

**JANUARY 2018 – JUNE 2018 ACTS, BILLS AND REGULATIONS – SUMMARY**

**ACTS**

<b>Act</b>	<b>Date of Publication</b>	<b>Explanatory Note</b>
Interstate Transfer of Prisoners Act (Date of Commencement) Order, SI 8/2018	26 <sup>th</sup> January 2018	The Interstate Transfer of Prisoners Act shall come into operation on the 1 <sup>st</sup> February 2018. This Act provides for the extradition of citizen prisoners to allow them to serve the rest of their sentence in Botswana.
Tribal Land Act, 2018 - No.1/2018	2 <sup>nd</sup> March 2018	This Act is intended to replace the current Tribal Land Act. Commencement date is yet to be announced. The Act introduces provisions that now expressly regulate dealings in tribal land by non-citizens as well as requiring the mandatory registration of all tribal land with the Deeds Registry. It is an Act to provide for the continuation of 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.
Appropriation (2018/2019) Act, 2018 – No.2/2018	26 <sup>th</sup> March 2018	This Act authorizes the payment out of the Consolidated Fund and the Development Fund of sums of money for the year ending 31 <sup>st</sup> March 2019.
Botswana Defence Force Act, 2018 - No.3/2018	9 <sup>th</sup> April 2018	The date of Assent for the Act is 27 March 2018. An Act to provide for the establishment, administration, recruitment, conditions of service, training,



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		command, discipline and employment of the Botswana Defence Force; to declare offences, restrictions and penalties; to make provision for wearing or use of military uniforms, decorations, medals or badges, and the unauthorised use of certain military documents; and for matters incidental and foregoing and connected therewith.
Competition Act, 2018 - No.4/2018	20 <sup>th</sup> April 2018	The date of Assent for the Act is 27 March 2018. It has not commenced. The Act provides for the establishment of the Competition and Consumer Authority and its mandate; for the establishment of the Competition and Consumer Board, its functions and proceedings; for the establishment of the Competition and Consumer Tribunal to adjudicate over breaches of any provisions of this Act. Under the Act, the Competition and Consumer Authority shall be responsible for the prevention of, and redress for, anti-competitive practices in the economy and the removal of constraints on the free play of competition in the market. Under the Act, the Competition and Consumer Board shall be the governing body of the Authority and shall be responsible for the direction of the affairs of the Authority.

Consumer Protection Act, 2018 - No.5/2018	20 <sup>th</sup> April 2018	The date of Assent for the Act is 27 March 2018. It has not commenced. The Act introduces a number of far reaching protections of the interests of consumers by means of investigation, prohibition and control of unfair business practices, including the introduction of minimal terms that are required to be included in consumer contracts.
Botswana Defense Force Act (Specified Sections Commencement Date) Order, 2018- SI No49/2018	20 <sup>th</sup> April 2018	Commencement of Sections 1 to 158;168;194 to 216;220; and 22 to 351 of Act No3/2018.
Supplementary Appropriation (2016/2017) Act, 2018 – No.6/2018	4 <sup>th</sup> May 2018	This Act authorises the payment out of the Consolidated Fund to meet expenditure incurred during the year ending 31 <sup>st</sup> March 2017. This Act is due to commence on the 4 <sup>th</sup> May 2018.

## **BILLS**

<b>Bill</b>	<b>Date of Publication</b>	<b>Explanatory Note</b>
Companies Re-Registration Bill, 2018 – Bill No.2/2018	9 <sup>th</sup> February 2018	The object of the Bill is to enact the Companies Re-registration Act, to provide for the re-registration of existing companies under the Companies Act. This is aimed at facilitating the reforms identified in the Doing Business Reforms Roadmap. One of the reforms is the introduction of an Online Registration System. The

		purpose of re-registration is to enable the migration of accurate and reliable data to the new online system through a seamless and conjoined process.
Registration of Business Names Re-Registration Bill, 2018 - No.3/2018	9 <sup>th</sup> February 2018	The object of the Bill is to enact the Registration of Business Names Re-registration Act and to provide for the re-registration of existing business names under the Registration of Business Names Act. This is aimed at facilitating the reforms identified in the Doing Business Reforms Roadmap. One of the reforms is the introduction of an Online Registration System. The purpose of re-registration is to enable the migration of accurate and reliable data to the new online system through a seamless and conjoined process.
Companies (Amendment) Bill, 2018 - No.5/2018	9 <sup>th</sup> February 2018	The Object of this Bill is to amend the Companies Act and cater for the abovementioned Bills.
Penal Code (Amendment) Bill, 2018 – Bill No.7/2018	23 <sup>rd</sup> February 2018	The object of this Bill is to amend the Penal Code.
Citizenship (Amendment) Bill, 2018 - Bill No.8/2018	9 <sup>th</sup> March 2018	The object of the Bill is to amend the Citizenship Act among others to align the Act with the age of majority as set out in the amended Interpretations Act. The age of majority has been reduced from 21 years to 18 years, and is a threshold of adulthood and a person who

		has attained this age assumes full legal capacity and can, without assistance of his or her guardian, enter into legally binding contract; sue and be sued in his or her own name etc.
Extradition (Amendment) Bill, 2018 - Bill No.9/2018	23 <sup>rd</sup> March 2018	The object of this Bill is to comply with the Eastern and Southern African Anti-Money Laundering Group mutual evaluation of Botswana which evaluation identified gaps in the Extradition Act.
Banking (Amendment) Bill, 2018 – Bill No.11/2018	29 March 2018	The object of the Bill is to amend the Banking Act in order to harmonise Botswana’s banking legislation with international standards, in particular, the Financial Action Task force (FATF) recommendations on anti-money laundering and combatting the financing of terrorism.

## REGULATIONS

Regulation	Date of Publication	Explanatory Note
Town and Country Planning (Declaration of Planning Areas) (Amendment) Order, 2018 - SI 6/2018	26 <sup>th</sup> January 2018	This Order amends Section 15 of the Town and Country Planning Act more specifically, it outlines the Mabutsasane Planning Area.
Diseases of Animals (Animal Information and Traceability System) Regulations, 2018 – SI 7/2018	26 <sup>th</sup> January 2018	These Regulations seek to regulate the Animal Information and Traceability System in relation to the control of Animal Diseases.



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National Environmental Fund (Amendment) Order, 2018 – SI 11/2018	2 <sup>nd</sup> February 2018	This Order amends Paragraph 7 of the National Environmental Fund Order.
Tourism Development Fund Order, 2018 - SI 12/2018	2 <sup>nd</sup> February 2018	This Order outlines the purpose of the Tourism Development Fund and how it will be Managed.
Southern District Council (Refuse) Bye-Laws, 2018- SI 13/2018	2 <sup>nd</sup> February 2018	These Bye-laws seek to regulate refuse management within the Southern District.
Kgatlang District Council (Control of Livestock and Other Animals) (Amendment) Bye-Laws, 2018 – SI 14/2018	2 <sup>nd</sup> February 2018	This Amendment amends the Bye-laws by inserting a Bye-law 8A, addressing “Protection from personal liability”.
Botswana Qualifications Authority (Fees) (Amendment) Regulations, 2018 - SI 18/2018	16 <sup>th</sup> February 2018	These Regulation outline the fees to be paid for services offered by the Authority.
Income Tax (SPEDU Region Development Approval) Order, 2018 SI 19/2018	16 <sup>th</sup> February 2018	This Order shall apply for purposes of Section 52 (1) (d) of the Act and shall apply to development projects or activities in the “SPEDU Region”. For certain target industries are set at 5% for the first 5 years and 10% thereafter.
Hawking and Street-Vending (Model) Bye-Laws (Adoption) (Amendment) Order, 2018- SI 22/2018	23 <sup>rd</sup> February 2018	This Order amends and revokes the Order made in 2017.
Botswana National Sport Commission Regulations, 2018 – SI 23/2018	23 <sup>rd</sup> February 2018	These Regulations seek to control and outline the functions of the Botswana National Sport Commission.

Immigration (Exemption) (Amendment) Order, 2018 - SI 28/2018	9 <sup>th</sup> March 2018	This Order inserts a provision granting a person who ceases to be a citizen of Botswana by birth or descent by virtue of the provisions of section 15 of the Citizenship Act exemption when they obtain residence or work permits in Botswana provided he or she is in possession of a valid passport or certificates of identification of his or her country of citizenship
Employment (Amendment of Schedule) Order, 2018 – SI 29/2018	9 <sup>th</sup> March 2018	This order amends the Fifth Schedule to the Employment Act by substituting (a) for sub paragraph (1), (b) for subparagraph (2) and (c) for subparagraph (6).
Rectification of the Laws (No.1) (Tribal Land Act, 2018), Order, 2018 – SI 30/2018	9 <sup>th</sup> March 2018	This Order rectifies the error appearing in section 14 of the Tribal Land Act, No.1 of 2018 and is substituted by subsection (7), “ (7) The land board may confirm, vary or revoke any decision taken in consequence of a delegation or assignment, but no variation or revocation of a decision may retract from any rights that may have accrued as a result of the decision.”
Road Traffic (Amendment) Regulations, 2018 – SI 50/2018	27 <sup>th</sup> April 2018	These Regulations provide for the amendment of the First Schedule to Cap 69:01 (Sub. Leg).
National Meteorological Service Regulations, 2018 - SI 52/2018	30 <sup>th</sup> April 2018	These Regulations seek to regulate the National Meteorological Service.



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Prohibition from Purporting to Act as Kgosi (Revocation) Order, 2018 - SI 53/2018	4 <sup>th</sup> May 2018	The Order revokes SI No 36/2014.
Rectification of the Laws (Constitution of Botswana) Order, 2018 – SI 57/2018	18 <sup>th</sup> May 2018	The Order rectifies the error appearing in section 35 (3) of the Constitution of Botswana by deleting the words “(1) or” appearing therein.
Control of Goods (Restriction on Importation of Wheat Flour) (Amendment) Regulations, 2018 – SI 69/2018	25 <sup>TH</sup> May 2018	The Regulations revoke SI No 44/2017.
Botswana Innovation Fund (Amendment) Order, 2018 – SI 70/2018	25 <sup>TH</sup> May 2018	This Order amends paragraph 11 of SI No. 93/2017 by substituting the words “Accounting Officer” appearing therein, with the words “Accountant-General”.
Non-Bank Financial Institutions Regulatory Authority (Tribunal) Regulations, 2018 – SI 80/2017	8 <sup>th</sup> June 2018	These Regulations establish a Tribunal to hear and adjudicate on disputes. It also outlines the procedures to be followed by the applicants.