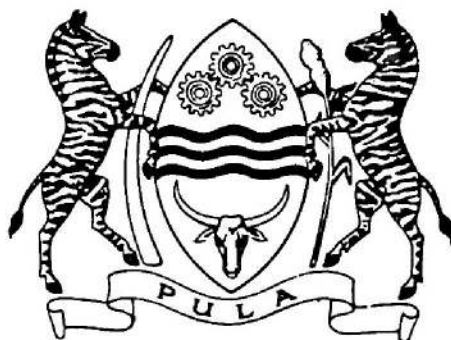


# REPUBLIC OF BOTSWANA



## GOVERNMENT GAZETTE

### EXTRAORDINARY

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The following Supplement is published with this issue of the Gazette —

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Bill No. 32 of 1998

**TRADE DISPUTES (AMENDMENT) BILL, 1998**  
(Published on 11th December, 1998)

**MEMORANDUM**

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

2. A High Court has power, by virtue of its inherent jurisdiction, to alter, correct or supplement (in certain special circumstances) a judgment delivered or an order made by it. It also has power by virtue of the Rules of the High Court, subject to certain specified conditions, to set aside or vary a decision given by it. Similarly a magistrate's court has power under section 22 of the Magistrates' Courts Act (Cap. 04:04), *inter alia*, to rescind or vary its decision where such decision had been given in the absence of one of the parties to the action.

3. The Industrial Court which performs almost similar or analogous functions as those of the High Court has no such power to revise or rescind its decisions. The purpose of this Bill is, therefore, to amend the Industrial Disputes Act to confer similar jurisdiction on the Industrial Court, to revise, vary or rescind its decision in accordance with the provisions of the proposed amendment.

**B.K. TEMANE,**  
*Minister of Labour and Home Affairs.*

**A BILL**  
—entitled—

**An Act to amend the Trade Disputes Act**

*Date of Assent:*

*Date of Commencement:*

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Trade Disputes (Amendment) Act, 1998, and shall be deemed to have come into operation on 1st April, 1994.

2. The Trade Disputes Act is amended by inserting immediately after section 25 thereof, the following new sections —

“Rescission or  
variation of  
default  
judgment

25A. (1) A judgment or order obtained in default of appearance or of defence or in the absence of one of the parties to the action or proceeding (in this section referred to as a “default judgment”) may be rescinded or varied on the application, in accordance with the provisions of subsection (2), of the party affected by the default judgment.

Short title and  
commence-  
ment

Insertion of  
sections 25A  
and 25B in  
Cap. 48:02