*MANYAME RURAL DISTRICT COUNCIL MINING BY-LAWS*

*Title*

The title of these by-laws shall be Manyame RDC mining regulations.

Interpretation

“Mining” as defined in the mines and minerals act

‘Council area’ means land under the jurisdiction of Manyame Rural District Council.

Scope of application

These by-laws shall apply to all individual miners or companies operating with council jurisdiction

*Arrangement of sections*

*1.Mining*

*2.Environmental social impact assessments*

*3,Environmental rehabilitation works on abandonment of project*

*4.Environmental rehabilitation fund*

*5.Environmental works carried out by council*

*Mining*

for any person to mine, mill or pan any mineral in the Council area, except in terms of a licence that may be issued by the Ministry of Mines and Mining Development under a law that may be passed for that purpose and a development permit issued by Council, and any person found guilty of shall be liable to a fine to be prescribed in the Approved Council budget.

1. All holders of prospecting, exploration and mining rights operating in the Council area shall submit copies of their licences to Council;
2. All holders of prospecting and exploration licences shall apply to Council for authority to prospect and explore upon pay a fee prescribed in the Approved Council budget and documentation from the mining Commissioner detailing the prospecting.
3. Any holder of a prospecting, exploration or mining rights operating in a Council area shall apply to Council upon payment of a fee to Council for EIA consultation prescribed in the Council budget.
4. Any holder of a milling or mining rights operating in the Council area shall;

(a) submit a copy of the Environmental Impact Assessment Report, Environmental Management Plan, or Environmental Impact Assessment Certificate issued by the Environmental Management Agency in terms of the Environmental Management Act;

(b) carry out all relevant mine closure and environmental rehabilitation measures as prescribed by the Environmental Management Act.

( c) submit a quarterly report on their operations and environmental management to Council.

Siting of works

Application for siting of works and documentation required

Pay for siting of works

Site plan DPP

Development permit

Offenses

Land development levies ( separate base and precious minerals)

(a) shall declare their staff establishment

(b) shall declare their staff establishment by when and pay by 31 Decmeber of each year

and output as specified in the Mines and Minerals Act (Chapter 21:05) for purposes of paying land development levies to Council as specified in third schedule of the Rural District Councils Act.

© Failure civil proceedinsg instituted against the defaulter

(d) Any person who carries out any mining operations without paying development levy to Council shall be guilty of an offense and liable to a fine prescribed in the Approved Council budget.

All the provisions related to applications for mining rights, compensation for acquisition of land for mining purposes and payment of land development levy to local authorities by holders of mining rights as prescribed in the Mines and Minerals Act (Chapter 21:05) shall apply to the Council area mutatis mutandis.

WAYLEAVES

( 6) Any holder of a prospecting, exploration or mining rights operating in the Council area requiring the establishment of a waterline, road, powerline shall apply for wayleave to Council upon payment of a fee prescribed in the Approved Council budget subject to fulfilling all ZETDC and Council conditions.

1. Any person who carries out any mining related development without the approval of Council shall be guilty of an offense and liable to a fine prescribed in the Approved Council budget.

*Environmental impact assessments*

1. (1) The developers of any projects in the council area for which an environmental social impact assessment is required in terms of Section 97 and the First Schedule of the Environmental Management Act (Chapter 20:27) shall;
2. Any holder of a prospecting, exploration or mining rights operating in the Council area shall pay a fee to Council for EIA consultation prescribed in the Council budget.
3. consult Council during the consultation process leading to the development of an environmental impact assessment;
4. involve Council in organising public consultations meetings in the area regarding the proposed development project;
5. submit to Council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and proof of their registration with the Environmental Management Agency;
6. submit to Council a copy of the Environmental Impact Assessment Report for the proposed project;
7. submit to Council a copy of the Environmental Impact Assessment Certificate issued for the project by the Director-General of the Environmental Management Agency;
8. submit to Council a copy of the annual Environmental Management Plan.

(2) It is an offence for any project developer in a Council area to start operations without submitting to Council a copy of the Environmental Impact Assessment Report, or a copy of the Environmental Impact Assessment certificate issued by the Director-General of the Environmental Management Agency or a copy of the annual Environmental Management Plan produced by the project developer.

(3) Any person who fails to submit the documents required in terms of subsections (2 and 4) of this section shall be guilty of an offence and liable to a fine prescribed in the approved Council budget.

(4) the developer shall submit to Council from time to time, all relevant information related to quarterly environmental monitoring reports produced by project developers and submitted to EMA , in terms of Section 106 of the Environmental Management Act (Chapter 20:27), operating in the Council area.

(5)Council shall take measures to make environmental impact assessment reports submitted by project developers available and open for public inspection at all reasonable times at the Council offices on payment of the prescribed fee, if any: Provided that no person shall use any information contained therein for personal benefit and this has to be done in compliance with Section 108 of the Environmental Management Act (Chapter 20:27)

*Environmental rehabilitation works on abandonment of project*

11 (1) Any person who undertakes any mining projects, resource extraction projects or any other projects for commercial exploitation of natural resources with the effect of causing environmental damage or environmental degradation or harm in the council area shall;

1. submit to Council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project.
2. rehabilitate the environment before abandonment or closure of the project

(2) Council shall monitor the implementation of rehabilitation plans of projects with assistance from the Environmental Management Agency

(3) Any person who fails to rehabilitate the environment after abandonment or closure of the project shall be guilt of an offence and liable to a fine prescribed in the approved Council budget.

*12. Monitoring and Administration fee*

Notwithstanding section 11, there is hereby established a fund known as the Environmental Rehabilitation Fund into which any person who undertakes any resource extraction project with the effect of causing environmental degradation contribute a fee provided in the approved Council budget.

*Environmental works carried out by council*

1. (1) Where a land owner or occupier as the case may be, requests council to carry out environmental works on his land, or in the event that the owner fails to do so on his own within six months, council may undertake such environmental works as may be necessary to rehabilitate the environment and recover the costs associated with such works from the land owner or occupier of the land.