

**Statutory Instrument No. 20 of 1968**

**THE INDUSTRIAL DEVELOPMENT ACT, 1966**

**THE INDUSTRIAL DEVELOPMENT REGULATIONS, 1968**

(Published on 22nd March, 1968)

In the exercise of the powers vested in him by section 17 of the Industrial Development Act, 1966 (No. 22 of 1966), the Minister of Commerce, Industry and Water Affairs hereby makes the following regulations —

**Citation**

1. These regulations may be cited as the Industrial Development Regulations, 1968.

**Interpretation**

2. In these regulations, unless the context otherwise requires —

“applicant” means an applicant for a licence;

“Form” means form prescribed in the Schedule;

“inquiry” means an inquiry under section 9 of the Act.

**Applications for a Licence**

3. (1) An application for a licence to manufacture shall be submitted in triplicate in Form 1 and shall, subject to the provisions of section 5(1) of the Act, be accompanied by a fee of R 10.00.

- (2) Where the applicant desires protection under the Act, Form 1 shall be accompanied by Form 2.

**Advertisement of Application**

4. An application for a licence which is required to be published under the provisions of section 6 of the Act shall be published at the expense of the applicant in two separate issues of the Gazette and of a newspaper circulating in the district in which manufacture is to be carried on.

**Time Within Which Objections are to be Lodged**

5. Any person wishing to make representations concerning an application published in accordance with section 6 of the Act and regulation 4 shall do so within a period of fourteen days of the last publication of the application.

**Inquiry Under the Act**

6. (1) An applicant shall be entitled to fourteen days' notice of an inquiry under the provisions of section 9 of the Act.

- (2) At the inquiry the applicant and any objector shall be entitled to appear either in person or through his attorney and shall be entitled to make such representations and lead such evidence as may be relevant to the inquiry.

- (3) An applicant shall be entitled to receive a copy of any documentary evidence which may be produced in evidence at the inquiry.

(4) In the event of any evidence being adduced at the inquiry which is prejudicial to the applicant the applicant shall be appraised of the substance thereof and given an opportunity of making representations thereon.

(5) The person or persons holding an inquiry may examine any person wishing to tender evidence on oath.

(6) The Minister may appoint a Secretary to attend the inquiry to record its proceedings, to keep the papers, minute the testimony of witnesses and generally perform such duties connected with such inquiry as he may require.

(7) Subject to the provisions of this regulation the person or persons conducting an inquiry may regulate the procedure at such inquiry.

#### **Appeal to President**

7. (1) A person appealing to the President under the provisions of section 10(4) of the Act shall lodge notice of appeal within 28 days of his being notified of the refusal of the Minister to grant a licence, whether in whole or in part, with the Permanent Secretary, Office of the President.

(2) A notice of appeal shall be accompanied by a fee of R20.00 and shall set out concisely the grounds of the appeal.

#### **Licences to Manufacture**

8. A licence under the provisions of section 11(1) of the Act shall be in Form 3, and shall be issued upon the payment of a fee of R50.00.

#### **Licences to Manufacture Additional Product or to Manufacture at an Additional Place**

9. (1) An application by a licence holder under section 11(2) of the Act to manufacture a different or additional product or products or to manufacture the same product at a different or additional place shall be submitted in triplicate in Form 4.

(2) The fee prescribed for the purposes of section 11(2) shall be R20.00.

#### **Application for Transfer of Licence**

10. An application for the transfer of a licence under the provisions of section 14(2) of the Act shall be made by the holder of the licence in triplicate and shall be in Form 5.

#### **Fee for Renewal of Licence**

11. The fee prescribed for the renewal of a licence under section 15 of the Act shall be R50.00.

SCHEDULE  
REPUBLIC OF BOTSWANA  
THE INDUSTRIAL DEVELOPMENT ACT, 1968

Application for a Licence  
(Section 4)

To: The Minister of Commerce, Industry and Water Affairs,  
Private Bag 4,  
GABERONES.

Name of Applicant.....

Postal Address.....

Proposed location of manufacturing establishment(s) —

Plot Number.....Town.....

District.....

List of Products it is proposed to manufacture

Estimated number of persons employed or to be employed.....

Estimated horse power of engines, motors or other appliances providing energy derived from steam, water, wind, electricity, the combustion of fuel or from any other source.....

.....  
Signature of Applicant or of his Duly Authorized Representative. (In the case of a Company, the capacity in which the signatory signs should be stated e.g. "Director", "Secretary", etc.).

**INFORMATION REQUIRED IN SUPPORT OF APPLICATION**

(To be completed by all applicants)

1. Full name and nationality of the applicant or applicants, or, in the case of a Company, the full names nationalities of the directors thereof —

2. Has any person mentioned in paragraph 1 —

(a) been convicted either within or outside Botswana of any serious criminal offence or any offence of which dishonesty is an element?

If so, give details —

(b) been sequestrated or declared bankrupt either within or outside Botswana? If so give details —

3. What relevant business experience has the applicant?

4. Name under which the applicant is operating or proposes to operate in Botswana —

5. Date of commencement of manufacturing operations in Botswana, or, if manufacturing has not commenced, the estimated date thereof —

6. What land and/or buildings do you own or lease in Botswana? Give details —

7. If you have not yet acquired business premises in Botswana state what steps have been taken to acquire such premises? If you have applied for State land has a provisional acceptance been granted to you in respect of the land pending the outcome of the application?

8. Number of persons presently employed, in the case of existing manufacturer, or who will be employed when full scale manufacturing commences —

|               | <i>Citizens of Botswana</i> | <i>Others</i> | <i>Total</i> |
|---------------|-----------------------------|---------------|--------------|
| Managerial    |                             |               |              |
| Other skilled |                             |               |              |
| Unskilled     |                             |               |              |
| Total         |                             |               |              |

9. If you are an existing manufacturer state the total amount paid by you as salaries and wages, both in cash or in kind, during the previous financial year. If you have not yet commenced manufacturing state the estimated annual amount you will pay as salaries and wages, both in cash or in kind, when you have commenced full scale manufacturing —

Paid to citizens of Botswana R .....

Paid to others R .....

Total salaries and wages R .....

10. What are your plans for training citizens of Botswana?

11. Consumption of materials during the previous financial year in the case of existing manufacturers or, in the case of applicants who have not yet commenced manufacturing, the estimated annual consumption of materials when you have commenced full scale manufacturing operations —

|  | <i>Unit</i> | <i>Quantity</i> | <i>Produced<br/>in<br/>Botswana<br/>R000</i> | <i>Imported<br/>R000</i> | <i>Total<br/>R000</i> |
|--|-------------|-----------------|--|--------------------------|-----------------------|
| Agriculture (specify<br>(including forest<br>products) |             |                 |  |                          |                       |
| 1. ....  |             |                 |  |                          |                       |
| 2. ....  |             |                 |  |                          |                       |
| 3. ....  |             |                 |  |                          |                       |
| 4. ....  |             |                 |  |                          |                       |
| 5. ....  |             |                 |  |                          |                       |
| 6. ....  |             |                 |  |                          |                       |
| Other unspecified                                      |             |                 |  |                          |                       |
| Total  |             |                 |  |                          |                       |
| Other non-agricultural<br>materials                    |             |                 |  |                          |                       |
| 1. ....  |             |                 |  |                          |                       |
| 2. ....  |             |                 |  |                          |                       |
| 3. ....  |             |                 |  |                          |                       |
| 4. ....  |             |                 |  |                          |                       |
| 5. ....  |             |                 |  |                          |                       |
| Other unspecified                                      |             |                 |  |                          |                       |
| Total  |             |                 |  |                          |                       |
| <b>TOTAL VALUE OF RAW<br/>MATERIALS</b>                |             |                 |  |                          |                       |

|   | <i>Unit</i> | <i>Quantity</i> | <i>Produced<br/>in<br/>Botswana<br/>R000</i> | <i>Imported<br/>R000</i> | <i>Total<br/>R000</i> |
|---|-------------|-----------------|--|--------------------------|-----------------------|
| Manufactured or semi-manufactured goods |             |                 |  |                          |                       |
| 1. ....                                 |             |                 |  |                          |                       |
| 2. ....                                 |             |                 |  |                          |                       |
| 3. ....                                 |             |                 |  |                          |                       |
| 4. ....                                 |             |                 |  |                          |                       |
| 5. ....                                 |             |                 |  |                          |                       |
| Other unspecified                       |             |                 |  |                          |                       |
| Total                                   |             |                 |  |                          |                       |

12. Annual consumption of industrial materials and services during the previous financial year in the case of existing manufacturers or, in the case of applicants who have not yet commenced manufacturing, the estimated annual consumption of materials when you have commenced full scale manufacturing operations —

|   | <i>Unit</i> | <i>Quantity</i> | <i>Produced<br/>in<br/>Botswana</i> | <i>Imported</i> | <i>Total</i> |
|---|-------------|-----------------|-------------------------------------|-----------------|--------------|
| 1. Electricity                            | '000 KWH    |                 |                                     |                 |              |
| 2. Water                                  | '000 gals   |                 |                                     |                 |              |
| 3. Gas                                    | cu/ft       |                 |                                     |                 |              |
| 4. Fuels –<br>solid                       | tons        |                 |                                     |                 |              |
| liquid                                    | '000 gals   |                 |                                     |                 |              |
| 5. Transport                              | ton/miles   |                 |                                     |                 |              |
| 6. Other goods<br>and service             | —           | —               |                                     |                 |              |
| TOTAL VALUE OF<br>INDUSTRIAL<br>MATERIALS |             |                 |                                     |                 |              |

13. Annual sales during the previous financial year in the case of existing manufacturers or, in the case of applicants who have not yet commenced manufacturing, the estimated annual consumption of materials when you have commenced full scale manufacturing operations —

| Product<br>(Specify)   | Selling price<br>per Unit | Quantity | Sold in<br>Botswana<br>R000 | Exported<br>R000 | Total<br>R000 | Sales |
|------------------------|---------------------------|----------|-----------------------------|------------------|---------------|-------|
| 1. ....                |                           |          |                             |                  |               |       |
| 2. ....                |                           |          |                             |                  |               |       |
| 3. ....                |                           |          |                             |                  |               |       |
| 4. ....                |                           |          |                             |                  |               |       |
| 5. ....                |                           |          |                             |                  |               |       |
| Other un-<br>specified |                           |          |                             |                  |               |       |

TOTAL SALES --

14. Plant capacity or estimated plant capacity R .....

*Note* Plant capacity is the total sales revenue which would be received if the machinery and equipment it is proposed to install were working at maximum output and all the output could be sold at the selling prices listed in 13.

15. Value of capital employed or to be employed. (In the case of an existing manufacturer the value at the end of the last financial year, in the case of applicants who have not yet commenced manufacturing, at the time when full scale manufacturing operations are commenced):

| (a) Fixed Assets:           | Unit        | Quantity | Value<br>R00 |
|-----------------------------|-------------|----------|--------------|
| Land ...                    | Acres...    |          |              |
| Building: ...               |             |          |              |
| Industrial ...              | sq.ft. .... |          |              |
| Residential ...             | sq.ft. .... |          |              |
| Plant and Machinery ...     |             |          |              |
| Vehicles ...                | No. ....    |          |              |
| Other ...                   | --          |          |              |
| TOTAL VALUE OF FIXED ASSETS |             |          |              |



**REPUBLIC OF BOTSWANA**  
**THE INDUSTRIAL DEVELOPMENT ACT, 1968**

Application for Protection

(Regulation 3(2) of the Industrial Development Regulations, 1968)

This Form is to be submitted, together with Form No. 1, by applicants seeking protection under the Act.

To: The Minister of Commerce, Industry and Water Affairs,  
Private Bag 4,  
GABERONES.

Name of Applicant: .....

Products in respect of  
which protection is  
sought .....

.....  
.....

Nature of protection sought.....

.....  
Reasons for seeking protection.....

.....

.....  
Signature of Applicant or of his Duly Authorized Representative, (In the case of a Company, the capacity in which the signatory signs should be stated e.g. "Director", "Secretary", etc.).

**THE INDUSTRIAL DEVELOPMENT ACT, 1968**

Industrial Licence

(Section 11)

Industrial Licence No. .... issued at .....  
under the provisions of the Industrial Development Act and the Regulations thereunder,  
.....(name of manufacturing firm) of .....  
is hereby licensed to manufacture the following products- .....  
.....  
.....  
.....  
at .....  
This licence expires on the ..... unless renewed under  
section 15 of the Act.

.....  
Minister of Commerce,  
Industry and Water  
Affairs

Date: .....

**REPUBLIC OF BOTSWANA  
THE INDUSTRIAL DEVELOPMENT ACT, 1968**

Application to manufacture a new  
or additional product or to manufacture  
a new or additional place

To: The Minister of Commerce, Industry and Water Affairs,  
Private Bag 4,  
GABERONES.

Application is hereby made to manufacture the following products .....

.....

.....

at.....

I am the holder of industrial licence No.....issued on the.....

I do/do not\* manufacture the products listed above at the place specified in the  
abovementioned licence. The place at which I wish to manufacture the products listed  
above is/is not\* the place specified in the abovementioned licence.

The reasons for the application are —

.....  
Signature of Applicant or of his Duly Author-  
ized Representative. (In the case of a Com-  
pany, the capacity in which the signatory  
signs should be stated e.g. "Director",  
"Secretary", etc.).

\* Delete whichever is inapplicable

**REPUBLIC OF BOTSWANA**  
**THE INDUSTRIAL DEVELOPMENT ACT, 1968**

Form 5

Application for Transfer of a Licence under Section 14(2)

To: The Minister of Commerce, Industry and Water Affairs,  
Private Bag 4,  
GABERONES.

Application is hereby made for the transfer from.....  
to.....  
of industrial licence No..... issued on.....

1. Full name and nationality of the transferee or, in the case of a company, the full names and nationalities of the directors thereof:

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

2. Has any person mentioned in paragraph 1 —

(a) been convicted either within or outside Botswana of any serious criminal offence or any offence of which dishonesty is an element; If so, give details .....

.....  
.....

(b) been sequestrated or declared bankrupt either within or outside Botswana; If so, give details.....

.....  
.....

3. What relevant business experience has the transferee?.....

.....  
.....

4. Name under which the transferee is operating or proposes to operate in Botswana:

.....  
.....

Signature of applicant or his  
authorized representative (the licence holder).....

Signature of transferee or his  
duly authorized representative .....

Note: In the case of a company, the capacity in which the signatory signs should be stated, e.g. "Director", "Secretary", etc.

Ministry of Commerce, Industry and Water Affairs,  
GABERONES.  
21st March, 1968.

P.W. REARDON,  
Permanent Secretary