

**MINERALS AND MINING (MINERAL OPERATIONS - TRACKING
OF EARTH MOVING AND MINING EQUIPMENT)
REGULATIONS, 2020**

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**MINERALS AND MINING (MINERAL OPERATIONS - TRACKING
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REGULATIONS, 2020**

In exercise of the power conferred on the Minister responsible for Mines by subsection (1) of section 110 of the Minerals and Mining Act, 2006 (Act 703), these Regulations are made this 27th day of May, 2020.

Preliminary Provisions

Purpose of Regulations

1. The purpose of these Regulations is to
 - (a) provide for the registration and tracking of earth moving and mining equipment used in mineral operations; and
 - (b) ensure that the earth moving and mining equipment are used only in the specific mineral right area that the earth moving and mining equipment is registered for.

Application of Regulations

2. These Regulations apply to
 - (a) holders of mineral rights;
 - (b) mine support service providers specified in the Minerals and Mining (Support Services) Regulations, 2012 (L.I. 2174);
 - (c) dealers in earth moving and mining equipment; and
 - (d) any other person who uses earth moving and mining equipment in a mineral operation.

Registration and Tracking of Earth Moving and Mining Equipment

Registration

3. (1) A person who intends to use an earth moving and mining equipment for a mineral operation in a specific mining right area shall register the earth moving and mining equipment with the Commission.
 - (2) Despite subregulation (1), where a person intends to use the earth moving and mining equipment in another mineral right area, that person shall re-register the earth moving and mining equipment with the Commission in accordance with these Regulations.
 - (3) The application for registration shall be made in the form set out in the First Schedule.
 - (4) The Commission shall issue a permit in the form set out in the Second Schedule to a person who registers an earth moving and mining equipment under subregulation (1) or (2).

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Installation of tracking device

4. The Commission or a person engaged by the Commission shall install a tracking device on an earth moving and mining equipment that has been registered with the Commission subject to the payment of the prescribed fee by the owner of the earth moving and mining equipment in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983).

Procurement of services

5. The Commission may engage the services of a person in accordance with the Public Procurement Act, 2003 (Act 663) to install tracking devices on earth moving and mining equipment registered with the Commission.

Marking of earth moving and mining equipment

6. (1) The Commission shall
- (a) record the chassis number, and
 - (b) conspicuously mark and label,
- all earth moving and mining equipment used for mineral operations with the identification code assigned to the earth moving and mining equipment upon registration with the Commission.
- (2) The mark shall be inscribed or etched on both the left and the right sides, and on top of the earth moving and mining equipment to be used for the mineral operations.

Monitoring of earth moving and mining equipment

7. (1) The Commission shall monitor all earth moving and mining equipment used for mineral operations using
- (a) installed tracking mechanisms and systems for surveillance;
 - (b) unmanned aerial vehicles that include drones for visual monitoring; and
 - (c) other requisite systems for monitoring.
- (2) Owners of earth moving and mining equipment used for mineral operations shall pay annual monitoring fees to the Commission in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983).

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(6) 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* and any daily newspaper of national circulation, the name of the State institution to which the equipment or product is allocated.

Interpretation

9. In these Regulations, unless the context otherwise requires,
- "dealer" means a person who hires or rents earth moving and mining equipment;
 - "earth moving equipment" includes excavators and bulldozers used for excavating and moving large quantities of earth in mineral operations;
 - "mining equipment" means a mobile equipment with a chassis and engine used in mineral operations such as washing plants, processing plants, separators, crushers, screening and sizing plants, conveyor belts, feeders, stackers, concrete plants, water bowsers and drilling machines; and
 - "mineral right area" means an area covered by a mineral right.

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FIRST SCHEDULE

(regulation 3 (3))

**APPLICATION FOR REGISTRATION OF EARTH MOVING
AND MINING EQUIPMENT**

Date:

1. Name of person/company
2. Registered address
3. Postal address
4. Electronic mail address.....
5. Telephone number.....
6. Location District Region
7. Type of earth moving and mining equipment
8. Chassis Number of earth moving and mining equipment
9. Capacity of earth moving and mining equipment
-
10. Driver Vehicle and Licensing Authority registration number of earth moving and
mining equipment
11. Mineral right area in which earth moving and mining equipment will operate
.....
- Signature of Applicant Designation

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SECOND SCHEDULE
(regulation 3 (4))

PERMIT FOR REGISTRATION OF EARTH MOVING AND
MINING EQUIPMENT

NO...../.....

Permission is hereby granted under the Minerals and Mining (Mineral Operations -Tracking
of Earth Moving and Mining Equipment) Regulations, 2020 (L. I.) to

(Name of applicant) to operate the earth moving and mining equipment described below in
the area specified in this Permit:

Description of earth moving and mining equipment:

Registration Number of earth moving and mining equipment:

Identification Code of earth moving and mining equipment:

Capacity of earth moving and mining equipment:

Description of mineral right area:

Fee Paid: GH¢..... Amount in words

This Permit expires on the

Dated at this day of 20.....

NB: PHOTOCOPY OF THIS PERMIT SHOULD BE AVAILABLE IN THE EARTH
MOVING AND MINING EQUIPMENT ALWAYS.

¹ NOTE: THIS PERMIT IS NOT TRANSFERABLE

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Chief Executive Officer

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Miscellaneous Provisions

Offences and penalties

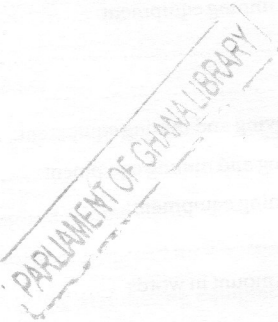
8. (1) A person who
- (a) uses earth moving and mining equipment that is not
 - (i) registered with the Commission,
 - (ii) installed with a tracking device, or
 - (iii) marked with an identification code,for mineral operations;
 - (b) fails to re-register the earth moving and mining equipment in contravention of subregulation (2) of regulation 3;
 - (c) tampers with or manipulates a tracking device or an identification code with the intent to falsify information;
 - (d) being an officer or agent of the Commission, provides unauthorised access of the tracking system to any person;
 - (e) gains unauthorised access to a tracking system; or
 - (f) fails or refuses to obtain a permit for the use of an earth moving and mining equipment;
- commits an offence and is liable on summary conviction to the penalty specified in section 106 of the Act.
- (2) Upon conviction under subregulation (1), the mineral right of the person convicted shall be revoked by the Minister.
- (3) Any equipment used in the commission of an offence under subregulation (1) and a product derived from the commission of that offence shall, regardless of the ownership of the equipment or product, be seized and kept in the custody of the Police.
- (4) The Police shall
- (a) take an inventory of any equipment or product, in the custody of the Police; and
 - (b) release the equipment or product on the order of a court.
- (5) A court which convicts a person for an offence under this regulation shall, in addition to the penalty that the court may impose, order for the forfeiture to the State of any seized equipment or product.

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HON. KWAKU ASOMAH-CHEREMEH
Minister responsible for Mines



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