

THE TRIBAL LAND (AMENDMENT) ACT, 1969

No. 48



of 1969

AN ACT TO AMEND THE TRIBAL LAND ACT, 1969.

Date of Assent: 22.8.69

Date of Commencement: 22.8.69

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Tribal Land (Amendment) Act, 1969.

Amendment of Section 10 of Law 54 of 1968

2. Section 10 of the Tribal Land Act, 1968 (hereinafter referred to as the principal law) is amended by the deletion of sub-section (3) and the renumbering of sub-section (4) as sub-section (3).

Amendment of Section 13 of Law 54 of 1968

3. Section 13 of the principal law is amended ---

- (i) by the deletion of "The functions of the Chief under customary law in relation to --" and the substitution of "All the powers vested in a Chief under customary law in relation to land, including --" and
 - (ii) by the deletion of paragraph (d) and the substitution of "(d) the imposition of restrictions on the use of tribal land"; and
- (b) by the deletion of sub-section (3).

Amendment of Section 15 of Law No. 54 of 1968

4. Section 15 of the principal law is amended —

(a) by the replacement of paragraph (a) as follows —

“(a) that the holder of the grant is no longer eligible to hold land under the provisions of this Part;”: and

(b) by the deletion in paragraph (b) of “comply with conditions imposed under section 13(3)” and the substitution of “observe restrictions imposed under section 13(1)(d)”.

Replacement of Section 20 of Law No. 54 of 1968

5. Section 20 of the principal law is repealed and replaced as follows —

“Limitations on Grant of Land

20. (1) No land board or subordinate land authority shall grant any land under the provisions of this Part to any person who is not a tribesman, unless that person has been specially exempted, or is a member of any class of persons who have been specially exempted, by the Minister in writing from the provisions of this section.

(2) No land board or subordinate land authority shall grant any land under the provisions of this Part for trading, manufacturing or other business or commercial purposes.”.

Amendment of Section 24 of Law No. 54 of 1968

6. Section 24 of the principal law is amended —

(a) by the deletion of subsection (1) and the substitution of —

“(1) Subject to the provisions of this section, a land board may grant to any person land, either by way of lease on terms and conditions other than those imposed by or under section 23, or in ownership on such terms and conditions as it may determine.

(1A) A land board may not grant land under this section without —

(a) in the case of a grant of the ownership thereof or of lease thereof or of lease thereof under which the lessee is entitled with or without exercising any option to retain the land for a period in excess of five years, the consent in writing of the President; or

(b) in any other case, the consent in writing of the Minister.”; and

(b) by the addition of the following new subsection —

“(5) A grant under the provisions of this section shall, subject to the provisions of section 26, have like effect to any equivalent grant made by the State.”.

Amendment of Section 26 of Law No. 54 of 1968

7. Section 26 of the principal law is amended —

(a) by the deletion of the headnote and the substitution of “Transfer of Rights under this Part”; and

(b) by the addition of the following new subsections —

“(3) Any person aggrieved by any decision of the land board not to grant its consent to a transaction under the provisions of subsection (1) may appeal to the Minister within a period of three months from the date on which he became aware of such refusal and the Minister may make such order in the matter as he may think fit.

(4) For the avoidance of doubt it is hereby declared that the provisions of section 16 of the Deeds Registry Proclamation, 1960 (No. 36 of 1960) shall have effect in relation to the transfer of real rights in land granted under the provisions of this Part as it has in relation to the transfer of any other real rights in land.”.

Amendment of Section 27 of Law No. 54 of 1968

8. Section 27 of the principal law is amended by the deletion of — “or where the grantee of any land under the provisions of Part III wishes to hold such land under the provisions of this Part”.

Amendment of Section 28 of Law No. 54 of 1968

9. Section 28 of the principal law is amended by the addition of the following proviso —

“Provided that in any action involving the recovery of land of which ownership has been granted action shall be brought in the High Court.”

Passed by the National Assembly this day, 14th August, 1969.

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

CERTIFICATE

I, GAEFALALE GAOLEBALE SEBESO, Deputy Speaker of the National Assembly, hereby certify that the National Assembly did not proceed on the Tribal Land (Amendment) Bill until a copy had been referred to the House of Chiefs after the Bill had been introduced in the National Assembly and a period of thirty days elapsed from the date when the Bill was referred to the House of Chiefs before the National Assembly proceeded on the Bill.

Date : 20th August, 1969

G.G. SEBESO,
Deputy Speaker.