

## CHAPTER 128

# THE ASSAYERS ACT [PRINCIPAL LEGISLATION] ARRANGEMENT OF SECTIONS

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## CHAPTER 128

### THE ASSAYERS ACT

An Act to provide for the licensing and registration of assayers, to regulate the practice of assaying and for related purposes.

[6<sup>th</sup> October, 1944]

Ord. No. 12 of 1944  
GN. No. 478 of 1962

- Short title 1. This Act may be cited as the Assayers Act.
- Interpretation 2. In this Act, unless the context requires otherwise-  
“assaying” means the determination of the proportion of the mineral constituents of any ore or mineral substance; and  
“assayer” shall be construed accordingly;  
“Board” means the Assayers Licensing Board established under section 7 of this Act;  
“mineral constituent” means any chemical element, compound or radical in any ore or mineral substance;  
“Minister” means the Minister responsible for commerce and industry.
- Prohibition on assaying except under authority of licence 3. Subject to the provisions of this Act, a person shall not engage in, or hold himself out as prepared to engage in, the practice of assaying for reward unless he is the holder of an assayer’s licence issued by the Board under this Act authorising him to do so.
- Provisions relating to assayers’ licences 4.-(1) Assayers’ licences shall be of two kinds, namely-  
(a) a general assayer’s licence; and  
(b) a restricted assayer’s licence.  
(2) Application for an assayer’s licence shall be made to the Board and shall be in any form which may be prescribed.  
(3) The fee for an assayer’s licence shall be such amount as may be prescribed and shall accompany the application.

(4) Assayers' licences shall expire on the thirty-first day of December next following the date of issue:

Provided that, the licences may be renewed upon payment of the prescribed fee for subsequent periods of twelve months.

(5) Where the holder of an assayer's licence which expires on the thirty-first day of December fails to make application to the Board within thirty days from the date for a renewal of the said licence, he shall be liable by the direction of the Board to have his name removed from the register.

(6) Where the name of the holder of an assayer's licence is removed from the register under subsection (5) of this section, the Board may, for good cause shown and upon payment of the prescribed fee, cause his name to be restored to the register.

(7) The Board may, upon payment of the prescribed fee, issue a duplicate of an assayer's licence which is lost, stolen or destroyed.

General assayer's licence

**5.**-(1) A general assayer's licence shall authorise its holder to practise for reward assaying for all minerals constituents.

(2) A general assayer's licence shall be issued to the applicant if he satisfies the Board that-

- (a) he has attained the age of twenty-one years; and
- (b) by reason of his academic qualifications or professional experience, he is competent to practise assaying for all mineral constituents.

(3) For the purpose of satisfying itself as to the academic qualifications or professional experience of the applicant, the Board may require him to present himself for an examination to be conducted by the Board in the subjects and in the manner which it shall consider necessary.

Restricted assayer's licence

**6.**-(1) A restricted assayer's licence shall authorise its holder to practise for reward assaying for the mineral constituents which are specified in that licence.

(2) A restricted assayer's licence shall be issued to the applicant if he satisfies the Board that his academic

qualifications are such as to warrant the issue of the licence or that he has been actually engaged in the practice of assaying for a restricted assayer's licence for a period of at least three years and that by reason of that practice, he has acquired satisfactory knowledge of the practice of the assaying.

(3) Upon written application being made to the Board by the holder of a restricted assayer's licence and upon payment of the prescribed fees, the Board may, if it is satisfied as to the competence of the applicant, vary the licence so as to include additional mineral constituents in respect of which the holder of that licence desires to practise assaying for reward.

(4) For the purpose of satisfying itself as to the qualifications of the applicant, the Board may require him to present himself for an examination to be conducted by the Board in the subjects and in the manner which it shall consider necessary.

Establishment  
of Assayers  
Licensing Board

7.—(1) There is hereby established a Board which shall be known as the Assayers Licensing Board.

(2) It shall be the duty of the Board to issue licences to assayers and generally to carry out the purposes of this Act and rules made under it.

Constitution  
of Board and  
conduct of  
business, etc.  
Cap 312 s. 2;  
GN. No.  
478 of 1962

8.—(1) The members of the Board shall be the Commissioner for Mines, who shall be *ex-officio* chairman of the Board, and not less than one appointed from time to time by the Minister as he may think fit, and in the absence of the chairman, the remaining members of the Board shall elect one of their number to act as chairman.

(2) The Board may make rules governing its own procedure, including quorum, and may appoint a person to be secretary to the Board.

(3) The Board may appoint suitable persons as examiners on any terms which it thinks fit for the purpose of conducting any examination held under subsection (3) of section 5 or subsection (4) of section 6 of this Act.

(4) Notice of all appointments to the Board shall be published in the *Gazette*.

Register to be kept by Board

**9.**—(1) The Board shall keep in such form and in such manner as may be prescribed a register to be known as the “Register of Assayers”, in this Act referred to as the register, in which shall be entered—

- (a) the names of all persons to whom an assayer’s licence is issued under this Act; and
- (b) the names of assayers in the service of the Government whose qualifications would, in the opinion of the Board, warrant the issue to them of a general assayer’s licence or a restricted assayer’s licence, and such assayers shall be known as Government assayers.

(2) Every person whose name is entered in the register under subsection (1) of this section shall be known as a registered assayer.

(3) The name of any assayer whose licence is cancelled under section 10 of this Act shall be removed from the register, and where an assayer’s licence is suspended under the said section, an appropriate entry shall be made in the register.

Cancellation and suspension of assayers’ licences  
GN. No.  
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**10.**—(1) The Board may after due inquiry make an order cancelling an assayer’s licence issued under this Act or may make an order suspending such licence for a period not exceeding three years, if it is shown to the satisfaction of the Board that the holder thereof has been guilty of negligence or professional misconduct in the course of practising assaying. The term “professional misconduct” includes any of the following acts or omissions—

- (a) willfully or negligently signing an assay certificate which is false in any material particular with knowledge of its falsity;
- (b) making, or permitting to be made under his supervision, any assay without reasonable care and attention; or

- (c) obtaining or attempting to obtain by any false representation an assayer's licence which may be issued under this Act:

Provided that, the Board shall not cancel or suspend an assayer's licence without first giving the holder an opportunity of showing cause, either personally or by advocate, why the licence should not be cancelled or suspended.

(2) The holder of an assayer's licence which is cancelled or suspended by order of the Board may appeal to the Minister against that order within one month from the date of the order and the decision of the Minister shall be final.

(3) The holder of any assayer's licence which has been cancelled or suspended shall surrender the licence to the Board within one month from the date of the order of cancellation or suspension.

(4) The Board may at any time revoke any cancellation or suspension of any assayer's licence cancelled or suspended under this section, provided that any decision made by the Minister confirming the cancellation or suspension of an assayer's licence shall not be varied without the consent of the Minister.

List of registered  
assayers to be  
published in  
*Gazette*

**11.** The Board shall from time to time publish in the *Gazette* a list of all registered assayers and shall also notify in like manner any cancellation or suspension of an assayer's licence.

Evidence

**12.** An assay certificate purporting to be signed by a Government assayer or by the holder of a general assayer's licence without further proof in any court shall be *prima facie* evidence of the facts stated there:

Provided that, the court may, in its discretion, summon as a witness, the assayer who signed the certificate.

Saving

**13.** Nothing in this Act shall require the following persons to be licensed under this Act, namely-

- (a) a Government assayer; and

- (b) a person employed as an assayer who does not engage in, or who does not hold himself out as prepared to engage in, the practice of assaying for reward for any person other than his employer.

Penalty

**14.** A person who contravenes any of the provisions of this Act or of any rules made under section 15 of this Act commits an offence and on conviction shall be liable to a fine not exceeding one thousand shillings.

Rules  
GN. No.  
478 of 1962

**15.** The Minister may make rules-

- (a) for prescribing anything which is required to be, or which may be, prescribed under this Act;
- (b) for prescribing the procedure to be followed by the Board in conducting an inquiry into any matter under section 10 of this Act;
- (c) generally for the better carrying out of the provisions of this Act.

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