

**SELEBI-PHIKWE TAX AGREEMENT (AMENDMENT)
RATIFICATION ACT, 1982**

No. 14



of 1982

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Ratification

An Act to ratify an agreement amending clause 11A of the Selebi-Phikwe Tax Agreement set out in the Schedule to the Selebi-Phikwe Tax Agreement Ratification Act, 1970.

Date of Assent: 23.9.82.

Date of Commencement: 29.9.82.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Selebi-Phikwe Tax Agreement (Amendment) Ratification Act, 1982. Short title
2. The Agreement set out in the Schedule hereto entered into between the Government, BCL Limited, Botswana RST Limited and BCL (Sales) Limited on 25th June, 1982 is hereby ratified. Ratification

**SCHEDULE
AGREEMENT**

THIS AGREEMENT is made this 25th day of June, 1982, One Thousand, Nine Hundred and Eighty Two BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA (hereinafter called "the Government") of the first part, BCL Limited (hereinafter called "BCL" whose registered office is the Administrative Block BCL Mine Site Selebi-Phikwe in the Republic of Botswana, of the second part, BOTSWANA RST LIMITED (hereinafter called "BRST") a company incorporated in the Republic of Botswana and having its registered office at the Administrative Block BCL Mine Site aforesaid of the third part and BCL (SALES) LIMITED (hereinafter called "BCL (SALES)") a company incorporated in the Republic of Botswana having its registered office at the Administrative Block BCL Mine Site aforesaid of the Fourth part.

WHEREAS the Government, BCL and BRST on March 5, 1970 entered into an Agreement relating to certain tax matters which was subsequently amended by an Agreement dated June 22, 1971, between the said parties and by an Agreement March 1, 1972, between the said parties and BCL (SALES) and by an Agreement dated March 15, 1978 among the Government, BCL, BRST and BCL (SALES) which Agreement, as so amended, is hereinafter called "the principal Agreement".

AND WHEREAS the Government, BCL, BRST and BCL (SALES) desire further to amend the principal Agreement the better to express their common intentions,

NOW IT IS HEREBY AGREED as follows:

1. The Government will introduce legislation for this Agreement to be ratified by Parliament
2. The principal Agreement shall be read and construed as amended by the deletion of the second sentence of clause 11 (A) in its entirety and the substitution therefor of "The expression 'interest' where hereinafter used in this Part of this Agreement means interest payable by BCL or BCL (SALES) or BRST on monies borrowed by BCL (SALES) or BRST and applied for the purposes of the operations, and in the case of BCL shall include interest payable on notes issued by BCL, under the Note Agreement dated the 15th day of March, 1978, between the Government, BCL, Amax Inc, and Anglo American Corporation of South Africa Limited, in respect of monies so applied and shall also include interest accrued on Subordinated Notes and Emergency Funding referred to in section 4.02 of the Agreement and Plan of Reorganization (BCL Limited) among BCL and its creditors dated as of June 15 1982."

IN WITNESS WHEREOF the parties hereto have hereunder set their hands.

SIGNED as of the day and year first above written For and on behalf of THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA

AS WITNESSES

1. Phillip Moathodi Matsetse

O.I. Chilume

2. Stephen Richmond Lewis

SIGNED as of the day and year first above written For and on behalf of BCL LIMITED.

AS WITNESSES

1. MALCOLM BAYLISS

D. TAYLOR
Director

2. KLAUS BOEHLOFF

AS WITNESSES

1. MALCOLM BAYLISS

D. TAYLOR
Director

2. KLAUS BOEHLOFF

SIGNED as of the day and year first above written For and on behalf of BOTSWANA RST Limited.

AS WITNESSES

1. MALCOLM BAYLISS

D. TAYLOR
Director

2. KLAUS BOEHLOFF

SIGNED as of the day and year first above written For and on behalf of BCL (Sales) Limited.

PASSED by the National Assembly this 17th day of August, 1982.

B. K. TEMANE,
Clerk of the National Assembly.