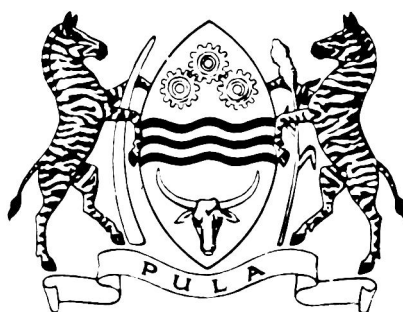


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XV, No. 62

GABORONE

7th October, 1977.

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The following Supplement is published with this issue of the Gazette —

Supplement B — Communal Management Associations Bill, 1977 – Bill No. 33 of 1977 . . B.227-B.256

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Government Notice No. 567 of 1977

CONSTITUTION OF BOTSWANA
Acting Appointment – Minister of Agriculture

IN EXERCISE of the powers conferred by section 42 (3) of the Constitution, His Excellency the President has appointed

The Hon. M.P.K. NWAKO, M.P.,
 Minister of Commerce and Industry,

to act as Minister of Agriculture with effect from 9th September, 1977, to 31st October, 1977, inclusive.

DATED this 28th day of September, 1977.

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

L2/7/98 X

Government Notice No. 568 of 1977

CONSTITUTION OF BOTSWANA
**Acting Appointment – Permanent Secretary,
 Ministry of Agriculture**

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

KAMBIZO BINGAMA

to act as Permanent Secretary, Ministry of Agriculture, with effect from 16th September, 1977, to 23rd September, 1977, inclusive, in place of Mokhutswane Shadrack Peto Sekgoma whose appointment is revoked with effect from 16th September, 1977.

DATED this 26th day of September, 1977.

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

L2/7/87 X

Government Notice No. 569 of 1977

CONSTITUTION OF BOTSWANA
**Acting Appointment – Permanent Secretary,
 Ministry of Agriculture**

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

MOKHUTSHWANE SHADRACK PETO SEKGOMA

to act as Permanent Secretary, Ministry of Agriculture, with effect from 23rd September, 1977, until further notice.

DATED this 26th day of September, 1977.

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

L2/7/98 X

Government Notice No. 570 of 1977

BANK OF BOTSWANA ACT
(Cap. 74:07)

Bank of Botswana
Acting Appointments – Governor and Deputy Governor

IN EXERCISE of the powers conferred by section 10 (1) of the Bank of Botswana Act, His Excellency the President has appointed —

JOHN PERCIVAL GORE and
DEREK JOHN HUDSON

to act as Governor and Deputy Governor respectively of the Bank with effect from 17th September, 1977, until 9th October, 1977.

DATED this 28th day of September, 1977.

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

L2/7/225 I

-Government Notice No. 571 of 1977

BOTSWANA MEAT COMMISSION ACT
(Cap. 74:04)

Appointment of Members of Botswana Meat Commission

IN ACCORDANCE with paragraph 7 of the Schedule to the Botswana Meat Commission Act, the Minister of Agriculture hereby notifies that His Excellency the President, in exercise of the powers conferred by paragraph 2 of the said Schedule, has appointed —

the PERMANENT SECRETARY, MINISTRY OF AGRICULTURE, and
ROBERT DEAN

to be members of the Botswana Meat Commission for three years with effect from 9th July, 1977.

DATED this 26th day of September, 1977.

M.S.P. SEKGOMA,
*Acting Permanent Secretary,
Ministry of Agriculture.*

L2/7/94

Government Notice No. 572 of 1977

BOTSWANA DEVELOPMENT CORPORATION LIMITED

Appointment – Director

IT IS HEREBY NOTIFIED for general information that the Minister of Finance and Development Planning has appointed —

PAUL RICHARD HINCHEY

to be a Director of the Botswana Development Corporation Limited with effect from 20th September, 1977.

DATED this 26th day of September, 1977.

B.I. GASENNELWE,
*Acting Permanent Secretary,
Ministry of Finance and Development Planning.*

L2/7/193 I

Government Notice No. 573 of 1977

BRANDING OF CATTLE ACT
(Cap. 36:02)

Authorized Officer

IN EXERCISE of the powers conferred by section 5 (1) of the Branding of Cattle Act, His Excellency the President hereby authorizes —

every **PRINCIPAL VETERINARY OFFICER**

ex officio to issue directions under section 5 of the Act.

DATED this 27th day of September, 1977.

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

L2/7/30

Government Notice No. 574 of 1977

MARRIAGE PROCLAMATION
(Cap. 144)

Appointment — Registrar of Marriages

IN EXERCISE of the powers conferred by section 13 (3) of the Marriage Proclamation the Minister of Home Affairs hereby appoints —

MRS GEORGINA KOPANO EUSTICE

to be Registrar of Marriages with effect from 1st April, 1975, and in place of her hereby appoints —

MRS EUNICE TABBY ATANG BOTLHOLE

to be Registrar of Marriages with effect from 12th September, 1977.

DATED this 23rd day of September, 1977.

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

L2/7/92 II

Government Notice No. 575 of 1977

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

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

Results of Bye-Elections

IN ACCORDANCE with the provisions of regulation 50 of the Local Government (Conduct of Elections) Regulations, the Local Government Election Supervisor hereby gives notice that the persons named in the second column of the Schedule have been elected for the polling districts respectively specified in relation thereto in the first column of the said Schedule:

SCHEDULE

<i>Polling District</i>	<i>Person elected and Party affiliation</i>
Mahetwe	Mrs M. Matsila (B.D.P.)
Mankgwenyane	P. Marokane (B.D.P.)
Gaborone Farms	G.K. Phiriyagae (B.D.P.)
Extension III, Selebi-Phikwe	J. Ntwayagae (B.D.P.)
Xanagas	D.F. Africa (B.D.P.)
Molopo	(Nil Return)

DATED this 23rd day of September, 1977.

B.P.B. BAGWASI,
Local Government Election Supervisor.

L2/7/68 IV

Government Notice No. 576 of 1977

EDUCATION ACT

(Cap. 58:01)

Application to Register a School

IN ACCORDANCE with the provisions of section 17 of the Education Act, it is hereby notified for general information that the Gaborone Town Council, Gaborone, has made an application to me for the registration of a school situate at Extn. 14, Gaborone, named Ithuteng Primary School.

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 20th day of September, 1977.

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

L2/7/87

Government Notice No. 577 of 1977

EDUCATION ACT

(Cap. 58:01)

Application to Register a School

IN ACCORDANCE with the provisions of section 17 of the Education Act, it is hereby notified for general information that the Tsonyane Community has made an application to me for the registration of a school situate at Kanye named Tsonyane Private School.

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 22nd day of September, 1977.

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

L2/7/87

Government Notice No. 578 of 1977

WEIGHTS AND MEASURES ACT

(Cap. 43:06)

Assizing - Ghanzi

NOTICE IS HEREBY GIVEN under the provisions of section 17 (1) of the Weights and Measures Act that all persons having weighing or measuring instruments, weights or measures in use in trade or in their possession or charge for use in trade, within the area specified in the Schedule, are required to produce the same to an assizer for the purpose of their being assized or re-assized at the place specified at the appropriate time specified in the Schedule.

A person having, within the area specified, an instrument or measure which —

- (i) is fixed;
- (ii) has a weighing capacity exceeding 272 kg; or
- (iii) is of delicate construction,

may request that such instrument or measure be assized or re-assized at his premises if he forthwith notifies in writing the assizer by whom this notice is published of the particulars of such instrument or measure and the place where it is ordinarily kept.

Statutory fees will be charged and must be paid at the time the equipment is submitted.

It is an offence not to submit equipment for assize or re-assize, or to use in trade equipment that has not been assized, and, upon conviction, a fine of up to P100 may be imposed.

SCHEDULE

<i>Area</i>	<i>Assize Station</i>	<i>Date</i>	<i>Time</i>
Ghanzi and an area within 80 km of	District Commissioner's Office, Ghanzi,	27.10.77	8.30 a.m. to 12.30 p.m. 2 p.m. to 3.30 p.m.

DATED this 27th day of September, 1977.

P. DAVIES,
Controller of Weights and Measures.

Private Bag 0048,
GABORONE.
L2/7/190 I

Government Notice No. 579 of 1977

WEIGHTS AND MEASURES ACT

(Cap. 43:06)

Assizing - Parts of Ghanzi, Kgalagadi and Ngwaketse Districts (Mabutsane to Kang and Kalkfontein to Mamuno to Tshane)

NOTICE IS HEREBY GIVEN under the provisions of section 17 (1) of the Weights and Measures Act that all persons having weighing or measuring instruments, weights and measures in use in trade or in their possession or charge for use in trade, within the area specified in the Schedule, are required to produce the same to an assizer for the purpose of their being assized or re-assized at their trade premises during the period specified when called upon so to do by an assizer.

Statutory fees will be charged and must be paid at the time the equipment is submitted.

It is an offence not to submit equipment for assize or re-assize, or to use in trade equipment that has not been assized, and upon conviction a fine of P100 may be imposed.

SCHEDULE

<i>Area</i>	<i>Period</i>
Sharpes Post	25th October to 2nd November, 1977
Kalkfontein	
Karakobis	
Xanagas	
Charles Hill	
Mamuno	
Makunda	
Kule	
Ncojane	
Urwi	
Hukuntsi	
Lehututu	
Lokgwabo	
Tshane	
Kang	
Kokong	
Mabutsane	
Morwamosu	
Tsetseng	
Sekoma	
Mahutlhake	

DATED this 27th day of September, 1977.

P. DAVIES,

Controller of Weights and Measures.

Private Bag 0048,
GABORONE.
L2/7/190

Government Notice No. 580 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>
Nelson Goitseone Surveys and Lands Private Bag 0037 Gaborone	Sebogiso	Bogatsu is mother's maiden surname.

DATED this 21st day of September, 1977.

D.L. PILANE,

*Permanent Secretary,
Ministry of Home Affairs.*

L2/7/105 III

Government Notice No. 581 of 1977

CHANGE OF NAME LAW, 1963

(28 of 1963)

Application for Authorization of Change of Name

IN ACCORDANCE with the provisions of section 5 (2) of the Change of Name of 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>
Pius Moikanngo Private Bag 0053 Gaborone	Seaganeng	Kgomotso is father's first name. The real surname is Seaganeng.

DATED this 21st day of September, 1977.

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

L2/7/105 III

Government Notice No. 582 of 1977

COMPANIES ACT

(Cap. 42:01)

Notice of Intention to Strike Companies off the Register

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

SCHEDULE

<i>Company Number</i>	<i>Name of Company</i>
45	Agricultural Technical Services (Proprietary) Limited
288	Terra Investments (Proprietary) Limited
420	Franlyn Investments (Proprietary) Limited
461	Modern Cash Butchery (Proprietary) Limited
471	Capital Wholesale Fruiterers (Proprietary) Limited
482	Kwena Enterprises (Proprietary) Limited
635	Kywan Investments (Proprietary) Limited
657	Verron Agencies (Proprietary) Limited
817	Alexander Murphy and Son Botswana (Proprietary) Limited
898	Asco Botswana (Proprietary) Limited
1090	Plot 2600 (Proprietary) Limited
1193	Ngami Holdings (Proprietary) Limited
1230	Steel Systems (Proprietary) Limited
1238	Continental Traders (Proprietary) Limited
1383	Venture Overland (Proprietary) Limited
1421	I.M.C. Botswana (Proprietary) Limited
1515	M.B. (Proprietary) Limited
1550	Stone Sales (Proprietary) Limited
1657	Timsteel (Proprietary) Limited
1695	Z.B. Exports and Imports (Proprietary) Limited
1739	Excelsior Ranches (Proprietary) Limited
1740	Hollandia (Properties) (Proprietary) Limited
1778	Clydon (Proprietary) Limited
1784	Progress Construction (Proprietary) Limited
1794	Paphos Electrical (Proprietary) Limited
1810	Motor-world Botswana (Proprietary) Limited
1821	Maruledi Building Contractors (Proprietary) Limited
1974	Hansa Industries (Proprietary) Limited
1984	Pioneer (Proprietary) Limited
2001	Star Track (Proprietary) Limited
2148	Interfreezer (Proprietary) Limited
183	Van Den Brink Constructions (Proprietary) Limited.

DATED this 26th day of September, 1977.

L2/7/111 VI

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

Government Notice No. 583 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 29th September, 1977

The Bank of Botswana announce that applications totalling P1 228 000 were received on 28th September, 1977, for the offer of P500 000 Treasury Bills for issue on 29th September, 1977, at a price of 98,26%.

Applications were scaled down pro rata and applicants received an allotment of about 40,8% of the amount of bills applied for.

L2/7/237 I

Government Notice No. 584 of 1977

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

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

Applications for Government of Botswana Treasury Bills

The Minister of Finance and Development Planning hereby gives notice that applications will be received at the Bank of Botswana, Khama Crescent, Gaborone, on Thursday, 13th October, 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 Thursday, 13th October, 1977.

3. The Bills will be in amounts of P1 000 or a multiple of P1 000. They will be dated 14th October, 1977, and will be due 91 days after date.

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

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

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

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

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

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

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

DATED this 28th day of September, 1977.

B.I. GASENNELWE,
*Acting Permanent Secretary,
Ministry of Finance and Development
Planning.*

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

Government Notice No. 585 of 1977

LIQUOR ACT
(Cap. 45:01)

Liquor Licensing Courts – November, 1977

IN EXERCISE of the powers conferred by section 16 (1) of the Liquor Act, the Minister of Commerce and Industry hereby gives notice that Licensing Courts will be held at 10 a.m. on the dates and at the places set out in the first and second columns respectively of the Schedule, in respect of applications set opposite thereto in the third column of the said Schedule.

SCHEDULE

First Column

November 8

Second Column

Ghanzi

Third Column

SUSAN JACKAN, for issue of bottle store licence in respect of premises at Ghanzi (Kabakae Ward)

THOMAS CARTEL THOM, nominee, for issue of hotel liquor licence in respect of premises known as Kalahari Arms Hotel at Ghanzi.

November 14

Molepolole

SHEILA DINEONYANA MO-KOBI, for issue of bar and bottle store liquor licences in respect of premises at Mafatane near Mogoditshane.

NATHAN S. DIPHOKO, for issue of bar and bottle store liquor licences in respect of premises at Thamaga.

MOTSHWARAPENE ALFRED TSIANE, for issue of bottle store licence in respect of premises at Molepolole.

IVAN ALSTADT, for renewal of bottle store licence in respect of premises at Takatokwane.

PIET RAMOLEELE, for issue of bottle store licence in respect of premises at Kopong.

WILLIAM KENNETH STROUD, for transfer of bottle store licence in respect of premises at Molepolole.

DAVID INGER (nominee for KRDA), for renewal of hotel liquor licence in respect of premises known as Mafenyattala Hotel.

LOGIC B. KGWADI, for issue of bottle store licence in respect of premises at Mankgodi.

ELIZABETH ANDERSON, for issue of bar and bottle store liquor licences in respect of premises at Mankgodi.

DANIEL KEABETSWE DIMAPO, for issue of bottle store licence in respect of premises at Mankgodi.

November 14

Molepolole

VICTOR BOIKANYO M. KGOSIDINTSI, for renewal of bar and bottle store liquor licences in respect of premises at Mokgalung Ward (Molepolole).

LEBEDITSWE KGABUNG, for renewal of restaurant liquor licence in respect of premises at Molepolole.

HASSAN KHAN, for renewal of bottle store licence in respect of premises at Seojwe.

YOUSUF M. KABLAY, for renewal of bar liquor licence in respect of premises at Borakalalo.

YOUSUF M. KABLAY, for issue of bottle store licence in respect of premises at Borakalalo.

JOHANNES S.T. MOKONE, for renewal of bottle store licence in respect of premises at Lephephe village.

JOHANNES S.T. MOKONE, for renewal of bar liquor licence in respect of premises at Molepolole (Borakalalo Ward)

I.G. SEATSHOGENG, for transfer of bar liquor licence in respect of premises at Letlhakeng.

ROBERT NAMATE, for issue of bottle store licence in respect of premises at Metsimothabe.

WILLIAM KENNETH STROUD, for renewal of bar and bottle store liquor licences in respect of premises at Molepolole.

E.G. REOKWAENG, for renewal of bar and bottle store liquor licences in respect of premises at Khudumelapye.

MOTLHABANE G. KEWAKAE, for renewal of bottle store licence in respect of premises at Kopong village.

SEFENTSE KGOSIDINTSI, for renewal of restaurant liquor licence in respect of premises at Molepolole (Mokgalo Ward).

TIRELO MOTSEONAGENG, for transfer of bottle store licence in respect of premises at Ditshegwane.

AARON LESOTLHO, for issue of bar and bottle store liquor licences in respect of premises at Mogoditshane.

CAPTAIN LEGWALE, for renewal of bottle store licence in respect of premises at Lentsweletau.

November 10

Gaborone

TSELISO JOHN SEKHONYANA LETSUNYANE, (nominee for Notwane Club), for renewal of club liquor licence in respect of premises known as Notwane Club, Gaborone.

JOHN B. EUSTICE (nominee) for renewal of club liquor licence in respect of premises known as Gaborone Club.

NORMAN EDWARD WEST, for renewal of club liquor licence in respect of premises at Gaborone Railway Reserve Area.

CORNELIUS JACOBUS ODENDAAL (nominee) for renewal of club liquor licence in respect of premises known as Gaborone Golf Club.

DAVID MAROPE, for renewal of bar liquor licence in respect of premises at Ramotswa.

RASEBETHU RASEFAKO, for renewal of bar liquor licence in respect of premises at Ramotswa.

MOTSEI MOKOLA, for renewal of bottle store licence in respect of premises at Tlokweng.

LYDIA SEGOMOTSO KETLOGETSWE, for renewal of bottle store licence in respect of premises known as Sechaba Bottle Store.

MONTISETSI RAMOENG, for renewal of bottle store licence in respect of premises at Ramotswa Station.

NANCY MOLEDI MONTSHIOA, for renewal of bottle store licence in respect of premises at Lot 347 Extension 4 Gaborone.

S. GRACE ROCHA (MRS), for renewal of bottle store licence in respect of premises at Tlokweng village.

MORETIEMANG MARTHA MOIPOLAI, (nominee), for renewal of bottle store licence in respect of premises at Lot 3241 Extension 12 Gaborone.

JANNEN OTUKILE BATSALELWANG, for renewal of bottle store licence in respect of premises at Ramotswa village.

REUBEN BOGATSU, for renewal of bottle store licence in respect of premises at Tlokweng village.

MATLAPENG RAY MOLOMO, for renewal of restaurant liquor licence in respect of premises at White City, Gaborone.

November 9

Mahalapye

JOHANNES GUMEDE, for issue of bottle store licence in respect of premises at Stand No. 1873 Gaborone.

MATLAPENG RAY MOLOMO, for issue of bottle store licence in respect of premises at White City, Gaborone.

MATLAPENG RAY MOLOMO, for issue of bar liquor licence in respect of premises at White City, Gaborone.

SEITSHIRO SEITSHIRO, for issue of bar and bottle store liquor licences in respect of premises at Tlokweng.

NAOMI SAMSON, for issue of bottle store licence in respect of premises at Xhosa Ward (Mahalapye).

FELIX FESTUS MALAN, for issue of bottle store licence in respect of premises at Phala Road.

COLIN DE BEER, for renewal of bottle store licence in respect of premises at Machaneng.

THEOPHILUS TSHIAMO TAMOCHA, for renewal of bar and bottle store liquor licences in respect of premises known as T.T.T. Bar and Bottle Store.

LILIAN MAITHOKO DENNISON, for renewal of bottle store licence in respect of premises at Mosolotshane village.

BRIAN AUBREY FROHLICH, for renewal of hotel liquor licence in respect of premises known as Chase-Me-Inn.

KEMORENG MOLEJA MASEPAAMPSA, for renewal of bottle store licence in respect of premises at Mahalapye.

NELLY CHAMME (nominee), for renewal of bar and bottle store liquor licences in respect of premises at Mahalapye.

THOMAS CHARLES P. SHAW, for renewal of bottle store licence in respect of premises at Shoshong.

CHRISTOPHER BOYCE MARGALEMELA, for renewal of bar liquor licence in respect of premises at Shoshong.

SAM KOVEYA, for transfer of hotel liquor licence in respect of premises known as Chase-Me-Inn.

STEPHANUS J.H. COTZEE (nominee), for renewal of bar and bottle store liquor licences in respect of premises at Mahalapye.

November 8

Tshabong

WALTER GORDON WESSON, for renewal of bar and bottle store liquor licences in respect of premises at Sefhare.

JOHANNES MARTHINUS FOURIE, for renewal of hotel liquor licence in respect of premises at Parshalt.

KELEBOGILE CYNTHIA CHINYOKA, for issue of bottle store licence in respect of premises at Kalamare.

KEDUMETSE MASUGA, for renewal of restaurant liquor licence in respect of premises at Mahalapye.

PETER P.P. MANAMELA, for renewal of bottle store liquor licence in respect of premises at Mahalapye.

KLAAS VANDER WESTHUIZEN for renewal of bottle store licence in respect of premises at Middlepits.

JOHAN DROTSKY MARNEWICK, for issue of bottle store licence in respect of premises at Kang.

JOHAN DROTSKY MANEWICK, for renewal of bottle store licence in respect of premises at Hereford Farm.

BOY MABUSE MOAPARE, for issue and renewal of bar and bottle store liquor licences in respect of premises at Hukuntsi.

ANDRIES RHYN, for renewal of bar and bottle store liquor licences in respect of premises at Inversnuit (Bokspits).

ANNA MARY SAUL, for renewal of bottle store licence in respect of premises at Bokspits.

S.M. PODI, for renewal of bottle store licence in respect of premises at Hukuntsi.

November 9

Kasane

HAROLD RODNEY KIERSTEAD, for renewal of hotel liquor licence in respect of premises known as Chobe Safari Lodge.

THEUNIO LOUIS KRUGER DU PLESSIS, for renewal of bottle store licence in respect of premises at Kasane.

HAROLD RODNEY KIERSTEAD, for renewal of bottle store licence in respect of premises at Fourway Motors COR. Nata/Kasanel/Kazungula roads.

HAROLD RODNEY KIERSTEAD, for renewal of bar liquor licence in respect of premises at Wenela lease Area 3RO Kazungula.

November 10

Selebi-Phikwe

PETER M. MATENGE, for issue of bottle store licence in respect of premises at Panda Matenge.

KEITEMOGE O. MOSEKI, for transfer of bottle store licence in respect of premises at Serule.

KEITEMOGE O. MOSEKI, for renewal of bar and bottle store liquor licences in respect of premises at Serule.

TSHIAMO MAKUKE, for issue of bar and bottle store liquor licences in respect of premises at Selebi-Phikwe.

SISCO LEBOGANG (nominee), for renewal of club liquor licence in respect of premises known as Selebi-Phikwe Sports and Social Club Area I.

PETER SENWELO SEGOBYE, (nominee), for renewal of club liquor licence in respect of premises known as Selebi-Phikwe Sports and Social Club Area II.

BENJAMIN S.M. MOTHIBE, for issue of bar and bottle store licences in respect of premises at Selebi-Phikwe.

KELEBANTSWE S. MOSWEU for renewal of bar liquor licence in respect of premises at Selebi-Phikwe.

KELEBANTSWE S. MOSWEU for renewal of restaurant liquor licence in respect of premises at Selebi-Phikwe.

DONALD K. RAKWADI, for renewal of bottle store licence in respect of premises at Botshabelo.

ISAAC D. MOTLADIILE, for issue of bottle store licence in respect of premises at Selebi-Phikwe.

CLIVE HARRY McNICOL, for transfer of bottle store licence in respect of premises at Selebi-Phikwe.

CLIVE HARRY McNICOL, for renewal of bottle store licence in respect of premises known as Copper Bowl Bar.

CLIVE HARRY McNICOL, for renewal of bottle store licence in respect of premises at Selebi-Phikwe.

CLIVE HARRY McNICOL, for transfer of bottle store licence in respect of premises known as Township Bottle Store.

TERENCE McCOURT (nominee), for renewal of club liquor licence in respect of premises at NR Gibb Plot 9214/1 (Selebi-Phikwe).

JOHN E.F. BARKER (nominee) for renewal of bottle store licence in respect of premises known as Bosele Hotel.

JOHN MORUPE, for renewal of bar and bottle store liquor licences in respect of premises at Mmadinare

RUTH BASELE, for renewal of bottle store licence in respect of premises at Mmadinare.

TALKFREE L. SERUMOLA, for renewal of bottle store licence in respect of premises at Bobonong.

KELEBANTSWES. MOSWEU for renewal of bar and bottle store liquor licences in respect of premises at Bobonong village.

GABANAMOTSE MOTSHABI for issue of bar and bottle store liquor licences in respect of premises at Tsetse Tsetsejwe.

M. MAFOLA, for issue of bar and bottle store liquor licences in respect of premises at 'Sefhophe.

STEVEN MOTHUPI, for issue of bottle store licence in respect of premises at Lerala.

I. DIRENG MANGALE, for issue of bottle store licence in respect of premises at Kobojango (Bobonong).

I. SESASUPE MOSWEU, for issue of bottle store licence in respect of premises at Molalatau village.

DITSHENYO MARUMO, for renewal of bottle store licence in respect of premises at Mogapinyana.

DONALD KHUDU RAKWADI, for issue of bar liquor licence in respect of premises at Botshabelo.

BLACK MAKUKE, for issue of bar and bottle store liquor licences in respect of premises at Semolale.

MONAMATE MAROPE, for issue of bottle store liquor licence in respect of premises at Semolale.

ALBERT MACHENG, for renewal of bottle store licence in respect of premises at Borolong (Central District).

ALBERT MACHENG, for renewal of bar liquor licence in respect of premises at Borolong (Central District).

W.G. WESSON, nominee, for renewal of club liquor licence in respect of premises known as Mophane Club.

ALLISON KUDZANI MAZHANI, for issue of bottle store licence in respect of premises at Mathangwane village, Central District.

BUGALO RADITSEBE GULUBANE, for issue of bottle store licence in respect of premises situated at Gulubane.

ROSE MBAKILE, for issue of bar liquor licence in respect of premises situated next to Tati Siding along the new Francistown/Serule road.

BEN NGOZI NLEYA, for issue of bottle store licence in respect of premises at Moroka village.

JOHN MANYANA MPUNGWA, for issue of bottle store licence in respect of premises at Mathangwane village.

OBED LESOLE, (nominee Marina Ranch), for issue of bottle store licence in respect of premises at Shashe Bridge on Francistown/Nata road.

TSHIMOLOGO MBAKILE, for issue of bottle store licence in respect of premises situated at Area "W" Francistown.

OREEDITSE JOSEPHINE LE-PHALO, for issue of bottle store licence in respect of premises at Matsiloje village.

AMEN JOSEPH, for issue of bottle store licence in respect of premises at Nlamphwane village.

W.R. GULUBANE, for issue of bar and bottle store liquor licences in respect of premises situated at Shashe - Semotswane in the Central District.

VINUS SAMSON SEBELE, for issue of bottle store licence in respect of premises at Senyawu.

DAVID BUNGILE, for issue of bottle store licence in respect of premises at Nswazwi village, Central District.

ROBERT M. SIBANDA, for issue of bottle store licence in respect of premises at Area "S" Francistown.

MONYAPI BUSWANI, for issue of bottle store licence in respect of premises at Mosojane village.

ETHEL MBIKIWA, for issue of bottle store licence in respect of premises at Riverside South Commercial Centre, Francistown.

EUNICE NTHAKA, for issue of bottle store licence in respect of premises at Somerset West, Francistown.

JUSTICE HASKINS MUNAMATI, for renewal and transfer of bottle store licence from Matsitama to premises situated at Nakalagongwana (Junction of Orapa/Matsitama road).

SHIYANI MALIKONGWA, for renewal and transfer of bottle store licence in respect of premises at Nata.

LAUWRENS PETRUS BARNARD, for renewal and transfer of bottle store licence in respect of premises at Tshesebe.

RUTH MALLEGE (nominee for Tati Hotel) for renewal and transfer of hotel and bottle store liquor licences in respect of premises at Francistown.

FREDERICK B. BONYONYO MASALILA, for renewal of bottle store licence in respect of premises at Tutume (Madandume village).

MICHAEL SEBELE, for renewal of bar and bottle store liquor licences in respect of Gonodziba Bar and Bottle Store situated at Sebina.

NDIBO ELIZABETH T. MONGWA, for renewal of bottle store licence in respect of Tshibanani Bottle Store situated at Tsamaya village.

NDIBO ELIZABETH T. MONGWA, for renewal of bottle store licence in respect of Milikani Sisters and Brothers Bottle Store situated at Blue Jacket Street Plot 308/9 Francistown.

GEOFFREY T. NFILA, for renewal of bottle store licence in respect of premises at Mosetse.

PHILIP G. MATANTE, for renewal of liquor licence in respect of premises at Tati Town Surveyed Area, Francistown.

November 14

Serowe

LEMME MAKGEKGENENE, for renewal of bar and bottle store liquor licences in respect of premises situated at Tonota.

SAM KOVEYA, nominee, for renewal of hotel liquor licence in respect of premises known as Serowe Hotel.

HERBERT VICTOR ROBINSON, for issue of bottle store licence in respect of premises situated at Newtown (Serowe).

HILTON CHARLES FREEMAN, for renewal of hotel liquor licence in respect of premises known as Palapye Hotel situated at Palapye.

LESEDI SEABELO TSHEKANE, for renewal of bottle store licence in respect of premises at Malela Ward - Serowe.

MOTHUSI S. SERETSE, nominee, for renewal of hotel liquor licence in respect of premises known as Tshwaragano Hotel (Serowe).

K.D. RAMAKATANE, for issue of bottle store licence in respect of premises at Lesenepole.

MARIA SIKALESELE, for renewal of bar liquor licence in respect of premises (Cross Roads Rest) situated at Sebina/ Maun road junction.

J.A. TUGWELL, for renewal of hotel and bottle store liquor licences in respect of Grand Hotel, Haskins Street, Francistown.

IKANYENG LETSHOLATHEBE, for renewal of bar and bottle store liquor licences in respect of premises at Ramakgwebana.

CYRIL GUTEL COHEN, nominee, for renewal of bottle store licence in respect of premises situated at Stand 19, Tatitown.

NTHANDAZO MATHUMO, for renewal of bottle store licence in respect of premises at Tati Siding.

OBED ITANI CHILUME, for renewal of bar and bottle store liquor licences in respect of premises at Tutume.

BALDWIN MHATI, for renewal of bottle store licence in respect of premises situated at Bluetown.

SMART MAPHANE BUTALE, for renewal of bottle store licence in respect of premises at Jackalas No. II village.

BULIKE MASWIKITI, for renewal of bottle store licence in respect of premises at Area 'W' Francistown.

GODSON TAFE, for renewal of bottle store licence in respect of premises at Masuga village.

MOTOKWA BUKHABULI, for renewal of bottle store licence in respect of premises at Nkange village.

MICHAEL WILLIAM RAINEY IVES, nominee, for renewal of club liquor licence in respect of premises known as Francistown Club.

PETER NTHITE, for renewal of bar liquor licence in respect of premises situated along Bogatu Road, Bluetown, Francistown.

JACOB MAPOSA, for renewal of bottle store licence in respect of premises at Nata.

BEKA NCHENA, for renewal of bottle store licence in respect of premises known as Ndadziyila Bottle Store situated at Maitengwe village.

CHAPIWA ZWINILA, for renewal of bottle store licence in respect of premises at Masunga village.

OSI HUPARELANG LESETEDI, for renewal of bottle store licence in respect of premises situated at Mabeleapudi.

SAM KOVEYA, for renewal of bottle store licence in respect of premises known as Serowe Bottle Store.

S.M. KEALEBOGA (nominee), for renewal of club liquor licence in respect of premises known as Maphatshwa Night Club. (Serowe).

LENYELETSE M. SERETSE, for renewal of bar and bottle store liquor licences in respect of premises situated at Palapye.

BETTY MPEDI (MRS), for issue of bar and bottle store liquor licences in respect of premises at Ditharapa Ward (Serowe).

L. RAMARIBANE, (nominee, for Mpepu Bar and Bottle Store), for renewal of bar and bottle store liquor licences in respect of premises at Palapye.

P.M. MAIYANE, for renewal of bottle store licence in respect of premises at Palapye.

MOTSWADIRA KEPALETSE, for issue of bottle store licence in respect of premises at Maunatlala village.

November 8

Orapa

T. MARUMO, for renewal of bottle store licence in respect of premises at Tsienyane.

T. MMOLAWA TSOGWANE, for issue of bottle store liquor licence in respect of premises at Makalamabedi.

TSHIRELETSO MASHETO, for issue of bottle store liquor licence in respect of premises at Moreomaoto.

GLADYS SEBESO, for issue of restaurant liquor licence in respect of premises at Letlhakane village.

G. MAPOSA (MISS), for issue of bottle store liquor licence in respect of premises at Mokobaxane.

RICHARD SIWAWA, for renewal of bar and bottle store liquor licences in respect of premises at Letlhakane.

LETSEBE KETENG PILANE, (nominee) for renewal of club liquor licence in respect of premises at Orapa.

EDWIN LANGE, for renewal of bottle store liquor licence in respect of premises at shopping centre, Orapa.

MOGOTSI HAROLD KGWATLALA, (nominee) for renewal of club liquor licence in respect of premises known as Itsekeng Recreation Club (Orapa).

GALEIMELWE LOETO, for renewal of bottle store liquor licence in respect of premises at Mopipi.

SYDNEY MILNER, (nominee) for renewal of hotel liquor licence in respect of premises known as Cumberland Hotel (Lobatse).

SYDNEY MILNER (nominee) for renewal of bottle store liquor licence in respect of premises known as Monaheng Bottle Store (Lobatse).

MAX JAMES HEWARD (nominee), for renewal of hotel liquor licence in respect of premises known as Lobatse Hotel.

MICHAEL JOHN EVERT, (nominee), for renewal of club liquor licence in respect of premises known as B.M.C. Bowling Club (Lobatse).

MABEL DAPHNE OPENSHAW (nominee) for renewal of club liquor licence in respect of premises known as Lobatse Golf Club.

November 7

Lobatse

November 7

Mochudi

HILDA MUTLOANE, for renewal of bottle store liquor licence in respect of premises known as Itekeng Bottle Store (Lobatse).

JOHN K. MODISE, for issue of bar liquor licence in respect of premises known as Lentswe La Baratani Bar.

L.V. MOLAPO (MRS), for issue of bar and bottle store liquor licences in respect of premises known as Woodhall Bar and Bottle Store.

L. MMAMOKOPA FULELE, for issue of bottle store liquor licence in respect of premises at Dikalakane.

RAKWADI JOHN MODIPANE, for issue of bottle store liquor licence in respect of premises at Mochudi.

FRANCIS MOLWANTWA, for issue of bottle store liquor licence in respect of premises at Malolwane.

RUTH MEKGWE, for issue of restaurant liquor licence in respect of premises at Pilane.

VIOLET PHEPE MOREMI, for issue of bottle store liquor licence in respect of premises at Mochudi (Boseja).

MADISA MADISA, for issue of bottle store liquor licence in respect of premises at Malotwane.

JOPELE JOSEPH MOLEFE, for issue of bottle store liquor licence in respect of premises at Phaphane (Mochudi).

EDWARD APHIRI, for issue of bar liquor licence in respect of premises at Boseja (Mochudi).

MOCHELE B. LENCHWE, for issue of bottle store liquor licence in respect of premises at Modipane.

RADIKGONG LEBURU, for issue of bottle store liquor licence in respect of premises at Bokaa.

RATSELA RAMOREMI MOGOTSI, (nominee for Mochudi Enterprises) for renewal of bottle store and issue of bar liquor licences in respect of premises at Sikwane.

RATSELA RAMOREMI MOGOTSI, (nominee for Mochudi Enterprises) for renewal of bar and bottle store liquor licences in respect of premises at Mochudi.

GASETSHWANE MOLEFI PILANE (MRS), for renewal of bottle store liquor licence in respect of premises at Artesia.

November 14

Kanye

ELIZABETH NKASALA MOROKA, for renewal of bar and bottle store liquor licences in respect of premises at Mmamashia.

MMARAKAU KATHLEEN KGAFELA, for renewal of bottle store liquor licence in respect of premises at Pilane.

MABEL NKHABE THWANE, for renewal of bar and bottle store liquor licences in respect of premises at Mochudi.

PEARL DINTSI, for renewal of bottle store liquor licence in respect of premises at Morwa village.

KAUTLWALE BATSHEGI KGAKOLE, for renewal of bottle store liquor licence in respect of premises at Rasesa.

N. RADIKORO MOLETSA-NA, for issue of bottle store liquor licence in respect of premises at Mabutsane.

DAVID MODISAOTSILE MAKEPE, for renewal of bottle store liquor licence in respect of premises at Kanye.

DAVID MODISAOTSILE MAKEPE, for renewal of bar and restaurant licences in respect of premises at Kanye.

TLHONYA TSHEGOFATSO MOKAILA, for renewal of bottle store liquor licence in respect of premises at Papatlo (Barolong Farms).

SEALETSA ASTON SEALETSA, for issue of bottle store liquor licence in respect of premises known as Sahara Bottle Store (Moshaneng).

MABEL WILFRED MOTLHABI NGOPE, for renewal of bottle store liquor licence in respect of premises at Moshupa village.

NGAKA ELDRIDGE MORAPEDI, for issue of bar and bottle store liquor licences in respect of premises at Moshupa village.

MORRIS MODIKANA GOFHAMODIMO, for issue of bar and bottle store liquor licences in respect of premises at Matlalong.

ALBERT J. NYATSHANE, for issue of bottle store liquor licence in respect of premises at Bethel - Pitsane.

EDITH KERAYAONE MARENGWA, for transfer of bottle store liquor licence in respect of premises at Mmathethe.

BOIPELO SILVIA MOTSGHARE, for issue of bottle store liquor licence in respect of premises at Metlojane - Barolong Farms.

GRACE P.G. IKGOPOLENG, for issue of bottle store liquor licence in respect of premises at Cwaanyaneng - Barolong Farms.

NEO D. MOEMI, for issue of bottle store liquor licence in respect of premises at Morwamusu.

MICHAEL MOLOSIWA, for issue of bottle store liquor licence in respect of premises at Digawana village.

BAFITI B. TSELAYAKGOSI, for renewal of bottle store liquor licence in respect of premises at Mmathethe village.

MOAGI DIPELA, for issue of bottle store liquor licence in respect of premises at Kanye.

LEKUKU MOSIMANETHEBE MODISANE, for issue of bottle store liquor licence in respect of premises at Tloung (Kanye).

LANEY WALTER SPINKS, for issue of bottle store liquor licence in respect of premises at Moshupa village.

DANIEL JANKIE, for issue of bottle store liquor licence in respect of premises at Samane.

JAMES OTLADISA RAMHAGO, for issue of bottle store liquor licence in respect of premises at Manyana village.

CHRISTOPHER MARCOS, for renewal of bar and bottle store liquor licences in respect of premises at Sehithwa.

ANTHONY LEONARD GRAHAM, nominee, for renewal of hotel liquor licence in respect of Island Safari Lodge at Matlapawene

MABUTHO MHAPHA, for issue of bottle store liquor licence in respect of premises at Toteng.

J.H. SELBY, nominee, for renewal of hotel liquor licence in respect of premises at Xugana.

MOTSAMAI K. MPHOTO, for renewal of bottle store and bar liquor licences in respect of premises at Maun.

November 14

Maun

RONALD MARTIN KAYS,
nominee, for renewal of hotel liquor
licence in respect of Rileys Hotel
(Maun).

BARRIE JOHN PRYCE,
nominee, for renewal of hotel liquor
licence in respect of Okavango
Fishing Safaris (Pty.) Ltd.
(Shakawe).

ALEXANDER SIDNEY KEITH
ESSON, nominee, for renewal of
hotel liquor licence in respect of
Santiwane (Maun).

MALCOLM WRIGHT, for re-
newal of bottle store liquor licence
in respect of premises at Shakawe.

KARL ALFRED GHONLI,
nominee, for renewal of hotel liquor
licence in respect of premises known
as Okavango River Lodge (Mote-
pani).

J.H. SELBY, nominee, for re-
newal of hotel liquor licence in
respect of Khwai River Lodge.

SEBATI SEBATI, for renewal of
bottle store liquor licence in respect
of Boiteko Bottle Store (Maun).

DATED this 26th day of September, 1977.

R.N. MANNATHOKO,
Permanent Secretary,
Ministry of Commerce and Industry.

L2/7/102 II

Government Notice No. 586 of 1977

Corrigendum

In Act No. 40 of 1977, opposite "Date of Commencement:", for "29.9.77" substitute "On Notice".

L2/4/676

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.L. SETSHWAELO, P.O. Box 51, GABORONE.	PETROL FILLING STATION	RAMOTSWA COMMERCIAL SITE	SOUTH EAST DISTRICT COUNCIL	28.10.77
S. MAJOVA, P.O. Box 736, GABORONE.	SPECIALITY	EQUITY BUILDING	GABORONE TOWN COUNCIL	9.11.77
L. LETSHOLO, P.O. Box 736, GABORONE.	SPECIALITY	EQUITY BUILDING	GABORONE TOWN COUNCIL	9.11.77
K. BABEILE, P.O. Box 23, TSABONG.	SMALL GENERAL TRADING	KISA	KGALAGADI DISTRICT COUNCIL	8.11.77
J. LESOLLE, P.O. Box 21, PITSANE.	SMALL GENERAL TRADING	GOOD HOPE	SOUTHERN DISTRICT COUNCIL	28.10.77
N.T. RAMMUNG, P.O. Box 316, LOBATSE.	SMALL GENERAL TRADING	GAMAROTSWANA	SOUTHERN DISTRICT COUNCIL	28.10.77
E. PILLAR, P.O. Box 81, TONOTA.	RESTAURANT	TONOTA	CENTRAL DISTRICT COUNCIL	28.10.77
SIKWANE MOTORS, A.K. Khan, P.O. Box 361, MOCHUDI.	GARAGE AND FILLING STATION	BOSEJA (SIKWANE ROAD)	KGATLENG DISTRICT COUNCIL	28.10.77
S. KHAN, P.O. Box 37, MAHALAPYE.	GARAGE	MAHALAPYE	CENTRAL DISTRICT COUNCIL	28.10.77
B. PODIPEDI, P.O. Box 100, BOBONONG.	CHIBUKU DEPOT	BOBONONG CENTRAL RESTAURANT	CENTRAL DISTRICT COUNCIL	28.10.77
K.S. MOSWEU, P.O. Box 23, SELEBI-PHIKWE.	CHIBUKU DEPOT	BOBONONG	CENTRAL DISTRICT COUNCIL	28.10.77
M. NKOLOI, P.O. Box 72, PALAPYE.	TRADING (MILLER'S)	PALAPYE	CENTRAL DISTRICT COUNCIL	28.10.77
K.P. PODIEPHATSHWA, P.O. Box 58, FRANCISTOWN.	SPECIALITY	PLOT No. 687	FRANCISTOWN TOWN COUNCIL	10.11.77

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>
C.N. VIJJOEN, P/Bag D 998, via VRYBURG.	DITHUBEWENG, MAROBANE, MARALALENG, KISA AND WATERSEND	KGALAGADI DISTRICT COUNCIL	8.11.77
B. MOTHIBEDI, Private Bag 3, KANYE.	LOHATLHA, BATHOBABANGWE AND MMADINONYANE	SOUTHERN DISTRICT COUNCIL	28.10.77
A.G. SEGALÉ, P.O. Box 1, SIKWANE.	SIKWANE, MABALANE, MATHUBUDUKWANE, MALOLWANE AND DIKALAKANE	KGATLENG DISTRICT COUNCIL	28.10.77
P. LEKGABA, P.O. Box 667, FRANCISTOWN.	KGALAPHUDUHUDU, DZIDZIPA, NAKALAKGONGWANA, SAMISONO, TSARUTSARU, DIBI, MEA, MOSUPE AND MATAKANE	CENTRAL DISTRICT COUNCIL	28.10.77
K. LESENYAMOTSE, P.O. Box 44, Malaka Village, via PALAPYE.	PATIKWANE CATTLE POSTS, KALAKENG, LEBOWANA LANDS AND MOREMI LANDS	CENTRAL DISTRICT COUNCIL	23. 9.77
R. MOKWENA, P.O. Box 59, TONOTA.	DITADI, TONOTA, GOLOSHABE, TSHELONG, MODONJE, MAISALE AND MOROTOLE	CENTRAL DISTRICT COUNCIL	28.10.77

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

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>
S.G. MEDUPE, P.O. Box 1350, GABORONE.	GABORONE	GABORONE TOWN COUNCIL	9.11.77
R. MOYO, P.O. Box 852, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	9.11/77
R.M. MAKOMBE, P.O. Box 852, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	9.11.77
P. NCUBE, P.O. Box 886, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	9.11.77
D. MAZIKANA, c/o L. Dahlberg, P.O. Box 128, GABORONE.	OLD NALEDI, EXTENSIONS 9 AND 11	GABORONE TOWN COUNCIL	9.11.77
T. MOTLHAPING, P.O. Box 852, GABORONE.	BONTLENG	GABORONE TOWN COUNCIL	9.11.77

W. BABAME, P.O. Box 1162, GABORONE.	OLD AND NEW NALEDI, BONTLENG, NEW CANADA AND NEW STANDS	GABORONE TOWN COUNCIL	9.11.77
E. MOTLAPELE, P.O. Box 184, GABORONE.	EXTENSION 2	GABORONE TOWN COUNCIL	9.11.77
M. TSUMAKE, P.O. Box 84, GABORONE.	EXTENSION 5	GABORONE TOWN COUNCIL	9.11.77

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

**IN THE HIGH COURT OF THE
THE REPUBLIC OF BOTSWANA**

Held at Lobatse

M.C. 81/77

In the matter between:

GAEDUPE RANKO

Plaintiff

and

CHIPO RANKO

Defendant

TO: CHIPO RANKO, formerly of Boribamo School, Molepolole, but whose present whereabouts are unknown:

TAKE NOTICE that by summons issued out of this Court, you have been called upon to give notice within 30 days of the Second publication hereof to the Registrar and to Plaintiff's Attorneys of your intention to defend, if any, in an action wherein Gaedupe Ranko claims:

A RULE NISI FOR DIVORCE

TAKE NOTICE FURTHER that if you fail to give such notice judgment may be granted in the matter without further reference to you.

DATED at Gaborone this 19th day of September, 1977.

KIRBY, HELFER AND KHAMA,
Plaintiff's Attorneys.

P.O. Box 882 and 170,
GABORONE.
the 14th October, 1977.

Second Publication

Republic of Botswana – Tender No. T.B. 9/5/20/77-78
IMPROVEMENTS TO MAHALAPYE-SHOSHONG ROAD

Tenders are invited from Registered Civil Engineering Contractors for realignment and drainage improvements on the Mahalapye – Shoshong Road.

Documents will be available from the Chief Roads Engineer, Private Bag 0026, Gaborone on or after 3rd October, 1977.

Tenders must reach the Secretary, Central Tender Board, Private Bag 0058, Gaborone, by registered post or by hand, in a plain sealed envelope marked "TB 9/5/20/77-78 – Mahalapye-Shoshong Road)" not later than 9 a.m. on Wednesday 26th October, 1977. Telegraphic, telephonic or telex tenders will not be accepted.

The lowest or any tender will not necessarily be accepted.

Any further information regarding this tender may be obtained from the office of the Chief Roads Engineer, Telephone: Gaborone 5515/6/7.

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

South East District Council

DISPOSAL OF UNSERVICEABLE COUNCIL STORES

Notice is hereby given that the undermentioned council stores will be sold by Public Auction in accordance with Stores Regulations for Town and District Councils in the Council premises, Ramotswa, on 21st October, 1977 at 9.00 a.m.

<i>Quantity</i>	<i>Description of Goods</i>
10 × 7.92m = (23')	1.BR Sheets New
4 × 1.52m = (5')	" " "
2 × 5m = (16'6")	" " "
8 × 2m = (16'6")	" " "
24 × 3.25m = (10')	Corrugated Iron S/H or Used.
26 × 2.45m = (9')	" " " " "
8 × 3.6mm = (12')	" " " " "
25 × 2.24m = (7')	" " " " "
3 × 2.75m = (8'10")	" " " " "
18 × 2.32m = (7'8")	" " " " "
10 × E4H Window frames	
2 × D4H	" "
5 × C22H	" "
7 × D22H	" "
7 Battern Doors	S/H or used.
5 Sirkles.	
37 Wooden Brick mouldings.	
7 × 5.20m × 112 × 38mm	Timber. S/H or used
3 × 4.16m × 112 × 38mm	" " " "
10 × 4.33m × 75 × 50mm	" " " "
4 × 5m × 112 × 38mm	" " " "
10 × 3.68m × 112 × 38mm	" " " "
2 cupboard frames	" " "
3 × 225mm Door frames	" " "
2 × 112mm	" " "
2 × C7H Window frames complete with panes used	
2 C22H Window frames complete with panes used	
4 C1H Window frames complete with panes used	
2 E8H Window frames complete with panes used	

Second Publication

Central District Council – Tender No. CDC/12/77

Tenders are invited for the supply of spare parts for the below listed Central District Council Vehicles – as follows:

Chevrolet 1C30 1973, 1C30 1976, 3K10 1975, 1K10 1976, 7K20 1975, 1K20 1976, 2C20 1975,
1C10 1976,
Bedford 6J5 1975, 2J5 1976 (one MFR2BCO),
Isuzu 5TXD50 1974, 2TXD40 1974, 1 TLD 23 1976,
Ford 1F250 1974, 2F100 1975,
Landrover 1 Series 3 1975, 3 Series 3 1977,
1 Toyota Hilux 1600 1975, 1 Leyland Boxer 1300 1974,
1 Motorbike Honda 90 1975,
1 Landcruiser 1976,
2 Leyland tractor 1974,
1 Massey Ferguson tractor 1970.

The supplier must provide information on the cost price of each item and other terms of supply, discount, consignment etc. if any. All tenders should be required by the Council Secretary, Central District Council, Private Bag 1, Serowe in a sealed envelope marked "TENDER NO. CDC/12/77", not later than 9 a.m. on the 14th October, 1977.

The supplier may tender for any or all makes of Central District Council Vehicles as are identified above.

Tender documents may be obtained by writing the Council Transport Officer, Central District Council, Private Bag 1, Serowe.

The lowest or any bid will not necessarily be accepted.

C.P.S. SEKGA,
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>
J. MAOTWE, P.O. Box 8, RAMOTSWA.	FRESH PRODUCE	OTSE	SOUTH EAST DISTRICT COUNCIL	28.10.77
R.E. RIDGE AND R.D. WALLACE, P.O. Box 75, MAUN.	GENERAL TRADING	MAUN	NORTH WEST DISTRICT COUNCIL	4.11.77
K.S. MOKIBISA, Moshopha Village, P.O. Sefhare, via MAHALAPYE.	BOTTLE STORE	MOSHOPHA VILLAGE	CENTRAL DISTRICT COUNCIL	28.10.77
E.N. KEDIKILWE, P.O. Box 296, GABORONE.	GENERAL TRADING AND FILLING STATION	SEFHOPHE	CENTRAL DISTRICT COUNCIL	28.10.77
M. BOLOKANG, P.O. Box 120, SEROWE.	SMALL GENERAL TRADING	SEROWE	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***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>
B. MATLOLANE, P.O. Box 112, MOSWAANA.	MOSETLHE, MOSAMOWAKWENA, MAISANE, MOSWAANA, MAGODIRI, TOI, MASETSHWANA, KAMAWE, MAOLOGANE, MMALEISO, GANAMANYANE AND DIJABAKWENA	SOUTHERN DISTRICT COUNCIL	28.10.77
R. LOBATLAMANG, P.O. Box 290, KANYE.	DINONYANE, LEHOKO, NALEDI, LOPAPA, MOKHOMMA, JWANA, KOME AND GATALWAMOTHO	SOUTHERN DISTRICT COUNCIL	28.10.77
A.M. SIKWANE, P.O. Box 34, TONOTA.	MALOTE, BONWAMPSA, MABOLE LANDS, THAKADIWA, THOLODI LANDS, MARULAMABEDI AND KAISARA CATTLE POST	CENTRAL DISTRICT COUNCIL	28.10.77
O. SHADI, B.D.A., Radisele Store, via PALAPYE.	TIEWANE, MMAMASILANOKE, LEKAWENG, MMAMENO AND MABATWE	CENTRAL DISTRICT COUNCIL	28.10.77
M. TSHOLOFELO, c/o P.O. Box 494, GABORONE.	SELOLWANE, MAKHUBULWA, MASHUCHI, ZWAKANSEKA, CHIDUMILA AND SHSANGANGWE	CENTRAL DISTRICT COUNCIL	28.10.77

(ALL PLACES ARE LANDS)

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>
M. LETLOLE, P/Bag 0054, GABORONE.	OLD NALEDI AND BOTSHABELO	GABORONE TOWN COUNCIL	9.11.77
D. PAMANI, P.O. Box 258, GABORONE.	BONTLENG AND GABORONE	GABORONE TOWN COUNCIL	9.11.77

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

Lost Deed of Transfer

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 116/65 registered on the 9th November 1965, passed by T. HILL in favour of ISMAIL MOHOMED LAHER (born 28th February 1939) in respect of: -

1. *CERTAIN* Lot 26, Lobatse;
SITUATE at LOBATSE;
MEASURING 34 (Thirty-four) square roods, 104 (One hundred and four) square feet;
2. *CERTAIN* Lot No. 1, Lobatse;
SITUATE at LOBATSE;
MEASURING 34 (Thirty-four) square roods, 104 (One hundred and four) square feet;

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at GABORONE within three weeks from the last publication of this notice.

DATED at MAFEKING this 22nd day of September, 1977.

MINCHIN AND KELLY,
Attorneys for the Applicant.

Botsalano House,
The Mall,
GABORONE.

Lost Deed of Transfer

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 43/66 registered on 3rd June 1966, passed by JACKHEPWORTH in favour of ROKANYA MOHOMED LAHER (born 25th May 1946) in respect of: -

- CERTAIN* Lot No. 6 Lobatse;
SITUATE at LOBATSE;
MEASURING 52 (Fifty-two) square roods, 12 (Twelve) square feet;

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at GABORONE within three weeks from the last publication of this notice.

DATED at MAFEKING this 22nd day of September, 1977.

MINCHIN AND KELLY,
Attorneys for the Applicant.

Botsalano House,
The Mall,
GABORONE.

Estate

In the Estate of late OBED CYRIL MOGADIME Property Agent of Lot 3199 Lobatse, Extension 12, Gaborone.

No. E1233/77.

Creditors and debtors in the abovementioned estate are hereby requested to file their claims and pay their debts to the undersigned within 30 days from publication hereof.

FRAENKEL AND ACKERMAN,
Executor's Attorneys.

P.O. Box 53,
MAFEKING.

Estate

In the Estate of the late MARGARET JUDITH LAURIE GRIFFEY who died at Mahalapye on the 11th April 1977.

E. 1234/77

Creditors are required to lodge their claims with the undersigned within Thirty (30) days of publication hereof.

MINCHIN AND KELLY,

Market Square,
P.O. Box 26,
MAFEKING 8670.

Francistown Town Council – Tender Notice No. 8 of 1977

Tenders are hereby invited by the Francistown Town Council for the supply of the following road maintenance equipment.

1. Small Roller – 550 kg
2. Front end loader with loading capacity of about 1 cu. m.

Tenders should be submitted in a sealed envelope clearly marked "Tender No. 8 of 1977" to reach the Town Clerk, Francistown Town Council, Private Bag 40, Francistown not later than 4 p.m. on 18th October, 1977.

The Council does not bind itself to accept the lowest or any of the tenders received.

H.S. SIYAN,
for Town Clerk.

Republic of Botswana – Tender No. TB. 10/5/13/77-78**ELECTRICAL INSTALLATION AND ELECTRICAL SITE RETICULATION**

Tenders are invited for the Electrical Installation and Electrical Site Reticulation at the Brigade Skill Development Centre (B.R.I.D.E.C.) Gaborone.

Documents and drawings are available on application to the Office of the Chief Architect, Room 204, Ministry of Works and Communications Building, Gaborone or by post to Private Bag 0025, Gaborone.

Tenders to be submitted not later than 09.00 hrs on Wednesday 2nd November, 1977, when they will be opened in the presence of those tenderers wishing to attend.

The lowest or any tender will not necessarily be accepted.

Telegraphic, telephonic or telex tenders will not be accepted. Late tenders will not be accepted.

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

Room 306, Ministry of Finance Building,
Private Bag 0058,
GABORONE.

Bill No. 33 of 1977

COMMUNAL MANAGEMENT ASSOCIATIONS BILL, 1977

(Published on 7th October, 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. Where he declines so to do an appeal lies to the Minister.

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. Where he declines so to do an appeal lies to the Minister.

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

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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.

M.P.K. NWAKO,
Acting 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 and appeal from refusal provisionally to register

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 and appeal from refusal permanently to register

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 communal management association
23. Unlawfully acting as officer or representative of communal management association
24. Membership of communal management association
25. Application for membership of communal management association
26. Registers of members of communal management association
27. Determination of membership of communal management association

PART VII. *Permanently Registered Communal Management Associations*

28. Rules of permanently registered communal management association

29. General limitation of liability of member of permanently registered association for incorporated representatives' debts and other liabilities
30. Member of permanently registered association to have no individual claim on any share of capital held by incorporated representatives
31. Disposal of profits of permanently registered association
32. Payment out of person ceasing to be member of permanently registered association

PART VIII. General Meetings of Communal Management Associations

33. Annual general meeting of communal management association
34. Commissioner may convene special general meeting of communal management association
35. Chairman to convene special general meeting of communal management association in certain circumstances

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

36. Communal management association to keep books of account
37. Rendering of account by treasurer and other officers of communal management association
38. Books of account and other documents of communal management association to be made available for inspection
39. Annual and extraordinary audit of accounts of communal management association
40. Commissioner may attend any meeting of communal management association
41. Provision of information by communal management association

PART X. Liquidation of Incorporated Representatives

42. Orders for liquidation of incorporated representatives
43. Commissioner to be liquidator of incorporated representatives
44. Powers of liquidator of incorporated representatives
45. Appeal against liquidator's orders
46. Enforcement of orders under section 44 or on appeal under section 45
47. Power of court to order surcharge
48. Limitation of the jurisdiction of a civil court in relation to dissolution of incorporated representatives
49. Closure of liquidation of incorporated representatives
50. No contribution to be required from members of permanently registered association in event of liquidation of incorporated representatives
51. Cancellation of registration of permanently registered association

PART XI. Miscellaneous

52. Office and postal address of communal management association
53. Service of documents
54. Proof of documents
55. Inspection of registers and other documents
56. Power of exemption
57. Regulations
58. Amendment of section 3 of Act 19 of 1972

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 commencement

2. (1) In this Act, unless the context otherwise requires, — Interpretation

“association” means a communal management association provisionally or permanently registered under section 8 or 12;

“Commissioner” means the Commissioner of Communal Management Associations referred to in section 3;

“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;

“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 shall either decline provisionally to register the association, in which case he shall not be required to give his reasons therefor, and inform the provisional representatives of the association in writing of his decision, or provisionally register the association by entering in the provisional register of communal management associations —

Provisional registration of communal management association and appeal from refusal provisionally to register

- (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 the Commissioner declines provisionally to register an association under subsection (1), the provisional representatives

elected by the meeting held under section 7 may appeal in writing to the Minister within thirty days after being informed of the Commissioner's decision.

(3) The Minister shall consider every appeal made to him under subsection (2) 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 provisionally register the association in the manner provided by subsection (1) and issue his certificate of provisional registration of the association.

(4) Where a communal management association is provisionally registered under this section, 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.

Permanent
registration
of communal
management
association
and appeal
from refusal
permanently
to register

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 shall either decline permanently to register the association, in which case he shall not be required to give his reasons therefor, and inform the representatives of the association in writing of his decision, or permanently register the association by entering in the permanent register of communal management associations —

- (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.

(2) Where the Commissioner declines permanently to register an association under subsection (1), the representatives elected by the meeting held under section 11 may appeal in writing to the Minister within thirty days after being informed of the Commissioner's decision.

(3) The Minister shall consider every appeal made to him under subsection (2) 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 permanently register the association in the manner provided by subsection (1) and issue his certificate of permanent registration of the association.

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

PART V. *Incorporated Representatives*

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.

Incorporation of representatives of permanently registered communal management association

(2) The issue of a certificate of incorporation under subsection (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.

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 —

Powers of incorporated representatives

- (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.

15. Subject to this Act, incorporated representatives shall —

Duties of incorporated representatives

- (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.

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.

Variation of certificate of incorporation

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 as the case may be, shall stand amended accordingly either thereupon or at a future date specified by the Commissioner.

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

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

- (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.

Limitation on attachment of capital held by incorporated representatives

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 bonis* duly appointed shall be entitled to or have any claim on any such part, share or interest.

Notice of intention to institute civil proceedings against 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.

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 thirty days after the event.

(5) If subsection (4) is contravened, each officer of the association shall be liable to a fine of P200 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.

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.

Representatives of communal management association

(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 thirty days after the event.

(5) If subsection (4) is contravened, each officer of the association shall be liable to a fine of P200 and to imprisonment for one month 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.

Unlawfully
acting as
officer or
representative of
communal
management
association
Membership
of communal
management
association

Application
for membership
of
communal
management
association

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.

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

- (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 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.

(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.

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.

Registers of
members of
communal
management
association

(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 thirty days 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 P200 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) Wherever 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 (4) the particulars contained in the copy or alter or add to the entries in that register.

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.

Deter-
mination of
membership
of communal
management
association

(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***

Rules of
permanently
registered
communal
management
association

General
limitation of
liability of
member of
permanently
registered
association for
incorporated
representa-
tives' debts
and other
liabilities

Member of
permanently
registered
association to
have no
individual
claim on any
share of
capital held
by in-
corporated
representa-
tives

Disposal of
profits of
permanently
registered
association

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:

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.

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.

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.

(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, howsoever 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).

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.

Payment out
of person
ceasing to be
member of
permanently
registered
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.

(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.

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(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*

Annual general meeting of communal management association

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.

Commissioner may convene special general meeting of 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.

(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.

Chairman to convene special general meeting of communal management association in certain circumstances

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 —

- (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*

Communal management association to keep books of account

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.

(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.

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 —

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

- (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.

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 —

Books of
account and
and other
documents of
communal
management
association
to be made
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.

Annual and extraordinary audit of accounts of communal management association

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.

(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.

Commissioner may attend any meeting of communal management association

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.

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

Orders for
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.

(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.

Commissioner
to be
liquidator of
incorporated
representatives

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.

(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.

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.

Powers of liquidator of incorporated representatives

(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.

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.

Appeal against liquidator's orders

Enforcement
of orders
under section
44 or
appeal under
section 45

Power of
court to
order
surcharge

Limitation of
the jurisdic-
tion of a civil
court in
relation to
dissolution of
incorporated
represen-
tatives

Closure of
liquidation of
incorporated
represen-
tatives

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.

(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.

(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.

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.

(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 members of permanently registered association in event of liquidation of incorporated representatives

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.

Cancellation of registration of permanently registered association

PART XI. *Miscellaneous*

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.

Office and postal address of communal management association

(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 thirty 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 P200 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.

Service of documents

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 —

- (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.

Proof of documents

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.

(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.

Inspection of registers and other documents

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.

Power of exemption

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.

(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.

Regulations

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 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.

Amendment
of section 3
of Act 19 of
1972

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 —

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

L2/4/703

