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## RESTRICTED MINERAL REGULATIONS 2018

**IN EXERCISE** of power conferred on the Minister responsible for Mineral resources under section 115 of the Mines and Quarries Act, 2005, these Regulations are hereby made.

Subject to articles 97, 98 and 99 of Chapter VI of the Act, the Minister may make regulations for restricted minerals.

### PART I – PRELIMINARY

Citation

1. These Regulations may be cited as ‘Restricted Mineral Regulations, 2013’.

Interpretation

2. In these Regulations, unless the context otherwise requires;

“Act” means the Mines and Quarries Act, 2005 hereafter referred to as ‘**The Act**’;

‘Authority’ means a Licence;

‘Breach of these Regulations’ means finding of guilt by competent authority of the Geological Department after undergoing an investigation process;

“Deal in” means to purchase, sell, receive or dispose of by way of barter, pledge or otherwise, the restricted mineral, either as principal or as agent;

“Dealer” means any person, corporation, or partnership who buys precious metals or precious or semiprecious stones or gems from the general public, whether in bulk or in manufactured form, with intent to obtain monetary profit for himself or for a principal..

“Department” means the Geological Department;

“Director” means person for the time being heading the Geological Department and has the same meaning as the ‘Chief Geologist’ as in the Act;

“He” means He/She as the case may apply.

‘himself’ means himself/herself as the case may

apply;

'Licence' means Special Licence.

'Minister' means the Minister responsible for mineral resources;

"Place of business" means a premise either owned by the dealer or leased by him where business in Restricted Minerals is carried out.;

"Places proposed to do business" means the regions or municipalities in which the dealer intends to deal in precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems.

" Possess" means to have possession or control of the restricted mineral either personally or through an agent or employee;

"Precious mineral" means any article made in whole or in part of gold, silver, diamond or platinum.

"Restricted Minerals" include precious minerals as defined in these regulations and minerals declared by the Minister in accordance with section 97 of the Act.

"Special Licence" means a licence to deal in or possess a restricted mineral granted in accordance with these regulations made under section 99 of the Act.

## **PART II – SPECIAL LICENCE APPLICATIONS**

General provisions

3. I A Special licence is required to deal in restricted minerals;
- II. No person shall purchase any Restricted Minerals unless he is the holder of a Special licence granted under the Act and or these Regulations;
- III. No person shall sell any restricted mineral

unless he/it has first satisfied himself/itself that the purchaser is the holder of the licence to purchase that restricted mineral.

- IV. No dealer shall operate in The Gambia unless he/it first obtains a Licence to engage in the business of purchasing precious metals and operates only from a permanent place of business premises;
- V. No dealer shall operate on public property, , a vehicle, hotel room or similar temporary locations;
- VI. Special Licence may be issued for an initial period not exceeding one (1) year;
- VII. Any person contravening the provisions of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty thousand dalasis or to imprisonment, with or without hard labour, for a term not exceeding three years, or to both such fine and imprisonment.

Application

- 4. An application for a Licence to deal in restricted minerals shall be made on the form in Schedule 2.

The content of an application

- 5. The application for a Licence to deal in restricted minerals must contain:
  - I. Personal information of the applicant,
  - II. Physical Address of Business ;
  - III. Evidence of funding.
  - IV. Evidence on source of mineral(s)

Processing application

- 6. The Director may investigate and verify any information supplied by the applicant.
  - I. He may request from the applicant, additional information that he may require to process the application.
  - II. Any applicant who provides false information to the Minister, may be charged with appropriate Offences, as the Attorney

Processing period	General's Chambers and Ministry of Justice may advise.
Qualifications for issuance of a Special licence	<p><b>7.</b> The processing period of an application shall not exceed ninety working days after which the applicant can write a petition to the Minister if there is undue delay in the processing of the application.</p> <p>I. Upon receipt of an application, the Director shall acknowledge receipt of the application within ten working days.</p> <p><b>8.</b> A person or a company must fulfill the following conditions before a Licence can be issued.</p> <p>I. Have a registered business in The Gambia;</p> <p>II. Have a physical address to which all communications will be delivered; and</p> <p>III. Demonstrate financial buoyancy.</p> <p>IV. Prove legitimacy of source of mineral(s)</p>
Issuance of Special Licence	<p><b>9.</b> When the Director completes the investigation and finds the applicant qualified, he shall submit to the Minister the completed application with recommendation.</p>
Minister's reaction	<p><b>10.</b> The Minister may issue a licence in the prescribed form and on payment of the prescribed fee authorizing the person named therein to deal in restricted minerals.</p>
Terms and conditions of licence	<p><b>11.</b> I The Special Licence is valid for a period of one year.</p> <p>II. Every such licence shall expire after twelve calendar months after the licence is issued.</p> <p>III. A Licence holder can apply for the renewal of his/its expired licence and the application may be issued by the Minister.</p> <p>IV. A licence to deal in restricted mineral shall not be transferred without the consent of the Minister.</p> <p>V. The holder of a licence to deal in minerals shall not purchase any mineral unless he has</p>

first satisfied himself/itself that the seller is authorized to be in possession of such mineral and to dispose of the same.

VI. The licence holder must display the licence in a visible place in his/its business premises.

Fees **12.** Payment of fees and charges shall be made as provided for in schedule 1.

Further information **13.** If the application is found to be incomplete or inaccurate, the applicant may be required to provide further information.

Suspension and Cancellation of a Special Licence **14.** Any of the following shall constitute grounds for suspension/cancellation of a Licence:  
1. If the Special Licence holder fails to:  
a. meet his obligations as spelt out above  
b. in the event of bankruptcy/insolvency  
c. death  
d.  
e.  
In the event of the occurrence of any of the above (1), the Director shall write a report with recommendations and submit it to the Minister for necessary action.

Sanctions for breach of regulations **15.** If a breach of the provisions of these regulations does not constitute a criminal offence, the Director, whilst taking into account the circumstances of the infringement, shall impose the following penalty on the guilty person:

- I. Any person found dealing in precious minerals without a Licence issued under the Act/Regulations, may have, his income or products derived from such activity confiscated by the state and, a fine in an amount equal to double that of the case.
- II. If the Director delivers a judgment which is not favourable to the applicant where an application has been rejected, the applicant may appeal to the Minister.

- III. The amount of the penalty shall not exceed the maximum penalty of fifty thousand in the case of an individual or imprisonment for a term not exceeding three years, or both the fine and imprisonment or in any other case a fine of not less than five hundred thousand as provided for under section 98 (2) of the Act..
- IV. A penalty as indicated in Schedule 1 (4) shall be imposed in case of failure by a licence holder to submit to the Department relevant documentation as the case may be.
- V. Where a Licence holder continues to violate the provisions of the Act and these Regulations with respect to any condition of the licence, the activities of such a holder shall be suspended for up to thirty working days, and if such deficiencies are not eliminated within this period, the activities of the Special Licence holder shall be terminated.
- VI. Any person who, being found in possession of any restricted mineral, does not prove to the satisfaction of the court that he obtained such mineral lawfully shall, independently of any other liability, be guilty of an offence.
- VII. In the event the Special Licence terminated and the holder aggrieved , may within three weeks lodge an appeal against this decision to the Minister , for him to revisit the decision.
  - a. If a Special Licence holder fails to provide an annual report, his/its Special Licence shall be suspended after a month.

Convictions

**16.** Upon the conviction of any person, whether summarily or on information, for an offence against section 15 of these regulations, any restricted mineral in respect of which such offence has been committed shall unless proved by some other person to be the property of that other person shall be forfeited to the State and shall be sold or otherwise disposed of as the Minister may by Order direct. The proceeds from the sale of any such mineral shall be paid into Government central revenue fund.

Fees and Charges

**17.** Applicants shall pay fees and charges as provided for Schedule 1.

### **PART III - REPORTS**

Regular reports

**18.A** Special Licence holder must submit an annual report on activities to the Director. This report shall include but not limited to the types of minerals bought and sold, the sources and destination of the minerals.

Special licensees obligations

A licence holder to deal in restricted minerals shall keep books showing-

- I. all purchases made by him and the nature, state and weight of the mineral purchased,
- II. the date of each purchase,
- III. name, title and address of agent/vendor(s)  
;and
- IV. Produce such books for the inspection of any Government Officer whenever required to do so.



**SCHEDULE 1**  
**FEES AND CHARGES**

All fees and charges are non refundable.

**1. Application Processing fees**

I. Licence D 10 000

**2. Licence Fees**

I. Licence D50 000

II. Renewal D25 000

**4. Penalties**

I. late renewal D10,000

**Schedule 2**

**Special Licence Application Form**

**Mines and Quarries Act 2005**

<b>1</b>	<b>Name</b>	
<b>2</b>	<b>Nationality</b>	
<b>3</b>	<b>Address in The Gambia</b>	
<b>4</b>	<b>Do you intend to buy Minerals on your own behalf or on behalf of somebody else</b>	
<b>5</b>	<b>Name of company, corporation, syndicate or persons (if any) which the applicant represents:</b>	
<b>6</b>	<b>Mineral to be purchased and/or to be in applicant's possession or held for and on behalf of the company</b>	
<b>7</b>	<b>Provide proof of source of the mineral(s)</b>	
	<b>Position or appointment held by the applicant in the company, corporation, syndicate or person:</b>	
<b>9</b>	<b>Name and nationality of members or directors (if any):</b>	
<b>10</b>	<b>Amount of nominal capital subscribed and the working capital:</b>	
<b>11</b>	<b>Is this the applicant's first Special Licence application?</b>	
<b>12</b>	<b>If yes to '11' was the application successful</b>	
<b>13</b>	<b>Provide a copy of the memorandum and article of association</b>	

**NAME:** .....

**SIGNATURE/THUMP PRINT:**.....

**DATE:**.....

THE REPUBLIC



OF THE GAMBIA

Geological Department  
Ministry of Petroleum and Energy  
Kanifing

**SPECIAL LICENCE**

Under the Mines and Quarries Acts, 2005 of the laws of The Gambia, A Special Licence is hereby granted to:

.....  
.....  
.....  
.....

To

POSSES AND DEAL IN RESTRICTED MINERAL

The Licence is valid for a Period of one Year with effect from .....to ..... (Both days inclusive).

Issued by:

.....

Minister  
Petroleum and Energy  
Date: .....

Ref: ...../...../...../ (...)