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Act 1, 2018,  
S.I. 30, 2018.

**An Act to provide for the continuation of Land Boards; to vest tribal land in such boards; to define the powers and duties of such boards; and to provide for matters incidental thereto.**

[Date of Assent: 19.02.2018]

[Date of Commencement: ON NOTICE]

**PART I**  
*Preliminary*

**1. Short title and commencement**

This Act may be cited as the Tribal Land Act, 2018 and shall come into operation on such a date as the Minister may, by Order published in the *Gazette*, appoint.

**2. Interpretation**

In this Act, unless the context otherwise requires-

**"develop"** means, to introduce or carry out works or improvements in accordance with the purpose for which the grant was made, and "development" shall be construed accordingly;

**"diagram"** has the same meaning assigned to it under the Land Survey Act (Cap. 33:01);

**"grant"** includes any disposition of land under the common law, and includes a grant of ownership or of lease;

**"Kgosi"** includes any person performing the functions of *Kgosi*;

**"Land Board"** means a land board established under section 3;

**"member"** means a member of the land board;

**"Moemela Kgosi"** has the meaning assigned to it under the *Bogosi* Act (Cap. 41:01);

**"private company"** means a private company within the meaning of the Companies Act (Cap. 42:01);

**"registered deed of land grant"** includes a lease agreement registered by the Registrar of Deeds;

**"repealed Act"** means the Tribal Land Act repealed under section 55;

**"share"** means a share or debenture within the meaning of the Companies Act;

**"tribal land"** means land in a tribal area and, subject to the provisions of the Mines and Minerals Act (Cap. 66:01), the Water Act (Cap. 34:01) and the Mineral Rights in Tribal Territories Act (Cap. 66:02), includes any interest in land and anything which is either artificially or naturally attached to the land and which, by operation of the common law, accedes to it; and

**"register"** means registration in terms of the Deeds Registry Act (Cap. 33:02).

## **PART II**

### ***Establishment and Functions of Land Boards***

#### **3. Continuation of Land Boards**

(1) A Land Board established under section 3 of the repealed Tribal Land Act shall continue to exist as a Land Board, as if established under this Act.

(2) A Land Board shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, performing such acts as bodies corporate, may by law, do or perform.

(3) Subject to the provisions of this Act a Land Board shall have power to do anything and enter into any transaction to facilitate the proper discharge of any function conferred or imposed upon it under this Act or which is necessary for, or incidental to, the attainment of the objectives of the Land Board.

#### **4. Vesting of tribal land in Land Boards**

All the rights and title to land in each tribal area listed in the first column of Schedule 1 shall continue to vest in the Land Board set out in relation to it in the second column of the Schedule, in trust for the benefit and advantage of the citizens of Botswana and for the purpose of promoting the economic and social development of all the peoples of Botswana.

#### **5. Powers and functions of Land Boards**

(1) All the powers previously vested in a Land Board and a subordinate Land Board under the repealed Act in relation to land, including-

- (a) the granting of rights to use any land;
- (b) the cancellation of the grant of any rights to use any land;
- (c) the imposition of restrictions on the use of tribal land;
- (d) the authorising of any change of use of tribal land; or
- (e) the authorising of any transfer of tribal land,

shall vest in and be performed by a Land Board acting in accordance with powers conferred on it by or under this Act.

(2) Notwithstanding the generality of the provisions of subsection (1) each Land Board shall-

(a) manage and administer all land within the area set out in the first column of Schedule 1 in relation to that Land Board, and may make and execute grants or other dispositions of any such land or any interest therein, subject to any conditions or restrictions as may be necessary;

(b) ensure the equitable distribution of land to citizens of Botswana in a manner that ensures sustainable development and the protection of natural resources;

(c) advise Government, whenever appropriate, in any matters relating to policies as may be necessary for, or incidental to, the attainment of the objectives of the Land Board;

(d) do all such things and perform all such functions as may be necessary for, or incidental or conducive to, the attainment of the objectives of the Land Board.

(3) A Land Board may, subject to the approval of the Minister, authorise any person in writing to exercise any of the powers conferred upon the Land Board by this Act.

(4) The authorisation referred to in subsection (3) shall be subject to such conditions and restrictions as may be prescribed by the Minister.

(5) During the formulation of policy relating to the exercise of its functions under this Act, a Land Board shall consult the District Council and Tribal Administration which have jurisdiction over the land administered by the Land Board.

#### **6. Directions by the Minister**

The Minister may give a Land Board directions of a general or specific nature regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with this Act or with the contractual or other obligations of the Land Board, and the Land Board shall give effect to any such directions.

## **7. Appointment of Land Board members**

(1) Each Land Board shall consist of-

- (a) eight members, appointed in accordance with the prescribed procedure and who shall hold office for three years and be eligible for re-appointment; and
- (b) three *ex-officio* members, namely-
  - (i) a *Kgosi* or *Moemela Kgosi*,
  - (ii) one member representing the Ministry responsible for trade, and
  - (iii) one member representing the Ministry responsible for agriculture.

(2) The Minister shall appoint a chairperson from the members of the Land Board and the deputy chairperson shall be elected by members from amongst their number.

(3) The chairperson and the deputy chairperson shall hold office for a period of three years.

(4) The Minister shall, by notice in the *Gazette*, publish the appointment of members, specifying the dates of their appointment and the period for which they are appointed to the Land Board.

## **8. Qualification, removal and suspension of members**

(1) A person shall be disqualified from being appointed as a member of a Land Board or from continuing as a member on the grounds that he or she-

- (a) has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in Botswana or elsewhere and has not been discharged, or has made a composition with his or her creditors and has not paid his or her debts in full;
- (b) has been sentenced to imprisonment without the option of a fine for any offence, whether in Botswana or elsewhere;
- (c) is certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana;
- (d) is the holder of an office in a political party, a councillor in a local authority or a member of the National Assembly; or
- (e) holds any public office, or is acting in any public office by virtue of a contract of service expressed to continue for a period exceeding six months.

(2) The Minister may, in writing, suspend from office, a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties under this Act or be entitled to any remuneration or allowances as a member of the Land Board.

(3) The Minister shall remove a member from office, if the member-

- (a) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect; or
- (b) has been convicted of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

(4) A Land Board may perform its functions notwithstanding any vacancy in its membership.

## **9. Vacation of office**

(1) A member, not being an *ex-officio* member, may at any time resign his or her office by notice in writing addressed to the Minister.

(2) The office of a member other than an *ex-officio* member shall become vacant-

- (a) if circumstances arise under which, if he or she were not a member of a Land Board, the member would be disqualified in terms of section 8 from being appointed as a member of the Land Board;
- (b) if he or she is required to vacate office under subsection (3);
- (c) if he or she is adjudged bankrupt or insolvent;

- (d) upon his or her death;
- (e) upon the expiry of one month's written notice to the Minister, of his or her intention to resign from office; or
- (f) if he or she is summarily dismissed by the Minister on the grounds of contravening the provisions of this Act.

(3) The Minister may by notice in writing require any member, other than an *ex-officio* member, to vacate office, if, after giving such member an opportunity to be heard, the Minister, is satisfied that the member-

- (a) has been absent-
  - (i) for three consecutive days from any meeting of the Land Board, or
  - (ii) from three consecutive meetings of the Land Board,

without the permission of the Land Board or without providing reasonable excuse to the Land Board;

- (b) has contravened the provisions of this Act or has otherwise misconducted himself or herself to the detriment of the objectives of the Land Board;
- (c) has failed to comply with the provisions of section 15 and section 16;
- (d) is unable to exercise the functions of his or her office by reason of absence or other cause and has been, or is likely to be, so unable for a period exceeding six months; or
- (e) is otherwise unfit to discharge the functions of his or her office.

#### **10. Filling of vacancy**

(1) Where the office of a member becomes vacant before the expiry of the member's term of office, the Minister shall appoint another member in place of the member who vacates office, until the expiry of a period during which such member would have otherwise continued in office.

(2) Subsection (1) shall not apply where the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months.

#### **11. Temporary absence of members**

(1) If any member of a Land Board, other than an *ex-officio* member, is temporarily unable to exercise the functions of his or her office, whether by reason of illness, absence or other cause, the Minister may appoint or elect a temporary member to exercise such member's functions during the period of his or her incapacity.

(2) An appointment made under subsection (1) shall cease to have effect if the Minister notifies the temporary member of the revocation of such appointment, or if the member in whose place the temporary member has been appointed notifies the temporary member that he or she is about to resume or has resumed his or her functions, or that member vacates his or her office by virtue of the provisions of section 9.

#### **12. Meetings of Land Board**

(1) Subject to the provisions of this Act, the Land Board may regulate its own proceedings.

(2) Upon giving notice, in writing, of not less than 14 days, a meeting of a Land Board may be called by the chairperson, but if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon the giving of a shorter notice.

(3) The notice referred to under subsection (2) shall state-

- (a) the place and time for the meeting; and
- (b) the agenda for the meeting.

(4) There shall preside at any meeting of a Land Board-

- (a) the chairperson;
- (b) in the absence of the chairperson, the vice chairperson; or
- (c) in the absence of the chairperson and vice chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(5) The Land Board secretary shall cause to be recorded and kept minutes of all the proceedings of the meetings of the Land Board.

### **13. Quorum and procedure of meetings**

- (1) The *quorum* at any meeting of a Land Board shall be a simple majority of the members.
- (2) A decision of a Land Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to that member's deliberative vote.
- (3) A decision of a Land Board shall not be rendered invalid by reason of a vacancy on the Land Board or the fact that a person who was not entitled to sit as a member did so sit.
- (4) Where a temporary member is appointed by the Minister such temporary member shall attend and take part in the voting at meetings whenever the member to whom he or she is alternate is absent from such meeting.
- (5) A Land Board may invite any person whose presence it deems necessary, to attend and participate in the deliberations of a meeting of the Land Board, but such person shall have no vote.

### **14. Committees of the Land Board**

- (1) A Land Board may, for the purpose of performing its functions, establish such committees as it considers appropriate and may delegate to any such committee such of its functions as it considers necessary.
- (2) A Land Board may appoint to a committee established under subsection (1), such number of persons from the members and such number of persons with specialised skills, not being members, as it considers appropriate, to be members of such committees and such persons shall hold office for such period as the Land Board may determine.
- (3) A person who is not a member of a Land Board, who is appointed in terms of subsection (2) shall, while attending a meeting of the committee, have all the powers of a member of the Land Board, but his or her presence shall not count towards the constitution of a *quorum* and he or she shall have no right to vote.
- (4) A Land Board shall appoint a chairperson and vice chairperson for any of its committees from amongst its members.
- (5) An officer of a Land Board appointed in writing by the Land Board secretary shall be secretary to any committee and shall, on the instructions of the chairperson of the committee, convene meetings of the committee.
- (6) Subject to the specific or general directions of a Land Board, a committee may regulate its own procedure and the Land Board may attach any conditions to the delegation of any of its powers to such committees.
- (7) The land board may confirm, vary or revoke any decision taken in consequence of a delegation or assignment, but no variation or revocation of a decision may retract from any rights that may have accrued as a result of the decision (S.I. 30, 2018) .
- (8) Meetings of a committee shall be held at such times and places as the committee may determine, or as the Land Board may direct.

### **15. Disclosure of interest**

- (1) If a member is present at a meeting of a Land Board or any committee of the Land Board at which any matter in which the member or immediate family member of the member is directly or indirectly interested in a private capacity is the subject of consideration, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Land Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching on the matter.
- (2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.
- (3) Where a member fails to disclose his or her interest in accordance with subsection (1) and a decision by a Land Board is made benefitting such member, or an immediate family member of

the member, such decision shall be null and void to the extent that it benefits such member or family member.

(4) A member who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding six months, or to both.

#### **16. Confidentiality**

(1) A member and any other person assisting a Land Board shall observe and preserve the confidentiality of all matters coming before the Land Board, and such confidentiality shall subsist even after the termination of the term of office or mandate of such member or other person, as the case may be.

(2) Any member or any person to whom confidential information is revealed through working with a Land Board shall not disclose that information to any other person unless-

(a) he or she is required to do so in terms of any written law or for purposes of any judicial proceedings;

(b) the Land Board is summoned to appear before a court of competent jurisdiction in Botswana and the court orders the disclosure of the information; or

(c) the information is required by an auditor or legal representative of the Land Board, who is entitled to know the information in the course of his or her professional duties in matters related to the objectives of this Act.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding six months, or to both.

#### **17. Land Board secretary**

(1) A Land Board secretary shall be the head of the administration of the relevant Land Board, and shall be responsible for the day-to-day administration of the Land Board.

(2) Notwithstanding the generality of the provisions of subsection (1), a Land Board secretary shall-

(a) provide advice on and interpret Government policies on land-related issues to ensure the formation of well guided decisions by the Land Board;

(b) implement all lawful decisions taken by the Land Board;

(c) enter into any business transactions that facilitate the proper discharge of the Land Board's mandate;

(d) determine and define land use zones within the area of jurisdiction of the Land Board;

(e) determine and develop management plans, and give guidance on the use and development of each land use zone within the area of jurisdiction of the Land Board;

(f) supervise, monitor and co-ordinate the activities of all officers of the Land Board and ensure accountability and transparency in the management and delivery of the Land Board's services;

(g) maintain law, order and security in the Land Board;

(h) have custody of all documents and records of the Land Board;

(i) litigate cases on behalf of the Land Board at the Land Tribunal and the relevant courts of law; and

(j) carry out any other duty that he or she may be assigned by any other law or by the chairperson of the Land Board from time to time.

(3) The staff of a Land Board shall be accountable to the Land Board through the secretary of the Land Board.

### **PART III** **Financial Provisions**

#### **18. Funds of the Land Board**

(1) The funds of a Land Board shall consist of-

(a) such monies as may be appropriated by the National Assembly for the purposes of the Land Board;

(b) such grants and donations as the Land Board may receive;

(c) such fees as may be charged for services rendered by the Land Board; and

(d) such income that the Land Board may receive from its investments.

(2) Every Land Board shall establish a fund into which shall be paid any revenues which may accrue to it under any grant or which otherwise may be payable to it.

(3) A Land Board shall use the revenues acquired under subsection (1) to meet the costs incurred for its operations and shall use any surplus accrued for such purposes as it may determine, with the approval of the Minister.

## **19. Financial year**

The financial year of a Land Board shall be a period of 12 months, beginning on the 1st April of each year and ending on the 31st March of the subsequent year.

## **20. Accounts and audit**

(1) A Land Board shall keep and maintain proper books of accounts and other records of accounts in respect of every financial year relating to its assets, liabilities, income and expenditure, and shall prepare, in each financial year, a statement of such accounts.

(2) The accounts of a Land Board in respect of each financial year shall, within three months of the end of the financial year, be audited by an auditor appointed by the Land Board.

(3) The auditor shall report in respect of the accounts for each financial year, in addition to any other matter on which the auditor deems it pertinent to comment on, whether or not-

(a) the auditor has received all the information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;

(b) the accounts and related records of the Land Board have been properly kept;

(c) the Land Board has complied with all the financial provisions of this Act with which it is its duty to comply with; and

(d) the statement of accounts prepared by the Land Board was prepared on a basis consistent with that of the preceding year and represents a true and fair view of the transactions and financial affairs of the Land Board.

(4) The auditor's report and a copy of the audited accounts shall, within 14 days of completion, be forwarded to the Land Board by the auditor.

## **21. Annual report**

(1) A Land Board shall, within a period of six months after the financial year, or within such longer period as the Minister may approve, submit to the Minister, a comprehensive report of its operations in carrying its powers and functions under section 5, during that year, together with the auditor's report and the audited accounts as provided in section 20, and the report shall be published in such manner as the Minister may require.

(2) The Minister shall, within 30 days of receiving the report and a copy of the audited accounts, lay such report and accounts before the National Assembly.

## **PART IV**

### ***Grant of Customary Land Rights***

## **22. Application of Part IV**

The provisions of this Part shall apply in relation to the granting, variation and determination of customary forms of land tenure.

## **23. Issue of deed of customary land grant**

(1) Subject to subsection (2), no person may occupy any land granted under the provisions of this Act or the repealed Tribal Land Act unless there has been issued to him or her by the Registrar of Deeds, in the prescribed format, a deed of customary land grant in relation to such land.



(2) The deed of customary land grant shall specify whatever conditions the Land Board, with the approval of the Minister, imposes, and shall be signed by the Registrar of Deeds.

(3) A person who at the commencement of this Act is already in occupation of land referred to in subsection (1) and who holds a certificate of customary land grant or lease issued to him or her in terms of the repealed Act shall make an application for registration of his or her certificate of customary land grant or lease within six months of the commencement of this Act.

(4) A person who at the commencement of this Act is already in occupation of land referred to in subsection (1) and who does not hold a certificate of customary land grant or lease issued to him or her in terms of the repealed Act, but who occupies land granted by a *Kgosi* prior to the commencement of the repealed Tribal Land Act shall make an application for registration of his or her customary land grant or lease within six months of the commencement of this Act.

(5) A holder of a certificate of grant or lease who is required to register such certificate in terms of subsection (3) shall submit to the Land Board of the tribal area within which the land is situated, in a format approved by the Registrar of Deeds, an application for the said registration.

(6) The application for registration referred to in subsection (5) shall be accompanied by the certificate of grant or lease to be registered and such supporting documents as may be required by the Land Board.

(7) A Land Board shall on receipt of the application, the certificate of grant or lease and the supporting documents, submit the same to the Registrar of Deeds for registration where the Land Board is satisfied that the applicant is the grantee or lessee of the land which he or she has applied to be registered.

(8) If the person referred to in subsections (3) and (4) fails, refuses or neglects to make an application for the registration of his or her certificate of customary land grant or lease within the six months referred to in subsections (3) and (4) or if such person cannot after diligent search be found by the Land Board, the Land Board shall complete and sign such documents in the name of the person so failing, neglecting, refusing or being absent; and the Registrar of Deeds shall register such conveyance on receipt of the documents completed and signed by the Land Board with an affidavit by the Land Board setting out the full facts.

(9) A person who at the commencement of this Act is already in occupation of land referred to under subsection (1) and who holds common law lease over that land shall make an application for the re-registration of the common law lease as a customary land grant within six months of the commencement of this Act.

(10) The provisions of subsections (5), (6), (7) and (8) shall, with the necessary modifications, apply to a person referred to under subsection (9).

#### **24. Grant of land to non-citizens**

No Land Board or subordinate Land Board shall grant any land under this Part to any person who is not a citizen of Botswana, unless that person has been specially exempted, or is a member of any class of persons who have been specially exempted, by the Minister in writing from the provisions of this section:

Provided that where the Land Board makes a grant of land to a non-citizen, such grant may only be by way of common law lease.

#### **25. Effect of Part and presumption that Part applies**

Nothing in this Part shall be deemed to prevent a Land Board from making a grant of land to a citizen of Botswana under the provisions of Part V notwithstanding that such grant might lawfully be made under this Part:

Provided that any grant to a citizen of Botswana shall be deemed to have been made under the provisions of this Part unless the Land Board has purported to make the grant under the provisions of Part V and the common law has expressly or by necessary implication been made applicable to such grant.

## **PART V**

### ***Grant of Land Rights under Common Law***

#### **26. Application of Part V**

The provisions of this Part shall apply in relation to the granting and variation of common law forms of land tenure.

#### **27. Grant by way of lease**

(1) Subject to the provisions of this section, a Land Board may grant to any person land by way of lease on terms and conditions as it may determine or which may be prescribed but may only grant land in ownership to the State.

(2) A grant under this section shall be in the form of a written agreement executed on behalf of a Land Board by the chairperson or secretary thereof duly authorised thereto by resolution of the Land Board.

#### **28. Conversion**

(1) Where the grantee of any land under the provisions of Part IV wishes to hold such land under the provisions of this Part, he or she may make application in writing to the Land Board of the tribal area within which the land is situated.

(2) The Land Board may, after considering the application, refuse or allow the application:

Provided that there shall be an appeal to the Land Tribunal against any refusal within such time as may be prescribed.

## **PART VI**

### ***Land Required for Public Purposes***

#### **29. Grant of land to State for public purposes**

(1) If the President determines that it is in the public interest that any land the ownership of which is vested in a Land Board under section 4 should be acquired by the State, the Minister shall serve notice thereof on the Land Board and the District Council having jurisdiction over such land, and request that such land be granted to the State, and the Land Board may then, having ascertained the views of the District Council in the matter, grant such land to the State in accordance with the provisions of Part IV.

(2) Where the Land Board-

(a) declines to grant land in accordance with the request of the Minister under subsection (1);

(b) neglects or refuses to come to any decision in the matter within a period of three months from the date of such request; or

(c) imposes terms or conditions upon the grant which are unacceptable to the Minister, the Minister may direct that an inquiry shall be held by a commission appointed under the provisions of section 30.

(3) On the conclusion of the inquiry, the commission shall report thereon to the Minister who may thereupon give such direction in the matter as he or she shall think fit, being a direction not inconsistent with the finding of the commission, and it shall be the duty of the Land Board to comply with such direction.

(4) In the event of a Land Board refusing or neglecting to execute any grant which it is directed to execute under subsection (3), the Minister may execute the grant for and on behalf of the Land Board.

#### **30. Commissions of inquiry**

(1) A commission of inquiry set up for the purposes of section 29 shall consist of-

(a) a chairperson who shall be nominated by the Minister; and

(b) a member nominated by the Land Board:

Provided that, if the Land Board refuses or neglects to nominate such member within six weeks of having been called upon to do so by the Minister, the Minister may nominate the member; and

(c) a member nominated jointly by the chairperson and the member appointed in terms of paragraph (b).

(2) The duty of the commission shall be to investigate-

(a) whether the land the State requires is in fact required for public purposes and, if so, whether the requirements of the State are, in other respects, reasonable; and

(b) the nature of the objection to the grant, if any, by the Land Board, and of the District Council's views on the matter.

(3) The provisions of sections 7, 10, 11, 12, 13, 14 and 17 of the Commissions of Inquiry Act (Cap. 05:02) shall have effect in relation to a commission appointed under this section and its proceedings as they have in relation to a commission appointed under the said Act and the proceedings thereof.

### **31. Repossession of land for public purposes**

(1) If a Land Board determines that it is in the public interest to repossess any land occupied by a grantee, for the purpose of ensuring the fair and just distribution of land among citizens of Botswana, or for any other public purpose that does not require acquisition of the land by the State, the Land Board shall serve notice thereof on the occupier to vacate the land.

(2) Any person who is required to vacate land under the provisions of subsection (1) may be granted the right to use other land, if available, and shall, subject to the relevant provisions of section 32 be entitled to adequate compensation from the State.

### **32. Compensation payable for vacating land**

(1) Where land is granted to the State under section 29, a Land Board shall by notice in writing require the occupier to vacate the land.

(2) Any person who is required to vacate land under the provisions of subsection (1) may be granted the right to use other land, if available, and shall be entitled to adequate compensation from the State.

(3) In determining the amount of the compensation referred to in subsection (2) the State shall have regard to-

(a) the fact that the person claiming compensation has been granted the right to use other land;

(b) the market value of the property at the date of service of the notice to vacate the land;

(c) any increase in the value of any other property of any person interested is likely to accrue from the use to which the property acquired will be put;

(d) the damage, if any, sustained by any person interested, by reason of the severing of any land from any other land of such person;

(e) the damage, if any, sustained by any person interested, by reason of the acquisition injuriously affecting any other property of such person; and

(f) the reasonable expenses, if any, incidental to any change of residence or place of business of any person interested which is necessary in consequence of the acquisition:

Provided that the Land Board shall not have regard to-

(i) the fact that the acquisition is compulsory,

(ii) the degree of urgency which has led to the acquisition,

(iii) any disinclination of any person interested to part with the property to be acquired,

(iv) any damage sustained by any person interested which, if caused by a private person, would not be a good cause of action,

(v) any increase in the value of the property to be acquired which is likely to accrue from the use to which it will be put when acquired, or

(vi) any outlay on additions or improvements to the property to be acquired, which has been incurred after the date of service of the notice to vacate the land unless such additions or improvements were in the opinion of the State necessary.

(4) If the market value of the property has been increased by means of any improvements made within one year immediately preceding the service of the notice to vacate the land, such increase shall be disregarded unless it is proved that the improvement was made *bona fide* and not in contemplation of such property being required for public purposes.

(5) When the President has in pursuance of a notice under section 29 entered into possession of any property, the Land Board may award compensation to the owner of such property and to all parties entitled to any title or interest therein for loss of rentals for the period between the time the President so entered into possession, and the time when the consideration due under an agreement has been paid to the persons entitled thereto, or compensation has been paid under the provisions of this Act.

(6) Where the State and any person who alleges that he or she is entitled to compensation under the provisions of this section are unable to agree as to the amount of such compensation, such person may make application to the Land Tribunal for the purpose of-

- (a) the determination of his or her interest or right;
  - (b) ascertaining the legality of the taking of possession or acquisition of the property, interest or right; or
  - (c) ascertaining the amount of any compensation to which he or she is entitled and whether or not such compensation is adequate in the circumstances of the case and, if not, what is adequate compensation,
- and the Land Tribunal may make such order in the matter as it deems fit.

## **PART VII**

### ***Land Board's Consent to Deal with Land***

#### **33. Land Board's consent to deal with land**

(1) The rights conferred upon any person in respect of any grant or lease of any tribal land whether made under or in accordance with this Act, or made prior to the coming into operation of this Act, shall not, without the consent of the Land Board concerned, be the subject of the following transactions-

- (a) transfer, mortgage, charge, bond or lease capable of running for a period of five years or more, exchange, partition or other disposal or dealing with any tribal land;
- (b) the division of any such land into two or more parcels to be held under separate titles; or
- (c) the issue, sale, transfer, mortgage or any other disposal of, or dealing with, any share in a private company owning any land:

Provided that the provisions of this subsection shall not apply in the case of-

- (i) a sale in execution to a citizen of Botswana,
- (ii) a hypothecation bond by a citizen of Botswana, or
- (iii) the devolution of such land on inheritance.

(2) The Registrar of Deeds shall not register any conveyance of tribal land or rights to such land unless supported by a certificate issued by the appropriate Land Board or by written lease, and, where relevant, he or she is satisfied that one of the conditions set out in the proviso to subsection (1) apply.

(3) In this Part "citizen" shall not include a company incorporated or registered under the Companies Act, unless all classes of shares in such company are beneficially owned by individuals who are citizens of Botswana.

#### **34. Proposed transactions with non-citizens to be advertised**

(1) Any person who proposes to enter into a transaction referred to in section 33(1)(a), (b) or (c) with a non-citizen shall, not less than 30 days prior to the proposed date of such transaction,

publish a notice of such proposal in the *Gazette* and in at least one newspaper circulating in Botswana giving in such notice-

- (a) a description of the land which is the subject of the proposed transaction;
- (b) the full names of the parties to the proposed transaction;
- (c) details of the proposed transaction;
- (d) the consideration for the proposed transaction; and
- (e) a reference to the right of any citizen of Botswana interested in entering into a similar transaction in respect of the property in question to receive priority notwithstanding the proposed transaction set out in the notice.

(2) The provisions of subsection (1) shall not apply where-

- (a) land is acquired by a non-citizen through inheritance, or
- (b) land is transferred to a non-citizen in execution of a court order resulting from divorce proceedings.

(3) Any person wishing to object to a transaction proposed under subsection (1) may give written notice of his or her objection, with reasons therefor, to the Land Board.

### **35. Application for consent**

An application for consent in respect of a transaction referred in section 33(1)(a), (b) or (c) shall be made in writing to a Land Board, and where the applicant proposes to enter into such transaction with a non-citizen, the application shall be accompanied by evidence of the notices published under section 34(1).

### **36. Grant or refusal of consent**

In deciding whether to grant or refuse consent in respect of a transaction to which the other party is a non-citizen, a Land Board shall-

- (a) have regard to the effect that the grant or refusal of consent is likely to have on the economic development of the land concerned or on the maintenance or improvement of standards on the land concerned;
- (b) take into account any objections made under section 34 and, in particular, the wish of any citizen of Botswana to enter into the proposed transaction; and
- (c) act on the principle that consent generally ought to be refused where-
  - (i) the person to whom the land is to be disposed of is unlikely to utilise the land well or develop it adequately or already has sufficient land that can be utilised for the purpose he or she proposes to use it,
  - (ii) the person to whom the shares are to be disposed of would, by acquiring the shares, be likely to bring about the transfer of the control of the company from one person to another and the transfer would be likely to lower the standards on that land,
  - (iii) in the case of a division of land into two or more parcels, the division would be likely to reduce the productivity of the land, or
  - (iv) it would be in the public interest to do so.

### **37. Transactions without consent of Land Board void**

(1) Subject to the provisions of subsection (2), any transaction carried out in contravention of the provisions of this Part shall be void.

(2) An agreement to be a party to a transaction referred to in subsection (1) shall become void for all purposes-

- (a) at the expiration of three months after the making of such agreement if application for a Land Board's consent has not been made within that time; or
- (b) if application for the Land Board's consent has been made and consent has been refused, at the expiration of 30 days after the date of such refusal.

(3) This section shall not apply to a transaction in land by virtue of the will or intestacy of a deceased person unless that transaction would result in the division of the land into two or more parcels held under separate titles.

### **38. Recovery of consideration**

If any money or valuable consideration has been paid in the course of a transaction that becomes void by virtue of section 37(1), or under any agreement that becomes void by virtue of section 37(2), such money or valuable consideration shall, subject to section 37(2), be recoverable as a debt by the person who paid it from the person to whom it was paid.

### **39. Registration of documents**

(1) The Registrar of Deeds and, in relation to shares in a company, the person keeping the register of shares in that company, shall not register any instrument or document effecting a transaction referred to in section 33(1) unless he or she is satisfied that-

- (a) all the relevant provisions of the Act have been complied with;
- (b) documentary evidence has been produced that establishes the price at which the transaction was concluded.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding one year, or to both.

### **40. False statements**

Any person who knowingly makes any false statement in any application under this Act or who knowingly gives any false information to any person in connection with the determination of any application under this Act commits an offence and is liable to a fine not exceeding P50 000 or to imprisonment for a term not exceeding five years, or to both.

### **41. Acts in furtherance of void transaction**

Where a transaction or an agreement to be a party to a transaction is voided by section 37, and any person either-

- (a) pays or receives any money; or
  - (b) enters into or remains in possession of any land, in such circumstances as to give rise to a reasonable presumption that such person pays or receives such money or enters into or remains in possession of such land in furtherance of the avoided transaction or agreement or of the intentions of the parties to the avoided transaction or agreement,
- such person commits an offence and is liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding two years, or to both.

## **PART VIII** **General**

### **42. Demarcation of boundaries**

(1) The boundaries of the land which is the subject of a grant shall, within three months of the execution of the grant, be demarcated by the grantee, and throughout the currency of the grant be maintained by the grantee, to the satisfaction of the Land Board and if such boundaries are not so demarcated or so maintained the Land Board may cancel the grant.

(2) Unless the Director of Surveys and Mapping in any case otherwise directs, a grant tendered for registration shall be accompanied by a diagram or plan approved by the Director of Surveys and Mapping as being adequate for the definition of the boundaries of the area subject to the grant.

(3) Notwithstanding the demarcation of the boundaries by the grantee under subsection (1), the interpretation of the boundaries for the purposes of making an approved diagram or plan under subsection (3) shall be made by the Director of Surveys and Mapping.

### **43. Cancellation of customary land rights**

A Land Board may cancel a grant of land, whether or not such grant was made before or after the coming into operation of this Act, where-

- (a) the holder of the grant is no longer eligible to hold land under the provisions of this Act;
- (b) the holder of the grant fails to observe conditions or restrictions imposed under this Act or the provisions of any law relating to town or country planning or good husbandry;

(c) without reasonable excuse, the land has not been cultivated, used or developed to the satisfaction of the Land Board for such period as may be prescribed in respect of that land, or has not been cultivated, used or developed in accordance with the purpose for which the grant was made;

(d) the grant was induced by fraud or misrepresentation attributable to the grantee; or

(e) the grantee fails to demarcate, in accordance with section 42, the boundaries of the land which he or she has been granted.

#### **44. Recovery of land**

(1) Where there has been a breach of any terms and conditions of any grant made under the provisions of this Act, the Land Board secretary may bring an action in the Land Tribunal for the recovery of such land.

(2) No person shall have any claim against a Land Board or the State for compensation for any improvements effected by him or her or any other person where land is recovered in accordance with subsection (1).

(3) All improvements effected to land recovered by a Land Board shall enure to the benefit of the Land Board, unless the Land Board agrees in writing that the grantee may remove any such improvements within the time specified by the Land Board, where they can be removed without causing irreparable damage to the land.

#### **45. Presumption**

Where any person other than a citizen of Botswana alleges that he or she holds rights from a tribe to land by virtue of any agreement whether made before or after the coming into operation of this Act and the terms and conditions of such agreement are in dispute, such agreement shall, unless the contrary is proved, be deemed to confer upon the person concerned no greater rights than may lawfully be conferred upon a person in terms of a lease granted under section 27.

#### **46. Certificate of Land Board**

Where in any proceedings before a court of law (including a customary court) the question arises as to whether the consent of a Land Board to any grant has been given under the provisions of section 33 a certificate purporting to be under the hand of the chairperson of the Land Board that such consent has or has not been given shall be *prima facie* evidence that such consent has or has not been given, as the case may be.

#### **47. Enforcement of Land Board decisions**

A Land Board wishing to enforce any of its decisions may make application therefor to the Land Tribunal, and the Land Tribunal, after giving both parties to the dispute an opportunity to appear before it and present arguments or evidence, may uphold the decision of the Land Board, reject it or amend it as it deems fit, and shall thereafter cause the decision of the Land Board, if upheld, or as amended, to be enforced as a decision of the Land Tribunal.

#### **48. Appeals**

(1) A Land Board may hear an appeal from any decision of a subordinate Land Board in respect of any of its functions conferred on such subordinate Land Board.

(2) Any person aggrieved by any decision of a Land Board made under this Act may appeal to the Land Tribunal within a period of 30 days from the date upon which he or she became aware of such decision.

#### **49. Offences and penalties**

(1) Any person who-

(a) acquires or takes occupation of any tribal land without having an appropriate lease or a registered certificate issued by the Registrar of Deeds;

(b) changes the use of any such land without the prior approval of the appropriate Land Board;

(c) transfers any such land to any other person otherwise than under and in accordance with the provisions of this Act; or

(d) makes any statement or representation, whether explicit or implied, which he or she knows or reasonably ought to have known was untrue, for the purpose of obtaining a grant of land, or for the purpose of obtaining any benefit or compensation under the provisions of this Act, commits an offence and is liable to a fine of P20 000 and to imprisonment for two years, or if the offender is a corporate body, to a fine of P50 000.

(2) A court convicting a person of an offence under subsection (1) may order the eviction of the offender from the tribal land which he or she occupies and in respect of which the offence was committed.

#### **50. Power to require information**

(1) A Land Board shall have the power to require, from any person, such information including accounts, returns or estimates as the Land Board deems it necessary, to carry out its functions under this Act.

(2) If so requested by a Land Board, the person under subsection (1) shall give the Land Board access to or provide it with such information as the Land Board may require and the Land Board shall be entitled to make copies or take extracts from any information.

(3) Information provided in terms of subsection (2) shall not be false or misleading.

(4) The chairperson, member, employee or officer of a Land Board shall not disclose to any other person any information so acquired if that disclosure would be detrimental to the person the information was obtained from, except in the circumstances set out in section 16(2).

(5) Any person who contravenes any of the provisions of this section commits an offence and is liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding two years, or to both.

#### **51. Protection from personal liability**

No matter or thing done or omitted to be done by a member, officer or employee of a Land Board shall, if the matter or thing is done or omitted to be done *bona fide* in the course of the operations of the Land Board, render such member, officer or employee or any person acting by his or her direction, personally liable to an action, claim or demand.

#### **52. Establishment of association of Land Boards**

(1) There is hereby established an association of Land Boards the functions of which shall be to-

(a) protect and promote the interest of Land Boards by taking such action and making representations to the Government and such bodies as may be deemed necessary or expedient from time to time;

(b) make such representation to the Government, civic society and other relevant bodies as may be deemed fit by the association;

(c) constructively engage the Land Boards in the equitable distribution of land to citizens of Botswana in terms of existing legislation;

(d) advise Government, whenever appropriate, in any matter relating to continual amendment of existing legislation and policies to ensure that they are in keeping with the current situation;

(e) promote and encourage the formulation and enforcement of environmental and natural resources policy and law for sustainable development;

(f) promote the development of land policies and law through research, studies, workshops and seminars in Botswana;

(g) promote and encourage the formulation of legal instruments and policy measures for the protection of the natural resources;

(h) conduct policy research, undertake training, provide advisory services and disseminate information on ways of implementing the recommendations of the ministry responsible for land management with the specific emphasis on the needs of Land Board and other stakeholders;

(i) promote capacity building in the association in the field of policy analysis related to land management;



- (j) monitor national trends in land, management and law and recommend policy options to Land Boards and the Government as well as other institutions;
- (k) work closely with other local, national, regional and international institutions which promote the goals of land policies and law;
- (l) provide grants, donations and other forms of support to other institutions and individuals and manage research funds and projects on behalf of other institutions and individuals; and
- (m) do all things or anything which is incidental or conducive to the attainment of any or all of the foregoing aims and objectives.

(2) The membership of the association shall consist of all the Land Boards.

(3) The association may invite any person who in the association's opinion has the capacity to assist the association in the furtherance of its objectives, to be a member of the association.

### **53. Creation of subordinate Land Boards**

(1) A Land Board may with the approval of the Minister establish a subordinate Land Board for any area within a tribal area.

(2) Each subordinate Land Board shall consist of-

- (a) six members, appointed in accordance with the prescribed procedure and who shall hold office for the prescribed period; and
- (b) three *ex-officio* members namely-
  - (i) a *Kgosi* or *Moemela Kgosi*,
  - (ii) one member representing the Ministry responsible for trade, and
  - (iii) one member representing the Ministry responsible for agriculture.

(3) The Minister shall appoint the chairperson of the subordinate Land Board and the deputy chairperson shall be elected by members from amongst their number.

(4) The chairperson and the deputy chairperson shall hold office for a period of three years.

(5) The Minister shall, by notice in the *Gazette*, publish the appointment of members, specifying the dates of their appointment and the period for which they are appointed to the subordinate Land Board.

(6) The Minister may, by Order published in the *Gazette* vary the membership of any subordinate Land Board or the period of office of members thereof.

(7) A Land Board may delegate to any subordinate Land Board established under subsection (1) any of the functions of the Land Board in respect of the area for which it has been established.

(8) The provisions of sections 8, 9, 11, 15 and 16 shall apply, with such modifications as may be necessary, to the members of a subordinate Land Board.

(9) Subject to the provisions of any regulation made under the provisions of section 54 and of any direction which a Land Board may give in the matter, a subordinate Land Board may regulate its own procedure.

(10) All subordinate Land Boards established under the repealed Act and subsisting immediately before the commencement of this Act, shall continue to exist as subordinate Land Boards as if established under this Act.

### **54. Regulations**

(1) The Minister may make regulations-

- (a) prescribing anything which under this Act is to be, or may be, prescribed;
- (b) prescribing the procedure of a Land Board or a subordinate Land Board;
- (c) prescribing the form of any document required for the purposes of this Act;
- (d) providing for the audit of the accounts of Land Boards;

(e) providing for the registration of rights and transfers of rights in land where such land is held by grant under the provisions of this Act or in terms of a concession granted prior to the coming into operation of this Act;

(f) prescribing the fees payable to a Land Board;

(g) providing for the payment of fees and allowances to members of a Land Board or subordinate Land Board;

(h) prescribing the period of the development covenant applicable to each type of land use, and the procedures to be followed by the Land Board to extend the period;

(i) prescribing the public tender procedures applicable to the allocation of land, as applicable to specified uses;

(j) the procedure for the enforcement of payment of a service levy imposed;

(k) the exemption of transactions relating to land located in a special business zone from the application of sections 33 and 34 of this Act;

(l) providing for the summoning of persons to give evidence before a Land Board or subordinate Land Board; and

(m) generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may empower a Land Board to apply to the Land Tribunal for an order to sell any movable property of a person in default of payment of a fee or service levy imposed.

(3) Notwithstanding any regulations made under subsection (2), in the event of a fee or service levy imposed being unpaid and so remaining unpaid after a notice being sent to the defaulter demanding payment thereof, then on the expiration of the period specified for payment such fee or levy shall, at the suit of the board, be recoverable in the High Court or a magistrate's court for the district in which the land is situated, whether or not the person liable for the payment is resident within the jurisdiction of such magistrate's court.

## **55. Repeal**

(1) The Tribal Land Act is hereby repealed.

(2) The repeal of the Tribal Land Act shall not be construed as invalidating any certificate issued thereunder, or invalidating any decision of any Land Board, subordinate Land Board or any other body properly constituted under the repealed Act.

## **56. Transitional and savings**

(1) All subsidiary legislation made under the repealed Act, and in force immediately prior to the coming into operation of this Act shall, in so far as such legislation is consistent with the provisions of this Act, continue to be in force as if made under this Act.

(2) All rights, assets, property and duties vested or imposed on a Land Board immediately before the coming into operation of this Act shall continue to be vested or imposed on a Land Board.

(3) All liabilities and obligations subsisting against a Land Board immediately before the coming into operation of this Act shall continue to subsist against a Land Board.

(4) All actions, suits or legal proceedings by or against a Land Board which immediately before the coming into operation of this Act were pending in respect of a Land Board shall be carried out or prosecuted by or against the Land Board and no such suit, action or legal proceedings, shall abate or be affected by the coming into operation of this Act.

(5) Any person who is an officer or employee of a Land Board immediately before the coming into operation of this Act shall continue in office for the period for which, and subject to the conditions under which he or she was appointed as an officer in the public service.

(6) Any enquiry or disciplinary proceedings which, before the coming into operation of this Act, were pending shall be continued or enforced by or against the Land Board in the same manner as they would have been continued or enforced before the coming into operation of this Act.

## **SCHEDULE 1**

(Sections 4 and 5(2)(a))

<i>First Column</i>	Second Column
Bamangwato Tribal Territory	Ngwato Land Board
Batawana Tribal Territory	Tawana Land Board
Bakgatla Tribal Territory	Kgatleng Land Board
Bakwena Tribal Territory	Kweneng Land Board
Bangwaketse Tribal Territory	Ngwaketse Land Board
Bamalete Tribal Territory	Malete Land Board
Batlokwa Tribal Territory	Tlokweneng Land Board
Barolong Farms	Rolong Land Board
The area defined in Schedule 2 to this Act	Tati Land Board
The area defined in Schedule 3 to this Act	Chobe Land Board
The area defined in Schedule 4 to this Act	Kgalagadi Land Board
The area defined in Schedule 5 to this Act	Ghanzi Land Board

**SCHEDULE 2**  
**TATI TRIBAL AREA**

Commencing at beacon BB1 on the International Boundary between Botswana and Zimbabwe, being also an intersection point of the Bamangwato Tribal Territory and the Northeast District boundary lines, the boundary runs generally eastwards to its intersection with the median line of the Ramokgwebana River; thence generally southwards along the said International Boundary, being also the median line of the said Ramokgwebana River, to its confluence with the Shashe River; thence generally westwards and northwestwards along the median line of the said Shashe River to its intersection with the western boundary of the Remainder of Farm 80-NQ; thence generally northwards and eastwards along the boundary of the said Farm 80-NQ; thence northwards along the western boundary of the Farm 35-NQ/117; thence eastwards along the northern boundary of the said Farm 35-NQ/117 to its intersection with the eastern boundary of the Railway Strip 9-OQ; thence southwards along the boundary of the said Railway Strip 9-OQ to its intersection with the northern boundary of the Remainder of the Farm 77NQ; thence eastwards and southeastwards respectively along the northern and eastern boundaries of the said Remainder of the Farm 77-NQ; thence generally southeastwards and eastwards along the boundaries of Farms 77-NQ/3, 77-NQ/5, 77-NQ/7, 77-NQ/10, 77-NQ/11 and 77-NQ/13 to its intersection with the median line of the Tati River; thence southwards along the median line of the Tati River to its intersection with the northern boundary of Farm 77-NQ/25; thence northeastwards along the boundary of the said Farm 77-NQ/25, northwestwards and northeastwards along boundaries of Farm 77-NQ/39; thence northwards along western

boundaries of Farms 77-NQ/22, 77-NQ/20, 74-NQ, 52-NQ and 51-NQ; thence westwards, along the southern boundary of the Farm 49-NQ to its intersection with the median line of the Sekukwe River; thence generally northwards along the median line of the said Sekukwe River and the eastern boundary of Remainder of the Farm 32-NQ to its intersection with the southern boundary of the Farm 29-NQ; thence eastwards, northwestwards and westwards along the southern, eastern and northern boundaries of Farm 29-NQ to the intersection of the latter with the eastern boundary of the Railway Strip 9-OQ; thence generally northwards along the said Railway Strip 9-OQ to its intersection with the prolongation of the southern boundary of Farm 58-OQ; thence in a clockwise direction along the boundaries of the said Farm 58-OQ, Farm 57-OQ, Farm 51-OQ, Farm 47-OQ and Farm 40-OQ to the intersection of the prolongation of the northern boundary of the said Farm 40-OQ with the Eastern boundary of the Railway Strip 9-OQ; thence generally northwards along the said Railway Strip 9-OQ to its intersection with the prolongation of the southern boundary of the Farm 14-OQ; thence northwestwards along the said southern boundary of the Farm 14-OQ to its intersection with the median line of Ntshe River; thence southwards along the median line of said Ntshe River, to its intersection with the northern and common boundary of the Farms 27-OQ and 22-OQ; thence southwestwards along the said common boundary of the Farms 27-OQ and 22-OQ, to its intersection with the median line of Tati River; thence southwards along the said median line of Tati river, to its intersection with the southern boundary of Farm 2-OQ; thence westwards along the said Farm boundary and northwards along the western Boundaries of the Farms 2-OQ and 116-OQ, being also the eastern boundary of Farm 1-OQ; thence anti-clockwise along the eastern, northern, western and southern boundaries of the said Farm 1-OQ to its intersection with the median line of Vukwe River; thence southwards along the said median line of Yukwe River to its intersection with the common boundary between the said Farm 1-OQ and Farm 44-OQ; thence eastwards along the said common boundary of the said Farms 1-OQ and 44-OQ; thence generally southwards along the eastern boundaries of Farms 44-OQ, 54-OQ, 55-OQ, 64-OQ and 65-OQ; thence eastwards along the northern boundary of Farm 70-OQ to its intersection with the median line of Tati River; thence southwards along the median line of the said Tati River to its intersection with the northern boundary of the Farm 88-OQ; thence clockwise along the northern, eastern and southern boundaries of the said Farm 88-OQ to its intersection with the median line of Tati River; thence southwards along the median line of the said Tati River to its intersection with the southern boundary of the Farm 97-OQ; thence westwards and northwards along the southern and western boundaries of the said Farm 97-OQ; thence westwards along the southern boundary of the Farm 95-OQ to its intersection with the median line of Vukwe River; thence southwards along the median line of the said Vukwe River to its confluence with Shashe River; thence northwestwards and northwards along the median line of the said Shashe River, being also the southern and eastern boundary of the Bamangwato Tribal Territory; thence westwards and northwards along the said boundary of the Bamangwato Tribal Territory to the point of commencement at boundary beacon BB1.

Excluded from this area are-

The Railway Strip 9-OQ, the Remainder of Tati Concessions, the Farms 6-NQ, 31-NQ, 4-OQ, 6-OQ, 7-OQ, 11-OQ, 16-OQ, 17-OQ, 19-OQ, 39-OQ and 85-OQ, portions 3, 4, 5, 16, 29, 30 and 31 and remainder of the Farm 77NQ: As will more fully appear on Plan BP 181 deposited with the Director of Surveys and Mapping.

### **SCHEDULE 3 CHOBÉ TRIBAL AREA**

1. Commencing at a point 'S', being a point on the International Boundary between Botswana and Namibia (Caprivi Strip) due north of a beacon situated on the northern end of Firebreak No.19 at Ngoma, the boundary runs due south to the said beacon being point 'T'; thence southwards along the eastern edge of the said Firebreak for approximately 34 km to a point approximately 1.7 km due east of Namuchira Pan, being point 'U'; thence due west for 1.7 km to the said Namuchira Pan, being point 'V'; thence generally southwestwards and southwards along the western edge of the Namuchira Valley to a point at Sikiylana Pan at the confluence of the Namuchira Valley and the Molapowadiphofu, being point 'W'; thence in a generally southwesterly direction along the valley now known as Kashaba to a beacon Chobe 3 in the Nxunxutsha Pan at latitude 18°29'14"S and longitude 24°32'32"E being point 'X'; thence west-northwestwards up a

cut-line for approximately 41 km to a beacon Chobe 2 in Sisuma Pan at latitude 18°21'43"S and longitude 24°10'32"E, being point 'Y'; thence in a west-northwesterly direction up a cut-line for approximately 28 km to a point 'Z', being a point on the International Boundary between Botswana and Namibia (Caprivi Strip), approximately 5 km east of the intersection of the eastern boundary of the Batawana Tribal Territory with the said International Boundary; thence along the said International Boundary in a northeasterly and easterly direction to point 'S', being the point of commencement as will more fully appear on Plan BP 205E deposited with the Director of Surveys and Lands;

2. Commencing at point A, being a point on the International Boundary between Botswana and the Caprivi Strip and being also the northeast corner of Kasane Township, the boundary follows the said International Boundary in an easterly direction to the point of intersection with the International Boundary between Botswana and Zimbabwe, being point B; thence generally southeastwards along the said International Boundary to the point of intersection with parallel of latitude 19 S, being point C; thence due west along the said latitude to the point of intersection with approximately longitude 24°50'42"6"E, being the point of intersection of the prolongation of a cut-line from the northeast being point D; thence in a north-northeast direction for approximately 11.8 km to the southern most point of the said cut-line forming the eastern boundary of the Chobe National Park, being point F; thence in a northerly direction for approximately 50.8 km to a beacon marked Chobe Game Reserve situated on the south side of the Ngwezumba Bridge-Nunga River Road, being point G; thence along the southern side of the aforesaid road in an easterly direction for 27 km to point H; thence in a straight line in a northwesterly direction for approximately 28 km to a point on the northern edge of the Kakulwane Seloko, being point J; thence a generally southwesterly direction for approximately 7.6 km along the northern edge of the Seloko to the point of intersection by the cut-line defining the boundary of the Chobe National Park, approximately 500 metres north-northeast of Makororo Pan, being Point K; thence northwards for approximately 17.6 km to a beacon on the south side of the Lesomo-Ngwezumba Bridge road, being point L; thence north eastwards for approximately 21.3 km to the point of intersection of Firebreaks No. 7 and No. 8, being point M; thence generally northwestwards along the western boundary of the aforesaid Firebreak No. 8, following the Sidudu Valley, for approximately 7.3 km to the point of intersection with Firebreak No. 6, being Point N; thence northeast along the northern edge of the aforesaid Firebreak No. 6 for approximately 2.2 km to the point of intersection with Firebreak No. 7, being point O; thence in a northwesterly direction along the western edge of the aforesaid Firebreak No. 7 for approximately 2 km to the point of intersection with Firebreak No. 2, being point P; thence generally northeastwards along the western and northern edge of the aforementioned Firebreak No. 2 for approximately 4 km to the point of intersection of the said Firebreak No. 2 with the southern edge of Firebreak No. 5, approximately 5 metres south of beacon KRM 29AS, where the direct line between beacon TS3 and beacon B of Lot 2 Kasane vide diagram No. DSL 5667/61, is intersected, being point Q; thence along the southern edge of the said Firebreak No. 5 in a southeasterly direction to the beacon TS3 co-ordinates Y=-16696.59 X=1969 864.10, at the intersection of the said Firebreak No. 5 with the northern edge of the Kazungula/Ngoma Bridge Road, being point R; thence along the northern edge of the said Kazungula/Ngoma Bridge Road in a generally northeasterly direction to a beacon TS2, co-ordinates Y=-18002.00 X=1968 518.54 at the junction with the northern edge of Firebreak No. 2, being point S; thence in an easterly direction along the northern edge of the said Firebreak No. 2 to a beacon FR.23, co-ordinates Y=-19349.34 X=1968 065.90, being point T; thence up a cut-line in a northwesterly direction to a beacon TS1 on the northern edge of the Kazungula/Ngoma Bridge Road, co-ordinates Y=-19199.01 X= 1967 524.08, being point U; thence in an easterly direction along the northern edge of the said Kazungula/Ngoma bridge road, to a beacon KRM 14AS situated at the junction with the Kazungula/Kasane Road, co-ordinates Y=-19611.86 X=1967 468.88, being point V; thence up a cut-line in a northerly direction to beacon C of Lot 706 Kasane, vide diagram DSL 149/80, co-ordinates Y=-19586.86 X=1966 967.96, being point W; thence continuing in the same direction along the prolongation of this line to the point of intersection with the International Boundary between Botswana and the Caprivi Strip, being the point of commencement; as will more fully appear on Plan BP.205(c) deposited with the Director of Surveys and Lands, Gaborone. Co-ordinates are in metres on Trigonometrical System Lo 25°;

3. Commencing at point "F" on the northern edge of Firebreak No. 2 approximate co-ordinates (-22640, 1970345), the boundary runs due south for about 420 metres approximate co-ordinates (-22709, 1969400) being point "G", thence due south southeasterly for about 150 metres approximate co-ordinates (-22820, 1969512) being point "H"; thence due southeasterly for about 1220 metres approximate co-ordinates (-22043, 1970723) being point "J", on the southern edge of Firebreak No. 3; thence along the southern edge of Firebreak No. 3 in a southeasterly direction about 1100 metres up to its intersection with another Firebreak running in a northeasterly direction approximate co-ordinates (-124630, 1970545) being point "K1"; thence due east for about 2400 metres approximate co-ordinates (-27710, 1970930) being point "M2"; on the eastern edge of the new Kazungula/Nata Road; thence along the eastern edge of the said road in a generally northerly direction for about 1300 metres approximate co-ordinates (-27530, 1969730) being point "O1"; thence due east for about 240 metres approximate co-ordinates (-27820, 1969820) being point "P1"; thence in a northerly direction for about 400 metres to beacon 105 (co-ordinates 5942.72, 1969431.50) of SR 69/87 vide data plan DSL No. 119/87 being point "Q1"; thence on a westerly direction through beacons 704, 705 Gar4 and Gar3 of SR69/87, and across the Nata/Kazungula Road up to where the prolongation of this line meets the northern edge of Firebreak edge of Firebreak No. 1 being point "T1"; thence along the northern edge of Firebreak No. 1 in a southwesterly, northwesterly and westerly direction for a distance of approximately 1700 metres to beacon FR.28; thence across Firebreak No. 1 a for a distance of 5.8 metres to beacon FR.27; thence along the western edge of Firebreak No. 1 a in a generally northerly direction for a distance of approximately 1200 metres of beacon FR.26, thence across Firebreak No. 2 for a distance of 15.8 metres to beacon FR.25; thence along the northern edge of Firebreak No. 2 in a westerly and northwesterly direction for about 3700 metres to the point of commencement as will more fully appear on plan No. RO 45, deposited with the Director of Surveys and Mapping, Gaborone;

4. Commencing at Point "B2" the co-ordinates of which are +29 447.13 Eastings, 19 84 131.57 northings on system Lo 25; being a point on Firebreak No. 19, the boundary runs generally southwards for approximately 32 kilometres along the eastern edge of the said firebreak to its most southerly point, being point "J"; thence due west for approximately 1.7 kilometres to point "K" being a point at Namuchira Pan at the source of the Namuchira Valley and the Molapowadiphofu; thence generally southwestwards and southwards along the said Namuchira Valley and the Molapowadiphofu; thence continuing generally southwestwards along the valley, now called Kashaba, to a point at Nxunxutsha Pan, being point "L"; thence on a bearing of 109° 58'39 for 41 149.83 metres to point "M100"; thence on a bearing of 237° 37'35 for 8434.77 metres to point "N100"; thence on a bearing of 220° 54'36" for 7407.71 metres to point "RD01"; thence on a bearing of 234° 03'47 for 4 081.33 metres to point "RD02"; thence on a bearing of 221° 13'20 for 3534.65 metres to point "RD03"; thence on a bearing of 255° 54'54 for 1930.86 metres to point "RDL1"; thence on a bearing of 261° 33'44 for 3278.58 metres to point "RD04"; thence on a bearing of 235° 34'03 for 6 950 88 metres to point "RD05"; thence on a bearing of 241° 25' 29 for 2 838.95 metres to point "RD06"; thence on a bearing of 256° 02 '53 for 4 492.60 metres to point "CH06"; thence on a bearing of 317° 48 '57 for 1485.98 metres to point 005"; thence on a bearing of 234° 48 '57 for 5 231.63 metres to point "A009"; thence on a bearing of 228° 11 '41 for 4 171.38 metres to point "008"; thence on a bearing of 214° 48'07 for 6 888.53 metres to point 004"; thence on a bearing of 270° 01 '59 for 1 418.22 metres to point "003"; thence on a bearing of 207° 50'50 for 8 393.50 metres to point "002"; thence on a bearing of 141° 42 '42 for 2 526.99 metres to point "001"; thence on a bearing of 232° 00'11 for 7 726.12 to point "B2" being the point of commencement. As will more fully appear on Plan BP-105a deposited with the Director of Surveys and Mapping; and

5. Commencing at point "698" the co-ordinates of which are -60 824.40 Easting, +20 39224.18 northings on system Lo 27, being the International Boundary Beacon between the Republic of Botswana and the Republic of Zimbabwe, 14 506.92 metres northwest of Pandamatenga; the boundary runs southwesterly on a bearing of 83° 41'10 for a distance of 3 622.89 metres to point "L1"; thence on a bearing 67° 33 '30 for a distance of 5 927.67 metres to point "L2"; thence generally southwards on a bearing of 4° 33 '20 for a distance of 7 567.84 metres to a point of intersection with a track at point "L3"; thence generally westwards and northwestwards along the western edge of the said track for approximately 9000 metres to "KZ1" (co-ordinates -45 247.62 easting, 20 43109.50 northings); thence due north on a bearing of 181°38'10 for a distance of 10

967.53 metres to point "W"; thence northwestwards on a bearing of 238° 52 '10 for a distance of 9 204.50 metres to point "BPS192", being on the International Boundary between the Republic of Botswana and the Republic of Zimbabwe; thence generally southeastwards along the said International Boundary to point "698", being the point of commencement. As will more fully appear on Plan BP-105a deposited with the Director of Surveys and Mapping.

**SCHEDULE 4**  
**KGALAGADI TRIBAL AREA**

1. Commencing at boundary beacon V167, latitude 26°28'17.4"S, longitude 20°36'56.5"E, being a beacon in the middle of the Nossop River on the International Boundary between Botswana and South Africa, the boundary runs east-northeastwards along the southern boundary of the Gemsbok National Park for approximately 16 km to a point at latitude 26°27'05.35", longitude 20°46'30.2"E; thence east-northeastwards for 24 km to a beacon on Flys Kop at latitude 26°24'51.6"S, longitude 21°00'56.8"E; thence northeastwards along the southeast boundary of the said National Park for a distance of approximately 144 km to the southwest corner of the Mabuasehube Game Reserve, latitude 25°21'38.7"S, longitude 21°50'21.8"E; thence east along the southern boundary of the said Game Reserve for approximately 32 km to the southeast corner, latitude 25°21'38.7"S, longitude 22°21'37.7"S, longitude 22°09'28.7"E; thence north along the eastern boundary of the said Game Reserve for a distance of approximately 56 km to the northeast corner, latitude 24°51'07.4"S, longitude 22°09'28.7"E; thence west along the northern boundary of the said Game Reserve for approximately 32 km to the northwest corner, latitude 24°51'07.4"S, longitude 21°50'21.8"E; thence west-northwestwards along the northern boundary of the Gemsbok National Park until this boundary intersects the meridian of 20 east longitude, being the International Boundary between Botswana and Namibia; thence northwards along the said International Boundary to its intersection with that parallel which passes through beacon B of diagram DSL No. 26/69 Farm 2-LO; thence eastwards along the said parallel of latitude to its intersection with meridian of longitude 23°03'34"E, being the northwest corner of the Bakwena Tribal Territory; thence south along the western boundary of the Bakwena Tribal Territory for approximately 13 km; thence west for 9.65 km; thence south for 17.7 km; thence east for 9.65 km to meridian of longitude 23°03'34"E; thence south along the western boundaries of the Bakwena and Bangwaketse Tribal Territories; thence east along the southern boundary of the Bangwaketse Tribal Territory; thence south along the western boundary of the Molopo Farms to the intersection of this boundary with the middle of the Molopo River being on the International Boundary between Botswana and South Africa; thence generally westwards, southwestwards and westwards along the middle of the Molopo River to its junction with the Nossop River; thence northwards along the middle of the Nossop River to the point of commencement, as will more fully appear edged in red on Plan BP 182(c) filed in the DSL.

2. Portion 2 of the Farm Hereford 8-JM vide diagram DSL No. 17/82.

**SCHEDULE 5**  
**GHAZI TRIBAL AREA**

Commencing at the intersection of latitude 21°S and longitude 21°E, being a point on the International Boundary between Botswana and Namibia, the boundary runs eastwards along latitude 21°S to its intersection with the south-western corner of the Central District at longitude 23°53'05"E; thence in a south-easterly direction to beacon A of diagram DSL No. 25/69 of Farm 1-LO; thence in a south-westerly direction along the western boundary of Farm 1-LO to beacon E of the said diagram, being a beacon on the same latitude as beacon B of diagram DSL No. 26/69 of the Farm 2-LO; thence westwards along the said latitude to the north-western corner of the Kweneng District at longitude 23°03'34"; thence continuing westwards along the same latitude to its point of intersection with longitude 20°E, being a point on the International Boundary between Botswana and Namibia; thence northwards along the said meridian of longitude to its intersection with latitude 22°S, being a point on the International Boundary between Botswana and Namibia; thence eastwards along latitude 22°S to its intersection with the meridian of longitude 21°E, being a point on the International Boundary between Botswana and Namibia; thence northwards along the meridian of 21°E to the point of commencement, excluding-

1. The Central Kalahari Game Reserve
2. The Xanagas Block Farms

3. The Ghanzi Block Farms

4. A belt 15 km wide around the Ghanzi Block Farms until such belt intersects the Botswana/Namibia International Boundary or the western boundary of the Central Kalahari Game Reserve.