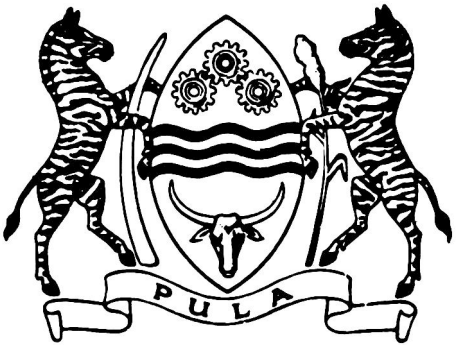
REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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CONTENTS

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EXTRAORDINARY

GOVERNMENT GAZETTE

REPUBLIC OF [illegible]

Bill No. 27 of 1980

HOUSE OF CHIEFS (SALARIES AND ALLOWANCES) (AMENDMENT) BILL, 1980

(*Published on 25th August, 1980*)

MEMORANDUM

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

2. The object of the Bill is to provide for an increase in the salaries and allowances of the Members of the House of Chiefs. The proposed increase is necessitated by the rise in the cost of living over the past two years.

L.M. SERETSE,
Vice-President and
Minister of Local Government and Lands.

ARRANGEMENT OF SECTIONS

SECTIONS

A BILL

entitled

An Act to amend the House of Chiefs (Salaries and Allowances) Act

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the House of Chiefs (Salaries and Allowances) (Amendment) Act, 1980, and shall be deemed to have come into operation on 1st April, 1980. Short title and commencement

2. Section 3 of the House of Chiefs (Salaries and Allowances) Act (hereinafter referred to as "the principal Act") is hereby amended by substituting for the words "P1 044", which appear therein, the words "P1 320". Amendment of section 3 of Cap. 02:06

3. Section 4 (1) of the principal Act is hereby amended by substituting for the words "P864", which appear therein, the words "P1 080". Amendment of section 4 of principal Act

4. The Schedule to the principal Act is hereby amended - Amendment of Schedule to principal Act

(*a*) in paragraph 1 thereof, by substituting for the words "P35", which appear therein, the words "P40";

(*b*) in paragraph 2 (2) (*a*) thereof, by substituting for the words "21t", which appear therein, the words "35t";

(*c*) in paragraph (*c*) thereof, by substituting for the words "P5", which appear therein, the words "P6";

(*d*) in paragraph 4 (1) thereof, by substituting for the words "twenty per centum", which appear therein, the words "30%"; and

(*e*) in paragraph 5 thereof, by substituting for the words "P15", which appear therein, the words "P20".

L2/4/662 I

Bill No. 28 of 1980

FOREST (AMENDMENT) BILL, 1980

(*Published on 25th August, 1980*)

MEMORANDUM

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

2. Section 14 of the Forest Act (Cap. 38:04) creates a number of forest offences. Examples of such offences are felling a protected tree without a licence and setting fire to grass in a Forest Reserve without a licence. The section provides as a maximum punishment for any such offence a fine of P200 or, in default of payment, imprisonment for one year and forfeiture of any licence under the Act held by the convicted person.

3. Section 30 of the Forest Act creates an offence of failing to comply with any requirement or order made or given for the purpose of controlling, extinguishing or preventing the spread of any fire within 1,61 km of the boundary of a Forest Reserve. The section provides as a maximum punishment for such an offence a fine of P50 or, in default of payment, imprisonment for 3 months.

4. Section 32 of the Forest Act creates offences, by a person having charge of a child, of leading the child into committing an offence under the Act or failing to prevent the child committing such an offence. The section provides as a maximum punishment for any such offence a fine of P20 or, in default of payment, imprisonment for one month.

5. It is considered that these maximum punishments do not adequately reflect the possible seriousness of the offences in question.

6. The first object of the Bill, therefore, is

(*a*) to amend section 14 of the Forest Act to increase the maximum punishment for any forest offence to a fine of P5 000 and imprisonment for 2 years (together with the forfeiture of any licence under the Act held by the convicted person);

(*b*) to amend section 30 of the Forest Act to increase the maximum punishment for the offence it creates to a fine of P500 and imprisonment for 6 months; and

(*c*) to amend section 32 of the Forest Act to increase the maximum punishment for any offence it creates to a fine of P250 and imprisonment for 3 months.

7. In respect of any offence referred to above, a convicted person would, in addition to the new penalties, be liable to imprisonment for between 14 days and 6 months in default of payment of a fine, depending on the size of the fine (by virtue of section 31 (2) of the Penal Code (Cap. 08:01)).

8. Section 33 of the Forest Act gives the President the power to make regulations for carrying the Act into effect. The section also provides that such regulations may provide for penalties for contravention thereof not exceeding a fine of P200 or imprisonment for 6 months.

9. It is considered that the power to prescribe penalties for breaches of regulations made under section 33 should be extended.

10. The second object of the Bill, therefore, is to amend section 33 of the Forest Act to give the President the power to prescribe penalties for contravention of regulations made under that section not exceeding, in the case of a first offence, a fine of P500 and imprisonment for 6 months and, in the case of a second or subsequent offence, a fine of P1 000 and imprisonment for one year.

W.R. MESWELE,
Minister of Agriculture.

ARRANGEMENT OF SECTIONS

A BILL
entitled
An Act to amend the Forest Act

Date of Assent:
Date of Commencement:

ENACTED by the Parliament of Botswana.

Short title

1. This Act may be cited as the Forest (Amendment) Act, 1980.

Amendment of section 14 of Cap. 38:04

2. Section 14 of the Forest Act (hereinafter referred to as "the principal Act") is amended by substituting for the words "shall be guilty of an offence, and liable to a fine of P200, or in default of payment thereof, to imprisonment for one year", which appear therein, the words "shall be guilty of an offence and liable to a fine of P5 000 and to imprisonment for 2 years".

Amendment of section 30 of principal Act

3. Section 30 (4) of the principal Act is amended by substituting for the words "shall be guilty of an offence and liable to a fine of P50, or in default of payment thereof, to imprisonment for three months", which appear therein, the words "shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months".

Amendment of section 32 of principal Act

4. Section 32 of the principal Act is amended by substituting for the words "shall be guilty of an offence and shall be liable to a fine of P20, or in default of payment, to imprisonment for one month", which appear therein, the words "shall be guilty of an offence and liable to a fine of P250 and to imprisonment for 3 months".

Amendment of section 33 of principal Act

5. Section 33 of the principal Act is amended by substituting for subsection (3) thereof the following new subsection

"(3) Regulations made under this subsection may provide for penalties for contravention thereof not exceeding, for a first offence, a fine of P500 and imprisonment for 6 months and, for a second or subsequent offence, a fine of P1 000 and imprisonment for one year.".

L2/4/370 I

Bill No. 29 of 1980

CONTROL OF GOODS (AMENDMENT) BILL, 1980

(Published on 25th August, 1980)

MEMORANDUM

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

2. The object of the Bill is to amend the Control of Goods Act (Cap. 43:07) in order to extend the scope of that Act by empowering the Minister to control, by means of regulations, the charges which may be made for or in connexion with the servicing, maintenance, repair or alteration of goods.

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

ARRANGEMENT OF SECTIONS

SECTION

A BILL
entitled
An Act to amend the Control of Goods Act

Date of Assent:
Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Control of Goods (Amendment) Act, 1980. Short title

2. The long title of the Control of Goods Act (hereinafter referred to as "the principal Act") is amended by inserting therein, immediately before the words "and for purposes incidental thereto and connected therewith", which appear therein, the words "for the control of certain charges,". Amendment of long title of Cap. 43:07

3. The principal Act is amended by substituting for section 1 thereof the following new section Substitution of new section 1 of principal Act

"Short title 1. This Act may be cited as the Control of Goods, Prices and Other Charges Act.".

4. Section 3 (1) of the principal Act is amended by inserting therein, immediately after paragraph (*f*) thereof, the following new paragraph Amendment of section 3 of principal Act

"(*g*) the charges which may be made for or in connexion with the servicing, maintenance, repair or alteration of goods,".

Bill No. 30 of 1980

CUSTOMS AND EXCISE DUTY (AMENDMENT) BILL, 1980

(*Published on 25th August, 1980*)

MEMORANDUM

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

2. The object of the Bill is to amend the Customs and Excise Duty Act (Cap. 50:01) in order to comply with Botswana's treaty obligations under Article 10 of the Customs Union Agreement by bringing the Customs and Excise Duty Act into line with the changes which have been made (in July, 1980) to the customs legislation of the Republic of South Africa.

3. Basically, the amendments are of a minor procedural nature and will have little effect on the day-to-day operation of the Customs and Excise Department.

4. Section 7 of the Act requires the pilot of an aircraft to report to Customs within 3 hours of landing at an airport in Botswana, and, in any event, before disembarkation of his crew and passengers and the landing of any cargo. In certain circumstances the requirement to report prior to the disembarkation of crew and passengers, and the landing of cargo, could well be impractical. Clause 2 therefore proposes the removal of this provision. The requirement to report within 3 hours of landing is, nevertheless, being retained.

5. Clause 3 amends section 35 (4) and (5), which requires the registration of the names of beer by manufacturers and prohibits the sale of such beer except in containers indicating such names, are both amplified by the insertion of the words "for home consumption", in order to make it clear that these provisions apply to beer manufactured and sold or disposed of in Botswana.

6. Section 37 of the Act authorizes the Director to allow reconditioning of goods in warehouses if they have become contaminated, have deteriorated or have become mixed with other goods by accident. Clause 4 proposes that the word "accident" should be replaced by the more precise phrase "an act of omission which, by the exercise of reasonable care, could not have been avoided." Thus, the concession to the warehousekeeper which allows reconditioning no longer extends to avoidable, e.g. careless, accidents.

7. Clause 5 amends section 39 (1) of the Act by the provision of 2 new paragraphs requiring importers to deliver duplicate copies of documents as required by Customs and to pay all duties due.

8. Clause 6 amends section 48 of the Act by allowing the Director, in his discretion, to condone minor underpayments of duties payable.

9. Clause 7 amends section 50 of the Act in order to update the reference to the Geneva General Agreement on Tariffs and the Trade Proclamation (Cap. 177) and to change it to the Geneva General Agreement on Tariffs and Trade Act (Cap. 39:04).

10. Clause 8 amends section 73 of the Act by providing that the value of exported goods shall now be calculated to the nearest unit of account thereby eliminating fractions.

11. Clause 10 amends section 103 of the Act to empower the Director to allow traders to retain books and documents by means of microfilming or by any other reproduction process, such reproduction to have the legal effects of the original.

P.S. MMUSI,
Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

A BILL
entitled
An Act to amend the Customs and Excise Duty Act

Date of Assent:
Date of Commencement:

ENACTED by the Parliament of Botswana.

Short title

1. This Act may be cited as the Customs and Excise Duty (Amendment) Act, 1980.

Amendment of section 7 of Cap. 50:01

2. Section 7 of the Customs and Excise Duty Act (hereinafter referred to as "the pincipal Act") is hereby amended in the provisions immediately preceding paragraph (*a*) thereof by -

(*a*) substituting for the word "Director", which appears therein, the words "proper officer"; and

(*b*) deleting therefrom the words ", but in any event before the landing or embarkation of passengers or crew or the landing or loading of goods".

Amendment of section 35 of principal Act

3. Section 35 of the principal Act is hereby amended by substituting for subsections (4) and (5) thereof the following new subsections -

" (4) Every manufacturer shall, in respect of beer manufactured by him in Botswana, register with the Director the names whereunder such beer will be sold or disposed of for home consumption, together with the number of the sub-item of tariff item 104.10 of Part 2 of Schedule No. 1 which will apply in respect of beer so sold or disposed of under every such name, and no beer shall be so sold or disposed of except under a name so registered.

(5) No beer shall be sold or disposed of by any manufacturer for home consumption except in a container which indicates the name of such beer and any invoice or other document relating to such sale or disposal of such beer shall indicate the name thereof.".

Amendment of section 37 of principal Act

4. Section 37 (6) of the principal Act is hereby amended by substituting for the word "accident", which appears therein, the words "an act or omission which by the exercise of reasonable care could not have been avoided.".

Amendment of section 39 of principal Act

5. Section 39 of the principal Act is hereby amended by substituting for subsection (1) thereof the following new subsection

" (1) (*a*) The person entering any imported goods for any purpose in terms of the provisions of this Act shall deliver to the proper officer a bill of entry in the prescribed form, setting forth the full particulars as indicated on the form and as required by the proper officer, and according to the purpose (to be specified on such bill of entry) for which the goods are being entered, and shall make and subscribe to a declaration, in the prescribed form, as to the correctness of the particulars and purpose shown on such bill of entry.

(*b*) At the same time the said person shall deliver such duplicates of the bill of entry as may be prescribed or as may be required by the proper officer and shall pay all duties due on the goods.

(*c*) The said person shall further produce the transport document or such other document in lieu thereof as may be approved by the Director, invoices as prescribed, shipper's statement of expenses incurred by him, copy of the confirmation of sale or other contract of purchase or sale, importer's written clearing instructions and such other documents relating to such goods as the proper officer may require in each case and answer all such questions relating to such goods as may be put to him by the proper officer, and furnish in such manner as the Director may determine such information regarding the tariff classification of such goods as the Director may require.

(*d*) The Director may, subject to such conditions as he may determine, allow the said person to produce in lieu of any document required to be produced in terms of paragraph (*c*) a document purporting to be a copy of any such document and obtained by means of microfilming or any other process, and which shall, subject to compliance with such conditions, for all purposes have all the effects of the original document concerned.

(*e*) The said person shall also, in respect of a class or kind of goods as may be specified by the Minister by regulation

or any goods to which circumstances so specified apply, produce to the proper officer for retention by him such a sample as may be so specified and a true copy of any invoice or other document relating to such goods or of any blueprint, illustration, drawing, plan or illustrated and descriptive literature so specified in respect of such goods and relating to such goods.".

Amendment of section 48 of principal Act

6. Section 48 (1) of the principal Act is hereby amended by

(*a*) substituting, for the full stop at the end thereof, a colon; and

(*b*) adding thereto the following new proviso

"Provided that the Director may in his discretion condone any underpayment of such duty where the amount of such underpayment, in the case of

(i) goods imported by post, is less than 0,50 units of account;

(ii) goods imported in any other manner, is less than five units of account;

or

(iii) excisable goods, is less than two units of account.".

Amendment of section 50 of principal Act

7. Section 50 (1) of the principal Act is hereby amended by substituting for paragraph (*a*) thereof the following new paragraph

"(*a*) in order to give effect to any agreement amending any agreement approved by section 2 of the Geneva General Agreement on Tariffs and Trade Act or to any agreement concluded under section 51 or 52.".

Amendment of section 70 of principal Act

8. Section 73 of the principal Act is hereby amended by substituting for subsection (3) thereof the following new subsection

" (3) If the value of any exported goods of a single denomination is, according to the provisions of this section,

(*a*) in excess of one unit of account and includes a fraction of a unit of account, such value shall be calculated to the nearest unit of account, an amount in excess of 0,50 units of account being regarded as one unit of account; or

(*b*) less than one unit of account, such value shall be calculated as one unit of account.".

Amendment of section 87 of principal Act

9. Section 87 (*f*) of the principal Act is hereby amended by substituting for the words "section 39 (1) (*c*)", which appear therein, the words "section 39 (1) (*e*)".

Amendment of section 103 of principal Act

10. Section 103 of the principal Act is hereby amended by -

(*a*) inserting, immediately after subsection (1) thereof, the following new subsection

" (2) The Director may, subject to such conditions as he may determine, allow any person referred to in subsection (1) to retain in lieu of any book, account or document required to be retained in terms of that subsection a reproduction of any such book, account or document obtained by means of microfilming or any other process.";

(*b*) renumbering subsection (2) as subsection (3);

(*c*) inserting, immediately after the new subsection (3), the following new subsection –

" (4) The Director may, subject to such conditions as he may determine, allow any such person to produce in lieu of any such book, account or document required to be produced in terms of subsection (3) a copy thereof obtained by means of a reproduction referred to in subsection (2), and any such copy shall, subject to compliance with such conditions, for all purposes have all the effects of the original book, account or document concerned."; and

(*d*) renumbering subsection (3) as subsection (5).

L2/4/575 III