



THE NINE HUNDREDTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED

## MINERALS AND MINING (AMENDMENT) ACT, 2015

AN ACT to amend the Minerals and Mining Act, 2006 (Act 703) to provide for Regulations to be made to prescribe the manner for the payment of royalties; the confiscation of equipment used in illegal small scale mining and for related matters.

DATE OF ASSENT: *16th December, 2015.*

PASSED by Parliament and assented to by the President:

### Section 25 of Act 703 amended

1. The Minerals and Mining Act, 2006 (Act 703), referred to in this Act as the principal enactment, is amended by the substitution for section 25 of

#### "Royalties

25. A holder of a mining lease, restricted mining lease or small scale mining lease shall, in respect of minerals obtained from its mining operations, pay royalty to the Republic at the rate and in the manner that may be prescribed."

### Section 99 of Act 703 amended

2. The principal enactment is amended by the substitution for section 99 of

#### "Offences and penalties

99. (1) A person who sells or buys minerals without a licence granted under section 97 or 104 or without a valid authority granted under this Act or any other enactment commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or to both.

(2) A person who,

- (a) without a licence granted by the Minister, undertakes a small scale mining operation contrary to the provisions of this Act, or
- (b) acts in contravention of a provision of this Act in respect of which a penalty has not been specified,

commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or to both.

(3) A foreigner who undertakes small scale mining operations contrary to the provisions of this Act commits an offence and is liable on summary conviction to a fine of not less than thirty thousand penalty units and not more than three hundred thousand penalty units or to a term of imprisonment of not more than twenty years or to both.

(4) A Ghanaian who employs or engages a foreigner to illegally undertake or participate in small-scale mining commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(5) Where a person is arrested for an offence under subsection (3) or (4), any equipment used in or associated with the commission of the offence and any product derived from the commission of the offence shall, regardless of the ownership of the equipment or product, be seized and kept in the custody of the police.

(6) A court which convicts a person for an offence under subsection (2), (3) or (4) shall in addition to the penalty that it may impose, order the forfeiture of any equipment or product seized under subsection (5) to the State.

(7) The Minister shall, within sixty days after the confiscation of the equipment or product, allocate the equipment or product to the appropriate state institution and publish in the *Gazette* the name of the state institution to which the equipment or product is allocated.

(8) In this section, "court" includes the Circuit Court."

#### Section 106 of Act 703 amended

3. The principal enactment is amended in section 106 by the addition of a new subclause (2) as follows:

"(2) Without limiting section 99, a court before which a person is convicted under this Act shall order the forfeiture to the State of the mineral in respect of which the offence was committed."

#### Section 107 of Act 703 amended

4. The principal enactment is amended in section 107 by the deletion of subsection (2).

#### Section 110 of Act 703 amended

5. The principal enactment is amended in section 110 by the addition of a new paragraph after paragraph (u) in subsection (2) as follows:

"(v) prescribing the rate for royalty and the manner of royalty payments in respect of minerals."

#### Repeal and savings

6. (1) The Minerals and Mining (Amendment) Act, 2010 (Act 794) is repealed.

(2) Despite the repeal of Act 794, the rate of royalty in force immediately before the commencement of this Act shall continue in force until the rate is altered.

Date of *Gazette* notification: 24th December, 2015.

### ARRANGEMENT OF SECTIONS

#### Section

1. Section 25 of Act 703 amended
2. Section 99 of Act 703 amended
3. Section 106 Act 703 amended
4. Section 107 of Act 703 amended
5. Section 110 of Act 703 amended
6. Repeal and savings