

THE TRIBAL LAND ACT, 1968

No. 54



of 1968

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SCHEDULE

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF TRIBAL 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: 27.9.68.

Date of Commencement: On a date to be appointed.

ENACTED by the Parliament of Botswana.

**PART I
INTRODUCTORY**

Short Title and Commencement

1. This Act may be cited as the Tribal Land Act, 1968, and shall come into operation on a date to be appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires —

“Chief” includes any person performing the functions of Chief;

“customary law” in relation to any land means the customary law of the place where the land is situated;

“diagram” means a diagram as defined in section 2 of the Land Survey Proclamation, 1959;

“District Council” in relation to any tribal area means the District Council within whose area the tribal area is situated;

“grant”, in Part IV, includes any disposition of land under the common law, and shall include a grant of ownership or of lease;

“land” means land in a tribal area and subject to the provisions of the Mines and Minerals Act, 1967 (No. 50 of 1967), the Water Act, 1967 (No. 40 of 1967) and the Mineral Rights in Tribal Territories Act, 1967 (No. 31 of 1967) 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;

“land board” in relation to any area of land means land board of the area where the land is situated;

“lease” includes any agreement —

(i) whereby the right to occupy land for a determined or determinable period of time is conferred;

(ii) whereby permission, terminable at the will of the grantor, to occupy land is conferred;

whether or not any consideration is payable for such right or permission;
“land board” means land board established under section 3;

“member”, except in section 35, means member of a land board but does not include a person co-opted under the provisions of section 5;

“subordinate land authority” means any person who may, in accordance with customary law, grant or confirm the grant of land as an authority subordinate to some other authority whether or not such grant requires the approval of such other authority or of any other subordinate land authority and, in circumstances where a subordinate land board has been established under section 19, means a subordinate land board;

“subordinate land board” means subordinate land board established under the provisions of section 19;

“tribal area” means —

(a) every tribal territory as defined in section 2 of the Chieftainship Law, 1965 (No. 29 of 1965); *to Second Schedule hereto;*

(b) the area defined in ~~Schedule 1 to the Tati Concessions Land Proclamation (Chapter 112)~~ *to the Second Schedule hereto;*

“tribesman” in relation to any tribal area means a citizen of Botswana who is a member of the tribe occupying the tribal area.

PART II

LAND BOARDS

Establishment of Land Boards

3. (1) There is hereby established in respect of every tribal area set out in the first column of the Schedule a land board having the name or title set opposite thereto in the second column thereof, and composed of the members set opposite thereto in the third column thereof.

(2) Subject to the provisions of this section, members, other than *ex officio* members, shall be appointed or elected, as the case may be, as soon as practicable after the commencement of this Act and thereafter during the thirty days following any general district council election.

(3) On the appointment or election of members under subsection (2) the members previously so appointed or elected shall unless reappointed or re-elected, as the case may be, cease to hold office.

(4) No person shall be appointed as a member of a land board if he —

(a) has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in Botswana or elsewhere and has not been dis-

charged, or has made a composition with his creditors and has not paid his debts in full; or

(b) has been sentenced to imprisonment without the option of a fine for any offence whether in Botswana or elsewhere.

(5) A land board may perform the functions vested in it under this Act or by any other law notwithstanding any vacancy in its membership.

Temporary Members

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

(2) An appointment or election made under the preceding subsection shall cease to have effect if the person or authority who made the same notifies the temporary member of the revocation of such appointment or election, or if the member in whose place the temporary member has been appointed or elected notifies such person that he is about to resume or has resumed his functions, or that member vacates his office by virtue of the provisions of section 6.

Co-option

5. (1) A land board may, with the approval of the Minister, co-opt not more than two persons with suitable expert knowledge or experience to assist the board in the discharge of its functions.

(2) Persons so co-opted may attend any meeting of the Land Board and at such meeting may speak but may not vote.

Vacation of Office

6. (1) A member, not being an *ex officio* member, may at any time resign his office by notice in writing addressed to the Minister and, on receipt of such notice by the Minister, the office of the member shall become vacant.

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

(a) circumstances arise under which, if he were not a member of a land board, he would be disqualified in terms of section 3(4) from being appointed as a member of the board; or

(b) he is required to vacate his office under sub-section (3).

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

- (a) has been absent from meetings of the land board without leave of absence granted by the land board for a period exceeding six consecutive months ;
- (b) is unable to exercise the functions of his office by reason of illness, absence or other cause and has been, or is likely to be, so unable for a period exceeding six months ; or
- (c) is otherwise unfit to discharge the functions of his office.

Procedure of Land Board

7. (1) Subject to the provisions of this Act and to any regulation made under the provisions of section 37, a land board may regulate its own procedure :

Provided that no grant of land shall be of any effect unless the land board by resolution approves such grant and a record of the substance of such resolution is recorded in the minutes of the meeting at which the resolution was passed.

(2) The quorum of a land board shall be four members.

(3) An administrative officer may attend any meeting of a land board and at such meeting may speak but may not vote.

(4) Decisions of the land board shall be taken by a majority of the votes of members present and voting, the Chairman having both an original and, in the event of an equality of votes, a casting vote.

(5) If any member present at a meeting of a land board has any pecuniary or other interest, direct or indirect, in any matter under discussion, or is the husband, father, grandfather, son, grandson or brother, father-in-law, brother-in-law or son-in-law of any person seeking a grant from the board he shall disclose the fact and, if the Chairman or other member presiding so directs, he shall withdraw from the meeting during such discussion or refrain from discussion of, or voting on, the matter.

Secretary of Board

8. The Minister shall by notice in the *Gazette* appoint a Secretary for each Land Board.

Land Boards to be Bodies Corporate

9. (1) A land board shall be a body corporate capable of suing and being sued in its own name.

(2) Subject to the provisions of this Act a land board shall have power to do anything and enter into any transaction which in its opinion is calculated to facilitate the proper discharge of any function conferred or imposed upon it under this Act or any other law, or which is incidental or conducive thereto.

Vesting of Tribal Land in the Land Boards

10. (1) All the right and title of the Chief and tribe to land in each tribal area listed in the first column of the Schedule shall vest in the land board set

opposite thereto in the second column of the Schedule in trust for the benefit and advantage of the tribesmen of that area and for the purpose of promoting the economic and social development of all the peoples of Botswana.

(2) The rights of control over land in the area defined in Schedule 1 to the Tati Concessions Land Proclamation (Chapter 112) vested in the Government under the provisions of section 2(2) of the said Proclamation shall, subject to the provisions of this Act, vest in the Tati Land Board and no rules or regulations which relate to the granting, variation or determination of rights in land in the area so defined shall be proclaimed to be in force under the provisions of the said section.

(3) Subject to the provisions of any other law the rights to land vested in land boards under the provisions of subsection (1) shall include any right of administration which has heretofore been vested in the Chief in respect of land or water within a tribal area.

(4) Nothing in this section shall have the effect of vesting in a land board any land or right to water held by any chief or other person in his personal and private capacity.

Formulation of Policy

11. A land board shall consult the District Council in the formulation of policy relating to the exercise of its functions under this Act and shall give effect to the views of the District Council.

PART III

GRANT OF CUSTOMARY LAND RIGHTS

Application of the Part

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

Functions of a Land Board in Relation to Customary Tenure

13. (1) The functions of the Chief under customary law in relation to —

- (a) the granting of rights to use any land;
- (b) the cancellation of the grant of any rights to use any land including a grant made prior to the coming into operation of this Act;
- (c) hearing of appeals from, confirming or setting aside any decision of any subordinate land authority;
- (d) any right of administration of the nature described in section 10(3);

shall be vested in and performed by a land board acting in accordance with the provisions of this Act.

(2) The President may, by order in the *Gazette* transfer to a land board the functions of any subordinate land authority which are vested in such authority under the customary law.

(3) In making any grant of land under the provisions of this section the land board may impose such conditions relating to town or country planning or good husbandry as the Minister may approve, and breach by any person to whom such land is granted, or his successors in title of such conditions shall be deemed to be an act justifying cancellation of the grant.

Appeals to the Minister

14. Any person aggrieved by any decision of a land board under the provisions of section 13 may appeal to the Minister within a period of six months from the date upon which he became aware of such decision and the Minister may make such order in the matter as he may think fit.

Grounds Justifying Cancellation of Customary Rights

15. The grounds upon which a grant of land may be cancelled, whether or not such grant was made before or after the coming into operation of this Act shall be —

- (a) that the holder of the grant is not, or has ceased to be, a tribesman;
- (b) failure to comply with conditions imposed under section 13(3) or the provisions of any law relating to town or country planning or good husbandry;
- (c) that the cancellation is necessary for ensuring the fair and just distribution of land among tribesmen entitled thereto;
- (d) that the land has been used for a purpose not authorized by customary law or that the holder thereof has contravened any customary law relating to the user thereof;
- (e) in the case of agricultural land, that for a period of five consecutive years the land has not been cultivated and that there is no sufficient excuse for this;
- (f) subject to the provisions of section 33, that the land is required for public purposes;

and no cancellation for any other reason shall be of any force or effect.

Issue of Certificate of Grant

16. (1) No person may occupy any land granted under the provisions of section 13 until there is issued to him by the land board a certificate of grant in the prescribed form.

(2) A duplicate copy of every certificate issued under the provisions of subsection (1) shall be retained by the secretary of the land board and kept in a

register which shall be open to inspection on payment of such fees as may be prescribed.

Grazing Areas

17. (1) As soon as practicable after the commencement of this Act, the Land Board, in consultation with the District Council shall determine and furnish the Minister with a description of the grazing areas within the Tribal Area.

(2) Upon receipt of a description under subsection (1), the Minister shall, if satisfied as to the adequacy of the said description, give notice thereof in the *Gazette*.

(3) A Land Board shall not grant rights under this Part to use any land in a grazing area so notified for arable or horticultural purposes without the approval of the District Council.

Commonage

18. (1) A land board may after consultation with the District Council by resolution set aside any land outside a grazing area as commonage for the use of tribesmen or for any specified class or category thereof.

(2) Upon setting aside any land under the provisions of subsection (1), the board shall notify the Minister thereof and shall furnish the Minister with a description of such land which in the opinion of the Minister is sufficient for the purpose of identifying such land.

(3) Upon receipt of a notification under subsection (2), the Minister shall, if satisfied as to the legality of the setting aside and as to the adequacy of the description as aforesaid, give notice of the setting aside in the *Gazette*, whereupon such land shall be deemed to have been set aside as commonage in accordance with the provisions of this section.

Creation of Subordinate Land Boards

19. (1) The President may by order in the *Gazette* —

- (a) establish a subordinate land board for any area within a tribal area;
- (b) transfer to such a board the functions of any subordinate land authority which are vested in such authority under the customary law.

(2) The period of office, the qualifications and the disqualifications of members of a subordinate land board shall be prescribed by regulation.

(3) Subject to the provisions of any regulation made under the provisions of section 37 and of any direction which a land board may give in the matter, a subordinate land board may regulate its own procedure.

Exclusions from the Provisions of this Part

20. No land board and no subordinate land authority may, under the provisions of this Part, grant any land —

- (a) in excess of an aggregate of 100 acres to any person other than for the purposes of grazing;
- (b) to any person other than a tribesman;
- (c) for trading, manufacturing or other business or commercial purposes.

Effect of Part and Presumption that Part Applies

21. Nothing in this Part shall be deemed to prevent a land board from making a grant of land to a tribesman under the provisions of Part IV notwithstanding that such grant might lawfully be made under the provisions of this Part:

Provided that any grant to a tribesman shall be deemed to have been made under the provisions of this Part unless —

- (a) the land board has purported to make the grant under the provisions of Part IV; or
- (b) has, in making the grant, sought the consent of the Minister in accordance with the provisions of section 24; or
- (c) the provisions of the common law have expressly or by necessary implication been made applicable to such grant.

PART IV

GRANT OF LAND RIGHTS UNDER THE COMMON LAW

Application of the Part

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

Grant of Land Rights on a Monthly Basis

23. (1) A land board may lease to any person an area of land, not exceeding five acres in extent, together with ancillary rights on such terms and conditions as it may determine or which may be prescribed.

(2) Any lease of land under the provisions of this section shall be determinable in the event of either party giving one month's notice in writing of the determination of the agreement:

Provided that the Minister may, by notice in writing to a land board, require the board to give notice under the provisions of this subsection within such time as he may specify and, in the event of the board's neglecting or refusing to give notice as aforesaid, may himself give such notice and in such event it shall be competent for him to bring an action for ejectment in any court of competent jurisdiction.

Grant of Certain Rights with the Permission of the Minister

24. (1) A land board may, with the consent of the Minister, grant to any person land on such terms and conditions as it may determine (not being a lease

terminable on one month's notice in accordance with the provisions of section 23) and no grant shall be of any force or effect unless such consent is so obtained.

(2) A grant under the provisions of this section shall be in the form of a written agreement executed on behalf of the land board by the Chairman or Secretary thereof duly authorized thereto by resolution of the board.

(3) A grant of land under the provisions of this section shall be registered by the grantee within three months thereof in the Deeds Registry in such manner as may be prescribed and, if it is not so registered, shall be deemed to have been void *ab initio*.

(4) Unless the Registrar of Deeds in any particular case otherwise directs, a grant tendered for registration under the provisions of subsection (3) shall be accompanied by a diagram or plan, to the satisfaction of the Registrar of Deeds showing the area of the grant:

Provided that a diagram shall be attached in the case of the grant of the right of ownership.

Compensation for Improvements

25. (1) No person shall, in the absence of any written agreement to the contrary, have —

- (a) any claim against a land board or the State for compensation for any improvements effected by him or any other person to land which is vested in the land board or which for any reason reverts to the land board;
- (b) any right of retention enforceable against a land board or the State over any land founded upon any claim or purported claim to compensation for improvements effected by him or any other person to such land;

and all improvements effected to land vested in the land board or which for any reason reverts to the land board shall enure to the benefit of the land board:

Provided that where improvements have been made by the grantee or his predecessor in title and the grant was not determined by reason of the breach by the grantee of the terms or conditions of the grant the grantee may, within six months after the termination of the grant and in the absence of written agreement to the contrary, remove any such improvements which can be removed without causing irreparable damage to the land, unless the land board elects to pay the grantee compensation for such improvements and the grantee is notified accordingly before he has commenced to remove such improvements.

(2) Where a land board elects to pay compensation in accordance with the provisions of the proviso to sub-section (1), the right of the grantee to remove the improvements as aforesaid shall forthwith determine, but if the grantee does not agree to the amount of the compensation offered by the land board the matter shall be referred to arbitration under the Arbitration Proclamation, 1959.

Restriction on Transfer

26. (1) The rights conferred upon any person under any grant made under the provisions of section 24 shall not be transferred to any other person by any voluntary act of such person or of his agent, trustee, curator, guardian, liquidator, judicial manager, executor or administrator or other person acting on his behalf or who has control of his estate without the consent in writing of the land board.

(2) The Registrar of Deeds shall not register any conveyance of land unless he has satisfied himself that the consent of the land board has been obtained to the transaction under the provisions of subsection (1).

Change of User

27. (1) Where the grantee of any land under the provisions of this Part desires to change the user of any land or where the grantee of any land under the provisions of Part III wishes to hold such land under the provisions of this Part, he may make application in writing to the land board.

(2) The land board may, after considering the application, refuse or allow the application :

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

Cancellation or Lapse of Grant and Recovery of Possession

28. If in respect of any land granted under the provisions of this Part —

- (a) any rent or other payment required to be paid under the grant is at any time unpaid for a period of thirty days after it becomes due ; or
- (b) there has been any breach of any of the terms or conditions of the grant ;
or
- (c) there is any change of user not authorized under section 27 ; or
- (d) the grantee or person deriving title under him remains in possession of any land after the expiration or other determination of the grant ;

the Secretary of the land board may, on behalf of the board, bring action for any such proceedings in the matter as he may think fit and may, notwithstanding the provisions of the Subordinate Courts Proclamation (Chapter 5), bring proceedings for the recovery of the land in a Subordinate Court of the First Class.

Presumption

29. Where any person other than a tribesman alleges that he 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 23.

Certificate of Minister

30. Where in any proceedings before a court of law (including a customary court) the question arises as to whether the consent of the Minister to any grant has been given under the provisions of section 24, a certificate purporting to be under the hand of the Minister 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.

Prohibitions on Grant of Land

31. (1) No land may be leased or granted to any person under the provisions of this Part for agricultural or horticultural purposes save to a tribesman or to the Government of Botswana except with the prior consent of the Minister.

(2) No land may be leased or granted to any person other than a tribesman by a land board save in accordance with the provisions of this Part.

PART V

LAND REQUIRED FOR PUBLIC PURPOSES

Grant of Land to the State for Public Purposes

32. (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 10 should be acquired by the State, the Minister shall serve notice thereof on the land board and the District Council, 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 35.

(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 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 the provisions of subsection (3), the Minister may himself execute the grant for and on behalf of the land board.

Privately Owned Customary Rights

33. (1) Where land is granted to the State under the provisions of section 32 and there subsists over such land a right to use such land under a customary form of tenure, the land board shall grant under the provisions of Part III the occupier of such land a right to use land elsewhere of equivalent value to the land so granted or leased to the State and, upon making such grant to the occupier as aforesaid, the land board shall require the occupier to vacate the land so granted to the State and, on such vacation, the provisions of subsection (2) shall have effect.

(2) Any person who vacates land in accordance with the provisions of subsection (1) shall be entitled to compensation from the State for —

- (a) the value of any standing crops taken over by the State ;
- (b) the value of any improvements effected to such land the benefits of which enure to the State including the value of any clearing or preparation of land for agricultural or other purposes.

(3) In the event of the State and any person who alleges he is entitled to compensation under the provisions of this section being unable to agree as to the amount of such compensation, such person may make application to the High Court or to a subordinate court of competent jurisdiction for the purpose of —

- (a) the determination of his interest or right ;
- (b) ascertaining the legality of the taking of possession or acquisition of the property, interest or right ;
- (c) ascertaining the amount of any compensation to which he 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 court may make such order in the matter as it thinks fit.

Other Privately Owned Rights

34. Where any right to land (other than a right vested in the land board) subsists and such right is not of the nature described in section 33(1), the State may acquire such right in accordance with the provisions of the Acquisition of Property Proclamation (Chapter 118) which shall, to this extent, and notwithstanding anything to the contrary in that law, be deemed to be applicable to the tribal territories.

Commission of Inquiry

35. (1) A Commission of Inquiry set up for the purposes of section 32 shall consist of —

- (a) a Chairman who shall be nominated by the Minister ;
- (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 himself nominate the member;

(c) a member nominated jointly by the Chairman 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;

(b) the nature of the objection to the grant, if any, of the land board and of the District Council's attitude in the matter.

(3) The provisions of sections 7, 10, 11, 12, 13, 14 and 17 of the Commissions of Inquiry Law, 1961 (No. 33 of 1961) 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 law and the proceedings thereof.

PART VI

LAND BOARD FUNDS

Land Board Funds

36. (1) Every land board shall establish a fund into which shall be paid any moneys which may accrue to it under any grant or which otherwise may be payable to it.

(2) Subject to the provisions of this section, no moneys shall be paid out of the fund except to meet expenditure which the Minister has certified, in writing, as being a proper charge on the fund.

(3) Moneys standing to the credit of any fund may be appropriated by the Minister by order under his hand to the revenues of the District Council where the Minister is satisfied that the fund has in it moneys surplus to the requirements of the land board.

(4) The accounts of a land board shall be subject to audit in such manner as may be prescribed.

PART VII

GENERAL

Regulations

37. The Minister may by notice in the *Gazette* make regulations —

(a) prescribing anything which under this Act is, 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 Part IV or in terms of a Concession granted prior to the coming into operation of this Act ;
- (f) prescribing the fees payable in respect of any application to a land board other than on application made under Part III ;
- (g) providing for the payment of fees and allowances to members of a land board or subordinate land board ;
- (h) providing for the summoning of persons to give evidence before a land board or subordinate land board ;

and generally for the better carrying out of the provisions of this Act.

Amendment of Chapter 112

38. The Tati Concessions Land Proclamation (Chapter 112) is amended —
- (a) in subsection (2) of section 2 by the insertion after “subject to” of “the provisions of the Tribal Land Act, 1968, and” ;
 - (b) in Schedule 2 by the deletion of paragraph (g).

Repeals

39. (1) The Concessions Law, 1964 (No. 26 of 1964) is repealed.
- (2) Paragraphs (a) and (b) of section 20 of the Chieftaincy Law, 1965, are deleted.

Savings

40. (1) Nothing in this Act shall affect the validity of any grant of land lawfully made prior to the date of the coming into operation of this Act or under any law repealed by such law :

Provided that any moneys payable in terms of such grant to any tribe, tribal authority, Chief or District Council, shall be paid into the fund established under section 36 and that the rights of any such tribe, tribal authority, Chief or District Council to enforce the terms and conditions of such grant shall vest in the appropriate land board.

(2) Notwithstanding the repeal of the Concessions Law, 1964, by this Act, the provisions of that law shall subject to the provisions of the proviso to subsection (1) continue to apply in relation to any concession granted under that law.

HCA 62/1970 FIRST SCHEDULE
(Sections 3 and 10)

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Bamangwato Tribal Territory	Ngwato Land Board	(a) The Tribal Authority <i>ex officio</i> or his deputy ; (b) One member appointed by the Tribal Authority ; (c) two Members elected in the prescribed manner by an electoral college from among the members of that college ; the said electoral college being the members of the Central District Council excluding — (i) all elected members thereof returned by polling districts outside the Bamangwato Tribal Territory ; (ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Bamangwato Tribal Territory ; (d) two members appointed by the Minister.
Batawana Tribal Territory	Tawana Land Board	(a) The Chief <i>ex officio</i> or his deputy ; (b) one member appointed by the Chief ; (c) two members elected in the prescribed manner by an electoral college

from among the members of that college; the said electoral college being the members of the North-West District Council excluding —

- (i) all elected members thereof returned by polling districts outside the Batawana Tribal Territory;
 - (ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Batawana Tribal Territory;
- (d) two members appointed by the Minister.

Bakgatla Tribal
Territory

Kgatleng Land
Board

- (a) The Chief *ex officio* or his deputy;
 - (b) one member appointed by the Chief;
 - (c) two members elected in the prescribed manner by an electoral college from among the members **of that college; the said** electoral college being the members of the Kgatleng District Council;
- (d) two members appointed by the Minister.

Bakwena Tribal
Territory

Kweneng Land
Board

- (a) The Chief *ex officio* or his deputy;
- (b) one member appointed by the Chief;
- (c) two members elected in the prescribed manner by an electoral college from among the members **of that college; the said electoral college** being the members of the Kweneng District Council;
- (d) two members appointed by the Minister;

Bangwaketse Tribal
Territory

Ngwaketse Land
Board

- (a) The Chief *ex officio* or his deputy;
- (b) one member appointed by the Chief;
- (c) two members elected in the prescribed manner by an electoral college from among the members **of that college; the said electoral college** being the members of the Ngwaketse District Council excluding —
 - (i) all elected members thereof returned by polling districts outside the Bangwaketse Tribal Territory;
 - (ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Bangwaketse Tribal Territory;

(d) two members appointed by the Minister.

Bamalete Tribal
Territory

Malete Land
Board

(a) The Chief *ex officio* or his deputy :

(b) one member appointed by the Chief :

(c) two members elected in the prescribed manner by an electoral college from among the members of that college; the said electoral college being the members of the South East District Council excluding —

(i) all elected members thereof returned by polling districts outside the Bamalete Tribal Territory :

(ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Bamalete Tribal Territory ;

(d) two members appointed by the Minister.

**Batlokwa Tribal
Territory**

**Tlokwenq Land
Board**

- (a) The Chief *ex officio* or his deputy ;
- (b) one member appointed by the Chief ;
- (c) two members elected in the prescribed manner by an electoral college from among the members of that college; the said electoral college being the members of the South East District Council excluding —
 - (i) all elected members thereof returned by polling districts outside the Batlokwa Tribal Territory ;
 - (ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Batlokwa Tribal Territory ;
- (d) two members appointed by the Minister.

Barolong Farms

**Rolong Land
Board**

- (a) The Chief's representative, Good Hope *ex officio* or his deputy ;
- (b) one member appointed by the Chief's Representative, Good Hope ;
- (c) two members elected in the prescribed manner by an electoral college from among the members of that college; the said

The area defined in
Schedule 1 of the Tati
Concessions Land
Proclamation (Cap. 112)

Tati Land
Board

*The area defined
in Schedule 1 of this
Act*

Act 62/1970

electoral college being
the members of the
Ngwaketse District
Council excluding —

- (i) all elected members thereof returned by polling districts outside the Barolong Farms;
- (ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the Barolong Farms;
- (d) two members appointed by the Minister.

(a) the person elected from among the sub-chiefs in the Francistown District in accordance with section 80(1) of the Constitution *ex officio*;

(b) two members elected in the prescribed manner by an electoral college from among the members of the said college; the said electoral college being the members of the North East District Council excluding —

- (i) all elected members thereof returned by polling districts outside the area defined in ~~Schedule 1~~ of the Tati Concessions Land Proclamation;

*The area defined
in Schedule 1 of this
Act;*

(ii) any nominated members thereof declared by the Minister in writing under his hand to have been appointed to represent persons or interests outside the said area ;

(c) two members appointed by the Minister, one of whom shall be a sub-chief in the area.

Passed by the National Assembly this day, the 9th August, 1968.

G.T. MATENGE,
Clerk of the National Assembly.

Act 62/1970 SECOND SCHEDULE