

THE DEEDS REGISTRY (AMENDMENT) ACT, 1969

No. 18



of 1969

AN ACT TO AMEND THE DEEDS REGISTRY PROCLAMATION, 1960, WITH THE OBJECT OF FACILITATING THE RESUMPTION BY THE STATE OF CERTAIN LAND.

Date of Assent: 2.7.69.

Date of Commencement: 11.7.69.

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Deeds Registry (Amendment) Act, 1961.

Insertion of Section 43A into Proclamation No. 36 of 1960

2. The Deeds Registry Proclamation, 1960, is amended by the insertion into Part III of the following section —

“Cancellation of State Grant upon Occurrence of Specified Event

43A. (1) Where any Deed of State Grant provides that on the happening or non-happening of any event the State may resume ownership of any land or require transfer to it of such land the President may, upon the happening or non-happening of such event as aforesaid, and after compliance with any conditions precedent to such resumption or transfer which may be imposed by the said Deed, serve on the owner of any real right in the land and shall publish in two successive issues of the *Gazette* and a newspaper circulating in Botswana a notice setting out details of the land forfeit, the reasons for the forfeiture, and calling upon any person who objects to such forfeiture to lodge a notice of objection with the Attorney-General within 30 days of such service or such publication setting out his reasons why the Deed of State Grant under which the land was held prior to the forfeiture shall not be cancelled by the Registrar.

(2) When a notice of objection has been lodged within the time, and in the manner, set out in subsection (1) and has not been withdrawn in writing by the person making the objection, the ensuing dispute shall be resolved by the High Court on the application of the State or any party to the dispute and the High Court may make such order therein as it may think fit:

Provided that an objection shall be deemed to have been withdrawn if the objector does not, within three months of the lodgement of his objection, make application to the High Court as aforesaid.

(3) On receipt of a certificate in writing by a person authorized by the President in terms of section 4 of the State Land Law, 1966 (No. 29 of 1966) to the effect that —

- (a) the State is entitled to resume any land by virtue of the provisions of any State Grant; and
- (b) that the notice required by subsection (1) has been given in respect of such land; and
- (c) that either —
 - (i) no notice of objection has been lodged to the resumption; or
 - (ii) notices of objection have been received but that all objections have been withdrawn in writing by the person making the objection or are deemed to have been withdrawn by virtue of the provisions of the proviso to subsection (2);

the Registrar shall cancel the Deed of State Grant issued in respect of that land and endorse his registers accordingly and, thereupon, the land shall be deemed to be State Land.

(4) The certificate prescribed in subsection (3) shall be accompanied by any written notice of the withdrawal of an objection which may have been given under subsection (2)."

Passed by the National Assembly this day, the 25th March, 1969.

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