

Statutory Instrument No. 149 of 1976

TRIBAL LAND ACT, 1968
(54 of 1968)

TRIBAL LAND (AMENDMENT) REGULATIONS, 1976

(Published on 22nd October, 1976)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 21 of S.I. 7 of 1970
3. Substitution of regulation 22 of principal Regulations
4. Substitution of regulation 23 of principal Regulations
5. Amendment of regulation 26 of principal Regulations
6. Substitution of regulation 27 of principal Regulations
7. Amendment of regulation 29 of principal Regulations
8. Substitution of regulation 30 of principal Regulations
9. Amendment of First Schedule to principal Regulations

IN EXERCISE of the powers conferred by section 37 of the Tribal Land Act, 1968, the Minister of Local Government and Lands hereby makes the following Regulations —

1. These Regulations may be cited as the Tribal Land (Amendment) Regulations, 1976. Citation
2. Regulation 21 of the Tribal Land Regulations, 1970, (hereinafter referred to as “the principal Regulations”), is amended — Amendment
of regulation
21 of S.I. 7 of
1970
 - (a) in subregulation (2) thereof, by substituting for the words “through the office of the Minister to the President”, which appear therein, the words “to the Minister”;
 - (b) by substituting for subregulations (6), (7) and (8) thereof the new subregulations following —

“(6) If the Minister consents to the proposed grant, the land board shall inform the applicant that it proposes to execute an agreement in his favour, shall supply him with five copies of the proposed agreement and shall request him, if he accepts the proposed agreement, to sign and return to the land board all five copies thereof.

(7) If the applicant accepts the proposed agreement and returns all five copies duly signed, the Chairman or Secretary of the land board, if duly authorized thereto by resolution of the land board, shall thereupon execute the five copies of the agreement, with a sketch plan attached thereto, granting the land concerned to the applicant.

(8) On execution of the agreement the land board shall —

 - (a) retain one signed copy;
 - (b) transmit a further signed copy to the applicant; and
 - (c) transmit the remaining three copies to the Director of Surveys and Lands who shall deposit two copies in safe custody for issue

to the applicant in the event of registration under regulation 22.”; and

(c) in subregulation (9) thereof, by deleting the words “the President or” and “, as the case may be,” which appear therein.

Substitution
of regulation
22 of principal
Regulations

3. The principal Regulations are amended by substituting for regulation 22 thereof the new regulation following —

“Registration of grant under section 24 22. (1) Should the land board require the grant to be registered under section 24 (4), then the board shall serve notice on the grantee in Form 2 set out in the First Schedule.

(2) Should the grantee wish to register the grant or should he be served with a notice under subregulation (1), he shall at his own expense obtain a diagram or plan of the land concerned certified by the Director of Surveys and Lands that the diagram or plan properly represents the land subject to the grant.

(3) On receipt of the diagram or plan certified in terms of subregulation (2) the grantee shall obtain from the Director of Surveys and Lands the two signed copies of the agreement deposited in terms of regulation 21 (8) and shall submit such copies, together with the certified diagram or plan and the prescribed fee, by registered post or in person to the Registrar of Deeds who shall register the agreement and return one copy of each of the aforementioned documents to the grantee by registered post.

(4) The Registrar of Deeds shall notify the Director of Surveys and Lands and the Secretary of the land board concerned of any grant registered in terms of this regulation.”.

Substitution
of regulation
23 of principal
Regulations

4. The principal Regulations are amended by substituting for regulation 23 thereof the new regulation following —

“Form of grant under section 24 23. An agreement of grant of ownership or grant of lease shall be in such form as the Minister may approve.”.

Amendment
of regulation
26 of principal
Regulations

5. Regulation 26 of the principal Regulations is amended —

(a) in subregulation (4) thereof, by substituting for the words “in duplicate”, which appear therein, the words “in quintuplicate”; and
(b) by substituting for subregulation (6) thereof the new subregulation following —

“(6) Three copies of every such amendment or endorsement shall be transmitted by the land board to the Director of Surveys and Lands who shall deposit two copies thereof in safe custody for issue to the applicant in the event of registration.”.

Substitution
of regulation
27 of principal
Regulations

6. The principal Regulations are amended by substituting for regulation 27 thereof the new regulation following —

“Registration of endorsement in pursuance of section 27 27. (1) Where an application referred to in regulation 26 (2) (b) has been allowed and the relevant endorsement has been executed on behalf of the land board, the land board shall deliver one executed copy of the endorsement to the applicant.

(2) If the endorsement refers to a grant which has been registered in the Deeds Registry, the applicant shall obtain from the Director of Surveys and Lands the two signed copies of the agreement deposited in terms of regulation 21 (8) and shall tender both such copies to the Registrar of Deeds, together with the fee prescribed in the Deeds Registry Regulations, and his copy of the registered grant.

(3) On receipt of the documents specified in subregulation (3) the Registrar shall register the endorsement and return one copy thereof, together with the applicant's copy of the grant to the applicant by registered post."

7. Regulation 29 of the principal Regulations is amended —

(a) by renumbering it as subregulation (1) thereof; and

(b) by inserting at the end thereof the new subregulation following —

"(2) Where an order is obtained in respect of a grant which has not been registered, the Secretary of the land board concerned shall notify the Minister and the Director of Surveys and Lands who shall endorse their copies of the grant accordingly."

8. The principal Regulations are amended by substituting for regulation 30 thereof the new regulation following —

30. Where a land board decides to grant land to the State under the provisions of section 32, the procedure for registration shall be as for a grant made under section 24."

9. The First Schedule to the principal Regulations is amended by substituting for Forms 2, 3 and 4, which appear therein, the new form following —

"Form 2

REPUBLIC OF BOTSWANA
TRIBAL LAND ACT, 1968

Order for registration under section 24 (4)

IN EXERCISE of the powers conferred by section 24 (4) of the Tribal Land Act, 1968, I,
Chairman/Secretary of the
land board hereby call upon you
to register the grant, subject of an agreement between the
land board and you.

DATED this day of, 19.....

.....
Chairman/Secretary.

MADE this 19th day of October, 1976.

B.G. MAKOBOLE,
Permanent Secretary,
Ministry of Local Government and Lands.

Amendment
of regulation
29 of principal
Regulations

Substitution
of regulation
30 of principal
Regulations

Amendment
of First
Schedule to
principal
Regulations