

**THE BAMANGWATO CONCESSIONS LIMITED MINING LEASE
(AMENDMENT) ACT, 1971**

No. 10



of 1971

ARRANGEMENT OF SECTIONS

SECTION

1. Short Title
2. Insertion of heading to section 3 of Act No. 7 of 1970
3. Insertion of section 4 into Act No. 7 of 1970
4. Amendment of Schedule to Act No. 7 of 1970

AN ACT TO AMEND BAMANGWATO CONCESSIONS LIMITED MINING LEASE ACT, 1970, BY PROVIDING FOR CONTRACTUAL TERMINATION OF THE MINING LEASE, BY ALTERING THE PERIOD OF LEASE, AND BY REDEFINING THE AREA OF GRANT

Date of Assent: 28.4.1971

Date of Commencement: 7.5.1971

ENACTED by the Parliament of Botswana

Short Title

1. This Act may be cited as the Bamangwato Concessions Limited Mining Lease (Amendment) Act, 1971.

Insertion of heading to section 3 of Act No. 7 of 1970

2. To section 3 of the Bamangwato Concessions Limited Mining Lease Act, 1970 (hereinafter referred to as the principal law), there is inserted a heading reading "Event of Conflict with Mines and Minerals Act, 1967".

Insertion of section 4 into Act No. 7 of 1970

3. The principal law is amended by the insertion after section 3 of the following section

“Termination of Lease in accordance with Agreement

4. (1) The mining lease referred to in section 2 may be cancelled in terms of the Mines and Minerals Act, 1967, or terminated in accordance with an agreement between the Government of Botswana and Bamangwato Concessions Limited which expresses and governs the relationships between them in regard to the exploitation of the mineral rights granted in terms of the said lease.

(2) Should the said lease be terminated in accordance with an agreement referred to in subsection (1), any person holding a hypothec or other interest in or in respect of the said lease shall on such termination have the same rights as are conferred by subsection (6) of section 48 of the Mines and Minerals Act, 1967, on third parties holding leaseholds, hypothecs or other interests in or in respect of mining rights cancelled under the provisions of that section.”

Amendment of Schedule to Act No. 7 of 1970

4. The Schedule to the principal law is amended —

- (a) in the fourth line of the words of grant of the mining lease by the deletion of “ninety-nine years from the date hereof,” and the substitution therefor of “twenty-five years from the date hereof with the right to obtain at the expiration of that term, after having given the Mining Commissioner six months’ notice in that behalf, renewal of the lease for a term not exceeding twenty-five years, which grant is”;
- (b) by the deletion of paragraph 2 of the mining lease and the substitution therefor of —

“2. (1) Subject to the provisions of subsection (2) the area of Grant shall be the area as shown on Diagram D.S.L. No. 12/70 of Mining Lease Area No. 13 — NQ filed in the Department of Surveys and Lands excluding those areas referred to as Tribal Grant No. 3 — NQ, Tribal Grant No. 4 — NQ, Tribal Grant No. 5 — NQ, Tribal Grant No. 6 — NQ and that portion of Tribal Grant No. 2 — NQ lettered A.a.b.D.A. as will more fully appear on Plan NQ — 98 filed in the Department of Surveys and Lands.

(2) When the diagrams of the excluded areas referred to in subsection (1) have been prepared and submitted to and approved by the Director of Surveys and Lands the area of Grant shall be deemed to be

that shown on Diagram D.S.L. No. 12/70 less the areas shown on the said approved diagrams or portion thereof in the case of Tribal Grant No. 2 – NQ.”

Passed by the National Assembly this day, the 1st April, 1971.

G. T. MATENGE,
Clerk of the National Assembly.