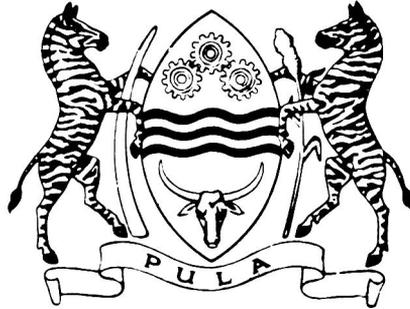


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XVI, No. 52

GABORONE

22nd September, 1978.

CONTENTS

	<i>Page</i>
Treasury Bills — Issue of 15th September, 1978 — G.N. No. 500 of 1978.....	732
Applications for Government of Botswana Treasury Bills — G.N. No. 501 of 1978.....	732
Acting Appointment — Permanent Secretary, Ministry of Finance and Development Planning — G.N. No. 502 of 1978.....	733
Appointment — Member of Agricultural Resources Board — G.N. No. 503 of 1978.....	733
Appointments — Members of Agricultural Resources Board — G.N. No. 504 of 1978.....	733
Authorization of Change of Surname — Sydney — G.N. No. 505 of 1978.....	734
Abel — G.N. No. 506 of 1978.....	734
Edward — G.N. No. 507 of 1978.....	734
Application for Authorization of Change of Surname — G.N. No. 508 of 1978.....	735
Notice of Cessation of Place of Business — G.N. No. 509 of 1978.....	735
Renewal of Road Transport Permits — G.N. No. 510 of 1978.....	736—738
Civil Roll — G.N. No. 511 of 1978.....	739—740
Public Notices.....	741—750

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

Supplement B — Police Bill, 1978 — Bill No. 33 of 1978.....	B.115—137
Supplement C — Amendment of Schedules (No. 28) Notice, 1978 — S.I. No. 100 of 1978.....	C.289—290

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Government Notice No. 500 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 15th September, 1978

The Bank of Botswana announce that applications totalling P3 865 000 were received on 14th September, 1978 for the offer of P1 000 000 Treasury Bills for issue on 15th September, 1978 at a price of 98,52%.

Applications were scaled down pro rata and applicants received an allotment of about 25,9% of the amount of Bills applied for.

L2/7/237 II

Government Notice No. 501 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, 28th September, 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, 28th September, 1978.

3. The Bills will be in amount of P1 000 or a multiple of P1 000. They will be dated 29th September, 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 13th day of September, 1978.

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

Government Notice No. 502 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 9th October, 1978 to 15th October, 1978, inclusive.

DATED this 13th day of September, 1978.

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

L2/7/98 XI

Government Notice No. 503 of 1978

AGRICULTURAL RESOURCES CONSERVATION ACT

(Cap. 35:06)

Appointment — Member of Agricultural Resources Board

IN EXERCISE of the powers conferred by section 4 (1) and 5 (1) of the Agricultural Resources Conservation Act, His Excellency the President hereby appoints —

ESAU MOSIMA

to be a member of the Agricultural Resources Board for a period of three years with effect from the 14th June, 1978 in place of Nicholas Phohuetsile Selelo whose appointment is hereby revoked.

DATED this 12th day of September, 1978.

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

L2/7/232

Government Notice No. 504 of 1978

AGRICULTURAL RESOURCES CONSERVATION ACT

(Cap. 35:06)

**Appointments — Members of Agricultural
Resources Board**

IN EXERCISE of the powers conferred by sections 4 (1) and 5 (1) of the Agricultural Resources Conservation Act, His Excellency the President hereby appoints —

BOTLALO MOTSETE

and

MOKGWEETSI RICHARD PHETLHU

to be members of the Agricultural Resources Board for a period of 3 years with effect from the 14th June, 1978.

DATED this 8th day of September, 1978.

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

L2/7/232

Government Notice No. 505 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 the person whose name and address are hereinafter specified to assume the surname hereinafter specified opposite his name and address.

<i>Name and address</i> Sydney P/Bag 007, Gaborone.	<i>Surname</i> Mothei
--	--------------------------

DATED this 4th day of September, 1978.

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

L2/7/105

Government Notice No. 506 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 the person whose name and address are hereinafter specified to assume the surname hereinafter specified opposite his name and address.

<i>Name and address</i> Abel c/o Kgakgamatso Gaefele P.O. Box 165, Serowe.	<i>Surname</i> Phokoje
--	---------------------------

DATED this 4th day of September, 1978.

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

L2/7/105

Government Notice No. 507 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 the person whose name and address are hereinafter specified to assume the surname hereinafter specified opposite his name and address.

<i>Name and address</i> Edward c/o Sydney Inalebe, P/Bag 007, Gaborone.	<i>Surname</i> Mathei
---	--------------------------

DATED this 4th day of September, 1978.

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

L2/7/105

Government Notice No. 508 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>
Basi Ntlhantsi No. 3 Hostel Blyvoor, P.O. Box 7067, Room No. G5, Blyvooruitzicht 2504.	Mongalo	Ntlhantsi is Basi's father's first name. The real surname is Mongalo.

DATED this 4th day of September, 1978.

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

L2/7/105

Government Notice No. 509 of 1978

COMPANIES ACT
(Cap. 42:01)

Notice of Cessation of 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 (Cap. 42:01) as amended, from the External Company listed in the schedule hereto and that, unless cause is shown to the contrary, the said External Company will be removed from the Register at the expiration of three months from the date of publication of this notice.

SCHEDULE

<i>Number</i>	<i>Name of Company</i>
671	DE BEERS HOLDINGS (PROPRIETARY) LIMITED.

DATED this 8th day of September, 1978.

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

Government Notice No. 510 of 1978

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

Renewals of Road Transport Permits

Notice is hereby given that, in accordance with section 3(5) (iii) of the Road Transport (Permits) Act (Cap. 69:03), the following permits are due for renewal within 14 days of the date hereof – 22nd September, 1978.

PUBLIC CARRIERS PERMITS (A PERMITS)

<i>Name and Address of Operator</i>	<i>Permit Number</i>	<i>Area of Operation</i>
Stuttaford & Co. (Rhod.) P.O. Box 8390, Belmont	00001	Two Penttechnicons for Household Removals in International Traffic (Rhodesia-Botswana)
B.P. Crushers & Brickfields P.O. Box 623, Francistown.	00002	Two vehicles for delivery of crushed stone and sand in Francistown-North West Dist.
Duffey's Transport P.O. Box 5, Mafeking.	00003	Twenty-eight trucks for conveyance of cement in International Traffic (RSA/Botswana)
Coley Hall Transport P.O. Box 4081, Alrode Alberton.	00005	47 vehicles for the conveyance general cargo in International Traffic RSA-Botswana
Jukes Curtis Transport P.O. Box 436 Francistown.	00004	25 vehicles for the conveyance of general cargo in North East District Central District and North West Districts.
A.G. Kruger & Sons (Pty) Ltd., P.O. Box 429, Gaborone.	00006	18 vehicles for the conveyance of goods in Gaborone Area.
J.S. Kereng P.O. Box 562, Gaborone.	00007	6 vehicles for transporting of goods, river sand and crushed stones throughout Botswana
Harold T. Swart P.O. Box 491 Gaborone.	00013	5 vehicles for the conveyance of Road Building River sand and Pit sand throughout Botswana.
Thuso's Transport P.O. Box 188, Gaborone.	00019	2 trucks for the conveyance of general goods in Kweneng – SED, Southern & Gaborone Districts
Transport International P.O. Box 1560, Gaborone.	00033	28 vehicles for the conveyance of general cargo in International Traffic RSA/Botswana.
Southern Enterprises P.O. Box 3359, Salisbury.	00036	10 vehicles for the conveyance of general goods in International Traffic
David P. Goosen P.O. Box 17, Gantsi.	00037	1 truck for the conveyance of transporting cattle in Gantsi-Lobatse.
John Oliver P.O. Box 58, Mochudi.	00041	2 vehicles for the conveyance of general goods in Kgatleng Districts.
Steyn Brothers Bot. (Pty) P.O. Box 787, Gaborone.	00044	5 vehicles for the conveyance of sands and gravel Kweneng-Gaborone-SED and Kgatleng Districts.
Smith's Road Transport P.O. Box 294, Gaborone.	00047	4 vehicles for the conveyance of various goods in International Traffic RSA-Botswana.
Fusi C. Motsopa P.O. Mookane, Mahalapye.	00049	1 truck for the conveyance of general goods in Central Districts.
Stuttards Vanlines P.O. Box 10812, Johannesburg.	00054	33 vehicles for the conveyance of general goods in International Traffic

<i>Name and Address of Operator</i>	<i>Permit No.</i>	<i>Area of Operation</i>
G. B. Watson P.O. Box 5.	00057	2 trucks for the conveyance of general goods goods in Central District
Tide Water Transport (Pty) Ltd., P.O. Box 247, Isando.	00058	5 vehicles for the conveyance of general cargo in International Traffic
Aron Jubilee P.O. Box 168, Maun.	00060	1 vehicle for the conveyance of general goods in North West District.
Wilfred B. Mackrell P.O. Box 140, Lobatse.	00068	2 vehicles for the conveyance of goods in Lobatse-SE-Southern Districts
Gidion G. Cronje P.O. Box 191 Lobatse.	00070	2 trucks for the conveyance of general goods throughout Botswana.
Biddulphs Removals & Storage P.O. Box 3259, Belmont, Bulawayo.	00071	3 Pantechincons for the conveyance of general goods in International Traffic.
Leba's Transport P.O. Box 353, Francistown.	00072	9 vehicles for the conveyance of general cargo and cattle in N.E.D.-Francistown and North West District.
Botswana Road Services (Pty) Ltd., P.O. Box 347, Francistown.	00073	74 vehicles for the conveyance of general goods in Francistown North East and Central Districts.
Fred Engleton & Tidimalo Makgetho P.O. Box 273, Francistown.	00075	4 vehicles for the conveyance of goods in Francistown-North East Central and North West Districts.
N.B. Modisakwane Nkange Store No. 3 Via Francistown.	00076	1 vehicle for the conveyance of general goods in Central District
Wards Transport (Pty) Ltd. P.O. Box 933, Bulawayo.	00078	54 vehicles for carriage of general goods in International Traffic Rhodesia-Botswana
J.D. Wright P.O. Box 145, Serowe.	00090	4 vehicles for the conveyance of general goods in Central, North East and North West Districts
Nata (Pty) Ltd., P.O. Box 48, Selebi-Phikwe.	00091	9 trucks for the haulage of stone, and sand in Central District
Joseph T. Tsheko P.O. Box 249, Mochudi.	00096	1 truck for the conveyance of general goods in Kgatleng District
Barnetts Furnishers P.O. Box 85, Kerk St Zeerust.	00098	1 truck for the conveyance of new furniture in International Traffic (Botswana-R.S.A.)
Marnewick & Son (Pty) Ltd., P.O. Box 2, Bray.	00130	2 trucks for the conveyance of cattle from Kang, Lobatse, Ghanzi and Gaborone Districts
Botzam Services (Pty) Ltd., P.O. Box 123, Francistown.	00131	12 trucks for the conveyance of general cargo in Francistown-North West-North East and Central Districts
Kelebhone M. Letela Private Bag 10, Serowe.	00142	1 truck for the conveyance of general goods in Central District
Phenyamere Mazile P.O. Box 158, Serowe.	00143	1 truck for the conveyance of general goods in Central-North East and Francistown Dis- tricts.
Jonathan B. Binns P.O. Box 402, Serowe.	00150	3 trucks for the conveyance of general cargo in the Central District
Star Transport P.O. Box 564, Edenvale 1610.	00151	57 vehicles transporting of mining equip- ment and machinery in International Traffic

<i>Name and Address of Operator</i>	<i>Permit No.</i>	<i>Area of Operation</i>
Selby's Transport P.O. Box 173, Palapye.	00155	2 trucks for the conveyance of general goods in Central District
G.W. Kamfer P.O. Metlojane, Via Lobatse.	00160	1 truck for transporting of cattle and goods in Ghanzi-Lobatse and Southern District
J.R. Nwako P.O. 110, Mahalapye.	00215	1 truck for the conveyance of general goods in Central, North East and Francistown Districts
Sabot Hauliers c/o H.N. Franco & Co., P.O. Box 3359 Salisbury.	00174	40 vehicles for the conveyance of general goods in International Traffic Rhodesia-Botswana.
Ofentse Ramolotsane P.O. Box 186, Francistown.	00169	3 vehicles for the conveyance of goods in Francistown-North East District.
K.W. Franks P.O. Box 47, Ebedfortdview.	00162	6 vehicles for the conveyance of general goods in International Traffic R.S.A.-Botswana
Wilson M. Raedani P.O. Box 61, Gaborone.	00161	1 truck for the conveyance of general goods in International Traffic R.S.A.-Botswana
Alfred Smith P.O. Box 89, Francistown.	00219	1 truck for the conveyance of general goods in North East and North West Districts
Phineas Tau, P.O. Box 531, Gaborone.	00232	2 tippers for the conveyance of River Sand and Building Materials in Kweneng-Kgatleng and Gaborone Districts
Pegasus Transport P.O. Box 644, Francistown.	00201	9 vehicles for the conveyance of general goods in N.W.-N.E. and Central Districts
Morkels Transport (Pty) Ltd., P.O. Box 8134, Elandsfontein.	00233	13 vehicles for the transporting of furniture and household facilities in International Traffic R.S.A.-Botswana.
Lobatse Stone Crushers (Pty) P.O. Box 339, Lobatse.	00254	3 vehicles for the transporting of stone and concrete in Lobatse-Southern and South East Districts
E.S. Tadikwe P.O. Box 1065, Gaborone.	00265	3 trucks for the conveyance of sand throughout Botswana
Interstate Hauliers (Pty) Ltd., P.O. Box 77322, Fontainbleau.	00268	36 vehicles for the conveyance of goods in International Traffic R.S.A.-Botswana.
L.D.W. Enterprises P.O. Box 39824, Bramley.	00269	3 vehicles for the conveyance of goods in International Traffic
Contract Haulage Ltd., P.O. Box 105, Lusaka.	00092	52 vehicles for the conveyance of general goods in Zambia-Botswana.
Heins Motor & Diesel Engineering Stand 3900 Douglas Road Salisbury.	00223	32 vehicles for the conveyance of general goods in International traffic Rhodesia-Botswana
Jack D. Dennison P.O. Box 10, Shoshong.	00050	2 trucks for the conveyance of goods in Central District
Heins Transport (Botswana) Pty Ltd. P.O. Box 294, Gaborone.	00314	25 vehicles for the conveyance of general cargo in Francistown North East-North West Districts

Interested persons may see the above named application at the Transport Secretary's Office at the Ministry of Works and Communications. Every representation or objection shall be sent to the Transport Secretary, Private Bag 0054, Gaborone, Botswana, by registered mail so as to reach him not later than 14 days after this notice has appeared in the Gazette. A copy of such written representation or objection shall be sent to the applicant by registered mail at the same time as it is to the Transport Secretary.

O. MPHETLHE,
Transport Secretary.

Civil Roll

THIRD CIVIL SESSION OF THE HIGH COURT OF THE REPUBLIC OF BOTSWANA COMMENCING ON THE 18TH SEPTEMBER, 1978 TO THE 31ST OCTOBER, 1978

BEFORE THE HONOURABLE THE CHIEF JUSTICE MR R.J. HAYFRON-BENJAMIN AND MR JUSTICE I. MAHOMED.

M.C. 71/77	Tshoganetse Makuku vs. Violet Makuku	18/9/78	Divorce proceedings	V.J.G. Matthews
M.C. 30/76	K. Lesolopo vs. G. Lesolopo and another	18/9/78	Divorce proceedings	Kirby, Helfer and Khama
M.C. 5/77	Amen Phama vs. Evelyn Phama	18/9/78	Divorce proceedings	Mosojane and Partners
M.C. 62/77	I. Lelathego vs. O. Lelathego	18/9/78	Divorce proceedings	Mosojane and Partners
M.C. 98/77	Andonia T. Khunego vs. P. Khunego	19/9/78	Divorce proceedings	Kirby, Helfer and Khama
M.C. 43/78	Piet Gaofisi vs. E. Gaofisi	19/9/78	Divorce proceedings	Kirby, Helfer and Khama
C.A. 11/77	Marumo Marumo vs. K. Setswamoragong	19/9/78	Appeal against judgment	Kirby, Helfer and Khama
M.C. 88/77	Ofentse Morobise vs. B. Morobise and Joe Molalo	20/9/78	Divorce proceedings	Kirby, Helfer and Khama
M.C. 67/77	R. Maretele vs. Lucas Maretele	20/9/78	Divorce proceedings	Kirby, Helfer and Khama
M.C. 1/78	Petros Chose vs. Ruth Chose	20/9/78	Divorce proceedings	J. Mbeki and Partners.
C.T. 46/78	Kalahari Ranches vs. Gaborone Engineering and Electrical Wholesalers (Pty) Ltd.	20/9/78	Application for an order	N. Kades
C.T. 231/77	Attorney General of Botswana vs. F. Modise	21/9/78	Application for an order	Attorney-General
M.C. 17/78	L. Aphiri vs. David M. Aphiri	25/9/78	Divorce proceedings	V.I.J. Matthews
M.C. 108/77	Agnes Kgosiemang vs. Knight Kgosiemang and Shadiko Otsogile	25/9/78	Divorce proceedings	Mosojane and Partners
C.A. 8/78	Jerry Mbuli vs. Annah Debele	25/9/78	Appeal against judgment	J. Mbeki and Partners
M.C. 46/78	Onalenna Kootswetse vs. B. Kootswetse	25/9/78	Divorce proceedings	Kirby, Helfer and Khama
M.C. 10/78	Dikeledi Nyoni vs. George Nyoni	26/9/78	Divorce proceedings	Mosojane and Partners
M.C. 34/78	Malima Mugundu vs. Bawani Mugundu and Tasekaku Chilondiwa	26/9/78	Divorce proceedings	Mosojane and Partners
C.A. 7/78	Baldwin Hlanti vs. Khabenyane Masalila	26/9/78	Appeal against judgment	J. Mbeki and Partners
C.C. 92/77	Gerhard Muller N.O. vs. Standard Bank Botswana Ltd. & Treasure Novelities	26/9/78	Application for Rule Nisi	Norman Kades
C.T. 171/77	I. Mpele vs. A.M. Tsoebebe	27/9/78	Application for an order	Fraenkel and Ackerman
C.T. 314/77	E.M. Pule vs. E. Mbayi	27/9/78	Return Date	Damant Bostock
M.C. 63/77	K. Dambuza vs. B. Dambuza and G. Mmedi	27/9/78	Divorce proceedings	Mosojane and Partners
C.A. 6/78	Giagomo Gozzi vs. M. Tau	27/9/78	Appeal against judgment	Y.D. Petkar
C.T. 314/77	E.M. Pule vs. E. Mbayi	28/9/78	Continuation of trial	Damant Bostock
C.T. 4/78	Gerson Komane Morule vs. Piet R. Morule	28/9/78	Application for rescission	Fraenkel and Ackerman
C.T. 363/76	Louis C. Sharp vs. Harold De Kock	28/9/78	Application for an order	Richard A. Lyons
C.T. 143/77	Allan Goetsch (Pty) Ltd. vs. S. Keladitlis	3/10/78	Return Date	J. Mbeki and Partners
C.T. 173/76	N.O.H. Setidisho vs. S.A. Mutual Fire and General Insurance Co. Ltd.	4/10/78	Return Date	R.A. Lyons
	Z.A. Chand			
	Rano Rautina Letshabo			

M.C. 82/77	B.R. Mathangwane vs. R.N. Mathangwane	5/10/78
C.T. 173/76	N.O.H. Setidisho vs. S.A. Mutual Fire & Gen. Insurance Co. Z.A. Chand Rano Rautina Letshabo	5/10/78
C.T. 16/76	Ark Investments Bots. (Pty) Ltd. vs. Kille & Dannhauser	9/10/78
C.T. 16/76	" " " " "	" "
"	" " " " "	" "
C.C. 57/76	Joubert Garage (Pty) Ltd. vs. Tati Co.	16/10/78
C.C. 53/78	Anthony R. Gorney vs. Attorney-General	16/10/78
C.C. 57/76	Joubert Garage (Pty) Ltd. vs. Tati Co.	17/10/78
C.T. 20/76	Botswana Milling & Produce Co. (Pty) vs. Derek Brink Trust Co. (Pty) Ltd. Derek Brink	18/10/78
C.T. 20/76	Botswana Milling and Produce Co. (Pty) Ltd. vs. Derek Brink Trust Co. (Pty) Ltd. and Derek Brink	19/10/78
C.T. 175/75	Ark Investments Botswana (Pty) Ltd. vs. E.B. E.B. Van Schalkwyk and Sons (Pty) Ltd.	23/10/78
C.T. 175/75	" " " "	24/10/78
C.T. 175/75	" " " "	25/10/78
C.T. 175/75	" " " "	26/10/78
C.T. 246/77	Arthur Lewis and Associates vs. Minestone Botswana (Pty) Ltd.	30/10/78
M.C. 43/78	Piet Gaofisi vs. E. Gaofisi	30/10/78
C.T. 246/77	Arthur Lewis and Associates vs. Minestone Botswana (Pty) Ltd.	31/10/78

LOBATSE.

5/9/78

Divorce proceedings
Continuation of the proceedings

Y.D. Petkar
R.A. Lyons

Return Date
" "
"

Damant Bostock
"
"

Application for removal of restrictions.
Application for admission as an attorney
Continuation of the proceedings

Norman Kades
Minchin and Kelly
Norman Kades

Return Date

Damant Bostock

Continuation of proceedings
Application for an order

Damant Bostock
Damant Bostock

" " "
" " "
" " "

" "
" "
" "

740

Judgment

Damant Bostock

Divorce

Kirby, Helfer and Khama

Application for an order

Damant Bostock

A. NITHIANANDAN,
Registrar.

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>
A. SEBITSO, P.O. Sefhare Store, via MAHALAPYE.	General Trading	Sefhare	Central District Council	26.10.78
M. POWE, P.O. Box 30, MANYANA VILLAGE.	Small General Trading	Old Naledi	Gaborone Town Council	26.10.78
M. NTHEBOLAN, P.O. Box 111, MAHALAPYE.	Small General Trading and Butchery	Mahalapye	Central District Council	26.10.78
C.M.K. KEPALETSWE, Chemist Kgagodi School, P.O. PALAPYE.		Kgagodi	Central District Council	26.10.78
B. TAU, P.O. Box 1555, GABORONE.	Fresh Produce	Mmanoko	Kweneng District Council	19.10.78
G. MASIE, P.O. GABANE, via Gaborone.	Fresh Produce	Gabane	Kweneng District Council	19.10.78
R. MOTSEMME, P.O. Box 67, THAMAGA.	Restaurant	Thamaga	Kweneng District Council	19.10.78
M. BOKOLE, P.O. Box 34, MOCHUDI.	Restaurant	Thagale	Kgatleng District Council	27.10.78
ELIZABETH CATERERS (PTY.) LTD., P.O. Box 216, SELEBI-PHIKWE.	Restaurant	Francistown	Francistown Town Council	12.10.78
M.K. WEBBER, P.O. Box 550, FRANCISTOWN.	Restaurant	Area "W" Plot No. 2254	Francistown Town Council	12.10.78
T.S. MOFSWANE, P.O. Box 48, PALAPYE.	Photo Studio	Palapye	Central District Council	26.10.78
J.D. KANTINGA, McAlpine and Son, P.O. Box 38, SELEBI-PHIKWE.	Small Maize Grinding Mill	Tshikinyega Ward, Mahalapye	Central District Council	26.10.78
N.E.K. SEBELE, P.O. Box 634, SEROWE.	Speciality (Chemist Botique)	Serowe Mall	Central District Council	26.10.78

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

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>
J.M. SEFO, Postal Agency, GOMARE.	Gomare Village, Tubu, Moswaapoo and Thale-Qorobe Areas	North West District Council	3.10.78
L.L. MONOGENG, M.L.O., P.O. Box 17, GABORONE.	Lekhubung, Lekgatshwane and Mononyane	Kweneng District Council	19.10.78
S. TOTENG, T.C. Store, P.O. Box 3, FRANCISTOWN.	Jamataka, Cattle Post, Mathangwane and Samosongwe	Central District Council	26.10.78
F. NDOLO, P.O. Box 528, Mooke, SHASHE.	Jamakana, Mooke, Kgoronyane and Sepalola	Central District Council	26.10.78
L. SEOPE, P.O. Box 80, LOBATSE.	Mmathethe, Mmalore, Ditlading, Gasegwagwa, Moselebe, Mosi, Gatampa and Magweriapitse	Southern District Council	27.10.78
J. SEGANG, P.O. Box 74, DIGAWANA.	Digawana, Lorwana, Mogojogjwe, Mphatshane, Mothlwatshe, Molapowabojang, Molokwe and Gopong	Southern District Council	27.10.78
D. MMOHE, P.O. Box 5, MABUTSANE.	Mabutsane, Ghia and Jwaneng	Southern District Council	27.10.78

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

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 Hawkers Licence from Mr Andrias Kangoonui in respect of the premises situated at Katere, Kahuaapeke, Zonongo, Dry Hoek, Kanagas, G10, Otjiuarongo Farms 190, 191, 189, 182, 196, 194, 179, 193, Kanagas Farm Block and that the Ghanzi District Council has determined that the application shall be heard by the Licensing Authority on the 31st October, 1978.

D.H. KAMBURA, Makunda Village, P.O. Mamono, GHANZI.

A transfer of Restaurant and Butchery Licence in respect of the premises situated at Nata Village and that the Central District Council has determined that the application shall be heard by the Licensing Authority on the 26th October, 1978.

A. ENGLETON, P.O. Box 223, FRANCISTOWN.

A transfer of Petrol Filling Station Licence from T.W. Shaw in respect of the premises situated at Palapye and that the Central District Council has determined that the application shall be heard by the Licensing Authority on the 26th October, 1978.

J. MOSIMANE, P.O. Box 92, PALAPYE.

A transfer of a General Trading Licence from premises situated at Plot 272 Lobatse Hotel Building, High Street to premises situated at Plot 274, Twinkle Bakery Building, High Street, Lobatse and that the Lobatse Town Council has determined that the application shall be heard by the Licensing Authority on 2nd November, 1978.

H. WETERINGS, for Lobatse Gas Centre (Pty) Ltd., P.O. Box 142, LOBATSE.

A transfer of a Bottle Store Licence from Florence Kgosisikama in respect of premises situated at Kalkfontein and that the Ghanzi District Council has determined that the application shall be heard by the Licensing Authority on 31st October, 1978.

M.L. SHARP, GHANZI.

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

Second publication

Notice of Intention to Transfer a Trading Licence

Notice is hereby given in terms of section 25 (1) of the Trading Act, 1966, that I Fred Engleton hve disposed of my entire interest in Nata carrying on the business of Restaurant and Butchery Licence to Aaron Engleton, P.O. Box 223, Francistown who will continue to trade at the same address and under the same style of Restaurant and Butchery.

F. ENGLETON, P.O. Box 223, FRANCISTOWN.

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 licence should, within seven days of the 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 such objection is based.

SNAP BOTSWANA (PTY.) LTD., c/o Kirby, Helfer and Khama, P.O. Box 882, GABORONE.

Second Publication

**Notice in terms of section 28 (1) of the Trading Act
(Cap. 43:02)**

Be pleased to take notice that Turning and Metals Botswana (Pty) Limited the holder of a manufacturing and general trading licence has changed its name to A. Wolff Botswana (Pty) Ltd.

Application will be made to the Licensing Authority and Licence Officer for endorsement of the licences accordingly, in terms of section 18 of the said Act.

A. WOLFF BOTSWANA (PTY) LTD., c/o Damant Bostock, P.O. Box 1368, GABORONE.

Second Publication

Change of Name

Pursuant to section 22 (1) of the Companies Act (Cap. 42:01), as amended, notice is hereby given that Hand Tool Manufacturing and Engineering (Proprietary) Limited proposes to request the Registrar of Companies for his formal approval to change the name of the company to Service Electrical (Proprietary) Limited after 14 (fourteen) days have elapsed after publication of this advertisement.

C.R. & CO. (PTY) LTD., for and on behalf of the Company, P.O. Box 1157, GABORONE.

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.M. BAGOPI, P.O. Box 969, GABORONE.	Speciality	No. 3 Equity Building	Gaborone Town Council	15.11.78
M. LINCHEWE, P.O. Box 14, MOCHUDI.	Small General Trading	Mmapitsa (Mochudi)	Kgatleng District Council	27.10.78
M.I. MASOKWANE, Metsimothaba Village, P.O. Box 307, GABORONE.	Small General Trading	Kamenakwe	Kweneng District Council	19.10.78
P. THEBEYAKGOSI, P.O. Box 108, MOLEPOLOLE.	Small General Trading	Gakotwe	Kweneng District Council	19.10.78
H.G. WESSON, P.O. SEFHARE, Via Mahalapye.	Small General Trading	Sefhare	Central District Council	26.10.78
G.C. SETSHEGO, c/o L.B.R. Mowaneng, P.O. Box 6, MAUN.	Small General Trading (Grocery)	Borolong Ward, Maun	North West District Council	1.11.78
G. MAKGETHO, P.O. Box 168, SELEBI-PHIKWE.	Small General Trading and Restaurant	Selebi-Phikwe	Selebi-Phikwe Town Council	25.10.78
M. BALOGI, P.O. Box 465, KANYE.	Small General Trading and Restaurant	Moselebe	Southern District Council	27.10.78
B. MASILONYANE, P.O. Box 253, KANYE.	Small General Trading and Restaurant	Mmathethe	Southern District Council	27.10.78
K.T. MOLETSANE, P.O. Box 167, MAHALAPYE.	Restaurant	Mahalapye	Central District Council	26.10.78
T.M. THLAKU, P.O. Box 117, TONOTA.	Restaurant	Motloutse Railway Siding	Central District Council	26.10.78
R. RADZILANE, P.O. Box 44, SIKWANE.	Restaurant	Malolwane	Kgatleng District Council	27.10.78
D. MOMPE, P.O. Box 6, PITSANE.	Restaurant	Pitsane	Southern District Council	27.10.78
A.C. JANUARY, c/o Magang & Co., <i>Applicant's Attorneys</i> , P.O. Box 132, Zambia House Annex, GABORONE.	Fresh Produce (Butchery)	Lot 1230, Extension 6,	Gaborone Town Council	15.11.78
G. DIBOTELO, P.O. Box 381, KANYE.	Fresh Produce	Mookodi's Ward	Southern District Council	27.10.78
F. PHILIPPEOS, Phikwe Cold Storage (Pty.) Ltd., P.O. Box 444, SELEBI-PHIKWE.	Fresh Produce	Selebi-Phikwe	Selebi-Phikwe Town Council	25.10.78

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 appropriate 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>
P. MATLAPENG, Tlokweng Postal Agency, GABORONE.	Tlokweng, Lesunyaneng and Nkaikela	South East District Council	31.10.78
B. NDABA, P.O. Box 20, PITSANE.	Rakhuna	Southern District Council	27.10.78
B. KOMANE, P.O. Box 151, MOCHUDI.	Seleme, Diphuduhudung, Marokolwane, Diphiring and Kgope	Kgatleng District Council	27.10.78
M. KGOSIMOLAO, P.O. Box 38, THAMAGA.	Mmampaba, Dilege, Dilegane and Chaoka	Kweneng District Council	19.10.78
S. SEBOKO, P.O. Box 40, MOLEPOLOLE.	Monyatale, Mmutle, Mmankgwana, Lepare, Mmaphefo, Kopong, Gomasala and Mahibitswane	Kweneng District Council	19.10.78
M. NTSIMAKO, P.O. Box 37, MOLEPOLOLE.	Gamolangwana, Diphepe, Chaokeng, Mmahelapa and Gobuthu	Kweneng District Council	19.10.78
A. MASHOMBA, P.O. Box 14, MMADINARE, via Serule Station.	Nkwanapedi, Mmatau, Madibeng, Mocoswane and Lekonong	Central District Council	26.10.78
J. KEITSHOKILE, P.O. Box 215, SELEBI-PHIKWE.	Maokeng, Mmaikoane, Makakeng and Goo-Ramonageng	Central District Council	26.10.78
S. KESEBONYE, Goo-Tau Village, P.O. Box 19, PALAPYE.	Mmakgabo, Lotsane, Elibi, Seokeng, Marokolwane, Goo-Tau and Lerala Lands	Central District Council	26.10.78
A. NKONGA, P.O. Box 90, SELEBI-PHIKWE.	Selebi-Phikwe, Nata, Kasane, Sefophe, Mmadinare, Palapye and Mahalapye.	Central District Council	26.10.78
D.M. MOILWA, P.O. Box 30, LETLHAKANE.	Serowe, Letlhakane, Mopipi, Rakops, Mmashoro, Mahalapye and Palapye	Central District Council	26.10.78

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

First Publication

Disposal of Interest in Business

Notice is hereby given that I, Norah Mopipi, have disposed of my entire interest in Bothakga Retail Shop in respect of premises situated at Equity Building No. 3.

NORAH MOPIPI, P.O. Box 736, GABORONE.

First Publication

External Representative Licence

Notice is hereby given that the undersigned intends to apply for an External Representative Licence (Fruit and Vegetables).

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.

M.S.O. EBRAHIM, Central Fruit Store, P.O. Box 81, Rustenburg, R.S.A. 0300.

First Publication

Notice of Sale by Public Auction

**IN THE SUBORDINATE COURT OF THE FIRST CLASS:
FOR THE MOCHUDI MAGISTERIAL DISTRICT:
HOLDEN AT MOCHUDI:**

Civil Suit No. CT. 280/77

In the matter between:

DORIS CUNNINGHAM (PTY) LTD.

Plaintiff:

and

R.R. MOGOTSI

Defendant:

Take notice that in pursuance of a Writ of Execution issued out of the above Court in the above matter the Court Bailiff, Gaborone, will sell to the highest bidder:

ONE TRACTOR B.D. 334 MODEL 1974.

The sale will take place on 27th October, 1978 at the District Commissioner's Office Mochudi.

Terms: Cash or Bank guaranteed cheque only.

DATED at Gaborone this 12th day of September, 1978.

KIRBY, HELFER AND KHAMA,
Plaintiff's Attorneys.

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

First Publication

Kgatlang District Council — Tender No. 7 of 1978

Tenders are invited by the Kgatlang District Council for the purchase of the following vehicles.

(a) one Toyota petrol Land-Cruiser with a canopy;

(b) one Toyota petrol Land-Cruiser with a canopy and full length luggage rack.

Both vehicles to have green bodies with gold mud-guards. Tenders should specify individual costs of each vehicle and state earliest date of delivery. Tenders, clearly marked "Tender No. 7 of 1978" should be addressed to the Council Secretary, Kgatlang District Council, P.O. Box 378, Mochudi to reach his office not later than 4.30 p.m. on the 6th October, 1978.

First Publication

D. MAKGATLHE,
for Council Secretary.

Kgalagadi District Council Tender No. 12 of 1978

The Kgalagadi District Council invites tenders for the construction of the following buildings at the following locations:

Boskpits

- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Bogogobo

- Two – Detached four roomed houses plus pit-latrines.
- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Kang

- Six – Blocks of two aqua privy type toilets.
- One – Detached four roomed house plus pit-latrine.
- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Kisa

- Two – Detached four roomed houses with pit-latrines.

Hukuntsi

- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).
- One – Four roomed house with ceiling, water closet and shower.

Lehututu

- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Makopong

- One – One roomed office (approx. 20 m²).

Middlepits

- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Omaweneno

- Two – Detached four roomed houses with pit-latrines.

Tsabong

- One – Four roomed house with ceiling, water closet and shower.

Werda

- One – Four roomed house (stage III) with ceiling and pit-latrine.
- One – One roomed office (approx. 20 m²).

Tenders may be for either labour only or for labour, materials and transport.

Further information, including drawings and specifications, is available from the Council Works Department, Tsabong or Hukuntsi.

Tenders must be submitted in sealed envelopes clearly marked "Tender No. 12 of 1978" and must be addressed to the Council Secretary, Kgalagadi District Council, P.O. Box 2, Tsabong.

Tenders must be received not later than 4.30 p.m. on 19th October, 1978.

Council does not bind itself to accept the lowest or any tender nor does it bind itself to render any explanation for its decision.

R.A. DISMUKES,
for Council Secretary.

Kgalagadi District Council – Tender No. 13 of 1978
SUPPLY OF SCHOLARS' BOOKS AND STATIONERY

Tenders are invited for the supply of Scholars' Books and Stationery for 1979.

Detailed list of requirements may be obtained from the undersigned. Tenders must be in plain sealed envelopes marked "Tender No. 13 of 1978 – Scholars' Books and Stationery".

All tenders must be in the hands of the Council Secretary, Kgalagadi District Council, P.O. Box 2, Tsabong not later than 5.00 p.m. on 19th October, 1978.

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

W.S. DIFELE,
for Council Secretary.

Kgalagadi District Council — Tender No. 14 of 1978

The Kgalagadi District Council invites tenders for the supply of two 1 — 1½ ton 4 wheel drive vehicles. Tenders must specify the basic cost of the vehicle plus the individual cost of each of the following items:

- Fibre glass or steel canopy with side windows;
- Long range fuel and water tanks;
- Bushguard;
- Two spare wheels;
- one high lift jack;
- Complete front and rear springs;
- White body with red front mudguards.

Further information can be obtained from the Senior Works Foreman, Tsabong.

Tenders must be sent in plain sealed envelopes clearly marked "Tender No. 14 of 1978" and must be addressed to the Council Secretary, Kgalagadi District Council, P.O. Box 2, Tsabong. Tenders must be received by 4.30 p.m. on 19th October, 1978.

Council does not bind itself to accept the lowest or any tender nor does it bind itself to render any explanation for its decision.

R.A. DISMUKES,
for Council Secretary.

IN THE HIGH COURT OF

HELD AT LOBATSE

Case No. 44/78

In the ex parte application of

N.W. ARMSTRONG N.O.

In re

IRON AND STEEL CONSTRUCTION (PTY) LTD.
for an Order under section 161 of the Companies Act (Cap. 42:01) in respect of
TURNING AND METALS BOTSWANA (PTY) LTD.

ORDER

At Lobatse on the 1st day of September, 1978, before the Honourable Justice.

WHEREUPON having heard Mr N.W. Armstrong, Attorney for Applicant and having read the documents filed of record.

IT IS ORDERED THAT:

1. The offer of compromise proposed between A. Wolff Development (Pty) Ltd. and S.A. Dinamika (Pty) Ltd., and the creditors of Turning and Metals Botswana (Pty.) Ltd. as considered by creditors on the 16th August, 1978 is hereby sanctioned in terms of section 161 (2) and 163 of the Companies Act.
2. The said offer of compromise be and is hereby declared binding upon all classes of creditors of Turning and Metals Botswana (Pty.) Ltd. and also on the company itself in terms of section 161 (2) of the Companies Act.
3. Notice of this Order be given to creditors by simultaneous publication, within two weeks hereof, in the Government Gazette and Botswana Daily News, and also by postage per registered post of a copy of the Order to each known creditor at its known address.
4. In terms of the offer of compromise:—
 - (a) Neill W. Armstrong is hereby appointed Receiver for creditors;
 - (b) each creditor must prove its claim by lodging with the Receiver at c/o Damant Bostock, 2nd Floor, Mall House, The Mall, Gaborone within 30 days from date hereof, its claim supported by an affidavit;
 - (c) any creditor who has had notice of submission of the offer of compromise, or the meetings, or of the acceptance and sanctioning of the compromise and who fails to lodge its claim within the 30 days aforesaid and in the form prescribed in the offer of compromise, shall not be entitled to receive any payment under the compromise and shall be deemed to have abandoned its claim.
5. Claim forms to enable creditors to prove their claims be sent to each known creditor together with the notice referred to in paragraph 3 hereof.

BY ORDER OF THE COURT.

A. NITHIANANDAN,
Registrar of the High Court.

Republic of Botswana — Tender No. TB 9/8/15/78-79
SUPPLY OF ROAD CONSTRUCTION EQUIPMENTS TO
THE GOVERNMENT OF BOTSWANA

Tenders are invited for the supply of the following Road Construction equipments for use by the Government of Botswana.

Items:

- (i) One to two Motorised Road Graders.
- (ii) Two Bulldozers.
- (iii) One Road Roller.
- (iv) Two Front-end Loader (wheeled).

The specifications covering the equipments and the bidding documents are available on request from the Fleet Administration Manager, P.O. Box 517, Gaborone, Botswana, Telephone 6391 Ext. 240/241.

This tender closes at 0900 hours 1st November, 1978 and any tender received after that time will not be considered nor will telegraphic, telephonic or telex submissions.

All prospective suppliers will address their tenders to the Secretary, Central Tender Board, Private Bag 0058, Gaborone, Room 306, Ministry of Finance and Development Planning, Gaborone, Botswana. Tenders must be clearly endorsed on the envelope in the lower left-hand-corner "TB 9/8/15/78-79 Road Construction Equipment".

K.K. SEMELAMELA,
Secretary, Central Tender Board

Estate

In the Estate of the late DONALD McCALLUM KNOX, who died at Selebi-Phikwe on the 1st February, 1977.

No. E. 1235/77

The First and Final Liquidation and Distribution Account in the above Estate will lie for inspection at the Office of the Master of the High Court and a copy at the office of the District Commissioner for Selebi-Phikwe, wherein the deceased was resident at the time of his death, for a period of 21 days from date of publication hereof.

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

DATED at Gaborone this 11th day of September, 1978.

KIRBY, HELFER AND KHAMA, *for Executrix*, P.O. Box 882 and 170, The Mall, GABORONE.

First Meeting of Creditors

RIGGS FENCING CONTRACTORS (PTY.) LTD. (IN LIQUIDATION)

Notice is hereby given that the first meeting of creditors will be held pursuant to section 186 (1) of the Companies Proclamation, 1959, before the Master of the High Court, Master's Chambers, Lobatse, Botswana, on Thursday 5th October, 1978 at 2.30 p.m. for the following purposes:

1. Proof of claims.
2. Nomination of Liquidator.

G. MULLER,
Provisional Liquidator.

Trust and Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
3rd Floor,
Botsalano House,
GABORONE.

**First Meeting in Insolvent Estate of R.S. Riggs
Civil Cause No. 23 of 1978**

Notice is hereby given that pursuant to section 40 (1) of the Insolvency Proclamation, Cap. 82, that the first meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, Botswana, on Thursday, 5th October, 1978 at 2.30 p.m. for the following purposes:

1. Proof of Claims.
2. Nomination of Trustee.

G. MULLER,
Trustee.

Trust & Executors Co. (Pty.) Ltd.,
P.O. Box 1572,
3rd Floor,
Botsalano House,
GABORONE.

Second Meeting of Creditors

BOTSWANA TIMBERS (PTY.) LIMITED (IN LIQUIDATION)

Notice is hereby given that pursuant to section 186 (1) of the Companies Proclamation, 1959, the second meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, Botswana, on Thursday 5th October, 1978 at 2.30 p.m. for the purpose of proving claims.

G. MULLER,
Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
3rd Floor,
Botsalano House,
GABORONE.

Second Meeting of Creditors

CUNI CRUSHERS (PTY.) LTD. (IN LIQUIDATION)

Notice is hereby given that pursuant to section 186 (1) of the Companies Proclamation, 1959, the second meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, Botswana on Thursday 5th October, 1978 at 2.30 p.m. for the purpose of proving claims.

G. MULLER,
Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
3rd Floor,
Botsalano House,
GABORONE.

Special Meeting of Creditors

**PHIKWE MILLING COMPANY (PTY.) LIMITED
(IN LIQUIDATION)**

Civil Cause No. 37 of 1978

Notice is hereby given that pursuant to section 244 of the Companies Proclamation, 1959 a meeting of creditors will be held before the Master of the High Court, Master's Chambers, Lobatse, Botswana, on Thursday 5th October, 1978 for the following purposes:

1. Proof of Claims.
2. Resolution regarding continued trading.

G. MULLER,
Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
3rd Floor,
Botsalano House,
GABORONE.

Bill No. 33 of 1978

POLICE BILL, 1978

(Published on 22nd September, 1978)

MEMORANDUM

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

2. This Bill proposes the repeal and re-enactment of the Police Act, Cap. 21:01, which experience has shown to be in need of revision and up-dating. The principal change is in the establishment of the Police Council which will take the place, in respect of police matters, of the Public Service Commission. This change is contingent on the passing of the Constitution (Amendment) Bill, 1978, published on 20th February, 1978.

3. Part II of the Bill makes provision for the constitution and administration of the Botswana Police and Part III provides for appointment of police officers, their attestation, service and discharge. Part IV of the Bill relates to the powers, duties and privileges of police officers and Part V relates to discipline. Part VI makes provision for appeals to the Police Council for police officers who have been convicted of disciplinary offences or who have been dismissed or removed from the Force. Part VII provides for the continuation of the Police Rewards and Fines Fund and for the payment thereinto and thereout of funds.

4. Part VIII and IX make provision for special constables and a Police Reserve and Part X contains general provisions such as the unlawful possession etc. of police uniforms, stores or accoutrements and for the limitation of actions in civil matters against persons acting under the Bill. The Police Council is established by Part XI of the Bill, and Part XII contains the regulatory power and repeal provision.

D.K. KWELAGOBE,

Minister of Public Service and Information.

ARRANGEMENT OF SECTIONS

PART I *Introduction and Interpretation*

SECTION

1. Short title and commencement
2. Interpretation

PART II *Constitution and Administration*

3. Constitution of the Force
4. Commissioner
5. Delegation of powers of Commissioner
6. Duties, functions and administration of the Force
7. Employment of Force in emergency

PART III *Appointment, Attestation, Service and Discharge*

8. Appointment of police officer
9. Declaration on attestation
10. Pensions and gratuities
11. Permission for resignation
12. Restriction on retirement
13. Interdiction
14. Termination of appointment
15. Retirement, reduction in rank, dismissal

PART IV *Powers, Duties and Privileges of Police Officers*

16. General powers and duties
17. Duty to lay information and apply for summons, etc.
18. Powers with regard to fires
19. Other employment forbidden
20. Uniform and equipment

PART V *Discipline*

21. Method of dealing with offences
22. Offences for trial by criminal court
23. Disciplinary offences
24. Membership of political party, trade union, etc. forbidden
25. Powers of arrest and demand
26. Authorities for the trial of disciplinary offences
27. Punishment
28. Dismissal or reduction in rank as a result of disciplinary action
29. Confirmation, consideration and review of sentences
30. Attendance of witnesses
31. Disobedience to summons
32. Witnesses' expenses
33. Representation of the accused
34. Recovery of fines
35. Dismissal etc. to be considered as punishment
36. Disciplinary action after acquittal of criminal charges

PART VI *Appeals*

37. Appeals
38. Appeals procedure

PART VII *Rewards and Fines Fund*

39. Establishment of Rewards and Fines Fund
40. Unclaimed property

PART VIII *Special Constables*

41. Appointment of special constables
42. Equipment of special constables
43. Powers of special constables
44. Termination of service of special constables
45. Delivery up of equipment
46. Death or injury of special constable
47. Remuneration of special constables

PART IX *Police Reserve*

48. Formation of Police Reserve
49. Appointments to Police Reserve
50. Service to be voluntary
51. Equipment of Police Reserve
52. Powers and privileges of Police Reserve
53. Salary and allowances of Police Reserve
54. Death or injury of members of Police Reserve

PART X *General*

55. Unauthorized wearing etc. of police uniform
56. Obstruction
57. No attachment of property of police officer
58. Assignment of pay
59. Limitation of action

PART XI *Police Council*

60. Appointment of Police Council
61. Duties of Police Council
62. Complaints against the Force

PART XII *Miscellaneous*

63. Regulations
64. Repeal and saving Cap. 21:01

SCHEDULE

BILL

entitled

An Act to provide for the Enrolment, Discipline, Control and Administration of the Botswana Police Force: to provide for special Constable and for a Police Reserve and a Police Council; and for matters incidental thereto and connected therewith

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

ENACTED by the Parliament of Botswana.

PART I *Introduction and Interpretation*

1. This Act may be cited as the Police Act, 1978, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint. Short title and commencement

2. In this Act, unless the context otherwise requires — Interpretation
 “appointing authority” means an authority referred to in section 8;
 “arms” includes firearms;
 “Board” means a Board constituted in terms of section 26;
 “Commissioner” means the Commissioner of Police appointed by the President in terms of section 113 of the Constitution;

- “Force” means the Botswana Police Force as constituted under this Act;
- “inspectorate” means those police officers of the rank of Inspector or Sub-Inspector;
- “junior officer” means a police officer of the rank of Sergeant or below;
- “pay” means the salary of a police officer in his substantive rank but does not include any allowances which have not been declared to be pensionable;
- “police camp” means an area set aside for occupation by police officers;
- “police council” means the Police Council established under section 60;
- “police officer” includes a special constable and a member of the Reserve Force;
- “review authority” means the appropriate review authority under section 29;
- “senior officer” means any police officer of or above the rank of Assistant Superintendent.

PART II *Constitution and Administration*

Constitution of the Police

3. (1) The Force shall consist of the Commissioner of Police and such numbers of those ranks specified in the Schedule as the President may from time to time direct, and police officers shall rank for seniority in the order shown therein.

(2) The President, may, by order published in the Gazette, amend the Schedule.

Commissioner

4. (1) The Commissioner shall, subject to this Act and the general direction of the President, have the command, superintendence, direction and control of the Force and shall be responsible to the President for maintaining peace and good order throughout Botswana.

(2) The Commissioner may, subject to this Act, issue or approve such orders for the general control and administration of the Force as he may deem necessary.

Delegation of powers of Commissioner
Duties, functions and administration of Force

5. Any power conferred upon the Commissioner by this Act may, subject to the directions of the Commissioner, be exercised by the Deputy Commissioner.

6. (1) The Force shall be employed in and throughout Botswana to protect life and property, prevent and detect crime, repress internal disturbances, maintain security and public tranquility, apprehend offenders, bring offenders to justice, duly enforce all written laws with which it is directly charged and generally maintain the peace.

(2) For the performance of their duties under this Act police officers may carry arms.

(3) The Force shall perform such military duties within Botswana as may be required of it under the authority of the President as Commander-in-Chief of the Armed Forces.

(4) The control of the police in any place shall be vested in such police officer as may be appointed by the Commissioner to be in charge thereof; such officer shall carry out the orders of the Commissioner in all matters subject to this Act.

7. The President, may, in time of war or other emergency, employ the Force or part thereof in the defence of Botswana: Employment of Force in emergency

Provided that the Force or such part thereof when so employed shall remain, for the purpose of administration and discipline, under the command of the Commissioner.

PART III *Appointment, Attestation, Service and Discharge*

8. (1) Subject to this Act —

(a) the Permanent Secretary to the President shall, after consultation with the Commissioner, appoint fit and proper persons to hold the ranks of Deputy Commissioner, Senior Assistant Commissioner and Assistant Commissioner; Appointment of police officers

(b) the Commissioner shall appoint fit and proper persons to hold rank up to and including Senior Superintendent:
 Provided that —

(i) all appointments, with the exception of those of constable, cadet appointments up to the rank of Assistant Superintendent, and, so far as senior officer appointments are concerned, where the President in a particular case otherwise directs, shall be made from serving members of the Force;

(ii) the first two years of service of any person appointed to be a member of the Force, or such longer period as the appointing authority shall direct, shall be on probation.

(2) A police officer appointed on probation shall, subject to this Act, be confirmed in his appointment, and admitted to the permanent and pensionable establishment of the Force only on the authority of the relevant appointing authority.

(3) An appointing authority may appoint a police officer to act in a rank senior to his substantive appointment, and where the period of such acting appointment exceeds 28 days such officer shall, during such acting appointment, receive salary at the scale applicable to the senior rank at such incremental level as the appointing authority may decide.

9. (1) Every person on joining the Force shall make and sign a declaration before a senior officer in such form as may be prescribed, and at the same time shall acknowledge his appointment as a member of the Force on such form as may be prescribed. Declaration on attestation

(2) Every person shall, before making the declaration required by subsection (1), answer truly any questions put to him as to his previous service, career and employment and as to whether he has

at any time been convicted of any offence punishable by the laws of Botswana or the laws of any other country.

(3) Any person who makes a false statement in reply to any question put to him under subsection (2) to obtain or to attempt to obtain admission to the Force shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months.

(4) The Commissioner may dismiss from the Force any person who contravenes subsection (2).

Pensions and gratuities

10. The grant of pensions and gratuities to members of the Force shall be in accordance with regulations made under this Act.

Permission for resignation

11. No police officer shall be at liberty to resign from the Force unless expressly permitted to do so by the appointing authority.

Restriction on retirement

12. No police officer shall be at liberty to retire from the Force in time of emergency or war unless the Commissioner, acting with the consent of the President, orders otherwise.

Interdiction

13. (1) When any police officer is accused of a criminal or disciplinary offence against this Act or any other criminal offence, the appointing authority may interdict such officer from duty pending the institution and determination of proceedings against such officer.

(2) A police officer who has been interdicted shall receive such portion of his pay, not being less than one-half, as the appointing authority may, in his discretion, determine; if the proceedings against such officer do not result in his dismissal or other punishment he shall be entitled to the full amount of the pay he would have received if he had not been interdicted.

(3) When any police officer has been interdicted from duty under subsection (1) and is not under arrest, a senior officer may order that pending the institution and determination of proceedings against such officer he shall –

- (a) be confined to his quarters or other place of residence during such hours as the senior officer may decide;
- (b) restrict his movements to any area which such senior officer may decide.

Termination of appointment

14. (1) An appointing authority may at any time terminate the appointment of a police officer serving on probation if he considers that such officer is unlikely to become an efficient police officer:

Provided that in the case of an officer of the rank of Assistant Commissioner or above the appointing authority shall act after consultation with the Commissioner.

(2) The termination of an appointment under this section shall not be a dismissal or removal from office.

(3) The decision of an appointing authority under this section shall be final and no appeal shall lie to any other person or authority.

15. (1) An appointing authority may, at any time –
- (a) retire a police officer if a board of Government medical officers finds he is unfit mentally or physically for further service;
 - (b) retire a police officer on a reduction of establishment;
 - (c) dismiss a police officer if he is convicted of any criminal offence, or a disciplinary offence under this Act, or alternatively –
 - (i) reduce him in rank;
 - (ii) reduce his salary on the scale applicable to him;
 - (iii) withhold future increments of salary for a period not exceeding 2 years; or
 - (iv) retire him;
 - (d) retire a police officer if he displays an habitual inattention to orders, or fails to obey orders, or fails to co-operate with members of the Force, or manifests a quarrelsome disposition or want of courage, although he is not guilty of a specific offence.

Retirement,
reduction in
rank,
dismissal

(2) A police officer who is convicted of a criminal offence and is sentenced to imprisonment, whether suspended or not, or having been fined with imprisonment as an alternative, fails to pay the fine and is imprisoned, shall be dismissed from the Force.

PART IV *Powers, Duties and Privileges of Police Officers*

16. (1) Every police officer shall be liable for duty at all times, and at any time may be detailed for duty in any part of Botswana, or any duty outside Botswana which the Commissioner may reasonably authorize or require.

General
powers and
duties

(2) Every police officer shall be an officer of the court with responsibility for the prompt service or execution of any summons or warrant or process directed to him with regard to any criminal matter.

(3) It shall be the duty of every police officer at all times to perform and carry out the duties entrusted to him to the best of his ability, and at such times to comply with any general or specific orders which may be applicable to him.

(4) It shall be the duty of every police officer at all times to comply with any general or specific orders issued by the Commissioner or other competent police authority.

(5) It shall be the duty of every police officer at all times to protect life and property, prevent and detect crime, repress internal disturbance, maintain security and public tranquility, apprehend offenders, bring offenders to justice, enforce all written laws with which the Force is directly charged and generally maintain the peace.

17. It shall be the duty of police officer to lay information before a magistrate and to apply for a summons, search warrant or such other process as may by law be issued against any person in relation to any criminal matter.

Duty to lay
information
and apply for
summons, etc.

B.122

Powers with regard to fires

18. (1) Any police officer may break into and enter upon any land, premises, vehicle or any place whatsoever being, or appearing to be on fire or in danger from fire, without the consent of any persons, and may do all acts or things deemed to be necessary for extinguishing such fire on any such premises, land, vehicle or other place or for protecting the same or other property or rescuing any person or property from fire.

(2) A police officer may call upon any able bodied male adult person to assist in quelling a fire, or to give assistance at the scene of fire.

(3) No action shall lie in any court of law against any police officer or any other person acting under the instructions of any police officer for the recovery of any damage caused in exercising the powers conferred upon him by subsection (1) unless it be proved that such damage was caused *mala fide*.

(4) Any person who, without reasonable excuse, refuses a call by any police officer to assist in quelling a fire, or to give assistance at the scene of a fire, shall be guilty of an offence, and be liable to a fine of P1 000 and to imprisonment for 12 months.

Other employment forbidden

19. No police officer shall, without the consent of the Commissioner, engage in any employment or business whatsoever, other than in accordance with his duties under this Act.

Uniform and equipment

20. (1) Police officers shall be provided with free uniform and equipment; such uniform and equipment shall remain the property of the Government.

(2) When a person ceases to be a police officer he shall forthwith deliver up to the person appointed by the Commissioner for the purpose, or to the officer in charge of police where he was last stationed, all equipment, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Government.

PART V *Discipline*

Method of dealing with offences

21. Any offence committed by a police officer in regard to which proceedings are not instituted in a criminal court may be dealt with in accordance with this Part.

Offences for trial by criminal court

22. (1) Any police officer who —

(a) takes part in a mutiny; or
(b) incites any police officer to take part in a mutiny,
shall be guilty of an offence and liable to imprisonment for 10 years.

(2) Any police officer who —

(a) being present at any mutiny or sedition amongst the Force, does not endeavour by all possible means to suppress such mutiny or sedition;
(b) knowing of any intended mutiny or sedition amongst the Force, does not give information thereof without delay to a senior officer; or

- (c) deserts;
- (d) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or
- (e) knowing that any police officer has deserted or intends to desert, does not give information thereof without delay to a senior officer,

shall be guilty of an offence and liable to imprisonment for 12 months.

(3) A police officer shall not be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force:

Provided that proof that a police officer has been absent from duty without leave for a period of 14 days or more shall be *prima facie* evidence of an intention not to return to the Force.

(4) In this section "mutiny" means a combination of between 2 or more police officers or between persons, 2 at least of whom are police officers, —

- (a) to overthrow or resist lawful authority in the Force;
- (b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline or with the object of avoiding any duty or service or impeding the performance of any duty or service.

23. An offence against discipline is committed by any police officer who is guilty of — Disciplinary offences

- (a) disobedience of orders, that is to say, if any police officer disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (b) insubordinate or oppressive conduct, that is to say, if a police officer —
 - (i) is disrespectful in word, act or demeanour to any other police officer senior in rank to him;
 - (ii) is oppressive or tyrannical in conduct towards any other police officer junior in rank to him;
 - (iii) uses obscene, abusive, or insulting language to any other police officer;
 - (iv) assaults any other police officer;
 - (v) wilfully or negligently makes any false complaint against any other police officer;
 - (vi) fails to report any complaint or report made against any police officer;
 - (vii) talks or is inattentive or otherwise misbehaves when on parade, under instruction, or receiving orders;
 - (viii) being under arrest or in confinement leaves or escapes from his arrest or confinement before being set at liberty by proper authority; or
 - (ix) being liable to arrest or confinement puts up resistance to such arrest or confinement;

- (c) neglect of duty, that is to say, if a police officer —
 - (i) having a duty to attend to, or take action on any matter, neglects to do so, or, without good and sufficient cause, fails to do so promptly and diligently;
 - (ii) idles or gossips or sits or lies down without authority or reasonable cause when on duty;
 - (iii) without authority or reasonable cause sleeps when on duty;
 - (iv) fails to work any beat or patrol in accordance with orders or leaves any beat or beat point or other place of duty without permission or sufficient cause;
 - (v) by carelessness or neglect permits a prisoner to escape;
 - (iv) when knowing where any offender is to be found fails to take all reasonable steps to make the offender amenable to the law;
 - (vii) having a duty to report any matters fails to do so;
 - (viii) knowing of any evidence or other matter relating to a criminal or disciplinary charge or investigation against any other person, or knowing or having a reasonable belief that some other person has knowledge of such matters, fails or refuses to disclose such information to the proper authority;
 - (ix) neglects or refuses to assist in the lawful apprehension of any person;
 - (x) without reasonable cause omits to make any necessary entry in, or erases, obliterates or defaces any entry in, any official document, book or paper;
 - (xi) refuses, or without good and sufficient cause omits, to take or send a report, return or message which it is his duty to make or send; or
 - (xii) neglects to assist any person injured or taken ill in public;
- (d) discreditable conduct, that is to say, if any police officer —
 - (i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;
 - (ii) lends money or offers any present to any senior officer or borrows money from or accepts any present from any junior in rank;
 - (iii) incurs debt in or out of the Force without reasonable prospect or intention of paying the same or, having incurred any debt, makes no reasonable effort to pay the same; or
 - (iv) if called upon by the Commissioner to furnish a full and true statement of his financial position, fails to do so;
- (e) absence without leave or being late for duty, that is to say, if any police officer —

- (i) without reasonable cause or excuse is absent without leave from any duty, patrol, place of duty, parade, court or any other duty;
 - (ii) being temporarily or permanently quartered or accommodated in any police camp to which he has been posted, is visiting or is attached for duty, leaves such camp without right or permission; or
 - (iii) being temporarily or permanently quartered in any accommodation outside any police camp to which he has been posted, is visiting or is attached for duty, or being quartered or accommodated in the camp of a formation or unit to which he is not posted for duty, is absent from such quarters or accommodation for a period in excess of 4 hours without right or permission or contrary to any local order applicable;
- (f) falsehood or prevarication, that is to say, if any police officer –
- (i) knowingly makes or signs any false statement in any official book or document;
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement in connexion with his duties;
 - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein; or
 - (iv) prevaricates before any court of inquiry, or disciplinary proceedings;
- (g) breach of confidence, that is to say, if any police officer –
- (i) divulges any matter which it is his duty to keep secret;
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued except in the lawful execution of such warrant or summons;
 - (iii) without proper authority communicates to the press or to any unauthorized person any matter concerning the Force;
 - (iv) without proper authority shows to any person outside the Force any book, written or printed document, item or equipment, or any other thing whatsoever, the property of or in possession of the Force;
 - (v) in any manner whatsoever makes or joins in making any anonymous communication to any person or organization relating to any matter concerning the Government or the Force;
 - (vi) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner on any matter concerning the Force; or

- (vii) signs or circulates any petition or statement with regard to any matter concerning the Force, except through the proper channels of correspondence to the Commissioner;
- (h) corrupt practice, that is to say, if any police officer —
 - (i) fails to account for or to make a true and prompt return of, any money or property received in an official capacity;
 - (ii) without the authority of the Commissioner, accepts any fee or reward for any service performed in the course of his duties;
 - (iii) without the authority of the Commissioner accepts, or knowingly permits a member of his family to accept, from any company, organization, or individual other than a personal friend, any gift, entertainment or other advantage;
 - (iv) fails to return as soon as possible to the donor any gift received by him, or a member of his family, which in terms of sub-paragraph (iii) may not be accepted, or the offer, of any gift, entertainment or other advantage which similarly may not be accepted;
 - (v) solicits any gift, entertainment or other advantage for himself or for his family, which in terms of sub-paragraph (iii) may not be accepted;
- (i) unlawful or unnecessary exercise of authority, that is to say, if any police officer —
 - (i) without good and sufficient excuse makes any unlawful or unnecessary arrest;
 - (ii) uses any unnecessary violence to or intimidates any prisoner or other person with whom he may be brought into contact in the execution of duty; or
 - (iii) is uncivil or lacking in courtesy to any member of the public;
- (j) malingering, that is to say, if any police officer —
 - (i) feigns or exaggerates any sickness or injury with a view to evading duty; or
 - (ii) while absent from duty on account of sickness neglects or without good and sufficient cause omits to carry out any instruction of a medical officer or of a member of the hospital staff or acts or behaves in a manner likely or calculated to retard a return to duty;
- (k) discreditable appearance, that is to say, if any police officer —
 - (i) while on or off duty in uniform, is without reasonable cause improperly dressed or dirty or untidy in person, dress, clothing or accoutrements;
 - (ii) while on duty in plain clothes is without reasonable cause dirty or untidy in clothing or appearance; or

- (iii) while on duty contravenes the standards which may from time to time be established with regard to the length of hair or beard;
- (l) causing damage to property, that is to say, if any police officer —
 - (i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrements or any book, document or other property of the Force, issued or entrusted to his care; or
 - (ii) fails to report any loss or damage as aforesaid however caused;
- (m) offences relating to the consumption of liquor or drugs, that is to say, if any police officer —
 - (i) whilst on or warned for duty or at any time in a public place renders himself unfit for duty through the consumption of intoxicating liquor or drugs; or
 - (ii) whilst on or warned for duty partakes of any intoxicating liquor without authority;
- (n) entering premises where liquor is offered for sale when on duty, or when off duty in uniform, except when required to be there in the execution of his duty;
- (o) engaging without authority in any employment or business other than police duties;
- (p) discharging any firearm through negligence or without orders or just cause;
- (q) neglecting or failing to report that he is suffering from any contagious disease, or that any member of his family or any other person living or staying with him in any police lines, camp or quarter is suffering from any contagious disease;
- (r) any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified; or
- (s) conniving at or knowingly being an accessory to any offence against discipline under this Act.

and such offence may be inquired into, tried and determined and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with this Act.

24. (1) A police officer shall not be or become a member of any political party, or any organization, club, association or group of a political nature.

Membership of political party, trade union, etc. forbidden

- (2) A police officer shall not be or become a member of —
 - (a) any trade union, or any body or association affiliated to a trade union;
 - (b) any body or association the object of which or one of the objects of which is to control or influence conditions of employment in any trade or profession; or

- (c) any body or association which includes in its objects the control or influence of the pay, pensions, conditions of service, or loyalty of the Force:

Provided that a police officer may become a member of any such body or association which may be constituted and regulated pursuant to this Act.

(3) Any police officer who contravenes this section shall be guilty of an offence against discipline, and in addition to any other penalty which may be imposed, may be dismissed from the Force.

Powers of
Arrest
and demand

25. Any senior officer, station commander or member of the inspectorate may arrest without warrant, or order the arrest without warrant of, any police officer (not being a police officer of higher rank) who he has reasonable cause to believe has committed or is accused of an offence against discipline, and any police officer, on receipt of any such order, may apprehend such police officer without warrant and shall forthwith bring him before a senior officer, station commander or member of the inspectorate senior in rank to him who may confine such police in any building set apart as a guard room or cell:

Provided that —

(i) the power to confine such police officer shall only be exercised where the arrested officer is —

- (a) drunk or under the influence of liquor or drugs;
- (b) violent, or threatening violence;
- (c) disorderly;
- (d) suspected on reasonable grounds to be likely to absent himself, or desert from duty; or
- (e) suspected on reasonable grounds to be likely to be a danger to himself or others if released;

and

(ii) no police officer shall be detained for a period longer than is absolutely essential, and shall in any case not be detained for any period exceeding 48 hours excluding any time reasonably necessary to arrange his trial by a Board.

Authorities
for the trial of
disciplinary
offences

26. (1) Offences against discipline shall be tried before a Board constituted in accordance with subsection (2).

- (2) Boards for the trial of disciplinary offences shall be —
 - (a) a Board of Enquiry appointed to hear disciplinary charges against officers of or above the rank of Assistant Commissioner, and consisting of a chairman and two members appointed by the Permanent Secretary to the President, on the recommendation of the Commissioner, from persons in the public service of status not inferior to the officer to be tried;
 - (b) a Class I Board appointed by the Commissioner to hear disciplinary charges against senior officers of up to and including the rank of Senior Superintendent and consisting

of a chairman and two members; the chairman will be of rank not less than that of Assistant Commissioner, and the members shall be officers senior in rank to the officer to be tried;

- (c) a Class II Board appointed by the Commissioner to hear disciplinary charges against members of the inspectorate, and, where necessary in terms of paragraph (d), disciplinary charges against junior officers, and consisting of such number of senior officers not exceeding three as the Commissioner may direct:

Provided that —

- (i) where more than one senior officer is so appointed the chairman will be the most senior in rank;
 - (ii) where it appears to a senior officer with regard to a disciplinary charge against a member of the inspectorate that the offence is not sufficiently serious to require a Board of more than one senior officer the disciplinary hearing may proceed without the directions of the Commissioner;
- (d) a Class III Board to be held by any senior officer to hear disciplinary charges against any junior officer:

Provided that where it appears to a Class III Board that, by reason of the gravity of the offence or for any other reason, the matter would be dealt with more properly by a Class II Board, the Class III Board shall defer its hearing and report the facts to the Commissioner, who may return the report for further inquiry or order the accused to be tried before a Class II Board.

27. (1) Boards shall have the power to award any one or more of the following punishments — Punishment

- (a) a Board of Enquiry —
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) a fine not exceeding P500;
 - (iv) reduction to any rank not less than Assistant Superintendent;
- (b) a Class I Board —
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) a fine not exceeding P300;
 - (iv) reduction to any rank not less than Sub-Inspector;
- (c) a Class II Board —
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) a fine not exceeding P150;
 - (iv) reduction to any rank not less than sergeant;

Provided that a Class II Board, trying a case under the proviso to section 26 (2) (a) against a sergeant may reduce him in rank to constable.

- (d) a Class III Board —
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) a fine not exceeding P75;
 - (iv) in the case of a sergeant reduction to the rank of constable;
 - (v) in the case of a constable a loss of four increments;
 - (vi) confinement to a police camp or quarters for a period not exceeding 14 days with or without extra guards, fatigues or duties.

(2) In addition to punishments which may be awarded by Boards in terms of subsection (1), where any police officer has been convicted of a disciplinary offence under section 24 the Board convicting him may order him to make good any loss or damage and such order shall for the purpose of section 36 be deemed to be a fine, and for the purpose of section 28 shall be deemed to be a sentence.

Dismissal or reduction in ranks as a result of disciplinary action
Confirmation, consideration and review of sentences

28. A Board may, upon conviction of an offender; in addition to or in lieu of any other penalty provided for in section 27 recommend to the appointing authority that the person convicted should be dismissed from the Force.

29. (1) Any Board which sentences any police officer to any punishment other than a punishment in terms of section 27 (1) (d) (vi) shall prepare a record of the proceedings in such manner as may be prescribed or as the Commissioner may require, and shall without further delay forward such report together with any further representations made by the police officer —

- (a) in the case of a Board of Enquiry, to the Permanent Secretary to the President, through the Commissioner of Police; and
- (b) in the case of all other Boards, to the Commissioner.

(2) The Permanent Secretary to the President or the Commissioner, as the case may be, may, within the powers of the Board concerned, vary, reverse or confirm the sentence, and may in addition to, or in place of any sentence imposed, dismiss such officer from the Force, reduce his salary on the scale applicable to him, or order the withholding of future increments of salary for a period not exceeding 2 years.

(3) The powers conferred upon the Commissioner under subsection (2) may, with the exception of the power to dismiss a police officer and subject to the general or special directions of the Commissioner, be exercised by the Deputy Commissioner, and any Senior Assistant Commissioner or Assistant Commissioner authorized in that behalf by the Commissioner.

(4) Where any police officer is found not guilty and acquitted by any Board the record of the proceedings shall —

(a) in the case of a Board of Enquiry or a Class I Board be forwarded to the Commissioner; and

(b) in the case of a Class II or a Class III Board be forwarded to the Senior Assistant Commissioner or Assistant Commissioner having direct authority over such person,

and such officer may if he is of the opinion that the evidence was sufficient to warrant a conviction, recommend to the appropriate review authority under subsection (2) that a new trial should be ordered.

(5) A review authority receiving a recommendation under subsection (4) may order a new trial before a different Board.

(6) Where a further acquittal results from a new trial under subsection (5) a review authority shall not order any further proceedings.

30. (1) A Board may summon any person to attend as a witness at a trial by a Board, and a Board may take evidence on oath or affirmation of any witness.

Attendance of
witnesses

(2) A senior officer may at the request of a review authority summon any person to attend as witness in any review proceedings, and any witness so attending may be required to give evidence on oath or affirmation.

(3) Any person summoned to attend as a witness under this section shall, at the order of a Board or review authority, produce thereto any exhibit material to the matter under enquiry which might reasonably and lawfully be required.

31. (1) Any person summoned as a witness under section 30 who fails to attend at the time and place appointed or who refuses to be sworn or affirmed, refuses to give evidence or to answer a lawful question or to do any lawful thing required by the Board, shall be liable to be dealt with by a magistrate's court in the like manner as if such witness has been a witness duly summoned to appear at a criminal trial before such court.

Disobedience
to summons

(2) If in any proceedings under this Part any witness who, having been duly sworn or affirmed, makes any false statement knowing the same to be false, shall be guilty of perjury and liable to punishment accordingly in a magistrate's court.

32. Expenses shall be allowed in accordance with the scales of expenses for witnesses attending a magistrate's court to witnesses attending proceedings under this Act whether such witnesses are called for the prosecution or the defence:

Witnesses'
expenses

Provided that no police officer nor any person in the employment of the Botswana Government shall qualify for such expenses.

33. At a trial by a Board of Enquiry, a Class I Board, or a Class II Board comprising three senior officers, the officer accused shall be entitled to be represented at his own expense by a legal practitioner, or by a senior officer or a member of the inspectorate approved by the Commissioner.

Representa-
tion of the
accused

Recovery of fines

34. Any fine imposed upon a police officer by a Board may be recovered by stoppages from the pay of such officer.

Dismissal etc. to be considered as punishment
Disciplinary action after acquittal of criminal charges

35. Reduction in rank or dismissal from the Force of an offender shall be considered as part of the punishment inflicted upon such member, and subject to appeal under section 37.

36. Where a police officer has acquitted of a criminal charge, such acquittal shall not operate as a bar to disciplinary proceedings being instituted against such officer arising out of the same facts if such facts also disclose a different offence under this Act.

PART VI *Appeals*

Appeals

37. (1) A police officer who has been convicted and sentenced by a Board or who has been dismissed or removed from office under this Act, may appeal against sentence, or conviction and sentence, dismissal or removal to the Police Council.

(2) The Police Council, may dismiss an appeal under subsection (1) or allow it in whole or in part.

(3) Notice of intention to appeal against conviction or sentence shall be given within 7 days of the convicted officer being notified of the confirmation or review under section 29 and shall be given in writing to his immediate senior officer commander for onward transmission to the Police Council.

(4) An appellant shall indicate the grounds for his appeal in writing to the Police Council and to the Commissioner within 14 days of conviction being confirmed or reviewed under section 29.

(5) The result of an appeal shall be notified in writing to the appellant.

Appeals procedure

38. (1) The Police Council may, in its discretion, when considering an appeal, require the appearance of any witness, or any additional witnesses, and may require the production of such evidence as it deems necessary.

(2) Subject to this Act, the Police Council may regulate its own procedure.

PART VII *Rewards and Fines Fund*

Establishment of Rewards and Fines Fund

39. (1) All fines imposed under this Act for any offence against discipline, the proceeds of sales of unclaimed property under section 40, and any fees paid or donations made in respect of special services provided by the Force, shall be placed to the credit of a fund called the Police Rewards and Fines Fund.

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may, in his discretion, sanction payment from the Police Rewards and Fines Fund for any of the following —

- (a) to assist the wives and families of deceased police officers or to assist any police officer discharged from the Force as medically unfit for further service;
- (b) as rewards to police officers for meritorious acts or service in the execution of duty;

Provided such payment shall not be made to any police officer who has received any other reward from Government revenue;

- (c) the procuring of any comforts or conveniences or advantages to members of the Force which are not chargeable to general revenue;
- (d) the granting of loans in special circumstances to police officers;
- (e) to provide prizes for competitions involving members of the Force; and
- (f) to reward officers required to carry out extra duties where a charge is raised in connexion therewith.

40. (1) Where any lost property has come into the possession of the officer in charge of a police station, and such property has not been lawfully claimed by any person for a period of 3 months, such officer in charge shall inform the Commissioner. Unclaimed property

(2) The Commissioner may direct that any property held under subsection (1) be sold by public auction and the proceeds paid into the Police Rewards and Fines Fund, or, if such property is worthless, that it be destroyed.

(3) Notwithstanding anything in this section, the officer in charge of a police station may, if he is of the opinion that the immediate sale of unclaimed property would be of benefit due to the perishable nature of such property, at any time direct that it be sold by public auction and the proceeds paid into the Police Rewards and Fines Fund, or if the unclaimed property is in his opinion dangerous the officer in charge of a police station may order that it be destroyed.

(4) If a lawful claim to the ownership of unclaimed property sold under this section is established by any person within 6 months of the date of sale the proceeds thereof shall be paid to such person.

(5) So much of the proceeds of the sale of such unclaimed property as the Commissioner may direct, if no claim has been established under subsection (4), may be apportioned to the finder.

(6) Nothing in this section shall authorize the sale of stock for the disposal of which provision is made in the Stock Theft Act, or the sale of anything for the disposal of which provision is made in the Fauna Conservation Act. Cap. 09:01
Cap. 38:01

PART VIII *Special Constables*

41. Whenever there are not in any locality sufficient members of the Force available to perform police duties or whenever any grave disturbance of the peace has taken place, or may reasonably be anticipated, or where in the implementation of any written law it is in the public interest that general or specific police powers be exercised by particular persons or class of persons, the President may, on the application of the Commissioner, authorize generally or in any particular case any senior officer to appoint by writing in Appointment of special constables

B.134

such form as may be prescribed any persons prepared to act as special constables for such time and in such manner as the senior officer may deem fit and necessary.

Equipment for special constables

42. The Commissioner may provide for the use of special constables, at public expense, such batons, weapons, uniforms and other articles as he may consider necessary for the proper carrying out of their duties.

Powers of special constables

43. Every special constable appointed under this Act shall, subject to such limitations related to the time and manner of his duties as may be imposed by section 41, have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as other police officer.

Termination of service of special constables

44. The Commissioner may suspend or terminate services of any special constable if he considers his services can safely be dispensed with, and shall forthwith transmit notice thereof in writing to the special constable concerned.

Delivery up of equipment

45. Every special constable shall, within 14 days after receipt of the notice terminating his appointment, deliver up any property of the Force with which he may have been issued.

Death or injury of special constable

46. If a special constable who is not a public officer entitled to compensation under any other law, dies or is killed or is permanently or temporarily disabled by sickness or injury contracted or inflicted —

- (a) in the actual discharge of any duty which has been required or permitted to perform; or
- (b) in circumstances which if applicable to any other police officer would have drawn compensation; and
- (c) without his own fault,

he or his dependants shall be entitled to compensation at the same rate and subject to the same conditions applicable to other police officers.

Remuneration of special constables

47. Whenever any special constable is employed on duty he may be paid such remuneration as may be prescribed.

PART IX *Police Reserve*

Formation of Police Reserve

48. The President may authorize the formation of a Police Reserve which shall consist of such numbers of those ranks up to and including Superintendent as he may from time to time direct.

Appointments to Police Reserve

49. Subject to this Act, the Commissioner shall appoint fit and proper persons to the Police Reserve in such manner as may be prescribed and may terminate such appointment at any time and without notice or need to give reason therefore.

Service to be voluntary

50. Service in the Police Reserve shall be voluntary, and its members shall be required to carry out such police duties on a part-time basis as the Commissioner may direct, and for such time and in such manner as he may deem fit and necessary:

Provided that in time of war or emergency the President may direct that the Police Reserve, or any member or part thereof shall render full-time service for such period as the President may deem necessary.

51. The Commissioner may provide for members of the Police Reserve, at public expense, such batons, weapons, uniforms and other articles as he may consider necessary for the proper carrying out of their duties.

Equipment for Police Reserve

52. Every member of the Police Reserve shall, subject to such limitations related to the time and manner of his duties, have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities, as other police officers.

Powers and privileges of Police Reserve

53. Whenever a member of the Police Reserve is required to render service he shall be paid such salary and allowances as may be prescribed.

Salary and allowances of Police Reserve

54. If a member of the Police Reserve, who is not a public officer entitled to compensation under any other law, dies or is killed or is permanently or temporarily disabled by sickness or injury contracted or inflicted —

Death or injury of members of Police Reserve

- (a) in the actual discharge of any duty which he has been required or permitted to perform; or
- (b) in circumstances which if applicable to any other police officer would have drawn compensation; and
- (c) without his own default,

he or his dependants shall be entitled to compensation at the same rate, and subject to the same conditions applicable to other police officers.

PART X General

55. (1) Notwithstanding the provisions of any other written law, any person, not being a police officer, who, without the authority of the Commissioner, or other reasonable cause —

Unauthorized wearing etc. of police uniform

- (a) wears, has in his possession, purchases or receives any uniform of the Force, or any item of its equipment, stores, accoutrements and appointments, shall be guilty of an offence and liable to a fine of P250 and to imprisonment for 3 months;
- (b) wears, has in his possession, purchases or receives any uniform of the Force, or any item of its equipment, stores or accoutrements or anything having the appearance of such items, with the intention of appearing to be a member of the Force, shall be guilty of an offence and liable to a fine of P500 and to imprisonment for six months; or
- (c) in committing, attempting to commit or in the course of, any crime, wears, has in his possession, purchases or receives any uniform of the Force, or any item of its equipment, stores or

accoutrements, or anything having the appearance of such items, with the intention of appearing to be a member of the Force, shall be guilty of an offence, and liable to imprisonment for 2 years.

- (2) Any person who in any way whatsoever –
 - (i) falsely induces or attempts to induce any other person to believe he is a police officer; or
 - (ii) having been mistaken for a police officer fails at once to correct that impression,

shall be guilty of an offence, and liable to a fine of P1 000 and to imprisonment for 12 months.

Obstruction

56. Any person who wilfully obstructs, resists or assaults any police officer, in the due execution of performance of his duties in terms of this Act or any other written law shall be guilty of an offence and liable to imprisonment for 5 years.

No attachment of property of police officer

57. No article whatsoever which has supplied to any police officer for the execution of his duty shall be capable of being seized or attached under any writ of execution issued against any such police officer nor shall the same pass under any order made for the sequestration of the estate of any such police officer.

Assignment of pay

58. No police officer shall assign, without the approval of the Commissioner, the whole or any part or any pay or allowances payable under this Act.

Limitation of actions

59. For the protection of persons acting in pursuance of this Act, any civil action against any such person in respect of anything done or omitted to be done in pursuance thereof shall be commenced in the 6 months next after the cause of action arises, and notice of any civil action and of the substance thereof shall be given to the defendant at least 2 months before the commencement of the said action:

Provided that the court may, for good cause, proof of which shall lie upon the applicant, extend the said period of 6 months.

PART XI *Police Council*

Appointment of Police Council

60. The President shall appoint a Police Council comprising at least three, and no more than five members, one of whom shall be appointed chairman.

Duties of Police Council

- 61. The Police Council shall –
 - (a) carry out such duties with regard to the Force which the President, without derogating the authority and responsibilities of the Commissioner under section 4, may direct;
 - (b) fulfill such other duties as may be conferred upon it by this Act.

Complaints against the Force

62. (1) Subject to this Act, the Police Council shall have responsibility for considering any complaint against the Force generally, or any of its members, which the Commissioner cannot successfully resolve.

(2) The Commissioner may forward to the Police Council a full report on any complaint against the Force or any of its members which he is unable to resolve.

PART XII *Miscellaneous*

63. The President may make regulations for the better carrying out of the provisions of this Act and the general control and administration of the Force and, without prejudice to the generality of the foregoing, such regulations may — Regulations

- (a) make provision regarding the matters which the Commissioner is authorized to order under this Act;
- (b) regulate the enlistment, pay, pensions, leave, condition of service, transfer, discharge and dismissal of police officers;
- (c) regulate the procedure at disciplinary trials held under section 27;
- (d) provide for the establishment, constitution, functions and procedure of police associations and matters incidental thereto;
- (e) prescribe anything which by this Act may or is to be prescribed.

64. (1) The Police Act is repealed.

(2) All police officers who immediately prior to the commencement of this Act were attested members of the Force shall be deemed to have been appointed under this Act, and any prior service of such officers shall be deemed to be service under this Act.

Repeal and
saving Cap.
21:01

SCHEDULE

(s.3)

Deputy Commissioner
Senior Assistant Commissioner
Assistant Commissioner
Senior Superintendent
Superintendent
Assistant Superintendent
Cadet Assistant Superintendent
Inspector
Cadet Inspector
Sub-Inspector
Cadet Sub-Inspector
Sergeant
Constable