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MINERALS AND MINING
(AMENDMENT) ACT, 2019

Act 995

ARRANGEMENT OF SECTIONS

Section

1. Section 81 of Act 703 amended
2. Section 96A inserted
3. Section 99 of Act 703 amended

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Act 995



REPUBLIC OF GHANA

THE NINE HUNDRED AND NINETY-FIFTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

MINERALS AND MINING (AMENDMENT) ACT, 2019

AN ACT to amend the Minerals and Mining Act, 2006 (Act 703) to increase the penalties for a person who buys or sells minerals without a licence or without a valid authority; to increase the penalties for a person who engages in mining contrary to a provision of the Act and to provide for related matters.

DATE OF ASSENT: *19th August, 2019.*

PASSED by Parliament and assented to by the President:

Section 81 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 81 of

“Application

81. (1) Sections 82 to 98 apply to small scale mining only.
- (2) Section 99 applies to illegal small scale mining and other forms of illegal mining.”.

“Section 96A inserted

2. The principal enactment, is amended by the insertion of

‘Provision of mining support services

96A. A non-Ghanaian or a foreign company shall not provide mining support services for a small-scale mining operation.’”

Section 99 of Act 703 amended

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

“Offences and penalties

99. (1) A person who buys or sells minerals without
- (a) a licence in accordance with section 6, 82, 97 or 104;
 - or
 - (b) 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 less than ten thousand penalty units and not more than fifteen thousand penalty units, and to a term of imprisonment of not less than fifteen years and not more than twenty-five years.

- (2) A person who

- (a) without a licence granted by the Minister, undertakes a mining operation contrary to a provision of this Act,
- (b) acts or instigates, commands, counsels, procures, solicits, or in any manner purposely aids, facilitates, encourages, or promotes any acts in contravention of a provision of this Act in respect of which a penalty has not been specified, or
- (c) contracts a non-Ghanaian to provide mining support services

commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than fifteen thousand penalty units and to a term of imprisonment of not less than fifteen years and not more than twenty-five years.

(3) A non-Ghanaian who undertakes a mining operation or facilitates the participation of any person in mining contrary to a provision of this Act commits an offence and is liable on a conviction to

- (a) a fine of not less than one hundred thousand penalty units and not more than three hundred and fifty thousand penalty units; and
- (b) a term of imprisonment of not less than twenty years and not more than twenty-five years; or
- (c) both the fine and the imprisonment.

(4) Where a non-Ghanaian who is liable on summary conviction under subsection (3) is a person liable to deportation under section 35 of the Immigration Act, 2000 (Act 573), that non-Ghanaian shall, where sentenced to a term of imprisonment, serve the full sentence before deportation in accordance with subsection (3) of section 37 of Act 573.

- (5) A Ghanaian who

- (a) permits a non-Ghanaian to undertake or to participate, or

(b) facilitates the participation of a non-Ghanaian, in mining contrary to 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 one hundred thousand penalty units and to a term of imprisonment of not less than fifteen years and not more than twenty-five years.

(6) A person who fabricates, manufactures or uses a floating platform or any other equipment for mining, dredging or any other mode of mining for the purpose of obtaining minerals in or along the banks of a natural water body including a river, a stream, a water course, the exclusive economic zone and any area covered by the territorial sea or continental shelf of the Republic of Ghana commits an offence and is liable on summary conviction to a fine of not less than fifty thousand penalty units and not more than one hundred thousand penalty units or to a term of imprisonment of not less than fifteen years and not more than twenty-five years or to both the fine and the term of imprisonment.

(7) A person who provides or is involved in the provision of an excavator or any other equipment for mining operations contrary to a provision of this Act commits an offence and is liable on summary conviction to a fine of not less than fifty thousand penalty units and not more than one hundred thousand penalty units or to a term of imprisonment of not less than fifteen years and not more than twenty-five years or to both the fine and the imprisonment.

(8) Where a person is arrested for an offence under subsection (3), (5), (6) or (7), any equipment used in or associated with the commission of the offence and any product derived from the commission of the offence shall, without regard to the ownership of the equipment or product, be seized and kept in the custody of the police.

(9) A court that convicts a person for any offence under subsection (2), (3), (5), (6) or (7) shall, in addition to the penalty

that the court may impose, order the forfeiture of any equipment or product seized under subsection (8) to the State.

(10) 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.

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

Date of *Gazette* notification: 19th August, 2019.

