

**PRECIOUS AND SEMI PRECIOUS STONES (PROTECTION)
(AMENDMENT) ACT, 2005**



No. 16

of 2005

ARRANGEMENT OF SECTIONS

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**An Act to amend the Precious and Semi Precious Stones
(Protection) Act**

Date of Assent: 28th September, 2005

Date of Commencement: 7th October, 2005

ENACTED by the Parliament of Botswana.

**1. This Act may be cited as the Precious and Semi Precious Stones
(Protection) (Amendment) Act, 2005.**

Short title

**2. The Precious and Semi Precious Stones (Protection) Act
(hereinafter referred to as the "Act") is amended in section 6 thereof, by —**

Amendment
of section 6 of
Cap. 66:03

**(a) substituting, for subsection (1) (a) thereof, the following new
subsection —**

"(1) Except as is otherwise provided in this Act, no person shall —

**(a) buy, deal in or receive by way of barter, pledge or otherwise,
either as principal or agent, any rough or uncut precious stones,
unless the person has been duly authorized in terms of this Part
to deal in rough or uncut precious stones as a buyer or seller; or**

**(b) sell, pledge or barter or otherwise deal in any article purporting
it to be a precious stone;" and**

(b) substituting, for subsection (3) thereof, the following new subsection —
“Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall, upon conviction, be sentenced to —

(a) imprisonment for a term not less than 5 years but not exceeding 15 years; and

(b) for any subsequent conviction, to imprisonment for a term not less than 7 years but not exceeding 15 years.”

3. Section 8 of the Act is amended —

(a) in subsection (1) thereof by substituting, for the words “21”, the words “18”;

(b) in subsection (2), by deleting paragraph (c) thereof;

(c) by substituting, for subsection (3) thereof, the following new subsection —

“(3) Whenever any application under subsection (2) is refused by the Minister, the Minister shall, in writing, notify the applicant of the Minister’s decision.”;

(d) by substituting, for subsections (5) and (6) thereof, the following new subsections —

“(5) Where the Minister is satisfied that an applicant satisfies the requirements of this Act for the issuing of a precious stones dealer’s licence, the Minister shall, upon payment of a prescribed fee by the applicant, issue a precious stones dealer’s licence to that applicant.

(6) A precious stones dealer’s licence issued in terms of subsection (5), shall be valid for a period not exceeding 5 years, and shall be renewable for periods not exceeding 5 years at a time.”;

(e) by inserting, immediately after subsection (6) thereof, the following new subsection —

“(7) The fee referred to in subsection (5) shall be payable annually, within the last three months before the end of a period of 12 months from the date on which each previous payment was made.”.

4. Section 12 of the Act is amended in subsection (4) thereof, by deleting the words “or between a banker and the holder of such a licence”.

5. Section 15 of the Act is amended in subsection (4) thereof, by inserting immediately at the end of the subsection, the words “or by a person authorized in writing, by the Minister.”.

6. Section 16 of the Act is amended in subsection (1) thereof, by deleting the word “banker.”.

7. Section 18 of the Act is amended in paragraph (c) thereof, by substituting, for the proviso thereto, the following new proviso —

“Provided that a person shall only be searched by a person of the same sex as the person being searched.”.

8. Section 20 of the Act is amended by deleting subsection (2) thereof.

9. Section 27 of the Act is amended by inserting, in the words immediately preceding the proviso thereto, the word “unworked” immediately after the word “any”.

Amendment of section 8 of the Act

Amendment of section 15 of the Act

Amendment of section 16 of the Act

Amendment of section 18 of the Act

Amendment of section 20 of the Act

Amendment of section 27 of the Act

- 10.** The Act is amended by substituting, for section 30 thereof, the following new section —
- “Validity and renewal of semi-precious stones dealer’s licence 30. A semi-precious stones dealer’s licence issued in terms of section 28, shall be valid for a period not exceeding 5 years, and shall be renewable for periods not exceeding 5 years at a time.”
- 11.** The Act is amended by substituting, for section 31 thereof, the following new section —
- “Semi-precious stones dealer’s licence fee 31. (1) An application for a semi-precious stones dealer’s licence, shall be accompanied by such fee as the Minister may prescribe.
- (2) The fee referred to in subsection (1), shall be payable annually, within the last three months before the end of a period of 12 months from the date on which each previous payment was made.”
- 12.** Section 34 of the Act is amended —
- (a) in subsection (1) thereof, by substituting, for the words “a levy”, the words “a royalty”;
- (b) in subsection (2) thereof, by substituting for the words “The levy payable under this section shall be a sum equal to five per cent” the words “The royalty payable under this section shall be a sum equal to three per cent”; and
- (c) in subsection (3) thereof, by substituting, for the words “the rate of levy” the words “the rate of royalty”.
- 13.** Section 37 of the Act is amended —
- (a) in subsection (1) thereof, by substituting for the words “prospecting or mining operations”, the words “precious stones protection area or precious stones security area”;
- (b) in subsection (3) thereof, by substituting, for the words “in the case of a female, be made by a female only.”, the words “only by a person of the same sex as the person being searched.”;
- (c) in subsection (4) thereof, by substituting, for the words “P200”, the words “P4 000”.
- 14.** Section 38 of the Act is amended by substituting for subsection (2) thereof, the following new subsection —
- “(2) A person who contravenes the provisions of any regulations made in terms of subsection (1), shall be guilty of an offence and liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding 1 year, or to both.”
- 15.** The Act is amended by substituting for the words “Mining Commissioner” wherever they appear therein, the words “Director of Mines”.
- 16.** Sections 10, 11 and 17 of the Act are hereby repealed.

Amendment of section 30 of the Act

Amendment of section 31 of the Act

Amendment of section 34 of the Act

Amendment of section 37 of the Act

Amendment of section 38 of the Act

Amendment of the Act

Repeal of sections 10, 11 and 17 of the Act

PASSED by the National Assembly this 3rd day of August, 2005.

A. MATLHAKU,
Clerk of the National Assembly.

PUBLIC SERVICE (AMENDMENT) ACT, 2005

No. 15



of 2005

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 26:01

An Act to amend the Public Service Act.

Date of Assent: 12.8.2005

Date of commencement: 01.10.2005

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Public Service (Amendment) Act, 2005.
2. The Public Service Act is amended in section 2 thereof, by substituting, for subsection (2) thereof, the following new subsection —
“(2) For the purposes of the public service and section 112 of the Constitution, ‘Permanent Secretary’ includes the holder of the public office of that designation responsible, subject to the directions and control of the Minister, for the supervision of a Ministry, and the holders of the following public offices, namely, Secretary to the Cabinet, Administrative Secretary in the Office of the President, Attorney-General, Auditor-General, Director of Public Service Management, Commander of the Botswana Defence Force, Deputy Commander of the Botswana Defence Force, Commissioner of Police, Secretary of Economic Affairs, Secretary of Budget Affairs, Secretary of Financial Affairs, Secretary to the Independent Electoral Commission, Director of the Directorate on Corruption and Economic Crime, Clerk of the National Assembly, Coordinator of the National AIDS Coordinating Agency, Ombudsman, Registrar and Master of the High Court, Registrar of the Industrial Court, Permanent Secretary (Development), Permanent Secretary (Political Affairs), Director of Public Prosecutions, Government Attorney, Secretary for Legislative Drafting and Secretary for International and Commercial Services.”.

Short title
Amendment
of section 2 of
Cap. 26:01

PASSED by the National Assembly this 3rd day of August, 2005.

A. MATLHAKU,
Clerk of the National Assembly.