

# ROAD TRANSPORT (PERMITS) (AMENDMENT) ACT, 1989

No. 21



of 1989

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of section 2 of the principal Act
3. General amendment
4. Amendment of section 3 (5) of the principal Act
5. Amendment of section 6 of the principal Act
6. Amendment of section 7 of the principal Act
7. Amendment of section 10 of the principal Act
8. Amendment of section 11 of the principal Act
9. Amendment of section 17 of the principal Act

**An Act to amend the Road Transport (Permits) Act**

*Date of Assent:* 5th September, 1989.

*Date of Commencement:* 15th September, 1989.

ENACTED by the Parliament of Botswana.

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|---|---|
| 1. This Act may be cited as the Road Transport (Permits) (Amendment), Act, 1989.  | Short title                                     |
| 2. Section 2 of the Road Transport (Permits) Act, hereinafter referred to as the Act, is amended by deleting the definition of "Secretary" and inserting in its correct alphabetical order the following definition —<br>"Controller" means the Road Transport Controller appointed in accordance with section 3".  | Amendment of section 2 of the principal Act     |
| 3. The Act is amended by substituting for the word "Secretary" wherever it appears, either on its own or in conjunction with the word "Transport", the word "Controller".   | General amendment                               |
| 4. (a) Provisos (i) and (iii) of section 3 (5) are amended by substituting for the words "C permit" whenever they appear the words "permit for the carriage of goods on own account".<br>(b) Section 3 (5) is amended by substituting for proviso (ii) thereof the following proviso —<br>"(ii) for the issue of BS, TS and short term permits under the provisions of section 10". | Amendment of section 3 (5) of the principal Act |

Amendment  
of section 6  
of the  
principal  
Act

5. Section 6 is amended by renumbering subsection (7) thereof as subsection (9) and by substituting for subsections (1) — (6) the following subsections —

“(1) The following classes of permits may be issued under this Act —

- (a) Botswana operations annual permit (in this Act referred to as a BA permit);
- (b) Botswana operations single trip permit (in this Act referred to as a BS permit);
- (c) Transit operations annual permit (in this Act referred to as a TA permit);
- (d) Transit operations single permit (in this Act referred to as a TS permit);
- (e) Passenger transport permit (in this Act referred to as a P permit).

(2) Botswana operations pertain to the movement of goods that originate in or are destined for places in Botswana. This covers internal traffic within Botswana, imports from across borders to places in Botswana and exports from Botswana to places across borders.

(3) Transit operations pertain to the movement of goods that transit Botswana and neither originate from nor are destined for places in the country.

(4) A P permit shall entitle the holder thereof to use the authorized public service vehicle, subject to any conditions attached to the permit, to carry passengers and baggage for hire or reward or on own account.

(5) (a) The Controller may issue BA and BS permits to allow the holders thereof to use the authorized vehicle, subject to any conditions attached to the permit, for the carriage of goods on own account only.

(b) Notwithstanding anything in this Act contained, the Controller may, in case of emergency and subject to such conditions as he thinks fit to impose, authorize the holder of such a permit to use an authorized vehicle for the carriage of goods for any person to whom he lets the vehicle, if the Controller is satisfied that the needs for such person cannot conveniently be met from other sources.

(6) The Controller may issue a BA or BS permit with an endorsement entitling the holder thereof to use the authorized public service vehicle, subject to any conditions attached to the permit, to carry passengers for hire or reward in addition to goods for hire or reward or on own account. The holder will be charged the fees of a BA or BS permit as applicable.

(7) The Controller may issue a TA permit with an endorsement entitling the holder thereof to operate the authorized vehicle, subject to any conditions attached to the permit, additionally

for the carriage of goods under a BA permit. The holder will be charged the higher of the fees in existence pertaining to the TA or BA permit.

(8) The Controller may issue any of the above permits with an endorsement which shall entitle the holder thereof to hire out the authorized vehicle for the carriage of goods or passengers, such vehicle to be driven by —

- (a) the hirer;
- (b) a member of the family of the hirer;
- (c) where the hirer is a company, a director of the company;
- or
- (d) an employee of the hirer.”

6. Section 7 is amended —

(a) by substituting for the marginal note thereto the following —

“Use of foreign registered vehicles”; and

(b) by deleting subsections (1), (2) and (3) thereof.

7. Section 10 is amended —

(a) by substituting for the first paragraph in subsection (1) thereof the following —

“(1) Subject to the provisions of subsections (2) and (3), BA and TA permits shall, unless previously revoked, remain in force for four quarters of the year. Annual permits shall expire on the last day of the fourth quarter following the date of issue, the quarter in which the permit is issued being the first quarter.”;

(b) in subsection (2) thereof by substituting for the words “a permit of any class may be granted” the words “a BS, TS or P permit may be granted for one trip or endorsed”; and

(c) by the addition of the following subsection —

“(6) The fees to be paid for short term permits shall be —

(a) for a single trip, the fees in force for BS, TS or P permits; or

(b) for periods of up to 3 months, the BA fees in force for local operations, TS fees in force for single transit operations or P fees in force for passenger operations.”

8. Section 11 of the Act is amended by the addition of the following subsection —

“(5) Notwithstanding the provisions of this Part the Minister may, if he is satisfied that it is in the National interest to do so, revoke any permit issued under this Act, either with immediate effect or within such period as he may consider necessary, or may impose any conditions for its continuation as he may consider necessary.”.

9. Section 17 is amended —

(a) in subsection (2) (e) thereof by substituting for the words “a B permit” the words “BA and BS permits”; and

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*(b)* in subsection (3) thereof by substituting for the words "D permit" the words "P permit".

**PASSED** by the National Assembly this 2nd day of August, 1989.

**C.G. MOKOBI,**  
*Clerk of the National Assembly.*