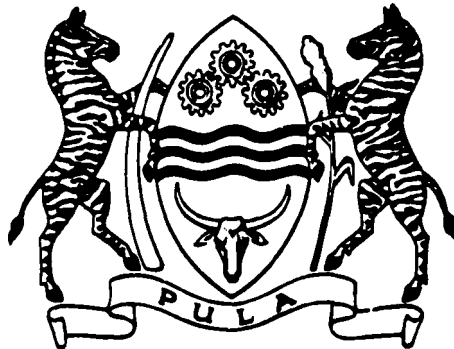


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

Vol. XXVIII, No. 55

GABORONE

2nd November, 1990

CONTENTS

	<i>Page</i>
Authorization to Exercise Functions of the Office of President — G.N. No. 315 of 1990.....	1722
Acting Appointments —	
Secretary, External Affairs — G.N. No. 316 of 1990.....	1722
Permanent Secretary, Ministry of Education — G.N. No. 317 of 1990.....	1723
Permanent Secretary, Ministry of Works, Transport and Communications — G.N. No. 318 of 1990.....	1723
Application for Water Rights — G.N. No. 319 of 1990.....	1723—1728
Application to Register Schools — G.N. No. 320 of 1990.....	1728
Application for Industrial Licence — G.N. No. 321 of 1990.....	1729—1731
Residential Awards — G.N. No. 322 of 1990.....	1731—1734
Public Notices	1734—1760

The following Supplements are published with this issue of the Gazette —

Supplement A — Extradition Act, 1990 — Act No. 18 of 1990.....	A.67—A.76
Proceeds of Serious Crime Act, 1990 — Act No. 19 of 1990.....	A.77—A.89
Supplement B — Drugs Bill, 1990 — Bill No. 23 of 1990.....	B.125—B.131

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Government Notice No. 315 of 1990

CONSTITUTION OF BOTSWANA

Authorization to Exercise Functions of the Office of President

TO: The Honourable PETER SIMAKO MMUSI, M.P., Vice-President and Minister of Local Government and Lands

WHEREAS it is provided by section 36 (1) of the Constitution that whenever the President is absent from Botswana or considers it desirable so to do by reason of illness or any other cause he may, by directions in writing, authorize the Vice-President to discharge such of the functions of the office of President as he may specify and the Vice-President may discharge those functions until the President's return to Botswana or the revocation of such authorization, as the case may be;

AND WHEREAS I intend to be absent from Botswana from the 23rd October, 1990 and I consider it desirable to issue directions as aforesaid;

NOW THEREFORE, in exercise of the powers vested in me as aforesaid I authorize you, PETER SIMAKO MMUSI in your capacity as Vice-President and Minister of Local Government and Lands, to discharge with effect from 23rd October, 1990 all the functions of the Office of President, except —

- (a) the power to dissolve Parliament in accordance with the provisions of section 91 of the Constitution;
- (b) the power to appoint to the office of Minister or Assistant Minister in accordance with the provisions of section 42 of the Constitution;
Provided, however, that you can appoint the present Ministers or Assistant Ministers to act in place of any Minister who is otherwise not available;
- (c) the power to remove a Minister or Assistant Minister from office in accordance with the provision of section 43 of the Constitution;

until my return to Botswana or this authority is revoked by me which ever happens first.

GIVEN under my hand and the Public Seal at GABORONE this 19th day of October, 1990.

Q.K.J. MASIRE,
President.



M.D. MOKAMA,
Custodian of the Public Seal.

Government Notice No. 316 of 1990

CONSTITUTION OF BOTSWANA

Acting Appointment — Secretary, External Affairs

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

ALPHEUS MATLHAKU

has been appointed to act as Secretary, External Affairs on the 19th October, 1990.

DATED this 24th day of October, 1990.

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

Government Notice No. 317 of 1990

CONSTITUTION OF BOTSWANA

Acting Appointment — Permanent Secretary,
Ministry of Education

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

PETER VINCENT SEPHUMA

has been appointed to act as Permanent Secretary, Ministry of Education from 26th October to 4th November, 1990.

DATED this 24th day of October, 1990.

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

Government Notice No. 318 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 —

ARMANDO VASCO LIONJANGA

has been appointed to act as Permanent Secretary, Ministry of Works, Transport and Communications from 27th October to 15th November, 1990.

DATED this 24th day of October, 1990.

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

Government Notice No. 319 of 1990

WATER ACT
(Cap. 34:01)
(Cap. 34:01) (Sub. Leg.)

Applications for Water Rights

IN ACCORDANCE with the provisions of regulation 12 of the Water Regulations, notice is hereby given that the applications set out in the schedule for the grant of water rights have been made to the Water Apportionment Board in respect of which applications are set forth —

- (a) The name and address of the applicant
- (b) The location of the place in respect of which application is made
- (c) The nature of the right sought and whether it is desired to be declared appurtenant to any land.

Any objections to the grant of any of the rights applied for must be lodged with the Secretary, Water Apportionment Board at Private Bag 0029, Gaborone within thirty (30) days of the publication of this notice and shall state —

- (a) The name and address of the objector
- (b) The matter to which objection is made

- (c) The grounds of the objection
- (d) The interests of the objector
- (e) Whether the objector wishes to be heard by the Board

SCHEDULE

1. (a) Mokolobate Borehole Syndicate, P.O. Box 1038, Mochudi
(b) Borehole No. Z.6433 at Mmamelodi
(c) 18.2 m³ per day for domestic use
2. (a) Boiteko Syndicate, P.O. Box 69, Letlhakane
(b) Open well at Tsatsing
(c) 9.1 m³ per domestic use
3. (a) Gulliver Botswana (Pty) Ltd, Private Bag 00173, Gaborone
(b) River draw off — Chobe river
(c) 50 m³ per day for construction purposes
4. (a) Mabolaelo Dam Group, P.O. Box 65, Mochudi
(b) Haffir dam at Mabolaelo
(c) Conservation of flood-flow for domestic use
5. (a) M. Matlware, P.O. Box 102, Mahalapye
(b) River Draw off — Mahalapye river
(c) 60 m³ per day for irrigation use
6. (a) Q.G. Chepete, P.O. Box 34, Shoshong
(b) Borehole No. Z.6545 at Mmamona
(c) 18.2 m³ per day for domestic use
7. (a) Okavango Brigades Development Trust, P.O. Box 33, Shakawe
(b) River Draw Off — Okavango river (at Shakawe)
(c) 62 m³ per day for domestic use

(a) Okavango Brigades Development Trust, P.O. Box 33, Shakawe
(b) River draw off — Okavango river (at Mohembo)
(c) 84 m³ per day for construction purposes
8. (a) Obonye Agricultural Management Association, Private Bag 001, Gaborone
(b) Borehole No. Z6539 at Lephephe
(c) 18.2 m³ per day for domestic use
9. (a) G.M. Caro, P.O. Box 187, Sehitwa
(b) Open well at Peteke
(c) 9.1 m³ per day for domestic use
10. (a) M. Mokgwatheng and Company, P.O. Box 43, Mabutsane
(b) Borehole No. Z6347 at Mabutsane
(c) 18.2 m³ per day for domestic use
11. (a) A.P. Longden, P.O. Box 150, Kanye
(b) River draw off — Shashe river (Shashe Bridge Area)
(c) 30 m³ per day for domestic use
12. (a) D. Gofamodimo, P.O. Box 150, Kanye
(b) Borehole No. Z6509 at Radikgaka
(c) 18.2 m³ per day for domestic use
13. (a) Galekgabe Syndicate, P.O. Box 103, Serowe
(b) Borehole No. X6538 at Mosetha-Monato
(c) 18.2 m³ per day for domestic use

14. (a) Department of Agricultural Research, P.O. Box 71, Gomare
(b) Draw off — Thaoge river
(c) 164 m³ per day for irrigation use.
15. (a) Itireleng Batswana Group, Mosu Postal Agency, Via Letlhakane
(b) Open well at Nthane
(c) 9.1 m³ per day for irrigation use.
16. (a) J.K. Leburu, P.O. Box 95, Hukuntsi
(b) Borehole No. Z6543 at Tshane
(c) 18.2 m³ per day for domestic use.
17. (a) N.M. Mazhani, P.O. Box 667, Francistown
(b) Borehole No. Z6542 at Matsitama
(c) 18.2 m³ per day for domestic use.
18. (a) Kojane Syndicate, P.O. Box Kalamare, Via Mahalapye
(b) Borehole No. Z5255 at Morwako
(c) 18.1 m³ per day for domestic use.
19. (a) Tshwaragano Syndicate, P.O. Box 160, Sehitwa
(b) Open Well at Xhatsitso
(c) 9.1 m³ per day for domestic use
20. (a) Dr B.B. Bagwasi, P.O. Box 20155, Gaborone
(b) Borehole No. 6496 at Mahibitswane
(c) 18.2 m³ per day for domestic use.
21. (a) G. Anderson, P.O. Box 321, Selebi-Phikwe
(b) River Draw off — Motloutse River (at Selokwane)
(c) 82 m³ per day for irrigation use.
22. (a) Hulapetsana Syndicate, Private Bag 00111, Gaborone
(b) Borehole No. 5318 at Sonakoma
(c) 18.2 m³ per day for domestic use.
23. (a) Ikemeleng Syndicate, P.O. Box 1, Sehitwa
(b) Open Well at Namanyane
(c) 9.1 m³ per day for domestic use.
24. (a) Bonolo Schulte to Brinke, P.O. Box 93, Maun
(b) River draw off — Thamalakane River (at Wenela)
(c) 3 m³ per day for domestic use.
25. (a) Boikago Syndicate, P.O. Box 46, Gomare
(b) Borehole No. Z5915 at Mogotho
(c) 18.2 m³ per day for domestic use.
26. (a) Baikopanye Family Group, P.O. Box 6, Shakawe
(b) Open Well at Setutu
(c) 9.1 m³ per day for domestic use.
27. (a) Kagisano Syndicate, P.O. Box 149, Sehitwa
(b) Open well at Moruleng
(c) 9.1 m³ per day for domestic use.
28. (a) Motswere Syndicate Group, Mosu Postal Agency, Via Letlhakane
(b) Borehole No. Z6407 at Kutitshaa
(c) 18.2 m³ per day for domestic use.
29. (a) Bollaphala Syndicate, P.O. Mookane, Via Mahalapye
(b) Open Well at Menoge
(c) 9.1 m³ per day for domestic use.

30. (a) Keba Syndicate, P.O. Box 234, Serowe
(b) Borehole No. Z3823 at Jwaabaaau
(c) 18.2 m³ per day for domestic use.
31. (a) Sunset Properties (Pty) Ltd., P.O. Box 593, Maun
(b) River Draw off — Thamalakane River
(c) 20 m³ per day for domestic and irrigation use.
32. (a) Tuvatera Borehole Syndicate, P.O. Box 65, Rakops
(b) Borehole No. Z2423 at Kwedum
(c) 18.2 m³ per day for domestic use.
33. (a) Ga-Majaalela Syndicate, P.O. Box 286, Lobatse
(b) Borehole No. 116 at Lenyaphiri
(c) 18.2 m³ per day for domestic use.
34. (a) Kweneng District Council, Private Bag 005, Molepolole
(b) Borehole No. 4391 at Kopong
(c) 18.2 m³ per day for domestic use
35. (a) D.P. Van Aerden, P.O. Box 431, Maun
(b) River Draw off — Boteti River
(c) 5 m³ per day for domestic use.
36. (a) Radikhudu Syndicate, P.O. Box 302, Kanye
(b) Borehole No. Z6569 at Radikhudu
(c) 18.2 m³ per day for domestic use.
37. (a) Otjilianeno Syndicate, P.O. Box 191, Shakawe
(b) Open well at Dobechea
(c) 9.1 m³ per day for domestic use.
38. (a) F. Mafela, P.O. Box 134, Maun
(b) River Draw off — Thamalakane river (at Boseja)
(c) 50 m³ per day for irrigation use.
39. (a) G. Zambo, P.O. Box 401, Maun
(b) Open well at Lebala-La-Basadi
(c) 9.1 m³ per day for domestic use.
40. (a) G. Tshimologo, P.O. Box 90, Maun
(b) Open well at Shorobe
(c) 9.1 m³ per day for domestic use.
41. (a) L. Kgabo, P.O. Box 53, Lentsweletau
(b) Open well at Mmadikgomo
(c) 9.1 m³ per day for domestic use.
42. (a) Pumula (Pty) Ltd., P.O. Box 41, Lobatse
(b) Borehole No. Z 5346 at Lobatse (on Farm 20JO)
(c) 18.2 m³ per day for domestic use.

(a) Pumula (Pty) Ltd., P.O. Box 41, Lobatse
(b) Borehole No. Z5430 at Lobatse (on Farm 20JO)
(c) 18.2 m³ per day for domestic use.
43. (a) Ramotimane Syndicate, P.O. Box 1020, Molepolole
(b) Borehole No. 4606 at Mmamarebole
(c) 18.2 m³ per day for domestic use.
44. (a) Masebetlhe Borehole Syndicate, P.O. Box 732, Mochudi
(b) Borehole No. Z6557 at Masebetlhe
(c) 18.2 m³ per day for domestic use.

45. (a) Diphuduhudu Syndicate, Private Bag 0029, Gaborone
(b) Borehole No. Z6567 at Diphuduhudu
(c) 18.2 m³ per day for domestic use
46. (a) Sita Lecogo's Syndicate, P.O. Box 54, Lobatse
(b) Borehole No. Z6565 at Good-Hope
(c) 18.2 m³ per day for domestic use.
47. (a) Dintshatla Syndicate, P.O. Box 20820, Gaborone
(b) Borehole No. X6561 at Selenye
(c) 18.2 m³ per day for domestic use
48. (a) Kgetsi-ya-tsie Syndicate, P.O. Box 764, Mogoditshane
(b) Borehole No. Z6562 at Sekhung
(c) 18.2 m³ per day for domestic use.
49. (a) Raboswane Syndicate, P.O. Box 242, Serowe
(b) Borehole No. Z6559 at Tshimoyapula
(c) 18.2 m³ per day for domestic use.
50. (a) Mosokotso Syndicate, P.O. Box 51, Molepolole
(b) Borehole No. Z4597 at Mosokotso
(c) 18.2 m³ per day for domestic use.
52. (a) Moraga Syndicate, P.O. Box 447, Kanye
(b) Borehole No. 1966 at Tsatsu
(c) 18.2 m³ per day for domestic use.
53. (a) M.M. Mokgwathi, P.O. Box 34, Shakawe
(b) River draw off — Okavango River (at Shakawe)
(c) 616 m³ per day for irrigation use.
54. (a) Somese Syndicate, P.O. Box 1012, Molepolole
(b) Borehole No. Z6475 at Ngware
(c) 18.2 m³ per day for domestic use.
55. (a) Matsweenyane Syndicate, P.O. Box 10093, Gaborone
(b) Borehole No. 6560 at Matsweenyane
(c) 18.2 m³ per day for domestic use.
57. (a) Nokodi Syndicate, P.O. Box 10263, Francistown
(b) Borehole No. Z1704 at Dedinko
(c) 18.2 m³ per day for domestic use.
58. (a) J.P.M. Madisa Syndicate, P.O. Box 17, Morwa
(b) Borehole No. 2356 at Lentswe
(c) 18.2 m³ per day for domestic use.
59. (a) P.M. Seaganeng, P.O. Box 165, Palapye
(b) Borehole No. Z6579 at Kolojwane
(c) 18.2 m³ per day for domestic use.
60. (a) J.D. Van Riet, P.O. Box 20, Sheerwood
(b) River Draw off — Limpopo river (Farm 5 MQ PTN 16 and 21)
(c) 1200 m³ per day for irrigation use
61. (a) Mmamhiko Borehole Syndicate, Private Bag 005, Molepolole
(b) Borehole No. 4321 at Mmamhiko
(c) 18.2 m³ per day for domestic use

- 62. (a) G.A. Katai, P.O. Box 12, Kang
(b) Borehole No. Z5801 at Khonema
(c) 18.2 m³ per day for domestic use
- 63. (a) T. Chiwita, P.O. Box 742, Mahalapye
(b) River Draw off — Mahalapye
(c) 12 3 m³ per day for irrigation use

S.G. SOKWANE,
Secretary,
Water Apportionment Board.

First Publication

Government Notice No. 320 of 1990.

EDUCATION ACT
(Cap 58:01)

Applications to Register Schools

IN EXERCISE of the powers conferred on the Permanent Secretary to the Ministry of Education by section 16 of the Education Act, it is hereby notified for general information that applications have been received for the registration of the undermentioned schools.

Any person or body of persons wishing to object to any of the applications should lodge the objection, in writing, with me and with the relevant applicant at his address, stating the grounds of the objection, within six weeks of the publication of this notice.

- (a) Mr. G.O Motsholapheko of P.O.Box 9, Sefhophe, has applied to register —

SEFHOPHE COMMUNITY JUNIOR SECONDARY SCHOOL
situated in Sefhophe Village in the Bobirwa Sub- District of the Central District

- (b) Mr. B. Matale of P.O.Box 200, Moshupa, has applied to register —

BAGAETSHO PRIVATE PRIMARY SCHOOL
situated in Moshupa Village in the Southern District;

- (c) The Sowa Township Authority has applied to register —

SOWA PRIMARY SCHOOL
situated in Sowa Town.

DATED this 24th day of October, 1990

P.O. MOLOSI,
Permanent Secretary ,
Ministry of Education.

12/7/87/1 II

Government Notice No. 321 of 1990

INDUSTRIAL DEVELOPMENT ACT, 1988

Application for Industrial Licence

IN ACCORDANCE with the provisions of section 11 of the Industrial Development Act, 1988, notice is hereby given that the following applications for industrial licences have been made:

Name and address of applicant:

B.G.I. Tanning Co. (Pty) Ltd.,
Private Bag F58,
Francistown.

List of products proposed to manufacture:

Feather Dusters

Proposed location for Manufacturing operation:

Francistown

Name and address of applicant:

Michael Kgosiemang & Sons Welders
P.O. Box 210,
Mogoditshane.

List of products proposed to manufacture:

Bush Guards, Burglar Bars, Double Gates,
Garden Chairs.

Proposed location for manufacturing operation:

Mogoditshane

Name and address of applicant:

Kabelo Enterprises (Pty) Ltd.,
P.O. Box 66
Francistown

List of products proposed to manufacture:

Cookingoil, other oil products.

Proposed location for manufacturing operation:

Selibe-Phikwe

Name and address of applicant:

G.M.W. (Pty) Ltd.,
c/o Acumen Consultants
P.O. Box 1382,
Francistown.

List of products proposed to manufacture:

Bricks "4" blocks

Proposed location for manufacturing operation:

Barolong Village

Name and address of applicant:

West Clothing Manufacturers (Botswana) (Pty) Ltd
c/o Acumen, P.O. Box 1157, Gaborone

List of products proposed to manufacture:

T-shirts, towels, sports apparels

Proposed location for manufacturing operation:

Gaborone West

Name and address of applicant:

Nata Timber Industries (Pty) Ltd.,
Plot No. 14455/2 Gaborone West,
P.O. Box 493, Gaborone

List of products proposed to manufacture:

Beds, tables, desks, chairs, wardrobes, kitchen units, shelving and partitioning

Proposed location for manufacturing operation::

Gaborone.

Name and address of applicant:

S.A.AF. Industries (Pty) Ltd.
P.O. Box 41913,
Broadhurst: Gaborone.

List of products proposed manufacture:

Processing and Packaging of Tea and Coffee

Proposed location for manufacturing operation:

Ramotswa

Name and address if applicant:

Sun Bright Printers (Pty) Ltd.,
c/o Universal Computer Applications (Pty) Ltd.,
P.O. Box 20578,
Francistown

List of products proposed to manufacture:

Invoice books, job cards, cards, time cards, memo pads, order books, letter heads, ledger cards.

Proposed location for manufacturing operation:

Francistown.

Name and address of applicant:

Motsemme Last Respect Services (Pty) Ltd.,
c/o Business Development Services,
P.O. Box 106,
Gaborone.

List of products proposed to manufacture:

Coffins

Proposed location for manufacturing operation:

Goodhope

Name and address of applicant:

Teemane Manufacturing Company (Pty) Ltd.,
P.O. Box 329,
Gaborone.

List of products proposed to manufacture:

Polished Diamonds

Proposed location for manufacturing operation:

Serowe

Name and address of applicant:

D.J.M. Services (Pty) Ltd.,
P.O. Box 448,
Gaborone.

List of products proposed to manufacture:

Construction dumbbells and spares: workshop compressors and spares, generators and spares; earthmoving pins and bushes concrete vibrators and spares, concrete mixers and spares: excavator blades and buckets..

Proposed location for manufacturing operation:

Gaborone.

Any person who wishes to make representations in terms of section 12 of the Industrial Development Act, 1988 may do so in writing to: The Secretary, Industrial Licensing Authority, Private Bag 0014, Gaborone, Botswana and should also send a copy of such representation to the applicant within fourteen (14) days of the second and last publication of this notice.

ISSUED on this 18th day of October, 1990.

M. DITSHEGO,

Secretary, Industrial Licensing Authority.

First Publication

Government Notice No. 322 of 1990

BOTSWANA HONOURS ACT
(Cap 03:06)

Presidential Awards

IT IS HEREBY notified for public information that in accordance with the powers conferred by section 3 of the Botswana Honours Act, His Excellency the President of Botswana has been pleased to award the following honours to the persons named hereunder —

PRESIDENTIAL ORDER OF HONOUR

Israel Aaron Maisels
Lebang Mogaetsho Mpotokwane
Legwaila Joseph Menson John Legwaila
Abdul Satar Dada

PRESIDENTIAL ORDER OF MERITORIOUS SERVICE

Fabian Morgan Phaladze
Letlhogonolo Sebastian Botepe Dabutha
Nelson Peter Kaartze
John Charles Tibone
Mrs. Lenkeme Keolebale Ramokate

BOTSWANA POLICE DISTINGUISHED SERVICE ORDER

Superintendent Churchill Setloboko
Superintendent John Motang
Superintendent Ntsebang Dingalo
Assistant Superintendent Ernest Moremedi
Assistant Superintendent Simalumba Maruza

BOTSWANA POLICE JUBILEE SERVICE MEDAL

Assistant Commissioner Andrew Matlapeng
Senior Superintendent Dick Kabelo Radikolana
Senior Superintendent Godfrey Mompoti Okaile
Senior Superintendent Molefe Edrick Mangadi
Senior Superintendent Tendani Ephraim Manyiwa
Senior Superintendent Seboifeng Molefe Matsietsa
Superintendent Kernel Kelatetsweng Kekgonegile
Inspector Stephen Lekang

BOTSWANA POLICE MEDAL FOR MERITORIOUS SERVICE

Senior Assistant Commissioner of Police Adolf Charles Hirschfeld

BOTSWANA POLICE LONG SERVICE AND GOOD CONDUCT MEDAL

Assistant Commissioner Tymon Motlhasedi Katlholo
 Senior Superintendent Elatetswe Kaisara Manwedi
 Superintendent Jeremiah Sekgwama
 Superintendent George Oletile
 Superintendent Botsile Nkabina Lechiile
 Assistant Superintendent Kgomotso Mosimanyane
 Assistant Superintendent Evans Baker
 Assistant Superintendent Mildred Tabengwa
 Assistant Superintendent Bernadette Ledimo
 Assistant Superintendent Didimalang Senyatsa
 Assistant Superintendent Wilmon Karihindi
 Assistant Superintendent Isaac Keinyatse
 Assistant Superintendent Josephine Mazhani
 Inspector Kgakgamatso Molapise
 Inspector Medicine Mokgopo
 Inspector Barobi Keakile
 Inspector Edwin Lephallale
 Inspector Stephen Mpofo
 Inspector Albert Ntama
 Inspector Mookami Kame
 Inspector Royal Moalosi
 Inspector Samuel Motswagae
 Inspector Mookami Leburu
 Inspector Tips Kehetji
 Sub-Inspector Keresephe Modikeng
 Sub-Inspector Isaac Motlalekgosi
 Sub-Inspector Catherine Tafa
 Sub-Inspector Motshwari Modikana
 Sergeant Kabelo Pilane
 Sergeant Belt Ebineng
 Sergeant Shadrack Masuku
 Sergeant Alec Marula
 Constable Hudson Makarapa

BOTSWANA POLICE CENTENARY MEDAL

Commissioner of Police
 Deputy Commissioner
 Senior Assistant Commissioner
 Senior Assistant Commissioner
 Senior Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Assistant Commissioner
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police
 Senior Superintendent of Police

— Simon Adolph Hirschfeld
 — Norman Seduma Moleboge
 — Nelson Sekare Molefe
 — Adolf Charles Hirschfeld
 — Calvin Dithonamo Sekwababe
 — Moloi Dikgang Moloi
 — Joseph Harry Isaacs
 — Bennet Mabutho
 — Andrew Matlapeng
 — Thebeyame Edward Tsimako
 — Edwin Jemamiso Batshu
 — Tymon Motlhasedi Katlholo
 — Harold Seutlwetse Mogale
 — Paul Allen Casper Marathe
 — Seboifeng Molefe Matsietsa
 — Albert Gobo Ndlhovu
 — Tendani Ephraim Manyiwa
 — Slysken Sekgwari Malele
 — Olefile Patrick Motshome
 — Tshireletso Baatshwana
 — Aaron Sello
 — Lekgoanyana Seboko
 — Munikabozu Edward Muyaluka

BOTSWANA PRISON LONG SERVICE AND GOOD CONDUCT MEDAL

Superintendent Duncan Gower
 Assistant Superintendent Oteng Thokweng
 Assistant Superintendent Matshediso Tsapoga
 Assistant Superintendent Keetsang Kheru
 Assistant Superintendent Elijah Orapeleng
 Principal Officer Alfred Molatlhwa
 Principal Officer Robson Kadiatla
 Principal Officer Moganelwa Ramoroka
 Principal Officer Absalom Moroka
 Assistant Principal Officer Godwin Robert

PRESIDENTIAL CERTIFICATE OF HONOUR

Keosikere Ketlogetswe Mmapatsi
 Mashabane Tibela
 Frederick Sannie Mollentze
 Mayers Jeremiah Ludick
 Zacharia Itumeleng Matumo
 Nelson Kgomoiso Hendrick Moncho
 Edgar Bonang Lemmenyane
 Mrs. Makheba Tlwaelo Dintho
 Atwell Patiko Ramosesane Matlhodi
 Timon Bumbeka Mongwa
 Samuel Gaitsiwe
 Longone Maloto Gareitsanyane

DATED this 19th day of October, 1990.

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

L2/7/112 II

PUBLIC NOTICES**Change of Name**

NOTICE IS HEREBY given that all properties registered in the name of "European Association for Corporation", now belong to "The Commission of the European Communities". Application is therefore made for change of name in respect of all properties registered in the previous name, namely: "European Association for Corporation", to be registered in the name of "The Commissioner of the European Communities".

Any person or persons having objection to the Registration of the same shall lodge his or her objection with the Registrar of Deeds within 20 (Twenty) days of the publication hereof, after which period the said agreement will be submitted to the Registrar of Deeds for Botswana at Gaborone for registration of the same.

DATE at Gaborone this 11th day of October, 1990.

RICHARD A. LYONS, *Applicant's Attorneys*, P.O. Box 160, GABORONE.

Second Publication

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

Case No. CC545/90

In the matter between:

A.H. SURTEE

Plaintiff

and

JOSE LOBO

Defendant

SALE IN EXECUTION

TAKE NOTICE that pursuant to a writ of execution of movable property issued against the Defendant, the following goods will be sold by public auction, by Deputy Sheriff Eric Molefe as follows —

PLACE: Urban Police Station
DATE: 26th October, 1990
PROPERTY: 1 x Piece Room/Devider, 1 x Gas Lamp, 1 x Dressing Table, 2 x Tempest Speakers.
TIME: 10.30 a.m.
TERMS: Cash or bank guaranteed cheque.

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

Second Publication

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

Case No. CC28/90

In the matter between:

OVERDRIVE INCORPORATED (PTY)

Plaintiff

and

MORUTWA TRANSPORT (PTY) LTD

Defendant

SALE IN EXECUTION

TAKE NOTICE that pursuant to a writ of execution of movable property issued against the Defendant, the following goods will be sold by public auction, by Deputy Sheriff Eric Molefe as follows —

PLACE: Overdrive Incorporated (Pty) Ltd
DATE: 24th October, 1990
PROPERTY: Ford Granad 3i BD 4515C
TIME: 10.30 a.m.
TERMS: Cash or bank guaranteed cheque

SEGAETSHO, MALATSI & MASOBA, *Plaintiff's Attorneys*, Bontleng Mall, Office Number 7, B.D.C. Building, P.O. Box 20960, GAABORONE.

Second Publication

Licence

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>
Tsabong Wholesalers (Pty) Ltd, c/o K & M Business (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Wholesale	Tsabong Kgalagadi District	National Licensing Authority	11.12.90
Lutheran Development Association in Botswana, P.O. Box 578, Kanye.	Wholesale Agent groceries, vege- tables, all kinds soft drinks, beef and its products, hardware, house hold and personal effects and bakery produce	Ramatea Ranch Kanye	National Licensing Authority	20.11.90
Represents: Ludabo Gloor Adventure Traks (Pty) Ltd Private Bag 75, Maun. Represented by/ Represents: Arthur Gloor.	Wholesale food and drinks for mobile Safari Company	Safari Company at Private Bag 75, Maun	National Licensing Authority	20.11.90
Great Bay Enterprises (Pty) Ltd, P.O. Box 469, Gaborone.	Extension on Existing Agent Licence electronics appliances and curios, (tanned animal skins) (semi-press stones) (wood carving, stone carving) (ivory carving)	Throughout Botswana	National Licensing Authority	20.11.90
Great Bay Enterprises (Pty) Ltd, P.O. Box 469, Gaborone.	Extention on Existing Agent Elictronic appliances and Curios, (tanned animal skins) (semi- press stones) (wood carving stone carving) (ivory carving)	Throughout Botswana	National Licensing Authority	20.11.90
Alrode Industrial Services & Repairs (Pty) Ltd, t/a Lenaka Promotions, Deloitte Pim Goldby Management Services (Pty) Ltd, P.O. Box 778, Gaborone. Represents Tusk Music Co. (Pty) Ltd, Schenker & Co. (Botswana) (Pty) Ltd, c/o Mr Richard Lyons, P.O. Box 160, Gaborone.	Agency records, cassettes, compact discs, videos and recorded music	Throughout Botswana	National Licensing	20.11.90
	Agency International Forwarding and customs clearing, agents transport	Industrial Plots Nos. 22091 — 22101 Unit 3/A/3 Gaborone West Phase IV	National Licensing Authority	20.11.90

brokers and ware-
housing contractors

Representing: Schenker
& Co. GMBH,
Worldwide Freight
Forwarding Organisation.

Garnett & Associates (Pty) Ltd, c/o Ernest & Young Management Services (Pty) Ltd, P.O. Box 41015, Gaborone.	Speciality office equipment supplies	Gaborone	Gaborone City Council	5.11.90
Africa Ba Kopa (Pty) Ltd, c/o Ernst & Young Management Services (Pty) Ltd. P.O. Box 41015, Gaborone.	Agency trade in sporting goods	Gaborone	National Licensing Authority	20.11.90
Eclipse (Pty) Ltd, Private Bag B035, Gaborone.	Agent computers, computer spares peripherals, office supplies, stationery, equipment and furniture	Gaborone	National Licensing Authority	20.11.90
Presented by: E. Abrahamse NV Enterprises (Pty) Ltd, c/o Rahim Khan & Company Ground Floor, Botsalano House, P.O. Box 1884, Gaborone.	Specialised Wholesalers hardware and building materials	Plot 252, (Shed 19, BGI Complex) Francistown	National Licensing Authority	20.11.90
Squires (Pty) Ltd, Trading as Trend c/o Helfer, Collins and Newman, P.O. Box 882, Gaborone.	Specialised Trading (retail of footwear and associated products)	Plot No. 142, Sepitswana Industrial Site, Ramotswa	South East District Council	19.11.90
S. Segakololo, Thabala Postal Agency, Via Serowe.	Small General Trading	Mogorosi	Central District Council	29.11.90
May Flower Bakeries (Pty) Ltd, P.O. Box 1072, Gaborone.	Fresh Produce and General Trading	Plot 854/857 and 863 to 865	Francistown Town Council	20.11.90
Levitt Brothers (Pty) Ltd, c/o Mosojane, Phumaphi & Co, <i>Applicant's Attorneys</i> , P.O. Box 484, Francistown.	General Trading	Lots 459/462, Francistown	Francistown Town Council	20.11.90
Bambino (Pty) Ltd, c/o Mosojane, Phumaphi & Co, <i>Applicant's Attorneys</i> , P.O. Box 484, Francistown.	General Trading	Plot 314, Francistown	Francistown Town Council	20.11.90
Leopard Investments (Pty) Ltd, c/o Anderson Seaketso, P.O. Box 10069, Tatitown.	Speciality mine safety equipment and chemicals and paper products	Plot 9251, Dumela Industrial Sites	Francistown Town Council	20.11.90
Pink Worth (Pty) Ltd, P.O. Box 1072, Gaborone.	Speciality Family Outfitters	Lot 5363, African Mall, Gaborone	Gaborone City Council	5.12.90
Auto Electrical Parts Manufacturers Co, (Pty) Ltd, t/a Carally Auto Electrical & Diesel Services, c/o Deloitte Pim Goldby	Speciality (IVO Auto- electrical parts sales)	Plot 14446, Gaborone West Gaborone	Gaborone City Council	5.12.90

Management Services (Pty) Ltd,
P.O. Box 435,
Gaborone.

Big Apple, P.O. Box 20699, Gaborone.	Liquor Restaurant	Plot 17456, Broadhurst	Gaborone City Council	5.12.90
Botalaote Enterprises (Pty) Ltd, c/o K & M Business (Pty) Ltd, P.O. Box 29, 4th Floor, Tirelo House, The Mall, Gaborone.	Specialised Trading (ice-cream and related products)	Lot 1012, Extension 2, Gaborone	Gaborone City Council	5.12.90
Auto Fixtures, P.O. Box 2106, Gaborone.	Motor Trading	Plot 4752/3 Broadhurst	Gaborone City Council	5.12.90
Farmers Stock Feeds (Pty) Ltd, c/o Business Strategists (Pty) Ltd, P.O. Box 2078, Gaborone.	Speciality	Gaborone Inter- national Trade Fair Grounds Stall No. 59	Gaborone City Council	5.12.90
M. Ndou, P.O. Box 584, Mogoditshane.	Fast Food Takeaway	Plot 6043, Extension 2	Gaborone City Council	5.12.90
The Scottish and African Investment Partnership (Botswana) (Pty) Ltd, Private Bag 1, Moeng.	Speciality crafts, handicrafts and souvenirs	Stand 5622, Lejara Road	Gaborone City Council	5.11.90
Lucky Trading Company (Pty) Ltd, c/o Minchin & Kelly (Botswana) (Pty) Ltd, Plot 688, Khwai Road, P.O. Box 1339, Gaborone.	General Trading	Lots 13130/31/32 Specifically Shop, No. 15	Gaborone City Council	5.12.90
Maja Enterprises (Pty) Ltd, P.O. Box 40689, Gaborone.	Specialised Trading	Lot 4750, Tlhwane Road Broadhurst Industrial Estates, Gaborone	Gaborone City Council	5.12.90
Woodhall Hardware (Pty) Ltd, c/o Deloitte Pim Goldby Management Services (Pty) Ltd, P.O. Box 435, Gaborone.	Speciality (dealing in building and hardware supplies)	Plot 10240, Broadhurst, Industrial Gaborone	Gaborone City Council	5.12.90
Auto Electrical Part Manufacture Co. (Pty) Ltd, c/o Deloitte Pim Goldby Management Services (Pty) Ltd, P.O. Box 435, Gaborone.	Workshop (i.r.o. auto electrical parts serving and repairs)	Plot 14446,, Gaborone West Gaborone	Gaborone City Council	5.12.90
Woodhall Hardware (Pty) Ltd, c/o Deloitte Pim Goldby Management Services (Pty) Ltd, P.O. Box 435, Gaborone.	Speciality (dealing in building and hardware supplies)	Plot 32,, Kazungula, Industrial Chobe	Chobe District Council	15.11.90
G.D. Lepang, P.O. Box 38, Maun.	Small General Trading	Maun	North West District Council	15.11.90
A. Makhokhoba, P.O. Box 470, c/o Boy Matshaba, Francistown.	Liquor Restaurant	Siviya	Local Licensing Authority	22.11.90

R. Dithlhabi, P.O. Box 78, Pitsane.	General Trading	Hebron	Southern District Council	6.11.90
Dipomo (Pty) Ltd, P.O. Box 10094, Kanye.	Fresh Produce and General Trading	Kanye	Southern District Council	4.12.90
H. Ipeleng, P.O. Box 252, Francistown.	General Trading	Letlhakane	Letlhakane District Council	15.11.90
B.T. Gwamulumba, Private Bag F10, Senete.	General Trading Restaurant, Bar and Photo Studio	Tutume	Tutume Sub- District Council	4.12.90
E.M. Matebu, P.O. Box 30, Maitengwe.	Bar Liquor	Dakwi	Tutume Sub- District	4.12.90
G. Molaodi, P.O. Box 162, Mmadinare.	General Trading	Mmadinare (Seboo Ward)	Bobirwa Sub- District Council	6.12.90
J.K. Tshabangu, Ramokgonami Postal Agency, Via Palapye.	General Trading	Ramokgonami	Mahalapye Sub- District Council	4.12.90
Odi Multipurpose Coop, P.O. Box 954, Gaborone.	Filling Station	Odi Coop Premises	Kgatlang District Council	6.12.90
Rundle & Associates, Bosele Hotel Building, Selebi-Phikwe.	Special/General Trading repair and maintenance of commercial, industrial and house- hold refrigeration and airconditioning machinery	Block 4, Bamangwato, Industrial Site	Selebi-Phikwe Town Council	13.12.90
E.K. Basimolodi, P.O. Box 10337, Selebi-Phikwe.	Specialised Trading (Clothing Boutique)	Bosele Hotel	Selebi-Phikwe Town Council	13.12.90
C.M. Tau, P.O. Box 15, Mmankgodi.	Fresh Produce	Mmankgodi	Kweneng District Council	28.11.90
K. Moeng, P.O. Box 280, Thamaga.	Liquor Restaurant	Ga Maromo Ward, Thamaga	Kweneng District Council	28.11.90
K. Segola, P.O. Box 1153, Molepolole.	Liquor Restaurant	Bokaa Ward Molepolole	Kweneng District Council	28.11.90
K. Motlamma, P.O. Box 47, Letlhakeng.	Liquor Restaurant	Letlhakeng	Kweneng District Council	28.11.90

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 which his objection is based.

Second Publication

Auction Sale of Boarded Vehicles

PUBLIC AUCTION: C.T.O. Boarded Vehicles at the following C.T.O. Stations starting at 9.00 a.m.

1. C.T.O. Gaborone and C.T.O. Maun 5th November, 1990
2. C.T.O. Lobatse and C.T.O. Francistown 6th November, 1990
3. C.T.O. Tsabong and C.T.O. Serowe 7th November, 1990
4. C.T.O. Ghanzi 8th November, 1990
5. C.T.O. Mahalapye 9th November, 1990

TERMS:

Cash or bank guaranteed cheques, P200,00.

Refundable deposit to be paid in advance to participate in the auction.

For further details contact Mr M. Botipeng, C.T.O. Gaborone, Telephone 356391, Extension 206.

Second publication

Botswana Telecommunications Corporation — Tender Notice No. BTC 029/90/91**CONSTRUCTION WORK — RLU BUILDING**

BOTSWANA TELECOMMUNICATIONS CORPORATION invites tenders for the construction of RLU.

1. The contract comprises the construction of an RLU buildings: Comprising of equipment room, a rectifier room, a battery room, store, toilet and an MDF room.
2. The building has a total floor area of approximately 106 m² with brickwork walls, timber roof trusses and I.B.R. roof sheeting.
The contractor shall supply all materials required, establish his facilities at Francistown as stipulated in the tender.
3. The project shall be completed in all respects, suitable for occupation and use by the end of the contract period.
4. Technical drawings and specification documents may be obtained free of charge and returned to the addressee stated below:—

Tender BTC 029/90/91,
Secretary/Supplies Manager,
Botswana Telecommunications Corporation,
P.O. Box 700,
Gaborone.

5. Tender closing date will be 14th November, 1990 at 12.00 noon and tenders shall be opened at 14.00 hours in the presence of tenderers wishing to attend at the BTC Head-quarters buildings.
6. The Corporation does not bind itself to award to the lowest tenderer or any tenderer nor to assign any reason thereof.

Enquiries: Telephone: 3582245/358203
Fax: 3744695

Second publication

Botswana Telecommunications Corporation — Tender Notice No. BTC 030/90/91**CONSTRUCTION WORK — RLU BUILDING**

BOTSWANA TELECOMMUNICATIONS CORPORATION invites tenders for the construction of RLU No. 2 building at Francistown.

1. The contract comprises the construction of an RLU buildings: Comprising of equipment room, a rectifier room, a battery room, store, toilet and an MDF room.
2. The building has a total floor area of approximately 106 m² with brickwork walls, timber roof trusses and I.B.R. roof sheeting. The plot is 18 x 22 m and is to be fenced according to Government Police Station Security fence.
The contractor shall supply all materials required, establish his facilities at Francistown as stipulated in the tender.
3. The project shall be completed in all respects, suitable for occupation and use by the end of the contract period.

4. Technical drawings and specification documents may be obtained free of charge and returned to the addressee stated below:—

Tender BTC 030/90/91,
Secretary/Supplies Manager,
Botswana Telecommunications Corporation,
P.O. Box 700,
Gaborone.

5. Tender closing date will be 14th November, 1990 at 12.00 noon and tenders shall be opened at 14.00 hours in the presence of tenderers wishing to attend at the BTC Head-quarters buildings.
6. The Corporation does not bind itself to award to the lowest tenderer or any tenderer nor to assign any reason thereof.

Enquiries: Telephone: 3582245/358203
Fax: 3744695

Second Publication

Botswana Telecommunications Corporation — Tender Notice No. BTC 036/90/91

CONSTRUCTION WORK — SEROWE HIGH SITE ROAD

BOTSWANA TELECOMMUNICATIONS CORPORATION invites tenders for the constructional/project work on the Serowe High Site Road and the building of the retaining wall over the Serowe Hill — Central District.

2. Tender documents and drawings may be obtained on request and returned to the addressee stated on/ before Mid-day (14th November, 1990).

Tender BTC 029/90/91,
Secretary/Supplies Manager,
Botswana Telecommunications Corporation,
P.O. Box 700,
Gaborone.

3. Tender closing date will be Wednesday, 14th November, 1990 at 12.00 noon.
4. Tenders shall be opened same afternoon at 14.00 hours (14th November, 1990).
5. The Corporation does not bind itself to award to the lowest tenderer or any tenderer nor to assign any reason thereof.

Enquiries: Telephone: 3582245/358203
Fax: 3744695

Second Publication

Botswana Railways

CONSTRUCTION OF CARRIAGE REPAIR SHED AT LOBATSE AND INSPECTION PITS AT LOBATSE, GABORONE AND FRANCISTOWN

TENDERS ARE INVITED from experienced and reputable contractors for the construction of carriage repair shed at Lobatse and inspection pits at Lobatse, Gaborone and Francistown.

Brief description of work —

Fabrication, supply and erection of steel structure 25 m x 11 m to serve as Carriage inspection and repair shed, covered with IBR sheet roofing and partial cladding on the sides, including hard surface flooring, construction of inspection pit 20 m long with access, drainage etc. complete.

Construction of 20 m long inspection pits only at Gaborone and Francistown station yards.

Drawings for the above works are available in the office of the Chief Civil Engineer, 11th Floor Poso House for study.

Tender documents and relevant drawings may be purchased from the office of Supplies Manager, Ground Floor, Plaza on receipt of a demand draft for P10,00 only drawn in favour of Botswana Railways.

Sealed quotations stating the name of work "Carriage Repair Shed and Inspection Pits — TC1/11/038/89" may be addressed to: The Secretary, Botswana Railways, Tender Committee, Private Bag BR 26, Gaborone.

Quotations should reach the office of the Secretary not later than 0900 hours on the 19th November, 1990.

Quotations delivered by hand should be placed in the tender box provided at the Botswana Railways Headquarters, Plaza Suite II, Moapare Road, opposite Central Medical Stores, Gaborone before the closing time, or handed over to the Secretary, Tender Committee at Room No. 116 in the same premises.

Second Publication

Gaborone City Council — Tender Notice No. 20/90

CLOSING DATE of the above tender is postponed to 4.00 p.m. on 5th November, 1990.

The tender shall be opened the same day at 4.00 p.m. in Council Chamber in the presence of any tenderer who may wish to be present.

H.N. PERERA,
for City Clerk.

Second Publication

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

CC.370/89

In the matter between:

HALIDI GONGORO

Plaintiff

and

MR KWAPA
BASOTHO MOTSOPA

*1st Defendant
2nd Defendant*

SALE IN EXECUTION

BE PLEASED TO TAKE NOTICE that pursuant to the judgment of the above Honourable Court the undermentioned property will be sold by public auction without reserve as follows —

PLACE:	Lobatse Police Station
TIME:	10.00 a.m. on Saturday 17th November, 1990.
TERMS:	Cash or bank guaranteed cheques
PROPERTY TO BE SOLD:	Toyota Hilux 4 x 4 (white) Registration Number BD 1377 1988 Model

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

RAHIM KHAN & COMPANY, *Plaintiff's Attorneys*, Botsalano House, P.O. Box 1884, GABORONE.

Second Publication

**IN THE MAGISTRATE'S COURT FOR NORTH WEST DISTRICT
HELD AT MAUN**

Case No. M 21/86

In the matter between:

BOTSWANA TELECOMMUNICATIONS CORPORATION

Plaintiff

and

G.C. RIGGS

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 R. Ridge on Saturday the 6th day of October, 1990 at Magistrate's Court yard, Maun, at 10.00 a.m.

1 x Toyota Land Cruiser registration number BJ 930.

TERMS:

Cash or bank guaranteed cheque only.

DATED at Francistown this 12th day of September, 1990.

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

Second Publication

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

Case No. CC458/90

In the matter between:

H.C. DENNYS

Applicant

and

DANIEL DIBEELA

Defendant

SALE IN EXECUTION

TAKE NOTICE that pursuant to a writ of execution of movable property issued against the Defendant, the following goods will be sold by public auction, by Deputy Sheriff Eric Molefe as follows —

PLACE: Urban Police Station
DATE: 26th October, 1990
PROPERTY: 1 x Toyota Stout Registration BG 2025
TIME: 10.30 a.m.
TERMS: Cash or bank guaranteed cheque

DATED at Gaborone this day of October, 1990.

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

Second Publication

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

Case No. CT 298/87

In the matter between:

FEDMARK HOLDINGS LIMITED

Plaintiff

and

S.W. BRUWER t/a SEKUMA STORE

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a judgment of the above Honourable Court the following movable property of the Defendant will be sold in execution by Deputy Sheriff Marule in the manner hereinafter set out —

DATE OF SALE: Friday 9th November, 1990
TIME OF SALE: 11.00 a.m.
VENUE OF SALE: Lobatse Central Police Station
PROPERTY TO BE SOLD: Isuzu Truck (1981) registration number BF 4818
TERMS OF SALE: Cash or bank guaranteed cheque

DATED at Gaborone this 15th day of October, 1990.

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

Second publication

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

Case No. CT 32/90

In the matter between:

BARCLAYS BANK OF BOTSWANA LIMITED

Plaintiff

and

S.L. MORULE

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a judgment of the above Honourable Court the following movable property of the Defendant will be sold in Execution by Deputy Sheriff Marule in the manner hereinafter set out —

DATE OF SALE: Friday 9th November, 1990
TIME OF SALE: 10.30 a.m.
VENUE OF SALE: Lobatse Central Police Station
PROPERTY TO BE SOLD: International Tractor (1980) registration number BF 4159
TERMS OF SALE: Cash or bank guaranteed cheque

DATED at Gaborone this 15th day of October, 1990.

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

Second publication

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

Case No. CT (F) 151/85

In the matter between:

BABATSHI PONTSHO

Plaintiff

and

SELBY MUIR

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 above-named Defendant will be sold by Deputy Sheriff Iles in execution as follows —

DATE OF SALE: 10th November, 1990
TIME OF SALE: 10.00 a.m.
VENUE: Palapye Police Station
PROPERTY TO BE SOLD: Toyota Cressida BD 9830
 MAN diesel truck
CONDITIONS: Cash or bank guaranteed cheque only.

DATED at Gaborone this 12th day of October, 1990.

**DOW, LESETEDI & COMPANY, *Plaintiff's Attorneys*, Plot 390, Independence Avenue,
Private Bag 00201, GABORONE.**

Second Publication

Change of Name

PURSUANT TO section 22 (1) of the Companies Act Cap. 42:01 as amended, notice is hereby given that Home Entertainment (Proprietary) Limited, will make an application to change the name of the company to D.J. Enterprises (Proprietary) Limited, after 14 days of the publication of this advertisement have elapsed.

for and on behalf of the company,
PW BUSINESS SERVICES (PTY) LTD, P.O. Box 892, GABORONE.

Second Publication

Next of Kin Meeting

IN THE ESTATE of the late SHAMSUDDIN CHAND who died at Sikwane on 23rd April, 1990.

NOTICE IS HEREBY given that by virtue of section 31 of the Administration of Estates Act Cap. 31:01 the Master for the High Court of Botswana has called a meeting of the Next of Kin of the abovenamed deceased to be held at the High Court, Lobatse on the 2nd November, 1990 at 11.00 a.m.

The surviving spouse, heirs of the deceased and all persons having claims against the above-named estate are to attend before the Master at the appointment time and place.

RAHIM KHAN & COMPANY, Ground Floor, Botsalano House, P.O. Box 1884, GABORONE.

Second Publication

Notice of Disposal

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1987 that I, Tshipietsile Mothelesi have disposed of my entire interest in carrying on a Wholesale business at Tsabong to Tsabong Wholesalers (Proprietary) Limited who will continue to trade at the same premises and under the name and style of Tsabong Wholesalers.

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

Second Publication

Notice of Disposal

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Peter Bashe have disposed of my entire interest in carrying on the business of General Dealer to G. Molaodi who will continue to trade at the same premises and under the name and style of General Dealer.

PETER BASHE, P.O. Box 8, MMADINARE.

Second Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Mrs Gaebolae Ratladi have disposed of my entire interest in carrying on the business of Itireleng Small General Dealer at Maun to Mrs Goitsemang Dorcas Lepang who will continue to trade at the same under the same style of a Small General Dealer.

MRS G. RATLADI, P.O. Box 38, MAUN.

Second Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Edwin Ramadila have disposed of my entire interest in carrying on the business of General Dealer at Makopong to Elizabeth Osenoneng who will continue to trade at the same premises and under the same style of a General Dealer.

EDWIN RAMADILA, P.O. Box 145, TSABONG

Second Publication

Notice of Intention to Dispose of Trading/Liquor Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Shelleng Rabonwapitse have disposed of my entire interest in carrying on the business of General Dealer to Mrs Gaselona Baipoledi who will continue to trade at the same premises situated at Dilaene Ward, Mahalapye under the style of General Dealer.

S. RABONWAPITSE, P.O. Box 1313, MAHALAPYE

Second Publication

Notice of Intention to Transfer Trading/Liquor Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a transfer of a Speciality Stationery Licence in respect of premises situated at Bontleng, Extension 14 to Kenneth Koma who will continue to trade at the same premises and under the same style of a Speciality Stationery Licence and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on 5th December, 1990.

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.

PROGRESSIVE BOOKS (PTY) LTD, P.O. Box 2308, GABORONE.

Second Publication

Change of Style

NOTICE IS HEREBY given that the undersigned intends to apply for a licence in terms of section 9 of the Trade and Liquor Act, 1986 (No. 29 of 1986) to obtain a Speciality, Change of Style from a General Dealer and Fresh Produce to a Speciality in respect of the premises situated at Plot 8860 Broadhurst, Gaborone and that the Gaborone City Council has determined that the application shall be heard by the Licensing Authority on the 5th December, 1990.

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.

J.P. MAKWA, P.O. Box 1446, GABORONE.

Second Publication

Botswana Telecommunications Corporation — Tender Notice No. BTC 031/90/91

CONSTRUCTION WORK — RLU BUILDING

BOTSWANA TELECOMMUNICATIONS CORPORATION invites tenders for the construction of RLU building at Gaborone.

The contract comprises the construction of an RLU building, comprising of equipment room, a rectifier room, a battery room, store, toilet and an MDF room.

2. The building has a total floor area of approximately 106 m² with brickwork walls, timber roof trusses and I.B.R. roof sheeting. The plot is 18 x 22 m and is to be fenced according to Government Police Station security fence.
The contractor shall supply all materials required, establish his facilities at Gaborone as stipulated in the tender.
3. The project shall be completed in all respects, suitable for occupation and use by the end of the contract period.
4. Technical drawings and specification documents may be obtained free of charge and returned to the addressee stated below:—

Tender BTC 029/90/91,
Secretary/Supplies Manager,
Botswana Telecommunications Corporation,
P.O. Box 700,
Gaborone.

5. Tender closing date will be 14th November, 1990 at 12.00 noon and tenders shall be opened at 14.00 hours in the presence of tenderers wishing to attend at the BTC Head-quarters buildings.
6. The Corporation does not bind itself to award to the lowest tenderer or any tenderer nor to assign any reason thereof.

Enquiries: Telephone: 3582245/358203
Fax: 3744695

Second Publication

Notice to Creditors and Debtors

IN THE ESTATE of the Late JOHANNES HENDRICK MOLLER who died at Selebi-Phikwe on the 8th day of July, 1990.

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

ARMSTRONGS, Attorneys, Attorneys for the Executrix, fifth Floor, Barclays House, Khama Crescent,
P.O. Box 1368, GABORONE.

Second Publication

Notice of Intention to Dispose of Trading Licence

BE PLEASED TO TAKE NOTICE that David and Carol Mapplebeck have disposed of their entire shareholdings and interest in Icada (Pty) Limited and Electricada (Pty) Limited, to Tarsem and Bindu Kumar.

Any claims against the above companies, as at 30th September, 1990, are to be forwarded to Attorney Soyab Mehtar, P.O. Box 480, Selebi-Phikwe within 30 days from the second publication hereof.

DATE at Selebi-Phikwe this 28th September, 1990.

SOYAB MEHTAR, Attorneys, P.O. Box 480, SELEBI-PHIKWE.

Second Publication

Francistown Town Council

AUCTION SALE

IN ACCORDANCE with the Stores Regulations for Town and District Councils 1971, Cap. 18, Para. 1804, the Public is hereby notified for general information that Francistown Town Council shall be selling the boarded vehicles, motor spares and tyres on the 3rd November, 1990, starting from 9 a.m.

Auction sale will be conducted at Francistown Town Council main storeyard. Items offered for sale may be inspected during the working hours from 7.30 to 12.30 a.m. and 1.45 to 4.30 p.m. Payments are strictly cash or bank guaranteed cheques only.

<i>Make and Type</i>	<i>Year of Manufacture</i>	<i>Registration Number</i>
Toyota Hilux Pick-up	1982	BA 9152
" " "	1983	BA 6577
" " "	1982	BA 9147
" " "	1981	BA 2228
Toyota Dyna Flat Truck	1981	BA 2493
Toyota DA 116 Refuse Truck	1978	BA 5366
Toyota DA 116 Refuse Truck	1979	BA 6635
Water Tank Trailer	1975	BA 638
Atlas Copco Compressor	1978	BA 5744
Datsun Caball Flat	1980	BA 7459
" " "	1982	BA 2674
Nissan UG 780 Vacuum Tanker	1979	BA 6228
Ford Tractor	1982	BA 9135
" " "	1981	BA 9053
Toyota Hilux Pick-up	1981	BA 2801
" " "	1984	BA 750
Ford Bantam Pick	1986	BA 3402 A
" " "	1986	BA 3403A
Water Cart (Two wheels) with 2 x 110 empty drums		
Spare parts		
Tyres		

M.K. MABODISE
(Senior Supplies Officer),
for Town Clerk.

Second Publication

Notice of Intention to Transfer Trading/Liquor Licence

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 to obtain:

A transfer of General Dealer and Bottle Store Licences in respect of premises situated at Seronga Village from W.D. Engelbrecht to Seronga Trading (Pty) Ltd. and that the North West District Council has determined that the application shall be heard by the Local Licensing Authority on the 15th November, 1990.

SERONGA TRADING (PTY) LTD, P.O. Box 66, MAUN.

Second Publication

Application for Copy of Lost Deeds

NOTICE IS HREBY given that we intend applying for a certified copy of:

- (a) Deed of Fixed Period State Grant No. 212/85 registered on the 9th May, 1985, in favour of Field Services (Proprietary) Limited over Lot 10206, Gaborone,
- (b) Mortgage Bond No. 496/81 registered on the 21st September, 1981 by Field Services (Proprietary) Limited in favour of National Development Bank.

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

DATED at Gaborone this 15th day of October, 1990.

ARMSTRONGS, *Attorneys for the Applicant*, Attorneys, Notaries & Conveyancers, P.O. Box 1368, GABORONE.

Second Publication

Notice of Intention to Dispose of Trading Licence

NOTICE IS HEREBY given that the undersigned intends to apply for a transfer of a Butchery Licence in respect of premises situated at Motlhala Ward Extension Kanye to Moffat Sekalaba and Pandor Essop who will continue to trade at the same premises and under the same style of a Butchery and that the Southern District Council has determined that the application shall be heard by the Licensing Authority on 30th October, 1990.

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.

HLALEFO SEBEGO, P.O. Box 469, KANYE..

First Publication

DEEDS REGISTRY REGULATIONS (NO. 46) (UNDER SECTION 11 OF CAP. 33:02)

Lost Title Deed

NOTICE IS HEREBY given that the Attorney-General intends applying for a certified copy of a Deed of Fixed Period State Grant 61/89 dated 27th January, 1989 in respect of the below mentioned property namely:—

CERTAIN:	Piece of land being remainder of Lot 3225, Selebi-Phikwe;
SITUATE:	in Selebi-Phikwe Administrative District;
MEASURING:	1 920 (One thousand nine hundred and twenty) Square Metres;
WHICH PROPERTY:	Is held under Deed of Fixed Period State Grant No. 61/89 dated 27th January, 1989;
SUBJECT TO:	The reservations and conditions contained in the aforesaid Deed;

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

DATED at Gaborone this 24th day of September, 1990.

ATTORNEY-GENERAL'S CHAMBERS, (Land Division) Private Bag 0020, GABORONE.

First Publication

Licence

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. Osenoneng, P.O. Box 145, Tsabong.	Fresh Produce/ Butchery	Tsabong	Kgalagadi District Council	3.12.90
E.T. Mokopaina, P.O. Box 20820, Gaborone.	Liquor Restaurant	Kopong Village	Kweneng District Council	28.11.90
Gasebatho Ntshiping, t/a This & That Hair Salon, c/o Minchin & Kelly, (Botswana), Plot 688, Khwai Road, P.O. Box 1339, Gaborone.	Hair Salon	Behind a Shopping Complex in Mogoditshane	Kweneng District Council	28.11.90
Botite Enterprises (Pty) Ltd, P.O. Box 132, Gabane.	Workshop (Carpentry)	Shaudi Ward Gabane	Kweneng District Council	19.12.90
I. Motlhabane, P.O. Box 67, Mogoditshane.	General Trading	Ntloedibe Ward Molepolole	Kweneng District Council	28.11.90
B. Botsoba, Private Bag 13, Molepolole.	Restaurant	Phuthadikobo Ward Molepolole	Kweneng District Council	28.11.90
Royal Meat Market, P.O. Box 254, Lobatse.	Butchery	Mothala Ward at Kanye	Southern District Council	6.11.90
Royal Bar, P.O. Box 254, Lobatse.	Bar	Mothala Ward at Kanye	Southern District Council	6.11.90
M. Morebodi, P.O. Box 10041, Kanye.	Bar	Ditोजना	Southern District Council	6.11.90
P. Kgosiensele, P.O. Box 10347, Kanye.	General Trading	Kanye	Southern District Council	4.12.90
Kentswana (Pty) Ltd, c/o Nganunu, Tafa & Modisenyane, P.O. Box 1991, Gaborone.	Restaurant Kentucky fried chicken	Shops 1 — 2, Lot 1174 — 1177, Gaborone Mall	Gaborone City Council	5.12.90
Fremas, Bridec, Private Bag 0062, Gaborone.	Take Away Caravan	Botswana Tech- nology Centre Plot No. 10062	Gaborone City Council	5.12.90
Favourites (Pty) Ltd, P.O. Box 41171, Gaborone.	Speciality (oriental dishes)	Plot 17949	Gaborone City Council	5.12.90
Tswana Marketing (Pty) Ltd, c/o Minchin & Kelly, (Botswana), Plot 688, Khwai Road, P.O. Box 1339, Gaborone.	Specialised Trading general domestic and industrial hardware, educational equip- ment and supplies, gifts and toys	Plot 5623, Lejara Road, Gaborone	Gaborone City Council	5.12.90
Dashing Botswana (Pty) Ltd, P.O. Box 892, Gaborone.	Speciality office furniture and furnishings	Plot 6411, Gaborone	Gaborone City Council	5.12.90

Alia Enterprises (Pty) Ltd, c/o Minchin & Kelly, (Botswana), Plot 688, Khwai Road, P.O. Box 1339, Gaborone.	General Trading	Bull and Bush, Restaurant and Bar in Gaborone	Gaborone City Council	5.12.90
N. Daniel, P.O. Box 728, Francistown.	General Trading	Serowe Mall	Serowe/Palapye Sub-District Council	3.12.90
G.M. Maine, P.O. Box 91, Jwaneng.	Supermarket	Jwaneng Lot No. 2460, Jwaneng Township	Jwaneng Local Licensing Authority	12.12.90
M.A. Megale, Private Bag 3, Mochudi.	Liquor	Sikwane	Kgatlang District Council	6.12.90
J.J.R. Pilane, P.O. Box 136, Lobatse.	Restaurant Take Away	825 Town Centre	Lobatse Town Council	13.12.90
U.A. Malikongwa, P.O. Box 28, Nata.	Bar Liquor	Nata	Tutume Sub- District Council	4.12.90
Silent Tlale, P.O. Box 722, Francistown.	Liquor Restaurant	Shashe Mooke	Tutume Sub- District Council	4.12.90
J. Johane, P.O. Box 20090, Francistown.	Liquor Restaurant	Chadibe	Tutume Sub- District Council	4.12.90
J. Kegakilwe, P.O. Box 38, Otse.	Bottle Store	Mogobane	South East District Council	17.12.90
R. Nato, P.O. Box 1066, Gaborone.	Fresh Produce	Magopane Ward, Ramotswa	South East District Council	17.12.90
B.K. Madumetse, P.O. Box 253, Gaborone.	Filling Station	Tlokwenng	South East District Council	17.12.90
B & G Enterprises (Pty) Ltd, c/o Soyab Mehtar, P.O. Box 480, Selebi-Phikwe.	Specialised Trading (Builders requisites, hardware, appliances, plant hire etc)	Serowe Mall	Serowe/Palapye Sub-District Council	3.12.90
A & M. Supereps (Pty) Ltd, c/o Soyab Mehtar, P.O. Box 480, Selebi-Phikwe.	Agents (stationery, printing requisites, electronic and electrical goods, toys and educational products)	Plot 2136, Morupule Way Selebi-Phikwe,	National Licensing Authority	11.12.90

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 which his objection is based.

First Publication.

Notice of Intention to Dispose of Trading Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Mr Edgar Maruping have disposed of my entire interest in carrying on the business of Sikwane Bar and Bottle Store to Mr Alfred Megale who will continue to trade at the same premises and under the same style of a Bar and Bottle Store.

MR EDGAR MARUPING, P.O. Box 20055, GABORONE.

First Publication

Republic of Botswana — Tender No. TB 9/4/46/90—91

**DEPARTMENT OF ELECTRICAL AND MECHANICAL SERVICES
SUPPLY OF AIR CONDITIONING UNITS 1ST JANUARY 1991 TO 31ST DECEMBER 1992**

TENDERS ARE INVITED for the supply of airconditioning units for the period from 1st January, 1991 to 31st December, 1992.

Tender documents may be obtained from the office of the Director of Electrical and Mechanical Services, (Plot No. 6399—6401, Office No. 29 or 30, Lejara Road, Broadhurst Industrial Sites, Gaborone), Private Bag 0066, Gaborone Botswana.

Tenders clearly marked "TB9/4/46/90/91 — Airconditioning Units" should reach the office of the Secretary, Central Tender Board, Private Bag 0058, Gaborone or by hand to the Secretary at Room 202, Ministry of Finance and Development Planning Building, Gaborone not later than 10.00 hours on 5th December, 1990 when they will be opened in the presence of tenderers wishing to attend. Tenders received after that time and date will be returned unopened.

Telephonic, telegraphic or faxed tenders will not be considered. The Central Tender Board will not necessarily accept the lowest or any tender. Tenders must be submitted in duplicate and all prices should remain valid for a period of not less than 60 days from the closing date of the tender.

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

Republic of Botswana — Tender No. TB 5/2/20/90/91

**MINISTRY OF AGRICULTURE DEPARTMENT OF ANIMAL HEALTH AND PRODUCTION
SUPPLY OF RADIOTELEPHONES AND SOLAR PANELS**

TENDERS ARE INVITED for the supply of radiotelephones and Solar Panels.

Tenders in duplicate 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 5th December, 1990.

Documents including schedule of quantities and specifications are available from Director of Animal Health and Production, Private Bag 0032, Gaborone.

Telegraphic, telex and telephonic tenders 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.

Government of the Kingdom of Swaziland — Tender No. 60 of 1990/91

INVITATION TO TENDER

BY THE GOVERNMENT of the Kingdom of Swaziland for a project financed by the Commission of European Communities, European Development Fund.

EDF Project No. 6100.71.49.024. Rural Water Supply Programme.

Rural Water Supply Schemes at Mavula Ebulandzeni Bushayankomo and Esikhaleni Selusekwane.

1. PARTICIPATION:

Participation is open on equal terms to all natural persons, companies or firms of Member States of the European Communities and ACP States which are signatories to the Third Lome Convention.

2. SUBJECT:

Construction of 4 Rural Water Supply Schemes consisting of equipping of boreholes, piping varying from 7 km to 28 km and concrete reservoirs at the above sites.

This is the first phase of a total of 12 schemes to be constructed within the Programme. Tendering for the remainder is expected to take place within the next 6 months.

3. TENDER DOSSIER MAY BE COLLECTED FROM:

Hidroprojecto,
Swaziland Representative,
P.O. Box 1705,
Mbabane, Swaziland.
Telephone: 45186 and 43935.

4. TENDER DOSSIER WILL BE AVAILABLE FOR COLLECTION:

On or about 15 October, 1990 and is obtainable on submission of a non-refundable deposit of E200 as cash or bank guaranteed cheque.

5. SITE VISIT:

The site visits are organised on the 23rd of October, 1990 for Bushayankomo and Esikhalini Selusekwane and on the 24th of October, 1990 for Mavula and Ebulandzeni. Point of meeting for the 23rd will be the Rural Water Supply Board yard in Matsapa at 8.30 hrs in the morning. The meeting point for the site visit of the 24th will be decided on the 23rd after the visit.

6. TENDER TO BE RETURNED:

At the latest by 9.00 a.m. on Friday the 30th of November, 1990 at the office of the Secretary to the Tender Board, Treasury Building, P.O. Box 38, Mbabane, Swaziland.

Tenders will be opened in public at the time indicated above.

7. PERIOD DURING WHICH TENDERS ARE BINDING:

Tenders shall be bound by the tender for a period of 90 days.

Botswana Telecommunication Corporation — Tender BTC 032/90/91

PROPOSED POWER HOUSE AND EARTH STATION RENOVATION AT KGALE

BOTSWANA TELECOMMUNICATION CORPORATION invites tenders for proposed powerhouse and earth station renovation at Kgale.

1. BRIEF DISCRIPTION OF THE WORKS

The contract comprises the construction of a power house. Contained therein is, a generator room, a battery room and a small workshop.

2. Tender documents may be obtained free of charge and returned to the addressee stated below: Tender BTC 032/90/91, Secretary/Supplies Manager, Botswana Telecommunication Corporation, P.O. Box 700, Gaborone.

4. Tender closing date will be Wednesday 28th November, 1990, at 9.30 a.m. and tenders shall be opened at 10.30 a.m. in the presence of tenderers wishing to attend at the B.T.C. head-quarters buildings.

5. The Corporation does not bind itself to award to the lowest tenderer or any tenderer nor assign any reason thereof.

Enquiries:- Telephone: 358245/358203; Fax: 374695.

First Publication

Botswana Telecommunication Corporation — Tender BTC 041/90/91**AUCTION SALE**

1. BOTSWANA TELECOMMUNICATION CORPORATION shall sell by public auctions a range of used vehicles and household furniture items in Gaborone Village on the following dates respectively:—

(a) Vehicles and Plant/Machinery 17th November, 1990: Time 9.00 a.m.

(b) Furniture Items 24th November, 1990; Time 9.00 a.m.

2. *Public Viewing Dates:*— (a) 15th November, 1990 (14.00 hrs until 16.30 hrs)

(b) 22nd November, (14.00 hrs until 16.30 hrs)

3. *Conditions of Sales*

- (a) All payments shall be effected on cash basis or bank certified cheques.
- (b) No items shall be removed from sites without prior approval from management.
- (c) Items are offered without any guarantee expressed or implied and will be sold in the condition in which they are.
- (d) Interested bidders are required to deposit the sum of Two Hundred Pula (200,00) which will be refunded upon removal of the vehicles.

Enquiries: Telephone: 358203/358425, Fax: 374695.

First Publication

Rolong Land Board — Tender Notice No. 3 of 1990

CONSTRUCTION OF LAND BOARD OFFICES

Rolong Land Board is inviting tenders for construction of offices in Goodhope. Offices shall be built on the existing Land Board Office premises.

Tender documents and specifications shall be obtainable for 40 Pula non-refundable from Kanye Council Works Department as from the 22nd October, 1990 during working hours. Tenders in sealed envelopes, clearly marked "Tender No. 3/90 — Construction of Offices" addressed to: Land Board Secretary, P.O. Box 75, Goodhope.

Tenders to reach the Land Board Secretary not later than 4 p.m. Friday 23rd November, 1990. The Bidders are invited to attend tender opening in the Rolong Land Board Conference room on Monday 26th November, 1990.

The Rolong Land Board is not bound to accept the lowest or any tender.

G.N. DINTWA,
for Rolong Land Board Secretary.

First Publication

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

CC 452/90

In the matter between:

J MELTZ KNITWEAR CC

Plaintiff

and

SEIKISA GENERAL DEALER (PTY) LIMITED

Defendant

NOTICE OF 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 Honourable Court.

DATE OF SALE: Saturday 10th November, 1990
TIME OF SALE: 9.00 a.m.
PLACE OF SALE: Rural Admin Centre, Serowe Mall, Serowe.
GOODS TO BE SOLD: 3 x 2 door Fridges

1 x 5 piece Lounge Suite
2 Electronic Registers
2 Telefunken Television

TERMS:

Cash or bank guaranteed cheques immediately after the sale.

DATED at Gaborone on this 19th day of October, 1990.

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

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

Civil Case No. CCF. 125/89

In the matter between:

NORTHERN BUILDING SUPPLIES (PTY) LTD.

Plaintiff

and

MONAKALADI & MOTSHELE t/a POPAGANO CONSTRUCTION

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a judgment of the above Honourable Court dated the 9th November, 1989 the following movable property will be sold by public auction without reserve to the highest bidder as follows:—

DATE OF SALE:

Saturday 17th November, 1990

TIME OF SALE:

10.00 a.m.

PLACE OF SALE:

1. POLICE STATION — MAUN

GOODS TO BE SOLD:

(a) 1 x Land Rover Station wagon series III BA 5878;

(b) 1 x Toyota Stout W/O engine BJ 2260;

(c) 1 x Toyota Land Cruiser Petrol 1978 model BJ 1846;

2. MABUDUTSA STORE:

(a) 5 Steel building trestles:

(b) 3 Wheelbarrows;

(c) Galvanised Iron gutters:

(d) 1 x 15 mm galvanised pipe;

(e) 1 power sound system stereo Radio tape;

(f) 1 x Dumping level c/w Tripod and staff;

(g) 5 Scoffling boards:

(h) 1 Little wonder Brick making Machine;

(i) 1 Spade;

(j) 1 Wire screen;

(k) 1 Tarpaulin

DATED at Maun on this 16th day of October, 1990.

R.E. RIDGE, *Deputy Sheriff*, P.O. Box 75, MAUN.

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

Case No. CT 877/88

In the matter between:

NATIONAL DEVELOPMENT BANK

Plaintiff

and

SAMS INVESTMENTS (PTY) LIMITED

Defendant

SALE IN EXECUTION

PURSUANT to judgement by the above Honourable Court, the undermentioned property will be sold by public auction as follows:

PLACE OF SALE: Maun Police Station
 DATE AND TIME OF SALE: Saturday 17th November, 1990 at 10.00 a.m.
 PROPERTY TO BE SOLD: 1 x Mazda Pickup L.W.B. 1989 model in new condition Reg. No. BD3222D
 TERMS: Cash or bank guaranteed cheque only.

DATED at Maun this 18th day of October, 1990.

RONALD E. RIDGE, *Deputy Sheriff*, P.O. Box 75, MAUN.

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

Case No. CCF 91/90

In the matter between:

S B PRODUCTS
 and
 SECHABA PHARMACY

Plaintiff

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 Barry Thomas as follows:—

DATE OF SALE: Friday 16th November, 1990
 TIME: 2.30 p.m.
 PLACE OF SALE: Francistown Auctioneers Showrooms, Blue Jacket Street
 GOODS TO BE SOLD: 1 Casio Cash Register
 1 Sharps Hi-Fi System
 TERMS: Cash or bank guaranteed cheques.

DATED at Francistown this 17th day of October, 1990.

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

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

Case No. Misc.. A235/89

In the matter between:

BOTSWANA BUILDING SOCIETY
 and
 NTONA ALEFENG

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to Provisional Sentence granted by the above Honourable Court, the immovable property of the above-named Defendant will be sold in execution by Deputy Sheriff Seboko in the following matter:

DATE OF SALE: Tuesday 20th November, 1990
 TIME OF SALE: 12.00 midday
 VENUE: Tribal Lot 5, Lentsweletau
 PROPERTY TO BE SOLD:
 CERTAIN: Defendant's right, title and interest in and to Tribal Lot 5, Lentsweletau and commercial building thereon;
 SITUATE: in the Kweneng Tribal Territory;
 MEASURING: 5964 Square Metres;

HELD: Agreement of Lease with the Kweneng Land Board which lease is registered at the Deeds Office under No. 18/87.

DETAILS OF SALE: Detailed conditions of sale may be inspected at the offices of Plaintiff's Attorneys by arrangement with Deputy Sheriff Seboko

DATED at Gaborone this 23rd day of October, 1990.

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

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

Case No. CT CC 112/90

In the matter between:

TSWELELO (PROPRIETARY) LIMITED
and
JOHN MORWAENG

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to a judgment of the above Honourable Court the following immovable property of the Defendant will be sold in execution by Deputy Sheriff Seboko in the manner hereinafter set out:-

DATE OF SALE: Tuesday 20th November, 1990

TIME OF SALE: 10.00 a.m.

VENUE OF SALE: Lot 138 Molepolole

PROPERTY TO BE SOLD:

CERTAIN:

All Defendant's right, title and interest as Lessee of Tribal Lot 138 Molepolole, measuring 2 776 square metres and commercial building thereon, in terms of Agreement of Lease with the Kweneng Land Board, which Lease is registered at the Deeds Office under Number 59/87

DETAILS OF SALE:

Detailed conditions of sale may be inspected at the offices of Plaintiff's Attorneys by arrangement with Deputy Sheriff Seboko at the below mentioned address.

DATED at Gaborone this 23rd day of October, 1990.

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

First Publication

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

Case No. CC 331/89

In the matter between:

**JUSTICE G. MOKOTO
and
JULIE'S MOTORS (PTY) LTD**

Plaintiff

Defendant

NOTICE OF SALE IN EXECUTION

BE PLEASED to take notice that pursuant to the judgment of the above Honourable Court the following will be sold by auction by Deputy Sheriff S. Nombolo to the highest bidder as follows:-

DATE OF SALE:	Firday 16th November, 1990
TIME OF SALE:	10.00 a.m.
VENUE:	Central Police Station
PROPERTY TO BE SOLD:	2 x Movable Houses (Being Pre-Fabricated Buildings)
CONDITION OF SALE:	Cash or bank guaranteed cheques

DATED at Gaborone this 19th day of October, 1990.

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

Republic of Botswana — Central Transport Organisation

AUCTION SALE OF BOARDED VEHICLES

IT IS NOTIFIED for general information that an auction sale of Boarded vehicles will be held at Selebi-Phikwe on 8th November, 1990 at 9 a.m.

Conditions of Sale

1. Items will be sold in Lot numbers to the highest bidder.
2. The Government reserves a right to reject a bid whether or not is the highest.
3. No item/s are to be removed from C.T.O. premises without the presentation of a normal receipt of purchase.
4. Payment must be made by cash or bank certified cheque immediately an item is sold.
5. All items sold are to be removed from C.T.O. Premises within (7) seven days, failure to do so will result in the ownership reverting to the Government and no refund of money will be made.
6. Items for sale are offered without any quarentee expressed or implied and will be sold in its condition.
7. An amount of P200,00 per item will be paid in advance as a deposit enabling the prospective bidders to take part in the auction sale. The deposit amount will be refundable except for those successful bidders who fail to honour their bids.

M. BOTIPENG.

First Publication

Change of Name

PURSUANT to section 22 (1) of the Companies Act Cap 42:01 as amended, notice is hereby given that Wheels (Pty) Ltd will make an application to the Registrar of Companies for his written approval to change the name of the company to 'Triple 'F' Investments (Pty) Limited' after fourteen days have elapsed from the 2nd publication of this advertisement"

DATED at Francistown this 9th day of October, 1990.

First Publication

Change of Name

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

DATED at Gaborone this day of October, 1990.

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

First Publication

Notice of Loss or Destruction of Insurance Policy

NOTICE IS HEREBY given that the following Policy on the life and property of:

<i>Policy No.</i>	<i>Name</i>
283197	T. Marumo

have been reported to be lost or destroyed and any persons in possession of policy, or claiming to have any interest in such policy, should communicate immediately by registered post with the Insurers. Failing any such communication, certified copy of the policy (which shall be the sole evidence of the contract made by the policy) will be issued to the owner.

IGI BOTSWANA LIMITED (LIFE DIVISION), P.O. Box 715, GABORONE.

Lost Deed

NOTICE IS HEREBY given that we intend applying for a copy of Deed of Transfer No. 495/88 in favour of Ebrahim Wholesalers (Proprietary) Limited in respect of:

CERTAIN:	One half undivided share in and to Lot 224 Lobatse (formerly Lot 51 of Lots Nos. 51, 52, 62 and 63);
SITUATE:	at Lobatse in Botswana;
MEASURING:	644 (Six Hundred and Forty-Four) Square Metres;

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

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

Lost Deed

NOTICE IS HEREBY given that we intend applying for a copy of Deed of Transfer No. 496/88 in favour of Ebrahim Wholesalers (Proprietary) Limited in respect of:

CERTAIN:	One half undivided share in and to Lot 224 Lobatse (formerly Lot 51 of Lots Nos. 51, 52, 62 and 63);
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MOSOJANE, PHUMAPHI & CO., *Applicant's Attorneys*, 5 Africa House, P.O. Box 484, FRANCISTOWN.

Notice to Creditors and Debtors

IN THE ESTATE of the Late Antonio Sarmento Costa who died at Gaborone on the 30th October, 1989.
Creditors and Debtors in the above estate are hereby called upon to file their claims and to pay their debts to the undersigned within 30 days from date of publication hereof.

ATTORNEYS DOREEN KHAMA, 4th Floor Standard House, The Mall, P.O. Box 335, GABORONE.

Notice of Intention to Dispose of Trading Licence

BE PLEASED to take notice that John and Cecilia Griffiths have disposed off their entire shareholding and interests in Electrade (Pty) Limited to Narvjivan and Renu Koshal. Any person having any claim against the company should forward same to the undersigned within 30 days from the second publication hereof.

DATED at Selebi-Phikwe 30th September, 1990.

ATTORNEY SOYAB MEHTAR, P.O. Box 480, SELEBI-PHIKWE.

First Publication

Notice of Intention to Dispose of Trading Licence

NOTICE IS HEREBY given in terms of the Trade and Liquor Act No. 29 of 1986 that I, Israel Mompe have disposed of my entire interest in carrying on the business of a Bottle Store situated at Lot 5548 to Rus Matlho who will trade under the same name and style and that the Francistown Town Council has determined that the application shall be heard by the Licensing Authority on the 18th September, 1990.

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

ISRAEL MOMPE, P.O. Box 10035, FRANCISTOWN.

First Publication

Notice of Intention to Dispose of Trading Licence

NOTICE IS HEREBY given in terms of section 23 (2) of the Trade and Liquor Act, No. 29 of 1986 that I, Dikgang Matsietsa have disposed of my entire interest in carrying on the business of a Bottle Store to Joseph Kegakilwe who will continue to trade at the same premises and under the same style of a Bottle Store.

DIKGANG MATSIETSA, P.O. Box 38, OTSE.

First Publication

Notice of Intention to Dispose of Trading Licence

NOTICE IS HEREBY given in terms of section 23 of the Trade and Liquor Act, 1986 that I, Shiyani Malikongwa have disposed of my entire interest in carrying on the business of Bar Licence to Unangoni Augustine Malikongwa who will continue to trade at the same premises and under the same style of a Bar.

SHIYANI MALIKONGWA, P.O. Box 28, NATA.

First Publication

EXTRADITION ACT, 1990

No. 18



of 1990

ARRANGEMENT OF SECTIONS

PART I *Preliminary*

SECTION

1. Short title
2. Interpretation

PART II *General Provisions Relating to Extradition*

3. Application of Act
4. Discontinuance
5. Liability of criminal to surrender
6. Liability of accessories to be surrendered
7. Restrictions on surrender of criminals

PART III *Requests for surrender, warrants, etc. and committal proceedings*

8. Request for surrender
9. Refusal to surrender where offence too trivial
10. Endorsement of warrant
11. Provisional warrant
12. Detention
13. Hearing of case and evidence
14. Committal and discharge of prisoner
15. Special procedure for committal
16. Report of committal to Minister
17. Appeal

PART IV *Surrender or Discharge of fugitive criminals*

18. Consent order for surrender
19. Surrender or discharge of fugitive criminal
20. Discharge of persons apprehended
21. Transfer of fugitive criminal

PART V *Miscellaneous Provisions*

22. Transit of persons through Botswana
23. Priority where two or more requests made
24. Trial of fugitive surrendered by another country to Botswana
25. Execution of warrant
26. Attorney-General may appear

27. Regulations

28. Repeal and saving

An Act to re-enact with amendments the law relating to the extradition of persons accused or convicted of crimes committed within the jurisdiction of other countries

Date of Assent: 25th October, 1990.

Date of Commencement: 2nd November, 1990.

ENACTED by the Parliament of Botswana

PART I. *Preliminary*

- Short title 1. This Act may be cited as the Extradition Act, 1990.
- Inter-pretation 2. (1) In this Act, unless the context otherwise requires —
 “arrangement” includes a convention, protocol, agreement, scheme or treaty;
 “fugitive criminal” means any person accused or convicted of an extradition crime committed within the jurisdiction of any other country who is in or is suspected of being in Botswana;
 “magistrate” means any person appointed as Magistrate Grade I or over in accordance with the Magistrates’ Courts Act;
 “related offence” has the meaning assigned to it under section 6(2);
 “requesting country” means any country to which this Act applies which requests the surrender of a fugitive criminal;
 “warrant”, in the case of any country, includes any judicial document authorising the arrest of a person accused or convicted of a crime.
- Cap. 04:04 (2) Subject to the provisions of section 3, for the purposes of this Act “extradition crime” means a crime which, if committed within the jurisdiction of Botswana would be an offence punishable with imprisonment for a term of not less than two years or other greater penalty, and includes an offence of purely fiscal character.

PART II. *General Provisions Relating to Extradition*

- Application of Act 3. (1) Where an arrangement has been made with any country, with respect to the surrender to that country of any fugitive criminal, the Minister may, having regard to reciprocal provisions under the law of that country, by order published in the Gazette, direct that this Act shall apply in the case of that country subject to such conditions, exceptions and qualifications as may be specified in the order.
 (2) An order made under subsection (1) shall recite or embody the terms of the arrangement and shall not remain in force for any longer period than the arrangement.
 (3) Any order under subsection (1) may prescribe what crimes shall be deemed to be extradition crimes for the purposes of the order and this Act.
- Discontin- uance 4. If it appears to the Minister that the law of a country to which section 3 applies no longer contains reciprocal provisions or that an arrangement with any country referred to in the said section 3 is no longer

in force, the Minister may by statutory instrument discontinue the application of this Act to that country.

5. Where this Act applies in the case of any country, every fugitive criminal of that country who is in or suspected of being in Botswana shall be liable to be apprehended and surrendered in the manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the commencement of this Act or the application of this Act to that country, and whether there is or is not any concurrent jurisdiction in a court of Botswana over that crime.

Liability of
criminal to
surrender

6. (1) Every person who is accused or convicted of having counselled, procured, commanded, aided or abetted the commission of any extradition crime, or being an accessory before or after the fact to any extradition crime, shall be deemed, for the purposes of this Act, to be accused or convicted of having committed that crime, and shall be liable to be apprehended and surrendered accordingly.

Liability of
accessories
to be
surrendered

(2) For the purposes of this Act, "related offence" means aiding and abetting, counselling or procuring the commission of, being an accessory before or after the fact to, or attempting or conspiring to commit that offence.

7. (1) Subject to the provisions of subsection (2), the following provisions shall be observed with respect to the surrender of fugitive criminals, that is to say —

Restrictions
on surrender
of criminals

- (a) a fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if it appears to a court or the Minister that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character ;
- (b) a fugitive criminal shall not be surrendered to any country if there is the likelihood that he may be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his political opinions;
- (c) a fugitive criminal shall not be surrendered to any country if the offence in respect of which his surrender is demanded is punishable by death in that country and if under the laws of Botswana such an offence is not punishable by death if committed in Botswana unless provision is made by an arrangement with that country for securing that he will not be punished by death in respect of that offence;
- (d) a fugitive criminal who has been accused of some offence within the jurisdiction of Botswana, not being the offence for which his surrender is asked, or who is undergoing sentence under any conviction in Botswana, shall not, unless the President otherwise directs, be surrendered until after he has been discharged, whether by acquittal or on the expiration of his sentence or otherwise;
- (e) a fugitive criminal shall not be surrendered if such surrender would be contrary to the terms of any arrangement as recited or embodied in any order made under the provisions of section 3;

- (f) a fugitive criminal shall not be surrendered if final judgment has been passed by any court in Botswana upon him in respect of the offence for which his surrender is sought.
- (g) a fugitive criminal shall not be surrendered if the offence is an offence only under military law or a law relating to military obligations;
- (h) a fugitive criminal shall not be surrendered if the facts on which the request is made do not constitute an offence under the laws of Botswana;
- (i) a fugitive criminal who is a citizen of Botswana and is not also a citizen or national of the requesting country shall not be surrendered unless provision is made by the law of that country, or by arrangement, that fugitive criminals who are citizens of that country may be surrendered to Botswana on being requested;
- (j) a fugitive criminal shall not be surrendered to any country unless provision is made by the law of that country, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Botswana, be detained or tried in that country for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded;
- (k) a fugitive criminal shall not be surrendered until the expiration of 15 days from the date of being committed to prison to await his surrender.
- (2) An offence is not an offence of a political character —
 - (a) if it is an offence in accordance with the provisions of any international convention to which Botswana and the requesting country are parties and there is an obligation on each party to afford mutual assistance to surrender a fugitive criminal accused or convicted of the commission of the offence;
 - (b) if it is an offence against the life or person of a Head of State or a member of his immediate family, a Head of Government, or a Minister or if it is any related offence;
 - (c) if it is murder or any related offence.

PART III *Requests for surrender, warrants, etc. and committal proceedings*

Request for
surrender

8. (1) A requisition for the surrender of a fugitive criminal of any country, who is or suspected of being in Botswana, shall be made to the Minister by a diplomatic representative or consular officer of that country.

(2) The requisition shall be accompanied by a warrant for the arrest of the fugitive criminal issued in that country with the request that the warrant be endorsed for the arrest of the fugitive criminal.

(3) The Minister may transmit the warrant to a magistrate to endorse it for the apprehension of the fugitive criminal.

9. (1) Where the surrender of a fugitive criminal is sought under this Act, and it appears to a magistrate that by reason of the trivial nature of the case, or by reason of the application for the surrender of the fugitive criminal not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to surrender the fugitive criminal whether at all or until the expiration of a certain period, the magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be surrendered until after the expiration of the period named in the order, or may make such order in the matter as the magistrate thinks proper.

Refusal to
surrender
where
offence
too trivial

(2) Any order or refusal to make an order of discharge under this section shall be subject to appeal.

10. (1) Where in a country to which this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that country and he is or is suspected of being in or on the way to Botswana, a magistrate to whom the warrant has been directed by the Minister under section 8, if satisfied that the warrant was issued by a person having lawful authority to issue it, may, endorse the warrant in accordance with subsection (3), and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate.

Endorse-
ment of
warrant

(2) This Act shall apply whatever the date of the warrant and whether the offence is alleged to have been committed before or after the commencement of this Act or the application of this Act to that country.

(3) An endorsement of a warrant shall be signed by the magistrate and shall authorise all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and every police officer, to execute the warrant by apprehending the person named in it and bringing him before the magistrate or any other magistrate.

(4) Where a warrant for arrest has been endorsed in terms of subsection (1), any magistrate may issue a warrant empowering a police officer to search for and seize any property —

(a) which may be required as evidence at the trial of the fugitive criminal; or

(b) which has been acquired as a result of the extradition crime.

11. (1) A magistrate, before the endorsement in pursuance of section 10 of a warrant for the apprehension of any person, may issue a provisional warrant for his apprehension, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which that person is accused were an offence punishable by the law of Botswana.

Provisional
warrant

(2) A person arrested under a provisional warrant shall be discharged unless the original is produced and endorsed within such time as the magistrate thinks reasonable in the circumstances.

Detention

12. A fugitive criminal when apprehended on a warrant endorsed under section 10 or on a provisional warrant issued under section 11 shall be brought before a magistrate within 48 hours of his apprehension and the magistrate may issue a warrant for his further detention.

Hearing of case and evidence

13. (1) When a fugitive criminal is brought before a magistrate, the magistrate shall hold an inquiry with a view to the surrender of such person to the foreign country which has requested his surrender.

(2) Subject to the provisions of this Act, the magistrate shall proceed in the manner in which a preparatory examination is held in the case of a person charged with having committed an offence in Botswana and shall, for the purpose of holding such inquiry, have the same powers, including the power of committing any person for further examination and admitting any person detained to bail, as he has at a preparatory examination so held.

(3) Any deposition, statement on oath or affirmation taken, whether or not taken in the presence of the fugitive criminal, or any record of any conviction or any warrant issued in a foreign State, or any copy or sworn translation thereof, may be received in evidence at any such inquiry if authenticated to enable them to be produced in any court in Botswana or in the manner provided for in the extradition agreement concerned.

(4) The magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is not an extradition crime or is an offence for which the prisoner may not be surrendered.

Committal and discharge of prisoner

14. (1) Subject to the provisions of section 7, in the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorising the arrest of the criminal is duly authenticated, and such evidence is produced as, subject to the provisions of this Act, would, according to the law of Botswana, justify the committal for trial of the prisoner if the crime of which he is accused was committed in Botswana, the magistrate shall commit him to prison.

(2) Subject to the provisions of section 7, in the case of a fugitive criminal alleged to have been convicted of an extradition crime if such evidence is produced as, subject to the provisions of this Act, would, according to the law of Botswana, prove that the prisoner was convicted of such crime, the magistrate shall commit him to prison.

(3) Where the magistrate is not satisfied with the evidence mentioned in subsections (1) and (2), he shall order the prisoner to be discharged.

Special procedure for committal

15. (1) Notwithstanding the provisions of section 14 where a special arrangement has been made with country to which this Act applies with regard to committal proceedings for the surrender of fugitive criminals to that country, the Minister may by order published in the Gazette direct that committal of fugitive criminals from that country shall be conducted in accordance with the provisions of this section.

(2) The requesting country shall send to the Minister for transmission to the magistrate before whom the fugitive criminal is brought, a record of the case prepared by a competent authority in the requesting country

in accordance with the provisions of subsections (3) and (4).

(3) The record of the case referred to in subsection (2) shall contain—

- (a) particulars of the description, identity and nationality of the fugitive criminal;
- (b) the particulars of each offence or the conduct for which the surrender of the fugitive criminal is requested, specifying the date and place of commission, the legal description of the offence and the relevant legal provisions of the law of the requesting country, a copy of which shall be attached to the record;
- (c) the original or certified copy of any document or process issued in the requesting country against the fugitive criminal;
- (d) an abstract of the evidence acquired to support the request for the surrender of the fugitive criminal;
- (e) a certified copy or reproduction of exhibits or documentary evidence.

(4) A magistrate to whom a record of a case has been transmitted in accordance with subsection (2) shall not consider the case unless the record is duly authenticated by—

- (a) the oath or affirmation of the person who prepared the record of the case, stating that the record was prepared by him or under his direction, and that the evidence has been preserved for use in court; and
- (b) the certificate of the Attorney-General or his representative in the requesting country that he is satisfied that the evidence establishes a sufficient case to be tried in the courts of the requesting country, and that the evidence specified in the record exists and has been preserved for trial.

(5) A certificate of the Attorney-General or his representative in the requesting country accompanying the record shall be admitted without proof of the signature or authority of the person appearing to have issued it.

(6) Where a record of a case prepared in accordance with the provisions of this section has been transmitted to a magistrate, the magistrate shall consider the whole of its contents and without deciding whether the matters therein contained would be admissible under the laws of Botswana, may commit the fugitive criminal to prison to await his surrender if the matters recited in the record of the case, and any other evidence admissible under the law of Botswana, would be sufficient to warrant a trial of the charges for which the surrender has been requested.

(7) The magistrate shall receive any evidence which may be tendered to show that the surrender of the fugitive is precluded by law.

(8) This section shall not apply with regard to committal proceedings for the surrender of a fugitive criminal who has been convicted of an extradition crime.

16. Where a fugitive criminal is committed to prison to await his surrender under section 14 or 15, the magistrate shall forthwith send to the Minister notice of the committal together with any report on the case as

Report of
committal
to Minister

he may think fit, and the fugitive criminal shall be so committed to await the warrant of the Minister for his surrender.

Appeal

17. Any person aggrieved by a decision of the magistrate in committal proceedings may, within 15 days of such decision, appeal to the High Court.

PART IV *Surrender or Discharge of fugitive criminals*

Consent
order for
surrender

18. (1) A fugitive criminal may waive committal proceedings and in that case the magistrate may, subject to the provisions of subsection (2), make an order by consent for the committal of the fugitive criminal to prison or for his admission to bail to await his surrender, as the case may be.

(2) The magistrate shall not make a consent order under subsection (1) unless he is satisfied that the request by the fugitive criminal to waive committal proceedings was made voluntarily and with an understanding of the implications of that waiver.

Surrender
or discharge
of fugitive
criminal

19. (1) Upon the expiration of 15 days from the date of the committal of a fugitive criminal to prison, or if an appeal is made under section 17, from the date of dismissal or lapsing of the appeal, as the case may be, or after such further period as may be allowed by the Minister, the Minister may by warrant order the fugitive criminal to be surrendered to such person as is in his opinion duly authorised by the requesting country to receive the fugitive criminal, together with any property seized under the provisions of section 10(4) and the fugitive criminal and such property shall be surrendered accordingly.

(2) Any person to whom the warrant is directed and any person authorized to receive the fugitive criminal on behalf of the requesting country may receive, hold in custody and convey the fugitive criminal mentioned in the warrant into the jurisdiction of the requesting country.

Discharge
of persons
apprehended

20. Whenever a fugitive criminal who has been committed to prison is not surrendered and conveyed out of Botswana within two months after the committal, or, if appeal against such committal has been lodged, after the decision of the court upon the matter, the High Court may —

(a) upon an application being made to it by or on behalf of the criminal; and

(b) upon proof that reasonable notice of the intention to make the application has been given to the Minister,

order the criminal to be released unless sufficient cause is shown to the contrary.

Transfer of
fugitive
criminal

21. (1) Notwithstanding the provisions of section 7(1)(d) and subject to subsection 2, the President may, subject to the provisions of this Act, order that a prisoner who is serving a sentence under any conviction in Botswana who is also a fugitive criminal whose surrender is requested be released and be surrendered to the requesting country to enable proceedings to be brought against the prisoner in relation to the offence for which his surrender is requested, on such conditions as may be agreed between

the Minister and the requesting country.

(2) A fugitive criminal shall not be surrendered under subsection (1) unless the requesting country has given an undertaking that the fugitive criminal shall be returned to Botswana on the completion of the proceedings in respect of which the surrender is grounded.

PART V *Miscellaneous Provisions*

22. (1) Any person entering or passing through Botswana in custody by virtue of any warrant or order lawfully issued in any country to which this Act applies shall, during his passage through Botswana, be deemed to be in lawful custody if the Minister, at the request of the country in which the warrant or order was issued, authorised such passage in custody.

Transit
of persons
through
Botswana

(2) A certificate by the Minister that such warrant or order was lawfully issued shall be conclusive proof of that fact.

23. (1) Where requests for the surrender of a fugitive criminal are made by two or more countries such that they are to be dealt with at the same time, the Minister shall determine to which requesting country the fugitive criminal should be returned and accordingly may refuse the requests from the other country or countries.

Priority
where two
or more
requests
made

(2) For the purposes of subsection (1), in determining which country should be given priority for the surrender of the fugitive criminal, the Minister shall consider all the circumstances of the respective requests and in particular —

- (a) the relative seriousness of the offences;
- (b) the relative dates on which the requests were made; and
- (c) the citizenship or other national status of the fugitive criminal and his usual residence.

24. Where in pursuance of an arrangement with another country any person accused or convicted of any offence committed in Botswana is surrendered by that country, that person shall not, unless the arrangement provides to the contrary, until he has been restored or afforded a reasonable opportunity of leaving Botswana, be triable or tried for any offence committed prior to his surrender to Botswana other than for an offence proved by the facts on which his surrender is grounded.

Trial of
fugitive
surrendered
by another
country to
Botswana

25. A warrant endorsed by a magistrate in pursuance of this Act may be executed in any part of Botswana in the same manner as if it had been originally issued or subsequently endorsed by a magistrate having jurisdiction in the place where it is executed.

Execution
of warrant

26. The Attorney-General or any person delegated by him may appear at an inquiry held under this Act.

Attorney-
General
may appear
Regulations

27. The Minister may make regulations —

- (a) prescribing the form of any warrant or other document which is required to be or which may be issued under this Act;
- (b) generally for the better carrying out of the provisions of this Act.

A.76

Repeal
and saving

28. (1) The Extradition Act is hereby repealed.

(2) Notwithstanding the repeal effected by subsection (1), any instrument or arrangement made under the repealed enactment and in force immediately before the commencement of this Act shall continue in force as if made under this Act.

PASSED by the National Assembly this 21st day of September, 1990.

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

PROCEEDS OF SERIOUS CRIME ACT, 1990

No. 19



of 1990

ARRANGEMENT OF SECTIONS

PART I *Introduction*

SECTION

1. Short title
2. Interpretation

PART II *Confiscation Orders*

3. Application for confiscation order
4. Decision of court in respect of application for confiscation order
5. Issue of confiscation order
6. Issue of confiscation order to victim of offence
7. Discharge of confiscation order

PART III *Restraining Orders*

8. Restraining order
9. Appointment of receiver
10. Further orders of court
11. Discharge of restraining order

PART IV *Charge on Property*

12. Charge on property subject to confiscation order
13. Registration of orders

PART V *Money Laundering, etc.*

14. Money laundering
15. Possession of property, etc. suspected of being proceeds of serious offence
16. Contravention of restraining order

PART VI *Production Orders*

17. Production orders
18. Failure to comply with production order

PART VII *Mutual Assistance Between Countries*

19. Foreign request for assistance

PART VIII *Search Warrants*

20. Powers of search, etc.

PART IX *Miscellaneous*

21. Appeals

22. Standard of proof

23. Regulations

An Act to deprive persons convicted of serious crimes of the benefits or rewards gained from such crimes, and to deal with the problems of money laundering, and matters incidental thereto or connected therewith.

Date of Assent: 25. 10. 1990.

Date of Commencement: 2. 11. 1990.

ENACTED by the Parliament of Botswana

PART I *Introduction*

Short title
Interpret-
ation

1. This Act may be cited as the Proceeds of Serious Crime Act, 1990.

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

“confiscation order” has the meaning assigned to in under section 5;

“production order” means an order made under section 17 for the production of a document;

“restraining order” has the meaning assigned to it under section 8;

“serious offence” means an offence the maximum penalty for which is death, or imprisonment for not less than two years.

(2) Where reference is made in this Act to anything received in connexion with the commission of a serious offence, such reference shall be deemed to include a reference to anything received both in that connexion and in some other connexion.

(3) For the purposes of this Act a person shall be deemed to have been charged with a serious offence if any information has been laid against him for that offence, whether or not a warrant for his apprehension or a summons requiring his attendance to answer to the information has been issued.

(4) Where a person is convicted of a serious offence, and with his consent another serious offence, of which he has not been convicted, is taken into consideration by the court in passing sentence, he shall, for the purposes of this Act, be deemed to have been convicted by the court of the offence so taken into consideration.

(5) For the purposes of this Act a person shall be deemed to have obtained the proceeds of a serious offence if he receives a payment or other reward in respect of, or derives a pecuniary advantage as a result of —

- (a) the commission of the offence; or
- (b) any part of a course of conduct by him, alone or in association with any other person, having as its purpose or one of its purposes the carrying out or furtherance of criminal activities, of which the commission of the offence is shown to be a part.

(6) When, for the purposes of this Act, it is necessary to assess the value of any proceeds referred to in subsection (5), such value shall be deemed to be the aggregate of the values of all the payments, rewards or pecuniary advantages so received or derived.

(7) Where in this Act reference is made to the Attorney-General, such reference shall be deemed to include any person specially or generally authorized by the Attorney-General in that regard.

PART II *Confiscation Orders*

3. (1) Where a person has been convicted of a serious offence, the Attorney-General may apply to the court before which the conviction was obtained, or to the High Court, for a confiscation order in respect of that serious offence, or, if convictions were obtained for more than one serious offence, in respect of all or any of those offences.

Application
for confis-
cation order

(2) An application under subsection (1) shall be made within 12 months of the date of the conviction for the offence in respect of which it is made.

4. (1) Where an application is made under section 3, the court shall satisfy itself that the defendant in the case concerned has received the proceeds, as defined in section 2 (5), of the serious offence or offences in respect of which the application is made, and if it decides that he has, shall proceed to assess the value of the proceeds received by him:

Decision of
court in
respect of
application
for confis-
cation order

Provided that in making such assessment where more than one serious offence is involved, the court shall make an assessment of the proceeds received by the defendant in respect of each offence separately.

(2) For the purpose of making an assessment under subsection (1), the court may —

- (a) treat any property which the court is satisfied was held by the defendant since his conviction for the offence in respect of which the application is made, or was transferred to him at any time within a period of 5 years prior to the date when he was charged with that offence, or, in the case of a serious offence of which he is deemed to have been convicted by virtue of section 2 (4), within a period of 5 years prior to the date when he was so convicted, as having been received by him as payment or reward in connexion with the commission of the offence;
- (b) treat any payment, reward or pecuniary advantage as having been received or derived by him, notwithstanding that it was received

or derived by another person at the request or at the direction of the defendant, or that it was received or derived by him or so received or derived by that other person before the commencement of this Act, or outside Botswana;

- (c) treat any property vested in any trustee or receiver by reason of the defendant's bankruptcy, as continuing to be the defendant's property;
- (d) treat property as being held by the defendant if he holds an interest in it, or as having been transferred to him if an interest in the property has been transferred or granted to him;
- (e) disregard any expenses or outgoings of the defendant in connexion with the offence or any other serious offence.

(3) For the purpose of making an assessment under this section, the court may treat as property of the defendant any property that, in the opinion of the court, is subject to the effective control of the defendant, whether or not the defendant has any legal or equitable estate or interest in it, or any right, power or privilege in connexion with it.

(4) Without limiting the generality of subsection (3), the court may have regard to —

- (a) shareholdings in, debentures over or directorships of any company that has an interest (whether direct or indirect) in the property;
- (b) any trust that has a relationship to the property; and
- (c) family, domestic and business relationships between persons having an interest in the property, or in companies of the kind referred to in paragraph (a), or trusts of the kind referred to in paragraph (b), and any other person or persons.

(5) For the purpose of satisfying itself in accordance with subsection (1) in respect of a serious offence, the court may have regard to the transcript of any proceedings against the defendant for the offence or offences.

(6) For the purpose of making an assessment under this section, the court shall value property, other than money, at its market value determined as at the date when the court makes the assessment, and when any person other than the defendant holds an interest in the property, the value of that interest shall be taken into account in determining the value of the property to the defendant.

Issue of
confiscation
order

5. (1) When a court has satisfied itself in accordance with section 4 that the defendant has received or derived any benefit from proceeds of a serious offence, it shall issue an order (in this Act referred to as a "confiscation order") ordering the defendant to pay to the Government a pecuniary penalty of an amount equal to its own assessment of the value of the proceeds of the offence, received by the defendant or from which

he has benefited, unless the court for good reason decides that the penalty shall be for a lesser amount.

(2) The penalty ordered under subsection (1) shall, for all purposes, be deemed to be a civil debt owed by the defendant to the Government, and may be enforced as if it were an order made by the court in civil proceedings instituted by the Government against the defendant to recover a debt due by him to the Government.

(3) A confiscation order following the conviction of the defendant may be issued before or after the court trying the offence or offences has passed sentence:

Provided that -

- (a) where a confiscation order is made before sentence has been passed, the court in passing sentence shall take into account the total value of the confiscation order when assessing the amount of any fine or order for compensation or restitution to be imposed on the defendant; and
- (b) where a confiscation order is made after sentence has been passed, the court in assessing the size of any such order shall take into account any fine or order for compensation or restitution passed by the court which sentenced the defendant.

6. (1) Notwithstanding the provisions of section 5 the court, instead of issuing a confiscation in favour of the Government, may on the application of the victim of the offence make the confiscation order in favour of the victim of the offence.

Issue of a
confiscation
order to
victim of
offence

(2) A confiscation order made under this section shall be deemed to be an exercise of the civil jurisdiction of the court in an action between the victim of the offence as plaintiff and the offender as defendant and may be enforced as if it were an order made by the court in civil proceedings instituted by the plaintiff against the defendant to recover a debt due by him to the plaintiff.

7. (1) A confiscation order made against the defendant shall be discharged —

Discharge of
confiscation
order

- (a) on the satisfaction of the pecuniary penalty;
- (b) where the conviction or the confiscation order is set aside on appeal or where a free pardon is granted by the President in respect of the conviction.

(2) Where a confiscation order is made in respect of a conviction for more than one offence, and the successful appeal or the free pardon is not in respect of all of the offences, the confiscation order shall not be discharged, but the amount of the pecuniary penalty under the order shall be deemed to be reduced by the amount attributable to the offence or offences the conviction for which has ceased to have effect.

Restraining
order

PART III *Restraining Orders*

8. (1) Where a person has been or is about to be charged with a serious offence, the Attorney-General may apply to a magistrate's court or the High Court, ex-parte, for a restraining order.

(2) An application for a restraining order may be made in respect of one, or more than one, serious offence and shall be supported by an affidavit of a police officer of or above the rank of Inspector stating —

- (a) the serious offence or offences in respect of which the application is made;
- (b) that the officer has a reasonable belief that the defendant committed the offence, or each of the offences, as the case may be, and that he received or derived proceeds from the said commission;
- (c) identifying the property which the officer reasonably believes to represent the proceeds received or derived by the defendant from the said commission; and
- (d) setting out the basis for such beliefs.

(3) An application for a restraining order shall not be made or continued if proceedings against the defendant in respect of the serious offence or offences are abandoned or cease to have effect.

(4) Where, on an application under this section, the magistrate's court or the High Court is satisfied that there is reasonable cause to believe that the defendant has benefited from the proceeds of the serious offence or offences in respect of which the application is made, the court may, by order, (herein referred to as a "restraining order",) prohibit any person from dealing in any way with any property to which the order applies, subject to such conditions as may be specified in the order.

(5) A restraining order shall identify the defendant and the offence or offences in respect of which it is made, and shall provide for notice to be given to any person affected by the order.

(6) A restraining order may apply to —

- (a) property described in the order, being property —
 - (i) of the defendant, or
 - (ii) received in connexion with, or derived from, the commission of the offence and held by any person, other than the defendant in the order; or
- (b) all property of the defendant, whether described in the order or not, and including property acquired by the defendant after the making of the order.

(7) The conditions, subject to which a restraining order may be made, may include conditions with respect to the meeting of reasonable living and business expenses of any person to whom the order applies, or who is affected by the order.

(8) The magistrate's court or the High Court may rescind or vary an order made under this section if the defendant gives security, satisfactory to the court, for the payment of any future pecuniary penalty which may be made in respect of any serious offence to which the application for a restraining order relates, or if the defendant gives undertakings, satisfactory to the court, concerning any of his property which might become liable to a future pecuniary penalty.

9. (1) The High Court may appoint a receiver to take possession of any property to which a restraining order relates, and, in accordance with such directions, or subject to such conditions or exceptions as the court may give or impose, to manage or otherwise deal with any property in respect of which he is appointed.

Appointment
of receiver

(2) Any person having possession of any property in respect of which a receiving order is made under this section, shall give control or possession thereof to the receiver.

(3) The High Court may, on application, or of its own motion, revoke the appointment of a receiver, or vary the conditions or exceptions subject to which he was appointed.

(4) Where a confiscation order is made against the defendant, any property in respect of which the receiver was appointed and which is in his possession or under his control, shall be made available by the receiver, to such extent as may be necessary, to satisfy the amount of the pecuniary penalty imposed under the confiscation order, unless the High Court otherwise directs.

(5) A person appointed a receiver under subsection (1) shall be paid such remuneration as may be specified by the High Court.

(6) Where the appointment of a receiver ceases, whether by reason of the discharge of the restraining order or for some other reason, any property in respect of which he was appointed and which is then in his possession or under his control, shall be dealt with by the receiver as the High Court directs.

(7) Where a receiver takes any action in relation to property which is not property in respect of which he was appointed, being action which he would be entitled to take if it were such property, and believing and having reasonable grounds for believing, that he is entitled to take that action in relation to that property, he shall not be liable to any person in respect of any loss or damage resulting from his action, except in so far as, and to the extent that, the loss or damage results from his own negligence.

10. (1) When the High Court makes a restraining order, or at any subsequent time, either of its own motion or on application made to it by the Attorney-General, the defendant or, with leave of the court by any other person, as appropriate, it may —

Further
orders of
court

(a) vary the property to which the order is to apply;

- (b) vary any condition or exception subject to which the order is made;
- (c) order the examination of the defendant, or any other person, whether affected by the order or not, before the High Court, or before any specified person, concerning the nature and location of any property to which the order relates; or
- (d) make or vary any order relating to any undertaking given in accordance with section 8(8).

(2) Any statement or disclosure made by a person in answer to questions put to him in the court of an examination referred to in subsection (1)(c) shall be admissible against him in any civil proceeding, any proceeding relating to the giving of false testimony in the course of the examination, or any proceeding for the making of a confiscation order for the purpose only of assessing the value of the benefit to the person from the proceeds of the serious offence or offences, but shall not otherwise be admissible in evidence against him.

Discharge of
restraining
order

11. (1) A restraining order shall be deemed to be discharged —
- (a) if the proceedings against the defendant in respect of the serious offence giving rise to it are discontinued, or if the defendant is not charged with the serious offence within a week of the making of the order;
 - (b) if a confiscation order is made against the defendant in respect of the same serious offence to which the restraining order relates; or
 - (c) if a confiscation order is not applied for within the period specified in section 3 (2).

(2) The High Court may, on application by the defendant, discharge a restraining order if the defendant gives security or undertakings of the kind referred to in section 8 (8).

(3) Where a restraining order is made in respect of more than one offence, and the proceedings against the defendant in respect of one or some of the offences are discontinued, or if he is not charged with all of the offences within the period specified in subsection 1 (a), the order shall be discharged only in relation to the offence or offences so discontinued or not so charged.

PART IV *Charge on Property*

Charge on
property
subject to
confiscation
order

12. (1) Where a confiscation order is made in respect of property subject to a restraining order, then, by virtue of this section, and unless the High Court otherwise directs, a charge is created on the property to secure payment to Government or the victim of the offence, as the case may be, of the amount of any pecuniary penalty imposed under the confiscation order.

(2) A charge created by subsection (1) shall be subject to every encumbrance to which the property was subject immediately before the confiscation order was made, but shall have priority over all other encumbrances, and shall remain on the property despite any disposal of the property:

Provided that this subsection shall not affect the title of a bona fide purchaser of the property for value, who acted in good faith and who, at the time of the purchase, had no notice of the charge.

(3) A charge on property created by this section shall cease to have effect if the confiscation order is discharged, or if the property is disposed of with the consent of the High Court, or in the circumstances referred to in the proviso to subsection (2).

13. If a restraining order or a confiscation order is in respect of property, charges over, incumbrances on, title to or documents relating to which are registrable under the law of Botswana, the Attorney-General or the receiver may register such order, and any person who purchases the property after such registration shall be deemed to have notice of the order, and of the effect thereof.

Registration
of orders

PART V *Money Laundering, etc.*

14. (1) For the purposes of this section, a person shall be deemed to engage in money laundering if he engages, directly or indirectly, in a transaction that involves money, or other property, that is the proceeds of a serious offence, whether committed in Botswana or elsewhere, or if he receives, possesses, conceals, disposes of, or brings into Botswana, any money, or other property that is the proceeds of a serious offence, whether committed in Botswana or elsewhere, and the person knows, or ought reasonably to know, that such money or other property is derived or realised, directly or indirectly, from some sort of unlawful activity.

Money
laundering

(2) A person who engages in money laundering shall be guilty of an offence and shall be liable, if he is an individual to imprisonment for a term not exceeding three years or to a fine not exceeding P10 000, or both, or if the offender is a body of persons, then, every person who at the time of the commission of the offence was a director, manager or partner of such body shall be liable to a fine not exceeding P25 000.

15. (1) Any person who receives, possesses, conceals, disposes of or brings into Botswana any money, or other property, that may reasonably be suspected of being proceeds of a serious offence, shall be guilty of an offence and liable, if he is an individual, to imprisonment for a term not exceeding three years or to a fine not exceeding P10 000, or both, or if the offender is a body of persons, then, every person who at the time of the commission of the offence was a director, manager or partner of such body, shall be liable to a fine not exceeding P25 000.

Possession
of property,
etc. suspected
of being
proceeds of
serious
offence

(2) It shall be a defence to a charge under this section if the person charged satisfies the court that he did not know and had no reasonable

grounds for suspecting that the money or property referred to in the charge was derived or realised, directly or indirectly, from some form of unlawful activity.

Contravention
of restraining
order

16. A person who knowingly contravenes the terms of a restraining order by disposing of, or otherwise dealing with money or property to which the order relates shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding P10 000, or both.

PART VI *Production Orders*

Production
orders

17. (1) Where a person has been convicted of a serious offence, or there are reasonable grounds for suspecting that he has committed a serious offence, and there are reasonable grounds for suspecting that documents relevant to the offence, or that may assist in any way in tracking or identifying the proceeds of the offence, or in assessing the value of those proceeds, or in tracking, identifying or assessing the value of any property of the person convicted of the offence, or suspected of having committed the offence, are in the possession of or under the control of any person, the Attorney-General may apply to a magistrate or a judge of the High Court for a production order in respect of those documents.

(2) An application for a production order shall be supported by an affidavit sworn by a police officer of or above the rank of Inspector setting out the grounds for the application, and the basis for any suspicions as to the commission of the offence, or as to the location of any such documents as are referred to in subsection (1).

(3) A magistrate or a judge before whom an application is made under this section, may, if he is satisfied that there are reasonable grounds for making the order, issue a production order, subject to such conditions as he may think fit to impose, ordering any person to produce to a police officer any document of the kind referred to in subsection (1) that are in such person's possession or under his control, or to make such documents available to a police officer for inspection, at such time or place as may be specified in the order.

(4) Where a document is produced or made available to a police officer under this section he may take extracts from it or make copies of it, and if it was ordered to be produced to him, he may retain it if, and for so long as, its retention is reasonably necessary for the purposes of this Act.

(5) A person shall not be excused from producing or making available a document when ordered to do so under this section on the ground that producing it or making it available might tend to incriminate him or make him liable to a penalty, or that it would or might be in breach of an

obligation (whether imposed by an enactment or otherwise) of the person not to disclose the existence or contents of the document:

Provided that any information, document or thing obtained as a direct or indirect consequence of the production or making available of the document shall not be admissible in evidence against the person producing it or making it available in any criminal proceedings except in respect of an offence under section 18.

(6) For the purposes of the proviso to subsection (5) proceedings on an application for a confiscation order or a restraining order are not criminal proceedings.

(7) Where a police officer retains a document pursuant to an order under this section, he shall, on request of the person to whom the order is addressed, give to that person a copy of the document, certified under his hand to be a true copy of the document.

(8) Where a production order requires a person to produce a document to a police officer, the person may apply to a magistrate's court or the High Court for a variation of the order, and if the court is satisfied that the document is essential to the business activities of the person, and the interests of justice will not thereby be jeopardised, it may vary the terms of the production order so that it requires the person to make the document available to a police officer for inspection.

18. Where a person is required in accordance with the terms of a production order to produce a document to a police officer or to make a document available to a police officer for inspection, and contravenes the order without reasonable excuse, or in purported compliance with the order produces or makes available a document which he knows or has good reason to know is false or misleading in a material particular without disclosing that the document is so false or misleading, and without providing correct information, if he possesses or can reasonably acquire such correct information, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding P10 000, or both.

Failure to
comply with
production
order

PART VII *Mutual Assistance Between Countries*

19. (1) Where, in any country to which the Mutual Assistance in Criminal Matters Act, 1990, applies, an order similar to a confiscation order or a restraining order is made against any person, in respect of an offence that is the equivalent of a serious offence as defined in this Act, and the order is registered by the High Court in accordance with the said Act, the provisions of this Act shall have effect as if the order were made under this Act, subject to such modifications as may be prescribed, as it has effect to a confiscation order or a restraining order, as the case may be.

Foreign
request for
assistance

(2) Where a request for assistance in identifying, locating or assessing

the value of the proceeds of a serious offence is transmitted under the terms of the Mutual Assistance in Criminal Matters Act, 1990, and the request is not refused under that Act, the provisions of this Act —

- (a) in relation to production orders and their enforcement shall have effect, subject to such modifications as may be prescribed, as they have effect in the circumstances described in section 17(1); and
- (b) in relation to search warrants and their enforcement shall have effect, subject to such modifications as may be prescribed, as they have effect in the circumstances described in section 20.

PART VIII *Search Warrants*

Powers of
search, etc.

20. (1) Where a person has been convicted of a serious offence, or there are reasonable grounds for suspecting that a person has committed a serious offence, and there are reasonable grounds for suspecting that there is on any land, or upon any premises, any document such as is described in section 17(1) in relation to the offence, the Attorney-General may apply to a magistrate or a judge of the High Court for a search warrant in respect of that land or those premises.

(2) A police officer of or above the rank of Inspector may, under the authority of a search warrant issued under subsection (1), enter upon any land or upon or into any premises specified in the warrant, to search for and seize any document which he believes on reasonable grounds to be a document such as is described in section 17(1).

(3) A magistrate or judge shall not issue a search warrant under this section unless he is satisfied that —

- (a) the document involved cannot be identified or described with sufficient particularity for the purpose of obtaining a production order in respect of it;
- (b) a production order has been given in respect of the document and has not been complied with;
- (c) a production order in respect of the document would be unlikely to be effective because there are reasonable grounds to suspect that it would not be complied with; or
- (d) the investigation for the purposes of which the search warrant is sought might be seriously prejudiced if immediate access to the document is not obtained without prior notice to any person.

(4) If, in the course of a search authorized under this section, a document or any other thing is found that the person conducting the search believes on reasonable grounds to be a document such as is referred to in section 17(1), though not of a kind specified in the warrant, or such as will afford evidence, relating to the serious offence in respect of which the warrant was issued, or to any other serious offence, and it is believed on reasonable grounds that it is necessary to seize that

document or thing immediately to prevent its concealment, loss or destruction, the warrant shall be deemed to authorize such seizure.

PART IX *Miscellaneous*

21. There shall be a right of appeal by any interested party in respect of the issue of a confiscation order, a restraining order or a search warrant under this Act, or by the Attorney-General against the refusal of a court to issue a confiscation order, a restraining order or a search warrant. Appeals

22. Any question of fact to be decided in connexion with any application under this Act shall be decided on a balance of probabilities: Standard of proof

Provided that where the issue is whether a person has been convicted of, or charged with, or about to be charged with a serious offence, or has had a serious offence taken into account in being sentenced for another serious offence, the court shall require to be satisfied beyond a reasonable doubt on such issue.

23. The Minister may make regulations for or with respect to any matter that is required or permitted by this Act to be prescribed, or for or with respect to any matter that is necessary or desirable for carrying out or giving effect to the purposes of this Act. Regulations

PASSED by the National Assembly this 20th day of September, 1990.

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

Bill No. 23 of 1990

DRUGS BILL, 1990
(Published on 2nd November, 1990)

MEMORANDUM

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

The purpose of the Bill is to control and regulate the importation, manufacture, distribution and sale of drugs and other related substances used in the treatment of humans in Botswana. It will not cover habit forming drugs which are dealt with in the Habit Forming Drugs Act.

The provisions of the Bill will require any drug or related substance to be registered by the Director of Health Services, who will be subject to the advice of an advisory board established for the purpose. In addition, the importation, manufacture distribution or sale of such drugs and related substances may only be effected by or through persons or establishments licensed for the purpose, and the issue of such licences will be subject to the recommendation of the Director. And where drugs and related substances are retailed, their sale shall be under the direct supervision of a pharmacist registered under the Medical, Dental and Pharmacy Act.

Control will also be extended to cover the advertisement of drugs and related substances, and to deal with the dissemination of misleading, false or deceptive information regarding their effect or properties.

K.P. MORAKE,
Minister of Health.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, application and commencement
2. Interpretation
3. Registration of drugs
4. Suspension or revocation of registration
5. Advisory Board
6. Manufacture of drugs
7. Export, import and distribution of drugs
8. Drugs in transit
9. Classification, dispensing and prescription of drugs
10. Retailing of drugs
11. Advertising of drugs
12. Inspection of premises
13. Regulations
14. Delegation of powers
15. Appeals
16. Offences
17. Transitional

A BILL
—entitled—

An Act to provide for the control over and regulation of drugs and related substances and for matters connected therewith.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana

Short title
application
and
commence-
ment

1. (1) This Act shall be cited as the Drugs Act, 1990, and shall apply to all drugs and related substances other than those covered by the Habit Forming Drugs Act.

(2) This Act shall come into operation on such date or dates as the Minister may, by notice in the Gazette, appoint.

Interpret-
ation

2. (1) In this Act, unless the context otherwise requires —
“advertisement”, in relation to a drug, means any written, pictorial, visual or other descriptive matter or verbal statement or reference —

(a) appearing in any newspaper, magazine, pamphlet or other publication; or

(b) distributed to members of the public; or

(c) brought to the attention of the public in any manner whatsoever, which is intended or has the effect of promoting the sale of that drug, and “advertise” shall have a corresponding meaning;

“drug” means any substance or mixture of substances used or purporting to be suitable for use, or manufactured or sold for use in the diagnosis, treatment, alleviation, modification or prevention of disease, illness, abnormal physical or organic condition or the symptoms thereof in human beings, or restoring, correcting or modifying any somatic or psychic or organic condition in human beings, and shall include a related substance;

“label” when used as a verb means brand, mark or otherwise designate or describe, and when used as a noun means any brand or mark or any written, printed or graphic matter on the immediate container, or the outside container or wrapper, or attached to or packed with and referring to the contents of the container;

“manufacture” includes all operations involved in the production, processing, compounding, formulation, filling, packaging, re-packing and labelling of a drug;

“pharmacist” means a person registered as a pharmacist under the Medical, Dental and Pharmacy Act;

“pharmacy” means a retail business licensed to sell drugs;

“related substance” means any substance or mixture of substances which the Minister, by notice in the Gazette, declares to be a substance to which the provisions of this Act shall apply.

Registration
of drugs

3. (1) No drug shall be imported into or exported from Botswana, or manufactured, distributed or sold unless such drug has been and is registered by the Director of Health Services.

(2) The Director shall keep and maintain, or cause to be kept and maintained, a register in which shall be recorded all drugs registered by him under this section.

(3) The register shall be open for inspection by the public at such times and places and on such terms as may be determined by the Director.

(4) Application for the registration of a drug shall be made to the Director in such form and accompanied by such further information as may be prescribed.

(5) The registration of a drug shall cease to be valid if any significant change has been made in the composition of the product, the dosage form or the conditions of its manufacture, without the prior approval of the Director to such change.

4. If, in the opinion of the Director, information not previously available indicates that a registered drug may not be safe and effective when used in the manner and for the purposes approved at the time of its registration, he may —

Suspension or revocation of registration

- (a) require such revisions in the composition of the drug, its packaging, labelling or advertising as he may consider necessary or desirable to ensure safety and efficacy;
- (b) suspend the registration for a specified period or pending compliance with any requirements made under paragraph (a); or
- (c) revoke the registration.

5. (1) The Minister may establish a Drugs Advisory Board, the function of which shall be to advise the Director as to whether a drug should be registered or not, or as to the conditions subject to which it should be registered, or whether those conditions should be revised in accordance with section 4 (a), or whether registration should be suspended or revoked.

Advisory Board

(2) In establishing the Drugs Advisory Board, the Minister shall determine its composition, its terms of reference and make the necessary appointments by notice published in the Gazette.

(3) Members of the Drugs Advisory Board shall hold office for three years but shall be eligible for re-appointment.

6. (1) The manufacture of drugs may only be undertaken in an establishment licensed therefor under the Industrial Development Act, 1988, and with the written approval of the Director.

Manufacture of drugs

(2) A person wishing to manufacture drugs shall make application therefor to the Director in such form as may be prescribed, and shall supply such further information as the Director may require to satisfy himself that the premises to be used are satisfactory for the purpose, and will be operated in accordance with standards of good practice in the manufacture and quality control of drugs.

(3) The manufacture of drugs shall be under the control of persons with qualifications approved for the purpose by the Minister, which qualifications shall not be less than those of a registered pharmacist.

(4) Where the Director is satisfied that the conditions of any licence,

or of any approval by him, are not being observed, or that the manufacture is not being carried out in accordance with the provisions of this Act and in a satisfactory manner, he may withdraw his approval and give notice thereof to the manufacturer.

Export,
import and
distribution
of drugs

7. (1) Drugs shall be exported, or imported and distributed, only by the Central Medical Stores or by a person duly licensed therefor in accordance with the Trade and Liquor Act and with the written approval of the Director for such export, import or distribution.

(2) A person wishing to export or import drugs or distribute drugs wholesale, shall apply to the Director for approval in such form as may be prescribed, together with such information as the Director may require to satisfy himself that the applicant has satisfactory premises and that the business will be operated in accordance with good professional standards.

(3) The business of exporting or importing drugs or distributing drugs wholesale shall be under the control of a technical manager with such qualifications as the Director may approve.

(4) The distribution of drugs may only be made to establishments approved by the Director for the sale or dispensing of such drugs.

(5) Where the Director is satisfied that drugs are being exported, imported or distributed otherwise than in accordance with the conditions of any licence issued under the Trade and Liquor Act, or any approval given by the Director, or the provisions of this Act, or that the business is not being operated in accordance with good professional standards, he may by written notice to the exporter, importer or distributor concerned withdraw his approval for the continued operation of the business, either absolutely or pending compliance with such directions as he considers necessary or desirable.

Drugs in
transit

8. Where drugs are to be imported into Botswana in the course of transit to another country, the importer shall, before such importation, notify the Director in writing, stating —

- (a) the type and quantity of the drugs;
- (b) the expected time of arrival and departure of the drugs;
- (c) the expected method and place of arrival and departure of the drugs; and
- (d) the ultimate destination of the drugs.

Classific-
ation
dispensing
and prescrip-
tion of drugs

9. (1) Drugs shall be classified according to the following classifications and descriptions —

- (a) Schedule 1 Drug — a drug which may be dispensed on prescription only, and must be kept in a pharmacy under the control of a registered pharmacist;
- (b) Schedule 2 Drug — a drug which must be kept in a pharmacy, but which may be sold from a pharmacy without prescription;
- (c) Schedule 3 Drug — a drug which may be sold over the counter by any licensed trader.

(2) Registered medical practitioners and dentists may prescribe Schedule 1 drugs in the exercise of their professions, and the Director

may in suitable circumstances authorize limited powers of prescription of such drugs by registered nurses and other medical personnel.

(3) The dispensing of Schedule 1 and Schedule 2 drugs shall be by pharmacists through pharmacies, or through institutions approved by the Director, and regulations made by the Minister may provide for pharmacy technicians or other health personnel to dispense drugs to such extent or in such circumstances as may be specified.

10. (1) The retailing of drugs, other than Schedule 3 drugs, shall be through a pharmacy duly licensed as such under the Trade and Liquor Act, and approved for the purpose by the Director, and shall be under the control of a pharmacist. Retailing
of drugs

(2) If the Director is of the opinion that a pharmacy is being operated in an unsatisfactory manner, or not in accordance with good professional standards, he may, in writing to the pharmacy, withdraw his approval, either absolutely or pending compliance with such directions as he considers necessary or desirable.

11. (1) The advertising of any drug shall not, by word or by illustration, give any false, misleading or deceptive information concerning the properties of the drug, or which is likely to encourage wrong or excessive use of the drug. Advertising
of drugs

(2) The advertising of drugs which may be sold on prescription only shall be disseminated through professional journals and magazines only to persons authorized to dispense, prescribe or administer such drugs.

(3) The advertising of drugs which may be dispensed without prescription may be addressed to the public but shall not include promises of unfailing results or expressions or illustrations of a nature likely to offend or intimidate members of the public, or make reference to symptoms in a manner likely to induce members of the public to make wrong diagnoses.

12. (1) All premises where drugs are stored, handled, dispensed, manufactured or sold shall be subject to periodical inspection by persons authorized by the Director in writing for the purpose, and such persons shall be given unhindered access to such premises with the right to take samples, without payment, of any drugs on the premises, and to carry out any investigations that he considers necessary or desirable. Inspection
of premises

(2) The licence holder of any such premises as are referred to in subsection (1), or the person in charge thereof, shall on demand by the person so authorized by the Director, provide any economic or statistical information required of him, and provide all other necessary assistance required by the authorized person for the performance of his duties.

13. (1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, such regulations may provide for — Regulations

- (a) any matter to be prescribed under this Act;
- (b) the procedure for the registration of drugs, and the cancellation or suspension of such registration;

- (c) the procedure for obtaining the approval of the Director in any matter where the approval of the Director is required under this Act, and for the withdrawal or suspension of such approval;
- (d) the control and regulation of the manufacture, import, export, distribution and sale of drugs;
- (e) the labelling and advertising of drugs;
- (f) forms to be used and fees to be paid in respect of applications under this Act;
- (g) the inspection of premises under this Act.

(2) Regulations under this Act may provide penalties for breaches thereof of fines up to a maximum of P500 and imprisonment for not more than three months.

Delegation
of powers

14. The Director may, by writing under his hand, delegate to the Assistant Director of Technical Support Services or to the Chief Pharmacist, any of his powers under this Act.

Appeals

15. Any person aggrieved by any decision of the Director, the Assistant Director of Technical Support Services or the Chief Pharmacist under this Act may appeal to the Minister against such decision, and the Minister's decision thereon shall be final and not subject to appeal in any court.

Offe

16. (1) Any person who contravenes or fails to comply with any of the provisions of this Act, or who —

- (a) manufactures, imports, exports, distributes or sells drugs without first obtaining the Director's approval;
- (b) prescribes any Schedule 1 drug without being authorized thereto by this Act or by the Director;
- (c) dispenses any Schedule 1 or Schedule 2 drug otherwise than in accordance with the provisions of section 9 (3);
- (d) advertises a drug otherwise than in accordance with the provisions of section 11; or
- (e) obstructs or fails to comply with any reasonable request or demand made by the Director, in the exercise of his powers and the performance of his duties under this Act,

shall be guilty of an offence and liable to a fine of P10 000 and to imprisonment for two years.

(2) With regard to any matter in respect of which the Director has delegated his powers to the Assistant Director of Technical Support Services or to the Chief Pharmacist, subsection (1) and section 9(3) shall be read as though for "Director" were substituted the words "Director or the Assistant Director of Technical Support Services or the Chief Pharmacist".

(3) Where any person is convicted of an offence against this Act or any regulations made thereunder, the court may, at the request of the Director, order any drug in respect of which the offence was committed to be seized and disposed of as the Director may require, and the Director may at the same time withdraw any approval or authorization previously given by him to that person.

17. Any person who, on the date of the coming into operation of this Act, was engaged in the manufacture, import, export, distribution or sale of drugs shall be afforded a period of grace of three months from such date to comply with the provisions of the Act.

Transitional