

CHAPTER 32:02
TRIBAL LAND

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Act 15, 1987,
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Act 10 of 1994,
S.I. 92, 1999;
Act 1, 2003,
Act 24, 2004,
Act 18, 2007.

An Act to provide for the establishment of tribal land boards; to vest tribal land in such boards; to define the powers and duties of such boards; and to provide for matters incidental thereto.

[Date of Commencement: 30th January, 1970]

PART I
Introductory (ss 1-2)

1. Short title

This Act may be cited as the Tribal Land Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"appointing authority" means the Director and any person to whom he or she has delegated his or her powers under section 11D(3);

"Chief" includes any person performing the functions of Chief;

"Commission" means the Land Board Service Commission established under section 11V;

"customary law", in relation to any land, means the customary law of the place where the land is situated;

"develop" in respect of the grant of an area of tribal land means to introduce or carry out works or improvements in accordance with the purpose for which the grant was made, and **"development"** shall be construed accordingly;

"diagram" means a document containing geometrical, numerical and verbal representations of a piece of land, which has been signed by a land surveyor and which has been approved or certified by the Director of Surveys and Lands or other officer empowered under the Land Survey Act so to approve or certify a diagram, and includes a diagram or copy thereof prepared in the Director's office and approved or certified as aforesaid, or a document which has, at any time prior to the commencement of the Land Survey Act, been accepted as a diagram in the Deeds Registry;

"Director" means the Director appointed under section 11D(1);

"district council", in relation to any tribal area, means the district council within whose area the tribal area is situated;

"grant" in Part IV, includes any disposition of land under the common law, and includes a grant of ownership or of lease;

"land" means land in a tribal area and subject to the provisions of the Mines and Minerals Act, the Water Act and the Mineral Rights in Tribal Territories Act includes any interest in land and anything which is either artificially or naturally attached to the land and which, by operation of the common law, accedes to it;

"land board" means a land board established under section 3, and **"the land board"** in relation to any area of land means the land board for the area in which that area of land is situated;

"land board officer" means a person in the land board service;

"land board service" means the land board service covering all persons employed by and receiving salary or wages from a land board;

"lease" includes any agreement-

(a) whereby the right to occupy land for a determined or determinable period of time is conferred;

(b) whereby permission, terminable at the will of the grantor, to occupy land is conferred,

whether or not any consideration is payable for such right or permission;

"member", except in section 35, means a member of a land board but does not include a person co-opted under section 5;

"public officer" shall have the same meaning as in the Constitution;

"subordinate land board" means a subordinate land board established under section 19;

"tribal area" means-

(a) every tribal territory as defined in section 2 of the Bogosi Act; and

(b) the areas defined in the Second, Third, Fourth and Fifth Schedules.

PART II

Land Boards (ss 3-11)

3. Establishment of land boards

(1) There is hereby established in respect of every tribal area set out in the first column of

the First Schedule a land board having the name or title set out in relation thereto in the second column thereof.

(2) Subject to the provisions of this section, the membership of each land board and the period of office of members elected or appointed thereto shall be as provided in the third column of the First Schedule in relation thereto.

(3) A person shall be disqualified from being appointed as a member of a land board or from continuing as a member of the following grounds-

- (a) he has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in Botswana or elsewhere and has not been discharged, or has made a composition with his creditors and has not paid his debts in full;
- (b) has been sentenced to imprisonment without the option of a fine for any offence, whether in Botswana or elsewhere;
- (c) he is certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana;
- (d) he is a member of the National Assembly or the *Ntlo ya Dikgosi*;
- (e) he holds any public office, or is acting in any public office by virtue of a contract of service expressed to continue for a period exceeding six months.

(4) A land board may perform the functions vested in it under this Act or under any other law, notwithstanding any vacancy in its membership.

(5) The Minister may, by order published in the *Gazette*, amend any of the entries set out in the third column of the First Schedule in order to vary the membership of any land board or the period of office of members thereof.

4. Temporary members

(1) If any member of a 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 or election made under subsection (1) 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 section 6.

5. Co-option

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

functions.

(2) Persons so co-opted may attend any meeting of the land board 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 addressed to the Minister and, on receipt of such notice by the Minister, the office of the member shall become vacant.

(2) The office of a member other than an *ex officio* member shall become vacant if-

(a) circumstances arise under which, if he were not a member of a land board, he would be disqualified in terms of section 3(4) from being appointed as a member of the board; or

(b) he is required to vacate his office under subsection (3).

(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, the Minister, after consulting the appropriate district council, is satisfied that such member-

(a) has been absent from three consecutive meetings of the land board without leave of absence granted by the board;

(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 land board

(1) Subject to the provisions of this Act and to any regulation made under the provisions of section 37, a land board may regulate its own procedure:

Provided that no grant of land shall be of any effect unless the 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) Half of the number of members of a land board shall constitute a quorum thereof, but where the number of members is uneven, a majority of that number of members shall constitute a quorum.

(3) An administrative officer may attend any meeting of a land board and at such meeting may speak but may not vote.

(4) Decisions of the land board shall be taken by a majority of the 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 present at a meeting of a land board has any pecuniary or other interest, direct or indirect, in any matter under discussion, or is the husband, father, grandfather, son, grandson, 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 so directs, he shall withdraw from the meeting during such discussion or refrain from discussion of, or voting on, the matter.

8.

The Minister shall appoint a secretary for each land board.

9. Land boards to be bodies corporate

(1) A land board shall be a body corporate capable of suing and being sued in its own name.

(2) Subject to the provisions of this Act a land board shall have power to do anything and enter into any transaction which in its opinion is calculated to facilitate the proper discharge of any function conferred or imposed upon it under this Act or any other law, or which is incidental or conducive thereto.

10. Vesting of tribal land in land boards

(1) All the rights and title to land in each tribal area listed in the first column of the First Schedule shall vest in the land board set out in relation to it in the second column of the Schedule in trust for the benefit and advantage of the citizens of Botswana and for the purpose of promoting the economic and social development of all the peoples of Botswana.

(2)

11. Formulation of policy

(1) A land board shall consult the district council in the formulation of policy relating to the exercise of its functions under this Act.

(2) The President may give to any land board directions of a general or specific character and that land board shall give effect to any such directions.

PART IIA **Application (ss 11A-11B)**

11A Application of Parts IIB to IIF of this Act

(1) The provisions of Parts IIB to IIF of this Act shall apply to officers in the land board service.

(2) Nothing in this Act shall be construed as implying that a land board officer is, *ipso facto*,

a public officer.

11B Contracts of service

From the date of the commencement of this Act, any contract of service between a land board officer and a land board shall be deemed to have been made under this Act, and between such officer and the Director, and the provisions of Parts IIB to IIF of this Act shall apply to any such contract.

(2) A land board officer referred to in subsection (1) shall not be subject to any condition of service which is less favourable to him or her than any similar condition which applied in his or her case immediately before the date of the commencement of this Act.

PART IIB

Administration and Appointment to Land Board Service (ss 11C-11I)

11C. Head of land board service

The Permanent Secretary shall be the head of the land board service and shall, subject to the provisions of this Act, supervise the Director in the performance of his or her duties under this Act.

11D. Director of Land Board Service

(1) There shall be a Director of the Land Board Service who shall be a public officer.

(2) The Director shall have vested in him or her the administration of the land board service, and, without prejudice to the generality of the foregoing, shall be responsible for-

- (a) the administration of the conditions of service of land board officers;
- (b) the recruitment, transfer and promotion of land board officers;
- (c) staff complements and gradings in the land board service;
- (d) the administration, structure, and assessment of salaries in the land board service;
- (e) the administration of the land board service training policy;
- (f) the discipline, training and welfare of land board officers;
- (g) localization and staff development programmes in the land board service;
- (h) inspections and organization of, and methods of organization of, land board officers;
- (i) allowances, and the policy with regard to gratuities, of land board officers; and
- (j) personnel statistics in the land board service.

(3) The Director may, with the consent of the Minister, by directions in writing, delegate any

of his or her powers under this Act to any land board officer, but, notwithstanding any such delegation, the Director may vary or set aside any decision of a land board officer in the exercise of his or her delegated powers.

11E. Secretary to the land board

(1) The Minister shall, by notice in the *Gazette*, appoint a Secretary for each land board.

(2) The Deputy Permanent Secretary shall, under the direction of the Permanent Secretary, supervise land board secretaries.

11F. Criterion for appointment of land board officers

(1) In selecting candidates for appointment, the appointing authority shall have regard to the efficiency of the land board service.

(2) Where any office in the land board service is vacant, the following persons shall, subject to satisfying any scheme of service laying down the qualifications for any such office, be qualified for appointment to such office in the following order of priority-

- (a) any land board or public officer who is a citizen of Botswana;
- (b) any other citizen of Botswana;
- (c) any land board or public officer who is not a citizen of Botswana; and
- (d) any other person who is not a citizen of Botswana.

(3) Notwithstanding the provisions of subsection (2), the Minister may waive the requirements of a scheme of service if it is in the interests of the land board service to do so.

11G. Disqualification from appointment

(1) No person who has been convicted of an offence involving moral turpitude or who has been dismissed from the public service or from the land board service shall be appointed to an office in the land board service without the approval of the Minister.

(2) No person shall be appointed to an office in the land board service unless he or she holds such qualifications as have been prescribed for appointment to that office.

(3) No person who is not a citizen of Botswana shall be appointed to any office in the land board service unless the appointing authority is satisfied that no citizen of Botswana is qualified and suitable for appointment thereto.

11H. Probation

(1) Where any person is appointed to any office in the land board service (otherwise than on promotion or transfer) on permanent terms, he or she shall first serve a probationary period of two years or such other period as the Minister may prescribe for particular offices.

(2) Where any person who is required to serve on probation under this section has previously been employed in the service of the Government or a land board or in such other service as may be prescribed, the period or any part thereof of such previous service shall be regarded as service on probation for the purposes of subsection (1).

(3) Not more than six nor less than three months before the expiry of a probationary period of a land board officer, the appointing authority shall consider whether-

- (a) the land board officer should be confirmed in the land board service;
- (b) the services of the land board officer being otherwise satisfactory, the probationary period should be extended so as to afford the land board officer an opportunity to pass any examinations which might be a condition precedent to the appointment;
- (c) the probationary period should be extended to afford the land board officer the opportunity of improvement in any respect in which his or her work or conduct has been unsatisfactory; or
- (d) the services of the land board officer should be terminated:

Provided that no probationary period shall be extended for more than 12 months.

(4) Where the appointing authority is of the opinion that the probationary period of a land board officer should be extended or terminated, he or she shall, before extending or terminating such appointment, inform the land board officer, in writing, of his or her intention and inform such officer of his or her right to make representation thereon within 21 days of the date on which he or she is so informed.

(5) Notwithstanding anything contained in this section, but subject to informing the land board officer in terms of subsection (4), an appointing authority may terminate a probationary appointment at any time and shall give reasons for such termination.

(6) The appointing authority may reduce a probationary period if the land board officer has fulfilled all the requirements necessary for confirmation in office and either-

- (a) he or she has previously served in the public office or in a similar office on non-pensionable terms; or
- (b) the reduction of the probationary period is necessary for administrative reasons:

Provided that no probationary period shall be reduced by a period exceeding the period which the land board officer concerned has served in the land board or a similar office on non-pensionable terms or a period of 12 months, whichever is less.

(7) The termination or non-confirmation of a probationary appointment shall not be regarded as a dismissal or removal from office.

(8) A land board officer on probation for two years shall be deemed to have been confirmed in his or her appointment if, at the end of six months following the end of the probationary

period, he or she has not been informed in writing of the outcome of his or her probation.

(9) Where a person to whom the power to appoint to the land board service has been delegated would have power to confirm in office or extend or terminate a probationary period, or exercise any other power under this section, such power shall be exercised by the officer delegating the power, namely, the Director.

(9) In this section, "appointing authority" does not include a person to whom power to appoint to the land board service has been delegated under section 11D (3).

11I. Date of promotion

(1) Where any land board officer is appointed to any land board office on promotion, the effective date of his or her promotion to that office shall, subject to the provisions of subsection (2), be determined by the appointing authority.

(2) The appointing authority shall not fix, as a date of promotion, a date which is earlier than the last of the following dates-

- (a) the date on which the vacancy to which a land board officer is promoted occurred;
- (b) the date upon which the officer became eligible for promotion;
- (c) the date upon which the officer assumed the functions of the office:

Provided that the appointing authority may, in such circumstances as he or she considers appropriate, fix a date of promotion which is earlier than the date mentioned in paragraph (c), but no such date shall be appointed which is earlier than the later of the dates specified in paragraphs (a) and (b).

PART IIC

Termination of Appointments and Retirements (ss 11J-11L)

11J. Termination of contract

(1) If it appears to the appointing officer that the appointment of a land board officer serving on contract should be terminated (otherwise than by dismissal) in accordance with the provisions of his or her contract, the appointing authority shall inform the officer, in writing, that the termination of his or her contract is under consideration and inform him or her of his or her right to make representations thereon within a period of 21 days of the date on which he or she is so informed.

(2) On the expiry of the period of 21 days referred to in subsection (1), and after considering any representations made by the land board officer, the appointing authority shall decide whether or not the contract of the land board officer should be terminated.

11K. Retirement of land board officers

(1) In this section, "land board officer" means a land board officer employed on permanent

and pensionable service.

(2) Subject to the provisions of this section, a land board officer shall retire from the land board service on attaining the age of 60 years.

(3) Subject to the provisions of this section, a land board officer who has attained the age of 45 years may, in the discretion of the appointing authority and in the interests of the service, be retired from the land board service.

(4) Subject to the provisions of subsection (3), a land board officer shall have the right at any time before or after attaining the age of 45 years to give written notification to the appointing authority of his or her wish to be retired from the land board service, and if he or she gives such notification he or she shall-

- (a) if such notification is given at least three calendar months prior to the date on which he or she attains the said age, be so retired on attaining that age; or
- (b) if such notification is not given at least three calendar months prior to the date on which he or she attains the said age, be so retired on the first day of the fourth month following the month in which the notification is received.

(5) If, in the opinion of the appointing authority, it is in the public interest to retain a land board officer in his or her office beyond the age at which under this section he or she is required to retire, such officer may, if he or she is willing to do so, be retained, on contract, from time to time by the appointing authority for such periods as that authority may determine.

(6) On the abolition of any land board office, a land board officer holding that office shall, unless transferred by the appointing authority to some other land board office, be retired.

11L. Retirement on medical grounds

(1) Where it appears to the appointing authority that a land board officer is incapable, by reason of any infirmity of mind or body, of discharging the functions of his or her office, he or she may, and shall, if the officer so requests, call upon such officer to present himself or herself to a medical practitioner nominated by the appointing authority or to a medical Board nominated by the appointing authority, with a view to ascertaining whether or not such officer is incapable as aforesaid.

(2) After the land board officer has been examined by the medical practitioner or the Board, as the case may be, the medical practitioner or Board shall forward the report of the examination to the appointing authority who shall consider the report and any representations which the officer concerned wishes to make, and the appointing authority shall then decide whether the officer should be called upon to retire on medical grounds.

PART IID

Land Board Officers (ss 11M-11S)

11M. General duties of land board officers

Every land board officer shall assist the land board to which he or she is attached, posted or transferred, and shall carry out and obey all lawful orders of that land board and exercise the functions of his or her office impartially, efficiently and without delay, so as to serve the public and promote their welfare and lawful interests.

11N. Whole time of land board officer at disposal of land board

Unless it is provided in the terms of his or her appointment or in any other written law-

- (a) every land board officer shall place the whole of his or her time at the disposal of the land board to which he or she is attached, posted or transferred; and
- (b) no land board officer may claim, as of right additional remuneration in respect of any official duty or work he or she is required to perform by the appointing authority or a land board.

11O. No additional fee for services

No fee, reward or remuneration of any kind, beyond his or her salary, and any allowances paid to him or her, shall be received and kept for his or her own use by a land board officer for the performance of any service for a land board unless authorized by law or by the terms of his or her appointment or by the Director.

11P. Salary and allowances not to be ceded

Subject to the provisions of any other written law, no land board officer shall, except in the case of payments for the maintenance of his or her spouse or children, without the written approval of the Director, cede, assign or transfer the whole or any part of any salary or allowance paid to the land board officer.

11Q. Publications, interviews and use of information

Subject to the provisions of any other written law, no land board officer shall-

- (a) in his official capacity as a land board officer, and without the written permission of the Director, act as editor or take part, directly or indirectly, in the management of, or publish, in any manner, anything which may reasonably be regarded as being of a political or administrative nature, but such officer may publish, in his or her private capacity, other matter relating to subjects of general interest;
- (b) whether on duty or on leave of absence, and except with the written permission of the Director, allow himself or herself to be interviewed on questions of, or connected with, any matter affecting or relating to the affairs of a land board;
- (c) directly or indirectly reveal or use for private purposes any information coming to his or her knowledge or acquired by him or her or the nature or contents of any document

communicated to him or her either in the course of his or her duties or in his or her capacity as an officer otherwise than in the proper discharge of his or her duties as authorized by law or competent authority.

11R. Interdiction

(1) If the appointing authority considers that disciplinary proceedings should be instituted against a land board officer and is of the opinion that such officer should be interdicted from the performance of his or her duties pending the taking of proceedings against him or her, the appointing authority may suspend such officer from the performance of his or her duties for a period not exceeding 30 days and shall make a report of such suspension and the reasons therefor, to the Director, who may interdict such officer from the performance of his or her duties and shall decide the amount of salary, being not less than half, that should be paid to such officer during the period of suspension and interdiction.

(2) If the appointing authority, on becoming aware that criminal proceedings have been instituted against a land board officer, is of the opinion that such officer should be interdicted from the performance of his or her duties, the appointing authority may interdict such officer from the performance of his or her duties for a period of 60 days, and shall immediately report such interdiction and the reasons therefor to the Director.

(3) On receipt of the report referred to in subsection (2), the Director may revoke, confirm or extend the period of the interdiction referred to in that subsection and, in the case of confirmation or extension of the period of such interdiction, shall decide the amount of salary, being not less than half, that should be paid to such officer during the period of interdiction.

(4) If the Director, on becoming aware that criminal proceedings have been or are about to be instituted against a land board officer or considers that disciplinary proceedings should be instituted against a land board officer, is of the opinion that such officer should be interdicted from the performance of his or her duties pending the taking of proceedings against him or her, the Director may interdict such officer from the performance of his or her duties and shall decide the amount of salary, being not less than half, that should be paid to such officer during the period of interdiction.

(5) If, as a result of any disciplinary proceedings, a land board officer is awarded a punishment less than dismissal, the Director shall decide what proportion of the salary, if any, withheld shall be paid to such officer:

Provided that if no punishment is awarded, the whole of the emoluments withheld shall be paid to such officer.

(6) If a land board officer has been interdicted from the performance of his or her duties because criminal proceedings had been or were about to be instituted against him or her, and, after a period of interdiction exceeding six months such criminal proceedings have not been brought to an end, the Director may terminate the interdiction, and such officer may be reinstated in the land board service pending the completion of such criminal proceedings.

(7) In this section, "appointing authority" means a person to whom the power to appoint to office in the land board service has been delegated under section 11D(3).

11S. Withholding of salary

A land board officer who has been convicted of a criminal offence and has been sentenced to imprisonment, whether as a result of the non-payment of a fine or otherwise, shall receive no salary from the date of his or her imprisonment pending a decision by the Director as to whether or not any salary shall be paid to such officer during the period of imprisonment and pending the taking of any disciplinary proceedings against him or her or his or her dismissal.

PART IIE

Offences and Penalties (ss 11T-11U)

11T. Influencing the Director or an appointing authority

Any person who, whether outside his or her official duties, or who, in the course of his or her duties improperly, directly or indirectly by himself or herself, or by any other person, in any manner, influences or attempts to influence the decision of the Director or an appointing authority shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

11U. Supplying false information

Any person who, in connection with the exercise of his or her functions, gives to an appointing authority any information which he or she knows to be false or does not believe to be true or which he or she knows or believes to be misleading by reason of the omission of any material particular shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

PART IIF

Land Board Service Commission (ss 11V-11BB)

11V. Establishment of Land Board Service Commission

(1) There shall be a Land Board Service Commission, the membership of which shall be the same as that of the Public Service Commission established by and constituted under the Constitution, and the provisions of section 109 of the Constitution shall apply, with the necessary changes, to the Land Board Service Commission.

(2) The Secretary to the Commission shall be a public officer nominated by the Minister.

11W. Appeals to Commission

Any land board officer who has been removed from office or subjected to any other punishment by the exercise of any power conferred on the Director or an appointing authority may appeal to the Commission which may dismiss such appeal or allow it wholly or in part.

11X. Protection of members of Commission

Every member of the Commission shall have such protection and privilege in the case of any action or suit brought against him or her for any act done or omitted to be done in the *bona fide* execution of his or her duties as is by law given to acts done or words spoken by a judge in the exercise of his or her judicial office.

11Y. Privilege of communications of Commission

No person shall, in any legal proceedings, be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission, or any member or officer thereof, and the Government, or the President, or a Minister, or any officer of the Government, or between any member or officer of the Commission and its chairman, or between any member or officer of the Commission, in the exercise of, or in connection with the exercise of, the functions of the Commission, unless the President consents, in writing, to the disclosure.

11Z. Powers of Commission

(1) For the performance of its functions, the Commission may-

- (a) inspect land board offices;
- (b) examine documents, books or other records belonging to a land board;
- (c) obtain such information and advice from any and board officer or any public officer as it may require; and
- (d) do all such things, including the taking of evidence on oath and the administration of oaths, as are incidental or conducive to the exercise of the Commission's functions.

(2) The Commission may require any land board officer or any public officer, whose evidence appears to be material to the determination of any inquiry or investigation conducted by the Commission, to attend, at such time and place as may be specified by the Commission, to give evidence or produce any document, book or other record, official or belonging to a land board, in his or her possession or under his or her control, which relates to a matter in question at any inquiry or investigation.

(3) No land board officer or public officer shall be compelled to answer a question the answer to which may render him or her liable to prosecution on a criminal charge.

(4) Nothing in this section shall be construed as requiring any person to disclose any information or produce any document, book or other record, the disclosure or production of which-

- (a) is prohibited or restricted under any written law; or
- (b) is certified, in writing, by the Minister to be contrary to the public interest.

11AA. Annual report

The Commission shall, as soon as possible after the end of each calendar year, submit a report to the Minister in respect of the discharge of its functions during that year, and the Minister shall, within 28 days of receipt of the report, lay it before the National Assembly.

11BB. Legal representation

Any person appearing before the Commission shall be entitled to be represented by a legal practitioner admitted to practise in Botswana.

PART III

Grant of Customary Land Rights (ss 12-21)

12. Application of Part

The provisions of this Part shall apply in relation to the granting, variation and determination of customary forms of tenure of land.

13. Functions of land boards in relation to customary tenure

(1) All the powers previously vested in a Chief and a subordinate land authority under customary law in relation to land, including-

- (a) the granting of rights to use any land;
- (b) the cancellation of the grant of any rights to use any land;
- (c) the imposition of restrictions on the use of tribal land;
- (d) authorizing any change of user of tribal land; or
- (e) authorizing any transfer of tribal land,

shall vest in and be performed by a land board acting in accordance with powers conferred on it by or under this Act.

(2) A land board may hear an appeal from any decision of a subordinate land board in respect of any of its functions conferred on such subordinate land board.

14. Appeals to Minister

Any person aggrieved by any decision of a land board under the provisions of section 13 may appeal to the Minister within a period of four months from the date upon which he became aware of such decision and the Minister may make such order in the matter as he may think fit.

15. Grounds justifying cancellation of customary rights

The grounds upon which a grant of land may be cancelled, whether or not such grant was

made before or after the coming into operation of this Act shall be-

- (a) that the holder of the grant is no longer eligible to hold land under the provisions of this Part;
- (b) failure to observe restrictions imposed under section 13(1)(d) or the provisions of any law relating to town or country planning or good husbandry;
- (c) that the cancellation is necessary for ensuring the fair and just distribution of land among citizens of Botswana;
- (d) that the land has been used for a purpose not authorized by customary law or that the holder thereof has contravened any customary law relating to the use thereof;
- (e) that, without sufficient excuse, the land has not been cultivated, used or developed to the satisfaction of the land board for such period as may be prescribed in respect of that land, or has not been cultivated, used or developed in accordance with the purpose for which the grant was made; or
- (f) subject to the provisions of section 33, that the land is required for public purposes,

and no cancellation for any other reason shall be of any force or effect.

16. Issue of certificate of grant

(1) No person may occupy any other land granted under the provisions of section 13 until there is issued to him by the land board a certificate of grant in the prescribed form.

(2) A duplicate copy of every certificate issued under the provisions of subsection (1) shall be retained by the secretary of the land board and kept in a register which shall be open to inspection on payment of such fees as may be prescribed.

17. Land use zones

(1) A land board shall, after due consultation with the district council, determine and define land use zones within the tribal area, and may from time to time make amendments thereto.

(2) The land board shall furnish the Minister with details of all determinations, definitions or amendments thereto made under subsection (1), and if the Minister is satisfied therewith, that the descriptions of the land concerned are satisfactory and that the land use zoning is in accordance with any regulations made under section 37 in respect of the types of land use for which the land may be zoned, he shall give notice thereof in the *Gazette*.

(3) The land board shall not make grants of land under this Part for any land use which is in conflict with the use for which the land is zoned.

(4) After consultations with the district council, village development committees, tribal authorities and any other interested institutions, the land board may determine management plans, and their revision from time to time, for the purpose of assisting or giving guidance on

the use and development of each land use zone within a tribal area.

18.

19. Creation of subordinate land boards

(1) The Minister may, by order published in the Gazette-

- (a) establish a subordinate land board for any area within a tribal area;
- (b) confer on any such subordinate land board any of the functions of the land board in respect of that area; or
- (c) transfer any of the functions of a subordinate land board to any other subordinate land board.

(2) The period of office, the qualifications and the disqualifications of members of a subordinate land board shall be prescribed.

(3) Subject to the provisions of any regulation made under the provisions of section 37 and of any direction which a land board may give in the matter, a subordinate land board may regulate its own procedure.

20. Limitations on grant of land

(1) No land board or subordinate land board shall grant any land under this Part to any person who is not a citizen of Botswana, unless that person has been specially exempted, or is a member of any class of persons who have been specially exempted, by the Minister in writing from the provisions of this section.

(2) No land board or subordinate land board shall grant any land under this Part for trading, manufacturing or other business or commercial purposes.

21. Effect of Part and presumption that Part applies

Nothing in this Part shall be deemed to prevent a land board from making a grant of land to a citizen of Botswana under the provisions of Part IV notwithstanding that such grant might lawfully be made under this Part:

Provided that any grant to a citizen of Botswana shall be deemed to have been made under the provisions of this Part unless-

- (i) the land board has purported to make the grant under the provisions of Part IV;
- (ii)
- (iii) the provisions of the common law have expressly or by necessary implication been made applicable to such grant.

PART IV

Grant of Land Rights under Common Law (ss 22-31)

22. Application of Part

The provisions of this Part shall apply in relation to the granting, variation and cancellation of common law forms of tenure of land.

23. Grant of land rights on a monthly basis

(1) A land board may lease to any person an area of land, not exceeding five acres in extent, together with ancillary rights on such terms and conditions as it may determine or which may be prescribed.

(2) Any lease of land under the provisions of this section shall be determinable in the event of either party giving one month's notice in writing of the determination of the agreement:

Provided that the Minister may, by notice in writing to a land board, require the board to give notice under the provisions of this subsection within such time as he may specify and, in the event of the board's neglecting or refusing to give such notice, may himself give the notice and in that event it shall be competent for him to bring an action for ejectment in any court of competent jurisdiction.

24. Grant of certain rights

(1) Subject to the provisions of this section, a land board may grant to any person land by way of lease on terms and conditions other than those imposed by or under section 23, but may only grant land in ownership to the State.

(2) A land board may not grant land under this section to a person who is not a citizen of Botswana without the consent in writing of the Minister.

(3) A grant under this section shall be in the form of a written agreement executed on behalf of the land board by the chairman or secretary thereof duly authorized thereto by resolution of the board.

(4) The boundaries of a grant of land under this section shall, within three months of the execution of the grant, be demarcated by the grantee, and throughout the currency of the grant be maintained by the grantee, to the satisfaction of the land board, and if such boundaries are not so demarcated or so maintained the grant shall terminate.

(5) A grant under this section shall be registered by the grantee within six months of his being called upon to do so by the land board; should the grantee fail to so register, the grant shall terminate on the expiry of the six months' notice:

Provided that nothing in this subsection shall prohibit the grantee registering the grant at any time prior to such notice being given.

(6) Unless the Director of Surveys and Lands in any case otherwise directs, a grant

tendered for registration under subsection (5) shall be accompanied by a diagram or plan approved by the Director of Surveys and Lands as being adequate for the definition of the boundaries of the area subject to the grant.

(7) Notwithstanding the demarcation of the boundaries by the grantee under subsection (4), the interpretation of the boundaries for the purposes of making an approved diagram or plan under subsection (6) shall be made by the Director of Surveys and Lands.

(8) A grant under this section shall, subject to section 38, have the like effect as any equivalent grant made by the State.

25. Compensation for improvements

- (1) No person shall, in the absence of any written agreement to the contrary, have-
- (a) any claim against a land board or the State for compensation for any improvements effected by him or any other person to land which is vested in the land board or which for any reason reverts to the land board;
 - (b) any right of retention enforceable against a land board or the State over any land founded upon any claim or purported claim to compensation for improvements effected by him or any other person to such land,

and all improvements effected to land vested in the land board or which for any reason reverts to the land board shall enure to the benefit of the land board:

Provided that where improvements have been made by the grantee or his predecessor in title and the grant was not determined by reason of the breach by the grantee of the terms or conditions of the grant the grantee may, within six months after the termination of the grant and in the absence of written agreement to the contrary, remove any such improvements which can be removed without causing irreparable damage to the land, unless the land board elects to pay the grantee compensation for such improvements and the grantee is notified accordingly before he has commenced to remove such improvements.

(2) Where a land board elects to pay compensation in accordance with the provisions of the proviso to subsection (1), the right of the grantee to remove the improvements as aforesaid shall forthwith determine, but if the grantee does not agree to the amount of the compensation offered by the land board the matter shall be referred to arbitration under the Arbitration Act.

26.

27. Change of user

(1) Where the grantee of any land under the provisions of this Part desires to change the user of any land or where the grantee of any land under the provisions of this Part wishes to hold such land under the provisions of this Part, he may make application in writing to the land board.

(2) The land board may, after considering the application, refuse or allow the application:

Provided that there shall be an appeal to the Minister against any refusal within such time as may be prescribed.

28. Cancellation of grant and recovery of possession

Where there has been any breach of a development covenant or any change of user not authorized under section 27 in respect of any land granted under the provisions of this Part, the secretary of the land board may, on behalf of the land board and notwithstanding the provisions of section 17 of the Magistrates' Courts Act, bring an action in the magistrate's court for the recovery of such land.

29. Presumption

Where any person other than a tribesman alleges that he holds rights from a tribe to land by virtue of any agreement whether made before or after the coming into operation of this Act and the terms and conditions of such agreement are in dispute, such agreement shall, unless the contrary is proved, be deemed to confer upon the person concerned no greater rights than may lawfully be conferred upon a person in terms of a lease granted under section 23.

30. Certificate of Minister

Where in any proceedings before a court of law (including a customary court) the question arises as to whether the consent of the Minister to any grant has been given under the provisions of section 24, a certificate purporting to be under the hand of the Minister that such consent has or has not been given shall be *prima facie* evidence that such consent has or has not been given, as the case may be.

31. Prohibitions on grant of land

(1) No land may be leased or granted to any person under the provisions of this Part for agricultural or horticultural purposes except to a tribesman or to the Government of Botswana except with the prior consent of the Minister.

(2) No land may be leased or granted to any person other than a tribesman by a land board except in accordance with the provisions of this Part.

PART V

Land Required for Public Purposes (ss 32-35)

32. Grant of land to State for public purposes

(1) If the President determines that it is in the public interest that any land the ownership of which is vested in a land board under section 10 should be acquired by the State, the Minister shall serve notice thereof on the land board and the district council, and request that such land be granted to the State, and the land board may then, having ascertained the views of the district council in the matter, grant such land to the State in accordance with the provisions of

Part IV.

(2) Where the land board-

- (a) declines to grant land in accordance with the request of the Minister under subsection (1);
- (b) neglects or refuses to come to any decision in the matter within a period of three months from the date of such request; or
- (c) imposes terms or conditions upon the grant which are unacceptable to the Minister,

the Minister may direct that an inquiry shall be held by a commission appointed under the provisions of section 35.

(3) On the conclusion of the inquiry the Commission shall report thereon to the Minister who may thereupon give such direction in the matter as he shall think fit, being a direction not inconsistent with the finding of the Commission, and it shall be the duty of the land board to comply with such direction.

(4) In the event of a land board refusing or neglecting to execute any grant which it is directed to execute under subsection (3), the Minister may himself execute the grant for and on behalf of the land board.

33. Privately owned customary rights

(1) Where land is granted to the State under section 32 and there subsists over such land under customary form of tenure, the land board shall require the occupier to vacate the land, and on such vacation the provisions of subsection (2) shall have effect.

(2) Any person who is required to vacate land under the provisions of subsection (1) may be granted the right to use other land, if available, and shall be entitled to adequate compensation from the State for the following, if applicable-

- (a) the value of any standing crops taken over by the State;
- (b) the value of any improvements effected to such land, including the value of any clearing or preparation of land for agricultural or other purposes;
- (c) the costs of resettlement; and;
- (d) the loss of right of use of such land.

(3) In the event of the State and any person who alleges he is entitled to compensation under the provisions of this section being unable to agree as to the amount of such compensation, such person may make application to the High Court or to a magistrate's court of competent jurisdiction for the purpose of-

- (a) the determination of his interest or right;

- (b) ascertaining the legality of the taking of possession or acquisition of the property, interest or right; or
- (c) ascertaining the amount of any compensation to which he is entitled and whether or not such compensation is adequate in the circumstances of the case and, if not, what is adequate compensation,

and the court may make such order in the matter as it thinks fit.

34. Other privately owned rights

Where any right to land (other than a right vested in the land board) subsists and such right is not of the nature described in section 33(1), the State may acquire such right in accordance with the provisions of the Acquisition of Property Act which shall, to this extent, and notwithstanding anything to the contrary in that Act, be deemed to be applicable to the tribal territories.

35. Commission of inquiry

- (1) A commission of inquiry set up for the purposes of section 32 shall consist of-
 - (a) a chairman who shall be nominated by the Minister;
 - (b) a member nominated by the land board:

Provided that, if the land board refuses or neglects to nominate such member within six weeks of having been called upon to do so by the Minister, the Minister may himself nominate the member;

- (c) a member nominated jointly by the chairman and the member appointed in terms of paragraph (b).
- (2) The duty of the commission shall be to investigate-
 - (a) whether the land the State requires is in fact required for public purposes and, if so, whether the requirements of the State are, in other respects, reasonable;
 - (b) the nature of the objection to the grant, if any, of the land board and of the district council's attitude in the matter.

(3) The provisions of sections 7, 10, 11, 12, 13, 14 and 17 of the Commissions of Inquiry Act shall have effect in relation to a commission appointed under this section and its proceedings as they have in relation to a commission appointed under the said Act and the proceedings thereof.

PART VI ***Land Board Funds (s 36)***

36. Land board funds

(1) Every land board shall establish a fund into which shall be paid any moneys which may accrue to it under any grant or which otherwise may be payable to it.

(2) Subject to the provisions of this section, no moneys shall be paid out of the fund except to meet expenditure which the Minister has certified in writing as being a proper charge on the fund.

(3) Moneys standing to the credit of any fund may be appropriated by the Minister by order under his hand to the revenues of the district council where the Minister is satisfied that the fund has in its moneys surplus to the requirements of the land board.

(4) The accounts of a land board shall be subject to audit in such manner as may be prescribed.

PART VII **General (ss 37-40)**

37. Regulations

The Minister may make regulations-

- (a) prescribing anything which under this Act is to be, or may be, prescribed;
- (b) prescribing the procedure of a land board or a subordinate land board;
- (c) prescribing the form of any document required for the purposes of this Act;
- (d) providing for the audit of the accounts of land boards;
- (e) providing for the registration of rights and transfers of rights in land where such land is held by grant under the provisions of Part IV or in terms of a concession granted prior to the coming into operation of this Act;
- (f) prescribing the fees payable in respect of any application to a land board other than an application made under Part III;
- (g) providing for the payment of fees and allowances to members of a land board or subordinate land board;
- (h) providing for the summoning of persons to give evidence before a land board or subordinate land board,

and generally for the better carrying out of the provisions of this Act.

38. Transfer of rights

(1) The rights conferred upon any person in respect of any grant or lease of any tribal land, whether made under or in accordance with Part III or Part IV, or made prior to the coming into

operation of this Act, shall not be transferred, whether by sale or otherwise, to any other person without the consent of the land board concerned:

Provided that the provisions of this subsection shall not apply in the case of-

- (i) land which has been developed to the satisfaction of the land board concerned;
- (ii) a sale in execution to a citizen of Botswana;
- (iii) a hypothecation by a citizen of Botswana; or
- (iv) the devolution of such land on inheritance.

(2) The Registrar of Deeds shall not register any conveyance of tribal land or rights to such land unless supported by a certificate issued by the appropriate land board or by written lease, and, where relevant, he is satisfied that one of the conditions set out in the proviso to subsection (1) applies.

(3) For the avoidance of doubt, it is hereby declared that the provisions of section 17 of the Deeds Registry Act shall have effect in relation to the transfer of real rights of land under the provisions of this section as it has in relation to the transfer of any other real rights in land.

39. Offences and penalties

(1) Any person who-

- (a) acquires or takes occupation of any tribal land without having an appropriate lease or a certificate issued by the land board concerned;
- (b) changes the user of any such land without the prior approval of the appropriate land board;
- (c) transfers any such land to any other person otherwise than under and in accordance with the provisions of this Act;
- (d) makes any statement or representation, whether explicit or implied, which he knows or reasonably ought to have known was untrue, for the purpose of obtaining a grant of land, or for the purpose of obtaining any benefit or compensation under the provisions of this Act,

shall be guilty of an offence and shall be liable to a fine of P10 000 and to imprisonment for one year, or if the offender is a corporate body, to a fine of P20 000.

(2) A court convicting a person of an offence under subsection (1) may order the eviction of the offender from the tribal land which he occupies and in respect of which the offence was committed.

40. Establishment of land tribunals

(1) The Minister may, by order, establish a land tribunal, or land tribunals for the purposes of

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this Act.

(2) The composition, terms of reference, jurisdiction and powers of any such tribunal, and the period of office of members thereof, shall be as may be specified in the order establishing the tribunal.

(3) Where the Minister has established a land tribunal for any area-

- (a) any appeal which is said to lie to the Minister under sections 14 or 27(2) of this Act shall be referred to the land tribunal for the area concerned for settlement;
- (b) any person aggrieved by a decision of a land board made under section 38 of this Act may appeal against such decision to the land tribunal for the area concerned.

(4) Decisions of a land tribunal shall be enforceable in the same manner as decisions of a court of competent jurisdiction.

(5) A land board wishing to enforce any of its decisions may make application therefor to the appropriate land tribunal, and the land tribunal, after giving both parties to the dispute an opportunity to appear before it and present arguments or evidence, may uphold the decision of the land board, reject it or amend it as it deems fit, and shall thereafter cause the decision of the land board, if upheld, or as amended, to be enforced as a decision of the land tribunal.

FIRST SCHEDULE

(sections 3 and 10)

First Column Second Column Third Column

Bamangwato Tribal Territory	Ngwato Land Board	<p>(a) 8 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;</p> <p>(b) 8 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;</p> <p>(c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;</p> <p>(d) 1 member representing the Ministry of Agriculture; and</p> <p>(e) 1 member representing the Ministry of Commerce and Industry.</p>
Batawana Tribal Territory	Tawana Land Board	<p>(a) 7 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;</p> <p>(b) 7 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;</p> <p>(c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;</p> <p>(d) 1 member representing the Ministry of Agriculture; and</p> <p>(e) 1 member representing the Ministry of Commerce and Industry.</p>

Bakgatla Tribal Territory	Kgatleng Land Board	<ul style="list-style-type: none"> (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.
Bakwena Tribal Territory	Kweneng Land Board	<ul style="list-style-type: none"> (a) 7 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 7 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.

Bangwaketse Tribal Territory Ngwaketse Land Board

- (a) 7 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;
- (b) 7 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;
- (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;
- (d) 1 member representing the Ministry of Agriculture; and
- (e) 1 member representing the Ministry of Commerce and Industry.

Bamalete Tribal Territory Malete Land Board

- (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;
- (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;
- (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;
- (d) 1 member representing the Ministry of Agriculture; and
- (e) 1 member representing the Ministry of Commerce and Industry.

Batlokwa Tribal Territory	Tlokwen Land Board	<ul style="list-style-type: none"> (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.
Barolong Farms	Barolong Land Board	<ul style="list-style-type: none"> (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.

The area defined in the Second Schedule to this Act	Tati Land Board	<ul style="list-style-type: none"> (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.
The area defined in the Third Schedule to this Act	Chobe Land Board	<ul style="list-style-type: none"> (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment; (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment; (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment; (d) 1 member representing the Ministry of Agriculture; and (e) 1 member representing the Ministry of Commerce and Industry.

The area defined in the Fourth Schedule to this Act

Kgalagadi Land Board

- (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;
- (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;
- (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;
- (d) 1 member representing the Ministry of Agriculture; and
- (e) 1 member representing the Ministry of Commerce and Industry.

The area defined in the Fifth Schedule to this Act

Ghanzi Land Board

- (a) 6 members, elected and appointed in accordance with the procedure described in regulation 2 of the Tribal Land Regulations, who may hold office for 4 years and be eligible for re-election and re-appointment;
- (b) 6 members, appointed by the Minister of Local Government, Lands and Housing, which members may hold office for 3 years and be eligible for re-appointment;
- (c) any member, appointed to replace a member referred to in paragraphs (a) and (b) whose office has become vacant, who may hold office for the unexpired period of the original incumbent's term, and be eligible for re-election and re-appointment;
- (d) 1 member representing the Ministry of Agriculture; and
- (e) 1 member representing the Ministry of Commerce and Industry.

SECOND SCHEDULE

TATI TRIBAL AREA

Commencing at beacon BB1 on the International Boundary between Botswana and Zimbabwe, being also an intersection point of the Bamangwato Tribal Territory and the North East District boundary lines, the boundary runs generally eastwards to its intersection with the median line of the Ramokgwebana River; thence generally southwards along the said International Boundary, being also the median line of the said Ramokgwebana River, to its confluence with the Shashe River; thence generally westwards and north-westwards along the median line of the said Shashe River to its intersection with the western boundary of the Remainder of Farm 80-NQ; thence generally northwards and eastwards along the boundary of the said Farm 80-NQ; thence northwards along the western boundary of the Farm 35-NQ/117; thence eastwards along the northern boundary of the said Farm 35-NQ/117 to its intersection with the eastern boundary of the Railway Strip 9-OQ; thence southwards along the boundary of the said Railway Strip 9-OQ to its intersection with the northern boundary of the Remainder of the Farm 77NQ; thence eastwards and southeastwards respectively along the northern and eastern boundaries of the said Remainder of the Farm 77-NQ; thence generally southeastwards and eastwards along the boundaries of Farms 77-NQ/3, 77-NQ/5, 77-NQ/7, 77-NQ/10, 77-NQ/11 and 77-NQ/13 to its intersection with the median line of the Tati River; thence southwards along the median line of the Tati River to its intersection with the northern boundary of Farm 77-NQ/ 25; thence northeastwards along the boundary of the said Farm 77-NQ/25, northwestwards and northeastwards along boundaries of Farm 77-NQ/39; thence northwards along western boundaries of Farms 77-NQ/22, 77-NQ/20, 74-NQ, 52-NQ and 51-NQ; thence westwards, along the southern boundary of the Farm 49-NQ to its intersection with the median line of the Sekukwe River; thence generally northwards along the median line of the said Sekukwe River and the eastern boundary of Remainder of the Farm 32-NQ to its intersection with the southern boundary of the Farm 29-NQ; thence eastwards, northwestwards and westwards along the southern, eastern and northern boundaries of Farm 29-NQ to the intersection of the latter with the eastern boundary of the Railway strip 9-OQ; thence generally northwards along the said Railway Strip 9-OQ to its intersection with the prolongation of the southern boundary of Farm 58-OQ; thence in a clockwise direction along the boundaries of the said Farm 58-OQ, Farm 57-OQ, Farm 51-OQ, Farm 47-OQ and Farm 40-OQ to the intersection of the prolongation of the northern boundary of the said Farm 40-OQ with the Eastern boundary of the Railway Strip 9-OQ; thence generally northwards along the said Railway Strip 9-OQ to its intersection with the prolongation of the southern boundary of the Farm 14-OQ; thence northwestwards along the said southern boundary of the Farm 14-OQ to its intersection with the median line of Ntshe River; thence southwards along the median line of said Ntshe River, to its intersection with the northern and common boundary of the Farms 27-OQ and 22-OQ; thence southwestwards along the said common boundary of the Farms 27-OQ and 22-OQ, to its intersection with the median line of Tati River; thence southwards along the said median line of Tati river, to its intersection with the southern boundary of Farm 2-OQ; thence westwards along the said Farm boundary and northwards along the western Boundaries of the Farms 2-OQ and 116-OQ, being also the eastern boundary of Farm 1-OQ; thence anti-clockwise along the eastern, northern, western and southern boundaries of the said Farm 1-OQ to its intersection with the median line of Mokuwe River; thence southwards along the said median line of Mokuwe

with the median line of Vukwe River, thence southwards along the said median line of Vukwe River to its intersection with the common boundary between the said Farm 1-OQ and Farm 44-OQ; thence eastwards along the said common boundary of the said Farms 1-OQ and 44-OQ; thence generally southwards along the eastern boundaries of Farms 44-OQ, 54-OQ, 55-OQ, 64-OQ and 65-OQ; thence eastwards along the northern boundary of Farm 70-OQ to its intersection with the median line of Tati River; thence southwards along the median line of the said Tati River to its intersection with the northern boundary of the Farm 88-OQ; thence clockwise along the northern, eastern and southern boundaries of the said Farm 88-OQ to its intersection with the median line of Tati River; thence southwards along the median line of said Tati River to its intersection with the southern boundary of the farm 97-OQ; thence westwards and northwards along the southern and western boundaries of the said Farm 97-OQ; thence westwards along the southern boundary of the Farm 95-OQ to its intersection with the median line of Vukwe River; thence southwards along the median line of the said Vukwe River to its confluence with Shashe River; thence northwestwards and northwards along the median line of the said Shashe River, being also the southern and eastern boundary of the Bamangwato Tribal Territory; thence westwards and northwards along the said boundary of the Bamangwato Tribal Territory to the point of commencement at Boundary beacon BB1.

Excluded from this area are:

The Railway Strip 9-OQ, The Remainder of Tati Concessions, The Farms 6NQ, 31-NQ, 4-OQ, 6-OQ, 7-OQ, 11-OQ, 16-OQ, 17-OQ, 19-OQ, 39-OQ and 85-OQ, Portions 3, 4, 5, 16, 29, 30 and 31 and remainder of the Farm 77NQ: As will more fully appear on Plan BP 181 deposited with the Director of Surveys and Mapping.

THIRD SCHEDULE CHOBE TRIBAL AREA

1. Commencing at a point 'S', being a point on the International Boundary between Botswana and Namibia (Caprivi Strip) due north of a beacon situated on the northern end of Firebreak No. 19 at Ngoma, the boundary runs due south to the said beacon being point 'T'; thence southwards along the eastern edge of the said Firebreak for approximately 34 km to a point approximately 1.7 km due east of Namuchira Pan, being point 'U'; thence due west for 1.7 km to the said Namuchira Pan, being point 'V'; thence generally southwestwards and southwards along the western edge of the Namuchira Valley to a point at Sikiylana Pan at the confluence of the Namuchira Valley and the Molapowadiphofu, being point 'W'; thence in a generally southwesterly direction along the valley now known as Kashaba to a beacon Chobe 3 in the Nxunxutsha Pan at latitude 18°29'14"S and longitude 24°32'32"E being point 'X'; thence west-northwestwards up a cut-line for approximately 41 km to a beacon Chobe 2 in Sisuma Pan at latitude 18°21'43"S and longitude 24°10'32"E, being point 'Y'; thence in a west-northwesterly direction up a cut-line for approximately 28 km to a point 'Z', being a point on the International Boundary between Botswana and Namibia (Caprivi Strip), approximately 5 km east of the intersection of the eastern boundary of the Batawana Tribal Territory with the said International Boundary; thence along the said International Boundary in a northeasterly and easterly direction to point 'S', being the point of commencement as will more fully appear on Plan BP 205E deposited with the Director of Surveys and Lands.

2. Commencing at point A, being a point on the International Boundary between Botswana and the Caprivi Strip and being also the northeast corner of Kasane Township, the boundary follows the said International Boundary in an easterly direction to the point of intersection with the International Boundary between Botswana and Zimbabwe, being point B; thence generally southeastwards along the said International Boundary to the point of intersection with parallel of latitude 19 S, being point C; thence due west along the said latitude to the point of intersection with approximately longitude 24°50'42"E, being the point of intersection of the prolongation of a cut-line from the northeast being point D; thence in a north-northeast direction for approximately 11.8 km to the southern most point of the said cut-line forming the eastern boundary of the Chobe National Park, being point F; thence in a northerly direction for approximately 50.8 km to a beacon marked Chobe Game Reserve situated on the south side of the Ngwezumba Bridge-Nunga River road, being point G; thence along the southern side of the aforesaid road in an easterly direction for 27 km to point H; thence in a straight line in a northwesterly direction for approximately 28 km to a point on the northern edge of the Kakulwane Seloko, being point J; thence a generally southwesterly direction for approximately 7.6 km along the northern edge of the Seloko to the point of intersection by the cut-line defining the boundary of the Chobe National Park, approximately 500 metres north-northeast of Makororo Pan, being Point K; thence northwards for approximately 17.6 km to a beacon on the south side of the Lesomo-Ngwezumba Bridge road, being point L; thence north eastwards for approximately 21.3 km to the point of intersection of Firebreaks No. 7 and No. 8, being point M; thence generally northwestwards along the western boundary of the aforesaid Firebreak No. 8, following the Sidudu Valley, for approximately 7.3 km to the point of intersection with Firebreak No. 6, being Point N; thence northeast along the northern edge of the aforesaid Firebreak No. 6 for approximately 2.2 km to the point of intersection with Firebreak No. 7, being point O; thence in a northwesterly direction along the western edge of the aforesaid Firebreak No. 7 for approximately 2 km to the point of intersection with Firebreak No. 2, being point P; thence generally northeastwards along the western and northern edge of the aforementioned Firebreak No. 2 for approximately 4 km to the point of intersection of the said Firebreak No. 2 with the southern edge of Firebreak No. 5, approximately 5 metres south of beacon KRM 29AS, where the direct line between beacon TS3 and beacon B of Lot 2 Kasane vide diagram No. DSL 5667/61, is intersected, being point Q; thence along the southern edge of the said Firebreak No. 5 in a southeasterly direction to the beacon TS3 coordinates Y=-16696.59 X=1969 864.10, at the intersection of the said Firebreak No. 5 with the northern edge of the Kazungula/Ngoma bridge road, being point R; thence along the northern edge of the said Kazungula/Ngoma bridge road in a generally northeasterly direction to a beacon TS2, coordinates Y=-18002.00 X=1968 518.54 at the junction with the northern edge of Firebreak No. 2, being point S; thence in an easterly direction along the northern edge of the said Firebreak No. 2 to a beacon FR23, coordinates Y=-19349.34 X=1968 065.90, being point T; thence up a cut-line in a northwesterly direction to a beacon TS1 on the northern edge of the Kazungula/Ngoma bridge road, coordinates Y=-19199.01 X=1967 524.08, being point U; thence in an easterly direction along the northern edge of the said Kazungula/Ngoma bridge road, to a beacon KRM 14AS situated at the junction with the Kazungula/Kasane road, coordinates Y=-19611.86 X=1967 468.88, being point V; thence up a cut-line in a northerly direction to beacon C of Lot 706 Kasane, vide diagram DSL 149/80, coordinates Y=-19586.86 X=1966 967.96, being point W; thence continuing in the same direction along the prolongation of this line to the point of intersection with the International Boundary between Botswana and the Caprivi Strip, being the point of commencement; as will more fully

appear on Plan BP.205(c) deposited with the Director of Surveys and Lands, Gaborone. Coordinates are in metres on Trigonometrical System Lo 25°.

3. Commencing at point "F" on the northern edge of fire break No.2 approximate co-ordinates (-22640, 1970345), the boundary runs due south for about 420 metres approximate co-ordinates (-22709,1969400) being point "G", thence due south southeasterly for about 150 metres approximate co-ordinates (-22820,1969512) being point "H"; thence due southeasterly for about 1220 metres approximate co-ordinates (-22043,1970723) being point "J", on the southern edge of firebreak No. 3; thence along the southern edge of firebreak No. 3 in a southeasterly direction about 1100 metres up to its intersection with another firebreak running in a northeasterly direction approximate co-ordinates (-124630,1970545) being point "K1"; thence due east for about 2400 metres approximate coordinates (-27710,1970930) being point "M2"; on the eastern edge of the new Kazungula/Nata Road; thence along the eastern edge of the said road in a generally northerly direction for about 1300 metres approximate co-ordinates (-27530, 1969730) being point "O1"; thence due east for about 240 metres approximate co-ordinates (-27820,1969820) being point "P1"; thence in a northerly direction for about 400 metres to beacon 105 (co-ordinates 5942.72,1969431.50) of SR 69/87 vide data plan DSL No. 119/87 being point " Q1"; thence on a westerly direction through beacons 704, 705 Gar4 and Gar3 of SR69/87, and across the Nata/Kazungula Road up to where the prolongation of this line meets the northern edge of firebreak edge of firebreak No.1 being point "T1"; thence along the northern edge of firebreak No.1 in a southwesterly, northwesterly and westerly direction for a distance of approximately 1700 metres to beacon FR .28; thence across firebreak No. 1a for a distance of 5.8 metres to beacon FR.27; thence along the western edge of fire break No. 1a in a generally northerly direction for a distance of approximately 1200 metres o beacon FR. 26, thence across firebreak No. 2 for a distance of 15.8 metres to beacon FR. 25; thence along the northern edge of firebreak No.2 in a westerly and northwesterly direction for a bout 3700 metres to the point of commencement as will more fully appear on plan No. RO 45, deposited with the Director of Surveys and Mapping, Gaborone.

4. Commencing at Point "B2" the co-ordinates of which are +29 447.13 Eastings, 19 84 131.57 northings on system Lo 25; being a point on firebreak No. 19, the boundary runs generally southwards for approximately 32 kilometres along the eastern edge of the said firebreak to its most southerly point, being point "J"; thence due west for approximately 1.7 kilometres to point "K" being a point at Namuchira Pan at the source of the Namuchira Valley and the Molapowadiphofu; thence generally southwestwards and southwards along the said Namuchira Valley and the Molapowadiphofu; thence continuing generally southwestwards along the valley, now called Kashaba, to a point at Nxunxutsha Pan, being point "L"; thence on a bearing of 109° 58'39 for 41 149.83 metres to point "M100"; thence on a bearing of 237° 37'35 for 8434.77 metres to point "N100"; thence on a bearing of 220° 54'36" for 7407.71 metres to point "RD01"; thence on a bearing of 234° 03'47 for 4 081.33 metres to point "RD02"; thence on a bearing of 221° 13'20 for 3534.65 metres to point "RD03"; thence on a bearing of 255 °54'54 for 1930.86 metres to point "RDL1"; thence on a bearing of 261° 33'44 for 3278.58 metres to point "RD04"; thence on a bearing of 235° 34'03 for 6 950 88 metres to point "RD05"; thence on a bearing of 241° 25' 29 for 2 838.95 metres to point "RD06"; thence on a bearing of 256° 02 '53 for 4 492.60 metres to point "CH06"; thence on a bearing of 317° 48 '57 for 1485.98 metre to point "005"; thence on a bearing of 234° 48 '57 for 5 231.63 metres to point "A009"; thence on a bearing of 228° 11 '41 for 4 171.38 metres to point "008"; thence on a bearing of 214 48'07 for 6 888.53 metres to point "004"; thence on a bearing of 270° 01 '59 for 1 418.22 metres to point "003"; thence on a bearing of 207° 50'50 for 8 393.'50 metres to point "002"; thence on a bearing of 141° 42 '42 for 2 526.99 metres to point "001"; thence on a bearing of 232° 00' 11 for 7 726.12 to point "B2" being the point of commencement. As will more fully appear on Plan BP - 105a deposited with the Director of Surveys and Mapping; and

5. Commencing at point "698" the co-ordinates of which are -60 824.40 Easting, +20 39224.18 Northings on system Lo 27, being the International Boundary Beacon between the Republic of Botswana and the Republic of Zimbabwe, 14 506.92 metres northwest of Pandamatenga; the boundary runs southwestwardly on a bearing of 83° 41'10 for a distance of 3 622.89 metres to point "L1"; thence on a bearing 67° 33 '30 for a distance of 5 927.67 metres to point "L2"; thence generally southwards on a bearing of 4° 33 '20 for a distance of 7 567.84 metres to a point of intersection with a track at point "L3"; thence generally westwards and northwestwards along the western edge of the said track for approximately 9000 metres to "KZ1"(co-ordinates -45 247.62 Easting, 20 43109.50 Northings); thence due North on a bearing of 181° 38'10 for a distance of 10 967.53 metres to point "W"; thence northwestwards on a bearing of 238° 52 '10 for a distance of 9 204.50 metres to point "BPS192", being on the International Boundary between the Republic of Botswana and the Republic of Zimbabwe; thence generally southeastwards along the said International Boundary to point "698", being the point of commencement. As will more fully appear on Plan BP-105a deposited with the Director of Surveys and Mapping.

FOURTH SCHEDULE KGALAGADI TRIBAL AREA

1. Commencing at boundary beacon V167, latitude 26°28'17.4"S, longitude 20°36'56.5"E, being a beacon in the middle of the Nossop River on the International Boundary between

being a beacon in the middle of the Nossop River on the international boundary between Botswana and South Africa, the boundary runs east-northeastwards along the southern boundary of the Gemsbok National Park for approximately 16 km to a point at latitude 26°27'05.35", longitude 20°46'30.2"E; thence east northeastwards for 24 km to a beacon on Flys Kop at latitude 26°24'51.6"S, longitude 21°00'56.8"E; thence northeastwards along the southeast boundary of the said National Park for a distance of approximately 144 km to the southwest corner of the Mabuasehube Game Reserve, latitude 25°21'38.7"S, longitude 21°50'21.8"E; thence east along the southern boundary of the said Game Reserve for approximately 32 km to the southeast corner, latitude 25°21'38.7"S, longitude 22°21'37.7"S, longitude 22°09'28.7"E; thence north along the eastern boundary of the said Game Reserve for a distance of approximately 56 km to the northeast corner, latitude 24°51'07.4"S, longitude 22°09'28.7"E; thence west along the northern boundary of the said Game Reserve for approximately 32 km to the northwest corner, latitude 24°51'07.4"S, longitude 21°50'21.8"E; thence west-northwestwards along the northern boundary of the Gemsbok National Park until this boundary intersects the meridian of 20 east longitude, being the International Boundary between Botswana and Namibia; thence northwards along the said International Boundary to its intersection with that parallel which passes through beacon B of diagram DSL No. 26/69 Farm 2-LO; thence eastwards along the said parallel of latitude to its intersection with meridian of longitude 23°03'34"E, being the northwest corner of the Bakwena Tribal Territory; thence south along the western boundary of the Bakwena Tribal Territory for approximately 13 km; thence west for 9.65 km; thence south for 17.7 km; thence east for 9.65 km to meridian of longitude 23°03'34"E; thence south along the western boundaries of the Bakwena and Bangwaketse Tribal Territories; thence east along the southern boundary of the Bangwaketse Tribal Territory; thence south along the western boundary of the Molopo Farms to the intersection of this boundary with the middle of the Molopo River being on the International Boundary between Botswana and South Africa; thence generally westwards, south-westwards and westwards along the middle of the Molopo River to its junction with the Nossop River; thence northwards along the middle of the Nossop River to the point of commencement, as will more fully appear edged in red on Plan BP 182(c) filed in the DSL.

2. Portion 2 of the Farm Hereford 8-JM vide diagram DSL No. 17/82.

FIFTH SCHEDULE GHANZI TRIBAL AREA

Commencing at the intersection of latitude 21°S and longitude 21°E, being a point on the International Boundary between Botswana and Namibia, the boundary runs eastwards along latitude 21°S to its intersection with the south-western corner of the Central District at longitude 23°53'05"E; thence in a south-easterly direction to beacon A of diagram DSL No. 25/69 of Farm 1-LO; thence in a south-westerly direction along the western boundary of Farm 1-LO to beacon E of the said diagram, being a beacon on the same latitude as beacon B of diagram DSL No. 26/69 of the Farm 2-LO; thence westwards along the said latitude to the north-western corner of the Kweneng District at longitude 23°03'34"; thence continuing westwards along the same latitude to its point of intersection with longitude 20°E, being a point on the International Boundary between Botswana and Namibia; thence northwards along the said meridian of longitude to its intersection with latitude 22°S, being a point on the International Boundary between Botswana and Namibia; thence eastwards along latitude 22°S to its intersection with the meridian of longitude 21°E, being a point on the International Boundary between Botswana and Namibia; thence northwards along the meridian of 21°E to the point of commencement, excluding-

1. The Central Kalahari Game Reserve
2. The Xanagas Block Farms
3. The Ghanzi Block Farms
4. A belt 15 km wide around the Ghanzi Block Farms until such belt intersects the Botswana/Namibia International Boundary or the western boundary of the Central Kalahari Game Reserve.