



REPUBLIC OF KENYA

*DDLSP
8, 19/06/23*

MINISTRY OF MINING, BLUE ECONOMY AND MARITIME AFFAIRS

STATE DEPARTMENT FOR MINING

Office of the Principal Secretary

Website: mibema.go.ke
Email: ps@mining.go.ke
Telephone: +254 (20) 2721074

PUBLIC WORKS BUILDING
NGONG' ROAD
P.O BOX 30009-00100
NAIROBI

When replying please quote;

Ref: SDM/REG/01/2023

19th June, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Building
Clerk's Chambers
NAIROBI

THE NATIONAL ASSEMBLY	
DATE:	20 JUN 2023 <i>Tuesday</i>
TABLED BY:	<i>Hon. Owen Bayo, MP Deputy leader, Majority</i>
CLERK AT THE TABLE:	<i>Inzofu Mwale</i>

*INA app Kiri
20.6.23*

Dear *Njoroge,*

THE MINING (GEMSTONE IDENTIFICATION AND VALUE ADDITION) (FEES) REGULATIONS, 2023

The above matter refers.

Pursuant to the Statutory Instruments Act, 2013, this Ministry hereby submits the **MINING (GEMSTONE IDENTIFICATION AND VALUE ADDITION) (FEES) REGULATIONS, 2023** (enclosed) published as Legal Notice No. 75 on 13th June, 2023 for consideration by the National Assembly Committee on Delegated Legislation.

In addition to the Regulations, we hereby enclose the Explanatory Memorandum and other relevant materials on the Regulations.

We appreciate your continued support and collaboration.

Yours *Sincerely -*

Elijah Mwangi
Elijah Mwangi
PRINCIPAL SECRETARY
Encls.

PARLIAMENT OF KENYA LIBRARY

NATIONAL ASSEMBLY RECEIVED
19 JUN 2023
CLERK'S OFFICE
P.O. BOX 41892, NAIROBI

Copy to: Hon. Salim Mvurya,EGH
Cabinet Secretary
Ministry of Mining, Blue Economy & Maritime Affairs
NAIROBI

The Hon. Attorney General
Sheria House
Harambee Avenue
NAIROBI

SPECIAL ISSUE

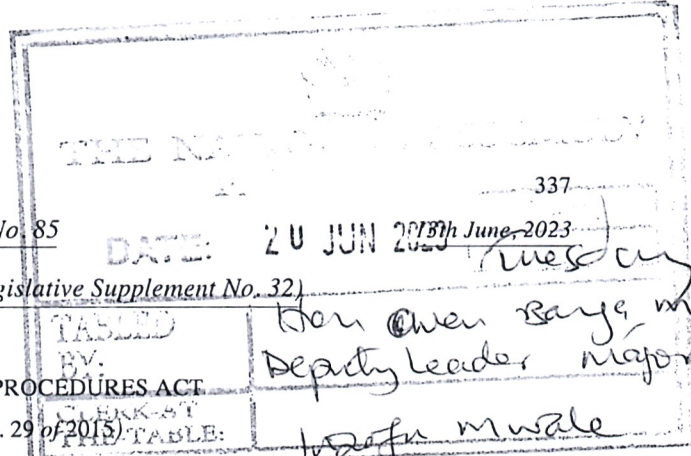
Kenya Gazette Supplement No. 85

(Legislative Supplement No. 32)

LEGAL NOTICE NO. 74

THE TAX PROCEDURES ACT

(No. 29 of 2015)



IN EXERCISE of the powers conferred by section 6B(6) of the Tax Procedures Act, 2015, the Cabinet Secretary for the National Treasury and Economic Planning makes the following Regulations—

THE TAX PROCEDURES (COMMON REPORTING STANDARDS) (AMENDMENT) REGULATIONS, 2023

1. These Regulations may be cited as the Tax Procedures (Common Reporting Standards) (Amendment) Regulations, 2023.

2. The Tax Procedures (Common Reporting Standards) Regulations, 2023, are amended by deleting regulation 39. L.N No.8/2023.

Made on the 29th May, 2023.

NJUGUNA NDUNG'U,
Cabinet Secretary
for the National Treasury & Economic Planning.

LEGAL NOTICE NO. 75

THE MINING ACT

(No. 12 of 2016)

IN EXERCISE of the powers conferred by section 223(1) and 223(2)(a) of the Mining Act, 2016 the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

THE MINING (GEMSTONE IDENTIFICATION AND VALUE ADDITION) (FEES) REGULATIONS, 2023

1. These Regulations may be cited as the Mining (Gemstone Identification and Value Addition) (Fees) Regulations, 2023. Citation.

2. These Regulations shall apply to gemstone identification and value addition at the Voi Gemstone Centre. Application.

3. The fees set out in the Schedule shall apply to the matters respectively indicated. Fees.

SCHEDULE

(r. 3)

FEES FOR GEMSTONE IDENTIFICATION AND VALUE ADDITION

Service	Description	Fees in Kshs.			
Identification	Identification Certificate. Gives complete Lab report on the gemstone characteristics	500			
Sawing	Reduction in Size per piece	100			
Faceting	Category 1	0.1ct-0.5ct	0.5ct-2.0ct	3.0ct-4.0ct	Above 4ct
	1. Corundum 2. Tsavorite 3. Tanzanite 4. Spinel 5. Emerald 6. Zircon 7. Demantoid 8. Alexandrite	500KSh. per piece	500KSh. per piece	1000KSh. Per piece	2000KSh. Per piece
	Category 2	0.1ct-0.9ct	1.0ct-3.0ct	4.0ct and above	Special Stones>5.0ct
	1. Aquamarine 2. Tourmaline 3. Rhodolite 4. Pyrope 5. Quartz 6. Spessartite 7. Malaya-garnet 8. Iolite 9. Hessonite 10. Change color garnet	300Ksh. Per piece	300Ksh. Per piece	500Ksh. per piece	1000Ksh. Per piece
Tumbling	Bulk material for bead work, Cabochon material in kilograms	2,500Ksh per kg			
Gabbing	Cabochon material using cabbng Machine per piece	500Ksh. Per piece			

Made on the 24th April, 2023.

SALIM MVURYA,
*Cabinet Secretary for Mining,
 Blue Economy and Maritime Affairs.*

**EXPLANATORY MEMORANDUM TO
THE MINING (GEMSTONE IDENTIFICATION AND VALUE ADDITION)
(FEES) REGULATIONS, 2023
LEGAL NOTICE NO 75 OF 2023**

PART I

Name of the statutory instrument	:	Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023
Name of the parent Act	:	Mining Act,2016
Enacted pursuant to	:	Section 223(1) and 223(2)(a) of the Mining Act,2016
Name of the Ministry/Department:	:	Ministry of Mining, Blue Economy and Maritime Affairs
Gazetted on	:	13 th June,2023
Tabled on	:	

PART II

1. The Purpose of the Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023

The purpose of these Regulations is to provide:

- (a) Fees payable for the services provided at the Voi Gemstone Identification and Value Addition Centre as respectively specified upon request by any person under or for the purpose of the Act; and
- (b) Guidance that a person who requests for a service to be rendered at the Gemstone Identification and Value Addition Centre or the person for whose benefit the service is provided, shall pay fees as specified in the Regulations.

2. The Legislative Context

The process of developing the Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 started in the year 2021. The Regulations seek to provide fees payable for various categories of services to be rendered at the Gemstone Identification and Value Addition Centre in Voi.

The Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 were developed pursuant to section 223(1) and 223(2)(a) of the Mining Act,2016 and were guided by the following considerations: -

- (a) Provision of a framework for the prescription of fees chargeable for services rendered at the Voi Gemstone Identification and Value Addition Centre; and
- (b) Ensuring compliance with the principles and the standards set out in the Mining Act,2016 for value addition and processing.

3. Policy Background.

3.1 What is being done and why

Section 223(1) of the Mining Act,2016 empowers the Cabinet Secretary to make Regulations necessary or convenient for the proper administration and implementation of the Act. Section 223(2) (a) of the Act provides that the Cabinet Secretary may make Regulations prescribing the fees, royalties, rent and other charges payable under the Act or the manner in which they are to be calculated.

- (a) **Oversight Role:** being the Regulator in the mining industry, the State Department for Mining is mandated to oversee the standards of mining operations and related activities in Kenya and to enforce the provisions in the Regulations which the Cabinet Secretary makes for the proper administration of and implementation of the Act.
- (b) **Monitoring Role:** The Directorate of Mines and the Directorate of Geology Survey under the State Department for Mining are mandated to monitor compliance with the standards provided in the Mining Act,2016 for all mining operations in Kenya.
- (c) **Advisory Role:** The Mineral Rights Board is mandated to advise and give recommendations, in writing to the Cabinet Secretary on various issues with respect to mining activities in Kenya.

3.2 Consolidation

It is on above basis that the Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 seeks to provide a framework for prescribing fees chargeable for services rendered at the Voi Gemstone Identification and Value Addition Centre.

Some of the salient features of these Regulations include:

1. Regulation 3 provides prices with a range as the conclusive price to be charged to a client after examination of the stone and agreement with the owner of the stone on the quality of the stone.
2. The rates for faceting which are classified into two-for precious stones and for semi-precious stones.
3. With respect to the rates for identification, the charges cater for the certificate, security features and design work as the certificate can be used for trading.
4. The rates are derived from rates chargeable by various special cutters in Nairobi, Voi and Tanzania which are higher. The gazetted rates are therefore lower than those charges by private cutters.

4. Consultation outcome

The Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 were published in the Kenya Gazette vide Gazette Notice No. 6835 dated 9th July,2023 by the former Cabinet Secretary of the Ministry of Petroleum and Mining. The notice invited comments from the general public on the proposed rates chargeable at the Gemstone Identification and Value Addition Centre in Voi. The public was requested to share their comments and views on the proposed rates by 16th July,2021, however, no comments were received by the said date. There were no physical meetings to sensitize the public on the Regulations due to the Covid 19 protocols/restrictions issued by the Ministry of Health against physical meetings.

5. Guidance

The State Department for Mining will sensitize stakeholders including Mineral Rights Holders, artisanal miners, the Kenya Chamber of Mines, the Kenya Association of Manufacturers (KAM) and the general public on the provisions of the Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 to encourage the stakeholders to utilize the services offered at the Gemstone Identification and Value Addition Centre and ensure compliance with the Regulations.

6. Impact

6.1 Impact on fundamental rights and freedom

These Regulations do not limit fundamental rights and freedoms as enshrined in the Constitution.

6.2 Impact on the private sector

The private sector is encouraged to utilize services offered at the Voi Gemstone Identification and Value Addition Centre since the rates chargeable at the Centre are lower as compared to neighbouring countries in the region.

6.3 Impact on the public sector

The public sector is encouraged to utilize services offered at the Voi Gemstone Identification and Value Addition Centre since the rates chargeable at the Centre are lower as compared to neighbouring countries in the region.

6.4 An impact assessment statement

A regulatory impact assessment report has not been prepared for these Regulations since, the Regulations—

6.4.1 contains only matters arising under the Mining Act,2016 and fees chargeable for the services offered at the Gemstone Identification and Value Addition Centre in Voi.

6.4.2 shall not cause any disadvantage to any person by—
(a) decreasing the person's rights; or
(b) imposing liability on the person, as per section 9 of the Statutory Instruments Act, 2013.

7. Monitoring and Review

The State Department for Mining shall monitor the application of the Mining (Gemstone Identification and Value Addition) (Fees) Regulations,2023 and ensure compliance with the set standards.

It is important to note that the Regulations shall apply from the commencement date of the Regulations. In this respect, a review thereof will be done by the Cabinet Secretary with the approval of Parliament in line with section 223 of the Mining Act,2016 and the Statutory Instruments Act,2013.

8. Contact Person.

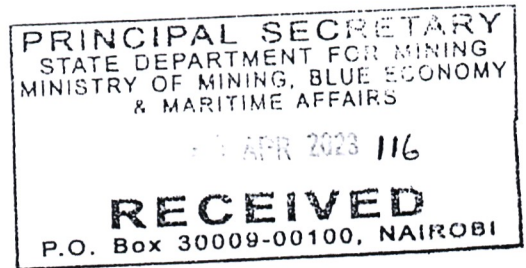
The Department in charge of Policy Direction and implementation of these Regulations is the State Department for Mining with the following contact person: -

Elijah Mwangi

Principal Secretary

State Department for Mining

Email: ps@mining.go.ke



AG/LDD/148/2/2/VOL.I

18th April, 2023

Hon. Salim Mvurya, EGH
Cabinet Secretary
Ministry of Mining, Blue Economy & Maritime Affairs
Works Building, Ngong Road
P.O. Box 30009 - 00100
NAIROBI


RE: GAZETTEMENT OF RATES FOR GEMSTONE IDENTIFICATION AND VALUE ADDITION

This has reference to your letter Ref. No. MoMIBESM/CONF/1/2023 dated the 30th January, 2023, our letter Ref. No. AG/LDD/148/2/2/VOL.I dated 20th February, 2023 and subsequent meetings between the Ministry and this Office.

We note that the Ministry is in the process of developing a Bill on mineral processing and value addition. With respect, please be advised that section 171(5) of the Mining Act is not tenable for the purpose proposed by the Ministry. However, the general nature of section 223 of the Mining Act may be utilized for the purposes of prescribing fees for gemstone value identification and addition as the Ministry finalizes the development of the relevant Bill.

Kindly find enclosed herewith, the requisite Legal Notice for the Cabinet Secretary's signature. We require the signed original and two copies for purposes of publication.

Please note that the instrument falls within the ambit of the Statutory Instruments Act, 2013. Section 5 of the Act requires prior consultation before the making of a statutory instrument, section 5A requires the preparation of an explanatory memorandum to accompany the statutory instrument and section 11 requires the laying of the statutory instrument before Parliament.


Hon. J.B.N Muturi, EGH
ATTORNEY GENERAL

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2231355/07119445555/0732529995
E-MAIL: info.stalawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLAIE AVENUE P.O. Box 56057-00209, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

ISO 9001:2008 Certified





LEGAL NOTICE NO.

THE MINING ACT
(No. 12 of 2016)

IN EXERCISE of the powers conferred by section 223(1) and 223(2)(a) of the Mining Act, 2016 the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations —

THE MINING (GEMSTONE IDENTIFICATION AND VALUE ADDITION) (FEES) REGULATIONS, 2023

PART I - PRELIMINARY

- Citation. 1. These Regulations may be cited as the Mining (Gemstone Identification and Value Addition) (Fees) Regulations, 2023.
- Application. 2. These Regulations shall apply to gemstone identification and value addition at the Voi Gemstone Centre.
- Fees. 3. The fees set out in the Schedule shall apply to the matters respectively indicated.

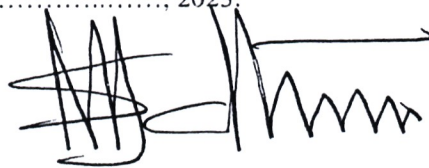
SCHEDULE (r. 3)

FEES FOR GEMSTONE IDENTIFICATION AND VALUE ADDITION

Service	Description	Fees in Kshs.			
Identification	Identification Certificate. Gives complete Lab report on the gemstone characteristics	500			
Sawing	Reduction in Size per piece	100			
Faceting	Category 1	0.1ct-0.5ct	0.5ct-2.0ct	3.0ct-4.0ct	Above 4ct

	<ol style="list-style-type: none"> 1. Corundum 2. Tsavorite 3. Tanzanite 4. Spinel 5. Emerald 6. Zircon 7. Demantoid 8. Alexandrite 	500Ksh. per piece	500Ksh. per piece	1000Ksh. Per piece	2000Ksh. Per piece
	Category 2	0.1ct-0.9ct	1.0ct-3.0ct	4.0ct and above	Special Stones>5.0ct
	<ol style="list-style-type: none"> 1. Aquamarine 2. Tourmaline 3. Rhodolite 4. Pyrope 5. Quartz 6. Spessartite 7. Malaya-garnet 8. Iolite 9. Hessonite 10. Change color garnet 	300Ksh. Per piece	300Ksh. Per piece	500Ksh. per piece	1000Ksh. Per piece
Tumbling	Bulk material for bead work, Cabochon material in kilograms	2,500Ksh per kg			
Gabbing	Cabochon material using cabbing Machine per piece	500Ksh. Per piece			

Made on the 24th APRIL 2023.



Salim Mvurya,
Cabinet Secretary for Mining, Blue Economy and Maritime Affairs.

EXTENSION OF TERM

IT IS notified for the general information of the public that the term of the Taskforce appointed *vide* Gazette Notice No. 2756 of 2021 for ninety (90) days, has been extended for another ninety (90) days, with effect from the 16th June, 2021.

Dated the 11th June, 2021.

JOHN K. MUNYES,
Cabinet Secretary for Petroleum and Mining.

GAZETTE NOTICE No. 6835

MINISTRY OF PETROLEUM AND MINING

THE VOI GEMSTONE CENTRE

INVITATION FOR COMMENTS

THE Cabinet Secretary for Petroleum and Mining makes the following rates for gemstone identification and value addition at the Voi Gemstone Centre for public comments—

RATES FOR GEMSTONE IDENTIFICATION AND VALUE ADDITION AT THE VOI GEMSTONE CENTRE

Service	Description	Cost (KSh.)			
Identification	Identification certificate. Gives complete lab report of the gemstone characteristics.	500			
Sawing	Reduction in size per piece.	100			
Faceting	Category 1 Corundum Tsavorite Tanzanite Spinel Emerald Zircon Demantoid Alexandrite	0.1ct-0.5ct	0.5ct-2ct	3-4ct	Above 4ct
	Category 2 Aquamarine Tourmaline Rhodolite Pyrope Quartz Spessartite Malaya garnet Iolite Hessonite Change colour garnet	0.1-0.9cts	1ct- 3ct	4 and above	Special stones >5 cts
		500 Ksh per piece	500 KSh. per piece	1000 KSh. per piece	2000 KSh. per piece
		300 KSh. per piece	300 KSh. per piece	500 KSh. per piece	1000 KSh. per piece
Tumbling	Bulk material for bead work, cabochon material in kilograms.	2,500 KSh. per Kg.			
Cabbing	Cabochon material using cabbing machine per piccc.	500 KSh. per piccc.			

Note:

- The prices indicated above are a range as the conclusive price to be charged to a client will be after examination of the stone and agreement with the owner of the stone on the quality of the stone, but they will be within the gazetted range.
- The rates are derived from rates from special cutters in Nairobi, Voi and Tanzania which are higher. The proposed rates are lower than those charged by private cutters.
- The rates for faceting are classified into two, for Precious stones and semi-precious stones.
- For identification, the charges cater for the certificate, security features and design work as the certificate can be used for trading.

(v) The above rates will be dependent on the market. Should there be a need to review the rates due to the dynamic nature of the market, due diligence will be done.

The public is invited to submit any comments in writing to reach the Principal Secretary, Ministry of Petroleum and Mining, Nyayo House, P.O. Box 51614-00100, e-mail: ps@petroleum.go.ke, Nairobi, on or before the 16th July, 2021.

JOHN K. MUNYES,
Cabinet Secretary for Petroleum and Mining.

GAZETTE NOTICE No. 6836

THE KENYA LAW REFORM COMMISSION ACT

(No. 19 of 2013)

THE KENYA LAW REFORM COMMISSION

APPOINTMENT

IN EXERCISE of the powers conferred by section 8 (1) of the Kenya Law Reform Commission Act, 2013, the Attorney-General appoints—

under paragraph (d)—

Dorcas Agik Oduor

to be a member of the Kenya Law Reform Commission, for a period of five (5) years and revokes the appointment of Jacob Ondari*.

Dated the 7th July, 2021.

P. KIHARA KARIUKI,
Attorney-General.

*G.N. No. 11864/2019

GAZETTE NOTICE No. 6837

THE LAND REGISTRATION ACT

(No. 3 of 2012)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Rajinder Rai, of P.O. Box 3530-00506, Nairobi in the Republic of Kenya, is registered as proprietor of all that piece of land known as L.R. No. 209/9351, situate in the city of Nairobi in the Nairobi Area, by virtue of a grant registered as I.R. 34477/1, and whereas sufficient evidence has been adduced to show that the said grant has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new provisional certificate of title provided that no objection has been received within that period.

Dated the 9th July, 2021.

MR/1791070

S. C. NJOROGE,
Registrar of Titles, Nairobi.

GAZETTE NOTICE No. 6838

THE LAND REGISTRATION ACT

(No. 3 of 2012)

ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Renson Mulele Ingonga, of P.O. Box 1180, Kakamega in the Republic of Kenya, is registered as proprietor in fee simple interest of all that piece of land containing 0.1639 hectare or thereabouts, known as Portion No. 9942 (Original No. 9364/110), Malindi, situate in the Malindi Municipality in Kilifi District, by virtue of a certificate of title registered as L.T. 39 Folio 116/2, File 10666, and whereas sufficient evidence has been adduced to show that the said certificate of title has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a provisional certificate of title provided that no objection has been received within that period.

Dated the 9th July, 2021.

MR/1791632

S. K. MWANGI,
Registrar of Titles, Mombasa.