this form shall be guilty of an offence and subject to penalty;

b) the licence or licence application to which this form is attached shall be null and void;

c) any resultant licence to which this form relates is null and void.

2. Attestation:

By my signature below, I attest that following statements are true (as of the date of signature below): --

d) I am legally competent.

e) I have never been convicted of an offence under the Mining Act requiring imprisonment.

f) I am not an officer or employee of the Ministry charged with the responsibility for regulating the development and exploitation of mineral resources.
g) I am the holder of the above listed mineral rights or I have an interest in them

Name: _________________________

3. Physical Address
Address: _________________________________________________________________
City: _______________ State: _______________ Postal Code: _______________
Country: _______________

Postal Address
Address: _________________________________________________________________
City: _______________ State: _______________ Postal Code: _______________
Country: _______________

Address in Kenya:
Address: _________________________________________________________________
City: _______________ State: _______________ Postal Code: _______________
County: _______________

Witness number 1. Name: _______________ Signature: _______________________
Witness number 2. Name: _______________ Signature: _______________________
FIRST SCHEDULE

THE GOVERNMENT OF THE REPUBLIC OF KENYA

MINISTRY OF MINING

THE MINING ACT

MINING (LICENSING AND PERMITTING) REGULATIONS, 2015

Form I-1 [Identification of mineral right area]

Mining Act and every application form for a mineral right in the MINING (LICENSING AND PERMITTING) REGULATIONS, 2015)

Type of licence: ________________________

Licence Registration Code Number: ________

Dated seal here

Date received: ____________________________

The cadastral coordinates define a polygon in conformity with the Fourth Schedule to the regulations (tick option):

- Yes
- No

Comment: ___________________________________________________________________

The mineral right area requested is equal to or less than the mineral right area maximum size limit.

Yes____ No ______

Comment: __________________________________________________________________

The mineral right area requested is equal to or greater than the mineral right area minimum size limit.

Yes____ No ______

Comment: __________________________________________________________________

Report is confirmed complete:

- Yes
- No

Receiving officer’s name: _______________________

Receiving officer’s signature: ___________________
1. **Instructions:**

This form shall accompany any application for a mineral right and any application to relinquish or enlarge a mineral right area. It shall be completed in full and in accordance with the Fourth Schedule to the regulations and be submitted via the OMC. It is used to identify the size of the mineral right area in CUs and the cadastral coordinates defining a polygon that officially delineates the mineral right area boundaries. A map plan of the mineral right area is also required and is used for illustrative purposes only; such plan does not legally define a mineral right area.

The allowable maximum and minimum sizes of a mineral right area are shown in the table below.

Note: the official boundaries of a mineral right area are the straight-lines that connect the cadastral coordinates defining the vertices of the Polygon-shaped mineral right area. Areas are calculated in cadastral units (CUs).

<table>
<thead>
<tr>
<th>mineral right</th>
<th>Maximum area</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>reconnaissance licence</td>
<td>5,000 CUs</td>
<td>~1.063 sq. km</td>
</tr>
<tr>
<td>prospecting licence</td>
<td>1,500 CUs</td>
<td>~319 sq.km</td>
</tr>
<tr>
<td>mining licence</td>
<td>300 CUs</td>
<td>~64 sq.km</td>
</tr>
<tr>
<td>mining agreement</td>
<td>CUs</td>
<td>~ sq. km</td>
</tr>
<tr>
<td>reconnaissance permit</td>
<td>CUs</td>
<td>~ sq. km</td>
</tr>
<tr>
<td>prospecting permit</td>
<td>25 CUs</td>
<td>~5 sq. km</td>
</tr>
<tr>
<td>mining permit</td>
<td>2 CUs</td>
<td>~0.43 sq. km</td>
</tr>
<tr>
<td>artisanal mining permit</td>
<td>CUs</td>
<td>~ sq. km</td>
</tr>
</tbody>
</table>

1 CU = m²

1 212.588

Use a separate application form and a separate First Schedule Form I-1 [Identification of mineral right area] for each application.

2. **This form is being submitted for the following purpose (tick one option):**

- reconnaissance licence application
- prospecting licence application
- retention licence application
- mining licence application
- reconnaissance permit application
- prospecting permit application
- mining permit application
- artisanal mining permit application

Relinquish prospecting area licence No.: _________

Relinquish mining area licence No.: ______________
Enlarge mining area licence No.: _______________

3. **Submitter’s details**
   holder (or Authorised Director’s) name: ________________________________
   holder (or Authorised Director’s) signature: ___________________________
   City : ____________ State: __________ Postal Code: ________________
   County : ______________
   Phone number: __________________
   Mobile: __________________
   Fax number (if any): __________________
   E-mail address: __________________

4. **Mineral right area**
   State(s) where the mineral right area is located
   State 1________________________________________
   State 2 _______________________________________

5. **County(ies) where the mineral right area is located**
   County 1_____________________________
   County 2_____________________________
   County 3 ___________________________

6. **Mineral right area**
   Area may be calculated based on the cadastral unit system below or using an electronic geographic information system (GIS) used or approved by the Mining Cadastre Office (*tick one option*)
   - Unit System
   - GIS System
   - Unit system:
   cadastral Units before this request: ______________
   + cadastral Units to be added (enlargement): + ____________ or
   - cadastral Units to be let go (relinquish): - ______________
   cadastral Units (if request approved): = ____________
   \[ \times 0.2 \]
   Approximate area (sq. Km): ______________

7. **GIS system:**
   Describe the GIS system used:
   __________________________________________________________________________
   __________________________________________________________________________
8. Specification of cadastral coordinates defining a Polygon of cadastral units to comprise the entire mineral right area (if application is approved)

Note: if necessary, attach additional sheets.

<table>
<thead>
<tr>
<th>Order</th>
<th>Latitude / North</th>
<th>Longitude / East</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>degree  minute  second</td>
<td>degree  minute  second</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Plan of area

For illustrative and general orientation purposes only, a plan of the proposed area is required but shall not be used as a basis for the establishment of any mineral right area. The establishment of a mineral right area shall be based solely on cadastral coordinates defining a polygon of cadastral units.

Attach a plan showing the location of the proposed mineral right area drawn at a scale sufficient to show important detail; it should include:

(a) a title indicating the type of mineral right, the State(s) in which the mineral right area is located and name of the applicant for or holder of the mineral right to which the area relates;
(b) the boundaries of the proposed Polygon defining the mineral right boundary if the application is approved;
(c) if the application to which this form relates is for enlargement or relinquishment of area relating to an existing mineral right, the boundaries of the existing mineral right and the boundaries should the application be approved;
(d) a scale, either in the form of a scale bar or a ratio (e.g. 1:50,000);
(e) labelled graticules showing latitude and longitude and UTM (Universal Transverse Mercator) grid coordinates 36 North, on WGS-84 datum;
(f) an arrow indicating true north;
(g) place names and any notable topographical features;
(h) roads, rivers, landmarks, habitation and other information that may aid location identification.
### XI.II - SECOND SCHEDULE - FEES

#### Tables 1 to 13 - Fees

<table>
<thead>
<tr>
<th>Fees</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 1: Reconnaissance licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application Fee</td>
<td>50,000</td>
<td>564</td>
</tr>
<tr>
<td>Reconnaissance licence term renewal application fee</td>
<td>100,000</td>
<td>1,129</td>
</tr>
<tr>
<td>Base Amount per CU (for calculating minimum expenditure)</td>
<td>900</td>
<td>10</td>
</tr>
<tr>
<td>Annual Rent per CU (~280 KSh/ km²)</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td><strong>Table 2: Prospecting licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee</td>
<td>45,000</td>
<td>508</td>
</tr>
<tr>
<td>Base amount per CU (for calculating minimum expenditure)</td>
<td>1,200</td>
<td>14</td>
</tr>
<tr>
<td>Annual rent per CU (~560 KSh/ km²)</td>
<td>120</td>
<td>1</td>
</tr>
<tr>
<td>Prospecting licence term renewal application fee: (1st renewal)</td>
<td>90,000</td>
<td>1,016</td>
</tr>
<tr>
<td>Prospecting licence term renewal application fee: (2nd renewal)</td>
<td>180,000</td>
<td>2,032</td>
</tr>
<tr>
<td>Application for prospecting licence relinquishment fee</td>
<td>13,500</td>
<td>152</td>
</tr>
<tr>
<td><strong>Table 3: Mining licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee</td>
<td>100,000</td>
<td>1,129</td>
</tr>
<tr>
<td>Annual rent per CU (~140,000 KSh/ km²)</td>
<td>30,000</td>
<td>339</td>
</tr>
<tr>
<td>Application for term renewal fee</td>
<td>100,000</td>
<td>1,129</td>
</tr>
<tr>
<td>Application for mining licence relinquishment fee</td>
<td>50,000</td>
<td>564</td>
</tr>
<tr>
<td>Application for area enlargement fee</td>
<td>50,000</td>
<td>564</td>
</tr>
<tr>
<td><strong>Table 4: Retention licence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee</td>
<td>50,000</td>
<td>564</td>
</tr>
<tr>
<td><strong>Table 5: Mineral agreement</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mineral agreement application fee</td>
<td>200,000</td>
<td>2,257</td>
</tr>
<tr>
<td>Annual rent per CU (~140,000 KSh/ km³)</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td><strong>Table 6: Reconnaissance permit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee</td>
<td>1,000</td>
<td>11</td>
</tr>
<tr>
<td>Base amount per CU (for calculating minimum expenditure)</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Annual rent per CU (~280 KSh/ km³)</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td><strong>Table 7: Prospecting permit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application processing fee</td>
<td>5,000</td>
<td>56</td>
</tr>
<tr>
<td>Base amount per CU (for calculating minimum expenditure)</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Annual rent per CU (~560 KSh/ km³)</td>
<td>120</td>
<td>1</td>
</tr>
<tr>
<td>Prospecting permit term renewal application fee</td>
<td>7,500</td>
<td>85</td>
</tr>
<tr>
<td>Application for prospecting permit relinquishment fee</td>
<td>1,000</td>
<td>11</td>
</tr>
<tr>
<td>Table 8: Mining permit</td>
<td>KSh</td>
<td>USD</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Application fee</td>
<td>10,000</td>
<td>113</td>
</tr>
<tr>
<td>Annual rent per CU (~70,000KSh/ km²)</td>
<td>15,000</td>
<td>169</td>
</tr>
<tr>
<td>Application for term renewal fee</td>
<td>10,000</td>
<td>113</td>
</tr>
<tr>
<td>Application for mining permit relinquishment fee</td>
<td>5,000</td>
<td>56</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 9: Artisanal mining permit</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application fee</td>
<td>5,000</td>
<td>56</td>
</tr>
<tr>
<td>Annual rent per CU (~280KSh/ km²)</td>
<td>60</td>
<td>1</td>
</tr>
<tr>
<td>Application for term renewal fee</td>
<td>5,000</td>
<td>56</td>
</tr>
<tr>
<td>Application for artisanal mining permit relinquishment fee</td>
<td>2,500</td>
<td>28</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 10: Licence consolidation</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to consolidate mining permit fee</td>
<td>5,000</td>
<td>56</td>
</tr>
<tr>
<td>Application to consolidate mining licences</td>
<td>50,000</td>
<td>564</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 11: Conversion</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to convert a permit or licence</td>
<td>20,000</td>
<td>226</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 12: Mineral right transfer application fee</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospecting licence</td>
<td>90,000</td>
<td>1,016</td>
</tr>
<tr>
<td>Mining licence</td>
<td>200,000</td>
<td>2,257</td>
</tr>
<tr>
<td>Mineral agreement</td>
<td>400,000</td>
<td>677</td>
</tr>
<tr>
<td>Reconnaissance permit</td>
<td>2,000</td>
<td>2,257</td>
</tr>
<tr>
<td>Prospecting permit</td>
<td>10,000</td>
<td>1,129</td>
</tr>
<tr>
<td>Mining permit</td>
<td>20,000</td>
<td>226</td>
</tr>
<tr>
<td>Artisanal mining permit</td>
<td>10,000</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 13: Miscellaneous</th>
<th>KSh</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified copy of any mineral right</td>
<td>2,000</td>
<td>23</td>
</tr>
<tr>
<td>Evidentiary certificate</td>
<td>5,000</td>
<td>56</td>
</tr>
<tr>
<td>Certified copy/extract of any file or account record per page</td>
<td>100</td>
<td>1.0</td>
</tr>
</tbody>
</table>

88,5999= 1 USD
266. **Table 14 and 15 - Minimum Operations Expenditure**

Table 14: Minimum Reconnaissance Operations Expenditure  
* required per CU of Reconnaissance area

<table>
<thead>
<tr>
<th>Licence Year</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 x base amount</td>
</tr>
<tr>
<td>2</td>
<td>2 x base amount</td>
</tr>
</tbody>
</table>

Table 15: Minimum Prospecting Operations Expenditure  
* required per CU of Prospecting area

<table>
<thead>
<tr>
<th>Licence Year</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1 x base amount</td>
</tr>
<tr>
<td>2</td>
<td>2 x base amount</td>
</tr>
<tr>
<td>3</td>
<td>3 x base amount</td>
</tr>
<tr>
<td>4</td>
<td>4 x base amount</td>
</tr>
<tr>
<td>5</td>
<td>5 x base amount</td>
</tr>
<tr>
<td>6 to 10</td>
<td>10 x base amount</td>
</tr>
<tr>
<td>10 to 15</td>
<td>20 x base amount</td>
</tr>
</tbody>
</table>

(1) *all fees and payments in this table are non-refundable and are to be paid at, or remitted to a dedicated treasury account  

** Base Amount per CU (for calculating minimum expenditure)

267. **Table 16 – Area-based Annual Charges**

<table>
<thead>
<tr>
<th>Table 16: Charges</th>
<th>KSh per CU</th>
<th>licence area</th>
<th>KSh/year</th>
<th>USD/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconnaissance licence</td>
<td>60.00</td>
<td>2.730.008</td>
<td>163.800.497</td>
<td>1.848.766</td>
</tr>
<tr>
<td>Prospecting licence</td>
<td>120.0</td>
<td>1.500</td>
<td>180.000</td>
<td>2.032</td>
</tr>
<tr>
<td>Mining licence</td>
<td>30.000.0</td>
<td>300</td>
<td>9.000.000</td>
<td>101.580</td>
</tr>
<tr>
<td>Mineral Agreement</td>
<td>30.000.0</td>
<td>in accordance with the provisions of this Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reconnaissance permit</td>
<td>60.0</td>
<td>10</td>
<td>600</td>
<td>7</td>
</tr>
<tr>
<td>Prospecting permit</td>
<td>120.0</td>
<td>25</td>
<td>3.000</td>
<td>34</td>
</tr>
<tr>
<td>Mining permit</td>
<td>15.000.0</td>
<td>2</td>
<td>30.000</td>
<td>339</td>
</tr>
<tr>
<td>Artisanal mining permit</td>
<td>60.0</td>
<td>0.24</td>
<td>14</td>
<td>0.16</td>
</tr>
</tbody>
</table>
XI.III - THIRD SCHEDULE - ROYALTIES

Royalty Rates by assessed Minerals
XI.IV - FOURTH SCHEDULE - DESIGNATION OF MINERAL RIGHT AREA

268. Designation of mineral right area

(1) Interpretation

(a) In the regulations and this Schedule, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them here;

(b) “cadastral Unit” or “CB” means a pseudo-quadrilateral formed by two meridians of longitude and two parallels of latitude of the cadastral Graticule spaced 15 seconds apart. The average area of one CU (square) of 15” x 15” is roughly 20 hectares. That means a polygon of one minute by one minute (1’x1’) will have 16 CUs (squares).

(c) “cadastral coordinates” means the geographic co-ordinates in degrees, minutes and seconds of latitude and longitude on the World Geodetic System 1984 (WGS-84), used to specify the vertices of a polygon comprising a mineral right area or mineral resource reserve area in accordance with these regulations.

(d) “cadastral graticule” means a graticule on the World Geodetic System 1984 (WGS-84) with the meridians of longitude and parallels of latitude spaced at integer multiples of 15 seconds apart.

(e) “cadastral maps”, for the purpose of the Mining Act and these regulations, shall be such maps as are designated from time to time by the Director as the official cadastral maps, and may consist of one or more series or types of maps which may be in physical or electronic form.

(f) “polygon” for the purpose of these regulations means a plane figure that is bounded by a finite sequence of straight line segments of the cadastral graticule such that it encloses one or more contiguous cadastral units.

(2) cadastral system

(a) For the purpose of establishing a cadastral system for mineral rights, mineral right applications and mineral resource reserves under these regulations, the entire surface of Kenya is divided into cadastral Units and specified in geographical coordinates of latitude and longitude on the WGS-84 datum.

(b) For the purposes of area calculation cadastral unit (CU) is deemed to have an area of 212.518 square metres.

(c) Applications specifying polygons that do not conform to the cadastral graticule established by sub-section 2(a) of this Schedule or do not conform to the specifications set out on sub-section 5 below shall not be accepted. What are the practical implications of this where a mineral right area is controlled by an existing land cadastre area.

(d) Pursuant to Clause 195 (3) and notwithstanding subregulation 0(2)(c) above, fractions of 0.25 blocks shall be acceptable in the case of permits granted for small-scale and artisanal operations.

(3) Requirements for applications for mineral rights

(a) Subject to the provisions of these regulations, an applicant for a mineral right shall submit via the OMC to the Mining Cadastre Office the cadastral coordinates of all the vertices of the polygon defining the mineral right area being applied for, conforming to the cadastral graticule established under this Schedule;
(b) The cadastral coordinates to be submitted by an applicant for a mineral right shall be integer multiples of 15 seconds corresponding to the cadastral graticule and polygons that do not conform to the cadastral graticule shall not be accepted.

(c) An application for a mineral right shall not include isolated polygons, polygons in contact by only one vertex, or polygons containing empty spaces.

(d) An application for a mineral right shall include an integer number of cadastral units, and no partial units shall be allowed with the exception as stipulated in subregulation(0)(2)(d).

(e) Where a cadastral unit subject to a mineral right application overlaps the national borders or the boundaries of an area closed to mineral operations by applicable law, the shape and dimensions of the affected cadastral unit shall not be modified, but that part which is outside the national border or that is closed to mineral operations shall be deemed not to be part of the mineral right area; and

(f) Where a calculation is based on the number of cadastral units, such calculation shall be based on entire units irrespective of whether any part of any of the cadastral units is deemed not to be part of a mineral right area.
XI.V - FIFTH SCHEDULE - GUIDELINES

269. Guideline for prospecting licence Annual Report Organisation and Content

(1) An prospecting licence Annual Report shall,

(a) be submitted via the OMC as well as paper based;
(b) the paper based being written on a good grade of bond paper, with each page of text numbered;
(c) consist of (A4) size pages, except for drill logs, graphs, maps or other illustrations, which will be presented at a size and on a scale sufficient to show clearly all material information which the map, log, graph or illustration purports to show (a “Sufficient Size and Scale”);
(d) where the regulations require inclusion of a map, log, graph or other illustration, such map, log, graph or other illustration shall be presented at a size and on a scale sufficient to show clearly all material information which the map, log, graph or illustration is required to show (a “Sufficient Size and Scale”);
(e) include digital copies of all data, maps, logs, graphs and illustrations in formats which can be easily imported into commonly used GIS or graphics software as appropriate;
(f) express all measurements and map scales in metric units;
(g) be bound in durable binders that permit easy removal of the text; and
(h) be attested by an eligible geologist, geoscientist or a mining engineer (with experience in prospecting and holding a bachelor’s degree or equivalent from a reputable university or school of mines) at the end of the report with the following words - "I certify that the work has been carried out under my supervision and this is an accurate report of the results obtained".

(2) prospecting licence annual reports on separate prospecting licences or groups of contiguous prospecting licences shall be submitted separately via the OTMCP and bound in separate binders.

(3) An Prospecting Annual Report shall contain the following information in the following order:

(a) on the front cover of the binder:

(i) title of report giving the name of the prospecting licence holder for whom the work was performed, the prospecting licence registration code number, the County(ies) in which the prospecting area is located, the name(s) and qualifications of the primary author(s) of the report and the licence year covered.
Example

prospecting licence Annual Report

of Work Carried Out From January 20XX to December 20XX

For prospecting licence No. xxxxx

County of xxxxx

by

John Smith, B.Sc. (Hons) (Geology)

for

Ace Prospecting Corporation

February 20YY

(b) on the first page of the text:
   (i) the information required in sub regulation(3) of this regulation;
   (ii) the signature of the author(s) and date of the report;
(c) table of contents which shall include:
   (i) a list of each principle subdivision of the text with the corresponding page number;
       and
   (ii) a list of each appendix, plan, map, diagram, figure or other illustration by title and
       number indicating the corresponding number or location in the report;
(d) executive summary;
(e) an introduction that shall include:
   (i) property index map clearly showing the boundaries of the prospecting area in
       relation to recognisable topographic features;
   (ii) a work index showing the location of the work performed, including the grid area
       or the area mapped, in relation to recognisable topographic features; and
   (iii) a brief description of the geographic and geologic setting of the prospecting area,
       present land use, and the means of access to it;
   (iv) a brief description of previous work; and
   (v) the purpose and scope of present work;
summary of the results of the present work that should include detailed:

(i) technical data;
(ii) interpretations;
(iii) conclusions; and
(iv) Recommendations drawn from the results.

The detailed technical data required for all areas where such work is performed are as follows:

(a) for grid establishment, a map or maps showing the location of each established line;
(b) for photo geological or remote imagery interpretation:
   (i) a review of the procedures, year and scale of air photographs/remote sensing data used, name of company that undertook the flying or source of air photographs/remote sensing data; the results and the interpretation of the results; and
   (ii) maps, photographs or diagrams illustrating results and interpretations;
(c) for geological survey:
   (i) a comprehensive review of all geological and mineralisation aspects observed (surface and subsurface) and results of sampling and assaying, relating these aspects to previous work where applicable;
   (ii) a map or showing the outline of each outcrop/float boulders examined, rock types, attitudes of bedding and structures, mineralisation, sample locations and assay results and a table of formation; and
   (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
(d) for general prospecting of ground:
   (i) a description of observations; and
   (ii) a map or maps showing:
      1. the location of each traverse line;
      2. the location and result of each instrument reading made;
      3. the location and analysis or assay result of each sample taken; and
   (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;
(e) for geophysical survey:
   (i) a description of the method of procedure followed, including components measured, units of measurement, units in which the results are presented, array, transmitter location, correction for diurnal variation, flight line interval, ground speed and terrain clearance, where applicable;
   (ii) the make, model and specifications of each instrument used;
   (iii) where the method used is new and not described in readily available literature, a summary of the underlying theory and a full description of the type of instrument used, the methods of measurement and data reduction and the results from test areas;
   (iv) an interpretation and evaluation of the results, relating them to the geology and topography of the test area and to previous work;
(v) raw electronic data; and
(vi) such other tabulated data, maps, graphs, profiles or sections as may be useful in
presenting the results of work;

(f) for an airborne geophysical survey:
   (i) the data required in sub-regulation (4)(e) of this regulation; and
   (ii) maps or profiles showing the flight lines and either the actual numerical values
        obtained or the results in contoured form, whichever is more appropriate; and
   (iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in
        presenting the results of work;

(g) for a ground geophysical survey:
   (i) the data required in sub regulation (4)(e) of this regulation;
   (ii) maps or profiles showing the numerical values obtained and the source locations
        and providing basic data where filtered or smoothed data are used; and
   (iii) such other tabulated data, maps, graphs, profiles or sections, showing the data in
        contoured form or otherwise, as may be useful in presenting the results of the
        work;

(h) for an airborne geochemical survey:
   (i) the flight line interval, ground speed and terrain clearance;
   (ii) the meteorological conditions;
   (iii) the results of control surveys over known ore and barren ground; and
   (iv) such other tabulated data, maps, graphs, profiles or sections as may be useful in
        presenting the results of work;

(i) for a ground geochemical survey:
   (i) a description of the land, vegetation and soil, including type of topography,
       maximum and minimum elevations, drainage, types of vegetation and types and
       depths of soil;
   (ii) a description of the sampling procedure, including details of the material or
        horizon sampled and of the sample depth;
   (iii) where bedrock has been sampled, a detailed description of the rock type,
        alteration, structures, mineralisation etc.;
   (iv) where “float” has been encountered, a detailed description as in (iii);

(v) for analyses:
   1. the name of the laboratory or chemist who performed the analyses;
   2. the mesh size fraction of the sample;
   3. the name and concentration of the reagents used for extraction of each element
      analysed;
   4. a description of the chemical procedure for analysing the samples, describing
      new methods in detail; and
   5. where testing has been done in the field, a description of the procedure;

(vi) an interpretation and evaluation of the results, relating them to the geology,
     mineralisation, topography and soil types etc. of the test area and to previous
     work;
(vii) where fewer than six elements have been analysed, maps or profiles showing the source location of each sample with the corresponding element, the unit of measurement and the numerical value obtained;

(viii) where six or more elements have been analysed:
1. a complete computer printout of all analytical data with the corresponding sample coordinates and technical information collected on site;
2. a map showing the source location of each sample referred to in clause (A); and
3. where significant variations have been found in the analytical data, a map or maps showing the analytical data in raw or contoured form; and

(ix) maps, graphs, sections or other illustrations showing data in contoured form or otherwise as may be useful in presenting the results of the work;

(j) for trenching, stripping or excavation of pits:
(i) description of how the work was performed;
(ii) the dimensions of each trench, area of stripping or pit, including the overburden and depth of bedrock where exposed; and
(iii) map or maps showing:
1. the outline of each trench, area of stripping or pit;
2. a brief geological description of the bedrock and overburden; and
3. the source location and assay results of each sample assayed;

(k) for drilling:
(i) for each drill hole, the grid coordinates, dip and azimuth, core or hole diameter, date and name of the company that performed the drilling;
(ii) for all drill holes, the relative collar elevations;
(iii) results of dip tests and down hole surveys, where available;
(iv) complete and clearly legible logs of all core or cuttings, listing all observed mineralisation and signed by the logger;
(v) where assays were performed, the complete results clearly correlated with the logs;
(vi) where geophysical logging was performed, the logs;
(vii) for diamond drilling, the location of the core storage; and
(viii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;

(l) for shaft sinking, tunnelling and other underground work:
(i) a description of how the work was performed and results obtained;
(ii) maps and sections at a scale of 1:500 or more detailed, showing the location of the work performed, detailed geology and mineralisation; and
(iii) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;

(m) for sampling and assaying, metallurgical or beneficiation studies, and petrographic, petrologic or mineralographic studies:
(i) a description of the procedure for sample collection and preparation;
(ii) a review of test or study procedures, and the test results and the interpretation of the test results;

(iii) a map or maps distinctly showing the source location of each sample and the corresponding analysis or assay where applicable;

(iv) for metallurgical beneficiation studies, charts or diagrams illustrating procedures and results; and

(v) such other tabulated data, maps, graphs, profiles or sections as may be useful in presenting the results of work;

(n) computation of reserves, if applicable, should include the grade and tonnage, method of reserve computation and any such data that may be useful in presenting the results of work;

(o) for a control survey or topographic mapping:

(i) a description of the survey procedure; and

(ii) an accurate traverse map showing the location of the survey in relation to the boundaries of the prospecting area;

(p) for road construction:

(i) a description of how the work was performed;

(ii) the length and width of the road; and

(iii) the work index map required in regulation (5)(a) of this regulation; and

(q) for all ground surveys, a Programme for protection, reclamation and rehabilitation of any disturbed areas caused as a result of Prospecting Operations.

(5) Maps

(a) Maps and other illustrations submitted with an Prospecting Annual Report shall:

(i) not exceed a size of an A0 size sheet;

(ii) be so uncluttered and have such large and clear printing or symbols that they remain readily decipherable upon being reduced twofold;

(iii) have a light background

(iv) use black pattern or black number coding, that may be combined with light colour coding;

(v) indicate orientation with respect to geographic north on every plan map and index map;

(vi) indicate scales of coordinates on sections, profiles or similar diagrams; and

(vii) where appropriate, indicate in their lower right corner their identifying title, and appropriate bar scale and a legend.

(f) All illustrations shall be consecutively numbered.

(g) Page size illustrations shall be bound securely in the binder and larger illustrations shall be folded and inserted in an envelope that is fastened securely to the bound text or contained with the bound text in an expanding file with cover flap.

(6) The final prospecting licence Annual Report (covering the final licence Year of the prospecting licence) should contain the following information:--

(a) Executive summary.

(b) Introduction.
(c) Summary of previous work.
(d) Geology and mineralisation.
(e) Summary of Prospecting Operations work undertaken.
(f) Summary of results obtained.
(g) Computation of ore reserves for each deposit.
(h) List of Prospecting and Mine Development expenditure.
(i) Conclusions and recommendations.