

SUBSIDIARY LEGISLATION

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THE WILDLIFE CONSERVATION (PROSPECTING, MINING OF
URANIUM, EXPLORING AND PRODUCTION OF OIL AND GAS IN GAME
RESERVES) REGULATIONS, 2017

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THE WILDLIFE CONSERVATION ACT,
(CAP 283)

REGULATIONS

(Made under section 121)

THE WILDLIFE CONSERVATION (PROSPECTING, MINING OF URANIUM,
EXPLORING AND PRODUCTION OF OIL AND GAS IN GAME RESERVES)
REGULATIONS, 2017

PART I
PRELIMINARY PROVISIONS

Citation and
application

1. These Regulations may be cited as the Wildlife Conservation (Prospecting, Mining of Uranium, Exploring and Production of Oil and Gas in Game Reserves) Regulations, 2017.

Interpretation

2. In these Regulations unless the context otherwise requires-

Cap.283

“Act” means the Wildlife Conservation Act;

Cap.123

“Authorized Officer” means the Director, a Wildlife Officer, a Wildlife Warden, Wildlife Ranger, police officer, an employee of National Parks of or above the rank of park ranger, an employee of the Ngorongoro Conservation Area of or above the rank of ranger, an authorized officer as defined in the Mining Act and includes any of the following officers appointed in writing by the Director-

- (a) an employee of the Forestry and beekeeping Division of or above the rank of forest ranger;
- (b) an employee of the Fisheries Division of or above the rank of Assistant Fisheries Officer;
- (c) an employee of the Antiquities Division of the rank of or above the rank of Conservator of Antiquities; and
- (d) any other public officer or other person appointed as

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- such in writing by the Director.
- “buffer zone” means an area surrounding the mining area or development area whose distance shall be determined in the Environmental Impact Assessment Report associated with the programme, activity or project with a view to cushion or absorb the negative impact or pressure of the mining activities to areas adjacent or close by; “Conservation area” means-
- Cap.283 (a) a Game Reserve established under the Wildlife Conservation Act;
- (b) a Wetland Reserve established under the Wildlife Conservation Act;
- (c) a game controlled area established under the Wildlife Conservation Act;
- (d) a Wildlife Management Area established under the Wildlife Conservation Act;
- Cap.412 (e) a National Park established under the National Parks Act;
- Cap.413 (f) the Ngorongoro Conservation Area established by the Ngorongoro Conservation Act;
- “concession fee” means an amount of money paid by the Permit Holder to the Director to cover an opportunity cost due to mining activities in the mining area and the buffer zone situated in the Game Reserve;
- “conservation” means protection, management and sustainable utilization of wildlife resources, habitat, ecosystem and the non-living environment supporting such resources, habitat or ecosystem with actual or potential use or value;
- “development area” means an area of land subject to a development licence;
- Cap.392 “development licence” means a licence as defined in the Petroleum Act, 2015;
- “dispersal area” means an area habitually used by wild animal species for feeding, laying, storing eggs, rearing or feeding their young, and includes breeding places;
- “Director” means the Director of Wildlife as defined in the Act;
- “environment” includes the physical factors of the surroundings of human beings including air, land, water, climate, sound, light, odour, taste, micro-

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- organism, the biological factors of animals and plants, cultural resources and the social economic factor of aesthetics and includes both the natural and the built environment and the way they interact;
- Cap.191 "environmental impact assessment" means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;
- "Environmental Performance Bond" means the performance bond as defined under section 227 of the Environment Management Act;
- "game controlled area" means any area declared to be a game controlled area by an order made under the Wildlife Conservation Act;
- "Game Reserve" means any area declared to be a Game Reserve by an order made under the Wildlife Conservation Act;
- Cap.123 "license" means a prospecting licence or special mining license as defined under the Mining Act, or an exploration licence, a development licence or a production licence as defined under the Petroleum Act 2015;
- No. 7 of 2003 "Licensing Authority" means the licensing authority prescribed under the Mining Act, the Petroleum Act, and the Atomic Energy Act;
- "migratory route" means an area of a strip or zone of land used by herds of wild animals during their migratory cycles or seasonal movements;
- "Mining in the Game Reserve" means the exploitation of oil and gas as prescribed in the Petroleum Act, and includes mining of uranium;
- "mine" when used as a noun, means any place, excavation or working in or on which any operation connected with mining is carried on together with all buildings, premises, erections and appliances belonging or appertaining thereto, above or vertically below the ground within horizontal boundaries of the licence, the purpose of mining, treating or preparing minerals, obtaining or extracting any mineral by any mode or method or for the purpose of dressing mineral ores but does not include a smelter or a refinery;

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- “mine” when used as a verb means, intentionally to mine minerals, and includes any operations directly or indirectly necessary therefor or incidental thereto, including such processing of minerals as may be required to produce a first saleable product, and mining shall be construed accordingly;
- “mineral” means Oil, Gas and Uranium;
- “mining area” means an area of land within a Game Reserve subject to a special mining licence, or production licence;
- “mining operations” means operations carried out in the course of mining in a Game Reserve;
- “Minister” means the Minister responsible for Wildlife;
- “non-consumptive wildlife tourism” means game viewing, walking safaris, camping, balloon safaris, canoe rafting, bird watching, sport fishing, hiking, mountain climbing, expeditions, documentary and commercial photographing, video shooting, filming, cinematograph, and includes any other operations of similar nature directed at drawing leisure out of the use of wildlife;
- “permit” means a permit issued by the Director under these Regulations enabling the holder to prospect or mine uranium, explore or produce oil and gas in a Game Reserve;
- “photography” means any product of taking pictures of, any process to take picture and includes cinematography, video shooting and filming wildlife and or its habitat in any conservation area;
- “Permit Holder” means a person holding a prospecting , exploration or production licence or special mining licence permitted by the Director to prospect, explore, produce oil and gas or mine uranium within a Game Reserve;
- “prospect” means to search for Mineral by any means and to carry out any such works and remove such samples as may be necessary to test the mineral bearing qualities of land, and includes the conduct of reconnaissance operations;
- “prospecting area” means an area of land subject to a prospecting licence;

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- "prospecting operations" means operations carried out in the course of prospecting minerals within a Game Reserve;
- "protection cost" means an amount of money paid by the Permit Holder to the Director which shall cover the cost of wildlife research, management and monitoring;
- "wetland" means an area of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary with water that is static or flowing, fresh or otherwise, including marine water, the depth of which at low tide does not exceed six meters and includes riparian or coastal zones adjacent to such area, and islands or bodies of marine water deeper than six meters at low tide laying within such areas;
- "wetland area" means any area managed as a wetlands area under the Wildlife Conservation Act and any other relevant law governing the management of wetland;
- "wetland reserve" means any area managed as a wetland reserve under the Wildlife Conservation Act and any other relevant law governing the management of wetland;
- "wildlife" means any wild and indigenous animals and plants, and their constituent habitats and ecosystems found on and, or in land or water, as well as exotic species that have been introduced in Tanzania and established in the wild, and includes wild animals on transit, temporarily maintained in captivity or have become established in the wild;
- "wildlife corridor" means the area of land used by wild animal species in their seasonal movements from one part of an ecosystem to another, in search of basic requirements such as water, food, space and habitat;
- "wildlife officer" means a wildlife officer, wildlife warden and wildlife ranger engaged for the purposes of enforcing the Wildlife Conservation Act.

PART II
ISSUANCE OF PERMIT AND CONDITIONS
FOR MINING OPERATIONS

Restriction for
prospecting or
mining in Game
reserve

3.-(1) Save as otherwise expressly provided in these Regulations, no person shall engage in any prospecting, exploration, development of oil and gas or mine uranium operations for mineral within a Game Reserve except under and in accordance with the permit issued to that person by the Director.

(2) Subject to the provision of regulation 4, the Director shall not issue a permit for prospecting, exploration, production of oil and gas or mining uranium in a Game Reserve unless such person has a license.

Application for a
permit

4. Any person who seeks to prospect, explore, develop oil and gas or mine uranium under the provisions of these Regulations shall submit a dully-filled application form to the Director as prescribed in the First Schedule to these Regulations.

Issuance of a
permit generally

5. The Director may, upon receiving application and payment of the prescribed fees, issue a permit.

Prospecting or
exploration
permit

6.-(1) The Director may issue a permit to enable the holder of a licence to carry out prospecting or exploration activities in a Game Reserve, on such terms and conditions and upon payment of fees as prescribed in the Second and Third Schedules.

(2) A permit issued under sub-regulation (1) shall be in the form as prescribed in the Third Schedule to these Regulations.

Mining or
Production
permit

7.-(1) Save as provided in Regulation 5, The Director shall issue a permit to enable the mining of uranium or production of oil and gas in a Game Reserve to a person who has complied with the requirements of these Regulations.

(2) The permit prescribed under sub regulation (1) shall be in the form specified in the Fourth Schedule to these Regulations.

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Validity of permit 8. A permit issued by the Director under these regulations shall be valid only in relation to the areas and period prescribed therein.

Payments 9.-(1) A person shall before commencement of any activities permitted under these Regulations, pay to the Director a Protection cost and Concession fee as prescribed in the Second Schedule, and the fee or cost shall be payable annually at the times and periods prescribed in the permit.

Cap 191 (2) The permit holder shall before commencement of
Cap. 123 mining and production activities permitted under these Regulations, submit to the Director proof of deposit of Environmental Performance Bond in accordance with the Environment Management Act, the Mining Act and the Petroleum Act.

Restriction on assignment or transfer of permit 10. The permit holder shall not assign or transfer the permit without prior notifying the Director of such intention and obtaining his written consent.

Fees for assignment or transfer 11. The Director shall, for any assignment or transfer of the permit, charge a fee amounting to United States Dollars Five hundred thousand in case of mining or production activities and United States Dollars One hundred thousand in case of prospecting or exploration activities or one percent of the total sale whichever is the highest.

Restriction on mining or production in a buffer zone 12. A person undertaking mining or production operations shall ensure that the mine is surrounded by a buffer zone where no mining or production activities shall take place.

Restrictions on commercial or other form of wildlife utilization 13.-(1) A permit holder, employees of the permit holder or any other person within the operations of the permit holder shall not undertake hunting, capturing of animals, commercial photographing, filming or non-consumptive tourism within the area specified in the permit.

(2) A permit holder, employees of the permit holder or any other person within the operations of the permit holder shall not carry any weapon in a Game Reserve, without a written consent from the Director.

(3) Any person who contravenes the provisions of this

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regulation commits an offence.

Restriction on
removal of
minerals

14. The permit holder shall not remove minerals from the Game Reserve without a written permission from the Licensing Authority.

Authorized
officer's power of
entry

15. Without prejudice to the provisions of section 106 of the Act, the Director or an authorized officer may at any time, enter upon any area over which a permit has been issued under these Regulations for the purpose of-

- (a) ascertaining whether or not the provisions of these Regulations, or the conditions of the permit, are being complied with;
- (b) giving directions, and taking steps, to enforce any provision of these Regulations, or to abate or remove any nuisance or irregularity.

Requirement for
Environmental
Impact
Assessment
Cap. 191

16.-(1) The Director shall not issue a permit to any person who seeks to engage in exploration, development of oil and gas or mine uranium within a Game Reserve unless an Environmental Impact Assessment, Strategic Environmental Assessment, and Wildlife Impact Assessment have been conducted in accordance with the Environmental Management Act, the Wildlife Conservation Act or any other law.

(2) An expert or firm of experts which shall be appointed by a relevant authority to conduct an Environmental Impact Assessment study shall upon payment of the fees prescribed in the Second Schedule to these Regulations, be issued a written permission from the Director authorising it to enter into a Game Reserve for the purpose of conducting that study.

(3) During the process of conducting an Environmental Impact Assessment study, the permit holder shall ensure that the Wildlife Division is consulted and its views are incorporated in the study.

Register of Permit
Holders

17.-(1) The Director shall maintain and update a register which shall contain the details and operations of each of the permit holder permitted to carry out prospecting, exploration, development of oil and gas or mine uranium within a Game Reserve.

(2) Any person may, upon payment of the fee, request for information from the Director regarding wildlife conservation activities carried in the mining or production area.

(3) Subject to sub regulation (2), any person who requests the information shall pay to the Director a fee of United States Dollars one hundred.

(4)The Director shall respond to an application under sub regulation (2) within fourteen days upon receipt of the request and payment of the prescribed fee.

**PART III
REVOCATION OF PERMIT**

Powers of the
Director to revoke
permit

18.-(1) The Director may revoke the permit issued to any person under these Regulations.

(2) The powers of the Director to revoke a permit shall be exercised where there is sufficient evidence that the person issued the permit:

- (a) violates or fails to comply with the conditions of the permit;
- (b) violates the provisions of the Act;
- (c) his license is terminated;
- (d) has given false or incorrect information on the application for the permit for prospecting, mining of uranium exploration or production of oil and gas or any other permit;
- (e) fails to pay the necessary fees, costs, or any other debt due to him in relation to these Regulations; or
- (f) sublets the permit issued to him.

permit holder
to be heard

19.-(1) Notwithstanding the provisions of regulation 18 of these Regulations, the Director shall not revoke a permit without giving the permit holder an opportunity to show cause why the permit should not be revoked.

(2) The Director shall, within sixty days after receiving the submission, make a decision and notify the permit holder in writing accordingly.

Right to appeal

20.-(1) Any person aggrieved by the decision of the Director may within thirty days after the decision of the

Director appeal to the Minister.

(2) The Minister shall within thirty days of receipt of the appeal issue his decision.

(3) Any person who is aggrieved by the decision of the Minister, may appeal to the High Court within thirty days of such decision.

**PART IV
MISCELLANEOUS PROVISIONS**

Restriction on the
rights granted

21.-(1) The permit issued under these Regulations shall not confer upon the permit holder any interest or estate in the mining area.

(2) The expenditure of capital and or labour by the permit holder shall not confer any interest or estate in the mining area.

Offences and
penalties

22. A person who commits an offence under these Regulation shall upon conviction be liable to a fine of not less than two hundred thousand shillings or to imprisonment for a term of not less than six months or both and in addition of that fine or imprisonment, and the court shall in addition to any penalty imposed order the payment of any fees or costs due and unpaid to be paid under these Regulations.

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FIRST SCHEDULE

APPLICATION FOR A PERMIT FOR PROSPECTING /MINING OR
EXPLORING/PRODUCTION OF OIL AND GAS IN A GAME RESERVE

THE WILDLIFE CONSERVATION
(PROSPECTING, MINING OF URANIUM, EXPLORING AND
PRODUCTION OF OIL AND GAS IN GAME RESERVES)
REGULATIONS, 2017

(Made under regulation 4)

I/We of P.O. Box hereby
apply for a prospecting/mining or exploring/production permit in the
Game Reserve within District in
Region.

I/We undertake to abide by the terms and conditions of the Wildlife Conservation Act and its
Regulations, prospecting/exploring permit, mining/production permit, or other conditions which the
Director may prescribe. The particulars of the land for which the prospecting/ exploring,
mining/production permit is requested are as follows:

1. Description and extent of the land (as per the licence)
.....
.....
.....
.....
2. Period for which permit is requested:.....

.....
Signature of Applicant

.....
Date

Completed Application Forms should be submitted to the Director of Wildlife, 4th Floor, Mpingo
House, 40 Julius Nyerere Road, 15472-Dar es Salaam.

A. PARTICULARS OF APPLICANT COMPANY

- i) Name of Company.....
- ii) Physical Address
- iii) Postal Address.....
- iv) Telephone:.....
- v) Fax:
- vi) E-mail:
- vii) Website:

B. COMPANY PROFILE

- i) Date of incorporation:

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- ii) Number of Certificate of Incorporation
- iii) TIN number
- iv) Particulars of Directors

Name of Director	Nationality	Residential Address

- v) Particulars of Shareholders

Name of Shareholder	Nationality	Number and value of Shares	Residential Address

C. LIST OF ATTACHMENTS

- (i) Copy of the Application for Licence and its attachments (e.g Copy of Memorandum and Articles of Association, Copy of Certificate of Incorporation, Management Plan, etc)
- (ii) Copy of the Prospecting/Mining Licence or Exploring/Production Licence
- (iii) Copy of the Environmental Impact Assessment Report
- (iv) Copy of the Environmental Impact Assessment Certificate
- (v) Copy of the Environmental Management Plan
- (vi) The map of the Prospecting/Mining or Exploring/Production Licence Area

D. DECLARATION

I am aware that the information given hereinabove constitutes the basis upon which the Authority may grant the prospecting/mining permit or exploring/production permit in a Game Reserve. Any information which proves to be false and contrary to what have been declared hereinabove is consequently an offence under the Wildlife Conservation Act, 2009.

I *(name of Director)* who is
..... *(Title of Signatory)* of
..... the Applicant, hereby declare that to the best of my knowledge and belief, all the particulars furnished in this application are true and correct, I therefore, undertake to indemnify the Authority for any misrepresentation, deliberate omission and any information that may, in the future prove to be false.

.....
Signature of Applicant and official stamp *Date*

Application fees paid:

USD: against ERV receipt No. dated
.....

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SECOND SCHEDULE

(Made under Regulation 6)

FEES

S/N	Type of Fee	Fee rates (USD)
1.	Prospecting or exploration Permit Application fee	10,000.00
2.	Prospecting or exploration Permit fee up to 200 km ² per year	60,000.00
3.	Mining of uranium or Production of oil/gas Permit Application fee	20,000.00
4.	Concession fee for mining area per km ² per year	2,400.00
5.	Concession fee for buffer zone per km ² per year	1,200.00
6.	Protection cost for mining area per km ² per year	3,400.00
7.	Protection cost for buffer zone per km ² per year	1,700.00
8.	Permit to conduct an Environmental Impact Assessment study	50 per person per day.

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THIRD SCHEDULE

(Made under Regulation 6(2))

PERMIT FOR PROSPECTING OR EXPLORING IN GAME RESERVE

**THE WILDLIFE CONSERVATION
(PROSPECTING, MINING OF URANIUM, EXPLORING AND
PRODUCTION OF OIL AND GAS IN GAME RESERVES)
REGULATIONS, 2017**

NOT TRANSFERABLE

THIS PERMIT is issued to for days/months/years
with effect from to prospect/explore within the Game
Reserve District, Region subject to the conditions
prescribed overleaf.

The description of the prospecting or exploration area (as per the licence):

- a) Locality
- b) Size sq. Km
- c) GPS Coordinates
-
-

Issued at this day of, 20.....

Fee paid TZS/ US\$ ERV No. dated
.....

.....
Director of Wildlife
(name, signature and seal)

CONDITIONS:

- a) Taking all such necessary precaution to prevent the occurrence or spread of fire within or adjacent to the permitted area
- b) Taking all reasonable precautions not to unnecessarily destroy or damage vegetation on the permitted area
- c) Adherence to the Wildlife Conservation Act and its Regulations.
- d) Rehabilitating all areas cleared, explored or otherwise disturbed which may include:
 - (i) Backfilling all holes, trenches or made safe;
 - (ii) Contouring to the original landform;
 - (iii) Re-vegetation with seedlings;
 - (iv) Rehabilitation of species of flora and fauna

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- (v) All waste materials, rubbish, plastics removed from the permit area prior to or at the termination of the operations;
- (vi) Prior to cessation of the prospecting or exploring activities in the permit area notifying the Director of Wildlife and arranging an inspection as required. Not establishing any camp and base works unless received prior approval of the Director of Wildlife; and
- (vii) Any other rehabilitation as the case may be.

FOURTH SCHEDULE

PERMIT FOR MINING OF URANIUM/PRODUCTION OF OIL/GAS/ IN A GAME RESERVE

(Made under regulation 7(2))

This permit is issued to (full name of the company) of (full address) holder of special mining licence/production licence number To enter into Game Reserve within District, Region for the purpose of mining of uranium /production of oil/gas in the mining area as indicated in the special mining licence/ production licence issued by the Minister responsible for petroleum affairs/ Minerals.

The description of the mining area (as per the licence):

- a) Locality
- b) Size sq. Km

The description of the Buffer Zone (as per the EIA)

- a) Locality
- b) Size sq. Km

Date of issue Date of expiry

Fees and cost Paid:

- a) Concession fee: USD ERV Receipt No.
dated
- b) Protection cost: USD ERV Receipt No.
dated

.....
DIRECTOR OF WILDLIFE
(Name, Signature and Seal)

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CONDITIONS:

1. This Permit is issued subject to the rights reserved by the Director of Wildlife and Authorized Officers under the Wildlife Conservation Act, Cap. 283 in respect of Protected Areas and the rights of the Director of Wildlife and authorized officers to enter the mining area from time to time to make inspection for the purposes of monitoring compliance with the Wildlife Conservation Act, Cap. 283 and its Regulations.

Dar es Salaam,
28th January, 2017

JUMANNE A. MAGHEMBE,
Minister for Natural Resources and Tourism