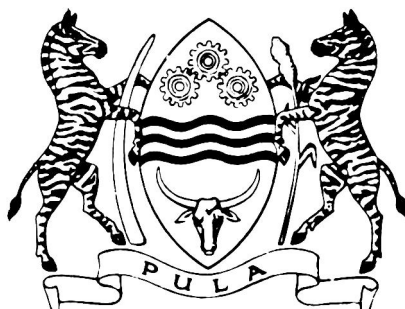




REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XV, No. 60

GABORONE

23rd September, 1977.

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Government Notice No. 537 of 1977

CONSTITUTION OF BOTSWANA

**Acting Appointment – Permanent Secretary,
Ministry of Local Government and Lands**

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

BOTSHABELO PATRICK BOIKUTO BAGWASI

to act as Permanent Secretary, Ministry of Local Government and Lands, with effect from 12th September, 1977, to 16th September, 1977, inclusive.

DATED this 12th day of September, 1977.

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

L2/7/98 X

Government Notice No. 538 of 1977

CONSTITUTION OF BOTSWANA

**Acting Appointment – Permanent Secretary,
Ministry of Mineral Resources and Water Affairs**

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

GOBE WILLIE MATENGE

to act as Permanent Secretary, Ministry of Mineral Resources and Water Affairs, with effect from 12th September, 1977, to 16th September, 1977.

DATED this 13th day of September, 1977.

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

L2/7/98 X

Government Notice No. 539 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 –

FRANCISTOWN TOWN COUNCIL

to grant Certificates of Rights in respect of State Land in Area 'S', Francistown, comprising Lots 1901 – 2144 inclusive, the boundaries of which are more particularly delineated on Plan NQ121-a lodged with the Director of Surveys and Lands, Gaborone.

DATED this 12th day of September, 1977.

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

L2/7/127 I

Government Notice No. 540 of 1977

DEEDS REGISTRY ACT
(Cap. 33:03)

NOTICE OF FORFEITURE OF LAND

NOTICE IS HEREBY GIVEN, in terms of section 45 of the Deeds Registry Act, that —

1. CERTAIN Lot No. 1131
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
2. CERTAIN Lot No. 1132
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
3. CERTAIN Lot No. 1133
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
4. CERTAIN Lot No. 1134
SITUATE in Gaborone Extension 3
MEASURING 1600 One Thousand Six Hundred) English square feet
5. CERTAIN Lot No. 1135
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
6. CERTAIN Lot No. 1136
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
7. CERTAIN Lot No. 1137
SITUATE in Gaborone Extension 3
MEASURING 1600 (One Thousand Six Hundred) English square feet
EXTENDING as Certificate of Registered State Title No. 95/63 dated 17th December, 1963, and subsequent Deed of Grant No. 61/75 in favour of Pioneer Property Development and Investment Company (Proprietary) Limited dated 28th January, 1975, will more fully point out,

are declared forfeit to the State on the ground that Pioneer Property Development and Investment Company (Proprietary) Limited the registered owner has failed to comply with condition 3 of the Deed of Grant No. 61/75 in that it failed to erect shops and offices of the value of or exceeding P140 000 within 3 years from 28th August, 1974.—

Against the said forfeiture, Government will pay to the said registered owner of the aforesaid Lots eighty per cent of the price at which the said properties were purchased from the State.

Any person objecting to such forfeiture must lodge a notice of his objection with the Attorney-General within 30 days of the last publication of this notice, setting out his reasons why Deed of Grant No. 61/75 should not be cancelled by the Registrar of Deeds.

DATED this 12th day of September, 1977.

L. MAKGEKGENENE,
Minister of Local Government and Lands.

L2/7/126 I
First Publication

Government Notice No. 541 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 16th September, 1977

The Bank of Botswana announce that applications totalling P2 332 000 were received on 15th September, 1977, for the offer of P1 000 000 Treasury Bills for issue on 16th September, 1977, at a price of 98.28%.

Applications were scaled down pro rata and applicants received an allotment of about 42.9% of the amount of bills applied for.

L2/7/237 I

Government Notice No. 542 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 Wednesday, 28th September, 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 P500 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 Wednesday, 28th September, 1977.

3. The Bills will be in amounts of P1 000 or a multiple of P1 000. They will be dated 29th September, 1977, and will be due 92 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 14th day of September, 1977.

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

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

Government Notice No. 543 of 1977

PUBLIC SERVICE EXAMINATIONS

IT IS NOTIFIED for general information that the following candidates were successful in the examinations run at the end of the Courses shown below: —

PART-TIME COURSE IN HYDROLOGY

Boikanyo Mpho
Legaenyane T.S. Mathabaphiri
Alfred Masedi
Moaparankwe Mpho
Isaac Muzila

DRILLER TRAINING INTERMEDIATE EXAMINATION

Hudson Komanyana
Busang M. Ramahosi
Kesegofetse B. Moronkwe
Charles Yane
Gibson M. Keloneilwe
Bopadile Matsapa
Seep Molefe

The results were checked and verified correct by the Public Service Commission on 12th August, 1977.

DATED this 9th day of September, 1977.

V.A. MATLHAKU,
Secretary, Public Service Commission.

L2/7/194 II

Government Notice No. 544 of 1977

EDUCATION ACT
(Cap. 58:01)

Application for Change in Establishment of School

IN ACCORDANCE with the provisions of section 17 (3) of the Education Act, it is hereby notified for general information that the Kgatleng District Council has made an application for a change in the establishment of Ramotlabaki Primary School in the following respect —

Upgrading to Standard 7.

Any person or body of persons who may wish to object to this application shall lodge in writing with me, and with the applicant at its address, a statement of his grounds of objection within six weeks of the publication of this notice.

DATED this 9th day of September, 1977.

D.W. FINLAY,
*Permanent Secretary,
Ministry of Education.*

L2/7/87

Government Notice No. 545 of 1977

EDUCATION ACT
(Cap. 58:01)

Application for Change in Establishment of School

IN ACCORDANCE with the provisions of section 17 (3) of the Education Act, it is hereby notified for general information that the Kgatleng District Council has made an application for a change in the establishment of Boiteko Primary School in the following respect –

Upgrading to Standard 7.

Any person or body of persons who may wish to object to this application shall lodge in writing with me, and with the applicant at its address, a statement of his grounds of objection within six weeks of the publication of this notice.

DATED this 9th day of September, 1977.

D.W. FINLAY,
Permanent Secretary,
Ministry of Education.

L2/7/87

Government Notice No. 546 of 1977

EDUCATION ACT
(Cap. 58:01)

Application for Change in Establishment of School

IN ACCORDANCE with the provisions of section 17 (3) of the Education Act, it is hereby notified for general information that the Kgatleng District Council has made an application for a change in the establishment of Khurutshe Primary School in the following respect –

Addition of Standard 3.

Any person or body of persons who may wish to object to this application shall lodge in writing with me, and with the applicant at its address, a statement of his grounds of objection within six weeks of the publication of this notice.

DATED this 9th day of September, 1977.

D.W. FINLAY,
Permanent Secretary,
Ministry of Education.

L2/7/87

Government Notice No. 547 of 1977

EDUCATION ACT
(Cap. 58:01)

Application for Change in Establishment of School

IN ACCORDANCE with the provisions of section 17 (3) of the Education Act, it is hereby notified for general information that the Kgatleng District Council has made an application for a change in the establishment of Kgomodiatshaba Primary School in the following respect –

Addition of Standard 3.

Any person or body of persons who may wish to object to this application shall lodge in writing with me, and with the applicant at its address, a statement of his grounds of objection within six weeks of the publication of this notice.

DATED this 9th day of September, 1977.

D.W. FINLAY,
Permanent Secretary,
Ministry of Education.

L2/7/87

Government Notice No. 548 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Application for Authorization of Change of Name

IN ACCORDANCE with the provision of section 5 (2) of the Change of Name Law, 1963, the Minister of Home Affairs has directed that notification be published of an application by the undermentioned person for the Minister's authority to assume a surname other than that which he has borne. Any person who objects to the said application shall notify the Minister of such objection and the grounds thereof within thirty days of the publication of this notice.

<i>Name and address of applicant</i>	<i>Proposed Surname</i>	<i>Reasons given by applicant for desiring to assume proposed surname</i>
Rueben Maseko Mining Study Section P.O. Box 3, Selebi-Phikwe.	Batshabeng	Batshabeng is the correct surname.

DATED this 9th day of September, 1977.

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

L2/7/105 III

Government Notice No. 549 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Notice of Authorization of Change of Name

IN ACCORDANCE with section 3 (1) of the Change of Name Law, 1963, the Minister of Home Affairs has authorized the undermentioned person to assume and describe himself by the surname listed opposite his name.

<i>Name and Address</i>	<i>Surname</i>
Rabantaka P.O. Box 103 Lobatse	Reetsang.

DATED this 12th day of September, 1977.

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

L2/7/105 III

Government Notice No. 550 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Notice of Authorization of Change of Name

In accordance with section 3 (1) of the Change of Name Law, 1963, the Minister of Home Affairs has authorized the undermentioned person to assume and describe himself by the surname listed opposite his name.

<i>Name and Address</i>	<i>Surname</i>
Olebile Duncan P.W.D. Buildings P.O. Box 514 GABORONE	Molefe.

DATED this 12th day of September, 1977.

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

L2/7/105 III

Government Notice No. 551 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Notice of Authorization of Change of Name

In accordance with section 3 (1) of the Change of Name Law, 1963, the Minister of Home Affairs has authorized the undermentioned person to assume and describe herself by the surname listed opposite her name.

<i>Name and Address</i>	<i>Surname</i>
Mary Nnini	Molefe
Agricultural Research Station	
Private Bag 0033	
GABORONE	

DATED this 12th day of September, 1977.

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

L2/7/105 III

Government Notice No. 552 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Notice of Authorization of Change of Name

In accordance with section 3 (1) of the Change of Name Law, 1963, the Minister of Home Affairs has authorized the undermentioned person to assume and describe herself by the surname listed opposite her name.

<i>Name and Address</i>	<i>Surname</i>
Mmapula	Molefe
P.O. Box 588	
GABORONE	

DATED this 12th day of September, 1977.

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

L2/7/105 III

Government Notice No. 553 of 1977

CHANGE OF NAME LAW, 1963
(28 of 1963)

Notice of Authorization of Change of Name

In accordance with section 3 (1) of the Change of Name Law, 1963, the Minister of Home Affairs has authorized the undermentioned person to assume and describe himself by the surname listed opposite his name.

<i>Name and Address</i>	<i>Surname</i>
Isaac	Ndoda
P.O. Box 62	
FRANCISTOWN	

DATED this 12th day of September, 1977.

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

L2/7/105 III

Government Notice No. 554 of 1977

Corrigendum

In Government Notice No. 535 of 1977, under the heading "KWENENG WEST NO. 25", in the second column, directly below the words "Dutlwe School", insert the words "Takatokwane School", and, in the third column, directly below the word "Dutlwe", insert the word "Takatokwane".

L2/7/63 I

Government Notice No. 555 of 1977

DEEDS REGISTRY ACT (Cap. 33:03)

Notice of Forfeiture of Land

Notice is hereby given, in terms of section 45 of the Deeds Registry Act, that

CERTAIN	Lot 3074
SITUATE	in Gaborone Extension 11
MEASURING	40683 (Forty Thousand Six Hundred and Eighty-Three) English Square Feet;
AS WILL MORE FULLY APPEAR	from General Plan No. D.S.L. 8/70 prepared by Surveyor G.L. Forrester in April-August 1968 and approved by the Director of Surveys and Lands on 26th August, 1970,
EXTENDING	as Certificate of Registered State Title No. 135/70 dated 28th August, 1970, and subsequent Deed of State Grant No. 473/74 in favour of Pipe Engineering Contractors (Proprietary) Limited dated 18th December, 1974, will more fully point out;

is declared forfeit to the State on the ground that the said Pipe Engineering Contractors (Proprietary) Limited, the registered owner, has failed to comply with condition 3 of Deed of State Grant No. 473/74 in that it failed to erect a residence of the value of or exceeding P10 000 within two years from 26th February, 1974.

Against the said forfeiture, Government will pay to the said registered owner of Lot 3074 eighty per cent of the price at which the said property was purchased from the State.

Any person objecting to such forfeiture must lodge a notice of his objection with the Attorney-General within 30 days of the last publication of this notice, setting out his reasons why Deed of State Grant No. 473/74 should not be cancelled by the Registrar of Deeds.

DATED this 1st day of September, 1977.

L. MAKGEKGENENE,
Minister of Local Government and Lands.

L12/GAB/3074

L2/7/126 I

First Publication

PUBLIC NOTICES

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>
E. MOKGAOTSANE, P.O. Box 48, GABORONE	FILLING STATION	RAMOTSWA (SEUWANE)	SOUTH EAST DISTRICT COUNCIL	28.10.77
MERAB ALLY, c/o Kirby, Helfer and KHAMA, P.O. Box 882, GABORONE.	SPECIALITY (TO SELL ELECTRICAL APPLIANCES, GAS, HARDWARE AND ANCILLIARY PRODUCTS)	LOT 5395 EXTENSION 15	GABORONE TOWN COUNCIL	12.10.77
L.K. THITO, P.O. Box 8, OTSE.	RESTAURANT	OTSE	SOUTH EAST DISTRICT COUNCIL	28.10.77
R.R. MOIRWAGALE, c/o Kirby, Helfer and KHAMA, P.O. Box 882, GABORONE.	RESTAURANT AND TAKE-AWAY	LOT 5178, EXTENSION 14	GABORONE TOWN COUNCIL	12.10.77
N.M. MONTSHIOA, P.O. Box 1237, GABORONE.	FRESH PRODUCE	LOT 5184 EXTENSION 14	GABORONE TOWN COUNCIL	12.10.77
S.I. MASWABI, P.O. Box 12, RAMOTSWA.	FRESH PRODUCE	SIGA	SOUTH EAST DISTRICT COUNCIL	28.10.77
S.I. MASWABI, P.O. Box 12, RAMOTSWA.	SMALL GENERAL TRADING	SIGA	SOUTH EAST DISTRICT COUNCIL	28.10.77
W. BABISH, Kalkfontein Village, Private Bag 6, GHANZI.	GENERAL TRADING	KALKFONTEIN	GHANZI DISTRICT COUNCIL	25.10.77
N.J. MORRIS, P.O. Box 206, PALAPYE.	FRUIT SHOP	PALAPYE BUSINESS CENTRE	CENTRAL DISTRICT COUNCIL	28.10.77
D.L. NARE, P.O. Box 200, PALAPYE.	SMALL GENERAL TRADING		CENTRAL DISTRICT COUNCIL	28.10.77
S.M. PODIEPHATSHWA, P.O. Box 58, FRANCISTOWN.	SPECIALITY	PLOT No. 687	FRANCISTOWN TOWN COUNCIL	13.10.77
M. PHIRI, P.O. Box 532, SEROWE.	GENERAL TRADING	MASHORO	CENTRAL DISTRICT COUNCIL	28.10.77
P. MOTSWENYANE, P.O. Box 25, SELEBI-PHIKWE.	DRUG STORE	THE MALL, SELEBI-PHIKWE	SELEBI-PHIKWE TOWN COUNCIL	26.10.77

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

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 of hearing</i>
Z. MOTHOKI, P.O. Box 20, RAMOTSWA.	MOGOBANE, OTSE AND RAMOTSWA VILLAGE	SOUTH EAST DISTRICT COUNCIL	28.10.77
O. NGWENYA, P.O. Box 111, SELEBI-PHIKWE.	GHANZI COMMONAGE, D'KAR, KALKFONTEIN, KARAKOBISI, KANAGAS, CHARLES HILL, MAKUNDA, KULE AND NOJANE	GHANZI DISTRICT COUNCIL	25.10.77
G. THABALAKE, P.O. Box 138, MOLEPOLOLE.	MMAMAROBOLLE, PHIRING, BORITE, MALOPANE AND RAMOTIMANE	KWENENG DISTRICT COUNCIL	20.10.77
K.T. SEBOGISO, c/o Mr Koboyangaka, Private Bag 5, MOLEPOLOLE.	KOLOBENG AND METSIMOTLHABE	KWENENG DISTRICT COUNCIL	20.10.77
G. PELEKEKAE, c/o P/Bag 12, LOBATSE.	PHALA, SEFERELELA, LOBUTSE, LEFOKO, DIKOKWANA, KUWE AND MOKHOMMA	SOUTHERN DISTRICT COUNCIL	28.10.77
S.M. RAMONKO, P.O. Box 103, LOBATSE.	DIGAWANA, GATWANE, LORWANA, MOGOJOGOJWE, TLAAGAMA AND LOBATSE	SOUTHERN DISTRICT COUNCIL	28.10.77
P.J. BAHUMA, P.O. Box 371, LOBATSE.	MOSI AND TSWAANENG	SOUTHERN DISTRICT COUNCIL	28.10.77
S.M. RADITAU, P.O. Box 3, SELEBI-PHIKWE.	MAHALAPYE LANDS AND CATTLE POST, TOBELA, LEPHEPE, KONO, A, THAKADIWA, KALAMARE LANDS, MMITE, MODIANE, MHATE, BONWANOTSHI AND MMUTLANE LANDS	CENTRAL DISTRICT COUNCIL	28.10.77
O. MOGWAI, P.O. Box 35, TUTUME.	MASHUCHI, MAKGUBULA, MPESOKO, KWADIBA, MATISHA, LINUNIYANE AND TURIBE	CENTRAL DISTRICT COUNCIL	28.10.77
A.L. MANWEDI, P.O. Box 3, SELEBI-PHIKWE.	MOSETSE, DUKWI, MATSITAMA, NATA, TSHWAANE, SEMOWANE, KAMANGAU, SEMATLAPHIRI, LESOTHO AND CHOKA VILLAGES	CENTRAL DISTRICT COUNCIL	28.10.77
A. KGOSIYANG, Maunatlala Village, P.O. PALAPYE.	TLHAKADIWA LANDS, DIKGATHONG CATTLE POST, LOTSANE AND LETSIBOGO RANCH	CENTRAL DISTRICT COUNCIL	28.10.77
G. KEORENG, Gweta Village, P/Bag, via FRANCISTOWN.	KAEDOB, MAOTOMABE, MORULA, XAMODABA, CHOKATSHA, XAA AND BOITUMELO	CENTRAL DISTRICT COUNCIL	28.10.77
T.M. MOLOKO, P.O. Box 210, SELEBI-PHIKWE.	BOBONONG, MOLALATAU, SEMOLALE, MATHATANE AND GOBAJANGWE	CENTRAL DISTRICT COUNCIL	28.10.77
J. DIKGANG, Tsetsebye Village, P.O. Box 2, PALAPYE.	TSETSEBYE, SEMEMEDI, MATLHAKOLENG, MMAIKOWANE, LEPHALE, MOLETEMANE, MOLEJANE AND SELEPYE	CENTRAL DISTRICT COUNCIL	28.10.77

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>Council</i>	<i>Date of hearing</i>
P.Z. MUGADZAWETA, P.O. Box 852, GABORONE.	GABORONE, VILLAGE AND AND BONTLENG	GABORONE TOWN COUNCIL	12.10.77
J. SEKAI, P.O. Box 103, LOBATSE.	VILLAGE, BONTLENG, WHITE CITY, BROADHURST, EXTENSIONS 10 AND 14, NEW AND OLD NALEDI	GABORONE TOWN COUNCIL	12.10.77
R. MOKGWARIBE, P.O. Box 135, GABORONE.	OLD NALEDI	GABORONE TOWN COUNCIL	12.10.77
N. MONAMETSI, P.O. Box 1044, GABORONE.	NEW AND OLD NALEDI, WHITE CITY, BONTLENG, NEW CANADA, VILLAGE, EXT. 2 AND 14	GABORONE TOWN COUNCIL	12.10.77
P. MOLELU, P.O. Box 942, GABORONE.	BROADHURST, BONTLENG, NEW AND OLD NALEDI, EXTENSIONS 13, 14 (NEW PLOTS), 15 AND 19	GABORONE TOWN COUNCIL	12.10.77
M. MEZI, P.O. Box 75, GABORONE.	EXT. 14	GABORONE TOWN COUNCIL	12.10.77
B. NKATSO, Ramona Bakery and Cafe, GABORONE.	OLD NALEDI	GABORONE TOWN COUNCIL	12.10.77
B. MANUEL, c/o Beef Botswana, P.O. Box 2, GABORONE.	BROADHURST, STATION, INDUSTRIAL SITES, OLD AND NEW NALEDI, VILLAGE, AIRPORT, EXTENSIONS 2, 4, 9 AND 11	GABORONE TOWN COUNCIL	12.10.77
N. OOKEDITSE, P.O. Box 48, GABORONE.	WHITE CITY, BONTLENG, NEW AND OLD NALEDI	GABORONE TOWN COUNCIL	12.10.77
T. TLOU, Old Naledi, GABORONE.	OLD NALEDI BUS STOP	GABORONE TOWN COUNCIL	12.10.77

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

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 EXISTING TRADING LICENCE FROM STAND No.'s 271/272, HASKINS STREET to the premises situated at STAND No.'s 1538/1539 and that the FRANCISTOWN TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 13th October, 1977.

G. DE FELLIPO, P.O. Box 202, FRANCISTOWN.

A transfer of a GENERAL TRADING LICENCE in respect of premises situated at PLOT 479 HASKINS STREET and that the FRANCISTOWN TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 10th November, 1977.

Z. & M.K. DESAI, c/o J.Z. Mosojane and Partners, *Applicants' Attorneys*, P.O. Box 484, FRANCISTOWN.
A transfer of a RESTAURANT LICENCE INTO SMALL GENERAL TRADING LICENCE in respect of the premises situated at TLHABALA and that the CENTRAL DISTRICT COUNCIL has determined that the application shall be heard by the Licensing Authority on the 28th October, 1977.

P.B. RADISEBO, Tlhabala Restaurant, Private Bag 3, SEROWE.

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

Notice of Intention to Transfer a Trading Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act, 1966 that Levitt Bros. (Pty.) Ltd. have disposed of their entire interest in Levitt Bros. Store carrying on the business of General Trading at Plot 479 Haskins Street, Francistown, to Z. Desai (Mrs) and M.K. Desai of Francistown who will continue to trade at the same address and under the name and style of Fashion World.

J.Z. MOSOJANE AND PARTNERS, *Attorneys for the Parties*, 5 Africa House, P.O. Box 484, FRANCISTOWN.

Second Publication

The Alternative of Court Action is the Likelihood to be used to recover rates by Lobatse Town Council

After many approaches and reminders to the Lobatse Ratepayers regarding payment of rates, Lobatse Town Council, as at the meeting of 27th July, 1977, has made a resolution in terms of sections 78 and 79 of the Town Council Regulations that all defaulters who will not have paid their rates as at the 1st November, 1977, should be taken to Court.

Notice is hereby given that all ratepayers who are not up to date with their payments should have them paid on or before the 31st October, 1977. Failure to do so will lead to Council taking them to Court without any further approach or warning. Already those owing over P1 000 have had their names registered in the High Court for action."

L.L. MABUA,
Town Clerk.

Second Publication

Kgatlang District Council – Tender No. 8 of 1977

Tenders are invited by this council for the construction of:

- Three Classroom Block, Plan No. XX/E/1192/B at Makgophana in Mochudi.
- Three Pit Latrines, Plan No. XX/P/2065 at Makgophana in Mochudi
- Four Classroom Block, Plan No. XX/E/1192/B at Boseja in Mochudi.
- Three Pit Latrines, Plan No. XX/P/2065 at Boseja in Mochudi.
- One Administration Block, Plan No. XX/E/1224 at Boseja in Mochudi.
- One Primary School Storeroom Kitchen, Plan No. XX/E/1161 Type C at Boseja in Mochudi.

Tenderers must submit detailed estimates for the labour charges to construct above buildings. The supply of materials (including gravel, water and transport) should also be tendered for.

Tenderers must specify their potential starting date and the length of time needed to complete the above projects.

Information, plans and specifications can be obtained from the Kgatlang Works Office in Mochudi.

Tenders should be sent to the Secretary, P.O. Box 378, Mochudi in sealed envelopes clearly marked "Tender No. 8 of 1977" and must be delivered to the Secretary not later than 4.30 p.m. on the 14th October, 1977.

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

B.S. PHETO,
for Council Secretary.

Second Publication

Kgatlang District Council – Tender No. 9 of 1977

Tenders are invited by this Council for the construction of:

- One Clinic C1A, Plan No. XX/L6/1612/4A in Mochudi.
- One Health Post Hpl, Plan No. XX/L6/1612/2 with a pit latrine, Plan No. XX/P/2064 at Rasesa Village.
- One Health Post Hpl, Plan No. XX/1612/2 with a pit latrine, Plan No. XX/P/2064 at Morwa Village.

Tenderers must submit detailed estimates for the labour charges to construct above buildings. The supply of materials (including gravel, water and transport) should also be tendered for.

Tenderers must specify their potential starting date and the length of time needed to complete the above projects.

Information, plans and specifications can be obtained from the Kgatlang Works Office in Mochudi.

Tenders should be sent to the Secretary, P.O. Box 378, Mochudi in sealed envelopes clearly marked "Tender No. 9 of 1977", and must be delivered to the Secretary not later than 4.30 p.m. on the 14th October, 1977.

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

B.S. PHETO,
for Council Secretary.

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>
P.C. AVNIT, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.	RESTAURANT – TAKEAWAY		GABORONE TOWN COUNCIL	9.11.77
A.K. MOAGI, P.O. Box 94, RAMOTSWA.	FRESH PRODUCE	RAMOTSWA	SOUTH EAST DISTRICT COUNCIL	28.10.77
R. MASWABI, P.O. Box 1, RAMOTSWA.	SMALL GENERAL TRADING AND FRESH PRODUCE	RAMOTSWA	SOUTH EAST DISTRICT COUNCIL	28.10.77
B. SCHIE, <i>for Freshaire (Botswana)</i> <i>(Pty.) Ltd.,</i> P/Bag 46, GABORONE.	GENERAL TRADING	TSWANA HOUSE, THE MALL	GABORONE TOWN COUNCIL	12.10.77
UNITED AUTOMOBILES (PTY.) LTD., P.O. Box 821, GABORONE.	GENERAL TRADING AND PETROL FILLING STATION	LOT 1284 INDUSTRIAL SITES	GABORONE TOWN COUNCIL	12.10.77
O.M. MHALADI, Seolwane Primary School, P.O. Box 5, MOENG COLLEGE.	SMALL GENERAL TRADING	SEOLWANE VILLAGE	CENTRAL DISTRICT COUNCIL	28.10.77
D.K. BAKGOMOGI, Private Bag 8, MMASHORO.	SMALL GENERAL TRADING	MMASHORO	CENTRAL DISTRICT COUNCIL	28.10.77

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 said 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>Council</i>	<i>Date of hearing</i>
A. MALIKONGWA, P/Bag 003, GABORONE.	EXTENSION 14 (EAST OF MOKGWA ROAD)	GABORONE TOWN COUNCIL	12.10.77
D. KGETSE, P.O. Box 388, GABORONE.	BONTLENG SCHOOL	GABORONE TOWN COUNCIL	12.10.77

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 said council of his intention to oppose such application and state the grounds upon which his objection is based.

First 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 of hearing</i>
O.P. VAE, Teles Pikwe, P.O. Box 27, SELEBI-PHIKWE.	MOTLOUTSE, NGOLOGOLO, MOLALATAU CATTLE POST AND SHASHE CATTLE POST	CENTRAL DISTRICT COUNCIL	28.10.77
J. TSIANE, Lerala Store, P.O. PALAPYE.	LERALA, SELEKA, RATHOLO, . MAJWANENG, RAMOKGONAMI, SEOLWANE, MOSWEU AND MAUNATLALA	CENTRAL DISTRICT COUNCIL	28.10.77
M. SEKUNI AND S. KANENG, P.O. Box 115, MAUN.	MOTOPI, MOREOMAOTO AND NXEE	CENTRAL DISTRICT COUNCIL	28.10.77
B. SEEPA, P.O. Box 196, FRANCISTOWN.	THALOGANG, DIKHATONG-TSA- JANKI, MPANI, LIBAKWE, BOITUTSWE, MAIPAAFELA AND LEKUSE	CENTRAL DISTRICT COUNCIL	28.10.77
I. POLOKO, P.O. Box 48, SELEBI-PHIKWE.	MMAMANAKA, NTSHAKATENG, KWENENG, MATSAGANENG AND MOSONG.	CENTRAL DISTRICT COUNCIL	28.10.77
K.B. OLEBOGENG, Lecheng School, P/Bag 44, PALAPYE.	MHALAPITSA AND MOKOBENG	CENTRAL DISTRICT COUNCIL	28.10.77
J. SETHONG, Loss Control Security, P.O. Box 3, SELEBI-PHIKWE.	MMAKGABO, DUJA, MOKOKWANA, MOSWEU, MOENG LANDS, MOTEMANE, TAMASANE AND MALETE	CENTRAL DISTRICT COUNCIL	28.10.77
L.M. MALEMA, P.O. Box 95, BOBONONG.	MANENYENA, MMADIKGAKA, MASHILA, MMAIKOWANE, METSIMASWAANA AND MMADIKOLOLO	CENTRAL DISTRICT COUNCIL	28.10.77

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 TRADITIONAL BEER LICENCE in respect of the premises situated at C.31 PELENG VILLAGE FROM K. 11 PELENG VILLAGE and that the LOBATSE TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 3rd November, 1977.

S.T. MAKATSANE, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.

A transfer of a SMALL GENERAL TRADING LICENCE FROM J. SEBEKEDI TO E. NYANGULU in respect of the premises situated at LOBATSE and that the LOBATSE TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 3rd November, 1977.

E. NYANGULU, P.O. Box 676, GABORONE.

A transfer of a SMALL GENERAL TRADING LICENCE in respect of the premises situated at C.31 PELENG VILLAGE FROM K. 11 PELENG VILLAGE and that the LOBATSE TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 3rd November, 1977.

S.T. MAKATSANE, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.

A transfer of a FRESH PRODUCE LICENCE in respect of the premises situated at C.31 PELENG VILLAGE FROM K. 11 PELENG VILLAGE and that the LOBATSE TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 3rd November, 1977.

S.T. MAKATSANE, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.

A transfer of a RESTAURANT LICENCE in respect of the premises situated at C. 31 PELENG VILLAGE FROM K. 11 PELENG VILLAGE and that the LOBATSE TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 3rd November, 1977.

S.T. MAKATSANE, c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.

A transfer of a SMALL GENERAL TRADING LICENCE in respect of the premises situated at TSAMAYA and that the NORTH EAST DISTRICT COUNCIL has determined that the application shall be heard by the Licensing Authority on the 28th October, 1977.

F. DINTWENG, P/Bag, TSAMAYA.

A transfer of a SPECIALITY LICENCE in respect of the premises situated at STAND No. 270/272 TO AFRICAN HOUSE and that the FRANCISTOWN TOWN COUNCIL has determined that the application shall be heard by the Licensing Authority on the 13th October, 1977.

W.Z. CHATSAMA, for Modern Watch Repairs, P.O. Box 844, FRANCISTOWN.

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, 1966, that I, Fire D. Kwena, have disposed of my entire interest in Fire Trading Store carrying on the business of Small General Trading Licence at the premises situated at Tsamaya to J. Sefako who will continue to trade at the same address and under the same style.

F.D. KWENA, P/Bag, TSAMAYA.

First Publication

Disposal of Business

Notice is hereby given in terms of section 25 (1) of the Trading Act, 1966, that I, J. Sebekedi, have disposed of my entire interest in Afro Photo Studio carrying on the business of Speciality Licence at the premises situated in Lobatse to E. Nyangulu who will continue to trade at the same address.

J. SEBEKEDI,

Afro Photo Studio,
LOBATSE.

First Publication

First and Final Liquidation and Distribution Account

In the Estate of the late JOHN SASU who died in Gaborone, Botswana, on the 20th July, 1975.

Estate No. E. 1200

Notice is hereby given that copies of the First and Final Liquidation and Distribution Account in the above Estate will lie for inspection of all persons interested at the office of the Master of the High Court at Lobatse, for a period of 21 (twenty-one) days reckoned from the date of publication hereof.

Should no objection thereto be lodged with the Master during the specified period the Executor will proceed to make payment in accordance therewith.

MAGANG & CO.,
Attorneys, for the Executor.

Tswana House,
The Mall,
P.O. Box 132,
GABORONE.

First and Final Liquidation and Distribution Account

In the Estate of the late MICHAEL JOHN CLEMENCE who died at Maun, Botswana, on the 10th October, 1974.

Estate No. 1232/77

Notice is hereby given that copies of the First and Final Liquidation and Distribution Account in the above Estate will lie for inspection of all persons interested at the offices of the Master of the High Court at Lobatse, and the District Commissioner at Maun, for a period of 21 (twenty-one) days reckoned from the date of publication hereof.

Should no objection thereto be lodged with the Master during the specified period, the Executor will proceed to make payment in accordance therewith.

MINCHIN & KELLY,
Attorneys for the Executor.

Market Square,
P.O. Box 26,
MAFEKING.

Second Meeting of Creditors

BOTSWANA GARMENTS (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 19 of 1977

Notice is hereby given that pursuant to section 186 (1) of the Companies Proclamation, 1959, the second meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, Botswana, on Tuesday, 27th September, 1977, at 2.30 p.m. for the following purposes:

1. Proof of claims.
2. Receipt of Liquidator's Report.

DATED this 14th day of September, 1977.

F.G. GAY,
Liquidator.

Lost Deed of State Grant

Notice is hereby given that the undersigned intends applying for a certified copy of the Lost Deed of State Grant Number 177/71 dated 8th October, 1971, made in favour of PHILLIP SERASENGOE MERAPE, in respect of: —

CERTAIN: piece of land being Lot. 835;

SITUATE: in Gaborone — Extension 2;

MEASURING: 6 762 (Six Thousand Seven Hundred and Sixty-Two) Square Feet;

All persons having objections to the issue of such copy are hereby required to lodge the same with the Registrar of Deeds for Botswana at Gaborone within three (3) weeks of the last publication of this notice.

DATED at Gaborone this 16th day of September, 1977.

KIRBY, HELFER AND KHAMA,
Applicant's Attorneys.

P.O. Box 882 and 170,
GABORONE.

First Publication

Notice

The public is hereby notified that the South East District Council has moved from its old Council Offices to new offices along the main road from Ramotswa Station.

First Publication

I.M. MABECHU,
Acting Council Secretary.

Kgalagadi District Council – Tender No. 9 of 1977**SUPPLY OF F250 4 × 4 VEHICLE**

Tenders are hereby invited for the supply of one F250 4 × 4 (Four wheel Drive Ford) vehicle. Specifications in addition to White Body to include:

- (i) Supply of fitting of 160 litre fuel extra tank and 40 litre water tank built into body.
- (ii) Two spare wheels with mounts fitted on.
- (iii) Red front mudguards.
- (iv) Tool Kit for the vehicle.

Tenders must specify the basic cost of the vehicle plus individual cost of the additional items mentioned. Tenders must also specify the date of availability.

Tenders must be in a sealed envelope clearly marked "Tender No. 9 of 1977". Tenders must be forwarded to reach the Council Secretary, Kgalagadi District Council, P.O. Box 2, Tsabong not later than 4.30 p.m. on Friday 4th November, 1977.

Council will not necessarily accept the lowest tender or give reasons for the rejection of any.

A.D. CHIBUA,
for Council Secretary.

Central Transport Organisation**SALE OF BOARDED VEHICLES AND PLANT AT CTO DEPOT MAUN, 5TH OCTOBER, 1977**

It is notified for general information that an Auction Sale of Boarded Vehicles and Plant will be held at CTO, Maun on 5th October, 1977 starting at 10.00 a.m. Vehicles/Plant may be inspected during the two days preceding the sale.

Items for Sale: 22 items comprised of Bedford 5 ton trucks, 1½ ton pick-ups, Landrovers, Water carts etc.

Conditions of Sale:

1. Items will be sold by lot numbers to the highest bidder.
2. Government reserves the right to accept any bid whether or not it is the highest.
3. Payment must be made by cash or bank certified cheques immediately after an item is sold.
4. No item is to be removed from the CTO premises without presentation of a formal receipt.
5. All items are to be removed from the C.T.O. premises within 7 days (Seven) days after the sale. Failure to do so will result in the ownership of the item/s reverting to the Government and no return of money will be made.
6. Items are offered without warranty of any kind expressed or implied.

A.H. MITHA,
for General Manager.

First Publication

Bill No. 33 of 1977

COMMUNAL MANAGEMENT ASSOCIATIONS BILL, 1977

(Published on 23rd September, 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 make provision for the creation of a new legal entity called a communal management association, which shares some of the characteristics of a co-operative society.

3. There are two stages to the creation of a fully fledged communal management association: provisional registration and permanent registration.

4. At the stage of permanent registration the representatives of the association, elected from among themselves by all the members of the association, will become a body corporate able, in their corporate capacity, to institute and defend legal proceedings; acquire, hold, charge and dispose of property of any kind; enter into contracts; and borrow and lend money.

5. Incorporated representatives will hold all the property held by them in their corporate capacity, and exercise all their corporate powers, on behalf of and for the collective benefit of all the members of the association. Before exercising any of their corporate powers incorporated representatives must fully and effectively consult all the members of the association whenever it is reasonably practicable so to do.

6. Generally speaking, no member, past member or the estate of a deceased member of a permanently registered communal management association will be liable for the debts or other liabilities of the incorporated representatives of the association incurred in their corporate capacity. In the event of the liquidation of the incorporated representatives of a permanently registered association no member, past member or the estate of a deceased member of the association will be liable to contribute to the assets of the representatives.

7. No part of the capital held by incorporated representatives in their corporate capacity will be liable for the debts or other liabilities of individual members of a permanently registered association.

8. Membership of a permanently registered communal management association will enable the small man, without a great deal of money or other economic resources of his own, to combine with others similarly placed in a shared economic venture in an effective way and without unacceptable personal risk.

9. Protection for the individual member of a permanently registered association will be provided by the strict limitation of his personal liability and the safeguarding of the integrity of the capital held by the incorporated representatives, described above, and by the system of control and supervision provided by the Bill for all communal management associations.

10. Part II of the Bill provides for a Commissioner of Communal Management Associations. This will be an office in the public service. The Commissioner will be required to keep a provisional register of communal management associations, a permanent register of such associations and, for each provisionally or permanently registered association, a principal register of members of the

association. The Commissioner will have considerable powers of supervision and control of all communal management associations.

11. Part III of the Bill makes provision for the provisional registration of communal management associations by the Commissioner. Application for provisional registration as a communal management association may be made to the Commissioner by any four or more Botswana citizens, aged eighteen years or over, who have come together with the intention or for the purpose of undertaking a collective economic venture. Where the Commissioner rejects an application for provisional registration an appeal lies to the Minister.

12. Where the Commissioner accepts an application for provisional registration, or the Minister allows an appeal from his rejection of such an application, he must convene a meeting of all the applicants presided over by his nominee. A nominee of the appropriate land board, if the economic venture in question involves the use and exploitation of land, may take part in this meeting but may not vote at it.

13. The meeting's main purpose is to adopt a provisional constitution of the association, to elect provisional representatives of the association and to elect such provisional officers of the association as the provisional constitution provides are to be elected by a general meeting. At the successful conclusion of the meeting the Commissioner may provisionally register the association.

14. It is not contemplated that a provisionally registered association will remain in that state. The period of provisional registration is available to enable the members to gain some practical experience of the working of a communal management association; to lay the groundwork for and to remove obstacles to permanent registration of the association (e.g. the need to obtain the approval of the appropriate land board where the economic venture in question involves the use and exploitation of land); and to gain a realistic appreciation of the nature, benefits and obligations of a permanently registered association. So that a provisionally registered association does not remain at that stage indefinitely, the Commissioner is empowered to cancel its provisional registration if he is satisfied that its representatives have had a reasonable time in which to submit an application for permanent registration but have failed so to do.

15. Part IV of the Bill provides for the permanent registration of a communal management association by the Commissioner. The representatives of a provisionally registered association may apply to the Commissioner for permanent registration at any time. The Commissioner must reject such an application where the economic venture involves the use and exploitation of land unless the appropriate land board has approved that use and exploitation. In every other case there is an appeal to the Minister from the Commissioner's rejection of an application for permanent registration.

16. Where the Commissioner accepts an application for permanent registration, or the Minister allows an appeal from his rejection of such an application, he must convene a meeting of all members of the provisionally registered association presided over by his nominee. A nominee of the appropriate land board, if the economic venture involves the use and exploitation of land, may take part in the meeting but may not vote at it.

17. The purpose of the meeting is to adopt a constitution of the association, to elect representatives of the association and to elect such officers of the association as the constitution provides are to be elected by a general meeting. At a successful conclusion of the meeting the Commissioner may permanently register the association.

18. Part V of the Bill provides for the incorporation of the representatives of a permanently registered communal management association and for their privileges, powers and duties. Incorporation of its representatives follows automatically from the permanent registration of an association. No permanently registered association can have unincorporated representatives.

19. Part VI of the Bill makes provision for the officers, representatives and membership of all communal management associations. The officers of an association are to consist of a chairman, vice-chairman, secretary and treasurer and of such other officers for which the constitution or provisional constitution provides. Unless the constitution or provisional constitution otherwise provides, every officer of an association must be elected or appointed from among the representatives of the association. Every representative of an association must be elected by a general meeting of the association from among the members of the association. Provision is made for the Commissioner to be kept informed of the election or appointment of every representative or officer of an association and of his ceasing to be a representative or officer of the association.

20. The membership of a communal management association is to consist of the original applicants for provisional registration of the association together with those persons who have subsequently applied for membership and have in consequence become members of the association. An application for membership made during the period from provisional registration of the association until the expiry of one year after the permanent registration of the association will be considered and decided upon by the representatives of the association, subject to a right of appeal to the Commissioner by an unsuccessful applicant. Thereafter every application for membership will be considered and decided upon by a general meeting of the association. The general meeting's decision will be final. Every association must keep an up to date register of its members and keep the Commissioner fully informed of any changes in its membership.

21. Part VII of the Bill deals specifically with permanently registered communal management associations. Such an association may make rules to regulate matters not dealt with by its constitution and matters relating to the association's procedure, the procedure of its representatives and officers and the administration of its affairs. No member, past member or the estate of a deceased member of a permanently registered association will be entitled to have any claim on, or any individual part or share of or interest in, the capital held by the incorporated representatives of the association, except as otherwise provided by the Act or by the association's constitution or rules. However, where a person ceases by death or otherwise to be a member of a permanently registered association, and its constitution or rules make no provision for the payment to that person or to his estate of a sum representing the value of that person's interest, as a member of the association, in the capital held by the incorporated representatives, the representatives may pay to that person or to his estate (and

B.230

must so pay if the Commissioner requires them so to do) a sum which, in the opinion of the representatives, fairly represents the proportionate value of that person's contribution to that capital. Provision is made for arbitration where any difference arises over the amount to be so paid. This Part of the Bill also makes provision for the distribution of the net profits earned by the incorporated representatives of an association among the members of the association.

22. Part VIII of the Bill provides for general meeting of communal management associations. An annual general meeting must be held every year, but the Commissioner may at any time convene a special general meeting over which he will have a great deal of control by way of determining the meeting's agenda and presiding at it. The chairman or, in his absence, the vice-chairman of an association must convene a special general meeting when required so to do by the representatives of the association; one fifth of the registered members of the association; the Commissioner; or the Minister for the time being responsible for agriculture.

23. Part IX of the Bill provides for the keeping of accounts by communal management associations; for the inspection and audit of those accounts; and generally for the supervision and control of associations by the Commissioner.

24. Part X of the Bill provides for the liquidation of the incorporated representatives of a permanently registered association and for the subsequent cancellation of the association's registration.

25. Part XI of the Bill contains a number of miscellaneous administrative provisions relating to communal management associations. It empowers the Minister to make regulations generally for the better carrying into effect of the purposes and provisions of the Act and for certain specified purposes.

E.S. MASISI,
Minister of Agriculture.

ARRANGEMENT OF SECTIONS

SECTION

PART I. *Preliminary*

1. Short title and commencement
2. Interpretation

PART II. *Commissioner of Communal Management Associations*

3. Commissioner of Communal Management Associations
4. Commissioner to keep registers

PART III. *Provisional Registration*

5. Application for provisional registration as communal management association
6. Consideration by Commissioner of application for provisional registration and appeal from rejection of application
7. Convening of meeting by Commissioner of applicants for provisional registration
8. Provisional registration of communal management association

PART IV. *Permanent Registration*

9. Application for permanent registration of communal management association
10. Consideration of application for permanent registration of communal management association and appeal from rejection of application
11. Convening of meeting by Commissioner of members of provisionally registered association
12. Permanent registration of communal management association

PART V. *Incorporated Representatives*

13. Incorporation of representatives of permanently registered communal management association
14. Powers of incorporated representatives
15. Duties of incorporated representatives
16. Variation of certificate of incorporation
17. Resolution of incorporated representatives to amend constitution, etc.
18. Incorporated representatives to have charge and set off in respect of profits, etc.
19. Limitation on attachment of capital held by incorporated representatives
20. Notice of intention to institute civil proceedings against incorporated representatives

PART VI. *Officers, Representatives and Membership of Communal Management Associations*

21. Officers of communal management association
22. Representatives of a communal management association
23. Unlawfully acting as officer or representative of a communal management association
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A BILL

entitled

An Act to provide for the Constitution, Registration, Management and Control of Communal Management Associations, the privileges and liabilities of their members, the incorporation of their representatives, the privileges, powers and duties of incorporated representatives and their liquidation, and to provide for matters connected therewith and incidental thereto

*Date of Assent:**Date of Commencement:*

ENACTED by the Parliament of Botswana.

PART I. Preliminary

1. This Act may be cited as the Communal Management Associations Act, 1977, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Short title
and com-
mencement

2. (1) In this Act, unless the context otherwise requires, —
“association” means a communal management association provisionally or permanently registered under section 8 (1) or 12;
“Commissioner” means the Commissioner of Communal Management Associations referred to in section 3;

Inter-
pretation

“incorporated representatives” means the representatives of a permanently registered association;

“officer” means the chairman, vice-chairman, secretary or treasurer of an association or such other officer of an association for whom provision is made by the constitution or provisional constitution of the association;

“permanently registered association” means a communal management association permanently registered under section 12;

“provisionally registered association” means a communal management association provisionally registered under section 8 (1);

“representative” means a representative of an association elected or appointed under this Act.

(2) Every reference in this Act to the property of a permanently registered association shall be deemed to include a reference to the property held by the incorporated representatives of the association in their corporate capacity.

PART II. Commissioner of Communal Management Associations

3. There shall be a Commissioner of Communal Management Associations.

Commissioner
of Communal
Management
Associations

4. The Commissioner shall keep a register called the provisional register of communal management associations and a register called the permanent register of communal management associations and shall enter therein all the particulars required by this Act to be so entered.

Commissioner
to keep
registers

PART III. *Provisional Registration*

Application
for pro-
visional
registration as
communal
management
association

5. (1) Where four or more citizens of Botswana, each of whom has attained the age of eighteen years, are associated with the intention or for the purpose of undertaking a collective economic venture they may submit a written application to the Commissioner for provisional registration as a communal management association.

(2) Every application under subsection (1) shall be in such form and contain such particulars as the Commissioner may require.

(3) Where the economic venture in question involves the use and exploitation of land the Commissioner shall forthwith transmit a copy of the application to the appropriate land board, if any.

Consideration
by Com-
missioner of
application
for pro-
visional
registration
and appeal
from rejection
of application

6. (1) The Commissioner shall consider every application submitted to him under section 5 (1) and, subject to subsection (2), shall either —

(a) reject the application, in which case he shall not be required to give his reasons therefor, and inform the applicants in writing of his decision; or

(b) take steps under section 7.

(2) Before rejecting an application or taking steps under section 7 the Commissioner may require the applicants to provide him, in writing or otherwise, with such further information as he thinks necessary for a proper consideration of the application.

(3) Where an application is rejected under subsection (1) (a), the applicants may appeal in writing to the Minister within thirty days after being informed of the Commissioner's decision.

(4) The Minister shall consider every appeal made to him under subsection (3) and shall either —

(a) dismiss the appeal, in which case the Minister's decision shall be final; or

(b) allow the appeal, in which case the Minister shall inform the Commissioner of his decision and the Commissioner shall forthwith take steps under section 7.

Convening
of meeting by
Commissioner
of applicants
for pro-
visional
registration

7. (1) Where the Commissioner takes steps under this section, he shall convene a meeting of the applicants at a time and place he shall specify and shall appoint a person to preside at that meeting and a person to act as secretary thereof.

(2) The persons appointed under subsection (1) may be appointed from among persons who are not applicants; but where the person appointed to preside at the meeting is not an applicant he shall have no vote at the meeting.

(3) The Commissioner or a person nominated by him shall attend the meeting and may take part therein but shall have no vote at the meeting.

(4) Where the economic venture in question involves the use and exploitation of land, a person nominated by the appropriate land board, if any, may attend the meeting and take part therein but shall have no vote at the meeting.

(5) The Commissioner shall use his best endeavours to give to all the applicants and, where the economic venture in question involves the use and exploitation of land, to the appropriate land board, if any, one month's notice, in such manner as he thinks most appropriate, of the time and place at which the meeting is to be held.

(6) The purpose of a meeting under this section shall be —

- (a) to consider the nature, benefits and obligations of a permanently registered association and the purpose of a provisionally registered association;
- (b) to adopt a provisional constitution of the communal management association;
- (c) to elect from among the applicants such number of persons to be provisional representatives of the association as the provisional constitution provides; and
- (d) where the provisional constitution provides that a person shall be elected by a general meeting of the association to be a provisional officer of the association, to elect a person to be that provisional officer in accordance with the provisional constitution.

(7) At a meeting under this section the quorum shall be sixty per cent of the persons who submitted the original application under section 5 (1):

Provided that in no case shall a quorum be constituted by less than four persons.

8. (1) On receipt of the minutes of a meeting held under section 7 and of a copy of the provisional constitution adopted by the meeting, the Commissioner may provisionally register the association by entering in the provisional register of communal management associations —

Provisional
registration of
communal
management
association

- (a) the name of the association as provided by the provisional constitution; ^(b)
- the names of the provisional representatives of the association;
- (c) the names of such of the provisional officers of the association, if any, as were elected by the meeting held under section 7 or of whose appointment or election, otherwise than by that meeting, in accordance with the provisional constitution the Commissioner has received notice; and
- (d) such other particulars as are prescribed or as the Commissioner considers desirable;

in which case the Commissioner shall issue his certificate of provisional registration of the communal management association.

(2) Where a communal management association has been provisionally registered under subsection (1), the Commissioner shall open and keep a principal register of members of the association.

PART IV. *Permanent Registration*

Application
for permanent
registration
of communal
management
association

9. (1) The representatives of a provisionally registered association may at any time submit a written application to the Commissioner for permanent registration of the association.

(2) Every application under subsection (1) shall —

(a) be in such form and contain such particulars as the Commissioner may require; and

(b) be signed by a majority of the provisional representatives.

(3) Where the Commissioner is satisfied that the representatives of a provisionally registered association have had a reasonable time in which to submit an application for permanent registration of the association under subsection (1) but have failed so to do, he may, by notice published in the Gazette, cancel the provisional registration of the association.

Consideration
of application
for permanent
registration
of communal
management
association
and appeal
from rejection
of application

10. (1) The Commissioner shall consider every application submitted to him under section 9 (1) and, subject to subsection (2), shall either —

(a) reject the application, in which case he shall not be required to give his reasons therefor, and inform the provisional representatives in writing of his decision; or

(b) take steps under section 11.

(2) The Commissioner shall reject every application submitted to him under section 9 (1) where the economic venture in question involves the use and exploitation of land unless the appropriate land board, if any, has signified to him in writing its approval of that use and exploitation.

(3) Where an application is rejected under subsection (1) (a), the provisional representatives may appeal in writing to the Minister within thirty days after being informed of the Commissioner's decision.

(4) The Minister shall consider every appeal made to him under subsection (3) and shall either —

(a) dismiss the appeal, in which case the Minister's decision shall be final; or

(b) allow the appeal, in which case the Minister shall inform the Commissioner of his decision and the Commissioner shall forthwith take steps under section 11.

(5) Where an application is rejected under subsection (1) (a) and no appeal is made under subsection (3) or such an appeal is made and dismissed by the Minister under subsection (4) (a), or where an application is rejected under subsection (2), the Commissioner may, by notice published in the Gazette, cancel the provisional registration of the association.

11. (1) Where the Commissioner takes steps under this section, he shall convene a meeting of members of the provisionally registered association at a time and place he shall specify and shall, notwithstanding the association's provisional constitution, appoint a person to preside at that meeting and a person to act as secretary thereof.

Convening of meeting by Commissioner of members of provisionally registered association

(2) The persons appointed under subsection (1) may be appointed from among persons who are not members of the association; but where the person appointed to preside at the meeting is not a member of the association he shall have no vote at the meeting.

(3) The Commissioner or a person nominated by him shall attend the meeting and may take part therein but shall have no vote at the meeting.

(4) Where the economic venture in question involves the use and exploitation of land, a person nominated by the appropriate land board, if any, may attend the meeting and take part therein but shall have no vote at the meeting.

(5) The Commissioner shall use his best endeavours to give to all members of the association and, where the economic venture in question involves the use and exploitation of land, to the appropriate land board, if any, one month's notice, in such manner as he thinks most appropriate, of the time and place at which the meeting is to be held.

(6) Immediately before the commencement of a meeting under this section the provisional constitution of the association shall lapse and the provisional representatives and officers of the association shall cease to hold office as such.

(7) The purpose of a meeting under this section shall be —

- (a) to adopt a constitution of the communal management association;
- (b) to elect from among the members of the association such number of persons to be representatives of the association as the constitution provides; and
- (c) where the constitution provides that a person shall be elected by a general meeting of the association to be an officer of the association, to elect a person to be that officer in accordance with the constitution.

(8) At a meeting under this section the quorum shall be sixty per cent of the registered membership of the association:

Provided that in no case shall a quorum be constituted by less than four persons.

12. On receipt of the minutes of a meeting held under section 11 and of a copy of the constitution adopted by the meeting, the Commissioner may permanently register the association by entering in the permanent register of communal management associations —

Permanent registration of communal management association

- (a) the name of the association as provided by the constitution;
- (b) the names of the representatives of the association;

- (c) the names of such of the officers of the association, if any, as were elected by the meeting held under section 11 or of whose appointment or election, otherwise than by that meeting, in accordance with the constitution the Commissioner has received notice; and
- (d) such other particulars as are prescribed or as the Commissioner considers desirable;

in which case the Commissioner shall issue his certificate of permanent registration of the communal management association.

PART V. *Incorporated Representatives*

Incorporation
of represen-
tatives of
permanently
registered
communal
management
association

13. (1) Together with his certificate of permanent registration issued under section 12 the Commissioner shall issue his certificate of incorporation of the representatives of the association, subject to any conditions, limitations or exemptions which he considers appropriate and which shall be specified in the certificate.

(2) The issue of a certificate of incorporation under subsection 1(1) shall render the representatives of the association a body corporate by the name specified in the certificate with perpetual succession.

(3) Incorporated representatives shall observe every condition and limitation in the certificate of incorporation so far as it applies to them.

Powers of
incorporated
representa-
tives

14. (1) Subject to this Act and to any conditions, limitations or exemptions specified in the certificate of incorporation, incorporated representatives may in their corporate name and capacity —

- (a) institute and defend suits and other legal proceedings;
- (b) acquire, hold, charge and dispose of property of any kind;
- (c) enter into contracts;
- (d) borrow money with or without giving security; and
- (e) lend money.

Duties of
incorporated
representa-
tives

15. Subject to this Act, incorporated representatives shall —

- (a) hold all the property held by them in their corporate capacity and exercise all the powers conferred on them in that capacity on behalf of and for the collective benefit of all the members of the association; and
- (b) before exercising any of the powers conferred on them in their corporate capacity, fully and effectively consult all the members of the association whenever it is reasonably practicable so to do.

Variation of
certificate of
incorporation

16. Where a certificate of incorporation has been issued under section 13 (1) with conditions, limitations or exemptions, the incorporated representatives may apply in writing to the Commissioner to vary any of the conditions, limitations or exemptions, and the Commissioner, after calling for such evidence and information as he requires, may in writing vary the conditions, limitations or exemptions in such manner as he considers appropriate, and the variation shall take effect from the time it is made.

17. (1) Incorporated representatives may resolve to amend their corporate name or the name, constitution or rules of the association; but no such resolution shall have effect unless the Commissioner has consented thereto in writing after application has been made to him for that purpose in accordance with subsection (2).

Resolution of incorporated representatives to amend constitution, etc.

(2) Every application to the Commissioner under this section shall —

- (a) be in writing;
- (b) be signed by a majority of the representatives;
- (c) be supported by a copy of the minutes of the meeting at which the resolution was passed; and
- (d) be delivered to the Commissioner within thirty days after the day on which the resolution was passed.

(3) If the Commissioner gives his consent, the corporate name of the representatives or the name, constitution or rules of the association or rules of the association, as the case may be, shall stand amended accordingly either thereupon or at a future date specified by the Commissioner.

18. Incorporated representatives of an association shall have a charge —

Incorporated representatives to have charge and set off in respect of profits, etc.

- (a) on any deposits received by them in their corporate capacity from a member, past member or deceased member of the association;
- (b) on any profits payable by them in their corporate capacity to such a member, past member or the estate of such a deceased member; and
- (c) on any sum payable by them to such a past member or estate under section 32,

in respect of any debt due to the incorporated representatives in their corporate capacity from such member, past member or estate and may set off any sum credited or payable in their corporate capacity to a member, past member or estate of a deceased member in or towards payment of any such debt.

19. No part or share of or interest in the capital held by incorporated representatives of an association in their corporate capacity shall be liable to attachment or sale under decree or order of a court in respect of any debt or liability incurred by any member of the association, and neither his trustee nor assignee in insolvency nor a *curator bono* duly appointed shall be entitled to or have any claim on any such part, share or interest.

Limitation on attachment of capital held by incorporated representatives

20. No civil proceedings shall be instituted in any court against any incorporated representatives in their corporate capacity unless the person instituting those proceedings has served written notice on the Commissioner of his intention so to do.

Notice of intention to institute civil proceedings against incorporated representatives

**PART VI. *Officers, Representatives and Membership
of Communal Management Associations***

Officers of
communal
management
association

21. (1) The officers of an association shall consist of a chairman, vice-chairman, secretary, treasurer and such other officers as the constitution or provisional constitution may prescribe.

(2) Every officer of an association shall be elected or appointed in accordance with the constitution or provisional constitution and shall hold office for such term as that constitution prescribes.

(3) Every officer of an association shall be elected or appointed from among the representatives of the association unless the constitution or provisional constitution otherwise provides.

(4) Whenever a person is elected or appointed to be an officer of an association or ceases to be such an officer, notice in writing of that fact shall be served on the Commissioner within fourteen days after the event.

(5) If subsection (4) is contravened, each officer of the association shall be liable to a fine of P500 and to imprisonment for six months unless he proves that he exercised due diligence to prevent the contravention and that the contravention occurred by reason of matters beyond his control.

(6) Where notice is served on the Commissioner under subsection (4), he shall accordingly alter or add to the entries in relation to the association in the permanent or provisional register of communal management associations, as the case may be.

Representatives of a
communal
management
association

22. (1) Every representative of an association shall be elected by a general meeting of the association from among the members of the association and shall hold office for such term as the constitution or provisional constitution provides.

(2) Where a representative dies, becomes incapable or formally conveys to the other representatives his wish to retire, he shall be replaced in accordance with the constitution or provisional constitution of the association; but if no appointment is made within sixty days after the event the Commissioner may in writing appoint a member of the association to take his place for the remainder of his term of office.

(3) Unless the constitution or provisional constitution otherwise provides, a representative may at any time be replaced for the remainder of his term of office by a resolution passed by two-thirds of the registered members of the association in general meeting.

(4) Whenever a person is elected to be a representative or ceases to be a representative or is replaced as a representative under subsection (2) or (3), notice in writing of that fact shall be served on the Commissioner within fourteen days after the event.

(5) If subsection (4) is contravened, each officer of the association shall be liable to a fine of P500 and to imprisonment for six months unless he proves that he exercised due diligence to prevent the

contravention and that the contravention occurred by reason of matters beyond his control.

(6) Wherever notice is served on the Commissioner under subsection (4), he shall accordingly alter or add to the entries in relation to the association in the permanent or provisional register of communal management associations, as the case may be.

23. Any person who knowingly purports to act as or represents himself to be an officer or representative of an association when he is not an officer or representative of that association shall be liable to a fine of P1 000 and to imprisonment for one year.

Unlawfully acting as officer or representative of a communal management association

24. The members of an association, until they cease to be members thereof, shall consist of —

Membership of a communal management association

- (a) the persons who submitted the original application for provisional registration as a communal management association under section 5 (1);
- (b) persons whose applications for membership of the association have been accepted under section 25 (2) or (6); and
- (c) persons who have been declared to be members of the association by the Commissioner under section 25 (4) (b).

25. (1) During the period from and including the day the Commissioner issues his certificate of provisional registration under section 8 (1) until the expiry of one year immediately after the day the Commissioner issues his certificate of permanent registration under section 12, any citizen of Botswana who has attained the age of eighteen years, and who claims to be otherwise qualified for membership of the association in accordance with its constitution or provisional constitution or rules, may apply to the representatives of the association, through the secretary of the association, for membership of the association.

Application for membership of a communal management association

(2) The representatives shall, without unreasonable delay, consider every application for membership made under subsection (1) and either accept or reject the application and inform the applicant of their decision.

(3) Where an application for membership is rejected under subsection (2), the applicant may appeal in writing to the Commissioner within sixty days after being informed of the representatives' decision.

(4) The Commissioner shall consider every appeal made to him under subsection (3) and shall either —

- (a) dismiss the appeal, in which case the Commissioner's decision shall be final; or
- (b) allow the appeal and declare the appellant to be a member of the association.

(5) At any time after the expiry of one year immediately after the day the Commissioner issues his certificate of permanent

registration under section 12, any citizen of Botswana who has attained the age of eighteen years, and who claims to be otherwise qualified for membership of the association in accordance with its constitution or rules, may apply to the members of the association, through the secretary of the association, for membership of the association.

(6) A general meeting of the association shall, as soon as it is reasonably practicable so to do, consider every application for membership made under subsection (5) and either accept the application or reject the application, in which case the decision shall be final:

Provided that no steps shall be taken under this subsection unless notice of the application has been published by public exhibition at the office of the association for at least fifteen consecutive days.

Registers of members of a communal management association

26. (1) Every association shall keep an up to date register of the association's members in such form as the Commissioner may require or as may be prescribed.

(2) A register of members kept by an association under this section shall contain, in respect of each member, —

- (a) the member's name, place of abode and occupation;
- (b) the date on which the member became a member of the association; and
- (c) the date on which the member ceased to be a member of the association.

(3) A copy of the entries required by subsection (2) in respect of each member and notice in writing of any subsequent alteration of or addition to those entries shall be served on the Commissioner within two weeks after the entries, alteration or addition are made.

(4) If subsection (1), (2) or (3) is contravened, each officer of the association shall be liable to a fine of P500 and to imprisonment for six months unless he proves that he exercised due diligence to prevent the contravention and that the contravention occurred by reason of matters beyond his control.

(5) Where a copy or notice is served on the Commissioner under subsection (3), he shall accordingly enter in the principal register of members of the association kept by him under section 8 (1) the particulars contained in the copy or alter or add to the entries in that register.

Determination of membership of communal management association

27. (1) Where a question arises whether a particular person is a member of an association, a certificate, stating that the person is or is not a member, signed by a majority of the representatives of the association, shall, subject to subsection (2), be conclusive of the question.

(2) Any person of whom a certificate under subsection (1) states that he is not a member of an association may apply to a magistrate's court to determine the question, and in such a case the determination of the court shall be final.

PART VII. *Permanently Registered Communal
Management Associations*

28. Rules may be made in accordance with the constitution of a permanently registered association regulating matters not regulated by the constitution and matters relating to the procedure of the association and of its representatives and officers and the administration of its affairs.

Rules of permanently registered communal management association

29. No member, past member or the estate of a deceased member of a permanently registered association shall be liable for the debts or other liabilities of the incorporated representatives of the association incurred in their corporate capacity, except as otherwise provided by this Act or by the association's constitution or rules.

General limitation of liability of a member of a permanently registered association for incorporated representatives' debts and other liabilities

30. No member, past member or the estate of a deceased member of a permanently registered association shall, by virtue of his membership of the association, be entitled to or have any claim on any individual part or share of or interest in the capital held by the incorporated representatives of the association in their corporate capacity, except as otherwise provided by this Act or by the association's constitution or rules.

Member of a permanently registered association to have no individual claim on any share of capital held by incorporated representatives

31. (1) The net profits of incorporated representatives earned in their corporate capacity, as ascertained by the audit carried out under section 39 (1) (a), and any profits so earned of past years available for distribution, may be divided among and paid out to the members of the association or allocated to any fund constituted by the representatives.

Disposal of profits of a permanently registered association

(2) Where profits are distributed to members under subsection (1), they shall be distributed in such proportions as the constitution or rules of the association may prescribe.

(3) Where the association's constitution or rules do not prescribe the proportions in which profits shall be distributed to members under subsection (1), those profits shall be distributed to members in such proportions as the representatives shall determine having regard to their estimate of the proportion of each member's contribution, however made, to those profits.

(4) No profits shall be distributed under this section unless the Commissioner has first certified the balance sheet and approved in writing the proportions in which such profits are to be distributed.

(5) In this section "members" includes any persons or the estates thereof who have ceased to be members of the association since profits were last distributed to members under subsection (1).

Payment out
of a person
ceasing to be
a member of a
permanently
registered
association

32. (1) Where a person ceases by death or otherwise to be a member of a permanently registered association and the constitution or rules thereof make no provision for the payment in that event to that person or to his estate of a sum representing the value of that person's interest as a member of the association in the capital held by the incorporated representatives in their corporate capacity, the representatives may pay to that person or to his estate, and shall so pay if the Commissioner so requires in writing, a sum which in the opinion of the representatives fairly represents the proportionate value of that person's contribution, howsoever made, as a member of the association to the capital so held by the representatives at the time the person ceased to be a member of the association.

(2) No sum shall be paid under subsection (1) unless —

- (a) written notice of the amount the representatives have decided to pay has been published by public exhibition at the office of the association for at least thirty consecutive days; and
- (b) where a difference over the amount to be paid has been required under subsection (4) to be referred to an arbitrator, a final award has been made by the arbitrator.

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(3) There shall be deemed to be a submission for the purposes of the Arbitration Act between the representatives of the association and any person aggrieved by the amount the representatives have decided to pay under subsection (1) in respect of their difference over the amount to be so paid, in which it is provided that the reference shall be to a single arbitrator.

(4) Any person aggrieved by the amount the representatives have decided to pay under subsection (1) may, before the expiry of the period of thirty days prescribed by subsection (2) (a), in writing addressed to the secretary of the association, require the difference between himself and the representatives over the amount to be so paid to be referred to an arbitrator in accordance with the submission deemed to exist between them by subsection (3).

(5) In a reference to arbitration under this section the arbitrator may by his award —

- (a) confirm the amount the representatives have decided to pay;
- (b) substitute for that amount such amount as the arbitrator may determine, in which case the representatives shall pay the amount so substituted; or
- (c) set aside that amount and remit the matter to the representatives to decide anew the amount to be paid taking into account such matters as the arbitrator may specify, in which case the provisions of this section shall apply to such further decision.

PART VIII. *General Meetings of Communal
Management Associations*

33. An annual general meeting of an association shall be held every year in accordance with the association's constitution or provisional constitution and rules.

Annual
general
meeting of a
communal
management
association

34. (1) The Commissioner may at any time convene a special general meeting of an association at a time and place he shall specify.

Commissioner
may convene
a special
general
meeting of a
communal
management
association

(2) The Commissioner shall use his best endeavours to give to all members of the association, in such manner as he thinks most appropriate, such notice of the time and place at which a special general meeting under this section is to be held as he considers reasonable in all the circumstances.

(3) The Commissioner may appoint any person to act as secretary of a special general meeting held under this section and may determine what matters shall be placed on the agenda of the meeting.

(4) The Commissioner shall preside at every special general meeting held under this section and may direct the meeting to proceed in the absence of the quorum prescribed by the association's constitution or provisional constitution or rules; but the Commissioner shall have no vote at the meeting unless on any question there is an equality of votes, in which case he shall have a casting vote.

(5) The Commissioner may in writing delegate to any person the exercise of any of the powers and the performance of any of the duties conferred or imposed on him by this section, subject to such conditions, exceptions or qualifications as the Commissioner may specify.

(6) Every special general meeting held under this section shall have all the powers of a general meeting of the association convened and held in accordance with the association's constitution or provisional constitution and rules.

35. The chairman or, in his absence, the vice-chairman of an association shall convene a special general meeting of the association within twenty-one days after the receipt by either of them of a requirement in writing so to do by —

Chairman to
convene a
special
general
meeting of a
communal
management
association in
certain circum-
stances

- (a) the representatives of the association;
- (b) one fifth of the registered members of the association;
- (c) the Commissioner; or
- (d) the Minister for the time being responsible for agriculture.

PART IX. *Keeping, Inspection and Audit of Accounts of Communal
Management Associations and Supervision and Control of Associations*

36. (1) Every association shall keep one or more books of account to the satisfaction of the Commissioner in which shall be entered details of all moneys received and payments made by or on behalf of the association.

Communal
management
association to
keep books
of account

(2) If subsection (1) is contravened, each officer of the association shall be liable to a fine of P1 000 and to imprisonment for one year unless he proves that he has no reason to believe that such a contravention was likely and that he reasonably believed that a competent and reliable person was charged with the duty of ensuring compliance with the subsection.

Rendering of
account by
the treasurer
and other
officers of a
communal
management
association

37. (1) Subject to the constitution or provisional constitution and rules of the association, the treasurer and every other officer responsible for the accounts of an association, or for the collection, disbursement, custody or control of its property, shall render to the association and its members a full and true account of all moneys received and paid by him since he assumed office and of all moneys then remaining in his hands and of all bonds, securities and other property of the association in his custody or under his control —

- (a) at every annual general meeting of the association;
- (b) at any other time when required so to do by resolution of the members of the association in general meeting, by the association's constitution or provisional constitution or rules or by the Commissioner in writing;
- (c) upon vacating office.

(2) After rendering an account under subsection (1) the treasurer or other officer shall, if he is required so to do or if he is vacating office, forthwith hand over to his successor in office such moneys as appear to be due from him and all property of the association in his custody or otherwise under his control.

(3) Any person who contravenes subsection (1) or (2) shall be liable to a fine of P1 000 and to imprisonment for one year.

Books of
account and
and other
documents of
a communal
management
association
to be made
available for
inspection

38. (1) Every association shall make its books of account and all documents relating thereto or generally to the activities of the association, including its register of members, available for inspection —

- (a) by any representative or officer of the association at such time and place as may be provided for in the association's constitution or provisional constitution or rules;
- (b) by the Commissioner, or by any person authorized by the Commissioner in writing in that behalf, at the association's office at any time during ordinary office hours;
- (c) by the Commissioner, or by any person acting under the directions of the Commissioner, at the Commissioner's office at any reasonable time specified by the Commissioner, if the Commissioner so requires by notice in writing served on the association;
- (d) by the Minister for the time being responsible for agriculture, or by any person authorized by the Minister in writing in that behalf, at the association's office at any time during ordinary office hours.

(2) If subsection (1) is contravened, each officer of the association shall be liable to a fine of P1 000 and to imprisonment for one year

unless he proves that he exercised due diligence to prevent the contravention and that the contravention occurred by reason of matters beyond his control.

(3) Any person who wilfully obstructs anyone carrying out an inspection under subsection (1) shall be liable to a fine of P1 000 and to imprisonment for one year.

39. (1) The Commissioner —

- (a) shall audit, or cause to be audited by some person authorized by him in writing in that behalf, the accounts of every association at least once every year; and
- (b) where he is of the opinion that it is in the public interest so to do, may at any time audit, or cause to be audited by some person so authorized, the accounts of an association, in which case the Commissioner may recover from the association the cost of the audit.

Annual and extraordinary audit of accounts of a communal management association

(2) The annual audit under subsection (1) (a) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the association.

(3) The Commissioner, and every other person authorized by him under subsection (1) to audit the accounts of an association, may when he considers it necessary or expedient —

- (a) summon at the time of his audit any representative, officer, agent, servant or member of an association who he has reason to believe is able to give material information in regard to any transaction of the association or the management of its affairs; or
- (b) require the production of any book or document relating to the affairs of or any cash or securities belonging to the association by the representative, officer, agent, servant or member in possession of such book, document, cash or securities.

(4) Any person who wilfully or without reasonable excuse fails to comply with a summons or requirement under subsection (3) shall be liable to a fine of P500 and to imprisonment for six months.

(5) In any prosecution for an offence under subsection (4) the court shall presume that the person charged failed to comply with the summons or requirement wilfully or without reasonable excuse unless the contrary is proved.

40. The Commissioner, or a person nominated by him in writing in that behalf, may attend any general meeting of an association or any meeting of the representatives of the association, or any other meeting held under the association's constitution or provisional constitution or rules, but, subject to section 34 (4), he shall have no vote at any such meeting.

Commissioner may attend any meeting of a communal management association

Provision of
information
by a
communal
management
association

41. (1) Whenever a charge is created over all or any of the movable property of an association, the treasurer of the association shall forthwith serve on the Commissioner written notice of the particulars of the charge and the Commissioner shall enter those particulars in the permanent or provisional register of communal management associations, as the case may be.

(2) Where the Commissioner has reasonable cause to believe that circumstances have arisen which render it expedient for the proper performance of his functions under this Act, or that it is in the public interest so to do, he may in writing require any representative or officer of an association to furnish to him —

- (a) a true and complete copy of the association's constitution or provisional constitution or rules;
- (b) a true and complete list of the association's representatives, officers or members;
- (c) a true and complete copy of the minutes of any general meeting of the association or of any meeting of the representatives of the association, or of any other meeting held under the association's constitution or provisional constitution or rules;
- (d) a true and complete statement in writing of the number of such meetings as are referred to in paragraph (c) held within the period of twelve months immediately preceding the date of the Commissioner's requirement, and of the places at which the meetings were held;
- (e) accounts of the association covering such period as the Commissioner considers necessary for the purpose for which the requirement is made, duly audited at the expense of the association; and
- (f) such other accounts, statements, returns and other information as may be prescribed,

verified by the signatures of the chairman or vice-chairman and one other officer of the association.

(3) A requirement by the Commissioner under subsection (2) shall require the representative or officer concerned to comply with the requirement within the period to be therein specified; but the Commissioner may extend that period.

(4) A treasurer who fails to comply with subsection (1) or a representative or officer who fails to comply with a requirement of the Commissioner under subsection (2) shall be liable to a fine of P500 and to imprisonment for six months unless he satisfies the court that he used his best endeavours to comply with subsection (1) or the requirement under subsection (2), as the case may be, and that the non-compliance occurred by reason of matters beyond his control.

(5) A treasurer who serves a notice on the Commissioner under subsection (1) or a representative or officer who furnishes to the Commissioner a document under subsection (2), or a chairman or vice-chairman who verifies by his signature such a document, which is, to his knowledge, false in a material particular shall be liable to a fine of P2 000 and to imprisonment for two years.

PART X. Liquidation of Incorporated Representatives

42. (1) If, after an inspection of the books of account and other documents of a permanently registered association or on receipt of an application in writing made by three-fourths of the registered members of such an association, the Commissioner is of the opinion that the incorporated representatives should be dissolved he may make an order, which shall be published in the Gazette, for the liquidation of the incorporated representatives.

Orders for liquidation of incorporated representatives

(2) Any member of the association may, within six weeks after the publication in the Gazette of an order under subsection (1), appeal in writing against the order to the Minister, whose decision shall be final.

(3) Where no appeal is made to the Minister against an order under subsection (1) within six weeks after its publication in the Gazette, the order shall take effect on the expiry of that period; and where such an appeal is made within that period, the order shall take effect on its confirmation by the Minister.

(4) The Commissioner may make an order, which shall be published in the Gazette, for the liquidation of the incorporated representatives of a permanently registered association if at any time he is satisfied that the number of members of the association has been reduced to less than four; and every such order shall take effect on the date of its publication in the Gazette.

(5) No incorporated representatives shall be liquidated save by order of the Commissioner under this section.

43. (1) Where an order for the liquidation of incorporated representatives is made under section 42, the Commissioner shall be the liquidator of the representatives with effect from such date as he may, by notice published in the Gazette, appoint, which date may be either earlier or later than the date on which the order for liquidation takes effect.

Commissioner to be liquidator of incorporated representatives

(2) The movable and immovable property held by the incorporated representatives in their corporate capacity and their rights and liabilities in that capacity shall vest in the liquidator with effect from the date appointed by the Commissioner under subsection (1).

(3) If an appeal to the Minister under section 42 (2) is upheld and the order for the liquidation of the incorporated representatives is set aside, then the Commissioner shall forthwith cease to be the liquidator of the incorporated representatives and the property

originally held by the representatives in their corporate capacity and the rights and liabilities originally theirs in that capacity shall forthwith vest in the representatives, but without prejudice to the validity of anything done by the liquidator under this Act.

Powers of liquidator of incorporated representatives

44. (1) The liquidator may —

- (a) take possession of the books and documents of the association and of the assets of the incorporated representatives held by them in their corporate capacity;
- (b) by notice published in the Gazette, appoint a day before which creditors of the incorporated representatives whose claims are not already recorded in the books of the association shall state their claims for admission or be excluded from any distribution made before they have proved them;
- (c) call such meeting of the incorporated representatives or such general meeting of the members of the association as may be necessary for the proper conduct of the liquidation;
- (d) carry on the business of the incorporated representatives so far as may be necessary for winding them up beneficially; but nothing herein contained shall empower the liquidator to lend money;
- (e) give such directions in regard to the collection and distribution of assets as may be necessary in the course of winding up the incorporated representatives;
- (f) sell the property held by the incorporated representatives in their corporate capacity;
- (g) decide in accordance with the law relating to insolvency and subject to section 49 any question of priority which arises between creditors of the incorporated representatives;
- (h) refer disputes to arbitration and institute and defend suits and other legal proceedings on behalf of the incorporated representatives by his name or office;
- (i) compromise any claim by or against the incorporated representatives;
- (j) arrange for the distribution of the assets of the incorporated representatives in a convenient manner.

(2) Subject to such regulations as may be made in this behalf, the liquidator may, in so far as it is necessary for carrying out the purpose of this section, summon and enforce the attendance of parties and witnesses, examine witnesses on oath and compel the production of documents by the same means and (so far as may be) in the manner for which provision is made in the case of magistrates' courts.

Appeal against liquidator's orders

45. An appeal to a magistrate's court presided over by a Magistrate Grade I or over against any order made by the liquidator under section 44 may be made in the prescribed manner.

46. (1) An order made by the liquidator under section 44 may be enforced by any court having jurisdiction in the same manner as a judgment of the court.

Enforcement of orders under section 44 or an appeal under section 45

(2) An order made by a magistrate's court in consequence of an appeal to the court under section 45 may be enforced in the same manner as a judgment of the court.

47. (1) Where in the course of the winding up of incorporated representatives it appears that any person who has taken part in the organization or management of the association concerned or any past or present representative or officer of the association has misapplied or retained or become liable or accountable for any money or property of the association, or has been guilty of any misconduct or breach of trust in relation to the association, any court of competent jurisdiction may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of that person and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the court thinks just or to contribute such sum to the estate of the incorporated representatives by way of compensation in regard to the misapplication, retention, misconduct or breach of trust as the court thinks just.

Power of court to order surcharge

(2) This section shall apply notwithstanding that the representative, officer or other person concerned may be criminally liable for his conduct.

48. Save in so far as is expressly provided in this Act, no civil court shall have any jurisdiction in respect of any matter concerned with the dissolution of incorporated representatives.

Limitation of the jurisdiction of a civil court in relation to the dissolution of incorporated representatives

49. (1) On the liquidation of incorporated representatives the funds shall be applied first to the costs of the liquidation and then to the discharge of the liabilities of the representatives and shall then be divided among and paid out to the members of the association in such proportions as the constitution or rules of the association may prescribe.

Closure of liquidation of incorporated representatives

(2) Where the association's constitution or rules do not prescribe the proportions in which the remaining funds shall be distributed to members under subsection (1), those funds shall be distributed to members in such proportions as the liquidator shall determine having regard to his estimate of the proportion of each member's contribution, howsoever made, to those funds.

(3) When the liquidation of incorporated representatives has been closed and any creditor of the representatives has not claimed or received what is due to him under the scheme of distribution,

notice of the closing and the liquidation shall be published in the Gazette and all claims against the funds of the incorporated representatives liquidated shall be prescribed when one year has elapsed from the date of publication of the notice in the Gazette.

(4) In this section "members" includes any persons or the estates thereof who have ceased to be members of the association and to whom no payments have been made under section 32:

Provided that the liquidator may determine that for the purpose of this section any such person shall not be treated as a member of the association.

50. In the event of the liquidation of the incorporated representatives no member, past member or the estate of a deceased member of the association shall, by virtue of his membership of the association, be liable to contribute to the assets of the representatives.

No contribution to be required from the members of a permanently registered association in the event of the liquidation of the incorporated representatives

Cancellation of the registration of a permanently registered association

51. When the affairs of the incorporated representatives have been completely wound up under this Part and the period referred to in section 49 (3) has elapsed, the Commissioner shall, by notice published in the Gazette, cancel the registration of the association.

PART XI. *Miscellaneous*

Office and postal address of a communal management association

52. (1) Every association shall have an office and a postal address and the Commissioner shall enter particulars of the same in the permanent or provisional register of communal management associations, as the case may be.

(2) All communications and notices required or authorized to be sent under or for the purposes of this Act to an association or to its representatives may be sent by post addressed to the postal address of the association.

(3) Notice in writing of any change in the situation of an association's office or of its postal address shall be served on the Commissioner within fourteen days after the change, and the notice shall be signed by not less than two officers of the association.

(4) If subsection (3) is contravened, each officer of the association shall be liable to a fine of P500 and to imprisonment for six months unless he proves that he exercised due diligence to prevent the contravention and that the contravention occurred by reason of matters beyond his control.

(5) Where notice is served on the Commissioner under subsection (3), he shall accordingly alter the entries in relation to the association in the permanent or provisional register of communal management associations, as the case may be.

53. Every notice, requirement or other document issued under this Act, or under an association's constitution or provisional constitution or rules, shall be validly served —

Service of documents

- (a) on an association or its representatives, if it is sent by registered post addressed to the association or its representatives at the association's registered postal address; or
- (b) on an individual, if it is served on him personally or is sent by registered post addressed to him at the registered postal address of the association of which he is a representative, officer, agent, servant or member.

54. (1) In any legal proceedings, a paper purporting to be a copy of or of an extract from any register or other document kept by the Commissioner, and purporting to be certified by the Commissioner as a true copy, shall be admissible as *prima facie* evidence of the contents of the register or other document and of the truth of what is recorded in the paper.

Proof of documents

(2) No process for compelling the production of any register or other document kept by the Commissioner shall issue from any court except with the leave of that court, and any such process which is so issued shall be void unless it bears a statement that it is issued with the leave of the court.

(3) The Commissioner shall not, in any legal proceedings to which he is not a party, be compellable to produce any register or other document the contents of which may be proved under subsection (1), or to appear as a witness to prove matters, transactions or accounts which may be proved under that subsection, unless the court for special cause so orders.

55. Any person may inspect at the office of the Commissioner any register kept by the Commissioner and any document relating to an association lodged with the Commissioner under this Act, and may obtain from the Commissioner a copy of or of an extract from such register or document.

Inspection of registers and other documents

56. (1) Subject to subsection (2) and to any instructions given to him in writing by the Minister, the Commissioner may, in writing signed by him, exempt any particular association or incorporated representatives from any of the provisions of this Act or of any association's constitution or provisional constitution or rules, subject to such conditions as he considers appropriate, and may at any time revoke any such exemption or vary the conditions subject to which it was granted.

Power of exemption

(2) The Commissioner shall not exempt any association or incorporated representatives from the provisions of section 14, 15, 18, 19, 20, 26, 27, 29, 30, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 or 52.

57. The Minister may make regulations generally for the better carrying into effect of the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, may make

Regulations

regulations for all or any of the following purposes —

- (a) prescribing anything which may by this Act be prescribed;
- (b) prescribing provisions which shall be contained in the constitution or provisional constitution or rules of every association;
- (c) prescribing provisions which shall be deemed to be part of the constitution or provisional constitution or rules of every association;
- (d) prescribing provisions which, in the absence of provisions to the contrary in the constitution or provisional constitution or rules of an association, shall be deemed to be part of every such constitution or provisional constitution or all such rules;
- (e) ensuring that the Commissioner is furnished with such information relating to the conduct and affairs of associations as he requires for the carrying out of his functions;
- (f) prescribing the fees to be paid for anything done under this Act;
- (g) providing for the withdrawal and expulsion of members of an association;
- (h) prescribing the manner of appointment of a person to be the manager of an association and the manner of terminating such an appointment;
- (i) providing for the payment of a sum or sums by the incorporated representatives to the dependants of a person who has ceased by death or otherwise to be a member of a permanently registered association, and for the interim enjoyment of the benefits of that person's membership of the association by his dependants;
- (j) providing for the procedure of general meetings of an association and for the powers to be exercised by such meetings;
- (k) providing for the election, appointment, suspension and removal of the representatives and officers of an association and for the procedure at meetings of the representatives and for the powers to be exercised and the duties to be performed by the representatives and officers of an association;
- (l) prescribing the matters in respect of which a permanently registered association may or shall make rules and for the procedure to be followed in making, amending and revoking rules and the conditions to be fulfilled prior to such making, amendment or revocation;
- (m) regulating the manner in which funds may be raised from members of an association;
- (n) prescribing the procedure to be followed by the liquidator under Part X and the cases in which appeals shall lie from the orders of the liquidator;

- (o) prescribing the forms to be used, the fees to be paid and the procedure to be observed and all other matters connected with or incidental to the presentation and disposal of appeals under this Act.

58. Section 3 (1) of the Societies Act, 1972, is amended by inserting in the definition of "society", which appears therein, immediately after item (i), the new item following —

Amendment
of section 3
of Act 19 of
1972

"(j) any communal management association permanently or provisionally registered under the Communal Management Associations Act, 1977."

L2/4/703