

Environmental Management (Control of Alluvial Mining)
(Amendment) Regulations, 2021 (No. 2)

IT is hereby notified that the Minister of Environment, Climate Change, Tourism and Hospitality Industry has, in terms of section 140 of the Environmental Management Act [*Chapter 20:27*], and in consultation with the Environmental Management Agency, made the following regulations:—

1. These regulations may be cited as the Environmental Management (Control of Alluvial Mining) (Amendment) Regulations, 2021 (No. 2).

2. The Environmental Management (Control of Alluvial Mining) Regulations, 2014, published in Statutory Instrument 92 of 2014 (hereinafter called “principal regulations”), are amended by the repeal of section 3 and substitution of the following—

“Restriction of alluvial mining

3. (1) No person shall, notwithstanding that they are in possession of a special grant, conduct alluvial mining activities or carry out prospecting for alluvial deposits within Zimbabwe, except with the express written authority of the Minister responsible for administration of the Act under exceptional circumstances.

(2) Any such project granted authority subject to section 3(1) shall undergo Environmental Impact Assessment as required by section 97 of the Environmental Management Act.

(3) Subject to section 3(1), alluvial mining shall not take place on—

- (a) land within 200m of the naturally defined banks; or
- (b) land within 200m of the highest flood level of any body of water conserved in a natural or artificially constructed lake or reservoir; or
- (c) any bed, banks or course of any river or stream; or
- (d) land within 200m from any wetland.

(4) Subject to section 3(1), consideration for certification shall include relevant variables such as geology, hydrogeology,

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hydrology, soils and topography of the area which may result in the adjustment of the minimum distances set in subsection (3).

(5) Subject to section 3(1), alluvial mining shall only be carried out under the conditions prescribed in the EIA Certificate issued by the Environmental Management Agency as well as the approved Environmental Management Plan which forms part of the EIA document.

(6) Under no circumstances shall alluvial mining be carried out through use of mechanical equipment or motor-powered equipment unless express authority has been granted for such as envisaged in section 3(1).

(7) Use of mercury and cyanide or any other chemical for purposes of processing of ore or any other mining related activity is prohibited within the defined minimum distances set out in subsection (3) and subject to verification through the EIA process.

(8) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding twelve (12) months or to both such fine and such imprisonment.

(9) A magistrates' court hearing such matter shall have the discretion as accorded in sections 139(2) and (3) of the Act, to order the proponent to undertake such remedial action as may be necessary to rectify any environmental damage caused by the violation of subsection (1) or (2), or further make an order for damages to be paid out for any persons affected by such violation.

(10) Any person who fails to implement the Environmental Management Plan as specified in the EIA report certified by the Agency shall be guilty of an offence and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(11) Any machinery used or reasonably believed to have been used in contravention of this section shall immediately be confiscated and held as evidence of such offence. All such equipment shall be automatically forfeited to the State upon successful prosecution of the offender.

(12) If any equipment or machinery is seized and the owner thereof fails to claim or cannot be located for a period of over six months after such confiscation, the machinery or equipment shall be forfeited to the State.”.

3. The principal regulations are amended in section 5 by—

(a) the repeal of subsection (1)(f) and substitution of the following—

“(f) processing plants, washing plants, ore stockpiles, slimes dams or settling ponds may not be construed within 500m from the river bank or the highest flood line of any watercourse:

Provided that all slimes dams and settling ponds shall be lined as approved through EIA certification;”:

(b) the insertion, in subsection (1) of the new paragraphs (m) and (n) after paragraph (1)—

“(m) all mined out areas shall be progressively rehabilitated in accordance with the rehabilitation plan approved through EIA certification;

(n) the mining operations shall only go as deep as the original bed of the water system, not deeper than the specified distances in the geological report of the water system.”.

4. Environmental Management (Control of Alluvial Mining) (Amendment) Regulations, 2018 (No. 1), published in Statutory Instrument of 258 of 2018, is repealed.

