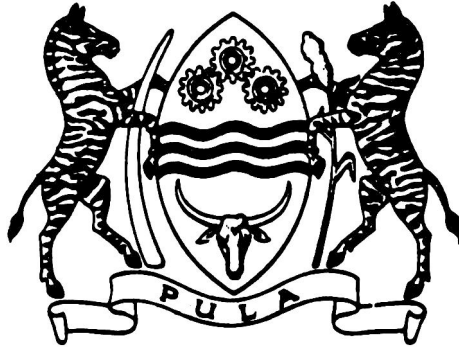


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

Vol. XXV, No. 19

GABORONE

25th March, 1987

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Republic of Botswana — Tender No. TB 2/4/15/86—87**SALE OF FIREARMS AND AMMUNITION**

Serviceable rifles and shotguns as listed on Schedule No. 1.

CATEGORY 2

Life ammunition of various calibres as listed on schedule No. 2 to this tender notice.

The items for tender may be viewed on any Friday afternoon between 2.15 p.m. at the Central Arms Registry, Gaborone or by appointment with the officer-incharge C.A.R., Private Bag 0012, Gaborone (telephone: 351161 Extension 2464.)

The success of any firearms tender made by a resident of Botswana intending to retain the firearm within the Country, shall be subject to the applicant producing an arm certificate in terms of Regulation 10 of the Arms and Ammunition Regulation. The arm certificate will be obtained by a successful tenderer on application to the nearest police station after advice from this office that his tender has been successful.

The success of any tender for ammunition intended for use within Botswana shall be subject to production by the applicant of an arm certificate in terms of the Arms and Ammunition Regulations valid for the type and quantity of ammunition to be purchased.

The success of any tender made by a person intending to remove the item from Botswana shall be subject to production by the applicant of valid import documents for the Country of destination.

"Successful tenders will only be allowed one rifle and one shotgun."

The following may not tender:

1. Any person who knows himself to have previous record for any serious crime for which he was convicted in any court of law.
2. Any person who, at the publication of this tender has acquired a full quota of the ammunition permissible by law.
3. Any person below the age of 18 years, or who is unfit due to old age or any deformity which may hinder him from the proper use of a firearm.

SCHEDULE NO. 1 SERVICEABLE FIREARMS

1. S/B 12 Bore CBC Model 651 No. 271393
2. S/B 12 Bore CBC Model 151 No. 1022137
3. S/B 12 Bore Made in West Germany No. 4579
4. S/B 12 Bore Boito No. 742048
5. S/B 12 Bore Harrington & Rechardson Model 148 No. V. 29326
6. S/B 12 Bore Baikal No. 63780
7. S/B 12 Bore CBC Model 651 No. 271381
8. S/B 12 Bore Made in Belgium No. 5990
9. S/B 12 Bore Winchester M 37 No. 101515
10. S/B 12 Bore Baikal No. T 06428
11. S/B 12 Bore W.W. Greener No. 70910
12. S/B 12 Bore CBC Model 151 No. 1013522
13. S/B 12 Bore W.W. Greener No. 32388
14. S/B 12 Bore Steve's Model 94 E No. BPD 6006
15. S/B 12 Bore CBC Model 651 No. 92117
16. S/B 12 Bore Baikal No. K. 31050
17. S/B 12 Bore Bakal No. 12782
18. S/B 12 Bore CBC Model 151 No. 1022190
19. D/B 12 Bore Eibar No. 94574—1420—108
20. D/B 12 Bore Miroko No. 435622
21. D/B 410 Bore Zabalar No. 235692—1220
22. 30—06 Rifle Winchester Mod 70 No. 28906
23. 30—06 Rifle Carl Gerarskto No. 4612
24. 30—06 Rifle F.N. Herstal Belgium No. B 968—9126
25. 30—06 Rifle Lytteton R.S. N. No. 400245
26. 30—06 Rifle No. 891907
27. 30—06 Rifle Savage No. 11726
28. 30—06 Rifle BRNO Mod ZKK No. 60776
29. 30—06 Rifle Winchester Mod 70 No. 444329
30. .300 Rifle Winchester Mag No. 82930

31. .300 Rifle Winchester Mod 70 No. 566733
32. .300 Rifle No. 17561
33. .308 Rifle Musgrave No. R 79078
34. .308 Rifle Musgrave Mod 80 No. M 300—982
35. 8 × 57 Rifle F.N. De Arms No. 38884
36. 7 × Rifle No. 15364
37. 7 × 57 Rifle No. C 5539
38. 9.3 × 62 Rifle Husquana No. 171865
39. 9.3 × 62 Rifle Voere No. 183151
40. 9.3 × 62 Rifle Husquana No. 176337
41. 9.3 × 62 Rifle Husquana No. 16789
42. 9.3 × 62 Rifle Husquana No. 97317
43. .375 Magnum Sako Rifle No. 109539
44. .375 Mag Rifle Parker-Hale No. 01771 A
45. .375 Mag Rifle Safari No. H 601
46. .376 H & H Rifle BRNO No. 7152603642
47. .375 Mag Rifle Parker — Hale No. 01771 A
48. .375 Mag Rifle Parker Hale No. 34993
49. .375 H & H Mag Rifle BRNO No. 08336
50. .458 Winchester Rifle No. 840—80
51. .488 Winchester Rifle No. 716870
52. 30—06 Rifle Parker Hale No. R 88713
53. .308 Rifle Tikka M 55 No. 550—66785

SCHEDULE NO. 2 AMMUNITION

- | | |
|-------------------------------------|--------------------------------------|
| 1. 618 Rounds 12 Bore Shots | 2. 41 Rounds 8 mm Rifle |
| 3. 31 Rounds 30—06 Rifle | 4. 16 Rounds .264 Rifle |
| 5. 330 .410 Bore Shots | 6. 14 Rounds .250/3000 Rifle |
| 7. 164 Rounds .458 Rifle | 8. 3 Rounds 7 mm Remington Mag Rifle |
| 9. 350 Rounds .303 Rifle | 10. 25 Rounds 20 Bore Shots |
| 11. 14 Rounds .300 Winchester Mag | 12. 178 Rounds 16 Bore Shots |
| 13. 19 Rounds .300 Savage | 14. 8 Rounds 7.64 Rifle |
| 15. 48 Rounds .300 H & H Magnum | 16. 17 Rounds 12 Bore Slug Shots |
| 17. 68 Rounds 30—06 Rifle | 18. 187 Rounds 6.5 mm Mauser Rifle |
| 19. 160 Rounds .375 H & H Mag Rifle | 20. 24 Rounds .22 Winchester Magnum |
| 21. 58 Rounds .270 Rifle | 22. 426 Rounds .308 Rifle |
| 23. 44 Rounds .318 Rifle | 24. 131 Rounds .243 Rifle |
| 25. 68 Rounds .22 Hornett Rifle | 26. 14 Rounds .222 Rifle |
| 27. 3424 .22 Rifle | 28. 6 Rounds .425 Rifle |
| 29. 100 Rounds 9.3 × 62 Rifle | 30. 10 Rounds 9.5 Rifle |
| 31. 40 Rounds .310 Cader Rifle | 32. 49 Rounds 7 × 57 Rifle |
| 33. 10 Rounds 7 mm Mauser Rifle | 34. 13 Rounds 10.75 Rifle |

Tenders should be sent to the Secretary, Central Tender Board, Private Bag 0058, Gaborone or submitted by hand to Room 202, New Ministry of Finance and Development Planning Building where they will be opened at 9.00 hours on Wednesday 20th May, 1987 in the presence of tenderers wishing to attend.

The highest or any tender will not necessarily be accepted. Telephonic, late or telex tenders will not be accepted.

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

Bill No. 11 of 1987

**GEOPHYSICAL EXPLORATION OF SEDIMENTARY BASINS OF
WESTERN BOTSWANA PROJECT LOAN (AUTHORIZATION)
BILL, 1987**

(Published on 25th March, 1987)

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 authorise the raising by Government of a loan from the European Economic Community of an amount of European Currency Units 1,6 million (equivalent, at the time of writing, to approximately P3,096 million).

3. The purpose of the loan is to finance the Geophysical Exploration of the Ncojane and Nosop Sedimentary Basins of Western Botswana Project.

P.S. MMUSI,

*Vice-President and Minister of Finance
and Development Planning.*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Authorization to raise Loan
3. Loan to be paid into Development Fund
4. Loan charged upon Consolidated Fund
5. Powers of Minister in connection with loan

A BILL

—entitled—

An Act to authorize the raising by Government of a loan from the European Economic Community for the purpose of financing the Geophysical Exploration of the Ncojane and Nosop Sedimentary Basins of Western Botswana Project.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Geophysical Exploration of Sedimentary Basins of Western Botswana Project Loan (Authorization) Bill, 1987.

Short title

2. The Minister may raise by loan from the European Economic Community, subject to such terms and conditions as may be agreed between the Minister and the European Economic Community, sums not exceeding in the aggregate the equivalent

Authoriza-
tion to raise
loan

of European Currency Units 1,6 million (One million Six Hundred Thousand European Currency Units) for the purpose of financing the Geophysical Exploration of the Ncojane and Nosop Sedimentary Basins of Western Botswana Project.

Loan to
be paid
into
Development
Fund

3. The proceeds of the loan authorized to be raised by this Act (hereinafter referred to as "the loan") shall be paid into the Development Fund.

Loan charged
upon
Consolidated
Fund
Powers of
Minister
in connection
with loan

4. All sums required to repay the loan and to pay the interest and other charges thereon shall be charged upon and paid out of the Consolidated Fund.

5. The Minister is hereby empowered to sign on behalf of the Government and to authorize any public officer so to sign any agreements embodying the terms and conditions of the loan and to do all such things as may be necessary or expedient to effect or facilitate the loan or such agreements.

L2/4/854 I

Bill No. 12 of 1987

**PALAPYE WATER SUPPLY PROJECT LOAN (AUTHORIZATION)
BILL, 1987**

(Published on 25th March, 1987)

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 authorize the raising by Government of a loan from the European Economic Community of an amount of European Currency Units 1 875 million (equivalent, at the time of writing, to approximately P3 628 million).

3. The purpose of the loan is to finance all works and supplies for the construction of a new water supply system for the township of Palapye including the supervision of the works.

P.S. MMUSI,
*Vice-President and Minister of Finance and
Development Planning.*

ARRANGEMENT OF SECTIONS

SECTION

1. Short Title
2. Authorization to raise loan
3. Loan to be paid into Development Fund
4. Loan charged upon Consolidated Fund
5. Powers of Minister in connection with loan

A BILL
—entitled—

An Act to authorize the raising by Government of a loan from the European Economic Community for the purpose of financing the Palapye Water Supply Project.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Palapye Water Supply Project Loan (Authorization) Bill, 1987.

Short title

2. The Minister may raise by loan from the European Economic Community, subject to such terms and conditions as may be agreed between the Minister and the European Economic Community, sums not exceeding in the aggregate the equivalent

Authori-
zation to
raise loan

of European Currency Units 1 875 million (One million Eight Hundred and Seventy Five Thousand European Currency Units) for the purpose of financing all works and supplies for the construction of a new Water Supply system for the township of Palapye including the supervision of the works.

Loan to be
paid into
Development
Fund

3. The proceeds of the loan authorized to be raised by this Act (hereinafter referred to as "the loan") shall be paid into the Development Fund.

Loan
charged
upon
Consolidated
Fund

4. All sums required to repay the loan and to pay the interest and other charges thereon shall be charged upon and paid out of the Consolidated Fund.

Powers of
Minister
in con-
nection
with loan

5. The Minister is hereby empowered to sign on behalf of the Government and to authorize any public officer so to sign any agreements embodying the terms and conditions of the loan and to do all such things as may be necessary or expedient to effect or facilitate the loan or such agreements.

L2/4/855 I

Bill No. 13 of 1987

CHIEFTAINSHIP BILL, 1987
(Published on 25th March, 1987)

MEMORANDUM

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

2. The main object of the Bill is to re-enact the Chieftainship Act to remove an anomaly. A reading of the provisions of the Act clearly indicates that this is a matter which should come under the portfolio of the Ministry of Local Government and Lands.

3. The Bill therefore proposes that the functions conferred on the President in the Act should be transferred to the Minister. The Bill therefore reproduces substantially the existing provisions of the Act except that the functions which under the existing Act are vested in the President are being transferred to the Minister.

4. The opportunity however has been taken to modernise some of the expressions used in the existing Act where they are considered either pedantic, archaic or old fashioned.

P.K. BALOPI,
*Minister of Local Government
 and Lands.*

ARRANGEMENT OF SECTIONS

SECTION

PART I — Preliminary

1. Short title
2. Interpretation

PART II — Recognition and Removal of Chiefs

3. Chieftainship
4. Who is a Chief
5. Appointment of regent
6. Termination of regency
7. Judicial commission to be appointed in case of doubt
8. Tribal authority
9. Deputy chief
10. Temporary absence or incapacity of Chief
11. Incapacity of Chief
12. Removal of Chief
13. Appeal against decision of Minister
14. Appointment of person to act in place of suspended Chief

PART III — *Functions of Chiefs*

15. Functions of Chiefs
16. Admission of membership into the tribe
17. Prevention of crime
18. Directions by Minister

PART IV — *Sub-Chiefs and Headmen*

19. Recognition etc. of sub-chief
20. Headmen and Chief's representatives

PART V — *Supplementary*

21. Salaries of Chiefs
22. Undermining power of Chief
23. Prohibition of persons purporting to act as Chiefs, etc.
24. Penalty for contravening the provisions of section 23
24. Jurisdiction of courts in relation to cause or matter affecting chieftainship
26. Repeal of Cap. 41:01
27. Savings

A BILL

—entitled—

An Act to re-enact with amendments the provisions relating to Chiefs, Deputy Chiefs, Sub-Chiefs and Headmen and matters incidental thereto or connected therewith

Date of Assent:

Date of Commence:

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

- | | |
|-----------------|--|
| Short title | 1. This Act may be cited as the Chieftainship Act, 1987. |
| Inter-pretation | 2. In this Act, unless the context otherwise requires — |
| | “Chief” means a Chief of one of the tribes and includes any regent thereof; |
| | “Chief’s representative” means a person appointed as a Chief’s representative in terms of section 20; |
| | “community area” means the area inhabited by a tribal community; |
| | “Customary law” means in relation to any tribe or tribal community, the general law or custom of such tribe or community except in so far as such law or custom is repugnant to morality, humanity or natural justice, or injurious to the welfare of members thereof or repugnant to the Constitution or any other enactment; |
| | “deputy Chief” means a person appointed as deputy chief in terms of section 9; |

“headmen” means a person recognised as a headman in terms of section 20;

“judicial commission” means one or more Commissioners appointed by a Commission issued under the Commissions of Inquiry Act, the Commissioner or, if there is more than one Commissioner, the Chairman of the Commissioners being a person who holds or has held a high judicial office;

Cap. 05:02

“kgotla” means the customary meeting of a tribe or tribal community or any portion thereof for the discussion in accordance with customary law of matters of tribal or communal concern;

“senior member of the tribe” means the person who, according to customary law, is responsible for the tribe in the absence of the Chief;

“sub-chief” in relation to any tribal community means the person recognised as the sub-chief of that tribal community in terms of section 19;

“tribe” means the Bamangwato Tribe, the Batawana Tribe, the Bakgatla Tribe, the Bakwena Tribe, the Bangwaketse Tribe, the Bamalete Tribe, the Barolong Tribe, or the Batlokwa Tribe;

“tribal authority” has the meaning assigned to it under section 5 (2);

“tribal community” means any community which is living outside a tribal territory but is organised in a tribal manner;

“tribal territory” means, respectively, the Bamangwato, Batawana, Bakgatla, Bakwena, Bangwaketse, Bamalete, and Batlokwa Tribal Territories, as defined in the Tribal Territories Act, the Area known as the Barolong Farms as described in the Botswana Boundaries Act, and any area which may be added to any such areas by an enactment.

Cap. 32:03

Cap. 03:01

PART II — *Recognition and Removal of Chiefs*

3. There shall be an office of Chief (in this Act referred to as “the chieftainship”) for each of the tribes.

Chief-tainship

4. (1) A Chief is an individual who —

Who is a Chief

(a) has been designated as a Chief in accordance with customary law by his tribe assembled in the kgotla; and

(b) has been recognised as a Chief by the Minister.

(2) Where there is a vacancy in the chieftainship of a tribe, either by reason of death, deposition or abdication, it shall be the duty of the tribe assembled in the kgotla under the chairmanship of the senior member of the tribe to designate the rightful successor to the chieftainship according to customary law.

(3) The Minister may, at any time, make an order withdrawing recognition from a Chief if —

- (a) the Chief has been deposed and his appeal against his deposition has been dismissed or the period allowed for appealing has elapsed without an appeal having been brought; or
- (b) the Minister considered it to be in the public interest to withdraw recognition.

Appoint-
ment of
regent

5. (1) Where a person designated a Chief under section 4 is below the age of 21, or, being of or above that age, is undergoing a full-time course of education approved for the purposes of this section by the Minister, such person shall not for the time being be recognised as Chief, and it shall be the duty of the tribe so assembled to designate another person (in this Act referred to as "regent") of the tribe according to customary law.

(2) If the Minister considers that a person designated as Chief is, for any reason, unable to assume the chieftainship, he may recognise the person so designated as Chief but may appoint a person (in this Act referred to as a "tribal authority") who shall hold office as such until the Minister considers the Chief is able to assume the chieftainship.

(3) Subject to the provisions of section 7, the Minister shall by notice published in the Gazette, appoint the person designated in terms of subsection (1) to be regent.

(4) A regent shall, pending the recognition of a Chief for the tribe in respect of which he is appointed, exercise and perform to the exclusion of all other persons, the functions of the Chief.

Termination
of regency

6. (1) An appointment as regent shall terminate and the rightful successor to the chieftainship shall be recognised as Chief on a day to be specified by the Minister by notice published in the Gazette.

(2) Subject to the provisions of section 7, the day so specified shall be the day determined for such purpose by the regent in the kgotla.

Judicial
commission
to be
appointed
in case
of doubt

7. If any question arises as to whether —

- (a) a person designated under section 4 (2) is, under customary law, the rightful successor to the chieftainship, or is a fit and proper person to be so recognised;
- (b) a person designated under section 5 is, under customary law, the rightful person to be appointed as regent pending the recognition of the Chief, or is a fit and proper person to be appointed as regent;
- (c) a day determined under section 6 (2) is the day on which it is desirable that a regency should terminate and a Chief be recognised; or
- (d) a regency should be terminated and a Chief recognised although no day has been determined under section 6 (2), the Minister may appointed a judicial commission to inquire into the matter.

Headmen
and Chiefs'
represent-
atives

recognition, of any person as sub-chief of that tribal community.

(2) A sub-chief shall have, in relation to the tribal community of which he is sub-chief, such of the powers and duties of a Chief as the Minister may specify by notice published in the Gazette.

20. (1) A Chief may, after consultation with the kgotla in the customary manner, recognise any person as headman in respect of any area of his tribal territory and may in like manner terminate the recognition.

(2) A Chief may, after consultation with the people of the area, with the approval of the Minister, appoint any person as his representative in respect of any area of his tribal territory and may in like manner terminate the appointment.

(3) The Minister may, if he is satisfied that —

- (a) the recognition of a headman has been made without due consideration of the wishes and the interests of the kgotla, cancel the recognition of such headman, and may recognise as headman such person as he deems fit;
- (b) the appointment of the person proposed by the Chief as his representative would not be in the interests of the people of the area, make such appointment as he deems fit; or
- (c) the Chief is wilfully failing or refusing to fulfil his responsibilities under this section, recognise as headman or appoint as Chief's representative, as the case may be, such person as he deems fit,

and any recognition or appointment made by the Minister under this subsection shall not be capable of termination by the Chief.

(4) A headman or Chief's representative shall have, in relation to the area of the tribal territory in respect of which he has been recognised or appointed, such of the powers and duties of the Chief as the Chief may from time to time delegate to him.

(5) Every delegation made in pursuance of subsection (1) shall be made known in the customary manner to the persons likely to be affected thereby.

(6) In this section "Chief" includes "sub-chief" and "tribal territory" includes "community area".

PART V — *Supplementary*

Salaries
of Chiefs

21. (1) Chiefs, tribal authorities, deputy chiefs, sub-chiefs and headmen (hereinafter in this Part referred to as a "Chief") shall be paid, from moneys appropriated by law for such purpose, salaries at such rates as may be fixed by the Minister by notice published in the Gazette.

(2) Different rates may be fixed in respect of different Chiefs.

Under-
mining
power of
Chief

22. (1) Subject to the provisions of subsection (2), a person shall be guilty of an offence if he commits any act with intent to undermine the lawful power and authority of a Chief.

for appealing has elapsed with out an appeal having been brought.

PART III — *Functions of Chiefs*

15. It shall be the function of every Chief — Functions of Chiefs
- (a) to exercise his powers under this Act to promote the welfare of the members of his tribe;
 - (b) to carry out any instructions given to him by the Minister;
 - (c) to ensure that the tribe is informed of any development projects in the area which affect the tribe;
 - (d) to convene kgotla meetings to obtain advice as to the exercise of his functions under this Act; and
 - (e) to perform such other functions as may be conferred on him by or under this Act.
16. A Chief shall have power, after consultation with the tribe or any section thereof in accordance with customary law, — Admission of membership into the tribe
- (a) to determine questions of tribal membership and admit persons to membership of the tribe; and
 - (b) to arrange tribal ceremonies.
17. (1) It shall be the duty of every Chief to the best of his ability to prevent the commission of any offence within his tribal territory. Prevention of crime
- (2) A Chief receiving information that any person, who has committed an offence for which he may be arrested without a warrant or for whose arrest a warrant has been issued, is within his tribal territory, shall cause such person to be arrested forthwith and taken before a court having jurisdiction over him.
- (3) A Chief receiving information that property of any description which has been stolen, whether within or without his tribal territory is within such area, shall cause such property to be seized and detained pending the order of a court having jurisdiction in the matter and shall forthwith report such seizure and detention to such court.
- (4) Any person acting on and in accordance with instructions lawfully given by a Chief pursuant to the provisions of this section shall be deemed to be empowered to do all that may be reasonably necessary to give effect to such instructions.
18. (1) The Minister may issue directions in writing to any Chief, not inconsistent with the provisions of this Act, for the better carrying out of the provisions of this Act. Directions by Minister
- (2) Any Chief who fails to comply with any direction given to him by the Minister shall be liable to be suspended or deposed in accordance with the provisions of section 12.

PART IV — *Sub-Chiefs and Headmen*

19. (1) The Minister may, by notice published in the Gazette, after causing to be held such consultation as he may deem fit with the kgotla of any tribal community, recognize, or withdraw the Recognition, etc. of sub-chief

(3) Subject to the provisions of subsections (4) and (5), the Minister shall, by notice published in the Gazette, appoint any person so designated to perform the said functions during such incapacity.

(4) If any question arises as to whether it was necessary for any person to be so designated, or whether any person so designated is fit to exercise such functions, or if there is any dispute as to whom the kgotla has designated, the matter shall be decided by the Minister.

(5) Upon deciding any question under subsection (4), or if the Chief or senior member of the tribe has failed to summon a kgotla or if a kgotla has failed to designate a person to exercise and perform the duties of the Chief, the Minister shall make such appointment as he may deem fit.

(6) Any person appointed under subsection (3) or subsection (5) shall, during the incapacity of the Chief, be deemed for the purposes of this Act to be the Chief.

Removal
of Chief

12. (1) If —

(a) the Minister has reasonable cause to believe that the Chief of any tribe; or

(b) any tribe or section of a tribe lodges with the Minister a complaint that the Chief of such tribe,

is incapable of exercising his powers, has abused his powers he shall suspend the Chief and inform him of the facts in writing of the reasons for his suspension.

(2) Where a Chief has been suspended and informed of the grounds of his suspension in accordance with the provisions of subsection (1), the Minister shall make such inquiry or cause such inquiry to be made as he deems fit and consider any representations made to him by the Chief.

(3) If after the holding of an inquiry under subsection (2), the Minister's belief is confirmed or is of the opinion that the allegations made against the Chief have been proved, he may, if he considers it to be expedient and in the interest of peace, good order and good government depose such Chief or suspend him from the chieftainship for a period not exceeding five years.

Appeal
against
decision of
Minister

13. (1) Any person who is dissatisfied with the decision of the Minister deposing him as a Chief may appeal to the President against the decision within two months after the giving of the decision.

(2) An appeal under this section shall not operate as a stay of execution of any order made by the Minister and such order shall be of full force and effect until such time as it is otherwise disposed of on the appeal.

Appoint-
ment of
person to
act in place
of suspended
Chief

14. The Minister may appoint any person to act as Chief in place of a Chief who has been suspended and whose appeal against his suspension has been dismissed or the period allowed

(2) On receipt of the report of a judicial commission appointed in terms of this section the Minister shall determine the question which has arisen, and make such decision for the purposes of section 4 (2), 5 or 6 as he may deem appropriate.

8. (1) Where for any reason there is a vacancy in the chieftainship of any tribe, the Minister may, by notice published in the Gazette, appoint any person to be the tribal authority for that tribe.

Tribal
authority

(2) A tribal authority shall, pending the recognition or appointment under this Act of a Chief or regent for the tribe in respect of which he is appointed, exercise and perform, to the exclusion of all other persons, the functions of the Chief.

9. (1) Subject to the provisions of subsection (2), a Chief may appoint any person as deputy chief.

Deputy
chief

(2) An appointment made under subsection (1) shall be subject to the approval of the Minister, and when so approved, the Minister shall cause a notice of the appointment to be published in the Gazette.

(3) If any disagreement arises between the Chief and the Minister as to the choice of deputy chief, the matter shall be decided by the Minister and the Minister and the Minister, by notice published in the Gazette, shall appoint such person to be deputy chief as he deems fit.

(4) A deputy chief shall perform such functions as the chief may from time to time delegate to him in addition to the functions mentioned in section 10.

(5) Any delegation made in pursuance of subsection (4) shall be made known in the customary manner to the persons likely to be affected thereby.

10. (1) If a Chief is temporarily unable to exercise the functions of his office, whether by reason of illness, absence or other cause, the powers and duties relating to his office shall be exercised and performed by the deputy chief, or if there is no deputy chief, by the senior member of the tribe.

Temporary
absence
or incapacity
of Chief

(2) A deputy chief or senior member of the tribe, as the case may be, shall not continue to perform the functions of the Chief in terms of this section if the Chief has notified him that he is about to assume or resume the exercise of his functions.

11. (1) If by reason of old age or mental or physical infirmity or other incapacity a Chief has become incapable or performing adequately the functions of his office, it shall be the duty of the Chief or in the absence of the Chief, the senior member of the tribe to report the circumstances to the Minister.

Incapacity
of Chief

(2) On receipt of such a report, the Minister may call upon the Chief or the senior member of the tribe to assemble the tribe in kgotla to consider the circumstances of the case and, if necessary, to designate a person who shall perform the functions of the Chief.

(2) Nothing in this section shall prevent any person from bringing a claim or making a complaint against any Chief in accordance with the provisions of this Act.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding two years, or to both.

23. (1) If he considers it expedient in the public interest, the Minister may by order —

Prohibition
of persons
purporting
to act as
Chiefs, etc.

(a) prohibit any person who is not a Chief (whether or not he was formerly recognised as a Chief) from purporting to exercise the functions of a Chief;

(b) require a person subject to such a prohibition to reside outside a specified area;

(c) require that no person shall treat as a Chief a person who is subject to such prohibition,

and any person who contravenes such order shall be guilty of an offence.

(2) Before making any order under subsection 1 (b), the Minister shall afford to the person to be affected by the order an opportunity to make any representations he may wish in regard to the order or the terms of the order.

24. (1) Any person who contravenes the provisions of section 23 shall be guilty of an offence and liable to a fine not exceeding P200 or to a term of imprisonment not exceeding one year, or to both.

Penalty for
contravening
the
provisions
of section 23

(2) No prosecution for an offence under this section shall be instituted except on the written authority of the Attorney-General.

25. (1) Notwithstanding any provision of any enactment to the contrary, no court shall have jurisdiction to hear and determine any cause or matter affecting chieftainship.

Jurisdiction
of courts in
relation to
cause or
matter
affecting
chieftainship

(2) For the purposes of this section "cause or matter affecting chieftainship" means any cause, matter, question or dispute relating to any of the following —

(a) the designation of any person as a Chief or the claim of any person to be designated as a Chief; or

(b) recognition, appointment, suspension of a person to be a Chief.

26. (1) The Chieftainship Act is hereby repealed.

Repeal of
Cap. 41:01

27. Notwithstanding the repeal effected by section 26 any person who immediately before the commencement of this Act was a Chief, shall continue to hold such office as if he had been so designated and recognised under this Act.

Savings