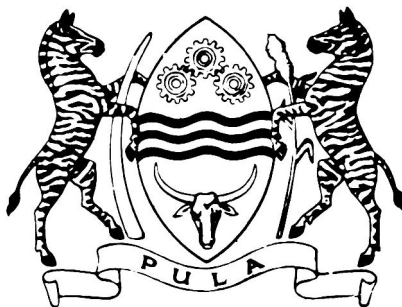




## REPUBLIC OF BOTSWANA



# GOVERNMENT GAZETTE

Vol. XX, No. 41

GABORONE

16th July, 1982.

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*Government Notice No. 249 of 1982*

**INDUSTRIAL DEVELOPMENT ACT**  
(Cap. 43:01)

**Notice of Application for Licence to Manufacture**

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

*Name of applicant and address:*

PETADCO Paper Products (Pty) Ltd., P.O. Box 882, Gaborone.

*List of products it is proposed to manufacture:*

Exercise Books, Envelopes, Stationery.

*Proposed location of manufacturing activities:*

Gaborone

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

DATED this 28th day of June, 1982.

R.P. BOIKANYO,  
*for Permanent Secretary,*  
*Ministry of Commerce and Industry.*

L2/7/144 V

*Second Publication*

*Government Notice No. 250 of 1982*

**INDUSTRIAL DEVELOPMENT ACT**  
(Cap. 43:01)

**Notice of Application for Licence to Manufacture**

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

*Name of applicant and address:*

Sure Textiles (Pty) Ltd., P.O. Box 101, Gaborone.

*List of products it is proposed to manufacture:*

Yarn and Carpets.

*Proposed location of manufacturing activities:*

Gaborone

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

DATED this 28th day of June, 1982.

R.P. BOIKANYO,  
*for Permanent Secretary,*  
*Ministry of Commerce and Industry.*

L2/7/144 V

*Second Publication*



*Government Notice No. 251 of 1982*

**CONSTITUTION OF BOTSWANA**  
**Acting Appointment — Permanent Secretary,**  
**Ministry of Home Affairs**

IN EXERCISE of the powers conferred on His Excellency the President by section 113 of the Constitution,

**BOTSWELETSE KINGSLEY SEBELE**

has been appointed to act as Permanent Secretary, Ministry of Home Affairs, with effect from 5th July, 1982 to 16th July, 1982, both dates inclusive.

DATED this 7th day of July, 1982.

F.G. MOGAE,  
*Permanent Secretary to the President,*  
*Office of the President.*

*L2/7/98 XV*

*Government Notice No. 252 of 1982*

**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.

*Name and address*  
 Mothusi Elias Tatedi  
 K.D.C.  
 Private Bag 5,  
 MOLEPOLOLE.

*Surname*  
 Simon

DATED this 30th day of June, 1982.

B. MOOKODI,  
*Permanent Secretary,*  
*Ministry of Home Affairs.*

*L2/7/105*

*Government Notice No. 253 of 1982*

**EDUCATION ACT**

(Cap. 58:01)

**Application to Register a School**

IN ACCORDANCE with the provisions of section 17 of the Education Act, it is hereby notified for general information that Mohalapye Mongwato of Private Bag 01, Serowe has made an application to the Central District Council for the registration of a school situate at Malatswae Village named Malatswae Private Primary School.

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

DATED this 1st day of July, 1982.

C.O. SHAW,  
*Acting Permanent Secretary,*  
*Ministry of Education.*

*L2/7/87 XVI*

*Government Notice No. 254 of 1982*

**EDUCATION ACT**  
(Cap. 58:01)

**Application to Change the Establishment of a School**

IN ACCORDANCE with the provisions of section 17 of the Education Act, it is hereby notified for general information that the Kweneng District Council has made an application for change in the establishment of Tsetseng School in the following respect —

that the school be transferred to a new site

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

DATED this 1st day of July, 1982.

C.O. SHAW,  
*Acting Permanent Secretary,*  
*Ministry of Education.*

*L2/7/87 XVI*

**PUBLIC NOTICES**

**Cessation of Business**

NOTICE IS HEREBY given that the business registered under the Registration of Business Names Act and carried on under the business name of Eagles Building Construction registered under Number 610 has ceased to be carried on as from the 30th day of June, 1982 save for the purpose of winding-up of the said business.

DOREEN KHAMA, *Client's Attorney*, P.O. Box 335, GABORONE.

*Second Publication*

**Change of Name**

NOTICE IS HEREBY given that Liquor Inn (Proprietary) Limited proposes to request the Registrar of Companies pursuant to section 22 (1) of the Companies Act 42:01, for his approval to change the name of the Company to Kala Investments (Pty) Ltd., after 14 days of the second publication of this notice.

C.R. & CO. (Pty) Ltd.,  
*for and on behalf of the Company.*

P.O. Box 1157,  
GABORONE.

*Second Publication*

**Voltarol — Voltaren**  
(TRADE MARKS)

THE TERM OF British Patent No. 1 139 332 which relates to the important anti-rheumatic drug diclofenac sodium marketed under the above Trade Marks has been extended by order of the High Court, Chancery Division, London, for a further period of four years, from 7th April, 1982, until 6th April, 1986. The protection afforded by this patent automatically extends to Botswana.

CIBA-GEIGY AG, Basle, Switzerland.

*Second Publication*

## Southern District Council — Tender No. 9 of 1982

TENDERS ARE INVITED by the Southern District Council for the construction of 6 classroom blocks with 2 classrooms for each block, 2 classroom blocks with 2 classrooms and 1 administration office for each block, 10 teachers quarters including Pit latrine and 25 × 25 m diamond mesh fencing for each, 4 store room kitchens, 28 School Pit latrines, and 1 diamond mesh school fence 300 × 200 m in the following places.

Name of Village	Classroom blocks (2 classrooms)	Classroom blocks (2 classrooms and one Administration office attached)	Teachers Quarters with Pit latrine and fencing	Store room kitchens type B	School Pit latrines	School fences
Moshopa	3	1	2	1	6	1
Molapowabojang	1	—	1	—	—	—
Lotlhakane East	1	—	1	—	—	—
Lekgolobotlo	1	—	—	—	—	—
Pitseng	—	1	1	1	4	—
Ranoi	—	—	1	—	—	—
Bakoko	—	—	2	—	—	—
Ntlhantlhe	—	—	1	1	—	—
Mosielele	—	—	—	—	6	—
Kgabophuti	—	—	—	—	6	—
Ralekgetho	—	—	—	1	—	—
Manyana	—	—	—	—	6	—
Moshaneng	—	—	1	—	—	—

## NOTE:

Following Plan Nos. are to be adopted for above mentioned buildings: Classroom blocks No. ED. PRI. 101. Administration Office Blocks No. XX-E-1224 with ceiling and plastering in and out.

Teachers Quarters No. XX-N29—1959.

Pit latrines for Teachers Quarters No. XX-P-1064.

Teachers Quarters fences to be 25 × 25 m with 2 gates one to be 3,65 × 1,2 m double gates the others 1,2 × 1,2 m.

Storeroom kitchens XX-E-1161 type B.

Pit latrines for Schools S.D.C. Plan No. 009.

School fences 300 × 200 m with 4 gates, one to be 3,65 × 1,2 m double gates the other 1,2 × 1,2 m.

Tenderers must submit detailed estimates for the labour charges to construct the above mentioned buildings. The supply of materials including gravel, sand, water and transport should also be tendered for. Tenderers are advised to visit the respective sites before submitting bids. They must also specify their potential starting date and the length of time needed to complete work on the above buildings.

Informations and specifications may be sought from the Senior Technical Officer, Works Office, Kanye. Tenders should be sent to Council Secretary, Southern District Council, Private Bag 2, Kanye in a sealed envelope clearly marked "Tender No. 9 of 1982" and must be delivered to the Secretary not later than 5.00 p.m. on the 6th August, 1982. Tender documents are obtainable from Council Senior Technical Officer for a refundable deposit of P10,00.

This Council does not bind itself to accept the lowest or any bid nor does it assign itself to give any reason for not accepting any bid.

G.M. SEBINA,  
for Council Secretary.

Second Publication

## Lobatse Town Council — Tender No. 11 of 1982

## SCHOLARS BOOKS AND STATIONERY

TENDERS ARE INVITED by the Lobatse Town Council for supply of scholars books and stationery. Tender list may be obtained on request from the Senior Education Secretary, P.O. Box 27, Lobatse.

Tenders in plain sealed envelopes clearly marked "Tender No. 11 of 1982", should reach the Town Clerk, Lobatse Town Council, P.O. Box 27, Lobatse on or before 12 noon 30th July, 1982. Tenders shall be opened on the 2nd August, 1982 at 2.30 p.m. Lobatse Town Council shall not be bound to accept the lowest or any other tender.

S.B. MOREMI,  
Senior Education Secretary.

Second Publication

**Central District Council — Tender No. CDC/CTU/8 of 1982**  
**SUPPLY OF LUBRICANTS**

THE CENTRAL DISTRICT COUNCIL invites tenders for the supply of lubricants. Full details of the tender to be obtained on request from the Chief Technical Officer, Central District Council, Private Bag 1, Serowe.

L.L. MABUA,  
*Council Secretary.*

*Second Publication*

**Selebi-Phikwe Town Council — Tender No. 17/82**  
**SUPPLY OF TYRES AND TUBES**

TENDERS ARE INVITED by the Selebi-Phikwe Town Council for the supply of the following items of tyres and tubes.

Tenders should be submitted in a sealed envelope marked "Tender No. 17/82 — Supply of Tyres and Tubes" to the Town Clerk, Selebi-Phikwe Town Council, Private Bag 1, Selebi-Phikwe, Botswana to reach him not later than 12.00 hours on Tuesday the 10th August, 1982.

The prices quoted should be held firm for a minimum period of 60 days from the closing date of tender and should include for delivery at Selebi-Phikwe. The tenderers should include the delivery period for the supply of the items.

The Council reserves the right to accept or reject any tender.

<i>Description</i>	<i>Quantity</i>	<i>Size</i>	<i>Remarks</i>
(a) <i>Tyres</i>	52 Nos.	600 × 14	8 Ply
	14 Nos.	600 × 16	8 Ply
	15 Nos.	750 × 15	10 Ply
	63 Nos.	750 × 16	8 Ply
	8 Nos.	750 × 16	12 Ply
	20 Nos.	825 × 15	14 Ply
	7 Nos.	825 × 20	14 Ply
	42 Nos.	900 × 20	14 Ply
	18 Nos.	14,9 × 30	6 Ply (Tractor)
	4 Nos.	13 × 24	12 Ply (Grader)
	4 Nos.	14 × 24	12 Ply (Grader)
	4 Nos.	17,5 × 25	12 Ply (Loader)

(b) *Tubes*

<i>Quantity</i>	<i>Size</i>
52 Nos.	600 × 14
14 Nos.	600 × 16
15 Nos.	750 × 15
71 Nos.	750 × 16
20 Nos.	825 × 15
7 Nos.	825 × 20
42 Nos.	900 × 20
18 Nos.	14,9 × 30
4 Nos.	13 × 24
4 Nos.	14 × 24
4 Nos.	17,5 × 25

B.G. SESINYI,  
*Town Clerk*

*Second Publication*

**Central District Council — Tender No. CDC/ED 1 of 1982  
SUPPLY OF SCHOLAR'S BOOKS AND STATIONERY**

THE CENTRAL DISTRICT COUNCIL invites tenders for the supply of pupils and teachers, stationery and equipment for 1983/84.

Detailed lists of approximate requirements may be obtained from the undersigned.

Suppliers should state prices for the unit and bulk supplies free on rail to Palapye, Mahalapye, Francistown and Selebi-Phikwe for supplies in those areas.

Samples of books, stationery and equipment must accompany the tenders.

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

All tenders must be addressed to the Council Secretary, Private Bag 1, Serowe, Botswana, and must reach his office on or before 2nd August, 1982 in plain sealed envelopes clearly marked "Tender for Pupils Books, Stationery and Equipment."

As a condition of tender goods shall be delivered within three months of receipt of orders. In case goods shall not be delivered within this stipulated period, CDC may obtain from other sources goods in lieu of those not delivered, and any excess of costs so incurred by CDC together with all charges and expenses attending the purchase, shall be repaid to Central District Council by the supplier.

N.Z. NDLOVU,  
*for Council Secretary.*

*Second Publication*

**Central District Council — Tender No. CDC/CTU/7 of 1982**

THE CENTRAL DISTRICT COUNCIL invites tenders for reconditioning of starter motors, alternators etc.

Full details of the tender to be obtained on request from the Chief Technical Officer, Central District Council, Private Bag 1, Serowe.

L.L. MABUA,  
*Council Secretary.*

*Second Publication*

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

**HELD AT LOBATSE**

*Civil Trial No 50/82*

In the matter between:

MR SAMUEL DITLHABI  
and  
MR SETLHABI SERA

*Plaintiff*

*Defendant*

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**NOTICE OF SALE IN EXECUTION**

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TAKE NOTICE that a sale in execution will be held by the Deputy Sheriff, Mr E. Moumakwa, pursuant to a judgment granted in the above matter on 4th June, 1982.

**DATE OF SALE:** 29th July, 1982;

**TIME OF SALE:** 9.00 a.m.;

**PLACE OF SALE:** Central Police Station, Gaborone;

**GOODS TO BE SOLD:** 1 Toyota Corona van (Registration No. BD 3921);

**TERMS:** Cash or bank guaranteed cheques immediately after the sale.

DATED at Lobatse this 29th day of June, 1982.

PETER COLLINS,  
*Plaintiff's Attorneys,*

1st Floor,  
Standard Bank Chambers,  
P.O. Box 47,  
LOBATSE.  
*Second Publication*

## Licences

Notice is hereby given that the persons specified hereunder intend to apply for certificates under the terms of section 10 of the Trading Act (No. 6 of 1966).

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
J.M. NAMANE, P.O. Box 45, TSABONG.	Chibuku Depot	Tsabong	Kgalagadi District Council	23. 9.82
D. MOLOKWE, P.O. Box 454, MOCHUDI.	Small General Trading	Mochudi	Kgatleng District Council	29. 7.82
G. THEBEYAPELO, P.O. Box 38, OTSE.	Fresh Produce	Mogobane	South East District Council	28. 7.82
S.R. PHETO, P.O. Box 10084, GABORONE.	Garage Services and Filling Station	Tlokweng	South East District Council	28. 7.82
B.M. SEGOPA, P.O. Box 282, FRANCISTOWN.	Chibuku Bar	Matsiloje	North East District Council	28. 7.82
J.S.S. MATENGE, P.O. Box 10232, TATITOWN.	Chibuku Bar	Matenge	North East District Council	28. 7.82
C. NDABAMBI, Private Bag 4, TSHESEBE.	Butchery	Senyawe Village	North East District Council	28. 7.82
R. SEWAGODIMO, P.O. Box 134, THAMAGA.	Fresh Produce and Restaurant	Thamaga	Kweneng District Council	29. 7.82
N. OFITLHILE, P.O. Box 120, MOLEPOLOLE.	Small General Trading	Borakalalo Ward	Kweneng District Council	29. 7.82
T. NGAKA, P.O. Box 38, THAMAGA.	Chibuku Depot	Thamaga	Kweneng District Council	29. 7.82
F.D. RASESIA, P.O. Box 14, MOLEPOLOLE.	Filling Station	Mankgwenyane	Kweneng District Council	29. 7.82
O. MATSHAMBANE, P.O. Box 172, TONOTA.	Chibuku Bar and Depot	Tonota East	Central District Council	26. 8.82
H. MADIMABE, P.O. Box 5, MOENG.	Small General Trading	Seolwane	Central District Council	26. 8.82
B. RANOTO, P.O. Box 72, SHOSHONG.	Restaurant	Shoshong	Central District Council	29. 7.82
CAPITAL RADIO AND ELECTRICAL (PTY) LTD., c/o L.S. Walia, P.O. Box 82, FRANCISTOWN.	General Trading	Stands 842—845—850—853	Francistown Town Council	12. 8.82
A.H. MONCHO, P.O. Box 6, HUKUNTSI.	Small General Trading	Charleshill	Ghanzi District Council	16. 8.82
T. MOTSHABI, P.O. Box 23, PITSANE.	Butchery and Restaurant	Tlhareseleele	Southern District Council	3. 8.82
M. KGAODI, P.O. Box 100, KANYE.	Butchery	Kanye	Southern District Council	3. 8.82

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

*Second Publication*

**Hawker's Licence**

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

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date of hearing</i>
G.M. NTUKWA, P.O. Box 17, KASANE.	Ngoma, Mabele, Siriba, Longara, Satau, Kachikao, Kavimba, Xaruga, Huhuwe, Yambezi and Parakarungu	District Commissioner Kasane	1. 8.82
M. RANTSHOBANE, P.O. Box 48, LETLHAKENG.	Magagarape, Tshonye, Ntsokwe, Matsabane, Kgare, Mankodi, Tsoto and Metsibotlhoko	Kweneng District Council	29. 7.82
K. KGANYAKO, P.O. Box 66, MOLEPOLOLE.	Mogonono, Monyatala, Mmutle and Mmamojewa	Kweneng District Council	29. 7.82
K.K. GABANAKGOSI, P.O. Box 14, MOLEPOLOLE.	Sejweng, Sorilatholo, Moratshe, Khokhole and Molengwane	Kweneng District Council	29. 7.82
W. TLHOLWE, P.O. Box 129, KANYE.	Kanye, Sesu, Lobutse, Tsonyane, Betesankwe, Sese, Mokhomana, Maokane, Samane and Moshana	Southern District Council	3. 8.82
S. MOGANA, P.O. Box 8, RAMOTSWA.	Ramotswa, Otse, Ramotswa Station, Mogobane, Boatle and Sebele/Tlokweg	South East District Council	28. 7.82
D. SIANE, P.O. Box 49, RAMOTSWA.	Mogobane, Ramotswa Station, Otse, Ramotswa, Tlokweg and Sebele	South East District Council	28. 7.82
L.K. BOTSHELO, P.O. Box 1420, GABORONE.	Extensions 13, 15 and 27	Gaborone Town Council	21. 7.82
G. MAKOPPO, P.O. Box 162, GABORONE.	Extensions 5, 14 and 15	Gaborone Town Council	21. 7.82
M.V. MOLEFE, P.O. Box 138, GABORONE.	Extensions 7, 10 and 25	Gaborone Town Council	21. 7.82
M. KEITAILE, P.O. Box 194, SELEBI-PHIKWE.	Jurutshaa, Marulamabedi, Madiba, Sempowane I and II, Mahele, Panya, Nkgagaripane, Molomowapodi, Madikgaka, Mmammedi, Maboana and Ntapu	Central District Council	26. 8.82
O.J.M. MOKOBELA, P.O. Box 94, FRANCISTOWN.	Tlhalogang Lands, Moke, Jamakala and Sepalole cattle posts where I reside	Central District Council	26. 8.82
B. DABUTHA, P.O. Box 600, MAHALAPYE.	Seruruma, Takadibe, Lethakane cattle post, Selenye, Konowa, Maphashalala, and Kudimajwe	Central District Council	26. 8.82
M. MOSINYI, P.O. Box 10234, FRANCISTOWN.	Makula, Matapodza and Ntala	Central District Council	26. 8.82

S. CHINAE, P.O. Box 182, MAHALAPYE.	Takadibe, Mokoswane, Bodungwe, Lekgalo, Maipaahela, Sekokobidi, Garanala, Makubelo, Erena via Mokoswane. It's sources from Takadibe	Central District Council	29. 7.82
G.M. GASEITSIWE, P.O. Box 81, MAHALAPYE.	Mmasegotso, Modiane lands, Malepe, Kgarangwe, Kedikilwe, Lose, Mmite, Kainangwe and Mmite	Central District Council	26. 8.82
B. MANYATU, P.O. Box 183, FRANCISTOWN.	Jwaagoree, Sua, Semoane, Dukwe, Moaneng, Xaniwe, N.Y.T.C., Phuduhudu, Moreomaoto, Lebala, Ntale Camp, Bushman Mine and Karoga	Central District Council	26. 8.82
A. PHATSHWANE, P.O. Box 10245, FRANCISTOWN.	Jamakando, Lobati, Xharikajoo, Mmadinoga and Tsebanana	Central District Council	26. 8.82
K.I. G. MPOLOKANG, P.O. Box 116, ORAPA.	Chebajena, Jimare, Nthane, Tshwagong, Damchaa, Tsotsoga, Seselole and Eyaga	Central District Council	26. 8.82
L. MOELA, P.O. Box 282, ORAPA.	Mopipi, Morula, Phorokwe, Mangkgari, and Maphanyane	Central District Council	26. 8.82
S. MUPURUA, P.O. Box 37, LOBATSE.	Malepe, Mahalapye and Herero Ward	Central District Council	26. 8.82
M. MAGOWE, P.O. Box 170, SELEBI-PHIKWE.	Tshokana, Setota, Kgophathathe, Setshweu, Mokgatshawadinama and Toutswe	Central District Council	26. 8.82

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

#### *Second Publication*

#### **Hawkers/Street Vendor Licences**

Notice is hereby given that the undersigned intends to apply for a Licence in terms of Bye-Laws 5 and 8 of Gaborone Hawking and Street Vending Bye-Laws, 1977 to obtain a Hawkers Licence/Street Vendor's Licence in respect of the following areas within the Gaborone Township –

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Place(s) where Licences applied for</i>	<i>Council</i>	<i>Date of hearing</i>
B. MMOKOLODI, P.O. Box 1, RAMOTSWA.	Street Vendor	Mmamaering	South East District Council	28. 7.82
M. MOGADIME, P.O. Box 1, RAMOTSWA.	Street Vendor	Otse	South East District Council	28. 7.82
L. MODISE, P.O. Box 1496, GABORONE.	Street Vendor	Extension 13	Gaborone Town Council	21. 7.82
T. PONCHO, P.O. Box 10019, GABORONE.	Street Vendor	Extension 32 Taung	Gaborone Town Council	21. 7.82
N. MONTSHO, P.O. Box 1148, GABORONE.	Street Vendor	Extension 27	Gaborone Town Council	21. 7.82
B. MAPUGWI, Private Bag 003, GABORONE.	Street Vendor	Extension 8 Bontleng	Gaborone Town Council	21. 7.82
M. GAOTHOBOWE, P.O. Box 494, GABORONE.	Street Vendor	Extension 3	Gaborone Town Council	21. 7.82

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 a Trading Licence in respect of the premises situated at Satau to Parakarungu and that the District Commissioner, Kasane has determined that the application shall be heard by the Licensing Authority on the 1st August, 1982.

**DONALD MATENGU MUKUWA, P.O. Box 48, KASANE.**

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*

**External Representative/ Agents Licence**

**NOTICE IS HEREBY** given that Marks Metsing intends to apply for an External Representative Licence to trade in the following goods: catering equipments, butchery equipments, refrigerations and freezing equipments, agricultural implements.

**Represents:** Utility Equipments, Crown Mills, Crown Refrigeration.

Any person objecting to grant of such certificate should within seven days of second publication of this notice give notice in writing to the National Licensing Authority Board, Private Bag 004, Gaborone, of his intention to oppose such application and state the grounds upon which objection is based.

**MARKS METSING, P.O. Box 750, GABORONE.**

*Second Publication*

**NOTICE IS HEREBY** given that John Francis Jeeverathnum intends to apply for an External Representative Licence to trade in the following goods: machine tools, specialised tools, measuring equipment, industrial hardware.

**Represents:** Action Tooling Group of Companies, P.O. Box 33182, Jeppe 2043, Johannesburg.

**JOHN FRANCIS JEEVERATHNUM, P.O. Box 1801, GABORONE.**

*Second Publication*

**NOTICE IS HEREBY** given that Frank Andrew Fingleon intends to apply for an agent's licence to trade in the following goods: baby shawls, shawls/rugs, doeks/head squares, bed spreads/ bed covers, table cloths, mens' and boys' knitwear, tracksuits, windbreakers.

**Representing:** Safer Clothing Industries (Pty) Ltd, South African Weavers and Dyers (Pty) Ltd and Gimmel Textiles (Pty) Ltd.

**DAMANT BOSTOCK, 2nd Floor, Mall House, The Mall, GABORONE.**

*Second Publication*

**NOTICE IS HEREBY** given that Cadbury (Pty) Ltd., P.O. Box 75199, Gardenview 2094 intends to apply for an External Representative Licence to trade in the following goods: sweets and confectionary.

**Represented by:** Mr D.V. Ndhlovu, C.J. Snyman, J.M. Chagwe, E.P.O. Pholosi.

*Second Publication*

## Licences

Notice is hereby given that the persons specified hereunder intend to apply for certificates under the terms of section 10 of the Trading Act (No. 6 of 1966).

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
E. MAGUSWI, P.O. Box 006, FRANCISTOWN.	Chibuku Depot	Seviya Village	North East District Council	24. 8.82
V.N.D. MOTLOTLE, P.O. Box 421, SELEBI-PHIKWE	Speciality (Hall)	Mathubudukwane	Kgatleng District Council	26. 8.82
M. MOTSHABI, P.O. Box 277, MOCHUDI	Small General Trading	Mochudi	Kgatleng District Council	26. 8.82
A.M. MAMABOLO, c/o Doreen Khama, P.O. Box 335, GABORONE	Fresh Produce	Plot No. 8860	Gaborone Town Council	18. 8.82
A.M. MAMABOLO, c/o Doreen Khama, P.O. Box 335, GABORONE	General Trading	Plot No. 8860	Gaborone Town Council	18. 8.82
E. MOSIGI, P.O. Box 1, RAMOTSWA	Small General Trading	Lesetlhana Ramotswa	South East District Council	25. 8.82
F. MASWABI, P.O. Box 3, RAMOTSWA	Restaurant and Small General Trading	Ramotswa	South East District Council	25. 8.82
T.J. MOGOTSI, P.O. Box 6, RAMOTSWA	Small General Trading and Fresh Produce	Lesetlhana Ramotswa	South East District Council	25. 8.82
D. KOTZE, P.O. Box 29, RAMOTSWA STATION.	Speciality Scrap Yard	Ramotswa Station	South East District Council	25. 8.82
A.M. MOGOBANE, Magang & Co., Applicant's Attorneys, P.O. Box 132, Zambia House Annex, GABORONE	Fresh Produce and Restaurant	Ramotswa	South East District Council	28. 7.82
OATS GENERAL DEALER (PTY) LTD, c/o Minchin & Kelly, P.O. Box 1339, GABORONE	Fresh Produce and General Trading	Otse	South East District Council	25. 8.82
O. OTUKILE, P.O. Box 391, SELEBI-PHIKWE	Small General Trading	Area TX	Selebi-Phikwe Town Council	20.10.82
M.E. SEDIE, P.O. Box 586, KANYE	Butchery	Mathabapula Kanye	Southern District Council	3. 8.82
L.B. KEBOFHE, P.O. Box 26, KANYE	Chibuku Depot	Kanye	Southern District Council	3. 8.82
CROWN PROPERTIES (PTY) LTD., P.O. Box 196, FRANCISTOWN.	Cinema and Kiosk	Lot 697 Francistown	Francistown Town Council	12. 8.82
CROWN PROPERTIES (PTY) LTD., v/a Electrix, P.O. Box 196, FRANCISTOWN.	General Trading	Lot 697 Francistown	Francistown Town Council	12. 8.82

D. VOS, c/o Minchin & Kelly, P.O. Box 1339, GABORONE	Butchery	Mahalapye	Central District Council	26. 8.82
G. MAKGOENG, P.O. Box 424, SELEBI-PHIKWE	Chibuku Depot	Nata	Central District Council	26. 8.82
S. PHUDUHUDU, P.O. Box 32, SELEBI-PHIKWE	Chibuku	Mmadinare	Central District Council	26. 8.82
M. MASUPHA, P.O. Box 906, MAHALAPYE	Small General Trading	Madiba Ward	Central District Council	26. 8.82
G.R. MATHWARE, P.O. Box 102, MAHALAPYE	Small General Trading	Xhosa II Ward	Central District Council	26. 8.82
E.K. THIPE, P.O. Box 69, SHOSHONG	General Trading	Shoshong	Central District Council	26. 8.82
C.K. MONYAMANE, P.O. Box 52, TUTUME	Small General Trading and Chibuku Depot	Thini Village	Central District Council	26. 8.82
P.G. TEMA, P.O. Box 9, SEBINA	Restaurant	Nshakazhogwe	Central District Council	26. 8.82
J.F. NYOLONGOLO, P.O. Box 50, Maitengwe, via FRANCISTOWN.	Chibuku Depot and Bar	Maitengwe	Central District Council	26. 8.82
S.L. NELSON, P.O. Box 10168, Tatitown, FRANCISTOWN.	Chibuku Depot	Serowe	Central District Council	26. 8.82
B. JEREMIAH, Private Bag 6, SELEBI-PHIKWE	Chibuku Depot, Bottle Store, Fresh Produce and Butchery	Mmadinare	Central District Council	28. 9.82
N.I.T. MUCHEMWA, P.O. Box 457, SELEBI-PHIKWE	Small General Trading	South East Extension	Central District Council	26. 8.82
J.M. KGORELETSO, P.O. Box 53, PALAPYE	Small General Trading	Palapye	Central District Council	26. 8.82

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

*First Publication*

#### Transfers

Notice is hereby given that the undersigned 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 a General Trading Licence from Olebile Gaborone to Moremogolo Bookshop & Stationers (Pty) Ltd., in respect of the premises situated at Extension 18 Lot 12580 and that the Gaborone Town Council has determined that the application shall be heard by the Licensing Authority on the 18th August, 1982.

**MOREMOGOLO BOOKSHOP & STATIONERS (PTY) LTD., P.O. Box 30143, GABORONE**

Any person objecting to the grant of such certificates should within 14 days of the first publication of these notices, 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>
J.K. MOSES, P.O. Box 59, PITSANE.	Pitsane, Mmathethe, Thamaga, Mosi, Good Hope, Mokgomane and Sedibeng	Southern District Council	3. 8.82
O.M. THEBE, P.O. Box 574, KANYE.	Tlanege, Masokwe, Gamokgwelo, Mokadinyane, Molapowabasadi, Mosiang, Madibamantsho, Logogwe, Mowatle and Mosepele	Southern District Council	3. 8.82
D. MANTSWE, P.O. Box 115, MOCHUDI.	Rabotsiripa, Relephwega, Ntshekeletse, Ramotswadikgomo, Maralana and Mmilo	Kgatleng District Council	26. 8.82
M.K.N. MOTSHEGWA, P.O. Box 3, SELEBI-PHIKWE.	Madibeng, Sampoane, Lesongwane and Nkgobotwane	Central District Council	26. 8.82
T.M. THOBOLWANE, P.O. Box 1193, GABORONE.	Rakwalata, Mmampubane, Majelapeo, Sehunong, Mabua, Chobatsha and Matoane lands	Central District Council	26. 8.82
N. POLOKO, P.O. Box 40, TUTUME.	Karana, Tutume and Mfawangina	Central District Council	26. 8.82
M. MPADA, P.O. Box 118, FRANCISTOWN.	Mosetse, Dukwe and Nata	Central District Council	26. 8.82
T. MANGURE, P.O. Box 3, NKANGE.	Nkange, Tutume, Matsiro fields, Senete Dam and Senete Cattle Post	Central District Council	26. 8.82
J. LETLOLE, P.O. Box 670, MAHALAPYE.	Molathegi, Mokgacheng, Lekadiba, Maipahela, Seruruma, Boikanego, Mogothwana and Sekwabeng	Central District Council	26. 8.82
O. TLHABOLOGO, P.O. Box 17, BOBONONG.	Mongwana, Seboo and Thune	Central District Council	26. 8.82
M. OLEKANTSE, P.O. Box 28, LERALA.	Thakadiawa, Dark City and Mabahumi	Central District Council	26. 8.82
P. NTEKO, P.O. Box 230, MOKGWARI VILLAGE.	Thakadiawa, Mokgwari, Rakabeswa, Mogome, Tshetong and Nkgorotshwane	Central District Council	26. 8.82
K. MAKGETHE, Private Bag Nata, FRANCISTOWN.	Semowane, Dukwi, Njuutshaa, Gogwane, Nata, Saxa, Mmaxatae, Modala, Kwadiba, Zoroga, Tshwaane, Nhuampywe, Kasane, Xerekaree, Njuukhwirii, Penanko, and Gammotshaa	Central District Council	26. 8.82
R.M. BOGATSU, P.O. Box 85, SELEBI-PHIKWE.	Didibeng, Selebi, Majweng, Pidimpitwe and Lebaleng	Central District Council	26. 8.82
P. MOGOMOTSI, P.O. Box 46, MAITENGWE.	Tutume, Nkange and Maitengwe	Central District Council	26. 8.82
H.M. WAHENG, P.O. Box 191, TONOTA.	Jooxana, Kguxobaga, Bojatau, Maotomabe, Tsokatshaa, Zibanana, Sematlaphiri, Ngwasha, Metsebotlhoko, Thabatshukudu, Odiakwe, Bushman Pits, Saxa, Mmadinoga, Maphanephane, Kwekwerega and Jiishoro	Central District Council	26. 8.82
M. MAJA, P.O. Box 76, FRANCISTOWN.	Sebina Lands, Ramothaba, Gaikwe, Molapo, Mosope, Awukoxoe and Maaloso	Central District Council	26. 8.82

<b>E. HAENGORA,</b> P.O. Box 58, <b>GOMARE</b>	<b>Thale, Tubu, Xurube, Gomare,</b> <b>Sazanawenda and Xhekedao</b>	<b>North West District</b> <b>Council</b>	<b>2. 8.82</b>
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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*

#### **Hawkers/Street Vendor Licences**

Notice is hereby given that the undersigned intends to apply for a Licence in terms of Bye-Laws 5 and 8 of Gaborone Hawking and Street Vending Bye-Laws, 1977 to obtain a Hawkers Licence/Street Vendor's Licence in respect of the following areas within the Gaborone Township —

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Place(s) where Licences applied for</i>	<i>Council</i>	<i>Date of hearing</i>
V. MOSALAESI, P.O. Box 53, OTSE.	Street Vendor	Otse	South East District Council	25. 8.82
N. NTOPE, P.O. Box 8, RAMOTSWA.	Street Vendor	Goo-Kobuwa	South East District Council	25. 8.82
E. SEEPOLLE, P.O. Box 8, RAMOTSWA.	Street Vendor	Goo-Tshiello Siga	South East District Council	25. 8.82
S. MOOKETSI, P.O. Box 25, OTSE.	Street Vendor	Otse, Lesetlhana	South East District Council	25. 8.82
P. MOATSWI, P.O. Box 1, RAMOTSWA.	Street Vendor	Lesetlhana	South East District Council	25. 8.82
M. RATIILWANE, P.O. Box 1066, GABORONE.	Street Vendor	Extension 16 Broadhurst	Gaborone Town Council	18. 8.82
G. MACHOBANE, P.O. Box 198, GABORONE.	Street Vendor	Extension 13	Gaborone Town Council	18. 8.82
G. MOTSWETLA, Private Bag 0066, GABORONE.	Street Vendor	Extension 23 Maruapula	Gaborone Town Council	18. 8.82

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*

#### **Agent's Licence**

NOTICE IS HEREBY given that the undersigned intends to apply for an Agent's Licence to deal in the following products: hair products, cosmetics and allied products.

Any person objecting to the grant of such a certificate should within 7 days of the second publication of this notice give in writing to the National Licensing Authority, Private Bag 004, Gaborone of his intention to oppose such application and state the grounds upon which such objection is based.

**GEORGE PHAHLE, c/o Magang & Co., Applicant's Attorneys, P.O. Box 132, GABORONE.**

*First Publication*

**Disposal of Interest**

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act 1966 that Alven Mtombeni Yalala has disposed of his entire interest in Premier Butchery situate in the main street of Mahalapye to Daniel Vos who will continue to trade from the premises.

c/o MINCHIN & KELLY,  
*Attorneys*

P.O. Box 1339,  
GABORONE

*First Publication*

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, 1966, that I, Olebile Marakadu Gaborone have disposed of my entire interest in Gaborone carrying on the business of General Trading Licence to Moremogolo Bookshop and Stationers (Pty) Ltd.

OLEBILE M. GABORONE, P.O. Box 30143, GABORONE.

*First Publication*

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, 1966, that I, Thos W. Shaw Ltd have disposed of my entire interest in Star Trading Store carrying on the business of General Dealer to Emmanuel K. Thipe, Shoshong who will continue to trade at the same address and under the same style of No One Star Trading Store.

THOS W. SHAW (PTY) LTD, P.O. Box 2, PALAPYE

*First Publication*

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, 1966, that I, Thos. W. Shaw Ltd., have disposed of my entire interest in Star Bottle Store carrying on the business of Bottle Store to Emmanuel K. Thipe, Shoshong who will continue to trade at the same address and under the same style of Star Bottle Store.

THOS. W. SHAW (PTY) LTD., P.O. Box 2, PALAPYE

*First Publication*

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act 1966, that Antonio Sarmiento Costa has disposed of his entire interest in A S. Costa Trading Store and General Dealership situate in Otse to Oats General Dealer (Proprietary) Limited who will continue to trade from the premises.

MINCHIN & KELLY, *Attorneys*, P.O. Box 1339, GABORONE.

*First Publication*

**Lobatse Town Council — Tender No. 3/82**

THIS IS TO notify for the general public that a plan of the Lobatse Town Centre Development has been prepared by the Lobatse Town Council.

The proposed land use plan may be inspected in the Town Council Office located at Boswelatlou and any person effected by the proposed plan may file his/her objection in writing within 30 days after publishing this notice.

O.P. SHAMA,  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 18 of 1982**

TENDERS ARE INVITED by Gaborone Town Council for the supply of vehicles plant and equipment. Items on tender include tipping trucks, water bowzers, tipping trailers, tractors etc.

Details including specifications of these items are obtainable from Room No. 19, Council Depot, Plot No. 1224 during normal working hours.

Tenders in a plain sealed envelope should be sent to reach the Town Clerk, Private Bag 89, Gaborone, not later than 12 noon on 16th August, 1982.

Tenders shall be opened at 4.00 p.m. the same day in the Council Chamber in the presence of tenderers who may wish to be present. The Council does not bind itself to accept the lowest or any tender.

S. PATHMANATHAN,  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 19 of 1982****RADIO COMMUNICATION AND MONITORING EQUIPMENT**

TENDERS ARE BEING invited by Gaborone Town Council for the supply and installation of:

- (a) Radio Communication equipment for Council fire services and
- (b) Central monitoring equipment for sewerage pumping stations.

Details of this tender including specifications may be obtained from Room No. 19, Council Depot Plot 1224 in Extension 6 or on application to Town Clerk, Gaborone Town Council, Private Bag 89, Gaborone.

Tenders in a plain sealed envelope should be sent to reach the Town Clerk, Private Bag 89, Gaborone not later than 12 noon on 16th August, 1982.

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

S. PATHMANATHAN,  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 20 of 1982****ARMCO PIPES, MANHOLE COVERS AND RINGS**

TENDERS ARE BEING invited by Gaborone Town Council for the supply of Armco pipes, manhole covers and rings.

Details of items on tender are obtainable from Room No. 19, Council Depot, Plot 1224 in Extension 6 during normal working hours or on application to Town Clerk, Private Bag 89, Gaborone.

Tenders in a plain sealed envelope marked "Tender No. 20 of 1982" should be sent to reach the Town Clerk, Private Bag 89, Gaborone not later than 12 noon on 16th August, 1982.

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

S. PATHMANATHAN,  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 21 of 1982**

TENDERS ARE INVITED by Gaborone Town Council for structural steel work in Council Abattoir. The works include providing all steel work, intersections etc. necessary for additional six lane meat rails, and painting of existing steel work in the abattoir.

Details of works including specifications may be obtained from Room No. 19, Main Depot Plot 1224 during normal working hours, or on application to Town Clerk, Private Bag 89, Gaborone.

Tenders in a plain sealed envelope marked "Tender No. 21 of 1982" should be sent to reach the Town Clerk, Private Bag 89, Gaborone not later than 12 noon on 16th August, 1982.

S. PATHMANATHAN,  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 23 of 1982**

TENDERS ARE BEING invited by Gaborone Town Council for the supply of road signs and street names.

Details of items on tender are obtainable from Room No. 19 Council Depot Plot 1224 Extension 6 during working hours. Tenders in a plain sealed envelope marked "Tender No. 23 of 1982" should be sent to reach the Town Clerk not later than 12 noon on 16th August, 1982.

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

**S. PATHMANATHAN,**  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 24 of 1982**

**GARDEN AND CARPENTRY TOOLS**

TENDERS ARE INVITED for the supply of garden and carpentry tools for use in Gaborone Primary Schools.

A detailed list of all requirements may be obtained from the Principal Education Secretary's Office, P.O. Box 69, Gaborone Room 8.

Tenders should be addressed to the Town Clerk, P.O. Box 69, Gaborone in a plain sealed envelope marked "Tender for Garden Tools".

Tender may be in part or whole. Delivery to be in September, 1982.

Council does not bind itself to accept the lowest or any tender nor will it give any reasons for the rejection of any tender.

The closing date and time for this tender is 12 noon, 10th August, 1982. Tenders will be opened at 4.00 p.m. same day.

**J.I.B. SEKGWA,**  
*for Town Clerk*

*First Publication*

**Gaborone Town Council — Tender No. 25 of 1982**

**SCHOLARS BOOKS, STATIONERY AND EQUIPMENT**

TENDERS ARE INVITED for the supply of scholars books, stationery and school equipment.

A detailed list of all requirements may be obtained from Principal Education Secretary's Office, P.O. Box 69, Gaborone Room 8.

Tenders should be address to the Town Clerk, P.O. Box 69, Gaborone in a plain sealed envelope marked "Tender for Scholars Books etc".

Tender may be in part or whole. Delivery to be in November, 1982.

Council does not bind itself to accept the lowest or any tender nor will it give any reasons for the rejection of any tender.

The closing date and time for this tender is 12 noon, 10th August, 1982. Tenders will be opened at 4.00 p.m. the same day.

**J.I.B. SEKGWA,**  
*for Town Clerk*

*First Publication*

**Kweneng District Council — Tender No. 9/82**

**SCHOLARS BOOKS AND STATIONERY**

KWENENG DISTRICT COUNCIL invites tenders for scholars books and stationery for the year 1983.

Tenders in sealed registered envelopes marked the above tender number should be addressed to the Council Secretary, Private Bag 5, Molepolole.

This Council is not bound to accept the lowest tender nor give reasons for accepting or rejecting any tender.

Tenders are expected to reach this office not later than 2nd August, 1982. Tender lists can be obtained from the office of the Principal Education Secretary on request.

**S.G. KONO,**  
*for Principal Education Secretary.*

*First Publication*



**Kgatleng District Council — Tender No. 5 of 1982****SCHOOL CONSTRUCTION**

**TENDERS ARE INVITED** by the Kgatleng District Council for the construction of various school projects at the following places:

<i>Place</i>	<i>Project</i>
SEINGWAENG	13 water system toilets connected to sewer line.
KGAFELA	1 × 2 classroom block with ceiling
	5 water system toilets with septic tank.
ARTESIA	4 Pit latrines
BOGATSU	1 × 2 classroom block with ceiling
	4 Pit latrines
LADY MITCHISON	1 × 1 classroom with ceiling
	2 water system toilets with septic tank.
LETSEBE	1 × 2 classroom block with ceiling
	7 Pit latrines
MMUSI	4 Pit latrines
RANKOA	1 × 2 classroom block with ceiling
	2 Pit latrines
RADITLADI	4 Pit latrines
SEGALE	6 Pit latrines
LESHIBITSE	1 × 2 classroom block with ceiling
ISANG	1 × 2 classroom block with ceiling
PHAPHANE	5 water system toilets with septic tank.

**N.B.** All tender documents, drawings and specifications shall only be obtained from Council Works Department before tendering for a non-refundable tender fee of P10,00.

Contractors who fail to collect the above documents from Council, shall simply not be considered. Tenders should be sent in sealed envelopes clearly marked "Tender No. 5 of 1982 — School Construction" and addressed to Council Secretary, Kgatleng District Council, P.O. Box 378, Mochudi and to reach him not later than 5.00 p.m. 29th July, 1982.

**T.D. MOROBANE,**  
*for Council Secretary.*

*First Publication*

**Jwaneng Township Authority****CONSULTANCY PROPOSAL FOR DESIGN AND SUPERVISION OF A  
CLINIC, BEERHALL AND WORKS DEPOT**

CONSULTANT ARCHITECTS and quantity surveyors operating resident offices within Botswana are requested to apply for receipt of terms of reference issued by Jwaneng Township Authority (JTA) describing a proposed consultancy for design and construction of one (1) Public Health Clinic, one (1) Traditional Beer Hall and one (1) Works Depot.

Copies of the terms of reference can be acquired by communicating with the Chairman/ Executive Officer or the Town Engineer, Jwaneng Township Authority, Private Bag 01, Jwaneng (Tel. 303).

The closing date for the receipt of joint submission from Consultant Architects and Quantity Surveyors is 12 hours on 16th August, 1982, and will be opened thereafter.

**H.S. SIYAN,**  
*for Chairman and Executive Officer,*  
*Jwaneng Township Authority.*

*First Publication*

## Southern District Council — Tender No. 12 of 1982

## SCHOLARS BOOKS AND STATIONERY, TEACHERS BOOKS AND TEACHING AIDS

TENDERS ARE INVITED by the Southern District Council for the supply of Scholars Books and Stationery, Teachers Books and Teaching Aids for 1983.

Tender documents are obtainable from the office of the Principal Education Secretary, Private Bag 2, Kanye.

Tenders must be submitted in plain sealed envelopes clearly marked "Tender No. 12 of 1982 Scholars' Books and Stationery, Teachers Books and Teaching Aids" addressed to the Council Secretary, Private Bag 2, Kanye and should reach his office on or before 6th August, 1982 at 5.00 p.m.

The Council does not bind itself to accept the lowest tender nor assign any reason for rejection of any tender.

E. MONCHO,  
*Principal Education Secretary.*

*First Publication*

## Sale in Execution

## IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA

HELD AT LOBATSE

*Case No. C.T. 427/82*

In the matter between:

NGWATO INDUSTRIAL DISTRIBUTING CO. (PTY) LTD  
and

*Plaintiff*

MISS KEAPOLETSWE MONAGENG trading as  
KGOPA ENTERPRISES and IJA INVESTMENTS

*Defendant*

## NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to the judgment of the above Honourable Court, the undermentioned property will be sold by public auction without reserve as follows:

**PLACE:** Police Station, Serowe;  
**TIME:** 27th August, 1982 at 10.00 a.m.;  
**TERMS:** Cash or bank guaranteed cheque.

## PROPERTY TO BE SOLD:

One Gas Stove  
Five Cylinders of Gas  
Three Tables  
Ten Dining Room Chairs  
Two big Shop Fridges  
Various groceries  
Various items of clothing and shoes.

DATED at Gaborone this 8th day of July, 1982.

J.M. NGANUNU & CO.,  
*Plaintiffs Attorneys*

191 Makgadikgadi Circle,  
P.O. Box 1991,  
GABORONE

*First Publication*

**IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA  
HELD AT LOBATSE**

*Civil Trial No. 424/81*

In the matter between:

SULIMAN ISMAIL MIA & CO (PTY) LTD	<i>Plaintiff</i>
and	
MR ALSTARDT v/a DITSHEGWANE TRADING STORE	<i>Defendant</i>

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**SALE IN EXECUTION**

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TAKE NOTICE that a sale in execution will be held by the Messenger of Molepolole Mr K.K. Sebele pursuant to a judgment granted in the above matter on the 5th February, 1982.

**DATE OF SALE:** 30th July, 1982;  
**TIME OF SALE:** 9.00 a.m.;  
**PLACE OF SALE:** Kraal at the Kgotla;  
**GOODS TO BE SOLD:** 12 mixed cattle bearing the Brand M I

**TERMS:** Cash or bank guaranteed cheque immediately after the sale.

DATED at Gaborone this 2nd day of July, 1982.

DAMANT BOSTOCK,  
*Plaintiff's Attorneys*

2nd Floor,  
Mall House,  
P.O. Box 1368,  
GABORONE

*First Publication*

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

*CC No. 1/1982*

**BENCO INTERNATIONAL (BOTSWANA) (PROPRIETARY) LIMITED – IN LIQUIDATION**

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**NOTICE OF MEETING OF CREDITORS**

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NOTICE IS HEREBY given that pursuant to section 186 (1) of the Companies Act, Cap. 42:01, the First Meeting of Creditors will be held before the Master of the High Court in Lobatse, Botswana on Monday the 9th of August, 1982 at 10.30 a.m. for the following purposes.

*Meeting of Creditors*

- (a) Proof of Claims against the Company.
- (b) To receive the report of the Provisional Liquidator in terms of section 244 of the Companies Act (Cap. 42:01).
- (c) To receive and accept the summarised account of the Provisional Liquidator.
- (d) To consider the Remuneration of the Provisional Liquidator.
- (e) Nomination of Liquidator.
- (f) Any other business.

DATED at Lobatse this 8th day of July, 1982.

J.R. OLIVER,  
*Master.*

**Married Persons Property Act 1969/70**

NOTICE IS HEREBY given that in terms of section 4 (2) of the Married Persons Act 1969/70 as amended by section 2 of the Law Reform (Married Women's Property) Act No. 70/75,

**BENJAMIN MALOBELA**

and

**BGWILIZANI EMELEDAH MALOBELA**

intend executing Notarial Deed of Exclusion of Community of Property from the marriage entered into on the 30th December, 1970 at Francistown, Botswana.

Any person or persons having objections to the registration of the same shall lodge his objection with the Registrar of Deeds within 20 days of the publication thereof. After which period the said Deed will be submitted to the Registrar of Deeds at Gaborone for the registration of the same.

**MAGANG & CO.,**  
*Applicant's Attorneys*

Zambia House Annex,  
P.O. Box 132,  
GABORONE

*First Publication*

IN THE estate of the late John Marcel Osmond Barnard formerly of Selebi-Phikwe Botswana who died on the 19th of July, 1981 at Johannesburg R.S.A.

*Estate No. E17/81*

NOTICE IS HEREBY given that copies of the First and Final Liquidation and Distribution Account in the above estate will lie for inspection to all persons interested at the Master of the High Court of the Republic of Botswana at Lobatse, for a period of 21 days reckoned from the date of publication hereof.

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

**MINCHIN & KELLY,**  
*Attorneys for the Executor,*

Botsalano House,  
The Mall,  
GABORONE

**Republic of Botswana — Tender No. TB 5/2/10/82—83****SUPPLY OF PREFABRICATED HOUSING**

TENDERS ARE INVITED for the supply and delivery to the Veterinary Department Yard, Field Office, Village, Gaborone, of 200 No. modular prefabricated buildings constructed out of steel and asbestos, each with insulated ceilings, two windows and one door fitted with approved lock. Each building is to be 3,6 m X 3,6 m X 2,7 m (12' X 12' X 9') or similar approved modular size. Buildings must be fitted with approved prefabricated floors. Tenderers may quote for buildings with single walls or insulated double walls or for both. Drawings showing detailed specifications of the buildings must accompany each copy of the tender. Wherever possible, tenders should also be accompanied by instructions for erection. Details of delivery must be stated.

Tenders in duplicate shall be delivered in a sealed envelope to the Secretary, Central Tender Board, Private Bag 0058, Gaborone, (Room 306, Ministry of Finance and Development Planning) not later than 0900 hours on Friday 6th August, 1982, when tender will be opened in the presence of tenderers wishing to attend.

Telegraphic, telex and telephonic tenders and tenders delivered after the abovementioned date and time will not be considered.

Notwithstanding anything contained in the foregoing, the Government of Botswana is not bound to accept the lowest or any tender, nor to incur any expense in the preparation thereof.

For further information, please apply to the Project Manager, Veterinary Department Headquarters, Private Bag 0032, Gaborone, Telephone Gaborone 51171 Extension 118.

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

**Republic of Botswana — Tender No. TB 3/1/2/82—83**

**SUPPLY AND INSTALLATION OF EQUIPMENT FOR POULTRY DEVELOPMENT PROJECT**

**1. Participation**

Participation is open on equal terms to all natural and legal persons of the Member States of the European Economic Community or of the ACP States signatories of Second Lome Convention.

**2. Subject**

Supply and installation including tests and commissioning of equipment and machinery for the Poultry Development Project in Botswana. The whole of the supply is divided in the following five lots:

- A. Hatchery equipment (14 000 eggs: week)
- B. Slaughter and Processing Equipment (150—200/2 kg live birds: hour)
- C. Farming equipment
- D. Refrigeration equipment (one chill and one freezer room)
- E. Vehicles (5 vehicles 0,75—5 t load capacity).

**3. Invitation to tender dossier Ref. No. 1787 Project (5100.35.14.006) Poultry Development**  
in English only, may be obtained free of charge from:

- (a) Ministry of Agriculture, Private Bag 003, Gaborone, Botswana from which additional information may also be obtained.
- (b) Delegation of the Commission of the European Communities, P.O. Box 1253, Gaborone, Botswana, Tel. 55599, Telex 2403 BD.
- (c) Commission of the European Communities, Directorate-General Development, rue de la Loi, 200—B—1049 Brussels, Telex 21877 Comeu B, Tel. 2351478.
- (d) Information offices of the European Communities in:  
D—53 Bonn, Zitelmannstrasse 22  
The Hague, Lange Voorhout 29  
L—1615 Luxembourg, Chambre de Commerce, 7 rue Alcide de Gasperi, BP 1503  
F—75782 Paris, Cedex 16, 61 rue des Belles-Feuilles  
I—00187 Rome, Via Poli 29  
DK—1596 Kobenhavn, Industriradet, H.C. Andersens Boulevard 18  
Dublin, 39 Molesworth Street  
London W8 4QQ 20 Kensington Palace Gardens  
T. K. 1602 Athens 134, Vassilissis Sofias 2.

**4. Tenders should be sent to the Secretary, Central Tender Board, Private 0058, Gaborone, Botswana (Room 306, Ministry of Finance and Development Planning Building) to arrive at the latest by Friday 3rd September, 1982 at 09.00 hours local time.**

The tenders will be opened at the Central Tender Board in Gaborone on 3rd September, 1982 at 09.00 hours local time.

**5. Tender Validity Period**

The tenderer shall remain bound by his tender for a period of 60 days as from the final date for the lodging of the tenders.

Telegraphic, telex or telephonic tenders and tenders delivered after the above mentioned date and time will not be considered.

Notwithstanding anything contained in the foregoing, the Government of Botswana is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

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

**Republic of Botswana — Contract No. TB 8/1/4/82—83**

**Contract Award**

**GABORONE WEST TRUNK SEWER SCHEME**

IT IS HEREBY notified for general information that the above contract has been awarded to Sladen International in the sum of P1 982 949,77.

Other tenderers were:

- L. J. Whyte P2 438 802,66
- WJM Construction P2 773 929,29
- Multi Construction P2 957 414,66.

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

**Republic of Botswana — Contract No. TB 9/3/49/81—82****Contract Award****CTO OUTSTATION WORKSHOP — GHANZI**

IT IS HEREBY notified for general information that the above contract has been awarded to I C Projects in the sum of P1 118 250.

The other tenderers were:

Boswe Construction P1 497 221,69

Berger & Gibbon P1 677 777,00.

**K. K. SEMELAMELA,**

*Secretary, Central Tender Board*

**Republic of Botswana — Contract No. TB 9/3/52/81—82****Contract Award****POLICE STATION AND HOUSING AT MOLEPOLOLE**

IT IS HEREBY notified for general information that the above contract has been awarded to Tony Lagerway (Botswana) (Pty) Ltd in the sum of P357 996,34.

Other tenderers were:

Ifestos Engineering P386 719,37

Boswe Construction P464 999,00

M & S Construction P487 100,84

Berger and Gibbon P487 777,77

Ngami Construction P561 000,00.

**K. K. SEMELAMELA,**

*Secretary, Central Tender Board*

**Republic of Botswana — Contract No. TB 9/3/55/81—82****Contract Award****STORMWATER DRAINAGE GABORONE VILLAGE (CTO)**

IT IS HEREBY notified for general information that the above contract has been awarded to G. D. Randall (Pty) Ltd in the sum of P497 884,82.

Other tenderers were:

No-Mathata Construction Co. (Pty) Ltd P576 252,89

Bankonsortium Transafrica (Botswana) (Pty) Ltd P589 683,30

L. J. Whyte Botswana (Pty) Ltd P652 751,42

Civeng (Pty) Ltd P699 334,32

TPR Botswana (Pty) Ltd P779 324,75

Sladden International P940 287,14.

**K. K. SEMELAMELA,**

*Secretary, Central Tender Board*

**Republic of Botswana — Tender No. TB 9/8/12/82—83****SALE OF SCRAP BATTERIES**

TENDERS ARE INVITED for the sale of approximately 400 scrap batteries of light and heavy duty trucks for a period of two years.

Tender documents and further information may be obtained from the Supply Manager C.O.T. (Central Transport Organisation), P.O. Box 10018, Gaborone, Botswana (Tel. 56478, 56338, 56391).

Batteries can be viewed at the C.T.O. Workshop after getting permission to enter the premises from the Workshop Manager.

Tenders in sealed envelope marked "TB 9/8/12/82—83 — Scrap Batteries" addressed to the Secretary, Central Tender Board, Private Bag 0058, Gaborone, Botswana must be received not later than 0900 hours on Friday 27th August, 1982 when they will be opened in the presence of tenderers wishing to attend.

Late, telegraphic, telephonic or telex tenders will not be considered. The highest or any tender will not necessarily be accepted.

**K. K. SEMELAMELA,**

*Secretary, Central Tender Board*

**Notice to Creditors**

IN THE Estate of the late Peter Soren Henry Nielsen, formerly of Plot 2753 Nkwa Close, Gaborone, who died on the 13th May, 1982, Estate No. 17/82.

All persons having claims against the abovementioned estate are required to lodge their claims with the undersigned within 30 days after the date of publication hereof.

MINCHIN & KELLY,  
*Attorneys of the Executrix,*

P.O. Box 1339,  
GABORONE

**Selebi-Phikwe Town Council — Tender No. 15/82****SUPPLY OF OFFICE FURNITURE AND EQUIPMENT**

TENDERS ARE HEREBY invited for the supply, including delivery to specified Council sites in Selebi-Phikwe of office furniture and equipment.

Documents containing details of the office furniture and equipment and the conditions of tendering are available from the Principal Housing Officer's office located in the Council Headquarters plot on the Selebi-Phikwe Mall. (Telephone 647 or 604).

Tenders must be submitted in a plain sealed envelope marked only with the following descriptions: "Tender No. 15/82 — Supply of Office Furniture and Equipment". All tender submissions must be tabled to the Town Clerk's Office, Private Bag 001, Selebi-Phikwe not later than 12.00 hours on Friday, 30th July, 1982 when tender bids will be opened in the presence of those tenderers wishing to attend. Tenders received after the closing time or submitted by telephone, telex, and telegram shall not be considered.

Prices quoted must remain valid for a minimum period of sixty (60) days.

The Selebi-Phikwe Town Council does not accept liability for costs of tender preparation and submission, and does not bind itself to accept the lowest or any tender nor give reasons for the non-acceptance of any tender. The Council reserves the right to accept any tender bid in the entirety or any of its parts.

B.G. SESINYI,  
*Town Clerk*

*Second Publication*

*Bill No. 18 of 1982*

**TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS BILL, 1982**

*(Published on 16th July, 1982)*

**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 repeal and replace the present law governing trade unions in order, principally, to extend the scope of the law.

3. The present law, which is to be found in the Trade Unions Act (Cap. 48:01), applies in its entirety to trade unions alone. The provisions in relation to the registration of trade unions apply to a federation of trade unions, but otherwise such a federation falls outside the ambit of the Act. Employers' organizations fall wholly outside the ambit of the Act.

4. The Bill proposes to bring within the ambit of the same Act trade unions, federations of trade unions and employers' organizations. Some of the provisions of the Bill apply to all three such bodies, but others apply to one or two only of such bodies, as is appropriate.

**K.L. DISELE,**  
*Minister of Home Affairs.*

**ARRANGEMENT OF SECTIONS**

**PART I  
PRELIMINARY**

**SECTION**

1. Short title and commencement
2. Interpretation

**PART II  
ADMINISTRATION**

3. Registrar
4. Register of trade unions, federations of trade unions and employers' organizations

**PART III  
REGISTRATION OF TRADE UNIONS, FEDERATIONS  
OF TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS**

5. Trade unions, federations of trade unions and employers' organizations to be registered
6. Application for registration of trade union, federation of trade unions or employers' organization
7. Notice of application for registration to be published
8. Penalty for failure to apply for registration
9. Registration and issue of certificate of registration
10. Refusal of registration
11. Notification of refusal of registration
12. Cancellation of registration



13. Appeals
14. Consequences of cancellation of registration
15. Unregistered trade unions, federations of trade unions and employers' organizations prohibited from carrying on business
16. Rights of trade union pending registration

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**RIGHTS AND LIABILITIES OF TRADE UNIONS, FEDERATIONS OF TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS**

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29. Records of meetings of registered trade union or federation of trade unions
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61. Power of Minister to require information
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63. Inapplicability of certain laws
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FIRST SCHEDULE

SECOND SCHEDULE

### **A BILL**

entitled

**An Act to re-enact with amendments the law relating to trade unions to make better provision therefor and for federations of trade unions and employers' organizations and for matters connected therewith and incidental thereto**

*Date of Assent:*

*Date of Commencement:*

ENACTED by the Parliament of Botswana.

### **PART I**

#### **PRELIMINARY**

Short title  
and com-  
mencement

1. This Act may be cited as the Trade Unions and Employers' Organizations Act, 1982, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Inter-  
pretation

2. In this Act, unless the context otherwise requires, —
- “branch” includes a sub-branch;
- “Commissioner of Labour” means the person for the time being holding, acting in or lawfully performing the functions of the public office of Commissioner of Labour;
- “constitution” includes rules;
- “contract of employment” means an agreement, whether oral or in writing, expressed or implied, whereby one person agrees for a wage or other benefit or both to let his labour to and perform it under the orders of another person who agrees to hire it; including a contract of apprenticeship and an indenture to learn;
- “employee” means any individual, other than a public officer or domestic servant, who has entered into a contract of employment for the hire of his labour;
- “employer” includes the Government and every corporation established by a written law;
- “employers' organization” means an association consisting, wholly or mainly, of employers the principal purposes of which include the regulation of relations between employers and employees or trade unions;
- “executive committee”, in relation to any other body, means the subordinate body thereof, by whatever name known, which has the management of the affairs of that other body as a whole between meetings of the body in which the ultimate authority

of that other body is vested; and, where there is more than one such subordinate body, the expression includes all those subordinate bodies;

“federation of trade unions” means a federation, congress or other association, by whatever name known, of autonomous registered trade unions;

“financial year” means the period of 12 months ending on 31st December in every year;

“injury” means any actionable wrong or any injury to a person in respect of his business, occupation, employment or other source of income;

“intimidate” means to cause in the mind of a person reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

“officer”, in relation to a trade union, federation of trade unions or employers’ organization, includes any member of its executive committee or the executive committee of a branch thereof but does not include a trustee or an auditor;

“registered employers’ organization” means an employers’ organization for the time being registered as such under this Act;

“registered federation of trade unions” means a federation of trade unions for the time being registered as such under this Act;

“registered office” means the office of a registered trade union, federation of trade unions or employers’ organization for the time being registered as its principal office under this Act;

“registered postal address” means the postal address of a registered trade union, federation of trade unions or employers’ organization for the time being registered as its postal address under this Act;

“registered trade union” means a trade union for the time being registered as such under this act, including an amalgamation of trade unions for the time being registered under this Act;

“Registrar” means the person appointed to be the Registrar of Trade Unions and Employers’ Organizations in accordance with section 3;

“trade dispute” means any dispute or difference between an employer or employers and employees or between employees and employees in any trade or industry which is connected with the employment of those employees in that trade or industry or with the terms or conditions of or affecting that employment;

“trade union” means an organization that consists, wholly or in part, of more than 30 employees the principal purposes of which include the regulation of relations between employees and employers or employers’ organizations or between employees and employees;

“unlawful industrial action” means any industrial action declared by the principal Act for the time being in force providing for the settlement of trade disputes or by the Minister under that Act to be unlawful or any lock-out, strike or action short of a strike deemed, by virtue of that Act, to be unlawful industrial action; and the words and expressions used in this definition have the same meanings respectively as in that Act.

## PART II ADMINISTRATION

Registrar

3. (1) The Minister shall appoint a public officer, other than the Commissioner of Labour or an officer directly subordinate to the Commissioner of Labour, to be the Registrar of Trade Unions and Employers' Organizations.

(2) The Registrar shall, subject to any directions given by the Minister, be charged with the general administration of this Act.

(3) The Minister may designate such other public officers as he thinks necessary to assist the Registrar in the administration of this Act.

(4) No suit shall lie against the Registrar for anything done or omitted to be done by him in good faith, without negligence and in the intended exercise or performance of any function conferred or imposed by this Act.

Register of  
trade unions,  
federations of  
trade unions  
and  
employers'  
organizations

4. (1) The Registrar shall keep and maintain in the prescribed manner a register of trade unions, federations of trade unions and employers' organizations, in which shall be recorded such particulars as may be prescribed, and such other books and documents as the Minister may direct.

(2) A copy of an entry in or an excerpt from the register or from any other book or document kept and maintained by the Registrar in accordance with this section, certified under the hand of the Registrar to be a true copy, shall be *prima facie* evidence of the facts stated therein.

## PART III REGISTRATION OF TRADE UNIONS, FEDERATIONS OF TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS

Trade unions,  
federations of  
trade unions  
and  
employers'  
organizations  
to be  
registered

5. Subject to the other provisions of this Act, every trade union, federation of trade unions or employers' organization formed in Botswana shall be registered in accordance with this Act.

6. (1) Every trade union, federation of trade unions or employers' organization such as is referred to in section 5 shall, within 28 days immediately after its formation, apply to the Registrar for registration as a trade union, federation of trade unions or employers' organization, as the case may be, under this Act.

Application for registration of trade union, federation of trade unions or employers' organization

(2) Every application for registration under this Act by a trade union, federation of trade unions or employers' organization shall be made in the prescribed form which shall be accompanied by —

- (a) the prescribed fee;
- (b) 3 printed or typed copies of the constitution of the trade union, federation of trade unions or employers' organization, each copy authenticated under the hand of the principal secretary of the trade union, federation of trade unions or employers' organization;
- (c) in the case of an application by —
  - (i) a trade union or employers' organization, one copy of the resolution by which it was formed authenticated under the hand of the principal secretary of the trade union or employers' organization; or
  - (ii) a federation of trade unions, one copy of each of the resolutions by which the members of the federation were authorized to enter into the federation authenticated under the hand of the principal secretary of the trade union in question;
- (d) a list of the full names of all the members of the trade union, federation of trade unions or employers' organization; and
- (e) a written statement setting out, in respect of the trade union, federation of trade unions or employers' organization, —
  - (i) its name, postal address and the location of its principal office;
  - (ii) the date of its formation; and
  - (iii) the titles, full names, ages, postal and residential addresses and occupations of those of its officers who are signatories to the application.

(3) In the case of an application for registration under this Act by a trade union, the written statement referred to in subsection (2) (e) shall also set out the name of every employer or industry that the union claims will be bound to deal with it in terms of section 48 and particulars of every negotiating body, whether of the parent trade union or a branch thereof, to be concerned with the conclusion of collective labour agreements.

7. (1) The Registrar shall cause a notice of every application for registration made in accordance with section 6 to be published in the Gazette and in such other manner as may be prescribed.

Notice of application for registration to be published

(2) Every notice such as is referred to in subsection (1) shall set out the particulars that have been provided by virtue of section 6

(2) (e) and shall call upon any person who objects to the registration of the trade union, federation of trade unions or employers' organization to notify the Registrar of such objection, together with the grounds thereof, within such reasonable time as shall be specified in the notice.

Penalty for failure to apply for registration

8. Where a trade union, federation of trade unions or employers' organization fails to apply for registration in accordance with section 6, every officer of the trade union, federation of trade unions or employers' organization and every person acting or purporting to act as such an officer shall be guilty of an offence and liable to a fine of P100.

Registration and issue of certificate of registration

9. (1) Subject to section 10, the Registrar shall, after considering every objection to the registration of a trade union, federation of trade unions or employers' organization notified to him within the time specified in accordance with section 7 and after making such inquiries in the matter as he thinks fit, register the trade union, federation of trade unions or employers' organization in the prescribed manner and issue to it a certificate of registration in the prescribed form.

(2) A certificate of registration issued under this Act shall, for all purposes, unless proved to have been cancelled or withdrawn, be conclusive evidence that the trade union, federation of trade unions or employers' organization to which the certificate relates has been duly registered in accordance with this Act.

(3) When and as often as the Registrar issues a certificate of registration under this Act, he shall forthwith inform the Commissioner of Labour that he has done so.

Refusal of registration

10. (1) The Registrar shall refuse to register a trade union, federation of trade unions or employers' organization under this Act, if it appears to him that the proposed name of the trade union, federation of trade unions or employers' organization is identical with that by which some other trade union, federation of trade unions or employers' organization has been registered or so nearly resembles that name as to be likely to deceive or mislead any person or is otherwise misleading or undesirable, until such time as the name is altered to one acceptable to the Registrar.

(2) The Registrar shall refuse to register a trade union, federation of trade unions or employers' organization under this Act if he is satisfied that —

- (a) at the date of the application for registration any of its officers is a person who, within the immediately preceding 5 years, has been convicted of an offence under this Act, the Trade Unions Act or the principal Act for the time being in force providing for the settlement of trade disputes or involving fraud or dishonesty and finally sentenced in connexion therewith to a term of imprisonment, whether or not the same was ordered in respect of the non-payment of a fine;

- (b) it has not complied with this Act or with any regulations made thereunder or with any request or order made by the Registrar in respect of its registration;
- (c) any one of its principal objects or of the provisions of its constitution or the constitution of its executive committee is unlawful or inconsistent with this Act or with any regulations made thereunder;
- (d) it is used or has been used for unlawful purposes;
- (e) its funds or other property are being or have been applied in an unlawful manner or for an unlawful object or an object not authorized by this Act or its constitution;
- (f) its accounts are not being kept in accordance with this Act; or
- (g) any of its officers is not a citizen of Botswana:

Provided that, upon application to the Registrar by a trade union, federation of trade unions or employers' organization for exemption from this paragraph, the Registrar shall refer the application to the Minister for a decision thereon, which decision shall be final, and, where the Minister grants the application, the Registrar shall, unless he is required to refuse registration on some other ground, forthwith register the trade union, federation of trade unions or employers' association in question, subject to such conditions as the Minister may determine.

- (2) The Registrar shall refuse to register a trade union or employers' organization under this Act if he is satisfied that —
  - (a) any other trade union or employers' organization registered under this Act is sufficiently representative of the interests in respect of which the application for registration is made; or
  - (b) its principal objects are not in accordance with those of a trade union or employers' organization, as the case may be, as the same is defined by section 2.
- (3) The Registrar shall refuse to register a trade union under this Act if he is satisfied that its members are engaged in or working at more than one trade or calling and that its constitution does not make adequate provision for the protection and promotion of those members' respective sectional industrial interests.

11. (1) Where the Registrar refuses in accordance with section 10 to register a trade union, federation of trade unions or employers' organization, he shall notify the applicants in writing of the grounds of the refusal and the trade union, federation of trade unions or employers' organization shall be deemed to be dissolved with effect from the date of the notification:

Notification  
of refusal of  
registration

Provided that, where an appeal is lodged against the refusal, the trade union, federation of trade unions or employers' organization shall be deemed to be dissolved with effect from the date on which the appeal is dismissed or abandoned.



(2) Any person who takes any part in the management or organization of a trade union, federation of trade unions or employers' organization deemed to be dissolved by virtue of this section or acts or purports to act on its behalf or as its officer shall be guilty of an offence and liable to a fine of P60 and, in the case of a continuing offence, to a further fine of P20 for every day of the period during which the offence continues:

Provided that it shall not be an offence under this section for a person to take part in the management or organization of a trade union, federation of trade unions or employers' organization deemed to be dissolved by virtue of this section or to act on its behalf or as its officer for the purposes of —

- (i) any proceedings brought by or against the trade union, federation of trade unions or employers' organization; or
- (ii) dissolving the trade union, federation of trade unions or employers' organization and disposing of its assets in accordance with its constitution.

Cancellation  
of registration

12. (1) The Registrar shall cancel the registration of a trade union, federation or trade unions or employers' organization registered under this Act at its own request upon its dissolution being verified in such manner as the Registrar may require.

(2) The Registrar shall cancel the registration of a trade union, federation of trade unions or employers' organization registered under this Act if he is satisfied that —

- (a) it has ceased to exist;
- (b) its registration was obtained by fraud, misrepresentation or mistake;
- (c) any of its officers is a person who, within the immediately preceding 5 years, has been convicted of an offence under this Act, the Trade Unions Act or the principal Act for the time being in force providing for the settlement of trade disputes or involving fraud or dishonesty and finally sentenced in connexion therewith to a term of imprisonment, whether or not the same was ordered in respect of the non-payment of a fine;
- (d) it has wilfully, and after notice from the Registrar, contravened this Act or any regulations made thereunder or allowed any provision of its constitution to continue in force which is inconsistent with this Act or with any such regulations or has rescinded any provision of its constitution providing for any matter for which provision is required by the First Schedule;
- (e) any one of its principal objects or of the provisions of its constitution or ~~the constitution of its executive committee~~ is unlawful;
- (f) it is used or has been used for unlawful purposes;

- (g) its funds or other property are being or have been applied in an unlawful manner or for an unlawful object or an object not authorized by this Act or its constitution; or
  - (h) without the consent of the Minister, any of its officers is not a citizen of Botswana.
- (3) The Registrar may cancel the registration of trade union, federation of trade unions or employers' organization under this Act if he is satisfied that its accounts are not being kept in accordance with this Act.
- (4) The Registrar may cancel the registration of a trade union registered under this Act the members of which are engaged in or working at more than one trade or calling and the constitution of which makes provision for the protection and promotion of those members' respective sectional industrial interests if he is satisfied that it has failed to give significant effect to those provisions of its constitution which so provide.
- (5) The Registrar shall not proceed under subsection (3) to cancel the registration of a trade union, federation of trade unions or employers' organization registered under this Act or proceed under subsection (4) to cancel the registration of a trade union registered under this Act unless he has first caused to be served on it notice in writing that he proposes to do so and such notice shall specify the ground on which he proposes to do so.
- (6) A registered trade union, federation of trade unions or employers' organization served with a notice under subsection (5) may, within 2 months immediately following the date on which service of the notice was effected, show cause in writing lodged with the Registrar against the proposal to cancel its registration and, if such cause is shown, the Registrar may hold such inquiry as he considers necessary in the particular circumstances.
- (7) Where a registered trade union, federation of trade unions or employers' organization fails to show cause under subsection (6), the Registrar may, after the expiry of the period of 2 months prescribed by that subsection but no earlier, proceed to cancel its registration.
- (8) Where a registered trade union, federation of trade unions or employers' organization shows cause under subsection (6) but fails to satisfy the Registrar that its registration ought not to be cancelled, the Registrar may, after the expiry of the period of 2 months prescribed by that subsection or the expiry of the period of one month immediately following the day on which such cause was shown, whichever period is the longer, but not earlier, proceed to cancel its registration.
- (9) The Registrar shall effect the cancellation of the registration of a trade union, federation of trade unions or employers' organization registered under this Act by means of a written order

which shall specify briefly the ground for the cancellation of the registration and forthwith be served on the trade union, federation of trade unions or employers' organization.

(10) Upon the cancellation of the registration of a trade union, federation of trade unions or employers' organization registered under this Act, the certificate of registration issued to it shall cease to have effect and shall be delivered to the Registrar within one month immediately following the date on which the order cancelling the registration of the trade union, federation of trade unions or employers' organization was served on it in accordance with subsection 99):

Provided that, in the event of an appeal under section 13 against the order cancelling the registration of the trade union, federation of trade unions or employers' organization, the certificate of registration shall cease to have effect on the dismissal or abandonment of the appeal and shall be delivered to the Registrar within one month immediately following the date on which the appeal was dismissed or abandoned.

(11) Where the certificate of registration is not delivered to the Registrar in accordance with subsection (10), every officer of the trade union, federation of trade unions or employers' organization concerned immediately before the cancellation of its registration shall be guilty of an offence and liable to a fine of P100.

(12) When and as often as the Registrar cancels the registration of a trade union, federation of trade unions or employers' organization registered under this Act, he shall forthwith inform the Commissioner of Labour that he has done so.

#### Appeals

13. (1) Where any person is aggrieved by the refusal of the Registrar in accordance with section 10 to register a trade union, federation of trade unions or employers' organization or by an order of the Registrar under section 12 cancelling the registration of a trade union, federation of trade unions or employers' organization, that person may appeal against the refusal or order to the High Court.

(2) The High Court may, on an appeal under this section, make such order as it thinks proper, including any directions as to the costs of the appeal.

(3) The decision of the High Court on appeal under this section shall be final.

(4) The Chief Justice may make rules governing appeals under this section, providing for the method of giving evidence and prescribing the time within which such appeals shall be brought, the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(5) The Registrar shall be entitled to be heard on any appeal brought under this section.

14. (1) Where the registration of a trade union under this Act is cancelled under section 12, —

Consequences  
of cancel-  
lation of  
registration

- (a) it shall thereupon cease to enjoy the rights, immunities and privileges of a registered trade union and any liabilities incurred by the trade union may be enforced against it and its assets; and
- (b) its officers and members shall thereupon cease to enjoy the rights, immunities and privileges accorded to the officers and members of a registered trade union.

(2) Where the registration of a trade union, federation of trade unions or employers' organization under this Act is cancelled under section 12, —

- (a) it shall be dissolved and its assets shall be disposed of in accordance with its constitution; and
- (b) any person who takes any part in its management or organization or acts or purports to act on its behalf or as its officer shall be guilty of an offence and liable to a fine of P60 and, in the case of a continuing offence, to a further fine of P20 for every day of the period during which the offence continues:

Provided that it shall not be an offence under this paragraph for a person to take part in the management or organization of the trade union, federation of trade unions or employers' organization or to act on its behalf or as its officer for the purposes of —

- (i) any proceedings brought by or against the trade union, federation of trade unions or employers' organization; or
- (ii) dissolving the trade union, federation of trade unions or employers' organization and disposing of its assets in accordance with its constitution.

(3) If any trade union, federation of trade unions or employers' organization the registration of which under this Act is cancelled under section 12 is not dissolved within 3 months, or within such longer period as the Registrar may in any particular case allow, immediately after the date on which the order cancelling its registration was served on it in accordance with that section or the date of the dismissal or abandonment of an appeal against that order, as the case may be, the trade union, federation of trade unions or employers' organization, every officer thereof and every person acting purporting to act as an officer thereof shall be guilty of an offence and liable to a fine of P100.

Unregistered trade unions, federations of trade unions and employers' organizations prohibited from carrying on business

15. (1) No trade union, federation of trade unions or employers' organization or any member thereof shall perform any act in furtherance of the objects for which it has been formed unless it has been registered in accordance with this Act:

Provided that this subsection shall not apply to a person taking part in the management or organization of a trade union, federation of trade unions or employers' organization or acting on its behalf or as its officer for the purposes of —

- (i) any proceedings brought by or against the trade union, federation of trade unions or employers' organization; or
- (ii) dissolving the trade union, federation of trade unions or employers' organization and disposing of its assets in accordance with its constitution.

(2) Any trade union, federation of trade unions or employers' organization or member thereof which or who contravenes this section and any person who is knowingly a party to such a contravention shall be guilty of an offence and liable to a fine of P60 and, in the case of a continuing offence, to a further fine of P20 for every day of the period during which the offence continues.

Rights of trade union pending registration

16. Until a trade union is registered in accordance with this Act, —

- (a) it shall not enjoy the rights, immunities and privileges of a registered trade union and any liabilities incurred by the trade union may be enforced against it and its assets; and
- (b) none of its officers or members shall enjoy the rights, immunities and privileges accorded to the officers and members of a registered trade union.

#### **PART IV**

### **RIGHTS AND LIABILITIES OF TRADE UNIONS, FEDERATIONS OF TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS**

Benefits of registration for trade union

17. On the registration of a trade union in accordance with this Act, the registered trade union and its officers and members shall enjoy the following rights, immunities and privileges —

- (a) no suit or other legal proceedings shall be maintainable in any civil court against the registered trade union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the trade union is a party on the grounds only that such act induces some other person to break a contract of employment or that it is in interference with the trade, business or employment of some other person or with the rights of some other person to dispose of his capital or labour as he wills;

- (b) no suit against the registered trade union or any officer or member thereof on behalf of himself and all other members of the trade union in respect of any delictual act alleged to have been committed by or on behalf of the trade union shall be entertained by any court; and
- (c) the objects of the registered trade union shall not, by reason only that they are in restraint of trade, —
  - (i) be deemed to be unlawful so as to render any member of the trade union liable to criminal prosecution for conspiracy or otherwise; or
  - (ii) be unlawful so as to render void or voidable any agreement or trust.

18. Every trade union, federation of trade unions or employers' organization shall be liable on any contract, not being a contract which is void or unenforceable at law, entered into by it or by a duly authorized agent acting on its behalf.

Liability in contract of trade union, federation of trade unions or employers' organization

19. (1) A registered trade union, federation of trade unions or employers' organization may sue or be sued under its registered name.

Proceedings by and against trade union, federation or trade unions or employers' organization

(2) A trade union, federation of trade unions or employers' organization not registered under this Act may sue or be sued under the name under or by which it has been operating or is generally known.

(3) A trade union, federation of trade unions or employers' organization whose registration under this Act has been cancelled under section 12 may sue or be sued under the name by which it was registered.

(4) Execution for any money recovered from a trade union, federation of trade unions or employers' organization in civil proceedings may issue against any property belonging to or held in trust for the trade union, federation of trade unions or employers' organization, other than the provident or welfare fund of a registered trade union, federation of trade unions or employers' organization.

(5) Any fine ordered to be paid by a trade union, federation of trade unions or employers' organization may be recovered by attachment and sale of any property belonging to or held in trust for the trade union, federation of trade unions or employers' organization in accordance with the Criminal Procedure and Evidence Act.

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(6) No attachment shall be made of any provident or welfare fund kept apart by a trade union, federation of trade unions or employers' organization unless the court so orders.

**PART V**  
**MEMBERSHIP, OFFICERS AND TRUSTEES**

Membership  
of trade  
unions and  
employers'  
organizations  
by children  
and young  
persons

**20. (1)** No person under the age of 15 years shall be a member of a registered trade union or employers' organization.

**(2)** The constitution of a registered trade union or employers' organization may exclude young persons from membership thereof.

**(3)** Subject to the constitution of a registered trade union or employers' organization, where a young person is a member thereof, he shall enjoy all the rights of a member:

Provided that a young person shall not be an officer or trustee of the trade union or employers' organization of which he is a member.

**(4)** A young person shall have the capacity to execute all instruments and give all acquittances necessary to be executed or given under the constitution of the registered trade union or employers' organization of which he is a member.

**(5)** For the purposes of this section, "young person" means a person who has attained the age of 15 years but is under the age of 18 years.

Officers of  
registered  
trade union  
or federation  
of trade  
unions

**21. (1)** The officers of a registered trade union, other than the principal secretary and treasurer, shall be persons who are employed in an industry or occupation with which the trade union is directly concerned and have been so employed for not less than one year and shall not also be employees of the trade union and no officer of a registered trade union shall be an officer or employee of another trade union:

Provided that the Registrar may, in writing, authorize a departure from this subsection in a particular case to such extent, for such period and subject to such conditions as he thinks fit.

**(2)** Notwithstanding subsection (1), where the officer of a registered trade union, other than the principal secretary or treasurer, ceases to be employed in an industry or occupation with which the trade union is directly concerned, he shall not be required to vacate his office until the expiry of the period of 6 months immediately after the cessation.

**(3)** Where the Registrar is of the opinion that a treasurer of a registered trade union or federation of trade unions is incapable of carrying out the functions of a treasurer properly, he shall cause a written notice to be served forthwith on the treasurer requiring him to vacate his office as such before the expiry of the period of one month immediately following the date service of the notice is effected on him.

**(4)** The Registrar shall cause a copy of every notice such as is referred to in subsection (3) to be served on the registered trade union or federation of trade unions concerned.

(5) Failing the earlier vacation of his office as such, a treasurer of a registered trade union or federation of trade unions on whom a notice has been served in accordance with subsection (3) shall be deemed to have vacated his office as treasurer at the expiry of the period of one month prescribed by that subsection.

(6) A treasurer of a registered trade union or federation of trade unions who vacates his office as such following the service on him of a notice in accordance with subsection (3) shall not be appointed a treasurer of either a trade union or a federation of trade unions before the expiry of the period of 12 months immediately following the date on which he so vacated his office unless the Registrar consents in writing to the appointment.

(7) No person shall be an officer of a registered trade union or federation of trade unions who, within the immediately preceding 5 years, has been convicted of an offence under this Act, the Trade Unions Act or the principal Act for the time being in force providing for the settlement of trade disputes or involving fraud or dishonesty and finally sentenced in connexion therewith to a term of imprisonment, whether or not the same was ordered in respect of the non-payment of a fine.

(8) Any person who acts or purports to act as the officer of a registered trade union or federation of trade unions when he is not qualified to be such an officer or who acts or purports to act as the treasurer of a registered trade union or federation of trade unions after the expiry of the period during which he is required by the Registrar to vacate his office as such in accordance with this section or is appointed a treasurer of a trade union or federation of trade unions in contravention of subsection (6) shall be guilty of an offence and liable to a fine of P60 and, in the case of a continuing offence, to a further fine of P20 for each day of the period during which the offence continues.

22. (1) A notice clearly setting out the full names of all the officers for the time being of a registered trade union, federation of trade unions or employers' organization, together with their respective titles, shall at all times be prominently exhibited by the trade union, federation of trade unions or employers' organization at its registered office and at the principal office of every branch thereof.

Notice of  
officers of  
trade union,  
federation of  
trade unions  
or employers'  
organization  
to be  
exhibited

(2) Any trade union, federation of trade unions or employers' organization that contravenes this section and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence, to a further fine of P10 for every day of the period during offence, for a further fine of P10 for every day of the period during which the offence continues.



Trustees of  
registered  
trade union  
or federation  
of trade  
unions

23. (1) The constitution of a registered trade union or federation of trade unions shall provide for the appointment or election of trustees and for the filling of vacancies in the offices of trustees so that, as far as may be, there shall at all time be at least 3 trustees of the trade union or federation of trade unions.

(2) No officer of a registered trade union or federation of trade unions shall be a trustee of the trade union or federation of trade unions.

(3) No person shall be a trustee of a registered trade union unless he is a member of the trade union and no person shall be a trustee of a registered federation of trade unions unless he is a member of a trade union that is a member of the federation:

Provided that a bank approved by the Registrar may be a trustee of a registered trade union or federation of trade unions.

(4) No person shall be a trustee of a registered trade union or federation of trade unions if he has at any time been finally convicted of an offence involving dishonesty.

Property of  
registered  
trade union  
or federation  
of trade  
unions to vest  
in trustees

24. (1) All property belonging to a registered trade union or federation of trade unions shall vest in and be under the control of the trustees for the time being of the trade union or federation of trade unions for the use and benefit of the trade union or federation of trade unions and of its members.

(2) In all actions or suits or prosecutions before any court touching or concerning any property belonging to a registered trade union or federation of trade unions, the same shall be stated to be the property of the persons who are the trustees for the time being of the trade union or federation of trade unions in their proper names as such trustees without any further description.

(3) The trustees of a registered trade union shall deal with all property vested in them by virtue of this section in such manner as the executive committee of the trade union shall direct:

Provided that no disposal of any such property shall be made unless the trustees are satisfied that the executive committee has acted lawfully and in accordance with the constitution of the trade union.

(4) The trustees of a registered federation of trade unions shall deal with all property vested in them by virtue of this section in such manner as the body designated by the constitution of the federation of trade unions for this purpose shall direct:

Provided that no disposal of any such property shall be made unless the trustees are satisfied that the directing body has acted lawfully and in accordance with the constitution of the federation of trade unions.

Change of  
officers or  
trustees  
ineffective  
unless  
registered

25. No change in the officers or trustees of a registered trade union, federation of trade unions or employers' organization shall have effect unless the change is registered by the Registrar.

## PART VI MEETINGS

26. (1) Every registered trade union shall hold a general meeting, to be called the annual general meeting, in every year commencing on 1st January and shall, in the notice calling the meeting, specify the meeting as the annual general meeting of the trade union.

Annual  
general  
meeting of  
registered  
trade union

(2) Not more than 15 months shall elapse between the end of one annual general meeting of a registered trade union and the beginning of the next following annual general meeting of the trade union.

(3) If default is made in holding an annual general meeting in accordance with the preceding subsections, the Registrar shall call or direct the calling of an annual general meeting and may give such directions in connexion therewith as he thinks expedient especially in relation to the calling, holding and conducting of the meeting and the operation of the trade union and of its constitution.

(4) Directions given by the Registrar under subsection (3) shall include a direction that a specified number of the members of the trade union present in person shall constitute the annual general meeting of the trade union for the year in question, notwithstanding the constitution of the trade union:

Provided that, where such a meeting is held in a year other than the year in which default in holding the annual general meeting occurred, the meeting shall constitute the annual general meeting for the year in which it is held.

(5) An annual general meeting held in pursuance of subsection (3) shall not be adjourned for any reason without the consent of the Registrar.

(6) If default is made in holding an annual general meeting in accordance with subsections (1) and (2) or in complying with any directions of the Registrar under subsections (3) and (4), every officer of the registered trade union in question who is knowingly a party to the default shall be guilty of an offence and liable to a fine of P100.

27. (1) Notwithstanding anything contained in the constitution of a registered trade union, its executive committee shall, on the requisition of not less than one-tenth of its voting members or of the Minister, forthwith proceed duly to convene an extraordinary general meeting of the trade union.

Extraordinary  
general  
meetings of  
registered  
trade union

(2) A requisition such as is referred to in subsection (1) shall clearly set out the objects of the required meeting and shall be signed by the persons making the requisition or by the Minister, as the case may be, and deposited at the registered office of the trade union in question.

(3) If the executive committee of the trade union in question does not, within 21 days immediately after the deposit of a requisition at its registered office in accordance with subsection (2), convene an extraordinary general meeting to be held not later than 40 days immediately after such deposit, any 2 or more of the persons who made the requisition or the Minister, as the case may be, may convene an extraordinary general meeting; but no meeting so convened shall be held later than 3 months immediately after such deposit.

(4) If default is made in holding an extraordinary general meeting in accordance with subsection (1), every officer of the trade union in question who is knowingly a party to the default shall be guilty of an offence and liable to a fine of P50.

Representative  
of Minister  
entitled to  
attend and  
take part in  
meetings of  
federation of  
trade unions

28. (1) The representative of the Minister shall be entitled to attend every meeting of the body in which the ultimate authority of a registered federation of trade unions is vested and of the federation's executive committee.

(2) The representative of the Minister may take part in the proceedings of any meeting such as is referred to in subsection (1):

Provided that he shall not vote on any question before the meeting.

Records of  
meetings of  
registered  
trade union  
or federation  
of trade  
unions

29 (1) Every registered trade union and every branch thereof shall cause minutes of all proceedings of general meetings and of meetings of the executive committees of the trade union and its branches to be entered in books kept for that purpose alone and shall retain the same in safe custody for not less than 5 years immediately after the date of the last entry therein.

(2) Subsection (1) shall apply, with all necessary modifications, to a federation of trade unions in respect of proceedings of meetings of the body in which the ultimate authority of the federation is vested and of the federation's executive committee.

(3) Every minute such as is contemplated by the preceding subsections shall, if purported to be signed by the person presiding at the meeting at which it was recorded or by the person presiding at the next succeeding meeting of the same body, be *prima facie* evidence of the facts therein recorded.

(4) Where minutes have been recorded in accordance with this section, the meeting in question shall be deemed, unless the contrary is shown, to have been duly held and convened and all proceedings thereof to have been duly taken; and all appointments, elections or dismissals arising therefrom of officers or trustees shall be deemed, unless the contrary is shown, to be valid.

(5) If a registered trade union or branch thereof or a registered federation of trade unions fails to comply with this section, the trade union or branch thereof or the registered federation of trade unions and every officer thereof who is knowingly a party to the failure shall be guilty of an offence and liable to a fine of P50.

Custody of  
records of  
minutes of  
registered  
trade union  
or federation  
of trade  
unions

30. (1) The books containing the minutes of proceedings of —  
(a) general meetings of a registered trade union or meetings of its executive committee; or

(b) meetings of the body in which the ultimate authority of a registered federation of trade union is vested or of the federation's executive committee,

shall be kept at the registered office of the trade union or federation of trade unions and shall be open to inspection by any member of the trade union or of a trade union that is a member of the federation of trade unions, or by anyone authorized in that behalf by the Registrar, for not less than one hour in each working day without charge:

Provided that, where the trade union or federation of trade unions does not exhibit a notice at its registered office specifying the time for such inspection, any person entitled to inspect the books under this section shall be entitled to do so forthwith on application at any time during ordinary office hours in a working day.

(2) Any member of a registered trade union or of a trade union that is a member of a registered federation of trade unions shall be entitled to be furnished, not later than 14 days immediately after he has made a request in that behalf to the trade union or federation of trade unions, with a copy of any minutes such as are referred to in subsection (1) at a charge not exceeding 10 thebe for every 100 words.

(3) If any inspection to which a person is entitled in terms of this section is refused or unreasonably delayed or if any copy with which a person is entitled to be furnished under this section fails to be provided within the proper time, every officer of the trade union or federation of trade unions who is knowingly a party to the refusal, delay or failure shall be guilty of an offence and liable to a fine of P10.

#### **PART VII**

##### **REGISTERED OFFICE AND POSTAL ADDRESS**

31. (1) Every registered trade union, federation of trade unions and employers' organization shall have a registered office, which shall be its principal office, and a registered postal address at or to which all communications and notices may be delivered or addressed.

Registered office and postal address of registered trade union, federation of trade unions or employers' organization

(2) Notice in writing of any change in the location of the principal office of a registered trade union, federation of trade unions or employers' organization or in its postal address shall forthwith be given by the trade union, federation of trade unions or employers' organization to the Registrar who shall register the same in place of the existing particulars.

(3) Any registered trade union, federation of trade unions or employers' organization that contravenes subsection (2) and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence and liable to a fine of P50.

#### **PART VIII**

##### **CONSTITUTION AND NOTIFICATION OF CERTAIN MATTERS**

32. (1) Subject to the other provisions of this section and to its constitution, a registered trade union, federation of trade unions or employers' organization may amend its objects and its constitution:

Constitution of registered trade union, federation of trade unions or employers' organization

Provided that no change of its name or its objects shall be valid unless notice in writing containing particulars of the proposed change has first been given to the Registrar and he has signified in writing that he has no objection to the proposed change.

(2) The constitution of a registered trade union, federation of trade unions or employers' organization shall comply with the First Schedule and shall not be so amended as to cease so to comply.

(3) The Minister may, by order published in the Gazette, amend the First Schedule.

(4) A copy of every amendment made to the constitution of a registered trade union, federation of trade unions or employers' organization, signed by at least two-thirds of the members of its executive committee, shall be sent by the trade union, federation of trade unions or employers' organization to the Registrar within 30 days immediately after the making thereof and the Registrar shall register the same, upon payment of the prescribed fee, if he is satisfied that such amendment has been validly made and is not unlawful or inconsistent with this Act, with any regulations made thereunder or with the other provisions of the constitution.

(5) Every amendment to the constitution of a registered trade union, federation of trade unions or employers' organization shall take effect from the date of registration thereof by the Registrar unless some later date is specified by the constitution or by the amendment itself.

(6) Any registered trade union, federation of trade unions or employers' organization that contravenes this section and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence and liable to a fine of P50 and, in the case of a continuing offence, to a further fine of P10 for every day of the period during which the offence continues and the court before which the prosecution is brought may order a copy of the amendment in question to be sent by the trade union, federation of trade unions or employers' organization to the Registrar within such time as shall be specified in the order.

Effect of  
change of  
name of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

33. A change in the name of a registered trade union, federation of trade unions or employers' organization shall not affect any right or obligation of the trade union, federation of trade unions or employers' organization or render defective any legal proceeding by or against the trade union, federation of trade unions or employers' organization or any legal proceeding which might have been continued or commenced by or against it under its new name.

Delivery of  
copies of  
constitution  
of registered  
trade union,  
federation of  
trade unions  
or employers'  
organization  
to potential  
members

34. (1) A copy of the constitution of a registered trade union or employers' organization shall be delivered forthwith by the trade union or employers' organization to any person requiring the same who is or appears to be qualified to be a member thereof on payment of a charge not exceeding 50 thebe.

(2) Subsection (1) shall apply, with all necessary modifications, to a federation of trade unions in respect of a requirement made by the officer of a trade union that is or appears to be qualified to be a member of the federation of trade unions.

(3) Any registered trade union, federation of trade unions or employers' organization that contravenes this section and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence and liable to a fine of P50 and, in the case of a

continuing offence, to a further fine of P10 for every day of the period during which the offence continues; and the court before which the prosecution is brought may order a copy of the constitution to be delivered forthwith by the trade union, federation of trade unions or employers' organization to the person who required the same.

35. (1) Notice in writing of any change in the officers or trustees of a registered trade union, federation of trade unions or employers' organization shall, within 30 days immediately after the change, be given by the trade union, federation of trade unions or employers' organization to the Registrar, together with the prescribed fee, and the Registrar shall, subject to subsections (4) and (5), register the change accordingly.

Certain  
matters  
to be  
notified to  
Registrar

(2) A registered trade union shall give notice in writing to the Registrar setting out —

- (a) the name of every employer or industry that the trade union claims, subsequent to its application for registration under this Act, is bound to deal with it in terms of section 48 (1);
- (b) the name and postal address of every one of its branches with which the trade union claims an employer or industry is bound to deal in terms of section 48 (2); and
- (c) any change relating to its negotiating powers or those of any of its branches,

within 30 days immediately after first making the claim or after the change in question, and the Registrar shall, subject to subsections (4) and (5), register the information or the change accordingly.

(3) Any registered trade union, federation of trade unions or employers' organization that contravenes this section and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence and liable to a fine of P50 and, in the case of a continuing offence, to a further fine of P10 for every day of the period during which the offence continues.

(4) Before registering any change of officers or trustees or any other change and before registering any new information or making any correction or alteration to a register, the Registrar may require the production of such evidence as he thinks necessary to satisfy him of the validity of the change, the accuracy thereof or of any new information or the propriety of the proposed correction or alteration.

(5) If, after such inquiry as he thinks necessary, the Registrar is not satisfied of the validity of the change of officers or trustees or other change, the accuracy thereof or of any new information or the propriety of the proposed correction or alteration to a register, he may refer the matter to a tribunal consisting of one of more independent persons appointed by the Minister and the tribunal shall enquire into the matter and make its findings thereon known to the Registrar who shall thereupon act in accordance with those findings.

Notification  
to Registrar  
of dissolution  
of registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

36. When a registered trade union, federation of trade unions or employer's organization is dissolved, notice containing such particulars as may be prescribed of the dissolution, signed, —

- (a) in the case of a trade union or employers' organization, by 7 members thereof and the principal secretary of the trade union or employers' organization; or
- (b) in the case of a federation of trade unions, by the principal secretary of each of the trade unions that are members of the federation of trade unions and the principal secretary of the federation,

shall, within 14 days immediately after the dissolution, be sent to the Registrar and the Registrar shall register the same if he is satisfied that the dissolution has been effected in accordance with the constitution of the trade union, federation of trade unions or employers' organization; and the dissolution shall have effect from the date of registration thereof.

## PART IX FINANCE

Application  
of funds of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

37. (1) No funds of a registered trade union, federation of trade unions or employers' organization shall be expended otherwise than as provided by this section:

Provided that the constitution of a registered trade union, federation of trade unions or employers' organization may further restrict the purposes for which the funds of the trade union, federation of trade unions or employers' organization may be expended.

(2) The funds of a registered trade union, federation of trade unions or employers' organization may be expended in order to —

- (a) pay the salaries, allowances and expenses of its officers and employees:

Provided that the funds of a registered trade union shall not be expended to pay a salary to any of its officers, other than the principal secretary and treasurer, unless the Registrar has authorized a departure from section 21 (1) so as to permit the officer to be an employee of the trade union;

- (b) meet the expenses of its administration, including the audit of the accounts of its funds;
- (b) meet the expenses of organizing educational courses and producing and distributing educational material;
- (d) award scholarships and make other educational grants;
- (e) meet the expenses of producing and distributing an official journal;
- (f) pay subscriptions and fees to any body, within or outside Botswana, of or to which it is lawfully a member or otherwise affiliated, including, in the case of a registered trade union, a registered federation of trade unions;
- (g) invest in funds and securities and make loans in a manner and to the extent prescribed by its constitution;



- (h) defend any criminal proceedings brought against it or against an officer or member thereof under this Act or any Act providing for the settlement of trade disputes; and
  - (i) pursue any other object that the Minister has, on application made to him by a registered trade union, federation of trade unions or employers' organization, by order published in the Gazette, declared to be an object for which such funds may be expended, subject to such conditions as the Minister may, by the same or a subsequent order, specify.
- (2) The funds of a registered trade union or employers' organization may be expended in order to —
- (a) prosecute or defend any legal proceedings to which it or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights arising out of the relations of any member thereof with his employer or with a person whom the member employs;
  - (b) conduct any trade dispute, by means other than unlawful industrial action, on its own behalf or on behalf of any member thereof; and
  - (c) compensate its members for loss arising out of a trade dispute, otherwise than from unlawful industrial action undertaken by those members.
- (3) The funds of a registered trade union may be expended in order to pay allowances to members thereof or their dependants on account of death, old age, sickness, accidents or unemployment suffered by such members.
- (4) The funds of a registered federation of trade unions may be expended in order to prosecute or defend any legal proceedings to which it or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights arising out of the relations of any member of a trade union that is a member of the federation with his employer.

38. The funds of a registered trade union, federation of trade unions or employers' organization shall not be applied, either directly or indirectly, in payment of the whole or any part of any fine or other penalty imposed upon any person by sentence or order of a court other than a fine or other penalty imposed upon the trade union, federation of trade unions or employers' organization itself.

Prohibition  
of payment  
of certain  
fines and  
other  
penalties by  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization



Interdict  
to restrain  
unauthorized  
or unlawful  
expenditure  
of funds etc.  
of registered  
trade union,  
federation  
of trade  
unions or  
employers'  
organization

Books of  
account of  
registered  
trade union,  
federation  
of trade  
union or  
employers'  
organization

39. An interdict restraining any unauthorized or unlawful expenditure of the funds or use of any property of a registered trade union, federation of trade unions or employers' organization may be granted on the application of 5 or more persons having sufficient interest in the relief sought or of the Registrar or Attorney-General.

40 1) Every registered trade union, federation of trade unions or employers' organization shall cause to be kept such proper books of account as are necessary to give a true and fair view of its financial position and more particulars with respect to —

- (a) all sums of money received and expended by it and the matters in respect of which such receipt and expenditure takes place; and
- (b) its assets and liabilities.

(2) The books of account required to be kept by subsection (1) shall be kept by the trade union, federation of trade unions or employers' organization at its registered office or at such other place in Botswana as its executive committee thinks fit and shall be open at all reasonable times to inspection by members of the executive committee.

(3) Any officer of a registered trade union, federation of trade unions or employers' organization who fails to take every reasonable step open to him to secure compliance by the trade union, federation of trade unions or employers' organization with this section or has, by his own wilful act, been the cause of any failure by the trade union, federation of trade unions or employers' organization to comply with this section shall be guilty of an offence and liable to a fine of P200 and to imprisonment for 12 months:

Provided that no person shall be sentenced to imprisonment under this section unless the court is satisfied that the offence was committed wilfully.

Circulation  
of accounts  
of registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

41. (1) The principal treasurer of a registered trade union or employers' organization shall, not later than 18 months immediately after its registration under this Act and subsequently in every year commencing on 1st January, prepare, prominently exhibit at the registered office of the trade union or employers' organization and send to every branch thereof for similar exhibition at the branch's principal office a balance sheet in the prescribed form giving a true and fair view of the state of the financial affairs of the trade union or employers' organization at the end of the immediately preceding financial year.

(2) Subsection (1) shall apply, with all necessary modifications, to the principal treasurer of a registered federation of trade unions.

(3) Every treasurer of a registered trade union or employers' organization and every other officer thereof who is responsible for its accounts or for the collection, disbursement, custody or control of any of its funds or moneys shall, upon resigning or otherwise vacating his office or at any other time when required to do so by the Registrar or by a resolution passed by a general meeting of the trade union or employers' organization, furnish the Registrar or the members of the trade union or employers' organization, as the case may be, with a just and true account of all moneys received and disbursed by him during the period that has elapsed since the date of his assuming office as a treasurer or such other period as the Registrar or the general meeting shall specify.

(4) Subsection (3) shall apply, with all necessary modifications, to every treasurer and every other officer such as is therein referred to of a registered federation of trade unions as if the references therein to a general meeting were references to a meeting of the body in which the ultimate authority of the federation is vested.

(5) A treasurer or other officer furnishing an account such as is referred to in subsection (3) shall include therein the balance of any moneys remaining in his hands and of all bonds, securities and other property of the trade union, federation of trade unions or employers' organization entrusted to his custody or under his control.

(6) Every balance sheet prepared in accordance with subsection (1) and every account such as is referred to in subsection (3) shall be audited at the expense of the registered trade union, federation of trade unions or employers' organization by an auditor approved by the Minister and, for these purposes, the auditor shall have and be given free access to all books and other documents relating to the accounts of the trade union, federation of trade unions or employers' organization.

(7) After the auditing of an account such as is referred to in subsection (3), the treasurer or other officer concerned of a registered trade union, federation of trade unions or employers' organization shall forthwith hand over to the trustees of the trade union, federation of trade unions or employers' organization such balance as is due from him of all bonds, securities, effects, books, papers and other property of the trade union, federation of trade unions or employers' organization in his hands or custody or otherwise under his control:

Provided that, in the case of a registered employers' organization that has no trustees in which and under whose control all its property is vested, the items specified by this subsection shall be handed over to the executive committee of the employers' organization.

(8) Any person who obstructs or in any other manner whatsoever hinders an auditor in carrying out his functions in terms of subsection (6) and any person who contravenes this section shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 6 months.

Annual  
return of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

42. (1) Every registered trade union, federation of trade unions or employers' organization shall furnish the Registrar annually, on or before the prescribed date, with a copy of the balance sheet prepared and audited in accordance with section 41, together with a copy of the auditor's report thereon.

(2) Together with a copy of the balance sheet with which the Registrar is furnished in accordance with subsection (1), a registered trade union, federation of trade unions or employers' organization shall furnish the Registrar with —

- (a) a copy of its constitution in force on the immediately preceding 31st December;
- (a) a copy of all amendments to its constitution and a written statement setting out all changes in its officers and trustees made during the period of 12 months ending on that 31st December; and
- (c) a written statement setting out, in the case of a —
  - (i) registered trade unions, the number of its members;
  - (ii) registered federation of trade unions, the name and registered postal address of each of its members; or
  - (iii) registered employers' organization, the name and postal address of each of its members,
 on that 31st December.

(3) Any registered trade union, federation of trade unions or employers' organization that contravenes subsection (1) or (2) and every officer thereof who is knowingly a party to the contravention shall be guilty of an offence and liable to a fine of P200.

(4) Any person who makes or causes to be made any entry in a document with which the Registrar is required to be furnished in accordance with this section which he knows to be false or does not believe to be true or omits or causes to be omitted from any such document any fact which he knows or suspects to be a material fact shall be guilty of an offence and liable to imprisonment for 3 years.

Inspection of  
accounts and  
list of  
members of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

43. (1) The books of account of a registered trade union, federation of trade unions or employers' organization, together with a list of its current members, shall be open to inspection by any officer or member of the trade union or employers' organization or of a trade union that is a member of the federation of trade unions at such times as shall be provided by its constitution or by the Registrar, or by anyone authorized in that behalf by the Registrar, at any reasonable time.

(2) If any inspection to which a person is entitled in terms of this section is refused or unreasonably delayed, every officer of the trade union, federation of trade unions or employers' organization who is knowingly a party to the refusal or delay shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 6 months.

44. (1) A member of a registered trade union or employers' organization or an officer or member of a trade union that is a member of a registered federation of trade unions or the Registrar may apply to the High Court for an interdict prohibiting an officer of the trade union, federation of trade unions or employers' organization from holding office in or controlling the funds of the trade union, federation of trade unions or employers' organization.

Interdict  
against  
officers of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

(2) Where, on an application under this section, the High Court is satisfied that there is a *prima facie* case against the officer in question for fraudulent misuse of the funds of the trade union, federation of trade unions or employers' organization or, in the case of a trade union or federation of trade unions, that the officer is disqualified by section 21 (7) from holding office in a registered trade union or federation of trade unions, it may grant the interdict for which application is made.

## PART X AMALGAMATIONS AND FEDERATIONS OF REGISTERED TRADE UNIONS

45. (1) Subject to subsection (2), any 2 or more registered trade unions may, with the prior consent in writing of the Minister and subject to such conditions as he may determine, whether in relation to this Act or otherwise, amalgamate together as one trade union, with or without dissolution of their funds, or form a federation of trade unions in accordance with their respective constitutions.

Amalgamation  
or federation  
of registered  
trade unions

(2) No registered trade unions shall amalgamate together as one trade union or form a federation of trade unions unless a general meeting of each of the trade unions resolves, by secret ballot conducted in the prescribed manner, that the trade union be authorized to do so and the resolution receives the affirmative votes of at least —

- (a) two-thirds of the voting members of the trade union; and
- (b) half of the voting members of the trade union who are less than 3 months in arrears in payment of their dues to the trade union as required by its constitution.

(3) If any question arises whether a voting member of a registered trade union is or is not, for the purposes of this section, less than 3 consecutive months in arrears in payment of his dues to the trade union as required by its constitution, the question shall be determined by the executive committee of the trade union.

(4) Where any person is aggrieved by the refusal of the Minister to give his consent for the purposes of this section or by any condition attached thereto, that person may appeal against the refusal or condition to the High Court.

(5) Section 13 shall apply, with all necessary modifications, to appeals brought under this section and, for removing doubts, it is hereby declared that the Minister shall be entitled, in place of the Registrar, to be heard on every such appeal.

Registration  
of amalga-  
mations of  
registered  
trade unions

46. (1) Every amalgamation of registered trade unions in Botswana shall be registered in accordance with this Act.

(2) Notwithstanding section 45, no resolutions of general meetings of registered trade unions authorizing the trade unions to amalgamate together as one trade union shall be acted upon unless the proposed amalgamation has been registered under this Act.

(3) Except as provided by this section, the provisions of this Act in respect of the registration of a trade union shall apply to an amalgamation or proposed amalgamation of registered trade unions.

(4) Following resolutions such as are referred to in subsection (2), an application shall forthwith be made to the Registrar for registration of the proposed amalgamation under this Act.

(5) Every application such as is referred to in subsection (4) shall be in writing containing such particulars as may be prescribed and shall be signed by the principal secretary and 10 members of each of the registered trade unions proposing to amalgamate.

(6) Every application such as is referred to in subsection (4) shall be accompanied by one copy of each of the resolutions by which the registered trade unions in question were authorized to amalgamate authenticated under the hand of the principal secretary of the trade union in question.

(7) If the Registrar is satisfied that section 45 has been complied with and that the proposed amalgamation is entitled to registration under this Act, he shall register the proposed amalgamation in the prescribed manner and the amalgamation thereafter formed in conformity therewith shall be deemed to be registered as a trade union in accordance with this Act and to have effect from the date of such registration.

(8) Where any person is aggrieved by the refusal of the Registrar to register a proposed amalgamation of registered trade unions, that person may appeal against the refusal to the High Court.

(9) Section 13 shall apply, with all necessary modifications, to appeals brought under this section.

Amalgamation  
of registered  
trade unions  
not to  
prejudice  
rights

47. An amalgamation of 2 or more registered trade unions shall not prejudice any right of either or any of the trade unions or any right of a creditor of either or any of them.

## PART XI

### RECOGNITION OF REGISTERED TRADE UNIONS AS NEGOTIATING BODIES

Recognition  
of registered  
trade unions  
as  
negotiating  
body

48. (1) Where at least one-quarter of the employees of an employer or in an industry who are or appear to be qualified to be members of a particular registered trade union are in fact members of that trade union, the employer or industry shall be bound to deal with the trade union as the negotiating body in respect of all matters bearing upon relations between the employer or industry and those employees thereof or therein who are members of the trade union.

(2) Where a registered trade union with which an employer or industry is bound to deal in terms of subsection (1) has a branch to which belong at least one-quarter of the employees of the employer or industry who are or appear to be qualified to belong to that branch, the employer or industry shall, if the trade union so desires, be bound to deal with the branch as the negotiating body for the trade union in respect of all matters bearing upon relations between the employer or industry and those employees thereof or therein who belong to the branch.

(3) If any question arises whether an employer or industry is or is not bound to deal with a particular registered trade union or branch thereof in terms of subsection (1) or (2), the employer or industry or the trade union concerned may in writing lodged with the Registrar require him to determine the question.

(4) The Registrar shall, within 30 days immediately after a requirement is lodged with him under subsection (3) and after making such inquiries as he thinks necessary, determine the material question and issue his certificate to the effect that the employer or industry concerned is bound or is not bound, as the case may be, to deal with the trade union or branch concerned in terms of subsection (1) or (2).

(5) Every certificate issued in accordance with subsection (4) shall be issued in counterpart to the employer or industry and to the trade union concerned and a copy thereof shall be delivered to the Commissioner of Labour.

(6) The Registrar's certificate issued in accordance with subsection (4) shall, for the purposes of legal proceedings, be conclusive as to the matter therein certified and shall remain valid for those purposes until such time as the material question is again determined by the Registrar in terms of this section and a fresh certificate issued in accordance with subsection (4).

(7) Where an employer or industry fails to deal in terms of subsection (1) or (2) with a registered trade union or branch thereof with which it is bound to deal in terms of this section, every person who is knowingly a party to the failure shall be guilty of an offence and liable to a fine of P500.

## PART XII

### PICKETING, INTIMIDATION, DISPUTES ETC.

49. (1) Notwithstanding anything contained in this Act or any other law —

- (a) it shall be lawful for one or more persons acting on their own behalf or on behalf of a registered trade union or employers' organization or of an individual employer or a firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading or inducing any person to work or to abstain from working; and

Peaceful picketing and prevention of intimidation

(b) it shall not be lawful for one or more persons, whether acting on their own behalf or on behalf of a registered trade union or employers' organization or of an individual employer or a firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working if they so attend in such numbers or otherwise in such manner as to be likely —

(i) to intimidate any person in that house or place or to obstruct the approach thereto or the egress therefrom; or

(ii) to lead to a breach of the peace.

(2) Any person who acts in a way declared to be unlawful by subsection (1) (b) shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 6 months.

Intimidation  
and annoyance

50. Any person who, with a view to compelling any other person to abstain from doing or to do any act which that other person has a legal right to do or abstain from doing, wrongfully and without legal authority —

(a) uses violence to or intimidates that other person or his wife or children or injures his property;

(b) persistently follows that other person about from place to place;

(c) hides any tools, clothes or other property owned or used by that other person or deprives him of the same or hinders him in the use thereof;

(d) watches or besets house or place where that person resides or works or carries on business or happens to be or the approach to such house or place; or

(e) follows that other person in a disorderly manner in or through any street or road,

shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 6 months.

Conspiracy  
in trade  
disputes

51. (1) An agreement or combination by 2 or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by 2 or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of an conspiracy for which a punishment is awarded by any enactment.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence



against the President or in contravention of Part II, Division I of the Penal Code.

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(5) For the purposes of this section, a crime means an offence the commission of which renders the offender liable to be imprisoned either absolutely or at the discretion of the court as an alternative to some other punishment.

52. (1) No employer shall make it a condition of employment of any employee that the employee shall neither be nor become a member of any registered trade union or other organization representing employees in any industry or of a particular registered trade union or other such organization nor participate in the activities of a registered trade union or other such organization.

Freedom of  
association  
of employees

(2) Notwithstanding anything to the contrary in any enactment, no employer shall prohibit an employee from being or becoming a member of any registered trade union or other organization such as is referred to in subsection (1) or of a particular registered trade union or other such organization or subject him to any penalty by reason of his membership or participation in the activities of a registered trade union or other such organization.

(3) Any employer who contravened this section and any person who is knowingly a party to such a contravention shall be guilty of an offence and liable to a fine of P200 and to imprisonment for 12 months.

### PART XIII OFFENCES AND PENALTIES

53. (1) Where on complaint made by a member of a registered trade union or employers' organization or by an officer or member of a trade union that is a member of a registered federation of trade unions or by the Registrar, it is shown to the satisfaction of a court of a Magistrate Grade I or over that any person —

Penalty for  
misuse of  
money or  
property of  
registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

(a) has in his possession or control any property of the trade union, federation of trade unions or employers' organization except in accordance with its constitution; or

(b) has unlawfully expended or withheld any money of the trade union, federation of trade unions or employers' organization, the court may, if it considers that the justice of the case so requires, order that person to deliver all such property to the trustees of the trade union or federation of trade unions or of the employers' organization, if such exist, or, if such do not exist, to the executive committee of the employers' organization and to pay to them or it the money so unlawfully expended or withheld.

(2) A complaint under subsection (1), not being a complaint made by the Registrar, shall not be entertained unless the court is satisfied that the complainant is or was, on the date of the complaint, a member of the trade union or employers' organization or a member or officer of a trade union that is or was, on that date, a member of the federation of trade unions in respect of whose money or other property the complaint is made.



(3) Any person to whom an order under subsection (1) is addressed who fails to comply therewith, within such time as shall be specified therein, shall be guilty of an offence and liable to a fine of P100.

(4) Any person who makes or causes to be made any entry in a document required by or for the purposes of this Act which he knows to be false or does not believe to be true in a material particular or omits or causes to be omitted from any such document any fact which he knows or suspects to be a material fact shall be guilty of an offence and liable, unless some other punishment is prescribed therefor, to a fine of P1000 and to imprisonment for 2 years.

Limitation of  
prosecutions

54. No prosecution shall be instituted for an offence under section 49 or 50 or for attempting or conspiring with another person to commit such an offence unless the prosecution is instituted by or at the instance of or with the consent in writing of the Attorney-General.

#### PART XIV MISCELLANEOUS

Restriction on  
membership  
of negotiating  
bodies by  
members of  
management

55. (1) Notwithstanding any other provision of this Act, no member of management in any undertaking or enterprise shall be represented by a negotiating body, whether the same is or is not a registered trade union, in respect of matters bearing upon relations between an employer and those of his employees who are members of management unless the negotiating body represents only members of management in the same undertaking or enterprise and no other employees:

Provided that a member of management may, in respect of such matters, be represented by a negotiating body representing members of management in other undertakings or enterprises if the body represents only members of management in the same industry and no other employees.

(2) In this section, "member of management" means an employee who —

- (a) has authority, on behalf of his employer, to employ, transfer, suspend, lay off, recall, promote, terminate the employment of, reward, discipline or deal with the grievances relating to their employment of any fellow employees or effectively to recommend any such action or the manner in which such grievances are to be dealt with if the exercise by him of that authority is not merely of a routine or clerical nature but requires the use of his discretion;
- (b) participates in the making of a general policy regarding relations between his employer and his fellow employees or any of them; or
- (c) is employed in a capacity that requires him to have full knowledge of the financial position of the undertaking or

enterprise in which he is employed or gives him free personal access to other confidential information relating to the conduct of his employer's business.

56. All registers, books and other documents in the custody of the Registrar by virtue of this Act shall be open for inspection by members of the public during such hours, on payment of such fees and subject to such conditions as may be prescribed.

Inspection of records in custody of Registrar

57. No registered trade union, federation of trade unions or employers' organization shall, without the consent in writing of the Minister, be a member of or otherwise affiliated to any body outside Botswana.

Prohibition of affiliation

58. (1) No trade union, federation of trade unions, or employers' organization shall, without the consent in writing of the Minister, accept any funds originating from outside Botswana.

Prohibition of receipt of funds from outside Botswana

(2) In this section, "funds" includes all donations, loans and other assistance (including assistance in kind, air and sea passages, travel vouchers and scholarships) having pecuniary value.

59. Every summons, notice or other document required to be served on a registered trade union, federation of trade unions or employers' organization in any civil or criminal proceedings shall be deemed, for the purposes of those proceedings, to be duly served if it is delivered at its registered office or posted to its registered postal address or served personally on its president, principal secretary or treasurer or any other of its officers in so far as that service is otherwise in compliance with the requirements of any other law relating to the service of documents.

Service of legal process

60. The Registrar shall, by notice published in the Gazette, notify —

Certain facts to be notified in Gazette

- (a) the registration of a trade union, federation of trade unions or employers' organization under this Act or the refusal of such registration;
- (b) the cancellation of the registration of a registered trade union, federation of trade unions or employers' organization;
- (c) the registration of a change of name by a registered trade union, federation of trade unions or employers' organization;
- (d) the registration of a proposed amalgamation of registered trade unions under this Act or the refusal of such registration; and
- (e) the dissolution of a registered trade union, federation of trade unions or employers' organization.

61. (1) The Minister may, by notice published in the Gazette, require any person or body of persons, namely, —

Power of Minister to require information

- (a) any trade union or employers' organization or the officials thereof;
- (b) any federation or other association or organization of or to which trade unions or employers' organizations are members or otherwise affiliated or any body of or to which any such

federation or other association or organization is itself a member or otherwise affiliated or the officials thereof;

- (c) the representatives of any classes of workers or industry;
- (d) any association or organization or any person which or who represents more than one registered trade union or represents any trade or workers' movement or is concerned with and devoted to trade unionism, labour relations or other such matters,

to notify his or its existence in writing lodged with the Registrar.

(2) Any person or body of persons of whom a requirement is made under subsection (1) shall forthwith comply therewith and any person or body of persons who or which fails to do so and any person who is knowingly a party to the failure shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 3 months.

(3) The Minister may, by written notice served on any person or body of persons such as is referred to in subsection (1), require him or it to provide the Minister, within such reasonable time as shall be specified in the notice, with such particulars as appear to the Minister necessary to have for the purpose ascertaining whether this Act is or is not being or has or has not been complied with.

(4) Any person or body of persons on whom or which a notice has been served under subsection (3) who or which, without reasonable excuse, fails to provide the Minister with the required particulars within the time specified in the notice or provides the Minister with particulars he or it knows to be false or does not believe to be true and any person who is knowingly a party to the failure or provision shall be guilty of an offence and liable to a fine of P100 and to imprisonment for 3 months.

(5) In any proceedings for an offence under subsection (4), the court shall presume the absence of a reasonable excuse on the part of any person accused in those proceedings unless the contrary is proved.

Power of  
Minister to  
make  
regulations

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

- (a) prescribe the documents to be kept for the purposes of this Act;
- (b) prescribe the manner in which trade unions, federations of trade unions, employers' organizations and proposed amalgamations of registered trade unions shall be registered under this Act and the fees payable in connexion therewith;
- (c) prescribe the conditions subject to which documents in the custody of the Registrar shall be open to inspection by members of the public and the fees to be paid in respect thereof;

- (d) provide for the due disposal and safe custody of the funds and moneys of registered trade unions, federations of trade unions and employers' organizations;
- (e) provide for the creation, administration, protection, control and disposal of the provident, welfare or pension funds of registered trade unions, federations of trade unions and employers' organizations;
- (f) prescribe the basic agreements and arrangements in respect of the system commonly known as "check-off" and the subscriptions to trade unions, federations of trade unions and employers' organizations; and
- (g) provide generally for all matters connected with or incidental to the matters referred to in this section.

63. The Companies Act and the Co-operative Societies Act shall not apply to a trade union, federation of trade unions or employers' organization and the registration of a trade union, federation of trade unions or employers' organization under either of those Acts shall be void.

Inapplicability  
of certain  
laws Cap.  
42:01 Cap.  
42:03

64. Nothing in this Act shall —

- (a) affect any agreement —
  - (i) between partners as to their own business;
  - (ii) between an employer and those employed by him as to their employment by him; or
  - (iii) in consideration of the sum of the goodwill of a business or of instruction in a profession, trade or handicraft; or
- (b) preclude any registered trade union, federation of trade unions or employers' organization from providing benefits for its members or any registered federation of trade unions from providing benefits for members of a trade union that is a member of the federation.

Matters not  
affected by  
Act

65. The transitional provisions set out in the Second Schedule shall have effect as part of this Act.

Transitional  
provisions

66. The Trade Unions Act is hereby repealed and the Societies Act is amended in section 3 (1) thereof by substituting for paragraph (c) of the definition of "society" the following new paragraph —

Repeal and  
amendment  
of certain  
laws Cap. 48:01  
Cap. 18:01

- "(c) any trade union, federation of trade unions or employers' organization registered under the Act for the time being in force providing for the registration of trade unions, federations of trade unions and employers' organizations;"

## FIRST SCHEDULE

(s. 32 (2) and (3))

## MATTERS FOR WHICH CONSTITUTIONS SHALL PROVIDE

Constitution  
of registered  
trade union,  
federation of  
trade unions  
or employers'  
organization

1. In respect of every registered trade union, federation of trade unions or employers' organization, the constitution thereof shall provide for the following matters —

- (a) its name and the postal address and location of its principal office;
- (b) the whole of the objects for which it is established, the purposes for which its funds may be expended, the conditions under which any member thereof shall be entitled to any benefit issued thereby and the fines and forfeitures that may be imposed on any member thereof;
- (c) the manner of amending the constitution;
- (d) the appointment or election to and removal from its executive committee and the appointment or election and removal of its secretaries, treasurers and other officers;
- (e) the custody, investment and loan of its funds, the designation of the officer or officers responsible therefore and the annual audit of the balance sheet prepared in accordance with section 41;
- (f) the times at which its books of account, together with a list of its current members, shall be open for inspection in accordance with section 43;
- (g) the manner of its dissolution and the consequent disposal of its assets;
- (h) the amount of subscriptions and fees payable by its members; and
- (i) the maintenance of a separate fund for all moneys received or paid by it in respect of any contributory provident, welfare or pension fund scheme that may be established.

Further  
provision in  
relation to  
constitution  
of registered  
trade union  
or federation  
of trade  
unions

(2) In respect of every registered trade union or federation of trade unions, the constitution thereof shall provide for the election or appointment and removal of trustees for the purposes of section 24.

Further  
provisions in  
relation to  
constitution  
of registered  
trade union  
or employers'  
organization

3. In respect of every registered trade union or employers' organization, the constitution thereof shall provide for the following matters —

- (a) the right of every one of its members to a reasonable opportunity to vote on matters concerning it;
- (b) the taking of all decisions affecting its members generally by a secret ballot if the same is required by those members;
- (c) the manner of nominating and withdrawing the nomination of a negotiating body on its behalf; and
- (d) the disqualification of a member thereof from voting on any matter concerning it and from receiving benefits if his subscription is in arrear.

Additional  
provisions  
in relation to  
constitution  
of registered  
trade union

4. (1) In respect of every registered trade union, the constitution thereof shall provide for the following matters —

- (a) arrangements for explaining to its members the contents of the balance sheet to be exhibited at its registered office and at the principal office of each of its branches in terms of section 41;

- (b) the extent to and manner in which it may control the activities of its branches; and
  - (c) subject to section 45, the circumstances permitting and the procedure to be adopted for amalgamation together with one or more other registered trade unions as one trade union, taking part in forming a federation of trade unions or joining an existing federation of trade unions.
- (2) In respect of a registered trade union the members of which are engaged in or working at more than one trade or calling, the constitution thereof shall make adequate provision for the protection and promotion of those members' respective sectional industrial interests.

5. In respect of every registered federation of trade unions, the constitution thereof shall provide for the following matters —

- (a) the right of every trade union that is a member of the federation to a reasonable opportunity to vote through a delegate on matters concerning the federation;
- (b) the taking of all decisions affecting the trade unions that are members of the federation generally by a secret ballot if the same is required by the delegates of those members; and
- (c) the disqualification of a trade union that is a member of the federation from voting through a delegate on any matter concerning the federation and from receiving benefits if its subscription is in arrear.

Additional provisions in relation to constitution of registered federation of trade unions

## SECOND SCHEDULE

(s. 65)

### TRANSITIONAL PROVISIONS

1. Every trade union, federation of trade unions or employers' organization that was, immediately before the commencement of this Act, registered under the Trade Unions Act or the Societies Act shall be deemed, subject to the other provisions of this Schedule, to be registered in accordance with this Act.

Existing trade union, federation of trade unions or employers' organization  
Cap. 48:01  
Cap. 18:01  
Duty of Registrar to examine constitution of existing trade union, federation of trade unions or employers' organization

2. (1) Within 6 months immediately after the commencement of this Act, the Registrar shall examine the constitutions of all those bodies deemed, by virtue of paragraph 1, to be registered in accordance with this Act.

(2) If, after examining the constitution of a body such as is referred to in subparagraph (1), the Registrar is of the opinion that it does not conflict with this Act or any regulations made thereunder, he shall issue to that body an appropriate certificate of registration in the prescribed form.

(3) If, after examining the constitution of a body such as is referred to in subparagraph (1), the Registrar is of the opinion that it does conflict with this Act or any regulations made thereunder, he shall, by notice in writing served on that body, —

- (a) inform it accordingly, giving particulars of the conflict; and
- (b) specify a reasonable time, not being less than 3 months immediately after the date of service of the notice, within which the body shall amend its constitution and bring it into conformity with this Act and any regulations made thereunder.

(4) Where a notice has been served in accordance with subparagraph (3) and the body concerned fails, within the time therein specified, to amend

its constitution as required, the body shall thereupon cease to be deemed, by virtue of paragraph 1, to be registered in accordance with this Act.

Appeals

3. (1) Where any person is aggrieved by a notice of the Registrar under paragraph 2, that person may appeal to the High Court against the notice.

(2) Section 13 shall apply, with all necessary modifications, to appeals brought under this section.

Consequences  
of ceasing to  
be deemed to  
be registered

4. Where a body deemed, by virtue of paragraph 1, to be registered in accordance with this Act ceases to be so deemed by virtue of paragraph 2 (4), section 14 shall apply, with all necessary modifications, in respect of that body as if its registration is cancelled under section 12 and an order cancelling its registration has been served on it in accordance with that section on the date on which the period specified in the material notice, served on the body in accordance with paragraph 2 (3), expired.

First annual  
general  
meeting of  
registered  
trade union

5. In the case of the first annual general meeting of a registered trade union, the period of 15 months prescribed by section 26 (2) shall be calculated from the date of the trade unions' formation.

*L2/4/800 I*