



REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XVIII, No. 11

GABORONE

29th February, 1980

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Government Notice No. 95 of 1980

CONSTITUTION OF BOTSWANA

Revocation of Authorization

To:

The Hon Dr Q.K.J. MASIRE, P.H., LL.D., J.P., M.P.
VICE-PRESIDENT OF THE REPUBLIC OF BOTSWANA

WHEREAS IN EXERCISE of the powers conferred upon me by section 36 (1) of the Constitution, by directions in writing dated 13th November, 1979, I authorized you, Quett Ketumile Jonny Masire, to discharge with effect from the said 13th November, 1979, all the functions of the office of President save those functions specified in the same directions until the said authority was revoked by me;

NOW THEREFORE I hereby revoke the said authority.

GIVEN under my hand at GABORONE this 18th day of February, 1980.

SERETSE M. KHAMA,
President

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Government Notice No. 96 of 1980

BANK OF BOTSWANA ACT
(Cap. 74:07)

Bank of Botswana

Revocation of Acting Appointment — Deputy Governor

IN EXERCISE of the powers conferred on His Excellency the President by section 10 (1) of the Bank of Botswana Act, the appointment of —

ANTHONY LENNOX SABINE
to act as Deputy Governor of the Bank has been revoked with effect from 11th January, 1980.

DATED this 19th day of February, 1980.

P.L. STEENKAMP,
Permanent Secretary to the President

L2/7/225 I

Government Notice No. 97 of 1980

CONSTITUTION OF BOTSWANA

**Acting Appointment —
Minister of the Public Service and Information**

IN EXERCISE of the powers conferred on His Excellency the President by section 42 (3) of the Constitution, —

The Hon Dr G.K.T. CHIEFE D.M.S. M.P.

Government Notice No. 98 of 1980

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Finance and Development Planning**

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

ONTEFETSE KENNETH MATAMBO

has been appointed to act as Permanent Secretary, Ministry of Finance and Development Planning, with effect from 11th February, 1980, to 10th March, 1980, both dates inclusive.

DATED this 25th day of February, 1980.

P.L. STEENKAMP,
*Permanent Secretary to the President,
Office of the President*

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Government Notice No. 99 of 1980

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Mineral Resources and Water Affairs**

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

CUTHEBERT MOSHE TEBOGO LEKAUKAU

has been appointed to act as Permanent Secretary, Ministry of Mineral Resources and Water Affairs, with effect from 18th February, 1980, to 2nd March, 1980, both dates inclusive.

DATED this 25th day of February, 1980.

P.L. STEENKAMP,
*Permanent Secretary to the President,
Office of the President*

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Government Notice No. 100 of 1980

**MAGISTRATES' COURTS ACT
(Cap. 04:04)**

Appointments — Magistrate Grade II

IN EXERCISE of the powers conferred on His Excellency the President by section 8 (3) of the Magistrates' Courts Act, and in pursuance of directions in writing issued under section 36 (1) of the Constitution, and acting in accordance with the advice of the Judicial Service Commission, His Honour the Vice-President has appointed —

GOITSEMANG MOSADIMOTHO MAOKISA and

TIRO GOALETSA GABRIEL SEELETSO

to be Magistrates Grade II for so long as each of them holds the post of District Officer.

DATED this 26th day of November, 1979.

P.L. STEENKAMP,
*Permanent Secretary to the President,
Office of the President*

L2/7/238 I

Government Notice No. 101 of 1980

MARRIAGE ACT
(Cap. 29:01)

Appointment — Marriage Officer

IN EXERCISE of the powers conferred on the Minister of Home Affairs by section 7 of the Marriage Act, —

The Reverend DIAU B. MMUALEFE
is hereby appointed a marriage officer.

DATED this 20th day of February, 1980.

D. K. DISELE,
Minister of Home Affairs

L2/7/92 II

Government Notice No. 102 of 1980

TRIBAL LAND ACT
(Cap. 32:02)

TRIBAL LAND REGULATIONS
(Cap. 32:02 (Sub. Leg.))

Land Boards — Designation of Chairmen

IN EXERCISE of the powers conferred on the Minister of Local Government and Lands by regulation 3 (1) of the Tribal Land Regulations, in respect of each land board specified in the first column of the Schedule the member thereof named in the corresponding entry in the second column of the Schedule is hereby designated as Chairman of that land board.

SCHEDULE

<i>Land Board</i>	<i>Chairman</i>
Barolong Land Board	Reuben Golebetswe Kgengwenyane
Chobe Land Board	Thomas Sinvula
Ghanzi Land Board	Reverend T. Setima
Kgalagadi Land Board	Church Pego Seipone
Kgatleng Land Board	Anderson Nkgedi Mogomotsi
Kweneng Land Board	Captain Legwale
Maletle Land Board	Azaria Kealeboga Moagi
Mogalakgosi Land Board	Pulafhela Motsopye Sebotho
Ngwato Land Board	Kesiilwe Gaarekwe
Ngwaketse Land Board	Katlholo Pelaelo Ramokate
Ngwena Land Board	Kgosi Letsholathebe Moremi II
Ngweng Land Board	Kgosi Monare Rabasha Gaborone

DATED this 19th day of February, 1980.

L. M. SERETSE,
Minister of Local Government and Lands

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Government Notice No. 103 of 1980

TRIBAL LAND ACT
(Cap. 32:02)

Land Boards — Appointment of Secretaries

IN PERFORMANCE of the duty imposed on the Minister of Local Government and Lands by section 8 of the Tribal Land Act, in respect of each land board specified in the first column of the Schedule the person named in the corresponding entry in the second column of the Schedule is hereby appointed secretary for that land board.

SCHEDULE

<i>Land Board</i>	<i>Secretary</i>
Barolong Land Board	Vance Basimanebotlhe Mogotsi
Chobe Land Board	Otsogile Oates Pitso
Ghanzi Land Board	Clement Mark Leteane
Kgalagadi Land Board	Lesesa Peterson Tsotetsi
Kgatleng Land Board	Aloysius Mpho Ntseane
Kweneng Land Board	Clarence Dick Chikuba
Maletse Land Board	Rufus Kabiwa Molokomme
Ngwaketse Land Board	Vance Basimanebotlhe Mogotsi
Ngwato Land Board	Christopher Pelotlhomogi Samuel Sekga
Tati Land Board	Fabian Morgan Phaladze
Tawana Land Board	Otsogile Oates Pitso
Tlokweng Land Board	Rufus Kabiwa Molokomme

DATED this 19th day of February, 1980.

L. M. SERETSE,
Minister of Local Government and Lands

L2/ 7/ 162 III

Government Notice No. 104 of 1980

STOCK, BONDS AND TREASURY BILLS ACT
(Cap. 56:07)

TREASURY BILLS REGULATIONS
(Cap. 56:07 (Sub. Leg.))

Treasury Bills — Issue of 22nd February, 1980

The Bank of Botswana announce that applications totalling P4 175 000 were received on 21st Feb 1980, for the offer of P1 000 000 Treasury Bills for issue on 22nd February, 1980, at a price of 98,77%. Applications were scaled down pro rata and applicants received an allotment of approximately 23 the amount of Bills applied for.

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Government Notice No. 105 of 1980

STOCK, BONDS AND TREASURY BILLS ACT

(Cap. 56:07)

TREASURY BILLS REGULATIONS

(Cap. 56:07 (Sub. Leg.))

Applications for Government of Botswana Treasury Bills

The Minister of Finance and Development Planning hereby gives notice that applications will be received at the Bank of Botswana, Khama Crescent, Gaborone, on Thursday, 6th March, 1980, at 12 noon, for Treasury Bills to be issued under the Stock, Bonds and Treasury Bills Act and in accordance with the Treasury Bills Regulations to the amount of P1 000 000.

2. The price per cent at which the Bills will be offered will be published by the Bank of Botswana not later than 9 a.m. on Thursday, 6th March, 1980.

3. The Bills will be in amount of P1 000 or a multiple of P1 000. They will be dated 7th March, 1980, and will be due 91 days after date.

4. The Bills will be issued and paid at the Bank of Botswana.

5. Each application must be for a minimum of P1 000.

6. Applications must be made through a commercial bank in Botswana.

7. Notification will be sent, on the same day as applications are received, to the persons whose applications are accepted in whole or in part.

8. Payment in full of the amount due in respect of such accepted applications must be made to the Bank of Botswana by means of cash or by draft or cheque drawn on the Bank of Botswana not later than noon on the day on which the relative Bills are to be dated.

9. Applications must be made on the official printed forms which may be obtained from the commercial banks or the Accounts and Banking Office, Bank of Botswana.

10. The Minister of Finance and Development Planning reserves the right to reject any application in whole or in part.

DATED this 22nd day of February, 1980.

O.K. MATAMBO,

Acting Permanent Secretary,

Ministry of Finance and Development Planning

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Government Notice No. 106 of 1980

DISEASES OF ANIMALS ACT, 1977

(9 of 1977)

Declaration of Infected Area — Ngamiland

IN EXERCISE of the powers conferred by section 4 of the Diseases of Animals Act, 1977, the Director of Veterinary Services hereby declares the whole area of the Ngamiland district to be an infected area as regards rabies.

2. The Director of Veterinary Services hereby directs that, in the infected area, every person for the time being in charge of a dog of or above the apparent age of 4 months shall ensure that such dog is, within 1 days of the date of publication of this notice, inoculated against rabies by or under the supervision of a veterinary officer:

Provided that a dog which has been inoculated since 30th November, 1979, need not be re-inoculated.

3. (1) The Director of Veterinary Services requires that, in the infected area, every person for the time being in charge of a dog shall ensure that such dog is isolated from other dogs by being kept, at all times, in a place —

a) confined within a building or other enclosed premises; or

b) on a lead.

2) Any dog not so confined shall be suspected of having been in contact with or exposed to the disease and, in accordance with section 12 of the Act, shall be destroyed.

Without the permission of the Director of Veterinary Services or his representative, no person shall move or permit to be moved out of, or move or permit to be moved into, the area to which this notice relates.

DATED this 22nd day of February, 1980.

J. FALCONER,

Director of Veterinary Services

Government Notice No. 107 of 1980

Movements of Officers in the Public Service

This notice regarding the movements, etc., of officers in the public service is published for general information.

Name	Post	Confirmations		
		Ministry/ Department	Date of appointment	Date of confirmation
M. Morapedi	Technical Assistant	Water Affairs	25. 9.75	25. 9.77
B. Gaogakwe	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
M. Mudlalo	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
E. Ntapu	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
J. Magowe	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
S.S. Kgamanyane	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
B. Lebogang	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
L.D. Maholane	Medical Officer	Health	1. 7.77	1. 7.79
G.P.A. Sebeela	Technical Officer	Agriculture Field Service	26. 9.77	26. 9.79
K. Mfandizo	Enrolled Nurse	Health	1.11.69	1.11.71
B.J. Batsalelwang	Executive Officer	Local Government	19.11.77	19.11.79
O. Mangwane	Senior Admin. Assistant	Education	16. 9.77	16. 9.79
K.R. Mafa	Clerical Officer	Health	28.10.77	28.10.79
J. Keodirile	Senior Admin. Assistant	Education	1. 4.77	1. 4.79
G. Monyatsi	Prison Warder	Prisons	26. 4.77	26. 4.79
M. Keitumetse	Prison Warder	Prisons	2. 5.77	2. 5.79
J. Mmereki	Prison Warder	Prisons	8. 8.77	8. 8.79
G. Khei	Prison Warder	Prisons	8. 8.77	8. 8.79
L. Radipitse	Prison Warder	Prisons	8. 8.77	8. 8.79
P. Seele	Prison Warder	Prisons	8. 8.77	8. 8.79
I. Kebalepile	Prison Warder	Prisons	14.11.77	14.11.79
F. Mthembo	Prison Warder	Prisons	14.11.77	14.11.79
G.T. Oduetse	Prison Warder	Prisons	14.11.77	14.11.79
M. Anderson	Prison Warder	Prisons	14.11.77	14.11.79
M. Kitlang	Prison Warder	Prisons	21.11.77	21.11.79
M.B. Montshiwa	Prison Warder	Prisons	21.11.77	21.11.79
E.J. Mannathoko	Prison Warder	Prisons	28.11.77	28.11.79
B. Dode	Prison Warder	Prisons	28.11.77	28.11.79
T. Mogapi	Prison Warder	Prisons	28.11.77	28.11.79
D. Phele	Prison Warder	Prisons	28.11.77	28.11.79
B. Zingwa	Prison Warder	Prisons	28.11.77	28.11.79
E.T. Mokgethi	Prison Warder	Prisons	13.12.77	13.12.79
R. Molebatsi	Constable 4443	Police	28.12.76	28.12.78
T. Matanire	Constable 4454	Police	31.12.76	31.12.78
J. Kgathi	Constable 4587	Police	19. 9.77	19. 9.79
O. Oremeng	Constable 4591	Police	19. 9.77	19. 9.79
G. Sebina	Constable 4592	Police	19. 9.77	19. 9.79
D. Rauwe	Constable 4609	Police	26. 9.77	26. 9.79
J. Moatswi	Constable 4614	Police	18.11.77	18.11.79
J. Montsho	Constable 134/W/P	Police	29. 6.77	29. 6.79
R. Gwabini	Constable 4616	Police	18.11.77	18.11.79
J.C. Muke	Copy Typist	Police	23. 9.75	23. 9.77
O.E. Ntsatsi	Copy Typist	Police	8. 6.77	8. 6.79
G.T. Balang	Copy Typist	Police	24. 6.77	24. 6.79
B. Lucky	Enrolled Nurse	Health	1.11.75	1.11.77
S. Semele	Enrolled Nurse	Health	11. 6.75	11. 6.77

D. Molefane	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
J. Pitse	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
L. Matlhodi	Technical Assistant	Agriculture	27. 6.77	27. 6.79
G. Letsatle	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
M.D. Maribe	Laboratory Technician	Health	16. 8.76	16. 8.78
O. Basonoko	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
M. Sechele	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
G. Thabeng	Imm. & Passport Assistant	Immigration	1. 4.77	1. 4.79
K. Gaotlhobogwe	Enrolled Nurse	Health	1.12.77	1.12.79
D. Sebabi	Constable 4544	Police	7. 4.77	7. 4.79
M.B. Mmereki	Copy Typist	Health	3.11.75	3.11.77
S. Matheane	Imm. & Passport Assistant	Immigration	1. 5.77	1. 5.79
S.O. Rapinyane	Agricultural Assistant	Agriculture	10. 1.77	10. 1.79
P. Modise	Agricultural Assistant	Agriculture	15. 1.77	15. 1.79
S.E. Ngakane	Agricultural Assistant	Agriculture	17. 1.77	17. 1.79
T. Molo	Technical Assistant	Geological Survey	6. 1.75	6. 1.77
D.B. Motlhoki	Technical Assistant	Geological Survey	6. 1.75	6. 1.77
M.P. Dithogo	Technical Assistant	Geological Survey	8.10.75	8.10.77
C.P. Mmipi	Maintenance Mechanic	Water Affairs	1. 4.58	1. 4.60
V.M. Tlhabiwe	Staff Nurse	Health	12. 1.78	12. 1.79
J. Koketso	Motor Driver	Health	1. 2.65	1. 2.67
L.M. Qobo	Nursing Sister	Health	23. 3.76	23. 3.78
T. Monageng	Constable 4256	Police	31.10.75	31.10.77
N. Sekaname	Constable 4293	Police	30. 1.76	30. 1.78
T. Toteng	Constable 4396	Police	15. 9.76	15. 9.78
K. Sarefo	Constable 4398	Police	15. 9.76	15. 9.78
M. Moroka	Constable 4467	Police	4. 2.77	4. 2.79
O. Makocha	Constable 4520	Police	28. 2.77	28. 2.79
G. Pelotshweu	Constable 4540	Police	31. 3.77	31. 3.79
B. Kgomo	Constable 4541	Police	31. 3.77	31. 3.79
M. Ntesang	Constable 4543	Police	4. 4.77	4. 4.79
U. Jakalase	Constable 4589	Police	19. 9.77	19. 9.79
J. Ntheetsang	Constable 4590	Police	19. 9.77	19. 9.79
K. Charles	Constable 4598	Police	19. 9.77	19. 9.79
W. Malongwa	Constable 4602	Police	19. 9.77	19. 9.79
G. Mathonse	Constable 4610	Police	6.10.77	6.10.79
H. Setilo	Constable 4612	Police	6.10.77	6.10.79
M. Setlalekgosi	Constable 4621	Police	18.11.77	18.11.79
F. Masalila	Prison Warder 537	Prison	28.11.77	28.11.79
D. Manale	Prison Warder 518	Prison	14.11.77	14.11.79
J. Mogapi	Constable 4518	Police	11. 2.77	11. 2.79
S. Majaga	Constable 4605	Police	19. 9.77	19. 9.79
O. Mla	Constable 4606	Police	19. 9.77	19. 9.79
M. Mganga	Constable 4618	Police	18.11.77	18.11.79
G. Morwamang	Constable 4620	Police	18.11.77	18.11.79
S. Ntapi	Constable 4627	Police	18.11.77	18.11.79
B. Baikonne	Constable 4645	Police	19.12.77	19.12.79
S. Keopile	Constable 4662	Police	29.12.77	29.12.79

DATED this 25th day of January, 1980.

P.P. SERU,
for Director of Personnel

Government Notice No. 108 of 1980

WEIGHTS AND MEASURES ACT

(Cap. 43:06)

Assizing — Serowe

NOTICE IS HEREBY GIVEN under the provisions of section 17 (1) of the Weights and Measures Act, that all persons having weighing or measuring instruments, weights or measures in use in trade or in their possession or charge for use in trade, within the area specified in the Schedule, are required to produce the same to an assizer for the purpose of their being assized or re-assized at the place specified and at the appropriate time specified in the Schedule.

2. A person having, within the area specified, an instrument or measure which —

- (a) is fixed;
- (b) has a weighing capacity exceeding 272 kg; or
- (c) is of delicate construction,

may request that such instrument or measure be assized or re-assized at his premises if he forthwith notifies in writing the assizer by whom this notice is published of the particulars of such instrument or measure and the place where it is ordinarily kept. Statutory fees will be charged for assizing unassized equipment or assizing or re-assizing equipment elsewhere than at the Assize Station. Metal measures of length bearing a legible assize stamp need not be re-assized.

3. It is an offence not to submit equipment for assize or re-assize or to use in trade equipment that has not been assized, and upon conviction a fine of P100 may be imposed.

SCHEDULE

Area	Assize Station	Date	Time
Serowe, Mabeleapodi,	District	March 25th,	8.30 a.m. — 12.30 a.m.
Mogorosi, Moijabana,	Commissioner's	26th and	
Morupule, Mmashoro,	Office, Serowe,	27th, 1980.	and
Paje, Tlhabala,			2.00 p.m. — 4.00 p.m.
Tshimoyapula.			

DATED this 22nd day of February, 1980.

P. DAVIES,
Controller of Weights and Measures
(Assizer)

L2/7/190 II

Government Notice No. 109 of 1980

ROAD TRANSPORT (PERMITS) ACT

(Cap. 69:03)

ROAD TRANSPORT (PERMITS) REGULATIONS

(Cap. 69:03 (Sub. Leg.))

Applications for Road Transport Permits

NOTICE IS HEREBY given in accordance with regulation 4 of the Road Transport (Permits) Regulations that applications for road transport permits will be heard at a public sitting as follows —

Name and Address of applicant	Public Carrier's Permit A-permits Application Number	Area	Date and location of hearing
Burgersfort Transport P.O. Box 34 Burgersfort	00300	47 Tippers, 10 horses and 3 trailers for the conveyance of gravel in Botswana for road building	Gaborone Town Hall, 25th March, 1980, 9 a.m.
Portacamp Manufacturing (Pty.) Ltd., P.O. Box 13041 Knights, TVL	00323	2 horses and 2 trailers for the conveyance of mobile buildings — RSA/ Botswana	"
Protea Asphalt (Pty.) Ltd. P.O. Box 79 Isando	00328	5 horses and 6 trailers for the conveyance of tar, bitumen and bitumen emulsions — RSA/ Botswana	"

Borman's Transport P.O. Box 424 Fochuile	00338	12 horses and 16 trailers to convey crushed stone for the Kanye/Jwaneng road and mine equipment to Selebi-Phikwe. — B.C.L. Mine only	"
Unitrans Botswana (Pty) Ltd. P.O. Box 892 Gaborone	00538	23 horses and 23 trailers for abnormal haulage only in international traffic and in Botswana	"

2. Interested persons may see the above applications at the Transport Secretary's Office at the Ministry of Works and Communications. Every representation or objection shall be sent to the Transport Secretary, Private Bag 0054, Gaborone, by registered mail so as to reach him not later than 14 days after this notice has appeared in the Gazette. A copy of such written representation or objection shall be sent to the applicant by registered mail at the same time as it is sent to the Transport Secretary.

M.S. MAOTO,
Transport Secretary.

L2/7/211 II

PUBLIC NOTICES

Gaborone Town Council — Tender No. 2/80 COUNCIL DEPOT OFFICES, STAGE II

GABORONE TOWN COUNCIL hereby invites tenders for the construction of one office block for the Council Depot.

Tender documents including drawings and Specification of works are available from Gaborone Town Council, Architects Office. The tender must be submitted in a sealed envelope before the 17th of March, 1980 at 12 noon. Tenders received after this point of time will not be considered.

Town Council does not bind itself to accept the lowest or any tender, nor to give any reasons for the non-acceptance of a tender, or to incur any expense in the preparation thereof.

University College of Botswana UNIVERSITY OF BOTSWANA AND SWAZILAND

TENDERS ARE INVITED for the provision, installation, testing, sterilisation, completion and maintenance of approximately 850 m of small diameter water pipeline along with all valves, fittings, fire hydrants and auxiliary items required, to provide an adequate water supply and fire protection to the Campus as a whole.

Tender documents will be available from Wednesday 27th February, 1980 and application should be sent to: Sir Alexander Gibb & Partners (Botswana), P.O. Box 416, Gaborone.

Application should be accompanied by a deposit of P25,00 per set of tender documents which will only be returned in the event of a bonafide tender being submitted by the due date.

Closing date for tenders will be Thursday 20th March, 1980.

Disposal of Interest in Business

NOTICE IS HEREBY given in terms of section 28 of the Trading Act, 1966, that I, Andrias Kangothu, intends to dispose of my entire interest in Hawking Business to David Kambura.

A. KANGOTHU, Makunda Village, P.O. CHARLESHILL.

Second Publication

Central Transport Organization
SALE OF BOARDED VEHICLES AND PLANT AT C.T.O. — KASANE
ON 7th MARCH, 1980

IT IS NOTIFIED for general information that an Auction Sale of Boarded vehicles/plant will be held at C.T.O., Kasane on 7th March, 1980 starting at 9.30 a.m. Items may be inspected during two days preceding the sale.

Items for Sale:

7 × items comprised of Land Rovers, Ford F250, bedford trucks etc.

Conditions of Sale:

1. Items will be sold by lot numbers to the highest bidder.
2. Government reserves the right to reject any bid.
3. Payment must be made by cash or Bank certified cheques immediately an item is sold.
4. No item/s is/are to be removed from the C.T.O. premises without presentation of a formal receipt.
5. All items are to be removed from the C.T.O. premises within 7 days (seven) after sale. Failure to do so will result in the ownership of item/s reverting to the Government and no return of money will be made.
6. Items offered for sale are in an as is condition.

A.H. MITHA,
for/ General Manager.

Second Publication

Water Utilities Corporation — Tender No. SP1 of 1980
SUPPLY OF COLD WATER PRESSURE PIPING
THE WATER UTILITIES CORPORATION invites tenders for the supply and delivery to Selebi-Phikwe, Botswana of the following cold water pressure piping.

1. Class C. Normal Working Head 90 metres. Test head 180 metres.

<i>Nominal Bore (mm)</i>	<i>Length (metres)</i>
200	500
150	2200

2. Class B. Normal working Head 60 metres. Test head 120 metres.

<i>Nominal Bore (mm)</i>	<i>Length (metres)</i>
150	700
100	300
75	2500
50	8500
25	1000

3. (a) U PVC pipes shall be manufactured in accordance with SABS 966:1969 and joints and fittings shall comply with BS 4346: joints and Fittings for use with Unplasticised PVC Pressure Pipes.

(b) Asbestos Cement Pressure pipes and fittings shall be manufactured in accordance with SABS 286:1969 or SABS 946:1969.

(c) Steel pipes and fittings shall be manufactured in accordance with BS 3601:1962, BS 534:1966 and BS 778:1966.

Tenders must be received in Gaborone not later than 9 a.m. on 29th February, 1980. Tenders must be submitted in sealed envelopes clearly marked "Tender No. SP1 of 1980" and must be addressed to "The Secretary, Water Utilities Corporation, P.O. Box 127, Gaborone."

Notwithstanding anything contained in the foregoing the Water Utilities Corporation is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

Third Publication

Ghanzi District Council
NOTICE OF SALE BY PUBLIC AUCTION

THE PUBLIC IS hereby notified that Ghanzi District Council will sell the following 2 old vehicles by public auction.

2 No. 1976 Model Toyota Land Cruisers.

They are both petrol powered with steel canopies and sliding side windows, one extra spare wheel each. Long range fuel tanks in the body, water tanks under passengers seats and bush guards.

The sale will be held at 2.00 p.m. on Thursday 20th March 1980 at Council Workshop, Ghanzi.

Terms strictly cash or bank guaranteed cheques.

J.K. MONTSHO,
for/ Council Secretary.

Second publication

Lost Deed of Transfer

NOTICE IS HEREBY given that we intend applying for a certified copy of Deed of Transfer No. 2107 registered on the 20th July, 1957 and made in favour of Mahomed Sultan Ebrahim in respect of —

1. **CERTAIN:** Lot 306 Lobatse (formerly Lot 27);
SITUATE: in Lobatse;
MEASURING: 34 square roods 104 square feet;
2. **CERTAIN:** Lot 316 Lobatse (formerly Lot 3);
SITUATE: in Lobatse;
MEASURING: 34 square roods; 104 square feet;

Any person having objection to the issue of such copy is hereby required to lodge the same in writing with the Registrar of Deeds at Gaborone within three (3) weeks of the last publication of this notice.

DATED at Gaborone this 17th day of January, 1980.

MINCHIN & KELLY,
Attorneys for the Applicants

Botsalano House,
 The Mall,
 Gaborone.

Second Publication

Central Transport Organization

SALE OF BOARDED VEHICLES AND PLANT AT C.T.O. — FRANCISTOWN
ON 4th MARCH, 1980

IT IS NOTIFIED for general information that an Auction Sale of boarded vehicles/plant will be held at C.T.O. Francistown on 4th March, 1980 starting at 9.30 a.m.

Items may be inspected during two days preceding the sale.

Items for Sale:

51 × items comprised of Tractors, Bedford trucks, Land Rovers, Ford F250 trucks, Agriculture implements etc. etc.

Conditions of Sale:

1. Items will be sold by lot numbers to the highest bidder.
2. Government reserves the right to reject any bid.
3. Payment must be made by cash or Bank certified cheques immediately an item is sold.
4. No item/s is to be removed from the C.T.O. premises without presentation of a formal receipt.
5. All items are to be removed from the C.T.O. premises within 7 days (seven) after sale. Failure to do so will result in the ownership of item/s reverting to the Government and no return of money will be made.
6. Items offered for sale are in an as is condition.

A.H. MITHA,
for/ General Manager.

Second Publication

Central Transport Organization

SALE OF BOARDED VEHICLES AND PLANT AT C.T.O. — MAUN
ON 5th MARCH, 1980

IT IS NOTIFIED for general information that an Auction Sale of boarded vehicles/plant will be held at C.T.O., Maun on 5th March, 1980 starting at 9.30 a.m. Items may be inspected during two days preceding the sale.

Items for Sale:

25 × items comprised of Bedford trucks, Land Rovers, Ford 250 etc.

Conditions of Sale:

1. Items will be sold by lot numbers to the highest bidder.
2. Government reserves the right to reject any bid.
3. Payment must be made by cash or Bank certified cheques immediately an item is sold.
4. No item/s is/are to be removed from the C.T.O. premises without presentation of a formal receipt.
5. All items are to be removed from the C.T.O. premises within 7 days (seven) after sale. Failure to do so will result in the ownership of item/s reverting to the Government and no return of money will be made.
6. Items offered for sale are in an as is condition.

A.H. MITHA,
for/ General Manager.

Second Publication

External Representative/Agent Licence

NOTICE IS HEREBY given that Tobacco Exporters & Manufacturers intends to apply for External Representative Licence to trade in the following goods:

Selling Cigarettes

Represented by/Represent:

B.T. MAILULA, P.O. Box 633, Gaborone.

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

Second Publication

External Representative/Agent Licence

NOTICE IS HEREBY given that Kings Office Appliances intends to apply for External Representative Licence to trade in the following goods:

Office Furniture, Catering Equipment, Packaging Material and Pricing Equipment.

Represented by/Represent:

R.A.W. KING, 904 Beacon Street, Claremont, Pretoria.

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

Second Publication

Lost Deed of Transfer

NOTICE IS HEREBY given that we intend applying for a certified copy of Deed of Transfer No. 1696 registered on the 10th day of April, 1954 whereby Tati Company Limited sold to S.M. Lurie and Company Botswana (Proprietary) Limited —

CERTAIN: Stand No. 545;

SITUATE: in the Township of Francistown, in the Tati Territory of the Bechuanaland Protectorate;

MEASURING: 81641 (Eighty one thousand six hundred and forty-one) square feet;

Any person having objection to the issue of such copy is hereby required to lodge the same in writing with the Registrar of Deeds at Gaborone within three (3) weeks of the last publication of this notice.

DATED at Gaborone this 30th day of January, 1980.

MINCHIN & KELLY,
Attorneys for the Applicant

Botsalano House,
The Mall,
Gaborone.

Second Publication

Lost Deed of Transfer

NOTICE IS HEREBY given that we intend applying for a certified copy of Deed of Transfer No. 1943 registered on the 1st September, 1956 and made in favour of Mahomed Sultan Ebrahim in respect of —

CERTAIN: Lot 224 Lobatse (formerly Erf 51)

SITUATE: in Lobatse;

MEASURING: 6500 square feet;

Any person having objection to the issue of such copy is hereby required to lodge the same in writing with the Registrar of Deeds at Gaborone within three (3) weeks of the last publication of this notice.

DATED at Gaborone this 17th day of January, 1980.

MINCHIN & KELLY,
Attorneys for the Applicants

Botsalano House,
The Mall,
Gaborone.

Second Publication

Hawker's Licence

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

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date of hearing</i>
L. MASOKO, Habu Area, P.O. NOKANENG.	Habu Area	North West District Council	14.5.80
T. LEGWALE, c/o C. Legwale, P/Bag 0016, GABORONE.	Lekgalo Area, Pitsetshweu, Makhubjwana Matlhagare and Monametsana	Kgatleng District Council	28.3.80
P.K.P. MMESETSE, Hukuntsi Village, P.O. Box 21, HUKUNTSI.	Hunhukwane, Tsutshwa, Khankhwe and Hukuntsane	Kgalagadi District Council	4.3.80
G. IKANENG, Seleka School, P/Bag 23, PALAPYE.	Rasesa, Mohudiri, Mmamoneelwa, Mmantsebodi, Ramosinyi, Ngwapa and Mokobeng	Central District Council	27.3.80
B. MOSIPIDI, P.O. Box 401, SELEBI-PHIKWE.	Mmankwe, Mowana, Mmadikgama, Lebala, Ntswaneng, Mathathane, Rasuwe, Bonmanonyane, Mmaburumane and Makgwaphe	Central District Council	27.3.80
O.B. KGOBERO, P.O. Box 2, SHAKAWE.	Seronga, Dungo and Samoqomo	North West District Council	1.5.80
N. BUSANG, Malaka Village, P.O. Box 54, PALAPYE.	Malaka, Malaka lands, Patikwane, Leboaneng, Senangope and Mankgatau	Central District Council	27.3.80
M. LEKELANDI, P.O. Box 136, ORAPA.	Matapana Village	North West District Council	3.4.80
W.K. MMOLAWA, Khumaga Village, P.O. Box 24, RAKOPS.	Gwaraga, Ngamisane and Menoakwena Cattle Posts	Central District Council	27.3.80
I. MASIKE, P.O. Box 199, GABORONE.	Baratani, Letlapana, Kgophane and Mogobe-wa-Mosu	Kweneng District Council	17.4.80
B. OOKEDITSE, P.O. Box 129, SEROWE.	Seokeng and Mmamotshabi	Central District Council	27.3.80
M. SECHIELE, P.O. Box 267, SEROWE.	Mabolawa, Nakalaphala, Bojelahudu, Phate, Kutswe, Lesie, Itsokwane, Makoro, Tshetlho and Mmamorontshe	Central District Council	27.3.80
D. KAMBURA, Makunda Village, P.O. CHARLESVILLE.	Canaan, Gio, Kuarongo, Farms 190, 191, 189, 182, 194, 196, 179 and 193	Ghanzi District Council	5.3.80
M. LEMPODI, P.O. Letlhakeng Salajwe Village, Via MOLEPOLOLE.	Maseru, Kungwane, Molangwane and Shorilatholo	Kweneng District Council	17.4.80
P. GABAAGE, P.O. Box 91, SELEBI-PHIKWE.	Makgwapye, Pekane, Lebethu and Selebi Lands	Central District Council	27.3.80
E. MOABI, P.O. Box 48, SELEBI-PHIKWE.	Mogobewadikgokong, Mmakuache, Phikwe, Botshabelo, Sepane, Poleke and Madinare	Central District Council	27.3.80

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

Second Publication

Licences

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

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
G.C. DIJENG, P.O. Box 748, SEROWE.	Fresh Produce (Butchery)	Plot No. 3039 Aerodrome Area	Francistown Town Council	14.3.80
B.G. MONTSHITI, P.O. Box 152, LOBATSE.	Mobile Wholesale	Southern District Council	Southern District Council	1.4.80
J. MASU, P.O. Box 284, SELEBI-PHIKWE.	Small General Trading	Area "U"	Selebi-Phikwe Town Council	19.3.80
A. MOYO, P.O. Box 464, FRANCISTOWN.	Speciality	Plot No. 3023 Aerodrome Area	Francistown Town Council	14.3.80
T. CHIRUNGA, P.O. Box 160, FRANCISTOWN.	Speciality	Plot 3031 Aerodrome	Francistown Town Council	14.3.80
O. DINGALO, P.O. Box 26, MOSOPA.	Chibuku Depot	Dinonyane	Southern District Council	1.4.80
I. KABOMO, P.O. Box 10, MOSHUPA.	Restaurant	Mosopa	Southern District Council	1.4.80
L. MAMHUNZI, P.O. Box 269, FRANCISTOWN.	Petrol Filling Station and Kiosk	Stand No. 3030 Francistown	Francistown Town Council	14.3.80
J. MMUTLE, P.O. Box 12, Sherwood Ranch, Via MAHALAPYE.	Mortuary and Funeral Undertaker	Lerala Village	Central District Council	27.3.80
K.K. and G.G. SECHELE, P.O. Box 239, FRANCISTOWN.	Small General Trading	Sechele Village	North East District Council	28.3.80
NEWTOWN HARDWARE, P.O. Box 550, SEROWE.	Hardware	Industrial Area (Serowe)	Central District Council	27.3.80

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

Second Publication

Notice of Intention to Transfer a Trading Licence

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, 1966, that I, P. Seeletso have disposed of my entire interest in Newtown Hardware carrying on the business of Hardware to M. Morolong, F. Monamo, W.R. Moses who will continue to trade at the same address and under the same style of Hardware.

P. SEELETSO, P.O. Box 557, SEROWE.

Second Publication

Transfers

NOTICE IS HEREBY given that the undersigned intends to apply for a Certificate in terms of section 10 of the Trading Act, 1966 (No. 6 of 1966) to obtain –

A transfer of Licence from T.F. Gachala to G.K. and G.G. Sechele in respect of premises situated at Sechele Village and that the North East District Council has determined that the application shall be heard by the Licensing Authority on the 28th March, 1980.

T.F. GACHALA, Gulubane Store, P.O. Box 218, FRANCISTOWN.

A transfer of General Trading to Small General Trading and Restaurant in respect of the premises situated at Molapowabojang and that the Southern District Council has determined that the application shall be heard by the Licensing Authority on 1st April, 1980.

S.R. LETSHABO, P.O. Molapowabojang, via LOBATSE.

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

Second Publication

External Representative Licence

NOTICE IS HEREBY given that the undersigned intends to apply for an External Representative Licence to trade in Flour and Oatmeal Products.

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

DELMAS MILLING COMPANY

c/o Damant Bostock,
P.O. Box 1368,
GABORONE.

Second Publication

External Representative/Agent Licence

NOTICE IS HEREBY given that Berkshire International SA Ltd. intends to apply for External Representative Licence to trade in the following goods:

Clothing

Represented by/Represent

KEITH SHEDI JOSEPH KOURIE, MOHAMMED BOHDANIA, P.O. Box 788, East London, RSA 5200

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

Second Publication

External Representative Agent Licence

NOTICE IS HEREBY given that Univa (Pty) Ltd. intends to apply for External Representative Licence to trade in the following goods:

Coal Stoves, Gas Stoves, Electric Stoves, Heaters and Sanitary ware

Represented by/Represent:

A.B. BOTHA, c/o Univa (Pty) Ltd., P.O. Box 3735, Alrode 1451.

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

Second Publication

Licences

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

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
LEON ENTERPRISES (PTY.) LTD., P.O. Box 1051, GABORONE.	Speciality (Teaching Aids — Film Equipment)	Plot 1178, The Mall	Gaborone Town Council	23. 4.80
M. LETSHWENYO, P.O. Box 171, GABORONE.	Fresh Produce	Lot 4488 Ext. 14	Gaborone Town Council	23. 4.80
P. TGNAZIO, P.O. Box 49, LOBATSE.	General Trading	Main Street	Lobatse Town Council	3. 4.80
NORTHERN WHOLE- SALES (PTY.) LTD., P.O. Box 771, FRANCISTOWN.	Wholesale	Central Industrial Area	Francistown Town Council	11. 4.80
B. WAMAKALA, P.O. Box 177, KANYE.	Restaurant	Moshaneng	Southern District Council	1. 4.80
S. SOLOMON, P.O. Box 196, LOBATSE.	Chibuku Depot	Lotlhakane	Southern District Council	1. 4.80
K. MONAMETSE, Private Bag 231, KANYE.	Small General Trading	Kanye	Southern District Council	1. 4.80
G. KANDJAI, Makunda Village, P.O. Mamono, GHANZI.	Small General Trading	Makunda Village	Ghanzi District Council	2. 4.80
J.C. MARNEWICK, P.O. Box 2, BRAY, via Vryburg.	Wholesale	Hereford Farm	Kgalagadi District Council	2. 4.80
B. KOMA, P.O. Box 42, MAHALAPYE.	Small General Trading & Restaurant	Botlaote Mahalapye	Central District Council	27. 3.80
MOTSU MI, c/o Private Bag 30, MAHALAPYE.	Small General Trading	Thomadithotse near Frederick School Mahalapye	Central District Council	27. 3.80
K. TANTSIDI, Lesenepole School, Private Bag 38, PALAPYE.	Small General Trading	Lesenepole	Central District Council	27. 3.80

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

*First Publication***Disposal of Interest in Business**

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, that I, J.J. Molefe, have disposed of my entire interest in Upright Small General Trading and Restaurant carrying on the business of Small General Dealer and Restaurant to Mr C. Gorewang who will continue to trade under the same style.

J.J. MOLEFE, P.O. Box 418, MOCHUDU.

First Publication

Hawker's Licence

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

<i>Name and Address</i>	<i>Place(s) where Licence(s) Applied for</i>	<i>District Council</i>	<i>Date of hearing</i>
S. KEIPATETSWE, P.O. Box 101, KANYE.	Mmamodungwa, Lotlhakane, Phokojeng, Gasegwagwa, Malau, Motlhabeng, Diabong, Ramommedi, Mmabadisa, Maphadikwe, Diponyana and Kanye	Southern District Council	1. 4.80
B. MOKGWANE, Private Bag 11, PALAPYE.	Lebu Ranch, Maipaafela, Mosakabele, Seokane, Sematshwane and Motsotswane	Central District Council	27. 3.80
L.H. IKGOPOLENG, P.O. METLOJANE, via Lobatse.	Coaanyaneng, Coagare, Matlaka, Sekokoane, Metlojane, Magangoa, Mogoalale, Mokatako, Musi, Sedibeng, Phitshane-Molopo and Malore	Southern District Council	1. 4.80
J. MODIMAKWANE, P.O. Box 715, MOCHUDI.	Ledule, Seropesakgomo, Mmakgomo, Mmaubane, Morulaosi, Dikgokomnye and Tlhapadiatla	Kgatleng District Council	28. 3.80
P.M. TLOU, M & H Caterers, P.O. Box 330, SELEBI-PHIKWE.	Matsaganeng, Lerebe, Lekomotong, Mothwane, Mamanaka, Mosung, Mosalakwane, Masiadieme, Maiswe and Sekoleng	Central District Council	27. 3.80
C. KADIWA, P.O. Box 241, MAHALAPYE.	Kgarangwe, Mamasilanoka, Patikwane and Kedikilwe	Central District Council	27. 3.80
B. MASIRE, P.O. Box 10, KANYE.	Magakabe, Sethulo and Mosadimogolo	Southern District Council	1. 4.80
M. KEGANNE, P.O. Box 37, MOLEPOLOLE.	Selokong, Mmanputle, Matlhatswane, Motlhowe and Goomasala	Kweneng District Council	17. 4.80
F. TAOLO, St Marks Service Church, P.O. Box 265, SELEBI-PHIKWE.	Kgorukgoru, Tapeng, Thakadiyawa, Mokoto-wa-kgokong, Bodibeng, Sepalola, Jamakala, Kongkoru, Mairoro, Ratiko and Mooke	Central District Council	27. 3.80
O. GOLEKANYE, P.O. Box 1611, MOSHUPA.	Sentsi, Ga-Mothaka, Lerojana, Dibotong, Lesototo, Mmaseetsele, Lepapa, Moshupa South, Gookodisa and Phuting	Southern District Council	1. 4.80
S.B. KELEOFILE, P.O. Box 48, KANYE.	Mosamowakwena, Garamommedi, Mabitshwane, Maisane, Mosetlhe and Matshetshwana	Southern District Council	1. 4.80
M. BUKA, Private Bag 001, SELEBI-PHIKWE.	Selebi-Phikwe, Themashanga, Botale and Seviya	Central District Council	27. 3.80
D. KEBUANG, P.O. Box 386, KANYE.	Kanye, Mmathethe, Goodhope, Moshupa, Naledi, Dinonyane, Tlowane, Mokhomma and Sese	Southern District Council	1. 4.80
D. MUZINGWANE, P.O. Box 13, SEROWE.	Sasa, Ganeganaga, Kwacha, Phatshwanyane, Gubaga, Matsiara, Mmakgari, Machana and Phorokwe	Central District Council	27. 3.80

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

First Publication

Transfers

Notice is hereby given that the undersigned intends to apply for a certificate in terms of section 10 of the Trading Act, 1966 (No. 6 of 1966) to obtain —

A transfer of a Small General Dealer and Restaurant Licence in respect of the premises situated at Phaphane (Mochudi) and that the Kgatleng District Council has determined that the application shall be heard by the Licensing Authority on the 20th March, 1980.

C. GOREWANG, P.O. Box 742, GABORONE.

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

First Publication

Notice of Intention to Transfer a Trading Licence

NOTICE IS HEREBY given in terms of section 25 (1) of the Trading Act, 1966, that I, Bagaketse Ramakatane Tantsidi have disposed of my entire interest in Lesenepole Cash Store carrying on the business of Small General Dealer to Kenaope Tantsidi who will continue to trade at the same address and under the same style.

B.R. TANTSIDI, Lesenepole Cash Store, c/o Private Bag 38, PALAPYE.

First Publication

External Representative Licence

NOTICE IS HEREBY given that FEMO (Pty.) Ltd., P.O. Box 61578, Marshalltown, intends to apply for External Representative Licence to trade in the following goods:

Motor Spares

Represented by Wendell Wilkin.

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

First Publication

Commencement of Insurance Act

INSURERS, BROKERS AND AGENTS are reminded that the insurance legislation becomes operative on 1st April, 1980. Application forms required by the insurance regulations are available on request from Room 222 Ministry of Finance and Development Planning, Private Bag 008, Gaborone.

O.K. MATAMBO,
Acting Registrar of Insurance

Town Clerk's Notice No. 1 of 1980

APPLICATIONS ARE INVITED for the allocation of four (4) Commercial plots in Riverside South Plots along the Tati River.

A diagram of the plots, which measure 200 m², is available for scrutiny in the Francistown town Council's Architect/Town Planner's Office during the normal working hours. Details about the town Planning Development Control Code and the Building Regulations can be obtained through the same office.

Copies of the Application forms, the Allocation Criteria for Small Scale Industry Plots, the Allocation Criteria for Commercial Plots, and the more detailed version of the Plot Advertisement can be obtained from the Headquarters of the Francistown Town Council, Housing Department (SHHA).

Fully completed application forms should be returned to the Headquarters not later than 1630 hours on Friday 7th March, 1980.

First Publication

H.M. CHILUME,
for Town Clerk

**IN THE SUBORDINATE COURT OF THE FIRST CLASS
FOR THE GABORONE MAGISTERIAL DISTRICT:**

Case No. MC. 40/78

Holden at Gaborone
Between:

MOIRA TERESA HUNT
and
BRIAN CHARLES HUNT

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

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

PLACE: At Lot No. 3477 Extension 12, Gaborone

TIME: 10 a.m. 14th March, 1980

TERMS: Cash OR Bank guaranteed cheque

Property to be sold:

Household comprising of: Dining Room Suite, Bedroom Suite, 3 Adding Machines, 1 Display, 1 Gas Stove with Cylinder, 1 Fridge and Piano.

DATED at Gaborone this 22nd day of February, 1980.

KIRBY, HELFER & KHAMA,
Plaintiffs Attorneys

Co-operative House,
The Mall,
P.O. Box 170
GABORONE.

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE

THAT pursuant to a Writ of Execution issued out of the High Court of the Republic of Botswana in the matter between:

BOTSWANA BUILDING SOCIETY
and
WILLIAM MUMBA

Plaintiff

Defendant

CT. 115/79

the following Immovable Property will be sold by Public Auction to the highest bidder at the site on Saturday the 15th March, 1980 at 10.00 a.m. namely:

CERTAIN: piece of land being Lot 2896;

SITUATE: in Gaborone, Extension 10;

COMPRISING: Single dwelling house.

The purchase price will be payable as up to ten percent (10%) in cash on the date of sale, the balance to be paid by cash or bank guaranteed cheque within seven (7) days of the date of sale.

Conditions of sale may be inspected at the Office of the Deputy Sheriff, Gaborone and on the Notice Board of the District Commissioner.

KIRBY, HELFER & KHAMA,
Attorneys for Plaintiff.

P.O. Box 882 and 170,
GABORONE.

Republic of Botswana - Tender No. TB 7/3/80-81

SUPPLY OF GRAPHIC ARTS FILM

TENDERS ARE INVITED for the supply of Graphic Arts Film to the Government Printing Department, Gaborone for the period 1st April, 1980 to 31st March, 1981.

2. Tenders should quote the price of standard sizes of film up to 507 × 610 mm on a stable base, packed in boxes of 50 or 150 sheets.

Approximate Annual Usage:

254 × 305 mm — 1000 sheets

305 × 381 mm — 500 sheets

406 × 507 mm — 77 500 sheets

507 × 610 mm — 9 000 sheets.

3. Tenders should also quote for the supply of Lith Developer and Fixer for tray processing and mechanical processor per 25 litres.

4. Diffusion Transfer Material similar to Copyproof. Sizes A3 and A4.

5. Photo-typesetting paper and film suitable for A.M. Comp Edit and Alpha Comp.

203 × 45.7 m

203 × 61 m

Photo-typesetting paper suitable for Mergenthaler V.L.P.

171 mm × 30.5 m

Chemicals for above for mechanical processor.

6. Tenders which are to be submitted in a plain cover marked "Tender No. TB 7/3/80-81 - Tenders for the Supply of Graphic Arts Film," must reach the office of the Secretary of the Central Tender Board, Private Bag 0058, Gaborone, Botswana, by 0900 hours on Wednesday, March, 26th 1980. Tenders received after the due time will be unopened. Telegraphic or telephonic tenders will not be considered. The lowest or any tender will not necessarily be accepted.

K.K. SEMELAMELA,

Secretary,

Central Tender Board

Republic of Botswana — Tender No. TB 7/3/4/80-81

SUPPLY OF PRE-SENSITIZED LITHOGRAPHIC PRINTING PLATES

TENDERS ARE INVITED for the supply of Presensitized Lithographic Printing Plates to the Government Printing Department, Gaborone for the period 1st April, 1980 to 31st March, 1981.

2. Tenders should quote for negative and positive plates and the associated chemicals.

3. The sizes required and the approximate annual usage of negative plates is given below:

	<i>Single Sided</i>	<i>Double Sided</i>
1130 × 925 mm	300	300
895 × 715 mm	1000	1000
650 × 550 mm	1500	1500
450 × 370 mm	1000	500
381 × 254 mm	2000	1000

4. Tenders which are to be submitted in a plain sealed cover marked "Tender No. TB. 7/3/4/80-81 - Tender for the Supply of Pre-sensitized Lithographic Printing Plates", must reach the office of the Secretary of the Central Tender Board, Private Bag 0058, Gaborone, Botswana, by 0900 hours on Wednesday, 26th March, 1980. Tenders received after the due time will be returned unopened. Telegraphic or telephonic tenders will not be considered. The lowest or any tender will not necessarily be accepted.

K.K. SEMELAMELA,

Secretary,

Central Tender Board

Postponed Second Meeting of Creditors
TRANSKALAHARI (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 20 of 1979

NOTICE IS HEREBY given pursuant to Section 186 (1) of the Companies Act Cap. 42:01 that the Postponed Second Meeting of Creditors (original Second Meeting 20th September, 1979 and postponed), in the above Estate, will be held before The Master of the High Court, Lobatse on Thursday 13th March, 1980 at 2.30 p.m.

The purpose of the Meeting will be as follows:

1. Proof of claims.
2. Submission of Liquidator's Report.
3. Adoption of Resolutions.

G.I. LIPSCHITZ,
Co-Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
GABORONE.

Postponed Second Meeting of Creditors
GREENGOLD (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 5 of 1979

NOTICE IS HEREBY given pursuant to Section 186 (1) of the Companies Act Cap. 42:01 that the Postponed Second Meeting of Creditors (original Second Meeting 13th September, 1979 and postponed), in the above Estate, will be held before The Master of the High Court, Lobatse on Thursday 13th March, 1980 at 2.30 p.m.

The purpose of the Meeting will be as follows:

1. Proof of claims.
2. Submission of Liquidator's Report.
3. Adoption of Resolutions.

G.I. LIPSCHITZ,
Co-Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
GABORONE.

Estate

In the Estate of the late Joseph Adriaan Lukas van Zyl who died on the way to Lobatse Hospital on the 29th May, 1979.

Estate No. E. 1283/79

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

KIRBY, HELFER & KHAMA,
Attorneys for Executrix Dative,

P.O. Box 882 and 170,
The Mall,
GABORONE.

Final Special Meeting of Creditors
PIKWE MILLING COMPANY (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 37/1978

NOTICE IS HEREBY given pursuant to section 186 (1) of the Companies Act Cap. 41:01 that the Final Special Meeting of Creditors in the above estate will be held before The Master of the High Court Lobatse on the 13th March, 1980 at 2.30 p.m.

The purpose of the meeting will be as follows:

1. Proof of claim.

J. BODENSTEIN,
for Liquidator.

Trust & Executor Company (Pty) Ltd.,
P.O. Box 1572,
GABORONE.

First Meeting of Creditors
CHEMICARE (PTY.) LIMITED (IN LIQUIDATION)

Civil Cause No. 110 of 1979

NOTICE IS HEREBY given pursuant to section 186 (1) of the Companies Act Cap. 42:01 that the First Meeting of Creditors in the above estate will be held before the Master of the High Court, Lobatse on Thursday the 13th March, 1980 at 2.30 p.m.

The purpose of the meeting is as follows:

1. Appointment of Liquidator.
2. Proof of claims.

D.J. KLERCK,
Provisional Liquidator.

Trust & Executor Co. (Pty.) Ltd.,
P.O. Box 1572,
GABORONE.

Bill No. 10 of 1980

POST OFFICE BILL, 1980

(Published on 29th February, 1980)

MEMORANDUM

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

2. A Bill to establish a telecommunications corporation, entitled the Botswana Telecommunications Corporation Bill, 1980, is shortly to be presented to the National Assembly. That Bill proposes to establish a statutory body independent of the Department of Posts and Telecommunications. The functions of the Department relating to the provision of telecommunications services for Botswana are to be transferred to the proposed new corporation. Consequently, the provisions in the Post Office Act (Cap. 72:01) relating to telecommunications services will become redundant.

3. The object of this Bill is therefore to amend the Post Office Act by deleting therefrom the references or provisions relating to telecommunications, and re-enactment of the Act. Apart from this, the Bill does not propose any change of substance to the existing Act.

P.S. MMUSI,

Minister of Works and Communications.

ARRANGEMENT OF SECTIONS

SECTION

PART I *Preliminary*

1. Short title
2. Interpretation

PART II *Power and Rights of Director*

3. Administration and control of Department
4. Director to prescribe changes for services
5. Director may enter into mail contracts
6. Exclusive privilege of Director
7. Conveyance of mail by railway
8. Conveyance of postal officers
9. Postal officers, vehicles, mail, etc., exempt from tolls
10. Postal officers, vehicles, etc., to have precedence in public streets, etc.

PART III *Transmission of Postal Articles*

11. Rates of postage
12. Transmission without payment
13. Definition of newspaper and supplement
14. Precedence of letters
15. Registration of postal articles
16. Insurance of postal articles
17. When postal articles deemed to be in course of transmission or to be posted or delivered
18. Redirection and interception of postal articles

19. Articles deemed to be posted in contravention of Act
20. Articles to be sent by postmasters to returned letter office for disposal
21. Articles subject to customs duty
22. Articles other than letters may be opened for examination
23. Treatment of unclaimed letters in returned letter office
24. Unclaimed articles of value and articles posted in contravention of Act
25. Sender of undelivered article liable for all charges due
26. Delay, return to sender or delivery to other than addressee of article prohibited
27. Undelivered articles of no value and newspapers may be destroyed
28. Articles addressed to insolvent person
29. Articles addressed to deceased person
30. Articles addressed to persons conducting lottery or dealing in indecent or obscene matter

PART IV *Remittance of money through Post Office*

31. Remittance of money through Department
32. Director may refuse to issue or pay money orders, etc., to certain persons
33. Money orders, etc., to be deemed bank notes

PART V *Offences and Penalties*

34. Forging of stamps, dies, etc.
35. Removing marks from stamps, etc., with intent to defraud
36. Offences in connexion with carriage and delivery of mail
37. Fraudulent, injurious and offensive practices in connexion with postal articles and premises
38. Placing of dangerous or noxious articles and stoppage of mail
39. Tampering with mail
40. Wilfully obstructing or delaying mail
41. Wilful opening or delay of postal article
42. Unauthorized use of words "Post Office", "Botswana Mail", etc.
43. Unauthorized entry of premises, obstruction of business, and refusal to comply with regulations
44. Frauds in connexion with money orders, etc.
45. Personating officers of the Department with fraudulent intent
46. False declarations
47. Attempting to commit or procuring commission of offences
48. Director may settle certain cases
49. In criminal proceedings, etc., property in postal articles, moneys, money orders, etc., may be laid in Director
50. Evidence: acceptance of official marks
51. Deputy may appear for Director

PART VI *Miscellaneous*

52. Limitation of liability
53. Documents prescribed to be exempt from all duties
54. Moneys received to form part of postal revenue
55. Detention of postal articles
56. Regulations
57. Repeal and savings

A BILL
entitled

**An Act to re-enact with amendments the Post Office Act (Cap. 72:01)
by deleting therefrom the references and provisions relating to
Telecommunications**

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana

PART I Preliminary

1. This Act may be cited as the Post Office Act, 1980. Short title
 2. In this Act, unless the context otherwise requires, —
- “Director” means the Director of Postal Services appointed under section 3; Interpre-
tation
- “Department” means the Department of Postal Services;
- “friendly society” means a friendly society registered as such under any law, and includes an affiliated branch of such a society;
- “mail” means any article collected for conveyance by post and includes loose and individual articles, and any mail bag, vessel or conveyance of any kind by which postal articles are carried, whether or not it contains any such articles, and any person or animal employed in conveying or delivering mail or postal articles;
- “mail bag” includes any bag, box, parcel, basket or hamper or any envelope or covering in which postal articles in course of transmission by post are conveyed, whether or not it contains such articles;
- “Master” means the Master of the High Court;
- “money order” means a money order issued under this Act or by any postal authority for payment under this Act;
- “officer” includes any person in the service or employed in connexion with any business of the Department;
- “postage” means the amount chargeable for the conveyance of articles by post;
- “postage stamp” or “stamp” means any piece of paper or other substance or material having thereon the stamp, mark, or impression of any die, plate or other instrument made or used under this Act or by any postal authority for the purpose of denoting any postage or other postal fee;
- “postal article” means any letter, post-card, reply post-card, letter-card, newspaper, book, packet, sample packet or pattern or any parcel or other article when in course of transmission by post;
- “postal authority” includes the duly constituted postal authority of any other country, territory or place;
- “postal order” means a postal order issued under this Act or by any postal authority for payment under this Act;

“postmaster” means the officer in charge of a post office;
 “post office” includes any house, building, room, carriage, place or structure where postal articles are received, sorted delivered, made up or dispatched or which is used for any post office purpose, and any pillar box or other receptacle provided by or with the approval of the Department for the reception of postal articles for transmission by post;
 “railway” includes any tramway, whether the means of traction be animal or steam power, electricity or other motive force;
 “railway authority” means any company, association, public body or person which or who owns, works or manages a railway or tramway for the public conveyance of passengers or goods;
 “sender”, in relation to any postal article, means the person from whom such postal article purports to have come, unless such person proves that he is not the sender thereof.

PART II *Powers and Rights of Director*

Adminis-
tration and
control of
Department

3. (1) The administration and control of the Department shall be vested in a Director, who shall be appointed by the President.

(2) The Director shall have the supervision and control of all persons in the service of the Department and all post offices and postal services, and may issue such instructions as he may deem necessary for the conduct and guidance of officers, in carrying out the provisions of this Act.

(3) The Director may delegate any of his powers under this Act, except the power of delegation conferred by this subsection, and may at his discretion revoke any such delegation.

(4) The Director may, with the concurrence of the Minister, establish, maintain and abolish mail services, post offices and savings bank offices, make and alter postal arrangements and may from time to time, subject to the approval of the Minister, make regulations for the conduct of any business entrusted to him or for the exercise of the powers and duties assigned to him by this Act.

(5) The authority to enter into conventions and arrangements with other postal administrations, and to enter into an agreement with any postal authority for the reciprocal exchange of insured postal articles, shall be vested in the Minister.

Director
to prescribe
charges for
services

4. Subject to the approval of the Minister, the Director may prescribe and may from time to time alter charges for the conveyance of postal articles and for any other service rendered by the Department, and may cause to be made and sold postage stamps and envelopes, cards, wrappers and other articles embossed with such amounts of postage as he may deem fit.

Director
may enter
into mail
contracts

5. The Director may, with the concurrence of the Minister, enter into any contract or make any arrangements for the conveyance of postal articles within Botswana or for any other public service performed for or by the Department.

6. (1) The Director shall have the exclusive privilege of receiving, collecting, dispatching, conveying or delivering letters and of performing all incidental services relating thereto. Exclusive privilege of Director

(2) Any person who for reward performs any act within the exclusive privilege conferred upon the Director by this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P20 in respect of every letter so handled.

(3) Nothing in this section shall extend to any letter —

- (a) sent or conveyed to any post office in Botswana or, with the consent of the Director, to any other post office;
- (b) exceeding the dimensions prescribed for letters;
- (c) containing process of, or proceedings or pleadings in, any court of competent jurisdiction or affidavits or depositions;
- (d) exclusively concerning goods sent and to be delivered therewith; or
- (e) sent by hand without payment of a fee.

7. (1) The Director shall have the right of conveyance to and from any station, siding or stopping place, by any of the ordinary or special trains or carriages belonging to any railway authority, of such mail as the Director may from time to time require to be conveyed, and such railway authority shall observe all reasonable requirements of the Director regarding the acceptance and delivery of mail and shall be responsible for their safe custody. Conveyance of mail by railway

(2) A railway authority shall provide and afford all reasonable facilities for receiving and delivering mail without delay at all stations, sidings and stopping places and shall permit the free access thereto of any officer authorized to collect and deliver mail.

(3) In the absence of any contract between the Director and any railway authority in respect of the conveyance of mail, there shall be paid by the Director to such railway authority for the conveyance of mail and the delivery thereof at any station, siding or stopping place such annual sum as may be agreed upon or, failing agreement, determined by arbitration in accordance with the Arbitration Act, but not exceeding P15 per annum for each kilometre of railway open for public traffic dating from the day upon which the mail is first conveyed. Cap. 06:01

(4) When the service for mail purposes is less frequent than twice a week in each direction, the payment to be made shall not exceed P10 per annum for each kilometre of railway opened for public traffic.

(5) The conveyance of mail over any section of railway which may not be regularly used for that purpose shall be paid at a rate not exceeding the rate ordinarily charged to the public for the conveyance of parcels over that section.

(6) Where the service of a railway authority is not sufficiently frequent to meet the requirements of the Department, the

Director shall have the right to call upon such railway authority to provide such service as he may require, and in such case there shall be paid by the Director in lieu of the tariffs prescribed in subsections (3) and (4) such sum as may be agreed upon or, failing agreement, determined by arbitration in accordance with the Arbitration Act.

Conveyance
of postal
officers

8. The Director shall have the right at any time to call upon any railway authority to convey, free of charge, and in such a manner as not to interfere with the custody of the mail, any officer appointed to such custody during the conveyance of mail by railway.

Postal
officers,
vehicles,
mail, etc.,
exempt from
tolls

9. No duty, toll or ferry charge shall be demanded or taken from or in respect of the passing of any mail or any person, horse or vehicle engaged in any service of the Department.

Postal
officers,
vehicles,
etc., to have
precedence
in public
streets, etc.

10. Any person, horse or vehicle engaged in connexion with the conveyance of mail shall have precedence over all other persons, horses or vehicles other than fire-engines, ambulances and police vehicles.

PART III *Transmission of Postal Articles*

Rates of
postage

11. (1) Subject to the provisions of this Act, there shall be paid on every article for transmission by post such postage and other sums as may be prescribed.

(2) Save as is otherwise provided in this section, the postage and any fee which may be payable in respect of any article posted shall be prepaid by means of unused postage stamps issued by the Director, and in default thereof there shall be payable in money, at the time of delivery of the article, an amount equal to double the amount of any deficiency in prepayment, and any amount so to be paid shall be indicated in such manner as may be prescribed.

(3) Any newspaper upon which the postage is wholly unpaid at the time of posting may be forthwith destroyed or otherwise disposed of as the Director may direct.

(4) Subject to regulations —

(a) the postage upon large quantities of postal articles posted at one time may be received in cash at or before the time of posting;

(b) the postage upon postal articles addressed to persons licensed to receive unpaid postal articles may be received in cash at any time.

(5) Subject to any condition he may see fit to impose, the Director may authorize the use of postage stamps perforated with initials.

(6) The Director may licence, subject to any condition he may see fit to impose, the use of postal franking machines for impressing upon postal articles marks approved by him denoting that postage has been paid.

12. The Minister may, in accordance with any condition he may see fit to impose, authorize the transmission without payment of any postal article upon the public service.

Transmission
without
payment

13. (1) For the purpose of this Act any publication consisting wholly or in part of news or of articles relating thereto or to other current topics, with or without advertisements and with or without reproductions of photographs or other illustrations, shall be deemed to be a newspaper if —

Definition
of newspaper
and supple-
ment

- (a) it is registered as such with the Director;
- (b) it is published at intervals of not more than one month; and
- (c) the full title and date of publication are printed at the top of the first page thereof, and the whole or part of the title and the date of publication at the top of every subsequent page.

(2) Any publication consisting wholly or in part of matter similar to that of a newspaper, or of advertisements printed on paper or consisting wholly or in part of reproductions of photographs or other illustrations, shall be deemed to be a supplement to a newspaper if —

- (a) the publication purporting to be such a supplement is published and posted with the newspaper;
- (b) the whole or part of the title and the date of the newspaper are printed at the top of each page thereof; and
- (c) all sheets comprising the supplement are put together in a part of the newspaper.

14. Whenever the dispatch or delivery of letters from a post office would, in the opinion of the Director, be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may be detained in that post office for subsequent dispatch or delivery.

Precedence
of letters

15. (1) The sender of any postal article may, upon payment of the prescribed fee in addition to the ordinary postage, have that article registered and obtain a receipt for it; but no such registration or receipt shall confer on any person any right to compensation or impose upon any officer any liability for the loss of any such article or of the contents thereof.

Registration
of postal
articles

(2) The Director may, however, in his discretion pay compensation for the loss of any registered postal article or of the contents thereof.

(3) Any postal article containing coin, bank notes, stamps, precious metals, precious stones or other article of a like nature which have an intrinsic or marketable value shall, if posted unregistered, be liable to compulsory registration and to a consequent charge on delivery equal to double the amount of any

B.44

deficiency in prepayment as a registered article, but no compensation shall be paid in case of loss of any postal article compulsorily registered.

Insurance
of postal
articles

16. The Director may provide for the insurance of postal articles subject to such terms and conditions as may be prescribed.

When postal
articles
deemed to
be in course
of trans-
mission or to be
posted or
delivered

17. For the purposes of this Act —

- (a) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed;
- (b) the placing of a postal article in a pillar box or other receptacle provided for the purpose by or with the approval of the Department, or the delivery of a postal article to an officer or other person authorized by the Director to receive postal articles of that description, shall be deemed to be delivery to a post office;
- (c) the delivery of a postal article at the house or office of the person to whom the article is addressed or to his servant or agent or other responsible person or at the address specified on such article shall be deemed to be delivered to the person addressed; and
- (d) delivery into a private box or private bag shall be deemed to be personal delivery to the addressee.

Redirection
and inter-
ception
of postal
articles

18. (1) The redirection of any unopened postal article (other than a parcel) from one place to another may be effected free of charge provided the postage from the original place of posting to the new address has been fully prepaid, but registered articles redirected by the public shall be subject in each case to a further fee for registration.

(2) Any redirected article which appears to the Director to have been opened or tampered with shall be treated as if it were posted for the first time and shall be chargeable accordingly.

(3) Any article arrested or intercepted in transit through the post —

- (a) at the request of either the sender or the addressee thereof, shall be liable to an additional charge equal to the ordinary rate of postage from the place of the original address to the place of the new address and any article which under the provisions of this Act may be returned to the sender thereof shall if re-posted be liable again to postage;
- (b) for delivery to the sender or addressee at the office in which stoppage is effected shall be liable to such special fee as may be prescribed.

(4) Nothing contained in subsection (3) shall require the Director to arrest or intercept any postal article.

19. A postal article received in a post office shall be deemed to have been posted in contravention of this Act if —

Article deemed to be posted in contravention of Act

- (a) the postage stamps thereon have been previously used, obliterated or defaced;
- (b) any blasphemous, indecent, obscene, offensive or libellous matter appears on the outside thereof or any indecent or obscene matter is enclosed therein; or
- (c) it is posted or contains anything in fraud of or contrary to the provisions of this Act or any other law.

20. Any postal article which is —

Articles to be sent by postmasters to returned letter office for disposal

- (a) without address or bears an illegible address or is otherwise undeliverable;
- (b) refused by the person to whom it is addressed; or
- (c) posted or is reasonably suspected to have been posted in contravention of this Act or any other law.

shall be sent to the returned letter office of Botswana and dealt with as may be prescribed:

Provided that any article referred to in paragraph (a) or (b) which bears on the outside thereof the name and address of the sender may be returned to him.

21. Any postal article containing or suspected of containing anything upon which customs duty is payable shall be dealt with in such manner as may be prescribed.

Articles subject to customs duty

22. (1) Any postal article, other than a letter, may be opened in the post for examination in order to ascertain whether or not that article is entitled to transmission at the rate of postage prepaid thereon or has been posted in contravention of this Act.

Articles other than letters may be opened for examination

(2) The decision of the Director as to whether or not any postal article is a letter or any description of postal article shall be final.

23. Any postal article originally posted within Botswana which is sent to the returned letter office in accordance with section 20, or which is undelivered, shall be opened by an officer authorized by the Director for that purpose and shall, unless it contains any valuable or saleable enclosure or has in the opinion of the Director been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, be returned to the sender thereof if his name and address are known, and may, if the sender refuses to receive it or if his name and address are not known, be sold or destroyed.

Treatment of unclaimed letters in returned letter office

24. (1) Any postal article opened under the provisions of this Act which contains any valuable or saleable enclosure shall be safely kept and a record thereof and of its contents shall be made and preserved.

Unclaimed articles of value and articles posted in contravention of Act

(2) The Director shall, unless any such postal article or the contents thereof have in his opinion been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, cause notice of his possession of that

article and of the contents thereof to be sent to the person to whom it is addressed or, if he cannot be found, to the sender thereof if he can be found.

(3) The Director shall, upon application by the person to whom the notice has been sent, cause such postal article and its contents to be delivered to such person upon payment of all charges due thereon.

(4) If no application under subsection (3) is made within 3 months after the sending of a notice under subsection (2), or if the postal article in question or the contents thereof has in the opinion of the Director been posted in contravention of this Act or with intent to evade payment of any charge properly payable thereon, such article and its contents shall (without affecting the liability to any penalty or punishment to which the sender may be subject) be destroyed, sold or otherwise disposed of as the Director may direct.

(5) The proceeds of the sale of any postal article or the contents thereof, as well as any such contents consisting of money or any order or security for money, shall be paid into and form part of the postal revenue.

(6) Any such order or security for money shall for the purpose of procuring payment be deemed to be the property of the Director.

Sender of undelivered article liable for all charges due

25. (1) The sender of an undelivered postal article shall on demand pay all charges due thereon, and shall, in the event of his refusal to pay such charges, be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P2.

(2) This section shall not be construed as releasing the person to whom a postal article is originally addressed from liability to pay the charges due thereon if such a postal article is delivered to him.

Delay, return to sender or delivery to other than addressee of article prohibited

26. Save as expressly provided in this Act, no postal article shall be delayed in transmission or returned to the sender or be delivered to any person not named in the address thereof except with the consent in writing of the addressee or on the special authority of the Director.

Undelivered articles of no value and newspapers may be destroyed

27. Notwithstanding anything to the contrary contained in section 23 or 26, an undelivered postal article, not being a letter or parcel, which appears to be of no appreciable value or importance, and an undelivered newspaper may, after retention for the period prescribed, be sold, destroyed or otherwise disposed of as the Director may direct.

Articles addressed to insolvent person

28. When the estate of any person has been sequestrated by a competent court in Botswana, the Director shall cause all postal articles addressed to such person to be delivered to the trustee in such insolvent estate or, if no trustee has been appointed, to the Master.

29. Postal articles addressed to a deceased person may be delivered to the executor or administrator of such deceased person on the production of letters of administration or, pending production of letters of administration, at the address indicated thereon.

Articles addressed to deceased person

30. When the Director is satisfied by any advertisement, letter, circular or other documentary evidence that any person is conducting or assisting as agent or otherwise in conducting an illegal lottery, or is dealing in indecent or obscene matter, and is using the services of the Department for the purpose thereof, the Director may detain or delay all postal articles addressed to such person or his agent or representative, or to any address of such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of as the Director may deem fit.

Articles addressed to persons conducting lottery or dealing in indecent or obscene matter

PART IV *Remittance of money through Post Office*

31. Any person may remit money through the Department to any other person whether in or outside Botswana at such rates of commission as may be prescribed and the Director may authorize any officer in the Department to issue and pay money orders, postal orders or any other document prescribed for the purpose of remitting money.

Remittance of money through Department

32. The Director may refuse to issue or pay a money order, postal order or other document to a person to whom the provisions of section 30 apply and, where payment of any such order or other document is refused, such order may, if it was issued in Botswana, be returned to the person to whom it was originally issued or otherwise disposed of as the Director may deem fit, or, if it was issued outside Botswana, the amount thereof shall be returned to the postal authority of the country in which it was issued.

Director may refuse to issue or pay money orders, etc., to certain persons

33. (1) A money order, postal order or other document issued under section 31 shall be deemed to be a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

Money orders, etc., to be deemed bank notes

(2) An unissued postal order shall be deemed to be public money.

PART V *Offences and Penalties*

34. Any person who without due authority or lawful excuse, the proof of which shall lie upon him, —

Forging of stamps, dies, etc.

(a) makes, alters, imitates or imports or assists in making, altering, imitating or importing any postage stamp, date stamp, card, envelope, wrapper, cover or any money order, postal order, postal draft or savings bank warrant or any other warrant or order for the payment of money through

the Department, or acknowledgment of deposit or any form or paper similar to that used or made under the authority or for the purposes of this Act or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his custody or possession any such postage stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, postal draft, savings bank warrant or any other warrant or order, acknowledgment of deposit, form or paper, knowing it to have been made or altered or to be an imitation contrary to this section;

- (b) engraves or in any manner makes upon any plate or material any stamp, mark, figure or device in imitation of or resembling any stamp, mark, figure or device used or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any plate or material so engraved or made;
- (c) makes or assists in making or has in his custody or possession any mould, frame or other instrument having thereon any word, letter, figure, mark, line or device peculiar to paper provided, used or made for any postage stamp or for any other purpose of this Act or by any postal authority;
- (d) makes or assists in making or has in his custody or possession any paper in the substance of which appear any word, letter, figure, mark, line or device peculiar to paper provided, used or made for any postage stamp or for any other purpose of this Act or by any postal authority, or makes, purchases, sells, disposes of or receives or has in his custody or possession any paper provided or made for the purpose of being used for any postage stamp or for any other purpose of this Act or by any postal authority before the same has been issued for public use;
- (e) makes use of any stamp, die, plate or paper engraved or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any paper or material whatever bearing an impression or mark of any such stamp, die, plate or paper; or
- (f) makes on any envelope, wrapper, card, form or paper any mark in imitation of or similar to or purporting to be any official stamp or mark used for the purposes of this Act or by any postal authority, or any word, letter, device or mark which signifies or implies or may reasonably be regarded as signifying or implying that any article bearing such word, letter, device or mark has been or is entitled to be sent through the post,

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P1 000 or to a term of imprisonment not exceeding 5 years, and any stamp, die, plate, paper, instrument or other material found in the possession of such person in contravention of this section shall be seized and forfeited to the State.

35. (1) Any person who, with intent to defraud, —

- (a) removes from an article sent by post or from a document used for the purposes of this Act any stamp which has been affixed thereon, or wilfully removes, either actually or apparently, from any stamp which has been previously used any mark or impression which has been made thereon at any post office, or knowingly utters, issues or uses any stamp or any part thereof which has been so removed or from which any such mark or impression has been removed;
- (b) erases, cuts, scrapes, defaces, obliterates or otherwise discharges or removes from, either actually or apparently, or in any manner adds to or alters any mark or impression upon, a money order, postal order, postal draft, savings bank warrant, or other order or warrant, or acknowledgment of deposit, paper or other material provided, used or made for the purposes of this Act or by any postal authority;
- (c) makes, does or practices or is concerned in any other act, contrivance or device for which no specific penalty is provided, or attempts unlawfully to evade payment of any of the rates, fees or duties payable under this Act,

Removing marks from stamps, etc., with intent to defraud

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months.

(2) For the purposes of this Part the sender of a postal article shall, unless the contrary is proved, be deemed to be the person by whom any postage stamp upon that article was affixed.

(3) In any proceedings in respect of an offence under this section the burden of proving an absence of intent to defraud shall lie on the accused.

36. Any person authorized to receive or in any way to handle mail who —

- (a) negligently loses or wilfully detains, delays, misdelivers or omits to dispatch any mail (whether or not the same is afterwards recovered or delivered) or communicates or divulges the contents of any postal article;
- (b) while in charge of any mail, leaves it, or suffers any person, not being the guard or person employed for that purpose, to travel in the place appointed for the guard in or upon any conveyance carrying that mail, or to travel in or upon any such conveyance not authorized to carry passengers or upon any horse or other animal conveying that mail;

Offences in connexion with carriage and delivery of mail

- (c) is guilty of carelessness, negligence or any misconduct whereby the safety of any mail is endangered;
- (d) while in charge of any mail is intoxicated or loiters or wilfully misspends or loses time so as to retard the arrival of the mail at its proper destination within the time fixed for its arrival, or does not use due care and diligence to safely convey the mail at the due rate of speed;
- (e) gives false information of any assault or attempt at robbery upon him; or
- (f) without due authority, collects, receives, conveys or delivers any postal article otherwise than in the ordinary course of post,

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months.

Fraudulent,
injurious and
offensive
practices in
connexion
with postal
articles
and premises

37. (1) Any person who —

- (a) with intent to defraud, puts into any post office anything purporting to be a postal article within the exemptions specified in this Act, or any postal article purporting to belong to a class in respect of which a lower rate of postage or no postage is chargeable, or any postal article containing any other postal article unstamped or insufficiently stamped which if sent along would be liable to postage;
- (b) with intent to defraud, puts into any post office any article in or upon or with which there is any communication, intelligence, character, figure, number, mark, matter or thing not allowed by this Act or by any other law or wilfully subscribes on the outside of any posted article or otherwise a false statement of the contents thereof;
- (c) puts into any post office any article in which or with which or upon which there is any indecent or obscene matter or anything of a profane, defamatory or grossly offensive character;
- (d) without due authority, the proof of which shall lie upon him, places or paints anything whatsoever upon, or wilfully injures, disfigures or tampers with any post office or any card, notice or other property of or used by or on behalf of the Department or commits a nuisance on or against any post office or against or upon such card, notice or other property;
- (e) detains, secretes or keeps any mail or postal article which ought to have been delivered to another person or which has been found by himself or by any other person; or
- (f) by false representation induces any officer to deliver to him or to any other person any postal article not addressed to or intended for either of them,

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months, without prejudice to any right the Director may have of proceeding civilly against any person convicted under paragraph (d) for compensation for such damage as may have been caused by him.

(2) In any proceedings in respect of any offence under subsection (1) (a) or (b) the burden of proving an absence of intent to defraud shall lie on the accused.

38. (1) Any person who —

- (a) sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive, dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure or damage any post office, person or mail;
- (b) steals any mail or steals from any mail or post office or from the possession or custody of any officer or for any purpose embezzles or fraudulently secretes or destroys any postal article or any of the contents thereof;
- (c) receives any mail or postal article or any of the contents thereof knowing the same to have been stolen, embezzled or fraudulently secreted or to have been sent or intended to be sent by post; or

Placing of
dangerous
or noxious
articles
and stoppage
of mail

(d) stops any mail with intent to rob or search such mail, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P1 000 or to a term of imprisonment not exceeding 7 years.

(2) The Director may make regulations exempting from the provisions of this section noxious or deleterious matter sent in the interests of public health or justice in accordance with such requirements as he may prescribe.

39. Any officer who otherwise than in pursuance of his duty opens or tampers with or wilfully destroys, makes away with or secretes or suffers to be opened or tampered with, destroyed, made away with or secreted any mail or postal article, and any person who opens or tampers with or wilfully destroys, makes away with or secretes any mail, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P1 000 and to a term of imprisonment not exceeding 5 years.

Tampering
with mail

40. Any person who wilfully interferes with the conveyance of any mail or through whose act or neglect the conveyance of any mail is interfered with shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P10 or to a term of imprisonment not exceeding one month for each hour or part of an hour during which the delivery of the mail is delayed in consequence of any such interference.

Wilfully
obstructing
or delaying
mail

B.52

Willful
opening
or delay of
postal article

41. (1) Any person, not being an officer, who wilfully opens any postal article which he knows ought to have been delivered to another person, or knowingly does any act or thing whereby the due delivery of that article to such other person is prevented, obstructed or delayed, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months.

(2) Nothing in this section contained shall apply to any person who does any act to which this section applies where that person is the parent or in the position of parent or guardian of the addressee and the addressee is a minor under 16 years of age or a ward.

(3) No prosecution under this section shall be instituted except by the direction or with the consent of the Director.

Unauthorized
use of words
"Post Office",
"Botswana
Mail", etc.

42. Any person who, without the authority of the Director, the proof of which shall lie upon him, —

(a) places or maintains or suffers to be placed or maintained or to remain in, on or near any place belonging to him or under his control the words "Post Office" or any other word or mark which may imply or may give reasonable cause for believing that place to be a post office; or

(b) places or maintains or permits to be placed or maintained or to remain on any vehicle or vessel the words "Botswana Mail" or any other word or mark which may imply or give reasonable cause for believing that such vehicle or vessel is used for the conveyance of mail,

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months.

Unauthorized
entry of
premises,
obstruction
of business,
and refusal
to comply
with
regulations

43. (1) Any person, not being an officer, who without the express permission of the Director or of an officer having authority to give permission enters any part of a post office in which is carried on any of the operations in respect of which an oath of secrecy is required to be taken by officers, or whilst in any post office, wilfully obstructs the course of business of the Department or behaves in a disorderly manner or who wilfully obstructs, hinders or delays any officer in the execution of his duty, or who fails to comply with any regulation which has been issued by the Director to secure the comfort and convenience of the public or the safety of the premises, and which states that failure to comply therewith shall be an offence, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P100 or to a term of imprisonment not exceeding 6 months.

(2) An officer may require any person committing an offence under this section to leave the post office in question immediately, and any such person who fails to comply with such a requirement

may be removed by any officer, and any member of the police force shall on demand by an officer remove or assist in removing any such person.

44. Any person who with fraudulent intent issues, re-issues, utters or presents to any person or at any post office any money order, postal order, savings bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the Department, or transmits through the post or otherwise any letter or other communication concerning any money order, postal order, savings bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the Department, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P1 000 or to a term of imprisonment not exceeding 5 years, and in any proceedings in respect of any offence under this section the burden of proving an absence of fraudulent intent shall lie on the accused.

Frauds in connexion with money orders, etc.

45. Any person who, with fraudulent intent, personates or represents himself to be an officer of the Department shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P400 or to a term of imprisonment not exceeding 2 years.

Personating officers of the Department with fraudulent intent

46. Any person who in any declaration prescribed by this Act makes a false statement knowing the same to be false shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P200.

False declaration

47. Any person who attempts to commit any offence under this Act, or solicits, or authorizes or endeavours to employ, cause, procure, aid, abet, incite or counsel any other person to do any thing the doing whereof is an offence under this Act, shall be guilty of an offence and liable to the same punishment as if he actually committed the offence.

Attempting to commit or procuring commission of offences

48. Where any person admits to the Director that he has committed an offence against this Act in respect of which the option of a fine is given, the Director may, with the consent in writing of that person, determine the matter, and may without any legal proceedings require that person to pay any pecuniary penalty within the limits imposed by this Act he may deem proper, and if such penalty is not paid proceedings may be instituted against the person concerned for the offence in question as if no penalty had been assessed by the Director.

Director may settle certain cases

In criminal proceedings, etc., property in postal articles, moneys, money orders, etc., may be laid in Director

49. In any prosecution for any crime or any offence committed in respect of the Department or of any mail or any property, moneys, money order, postal order or other document authorized to be used for the purpose of remitting, paying, collecting or depositing money through or with the Department, or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the Department or any such mail, property, moneys, money order, postal order or other document, it shall be sufficient —

- (a) to allege that any such mail, property, moneys, money order, postal order or other document belongs to or is in the lawful possession of the Director and to put in the same in evidence, and it shall not be necessary to allege or prove the same to be of any value;
- (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the Director without setting forth his or any other name, addition or description whatsoever; and
- (c) if the offender be an officer, to allege that the offender was an officer of the Department at the time of the committing of the offence without stating the nature or particulars of his employment.

Evidence: acceptance of official marks

50. In any proceedings for the recovery of any sum payable under this Act in respect of a postal article —

- (a) the official stamp or mark thereupon denoting the sum due shall be *prima facie* evidence of the liability of that postal article to the charge specified thereon; and
- (b) the production of any such postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found shall be *prima facie* evidence of the fact denoted.

Deputy may appear for Director

51. The Director may depute any officer to appear on his behalf in any subordinate court either as plaintiff or defendant and his authority in writing to that effect shall be sufficient.

PART VI Miscellaneous

Limitation of liability

52. (1) Save as otherwise provided in this Act, no liability shall rest on the Department by reason of any error, default, delay, omission, damage, destruction, non-delivery or loss in respect of any postal article unless it is established that it was due to the negligence or malfeasance of an officer of the Department.

(2) The *bona fide* payment of any sum of money under the provisions of this Act shall, to whomsoever made, discharge the Department from all liability in respect of such payment.

(3) If any person by fraudulent means obtains payment of any sum credited to a depositor's savings bank account no liability shall rest on the Department but the Director may at his absolute discretion make good to the depositor any loss sustained or any part thereof.

53. Money orders, postal orders and any other document authorized to be used for the purpose of remitting money through the Department and savings bank warrants and other orders for the payment of money, acknowledgments of the receipt of money and any other document prescribed under this Act shall be exempt from all fees or duties except such as are chargeable under this Act.

Documents prescribed to be exempt from all duties

54. (1) Subject to subsection (2), all moneys received under this Act shall form part of the postal revenue and shall be paid to the Accountant-General.

Moneys received to form part of postal revenue

(2) All moneys (other than commission charged on such moneys) received in respect of money orders, postal orders or any other system of remitting money under section 31 shall not form part of the postal revenue unless, in the case of money orders and postal orders, the period of currency thereof has lapsed.

55. (1) Any postal article which is reasonably suspected of containing anything which will afford evidence of the commission of a criminal offence or reasonably suspected of being sent in order to further the commission of a criminal offence or to enable the detention of a criminal offence to be concealed shall, on the written request of a police officer of or above the rank of Senior Inspector, be detained by the officer in charge of any post office in which it is or through which it passes and the Director shall if authorized thereto by such police officer cause such postal article to be handed over to the said police officer.

Detention of postal articles

(2) On the occurrence of a public emergency or in the interests of public safety or tranquility the President may by order in writing addressed to the Director direct that any postal article or class or description of postal article in the course of transmission by post within Botswana be intercepted or detained or be delivered to any officer mentioned in the order or disposed of in any other manner.

(3) A certificate signed by the President shall be conclusive proof of the existence of a public emergency or that any act done under subsection (2) was in the interests of public safety or tranquility.

56. The Minister may make regulations generally for carrying into effect the provisions of this Act and in particular, and without prejudice to the generality of the foregoing, —

Regulations

- (a) prescribing anything that under this Act requires to be prescribed;
- (b) requiring that no rough or uncut precious stones, unwrought gold or ostrich feathers or any of such articles shall be exported from Botswana otherwise than through the Department or by such other means as may be specified in the regulations and prescribing the fees, rates and charges payable for the conveyance of such articles when so exported.

(2) Regulations made under this section may provide for the punishment of any person —

- (a) who commits an offence against the regulations;
- (b) who contravenes or fails to comply with orders issued under any regulation which provides that such contravention or failure shall be an offence;
- (c) who wilfully obstructs or resists the lawful exercise of any powers conferred by or necessary for the administration of any regulation which provides that such obstruction or resistance shall be an offence; or
- (d) contravenes or fails to comply with any condition or requirement of any licence, permit or authority issued on forms prescribed under any regulation which provides that such contravention or failure shall be an offence:

Provided that the regulations —

- (i) shall provide what punishment may be imposed for each offence thereby created; and
- (ii) may provide for such punishment by means of a fine not exceeding P400 or, in default of payment, a term of imprisonment not exceeding 12 months, or imprisonment without the option of a fine, or both such fine and imprisonment, or by means of suspension or cancellation of any licence, permit or authority issued under the regulations.

Repeal and
savings
Cap. 72:01

57.(1) The Post Office Act is hereby repealed.

(2) Notwithstanding the repeal of the Post Office Act, any statutory instrument made or any licence issued and in force immediately prior to the commencement of this Act shall continue in force as if made or issued under the corresponding provisions of this Act.

L2/4/762 I

Bill No. 11 of 1980

POLICE (AMENDMENT) BILL, 1980

(Published on 29th February, 1980)

MEMORANDUM

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

2. The object of the Bill is to amend the Police Act, 1978, (29 of 1978), in certain respects. The effect of the amendments is explained in this Memorandum.

3. Clause 2 of the Bill amends section 14 of the Act to make it clear that the power of an appointing authority to terminate the appointment of a police officer serving on probation may be exercised only where the police officer is serving on probation on first appointment.

4. Clause 3 amends section 15 of the Act to provide two new grounds on which a police officer may be summarily dismissed and to provide that no police officer may be retired unless he is given the prescribed notice.

5. Clause 4 amends section 21 of the Act to provide that a police officer may be charged in disciplinary proceedings with different offences in the alternative.

6. Clause 5 amends section 23 of the Act to correct certain minor errors and to make it a disciplinary offence for a police officer to use without proper authority any property of the Force or, when on duty or off duty in uniform, to enter premises where liquor is offered for sale for consumption on those premises or where liquor is being consumed.

7. Clause 6 amends section 24 of the Act to provide that the prohibition of a police officer joining a political party or a trade union does not extend to a special constable or a member of the Reserve Force.

8. Clause 7 amends section 27 of the Act to correct two inaccurate references to other provisions of the Act.

9. Clause 8 amends section 29 of the Act to give the Permanent Secretary to the President and the Commissioner the power, when reviewing the sentence passed by a disciplinary Board, to order a reduction to any rank in the Force and to substitute a conviction of any offence the commission of which he is satisfied has been proved, whether or not that offence was originally charged.

10. Clause 9 amends section 30 of the Act to give a disciplinary Board the power to refuse to hear a defence witness who cannot be of material assistance.

11. Clause 10 substitutes a new section 33 of the Act to provide in detail for the right or otherwise of an accused police officer to be represented in proceedings before a disciplinary Board and for the manner in which he may be so represented.

12. Clause 11 amends section 37 of the Act to provide that the Police Council shall have no power to substitute a conviction and punishment in respect of a different offence.

13. Clause 12 inserts a new section 38A in the Act to apply section 31, which deals with disobedience of a summon issued by a disciplinary Board and with perjury committed before such a Board, to proceedings on appeal before the Police Council.

14. Clause 13 inserts a new section 39A in the Act to provide for the disposal of lost property found by a police officer.

15. Finally, clause 14 amends section 44 of the Act to correct a grammatical error.

D.K. KWELAGOBÉ,
Minister of the Public Service and Information.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 14 of Act 29 of 1978
3. Amendment of section 15 of principal Act
4. Amendment of section 21 of principal Act
5. Amendment of section 23 of principal Act
6. Amendment of section 24 of principal Act
7. Amendment of section 27 of principal Act
8. Amendment of section 29 of principal Act
9. Amendment of section 30 of principal Act
10. Substitution of new section 33 of principal Act
11. Amendment of section 37 of principal Act
12. Insertion of new section 38A in principal Act
13. Insertion of new section 39A in principal Act
14. Amendment of section 44 of principal Act

A BILL entitled

An Act to amend the Police Act, 1978

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana

Short title

Amendment
of section 14
of Act 29
of 1978

Amendment
of section 15
of principal
Act

1. This Act may be cited as the Police (Amendment) Act, 1980.
2. Section 14 (1) of the Police Act, 1978, (hereinafter referred to as "the principal Act"), is amended by substituting for the word "probation", which appears therein, the words "Probation on first appointment"
3. Section 15 of the principal Act is amended —
 - (a) in subsection (1) thereof, by adding thereto immediately after paragraph (d), the following new paragraphs —
 - "(e) retire a police officer who marries or cohabits with a person with whom the appointing authority is satisfied it is not in the public interest for a police officer to associate closely; or
 - (f) retire a police officer who, being eligible to retire or to be retired, fails, in the opinion of the appointing authority, to maintain a satisfactory standard of efficiency."; and

- (b) by inserting therein, immediately after subsection (1), the following new subsection —

“(1A) No police officer shall be retired under subsection (1) unless he is given such notice as may be prescribed of the intention so to retire him.”.

4. Section 21 of the principal Act is amended by renumbering the section as subsection (1) thereof and by adding thereto, immediately after subsection (1), the following new subsection —

Amendment
of section 21
of principal
Act

“(2) In proceedings before a Board under this Part, different offences may be charged in the alternative.”.

5. Section 23 of the principal Act is amended —

Amendment
of section 23
of principal
Act

- (a) in paragraph (c) thereof, by renumbering the second subparagraph (iv) as subparagraph (vi);

- (b) in paragraph (h) (iv) thereof, by substituting for the words “or the offer”, which appear therein, the words “or fails to report forthwith to a police officer senior in rank the offer”;

- (c) in paragraph (1) thereof, —

(i) by substituting for the words “causing damage to property”, which appear therein, the words “causing damage to or improper use of property”; and

(ii) by adding thereto, immediately after subparagraph (ii), the following new subparagraph —

“(iii) uses without proper authority any property of, in the possession of or used by the Force;” and

- (d) in paragraph (n) thereof, by substituting for the words “where liquor is offered for sale”, which appear therein, the words “where liquor is offered for sale for consumption on the premises or where liquor is being consumed”.

6. Section 24 of the principal Act is amended by adding thereto, immediately after subsection (3), the following new subsection —

Amendment
of section 24
of principal
Act

“(4) In this section “police officer” does not include a special constable or a member of the Reserve Force.”.

7. Section 27 of the principal Act is amended —

Amendment
of section 27
of principal
Act

- (a) in the proviso to subsection (1) (c) thereof, by substituting for the words “section 26 (2) (a)”, which appear therein, the words “section 26 (2) (d)”; and

- (b) in subsection (2) thereof, by substituting for the words “section 24”, which appear therein, the words “section 23”.

8. Section 29 of the principal Act is amended by substituting for subsection (2) thereof the following new subsection —

Amendment
of section 29
of principal
Act

“(2) On receipt of a record of proceedings forwarded to him in accordance with subsection (1), the Permanent Secretary to the President or the Commissioner, as the case may be, may —

- (a) within the powers of the Board concerned, vary, reverse or confirm the sentence passed by that Board, which power of variation shall include the power to substitute for any

punishment awarded by the Board a punishment of a different kind; and

- (b) substitute for the conviction recorded and the punishment awarded by the Board concerned in respect of any offence a conviction and punishment in respect of a different offence the commission of which he is satisfied has been proved, whether that different offence was or was not charged, and in respect of such substituted punishment he shall have power to award any one or more of the punishments which the Board concerned was empowered to award:

Provided that —

- (i) the Permanent Secretary to the President or the Commissioner may, in addition to or in substitution for any punishment awarded by the Board concerned or in addition to any substituted punishment awarded by him under paragraph (b), dismiss the police officer in question from the Force, reduce his salary on the scale applicable to him or order the withholding of future increments of salary for a period not exceeding 2 years; and
- (ii) where the Permanent Secretary to the President or the Commissioner alters a punishment of a reduction in rank or awards such a punishment as a substituted punishment under paragraph (a) or (b), he may order a reduction to any rank.”.

Amendment
of section 30
of principal
Act

9. Section 30 of the principal Act is amended by inserting therein, immediately after subsection (1), the following new subsection —

“(1A) At a trial by a Board the Board may refuse to permit the officer accused to call a person as a witness and may refuse to summon a person to attend as a witness on the application of the officer accused unless it is satisfied that such person will materially assist in determining whether the officer accused is or is not guilty of an offence with which he is charged; and every such refusal shall be recorded in the record of the proceedings.”.

Substitution
of new section
33 of principal
Act

10. The principal Act is amended by substituting for section 33 thereof the following new section —

“Defence
of accused

33. (1) At a trial by a Class II Board comprising less than 3 senior officers or by a Class III Board, the officer accused shall not be represented.

(2) At a trial by a Board of Enquiry, a Class I Board or a Class II Board comprising 3 senior officers, the officer accused shall not be represented except as provided by this section.

(3) At a trial such as is referred to in subsection (2), the officer accused shall be entitled to be represented at his own expense by a legal practitioner or by a

senior officer or member of the inspectorate approved by the Commissioner:

Provided that the officer accused shall not be represented by an officer of a lower rank or, where he is represented by an officer of the same rank, who is junior to him in seniority.

(4) Where an officer is informed that he is to be tried by a Board before which he is entitled to be represented, he shall, within 48 hours immediately after being so informed, give notice in writing to the senior officer immediately commanding him whether he wishes or does not wish to be represented and, where he wishes to be represented, of the manner in which he wishes to be represented.

(5) Where an officer gives notice in accordance with subsection (4) —

- (a) that he does not wish to be represented, that decision shall be irrevocable;
- (b) that he wishes to be represented by a senior officer or member of the inspectorate, he shall, at the same time, give notice in writing of the name and rank of the officer he wishes to represent him; or
- (c) that he wishes to be represented by a legal practitioner, —
 - (i) the Commissioner may appoint a date on which the trial shall commence, which date shall not be earlier than 30 days immediately after the date on which the officer was informed that he is to be tried by a Board before which he is entitled to be represented; and
 - (ii) the officer shall, as soon as he is in a position so to do, give notice in writing to the senior officer immediately commanding him of the name and address of the legal practitioner he has engaged to represent him.

(6) Where the Commissioner has appointed a date under subsection (5) (c) (i) on which the trial shall commence, the trial shall commence on that date, notwithstanding that the officer accused has been unable to secure the attendance on that date of a legal practitioner to represent him; but this subsection shall be without prejudice to the right of the officer accused to be represented at the trial by a senior officer or member of the inspectorate.”.

Amendment
of section 37
of principal
Act

11. Section 37 of the principal Act is amended by substituting for subsections (1) and (2) thereof the following new subsections —

“(1) A police officer who has been convicted and sentenced by a Board at first instance or by the Permanent Secretary to the President or the Commissioner on review or who has been dismissed or removed from office under this Act may appeal against sentence or conviction and sentence, dismissal or removal to the Police Council.

(2) The Police Council may dismiss an appeal under subsection (1) or allow it in whole or in part; but the Council shall have no power to substitute for a conviction recorded and the punishment awarded by the Board at first instance or by the Permanent Secretary to the President or the Commissioner on review in respect of any offence a conviction and punishment in respect of a different offence, whether that different offence was or was not charged.”

Insertion
of new
section 38A
in principal
Act

12. The principal Act is amended by inserting therein, immediately before Part VII, the following new section —

“Application
of section
31 to pro-
ceedings
before
Police
Council

38A. Section 31 shall apply in respect of proceedings before the Police Council under this Part as it applies in respect of proceedings under Part B; and for this purpose —

- (a) the reference in section 31 to any person summoned as a witness under section 30 shall be deemed to be a reference to any witness or additional witness whose appearance is required by the Police Council under section 38;
- (b) the reference in section 31 to the Board shall be deemed to be a reference to the Police Council; and
- (c) the reference in section 31 to any proceedings under Part V shall be deemed to be a reference to any proceedings under this Part.”.

Insertion
of new
section 39A
in principal
Act

13. The principal Act is amended by inserting therein, immediately after section 39, the following new section —

“Lost
property

39A. Where any lost property is found by a police officer or otherwise comes into his possession, he shall forthwith deliver it or cause it to be delivered to the officer in charge of a police station.”.

Amendment
of section 44
of principal
Act

14. Section 44 of the principal Act is amended by substituting for the word “terminates”, which appears therein, the word “terminate”.