

INCOME TAX ACT
(Cap. 52:01)

INCOME TAX (TAX AGREEMENT) ORDER, 2007
(Published on 20th July, 2007)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Approval and effective date of commencement

SCHEDULE

WHEREAS in exercise of the powers conferred on him by section 54 of the Income Tax Act, the Minister of Finance and Development Planning has, on behalf of the Government of the Republic of Botswana, entered into a Tax Agreement with Botswana Metal Refinery (Proprietary) Limited;

AND WHEREAS in accordance with the provisions of section 54 (2) (a) of the Income Tax Act the said Tax Amendment Agreement shall be laid before the National Assembly and shall not take effect unless approved by resolution of the National Assembly;

NOW THEREFORE, pursuant to the provisions of the said section 54 (2) (a), this Order is presented to the National Assembly for approval.

Citation 1. This Order may be cited as the Income Tax (Tax Agreement) Order, 2007.

Approval and
effective date
of commence-
ment

2. The Tax Agreement Amendment set out in the Schedule hereto between the Government of the Republic of Botswana and Botswana Metal Refinery (Proprietary) Ltd is approved and shall take effect from the date specified in the Agreement.

SCHEDULE

This Agreement made this 8th day of June, 2007 between the Minister of Finance and Development Planning and Botswana Metal Refinery (Proprietary) Ltd.

WHEREAS in terms of section 54 of the Income Tax Act Cap. 52:01, the Minister of Finance and Development Planning is empowered on behalf of the Government of Botswana to effect a tax agreement.

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS —

1. The business of Botswana Metal Refinery (Proprietary) Limited shall be deemed to be that of "manufacture" for the purposes of the Income Tax Act and any amendment thereto;
2. For each of the ten consecutive tax years from 1st July, 2006, the tax payable by Botswana Metal Refinery (Proprietary) Limited shall be reduced by the whole of the tax chargeable;

3. In respect of the tax years following the ten consecutive years to 1st July, 2016, in each of such tax years the tax payable by Botswana Metal Refinery (Proprietary) Limited shall be calculated at a rate equal the manufacturing company tax rate for resident companies in terms of the Income Tax Act.

Thus done and signed at Gaborone this 8th day of June, 2007.

For and on behalf of the Government of Botswana:

Hon. Baledzi Gaolathe
*Minister of Finance and
Development Planning*

As Witnesses
1. Wilfred J. Mandlebe
2. Boikanyo M. Mathipa

For and on behalf of Tati Nickel Mining Company (Pty) Ltd:

Mike Smith
Executive- Strategic Development

As Witnesses
1. John Hinchliffe
2. Keith Jefferis

MADE this 4th day of July, 2007.

B. GAOLATHE,
*Minister of Finance and Development
Planning.*

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