

REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

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GABORONE

31st December, 1998

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Government Notice No. 471 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 21st December, 1998 to 8th January, 1999.

DATED this 21st day of December, 1998.

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

Government Notice No. 472 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Attorney-General

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

ABEDNEGO BATSHANI TATA

has been appointed to act as Attorney-General from 19th December, 1998 to 10th January, 1999.

DATED this 16th day of December, 1998.

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

Government Notice No. 473 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Attorney-General

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

IAN STUART KIRBY

has been appointed to act as Attorney-General from 11th to 17th January, 1999.

DATED this 16th day of December, 1998.

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

Government Notice No. 474 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Auditor-General

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

EDWIN PHENYO SEABELO LETSIDIDI

has been appointed to act as Auditor-General from 13th to 16th December, 1998.

DATED this 15th day of December, 1998.

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

Government Notice No. 475 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 21st to 31st December, 1998.

DATED this 21st day of December, 1998.

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

Government Notice No. 476 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Secretary for Foreign Affairs

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

CHARLES T. NTWAAGAE

has been appointed to act as Secretary for Foreign Affairs from 4th to 21st December, 1998.

DATED this 18th day of December, 1998.

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

Government Notice No. 477 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Secretary for Foreign Affairs

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

MUSTAQ MOORAD

has been appointed to act as Secretary for Foreign Affairs from 22nd December, 1998 to 14th January, 1999.

DATED this 18th day of December, 1998.

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

Government Notice No. 478 of 1998

CONSTITUTION OF BOTSWANA

Acting Appointment — Secretary for Foreign Affairs

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

CHARLES T. NTWAAGAE

has been appointed to act as Secretary for Foreign Affairs from 15th to 22nd January, 1999.

DATED this 18th day of December, 1998.

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

Government Notice No. 479 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 P. MACHACHA

has been appointed to act as Permanent Secretary, Ministry of Minerals, Energy and Water Affairs from 21st December, 1998 to 13th January, 1999.

DATED this 18th day of December, 1998.

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

Government Notice No. 480 of 1998

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Labour and Home Affairs**

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

PETER LETLHOGONOLO SIELE

has been appointed to act as Permanent Secretary, Ministry of Labour and Home Affairs from 23rd to 31st December, 1998.

DATED this 18th day of December, 1998.

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

Government Notice No. 481 of 1998

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Local Government, Lands and Housing**

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

DAVID MODIBETSANE

has been appointed to act as Permanent Secretary, Ministry of Local Government, Lands and Housing from 21st December, 1998 to 26th January, 1999.

DATED this 16th day of December, 1998.

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

Government Notice No. 482 of 1998

ROAD TRANSPORT (PERMITS) ACT
(Cap 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS
(Cap 69:03)(Sub Leg)

Applications for Road Transport Permits-P-Permits

NOTICE IS HEREBY given that in accordance with regulation 4 of the Road Transport (Permits) Regulations, the applicants for Road Transport Permits, listed in the first column of the Schedule to this Notice, will have their applications heard at public sittings as stated in the fourth column of the Schedule.

Representations and objections to the said applications shall be made to the Officer-In-Charge, Department of Road Transport and Safety, Private Bag 00430, Maun and to the applicant by registered mail so as to reach the addresses not later than 21 days after the notice has appeared in the Government Gazette.

SCHEDULE

<i>Name and Address of Applicant</i>	<i>Applicant Number</i>	<i>Route Applied For</i>	<i>Date, Time and Location of Hearing</i>
Chombo Ngakaemang, Box 368, Francistown.	F0028T	Tutume-Matobo	21st January, 1999 Leseding Hall
Kuruneru Masike, Box 10104, Francistown.	F0029T	F/Town - Newstands	

Bangani Mbulawa, Box 220, Francistown.	F0030T	F/Town - Marobela Semetwe
Abendico Thogo, Box 11324, Tatitown, Francistown.	F0031T	F/Town - Marapong Semetwe
Sefi Morima, Box 109, Tshesebe.	F0032T	F/Town - Themashanga
Raphel Panganani, Box 464, Francistown.	F0033T	F/Town - Coloured/ Newstands (Goven Temporary) at Coloured)
Mathalaza Meki, Box 20153, Gaborone.	F0034T	F/Town - Matsiloje or Ramokgwebana
Muzila Gift, Box 58, Francistown.	F0035T	F/Town - Matsiloje Masokwane
Oboty Ncube, Box 2011, Francistown.	F0036T	T/Town - Monarch
Master M. Mbulawa, Box 603, Francistown.	F0037T	F/Town - Donga
Master M. Mbulawa, Box 603, Francistown.	F0038T	F/Town - Blue Town
Tshekatsheko D. Setlhomu, Box 1312, Orapa.	F00039T	Orapa - Letlhakane
Maluzo Khulekani Box 2041, Gaborone.	F0040T	Tutume - Maitengwe
Dusani Tafila, Box 1964, Francistown.	F0041T	F/Town - Sebina
Ezakial Dube, Box 160, Francistown.	F0042T	F/Town - Monarch
Dokotela Omnibus (Pty)Ltd, 13784 Westerham Road, Thorngrove, Bulawayo.	F0043T	F/Town - Bulawayo

DATED this 23rd day of December, 1998.

J.B. KOTI,
Transport Secretary.

Government Notice No. 483 of 1998

EDUCATION ACT (Cap. 58:01)

Change in the Establishment of Schools

IN ACCORDANCE with the provisions of section 18 of the Education Act, notice is hereby given that applications have been received for a change in the establishment of the undermentioned schools as indicated —

The Board of Governors of Gabane Private Secondary School, P.O. Box 392, Gabane has applied to include vocational skills and production lessons in the school syllabus.

S. Kapur of the Indian Association of Botswana has applied to change the name of Bharati Primary School to Bothale Primary School.

Any person or body of persons wishing to object to the applications should lodge the objection in writing, with me and the applicants at the addresses given stating the grounds of the objection, within six weeks of the publication of this Notice.

DATED this 2nd day December, 1998.

P.T. RAMATSUI,
*Permanent Secretary,
Ministry of Education.*

MOTOR VEHICLE THEFT ACT
(ACT NO. 17 OF 1995)

Unclaimed Motor Vehicles

IN EXERCISE of the powers conferred on the Commissioner of Police by Section 17 (2) of the Motor Vehicle Theft Act, it is hereby notified that the undermentioned unclaimed motor vehicles have been standing idle in Police custody and remain unclaimed.

If any of the vehicles remain unclaimed for two months after date of the last publication of this notice, they shall be forfeited to the Government and dealt with as the Commissioner of Police may direct.

MAKE	REG. NO.	COLOUR	ENGINE NO.	CHASSIS NO.	DATE FOUND	PLACE KEPT
Sportage S/Wagon	AAN8920	Metallic Green	Not visible	KNA JA 5535 T5 110990	11/02/98	Mahalapye
Toyota Corolla	BD4155D	Green	OE-048113	EE80-9814998	30/01/98	Mahalapye
Mitsubishi GL	-	Light Blue	-	-	16/10/94	Mahalapye
Toyota Corolla 1.3	NKP 706 T	White	TPA80-0522151324	Not visible	18/08/95	Tonota
Toyota Santra	CC22677	Grey	467808	4090004496	28/10/97	Tshesebe
Mazda 323	500-301E	Beige	E3170690	Not visible	21/11/97	Tshesebe
Nissan 1 Tonneur	-	White	-	W001255	09/06/94	CPS
Mazda-Sting 323	NN3835	Red	-	-	1997	Tshesebe
Ford Courier	-	Red	-	NR522612	04/03/98	CPS
Toyota Corolla	BD7372E	White	-	9894358	03/03/98	CPS
Chev. Record	SB264309	Yellow	-	-	03/03/98	CPS
Toyota Corolla	BF6234	Tusk	-	9800195	01/02/98	CPS
Mazda 323	BA2809A	Blue	-	AAD9022	28/02/98	CPS
Jetta	LVL487T	White	-	16JU016765	21/04/98	CPS
Audi	CCN2843	Blue	-	-	21/02/98	CPS
Mazda 323	BE97A	White	-	-	04/03/98	CPS
Two Canopies	-	White	-	-	1993	Broadhurst
Mazda 323	BD4218B	Brown	E5937188	HX3LE4100008647	1991	Broadhurst
BMW	-	Grey	2186394	07016194	1991	Broadhurst
Nissan Sport	BG4901	Maroon	0003670	939675	1997	Broadhurst
Venture	CA86864	White	-	400/AOG/R	1993	Broadhurst
Toyota Corolla	BF5416	Grey	-	-	1991	Broadhurst
Datsun	BZ7289	Tusk	132597	A48223	1991	Broadhurst
Ford Escort	CJC5651	Yellow	B10535	RC55211235482	1989	Broadhurst
Mazda 626	BB3076	Silver Grey	FE435860	-	1997	Urban Police
Trailer with rails	-	C/White	-	-	1997	Urban Police
VW Jetta	BD9631B	White	-	-	1998	Urban Police
T/Hilux 4x2	B1764	Beige	2Y9005409	YN510002078	27/03/93	Selebi-Phikwe
Hilux 4x2	BD7134A	White	3Y9705510	YN500034046	20/08/93	Selebi-Phikwe

DATED this 10th day of December, 1998.

E.J. BATSHU,
for Commissioner of Police.

First Publication

PUBLIC NOTICES

Republic of Botswana— Tender TB No. 9/8/2/98-99

SUPPLY OF TRUCK-TRACTORS 6 x 4

TENDERS ARE INVITED for the supply of three (3) Truck-Tractors to the Government of Botswana. This tender closes at 10.00 hours on Wednesday 17th February, 1999 and any tenders received after the above time and date will not be considered nor will any telephonic, telegraphic or telex submissions. Tenders are to be submitted in duplicate, in sealed envelopes to the Director, Central Tender Board, Private Bag 0058, Room 201, Ministry of Finance and Development Planning, Gaborone, Botswana. The above tender number and description should be clearly endorsed on the envelopes.

Terms and conditions: The details regarding the terms and conditions, specifications, etc. are available on request from the office of the Assistant General Manager (Transport), Central Transport Organisation, Private Bag X048, Gaborone, Botswana. Telephone 371776, Fax: 306404, Telex: 2247 BD.

The Government of Botswana reserves the right to reject any tender, whether or not the lowest without divulging reasons.

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

Republic of Botswana — Tender No. TB 8/1/13/98-99

SUPPLY OF HARDWARE AND SOFTWARE TO THE DEPARTMENT OF LANDS

TENDERS ARE INVITED for the supply of IT Hardware to the Department of Lands. The tender documents are available from 20th December, 1998 in Department of Lands, Office 112. Contact Mr Tshebetso Kgatlwane (Phone 301402).

Tenders in triplicate should be delivered to the Director, Central Tender Board, Private Bag 0058, Gaborone, Room 202, Ministry of Finance and Development Planning not later than 10.00 hours on Wednesday 20th January, 1999 in an envelope marked: "TB 8/1/13/98-99 — Supply and Installation of Computer Equipment to the Department of Lands."

The CTB reserves the right to award all, part of this tender. Tenders received after the closing date and time will not be considered. Telephone, telegraphic, telex or facsimile tenders will not be considered. The lowest nor any tender will not necessarily be accepted.

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

Republic of Botswana— Tender TB No. 9/8/18/98-99

SUPPLY OF BACKHOE LOADERS

TENDERS ARE INVITED for the supply of three (3) Backhoe Loaders to the Government of Botswana. This tender closes at 10.00 hours on Wednesday 10th February, 1999 and any tenders received after the above time and date will not be considered nor will any telephonic, telegraphic or telex submissions. Tenders are to be submitted in duplicate, in sealed envelopes to the Director, Central Tender Board, Private Bag 0058, Room 201, Ministry of Finance and Development Planning, Gaborone, Botswana. The above tender number and description should be clearly endorsed on the envelopes.

Terms and conditions: The details regarding the terms and conditions, specifications, etc. are available on request from the office of the Assistant General Manager (Transport), Central Transport Organisation, Private Bag X048, Gaborone, Botswana. Telephone 371776, Fax: 306404, Telex: 2247 BD.

The Government of Botswana reserves the right to reject any tender, whether or not the lowest without divulging reasons.

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

**Republic of Botswana — Tender No. TB 9/3/167/98-99
Notice of Postponement of Closing Date**

PROPOSED: MORWA HOUSING FOR LOCAL GOVERNMENT LANDS AND HOUSING

FURTHER to the tender notice for the above project included in the Government Gazette of 4th December, 1998, please be advised that the closing date has been postponed from 10th December, 1998 to 7th January, 1999 when tenders will be opened at 10.00 hours as usual.

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

**Republic of Botswana — Tender No. TB 9/3/166/98-99
Notice of Postponement of Closing Date**

PROPOSED: BOKAA HOUSING FOR LOCAL GOVERNMENT LANDS AND HOUSING

FURTHER to the tender notice for the above project included in the Government Gazette of 4th December, 1998, please be advised that the closing date has been postponed from 10th December, 1998 to 7th January, 1999 when tenders will be opened at 10.00 hours as usual.

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

**Republic of Botswana — Tender No. TB 9/3/165/98-99
Notice of Postponement of Closing Date**

PROPOSED: DIKGONNYE HOUSING FOR LOCAL GOVERNMENT LANDS AND HOUSING

FURTHER to the tender notice for the above project included in the Government Gazette of 4th December, 1998, please be advised that the closing date has been postponed from 10th December, 1998 to 7th January, 1999 when tenders will be opened at 10.00 hours as usual.

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

Republic of Botswana — Tender No. TB 9/3/198/98-99

**PROPOSED EXTENSIONS TO SIR SERETSE KHAMAH INTERNATIONAL AIRPORT,
GABORONE, BOTSWANA**

THE Government of the Republic of Botswana proposes to invite tenders for the extension/construction and completion of Sir Seretse Khama Airport, Gaborone.

The approximate estimated cost of the project is Botswana Pula 75,000,000.00. The facility would be DDF funded. Prospective Tenderers are advised that pre-qualification documents will only be issued to those contractors registered with Central Tender Board, who can produce proof that they are registered for building works Grade E or international contractors who can prove registration in a similar category in their countries of operations and have carried out works of a similar nature and size.

It is anticipated that the pre-qualification documents would be available at the Department of Architecture and Building Services, Room 002, Ground Floor on the 8th March, 1999.

Contractors wishing to pre-qualify to tender for this project should apply in writing to the Secretary, Central Tender Board, Private Bag 0058, Room 202, Ministry of Finance and Development Planning, 2nd Floor, Gaborone, Botswana.

Such application which should respond to the attached application data, should be delivered not later than 10.00 hours on Wednesday 17th February, 1999. Applications delivered after that time and date will not be considered. Telegraphic, telex or telephoned applications will not be considered.

Notwithstanding anything contained in this document, the Government of Botswana shall in its sole discretion have the right to accept or reject any such application.

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

Republic of Botswana — Tender No. TB 6/1/50/98-99

CONSULTANCY – A STUDY OF THIRD LANGUAGE TEACHING IN BOTSWANA

TENDERS ARE INVITED by the Ministry of Education, Department of Curriculum Development and Evaluation for a consultancy to conduct a study on the development of the local languages in Botswana. The study should inform Ministry of Education on the exact status of the local language in terms of:

- the number of local languages
- their geographical distribution
- their coverage in terms of the number of people who speak them
- their development in terms of how many can be written
- how much material has been published in each of the languages
- number of people who speak, write and can teach the languages

The consultant should come up with recommendations to assist with the implementation of the Revised National Policy on Education Recommendation 32 which calls for the inclusion of third languages in curriculum for junior secondary education. The consultancy is anticipated to take six (6) months.

THE CONSULTANT SHOULD HAVE THE FOLLOWING:

- (a) practical experience in first language development and teaching
- (b) research skills and experience in researching local languages
- (c) extensive research experience in languages and their development.

Tender documents with detailed specifications of the study may be obtained from the Director, Department of Curriculum Development and Evaluation, Gaborone, Office No. 317 during normal working hours.

Tenders are to be submitted in a plain sealed envelope clearly marked: "TB 6/1/50/98-99 — A Study of Third Language teaching in Botswana" not later than 10.00 a.m. on the 17th March, 1999. Tenders received after the closing date and time will not be considered.

Telephone, telegraph, telex or facsimile tenders will not be considered. The Ministry of Education is not bound to accept the lowest or any tender and will not assign any reason for non-acceptance of the tender. The Ministry will not be responsible for any costs incurred in the preparation of this tender. All prices must remain valid for a period of not less than 90 days from the closing date of the tender.

For further information please contact Mr L.T. Moahi or Mrs S. Makgothi at 352990 or 373844.

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

Liquidators' Notice

LOSE QUARRIES (PTY) LIMITED (In Liquidation)
Master's Ref.: 76/97

NOTICE IS HEREBY given in accordance with section 19(1) of the Companies Act (Chapter 42:01) that, having distributed the final dividend, application will be made to the Master of the High Court, Lobatse by the joint liquidators for their release.

Any person objecting to their release should within 21 days of the publication of this notice, give notice in writing to the Master and state the reasons upon which his objection is based.

JOHN P. HINCHILIFFE
Joint Liquidator

FANWELL B. LUSWILI
Joint Liquidator

Order for Liquidation**INSURANCE BROKING COOPERATIVE SOCIETY LTD.**

UNDER section 94 of the Cooperative Societies Act No. 5 of 1989.

- Whereas** An investigation has been conducted into the working condition of the Insurance Broking Cooperative Society Ltd.
- Whereas** from the findings of the investigation, whose report was submitted to me on October 20th, 1998, I am of the opinion that the said Society ought to be dissolved.
- Now** Therefore under the powers conferred on me as Commissioner for Cooperative Development by section 94 (1) of Cooperative Societies Act No. 5 of 1989, I hereby order the liquidation of Insurance Broking Cooperative Society Limited.
- Appeal** from this order an appeal may be made by any member of the said society to the Minister of Agriculture within six weeks from the date of this order whose decision shall be final. Where no appeal is presented within this period this order shall take effect on the expiry of the period. Where an appeal is presented within six weeks, the order shall not take effect until it is confirmed by the Minister.

MADE at Gaborone this 22nd day of December, 1998.

K.K. MMOPI,
Commissioner for Cooperative Development.

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

Case No. CC 890/98

In the matter between:

JOY ALEXANDER	<i>Plaintiff</i>
and	
BOTLHAGETSE MOTSEONAGENG	<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:	27th January, 1999
TIME:	10.30 a.m.
VENUE:	Broadhurst Police Station
PROPERTY TO BE SOLD:	Astra TV, 4 piece sofas, fridge (white), head board, dressing table.
CONDITIONS OF SALE:	Cash or bank guaranteed cheques.

DATED at Gaborone on this 11th day of December, 1998.

MESSRS HELFER & COMPANY, *Plaintiff's Attorneys*, Plot No. 347, Moeding Road,
Extension 4, P.O. Box 906, GABORONE.

**IN THE SUBORDINATE COURT OF THE FIRST CLASS FOR THE NORTHERN
MAGISTERIAL DISTRICT
HELD AT FRANCISTOWN**

Case No. CCF 491/98

In the matter between:

SIBONGILE MLESI
and
GALERONE TSHUKUDU

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of this Honourable Court, the following property of the Defendant shall be sold by the Deputy Sheriff of Francistown to the highest bidder:

DATE OF SALE:	28th January, 1999
TIME:	10.30 a.m.
VENUE:	Francistown Magistrate Court
PROPERTY TO BE SOLD:	1 x 1 fridge
TERMS OF SALE:	Cash or bank guaranteed cheque immediately after sale.

DATED at Francistown on this 8th day of December, 1998.

DEPUTY SHERIFF J.S.S. MATENGE,
Private Bag 19, FRANCISTOWN.

Ngwato Land Board — Tender No. NLB/09/98

GLOBAL POSITIONING SYSTEM EQUIPMENT FOR ZERO ORDER NETWORK

This tender (NLB/09/98) is being issued by Ngwato Land Board. The purpose of the tender is to obtain Geodetic Global Positioning System receivers, specialised software and accessories.

TENDER CONDITIONS:

A full tender document is obtainable from: The Secretary, Ngwato Land Board, Private Bag 0012, Serowe, Botswana, Tel: (00267) 430487 Fax: (09267) 431483.

The issue date for this tender is 11th December, 1998, and the closing date is 31st December, 1998 at 1630 p.m. Tenderers shall provide three (3) copies of their tender response in plain sealed envelopes to the above address, and shall be marked: "NLB/09/98 — Global Positioning System Equipment for Zero Order Network"

PRINCE O. PULENG,
for Board Secretary.

Third Publication

Kgalagadi District Council —Tenders No. 35 KGDC/1998

SUPPLY OF PORTABLE WATER TESTING EQUIPMENT (KIT)

TENDERS ARE invited by the Kgalagadi District Council for the supply of Portable Water Testing Equipment using simple proven procedures and low-cost long life consumables.

Submissions should include the catalogue showing the kit, specifications for the kit, test parameters and list of all materials making up the kit.

SUBMISSIONS SHOULD ALSO INDICATE AND SHOW PROOF OF THE FOLLOWING:—

- (i) Ready and near availability of consumables.
- (ii) Ready and near availability of spare parts.
- (iii) "Local" or very near service and repair/backup facilities.

Tender prices should be in Pula Currency and must remain firm throughout the supply period from date of award. Tenders should be submitted in plain sealed envelopes marked "Tender No. 35 KGDC/1998—Supply of Water Testing Equipment" addressed to the Council Secretary, Kgalagadi District Council, Private Bag 005, Tsabong. Tenders should reach the office of the Council Secretary, Kgalagadi District Council, not later than 9.00 a.m. on 25th January, 1999.

Tenders would be opened immediately after the closing time in the Council Chamber before interested tenderers wishing to witness at their own expense. Kgalagadi District Council is not bound to accept the lowest or any tender not should give any reason for rejection/acceptance.

C.F. ADJEI,
for Council Secretary.

Second Publication

Sowa Township Authority — Tender No. SOWA/ENG/3/98

CONSTRUCTION OF FIRE STATION

TENDERS ARE INVITED by Sowa Township Authority for the construction of a Fire Station in Sowa. Approximately, plinth areas of the main and ancillary buildings are of 980 square metres.

Tender documents will be available from the Town Engineer's Office, Sowa Township Authority, Sowa on payment of a non-refundable tender fee of Two Hundred and Fifty Pula (P250,00). Only contractors who are currently registered with the Ministry of Local Government Lands and Housing in category 9 and also those who are registered with Central Tender Board in category D, will be considered for the issue of tender documents.

Tenders in a plain sealed envelope marked "Tender No. SOWA/ENG/3/98—Construction of Fire Station" should be sent to reach the Chief Executive Officer, Private Bag Sow 1, Sowa, not later than 1000 hrs on the 25th January, 1999, when tenders will be opened in the presence of tenderers wishing to attend.

Notwithstanding anything foregoing, Sowa Township Authority is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

P.C. ALEXANDER,
for Chairman/Chief Executive Officer.

Second Publication

Sowa Township Authority — Tender No. SOWA/ENG/4/98

SUPPLY AND DELIVERY OF FIRE ENGINES

TENDERS ARE INVITED by Sowa Township Authority for the supply and delivery of one number heavy duty fire engine and one number of 4 x 4 Command Fire Vehicle.

Tender documents will be available from the Town Engineer's Office, Sowa Township Authority, Sowa on payment of non-refundable tender fee of Fifty Pula (P50,00). Telephonic, fax and telegraphic tenders will not be accepted. Price quotations should be in Botswana Pula and held firm against Rand/Pula fluctuation up to the delivery period from the closing date.

Tenders in a plain sealed envelope marked "Tender No. SOWA/ENG/4/98—Supply of Fire Engines" should be sent to reach the Chief Executive Officer, Private Bag Sow 1, Sowa, not later than 1000 hrs on the 25th January, 1999, when tenders will be opened in the presence of tenderers wishing to attend.

Notwithstanding anything foregoing, Sowa Township Authority is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

P.C. ALEXANDER,
for Chairman/Chief Executive Officer.

Second Publication

Sowa Township Authority — Tender No. SOWA/ENG/5/98**CONSTRUCTION OF STORM WATER DRAIN**

TENDERS ARE INVITED by Sowa Township Authority for the construction of storm water drain in Sowa. Work include the construction of the following works and associated services:

1. Laying 650 m of pre-cast concrete pipe (900 & 600 mm) in diameter.
2. Construction of manholes.

Tender documents will be available from the Town Engineer's Office, Sowa Township Authority, Sowa on payment of non-refundable tender fee of Fifty Pula (P50,00). Only contractors who are currently registered with the Ministry of Local Government, Lands and Housing in category 6 and 7 will be considered for the issue of tender documents.

Tenders in a plain sealed envelope marked "Tender No. SOWA/ENG/5/98—Construction of Storm Water Drain and manholes" should be sent to reach the Chief Executive Officer, Private Bag Sow 1, Sowa, not later than 1000 hrs on the 25th January, 1999, when tenders will be opened in the presence of tenderers wishing to attend.

Notwithstanding anything foregoing, Sowa Township Authority is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

P.C. ALEXANDER,
for Chairman/Chief Executive Officer.

*Second Publication***Sowa Township Authority — Tender No. SOWA/ENG/6/98****STREET LIGHTING IN DARK CITY**

TENDERS ARE INVITED by Sowa Township Authority for the supply and erection of street lights in Sowa. The project includes the following works and associated services:—

1. Supply and erection of 101 street lights with fittings.
2. Laying of cables.

Tender documents will be available from the Town Engineer's Office, Sowa Township Authority, Sowa on payment of non-refundable tender fee of Fifty Pula (P50,00).

Tenders in a plain sealed envelope marked "Tender No. SOWA/ENG/6/98—Street Lighting in Dark City" should be sent to reach the Chief Executive Officer, Private Bag Sow 1, Sowa, not later than 1000 hrs on the 25th January, 1999, when tenders will be opened in the presence of tenderers wishing to attend.

Notwithstanding anything foregoing, Sowa Township Authority is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

P.C. ALEXANDER,
for Chairman/Chief Executive Officer.

*Second Publication***Notice of Intention to Disposal Trading/Liquor Licence**

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, that I, Goleba Mogotsi have disposed of my entire interest in carrying on the business of General Dealer to Dipetso Ketlogetswe who will continue to trade at the same premises and under the same style of a General Dealer.

GOLEBA MOGOTSI, P.O. Box 1002, MAHALAPYE.

*Second Publication***Notice of Intention to Disposal Trading/Liquor Licence**

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Khei Gees (Pty) Ltd have disposed of our entire interest in carrying on the business of Specialised (Hardware, building materials, electrical electronics) to Jay Sant Investments (Pty) Ltd who will continue to trade at the same premises and under the same style of a speciality.

KHEI GEES (PTY) LTD, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, PALAPYE.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Simon Viljoen have disposed of my entire interest in carrying on the business of Fresh produce and General Dealer to Amogelang Gababothale who will continue to trade at the same premises and under the style of a Fresh Produce and General Dealer.

SIMON VILJOEN, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, PALAPYE.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Simon Viljoen have disposed of my entire interest in carrying on the business of a Bar to Amogelang Gababothale who will continue to trade at the same premises and under the style of a Bar.

SIMON VILJOEN, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, PALAPYE.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that We, Modern Funeral Undertakers (Pty) Ltd have disposed of our entire interest in carrying on the business of Funeral Undertakers to Kagiso Funeral Parlour who will continue to trade at the same premises and under the same style of a Funeral Undertakers.

MODERN FUNERAL UNDERTAKERS (PTY) LTD, c/o Multi-Skills Corporate Services (Pty) Ltd,
P.O. Box 10337, SELEBI-PHIKWE.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Edith Bosch have disposed of my entire interest in carrying on the business of Bosch Fresh Produce who will continue to trade at the same premises and under the same style of a Fresh Produce.

EDITH BOSCH, P.O. Box 2, CHARLESHILL.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Davis M. Ramoswaana have disposed of my entire interest in carrying on the business of General Dealer to Edith Bosch who will continue to trade at the same premises and under the same style of a Second hand Furniture Shop (Pond Shop) Licence.

DAVIS M. RAMOSWAANA, P.O. Box 31, GHANZI.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Davis M. Ramoswaana have disposed of my entire interest in carrying on the business of Liquor Restaurant to Hans F. Metzler who will continue to trade at the same premises and under the same style of a Liquor Restaurant.

DAVIS M. RAMOSWAANA, P.O. Box 31, GHANZI.

Second Publication

Notice of Intention to Disposal Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (c) of the Trade and Liquor Act, 1987 that I, Moituledi have disposed of entire interest in carrying on the business of General Dealer to Wantwa Sekoanelo who will continue to trade at the same premises and under the same style of a General Dealer.

LOKGWABE MOITULEDI, P.O. Box M1265, KANYE.

Second Publication

Notice of Application for Removal of Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a certificate in terms of sections 23 of the Trade and Liquor Act, 1987, to obtain a removal of a General Wholesale Licence in respect of premises situated at Rammopwaana Ward, Mochudi to Mabodisa Ward, Mochudi and that the Kgatleng District Council has determined that the application shall be heard by the licensing Authority.

MOCHUDI WHOLESALERS (PTY) LTD, t/a Maxisave, c/o Access Professional Services (Pty) Ltd,
P.O. Box 830, PALAPYE.

Second Publication

Notice of Application for Removal of Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a certificate in terms of sections 23 of the Trade and Liquor Act, 1987, to obtain a removal of a General Trading Licence in respect of premises situated at Rammopwaana Ward, Mochudi to Mabodisa Ward, Mochudi and that the Kgatleng District Council has determined that the application shall be heard by the licensing Authority.

MOCHUDI WHOLESALERS (PTY) LTD, t/a Maxisave, c/o Access Professional Services (Pty) Ltd,
P.O. Box 830, PALAPYE.

Second Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a transfer of a Specialised Wholesale Licence from Francistown Meat Processing and Packaging (Pty) Ltd to Senn Foods (Pty) Ltd and that the City of Francistown Council Licensing Authority has determined to hear the application on 12th January, 1999.

FRANCISTOWN MEAT PROCESSING AND PACKAGING (PTY) LTD, c/o Chartacc Business
Services (Pty) Ltd, P.O. Box 28, FRANCISTOWN.

Second Publication

Notice of Application for a Change of Style of Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a change of style of the business from Bottle Store to General Dealer Licence in respect of premises situated at Lot Tshekenyega Ward and that the Council has determined that the application shall be heard by the Licensing Authority on 21st December, 1998.

R. TEBOGO MOLAPISI, P.O. Box 20335, MAHALAPYE.

Second Publication

Notice of Application for a Change of Style of Licence

NOTICE IS HEREBY given that the undersigned intends to apply terms of section 9 of the Trade and Liquor Act, 1987 (No. 43:02 of 1987) to change the style of General Dealer to 2nd Hand Furniture Shop (Pond Shop) in respect of premises situated at Charleshill and that the Charleshill Sub-Licensing Authority has determined that the application shall be heard by the Licensing Authority on the 26th January, 1999.

EDITH BOSCH, P.O. Box 2, CHARLESHILL.

Second Publication

Kgalagadi District Council

SCHEDULE OF MEETINGS 1999

FULL COUNCIL

March, 8th
June, 7th
September, 6th
December, 6th

FINANCE AND GENERAL PURPOSES COMMITTEE

January, 27th
March, 24th
May, 26th
July, 28th
September, 22nd
November, 24th

EDUCATION COMMITTEE

January, 20th
April, 21st
July, 14th
October, 13th

HEALTH AND WORKS AND SOCIAL SERVICES COMMITTEE

January, 21st
April, 22nd
July, 15th
October, 14th

LOCAL LICENSING COMMITTEE

TSABONG

January, 26th
February, 23rd
March, 23rd
April, 27th
May, 25th
June, 29th
July, 27th
August, 24th
September, 21st
October, 26th
November, 23rd
December, 15th

HUKUNTSI

January, 14th
February, 4th
March, 4th
April, 8th
May, 6th
June, 3rd
July, 8th
August, 5th
September, 1st
October, 7th
November, 4th
December, 1st

Second Publication

Molapowaditau Industrial Site

BANGWAKETSE TRIBAL TERRITORY — TRIBAL LOTS 886—925

KITSISO: Sechaba se itsisiwe gore gona le ditsha tsa madirelo di le masome a mabedi (20) tse di ka abelwang batho mo Kanye fa tsela ya Gaborone e tswang teng mo go ya Kanye, Jwaneng, difomo tsa ikopelo di ka bonwa ko diofising dingwe le dingwe tsa kabo ditsha mo Botswana. Difomo di duelelwa P5,00 pele ga di ka amogelwa ko diofising tsa kabo ditsha mme P5,00 yoo ga a busiwe.

- TSE DI TLHOKEGANG:** (a) Sesupo sa banka sa madi sa dikgwedi tse thataro. Kana, dibuka tsa madi tse di tlhatlhobilweng, Kana dithoto tsa Tlhwatlhwa e e kanokilweng ke Baitseanapi. Kana loruo lo lo supetsweng ke bakenti. Kana lokwalo go tswa ko makgotleng a a adimang madi.
- (b) Ditlhabololo:— Gore di a go tsamaisiwa ka sebopego sefe; palo ya batho ba o ka bahirwang; tshimologo le go wediwa ga tlhabololo ya setsha; madi a a tlaa dirisiwang go tlhabolola jalo jalo.
- (c) Sesupo/Setlankana sa kwadiso ya lekgotla fa baikopedi e le komponi kgotsa setlhopha.
- (d) Seemo sa boagedi fa mokopi e le motswakwa dikopo tsotlhe di romelwe go go: Mokwaledi, Ngwaketse Land Board, Private Bag MK11, Kanye. Dikopo di tla tswalelwa kgwedi ya Firikgong e tlhola Malatsi a le Borobabobedi (January, 8th 1999) fa diofisi di tswalwa ka (4.30 p.m.) fa o sa kgona go tsisa nngwe ya tse ditlhokegang. Kopo ya gago ga e kitla e sekasekiwa.

Molapowaditau Industrial Site

BANGWAKETSE TRIBAL TERRITORY TRIBAL — LOTS 886—925

NOTICE: The Public is informed that there are 20 industrial Plots available for allocation in Kanye—Molapowaditau at Kanye/Jwaneng/Gaborone Junction common law application forms can be obtained from any land board office in the country and a non-refundable fee of P5,00 is paid before submission of the application form.

- REQUIREMENTS:** (a) Financial Statement/asset as proof of financial backing to develop the plot, e.g. Bank Statement for 6 Months or audited Financial Report or certified property valuation report or number of livestock from the latest census or letter of financial support from a financial institution.
- (b) Project brief:— How the project will be executed: Number of people to be employed, commencement and completion date of the project: amount to be invested in the project etc.
- (c) Certificate of Incorporation/Memorandum of association in case of companies.
- (d) Residential status in case of non-citizens: Applications to be addressed to: The Land board Secretary, Ngwaketse Land Board, Private Bag MK11, Kanye.

All required information to reach the office not later than the 8th January, 1999 at the close of business (4.30 p.m.), failure to fulfill any of the advert requirements will automatically disqualify the application.

Second Publication

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

Case No. CC 670/86

In the matter between:

NATIONAL DEVELOPMENT BANK
and
DANIEL SERALANYANE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

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: 5th February, 1999
TIME OF SALE: 10.00 a.m.
VENUE: At Kanye in the Bangwaketse Tribal Territory
PROPERTY TO BE SOLD: All the Defendant's right, title and interest in certain piece of land being Tribal Lot 163, Kanye in the Bangwaketse Tribal Territory, measuring 9005 m² held under Memorandum of Agreement at Lease No. 23/85 dated 20th August, 1985 made in favour of Daniel Seralanyane.
TERMS OF PAYMENT: Detailed terms and conditions of the sale together with details of the property may be inspected at the Deputy Sheriffs c/o National Development Bank, Telephone 352801, P.O. Box 225, Gaborone.
CONDITIONS OF SALE: Cash or Bank guaranteed cheques immediately after sale.

DATED at Gaborone this 7th day of December, 1998.

DEPUTY K.P. WAHENG, c/o KAELO BIKI RADIRA, *Plaintiff's Attorneys*, Development House, 2nd Floor,
P.O. Box 225, The Mall, GABORONE.

Second Publication

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

Case No. CC 274/92

In the matter between:

ELMA BUILDINGS (PTY) LTD
and
DUNCAN MOGATUSI

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASE TO TAKE NOTICE that pursuant to the judgment and writ of execution of the above Honourable Court immovable property of the Defendant will be sold in execution by Public Auction to the highest bidder by Deputy Sheriff Caine Mogorosi in the manner hereinafter set out:—

DATE OF SALE: 12th February, 1999
TIME: Between 10.00 a.m. and 1.00 p.m.
PLACE OF SALE: At each of the respective properties below.
PROPERTY TO BE SOLD: 1. Certain commercial (General Dealer) piece of land measuring 32 m x 32 m, together with improvements thereon, at Mmatseta Village, near Metsimothabe;
 2. A certain commercial plot (poultry) measuring 60 m x 80 m, at Mmatseta Village, near Metsimothabe;
 3. A certain commercial plot (Butchery etc.) measuring 60 m x 60 m, at Bokaa Ward, Molepolole.
 4. A certain commercial (brick-moulding) plot measuring 32 m x 32 m, Metsimothabe;
 5. A certain commercial Lot No. 29 K-O, Metsimothabe;
 6. Certain residential plots together with improvements thereon.
TERMS OF PAYMENT: Cash or bank guaranteed cheques.
 10% deposit payable immediately after the sale unless otherwise agreed. Further terms available from Bashi Moesi Attorneys 351112.

DATED at Gaborone this 10th day of December, 1998.

DEPUTY SHERIFF, CAINE MOGOROSI, c/o BASHI MOESI ATTORNEYS, *Plaintiff's Attorneys*,
Plot No. 10210, Corner Nelson Mandela Drive & Bodungwe Road, Private Bag BR 144, GABORONE.

Second Publication

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

Case No. CC 2155/94

In the matter between:

**KGALAGADI BREWERIES (PTY) LTD
and
GODFREY MOTLHAMME MAINE**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASE TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court the under-mentioned movable property of the Defendant will be sold in execution as follows:—

DATE OF SALE:	Tuesday 2nd February, 1999;
TIME:	10.30 a.m.;
VENUE:	Lot 2827, Jwaneng;
PROPERTY TO BE SOLD:	Lot 2827 Jwaneng measuring 1,005 m2 (One Thousand and Five Square Metres) and residential building thereon;
TERMS OF SALE:	Detailed conditions of sale may be inspected at the offices of the Deputy Sheriff at the below stated address.

DATED at Gaborone this 8th day of December, 1998.

DEPUTY SHERIFF, c/o COLLINS NEWMAN & CO., *Plaintiff's Attorneys*,
Dinatla Court, P.O. Box 882, GABORONE.

Second Publication

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

Case No. 362/97

In the matter between:

**NORBETO ALVAREZ
and
THALIA ALVAREZ**

1st Applicant

2nd Applicant

NOTICE OF INTENTION TO APPLY FOR REHABILITATION

NOTICE IS HEREBY given that an application will be made in the High Court of the Republic of Botswana on Friday the 29th day of January, 1999 at 9.30 a.m. in the forenoon or so soon thereafter as Counsel may be heard for the rehabilitation of Norberto Alvarez and Thalia Alvarez.

DATED at Gaborone this 15th day of December, 1998.

CHRIS DU PLESSIS, *Plaintiff's Attorneys*,
Plot No. 213, Moremi Road, Private Bag 00352, 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>
Helpa Enterprises (Pty) Ltd, Moljack Consultancy P.O. Box 30037, Tlokweng.	Specialised sewing accessories materials, clothing	Plot No. 13102/13	Gaborone City Council	13.1.99
C. Modise, P.O. Box 1600, Mogoditshane.	Butchery	Mogoditshane	Kweneng District Council	.99
Queen Kwelagobe, P.O. Box 1234, Mogoditshane.	Specialised Dealer	Mogoditshane	Kweneng District Council	.1.99
Sebina Fresh Produce, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Fresh Produce	Sebina	Tutume Sub- District Council	15.1.99
Senn Foods (Proprietary) Limited, c/o Chartacc Business Services (Pty) Ltd, P.O. Box 28, Francistown.	Fresh Produce	Plot No. 1622 Light Industrial Area, Francistown	Francistown City Council	12.1.99
Hair Image & Beauty Salon (Monitts) Private Bag 1, Orapa, P.O. Box 47, Orapa.	Hair Dresser	Letlhakane Nkoshu Ward	Letlhakane Sub- District Council	.1.99
Amogelang Gababothale, t/a Top City General Dealer and Fresh Produce, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	General Trading	Topisi	Serowe/Palapye Sub-District Council	15.1.99
Amogelang Gababothale, t/a Top City General Dealer and Fresh Produce, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Fresh Produce	Topisi	Serowe/Palapye Sub-District Council	15.1.99
Palapye Salvage (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Workshop and Garage	Plot No. 420, New Industrial Area, Palapye	Serowe/Palapye Sub-District Council	15.1.99

Shihams Investments (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Workshop (electrical repairs and services, steel fabrication and supplies	Plot No. 222/40, Serorome Ward, Palapye	Serowe/Palapye Sub-District Council	15.1.99
Kealeboga Enterprises (Pty) Ltd, t/a Shalom Hair Salon, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Hair Salon	Serowe Mall, Serowe	Serowe/Palapye Local Authority	15.1.99
Amogelang Gababothale, t/a Top City Bar, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Bar	Topisi	Serowe/Palapye Sub-District Council	15.1.99
Norlua Investments (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Speciality (stationery, office, school supplies, electronic items)	Lotsane Ward, Palapye	Serowe/Palapye Sub-District Council	15.1.99
Jay Sant Investments (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Speciality (Hardware, building materials, electrical, electronic, jewellery, gift items)	Lotsane Ward, Palapye	Serowe/Palapye Sub-District Council	15.12.98
Kagiso Funeral Parlour, c/o Multi-Skills Corporate Services (Pty) Ltd, P.O. Box 10337, Selebi-Phikwe.	Specialised Dealer Funeral Parlour	Moseki Ward, Serowe	Selebi-Phikwe Local Licensing Authority	18.1.99
Zacharia Matlapeng, P.O. Box 47, Shashe.	Bottle Store	Shashe Bridge	North East District Council	27.1.99
Thebeyakgosi S. Kgosiemang P.O. Box 343, Lobatse.	Bar	BDC Complex, Lobatse	Lobatse Town Council	.1.99
Paul Phologo Chephethe, P.O. Box 237, Ramotswa.	Liquor Restaurant	Siga Ward, Ramotswa	South East District Council	.1.99
Mochudi Wholesalers (Pty) Ltd, t/a Maxisave, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	General Trading	Mabodisa Ward, Mochudi	Kgatleng District Council	5.1.99
Letsatsi Sefako, P.O. Box 335, Mochudi.	Fresh Produce	Phaphane Ward, Mochudi	Kgatleng District Council	5.1.99

Mochudi Wholesalers (Pty) Ltd, t/a Maxisave, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	General Wholesale	Mabodisa Ward, Mochudi	Kgatleng District Council	5.1.99
Wantlha Sekoanelo, P.O. Box M1265, Kanye.	General Dealer	Lorolwana Ward, Kanye	Southern District Council	19.1.99
Joseph Otukile, P.O. Box 10013, Gaborone.	Bar Liquor	Mogojogojo	Southern District Council	19.1.99
Hans F. Metzler, P.O. Box 2, Charleshill.	Liquor Restaurant	Charleshill	Charleshill Sub-District Council	.98
James Graham, J.R. Petroleum Brokers (Pty) Ltd, Private Bag BR 259, Broadhurst, Gaborone. Represented by: James Graham.	Agents Fuels and Lubricants	Plot No. 42803, Phakalane	National Licensing Authority	.98
The Pacific Ocean (Pty) Ltd, c/o Access Professional Services (Pty) Ltd, P.O. Box 830, Palapye.	Import/Export watches, clocks, watch spares, jewellery, electrical, electronic items, leather goods, office equipment, Chinaware, stationery	Plot No. 103/12, Serorome Ward, Palapye	National Licensing Authority	.98
Beach Club Clothing Botswana (Pty) Ltd, Private Bag 145, Selebi-Phikwe. Represented by: Sesegolo Atang Makgekgenene	Import/Export Permit shoes	Plot No. 8899, Selebi-Phikwe	National Licensing Authority	.98
All Trades and Motor Dealers, P.O. Box 615, Gaborone. Represented by: D. Mongake	Importer/Exporter new motor vehicles, used motor vehicles, engines, engine parts, body parts and related services	Gaborone Central, Extension 2, House No. 699	National Licensing Authority	.98
Botswana College of Agriculture, Private Bag 0027, Gaborone. Represented by: D & S Consultancy (Pty) Ltd	Auctioneer redundant and unserviceable college property	Content Farm, Sebele	National Licensing Authority	.98

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>
Sesarona Investment (Pty) Ltd., c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Petrol Filling Station	Lot No. 17868 Gaborone West, Gaborone	Gaborone City Council	13.1.99
M + X Trading (Pty) Ltd., c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Wholesale	Lot No. 17978 Gaborone West, Gaborone	Gaborone City Council	13.1.99
WAG Business Stationers (Pty) Limited, c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Motor Trading	Plot No. 1246 Industrial Site Gaborone	Gaborone City Council	13.1.99
WAG Business Stationers (Pty) Limited, c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Garage Workshop	Plot No. 1246, Industrial Site Gaborone	Gaborone City Council	13.1.99
Digital Electronics c/o Corporate Business Intellegence (Pty) Ltd., P.O. Box 10127, Gaborone.	Workshop repairing of Tv's and audios and electronic apparatus	Plot No. 42796 Phakalane- Gaborone	Gaborone City Council	13.1.99
Shrike Sales (Pty) Limited, P.O. Box 20202, Gaborone.	Workshop (making ceramic dolls)	Unit, 8 Plot No. 648 Nakedi Road, Broadhurst, Gaborone.	Gaborone City Council	13.1.99
Ethies Hair Design, P.O. Box 258, Gaborone	Hair Dressing	Plot No. 574 Extension 4	Gaborone City Council	13.1.99
City Retailers (Pty) Ltd., c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Specialised Trading clothing, footwear, electronic and electric goods and appliances, jewellery, cosmetics, hardware crockery	Lot No. 17561 Maruapula Gaborone	Gaborone City Council	13.1.99
Shrike Sales (Pty) Limited, P.O. Box 20202, Gaborone.	Specialised Trading (ceramic dolls)	Unit, 8 Plot No. 648 Nakedi Road, Broadhurst, Gaborone.	Gaborone City Council	13.1.99
Letsatsi Business Services (Pty) Limited, t/a Frontline Tyres P.O. Box 1387, Gaborone.	Specialised Trading	Plot No. 1234 Extension 6 Old Industrial Sites Council Gaborone	Gaborone City	13.1.99

Henry Trading c/o P.R. Executive Employment & Business Services, P.O. Box 2160, Gaborone.	Specialised Wholesale	Plot No. 5678 Broadhurst Industrial	Gaborone City Council	13.1.99
Henry Trading c/o P.R. Executive Employmen & Business Services, P.O. Box 2160, Gaborone.	Speciality (electronic and electrical equipment	Plot No. 5678 Broadhurst Industrial	Gaborone City Council	13.1.99
Hair Talk (Pty) Ltd., c/o Helfer & Company P.O. Box 906, Gaborone.	Speciality (clothing, jewellery, shoes, bags and accessories)	Plot No 13134 Broadhurst	Gaborone City Council	13.1.99
Sebina F. Empringham, P.O. Box 11457, Francistown. Botswana.	Bar Liquor	Aerodrome Plot No. 3041 Francistown	Francistown City Council	12.1.99
Olatetse Lekang, P.O. Box 880, Bobonong.	General Trading & Fresh Produce	Plot No. 3902 Western Arrears	Selebi-Phikwe Local Licensing Authority	.99
M & R Industrial & Domestic Enterprises (Pty) Limited, c/o Business Package Consultants (Pty) Limited, P.O. Box 148, Selebi-Phikwe.	Specialised Trading (paints and painting accessories)	Plot No. 2691	Selebi-Phikwe Local Licensing Authority	1.99
Keitumetse Moepele, c/o M. Elisha, P.O. Box 696, Lobatse.	General Trading	Mogojogojo	Southern District Council	19.1.99
Moarabi Moengele, Private Bag 5, Goodhope.	General Trading and Bottle Store	Metlobo	Southern District Council	19.1.93
M. Mokotedi, P.O. Box 29, Ranaka.	Bar and Bottle Store	Ranaka	Southern District Council	19.1.93
Moses Letshichoana, P.O. Box 32, Sedibeng.	Bar Liquor	Phitshane- Molopo	Southern District Council	19.1.99
Precious Modukanele, P.O. Box 81, Kanye.	Bar	Moshupa	Southern District Council	19.1.99
Man Investments (Pty) Ltd., c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Restaurant TakeAway	Tlounge Ward Kanye	Southern District Council	19.1.99
Jamila Begum Saiyed, P.O. Box 264, Lobatse. Botswana.	Supermarket	Mpuutsane Ward Kanye	Southern District Council	19.1.99
Dexterous Pitsonyane, Farmers Butchery P.O. Box 10545, Kanye.	Butchery/Fresh Produce	Tlounge Ward Kanye	Southern District Council	19.1.99

Shen Biqinan, P.O. Box 291, Gaborone.	Specialised Trading	Moshupa	Southern District Council	19.1.99
Man Investments(Pty) Ltd., c/o K & M Business & Secretarial Services (Pty) Limited, P.O. Box 29, Gaborone Tel: 307488	Specialised Trading goods: hardware, cosmetics, hair-products, crockery, glass-ware electric and electronic goods, leather goods, gas (domestic)	Tloung Ward Kanye	Southern District Council	19.1.99
Maxel (Pty) Ltd., c/o Corporate Business Intelligence (Pty) Limited, P.O. Box 10127, Gaborone.	Speciality building materials fencing materials, metal products and hardware	Lot No. 33 Molapowabojang Ngwaketse Tribal Area	Southern District Council	19.1.99
Ramafoko P. Ramocha, P.O. Box 20181, Mochudi.	General Trading	Malotwana	Kgatlang District Council	19.1.99
Douglas Ramaabya, P.O. Box 507, Mochudi.	Fresh Produce	Makakatlela Ward	Kgatlang District Council	5.1.99
Gobuiwang Sabone, P.O. Box 750, Thamaga.	Bar Liquor	Rungwana Ward Thamaga	Kweneng District Council	26.1.99
S. Kgosiemang, P.O. Box 1266, Molepolole.	Bar Liquor	Molepolole	Kweneng District Council	26.1.99
Retail Holdings Botswana, (Pty) Limited, c/o Armstrongs P.O. Box 1368, Gaborone.	Supermarket	Tribal Lot No. 742, Maun	North West District Council	25.1.99
Lillian M. Matengu, P.O. Box 87, Kavimba.	Bar	Kavimba	Chobe Local Licensing Authority	1.99
Tshenolo Sekwati, P.O. Box 74, Palapye.	Fresh Produce	Tamasane	Serowe/Palapye Sub-District Council	15.1.99
Patrick Phalanyane, P.O. Box 904, Palapye.	Restaurant/Takeaway Foods	Old Palapye Industrial Site	Serowe/Palapye Sub-District Council	15.1.99
Seemala Segojane, P.O. Box 787, Serowe.	Restuarant/Takeaway	Serowe Mall	Serowe/Palapye Sub-District Council	18.1.99
Erustus Abeng, P.O. Box 172, Serowe.	Bar Liquor	Modiega Ward Serowe	Serowe/Palapye Sub-District Council	1.99
K.R. Mosinyi, Seolwane School, P.O. Box 284, Maunatlala.	Liquor Restaurant	Seolwane	Serowe/Palapye Sub-District Council	1.99
Sri Sai Exports and Imports (Pty) Ltd., t/a Relief Pharmacy c/o Access Professional Services (Pty) Limited, P.O. Box 830, Palapye.	Pharmacy	Madiba Ward Palapye	Serowe/Palapye Sub-District Council	1.99

Omi Enterprises (Pty) Ltd., c/o Access Professional Services (Pty) Ltd., P.O. Box 830, Palapye.	Speciality (toys, jewellery, suit cases, bags, brief cases, sports equipment, cycles)	Shop 5, Four Connection Complex, T-Junction- Palapye	Serowe/Palapye Sub-District Council	15.1.99
Bahetanye Molefe, P.O. Box 30073, Tlokweng.	General Trading	Otse/Shoshong	Mahalapye Sub- District Council	18.1.99
Pabalelo Moliwa, P.O. Box 859, Mmadinare.	General Trading	Mmadinare Village	Bobirwa Sub- District council	1.99
Othugile Lekoko, P.O. Box 756, Tonota.	General Trading	Tonota- Manyanda	Tutume Sub- District Council	26.1.99
S.S.B. Investment (Pty) Ltd., P.O. Box 727, Tonota.	Specialised Trading (gas)	Tonota- Molebatsi	Tutume Sub- District Council	1.99
Main Freight (Pty) Ltd., P.O. Box 3046, Gaborone.	Import/Export fresh vegetables	Plot No. 1242 Haile Selassie Road, Gaborone	National Licensing Authority	.99
Represented by: Horizon Consultants. Isaiah Katsande, Kamanjo Manufacturing, P.O. Box 60804, Gaborone.	Import/Export to trade in the following goods: pressure cookers, chairs, tables, steel, steel products, electrical appliances, machinery, tools, wood, wooden products and kitchen utensils	Plot No. 1023 Mogoditshane P.O. Box 202556, Bontleng.	National Licensing Authority	.99
Represented by Reis Company Services				
Interlink Investments (Pty) Ltd., P.O. Box 2573, Gaborone.	Auctioneer and Agent to trade in the following goods: immovable and movable properties and assets e.g. automotives, spare parts, buildings, roofing materials, livestock assessing and valuing food, clothing, machinery, building materials etc.	Plot No. 17859 Gaborone West	National Licensing Authority	.99
Represented by/represents Dickson D. Morotsi				
Industek Tswana (Pty) Ltd., P.O. Box 202408, Gaborone.	Agent to trade in the following goods: prepacked food, all kinds of food, hardware supplier, domestic and commercial appliances	Lot No. 13107 Gaborone	National Licensing Authority	.99
Represented by/represents Allen Solly Business Services (Pty) Limited				

Kweneng District Council — Tender No. 46 of 1998**SUPPLY OF MOTOR VEHICLES AND PLANTS**

KWENENG DISTRICT COUNCIL invites motor dealers for the supply of vehicles and plants as listed below with the detachable accessories:

1. One x 7 tonner truck long wheel base drop side body powered by six cylinder diesel engine single wheel rear 14:00 x 20 x 18 P.R.
2. Two x 13m³ tippak refuse collector body mounted on 8 tonner chassis powered by six cylinder diesel engine single wheel rear 14:00 x 20 x 18 P.R.
3. One x 7m³ Vacuum tanker powered by a six cylinder diesel engine, single wheel rear 14:00 x 20 x 18 P.R.
4. One x tractor 60/65/H.P 5 tonner x 8m³ double axle ash dumpers double axle refuse tipping trailer fully enclosed with curved sliding doors and top hinged rear tail gate. Fitted with spring suspension 4 x 10.50 x 16 x 14 P.R. x spare wheel with carrier air braking all round.
5. One x Universal heavy duty chassis (standard) carrier for the existing hygenic containers which are available at the Council sites for matching with the carrier.
6. One x 1 1/2 tonner pick up powered by six cylinder petrol engine.

All vehicles shall be white in colour and quote for Kweneng District Council colour painting identification (Sherwood green) Code No. M122 on both fenders of the vehicles.

Specifications and conditions of the supply of the above mentioned tender number shall be collected from the Chief Technical Officer (Auto) at Council workshop in Molepolole during working hours (07.30 a.m. - 16.30 p.m).

Tenders shall be posted in the tender box at the office of the Council Secretary, Kweneng District Council, Private Bag 05, Molepolole in a plain sealed envelope clearly marked "Tender No. 46 of 1998 — Supply of Motor Vehicles and Plants" not later than 09.00 hours, Friday, 22nd January, 1999 and will be conducted in the Council Chamber, at the same time it will be opened and bidders are welcome.

M.R.M. MOSWETE,
for Council Secretary.

First Publication

Kweneng District Council — Tender No. 47 of 1998**SUPPLY OF FUEL AND LUBRICANTS**

KWENENG DISTRICT COUNCIL invites Petrol and Lubricants dealers for the supply of petrol, diesel and assorted lubricants as listed below:

THE PRICES FOR THE FOLLOWING:

1. Multi purpose grease per kilogram.
2. Oil for petrol engine per litre.
3. Oil for diesel engine per litre.
4. Paraffin per litre.
5. Universal Gear oils for new models per litre.
6. Equivalent of gear oil castrol GL-4-75 per litre.
7. Brake fluid per litre.
8. Power assisted steering (A.T.F) per litre.
9. Transmission oil SAE 10.

CONDITIONS OF THE SUPPLY OF THIS TENDER

- (a) The contract for the supply of this tender shall be five (5) years from the date of awarding the tender.
- (b) The price of supplies per unit shall be in Pula (P) and the validity of this tender shall be 90 days from the date of opening of the tender.
- (c) The supplier of the Units shall be held responsible for clearing out the used oil by buying it from the Council at a reasonable price per litre.
- (d) Any information deemed necessary shall be confirmed prior to the submission of the tender.
- (e) Any tender by telegraphic/telex/fax or post registered shall not be accepted.
- (f) The Council is not bound to accept the lowest of any tender or part thereof nor to give reason(s) for the non-acceptance or to incur any expenses in the preparation thereof.

(g) The bulk delivery of liquid petrol and diesel shall be made at Molepolole and Letlhakeng fuel supplies depots.

(h) In an event when it is statutory change of price then the supplier shall communicate with the Council Secretary in writing with issuance of documentary prove.

Any diversion or change of the above conditions shall render the tender to be disqualified. Tenders should be submitted in a clear sealed envelope marked "Tender No. 47 of 1998 — Supply of Fuel and Lubricants" and addressed to the Council Secretary, Kweneng District Council, Private Bag 05, Molepolole.

Tenders should reach the office of the Council Secretary not later than 9.00 hours on 15th January, 1999 at which time they will be opened in the Council Chamber in the presence of the public.

M.R.M. MOSWETE,
for Council Secretary.

First Publication

Ghanzi District Council — Tender No. GDC/40/98

CONSTRUCTION OF SCHOOL BUILDINGS

THIS IS A RE-TENDER previously tendered under Tender No. GDC/37/98.

GHANZI DISTRICT COUNCIL invites tenders from qualified contractors registered with the Ministry of Local Government Lands and Housing or Central Tender Board (CTB) for the construction of the school buildings as listed below.

TENDER NO:	FACILITY	LOCATION	CATEGORY
GDC/40/98 A	2 Compartment Latrine Unit	East Hanahai Primary School	1 only Grade OC
GDC/40/98 B	4 Compartment Latrine Unit	Dekar Primary School	1 & 2 only
	4 Compartment Latrine Unit	Kuke Primary School	Grade OC
GDC/40/98 C	2 no 2 Classroom Block	Ghanzi Primary School	5 & 6 only
	2 nos LA2 Teachers Quarters	"	Grade A
	4 Compartment Latrine Unit	"	
	2 Compartment Latrine Unit	Kabakae Primary School-Ghanzi	
GDC/40/98 D	1 no 2 Classroom Block	K'joe Sakene Primary School	3 & 4 only
	2 nos LA2 Teachers Quarters	(New Xade)	Grade A
GDC/40/98 E	1 no 2 Classroom Block	Qabo Primary School	3 & 4 only
	1 nos LA2 Teachers Quarters	"	Grade A
	2 Compartment Latrine Unit	"	
GDC/40/98 F	2 Compartment Latrine Unit	Karakubis Primary School	1 only Grade OC
GDC/40/98 G	2 nos LA2 Teachers Quarters	Boipelo Primary School-Charleshill	3 & 4 only
	2 Compartment Latrine Unit	"	Grade A
	4 Compartment Latrine Unit	Makunda Primary School	
GDC/40/98 H	1 no 2 Classroom Block	Chobokwane Primary School	2 & 3 only
	2 Compartment Latrine Unit	Kalkfontein Primary School	Grade OC
GDC/40/98 I	1 no LA2 Teachers Quarters	Kole Primary School	4 & 5 only
	2 nos LA2 Teachers Quarters	Ncojane Primary School	Grade A
	4 Compartment Latrine Unit	"	

Detailed tender documents could be obtained from the office of the Council Architect - Ghanzi District Council after the 4th of January, 1999 during working hours on receipt of payment of a non-refundable tender fee of P50.00 (Fifty Pula only) each payable at the Council Revenue Office in the Ghanzi Township. Tender documents will be issued free of charge to all those who tendered previously under GDC/37/98 on production of their receipts.

Completed tender documents shall be submitted in plain sealed envelopes clearly marked "Tender No. GDC/40/98 — Construction of School Buildings" and addressed to Council Secretary, Ghanzi District Council, Private Bag 0015, Ghanzi. This shall be posted in the tender box in the office of the Council Secretary not later than 9.00 a.m. on Tuesday the 9th of February, 1999.

The public tender opening shall commence in the Council Chamber at 9.00 a.m. in Ghanzi Township on the same day. Ghanzi District Council is not bound to accept the lowest or any tender or give reasons for the rejection of any tender. Council shall not be responsible for any expenses incurred in the preparation of the tender. Telephonic and faxed tenders will not be accepted.

P. GAMAGE,
for Council Secretary.

First Publication

Ghanzi District Council — Tender No. GDC/39/98

SUPPLY AND FIXING OF SOLAR HEATERS

THIS IS A RE-TENDER previously tendered under Tender No GDC/36/98

GHANZI DISTRICT COUNCIL invites tenders from suppliers registered in Botswana for the supply and fixing of Solar Heaters in Staff Houses in Ghanzi Township.

Scope of work :	Tender No GDC/39/98 A-	Supply and Fix 6 nos indirect 200l solar heaters to Type F staff houses
:	Tender No GDC/39/98 B-	Supply and Fix 6 nos indirect 200l solar heaters to Type E staff houses

Interested suppliers should submit their tenders in plain sealed envelopes clearly marked: "Tender No. 39 of 1998 — Supply and Fixing of Solar Heaters" and addressed: Council Secretary, Ghanzi District Council Private Bag 0015, Ghanzi.

Indicating separately unit cost, all charges for installation, transport and duration. This shall be posted in tender box in the office of the Council Secretary not later 09.00 a.m. on Tuesday the 9th February, 1999.

The public tender opening shall commence in the Council Chamber at 9.00 a.m. in Ghanzi Township on the same day. Ghanzi District Council is not bound to accept the lowest or any tender or give reasons for the rejection of any tender. Council shall not be responsible for any expenses incurred in the preparation of the tender. Telephonic and faxed tenders will not be accepted.

P. GAMAGE,
for Council Secretary.

First Publication

Central District Council — Tender No. CDC/61/98

SUPPLY AND INSTALLATION OF COMPUTERS

CENTRAL DISTRICT COUNCIL invites tenders for the supply and installation of three computers. Computers are to be supplied to Rural Administration Centre, Serowe. Specifications are as follows:

COMPUTERS

Each computer to have the following:

Intel Pentium II — 300 MHz

32 Mb RAM

1.44 FDD

3.2 GB HDD

36 Speed CD

Windows 98

Microsoft Office Standard

Norton's Anti Virus Software

14 inch SVGA Colour Monitor 0.28

Key Board

Mouse

2 MBVGA Cord

UPS — 450 KVA

Upright computer stand (wooden), with sliding key Board Drawer

PRINTERS

2 number HP Laser Jet 1100

1 printer sharing switch (for connecting two computers)

Tenders must be enclosed in plain sealed envelopes addressed to the Council Secretary, Central District Council, Private Bag 001, Serowe, and boldly marked "Tender No. CDC/61/98". Tender documents must be received in the office of the Council Secretary, Central District Council not later than 9.00 hours on Friday the 22nd January, 1999.

Tenders will be opened immediately after the closing time, and willing tenderers may be present at the time of opening. The Council does not bind itself to accept the lowest or any tender or assign any reasons thereof.

G.T.N. PHIRI,
for Council Secretary.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (1) (c) of the Trade and Liquor Act, 1987 that I, Bene Cecilia Dambe have disposed of my entire interest in carrying on the business of Fresh Produce to Letsatsi Sefako who will continue to trade at the same premises and under the style of a Fresh Produce.

BENE CECILIA DAMBE, P.O. Box 9, MOGODITSHANE.

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, M. Manale have disposed of my entire interest in carrying on the business of General Dealer and Bottle Store to Moarabi Moengele who will continue to trade at the same premises and under the style of a General Dealer and Bottle Store.

MOARABI MOENGELE, Private Bag 5, GOODHOPE.

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, Daniel K. Kelosiwang have disposed of my entire interest in carrying on the business of Supermarket to J.B. Saiyed who will continue to trade at the same premises and under the style of a General Dealer.

D.K. KELOSIWANG, P.O. Box 336, KANYE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (1) (c) (Cap. 43:02) of the Trade and Liquor Act, 1987 that We, Star Unisex Hair Salon have disposed of our entire interest in carrying on the business of Hairdressing Salon to RLC (Pty) Ltd who will continue to trade at the same premises and under the same style of a Hair Dresser.

R.C. MASCARENHAS, P.O. Box 1241, 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, Serero Kgari have disposed of my entire interest in carrying on the business of General Dealer and Fresh Produce to Olatetse Lekang who will continue to trade at the same premises and under the same style of a General Dealer and Fresh Produce.

SERERO KGARI, P.O. Box 151, MMADINARE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (1) (c) of the Trade and Liquor Act. that, I, Molefhi Elisha have disposed of my entire interest in carrying on the business of General Dealer to Keitumetse Moepele who will continue to trade at the same premises and under the same style of a General Dealer.

MOLEFHI ELISHA, P.O. Box 696, LOBATSE.

First Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 (1) (c) of the Trade and Liquor Act that I, S. Essop have disposed of my entire interest in carrying on the business of Bar to Erustus Abeeng who will continue to trade at the same premises and under the same style of business of a Bar.

S. ESSOP, P.O. Box 1387, SEROWE.

First Publication

Notice of Application for a Removal of Trading/Liquor Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a removal of Specialised Dealer in respect of premises situated at Plot 5251 to Plot 2655 and that the Selebi-Phikwe Town Council has determined that the application shall be heard by the Licensing Authority on January, 1999.

HITDIU ENTERPRISES (PTY) LTD, P.O. Box 403483, Broadhurst, GABORONE.

First Publication

Lost Memorandum of Agreement of Lease

NOTICE IS HEREBY given that ALPHA REAL ESTATE & APPRAISING CO. (PROPRIETARY) LIMITED intends applying for a certified copy of: Memorandum of Agreement of Lease No. 89/87 registered on the 28th October, 1987 between the Kweneng Land Board and Bodo Mabel Bowe and ceded to Alpha Real Estate & Appraising Co. (Proprietary) Limited under Notarial Deed of Cession No. 20/95 registered on the 13th March 1998, in respect of:

CERTAIN: piece of land being Tribal Lot 307, Mogoditshane
SITUATE: at Mogoditshane in the Bakwena Tribal Territory
MEASURING: 1567m² (one Thousand Five Hundred and Sixty Seven Square Metres)
 Any person having objection to the issue of such a copy is hereby required to lodge the same in writing with the Registrar of Deeds at Gaborone within 3 (three) weeks of the last publication of this notice.

DATED at Gaborone this 22nd day of December, 1998.

ARMSTRONGS ATTORNEYS NOTARIES & CONVEYANCERS, (*Attorney for the Applicant*),
 P.O. Box 1368, 5th Floor, Barclays House, Khama Crescent, GABORONE.

First Publication

Notice to Debtors and Creditors

IN THE ESTATE of the Late DOROTHY ANN DRYBURGH previously of No. 1, Kirmara Lodge, Troupand Avenue, Bryanston, Johannesburg who died at Johannesburg on the 25th February 1997.

NOTICE IS HEREBY given that Debtors and Creditors in the above Estate are hereby required to file their claims with, and pay their debts to the undersigned Executors within 30 (thirty) days of the date of publication hereof.

MINCHIN & KELLY (BOTSWANA), Plot No. 688, Khwai Road, Off Botswana Road,
 P.O. Box 1339, GABORONE.

First Publication

Notice to Debtors and Creditors

IN THE ESTATE of the Late JAN ERASMUS VOSS who died at Zeerust in the Republic of South Africa, on the 15th day of May, 1998.

NOTICE IS HEREBY given that Debtors and Creditors in the above Estate are hereby called upon to file their claims and pay their debts to the undersigned within 30 (thirty) days from the date of publication hereof.

ARMSTRONGS, Attorneys, 5th, Barclays House, P.O. Box 1368, GABORONE.

First Publication

Change of Style

NOTICE IS HEREBY given that the undersigned intends to apply for authority to change the style of business from a Bottle Store to Bar Liquor in terms of section 9 of the Trade and Liquor Act, (Cap 43:02) in respect of the premises situated at Sese and that the Southern District Council has determined that the application shall be heard by the Licensing Authority on 19th January, 1999.

M.K. BAGWASI, P.O. Box 81, JWANENG.

First Publication

Change of Style

NOTICE IS HEREBY GIVEN that, I Alis Transport (Pty) Ltd intend to apply for a change of style of the business from a General Dealer to Mortuary licence in respect of premises situated at Mankodi and the Kweneng District Council has determined that the application shall be heard by the Licensing Authority on the 26th January, 1999.

ALIS TRANSPORT (PTY) LTD, c/o BUSINESS DEVELOPMENT SERVICES (PTY) LTD,
P.O. Box 106, GABORONE. Plot No. 708, Khwai Road.

First Publication

Change of Style

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for authority to change the style of business from Liquor Restaurant to Bar Liquor licence in terms of section 9 of the Trade and Liquor Act (Cap 43:02) in respect of premises situated at Phitshane - Molopo and that the Southern District Council has determined that the application shall be heard by the Licensing Authority on the 19th January, 1999.

MOSES LETSHIKHOANA, Box 32, SEDIBENG.

First Publication

Change of Style

NOTICE IS HEREBY GIVEN that, the undersigned intends to apply for authority to change the style of Liquor Restaurant to Bar Liquor and General Dealer licence in respect of premises situated at Tonota - Manyanda Ward and that the Tutume Sub-District Council has determined that the application shall be heard by Trade and Liquor Licensing Committee.

OTHUGILE LEKOKO, P.O. Box 756, TONOTA.

First Publication

Change of Style

NOTICE IS HEREBY GIVEN that, I Matlho Gakebafhe intend to apply for a change of style of the business from a Bottle Store to Bar Liquor licence in respect of premises situated at Plot No. 228 Town Centre and the Lobatse Town Council has determined that the application shall be heard by the Licensing Authority on January, 1999.

MATLHO GAKEBAFHE, P.O. Box 788, LOBATSE.

First Publication

Chobe Land Board

POSTPONEMENT OF JANUARY 1999 MEETING

CHOBE LAND BOARD had postponed its scheduled meeting which was supposed to be held from 19th - 21st January, 1999 to 9th - 11th February 1999.

G. KEABILWE,
for Board Secretary.

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:

Kasane	12-01-1999
Maun	13-01-1999
Serowe	20-01-1999
Mahalapye	21-01-1999

Collection of deposit would be done a day before the actual sale and should start at 7:30 hrs to 16:00 hrs, and on the day of the sale. Deposits will start from 7:30 hrs to 9:00 hrs.

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 paid for will be re-auctioned immediately or at 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 their deposits immediately after the sale.
- For further information contact CTO Tel. 356391.

T.N. PHENDU,
for General Manager.

First Publication

**Notice of Intention to Enter into to Controlled Transaction in terms
of The Land Control Act**

BE PLEASED TO TAKE NOTICE that the following controlled transaction is proposed:

The Seller:	General Finance Company (Proprietary) Limited
The Purchaser:	Louis Mario Woest
Agricultural Land:	Portion 25, Portion of Portion 2 of Farm No. 41 - NQ (A Portion of Portion 1)
Measuring:	4,9572 Hectares

Held: under Certificate of Registered Title No. 1678/98 dated 27th November, 1998 in favour of John Tobias Mynhardt, Louis Dominique Mynhardt and Helen Vilna Begg will morefully point out;

Purchase Consideration: Seventy five thousand pula (P75,000-00)

Subject: to the terms and conditions of a Deed of Sale, the terms and conditions of which may be inspected at the offices of Phumaphi, Chakalisa & Co., Room 209, Blue Jacket Square, P.O. Box 484, Francistown,

BE PLEASED TO TAKE NOTICE THAT:

- (a) any Botswana Citizen interested in entering into a similar transaction in respect of the above property shall be given priority notwithstanding the agreement, reached by the abovenamed parties regarding the controlled transaction.
- (b) should any person wish to object to the proposed controlled transaction notice of objection with reasons therefore should be addressed to the Minister of Local Government and Lands with copies to the undersigned within 90 days from the date of publication hereof.

PHUMAPHI, CHAKALISA & CO., Room 209, Blue Jacket Square,
P.O. Box 484, FRANCISTOWN.

First Publication

Malete Land Board

SCHEDULE OF MEETINGS — 1999

<i>DATES</i> <i>FEBRUARY 1999</i>	<i>PLACE/VILLAGES</i>	<i>DATES</i> <i>APRIL 1999</i>	<i>PLACE/VILLAGES</i>
9 - 15	Ramotswa	13 - 19	Ramotswa
16	Taung	20	Taung
17	Otse	21	Otse
18	Mogobane	22	Mogobane
 <i>JUNE 1999</i>		 <i>AUGUST 1999</i>	
8 - 14	Ramotswa	10 - 16	Ramotswa
15	Taung	17	Taung
16	Otse	18	Otse
17	Mogobane	19	Mogobane
 <i>OCTOBER 1999</i>		 <i>DECEMBER 1999</i>	
12 - 18	Ramotswa	7 - 13	Ramotswa
19	Taung	14	Taung
20	Otse	15	Otse
21	Mogobane	16	Mogobane

Gaborone City Council**1999 ANALYSIS OF COUNCIL AND COMMITTEE MEETINGS***FULL COUNCIL*

March, Tuesday 23rd to Thursday 25th
 May, Tuesday 25th to Thursday 27th
 July, Tuesday 27th to Thursday 29th
 September, Tuesday 21st to Thursday 23rd
 December, Tuesday 7th to Thursday 9th

FINANCE COMMITTEE

February, Thursday 18th
 March, Thursday 18th
 April, Thursday 22nd
 May, Thursday 19th
 June, Thursday 17th
 July, Thursday 22nd
 August, Thursday 19th
 September, Thursday 16th
 October, Thursday 21st
 November, Thursday 18th
 December, Thursday 2nd

EDUCATION COMMITTEE

February, Thursday 4th
 April, Thursday 1st
 June, Thursday 3rd
 August, Thursday 5th
 October, Thursday 7th
 November, Thursday 4th

TOWN PLANNING

February, Tuesday 2nd
 March, Tuesday 2nd
 April, Tuesday 6th
 May, Tuesday 4th
 June, Tuesday 1st
 July, Tuesday 6th
 August, Tuesday 3rd
 September, Tuesday 7th
 October, Tuesday 5th
 November, Tuesday 2nd
 December, 6th Tuesday

HEALTH

February, Thursday 11th
 March, Thursday 11th
 April, Thursday 8th
 May, Thursday 6th
 June, Thursday 10th
 July, Thursday 8th
 August, Thursday 12th
 September, Thursday 9th
 October, Thursday 14th
 November, Thursday 11th

TRADE LICENSING

January, Wednesday 13th
 February, Wednesday 10th
 March, Wednesday 10th
 April, Wednesday 14th
 May, Wednesday 12th
 June, Wednesday 9th
 July, Wednesday 14th
 August, Wednesday 11th
 September, Wednesday 8th
 October, Wednesday 13th
 November, Wednesday 10th
 December, Wednesday 1st

SHHA MANAGEMENT

February, Tuesday 9th
 March, Tuesday 9th
 April, Tuesday 13th
 May, Tuesday 11th
 June, Tuesday 8th
 July, Tuesday 13th
 August, Tuesday 10th
 September, Tuesday 14th
 October, Tuesday 12th
 November, Tuesday 9th

SOCIAL WELFARE AND HOUSING

February, Tuesday 16th
 April, Tuesday 20th
 June, Tuesday 15th
 August, Tuesday 17th
 October, Wednesday 19th
 November, Wednesday 16th

MANAGEMENT TEAM

February, Wednesday 17th
 March, Wednesday 17th
 April, Wednesday 21st
 May, Tuesday, 18th
 June, Wednesday 16th
 July, Wednesday 21st
 August, Wednesday 18th
 September, Wednesday 15th
 October, Wednesday 20th
 November, Wednesday 17th
 December, Wednesday 1st (afternoon)

North West District Council

SCHEDULE OF COUNCIL MEETINGS — JANUARY - DECEMBER 1999

FULL COUNCIL

January, Tuesday 26th
 February, Tuesday 23rd
 May, Tuesday 25th
 August, Tuesday 24th
 November, Tuesday 23rd

*HEALTH, WORKS AND
SOCIAL SERVICES*

February, Wednesday 3rd
 May, Wednesday 5th
 August, Thursday 5th
 November, Wednesday 3rd

*MAUN PLANNING
COMMITTEE*

January, Friday 15th
 February, Monday 1st
 March, Monday 8th
 April, Thursday 1st
 May, Monday 3rd
 June, Monday 7th
 July, Wednesday 7th
 August, Monday 2nd
 September, Thursday 9th
 October, Monday 4th
 November, Monday 1st
 December, Thursday 2nd

OKAVANGO LICENSING

January, Tuesday 12th
 February, Friday 12th
 March, Tuesday 23rd
 April, Tuesday 13th
 May, Tuesday 18th
 June, Thursday 24th
 July, Thursday 22nd
 August, Tuesday 3rd
 September, Tuesday 21st
 October, Thursday 21st
 November, Wednesday 17th
 December, Friday 10th

*FINANCE AND GENERAL
PURPOSES*

January, Thursday 21st
 February, Thursday 18th
 March, Thursday 18th
 April, Thursday 15th
 May, Wednesday 12th
 June, Thursday 17th
 July, Thursday 15th
 August, Thursday 19th
 September, Thursday 16th
 October, Thursday 14th
 November, Thursday 18th
 December, Thursday 9th

SHHA

January, Wednesday 9th
 February, Tuesday 3rd
 April, Tuesday 6th
 June, Tuesday 8th
 August, Tuesday 10th
 October, Tuesday 5th
 December, Tuesday 7th

MANAGEMENT

January, Monday 18th
 February, Monday 15th
 March, Monday 15th
 April, Monday 12th
 May, Monday 10th
 June, Monday 14th
 July, Monday 12th
 August, Monday 16th
 September, Monday 13th
 October, Monday 11th
 November, Monday 15th
 December, Monday 6th

MAUN LICENSING

January, Monday 25th
 February, Tuesday 16th
 March, Tuesday 30th
 April, Tuesday 27th
 May, Monday 17th
 June, Tuesday 29th
 July, Tuesday 27th
 August, Tuesday 17th
 September, Monday 27th
 October, Tuesday 26th
 November, Thursday 11th
 December, Friday 3rd

EDUCATION

February, Tuesday 2nd
 May, Tuesday 4th
 July, Monday 5th
 September, Tuesday 7th
 November, Tuesday 2nd

KKPC

January, Thursday 14th
 February, Wednesday 10th
 March, Friday 5th
 April, Wednesday 7th
 May, Thursday 13th
 June, Wednesday 9th
 July, Tuesday 13th
 August, Wednesday 11th
 September, Monday 20th
 October, Wednesday 6th
 November, Tuesday 9th
 December, Wednesday 8th

CHOBE LICENSING

January, Tuesday 19th
 February, Thursday 11th
 March, Tuesday 16th
 April, Tuesday 20th
 May, Tuesday 11th
 June, Tuesday 22nd
 July, Thursday 15th
 August, Monday 9th
 September, Tuesday 14th
 October, Tuesday 19th
 November, Tuesday 16th
 December, Monday 13th

GUMARE

March, Monday 22nd
 September, Monday 20th

KASANE

March, Thursday 4th
 September, Tuesday 28th

MAUN

March, Tuesday 30th
 September, Thursday 23rd

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

Case No. CC 845/95

In the matter between:

**KGALAGADI BREWERIES (PTY) LTD t/a SEGWANA
and
GILLET SESOLA**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to a judgment of the above Honourable Court, the following immovable property of the above-named Defendant will be sold in execution by Deputy Sheriff Ikageng Swele in the manner herein after set out:

DATE OF SALE: Friday 29th January, 1999
TIME: 11.00 a.m.
VENUE: Tribal Lot 478 Mahalapye
PROPERTY TO BE SOLD: Defendant's right, title and interest to Tribal Lot 478, Mahalapye in the Bangwato Tribal Territory;
CONDITIONS OF SALE: Detailed conditions of sale may be inspected at the offices of Collins Newman & Co., Dinatla Court, Morupule Drive, Gaborone.

DATED at Gaborone this 15th day of December, 1998.

DEPUTY SHERIFF, c/o COLLINS NEWMAN & CO., *Plaintiff's Attorneys*, Dinatla Court,
P.O. Box 882, GABORONE.

First Publication

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

Case No. CC 895/95

In the matter between:

**MARY DIETA
and
PIET MATSHENG
BEAUTY KGWATALALA**

Applicant

1st Respondent

2nd Respondent

NOTICE OF SALE IN EXECUTION

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

DATE OF SALE: 29th January, 1999
TIME: 10.00 a.m.
VENUE: Tribal Lot 87, Gabane
PROPERTY TO BE SOLD: A certified piece of Land being Tribal Lot 87, Gabane, situated at Gabane in the Bakwena Tribal Territory measuring 1433 square metres with a shop and some improvements thereon.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone this 18th day of December, 1998.

DEPUTY SHERIFF GAELAE RAMATLAPANA, c/o LERUMO MOGOBE, LEGAL PRACTITIONERS,
Respondent's Attorneys, Private Bag BO 249, GABORONE.

First Publication

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

Case No. Misca No. 183/96

In the matter between:

NATIONAL DEVELOPMENT BANK
and
KEMMAPATSE BAGATISENG

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to a 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: 30th January, 1999
TIME: 10.00 a.m.
VENUE: At Mahalapye in the Bamangwato Tribal Territory
PROPERTY TO BE SOLD: All the Defendant's right, title and interest in certain piece of land being Tribal Lot 516, Mahalapye, held under Lease No. 180/88 made in favour of Kemmapatse Bagatiseng consisting of three bedrooms, etc, and a yard situate at Moana Ward, Mahalapye approximately 8 kilometres from central Mahalapye.
CONDITIONS OF SALE: Detailed terms and conditions of the sale together with details of the property may be inspected at the Deputy Sheriffs c/o National Development Bank, Telephone 352801, P.O. Box 225, Gaborone.
TERMS OF SALE: Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone this 3rd day of December, 1998.

DEPUTY SHERIFF KEITUMETSE P. WAHENG, c/o KAELO BIKI RADIRA, *Plaintiff's Attorneys*,
Development House, 2nd Floor, P.O. Box 225, The Mall, GABORONE. Tel: 352801 Fax: 374446

First Publication

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

Case No. CC 250/98

In the matter between:

NATIONAL DEVELOPMENT BANK
and
ERNEST STATES MMOLOKE

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to a 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: 27th January, 1999
TIME: 10.30 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 3 piece floral sofas, 1 piece wooden room divider, 5 piece kitchen chairs, Fridge Master Double Door, fan, 2 burner electric stove, fan

CONDITIONS OF SALE:

Detailed terms and conditions of the sale together with details of the property may be inspected at the Deputy Sheriffs c/o National Development Bank, Telephone 352801, P.O. Box 225, Gaborone.

TERMS OF SALE:

Cash or bank guaranteed cheques immediately after sale.

DATED at Gaborone this 8th day of December, 1998.

DEPUTY SHERIFF GAELAE RAMATLAPANA, c/o HILDA MOCUMINYANE, *Plaintiff's Attorneys*,
Development House, 2nd Floor, P.O. Box 225, The Mall, GABORONE. Tel: 352801 Fax: 374446

First Publication

**IN THE MAGISTRATE'S COURT OF THE REPUBLIC OF BOTSWANA
HELD AT FRANCISTOWN**

Case No. CCF 979/95

In the matter between:

NUTRI STAHL COOKWARE (PTY) LTD
and
JOYCE MACHOBANE

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: 16th January, 1999
TIME: 10.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 3 sofas with three coffee tables
1 x 1 Phillips T.V.
1 x 1 Technics system
1 x 1 Phillips Video Machine
1 x 1 room unit
1 x 1 Fridge Kelvinator
1 x 1 four plate gas stove
1 x 1 14kg gas cylinder
TERMS OF SALE: Cash or bank guaranteed cheques.

DATED at Francistown this 18th day of December, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o VENTER & PARTNERS,
P.O. Box 37, FRANCISTOWN.

First Publication

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

Case No. G 621/98

In the matter between:

GABORONE CITY COUNCIL	<i>Plaintiff</i>
and	
E. M. BUSANG	<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 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:	15th January, 1999
TIME:	10.00 a.m.
VENUE:	Broadhurst Police Station
PROPERTY TO BE SOLD:	1 x 1 Sansun Colour TV
	1 x 1 TV Stand
	1 x HTE Stereo System
	1 x 4 piece sofas with coffee table
	1 x 1 Fan
	1 x 1 Defy Fridge

DEPUTY SHERIFF D. J. MOYO, c/o MINCHIN & KELLY (BOTSWANA) *Plaintiff's Attorneys*,
Plot No. 688, Khwai Road, P.O. Box 1339, GABORONE.

First Publication

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

Case No. G 1541/98

In the matter between:

GABORONE CITY COUNCIL	<i>Plaintiff</i>
and	
T. R. SEBANYANE	<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 movable 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:	29th January, 1999
TIME:	10.00 a.m.
VENUE:	Broadhurst Police Station
PROPERTY TO BE SOLD:	1 x 5 piece cream room unit
	1 x 1 colour television
	1 x 1 video machine
	1 x 5 piece sofas with coffee table
	1 x 6 chairs with table

DATED at Gaborone this 14th day of December, 1998.

DEPUTY SHERIFF D. J. MOYO, c/o MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorney*,
Plot No. 688, Khwai Road, P.O. Box 1339, GABORONE.

First Publication

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

Case No. G 2112/98

In the matter between:

GABORONE CITY COUNCIL
and
N. W. MATSWA

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 defendant will be sold by public auction by Deputy Sheriff D J Moyo to the highest bidder as follows:

DATE OF SALE: 26th January, 1999
TIME: 10.00 a.m.
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 3 piece sofa with coffee table
1 x 1 Colour TV

DATED at Gaborone this 11th day of December, 1998.

DEPUTY SHERIFF D.J. MOYO, c/o MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorney*,
Plot No. 688, Khwai Road, P.O. Box 1339, GABORONE.

First Publication

**IN THE MAGISTRATE COURT FOR THE DISTRICT OF GABORONE
HELD AT GABORONE**

Case No. G 4225/98

In the matter between:

JOHNSON M. SEEMA
and
INSURANCE BROKING COOP SOCIETY (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 movable property will be sold by public auction by Deputy Sheriff D.J. Moyo to the highest bidder as follows:

DATE OF SALE: 16th January 1999
TIME: 10.00 am
VENUE: Broadhurst Police Station
PROPERTY TO BE SOLD: 1 x 8 chairs board room table
1 x 1 IBM Computer with stand
1 X 1 Xerox photocopier and stand
CONDITION OF SALE: Cash or bank guaranteed cheque

DATED at Gaborone this 18th day of December, 1998.

DEPUTY SHERIFF, SHERIFF D.J. MOYO, c/o JOHNSON M. SEEMA,
P.O. Box 412, GABORONE.

First Publication

BOTSWANA COLLEGE OF DISTANCE AND OPEN LEARNING ACT, 1998

No. 20



of 1998

ARRANGEMENT OF SECTIONS

PART I — *Preliminary*

SECTION

1. Short title
2. Interpretation

PART II — *Establishment of the College*

3. Establishment of College
4. Board of Governors
5. Powers and functions of the College
6. Seal of the College
7. Disqualification, resignation and removal
8. Filling of casual vacancy
9. Disclosure of interest
10. Proceedings of the Board
11. Statutes
12. Committees of the Board
13. Remuneration and allowances

PART III — *Officers, Academic Staff and Employees*

14. The Director
15. Powers of the Director
16. Appointment and conditions of service
17. Academic qualifications of academic staff

PART IV — *Programmes and Students of the College*

18. Programmes and courses of the College
19. Teaching methods
20. Medium of instruction
21. Qualification for admission

PART V — *Financial Provisions*

22. Revenues of the College
23. Financial year
24. Accounts and audit
25. Annual report

PART VI — *General*

- 26. Indemnity
- 27. Transitional provisions
- 28. Winding up of College
- 29. Regulations

An Act to provide for the establishment of the Botswana College of Distance and Open Learning, to provide for its powers, duties and functions and for matters incidental thereto.

Date of Assent: 21.12.98.

Date of Commencement: 31.12.98.

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title

1. This Act may be cited as the Botswana College of Distance and Open Learning Act, 1998.

Interpretation

2. In this Act, unless the context otherwise requires —
 “Board” means the Board of the College appointed under section 4;
 “Chairperson” means the Chairperson of the Board appointed under section 4;
 “College” means the Botswana College of Distance and Open Learning established under section 3;
 “Director” means the Chief Executive of the College appointed under section 14;
 “distance learning” means a mode of delivering education to persons situated at a distance from the College, without such persons necessarily attending classes;
 “member” means a member of the Board appointed under section 4;
 “regional centres” means designated places within the country for providing support services to the students of the College.

PART II — *Establishment of College*

Establishment of College

3. (1) There is hereby established a college to be known as the Botswana College of Distance and Open Learning.

(2) The College shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, of performing such acts as bodies corporate may by law perform.

Board of Governors

4. (1) There shall be a Board appointed by the Minister to carry out the powers and functions of the College.

(2) The Board shall consist of 13 members appointed as follows —
 (a) 10 members nominated by their respective organisations as follows:

- (i) two persons to represent the Ministry of Education;
- (ii) a representative of the Directorate of Public Service Management;
- (iii) a representative of the Botswana Training Authority;
- (iv) a representative of the Ministry of Labour and Home Affairs;
- (v) a representative of the Ministry of Finance and Development Planning;
- (vi) a representative of the Botswana Federation of Trade Unions;
- (v) a representative of the Centre for Continuing Education;
- (vi) a college staff representative; and
- (vii) a private tertiary institution representative;
- (b) two persons representing the private sector of the Minister's predilection; and
- (c) the Director, who shall be an ex-officio member.

(3) The Minister shall designate one member to the Chairperson from among the members appointed under subsection (2) (a) (i) to (v), and (b).

(4) The Board shall elect from among their number, the Vice-Chairperson.

(5) Members of the Board shall hold office for a period not exceeding three years as may be specified in the notice appointing them and at the end thereof, a member shall be eligible for reappointment.

(6) The appointments to the Board shall be published by notice in the *Gazette*.

5. (1) The primary function of the College shall be to provide quality education through open and distance learning, and to do all things as are necessary to enable students at the various levels qualifying for admission at the College, to obtain an education equivalent to a nationally recognised criteria.

Powers and
functions of the
College

(2) Without limiting the generality of subsection (1), the College shall —

- (a) offer Junior Certificate and Botswana Certificate of Secondary Education Courses;
- (b) provide vocational education and training courses and professional management programmes;
- (c) provide in service programmes to upgrade the skills of employees;
- (d) provide in service programmes for middle and junior management and secretarial cadres;
- (e) provide guidance and counselling services to students;
- (f) formulate and carry out the academic policy of the College;
- (g) devise and regulate courses of instruction and study;
- (h) advise the Minister on the requirements of admission of students;
- (i) prescribe disciplinary rules for the staff and students;
- (j) determine fees, commissions, charges and other payments for services and use of facilities of the College;
- (k) raise funds for the College;
- (l) take up, borrow and lend money; and
- (m) report on such matters as may be referred to it by the Director.

Seal of the
College

6. (1) The seal of the College shall be such device as may be determined by the Board and shall be kept by the Director.

(2) The affixing of the seal shall be authenticated by the Chairperson or Vice Chairperson and the Director or any other person authorised in that behalf by a resolution of the Board.

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the College by the Director or any other person generally or specifically authorised by the Board in that behalf.

Disqualifica-
tion,
resignation
and removal

7. (1) A person shall not be appointed as a member of the Board or be qualified to continue to hold office who has —

- (a) in terms of a law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been rehabilitated or discharged;
 - (ii) made an assignment to, or arrangement or composition with, his creditors, which has not been rescinded or set aside; or
- (b) within the period of six years immediately preceding the date of his proposed appointment, been convicted —
 - (i) of a criminal offence within Botswana; or
 - (ii) of any criminal offence for which he has not received a free pardon and notwithstanding that the sentence has been suspended, which, if committed within Botswana, would have resulted in a criminal offence having been committed, the penalty for which would be at least six months imprisonment without the option of a fine.

(2) The Minister may remove a member if the member —

- (a) is absent without reasonable cause from three consecutive meetings of the Board of which he has had notice;
- (b) has been found to be physically or mentally incapable of performing his duties efficiently, and the member's medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself to the detriment of the objectives of the College; or
- (d) has failed to comply with the provisions of section 9.

(3) The office of a member of the Board shall become vacant after—

- (a) a period of thirty days from the date of a ruling, against the member, is made on all applications and appeals made in respect of charges levelled against the member under subsection 1 (b);
- (b) a period of thirty days has elapsed from the date the member is given a notice in writing by the Minister to vacate office; or
- (c) a member is summarily dismissed by the Minister on the grounds of contravening the provisions of this Act or for misconduct in accordance with subsection (2) (c).

(4) A member of the Board may resign from office by giving three months notice in writing to the Minister.

8. Where the office of a member becomes vacant before the expiry of the member's term of office, the Minister may appoint another person to be a member in place of the member who vacates the office.

Filling of
casual
vacancy

9. (1) If a member is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the member is directly or indirectly interested in a private capacity, he shall as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure
of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

10. (1) Subject to the provisions of this Act, the Board may regulate its own procedure.

Proceedings
of the Board

(2) The Board shall meet for the transaction of business at least three times in a year.

(3) Upon giving notice in writing of not less than 14 days, a meeting of the Board may be called by the Chairperson and shall be called if not less than one half of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) The quorum at any meeting shall be eight members of the Board.

(5) There shall preside at any meeting of the Board —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;

(c) in the absence of the Chairperson and Vice Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberate vote.

(7) The Board may invite any person whose presence it deems necessary, to attend and participate in the deliberations of a meeting of the Board, but such person shall have no vote.

11. The Board may enact statutes for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing may make provision for —

Statutes

(a) regulating the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the College;

(b) determining the persons authorised to sign contracts, cheques and other documents on behalf of the College, and otherwise regulate procedure in relation to transactions entered into by the College;

(c) determining the academic year of the College; and

(d) securing that the seal of the College is kept in proper custody and is used only by authority of the Board.

Committees
of the
Board

12. (1) The Board may appoint committees consisting of its members or of other suitably qualified persons.

(2) The Board may delegate any of its powers, functions or duties under this Act to a committee appointed under subsection (1).

Remuneration
and
allowances

13. A member shall be paid out of the funds of the College such remuneration and allowances, if any, as the Minister may from time to time determine.

PART III — *Officers, Academic Staff and Employees*

The Director

14. (1) The College shall have a Director who shall be appointed by the Minister on such terms and conditions as the Minister may determine.

(2) No person shall be appointed as a Director unless the person holds such qualifications and has such experience as the Minister may determine.

Powers of
the
Director

15. (1) The Director shall, subject to such directions on matters of policy as may be given by the Board, be responsible for the management of the day to day affairs of the College.

(2) Subject to the provisions of this Act, the Director shall —

(a) cause the provision of and monitor corporate secretarial services to the Board;

(b) exercise disciplinary powers over staff;

(c) cause proper books of accounts to be maintained for the College; and

(d) report to the Board on the activities of the College.

Appointment
and
conditions of
service

16. (1) The Board shall appoint the full time staff of the College and the Director shall, with the approval of the Board, appoint such other staff as may be necessary for the proper discharge of the functions of the College.

(2) The terms and conditions of employment of staff of the College shall be as may be determined by the Board, in consultation with the Minister.

(3) The Board may, with the consent of the Minister, second a member of staff to an organisation on such terms as shall be specified by the Board.

(4) The College may be assisted in the discharge of its functions, by a member of staff seconded from Government or from any other organisation.

Academic
qualifications
of Academic
staff

17. The College shall employ suitably qualified academic staff who shall hold qualifications as the College may determine.

PART IV — *Programmes and Students of the College*

Programmes
and courses
of the
College

18. (1) The College shall offer such academic, professional, vocational and technical education as may be determined by the Board.

(2) The College may offer programmes and courses in collaboration with other institutions or organisations nationally or internationally.

(3) The College shall use such distance and open learning methods as it may determine to deliver its programmes and courses.

19. (1) The College shall engage qualified academic staff on full time or part time basis to teach, tutor and guide the students of the College.

Teaching
methods

(2) The College shall protect teaching materials produced by the College or by any person employed by the College for such purpose, in accordance with the Copyright Act.

Cap. 68:01

(3) The College shall use regional centres and other existing national facilities as venues for learning, tests, examinations and other meetings that may be required between the students and the College.

20. (1) Subject to subsection (2), the medium of instruction at the College shall be the official language of Botswana.

Medium of
instruction

(2) Where it is deemed necessary in specified courses or subjects, the medium of instruction shall be in any other language.

21. Qualification for admission at the College shall be as may be determined by the College in its statutes.

Qualification
for admission

PART V — *Financial Provisions*

22. (1) The revenues of the College shall consist of —

Revenues of
the College

- (a) moneys appropriated by the National Assembly for the purposes of the College;
- (b) fees that the College may charge for services it may render;
- (c) grants and donations that the College may receive; and
- (d) income that the College may receive from rentals or sale of educational materials, land or building.

(2) The College shall use the revenues acquired under subsection (1) to meet the costs incurred in its operations and shall use any surplus accrued for such purposes as it may determine, with the approval of the Minister.

23. The financial year of the College shall be a period of twelve months ending on the 31st of March.

Financial
year

24. (1) The College shall keep and maintain proper accounts and records of accounts in respect of every financial year relating to the assets, liabilities, income and expenditure of the College, and shall prepare, in each financial year, a statement of such account.

Accounts
and audit

(2) The accounts of the College in respect of each financial year shall, within three months of the end thereof, be audited by an auditor appointed by the Board.

(3) The auditor shall report in respect of the accounts for each financial year, in addition to any other matter on which the auditor deems it pertinent to comment on, whether or not —

- (a) the auditor has received all the information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;
- (b) the accounts and related records of the College have been properly kept;
- (c) the College has complied with all the financial provisions of this Act with which it is the duty of the College to comply; and
- (d) the statement of accounts prepared by the College was prepared on a basis consistent with that of the preceding year and represents a true and fair view of the transactions and financial affairs of the College.

(4) The report of the Auditors and a copy of the audited accounts shall, within fourteen days of the completion thereof, be forwarded to the College by the auditor.

Annual
report

25. (1) The Board shall within a period of six months after the end of the financial year or within such longer period as the Minister may approve, submit to the Minister a comprehensive report on the operations of the College during such year, together with the auditors' report and the audited accounts as provided for in section 24.

(2) A report compiled in accordance with sub section (1) shall be laid in Parliament by the Minister within three months of receipt thereof.

PART VI — General

Indemnity

26. No matter or thing done or omitted by a member of the Board or a member of staff of the College shall, if the matter or thing is done bona fide in the course of the operations of the Board or the College, render a member of the Board or staff personally liable to an action, claim or demand.

Transitional
provisions

27. The Minister shall by notice published in the Gazette, make such transitional arrangements not otherwise provided for in this Act, as shall be necessary for the establishment of the College.

Winding up of
College

28. The College shall not be wound up except by authority of an Act of Parliament.

Regulations

29. (1) The Minister may, following consultation with the Board, make Regulations prescribing anything under this Act which is to be prescribed or which, 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 —

- (a) conditions for suspension, expulsion and withdrawal;
 - (b) the formulation and modulations of courses of instruction;
 - (c) regulating the conduct of examinations and awards of certificate;
- and

- (d) determining fees, commissions, charges and other payments for services and use of facilities of the College.

PASSED by the National Assembly this 9th day of December, 1998.

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

CONSUMER PROTECTION ACT, 1998

No. 21



of 1998

ARRANGEMENT OF SECTIONS

SECTIONS

PART I — *Preliminary*

1. Short title and commencement
2. Interpretation

PART II — *Consumer Protection Office*

3. Establishment of Consumer Protection Office
4. Appointment of Director and other staff
5. Functions of Office
6. Investigating officers

PART III — *Complaints and Investigations*

7. Lodging of complaint
8. Investigations initiated by Office or Minister
9. Power to summon and question
10. Search and seizure
11. Arrangements to discontinue unfair practice

PART IV — *Court Proceedings*

12. Institution of court proceedings
13. Urgent provisional orders
14. Declaration of certain business practices to be unlawful
15. Order prohibiting unfair practice
16. Appointment of curator by court

PART V — *General*

17. Confidentiality
18. Excluding or limiting application of Act
19. Regulations

An Act to provide for the establishment of a Consumer Protection Office; to provide for the protection of the interests of consumers by means of investigation, prohibition and control of unfair business practice; to disseminate consumer-related information; and to provide for matters connected with and incidental to the foregoing.

Date of Assent: 21.12.98.

Date of Commencement: On Notice.

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title and
commence-
ment

Interpretation

1. This Act may be cited as the Consumer Protection Act, 1998, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

2. In this Act, unless the context otherwise requires —

“arrangement” means an arrangement or undertaking negotiated and concluded by the Office under section 11;

“business” includes —

- (a) offering, supplying or making available any commodity or services for a stated consideration; or
- (b) soliciting or receiving any investment;

“business practice” includes —

- (a) any agreement, accord or undertaking of a business nature;
- (b) any scheme, practice or method of trading, including any method of marketing or distribution; or
- (c) any advertising, type of advertising, or any other manner of soliciting business;

“commodity” means —

- (a) any property, whether corporeal or incorporeal and whether fixed or movable, including any make or brand of commodity; or
- (b) any service, excluding service due in terms of a contract of employment;

“consumer” means any person or non profit making organisation —

- (a) to whom or to which any commodity is offered, supplied or made available, where such person or organisation does not intend to apply the commodity for the purposes of resale, lease, rendering services or the manufacture of goods for gain;
- (b) from whom or from which is solicited or whom or which supplies or makes available any investment;

“curator” means a person or body of persons appointed by the court under section 16 to manage such business affairs, as the court may determine, of any person found responsible for practising unfair business practices in terms of this Act, so as to reimburse or compensate, as far as it is possible, any person that may have been defrauded thereto;

“Director” means the Director of the Office appointed under section 4;

“identity card” means an identity card issued to an investigating officer under section 6;

“investigating officer” means an investigating officer appointed under section 6;

“investment” means any money or other property, or any facility intended for use in connexion with any venture or scheme for profit, or purported to be so intended;

“Office” means the Consumer Protection Office established under section 3;

“unfair business practice” means any business practice which, directly or indirectly, has or is likely to have the effect of unfairly affecting any consumer;

PART II — *Consumer Protection Office*

3. There shall be established, in accordance with the laws governing the public service, an Office to be known as the Consumer Protection Office.

Establishment
of Consumer
Protection

4. (1) Subject to the laws governing the public service there shall be appointed —

Appointment
of Director
and other
staff

(a) a public officer to be the Director of the Consumer Protection Office; and

(b) such number of public officers as may be deemed necessary, to work in the Office under the supervision of the Director.

(2) The Director shall hold such qualifications and experience, relevant to consumer protection, as the department responsible for public service management may determine.

5. (1) The Office shall, subject to the control of the Minister, be responsible for the administration of this Act.

Functions of
Office

(2) Without derogating from the generality of subsection (1) the functions of the Office shall be to —

(a) conduct research on consumer protection policies, laws and regulations and make recommendations to the Minister on improvements required thereon;

(b) disseminate information to enable consumers to acquire knowledge of basic consumer rights and obligations and the skills needed to make informed choices about goods and services;

(c) formulate and implement consumer education programmes;

(d) conduct comprehensive surveys on consumer behaviour, consumption patterns, market prices, size and quality of products, unfair business practices and any other related matter, and publish reports on the findings of the surveys;

(e) collect and analyse information on harmful and unsafe products, publish reports on the findings and make recommendations on safety standards to the Government;

(f) receive and investigate complaints of unfair business practices;

(g) obtain warrants to search, seize and cause the testing, where necessary, of products on the market to ensure that specifications, performance, quality and safety standards, as may be determined by the Office under section 8, are met;

(h) preside over disputes of unfair business practices with the objective of assisting the parties to the dispute to reach settlement;

(i) assist a consumer or class of consumers to initiate civil or criminal proceedings arising from an unfair business practice; and

- (j) do all such other things as may be necessary to protect consumers from purchasing or otherwise acquiring substandard goods or services or from being otherwise exploited.

(3) Subject to the provisions of this Act, the Director may, in the performance of the functions of the Office, permit and consider representations made by any consumer organisation or movement on any matter of consumer protection.

Investigating
officers

6. (1) The Director may designate such number of persons in the service of the Office as investigating officers, as it may be deemed necessary after consultation with the Director of the department responsible for public service management.

(2) An investigating officer shall hold such qualifications as the Director of the department responsible for public service management may direct.

(3) Each investigating officer shall be issued with an identity card, in a form to be prescribed, and shall have such identity card in his possession when performing any function under this Act.

PART III — *Complaints and Investigations*

Lodging of
complaint

7. (1) Any consumer may lodge a complaint against an alleged unfair business practice with the Office.

(2) The Director shall cause a complainant to be assisted, where necessary, to submit a written complaint.

(3) The Director shall cause a preliminary analysis of a complaint received to be made and a report to be drawn up containing recommendations as to whether there are sufficient grounds to warrant the alleged unfair business practice to be investigated.

Investigations
initiated by the
Office or
Minister

8. (1) The Minister may instruct the Office, in writing, to investigate any allegation of unfair business practice.

(2) The Office may, where it deems it necessary, institute investigations into any form of business to determine whether the business is operating in accordance with set standards of practice.

(3) To determine the set standards of practice for any particular business, the Office may consult such organisations as may regulate the particular type of business under investigation or as may provide similar products or services at a standard recognised nationally or internationally.

Power to
summon and
question

9. (1) The Office may summon any person who is able to furnish any information on the subject of an investigation or who has in his possession or under his control any document, book or other object relating to such subject, to appear before the Office to be questioned or to produce the document, book or other object.

(2) A person summoned under subsection (1) shall be questioned under oath or affirmation.

(3) A summons referred to under subsection (1) shall —

- (a) be in the prescribed form;
- (b) contain particulars of the subject of the investigation;
- (c) be signed by the Director or other authorised officer of the Office; and
- (d) be served in the prescribed manner.

(4) A person appearing before the Office under subsection (1) —

- (a) may be assisted at the hearing by any person who is reasonably acquainted with the facts of the subject of the investigation; and
- (b) shall be entitled to the prescribed witness fees.

(5) A person summoned to appear before the Office under this section shall not be entitled to refuse to answer any question or to produce any book, document or other object on the grounds that such answer, document, book or other object would incriminate him.

(6) Subject to subsection (7) incriminating evidence, arising out of the answers, a person may give to the Office in answer to questions posed by the Office, shall not be admissible in any criminal trial against that person.

(7) A person who has been summoned in accordance with this section, who —

- (a) fails without sufficient cause to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until excused from further attendance;
- (b) refuses to take oath or make affirmation;
- (c) fails to produce, when requested, any document, book or other object in his possession or under his control; or
- (d) knowingly makes a false statement;

shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding P2 000 or to imprisonment for a term not exceeding 12 months, or to both.

10. (1) Subject to subsection (2) the Director or an investigating officer may, if he or she considers that a document, book or other object connected to any investigation under this Part is being concealed within specified premises, enter the premises to conduct a search and seize any item found within the premises.

Search and
seizure

(2) The Director or an investigating officer shall not enter, conduct a search or seize any item in terms of subsection (1) unless he or she has obtained —

- (a) the consent of the owner of the premises or the person in charge of the premises; or
- (b) a search warrant.

(3) The court shall grant the application for a search warrant if it appears, on information given on oath or affirmation, that there are reasonable grounds to suspect that —

- (a) an unfair business practice exists or may come into existence; or
- (b) a document, book or other object which may afford evidence of such unfair business practice is within those premises.

(4) Where a Magistrate is satisfied from information given on oath or affirmation by the Office, that urgent action by the Office is required to obtain evidence pertaining to the contravention of the provisions of this Act, which evidence is likely to be concealed or destroyed, the Magistrate may dispense with any procedural requirements and grant a search warrant to the Office at such time and place and under such conditions as the urgency of the matter may require.

(5) A search warrant granted by the court shall —

- (a) authorise the Director or an investigating officer mentioned in the warrant to enter the premises identified in the warrant to conduct searches, examinations, take extracts or copies, seize any item or to do any other thing that may assist with the investigation;
- (b) be executed by day, unless the court authorises its execution by night; and
- (c) be in force until it is executed, cancelled by the court or a period of one month from the day of its issue expires, whichever occurs first.

(6) The Director or an investigating officer executing a search warrant under this section shall, before such execution or upon demand by any person whose rights may be affected -

- (a) present his identification card; and
- (b) hand to such person a copy of the warrant.

(7) The Director or an investigating officer shall not seize any item found within the premises being searched in accordance with the provisions of this section unless he or she has handed the person from whose possession or charge the item is being seized, a receipt of the seizure in the prescribed form.

(8) A person from whose possession or charge a document, book or other object has been seized shall, as long as it is in the possession or charge of the investigating officer concerned or the Office, be allowed on request to make copies or to take extracts from it at any reasonable time at his or her own expense and under the supervision of that investigating officer or other authorised person in the service of the Office.

(9) A person shall not be entitled to refuse to answer any question or to produce any document, book or other object on the ground that such answer, document, book or other object would incriminate him.

(10) Subject to subsection (11) incriminating evidence, arising out of any answer, a person may give to an investigating officer in answer to an enquiry made by the investigating officer, shall not be admissible in any criminal trial against that person.

(11) Any person who —

- (a) obstructs or hinders the Director or an investigating officer in the performance of his functions in terms of this section; or
- (b) knowingly makes a false statement or gives a false answer to any enquiry;

shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding P2 000 or to imprisonment for a term not exceeding 12 months, or to both.

11. (1) The Office may negotiate with any person and conclude an arrangement for —

Arrangements
to discontinue
unfair practice

- (a) the discontinuance or avoidance of an unfair business practice or any aspect of it;
- (b) the reimbursement, with interest, if any, to affected consumers; or
- (c) any matter relating to the unfair business practice.

(2) An arrangement —

- (a) shall be in writing and signed by the parties thereto; and
- (b) may be concluded at any time after the institution of an investigation, but before the institution of court proceedings, if any.

PART IV — *Court Proceedings*

12. (1) Upon the completion of an investigation, or where the Office has failed to resolve a complaint of unfair business practice through an arrangement as provided for under section 11, the Office may cause civil proceedings to be instituted so as to obtain —

Institution of
court
proceedings

- (a) an order preventing the continuation of an unfair business practice, and where necessary, compensation and damages against any person alleged to be responsible for the unfair business practice; or
- (b) a declaratory judgement with a view to prohibiting any business practice or any type of business practice, in general or in relation to a particular commodity or investment which is commonly applied for the purposes of or in connexion with the creation or maintenance of unfair business practices.

(2) A declaratory order made in terms of subsection (1) (b) may be published by notice in the Gazette.

13. (1) Where a court is satisfied from information placed before it by the Office 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 prejudice would be caused to a consumer or any group or class of consumers if the matter were to be dealt with by the court at proceedings in due course, the court may issue a provisional order —

Urgent
provisional
orders

- (a) prohibiting any person mentioned in the order from performing any act connected with the subject of the investigation;
- (b) attaching any money, other property or assets of whatever nature, held by any person;
- (c) preventing, in any other way, the prejudice in question; or
- (d) authorising the Office 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 Office 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; and
- (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.

Declaration of
certain
business
practices to be
unlawful

14. (1) Where in proceedings instituted in terms of this Act the court is satisfied that it is in the public interest that any particular business practice which is the subject of proceedings before the court should be declared unlawful, the court may —

- (a) declare the business practice or type of business practice concerned to be unlawful either in relation to a particular area of the business or generally as may be supported by the evidence presented;
- (b) declare any agreement, accord, undertaking or terms thereof to be void;
- (c) prohibit, subject to subsection (2), any person from —
 - (i) entering into or being or continuing to be a party to an agreement, arrangement or undertaking;
 - (ii) using advertising; or
 - (iii) applying a scheme, practice or method of trading.

(2) The court, may on application by any person and after hearing the Director, and any other interested person, grant exemption from a provision, condition or requirement contemplated in subsection (1), to such extent, for such period and subject to such conditions as may be specified in the exemption.

Order
prohibiting
unfair
practice

15. (1) Where a court, pursuant to proceedings instituted in the court under this Part, is satisfied that an unfair business practice exists or may come into existence, the court may issue such order as may be necessary to prevent the continuation of the unfair business practice, and such order may, without prejudice to the generality of the foregoing, direct —

- (a) any person practising the unfair business practice to take such action, including steps for the dissolution of any body, incorporate or unincorporated, or the severance of any connexion or association between two or more persons, necessary for the discontinuance of the unfair business practice; or

- (b) any person who is or was party to an act or omission which has led, in whatever manner, to the practice and perpetuation of an unfair business practice to cease committing such act or omission.
- (2) If the court finds that money was accepted from consumers in the course of an unfair business practice, and it is necessary to limit or prevent loss to such consumers, the court may order any person responsible for such loss to repay the money, with interest at the prescribed rate, to the affected consumers.
- (3) Where the court is satisfied that as a direct result of an unfair business practice a consumer has suffered loss, other than monetary loss, it may order the person responsible for the loss to pay such damages as it may determine.

16. (1) Notwithstanding any action taken to compensate any consumer who may have lost money paid into an unfair business practice under section 15, the court may appoint a curator to limit or prevent any financial loss to such consumer or group of consumers.

Appointment
of curator by
court

(2) Without derogating from the generality of subsection (1) and subject to such conditions as it may impose, the court may authorise the curator to —

- (a) realise such assets of the person responsible for the unfair business practice in question which are necessary for the reimbursement of any of the consumers concerned and distribute them among the said consumers;
- (b) take control of and manage the whole or any part of the business of such a person in which event the management of the business or affairs of the person involved in the unfair business practice shall vest in the curator, subject to the supervision of the court, and any other person vested with the management of the affairs of that person shall be divested thereof;
- (c) make payments, transfer property or take steps for the transfer of property of the person responsible for the unfair business practice at such time, in such order and in such manner as the curator may deem fit;
- (d) open and maintain banking or similar interest-bearing accounts;
- (e) enter into agreements on behalf of the person responsible for the unfair business practice;
- (f) convene from time to time, in such manner as he or she may deem fit, a meeting of creditors of the person responsible for the unfair business practice for the purpose of establishing the nature and extent of the indebtedness of that person to such creditors and for consultation with such creditors in so far as the curator deems it necessary;
- (g) negotiate with any creditor of the person responsible for the unfair business with a view to the final settlement of the affair of such creditor against that person;

- (h) make and carry out, in the course of the management by the curator of the affairs of the person responsible for the unfair business practice, any decision which in terms of the provisions of the Companies Act, would have been required to be made by way of a special resolution;
 - (i) dispose of, by public auction, tender or negotiation, any asset of the person responsible for the unfair business practice; and
 - (j) perform such further, incidental or ancillary duties or functions as may be necessary to give effect to any order of the court.
- (3) The court may at any time amend, withdraw or vary any power granted to a curator and any such amendment, withdrawal and variation may be published by notice in the Gazette.
- (4) At the appointment of a curator -
- (a) the management of the business or affairs of the person responsible for the unfair business practice shall vest in the curator, subject to the supervision of the court, and any other person vested with the management of the affairs of that person shall be divested thereof; and
 - (b) the curator shall recover and take possession of such assets of the person involved in the unfair business practice as may be necessary.
- (5) A curator who is not in the full-time service of the State shall out of the funds of the person responsible for the unfair business practice, in respect of the services rendered by him or her be paid such remuneration as may be prescribed; provided that if the funds of the person involved in the unfair business practice are insufficient to adequately compensate the curator, the curator shall be paid from public funds such further remuneration and allowances as the court may determine.
- (6) The curator shall report to the court on his or her administration of the affairs of the person responsible for the unfair business practice, and shall at the request of the court provide any other information set out in that request.
- (7) The curator shall keep a proper record of the steps taken by him or her in the performance of his or her functions and of the reasons why such steps were taken.
- (8) Any person who, in any way, obstructs, hinders or prevents the curator from discharging or performing any of the directives contained in a court order issued under this section shall be guilty of an offence and be liable upon conviction to a fine not exceeding P7 000 or to imprisonment for a term not exceeding five years or to both.

PART V — *General*

17. (1) No person shall disclose any information obtained by him or her in the exercise or performance of any powers, functions or duties under this Act, except —

- (a) in so far as may be necessary for the purpose of exercising or performing any power, function or duty under an Act of Parliament; or
- (b) by order of the court.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding P2 000 or to imprisonment for a term not exceeding 12 months, or to both.

18. Any agreement or contractual term purporting to exclude the provisions of this Act or to limit the application thereof shall be void.

Excluding or
limiting
application of
Act

19. The Minister may make regulations providing for any matter which under this Act is to be prescribed or for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, such regulations may make provision for —

Regulations

- (a) prescribing procedures, forms and fees;
- (b) prescribing the qualifications and training of investigating officers under this Act;
- (c) prescribing the minimum specifications, performance, quality and safety standards required for any type of commodity or service being offered to consumers;
- (d) prescribing the persons to be defined as consumers under the Act; or
- (e) requiring any form of business to keep such records and to make such periodic and other returns as to such matters as the Minister thinks fit, and prescribing a time limit for the making of such returns.

PASSED by the National Assembly this 8th day of December, 1998.

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

VOCATIONAL TRAINING ACT, 1998

No. 22



of 1998

ARRANGEMENT OF SECTIONS**PART I — Preliminary****SECTION**

1. Short title
2. Interpretation

PART II — *Establishment, Constitution and Membership of Botswana Training Authority*

3. Establishment of Botswana Training Authority
4. Principal objectives of Authority
5. Establishment of Board
6. Disqualification for appointment as Board member
7. Vacation of office
8. Filling of vacancies
9. Payment of members

PART III — *Meetings and Proceedings of the Board*

10. Meetings of Board
11. Declaration of interest by members
12. Validity of acts or proceedings
13. Signification of documents
14. Power to delegate
15. Committees
16. Appointment of officers and employees

PART IV — *Functions, Powers and Duties of Authority*

17. Functions and powers of Authority
18. Directions by Minister
19. Power to require information
20. Botswana National Vocational Qualifications Framework

PART V — *Vocational Training Fund and Financial Provisions*

21. Vocational Training Fund
22. Funds of the Board
23. Powers to borrow money
24. Imposition of training levy
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An Act to provide for the integration and promotion of vocational training and for matters connected or incidental thereto.*Date of Assent:* 21.12.98.*Date of Commencement:* On Notice.

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title

1. This Act may be cited as the Vocational Training Act, 1998 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —
 “apprentice” means an employee bound by a contract of apprenticeship;
 “Authority” means the Botswana Training Authority established under section 3;
 “Board” means the Board of the Authority established under section 5;
 “Chief Executive Officer” means the chief executive officer of the Authority appointed under section 16;
 “equivalences of vocational qualifications” means the same value of awards among various qualifications within the vocational training system being developed;
 “Framework” means the Botswana National Vocational Qualifications Framework established under section 20;
 “Fund” means the Vocational Training Fund established under section 21;
 “levy” means a training levy imposed under section 24;
 “technician level” means a training level leading to qualifications higher than those specified in the Framework under section 20;

“trainees” means employees enrolled in and undergoing an approved programme in vocational training;

“training institution” means a private or public centre, organisation, employer or person, providing vocational training; and

“vocational training” means provision of skills, knowledge and attitudes up to certain specified levels of qualification below the technician level.

PART II — *Establishment, Constitution and Membership of Botswana Training Authority*

3. There is hereby established a training authority to be known as the Botswana Training Authority which shall be a body corporate with a common seal, capable of suing and being sued and subject to the provisions of this Act, of performing such acts as bodies corporate may, by law, perform.

Establishment
of Botswana
Training
Authority

4. The principal objectives of the Authority shall be to —

Principal
objectives of
Authority

- (a) coordinate vocational training activities in order to achieve better integration and harmonisation of the vocational training system being developed;
- (b) monitor and evaluate the performance of the vocational training system being developed in order to ensure the successful performance of all training activities; and
- (c) advise on policy related issues of vocational training.

5. (1) There is hereby established a Board to exercise the powers and functions of the Authority which shall be composed of twenty members consisting of —

Establishment
of Board

- (a) one person appointed by the Minister, subject to subsection (2), as the chairperson of the Board;
- (b) six persons appointed by the Minister representing the Government;
- (c) three persons appointed by the Minister having a particular expertise in vocational training;
- (d) ten persons to be appointed by the Minister upon being nominated as follows —
 - (i) 4 members nominated by organisations for the time being representing employers;
 - (ii) 4 members nominated by organisations for the time being representing employees;
 - (iii) 2 members nominated by non-governmental organisations that manage privately owned vocational training institutions.

(2) The Minister shall, after consultation with the organisations for the time being representing employers, employees and institutions of vocational training, appoint a person of experience and expertise in matters related to vocational training, as chairperson of the Board.

(3) The members of the Board shall appoint, from among their number, a vice-chairperson.

(4) The Chief Executive Officer shall be the Secretary of the Board and as Secretary shall be entitled to attend and take part in the proceedings of every meeting of the Board but shall not vote.

(5) The persons to be nominated and appointed members of the Board under subsection (1) shall be those qualified on account of experience and expertise in matters relating to the functions of the Board.

(6) Every member of the Board shall, unless the member sooner resigns or otherwise ceases to hold office, hold office for a period not exceeding three years.

(7) At the expiry of the term of membership, a member of the Board is eligible for reappointment.

Disqualifi-
cation from
appointment
as a Board
member

6. No person shall be appointed or be qualified to hold office as a Board member if that member —

- (a) has been adjudged or otherwise become insolvent or bankrupt under any law in any country and has not been rehabilitated or discharged;
- (b) has made an assignment to, or arrangement or composition with creditors which has not been rescinded or set aside;
- (c) is of unsound mind;
- (d) has within a period of ten years preceding the date of the proposed appointment, been convicted, whether within or outside Botswana, of any criminal offence and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine;
- (e) is a member of Parliament;
- (f) has been disqualified or suspended, being the holder of professional qualifications, from practising the trade or skill in Botswana or any other country by order of a competent authority.

Vacation of
office

7. A Board member shall vacate office and the office shall become vacant —

- (a) if the member becomes disqualified to hold office as a member in accordance with section 6;
- (b) if the member is absent from three consecutive meetings of the Board without reasonable excuse;
- (c) upon the member's death;
- (d) upon the expiry of one month's notice, given in writing by the member to the Minister of the member's intention to resign from office;
- (e) upon the expiry of such time as the Minister may specify in writing of the member's removal from office;
- (f) if the member becomes mentally or physically incapable of performing the duties as a member of the Board; or
- (g) if he is convicted of an offence under this Act or any other Act for which the member is sentenced to imprisonment for a term of six months or more without the option of a fine.

8. If a vacancy occurs in the membership of the Board in accordance with section 7, the Minister may appoint, in accordance with this Act, any person to fill the vacancy and the person so appointed shall hold office for the unexpired period of the term of office of the member who vacated office.

Filling of
vacancies

9. There shall be paid to the members out of the Fund, such fees and allowances as the Minister may, from time to time determine.

Payment of
members

PART III — *Meetings and Proceedings of the Board*

10. (1) Subject to the provisions of this Act, the Board shall regulate its own procedure.

Meetings of
Board

(2) The Board shall meet at least three times in each year for the discharge of its functions and such meetings shall be held at such place and time and on such days as the chairperson may determine.

(3) At any meeting of the Board, the chairperson shall preside and in the absence of the chairperson, the vice-chairperson; in the absence of both the chairperson and vice-chairperson, the members of the Board present shall elect from among their number, a chairperson for purposes of that meeting.

(4) At every meeting of the Board, one-third of the number of members shall constitute a quorum.

(5) The decisions of the Board shall be by a majority of votes and in the case of an equality of votes, the chairperson presiding shall have a casting vote.

(6) Proper minutes of each meeting shall be kept and shall be confirmed by the chairperson at a subsequent meeting.

(7) The Board may, and shall if the Minister so directs, request the attendance at any meeting of any person who can, in its considered opinion or that of the Minister, assist or advise the Board in respect of any matter before it, and such person whilst attending such meeting shall have all the rights of a member, save that of voting and that of the attendance counting in the constitution of a quorum.

11. (1) A Board member who is, directly or indirectly, interested in a contract made or proposed to be made by the Board or any other matter which is before any meeting of the Board, shall forthwith declare the nature of his or her interest after becoming aware of the relevant facts.

Declaration of
interest by
members

(2) A declaration made under subsection (1) shall be recorded in the minutes of the Board and after the declaration, that Board member shall —

- (a) not take part in any deliberation or discussion of, nor shall the member vote on any question with respect to that contract or matter; and
- (b) be disregarded for the purpose of constituting a quorum of the Board for such deliberation, discussion or vote as the case may be.

- (3) Any Board member who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P5000.
- Validity of acts or proceedings** 12. The validity of any act or proceedings of the Board shall not be affected by any vacancy in the membership thereof, or by any defect in the appointment of any member thereof.
- Signification of documents** 13. All documents and decisions of the Board, may be signified under the hand of the chairperson or any Board member or senior officer of the Authority generally or specially authorised in that behalf.
- Power to delegate** 14. (1) The Board may delegate to the Chief Executive Officer, authority to carry out on its behalf such duties as the Board may determine.
- (2) Any delegation made under subsection (1) may be revoked by the Board at any time and no such delegation shall prevent the exercise of authority by the Board.
- Committees** 15. (1) The Board may, for the purpose of performing the functions of the Authority, establish such committees as it considers appropriate and may delegate, to any such committee, such of its functions as it considers necessary.
- (2) The Board may appoint, to such committees, such number of persons, not being members of the Board as it considers appropriate, and such persons shall hold office for such period as the Board may determine.
- (3) Subject to the specific or general directions of the Board, a committee may regulate its own procedure.
- (4) Meetings of a committee shall be held at such times and places as the committee may determine, or as the Board may direct.
- (5) Each committee shall keep minutes of its meetings and shall keep the Board informed of its activities and shall conduct its proceedings in such manner as the Board may direct.
- (6) A member of a committee of the Board shall be paid such allowances, if any, as the Board with the approval of the Minister, may determine.
- Appointment of officers and employees** 16. (1) The Board shall, with the approval of the Minister, upon such terms and conditions as it may determine, appoint a Chief Executive Officer of the Authority.
- (2) The Chief Executive Officer shall, in accordance with policy laid down by the Board, be charged with the administration and organisation of the Authority, the control and management of the officers and employees, and the responsibility of accounting for all financial transactions of the Authority.
- (3) The Chief Executive Officer may delegate to any officer or employee of the Authority, the exercise of any powers which he or she is authorised to exercise under this Act.
- (4) The Board may, with the approval of the Minister, summarily dismiss the Chief Executive Officer for misconduct or incompetence.

(5) The Board shall appoint the senior officers of the Authority and the Chief Executive Officer shall appoint such other officers and employees as may be necessary for the proper discharge of the functions of the Authority.

(6) The terms and conditions of employment of the officers and employees of the Authority shall be as may be determined by the Board.

PART IV — *Functions, Powers and Duties of Authority*

17. (1) The Authority shall coordinate and promote vocational training in Botswana.

Functions and
powers of
Authority

(2) Without derogating from the generality of subsection (1), the Authority shall —

- (a) promote access to training opportunities in vocational training on an equitable basis;
- (b) accredit, register and monitor both public and private training institutions to ensure adherence to the required standard and quality of training and to minimise variability between the training institutions;
- (c) develop and review national training standards for the various qualification levels within the Framework in order to form a clear and consistent system that is relevant to the needs of the various sectors of the economy;
- (d) approve and guide the development of new and emerging vocations to meet the requirements of the diversifying economy;
- (e) guide the development of programme courses and curricula in vocational training;
- (f) accredit, monitor and evaluate the implementation of programme courses for a comprehensive development of the individual, the economy and the society;
- (g) initiate, monitor and evaluate pilot programme courses for further development of vocational training;
- (h) coordinate the production of teaching and learning materials in accordance with programme courses and curricula;
- (i) accredit and register teachers for vocational training and ensure that standards of teaching, assessment and grading are maintained;
- (j) develop a national training awards system in accordance with the Framework;
- (k) establish a data base and initiate relevant surveys in matters relating to vocational training;
- (l) regulate assessment and testing within the vocational training system being developed;
- (m) declare any trade to be an apprenticeable trade and regulate any matter relating to apprenticeship training;
- (n) initiate, support and conduct research in the area of vocational training nationally and internationally and disseminate research outcomes in order to enhance the quality and relevance of the vocational training system being developed; and

(o) establish links with national and international institutions to draw from their experience in the development of a vocational training system.

(3) The Authority may exercise and perform such other powers and functions as may be conferred on it by this Act, or any other law.

(4) The Board may, in writing, delegate any of the powers and functions of the Authority to the Chief Executive Officer or any other officer or employee of the Authority.

Directions by
Minister

18. (1) The Minister may, after consultation with the Board, give such general or specific directions, not inconsistent with the provisions of this Act, or as to the policy to be followed by the Authority in the performance of its functions under this Act as appears to the Minister to be necessary, and the Authority shall as soon as practicable give effect to any such direction.

(2) The Minister may, on the recommendations of the Board, close any training institution.

Power to
require
information

19. (1) The Authority shall have the power to require, from any training institution such information including accounts, returns or estimates as the Authority deems it necessary, to carry out its functions under this Act.

(2) If so requested by the Authority, the training institution shall give the Authority access to or provide it with such information as the Authority may require and the Authority shall be entitled to make copies or take extracts from any information.

(3) Information provided by any training institution shall not be false or misleading.

(4) The Chief Executive Officer, employee or officer of the Authority shall not disclose to any other person any information so acquired if that disclosure would be detrimental to the training institution the information was obtained from, except where —

(a) civil or criminal proceedings arise involving that training institution;

(b) the Chief Executive Officer, employee or officer of the Authority is summoned to appear before a court of competent jurisdiction in Botswana and the court orders the disclosure of the information;

(c) the information is required by the Chief Executive Officer, employee or officer, or by an auditor or legal representative of the Authority, who is entitled to know the information in the course of professional duties in matters related to the objectives of this Act.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P5000.

Botswana
National
Vocational
Qualifications
Framework

20. (1) The Authority shall establish the National Vocational Qualifications Framework for the purpose of providing the basis for accreditation and determination of equivalencies of vocational qualifications, which framework shall be linked to any other qualification and accreditation within the overall qualification framework of the education system in Botswana.

(2) The Framework shall consist of the following levels of qualifications to be certified by appropriate testing after relevant training and adequate work experience —

- (a) Foundation Level which includes a broad based initial training and reflects competence to perform, under supervision, a limited range of work activities;
- (b) Intermediate Level which includes competence to perform, with minimum guidance and supervision, routine jobs and some non routine jobs; and
- (c) Certificate Level which includes competence to perform tasks associated with skilled jobs of non routine and complex nature and indicates potential for supervisory functions.

PART V — *Vocational Training Fund and Financial Provisions*

21. (1) The Minister may establish the Vocational Training Fund for the purpose of reimbursing employers who have incurred training costs for apprentices or trainees.

Vocational
Training Fund

(2) There shall be paid into the Fund such moneys as may be —

- (a) appropriated by Parliament for payment into the Fund;
- (b) received by way of a levy imposed under section 24;
- (c) received from any other source for payment into the Fund.

(3) There shall be paid from the Fund such amounts as are required for the purposes of facilitating vocational training.

(4) The Authority shall have the overall responsibility of the Fund and the Board shall manage the Fund.

(5) The Board shall maintain with such bank as the Minister may approve, a designated account into which shall be paid the levy and all the moneys paid into the Fund.

22. (1) The funds of the Board shall consist of —

Funds of the
Board

- (a) such sums as may be payable to the Board from moneys appropriated by Parliament for the purpose;
- (b) such other moneys or contributions which may accrue to the Fund;
- (c) such other moneys or assets which may accrue to or vest in the Board, whether in the performance of its functions or otherwise.

(2) The Board shall keep and maintain proper accounts and records in respect of its finances and shall prepare in each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve.

(3) The Board shall, not later than 31st March in each year, sign and forward to the Accountant-General a copy of the balance sheet and statement of income and expenditure in respect of the previous year.

(4) The balance sheet and statement of income and expenditure shall be included in the Annual Statement of Accounts submitted by the Accountant-General to the Auditor-General in accordance with section 34 (2) of the Finance and Audit Act.

A.190

Powers to
borrow
money

23. The Board, on behalf of the Authority, may, with prior approval of the Minister and the Minister responsible for finance, borrow money from any source.

Imposition of
training levy

24. (1) The Minister may, after consultation with the Board, impose, by Order, a levy, which shall be payable into the Fund.

(2) A levy Order may prescribe the level, exemption or payment procedures and any other matter relating to the enforcement of payment of levy.

Evasion of
levy

25. Any person who with intent to evade payment of levy —

(a) makes a false statement to the Chief Executive Officer;

(b) fails or omits to give information required under this Act; or

(c) gives any information which is false in any material particular; shall be guilty of an offence and shall be liable to a fine not exceeding P7000 or to imprisonment for a term not exceeding eighteen months or to both.

PART VI — *Miscellaneous*

Symbol or
design of
Authority

26. (1) The Authority shall have the exclusive right to the use of such symbol, design or representation as it may select or devise in connection with its activities or affairs.

(2) A person who uses a symbol, design or representation identical with that of the Authority or which so resembles the symbol, design or representation thereof so as to deceive or cause confusion or to be likely to deceive or cause confusion shall be guilty of an offence and shall be liable to a fine not exceeding P1000.

Issue of
certificates

27. (1) The Authority shall have the exclusive right to the form and presentation of its titles of certificates or other qualifications issued by the Authority to any person who attains any of the three levels of qualification within the Framework.

(2) Any person who issues or uses, or causes or permits the use of titles of certificates or other qualifications identical with those of the Authority shall be guilty of an offence and shall be liable to a fine not exceeding P3000.

Annual Report

28. (1) The Board shall, within a period of six months after the end of the financial year or within such longer period as the Minister may approve, submit to the Minister a comprehensive report on its operations during such year together with the auditor's report and the audited accounts as provided for in section 22 and the Board shall publish them in such manner as the Minister may specify.

(2) The Minister shall, not later than 30 days after the first sitting of the National Assembly next after the receipt of the Board's report, lay it before the National Assembly.

Protection
from personal
liability

29. No matter or thing done by any member of the Board or by any officer or employee of the Authority shall, if the matter or thing is done *bona fide* for the purpose of executing any provision of this Act, render such person personally liable to any action, claim or demand.

30. Any person who contravenes any of the provision of this Act in respect of which no penalty is provided shall be guilty of an offence and liable to a fine not exceeding P5000 or to imprisonment for a term not exceeding twelve months or to both.

Penalties

31. The Minister may, after consultation with the Board, make regulations for any matter which under this Act is to be prescribed or for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, such regulations may provide for —

Power to make Regulations

- (a) prescribing procedures of accrediting, registering and monitoring of both public and private training institutions;
- (b) the procedure for accrediting teachers, programme courses and determination of equivalences of qualifications within the Framework;
- (c) prescribing national training standards for the various qualification levels within the Framework;
- (d) prescribing the manner of accrediting, monitoring and evaluating the implementation of programme courses;
- (e) regulating the national training awards system in accordance with the Framework;
- (f) regulating the manner of assessment and testing within the vocational training system being developed;
- (g) prescribing the manner of conducting research and disseminating research outcomes, nationally or internationally, in the area of vocational training;
- (h) approving and declaring vocations to be apprenticeable and regulating any other matter affecting apprenticeship training.

32. (1) Any responsibility or function of the Authority under this Act which immediately before the coming into operation of this Act, has been or is performed by any other person or institution shall be deemed to be transferred to the Authority.

Transitional provision

(2) Any person who, at the coming into operation of this Act is carrying on the business or activity of vocational training in public or private institutions, shall within six months of the coming into operation of this Act, comply with the provisions of this Act and regulations made thereunder.

33. The Apprenticeship and Industrial Training Act is hereby repealed.

Repeal of Cap. 47:04

34. Notwithstanding the repeal effected under section 33, any person awarded with a certificate under the Apprenticeship and Industrial Training Act before the commencement of this Act, shall be deemed to have been so qualified under this Act.

Savings

Cap. 47:04

PASSED by the National Assembly this 9th day of December, 1998.

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

WORKER'S COMPENSATION ACT, 1998

No. 23



of 1998

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FIRST SCHEDULE

SECOND SCHEDULE

An Act to provide for compensation of workers for injuries suffered or occupational diseases contracted in the course of their employment or for death resulting from such injuries or diseases and for matters incidental and connected to the foregoing.

Date of Assent: 21.12.98.

Date of Commencement: On Notice.

ENACTED by the Parliament of Botswana.

PART I – *Preliminary*

1. This Act may be cited as the Worker's Compensation Act, 1998, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commencement

Interpretation

2. Unless the context otherwise requires —

“accident” means an accident arising out of and in the course of a worker’s employment and resulting in personal injury;

“Commissioner” means the Commissioner for Worker’s Compensation appointed under section 4;

“compensation” means compensation determined and payable under this Act;

“dependant” of a worker means —

(a) a widow or widower who at the time of the accident was married, in accordance with either the customary or statute law, to the worker;

(b) where there is no widow or widower in terms of paragraph (a), a woman or man with whom the worker was at the time of the accident living as wife or husband;

(c) a child of the worker or of his spouse and includes a posthumous child, a step child, an adopted child and a child born out of wedlock;

(d) a parent of the worker or any person who was acting in the place of a parent; and

(e) a brother or sister, grandparent or grandchild; who was at the time of the accident wholly or partly financially dependent upon the worker;

“earnings” means wages earned, the value of any food given by the employer, fuel or quarters supplied to the worker by the employer and any overtime payments, for overtime work not of an intermittent nature, or other special remuneration for work done, whether by way of bonus or otherwise;

“employer” includes the Government, a local authority, a statutory corporation and any body or association of persons corporate or unincorporate, and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of employment or apprenticeship, the latter shall, for the purposes of this Act, be deemed to be the employer of the worker whilst he is working for that other person; and in relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee of the club shall, for the purposes of this Act, be deemed to be the employer;

“insurer” means any person carrying on insurance business within the meaning of that expression as defined in the Insurance Industry Act;

“Medical Board” means the Medical Board appointed under section 6;

“partial incapacity” means incapacity of a temporary nature caused by injury or occupational disease contracted, which reduces the earning capacity of a worker in any employment in which he was engaged at the time of the accident;

“permanent partial incapacity” means incapacity of a permanent nature caused by injury or occupational disease contracted, which reduces the earning capacity of a worker in every employment which he was capable of undertaking at that time;

Provided that every injury specified in the First Schedule, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to 100 per cent or more, shall be deemed to result in permanent partial incapacity;

“scheduled disease” means any disease specified in the Second Schedule;

“total incapacity” means such incapacity whether of a temporary or permanent nature, caused by injury or occupational disease contracted, as incapacitates a worker for any employment which he was capable of undertaking at the time of the accident;

Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the First Schedule where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to 100 per cent or more;

“worker” means any person who, either before or after the commencement of this Act, has entered into or works under a contract of employment or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed orally, is in writing or is implied;

Provided that the following persons shall be exempted from the definition of “worker” —

- (a) any person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;
- (b) any person who is given permission to win minerals, receiving a portion of the minerals won by him or the value thereof;
- (c) a person who contracts to carry out works and who engages other persons to perform the work;
- (d) any member of the employer’s family living in the employer’s house or the cartilage thereof; or
- (e) any member of the class of persons declared in the regulations not to be workers for the purposes of this Act.

3. (1) This Act shall apply to any worker employed by the Government, any local authority or statutory corporation in the same way and to the same extent as if the employer were a private person.

Application
of Act

(2) Except for the purposes of section 38 relating to the conclusion of agreements as to the amount of compensation payable, and except where the context otherwise requires, a reference to a worker shall, where the worker is dead, include reference to his dependants, or to any person acting on his behalf under this Act.

(3) The exercise and performance of the powers and duties of a local authority, a statutory corporation or any department of the Government shall, for the purposes of this Act, be treated as the trade or business of such authority, corporation or Government department.

(4) If, in any proceedings for the recovery of compensation, it appears to the Commissioner that the contract of employment or apprenticeship under which the injured person was working at the time of the accident causing the injury was illegal or otherwise unenforceable, he may, if, having regard to all the circumstances of the case, thinks it proper to do so, deal with the matter as if the injured person at the material time had been a person working under a valid contract of service or apprenticeship and thereafter, for the purposes of this Act, the injured person shall be so deemed to be.

PART II – Commissioner of Worker's Compensation and Appointment of Medical Board

Appointment
of
Commissioner

4. Subject to the laws governing the public service the Minister may appoint a public officer to be the Commissioner for Worker's Compensation.

Functions of
Commissioner

5. (1) The Commissioner shall, subject to the control of the Minister, be responsible for the administration of this Act.

(2) Without derogating from the generality of subsection (1) the functions and powers of the Commissioner shall be to —

- (a) adjudicate upon claims for compensation and other matters requiring decision under this Act;
- (b) determine whether any person, in terms of the contract of employment, is a worker or employer for the purposes of this Act;
- (c) determine any question relating to the —
 - (i) right of compensation;
 - (ii) computation of the earnings of a worker;
 - (iii) degree of incapacitation of a worker;
 - (iv) amount of compensation payable; and
 - (v) payment, revision, discontinuance or suspension of any compensation;
- (d) determine whether any person is a dependant for the purposes of this Act, and, if so, the degree of dependency, and, where there is more than one dependant entitled to receive compensation, the allocation of compensation between dependants;

- (e) require that money payable as compensation in a fatal case to a widow, widower or to minor children shall be paid in full to the Commissioner who may arrange payments in instalments in such amounts and at such periods as he may determine, or will arrange that such compensation is invested, applied or otherwise dealt with for the benefit of the widow, widower or children concerned;
 - (f) require that money payable as compensation to a worker in a case of permanent total incapacity, in circumstances where the Commissioner determines that such money would not be managed to the benefit of the worker and other beneficiaries, shall be paid in full to the Commissioner who may arrange payments in instalments in such amounts and at such periods as he may determine, or will arrange that such compensation is invested, applied or otherwise dealt with for the benefit of the worker and beneficiaries concerned;
 - (g) determine any question relating to the necessity for, or the character or sufficiency of any medical aid;
 - (h) collect, compile and maintain such statistics, information and records relating to the occurrence or causes of accidents and scheduled diseases, and the award and payment of compensation, as may be necessary or as the Minister may require;
 - (i) receive any moneys received from outside Botswana and payable as worker's compensation under the law of any other country to dependants within Botswana, and to determine any question relating to the dependants or the degree of dependency, and to distribute the moneys to the persons entitled to such moneys, in such manner as may be just;
 - (j) subject to the provisions of the Exchange Control Act, transfer any moneys payable as compensation to a worker or his dependants outside Botswana, to the persons entitled to such moneys or to a competent authority concerned for payment to the persons so entitled;
 - (k) in cases of dispute determine the length of intervals for periodic payments in the case of temporary incapacity;
 - (l) perform any other duties or functions in relation to worker's compensation as the Minister may require.
- (3) In relation to proceedings conducted by the Commissioner under this Act, the Commissioner shall have all the powers of a magistrate to summon witnesses, to enforce attendance of witnesses, and to call for, require and to hear evidence and shall otherwise proceed according to any rules of procedure prescribed by the Minister.
- (4) Proceedings before the Commissioner shall not be open to the public and the Commissioner may exclude any persons who are not interested parties.

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(5) The Commissioner may delegate or assign any of his powers and functions under this section to labour officers appointed as such under section 4 of the Employment Act.

(6) An appeal shall lie to the Commissioner against a decision of a labour officer in respect of any power or function delegated under subsection (5).

Appointment
of the Medical
Board

(7) An appeal shall lie to the Minister in respect of any determination made by the Commissioner in relation to compensation under this Act.

6. The Minister may, following consultations with the Minister responsible for health, by Order, appoint a Medical Board consisting of —

- (i) three medical doctors one of whom shall be appointed as Chairperson by the Minister;
- (ii) one attorney; and
- (iii) one person qualified and experienced in a labour related profession.

Function of
the Medical
Board

7. The primary function of the Medical Board shall be to determine medical disputes on degrees of incapacity and such other medical questions arising in relation to any claim for compensation.

PART III — *Administrative Requirements*

Requirements
as to notice of
accident

8. (1) Proceedings under this Act for the recovery of compensation for an injury shall not be maintainable unless notice of the injury has been given by or on behalf of the worker as soon as practicable after it has been incurred and before the worker has voluntarily left the employment in which he was injured, and unless the application for compensation with respect to such injury has been made within 12 months from the date it was incurred or, in the case of death, within 12 months from the time of death:

Provided that —

- (i) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the injury from any other source at or about the time it was incurred, or if it is found in the proceedings for settling the claim that the employer is not, or would not be, if a notice or an amended notice were then given and the hearing postponed, prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake or other reasonable cause;
- (ii) the notice may be given, and the application may be made under, this section by a labour officer or such other officer as may be so empowered by the Commissioner on behalf of the worker;

- (iii) the failure to give notice or to make an application within the periods above specified shall not be a bar to the maintenance of such proceedings if it is proved that the failure was occasioned by mistake or other reasonable cause, including the error or mistake of any person advising or assisting the worker under this Act; or
- (iv) the failure to give notice or to make application within the periods above specified shall not be a bar to the maintenance of such proceedings, if it is proved that the employer has failed to comply with section 9 (1).

(2) Notice under this section may be given either orally or in writing to the employer, or, if there is more than one employer, to one of such employers, or to any foreman or other person under whose supervision the worker is employed, or to any person designated for the purpose by the employer, and shall specify the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date on which and the place at which the accident occurred.

9. (1) Every injury and disease arising out of and in the course of employment which —

- (a) results in the death of a worker;
- (b) results in, or is likely to result in, some degree of permanent incapacity to a worker; or
- (c) results in incapacitating a worker from following his normal employment for more than three days;

shall, within 17 days of the date when the injury is incurred or the disease diagnosed, be reported by the employer in the prescribed form and accompanied by the prescribed particulars to such officer as may be designated by the Commissioner for such purpose.

(2) Any employer who fails without reasonable cause to comply with the requirements of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P2000.

(3) Failure by an employer to comply with the requirements of subsection (1) shall not be a bar to the institution or maintenance of proceedings by the worker concerned for compensation under this Act.

10. (1) Where a worker has given notice of an injury and the employer offers, within ten days of the giving of such notice, to have him examined free of charge by a medical practitioner named by the employer, the worker shall submit himself for such examination, and any worker who is in receipt of periodical payments under section 17 shall, if so required, submit himself for such examination from time to time.

(2) The worker shall, when required, attend upon that medical practitioner at the time and place notified to the worker by the employer or that medical practitioner, provided such time and place are reasonable.

Employers to
report injuries
and
occupational
diseases

Medical
examination
and treatment

(3) In the event of the worker being, in the opinion of any medical practitioner, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer, and the medical practitioner so named shall fix a reasonable time and place for a personal examination of the worker and shall notify him accordingly.

(4) If the worker fails to submit himself for such examination his right to compensation shall be suspended until such examination has taken place; and if such failure extends for a period of 15 days from the date when the worker was required to submit himself for examination no compensation shall be payable unless the commissioner is satisfied on a consideration of all the circumstances that compensation or such part of it as he thinks fit shall be payable.

(5) The worker shall be entitled, at his own expense, to have his own medical practitioner present at such examination.

(6) Where the worker is not attended by a medical practitioner he shall, if so required by the employer, submit himself for treatment by a medical practitioner without expense to the worker.

(7) If the worker fails to submit himself for treatment by a medical practitioner when so required under subsection (6), or having submitted himself for such treatment has disregarded the instructions of such medical practitioner, then if it is proved that such failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the worker had submitted himself for treatment by, and duly carried out the instructions of, such medical practitioner, and compensation, if any, shall be payable accordingly:

Provided that where aggravation of the injury has resulted in death, the amount of compensation shall be the amount payable under this subsection or the amount payable under section 13, whichever is the lesser.

(8) Where there is evidence of continued aggravation of an injury or disease which had already been examined and for which the degree of incapacity had been determined, re-examination of the injury or disease for the purpose of determining the correct degree of incapacity shall be made at the expense of the employer.

(9) Where under this section a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

PART IV – *Eligibility for Compensation*

11. (1) Subject to subsection (2) an employer whose worker suffers personal injury or an occupational disease arising out of and in the cause of the worker's employment shall be liable to pay compensation in accordance with the provisions of this Act.

(2) An employer shall not be liable to pay compensation for any injury or occupational disease —

- (a) which does not incapacitate the worker to an extent that he is unable to work and earn full wages for any length of time;
- (b) that has been deliberately self inflicted;
- (c) that is proved to have been caused by the worker's wilful misconduct such as —

- (i) being under the influence of intoxicating or narcotic drink, drugs or other substance;
- (ii) deliberate contravention of any law, regulation or order, whether statutory or otherwise, expressly made to safeguard the health and well being of workers;
- (iii) the wilful removal or disregard of any safety measures or other device which the worker knew to have been provided for the purpose of securing the safety of workers; or
- (iv) any other act or omission deliberately done contrary to given instructions; or

(d) that can be proved to have been caused due to a health problem the worker has had and known about, but has not disclosed to the employer.

(3) Notwithstanding subsection (2) where the injury results in death or permanent incapacity the Minister may, on consideration of all the circumstances, award compensation to such extent as he considers appropriate.

12. (1) Where the usual place of employment of a worker is in Botswana and he suffers injury while he is temporarily employed outside Botswana by the same employer, the worker shall be entitled to compensation from the employer in the same manner as if the injury was incurred during employment in Botswana.

Special
cases

(2) Where the usual place of employment of a worker is outside Botswana, and he suffers injury while he is temporarily employed in Botswana, he shall be entitled to compensation from the employer in the same manner as if he were ordinarily employed in Botswana:

Provided that where such worker is so employed in Botswana for a continuous period exceeding 12 months he shall be deemed to be ordinarily employed by the employer in Botswana.

(3) Where a worker is engaged in Botswana for the purpose of service in another country and he suffers injury whilst on his way to commence employment in such country or whilst being repatriated to his place of engagement in Botswana, such worker shall be entitled to compensation from the employer in the same manner as if the injury was incurred during employment in Botswana.

PART V — *Compensation*

Compensation
in
fatal cases

13. Where death results from injury or from an occupational disease to a worker in circumstances in which compensation is payable the compensation to be paid shall be equal to such number of monthly earnings as may be prescribed by the Minister in terms of subsection (2).

(2) The Minister may prescribe the compensation payable in terms of subsection (1) in the case —

- (a) where a worker leaves dependants that are wholly dependant upon his earnings;
- (b) where a worker leaves dependants only partially dependant upon his earnings; and
- (c) of reasonable expenses for the burial of the deceased worker:

Provided that, where in respect of the same accident giving rise to the injury or occupational disease compensation has been paid for permanent total or permanent partial incapacity, such compensation shall be deducted from the sum payable as compensation for the death of the worker;

Provided further that compensation payable under paragraph (b) shall not exceed that which is payable under paragraph (a).

Compensation
in case where
worker is
presumed
dead

14. (1) Subject to subsection (2), but notwithstanding anything to the contrary contained in any other law, a worker who disappears without trace in circumstances arising out of and in the course of his employment shall be presumed dead after a period of 36 months from the date of the disappearance, and compensation shall be payable to his dependants, in accordance with the provisions of section 13.

(2) Where it has been ascertained to the satisfaction of the Commissioner that the circumstances of the worker's disappearance are such as to lead to the conclusion that there is no doubt of the demise of the worker, a presumption of death may be made at such earlier period after the disappearance of the worker as the Commissioner may determine.

(3) The Commissioner may require that compensation payable under this section shall be paid in full to him at such period as he may determine after the disappearance of the worker, and he shall hold such compensation in trust until such time as he may determine to pay such compensation to the dependants of such worker in accordance with the provisions of either subsection (1) or (2).

Compensation
in case of
permanent
total
incapacity

15. (1) Where permanent total incapacity results from injury to a worker in circumstances in which compensation is payable, the amount of compensation payable shall be such number of monthly earnings as may be prescribed by the Minister.

(2) Where the permanent total incapacity is of such a nature that the injured worker must have the constant help of another person, compensation additional to that provided under subsection (1) shall be payable at the discretion of the Minister, up to a maximum of one-quarter of the amount which is payable under subsection (1).

16. (1) Where permanent partial incapacity results from injury to a worker in circumstances in which compensation is payable, the compensation payable shall be such amount, computed as the Minister, following consultations with the Medical Board, may prescribe, both for injuries specified and not specified in the First Schedule.

Compensation
in case of
permanent
partial
incapacity

(2) Where a worker incurs more than one injury, the amount of compensation payable shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries.

17. (1) Where temporary incapacity, whether total or partial, results from injury to a worker the compensation payable shall be —

Compensation
in case of
temporary
incapacity

(a) such amount of periodical payments as the Commissioner may determine as payable at such intervals as may be agreed upon or as the Commissioner may in the rules prescribe; or

(b) a lump sum calculated accordingly having regard to the probable duration, and probable changes in the degree of the incapacity.

(2) Periodical payments referred to in subsection (1) shall be, or shall be at the rate proportionate to, a monthly payment of two-thirds of the difference between the monthly earnings which the worker was earning at the time of the accident and the monthly earnings which he is earning or is capable of earning in some suitable employment or business after the accident:

Provided that the duration of periodical payment shall not in the first place exceed six months, though the Commissioner may from time to time, after review of all the circumstances, extend the duration of periodical payments for periods of up to three months at a time, so, however, that in no case shall the total duration of periodical payments exceed 24 months.

(3) In fixing the amount of periodical payments the Commissioner shall have regard to any payment, allowance or benefit, including the value of any food, fuel and quarters which the worker may receive from the employer during the incapacity.

(4) On the ceasing of the incapacity before the date on which any periodical payments falls due, there shall be payable in respect of that period a sum proportionate to the duration of the incapacity in that period.

(5) Where a worker in receipt of periodical payments under this section intends to leave the neighbourhood in which he was employed, for the purpose of residing elsewhere, he shall give notice of such intention to the employer who may agree with the worker for the redemption of such periodical payments by a lump sum, or for the continuance of such periodical payments; if the employer and worker are unable to agree, either party may apply to the Commissioner who may order such redemption and determine the amount to be paid or order the continuance of the periodical payments:

Provided that any lump sum so ordered to be paid together with the periodical payments already made to the worker shall not in any case exceed the total sum which would be payable if the periodical payments had continued for the maximum period allowed under subsection (2).

(6) If a worker in receipt of periodical payments under this section leaves the neighbourhood in which he was employed, for the purpose of residing elsewhere, without giving notice as provided in subsection (5), or, having given such notice, leaves the neighbourhood as aforesaid without having come to an agreement with his employer for the redemption or continuance of such periodical payments, or without having made an application to the Commissioner under subsection (5), the Commissioner may, after consideration of all the circumstances, direct that the worker shall not be entitled to any benefits under this Act during or in respect of the period of his absence, or if the period of such absence exceeds six months that the worker shall cease to be entitled to any benefits under this Act.

(7) In the event of death or permanent disability following after temporary incapacity to a worker, no deduction shall be made to the amount of compensation payable under sections 13, 14, 15, and 16 by reason of any payments having been made under this section.

PART VI – *Calculation and Distribution of Compensation*

Method of
calculating
earnings

18. (1) For the purposes of this Act, the monthly earnings of a worker shall, subject to subsection (4) and (5), be computed in such manner as is best calculated to give the rate per month at which the worker was being remunerated during the previous 12 months if he has been employed by the same employer for that period of time, but, if not, then for any less period during which he has been in the employment of the same employer:

Provided that —

- (i) where by reason of the shortness of the time during which the worker has been in the employment of his employer or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the injury to compute the rate of remuneration, regard may be had to the average monthly amount which, during the 12 months previous to the injury, was being earned by a person of similar earning capacity in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person of similar earning capacity in the same grade employed in the same class of employment and in the same district; and

- (ii) in no case may monthly earnings be computed to be less, in the case of a worker working six days a week, than 26 times, and, in the case of a worker working five days a week, 22 times, the minimum daily wage for adults prevailing in the area in which the worker was employed at the time of the injury.

(2) For the purposes of subsection (1), employment by the same employer shall be taken to mean employment by the same employer in the grade in which the worker was employed at the time of the injury uninterrupted by absence from work due to illness or any other unavoidable cause.

(3) Where the worker has entered into concurrent contracts of employment with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the injury:

Provided that the earnings of the worker under the concurrent contract shall be taken into account only so far as the worker is incapacitated from performing the concurrent contract.

(4) Where a worker was, at the date of the accident, under the age of 18 years his earnings shall, for the purposes of assessing compensation payable in the case of permanent incapacity, be deemed to be such amounts as, if the accident had not occurred, he would probably have received upon attaining the age of 18 years, or at the end of a period of five years after the accident, whichever calculation is more favourable to the worker.

(5) Where a worker was, at the date of the accident, employed under a contract of apprenticeship, his earnings shall, for the purposes of assessing compensation payable in the case of permanent incapacity, be deemed to be such amount as, if the accident had not occurred, he would probably have received upon the completion of his contract of apprenticeship.

(6) Upon the request of the worker or any duly authorised person acting on his behalf under this Act made to an employer liable to pay compensation, that employer shall furnish in writing a list of the earnings which have been earned by that worker upon which the amount of the monthly earnings may be calculated for the purposes of this section, and any employer who, without reasonable cause, fails to furnish such list upon request, or who furnishes or causes to be furnished any such list which he knows or has reason to believe is false in any material particular, shall be guilty of an offence and liable to a fine not exceeding P 1000.

19. (1) The compensation shall be payable to or for the benefit of the worker, or, where death results from the injury or occupational disease, to or for the benefit of his dependants as provided by this Act.

Persons
entitled to
compensation

(2) Where a dependant dies before a claim in respect of death is made under this Act, or, if a claim has been made, before an order for the payment of compensation has been made, the legal personal representative of the dependant shall have no right to payment of compensation, and claim for compensation shall be dealt with as if the dependant has died before the worker.

Distribution of
compensation

20. (1) Compensation payable where the death of a worker has resulted from an injury or occupational disease shall be paid to the Commissioner, and the Commissioner may order any sum so paid to be apportioned among the dependants of the deceased worker or any of them in such proportion as the Commissioner thinks fit, or, in the discretion of the Commissioner, to be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

(2) Where, on application being made in accordance with regulations made under this Act, it appears to the Commissioner that, on account of the variations of the circumstances of the various dependants, or for any other sufficient cause, an order made under this subsection ought to be varied, the Commissioner may make such order for the variation of the former order as in the circumstances of the case the Commissioner may think just.

(3) Subject to section 38, compensation payable under sections 13, 14, 15 or 16 and the total sum payable under section 17 shall be paid to the Commissioner, and any sum so paid shall be paid to any person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

(4) Nothing in this section shall prevent an employer from making any payment to a worker pending the settlement or determination of the claim and the Commissioner may order that the whole or any part of such payment shall be deducted from the amount of compensation payable to such worker under this section.

(5) Any other compensation payable under this Act may be paid to the worker or to the Commissioner and if paid to the Commissioner, the Commissioner shall pay it to any person entitled thereto.

(6) The receipt of the Commissioner shall be a sufficient discharge in respect of any amount paid to the Commissioner under this Act.

PART VII – Occupational Diseases

Compensation
in respect of
diseases

21. (1) A worker suffering from a scheduled disease or his dependants may obtain from a medical practitioner a certificate certifying that —

- (a) the worker is suffering from a scheduled disease causing incapacity or that the death of the worker was caused by a scheduled disease; and

(b) that such disease was due to the nature of the workers's employment and was contracted within such period preceding the date of incapacity or death as may be prescribed in respect of that disease.

(2) Where the Commissioner is satisfied on the evidence that the allegations contained in the certificate are correct, the worker, or if he is dead his dependants, shall be entitled to compensation under this Act as if such incapacity or death had been caused by an injury arising out of and in the course of his employment, and the provisions of this Act shall apply with any necessary modifications.

(3) In any case of any incapacity or death arising from a scheduled disease, if the worker has at any time represented in writing to the employer that he was not suffering or had not previously suffered from that or a similar scheduled disease, knowing that the representation was false, then the Commissioner, after a consideration of all the circumstances, may forfeit the compensation provided for under this Act or such part thereof as he thinks fit.

22. (1) Compensation payable under section 21 shall be paid by the employer who last employed the worker during the period referred to in section 21, unless that employer proves that the disease was not contracted while the worker was employed by him.

Liability to
pay
compensation

(2) The worker or his dependants if so required shall furnish to the employer from whom compensation is claimed such information as he or they possess as to the names and address of all other employers who during the prescribed period employed the worker in the occupation to the nature of which the disease is due.

(3) Where the employer alleges that the disease was in fact contracted while the worker was employed by some other employer and not while employed by him, he may join such other employer as a party to the proceedings in such manner as may be prescribed, and, if the allegation is proved, that employer shall be the employer from whom the compensation shall be recoverable.

(4) If the disease is of such a nature as to be contracted by a gradual process, any other employers who, during the prescribed period, employed the worker in the occupation to the nature of which the disease is due, may be required by the Commissioner to make to the employer from whom compensation is recoverable such contributions as in default of agreement may seem to him to be appropriate.

23. (1) In the application of this Act to incapacity or death caused by a scheduled disease, references to the date of the injury shall be construed as meaning —

Special
provisions
relating to
scheduled
diseases

(a) in the case of a disease causing incapacity, the date of the certificate referred to in section 21; and

(b) in the case of death from a disease, the date of the death of the worker.

(2) The provisions of this Act relating to the giving of notice of an injury and the making of a claim for compensation shall apply in respect of the recovery of compensation under this Part as they apply in respect of the recovery of compensation for an injury arising out of and in the course of employment.

(3) Compensation payable under this Part shall be calculated with reference to the earnings of the worker under the employer from whom compensation is recoverable, and the monthly earnings of the worker shall be computed in such manner as is best calculated to give the rate per month at which the worker was being remunerated during the 12 months preceding the date of the certificate referred to in section 21, or, if the worker was not then so employed the earnings shall be computed in such manner as is best calculated to give the rate per month at which the worker was being remunerated during the period when he was employed by the employer from whom the compensation is recoverable, and for this purpose section 18 shall, with necessary modifications, apply.

Presumption
as to cause of
death

24. If a worker who becomes incapacitated or who dies as a result of any scheduled disease was, within the prescribed period preceding the incapacity or death, employed in any occupation prescribed in respect of that disease, it shall be presumed, unless the contrary is proved, that the disease was due to the nature of such employment.

Right of
worker against
previous
employer

25. Nothing in this Part shall be construed as preventing compensation being recovered from any employer who employed the worker during the prescribed period referred to in section 21, if the employer who last employed the worker during that period proves that the disease was not contracted while the worker was employed by him, in which case section 22 (3) shall apply.

Compensation
to include
medical aid

26. For the purposes of this Part a reference to compensation includes a reference to medical aid within the meaning of Part VIII.

Power of
Minister to
amend Second
Schedule
Cap 47:01

27. The Minister may, following consultation with the Labour Advisory Board appointed under the Employment Act, by Order, delete from the Second Schedule any disease scheduled therein, and may in like manner insert any disease in that Schedule:

Provided that the intention to issue such an Order shall be published by notice in the Gazette at least one month before the issue thereof, and any person wishing to do so may make his objections in writing to the Minister.

PART VIII — *Medical Aid*

Medical
expenses

28. (1) The employer shall, in addition to any compensation payable under this Act, defray the reasonable expenses incurred by a worker within Botswana, or with the approval of the Commissioner, outside Botswana, as a result of any injury or occupational disease which would entitle the worker to compensation under this Act —

- (a) in respect of medical, surgical, dental and hospital treatment, skilled nursing services and the supply of medicines to such amount as may be prescribed;
- (b) in respect of the supply, fitting, maintenance, repair and normal renewal of any artificial appliance, limb, apparatus or mechanical aid to such amount as may be prescribed; and

(c) in respect of reasonable transport charges to such amount as may be prescribed, incurred in transporting the worker to and from a place where facilities for examination and treatment or assessment are available, if such transport is certified to be necessary by the medical practitioner in charge of the case.

(2) In determining any dispute in respect of compensation or upon the application of any interested person, the Commissioner may order the payment of any of the expenses referred to in subsection (1) to the person entitled to receive it, and if such expenses exceed the amount provided in that subsection the Commissioner may apportion the amount available in such manner as he considers expedient.

29. (1) All disputes as to the necessity for, or the character or sufficiency of, any medical aid provided or to be provided under this Part shall be determined by the Commissioner.

Decisions of
Commissioner
in regard to
medical aid

(2) In determining any question under subsection (1) the Commissioner may call for such evidence as he considers desirable or necessary.

(3) Any party to the proceedings under this section dissatisfied by the decision of the Commissioner may appeal such decision to the Medical Board.

30. (1) The medical aid fees and charges for workers within Botswana shall be in accordance with such scale as may be prescribed, and no claim for an amount in excess of a fee or charge in accordance with this scale shall lie against any worker or his employer in respect of any such medical aid.

Fees for
medical aid to
be prescribed

(2) Where medical aid for any worker is not obtainable in Botswana, the fees and charges for such medical aid obtained outside Botswana shall be in such amount as the Commissioner, following consultations with the Medical Board, may, in each case, determine.

PART IX — *Compulsory Insurance*

31. (1) Subject to subsections (2) and (3), every employer shall insure and keep himself insured with such insurers as may be approved by the Commissioner in respect of any liability which he may incur under this Act to any worker employed by him.

Employer to
insure against
liability under
this Act

(2) This section shall not apply to the Government.

(3) Any employer required to insure under this section may, instead, in such manner as may be prescribed, deposit with the Commissioner such sum of money or furnish such other security as the Commissioner may approve and that money or other security shall be used to pay compensation to that employer's worker as occasion may arise.

(4) Any employer who fails to insure or keep himself insured as required by this section shall be guilty of an offence and be liable to a fine not exceeding P 5,000 or to imprisonment for a term not exceeding three years, or to both.

(5) An employer convicted under subsection (4) shall be liable to compensate any worker employed by him who is entitled to compensation under the provisions of this Act, and any such compensation payable shall be a debt to the worker so entitled.

Certificate of insurance

Certain conditions in policy to be ineffective

Duty to surrender certificate of insurance on cancellation of policy

Duty of insurer to satisfy determination against employer

32. Whenever an employer insures himself pursuant to section 31 (1), the insurer shall, at the time of the acceptance of the risk, issue and deliver to the employer a certificate of insurance in the prescribed form.

33. (1) Where a policy of insurance is issued to an employer pursuant to his obligation under section 31, any condition in such policy providing that no liability shall arise thereunder, or that any liability so arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall, in respect of such liabilities as are required to be covered by such policy, be of no effect.

(2) Nothing in this section shall be construed to render void any provision in a policy requiring the employer insured to pay to the insurer any sum which the employer is liable to pay under the policy and which has been applied to the satisfaction of any claims of workers employed by the employer.

34. (1) Where a policy issued pursuant to this Act, is cancelled by mutual consent or by virtue of any provision in the policy, the employer to whom the certificate of insurance was issued under section 31 shall, within 14 days beginning with the day when such cancellation became effective, surrender the certificate of insurance to the insurer, or, if it has been lost or destroyed, make a statutory declaration to that effect and deliver the same to the insurer.

(2) Any employer who contravenes this section shall be guilty of an offence and liable to a fine not exceeding P 1,500.

35. (1) If an employer to whom section 31 applies is duly insured as required by that section and an order or determination in respect of any liability required to be covered by such insurance is obtained by a worker against such employer, then, notwithstanding that the insurer may be entitled to avoid or cancel, or have avoided or cancelled, the policy of insurance, the insurer shall, subject to this section, pay to the worker entitled to the benefit of the order or determination any sum payable thereunder in respect of the liability including any amount payable in respect of costs and interest.

(2) No sum shall be payable by an insurer under subsection (1) —

(a) in respect of any order or determination unless, before or within 21 days after the commencement of the proceedings in which the order or determination was given, the insurer had notice of the bringing of the proceedings;

(b) in respect of any order or determination, so long as execution thereon is stayed pending an appeal;

(c) in connexion with any liability, if, before the occurrence giving rise to the liability, the policy of insurance was cancelled by mutual consent or by virtue of any provision contained therein and either before the occurrence but before the expiration of 14 days beginning with the day when such cancellation of the policy became effective —

- (i) the certificate of insurance was surrendered to the insurer;
 - (ii) the employer to whom the certificate of insurance was issued made a statutory declaration stating that the certificate of insurance has been lost or destroyed; or
 - (iii) the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate of insurance; or
- (d) if, in an action commenced before or within three months after the commencement of the proceedings in which the order or determination was given, the insurer has obtained a declaration from the court that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that the employer obtained the insurance by the non-disclosure of material fact or a representation of fact which was false in some material particular, or, if the insurer has avoided the contract of insurance on that ground, that he was entitled to do so apart from any provision of such contract:

Provided that an insurer who has obtained such a declaration in an action shall not be entitled to the benefit of this paragraph in respect of any order or determination obtained before the commencement of such action unless, before or within 14 days after the commencement of such action, he has given notice to the worker who is the claimant in the proceedings stating that he intends to rely on this paragraph and specifying the non disclosure of false representation on which he proposes to rely, and a worker to whom such notice is so given shall be entitled, if he thinks fit, to be made a party thereto.

(3) If the amount which an insurer becomes liable to pay under this section in respect of the liability of an employer insured by a policy exceeds the amount for which he would, apart from this section, be liable under the policy of insurance in respect of that liability, he is entitled to recover the excess from that employer.

(4) Where, pursuant to this section, an insurer becomes liable to satisfy an order or determination against an employer, such insurer may appeal to the High Court under section 47 as if he were the employer.

(5) For the purposes of this section "order or determination" means an order or determination made by the Commissioner under this Act.

36. Any employer who, for the purpose of obtaining a policy of insurance as required by section 31, makes any false statement in consequence whereof the policy is liable to be avoided, or wilfully does any act which dis-entitles him to claim under the policy, shall be guilty of an offence and liable to a fine not exceeding P 2,000 or to imprisonment for a term not exceeding six months, or to both.

Penalty for
false statement
and wilful
avoidance of
policy

Employers
against whom
claims are
made to give
information as
to insurance

37. (1) An employer against whom a claim is made in respect of any liability required to be covered by insurance under section 31 shall, on demand being made by the Commissioner or any person authorized by him in that behalf, or by or on behalf of any worker making a claim, state whether he is insured in respect of that liability and shall give such particulars concerning the policy of insurance as the person making the demand may require and shall produce for inspection by such person the certificate of insurance.

(2) Any employer who —

- (a) without reasonable excuse fails to comply with this section; or
- (b) wilfully makes any false statement in reply to any such demand, shall be guilty of an offence and liable to a fine not exceeding P 1,000.

PART X — *Alternative Remedies*

Agreement
as to
compensation

38. (1) The employer and worker may, after the injury or occupational disease in respect of which the claim to compensation has arisen, agree in writing as to the compensation to be paid by the employer.

(2) Such agreement shall be in triplicate, one copy to be kept by the employer, one copy to be kept by the worker and one copy to be kept by the Commissioner:

Provided that —

- (i) the compensation agreed upon shall not be less than the amount payable under this Act; and
- (ii) where the worker is unable to read and understand writing in the language in which the agreement is expressed, the agreement shall not be binding against him unless it is endorsed by a certificate of the Commissioner, a magistrate or a labour officer, to the effect that he read over and explained to the worker the terms thereof and that the worker appeared fully to understand and approve of the agreement.

(3) Any agreement made under subsection (1) may on application be certified by the Commissioner, and when so certified shall be enforceable as if it were a determination of the Commissioner.

(4) Where compensation has been agreed and notwithstanding that the agreement has been certified by the Commissioner under subsection (3) the Commissioner may, on application by any party within three years after the date of the agreement, cancel it and make such order (including an order as to any sum already paid under the agreement) as in the circumstances the Commissioner may think just, if it is shown to his satisfaction that —

- (a) the sum paid or to be paid was or is not in accordance with subsections (1) and (2);
- (b) the agreement was entered into in ignorance of, or under a mistake as to, the true nature of the injury;

- (c) subsequent and serious medical complications have arisen which are directly related to the injury; or
- (d) the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means as would, in law, be sufficient ground for avoiding it.

39. (1) Section 38 shall not apply in fatal cases and any compensation payable in such cases shall be paid in full to the Commissioner who shall arrange payment to the dependants.

Procedure in
fatal cases

(2) Where, in any proceedings on a claim for compensation in respect of the death of a worker, the Commissioner is satisfied that other or sufficient evidence as to the dependency on the deceased worker or a person claiming to be a dependant, or as to the degree of dependency, cannot be procured, or cannot be procured without undue hardship to the claimant or other party to the proceedings, a statement as to dependency and as to the degree of dependency of the claimant signed by a District Commissioner or commissioner of oaths in the district in which the claimant resides, whether within Botswana or outside Botswana, shall be *prima facie* proof and the facts stated therein.

(3) The signature of the District Commissioner or commissioner of oaths shall be admitted without further proof unless the Commissioner has reason to doubt the genuineness thereof.

(4) Where, in a fatal case, on application being made in accordance with regulations made under this Act, it appears to the Commissioner that, on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, such a course is necessary or just, he may vary any previous order or determination in respect of the payment of compensation.

(5) In a fatal case, where there are both total and partial dependants of the deceased worker, nothing in this Act shall be construed as preventing the compensation payable being allotted partly to the total and partly to the partial dependants.

40. (1) Where the injury in respect of which compensation is payable was caused in circumstances creating a legal liability in some other person than the employer (in this section referred to as "the third party") to pay damages to the worker in respect thereof —

Remedies
against both
employer and
stranger

- (a) the worker may both claim compensation under this Act and take proceedings against the third party in court to recover damages:

Provided that where any such proceedings are instituted the court shall, in awarding damages, have regard to the amount which, by virtue of paragraph (b), has or is likely to become payable to the employer by the third party; and

- (b) the employer by whom compensation is payable shall have a right of action against the third party for the recovery of the compensation he is obliged to pay as a result of the accident, and may exercise such right either by joining in an action begun by the worker against the third party or by instituting separate proceedings:

Provided that the amount recoverable under this paragraph shall not exceed the amount of damages, if any, which, in the opinion of the court, would have been awarded to the worker but for this Act.

(2) A worker shall, before instituting proceedings for damages under subsection (1), notify, in writing, the employer of his intention to do so and shall likewise notify the employer if he decides to abandon such proceedings or to relinquish or settle his claim for damages, and shall, in connexion with any such notification, furnish such particulars as the employer may require, and no proceedings in the court to recover damages against a third party may be instituted by a worker until he has so notified the employer of his intention to institute such proceedings and unless he had lodged a claim for compensation.

(3) Notwithstanding anything to the contrary contained in any written law, where written notice of intention to institute proceedings under subsection (1) (b) has been given by an employer to the third party within 12 months of the receipt by the employer of due notice of the accident concerned, no such proceedings shall lapse, or be barred, under any written law relating to the limitation of actions until after the expiration of a period of three months from the date upon which a claim to compensation in respect of such injury has been settled or finally determined by a court.

Proceeding
independently
of this Act

41. Where the injury was caused by the personal negligence or wilful act or default of the employer or of some other person for whose act or default the employer is responsible, nothing in this Act shall prevent proceedings to recover damages being instituted against the employer by civil suit independently of this Act:

Provided that —

- (i) any damages awarded in such civil suit shall take into account any compensation previously paid under this Act in respect of the same injury; and
- (ii) any compensation paid under this Act shall take into account any damages previously paid in respect of the same injury.

Where
employer not
liable in
damages

42. If, in any proceedings by civil suit independently of this Act or on appeal, it is determined that the employer is not liable in damages, the court or appellate court in which such proceedings are taken may refer the case to the Commissioner with or without such costs to either party as the court or appeal court thinks fit and the Commissioner shall then proceed to determine whether compensation is payable and shall assess the amount of any such compensation.

Principals
and
contractors

43. (1) Where any person (in this section referred to as "the principal"), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as "the contractor") for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any worker employed in the execution of the work any compensation under this Act which he would have been liable to pay if

that worker had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the worker under the employer by whom he is immediately employed.

(2) Nothing in this section shall or shall be deemed to affect any right of the principal to claim indemnity from any other person who would be liable to pay compensation to the worker independently of this section.

(3) Where a claim or application for compensation is made under this section against a principal, the principal shall give notice thereof to the contractor who shall thereupon be entitled to intervene in any application made against the principal.

(4) Nothing in this section shall be construed as preventing a worker receiving compensation under this Act from the contractor instead of the principal.

(5) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

44. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any worker, then in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up either voluntarily or compulsorily or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as regards that liability shall, notwithstanding anything in any written law relating to bankruptcy and the winding-up of companies, be transferred to and vest in the worker, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the worker than they would have been under to the employer.

Provisions in
case of
bankruptcy of
employer

(2) If the liability of the insurers to the worker is less than the liability of the employer to the worker, the worker may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may take steps to recover the balance from the receiver or manager.

(3) There shall be included among the debts which —

(a) under the Insolvency Act are in the distribution of the property or assets of a bankrupt; and

(b) under any written law relating to companies are, in the winding-up of a company, to be paid in priority to all other debts;

the amount due in respect of any compensation or liability for compensation before the following dates, that is to say —

Cap. 42:02

- (i) in the circumstances of paragraph (a), the date of the receiving order, and
- (ii) in the circumstances of paragraph (b), the date of the winding-up order, or the date of commencement of the winding-up of the company, whichever is appropriate.

(4) Where the compensation is a periodical payment, the amount due in respect thereof shall be taken, for the purposes of this section, to be the amount of the lump sum of which the periodical payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Act.

(5) Where the bankrupt company or company in liquidation has entered into such a contract with insurers referred to in subsection (1), subsections (3) and (4) shall not apply in respect of the liability of the employer to the worker or that part thereof which is met by the insurers.

Contracting
out

45. Any contract or agreement, whether made before or after the commencement of this Act, whereby a worker relinquished any right of compensation from an employer for injury arising out of and in the course of his employment, shall be null and void insofar as it purports to remove or reduce the liability of any person to pay compensation under this Act:

Provided that a worker, who has obtained compensation in respect of permanent partial or permanent total incapacity, may enter into a contract reducing or giving up his right to compensation under this Act in respect of any future personal injury by accident if such is certified to be fair and reasonable by the Commissioner.

PART XI — *Miscellaneous*

Power of
Minister to
submit
questions of
law

46. The Minister may, if he thinks fit, submit any question of law arising under this Act for a decision of the High Court; such submission shall be in the form of a special case in accordance with regulations made under this Act.

Appeals to
the High
Court

47. Subject to the conditions set out hereunder, an appeal shall lie to the High Court from any order or determination under this Act where —

- (a) a question of law is involved; or
- (b) the order or determination is one which could not reasonably have been made in view of the evidence:

Provided that —

- (i) no appeal shall lie in respect of orders or determinations under section 50;
- (ii) unless some substantial question of law is involved, no appeal shall lie except with the leave of the Minister or of the High Court if the amount in dispute in the case is less than P 4000;
- (iii) no appeal shall lie in any case in which the parties have agreed to abide by the determination of the Commissioner, or in which the order of the Commissioner gives effect to an agreement concluded between the parties; or

- (iv) no appeal shall lie after the expiration of 30 days from the order or determination of the Commissioner unless the High Court, after consideration of all the circumstances of any particular case, considers it just or proper to extend the time for appealing under this provision.

48. Subject to the limitations referred to in sections 10 (4) and 17 (1), an employer shall not be entitled, otherwise than in pursuance of an agreement or an order of the Commissioner —

Limitation of power of employer to end or decrease periodical payments

- (a) to end periodical payments in respect of temporary incapacity except —
 - (i) where a worker resumes work and his earnings are not less than the earnings which he was obtaining before the injury, or
 - (ii) where a worker dies;
- (b) to diminish periodical payments in respect of temporary incapacity except —
 - (i) where a worker in receipt of such periodical payments in respect of total incapacity has actually returned to work, or
 - (ii) where the earnings of a worker in receipt of such periodical payments in respect of partial incapacity have actually been increased.

49. A worker may, in writing to the Commissioner, require that any compensation payable to him shall be paid by instalments at such times and in such amounts as he may specify, and in such event the full amount of the compensation shall be paid in a lump sum by the employer to the Commissioner who shall arrange instalment payments to the worker according to his written instructions.

Payment of compensation by instalment

50. (1) Any interested party or any duly authorized person acting on behalf of a worker under this Act may apply to the Commissioner for a determination or order if —

Application to the Commissioner

- (a) any question or matter to be determined under this Act has arisen and requires determination; or
 - (b) an employer and worker have not, within 30 days after an injury to the worker giving rise to a claim for compensation, agreed in writing as to the amount of compensation to be paid.
- (2) Applications to the Commissioner shall be in writing in the prescribed form.

(3) Pending the outcome of an application to the Commissioner, the employer may make an interim payment to the worker concerned, and the Commissioner may order that the whole, or any part of such payment, shall be deducted from the amount of compensation payable under this Act.

51. Determinations or orders of the Commissioner under this Act may be enforced as if they were determinations or orders of a magistrate in civil cases, irrespective of the amounts involved.

Enforcement of determinations

Compensation
not to be
assigned,
charged or
attached

Regulations

52. Compensation payable under this Act shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against such compensation.

53. The Minister may make regulations providing for any matter which under this Act is to be provided for by regulations or for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, such regulations may make provision for —

- (a) prescribing procedures, forms and fees;
- (b) prescribing anything which is to be or may be prescribed under this Act;
- (c) requiring employers to keep such records and to make such periodic and other returns as to such matters as he thinks fit, and prescribing a time limit for the making of such returns.

Offences

54. (1) Any person required to keep a record or to make a return by virtue of any regulation made under section 53 who fails to keep such record or to make such return within the time in which he is required to make the return, or who makes or causes to be made a record or return which is false in any particular, or in being so required fails to give any information or explanation respecting the record or return which it is in his power to give, shall be guilty of an offence and liable to a fine not exceeding P1000, and if the contravention in respect of which he was so convicted is continued after the conviction he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding P100 for each day on which the contravention continued.

(2) Any person who fails to pay compensation duly computed in accordance with the provisions of this Act and the Regulations made thereunder, shall be guilty of an offence and be liable to a fine not exceeding P 10,000 or to imprisonment for a term not exceeding 10 years or to both.

Other laws

55. (1) Except where otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for the provisions of any other law.

Cap. 13:01

(2) The Prescriptions Act shall not apply in relation to claims for compensation.

Repeal of
Cap 47:03

56. The Workmen's Compensation Act (hereafter referred to as the repealed Act) is hereby repealed.

Savings

57. All subsidiary legislation made under the repealed Act, and in force immediately prior to the coming into operation of this Act shall, in so far as such subsidiary legislation may not be inconsistent with the provisions of this Act, continue in force as if made under this Act.

Transitional
provisions

58. Notwithstanding the repeal effected under section 56 any —

- (a) claim, application or other process commenced; or
- (b) determination, order or other ruling made;

under the repealed Act, immediately before the commencement of this Act, shall be deemed to have been made under this Act.

FIRST SCHEDULE
(section 16)

SCHEDULE OF PERCENTAGE INCAPACITIES

<i>Injury</i>	<i>Percentage of incapacity</i>
Loss of two limbs	100
Loss of both hands or of all fingers and thumbs	100
Loss of both feet	100
Total loss of sight	100
Total paralysis	100
Injuries resulting in being permanently bedridden	100
Any other injury causing permanent total disablement	100
Loss of arm at shoulder	70
Loss of arm between elbow and shoulder	60
Loss of arm at elbow	55
Loss of arm between wrist and elbow	50
Loss of hand at wrist	50
Loss of four fingers and thumb on one hand	50
Loss of four fingers	35
Loss of thumb	35
both phalanges	35
one phalange	10
Loss of index finger	10
- three phalanges	10
- two phalanges	8
- one phalange	4
Loss of middle finger	6
- three phalanges	6
- two phalanges	4
- one phalange	2
Loss of ring finger	5
- three phalanges	5
- two phalanges	4
- one phalange	2
Loss of little finger	4
- three phalanges	4
- two phalanges	3
- one phalange	2
Loss of metacarpals	3
- first or second (additional)	3
- third, fourth or fifth	2

A.222

Loss of leg	- at or above knee	70
	- below knee	60
Loss of foot		
Loss of toes	- all of one foot	40
	- great, both phalanges	15
	- great, one phalange	5
	- other than great, if more than one toe lost-each	1
Loss of sight of one eye	30
Loss of hearing in one ear	10
Total loss of hearing	50

Scars from injuries or burns which result in disfigurement shall be treated as resulting in from 0 to 50 per cent permanent incapacity according to their size and location.

Total permanent loss of the use of a member shall be treated as loss of such member.

The loss of a sexual organ or other internal organ shall be treated as resulting in from 0 to 75 per cent permanent incapacity depending on the location and effects of such loss.

The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 per cent of the incapacity for loss of the part of that joint, according to whether the joint is ankylosed in a favourable or unfavourable position.

Where there is a loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the loss of the whole hand.

Injuries which result in permanent incapacity but which are not included in this Schedule shall be assessed in relation to the percentages of incapacity specified in this Schedule, wherever possible.

SECOND SCHEDULE
(section 27)

OCCUPATIONAL DISEASES

Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
Bronchopulmonary diseases by hard-metal dust.	“
Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	“
Occupational asthma caused by sensitising agents or irritants both recognised in this regard and inherent in the work process.	“
Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by any written law.	“
Diseases caused by beryllium or its toxic compounds.	“
Diseases caused by cadmium or its toxic compounds.	“
Diseases caused by phosphorus or its toxic compounds.	“
Diseases caused by chromium or its toxic compounds.	“
Diseases caused by manganese or its toxic compounds.	“
Diseases caused arsenic or its toxic compounds.	“
Diseases caused by mercury or its toxic compounds.	“
Diseases caused by lead or its toxic compounds.	“

Diseases caused by fluorine or its toxic compounds.

All work involving exposure to the risk concerned.

Diseases caused by carbon disulfide.

“

Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.

“

Diseases caused by benzene or its toxic homologues.

“

Diseases caused by toxic nitro-amino-derivatives of benzene or its homologues.

“

Diseases caused by nitroglycerin or other nitric acid esters.

“

Diseases caused by alcohols, glycols or ketones.

“

Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.

“

Hearing impairment caused by noise.

“

Diseases caused by vibration (disorder of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).

“

Diseases caused by work in compressed air.

“

Diseases caused by ionising radiations.

All work involving exposure to the action of ionising radiations.

Skin diseases caused by physical, chemical or biological agents not included under other items.

All work involving exposure to the risk concerned.

Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.

Lung cancer or mesotheliomas caused by asbestos.

Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.

- (a) Health or laboratory work
- (b) Veterinary works, animal
- (c) Work handling animal carcasses, parts or such carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses.

- (d) Other work carrying a particular risk of contamination.

Aniline poisoning
 Begassosis
 Tobaccosis
 Toxic anaemia
 Loss of Memory

PASSED by the National Assembly this 9th day of December, 1998.

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

TRADE DISPUTES (AMENDMENT) ACT, 1998

No. 24



of 1998

An Act to amend the Trade Disputes Act

Date of Assent: 21.12.98.

Date of Commencement: 31.12.98.

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.

(2) A party affected by a default judgment may, within one month after he has knowledge of the default judgment, apply to the Court, upon notice to the party in whose favour the default judgment was given, to vary or set aside such default judgment, and the Court may, on good and sufficient cause shown by the party against whom the default judgment was given, vary or set aside the default judgment on such terms as it deems just in the circumstance.

Variation and
rescission of
orders and
judgments

25B. (1) The Court may, *mero motu* or on the application of any party affected, rescind or vary —

- (a) an order or judgment erroneously sought or erroneously granted without notice to any party affected thereby;
- (b) an order or judgment in which there is an ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission;
- (c) an order or judgment granted as the result of a mistake common to all parties;

Short title and
commence-
ment

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

(d) an order or judgment granted as the result of an issue raised in *limine* if having regard to changed circumstances since such order or judgment was granted it would be unjust or inequitable to allow such order or judgment to stand.

(2) Any party desiring any relief under this section shall make application therefor upon notice to all parties whose interests may be affected by any variation sought.

(3) The Court shall not make any order rescinding or varying any order or judgment unless it is satisfied that all parties whose interests may be affected have notice of the order proposed."

PASSED by the National Assembly this 16th day of December, 1998.

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

Statutory Instrument No. 104 of 1998

APPRENTICESHIP AND INDUSTRIAL TRAINING ACT
(Cap. 47:04)

APPRENTICESHIP WAGES ORDER, 1998
(Published on 31st December, 1998)

IN EXERCISE of the powers conferred by section 57 of the Apprenticeship and Industrial Training Act, the Minister of Labour and Home Affairs, acting on the recommendations of the National Advisory Board for Apprenticeship and Industrial Training, hereby makes the following Order:—

1. This Order may be cited as the Apprenticeship Wages Order, 1998 and shall come into operation on the 1st of January, 1999.

Citation and
commencement

2. The following scale of wages shall constitute the minimum wages payable to persons entering into apprenticeships in any of the designated and apprenticeable trades listed in the First Schedule of the Apprenticeship and Industrial Training Act:—

Minimum
wages

- | | |
|--------------------------------|------------------------|
| (a) 1st year of apprenticeship | P315.00 per month; |
| (b) 2nd year of apprenticeship | P355. 00 per month; |
| (c) 3rd year of apprenticeship | P526.00 per month; and |
| (d) 4th year of apprenticeship | P796.00 per month. |

3. The Apprenticeship Wages Order, 1990 is hereby revoked.

Revocation
of S.I. No. 41
of 1990

MADE this 17th day of December, 1998.

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

Statutory Instrument No 105 of 1998

CUSTOMS AND EXCISE DUTY ACT
(Cap. 50.01)

AMENDMENT OF SCHEDULES (NO. 40) NOTICE, 1998
(Published on 31st December, 1998)

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by sections 52 and 53 of the Customs and Excise Duty Act, the Schedules to the Act are proposed to be amended to the extent set out in the Schedule below.

Schedule No. 1 to the Act

HEADING	SUB- HEADING	C. D.	DESCRIPTION	STATIS- TICAL UNIT	RATE OF DUTY
23.09			By the insertion after subheading No. 2309.90.60 of the following:		
	"70	7	- - Single vitamins and their deriva- tives, stabilised with antioxidants or anticaking agents	kg	free"

MADE this 24th day of November, 1998.

P.H.K. KEDIKILWE,
Minister of Finance and Development Planning.

Statutory Instrument No. 106 of 1998

CUSTOMS AND EXCISE DUTY ACT
(Cap. 50.01)

AMENDMENT OF SCHEDULES (NO. 41) NOTICE, 1998
(Published on 31st December, 1998)

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by sections 52 and 53 of the Customs and Excise Duty Act, the Schedules to the Act are proposed to be amended to the extent set out in the Schedule below.

Part 1 of Schedule No. 2 to the Act

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
4823.59	Uncoated paper and paperboard, wood-free, of a kind used for writing, printing or other graphic purposes, of a mass of 46 g/m ² or more but not exceeding 80 g/m ² , white and of a size commonly known as A4, exported by Ripasa Cellulose E Papel	18.8%	Brazil
4823.59	Uncoated paper and paperboard, wood-free, of a kind used for writing, printing or other graphic purposes, of a mass of 46 g/m ² or more but not exceeding 80 g/m ² , white and of a size commonly known as A4, (excluding that exported by Ripasa Cellulose E Papel)	32%	Brazil
4823.59	Uncoated paper and paperboard, wood-free, of a kind used for writing, printing or other graphic purposes, of a mass of 46 g/m ² or more but not exceeding 80 g/m ² , white and of a size commonly known as A4, exported by PT Indah Kiat Pulp and Paper Corporation	9,3%	Indonesia
4823.59	Uncoated paper and paperboard, wood-free, of a kind used for writing, printing or other graphic purposes, of a mass of 46 g/m ² or more but not exceeding 80 g/m ² , white and of a size commonly known as A4, exported by PT Pindo Deli Pulp and Paper Mills	10,3%	Indonesia
4823.59	Uncoated paper and paperboard, wood-free, of a kind used for writing, printing or other graphic purposes, of a mass of 46 g/m ² or more but not exceeding 80 g/m ² , white and of a size commonly known as A4 (excluding that exported by PT Indah Kiat Pulp and Paper Corporation and PT Pindo Deli Pulp and Paper Mills)	70%	Indonesia

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SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
7004.90	Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass), manufactured by Gujarat Borosil Ltd.	410c/m ²	India
7004.90	Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass), manufactured by Gujarat Borosil Ltd.	640c/m ²	India
7004.90	Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 6 mm (excluding optical glass)	613c/m ²	China
7004.90	Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked, of a thickness exceeding 3 mm but not exceeding 6 mm (excluding optical glass)	640c/m ²	India
7004.90	Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass)	2 318c/m ²	India
7004.90	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass)	146c/m ²	Israel
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass) manufactured by Dalian Float Glass Co. Ltd.	415c/m ²	China

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 2,5 mm but not exceeding 3 mm (excluding optical glass) excluding that manufactured by Dalian Float Glass Co. Ltd.	862c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 3 mm but not exceeding 4 mm (excluding optical glass)	1 958c/m ²	India
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 3 mm but not exceeding 4 mm (excluding optical glass)	217c/m ²	Israel
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 3mm but not exceeding 4mm (excluding optical glass) manufactured by Dalian Float Glass Co. Ltd.	461c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 3mm but not exceeding 4mm (excluding optical glass) manufactured by Dalian Float Glass Co. Ltd.	862c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 4mm but not exceeding 5mm (excluding optical glass)	438c/m ²	Israel

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 4mm but not exceeding 5mm (excluding optical glass) manufactured by Dalian Float Glass Co. Ltd.	792c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 4mm but not exceeding 5mm (excluding optical glass) excluding that manufactured by Dalian Float Glass Co. Ltd.	862c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecing layer, but not otherwise worked, of a thickness exceeding 5mm but not exceeding 6mm (excluding optical glass)	2 171c/m ²	India
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecing layer, but not otherwise worked, of a thickness exceeding 5mm but not exceeding 6mm (excluding optical glass)	465c/m ²	Israel
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5mm but not exceeding 6mm (excluding optical glass) manufactured by Dalian Float Glass Co. Ltd.	723c/m ²	China
7005.29	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5mm but not exceeding 6mm (excluding optical glass) excluding that manufactured by Dalian Float Glass Co. Ltd.	862c/m ²	China

Schedule No. 3 to the Act

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
306.01	By the deletion of tariff heading No. 22.07.		
306.06	By the deletion of tariff heading No. 15.09.		
306.07	By the deletion of tariff heading No. 15.21		
306.10	By the deletion of tariff heading No. 2904.10.		
	By the deletion of tariff heading No. 29.24.		
	By the deletion of tariff heading No. 3402.1		
	By the deletion of tariff heading No. 3901.90.		
315.15	By the deletion of rebate item 315.15.		

MADE this 2nd day of December, 1998.

P.H.K. KEDIKILWE,
Minister of Finance and Development Planning.

CUSTOMS AND EXCISE DUTY ACT
(Cap. 50:01)

AMENDMENT OF SCHEDULES (NO. 42) NOTICE, 1998
(Published on 31st December, 1998)

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by sections 52 and 53 of the Customs and Excise Duty Act, the Schedules to the Act are proposed to be amended to the extent set out in the Schedule below.

Schedule No. 3 to the Act

REBATE ITEM	TARIFF HEADING	REBATE CODE	C. D.	DESCRIPTION	EXTENT OF REBATE
306.13				By the insertion after rebate item 306.12 of the following:	
"306.13				Industry: Fertilizers	
	3402.11	01.06	64	Organic surface-active agents, anionic, in immediate packings of a content exceeding 10 kg, for the manufacture of fertilizers of Chapter 31	Full duty"

Part 1 of Schedule No. 2 to the Act

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
72.08	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated	29c/kg	Russian Federation
72.08	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated	12c/kg	Ukraine
7211.1	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated, not further worked than hot-rolled	29c/kg	Russian Federation
7211.1	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated, not further worked than hot-rolled	12c/kg	Ukraine
7225.30	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of less than a width of 600mm not further worked than hot-rolled.	29c/kg	Russian Federation

SUB- HEADING	DISCRIPTION OF GOODS	PROVI- SIONAL PAYMENT	ORIGINA- TING IN
7225.30	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of a width of 600 mm or more, not further worked than hot-rolled, in coils	12c/kg	Ukraine
7225.40	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of a width of 600 mm or more, not further worked than hot-rolled, in coils	29c/kg	Russian Federation
7225.40	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of a width of 600 mm or more, not further worked than hot-rolled, in coils	12c/kg	Ukraine
7226.91	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of a width of 600 mm or more, not further worked than hot-rolled, in coils	29c/kg	Russian Federation
7226.91	Flat-rolled products of alloy steel (excluding stainless steel, silicon-electrical steel and high speed steel), of a width of 600 mm or more, not further worked than hot-rolled, in coils	12c/kg	Ukraine

MADE this 2nd Day of December, 1998.

P.H.K. KEDIKILWE,
Minister of Finance and Development Planning.