

SIGNED this 4th day of July, 1973.

SIAKA STEVENS,
President.

LS

No. 6



Sierra Leone

1973

**The Tonkolili and Marampa Supplementary Agreement Short title.
(1973) (Ratification) Act, 1973**

Being an Act to Ratify and Confirm an Agreement Supplementary to certain Agreements made for and on behalf of the Government of Sierra Leone of the one part and the Sierra Leone Development Company Limited of the other part

[1st July, 1972.] Date of commencement.

WHEREAS certain Indentures and Agreements were made for and on behalf of the Government of Sierra Leone (hereinafter referred to as the Government) of the one part and the Sierra Leone Development Company Limited (hereinafter referred to as the Company) of the other part, which Indentures and Agreements are specified in the Second Schedule to this Act and numbered 1 to 7:

AND WHEREAS a Memorandum of Agreement was made between the same parties and which Memorandum of Agreement is specified in the Second Schedule hereto and marked 8:

AND WHEREAS of the aforesaid Indentures and Agreements and the Memorandum of Agreement, the Agreements and the Memorandum of Agreement were ratified and confirmed by the Tonkolili Agreement Act, the Tonkolili (Supplementary) Agreement Act, the Tonkolili Supplementary Agreements (1947) Ratification Act, 1948 and the Tonkolili and Marampa Supplementary Agreement (1956) Ratification Act, 1956:

Cap. 202.
" 203.
" 204
" 205.

AND WHEREAS the Company has agreed to further amendments and conditions of the Principal Agreement (as amended) affecting (*inter alia*) its liability in respect of tax, rent and royalty:

AND WHEREAS the amendments and conditions aforesaid are contained in an Agreement made on the twenty-sixth day of February, 1973 between the Minister of Lands and Mines for and on behalf of the Government and the Company:

AND WHEREAS it is desirable that the said Agreement should be ratified and confirmed:—

BE IT THEREFORE ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

Commence-
ment.

1. This Act shall be deemed to have come into operation on the 1st day of July, 1972.

Confirma-
tion of
Supplemen-
tary Agree-
ment 1973.

2. The Supplementary Agreement set out in the First Schedule hereto is hereby ratified and confirmed and all rights and obligations purported to be confirmed or imposed thereby are hereby declared valid any law to the contrary notwithstanding, and notwithstanding anything in any law contained, the Minister of Lands and Mines and any other person shall have power to do on behalf of the Government of Sierra Leone any act which the aforesaid Supplementary Agreement may require or allow in the name of the Minister of Lands and Mines or of the Government of Sierra Leone.

FIRST SCHEDULE

THIS AGREEMENT is made the twenty-sixth day of February 1973 BETWEEN the Honourable Sheku Bockari Kawusu-Konte, Minister of Lands and Mines acting for and on behalf of the Government of The Republic of Sierra Leone (hereinafter called "the Government") of the one part and Sierra Leone Development Company Limited, a company incorporated under the United Kingdom Companies Act, 1929 whose registered office is situated at City Gate House, Finsbury Square, London, E.C.2. (hereinafter called "Delco") of the other part.

WHEREAS

- (i) The Government and Delco have conducted negotiations with a view to improving the terms of the existing agreement.

- (ii) This Agreement is supplemental to all existing Agreements Indentures and Enactments (hereinafter called "the Principal Agreements") between or affecting the parties hereto which except as hereinafter provided shall remain in full force and effect.

NOW THEREFORE IT IS HEREBY AGREED as follows:—

1. Notwithstanding anything contained in the Income Tax Act (Cap. 273), the Surtax (Temporary Imposition) Act 1968 and the Principal Agreements Delco shall as from the year of assessment commencing on 1st April 1973 be liable to tax at the rate of 60 per cent (sixty per centum) in respect of its assessable income from its operations in Sierra Leone arising on and after 1st day of January 1973 computed in accordance with the provisions relating to income tax of the Income Tax Act (Cap. 273) and of the Principal Agreements. Delco shall not be subject to any other taxes on its income or profits for any year of assessment.
2. Delco agrees that the rent currently payable in respect of the Marampa Concessions as defined in the Principal Agreements shall be increased with effect from 1st July 1972 from Le10,000 (ten thousand) per annum to Le 20,000 (twenty thousand) per annum.
3. For the period of ten years from the date hereof royalty on the shipment of all iron ore concentrates at the rate of Le0.06 (six cents Sierra Leone currency) per metric ton outturn weight on all shipments effected by Delco on and after the date hereof shall be due from Delco to Government subject to the provisions of Clause 5 below. The date on which any shipment shall be deemed to be effected shall be the date of the Bill of Lading. Such royalty shall be due together with a statement of the shipments to which such royalty relates on the 31st March, 30th June, 30th September and 31st December in each year in respect of shipments effected during the calendar quarter ended three calendar months earlier provided that the first royalty due hereunder shall be due on 30th June 1973 and shall be in respect of shipments effected on and after the date hereof up to and including 31st March 1973.
4. Royalty shall not be deducted as an operating cost in ascertaining the assessable income of Delco. Any amount paid as royalty shall be treated as separate payment and shall in no way be related to the total tax liability of Delco to Government.
5. Without otherwise affecting the obligations of either party to the other it is understood and agreed that the payment of any amount due by one party to the other whether under this Agreement or otherwise may be satisfied by setting off such amount in reduction of any amount then due to such party by the other.
6. The Government shall at all times have the right to nominate for appointment to the Board of Directors of Delco two persons acceptable to Delco and such persons shall thereupon be appointed to the Board of Directors of Delco on the same terms as apply to other non-Executive Directors of Delco for the time being. The Government shall have the right to remove any Director so nominated by it.

7. This Agreement shall be governed by and interpreted in accordance with the laws of Sierra Leone.
8. This Agreement shall only be of effect if ratified by the Sierra Leone Parliament within three months of the date hereof.

IN WITNESS whereof these presents have been entered into the day and year first above written.

Signed, sealed and delivered by the said Sheku Bockari Kawusu-Konte, Minister of Lands and Mines, for and on behalf of the Government of the Republic of Sierra Leone, in the presence of

J. E. O. Taylor.

(LS)

S. B. KAWUSU-KONTE,
Minister of Lands and Mines.

Signed by Ralph David Dale for and on behalf of Sierra Leone Development Company Limited, in the presence of

A. D. Wurie.

R. D. DALE.

SECOND SCHEDULE

<i>Date</i>	<i>Parties</i>	<i>Description</i>
(1) 16th June, 1931	1. The Crown Agents for the Colonies as Agents for and on behalf of the Government of Sierra Leone. 2. Sierra Leone Development Company Limited.	The Marampa Principal Indenture.
(2) 3rd December, 1947	do.	The Marampa Supplementary Indenture.
(3) 16th April, 1937	do.	The Tonkolili Principal Agreement.
(4) 19th February, 1944	do.	The Tonkolili First Supplemental Agreement.

<i>Date</i>	<i>Parties</i>	<i>Description</i>
(5) 3rd December, 1947	Sierra Leone Development Company Limited.	The Tonkolili Second Supplemental Agreement.
(6) 3rd December, 1947	do.	The Fourth Supplemental Agreement. }
(7) 10th February, 1956	do.	The Fifth Tonkolili Marampa Supplementary Agreement.
(8) 3rd December, 1947	do.	Memorandum of Agreement.
(9) 17th June, 1948	Sierra Leone Government	Ratification of the Agreements 1 to 6 above mentioned.

Passed in Parliament this *29th* day of *March*, in the year of our Lord one thousand nine hundred and seventy-three.

J. W. E. DAVIES,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES,
Clerk of Parliament.