

TRIBAL LAND (AMENDMENT) ACT, 1976

No. 21



of 1976

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Act 54 of 1968
3. Amendment of section 10 of principal Act
4. Amendment of section 24 of principal Act
5. Amendment of First Schedule to principal Act
6. Amendment of Second Schedule to principal Act
7. Insertion of new Schedules to principal Act
8. Mineral rights to remain vested in State

An Act to amend the Tribal Land Act, 1968

Date of Assent : 4.8.76

Date of Commencement : 10.8.76

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Tribal Land (Amendment) Act, 1976. Short title
2. Section 2 of the Tribal Land Act, 1968, (hereinafter referred to as "the principal Act"), is amended by substituting for paragraph (b), appearing in the definition of "tribal area", the new paragraph following — Amendment of section 2 of Act 54 of 1968

“(b) the areas defined in the Second, Third, Fourth and Fifth Schedules;”.
3. Section 10 of the principal Act is amended — Amendment of section 10 of principal Act
 - (a) in subsection (1) thereof, by deleting the words “of the chief and tribe”, which appear therein; and
 - (b) in subsection (2) thereof, by deleting the words “chief or other”, which appear therein.

Amendment
of section 24
of principal
Act

4. Section 24 of the principal Act is amended —

(a) by substituting for subsection (1A) thereof the new subsection following —

“(1A) A land board may not grant land under this section without the consent in writing of the Minister.”;

(b) by substituting for subsections (3), (4) and (5) thereof the new subsections following —

“(3) The boundaries of a grant of land under this section shall, within 3 months of the execution of the grant, be demarcated by the grantee, and throughout the currency of the grant be maintained by the grantee, to the satisfaction of the land board, and if such boundaries are not so demarcated or so maintained the grant shall terminate.

(4) A grant under this section shall be registered by the grantee within 6 months of his being called upon so to do by the land board; should the grantee fail to so register, the grant shall terminate on the expiry of the 6 months' notice:

Provided that nothing in this subsection shall prohibit the grantee registering the grant at any time prior to such notice being given.

(5) Unless the Director of Surveys and Lands in any case otherwise directs, a grant tendered for registration under subsection (4) shall be accompanied by a diagram or plan approved by the Director of Surveys and Lands as being adequate for the definition of the boundaries of the area subject to the grant.

(6) Notwithstanding the demarcation of the boundaries by the grantee under subsection (3), the interpretation of the boundaries for the purposes of making an approved diagram or plan under subsection (5) shall be made by the Director of Surveys and Lands.

(7) A grant under this section shall, subject to section 26, have the like effect as any equivalent grant made by the State.”.

Amendment
of First
Schedule
to principal
Act

5. The First Schedule to the principal Act is amended by adding at the end thereof the new entries following —

<i>“First Column</i>	<i>Second Column</i>	<i>Third Column</i>
The area defined in the Third Schedule to this Act	Chobe Land Board	(a) The person elected from among the sub-chiefs in the Chobe District in accordance with section 79 (1) of the Constitution, <i>ex officio</i> ;

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| The area defined in the Fourth Schedule to this Act | Kgalagadi Land Board | <ul style="list-style-type: none"> (b) two members from the councillors of the North-West District Council representing constituencies in the Chobe District, <i>ex officio</i>; (c) three members appointed by the Minister, one of whom shall be a sub-chief in the area. (a) The person elected from among the sub-chiefs in the Kgalagadi District in accordance with section 79 (1) of the Constitution, <i>ex officio</i>; (b) two members elected in the prescribed manner by an electoral college from among the members of that college, being the members of the Kgalagadi District Council, excluding nominated members; (c) three members appointed by the Minister, one of whom shall be a sub-chief in the area. |
| The area defined in the Fifth Schedule to this Act | Ghanzi Land Board | <ul style="list-style-type: none"> (a) The person elected from among the sub-chiefs in the Ghanzi District in accordance with section 79 (1) of the Constitution, <i>ex officio</i>; (b) two persons elected in the prescribed manner by an electoral college from among the members of that college, being the members of the Ghanzi District Council, excluding nominated members; (c) three members appointed by the Minister, one of whom shall be a sub-chief in the area." |

6. The Second Schedule to the principal Act is amended — Amendment of Second Schedule to principal Act

(a) by renumbering the existing paragraph as paragraph (1) thereof; and

(b) by adding at the end thereof the new paragraphs following —

“(2) The Farm 8-OQ together with that portion of the remainder of the Tati Concession between the area described in paragraph (1) and the Railway Strip No. 9-OQ and between Farm 8-OQ and the Railway Strip No. 9-OQ.

(3) The Farms 10-OQ, 12-OQ, 49-OQ, 50-OQ, 59-OQ, 78-OQ and 90-OQ, together with those portions of the remainder of the Tati Concession:

(a) bounded as follows —

- (i) on the north by the southern boundary of Buxton's Farm formerly shown as No. 153 on the “Plan of the Tati Territory” No. NQ-2 filed in the Department of Surveys and Lands of the Botswana Government;
- (ii) on the west by the median line of the Sinyow River and Pendennis Estate No. 39-OQ;
- (iii) on the east by the International boundary between Botswana and Rhodesia;
- (iv) on the south by the continuation eastwards to the international boundary between Botswana and Rhodesia of the southern boundary of Pendennis Estate No. 39-OQ;

(b) situated between the Railway Strip No. 9-OQ and the international boundary between Botswana and Rhodesia north of the northern boundary of Buxton's Farm and the northern boundary of Farm 16-OQ and the continuation westwards of the latter boundary to the Railway Strip No. 9-OQ.

(4) The Farm 3-OQ together with that portion of the remainder of the Tati Concession immediately south of the area described in paragraph (1).

(5) That portion of the remaining extent of the Farm Tati South 77-OQ bounded on the east by the Railway Strip No. 9-OQ, on the north by the southern boundary of Farm 68-NQ and its continuation eastwards to the Railway Strip No. 9-OQ and on the west by the median line of the Shashe River.

(6) The Farm 57-NQ, 58-NQ, 67-NQ and 68-NQ.

(7) Portions 13, 14 and 15 of the Farm Tati South 77-NQ.

(8) Portion 28 of the Farm Tati South 77-NQ and that portion of the remainder of Farm Tati South 77-NQ bounded on the west by Portion 30 of Farm Tati South 77-NQ, on the north by the median line of the Tati River and on the south by the median line of the Shashe River.

(9) That portion of the remainder of the Tati Concession bounded as follows —

- (a) on the west by the eastern boundary of the Railway Strip No. 9-OQ;
- (b) on the east by the Farms 59-OQ, 50-OQ, 49-OQ, Pendennis Estate No. 39-OQ, 19-OQ, 17-OQ and 16-OQ respectively;
- (c) on the north by the continuation westwards to the Railway Strip No. 9-OQ of the northern boundary of Farm 16-OQ;

- (d) on the south by the continuation westwards to the Railway Strip No. 9-OQ of the southern boundary of Farm No. 59-OQ.
- (10) The Farms 51-OQ and 58-OQ.
- (11) The Farms 44-OQ, 54-OQ, 64-OQ, 65-OQ, 70-OQ, 71-OQ, 72-OQ, 73-OQ, 74-OQ and 75-OQ.
- (12) The Farms 86-OQ and 95-OQ.
- (13) Portions 20, 22 and 24 of the Farm Tati South 77-NQ.
- (14) The Farms 38-NQ, 39-NQ, 49-NQ, 50-NQ, 51-NQ, 52-NQ and 74-NQ. The whole of the foregoing areas will more fully appear edged red on deposited Copy Plan BP-181 filed in the Department of Surveys and Lands."

7. The principal Act is amended by inserting at the end thereof the new Schedules following —

Insertion of
of new
Schedules to
principal Act

THIRD SCHEDULE

Chobe Tribal Area

Commencing at a point 4 km west of Shaile on the Chobe River, being the international boundary between the Caprivi Strip and Botswana, the boundary runs eastwards along the said international boundary to its intersection with the western boundary of the Chobe National Park near Ngoma; thence southwards along the western boundary of the Chobe National Park to Namuchira Pan; thence westwards and generally south-westwards along the western boundary of Chobe National Park to Katsaba Pits; thence west-northwestwards to a point 6 km northeast of Trigonometrical Station BPP 91 on Goha Hills; thence continuing west-northwestwards to Sisuma Pan; thence northwestwards to the point of commencement, as will more fully appear edged red on Plan BP-182 (a) filed in the Department of Surveys and Lands.

FOURTH SCHEDULE

Kgalagadi Tribal Area

Commencing at Twee Rivieren on the Nossop River, being the international boundary between South Africa and Botswana, the boundary runs eastwards and north-eastwards along the southern and southeastern boundaries of the Gemsbok National Park; thence eastwards, northwards and westwards along the southern, eastern and northern boundary of the Mabuasehube Game Reserve; thence west-northwestwards along the northern boundary of the Gemsbok National Park to its intersection with the Botswana/Namibia international boundary; thence northwards along the said boundary to its intersection with latitude 23° 19' south; thence eastwards along latitude 23° 19' south to its intersection with the western boundary of the Bakwena Tribal Territory, thence southwards along the said western boundary, the western and southern boundary of the Bangwaketse Tribal Territory, and western boundaries of the Molopo Farms to its intersection with the Molopo River, being the Botswana/South Africa international boundary; thence generally westwards, southwestwards and westwards along the Molopo River to its intersection with the Nossop River; thence northwards along the Nossop River to the point of commencement, as will more fully appear edged red on Plan BP-182 (c) filed in the Department of Surveys and Lands.

FIFTH SCHEDULE
Ghanzi Tribal Area

Commencing at the intersection of latitude 21° south and longitude 21° east, being a point on the international boundary between Botswana and Namibia, the boundary runs eastwards along latitude 21° south to its intersection with the western boundary of the Ngwato District; thence in a southeasterly direction to Beacon A of Diagram SG. No. 25/69 of Farm No. 1-LO; thence southwestwards following the boundaries of Farm No. 1-LO to Beacon E of the said Diagram; thence westwards to the north-western corner point of the Kweneng District; thence continuing westwards to the point of intersection of the parallel of latitude which passes through Beacon B of Diagram SG. No. 26/69 of Farm No. 2-LO with longitude 20° east, being a point on the international boundary between Botswana and Namibia; thence northwards along the meridian longitude 20° east to its intersection with latitude 22° south, being a point on the international boundary between Botswana and Namibia; thence eastwards along the parallel of latitude 22° south to its intersection with the meridian longitude 21°, being a point on the international boundary between Botswana and Namibia; thence northwards along the meridian longitude 21° east to the point of commencement, excluding —

The Central Kalahari Game Reserve, the Xanagas Block Farms, the Ghanzi Block Farms and a belt 15 km wide around the Ghanzi Farm Block until it intersects the international boundary and the Central Kalahari Game Reserve, as will more fully appear edged red on Plan BP-182 (b) filed in the Department of Surveys and Lands.”

Mineral
rights to
remain vested
in State

8. (1) Where by this Act any land is incorporated in a tribal territory or vested in a land board, such incorporation or vesting shall not affect the ownership of any minerals in such land and the ownership of such minerals shall remain vested in the State.

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(2) For the purposes of subsection (1), “mineral” shall mean any substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth, formed by or subject to a geological process, but excluding public or private water when used for a primary, secondary or tertiary use, as defined in the Water Act, 1967.”

Passed by the National Assembly this 21st day of July, 1976.

I.P. GONTSE,
Clerk of the National Assembly.