



10 November 2015

## **UPDATE ON LEGAL PROCEEDINGS RE PL 69/2003 KIHABE Zn/Pb/Ag PROJECT BOTSWANA**

### **IN COURT PROCEEDINGS**

On 27 September 2013, the wholly owned subsidiary of the Company, Mount Burgess (Botswana) (Proprietary) Ltd, (MBB), filed a Notice of Motion and Founding Affidavit in the High Court of Botswana, seeking reversal of the decision of the Minister of Minerals Energy and Water Resources (MMEWR) not to renew MMB's prospecting licence PL 69/2003.

This matter was later taken to the Appeal Court based on interlocutories where it was ruled that MBB could take the matter back to the High Court to address the merits of the case. This required an application to withdraw the Notice of Motion and Founding Affidavit filed in the High Court on 27 September 2013.

MBB has been informed by its Botswana Attorneys that the application to withdraw the initial case filed in the High Court of Botswana was granted on 6 November 2015. MBB now has to send a statutory 30 day notice letter to the Attorney General and the Minister MMEWR, where after MBB can file an Application for Condonation and a new application in the High Court of Botswana to address the merits of the case.

### **OUT OF COURT PROCEEDINGS**

The Chamber of Mines of Botswana has recently assisted MBB by approaching MMEWR to consider allowing MBB to apply for a new prospecting licence over the Kihabe project area in the event of terminating legal proceedings. MMEWR has informed the Chamber of Mines and MBB that it is ready to engage with MBB should it select to submit a new prospecting licence application.

MBB intends to submit a new prospecting licence application and is considering all issues involved in this proposal in order to fully appreciate the potential outcome prior to terminating legal proceedings.

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