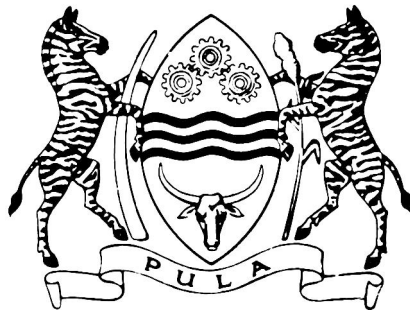


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XV, No. 54

GABORONE

19th August, 1977.

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The following Supplements are published with this issue of the Gazette —

- Supplement B — Customs and Excise Duty (Amendment) (No.2) Bill, 1977 –
Bill No. 32 of 1977 B.205-B.226
- Supplement C — Gaborone (1977/78) Rating Bye-Laws, 1977 – S.I. No. 100 of 1977 C.493

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Government Notice No. 471 of 1977

PUBLIC SERVICE ACT, 1973
(14 of 1973)

Acting Appointment – Mining Commissioner

IN EXERCISE of the powers conferred by section 6 (1) of the Public Service Act, 1973, the Permanent Secretary to the President has appointed —

Dr JAMES ARCHIBALD MCGREGOR

to act as Mining Commissioner with effect from 12th August, 1977, to 26th August, 1977, inclusive.

DATED this 11th day of August, 1977.

M.C. TIBONE,
*Acting Permanent Secretary,
Office of the President.*

L2/7/189 II

Government Notice No. 472 of 1977

CONSTITUTION OF BOTSWANA

Appointment – Registrar and Master of the High Court

IN EXERCISE of the powers conferred by section 104 of the Constitution, His Excellency the President, acting in accordance with the advice of the Judicial Service Commission, has appointed —

APPUDURAI NITHIANANDAN

to be Registrar and Master of the High Court with effect from 15th July, 1977.

DATED this 9th day of August, 1977.

M.C. TIBONE,
*Acting Permanent Secretary,
Office of the President.*

L2/7/98 X

Government Notice No. 473 of 1977

CONSTITUTION OF BOTSWANA

Appointment – Senior Magistrate

IN EXERCISE of the powers conferred by section 104 of the Constitution, His Excellency the President acting in accordance with the advice of the Judicial Service Commission, has appointed —

JOHN RAYMOND OLIVER

to be a Senior Magistrate with effect from 15th August, 1977.

DATED this 9th day of August, 1977.

M.C. TIBONE,
*Acting Permanent Secretary,
Office of the President.*

L2/7/98 X

Government Notice No. 474 of 1977

STATE LAND ACT

(Cap. 32:01)

Authorization

IN EXERCISE of the powers conferred by section 4 of the State Land Act, His Excellency the President has authorized —

the **DISTRICT COMMISSIONER, KASANE,**

to grant Certificates of Rights in respect of State Land in Kasane Township, comprising Lots 148-152, 158-162, 168-172, 178-182, 188-192, 198-203, 209-269 and 274-330 inclusive, being portions of Lot 331, the boundaries of which are more particularly delineated on Plan RO-33 lodged with the Director of Surveys and Lands, Gaborone.

DATED this 8th day of August, 1977.

M.C. TIBONE,
*Acting Permanent Secretary,
Office of the President.*

L2/7/127 I

Government Notice No. 475 of 1977

SOCIETIES ACT, 1972
(19 of 1972)

Winding up Order – Botswana Football Association

IT IS HEREBY NOTIFIED that in exercise of the powers conferred by section 21 (1) of the Societies Act, 1972, the Minister of Home Affairs has ordered that the property, movable and immovable, of the Botswana Football Association, being an illegal society, shall vest in —

J.M.E. GAETSALOE

DATED this 8th day of August, 1977.

D.L. PILANE,
Permanent Secretary,
Ministry of Home Affairs.

L2/7/201 I

Government Notice No. 476 of 1977

STOCK, BONDS AND TREASURY BILLS ACT, 1976
(6 of 1976)

TREASURY BILLS REGULATIONS, 1976
(S.I. 143 of 1976)

Treasury Bills – Issue of 12th August, 1977

The Bank of Botswana announce that applications totalling P2 424 000 were received on 11th August, 1977, for the offer of P1 000 000 Treasury Bills for issue on 12th August, 1977, at a price of 98.28%.

Applications were scaled down pro rata and applicants received an allotment of about 41.2% of the amount of bills applied for.

L2/7/237 I

Government Notice No. 477 of 1977

STOCK, BONDS AND TREASURY BILLS ACT, 1976
(6 of 1976)

TREASURY BILLS REGULATIONS, 1976
(S.I. 143 of 1976)

Applications for Government of Botswana Treasury Bills

The Minister of Finance and Development Planning hereby gives notice that applications will be received at the Bank of Botswana, Khama Crescent, Gaborone, on Thursday, 25th August, 1977, at 12 noon, for Treasury Bills to be issued under the Stock, Bonds and Treasury Bills Act, 1976, and in accordance with the Treasury Bills Regulations, 1976, to the amount of P1 000 000.

2. The price per cent at which the Bills will be offered will be published by the Bank of Botswana not later than 9 a.m. on Thursday, 25th August, 1977.

3. The Bills will be in amounts of P1 000 or a multiple of P1 000. They will be dated 26th August, 1977, and will be due 91 days after date.

4. The Bills will be issued and paid at the Bank of Botswana.

5. Each application must be for a minimum of P1 000.

6. Applications must be made through a commercial bank in Botswana.

7. Notification will be sent, on the same day as applications are received, to the persons whose applications are accepted in whole or in part.

8. Payment in full of the amount due in respect of such accepted applications must be made to the Bank of Botswana by means of cash or by draft or cheque drawn on the Bank of Botswana not later than noon on the day on which the relative Bills are to be dated.

9. Applications must be made on the official printed forms which may be obtained from the commercial banks or the Accounts and Banking Office, Bank of Botswana.

10. The Minister of Finance and Development Planning reserves the right to reject any application in whole or in part.

DATED this 10th day of August, 1977.

B. GAOLATHE,
Permanent Secretary,
Ministry of Finance and Development
Planning.

FDPC 3/8/25
L2/7/237 I

Government Notice No. 478 of 1977

COMPANIES ACT
(Cap. 42:01)

Notice of Intention to Strike Companies off the Register

IN EXERCISE of the powers conferred by section 277 (3) of the Companies Act on the Registrar of Companies, he, having reasonable cause to believe that the companies listed in the Schedule are not carrying on business and are not in operation, hereby gives notice that, unless cause is shown to the contrary, the said companies will be struck off the register and thereby dissolved at the expiration of three months from the date of publication of this notice.

SCHEDULE

<i>Company Number</i>	<i>Name of Company</i>
106	Fairs (Lobatsi) (Proprietary) Limited
151	Kolobeng Enterprises (Proprietary) Limited
780	Abacus Botswana (Proprietary) Limited
802	Global Investments Botswana (Proprietary) Limited
952	Industrial Investments (Botswana) (Proprietary) Limited
1095	Mothomolodi Estates (Proprietary) Limited
1320	Consolidated Carriers and Construction (Botswana) (Proprietary) Limited
1321	Fogia Holdings (Botswana) (Proprietary) Limited
1599	Boiteko Building Construction Company (Proprietary) Limited
1631	P & C Contractors (Proprietary) Limited
1782	Jamin Eng. (Proprietary) Limited
1905	Employment Centre (Proprietary) Limited
2040	Wynot (Proprietary) Limited
2049	Farmec (Proprietary) Limited.

DATED this 5th day of August, 1977.

L2/7/111 VI

O.R.N. KALABEN,
Acting Registrar of Companies.

Government Notice No. 479 of 1977

CONSTITUTION OF BOTSWANA

Acting Appointment – Attorney-General

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

DAVID JAMES GWILYM JONES

to act as Attorney-General with effect from 12th August, 1977, until further notice.

DATED this 12th day of August, 1977.

L2/7/98 X

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

Government Notice No. 480 of 1977

CONSTITUTION OF BOTSWANA

**Revocation of 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 revoked, with effect from 11th August, 1977, the appointment of —

MBIKANYE CHARLES TIBONE

to act as Permanent Secretary, Office of the President.

DATED this 12th day of August, 1977.

L2/7/98 X

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

Government Notice No. 481 of 1977

ROAD TRANSPORT (PERMITS) ACT
(Cap. 69:03)
ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap. 69:03 Sub. Leg.)

Applications for Road Transport Permits

NOTICE IS HEREBY GIVEN that, in accordance with regulations 4 of the Road Transport (Permits) Regulations, applications for road transport permits will be heard at public sittings as follows: —

PUBLIC CARRIERS PERMITS (D PERMITS)

<i>Name and Address of Applicant</i>	<i>Application No.</i>	<i>Area</i>	<i>Date and Location of hearing</i>
Keloegile S. Chinyoka P.O. Box 54, Gaborone	02288	Gaborone, taxi service One Fiat car	Date: 13/9/77 Venue: Conference Room, Ministry of Home Affairs Time: 9 a.m.
Abraham P. Chiliya P.O. Box 866 Gaborone	02256	Gaborone, taxi service One Valiant car	"
Andrew Munatsi P.O. Box 866 Gaborone	02304	Gaborone, taxi service One Valiant car	"
Dzidzi Majeremani P.O. Box 810 Gaborone	02150	Gaborone, local service One Hiace Kombi	"
Seabe Latiwa P.O. Box 362 Gaborone	02316	Gaborone, local service One V/W Kombi	"
Mrs F. Mokokong P.O. Box 525, Gaborone	02335	Gaborone, local service One Toyota Hiace Kombi weekend service	"
Jacrous Mpofu P.O. Box 966 Gaborone	02334	Gaborone, tax service One Valiant car	"
Robert Nato P.O. Box 1158 Gaborone	02265	Gaborone, local service One V/W Kombi	"
Abudaya Mandoro P.O. Box 866 Gaborone	02194	Lobatse, taxi service One Valiant car	"
Herry Zikhali P.O. Box 79 Gaborone	02225	Gaborone, taxi service One Valiant car	"
Lekoko Kgaoganang P.O. Box 187 Lobatse	02333	Lobatse, taxi service Two Holden cars	"
Zacharia Pitso P.O. Box 365 Lobatse	02172	Lobatse, tax service One Valiant car	"
Silas Songo P.O. Box 119 Lobatse	02282	Lobatse, taxi service One Ford Zephyr	"
Ditshabe Daniel Molefhe P.O. Box 69 Mochudi	02352	Mochudi-Gaborone route, One bus daily service	"
Robert Nato P.O. Box 1158 Gaborone	02384	Gaborone-Mochudi, V/W Kombi, daily service	"

<i>Name and Address of Applicant</i>	<i>Application No.</i>	<i>Area</i>	<i>Date and Location of hearing</i>
Johannes M. Kgetse P.O. Box 15 Mochudi	02351	Mochudi-Sikwane, One bus weekend service	"
M. Dikole and M. Rampagane P.O. Box 442 Kanye	02345	Mabule-Pitshane-Ramatlabama route, One Bedford truck	"
Lucky Diatsi Morwa Postal Agency via Gaborone	02258	Morwa-Mochudi-Gaborone, One kombi daily service	"
B. Garebamono P.O. Box 1207 Gaborone	02310	Gaborone-Mochudi, One kombi daily service	"
Robert Maposa P.O. Box 619 Gaborone	02237	Gaborone, taxi service One Valiant car	"
David Nyoni P.O. Box 966 Gaborone	02347	Gaborone, taxi service Two Valiant cars	"
Earnest Tiroyakgosi P.O. Box 258 Gaborone	02338	Gaborone, taxi service- One V/W car	"
Mary Chabanga P.O. Box 150 Gaborone	02368	Gaborone, taxi service One Valiant car	"
K. Boakgomo P.O. Box 300 Kanye	02278	Standby bus Lobatse-Gaborone route	"
S.K. Seitshiro P.O. Box 5023 Gaborone	02259	Gaborone, local service	"
PUBLIC CARRIERS PERMITS (A PERMITS)			
Contract Haulage P.O. Box 105 Lusaka	00092	To convey general cargo in international traffic between Zambia and Botswana.	"
Jonathan B. Binns P.O. Box 402 Serowe	00150	One truck for the conveyance of cargo in the Central District	"
Barnetts Furnishers P.O. Box 85 Kerk Street Zeerust	00098	One truck for the conveyance of new furniture in international traffic between R.S.A./Botswana	"
Car Care (Pty.) Ltd. P.O. Box 916 Gaborone	00164	Two tippers for the conveyance of general cargo in Gaborone/ Kweneng/Lobatse/Southern/ Kgatleng/South East Districts	"
TRANSIT PERMITS (F PERMITS)			
Interstate Hauliers (Pty.) Ltd. 30 Eloff Street Johannesburg	03338	Three articulated units for the conveyance of general cargo in transit	"

Interested persons may see the above-named applications at the Transport Secretary's Office at the Ministry of Works and Communications. Every representation or objection shall be sent to the Transport Secretary, P/Bag 0054, Gaborone, by registered mail so as to reach him not later than 21 days after this notice has appeared in the Gazette. A copy of such written representation or objection shall be sent to the applicant by registered mail at the same time as it is sent to the Transport Secretary.

O. MPHETLHE,
Transport Secretary.

PUBLIC NOTICES

Lobatse Town Council – Tender No. 5/77

Lobatse Town Council invites tenders for the delivery of School furniture for Ipeleng School.

Specification:

- 60 dual desks,
- 3 steel cabinets – 72" × 18" × 36",
- 2 teacher's wooden chairs,
- 1 table 5' × 3'.

Tenders have to be sent in a plain sealed envelope marked "Tender No. 5/77" to the Town Clerk, P.O. Box 27, Lobatse. The closing date for tenders is 1.00 p.m. on 19th September, 1977.

Council does not bind itself to accept the lowest or any tender.

BERND CZECH,
for Ag. Town Clerk.

Second Publication

Lobatse Town Council – Tender No. 6/77

Lobatse Town Council invites tenders for the fencing of New Look School.

Specification:

- + 310 m of 6' high diamond mesh wire. One double gate and
- 3 cornerposts have to be included. Standards to be maximum of 4,5 m apart.

The quotations should be separated into cost for material and cost for labour.

Tenders have to be sent in a plain sealed envelope marked "Tender No. 6/77" to the Town Clerk, P.O. Box 27, Lobatse.

The closing date for tenders is 1.00 p.m. on 19th September, 1977. Lobatse Town Council does not bind itself to accept the lowest or any tender.

BERND CZECH,
for Ag. Town Clerk.

Second Publication

Lobatse Town Council – Tender No. 7/77

Lobatse Town Council invites tenders for the supply and delivery of protective clothing for all Council employees.

The closing date for tenders is 1.00 p.m. on 19th September, 1977. Further information can be obtained from the Town Clerk, P.O. Box 27, Lobatse.

BERND CZECH,
for Ag. Town Clerk.

Second Publication

Lobatse Town Council – Tender No. 8/77

Lobatse Town Council invites tenders for the supply and delivery of a $\frac{3}{4}$ -ton pick-up with canopy to be used for clinic purposes.

The closing date for tenders is 1.00 p.m. on 19th September, 1977. Tenders have to be sent in a plain, sealed envelope marked "Tender No. 8/77" to the Town Clerk, P.O. Box 27, Lobatse. Council does not bind itself to accept the lowest or any tender.

B. CZECH,
for Ag. Town Clerk.

Second Publication

Notice of Sale by Public Auction

SIMONI MAHOMEDI

Plaintiff

and

P. NYENYE

Defendant

Take Notice that in pursuance of a Writ of Execution issued in the above action by the Subordinate Court of the First Class for the Gaborone Magisterial District the Court Bailiff will sell the following:

One Car Registration No. BD. 2756.

Sale will take place on 30th August, 1977 at 10 a.m.
Terms – Cash only or Bank Quaranteed Cheques.

DATED at Gaborone this 4th day of August, 1977.

KIRBY, HELFER & KHAMA,

Co-operative House,
The Mall,
P.O. Box 882 & 170,
GABORONE.

Second Publication

Notice of Sale by Public Auction

Government Auction sale will take place from 8.00 a.m. on Saturday 27th August, 1977 near C.T.O. – Old Drilling Department yard opposite Grave Yard. Anyone who wishes to inspect the items before the sale should see Mrs Mooketsane at Princess Marina Hospital or ring Gaborone 2332/3/4.

Second Publication

Notice of Sale by Public Auction

LETLANTSEBA THENE

Plaintiff

SEETA SEETA

Defendant.

Take Notice that in pursuance of a Writ of Execution issued in the above action, by the Subordinate Court of the First Class for the Gaborone Magisterial District the Court Bailiff will sell the following:

1 Toyota Van registration No. BD 5274.

Sale will take place on 30th August, 1977 at 11 a.m.
Terms – Cash only or Bank quaranteed cheques.

DATED at Gaborone this 4th day of August, 1977.

CO-OPERATIVE HOUSE,
THE MALL,
P.O. Box 882, & 170,
GABORONE.

KIRBY, HELFER & KHAMA,

Second Publication

Licences

Notice is hereby given that the persons specified hereunder intend to apply for certificates under the terms of section 10 of the Trading Act (No. 6 of 1966).

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
M.T. KHAMA, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.	SMALL GENERAL TRADING	TLOKWENG	SOUTH EAST DISTRICT COUNCIL	26. 9.77
M. DIKOLE, P.O. Box 4, SHAKAWE.	SMALL GENERAL TRADING	MOHEMBO	NORTH WEST DISTRICT COUNCIL	5. 9.77
S. TSHOMANE, P.O. Box 86, MOLEPOLOLE.	SMALL GENERAL TRADING	MMAKANKE	KWENENG DISTRICT COUNCIL	15. 9.77
Z.A. GALLARDO, P.O. Box 14, KASANE.	GENERAL TRADING	KAZUNGULA VILLAGE	CHOBE DISTRICT LICENSING COUNCIL	23. 9.77
E.M. RAMADITSE, P.O. Box 179, FRANCISTOWN.	RESTAURANT AND CHIBUKU DEPOT	NATA	CENTRAL DISTRICT COUNCIL	23. 9.77
M.T. DIKGANG, P.O. Box 38, MOLEPOLOLE.	RESTAURANT AND FILLING STATION	GAKUTWE (NEXT TO THE NEW MAIN ROAD)	KWENENG DISTRICT COUNCIL	15. 9.77
D.M. GAOHIWE, P.O. Box 117, KANYE.	RESTAURANT	KANYE	SOUTHERN DISTRICT COUNCIL	23. 9.77
M.G. TEMBO, P.O. Box 2, KASANE.	RESTAURANT	KAZUNGULA	CHOBE DISTRICT TRADE LICENSING COUNCIL	23. 9.77
M.J. PLAATJIE, P.O. Box Kumakwane, via GABORONE.	CAFE	KUMAKWANE VILLAGE	KWENENG DISTRICT COUNCIL	15. 9.77
MOMTHAND HAIR FASHIONS (PTY.) LTD., c/o Kirby, Helfer & Khama, P.O. Box 882, GABORONE.	SMALL GENERAL TRADING	GROUND FLOOR, BOTSALANO HOUSE	GABORONE TOWN COUNCIL	14. 9.77

Any person objecting to the grant of such certificate(s) should, within 7 days of the second publication of this/these notice(s) give notice in writing to the said Council of his intention to oppose such application and state the grounds upon which his objection is based.

Second Publication

Transfers

Notice is hereby given that the undersigned intend to apply for a certificate in terms of Section 10 of the Trading Act, 1966 (No. 6 of 1966) to obtain a transfer of licence.

A transfer of a RESTAURANT LICENCE in respect of the premises situated at EXTENSION 2, GABORONE, and that the GABORONE TOWN COUNCIL, has determined that the application shall be heard by the Licensing Authority on the 14th September, 1977.

MRS C.N. MELAMU, c/o DAMANT BOSTOCK, P.O. BOX 1368, GABORONE.

A transfer of a FRESH PRODUCE LICENCE from H.J. HERBST in respect of the premises situated at PREMIER BUTCHERY, MAHALAPYE, and that the CENTRAL DISTRICT COUNCIL, has determined that the application shall be heard by the Licensing Authority on the 23rd September, 1977.

A.M. YALALA, c/o RICHARD A. LYONS, P.O. BOX 160, GABORONE.

Any person objecting to the grant of such certificate(s) should, within 7 days of the second publication of this/these notice(s), give notice in writing to the said council of his intention to oppose such application and state the grounds upon which his objection is based.

Second Publication

Hawker's Licence

Notice is hereby given that the undersigned intend to apply for a certificate in terms of Bye-Law 8 of the Hawking (Model) Bye-Laws, 1967, to obtain a Hawkers Licence.

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date Application to be heard</i>
T. KENOSI, P.O. Box 122, ORAPA.	XHWACHAA, BAULA, DOMA, PHOROKWE, MAGOTHO, XOWA, EDIMOKAO, LEBONYANE, XOBOKOGA, SEKARADOMO, MOROLA, MATSOGO, XAMOTSAO, AND DUWACHAA	CENTRAL DISTRICT COUNCIL	23. 9.77
D. BUNGILE, P.O. Box 295, FRANCISTOWN.	NDWAZWI, MATOBO AND GOSHWE LANDS	CENTRAL DISTRICT COUNCIL	23. 9.77
A.M. MMALONE, P.O. Box 69, BOBONONG,	SEMOLALE, MASIDIEME AND METSIMASWAANA	CENTRAL DISTRICT COUNCIL	23. 9.77
K. MORAPEDI, P/Bag 11, PALAPYE.	SEGAKWANE, MAHAPSE, BIKWE, MAKORO WEST AND MASUAKOLOI	CENTRAL DISTRICT COUNCIL	23. 9.77
T. MOLOI, P/Bag 35, MORUPULE.	NTSOKOTSA, MACHANA, DOATSHAA, XQUATSHAA, SEPONE AND XHAMTSAO	CENTRAL DISTRICT COUNCIL	23. 9.77
G. MOLATENG, P.O. Box 130, SELEBI-PHIKWE.	SELEBI-PHIKWE, LETHAKANE, MOPIPI, XOMO, RAKOPS AND TOROMOJA	CENTRAL DISTRICT COUNCIL	23. 9.77
K. MONNAWAPULA, Moletemane Store, P.O. PALAPYE.	MOKGOJE, TAPALAPHALA, SEPALAMORIRI, PELOYANAGA, SEPHEPHE AND KOMPONE	CENTRAL DISTRICT COUNCIL	23. 9.77
G.M. MANOWE, Tobane Village, P.O. Box 190, SELEBI-PHIKWE.	MAHELE, MMABOLEALEA, BOLELANKU AND SAMPOWANE	CENTRAL DISTRICT COUNCIL	23. 9.77
S. SEIPHETHLENG, P.O. Box 86, SHOSHONG.	SHOSHONG VILLAGE, MAPAPENG, LESE- TLAWANE, MAHUTLAGANE, MANAPALALO, MARUTLWANE AND PALAMAOKUWE LANDS	CENTRAL DISTRICT COUNCIL	23. 9.77
T. KENOSI, P.O. Box 28, GABORONE.	GAKGATLA, SANANKGOPA, SEGAKWANENG, GAMATHEDI, GAMOROBISE AND DIKGATLHO	KWENENG DISTRICT COUNCIL	15. 9.77
D. TAU, P.O. Box 390, GABORONE.	KGAPHAMADI, MARAPO-A-THUTLWA, MMOPANE, METSIMOTLHABA AND SEGORONG	KWENENG DISTRICT COUNCIL	15. 9.77
D. SEHLAHLA, Gungwe Village, P/Bag F.4, FRANCISTOWN.	KALAKAMATI, MAKALENG, MASUNGA, MAPOKA AND MOSOJANE	NORTH EAST DISTRICT COUNCIL	6. 9.77

Any person objecting to the grant of such certificate(s) should, within 7 days of the second publication of this/these notice(s), give notice in writing to the said council of his intention to oppose such application and state the grounds upon which his objection is based.

Second Publication

Hawkers/Street Vendors Licences

Notice is hereby given that the undersigned intend to apply for Licences in terms of Bye-Laws 5 and 8 of the Gaborone Hawking and Street Vending Bye-Laws, 1977, to obtain a Hawker's Licence/Street Vendor's Licence in respect of areas within the Gaborone Township –

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date Application to be Heard</i>
T. NTSHONYANE, P.O. Box 9, OTSE.	1293 WHITE CITY	GABORONE TOWN COUNCIL	14. 9.77
G. KEHITHILE, P.O. Box 212, GABORONE.	OLD AND NEW NALEDI	GABORONE TOWN COUNCIL	14. 9.77
T. MUJOKERI, P.O. Box 852, GABORONE.	EXTENSION 14	GABORONE TOWN COUNCIL	14. 9.77
M. MPOFU, P.O. Box 385, GABORONE.	GOVERNMENT PREMISES, VILLAGE, BONTLENG, NEW STANDS, NEW CANADA, NEW AND OLD NALEDI	GABORONE TOWN COUNCIL	14. 9.77
A. TAU, P.O. Box 184, GABORONE.	NEW STANDS	GABORONE TOWN COUNCIL	14. 9.77
J. MAUTSO, P.O. Box 269, GABORONE.	OLD NALEDI	GABORONE TOWN COUNCIL	14. 9.77
P.P. KEABETSE, c/o E. Dibeela, P.O. Box 48, GABORONE.	(NEW STANDS EXT. 14) HOUSE NO. 5944	GABORONE TOWN COUNCIL	14..9.77
H. CHUMA, P.O. Box 317, GABORONE.	OLD NALEDI	GABORONE TOWN COUNCIL	14. 9.77

Any person objecting to the grant of such certificate should, within 7 days of the second publication of this notice, give notice in writing to the said Council of his intention to oppose such application and state the grounds upon which his objection is based.

Second Publication

Notice of Intention to Transfer a Trading Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act 1966, that Hendrick Johannes Herbst has disposed of his entire interest in Premier Butchery carrying on the business of a Butchery on premises situate on the Main Street in Mahalapye to Alven Mtombeni Yalala who will continue to trade at the same address and under the same style.

RICHARD A. LYONS,
Attorneys for the parties,

P.O. Box 160,
1st Floor, Tirelo House,
The Mall,
GABORONE.

Second Publication

Licences

Notice is hereby given that the persons specified hereunder intend to apply for certificates under the terms of section 10 of the Trading Act (No. 6 of 1966).

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
L. MULDER, c/o V.J.G. Matthews, <i>Applicant's Attorney</i> , P.O. Box 467, GABORONE.	SMALL GENERAL TRADING	SUNNYSIDE FARM, TULI BLOCK	CENTRAL DISTRICT COUNCIL	23. 9.77
B.K. TSHIPANA AND PARTNERS, c/o V.J.G. Matthews, <i>Applicant's Attorney</i> , P.O. Box 467, GABORONE.	GENERAL TRADING	MOOKANE VILLAGE	CENTRAL DISTRICT COUNCIL	23. 9.77
B.B. GAREBATHO, P.O. Box 79, SEROWE.	SMALL GENERAL TRADING	MMASHORO	CENTRAL DISTRICT COUNCIL	23. 9.77
G. RAPHAKA, P.O. Box 310, FRANCISTOWN.	SMALL GENERAL TRADING	NKOJABA (ORAPA ROAD)	CENTRAL DISTRICT COUNCIL	23. 9.77
G. TABENGWA, Nkange Store, P.O. NKANGE.	SMALL GENERAL TRADING	NATA	CENTRAL DISTRICT COUNCIL	23. 9.77
L. DITSHWELE, P.O. Gabane, via GABORONE.	RESTAURANT	GABANE	KWENENG DISTRICT COUNCIL	15. 9.77
J.K. TIRO, P.O. Box 176, MOLEPOLOLE.	RESTAURANT AND BUTCHERY	GAMMANGWATO WARD	KWENENG DISTRICT COUNCIL	15. 9.77
M. CHAOKA, P.O. Box 331, KANYE.	FRUIT SHOP	KANYE	SOUTHERN DISTRICT COUNCIL	23. 9.77
K. KABELO, P.O. Box 637, SEROWE.	HAIRDRESSER SALOON	SEKAO WARD	CENTRAL DISTRICT COUNCIL	23. 9.77
S.N. BOGANETSENG, c/o Mrs Forei, P.O. Box 268, GABORONE.	BAR AND BOTTLE STORE	MOPIPI VILLAGE	CENTRAL DISTRICT COUNCIL	23. 9.77
ITAL FURNITURE AND AND GENERAL CONTRACTORS, P.O. Box 336, LOBATSE.	SPECIALITY	PLOT No. 1089	LOBATSE TOWN COUNCIL	6.10.77
G. MAZHANI, P.O. Box 90, FRANCISTOWN.	SPECIALITY	494/495 LOBENGULA STREET	FRANCISTOWN TOWN COUNCIL	8. 9.77
D.R. ESSIG, for and on behalf of a company to be formed, P.O. Box 267, GABORONE.	AUCTIONEER AND GENERAL TRADING	PLOT 1250, INDUSTRIAL SITE	GABORONE TOWN COUNCIL	14. 9.77

Any person objecting to the grant of such certificate(s) should, within 14 days of the first publication of this/these notice(s), give notice in writing to the appropriate council of his intention to oppose such application and state the grounds upon which his objection is based.

First Publication

Hawker's Licences

Notice is hereby given that the undersigned intend to apply for a certificate in terms of Bye-Law 8 of the Hawking (Model) Bye-Laws, 1967, to obtain a Hawkers Licence.

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date Application to be Heard</i>
S.R. GOFAMODIMO, c/o Nata Postal Agency, P/Bag Nata, P.O. FRANCISTOWN.	MMANXOTAE, SEMOANE, XHAMOKHAE, THABATSHUKUDU, NATA AND MODALA	CENTRAL DISTRICT COUNCIL	23. 9.77
K.S. MOKIBISA, Moshopha Village, P.O. Sefhare, MAHALAPYE.	MOKOLOBOTO, MAKOBENG, MARUKURUNG, MAAPE, PHIHADU, MOKGOANE, MATHAKA, MATHAKAMME, CHEWELE, KOROMONG, GOOSEKGWENG AND MOTSWEREKGOMO	CENTRAL DISTRICT COUNCIL	23. 9.77
S. SEABOWENG, Moeng College, via PALAPYE.	BOBOWAKWENA, MAROKOLONE, LETSEBONGONG, MMAPEREKO, BOLELANTOKWE, MATHAKAMME, SESOLELA, ELEBE, PAKAME AND MABEGONE	CENTRAL DISTRICT COUNCIL	23. 9.77
G. GAELEBALE, P/Bag 003, SEROWE.	KHUBULABOPEDI, MAUMO, MOTSHEGALETAU, DIKOKOLA, RACHIBANA, MASOKO SEHUNOU AND MALEEJANE	CENTRAL DISTRICT COUNCIL	23. 9.77
K. MOMPE, P.O. Box 161, SELEBI-PHIKWE.	MAKGWAPHE, PEKANE, LEBALENG, PHOKOJWE, MAHUNWANE AND KHURUMELA	CENTRAL DISTRICT COUNCIL	23. 9.77
A.K. RAMATHAKA, P.O. Box 368, MOCHUDI.	MOCHUDI, SIKWANE, MATHUBUDUKWANE, ARTESIA, OODI, BOKAA AND MORWA	KGATLENG DISTRICT COUNCIL	23. 9.77
G. MASALA, P.O. Box 27, KANYE.	HONYE, MOSADIMOGOLO, MMAMATSEPA, NGHANE, MAHURANE, GASEKITLA AND LOJWANENG	SOUTHERN DISTRICT COUNCIL	23. 9.77
O. MAMPO, P.O. Box 382, KANYE.	DILOTANA, GASITA AND GASIKITLA	SOUTHERN DISTRICT COUNCIL	23. 9.77
M. CHOKODIKA P.O. Box 3, MOLEPOLOLE.	MOHUNG, DIKGONNYANE, MORABANE, GATLHOKO AND DITHEJWANE	KWENENG DISTRICT COUNCIL	15. 9.77
G.R. MOTSWAGOLE, P.O. Box 149, MOLEPOLOLE.	MAPAPA, SERIBOTSANE, BOJATHOLO AND RASEKOLO	KWENENG DISTRICT COUNCIL	15. 9.77

Any person objecting to the grant of such certificate(s) should, within 14 days of the first publication of this/these notice(s), give notice in writing to the appropriate council of his intention to oppose such application and state the grounds upon which his objection is based.

First Publication

Hawkers/Street Vendors Licences

Notice is hereby given that the undersigned intend to apply for Licences in terms of Bye-Laws 5 and 8 of the Gaborone Hawking and Street Vending Bye-Laws, 1977, to obtain a Hawker's Licence/Street Vendor's Licence in respect of areas within the Gaborone Township –

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date Application to be Heard</i>
E. MPOFU, P.O. Box 966 GABORONE.	GOVERNMENT, BONTLENG, EXTENSIONS 5, 9 10, 12, 14, VILLAGE, NALEDI AND NEW CANADA	GABORONE TOWN COUNCIL	14. 9.77
N. MAMPANE, P.O. Box 158, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	14. 9.77
K. MALAULE, P.O. Box 184, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	14. 9.77
B.T. BOJELO, P.O. Box 203, GABORONE.	WESTERN STREET (PRINCESS MARINA HOSPITAL)	GABORONE TOWN COUNCIL	14. 9.77
M.B. SOLA, P.O. Box 25, GABORONE.	NALEDI, DITAKANA, WHITE CITY, BONTLENG AND NEW NALEDI	GABORONE TOWN COUNCIL	14. 9.77
M.K. MAMPANE, P.O. Box 158, GABORONE.	TOWN COUNCIL'S OFFICE (NEW NALEDI)	GABORONE TOWN COUNCIL	14. 9.77
E. MASUGA, P.O. Box 48, GABORONE.	OLD NALEDI	GABORONE TOWN COUNCIL	14. 9.77
R. KOBUE, P.O. Box 172, GABORONE.	EXTENSION 14	GABORONE TOWN COUNCIL	14. 9.77
R. MOLAPISI, P.O. Box 925, GABORONE.	NALEDI, BONTLENG AND NORTH EAST	GABORONE TOWN COUNCIL	14. 9.77
M. MANGADI, P.O. Box 75, GABORONE.	NALEDI	GABORONE TOWN COUNCIL	14. 9.77
P.T. MOPIPI, c/o P.O. Box 1354, GABORONE.	EXTENSION 9 AND 11, PMU CAMP, POLICE CAMP, PRISON AND NEAR COURT	GABORONE TOWN COUNCIL	14 .9.77

Any person objecting to the grant of such certificate(s) should, within 14 days of the first publication of this/these notice(s), give notice in writing to the appropriate council of his intention to oppose such application and state the grounds upon which his objection is based.

First Publication

Transfers

Notice is hereby given that the undersigned intend to apply for a certificate in terms of Section 10 of the Trading Act, 1966 (No. 6 of 1966) to obtain a transfer of licence.

A transfer of a GENERAL TRADING LICENCE FROM MOKOLODI ESTATES (PTY.) LTD. in respect of the premises situated at MMANKGODI and that the KWENENG DISTRICT COUNCIL has determined that the application shall be heard by the Licensing Authority on the 15th September, 1977.

E. MARUPING, P.O. Box 171, GABORONE.

Any person objecting to the grant of such certificate(s) should, within 14 days of the first publication of this/these notice(s), give notice in writing to the appropriate council of his intention to oppose such application and state the grounds upon which his objection is based.

First Publication

Notice of Intention to Transfer a Trading Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act, 1977, that we, Botswana Game Industries (Pty.) Ltd., have disposed of our entire interest in The Bushman Gift Shop carrying on business as a General Trader to the Bushman Gift Shop (Pty.) Ltd. who will continue to trade at the same premises and under the same style.

FOR BOTSWANA GAME INDUSTRIES (PTY.) LTD.,

c/o Damant Bostock,
2nd Floor,
Mall House,
The Mall,
P.O. Box 1368,
GABORONE.

First Publication

Notice of Intention to Transfer Trading Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act, 1966; that Mokolodi Estates (Pty.) Ltd. has disposed of its entire interest in Mmankgodi Trading Store, Mmankgodi Village, to E. Maruping who will hereafter trade under the style of E. Maruping.

KIRBY, HELFER AND KHAMA,
Applicants for Mokolodi Estates (Pty.) Ltd.,

P.O. Box 170 and 882,
GABORONE.

First Publication

Notice of Sale by Public Auction

**IN THE SUBORDINATE COURT OF THE FIRST CLASS
FOR THE GABORONE MAGISTERIAL DISTRICT
HELD AT GABORONE**

No. G. 121/75

In the matter between:

RHODESIA RAG INDUSTRIES (PTY.) LTD.

Plaintiff

and

CAPITAL WHOLESALERS

Defendant

Take Notice that in pursuance of a writ of execution issued out of the above Court in the above matter the Court Bailiff will sell to the highest bidder

15 beds complete with mattresses.

The sale will take place on 29th August, 1977 at the Central Police Station, Gaborone.

Terms: Cash or Bank guaranteed cheques only.

DATED at Francistown this 3rd day of August, 1977.

J.Z. MOSOJANE AND PARTNERS,
Plaintiff's Attorneys.

5 Africa House,
P.O. Box 484,
FRANCISTOWN.

First Publication

Notice of Sale by Public Auction
IN THE SUBORDINATE COURT OF THE FIRST CLASS
FOR THE GABORONE MAGISTERIAL DISTRICT
HELD AT GABORONE

No. 326/75

In the matter between:

FRANCISTOWN CASH WHOLESALERS (PTY.) LTD. *Plaintiff*

and

SIMON TIMELA *Defendant*

Take Notice that in pursuance of a writ of execution issued out of the above Court in the above matter the Court Bailiff will sell to the highest bidder,

a Datsun car – registration BD 5870.

The sale will take place on 29th August, 1977 at the Central Police Station, Gaborone.

Terms: Cash or Bank guaranteed cheque only.

DATED at Francistown this 3rd day of August, 1977.

J.Z. MOSOJANE AND PARTNERS,
Plaintiff's Attorneys.

5 Africa House,
P.O. Box 484,
FRANCISTOWN.

First Publication

First and Final Liquidation and Distribution Account

INSOLVENT ESTATE ANDREW HAJIONNOU
MASTER'S REFERENCE I.E. 145/76

Notice is hereby given that the First and Final Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court at Lobatse, Botswana for a period of fourteen days as from the 19th August, 1977.

MAURICE SCHWARTZ,
Trustee.

P.O. Box 1474,
JOHANNESBURG.

Second Meeting of Creditors

ORCADES PHARMACEUTICALS (PTY.) LIMITED
(IN LIQUIDATION)

Notice is hereby given that the Second Meeting of Creditors will take place before the Master of the High Court, Lobatse, Botswana on Thursday the 8th September, 1977 at 2.30 p.m.

MAURICE SCHWARTZ,
Liquidator.

P.O. Box 1474,
JOHANNESBURG.

Francistown Town Council
APPLICATION FOR LIFEGUARD

Applications are hereby invited for the position of Lifeguard at the Francistown Municipal Swimming Pool. Salary will be in accordance with experience and qualifications. Applicants must be a minimum of 15 years of age and/or have finished Form II. Those with Lifesaving and/or First Aid Certificates will be given priority over those without them.

The ability to demonstrate effectively the basic swimming strokes to the Swimming Pool Superintendent is necessary. Applications must be received by the Francistown Town Council not later than the 1st September, 1977.

All applicants must be at the Francistown Municipal Swimming Pool on the 1st September, 1977 for a swimming examination to determine their eligibility (all applicants must bring a swimming costume to the examination).

The successful candidate will start work on the 1st October, 1977. Applications should be sent to the Town Clerk, Francistown Town Council, Private Bag 40, Francistown.

First Publication

Francistown Town Council
TOWN CLERK'S NOTICE NO. 9 OF 1977

Applications are invited for the allocation of 27 plots intended for commercial development within the site and service areas. Details of the plots are as follows: —

- (a) *Location*: Areas "W" (Itekeng), "S" and "L".
- (b) *Plot Size*: Between 126 m² to 365 m².
- (c) *Coverage Permitted*: 50% – 75%
- (d) *Parking and Loading Zone*: Provision must be made on the plots for off-street parking and loading zones as provided in the plot layout.

A diagram of the plots illustrating the above features is available for study in the office of the Council Architect/Town Planner during normal working hours.

Persons wishing to apply for allocation of the trading plots are advised to note the following points —

- (a) Applications for commercial plots will be processed by the Management Board for site and service and for traditional housing areas (including one co-opted member from the Trade and Industry Committee). Recommendations of the Board for plot allocation are subject to confirmation by the full council. Successful applicants will be advised to apply for the appropriate licence. After receiving notification that the licences have been granted, the Francistown Town Council will arrange for issue of leases to the successful applicants through the Ministry of Local Government and Lands, and the Attorney General's Chambers (Lands Division);
- (b) Priority shall be given to Botswana citizens, to residents of Francistown and to persons who do not hold either directly or indirectly any trade licences;
- (c) As a general guideline but with possible exceptions, only one plot will be allocated to an applicant;
- (d) Tenure for the commercial plots will take the form of a fixed-time lease issued by the Government of Botswana. Either monthly or yearly rentals will be charged, and shall be payable to the town council. The rent charge will be separate from any tariff charges for electricity, water, sanitation, etc. that may be levied by the council;
- (e) Plot occupants shall be required to have metered water connection, water borne toilets and refuse bins for their premises, Metered electricity connections will be provided on request;
- (f) Persons allocated commercial plots shall be required to be the licence holders and to be the actual operators of whatever business is conducted. Absentee holding of the lease and rental of the commercial premises shall not be permitted; and
- (g) It is possible that the Council will levy an annual charge in lieu of rates based on the value of improvements.

Applicants can collect forms from the office of the Self-Help Housing Agency (SHHA) and should return them fully completed to the same office not later than 14th September, 1977.

FRANCISTOWN.
First Publication

D.D. PHILLIME,
for Town Clerk.

Republic of Botswana – Tender No. TB 9/3/22/77-78**NATIONAL HEALTH INSTITUTE, GABORONE**

The Government of Republic of Botswana propose to invite tenders based upon bills of quantities for the construction and completion of the National Health Institute at Gaborone. The Project consists of various buildings of conventional construction, part single and part two storeys high, and comprising tutorial and administrative buildings, lecture theatre, library, kitchen, dining and recreational buildings, hostel blocks, and some alterations to existing buildings, and usual external services. Total plinth area of new buildings including upper floors is approximately 7150 m².

Contractors wishing to be included on the tender list must apply in writing to the Chief Architect, Buildings Department, Ministry of Works and Communications, Private Bag 0025, Gaborone, such applications to be received by 9th September, 1977.

Tenders will only be considered from Contractors registered under the Companies Act of the Laws of Botswana and with Central Tender Board at the date for submission of tenders, or from such Contractors who can provide satisfactory proof of intention to apply for such registration under Law and with Central Tender Board by the above-mentioned date provided always that if either registration application defined above is not accepted the tender will not be considered for acceptance.

This project is financed by the African Development Fund, and the choice of contractor is subject to A.D.F. approval. In particular any firm with a South African or Rhodesian director(s) may not be approved by A.D.F.

Government of Botswana is not bound to accept the lowest or any tender not to incur any expense in the preparation thereof.

K.K. SEMELAMELA,
Secretary, Central Tender Board.

Republic of Botswana – Tender No. TB 9/5/11/77-78**REGRAVELLING FRANCISTOWN-ORAPA ROAD**

Tenders are invited from Registered Civil Engineering Contractors for the Regravelling of 60 km of the Francistown-Orapa Road between km 60 and 120.

Documents will be available from the Chief Roads Engineer, Private Bag 0026, Gaborone, on or after 22nd August, 1977.

Tenders must reach the Secretary, Central Tender Board, Private Bag 0058, Gaborone, by registered post or by hand in a plain sealed envelope marked "TB 9/5/11/77-78, Regravelling Francistown-Orapa Road" not later than 9 a.m. on the 21st September, 1977. Telegraphic tenders will not be accepted.

The lowest or any Tender will not necessarily be accepted.

Any further information regarding this Tender may be obtained from the Office of the Chief Roads Engineer. Tel. Nos. 5515/6/7.

K.K. SEMELAMELA,
Secretary, Central Tender Board.

Bill No. 32 of 1977

CUSTOMS AND EXCISE DUTY (AMENDMENT) (NO. 2) BILL, 1977

(Published on 19th August, 1977)

MEMORANDUM

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

2. The principal objectives of the amendments are to —

- (a) give effect to the international convention on the valuation of goods for customs duty purposes devised by the Customs Co-operation Council, Brussels;
- (b) provide for the imposition of surcharge duties;
- (c) bring under more effective revenue control the activities of customs clearing and forwarding agents;
- (d) change the method of collection of excise duty on cigarettes by the removal of revenue stamps from packages; and
- (e) modify and improve the provisions relating to anti-dumping duties in the interest of more effective protection for industries in the common customs area.

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

Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title and commencement
- 2. Amendment of long title of Cap. 50:01
- 3. Amendment of section 2 of principal Act
- 4. Amendment of section 13 of principal Act
- 5. Amendment of section 17 of principal Act
- 6. Amendment of section 19 of principal Act
- 7. Insertion of new section 34A in principal Act
- 8. Amendment of section 41 of principal Act
- 9. Amendment of section 43 of principal Act
- 10. Amendment of section 44 of principal Act
- 11. Amendment of section 45 of principal Act
- 12. Amendment of section 48 of principal Act
- 13. Amendment of section 50 of principal Act
- 14. Amendment of section 53 of principal Act
- 15. Substitution of section 54 of principal Act
- 16. Substitution of sections 55, 56 and 57 of principal Act
- 17. Insertion of new section 64B in principal Act
- 18. Amendment of section 65 of principal Act
- 19. Substitution of section 66 of principal Act
- 20. Repeal of sections 67 and 69 of principal Act
- 21. Substitution of section 71 of principal Act
- 22. Substitution of section 74 of principal Act
- 23. Amendment of section 75 of principal Act

24. Insertion of new section 75A in principal Act
25. Amendment of section 76 of principal Act
26. Amendment of section 81 of principal Act
27. Amendment of section 85 of principal Act
28. Amendment of section 89 of principal Act
29. Amendment of section 94 of principal Act
30. Substitution of sections 99 and 100 of principal Act
31. Amendment of section 101 of principal Act
32. Amendment of section 104 of principal Act
33. Amendment of section 116 of principal Act
34. Amendment of Schedule No. 1 to principal Act
35. Amendment of Schedule No. 8 to principal Act

A BILL

entitled

An Act to amend the Customs and Excise Duty Act

Date of Assent.

Date of Commencement:

ENACTED by the Parliament of Botswana.

Short title
and com-
mencement

1. (1) This Act may be cited as the Customs and Excise Duty (Amendment) (No. 2) Act, 1977.

(2) Sections 3, 10, 12, 13 and 14 shall be deemed to have come into operation on 30th March, 1977.

(3) Sections 8, 11, 16, 17, 18, 19, 20, 21, 22, 23, 27, 32 and 34 shall come into operation on 1st January, 1978.

Amendment
of long title to
Cap. 50:01

2. The long title to the Customs and Excise Duty Act (hereinafter referred to as "the principal Act") is amended by inserting, immediately after the words "sales duties", which appear therein, the words "and a surcharge,".

Amendment
of section 2 of
principal Act

3. Section 2 of the principal Act is amended —

(a) in subsection (1) thereof —

- (i) by substituting for the words "or sales duty or", which appear therein, the words "and sales duty and surcharge or other";
- (ii) by substituting for the definition of "additional duty", which appears therein, the new definition following —
"“additional duty” means any duty leviable under Part 7 of Schedule No. 1 on goods imported into Botswana;" ;
- (iii) by substituting for the definition of "customs duty", which appears therein, the new definition following —
"“customs duty” means, subject to the provisions of subsection (3), any duty leviable under Columns IV and V of Part 1 to Schedule No. 1 and under Schedule No. 2 on goods imported into Botswana;" ;
- (iv) by substituting for the definition of "exporter", which appears therein, the new definition following —
"“exporter” includes any person who, at the time of exportation, —

- (a) owns any goods exported;
- (b) carries the risk of any goods exported;
- (c) represents that or acts as if he is the exporter or owner of any goods exported;
- (d) actually takes or attempts to take any goods from Botswana;
- (e) is beneficially interested in any way whatever in any goods exported;
- (f) acts on behalf of any person referred to in paragraph (a), (b), (c), (d) or (e), and, in relation to imported goods, includes the manufacturer, supplier or shipper of such goods or any person inside or outside Botswana representing or acting on behalf of such manufacturer, supplier or shipper;";
- (v) by substituting for the definition of "illicit goods", which appears therein, the new definition following —
 "“illicit goods”, in relation to imported or excisable goods, sales duty goods or surcharge goods, means any such goods in respect of which any contravention under this Act has been committed, and includes any preparation or other product made wholly or in part from spirits or other materials which were illicit goods;” ;
- (vi) by substituting for the definition of “officer”, which appears therein, the new definition following —
 ““officer” means a person employed on any duty relating to customs, fiscal, excise and sales duty and surcharge by order or with the concurrence of the Director, whether such order has been given or such concurrence has been expressed before or after the performance of the said duty, and whether such officer is employed on other duties or not;”;
- (vii) by inserting, immediately after the definition of “still maker”, which appears therein, the new definitions following —
 ““surcharge” means any duty leviable under Part 4 of Schedule No. 1 on any goods which have been imported into Botswana;
- “surcharge goods” means any goods specified in Part 4 of Schedule No. 1 which have been imported into Botswana;” ; and
- (b) by inserting at the end thereof the new subsection following —
 “(3) For the purpose of the Agreement concluded in 1969 between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of South Africa and the Kingdom of Swaziland, specified

in section 52 (3), "customs duty" includes any duty leviable under Part 4 of Schedule No. 1 on goods imported into Botswana."

Amendment
of section 13
of principal
Act

4. Section 13 of the principal Act is amended by substituting for subsection (2) thereof the new subsection following —

"(2) All goods imported by post other than parcel post shall be entered and declared to by the addressee and, in the case of such goods exceeding one hundred units of account in value, such entry and declaration shall be made before an officer."

Amendment
of section 17
of principal
Act

5. Section 17 (1) of the principal Act is amended by substituting for paragraph (d) thereof the new paragraph following —

"(d) a container operator may remove any container in bond to the container depot or container terminal to which it was consigned, without furnishing the security provided for in subsection (6), and the manifest in terms of section 7 (2) (c) of the goods packed in such container shall be deemed to be due entry for removal in bond of that container;"

Amendment
of section 19
of principal
Act

6. Section 19 of the principal Act is amended by inserting, immediately after subsection (4) thereof, the new subsection following —

"(4A) No person shall, without the permission of the Director, divert any goods entered for removal from or delivery to a customs and excise warehouse, except goods entered for payment of duty due thereon, to a destination other than to a destination declared on entry of such goods or deliver or cause such goods to be delivered in Botswana except in accordance with the provisions of this Act."

Insertion of
new section
34A in
principal Act

7. The principal Act is amended by inserting, immediately after section 34 thereof, the new section following —

"Special
provisions
regarding
cigarettes
and cigarette
tobacco

34A. (1) The Minister may by regulation prescribe the sizes and types of containers which may be used by a manufacturer for the packing of cigarettes and cigarette tobacco.

(2) No manufacturer may remove any cigarettes or allow any cigarettes to be removed from the customs and excise manufacturing warehouse in question unless they have been packed in the prescribed manner and a stamp impression determined by the Director has been made on their containers:

Provided that the Director may allow cigarettes so packed to be removed from such warehouse, in such circumstances as he may deem fit, without such stamp impression having been made on such containers.

(3) No cigarettes or cigarette tobacco shall be sold or disposed of or removed from the customs and excise manufacturing warehouse in question in partly or completely manufactured condition except in accordance with the provisions of this Act.

(4) No person shall —

- (a) counterfeit or make any facsimile of any die or impression stamp determined under subsection (2);
- (b) be in possession of, use or offer for sale or for use —
 - (i) any die or impression stamp counterfeited in contravention of paragraph (a); or
 - (ii) any facsimile of any die or impression stamp made in contravention of that paragraph.”.

8. Section 41 (4) of the principal Act is amended —

- (a) by substituting for paragraph (a) thereof the new paragraph following —

Amendment
of section 41
of principal
Act

“(a) All particulars necessary to make a valid entry and all particulars in respect of the normal price or of any commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate, remission or other information whatever which relates to and has a bearing on such price (including any information required to be given in any specified certificate of value) shall be declared by the exporter in any specified invoice or certificate in respect of any imported goods and such particulars shall, except where the Director otherwise determines, relate to the final amount of such normal price or commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate or remission and to the final particulars or information regarding such goods.”;

- (b) by substituting for paragraph (c) thereof the new paragraph following —

“(c) If any particulars referred to in paragraph (a) of any imported goods are not declared in the specified invoice or certificate in respect thereof or if any change in the particulars declared in any specified invoice or certificate relating to any imported goods which occurs after the date of issue of any such invoice or certificate is not forthwith reported to the proper officer by the importer of such goods or if the Director has reason to believe that an offence referred to in section 87 (f) or (g) has been committed in respect of any imported goods the Director may determine a normal price, origin, date of purchase, quantity, description or any characteristics of such goods according to the best information available to him which shall, subject to a right of appeal to the Minister, be

deemed to be the normal price, origin, date of purchase, quantity, description or the characteristics of such goods.”; and

- (c) by inserting, immediately after paragraph (c) thereof, the new paragraph following —
 “(d) The right of appeal referred to in paragraph (c) shall be exercised within a period of three months from the date of the determination concerned.”.

Amendment
of section 43
of principal
Act

9. Section 43 (3) of the principal Act is amended by substituting for all the words preceding the proviso thereto the new words following —

“(3) If after the expiration of three months from the date of removal to the State Warehouse or other place indicated by the proper officer or, where no such removal has taken place, from the date of expiry of the period prescribed in section 38 (1), any goods remain unentered, the Director may cause them to be sold, and if so sold the proceeds thereof shall be applied in discharge of any duty, expenses incurred by the department, charges due to the department, charges due for rail freight, charges due to a container operator or a depot operator, and the surplus, if any, shall, unless the Director is satisfied that such goods were imported in contravention of any law, upon application be paid to the owner of the said goods:”.

Amendment
of section 44
of principal
Act

10. Section 44 of the principal Act is amended —

- (a) in subsection (1) thereof, by substituting for the proviso thereto the new proviso following —

“Provided that, subject to the provisions of subsection (7), any such liability shall cease if it is proved to the satisfaction of the Director that such goods (excluding, save insofar as the regulations otherwise provide, goods which are missing from any individual package and in respect of which any fiscal, customs duty or sales duty or surcharge, each taken separately, does not exceed twenty-five units of account) were not landed at any place in Botswana.”;

- (b) in subsection (5) thereof, by substituting for paragraph (c) the new paragraph following —

“(c) upon delivery of the goods, if containerized, to a container operator; or”; and

- (c) by substituting for subsection (7) thereof the new subsection following —

“(7) Notwithstanding anything to the contrary in this section contained, no importer shall be granted a refund of fiscal, customs duty or sales duty or surcharge paid in respect of any goods missing from any individual

imported package, if such fiscal, customs duty or sales duty or surcharge, each taken separately, does not exceed twenty-five units of account.”.

- 11.** Section 45 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

Amendment
of section 45
of principal
Act

“(1) Notwithstanding anything to the contrary in this Act contained, all goods consigned to or imported into Botswana or stored or manufactured in a customs and excise warehouse or removed in bond shall, upon being entered for home consumption or upon payment of duty for any reason whatever, be liable to such duties (including anti-dumping duties and countervailing duties specified in Schedule No. 2 and new or increased duties referred to in section 58 (1) and duties imposed under the provisions of section 53) as may at the time of such entry or payment be leviable upon such goods.”.

- 12.** Section 48 of the principal Act is amended —

Amendment
of section 48
of principal
Act

- (a) by substituting for subsection (1) thereof the new subsection following —

“(1) Subject to the provisions of this Act, duty shall be paid for the benefit of the Fund on all imported goods, all excisable goods, all sales duty goods and all surcharge goods in accordance with the provisions of Schedule No. 1 at the time of entry for home consumption of such goods.”;

- (b) by substituting for subsection (5) thereof the new subsection following —

“(5) Notwithstanding the provisions of section 47, any export duty which may become payable in terms of section 50 (5) shall be paid into the Consolidated Fund, at the time of entry for export, on such goods as may be specified in Part 5 of Schedule No. 1 in terms of the provisions of the said section.”; and

- (c) by substituting for subsection (7) thereof the new subsection following —

“(7) Wherever the tariff heading or subheading under which any goods are classified in Part 1 of Schedule No. 1 is expressly quoted in any tariff item or sales duty item or surcharge item or item of Part 2, 3, 4, 5, 6 or 7 of the said Schedule or in any item in Schedule No. 2 in which such goods are specified, the goods so specified in the said tariff item or sales duty item or surcharge item or item of the said Part 2, 3, 4, 5, 6 or 7 or in the said item of Schedule No. 2 shall be deemed not to include goods which are not classified under the said tariff heading or subheading.”.

Amendment
of section 50
of principal
Act

13. Section 50 of the principal Act is amended —

- (a) in subsection (1) thereof, by inserting, immediately after paragraph (c), the new paragraph following —
 “(d) whenever he deems it expedient in the public interest so to do.”;
- (b) in subsection (2) thereof, by substituting for all the words preceding the proviso thereto the new words following —
 “(2) The Minister may from time to time by like notice amend Part 2, Part 3 and Part 4 of Schedule No. 1, whenever he deems it expedient in the public interest so to do.”; and
- (c) by substituting for section 5 thereof the new section following —

“(5) The Minister may, whenever he deems it expedient in the public interest so to do, by notice published in the Gazette, impose an export duty, on such basis as he may determine, in respect of any goods intended for export or any class or kind of such goods or any goods intended for export in circumstances specified in such notice and any export duty so imposed shall be set out in the form of a schedule which shall be deemed to be incorporated in Schedule No. 1 as Part 5 thereof and to constitute an amendment of Schedule No. 1.”.

Amendment
of section 53
of principal
Act

14. Section 53 of the principal Act is amended by substituting for subsection (2) thereof the new subsection following —

“(2) Any additional duty imposed in terms of subsection (1) shall be set out in the form of a schedule which shall be deemed to be incorporated in Schedule No. 1 as Part 6 thereof and to constitute an amendment of Schedule No. 1.”.

Substitution
of section 54
of principal
Act

15. The principal Act is amended by substituting for section 54 thereof the new section following —

“Special
provisions
regarding
importation
of cigarettes

54. (1) The Minister may by regulation prescribe the sizes and types of containers in which cigarettes may be imported into Botswana.

(2) No person shall import any cigarettes unless they have been packed in the prescribed manner and a stamp impression determined by the Director has been made on their containers:

Provided that the Director may allow cigarettes so to be imported, in such quantities and in such circumstances as he may deem fit, without such stamp impression having been made on such containers.

(3) No imported cigarettes shall be sold or disposed of or removed from the customs and excise warehouse concerned except in accordance with the provisions of this Act.”.

16. The principal Act is amended by substituting for sections 55, 56 and 57 thereof the new sections following —

“General provisions regarding anti-dumping and countervailing duties

Substitution of sections 55, 56 and 57 of principal Act

55. (1) Subject to the provisions of this Chapter and of the regulations, the goods specified in Schedule No. 2 shall, upon entry for home consumption, be liable, in addition to any other duty payable in terms of the provisions of this Act, to the appropriate anti-dumping or countervailing duties provided for in respect of such goods in that Schedule at the time of such entry, if they are imported from a supplier, or originate in a territory, specified in that Schedule, in respect of those goods.

(2) An anti-dumping duty as well as a countervailing duty shall not be imposed under this Part on the same imported goods on account of the same circumstances.

(3) (a) Whenever any anti-dumping or countervailing duty is imposed on any goods under the provisions of this Part, the owner of any such goods stored in a customs and excise warehouse shall produce the invoice and other documents relating to such goods to the proper officer not later than the time of entry of all or any part of such goods for removal from such warehouse.

(b) The provisions of paragraph (a) shall not apply in the case of such goods entered for export from a customs and excise warehouse.

(4) An anti-dumping or countervailing duty imposed under the provisions of this Part shall not apply to any goods entered under the provisions of any item specified in Schedule No. 3 or 4 unless such item is specified in Schedule No. 2 in respect of such goods.

(5) Notwithstanding the provisions of section 56 or 57, the Director may, subject to such conditions as he may impose in each case, exempt from payment of any anti-dumping or countervailing duty, any goods which are imported in such circumstances or in such quantities that the importation of such goods does not, in his opinion, constitute regular importation of such goods for trade purposes.

Imposition of anti-dumping duties

56. (1) The Minister may from time to time, by notice published in the Gazette, amend Schedule No. 2 whenever he is satisfied —

(a) that any goods have been or are being or are likely to be imported into Botswana in circumstances in which they shall in terms of subsection (2) be deemed to have been dumped;

(b) that the effect of such importation will be —
(i) to cause or threaten material injury to an

- established industry in Botswana or materially retard the establishment of an industry in Botswana; or
- (ii) to cause or threaten material injury to an established industry in another territory which is the territory of origin of any identical or comparable goods imported into Botswana; and
- (c) that it would be in the public interest to impose such anti-dumping duty in respect of the goods referred to in paragraph (a) as will in his opinion meet the dumping contemplated in subsection (2):

Provided that such duty shall not exceed the margin of dumping referred to in subsection (5).

- (2) Imported goods shall for the purposes of subsection (1) (a) be deemed to have been dumped if —
 - (a) their export price to Botswana is less than the price at which identical or comparable goods are being sold in the ordinary course of trade in any market in the territory of origin, if it is also the territory of export, of the said imported goods or, subject to the provisions of subsection (3), in the territory of export, if it is not the territory of origin, of the said imported goods, for consumption there;
 - (b) where it appears to the Minister that identical or comparable goods are not being so sold, or are not being sold in any such territory in such circumstances that their price there can be determined as contemplated in paragraph (a), the export price to Botswana of the said imported goods is less than either —
 - (i) the highest comparable price for identical or comparable goods when exported from any such territory to any third territory in the ordinary course of trade; or
 - (ii) the cost of production of identical or comparable goods in the territory of origin of the said imported goods, plus such amount in respect of administration, selling and other costs and profit as may appear to the Minister to be reasonable; or
 - (c) they are being or are likely to be sold or offered for sale at a place in Botswana in the ordinary course of trade in wholesale quantities for an

amount which is less than the price at which identical or comparable goods are being sold in the ordinary course of trade in any territory referred to in paragraph (a) for consumption there, plus freight, insurance and all charges to that place, including landing, transportation and delivery charges and any duty (other than an anti-dumping duty imposed under the provisions of this Part) payable under this Act:

Provided that any imported goods shall not be deemed to have been dumped by reason only of the fact that they are exempt from any duties or taxes imposed on identical or comparable goods that are being sold in the ordinary course of trade in the territory of origin or of export of the said imported goods for consumption there, or that in respect of the said imported goods any duties or taxes so imposed are refunded.

(3) If, where the territory of export of any imported goods is a territory other than the territory of origin, the identical or comparable goods mentioned in subsection (2) (a), (b) (i) or (c) are merely transported through that territory of export or are not produced or manufactured in that territory, or there is no comparable price for them in that territory, the comparison of prices contemplated in that subsection shall be made only with reference to the territory or origin concerned.

(4) The comparison of the relevant prices contemplated in subsection (2) shall be made at the same level of trade, and in respect of sales made at as nearly as possible the same time.

(5) The margin of any dumping deemed to have taken place in terms of subsection (2) shall be the difference in prices contemplated in that subsection.

(6) In this section —

“territory of export”, in relation to imported goods, means the territory from which they were exported to Botswana, whether or not it is also the territory of origin in relation to those goods;

“territory of origin”, in relation to imported goods, means the territory in which they were produced or manufactured, whether or not it is also the territory of export in relation to those goods.

(7) The provisions of section 50 (6), (7), (8) and (9) shall *mutatis mutandis* apply in respect of any amendment made under the provisions of subsection (1) of this section.

Imposition of
counter-
vailing duties

57. (1) The Minister may from time to time, by notice published in the Gazette, further amend Schedule No. 2 whenever he is satisfied —

- (a) that a bounty or subsidy has been or will be granted, within the meaning of subsection (2), in respect of goods which have been or are being imported into Botswana, in the territory in which they were produced or manufactured or from which they were exported;
- (b) that the effect of the granting of such bounty or subsidy will be —
 - (i) to cause or threaten material injury to an established industry in Botswana; or
 - (ii) to retard materially the establishment of an industry in Botswana; and
- (c) that it would be in the public interest to impose such countervailing duty as will in his opinion meet the granting of such bounty or subsidy: Provided that —
 - (i) such duty shall not exceed the amount, as determined by the Minister, of such bounty or subsidy; and
 - (ii) such duty shall not be imposed on any imported goods by reason only of the fact that they are exempt from any duties or taxes imposed on identical or comparable goods that are being sold in the ordinary course of trade in the territory in which they were produced or manufactured for consumption there, or that in respect of the said imported goods any duties or taxes so imposed are refunded.

(2) For the purposes of subsection (1) (a) a bounty or subsidy shall be deemed to be granted if granted, directly or indirectly, on the production, manufacture or exportation of goods (whether by way of grant, loan, tax relief or otherwise and whether related directly to the goods themselves, to materials of the goods or to anything else), including the granting of any special subsidy on the transport of any particular goods.

(3) The provisions of section 50 (6), (7), (8) and (9) shall *mutatis mutandis* apply in respect of any amendment made under the provisions of subsection (1) of this section.

Provisional
charges to
anti-dumping
duties

57A. (1) Whenever, before any anti-dumping duty is imposed under section 56, the Minister is satisfied that the requirements of section 56 (1) (a), (b) and (c) are satisfied in respect of any class or kind of imported

goods he may, by notice published in the Gazette, impose a provisional charge to anti-dumping duty on imported goods of that class or kind for a period not exceeding three months as from the date of publication of such notice or, if requested thereto by the importer or exporter concerned before the expiry of the said period, for a further period not exceeding three months.

(2) Such provisional charge shall be paid on goods subject thereto at the time of entry for home consumption thereof as security for anti-dumping duty which may be retrospectively imposed on such goods under section 56 by reference to that provisional charge.

(3) If any anti-dumping duty is retrospectively imposed on such goods under section 56 by reference to such provisional charge, the amount of that charge paid may be set off against the amount of the retrospective anti-dumping duty payable, and if no such duty is imposed the amount of such charge paid shall be refunded.”.

17. The principal Act is amended by inserting, immediately after section 64A thereof, the new section following —

“Clearing
agent
licences

64B. (1) No person shall, for the purposes of section 38, for reward make entry of or deliver a bill of entry relating to, any goods on behalf of any importer or exporter of goods, as the case may be, unless licensed as a clearing agent in terms of subsection (2).

(2) The Director may, subject to such conditions as he may in each case impose, license any person applying therefor and approved by him, as a clearing agent for making entry of, or delivering a bill of entry relating to, goods on behalf of an importer or exporter of goods, as the case may be.

(3) Before any such person is so licensed as a clearing agent, he shall furnish such security as the Director may require.

(4) The Director may at any time require that the form, nature or amount of such security shall be altered or renewed in such manner as he may determine.”.

Insertion of
new section
64B in
principal Act

18. Section 65 of the principal Act is amended —

(a) by substituting for subsections (1) and (2) thereof the new subsections following —

“(1) Subject to the provisions of this Act, the value for fiscal and customs duty purposes of any imported goods shall be the normal price thereof.

(2) For the purposes of this section, such abnormal costs in effecting shipment as are proved to the satis-

Amendment
of section 65
of principal
Act

faction of the Director to have been incurred as a result of an act of God, a state of war, strikes, lock-outs, riots or civil commotions shall not be deemed to form part of the normal price of goods.”; and

- (b) by substituting for subsection (4) thereof the new subsection following —

“(4) (a) If in the opinion of the Director the normal price of any imported goods cannot be calculated in terms of section 66 (1) or 68, or if no charge is made in respect of such goods, the Director may determine a price which shall, subject to a right of appeal to the Minister, be deemed to be the value for customs duty purposes of those goods.

(b) Any such appeal shall be lodged with the Minister in the manner prescribed by regulation within a period of three months after the date on which a price has been so determined.”.

Substitution
of section 66
of principal
Act

19. The principal Act is amended by substituting for section 66 thereof the new section following —

“Normal
price

66. (1) Subject to the provisions of this Act, the normal price of any imported goods shall be calculated on the basis of a sale thereof, at the time of entry for home consumption in the open market in Botswana, by any person to any other person, both such persons being independent of each other, where —

- (a) the price is the sole consideration;
- (b) the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him, and the buyer or any person associated in business with him, other than the relationship created by the sale itself;
- (c) no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated in business with him;
- (d) the sale is a sale of the quantity of the goods; and
- (e) the price includes all costs, charges and expenses incidental to the sale and to placing the goods on board a ship or on any vehicle at a port or other place, inside or outside the territory of export, from Botswana, but does not include freight and insurance from such port or other place to the port or other place of importation in Botswana.

(2) For the purposes of subsection (1) (b) or (c) or (5) (b) two persons shall be deemed to be associated in business with each other if, whether directly or indirectly, either of them has any interest in the business or property of the other or both of them have a common interest in any business or property or any third person has an interest in the business or property of both of them.

(3) The costs, charges and expenses referred to in subsection (1) (e) include —

- (a) cost of carriage;
- (b) handling and loading charges;
- (c) container transfer, depot or terminal charges;
- (d) commission;
- (e) brokerage;
- (f) any duty or tax applicable in the territory of exportation except that from which the goods have been or will be relieved by way of refund, drawback, rebate or remission;
- (g) any expenditure incurred in respect of preparing exportation documents; and
- (h) the cost of packing and packaging.

(4) When the imported goods concerned —

- (a) are manufactured in accordance with any patented invention or are goods to which any protected design has been applied;
- (b) are imported under a foreign trade mark; or
- (c) are imported for sale, other disposal or use under a foreign trade mark,

the normal price shall be determined on the basis that it includes the value of the right to use the patent, design or trade mark in respect of the goods.

(5) For the purposes of subsection (4) a trade mark shall be deemed to be a foreign trade mark if it is the mark of —

- (a) any person by whom the imported goods concerned have been grown, produced, manufactured, offered for sale or otherwise dealt with outside Botswana;
- (b) any person associated in business with any person referred to in paragraph (a); or
- (c) any person whose rights in the mark are restricted by an agreement with any person referred to in paragraph (a) or (b).”.

B.220

Repeal of
sections 67
and 69 of
principal Act

Substitution
of section 71
of principal
Act

20. The principal Act is amended by repealing sections 67 and 69 thereof.

21. The principal Act is amended by substituting for section 71 thereof the new section following —

“Value
for sales duty
purposes

71. (1) (a) The value for sales duty purposes of any —
imported goods, other than goods entered in terms of
item 709.01 of Schedule No. 7, shall be the normal price
thereof, plus fifteen per cent of such price, plus any
non-rebated fiscal and customs duty payable in terms of
Part 1 and Part 2 of Schedule No. 1 on such goods, but —
excluding the sales duty on such goods.

(b) The provisions of sections 65, 66, 68 and 72 shall
mutatis mutandis apply to the calculation or determination
of the value for sales duty purposes of any imported
goods.

(2) The value for sales duty purposes of any goods
manufactured in Botswana other than goods entered in
terms of sales duty item 144.00 of Schedule No. 1 shall be
the value for excise duty purposes of such goods,
calculated or determined in terms of section 70 as if they
were excisable goods, plus any non-rebated excise duty
on such goods not included in the price of such goods,
but excluding the sales duty on such goods.

(3) The value for sales duty purposes of any imported
goods entered in terms of item 709.01 of Schedule No. 7
and any goods manufactured in Botswana and entered
in terms of sales duty item 144.00 of Schedule No. 1
shall be —

(a) in a sale between a manufacturer as seller and an
independent wholesale dealer or an independent
bulk buyer or a buyer purchasing at a prefer-
ential price or other reseller as purchaser, the
highest price (excluding sales duty) at which the
manufacturer sells such goods at factory to an
independent retail dealer, without any deduction
except a cash discount not exceeding two-and-a-
half per cent, if any, plus the cost of packing and
packages and all other expenses incidental to
placing the goods on rail for delivery to the
purchaser;

(b) in a sale between a manufacturer and end
consumer or between a wholesale dealer or retail
dealer or other reseller as seller and an indepen-
dent retail dealer or end consumer as purchaser,
the highest price (excluding sales duty) at

which such goods are sold by any such seller to an end consumer without any deduction except thirty-three-and-a-third per cent plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser.

(4) (a) Whenever any imported goods entered in terms of item 709.01 of Schedule No. 7 or any goods manufactured in Botswana and entered in terms of sales duty item 144.00 of Schedule No. 1 are sold in such circumstances that the value thereof for sales duty purposes cannot be calculated in terms of subsection (3), the Director may determine a value which shall, subject to a right of appeal to the Minister, be deemed to be the value for sales duty purposes of such goods.

(b) Any such appeal shall be lodged with the Minister in the manner prescribed by regulation within a period of three months after the date on which a value has been so determined.”.

22. The principal Act is amended by substituting for section 74 thereof the new subsection following —

Substitution
of section 74
of principal
Act

“Rate of
exchange
for conversion
of values

74. The Minister may prescribe the rate and time at which the normal price of imported goods shall be converted into units of account.”.

23. Section 75 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

Amendment
of section 75
of principal
Act

“(1) Subject to the provisions of subsection (2), the normal price of any imported goods shall be declared by the importer on entry of such goods.”.

24. The principal Act is amended by inserting, immediately after section 75 thereof, the new section following —

Insertion of
new section
75A in
principal Act

“Discretion of
Director
regarding
determination
of the value
for duty
purposes

75A. (1) Whenever it is necessary for the purposes of this Act for the Director to determine a value for duty purposes he may, subject to the provisions of this Act, in his discretion consult the Explanatory Notes to the Brussels Definition of Value and the Convention Recommendations, Opinions, Notes and Studies, issued by the Customs Co-operation Council, Brussels, from time to time.

(2) The Director shall obtain and keep in his office two copies of such Explanatory Notes, Convention Recommendations, Opinions, Notes and Studies, and shall effect thereto any amendment thereof of which he is notified by the said Council from time to time.”.

B.222

Amendment
of section 76
of principal
Act

25. Section 76 of the principal Act is amended —

- (a) in subsection (1) thereof, by substituting for paragraph (c) the new paragraph following —
 - “(c) a drawback or a refund of the ordinary customs duty, anti-dumping duty, countervailing duty and surcharge actually paid on entry for home consumption on any imported goods described in Schedule No. 5 shall be paid to the person who paid such duties or any person indicated in the notes to the said Schedule, subject to compliance with the provisions of the item of the said Schedule in which those goods are specified;”;
- (b) by substituting for subsection (4) thereof the new subsection following —
 - “(4) Notwithstanding the provisions of section 56 or 57, a rebate of any anti-dumping duty or countervailing duty specified in Schedule No. 2 in respect of any goods entered under the provisions of any item specified in Schedule No. 3 or 4 may be granted if it is expressly stated in such item of Schedule No. 3 or 4 that the extent of the rebate includes such anti-dumping duty or countervailing duty.”; and
- (c) in subsection (5) thereof, by inserting, at the end of paragraph (b), the new proviso following —
 - “Provided that if the duty in question has after such entry under rebate been increased the extent of such rebate shall be deemed to be —
 - (i) the difference between the duty actually paid on entry for home consumption and such increased duty; or
 - (ii) such increased duty if no duty was paid on entry for home consumption.”.

Amendment
of section 81
of principal
Act

26. Section 81 (1) of the principal Act is amended —

- (a) by the deletion of paragraph (g) thereof; and
- (b) by substituting for paragraph (o) thereof the new paragraph following —

“(o) contravenes the provisions of section 17 (13), 19 (4A), 34A (4), 60 (1), 63 (1) or 76 (19);”.

Amendment
of section 85
of principal
Act

27. Section 85 (2) of the principal Act is amended by substituting for all the words preceding paragraph (a) thereof the new words following —

“(2) For the purposes of subsection (1) any invoice or other document relating to any denomination, description, class, grade or quantity of goods shall be deemed to contain a false statement if the price charged by the

exporter or any value, price, commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate, remission or other information whatever declared therein which has a bearing on value for the purposes of payment of any duty or on classification in terms of any Schedule to this Act or on anti-dumping duty or countervailing duty or on extent of rebate, refund or drawback of duty —”.

- 28.** Section 89 (2) of the principal Act is amended by substituting for paragraph (a) thereof the new paragraph following —

Amendment
of section 89
of principal
Act

“(a) If the commission of an offence which renders any imported or manufactured goods liable to forfeiture under this Act is detected after such goods have been released to the importer thereof or have been taken or delivered from any premises (whether a special customs and excise warehouse or customs and excise manufacturing warehouse, licensed under this Act or not) and if such goods cannot readily be found, the Director may, notwithstanding anything to the contrary in this Act contained, demand from the importer or the person who committed the offence in question payment of an amount equal to the value for duty purposes of such goods plus any unpaid duty thereon.”.

- 29.** Section 94 of the principal Act is amended by substituting for all the words preceding the proviso thereto the new words following —

Amendment
of section 94
of principal
Act

“94. The Director may direct that any vehicle, plant, material or goods detained or seized or forfeited under this Act be delivered to the owner thereof, subject to payment of any duty which may be payable in respect thereof and any charges which may have been incurred in connexion with the detention or seizure or forfeiture, and to such conditions (including conditions providing for the payment of an amount equal to the value for duty purposes of such vehicle, plant, material or goods, plus any unpaid duty thereon) as he deems fit, or may mitigate or remit any penalty incurred under this Act on such conditions as he deems fit:”.

- 30.** The principal Act is amended by substituting for sections 99 and 100 thereof the new sections following —

Substitution
of sections 99
and 100 of
principal Act

“Container
operator
or pilot
may appoint
agent

99. Notwithstanding anything to the contrary in this Act contained, a container operator or the pilot of an aircraft, instead of himself performing any act, including the answering of questions required by or under any provisions of this Act to be performed by him, may, at his own risk, appoint an agent to perform any such act, and any such act performed by such agent shall in all respects and for all purposes be deemed to be the act of the container operator or pilot, as the case may be:

Provided that the personal attendance of the container operator or pilot may be demanded by the proper officer.

Liability of principal for acts of agent

100. Every importer, exporter, container operator, pilot, manufacturer, licensee, remover of goods in bond or other principal shall, for the purposes of this Act, be responsible for any act done by an agent acting on his behalf, whether within or outside Botswana.”.

Amendment of section 101 of principal Act

31. Section 101 of the principal Act is amended —

(a) by substituting for subsection (1) thereof the new subsection following —

“(1) An agent appointed by any container operator or pilot, and any person who represents himself to any officer as the agent of any container operator or pilot, and is accepted as such by that officer, shall be liable for the fulfilment, in respect of the matter in question, of all obligations, including the payment of duty and charges, imposed on such container operator or pilot by this Act and to any penalties or forfeitures which may be incurred in respect of that matter.”; and

(b) in subsection (3) thereof, by substituting for all the words preceding the proviso the new words following —

“(3) Every shipping and forwarding agent and every agent acting for the pilot of an aircraft and any other class of agent which the Minister may prescribe shall, before transacting any business with the Department, and any class of carrier of goods to which this Act relates which the Minister may prescribe shall, before conveying any such goods, give such security as the Director may from time to time require for the due observance of the provisions of this Act:”.

Amendment of section 104 of principal Act

32. Section 104 of the principal Act is amended by substituting for subsection (2) thereof the new subsection following —

“(2) In any prosecution or proceedings under this Act any statement in any record, letter or any other document kept, retained, received or despatched by or on behalf of any person to the effect that any goods of a particular price, value (including any commission, discount, cost, charge, expense, royalty, freight, tax, drawback, refund, rebate, remission or other information which relates to such goods and has a bearing on such price or value), or quantity, quality, nature, strength or other characteristic have been manufactured, imported, ordered, supplied, purchased, sold, dealt with or in or held in stock by him at any time, shall be admissible in evidence against him as an admission

that he has at that time manufactured, imported, ordered, supplied, purchased, sold, dealt with or in or held in stock goods of that price, value, quantity, quality, nature, strength or other characteristic.”.

33. Section 116 of the principal Act is amended by inserting, immediately after subsection (2) thereof, the new subsection following —

Amendment
of section 116
of principal
Act

“(2A) No person shall remove —

- (a) any plant or stills, subject to a lien in terms of subsection (1) (b), from the place indicated by an officer;
- (b) anything detained under subsection (2) from the premises referred to in that subsection or from the place of security to which it may have been removed under that subsection.”.

34. Schedule No. 1 to the principal Act is amended —

Amendment
of Schedule
No. 1 to
principal Act

- (a) by renumbering Part 5 thereof as Part 4;
- (b) in Notes 2 to Part 4 thereof, as renumbered, by substituting for the words “Part 6”, which appear therein, the words “Part 7”; and
- (c) by renumbering Part 6 thereof as Part 7.

35. Schedule No. 8 to the principal Act is amended —

Amendment
of Schedule
No. 8 to
principal Act

- (a) by substituting for items 801.00, 805.00 and 810.00 the new items following —

“801.00	CUSTOMS AND EXCISE STORAGE WAREHOUSE	P100	1st January to 31st December
805.01	CUSTOMS AND EXCISE MANUFACTURING WAREHOUSE:		
805.05	Approved for the incidental manufacture of excisable goods as a by-product in the manufacture of other goods or for the reprocessing, for use by the reprocessor, of excisable goods after use thereof by him or for such other purpose as the Director regards as incidental manufacturing	P10	1st January to 31st December
805.10	Approved for other purposes	P10	1st January to 31st December
810.00	SPECIAL CUSTOMS AND EXCISE WAREHOUSE:		
810.05	Approved for the manufacture of wine by a wine-grower or	P10	1st January to 31st December

B.226

a wine-grower's co-operative
agricultural society

810.10	Approved for the manufacture of wine by a person who holds a licence under any law to deal in wine in wholesale quantities	P10	1st January to 31st December
810.20	Approved for other purposes:		
810.20.05	For storage purposes	P100	1st January to 31st December
810.20.10	For manufacturing purposes	P10	1st January to 31st December
810.20.20	For sales duty purposes	P10	1st January to 31st December;

and

(b) by inserting, immediately after item 830.15, the new item following —

"835.00	CLEARING AGENT	P100	1st January to 31st December".
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