

*Statutory Instrument No. 36 of 1973*

TOWNSHIPS PROCLAMATION  
(Chapter 120)

TOWN COUNCIL REGULATIONS  
(S.I. 24 of 1971)

**TOWNSHIPS (FRANCISTOWN TOWN COUNCIL)  
(RETAIL SALES OF TRADITIONAL BEER)  
(AMENDMENT) BYE-LAWS, 1973**

IN THE EXERCISE of the powers vested in it by regulation 31 of the Town Council Regulations, 1965, the Francistown Town Council has made the following Bye-Laws:

1. These Bye-laws may be cited as the Townships (Francistown Town Council) (Retail Sales of Traditional Beer) (Amendment) Bye-laws, 1973. Citation

2. Bye-law 3 (1) of the Townships (Francistown Town Council) (Retail Sales of Traditional Beer) Bye-laws, 1971, is amended by the deletion of the following words appearing therein: Amendment  
of Bye-law 3  
(1) in

“or on premises licensed for the sale of intoxicating liquor under the Liquor Proclamation, 1960.” Statutory  
Instrument  
No. 24 of  
1971

DATED the 26th day of April, 1973.

R.N. MANNATHOKO,  
*Permanent Secretary,*  
*Ministry of Local Government and Lands.*

L2/8/11

Inter-  
pretation

(d) a single article, the retail price of which is not more than 5 cents.

3. In these Regulations, unless the context otherwise requires --  
"agricultural produce" means --

- (a) beans, dhal, gram, lentils, or peas when not in a green state;
- (b) barley, buckwheat, maize but not including green maize on the cob, millet, munga, oats, rupoko, rice, rye, sorghum, wheat or any other cereal;
- (c) bean meal, bran, crushed maize, flour, hominy chop, maize cones, maize grits, maize meal, maize offals, maize seconds, mealie rice, munga meal, pollard, rupoko meal, rye meal, samp, sorghum meal or any other meal or milled product of grain;
- (d) chaff, fodder, forage, lucerne or teff grass;
- (e) castor seed, groundnuts, linseed, seed cotton, sesame, sunflower seed or sunhemp seed;
- (f) potatoes, sweet potatoes, cassava and onions; and
- (g) any other produce which the Minister may, by notice published in the Gazette, declare to be agricultural produce for the purposes of these Regulations;

69 of 1960

"beer" means the alcoholic liquid obtained by the fermentation of a mash of malt, with or without cereals, flavoured with hops and includes ale, stout and any other liquor made or sold as or under the name of beer, ale or stout if it contains more than 2 percent by volume of alcohol, but does not include traditional beer as defined in the Liquor Proclamation, 1960, unless sold in prepacked form;

"bread" means any baked wheaten or rye product which is sold as or under the name of bread;

"chocolate slab" means a single unit of chocolate confectionery which has been cast in a mould, whether or not a cream filling or other ingredient forms part of the unit, but does not include an Easter egg, figurine or novelty shape;

"coke" includes any solid fuel derived from coal or of which coal or coke is a constituent;

"dried fruit" means and includes all kinds of dates, candied peel, glace and crystallised fruits and the following dried tree and vine fruits -- apples, apricots, currants, dried fruit salad (mixed dried fruits), figs, mebos, minced dried fruit, muscatels, nectarines, peaches, pears, plums, prunes, raisins and sultanas;

"fertilizer" means any substance which is intended or offered for improving or maintaining the growth of plants or the productivity of the soil but does not include --

- (a) farmyard, stable or kraal manure;
- (b) compost;
- (c) wood ash;

(d) gypsum;

(e) town refuse or night soil;

“goods in prepacked form” means any article or commodity made up or packaged in any manner as a single unit or as a single quantity prior to the time of sale in that prepacked form whether such unit or quantity is wholly or partly enclosed or is inside or on, attached to or wound round, any type of confining medium;

“meat” means the carcass, part of a carcass or offal of any animal or poultry being a carcass, part of a carcass or offal suitable for human consumption and whether fresh, frozen, chilled, pickled, cured, salted, dried, minced, cooked or manufactured into brawn, polony or sausages;

“milk” means cow’s milk, whether pasteurized, separated, skimmed or subjected to any other process, but does not include dried, evaporated or condensed milk;

“spirituous liquor” means brandy, cane spirit, gin, rum, vodka or whisky;

“thread” means single, multiple or cabled yarn of any fibre, natural or synthetic, other than wool, which is suitable for sewing, embroidery, crocheting or similar purposes;

“wool” means yarns —

(a) of natural wool or synthetic fibres; or

(b) of mixtures containing natural wool and additionally or alternatively, synthetic fibres,

packed and intended for hand knitting.

**4.** (1) Subject to subregulation (2), section 21 (1) of the Act shall not apply to sweets and chocolates. Exemptions from section 21 (1) of the Act

(2) When sweets or chocolates are sold by weight, the weight of only the immediate wrapping, if any, of each individual sweet or chocolate shall be included in the weight of the sweet or chocolates so sold.

**5.** Section 22 (1) of the Act shall not apply to —

(a) any prepacked article specified in the First Schedule hereto if the wrapper or container of the article is marked in accordance with regulation 6 with the net weight, at the time that it is prepacked, of the article and the statement of the weight is preceded or followed by the words “net weight when packed”; Exemption from section 22 (1) of the Act

(b) those commodities listed in the Third Schedule hereto, provided that they conform to the standard weight prescribed;

(c) single wrapped loaves of bread.

**6.** (1) For the purposes of sections 20 and 22 of the Act, the wrapper or container of an article shall be marked with a statement of the weight or measure, as the case may be, of the article in a manner complying with this regulation. Marking of wrappers or containers

(2) The quantities prescribed in subregulation (1) may be exceeded by a weight not exceeding 50g for each 425g of bread:

Provided that any quantity of bread the weight of which exceeds the weight permitted in terms of this subregulation by more than 50g for each 425g of actual weight shall be deemed to have been sold as a quantity of the next higher multiple of 425g.

(3) Subregulation (1) shall not apply to bread which does not exceed 350g in weight.

Firewood **12.** (1) Subject to subregulation (2), no person shall sell firewood otherwise than --

- (a) by weight; or
- (b) in quantities of 1 cubic metre or an integral multiple of 1 cubic metre.

(2) Subregulation (1) shall not apply --

- (a) to firewood sold in quantities of less than 100 kg; or
- (b) to indigenous unsplit brushwood obtained from the natural forests of Botswana.

Milk and cream **13.** (1) Subject to subregulation (2), no person shall sell milk or cream --

- (a) otherwise than by measure of capacity and in quantities of 125 millilitres, 250 millilitres, 500 millilitres, 1 litre and an integral multiple of 1 litre; and
- (b) in a container having a capacity which exceeds the quantity of milk or cream sold in that container by more than five per cent of such quantity.

(2) The provisions of subregulation (1) shall not apply to --

- (a) flavoured milk drinks in sealed containers;
- (b) milk or cream sold to a creamery, dairy or factory for processing or manufacturing purposes;
- (c) tinned or bottled cream sold by weight;
- (d) milk sold for consumption at a school; or
- (e) tinned sterilized milk sold by weight.

(3) Subregulation (1) (b) shall not apply to milk sold in sealed polythene bags.

(4) Any can used for the delivery of milk or cream sold by weight to a creamery, dairy or factory for manufacturing purposes shall have its tare weight conspicuously stamped on the side or neck thereof.

(5) Where the quantity of milk in terms of measure of capacity sold to a creamery, dairy or factory is to be determined by weighing, the basis of computation shall not exceed 1080 grams per litre nor be less than 1070 grams per litre.

**14.** (1) For the purposes of this regulation, "sell from bulk" means to sell from a bottle, barrel or other container any quantity which is less than the original quantity contained in such bottle, barrel or other container. Spirituous liquor and beer

(2) Subject to subregulation (4), no person shall sell from bulk for consumption on licensed premises any spirituous liquor otherwise than —

- (a) by measure of capacity; and
- (b) in quantities of 25ml, 35ml, 50ml or 100ml.

(3) No person shall sell from bulk for consumption on licensed premises any beer otherwise than —

- (a) by measure of capacity; and
- (b) in quantities of 250ml, 500ml, 750ml and 1 litre.

(4) Subregulation (2) shall not apply to any spirituous liquor sold in the form of a cocktail.

**15.** (1) Subject to subregulation (2), no person shall sell thread otherwise than by length or by weight. Thread

- (2) No person shall sell thread which —
- (a) is suitable for sewing purposes; and
  - (b) is not of linen, jute or ramie fibre, otherwise than by length:

Provided that, if such thread is sold to a manufacturer for manufacturing purposes, it shall be sold by length or weight.

#### FIRST SCHEDULE

(regulation 5)

#### **Prepacked articles which may be marked —**

#### **"Net Weight when Packed"**

1. Carbonate of soda, sulphate of soda or epsom salts.
2. Soap made in bar or tablet form.
3. Tobacco or snuff when prepacked in wrappers or containers which are not moisture-retaining.
4. Dried fruit when prepacked in wrappers or containers which are not moisture-retaining.
5. Cheese in its original wrappings.
6. Ham in its original wrappings or preserving materials.
7. Fertilizers.
8. Compound feeding stuffs for animals.
9. Seed potatoes.
10. Yeast.
11. Any grade of ferrous sulphate other than the exsiccated variety, zinc sulphate, copper sulphate, sodium sulphite, sodium thiosulphate or lead nitrate.
12. Wool.
13. Fresh mushrooms.

**SECOND SCHEDULE**

(regulation 6 (4))

**Abbreviations of Denominations**

<i>Denomination</i>		<i>Abbreviation</i>
	<b>WEIGHTS</b>	
kilogram		kg
gram		g
milligram		mg
metric carat		CM
	<b>MEASURES</b>	
litre		l
millilitre		ml
metre		m
millimetre		mm
cubic centimetre		cm <sup>3</sup>
cubic metre		m <sup>3</sup>

**THIRD SCHEDULE**

(regulations 5 and 7)

**PART I**

<i>Article</i>	<b>Standard Weight per bag</b>	<i>Net Weight</i>
Bakers cones		80kg
Barley		65kg
Barley (crushed or ground)		45kg
Bean meal		80kg
Bran (coarse maize)		35kg
Bran (wheaten, digestive)		40kg
Bran (fine maize)		65kg
Bran (rye)		45kg
Broken wheat		90kg
Buckwheat		65kg
Coal		90kg
Coke		40kg
Cow peas		90kg
Dried beans		90kg
Flour		80kg
Gram		90kg
Groundnut cake		65kg
Groundnut meal		90kg
Hominy chop		65kg
Hull-less barley (barley wheat)		90kg
Maize		90kg
Maize (crushed)		80kg
Maize flour		80kg
Maize germ feed (germ meal)		65kg
Maize feed meal		80kg

Maize meal	80kg
Maize rice or maize grits	80kg
Malt (sorghum)	80kg
Mixed poultry food	70kg
Oats	65kg
Oats (crushed or ground)	45kg
Onions	55kg
Potatoes	65kg
Potatoes (sweet)	55kg
Rice	70kg
Rye	90kg
Rye meal and flour	90kg
Samp	90kg
Sorghum	90kg
Sorghum meal	80kg
Soya beans	90kg
Sunflower seed	45kg
Sunhemp seed	90kg
Wheat	90kg
Wheaten feed bran	45kg
Wheaten feed pollard	65kg
Wheaten flour	90kg
Wheaten meal	90kg

#### PART 2

<i>Article</i>	<b>Standard Weight per pocket</b>	<i>Net Weight</i>
Onions		12,5kg
Potatoes		15kg

#### FOURTH SCHEDULE

(regulation 8 (1))

##### **Prepacked articles to be sold in prescribed quantities**

<i>Prepacked article</i>	<i>Quantity</i>
Bean meal and rice meal	100; 200; 500g; 1; 2; 5; 10; 20; 50kg
Beer	250; 340; 375; 450; 500; 750ml; 1 litre and integral multiples of 1 litre (450ml only in metal containers)
Benzine, linseed oil, petrol, turpentine substitute, methylated spirits	100; 200; 37; 500; 750ml; 1; 2; 2,25; 4,5; 5; 20; 25; 50; 200 litres and integral multiples of 1 litre above 200 litres
Beverages (soluble) and other similar products not otherwise prescribed	50; 100; 200; 500g; 1kg
Bird seed and bird seed mixtures	100; 200; 500g; 1; 2; 5; 10; 20; 50kg

Biscuits	Any quantity up to and including 75g; 125; 225; 250; 300g; 1; 1,5; 2; 5; 10kg
Brake fluid and automotive liquid chemicals	200; 500ml; 5; 20; 200; 210 litres and in the case of penetrating oil also 100ml
Breakfast foods manufactured from cereals	100; 150; 200; 250; 300; 350; 500g; 1; 1,5; 10; 20; 30kg
Bush tea and rooibos tea	50; 100; 200; 500g
Butter	250; 500g; 25kg
Cement	50kg
Coal, anthracite and coke	10; 20; 40; 50; 70; 90kg (70 and 90kg applicable to coal and anthracite)
Cocoa and drinking chocolate	Any quantity up to 62,5g; 125; 250; 500g; 1; 1,5; 2kg and multiples of 1kg
Coffee-ground, pure instant, mixtures, coffee beans and tea	Any quantity up to and including 62,5; 100; 125; 250; 500g; 1kg and multiples of 0,5kg up to 50kg
Cornflour, sago, semolina, tapioca and flour of bean, oats, pea, rice, sorghum, soyabean, or any other cereal not otherwise prescribed	500g; 1; 2; 2,5; 5; 12,5; 25; 50kg and the quantity per bag as prescribed
Dried beans	100; 200; 300g; 1; 2; 5; 10; 20; 50kg (only for rice also 100kg)
Dried fruit	Any quantity up to and including 62,5; 125; 250; 350; 500g; 1kg and multiples of 0,5kg above 1kg
Dripping, lard, margarine, animal or vegetable cooking fat	125; 250; 500g; 1kg and multiples of 0,5kg above 1kg
Edible oils (salad, cooking, etc.)	250; 500; 750ml; 1; 2,5; 5; 20; 50 and 200 litres and integral multiples of 1 litre above 200 litres
Groundnuts (shelled)	82; 90kg
Groundnuts (unshelled)	25; 30; 50kg
Honey	100; 200; 300g; 1 kg and multiples of 0,5kg above 1kg
Jams, jellies (jam type) and marmalade	Any quantity up to and including 113; 226; 340; 453; 680; 907g; 3,628kg; 22,68kg and any quantity when specially prepared for diabetics
Macaroni, spaghetti, vermicelli and egg noodles	125; 250; 500g

Maize meal and maize products	1; 2,5; 5; 12,5; 25; 50kg and the quantity per bag as prescribed
Milk and cream	125; 250; 500ml; 1 litre and integral multiples of 1 litre
Milk powder	50; 100; 125; 200; 250; 300; 500g; 1; 2; 10; 25kg
Onions	500g; 1; 2; 5; 12,5kg
Paint-liquid, enamel, lacquer in a condition ready for use, creosote or creosote substitute, varnish, wood stain or wood preservative	Any quantity up to and including 125ml; 250; 500ml; 1; 2; 5; 10; 20; 100; 200 litres and integral multiples of 1 litre above 200 litres
Paraffin and lubricating oil	Any quantity up to and including 50ml; 100; 200; 500ml; 1; 5; 20; 100; 200; 210 litres and integral multiples of 1 litre above 500 litres
Petroleum products (including grease) other than liquids	50; 100; 200; 500g; 5; 15; 50; 180kg
Potatoes	1; 2; 5; 15kg
Poultry and pigeon grain mixtures	1; 2; 10; 50kg
Rice	100; 200; 500g; 1; 2; 5; 10; 20; 50; 70; 100kg
Rye meal and rye flour	12,5; 25; 50kg and the quantity per bag as prescribed
Salt	500g; 1; 2; 50kg
Sugar excluding speciality sugars	250; 500g; 1; 2; 2,5; 12,5; 25; 50kg and when sold in 5 or 10 cent packs to be marked with actual net contents
Sugar -- castor and icing	500g; 25; 50kg
Syrup and treacle	250; 500g; 1; 2; 4; 25kg
Vinegar	Any quantity up to and including 100ml; 200; 375; 500; 750ml; 1; 1,5; 2; 2,25; 4,5; 5; 20; 25; 50; 200 litres and integral multiples of 1 litre above 200 litres
Wheaten meal and wheaten flour	1; 2,5; 5; 12,5; 25; 50kg and the quantity per bag as prescribed
Wool	10; 20; 25g and integral multiples of 20g or 25g

Dated the 2nd day of May, 1973.

S.T. KETLOGETSWE,  
*for Minister of Commerce and Industry.*