

**BOTSWANA MEAT INDUSTRY REGULATORY  
AUTHORITY ACT, 2023**

**No. 23**



**of 2023**

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**An Act to re-enact, with amendments, the Livestock and Meat Industries Act and the Control of Livestock Industry Act, to establish the Botswana Meat Industry Regulatory Authority, to provide for the regulation of the livestock and meat industry, and to provide for the control of the grading, marketing, sale, importation and the exportation of, and the imposition of levies in respect of, livestock and meat products; and other matters related thereto.**

*Date of Assent:* 29.11.2023

*Date of Commencement:* ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

1. This Act may be cited as the Botswana Meat Industry Regulatory Authority Act, 2023, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

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

Interpretation

“abattoir” means any premises approved and licensed in which livestock is slaughtered, and includes any place available in connection with those premises for the confinement of livestock awaiting slaughter in those premises;

“animal traceability officer” means a person appointed by the Authority to register holdings, livestock and keepers;

“Authority” means the Botswana Meat Industry Regulatory Authority established under section 3;

“Board” means the Board of the Authority established under section 8;

“Chief Executive Officer” means the Chief Executive Officer of the Authority, appointed under section 23;

“Director” means the Director of Veterinary Services;

“holding” means a farm or agricultural undertaking such as a kraal, field, ranch, feedlot, sale yard or breeding centre;

“inspector” means an inspector appointed under section 33;

“keeper” means a person who is —

(a) the owner of a holding;

(b) the owner of livestock kept in a holding; and

(c) a person entrusted with livestock kept in a holding;

- “licence” means a licence issued in terms of section 36;
- “licensee” means a person issued with a licence by the Authority to provide a regulated sector activity in terms of section 36;
- “livestock” means cattle, crustaceans, equines, farmed and wild game, fish, goats, poultry, reptiles, sheep, swine, and such other animal as the Minister may prescribe to be livestock for the purposes of this Act;
- “livestock and meat industry” means the persons or entities engaged in livestock or meat production, carrying out regulated sector activities under this Act and regulated sector legislation;
- “livestock buyer” means a person that is in the business of buying livestock;
- “livestock transporter” means a person that is in the business of transporting livestock and meat products for a livestock buyer;
- “meat product” means all parts of livestock or any article, whether processed or not, produced by or derived from livestock;
- “meat processor” means any person, carrying on the business of processing meat or meat products;
- “producer” means a person who is involved in the breeding, production, rearing and trade of meat products derived from livestock;
- “regulated sector legislation” means any of the following —
- (a) Branding of Cattle Act;
  - (b) Matimela Act;
  - (c) Diseases of Animals Act; and
  - (d) such other legislation concerning livestock and meat industries as the Minister may prescribe; and
- “sale yard” means any place where live animals can be sold.

Cap. 36:02  
 Cap. 36:06  
 Cap. 37:01

## PART II — *Functions and Powers of Botswana Meat Industry Regulatory Authority*

Establishment of Authority

**3.** (1) There is hereby established a body to be known as the Botswana Meat Industry Regulatory Authority.

(2) The Authority shall be a body corporate with a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, of doing or performing all such acts or things as bodies corporate may, by law, do or perform.

Objectives of Authority

**4.** The objectives of the Authority shall be to promote the interests of the livestock and meat industry to ensure the profitability, sustainability and competitiveness of the industry, including accelerating innovation, research and development of the livestock and meat industry.

Functions of Authority

**5.** (1) The functions of the Authority shall be —

- (a) to develop, implement and monitor strategies and plans designed to achieve and maintain food security by promoting the trade of livestock and meat products and further improve efficiency in meat production and processing;
  - (b) to regulate quantities and quality of imported and exported livestock and meat products;
  - (c) to regulate the marketing of livestock and meat products;
  - (d) to promote research, development and innovation across the value chain in the livestock and meat industry;
  - (e) to regulate the grading of livestock and meat products;
  - (f) to licence abattoirs and cold storages;
  - (g) to register and licence meat processors, meat graders, livestock transporters, livestock buyers and animal traceability officers and other dealers of livestock and meat products for the purpose of their identification and involvement in promotion of the livestock and meat industry;
  - (h) to impose levies in respect of livestock and meat products;
  - (i) to develop and promote livestock production quality assurance programmes; and
  - (j) to regulate the transportation of livestock and meat products.
- (2) The Authority, shall, in addition to the functions under subsection (1), perform the functions of a regulatory authority in terms of other livestock and meat industry laws, as may be conferred on it by regulated sector legislation.

6. The Authority shall, in the performance of its functions under section 5 —

Powers of  
Authority

- (a) issue, amend, suspend or revoke licences, subject to such conditions as may be prescribed;
- (b) levy fees for licences and inspections, as may be prescribed;
- (c) refuse any application for a licence if such application does not meet such requirements, as may be prescribed;
- (d) communicate its regulatory requirements, decisions and opinions and their basis to the public and interested parties in such manner as may be prescribed;
- (e) monitor compliance to such standards and requirements as may be prescribed;
- (f) appoint inspectors to exercise or perform the powers, functions or duties as may be conferred on the inspectors under this Act;
- (g) control and manage the national traceability system and farm assurance schemes in order to guarantee the traceability of livestock and meat products; and
- (h) take such other steps and to perform such other acts as may be required for the achievement of its objects and the proper performance of its functions and duties in terms of the Act.

7. (1) The seal of the Authority shall be such device as may be determined by the Authority and shall be kept by the Secretary.

Seal of  
Authority

(2) The seal of the Authority shall be authenticated by the signature of the Chief Executive Officer and the Secretary.

(3) In the absence of the Chief Executive Officer, the person performing the functions of the Chief Executive Officer may authenticate the seal in his or her place and, in the absence of the Secretary, the person performing the functions of the Secretary may authenticate in his or her place.

(4) The Chief Executive Officer may, in writing, delegate to another employee of the Authority his or her power to authenticate the seal.

(5) The Secretary may, in writing and with the approval of the Chief Executive Officer, delegate to another officer of the Authority his or her power to authenticate the seal.

(6) A document issued by the Authority and sealed with the seal of the Authority, which seal is authenticated in the manner provided by this section, shall be received and taken to be a true instrument without further proof unless the contrary is shown.

### PART III — *Board of Authority*

Establishment  
of Board

8. There is hereby established a Board of the Authority, which shall be the governing body of the Authority and shall be responsible for the direction of the affairs and operations of the Authority.

Membership  
of Board

9. (1) The Board shall consist of nine members appointed by the Minister, and the members shall be appointed from amongst persons with expertise in —

- (a) livestock farming;
- (b) animal health;
- (c) environmental management;
- (d) law;
- (e) business management;
- (f) financial management;
- (g) human resources;
- (h) information and communication technology; or
- (i) risk assessment or auditing.

(2) The Board shall be responsible for the general control of the performance and management of the undertakings and affairs of the Authority, and without derogating from the generality of this provision, the Board shall —

- (a) determine the general performance of the Authority;
- (b) determine corporate policy and provide strategic direction for giving effect to the objects and purposes of the Act;
- (c) advise the Minister to change, review or formulate livestock and meat industry related policies and strategies, where necessary;
- (d) establish, implement, assess and improve management systems that are aligned with the goals of the Authority;
- (e) determine and recommend to the Minister, any fees necessary for any licensed or registered activity to be carried out under this Act or regulated sector legislation;

- (f) ensure compliance with relevant international instruments to which Botswana is a party to;
  - (g) promote collaboration between universities and research institutions within and outside Botswana for the purposes of carrying out research into management of the livestock and meat industry; and
  - (h) do such other things as are provided by this Act or as may be necessary for the proper implementation of this Act.
- (3) The Chief Executive Officer shall be an *ex-officio* member of the Board.

(4) The Minister shall appoint the Chairperson of the Board from amongst the members appointed under subsection (1).

10. (1) The Minister may give to the Board written directions, of a general or specific nature, regarding the exercise of its powers, which directions shall not be inconsistent with this Act or with contractual or other legal obligations of the Board.

Directions by  
Minister

(2) The Board shall give effect to the Minister's directions given in accordance with subsection (1).

11. (1) A member shall hold office for such period, not exceeding five years, as may be specified in the instrument appointing him or her.

Tenure of  
office

(2) A member whose office expires shall be eligible for re-appointment for another term not exceeding five years.

12. (1) A person shall not qualify for appointment as a member or continue to hold office as a member where he or she —

Disqualification,  
removal and  
resignation of  
members

(a) is at the time of appointment, a member of the National Assembly, a councillor or a member of *Ntlo ya Dikgosi*;

(b) has, in terms of a law in force in any country —

(i) been adjudged or otherwise declared bankrupt and has not been discharged, or

(ii) made an assignment to, arrangement or composition with his or her creditors, which has not been rescinded or set aside;

(c) has, within the period of 10 years immediately preceding the date of his or her appointment, been convicted —

(i) of a criminal offence within Botswana, or

(ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence,

and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon;

(d) has, within a period of 10 years immediately preceding the date of his or her appointment, been disqualified or suspended by a competent authority from practising a profession on grounds of misconduct or negligence; or

(e) is a holder of a licence or has an interest in a licence issued under this Act.

(2) The Minister may, in writing, suspend from office, a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties under this Act nor be entitled to any remuneration or allowances as a member of the Board.

(3) The Minister shall remove a member from office, if the member —

- (a) has become subject to a disqualification under subsection (1);
- (b) is absent without reasonable cause from three consecutive meetings of the Board of which he or she has had notice;
- (c) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (d) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board;
- (e) has failed to comply with the provisions of sections 19 and 20; or
- (f) has been convicted of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

(4) For purposes of subsection (1) (d), “misconduct” includes any act, done by a member without reasonable excuse, which —

- (a) amounts to failure to perform in a proper manner, any duty imposed on him or her as such;
- (b) is prejudicial to the efficient carrying out of the functions of the Authority; or
- (c) tends to bring the Authority into disrepute.

(5) A member may resign from the Board by giving 30 days’ notice, in writing, to the Minister.

Vacation of office

**13.** A member shall vacate his or her office and his or her office shall become vacant —

- (a) if he or she becomes disqualified in terms of section 12 to hold office as a member of the Board;
- (b) upon his or her death;
- (c) upon the expiry of such time as the Minister may specify, in writing, notifying the member of his or her removal from office by the Minister;
- (d) upon the expiry of one month’s notice, in writing, to the Chairperson, of his or her intention to resign from office; or
- (e) if he or she is summarily dismissed by the Minister on the grounds of contravening the provisions of this Act.

Filling of vacancies

**14.** (1) Where the office of a member becomes vacant before the expiry of the member’s term of office, the Minister shall appoint another person to be a member in place of the member who vacates office, until the expiry of a period during which such member would have otherwise continued in office.

(2) Subsection (1) shall not apply where the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months.

15. A member shall be paid such remuneration, travelling expenses and other expenses and allowances, incurred in connection with his or her services on the Board, if any, as the Minister may determine.

Remuneration  
and allowances

#### PART IV — *Meetings and Proceedings of Board*

16. (1) The members shall, at the first meeting of the Board, elect from among their number, a Vice-Chairperson.

Election of  
Vice-  
Chairperson

(2) The Chairperson and Vice-Chairperson shall hold office for a period of not more than three years.

(3) On the expiry of the terms of office of the Chairperson or the Vice-Chairperson, or where the Chairperson or the Vice-Chairperson vacates office, a new Chairperson shall be appointed by the Minister and a new Vice-Chairperson shall be elected by the members from among their number at the next meeting of the Board or as soon thereafter as may be convenient.

(4) The Chairperson or Vice-Chairperson may vacate his or her office as such even though he or she remains a member.

(5) The Vice-Chairperson shall exercise the functions of the Chairperson during the period that the Chairperson is absent or unable to act as Chairperson.

17. (1) Subject to the provisions of this Act, the Board shall regulate its own proceedings.

Meetings of  
Board

(2) The Board shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board shall meet at least once in every three months.

(3) Upon giving notice, in writing, of not less than 14 days, a meeting of the Board may be called by the Chairperson, but if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon the giving of a shorter notice.

(4) The notice referred to under subsection (3) shall state —

(a) the place and time for the meeting; and

(b) the agenda for the meeting.

(5) There shall preside at any meeting of the Board —

(a) the Chairperson; or

(b) in the absence of the Chairperson, the Vice-Chairperson.

18. (1) The quorum at any meeting of the Board shall be a simple majority of the members.

Quorum and  
procedure at  
meetings

(2) A decision of the Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to that member's deliberative vote.

(3) A decision of the Board shall not be rendered invalid by reason of a vacancy on the Board or the fact that a person who was not entitled to sit as a member did so sit.

(4) The Board may invite any person whose presence it deems necessary, to attend and participate in the deliberations of a meeting of the Board, but such person shall have no vote.

Disclosure of interest

**19.** (1) If a member is present at a meeting of the Board or any committee of the Board at which any matter —

- (a) in which, an immediate member of his or her family is directly or indirectly interested in a private capacity; or
- (b) in which the member is directly or indirectly interested in a private capacity,

is the subject of consideration, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on any question touching on the matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and a decision by the Board is made benefitting such member, or immediate family member of the member, such decision shall be null and void to the extent that it benefits such member or his or her immediate family member.

(4) For the purposes of this section, “immediate family member” means a spouse, son, daughter, sibling or parent.

(5) A member who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P30 000, or to imprisonment for a term not exceeding six months, or to both.

Confidentiality

**20.** (1) A member and any other person assisting the Board shall observe and preserve the confidentiality of all matters coming before the Board, and such confidentiality shall subsist even after the termination of their terms of office or their mandates.

(2) Any member or any person to whom confidential information is revealed through working with the Board shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for purposes of any judicial proceedings.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding six months, or to both.

Committees of Board

**21.** (1) The Board may, for the purpose of performing the functions of the Authority, establish such committees as it considers appropriate, and may delegate to any committee, such functions as it considers necessary.

(2) The Board may appoint to the committees constituted under subsection (1), such number of persons, from amongst the members, as it considers appropriate, to be members of such committees and such persons shall hold office for such period as the Board shall determine.

(3) Subject to any direction given by the Board, a committee may regulate its own procedure.

(4) The meetings of a committee shall be held at such times and places as the committee may determine, or as the Board may direct.

(5) The chairperson of each committee, appointed by the Board from amongst its members, shall cause to be recorded and kept, minutes of all the proceedings of the meetings of the committee and keep the Board informed of the committee's activities in writing.

(6) A member of a committee shall be paid such remuneration and other allowances, if any, from the funds of the Authority, as the Minister may determine.

(7) The provisions of sections 12, 13, 14, 19, and 20 shall, with the necessary modifications, apply to a member of a committee.

22. (1) The Board may co-opt any person to attend a meeting of the Board or otherwise assist the Board with its deliberations, and such person shall not have any voting or any rights on the Board.

Co-opted  
members

(2) The provisions of sections 19 and 20 shall, with necessary modifications, apply to co-opted members.

#### PART V — *Chief Executive Officer and Staff of Authority*

23. (1) There shall be a Chief Executive Officer of the Authority, who shall be appointed by the Minister, in consultation with the Board, and on such terms and conditions as may be specified in the instrument of appointment.

Chief Executive  
Officer

(2) The Chief Executive Officer shall be responsible to the Board.

(3) The Chief Executive Officer shall not, while in the employment of the Authority, engage in paid employment outside the duties of his or her office in the Authority.

(4) The Chief Executive Officer shall hold office for a maximum period of five years on such terms and conditions as may be specified in the instrument of appointment, and may be considered for re-appointment for a further term not exceeding five years.

(5) The Chief Executive Officer shall, subject to the directions of the Board on matters of policy, be responsible for —

- (a) the supervision of the day-to-day affairs of the Authority;
- (b) ensuring that the Authority is carrying out the functions and duties placed upon it in terms of this Act;
- (c) running the Authority on sound commercial and financial principles in accordance with policies and decisions made by the Board;
- (d) controlling the resources and operations of all the services under the Authority;
- (e) implementing the decisions of the Board; and
- (f) carrying out any duty that may be conferred on him or her by the Minister or the Board.

(6) In the performance of his or her duties, the Chief Executive Officer shall keep the Board fully informed of the affairs of the Authority and shall consult the Board from time to time, as may be necessary.

(7) The Chief Executive Officer may delegate to the Secretary, any senior staff or any member of staff of the Authority, as he or she considers appropriate, the exercise of any powers which he or she is authorised to exercise under this Act.

(8) The Minister may, after consultation with the Board, terminate the appointment of the Chief Executive Officer —

(a) if the Chief Executive Officer conducts himself or herself in a manner that is detrimental to the objective of, or the proper performance of the functions of the Authority; or

(b) if the Chief Executive Officer has been found to be physically or mentally unable to perform his or her duties efficiently, and a medical doctor has issued a certificate to that effect.

(9) The Chief Executive Officer may resign from his or her office by giving 30 days' notice of his or her intention to resign from office, in writing, to the Minister.

Secretary to  
Board

**24.** (1) The Board shall, on the recommendation of the Chief Executive Officer appoint a Secretary to the Board, on such terms and conditions as may be specified in the instrument of appointment.

(2) The Secretary shall, in addition to any function that may be assigned to him or her by the Board or the Chief Executive Officer, be responsible for —

(a) taking minutes of the meetings of the Board;

(b) keeping records of all decisions of the Board; and

(c) keeping records of legal transactions of the Authority.

(3) The Secretary shall, unless the Board otherwise directs, in writing, giving the circumstances leading to its decision, attend all meetings of the Board but shall not have a right to vote on any matter before the Board.

(4) In the performance of his or her duties, the Secretary shall be accountable to the Chief Executive Officer.

(5) In the absence of the Secretary, the Chief Executive Officer may appoint any senior member of staff of the authority to perform the functions of the Secretary until the Secretary resumes office or the vacancy is filled, as the case may be.

Appointment  
of senior and  
other staff

**25.** (1) The Board shall, on the recommendation of the Chief Executive Officer, appoint the senior staff of the Authority.

(2) The senior staff shall, under the direction of the Chief Executive Officer, assist the Chief Executive Officer in the proper administration and management of the functions and affairs of the Authority, in accordance with the policies laid down by the Board.

(3) The Chief Executive Officer shall appoint such other staff as may be necessary for the proper discharge of the functions of the Authority.

(4) The terms and conditions of employment of staff of the Authority shall be as determined by the Board, in consultation with the Minister.

## PART VI — *Financial Provisions*

- 26.** (1) The funds of the Authority shall consist of —
- (a) such monies as may be appropriated by the National Assembly for the purposes of the Authority;
  - (b) such grants and donations as the Authority may receive;
  - (c) such fees as may be charged for services rendered by the Authority;
  - (d) the levies that may be charged by the Authority in terms of clause 44; and
  - (e) any income that the Authority may receive from investments.
- (2) The Authority shall use the revenues acquired under subsection (1) to meet the costs incurred for its operations and shall use any surplus accrued for such purposes as it may determine, with the approval of the Minister.
- 27.** (1) The Authority shall submit a five-year strategic plan to the Minister, for the Minister's approval, outlining —
- (a) the goals of the Authority;
  - (b) the objectives of the Authority;
  - (c) the budget of the Authority; and
  - (d) any other matter which the Minister may direct for that five-year period.
- (2) The Authority shall, at least three months before the beginning of each year, submit an annual plan to the Minister, for approval outlining —
- (a) the goals of the Authority;
  - (b) the objectives of the Authority;
  - (c) the budget of the Authority; and
  - (d) any other matter which the Minister may direct for that financial year.
- 28.** The financial year of the Authority shall be a period of 12 months, beginning on the 1st April of each year and ending on the 31st March of the subsequent year.
- 29.** (1) The Authority shall keep and maintain proper accounts and records of accounts in respect of every financial year relating to its assets, liabilities, income and expenditure, and shall prepare, in each financial year, a statement of such accounts.
- (2) The accounts of the Authority in respect of each financial year shall, within three months of the end of the financial year, be audited by an auditor appointed by the Board.
- (3) The auditor shall report in respect of the accounts for each financial year, in addition to any other matter on which the auditor deems it pertinent to comment on, whether or not —
- (a) the auditor has received all the information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;
  - (b) the accounts and related records of the Authority have been properly kept;

Funds of  
Authority

Strategic and  
annual plan

Financial year

Accounts and  
audit

(c) the Authority has complied with all the financial provisions of this Act with which it is its duty to comply with; and

(d) the statement of accounts prepared by the Authority was prepared on a basis consistent with that of the preceding year and represents a true and fair view of the transactions and financial affairs of the Authority.

(4) The auditor's report and a copy of the audited accounts shall, within 14 days of completion, be forwarded to the Authority by the auditor.

Pension and other funds

**30.** (1) The Authority may, out of its revenues, establish and maintain such pension, superannuation, provident or other funds as it may consider desirable or necessary for the payment of benefits or other allowances on the death, sickness, injury, superannuation, resignation, retirement or discharge of its staff and may make rules providing for the payment of money out of its revenues to such funds and providing for contributions to such funds by its staff.

(2) The Authority may contract with insurance companies or such other bodies as may be appropriate for the maintenance and administration of the funds authorised under subsection (1).

Annual report

**31.** (1) The Authority shall, within a period of six months after the financial year or within such longer period as the Minister may approve, submit, to the Minister, a comprehensive report of its operations during that year, together with the auditor's report and the audited accounts as provided for in section 30 and the report shall be published in such manner as the Minister may require.

(2) The Minister shall lay the annual report of the Authority in Parliament, within three months of its receipt.

#### PART VII — *Supervision and Inspection by Authority*

Supervision by Authority

**32.** (1) The Authority shall supervise and monitor a licensee to ensure —

(a) compliance with this Act and the terms and conditions of a licence;

(b) payment of levies by the licensee in terms of section 44; and

(c) implementation of the regulatory decisions and instructions issued by the Authority to the licensee.

Appointment of inspectors

**33.** (1) The Authority may, whenever it deems it necessary or expedient, appoint such inspectors to exercise any powers, functions or duties as may be assigned to the inspector or inspectors in terms of this Act.

(2) An inspector appointed in terms of subsection (1) —

(a) may exercise all the powers conferred on the Authority under this Part, and any requirement made by the inspector shall have the same effect as a requirement made by the Authority; and

(b) shall submit a report of his or her investigations under this section to the Authority, within one month after the conclusion of the investigations.

(3) Where the Authority has decided to conduct an investigation under subsection (1), the Authority shall as soon as practicable, give four days' written notice to the person whose premises are to be inspected, of the investigation and the notice shall —

- (a) indicate the subject matter and the purpose of the investigation;
- (b) request the person to be investigated to submit to the Authority, any information which may be relevant to the investigation within the time specified in the notice; and
- (c) invite the person to be investigated to submit to the Authority, any representation which the person may wish to make to the Authority in connection with the investigation within the time specified in the notice.

(4) Where the Authority considers that to give notice under subsection (3) would materially prejudice the exercise of its powers, the Authority may defer the giving of notice until after the powers under this Part have been exercised.

(5) An inspector may not enter and search any premises unless he or she obtains a warrant, in accordance with subsection (6), authorising such search and entry.

(6) Where a magistrate is satisfied, upon application made on oath or affirmation by the inspector, that there are reasonable grounds for the inspector to exercise the powers conferred on him or her by this section, the magistrate may grant a warrant authorising the inspector to exercise those powers in relation to any premises specified in the warrant.

**34.** (1) An inspector appointed in terms of section 33 may during business hours, on producing evidence of his or her authority, enter and search any premises where there is reasonable suspicion that there has been a contravention of the conditions of any licence issued under section 36 or where any person carries out any regulated sector activity without a licence, and may —

- (a) search, inspect or examine any information or documents kept at such premises, for purposes of implementing the provisions of this Act;
- (b) require information to be given on any document by the owner of the premises, person in control of the premises, any person who has control of the document or information or any other person who may have the information;
- (c) take extracts from or make copies of any document found on the premises that has a bearing on the investigation;
- (d) examine any licence or permit issued in terms of this Act;
- (e) seize any livestock or meat product where it is deemed that the keeping of such is in contravention of the provisions of this Act;

Powers of  
entry

- (f) take samples of any livestock or meat product to examine, analyse, classify or grade it or cause it to be examined, analysed, classified or graded;
  - (g) grade, classify, pack or label, re-grade, re-classify, re-pack or re-label in accordance with the requirements of this Act, any livestock produce in or on any canning premises or request the person in charge of any such premises, any employee or agent of such person to cause the said livestock produce to be so graded, classified, packaged or labelled or re-graded, re-classified, re-packaged or re-labelled; and
  - (h) take possession of such documents, either electronic or in hard copy, or such information in the possession of the licensee, where it appears necessary to prevent interference with the information or not reasonably practicable to make copies.
- (2) Where the Authority determines, after an investigation under this Part, that a licensee or a person who is the subject of the investigation, has contravened a provision of this Act or a condition of a licence issued under this Act, the Authority may —
- (a) subject to section 40, suspend, impose further conditions or revoke the licence;
  - (b) issue a direction to affected persons requiring them to take such steps as may be necessary, in relation to their provision of service to the contravening licensee; or
  - (c) impose such fine as it may consider appropriate.

#### *PART VIII — Licensing and Registration of Regulated Sector Activities*

Licensing and registration of regulated sector activity

**35.** (1) A person shall not carry out any activity under the regulated sector, in terms of this Act or regulated sector legislation, unless he or she is issued with licence or a permit, in such form as may be prescribed, authorising the person to provide such service.

(2) For the purposes of this section, “regulated sector” includes the following —

- (a) licensed abattoirs;
- (b) licensed animal traceability officers;
- (c) licensed cold storages;
- (d) licensed importers, exporters and producers of livestock and meat products;
- (e) licensed livestock buyers;
- (f) licensed keepers;
- (g) licensed meat graders;
- (h) licensed meat processors;
- (i) licensed transporters; and
- (j) licensed sale yards.

(3) The Minister may, by Order published in the *Gazette*, declare any activity as an activity to be licensed or registered in accordance with this Act.

(4) A person who contravenes the provisions of this section, commits an offence and is liable to a fine not exceeding P30 000, or to imprisonment for a term not exceeding five years, or to both, and in the case of a company, to a fine not exceeding 10 per cent of its annual turnover.

**36.** (1) The Authority may, on application in the prescribed form, accompanied by the prescribed application fee and such documents as the Authority may direct, issue a person with a licence for any regulated sector activity under this Act or regulated sector legislation.

Issue of  
licence

(2) An application for a licence shall include such documentation and information as may be prescribed.

(3) The Authority shall not issue a licence to an applicant whose licence for the same activity was suspended or revoked in accordance with the repealed Acts, in the preceding five years.

(4) A licence issued in terms of this Act shall expire in accordance with the conditions set out in terms of section 38.

**37.** (1) The Authority shall —

Assessment of  
application for  
licence

(a) acknowledge, in writing, receipt of the application for a licence, within such period, as may be prescribed; and

(b) in assessing an application under this Act, consider such requirements, as may be prescribed.

(2) If, after receipt of the application, the Authority is of the opinion that it requires further information to assess the application, the Authority may within such period as may be prescribed, and by written notice, request for further information from the applicant or third parties, as may be identified by the Authority, and the notice shall —

(a) specify the information required from the applicant;

(b) specify the time within which the information or comments shall be submitted to the Authority; and

(c) specify the date by which the Authority intends to make a final decision on the application.

(3) The Authority shall notify an applicant, in writing, of its decision, within such period as may be prescribed, and where the Authority decides not to issue the licence, state the reasons in such notice.

**38.** A licence issued under this Act may be issued subject to such conditions and restrictions, as may be prescribed.

Conditions of  
licence

**39.** (1) Where a licensee is licensed to carry out more than one regulated sector activity, the licensee shall maintain separate accounts for each activity, as may be specified by the Authority.

Licensing of  
more than one  
activity

(2) The Authority may, after consultation with the Minister and other persons as it may consider appropriate, prescribe additional requirements for separating the licensed activities, including —

(a) that the other licensed activity be carried out by a separate entity;

Suspension or revocation of licence	<p>(b) that the licensee to establish contractual arrangements to support the separation process; and</p> <p>(c) proposals for amending the licences to facilitate the separation of activities.</p> <p><b>40.</b> (1) The Authority may suspend, impose further conditions or revoke a licence —</p> <p>(a) where a licensee —</p> <p>(i) contravenes the provisions of this Act or any regulated sector legislation, or fails to comply with any lawful direction or requirement of the Authority,</p> <p>(ii) defaults on or breaches any material condition of the licence,</p> <p>(iii) is declared bankrupt, insolvent or enters into liquidation, or</p> <p>(iv) is found to have presented false information which formed the basis of the licence being issued; or</p> <p>(b) as may be necessary in the public interest.</p> <p>(2) A revocation, suspension or imposition of further conditions upon a licence shall not be made until the licensee has, by notice in writing, been given the opportunity by the Authority, to rectify that contravention or failure, or show cause within such time as may be specified, why the licence should not be revoked, suspended or have further conditions imposed thereon.</p>
Guidelines	<p><b>41.</b> The Authority shall publish and make available guidelines and relevant considerations relating to the exercise of its powers under this Part.</p>
Transfer of licence	<p><b>42.</b> (1) A licence issued under this Act shall not be transferred, assigned or encumbered in any way, without the prior approval of the Authority.</p> <p>(2) An application for the transfer, assignment or encumbrance of a licence shall be made to the Authority, in such form and upon payment of such fee as may be prescribed.</p> <p>(3) A person who contravenes the provisions of this section, commits an offence and is liable to a fine not exceeding P30 000, or in the case of a body corporate, a fine not exceeding 10 per cent of its annual turnover, or to imprisonment for a term not exceeding five years, or to both.</p>
Change of ownership by licensee	<p><b>43.</b> (1) A licensee that is a body corporate shall notify the Authority, of any change in its shareholding, in such form as may be prescribed.</p> <p>(2) Where, in the opinion of the Authority, the change negatively impacts on the performance of the licensed activity or hinder the exercise of the Authority's functions under this Act, the Authority may revoke or amend the licence.</p>
Levies	<p><b>44.</b> (1) The Minister shall, on the recommendation of the Authority, prescribe the levies payable to the Authority for services provided by the Authority.</p> <p>(2) The levies imposed under this Act shall be imposed in accordance with the following categories —</p> <p>(a) a general levy that shall be imposed for any purpose as may be prescribed; and</p>

(b) a special levy, in respect of a category, class or kind of livestock or meat product, as may be prescribed.

(3) The levies payable in terms of subsection (2) may, in respect of any category, class or kind of livestock or meat product —

(a) be imposed in any particular area of Botswana or may differ from any such levy in respect of any category, class or kind of livestock or meat product, which is so imposed in any other particular area of Botswana; or

(b) that is exported from Botswana to any particular country or other territory, differ from any levy in respect of any category, class or kind of livestock or meat product of that livestock or meat product which is not exported.

45. (1) The Authority shall keep and maintain a register of the regulated sectors under this Act and all activities under the regulated sector, in such form and manner as may be prescribed.

Register of regulated sectors and activities

(2) The Minister may, by Order published in the *Gazette*, publish the register list of the regulated sectors and activities, registered in terms of subsection (1).

#### PART IX – *Grading and Composition of Livestock and Meat Products*

46. The Minister may, in consultation with the Authority, establish such categories or classes of livestock and meat products as may be prescribed, to be sold in specific areas, specific places or for any specified purpose.

Categorisation of livestock and meat products

47. (1) A person shall not sell any livestock or meat product of a specified category or class, unless —

Prohibition on sale of livestock and meat products

(a) it is sold according to a specified category or class as may be prescribed;

(b) it complies with the prescribed standards for the composition of the livestock or meat product and contains the prescribed ingredients or other substances; or

(c) it is sold in accordance with the conditions of an exemption that may be granted by the Minister or any other person authorised by the Minister, in terms of subsection (2).

(2) A person may make an application, in such form as may be prescribed and upon payment of such fee as may be prescribed, for an exemption from any of the prohibitions set out under subsection (1).

(3) The Minister may, subject to any conditions as may be prescribed, grant an exemption from any of the prohibitions set out under subsection (1), for such period as may be prescribed.

**PART X — *Importation and Exportation of Livestock  
and Meat Products***

Importation of  
livestock and  
meat products

**48.** (1) A licensed importer or producer shall not import livestock or or meat products unless the importer or producer is issued with an import permit, by the Authority.

(2) An importer or producer who wishes to import livestock or meat products shall make an application, in such form as may be prescribed, and upon payment of such fee, as may be prescribed.

(3) The Authority may —

(a) issue an import permit for livestock or meat products, subject to the licensed importer or producer complying with health and sanitary standards issued by the Director; and

(b) issue an import permit, subject to such further conditions as may be prescribed, and upon payment of such fee as may be prescribed.

(4) An importer or producer of livestock and meat products who contravenes the provisions of this section, commits an offence and is liable to a fine not exceeding P20 000, or to imprisonment for a term not exceeding two years, or to both.

Exportation of  
livestock and  
meat  
products

**49.** (1) A licensed exporter or producer shall not export livestock or meat products unless the exporter or producer is issued with an export permit, by the Authority.

(2) The Authority may issue an export permit for livestock and meat products, subject to a health certificate issued by the Director.

(3) A health certificate issued by the Director in terms of subsection (2), shall be in such form as may be prescribed and subject to such conditions as may be prescribed.

(4) An exporter or producer of livestock and meat products who contravenes the provisions of this section, commits an offence and is liable to a fine not exceeding P20 000, or to imprisonment for a term not exceeding two years, or to both.

**PART XI — *Miscellaneous Provisions***

Appeals

**50.** A person who is aggrieved by a decision of the Authority given under this Act may, within 30 days from the date of the notification or communication of the decision to him or her, appeal against that decision to the High Court.

Exemption  
from liability  
of Board  
members and  
officers

**51.** No liability, civil or criminal, shall attach to any member of the Board, member of a committee or officer of the Authority, in respect of any loss arising from the exercise, in good faith by a member, member of a committee or an officer of the Authority of his or her function under this Act.

Offences and  
penalties

**52.** Any person who —

(a) falsely represents himself to be an inspector;

(b) hinders or delays any inspector or any person lawfully accompanying the inspector, in the exercise of the powers of an inspector;

(c) refuses or fails to reply to the best of his or her ability, to any question lawfully put to him or her by an inspector, in the exercise of his or her powers under this Act, or in reply to any such questions, makes any statement or presentation knowing it to be false;

- (d) without the consent, in writing, of an inspector, removes or tampers with, destroys or makes alterations to any item that is the subject of investigation;
- (e) purchases livestock or any meat product from any person in contravention of any provision under this Act;
- (f) fails to pay a levy imposed in terms of this Act; or
- (g) performs any other act in contravention of any provision of this Act,

commits an offence and is liable to a fine not exceeding P50 000, or in the case of a corporation, a fine not exceeding 10 per cent of its annual turnover, or to imprisonment for a term not exceeding two years, or to both.

**53.** (1) The Minister may, after consultation with the Authority, make regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Without prejudice to the generality of the powers conferred by subsection (1), the regulations may —

- (a) provide the requirements for the marketing, grading and inspection of livestock produce;
- (b) prescribe the form and manner of application for the licensing, issuance of licences, conditions of licences and other requirements for the licensing of regulated activities, abattoirs and cold storages and the fees to be paid therein;
- (c) prescribe the identification and traceability system for livestock in Botswana;
- (d) provide for the preparation, treatment and handling of livestock and meat products;
- (e) provide for the inspection of meat products and the fees that may be charged for such inspection and the marks to be placed on carcasses;
- (f) provide for the sampling and testing of livestock and meat products for micro-organisms, anti-microbial substances, anthelmintics, hormones, pesticides or any other residues or contaminating substances;
- (g) prescribe the standards of quality and grades of meat products, the manner of grading and the fees which may be charged for grading of livestock and meat products;
- (h) prescribe the method of handling, storing and transporting meat products intended to be used by any person other than the producer of the meat;
- (i) provide for local authorities, auctioneers and persons engaged in the livestock and meat industry to render returns or furnish information in respect of the livestock and meat industry, and prescribe the form and manner in which such returns shall be furnished or rendered;
- (j) prescribe the form in which records shall be kept by persons trading in livestock or meat products;

Repeal of  
Cap. 36:01,  
Cap. 36:03,  
and Cap. 49:01

Savings and  
transitional  
provisions

- (k) prescribe the levies to be imposed in terms of section 44; and
- (l) provide for anything required to be prescribed under this Act.
- (3) The Minister may apply any or all of the regulations made under subsections (1) and (2) to specified areas.
- (4) The regulations shall, specify what penalty may be imposed for each offence created under the regulations, and may provide different penalties in the case of continuous offences, but no such penalty shall exceed a fine of P 50 000 or, in default of payment thereof, imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

54. The following Acts are hereby repealed —

- (a) the Control of Livestock Industry Act;
- (b) the Livestock and Meat Industries Act; and
- (c) the Hides and Skins Export Act.

55. (1) Where the powers and functions of any person, under the regulated sector legislation or any other written law, have been transferred to the Authority in pursuance of this Act, the transfer of such powers shall come into effect upon commencement of this Act.

(2) A licence or permit issued in terms of the Control of Livestock Industry Act, Livestock and Meat Industries Act and Hides and Skins Export Act shall be deemed to be valid for a period of 12 months after the commencement of this Act, and thereafter all licences and permits shall be issued in accordance with the provisions of this Act.

(3) Any decision or action lawfully taken by the Minister, Director or any officer prior to the commencement of this Act, in so far as they relate to the powers and functions transferred to the Authority and are not inconsistent with the provisions of this Act, are deemed to be decisions made and actions taken under this Act.

(4) Any subsidiary legislation made under the repealed Acts and in force immediately prior to the coming into operation of this Act shall, in so far as such legislation is consistent with the provisions of this Act, continue to be in force as if made under this Act.

(5) Any action, suit or legal proceedings issued in terms of the repealed Acts which are pending on the date of commencement of this Act, shall continue to be carried out or prosecuted by or against the Authority and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act.

(6) In the case of a conflict or contradiction with other provisions of the regulated sector legislation, this Act shall take precedence over those Acts.

(7) The Minister may, by Order published in the *Gazette*, make such transitional arrangements as shall be necessary.

PASSED by the National Assembly this 10th day of August, 2023.

BARBARA N. DITHAPO,  
*Clerk of the National Assembly.*