

REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XXXVI, No. 48

GABORONE

4th September, 1998

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The Botswana Government Gazette is printed by the Botswana Government Printer,
Private Bag 0081, GABORONE, Republic of Botswana.

Annual subscription rates are P150,00 post free surface mail and P244,00 airmail.

The price for this issue of the Gazette (including Supplement) is P7,00

Government Notice No. 320 of 1998

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary (Development),
Office of the President**

IN EXERCISE of the powers conferred on His Excellency the President by section 112 of the Constitution —

ALPHEUS MATLHAKU

has been appointed to act as Permanent Secretary (Development), Office of the President from 24th to 27th August, 1998.

DATED this 24th day of August, 1998.

E.W.M.J. LEGWAILA,
*Permanent Secretary to the President,
Office of the President.*

Government Notice No. 321 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Administrative Secretary

IN EXERCISE of the powers conferred on His Excellency the President by section 112 of the Constitution —

BOTSHELO M. MATHUBA

has been appointed to act as Administrative Secretary from 27th to 28th August, 1998.

DATED this 26th day of August, 1998.

E.W.M.J. LEGWAILA,
*Permanent Secretary to the President,
Office of the President.*

Government Notice No. 322 of 1998

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Minerals, Energy and Water Affairs**

IN EXERCISE of the powers conferred on His Excellency the President by section 112 of the Constitution —

TAFILANI MACHACHA

has been appointed to act as Permanent Secretary, Ministry of Minerals, Energy and Water Affairs from 7th to 11th September, 1998.

DATED this 20th day of August, 1998.

E.W.M.J. LEGWAILA,
*Permanent Secretary to the President,
Office of the President.*

Government Notice No. 323 of 1998

CHANGE OF NAME ACT
(Cap. 15:02)

Authorisation of Change of Surname

IN ACCORDANCE with section 2 (1) as read with section 4 (3) of the Change of Name Act, the Minister of Labour and Home Affairs hereby authorises the persons whose names and addresses are specified hereunder to assume the surnames specified opposite their names and addresses.

<i>Name and Address</i>	<i>Surname</i>
Waboraro Barona Bryzar Legae, Private Bag 00131, Gaborone.	Kabelo
Matilda Benjamin, P.O. Box 870, Mahalapye.	Hei
Abbie Pongish Sethokga, P.O. Box 50883, Gaborone.	Mashaba
Deon Thebolo Olaotse, c/o Tiny K. Olaotse, Private Bag 00168, Gaborone.	Vaughan
Wame Kgobo Mphapogang, P.O. Box 1128, Mogoditshane.	Gaolaolwe
Mathiba Kolobe, P.O. Box 48, Gaborone.	Chibiya
Tebogo Ntebane, P.O. Box M1361, Kanye.	Moreetsi
Tshoganetso Fane, P.O. Box 553, Serowe.	Raletsholo
Pedzani Kgosiemang, c/o Mfana Begane, Private Bag 002, Tshesebe.	Mfana
Queen Molebatsi, P.O. Box 2318, Gaborone.	Mpelege
Tiny Kapaletswe Olaotse, Private Bag 00168, Gaborone.	Vaughan
Thato Roy Moitoi, P.O. Box 343, Jwaneng.	Kebopetswe
Thatayame Poloko, P.O. Box 920, Mahalapye.	Kgosietsile
Othusitse Thapelo Bodibe, P.O. Box 48, Mogoditshane.	Molaodi

DATED this 20th day of August, 1998.

C.V. SERETSE,
*for Registrar of Civil Registration,
Ministry of Labour and Home Affairs.*

PUBLIC NOTICES

Republic of Botswana — Tender No. 9/4/14/98-99 (Nominated Sub-Contractor)

MECHANICAL SERVICES INSTALLATION – OFFICE BUILDING FOR DEPARTMENT OF TAXES AND ATTORNEY GENERAL'S CHAMBERS IN GABORONE

TENDERS ARE INVITED for the supply, installation, testing and commissioning of Mechanical Services for the above-mentioned Project.

Tender documents and drawings will be available on application to the Department of Electrical and Mechanical Services (Room 23, Mechanical Design and New Works), Plot 6399-6401, Broadhurst Industrial Site, Gaborone or by post to, Private Bag 0066, Gaborone.

Tenders shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone, (Room 202, Ministry of Finance and Development Planning Building) not later than 10.00 a.m. on Wednesday 21st October, 1998 when tenders will be opened in the presence of tenderers wishing to attend. Telegraphic, telephonic and telex tenders will not be considered.

Tenders will only be accepted from CTB registered companies that have successfully carried out similar installation and can provide backup service in Botswana. The evaluation criteria will include price, technical resources, present workload and past comparable experience of the firm. In this connection, tenderers are to submit with their offer, adequate details of the companies' technical resources, i.e., resume of staff, details of workshop, plant, vehicles and past similar projects.

Notwithstanding anything contained in the foregoing, the Government of the Republic of Botswana is not bound to accept the lowest tender or to incur any expense in the preparation thereof or give any reasons for any decisions taken.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. 9/4/106/98-99 (Nominated Sub-Contractor)

MECHANICAL SERVICES INSTALLATION – CENTRAL TRANSPORT ORGANIZATION WORKSHOP IN KASANE

TENDERS ARE INVITED for the supply, installation, testing and commissioning of Mechanical Services for the above-mentioned Project.

Tender documents and drawings will be available on application to the Department of Electrical and Mechanical Services (Room 23, Mechanical Design and New Works), Plot 6399-6401, Broadhurst Industrial Site, Gaborone or by post to, Private Bag 0066, Gaborone.

Tenders shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone, (Room 202, Ministry of Finance and Development Planning Building) not later than 10.00 a.m. on Wednesday 23rd September, 1998 when tenders will be opened in the presence of tenderers wishing to attend. Telegraphic, telephonic and telex tenders will not be considered.

Tenders will only be accepted from CTB registered companies that have successfully carried out similar installation and can provide backup service in Botswana. The evaluation criteria will include price, technical resources, present workload and past comparable experience of the firm. In this connection, tenderers are to submit with their offer, adequate details of the companies' technical resources, i.e., resume of staff, details of workshop, plant, vehicles and past similar projects.

Notwithstanding anything contained in the foregoing, the Government of the Republic of Botswana is not bound to accept the lowest tender or to incur any expense in the preparation thereof or give any reasons for any decisions taken.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 9/4/142/98-99 (Nominated Sub Contract)

**ELECTRICAL INSTALLATION, SITE RETICULATION AND STREET LIGHTING INSTALLATION FOR
DEPARTMENT OF WILDLIFE AND NATIONAL PARKS ANTI-POACHING UNIT OFFICE BLOCK AND
5 NO. LOW COST HOUSES AT DUTLWE**

TENDERS ARE INVITED for the electrical installation, site reticulation and street lighting installation for Department of Wildlife and National Parks Anti-Poaching Unit office block and 5 No. Low Cost Houses at Dutlwe.

Documents and drawings will be available on application to the Director of Electrical and Mechanical Services, Plot No. 6399-6401, Broadhurst Industrial Site, Gaborone, or by post to Private Bag 0066, Gaborone.

Tenders shall be delivered to the Acting Director, Central Tender Board, Private Bag 0058, Gaborone, Room 202, Ministry of Finance and Development Planning Building not later than 10.00 hours on Wednesday 14th October, 1998 when tenders will be opened in the presence of tenderers wishing to attend. Fax, telephone and telex tenders will not be considered.

Tenders will only be considered from contractors who are registered with the Central Tender Board in category "2B" and "2C".

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

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 9/4/138/98-99 (Direct-Contract)

**SUPPLY INSTALLATION TESTING AND COMMISSIONING OF SOLAR WATER HEATING
SYSTEM FOR REPLACEMENT AT TSABONG**

TENDERS ARE INVITED for supply, installation, testing and commissioning of Domestic Solar water heating systems for replacement at Tsabong.

Tender documents and drawings will be available on application to the Department of Electrical and Mechanical Services, Plot No. 6399-6401, Broadhurst Industrial Site, Gaborone.

Tenders shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone, (Room 202, Ministry of Finance and Development Planning Building) not later than 10.00 hours on Wednesday 18th November, 1998 when tenders will be opened in the presence of tenderers wishing to attend. Telegraphic, telephonic and telex tenders will not be considered.

Tenders will only be accepted from companies registered with Central Tender Board who have successfully carried out similar installation and can provide backup service in Botswana. The evaluation criteria will include price, technical resources and past comparable experience of the firm. In this connection, tenderers are to submit with their offer, details of workshop, plant and past similar projects.

Notwithstanding anything contained in the foregoing the Government of the Republic of Botswana is not bound to accept the lowest tender nor to incur any expense in the preparation thereof nor to give any reasons for any decisions taken.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 8/5/98-99

GPS EQUIPMENT OF ZERO ORDER NETWORK

TENDERS ARE INVITED for supply of the following GPS equipment:

- (a) 4 No. Geodetic GPS receivers
- (b) 2 No. Specialised processing software

Tender documents will be available from The Director of Surveys and Mapping, Private Bag 0037, Gaborone, or Room 101, Department of Surveys and Mapping, Station Road, Gaborone from 7th September, 1998.

Tenders in triple (3 copies) shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone or to Room 202, Ministry of Finance and Development Planning Building, not later than 10.00 hours on Wednesday 14th October, 1998 in an envelope marked: "TB 8/5/98-99 — GPS Equipment for Zero Order Network", when tenders will be opened in the presence of tenderers wishing to attend.

Tenders received after the closing date and time will not be considered. Telephone, telegraphic, telex or facsimile tenders will not be considered. The lowest or any tender will not necessarily be accepted and no reasons will be given for the refusal of any tender. Tenders must be structured in the same format detailed in the tender documents.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 8/5/1/98-99
Department of Surveys Mapping

INTEGRATED GIS DATABASES COMPUTER EQUIPMENT

TENDERS ARE INVITED for supply of the following computers

- (a) 14 No. Pentium CAD Computers
- (b) 6 No. Pentium Note book Computers
- (c) 1 Colour Scanner AO format
- (d) 1 No. Colour Postscript Plotter AO format
- (e) 2 No. Colour Postscript Plotter A4 format
- (f) 1 No. Colour Postscript Ink Printer A3 format
- (g) 2 No. Optical Disk Drive
- (h) Unix ARC/INFO software upgrade

Tender documents will be available from The Director of Surveys and Mapping, Private Bag 0037, Gaborone, or Room 101, Department of Surveys and Mapping, Station Road, Gaborone from 7th September, 1998.

Tenders in triple (3 copies) shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone or to Room 202, Ministry of Finance and Development Planning Building, not later than 10.00 hours on Wednesday 14th October, 1998 in an envelope marked: "TB 8/5/1/98-99 — Integrated GIS Databases Computer Equipment", when tenders will be opened in the presence of tenderers wishing to attend.

Tenders received after the closing date and time will not be considered. Telephone, telegraphic, telex or facsimile tenders will not be considered. The lowest or any tender will not necessarily be accepted and no reasons will be given for the refusal of any tender. Tenders must be structured in the same format detailed in the tender documents.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 9/5/42/98-99
Ministry of Works Transport and Communication Roads Department

ROAD LINE — PAINTING

TENDERS ARE INVITED from citizen companies registered with Central Tender Board for the execution of Road Lines, letters, symbols and premarking painting.

Tender documents will be available from the office of the Director of Roads on or after the 1st September, 1998. Tenders must reach the Acting Director, Central Tender Board, Private Bag 0058, Gaborone by registered post or by hand in a plain sealed envelope marked: "TB 9/5/42/98-99 — Road-Line Painting" not later than 10.00 hours on the 18th November, 1998.

Telex or telephone tenders shall not be accepted. The Director of Roads is not bound to accept the lowest or any tender nor give reasons for non-acceptance of a tender and will not be responsible for the cost incurred in the preparation thereof.

Any further information regarding this tender may be obtained from the office of Director of Roads, Private Bag 0026, Gaborone, Telephone number 313511, Room numbers 207 and 213.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 9/5/41/98-99
Ministry of Works Transport and Communication Roads Department

SUPPLY OF ROAD-SIGN-FACES AND BLANKS

TENDERS ARE INVITED for Road Lines, letters, symbols and premarking painting. Tender documents will be available from the office of the Director of Roads on or after the 1st September, 1998. Tenders must reach the Acting Director, Central Tender Board, Private Bag 0058, Gaborone by registered post or by hand in a plain sealed envelope marked: "TB 9/5/41/98-99 — Supply of Road Sign Faces and Blanks" not later than 10.00 hours on the 18th November, 1998.

Telex or telephone tenders shall not be accepted. The Director of Roads is not bound to accept the lowest or any tender nor give reasons for non-acceptance of a tender and will not be responsible for the cost incurred in the preparation thereof.

Any further information regarding this tender may be obtained from the office of Director of Roads, Private Bag 0026, Gaborone, Telephone number 313511, Room numbers 207 and 213.

K.K. SEMELAMELA,
for/Director,
Central Tender Board.

Republic of Botswana — Tender No. TB 16/1/1/98-99

THE PUBLIC is informed for general information that the date for delivery period of Voting Booths has been extended to the 29th September, 1998.

K.K. SEMELAMELA,
for/Director, Central Tender Board.

Republic of Botswana — Tender No. TB 10/3/9/98-99

**ELECTRICAL INSTALLATION AND RETICULATION FOR LABORATORY AND OFFICE COMPLEX
 AT MMAMASHIA FOR THE NORTH SOUTH CARRIER WATER PROJECT**

TENDERS ARE INVITED for the installation and maintenance of the electrical installation and reticulation at the proposed Laboratory and Office Complex at Mmamashia for the North South Carrier Water Project, approximately 20km north of Gaborone.

The building is approximately 1450 square meter in area, single storey and comprises entrance/reception foyer, administrative offices, visitor's centre, conference room, kitchen and canteen, laboratories, toilets and stores and has a large external parking area.

The works will be in the form of a Nominated Sub-Contract and will comprise the following:

- HV and LV electrical reticulation (both internal and external) including the provision of a 'Miniature Substation'.
- Provision of all electrical and communications services within the building complex.
- Installation of a fire alarm system
- Installation of street and area lighting.

You are invited to collect tender documents from the offices of Burrow Binnie Botswana Limited, 2nd Floor, Chobe House, Broadhurst Mall, Gaborone between 3rd August, 1998 and 7th August, 1998. No documents will be issued after 7th August, 1998. A non-refundable fee of P200.00 must be paid at the time of collecting the documents.

Prospective tenderers are advised that tender documents will only be issued to those contractors registered with the Central Tender Board, who can produce proof that they are registered for Electrical Works "Grade D" or higher.

Tenders shall be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone, or to Room 202, Ministry of Finance and Development Planning, not later than 10.00 hours on 16th September, 1998 when tenders will be opened in the presence of tenderers wishing to attend. Tenders are to be delivered in a sealed envelope clearly marked: "Tender No. TB 10/3/9/98-99 — Electrical Installation and Reticulation for North South Carrier Water Project".

Notwithstanding anything contained in the foregoing the Employer is not bound to accept the lowest or any tender nor to incur any expenses in the preparation thereof.

K.K. SEMELAMELA,
for/Director, Central Tender Board.

**Republic of Botswana — Contract Notice
European Development Fund**

Notice of Invitation to Tender No. 4346 issued by The Republic of Botswana for a project identified for financing by the European Community (EC).

BW - SELEBI-PHIKWE: FLOTATION PROCESS CELL SYSTEM

1. *Project Identification and Financing:*
 - (a) Title: Lomé IV Sysmin Support Programme.
 - (b) Number : -7 ACP-BT-044.
 - (c) Source of financing: 7th European Development Fund (EDF).
 - (d) Status of the financing: Approved.
2. *Contract Identification:*
 - (a) Type of contract: Works
 - (b) Subject: Rougher & Scavenger Cell System & Associated Facilities
 - (c) Number of lots: 1.
 - (d) Groups of lots: see tender documents.
3. *Eligibility, Origin and Evaluation Criteria.*
 - (a) Eligibility and origin: EC/ACP States signatory to the Fourth Lomé Convention, 1st Financial Protocol excluding Austria, Sweden and Finland.
 - (b) Evaluation: see tender documents.
4. *Location and Deadline:*
 - (a) Project Location: BCL Ltd, Selebi North Mine Site, Selebi-Phikwe. Botswana.
 - (b) Place of delivery, installation or performance: BCL Ltd., Mine Site, Selebi-Phikwe, Botswana.
 - (c) Delivery of performance period: 270 days.
5. *Project Authorities:*
 - (a) Contracting Authority: BCL Ltd, Mine Site, P.O. Box 3, Selebi-Phikwe, Botswana.
 - (b) Supervisor: IMC Techpro, International House, Dover Place, Ashford, Kent, TN 23 IEX, United Kingdom, Telephone No. (0044) 1233-633355, Telefax No. (0044) 1233-633535.
6. *Tender Documents:*
 - (a) Type of tender: Open invitation to tender.
 - (b) Terms on which the documents may be obtained: free of charge at the addresses given in c) and d)
 - (c) Inspection of the tender documents in the country of the Contracting Authority via: The Project Manager, Sysmin Projects, BCL Ltd, Projects Dept, P.O. Box 3, Mine Site, Selebi-Phikwe, Botswana.
 - (d) Inspection of the documents in the Member States: Offices of the Commission of the European Communities (see Paragraph 11 of this notice).
7. *Tender Validity Period:*
 - (a) 90 days
8. *Language, Receipt and Opening of Tenders:*
 - (a) Language: English
 - (b) Date and time (Local) for receipt of tenders: 2nd December, 1998, 10.00 hours
 - (c) Address for the receipt: BCL Sysmin Projects Group, Attention Mr M. Ralls/Mr O. Mmopi, Administration Building, Site, Selebi-Phikwe, Botswana.
 - (d) Date and time (local) for the opening of tenders: 2nd December, 1998, 10.30 hours.
 - (e) Address for the opening: Board Room (Room 3), Administration Block, BCL Ltd, Mine Site, Selebi-Phikwe, Botswana.
9. *Deposits and Guarantees:*
 - (a) Tender guarantee: yes - 2% of the tender price.
 - (b) Performance guarantee: yes - 5% of the contract price.
 - (c) Other: see tender documents.

10. Site Visit:

- (a) Mandatory and organised by: The Project Manager, Sysmin Projects
- (b) Date and Time: 15th October, 1998.
- (c) Report to: Sysmin Projects Offices, Rooms 15 & 16 and 18, Projects Dept, BCL Ltd.
- (d) Contact Names: Mr J. Swallow/Mr A. Cardoso/Mr J. Kelly
- (e) Contact Telephone (+267) 814041, Telefax No. (+267) 814197.

11. Further information

- (a) REFERENCES: If the State of the Contracting Authority is one of the African, Caribbean and Pacific States which are signatory to the fourth Lome Convention (ACP States), this notice is published pursuant to Annex I to Decision No. 3/90 of the ACP-EEC Council of Ministers of 29.3.90 (OJ L-382, 31.12.90).
If the State of the Contracting Authority is not an ACP State, this notice is published pursuant to Council Regulation (EEC) No. 443/92 of 25 February, 1992 (O J L-52, 27.2.92)

- (b) Address of the Commission of the European Communities (GD VIII) and its Offices in the Member States:

B - 1140 Bruxelles, DG VIII/C/3, rue de Genève 12, Bureau 4/15 – (Tel: 32-2-2994930)–(Fax: 32-2-2992870)
 D -53113 Bonn Zitellmannstrasse 22 – (Tel: 49-228-530090) – (Fax: 49-228-5300950)
 DK -1787 Kobenhavn V, Dansk Industri, Projekt-og Licitationskontoret afd. EMI (Tel: 45-33-773377) – Fax: 45-33-773300)
 E -28046 Madrid, P^o Castellana 46 – (Tel: 34-1-4315711) – (Fax: 34-1-5760387)
 EL -10674 Athens, Vassilissis Sofias, 2 – (Tel: 30-1-7243982) – (Fax: 30-1-7244620)
 F -75007 Paris, 288 Boulevard St Germain – (Tel: 33-1-40633838) – (Fax: 33-1-45569417)
 I -00187 Roma, Via Poli, 29 – (Tel: 39-6-699991) – (Fax: 39-6-6793652)
 IRL -Dublin 2, Molesworth Street, 39 – (Tel: 353-1-712244) – (Fax: 353-1-712657)
 L -2920 Luxemburg, Ch. de Commerce 7, Rue A de Gasperi, BP 1503 – (Tel: 352-43011) – (Fax: 352-43014433)
 NL -2594 AG Den Haag, E.V.D., afdeling PPA, Bezuidenhoutseweg 151 (Tel: 31-70-3797501) – (Fax: 31-70-3797878)
 PT -1200 Lisboa, Centro Europeu Jean Monnet, Largo Jean Monet, 1,10. (Tel: 351-1-541144) – (Fax: 351-1-554397)
 UK -London SWIP 3AT, 8 Storey's Gate – (Tel: 44-71-9731992) – (Fax: 44-71-9731900)

K.K. SEMELAMELA,
for/Director, Central Tender Board.

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

Case No. CC 1919/97

In the matter between:

BARCLAYS BANK OF BOTSWANA LIMITED
and
CATHLEEN THELMA MILLER

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: * 10th September, 1998
 TIME: 10.00 a.m.
 PLACE: Broadhurst Police Station
 PROPERTY TO BE SOLD: 1 x Blaupunkt 64cm colour TV, 1 x 1 Superser heater, 1 x 3 piece cane sofas, 1 x 1 double door fridge, 1 x 1 TV stand, 1 x 1 four plates gas stove, 1 x 1 KIC Microwave, 1 x Imperior fridge, 1 x 1 base and mattress.
 TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone on this 26th day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o M.K. MOESI & CO., Plot No. 937, Thipe House, Extension 2,
P.O. Box 10193, GABORONE.

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

Case No. CC 2047/97

In the matter between:

**BOTSWANA HOUSING CORPORATION
and
MASIKE SETH LAZARUS**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, the following property will be sold by public auction by Deputy Sheriff Benjamin Motswakhumo to the highest bidder as follows:

DATE OF SALE: 8th September, 1998
TIME: 11.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 TV set,
 1 video machine,
 4 piece sofas,
 1 gas stove,
 1 fridgerator.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone this 25th day of August, 1998.

DEPUTY SHERIFF BENJAMIN MOTSWAKHUMO, c/o M.K. MOESI & CO., Plot No. 937, African Mall,
 Extension 2, P.O. Box 10193, GABORONE.

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

Case No. CC 855/98

In the matter between:

**M.K. MOESI & COMPANY
and
SELLO AUPA SEKOLO**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 8th September, 1998
TIME: 10.00 a.m.
PLACE OF SALE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 8 Nissan Bakkie, Registration No. B370 ACI.
RESERVED PRICE: P15,000.00 cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone on this 26th day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o M.K. MOESI & CO., Plot 937, Thipe House, Extension 2,
 P.O. Box 10193, GABORONE.,

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOBATSE
HELD AT LOBATSE**

Case No. L 1114/96

In the matter between:

MMABELA FRANCINA D. SHOARANE
and
MIMORA NGEZE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 11th September, 1998
TIME: 10.00 a.m.
VENUE: Office of Motlhagodi & Motsamai
PROPERTY TO BE SOLD: 1 base bed and mattress,
 1 Karaoke stereo system,
 1 wardrobe.
TERMS OF SALE: Cash or bank guaranteed cheque.

DATED at Lobatse this 14th day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o MOTLHAGODI & MOTSAMAI ATTORNEYS, Plot 3114,
 Letsholathebe Street, P.O. Box 629, LOBATSE.

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOBATSE
HELD AT LOBATSE**

Case No. L 1116/96

In the matter between:

MMABELA FRANCINA D. SHOARANE
and
JOSHUA MOLETA

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 11th September, 1998
TIME: 10.00 a.m.
VENUE: Offices of Motlhagodi & Motsamai
PROPERTY TO BE SOLD: 1 room unit,
 1 Telefunken colour television,
 1 coffee table,
 1 four piece sofas with coffee table,
 1 double door fridge Master,
 1 x 2 piece bed sets.
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Lobatse this 14th day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o MOTLHAGODI & MOTSAMAI ATTORNEYS, Plot 3114,
 Letsholathebe Street, P.O. Box 629, LOBATSE.

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

Case No. Misca F 3/93

In the matter between:

STANDARD CHARTERED BANK OF BOTSWANA LTD
and
MESHACK MABURE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to judgment of the above Honourable Court, the following immovable property of the above-named Defendant will be sold in execution as follows:

DATE OF SALE: Thursday 1st October, 1998
TIME: 11.00 a.m.
VENUE: Tribal Lot 6, Pandamatenga in the Chobe District
PROPERTY TO BE SOLD: Defendant's right, title and interest with respect to a commercial property situated at Tribal Lot 6, Pandamatenga together with all permanent buildings thereon held under Memorandum of Lease No. 40/92 dated 5th February, 1992.
TERMS OF SALE: Cash or bank guaranteed cheque. Reserve Price of P65,000.00. Detailed conditions of sale may be inspected at the offices of the Deputy Sheriff E.C. Carstens at P.O. Box 82, Ntote House, Francistown.

DATED at Francistown this 25th day of August, 1998.

DEPUTY SHERIFF E.C. CARSTENS, P.O. Box 82, FRANCISTOWN

for

E. EBRAHIM-CARSTENS, *Plaintiff's Attorneys*, Suite # 2, Ntote House, Plot 16143,
Blue Jacket Street, P.O. Box 82, FRANCISTOWN.

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

Case No. CC(F) 274/94

In the matter between:

KEGAISAMANG G. RAMOKWENA
and
TSABANA D. MASIKE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION — IMMOVABLE PROPERTY

BE PLEASED TO TAKE NOTICE that pursuant to a writ of execution issued out of the above Honourable Court in the above matter, the following immovable property will be sold by public auction by the Deputy Sheriff Aye Thipe to the highest bidder at the site of the property as follows:

CERTAIN: piece of land called Farm No. O.M. 11
SITUATE: at Haina Veld Communal T.G.L. Ranches, Botswana
TIME: 10.00 a.m.
MEASURING: 4900 hectares (Four Thousand Nine Hundred hectares)
DATE OF SALE: Friday 25th September, 1998
PROPERTY TO BE SOLD: All Defendant's rights, title and interest in the said piece of land with all the improvements (dwelling house) thereon. Purchase price will be payable as to 10% in cash on the date of sale or by bank guaranteed cheque, the balance to be paid on transfer and to be secured by a bank or Building Society guaranteed to be provided within 7 days of the sale. Detailed conditions of sale may be inspected at the offices of Deputy Sheriff at 209 Blue Jacket Square, Blue Jacket Street, Francistown.

DATED at Francistown on this 17th day of August, 1998.

PHUMAPHI, CHAKALISA & CO., *Plaintiff's Attorneys*,
P.O. Box 484, FRANCISTOWN

Francistown City Council — Tender Notice No. COF/31/98

SUPPLY OF A MOTOR VEHICLE

TENDERS ARE HEREBY invited for the supply of a Motor Vehicle as specified below. 1 x 65 Seater Bus, powered by a 125 kw. 6 cylinder Diesel engine with the following extras:-

- Radio tape
- Tinted windows - all round
- Luggage shelves
- 3m roof rack with a very strong Tarpouline cover.

Vandalism protection locks at all vulnerable points i.e. Engine enclosures, Fuel tank, Batteries etc. must be provided.

GENERAL CONDITIONS

- Tender prices should preferably be in Pula currency and remain firm for 90 days from the date of tender opening. If it is not possible for tenderers to do so, then any conditions relating to prices such as foreign exchange rate fluctuation and sales tax, should be clearly indicated.
- Relevant brochures and tool kits must be provided.
- Conditions of the vehicle warranty/guarantee must be clearly defined.

DELIVERY: To the Senior Officer main stores, Light Industrial Area within the specified period, after tender opening.

Tenders in plain sealed envelopes, clearly marked "Tender No. COF/31/98 — Supply of a motor vehicle" should be sent and to reach the City Clerk, Private Bag 40, Francistown, not later than 08.00 hours on Friday 18th September, 1998. Tenders will be opened at 09.00 hours the same day in the Conference Room and tenderers are at liberty to attend the opening session.

Notwithstanding anything in the foregoing, the City of Francistown is not bound to accept the lowest or any tender nor incur any expenses in preparation thereof.

E.V.M. SEPHETSOLO,
for City Clerk.

Second Publication

Francistown City Council — Tender Notice No. COF/39/98

ASPHALT SURFACING OF ROADS IN DIFFERENT AREAS OF FRANCISTOWN

TENDERS ARE INVITED by City of Francistown for Asphalt surfacing of roads in different areas of Francistown. Only contractors registered with the Central Tender Board for road works will be considered.

Tender documents together with details can be obtained from the City Engineer's office, Room No. 405, Civic Centre, Francistown or on application to City Clerk, City of Francistown, Private Bag 40, Francistown on payment of P50.00 non-refundable tender fee.

Tenders in a plain sealed envelope marked "Tender No. COF/39/98 — Asphalt surfacing of Roads" should be delivered or sent to the City Clerk, Private Bag 40, Francistown not later than 8.00 a.m. on Friday 18th September, 1998. Tenders will be opened in the presence of tenderers wishing to attend at 9.00 a.m. on the same day in the old Council Chamber.

Notwithstanding anything in the foregoing City of Francistown is not bound to accept the lowest or any tender nor to assign any reasons for rejection or to incur any expenses in the preparation thereof.

K.C. JAIN,
for City Clerk.

Second Publication

Francistown City Council — Tender Notice No. COF/40/98

SUPPLY AND DELIVERY OF ROAD SIGNS AND ACCESSORIES

TENDERS ARE INVITED by City of Francistown for the supply and delivery of road traffic signs and accessories as detailed below:

NAME	CODE	QUANTITY
1. Caps 78mm diameter	-	200
2. Adaptors - for street names	-	200
3. Sign posts 76mm diameter x 2500mm long	-	500
4. Bolts (M10)	-	1000
5. Nuts (M10)	-	1000
6. Stop signs	R1	100
7. Yield Signs	R2	150
8. No parking signs	R9	30
9. T-Junction signs	W2	100
10. Direction signs	R17	30
11. Gentle curve L&R	W9A/W9B	20 (10 each)
12. Traffic Circle Sign	-	10
13. Staggered junction	W4A/W4B	50 (25 each)
14. Road Works Ahead	G32A	10
15. Side junction L&R	W3A/W3B	50 (25 each)
16. Speed Limit 30	R14	10
17. Traffic Cones (450 mm)	-	100
18. Speed Humps	W21	30
19. No U Turn	R7	10
20. Danger Plates	G42A/G42B	40 (20 each)
21. No Entry Signs	R3	20
22. Sharp Curve Chevron L&R	-	10 small + 10 big
23. No right turn	R6A	5
24. No left turn	R6B	5
25. Cross roads	W1	20
26. Truck Crossing	W36	6
27. Drift	W24	20
28. Road Workmen	W40	10
29. Pedestrian	W17	20
30. Pedestrian Crossing	W17B	20
31. Children	W18	20
32. Sharp curve L&R	W10A/W10B	30 (15 each)
33. Stop/Go	R16A/R16B	8 (4 each)
34. Road closed	R15	6
35. No stopping	R10	10
36. Unguarded Level Crossing	W31	6
37. Traffic Signals ahead	W34	10
38. Two-way traffic	W14	10
39. Reverse curves	W12A/W12B	10 (5 each)
40. End of dual roadways	W13A1/W13A2	10 (5 each)
41. Beginning of dual roadways	W13B1/W13B2	10 (5 each)
42. T - Junction chevron	G43	10
43. Cul-de-sac	G28	10

SPECIFICATIONS:

- (i) All the signs shall satisfy the requirements of the Road Traffic Act (Cap. 69.01) (Road Traffic (signs) Regulation.
- (ii) All regulatory signs (circular ones) shall have 610mm dimensions.
- (iii) All warning signs (Triangular ones) shall have 914mm dimensions.
- (iv) Both the regulatory and the warning signs shall be stiffened in the back with a 25mm steel tubing at the top and bottom. The steel tubing shall be rivetted on to the sign.
- (v) Both the sign and the steel tubing shall have a 12mm hole drilled at the top and bottom for fastening to the post.
- (vi) All rectangular signs except danger plates shall be stiffened (or framed) with a 25mm steel tubing on their circumferences. The steel tubing shall be rivetted on to the back of the sign. Four 12mm diameter holes shall be drilled on the sign for fastening to the posts.

TERMS AND CONDITIONS:

1. All prices must remain firm during period of supply. No price variations due to any reasons whatever would be entertained.
 2. Period of supply will be from November, 1998 to March, 1999.
 3. Quantities stated are approximate and may vary as per actual needs.
 4. Specific LPO's would be prepared for specific supplies needed for specific items.
 5. Botswana based manufacturers companies must state any price preference advantage entitlement if they have as approved by the Government and must enclose with their tender relevant documents to prove that statement. Such price preference would be considered if adequate and relevant information is provided in the tender by tenderers.
 6. All prices must be quoted in Botswana currency 'Pula' and should include any taxes, duties etc. If no specific mention is made, it would be deemed that prices are inclusive of taxes/duties.
 7. All prices must also include delivery of the goods at our works depot in Light Industrial Area Francistown.
 8. Suppliers should state any other terms and conditions if they wish to.
 9. Council expects individual supply of ordered goods within 4 weeks of issuance of LPO.
- Please note that no tender document has been prepared in this respect. Information given in this notice is deemed to be adequate for tenderers to prepare their own tender document and submit as directed.

Tenders in a plain sealed envelope marked "Tender No. COF/40/98 — Supply and Delivery of Road Signs and Accessories" should be sent to the City Clerk, Private Bag 40, Francistown not later than 8.00 a.m. on Friday 18th September, 1998. Tenders will be opened in the presence of tenderers wishing to attend at 9.00 a.m. on the same day in the Council Chamber.

City of Francistown is not bound to accept the lowest or any tender or to assign reason for rejection or to incur any expenses in the preparation thereof.

K.C. JAIN,
for City Clerk.

Second Publication

Francistown City Council — Tender Notice No. COF/41/98

SUPPLY AND DELIVERY OF SURVEYING EQUIPMENT

TENDERS ARE INVITED by City of Francistown for the supply and delivery of Surveying equipment as detailed below:

1. One Theodolite (total station) with essential accessories
2. One wide frame extension leg Tripod
3. Six single section ranging rods
4. One 5 meter staff

Tenderers must clearly specify all terms and conditions in their submission. Prices should remain fixed for the period of supply since no price variations due to any reason would be entertained. All prices should be in 'Pula' currency. Validity of tenders and delivery periods must be clearly stated. Delivery must be made to our stores at Francistown and prices must include any import duties, sales tax, transportation and delivery to our stores in Francistown. Necessary technical specification, manufacturer's instructions and similar other important information about the products must be included in the submission. Tenders without proper information as requested may not be considered.

Tenders in a sealed plain envelopes marked "Tender No. COF/41/98 — Supply and Delivery of Surveying Equipment" should be sent to the City Clerk, City of Francistown, Private Bag 40, Francistown not later than 8.00 a.m. on Friday 18th September, 1998. Tenders will be opened in the presence of tenderers wishing to attend at 9.00 a.m. on the same day in the old Council Chamber.

Notwithstanding anything in the foregoing, the Francistown City Council is not bound to accept the lowest tender or any tender nor to assign reasons for rejection or to incur any expenses in the preparation thereof.

K.C. JAIN,
for City Clerk.

Second Publication

Francistown City Council — Tender Notice No. COF/42/98

**DESIGN, SUPPLY AND INSTALLATION OF TWO HORIZONTAL SELF
PRIMING SEWAGE PUMPS AT TATITOWN AND DONGA LIFT STATIONS
FRANCISTOWN**

TENDERS ARE INVITED by City of Francistown for the above works from Engineering firms specialising in Sewage Pumps. The work relate to Design, Supply and installation of two Horizontal Self Priming Pumps and manual operated electrical control panels. Piping shall be 110mm diameter with non-return valve, gate valve, air release valve to be connected to existing 150mm diameter pumping main. The pumps shall be designed to retain adequate liquid in the pump casing to ensure unattended automatic repriming in complete open system without suction or discharge check valves and with a dry suction leg.

No tender document are issued by Council but tenderers are requested to attend a compulsory site at meeting at 2 p.m. on Friday 4th September, 1998 at the City Engineers Office (Room 405) Civic Centre Francistown. Tenders received by suppliers who did not attend compulsory site meeting would be rejected outright.

**IMPORTANT NOTICE TO TENDERERS
WARRANTY AND SERVICE**

Tender must remain 90 days.

All goods and materials supplied shall have a manufacturers warranty of minimum 1 year.

Prices must include design, supply, installation, performance testing and commissioning at Tatitown and Donga lift stations Francistown.

Tenderers shall describe what service and technical backup is available.

Prices quoted should be firm for a period of one year.

Prices shall include all taxes of import duties.

All necessary technical specification, brochures, maintenance schedule must be provided.

Prices must remain firm for the execution of the project.

No price variation due to any reasons must be allowed.

Training must be provided for the Sewerage staff.

Tenderers from outside Botswana must have a local representative, however Botswana based company would be preferred.

Tenders in plain sealed envelope clearly marked "Tender No. COF/42/98 — Supply and Installation of Horizontal Priming Pump" to be posted or delivered by hand to reach the City Clerk, Francistown City Council, Private Bag 40, Francistown not later than 8.00 a.m. on Friday 18th September, 1998. Tenders will be opened the same day at 9.00 a.m. in the old Council Chamber in presence of tenderers who may wish to attend.

Notwithstanding anything in the foregoing, the Francistown City Council is not bound to accept the lowest tender nor to assign reason for rejection or to incur any expenses in the preparation thereof.

K.C. JAIN,
for City Clerk.

Second Publication

Kweneng District Council — Tender No. 31 of 1998

MAINTENANCE OF HEALTH FACILITIES

KWENENG DISTRICT COUNCIL invites tenders from local Companies registered with the Ministry of Local Government, Lands and Housing Category 1 to 3 for the maintenance of the following Health Posts:

Kubung, Mogonono, Mmopane, Kgope, Lentsweletau, Mahetlwe and Kumakwane.

Tender documents are to be collected from office No. 20 R.A.C. with a non-refundable fee of Fifty Pula (P50.00) starting from 25th August, 1998 during working hours.

Tenders should be submitted in a clear sealed envelope marked "Tender No. 31 of 1998" and addressed to Council Secretary, Kweneng District Council, Private Bag 005, Molepolole. Tenders should reach the office of the Council Secretary not later than 25th September, 1998 at which time they will be opened in the Council Chamber in the presence of the bidders who wish to attend.

The Council is not bound to accept the lowest or any tender or part thereof, neither will give reasons for its decision nor to enter any expenses in the preparation. Contractors are asked to visit the area where the Health Post are located to assess the conditions.

L.S. TLHALERWA,
for Council Secretary.

Second Publication

Kweneng District Council — Tender No. 32 of 1998**RENOVATION OF R.A.C. — MOLEPOLOLE**

KWENENG DISTRICT COUNCIL invites tenders from local contractors registered with the Ministry of Local Government, Lands and Housing Category 2 to 3 to renovate the Rural Administration Centre (RAC) in Molepolole.

Tender documents are to be collected from office No. 20 R.A.C. — Molepolole with a non-refundable fee of Fifty Pula (P50.00) starting from 24th August, 1998 during working hours.

Tenders should be submitted in a clear sealed envelope marked "Tender No. 32 of 1998" and addressed to Council Secretary, Kweneng District Council, Private Bag 005, Molepolole. Tenders should reach the office of the Council Secretary not later than 0900 hours on the 25th September, 1998 at which time they will be opened in the Council Chamber in the presence of the bidders who wish to attend.

The Council is not bound to accept the lowest or any tender or part thereof, neither will give the reason for its decision nor to enter any expenses in the preparation. Contractors are asked to visit the R.A.C. to assess the conditions of the building.

L.S. TLHALERWA,
for Council Secretary.

Second Publication

North East District Council — Tender No. 22 of 1998**SUPPLY AND DELIVERY OF VEHICLES**

TENDERS ARE INVITED by North East District Council for the supply of the following vehicles:-

ITEM	QUANTITY	DESCRIPTION
1	2	4 x 4 single cab vehicle powered by petrol engine.
2	1	7 Ton Truck powered by diesel engine with drop side body.
3	1	4 x 4 Station Wagon powered by 132kw at 4800 r/min petrol engine or above.

Tenders should be submitted in a plain sealed envelope clearly marked "Tender No. 22 of 1998 — Supply and Delivery of Vehicles" and be addressed to Council Secretary, North East District Council, Private Bag 004, Masunga to reach him not later than 24th September, 1998 at 10.00 a.m. on Tuesday. Tenders will be opened on the same day and tenderers wishing to attend may do so.

North East District Council does not bind itself to accept the lowest or any tender nor give reason for not accepting any tender.

E.S. PHOKO,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW-C/AB/04/98**DEVELOPMENT CONSTRUCTION
"HEALTH FACILITIES"**

TENDERS ARE INVITED by North West District Council for the construction of Health Facilities in Mabele from contractors registered with Ministry of Local Government, Lands and Housing, under category 2 and 3.

ITEM	LOCATION	TENDER PACKAGE	PROJECT DETAILS
(a)	Mabele	NW-C/AB/04/98	New Health Post

Tender documents can be obtained from Architectural and Buildings Department, Chobe Sub-District Offices, Office No. 109 first floor at Rural Administration Centre (RAC) — Kasane during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tenders to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW-C/AB/04/98 — Construction of Health Facilities" and shall be registered with the Personal Secretary to the Council and posted in

the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW-O/AB/06/98

**DEVELOPMENT CONSTRUCTION
"HEALTH FACILITIES"**

TENDERS ARE INVITED by North West District Council for the construction of Health Facilities in Gumare from contractors registered with Ministry of Local Government, Lands and Housing, under category 3 and 4.

ITEM	LOCATION	TENDER PACKAGE	PROJECT DETAILS
(a)	Gumare	NW-O/AB/06/98	New Clinic

Tender documents can be obtained from Architectural and Buildings Department, Okavango Sub-District Offices, Gumare during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tender to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW-O/AB/06/98 — Construction of Health Facilities" and shall be registered with the Personal Secretary to the Council Secretary and posted in the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW/AB/38/98

**DEVELOPMENT CONSTRUCTION
"HEALTH FACILITIES"**

TENDERS ARE INVITED by North West District Council for the construction of Health Facilities in Tsau from contractors registered with Ministry of Local Government, Lands and Housing, under category 4 and 5.

ITEM	LOCATION	TENDER PACKAGE	PROJECT DETAILS
(a)	Tsau	NWAB/38.1/98	2 x LA2 Houses
	- Health Post		(Nurses' Houses)
(b)	Tsau	NW/AB/38.2/98	Upgrade to Clinic
	Health Post		

Tender documents can be obtained from Architectural and Buildings Department, North West District Council, Office No. 110 and 112 first floor second block at Rural Administration Centre (RAC) — Maun during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings, specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tenders to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW/AB/38/98 — Construction of Health Facilities" and shall be registered with the Personal Secretary to the Council Secretary and posted in the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW/AB/39/98

**DEVELOPMENT CONSTRUCTION
"HEALTH FACILITIES"**

TENDERS ARE INVITED by North West District Council for the construction of Health Facilities in Maun from contractors registered with Ministry of Local Government, Lands and Housing, under category 4 and 5.

ITEM	LOCATION	TENDER PACKAGE	PROJECT DETAILS
(a)	Boyei Clinic	NWAB/39.1/98	1 x LA2 House (Nurses' House)
(b)	Sedie Health Post	NW/AB/39.2/98	Upgrade to Clinic
(c)	Maun Clinic	NW/AB/39.3/98	Maternity Ward

Tender documents can be obtained from Architectural and Buildings Department, North West District Council, Office No. 110 and 112 first floor second block at Rural Administration Centre (RAC) — Maun during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings, specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tenders to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW/AB/39/98 — Construction of Health Facilities" and shall be registered with the Personal Secretary to the Council Secretary and posted in the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW/AB/40/98

**DEVELOPMENT CONSTRUCTION
"HEALTH FACILITIES"**

TENDERS ARE INVITED by North West District Council for the construction of Health Facilities in Shorobe from contractors registered with Ministry of Local Government, Lands and Housing, under category 2 and 3.

ITEM	LOCATION	TENDER PACKAGE	PROJECT DETAILS
(a)	Shorobe Clinic	NWAB/40/98	1 x LA2 House (Nurses' House)

Tender documents can be obtained from Architectural and Buildings Department, North West District Council, Office No. 110 and 112 first floor second block at Rural Administration Centre (RAC) — Maun during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings, specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tenders to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW/AB/40/98 — Construction of Health Facilities" and shall be registered with the Personal Secretary to the Council Secretary and posted in the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

North West District Council — Tender Notice No. NW/AB/41/98

MAINTENANCE OF EDUCATION FACILITIES

TENDERS ARE INVITED by North West District Council for maintenance of Education Facilities in Sehitwa and Tsau from contractors registered with Ministry of Local Government, Lands and Housing, under category 2 and 3.

<i>ITEM</i>	<i>LOCATION</i>	<i>TENDER PACKAGE</i>	<i>PROJECT DETAILS</i>
(a)	Sehitwa Primary School	NWAB/41/98	School Maintenance

Tender documents can be obtained from Architectural and Buildings Department, North West District Council, Office No. 110 and 112 first floor second block at Rural Administration Centre (RAC) — Maun during working hours on payment of non-refundable fee of P50.00.

Only tenders submitted on Official form of tender shall be considered. No drawings, specifications and other paper from the documents should be removed or detached. Any detachment of papers from the documents may lead to disqualification of tender.

Tenders to be submitted in a plain sealed envelope clearly marked "Tender Notice No. NW/AB/41/98 — Maintenance of Education Facilities" and shall be registered with the Personal Secretary to the Council Secretary and posted in the Tender Box at the office of the Council Secretary, North West District Council, Private Bag 01, Maun "RAC Building" not later than 0900 hours on Friday 18th September, 1998. Tender opening shall be immediately thereafter 0900 hours on the same day in the Council Chamber and tenderers are at liberty to attend.

Notwithstanding anything contained in the foregoing, the North West District Council is not bound to accept the lowest or any tender nor to give reasons thereof. North West District Council will not reimburse any expenses in respect of preparation thereof.

J. HAIR,
for Council Secretary.

Second Publication

South East District Council — Tender No. SE/MTCE/24 of 1998

MAINTENANCE AND REPAIRS OF 7 No RONDAVELS (COUNCIL STAFF HOUSES) IN RAMOTSWA AND 7 No STAFF HOUSES IN TLOKWENG

TENDERS ARE INVITED by South East District Council for maintenance and repairs of Council Staff Houses — 7 No Rondavels in Ramotswa and 7 No Staff Houses in Tlokweng.

Tender documents and specifications for the Works shall be obtained from the Council Works Department (Buildings Unit) in Ramotswa during normal working hours on payment of a non-refundable fee of P50.00 payable only at the Council Revenue at New R.A.C. in Ramotswa.

Tenderers are strongly advised to visit the site at their own cost to assess the prevailing conditions before tendering, this is to be in liaison with the Senior Technical Officer (Buildings) in Ramotswa.

Tenders to be submitted in plain sealed envelopes clearly marked "Tender No. SE/MTCE/24 of 1998 — Maintenance and Repairs of 7 No Rondavels Council Staff Houses in Ramotswa and 7 No Staff Houses in Tlokweng" and be addressed to "Council Secretary, South East District Council, Private Bag 002, Ramotswa" and to reach not later than 9.00 a.m. on the 14th September, 1998. The official tender opening shall commence the same day immediately after tender closing in the New Council Chamber, Ramotswa and tenderers are at liberty to attend.

South East District Council reserves the right not to accept the lowest or any tender nor to give any reasons for its rejection or to incur any expenses in the preparation thereof.

T.D. MOROBANE,
for Council Secretary.

Second Publication

South East District Council — Tender No. SE/KP & LS/25 of 1998

**KERBING, PAVING AND LANDSCAPING AT RURAL ADMINISTRATION CENTRE
TLOKWENG**

TENDERS ARE INVITED by South East District Council for construction of Kerbing and Paving plus Landscaping at Rural Administration Centre — Tlokweng.

Tender documents and drawings related to this tender shall only be obtained from "Works Superintendent Officer" during working hours. A non-refundable tender fee of P50.00 (Fifty Pula only) shall be paid at Council Revenue Office (New R.A.C. — Ramotswa). Contractors/tenderers should visit the site before tendering to familiarise themselves with the site condition.

Tenders should be submitted in plain sealed envelope clearly marked "Tender No. SE/KP & LS/25 of 1998 — Kerbing, Paving and Landscaping at Rural Administration Centre — Tlokweng" and be addressed to "Council Secretary, South East District Council, Private Bag 002, Ramotswa" and to reach not later than 9.00 a.m. Monday 14th September, 1998 and be delivered at New Council Office. Tender opening shall commence the same day immediately after tender closing time in the New Council Chamber and tenderers are free to attend the opening session.

NOTE:

Any tender reflecting the name of the company on the outside of the envelope shall simply be rejected. This Council is not bound to accept the lowest or any tender nor assign reasons for rejection or to incur any expenses in the preparation thereof.

T.D. MOROBANE,
for Council Secretary.

Second Publication

South East District Council — Tender No. SE/AMB/26 of 1998

SUPPLY OF COMBI AMBULANCE

TENDERS ARE INVITED by South East District Council for supply of the below mentioned item:-

- 1 (one) 4 x 2 Long Wheel Base Combi Ambulance with petrol driven engine.

Details and specifications related to this tender shall only be obtained from "Works Superintendent's Officer" during normal working days and hours.

Tenders should be submitted in plain sealed envelope clearly marked "Tender No. SE/AMB/26 of 1998 — Supply of Combi Ambulance" and be addressed to "Council Secretary, South East District Council, Private Bag 002, Ramotswa" and to reach not later than 9.00 a.m. Monday 14th September, 1998 and be delivered at New Council Offices (Personal Secretary's Office).

The official tender opening shall commence the same day immediately after tender closing in the Council Chamber at New Council Office and tenderers are free to attend the opening session.

NOTE:

Tenderers are strongly requested to adhere to the following conditions:-

- (a) Enclose brochures of the vehicle intending to supply.
- (b) All prices should be in Botswana Currency.
- (c) Should state validity of tender price.
- (d) State possible period of delivery.
- (e) Indicate discount if any.

Any tender reflecting the name of the company on the outside of the envelope shall simply be rejected. Notwithstanding anything in the foregoing, South East District Council shall not be bound to accept the lowest or any tender nor assign reason for rejection or to incur any expenses in the preparation thereof.

T.D. MOROBANE,
for Council Secretary.

Second Publication

Ghanzi District Council — Tender No. GDC/32/of 1998

**SUPPLY OF FOOD COMMODITIES FOR DESTITUTES IN GHANZI DISTRICT COUNCIL
AND A DAY CARE CENTRE IN KACGAE**

THE GHANZI DISTRICT COUNCIL invites tenders from interested suppliers for the destitutes and the Day Care Centre at Kacgae.

Areas to be supplied are Ghanzi Township, New Xade, Central Kgalagadi Game Reserve i.e. (Mothomelo, Kikao, Gope, Gugumba, Metsiamanong, and Molapo), D'kar, Kuke, Kacgae, Bere, East Hanahai, West Hanahai, Grootlaagte, Charleshill, Nojane, Qabo, Kole, Makunda, Karakubis, New Kanagas, Kalkfontein, Metsimantle, Metsimantsho and Chobokwane.

Tender documents should be obtained from the Social and Community Development Offices in Ghanzi and Charleshill during normal working hours.

Suppliers are free to choose areas they want to supply. They are also informed that Council is not obliged to purchase the quantities as indicated in the tender document. The quantities would be determined by the demand. Council will use its transport to pick up the goods from the suppliers. So the price should exclude the transportation cost to the Council depot.

Signed documents indicating food prices shall remain firm for six (6) months from the date of closing of the tender and the contract will remain valid for up to 31st March, 1999.

The completed tender documents shall be submitted in plain sealed envelopes and clearly marked "Tender No. GDC/32/1998" and addressed to the Council Secretary, Ghanzi District Council, Private Bag 0015, Ghanzi.

The completed tender documents shall be posted in tender box at the office of the Council Secretary not later than 0900 hours on the 2nd September, 1998. The public tender opening shall commence in the Council Chamber at 0900 hours in the Ghanzi Township on the same day 1st October, 1998.

Ghanzi District Council is not obliged to accept the lowest tender nor give reasons for rejection of any tender. It is also not responsible for any expenses incurred in the preparation of the tender. Telephone or faxed tender documents will not be accepted.

K. MOILWA CCDO,
for Council Secretary.

Second Publication

Notice of Intention to Transfer Dispose/Trading Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that I, Oboletse Letlhare have disposed of my entire interest in carrying on the business of Bottle Store to Keolebale Gloria Letlhare who will continue to trade at the same premises and under the same style of a Bottle Store.

KEOLEBALE GLORIA LETLHARE, P.O. Box 242, DIGAWANA.

Second Publication

Notice of Intention to Transfer Trading Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that I, Gareotshole Marumo have disposed of my entire interest in carrying on the business of Tsienyane Top Bar to Bashi Ernest Mosotho who will continue to trade at the same premises and under the same style of a Bar Liquor.

GAREOTSHOLE MARUMO, P.O. Box 13, RAKOPS.

Second Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that I, David Lesole have disposed of my entire interest in carrying on the business of Bar Liquor to Neo Lesole who will continue to trade at the same premises and under the same style of business of a Bar Liquor.

DAVID LESOLE, P.O. Box 54, MAUNATLALA.

Second Publication

Notice of Intention to Dispose of Trading Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that we, Burg Services have disposed of our entire interest in carrying on the business of Upholstery Workshop to Curtain View (Pty) Ltd who will continue to trade at the same premises as Plot No. 222, Lobatse.

BURG SERVICES, P.O. Box 601091, GABORONE.

Second Publication

Notice of Intention to Transfer Trading Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that I, Polly Malefetse have disposed of my entire interest in carrying on the business of General Dealer to Boykie Olobe who will continue to trade at the same premises and under the same style of a General Dealer.

POLLY MALEFETSE, P.O. Box 18, KALAMARE.

Second Publication

Notice of Intention to Transfer Trading Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act that I, Thabo Bogopa have disposed of my entire interest in carrying on the business of General Dealer and Fresh Produce to Paula E. Kusane who will continue to trade at the same premises and under the same style of a General Dealer and Fresh Produce.

THABO BOGOPA, P.O. Box 19, MOENG.

Second Publication

Change of Style

NOTICE IS HEREBY given that the undersigned intends to apply for a change of style of business from Liquor Restaurant to Bar Licence in respect of premises situated at Lot 2422, Extension 4 in Jwaneng and that the Jwaneng Local Licensing Authority has determined that the application shall be heard by the Local Licensing Authority on 16th September, 1998.

MOOSA KABLAY, P.O. Box 484, JWANENG. Tel: 380867

Second Publication

Selebi-Phikwe Town Council — Tender No. SPTC/T/25/98**SUPPLY AND DELIVERY OF A VEHICLE**

TENDERS ARE INVITED by the Selebi-Phikwe Town Council for the supply and delivery of 1 No. New 1800 cc to 2000 cc Pick-Up, Standard, 4 x 2 with petrol engine.

- Fitted with alarm and immobilizer
- Quote for steel canopy with full door, though optional
- Quote for inside load body rubber lining also optional
- White in colour

Tenders are to be supplied in sealed envelopes marked "Tender No. SPTC/T/25/98 — Supply and Delivery of a Vehicle" addressed to Town Clerk, Selebi-Phikwe Town Council, Private Bag 001, Selebi-Phikwe and posted in the tender box at the office of the Town Clerk before 1200 noon Tuesday 22nd September, 1998. Tenders will be opened the same day at 1400 hours.

Telegraphic, telephonic and telefaxed tenders will not be accepted. Prices should be in Botswana Pula and should hold firm against Rand/Pula fluctuations for a minimum period of 90 days from closing date of tender. Delivery period to Selebi-Phikwe Town Council should be stated but should not exceed two calendar months from the date of firm order.

Tenderers should submit with their offer details of vehicles in English supported by illustrated brochures. The vehicle offered must be fully backed by warranties and comprehensive spare parts supplied from agents in Botswana. It must have spare wheel, jack, triangles, wheel spanners and some basic tools. It must be supplied with manuals. It should also be licensed and registered under Selebi-Phikwe Town Council.

Council is not bound to accept the lowest or any tender nor to give any reason thereof.

A.A.B. QUASHIE,
for Town Clerk.

Second Publication

Kgalagadi District Council — Tender No. KGDC 30/98**ERECTION OF SECURITY FENCE AT MAAKE AND ZUTSHWA NEW PRIMARY SCHOOLS**

KGALAGADI DISTRICT COUNCIL invites tenders from registered Building Contractors and Fencing Companies to erect security fence at Maake and Zutshwa New Primary Schools.

Tender details and specifications can be collected upon payment of a non-refundable fee of P50,00 from the office of the Technical Officer (Works) in Hukuntsi.

Tenders should be submitted in a sealed envelope clearly marked: "Tender No. KGDC 30 of 1998" addressed to: The Council Secretary, Kgalagadi District Council, Private Bag 005, Tsabong and should reach the office on or before the 18th September, 1998 at 0900 hours after which they will be opened in the presence of tenderers who wish to attend the opening. Kgalagadi District Council does not bind itself to accept the lowest or any other tender nor to assign reasons thereof.

C.M. MOLATOLE,
for Council Secretary.

Second Publication

Kgalagadi District Council — Tender No. KGDC 24 of 1998
EDUCATION FACILITIES

TENDERS ARE INVITED from building contractors registered with Ministry of Local Government, Lands and Housing to erect Education Facilities at the following sites within Kgalagadi District:

A. SOUTHERN K GALAGADI.

TENDER NO. 24.1 (Category 1-4 Contractors do not qualify)

- 24.1.1 1No x 1 x 2 Standard Classroom Block at Bokspits Primary School
- 24.1.2 1No. Standard Administration Block at Bokspits Primary School
- 24.1.3 1No. Standard LA2 House at Bokspits Primary School

TENDER NO. 24.2 (Category 1-3 Contractors do not qualify)

- 24.2.1 1No. Standard LA2 House at Vaalhoek Primary School
- 24.2.2 1No. Standard Administration Block at Vaalhoek Primary School

TENDER NO. 24.3 (Category 1-3 Contractors do not qualify)

- 24.3.1 1No. Standard LA2 House at Rappelspan Primary School
- 24.3.2 1No. Standard Administration Block at Rappelspan Primary School

TENDER NO. 24.4 (Category 1-2 Contractors do not qualify)

- 24.4.1 2 No. Standard LA2 Houses at Khawa Primary School

TENDER NO. 24.5 (Category 1-9 Contractors do not qualify)

- 24.5.1 Solar Power lighting to existing 1No. 1 x 2 Standard Classroom Block at Gakhibane Primary School
- 24.5.2 2 No. LA2 Standard Water Borne toilets at Gakhibane Primary School

TENDER NO. 24.6 (Category 1-2 Contractors do not qualify)

- 24.6.1 1No. 1 x 2 Standard Classroom Block at Khuis Primary School
- 24.6.2 1 No. Standard LA2 house at Khuis Primary School

TENDER NO. 24.7 (Category 1-2 Contractors do not qualify)

- 24.7.1 1No. Standard Administration Block at Middlepits Primary School

TENDER NO. 24.8 (Category 1-3 Contractors do not qualify)

- 24.8.1 1No. 1 x 2 Standard Classroom Block at Middlepits Primary School
- 24.8.2 1No. 1 x 2 Standard Pitlatrine at Middlepits Primary School
- 24.8.3 1No. 1 x 2 Standard Pitlatrine at Bogogobo Primary School
- 24.8.4 1No. Standard Administration Block at Kolonkwaneng Primary School

TENDER NO. 24.9 (Category 1-6 Contractors do not qualify)

- 24.9.1 2 No. 1 x 2 Standard Classroom Blocks at New Werda Primary School
- 24.9.2 1No. Standard Administration Block at New Werda Primary School
- 24.9.3 4 No. Standard LA2 Houses at New Werda Primary School
- 24.9.4 4No. 1 x 2 Standard Water Borne Toilets at New Werda Primary School
- 24.9.5 1No. Standard Kitchen/Storeroom at New Werda Primary School
- 24.9.6 1No. 1.8 m high Security Fence to New Werda Primary School

B. NORTHERN K GALAGADI

TENDER NO. 24.10 (Category 1-9 Contractors do qualify)

24.10.1
24.10.2

Solar Power Lighting to existing 1 No 1 x 2 Standard Classroom Block at Inalegolo Primary School
Solar Power Lighting to existing 1 No Standard Administration Block at Inalegolo Primary School

TENDER NO. 24.11 (Category 1-7 Contractors do not qualify)

24.11.1
24.11.2
24.11.3
24.11.4
24.11.5
24.11.6

3 No. 1 x 2 Standard classroom blocks at New Kang Primary School
1 No. Standard Administration Block at New Kang Primary School
6 No. Standard LA2 houses at New Kang Primary School
4 No. 1 x 2 Standard Water borne toilets at New Kang Primary School
1 No. Standard Kitchen/storeroom at New Kang Primary School
1 No. 1.8m high security fence to New Kang Primary School

TENDER NO. 24.12 (Category 1-3 Contractors do not qualify)

24.12.1
24.12.2
24.12.3

1 No. 1 x 2 Standard Classroom block at Lehututu Primary School
1 No. Standard LA2 house at Lehututu Primary School
1 No. 1 x 2 Standard water borne toilet at Lehututu Primary School

TENDER NO. 24.13 (Category 1-3 Contractors do not qualify)

24.13.1
24.13.2
24.13.3

1 No. 1 x 2 Standard Classroom block at Lokgwabe Primary School
1 No. Standard LA2 house at Lokgwabe Primary School
Solar Power lighting to existing Administration Block at Lokgwabe Primary School

TENDER NO. 24.14 (Category 1-2 Contractors do not qualify)

24.14.1
24.14.2

1 No. 1 x 2 Standard Classroom block at Tshane Primary School
1 No. Standard LA2 house at Tshane Primary School

TENDER NO. 24.15 (Category 1 Contractors do not qualify)

24.15.1

1 No. Standard LA2 house at Hunhukwe Primary School

TENDER NO. 24.16 (Category 1-2 Contractors do not qualify)

24.16.1

2 No. Standard LA2 houses at Monong Primary School
Tender details and specifications, on requirements to execute the works may be collected, upon payment of a non-refundable fee of P20.00 per tender from Works Department (Tsabong) from 13th July 1998. Contractors are advised to visit and familiarise themselves with the sites before tendering.

Sealed envelopes clearly marked; "Tender KGDC No. 24 of 1998—Education Facilities" and should reach the Council Secretary's Office on or before 9 a.m. on the 9th September 1998 after which tenders will be opened immediately and to which all tenderers are invited to attend.

Kgalagadi District Council reserves the right not to award all or any part of the tender to the lowest or any other tenderer. Tenders should be sent to: The Council Secretary Kgalagadi District Council, Private Bag 005, Tsabong.

N.B: Members of the Public and contractors are informed that this tender had to be re-Advertised because of some addendums. Those who bought tenders before addendums are therefore requested to come for collection of tender documents which will be issued free.

C.M. MOLATOLE,
For/Council Secretary.

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, S.K.T Gare Gobuamang have disposed of my entire interest in carrying on the business of Bar and General Dealer to Morongoe Ntloedibe-Disele who will continue to trade at the same premises and under the same style of a Bar and General Dealer.

S.K.T. GARE GOBUAMANG, P.O. Box 17, MOSHUPA.

Second Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, S.K.T Gare Gobuamang have disposed of my entire interest in carrying on the business of Fresh Produce/ Butchery to Morongoe Ntloedibe-Disele who will continue to trade at the same premises and under the same style of a Fresh Produce/ Butchery.

S.K.T. GARE GOBUAMANG, P.O. Box 17, MOSHUPA.

Second Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Bochin Holdings (Pty) Ltd have disposed of our entire interest in carrying on the business of Speciality to Y and L (Pty) Ltd who will continue to trade at the same premises as Specialised Dealer.

BOCHIN HOLDINGS (PTY) LTD, P.O. Box 30129, LOBATSE.

Second Publication

Change of Name

PURSUANT to section 21 (1) of the Companies Act (Cap. 42:01) as amended, notice is hereby given that Investco (Proprietary) Limited will make application to the Registrar of Companies for his written approval to change the name of the company to Chobe Holdings (Proprietary) Limited after 14 days of the publication of the second advertisement have elapsed.

for and on behalf of the company
PRICEWATERHOUSECOOPERS (PROPRIETARY) LIMITED
P.O. Box 205, FRANCISTOWN.

Second Publication

Change of Name

PURSUANT to section 21 (1) of the Companies Act (Cap. 42:01) as amended, notice is hereby given that LBB Steam Constructors (Proprietary) Limited will make application to the Registrar of Companies for his written approval to change the name of the company to Lurgi Lentjes Botswana (Proprietary) Limited after fourteen days have elapsed from the second publication of this advertisement.

PRICEWATERHOUSECOOPERS (PROPRIETARY) LIMITED
P.O. Box 294, GABORONE.

Second Publication

Change of Name

NOTICE IS HEREBY GIVEN in terms of section 21 of the Companies Act (Cap. 42:01) that Med Rescue (Botswana) (Proprietary) Limited proposes to change its name to MRI Botswana (Proprietary) Limited and that application will be made to the Registrar of Companies for his formal approval to the change of name after 14 days have elapsed from the date of publication of this notice.

CORPORATE SERVICES (PROPRIETARY) LIMITED
P.O. Box 406, GABORONE.

Second Publication

Notice of Intention to Remove Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 of the Trade and Liquor Act, 1987 (Cap. 43:02) that the undersigned intends to remove General Dealer licence from Morwa Village to Pilane and will continue to trade under the same style of General Dealer.

BOBBY MOGOGE, P.O. Box 108, MORWA.

Second Publication

Notice of Intention to Remove Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 of the Trade and Liquor Act, 1987 (Cap. 43:02) that the undersigned intends to remove Fresh Produce licence from Morwa Village to Pilane and will continue to trade under the same style of Fresh Produce.

BOBBY MOGOGE, P.O. Box 108, MORWA.

Second Publication

Notice of Intention to Remove Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 of the Trade and Liquor Act, 1987 that Y & L (Pty) Ltd intend to apply for a removal of a Specialised Dealer licence from Plot No. 282 Town Centre to Plot No. 258 Town Centre and that the Lobatse Town Council has determined that the application shall be heard by the Licensing Authority on the 10th September, 1998.

Y & L (PTY) LTD, P.O. Box 601105, GABORONE WEST.

Second Publication

Notice of Application for Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for transfer of a Restaurant/Take Away licence from Tina Investment (Pty) Ltd t/a Tina Coffee Shop to Tuglo Investment (Pty) Ltd who will trade under the same style and name in terms of section 9 of the Trade and Liquor Act No. 29 of 1987 and that the Francistown City Council Licensing Authority has determined to hear the application on 8th September, 1998.

T.W. INVESTMENTS (PTY) LTD, TUGLO INVESTMENTS,
P.O. Box 444, FRANCISTOWN.

Second Publication

Change of Style

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply in terms of section 23 of the Trade and Liquor Act, 1987 (Cap. 43:02) to change the style of a Liquor Restaurant to Bar in respect of premises situated at Takatokwane and that the Kweneng District Council has determined that the application shall be heard by the Licensing Authority on the 21st September, 1998.

KABLAY MOTSEONAGENG, P.O. Box 87, LETLHAKENG.

Second Publication

Change of Style

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a change of style of business from a General Dealer to a Supermarket in respect of premises situated at Borakalalo main road next to Ellerines and that the Kweneng District Council has determined that the application shall be heard by the Licensing Authority on 24th September, 1998.

SHEHNAAZ KABLAY, P.O. Box 155, MOLEPOLOLE.

Second Publication

Alteration of Style of Business

NOTICE IS HEREBY GIVEN that the undersigned intends to apply in terms of section 23 of the Trade and Liquor Act, (Cap. 43:02) to change the Trading style of a Liquor Restaurant to General Dealer and Bar Liquor in respect of premises situated at Jacklas II.

PHINEAS MBOMA, P.O. Box F7, FRANCISTOWN.

Second Publication

Sale of Boarded Vehicles

THERE will be an Auction sale for boarded vehicles which will be held on the 26th September, 1998 at Hukuntsi Sub-District Stores premises in Hukuntsi. The sale will commence at 0900hrs in the morning. Vehicle lining up for sale are listed hereunder.

BH 1175 Toyota Land Cruiser 1991
BH 1160 Toyota Land Cruiser 1991
BH 1198 Toyota Land Cruiser 1991
BH 1233 Toyota Hilux 4 x 4 1992
BH 1037 Mercedes-Benz Water Bowser 1989

CONDITIONS OF SALE

Bidders will be bound to pay the sum of P1000.00 deposit which will be refunded upon the receipts of the full payment of each vehicle purchased. Payments are strictly cash or bank guaranteed cheques made payable to Hukuntsi Sub-District. All vehicles so purchased must be removed from the council premises within seven days from the date of sale. The above vehicles may be viewed at Hukuntsi Sub-District Stores during working hours and the contact person concerning the sale is the Supplies Officer at Telephone No. 510249 or 510286.

K.G. MOLOI,
for Assistant Council Secretary.

Second Publication

Reduction of Share Capital

PURSUANT to section 66 (2) of the Companies Act (Cap. 42:01) as amended, notice is hereby given that Madirelo (Proprietary) Limited have submitted a special resolution for the reduction of company's share capital to the Registrar of Companies, Gaborone.

Any person objecting to the reduction of share capital should within fourteen days of the publication of this notice, give notice in writing of his objection thereto, and the grounds thereof to the Registrar of Companies, Gaborone.

THE REGISTRAR OF COMPANIES, P.O. Box 102, GABORONE.

Second Publication

Application for a Certified Copy of a Lost Deed

NOTICE IS HEREBY given that the undersigned intends applying for a certified copy of the following Deed of Transfer No. 283/75 in favour of Ishmael Banyatsi Matlhaku in respect of the following:

CERTAIN:	piece of land being Lot 3240, Gaborone;
SITUATE:	in Extension 12;
MEASURING:	326m ² (Three hundred and Twenty-six square metres)

Any persons having objections to the issue of such copy are hereby required to lodge objection with the Registrar of Deeds for Botswana at Gaborone within three (3) weeks of the date of the second publication of this notice.

LETSIDIDI & SEEMA, *Applicant's Attorneys*, Plot 465, Mathangwane Lane,
P.O. Box 1141, GABORONE. TELEPHONE: 359447, FAX: 302235.

Second Publication

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

Case No. CC 2325/94

In the matter between:

NATIONAL DEVELOPMENT BANK
and
PALAPYE BUTCHERY
SEIFALA KHAN

Plaintiff

*1st Defendant
2nd Defendant*

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the Defendant will be sold by public auction to the highest bidder as follows:

DATE OF SALE: 19th September, 1998
TIME: 11.00 a.m.
VENUE: Francistown Central Police Station
PROPERTY TO BE SOLD: 1 Island deep freezer system 12
1 Island deep freezer system 13
CONDITIONS OF SALE: Detailed terms and conditions of the sale together with details of the property may be inspected at the offices.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DEPUTY SHERIFF LESH LEPALE (TEL: 326955), for NATIONAL DEVELOPMENT BANK,
c/o KAELO BIKI RADIRA, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE. TEL: 352801 FAX: 374446

Second Publication

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

Case No. CC 1499/95

In the matter between:

NATIONAL DEVELOPMENT BANK
and
ANGELINAH M. MOALOSI

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the Defendant will be sold by public auction to the highest bidder as follows:

DATE OF SALE: 12th September, 1998
TIME: 10.30 a.m.
VENUE: Morale cattle post
PROPERTY TO BE SOLD: 20 herd of goats
9 herd of calves
35 herd of cattle all branded C 3
8
CONDITIONS OF SALE: Detailed terms and conditions of the sale together with details of the property may be inspected at the offices.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DEPUTY SHERIFF GAELAE RAMATLAPANA (TEL: 304921), for NATIONAL DEVELOPMENT BANK,
c/o HILDA MOCUMINYANE, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE. TEL: 352801 FAX: 374446

Second Publication

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

Case No. CC 2236/96

In the matter between:

**BOTSWANA HOUSING CORPORATION
and
OCEAN THOMAS KGAOGANG**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 10th September, 1998
TIME: 10.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 1 Saloon vehicle, Registration No. B 240 ACL Cielo.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone on this 21st day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o M.K. MOESI & CO., Plot No. 937, Thipe House, Extension 2,
P.O. Box 10193, GABORONE.

Second Publication

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

Case No. CC 312/97

In the matter between:

**REAZ INVESTMENTS (PTY) LTD t/a ACE DISCOUNT STORES
and
UNITED SUPPLY STORE (PTY) LTD**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Deputy Sheriff Beauty Kgwatalala to the highest bidder as follows:

DATE OF SALE: Saturday 4th September, 1998
TIME: 10.30 a.m.
VENUE: Letlhakeng Police Station
PROPERTY TO BE SOLD: 1 x 3 piece sofas (brown)
 1 x 3 piece room divider
 all stock-in-trade
 groceries and building materials
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Gaborone this 17th day of August, 1998.

RAHIM KHAN & COMPANY, *Plaintiff's Attorneys*, First Floor, Thipe House, African Mall,
P.O. Box 1884, GABORONE.

Second Publication

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

Case No. G 1093/97

In the matter between:

THE LACE (PTY) LTD
and
RONA MABILETSA

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction to the highest bidder by Deputy Sheriff as follows:

DATE OF SALE: 11th September, 1998
TIME: 10.30 a.m.
VENUE: Central Police Station
PROPERTY TO BE SOLD: 3 piece sofas, coffee table, small floor mat, brown floor mat, Phillips T.V., 3 piece room divider, glass table, Ocean fridge, pink floor mat, ironing board.
TERMS OF SALE: Cash or bank guaranteed cheques will be accepted.

DATED at Gaborone this 13th day of August, 1998.

DEPUTY SHERIFF BEAUTY KGWATALALA, c/o BRISCOE ATTORNEYS, *Plaintiff's Attorneys*,
Plot No. 222, Independence Avenue, P.O. Box 402492, GABORONE.

Second Publication

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

Case No. CC 1855/97

In the matter between:

NATIONAL DEVELOPMENT BANK
and
SETOBA M. MOSWEU

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the Defendant will be sold by public auction to the highest bidder as follows:

DATE OF SALE: 11th September, 1998
TIME: 11.00 a.m.
VENUE: Serowe Police Station
PROPERTY TO BE SOLD: 4 piece lounge suite sofa
4 plates gas stove
1 coffee table
1 table
4 chairs
1 wall watch
CONDITIONS OF SALE: Detailed terms and conditions of the sale together with details of the property may be inspected at the offices.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DEPUTY SHERIFF LESH LEPALE (TEL: 326955), for NATIONAL DEVELOPMENT BANK,
c/o KAELO BIKI RADIRA, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE. TEL: 352801 FAX: 374446

Second Publication

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

Case No. CC 2060/97

In the matter between:

**ROBERT MENGWE
and
SHADRACK BUNGU**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the above-mentioned Defendant will be sold by public auction by Deputy Sheriff Vincent Mojaboswa Nkhwebane to the highest bidder as follows:

DATE OF SALE: 5th September, 1998
TIME: 10.00 a.m.
VENUE: Infront of Barclays Bank, Lobatse
PROPERTY TO BE SOLD: base bed, wardrobe, Ford Sierra 2.0 L white in colour, Registration No. BG 336 A
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Lobatse this 19th day of August, 1998.

DEPUTY SHERIFF VINCENT MOJABOSWA NKHWEBANE, First Floor, Above Standard Bank,
P.O. Box 10609, LOBATSE.

Second Publication

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

Case No. CC 2071/97

In the matter between:

**BOTSWANA BUILDING SOCIETY
and
PATRICK RANTSIMANE**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following immovable property of the Defendant will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 19th September, 1998
TIME: 10.00 a.m.
VENUE: Tribal lot 6, Digawana
PROPERTY TO BE SOLD: certain piece of Land being Tribal Lot 6 Digawana, held under Memorandum of Agreement of lease No. 107/90 dated 19th April, 1990.
SITUATE: in the Bangwaketse Tribal Area
CONTENTS: three bedroomed house, dining and sitqCHg room, kitchen, two toilets and two bathrooms.
MEASURING: Approximately 1719 square metres
CONDITIONS OF SALE: Can be obtained from the Deputy Sheriff

DATED at Gaborone this 17th day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorneys*, Plot 688,
Khwai Road, P.O. Box 1339, GABORONE.

Second Publication

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

Case No. CC 125/98

In the matter between:

BOTSWANA AGRICULTURAL MARKETING BOARD
and
D.C. INVESTMENTS (PTY) LTD
DANIEL SMITH

Plaintiff
1st Defendant
2nd Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Deputy Sheriff Beauty Kgwalalala to the highest bidder as follows:

DATE OF SALE: Friday 11th September, 1998
TIME: 11.30 a.m.
VENUE: Lobatse Police Station
PROPERTY TO BE SOLD: Milling equipment, 1 000 x 50kg maize meal bags, 1 x 3 piece sofas, 1 x Telefunken T.V. set, 1 x music system, 1 x coffee table, 1 x 7 piece dining room suite, 1 x floor mat and 4 x wall pictures.
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Gaborone this 17th day of August, 1998.

RAHIM KHAN & COMPANY, *Plaintiff's Attorneys*, First Floor, Thipe House, African Mall,
P.O. Box 1884, GABORONE.

Second Publication

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

Case No. CC 247/98

In the matter between:

NATIONAL DEVELOPMENT BANK
and
DUNCAN MOKOTEDI SEBEGO MOGATUSI

Plaintiff
Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the Defendant will be sold by public auction to the highest bidder as follows:

DATE OF SALE: 19th September, 1998
TIME: 10.30 a.m.
VENUE: Mmatseta Customary Court
PROPERTY TO BE SOLD: 20 herd of cattle branded O X
D
CONDITIONS OF SALE: Detailed terms and conditions of the sale together with details of the property may be inspected at the offices.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DEPUTY SHERIFF GAELAE RAMATLAPANA (TEL: 304921), for NATIONAL DEVELOPMENT BANK,
c/o HILDA MOCUMINYANE, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE. TEL: 352801 FAX: 374446

Second Publication

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

Case No. CC 261/98

In the matter between:

MARSAY DISTRIBUTORS (PTY) LIMITED
and
DMK CONSTRUCTION (PTY) LIMITED
DAVID MONGWAKETSE

Plaintiff

1st Defendant
2nd Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following movable property of the above-named First and Second Defendants will be sold by the Deputy Sheriff Molebi Galeitsiwe in the manner herein set out:

DATE OF SALE: 10th September, 1998
TIME: 10.00 a.m.
VENUE: Central Police Station
PROPERTY TO BE SOLD: 1 x 7 ton Nissan Truck Registration No. BG 4011 colour: white, 4 x 4 Toyota Bakkie colour: white, 1 x Phillips colour T.V., 1 x Phillips VCR machine, 1 x 48kg gas cylinder, 1 x 2 piece Kenwood music system, 1 x gas heater, 1 x wall picture, 1 x floor carpet, 1 x 4 piece sofas.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after the sale.

DATED at Gaborone on this 18th day of August, 1998.

ARMSTRONGS, *Plaintiff's Attorneys*, 5th Floor, Barclays House, Khama Crescent,
P.O. Box 1368, GABORONE.

Second Publication

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

Case No. CC 855/98

In the matter between:

M.K. MOESI & COMPANY
and
SELLO AUPA SEKOLO

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 8th September, 1998
TIME: 10.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 8 Nissan Bakkie, Registration No. B 370 ACI
RESERVED PRICE: P15,000.00 cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone on this 21st day of August, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o M.K. MOESI & CO., Plot No. 937, Thihe House, Extension 2,
P.O. Box 10193, GABORONE.

Second Publication

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOBATSE
HELD AT LOBATSE

Case No. CC 958/96

In the matter between:

CASHWHEELS (PTY) LTD
 and
 BABA NNANAAKOKO

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff Vincent Mojaboswa Nkhwebane to the highest bidder as follows:

DATE OF SALE: 5th September, 1998
TIME: 10.00 a.m.
VENUE: Infront of Barclays Bank, Lobatse
PROPERTY TO BE SOLD: Bedroom suite cream white in colour, base bed, wardrobe black and white, Television (Hisense)
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Lobatse this 19th day of August, 1998.

DEPUTY SHERIFF VINCENT MOJABOSWA NKHWEBANE, First Floor, Above Standard Bank,
 P.O. Box 10609, LOBATSE.

Second Publication

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOBATSE
HELD AT LOBATSE

Case No. L 914/97

In the matter between:

LOBATSE TOWN COUNCIL
 and
 W.D.S. TAUNYANE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Deputy Sheriff Beauty Kgwatalala to the highest bidder as follows:

DATE OF SALE: Friday 11th September, 1998
TIME: 10.30 a.m.
VENUE: Lobatse Police Station
PROPERTY TO BE SOLD: 1 x Samsung T.V. set, 1 x 4 piece black sofas, 1 x side board, 1 x floor mat, 1 x coffee table, 1 x 4 piece floral sofas, 1 x 4 burner stove.
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Gaborone this 17th day of August, 1998.

RAHIM KHAN & COMPANY, *Plaintiff's Attorneys*, First Floor, Thipe House, African Mall,
 P.O. Box 1884, GABORONE.

Second Publication

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOBATSE
HELD AT LOBATSE**

Case No. MOL 23/98

In the matter between:

CLEMENT E.S. KGOSIEMANG
and
BORAKANELO M. TSHITSWANA

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, Defendant's property will be sold by public auction by Deputy Sheriff Vincent Mojaboswa Nkhwebane to the highest bidder as follows:

DATE OF SALE: 5th September, 1998
TIME: 11.30 a.m.
VENUE: Palapye Police Station
PROPERTY TO BE SOLD: Hilux 2200 Toyota, colour: white Registration Number B 811 AAR
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Palapye this 19th day of August, 1998.

DEPUTY SHERIFF VINCENT MOJABOSWA NKHWEBANE, First Floor, Above Standard Bank,
P.O. Box 10609, LOBATSE.

Second Publication

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

Case No. CC(F) 272/97

In the matter between:

NATIONAL DEVELOPMENT BANK
and
TREVOR CAIPHUS

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property of the Defendant will be sold by public auction to the highest bidder as follows:

DATE OF SALE: 25th September, 1998
TIME: 10.30 a.m.
VENUE: Lobatse Police Station

PROPERTY TO BE SOLD: One Suzuki Land Rover Registration No. B 606 ADY, model S.J. 410 Blue in colour

CONDITIONS OF SALE: Detailed terms and conditions of sale together with details of the property may be inspected at the offices.

TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DEPUTY SHERIFF JERRY GAEPONGWE (TEL: 307102), for NATIONAL DEVELOPMENT BANK,
c/o KAELO BIKI RADIRA, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE. TEL: 352801 FAX: 374446

Second Publication

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

Case No. CC 2092/97

In the matter between:

CHOPPIES CASH & CARRY (PTY) LTD	<i>Plaintiff</i>
and	
ISMAIL HESSEN ABDULLAK t/a	
TSAYA MOFAGO LIQUOR RESTAURANT	<i>Defendant</i>

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 12th September, 1998

TIME: 10.00 a.m.

VENUE: Defendant's Premises in Tsabong

PROPERTY TO BE SOLD: 2 Deep Freezer, 1 Aiwa stereo, 1 Casio display, assorted trading stock, 1 shelf display, 1 Kelvinator micro-wave, 2 warmers, 1 Ocean fridge, 1 chips slicer, 2 kitchen tables, 1 chips tray, 3 plate gas stove, 3 plastic tables with 12 chairs, 1 table with 4 chairs.

TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Gaborone this 17th day of August, 1998.

MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorneys*, Plot No. 688, Khwai Road,
P.O. Box 1339, GABORONE.

Second Publication

Licences

NOTICE IS HEREBY given that the undersigned intends to apply for a certificate in terms of section 9 of the Trade and Liquor Act, (Cap. 43:02) of 1987) to obtain a:

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of Hearing</i>
Gaborone Leather Products (Pty) Ltd, c/o Joern Consulting, P. O. Box 202422, Gaborone.	General Wholesale	Unit 1/E/1-3 Plot No. 22098, New BDC Complex, Gaborone West Industrial Site	Gaborone City Council	9.9.98
Precision Engineering & Fabrication (Pty) Ltd, c/o Private Bag BR 319, Gaborone.	Workshop	Plot No. 19981, Gaborone West Industrial	Gaborone City Council	9.9.98
Hi-Lift Crane & Transport (Botswana) (Proprietary) Limited, c/o Corporate Services (Proprietary) Limited, P. O. Box 406, Gaborone.	Workshop repair and maintenance of computers, communi- cations equipment, micro programmable, logic controllers and allied electronic equipment	Unit No. 5, Lot 22072/3, Gaborone West Industrial Area, Gaborone	Gaborone City Council	9.9.98
Pretty Designs (Pty) Ltd, t/a Eat-Rite, P. O. Box 50559, Gaborone.	Restaurant/Take Away	Plot No. 10226, Broadhurst, Gaborone	Gaborone City Council	9.9.98
Tsheng Holdings (Pty) Ltd, t/a The Pearl Dry Cleaning & Laundry Services, P. O. Box 1511, Gaborone.	Dry Cleaning, Laundry Services & Shoe Repairs	Plot No. 8853, Broadhurst, Gaborone	Gaborone City Council	9.9.98
Attitude Health & Beauty Centre (Pty) Ltd, c/o P. R. Executive Employment & Business Services, P. O. Box 2160, Gaborone.	Hair Salon	Plot No. 50970, Unit 3, Gaborone	Gaborone City Council	9.9.98
Arbor (Pty) Ltd, t/a Ping Pong Supermarket, P. O. Box 40334, Gaborone.	Fresh Produce	Plot No. 17492, Extension 38 Gaborone	Gaborone City Council	9.9.98
Hi-Lift Crane & Transport (Botswana) (Proprietary) Limited, c/o Corporate Services (Proprietary) Limited, P. O. Box 406, Gaborone.	Specialised Wholesale computers, communi- cations equipment, micro programmable logic controllers and allied electronic equipment	Unit No. 7, Lot 22072/3, Gaborone West Industrial Area, Gaborone	Gaborone City Council	9.9.98
Information Solutions (Pty) Ltd, LBG Business Services, P. O. Box 202460, Gaborone.	Specialised Trading IT consulting and out- sourcing, computer hardware, software, accessories and consumables	Plot No. 5323, Nyerere Drive, Gaborone	Gaborone City Council	9.9.98

Michigan Enterprises (Pty) Ltd, P. O. Box 401603, Gaborone, c/o Gurugroup Professional Services (Pty) Ltd, P. O. Box 1816, Gaborone.	Specialised additional: text books and novels	Plot No. 5623, Lejara Road, Broadhurst Industrial	Gaborone City Council	9.9.98
MPR Investments (Pty) Ltd, t/a The Old Curiosity Shop, c/o Moljack Consultancy, P. O. Box 30037, Tlokweng.	Specialised Trading gifts, clothing, ornaments, oriental ornaments	Plot No. 5648/9, Nakedi Road, Gaborone	Gaborone City Council	9.9.98
XL Group (Pty) Ltd, c/o Alisra Business Services, P. O. Box 20900, Gaborone.	Speciality coffees, teas, juices, hot, chocolates, sandwiches, cakes, snacks, fried meat and coffee beans	Plot No. 17945, Kagiso Centre	Gaborone City Council	9.9.98
Enniscrone Services (Pty) Ltd, c/o E.K. Masalila (Pty) Ltd, P. O. Box 945, Gaborone.	Speciality additional items gift items	Plot No. 5674/5, Extension 16, Gaborone	Gaborone City Council	9.9.98
Panasonic Airconditioning (Botswana) (Pty) Ltd, P. O. Box 602, Gaborone.	Speciality Trading to trade in sales of home and office air- conditioners, commercial and package units, fridges, air coolers, water coolers, ice making machines, spares and accessories, electrical and electronic goods and appliances	Plot No. 21339, Phakalane, Gaborone	Gaborone City Council	9.9.98
Wilson Thulari, P. O. Box 201105, Gaborone.	General Trading	Boseja Ward, Mochudi	Kgatlang District Council	1.9.98
Bobby Mogoge, P. O. Box 108 Morwa.	Bar Liquor	Pilane	Kgatlang District Council	1.9.98
Petroes Maswe, P. O. Box 50293, Gaborone.	Bar Liquor	Mabodisa Ward, Mochudi	Kgatlang District Council	1.9.98
Lady Pat, Private Bag BO 196, Gaborone.	Hair Salon	Mabodisa Ward	Kgatlang District Council	1.9.98
Moloi Brick Moulding, P. O. Box 888 Mochudi.	Specialised Trading cement	Pilane Village	Kgatlang District Council	1.9.98
Kosfi Enterprises (Pty) Ltd, P. O. Box 330, Gaborone.	Butchery/Fresh Produce	Plot No. 243, Shop No. 5, Mogoditshane	Kweneng District Council	24.9.98
Kagiso Supermarket, S. Kably, P. O. Box 155, Molepolole.	Supermarket	Borakalalo Molepolole	Kweneng District Council	24.9.98
Upholstery Centre (Pty) Ltd, P. O. Box 601538, Gaborone.	Workshop upholstery	Mogoditshane	Kweneng District Council	24.9.98
Lerunne Moremi, P. O. Box 900, Mogoditshane.	Bar	Plot No. 308, Mogoditshane	Kweneng District Council	24.9.98

Monosi Mosimanegape, P. O. Box 240, Mogoditshane.	Liquor Restaurant	Metsimothabe	Kweneng District Council	24.9.98
Catherine M. Mngqibisa, P. O. Box 181, Manyana.	Liquor Restaurant	Kumakwane	Kweneng District Council	24.9.98
Didimalang Mahoko, P. O. Box 1, Good Hope.	General Trading	Goodhope	Southern District Council	10.9.98
Tshoganetso S. Patelo, Private Bag 11, Kanye.	General Trading	Dilolwe Ward, Kanye	Southern District Council	10.9.98
Gobuamang Kenmoir Portion 25 Morongoe Ntloedibe-Disele, P. O. Box 811, Gaborone.	Bar/General Trading/ Butchery and Fresh Produce	Moshupa	Southern District Council	10.9.98
Kedukanetswe Mongati, P. O. Box 623, Lobatse.	Bar	Mogojogojo	Southern District Council	10.9.98
Victor Naledi Monagen, P. O. Box 352, Moshupa.	Bar	Marang Ward, Moshupa	Southern District Council	.9.98
Cash Bazaar (Pty) Ltd, Private Bag 115, Gaborone.	Specialised Trading clothing, domestic hardware, textile and luggage General Trading	Plot No. 260, Shop No. 1, Kanye Main Road Lot 259, Green Acres Complex, Francistown	Southern District Council	22.10.98
Goseame Produce Poultry (Pty) Ltd, c/o M.B.I (Pty) Ltd, P. O. Box 785, Francistown.			Francistown City Council	8.9.98
Goseame Produce Poultry (Pty) Ltd, c/o M.B.I (Pty) Ltd, P. O. Box 785, Francistown.	Bottle Store	Lot 259, Green Acres Complex, Francistown	Francistown City Council	8.9.98
Goseame Produce Poultry (Pty) Ltd, c/o M.B.I (Pty) Ltd, P. O. Box 785, Francistown.	Butchery and Fresh Produce	Lot 259, Green Acres Complex, Francistown	Francistown City Council	8.9.98
Marshan Investments (Pty) Ltd, c/o M.B.I. (Pty) Ltd, P. O. Box 785, Francistown.	Specialised Trading fabrics, materials, upholstery, harber- dashery, knitting materials, spare parts for allied machinery, blankets etc.	PLot No. 461/3 Blue Jacket Street, Francistown	Francistown City Council	8.9.98
Panasonic Airconditioning (Botswana) (Pty) Ltd, P. O. Box 10098, Francistown.	Speciality Trading to trade in sales of home and office air- conditioners, commercial and package units, fridges, air coolers, water coolers, ice making machines, spares and accessories, electrical and electronic goods and appliances	Plot No. 225, Light Industrial Area, Francistown	Francistown City Council	8.9.98
Paula E. Kusane, P. O. Box 229, Serowe.	General Trading and Fresh Produce	Modimo Ward, Majwaneng	Serowe/Palapye Sub- District Council	21.9.98

Neo Lesole, P. O. Box 54, Maunatlala.	Bar Liquor	Motlati Ward, Lerala	Serowe/Palapye Sub- District Council	21.9.98
Anthony Molatlhegi, P. O. Box 47, Palapye.	Liquor Restaurant	Boikago Ward	Serowe/Palapye Sub- District Council	21.9.98
Baba Business Services (Pty) Ltd, t/a Mmashoro Supermarket, c/o Page Alliance Services (Pty) Ltd, P. O. Box 10288, Palapye.	Supermarket	Mmashoro Village	Serowe/Palapye Sub- District Council	21.9.98
Stanley & Sons Motors (Pty) Ltd, c/o Page Alliance Services (Pty) Ltd, P. O. Box 10288, Pota, Palapye.	Garage/Workshop	Thomadithotse Ward	Serowe/Palapye Sub- District Council	21.9.98
Rui Ming (Pty) Ltd, K & M Business & Secretarial Services (Pty) Ltd, P. O. Box 29, Gaborone.	Specialised Wholesale electric, electronic and appliances, jewellery gift items, cosmetics, footwear, clothing, bedding linen crockery, hardware Specialised Trading	Madiba Centre Shop No. 6, Palapye	Serowe/Palapye Sub- District Council	21.9.98
Catherine Kemsley, P. O. Box 101, Palapye.		Serowe	Serowe/Palapye Sub- District Council	21.9.98
Baba Business Services (Pty) Ltd, t/a Mmashoro Cash and Carry Store, c/o Page Alliance Services (Pty) Ltd, P. O. Box 10288, Palapye.	Specialised Trading domestic hardware, electrical and electronic appliances, cosmetics, jewellery, materials, herbedasheries, curtains building materials, gas Hair Salon	Mmashoro	Serowe/Palapye Sub- District Council	21.9.98
Kafula Holdings (Pty) Ltd, c/o P.R. Executive Employment & Business Services (Pty) Ltd, P. O. Box 2160, Gaborone.		Lot 881, Tlokweng	South East District Council	23.9.98
B. Watterston, P. O. Box 30623, Tlokweng.	Garage	Plot No. 21, Tlokweng Industrial	South East District Council	23.9.98
Mwambo Co. (Pty) Ltd, P. O. Box 202446, Gaborone.	General Trading and Fresh Produce	Mathangwane	Tutume Sub-District Council	21.9.98
Kablay Motseonageng, P. O. Box 87, Letlhakeng.	Bar	Takatokwane	Letlhakeng Sub-	21.9.98
Shoshong Consumers Cooperative, P. O. Box 31, Shoshong.	General Trading	Phaleng Ward, Shoshong	Mahalapye Sub- District Council	21.9.98
Boykie Olobe, P. O. Box 18, Kalamare.	General Trading	Kalamare	Mahalapye Sub- District Council	21.9.98
Serati Multi-Purpose Society (Branch), P. O. Box 1, Ramokgonami.	General Trading	Ramokgonami	Mahalapye Sub- District Council	21.9.98

<p>Shoshong Consumers Cooperative, P. O. Box 31, Shoshong. Mr & Mrs Kanedi, Private Bag 119, Francistown. Moanamesi Gadiile, Private Bag 6, Masunga. Guang Cheng Enterprises (Pty) Limited, EU6, HNo. 3986, Jwaneng.</p> <p>Bashi Ernest Mosotho, P. O. Box 13, Rakops. Curtain View (Pty) Ltd, t/a K.S. Upholstery, P. O. Box 601091, Gaborone. Farouk Ismail, Shaysons Investment (Pty) Ltd, P. O. Box 65, Lobatse. Stacy Ntsinyane, Idah Tamisinyana, P. O. Box M367, Kanye. Stacy Ntsinyane, Idah Tamisinyana, P. O. Box M367, Kanye. Agnes Goppani, P. O. Box 181, Maun. Green Heavens Bar, c/o Private Bag 185, Maun. Khama Fashion World (Pty) Ltd, P. O. Box 2, Maun.</p> <p>Daylight Adventures (Pty) Ltd, P. O. Box 20611, Boseja, Maun. Agri-Enterprises (Pty) Ltd, c/o Corporate Business Intelligence (Pty) Ltd, P. O. Box 10127, Gaborone. Eagle Systems (Pty) Ltd, P. O. Box 403718, Gaborone.</p>	Fresh Produce	Phaleng Ward, Shoshong	Mahalapye Sub-District Council	21.9.98
	Liquor Bar	Tati Siding	North East District Council	23.9.98
	Specialised	Masunga	North East District Council	23.9.98
	Specialised clothes, shoes, beddings, electrical appliances, gift items, suits, leather jackets, wool	Plot No. 5623, New Mall	Jwaneng Town Council	31.8.98
	Bar Liquor	Rakops	Letlhakane Sub-District Council	.8.98
	Workshop (upholstery)	Lot 222, Lobatse	Lobatse Town Council	10.9.98
	Hardware	Shop No. 3, Plot No. 309/310, Lobatse	Lobatse Town Council	10.9.98
	Hair Salon	Lobatse	Lobatse Town Council	10.9.98
	Specialised Trading clothing shoes, cosmetics, jewellery, leather bags	Lobatse	Lobatse Town Council	10.9.98
	Take Away caravan	Next to Museum	Maun Local Licensing Authority	28.8.98
	Bar	Tsau Village	Maun Local Licensing Authority	28.9.98
	Specialised Trading fashion designing, sewing of African cloth, English wear and dinner wears, mens jacket, suit and trousers and selling of jewellery	Plot No. 529, Maun Light Industrial	Maun Local Licensing Authority	28.9.98
	Dry Cleaner (laundry)	Plot No. 1179, Gabotshe Complex	Maun Local Licensing Authority	28.9.98
	Drilling	Plot No. 947, Kaunda Road, Gaborone	National Licensing Authority	.98
	Import/Export medical, surgical, orthopaedic, laboratory, dental, devices and pharmaceutical products, maintenance and servicing of medical and laboratory equipment	Gaborone	National Licensing Authority	.98

Fu Hui Import/Export (Pty) Ltd, c/o K & M Business & Secretarial Services (Pty) Ltd, P. O. Box 29, Gaborone.	Import/Export electric and electronic goods and appliances, clothing and shoes, leather goods, foodstuffs, general merchandise, hardware and building materials, furniture and household goods, bicycles and electrical motors, food processing machines and agricultural equipment, machine tools and motor vehicle spares, tyres and tubes	Throughout Botswana	National Licensing Authority	.98
Jixian (Pty) Ltd, t/a Long Term, c/o LBG Business Services, P. O. Box 202460, Gaborone.	Import/Export clothing, electronic components, baby wear, bags, footwear, perfumes, radios, cassettes	Gaborone	National Licensing Authority	.98
Dynamic & Professional Services (Pty) Ltd, c/o P.R. Executive Employment & Business Services, P. O. Box 2160, Gaborone.	Agent cleaning chemicals domestic and industrial	Whole of Botswana	National Licensing Authority	.98
Virgina M. Sababady of Blue Moon Trading, Private Bag BO 21, Boseja, Maun.	Agent fire protection equipment, fire retardants, fire detection equipment and first aid kits	Plot No. 7, Boseja Industrial Site, Maun	National Licensing Authority	.98
Wholesalers on Wheels (Pty) Ltd, c/o Corporate Business Intelligence (Pty) Ltd, P. O. Box 10127, Gaborone.	Agent distribution of sewing, threads, embroidery threads, hand cottons, crochet cottons and plastic products)	Plot No. 947, Kaunda Road, Gaborone	National Licensing Authority	.98
Precision Engineering & Fabrication (Pty) Ltd, c/o Private Bag BR 319, Gaborone.	Agency	Plot No. 19981, Gaborone West Industrial	National Licensing Authority	.98
Braemar Botswana, c/o P. O. Box 1966, Gaborone.	Agency poultry, farming and agricultural equipment and implements	Plot No. 21341, Phakalane Estates	National Licensing Authority	.98
Itsoseng Force Group, Represented by: "Fireworks" Services (Proprietary) Limited, P. O. Box 40751, Broadhurst, Gaborone.	Agency shock riot shields, shock stun-guns and batons, shock anti-hijack and anti theft vehicle alarm systems, anti-assault gas spray devices and security equipment, shock brief- cases	Plot No. 3015, Tlokweng	National Licensing Authority	.98

Licences

NOTICE IS HEREBY given that the undersigned intends to apply for a certificate in terms of section 9 of the Trade and Liquor Act, (Cap. 43:02) of 1987) to obtain a:

<i>Name and address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of Hearing</i>
Artswana (Proprietary) Limited, c/o "Fireworks" Services (Pty) Ltd, P.O. Box 40751, Broadhurst, Gaborone.	Workshop	Plot No. 17971, Unit 2, Gaborone West	Gaborone City Council	14.10.98
Sabot Enterprises, (Pty) Ltd, c/o Accord Business Development (Pty) Ltd, Private Bag 00352, Gaborone.	Motor Dealer	Plot No. 51569 Phakalane	Gaborone City Council	9.9.98
Bakery and Associated Projects (Pty) Ltd, c/o P.O. Box 868, Gaborone. Represented by: Griffiths Enterprises (Pty) Ltd, P.O. Box 868, Gaborone.	Liquor Restaurant	Plot No. 5648/17 & 18, Broadhurst Industrial	Gaborone City Council	9.9.98
Bakery and Associated Projects (Pty) Ltd, c/o P.O. Box 868, Gaborone. Represented by: Griffiths Enterprises (Pty) Ltd, P.O. Box 868, Gaborone.	Coffee Shop	Plot No. 5648/17 & 18, Broadhurst Industrial	Gaborone City Council	9.9.98
Vivita Trading Co., t/a Happy Home Care c/o Alisra Business Services, (Pty) Ltd, P.O. Box 20900, Gaborone.	Nursery School	Plot No. 6243 Broadhurst Extension 19	Gaborone City Council	9.9.98
Priemier Automotive and General Engineering (Pty) Ltd, c/o "Fireworks" Services (Pty) Ltd, P.O. Box 40751, Broadhurst, Gaborone.	Garage/Workshop	Plot No. 10203 Broadhurst Industrial Estate	Gaborone City Council	14.10.98
P and S Designers, c/o Alisra Business Services (Pty) Ltd, P.O. Box 20900, Gaborone.	Specialised Trading (clothing and hair salon)	Plot No. 5558 Partial, Gaborone	Gaborone City Council	9.9.98
Maggpie (Pty) Ltd, P.O. Box 1983, Gaborone.	Specialized Trading	Plot No. 10222, Unit A, Broadhurst	Gaborone City Council	9.9.98
J.V.P Engineers (Pty) Ltd, P.O. Box 60815, Gaborone.	Specialised Dealer (Computer and Accessor- ies) and Workshop Re- pairs of Computer	Plot No. 728, Extension 3, Gaborone	Gaborone City Council	9.9.98

Refrigeration and General (Pty) Limited, P.O. Box 201929, Gaborone. Bakery and Associated Projects (Pty) Ltd, c/o P.O. Box 868, Gaborone. Represented by: Griffiths Enterprises (Pty) Ltd, P.O. Box 868, Gaborone.	Speciality (Refrigeration and conditioning)	Plot No. 10203, Bodungwe Road Broadhurst Industrial	Gaborone City Council	9.9.98
	Confectionary	Plot No. 5648/17 & 18, Broadhurst Industrial	Gaborone City Council	9.9.98
Papcon (Proprietary) Limited, Private Bag 101, Gaborone. Moyo Fashions (Pty) Ltd, c/o Alisra Business Services (Pty) Ltd, P.O. Box 20900, Gaborone. Cain K. Malezimba, P.O. Box 1432, Mogoditshane.	Specialised Dealer paper, boards, stationery and paper products. Specialised Dealer (African attaires, linens, wedding-gowns, skirts, trousers and bridal wears) Specialised Dealer (Books, Stationery, Christian literature and office equipment) General Dealer	Plot No. 2, Mogoditshane Plot No. 300 Mogoditshane Molepolole Shopping Complex	Kweneng District Council Kweneng District Council Kweneng District Council	24.9.98 24.9.98 24.9.98
Creative Art (Botswana) (Pty) Ltd, c/o A & M Services (Pty) Ltd, P.O. Box 247, Francistown. Chang Sheng Trading (Pty) Ltd, Private Bag 37, Mochudi. Oasis Wholesalers (Pty) Ltd, c/o A & M Services (Pty) Ltd, P.O. Box 247, Francistown. Francistown Plant & Construction (Pty) Ltd, c/o M.B.I. (Pty) Ltd, P.O. Box 785, Francistown. Edna Keolebogile Mokgolodi, P.O. Box 3, Mabutsane. Julius Motlalenkwe, P.O. Box 253, Gaborone. Ikageng Barolong Multipurpose Coop Society, P.O. Box 271, Goodhope.	Speciality electronics, bedding, clothing, crafts, curio, cutlery Speciality to sell elec- tronic, electricals, cos- metics, perfumes, clo- thing footwears etc. Hairdressing Salon General Dealer Bar Filling Station	Plot No. 2679/ 2680, Unit No. 3 Main Mall Selebi-Phikwe Plot No. 5009 Selibe-Phikwe Plot No. 838/849 Selebi-Phikwe Plot No. 405, Sowa Town Mabutsane Magotlhwane Village Goodhope	Selebi-Phikwe Town Council Selibe-Phikwe Town Council Francistown City Council Sowa Town Council Southern District Council Southern District Council Southern District Council	8.9.98 .98 .98 10.9.98 10.9.98 10.9.98
Marccon (Proprietary) Limited, c/o Helfer & Company, Applicant's Attorney, Moeding Road, Extension 4, P.O. Box 906, Gaborone.	Speciality (jewellery, clothing, shoes, bags, cosmetics, wigs, hats etc)	Lot 110, Mmasekou (Kanye)	Southern District Council	22.10.98

Creative Art (Botswana) (Pty) Ltd, c/o A & M Services (Pty) Ltd, P.O. Box 247, Francistown.	General Dealer	Stand 90, Shop No. 64, Connections Complex T. Junction Palapye	Serowe/Palapye Local Authority	9.98
Goikantswemang Gasenna, Private Bag 0018, Serowe.	Fresh Produce	Mathuba Ward Serowe	Serowe/Palapye Local Authority	21.9.98
Blue Sky Holdings (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Motor Dealer	Moseki Ward Serowe	Serowe/Palapye Local Authority	9.98
Moralane Enterprises (Proprietary) Limited, P.O. Box 51, Ramotswa.	Bottle Store	Taung, Ramotswa	South East District Council	23.9.98
Molelo (Pty) Ltd, c/o Industrial Management & Accounting Services (Pty) Ltd, P.O. Box 40096, Gaborone.	Workshop (to repair all kinds of electrical and electronic items)	Plot No. 260, Unit 1A Tlokweng	South East District Council	10.9.98
Imperial Trading Company, c/o Kgwebo Management Consultants (Pty) Ltd, P.O. Box 661, Selibe-Phikwe. Tel: 810860/811112	Specialised Dealers Imported clothing, shoes (Locally Pro- duced and imported) luggage, elec- trical and electronic goods, gift items, cos- metics, household hardware, stationery, jewellery.	Plot No. 277, The Mall Serowe	Palapye Licensing Authority	10.9.98
Leoncia Enterprises (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Hair Salon	Plot No. 2126 Woodhall Industrial, Lobatse	Lobatse Town Council	10.9.98
Leoncia Enterprises (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Boutique	Plot No. 2126 Woodhall Industrial, Lobatse	Lobatse Town Council	9.98
Geoffrey Mphodi P.O. Box 40534, Gaborone.	Specialised Dealer Car wash, Cleaning sofas, Cleaning carpets, Cleaning mattress, Pest control	Madiba Centre Lobatse	Lobatse Town Council	10.9.98
Nametso Josephine Lesetedi, P.O. Box 33, Mahalapye.	Speciality (florists seeds and Agrous Chemicals)	Xhosa II Ward	Mahalapye Sub- District Council	21.9.98
Rhodes Mojela, P.O. Box 48, Gaborone.	Specialised Dealer (Mortury)	Plot No. 413, Ghanzi Township	Ghanzi District Council	16.9.98
Francina Chennapragada, P.O. Box 20399, Maun.	Fresh Produce and Take-Away Restaurant	Gumare	Maun Local Licensing Authority	22.9.98
Little League Trading, (Pty) Ltd, P.O. Box 59, Maun.	Bottle Store	Thitoyamokole Ward	Maun Local Licensing Authority	28.9.98

Motswasele Gaoswediwe, P.O. Box 20285, Francistown.	General Dealer	Marobela	Tutume Sub-District Council	21.9.98
Johnson Phatshwane, Donald Oga Lesetedi, P.O. Box 1648, Francistown.	Liquor Restaurant and Fresh Produce	Mathangwane	Tutume Sub-District Council	21.98
Elias B. Majama, P.O. Box 39, Matsiloje.	General Dealer	Matsiloje	North East District Council	23.9.98
Mahwi Jethro Benjamin, P.O. Box 293, Masunga. Private Bag 1, Orapa.	Liquor Bar, Restaurant and General Dealer	Sekakangwe	North East District Council	23.9.98
Creative Art (Botswana) (Pty) Ltd, c/o A & M Services (Pty) Ltd, P.O. Box 247, Francistown.	General Dealer	Tribal Lot F613 Shop No. 3, Letlhakane	Boteti Sub-District Council	.98
Moonlight Enterprises, c/o Aobo Accounting Services, P.O. Box 10705, Tatitown, Francistown.	Speciality	Shop 1, Nkosh Ward, Letlhakane	Boteti Sub-District Council	21.9.98
GKM Marketing (Proprietary) Limited, c/o Corporate Services (Proprietary) Limited, P.O. Box 406, Gaborone.	Agent pre-packed food products and be- verages	Throughout Botswana	National Licensing Authority	.98
Toy Trading Company (Pty) Ltd, P.O. Box 20207, Gaborone.	Agent building and plumbing materials, electrical appliances, office fur- niture and stationery.	All over Botswana	National Licensing Authority	.98
Represented by: Self Balosika (Pty) Ltd, c/o P.O. Box 20988, Francistown.	Agent HIV I/II Home Test Kit	All over Botswana	National Licensing Authority	.98
Represented by: Self Bookie O. Modise, Instant Services Botswana, P.O. Box 40424, Gaborone.	Import and Export stationery and home appliances	Gaborone	National Licensing Authority	.98
Eagle Systems (Pty) Ltd, P.O. Box 403718, Gaborone.	External Representatives Medical, Laboratory, Sur- gical, Dental orthopaedic, pharmaceutical products and equipment	Gaborone	National Licensing Authority	.98
Represented by: Eagle Systems (Pty) Ltd, Thusano Auctioneers (Pty) Ltd, P.O. Box 1884, Gaborone.	An Auctioneer Livestock Auctioning	Whole of Botswana	National Licensing Authority	.98
Represented by: Rahim Khan & Company, First Floor, Thipe House, African Mall, P.O. Box 1884, Gaborone.				

Gaborone City Council — Tender No. GCC/18/98**ERECTION AND SUPPLY OF STREET NAMES AND
TRAFFIC SIGNS IN GABORONE**

TENDERS ARE INVITED by Gaborone City Council from contractors for Erection and Supply of street names and traffic signs in Gaborone. Details relating to this tender including the Form of Tender may be obtained from Room 65, Civic Centre during normal working hours, or an application to the City Clerk, Private Bag 0089, Gaborone.

Tenders in a plain sealed envelope clearly marked "Tender No. GCC/18/98" shall be sent to reach the above address or hand delivered to Room 68 at the Civic Centre on or before 1500 hours on 5th October, 1998.

Tender documents will be ready for collection from 4th September, 1998. Tenders shall be opened on the 5th October, 1998 at 1500 hours in the presence of tenderers who may wish to be present. The Gaborone City Council does not bind itself to award to the lowest tenderer or to any tenderer nor to assign any reason thereof.

G. LEBITSA,
for City Clerk.

First Publication

Gaborone City Council — Tender No. GCC/19/98**ROAD TRAFFIC MARKINGS IN GABORONE**

TENDERS ARE INVITED by Gaborone City Council from contractors for Road Traffic Markings in Gaborone. Details relating to this tender including the Form of Tender may be obtained from Room 65, Civic Centre during normal working hours, or on application to the City Clerk, Private Bag 89, Gaborone.

Tenders in a plain sealed envelope clearly marked "Tender No. GCC/19/98" shall be sent to reach the above address or hand delivered to Room 68 at the Civic Centre on or before 1500 hours on 5th October, 1998.

Tender documents will be ready for collection from 4th September, 1998. Tenders shall be opened on the 5th October, 1998 at 1500 hours in the presence of tenderers who may wish to be present. The Gaborone City Council does not bind itself to award to the lowest tenderer or to any tenderer nor to assign any reason thereof.

G. LEBITSA,
for City Clerk.

First Publication

Southern District Council — Tender No. 25 of 1998**HEALTH FACILITIES — DEVELOPMENT CONSTRUCTION**

TENDERS ARE INVITED by the Southern District Council for the construction of the below listed Health Facilities. Only construction companies registered with the Ministry of Local Government Lands and Housing at category 5 only will be allowed to purchase the tender.

TENDER NO.	25.1	—	Mabutsane
	25.1.1	—	1 No DHT office and high boundary fence
	25.1.2	—	2 No LA2
TENDER NO.	25.2	—	Digawana
	25.2.1	—	1 No Incinerator
TENDER NO.	25.3	—	Manyana
	25.3.1	—	1 No Incinerator
TENDER NO.	25.4	—	Gasita
	25.4.1	—	3 No LA2

The Tender documents to be obtained from Works Department (Buildings) Southern District Council — Kanye on payment of non-refundable fee of P80,00 (Eighty Pula only).

Tenders to be submitted in plain sealed envelope clearly marked "Tender No. 25 of 1998 — Health Facilities Development Construction" and addressed to the Council Secretary, Southern District Council, Private Bag 002, Kanye, on or before 9 a.m. 28th September, 1998. At which time tender opening will take place in the Council Chamber — Rural Administration Centre.

All interest tenderers are free to attend the tender opening. Council is not bound to accept the lowest or any tender.

S.K. BAIPOLEDI,
for Council Secretary.

First Publication

Southern District Council — Tender No. 26 of 1998

SUPPLY OF CLINIC AND HEALTH POSTS FURNITURE AND EQUIPMENT

TENDERS ARE INVITED by Southern District council for the supply of the following:

- (a) Packs
- (b) Kits
- (c) Furniture and chemical utensils at Sebege Health Post, Hebron Maternity Ward and Pitsane Potlokwe Health Post.

Tender documents to be obtained from Works Department (Arch & Buildings) Southern District Council — Kanye on payment of non-refundable fee of P50,00 (Fifty Pula only).

Tenders to be submitted in a plain sealed envelope clearly marked "tender No. 26 of 1998 — Supply of Clinic and Health Post Furniture and Equipment" and addressed to Council Secretary, Private Bag 002, Kanye on or before 9 a.m. 28th September, 1998 at which time tender opening will take place in the Council Chamber. All interested tenderers are free to attend tender opening.

Council is not bound to accept the lowest tender or any tender.

S.K. BAIPOLEDI,
for Council Secretary.

First Publication

Southern District Council — Tender No. 28 of 1998

GENERAL MAINTENANCE OF SCHOOLS

TENDERS ARE INVITED by the Southern District Council for the maintenance of the below listed primary schools. Only Construction Companies registered with the Ministry of Local Government Lands and Housing at category 1 and 2 will be allowed to purchase the documents.

<i>TENDER NO.</i>	28.1	—	Kanye
	28.1.1	—	Maisantwa Primary School
<i>TENDER NO.</i>	28.2	—	Ranaka
	28.2.1	—	Ranaka Primary School
<i>TENDER NO.</i>	28.3	—	Mokgomane
	28.3.1	—	Mokgomane Primary School
<i>TENDER NO.</i>	28.4	—	Motsentshe
	28.4.1	—	Motsentshe Primary School

<i>TENDER NO.</i>	28.5	—	Phihetshwane
	28.5.1	—	Phihetshwane Primary School
<i>TENDER NO.</i>	28.6	—	Mokhomma
	28.6.1	—	Mokhomma Primary School

The Tender documents to be obtained from Works Department (Buildings) on a non-refundable fee of P30,00 (Thirty Pula only).

Tenders to be submitted in a plain sealed envelope clearly marked "Tender No. 28 of 1998 — General Maintenance of Schools" and addressed to the Council Secretary, Southern District Council, Private Bag 002, Kanye on or before 0900 hours, 28th September, 1998. At which the tender opening will take place in the Council Chamber — Rural Administration Centre.

All interested tenderers are free to attend the tender opening. Council is not bound to accept the lowest or any tender.

S.K. BAIPOLEDI,
for Council Secretary.

First Publication

Southern District Council — Tender No. 29 of 1998

HEALTH FACILITIES — MAINTENANCE OF RADIOS

TENDERS ARE INVITED by the Southern District Council for the maintenance of two way Radios (Rojas) in all District Health Facilities.

Tender documents to be obtained from Works Department (Buildings) Southern District Council, Kanye on payment of non-refundable fee of P30,00 (Thirty Pula only).

Tender documents to be submitted in a plain envelope clearly marked "Tender No. 29 of 1998 — Health Facilities". Maintenance of Radios and addressed to the Council Secretary, Southern District Council, Private Bag 002, Kanye on or before 9.00 a.m. on 28th September, 1998 at which time tender opening will take place in Council Chamber — Rural Administration Centre.

All interested tenderers are free to attend the tender opening. Council is not bound to accept the lowest or any tender.

S.K. BAIPOLEDI,
for Council Secretary.

First Publication

Ghanzi District Council — Tender No. GDC 33 of 1998

SUPPLY OF MOTOR VEHICLES

GHANZI DISTRICT COUNCIL invites tenders for the supply of vehicles and plant from registered motor dealers.

ITEM 0.1. Nine number x four x four 1 ton with four cylinder petrol engine white in colour and fitted with accessories as follows quoted separately.

- (a) Bush guard
- (b) 150l fuel reserve tank with 12 mm cock and strainer between reserve and main tank
- (c) 50l water tank
- (d) Rear bumper
- (e) Standard canopy (steel) with hood rack
- (f) Heavy duty air pump
- (f) Wheel shall be 700 x 15 x 8 ply on standard rims
- (h) Both fenders and all rims should be painted with light green paint (confirm the right colour with Council) as Council identification paint/colour.

ITEM 0.2. One number x four x four 3 to 4.5 litre petrol engine with rails and tow hitch white in colour to be supplied with the following accessories quoted separately.

- (a) Reserve tank — 150l fuel with 12 mm cock and strainer between reserve and main tank
- (b) Bush guard
- (c) 50l water tank
- (d) Rear bumper
- (e) Heavy duty air pump
- (f) Wheel shall be 750 x 16 8 ply on standard rims
- (g) Both fenders and all rims should be painted with light green paint (confirm the right colour with Council) as identification colour/paint.

ITEM 0.3. One number x four x four double cab petrol engine white in colour to be supplied with the following accessories quoted separately.

- (a) 200 litre fuel tank (reserve) connected to the main tank using the same as in Item 0.2.
- (b) Bush guard
- (c) Rear bumper
- (d) Heavy duty air pump
- (e) Both fenders and all rims should be painted including rims with light green paint (confirm the right colour with Council)

ITEM 0.4. One number x 7 ton 6 cylinder diesel engine with 12 m³ (refuse compactor) rear loading closed body white in colour and fitted with accessories as follows quoted separately.

- (a) Bush guard
 - (b) 250 litre fuel tank behind cab
 - (c) 50 litre water tank
 - (d) 10m air line and connections (pump)
 - (e) 2 x Heavy duty tyre levers
 - (f) 10 LB — hammer
- Total crew platform should not be less than 300 kg front fenders and rims should be painted with light green paint (confirm the right colour with Council)

ITEM 0.5. One number x 7 ton 6 cylinder diesel engine with 7000 litre vacuum tank white in colour with the following accessories quoted separately.

- (a) 250 litre fuel tank
 - (b) 50 litre water tank
 - (c) 10m air line and connections (pump)
 - (d) 2 x Heavy duty tyre levers
 - (e) 10 LB hammer
 - (f) 10 metre long 110 mm diameter hose and couplers vacuum pump driven by diesel engine.
- Total crew platform should not be less than 300 kg front fenders and rims should be painted with light green paint (confirm the right colour with Council).

ITEM 0.6. Two number x 1.3 speed saloon cars GLE manual standard four cylinder petrol engine white in colour and fitted with the following accessories.

- (a) H/pump
 - (b) 4 LB hammer
 - (c) One tyre lever
- Front fenders and all rims should be painted with light green paint (confirm the right colour with Council).

ITEM 0.7. One number x 1.8i GLE speed saloon manual car standard — four cylinder petrol engine white in colour and fitted with the following accessories.

- (a) H/pump
 - (b) 4 LB hammer
 - (c) One tyre lever
- Front fenders and all rims should be painted with light green paint (confirm the right colour with Council).

ITEM 0.8. One number x 15 – 20 ton (landfill compactor) refuse compactor with adjustable scrappers in front of and behind each wheel. The refuse compactor should be specifically designed for the use on waste disposal site. All wheel drive should be with hydraulic differential lock. The cab should be with over pressure; cap heating and sliding windows on both side. towing hooks front/rear. In short standard equipment is a necessity.

- (a) Shovel
- (b) Toll kit
- (c) Vacuum pump for hydraulic
- (d) Tools for changeable wheel caps
- (e) Air hose — 10 metres long
- (f) Fire estinguisher

GENERAL CONDITIONS OF THE SUPPLY OF VEHICLES UNDER THIS TENDER

1. Any information deemed necessary shall be confirmed prior to the submission of tender.
2. Prices quoted in Botswana currency shall remain valid for 60 days from date of closing of tender
3. Delivery period from the date of order shall be indicated and the tender price shall be up to the date of supply from the date of closing of the tender.
4. Cost of accessories shall be priced separately and price of vehicle/plant shall be firm up to the date of supply of vehicles/plant from the date of closing of tender.
5. Any change in the condition of supply of vehicles/plant may disqualify the tender without notice.
6. The tenderers are to price the cost of registration and number plates.
7. Any accessories quoted shall be from required suppliers and shall be closely specified in the tender with the name of manufacturer and warranties.
8. Any tender by telephone/telex/fax or posted under registered cover shall not be accepted.
9. Warrantly from the manufacturer shall be proved.
10. Council is not bound to accept the lowest tender or any tender or part thereof nor give reasons for the none acceptance and not to incur any expenses in the preparations thereof.

Tender shall be posted in the box at the office of: Council Secretary, Ghanzi District Council, Private Bag 0015, Ghanzi. Tender documents are to be submitted in plain sealed envelope clearly marked "Tender No. GDC 33 of 1998 — Supply of Motor Vehicles".

The public opening of the tender shall commence at 09.00 a.m. on Thursday 1st October, 1998.

G. SEBEELA,
for Council Secretary.

First Publication

Central District Council — Tender No. CDC/PH/46/98 and CDC/PH/47/98

**DEVELOPMENT OF LERALA DISPOSAL SITE AND
DEVELOPMENT OF LETLHAKANE DISPOSAL SITE**

VILLAGE	SUB-DISTRICT	NO. OF SITES	TENDER NO.
Lerala	Serowe/Palapye	1	CDC/PH/46/98
Lethakane	Boteti	1	CDC/PH/47/98

Tender documents may either be obtained by writing to the Chief Health Inspector, Private Bag 001, Serowe or be collected in person from office numbers B7 on/or after 7th September, 1998.

Tenders should be submitted in plain sealed envelopes with tender number marked boldly on top "Tender No. CDC/PH/46/98 — Development of Lerala Disposal Site", or "Tender No. CDC/PH/47/98 — Development of Lethakane Disposal Site"

Tenders should be submitted on or before 0900 a.m. on the 2nd October, 1998 after which time opening will be done. A non-refundable fee of P50.00 should be paid for each tender document.

Central District Council is not obliged to accept any tender.

K.N. KEDIKILWE,
for Council Secretary.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Gaborone Consumer Cooperative have disposed of our entire interest in carrying on the business of General Trading to C-C-W (Pty) Ltd who will continue to trade at the same premises and under the same style of a General Trading.

GABORONE CONSUMER COOPERATIVE, c/o P.R. Executive Employment &
Business Services, Plot 5171, Extension 14, P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Gaborone Consumer Cooperative have disposed of our entire interest in carrying on the business of Fresh Produce to C-C-W (Pty) Ltd who will continue to trade at the same premises and under the same style of a Fresh Produce.

GABORONE CONSUMER COOPERATIVE, c/o P.R. Executive Employment &
Business Services, Plot 5171, Extension 14, P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Gaborone Consumer Cooperative have disposed of our entire interest in carrying on the business of Restaurant Takeaway to C-C-W (Pty) Ltd who will continue to trade at the same premises and under the same style of a Restaurant Takeaway.

GABORONE CONSUMER COOPERATIVE, c/o P.R. Executive Employment &
Business Services, Plot 1109/14 Extension 3, P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Gaborone Consumer Cooperative have disposed of our entire interest in carrying on the business of General Trading to C-C-W (Pty) Ltd who will continue to trade at the same premises and under the same style of a General Trading.

GABORONE CONSUMER COOPERATIVE, c/o P.R. Executive Employment &
Business Services, Plot 1109/14 Extension 3, P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Gaborone Consumer Cooperative have disposed of our entire interest in carrying on the business of Fresh Produce to C-C-W (Pty) Ltd who will continue to trade at the same premises and under the same style of a Fresh Produce.

GABORONE CONSUMER COOPERATIVE, c/o P.R. Executive Employment &
Business Services, Plot 1109/14 Extension 3, P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Fazel Arbi has disposed of my entire interest in carrying on the business of Restaurant Take-Away to Blagus Marketing (Pty) Ltd trading as Eat Rite who will continue to trade at the same premises and under the same style of a Restaurant and Take-Away.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act (Cap. 43:02) that I, M. Kiesling have disposed of my entire interest in carrying on the business of Camford (Pty) Ltd to Rosiemaria Van Niekerk who will continue to trade at the same premises and under the same style of Business (Garage Workshop) Backline Garage and Workshop.

R.M. VAN NIEKERK, ZANZIBAR TULI BLOCK, P.O. Box 663, SELEBI-PHIKWE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Audrey Angela Engleton have disposed of my entire interest in carrying on the business of General Dealer / Fresh Produce to Amos Senopiwa who will continue to trade at the same premises and under the same style of a General Dealer and Fresh Produce.

AUDREY ANGELA ENGLETON, P.O. Box 223, FRANCISTOWN.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, A.M. Craill have disposed of my entire interest in carrying on the business of Fresh Produce and General Dealer to Thetologo Kgorothle of Ghanzi who will continue to trade at the same premises and under the same style of a Fresh Produce and General Dealer.

A.M. CRAILL, P.O. Box 103, GHANZI.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Enockvic (Pty) Ltd have disposed of my entire interest in carrying on the business of Garage Workshop to Plot 65, Industrial Area, Tlokweg who will continue to trade at the same premises and under the style of a Panel Beaters.

HUMPHREY K. ABABIO, VICKMOCK (PTY) LTD, Plot 21, Industrial Site, TLOKWENG.

First Publication

Change of Name

NOTICE IS HEREBY GIVEN in terms of section 21 of the Companies Act (Cap. 42:01) that Tafilex (Proprietary) Limited proposes to change its name to Bins for Botswana (Proprietary) Limited and that application will be made to the Registrar of Companies for the formal approval to the change of name after 14 days have elapsed from the date of publication of this second notice.

M.B.I. (PTY) LTD, SECRETARIES, P.O. Box 785, FRANCISTOWN.

First Publication

Notice of Application for Removal of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a removal of Hair Dresser Licence in respect of premises situated at Area S 3062 to 3167 Area S and that the Selebi-Phikwe Town Council has determined that the application shall be heard by the Licensing Authority on 22nd September, 1998.

TAMELO SONO, P.O. Box 73, SELEBI-PHIKWE.

First Publication

Notice of Application for Removal of Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a removal of a Speciality Trading Licence in respect of premises situated at Lot 17972 Gaborone West to Lot 17829 Extension 6 Gaborone and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

MARKET MIX (PTY) LTD, c/o INDUSTRIAL MANAGEMENT & ACCOUNTING SERVICES (PTY) LTD,
P.O. Box 40096, GABORONE.

First Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a transfer of a Fresh Produce Licence in respect of premises situated at Lot 5171 Extension 14 to C.C. W. (Pty) Ltd who will continue to trade at the premises and under the same style of a Fresh Produce and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

C.C. W. (PTY) LTD, c/o P.R. EXECUTIVE EMPLOYMENT & BUSINESS SERVICES,
P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a transfer of a Fresh Produce Licence in respect of premises situated at Lot 1109/14 Extension 3 to C.C. W. (Pty) Ltd who will continue to trade at the premises and under the same style of a Fresh Produce and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

C.C. W. (PTY) LTD, c/o P.R. EXECUTIVE EMPLOYMENT & BUSINESS SERVICES,
P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a transfer of a General Trading Licence in respect of premises situated at Lot 1109/14 Extension 3 to C.C. W. (Pty) Ltd who will continue to trade at the premises and under the same style of a General Trading and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

C.C. W. (PTY) LTD, c/o P.R. EXECUTIVE EMPLOYMENT & BUSINESS SERVICES,
P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a transfer of a General Trading Licence in respect of premises situated at Lot 5171 Extension 14 to C.C. W. (Pty) Ltd who will continue to trade at the premises and under the same style of a General Trading and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

C.C. W. (PTY) LTD, c/o P.R. EXECUTIVE EMPLOYMENT & BUSINESS SERVICES,
P.O. Box 2160, GABORONE.

First Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for a transfer of a Restaurant Take-Away Licence in respect of premises situated at Lot 1109/14 Extension 3 to C.C. W. (Pty) Ltd who will continue to trade at the premises and under the same style of a Restaurant Take-Away and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 9th September, 1998.

C.C. W. (PTY) LTD, c/o P.R. EXECUTIVE EMPLOYMENT & BUSINESS SERVICES,
P.O. Box 2160, GABORONE.

First Publication

Notice of Application for Transfer Trading/Liquor Licence

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for transfer of a Auctioneers Licence from Pektron Industries (Proprietary) Limited to Renjo (Proprietary) Limited of Plot 20586 Haskins Street/ Francis Avenue, Francistown who will trade under the same style and name in Terms of section 9 of the Trade and Liquor Act, No. 29 of 1987 and that the National Licensing Authority has determined that the application shall be heard by the Licensing Authority on September, 1998.

RENJO (PTY) LTD, c/o M.B.I. (PTY) LTD, P.O. Box 785, FRANCISTOWN.

First Publication

Lost Notarial Deed of Trust

NOTICE IS HEREBY given that Matsheng Brigade Development Trust intends applying for the certified copy of Notarial Deed of Trust No. MA 17/90 dated 14th day of June, 1990.

All persons having objection to the issue of such copy are hereby requested to lodge same in writing with the Registrar of Deeds, Private Bag 0020, Gaborone within 3 (three) weeks of the last publication of this notice.

DATED at Gaborone this 26th day of August, 1998.

MINCHIN & KELLY (BOTSWANA), Attorneys for Applicant, Plot 688, Khwai Road,
P.O. Box 1339, GABORONE.

First Publication

Change of Style of Business

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for authority the style of General Trading to Restaurant Liquor in respect of premises situated at Mathangwane (Mpatane Ward) and that the Tutume Sub-District has determined that the application shall be heard by the Trade and Liquor Licensing Committee.

AUDREY ANGELA ENGLETON, P.O. Box 223, FRANCISTOWN

First Publication

Botswana Cooperative Union**In Liquidation**

NOTICE IS HEREBY given that the Final Liquidation and Distribution Account will be filed with the Commissioner of Cooperatives, P.O. Box 86, Gaborone. The accounts shall lie upon for inspection by Creditors and other interested parties for 14 days from the date of publication of this Notice in the office of the Commissioner of Cooperatives, Gaborone and the office of Deloitte & Touche, 4th Floor, Barclays House, Khama Crescent, Gaborone.

Any person objecting to the confirmation of the Final Accounts, should within 14 days of the publication of this notice, give notice in writing to the Commissioner and state the reasons upon which his objection is based.

J.Y. STEVENS - LIQUIDATOR, BOTSWANA COOPERATIVE UNION.

*First Publication***First and Final Liquidation and distribution Account**

IN THE ESTATE of the late Martha Jane King No. E 7/97 formerly of Box 202374, Gaborone, Botswana, who died on the 3rd of December, 1994, at Gaborone Private Hospital.

The First and Final Liquidation and Distribution Account in the above Estate will lie open for inspection by any person interested in the Estate at the Chambers of the Master of the High Court at Lobatse for a period of twenty-one (21) days from the date of publication hereof.

DATED at Gaborone on this 21st day of August, 1998.

RICHARD LYONS ATTORNEYS, Plot 2657, Kgori Close (Opposite Gaborone Sun)
P.O. Box 160, GABORONE.

*First Publication***Central Transport Organisation****DISPOSAL OF GOVERNMENT BOARDED VEHICLES, TRAILERS AND CARAVANS**

IT IS NOTIFIED for general information that auction sale of Government boarded vehicles, trailers and caravans would be conducted at CTO depot as indicated below:

Selibe-Phikwe	21/09/98
Mahalapye	22/09/98
Gaborone	23/09/98
Lobatse	24/09/98
Tsabong	28/09/98

Collection of deposit would be done a day before the actual sale and should start at 7:30hrs to 16:00hrs, and on the day of the sale. Deposits will start from 7:30hrs to 09:00hrs.

CONDITIONS OF SALE

- Items would be sold in lot numbers to the highest bidder.
- The Government reserves to reject any bid whether or not the highest.
- Payment of deposit.
 - Bidders wishing to participate should pay P1000 refundable deposit for each vehicle, he/she intends to buy (e.g. a bidder wishing to buy 5 vehicles should pay a total amount of P5000 in advance as deposit).
 - After each successful bid the auctioneer will collect the bidding card.
- Payment must be made by cash or bank certified cheques immediately after the auction. Any successful bidder who fails to make payment immediately will lose the deposit paid to the government and those items not paid for will be re-auctioned immediately or at a later date to be decided by the government.
- All items sold are to be removed from CTO premises soon after the auction and the government will not be responsible for the safety of sold items. Removal of any item would be allowed only on presentation of an official receipt of purchase. The ownership of items not removed within seven days after the sale will revert back to the Government without any compensation to the buyer. No refund of money will be made.
- Items are offered "as in the condition" without any warranty expressed or implied.
- Bidders who were not successful in any bid should collect the deposits before leaving CTO premises.
- For further information contact CTO Tel. No. 356391.

First Publication

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

Case No. Misca 150/93

In the matter between:

L C S WHOLESALERS (PTY) LTD	<i>Plaintiff</i>
and	
M. SEGWAGWE t/a PHINDAMZALA ENTERPRISES	<i>Defendant</i>

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Rams Services (Pty) Ltd to the highest bidder as follows:

DATE OF SALE:	25th September, 1998
TIME:	10.30 a.m.
VENUE:	Letlhakane Police Station
PROPERTY TO BE SOLD:	48kg gas cylinder, satellite dish and receiver, Phillips T.V., room divider, side board, coffee table, wall watch, 2 wardrobes, Dako 4 burner gas stove, stock in trade.
TERMS OF SALE:	Cash or bank guaranteed cheques.

DATED at Gaborone on this 26th day of August, 1998.

MESSRS HELFER & COMPANY, *Plaintiff's Attorneys*, Plot 347, Moeding Road, Extension 4,
P.O. Box 906, GABORONE.

First Publication

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

Case No. G 383/96

In the matter between:

BEN-NUN INVESTMENTS (PTY) LTD	<i>Plaintiff</i>
and	
VIVIAN MOTHAPELE	<i>Defendant</i>

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Rams Services (Pty) Ltd to the highest bidder as follows:

DATE OF SALE:	11th September, 1998
TIME:	10.30 a.m.
VENUE:	Broadhurst Police Station
PROPERTY TO BE SOLD:	Indest Fridge, 4 burner gas stove, Fridge Master, 2 x 48kg gas cylinders, 2 piece wooden kitchen units, coffee table, Telefunken T.V., floor mat, gas heater, 3 piece cream white room divider, 2 arm chairs.
TERMS OF SALE:	Cash or bank guaranteed cheques.

DATED at Gaborone on this 26th day of August, 1998.

MESSRS HELFER & COMPANY, *Plaintiff's Attorneys*, Plot 347, Moeding Road, Extension 4,
P.O. Box 906, GABORONE.

First Publication

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

Case No. CC 1587/96

In the matter between:

BOTSWANA HOUSING CORPORATION
 and
BERNARD M. GOBUAMANG

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction to the highest bidder by Deputy as follows:

DATE OF SALE: 25th September, 1998
TIME: 10.30 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 3 piece sofas, coffee table, floor mat, Phillips T.V., 2 wall pictures, wall watch, KF Fridge, 4 burner gas stove with top grill, Ironing board, dressing table, head board, Wordrop 4 piece kitchen chairs and table, wardrobe, head board dressing table, wardrobe, base bed, all curtains and 2 beds.
TERMS OF SALE: Cash or bank guaranteed cheques will be accepted.

DATED at Gaborone this 27th day of August, 1998.

DEPUTY SHERIFF GAELAE RAMATLAPANA, c/o BRISCOE ATTORNEYS, *Plaintiff's Attorneys*,
 Plot 222, Independence Avenue, P.O. Box 402492, GABORONE.

First Publication

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

Case No. G 4959/96

In the matter between:

S.T. MOGOJWA
 and
ANDREW MOKGOARE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following will be sold by auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 18th September, 1998
TIME: 10.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 3 piece room divider
 1 x 4 piece sofas with coffee table
 1 x Toyota Cressida Registration No. BD 399D
 1 x stereo system
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Gaborone this 21st day of August, 1998.

MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorneys*, Plot No. 688, Khwai Road,
 P.O. Box 1339, GABORONE.

First Publication

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

Case No. CC 449/98

In the matter between:

**MOSES MOATLHODI
and
OFENTSE MOTLOGELWA**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment granted by the above Honourable Court, the following property will be sold by public auction by Deputy Sheriff Joseph Kokeletso to the highest bidder as follows:

DATE OF SALE: 8th September, 1998
TIME: 11.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: B 300 AAM white City Golf, 4 piece sofas red in colour, Samsung Television, 4 burner electric stove, music system, wall pictures.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone this 24th day of August, 1998.

DEPUTY SHERIFF, c/o M.K. MOESI & CO., Plot No. 937, African Mall, Extension 2,
P.O. Box 10193, GABORONE.

First Publication

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

Case No. CC 861/98

In the matter between:

**FIRST NATIONAL BANK OF BOTSWANA LIMITED
and
ALI YUSUF SALEH**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following movable property of the above-named Defendant will be sold by the Deputy Sheriff Molebi Galeitsiwe in the manner herein set out:

DATE OF SALE: 18th September, 1998
TIME: 10.00 a.m.
VENUE: Gaborone West Police Station
PROPERTY TO BE SOLD: 3 x six sofas colour blue, 1 x VHS cassette with remote, 1 x Phillips colour TV with remote, 1 x Phillips cassette with two speakers, 2 x glass table, 6 x dining room chairs, 1 x floor carpet, 1 x wall picture, 1 x three piece wall unit, 1 x one burner cadac stove, 14 x disc cassettes.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after the sale.

DATED at Gaborone on this 26th day of August, 1998.

ARMSTRONGS, *Plaintiff's Attorneys*, 5th Floor, Barclays House, Khama Crescent,
P.O. Box 1368, GABORONE.

First Publication

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

Case No. CC (F) 254/95

In the matter between:

STANDARD CHARTERED BANK
and
A. STEMMET t/a MULUNGU RANCH

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction by the Deputy Sheriff S. Makhura to the highest bidder:

DATE OF SALE: 29th August, 1998
TIME: 9.30 a.m.
VENUE: Mulungu Ranch, directions to the Farm can be obtained from the offices of Moupo, Motswagole & Dingake, Selebi-Phikwe.
PROPERTY TO BE SOLD: one four x two Toyota Hilux Beige in colour with a white canopy and Registration No. BS 445A, one big diesel generator (electric), all the small stocks in the Ranch (sheep and goats), all the chickens in the farm.
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Selebi-Phikwe this 18th day of August, 1998.

MOUPO, MOTSWAGOLE & DINGAKE, *Plaintiff's Attorneys*,
P.O. Box 480, GABORONE.

First Publication

**IN THE SUBORDINATE COURT OF THE SELEBI-PHIKWE MAGISTERIAL DISTRICT
HELD AT SELEBI-PHIKWE**

Case No. SP 830/94

In the matter between:

L.A. DUGMORE
and
GLORIA THITO

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court, the following property will be sold by public auction by the Deputy Sheriff L.O. Sebele to the highest bidder:

DATE OF SALE: 29th August, 1998
TIME: 10.00 a.m.
VENUE: Palapye Police Station
PROPERTY TO BE SOLD: National colour T.V. and 1 Phillips HI-FI
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Selebi-Phikwe this 17th day of August, 1998.

MOUPO, MOTSWAGOLE & DINGAKE, *Plaintiff's Attorneys*,
P.O. Box 480, GABORONE.

First Publication

Republic of Botswana — Tender No. TB 2/8/98-99**PROPOSED SUPPLY AND INSTALLATION OF PRE-PRESS EQUIPMENT AT
GOVERNMENT PRINTING AND PUBLISHING SERVICES**

TENDERS ARE INVITED for the supply, installation and commissioning of Pre-Press equipment to the Department of Government Printing and Publishing Services, Gaborone comprising the following:

- 1 x 1 High speed Imagesetter, working area of up to A1.
- 1 x Imposition work station, supported by PowerMac Macintosh G3 with related imposition software, to link and support the Imagesetter.
- 1 x dye sublimation colour proofer.
- 1 x Ink jet plotter for colour correction.

Tenders in duplicate should be delivered in a sealed envelope: The Director of Central Tender Board, Private Bag 0058, Room 202, Ministry of Finance and Development Planning building, Government Enclave, Gaborone not later than 10.00 hours on 14th October, 1998 when tenders will be opened in presence of tenderers wishing to attend.

Tender documents for the required equipment and specifications can be obtained from: The Government Printer, Room No. A06, Plot No. 10241/10238, Corner of Lejara and Mokolwane Road, Broadhurst, Gaborone.

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

K.K. SEMELAMELA,
for/Director, Central Tender Board.

Second Publication

PUBLIC SERVICE ACT, 1998

No. 13



of 1998

ARRANGEMENT OF SECTIONS

PART I— *Preliminary*

SECTION

1. Short title
2. Interpretation

PART II— *Administration of Public Service*

3. Directions of the President
4. Head of the public service
5. Director of Public Service Management

PART III *Appointments to the Public Service, etc.*

6. Powers of appointment, discipline and removal
7. Criteria for appointment
8. Disqualification for appointment
9. Appointment of citizens of certain countries
10. Retrospective appointments
11. Probation
12. Promotion
13. Date of promotion

PART IV— *Termination of Appointments and Retirements*

14. Termination of contract
15. Retirement of public officers
16. Retirement on medical grounds

PART V— *Public Officers*

17. General duties of public officers
18. Whole time of public officer is at the disposal of the Government
19. Fees for official services
20. Emoluments not to be ceded
21. Publications, interviews and use of official information
22. Interdiction
23. Withholding of salary

PART VI— *Commissions*

24. Definition
25. Protection of members of Commissions from legal proceedings
26. Privilege for communications of Commissions
27. Powers of Commissions
28. Commissions' annual reports
29. Legal representation

PART VII— *Misconduct and unsatisfactory service*

30. General definition of misconduct
31. Particular types of misconduct
32. Penalties

PART VIII— *Offences and Penalties*

33. Influencing an appointing authority, etc.
34. Supplying false information
35. Improperly influencing a Commission
36. Supplying false information to a Commission
37. Improper disclosure

PART IX — *Miscellaneous*

38. Regulations
39. Repeal of Cap. 26:01
40. Saving

An Act to re-enact with amendments the provisions relating to the public service of Botswana and matters incidental thereto and connected therewith.

Date of Assent: 26.8.98.

Date of Commencement: 4.9.98.

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title
Interpretation

1. This Act may be cited as the Public Service Act, 1998.
2. (1) In this Act, unless the context otherwise requires —
“appointing authority” means any person or body having power, whether delegated or otherwise, to appoint to office in the public service;

“appointment” includes a transfer, a promotion, a temporary appointment and, if the person appointed to act draws the salary of the office, an acting appointment;

“Commission” means the Public Service Commission or the Judicial Service Commission, as the context may require;

“Committee of Selection” has the meaning assigned to it by the Standing Orders of the National Assembly;

“Director” means the Director of Public Service Management appointed under section 5;

“promotion” means the appointment of a public officer to a different public office with an increase or potential increase of salary;

“public office” and “public officer” have the same meanings as in the Constitution;

“responsible officer”, in relation to a public officer, means the public officer designated, or to whom the necessary power is delegated, under this Act, to exercise disciplinary control over and to remove from office that public officer;

“transfer” means the appointment of a public officer to another public office with no alteration or potential alteration to salary.

(2) For the purpose of the public service and section 112 of the Constitution, “Permanent Secretary” includes the holder of the public office of that designation responsible, subject to the directions and control of the Minister, for the supervision of a Ministry, and the holders of the following public offices, namely, Secretary to the Cabinet, Administrative Secretary in the Office of the President, Attorney-General, Auditor-General, Deputy Attorney-General, Director of Public Service Management, Commander of the Botswana Defence Force, Deputy Commander of the Botswana Defence Force, Commissioner of Police, Secretary of External Affairs, Secretary of Economic Affairs, Secretary of Budget Affairs, Secretary of Financial Affairs and Secretary to the Independent Electoral Commission.

(3) For the purposes of this Act, “the Permanent Secretary” means the holder of the public office of that designation responsible, subject to the directions and control of the Minister, for the administration of a Ministry, and includes the Attorney-General in respect of the Attorney-General’s Chambers, the Auditor-General in respect of the Auditor-General’s Office, the Clerk of the National Assembly in respect of the offices of the National Assembly, and the Registrar of the High Court in respect of the staff of the High Court and the Magistracy.

PART II — *Administration of Public Service*

3. The exercise of any powers or the performance of any duties under this Act shall be subject to such general directions of the President as the President may deem necessary.

Directions of
the President

Head of the
public service

4. (1) The Permanent Secretary to the President shall be the head of the public service and shall, subject to the Constitution and this Act, have vested in him the administration of the public service.

(2) The Permanent Secretary to the President may, by General Orders, make rules or regulations or give instructions for controlling the conduct of the public service and providing for the conditions of service of the public service.

(3) Any rules or regulations made, or instructions given, in terms of subsection (2) shall not be inconsistent with the provisions of this Act and shall be complied with by all public officers.

(4) The Permanent Secretary to the President may at any time exercise the functions of any other Permanent Secretary in any matter falling under this Act, and if he so does he and not the other Permanent Secretary shall be regarded for the purposes of that matter as that other Permanent Secretary.

Director of
Public Service
Management

5. (1) There shall be a Director of Public Service Management (in this Act referred to as "the Director"), who shall be a public officer appointed by the President.

(2) The Director shall, subject to the Constitution and this Act, be responsible for the following matters, namely —

- (a) conditions of appointment and terms of service;
- (b) the administration of General Orders;
- (c) the recruitment of public officers, including volunteers and technical assistance personnel;
- (d) staff complements and gradings;
- (e) the administration, structure and assessment of salaries;
- (f) public service training policy;
- (g) discipline, staff training and welfare;
- (h) localization and staff development programmes;
- (i) staff inspections and organization and methods;
- (j) the approval and administration of schemes of service;
- (k) allowances and policy with regard to pensions and gratuities;
- (l) personnel statistics;
- (m) such other matters as may be prescribed.

PART III — *Appointments to the Public Service, etc.*

Powers of
appointment,
discipline and
removal

6. (1) Subject to the Constitution, the power to appoint, remove or exercise disciplinary control over any public officer shall be vested —

- (a) in the case of any public officer on the superscale grade D1 and above (other than an officer to whom section 110 of the Constitution does not apply), in the Permanent Secretary to the President; and
- (b) in any other case, in the Director in accordance with this Act.

(2) The Permanent Secretary to the President may, with the consent of the President, by directions in writing, delegate any of his powers under this section to the Director or any other Permanent Secretary, but

notwithstanding any such delegation, the Permanent Secretary to the President may exercise any powers delegated by him, and may from time to time cancel or vary any such delegation.

(3) The Director may, with the consent of the President, by directions in writing, delegate any of his powers under this section to any public officer, but, notwithstanding any such delegation, the Director may vary or set aside any decision made by such public officer in the exercise of his delegated powers.

(4) The appointing authority shall not appoint, promote or transfer any person to or from any post in the National Assembly without the prior approval of the Speaker of the National Assembly.

(5) In giving approval to any appointment, promotion or transfer referred to in subsection (4), the Speaker shall act on the advice and recommendation of —

(a) in the case of the posts of the Clerk, Deputy Clerk or Clerk's Assistants, the Committee of the National Assembly Staff established in accordance with the provisions of subsection (6); and

(b) in any other case, the Clerk of the National Assembly.

(6) The Committee of Selection shall, at the beginning of the first session of every Parliament and for the duration of the life of such Parliament, appoint a committee to be known as the Committee of the National Assembly Staff, of which the Deputy Speaker of the National Assembly shall be the chairman.

(7) The Committee of the National Assembly Staff appointed under subsection (6) shall be responsible for tendering advice and making recommendations to the Speaker in the case of appointments and promotions to, or transfers from, the posts of the Clerk, Deputy Clerk or Clerk's Assistants, whilst the Clerk of the National Assembly shall be responsible for tendering advice and making recommendations to the Speaker for appointments, promotions or transfers in any other case.

(8) Before any power relating to the appointment of the Secretary to the House of Chiefs is exercised, the appointing authority shall consult the Chairman of that House.

(9) No person shall be appointed to the personal staff of the President except with the approval of the President.

7. (1) In selecting candidates for appointment the appointing authority shall have regard primarily to the efficiency of the public service.

Criteria for
appointment

(2) When any public office is vacant the following persons shall, subject to satisfying any scheme of service laying down the qualifications for any public office, be qualified for appointment to such office in the following order of priority —

(a) any public officer who is a citizen of Botswana;

(b) any other citizen of Botswana;

Disqualifica-
tion for
appointment

- (c) any public officer, whether on pensionable or contract terms, who is not a citizen of Botswana;
- (d) any other person who is not a citizen of Botswana but whose appointment to such office is approved under section 8 or deemed to be approved under section 9.

8. (1) No person who has been convicted of an offence involving moral turpitude or who has been dismissed from the public service shall be appointed to any public office without the approval of the President.

(2) No person shall be appointed to public office unless he holds such qualifications as have been prescribed for appointment to that office:

Provided that the provisions of this subsection may be waived with the approval of the Minister to facilitate the localization of the public service.

(3) No person who is not a citizen of Botswana shall be appointed (other than on transfer or promotion) on pensionable terms to any public office except with the approval of the President.

(4) Subject to subsection (3), no person who is not a citizen of Botswana shall be appointed to any public office unless the appointing authority is satisfied that no citizen of Botswana who is qualified and suitable for appointment is available and the President is satisfied that it would not be in the public interest for the office to remain vacant.

Appointment
of citizens of
certain
countries

9. The appointment of any person to any public office shall be deemed to be approved if such person is a citizen of a country prescribed by the President as a country whose citizens may be recruited into the public service of Botswana without reference to him.

Retrospective
appointments

10. Subject to section 13, any appointment by an appointing authority may be made retrospective to such date as he deems appropriate, whether or not such date is prior to the commencement of this Act.

Probation

11. (1) Where any person is appointed to any public office (otherwise than on promotion or transfer) on pensionable terms he shall first serve a probationary period of two years, or such other period as may be prescribed by the Minister for particular public offices.

(2) Where any person who is required to serve on probation under this section has previously been employed in the service of the Government or in such other service as may be prescribed, the period or any part thereof of such previous service may, at the discretion of the appointing authority, be regarded as service on probation for the purposes of subsection (1).

(3) Not more than six nor less than three months before the expiry of a probationary period the appointing authority shall consider whether —

- (a) the public officer should be confirmed in the public office;
- (b) his services being otherwise satisfactory, the probationary period should be extended so as to afford the public officer further opportunity to pass any examinations which are a condition precedent of appointment;

(c) the probationary period should be extended to afford the public officer the opportunity of improvement in any respect in which his work or conduct have been unsatisfactory; or

(d) the services of the public officer should be terminated:

Provided that no probationary period shall be extended for more than 12 months.

(4) Where the appointing authority is of the opinion that a probationary period should be extended or terminated he shall before extending or terminating such appointment advise the public officer in writing of his intention and inform such officer of his right to make representation thereon within 21 days.

(5) Notwithstanding anything contained in this section but subject to the giving of notice as prescribed in subsection (4) an appointing authority may terminate a probationary appointment at any time without assigning reasons therefor.

(6) An appointing authority may reduce a probationary period if the public officer has fulfilled all the requirements necessary for confirmation in office and either —

(a) he has previously served in the public office or in a similar office on non-pensionable terms; or

(b) the reduction of the probationary period is necessary for administrative reasons:

Provided that no probationary period shall be reduced by a period exceeding the period which the public officer concerned has served in the public office or a similar office on non-pensionable terms or a period of 12 months, whichever is less.

(7) The termination or non-confirmation of a probationary appointment shall not be dismissal or removal from office and the decision of an appointing authority to terminate, extend or not to confirm a probationary appointment shall be final and no appeal shall lie therefrom to any other person or body.

(8) A public officer on probation for two years shall be deemed to have been confirmed in his appointment, if at the end of 6 months following the end of the probationary period, he has not been informed in writing of the outcome of his probation.

(9) In this section “appointing authority” does not include a person to whom powers to appoint to public office have been delegated under section 6, and where, but for this subsection, a person to whom the power to appoint to public office has been delegated would have power to confirm in office or extend or terminate a probationary period or exercise any other power under this section, such power shall be exercised by the officer delegating the power, namely, the Permanent Secretary to the President or the Director, as the case may be.

12. (1) Where a public officer is, on or after the coming into operation of this Act, promoted to a higher public office, the first six months (exclusive of any period of leave) from the effective date of the promotion shall be a probationary period.

Promotion

(2) The Permanent Secretary of such officer may, within such period of six months, if he is of the opinion that such officer has failed to perform satisfactorily the duties of the public office to which he was promoted, or that his conduct has been unsatisfactory, inform the officer in writing that his reduction to his former rank is under consideration, and inform him of his right to make representations thereon within 21 days.

(3) The Permanent Secretary shall forward such representations, if any, together with his recommendations to the officer's responsible officer.

(4) The responsible officer shall decide whether the public officer should revert to his former rank but may, if he is of the opinion that the work of the officer requires a further trial, postpone his decision for such period as he considers necessary:

Provided that if the responsible officer has not reached a decision within three months of the matter being referred to him the officer shall not revert.

(5) The decision of the responsible officer under subsection (4) shall be final and shall not be subject to any appeal.

Date of
promotion

13. (1) Where any public officer is appointed to any public office on promotion the effective date of his promotion to such office shall, subject to subsection (2), be that fixed by the appointing authority.

(2) The appointing authority shall not fix as a date of promotion a date which is earlier than the latest of the following dates —

- (a) the date upon which the vacancy occurred;
- (b) the date upon which the officer became qualified for promotion;
- (c) the date upon which the officer assumed the functions of the office:

Provided that the appointing authority may, in special circumstances, fix a date of promotion which is earlier than the date mentioned in paragraph (c) but no such date shall be appointed which is earlier than the later of the dates mentioned in paragraphs (a) and (b).

PART IV — *Termination of Appointments and Retirements*

Termination
of contract

14. (1) If it appears to the Permanent Secretary that the appointment of a public officer serving on contract should be terminated (otherwise than by dismissal) in accordance with the provisions of his contract, the Permanent Secretary shall advise the officer in writing that the termination of his contract is under consideration and inform him of his right to make representations thereon within 21 days.

(2) The Permanent Secretary shall forward such representations, if any, together with his recommendations to the responsible officer who shall decide whether or not the contract should be terminated.

15. (1) In this section, "public officer" means a public officer admitted to permanent and pensionable terms of service.

(2) Subject to the provisions of this section —

- (a) a public officer shall retire from the public service on attaining the age of 60 years; and
- (b) a female public officer may retire from the public service on marriage.

(3) Subject to this section, a public officer who has attained the age of 45 years may in the discretion of the appointing authority be retired from the public service.

(4) Subject to subsection (3), a public officer shall have the right at any time before or after attaining the age of 45 years to give written notification to his responsible officer of his wish to be retired from the public service, and if he gives such notification he shall —

- (a) if such notification is given at least three months prior to the date on which he attains the said age, be so retired on attaining that age; or
- (b) if such notification is not given at least three months prior to the date on which he attains the said age, be so retired on the first day of the fourth month following the month in which that notification is received.

(5) If in the opinion of the appointing authority it is in the public interest to retain a public officer in his office beyond the age at which under this section he is required to retire, such officer may, if so willing, be so retained from time to time by the appointing authority for such periods as that authority may determine.

(6) The Minister may, by order published in the Gazette —

- (a) determine an age greater than 60 years, for the purpose of the retirement of public officers under subsection (2); or
- (b) determine an age greater than 45 years for the purpose of the retirement of public officers under subsections (3) and (4),

and on and after the date on which such order comes into operation —

- (i) the reference in subsection (2) to the age of 60 years, or
- (ii) the reference in subsections (3) and (4) to the age of 45 years,

shall be regarded as reference to the greater age respectively determined in that order.

(7) On the abolition of any public office, a public officer holding the same shall, unless transferred by the appropriate authority to some other public office, be deemed to have retired from the public service.

(8) Nothing in this section shall be deemed to affect any provision of the Constitution relating to the removal from office or retirement of a judge of the Court of Appeal, a judge of the High Court, the Attorney-General or the Auditor-General.

(9) Nothing in this section shall be deemed to affect the compulsory retirement of a public officer in accordance with any regulations made under this Act relating to disciplinary action.

Retirement
on medical
grounds

16. (1) Where it appears to the Permanent Secretary that a public officer is incapable by reason of any infirmity of mind or body of discharging the functions of his office, he may (and shall if the officer so requests) call upon such officer to present himself to a medical practitioner approved by the Permanent Secretary, Ministry of Health, or to a Medical Board appointed in that behalf by the Permanent Secretary, Ministry of Health, with a view to it being ascertained whether or not such officer is so incapable.

(2) After the public officer has been examined by the medical practitioner or Board, as the case may be, the Permanent Secretary, Ministry of Health, shall forward the report of the examination to the Permanent Secretary together with his own recommendation on the matter.

(3) The Permanent Secretary shall forward the said report together with his own recommendation and any representations which the officer concerned wishes to make to the responsible officer who shall decide whether the officer should be called upon to retire on medical grounds.

(4) The decision of the responsible officer shall be final and shall not be questioned in any court.

PART V — *Public Officers*

General duties
of public
officers

17. It shall be the duty of every public officer to aid and assist the Government of Botswana according to the Constitution and other laws of Botswana, to carry out and obey all lawful orders of the Government and, subject to the Government's authority and direction to exercise the functions of his office impartially, efficiently and without delay so as to serve the people of Botswana and promote their welfare and lawful interests.

Whole time
of public
officer is at
the disposal
of the
Government

18. Unless it is otherwise provided in the terms of his appointment or in any other written law —

- (a) every public officer shall place the whole of his time at the disposal of the Government; and
- (b) no public officer may claim as of right additional remuneration in respect of any official duty or work that he is required by competent authority to perform.

Fees for
official
services

19. No fee, reward or remuneration of any kind whatsoever, beyond his emoluments, shall be received and kept for his own use by a public officer for the performance of any service for the Government, unless specially authorized by law or by the terms of his appointment or by the Permanent Secretary to the President.

Emoluments
not to be
ceded

20. Subject to the provisions of any other written law, no public officer shall, without the written approval of the Director (given after consultation with the Permanent Secretary to the Ministry responsible for finance), or the Minister responsible for finance, cede, assign or transfer the whole or any part of any salary or allowance payable to him.

Publications
interviews and
use of official
information

21. Subject to the provisions of any other written law, every public officer shall comply with the following rules of conduct —

- (a) he shall not, without the express permission of the Permanent Secretary to the President, act as the editor of a newspaper (not being a publication of the Government), nor take part directly or indirectly in the management thereof, nor publish in any manner anything which may be reasonably regarded as of a political or administrative nature, but he may publish in his own name other matter relating to subjects of general interest;
- (b) whether on duty or on leave of absence, he shall not (except with due authority) allow himself to be interviewed on questions of or connected with any matter affecting or relating to the public policy, defence, military or economic interests or resources of Botswana;
- (c) he shall not directly or indirectly reveal, or use for private purposes, any information coming to his knowledge or acquired by him of the nature or the contents of any document communicated to him either in the course of his duties or in his capacity, as an officer, otherwise than in the proper discharge of his duties as authorized by law or competent authority.

22. (1) If the Permanent Secretary becomes aware that criminal proceedings have been or are about to be instituted against a public officer, or considers that disciplinary proceedings should be instituted against a public officer, and is of the opinion that such officer should be interdicted from the performance of his duties pending the taking of proceedings against him, he shall report the matter to the responsible officer recommending the interdiction of such officer:

Interdiction

Provided that where the Permanent Secretary is the responsible officer, he shall proceed to take such action as may be taken by a responsible officer in accordance with subsections (2) and (3) and section 23.

(2) On receipt of a report under subsection (1) the responsible officer shall decide whether the public officer should be interdicted and, if so, the amount of salary (being not less than one-half) that should be paid to such officer during the period of his interdiction.

(3) If as a result of the proceedings the public officer is awarded a punishment less than dismissal the responsible officer shall decide what proportion of the emoluments withheld, if any, shall be paid to such officer:

Provided that if no punishment is awarded the whole of the emoluments withheld shall be paid to such officer.

(4) Disciplinary proceedings may be brought and concluded against an officer notwithstanding that criminal proceedings arising out of the same facts are being investigated or are pending against that officer:

Provided that no statement made or evidence given by the officer in the disciplinary proceedings shall be used against him in any criminal proceedings arising from the same facts.

Withholding
of salary

23. (1) Where a public officer is convicted of a criminal offence involving moral turpitude, he shall receive no emoluments from the date of such conviction pending a decision by the responsible officer as to whether any emoluments shall be paid to him.

(2) Where a public officer is convicted of such a criminal offence the responsible officer may, upon production of a certified copy of the record of the criminal proceedings dismiss the officer without instituting disciplinary proceedings against him.

(3) If the public officer appeals against such conviction, his emoluments shall continue to be withheld pending the outcome of the appeal, but if the appeal is successful and the sentence is set aside, he shall, if his services have been terminated, in the absence of disciplinary proceedings, be reinstated with effect from the date of termination, and he shall have repaid any emoluments withheld:

Provided that such setting aside shall not be a bar to disciplinary proceedings being instituted against such officer arising out of the same facts, but in respect of a different offence under the laws or administrative orders governing the conduct of public officers.

PART VI — Commissions

Definition

24. In this Part, "member" in relation to a Commission, includes any person or body of persons appointed to assist the Commission in the exercise of its functions.

Protection of
members of
Commissions
from legal
proceedings

25. Every member of a Commission shall have such and like protection and privilege in the case of any action or suit brought against him for any act done or omitted to be done in the *bona fide* execution of his duties as is by law given to acts done or words spoken by a judge of the High Court in the exercise of his judicial office.

Privilege for
communications
of Commissions

26. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between a Commission, or any member or officer thereof, and the Government, or the President, or a Minister, or any officer of the Government, or between any member or officer of a Commission and its chairman, or between members or officers of a Commission, in exercise of, or in connection with the exercise of, the functions of a Commission, unless the President consents in writing to such production or disclosure.

Powers of
Commissions

27. (1) For the performance of a Commission's functions the Commission may —

- (a) inspect Government offices;
- (b) examine official documents, books or other records;
- (c) obtain information and advice from any public officer or other Government servant; and
- (d) do all such things, including the taking of evidence on oath and the administration of oaths, as are incidental or conducive to the exercise of the Commission's functions.

(2) A Commission may require any public officer or other Government employee whose evidence appears to be material to the determination of any inquiry or investigation conducted by the Commission, to attend, at such time and place as may be specified by the Commission, to give evidence or produce an official document, book or other record in his possession or under his control which relates to a matter in question at any inquiry or investigation.

(3) No public officer or other Government servant shall be compelled to answer a question the answer to which may render him liable to prosecution on a criminal charge.

(4) Nothing in this section shall be construed as requiring a public officer or other Government servant to disclose information or produce an official document, book or other record, the disclosure or production of which —

- (a) is prohibited or restricted in terms of the Income Tax Act, the Statistics Act, or any other written law prohibiting or restricting the disclosure of information; or
- (b) is certified in writing by the Minister to be contrary to the public interest.

Act 12 of 1995
Cap. 17:01

28. Each Commission shall as soon as possible after the end of any calendar year submit a report to the Minister in respect of the discharge of its functions during that year and the Minister shall lay every such report before the National Assembly.

Commissions' annual reports

29. Any person appearing before a Commission or any person or body conducting an inquiry or investigation on behalf of a Commission shall be entitled to be represented by a legal practitioner admitted to practise in Botswana.

Legal representation

PART VII — *Misconduct and Unsatisfactory Service*

30. Any act done without reasonable excuse by a public officer which amounts to a failure to perform in a proper manner any duty imposed upon him as such, or which contravenes any enactment relating to the public service or which is otherwise prejudicial to the efficient conduct of the public service or tends to bring the public service into disrepute shall constitute misconduct; and the setting forth in section 31 of particular types of misconduct shall not be taken to affect the generality of this subsection.

General definition of misconduct

31. It is misconduct for a public officer —

- (a) to be absent from duty without leave or reasonable excuse;
- (b) to be insubordinate;
- (c) to use, without the consent of the prescribed authority, any property or facilities provided for the purposes of the public service for some purpose not connected with his official duties;
- (d) to engage in any activity outside his official duties which is likely to involve him in political controversy or to lead to his taking improper advantage of his position in the public service;

Particular types of misconduct

(e) to engage in any gainful occupation outside the public service without the consent of the prescribed authority.

32. Subject to the provisions of section 10 of the Pensions Act, the following are the penalties that may be imposed in disciplinary proceedings under this Act in respect of misconduct or unsatisfactory service —

- (a) dismissal, that is termination of appointment with or without forfeiture of all retirement benefits;
- (b) removal, that is termination of appointment with or without a reduction in retirement benefits;
- (c) suspension from duty with consequent loss of pay and allowances for a period not exceeding three months;
- (d) reduction in rank, that is removal to another grade with an immediate reduction of salary;
- (e) reduction of salary, that is an immediate adjustment of salary to a lower point on the salary scale attached to the post in question;
- (f) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (g) stoppage of increment, that is non-payment for a specified period of an increment otherwise due;
- (h) in the case of an officer who is the holder of a non-pensionable post, suspension from duty with consequent loss of pay and allowances for a period not exceeding 15 days;
- (i) reprimand.

PART VIII — *Offences and Penalties*

33. Any person who otherwise than in the course of his duty or who in the course of his duty improperly, directly or indirectly by himself or by any other person in any manner whatsoever, influences or attempts to influence the decision of the Permanent Secretary to the President, the Director, an appointing authority or a responsible officer shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both:

Provided that nothing in this section shall be deemed to make unlawful the giving of any reference or testimonial to any applicant or candidate for any public office or the supplying of any information or assistance requested by such officer.

34. Any person who in connection with the exercise by the Permanent Secretary to the President, the Director, an appointing authority or a responsible officer, of his functions wilfully gives to such person any information which he knows to be false or does not believe to be true or which he knows or believes to be misleading by reason of the omission of any material particular, shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

35. Any person who otherwise than in the course of his duty, or in the course of his duty improperly, directly or indirectly by himself or by any other person in any manner whatsoever, influences or attempts to influence the decision of a Commission or of the chairman or of any member shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both:

Improperly
influencing a
Commission

Provided that nothing in this section shall be deemed to make unlawful the giving of any reference or testimonial to any applicant or candidate for any public office or the supplying of any information or assistance requested by a Commission.

36. Any person who in connection with the exercise by a Commission of its functions wilfully gives to a Commission or any member thereof any information which he knows to be false or does not believe to be true, or which he knows or believes to be misleading by reason of the omission of any material particular, shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

Supplying
false
information
to a Com-
mission

37. (1) Any member or other person who, without the written permission of the Minister, knowingly publishes or discloses to any other person otherwise than in the exercise of his official functions the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in relation to the Commission shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

Improper
disclosure

(2) Any person who knows of any information which to his knowledge has been disclosed in contravention of subsection (1) and who publishes or communicates it to any other person otherwise than for the purposes of any prosecution under this Act or in the course of his official duty shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

PART IX — *Miscellaneous*

38. The President may make regulations for the better carrying out of the purposes and provisions of this Act, and without derogation from the generality of the foregoing such regulations may provide for —

Regulations

- (a) the procedure for making applications for the creation and abolition of public offices;
- (b) the procedure for notifying and advertising vacancies in the public service;
- (c) the procedure for the engagement or re-engagement of public officers on contract;
- (d) the procedure for taking disciplinary action against public officers;

Repeal of
Cap. 26:01

Saving

- (e) anything in this Act which is to be or may be prescribed;
 - (f) the setting up of bodies for the purpose of consultation between Government and members of the public service and the procedure and functions of such bodies;
 - (g) the body which may conduct examinations in connection with any scheme of service or for any other purpose of the public service.
39. The Public Service Act is hereby repealed.

40. Notwithstanding the repeal of the enactment effected by section 39, every statutory instrument made under the enactment and in force on the day immediately before the commencement of this Act shall continue in force as if such instrument had been made under this Act.

PASSED by the National Assembly this 6th day of August, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.

ELECTORAL (AMENDMENT) ACT, 1998

No. 14



of 1998

ARRANGEMENT OF SECTIONS**SECTION**

1. Short title
2. Amendment of section 2 of Cap. 02:07
3. Amendment of section 3 of the Act
4. Amendment of section 4 of the Act
5. Amendment of section 7 of the Act
6. Insertion of section 8A in the Act
7. Amendment of section 14 of the Act
8. Insertion of section 30A in the Act
9. Amendment of section 45 of the Act
10. Amendment of section 50 of the Act
11. Amendment of section 51 of the Act
12. Repeal of section 56 of the Act
13. Amendment of section 62 of the Act
14. Amendment of section 142 of the Act
15. Amendment of section 144 of the Act
16. Amendment of section 145 of the Act
17. Amendment of section 146 of the Act
18. Addition of section 152 to the Act

An Act to amend the Electoral Act.*Date of Assent:* 26.8.98.*Date of Commencement:* 4.9.98.**ENACTED** by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 1998.
2. The Electoral Act (in this Act referred to as "the Act") is amended —
 - (a) in section 2 thereof —
 - (i) by inserting immediately after the definition of the word "constituency" which appears therein, the following new definition —

“‘council’ means a district council, city council or town council;”;

Short title

Amendment
of section 2 of
Cap. 02:07

- (ii) by inserting immediately after the definition of the words "identity card" which appear therein the following —
 "'Independent Electoral Commission' means the Independent Electoral Commission appointed under section 65A of the Constitution (in this Act referred to as 'the Commission');";
- (iii) by inserting immediately after the definition of the word "roll" which appears therein the following —
 "'Secretary' means the Secretary to the Independent Electoral Commission appointed under section 66 of the Constitution";
- (iv) by deleting the definition of "Supervisor of Elections" which appears therein;
- (b) by substituting the word "Secretary" for the words "Supervisor of Elections" wherever they appear in the Act;
- (c) by substituting —
 - (i) the words "ballot paper" for "ballot envelope", or "envelope",
 - (ii) the words "ballot papers" for "ballot envelopes", or "envelopes",
 - (iii) the words "tendered ballot papers" for "tendered ballot envelopes", and
 - (iv) the words "tendered ballot paper" for "tendered envelope", wherever they appear in the Act; and
- (d) by deleting the words "and counters" or "or counter" or "counters" wherever they appear in the Act.

Amendment
of section 3
of the Act

3. Section 3 of the Act is amended by substituting the words "The Secretary shall, subject to the directions and supervision of the Independent Electoral Commission —", for the words, "The Supervisor of Elections shall —" which appear therein.

Amendment
of section 4
of the Act

4. Section 4 of the Act is amended by inserting immediately after subsection (3) thereof, the following new subsection —

"(3A) For purposes of registration and elections to be conducted outside Botswana, the Secretary shall appoint registration and election officers in such countries as he may consider necessary."

Amendment
of section 7 of
the Act

5. Section 7 of the Act is amended by substituting the words "Independent Electoral Commission" for the word "President" wherever it appears in the section.

Insertion of
section 8A
in the Act

6. The Act is amended by inserting immediately after section 8 thereof, the following new section —

"Registration
of non-
resident
citizens

8A (1) Where a person entitled to register as a voter in terms of this Act is resident outside Botswana, such person may be registered in accordance with the provisions of this section.

(2) Whenever a registration period is appointed under section 7 or 8, the Secretary shall cause a notice to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of

Botswana are resident calling upon every citizen entitled to be registered as a voter in terms of this Act to apply for registration during the registration period on such date, time and place as may be specified in the notice; and the provisions of section 9 shall, with such modifications and adaptations as may be necessary, have effect.

(3) The registration officer shall, on completion of a registration of any person, forward the completed voter's registration record card to the Secretary who shall incorporate the registration in the roll of the voters in the constituency of that person."

7. The proviso to subsection (1) of section 14 of the Act is amended by substituting for the figures "28" and "14" which appear therein the figures "42" and "21" respectively.

Amendment
of section 14
of the Act

8. The Act is amended by inserting immediately after section 30 thereof, the following new section —

Insertion of
section 30A
in the Act

"Extension of
franchise

30A (1) Without prejudice to the provisions of section 30, a person who is not resident in Botswana shall be entitled to vote at an election in accordance with the provisions of this section if he has been registered in accordance with the provisions of section 8A.

(2) Whenever a writ of election has been issued under section 31, the Secretary shall cause a notice, of the day, time and place outside Botswana fixed for the taking of a poll which has become necessary, to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of Botswana are resident, calling upon every citizen resident in that country who has been registered in accordance with the provisions of section 8A and entitled to vote at the election to attend at the place and time on the day specified in the notice to cast his or her vote; and the provisions of section 51 shall, with such modifications and adaptations as may be necessary, have effect."

9. Section 45 of the Act is amended by substituting for that section, the following —

Amendment
of section 45
of the Act

"Ballot
papers

45 (1) Subject to subsection (3), the ballot of every person voting at an election shall consist of a ballot paper in a form to be determined by the Commission and having a serial number printed on it.

(2) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(3) The ballot of every non-resident voter shall consist of a ballot paper and envelope in a form to be determined by the Commission."

10. Section 50 of the Act is amended by deleting subsection (3) thereof.

Amendment
of Section 50
of the Act

Amendment of
section 51
of the Act

11. Section 51 of the Act is amended —

- (a) in paragraph (b) (iii) thereof, by deleting the words “and such number of counters as there are candidates for election, each counter having the voting colour of a particular candidate” which appear therein;
- (b) by substituting for paragraphs (d), (e) and (g), the following respectively —
 - “(d) subject the provisions of paragraph (g) a voter on receiving a ballot paper shall go immediately into a polling booth and there secretly mark his paper and fold it up so as to conceal his vote;
 - (e) he shall then show the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer;
 - (g) on the application in person of any voter who is incapacitated by blindness or other physical cause from voting, the presiding officer, in the presence of the person with whose assistance the voter came to cast his vote, shall cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.”

Repeal of
section 56 of
the Act
Amendment
of section 62
of the Act

12. Section 56 of the Act is repealed.

13. Section 62 of the Act is amended by inserting immediately after the words “the presiding officer he may,” which appear therein the words “be removed by a police officer or”.

Amendment
of section 142
of the Act

14. Section 142 of the Act is amended by substituting for the provisions of that section the following new provisions —

“Any person who knowingly —

- (a) registers at a polling station in respect of which he is not entitled to be registered, or
 - (b) gives false information to a registration officer,
- shall be guilty of an offence and shall be liable to the penalties prescribed in section 144.”

Amendment of
section 144 of
the Act

15. Section 144 of the Act is amended by substituting for the words “P200” which appear therein, the words “P1,000”.

Amendment
of section 145
of the Act
Amendment
of section
146 of the
Act

16. Section 145 (1) is amended by deleting paragraph (d) thereof.

17. Section 146 of the Act is amended by substituting for the words “P200” which appear therein, the words “P1,000”.

18. The Act is amended by adding at the end of section 151 thereof, the following new section —

"Application
of Act to
council
elections

152. This Act shall have effect in relation to council elections as it has in relation to elections conducted under it, and consequently the provisions of this Act shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring the provisions of the Act into conformity with the circumstances of council elections."

Addition of
section 152 to
the Act

PASSED by the National Assembly this 18th day of August, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.

WASTE MANAGEMENT ACT, 1998

No. 15



of 1998

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57. Amendment of First Schedule to Cap. 40:02 (Sub. leg.)

SCHEDULE

An Act to provide for the establishment of the Department of Sanitation and Waste Management; to make provision for the planning, facilitation and implementation of advanced systems for regulating the management of controlled waste in order to prevent harm to human, animal and plant life; to minimise pollution of the environment, to conserve natural resources; to cause the provisions of the Basel Convention to apply in regulating the trans-boundary movement of hazardous wastes and their disposal; and for matters incidental to and connected to the foregoing.

Date of Assent: 24th August, 1998.

Date of Commencement: 4th September, 1998.

ENACTED by the Parliament of Botswana.

PART I— *Preliminary*

1. This Act may be cited as the Waste Management Act, 1998.

2. In this Act, unless the context otherwise requires —

“authorised officer” means an officer of the Department authorised to act on its behalf and shall include such other public officers as the Minister may appoint after consultation with the respective authorities;

“Basel Convention” means the Basel Convention on the control of trans-boundary movement of hazardous wastes and their disposal, concluded in 1989, to which Botswana is a party, and the provisions of which are applicable in regulating the trans-boundary movement of waste as provided for under section 45;

“clinical waste” means —

(a) waste which, unless rendered safe, may prove hazardous to any person, animal or plant coming into contact with it, arising from human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, radioactive materials, swabs or dressings, microbiological cultures and potentially infected waste from pathology departments or syringes, needles or other sharp instruments; or

(b) any other waste which may cause infection to any person, animal or plant coming into contact with it arising from —

(i) medical, nursing, dental, veterinary, pharmaceutical or similar practice;

(ii) investigation, treatment, care, teaching or research; or

(iii) the collection of blood for transfusion;

“commercial waste” means waste from premises used wholly or mainly for the purpose of a trade, business, sport, recreation, entertainment or as local or central government offices, and excludes household waste, industrial waste or excavated waste from a mine or mine tailings impoundment as defined under the Mines and Minerals Act, save for that mine waste for which the Minister may prescribe a different categorisation for;

Short title

Interpretation

“controlled waste” includes the waste defined as household, industrial, commercial, clinical or hazardous waste in this Act;

“Director” means a person appointed under section 4 as Director;

“Department” means the Department to be established under section 3;

“disposal”, in relation to waste, means operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct reuse or alternative uses;

“harm” means interference with the ecological systems of which the living organisms form part and in case of a living person includes harm, distress or annoyance to any of his senses or damage to his property;

“hazardous waste” means controlled waste which has the potential, even in low concentrations, to have significant adverse effect on public health or the environment on account of its inherent chemical and physical characteristics, such as toxic, ignitable, corrosive, carcinogenic or other properties;

“household waste” means waste from —

- (a) any building used wholly for the purposes of living accommodation;
- (b) a residential home;
- (c) premises forming part of a university or school or other educational establishment;

“industrial waste” means waste from any premises —

- (a) used for the purposes of or in connection with the provision to the public of transport services by land, air or water;
- (b) used for the purposes of or in connection with the supply to the public of gas, water or electricity or the provision of sewerage services;
- (c) used for the purposes of or in connection with the provision to the public of postal or telecommunication services;
- (d) forming part of a hospital or nursing home;
- (e) that are subject to a licence to manufacture under the Industrial Development Act;

“litter” means any object or matter discarded or abandoned by the person in whose possession or control it was;

“local authority” means a city, town or district council or a land board;

“local waste management plan” means the plan drawn up by a local authority under section 9;

“national waste management plan” means the plan drawn up by the Director under section 9;

“principal litter authority” means a local authority designated as such under section 37;

“recycling” includes the reclamation of waste, recovery of materials, reprocessing of wastes, resource recovery and reuse of waste;

“reclamation of waste” means the collection, sorting and upgrading of waste materials to a usable standard;

“recovery of materials” means the recovery of materials from waste and their reuse for either the same purpose or for different purposes;

“reprocessing of waste” means the physical, chemical or biological conversion of waste materials to generate other usable materials;

“resource recovery” means the recovery of energy by means of —

(a) incineration of hazardous waste; and

(b) reclamation of water contaminated by waste;

“treatment” means subjecting waste to any process including resource recovery, reuse, reprocessing, reclaiming or recycling; and the term ‘treat’ shall be construed accordingly;

“trans-boundary movement of waste” means the importation and exportation of waste into or from Botswana or the transit of waste through Botswana;

“waste” includes the following substances and any combination thereof which are discarded by any person or are accumulated or stored by any person for the purpose of recycling —

(a) undesirable or superfluous by-products;

(b) residue or remainder of any process or activity;

(c) any gaseous, liquid or solid matter;

“waste carrier” means a person registered and licenced under Part V to transport waste;

“waste disposal site” means a site, registered under section 14, for the accumulation of waste to be disposed of or treated and includes a mobile or immobile waste treatment plant, waste storage or transfer facility or landfill site;

“waste management” means the collection, deposit, interim storage, transfer, transport, treatment and final disposal of waste or controlled waste; and ‘manage controlled waste’ shall be construed accordingly;

“waste management facility” means a waste disposal site, licensed under section 16, for the purpose of controlled waste management;

“waste producer” means a person who creates or produces controlled waste;

“waste recycling plan” means a plan drawn up by a local authority under 0;

PART II — *Establishment of Department*

3. There shall be established, in accordance with the laws governing the public service, a Department to be known as the Department of Sanitation and Waste Management.

Establishment
of Department

4. (1) Subject to the laws governing the public service, there shall be appointed a Director and such other officers of the Department as may be deemed necessary.

Staff of
Department

(2) The Director shall, subject to the direction of the Minister, be responsible for the administration of the Department.

5. The Minister shall cause each officer of the Department to be issued with a special identity card which shall be *prima facie* evidence of the appointment of such officer to the Department.

Identity card
of an officer

PART III — *Functions of Department*

Functions
of Department

6. Subject to the control of the Minister, the functions of the Department shall be to —

- (a) provide policy direction and leadership in all matters pertaining to sanitation and waste management;
- (b) enhance sectoral coordination by developing plans and programmes to guide the different sectors in the performance and discharge of their duties and closely monitor the work of the sectors;
- (c) develop effective communication flow between the stakeholders in sanitation and waste management and the public by instituting and maintaining a pro-active public awareness campaign;
- (d) ensure that implementation of sanitation and waste management projects is strategically designed to derive maximum benefit at minimum cost, accompanied by effective cost recovery policies;
- (e) provide reliable information for the support of both urban and rural sanitation and waste management development;
- (f) institute appropriate sanitary measures for the promotion of public health;
- (g) promote and coordinate human resources development and institutional capacity within the local authorities to effectively implement sanitation and waste management programmes;
- (h) promote and facilitate economic sustainability in sanitation and waste management;
- (i) train and assess for competence waste management officers and supervisors;
- (j) register persons who manage controlled waste;
- (k) register and licence waste carriers, waste disposal sites and waste management facilities;
- (l) require and monitor the collection, disposal and treatment of controlled waste by local authorities and waste management industries in the private sector, in accordance with such standards as may be prescribed;
- (m) institute a consignment control system of controlled waste and approve waste carrying vehicles, packaging and labelling of waste carried on the vehicles;
- (n) monitor the trans-boundary movement of controlled waste;
- (o) make arrangements for hazardous waste, of a kind as may be specified, to be separated from other types of waste in its collection, transport, storage, treatment and disposal;
- (p) recommend to the Minister the appointment of committees to conduct technical research and other development studies for the purpose of assisting the Department realise its objectives;
- (q) restrict or prohibit waste management operations in or near rivers, ponds, lakes or underground water without adequate engineering works agreed in writing by the Director;

- (r) order the immediate closure of any existing waste management facility on the grounds of risk of pollution of the environment or harm to human, animal or plant life;
- (s) cause land to be inspected from time to time to detect whether the condition of any part of the land is likely to cause pollution of the environment or harm to human, animal or plant life and to take such other steps as are necessary in regard thereto; and
- (t) do all such other things as may be necessary to achieve the objectives of the Act.

7. The Director shall, on or before 31 March in each year, or by such other date as the Minister may allow, submit to the Minister a report on the activities of the Department in the preceding year.

Annual Report

8. (1) Officers of the Department and other persons monitoring or controlling waste management activities shall be fit and proper persons and shall hold such qualifications and such experience in the field of waste management as the Minister may, from time to time, direct.

Qualifications
of officers
and managers

(2) A person shall be considered a fit and proper person for the purposes of this Act if the person —

- (a) has not been convicted of an offence concerned with environmental issues; and
- (b) is technically competent to manage controlled waste.

(3) Any person who owns the means of waste management shall be required to have such financial resources as may be prescribed, to discharge his obligations under the licence granted:

Provided that the person who owns the means of waste management shall also be required to comply with the requirements of subsections (1) and (2), where such person is also engaged in the management thereof.

PART IV — *Waste Management Plans*

9. (1) To facilitate the drawing up of the national waste management plan under subsection (3) each local authority shall submit, in writing to the Director, at such intervals as he may require, a local waste management plan covering the area under its control and containing information on the —

Local and
national waste
management
plans

- (a) kinds and quantities of controlled waste being generated and which the local authority expects will be generated in its area during the period specified in the plan;
- (b) waste disposal sites and public and private waste management facilities in its area at present and that are expected to be closed, upgraded or newly built during the period specified in the plan;
- (c) staff, equipment and other material used for operating the publicly owned sites and facilities at present and needed during the period specified;
- (d) kinds and quantities of controlled waste which the local authority expects to be brought for disposal into or taken for disposal out of the local authority's area during that period;

- (e) strategy the local authority has adopted to harmonise its activities with other local authorities on the management of the waste referred to in paragraph (d);
- (f) kinds and quantities of controlled waste which the local authority expects to manage by use of its own means or by use of means provided by the private sector, during that period;
- (g) methods by which, in a given period, the local authority intends to manage controlled waste and the local authority's prioritisation of the different methods of waste management for the given period of time;
- (h) estimated costs of the different methods of waste management mentioned in the plan, and how these costs are covered by tariffs, fees, or other means; and
- (i) efforts the local authority has undertaken and is going to undertake to reach full cost recovery within a given period of time.

(2) Upon the receipt of a local waste management plan in accordance with subsection (1) the Director shall, prior to the plan being considered under subsection (3), consult the Ministry of Health on the plan.

(3) The Director shall, in conjunction with the Department of Water Affairs and other relevant Departments and based on the local waste management plan of each local authority, draw up a national waste management plan covering a given period of time, which plan shall be evaluated and revised at regular intervals.

Waste recycling
plan

10. (1) A local authority shall prepare, as part of its local waste management plan, a waste recycling plan with respect to controlled waste in its area.

(2) The recycling plan shall include information with respect to the —

- (a) kind and quantity of controlled waste that could be recycled and that would therefore not be included in the waste collection and disposal chain of the area in question;
- (b) implication the recycling plan would have on the waste management services provided by the local authority;
- (c) technical, organisational, and financial initiatives the local authority will provide to encourage recycling;
- (d) estimated costs or savings attributable to the methods of dealing with waste in the manner provided by the plan; and
- (e) possibility of returning waste materials to the manufacturer in order to control pollution, conserve resources and prevent harm to human, animal or plant life.

(3) In the case of a second, third or consecutive recycling plan, the plan shall include information on the results of an evaluation of the previous plan with specific emphasis on how the aims and objectives set out previously were met and reasons given for deviating therefrom.

(4) When a local authority has determined the content of the plan, it shall submit a copy of the plan to the Director for approval and thereafter take steps to implement the approved plan and give adequate publicity of the plan in its area and the neighbouring local authorities.

(5) Each local authority shall keep a copy of the plan and any modifications thereto, available at all times at its offices for public inspection.

11. A local authority shall prepare, from time to time, and revise a statement of the steps to be taken by it to abate litter referred to as the "litter plan", as part of its local waste management plan.

Litter plan

PART V— *Registration and Licensing of Waste Carriers*

12. (1) The provisions of this section shall come into effect 12 months after the coming into operation of this Act.

Registration
of waste carrier

(2) Subject to subsection (6), no person shall cause or effect the movement of controlled waste within Botswana or the trans-boundary movement of controlled waste without being registered as a waste carrier under the provisions of this section:

Provided that any person carrying on business as a waste carrier before the commencement of this Act or such other person as the Minister may determine on the recommendations of the Director, may, upon being registered, continue in such business or commence operations of such business pending the determination of the application for a licence under section 13.

(3) An application for registration in terms of subsection (2) shall be in the prescribed form and shall contain information relating to —

- (a) the type, volume, mix and constituents of the waste that is expected to be transported in the course of business annually;
- (b) the type, make and registration number of the vehicles which are used to carry the different kinds of waste; and
- (c) details of the qualifications of each driver employed to drive the vehicles registered under paragraph (b), and of other persons employed thereto.

(4) The Director shall issue a waste carrier certificate to every person registered or exempted from registration as a waste carrier, which certificate shall be *prima facie* evidence of registration or of exemption from registration of the waste carrier as the case may be.

(5) Any waste carrier aggrieved by the refusal of the Director to register him may, within 28 days from the date of such refusal, appeal against the refusal to the Minister:

Provided that any person carrying on business as a waste carrier before the commencement of this Act, may continue in such business pending the decision of the Minister.

(6) The Minister may, by order, exempt certain persons from registering as waste carriers under this Act.

(7) A waste carrier shall, when requested by a police officer or an authorised officer, produce for inspection, a registration certificate issued under subsection (3).

(8) Any person who contravenes any of the provisions of this section, shall be guilty of an offence and be liable to a fine not exceeding P 300 or to imprisonment for a term not exceeding two months or to both.

(9) Any person registered under this section may have such waste carrier registration revoked if such person is convicted of an offence under this Act.

13. (1) The provisions of this section shall come into effect 18 months after the coming into operation of this Act.

(2) Subject to subsections (3) and (12) no person shall cause or effect the movement of controlled waste within Botswana or the trans-boundary movement of controlled waste without a waste carrier licence issued under this section.

(3) Subsection (2) shall not apply to —

- (a) the transportation of controlled waste between different places within the same premises;
- (b) the transportation of controlled waste in transit from a country or territory outside Botswana to another and such waste is not deposited in Botswana, provided that the person carrying the waste is not resident in Botswana and holds the prescribed qualifications or other qualifications recognised by the Director to transport controlled waste; or

(c) householders occasionally transporting their own household waste from their premises to the nearest collection or disposal point.

(4) An application for a waste carrier licence shall be in the prescribed form which form shall, where applicable, be subject to Regulations made in compliance with the Basel Convention, under section 45.

(5) An applicant for a licence under this section shall append to the completed application form —

- (a) the certificate issued under section 12(4); and
- (b) such other documentation as may be required by the Director.

(6) The Director may, by notice served on an applicant, require the applicant to furnish in writing, within such reasonable time as is specified in the notice, such further information in connection with the application as the Director may reasonably require.

(7) On application duly made, the Director may —

- (a) grant a waste carrier licence, on such conditions as he may determine; or
- (b) refuse to grant a waste carrier licence where the applicant —
 - (i) has failed to satisfy any of the requirements; or
 - (ii) has been convicted of a prescribed offence under this Act.

(8) The Director shall notify the applicant in writing of his decision with respect to the application.

(9) Subject to the conditions specified in the waste carrier licence, it shall remain in force for a period not exceeding two years.

(10) The renewal of the waste carrier licence may be granted by the Director, upon payment, by the applicant, of a prescribed fee and shall be valid for such period as may be specified therein.

(11) Any waste carrier aggrieved by the refusal of the Director to grant him a licence may, within 28 days from the date of such refusal, appeal against the refusal to the Minister:

Provided that any person carrying on business as a waste carrier before the commencement of this Act, may continue in such business pending the decision of the Minister.

(12) The Minister may, by order, exempt certain persons from being licenced as waste carriers under this Act.

(13) A waste carrier shall, when requested by a police officer or an authorised officer, produce for inspection, the licence issued under subsection (7).

(14) Any person who carries waste without a valid licence shall be guilty of an offence and be liable to a fine not exceeding P 600, and for second and subsequent offence to a further fine not exceeding P 200 for each day the offence continues.

(15) Any person licenced under this section may have such licence revoked if such person is convicted of an offence under this Act.

(16) In proceedings against any person for an offence under this section, it shall be a defence for that person to show —

(a) that the controlled waste was transported in an emergency, notice of which was given within 48 hours of such transportation, to the local authority in whose area the emergency occurred;

(b) that he neither knew nor had reasonable grounds for suspecting that what was being transported was controlled waste and that he took all such steps as it was reasonable to ascertain whether it was such waste; or

(c) that he acted under instructions from his employer.

(17) In this section, “emergency” means, in relation to the transportation of any controlled waste, any circumstances in which, in order to avoid, remove or reduce any serious risk of harm to the environment or to human, animal or plant life, it is necessary for the waste to be transported from one place to another without a waste carrier licence issued under this Part.

PART VI — *Registration of Waste Disposal Sites and Licensing of Waste Management Facilities*

14. (1) The provisions of this section shall come into effect 12 months after the coming into operation of this Act.

(2) Subject to subsection (6) no person shall operate a waste disposal site unless the waste disposal site is registered under this section.

Registration
of waste
disposal sites

(3) An application for registration in terms of subsection (2) shall be in the prescribed form and shall contain information relating to —

- (a) the type, volume, mix and constituents of the waste that is expected to be managed in the course of business annually;
- (b) the type, make and registration number of the vehicles and equipment which are to be used to carry and treat the different kinds of waste; and
- (c) the number, position and qualifications of the persons to be employed thereto.

(4) The Director shall issue a waste disposal site registration certificate to every person who registers or is exempted from registering a waste disposal site, which certificate shall be *prima facie* evidence of registration or of exemption from registration of the waste disposal site as the case may be.

(5) Any person aggrieved by the refusal of the Director to register the waste disposal site may, within 28 days from the date of such refusal, appeal against the refusal to the Minister:

Provided that any person carrying on the business of waste disposal before the commencement of this Act, may continue in such business pending the decision of the Minister.

(6) The Minister may, by order, exempt any waste disposal site from being registered under this Act.

(7) A person managing a waste disposal site shall, when requested by a police officer or an authorised officer, produce for inspection, a registration certificate issued under subsection (4).

(8) Any person who contravenes any of the provisions of this section, shall be guilty of an offence and be liable to a fine not exceeding P 300 or to imprisonment for a term not exceeding two months or to both.

15. (1) The provisions of this section shall come into effect 18 months after the coming into operation of this Act

(2) Subject to section 24, no person shall manage controlled waste, on or upon any land or other premises, without a waste management facility licence issued under section 16.

16. (1) An application for a waste management facility licence shall be made in the prescribed form.

(2) A waste management facility, for which a planning permission is required in pursuance of the Town and Country Planning Act, shall not be licensed under this Part unless such permission is in force.

(3) The Director shall grant a waste management facility licence if he is satisfied that —

- (a) the applicant is a fit and proper person in terms of section 8; and
- (b) the waste management facility will not cause pollution of the environment or harm to human, animal or plant life.

(4) Subject to the conditions specified in the waste management facility licence, it shall remain in force until such time as it is surrendered in accordance with the provisions of section 23.

Unlicensed
waste
management
facility
prohibited

Licensing
of waste
management
facility
Cap. 32:09

(5) The renewal of the waste management facility licence may be granted by the Director upon payment of a prescribed fee and shall be valid for such period as may be specified therein.

17. The Director shall consult the Department of Water Affairs or any other relevant Department before deciding on the merits of each application under this Part.

Consultation

18. (1) A waste management facility licence may include such conditions as the Director sees fit to specify therein or as may be prescribed and without prejudice to the generality of the foregoing, any such conditions may relate to —

Conditions
of waste
management
facility licence

(a) the supervision of activities to which the waste management facility licence relates;

(b) the precautions to be taken and works to be carried out in connection with the land or plant before the activities authorised by the waste management facility licence are begun or after such activities have ceased; or

(c) where waste other than controlled waste is to be kept, treated or disposed of, to the keeping, treatment or disposal of that other waste.

(2) The conditions may require —

(a) the licensee to carry out such other works notwithstanding that he is not required to carry out such works under any law; or

(b) the licensee to meet the terms of a lease of land to be used for the waste management facility, if any, or such other lawful stipulations attached to the use of the land necessary to enable him to comply with any requirements imposed on him by the waste management facility licence.

19. While a waste management facility licence issued by the Director is in force, the Director may —

Variation
of conditions

(a) on his own initiative, supported by sound technical justification, serve a notice on the licensee modifying the conditions specified in the waste management facility licence to any extent which in the opinion of the Director is desirable and is unlikely to require unreasonable expenditure by the licensee; or

(b) on the application by the licensee, serve a notice on the licensee modifying the said conditions to the extent requested in the application.

20. (1) Without the approval of the Director, a transfer of a waste management facility licence shall be of no effect.

Transfer of
waste
management
facility licence

(2) An application to the Director for a transfer of a waste management facility licence shall be made in such form and include such information as may be prescribed.

(3) If, on such application, the Director is satisfied that the transferee is a fit and proper person and meets the requirements of the Act, the Director shall effect the transfer of the waste management facility licence to the transferee.

(4) The Director shall effect a transfer of a waste management facility licence by endorsing it with the name and other particulars of the transferee as the licensee from the date specified in the endorsement.

(5) Where the Director rejects any application made under this section, he shall communicate his rejection to the applicant in writing.

Suspension
of waste
management
facility licence

21. (1) The Director may suspend a waste management facility licence if —

- (a) the continuation of operations of the waste management facility would cause serious pollution or harm to human, animal or plant life;
- (b) the licensee fails to comply with a notice issued under section 19 which requires a condition to be complied with; or
- (c) the operator or licensee of the waste management facility contravenes the conditions of the licence.

(2) Upon the suspension of a licence in terms of subsection (1), —

- (a) operations of the waste management facility shall forthwith cease; and
- (b) the Director may require the licensee to comply with such directives as he may, in writing, specify, within a stated period.

(3) The Director may lift a suspension where he is satisfied that his directives under subsection (2) have been complied with.

Revocation
of waste
management
facility licence

22. (1) Where a waste management facility licence issued under this Part is in force, the Director may revoke it if it can be shown that —

- (a) the continuation of operations to which the waste management facility licence relates would —
 - (i) cause pollution of the environment or harm to human, animal or plant life, and the pollution, danger or detriment that may result cannot be avoided by modifying the conditions specified in the waste management facility licence; or
 - (ii) be so seriously detrimental to the amenities of the locality affected by such operations that the continuation of them ought not to be permitted;
- (b) the licensee has failed to comply with the directions of the Director issued under section 21(2); or
- (c) the licensee is convicted under this Act.

(2) Where the Director decides to revoke a waste management facility licence, he shall serve a notice on the licensee and the notice served shall state the date and time at which the revocation in question is to take effect.

(3) The revocation of the waste management facility licence shall have the effect of ceasing activities specified in the licence but shall not affect the requirements or conditions imposed thereunder which are to continue to bind the licensee.

Surrender
of waste
management
facility licence

23. (1) Subject to any condition on the waste management facility licence, the licensee may surrender the waste management facility licence by —

- (a) giving notice to the Director of his intention to do so;
 - (b) applying to the Director to obtain a certificate of surrender; and
 - (c) complying with such conditions as the Director may determine.
- (2) Where the application is in respect of a surrender of a portion of an area of a waste management facility covered by the waste management facility licence, the licensee shall —

- (a) specify the particular portion of the area of the waste management facility, covered by the licence, to be surrendered; and
 - (b) if the application is approved, demarcate the area of the waste management facility in the prescribed manner.
- (3) The surrender of any part of a waste management facility covered by the licence shall not be effective until the Director has —
- (a) consulted the Department of Water Affairs; and
 - (b) issued a certificate of surrender in respect of that waste management facility.

(4) A surrender shall be without prejudice to any liabilities or obligations incurred by the licensee in relation to that waste management facility prior to the date of surrender and shall be subject to the licence holder's responsibility to ensure that there is no pollution for a minimum period of 30 years after the date of surrender.

(5) On the issue of a certificate of surrender the Director shall —

- (a) cancel such waste management facility licence, where the surrender is in respect of a waste management facility; or
- (b) amend the waste management facility licence, where the surrender is in respect of a portion of a waste management facility.

24. A person managing controlled waste may, by notice published in the *Gazette*, be exempted from holding a waste management facility licence if —

Exemption
from holding
licence

- (a) the deposits of controlled waste being managed are small, innocuous or of a temporary nature;
- (b) adequate controls are provided under any other enactment; or
- (c) the person meets such other requirements as the Minister may prescribe.

25. (1) The Director shall —

- (a) maintain a register containing prescribed particulars of issued waste management facility licences which are in force;
- (b) secure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours; and
- (c) afford a member of the public reasonable facilities for obtaining from him on payment of reasonable charges copies of entries in the register.

Public
Register of
issued waste
management
facility
licences

26. The Minister may by Order direct the closure of any waste management facility on the grounds of risk of pollution of the environment or harm to human, animal or plant life.

Closure of
facility by
order of
Minister

Appeals

27. Any person aggrieved by a decision under this Part may, within thirty days of such decision, appeal against such decision to the Minister or to the court on a matter of law.

Offence
and penalty

28. (1) Any person who contravenes any of the provision of this Part shall be guilty of an offence and liable to a fine not exceeding P 8000 or to imprisonment for a term not exceeding seven years.

(2) It shall be a defence for a person charged with an offence under this Part to prove that he —

- (a) took care to inform himself from persons who were in a position to provide information and to verify such information, as to whether the management of waste to which the charge relates would be in contravention of this Part;
- (b) acted under instructions from his employer and did not know that the keeping, treating or disposal of waste was in contravention of this Part;
- (c) took all such steps as were reasonably open to him to ensure that the conditions of the waste management facility licence were complied with; or
- (d) performed the acts specified in the charge in an emergency in order to avoid danger to the public and that as soon as practicable they were reported to the local authority.

PART VII — *Powers and Duties of Local Authorities*

Collection of
waste

29. (1) A local authority shall, at a prescribed fee, arrange for the collection and disposal of all household waste in its area except waste which is situated at a place which in the opinion of the local authority is isolated, inaccessible or which is produced in such small quantities that the cost of collecting it would be high, or that the person who controls the waste is capable of collecting it.

(2) A person who arranges with the local authority for the collection of waste other than household waste shall pay a prescribed fee to the local authority for the collection and disposal of that waste.

(3) A local authority shall make such arrangements, without charge, for the emptying of privies serving one or more private dwellings in its area as it considers appropriate.

(4) Anything collected under arrangements made by a local authority under this section shall belong to the local authority.

Receptacles
for house
hold waste

30. (1) In pursuance of the requirement for a local authority to arrange for the collection of household waste in its area, under section 29, the local authority may, by a notice served on the occupier of the premises, require him to place the waste for collection in receptacles which shall be of a kind and number as may be specified in the notice.

(2) The kind and number of receptacles under subsection (1) to be used shall be such as are reasonable having regard to the locality and the type of waste concerned.

(3) A local authority may, at the request of any person, supply him, at a prescribed fee, with receptacles for collection of commercial or industrial waste.

31. (1) Each local authority shall deliver for disposal all waste which is collected by it to a licenced waste management facility with the exception of any household waste which the local authority may decide to retain for recycling.

Disposal of
waste

(2) A local authority shall, in accordance with its local waste management plan —

- (a) ensure that adequate arrangements are made within its area for the management of all the controlled waste expected to arise within that area;
- (b) inspect land on which waste has been deposited to detect whether the state of such land is in a condition to cause pollution of the environment or harm to human, animal or plant life and to take steps as appear to it reasonable to avoid pollution of the environment and harm to human, animal or plant life.

32. (1) If any controlled waste is deposited on any land or area of a local authority contrary to the provisions of this Act, the local authority may serve a notice on the occupier of the land requiring him to —

Removal of
waste

- (a) remove the waste from the land within a period specified in the notice, which shall not be less than twenty one days beginning with the date of service of the notice;
- (b) take, within a stated period, such steps as are specified with a view to eliminating or reducing the consequences of the deposit of the waste; or
- (c) remove the waste as mentioned in paragraph (a) and to take such steps as are mentioned in paragraph (b) within such a period as aforesaid.

(2) If a person on whom a notice is served in pursuance of subsection (1) fails to comply with the notice, he shall be guilty of an offence and be liable to a fine not exceeding P 500, and a further fine not exceeding P 100 for every day during which the offence continues;

(3) A local authority may remove any type of waste that has been deposited on any land or take other steps if it appears to the local authority that —

- (a) in order to remove or prevent pollution of the environment or danger to human, animal or plant life it is necessary to remove the waste forthwith or to take such other steps with a view to eliminating or reducing the consequences of the deposit of it;
- (b) there is no occupier of the land in question; or
- (c) the occupier of the land neither made nor knowingly permitted the deposit of the waste.

(4) Where the local authority exercises power conferred on it by subsection (3), in respect of any land, it shall be entitled to recover the cost of doing so and of disposing of any waste removed in the exercise of the power —

- (a) in a case falling within paragraph (a) of that subsection, from the occupier of the land unless he proves that he neither made nor caused nor knowingly permitted the deposit in question;
- (b) in any other case, from the person who deposited or caused or knowingly permitted the deposit of any of the waste in question on the land, except such of the cost as the occupier or other person shows was incurred unnecessarily.

(5) Any waste removed by a local authority in pursuance of this section shall belong to the local authority and may be dealt with accordingly.

(6) Each local authority shall, at every quarter, submit to the Department a report of the waste collected in accordance with the provisions of this Part and such report shall include details of —

- (a) the persons from whom the waste has been collected;
- (b) the nature and type of waste;
- (c) the percentage of the waste that is recyclable; and
- (d) the amounts realised from the collection of the waste in relation to the costs.

Power to
recycle waste

33. A local authority may make arrangements with any waste management industry in the private sector to —

- (a) recycle waste;
- (b) use waste for the purpose of producing from it heat or electricity or both; or
- (c) collect and dispose of controlled waste or to either collect or dispose of such waste.

PART VIII — Litter

Prohibition
to litter

34. (1) A person shall not deposit in any place anything which may contribute to the defacement of any place by litter, except as authorised by law or done with the consent of the owner or occupier of that place.

(2) Subsection (1) applies to any public place and includes the following —

- (a) any highway or road; or
- (b) any place within the jurisdiction of a local council.

(3) Any person who contravenes this section commits an offence and is liable to a fine not exceeding P 300 or to imprisonment for a term not exceeding two months or to both.

Abatement
of litter

35. A local authority may, with a purpose of promoting the abatement of litter, take such steps as it thinks appropriate.

Dumping
of litter

36. The Minister may make regulations with respect to the dumping of litter and in particular provide for —

- (a) the nature, design, number, provision and placing of containers and notices with respect to the dumping of litter;
- (b) the cleaning, clearing away and removal of litter and the emptying and maintenance of containers for the dumping of litter;
- (c) the facilities or methods of preventing the accumulation of litter; or
- (d) any other matter which he deems necessary or desirable to control and prevent the dumping of litter.

37. (1) For the purposes of this Act all local authorities are hereby designated principal litter authorities.

Principal
litter
authority

(2) A principal litter authority shall undertake the cleaning of public roads and streets as identified by the Director, and the amenities of its area in the interests of public health.

(3) In determining the standard required for the cleaning of public roads and streets regard shall be had to the character and use of the land thereof and the measures practicable in the circumstances.

(4) A principal litter authority may, for the purpose of preventing accumulation of litter or refuse around any public place or road, issue notices imposing requirements on occupiers of premises in relation to such litter or refuse in accordance with this section.

38. (1) Where an authorised officer of a local authority or a police officer finds a person whom he has reason to believe has committed an offence under this section, he may give that person a notice offering him the opportunity of discharging any liability for that offence by payment of a prescribed penalty.

Notices for
depositing
litter

(2) Where a person is given a notice under this section in respect of an offence believed to have been committed —

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
- (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of fourteen days.

(3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state —

- (a) the period during which, by virtue of subsection (2) proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(4) The form of notices under this section shall be such as the Minister may by regulations prescribe.

PART IX — *Enforcement Powers*

Power to
obtain
information

39. (1) The Director shall have power to obtain, from any person, such information including books, records, returns, reports and any other document, as the Director deems necessary to enable him to carry out his functions under this Act.

(2) If so requested by the Director, a person shall provide such information as the Director may require and the Director may make copies of such information or take extracts therefrom.

(3) A person who gives information under this section, shall not give information which is false or misleading.

(4) Any information furnished, document or data produced under this section shall not be admissible in evidence against the person who provided it in any proceedings, other than for proceedings under section 42 which may be instituted against him.

(5) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and shall be liable to a fine not exceeding P 500 or to imprisonment for a term not exceeding four months.

Power of
search
and seizure

40. (1) Subject to subsection (2) an authorised officer may enter any premises for the purpose of conducting a search and may seize any item during the course of an investigation in connection with the keeping, treating and disposal of waste.

(2) No authorised officer shall enter, conduct a search or seize any item in terms of subsection (1) unless such authorised officer has obtained —

(a) the consent in writing of the owner or of the person in charge of the premises; or

(b) a search warrant.

(3) An authorised officer shall carry at all times and, upon demand, present an identity card issued under section five.

(4) Any person who obstructs or interferes with any person in the performance of his functions under this section shall be guilty of an offence and liable to a fine not exceeding P 500 or to imprisonment for a term not exceeding four months or both.

Right of
entry

41. (1) An authorised officer or any authorised officer of a local authority may enter upon any land, if it is considered that there is an immediate risk of serious pollution of the environment or harm to human, animal or plant life, and take with him such assistance and equipment as may be considered necessary for the purpose of carrying out any powers, duties or functions under this Act.

(2) Any person authorised under subsection (1) shall, on demand by the occupier of the land, produce an identity card.

Civil liability

42. Where any damage is caused by poisonous, noxious or polluting waste which has been deposited on any land, any person who deposited it, or caused or permitted it to be deposited is liable for the damage to the land except where the damage —

- (a) was due wholly to the fault of the person who suffered it; or
- (b) was suffered by a person who voluntarily accepted the risk thereof.

43. (1) Where a court is satisfied from information placed before it that circumstances relating to a particular matter, which matter is a subject of an investigation under this Act, render that matter urgent in that irreparable damage would be caused to animal, plant or human life by poisonous, noxious or polluting waste deposited on any land, if the matter were to be dealt with by the court at the proceedings in due course, the court may issue a provisional order —

Urgent
provisional
orders

- (a) prohibiting any person from depositing controlled waste on any land;
- (b) prohibiting any person from keeping, treating and disposing of hazardous waste without separating it from other types of waste;
- (c) ordering a person to remove any type of waste from any land;
- (d) preventing any potential environmental hazard; or
- (e) authorising the Department to take any action specified in the order.

(2) A provisional order issued under subsection (1) —

- (a) may be amended or withdrawn by the court on application by the Director or by a person affected by such order;
- (b) shall remain in force for such period or extended period as the court may from time to time determine;
- (c) shall, unless withdrawn or lapsed, remain in force until the proceedings are finalised.

(3) A provisional order issued under subsection (1) and any amendment, withdrawal or extension thereof shall, where the court so directs, be published in the Gazette and in such other media as the court may deem appropriate.

44. Save where otherwise specifically provided for, any person who is guilty of depositing waste on land which gives rise to the pollution of the environment or harm to human, animal or plant life, shall upon conviction, be liable to a fine not exceeding P 14,000 or to imprisonment for a term not exceeding 10 years, or to both.

General
penalty

PART X — *Application of the Basel Convention*

45. (1) The Basel Convention, set out in the Schedule, including any amendments, appendices and resolutions thereto, shall apply in regulating the trans-boundary movement of waste.

Application of
Basel
Convention to
regulations

(2) Regulations may be made to —

- (a) make such provision as appears necessary or expedient for the carrying out of and giving effect to the Basel Convention; and
- (b) impose fees and provide for the recovery of any expenditure incurred in giving effect to the Basel Convention.

(3) Where the Minister considers it in the public interest to do so, and in particular where he considers it necessary or expedient to do so in order to facilitate compliance by Botswana with the Basel Convention, he may give directions, either generally or in a particular case, to all or any public officer, or to such person holding a licence granted under the provisions of this Act, as to the carrying out of their powers, functions or conditions of their licence, and any person to whom such directions are given shall comply therewith.

(4) Where the Minister deems it necessary so to do, he may cause any directive made under subsection (3) to be published by notice in the *Gazette*.

(5) Any person required to and who fails to comply with any directive made under subsection (3) shall be guilty of an offence and shall be liable to a fine not exceeding P 1 400 or to imprisonment for a period not exceeding 12 months, or to both.

PART XI — General

Public
records

46. (1) The Director shall maintain records of the —

- (a) registration of waste carriers and producers;
- (b) existing waste disposal sites;
- (c) licensing of waste management facilities;
- (d) applications for licensing of waste carriers and waste management facilities;
- (e) revocation or suspension of issued licences under this Act;
- (f) appeals that relate to the decisions made under this Act;
- (g) certificates of completion or training on competence in waste management; and
- (h) convictions of licensees under this Act.

(2) Records maintained under subsection (1) shall be open to inspection by members of the public during normal Government office hours and members of the public may, at their expense, be permitted to take copies thereof.

(3) The Director may, with the approval of the Minister, on the request by any person, exclude information contained under subsection (1) on the grounds of national security.

Public register

47. A local authority shall, as respects land in its area subject to contamination, maintain a register in the prescribed form which shall be open for public inspection.

Interference
with waste

48. (1) Except with the Director's consent in writing, no person shall disturb —

- (a) anything deposited at a place prescribed for the deposit of waste by the Director or local authority; or
- (b) anything deposited in a receptacle for waste whether for public or private use.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding P 500.

Hazardous
and clinical
waste

49. Hazardous or clinical waste, of a kind as may be specified by Order, shall be —

- (a) collected, disposed of or treated in such manner as the Minister may prescribe;

- (b) packed and clearly marked and labelled as may be prescribed; or
- (c) conveyed by road, rail or over water, on motor vehicles or vessels whose design construction shall be subject to the prescribed standards.

50. The Minister may prescribe adequate classification, safe packaging and clear labelling of all controlled waste transported by road, rail, air or over water.

Classification
packaging
and labelling

51. (1) Each local authority and any person who produces, carries, keeps, treats, or disposes of controlled waste shall take all measures applicable to him in the circumstances to prevent the escape of the waste from his control and to prevent contravention of any of the provision of this Act.

Duty of care
in respect
of waste

(2) Each person dealing with waste in terms of subsection (1) shall, at the point of consigning the waste to some other person, ensure that the person to whom the waste is being consigned is licenced to deal with waste in terms of this Act.

(3) Any person to whom waste has been consigned in terms of subsection (2) shall take all measures applicable to him to prevent the escape of the waste from his control and prevent the contravention of any of the provisions of this Act.

(4) Any person who contravenes this section shall be guilty of an offence and be liable to a fine of P 1000 and a further P 500 for each day the contravention continues.

52. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity, he, as well as the body corporate, shall be guilty of an offence and be liable in terms of this Act.

Body
corporate
liability

53. (1) Where, on an inspection by an authorised officer, it appears to the authorised officer that the condition of any particular land is such that pollution of the environment or harm to human, animal or plant life is likely to be caused, it shall be the duty of the Director to direct the local authority in whose area the land is situated to do such works and take such steps, whether on the land affected or on adjacent land as appears to the Director to be reasonable to avoid such pollution or harm.

Inspection
of land

(2) Where it appears to the Director that the condition of the land is such that pollution of public water is likely to be caused due to the concentration or accumulation in and emission or discharge from the land of noxious liquids caused by deposits of controlled waste on the land, it shall be the duty of the Director to consult the Department of Water Affairs on the steps considered necessary to take, to minimise or prevent pollution or harm to human, animal or plant life.

(3) The Minister may, by Order, require general or specific measures to be taken to prevent the pollution of public water.

54. (1) Subject to the provisions of this Act, no person shall, directly or indirectly, disclose to unauthorised persons confidential information he may acquire in the course of his duty as an officer, agent or other employee of the Department.

Confidentiality
of information

(2) The duty of confidentiality imposed on the officer, agent or other employee under subsection (1) shall not apply where civil or criminal proceedings arise involving the Department.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding P 4000 or to imprisonment for a term not exceeding 3 years or to both.

Power to make
regulations

55. (1) The Minister may, after consulting the Minister responsible for Health, make regulations prescribing anything which under this Act is to be prescribed or which, in his opinion, is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

(2) Without prejudice to the generality of subsection (1), Regulations may provide for the —

- (a) classification of waste;
- (b) recruitment, training and competence assessment of waste management officers;
- (c) registration of carriers;
- (d) registration of waste disposal sites;
- (e) registration of specified waste producers;
- (f) licencing of waste carriers;
- (g) licensing of waste management facilities;
- (h) seizure of carrier vehicles failing to comply with requirements of the Act;
- (i) trans-boundary movement of waste;
- (j) hazardous or clinical waste;
- (k) deposits on beverage containers and packaging;
- (l) landfill licensing;
- (m) duty of care of persons dealing with controlled waste;
- (n) collection, disposal and treatment of controlled waste;
- (o) recycling of waste;
- (p) powers and duties of local authorities in respect to waste;
- (q) packaging and labelling of waste;
- (r) litter prevention;
- (s) restriction or prohibition of waste management operations in or near a river, lake, pond or underground water;
- (t) submission of annual returns by the holders of any category of licence issued under the Act.
- (u) inspection of waste disposal sites, waste management facilities and vehicles licenced to carry waste; and
- (v) such other matters as may be necessary for the control of waste.

Amendment of
Schedule to
Cap. 40:01

56. The Schedule to the Local Government (District Councils) Act, is hereby amended by the revocation of paragraphs 2(1) thereof.

Amendment of
Schedule to
Cap. 40:02
(Sub. Leg)

57. The First Schedule to the Town Council Regulations is amended by the revocation of paragraphs 2(1) thereof.

SCHEDULE
(Section 45)
BASEL CONVENTION
ON THE
CONTROL OF TRANS-BOUNDARY
MOVEMENTS OF HAZARDOUS
WASTES
AND THEIR DISPOSAL, 1989

PREAMBLE

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of disposal,

Noting that States should ensure that the generator should carry out duties with regards to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognising that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNHIP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organisations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:
 - (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
 - (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be hazardous wastes by the domestic legislation of the Party of export, import or transit.
2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.
3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.
4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;
3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;
4. "Disposal" means any operation specified in Annex IV to this Convention;
5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;
19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. "Political and/or economic integration organisation" means an organisation constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

Article 3

National Definitions of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

Article 4

General Obligations

1.
 - (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.
 - (b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.
 - (c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.
2. Each Party shall take the appropriate measures to:
 - (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
 - (b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
 - (c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;
 - (d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
 - (e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organisation that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.
 - (f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;

- (g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;
 - (h) Co-operate in activities with other Parties and interested organisations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.
3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.
 4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.
 5. A Party shall not permit hazardous wastes or other wastes to be exported to a non Party or to be imported from a non-Party.
 6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.
 7. Furthermore, each Party shall:
 - (a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;
 - (b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognised international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognised practices;
 - (c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.
 8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.
 9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:
 - (a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

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- (b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or
 - (c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this convention.
- 10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.
- 11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order to better protect human health and the environment.
- 12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their Continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.
- 13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

Article 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

- 1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.
- 2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.
- 3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

Article 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.
2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.
3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:
 - (a) The notifier has received the written consent of the State of import; and
 - (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.
4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.
5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:
 - (a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;
 - (b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

- (c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.
6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.
 7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.
 8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.
 9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.
 10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.
 11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

Article 7

Transboundary Movement from a Party through States which are not Parties

Paragraph 2 of Article 6 of the Convention shall apply *mutatis mutandis* to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

Article 8

Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:
 - (a) without notification pursuant to the provisions of this Convention to all States concerned; or
 - (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
 - (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
 - (d) that does not conform in a material way with the documents; or
 - (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.
2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:
 - (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
 - (b) are otherwise disposed of in accordance with the provisions of this Convention, within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.
4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.
5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

Article. 10

International Co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.
2. To this end, the Parties shall:
 - (a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;
 - (b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;
 - (c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;
 - (d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;
 - (e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.
4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organisations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

Article II

Bilateral, Multilateral and Regional Agreements

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.
2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

Article 12

Consultations on Liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

Article 13

Transmission of Information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed.

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2. The Parties shall inform each other, through the Secretariat, of:

- (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;
- (b) Changes in their national definition of hazardous wastes, pursuant to and, as soon as possible;
- (c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- (d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- (e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

- (a) Competent authorities and focal points that have been designated by them pursuant to Article 5;
- (b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
 - (i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
 - (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) Disposals which did not proceed as intended;
 - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;
- (c) Information on the measures adopted by them in implementation of this Convention;
- (d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

- (g) Information on disposal options operated within the area of their national jurisdiction;
 - (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
 - (i) Such other matters as the Conference of the Parties shall deem relevant.
4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

Article 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.
2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.
4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

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5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:
 - (a) Promote the harmonization of appropriate policies, strategies and measures for minimising harm to human health and the environment by hazardous wastes and other wastes;
 - (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
 - (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;
 - (d) Consider and adopt protocols as required; and
 - (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.
6. The United Nations, its specialized agencies, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or nongovernmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.
7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

Article 16

Secretariat

1. The functions of the Secretariat shall be:
 - (a) To arrange for and service meetings provided for in Articles 15 and 17;
 - (b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non governmental entities;
 - (c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

- (d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its function;
- (e) To communicate with Focal Points and Competent Authorities established by the Parties in accordance with Article 5 of this Convention;
- (f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;
- (g) To receive and convey information from and to Parties on:
 - sources of technical assistance and training;
 - available technical and scientific know-how;
 - sources of advice and expertise; and
 - availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
 - the management of hazardous wastes and other wastes;
 - environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
 - the assessment of disposal capabilities and sites;
 - the monitoring of hazardous wastes and other wastes; and
 - emergency responses;
- (h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;
 - (i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;
 - (j) To co-operate with Parties and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and
 - (k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.
2. The Secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organisations which have signified their willingness to carry out the Secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.
5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted them or by at least two thirds of the Parties to the protocol concerned who accepted them, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.
6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.
2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:
 - (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;
 - (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
 - (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.
3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.
4. If an additional annex or an amendment to an annex involves an amendment to this convention or to any protocol, the additional annex or amended annex shall not enter into force until such time the amendment to this Convention or to the protocol enters into force.

Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

Article 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the Parties to the dispute agree, shall be submitted to the international Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.
3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organisation may declare that it recognises as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:
 - (a) submission of the dispute to the International Court of Justice; and/or
 - (b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organisations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989 and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organisations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organisation referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organisations, one or more of whose member States is a Party to the Convention, the organisation and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organisation and the member States shall not be entitled to exercise rights under the Convention concurrently.
3. In their instruments of formal confirmation or approval, the organisations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organisations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organisations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organisations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organisations shall also inform the Depositary of any substantial modification in the extent of their competence.
3. The provisions of Article 22, paragraph 2, shall apply to political and/or economic integration organisations which accede to this Convention.

Article 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.
2. Political and/or economic integration organisations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organisations shall not exercise their right to Vote if their member States exercise theirs, and vice versa.

Entry into Force

Article 25

1. This Convention shall enter into force on the ninetieth day after the day of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organisation which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organisation of its instrument of ratification, acceptance, approval, formal confirmation or accession.
3. For the purpose of paragraphs 1 and 2 above any instrument deposited by a political and/or integration organisation shall not be counted as additional to those deposited by member States of such organisation.

Article 26

Reservations and Declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organisation, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocol thereto.

Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at on the.....day of 1989.

PASSED by the National Assembly this 28th day of July, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.

Statutory Instrument No. 69 of 1998

PUBLIC SERVICE ACT
(Act No. of 1998)

PUBLIC SERVICE REGULATIONS
(Published on 4th September, 1998)

ARRANGEMENT OF REGULATIONS

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39. Power to review staff complements and gradings
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42. Revocation of Cap. 26:01 (Sub. Leg.)

IN EXERCISE of the powers conferred on the President by section 38 of the Public Service Act, these Regulations are hereby made —

PART I — *Preliminary*

Citation
Interpretation

1. These Regulations may be cited as the Public Service Regulations.
2. (1) In these Regulations, unless the context otherwise requires —
 “Association” means the Botswana Civil Service Association;
 “Committee” means a Ministerial Consultative Committee established under regulation 33;
 “Council” means the Central Joint Staff Consultative Council established under regulation 28;
 (2) In these Regulations, where the Permanent Secretary is required to report to, notify or furnish or forward evidence or information to the appointing authority, or the responsible officer, as the case may be, and the Permanent Secretary is himself the appointing authority or responsible officer, he shall instead proceed to deal with the matter himself as such appointing authority or responsible officer.

PART II — *Constitution and Abolition of Public Offices*

Constitution
of public
office

3. Application for the constitution of any public office shall be made to the Director by the Permanent Secretary and every such application shall state —
 (a) the title of the office;
 (b) the salary or salary scale to be attached to such office;
 (c) whether the proposed office is to be pensionable;
 (d) the reason why the constitution of such office is considered desirable;
 (e) the qualifications which will be required of any holder of the proposed office and the duties which any such holder will be required to perform;

- (f) whether or not funds are available; and
 - (g) such other matters as the Director may require.
4. Application for the abolition of any public office shall be made to the Director by the Permanent Secretary and every such application shall state —
- (a) the reason why it is considered desirable that the office should be abolished; and
 - (b) such other matters as the Director may require.

Abolition
of public
office

PART III — *Appointments and Termination of Appointments*
(otherwise than by disciplinary proceedings)

5. (1) Where a vacancy occurs or it is expected that a vacancy will occur in any public office, the Permanent Secretary shall notify the appointing authority and shall state whether, in his opinion —

Notification
of vacancies

- (a) the vacancy should be filled by the promotion or transfer of an officer serving in the Ministry or Department in which the office exists;
- (b) it is likely that a suitable candidate will be found in some other Ministry or Department; or
- (b) it is likely that a suitable candidate will be found by advertisement in Botswana or elsewhere.

(2) Where the Permanent Secretary recommends the promotion or transfer of an officer serving in the Ministry in which the office exists, he shall furnish to the appointing authority the record of service in Botswana of the officer recommended, together with the names of any officers in the Ministry or Department who would be superseded and his reasons for recommending their supersession.

(3) Where the Permanent Secretary is unable to recommend the promotion or transfer of an officer to fill the vacancy, he shall report to the appointing authority the names of the officers serving in the cadre or grade from which promotion would normally be made, together with his reasons for not recommending those officers for promotion.

(4) Where the Permanent Secretary is of the opinion that no suitable candidate is likely to be found by advertisement in Botswana, he shall notify the appointing authority of the arrangements which exist for the training of a local officer to fill such office.

6. (1) Subject to the provisions of subregulation (2) and to any directions of the President, applications for appointment to vacant offices which are pensionable shall be invited by public advertisement in Botswana in such manner as may be determined by the appointing authority.

Advertisement

(2) A vacant office shall not be advertised —

- (a) where the appointing authority is satisfied that the office should be filled by the promotion, transfer or re-engagement of a serving officer or the continued employment of an officer on temporary terms;
- (b) where the appointing authority is satisfied that there is no reasonable likelihood of any application being received in response to advertisements in Botswana from a candidate who is qualified and suitable.

7. As between officers having the same degree of preference, qualifications and experience, proven merit and suitability for the post in question shall be given greater weight than seniority.

Selection
of candidates

Inefficiency

8. (1) If the Permanent Secretary is satisfied that an officer is unable to carry out his duties efficiently, he shall submit a report thereon to the responsible officer.

(2) The responsible officer, if he is satisfied that there are reasonable grounds to substantiate the allegation of inefficiency, shall furnish the officer concerned with a written statement of the grounds on which it is alleged that he is incapable of carrying out his duties efficiently, and either —

- (a) refer the matter to a Committee of Inquiry; or
- (b) deal with the matter himself.

(3) A Committee of Inquiry shall consist of three officers who shall be of a rank not less senior than that of the officer in respect of whom the inquiry is being held.

(4) A Committee of Inquiry shall enquire into the allegation of inefficiency and inform the responsible officer whether or not in its opinion such allegation has been proved.

(5) If the responsible officer decides to deal with the matter himself he shall consider any representations made by the officer and then find out whether or not the allegation of inefficiency has been proved.

(6) If the responsible officer or the Committee of Inquiry, as the case may be, finds that the allegation of inefficiency has been proved, the responsible officer may take any of the following courses of action against the officer —

(Cap. 27:01)

- (a) subject to the provisions of section 10 of the Pensions Act, dismissal, that is to say, termination of appointment with or without forfeiture of all retirement and other benefits, other than outstanding leave due at the date of dismissal or payment in lieu thereof, accruing as a result of public service in accordance with the provisions of any law for the time being in force;
- (b) compulsory retirement or termination of appointment;
- (c) reduction in rank;
- (d) reduction in salary;
- (e) withholding of increments until such conditions as may be specified are fulfilled;
- (f) issue a reprimand or warning.

Cases not
covered by
this Part

9. Any case not covered by this Part shall be dealt with in accordance with such directions as may, from time to time, be given by the President.

PART IV — *Discipline*

Disciplinary
control to
be prompt

10. Where disciplinary proceedings are to be or may be taken against any officer the appropriate procedure shall be commenced as soon as possible.

Summary
discipline

11. Where an act of misconduct is committed in the presence of the Permanent Secretary by an officer over whom he has disciplinary powers, or where the Permanent Secretary becomes aware of allegations of misconduct against such an officer, and in his view the facts are straightforward, the Permanent Secretary may deal with the matter summarily, and impose an appropriate punishment.

Preliminary
investigation

12. (1) Where the Permanent Secretary becomes aware of allegations of misconduct against an officer, and the facts are in his view controversial, or unclear, he may instruct some other officer of a rank not less senior than the officer against whom the allegations of misconduct have been made to hold a preliminary investigation into those allegations.

(2) If, following the preliminary investigation, the Permanent Secretary is of the opinion that there is a *prima facie* case against the officer concerned, he shall prepare a list of charges against the officer in such form as may be prescribed in General Orders, with such modifications as may be necessary in any particular case.

(3) The list of charges shall be sent to the officer against whom they are made and he shall be informed that he has such period, being not less than 14 days, as appears reasonable in all the circumstances to the Permanent Secretary to reply in explanation of the charges against him.

13. (1) If the officer does not reply to the charges made against him under regulation 12 within the time specified, or if he fails to exculpate himself from the charges to the satisfaction of the Permanent Secretary, the latter shall then prepare and report the case to the responsible officer.

Reporting
cases to
responsible
officer

(2) In reporting the case to the responsible officer the Permanent Secretary shall forward a copy of the —

- (a) preliminary departmental investigation made under regulation 12(1);
- (b) charges preferred against the officer; and
- (c) officer's statement, if any, made in reply to the charges.

14. (1) When reporting to the responsible officer under section 22 of the Act, the Permanent Secretary shall supply the responsible officer with particulars of the officer's salary, his financial commitments (including current deductions from his salary) and the size of his family.

Salary of
an officer
during
interdiction

(2) If the responsible officer decides that an officer shall be interdicted the Permanent Secretary shall inform the officer in writing of his interdiction, and of the amount of salary which will be paid to him during the period of interdiction and shall notify the Accountant-General.

15. Where an officer's emoluments have ceased by virtue of the provisions of section 23 of the Act, the Permanent Secretary concerned shall notify the Accountant-General and the responsible officer of the date of cessation of emoluments.

Salary
following
conviction

16. (1) When the responsible officer has received the report of the preliminary investigation he may —

- (a) call for additional statements or other information relative to the charges preferred against the officer as he deems necessary;
- (b) decide to take no further action in the matter and inform the officer concerned;
- (c) refer the matter to a Committee of Inquiry, which he shall appoint; or
- (d) decide the matter himself on the basis of the preliminary investigation.

Action on
receiving
report by
responsible
officer

(2) A Committee of Inquiry shall consist of three officers who shall be of a rank not less senior than that of the officer in respect of whom the inquiry is being held.

(3) A Committee of Inquiry appointed by a responsible officer shall enquire into the charges which have been laid and shall at the conclusion of the inquiry advise the responsible officer whether or not in its opinion all or any of the charges of misconduct have been proved.

17. Upon the conclusion of any inquiry the responsible officer shall inform the officer in respect of whom the inquiry was held as to which, if any, of the charges of misconduct have been proved and of the punishment if any, which he has awarded.

Finding of
enquiry

Where
Permanent
Secretary is
responsible
officer

Criminal
proceedings
against an
officer

Criminal
proceedings,
action required
by police and
judicial
officers

Disciplinary
action following
criminal
conviction

Effect of
resignation
on pending
disciplinary
proceedings

Delegation of
disciplinary
powers by
Permanent
Secretary

18. In cases where the Permanent Secretary is the responsible officer by virtue of a delegation made under section 6 of the Act, the powers and duties vested in the Permanent Secretary under regulations 12 (2) and 13 (1) shall be vested in the officer holding the preliminary investigation.

19. (1) If a preliminary investigation indicates that an offence against any law may have been committed by an officer, the Permanent Secretary shall, unless it is clear that police action has been or is about to be taken, consult the Attorney-General and obtain his opinion as to whether a prosecution should be instituted against the officer.

(2) In consulting the Attorney-General the Permanent Secretary shall provide a detailed statement of the case, as it is known to him.

20. (1) The police officer commanding a district shall inform the Permanent Secretary concerned immediately he knows that an officer is to be prosecuted, copying the communication to the Director, the Permanent Secretary, Ministry of Finance and Development Planning, and the Auditor-General.

(2) The police officer shall provide the officer's full name, his appointment and the nature of the alleged offence.

(3) A judicial officer who tries any criminal case against an officer shall, immediately the proceedings are completed, inform the Director of the outcome and as soon as possible thereafter send three certified copies of the case record to the Director.

21. (1) If an officer has been convicted of a criminal offence the responsible officer may accept without further proof that the officer committed the offence of which he was convicted upon production before him of the record of the criminal proceedings, and the responsible officer may treat that record for all purposes as the report of a preliminary investigation held under regulation 12.

(2) If an officer has been convicted of a criminal offence for which he has been sentenced to a term of imprisonment without the option of a fine, or has been convicted of a criminal offence under any written law where a sentence of imprisonment may be imposed otherwise than in default of payment of a fine, the responsible officer may, upon production of a certified copy of the criminal proceedings, dismiss the officer without instituting disciplinary proceedings against him.

22. Where an officer whose conduct is under investigation or against whom disciplinary proceedings are pending resigns from the public service, the resignation shall not affect the investigation or proceedings or any action which may be taken against the officer in consequence of the investigation or proceedings in accordance with the provisions of these Regulations.

23. (1) The Permanent Secretary may, in relation to the following offences namely —

- (a) absence without leave for a period of up to one day;
- (b) unauthorised absence from work;
- (c) late arrival at work;
- (d) insubordination;
- (e) refusal to obey a lawful order;
- (f) drunkenness on duty; and
- (g) neglect of duty,

delegate his disciplinary powers in respect of all posts or such posts in his Ministry as may be specified by him to —

- (i) a head of a unit or a supervisor; or
- (ii) a head of a department or, where there is no department under him, to such senior officer as he may consider fit.

(2) Where a person to whom disciplinary powers have been delegated under subregulation (1) (hereinafter referred to as a "disciplinary authority") becomes aware of any offence referred to in paragraphs (a) to (g) of subregulation (1) having been committed by an officer holding a post in respect of which disciplinary powers have been delegated to that disciplinary authority, the disciplinary authority may inquire into the allegation and, if satisfied that it is true, may impose any of the following punishments —

- (a) a reprimand;
- (b) reduction of salary.

(3) Where, after inquiry into an allegation, a disciplinary authority forms the view that a more severe punishment should be imposed, he shall not impose any punishment but shall transmit the findings and other relevant documents to the Permanent Secretary who may —

- (a) impose such punishment as he thinks fit; or
- (b) where he considers the offence serious enough, remit the case to the responsible officer.

(4) On awarding a punishment under this regulation, a disciplinary authority shall immediately thereafter forward a report thereon —

- (a) where the disciplinary authority is a head of a unit or a supervisor, to a head of a department or such officer as may be nominated by the Permanent Secretary; and
- (b) in any other case, to the Permanent Secretary.

(5) A person to whom a report is submitted under subregulation (4) may confirm, vary or set aside the punishment.

(6) Any person aggrieved by the award of a punishment by a disciplinary authority as confirmed or varied under subregulation (5) may appeal —

- (a) in the case of a punishment awarded by a head of a department, a head of a unit or a supervisor, to a Permanent Secretary; and
- (b) in any other case, to the Public Service Commission.

(7) Notwithstanding that a delegation made by a Permanent Secretary under this regulation is in force, the Permanent Secretary may exercise the powers of a disciplinary authority in any case where disciplinary proceedings have not been commenced by the preferment of a charge in writing.

24. Nothing in this Part shall prevent an officer from issuing a reprimand or a warning to any officer directly subordinate to him.

25. (1) Without prejudice to the taking of any other disciplinary proceedings, a public officer who has been absent without leave or reasonable excuse may be summarily dismissed by a responsible officer without any further disciplinary proceedings being taken.

(2) An officer who has been dismissed under subregulation (1) may, within one month of the dismissal, make representations to the responsible officer to review his case.

(3) If the responsible officer decides, on review, that the officer should be reinstated, he shall give directions as to whether the absence should be treated as leave with pay or without pay.

(4) Where the officer has leave due to him his absence shall be treated as leave with pay, but to the extent that he has insufficient or no leave due to him in which case his absence shall be treated as leave without pay.

Reprimands
or warnings

Absence
without
leave, etc.

(5) If the responsible officer considers it necessary or desirable before deciding whether or not to reinstate the officer, he may refer the matter to a committee of inquiry, consisting of such person or persons as he may appoint but who shall be of at least equal rank to that of the dismissed officer.

(6) The committee of inquiry shall report to the responsible officer concerned who shall then inform the officer of his decision, and if he decides to reinstate the officer he shall give such directions as may be given in terms of sub-regulation (3).

(7) When, on review, or after referring the matter to a committee of inquiry, the responsible officer does not reinstate the dismissed officer, the dismissed officer shall, in each case, be informed of the reasons and of his right of appeal to the Commission.

(8) Where in accordance with this regulation absence without leave is treated as leave without pay, the period of the leave without pay shall not be deemed to constitute a break in service but shall not count as pensionable service.

Documentary
evidence

26. An officer in respect of whom an inquiry is to be held shall be entitled to receive a copy of any documentary evidence which shall be relied on for the purpose of the inquiry or be allowed access to it.

Witnesses

27. If witnesses are examined at any inquiry the officer shall be given an opportunity of being present throughout and of putting questions to the witnesses on his own behalf.

PART V — *Consultative Machinery*

Central
Joint Staff
Consultative
Council

28. (1) There shall be established a Central Joint Staff Consultative Council which shall consist of the Director and six other members of the rank of Permanent Secretary as defined in section 2(3) who shall be nominated by the Minister, and the Minister shall appoint one of those seven members to be Chairman, together with seven members nominated by the Association.

(2) In nominating the members, the Association shall bear in mind the need to represent as far as possible all the categories of officers in the public service.

(3) There shall be a Deputy Chairman of the Council elected from among themselves by the members nominated by the Association.

(4) Meetings of the Council shall be held at such times as the Chairman may decide and in any event not more than six months shall elapse between meetings of the Council.

(5) There shall be a Secretary to the Council who shall be a public officer appointed by the Director.

(6) Persons with special knowledge or who are to represent special interests may, with the consent of the Chairman, be co-opted to attend any meetings of the Council and may take part in the discussions of the Council but shall not be entitled to vote on any matter.

(7) Every meeting of the Council shall be presided over by the Chairman or, in his absence, by the Deputy Chairman.

(8) The quorum of a meeting of the Council shall be the Chairman or the Deputy Chairman and not less than two members from among those nominated by the Minister and two members from among those nominated by the Association.

(9) The decisions of the Council shall be by a majority vote and in the case of equality of votes the Chairman, or in his absence the Deputy Chairman, shall have a casting vote.

(10) Minutes shall be kept of the members present and a record of the decisions reached at every meeting of the Council.

(11) Any officer (including a member of the Council) may submit matter, in the form of a written memorandum, for the consideration of the Council.

(12) Every memorandum shall reach the Secretary at least 21 days before the date of the meeting of the Council at which it is to be considered.

(13) Any memorandum reaching the Secretary less than 21 days before a meeting of the Council shall, unless the Chairman directs that it be considered at that meeting, be considered at the next meeting thereafter.

(14) The Secretary shall prepare the agenda, with the approval of the Chairman, for each meeting of the Council and shall circulate such agenda together with supporting memoranda to all members not less than 14 days before the date of the meeting.

(15) Subject to the provisions of this regulation, the Council may decide its own procedure.

29. The functions of the Council shall be —

Functions
of Council

- (a) to consider terms and conditions of service and advise on methods of ensuring improvements in general working conditions, productivity, and staff relations within the public service;
- (b) to advise on measures necessary for the furtherance of good relations between Government and the public service with special reference to —
 - (i) working arrangements and measures designed to increase productivity and lower costs,
 - (ii) improved methods for achieving Development Plan targets, and
 - (iii) the investigation of circumstances tending to reduce efficiency or in any way interfering with the satisfactory working of the public service;
- (c) to consider and advise the Government on safety, health and welfare arrangements in the public service;
- (d) generally to assist in the furtherance of good relations between Government and employees in the public service and to exercise such other functions as are conferred on the Council by the Minister; and
- (e) to examine recommendations put forward by Ministerial Consultative Committees.

30. (1) All decisions of the Council shall be referred to the Minister as soon as may be after the meeting of the Council at which such decision was taken, together with a copy of the minutes of the meeting.

Decisions

(2) The Minister may accept, modify or reject any decision taken by the Council.

31. There shall be paid by the Director the necessary expenses of the Council but no remuneration shall be paid to any member of the Council.

Expenses

32. (1) The Council shall have power to constitute subcommittees to assist the Council in carrying out its functions and may appoint to such subcommittees members of the Council and such other persons having specialist experience as the Council may decide.

Establishment
of sub-
committees

(2) The Chairman shall have the power to determine the procedure to be followed by any such subcommittees subject to such instructions as the Council may from time to time issue.

33. (1) There shall be established in each Ministry a Ministerial Consultative Committee which shall consist of the Permanent Secretary of the Ministry who shall be the Chairman and three other members in that Ministry who shall be appointed by the Minister of that Ministry, and four members appointed by the Association.

(2) In appointing the members the Association shall bear in mind the need to represent as far as possible all the categories of staff in such Ministry.

(3) The members appointed by the Association shall be appointed after the members appointed by the Minister, and the Association shall not appoint any person to be a member who has been so appointed by the Minister.

(4) Notwithstanding anything contained in the preceding provisions of this regulation, the Chairman of the Ministerial Consultative Committee established for the Office of the President shall be the Administrative Secretary, Office of the President.

(5) The Ministerial Consultative Committee for the Office of the President shall be the Committee responsible for matters concerning the Attorney-General's Chambers, the Audit Department, the department of the Administration of Justice and the National Assembly.

(6) There shall be a Deputy Chairman of each Committee elected from among themselves by the members nominated by the Association.

(7) Every meeting of the Committee shall be presided over by the Chairman or, in his absence, the Deputy Chairman.

(8) The decisions of the Committee shall be by a majority vote and in the case of equality of votes the Chairman, or in his absence the Deputy Chairman, shall have a casting vote.

(9) The quorum of a meeting of the Committee shall be the Chairman or Deputy Chairman and not less than two other members from among those nominated by the Minister and two other members from among those nominated by the Association.

(10) Meetings of the Committee shall be held at such times as the Chairman may decide and in any event not more than three months shall elapse between meetings of the Committee.

(11) There shall be a Secretary of each Committee appointed in alternate years by the Chairman and by the Deputy Chairman.

(12) Any officer (including a member of the Committee) may submit matter, in the form of a written memorandum, for the consideration of the Committee.

(13) Every memorandum shall reach the Secretary at least 14 days before the date of the meeting of the Committee at which it is to be considered.

(14) Any memorandum reaching the Secretary less than 14 days before a meeting of the Committee shall, unless the Chairman directs that it be considered at that meeting, be considered at the next meeting thereafter.

(15) The Secretary shall prepare the agenda, with the approval of the Chairman, for each meeting of the Committee and shall circulate such agenda together with supporting memoranda to all members not less than seven days before the date of the meeting.

(16) Persons with special knowledge or who are to represent special interests may, with the consent of the Chairman, be co-opted to attend any meeting of the Committee and may take part in the discussions of the Committee but shall not be entitled to vote on any matter.

(17) Minutes shall be kept of the members present and a record of the decisions reached at every meeting of the Committee.

(18) Subject to the provisions of this regulation, a Committee may decide its own procedure.

34. Ministerial Consultative Committees shall consider the matters prescribed in regulation 29(a) - (d) with special reference to improving productivity within the Ministry of the respective Committee.

Functions of
Committees

35. (1) Decisions of Committees will, in the case of issues which fall strictly within the scope of responsibilities of the Chairman of the Committee, be implemented forthwith.

Decisions of
Committees

(2) Decisions which require the prior approval of other departments of Government will be referred for consideration to the Council.

36. Notwithstanding any other provisions of these Regulations, neither the Council nor a Committee shall consider individual cases in respect of appointments, transfers, promotions and discipline but may consider the principles governing those cases.

Personal cases
to be excluded

37. The procedure for the election of members of the staff side of Committees shall be in accordance with rules prescribed by the Director.

Elections

PART VI — *Miscellaneous*

38. Any officer who submits any matter for the consideration of the Permanent Secretary, Office of the President, the Director or responsible officer, shall ensure that all relevant documents and papers are made available to such person who may, in addition, require the production of any further documents or information relevant to the matter under consideration.

Production of
relevant
documents, etc.

39. (1) The Director may authorize such reviews or investigations into public service staff complements and gradings and manpower utilization as he deems necessary for the better administration of Government's personnel policies.

Power to
review staff
complements
and gradings

(2) The Director may accept, reject or modify the recommendations contained in staff inspection reports and determine the extent to which those reports are made available for consideration outside the Directorate of Public Service Management.

40. The Commission may, and if so requested by the Director shall, conduct written examinations as provided for in approved schemes of service and for other purposes of the public service.

Examinations

41. Any case not covered by these Regulations shall be reported to the Director who shall determine the procedure to be adopted.

Cases not
other wise
provided for

42. The Public Service Regulations are hereby revoked.

Revocation
of Cap. 26:01
(Sub. Leg.)

MADE this 28th day of August, 1998.

F.G. MOGAE,
President.

(17) Minutes shall be kept of the meetings of the Board and a copy of the minutes shall be made available to the public.

(18) Subject to the provisions of this Act, the Board may determine the procedure to be followed in the discharge of its functions.

34. (1) The Board shall have the right to require any person to produce any document or information in its possession, custody or control which it may require for the purposes of its functions.

(2) (a) The Board shall have the right to require any person to attend a meeting of the Board and to produce any document or information in his possession, custody or control which he may require for the purposes of his functions.

(b) The Board shall have the right to require any person to attend a meeting of the Board and to produce any document or information in his possession, custody or control which he may require for the purposes of his functions.

(3) The Board shall have the right to require any person to attend a meeting of the Board and to produce any document or information in his possession, custody or control which he may require for the purposes of his functions.

(4) The Board shall have the right to require any person to attend a meeting of the Board and to produce any document or information in his possession, custody or control which he may require for the purposes of his functions.

Part 1 - General

35. (1) The Board shall have the right to require any person to produce any document or information in his possession, custody or control which he may require for the purposes of his functions.

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Made this 28th day of August 1998

J. G. M. DAB
Director

130/98