

**TRIBAL LAND ACT**  
(Cap 32:02)

**TRIBAL LAND (AMENDMENT) REGULATIONS, 1994**  
(Published on 15th July, 1994)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Citation
2. Amendment of regulation 3, Cap. 32:02 Sub.leg
3. Amendment of regulation 5
4. Amendment of regulation 6
5. Amendment of regulation 7(4)
6. Amendment of regulation 8(1)
7. Amendment of regulation 10(3)
8. Amendment of regulation 12
9. Amendment of regulation 13(2)
10. Amendment of regulation 14
11. Amendment of regulation 16
12. Amendment of regulation 17(2)
13. Amendment of regulation 18(1)
14. Amendment of regulation 19
15. Amendment of regulation 20
16. Replacement of regulation 22
17. Amendment of regulation 23
18. Amendment of regulation 24
19. Amendment of regulation 25

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

- |  |   |
|--|---|
| Citation   | 1. These Regulations may be cited as the Tribal Land (Amendment) Regulations, 1994.   |
| Amendment<br>of regulation<br>3<br>Cap. 32:09<br>Sub.leg | 2. Regulation 3 of the Tribal Land Regulations, hereinafter referred to as “the Regulations” is amended —<br>(a) in subregulation (1) by adding at the end thereof the words “and a deputy chairman who shall act as chairman of any meeting at which the chairman is absent”;<br>(b) in subregulation (2) by adding immediately after the word “chairman” in line 1 the words “and the deputy chairman”, by adding immediately after the word “chairman” in line 2 the words “or deputy chairman, as the case may be”, and by inserting immediately after the word “chairman” in the proviso the words “or of the deputy chairman”;<br>(c) in subregulation (3) by inserting immediately after the word “chairman” in line 2 thereof the words “or deputy chairman” and by adding at the end thereof the words “, or the new deputy chairman of the board, as the case may be.”; and |

- (d) in subregulation (4) by inserting immediately after the word “board” in line 3 thereof the words “and where the deputy chairman is also unable or not readily available to perform the functions of the chairman,”.
3. Regulation 5 of the Regulations is amended by renumbering it as subregulation (1) thereof and by adding the following new subregulations — Amendment of regulation 5
- “(2) The district council shall consider the land board’s proposal, and if it disagrees with it the council shall, within a period of six months from the date of receipt of such proposal, so inform the land board, giving the reasons for its disagreement in writing.
- (3) The land board shall not be obliged to accept the district council’s opinion, but if it rejects it the land board shall inform the Minister of its decision, confirming that the district council was consulted, accurately reporting the council’s disagreement and the reasons given therefor, and at the same time stating its own reasons for rejecting the council’s opinion.
- (4) After due consideration of the report from the land board, the Minister may make such order in respect of the matter as he thinks fit, and the district council and the land board concerned shall comply with the Minister’s order.”
4. Regulation 6 of the Regulations is amended — Amendment of regulation 6
- (a) in subregulation (1) thereof by inserting immediately after the word “shall” in line 1 the words “produce his national identity card, and”, and by substituting for paragraph (g) thereof the following new paragraph —
- “(g) what other land rights the applicant possesses in the tribal territory concerned and in any other tribal territory or city or town.”; and
- (b) in subregulation (2) thereof by deleting the words “he has any objection to” and by inserting immediately after the words “right applied for” the words “ will conflict with other peoples’ land rights, or with present land use,”.
5. Regulation 7(4) of the Regulations is amended by substituting for the words and figures “not exceeding P50 or to a term of imprisonment for a term not exceeding three months, or to both” the words and figures “of P100 and to imprisonment for three months” Amendment of regulation 7(4)
6. Regulation 8(1) of the Regulations is amended — Amendment of regulation 8(1)
- (a) by substituting for the word “tribesman” appearing in paragraph (a) thereof the words “citizen of Botswana”;
- (b) by adding after paragraph (c) thereof the following new paragraph —
- “(d) whether or not the size of the land applied for and its location are suitable for the proposed use.”.
7. Regulation 10(3) of the Regulations is amended by substituting for the words and figures “not exceeding P50 or to imprisonment for a term not exceeding three months, or to both” the words and figures “of P100 and to imprisonment for three months” Amendment of regulation 10(3)
8. Regulation 12 of the Regulations is amended — Amendment of regulation 12
- (a) by substituting for subregulation (1) thereof the following new subregulation —
- “(1) Any aggrieved person wishing to appeal against the decision of a land board on an application for a grant of customary rights to the use of land do so by lodging notice of appeal with the Minister.”;
- (b) by substituting for subregulations (3) and (4) thereof the following new subregulations —

**“(3) Where an appellant requires assistance in formulating or lodging an appeal, he may seek such assistance from the district commissioner of the area concerned, and the district commissioner may thereupon, personally or by an administrative officer, render such assistance and forward the notice of appeal to the Minister within 30 days of being asked for such assistance, with a copy to the land board concerned.**

**(4) Where the appellant is not the applicant, a copy of the notice of appeal shall at the same time be served on the applicant.”**

**Amendment  
of regulation  
13(2)**

**9. Regulation 13(2) of the Regulations is amended by substituting for the words “as provided in regulation 12(3) and (4)” the words “if necessary as provided in regulation 12(3)”, and by deleting the words “by the district commissioner or administrative officer”.**

**Amendment  
of regulation 14**

**10. Regulation 14 of the Regulations is amended in subregulation (2) by substituting for the words and figures “not exceeding P50 or to imprisonment for a term not exceeding three months, or to both” the words and figures “of P100 and to imprisonment for three months”.**

**Amendment  
of regulation 16**

**11. Regulation 16 of the Regulations is amended —**

**(a) by substituting for subregulation (1) thereof the following new subregulation —**

**“(1) Any aggrieved person wishing to appeal against a decision of a land board to cancel customary rights to the use of land shall do so by lodging notice of appeal with the Minister, at the same time serving a copy of the notice on the land board concerned.”; and**

**(b) by substituting for subregulations (3) and (4) thereof the following new subregulation —**

**“(3)The district commissioner of the area concerned may, where his assistance is required, personally or by an administrative officer, assist the appellant in framing the notice of appeal and forwarding it to the Minister, within 30 days of being asked for such assistance, with a copy to the land board concerned.”.**

**Amendment  
of regulation  
17(2)**

**12. Regulation 17(2) of the Regulations is amended by substituting for the words “as provided in regulation 16(3) and (4)” the words “, if necessary, as provided in regulation 16(3),” and by deleting the words “by the district commissioner or administrative officer”.**

**Amendment  
of regulation  
18(1)**

**13. Regulation 18(1) of the Regulations is amended —**

**(a) in line 3 thereof by substituting for the word “tribesman” the words “citizen of Botswana”; and**

**(b) by substituting for paragraphs (b) and (c) thereof the following new paragraphs —**

**“(b) the citizenship of the applicant;**

**(c) the applicant’s marital status, and the name of the applicant’s spouse, if any;”.**

**Amendment  
of regulation 19**

**14. Regulation 19 of the Regulations is amended —**

**(a) by substituting for paragraphs (b) and (c) thereof the following new paragraphs —**

**“(b) the citizenship of the applicant;**

**(c) the applicant’s marital status, and the name of the applicant’s spouse, if any;”;**

**(b) by renumbering the regulation as subregulation (1) of regulation 19 and by adding the following new subregulation —**

“(2) Applicants shall also be required to produce their national identity cards in the case of citizens, or in the case of non-citizens their passports, residence permits and, in the case of companies, their certificates of incorporation.”

15. Regulation 20 of the Regulations is amended —

(a) in subregulation (2) by inserting immediately after the word “If” the words “, in the case of an applicant who is not a citizen of Botswana,”, and by deleting the words “in ownership or”;

(b) in subregulation (5) by inserting immediately after the word “If” the commas and words “the land board decides to make the grant, and, in the case of an applicant who is not a citizen of Botswana”.

Amendment  
of regulation  
20

16. The Regulations are amended by substituting for regulation 22 thereof the following regulation —

“Form of grant  
under  
section 24 22. An agreement for the grant of a lease in accordance with section 24 shall be in such form as the Minister may approve.”

Amendment  
of regulation  
22

17. Regulation 23 of the Regulations is amended —

(a) in subregulation (1) thereof by inserting immediately after the word “consent” appearing in line 2 thereof the words “under the provisions of section 38”;

(b) in the marginal note by substituting “section 38” for “section 26”.

Amendment  
of regulation  
23

18. Regulation 24 of the Regulations is amended by substituting for paragraph (b) thereof the following new paragraph —

“(b) the marital status of the applicant, and the name of the applicant’s spouse, if any;”

Amendment  
of regulation  
24

19. Regulation 25 of the Regulations is amended in subregulations (4) and (7) thereof by substituting for the word “tribesman” the words “citizen of Botswana” in each case.

Amendment  
of regulation  
25

MADE this 8th day of July, 1994.

C.J. BUTALE,  
*Minister of Local Government, Lands  
and Housing.*