

**THE PUBLIC ROADS (AMENDMENT) ACT, 1969**

No. 60



of 1969

**AN ACT TO AMEND THE PUBLIC ROADS PROCLAMATION (CHAPTER 169) TO AUTHORISE ENTRY AND DOING OF SUNDRY ACTS UPON LAND FOR THE INVESTIGATION AND PLANNING OF THE ESTABLISHMENT OF PUBLIC ROADS AND TO PROVIDE FOR CONSEQUENTIAL MATTERS.**

Date of Assent : 30.12.69.

Date of Commencement : 6.1.70. .

ENACTED by the Parliament of Botswana.

**Short Title**

1. This Act may be cited as the Public Roads (Amendment) Act, 1969.

**Addition of Part III to the Public Roads Proclamation (Chapter 169)**

2. The Public Roads Proclamation (Chapter 169) is amended by the addition of the following Part –

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**PART III**

**POWERS OF ENTRY ETC. UPON LAND**

15. The Director of Public Works or any person generally or specially deputed in writing by him may, for the purpose of investigating and planning the establishment and proclamation of public roads –

- (a) enter upon any land with such assistants or servants, animals, vehicles, appliances and instruments as are necessary for or incidental to the performance of those duties ;
- (b) place or erect any permanent beacon, bench mark, reference mark or trigonometrical station, or any temporary flag, signal or other mark upon such land ;
- (c) make use of any natural material upon which no work has been expended and, except within a township, village or settlement, of any water, whether conserved or not, found upon or in such land ;
- (d) cut any vegetation growing wild in the vicinity of any such beacon, mark, trigonometrical station, flag or signal, for the purpose of enabling observations to be made thereto or therefrom ;
- (e) inspect natural materials on which no work has been expended and remove samples thereof in reasonable quantities for soil survey purposes ; and
- (f) enter at all reasonable hours any building or enclosed place :

Provided that —

- (i) no person shall enter upon any land or into any building or enclosed place thereon (except with the consent of the owner or occupier thereof) without previously giving such owner or occupier at least seven days notice of his intention to do so;
- (ii) reasonable notice of the intention to exercise any of the other powers conferred by this section shall be given to the owner or occupier of the land;
- (iii) as little damage and inconvenience as possible shall be caused by the exercise of any of the powers conferred by this section.

#### **Disputes as to Compensation or Interest or Right of Claimants**

16. As soon as conveniently may be after any entry upon land made under the last preceding section the Minister shall pay compensation for all damage done and for any property or thing taken, used, consumed or removed on or from such land in pursuance of the last preceding section, and in case of dispute as to the interest in or right over any such land, property or thing of any person claiming compensation or as to the amount, if any, to be paid, the Minister or the person claiming compensation may refer such dispute to the Subordinate Court of the First Class having jurisdiction in the area, whose decision shall be subject to an appeal to the High Court:

Provided that if the amount of compensation claimed exceeds the jurisdiction of the said Subordinate Court the dispute may be referred only to the High Court.

**Disputes as to Legality of Entry or Taking Possession**

17. If any person holding or claiming any interest in or right over land entered upon or any property or thing taken possession of in purported pursuance of section 15 disputes the legality of such entry or taking possession, he may apply to the High Court to determine the question.

**Delay in Payment of Compensation**

18. Any person aggrieved by any delay in the payment of compensation due to him under this Part may apply to the High Court for the purpose of obtaining prompt payment thereof."

Passed by the National Assembly this day, the 26th November, 1969.

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