



LESOTHO Government Gazette

Vol. 67

Friday – 10th June, 2022

No. 40

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Published by the Authority of His Majesty the King
Price: M10.00

ACT NO. 8 OF 2022

Mines and Minerals (Amendment) Act, 2022

An Act to amend the Mines and Minerals Act, 2005¹ to provide in the inclusion of diamonds for granting of mineral permits and for related matters.

Enacted by the Parliament of Lesotho.

Short title and commencement

1. This Act may be cited as the Mines and Minerals (Amendment) Act, 2022 and shall come into operation on the date of publication in the Gazette.

Application for mineral permit

2. The Mines and Minerals Act, 2005 (in this Act referred to as the “principal law”) is amended by deleting section 46 and substituting the following:

“46. (1) A person who wishes to -

- (a) conduct small scale mining operations may apply for a mineral permit to conduct such operations for any mineral over an area not exceeding 100m²; and
- (b) obtain a mineral permit shall apply to the Board by completing Form E as specified in Schedule I.

(2) A company shall not hold a mineral permit.

(3) A mineral permit shall be as specified in Form F of Schedule I.

(4) The Commissioner shall designate, set aside or recognize areas for mining by persons holding mineral permits for diamonds.

Duration, renewal and termination of a mineral permit

3. Section 48 of the principal law is amended by deleting subsection (2) and substituting the following:

- “(2) The Minister may terminate a mineral permit -
- (a) issued if he is satisfied that the holder of a mineral permit has ceased to be a citizen of Lesotho or has entered into an arrangement with a person, which arrangement has the effect of transferring to that person any interest in such permit; and
 - (b) for diamonds if the holder fails to start operations within two months after issuance of a mineral permit or has failed to carry out mining in accordance with the conditions of the permit”.

Duties of a holder of a mineral permit

4. Section 50 of the principal law is amended by deleting “full stop” at the end of paragraph (g), substituting “a semi colon” and inserting the following new paragraphs:

- “(h) start operations within two months after obtaining a diamond mineral permit;
- (i) report on discovery of other minerals in the course of mining than the ones for which the permit is issued;
- (j) pay such fees and other charges as the Minister may prescribe by Regulations;
- (k) not employ children or use child labour; and
- (l) implement other obligations stipulated in this Act.”.

Assignment, transfer or modification

5. The principal law is amended by deleting section 51 and substituting the

following:

“51. (1) A mineral permit or any interest in the mineral permit shall not be transferred, assigned or encumbered or dealt with, without the approval of the Minister.

(2) A mineral permit shall not be converted into any other type of licence.

(3) A mineral permit for diamonds shall not be transferable, including the interest therein, except to financial institutions by way of operation of mortgage, charge, or security in lieu of any loan or guarantee.”.

NOTE

1. Act No. 4 of 2005

GOVERNMENT NOTICE NO. 37 OF 2022

The Parliament of Lesotho

Statement of Objects and Reasons of the Mines and Minerals Act, 2022

**(Circulated by the Authority of the Minister of Mines, Honourable
Serialong Qoo)**

The purpose of the Mines and Minerals Amendment Act is to make provision for the inclusion of diamonds in the granting of mineral permits.

The Act also authorises artisanal and small scale mining for diamonds to only Basotho in an effort to improve their livelihoods and to enhance Lesotho's economy, and as such the permit cannot be transferred or encumbered.

The Act is consistent with the letter of the Mining and Minerals Policy promulgated in 2015 by the Ministry of Mining.

