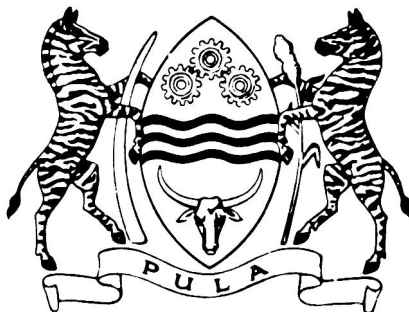




REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

Vol. XV, No. 16

GABORONE

7th March, 1977.

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| | Appropriation (1977-78) Bill, 1977 — Bill No. 14 of 1977 | B.35-B.36 |
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Government Notice No. 142 of 1977

**Authorization of Vice-President
to Discharge Functions of the President**

To:

THE HONOURABLE QUETT KETUMILE JONNY MASIRE, M.P.,
VICE-PRESIDENT OF THE REPUBLIC OF BOTSWANA

WHEREAS it is provided in section 36 (1) of the Constitution of Botswana that whenever the President is absent from Botswana or considers it desirable so to do by reason of illness or any other cause he may, by directions in writing, authorize the Vice-President to discharge such of the functions of the office of President as he may specify and the Vice-President may discharge those functions until his authority is revoked by the President;

AND WHEREAS I intend to be absent from Botswana from 3rd March, 1977, and consider it desirable to issue directions as aforesaid;

NOW THEREFORE, in exercise of the powers vested in me as aforesaid, I authorize you, the said Quett Ketumile Jonny Masire, in your capacity as Vice-President, to discharge, with effect from the said 3rd March, 1977, all the functions of the office of President, except —

- (a) the power to dissolve Parliament in accordance with the provisions of section 91 of the Constitution;
- (b) the power to appoint persons to the office of Minister or Assistant Minister in accordance with the provisions of section 42 of the Constitution:

Provided, however, that you can appoint the present Ministers or Assistant Ministers to act in place of any Minister who is otherwise not available;

- (c) the power to remove a Minister or Assistant Minister from office in accordance with the provisions of section 43 of the Constitution,

until this, my authority, is revoked by me.

GIVEN under my hand and the Public Seal at GABORONE this 3rd day of March, 1977.



SERETSE M. KHAMA,
President.

M.D. MOKAMA,
Custodian of the Public Seal.

L2/7/98 IX

Government Notice No. 143 of 1977

**CONSTITUTION OF BOTSWANA
Acting Appointment —
Permanent Secretary, Office of the President**

IN EXERCISE of the powers conferred by section 113 of the Constitution, His Excellency the President has appointed —

MBIKANYE CHARLES TIBONE

to act as Permanent Secretary, Office of the President, with effect from 3rd March, 1977, until further notice.

DATED this 2nd day of March, 1977.

P.L. STEENKAMP,
*Permanent Secretary,
Office of the President.*

L2/7/98 IX

Government Notice No. 144 of 1977

**ELECTORAL ACT
(Cap. 02:07)
Result of Election**

IN PURSUANCE of the provisions of section 77 of the Electoral Act, the Supervisor of Elections hereby gives notice that, at the election held on 26th February, 1977, —

WASHINGTON RABASHA MESWELE (BDP)

was duly elected for the Kgatleng and Tlokweng constituency.

DATED this 2nd day of March, 1977.

P.L. STEENKAMP,
Supervisor of Elections.

L2/7/63 I

Government Notice No. 145 of 1977

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)
LOCAL COUNCILS (CONDUCT OF ELECTIONS) REGULATIONS
(Cap. 40:01 Sub. Leg.)

Results of Elections

IN PURSUANCE of the provisions of regulation 50 of the Local Councils (Conduct of Elections) Regulations, it is hereby notified that, at elections held on 26th February, 1977, the persons named in the first column of the Schedule were elected for the polling districts respectively specified in relation thereto in the second column of the said Schedule.

SCHEDULE

| <i>Person elected</i> | <i>Polling District</i> |
|-----------------------------|-------------------------|
| Israel Jacob Mooketsi (BDP) | Sikwane |
| Maswe Monale (BPP) | Tlokwa East |

DATED this 2nd day of March, 1977.

P.L. STEENKAMP,
Local Government Election Supervisor.

L2/7/68 III

PUBLIC NOTICE

DEPARTMENT OF CUSTOMS AND EXCISE

NOTICE OF DISPOSAL OF GOODS BY PUBLIC AUCTION

Notice is hereby given that the following seized goods will be disposed of under Section 91 of the Customs and Excise Duty Act by public auction at the Custom House, Gaborone at 9 a.m. on Friday 11th March, 1977 —

| | |
|--|--|
| 6 coffee tables (without legs) | 2 car tyres 700 × 14 |
| 4 fur skin hats | 1 truck tyre 600 × 14 |
| 23 silver cat skins | 21 blankets |
| 1 stuffed eagle | 34 rolls nylon netting twine |
| 3 skin rugs | 20 wigs |
| Various items broken furniture | Assorted soft drinks |
| 1 Marilyn Playboy portable radio/record player | A quantity of beer |
| 1 Tempest record player | *20 rounds .300 ammunition |
| 1 Tape recorder | About 14 cases Scotch whisky |
| 4 L.P. records | 1 vacuum flask |
| 3 single records (45) | Items of infants clothing |
| 5 cycle dynamo lighting sets | 1 pair infants shoes |
| 29 torches | 1 dried jackal skin |
| 4 car tyres 640 × 13 | And a quantity of miscellaneous uncleared cargo. |

*Purchaser will require firearms authority to acquire ammunition.

Goods to be auctioned may be viewed at the Custom House on the afternoon of Thursday, 10th March, 1977.

D.E. SANDALL,
Director of Customs and Excise.

Custom House,
GABORONE.

Bill No. 13 of 1977

INCOME TAX (AMENDMENT) BILL, 1977

(Published on 7th March, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill is to amend the Income Tax Act (Cap. 52:01) to give effect to the changes proposed in the Budget Speech.

Q.K.J. MASIRE,
Vice-President and

Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, commencement and application
2. Amendment of Third Schedule to Cap. 52:01
3. Amendment of Tenth Schedule to principal Act

A BILL

entitled

An Act to amend the Income Tax Act

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. (1) This Act may be cited as the Income Tax (Amendment) Act, 1977. Short title, commencement and application

(2) This Act shall come into operation on 1st July, 1977, and shall apply to the assessment of income for the tax year ending on 30th June, 1978, and all subsequent tax years.

2. Paragraph 5 of Part V of the Third Schedule to the Income Tax Act (hereinafter referred to as "the principal Act") is amended by substituting for the word "thirty", wherever it appears therein, the word "ten". Amendment of Third Schedule to Cap. 52:01

3. The Tenth Schedule to the principal Act is amended — Amendment of Tenth Schedule to principal Act
(a) in Part II thereof, by deleting the words "and subsequent tax years", which appear at the head of the fourth column; and
(b) by inserting at the end thereof the new Part following —

PART III

| | | <i>Rate of Tax 1977/78 and subsequent tax years</i> |
|----------------------------------|-----------------------|---|
| 1. Person (other than a company) | <i>Taxable Income</i> | |
| | first P 1 000 | 10% |
| | next P 3 000 | 15% |
| | next P 3 000 | 25% |
| | next P 3 000 | 35% |
| | next P 3 000 | 45% |
| | next P 6 000 | 55% |
| | next P 6 000 | 65% |
| | next P 15 000 | 70% |
| | exceeding P 40 000 | 75% |
| 2. Resident company | all taxable income | 35% |
| 3. Non-resident company | all taxable income | 35% |
| 4. Botswana Meat Commission | all taxable income | 35%". |

L2/4/642 I

Bill No. 14 of 1977

APPROPRIATION (1977-78) BILL, 1977

(Published on 7th March, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill, which is presented in accordance with the requirements of section 120 (2) of the Constitution and paragraph 5 (2) of the First Schedule to the Finance and Audit Act (Cap. 54:01), is to appropriate money from the Consolidated Fund and the Development Fund for the financial year ending on 31st March, 1978.

Q.K.J. MASIRE,
Vice-President and

Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Expenditure from Consolidated Fund
3. Appropriation
4. Expenditure from Development Fund
5. Appropriation

A BILL

entitled

An Act to authorize the Payment out of the Consolidated Fund and the Development Fund of sums of money for the year ending 31st March, 1978

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Appropriation (1977-78) Act, 1977 Short title
2. The Minister of Finance and Development Planning may issue a warrant for the payment from the Consolidated Fund for the year ending 31st March, 1978, of the sum of P87 305 010 (Eighty-seven million three hundred and five thousand and ten Pula). Expenditure from Consolidated Fund
3. The sum authorized by section 2 is appropriated to and shall be applied for purposes of the Heads of Expenditure set out in the first and second columns of the First Schedule, in the amounts set opposite thereto in the third column of that Schedule. Appropriation

B.36Expenditure
from Development Fund

4. The Minister of Finance and Development Planning may issue a warrant for the payment from the Development Fund for the year ending 31st March, 1978, of the sum of P65 798 610 (Sixty-five million seven hundred and ninety-eight thousand six hundred and ten Pula).

Appropriation

5. The sum authorized by section 4 is appropriated to and shall be applied for purposes of the Heads of Expenditure set out in the first and second columns of the Second Schedule, in the amounts set opposite thereto in the third column of that Schedule, to meet the total amount of expenditure necessary for development projects during the financial year ending 31st March, 1978.

FIRST SCHEDULE

(s.3)

APPROPRIATION FROM CONSOLIDATED FUND

| <i>Head No.</i> | <i>Title</i> | <i>Amount P</i> |
|-----------------|---|--------------------|
| 1 | Parliament | 218 840 |
| 2 | State President | 7 575 200 |
| 3 | Ministry of Finance and Development Planning | 3 621 360 |
| 4 | Ministry of Home Affairs | 1 900 240 |
| 5 | Ministry of Agriculture | 7 027 420 |
| 6 | Ministry of Education | 14 388 950 |
| 7 | Ministry of Commerce and Industry | 1 512 560 |
| 8 | Ministry of Local Government and Lands | 5 087 940 |
| 9 | Ministry of Works and Communications | 11 012 560 |
| 10 | Ministry of Mineral Resources and Water Affairs | 3 126 120 |
| 11 | Ministry of Health | 5 322 970 |
| 12 | Administration of Justice | 243 020 |
| 13 | Attorney-General | 3 583 840 |
| 14 | Auditor-General | 162 560 |
| 15 | Appropriation from Revenue | 23 522 430 |
| Total: | | P87 305 010 |

SECOND SCHEDULE

(s. 6)

APPROPRIATION FROM DEVELOPMENT FUND

| <i>Head No.</i> | <i>Title</i> | <i>Amount P</i> |
|-----------------|---|--------------------|
| 71 | Ministry of Agriculture | 3 611 290 |
| 72 | Ministry of Commerce and Industry | 1 410 210 |
| 73 | Ministry of Mineral Resources and Water Affairs | 4 047 470 |
| 74 | Ministry of Finance and Development Planning | 2 269 100 |
| 75 | Ministry of Education | 6 582 680 |
| 76 | Ministry of Home Affairs | 360 280 |
| 77 | Ministry of Local Government and Lands | 10 498 630 |
| 78 | Ministry of Works and Communications | 33 452 620 |
| 79 | State President | 1 447 570 |
| 80 | Ministry of Health | 2 118 740 |
| 81 | Administration of Justice | 20 |
| Total: | | P65 798 620 |

L2/4/611 I

Bill No. 15 of 1977

PENAL CODE (AMENDMENT) BILL, 1977

(Published on 7th March, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill is to amend the Penal Code —

- (a) to widen the scope of treason and treasonable offences so as to include persons threatening the security or sovereignty of Botswana;
- (b) to provide for minimum sentences of fifteen years imprisonment for such offences.

D.K. KWELAGOBÉ,

Minister of the Public Service and Information.

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title
- 2. Amendment of section 36 of Cap. 08:01
- 3. Amendment of section 37 of principal Act
- 4. Amendment of section 38 of principal Act
- 5. Amendment of section 39 of principal Act
- 6. Amendment of section 40 of principal Act
- 7. Insertion of new sections 40A and 40B

A BILL

entitled

An Act to amend the Penal Code

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Penal Code (Amendment) Short title Act, 1977.

2. Section 36 (1) of the Penal Code (hereinafter referred to as "the principal Act") is amended — Amendment of section 36 of Cap. 08:01

- (a) by substituting for the words "be liable to suffer death", which appear therein, the words " , subject to section 40B, be sentenced to death"; and
- (b) by inserting, immediately after paragraph (d) thereof, the new paragraph following —

"(e) gives assistance to any person who threatens the security or sovereignty of Botswana."

B.38

Amendment
of section 37
of principal
Act

3. Section 37 of the principal Act is amended by substituting for the words "is liable to the punishment of death", which appear therein, the words " , subject to section 40B, be sentenced to death".

Amendment
of section 38
of principal
Act

4. Section 38 of the principal Act is amended by substituting for the word "life", which appears therein, the words "not less than fifteen years nor exceeding twenty-five years".

Amendment
of section 39
of principal
Act

5. Section 39 of the principal Act is amended —

(a) by inserting, immediately after paragraph (b) thereof, the the new paragraph following —

"(c) prepares or endeavours to give assistance to any person who threatens the security or sovereignty of Botswana," ;
and

(b) by substituting for the word "life", which appears therein, the words "not less than fifteen years nor exceeding twenty-five years".

Amendment
of section 40
of principal
Act

6. Section 40 of the principal Act is amended —

(a) by inserting, immediately after the words "against any", which appear therein, the words "person or"; and

(b) by substituting for the word "life", which appears therein, the words "not less than fifteen years nor exceeding twenty-five years".

Insertion of
new sections
40A and 40B
in principal
Act

7. The principal Act is amended by inserting, immediately after section 40 thereof, the new sections following —

"Certain
persons
deemed to
threaten
security or
sovereignty
of Botswana

40A. For the purposes of sections 36 and 39 a person shall be deemed to threaten the security or sovereignty of Botswana if —

(a) without lawful authority, he is found wearing the uniform of the armed forces of any foreign country;

(b) without lawful authority, he is found in possession of any arms or ammunition prohibited under section 24 of the Arms and Ammunition Proclamation, 1959, or of any explosive or bomb;

(c) without lawful authority, he is found in company with any person specified in paragraph (a) or (b).

86 of 1959

Extenuating
circumstances
in treason
and similar
offences

40B. Where a court in convicting a person of an offence contrary to section 36 or 37 is of the opinion that there are extenuating circumstances, the court may, instead of imposing the death sentence, impose a sentence of imprisonment of not less than fifteen years nor exceeding twenty-five years."

Bill No. 16 of 1977

OFFICIAL SECRETS (AMENDMENT) BILL, 1978

(Published on 7th March, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill is to amend the Official Secrets Proclamation (Cap. 51, 1959 Rev. Ed.) to provide for increased penalties in respect of offences thereunder, and to provide for minimum sentences in respect of the more serious offences.

D.K. KWELAGOBÉ,

Minister of the Public Service and Information.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 3 of Cap. 51 (1959)
3. Amendment of section 4 of principal Act
4. Amendment of section 8 of principal Act
5. Amendment of section 17 of principal Act

A BILL

entitled

An Act to amend the Official Secrets Proclamation

Date of Assent :

Date of Commencement :

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Official Secrets (Amendment) Act, 1977. Short title

2. Section 3 (1) of the Official Secrets Proclamation, (hereinafter referred to as "the principal Act") is amended by substituting for the words "not exceeding fourteen years", which appear therein, the words "not less than five years nor exceeding fifteen years". Amendment of section 3 of Cap. 51 (1959)

3. Section 4 (5) of the principal Act is amended by substituting for the words "a term not exceeding two years, or to a fine, or to both imprisonment and fine", which appear therein, the words "to imprisonment for not less than two years nor exceeding seven years". Amendment of section 4 of principal Act

4. Section 8 of the principal Act is amended by substituting for the words "a term not exceeding one year, or to a fine, or both imprisonment and a fine", which appear therein, the words "not less than two years nor exceeding seven years". Amendment of section 8 of principal Act

B.40

Amendment
of section 17
of principal
Act

5. Section 17 of the principal Act is amended by substituting for the words "a period not exceeding two years, or to a fine not exceeding P400, or to both such imprisonment and fine", which appear therein, the words "seven years".

L2/4/719