

CONTROL OF GOODS ACT, 1973

No. 23



of 1973

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Regulations
4. Evidence
5. Penalties
6. Repeal of Cap. 162 and Law 26 of 1962

An Act to enable the Minister to provide by regulation for the control of the distribution, disposal, purchase and sale, the standards and marking, and the wholesale and retail prices, of goods, whether manufactured or not, or of any class of such goods, for the control of exports from and imports into Botswana, and for purposes incidental thereto and connected therewith.

Date of Assent: 23.11.1973

Date of Commencement: 23.11.1973

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Control of Goods Act, 1973. Short title
2. In this Act, unless the context otherwise requires — Inter-pretation
"goods" means anything capable of being bought or sold, whether manufactured or not.
3. (1) Whenever it appears to the Minister necessary or expedient to control —
 - (a) the import or export of any goods;

- (b) the distribution, disposal, purchase and sale, or the wholesale or retail prices of any goods and the charges which may be made —
 - (i) for services relating to the distribution, disposal, purchase and sale of such goods; and
 - (ii) for delivery of any goods, the wholesale or retail prices of which are controlled under this section;
- (c) the supply of any goods whether to wholesalers, retailers or to any other person;
- (d) the quality and standards of any goods;
- (e) the marks and descriptions to be affixed to any goods;
- (f) the display of prices on any goods offered for sale,

he may make such regulations as appear to him to be necessary or expedient for such purposes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may provide for —

- (a) requiring persons carrying on or employed in connexion with any trade, business, undertaking or enterprise specified in such regulations to produce to such person as may be so specified any books, accounts or other documents relating to that trade, business, undertaking or enterprise, and for requiring any person to furnish to such persons as may be so specified such estimates or returns as the Minister considers it desirable to obtain for the effectual exercise of any of his powers under this section;
- (b) the licensing of importers and exporters whether in respect of specific goods or classes of goods or generally;
- (c) the rationing of any goods and for —
 - (i) fixing or providing for fixing different quantities of such goods to be obtainable in the aggregate or individually by different classes of persons; and
 - (ii) providing for methods of distribution of such goods which differentiate as between different classes of persons so far as appears to the Minister to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain such goods;
- (d) for the detention of and forfeiture to the Government of any goods in respect of which an offence under such regulations may have been committed; or
- (e) for any incidental and supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide, including in particular the entering and in-

spection of premises to which the regulations relate by persons authorized in that behalf by the Minister with a view to securing compliance with the regulations.

(3) Regulations made under this section may be made so as to apply generally or to any particular trade, business, undertaking or enterprise, or class thereof, or class of persons, and either to the whole or to any part of any trade, business, undertaking or enterprise, and so as to have effect either throughout Botswana or in any particular area therein.

4. (1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ, or by his agent. Evidence

(2) Whenever the manager, agent or servant of any person does or omits to do anything which it would be an offence under regulations made under this Act to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question;

Provided that the fact that the person issued instructions forbidding in respect of his manager, agent or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(3) In any prosecution involving the unlawful importation or exportation of any goods, the burden of proving that due permission authorizing the importation or exportation of such goods has been obtained shall lie upon the accused.

6. Any person who contravenes or fails to comply with any regulation made under this Act shall be liable — Penalties

(a) for a first offence, to a fine of R200 and to imprisonment for six months; and

(b) for a second or subsequent offence, to a fine of R400 and to imprisonment for one year.

7. The Exportation and Importation Restriction Proclamation and the Price Control Law, 1962, are hereby repealed. Repeal of
Cap. 162
and Law 26
of 1962

Passed by the National Assembly this 22nd day of November, 1973

R. J. CHILUME,
Acting Clerk of the National Assembly.