

VOLUME: V
STATE LAND
CHAPTER: 32:01

ARRANGEMENT OF SECTIONS

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Law 29, 1966,
Act 3, 1967,
Act 17, 1968,
Act 17, 1969,
Act 30, 1973,
S.I. 159, 1976,
Act 4, 1980,
S.I. 60, 2003.

An Act to define the state land of Botswana, to provide for its disposal and to provide for matters incidental to, or connected with, the foregoing matters.

[Date of Commencement: 30th September, 1966]

1. Short title

This Act may be cited as the State Land Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"state land" means unalienated state land and reacquired state land and includes any land outside Botswana ownership whereof is vested in the Republic;

"unalienated state land" means any land in Botswana other than-

(a) land included in any tribal territory or the Barolong Farms other than land within a township established under the Townships Act;

(b) land included in any grant thereof made by or on behalf of Her Majesty prior to the commencement of this Act or on behalf of the President under this Act;

(c) the farms "Ramatlabama's Kuil" (60-JO), "Forest Hill" (9-KO), "Traquair" (10-KO) and "Crocodile Pools" (15-KO);

"reacquired state land" means any land in Botswana not being unalienated state land, ownership whereof is vested in the Republic.

3. Disposal of state land

The President may make and execute grants or other dispositions of any state

land or of any interest therein.

4. Exercise of President's powers

(1) The powers conferred upon the President by section 3 may be exercised on behalf of the President by any person so authorized by the President by notice published in the *Gazette*.

(2) Any such authority shall be subject to such conditions and restrictions (if any) as may be specified in the notice by which it is conferred, and may be varied or revoked by the President by notice published in the *Gazette*.

5. Imposition of service levy

(1) Any person authorized under section 4(1) (hereinafter referred to as an "authorized person") to grant or to make any disposition of state land or any interest therein may from time to time, by notice published in the *Gazette*, raise or levy on the occupier of the land such amount (hereinafter referred to as a "service levy") as may be considered necessary to defray any expenditure incurred, or to be incurred, for the grant of such land and the provision of services and other amenities in connection with the use of such land.

(2) For the purposes of this section service levy includes the term "service payment" contained in any agreement made consequent upon the grant or any disposition of state land made under this Act.

6. When levy due and payable

Any service levy imposed under section 5 shall become due and payable 30 days after publication of the notice thereof.

7. Grant of loan for building

(1) An authorized person making a grant or disposition of state land or any interest therein to any person under section 4(1) may grant a loan of money or money's worth, on such terms and conditions as may be determined by the authorized person, to such person for the purpose of the development of such land by the erection of a dwelling-house thereon or making an extension or improvements to an existing house.

(2) Any person to whom a loan has been granted under subsection (1) shall make repayment in accordance with the terms and conditions determined for the grant of such loan, and, in default of such repayment, proceedings may be instituted against him in accordance with regulations made under this Act.

8. Power to make regulations for recovery of arrears of service levy or loan

(1) The Minister may make regulations prescribing the procedure for the enforcement of payment of a service levy imposed or repayment of a loan granted under this Act.

(2) Regulations made under this section may empower an authorized person to apply to a magistrate's court or the High Court, as the case may be, for an order-

(a) to sell any movable property of the defaulter; or

(b) to re-enter and repossess the land,

in satisfaction of the default in payment of a service levy or repayment of a loan.

(3) Notwithstanding any regulations made under subsection (1), in the event of a service levy imposed or a loan granted being unpaid and so remaining unpaid after a notice being sent to the defaulter demanding payment or repayment thereof, then on the expiration of the period specified for payment or repayment such levy or loan

shall, at the suit of the authorized person, be recoverable in a magistrate's court for the district in which the land is situated, whether or not the person liable for the payment or repayment is resident within the jurisdiction of such court.

9. Sections 3, 4 and 6 of Cap. 02:11 not applicable

Sections 3, 4 and 6 of the Public Authorities (Functions) Act shall not apply in respect of the powers vested in the President by this Act.

10. Contract of sale, etc., to be under hand of President or authorized person

No contract for the sale or other disposition of any state land or of any interest in any state land shall be of any force or effect unless it is in writing and the agreement of the President or of a person authorized under section 4 to exercise the powers of the President is signified under the hand of the President or such person.

11. Disposal of proceeds of sales of state land

(1) There is hereby established a fund into which shall be paid the proceeds of the sales of all unalienated state land and reacquired state land which is situated outside a place declared to be a township under the provisions of the Townships Act until such time as an aggregate amount of P1000 000 has been so paid.

(2) The fund established under subsection (1) shall be vested in the National Development Bank established under the National Development Bank Act, and shall form part of the unrecallable capital of the Bank.