

BOTSWANA POSTAL SERVICES (AMENDMENT) ACT, 2012

No. 16



of 2012

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the Botswana Postal Services Act.

Date of Assent: 09.11.2012

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana Postal Services (Amendment) Act, 2012, and shall come into operation on such date as the Minister may, by Order, appoint.

Short title and commencement

2. The Botswana Postal Services Act (referred to in this Act as “the Act”) is amended at section 2 by deleting the following definitions —

Amendment of section 2 of Cap. 72:01

- (a) “franking machine”;
- (b) “money order”;
- (c) “postage stamp” or “stamp”;
- (d) “postal article”; and
- (e) “postal order”.

3. The Act is amended by substituting for section 3, the following new section 3 —

Substitution of section 3 of the Act

“Establishment of Botswana Postal Services

3. There is hereby established Botswana Postal Services (referred to in this Act as “the Post”), as a body corporate with full capacity to sue or be sued in its own name, and to do all such things as bodies corporate may, by law, do and as may be necessary or incidental to the exercise of its powers and the performance of its functions under this Act.”

Amendment of section 10 of the Act

4. The Act is amended at section 10 by deleting —
(a) subsection (8); and
(b) subsection (9).

Deletion of section 13 of the Act

5. The Act is amended by deleting section 13.

Deletion of section 18 of the Act

6. The Act is amended by deleting section 18.

Deletion of section 20 of the Act

7. The Act is amended by deleting section 20.

Deletion of section 27 of the Act

8. The Act is amended by deleting section 27.

Deletion of section 28 of the Act

9. The Act is amended by deleting section 28.

Deletion of Parts VIII to X of the Act

10. The Act is amended by deleting Parts VIII to X.

Deletion of section 63 of the Act

11. The Act is amended by deleting section 63.

Substitution of section 65 of the Act

12. The Act is amended by substituting for section 65, the following new section —

“Transitional provisions

65. (1) Any properties, assets, rights, debts, liabilities and obligations of the Government and the benefit and burden of all contracts made by or on behalf of the Government which are part of or concern or relate to the Post as a commercial organisation of the Government, may with the consent of the Minister, be transferred to and vest in the Post as a corporate body.

(2) Every contract in respect of any matter, being a contract between the Post as a commercial organisation of the Government and any other party immediately before the commencement of this Act shall thereafter continue to subsist between the Post as a corporate body and such other party.

(3) A public officer employed by the Post as a commercial organisation of the Government immediately before the coming into operation of this Act shall be deemed to be on secondment to the Post as a corporate body for a period not exceeding twelve months from the coming into operation of this Act.

- (4) A public officer seconded to the Post under subsection (3) who, within twelve months from the coming into operation of this Act —
- (a) has been offered and has accepted to enter into a written contract of service with the Post as a corporate body, shall be deemed to have terminated his or her service with the Government without right to severance of pay but without prejudice to all other remunerations and benefits payable upon termination; or
 - (b) has not been offered, or has not accepted to enter into a written contract of service with the Post as a corporate body shall be redeployed by the Government.
- (5) A public officer engaged in terms of subsection (4) (a) shall be employed on such terms and conditions as may be offered by the Post as a corporate body and agreed to by the Post and that person.
- (6) Any legal proceedings pending immediately before the date of commencement of this Act, to which the Post as a commercial organisation of the Government was a party, shall be continued as if the Post as a corporate body had been party thereto.
- (7) Any enquiry or proceedings, whether of a disciplinary nature or otherwise, instituted or pending in respect of any employee of the Post as a commercial organisation of the Government before the date of commencement of this Act shall be dealt with, inquired into and determined in accordance with the procedures in place before the commencement date of this Act.
- (8) The pension fund shall remain in existence after the date of commencement of this Act and every employee who was a member of that pension fund immediately before the date of commencement of this Act, shall remain a member of the fund in accordance with its rules and shall retain all benefits that are due to them in terms of the rules of the fund.
- (9) The Board of Management of Botswana Postal Services as a commercial organisation of the Government continue to be the Board of Management of the Post as a corporate body.
- (10) At the commencement of this Act, the Post shall be deemed to be licensed under the Communications Regulatory Authority Act for such period as the Authority, in consultation with the Board, may determine.
- (11) At the expiry of the period determined in accordance with subsection (10), the Post shall comply with the Communications Regulatory Authority Act.”.

Act No. 19
of 2012

PASSED by the National Assembly this 16th day of August, 2012.

BARBARA N. DITHAPO,
Clerk of the National Assembly.