

Base Minerals Export Control (Unbeneficiated Base Mineral Ores)  
(Amendment) Order, 2023 (No. 1)

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UNDER the powers conferred upon me by section 3(1)(a) of the Base Minerals Export Control Act [*Chapter 21:05*], I, Wiston Chitando, MP, Minister of Mines and Mining Development, by this my order, direct that with immediate effect as follows:—

1. This Order may be cited as the Base Minerals Export Control (Unbeneficiated Base Mineral Ores) (Amendment) Order, 2023 (No. 1).

2. The Base Minerals Export Control (Unbeneficiated Base Mineral Ores) Order, 2023, published in Statutory Instrument 5 of 2023 (hereinafter called “the principal Order”) is amended in section 2—

(a) by the repeal of the definition of “base minerals” and the substitution of—

““base minerals” all minerals and mineral substances (other than coal and coke), and includes all such slimes, concentrates, slags, tailings and residues as are valuable and contain base minerals as hereinbefore defined, but does not include precious metals, precious stones, mineral oils and natural gases;

(b) by the insertion of the following definitions—

““APP”, “LOPL” have meanings given to those abbreviations in the Schedule;

“lithium bearing ore” means any spodumene, petalite or lepidolite or any other mineral ore containing lithium;

“beneficiated lithium” includes beneficiated lithium ore concentrate;

“beneficiated lithium ore concentrate” means lithium bearing ore which, in the case of spodumene, has a lithia content of 3% or more and, in the

Base Minerals Export Control (Unbeneficiated Base Mineral Ores)  
(Amendment) Order, 2023 (No. 1)

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case of petalite and lepidolite, has a lithia content of 2,5 % and above;

“process”, in relation to unbeneficiated lithium, means doing anything to beneficiate that lithium;

“unbeneficiated lithium” means any lithium in whatever form that has not undergone processing to the extent that, in the case of spodumene, the lithia content is 3% or above and, in the case of petalite and lepidolite, the lithia content is 2,5 % and above.”.

3. Section 3 of the principal Order is amended by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) In addition—

- (a) no permit for the export of beneficiated lithium shall be granted unless—
  - (i) the lithium has been dealt with in accordance with the conditions prescribed in the Schedule; and
  - (ii) the selling price for the export of the beneficiated lithium is not less than that set by the Minerals Marketing Corporation of Zimbabwe from time to time;
- (b) no permit for the export of unbeneficiated lithium shall be granted unless—
  - (i) the permit is granted on the basis that the exporter—
    - A. is operating an APP under a permit or, if not, has concurrently obtained a permit to operate an APP which on the date of the permission for the export of the lithium has not been constructed, but for which (as one of the conditions of the APP permit) a plan

has been approved with a view to the plant being completed and fully operational no later than two years from the issuance of the export permit; and

B the exporter is an individual who is or partnership whose members are all Zimbabwean citizens, or a corporate entity the ownership of which is held exclusively by Zimbabwean citizens;

and

(ii) the permit is granted with the prior concurrence of the President.”.

4. Section 5 of the principal Order is amended by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) Any contravention of a prohibition under subsection (3) or of subsection (4) shall constitute a contravention of this Order for the purposes of section 6 of the Act.

(3) No individual or entity—

(a) that is a lithium miner as defined in the Schedule, shall sell lithium or lithium bearing ores to any individual or entity—

(i) that does not own or control an APP, or for a purpose otherwise than for the processing of that lithium or those ores at an APP, contrary to paragraph 1(a)(ii) of the Schedule; or

(ii) that does not hold a valid a Lithium Ore Purchase License (LOPL) issued under paragraph 3(c) of the Schedule;

(b) that is not a lithium miner or owner or controller of an APP as defined in the Schedule, shall process lithium or lithium bearing ores, contrary to paragraph 1(a) of the Schedule;

Base Minerals Export Control (Unbeneficiated Base Mineral Ores)  
(Amendment) Order, 2023 (No. 1)

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- (c) that is a lithium miner shall store lithium or lithium bearing ores contrary to paragraph 1(b);
- (d) shall, contrary to paragraph 1(c)(ii) of the Schedule and to the terms of lithium movement permit issued under paragraph 3(b) of the Schedule, transport any lithium or lithium bearing ores to a place other than the site of an APP.

(4) Any holder of a permit or licence issued in terms of paragraph 3 of the Schedule who contravenes any term or condition of that licence or permit shall be guilty of an offence for the purposes of section 6 of the Act.”.

5. The principal Order is amended by the insertion of the following Schedule thereto—

SCHEDULE (*Section 3 (2)*)

PRE-EXPORT MINING, STORAGE, TRANSPORTATION, SALE AND  
PROCESSING OF LITHIUM BEARING ORES

1. No individual or entity having a right to mine for lithium bearing ores under the Mines and Minerals Act [*Chapter 21:05*] (in this Schedule referred to as a “lithium miner”) may—

- (a) mine such ores directly or indirectly for export unless it—
  - (i) processes the lithium or lithium bearing ores at an Approved Processing Plant (APP) owned or controlled by it; or
  - (ii) sells the lithium or lithium bearing ores to any individual or entity owning or controlling an APP for processing at that APP;
- (b) store such ores except at—
  - (i) the mining location where the ores are mined; or
  - (ii) at the site of an APP;
- (c) transport such ores—
  - (i) except under a lithium movement permit issued under paragraph 3(b); or
  - (ii) under a lithium movement permit, except to an APP.

2. No individual or entity may buy lithium bearing ores from a lithium miner or any other person—

- (a) except under a Lithium Ore Purchase License (LOPL) issued under paragraph 3(c); or
  - (b) obtain a Lithium Ore Purchase License (LOPL) unless he, she or it owns or controls an APP.
3. Any individual or entity wishing to obtain—
- (a) a permit to operate an APP, shall make application in writing therefor to the Minister, and the Minister shall issue the permit if, in such application and on evidence satisfactory to the Minister, the applicant demonstrates the capacity to process lithium bearing ores to the required level of beneficiation;
  - (b) a lithium movement permit, shall make application in writing therefor to the Minister, and the Minister shall issue the licence if, in such application and on evidence satisfactory to the Minister, the applicant demonstrates the capacity to transport lithium bearing ores;
  - (c) a Lithium Ore Purchase License (LOPL), shall make application in writing therefor to the Minister, and the Minister shall issue the licence if, in such application and on evidence satisfactory to the Minister, the applicant demonstrates he or she is a fit and proper person to hold such a licence;

