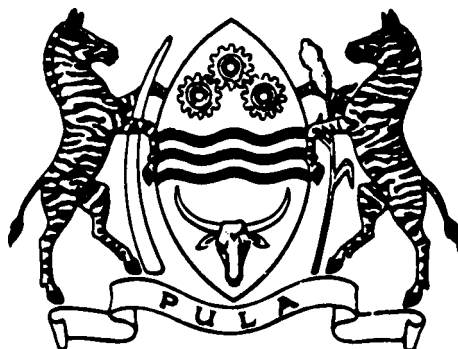


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol, XXVIII, No. 26

GABORONE

25th May, 1990

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

Supplement B — Customs and Excise Duty (Amendment) Bill, 1990 —

 Bill No. 13 of 1990

B.37—58

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Government Notice No. 141 of 1990

CONSTITUTION OF BOTSWANA

**Acting Appointment — Director of Economic Affairs,
Ministry of Finance and Development Planning**

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

DITLHOGO NELSON MOKGETHI

has been appointed to act as Director of Economic Affairs, Ministry of Finance and Development Planning from 12th May and 18th May, 1990.

DATED this 14th day of May, 1990.

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

L2/7/98 XX

Government Notice No. 142 of 1990

CONSTITUTION OF BOTSWANA

**Acting Appointment — Permanent Secretary,
Ministry of Commerce and Industry**

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

EDWIN TJAKABAKA MATENGE

has been appointed to act as Permanent Secretary, Ministry of Commerce and Industry on 15th May and 25th May, 1990.

DATED this 14th day of May, 1990.

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

L2/7/98 XX

Government Notice No. 143 of 1990

CONSTITUTION OF BOTSWANA

Acting Appointment — Secretary for External Affairs,

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

MOLOSIWA LOIUS SELEPENG

has been appointed to act as Secretary for External Affairs from 12th May and 19th May, 1990.

DATED this 14th day of May, 1990.

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

L2/7/98 XX

Government Notice No. 144 of 1990

CONSTITUTION OF BOTSWANA

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

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

MURRAY JAMES BUSANG

has been appointed to act as Permanent Secretary, Ministry of Labour and Home Affairs from 23rd May to 15th June, 1990.

DATED this 15th day of May, 1990.

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

L2/7/98 XX

Government Notice No. 145 of 1990

CONSTITUTION OF BOTSWANA

Acting Appointment — Permanent Secretary,
Ministry of Works, Transport and Communications

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

AMANDO VASCO LIONJANGA

has been appointed to act as Permanent Secretary, Ministry of Works, Transport and Communications from 14th May to 20th May, 1990.

DATED this 14th day of May, 1990.

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

L2/7/98 XX

Government Notice No. 146 of 1990

POLICE ACT
(Cap. 21:01)

Confirmation of Appointment

IN PURSUANCE of the provisions of section 8 (1) of the Police Act, it is hereby notified for general information that the appointment of the following police officer has been confirmed as indicated.

<i>No.</i>	<i>Rank</i>	<i>Name</i>	<i>Date of Appointment</i>	<i>Date of Confirmation</i>
6759	Constable	S. Manyiwa	19.03 86	19.03.88

L2/7/182 IV

Government Notice No. 147 of 1990

COMPANIES ACT
(Cap. 42:01)

Newly Registered Companies

IT IS HEREBY NOTIFIED for General Information that the Companies listed in the Schedule were registered in the month of March, 1990.

SCHEDULE

<i>Number</i>	<i>Name of Company</i>
09/295	Botsport (Proprietary) Limited
90/296	Botstruction (Proprietary) Limited
90/297	J.K.W. Enterprises (Proprietary) Limited
90/298	P.N.K. Investments (Proprietary) Limited
90/299	Travel Master Enterprises (Proprietary) Limited
90/300	O.R.N. Investments (Proprietary) Limited
90/301	Extrusion Industries (Botswana) (Proprietary) Limited
90/302	McCoy (Proprietary) Limited
90/303	V.S. Makwa Holdings (Proprietary) Limited
90/304	Makgwa-di-Bojele Oil Company (Proprietary) Limited
90/305	Group Ten (Proprietary) Limited
90/306	New Age Scientific Equipments (Proprietary) Limited
90/307	Warren (Proprietary) Limited
90/308	Hazel (Proprietary) Limited
90/309	Maricon (Proprietary) Limited
90/310	Dule (Proprietary) Limited
90/311	Pari Passu Holdings (Proprietary) Limited
90/312	K.J.L. Building Construction (Proprietary) Limited
90/313	Africonsult (Proprietary) Limited
90/314	Una Catering (Proprietary) Limited
90/315	Black Star Investments (Proprietary) Limited
90/316	L & R Investments (Proprietary) Limited
90/317	L & F.V. Transport Services (Proprietary) Limited
90/318	Ridar Metal Craft (Proprietary) Limited
90/319	B.S.E-Botswana Steel Engineering (Proprietary) Limited
90/320	S.A. Blinds & Signs (Proprietary) Limited
90/321	Basco (Proprietary) Limited
90/322	Volplane (Proprietary) Limited
90/323	Progress Construction (Proprietary) Limited
90/324	Data Handle (Proprietary) Limited
90/325	Fred's Investments (Proprietary) Limited
90/326	Clearco Botswana Services (Proprietary) Limited
90/327	Time Enterprises (Proprietary) Limited
90/328	Stonebrick Building & Engineering (Proprietary) Limited
90/329	Grandson Investments (Proprietary) Limited
90/330	Simon's Investments (Proprietary) Limited
90/331	Systems Consultancy & Services (Proprietary) Limited
90/332	E.P. Motors (Proprietary) Limited
90/333	Sisinyi Brothers & Theatres & Nite Club (Proprietary) Limited
90/334	Shama Investments (Proprietary) Limited
90/335	Shangri-La (Proprietary) Limited
90/336	Leafy Park (Proprietary) Limited
90/337	Naz Enterprises (Proprietary) Limited
90/338	Western Parakarungu (Proprietary) Limited
90/339	M & P Debt Collectors (Proprietary) Limited

90/340	Zaigor Botswana (Proprietary) Limited
90/341	SoS Maintenance Service (Proprietary) Limited
90/342	KMMP Enterprises (Proprietary) Limited
90/343	Banachilla Botswana (Proprietary) Limited
90/344	Country Life (Proprietary) Limited
90/345	GMD Industrial Holdings (Proprietary) Limited
90/346	Quick Lux Coaches (Proprietary) Limited
90/347	Daisy Loo Portable Toilet Hire & Fibre Glass Sales (Proprietary) Limited
90/348	Triple T. (Proprietary) Limited
90/349	Zeenat Textiles Industries (Proprietary) Limited
90/350	I.T.J. Investments (Proprietary) Limited
90/351	Mountain View (Proprietary) Limited
90/352	Rural Homes (Proprietary) Limited
90/353	Sphinx (Proprietary) Limited
90/354	S & A Electronics & Accessories (Proprietary) Limited
90/355	Mash Poultry (Proprietary) Limited
90/356	Pieters Holdings (Proprietary) Limited
90/357	Corbett Electrical (Proprietary) Limited
90/358	Mosienyane & Partners (Proprietary) Limited
90/359	Bamangwato Transport (Proprietary) Limited
90/360	Star Property Holdings (Proprietary) Limited
90/361	O.L.K. Building Construction (Proprietary) Limited
90/362	Ngami Foods (Proprietary) Limited
90/363	John F. Marshall (Botswana) (Proprietary) Limited
90/364	Caledonian Engineering Projects (Proprietary) Limited
90/365	Pasha's Furniture Warehouse (Proprietary) Limited
90/366	S & S Poultry (Proprietary) Limited
90/367	Information Technologies (Proprietary) Limited
90/368	Charles Hill Oasis (Proprietary) Limited
90/369	Robs Butchery (Proprietary) Limited
90/370	Bulk Bricks (Proprietary) Limited
90/371	Television & Electrical Distributors (Botswana) (Proprietary) Limited
90/372	Software Sciences (Botswana) (Proprietary) Limited
90/373	Teamasters Botswana (Proprietary) Limited
90/374	Sakhina Fashions (Proprietary) Limited
90/375	Somano (Proprietary) Limited
90/376	Harry Selby Safaris (Proprietary) Limited
90/377	Free & Israel Transport (Proprietary) Limited
90/378	Mahudiri Bakery (Proprietary) Limited
90/379	Tale Tale Enterprises (Proprietary) Limited
90/380	Segasa Enterprises (Proprietary) Limited
90/381	Lorenz & Ndilila (Proprietary) Limited
90/382	Trans-Africa Machinery (Botswana) (Proprietary) Limited
90/383	Broadburst General Agencies (Proprietary) Limited
90/384	Taprobane (Proprietary) Limited
90/385	Solar Systems & Electrical Engineering (Proprietary) Limited
90/386	Leather Works Botswana (Proprietary) Limited
90/387	Aquaris Glass (Botswana) (Proprietary) Limited
90/388	Star Construction (Proprietary) Limited
90/389	Gae Investments (Proprietary) Limited
90/390	Motse Development Co. (Proprietary) Limited
90/391	Seraila Crushers (Proprietary) Limited
90/392	Milkylane Ice Cream Parlour Franchise (Proprietary) Limited
90/393	Pac Construction Consultants (Proprietary) Limited
90/394	Koshals (Proprietary) Limited
90/395	Kubu Motor Company (Proprietary) Limited
90/396	J.K. Building Construction (Proprietary) Limited
90/397	Keystone Construction (Proprietary) Limited
90/398	Ogaisetsemang Used Cars & Vehicle Repairs (Proprietary) Limited

90/399	Tshukudu Estates (Proprietary) Limited
90/400	Koko Painting & Decorating (Proprietary) Limited
90/401	Dikgale Agricultural Projects (Proprietary) Limited
90/402	Ground Investments (Proprietary) Limited
90/403	Danny's Agencies (Proprietary) Limited
90/404	Oshwal Properties (Proprietary) Limited
90/405	GDC Haulliers (Proprietary) Limited
90/406	Mercury Electronics (Proprietary) Limited
90/407	Duma Design & Building Contractors (Proprietary) Limited
90/408	Boitekanel (Proprietary) Limited
90/409	Modi Investments (Proprietary) Limited
90/410	Tlang Lothe Supermarket (Proprietary) Limited
90/411	Teddy's Express (Proprietary) Limited
90/412	Farm Produce Independent Market (Proprietary) Limited
90/413	Food & Agricultural Consultants (Proprietary) Limited
90/414	Sable Plant-Hire (Botswana) (Proprietary) Limited
90/415	Tim's Properties (Proprietary) Limited
90/416	High College of Driving (Proprietary) Limited
90/417	Lemonyana Livestock (Proprietary) Limited
90/418	Dean's Property Investments (Proprietary) Limited
90/419	Berger Paints (Proprietary) Limited
90/420	Norman Kwati Masetse Phase II (Proprietary) Limited
90/421	Cement Block Centre (Proprietary) Limited
90/422	Barolong Tractors & Services (Proprietary) Limited
90/423	Gastronics (Proprietary) Limited
90/424	Nicosia Motors (Proprietary) Limited
90/425	Premier Projects (Proprietary) Limited
90/426	P.S. & Sons (Proprietary) Limited
90/427	O.M. Investments (Proprietary) Limited
90/428	Gindin Construction (Proprietary) Limited
90/429	SDM & Associates (Proprietary) Limited
90/430	Bosa Investments Group (Proprietary) Limited
90/431	Molosiwa Investment (Proprietary) Limited
90/432	City Engineering & Steel Works (Proprietary) Limited
90/433	CK Four Building Construction (Proprietary) Limited
90/434	Diselamma (Proprietary) Limited
90/435	Just "6" of Us (Proprietary) Limited
90/436	Azaria Audux (Proprietary) Limited
90/437	J & M Building Construction (Proprietary) Limited
90/438	Sabi Textiles (Proprietary) Limited
90/439	Risa Ballet (Proprietary) Limited
90/440	Dumela Electricals (Proprietary) Limited
90/441	Vulture Radiator Services (Proprietary) Limited
90/442	Helicopters Trans Africa (Proprietary) Limited
90/443	Algo Holdings (Proprietary) Limited
90/444	Maalatshwang Investments (Proprietary) Limited
90/445	Skanska Botswana (Proprietary) Limited
90/446	Real Estates (Botswana) (Proprietary) Limited
90/447	Crown Investments (Proprietary) Limited
90/448	Luminary Agencies (Proprietary) Limited
90/449	Isago Investments (Proprietary) Limited
90/450	Rainbird (Proprietary) Limited
90/451	Willie Phillips Safaris (Proprietary) Limited
90/452	Memedi Holdings (Proprietary) Limited
90/453	G.R.P. Botswana (Proprietary) Limited
90/454	Fair Industries (Proprietary) Limited
90/455	Tube Transport & Distributors (Proprietary) Limited
90/456	C & D Consumer Products (Proprietary) Limited
90/457	R & E Investments (Proprietary) Limited
90/458	Dinare Bus Service (Proprietary) Limited

90/459	Tek Manufacturing (Proprietary) Limited
90/460	Rainbow Mosinki Management 1990 (Proprietary) Limited
90/461	Selemela Cattle Distributer (Proprietary) Limited
90/462	Almarg Investments (Proprietary) Limited
90/463	Muzammil Investments (Proprietary) Limited
90/464	Ghar Enterprises (Proprietary) Limited
90/465	G & J trucking Botswana (Proprietary) Limited
90/466	Nthuse ke go thuse Construction (Proprietary) Limited
90/467	Gergo Building & Civic Engineering (Proprietary) Limited
90/468	Goodwill Supermarker (Proprietary) Limited
90/469	Builders World (Botswana) (Proprietary) Limited
90/470	M.A.J. & Sons (Proprietary) Limited
90/471	Bizco (Proprietary) Limited
90/472	Pancarriers (Botswana) (Proprietary) Limited
90/473	Pan African Airways (Proprietary) Limited
90/474	Pan African Air Services (Proprietary) Limited
90/475	Glass Arts (Proprietary) Limited
90/476	SBS Trading Company (Proprietary) Limited
90/477	Face to Face (Proprietary) Limited
90/488	Living Homes Real Estates (Proprietary) Limited
90/489	Selailai Investments (Proprietary) Limited
90/490	Chimanga Investors & Property Developers (Proprietary) Limited
90/491	Light of Hope Botswana (Proprietary) Limited
90/492	Gaborone Paper Packaging (Proprietary) Limited
90/493	Garden Services (Proprietary) Limited
90/494	Desert Queen (Proprietary) Limited
90/495	Sam's Livestock Trading (Proprietary) Limited
90/496	Good Seed Development (Proprietary) Limited
90/497	William Lee Associates Botswana (Proprietary) Limited
90/498	S. C. Condruction (Proprietary) Limited
90/499	DP Associates (Proprietary) Limited
90/500	Letlhakane Spares (Proprietary) Limited
90/501	Apollo Enterprises (Proprietary) Limited
90/502	K.P. Investments (Proprietary) Limited
90/503	Centation (Proprietary) Limited
90/504	Carvalho Investments (Proprietary) Limited
90/505	Malole Properties (Proprietary) Limited
90/506	Teemane Manufacturing Company (Proprietary) Limited
90/507	Presto Hauliers (Proprietary) Limited
90/508	Kea & Kea Holdings (Proprietary) Limited
90/509	Tsa Temo (Proprietary) Limited
90/510	Poly T.F.E. (Botswana) (Proprietary) Limited
90/511	Cussons Construction (Proprietary) Limited
90/512	Francistown Steel Window & Metal Works (Proprietary) Limited
90/513	Eagles Valley Experts Driving School & Taxis (Proprietary) Limited
90/514	Southern Services (Proprietary) Limited
90/515	Creative Doors (Botswana) (Proprietary) Limited
90/516	Trafalgar Investments (Proprietary) Limited
90/517	Orgramo Oriental Products (Proprietary) Limited

DATED at Gaborone this 17th day of April, 1990.

U.M. MASENDU,
Registrar of Companies.

Government Notice No. 148 of 1990

DEEDS REGISTRY ACT
(Cap 33:03)

Notice of Forfeiture of Land

IN TERMS of section 45 of the Deeds Registry Act, notice is hereby given that:—

CERTAIN	piece of land being Lot 10977, Gaborone;
SITUATE	in Gaborone Extension 32;
MESURING	402 (Four hundred and two) Square metres;
AS WILL MORE	from General Plan No. D.S.L. 191/79 prepared by Surveyor J.A.
FULLY APPEAR	Siwinski in September — November, 1979 and held under Deed of Fixed Period State Grant No. 144/83 dated 25th April, 1983,

is declared forfeit to the State on the grounds that ROSINAH MMAPHEFO SELEMOGWE the registered owner of the Lot has failed to comply with condition 2 of the said Deed of Fixed Period State Grant in that he has failed to erect a single family residence within the stipulated period contrary to Clause 2c of the said Deed of Fixed Period State Grant.

2. Against the said forfeiture, Government will pay the registered owner of the said lot 80 per cent of the price at which the property was purchased from the State.

3. Any person objecting to such forfeiture must lodge a notice of objection with the Attorney-General within 30 days of the second and last publication of this notice setting out the reasons which the said Deed of Fixed Period State Grant should not be cancelled by the Registrar of Deeds.

DATED this 3rd day of May, 1990

P.S. MMUSI,
*Vice-President and Minister of
Local Government and Lands*

First Publication

L2/7/126 II

Government Notice No. 149 of 1990

DEEDS REGISTRY ACT
(Cap. 33:02)

Notice of Forfeiture of Land

IN TERMS of section 45 of the Deeds Registry Act, notice is hereby given that:—

CERTAIN	piece of land being Lot 10971, Gaborone;
SITUATE	in Gaborone Extension 32;
MESURING	400 (Four hundred) Square metres;
AS WILL MORE	from General Plan No. D.S.L. 191/79 prepared by Surveyor J.A.
FULLY APPEAR	Siwinski in September — November, 1979 and held under Deed of Fixed Period State Grant No. 544/84 dated 5th December, 1984,

is declared forfeit to the State on the grounds that BAKWALI MOTHOBHI the registered owner of the Lot has failed to comply with condition 2 of the said Deed of Fixed Period State Grant in that he has failed to erect a single family residence within the stipulated period contrary to Clause 2c of the said Deed of Fixed Period State Grant.

2. Against the said forfeiture, Government will pay the registered owner of the said lot 80 per cent of the price at which the property was purchased from the State.

3. Any person objecting to such forfeiture must lodge a notice of objection with the Attorney-General within 30 days of the second and last publication of this notice setting out the reasons which the said Deed of Fixed Period State Grant should not be cancelled by the Registrar of Deeds.

DATED this 3rd day of May, 1990

P.S. MMUSI,
*Vice-President and Minister of
Local Government and Lands.*

First Publication

Government Notice No. 150 of 1990

DEEDS REGISTRY ACT
(Cap. 33:02)

Notice of Forfeiture of Land

IN TERMS of section 45 of the Deeds Registry Act, notice is hereby given that:—

**CERTAIN
SITUATE
MESURING
AS WILL MORE
FULLY APPEAR**

piece of land being Lot 16811, Gaborone;
in Gaborone West Extension 7;
795 (Seven hundred and ninety five) Square metres;
from General Plan No. D.S.L. 89/82 prepared by Surveyor J.A.
Siwinski in May — June, 1982 and held under Deed of Fixed Period State
Grant No. 310/86 dated 25th June, 1986,

is declared forfeit to the State on the grounds that MKUMBULO VICTORIA MATHAMBO the registered owner of the Lot has failed to comply with condition 2 of the said Deed of Fixed Period State Grant in that he has failed to erect a single family residence within the stipulated period contrary to Clause 2c of the said Deed of Fixed Period State Grant.

2. Against the said forfeiture, Government will pay the registered owner of the said lot 80 per cent of the price at which the property was purchased from the State.

3. Any person objecting to such forfeiture must lodge a notice of objection with the Attorney-General within 30 days of the second and last publication of this notice setting out the reasons which the said Deed of Fixed Period State Grant should not be cancelled by the Registrar of Deeds.

DATED this 3rd day of May, 1990

P.S. MMUSI,
*Vice-President and Minister of
Local Government and Lands.*

First Publication

Government Notice No. 151 of 1990

DEEDS REGISTRY ACT
(Cap. 33:02)

Notice of Forfeiture of Land

IN TERMS of section 45 of the Deeds Registry Act, notice is hereby given that:—

**CERTAIN
SITUATE
MESURING
AS WILL MORE
FULLY APPEAR**

piece of land being Lot 8019, Gaborone;
in Gaborone Extension 25;
788 (Seven hundred and eighty eight) Square metres;
from General Plan No. D.S.L. 46/78 prepared by Surveyor W.
Nieuwveld in April — August, 1977 and held under Deed of Fixed
Period State Grant No. 159/84 dated 17th April, 1984,

is declared forfeit to the State on the grounds that MONTSHO MOSOTHWANE the registered owner of the Lot has failed to comply with condition 2 of the said Deed of Fixed Period State Grant in that he has failed to erect a single family residence within the stipulated period contrary to Clause 2c of the said Deed of Fixed Period State Grant.

2. Against the said forfeiture, Government will pay the registered owner of the said lot 80 per cent of the price at which the property was purchased from the State.

3. Any person objecting to such forfeiture must lodge a notice of objection with the Attorney-General within 30 days of the second and last publication of this notice setting out the reasons which the said Deed of Fixed Period State Grant should not be cancelled by the Registrar of Deeds.

DATED this 3rd day of May, 1990

P.S. MMUSI,
*Vice-President and Minister of
Local Government and Lands.*

First Publication

PUBLIC NOTICES

Licences

Notice is hereby given that the undersigned intends to apply for a certificate in terms of section 9 of the Trade and Liquor Act, 1986 (No. 29 of 1986) to obtain a

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
M. Ntau, P.O. Box 21, Tsabong.	General Trading	Maleshe	Kgalagadi District Council	24.7.90
Oneilwe General Trading, P.O. Box 161, Bobonong.	General Trading	Bobonong	Bobonong Sub-District Council	14.6.90
S. Lekau, Private Bag 0012, Mahalapye.	General Trading	Mahalapye	Mahalapye Sub-District Council	16.6.90
T. Mothelesi, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	General Wholesale	Tsabong	National Licensing Authority	26.6.90
Tsambos (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Hotel Liquor	Lot 1160 Lobatse	National Licensing Authority	26.6.90
Intertrans (Botswana) (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Import/Export (medical and surgical supplies)	Whole of Botswana	National Licensing Authority	26.6.90
Zamgar (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Agency (furniture, mining, engineering and agricultural equipment, stationery, electrical goods)	Whole of Botswana	National Licensing Authority	26.6.90
Botshelo Medical Supplies, c/o Professional Services (Pty) Ltd, P.O. Box 1816, Gaborone.	Agency surgical and dental instruments and appliances	Botswana	National Licensing Authority	26.6.90
Building Advisory Centre (Pty) Ltd, c/o Professional Services (Pty) Ltd, P.O. Box 1816, Gaborone.	Agency, hardware and building materials	Botswana	National Licensing Authority	26.6.90

Minergy Associates, P.O. Box 20011, Gaborone.	Agency industrial and pharmaceutical chemicals (raw and finished products), hospital equipment, industrial plant and machinery (cold and new), turnkey plants, plastics (raw materials)	Sefoke Tlokweg	National Licensing Authority	26.6.90
Sefalana Sa Botswana Limited, c/o J.M. Nganunu & Co., P.O. Box 1991, Gaborone.	Specialised Wholesale musical equipment, records, tapes and accessories	Botswana	National Licensing Authority	26.6.90
B. Mothibedi, P.O. Box 65, Ranaka.	General Trading	Ranaka	Southern District Council	12.6.90
N.D. Sandenberch, Private Bag 58, Maun.	Video Rental	Maun Mall, Plot No. D5	North West District Council	22.6.90
M.M. Gaboaloge, P.O. Box 375, Maun.	Matlapana Bottle Store	Matlapana 8 km from Maun (North) (Maun — Shorobe road)	North West District Council	22.6.90
B. Ngozi, Moroka Village, P.O. Ramakgwebana.	Chibuku Depot	Moroka	North East District Local Licensing Authority	28.6.90
Auto-Centre (Pty) Ltd, P.O. Box 786, Lobatse.	Garage/Workshop	234—235	Lobatse Town Council	14.6.90
K. Nsiitwa, P.O. Box 470 Selebi-Phikwe.	General Trading	Lot No. 4782, Botshabelo	Selebi-Phikwe Town Council	22.6.90
Mmakatse (Pty) Ltd, P.O. Box 40450, Gaborone.	Restaurant (Take Away)	Gaborone West Industrial Plot No. 14402	Gaborone City Council	13.6.90
Botswana Grain & Milling Company (Pty) Limited, c/o P.O. Box 1991, Gaborone.	Speciality Wholesale	Plot 1217 Nkrumah Road, Old Industrial Sites, Gaborone	Gaborone City Council	13.6.90
Botswana Craft Marketing Co. (Pty) Ltd., P.O. Box 486, Gaborone.	Speciality	Gaborone Sheraton Hotel	Gaborone City Council	13.6.90
K.P. Investments, (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Motor Dealers	Lot 12574 Extension 13 Gaborone	Gaborone City Council	13.6.90
Ezep (Pty) Ltd, P.O. Box 2106, Gaborone.	Motor Dealer	Plot No. 1248 Haile Selassie Road Old Industrial Sites	Gaborone City Council	13.6.90

Squires (Pty) Ltd, c/o Helfer, Collins & Newman, P.O. Box 882, Gaborone.	Specialised Dealers (retail of footwear and associated products)	Shop 3, Embassy Chambers, The Mall	Gaborone City Council	13.6.90
Welding & Engineering Requisites (Pty) Ltd, c/o Industrial Management & Accounting Services (Pty) Ltd, P.O. Box 1802, Gaborone.	Speciality (to deal in abrasives, welding and engineering consumables, hydraulics, bolts and nuts, power tools, pneumatic tools, safety equipments and industrial brushware)	Plot 10215, Broadhurst, Gaborone	Local Licensing Authority	13.6.90
B. Kubanji, P.O. Box 66, Tutume. E.E. Africa, P.O. Box 120, Shashe.	Restaurant	(Selolwane) Tutume	Tutume Sub- District Council	12.6.90
EB Liquor Investments (Pty) Ltd, c/o Mosojane, Phumaphi and Co., P.O. Box 484, Francistown.	Bottle Store	Lomboke (Tonota)	Tutume Sub- District Council	12.6.90
Inter-Afrique Import and Export (Pty) Ltd, Private Bag F83, Francistown.	Liquor Restaurant	Lot 6224, Francistown Donga Area, Francistown	Francistown Town Council	19.6.90
Acceptances (Botswana) (Pty) Ltd, Private Bag F83, Francistown.	General Trading and Fresh Produce	Lot 6144 — Francistown	Francistown Town Council	12.6.90
A.N. Manyala, P.O. Box 894, Serowe. A. Selelo, P.O. Box 14, Serule.	Specialised Dealers Dr Barbor Hydrophylic Facial and Body Treatment Creams.	Plot 694	Francistown Town Council	12.6.90
Bergers (Botswana) (Pty) Ltd, c/o J.M. Nganunu & Co., P.O. Box 1991, Gaborone.	General Trading	Serowe Mall	Central District Council	11.6.90
P. Ramputsa, P.O. Box 40431, Gaborone.	General Trading	Botalaote Ward —	Central District Council	11.6.90
E.K.K. SEBELE, P.O. Box 512, Molepolole.	Speciality (clothing retailor)	Lot 274 — Mogoditshane	Kweneng District Council	27.6.90
	Bar Liquor	Mogokotswane	Kweneng District Council	27.6.90
	General Trading	Molepolole	Kweneng District Council	27.6.90

Any person objecting to the grant of such certificate should, within 14 days of the second publication of this notice, 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

North East District Council — Tender No. NE 2 of 1990

CONSTRUCTION OF V.I.P. LATRINES BUILT UP TO SUB-STRUCTURE ONLY

TENDERS ARE INVITED by North East District Council for construction of eighty-one (81) pit latrines up to slab level only and these will be as follows:—

TENDER NO. NE 2:1

- (a) 2:1:1 Masunga 20 nos.
- (b) 2:1:2 Tsamaya 20 nos.

TENDER NO. NE 2:2

- (a) 2:2:1 Tatisiding 21 nos.
- (b) 2:2:2 Matshelagabedi 20 nos.

Forms of tenders, drawings, specification and other related documents about the projects shall only be obtained from Works Department, North East District Council and only tenders submitted on official Forms of Tender shall be considered.

Tenders to be submitted in plain sealed envelope clearly marked "Tender No. NE 2 of 1990—Construction of E.S.P. pitlatrines sub-structure" and should be addressed to Council Secretary, North East District Council, Private Bag 2, Tatitown and to reach the offices not later than 9.00 a.m. 5th June, 1990.

The official opening shall commence at 10.00 a.m. in the Council Chamber and tenderers are free to attend the opening session.

Council does not bind itself to accept the lowest or any tender nor assign any reason for rejection.

T.D. MOROBANE,
for Council Secretary.

Second Publication

North East District Council — Tender No. NE 3 of 1990

CONSTRUCTION OF V.I.P. LATRINES (DEMONSTRATION) COMPLETE TOILET

TENDERS ARE INVITED by North East District Council for construction of forty-three (43) pit latrines follows:—

TENDER NO. NE 3:1

- (a) 3:1:1 Zwenshambe 5 nos.
- (b) 3:1:2 Gambule 5 nos.
- (c) 3:1:3 Makaleng 5 nos.
- (d) 3:1:4 Sechele 5 nos.
- (e) 3:1:5 Nlaphwane 5 nos.

TENDER NO. NE 3:2

- (a) 3:2:1 Matsiloje 3 nos.
- (b) 3:2:2 Senyawo 5 nos.
- (c) 3:2:3 Mapoka 5 nos.
- (d) 3:2:4 Jackalas II 5 nos.

Forms of tenders, drawings, specification and other related documents about the projects shall only be obtained from Works Department, North East District Council and only tenders submitted on official Forms of Tender shall be considered.

Tenders to be submitted in plain sealed envelope clearly marked "Tender No. NE 3 of 1990—Construction of V.I.P. pitlatrines sub-structure" and should be addressed to Council Secretary, North East District Council, Private Bag 2, Tatitown and to reach the offices not later than 9.00 a.m. 5th June, 1990.

The official opening shall commence at 10.00 a.m. in the Council Chamber and tenderers are free to attend the opening session.

Council does not bind itself to accept the lowest or any tender nor assign any reason for rejection.

T.D. MOROBANE,
for Council Secretary.

Second Publication

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

HOLDEN AT GABORONE

Case No. 915/84

Between:

ROGERS GUNQUISA

Plaintiff

and

R.B.B. BABUSI

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgement of the above Honourable Court the undermentioned property will be sold by public auction without reserve by Deputy Sheriff M.M. Letoane as follows:

PLACE: Shoshong Tribal Administration
TIME: 10.00 a.m. Friday 1st June, 1990
TERMS: Cash or bank guaranteed cheque
PROPERTY TO BE SOLD: 1 X Isuzu Van Reg BM 2070
 2 X Chairs
 1 X Set of dining room suite
 1 X 3 — burner gas stove
 2 X Double gates
 10 X Corner Poles Holders
 8 X Corner Poles
 2 X Water Drums

DATED at Gaborone this 30th day of April, 1990.

HELPER, COLLINS & NEWMAN, Cooperative House, P.O. Box 882, GABORONE.

Second Publication

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

Case. No. CC. 632/89

In the matter between:

TSWELELO (PROPRIETARY) LIMITED

Plaintiff

and

SIDNEY MORULE

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to a Judgment of the above Honourable Court, the property of the Defendant will be sold by Deputy Sheriff Seboko as follows:

DATE OF SALE: Wednesday 30th May, 1990
TIME OF SALE: 10.30 a.m.
VENUE: Central Police Station, Gaborone
GOODS TO BE SOLD: 1 X Ford Bakkie (new)
 Registration No. BF 8866
TERMS: Cash or bank guaranteed cheques immediately following the sale.

DATED at Gaborone this 4th day of May, 1990.

HELPER, COLLINS & NEWMAN, *Plaintiff's Attorneys*, Cooperative House, The Mall, P.O. Box 882, GABORONE.

Second Publication

Republic of Botswana — Tender No. TB 3/4/6/90—91**SUPPLY OF FURNITURE**

IT IS HEREBY notified for general information that the above tender which was due on 6th June, 1990 has been suspended until further notice.

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

Gaborone City Council — Tender No. 5/90**SUPPLY OF 1 No. 5KVA STANDBY GENERATOR**

TENDERS ARE INVITED by Gaborone City Council for the supply of 1 No. 5 KVA standby generator for the Council Mortuary.

Tender documents shall be available from Room 36, City Hall. Tenders in plain sealed envelope clearly marked "Tender No. 5/90" shall be sent to reach the City Clerk, Private Bag 0089, Gaborone not later than 4.00 p.m. on the 26th of June, 1990. Tenders shall be opened the same day at 4.00 p.m. in the Council Chamber in the presence of any tenderers who may wish to be present.

Gaborone City Council does not bind itself to accept the lowest or any tender nor to assign any reason thereof.

M.M. IDAIKKADAR,
for City Clerk.

*Second Publication***North East District Council — Tender No. NE 4 of 1990****SUPPLY OF VEHICLES**

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

<i>Item</i>	<i>Quantity</i>	<i>Description</i>
(a)	1	5—7 ton flat truck
(b)	1	1½ ton Dick up
(c)	2	twin cab
(d)	1	Tractor

Details and specifications relating to the above vehicles to tender can be obtained from Council Works Department, Tatitown, Francistown during normal working hours or by an application to Council Secretary.

Tenders should be submitted in plain sealed envelope clearly marked "Tender No. NE 4 of 1990—Supply of Vehicle" and be addressed to Council Secretary, North East District Council, Private Bag 2, Tatitown, Francistown, and to reach his office not later than 9.00 a.m. 5th June, 1990. The official opening shall commence the same day at 10.00 a.m. in the Council Chamber and tenderers are free to attend the opening session.

NOTE:

Tenders are strongly requested to adhere to the following conditions:—

- (a) enclose brochures for the vehicles intending to supply
- (b) all prices should be in Botswana currency
- (c) should state the validity of the price
- (d) state possible period of delivery
- (e) indicate discount if any
- (f) warranty of each vehicle

Any tender reflecting company name on the outside of the envelope shall simply be rejected.

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

T.D. MOROBANE,
for Council Secretary.

Second Publication

Change of Name

NOTICE IS HEREBY given that Finexco (Proprietary) Limited proposes to request the Registrar of Companies pursuant to section 22 of the Companies Act Cap. 42:01 for his approval to change the name of the company to Bar Holdings (Proprietary) Limited after 14 days have elapsed from the date of the second publication of this notice.

**PIM GOLDBY MANAGEMENT SERVICES (BOTSWANA) (PTY) LIMITED, P.O. Box 448,
GABORONE.**

Second Publication

Change of Name

NOTICE is hereby given that pursuant to section 22 (1) of the Companies Act (Cap. 42:01) as amended, Balance Plants and Equipment (Proprietary) Limited intends to make application to the Registrar of Companies for his approval for the company to change its name to Balance Plant and Equipment (Proprietary) Limited, which application shall be made 14 days after the second and last publication of this advertisement.

Any person objecting to such application should notify the applicant and Registrar of Companies in writing within 14 days of the second publication of this notice and state the grounds of such objection.

**HELPER, COLLINS & NEWMAN, Attorneys, Cooperative House, The Mall, P.O. Box 882,
GABORONE.**

Second Publication

Gaborone City Council

INVITATION FOR CONSULTANCY

GABORONE CITY COUNCIL will shortly be inviting Technical and fee proposals from Engineering Consultants resident in Botswana, and registered with the Central Tender Board for the following works:

- (i) Gaborone City Centre Traffic Study.
- (ii) Upgrading of major Roads.

Engineering Consultants interested in submitting proposals are advised to inform in writing to City Clerk, Private Bag 89, Gaborone, on or before 15th June, 1990.

S. PATHMANATHAN,
for City Clerk.

Second Publication

Lobatse Town Council

REMOVAL OF PREMISES

NOTICE IS HEREBY given that I, Auto-Centre (Pty) Ltd, intends to apply for the removal of Motor Trading Licence from Plot 10 Evergreen Farm Lobatse to Plot 234-235 Lobatse and that the Lobatse Local Licensing Authority has determined that the application shall be heard on the 14th June, 1990.

Any person objecting to the removal of such licence should within 14 days of the second publication of this notice give notice in writing to the said Council of his intention to oppose such application and state the grounds upon which objection is based.

WELDING WALA M.H. KHAN, P.O. Box 786, LOBATSE.

Second Publication

Maletse Land Board — Tender No. MLB 1 of 1990**SUPPLY OF VEHICLE**

TENDERS ARE INVITED by the Maletse Land Board for the supply of 1 × 12 seater 4 × 4 Cruiser Station Wagon/Land Rover air conditioned with the following:—

- (a) 200 litre fuel tank fitted underneath
- (b) 50 litre water tank also fitted
- (c) Bull bar
- (d) Rear bumper
- (e) Roof rack with ladder
- (f) Colour white or elephant tusk

Tenders should be submitted in plain sealed envelopes marked "Tender No. MLB 1 of 1990—Supply of Vehicle" and addressed to the Secretary, Maletse Land Board, P.O. Box 131, Ramotswa and should reach her office not later than 10.00 a.m. on 18th June, 1990.

The opening of tender shall commence at 11.00 a.m. of same date 18th June, 1990 in the Land Board Conference Room and tenderers shall be free to attend the opening session.

NOTE:

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

- (i) Enclose brochures for the vehicle intended for supply.
- (ii) All prices should be in Botswana currency.
- (iii) State the expected date of delivery.
- (iv) Guarantee stability of price between the time of tendering and date of delivery.
- (v) Warranty of vehicle essential.

For more details contact the Secretary at Telephone 390231, or Box 131, Ramotswa.

C.K. DINAKE,
Secretary, Maletse Land Board.

Second Publication**Notice of Intention to Dispose of Trading Licence**

NOTICE IS HEREBY given in terms of section 23 (b) of the Trade and Liquor Act, 1986 that I, Mogorosi Motlhabeane have disposed of my entire interest in carrying on the business of General Trading to Agnes Pontsho who will continue to trade at the same premises and under the same style of a General Dealer.

MOGOROSI MOTLHABANE, P.O. Box 8, RAMOTSWA.

Second Publication**Notice of Intention to Dispose Trading Licence**

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1987 that We, Lobatse Hotel (Pty) Limited have disposed of our entire interest in carrying on a hotel liquor business at Lot 1160 Lobatse to Tsambos (Pty) Limited who will continue to trade at the same premises and under the name and style of Lobatse Hotel.

LOBATSE HOTEL (PTY) LIMITED, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, GABORONE.

Second Publication**Notice of Intention to Transfer Trading**

NOTICE IS HEREBY given in terms of section 23 (a) of the Trade and Liquor Act, 1986 that I, Magwadi Ratshwene have disposed of my entire interest in carrying on the business of General Trading to Motlhagodi Molefe who will continue to trade at the same premises and under the same style of a General Trading.

MOTLHAGODI MOLEFE, P.O. Box 29, KOPONG.

Second Publication

Notice of Intention to Transfer Trading Licence

NOTICE IS HEREBY given in terms of section 23 (a) of the Trade and Liquor Act, 1986 that I, Kgeledi George have disposed of my entire interest in carrying on the business of Kgoroba to Sedirwa Kgoroba who will continue to trade at the same premises and under the same style of a General Trading.

SEDIRWA KGOROBA, P.O. Box 42, MOGODITSHANE.

Second Publication

Notice of Intention to Transfer Trading/Licence

NOTICE IS HEREBY given in terms of section 23 (a) of the Trade and Liquor Act, 1986 that I, Kgeledi George have disposed of my entire interest in carrying on the business of Kgoroba to Kehumile Tsholofelo Kgoroba who will continue to trade at the same premises and under the same style of a Bottle Store.

KEHUMILE TSHOLOFELO KGOROBA, P.O. Box 42, MOGODITSHANE.

Second Publication

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

Case No. CT 24/89

In the matter between:

HUGH MOABI LEHLOHONOLO MOGWE

Plaintiff

and

LETSWELETSE MMOPE

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a writ of execution of movable property issued against the Defendant by the above Honourable Court the following items will be sold by public auction to the highest bidder.

DATE OF SALE:	Friday 1st June, 1990
PLACE OF SALE:	Central Police Station
TIME OF SALE:	10.00 a.m.
TERMS:	Cash or bank guaranteed cheque
PROPERTY TO BE SOLD:	<ol style="list-style-type: none"> 1. One cash till 2. An assortment of bowls, pots, cups, mugs, jars, candle holders, ornaments, chinaware, earrings, jewellery boxes, clothing, leather goods, mirrors, ashtrays, egg cups, portraits, furniture etc.

DATED at Gaborone this 18th day of May, 1990.

HELPER, COLLINS AND NEWMAN, *Plaintiff's Attorneys*, Cooperative House, P.O. Box 882, GABORONE.

TO: The Registrar,
The High Court of Botswana,
Private Bag 1,
LOBATSE.

AND

TO: J. Seboko,
Deputy Sheriff.

Licences

Notice is hereby given that the undersigned intends to apply for a certificate in terms of section 9 of the Trade and Liquor Act, 1986 (No. 29 of 1986) to obtain a

<i>Name and Address</i>	<i>Type of Licence</i>	<i>Location</i>	<i>Council</i>	<i>Date of hearing</i>
Ipoletse Drilling & Exploration (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Agency (drilling equipment and accessories)	Whole of Botswana	National Licensing Authority	26.6.90
Yeneneh Ezra, P.O. Box 2045, Gaborone.	Speciality	Plot No. 17533, BBS Mall, Henamo Centre, Gaborone	Gaborone City Council	13.6.90
Air Bricks (Botswana) (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Specialised construction equipment	Shop No. 1 Lot 14430, Gaborone West Industrial	Gaborone City Council	13.6.90
Air Bricks (Botswana) (Pty) Ltd, c/o K & M Business Services (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Workshop	Shop No. 1 Lot 14430, Gaborone West Industrial	Gaborone City Council	24.7.90
Whispers (Pty) Ltd, c/o Helfer, Collins & Newman, P.O. Box 882, Gaborone.	Hairdressing	Sheraton Hotel	Kweneng District Council	27.6.90
A. Lesotlho, P.O. Box 188, Mogoditshane.	Bottle Store	Mogoditshane	Kweneng District Council	27.6.90
Takatokwane Multi-Purpose, Co-op, Takatokwane Postal Agency, Takatokwane.	General Trading	Takatokwane	Kweneng District Council	27.6.90
G.B. Kablay, c/o Industrial Management and Accounting Services (Pty) Limited, P.O. Box 1802, Gaborone.	Liquor Restaurant	Lot 141, Bakwena Ward, Molepolole	Kweneng District Council	27.6.90
G.B. Kablay, c/o Industrial Management and Accounting Services (Pty) Limited, P.O. Box 1802, Gaborone.	Boutique	Lot 141, Bakwena Ward, Molepolole	Kweneng District Council	27.6.90

G.B. Kablay, c/o Industrial Management and Accounting Services (Pty) Limited, P.O. Box 1802, Gaborone.	Hair Salon	Lot 141, Bakwena Ward, Molepolole	Kweneng District Council	27.6.90
M.N. Investment, P.O. Box 40903, Gaborone.	Bar/Butchery	Gabane	Kweneng District Council	27.6.90
E.R. Molefe, P.O. Box 164, Mmankgodi.	Liquor Restaurant	Mmankgodi	Kweneng District Council	27.6.90
Lotsane River Consolidated Enterprises (Pty) Ltd, P.O. Box 112, Palapye.	Speciality (motor spares)	Goo-Tshweu Ward Serowe	Central District Council	9.7.90
L. Moremi, P.O. Box 345, Jwaneng.	Speciality	Lot No. 2214, Jwaneng	Jwaneng Town Council	13.6.90
C.K. Sekwababe, P.O. Box 1082, Gaborone.	Bar and Bottle Store	Plot Number 3396, Selebi-Phikwe in Area 5	Selebi-Phikwe Town Council	22.6.90
K.Y. Bhayat, P.O. Box 391, Francistown.	Restaurant Take-Away	Plot 314, Francistown	Francistown Town Council	19.6.90
S. Van Rensburg, P.O. Box 172, Orapa.	Beauty Salon	Orapa	Letlhakane Sub- District Council	14.6.90
E. Makgosa, Private Bag 0051, Mathathane.	Bar Liquor & Butchery	Mathathane (Serumola Ward)	Bobirwa Sub- District Council	14.6.90
G. Nkgolang, P.O. Box 102, Orapa.	General Trading	Letlhakane	Letlhakane Sub- District Council	14.6.90
B. Shoun, Aunty Belinah General Trading & Bottle Store P.O. Box 904, Francistown.	Bar Liquor	Matshelagabedi	North East District Council	28.6.90
B.R. Gulubane, Private Bag 001, Tati Town. Francistown.	Liquor Restaurant	Tati Siding	North East District Council	28.6.90
N. Mazuwe, P.O. Box 166, Tati Town. Francistown.	Specialised Trading (clothing, jewellerys, and cosmetics)	Masunga	North East District Council	28.6.90
N. Mazuwe, P.O. Box 166, Tati Town. Francistown.	Bar	Masunga	North East District Council	28.6.90
N. Mazuwe, P.O. Box 166, Tati Town, Francistown.	Restaurant	Masunga	North East District Council	28.6.90
N. Otshabeng, P.O. Box 10330, Francistown.	Liquor Restaurant	Shashe Mooke	Tutume Sub- District Council	10.7.90

K. Masole,
P.O. Box 26,
Tutume.

Hair Dressing
Salon

Tutume
(Madikwe)

Tutume Sub-
District Council

10.7.90

Any person objecting to the grant of such certificate should, within 14 days of the second publication of this notice, 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

Change of Name

PURSUANT to section 22(1) of the Companies Act Cap. 42:01 as amended, notice is hereby given that Tyre Distributors (Proprietary) Limited will make an application to the Registrar of Companies for his written approval to change the name of the company to Inco Fuel Centres (Proprietary) Limited after fourteen days from the second publication of this advertisement.

DATED at Gaborone this 9th day of May, 1990.

COOPERS & LYBRAND SERVICES (PTY) LIMITED, P.O. Box 294, GABORONE.

First Publication

Change of Name

PURSUANT to section 22(1) of the Companies Act Cap. 42:01 as amended, notice is hereby given that 1st Clinic Property (Proprietary) Limited will make an application to the Registrar of Companies for his written approval to change the name of the company to Gentech (Proprietary) Limited after fourteen days from the second publication of this advertisement.

DATED at Gaborone this day of 1990.

COOPERS & LYBRAND SERVICES (PTY) LIMITED, P.O. Box 294, GABORONE.

First Publication

Lost Deed of Transfer

NOTICE IS HEREBY given that the undersigned intends applying for a certified copy of lost Deed of Transfer No. 617/88 dated 27th September, 1988 registered in favour of Basics (Proprietary) Limited in respect of the undermentioned property; namely —

CERTAIN: piece of land being Lot 6391
SITUATE: in Gaborone Extension 20;
MEASURING: 3482 (Three Thousand four Hundred and Eighty Two) Square Metres;

All persons objecting to the issue of such copy are hereby required to lodge the same with the Registrar of Deeds for Botswana at Gaborone within Three (3) weeks of the last publication of this notice.

DATED at Gaborone this 14th day of May, 1990.

HELPER, COLLINS & NEWMAN, *Applicant's Attorneys*, Co-operative House, The Mall, P.O. Box 882, GABORONE.

First Publication

Removal of Licence

NOTICE IS HEREBY given that Kalahari Canvas (Pty) Limited intends to apply for the removal of a Speciality Licence from New Town Ward, Maun (B.G.I. Complex) to Tribal Lot 264, Maun (Old Government Camp) and that the Maun Local Licensing Authority is determined that the application shall be heard on the 26th July, 1990.

Any person objecting to the removal of such licence should within 14 days of the second publication of this notice give notice in writing to the said council of his intention to oppose such application stating the grounds upon which the objection is based.

KALAHARI KANVAS (PTY) LIMITED, c/o Venter & Partners, P.O. Box 37, FRANCISTOWN.

First Publication

Republic of Botswana — Tender Notice No. TB. 9/3/11/90—91

PROPOSED: BIAC LIBRARY ALTERATIONS AND RENOVATION

TENDERS ARE INVITED for the conversion of Existing Workshop (into a Library, Language Laboratory and Lecture Hall) at Botswana Institute of Administration and Commerce, Gaborone.

— Associated external works comprising of Water and Soil Drainage connections.

Tender documents will be available from 4th June, 1990 on application to the Director, Architecture and Building Services, Private Bag 0025, Gaborone, or from Second Floor, Standard House, The Mall, Gaborone.

Tenders shall be delivered to the Secretary, Central Tender Board, Private Bag 0058, Gaborone or to Room 202, New Ministry of Finance and Development Planning, not later than 10.00 hours on Wednesday 4th July, 1990 when tenders will be opened in the presence of tenderers wishing to attend. Tenders are to be delivered in the sealed envelope. Telegraphic, telex or telephonic tenders and tenders delivered after the above mentioned time and date, will not be considered.

Drawings may be inspected by appointment only at the office of the Director, Architecture and Building Services, 2nd Floor, Standard House, Gaborone.

Prospective tenderers are advised that tender documents will only be issued to those contractors registered with Central Tender Board who can produce proof that they are registered for Building Works Grade 'C' and 'D'.

Tenderers are advised that they will be required to submit with the form of tender the properly executed form of intent for performance bond giving or choosing a *domicilium citandi et executandi* in Botswana duly signed by themselves and a guarantor certifying that in the event of the tenderer being awarded the contract, a performance bond to the value defined in the tender documents will be provided at the time of signing of the contract. Failure to comply with the foregoing may result in rejection of the tender.

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

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

Republic of Botswana — Tender Notice No. TB. 9/4/7/90—91 (Nominated Electrical Sub-Contract)

**ELECTRICAL INSTALLATION AND RETICULATION FOR SPECIAL BRANCH
OFFICE BLOCK AT FRANCISTOWN**

TENDERS ARE INVITED for the Electrical Installations and Electrical Site Reticulation for Special Branch Office Block at Francistown.

Documents and drawings will be available on application to the Director of Electrical and Mechanical Services, Plot 6399—6401, Broadhurst Industrial Site, Gaborone or by post to Private Bag 0066, Gaborone.

Tenders shall be delivered to the Secretary, Central Tender Board, Private Bag 0058, Gaborone, Room 202, Ministry of Finance and Development Planning, not later than 10.00 hours on Wednesday 27th June, 1990 when tenders will be opened in the presence of tenderers wishing to attend. Tenders shall be delivered in the envelope provided. Telegraphic, telephonic and telex tenders will not be considered.

Tenders will only be considered from contractors who are registered with Central Tender Board in Categories "2C—2E".

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

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

Notice of Intention to Dispose Trading Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Boithamako Sechele have disposed of my entire interest in carrying on the business of Shashabana Bar & Bottle Store to Calvin Sekwababe who will continue to trade at the same premises and under the same style of a Bar and a Bottle Store.

BOITHAMAKO SECHELE, P.O. Box 155, SELEBI-PHIKWE.

First Publication

Republic of Botswana — Tender Notice No. TB. 9/8/2/90—91**SUPPLY OF HEAVY DUTY VEHICLE TO THE GOVERNMENT OF BOTSWANA.**

TENDERS ARE INVITED for the supply of the following vehicles to the Government of Botswana.

- (a) Truck 4 × 2 tipper having a gross vehicle mass rating of not less than about 12000 kg complete with tipper body. Estimated quantity — 15/20.
- (b) Truck 4 × 2 chassis cab similar to the above but fitted with a 5000 litre vacuum tanker body to transport used oil. Also to be fitted with PTO driven exhaustor with necessary suction line hoses, dumphline hoses, valves, gauges, sight glass etc. Oil to be sucked into the tank from two hundred litre normal oil drums and exhausted to underground tanks. The truck to be fitted with single rear wheels — estimated quantity — 2.
- (c) 25 seater bus (minicoach) estimated quantity — 5.
- (d) Ambulance conversion of Toyota Landcruiser basic pickups supplied by Government — estimated quantity — 5.

This tender closes at 10.00 on Wednesday 20th June, 1990 and any tender received after the above time and date will not be considered. Telegraphic, telex or telephone submissions will not be acceptable.

Tenders should be submitted in duplicate in sealed envelopes to the Secretary, Central Tender Board, Private Bag 0058, Room 202, Ministry of Finance and Development Planning, Gaborone, Botswana. The above tender number and description should be clearly endorsed on the envelopes.

Further details regarding this tender are available on request from the office of the Fleet Administration Manager, P.O. Box 10018, Gaborone, Botswana, telephone 356391, Extension 210 telex 2247 BD.

The Government of Botswana reserves the right to reject any tender without divulging reasons.

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

Republic of Botswana — Tender Notice No. TB. 5/2/13/90—91**SUPPLY OF CREOSOTED GUM POLES**

TENDERS ARE INVITED from Botswana resident suppliers for the supply of Creosoted gum poles F.O.R. Senior Livestock Officer, Palapye and Project Manager, Gaborone for the year 1990/91. The poles should be eucaptus Saligna selected in accordance with Central African Standards 07:1972 (as amended to July, 1976 or SABS Standards 754 of 1982 or equivalent and treated by full cell vacuum/pressure process with high temperature wood preserving creosoted complying with SABS 538 or equivalent.

Tenders in duplicate shall be delivered in a sealed envelope to the Secretary, Central Tender Board, Private Bag 0058, Gaborone, Room 202, Ministry of Finance and Development Planning, not later than 10.00 hours on Wednesday 13th June, 1990 when tenders will be opened in the presence of tenderers wishing to attend.

Documents including schedule of quantities and specifications are available from the Project Manager, Private Bag 0032, Gaborone. Telephone No. 350618, Gaborone.

Telegraphic, telex and telephone tenders and tenders delivered after the above date and time will not be considered.

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

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

Chobe Land Board — Tender Notice No. 1 of 1990

CHOBE LAND BOARD is cancelling the above quoted tender with immediate effect. Any inconvenience caused is regretted.

T.M. CHILIWA,
Board Secretary.

South East District Council — Tender Notice No. 2 of 1990

SUPPLY OF REFUSE VEHICLES

SOUTH EAST DISTRICT COUNCIL invites tenders for the supply of Refuse vehicles of description given below:—

1. Tipping body in steel, 8 cubic metres mounted on 8 tonner chassis (approx).
2. Tipping body in steel, 5 cubic metre mounted on 5 tonner chassis (Approx).
3. To be operated on P.T.O.
4. Provision of standing platform for workmen on either sides for loading.
5. Loading from either sides through sliding doors and suitable for handling 200 litres refuse drum.
6. Covered workmen platform between cab and tipping body.
7. Chassis — Rear axle double wheel.

Tenderers to state the potential date of delivery. Tenders to be submitted in plain sealed envelopes clearly marked "Tender No. 2/1990 Supply — of Refuse Vehicles" address to Council Secretary, South East District Council, Private Bag 002, Ramotswa not later than 25th June, 1990 at 10.00 a.m. where a public opening will commence.

Council is not bound to accept the lowest tender and will not give reasons for doing so.

W.L. SEPHATLA,
for Council Secretary.

First Publication

Southern District Council — Tender Notice No. SDC/6/90

SUPPLY OF UNIFORMS AND PROTECTIVE CLOTHING

SOUTHERN DISTRICT COUNCIL invites tenders for the supply and delivery of Uniforms and Protective Clothing including footwear. All items listed hereunder are to be delivered to Kanye Main Stores.

(a) Mens Blue Overalls	=	601
(b) Two piece overalls acid proof green	=	52
(c) Brown W/O toe cap Boots	=	427
(d) Half Boots W/ Toe cap Brown	=	27
(e) Two piece overalls blue men's	=	25
(f) Khakhi Tunic suits men's	=	62
(g) Ladies Pink overalls	=	8
(h) Rain suits yellow men's	=	137
(i) Gum Boots	=	117
(j) Peaked caps (military Type)	=	25
(k) Military over coats	=	26
(l) Men's Khakhi shirts (long sleeves)	=	15
(m) Dust Coats Khakhi	=	122
(n) Rubber Gloves hand	=	106
(o) Leather Gloves hand	=	34
(p) Helmets	=	81
(q) Dust Coats Acid green	=	14
(r) Turquoise Dresses for Family Welfare Educator	=	86
(s) Jerseys Navy for Family Welfare Educator	=	79
(t) Brown Shoes for Family Welfare Educator	=	81
(u) Barret's Navy for Family Welfare Educator	=	76
(v) Mens' Safari Suit wash and wear Beige	=	10
(w) Mens' overalls Acid proof green	=	10

Tenderers must indicate the delivery period from the date of receipt of the official order, and must also indicate the length of time for which prices will remain valid. Various sizes of items required will be indicated in the orders. Samples of materials to be used may be enclosed with the tender.

Tenders to be submitted in sealed envelope clearly marked "Tender No. SDC/6.90 — Supply of Uniforms and Protective Clothing", must be addressed to Council Secretary, Southern District Council, Private Bag 002, Kanye and should reach Council Secretary's Office not later than 4.30 p.m. on the 2nd June, 1990.

Southern District Council reserves the right to accept or reject the whole or part of any tender received.

M.M. MASOLE,
for Council Secretary (SDC).

Botswana Telecommunications Corporation — Tender Notice BTC 013/90—91
SUPPLY AND DELIVERY OF LINE PLANT ACCESSORIES AND MATERIALS

BOTSWANA TELECOMMUNICATIONS CORPORATION invites tenders from manufacturers/suppliers of various Line Plant accessories and materials. Full details of quantities and specifications may be obtained free of charge from:—

The Secretary/Supplies Manager,
 Botswana Telecommunications Corporation,
 P.O. Box 700,
 Gaborone.

Enquiries: Telex 2749 BD. Fax: 374695. Phone 358203

Tenders in triplicate and in sealed envelopes must be mailed to the address stated below: —

Tender BTC 013/90—91,
 Secretary/Supplies Manager,
 Botswana Telecommunications Corporation,
 Plot 1210, Lobatse Road Industrial Site,
 Gaborone

or

P.O. Box 700,
 Gaborone.

Tenders shall be returned by hand or mailed to the above address not later than 16.30 hours on Friday 29th June, 1990.

Telegraphic, telexed or telephonic tenders, and tenders delivered after the above mentioned time and date, will not be considered.

Tenders will be opened at 9.00 hours on Monday 2nd July, 1990 at the Botswana Telecommunications Corporation Headquarters Building, Khama Crescent, Gaborone, in the presence of those tenderers wishing to attend.

Tenderers are advised that they will be required to submit samples of their materials for evaluations before closing dates.

Tenders must state firm delivery from date of order.

Notwithstanding anything in the foregoing, the Botswana Telecommunications Corporation is not bound to accept the lowest or any tender nor to incur any expense in the preparation thereof.

Gaborone City Council — Tender Notice No. 9/90
SUPPLY OF A VEHICLE AND EQUIPMENT

TENDERS ARE INVITED by Gaborone City Council for the supply of Kombi; and refuse skips. Details relating to the tender may be obtained from Room 36, City Hall during normal working hours or on application to the City Clerk, Private Bag 0089, Gaborone. Tenders in a plain sealed envelope marked "Tender No. 9/90" shall be sent to reach the City Clerk, Private Bag 0089, Gaborone not later than 4.00 p.m. on the 24th July, 1990.

Tenders shall be opened the same day in the presence of any tenderers who may wish to be present.

Council does not bind itself to accept the lowest tender or any tender, nor to assign any reason thereof.

M.M. IDAIKKADAR,
for City Clerk.

First Publication

Notice of Intention to Dispose Trading Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Linda Schimdt have disposed of my entire interest in carrying on the business of Bottle Store to Robert G. Makati who will continue to trade at the same premises and under the same style of a Bottle Store.

ROBERT G. MAKATI, P.O. Box 148, GABANE.

First Publication

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

Case Number CT 191/90

In the matter between:

ALFRED MONNAWATHEBE

Plaintiff

and

MONTENEGRO ENGINEERING (PTY) LTD

Defendant

SALE IN EXECUTION

BE PLEASED to take notice that a sale in execution will be held by the Messenger of Court pursuant to a Judgement granted in the above matter on the 15th day of February, 1990.

DATE OF SALE: 2nd June, 1990

TIME OF SALE: 10.00 a.m.

PLACE OF SALE: Central Police Station

GOODS TO BE SOLD: Motor Vehicle: Cortina 3L BD 301 (Blue and White)

TERMS OF PAYMENT: Cash or bank guaranteed cheque immediately after the sale.

DATED at Gaborone this 10th day of May, 1990.

SEGAETSHO, MALATSI & MASOBA, *Plaintiff's Attorneys*, Office Number 7, BDC Building,
Bontleng Mall, P.O. Box 20960, GABORONE.

First Publication

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

Case Number 770/88

In the matter between:

R.E. PASHLEY & CO. LTD.

Plaintiff

and

AFRO BAKERY (PTY) LTD

Defendant

NOTICE OF SALE IN EXECUTION

IN PURSUANCE of a writ of execution of movable property issued against the Defendant, the following items will be sold by public auction at the Central Police Station on Saturday the 16th day of June, 1990 at 10.00 a.m. by Deputy Sheriff Mr O. Setlhare.

1 X Deep Freezer

Please note that only cash or bank guaranteed cheques will be accepted.

DATED at Gaborone this 14th day of May, 1990.

MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorneys*, Plot 688, Khwai Road, P.O. Box 1339,
GABORONE.

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

Case Number CC 538/89

In the matter between:

FINANCIAL SERVICES CO. OF BOTSWANA (PTY) LTD.

Plaintiff

and

MR N. MOTSWAKHUMO

Defendant

NOTICE OF SALE IN EXECUTION

IN PURSUANCE of a writ of execution of movable property issued against the Defendant, the following items will be sold by public auction at Molepolole Police Station, Molepolole, by Deputy Sheriff Mr S. Isles on Saturday the 2nd day of June, 1990 at 9.00 a.m.

1 X Massey Ferguson 290 Tractor — registration No. BD 7497A

Please note that only cash or bank guaranteed cheques will be accepted.

DATED at Gaborone this 14th day of May, 1990.

**MINCHIN & KELLY (BOTSWANA), *Plaintiff's Attorneys*, Plot 688, Khwai Road, P.O. Box 1339,
GABORONE.**

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

Case No. G.1374/88

In the matter between:

HI GEER LADIES AND GENTS BOUTIQUE

Plaintiff

and

KHUKHWANE RAMATEBELE

Defendant

NOTICE OF SALE IN EXECUTION

TAKE NOTICE that pursuant to a writ of execution issued out of Court in the above matter the following property will be sold by public auction to the highest bidder by the Deputy Sheriff, Mr Setlhare on Friday the 1st day of June, 1990 at Magistrate's Court yard, Gaborone at 10.00 a.m.

Three piece sofas (cane)

One coffee table

TERMS:

Cash or bank guaranteed cheques only.

DATED at Francistown this 3rd day of May, 1990.

**MOSOJANE, PHUMAPHI & CO., *Plaintiff's Attorneys*, 5th Africa House, P.O. Box 484,
FRANCISTOWN.**

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

Case Number G. 86/90

In the matter between:

SIPHO SAMI RADIO & TB REPAIRS (PTY) LTD

Plaintiff

and

GABRIEL KHUMALO MATOME

Defendant

SALE IN EXECUTION

BE PLEASED to take notice that a sale in execution will be held by the Messenger of Court pursuant to a Judgement granted in the above matter on the 2nd day of April, 1990.

DATE OF SALE: 2nd June, 1990
TIME OF SALE: 10.00 a.m.
PLACE OF SALE: Central Police Station
GOODS TO BE SOLD: 1 X Television Set (Black and White)
TERMS OF PAYMENT: Cash or bank guaranteed cheque immediately after the sale.

DATED at Gaborone this 10th day of May, 1990.

SEGAETSHO, MALATSI & MASOBA, *Plaintiff's Attorneys*, Office Number 7, BDC Building,
Bontleng Mall, P.O. Box 20960, GABORONE.

First Publication

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

Case No. CCF 203/89

In the matter between:

MILES FURLONG

Plaintiff

and

ROBERT MANUEL

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a judgment of the above Honourable Court, a sale in execution will be held by Deputy Sheriff Setlhare as follows: —

DATE OF SALE: Friday 22nd June, 1990
TIME OF SALE: 10.00 a.m.
PLACE OF SALE: Ramotswa Industrial Site
GOODS TO BE SOLD: 1 Single Cylinder Arm
 1 Juk's Sewing Machine
 1 Skiving Machine
 1 Mitshubishi's Sewing Machine
TERMS: Cash or bank guaranteed cheque

DATED at Francistown this 10th day of May, 1990.

VENTER & PARTNERS, *Plaintiff's Attorneys*, Auto Lot House, P.O. Box 37, FRANCISTOWN.

Bill No. 13 of 1990

CUSTOMS AND EXCISE DUTY (AMENDMENT) BILL, 1990

MEMORANDUM

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

2. Article 10 of the Customs Union Agreement requires corresponding provisions to be made by consensus in the laws of Botswana, Lesotho, South Africa and Swaziland on the subject of customs and excise.

3. The major changes being enacted are as follows:

Provision is made to further regulate the opening of packages imported into or exported from Botswana, and the substitution of bills of entry which have been passed in error; to provide further for the determination of the territory of origin of certain goods in regard to their production or manufacture; to extend the power of the Minister of Finance to amend Schedule No. 1 to the said Act; to authorize the cancellation, amendment or suspension of the withdrawal of certain duties specified in that Schedule; to make new provision for calculating the value for customs duty purposes of imported goods; to further regulate the value for excise duty purposes of certain goods manufactured in Botswana; to provide further for the rebate or refund of duty; to make fresh provision for the date of application for certain refunds of duty, and for the detention and seizure of goods liable to forfeiture; to provide for the application of section 41 of the said Act in relation to cotton yarn; and to provide for matters connected therewith.

4. The provisions have been promulgated in South Africa and in terms of Article 10 of the Customs Union Agreement, it now behoves us to follow suit.

5. Some of the amendments being made by this Bill involve amendments to amendments, or amendments to new sections or subsections introduced in 1988 and 1989. This was after the effective date of the new Edition of the Laws, but before that Edition was brought into operation. Consequently it has been found necessary, or convenient to replace such sections or subsections completely, and has also meant some corrections to cross references.

F.G. MOGAE,
Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 50:01
3. Substitution for section 15 of the principal Act
4. Amendment of sections 17, 18 and 19 of the principal Act
5. Amendment of section 42 of the principal Act
6. Amendment of section 48 of the principal Act
7. Amendment of section 50 of the principal Act
8. Amendment of section 52 of the principal Act
9. Amendment of section 53 of the principal Act
10. Insertion of new section 53A into the principal Act
11. Amendment of section 56 of the principal Act
12. Amendment of sections 59 and 60 of the principal Act
13. Amendment of section 71 of the principal Act
14. Amendment of section 72 of the principal Act
15. Amendment of section 73 of the principal Act
16. Substitution for section 74 of the principal Act
17. Substitution for section 81 of the principal Act
18. Amendment of section 82 of the principal Act
19. Amendment of section 86 of the principal Act
20. Amendment of section 94 of the principal Act
21. Substitution for section 110 of the principal Act
22. Amendment of section 120 of the principal Act
23. Application of section 42 of the principal Act
24. Amendment of Schedule No.1 of the principal Act
25. Continuation of certain amendments of Schedules Nos. 1, 2, 3, 4, 5, 6, and 7 to the Act

A BILL

-entitled-

An Act to amend the Customs and Excise Duty Act

*Date of Assent:**Date of Commencement:*

ENACTED by the Parliament of Botswana

Short title

Amend-
ment of
section 2 of
Cap. 50:01

1. This Act may be cited as the Customs and Excise Duty (Amendment) Act, 1990.

2. Section 2 of the Customs and Excise Duty Act, (hereinafter referred to as the principal Act), is hereby amended by substituting for subsection (3) thereof, the following subsection —

“(3) For the purposes of the Agreement concluded in 1969 between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of South Africa and the Kingdom of Swaziland, specified in section 55 (3) —

(a) “customs duty” includes any duty leviable under Part 4 of Schedule No. 1 on goods imported into Botswana, and, except for purposes of articles 13 and 14 of the said Agreement, any duty leviable under Part 8 of the said Schedule on goods imported into Botswana; and

- (b) "excise duty" includes, except for purposes of articles 13 and 14 of the said Agreement, any duty leviable under Part 8 of Schedule No. 1 on goods manufactured in the common customs area."

3. The following section is hereby substituted for section 15 of the principal Act —

"Opening of packages in absence of importer or exporter

15. The Director may in the absence of the importer or exporter of any package imported into or landed in or exported from, or suspected by the Director to have been imported into or landed in, or exported from, Botswana, open and examine such package at the importer's or exporter's risk and expense:

Provided that wherever possible the Director shall first make all reasonable efforts to ascertain the whereabouts of such importer or exporter and afford the said importer or exporter the opportunity of himself appearing before the Director and opening the package in question."

Substitution for section 15 of the principal Act

4. Sections 17 (8), 18 (5) and 19 (3) and (5) of the principal Act are amended by substituting for references to "section 81 (32)" wherever they appear reference to "section 81 (19)" in each case.

Amendment of sections 17, 18 and 19 of the principal Act

5. Section 42 of the principal Act is amended by substituting for subparagraph (a) of subsection (5) the following subparagraph —

"(a) from the date of entry for home consumption as provided in section 47 (3), of the goods to which the application relates; or"

Amendment of section 42 of the principal Act

6. (1) Section 48 of the principal Act is amended by substituting for subsection (2) thereof the following subsection —

"(2) The Minister may from time to time, by regulations, increase the percentage prescribed in subsection (1), in regard to any class or kind of imported goods, or in regard to any class or kind of such goods from a particular territory, to which that subsection applies."

Amendment of section 48 of the principal Act

(2) The amendment effected by subsection (1) shall be deemed to have come into operation on 1st April, 1989.

7. Section 50 of the principal Act is amended by substituting for subsection (11) thereof the following subsection —

"(11) The Director may, in writing, determine the tariff headings, tariff subheadings or items of any Schedule under which any imported goods or goods manufactured in Botswana shall be classified."

Amendment of section 50 of the principal Act

8. Section 52 (2) of the principal Act is amended by substituting for the reference to "section 53 (7)" therein reference to "section 53 (8)".

Amendment of section 52 of the principal Act

9. (1) Section 53 of the principal Act is amended —

(a) by substituting for paragraph (b) of subsection (1) the following paragraph —

"(b) in order to give effect to any amendment to the Explanatory Notes to the Harmonized System and to the Customs Co-operation Council Nomenclature referred to in section 50 (8),

Amendment of section 53 of the principal Act

(9) and (10) or to the Nomenclature set out in the annex to the Convention on Nomenclature for the Classification of Goods in Customs Tariffs signed in Brussels in 1950;”;

(b) by substituting for all subsections after subsection (2) the following subsections —

“(3) (a) (i) The Minister may, from time to time by like notice, whenever he deems it expedient in the public interest to do so, authorize the Permanent Secretary, Ministry of Commerce and Industry or the Director to withdraw, with or without retrospective effect, and subject to such conditions as that Permanent Secretary or the Director may determine, any duty specified in Parts 2, 3 or 4 of Schedule No. 1.

(ii) The Director may, at his discretion, at any time cancel, amend or suspend any withdrawal referred to in subparagraph (i).

(b) Any application for such withdrawal with retrospective effect shall be submitted to the said Permanent Secretary or Director, as the case may be, not later than six months from the date of entry for home consumption as provided in section 47 (3).

(4) The Minister may, whenever he deems it expedient in the public interest to do so, by notice published in the Gazette, impose an export duty, on such basis as he may determine, in respect of any goods intended for export, or any class or kind of such goods, or any goods intended for export in circumstances specified in such notice, and any export duty so imposed shall be set out in the form of a schedule which shall be deemed to be incorporated in Schedule No. 1 as Part 5 thereof and to constitute an amendment of Schedule No. 1.

(5) (a) Whenever the Minister is satisfied that any amendment made under this section has an effect which was not foreseen or intended, he may, whether or not such amendment has ceased to have effect as such or has lapsed under subsection (8), by further notice in the Gazette, adjust such amendment, to the extent he deems fit, with effect from the date of such amendment or any later date, and any adjustment effected under this subsection shall be deemed to be an amendment under this section.

(b) The provisions of this subsection shall, in so far as they can be applied, apply *mutatis mutandis* in respect of any amendment made by Parliament which corresponds to an amendment made under this section, before the lapsing in terms of subsection (8) of such last mentioned amendment.

(6) (a) Notwithstanding anything to the contrary in this Act contained, the Minister may, whenever he deems it expedient in the public interest to do so, by notice in the Gazette, insert Part 8 of Schedule No. 1, and if so inserted withdraw or amend that Part for the purpose of specifying that any duty leviable under any heading or item of Part 1, 2 or 4 of Schedule No. 1 shall not be leviable under that Part, but shall be leviable under the said Part 8 at the time of entry for home consumption for use by any person, government, department, administration or body as may be specified by him in such notice.

(b) For the purposes of this subsection, any amount leviable under any item of the said Part 8, shall be called an ordinary levy.

(c) Any such ordinary levy shall be paid for the benefit of the Fund as specified in section 50 (1) and shall, for the purposes of that section, be deemed to be a duty paid in accordance with the provisions of Schedule No.1.

(d) Notwithstanding the provisions of section 50 (1), any ordinary levy paid in respect of any goods intended for consumption in any territory, other than Botswana, which forms part of the common customs area shall be paid by the Director to the government of such territory at such times as he may determine.

(e) The provisions of subsection (8) shall *mutatis mutandis* apply to any notice published under this subsection.

(7) In addition to the powers conferred by subsections (1), (2), (4) and (5), the Minister may, by notice published in the Gazette, amend any Schedule to conform with any amendment made by any other country in the common customs area and in accordance with the obligations imposed under the Customs Union Agreement of 11th December, 1969, entered into between the Governments of Botswana, Lesotho, South Africa and Swaziland.

(8) (a) Every amendment, withdrawal or insertion made by the Minister under this section shall be laid before the National Assembly.

(b) If the National Assembly does not, during the next meeting of the Assembly which commences after such amendment, withdrawal or insertion has been laid, approve the same by resolution, such amendment, withdrawal or insertion shall lapse on the last day of such meeting.

(c) Any such lapse shall be without prejudice to the validity of such amendment, withdrawal or insertion before it has so lapsed, and, in particular but without prejudice to the generality of the foregoing, no duty collected by reason of such amendment, withdrawal or insertion before such lapse shall be refundable, and any duty due by reason of such amendment, withdrawal or insertion but not collected shall continue to be due.

(9) Any amendment made under this section may be made retrospective:

Provided that no amendment may be made retrospective to a date earlier than that on which a notice of the intention to make the amendment has been signed by the Minister or the Permanent Secretary and has been deposited in the office of the Director."

(2) The amendment effected by paragraph (a) of subsection (1) of this section shall be deemed to have come into operation on 1st January, 1988.

(3) The amendments effected by section 11 of Act No. 8 of 1989 are hereby revoked.

Insertion of
new section
53A into the
principal Act

10. The principal Act is amended by inserting immediately after section 53 the following new section 53A —

"Minister
may
amend
Schedules
under
certain
circum-
stances

53A. (1) Whenever the Minister is satisfied that any provision of any Schedule to this Act differs from any similar provision in force immediately prior to January, 1988 and that such difference is to the detriment of any importer or manufacturer and was not so intended, he may, after consultation with the Ministry of Commerce and Industry, by means of an amendment effected by notice in the Gazette, adjust the provision concerned to the extent he deems fit, with effect from 1st January 1988.

(2) The provisions of section 53 (8) shall *mutatis mutandis* apply in respect of any amendment made under the provisions of subsection (1) of this section."

(b) The amendments effected by virtue of section 12 of Act No. 8 of 1989 are hereby revoked.

Amendment
of section 56
of the
principal Act

11. Section 56 (3) of the principal Act is amended by substituting for the reference to "section 53 (6), (7), (8), (9) and (10)" therein reference to "section 53 (7), (8) and (9)".

Amendment
of sections 59
and 60 of the
principal Act
Amendment
of section 71
of the
principal Act

12. Sections 59 (8) and 60 (3) of the principal Act are amended by substituting for references to "section 53 (4) to (9)" wherever they appear reference to "section 53 (5), (7) and (9)" in each case.

13. Section 71 of the principal Act is hereby amended by substituting for subsection (12) thereof the following subsection —

"(12). The provisions of subsection (1) (a) and (b) or subsection (3) of section 72 shall *mutatis mutandis* apply to the ascertainment or determination of the value for the purposes of the duty specified in Section B of Part 2 of Schedule No. 1 in respect of any imported goods entered in terms of item 412.18 of Schedule No. 4."

Amendment
of section 72
of the
principal Act

14. Section 72 of the principal Act is hereby amended —

(a) by substituting for paragraph (d) of subsection (15) the following paragraph —

"(d) the cost of transportation, loading, unloading, handling and insurance and associated costs incidental to delivery of the imported goods at the port or place of export in the country of exportation and placing those goods on board ship or on any vehicle at that port or place, ready for export to Botswana;" and

(b) by substituting for paragraph (a) of subsection (18) the following paragraph —

"(a) placed on board ship or on any vehicle in the country of exportation, ready for export to Botswana; or".

Amendment
of section 73
of the
principal Act

15. Section 73 of the principal Act is amended —

(a) by substituting for paragraph (e) of subsection (1) the following paragraph —

"(e) to the extent that they are not included in the price actually paid or payable for the goods, the cost of transportation, loading, unloading, handling and insurance and associated costs in-

cidental to delivery of the goods at the port or place of export in the country of exportation and placing those goods on board ship or on any vehicle, at that port or place, ready for export to Botswana;"; and

- (b) by substituting for paragraph (a) of subsection (4) the following paragraph—

"(a) placed on board ship or on any vehicle in the country of exportation, ready for export to Botswana; or".

16. (1) The following section is hereby substituted for section 74 of the principal Act —

"Value for
excise duty
purposes

74. (1) (a) For the purpose of assessing the excise duty on any goods manufactured in Botswana and specified in Section B of Part 2 of Schedule No. 1 (other than goods specified in items 122.10 to 122.40), the value thereof shall, subject to the provisions of this section, be taken to be the full and final market price (before deduction of any discounts other than cash discounts) at which, at the time of sale, such or similar goods are freely offered for sale, for consumption in Botswana, for purposes of trade in the principal markets of Botswana in the ordinary course of trade, in the usual wholesale quantities and in the condition and the usual packing ready for sale in the retail trade, to any independent merchant wholesaler in Botswana under fully competitive conditions, plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser, plus any non-rebated excise duty payable in terms of Section A of Part 2 of Schedule No. 1 on such goods, but excluding the non-rebated excise duty payable in terms of Section B of Part 2 of Schedule No. 1 on such goods:

Substitution
of section 74
of the
principal Act

Provided that the Director may, where such goods are not sold to such merchant wholesalers in Botswana or are so sold in quantities which he considers to be insignificant in relation to the total quantities of such goods sold in Botswana, regard any other class of purchaser of such goods as such a merchant wholesaler and may make such adjustment to the price charged by the manufacturer to such class of purchaser as he considers reasonable, having regard to the wholesale functions taken over by such manufacturer and such class of purchaser and to such other factors relating to such price as he may deem relevant.

(b) For the purposes of assessing the duty on any imported goods entered in terms of item 412.18 of Schedule No.4 on removal from a customs and excise warehouse and any goods manufactured in Botswana and specified in items 122.10 to 122.40 of Section B of Part 2 of Schedule No. 1, the value thereof shall be —

- (i) in a sale between a manufacturer as seller and an independent wholesale dealer or independent bulk buyer or a buyer purchasing at a preferential price or other reseller as purchaser, the highest price (but excluding the excise duty payable in terms of Section B of Part 2 of Schedule No. 1) at which the manufacturer sells such goods at factory to an independent retail dealer, without any deduction except a cash discount not exceeding two and a half percent, if any, plus the cost of packing and packages and all other expenses the purchaser;
 - (ii) in a sale between a manufacturer and end consumer or between a wholesale dealer or retail dealer or other reseller as seller and an independent retail dealer or end consumer as purchaser, the highest price (but excluding the excise duty payable in terms of Section B of Part 2 of Schedule No. 1) at which such goods are sold by any such seller to an end consumer without any deduction except thirty-three and a third per cent, plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser.
- (c) (i) For the purposes of this subsection the Director may specify the quantity which shall be deemed to be the usual wholesale quantity;
- (ii) the packing which shall be deemed to be the usual packing ready for sale in the retail trade;
- (iii) the cost of packing or packages or any other expenses incidental to placing the goods on rail.
- (2) (a) For the purpose of assessing the excise duty on any goods specified in Section A Part 2 of Schedule No. 1, the value thereof shall be the price paid or payable for such goods when sold for home consumption in the ordinary course of trade, in the usual trade packing, where applicable, to any buyers not deemed to be related as specified in section 72 (2) (a), plus any non-rebated excise duty payable in terms of Section B of Part 2 of Schedule No. 1, but excluding the non-rebated excise duty payable in terms of Section A of Part 2 of Schedule No. 1.
- (b) For the purpose of paragraph (a), "price paid or payable" means the total payment made or to be made, either directly or indirectly, by the buyer to or for the benefit of the seller of the goods, but does not include dividends or other payments passing from the buyer to the seller which do not directly relate to the goods.
- (3) If in the opinion of the Director goods are sold or otherwise disposed of under such conditions that the value thereof cannot be ascertained in terms of subsection (1) (a), (1) (b) or (2), as the case may be, the Director may determine a value, which shall, subject to the right of appeal to the court, be deemed to be correct for the purposes of this Act, and any amount due in

terms of any such determination shall remain payable as long as such determination remains in force.

(4) The Director may, whenever he deems it expedient, amend or withdraw any such determination and make a new determination with effect from —

- (a) the date of first entry of the goods in question;
- (b) the date of the determination made under subsection (3);
- (c) the date of such new determination; or
- (d) the date of such amendment.

(5) (a) An appeal against such determination shall lie to the jurisdiction of the Court in the area in which the determination was made, or the goods in question were entered for home consumption.

(b) Such appeal shall be prosecuted within a period of 90 days from the date of the determination.”.

(2) Subsections (2) and (3) of section 74 of the principal Act, as substituted by subsection (1) of this section, shall be deemed to have come into operation on 1st June, 1989.

17. (1) The principal Act is amended by substituting for section 81 thereof the following section —

“Specific rebates, drawbacks and refunds of duty

81 (1). Subject to the provisions of this Act and to any conditions which the Director may impose —

- (a) any imported goods described in Schedule No. 3 shall be admitted under rebate of any fiscal and customs duties applicable in respect of such goods at the time of entry for home consumption thereof, to the extent and for the purpose of use stated in the item of Schedule No. 3 in which they are specified;
- (b) any imported goods described in Schedule No. 4 shall be admitted under rebate of any fiscal and customs duties applicable in respect of such goods at the time of entry for home consumption thereof, to the extent and for the purpose or use stated in the item of Schedule No. 4 in which such goods are specified;
- (c) a drawback or refund of the ordinary customs duty, anti-dumping duty, countervailing duty and surcharge actually paid on entry for home consumption on any imported goods described in Schedule No. 5 shall, subject to the provisions of paragraph (g) (i), be paid to the person who paid such duties or any person indicated in the notes to the said Schedule, subject to compliance with the provisions of the item of the said Schedule in which those goods are specified;
- (d) in respect of any excisable goods described in Schedule No. 6 a rebate of the excise duty specified in Part 2 of Schedule No. 1 in respect of such goods at the time of entry for home consumption thereof or a refund of the

Substitution for section 81 of the principal Act

excise duty actually paid at the time of entry for home consumption shall be granted to the extent and in the circumstances stated in the item of Schedule No.6 in which such goods are specified, subject to compliance with the provisions of the said item and any refund under this paragraph may be paid to the person who paid the duty or any person indicated in the notes to the said Schedule No.6;

- (e) in respect of any sales duty goods described in Schedule No. 7, a rebate of the sales duty specified in Part 3 of Schedule No. 1 in respect of such goods at the time of entry for home consumption thereof or a refund of the sales duty paid at the time of entry for home consumption shall be granted to the extent and in the circumstances stated in the item of Schedule No. 7 in which such goods are specified, subject to compliance with the provisions of the said item, and any refund under this paragraph may be paid to the person who paid the duty or any person indicated in the notes to the said Schedule No. 7;
- (f) in respect of any imported goods described in Schedule No. 9, a rebate of the additional duty specified in Part 7 of Schedule No. 1 in respect of such goods at the time of entry for home consumption thereof shall be granted to the extent and in the circumstances stated in the item of Schedule No. 9 in which such goods are specified, subject to compliance with the provisions of the said item;
- (g) (i) a refund of the ordinary customs duty, anti-dumping duty, countervailing duty or surcharge on any distillate fuel shall be granted to the extent stated in item 533.01 of Schedule No. 5 in which such fuel is specified, subject to compliance with the provisions of the said item, or a refund of the excise duty leviable on such fuel shall be granted to the extent stated in item 609.05.10 of Schedule No. 6 in which such fuel is specified, subject to compliance with the provisions of the said item and any refund under this paragraph may be paid to any user who has purchased and used such distillate fuel in accordance with the provisions of the said items of Schedule No. 5 or 6 to any person indicated in the notes to the said Schedule No. 5 or 6;

Provided that no such refund shall be paid to any government, department, administration or any body, institution, or authority mentioned in item 401.00 of Schedule No. 4 and item 601.00 of Schedule No. 6, including any university, college, school or other educational institution or any regional or local authority, except as provided for in the notes to the said Schedule No. 5 or 6;

(ii) notwithstanding the provisions of subparagraph (i) the Director may in his discretion investigate any such

purchase or use to establish whether such fuel has been duly entered in terms of this Act or has been so used, and may refuse to allow or pay any such refund if he is not satisfied that such fuel has been so entered or used;

(iii) any such distillate fuel purchased shall be deemed to have been used in the order of the dates of such purchases;

(iv) the extent of the refund referred to in subparagraph (i) shall be the rate of such refund of duty specified in such items of Schedule No. 5 or 6 at the last date of any period for which such refund in respect of such use is claimed;

(v) any refund referred to in subparagraph (i) may be granted and paid to any person entitled to that refund in terms of this Act.

(2) A rebate of duty in respect of any goods described in Schedule No. 3 shall be allowed —

- (a) only in respect of goods entered for use in the production or manufacture of goods in the industry and for the purpose specified in the item of the said Schedule in which those goods are specified;
- (b) only in respect of goods entered for use in—
 - (i) a factory approved by the Minister; or
 - (ii) a mine or works situated in an area approved by the Minister; or
 - (iii) elsewhere in any other activity which the Minister may in his discretion approve for the purposes of this subparagraph;
- (c) only in respect of goods entered for use in such industry in a factory, mine, works or activity which complies with such requirements in respect of quantity of material used or quantity of goods produced or manufactured as the Minister may impose.

(3) The Minister may exempt any goods described in Schedule No. 3 and entered for use in a particular industry, from the provisions of subsection (2) (b) and for the purposes of subparagraph (i) of the said subsection may limit the application of his approval to the manufacture of one or more specific articles or substances.

(4) Notwithstanding the provisions of section 59 or 60, a rebate of any anti-dumping duty or countervailing duty specified in Schedule No. 2 in respect of any goods entered under the provisions of any item specified in Schedule No. 3 or 4 may be granted if it is expressly stated in such item of Schedule No. 3 or 4 that the extent of the rebate includes such anti-dumping duty or countervailing duty.

(5) (a) No person shall be entitled to a refund of customs or excise duty on any distillate fuel in terms of the provisions of item 533.01 of Schedule No. 5 or item 609.05.01 of Schedule No. 6 unless he is registered as a user by the Director.

(b) (i) Any application for refund of such duty shall be in such form and shall declare such particulars and be supported by such documents and shall be for such quantities and for such periods as may be prescribed by regulation.

(ii) Any seller of such fuel shall furnish any such user with an invoice reflecting the particulars, and shall keep a copy of such invoice for such time as may be prescribed by regulation.

(c) Any registered user shall complete and keep such books, accounts and documents and furnish at such times such particulars of the vehicle, machinery or other equipment in which such fuel is used or any other particulars as may be prescribed by regulation.

(d) Notwithstanding anything to the contrary herein contained, any user of such fuel who has been granted such refund and who fails to forthwith furnish an officer at his request with the books, accounts and documents required by regulation to be completed and kept in respect of the use of any distillate fuel purchased by him shall be deemed to have used such fuel for a purpose or use other than a purpose or use stated in the items of Schedule No. 5 or 6 referred to in paragraph (a) and the use declared in the relevant application for refund and shall pay on demand to the Director the full amount of any refund granted to him in respect of such fuel or such portion thereof as the Director may in his discretion determine, during a period of two years prior to the date of such request by such officer, failing which such amount or such portion shall be recoverable in terms of this Act as if it were the duty concerned.

(e) The Director may refuse to register, as provided in paragraph (a), any person mentioned in that paragraph or cancel such registration, if such person fails to complete, keep or furnish such accounts, books or documents as may be prescribed by regulation or claims or receives any refund or payment to which he is not entitled in terms of the said items of Schedule No. 5 or 6.

(6) (a) (i) In addition to any liability for duty incurred by any person under any other provision of this Act, the person who enters any goods for use by him under rebate of duty or any person on whose behalf any goods are so entered, shall, subject to the provisions of subsections (7) and (21) and section 47, be liable for the duty on all goods so entered which have not been used or which have been disposed of otherwise than in accordance with the provisions of this section and of the item under which they were so entered as if such rebate of duty did not

apply to such goods and such person shall pay such duty on demand by the Director:

Provided that the Director may —

- (i) if such goods were used in accordance with any other item relating to rebate of duty, accept duty on such goods as if they were entered under such other item;
- (ii) in his discretion, permit any duty paid on entry of such goods under rebate to be deducted from any duty for which any person becomes liable in terms of this paragraph.

(ii) The Director may at any time take stock of goods entered for home consumption and stored on any premises registered by virtue of subsection (12) and duty shall, subject to the provisions of subparagraph (i), be paid forthwith on demand upon any deficiency detected.

(iii) If the stock is found to be greater than the quantity which should be on such premises the excess shall be debited to stock.

(b) Any person to whom any distillate fuel or residual fuel oil has been supplied from stocks which have been entered under rebate of duty at a price which has been reduced to the extent of such rebate for a purpose stated in the item under which such distillate fuel or residual fuel oil was so entered, and who applies such distillate fuel or residual fuel oil or any portion thereof for any other purpose, shall be guilty of an offence and shall, notwithstanding the provisions of paragraph (a), be liable for the duty to the extent of the rebate allowed on entry for home consumption of such distillate fuel or residual fuel oil on the full quantity of the distillate fuel or residual fuel oil so supplied to him or on such portion thereof as the Director may in his discretion determine:

Provided that, if the duty in question has after such entry under rebate been increased, the extent of such rebate shall be deemed to be —

- (i) the difference between the duty actually paid on entry for home consumption and such increased duty; or
- (ii) such increased duty if no duty was paid on entry for home consumption.

(7) (a) The Director may, on such conditions as he may impose, permit any person who has entered any goods under rebate of duty under this section to use or dispose of any such goods otherwise than in accordance with the provisions of this section and of the item under which such goods were so entered, to use or dispose of any such goods in accordance with the provisions of any other item to which this section relates, and

such person shall thereupon be liable for duty on such goods as if such rebate of duty did not apply or as if they were entered under such other item to which this section relates, as the case may be, and such person shall pay such duty on demand by the Director:

Provided that, in respect of any such goods which are specified in any item of Schedule No. 3, 4, 6 or 7, the Director may, subject to the provisions of the notes applicable to the item in which such goods are specified and to any conditions which he may impose in each case, exempt any such goods from the whole or any portion of the duty payable thereon under this subsection on the ground of the period or the extent of use in accordance with the provisions of the item under which such goods were entered, or on any other ground which he considers reasonable.

(b) Any duty paid on any such goods on first entry thereof under rebate of duty shall be deemed to have been paid in respect of any duty payable in accordance with the provisions of paragraph (a) in respect of such goods.

(8) No drawback or refund shall be paid in respect of any goods specified in any item of Schedule No. 5, 6 or 7 if such goods have been used or disposed of otherwise than in accordance with the provisions of this section and the item in question or if such provisions have not been complied with in respect of such goods:

Provided that the Director may, in respect of any class or kind of goods specified in any item of Part I of Schedule No. 5 and used in the manufacture of any goods marketed in Botswana, pay any drawback to the extent stated in such item, where goods of comparable class, kind, quality and quantity and manufactured or produced in Botswana have been used in the manufacture of any goods exported.

(9) Any person to whom a refund of customs or excise duty has been granted on any distillate fuel in terms of the provisions of item 533.01 of Schedule No. 5 or items 609.05.10 of Schedule No. 6, as the case may be, and who has disposed of such fuel or has applied such fuel or any portion thereof for any purpose or use otherwise than in accordance with the provisions of such items and the use declared in the relevant application for refund, shall pay on demand to the Director the full amount of any refund granted to him in respect of such fuel or portion thereof as the Director may in his discretion determine during such period of two years as the Director may determine, failing which such amount or such portion shall be recoverable in terms of this Act as if it were the duty concerned.

(10) Whenever the tariff heading or sub-heading or the tariff item or sub-item or the sales duty item or sub-item under which

any goods are classified in Schedule No.1 is expressly quoted in any item of Schedules No. 3, 4, 5, 6 or 7 in which such goods are specified, the goods so specified in the said item of Schedules No. 3, 4, 5, 6 or 7 shall be deemed not to include goods which are not classified under the said tariff heading or sub-heading or tariff item or sub-item or sales duty item or sub-item.

(11) Any goods entered for use under rebate of duty under this section shall, for the purposes of this Act, be deemed to be entered for home consumption, but no entry in respect of any such goods described in Schedule No. 3, 4 or 7 shall be valid unless the number of the tariff heading and sub-heading or sales duty item and sub-item under which such goods are classified in Schedule No.1 and the number of the item of Schedule No. 3, 4 or 7 in which the said goods are specified are both declared on such entry and the industry in which and the purpose for which such goods are to be used, as specified in the said item, are declared on such entry:

Provided that the Minister may exempt entries in respect of any class or kind of goods from any or all of the requirements of this subsection.

(12) (a) No goods may be entered or acquired under rebate of duty under this section or the regulations until the person so entering or acquiring them has furnished such security as the Director may require and has complied with such other conditions (including registration with the Director of his premises and plant) as may be prescribed by the Minister by regulation in respect of any goods specified in any item of Schedules No. 3, 4, 6 or 7:

Provided that the Director may, subject to such conditions as he may in each case impose, exempt, with or without retrospective effect, any such person from the provisions of this subsection.

(b) Application for such exemption for the purpose of applying for a refund of duty shall be made to the Director within six months from any date specified in section 42 (5) as the circumstances may require.

(c) For the purposes of the application of section 42 (3), (4) and (5) to any such exemption -

- (i) any bill of entry passed in relation to goods in respect of which exemption is granted under paragraph (a) of this subsection, shall be deemed to have passed in error by reason of duty having been paid on goods intended for purposes or use under rebate of duty under this section.
- (ii) the goods concerned shall be deemed to have qualified at the time duty was paid on such goods in all respects for rebate; and

- (iii) the duty paid on the goods concerned, shall be deemed to have been paid on the date on which the exemption referred to in subpara graph (i) was granted.

(13) Notwithstanding anything to the contrary in this Act contained, the Director may, in respect of Schedules No. 5, 6 or 7, for the purpose of calculating the amount of duty refundable on any imported or excisable goods or sales duty goods used in the manufacture, reconditioning, mixing or blending of any goods exported or marketed in Botswana, determine the quantity of such exported goods or such goods marketed in Botswana which shall be deemed to have been produced, reconditioned, mixed or blended from a given quantity of such imported or excisable or sales duty goods or the quantity of such imported or excisable or sales duty goods which shall be deemed to have been used in the production, reconditioning, mixing or blending of a given quantity of such goods marketed in Botswana.

(14) No goods manufactured from excisable goods under rebate of duty specified in any item of Schedule No. 6 shall be used in the place of such excisable goods in the manufacture of any other goods if a rebate of duty to a lesser extent has been specified in any item of the said Schedule in respect of such excisable goods when used in the manufacture of such other goods.

(15) If the Director is of the opinion that any goods, not being a spirituous beverage, manufactured from spirits under rebate of excise duty in terms of any formula approved by him under any item of Schedule No. 6 are used as a beverage, he may forthwith revoke his approval of such formula.

(16) No refund or drawback of duty shall be paid by the Director under the provisions of this section unless an application therefor, duly completed and supported by the necessary documents, and other evidence to prove that such refund or drawback is due under this section is received by the department —

(a) in the case of goods exported —

- (i) where the goods were exported by post, within a period of six months from the date on which such goods were posted; or
- (ii) where the goods were exported in any other manner, within a period of six months from the date of entry of such goods for export; and
- (b) (i) in respect of any refund referred to in subsection (1) (f) within a period of six months from the last date of any period of use of any distillate fuel to which the application for such refund relates:

Provided that no refund shall be paid if the quantity of distillate fuel to which the application for such refund relates is less than such quantity as may be prescribed by regulation; and

- (ii) in all other cases, within a period of six months from the date on which such refund first becomes due:

Provided that the Director may, in such circumstances as he may consider exceptional, pay a refund or drawback after expiration of the relevant period.

(17) (a) The Minister or any officer in his Ministry designated by him may at any time after a permit by virtue of which goods may, in terms of any item of Schedule No. 3, 4, or 6, be entered under rebate of duty has been refused by him, but not later than two years after duty was paid on those goods, issue a permit authorizing entry of those goods under rebate of duty in accordance with the provisions of the item concerned, if, with regard to any facts which became known after such a permit has been refused, he is satisfied that he would have issued a permit if the facts were then known.

(b) For the purposes of the application of section 42 (3), (4) and (5) —

- (i) any bill of entry passed in relation to goods in respect of which a permit is issued under paragraph (a) shall be deemed to have been passed in error by reason of duty having been paid on goods intended for purposes of use under rebate of duty under this section;
- (ii) the goods in respect of which such a permit is issued, shall be deemed to have qualified at the time duty was paid on such goods, in all respect for rebate; and
- (iii) the duty paid on the goods concerned, shall be deemed to have been paid on the date on which the permit referred to in paragraph (a) was issued.

(18) (a) Subject to the provisions of subsection (17) any Minister, other than the Minister of Finance and Development Planning, any Permanent Secretary designated by such Minister, or the Director, may, in respect of goods which may, in terms of any item of Schedule No. 3, 4, 5 or 6, be entered under rebate of duty or be subject to a drawback or a refund of duty or be subject to such conditions as such Minister, Permanent Secretary or the Director may specify, with or without retrospective effect, a permit or certificate authorizing entry of those goods under rebate of duty, or authorizing a drawback or a refund of duty in accordance with the provisions of the item concerned, provided the Director is satisfied in respect of the goods concerned where the permit or certificate concerned is issued with retrospective effect, that the provisions of such item and such conditions have been complied with.

(b) The provisions of subsection (17) (a) shall apply *mutatis mutandis* in respect of any permit or certificate referred to in paragraph (a) of this subsection.

(c) Application for such permit or certificate shall be made to the Minister or Permanent Secretary or the Director within six months from any date specified in section 42 (5), as the circumstances may require.

(19) (a) The Minister may from time to time by notice published in the Gazette amend Schedule No. 3, 4, 5, 6, 7 or 9 whenever he deems it expedient in the public interest so to do.

(b) The Minister may, whenever he deems it expedient in the public interest to do so —

- (i) by like notice amend any Schedule with retrospective effect from such date as he may specify in that notice; or
- (ii) by like notice declare any amendment made under paragraph (a) to apply with retrospective effect from such date as he may specify in that notice.

(c) An amendment made under paragraph (a) which repeals any existing provision in Schedule No. 5 or which excludes any goods from any existing provision of that Schedule, shall not apply in respect of goods, excluding distillate fuels referred to in item 533.01 of Schedule No. 5 which were imported prior to the date of the relevant notice in the Gazette, and an amendment made under the said paragraph which embodies any additional provision in that Schedule or applies any existing provision of that Schedule in respect of additional goods, shall not, except in so far as the Director so directs and subject to such conditions as he may determine, apply in respect of goods which were imported prior to the date of the relevant notice in the Gazette.

(d) The provisions of subsections (7), (8) and (9) of section 53 shall *mutatis mutandis* apply in respect of any amendment made under the provisions of this subsection.

(20) The Director may refuse to accept an entry under rebate or an application for drawback or refund under any item of Schedule No. 3, 4, 5, 6, 7 or 9 from any person who has persistently contravened or failed to comply with the provisions of this Act or who has committed an offence referred to in section 86, 89, 90, 91, or 97 and he may cancel any registration under the provisions of this Act of such person or suspend any such registration for such period as he may deem fit.

(21) Subject to the provisions of the proviso to section 19 (9) and items 412.07, 412.08, 412.09, 531.00, 532.00, 608.01, 608.02, 608.03, 608.04, 707.01, 707.02 and 707.03 of Schedule Nos. 4, 5, 6 and 7, no rebate or refund of duty in respect of any loss or deficiency of any nature of any goods shall be allowed,

but the Director may allow the deduction from the dutiable quantity of the undermentioned goods of a quantity equal to the percentage stated below in each case, namely —

- (a) in the case of imported crude petroleum naphtha for use in the refining of petroleum products, or imported or excisable petrol, 0,25 per cent of any quantity entered for storage in any customs and excise storage warehouse;
- (b) in the case of wine spirits (ethyl-alcohol) manufactured in Botswana and entered for storage in a customs and excise storage warehouse, excluding spirits specified in paragraph (d), 1,5 per cent of the quantity so entered;
- (c) in the case of spirits (ethyl-alcohol), other than wine spirits manufactured in Botswana, 1,5 per cent of the quantity so manufactured and entered for use in making spirituous beverages;
- (d) in the case of unpacked excisable spirits intended for export and which are removed in bond from a customs and excise manufacturing warehouse for temporary storage in a customs and excise warehouse approved for that purpose, such percentage, but not exceeding 1,25 per cent, of the quantity so removed as may in the opinion of the Director represent a loss incurred whilst the spirits in question are so removed and stored for such period as the Director may determine;
- (e) in the case of wine manufactured in Botswana 0,5 per cent of the quantity so manufactured;
- (f) in the case of any fermented apple, pear or orange beverage manufactured in Botswana, 0,5 per cent of the quantity so manufactured on which duty is paid;
- (g) in the case of imported petroleum naphtha entered for use as fuel in the manufacture of ammonia, such percentage, not exceeding 0,25, of any quantity so entered as may, in the opinion of the Director, represent a loss by evaporation;
- (h) in the case of imported crude petroleum naphtha for use in the refining of petroleum products, or imported or excisable petrol, a percentage equal to the full net loss incurred but not exceeding 0,25 of any quantity entered for storage and stored in a customs and excise storage warehouse during such period as the Director may determine:

Provided that only the owner of a warehouse referred to in section 65 (4) shall be entitled to such deduction; and

- (i) in the case of distillate fuels entered for storage and stored in a customs and excise storage warehouse, a percentage equal to the full net loss incurred but not exceeding 0,15 of any quantity so entered and stored in such warehouse during such period as the Director may determine:

Provided that only the owner of a warehouse referred to in section 65 (4) shall be entitled to such deduction.

(22) No person shall, without the permission of the Director, divert any goods entered under rebate of duty under any item of Schedule No. 3, 4, 6, 7 or 9 or for export for the purpose of claiming a drawback or refund of duty under any item in Schedule No. 5, 6 or 7 to a destination other than the destination declared on such entry or deliver such goods or cause such goods to be delivered in Botswana otherwise than in accordance with the provisions of this Act and, in the case of goods entered under rebate of duty, otherwise than to the person who entered the goods or on whose behalf the goods were entered.

(23) If any goods to which this section relates are used or disposed of, or dealt with or in, contrary to the provisions of this Act, the whole consignment entered or transferred for use in terms of the provisions of this section, of which such goods form part or formed part, or any goods manufactured therefrom, shall be liable to forfeiture.

(24) Except with the permission of the Director which shall only be granted in circumstances which he considers to be exceptional and subject to such conditions as he may impose in each case, any goods entered under any item of Schedule No. 3, 4, 6 or 7 for manufacturing purposes or such other purpose as may be specified in the regulations shall be used for the purpose specified in such item at the time of such entry, or such other purpose, within five years from the date of such entry."

(2) The provisions of subsection (21) of section 81 shall be deemed to have come into operation on 3rd July, 1978.

Amendment
of section 82
of the
principal Act

18. Section 82 of the principal Act is amended—

(1) by substituting for paragraph (a) of subsection (4) the following paragraph —

"(a) from the date of entry for home consumption as provided in section 47 (3), of the goods to which the application relates; or"; and

(2) by inserting after paragraph (a) of subsection (4) the following paragraph —

"(aa) from the date on which the charge to which the application relates was paid; or".

Amendment
of section 86
of the
principal Act

19. Section 86 (1) (n) of the principal Act is amended by substituting for the reference to "section 81 (33)" therein reference to "section 81 (20)".

20. Section 94 of the principal Act is amended by substituting for subsection (1) thereof the following subsection —

Amendment
of section 94
of the
principal Act

“(1) (a) An officer, magistrate or member of the police force may detain any vehicle, plant, material or goods at any place for the purpose of establishing whether that vehicle, plant, material or those goods are liable to forfeiture under this Act.

(b) Such vehicle, plant, material or goods may be so detained where they are found or shall be removed to and stored at a place of security determined by such officer, magistrate or member of the police force, at the cost, risk and expense of the owner, importer, exporter, manufacturer or the person in whose possession or on whose premises they are found, as the case may be.

(c) If such vehicle, plant, material or goods are liable to forfeiture under this Act the Director may in his discretion seize that vehicle, plant, material or goods.

(d) The Director may, at his discretion, seize any other vehicle, plant, material or goods liable to forfeiture under this Act.”

21. The following section is hereby substituted for section 110 of the principal Act —

Substitution
for section 110
of the
principal Act

“Liability of
company,
partnership
etc.

110. For the purposes of this Act any reference to a person shall be deemed to include a reference to a company, close corporation, co-operative society, firm, partnership, statutory body or club, and in the event of a contravention of or non-compliance with this Act or the incurring of any liability under this Act by any company, close corporation, co-operative society, firm, partnership, statutory body or club any person having the management of any premises or business in or in connection with which the contravention or non-compliance took place or the liability was incurred may be charged with the relevant offence and shall be liable to any penalties provided therefor and shall be liable in respect of any liability so incurred.”

22. Section 120 of the principal Act is hereby amended —

Amendment
of section 120
of the
principal Act

(a) by deleting paragraph (e) of subsection (1); and

(b) by substituting for subsection (8) thereof the following subsection —

“(8) (a) For the purposes of subsection (7), exportation or transit carriage to a place includes dispatch to that place either directly or indirectly and either permanently or for a temporary purpose, and any goods specified in a notice issued under subsection (7) which are brought to a place so specified shall be deemed to have been exported or carried to that place in contravention of such notice by the person who dispatched such goods, and the person who dispatched any such goods shall be presumed to have exported or carried those goods to such place, unless he proves that he did not know and had no

reason to believe that the said goods would be brought to that place, and that he could not have prevented it.

(b) Any officer, magistrate or member of the police force may detain any goods for the purpose of establishing whether those goods are liable to forfeiture under paragraph (a).

(c) Any goods so detained may be released by the Director to the person concerned."

Application
of section 42
of the
principal
Act

23. For the purposes of section 42 (3) of the principal Act —

- (a) bills of entry passed on 20th June, 1986 in relation to cotton yarn in respect of which a permit has been issued in terms of the provisions of item 460:11 (in relation to tariff heading 55.09) of Schedule No. 4 to the principal Act, shall be deemed to have been passed in error by reason of duty having been paid on goods intended for purposes or use under rebate of duty under section 81;
- (b) such cotton yarn shall be deemed to have qualified at the time duty was paid thereon in all respects for rebates; and
- (c) the duty paid on the cotton yarn concerned shall be deemed to have been paid on the date of commencement of this Act.

Amendments
of Schedule
No. 1 of the
principal Act

24. Subject to the provisions of section 62 (1) of the principal Act, the amendments to Schedule No. 1 of the Act effected by Statutory Instrument No. 75 of 1989 shall be deemed to have come into effect on 15th March, 1989.

Continuation
of certain
amendments
of Schedules
Nos. 1, 2, 3,
4, 5, 6 and 7
to the
principal Act

25. (1) Every amendment of Schedule Nos. 1, 2, 3, 4, 5, 6 and 7 to the principal Act under amendments made of section 53 (1) and (2), or section 53 A (1), section 59 (1) and (2) or section 81(19) of the principal Act prior to 3rd February, 1989 shall not lapse by virtue of the provisions of section 53 (8), 59 (8) or 81 (19) (d) of the principal Act.

(2) The amendment of Schedule No. 6 to the principal Act made under section 81(19) of the principal Act shall not lapse by virtue of the provisions of section 81 (19) (d) of the principal Act.

(3) Notwithstanding the provisions of section 53 (7), (8) and (9) every amendment of Schedules Nos. 1, 2, 3, 4, 5, 6 and 7 to the principal Act made under section 53A (1) of the principal Act prior to 5th February, 1988 shall be deemed not to have lapsed by virtue of the provisions of section 53A (2) of that Act.