

*Statutory Instrument No. 71 of 2019*

SPECIAL ECONOMIC ZONES ACT  
(No. 13 of 2015)

**SPECIAL ECONOMIC ZONES REGULATIONS, 2019**  
*(Published on 21st June, 2019)*

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SCHEDULES

IN EXERCISE of the powers conferred on the Minister of Investment, Trade and Industry by section 40 of the Special Economic Zones Act, the following Regulations are hereby made —

PART I — *Preliminary*

1. These Regulations may be cited as the Special Economic Zones Regulations, 2019. Citation

2. In these Regulations unless the context otherwise requires — Interpretation

“administrative committee” means a committee established under section 5 (2) (i) of the Act;

“customs territory” means any part of Botswana excluding a special economic zone;

“developer licence” means a licence issued under regulation 20 (5) (a);

“environmental authorisation” means a special economic zone environmental authorisation issued under regulation 54;

“environmental performance” means measurable results of the Authority’s or special economic zones entities’ environmental practices, policies, safeguards, and procedures, based on established environmental quality standards;

“facility” means any location in a special economic zone in which business activities are carried out;

“government entity” includes a ministry or department of central government, local authority, statutory or other parastatal in which government holds majority shares or organisations fully financed by Government;

“infrastructure” means roads, power, water, drainage, telecommunication, sanitation or water treatment plants, networks, buildings or other facilities, necessary for the development and operations of special economic zones and appropriate for their particular sector or cluster focus;

“licensee” means holder of a licence issued under these Regulations;

“maximum load capacity” means the maximum amount of a pollutant that an environment medium, such as air land or water, can absorb without exceeding environmental quality standards;

- “one-stop service centre” means the services of the Authority established under regulation 37(1);
- “outside party” means a party other than the Authority, and includes other government, private-sector, foreign government, and non-government entities;
- “public-private partnership arrangement” means the legal relationship between public and private parties based on a contractual agreement or other legal instrument, such as concession agreement, lease, joint venture, management contract, a build operate transfer, a build own operate, or a build own operate transfer, arrangement, where the parties jointly agree to develop, operate, maintain and promote a special economic zone;
- “service level agreement” means a legally binding agreement between the Authority and government entities defining the operational framework in the implementation of the special economic zones programme;
- “special economic zones entities” means —
- (a) an investor;
  - (b) a developer;
  - (c) a zone management company; and
  - (d) a zone resident; and
- “special economic zones land” means land and other immovable property within a special economic zone, including infrastructure, buildings, and other facilities;
- “zone management licence” means a licence issued under regulation 21 (1) (b); and
- “zone resident” means a person who resides in a residential area within a special economic zone.

## *PART II — Establishment of special economic zones*

Establishment  
of special  
economic zone

- 3.** (1) A special economic zone may be established on public or private land.  
 (2) A proposal for the establishment of a special economic zone may be initiated by —
- (a) the Authority; or
  - (b) an outside party.
- (3) A proposal under subregulation (2) (b) shall be submitted by the outside party to the Authority.

Requirements  
for proposal to  
establish special  
economic zone

- 4.** (1) For the purposes of section 29 (5) of the Act and regulation 3 (3), a proposal for the establishment of a special economic zone shall —
- (a) include the following —
    - (i) the geographical location, boundary specifications and map coordinates of the area;
    - (ii) the property registration details;
    - (iii) the planned economic activities of the proposed special economic zone;
    - (iv) the timetable for the proposed development; and
    - (v) any other information as the local authority may deem necessary; and
  - (b) specify the extent to which the proposal addresses the provisions of regulation 8 (1);

- (c) demonstrate sufficient access to financial resources and expertise for the development, operation, administration and management of a special economic zone;
- (d) in the case of a public-private partnership, indicate its ownership structure, including requirements for transfer of shares and distribution of assets upon liquidation of the public-private partnership, revocation or expiration of the declaration in accordance with the provisions of regulations 10 and 11;
- (e) be accompanied by a feasibility study report prepared in accordance with the guidelines set out in Schedule 1 except in the case of a single factory special economic zone.

(2) An outside party that submits a proposal to the Authority under regulation 3 (2) shall in addition submit —

- (a) an application for a developer licence;
- (b) if the area is already developed and no additional development activity is planned, an application for a zone management licence; or
- (c) an application for a developer and zone management licence.

5. (1) The Authority shall within 14 days after receipt of a proposal under regulation 3 (2) inform the outside party, by notice in writing —

Preliminary review by Authority

- (a) whether the proposal is complete in accordance with the objectives set out under section 30 (1) of the Act and the requirements under regulation 4; and
- (b) if the proposal is not complete, in the notice referred to in this regulation;
  - (i) specify the outstanding information or documents, and
  - (ii) request the outside party to submit a complete proposal within 14 days of receipt of such notice.

(2) The Authority shall within seven days after receipt of a complete proposal, consider and determine whether to recommend the proposal to the local authority for approval.

(3) The Authority may —

- (a) conduct such investigation into any matter related to a proposal submitted under regulation 3 (3) as it may be deemed necessary; and
- (b) conduct such inspection of the outside party related to the proposal as it may deem necessary.

6. (1) Subject to the provisions of regulation 7, the local authority shall review a proposal within 60 days of submission by the Authority and may —

Review by local authority

- (a) approve the proposal; or
  - (b) reject the proposal.
- (2) Where the local authority rejects a proposal, the local authority shall —
- (a) inform the Authority of the decision, in writing, stating the reasons therefor; or
  - (b) recommend the modification of the proposal for compliance with the Act before it is approved.

(3) The provisions of regulation 5 shall apply, with the necessary modifications to the review of proposal initiated by the Authority in accordance with regulation 3 (2).

7. (1) Where in the opinion of the local authority, the establishment of a special economic zone is likely to raise public interest concerns, the local authority shall publish, by notice in the Gazette and in a newspaper of nationwide circulation, a preliminary notice, in accordance with subregulation (2).

Consultation with affected persons

Criteria for  
evaluation of  
proposal

- (2) The notice under subregulation (1) shall —
  - (a) contain the information referred to under regulation 4 (1) (a);
  - (b) invite any interested person to submit written comments or objections to the local authority within 14 days from the date of publication of the notice.
- (3) The local authority shall, within 30 days after publication of the notice under subregulation (2) —
  - (a) consider the comments or objections submitted under subregulation (2) (b) and decide whether the comments or objections should be reflected in the proposal; and
  - (b) notify, in writing, the persons who submitted comments or objections, of its decision.
- 8.** (1) A local authority shall approve a proposal to establish a special economic zone if it is satisfied that the proposal —
  - (a) furthers the country's industrial development;
  - (b) contributes to the achievement of the objectives of the Authority set out under section 30 (1) of the Act; and
  - (c) meets the criteria specified under subregulation (2).
- (2) The local authority shall in evaluating a proposal under subregulation (1), consider —
  - (a) land availability, including —
    - (i) a sufficient dimension of the proposed special economic zone to support a diverse and competitive business environment, and
    - (ii) ease of identifying interests in the land of the proposed special economic zone and resolving any potential disputes and claims in respect thereof;
  - (b) industrial economics and dynamics within proximity of the boundary of the proposed special economic zone, including the presence of business activity and multiple investors engaged in formal, registered economic activity with potential to become business partners or anchor tenants in the special economic zones;
  - (c) accessibility and connectivity within proximity of the boundaries of the proposed special economic zone, including —
    - (i) access roads,
    - (ii) reasonable access to an airport, railway, or border post, and
    - (iii) reasonable access to adequate labour and consumption markets;
  - (d) infrastructure within proximity of the boundaries of the proposed special economic zone, including —
    - (i) water-distribution networks,
    - (ii) existing or reliably planned access to waste water treatment and sewerage,
    - (iii) roads outside the proposed special economic zone,
    - (iv) social infrastructure, including schools, hospitals, hotels and retail businesses,
    - (v) structures that may be converted for special economic zone use, and
    - (vi) suitable distance of the proposed special economic zone's assets from hazardous infrastructure;
  - (e) socio-environmental factors, including —

- (i) compliance with socio-environmental requirements under any relevant written laws,
- (ii) suitable climate for the expected activities in the proposed special economic zone,
- (iii) adequate security conditions in the area, and
- (iv) ability to relocate the population in a socio-economically acceptable manner, if the proposed special economic zone would involve population displacement, as well as relocate agricultural, commercial or other industrial activities in a cost-effective manner;
- (f) topographical and construction constraints, including —
  - (i) level and grading,
  - (ii) soil and subsidence conditions,
  - (iii) erosion conditions, and
  - (iv) soil contamination;
- (g) development impact potential of the proposed economic zone, including the likelihood of —
  - (i) raising the quality of life and expanding opportunities for lower-income populations,
  - (ii) positive social and economic spill-over effects outside the proposed special economic zone,
  - (iii) positive influence on regional or national infrastructure planning,
  - (iv) coherence with other development projects in the area;
  - (v) coherence with land-use master plans,
  - (vi) skills-development and training of the workforce,
  - (vii) increased economic diversification, and
  - (viii) national employment generation.

**9.** (1) Without prejudice to the provisions of section 30 (2) of the Act, an area declared as a special economic zone may be established as a single sector or multiple sector special economic zone, which may be developed into —

Other types of special economic zones

- (a) agriculture zones;
- (b) tourist service recreation zones;
- (c) business service parks;
- (d) convention and conference facilities; or
- (e) such other zones as may be determined by the Authority.

(2) The Authority may classify a special economic zone as one or more of the types of zones specified in section 30(2) of the Act and subregulation (1), if —

- (a) there is a strong market demand for the specialisation indicated by the classification;
- (b) the specialisation advances the identified development goals of Botswana; and
- (c) the location to be established as a special economic zone is suitable for the specialisation.

**10.** (1) The Minister may, upon the recommendation of the Authority, revoke, in whole or in part, a declaration under section 29 (6) of the Act, where the Minister is satisfied that —

Revocation of declaration

- (a) the declaration no longer serves the objectives of the Act;
- (b) the revocation would not amount to discrimination; and
- (c) the revocation will be carried out in accordance with the applicable written laws and ensure the protection of private property.

- (2) The Minister shall, before revoking a declaration under subregulation (1) —
- (a) inform the licensees and businesses located in the affected special economic zone and any other affected persons, in writing, of the intention to do so stating the reasons for the intended revocation; and
  - (b) request the licensees, businesses or other affected persons referred to in paragraph (a), in writing, to submit written comments or objections to the Minister, within 30 days of receipt of such request.
- (3) The Minister may, after consideration of the comments or objections submitted under subregulation (1) (b), reject or accept the recommendation of the Authority.
- (4) Nothing contained in these Regulations shall prevent the Minister from declaring as a special economic zone any area whose declaration as a special economic zone has previously been revoked.

Expiration of declaration

- 11.** Unless otherwise stated in the notice under section 29 (6) of the Act, a declaration of a special economic zone shall expire after a period of five years from the date of publication of the notice, if —
- (a) the Authority or outside party, as the case may be, has not developed the land in accordance with section 5(2) (c) of the Act; or
  - (b) a developer licence has not been issued by the Authority in respect of the special economic zone.

### PART III — *Development of special economic zones infrastructure*

Participation of public-private partnership and private sector in development of special economic zones infrastructure

- 12.** (1) For the development of special economic zones infrastructure, the Authority may —
- (a) carry out the development on its own initiative;
  - (b) enter into a public-private partnership arrangement; or
  - (c) appoint an independent developer.
- (2) Where the Authority enters into a public-private partnership arrangement or appoints an independent developer, the public-private partnership partner or the independent developer, as the case may be, shall also be responsible for the administration and management of the operations of the special economic zones.
- (3) Where a special economic zone is established under regulation 3 (2) (b), the outside party may —
- (a) develop the special economic zone; or
  - (b) appoint a developer to carry out the development of the special economic zone infrastructure.
- (4) Where the Authority or outside party appoints a developer under subregulation (1) (c) or (3) (b), the Authority or outside party, as the case may be, shall conclude a development agreement with the developer.

Development agreement

- 13.** A development agreement under regulation 12 (4) shall include —
- (a) the obligations of the developer regarding the development and management of the operation of the special economic zone concerned, with the zone development plan or business concept of the proposed special economic zone model as an integral part of the development agreement;
  - (b) the authorities conferred on the developer with respect to the special economic zone concerned, including provisions regarding —

- (i) the developer's authority to admit entities into the special economic zone and allocate land to them in accordance with specified eligibility criteria and procedures,
- (ii) the developer's authority to act as a liaison and facilitating agency between the Authority and special economic zone entities, and
- (iii) the developer's responsibility for the maintenance of infrastructure and utility services;
- (c) the financial obligations of the developer;
- (d) rights, protections and entitlements of the developer with respect to the special economic zone concerned, established or conferred under the Act or any other relevant written law;
- (e) rights, protections and entitlements of the investors with respect to the special economic zone concerned, established or conferred under the Act or any other written law;
- (f) the procedure for the invocation, by developers, of such rights, protections and the entitlements under paragraph (e);
- (g) the procedure for settlement of disputes; and
- (h) the rights of the Authority with regard to the special economic zone concerned.

**14. The developer shall —**

- (a) implement the special economic zone development plans in accordance with the master plans approved by the Authority and the development agreement;
- (b) develop the special economic zones —
  - (i) in a commercial manner,
  - (ii) in accordance with the Act, and
  - (iii) consistently with the long-term sustainable economic development goals of the Authority
- (c) adhere to performance requirements of the phased development schedule for the special economic zone as specified in the development agreement, as well as the development obligations required by the Authority, such as regarding the amount of, and the time schedule for, capital and debt financing;
- (d) pay all fees or taxes due to the Authority or any competent authority;
- (e) maintain company books, records, accounts and financial statements in accordance with the financial reporting standards issued under the Financial Reporting Act;
- (f) obtain the prior written approval of the Authority when transferring any occupancy rights with respect to the special economic zone land and other assets;
- (g) set fees for any utilities or other basic services provided by the developer in the special economic zone in accordance with commercial considerations as regulated by applicable written laws;
- (h) construct other assets including on site infrastructure, transportation connections, residential areas; and
- (i) comply with any other obligations under the Act or any other written law and the development agreement.

Responsibilities  
of developer

Cap. 46:10

PART IV — *Management of special economic zones*

Management of special economic zones

15. (1) The Authority may in managing a special economic zone —

- (a) undertake the management on its own; or
- (b) appoint a zone management company,

except where the special economic zone is under occupation of another person as contemplated under section 35 (2) of the Act, or is developed through a private-public partnership arrangement or by an outside party.

(2) Where the Authority appoints a zone management company under subregulation (1) (b), the Authority shall conclude a zone management agreement with the zone management company.

(3) The Authority shall, in its administration or management of a special economic zone —

- (a) implement the strategic plan for the special economic zone within the framework of the special economic zones strategy;
- (b) make improvements to the special economic zone and its facilities;
- (c) facilitate the provision of infrastructure and other services required for the special economic zone to achieve its strategic and operational goals;
- (d) provide adequate demarcation of the special economic zone from any applicable customs territory for the protection of revenue together with suitable provision for the movement of conveyances, vessels and goods entering or leaving the special economic zone;
- (e) provide adequate security for all facilities in the special economic zone;
- (f) adopt rules and guidelines for businesses within the special economic zone in order to promote their safe and efficient operation;
- (g) promote the special economic zone as a foreign and domestic direct investment destination;
- (h) facilitate a one-stop service centre that delivers the required services under regulation 38 to businesses operating in the special economic zone; and
- (i) undertake any other activity and exercise any other right in accordance with the Act to promote the effective functioning of the special economic zone.

(4) Where a special economic zone is established under regulation 3 (2), the outside party may appoint a zone management company to manage the special economic zone.

(5) Where an outside party appoints a zone management company, the outside party shall conclude a zone management agreement with the zone management company.

(6) A zone management company may —

- (a) acquire and maintain occupancy rights in accordance with the Act and these Regulations; and
- (b) exercise such other rights under the Act, these Regulations and the zone management agreement between zone management company and the Authority or the outside party, as the case may be.

Reporting and financial statements of special economic zones

16. (1) The provisions of sections 24, 25, 26 and 27 of the Act shall, with the necessary modifications apply to a zone management company.

(2) The annual report and financial statements required in terms of subregulation (1) shall —

- (a) fairly present the state of affairs of the zone management company and its performance against pre-determined objectives for the financial year concerned; and

- (b) include particulars of —
  - (i) any material losses through criminal conduct and any irregular or wasteful expenditure that occurred during the financial year concerned,
  - (ii) any criminal proceedings or disciplinary steps taken as a consequence of such losses or irregular or wasteful expenditure,
  - (iii) any losses recovered or written off, and
  - (iv) any other matter as may be determined by the Authority.

**PART V — Appointment and licensing of developers and zone management companies**

- 17.** A person shall not be appointed as a developer or a zone management company, unless the person —
- (a) is a corporate body registered under the Companies Act or is a foreign registered company;
  - (b) has sufficient financial resources and expertise to develop, operate, administer and manage a special economic zone; and
  - (c) meets such other criteria and requirements as may be determined by the Authority.
- 18.** (1) A person shall not carry on the development or management of a special economic zone without a licence issued by the Authority under these Regulations.
- (2) A person appointed under regulation 12 (1) (c) or (3) (b) or regulation 15 (1) (b) or (4), shall apply to the Authority for a developer licence or zone management licence, as the case may be.
- (3) An application for a developer licence or a zone management licence, as the case may be, shall be in Form 1 set out in Schedule 2.
- 19.** An application under regulation 18 (2) shall include —
- (a) the name, address and contact details of the applicant;
  - (b) proof of appointment of the applicant as a developer or zone management company, as the case may be;
  - (c) the proposed development or zone management agreement;
  - (d) information on the applicant's current size, capacity financial status, access to financial resources, references and operational standards;
  - (e) information on the applicant's experience, skills and qualifications of the applicant's management team; and
  - (f) information on the proposed number of employees, skills and proposed organisation of the applicant.
- 20.** (1) Where the Authority determines that an application under regulation 18 (2) is incomplete or deficient, the Authority shall, within seven days of receipt of the application, notify the applicant of such determination and specify the reasons therefor.
- (2) The applicant shall, within 14 days of receipt of the notification referred to under subregulation (1), submit a complete or corrected application to the Authority.
- (3) Where the Authority fails to notify the applicant within the period specified under subregulation (1), the application shall be deemed to be complete:
- Provided that the Authority may, at any time during the evaluation of the application, request an applicant to provide additional information as may be deemed necessary to complete or supplement its application.

Evaluation criteria for developers and zone management companies  
Cap. 42:01

Application for developer or zone management licence

Requirements for issue of developer or zone management licence

Review of application for developer or zone management licence

Issue of  
developer or  
zone  
management  
licence

(4) The Authority may conduct such investigation into any matter related to an application submitted under regulation 18 (2) as it may deem necessary.

**21.** (1) The Authority shall, where it is satisfied that the applicant meets the requirements of regulation 19 and upon payment of the fee specified in Schedule 3, issue the applicant with —

- (a) a developer licence, in Form 2 set out in Schedule 2; or
- (b) a zone management licence, in Form 3 set out in Schedule 2.

(2) The Authority shall, within seven days after the decision to approve an application under this Part, notify the applicant, in writing, that the application has been approved.

(3) Where the application is refused, the Authority shall notify the applicant, in writing, within seven days of the decision, stating the reasons for the refusal.

(4) The Authority may impose such conditions on the issue of a developer or zone management licence as it considers appropriate.

(5) A developer licence or zone management licence shall remain valid until —

- (a) the developer's land lease expires;
- (b) the development agreement or zone management agreement, as the case may be, expires; or
- (c) the licence is cancelled or revoked by the Authority.

Rights and  
responsibilities  
of developer  
and zone  
management  
company

**22.** (1) For purposes of the management of special economic zones, a developer or zone management company, as the case may be, shall be entitled to —

- (a) acquire and maintain occupancy rights with respect to special economic zones land and other assets situated on such land in conformity with the Act;
- (b) subject to subregulation (2) (c), transfer occupancy rights with respect to the special economic zones land and other assets located on such land to an investor in accordance with the Act and the developer's or zone management company's licence, including by entering into sub-lease arrangements with such persons and to receive payment or collect rental fees for such transactions;
- (c) subject to approval by the Authority, subcontract private third parties business entities for the design, financing, development and servicing of the special economic zone land, on-site infrastructure and other assets;
- (d) the incentives determined by the Authority, subject to compliance with the applicable requirements; and
- (e) such other rights under the Act and the developer's or zone management company's licence.

(2) A developer or zone management company shall —

- (a) manage the operation of their respective special economic zones —
  - (i) in a commercial manner,
  - (ii) in conformity with international best practices and relevant written laws, and
  - (v) in accordance with the long-term sustainable economic and human development goals of Botswana;
- (b) comply with the conditions in their respective agreements;
- (c) not sell or lease special economic zones land to any person unless authorised by the Authority;
- (d) develop and implement an effective environmental and social management system approved by the Authority in accordance with these Regulations;

- (e) ensure equal treatment and avoidance of discrimination in the delivery of services to special economic zones entities;
- (f) monitor and supervise activities in the special economic zones for compliance with the Act and these Regulations;
- (g) notify the Authority immediately upon becoming aware of any contravention of, or non-compliance with, the Act or these Regulations within their respective areas of operation; and
- (h) comply with all of the obligations imposed on developers and zone management companies under the Act and these Regulations.

**23.** (1) Subject to subregulation (2) the Authority may delegate to a developer or zone management company the responsibility for making and enforcing special economic zones rules on the following matters —

Rules for special economic zones

- (a) building structure design, aesthetics, density, height, buffer zones and set backs;
- (b) obstruction of public areas;
- (c) vehicle movement and parking;
- (d) use of hazardous or flammable materials;
- (e) hours of operation;
- (f) noise and disturbance;
- (g) waste management;
- (h) water and energy management;
- (i) occupational health and safety;
- (j) maintenance requirements;
- (k) compulsory insurance;
- (l) security and access;
- (m) public billing and signage;
- (n) regulation of contractors; and
- (o) any other matter approved by the Authority.

(2) The Authority shall not delegate the responsibility for making the rules under subregulation (1) unless it is satisfied that the developer or zone management company has the capacity to monitor compliance with the special economic zones rules.

(3) A developer may recommend to the Authority any measure against special economic zones entities for non-compliance with rules made under subregulation (1).

**24.** (1) Government entities shall —

Cooperation requirements

- (a) recognise the rights and obligations of developers and zone management companies under these Regulations and their respective agreements;
- (b) provide reasonable access to areas around special economic zones for the development of supporting infrastructure for the special economic zones; and
- (c) conclude service level agreements as are necessary, for a coordinated delivery of the required infrastructure and utilities in special economic zones.

(2) The Authority shall provide government entities with reasonable access to areas inside special economic zones.

PART VI — *Licensing of special economic zone investors*

Types of  
businesses or  
services  
permitted in a  
special economic  
zone

**25.** (1) The following business activities or services may be located in a special economic zone —

- (a) agrobusiness activities;
- (b) manufacturing activities;
- (c) warehousing, distribution or logistic services; or
- (d) internationally traded services.

(2) A business activity or service, other than a business or service specified under subregulation (1), may be located in a special economic zone if —

- (a) the business or service sells goods or provides services which support the businesses located in the special economic zone; or
- (b) the number of businesses or services and the area they occupy in the special economic zone do not exceed the number and area as may be specified in guidelines issued by the Authority.

(3) The investors that carry on the business activities or services referred to under subregulation (2) shall not be eligible for incentives under these Regulations.

Application for  
investor licence

**26.** (1) Any person who wishes to carry on business activities in a special economic zone shall apply to the Authority, in Form 4 set out in Schedule 2, for an investor licence.

(2) An application under subregulation (1), to carry on a business activity or service referred to under regulation 25 (1), shall include —

- (a) a written statement describing the proposed business activities to be carried on by the applicant;
- (b) proof that the proposed project constitutes an investment which is compatible with the approved detailed master plan of the special economic zone;
- (c) a business plan specifying —
  - (i) the class or kind of goods to be produced or processed, or services to be rendered at the special economic zone,
  - (ii) the type of raw material to be used in any manufacturing, production, processing or assembly operations, and
  - (iii) the markets, together with the percentage breakdown, into which the applicant proposes to sell its finished products or render its services;
- (d) a financial plan showing that the applicant is sufficiently capitalised and has access to adequate debt financing;
- (e) where an applicant is applying for incentives, a statement establishing that the applicant intends to engage in manufacturing or processing operations and to export 100% of its annual production or sales, except in cases where an exemption from the 100% requirement has been granted by the Minister in accordance with these Regulations;
- (f) where applicable, the estimated time schedule for the design, construction and activation of the applicant facilities, including phased design, construction, and activation thereof;
- (g) approximate number of employees, together with their skill levels to be employed by the applicant;
- (h) where applicable, an environmental impact assessment undertaken in accordance with the Environmental Assessment Act and other applicable environmental laws; and

(i) any additional information in support of the application as the Authority may deem necessary.

(3) Where any additional information is required under subregulation (2) (i), the Authority shall afford the applicant reasonable notice to submit such information.

(4) An application under subregulation (1) shall, in respect of a business activity or service referred to under regulation 25 (2), be accompanied by —

- (a) an abridged business plan specifying the proposed business activities or services to be conducted in the special economic zone;
- (b) an abridged financial plan including projected three-year income statement, balance sheet and cash-flow statement for the proposed business activities or services; and
- (c) such other supporting documents and information as may be determined by the Authority.

(5) The Minister may, on the recommendation of the Authority, exempt an applicant from the provisions of subregulation (2) (e).

**27.** (1) An application under regulation 26 (1) shall be made through a one-stop service centre.

Application through one-stop service centre

(2) Notwithstanding the provisions of subregulation (1), the Authority may require an applicant to appear for an interview —

- (a) in person or through their representative; or
- (b) by participating in a telephone, video or voice-over-internet protocol conference.

**28.** (1) In considering an application referred to under regulation 26 (2), the Authority shall have regard to —

Requirements for issue of investor licence

- (a) technical requirements as determined by the Authority;
- (b) policy requirements for the protection of public health, national or public security, labour, safety, consumer protection or general financial matters;
- (c) environmental protection requirements, which may incorporate measures included in the applicant's environmental impact statement as provided in accordance with these Regulations and other relevant written laws; and
- (d) requirements directly related to mitigating potential threats to consumer protection and financial stability.

(2) An investor licence, in respect of an application referred to under regulation 26 (2), may be issued —

- (a) for investments of a minimum capital as determined by the Authority;
- (b) in respect of an application for -
  - (i) a new business,
  - (ii) the expansion or relocation of an existing business from a customs territory to a special economic zone, or
  - (iii) the expansion or relocation of an existing business from one special economic zone to another, and
- (c) regardless of whether the special economic zone is the applicant's primary place of business.

(3) An application referred to under subregulation (2) (b) (ii) shall include a statement establishing that —

- (a) no part of the operations of the existing business is to be moved to the special economic zone;

- (b) the applicant intends to export 100% of its annual production or sales, except in cases where an exemption from the 100% requirement has been granted by the Minister in accordance with these Regulations;
  - (c) the investment in the special economic zone is an incremental investment that will generate new employment and products or services in addition to those provided by the operations of the existing business; and
  - (d) no reduction in employment in the existing business will occur as a result of the expansion or relocation to the special economic zone.
- (4) An application referred to under subregulation (2) (b) (iii) shall include —
- (a) a statement by the applicant, with supporting documents, specifying the sound and substantial business reasons for the proposed expansion or relocation;
  - (b) confirmation, in writing, by the developer or zone management company of the special economic zone from where the applicant intends to relocate its business, that —
    - (i) any loss of employment would not have a significant adverse effect on the special economic zone as a whole,
    - (ii) the loss of investment would not have a significant adverse effect on employment on other businesses under regulation 25 (2) located in the special economic zone, and
    - (iii) in its opinion, the proposed relocation would not have any adverse effect on existing investors in the special economic zone; and
  - (c) confirmation, in writing, by the developer or zone management company of the special economic zone to which the applicant intends to relocate its business, that —
    - (i) having examined the applicant's proposed project, it supports the proposed relocation, and
    - (ii) in its opinion the proposed relocation would not have any adverse effect on existing investors in the special economic zone.

Review of  
application for  
investor licence

**29.** (1) Where the Authority determines that an application under regulation 26 is incomplete or deficient, the Authority shall, within seven days of receipt of the application inform the applicant by notice in writing of such determination, stating the reasons therefor.

(2) The applicant shall within 14 days of receipt of the notice referred to under subregulation (1), submit a complete or corrected application to the Authority.

(3) Where the Authority fails to notify the applicant within the period specified under subregulation (1), the application shall be deemed to be complete:

Provided that the Authority may, at any time during the evaluation of the application, request an applicant to provide such additional information as may be deemed necessary to complete or supplement its application.

(4) The Authority may —

- (a) conduct such investigations into any matter related to the application as it may deem necessary; and
- (b) conduct such inspection of the applicant as it may deem necessary.

Issue of  
investor licence

**30.** (1) The Authority shall, within 14 days of receipt of an application under this Part, where it is satisfied that the application meets the requirements of regulation 26 (2) or (4) or 28 (1), issue to the applicant an investor licence in Form 5 set out in Schedule 2.

(2) The Authority shall, within seven days after the decision to approve an application under this Part, notify the applicant, in writing, that the application has been approved.

(3) Where the application is refused, the Authority shall notify the applicant, in writing, within seven days of the decision, stating the reasons for the refusal.

(4) The Authority may impose such conditions on the issue of an investor licence as it considers appropriate.

(5) An investor licence issued under subregulation (1) shall be valid for a period not exceeding 50 years from the date of issue, and be issued in line with the period of any lease the investor may be granted for buildings or land they occupy in the zone.

31. There shall, in respect of the business activities or services referred to under regulations 25 (1), be no quota or limit on —

(a) the number of investors in a special economic zone; or

(b) the number of licences issued to investors in a special economic zone.

32. (1) The Minister shall, on receiving a recommendation from the Authority, prescribe a negative list of activities that are prohibited or restricted from being undertaken within the special economic zones.

(2) The restricted activities under subregulation (1) shall include any activity likely to pose a substantial threat to health, safety, environment, national security, consumer rights and financial stability.

(3) A person who intends to conduct a restricted activity shall apply to the Authority in Form 6 set out in Schedule 2. for a licence.

(4) The Authority may approve an application under made subregulation (3) if it is satisfied that the applicant can adequately mitigate or avoid the risks specified under subregulation (2).

(5) The Authority shall provide the necessary assistance to any person intending to make an application under subregulation (3), including providing a description of the information and documents necessary to support an application for each type of restricted activity.

(6) An investor seeking to expand its activities and undertake a restricted activity shall apply for a separate licence for that activity.

(7) The prohibited activities under subregulation (1) shall include those activities that pose a threat to health, safety, environment, national security, consumer rights and financial stability and for which there is no possibility of avoiding or mitigating the threat.

(8) The Authority shall regularly review the negative list of activities.

33. The Authority shall enter into service level agreements with the relevant government entities, in order to —

(a) co-ordinate information sharing;

(b) consolidate and streamline procedures for licensing of investor; and

(c) support the regulatory functions of relevant government entities with respect to the activities of investors and zone residents:

Provided that the service level agreements shall, to the extent possible, not impose any additional burden on the investors and residents.

#### PART VII — *Cancellation, revocation, suspension or variation of licences*

34. (1) A licence issued under these Regulations may be cancelled, revoked or suspended if the licensee —

(a) obtained the licence on the basis of fraud, misrepresentation or false or misleading statements;

(b) fails without reasonable explanation to carry on the business activity or implement the activity in respect of which the licence was issued;

No limit or quota on investors

Negative list

Service level agreements

Cancellation, revocation, suspension and variation of licences

- (c) fails to comply with the terms and conditions of the licence;
  - (d) contravenes any provision of the Act or any other written law; or
  - (e) contravenes or fails to comply with the customs or excise rules and procedures that are applicable to that licence.
- (2) The Authority shall, where it intends to cancel a licence in accordance with subregulation (1) —
- (a) inform the licensee, in writing, of the intention to cancel the licence and the reasons therefore;
  - (b) request the licensee, in writing, to make written representations to the Authority within 14 days of receipt of such request; and
  - (c) give the licensee a written response to the representations made by the licensee within 14 days from the date the representations were made.
- (3) The Authority shall, where it intends to suspend a licence in accordance with subregulation (1) —
- (a) inform the licensee of its intention and the reasons thereof, in writing; and
  - (b) give the licensee 30 days' notice, in writing, within which the licensee shall —
    - (i) comply with the terms or conditions of the licence, or
    - (ii) show cause why the licence should not be suspended.
- (4) Where, at the expiration of the periods specified under subregulations (2) (b) and (3) (b) and after considering any representations made by the licensee, the Authority is satisfied that there are sufficient grounds to cancel or suspend the licence, the Authority may, by notice, in writing, to the licensee, cancel, revoke or suspend the licence.
- (5) The Authority may suspend a licensee for a period not exceeding six months.
- (6) The Authority may, where there is good cause shown by a licensee, lift the suspension of the licence.
- (7) A licence issued under these Regulations may, upon application by the licensee to the Authority in accordance with section 33 (3) of the Act, be varied.
- (8) An application under subregulation (7) for variation of licence shall be in Form 7 set out in Schedule 2.
- 35.** (1) The Authority shall establish and maintain a register of licences, in the form set out in Schedule 4.
- (2) The register shall, in respect of each licence include —
    - (a) the company name of the licensee;
    - (b) the physical address at which the licensee carries on its business;
    - (c) the investment capital of the licensee;
    - (d) all authorised activities carried out by the licensee; and
    - (e) any variation, suspension or cancellation of the licence.
- (2) Where —
- (a) the licensee ceases to carry on the business to which the licence relates; or
  - (b) a change occurs in any particulars which are required to be entered in the register with respect to the licensee,
- the licensee shall, within 14 days of the occurrence of the event concerned, give to the Authority the particulars of the change in writing.

Register of  
licences

PART VIII — *Annual returns by zone management companies*

36. A zone management company shall submit, annually to the Authority, the following information with regard to the relevant special economic zone — Annual returns
- (a) special economic zone investments undertaken during the preceding calendar year and the investments projected for the following calendar year, including the number, size, employment, investment level, and business activities of all investors;
  - (b) total area of special economic zone land, buildings and infrastructure under development, and the projects being constructed thereon;
  - (c) all performance indicators specified in the development agreement or zone management agreement, and required by the Authority for monitoring and evaluation purposes;
  - (d) letters of continued financial good standing from the developer's bankers; and
  - (e) any other information as may be required by the Authority.

PART IX — *One-stop service centres*

37. (1) For the purposes of the performance of its functions and the exercise of its powers, and responsibilities, the Authority shall establish and administer — One-stop service centres
- (a) a one-stop service centre for each special economic zone; and
  - (b) a central coordinating one-stop service centre at the headquarters of the Authority.
- (2) The Authority shall —
- (a) deploy such number of staff; and
  - (b) ensure that the relevant government entities attach, second or deploy such number of staff,
- as may be required for the performance of the services of the one-stop service centres.
- (3) A developer or zone management company shall —
- (a) at its own cost, provide sufficient space for the one-stop service centre within the special economic zone at which it operates; and
  - (b) comply with the requirements of the Authority with regard to the one-stop service centres.
38. (1) A one-stop service centre shall offer the following services — One-stop service centre services
- (a) processing of applications for residence permits and business licensing documents and related reporting information required of special economic zone entities, and issuing related licences or certifications;
  - (b) processing and issuing of —
    - (i) visas and work permits for expatriates operating within the special economic zones, and
    - (ii) development and construction permits, and certificates of occupancy;
  - (c) facilitation of —
    - (i) tax and customs administration requirements for special economic zones entities on behalf of the Botswana Unified Revenue Service, and
    - (ii) labour reporting obligations;
  - (d) conduct of investigations, inspections and other enforcement activities or coordination of enforcement activities with the relevant government entities;

- (e) receipt of payments, applications, and requests on behalf of the Authority or other relevant government entities;
  - (f) response to complaints by special economic zone entities in relation to special economic zones;
  - (g) assistance with start-up, operation, and closing of economic activities within the special economic zones;
  - (h) technical assistance programmes for new and young entrepreneurs;
  - (i) business training, general assistance, and counselling;
  - (j) feasibility studies and markets research;
  - (k) financial advisory services and grant assistance;
  - (l) provision of information on production, marketing, operating plans, finance, export opportunities, recruitment, and training; and
  - (m) financial support for domestic small businesses.
- (2) The fees under these Regulations shall be paid through the one-stop service centres.

(3) The Authority shall remit the fees to the relevant government entities in accordance with the terms of service level agreements entered into by the Authority and the relevant government entities.

Authority  
oversight of  
one-stop  
service  
centres

**39.** In order to develop and maintain the capacity of the one-stop service centres to fulfil their purposes, the Authority shall —

- (a) oversee the management of the staff deployed to the one-stop service centres;
- (b) issue and enforce internal rules, guidelines, standard operating procedures, and codes of conduct for staff deployed to the one-stop service centres; and
- (c) charge fees for the services offered at the one-stop service centres.

#### PART X — *Investment rules for special economic zones*

Responsibilities  
of special  
economic zones  
entities

- 40.** An investor, developer or zone management company shall —
- (a) where there is a change in the particulars it submitted for licensing, notify the one-stop service centre of the change, in writing, within 14 days after the change;
  - (b) upon request by the Authority or any relevant government entity, provide proof of licensing;
  - (c) notify the Authority, in writing, prior to any change in activities that relate to the conditions upon which the licence was issued;
  - (d) acquire and take possession of real estate within the relevant special economic zones no later than 60 days after the date the licence is issued, unless otherwise stated in the licence;
  - (e) commence construction and business activities authorised by the licence no later than 24 months after the date the licence is issued unless otherwise stated in the licence;
  - (f) manage any waste produced as a result of its activities;
  - (g) maintain company books, records, accounts, and financial statements in accordance with the financial reporting standards issued under the Financial Reporting Act;
  - (h) record, in an automated inventory-control and record keeping system, any information required under the Customs Act and the Excise Duty Act or other written laws relating to customs;

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2018

- (i) promptly notify the Authority, in writing, of any actual or potential discrepancy discovered between its records and those of the Botswana Unified Revenue Service;
- (j) maintain separate records for activities within special economic zones and activities outside special economic zones, where the investor conducts simultaneous economic activities within and outside the special economic zones;
- (k) assume full responsibility, including tax and penal liability, for all goods that cannot be accounted for, including such liability as may result from a presumption that such goods were removed from a special economic zone into the customs territory;
- (l) cooperate with the Authority and all other relevant government entities by granting such entities access to its premises and records to inspect and verify compliance with the relevant written laws; and
- (m) comply with the Income Tax Act and other written laws relating to tax.

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National  
treatment

**41.** (1) The Authority and other relevant government entities shall accord to special economic zones entities of foreign nationality, treatment equal to that accorded to nationals with respect to all business activities, in accordance with the relevant written laws.

(2) An investor, a developer or zone management company of foreign nationality shall, within a special economic zone —

- (a) be entitled to freely exercise any business activity open to similar domestic or foreign businesses as approved by the Authority;
- (b) not be subject to any minimum capital requirements when reinvesting profits in new or existing projects; and
- (c) not be subject to any foreign ownership limits or domestic-ownership requirements.

**42.** (1) Any land purchased or leased under these Regulations shall be subject to the master plans and zoning requirements applicable to that land.

Sale of special  
economic zone  
land

(2) Any construction or development activity on land purchased or leased under these Regulations shall be completed within 24 months of the date of purchase or in accordance with the terms specified in the agreements between the parties, whichever is less.

**43.** (1) If the Authority establishes that any land was purchased or leased under regulation 45 (1) for purposes of speculative investment in special economic zone land, the Authority shall take any of the following actions as may be considered appropriate —

Safeguards  
against  
speculation

- (a) require the purchaser to pay the open market value of the transferred title or lease, less the inflation-adjusted cost if the land is transferred on a freehold basis;
- (b) rescind the initial sale or lease agreement; or
- (c) impose on the purchaser the payment of rent on the transferred special economic zone land for six months or until another investor or resident purchases or leases the land, whichever occurs first:

Provided that the rent shall be paid for the benefit of the party that validly transferred the interest to the special economic zone land initially.

(2) For the purposes of subregulation (1), “open market value” means the annual rental at which the land is expected to be let in the open market as a whole, by a single lease by a willing landlord, to a willing tenant, with vacant possession.

PART XI — *Land use rules and building and utility controls*

Master plans  
and zoning  
criteria

**44.** (1) The Authority shall, in collaboration with the government entity responsible for land use planning, selected developers and zone management companies, consider and finalise the proposed land use master plans submitted by developers for each special economic zone.

(2) The Authority shall ensure that all master plans within the special economic zones do not conflict with existing land use controls for the areas surrounding the special economic zones or related development objectives of the Government.

(3) Any master plan made or approved by the Authority shall, in respect of any land within a special economic zone, supersede any previous conflicting land use controls for the same land.

(4) The Authority shall prescribe the procedures and criteria for approving or rejecting land use master plans and zoning criteria developed by developers.

Maps, surveys,  
deeds and lease  
register

**45.** (1) The Authority shall establish and maintain a registry of special economic zones maps, surveys, deeds and leases.

(2) The registry established under subregulation (1) shall include —

- (a) a comprehensive map containing data on all immovable property in the special economic zones; and
- (b) the registered interests in those properties.

(3) The registry established under subregulation (1) shall be open for inspection by the public.

(4) The Authority shall enter into service level agreements with the ministry responsible for land and deeds registration in order to address any technical matters required for the implementation of the Act.

Regulation of  
construction in  
special economic  
zones

**46.** (1) The Authority may, in consultation with the relevant competent authorities, prescribe the following for special economic zones —

- (a) a building code;
- (b) development and construction permits;
- (c) certificates of occupancy;
- (d) procedures and criteria for the approval of development and construction works;
- (e) the period within which —
  - (i) a building permit shall be obtained effective from the date of purchase or lease of the land on which the business activity is to be conducted,
  - (ii) construction works shall commence, and
  - (iii) business operations and production shall commence;
- (f) strategic environmental assessment, environmental assessment and environmental management plans.

(2) The Authority may, where it is satisfied on good cause shown, extend any of the periods referred to under subregulation (1) (e).

(3) The relevant government entities shall cooperate with the Authority in any matter related to land use planning, development and regulation of construction in special economic zones, in order to give effect to the Act.

General  
environmental  
management  
and regulatory  
responsibility

**47.** (1) The following shall not be permitted within the special economic zones —

- (a) the emission into air, or discharge into water or land, of any substance beyond thresholds specified by the Authority;
- (b) noise above the specified decibel limits set by the Authority for particular areas;

- (c) intensive exploitation of natural resources over the minimum levels determined by the Authority for particular resources; and
  - (d) nuisance affecting the ability of special economic zone entities or persons outside the special economic zones to enjoy or use their property.
- (2) The Minister responsible for environmental affairs shall, by notice in the *Gazette*, publish a list of activities that may be undertaken within special economic zones without environmental authorisation.

(3) The notice under subregulation (2) shall include the activities that, due to their nature or scale cannot be reasonably expected to have a significant impact on the environment.

(4) A developer shall not, without an environmental authorisation undertake any activity that requires such authorisation.

(5) Notwithstanding the generality of subregulation (1) the activities that require an environmental authorisation shall include —

- (a) the construction, installation, operation, modification, or extension of —
  - (i) sewage works,
  - (ii) any new transmission or release outlet for the release of pollutants, and
  - (iii) any infrastructure projects, industrial or commercial facilities, where such activities will cause an increase in the release of pollutants or otherwise alter the physical, chemical, or biological properties of land, air, or water in any manner not already authorised under any written law; and
- (b) any increase in volume of released pollutants in excess of the permitted volume specified under any existing environmental authorisation.

(6) An environmental authorisation shall only be granted upon approval of an environmental impact assessment.

**48.** (1) The Authority, in consultation with the Ministry responsible for environmental affairs, shall —

- (a) prior to the operationalisation of a special economic zone; and
- (b) on the basis of a baseline environmental survey of the physical, bio-physical and socio-economic and cultural conditions in the special economic zone submitted by the developer,

determine environmental quality standards and maximum load capacities for specified pollutants applicable to a specific special economic zone project site.

(2) The quality standards and load capacities determined under subregulation (1) shall, in respect of the specific economic zone project site, form the basis for —

- (a) the volume of pollutants and waste permitted to be released; and
- (b) the development to be permitted.

(3) The Ministry responsible for environmental affairs shall, in consultation with the Authority, at least every three years —

- (a) review the special economic zones environmental quality standards to determine their adequacy in light of current national environmental priorities; and
- (b) revise the standards as appropriate.

(4) The Authority shall incorporate the standards determined under subregulation (1) into the zone development control code.

(5) The standards determined under subregulation (1) shall not be above the prescribed national standards.

Initial  
environmental  
management of  
special economic  
zones

(6) Upon establishment of the environmental quality standards under subregulation (1), the Ministry responsible for environmental affairs shall in collaboration with the relevant developer or zone management company and the Authority prescribe procedures for addressing any existing environmental challenges and concerns.

(7) The Ministry responsible for environmental affairs shall, in consultation with the Authority, designate areas within special economic zones for the protection of water supplies, biodiversity or other environmental resources.

Impact  
assessment,  
mitigation  
action plan, etc.

**49.** (1) In order to ensure that the environmental burdens resulting from development or other activities are reduced to a minimum, a developer who undertakes an activity, other than an activity under regulation 50 (2), shall submit to the Ministry responsible for environmental affairs, a project brief.

(2) Where the Ministry responsible for environmental affairs determines that an environmental management plan, environmental impact assessment, strategic environmental assessment or environmental assessment statement be made in accordance with the Environmental Assessment Act, the developer shall submit copies thereof and related authorisations to the Authority.

(3) Where significant impacts have been identified, the developer shall develop a mitigation action plan that contains the strategies for addressing the identified environmental and social risks and impacts.

(4) The Authority shall, in consultation with the Ministry responsible for environmental affairs, determine the guidelines for implementing the environmental management plans, environmental impact assessment, strategic environmental assessment, mitigations action plans or environmental assessment statements.

Environmental  
and social  
management  
system

**50.** (1) Prior to commencing any works or extension works on the land within a special economic zone, the developer shall, in consultation with the relevant zone management company, develop an environmental and social management system for the special economic zone.

(2) The environmental and social management system shall be appropriate to the nature and scale of the proposed development, operational activities and the level of expected environmental and social impacts.

(3) The environmental and social management system, including all environmental and social audit reports and hazard or risk assessment reports, shall be prepared in accordance with the relevant written laws and accepted international practice.

(4) Notwithstanding subregulation (3), the environmental and social management system shall comply with —

- (a) the BOS ISO 14001 Environmental Management Systems;
- (b) BOS ISO 45001 Occupational Health and Safety Standards; and
- (c) Social Accountability (humane workplace and worker human rights) SA8000 standards.

(5) The Authority shall, in consultation with the Ministry responsible for environmental affairs, determine further requirements for special economic zones' environmental and social management systems.

Grant of  
environmental  
authorisation

**51.** (1) Where the Ministry responsible for environmental affairs, grants an environmental authorisation the developer shall conduct the activities specified in the environmental management plan, subject to all specified mitigation action plans and conditions specified on the environmental authorisation.

(2) An environmental authorisation may be granted subject to such conditions as may be imposed by the Authority to limit the authorisation to procedures, releases or other activities, based on the environmental management plan, as may be specified on the environmental authorisation.

(3) The Ministry responsible for environmental affairs shall ensure that the conditions imposed under subregulation (2), limit the amount of permitted releases by assigning a developer, a load allocation which shall be determined based on —

- (a) the maximum load capacities, such that the sum total of each pollutant, waste or other substance allowed to be released into air, land, or water under the environmental authorisation does not exceed any maximum load capacity;
- (b) the amount of releases reasonably necessary for the type of industry in respect of which an environmental authorisation is granted, as demonstrated in the impact statement; and
- (c) the expected number of industries that will need similar environmental authorisations and around the special economic zone in the foreseeable future.

**52.** (1) The Authority shall, on the basis of information collected from the special economic zone entities —

Enforcement activities

- (a) compile a special economic zone environmental and social database; and
- (b) conduct annual inventories.

(2) The database and inventories referred to in subregulation (1) shall be used to monitor compliance with environmental obligations by developers.

(3) The Authority shall provide the Ministry responsible for environmental affairs with copies of the database and inventories referred to in subregulation (1).

(4) The developer shall submit to the Ministry responsible for environmental affairs a report on compliance with the environmental authorisation.

(5) A copy of the report under subregulation (4) shall be submitted to the Authority.

(6) The Authority may inspect any special economic zone facility at any time, with or without notice, to gather information on the environmental performance of the special economic zone entities or on all environmental aspects of their activities for the purpose of monitoring and enforcing compliance with the Act, these Regulations and other relevant written law.

(7) The Authority may, at any reasonable time —

- (a) access and make copies of any records retained by a zone management company;
- (b) inspect any monitoring equipment or methods to determine their accuracy; and
- (c) take environmental samples.

**53.** (1) For purposes of monitoring compliance with the relevant written laws —

Environmental audits

- (a) the Authority may conduct environmental audits of facilities within the special economic zones; and
- (b) the Ministry responsible for environmental affairs may conduct environmental audits of facilities within the special economic zones and any area surrounding the special economic zones.

(2) The audits under subregulation (1), shall be prioritised for areas or facilities that —

- (a) engage in activities that have potentially significant adverse environmental impacts;
- (b) have had previous poor environmental performance or non-compliance;
- (c) have been subjected to or caused, or are suspected to have been subjected to or to have caused, serious environmental harm; or
- (d) are in environmentally sensitive locations or near vulnerable communities based on the data obtained from baseline assessments and environmental and social impact assessments.

Dealing with non-compliance

**54.** (1) Where the Authority or the Ministry responsible for environmental affairs, as the case may be, becomes aware of non-compliance with the Act, these Regulations or any other relevant written law, including any environmental authorisation condition, it shall notify the special economic zones entities and the relevant developer, if different from the special economic zones entities concerned.

(2) The Authority shall, in consultation with the Ministry responsible for environmental affairs, make rules to enforce subregulation (1).

Public health

**55.** (1) The Authority shall, in consultation with the relevant government entities responsible for public health, ensure the protection of human, animal and plant life within special economic zones from diseases and any other harm.

(2) The Authority shall, in consultation with the relevant government entities responsible for public health, issue the procedures for the inspection and control of persons, baggage, carriers and goods entering the special economic zones that may pose a threat to human, animal, or plant health.

Coordination relating to land use and environmental matters

**56.** (1) The Authority and the government entities responsible for environment, water and natural resources shall, upon request by either party —

- (a) share any information requested by that party;
- (b) attach, second or deploy staff to the requesting party; and
- (c) provide technical assistance and training to the requesting party.

(2) The Authority may conclude service level agreements with the government entities responsible for environment, water and natural resources for the performance of any of the functions under this Part.

## PART XII — *Application of national labour laws*

Application of national labour laws

**57.** (1) Subject to subregulation (2) and unless otherwise provided in any written law, the laws of Botswana shall apply within special economic zones.

(2) The Authority shall, in consultation with the relevant government entities, issue rules, for the employment by special economic zones entities of key managerial and technical personnel who are not citizens of Botswana.

(3) The rules under subregulation (2) shall include matters relating to —

- (a) the terms and conditions of contracts for the key personnel; and
- (b) the issuance of visas, residence and work permits for such key personnel and their dependants.

## PART XIII — *Inspection and enforcement*

Enforcement of Act

**58.** (1) The Authority may, either directly or through an administrative committee, monitor and conduct inspections of the facilities and activities within special economic zones for purposes of ensuring compliance with the Act, these Regulations and other relevant written laws.

(2) The special economic zones entities shall cooperate with, and provide assistance to, the Authority or an administrative committee, as the case may be in the conduct of inspections under subregulation (1).

(3) The Authority shall give notice, in writing, to special economic zones entities, at least 48 hours before an inspection is carried out.

(4) Notwithstanding subregulation (3), the Authority may —

- (a) grant any reasonable request by the special economic zones entities to avoid undue interruption to the business activities of the special economic zones entities; or
- (b) without notice and at any hour, conduct an inspection if it has reasonable grounds to believe that there has been a contravention of the Act, these Regulations or other relevant written law.

(5) The Authority shall, in conducting the inspections under subregulation (1), consult with relevant government entities and provide them with the necessary information in a timely manner.

(6) Any expenses incurred by the Authority in conducting inspections under subregulation (1) or for the purpose of remedying a contravention of the Act or these Regulations shall be recovered from the special economic zone entity responsible for the contravention.

(7) Any person who —

- (a) obstructs or interferes with an inspection under subregulation (1);
- (b) refuses or fails to comply with a request by the Authority under these Regulations; or
- (c) makes a statement which the person knows to be false or misleading or which he or she does not believe to be true,

commits an offence.

**59.** (1) Where a special economic zone entity fails to comply with or breaches any directive of the Authority or any provisions of the Act, the Authority may —

Sanctions

- (a) direct the special economic zone entity, in writing, to comply with or remedy the breach of the directive or remedy the contravention;
- (b) restrict the special economic zone entity from engaging in activities specified by the Authority;
- (c) suspend the special economic zone entity's licence;
- (d) cancel or revoke the special economic zone entity's licence;
- (e) seek appropriate redress in a court of law; or
- (f) apply any other sanction as the Authority may be authorised to impose under any other relevant written law.

(2) The Authority may impose one or more of the sanctions under subregulation (1), in addition and without prejudice to any other judgment, order, fine, penalty or punishment imposed by any other relevant government entity.

(3) The Authority shall not impose a sanction under subregulation (1) unless it —

- (a) has given the special economic zones entity notice, in writing, of the proposed sanction, setting out the reasons for the proposed action and giving the special economic zone entity a period of at least 14 days to make representations to the Authority about the matter; and
- (b) has taken into account any representations made by, or on behalf of, the special economic zone entity within that period.

Factors to guide determination of sanctions

**60.** The following factors shall guide a determination of sanctions imposed against a special economic zone entity under regulation 59 (1) —

- (a) the damage, direct or incidental, caused by the contravention, including any harm to —
  - (i) other special economic zones entities,
  - (ii) the Authority or other relevant government entities,
  - (iii) persons outside the special economic zones, and
  - (iv) the environment, animals or natural resources inside or outside the special economic zones; and
- (b) the appropriate sanction to deter similar conduct by the special economic zone entity or any other person in similar circumstances, taking into account —
  - (i) the risk of similar breaches under similar circumstances going undiscovered or undetected or of persons otherwise not suffering loss for having committed the breach, except that the purchase of insurance to cover the loss shall not be considered in the determination of sanctions,
  - (ii) the potential benefit the persons stood to gain from committing a breach or from not taking adequate precautions to avoid such breach, and
  - (iii) the ease with which precautions could have been taken to prevent or reduce the risk of occurrence of the breach.

Consultation with other stakeholders

**61.** In the performance of its functions or exercise of its powers, the Authority shall, where appropriate, consult with the relevant government entities and the special economic zones entities.

#### PART XIV — *Miscellaneous provisions*

Delegation of functions

**62.** (1) The Authority may, in writing, delegate any of its non-regulatory functions conferred to it under the Act to the developer, zone management company or any other contracted private-sector service providers.

(2) The Authority may, under a service level agreement, delegate any of its administrative functions to a service provider, where it considers that the delegation of such functions would —

- (a) improve the quality or effectiveness of the functions;
- (b) not diminish the cost-efficiency with which such functions are carried out;
- (c) not impose undue burden on the special economic zones entities;
- (d) not interfere with the performance of such function;
- (e) not result in a conflict of interest; and
- (f) not be contrary to the public interest.

(3) The Authority shall not be divested or relieved of a function delegated under this regulation and may if necessary, withdraw the delegation at any time on reasonable notice.

Offences and penalties

**63.** A licensee who —

- (a) contravenes any provisions of these Regulations, for which no penalty is provided;
- (b) fails to comply with any direction given or request made by the Authority under these Regulations; or
- (c) fails to comply with any conditions of the licence, commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding six months, or to both.

SCHEDULE 1  
(reg. 4 (1))

Guidelines for Feasibility Study Report

A proposal for the establishment of a special economic zone shall be accompanied by a feasibility study report containing the following information:

- (a) A statement of intent and executive summary.
- (b) A general overview of the area where the special economic zone is intended to be located, including information on and analysis of:
  - i) demographic profile of the population of the area;
  - ii) socio- economic profile of the area including the rate of unemployment, education, health and human development profile;
  - iii) economic profile of the area including an analysis of existing enterprises by size and sector within the municipal boundaries of the proposed special economic zone; and
  - iv) availability of utilities.
- (c) Economic rationale for the proposal for the establishment of a special economic zone including information on and analysis of:
  - i) projected outputs and expected key outcomes of the special economic zone;
  - ii) projected economic impact of the special economic zone on the economy;
  - iii) projected employment created during the various phases of the establishment of the special economic zone, the sectors within which employment will be created and the nature of the employment, whether it is:
    - (aa) permanent or temporary employment; or
    - (bb) direct or indirect employment.
  - iv) industrial activity targeted by the special economic zone and the sectors targeted;
  - v) additionally what the targeted industrial activities will create in the economy by demonstrating, amongst other things:
    - (aa) extent of export of value-added products;
    - (bb) extent of import substitution;
    - (cc) beneficiation of raw materials and mineral resources;
    - (dd) skills training and transfer;
    - (ee) innovation and intellectual property development including the scope of new markets and manufacturing or distribution innovations;
    - (ff) alignment with existing initiatives on training business development retention and expansion and infrastructure upgrades;
    - (gg) use of and impact on processing and manufacturing technologies;
  - vi) nature and maturity of manufacturing technology to be used by businesses intending to locate in the special economic zone.
  - vii) localisation plan including:
    - (aa) impact on supplier development and potential to develop a cluster of enterprises to achieve commercial viability;
    - (bb) projected procurement including the use of local materials, technologies and labour.
- (d) Social impact of the proposed special economic zone including information on and analysis of:
  - i) housing;
  - ii) education;
  - iii) health care;

- iv) access to public transportation;
  - v) safety and security;
  - vi) availability of basic services.
- (e) Business plan for the special economic zone, including information on and analysis of:
- i) special economic zone strategy
  - ii) ownership structure of the special economic zone including a shareholders' agreement indicating the nature and extent of shareholding, requirements for transfer of shares and requirements for the distribution of assets upon liquidation or expiry or revocation of the declaration establishing the special economic zone.
  - iii) comprehensive market analysis identifying the following in relation to the proposed special economic zone:
    - (aa) strengths, weaknesses, opportunities, threats;
    - (bb) local and external clients;
    - (cc) potential markets and competitors;
    - (dd) future prospects; and
    - (ee) attractiveness to potential investors to locate in the special economic zone;
  - iv) Operating Plan for the special economic zone including information on and analysis of:
    - (aa) how the applicant will develop, operate and maintain the special economic zone;
    - (bb) suppliers that will provide services necessary to operate the special economic zone and the contractual arrangements that will be entered into with these service providers;
    - (cc) facility management arrangements;
    - (dd) engineering and development alignment gaps and priorities in infrastructure located outside the special economic zone in relation to infrastructure to be located within the special economic zone; and
  - v) Financial Plan for the special economic zone including analysis of:
    - (aa) projected total cost of establishing the special economic zone;
    - (bb) sources of funding to establish the special economic zone;
    - (cc) projected 10 -year income statement, balance sheet and cash flow statement for the special economic zone;
    - (dd) projected return indicators on capital;
    - (ee) projected revenue and operational costs breakeven projections for various scenarios;
    - (ff) access by the applicant to financial resources equal to at least 20% of the development cost of the proposed special economic zone and supporting documents demonstrating access;
    - (gg) access by the applicant to financial resources to fund operational expenditure of the special economic zone for 5 years and supporting documents demonstrating access; and
    - (hh) the extent to which the applicant owns or controls the area to be considered for establishment as a special economic zone;

SCHEDULE 2  
Form 1

**APPLICATION FOR A DEVELOPER LICENCE OR A ZONE MANAGEMENT  
LICENCE OR APPLICATION FOR THE RENEWAL OF A LICENCE**

*(reg. 18 (3))*

This application  or application for renewal  is in respect of a Developer licence  or a Zone Management Licence  please tick (✓) whichever is applicable.

**A. Particulars of applicant**

1. Name of applicant/company: \_\_\_\_\_

2. Trading name (if other than company name): \_\_\_\_\_

3. Address and contact details: \_\_\_\_\_  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Website: \_\_\_\_\_

4. Company registration No.: \_\_\_\_\_

5. Ownership structure please tick : Public company  Private company

6. Total number of employees: \_\_\_\_\_

7. In what countries does the company operate? \_\_\_\_\_  
\_\_\_\_\_

8. Details on company representative: Name \_\_\_\_\_ Position: \_\_\_\_\_

Email address : \_\_\_\_\_ Phone No.: \_\_\_\_\_

9. Where a private company, complete the following:

Shareholders

Name	Nationality	Oman number or	Passport number	% equity

*If necessary attach a separate sheet with this form*

**Management**

Name	Nationality	Oman number or	Passport number	% equity

*If necessary attach a separate sheet with this form*

10. In respect of the each member of the management team listed above supply the following:

Name	Relevant experience	Skills	Qualifications

11. Provide the following details on relevant recent experience of the company:

Client and nature of project	Location	Date completed or on-going	Value of project (Pula)

**B. Project cost and financing**

1. Estimated project cost in Pula.

Description of investment	Year 1	Year 2	Year 3
Site preparation			
Structures and civil works			
Plant machinery and equipment			
Working capital			
Other* (specify)			
Total project cost			

\*

---

2. Proposed sources of finance in Pula.

Source	Year 1	Year 2	Year 3
Equity capital			
Reserves			
Loans			
Suppliers credit			
Other* (specify)			

\*

**C. Historic and projected financial statements**

1. Summary of audited financial statements for the past 3 years:

Year	Turnover (Pula)	Sales (Pula)	Gross profit (Pula)	Net profit (Pula)

Please attach the full audited financial statements for the past 3 years.

2. Summary of projected financial results for years 1 – 3 of project:

Year	Turnover (Pula)	Sales (Pula)	Gross profit (Pula)	Net profit (Pula)

**D. Employment and organisational details**

1. Projected employment (FTE's):

Year	Total	Citizens:		Non-citizens:	
		Male	Female	Male	Female

2. Skills profile of employees:

Year	Unskilled	Semi-skilled	Skilled	Management /Supervisors

3. Projected salary levels at start-up:

Unskilled (Pula p.a.)	Semi-skilled (Pula p.a.)	Skilled (Pula p.a.)	Management/Supervisors (Pula p.a.)

4. Proposed organisation to conduct development:

Please attach the proposed organisation structure including the key skills which will be required for each management position.

**E. Operational standards**

1. Provide information on quality systems in use in the company, e.g. ISO standards, financial controls and management systems.

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2. Does the company have a comprehensive Health and Safety Statement Yes  No  please

**F. References**

Please supply the following details of 3 persons that the Authority may approach for references on your company:

Name	Company	Position in company	Contact details

**G. Other information**

1. Has any director or shareholder been convicted within or outside Botswana of any serious criminal offence?

If so provide details

\_\_\_\_\_

\_\_\_\_\_

2. Has any director or shareholder been sequestrated or declared bankrupt within or outside Botswana?

If so provide details

\_\_\_\_\_

\_\_\_\_\_

Attachments required:

- a) Proof of appointment of the applicant as a developer or zone management company.
- b) Audited financial statements for the last 3 years.
- c) The proposed development or zone management agreement.
- d) The proposed organisation structure including the key skills which will be required for each management position.

Signature of authorised person: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position held: \_\_\_\_\_

**DEVELOPER LICENCE**

*(reg. 21 (1) (a))*

Licence number: \_\_\_\_\_

This is to certify that (company name and registered address):

\_\_\_\_\_

1. Has been granted a licence for the purpose of developing the land at the special economic zone at:

\_\_\_\_\_

2. The licence relates only to the lands specified in the development agreement entered into with the zone owner and dated \_\_\_\_\_

3. The licence is granted subject to the following terms and conditions:

a) Full adherence to the terms and conditions agreed with the zone owner referred to at 2 above and

b) That the licensee takes possession of the zone no later than 60 days after this licence is issued and

c) Compliance with the other specific terms and conditions detailed below:

\_\_\_\_\_

Date of issue of licence:

\_\_\_\_\_

Signed: \_\_\_\_\_ (Authorised officer)

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position held: \_\_\_\_\_

Special Economic Zones Authority seal affixed below:

Form 3

**ZONE MANAGEMENT LICENCE**

*(reg. 21 (1) (b))*

Licence number:

This is to certify that (company name and registered address):

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1. Has been granted a licence for the purpose of managing the land at the special economic zone at:  

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2. The licence relates only to the lands specified in the zone management agreement entered into with the zone owner and dated \_\_\_\_\_
3. The licence is granted subject to the following terms and conditions:
  - a) Full adherence to the terms and conditions agreed with the zone owner at 2 above
  - b) The licensee takes possession of the zone no later than 60 days after this licence is issued
  - c) Compliance with other specific the terms and conditions detailed below:

Date of issue of licence:

---

Signed \_\_\_\_\_ (Authorised officer)

Date: \_\_\_\_\_

Authority seal affixed below:

Form 4

**APPLICATION FOR AN INVESTOR LICENCE**

*(reg. 26 (1))*

**A. Particulars of applicant**

1. Name of applicant/company: \_\_\_\_\_

2. Trading name (if other than company name): \_\_\_\_\_

3. Address and contact details:  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Website: \_\_\_\_\_

4. Company registration No.: \_\_\_\_\_

5. Ownership structure please tick: Public company  Private company

6. Details on company representative: Name \_\_\_\_\_ Position: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

7. Where a private company complete the following:

Shareholders

Name	Nationality	Oman number or	Passport number	% equity

*If necessary attach a separate sheet with this form*

Management

Name	Nationality	Oman number or	Passport number	% equity

*If necessary attach a separate sheet with this form*

**B. Location of service or manufacturing process and products/outputs**

1. Will the company be applying for incentives applicable to eligible companies exporting 100% of goods or services Yes  No  please tick (✓) whichever is applicable

2. Proposed address for location of project:

\_\_\_\_\_

3. Summary of proposed business activities:

\_\_\_\_\_

Please attach a written statement describing the proposed business activities/key service lines to be carried out.

4. Details of raw materials to be used (manufacturing companies):

Name of raw material	Tariff reference (HS)	Source (country/countries)

5. Briefly describe the manufacturing process (manufacturing companies):

\_\_\_\_\_

6. Details of products to be manufactured/produced (manufacturing companies):

Product	Tariff reference (HS)	Description including industry sector

*If necessary attach a separate sheet with this form*

**C. Premises, infrastructure and environmental details**

1. Physical requirements:

Land requirement (hectares): \_\_\_\_\_

Building requirement (*square meters*): \_\_\_\_\_ Building site coverage: \_\_\_\_\_%

2. Resources requirements:

Electricity (KVA)	
Gas (MMSCFD) if applicable	
Industrial water (cubic meters per day) if applicable	
Domestic water (cubic meters per day)	

3. Construction schedule (where applicable):

Activity	Proposed date for commencement of each activity	Period per activity (months)
Design and tender		
Construction		
Activation		

If construction is to be phased attach full details in the same format as above.

4. Demonstrate how the proposed project constitutes an investment which is compatible with the approved detailed master plan of the special economic zone:

*If necessary please attach further information.*

5. Effluents and waste produced (manufacturing companies):

Type	Yes	No
Air emissions		
Liquid		
Solid		

Attach Environmental Impact Assessment (*if required*) undertaken in accordance with the Environmental Assessment Act and other applicable environmental laws.

**D. Project cost and financing**

1. Estimated project cost in Pula.

Description of investment	Year 1	Year 2	Year 3
Land ( <i>if applicable</i> )			
Site preparation ( <i>if applicable</i> )			

Structures and civil works (if applicable)			
Plant machinery and equipment			
Working capital			
Other* (specify)			
Total project cost			

\*

## 2. Proposed sources of finance in Pula.

Source (as applicable)	Year 1	Year 2	Year 3
Equity capital			
Reserves			
Loans			
Suppliers credit			
Venture capital			
Other* (specify)			

\*

## E. Historic and projected financial statements

1. Where the company has an existing trading record please supply audited financial statements for the past 3 years (or for a lesser number of years as applicable, if the company has not traded for 3 full years).
2. Please attach the \*financial plan which at a minimum would include a summary of projected financial results for years 1-3 of the project and turnover, sales, gross profit and net profit.
3. Please attach the \*business plan for the project.

*\*Note: the level of detail expected will be in accordance with the size of the undertaking and whether the company will be seeking any SEZ incentives.*

## F. Employment details

### 1. Projected employment (FTE's):

Year	Total	Citizens:	Male	Female	Non-citizens:	Male	Female

### 2. Skills profile of employees:

Year	Unskilled	Semi-skilled	Skilled	Management /Supervisors

### 3. Projected salary levels at start-up:

Unskilled (Pula p.a.)	Semi-skilled (Pula p.a.)	Skilled (Pula p.a.)	Management/supervisors (Pula p.a.)

## G. Training (this section to be completed by manufacturing and internationally traded service companies)

### 1. Plans for on-the job training:

\_\_\_\_\_

\_\_\_\_\_

### 2. Plans for off-the job training:

\_\_\_\_\_

\_\_\_\_\_

### 3. Estimated cost of external training: Pula \_\_\_\_\_

### 4. Duration of external training: \_\_\_\_\_

### 5. Proposed providers/venue(s) for training (if known):

\_\_\_\_\_

\_\_\_\_\_

**H. Sales and marketing (to be completed by manufacturing companies and internationally traded services companies who export product/services)**

1. Sales forecast

Year	Value of export sales/international services (Pula)	Export sales markets	% sales to each market
1			
2			
3			

2. Main competitors (manufacturing and traded services):

Company	Country

3. Brief competitive assessment:

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**I. Other information**

1. Has any director or shareholder been convicted within or outside Botswana of any serious criminal offence?

If so, provide details

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2. Has any director or shareholder been sequestrated or declared bankrupt within or outside Botswana?

If so, provide details

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Attachments checklist:

1. A written statement describing the proposed business activities to be carried out.
2. Where construction of buildings is to be phased – details of phasing.
3. Environmental Impact Assessment (*if applicable*) undertaken in accordance with the Environmental Assessment Act and other applicable environmental laws.
4. Audited financial statements for the last 3 years (where company has a trading history).
5. a financial plan which at a minimum would include a summary of projected financial results for years 1 – 3 of the project and turnover, sales, gross profit and net profit.
6. The business plan for the project.

NOTE 1: Companies seeking to avail of special economic zone incentives are required to export 100% of their product or service. However, in exceptional circumstances [*there may be a derogation allowed*] where a strong business case is presented on the basis of clear import substitution and where such derogation will not have a detrimental effect on local operations.

NOTE 2: in accordance with *regulation 27 (2)* the applicant may be required to appear in person or through their representative or to participate in a telephone, video, or voice over – internet protocol conference for an interview.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Full name: \_\_\_\_\_

Position: \_\_\_\_\_

**SPECIAL ECONOMIC ZONE INVESTOR LICENCE**

*(reg. 30 (1))*

Licence number:

\_\_\_\_\_

This is to certify that (company name) and registered address:

\_\_\_\_\_

- a) Has been granted a licence:  
the purpose of manufacturing the following products:

\_\_\_\_\_ **OR**

- b) For the purpose of conducting the following Internationally Traded Service(s):

\_\_\_\_\_

At the following location:

\_\_\_\_\_ **OR**

- c) For the purpose of undertaking the following activities:

\_\_\_\_\_

2. The licence is granted subject to the following terms and conditions:

- a) Full adherence to the project plan as set out in application reference number: \_\_\_\_\_ and any subsequent information supplied to the Authority or to the Local Authority.
- b) That the licensee takes possession of the premises no later than 60 days after this licence is issued.
- c) That a building permit (where necessary) be obtained within 12 months of the date of purchase or lease.
- d) That construction of the buildings (where applicable) commences within a further 6 months period after the period specified at paragraph (c) above,.
- e) That production/operations have commenced within a further 12 month period.
- f) Compliance with other specific the terms and conditions detailed below:

\_\_\_\_\_

Date of issue of licence: \_\_\_\_\_

Signed \_\_\_\_\_ (Authorised officer)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position held: \_\_\_\_\_

Authority seal issued below:

Form 6

**APPLICATION TO CONDUCT ONE OR MORE RESTRICTED ACTIVITIES  
IN A SPECIAL ECONOMIC ZONE.**

*(reg. 32(3))*

(This application may be from existing licensees or from those who intend to apply for an investor licence pending the outcome of this application).

**Restricted activities within special economic zones as defined at regulation 29 of the  
Special Economic Zones Regulations 2019**

Restricted activities are activities which the Minister considers are likely to pose a substantial threat to health, safety, environment, national security, consumer rights and financial stability.

The Minister will publish a list of restricted activities from time to time.

Those who wish to conduct a restricted activity in a special economic zone are required to complete Form 6 "Application to conduct one or more restricted activities in a special economic zone". Where the Authority approves of the proposed activities and the applicant is a new investor, the applicant will be required to apply for an investor licence should he/she wish to conduct the business on a special economic zone.

1. Name of applicant/company: \_\_\_\_\_

2. Trading name (if other than company name): \_\_\_\_\_

3. Address and contact details:

\_\_\_\_\_  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Website: \_\_\_\_\_

4. Company registration No. \_\_\_\_\_

5. Ownership structure please tick : Public company  Private company

6. Details on company representative: Name \_\_\_\_\_ Position: \_\_\_\_\_

7. Email address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

8. Name/s of activity on the published list of restricted activities to which this application relates:

\_\_\_\_\_

9. Name of SEZ to which the application relates:

\_\_\_\_\_

10. Are you a licensee in the zone at 9 above? Yes /No

11. If “yes” above provide (a) licence number: \_\_\_\_\_  
and  
(b) what products are you currently licensed to produce :

\_\_\_\_\_

Name of restricted activity/activities (as published by the Minister) for which you are seeking approval:

\_\_\_\_\_

*Full description of activities to be attached*

12. For companies currently not licensed to operate on a zone – why does the company wish to locate at the zone nominated at 9 above:

\_\_\_\_\_

State why you believe that a licence should be granted for the stated restricted activities:

\_\_\_\_\_

Does your company conduct similar activities in other jurisdictions:  Yes  No

13. If “yes” provide brief details as follows:

Location	Process description	Details of permit (if applicable)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Full description and details to be attached*

14. Summarise the measures that the company proposes to take to adequately mitigate or avoid the risks specified in regulation 29:

\_\_\_\_\_

*Full details to be attached.*

15. Provide the following detail regarding raw materials to be used:

Name of raw material	Tariff reference (HS)	Source (country/countries)

*Attachments:*

- a) Full description of proposed activities.
- b) Details on similar activities in other jurisdictions (if applicable)
- c) The measures that the company proposes to take to adequately mitigate or avoid the risks specified in regulation 29.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position held: \_\_\_\_\_

Form 8

**APPLICATION FOR VARIATION OF LICENCE**

*(reg. 34(7))*

Licence number:

1. Name of applicant/company: \_\_\_\_\_

2. Trading name (if other than company name): \_\_\_\_\_

3. Address and contact details:

\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Website: \_\_\_\_\_

4. Company registration No.: \_\_\_\_\_

5. Details on company representative: Name \_\_\_\_\_ Position: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

6. Fully describe the variation sought:

\_\_\_\_\_

*Attach further information if necessary and architectural and engineering drawings if relevant*

7. Give the reason/s for seeking the variation:

\_\_\_\_\_

*Attach further information if necessary*

8. Describe how the variation will cause the applicant to better carry out the business activity:

\_\_\_\_\_

*Attach further information if necessary*

Signature of authorised person: \_\_\_\_\_ Date: \_\_\_\_\_

Name of applicant: \_\_\_\_\_ Position held: \_\_\_\_\_

SCHEDULE 3

**FEEs**

*(reg. 21 and 26)*

Application	Fee (Pula)
Developer licence	25,000 – 50,000
Zone management licence	10,000 – 25,000
Grant of variation of conditions in a licence	5,000

SCHEDULE 4

**REGISTER OF LICENCES**

(reg. 35)

1. Name of company holding the licence:

2. Former name/s of company's holding the licence (if applicable):

3. Licence No.: \_\_\_\_\_

4. Licence details when granted:

The physical address where the licensee carries on its business	The investment capital of the licensee (Pula)	All authorised activities carried out by the licensee	Date this record was created & approval reference No.

5. Notified changes (if any) to the details at 4 above:

The physical address where the licensee carries on its business	The investment capital of the licensee (Pula)	All authorised activities carried out by the licensee	Date record was amended/approval reference

6. Notification received from licensees who have ceased to carry on the business to which the licence relates:

Date of notification	Date licensee ceased activity

MADE this 4th day of June, 2019.

**BOGOLO JOY KENEWENDO,**  
*Minister of Investment, Trade and Industry.*