

**DECLARATION OF ASSETS AND LIABILITIES
(AMENDMENT) ACT, 2021**

No. 21



of 2021

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the Declaration of Assets and Liabilities Act.

Date of Assent: 01.11.2021

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Declaration of Assets and Liabilities (Amendment) Act, 2021, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Declaration of Assets and Liabilities Act (hereinafter referred to as "the Act") is amended in section 2 by —

Amendment of section 2 of Act No. 12 of 2019

(a) substituting for the definition of "public register", the following new definition —

““public register” means a register established and maintained under section 10 (3) (h);” and

(b) inserting in their alphabetical order, the following new definitions —

““procurement” has the same meaning assigned to it under the Public Procurement and Asset Disposal Act;

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“procurement officer” means an officer duly authorised to acquire in the public interest by any means, including by purchase, rental, lease, hire-purchase, licence, tenancy, franchise, auction, reverse auction etc., of any type of works, services or supplies of any combination thereof, however classified and includes an officer responsible for —

- (a) the invitation to tender;
 - (b) the evaluation of a tender;
 - (c) the recommendation of a tender or bid;
 - (d) the adjudication of a tender or bid recommendations;
 - (e) the adjudication of tender awards; and
 - (f) any other stage involved in the procurement process; and
- “public registry” means a registry established and maintained under section 10 (3) (i);”.

Amendment of section 3 of the Act

3. Section 3 of the Act is amended in subsection (1) by —
- (a) substituting for —
 - (i) paragraph (k), the following new paragraph —
“(k) an officer of a public body at managerial level;”,
 - (ii) paragraph (m), the following new paragraph —
“(m) a member of a private enterprise at managerial level;”, and
 - (iii) paragraph (n), the following new paragraph —
“(n) such other persons as may be prescribed.”; and
 - (b) inserting immediately after paragraph (m), the following new paragraphs —
 - (ma) a Board member of a public body;
 - (mb) a Chairperson of a local authority;
 - (mc) a Board Member of a local authority;
 - (md) an Assistant District Commissioner;
 - (me) a Councillor;
 - (mf) a senior Assistant Council Secretary; and
 - (mg) a procurement officer who is a public officer or who is employed in a public body or a private enterprise;”.

Amendment of section 6 of the Act

4. Section 6 of the Act is amended by substituting for subsection (1), the following new subsection —
- “(1) A declaration shall be made —
- (a) to the President by the —
 - (i) Director-General, and
 - (ii) Director-General of the Directorate on Corruption and Economic Crime;
 - (b) to the Director-General by —
 - (i) the President,
 - (ii) the Vice-President,
 - (iii) the Chief Justice,
 - (iv) the Speaker of the National Assembly,
 - (v) a Former President,
 - (vi) a Minister,
 - (vii) the President of the Court of Appeal,
 - (viii) the Deputy Speaker of the National Assembly,
 - (ix) an Assistant Minister,
 - (x) the Leader of the Opposition,
 - (xi) the Permanent Secretary to the President,
 - (xii) a Justice of Appeal,

- (xiii) the Attorney-General,
 - (xiv) the Director of Public Prosecutions,
 - (xv) the Secretary to the Independent Electoral Commission,
 - (xvi) the Ombudsman,
 - (xvii) the President of the Industrial Court,
 - (xviii) a Judge of the Industrial Court,
 - (xix) the Auditor-General,
 - (xx) a Judge of the High Court, the Registrar and a magistrate,
 - (xxi) the Commander of the Botswana Defence Force,
 - (xxii) the Commissioner of Police,
 - (xxiii) the Commissioner of Prisons,
 - (xxiv) the Director-General of Financial Intelligence Agency,
 - (xxv) the Director-General of the Directorate of Intelligence and Security,
 - (xxvi) the Receiver,
 - (xxvii) a Permanent Secretary,
 - (xxviii) the Chairperson and other members of the Public Service Commission,
 - (xxix) a public officer appointed by the President,
 - (xxx) an officer appointed by the Judicial Service Commission, and
 - (xxxi) a head of a private enterprise;
- (c) to the Speaker of the National Assembly, by a member of the National Assembly not referred to in paragraphs (b) (i), (ii), (vi), (ix) and (x);
- (d) to the Minister responsible for Local Government by a —
- (i) Mayor, and
 - (ii) Chairperson of a local authority;
- (e) to the Permanent Secretary to the President by an officer appointed by the Permanent Secretary to the President under any enactment, and which officer is not referred to in paragraph (f);
- (f) to the Permanent Secretary under the person's Ministry by —
- (i) the Chief Executive Officer of a public body,
 - (ii) a Board member of a public body,
 - (iii) an officer of the Botswana Defence Force at the rank of Lieutenant Colonel and above,
 - (iv) an officer of the Police Service at the rank of Assistant Commissioner and above,
 - (v) a prison officer in the Prison Service at the rank of Assistant Commissioner and above,
 - (vi) an officer of a public body at managerial level,
 - (vii) a member of a private enterprise at managerial level,
 - (viii) a District Commissioner,
 - (ix) a Deputy District Commissioner,

- (x) an Assistant District Commissioner,
 - (xi) a Council Secretary,
 - (xii) a Deputy Council Secretary,
 - (xiii) a Senior Assistant Council Secretary,
 - (xiv) a Town Clerk,
 - (xv) a Deputy Town Clerk,
 - (xvi) a Court President (Urban),
 - (xvii) a Deputy Court President (Urban), and
 - (xviii) a procurement officer who is a public officer or who is employed in a public body or a private enterprise;
- (g) to a Mayor or Chairperson of a local authority, as the case may be, by a Councillor; and
- (h) to such other persons as may be prescribed.”.
- Amendment of the Act
5. Section 8 of the Act is amended —
- (a) in subsection (1) by inserting immediately after paragraph (c), the following new paragraph —
“(d) he or she has become a person subject to this Act.”; and
- (b) by deleting subsection (2).
- Amendment of section 9 of the Act
6. Section 9 of the Act is amended by —
- (a) substituting for subsection (2) the following new subsection —
“(2)Where, subsequent to a declaration made under subsection (1) and section 8 (1), the value of interest, income, assets and liabilities is so altered as to be reduced or increased in value by a minimum of P200 000, the person to whom this Act applies shall submit additional information on the alteration within 30 days of the alteration of his or her interest, income, assets and liabilities.”; and
- (b) deleting subsection (3).
- Amendment of section 10 of the Act
7. Section 10 (3) of the Act is amended in paragraph (i) by substituting for subparagraph (i), the following new subparagraph —
“(i) list of persons subject to the Act who submitted their declarations.”.
- Amendment of section 15 of the Act
8. Section 15 of the Act is amended by substituting for the words, “nine years” appearing in subsection (3), the words, “10 years”.
- Amendment of section 17 of the Act
9. Section 17 of the Act is amended in subsection (4) by substituting for the —
- (a) word “P50 000” appearing therein, the word “P500 000”; and
- (b) words “three years” appearing therein, the words “10 years”.
- Amendment of section 18 of the Act
10. Section 18 of the Act is amended in subsection (3) by substituting for —
- (a) the word “P50 000” appearing therein, the word “P500 000”; and
- (b) the words “three years” appearing therein, the words “10 years”.
- Amendment of section 19 of the Act
11. Section 19 of the Act is amended in subsection (2) by substituting for —

- (a) the word “P1 000 000” appearing therein, the word “P500 000”; and
- (b) the words “five years” appearing therein, the words “10 years”.

PASSED by the National Assembly this 12th day of August, 2021.

BARBARA N. DITHAPO,
Clerk of the National Assembly.