

**MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

*Preliminary Provisions*

1. Purpose of Regulations
2. Application of Regulations

*Local Content Requirements*

3. Localisation programme
4. Recruitment of expatriates
5. Employment and training of Ghanaians
6. Procurement of local products
7. Procurement list
8. Promotion of research and skills development
9. Technical and engineering services
10. Insurance and reinsurance services
11. Accounting and legal services
12. Financial services
13. Listing on the Ghana Stock Exchange
14. Reservation of certain services for citizens

*Miscellaneous Provisions*

15. Reporting requirements
16. Guidelines by Commission
17. Local content monitoring
18. Investigations
19. Administrative penalties
20. Interpretation
21. Revocation and savings
22. Transitional provision

**SCHEDULES**

**FIRST SCHEDULE**

*Percentage of Expatriate Staff to the Total Number of Senior Staff to be Maintained by a Holder of a Reconnaissance Licence or a Prospecting Licence*

**MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020**

**SECOND SCHEDULE**

**Form One**

*Expatriate Recruitment Application Form*

**Form Two**

*Application for the Registration of Services reserved for Citizens*

**THIRD SCHEDULE**

*Roles Reserved for Citizens*

**FOURTH SCHEDULE**

*Selection of Tenders*



## MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020

IN exercise of the power conferred on the Minister responsible for Mines under section 110 of the Minerals and Mining Act, 2006 (Act 703), these Regulations are made this 15<sup>th</sup> day of October, 2020.

### *Preliminary Provisions*

#### **Purpose of Regulations**

1. The purpose of these Regulations is to

- (a) promote job creation through the use of local expertise, goods and services, businesses and financing in the mining industry value chain and the retention of the jobs in the country;
- (b) achieve the minimum local level and in-country spend for the provision of goods and services in the mining industry value chain;
- (c) increase the capability and international competitiveness of domestic businesses;
- (d) create mining and mineral related support industries that will provide jobs and sustain economic development;
- (e) achieve and maintain a degree of participation for Ghanaians or companies incorporated in the country in the mining industry value chain;
- (f) develop local capacities in the mining industry value chain through education, skills transfer and expertise development, transfer of technology and know-how and research and development programmes;
- (g) provide for a monitoring and reporting system in relation to the delivery of local content policy objectives;
- (h) provide for the submission of the local content plan and related sub-plans by persons, businesses and any other allied entity involved in the mining industry value chain including
  - (i) the provision of goods and services; and
  - (ii) a recruitment and training programme; and
- (i) supervise, coordinate, implement and monitor local content in the mining industry.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**Application of Regulations**

2. These Regulations apply to an applicant or
- (a) a holder of a reconnaissance licence, a prospecting licence or a mining lease;
  - (b) a holder of a licence to export or deal in minerals; and
  - (c) a person who is registered to provide mine support services.

*Local Content Requirements*

**Localisation programme**

3. (1) A holder of a reconnaissance licence or a prospecting licence shall submit to the Commission for approval, a localisation programme for recruitment and training of Ghanaians.

(2) The localisation programme to be submitted under subregulation (1) shall include

- (a) details of ongoing and planned recruitment and training of Ghanaians to replace expatriates;
- (b) the number of expatriate staff relative to the total number of senior staff to be maintained by a holder of a reconnaissance licence or a prospecting licence as specified in the First Schedule; and
- (c) indication of gender inclusive recruitment.

(3) A person whose localisation programme has been approved by the Commission under these Regulations shall submit an annual report to the Commission on or before the thirty-first day of January each year, showing the level of compliance with the approved programme.

(4) A person who does not comply with the localisation programme approved under these Regulations is liable to pay to the Commission an administrative penalty of one year's gross salary of the expatriate involved for each month or part of each month that the expatriate worked.

(5) The administrative penalty shall be paid into an account established by the Commission for training of citizens for employment in the mining sector.

(6) The payment of the penalty shall not prejudice any other actions that may be taken against the person or the expatriate involved under any other enactment.

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**Recruitment of expatriates**

4. (1) A person who applies for a mineral right, a licence to export or deal in minerals, or to provide mine support services under the Act or Regulations made under the Act, shall submit particulars of proposals with respect to the recruitment of expatriates and employment and training of Ghanaians having due regard for gender inclusion.

(2) The particulars to be submitted under subregulation (1) shall include

- (a) the curriculum vitae of the expatriates;
- (b) the positions to be filled by the expatriates and the job description;
- (c) the conditions of service of the expatriates, including remuneration, allowances, and other benefits;
- (d) the duration of the contract of the expatriates;
- (e) a statement indicating how the applicant intends to employ and train Ghanaians to replace the expatriates with due regard to gender inclusion within a specified time frame; and
- (f) the level of compliance with the ratios specified in these Regulations.

(3) The particulars shall be submitted

- (a) with Form One as set out in the Second Schedule; and
- (b) at intervals of three years after the application has been granted.

(4) An immigration quota shall be granted to a holder of a mineral right under the Act subject to the approval by the Commission of the proposals submitted under subregulation (2).

(5) The approved proposals shall form part of the conditions to the mineral right agreement or the appropriate licence granted under the Act.

(6) The Commission shall not recommend the approval of an immigration quota or an application to recruit an expatriate unless the Commission is satisfied that no Ghanaian has the requisite qualification and experience to occupy the position for which the expatriate is to be recruited.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**Employment and training of Ghanaians**

5. (1) Where the employment of expatriate skilled labour is critical, a holder of a reconnaissance licence or a prospecting licence may,

- (a) after two years, substitute part or all of the holder's proportion of expatriate staff allowed in the technical, supervisory and management category for skilled labour; or
- (b) after four years, substitute part or all of the holder's proportion of staff allowed in the management category for skilled labour.

(2) A holder of a mining lease shall submit for approval, a programme for recruitment and training of Ghanaians which shall include

- (a) details of ongoing and planned recruitment and training of Ghanaians to replace expatriates;
- (b) the percentage of expatriate staff relative to the total number of senior staff to be maintained by a holder of a mining lease which is as follows:

- (i) for the first three years from the commencement of mining operations, the percentage shall not exceed ten per cent;
- (ii) after the third year of the commencement of mining operations, the percentage shall not exceed five per cent; and
- (iii) after the sixth year of the commencement of mining operations, the holder shall ensure that the five per cent is consistently reduced with the intent to attain full Ghanaian participation.

(3) Subject to subregulation (6), a person specified under regulation 2 shall not employ an expatriate in an unskilled or clerical position.

(4) Where the application of the percentages specified in subregulation (2) results in

- (a) the holder of a mining lease being entitled to employ less than three expatriates, the Commission may permit the holder of a mining lease to employ three expatriates; or

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

- (b) a fraction, the next whole number shall be the number of expatriates to be employed.
- (5) A person registered to provide mine support services or licensed to export or deal in minerals shall
- (a) submit for approval a programme for training and recruitment of Ghanaians having due consideration for gender inclusion including details of ongoing and planned training and recruitment of Ghanaians to replace expatriates; and
  - (b) maintain expatriate staff as specified in the First Schedule.
- (6) Subject to paragraph (b) of subregulation (5), unskilled labour, skilled labour, and clerical positions shall be reserved for Ghanaians.
- (7) Where the employment of expatriate skilled labour, is critical for the purposes of training Ghanaian personnel, a mine support service provider or a holder of a licence to export or deal in minerals may substitute part or the proportion of expatriate staff allowed as specified in the First Schedule with the required skilled labour.
- (8) The Commission may approve the employment of additional expatriates in exceptional circumstances upon consideration of justification submitted by the applicant, including
- (a) where specialised technology is used,
  - (b) where a special project including a new mine development, expansion or rehabilitation is to be undertaken, provided that the duration of the project does not exceed three years; or
  - (c) where Ghanaians are transferred to work as expatriates in the operations of the company in other countries.
- (9) Where prospecting operations are being carried out on five or more prospecting licences and a corporate office is maintained separately from the exploration site offices, a maximum of two additional expatriates may be employed in the corporate office.
- (10) Where mining operations are being carried out on two or more mining leases and a corporate office is maintained separately from the mine offices, a maximum of two additional expatriates may be employed in the corporate office.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(11) For the purposes of making a decision under subregulation (6) of regulation 4, the Commission may among others request an applicant to

- (a) advertise for a particular job for which no Ghanaian is deemed suitable or qualified to occupy; or
- (b) recruit from the database that shall be established by the Commission.

(12) Subject to subregulation (2) of regulation 3 and subregulation (2) of regulation 5, an expatriate shall not be recruited for the roles specified in the Third Schedule.

**Procurement of local products**

6. (1) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall procure goods and services with Ghanaian content to the maximum extent possible and consistent with safety, efficiency and economy.

(2) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall submit to the Commission for approval, a procurement plan in accordance with subregulation (1).

(3) The procurement plan under subregulation (2) shall be submitted within one year of the commencement of the operations of that person.

(4) The procurement plan shall be for an initial period of five years and subsequently for every five-year period.

(5) The procurement plan shall include

- (a) targets for local procurement covering at least the items specified in the local procurement list specified in regulation 7;
- (b) prospects for local procurement; and
- (c) specific support to providers or suppliers and other measures to develop the supply of local goods and services, including broadening access to opportunities and technical and financial assistance.

(6) A person who fails to comply with subregulation (2) is liable to pay to the Commission an administrative penalty of the Ghana Cedi equivalent of ten thousand United States Dollars for each month of the first six months of default and subsequently the Ghana Cedi equivalent of ten thousand United States Dollars for each day that the default continues.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(7) The mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall review the procurement plan annually to take account of the requirements in the local procurement list.

(8) The holder of a mineral right, a licence to export or deal in minerals or a registered mine support services provider shall submit semi-annually, reports on the implementation of the procurement plan.

(9) A person who fails to comply with subregulation (8) is liable to pay to the Commission an administrative penalty of ten thousand United States dollars for each month of the first two months of default and subsequently the Ghana Cedi equivalent of ten thousand United States dollars for each day that the default continues.

(10) In assessing tenders for goods and services on the local procurement list, the mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall select the bid containing the highest level of Ghanaian participation in terms of ownership and management by Ghanaians and employment of Ghanaians as set out in the Fourth Schedule.

**Procurement list**

7. (1) The Commission shall publish, in the *Gazette*, the website of the Commission and a newspaper of nationwide circulation, a local procurement list which stipulates the goods and services with Ghanaian content which are to be procured in the country by a

- (a) holder of a mineral right or a licence to export or deal in minerals; or
- (b) person registered to provide mine support services.

(2) A holder of a mineral right, a licence to export or deal in minerals or a person registered to provide mine support services who fails to comply with subregulation (1) is liable to pay

- (a) in respect of goods, the full customs import duty in respect of the goods imported and an administrative penalty of five per cent of the total import value; and
- (b) in respect of services, an administrative penalty of five per cent of the gross contract sum.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(3) The Commission shall review the local procurement list annually.

**Promotion of research and skills development**

8. (1) The Commission shall, in consultation with the mining industry, universities, research, technical and vocational training institutions, develop guidelines for applicable areas of training, research and skills development.

(2) A holder of a mining lease shall, within one year of commencement of mining operations, submit to the Commission

- (a) a plan based on the guidelines issued under subregulation (1) for research, skills development; and
- (b) a budget for the promotion of education, practical attachments, training and research and skills development.

**Technical and engineering services**

9. (1) Subject to subregulations (2) and (3), technical and engineering services shall be rendered by companies owned by citizens and registered with the relevant regulatory bodies and with the Commission.

(2) A foreign technical and engineering consultant, firm or company incorporated in Ghana and registered with the Commission shall only be engaged when the required services are rendered in collaboration with a firm or company owned by a citizen licensed to provide such technical and engineering services in the country and registered with the Commission.

(3) Despite subregulation (2), where there is inadequate or no capacity for any Ghanaian consultant or company owned by a citizen to undertake a particular engineering service, the Commission may, in consultation with the relevant professional body, permit the holder of a mining lease to engage an expatriate or foreign company subject to terms and conditions determined by the Commission.

**Insurance and reinsurance services**

10. (1) A mine support service provider, a holder of a mineral right or a licence to deal in minerals shall insure all insurable risks related to its mining business or operations with a company licensed by the National Insurance Commission.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(2) Where there is a need for a mine support service provider, a holder of a mineral right or a licence to deal in minerals to engage the services of an offshore insurance or reinsurance company, the mine support service provider, the holder of the mineral right or licence to deal in minerals shall obtain the prior approval of the National Insurance Commission.

(3) A mine support service provider, a holder of a mineral right or a licence to deal in minerals shall, within thirty days after the end of the licence year, submit a report to the Commission on

- (a) all companies through which insurance or reinsurance coverage was obtained,
- (b) the classes of cover obtained; and
- (c) the premiums paid for the coverage.

(4) A mine support service provider, a holder of a mineral right or a licence to deal in minerals shall not place an insurance offshore without the written approval of the National Insurance Commission.

**Accounting and legal services**

11. (1) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall only engage the services of lawyers, certified accountants or a firm or company of lawyers or accountants that are licensed or certified to practice or work in the country.

(2) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall only engage a foreign firm, company or consultant for legal or accounting services when the services required are rendered in collaboration with individuals, firms or companies that are licensed or certified to practice or work in the country.

**Financial services**

12. (1) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals that requires financial transactions with respect to the operations of the mineral support service provider, holder of a mineral right or a licence to export or deal in minerals shall retain only the services of financial institutions incorporated in the country.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(2) Despite subregulation (1), a mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall ensure that not less than twenty per cent of the transactions are undertaken with financial institutions owned by citizens.

**Listing on the Ghana Stock Exchange**

13. (1) The Minister shall on the recommendation of the Commission and in consultation with the Securities and Exchange Commission determine the limits of local equity of capital expenditure for listing on the Ghana Stock Exchange.

(2) A holder of a mineral right whose planned capital expenditure exceeds the limits determined under subregulation (1) shall list at least twenty per cent of the equity of the holder on the Ghana Stock Exchange within five years after commencement of mining operations.

(3) The Minister shall, on the recommendation of the Commission and in consultation with the Securities and Exchange Commission, extend the period specified in subregulation (2), for reasons that the market conditions do not allow for a successful completion of the offer on the Ghana Stock Exchange.

**Reservation of certain services for citizens**

14. (1) The following services shall be provided only by a citizen:

- (a) catering and camp management services;
- (b) haulage services to and from mine sites including transportation of personnel;
- (c) security services;
- (d) contract mining services for small-scale mining operations including mining and processing of ore, reclamation, revegetation and management of mining operations; and
- (e) supply of fuel.

(2) A citizen shall apply to the Commission to be registered to provide the following services:

- (a) supply of stationery and printing of name tags;
- (b) supply of provisions including toiletries;
- (c) weeding, grassing, reshaping, cutting or trimming of hedges, mowing and fencing services;
- (d) cleaning, painting and disinfection or fumigation services;



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

- (e) collection of rubbish, emptying of sewages and other sanitary services;
  - (f) physical training, gym training and swimming instructions;
  - (g) local security, local patrol and neighbourhood watch services;
  - (h) local health education services; and
  - (i) minor maintenance services including plumbing and electrical fittings.
- (3) A person specified under subregulation (2) shall not
  - (a) be financed by a non-citizen; and
  - (b) engage or employ an expatriate to provide the services specified under subregulation (2).
- (4) An application for registration under subregulation (2) shall be
  - (a) in writing as set out in Form Two of the Second Schedule; and
  - (b) accompanied with the following:
    - (i) incorporation documents;
    - (ii) a copy of the contract of the applicant with a mineral rights holder;
    - (iii) a profile of the applicant;
    - (iv) Tax Clearance Certificate of the applicant;
    - (v) Value Added Tax Registration Certificate of the applicant;
    - (vi) Social Security and National Insurance Trust Clearance Certificate; and
    - (vii) National Identity Card of the applicant.

*Miscellaneous Provisions*

**Reporting requirements**

15. (1) A mine support service provider, a holder of a mineral right or a licence to export or deal in minerals shall, not later than thirty days after the beginning of year, submit to the Commission an annual report on Ghanaian content indicating compliance with the approved localisation programme and procurement plan.

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(2) The report in subregulation (1), shall include other reports as may be required under these Regulations or under the Act.

**Guidelines by Commission**

16. (1) The Commission shall issue guidelines for the effective implementation of these Regulations.

(2) Without limiting subregulation (1), the guidelines shall include

- (a) requirements and targets for the growth of research and development of the mining industry; and
- (b) minimum standards, facilities, personnel and technology for training in the mining industry.

**Local content monitoring**

17. The Commission shall monitor the implementation of these Regulations.

**Investigations**

18. (1) The Commission may for the purposes of enforcing these Regulations initiate an investigation into an activity of a person specified under regulation 2.

(2) Without limiting subregulation (1), the Commission may launch investigations to ensure

- (a) that the purposes of local content and local participation are not diluted by the operation of a front;
- (b) that bid rigging and cartelisation are avoided in the procurement process; and
- (c) compliance with the gender inclusive provisions under these Regulations.

**Administrative penalties**

19. (1) A person who

- (a) fails to submit a plan, returns, report or other document,
- (b) makes a false statement,
- (c) acts as a front or connives with a foreign citizen or company to deceive the Commission as representing a citizen to achieve the local content requirement under these Regulations,



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

(d) connives with a citizen or a Ghanaian company to deceive the Commission as representing a Ghanaian company to achieve the local content requirement under these Regulations, or

(e) fails to

- (i) engage technical and engineering services relating to a mining activity in contravention of regulation 9,
- (ii) insure an insurable risk related to the mining business or operation of that person with a company licensed by the National Insurance Commission in contravention of regulation 10;
- (iii) retain the services of lawyers, certified accountants or any such firm or company in the country in contravention of regulation 11,
- (iv) retain financial services in contravention of regulation 12,
- (v) list on the Ghana Stock Exchange in contravention of regulation 13,
- (vi) comply with the gender inclusive provisions under these Regulations,
- (vii) comply with a directive or guidelines issued by the Commission,
- (viii) comply with a request to furnish information or a document under these Regulations within the period specified in the request; or
- (ix) comply with any other provision of these Regulations,

is liable to pay to the Commission an administrative penalty of the Ghana Cedi equivalent of ten thousand United States Dollars and in the case of a continuing contravention to a penalty of five thousand United States Dollars for each day that the contravention continues.

(2) Where the contravention continues after the time specified for remedying the contravention, the Commission shall withhold the approvals and permits required by the person for the conduct of mining activities until the time that the contravention is remedied.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**Interpretation**

20. In these Regulations, unless the context otherwise requires,
- “bid rigging” means the manipulation of a bid process by dishonest means;
  - “cartelisation” means a collection of businesses that act together as a single producer and agree to influence prices for certain goods and services by controlling supply through their production and marketing activities;
  - “Commission” means the Minerals Commission established under section 1 of the Minerals Commission Act, 1993 (Act 450);
  - “employee” means a person who undertakes to work for a mineral right holder, a holder of a licence to deal in minerals or a registered mine support services provider under a contract of employment or apprenticeship;
  - “front” means to deceive or behave in a particular manner to conceal the fact that a company is not a citizen;
  - “gender inclusive” means creating an environment that ensures gender equity;
  - “Ghanaian content” means the quantum of value added to or created in the Ghanaian economy by a systematic development of capacity and capabilities through the deliberate utilisation of Ghanaian human and material resources and services rendered in the mining industry value chain;
  - “haulage services” means the exclusive transportation of ore, goods and persons by road to a mine site, within a mine site or from a mine site;
  - “localisation programme” includes proposals or particulars with respect to the employment or recruitment of expatriates, employment and training of citizens towards the eventual replacement of expatriate personnel by Ghanaian personnel and preference for local product as the context permit;
  - “manager” means a manager appointed by the operator in accordance with section 16 of the Act;



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

“mining industry value chain” means the processes involved in the mining industry which including exploration, development, production, refining, smelting, polishing and marketing of minerals; and

“senior staff” means an employee of a holder of a mineral right or a mine support services provider above the level of supervisor.

**Revocation and savings**

21. (1) Regulations 1 and 2 of the Minerals and Mining (General) Regulations, 2012 (L.I. 2173) are revoked.

(2) Despite the revocation in subregulation (1), a certificate, licence, permit or authorisation issued under the revoked provisions and which was in force immediately before the coming into force of these Regulations shall continue to be in force until it expires or is revoked under these Regulations.

(3) Despite the revocation in subregulation (1), any person holding an expatriate contract of employment approved by the Commission and subsisting before the coming into force of these Regulations, shall continue in force until the contract of employment expires or is revoked under these Regulations.

**Transitional provision**

22. A person listed under regulation 2 shall, within one year after coming into force of these Regulations, make arrangements and plans to the satisfaction of the Commission as required for complying with these Regulations.

**MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020**

**FIRST SCHEDULE**

Percentage of Expatriate Staff to the Total Number of Senior Staff to be Maintained by a Holder of a Reconnaissance Licence or a Prospecting Licence

*(regulations 3(2)(b), 5(5)(b) and 5(7))*

**A. EXPATRIATE PROPORTIONS: EXPLORATION  
RECONNAISSANCE AND PROSPECTING LICENCE  
HOLDERS**

Category	Commencement	After 2 years	After 4 years	After 6 years
Unskilled Labour	0%	0%	0%	0%
Skilled Labour	10%	0%	0%	0%
Clerical	5%	0%	0%	0%
Technical and Supervisory	5%	5%	0%	0%
Management (number of expatriates)	Up to 2	Up to 2	Up to 2	Up to 2



**A. EXPATRIATE PROPORTIONS: PERSONS REGISTERED TO PROVIDE MINE SUPPORT SERVICES OR LICENSED TO EXPORT OR DEAL IN MINERALS**

Activity	Management /investor	Expatriate per each MARC* contract with a Mine	Expatriate per each MARC contract with a support service	Regional Office	Expatriate per all VHS*** contracts	Expatriates for Workshops and Training	Expatriate per two active drill rigs	Expatriate per each mineral rights holder	Expatriate per total number of senior staff (%)	Expatriate for company producing own inputs locally
Supply of Equipment	2	3	3	2	1	2	-	-	-	-
Explosives and Chemical manufacturing	2	-	-	2	-	1	-	-	-	-
Supply of consumables	2	-	-	-	-	-	-	-	-	-
Hydraulic services	2	-	-	2	-	-	-	-	-	-
Drilling services	2	-	-	2	-	-	-	-	-	-
Consulting services	3	-	-	2	-	2	1	-	-	1
Assay and Medical Laboratory Services	2	-	-	2	-	-	-	-	-	-

MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020

[illegible]



[illegible]

MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020

Manage, operate and maintain water treatment	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Provision of corrosion protection service	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Aerial survey and mapping service	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Geotechnical and geophysical site investigation	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-

\* MARC refers to Maintenance and Repair Contract



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

\*\* VHS refers to Vendor Held Stock Contact

1. For all other expatriate staff required for the execution of a project or a specific contract, the company shall submit a staffing plan which details desired qualifications and experience, estimated start date, estimated end date and justification for choice of expatriates for the positions for consideration and approval.
2. Expatriates required to undertake short term contracts (up to six months) for installation and testing of equipment shall be considered on a case by case after submission of a staffing plan which details desired qualifications and experience, estimated start date, estimated end date and justification for choice of expatriates for consideration and approval.
3. Up to a maximum of five expatriates will be considered where the company establishes a gold refinery in Ghana or set-up a processing facility for treating tailings.
4. In any case not more than five expatriates shall be engaged for the execution of the contract.
5. The total number of expatriates shall be ten per cent of the total number of Senior Staff after two years of commencement of every new mining contract. However, renewed contracts shall not be considered as new contracts.
6. The total number of expatriates shall be fifteen per cent of the total number of Senior Staff after two years of commencement if every new mining contract. However, renewed contracts shall not be considered as new contracts.
7. For all other expatriate staff required for the execution of a project or a specific contract, the company shall submit staffing plan which details desired qualifications and experience, estimated start date, estimated end date and justification for choice of expatriate for consideration and approval.

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

8. For all other expatriate medical staff required for the executive of a contract with a mineral rights holder, the company shall submit staffing plan which details desired qualification and experience, estimated start date, estimated end date and justification for choice of expatriates for consideration and approval.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**SECOND SCHEDULE  
FORM ONE**

*(regulation 4(3)(a))*

**Expatriate Recruitment Application Form**

Minerals Commission  
#12 Switchback Road Residential Area, Cantonments, P.O. Box M248  
Accra-Ghana  
Tel: 233 302 772783, 773053, 771318 Fax: 233 302 773324 Website:  
[www.ghana-mining.org](http://www.ghana-mining.org) Email: [Mincom@mc.ghanamining.org](mailto:Mincom@mc.ghanamining.org)

EXPATRIATE RECRUITMENT APPLICATION FORM

APPLICATION NO:

**SECTION 1: LICENCEE'S IDENTIFICATION DATA**

Full Name of Licencee		
Postal Address		Facsimile
City/Town/ Village		Email Address
Region		Website
Fixed Phone Line #		Licence #
Mobile Phone Line #		Licence Type #

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

## SECTION 2: EXPATRIATE'S DATA

Full Name of Expatriate	Date of Birth:	Picture of Expatriate
Position	Place of Birth:	
Date of Employment	Nationality	
Duration of Employment	Passport Number:	
Fixed Phone Line #	Non-Citizen Ghana ID Card #	
Facsimile #	Email Address:	
Permanent Address	Mobile Phone #	
Remuneration Per Month (US\$)	Remuneration Per Month (GHS)	

## SECTION 3: GHANAIAN COUNTERPART'S DATA

Full Name of Ghanaian Counterpart	Present Position	Picture of Ghanaian Counterpart
Expected Takeover Date	Qualification	
Fixed Phone Line	Ghana ID card #	
Facsimile #		
Mobile Phone #		
Email Address		
Permanent Address		



**MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020**

**SECTION 4: SUMMARY OF PLANNED PROGRAMMES FOR GHANAIAN COUNTERPART**

Planned Training Program	Timelines	Training Cost

I declare that the information provided above is true and correct. I agree to abide and be bound by the terms, conditions and contractual provisions governing the expatriate recruitment into Ghana's mining sector.

.....  
Signature

.....  
Right Thumb Print

**SECTION 5: DOCUMENTS SUBMITTED BY APPLICANT (OFFICIAL USE ONLY)**

Photocopy of Expatriate's Passport	Receipt of Payment for Application Form
Resume of Expatriate with supporting certificates	Evidence of Payment of Prescribed Application
2 Passport Size Pictures of both the Expatriate and Ghanaian counterpart	Processing Fee (Bankers ID # .....)
Submission Date ...../...../.....	Checked and Received by .....
Submitted by .....	Signature of Receiving Officer .....
Signature of Applicant/Rep .....	

**MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020**

**FORM TWO**

*(regulation 14(3)(a))*

Application for the Registration of Services reserved for Citizens

**Minerals Commission**

#12 Switchback Road Residential Area, Cantonments, P. O. Box M248 Accra-Ghana  
Tel: 233 302 772783, 779823, 773053, 771318 Fax: 233 302 773324 Website: [www.ghanamining.org](http://www.ghanamining.org)  
Email: [Mincom@mc.ghanamining.org](mailto:Mincom@mc.ghanamining.org)

**APPLICATION FOR REGISTRATION AS MINE SUPPORT SERVICE COMPANY - (GHANAIAAN CITIZENS)** APPLICATION NO:

**SECTION 1: APPLICANT'S IDENTIFICATION DATA**

<b>NEW APPLICANT</b> <input type="checkbox"/>	<b>RENEWAL OF EXISTING REGISTRATION</b> <input type="checkbox"/>		
Are you applying for the first time? Yes <input type="checkbox"/> No <input type="checkbox"/>	Have you previously been registered as a mine support service company by Minerals Commission? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide the following information: Date of Previous Registration:..... Name under which Previous Registration was issued:.....		
Full Name of Applicant			
Registered Office of Applicant (Location Address)			
Postal Address	P. O. Box	Facsimile #	
City/Town/Village		Email Address	
Region		Website	
Fixed Phone Line #		Mobile Phone Line #	
Applicant's Tax Identification Number (TIN)		Applicant's VAT Identification Number	



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**SECTION 2: APPLICANT'S FINANCIAL DETAILS**

Full Name of Bankers and/ or Financiers		
Postal Address	P. O. Box	Facsimile #
City/Town/Village		Email Address
Region		Website
Fixed Phone Line #		Capital Invested or Proposed for Investment
Source (s) of Funding		

**SECTION 3: OTHER DETAILS**

State specific proposed activity (ies)	
Whether applicant holds Contracts/MOU/Letter of Intent with a mineral rights holder or Mine Support Service Company, and if so, give details.	
Whether Applicant holds any license, registration or permit from Ministries/ Department/ Agencies of Government of Ghana, and if so list them	

I declare that the information provided above is true and correct. I agree to abide and be bound by the terms, conditions and contractual provisions governing the operation of the registration sought which I have received, read and understood.

..... Dated ..... Day of ..... 20.....  
Signature(s) or Seal as Appropriate

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**SECTION 4: DOCUMENTS SUBMITTED BY APPLICANT (OFFICIAL USE ONLY)**

<input type="checkbox"/> VAT Registration Certificate	Receipt of Payment for Application Form
<input type="checkbox"/> Tan Clearance Certificate	Ghana Card #
<input type="checkbox"/> Applicant's Profile	
<input type="checkbox"/> For existing companies, a Social Security and National Insurance Trust (SSNIT) Clearance Certificate is required	
<input type="checkbox"/> Registered Company - Certified True Copies of Certificate of Incorporation, Company Constitution, Registration of Business Name,	
Submission Date .....	Checked and Received by
Submitted by	
Signature of Applicant/Rep.	Signature of Receiving Officer



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL  
PARTICIPATION) REGULATIONS, 2020*

**THIRD SCHEDULE**

**Roles Reserved for Citizens**

*(regulation 5(12))*

1. General Manager roles after three years from the commencement of mining operations.
2. Mine Manager roles.
3. All non-technical services and non-engineering roles irrespective of the level or grade including
  - (a) human resource and related roles;
  - (b) finance and accounting and related roles;
  - (c) communication, community relations or sustainability and related roles;
  - (d) legal and compliance and related roles; and
  - (e) corporate affairs and related roles.
4. All roles below the grade of supervisor.

*MINERALS AND MINING (LOCAL CONTENT AND LOCAL PARTICIPATION) REGULATIONS, 2020*

**FOURTH SCHEDULE**

Selection of Tenders

*(regulation 6(10))*

In assessing tenders for goods and services on the local procurement list, the bid containing the highest level of Ghanaian participation in terms of ownership and management by Ghanaians and employment of Ghanaians shall be selected as set out below:

- (a) for bids of Ghana Cedi equivalent of \$4,500,000.00 and above, the margin of preference shall be two point five per cent of each other;
- (b) for bids of Ghana Cedi equivalent of \$2,000,000.00 to \$4,499,999.99, the margin of preference shall be three per cent of each other;
- (c) for bids of Ghana Cedi equivalent of \$1,000,000.00 to \$1,999,999.99, the margin of preference shall be five per cent of each other;
- (d) for bids of Ghana Cedi equivalent of below one million United States Dollars, the margin of preference shall be ten per cent of each other.



*MINERALS AND MINING (LOCAL CONTENT AND LOCAL  
PARTICIPATION) REGULATIONS, 2020*

**HON. KWAKU ASOMAH-CHEREMEH**

*Minister responsible for Mines*

Date of *Gazette* notification: 16<sup>th</sup> October, 2020.

Entry into force:

PRINTED BY GHANA PUBLISHING COMPANY LTD. ASSEMBLY PRESS, ACCRA. GPCL/A1145/450/12/2020  
Website [www.ghanapublishing.com](http://www.ghanapublishing.com) Email [info@ghanapublishing.com](mailto:info@ghanapublishing.com) Tel: +233 0302-664338/9