

## THE EMPLOYMENT OF VISITORS ACT, 1968

No. 19



of 1968

### AN ACT TO REGULATE THE EMPLOYMENT OF VISITORS TO BOTSWANA AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO

Date of Assent: 6.3.68.

Date of Commencement: 10.3.68.

ENACTED by the Parliament of Botswana.

#### Short Title

1. This Act may be cited as the Employment of Visitors Act, 1968.

#### Interpretation

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

“employ” has the meaning assigned to it in the Employment Law, 1963 (No. 15 of 1963) and cognate expressions shall be construed accordingly;

“labour officer” means any person appointed as a labour officer under section 4 of the Employment Law, 1963;

“visitor” has the meaning assigned to it in the Immigration (Consolidation) Law, 1966 (No. 19 of 1966) as amended;

“visitors’ work permit” means a permit to work in Botswana issued under section 4.

#### No visitor to be employed Except Under Permit

3. (1) Subject to the provisions of subsection (2), no person shall employ a visitor and no visitor shall be employed unless the visitor is in possession of a visitors’ work permit applicable to the employment.

*Amended and substituted by Section 4 of the Employment Law Amendment Act, 1971.*

(2) Where a visitor enters Botswana while in employment entered into and intended mainly to be performed outside Botswana he may, while permitted to remain in Botswana in terms of section 19 (1) of the Immigration (Consolidation) Law, 1966, without special authorisation in terms of paragraph (a) thereof, continue to discharge the functions of that employment without being in possession of a visitors' work permit.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R500, or, in default of payment thereof, to imprisonment not exceeding 6 months, or to imprisonment without the option of a fine, or to both such fine and imprisonment.

#### Issue of Visitors' Work Permits

*Amended and substituted by change Act 3/9*

4. (1) Any person who wishes to obtain a visitors' work permit shall make application therefor in the prescribed form to a labour officer, who may issue such permit to the applicant upon the payment of such fees as may be prescribed.

*34/71*  
*edit* (2) A visitors' work permit shall be in the prescribed form and shall specify the name of the employer, the name of the employee and the type of employment to which it relates. Every such permit shall, subject to the provisions of subsection (3), be valid for the period specified therein by the labour officer issuing the same, being a period not exceeding 6 months from the date of issue.

*34/71*  
*edit* (3) A visitors' work permit may be renewed for further periods not exceeding 6 months at any one time upon the payment of such fees as may be prescribed so however that it does not remain valid for more than 12 months in all, by the endorsement of such renewal by a labour officer on the original permit.

(4) In the exercise of their functions under this section, labour officers shall act in accordance with such instructions as may be given by the Minister.

#### Cancellation of Visitors' Work Permit

5. The Minister may cancel a visitors' work permit at any time, by notice served on the holder thereof, without assigning any reason therefor.

#### Presumption

6. In any prosecution under the provisions of section 3 a person alleged to be a visitor shall be deemed to be a visitor unless and until the contrary is proved.

#### Regulations

7. The Minister may make regulations —

- (a) prescribing anything which under this Act is to be or may be prescribed;
- (b) generally for the better carrying out of the provisions of this Act.

Passed by the National Assembly this day, the 17th January, 1968.

G.T. MATENGE,  
Clerk of the National Assembly.