

ACT

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dated 21st March, 2002

SIGNED this *18th* day of *March*, 2002.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 4



2002

Sierra Leone

The Sierra Rutile Agreement (Ratification) Short title.
Act, 2002

[21st March, 2002] Date of commencement.

Being an Act to ratify and confirm an agreement made for and on behalf of the Government of the Republic of Sierra Leone of the one part and by Sierra Rutile Limited of the other part.

WHEREAS an Agreement was made on the 3rd day of November, 1989 between the Government of the Republic of Sierra Leone of the one part and the Sierra Rutile Limited of the other part:

AND WHEREAS this Agreement was ratified and confirmed by Parliament as the Sierra Rutile Agreement 1989 (Ratification) Act, 1989 (Act No. 8 of 1989):

AND WHEREAS as a result of the effect of the ten year rebel war and other factors on the operations of Sierra Rutile Limited the Government of the Republic of Sierra Leone and Sierra Rutile Limited found it necessary to review the 1989 Agreement:

AND WHEREAS as a result of the review it was agreed by the Government of the Republic of Sierra Leone and Sierra Rutile Limited to enter into a new Agreement to replace the 1989 Agreement:

AND WHEREAS an Agreement was made on the 20th day of November, 2001 between Alhaji M. Swarray Deen, Minister of Mineral Resources, acting for and on behalf of the Government of the Republic of Sierra Leone of the one part and the Sierra Rutile Limited, a company incorporated and existing under the laws of Sierra Leone, of the other part:

AND WHEREAS it is provided in the Agreement that the Government of the Republic of Sierra Leone will introduce and cause to be passed legislation for the purpose of ratifying and confirming the Agreement in all its terms:

AND WHEREAS it is further provided in the Agreement that such Agreement shall come into force and effect upon the coming into operation of such legislation:

AND WHEREAS it is desirable that the Agreement shall be ratified and confirmed in all its terms:

NOW THEREFORE BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled—

Commence-
ment.

1. This Act shall be deemed to have come into operation on the 21st day of March, 2002.

Confirmation
of Agreement.

2. The Agreement set out in the Schedule is hereby ratified and confirmed in all its terms and all rights and obligations purported to be conferred or imposed by the Agreement are hereby declared valid, any law to the contrary notwithstanding and notwithstanding anything contained in any law, the Minister of Mineral Resources or any person acting under his authority shall have power to do on behalf of the Government of Sierra Leone any act which the Agreement may require or allow, within its scope, in the name of the Minister of Mineral Resources or of the Government of Sierra Leone.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
SIERRA LEONE AND SIERRA RUTILE LIMITED

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AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
SIERRA LEONE AND SIERRA RUTILE LIMITED

THIS AGREEMENT is made the 20th day of November, 2001 BETWEEN THE MINISTER, acting for and on behalf of the Government of Sierra Leone (hereinafter called "the Government") of the one part and SIERRA RUTILE LIMITED a company incorporated and existing under the laws of Sierra Leone whose registered office is at 12, Lamina Sankoh Street, Freetown, (hereinafter referred to as "the Company") of the other part.

NOW IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

1. DEFINITIONS

In this Agreement, the following expressions shall, unless a contrary intention appears, have the following meanings, that is to say:

- "Additional Mining Lease" means a mining lease and dredging licence granted to the Company pursuant to Clause 2(d) hereof, including any new lease granted to the Company upon the expiry of the original;
- "Associated Minerals" means zircon, monazite, columbite, graphite and garnet when occurring in the same deposit with titanium bearing minerals;
- "commencement of mining operations" means the date of employment of the dredge, wet plant and land plants on mining operations, provided that the Company promptly furnishes to the Director of Mines notification to that effect;
- "Effective Date" means date of coming into force of this agreement pursuant to clause 12 (3).;
- "Financial Year" means the Company's fiscal year ending December 31 of each calendar year.
- "Group Office Expenses" means any expenditure incurred or reimbursed by the Company in maintaining an overseas office of the Company;
- "Immigration Fees" means any fees or other taxes payable under the Non-citizens (Registration, Immigration and Expulsion) Act, 1965;
- "Lease" means a Mining Lease or an Additional Mining Lease, as applicable;