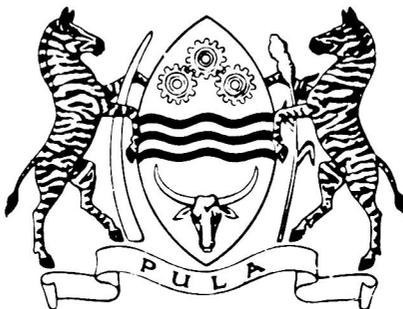




REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XVI, No. 34

GABORONE

23rd June, 1978

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The Botswana Government Gazette is printed by the Botswana Government Printer,
P.O. Box 87: GABORONE, Republic of Botswana.
Subscription rate is P 10-00 post free for 12 months.

The price for this issue of the Gazette (including Supplements) is 64 thebe

Government Notice No. 340 of 1978

INDUSTRIAL DEVELOPMENT ACT
(Cap. 43:01)

Notice of Application for Licence to Manufacture

IN ACCORDANCE with section 6 of the Industrial Development Act, notice is hereby given that the following application for a licence to manufacture has been made.

Name of applicant and address:

Central Butchery and Bakery (Pty.) Ltd., P.O. Box 218, Mahalapye.

List of products it is proposed to manufacture:

Baked bread, cakes, buns etc.

Proposed location of manufacturing activities:

Mahalapye

2. Any person who wishes to make representations in terms of section 8 (1) of the Act may do so in writing to the Minister of Commerce and Industry, Private Bag 004, Gaborone, and should also send a copy of such representations to the applicant, within 14 days of the second and last publication of this notice.

DATED this 5th day of June, 1978.

D. TSHEKO,
for Permanent Secretary,
Ministry of Commerce and Industry.

Second Publication

Government Notice No. 341 of 1978

DEEDS REGISTRY ACT
(Cap. 33:03)

Notice of Forfeiture of Land

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

CERTAIN

piece of land being Lot No. 4974,

SITUATE

in Gaborone Extension 15,

MEASURING

25502 (Twenty-five thousand five hundred and two) English square feet;

AS WILL MORE

from General Plan No. D.S.L. 22/72 prepared by Surveyor J.S.W. Greenwood in February, 1970 — February, 1973, and approved by the Director of Surveys and Lands on 25th May, 1973;

FULLY APPEAR

is held under Certificate of Registered State Title No. 119/73 dated 26th June, 1973, and subsequent Deed of Grant No. 320/73 in favour of Helmut Bucher dated 14th December, 1973, and subsequent Deed of Transfer No. 436/74 in favour of Richard Ernest Brimson dated 21st November, 1974

WHICH PROPERTY

is declared forfeit to the State on the ground that the said Richard Ernest Brimson the registered owner has failed to comply with condition 4 of Deed of State Grant No. 436/74 in that he failed to erect a residence of the value of or exceeding P5 000 within 2 years from 10th December, 1973.

Against the said forfeiture, Government will pay to the said registered owner of Lot 4974 eighty per cent of the price at which the said property was purchased from the state.

Any person objecting to such forfeiture must lodge a notice of his objection with the Attorney-General within 30 days of the last publication of this notice, setting out his reasons why Deed of State Grant No. 436/74 should not be cancelled by the Registrar of Deeds.

DATED this 1st day of June, 1978.

L. MAKGEKGENENE,
Minister of Local Government and Lands.

Second Publication

Government Notice No. 345 of 1978

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, 22nd June, 1978, at 12 noon, for Treasury Bills to be issued under the Stock, Bonds and Treasury Bills Act, 1976, and in accordance with the Treasury Bills Regulations, 1976, to the amount of P1 000 000.

2. The price per cent at which the Bills will be offered will be published by the Bank of Botswana not later than 9 a.m. on Thursday, 22nd June, 1978.

3. The Bills will be in amount of P1 000 or a multiple of P1 000. They will be dated 23rd June, 1978, 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 16th day of June, 1978.

B. GAOLATHE,
Permanent Secretary,

Ministry of Finance and Development Planning.

Government Notice No. 346 of 1978

STOCK, BONDS AND TREASURY BILLS ACT, 1976

(6 of 1976)

TREASURY BILLS REGULATIONS, 1976

(S.I. 143 of 1976)

Treasury Bills — Issue of 16th June, 1978

The Bank of Botswana announce that applications totalling P5 200 000 were received on 15th June, 1978, for the offer of P1 000 000 Treasury Bills for issue on 16th June, 1978, at a price of 98,28%.

Applications were scaled down pro rata and applicants received an allotment of about 19,2% of the amount of Bills applied for.

Government Notice No. 347 of 1978

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary
Ministry of Finance and Development Planning**

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

BENJAMIN IPONENG GASENNELWE

to act as Permanent Secretary, Ministry of Finance and Development Planning, with effect from 6th June, 1978, to 7th June, 1978, inclusive.

DATED this 16th day of June, 1978.

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

Government Notice No. 348 of 1978

CONSTITUTION OF BOTSWANA
Acting Appointment — Permanent Secretary
Ministry of Education

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

KEETLA MASOGO

to act as Permanent Secretary, Ministry of Education, with effect from 10th June, 1978, to 21st June, 1978, inclusive.

DATED this 16th day of June, 1978.

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

L2/7/98 XI

Government Notice No. 349 of 1978

CONSTITUTION OF BOTSWANA
Acting Appointment — Permanent Secretary
Ministry of Local Government and Lands

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

BAHITI KATERAKA TEMANE

to act as Permanent Secretary, Ministry of Local Government and Lands, with effect from 12th June, 1978, to 16th June, 1978, inclusive.

DATED this 16th day of June, 1978.

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

L2/7/98 XI

Government Notice No. 350 of 1978

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

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

MBIGANYI CHARLES TIBONE

to act as Permanent Secretary Office of the President, with effect from 4th June, 1978, to 10th June, 1978, inclusive.

DATED this 16th day of June, 1978.

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

L2/7/98 XI

Government Notice No. 351 of 1978

COMPANIES ACT
(Cap. 42:01)

Notice of Cessation of a Place of Business

It is hereby notified that written notice of cessation of a place of business in Botswana has been received by me in terms of section 286 (6) of the Companies Act from the external companies listed in the Schedule hereto and that, unless cause is shown to the contrary, the said external companies will be removed from the Register at the expiration of 3 months from the date of publication of this notice.

SCHEDULE

<i>Number</i>	<i>Name of Company</i>
92	Shell Company of Rhodesia Limited.

DATED this 13th day of June, 1978.

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

Government Notice No. 352 of 1978

INCOME TAX ACT
(Cap. 52:01)

Income Tax Returns for Tax Year ending 30th June, 1978

IN ACCORDANCE with section 64 (2) of the Income Tax Act, notice is hereby given that every person liable to furnish a tax return for the tax year ending 30th June, 1978, is required to furnish such return to me in the prescribed form within 2 months of the end of that tax year.

2. Persons required to furnish a tax return are —

- (a) every person liable to pay tax;
- (b) every partnership;
- (c) every employee or other individual whose chargeable income exceeds the annual rate of P1 200 during the tax year;
- (d) every trustee of a person under a legal disability or executor of the estate of a deceased person where the chargeable income of that trust or estate exceeds the annual rate of P1 200 during the tax year;
- (e) every company, every trustee of a trust or of an insolvent estate and every non-resident to whom any chargeable income has accrued during the tax year;
- (f) every person who in any previous tax year has made a loss in respect of which he may be entitled to claim a deduction in the tax year or any subsequent tax year; and
- (g) every person who was liable to pay tax in respect of the previous tax year;

except such persons who have been advised in writing by the Commissioner that a return is not required for the tax year.

3. Tax return forms may be obtained from —

- (a) Income Tax Assessment Office, Private Bag 0013, Gaborone;
- (b) Income Tax Assessment Office, Private Bag 38, Francistown;
- (c) Income Tax Assessment Office, Private Bag 7, Serowe;
- (d) Income Tax Assessment Office, Private Bag 13, Selebi-Phikwe;
- (e) any District Commissioner's Office; or
- (f) any Post Office;

and it is the duty of all persons liable to furnish a tax return to obtain such a form.

4. Completed tax return forms should be delivered or posted to the Department of Taxes, Private Bag 0013 Gaborone, or to the Department of Taxes, Private Bag 38, Francistown, or to the Department of Taxes, Private Bag 7, Serowe, or to the Department of Taxes, Private Bag 13, Selebi-Phikwe.

DATED this 7th day of June, 1978.

B.O. GAOBAKWE,
Commissioner of Taxes.

Government Notice No. 353 of 1978

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, the Registrar of Companies having reasonable cause to believe that the companies listed in the Schedule are not carrying on business, the said companies will, unless cause is shown to the contrary, be struck off the register and thereby dissolved at the expiration of 3 months from the date of publication of this notice.

SCHEDULE

<i>Number</i>	<i>Name of Company</i>
35	Russel England (Proprietary) Limited
62	Gesond Limited
125	B.S. Abdulla (Proprietary) Limited
182	Malan Properties (Proprietary) Limited
186	Botswana Wholesale Distributors (Proprietary) Limited
203	Festus Properties (Proprietary) Limited
269	Botswana National Airways (Proprietary) Limited
312	Botswana Electrical (Proprietary) Limited
349	P.C. Nienaber (Botswana)(Proprietary) Limited
354	C. and G. Engineers (Proprietary) Limited
371	International Arts and Leather Industries (Proprietary) Limited
391	Gladen Supplies (Proprietary) Limited
537	Mahalapye Hotel (Proprietary) Limited
542	Cash Wholesalers and Retailers (Proprietary) Limited
572	B.P. Agencies (Lobatse)(Proprietary) Limited
573	B.P. Agencies Mahalapye (Proprietary) Limited
603	A.D. Clark & Sons (Proprietary) Limited
643	E.I. Chopdat & Sons (Proprietary) Limited
658	Lodge Ngami & Okavango Investments (Proprietary) Limited
670	Engineering Requisites & Building Supplies (Proprietary) Limited
713	Botswana Bakery & Restaurant (Proprietary) Limited
856	Stero Construction (Botswana)(Proprietary) Limited
903	Elkaim (Proprietary) Limited
935	Athens Supermarket (Proprietary) Limited
1218	S.K.D. Distributors (Proprietary) Limited
1510	Pikwe Bar & Bottle Store (Proprietary) Limited
1594	Deweni (Proprietary) Limited.

DATED this 9th day of June, 1978.

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

Government Notice No. 354 of 1978

Corrigendum

IN Government Notice No. 281 of 1978, under the heading "SHOSHONG NO. 18", in the second column, directly below the words "Kalamare School" insert the words "Mosolotsane School", and in the third column directly below the word "Kalamare" insert the word "Mosolotsane".

L2/7/63 I

Government Notice No. 355 of 1978

WATERWORKS LAW
(Cap. 34:03)

Appointment of Water Authority — Ramotswa Waterworks Area

IN EXERCISE of the powers conferred by section 4 of the Waterworks Law, the Minister of Mineral Resources and Water Affairs has appointed —

THE DIRECTOR OF WATER AFFAIRS

to be the Water Authority for the Ramotswa Waterworks Area.

DATED this 9th day of June, 1978.

J.M. NGANUNU,
Permanent Secretary,
Ministry of Mineral Resources and Water
Affairs.

Government Notice No. 356 of 1978

BRANDING OF CATTLE ACT
(Cap. 36:02)

**Directory of Registered AC Brands and of
Brand Registered in Name of National Development Bank**

IN ACCORDANCE with section 18 (1A) of the Branding of Cattle Act, the Registrar of Brands has caused to be prepared and hereby published the directory of all registered AC brands and of any brand registered in the name of the National Development Bank set out in the Schedule.

SCHEDULE

Directory of all registered AC Brands and any Brand registered in the name of the National Development Bank.

PART I

REGISTERED AC BRANDS

<i>Brand</i>	<i>Name of person in which brand registered</i>
1	
A C	Botswana Livestock Development Corporation Limited
1	
7	
A C	Botswana Co-operative Bank Limited
6	

PART II

Brands registered in the name of the National Development Bank

N
6 D

DATED this 13th day of June, 1978.

G.S. MPENYA,
Registrar of Brands

Government Notice No. 357 of 1978

CHANGE OF NAME ACT
(Cap. 15:06)

Authorization of Change of Surname

IN ACCORDANCE with section 2 (1) read with section 4 (3) of the Change of Name Act, the Minister of Home Affairs hereby authorizes each of the persons whose names and addresses are hereinafter specified to assume the surname hereinafter specified opposite his name and address.

<i>Name and address</i>	<i>Surname</i>
Mr Maphakela, P.O. Box 1216, Gaborone.	Disang
Mr Bernard, Botoka Construction, P.O. Box 1093, Gaborone.	Peter

DATED this 12th day of June, 1978.

G.W. MATENGE,
Ministry of Home Affairs

L2/7/105

Government Notice No. 358 of 1978

CHANGE OF NAME ACT
(Cap. 15:06)

Application for Authorization of Change of Surname

IT IS HEREBY NOTIFIED in accordance with section 4 (2) of the change of Name Act that an application has been made to the Minister of Home Affairs by the person whose name and address are hereinafter specified for the Minister's authority to assume the surname hereinafter specified opposite his name and address.

Any person who objects to the application shall notify the Minister of such objection and the grounds thereof within 30 days of the publication of this notice.

<i>Name and address of Applicant</i>	<i>Proposed surname</i>	<i>Reasons given by applicant for wishing to assume proposed surname</i>
Sebios Phineas, Co-Operative Development Centre, Francistown.	Moloi	Phineas is Sebios' father's first name. The correct surname is MOLOI.

DATED this 6th day of June, 1978.

G.W. MATENGE,
*Permanent Secretary,
Minist of Home Affairs*

L2/7/105

Government Notice No. 359 of 1978

CHANGE OF NAME ACT
(Cap. 15:06)

Application for Authorization of Change of Surname

IT IS HEREBY NOTIFIED in accordance with section 4 (2) of the Change of Name Act that an application has been made to the Minister of Home Affairs by the person whose name and address are hereinafter specified for the Minister's authority to assume the surname hereinafter specified opposite his name and address.

Any person who objects to the application shall notify the Minister of such objection and the grounds thereof within 30 days of the publication of this notice.

<i>Name and address of Applicant</i>	<i>Proposed surname</i>	<i>Reasons given by applicant for wishing to assume proposed surname</i>
Babinang Samuel, Hydrological Section, Dept. of Water Affairs, P.O. Box 64, Maun.	Majatsie	Samuel is his father's name. Majatsie is the real surname.

DATED this 6th day of June, 1978.

G.W. MATENGE,
*Permanent Secretary,
Ministry of Home Affairs*

L2/7/105

Government Notice No. 360 of 1978

DEEDS REGISTRY ACT
(Cap. 33:03)

Notice of Forfeiture of Land

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

Certain Lot 3280
Situate in Gaborone Extension 12
Measuring 11749 (Eleven thousand seven hundred and forty-nine) English Square Feet;
As will more from General Plan No. D.S.L. 6/69 prepared by Surveyor R.C. Eaton in June — October,
full appear 1968, and approved by the Director of Surveys and Lands on 16th July, 1971;
Extending As Certificate of Registered State Title No. 154/71 dated 13th September, 1971, and subsequent Deed of Grant No. 413/75 dated 22nd September, 1975, in favour of Jackson Lecogo will more fully point out;

is declared forfeit to the state on the ground that Jackson Lecogo, the registered owner, has failed to comply with condition 3 of the Deed of Grant No. 413/75 in that he failed to erect a residence of the value of or exceeding P2 000 within 2 years from the 20th September, 1973.

Against the said forfeiture, Government will pay to the said registered owner of the aforementioned lot eighty percent of the price at which the property was purchased from the State.

Any person objecting to such forfeiture must lodge a notice of his objection with the Attorney-General within 30 days of the last publication of this notice, setting out his reasons why Deed of Grant No. 413/75 should not be cancelled by the Registrar of Deeds.

DATED this 9th day of February, 1978.

L. MAKGEKGENENE,
Minister of Local Government and Lands.

First Publication

PUBLIC NOTICES

Town Clerk's Notice No. 17 of 1977

SELEBI-PHIKWE TOWN COUNCIL – OBJECTION TO NEW VALUATION ROLL

Notice is hereby given that a new valuation roll for the Selebi-Phikwe Town Council has been completed and that any ratepayer or his duly authorised representative may inspect a copy of the new roll and make copies thereof at the office of the Town Clerk during normal office hours.

Now therefore, in accordance with regulation 66 (2) of the Town Council Regulations (Cap. 40:02 Sub. Leg.), the Selebi-Phikwe Town Council hereby calls upon ratepayers to lodge in writing with the Town Clerk and the Clerk of the Valuation Court any objections they may have against the valuation of any land or in respect of any error or omission in relation to such land within twenty-one days from the first publication of this notice.

D.I. MOLEFI,
for Town Clerk.

Council Offices,
P/Bag 1,
SELEBI-PHIKWE.

Second Publication

Lobatse Town Council – Tender No. 1/78

PURCHASE OF TYRES AND TUBES

Tenders are invited for the supply of the following tyres and tubes.

In submitting their quotations, the tenderers are requested to give details of make, grade, and any relevant specifications and period of delivery.

<i>Description</i>	<i>Quantity</i>
1. (a) 1 300 × 24 × 12 ply tyre for road grader	6
(b) 1300 × 24 tube	6
2. (a) 900 × 20 × 12 ply tyre	12
(b) 900 × 20 tube	12

Tenders together with illustrations should be submitted in sealed envelopes clearly marked "Tender No. 1/78" to the Town Clerk, Lobatse Town Council, P.O. Box 27, Lobatse, not later than 4.00 p.m. on the 17th July, 1978.

Council does not bind itself to accept the lowest or any tender, nor will it assign any reason for the rejection of any tender.

L.L. MABUA,
Town Clerk.

First Publication

Change of Name

Notice is hereby given in terms of section 22 of the Companies Act (Cap. 42:01), that by special resolution dated 9th June, 1978, Rural Investments (Proprietary) Limited resolved to change its name to Business Machine Services (Proprietary) Limited.

Any person having objection hereto should lodge the same stating his reasons therefore with the Registrar of Companies, P.O. Box 102, Gaborone, within 14 days of publication hereof after which application will be made to the Registrar for his approval of the change of name.

P.O. Box 911,
GABORONE.

RURAL INVESTMENTS (PTY.) LTD.,

Second Meeting of Creditors

BOTSWANA GARMENTS (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 19 of 1977

Notice is hereby given that pursuant to section 186 (1) of the Companies Proclamation, 1959, the second meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, on Friday, the 7th July, 1978 at 2.30 p.m. for the purpose of proving claims.

F.G. GAY,
Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
GABORONE.

Ghanzi District Council — Tender No. 5 of 1978

Tenders are invited by this Council for the construction of the following projects in villages as stated here below:

Nojane:

- (a) 3 Stage III improved with latrines and fencing Plan No. XX.N29.1959.

Kule:

- (a) 1 improved Stage III house, this also includes latrine and fencing. Plan No. XX.N29.1959.
(b) 2 Classrooms with rain water tank. Plan No. XX.E. 1192.

Makunda:

- (a) 2 Classrooms with rain water tank. Plan No. XX.E.1192.
(b) 2 Improved Stage III houses, this includes pit latrines and fencing. Plan No. XX.N29.1959.

Xanagas:

- (a) 4 Classrooms with rain water tanks. Plan No. XX.E.1192.
(b) 2 Improved Stage III houses also with pit latrines and fencing. Plan No. XX.N29.1959.

Kalkofein:

- (a) 1 Clinic and Maternity Ward. Plan No. XX.I6.1612.4A with alterations.
(b) 1 Improved type IV house. Plan No. XXN13.1226.
(c) 3 Improved Stage III houses. This includes fencing and pit latrines for all houses.
(d) 3 Classrooms with water tank. Plan No. XX.E.1192.

Contractors must supply labour, transport, and materials. Tenders must specify the potential starting date, and the anticipated time of completing the project. Information and plans can be obtained from Ghanzi District Works Office. Tenders should be sent to the Council Secretary, P.O. Box 4, Ghanzi, in sealed envelopes clearly marked "Tender No. 5 of 1978" not later than 9.00 a.m. on 28th June, 1978.

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

J.K. MONTSHO,
for Council Secretary.

Second Publication

South East District Council — Tender No. 5 of 1978

The South East District Council invites tenders for the following projects:—

(a) Mogobane:

One Stage III teacher's house with wood stove, pit latrine and 20 × 30 m fencing.

(b) Otse:

(i) One only block comprising two classrooms.

(ii) One Stage III teacher's house with wood stove, pit latrine and 20 × 30 m fencing.

(c) Tlokweg:

One only block comprising two classrooms.

(d) Ramotswa:

One only block comprising three classrooms.

All classrooms and teachers houses to be built in accordance with plans nos. XXE.1192 and XX.N29.1959 respectively.

Prospective tenders should quote for labour, materials and transportation. Tender documents and specifications are obtainable from the Works Foreman in Ramotswa.

Tenders in sealed envelopes clearly marked "Tender No. 5 of 1978" should reach the Secretary, South East District Council, Ramotswa by 4 p.m. on Friday 30th June, 1978.

C.D. CHIKUBA,
Council Secretary.

Second Publication

External Representative Licence

Notice is hereby given that the undersigned intends to apply for an External Representative Licence. Any person objecting to the grant of such certificate, should within seven days of second publication of this notice give in writing to the National Licensing Board, Private Bag 004, Gaborone of his intention to oppose such application and state the grounds upon which his objection is based.

TELEVISION AND ELECTRICAL DISTRIBUTORS (PTY) LTD., P.O. Box 10525, JOHANNESBURG 2000

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>
G.C. ADAMS, P.O. Box 959, CAPE TOWN.	General Trading	Shops 7 and 8, Block IV, The Mall,	Selebi-Phikwe Town Council	26. 7.78
WHOLESALE FRUIT MARKET (BOTSWANA) (PTY) LTD., c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.	Fresh Produce	Plot No. 4801, Extension 6	Gaborone Town Council	12. 7.78
F.B. MPHUSU, P.O. Box 21, SEBINA, Sebina, FRANCISTOWN.	Restaurant	Sebina	Central District Council	27. 7.78
M. MARUPING, P.O. Box 171, GABORONE.	Bottle Store	Mankgodi	Kweneng District Council	20. 7.78
M. TAFA, P.O. Box 96, FRANCISTOWN.	Fresh Produce (Butchery)	Corner Habangana St. and Nyangabgwe Rd.	Francistown Town Council	13. 7.78
M. FETI, P.O. Box 20, TSIENYANE.	Small General Trading (Herbalist)	Tsienyane	Central District Council	27. 7.78
T.I. PILANE, P.O. Box 260, MOCHUDI.	Small General Trading	Mochudi	Kgatlang District Council	28. 7.78
B.S. SAIDOO and M.L.A. KGASA, P.O. Box 16, KANYE.	General Trading	Kanye (Main Rd.)	Southern District Council	28. 7.78
NGAMILAND TRADING CO., P.O. Box 22, MAUN.	General Trading	Ghanzi and Dekar	Ghanzi District Council	25. 7.78

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***Transfer**

A transfer of a Trading Licence in respect of premises situated at T.T. Restaurant at Mankgodi and that the Kweneng District Council has determined that the application shall be heard by the Licensing Authority on the 20th July, 1978.

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

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

Second Publication

Hawker's Licence

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

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date of hearing</i>
J. GOBONA, P.O. Box 164, MOLEPOLOLE.	Maothate, Dikgonnyane, Matlagatse, Thibedi, Mosinki, Mokhalaheri and Mogahe	Kweneng District Council	20.7.78
M. MWEZI, Mabele Village, P/Bag Kavimba, P.O. KASANE.	Panda-Matenga, Mabele, Mawana, Logotwana, Mpeteke, Kataba, Parakarunga and Satau	District Commissioner, Kasane	8. 8.78
E.P. DISWAI, P/Bag 4, MOCHUDI.	Mochudi, Artesia, Lentswe, Masama, Leshibitse, Ditshwanyane and Mmamagwaila	Kgatleng District Council	28. 7.78
C.G. MPAPHADZI, P.O. Box 38, GHANZI.	Kalkfontein and Karakubis Cattle Posts; Kule and Nojane, Ghanzi and Kanagas Farms	Ghanzi District Council	25. 7.78
D.M. RAMOSWAANA, P.O. Box 51, GHANZI.	Kuli	Ghanzi District Council	25. 7.78
W. MOSIMANEGAPE, P.O. Box 42, KANYE.	Papaladinare, Dibajakwena, Maphadikwe, Dikakana, Garatshwenyana, Maologana, Mosetlhe, Kamawe, Phathe West, Matshetshwana, Taupone and Pelotshetlhe	Southern District Council	28. 7.78
S.G. DINGALO, P.O. Box 349, KANYE.	Polokwe, Metsiawa, Tlhokwane and Matlhatlaganyane	Southern District Council	28. 7.78
M. NYONKE, Moremaoto School P.O. Box 291, MOTOPING, via Maun.	Motopi, Tshatshamo, Moremaoto, Tshodobe, Dorokae, Bukushoro, Menoakwena, Ngamesane, Kwaraga, Phuduhudu, Makalamabedi Gate an Moseto Cattle Post	Central District Council	27. 7.78
B.K. BALIKILE, P.O. Box 168, PALAPYE.	Boratapula, Serulapye, Metsemasweu, Mhalapitsa, Mmakgabo, Pakame, Pilikwe Lands and Moshopha	Central District Council	27. 7.78
G.M. MATSHABE, P.O. Box 675, SEROWE.	Patwe, Mangwedi and Male	Central District Council	27. 7.78
M. RAMOSOKA, P.O. Box 87, SELEBI-PHIKWE.	Seolwane School, Makgotlhwane, Mmakgabo and Mosweu	Central District Council	27. 7.78
F. TAOLO, P.O. Box 25, SHASHE.	Maeroro, Tapeng, Guruguru, Thakadiawa, Malekae, Kgoronyane and Mogobewanoga	Central District	27. 7.78
M. BOIMA, P.O. Box 139, PALAPYE.	Lotsane, Setatse, Lemone, Segakwane, Masuakoloi and Morupule.	Central District Council	27. 7.78

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

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>
A. SIBANDA, c/o District Commissioner's Office, P.O. Box 2, KASANE.	Pandamatenga, Lesuma, Kazungula, Ngoma, Kachikao up to Parakarungu and Satau	District Commissioner Kasane	8. 8.78
A.R. BAUMAKE, P.O. Box 28, HUKUNTISI.	Oke Village, Hunkukwi pan, Tshutshwa pan, Ranyane Pan, Phepane Village, Monong Village	Kgalagadi District Council	12. 9.78
A.M. MONAMETSI, P.O. Box 105, MOCHUDI.	Kgwarape	Kgatleng District Council	28. 7.78
K. MOKODUANE, P.O. Box 33, DUTLWE.	Okwe, Sebabane, Nkwi, Bolaantshe	Kweneng District Council	20. 7.78
K. SAMAKENA, P.O. Box 36, SHAKAWE.	Okusi,	North West District Council	1. 8.78
E. JAMES, Mosetse Village, P.O. Box 288, FRANCISTOWN.	Dukwe, Bushman Mine, Malelejwa, Semowani, Lebati, Suwa, Khurutsikaraya, Nata, Mosetse, Mokgalo	Central District Council	27. 7.78
K. MMAPADI, Mabutsane, Private Bag 5, LOBATSE.	Chia, Mabutsane, Khaiwa, Kokong, Majana, Keng	Southern District Council	28. 7.78
O. KOBOLWANE P.O. Box 290, KANYE.	Pitsa, Gase, Kubukwane, Machana	Southern District Council	28. 7.78
K. RAKGETSI, P.O. Box 42, KANYE.	Maisane, Kamawe, Ganamanyane, Dibaja- jakwena, Dipotsana, Maphadikwe, Ratshwenyana, Masetswana, Pelotshelhe, Lokgwathi, Mosetlhe, Magodiri	Southern District Council	28. 7.78

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

Transfers

Notice is hereby given that the undersigned intends to apply for a certificate in terms of section 10 of the Trading Act, 1966 (No. 6 of 1966) to obtain a transfer of General Trading Licence.

A transfer of a Butchery Licence from V.G. Busang in respect of the premises situated at Boribamo and that the Kweneng District Council has determined that the application shall be heard by the licensing Authority on the 20th July, 1978.

J. JANUARY, P.O. Box 41, MOLEPOLOLE.

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

First Publication

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>
KGALÉ AGENCIES (PTY.) LTD., P.O. Box 149, GABORONE.	Wholesale	Plot No. 1272, Industrial Area Gaborone	Gaborone Town Council	16. 8.78
KGALAGADI BREWERIES, (PTY.) LTD., c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.	Wholesale	Plot No. 5615, Broadhurst Industrial Estates	Gaborone Town Council	12. 7.78
Y. CASHALIA, P.O. Box 431, GABORONE.	Wholesale Distributive (Import & Export Agents)	Plot No. 5640, Broadhurst Industrial Estate	Gaborone Town Council	12. 7.78
O.K. MALEJANE, P.O. Box 2, RAMOTSWA.	Chemist	Near Mokgosi III Memorial	South East District Council	28. 7.78
NOSEY ROAD RECORDING & DISTRIBUTING CO. (PTY.) LTD. P.O. Box 188, LOBATSE.	Wholesale	Plot No. 208, Standard Bank Building	Lobatse Town Council	3. 8.78
C. NJINI, Masunga Village, P.O. Box 2, TSHESBE.	Small General Trading	Vuki	North East District Council	28. 7.78
P. NTHITE, P.O. Box 317, FRANCISTOWN.	Curio and Homecraft	Blue Jacket Street	Francistown Town Council	13. 7.78
T. KEPALETSWE, P/Bag 25, Kgagodi, via PALAPYE.	Butchery	Kgagodi	Central District Council	28. 7.78

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

Notice of Intention to Transfer a Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act 1966 that I, M. Nyepetsi, have disposed of my entire interest in the business of Restaurant to Mrs Seabelo who will continue to trade at the same address and under the same style.

M. NYEPETSI,

P.O. Sikwane,
via MOCHUDI.

First Publication

IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA

Held at Lobatse

Civil Cause No. 13 of 1978

In the Application of:
 ALEXANDER STRELITZ
 RAEL GORDON
 DAVID JOHN RENNIE
 and
 RONALD BRAND

(In their capacities as Joint Provisional Judicial Managers of HALF PRICE STORES (PROPRIETARY) LIMITED *Applicant*)

IT IS HEREBY ORDERED THAT

1. Separate meetings be convened in terms of section 161 of the Companies Act, Cap. 42:01 of 1975 of
 - (a) Preferent Creditors;
 - (b) Secured Creditors;
 - (c) Concurrent Creditors
 of all the Applicant companies by the Chairman who shall advise the time and place thereof for the purpose of considering the offer of compromise set forth in Annexure "C" to the Founding Affidavit of DAVID JOHN RENNIE, and if thought fit of accepting the offer of compromise with or without modification.
2. Notwithstanding the provisions of Clause 13.1 of the offer, RONALD HENRY ALBERT BRAND, or failing him, his Nominee be appointed as Chairman of the meetings.
3. A Notice convening such meetings be published by the Chairman at least seven (7) days before the date of the said meetings in the Botswana Daily News and the Government Gazette.
 The said notice shall state:
 - (a) the time and place of the said meetings;
 - (b) that the meetings have been summoned for the purpose of considering, and if thought fit, of accepting the offer of compromise with or without modification;
 - (c) that a copy of this Order, copies of the offer of compromise and a copy of the statement required by section 161 of the Companies Act, Cap. 42:01 of 1975, may be inspected during normal business hours at any time prior to the said meetings at the offices of RONALD HENRY ALBERT BRAND, at Coopers & Lybrand, Botsalano House, The Mall, Gaborone, or at the offices of RICHARD A. LYONS, 1st Floor, Tirelo House, The Mall, Gaborone.
 - (d) that the said Meetings have been convened in terms of an Order of this Honourable Court;
 - (e) that a copy of the statement required by section 162 of the Companies Act, Cap. 42:01 of 1975, may be obtained by any creditor entitled to attend the said meetings free of charge, on written application to any of the Joint Provisional Judicial Managers.
4. There be sent by the Joint Provisional Judicial Managers by registered post at least seven (7) days before the date of such meetings to every creditor of the Company whose claim is known to the Joint Provisional Judicial Managers at the usual address of such member or creditor.
 - (a) A Notice setting out the time and place of the said meeting;
 - (b) a copy of the statement required by section 162 of the Companies Act, Cap. 42:01 of 1975;
 - (c) a copy of this order;
 - (d) a copy of the said offer of compromise.
5. All creditors shall cause their claims to be filed and proved by Affidavit with supporting vouchers to the reasonable satisfaction of any of the Joint Provisional Judicial Managers referred to above by no later than 48 hours prior to the time fixed for the relevant meetings, failing which, the creditors shall be disqualified from attending or voting either in person or by proxy at the meetings.
6. The Joint Provisional Judicial Managers report the results of the said meetings to this Honourable Court.
7. The costs of the Application be paid in accordance with the provisions of the offer of compromise.
8. For the purposes of voting at the various meetings to be held of each of Applicant's companies, the chairman shall decide which meeting each person claiming to be a creditor shall be entitled to attend and at which he may cast his vote.
9. That leave is given to the Joint Provisional Judicial Managers insofar as such leave is necessary to bring this Application.

BY ORDER OF THE COURT

Registrar

Bill No. 20 of 1978

ROAD TRAFFIC (AMENDMENT) BILL, 1978

(Published on the 23rd June, 1978)

MEMORANDUM

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

2. The object of the Bill is to amend the Road Traffic Act (Cap. 69:01) to effect certain changes in the law which are explained below.

3. Clause 2 of the Bill amends section 6 of the Act in order to provide that all licensing officers may issue motor vehicle registration books. Only the Registrar of Motor Vehicles may do so at present. Under section 6, as amended, a motor vehicle owner will be issued with the necessary registration book by the licensing officer at the place the owner makes his application to register the motor vehicle.

4. Clause 3 of the Bill amends section 9 of the Act in a number of respects.

5. Firstly, subsection (1) of section 9 is amended to reduce the period during which the new owner of a vehicle, to whom the ownership of the vehicle has been transferred by the registered owner, may use the vehicle without being registered as the owner, from 14 to 7 days.

6. Secondly, subsection (2) of section 9 is amended to require the registered owner, upon the transfer of ownership of a vehicle, to deliver the registration book to the new owner immediately and not, as at present, within 7 days.

7. Thirdly, subsection (4) of section 9 is amended to bring the provision into line with the amendment to section 6 effected by clause 2 of the Bill (see above).

8. Clause 4 of the Bill amends section 32 of the Act to increase the period of validity of provisional driving licences from 3 to 6 months. It is proposed to amend the Road Traffic Regulations to increase the fee for a provisional driving licence from P0,50 to P1,00.

9. Clause 5 of the Bill amends section 35 of the Act to add the Botswana Defence Force to the Police Force and the Prison Service as bodies in respect of which the Minister may prescribe special terms and conditions for the issue of driving licences to their uniformed members for the purpose of driving service vehicles while on duty.

10. Clause 6 of the Bill amends section 41 of the Act in order to alter the law relating to driving instructor's certificates. The purpose of the amendments to section 41 is to protect the public from fraud. Driving instructor's certificates will be required to bear a photograph of the holder of the certificate and to be prominently displayed within any vehicle being used on a road for driving instruction.

11. Clause 7 of the Bill amends section 46 of the Act, which creates a number of offences in connexion with driving, attempting to drive or being in charge of a motor vehicle on a road or other public place when the person concerned is unfit to drive through drink or drugs. The purpose of the amendment is to remove the requirement that these offences may be committed only on a road or other public place.

B.76

12. Clause 8 of the Bill substitutes a new section 47 of the Act to enable specimens of blood to be taken by medical practitioners, at the request of the police, from persons who are unable, by reason of their physical condition, to give or to refuse their consent to the taking of the specimens. The circumstances in which blood specimens may be taken without consent are strictly prescribed by the proposed new subsection (4).

13. Clause 9 of the Bill amends section 48 of the Act to remove the requirement that an offence of reckless or dangerous driving of a motor vehicle may be committed only on a road.

14. Clause 10 of the Bill amends section 49 of the Act to remove the requirement that an offence of causing death by the reckless or dangerous driving of a motor vehicle or by the driving of a motor vehicle whilst the driver is unfit to drive through drinks or drugs may be committed only on a road.

15. Clause 11 of the Bill amends section 50 of the Act to remove the requirement that an offence of careless or inconsiderate driving may be committed only on a road or in respect of persons using a road.

16. Clauses 12 and 13 of the Bill amend sections 51 and 52 of the Act to correct incorrect references to the Penal Code.

17. Clause 14 of the Bill substitutes a new section 81 of the Act in order to limit the circumstances in which accidents involving vehicles must be reported to the police.

18. Clause 15 of the Bill substitutes a new section 108 of the Act. The section, which governs public service vehicle driver's and conductor's licences, is in practice unworkable at present because it requires an applicant for a public service vehicle driver's licence to have held, for at least 2 years, a valid driving licence in respect of the class or classes of vehicles for which the public service vehicle driver's licence is required. The proposed new section 108 (3) (b) will require the applicant for a public service vehicle driver's licence to hold, and to have held for at least 2 years, a driving licence valid for light vehicles or heavy commercial vehicles.

19. Clause 15 also amends section 108 to provide additional safeguards against persons who have criminal records from obtaining a public service vehicle driver's or conductor's licence and against persons who are medically unfit or who have been disqualified from driving or from holding or obtaining a driving licence from obtaining a public service vehicle driver's licence.

20. Finally, clause 16 of the Bill makes a consequential amendment to section 110 of the Act.

J.G. HASKINS,
Minister of Works and Communications.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 6 of Cap. 69:01
3. Amendment of section 9 of principal Act
4. Amendment of section 32 of principal Act
5. Amendment of section 35 of principal Act
6. Amendment of section 41 of principal Act
7. Amendment of section 46 of principal Act
8. Substitution of section 47 of principal Act
9. Amendment of section 48 of principal Act
10. Amendment of section 49 of principal Act
11. Amendment of section 50 of principal Act
12. Amendment of section 51 of principal Act
13. Amendment of section 52 of principal Act
14. Substitution of section 81 of principal Act
15. Substitution of section 108 of principal Act
16. Amendment of section 110 of principal Act

A BILL
entitled

An Act to amend the Road Traffic Act

Date of Assent:

Date of Commencement.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Road Traffic (Amendment) Act, 1978, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Short title
and
commence-
ment

2. Section 6 of the Road Traffic Act (hereinafter referred to as "the principal Act") is amended by substituting for subsection (5) thereof the new subsections following —

Amendment
of section 6
of Cap. 69:01

“(5) The licensing officer shall, on being satisfied as to the accuracy of the particulars contained in a form of application for the registration of a motor vehicle or trailer and as to the other matters regarding which he is required to be satisfied under this section, issue to the owner of the vehicle and in his name a registration book in the prescribed form containing the registration number allocated to the vehicle and particulars of the vehicle.

(5A) A registration book or duplicate thereof issued under this section shall be proof of the registration of the vehicle, the name of the registered owner and the registration number of the vehicle.

(5B) The licensing officer shall furnish the Registrar with details of the contents of every registration book issued under this section and the Registrar shall enter those details in his records.”

B.78

Amendment
of section 9 of
principal Act

3. Section 9 of the principal Act is amended –
- (a) in subsection (1) thereof by substituting for the words “14 days”, which appear therein, the words “7 days”;
 - (b) by substituting for subsection (2) thereof the new subsection following –
“(2) Upon the transfer of ownership of a vehicle, the registered owner thereof shall immediately deliver to the new owner the registration book in respect of the vehicle and the new owner shall within 7 days immediately after the delivery to him of the registration book deliver the same together with the prescribed fee to a licensing officer in order that the vehicle may be registered in his name.”; and
 - (c) in subsection (4) thereof by substituting for the words “the Registrar”, which appear therein, the words “a licensing officer”.

Amendment
of section 32
of principal
Act

4. Section 32 (3) of the principal Act is amended by substituting for the words “three months”, which appear therein, the words “6 months”.

Amendment
of section 35
of principal
Act

5. Section 35 of the principal Act is amended by substituting for the words “the Police and Prisons Services”, which appear therein, the words “the Botswana Defence Force, the Botswana Police Force or the Prison Service”.

Amendment
of section 41
of principal
Act

6. Section 41 of the principal Act is amended –
- (a) by substituting for subsection (2) thereof the new subsection following –
“(2) A person desiring to obtain a driving instructor’s certificate shall apply to the Registrar on the prescribed form which shall be accompanied by 2 copies of a photograph of the applicant’s head and shoulders from which he may be readily identified, each copy being approximately 5 by 4 cm in size, and shall pay the prescribed fee.”;
 - (b) in subsection (5) thereof by inserting therein, immediately after the words “in the prescribed form”, which appear therein, the words “which shall have firmly affixed to it at the time it is issued one of the photographic copies submitted with the application for the certificate”;
 - (c) by inserting therein, immediately after subsection (6) thereof, the new subsections following –
“(6A) The holder of a driving instructor’s certificate shall, whilst he is, for reward, instructing or supervising another person in the driving of a motor vehicle on a road, prominently display the certificate within the vehicle or, if the vehicle has no interior, keep it on his person and produce it immediately for examination by the person he is so instructing or supervising or by a police officer in

uniform on being required to do so by that person or by such a police officer.

(6B) The holder of a driving instructor's certificate or a duplicate thereof issued under this section shall at all times keep the certificate or duplicate thereof in a clean, unmarked, undamaged, undefaced and legible condition and the photographic copy affixed to it at the time the certificate or duplicate thereof was issued firmly so affixed."; and

(d) by adding thereto, immediately after subsection (11) thereof, the new subsections following –

"(12) Any person desiring to replace a driving instructor's certificate lost, destroyed, damaged or defaced or that has become dirty, marked or illegible shall apply to the Registrar on the prescribed form for a duplicate thereof, which form shall be accompanied by 2 copies of a photograph of the applicant's head and shoulders from which he may be readily identified, each copy being approximately 5 by 4 cm in size, and shall pay the prescribed fee.

(13) Where the Registrar is satisfied that the original certificate has been lost, destroyed, damaged or defaced or has become dirty, marked or illegible, he shall grant every application under subsection (12) and issue to the applicant a duplicate of his original driving instructor's certificate which shall have firmly affixed to it at the time it is issued one of the photographic copies submitted with the application for the duplicate."

7. Section 46 of the principal Act is amended –

- (a) in subsection (1) thereof by deleting the words "on a road or other public place", which appear therein; and
- (b) in subsection (2) thereof by deleting the words "which is on a road or other public place", which appear therein.

Amendment
of section 46
of principal
Act

8. The principal Act is amended by substituting for section 47 thereof the new section following –

"Evidence on charge of unfitness to drive through drink or drugs or causing death thereby 47. (1) In any proceedings for an offence under section 46 or for an offence under section 49 (c) in connexion with a motor vehicle, the court shall, subject to subsections (2), (7) and (9), have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him by a medical practitioner or of urine provided by him, at any material time.

Substitution
of section 47
of principal
Act

(2) No evidence of the proportion or quantity of alcohol or of any drug found in a specimen of blood shall be admissible for the purposes of this section on

behalf of the prosecution unless the specimen was taken from the accused with his consent:

Provided that such evidence shall be admissible on behalf of the prosecution, notwithstanding that the specimen of blood was taken from the accused without his consent, where the specimen was taken in accordance with subsection (4) or (5).

(3) Where, in any proceedings for an offence under section 46 or for an offence under section 49 (c) in connexion with a motor vehicle, it is proved that the accused refused to consent to the taking of a specimen of blood or to provide a specimen of urine for analysis when requested to do so at any material time by a police officer or medical practitioner, his refusal shall, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution or as rebutting any evidence given on behalf of the defence with respect to his condition at that time.

(4) Notwithstanding any law to the contrary, a medical practitioner may, on being requested to do so by a police officer, take a specimen of blood from any person without that person's consent if, at the time the specimen is taken, that person is unable by reason of his physical condition to give or to refuse his consent to the taking of the specimen and if the medical practitioner then believes on reasonable grounds –

- (a) that the person is detained in the lawful custody of a police officer in respect of an offence under section 46 or of an offence under section 49 (c) in connexion with a motor vehicle;
- (b) that the person has recently driven or attempted to drive or been in charge of a motor vehicle and that his physical condition is due, either wholly or in part, to the influence of drink or of any drug; or
- (c) that the person's physical condition is due, either wholly or in part, to the involvement in an accident of a motor vehicle which, at the time of the accident, was being driven by that person; but in taking the specimen no other means nor any greater degree of force shall be used than would, in the particular circumstances, be lawful if that person had given his consent.

(5) Where a specimen of blood taken under subsection (4) is one which, in the opinion of the medical practitioner, it is not practicable to divide, he may,

immediately after taking that specimen, take a second specimen of blood from the same person without that person's consent and without being requested to do so by a police officer but otherwise in accordance with that subsection; but no further specimen shall be taken.

(6) For the purposes of any proceedings for an offence under section 46 or for an offence under section 49 (c) in connexion with a motor vehicle, a certificate purporting to be signed by an analyst authorized by the Minister for the purposes of this section, and certifying the proportion of alcohol or of any drug found in a specimen identified by the certificate, shall be evidence of the matters so certified and of the qualifications of the analyst:

Provided that the foregoing provisions shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than 7 days before the hearing or trial nor if the accused, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, has served notice on the court requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(7) Where the accused, at the time a specimen of blood was taken from him with his consent or a specimen of urine was provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or of any drug found in the specimen shall not be admissible on behalf of the prosecution unless —

- (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and
- (b) the other specimen or part was supplied to the accused.

(8) A police officer requesting any person to consent to the taking of a specimen of blood or to provide a specimen of urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.

(9) Where the accused from whom a specimen of blood has been taken without his consent under

subsection (4) asked, at the time the offer was made to him under subsection (10), to be supplied with such a specimen, evidence of the proportion of alcohol or of any drug found in the specimen shall not be admissible in evidence on behalf of the prosecution unless —

- (a) the specimen is either one of two taken on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken; and
- (b) the other specimen or part was supplied to the accused.

(10) Where a specimen of blood has been taken from a person without his consent under subsection (4), a police officer shall, as soon as it is reasonably practicable to do so, offer to supply to him, in a suitable container, part of the specimen or, where a second specimen has been taken under subsection (5), that specimen.

(11) The Minister may prescribe a limit to the amount of alcohol permissible in a specimen of blood or urine taken from or provided by an accused under this section and where the Minister has prescribed such a limit and the results of analysis show that the amount of alcohol found in any specimen taken from or provided by an accused exceeds the permitted amount, the accused shall be deemed at the relevant time to have been unfit to drive through drink or drugs, in any proceedings for an offence by him under section 46 or for an offence by him under section 49 (c) in connexion with a motor vehicle.”.

Amendment of section 48 of principal Act

9. Section 48 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

“(1) If a person drives a motor vehicle recklessly or at a speed or in a manner which is dangerous to other persons, having regard to all the circumstances of the case, he shall be guilty of an offence and liable to a fine of P800 and to imprisonment for 2 years.”.

Amendment of section 49 of principal Act

10. Section 49 of the principal Act is amended —

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

“(a) by the driving of a motor vehicle recklessly or at a speed or in a manner which is dangerous to other persons, having regard to all the circumstances of the case;” and

(b) in paragraph (c) thereof by deleting the words “on a road”, which appear therein.

11. Section 50 (1) of the principal Act is amended by deleting the words “on a road” and “using the road”, which appear therein.

Amendment
of section 50
of principal
Act

12. Section 51 (1) of the principal Act is amended by substituting for the words “section 200 of the Penal Code”, which appear therein, the words “section 205 of the Penal Code”.

Amendment
of section 51
of principal
Act

13. Section 52 (1) of the principal Act is amended by substituting for the words “section 200 of the Penal Code in connection with the driving of a motor vehicle on a road”, which appear therein, the words “section 205 of the Penal Code in connexion with the driving of a motor vehicle”.

Amendment
of section 52
of principal
Act

14. The principal Act is amended by substituting for section 81 thereof the new section following —

Substitution
of section 81
of principal
Act

“Duty to stop
and report

81. (1) If a vehicle is involved in or contributes to any accident whereby the death of or injury or damage to any person, property, cattle or other domestic animal is caused, the driver of the vehicle shall stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address, the name and address of the owner of the vehicle and of the company with whom the vehicle is insured and the registration number of the vehicle.

(2) Any other person in the vehicle at the time of the accident shall also, if required to do so, give his name and address.

(3) In the case of such an accident, the driver of the vehicle shall report the accident at a police station or to a police officer as soon as it is reasonably practicable to do so and in any event within 48 hours immediately after the accident —

(a) if for any reason he does not, at the scene of the accident, supply the particulars referred to in subsection (1) in accordance with that subsection:

Provided that this paragraph shall not apply in the case of an accident whereby —

(i) the death of or injury to any domestic animal other than cattle is caused; or

(ii) the death of or injury or damage to any property or cattle is caused, which property or cattle is, at the time of the accident, owned by and in the possession of the driver of the vehicle;

(b) if the death of or injury to any person is caused by the accident; or

(c) if, as a result of the accident, any vehicle is left in

such a position, manner or condition as to obstruct or inconvenience or be likely to obstruct or inconvenience any traffic using a road or to constitute or be likely to constitute a danger to the public.

(4) After reporting the accident at a police station or to a police officer in accordance with this section, the driver of the vehicle shall remain at the scene of the accident or return to the scene of the accident and wait unless or until he has been authorized by a police officer to depart or unless he has to assist the injured or receive attention himself.

(5) Until the driver of the vehicle concerned reports the accident to the police in accordance with this section, he shall not take any intoxicating liquor or drug unless it is prescribed by a medical practitioner or registered nurse.

(6) When stopping as required by this section, the driver of the vehicle concerned in the accident shall take such steps as he is reasonably able to ensure the safety of other traffic at the scene of the accident.

(7) The owner of a vehicle which is involved in or contributes to an accident, shall supply to the police all information necessary to identify the driver of the vehicle at the time of the accident.”.

Substitution of section 108 of principal Act

15. The principal Act is amended by substituting for section 98 thereof the new section following —

“Drivers and conductors of public service vehicles

108. (1) A person shall not drive or act as the conductor of a public service vehicle on a road unless he is licensed for the purpose under this Part and a person shall not employ or permit any person who is not so licensed to do so:

Provided that this subsection shall not apply to any person who has hired a private hire vehicle which he drives himself and whose passengers, if any, are not carried for hire or reward nor to any driver or conductor of a public service vehicle which is not carrying passengers.

(2) Subject to the other provisions of this section and to such other provisions as may be prescribed for the purposes of this section, upon application being made in the prescribed manner and form and upon payment of the prescribed fee, the Registrar shall issue the licence applied for.

(3) In the case of an application under this section for a licence to drive a public service vehicle, the Registrar shall refuse to issue the licence unless —

- (a) he is satisfied that the applicant has attained the age of 21 years;
 - (b) the applicant holds and produces a driving licence issued under Part VI valid for light vehicles or heavy commercial vehicles and has held the licence for not less than 2 years;
 - (c) the applicant produces a certificate, dated within the immediately preceding period of 15 days and signed by a police officer of or above the rank of Assistant Superintendent, certifying that the applicant has not, to the signatory's knowledge, within the immediately preceding period of 5 years –
 - (i) been convicted, by a court within or without Botswana, of an offence against the person or of an offence against property involving dishonesty, which is a criminal offence under the law of Botswana, and sentenced therefor to a term of imprisonment (whether or not the operation of the sentence was suspended), other than a term of imprisonment in respect of the non-payment of a fine imposed for the offence, in respect of which offence the applicant has not been granted a free pardon, the conviction or sentence has not been set aside or some other punishment has not been substituted for such imprisonment; or
 - (ii) been disqualified by such a court from driving or from holding or obtaining a driving licence for any period, which disqualification has not been set aside; and
 - (d) the applicant produces a certificate, dated within the immediately preceding period of 30 days and signed by a medical practitioner, certifying that the applicant is not, in the signatory's opinion, suffering from any disease or disability which would impair or be likely to impair his ability to drive vehicles of the class or classes in respect of which the application is made.
- (4) In the case of an application under this section for a public service vehicle driver's licence, the Registrar may refuse to issue the licence until the applicant has passed a driving test on the class or classes of vehicle in respect of which the application is made.
- (5) In the case of an application under this section

for a licence to act as the conductor of a public service vehicle, the Registrar shall refuse to issue the licence unless —

- (a) he is satisfied that the applicant has attained the age of 18 years; and
- (b) the applicant produces a certificate, dated within the immediately preceding period of 15 days and signed by a police officer of or above the rank of Assistant Superintendent, certifying that the applicant has not, to the signatory's knowledge, within the immediately preceding period of 5 years been convicted, by a court within or without Botswana, of an offence against the person or of an offence against property involving dishonesty, which is a criminal offence under the law of Botswana, and sentenced therefor to a term of imprisonment (whether or not the operation of the sentence was suspended), other than a term of imprisonment in respect of the non-payment of a fine imposed for the offence, in respect of which offence the applicant has not been granted a free pardon, the conviction or sentence has not been set aside or some other punishment has not been substituted for such imprisonment.

(6) Where a person wishing to apply for a public service vehicle driver's or conductor's licence is unable to obtain the certificate he is required to produce by subsection (3) (c) or (5) (b), as the case may be, by reason of his having been convicted and sentenced as therein described, he may apply in writing to the Minister to direct the Registrar —

- (a) in the case of an application by that person for a public service vehicle driver's licence, to waive the requirement that the certificate certify the matters prescribed by subsection (3) (c) (i); or
- (b) in the case of an application by that person for a public service vehicle conductor's licence, to waive the requirement that he produce a certificate.

(7) Every application under subsection (6) shall set out in full the submissions which the applicant wishes the Minister to take into account in determining the application.

(8) The Minister shall consider every application made to him under subsection (6) and may, if he is satisfied that the interests of the public are unlikely to

be prejudiced thereby, direct the Registrar in writing to waive the relevant requirement, and the Registrar shall comply with that direction.

(9) The Registrar may issue a public service vehicle driver's or conductor's licence subject to such conditions as he thinks fit.

(10) A public service vehicle driver's or conductor's licence shall be valid for 2 years unless cancelled earlier under this Part; and, where such a licence is cancelled for any reason, no refund of the licence fee shall be payable in respect of any unexpired period of the licence.

(11) A person licensed as a driver or conductor of a public service vehicle shall not drive or act as the conductor of such a vehicle whilst it is carrying passengers on a road unless he is wearing the prescribed badge.

(12) In the event of a public service vehicle driver's or conductor's licence or badge being lost, destroyed or defaced or becoming illegible, the holder thereof shall forthwith apply to the Registrar in such form as he may require, together with the prescribed fee and any licence or badge which has been defaced or become illegible, for a duplicate licence or badge to be issued.

(13) Where the original public service vehicle driver's or conductor's licence or badge is recovered by the holder thereof after being lost, he shall forthwith return to the Registrar any duplicate thereof which may have been issued to him.”.

16. Section 110 of the principal Act is amended by deleting the words “or section 108 (3) (d)”, which appear therein.

Amendment
of section 110
of principal
Act

L2/4/572 III