

Part Number: **Part Title:**

Part Number: I **Part Title: Preliminary reg 1**

1. Citation

These Regulations may be cited as the Tribal Land Regulations.

Part Number: I **Part Title: Preliminary regs 12**

1. Citation

These Regulations may be cited as the Tribal Land (Subordinate Land Boards) Regulations.

2. Application

(1) These Regulations shall apply to all subordinate land boards established under section 19 of the Act.

(2) In any matter not expressly provided for in these Regulations the Tribal Land Regulations shall, *mutatis mutandis*, apply.

Part Number: I **Part Title: Preliminary regs 12**

1. Citation

These Regulations may be cited as the Tribal Land (Land Board Service) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Association" means the land board service association;

"Council" means the Land Board (Joint Staff Consultative) Council established under regulation 28;

"General Orders" means the General Orders governing the land board service;

"principal officer" means a secretary of a land board.

Part Number: II **Part Title: Land Boards regs 25**

2. Procedure for appointment of land board

The Ministry of Lands and Housing shall invite members of the public residing in a tribal territory, to apply to the secretary of a land board for appointment as members of the land board as specified in the third column of the First Schedule to the Act.

(1) The invitation in terms of subregulation (1) shall be-

- (a) made at least two months before appointment to any land board; and
- (b) published in two or more newspapers of national circulation.

(2) In order to qualify as a candidate for appointment as a member of any land board the applicant shall-

- (a) be a citizen of Botswana, holding a valid identity card issued under the National Registration Act;
- (b) have attained the age of 26 years and not be over the age of 65 years;
- (c) hold a minimum academic qualification of a Secondary School Junior Certificate;
- (d) reside within the tribal area in respect of which he seeks appointment; and

(e) not be actively involved in party politics.

(3) Subject to subregulation (3B), the Land Board Selection Committee established in terms of subregulation (11) shall interview every person who has, in terms of subregulation (1), submitted his or her application to the secretary of the land board.

(3A) The Land Board Selection Committee shall, from among the persons interviewed in terms of subregulation (3), shortlist 15 candidates and refer them to the Minister for appointment.

(3B) The Land Board Selection Committee shall only interview an applicant who qualifies as a candidate in terms of subregulation (2) of this regulation and is not disqualified from being appointed in terms of section 3(3) of the Act.

(4)-(7) . . .

(8) From the lists of candidates submitted, the Land Board Selection Committee shall select the most eligible members, from whom the Minister shall make appointments to the land board (in accordance with the number of members and period of office for that land board, as provided in the third column of the First Schedule to the Act) and in doing so shall endeavour to ensure that, so far as possible, all relevant parts of the tribal area, including subordinate land board areas, are represented on the land board.

(9) The names of the candidates who have been shortlisted but not appointed to the land board by the Minister shall be kept in the Ministry for the purposes of appointing-

- (a) under regulation 3(2)(a) of the Tribal Land Board (Subordinate Land Boards) Regulations, members to any subordinate land board within the land board area, from candidates, appointed in terms of regulation 2(b) of the Tribal Land Board (Subordinate Land Boards) Regulations, residing within the area of jurisdiction of that subordinate land board;
- (b) new members, should the office of any appointed member to the land or subordinate land board become vacant; or
- (c) in the Minister's discretion, for appointing any other member of the land board or subordinate land board.

(10) In making appointments the qualifications and experience of the candidate shall be taken into consideration.

(11) There is hereby established, for each land board listed in the First Schedule to the Act, a Land Board Selection Committee for the corresponding tribal area, which shall be comprised of-

- (a) the appropriate District Commissioner, who shall be the chairperson;
- (b) the Land Board Secretary of the tribal area concerned, who shall be the secretary of the Land Board Selection Committee;
- (c) the Council Secretary of the District Council concerned;
- (d) the Chief or Sub-Chief of the tribal area concerned; and
- (e) a member appointed by the Minister.

(12) The Land Board Selection Committee shall determine its own procedure.

3. Chairman of land boards

(1) The Minister shall, at intervals of approximately 12 months, appoint a chairperson of the board and a deputy chairperson who shall act as chairperson of any meeting at which the chairman is absent.

(2) The chairman and the deputy chairman of a land board shall hold office as such until the appointment of a new chairman or deputy chairman, as the case may be:

Provided that the office of the chairman or of the deputy chairman of a land board shall immediately become vacant on:

- (i) his ceasing, for any reason, to be a member of the board;
- (ii) the submission to the board of his written resignation from office; or
- (iii) the passing at a meeting of the board, by the members of the board present, of a resolution of no confidence in him.

(3) Notwithstanding subregulation (1), where the office of the chairman or deputy chairman of a land board becomes vacant, the board shall forthwith proceed to elect from among its members a member to be the new chairman of the board, or the new deputy chairman of the board, as the case may be.

(4) Where the chairman of a land board is unable or not readily available to perform

the functions of his office as such at any meeting of the board, and where the deputy chairman is also unable or not readily available to perform the functions of the chairman, the members present at the meeting shall elect one of themselves to act as chairman for the purpose of the meeting.

4. Duties of secretary

The records of a land board shall be kept by the secretary who shall record and preserve the minutes of all its proceedings, receive all applications and other documents addressed to the board, and conduct correspondence on behalf of the board.

5. Consultation with district council

(1) Whenever it proposes to formulate or adopt a policy relating to its functions under the Act, a land board shall outline such proposed policy and enumerate any matters connected therewith on which it desires the views of the district council and cause the said policy and matters to be submitted in writing by the secretary to the district council, with a request to the district council to express its views thereon.

(2) The district council shall consider the land board's proposal, and if it disagrees with it the council shall, within a period of six months from the date of receipt of such proposal, so inform the land board, giving the reasons for its disagreement in writing.

(3) The land board shall not be obliged to accept the district council's opinion, but if it rejects it the land board shall inform the Minister of its decision, confirming that the district council was consulted, accurately reporting the council's disagreement and the reasons given therefor, and at the same time stating its own reasons for rejecting the council's opinion.

(4) After due consideration of the report from the land board, the Minister may make such order in respect of the matter as he thinks fit, and the district council and the land board concerned shall comply with the Minister's order.

Part Number: II Part Title: Subordinate Land Board regs 39

3. Election or appointment of members of subordinate land boards

(1) The provisions of subsections (3) and (4) of section 3 of the Tribal Land Act shall apply to members of a subordinate land board as they apply to members of land boards.

(2) The membership of a subordinate land board shall be-

- (a) six members, appointed in accordance with the procedure described in this regulation, who shall hold office for three years and be eligible for re-appointment;
- (b) any member, appointed to replace a member referred to in paragraph (a) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-appointment; and
- (c) Kgosi or Moemela Kgosi.

(3) Any member, appointed under subregulation (2)(a) of this regulation, shall be appointed from the names, kept in the Ministry in terms of regulation 2(9)(a) of the Tribal Land Regulations, of shortlisted candidates for that subordinate land board area.

(4) From the shortlisted candidates, referred to in subregulation (3), the Land Board Selection Committee (established in terms of regulation 2(11) of the Tribal Land Regulations) shall select the most eligible members, from whom the Minister shall make appointments to the subordinate land board, and in doing so shall endeavour to ensure that, so far as possible, all relevant parts of the subordinate land board area are represented on the subordinate land board.

(5) In making appointments the qualifications and experience of the candidate shall be taken into consideration.

4. Temporary members

(1) If any member of a subordinate land board, other than an ex-officio member, is temporarily unable to exercise the functions of his office, whether by reason of illness, absence or other cause, the person or authority who appointed or elected such member may appoint or elect a temporary member to exercise such member's functions during the period of his incapacity.

(2) An appointment of election made under the preceding subregulation shall cease to have effect if the person or authority who made the same notifies the temporary member of the revocation of such appointment or election, or if the member in whose place the

temporary member has been appointed or elected notifies such person that he is about to resume or has resumed his functions, or that member vacates his office by virtue of the provisions of regulation 6.

5. Co-option

(1) A subordinate land board may, with the approval of the tribal land board, co-opt not more than two persons with suitable knowledge or experience to assist the board in the discharge of its functions.

(2) Persons so co-opted may attend any meeting of the subordinate land board, and at such meetings may speak but may not vote.

(3) The chairman of a subordinate land board may invite not more than two persons to a particular meeting to assist the board in the discharge of its functions.

(4) Persons invited in accordance with the provisions of subregulation (3) may attend the meeting of the board to which they have been invited and at such meeting may speak but may not vote.

6. Vacation of office

(1) A member, not being an *ex-officio* member, may at any time resign his office by notice in writing to the chairman or secretary of the tribal land board, and the office of the member thereupon shall become vacant.

(2) Such vacancy shall immediately be reported to the Minister.

(3) The Minister may by notice in writing require any member, other than an *ex-officio* member, to vacate his office; if, after giving such member an opportunity to be heard and after having consulted the appropriate tribal land board and subordinate land board the Minister is satisfied that such member-

- (a) has been absent from meetings of the subordinate land board without leave of absence granted by the land board for a period exceeding six consecutive months; or
- (b) is unable to exercise the functions of his office by reason of illness, absence or other cause and has been, or is likely to be, so unable for a period exceeding six months; or
- (c) is otherwise unfit to discharge the functions of his office.

7. Procedure of subordinate land boards

(1) Subject to the provisions of the Act and any regulations made thereunder, or to any directions made by the tribal land board, a subordinate land board may regulate its own procedure:

Provided that no grant of land shall be of any effect unless the subordinate land board by resolution approves such grant and a record of the substance of such resolution is recorded in the minutes of the meeting at which the resolution was passed.

(2) The quorum of a subordinate land board shall be half of the number of appointed and elected members thereof, or if such number is an even number, a majority of such members shall constitute a quorum.

(3) Any member or administrative officer of a tribal land board in the tribal area concerned may attend any meeting of the subordinate land board and may speak but not vote at such meeting.

(4) Decisions of the subordinate land board shall be taken by a majority of votes of members present and voting, the chairman having both an original and, in the event of an equality of votes, a casting vote.

(5) If any member of a subordinate land board present at a meeting of the board has any pecuniary or other interest, direct or indirect, in any matter under discussion, or is the husband, father, grandfather, son, grandson, or brother, father-in-law, brother-in-law or son-in-law of any person seeking a grant from the board he shall disclose the fact and, if the chairman or other member presiding at the meeting so directs, he shall withdraw from the meeting during such discussion or refrain from discussion of, or voting on, the matter.

(6) The tribal land board may issue special or general directions to subordinate land boards regarding their procedure or administration.

8. Chairmen of boards

(1) The members of a subordinate land board shall, each year, and for the ensuing year, elect from their number a chairman, and a deputy chairman who shall act as chairman at any meeting of the board when the chairman is absent.

(2) At any meeting of a subordinate land board, when the chairman and the deputy chairman are absent, the members present at the meeting shall elect one of their number to act as chairman for that meeting.

9. Clerk of board

(1) The tribal land board shall appoint a clerk for each subordinate land board in its area of jurisdiction.

(2) The records of a subordinate land board shall be kept by the clerk who shall also record and preserve the minutes of all its proceedings, receive all applications and other documents addressed to the board and conduct correspondence on behalf of the board.

Part Number: II Part Title: Constitution and Abolition of Land Board Offices regs 35

3. Notification of offices

The Director shall publish a list of all land board offices once in every year.

4. Constitution of office

(1) An application for the constitution of any land board office shall be made to the Director by a principal officer in writing and every such application shall state-

- (a) the title of the office;
- (b) the salary or salary scale to be attached to such office;
- (c) whether the proposed office is permanent or temporary;
- (d) the reason why the constitution of such office is considered desirable;
- (e) the qualifications which are required of any holder of the proposed office and the duties which any such holder is required to perform;
- (f) whether or not funds are available; and
- (g) such other matters as the Director may require.

(2) Where the Director receives an application for the constitution of a land board office, the Director shall decide whether or not the land board office should be constituted and shall inform the Permanent Secretary of the decision.

5. Abolition of office

(1) Application for the abolition of any land board office shall be made to the Director by the principal officer and every such application shall state-

- (a) the reason why the office should be abolished; and
- (b) such other matters as the Director may require.

(2) Where the Director receives an application for the abolition of a land board office, the Director shall decide whether or not the land board office should be abolished and shall inform the Permanent Secretary of the decision.

Part Number: III Part Title: Grant of Customary Land Rights regs 617

6. Application for customary land rights

(1) An applicant for a customary law right to the use of land shall produce his national identity card, and furnish verbally or in writing to the secretary of the land board within whose area the land falls the following particulars which the secretary shall record-

- (a) the full name and postal address of the applicant;
- (b) whether the applicant is married and how many children he has;
- (c) the ward, if any, in which the land right is sought;
- (d) the nature of the right sought, e.g. for grazing, ploughing or building purposes;
- (e) the location, description and extent of the land affected;
- (f) the ward affiliations of the applicant; and
- (g) what other land rights the applicant possesses in the tribal territory concerned and in any other tribal territory or city or town.

(2) An applicant may also produce to the secretary a letter from the head of the ward concerned or his local representative stating whether the granting of the right applied for will conflict with other people's land rights, or with present land use, which letter the secretary shall file.

7. Procedure on receipt of application

(1) As soon as may be after receipt of an application for a customary land right the secretary shall-

- (a) notify the applicant of the date and place of the next meeting of the land board, not being less than 21 days after the said receipt, at which representations concerning the application will be heard;
- (b) post on a notice board open to public inspection at the land board's offices a notice of such application giving details thereof and the date and place of the meeting at which representations concerning the application will be heard and calling upon any interested person who wishes to make such representations to appear at the said meeting; and
- (c) ascertain in the most expedient manner the attitude towards the application of the head of the ward concerned, or his local representative, if it has not already been communicated to him in writing.

(2) Any meeting of the land board at which representations concerning an application for a customary land right are heard shall be held in public and any interested person shall be entitled to make representations concerning the application, the substance of which shall be recorded by the secretary.

(3) For the purpose of resolving any dispute or difference arising from the representations submitted to it, or otherwise for the purpose of enabling it to decide upon an application, a land board shall have power to summon persons to give evidence before it.

(4) Any person who without reasonable excuse fails to obey a summons under this regulation which has been served upon him shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

(5) A land board shall have power, for the purpose of determining any application for a customary land right, to administer an oath or affirmation to any person appearing to give evidence before it.

(6) No evidence shall be heard by a land board unless the applicant and any interested person whose name has been recorded as objecting to the application has been given notice of the meeting at which the evidence is heard.

(7) The applicant and any interested person attending the meeting of the land board at which representations concerning the application are heard shall be entitled to call and question any witness.

8. Procedure before grant of customary land rights is made

(1) The land board shall satisfy itself-

- (a) whether or not the applicant is a citizen of Botswana;
- (b) whether or not the land is subject to rights in favour of any person other than the applicant;
- (c) whether or not the land is available for the use proposed by the applicant;
- (d) whether or not the size of the land applied for and its location are suitable for the proposed use.

(2) If it is proposed to make a grant of customary rights, a resolution to that effect, embodying any conditions which it is proposed to impose, shall be put to the land board and if such resolution is passed it shall be recorded in the minutes of the meeting at which it was passed.

9. Decision of board to be communicated

The land board's decision on an application for a customary land right shall be communicated in writing to the applicant by the secretary by registered post, and shall be posted by the secretary on a notice board open to public inspection at the land board's offices, as soon as the land board has made its decision.

10. Demarcation of land over which customary rights are granted

(1) With the object of avoiding disputes arising from imprecise or conflicting grants, it shall be the duty of a land board in making a grant of customary rights in respect of a piece of land which is not defined by a diagram to describe it in the certificate of grant by reference to permanent and ascertainable boundary points or boundaries whenever possible, and whenever possible to attach a sketch plan.

(2) For the purposes of fixing boundary points not otherwise readily ascertainable it shall be the duty of the grantee within six weeks of the issue to him of a certificate of grant to

demarcate the land in respect of which customary rights have been granted to him in such a manner as the land board may direct.

(3) Any grantee who fails to demarcate land in respect of which customary rights have been granted to him in the manner directed by the land board within the period prescribed in subregulation (2) or who fails to maintain any mark which has been established to demarcate such land shall forfeit his rights to such land, and any person who without reasonable excuse damages, destroys, moves or otherwise interferes with any mark established by or under the direction of a land board to demarcate land, shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

(4) Before a certificate of grant of customary land rights is issued, it shall be the duty of the land board to ensure that the boundaries of the area of land concerned are pointed out to the grantee by a person designated by it for the purpose in the presence of the head of the ward or of two responsible heads of family, and such pointing out shall be recorded in the certificate of grant.

11. Certificate of grant of customary land right

A certificate of grant of any customary right to the use of land issued by a land board shall specify whatever conditions the land board with the approval of the Minister imposes, shall be signed by the chairman or the secretary, and shall be in Form I set out in the First Schedule.

12. Notice of appeal against decision on application

(1) Any aggrieved person wishing to appeal against the decision of a land board on an application for a grant of customary rights to the use of land do so by lodging notice of appeal with the Minister.

(2) Such notice of appeal shall state-

- (a) the date on which it was lodged;
- (b) the appellant's name and postal address;
- (c) full particulars of the decision appealed against, the name of the land board which gave the decision and its date;
- (d) what the appellant's interest in the matter is;
- (e) the concise grounds on which he appeals; and
- (f) the date on which he became aware of the decision appealed against.

(3) Where an appellant requires assistance in formulating or lodging an appeal, he may seek such assistance from the district commissioner of the area concerned, and the district commissioner may thereupon, personally or by an administrative officer, render such assistance and forward the notice of appeal to the Minister within 30 days of being asked for such assistance, with a copy to the land board concerned.

(4) Where the appellant is not the applicant, a copy of the notice of appeal shall at the same time be served on the applicant.

13. Reasons for decision to be furnished

(1) On receipt of a notice of appeal the land board shall furnish the Minister with the reasons for its decision and shall serve a copy of such reasons on the appellant.

(2) Within 30 days after receipt of the land board's reasons the appellant, assisted if necessary as provided in regulation 12(3), shall be entitled to supplement or amend his grounds of appeal by notice served on the Minister, the land board, and, if the appellant was not the applicant, the applicant.

14. Allowance of appeal against grant of customary rights

(1) If the Minister, on consideration of an appeal against a decision of a land board to grant customary rights to use land allows such appeal and sets aside or varies the grant, the secretary of the land board on receipt of the Minister's decision shall immediately note such setting aside or variation on the duplicate copy of the certificate of grant kept in terms of section 16(2) and require the grantee by notice served on him to return the original certificate to the land board to enable it to be cancelled, endorsed or replaced in accordance with the Minister's decision.

(2) If the grantee fails without reasonable excuse to return the original certificate to the land board within 30 days of receipt of notice to do so, he shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

14A. Cancellation of customary land rights for failure to develop land

Without prejudice to the provisions of regulation 15, a land board may cancel a grant of customary right to use land for arable farming, a borehole, or residential purposes if, after

the expiration of five years from the date of the grant, the land has not been developed without sufficient excuse to the satisfaction of the land board.

15. Procedure before cancellation of customary land rights

(1) A land board shall in no case cancel the grant of any customary right to use land-

- (a) without the consent of the holder of the grant unless it has first notified the said holder in writing of the grounds on which it proposes to cancel the grant and has allowed him not less than 35 days within which to show cause why the grant should not be cancelled or unless it is satisfied for reasons stated in its minutes that it is impossible to notify the holder of the proposed cancellation;
- (b) without having ascertained the opinion, if any, of the head of the ward.

(2) Any decision of a land board to cancel the grant of any customary right to use land shall, as soon as it is made, be posted by the secretary on a notice board open to public inspection at the board's offices, and unless the land board is satisfied for reasons stated in its minutes that it is impossible to notify the holder of the right, be communicated to him in writing by registered post.

16. Notice of appeal against decision to cancel

(1) Any aggrieved person wishing to appeal against a decision of a land board to cancel customary rights to the use of land shall do so by lodging notice of appeal with the Minister, at the same time serving a copy of the notice on the land board concerned.

(2) Such notice of appeal shall state-

- (a) the date on which it was lodged;
- (b) the appellant's name and postal address;
- (c) full particulars of the rights which were cancelled;
- (c) the location and extent of the land concerned;
- (e) on what date, by whom and to whom the rights were granted;
- (f) the name of the land board which cancelled them and the date of its decision;
- (g) the date on which the appellant became aware of such decision; and
- (h) the concise grounds on which he appeals.

(3) The district commissioner of the area concerned may, where his assistance is required, personally or by an administrative officer, assist the appellant in framing the notice of appeal and forwarding it to the Minister, within 30 days of being asked for such assistance, with a copy to the land board concerned.

17. Reasons for decision to cancel to be furnished

(1) On receipt of a notice of appeal the land board shall furnish the Minister with the reasons for its decision and shall serve a copy of such reasons on the appellant.

(2) Within 30 days after receipt of the land board's reasons the appellant, assisted if necessary as provided in regulation 16(3), shall be entitled to supplement or amend his grounds of appeal by notice served on the Minister and the land board.

Part Number: III Part Title: Grant of Customary Land Rights regs 1017

10. Application for customary land rights

(1) An applicant for a customary law right to the use of land shall furnish verbally or in writing to the clerk of the subordinate land board within whose area the land falls the following particulars which the clerk shall record-

- (a) the full name and postal address of the applicant;
- (b) whether the applicant is married and how many children he has;
- (c) the ward, if any, in which the land right is sought;
- (d) the nature of the right sought, e.g., for grazing, ploughing, residential or business purposes;
- (e) the location, description and extent of the land affected;
- (f) the ward affiliations of the applicant; and
- (g) what other land rights the applicant possesses in Botswana.

(2) An applicant may also produce to the clerk a letter from the head of the ward concerned or his local representative stating whether the granting of the right applied for will conflict with other people's land rights, or with present land use, which letter the clerk shall

file.

11. Procedure on receipt of application

(1) As soon as may be after receipt of an application for a customary land right the clerk shall-

- (a) notify the applicant of the date and place of the next meeting of the subordinate land board, not being less than 21 days after the said receipt, at which representations concerning the application will be heard;
- (b) post on a notice board open to public inspection at the subordinate land board's offices a notice of such application giving details thereof and the date and place of the meeting at which representations concerning the application will be heard and calling upon any interested person who wishes to make such representations to appear at the said meeting;
- (c) ascertain in the most expedient manner the attitude towards the application of the head of the ward concerned, or his local representative, if it has not already been communicated to him in writing.

(2) Any meeting of the subordinate land board at which representations concerning an application for a customary land right are heard shall be held in public and any interested person shall be entitled to make representations concerning the application, the substance of which shall be recorded by the clerk.

(3) For the purpose of resolving any dispute or difference arising from the representations submitted to it, or otherwise for the purpose of enabling it to decide upon an application, a subordinate land board shall have power to summon persons to give evidence before it.

(4) Any person who without reasonable excuse fails to obey a summons under this regulation which has been served upon him shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

(5) A subordinate land board shall have power, for the purpose of determining any application for a customary land right, to administer an oath or affirmation to any person appearing to give evidence before it.

(6) No evidence shall be heard by a subordinate land board unless the applicant and any interested person whose name has been recorded as objecting to the application has been given notice of the meeting at which the evidence is heard.

12. Procedure before grant of customary land rights is made

(1) The subordinate land board shall satisfy itself-

- (a) whether or not the applicant is a citizen of Botswana;
- (b) whether or not the land is subject to rights in favour of any person other than the applicant;
- (c) whether or not the land is available and whether its size and location are suitable for the use proposed by the applicant.

(2) If it is proposed to make a grant of customary rights, a resolution to that effect, embodying any conditions which it is proposed to impose, shall be put to the subordinate land board and if such resolution is passed it shall be recorded in the minutes of the meeting at which it was passed.

13. Decision of board to be communicated

The subordinate land board's decision on an application for a customary land right shall be communicated in writing to the applicant by the clerk, and shall be posted by the clerk on a notice board open to public inspection at the subordinate land board's offices, as soon as the subordinate land board has made its decision.

14. Demarcation of land over which customary rights are granted

(1) With the object of avoiding disputes arising from imprecise or conflicting grants, it shall be the duty of a subordinate land board in making a grant of customary rights in respect of a piece of land which is not defined by a diagram to describe it in the certificate of grant by reference to permanent and ascertainable boundary points or boundaries whenever possible, and whenever possible to attach a sketch plan.

(2) Any grantee who fails to maintain any mark which has been established to demarcate such land shall forfeit his rights to such land, and any person who without reasonable excuse damages, destroys, moves or otherwise interferes with any mark established by or under the direction of a subordinate land board to demarcate land, shall be guilty of an offence and liable to a fine of P100 and to imprisonment for three months.

(3) Before a certificate of grant of customary land rights is issued, it shall be the duty of the subordinate land board to ensure that the boundaries of the area of land concerned are pointed out to the grantee by a person designated by it for this purpose, and such pointing out shall be recorded in the certificate of grant:

Provided that the subordinate land board shall make all reasonable efforts to ensure that such pointing out is done in the presence of the head of the ward or of two responsible heads of family.

(4) Such additional person as may be present during the pointing out shall also be recorded in the certificate of grant.

15. Certificate of grant of customary land rights

A certificate of grant of any customary right to the use of land issued by a subordinate land board shall specify whatever conditions the subordinate land board has, by resolution pursuant to regulation 12(2), imposed and shall be in the Form set out in the Schedule and shall be signed by the chairman or the clerk.

16. Appeals against decisions of subordinate land boards

(1) Any person aggrieved by a decision of the subordinate land board may appeal to the tribal land board by lodging a notice of appeal either verbally or in writing with the clerk of the subordinate land board or the secretary of the tribal land board.

(2) Upon the noting of an appeal the clerk of the subordinate land board shall furnish the tribal land board with the reasons for the decision of the subordinate land board and shall serve a copy of such reasons to the appellant.

(3) On consideration of an appeal against a decision of the subordinate land board the tribal land board may allow such appeal and set aside, or in any manner vary the decision of the subordinate land board.

(4) On receipt of the decision of the tribal land board setting aside or varying the decision by the subordinate land board the clerk of the subordinate land board shall forthwith cancel the duplicate copy of the certificate of grant, if any, issued in the matter and shall call upon the grantee to return the original certificate of grant which he shall cancel forthwith.

(5) The subordinate land board shall thereafter issue, if the tribal land board's decision so requires, a new certificate of grant which shall conform to the requirements of the decision of the tribal land board.

(6) Any person aggrieved by a decision of the tribal land board on an appeal may within four months from the date upon which he became aware of such decision, appeal therefrom to the Minister who shall have the power to allow the appeal, set aside or vary any decision made by the tribal land board.

(7) Any decision made by the Minister under subregulation (6) shall be final.

16A. Cancellation of customary land rights for failure to develop land

(1) A subordinate land board may recommend to the land board a cancellation of a grant of a customary right to use land for arable farming, a borehole, or residential purposes if, after the expiration of five years from the date of the grant, the land has not been developed without sufficient excuse to the satisfaction of the subordinate land board.

17. Cancellation of customary land rights

(1) A subordinate land board shall in no case cancel the grant of any customary right to use land but may recommend cancellation of such rights to the tribal land board.

(2) In dealing with any recommendation from a subordinate land board for the cancellation of any customary right to use land, the tribal land board shall follow the procedure prescribed in regulation 15 of the Tribal Land Regulations.

(3) Any person may appeal to the Minister against the decision of a tribal land board to cancel customary rights following a recommendation from a subordinate land board.

(4) The procedure laid down in regulations 16 and 17 of the Tribal Land Regulations, shall apply to any appeal.

SCHEDULE CERTIFICATE OF CUSTOMARY LAND GRANT

REPUBLIC OF BOTSWANA
TRIBAL LAND ACT
(Cap. 32:02)
(Reg. 15)

To whom it may concern:

This is to certify that in accordance with the provisions of Part III of the Tribal Land Act, and

proven merit and suitability for the post in question will be given greater weight than seniority.

9. Compulsory retirement

(1) If it appears to the Director that there is reason why an officer who maybe called upon to retire under the provisions of section 11K (3) of the Act should be called upon to retire, the Director shall advise the officer that his or her compulsory retirement is under consideration and ask the officer if he or she wishes to make any representation of a personal nature on the matter.

(2) An officer desirous of making a representation shall make such representation to the principal officer who shall forward the representation, together with his or her own observations, to the Director who will decide whether the officer should be called upon to retire.

Part Number: IV Part Title: Grant of Common Law Land Rights and of Customary Rights under section 33 regs 1830

18. Application for common law land rights under section 23

(1) Before entering, under the provisions of section 23 of the Act, into any lease for agricultural or horticultural purposes to a person other than a citizen of Botswana or the Government of Botswana a land board shall inform the Minister in writing of-

- (a) the name, postal address, age and sex of the applicant for the lease;
- (b) the citizenship of the applicant;
- (c) the applicant's marital status, and the name of the applicant's spouse, if any;
- (d) the ward in which the lease is sought;
- (e) the location and extent of land concerned, with a clear description of its boundaries; and
- (f) full particulars of the lease applied for and the proposed terms and conditions thereof, including the rent.

(2) Without the prior consent of the Minister a land board shall not enter into a lease of the type referred to in subregulation (1).

19. Application for common law land rights under section 24

(1) An application for a common law right to land under section 24 of the Act shall be addressed to the secretary and shall specify-

- (a) the name, postal address, age and sex of the applicant;
- (b) the citizenship of the applicant;
- (c) the applicant's marital status, and the name of the applicant's spouse, if any;
- (d) the full particulars of the right sought;
- (e) the location, description and extent of the land concerned,

and the applicant shall attach to the application the form of agreement which he seeks and a sketch plan of the land concerned.

(2) Applicants shall also be required to produce their national identity cards in the case of citizens, or in the case of non-citizens their passports, residence permits and, in the case of companies, their certificates of incorporation.

20. Consideration of application under section 24

(1) On receipt of an application for a grant of land under section 24 of the Act a land board shall consider whether and, if so, on what terms and conditions, including the appropriate consideration to be paid by the applicant, it is disposed to grant the land applied for.

(2) If, in the case of an applicant who is not a citizen of Botswana, the land board is disposed to grant the land applied for by way of lease, it shall submit to the Minister the application and a draft agreement of grant including the proposed terms and conditions together with the sketch plan submitted to it by the applicant.

(3) When submitting the draft agreement of grant as provided in subregulation (2), the land board, having examined the register kept under section 16(2) of the Act, shall certify whether or not customary rights in respect of the land concerned subsist and shall state whether or not the owner of such rights has been informed of the proposed agreement and has consented to it and whether or not the proposed grant will in any way affect such rights.

(4) As long as customary rights in respect of a piece of land subsist no grant of that land shall be made which would conflict with such right without the consent of their owner.

(5) If the land board decides to make the grant, and, in the case of an applicant who is not a citizen of Botswana, the Minister consents to the proposed grant, the land board shall inform the applicant that it proposes to execute an agreement in his favour, shall supply him with five copies of the proposed agreement and shall request him, if he accepts the proposed agreement, to sign and return to the land board all five copies thereof.

(6) If the applicant accepts the proposed agreement and returns all five copies duly signed, the chairman or secretary of the land board, if duly authorized thereto by resolution of the land board, shall thereupon execute the five copies of the agreement, with a sketch plan attached thereto, granting the land concerned to the applicant.

(7) On execution of the agreement the land board shall-

- (a) retain one signed copy;
- (b) transmit a further signed copy to the applicant; and
- (c) transmit the remaining three copies to the Director of Surveys and Lands who shall deposit two copies in safe custody for issue to the applicant in the event of registration under regulation 21.

(8) If the land board decides not to grant the land applied for or if in the case of a proposed grant referred to in subregulation (2) the Minister withholds his consent, the land board shall inform the applicant accordingly.

21. Registration of grant under section 24

(1) If a land board requires that a grant should be registered under section 24(5) of the Act, then the board shall serve notice on the grantee in Form 2 set out in the First Schedule.

(2) If the grantee wishes to register the grant or if he is served with a notice under subregulation (1), he shall at his own expense obtain a diagram or plan of the land concerned certified by the Director of Surveys and Lands that the diagram or plan properly represents the land subject to the grant.

(3) On receipt of the diagram or plan certified in terms of subregulation (2) the grantee shall obtain from the Director of Surveys and Lands the two signed copies of the agreement deposited in terms of regulation 20(7) and shall submit such copies, together with the certified diagram or plan and the prescribed fee, by registered post or in person to the Registrar of Deeds who shall register the agreement and return one copy of each of the aforementioned documents to the grantee by registered post.

(4) The Registrar of Deeds shall notify the Director of Surveys and Lands and the secretary of the land board concerned of any grant registered in terms of this regulation.

22. Form of grant under section 24

An agreement for the grant of a lease in accordance with section 24 shall be in such form as the Minister may approve.

23. Appeal against refusal of consent under section 38

(1) Within a period of three months from the date on which he became aware of the decision of a land board not to grant its consent under the provisions of section 38, any person aggrieved thereby may appeal to the Minister by serving on him a notice of appeal in which he shall state-

- (a) his name and postal address;
- (b) the name of the land board which decided not to grant its consent and the date of its decision;
- (c) full particulars of the transaction to which the land board decided not to grant its consent;
- (d) full particulars of the rights which it was proposed to transfer and the location and extent of the land over which such rights had been granted;
- (e) full particulars of the appellant's interest in the transaction and his rights, if any, in respect of the land concerned; and
- (f) the date on which he became aware of the land board's decision.

(2) The appellant shall at the same time serve a copy of the notice of appeal on the land board.

(3) Within 14 days after receipt of the notice of appeal the land board shall furnish the Minister with the reason for its refusal and shall serve a copy of such reason on the

appellant.

(4) Within 14 days after receipt of the land board's reasons the appellant shall be entitled to supplement or amend his grounds of appeal by notice on the Minister and the land board.

24. Applications under section 27

An application under section 27 of the Act by the grantee of any land under the provisions of Part IV of the Act for authority to change the user of any land shall specify-

- (a) the name, postal address, age and sex of the applicant;
- (b) the marital status of the applicant, and the name of the applicant's spouse, if any;
- (c) the location, description and extent of the land granted to the applicant;
- (d) particulars of the right granted to the applicant and the date of the grant;
- (e) full particulars of the proposed change of user and the land to be affected thereby, and shall be accompanied by the registered grant issued to the applicant.

25. Consideration of application under section 27

(1) On receipt of an application under section 27 of the Act a land board shall consider whether and, if so, on what terms and conditions, it is disposed to allow the application.

(2) If the land board is disposed to allow the application, it shall submit to the Minister for his consideration-

- (a) in the case of an application to change the user of land leased under section 23 of the Act, the application, the existing lease and a draft amendment thereto to reflect the changed user;
- (b) in the case of an application to change the user of land granted under section 24 of the Act, the application, the existing agreement of grant and a draft endorsement thereto to reflect the changed user.

(3) When submitting the aforementioned documents to the Minister, the land board, having examined the register kept under section 16(2) of the Act shall certify to him whether or not customary rights in respect of the land concerned subsist in favour of any third person and shall state whether or not such person has been informed of the proposed amendment or endorsement, and has consented to it and whether or not the proposed amendment or endorsement will in any way affect such rights.

(4) If, in the case of an application made by someone other than a citizen of Botswana or the Government of Botswana to change the user of land to agricultural or horticultural purposes, the Minister consents, and if in any case the land board has considered the Minister's comments and is satisfied that its proposed amendment or endorsement is in order, the land board shall inform the applicant that it proposes to execute an amendment or endorsement, as the case may be, in his favour, and shall in a case referred to in subregulation (2)(b) request him, if he accepts the endorsement, to sign and return it in quintuplicate to the land board.

(5) If the applicant accepts the proposed amendment or endorsement the chairman or secretary of the land board, if duly authorized thereto by resolution of the land board, shall thereupon execute the said amendment or endorsement.

(6) Three copies of every such amendment or endorsement shall be transmitted by the land board to the Director of Surveys and Lands who shall deposit two copies thereof in safe custody for issue to the applicant in the event of registration.

(7) If the land board decides to refuse the application or if, in the case of an application made by someone other than a citizen of Botswana or the Government of Botswana to change the user of land to agricultural or horticultural purposes, the Minister withholds his consent, the land board shall notify the applicant by registered post that his application is refused.

26. Registration of endorsement in pursuance of section 27

(1) Where an application referred to in regulation 25(2)(b) has been allowed and the relevant endorsement has been executed on behalf of the land board, the land board shall deliver one executed copy of the endorsement to the applicant.

(2) If the endorsement refers to a grant which has been registered in the Deeds Registry, the applicant shall obtain from the Director of Surveys and Lands the two signed copies of the agreement deposited in terms of regulation 20(7) and shall tender both such copies to the Registrar of Deeds, together with the fee prescribed in the Deeds Registry

Regulations, and his copy of the registered grant.

(3) On receipt of the documents specified in subregulation (2) the Registrar shall register the endorsement and return one copy thereof, together with the applicant's copy of the grant to the applicant by registered post.

27. Appeal against refusal under section 27

(1) Within six weeks of receipt of notification given in terms of regulation 25(7) of the refusal of his application an applicant under section 27 of the Act may appeal to the Minister by serving on him a notice of appeal in which he shall state-

- (a) his name and postal address;
- (b) full particulars of his application;
- (c) the location and extent of the land concerned;
- (d) what his rights in respect of the land are;
- (e) the name of the land board which refused the application and the date of its decision; and
- (f) the date on which he received notification of the refusal.

(2) The appellant shall at the same time serve a copy of the notice of appeal on the land board.

(3) Within 14 days after receipt of the notice of appeal the land board shall furnish the Minister with the reasons for its refusal and shall serve a copy of such reasons on the appellant.

(4) Within 14 days after receipt of the land board's reasons the appellant shall be entitled to supplement or amend his grounds of appeal by notice served on the Minister and the land board.

28. Service on Registrar of Deeds of certain orders obtained under section 28

(1) Whenever the secretary of a land board obtains, under the provisions of section 28 of the Act, an order of court having the effect of cancelling or rescinding a grant registered in the Deeds Registry, he shall cause such order to be served, within 14 days after it was made, upon the Registrar of Deeds who, when satisfied that there will be no appeal in the matter or that there has been a final determination thereof, shall amend his registers in accordance with such order or determination.

(2) Where an order is obtained in respect of a grant which has not been registered, the secretary of the land board concerned shall notify the Minister and the Director of Surveys and Lands who shall endorse their copies of the grant accordingly.

29. Registration of grant executed under section 32

Where a land board decides to grant land to the State under the provisions of section 32 of the Act, the procedure for registration shall be as for a grant made under section 24 of the Act.

30. Grant of customary rights under section 33

(1) Whenever a land board in accordance with section 33 of the Act grants under Part III of the Act customary rights to use land, the provisions of regulations 8, 10 and 11 shall *mutatis mutandis* apply.

(2) Before executing in favour of the occupier of land granted to the State a certificate of grant of customary rights in respect of other land, the land board shall require the said occupier to surrender any certificate of grant made in his favour in respect of the first mentioned land and shall cause the fact and date of the supersession of such certificate to be endorsed on it and on the duplicate kept in terms of section 16(2) of the Act.

Part Number: IV Part Title: Discipline regs 1027

10. Disciplinary control to be prompt

Where disciplinary proceedings are to be or may be taken against an officer, the appropriate procedure shall be commenced as soon as possible in accordance with the provisions of this part.

11. Preliminary investigation

(1) Where a principal officer becomes aware of allegations of misconduct against an officer, he or she shall, if he or she is of the opinion that disciplinary proceedings may be necessary, instruct some other officer of a rank of not less senior than the officer against

whom the allegations of misconduct have been made, to hold a preliminary investigation into such allegations.

(2) If, following the preliminary investigation, the principal officer is of the opinion that there is a prima facie case against the officer concerned, he or she shall prepare a list of charges against the officer in the form prescribed in the General Orders, with such modifications as may be necessary.

(3) The list of charges shall be sent to the officer against whom they are made and the officer shall be informed that he or she has such period, being not less than 14 days, as appears reasonable in all the circumstances to the principal officer, to reply to the charges against him or her.

12. Reporting cases to Director

(1) If the officer does not reply to the charges made against him or her under regulation 11 within the time specified, or if the officer fails to exculpate himself or herself from the charges to the satisfaction of the principal officer, the latter shall then report the case to the Director.

(2) In reporting the case to the Director the principal officer shall forward-

- (a) a copy of the preliminary investigation made under regulation 11;
- (b) a copy of the charges preferred against the officer;
- (c) a copy of the officer's statement, if any, made in reply to the charges.

13. Salary of officer during interdiction

(1) When reporting the case to the Director under section 11R, the appointing authority shall supply the Director with the particulars of the officer's salary, his or her financial commitments (including current deductions from the salary) and the size of the officer's family.

(2) Where the Director decides that a land board officer shall be interdicted, the Director shall decide the amount of salary that must be paid to the officer during the interdiction and shall inform the officer in writing about the interdiction and any decision to withhold a part of the officer's salary.

14. Salary following conviction

(1) Where an officer's salary has been withheld by virtue of the provisions of section 11S, the principal officer concerned shall inform the Director in writing, of the date when the withholding of the salary commenced.

(2) On receiving the notification under subregulation (1), the Director shall decide whether any salary shall be paid to the officer during the period of imprisonment and pending the taking of disciplinary proceedings against the officer and shall notify the principal officer accordingly.

15. Action on receiving report by Director

(1) When the Director has received the report of a preliminary investigation he or she may-

- (a) call for additional statements or other information that the Director considers necessary relating to the charges preferred against the land board officer;
- (b) decide to take no further action in the matter and inform the land board officer concerned;
- (c) refer the matter to a committee of enquiry which he or she shall appoint; or
- (d) conduct an enquiry himself or herself.

(2) A committee of enquiry shall consist of three officers who shall be of a rank not less senior than that of the officer in respect of whom the enquiry is being held and may be public officers.

(3) A committee of enquiry appointed by the Director shall enquire into the charges which have been laid and shall at the conclusion of the enquiry advise the Director whether or not in its opinion all or any of the charges of misconduct have been proved.

(4) Where the Director has not delegated his or her powers, the Director shall conduct all disciplinary procedures under regulations 11 and 12.

16. Findings of enquiry

Upon the conclusion of an enquiry the Director shall, inform the officer in writing in respect of whom the enquiry was held as to which, if any, of the charges of misconduct have been proved and of the punishment, if any, which the Director has awarded.

17. Powers of principal officer

Where a principal officer is the appointing authority by virtue of a delegation made under section 11D (3) of the Act, the powers and duties vested in the principal officer under regulations 11 (2) and 12 (1) shall be vested in the officer holding the preliminary investigation.

18. Criminal proceedings against an officer

(1) If a preliminary investigation indicates that an offence against any law may have been committed by an officer, the Director shall, unless it is clear that police action has been or is about to be taken, consult the Director of Public Prosecutions and obtain his or her opinion as to whether a prosecution should be instituted against the officer.

(2) In consulting the Director of Public Prosecutions the Director shall provide a detailed statement of the case, as it is known to him or her.

(3) Where the Director of Public Prosecutions is of the opinion that there shall be instituted a prosecution, he or she shall inform the Director.

19. Action required of police and prosecutors

(1) Where an officer is charged with an offence, the police officer commanding a district shall inform the principal officer of the area immediately he or she knows that an officer is to be prosecuted, copying the communication to the Director, and the police officer shall provide the officers's full name, his or her appointment and the nature of the alleged offence.

(2) A prosecutor who tries a criminal case against an officer shall, immediately the trial is completed, inform the Director of the outcome and as soon as possible thereafter, send three certified copies of the case record to the Director.

20. Disciplinary action pending criminal proceedings

If criminal proceedings have been instituted against an officer in any court, no disciplinary proceedings shall be instituted against the officer on any grounds involved in the criminal charges pending the result of the criminal proceeding.

21. Disciplinary action following conviction

(1) If an officer has been convicted of a criminal offence the appointing authority may accept without further proof that the officer committed the offence of which he or she was convicted upon production of a certified copy of the criminal proceedings.

(2) If an officer has been convicted of a criminal offence for which he or she has been sentenced to a term of imprisonment without the option of a fine, the appointing authority may, upon production of a certified copy of the criminal proceedings, dismiss the officer without instituting disciplinary proceedings against him or her.

22. Disciplinary action after acquittal of criminal charges

Where an officer has been acquitted of a charge, no charge of misconduct in any disciplinary proceedings shall be laid against him or her which raises substantially the same issues on which the officer was acquitted by the court.

23. Punishments

The following punishments may be inflicted upon a land board officer-

- (a) compulsory retirement;
- (b) reduction in rank;
- (c) reduction in salary;
- (d) stoppage of increment for a specified period;
- (e) withholding of increment until certain conditions are fulfilled; or
- (f) in the case of an officer who is the holder of a non-permanent post, suspension from duty without pay and allowances for a period not exceeding 14 days.

24. Reprimands or warnings

Nothing in this Part shall prevent an appointing authority from issuing a reprimand or a warning to an officer directly subordinate to the appointing authority.

25. Absence without leave

Without prejudice to the taking of disciplinary action in respect of any absence from duty without leave or reasonable cause, where a land board officer is absent from duty without leave, the appointing authority may order that the salary of the officer be withheld in respect of any period during which the officer was absent without leave.

26. Documentary evidence

An officer in respect of whom an enquiry is to be held shall be entitled to receive a copy of any documentary evidence which will be relied on for the purpose of the enquiry or

be allowed access to the documentary evidence.

27. Witnesses

Where witnesses are examined at any enquiry the officer shall be given an opportunity of being present throughout and of putting questions to the witnesses on his or her own behalf.

Part Number: V Part Title: Treasurer and Audit regs 3134

31. Treasurer of land board

A land board may with the consent of the district council engage as its treasurer the treasurer of the district council at a rate of remuneration to be agreed between the land board and the treasurer subject to the approval of the Minister.

32. Accounts and audit

(1) Every land board shall cause true accounts to be kept in accordance with such instructions as may from time to time be issued by the Minister.

(2) Within three months from the end of each financial year, every Land Board shall cause its accounts for the preceding financial year to be balanced and an annual statement or abstract of such accounts to be prepared and presented to the Auditor-General.

(3) Such accounts with all books, vouchers and papers relating thereto, with a copy of such annual statement or abstract shall be audited by the Auditor-General, who shall carry out his duties in accordance with the provisions of section 124(2) of the Constitution of Botswana and section 38 of the Finance and Audit Act.

(4) The Auditor-General shall complete the audit of accounts within twelve months of their submission to him.

(5) The Auditor-General's report and the audited statement shall be submitted to the-

- (i) Minister;
- (ii) Minister responsible for finance and development planning; and
- (iii) Chief Executive Officer, who shall cause the report and the audited statement to be tabled before the Land Board.

(6) Every land board shall permit the Board Secretary to check any cash and verify the existence of any assets in its possession and to have access to all its accounts and all books, vouchers and papers relating thereto.

33. Disallowance and surcharge

(1) The Board Secretary may make objection in writing to any item of expenditure, and shall report such objection to the Permanent Secretary.

(2) The Board Secretary shall disallow any such item of expenditure or any part of such item on the ground that the expenditure is wrongful or unreasonable or on any other ground, and the Board Secretary may by order in writing surcharge any person as the person responsible for the payment of any such item having been made.

(3) If it appears to the Board Secretary that any failure to collect money due or any loss of money or damage to the property of a land board has occurred through the wilful or negligent or wrongful act of any member or employee of the land board, he shall by order in writing surcharge the amount thereof on any member or employee who, in the opinion of the Board Secretary, is so responsible.

(4) On ordering such surcharge, the Board Secretary shall forthwith report in writing to the Permanent Secretary the details thereof, and the Permanent Secretary may confirm the surcharge or remit all or any portion thereof as he may deem fit.

(5) Any sum so surcharged on any person shall be deemed to be a debt due to the land board.

34. Financial year

The financial year of every land board shall extend from the first day of April to the 31st day of March, in every year.

Part Number: V Part Title: Consultative Machinery regs 2837

28. Establishment of Land Board (Joint Staff Consultative) Council

(1) There is hereby established a Land Board (Joint Staff Consultative) Council (hereinafter referred to as the Council) which shall consist of the Permanent Secretary, Director and 10 other members of whom-

- (a) four shall be appointed by the Minister;
- (b) six shall be appointed by the association from among its members.

(2) When appointing the members, the association shall bear in mind the need to represent as far as possible, all the categories of officers in each land board.

(3) There shall be a Chairperson appointed by the Minister and a Deputy Chairperson elected from among the members representing the association.

(4) There shall be a secretary to the Council, who shall be a public officer appointed by the Director.

(5) Meetings of the Council shall be held at least once every six months and at such other times as the Chairperson may decide.

(6) Persons with special knowledge or representing special interests may be co-opted to attend any meeting of the Council and may take part in the discussion of the Council, but shall not be entitled to vote on any matter.

(7) Every meeting of the Council shall be presided over by the Chairperson or, in his or her absence, by the Deputy Chairperson.

(8) The presence at a meeting of the Council of-

- (a) the Chairperson or Deputy Chairperson of the Council;
- (b) two members appointed by the Minister;
- (c) two members representing the association, shall constitute a quorum.

(9) The decision of the Council shall be by majority vote and in the case of equality of votes the Chairperson or in his or her absence the Deputy Chairperson, shall have a casting vote.

(10) Minutes shall be kept of the members present and a record of the decision reached at every meeting of the Council.

(11) Any land board officer including a member of the Council, may submit any matter in the form of a written memorandum for consideration by the Council.

(12) Every memorandum must reach the Director at least 21 days before the date of the meeting at which it is to be considered.

(13) Any memorandum reaching the Director less than 21 days before the meeting of the Council shall be considered at the next meeting thereafter.

(14) The secretary shall with the approval of the Chairperson prepare the agenda for each meeting of the Council, and shall circulate such agenda together with supporting memoranda to all members not less than 14 days before the date of the meeting.

(15) Subject to the provisions of these Regulations, the Council may decide its own procedure.

29. Functions of Council

The functions of the Council shall be-

- (a) to consider the terms and conditions of service, advise on methods of ensuring improvements in general working conditions, productivity and staff relations within land boards;
- (b) to advise on measures necessary for the furtherance of good relations between government and the land board service and with special reference to-
 - (i) working arrangements and measures designed to increase productivity and reduce costs;
 - (ii) improved methods for achieving development;
 - (iii) the investigation of factors tending to reduce efficiency or in any way interfering with the satisfactory working of the land board service;
- (c) to consider and advise the government on safety, health and welfare arrangement in the land board service;
- (d) to generally assist in the furtherance of good relations between the land board service and employees of land boards and to carry out such other duties as are entrusted to the Council by the Minister; and
- (e) to examine recommendations put forward by the land board consultative

committees.

30. Decisions of Council

(1) All decisions of the Council shall be referred to the Minister immediately after the meeting at which such decisions were taken, together with copies of the minutes of the meeting.

(2) The Minister may accept, modify or reject any decision taken by the Council.

31. Expenses

All necessary expenses of the Council shall be paid by the Director, but no remuneration shall be paid to any Council member.

32. Establishment of sub-committees

(1) The Council may constitute sub-committees to assist it in carrying out its functions and may appoint to such sub-committees members of the Council and such other persons, having relevant specialized knowledge and experience, as the Chairperson may decide.

(2) The Chairperson may determine the procedure to be followed by any sub-committees subject to such instructions as the Council may from time to time issue.

33. Land boards consultative committees

(1) There shall be established in each land board, a land board consultative committee which shall consist of-

- (a) the principal officer who shall be the Chairperson;
- (b) seven other officers of whom three shall be officers representing the Council, all shall be approved by the Minister and four shall be officer appointed by the association from among its members.

(2) In appointing such members, the association shall bear in mind the need to represent as far as possible all the categories of staff in such land boards.

(3) The Deputy Chairperson of each sub-committee shall be elected from among members representing the association.

(4) The provisions of subregulations (4) to (14) of regulation 28 shall apply mutatis mutandis to each committee except that-

- (a) the secretary of each committee shall be appointed in the alternate years by the Chairperson and Deputy Chairperson;
- (b) the committee shall meet at least once every three months;
- (c) memoranda to be considered at a meeting must reach the secretary at least 14 days before the meeting; and
- (d) the agenda and memoranda to be considered at a meeting shall be circulated to all members at least seven days before the meeting.

34. Functions of committees

Land board consultative committees shall carry out the functions set out in regulation 29 with special reference to improving productivity within the land board area.

35. Decisions of committees

(1) Decisions of the committees shall, in the case of issues which fall within the scope of responsibilities of the Chairperson, be implemented forthwith.

(2) Decisions which require prior approval of other land boards shall be referred for consideration to the Council.

36. Personal cases excluded

Notwithstanding any other provisions of these Regulations, neither the Council nor the committees shall consider individual cases in respect of appointments, transfers, promotions and discipline, but may consider principles governing such cases.

37. Elections

The procedure for the election of members of the staff on to the committee shall be in accordance with the rules made by the Permanent Secretary with the approval of the Council.

The fees payable in respect of-

- (a) the inspection of any register kept in terms of section 16(2) of the Act;
- (b) an application for a lease under section 23 of the Act; and
- (c) an application for a grant under section 24 of the Act,

shall be those prescribed in the Second Schedule.

FIRST SCHEDULE

Form 1

CERTIFICATE OF CUSTOMARY LAND GRANT

REPUBLIC OF BOTSWANA

(reg. 11)

TRIBAL LAND ACT

(section 16)

To whom it may concern:

This is to certify that in accordance with the provisions of Part III of the Tribal Land Act, and the regulations made thereunder

.....
.....

of

has been granted for

purposes the use of an area of land estimated at approximately

acres in extent and situated at

..... (specify ward) the boundaries of which

area of land are demarcated by the following boundary marks or natural features (give a clockwise description of the boundaries to identify them clearly)

.....
.....
.....
.....
.....

(as will more fully appear from the sketch plan/diagram ^[i]1 annexed hereto marked "A"), which boundaries have been pointed out to the said

by

on the 20 in the presence of

This grant is subject to the undermentioned conditions

.....
.....

.....
Chairman/Secretary

.....
Land Board

..... 20

Form 2

ORDER FOR REGISTRATION UNDER SECTION 24(5)

REPUBLIC OF BOTSWANA

TRIBAL LAND ACT

(reg. 21)

IN EXERCISE of the powers conferred by section 24(5) of the

Tribal Land Act, I,

Chairman/Secretary of the

.....

land board hereby call upon you

to register the grant, subject of an agreement between the

land board and you.

DATED this day of, 20

.....
Chairman/Secretary

SECOND SCHEDULE
FEES
REPUBLIC OF BOTSWANA
TRIBAL LAND REGULATIONS
(reg. 35)

- | | |
|---|-----|
| 1. For the inspection of any register kept in pursuance of section 16(2) of the Act | 20t |
| 2. For an application for a lease under section 23 of the Act | P1 |
| 3. For an application for a grant under section 24 of the Act | P5 |

Part Number: VI Part Title: Miscellaneous regs 3842

38. Production of relevant documents, etc.

Any officer who submits any matter for consideration to the Director, or any other appointing authority shall ensure that all relevant documents and papers are made available to such officer who may require the production of any further documents or information relevant to the matter under consideration.

39. Correspondence

All correspondence for the Director shall be addressed to the Director.

40. Power to review staff complements and gradings

(1) The Director may authorize such reviews or investigations into the land board service staff complements, gradings and manpower utilization as the Director considers necessary for the better administration of land boards personnel policies.

(2) The Director may accept, reject or modify the recommendation contained in staff inspection reports and determine the extent to which such reports are made available for consideration outside his or her department.

41. Examinations

The committee shall, if so requested by the Director conduct written examinations as provided for in approved schemes of service, if any, and for other purposes of the land board service.

42. Cases not provided for

Any case not covered by these regulations will be reported to the Director who will determine the procedure to be adopted and shall be guided by the General Orders.