

Statutory Instrument No. 128 of 1980

DIAMOND CUTTING ACT, 1979
(25 of 1979)

DIAMOND CUTTING REGULATIONS, 1980

(Published on 14th November, 1980)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Application for licence
3. Licence
4. Annual charge
5. Notes
6. Packing and sealing of diamonds for export
7. Diamonds to be sent by registered post
8. Application for permit to export, etc.
9. Issue of permit
10. Record to be kept by licensee
11. Daily record
12. Recognizance
13. Manner of printing name, style, etc., of licensee

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Mineral Resources and Water Affairs by section 34 of the Diamond Cutting Act, 1979, the following Regulations are hereby made —

1. These Regulations may be cited as the Diamond Cutting Regulations, 1980. Citation
2. An application for a licence, in terms of section 6, shall be in Form 1 set out in the Schedule. Application for licence
3. A licence issued in terms of section 4 shall be in Form 2 set out in the Schedule. Licence
4. The annual charge for a licence, under section 5, shall be as follows Annual charge
—

diamond cutter's licence	— P100
diamond research licence	— P10
diamond toolmaker's licence	— P100
5. (1) A note of sale and purchase or of delivery and receipt, under section 17, shall be in Form 3 set out in the Schedule, which note shall be retained by the licensee for a period of at least 5 years. Notes
(2) Any person who falsely completes any note required under subregulation (1) shall be guilty of an offence and liable on conviction thereof to a fine not exceeding P300 or to a term of imprisonment not exceeding 6 months.
6. (1) The packing and sealing of diamonds for export in accordance with sections 20 and 21 shall be in the following manner — Packing and sealing of diamonds for export
(a) the diamonds shall be placed in a box, which box shall be wrapped in two coverings of linen-lined paper;

	<p>(b) in the presence of the Mining Commissioner or his designated representative, the inner cover shall be sealed with the seal of the exporter at two or more places and the address of the consignee shall be inscribed thereon; and</p> <p>(c) the outer cover shall be tied over the box with tape and sealed in 4 places with the seal of the exporter, the end of the tape to bear the seal or other identification of the Mining Commissioner, and shall bear thereon the address of the consignee, the signature of the Mining Commissioner or his designated representative and the date of the sealing.</p> <p>(2) For the purposes of this regulation "diamonds" shall mean a cut or an unpolished diamond.</p>
Diamonds to be sent by registered post 10 of 1980	7. Where diamonds are to be sent by mail, such diamonds shall be packed and sealed in the manner prescribed for consignment by registered post in accordance with the provisions of the Post Office Act, 1980.
Application for permit to export, etc.	8. An application for a permit to export or sell or deliver or dispose of any unpolished diamond, in terms of section 20, shall, with the written approval of the Botswana Diamond Valuing Company (Proprietary) Limited, be made to the Minister, in Form 4 set out in the Schedule.
Issue of permit	9. A permit issued under regulation 8 shall be in Form 5 set out in the Schedule.
Record to be kept by licensee	10. (1) The record to be kept by a licensee in terms of section 22 shall be in Form 6 set out in the Schedule. (2) In recording the particulars prescribed by this regulation a diamond of a value of P2 000 or more or of a weight of 10 carats or more shall be recorded separately.
Daily record	11. A daily record, in terms of section 24, shall be in Form 7 set out in the Schedule.
Recognizance	12. A recognizance, in terms of section 11, shall be in Form 8 set out in the Schedule.
Manner of printing name, style, etc., of licensee	13. The particulars required to be affixed by a licensee or a body whose nominee is licensed under the Act, in terms of section 15 (4), shall be printed in capital letters at least 5 centimetres in height and be plainly visible and legible.

SCHEDULE
 REPUBLIC OF BOTSWANA
 DIAMOND CUTTING ACT, 1979
 (25 of 1979)

Form 1

APPLICATION FOR A LICENCE
 (section 6 and regulation 2)

1. (a) Full name
- (b) Date of birth
- (c) Nationality (state name of country)
2. Residential address
3. Occupation
4. If not a citizen of Botswana:
- (a) state date of arrival in Botswana
- (b) give particulars of employment or occupation prior to entry into Botswana:

<i>Period of employment or occupation</i>	<i>Capacity</i>	<i>Place</i>

5. (a) State capacity in which application is made (personal/director of company/partner)
- (b) If in partnership, state:
- (i) name(s) of other partners
- (ii) date(s) of birth
- (iii) nationalities (state name of country)
- (iv) occupation(s)
6. State class of licence applied for:
 diamond cutter/diamond research*/diamond toolmaker's
7. Give particulars of plant you propose to erect at commencement of operations:
- No.
- (a) cutting machines
- (b) mills
- (c) sawing machines
- (d) other (specify)

8. Give number to be employed of the following:

No.

- (a) cleavers
- (b) cutters
- (c) polishers
- (d) sawyers
- (e) other (specify)

9. State financial position:

- (a) value of property P
- (b) cash on hand P
- (c) other assets P
- (d) capital you intend to invest P
- (e) will you receive financial support? If yes, state:

- (i) name of supporter
- (ii) amount of financial support P
- (iii) Conditions on which such support will be given
-
-
-
-
-

(This information to be supported by such documentary evidence as the Minister may require).

10. (a) Have you ever been declared insolvent?

(b) If "Yes", state whether and when rehabilitated

11. (a) Have you ever been convicted of an offence within or outside Botswana?

- (b) If "Yes", state:
 - (i) nature of offence
 - (ii) penalty imposed
 - (iii) where convicted

I, the undersigned, am aware that any statement I have made in this application which is false or incomplete will automatically render me ineligible to be issued with the licence applied for and liable to prosecution. I swear that the above information is true and complete.

Date
Signature of Applicant

SWORN before me at this day of

19

*Delete where inapplicable

Commissioner of Oaths

REPUBLIC OF BOTSWANA
DIAMOND CUTTING ACT, 1979
(25 of 1979)

Form 4

APPLICATION FOR PERMIT
(section 20 and regulation 8)

I,

of

hereby apply for a permit to *export/sell/deliver/dispose of carats of (state class of diamonds)

.....

to the value of P.....

to

of

Date

*Delete where inapplicable

REPUBLIC OF BOTSWANA
DIAMOND CUTTING ACT, 1979
(25 of 1979)

Form 5

PERMIT
(section 20 and regulation 9)

Permission is hereby granted to

of

to *export/sell/deliver/dispose of carats of (state class of diamonds)

.....

to the value of P.....

to

of

.....
Minister of Mineral Resources and Water Affairs

Date

*Delete where inapplicable

REPUBLIC OF BOTSWANA
DIAMOND CUTTING ACT, 1979
(25 of 1979)
RECOGNIZANCE
(section 11 and regulation 11)

Form B

WHEREAS on the day of 19... there appeared before me,
..... the following persons:

- (a)
- (b)
- (c)

who in my presence and in the presence of each other acknowledge themselves to owe to the Government of Botswana the sum of P1 000 and, in the event of the said (a),

being the holder of a
(insert class of licence)

issued to him in terms of section 7 of the Diamond Cutting Act, 1979, at any time during the currency of the licence failing or neglecting to comply with the conditions herein contained, to be jointly and severally liable therefor.

AND WHEREAS the said (b)

and (c) have, at the same time, expressly renounced the benefits arising out of the exceptions *ordinis seu excussionis et divisionis, senatusconsultum velleianum* and the *authentica si qua mulier*, and have acknowledged themselves to be well acquainted with the meaning and effect of these exceptions.

AND WHEREAS the said (a)

(b) and

(c) have agreed and declared to bind themselves, their heirs, executors and assigns as sureties and co-principals for the due payment within one month of the said sum of P1 000 becoming due and payable under this recognizance.

CONDITIONS

1. The said (a) shall at all times during the currency of the licence issued to him comply strictly with the provisions of the Diamond Cutting Act, 1979, any regulations made thereunder and any condition subject to which the licence was granted.
2. Notwithstanding anything to the contrary herein contained, in the case of any offence which may be committed by the said (a)

under the Diamond Cutting Act, 1979, during the currency of his licence, this recognizance shall remain enforceable for a period of two years following the expiry of the licence.

IN WITNESS whereof the said (a)

(b) and

(c) have

hereunto set their hands in my presence this day of 19...

Magistrate

Signed (a)

Signed (b)

Signed (c)

MADE this 7th day of November, 1980.

G.K.T. CHIEPE,
Minister of Mineral Resources and Water Affairs.