

TRADING (AMENDMENT) ACT, 1975

No. 32



of 1975

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 10 of Act 6 of 1966
3. Insertion of section 13A in principal Act
4. Amendment of section 36 of principal Act
5. Substitution of section 41 of principal Act

An Act to amend the Trading Act, 1966

Date of Assent: 16.12.75.

Date of Commencement: 19.12.75.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Trading (Amendment) Act, 1975. Short title
2. Section 10 of the Trading Act, 1966, (hereinafter referred to as "the principal Act") is amended as follows – Amendment of section 10 of Act 6 of 1966
 - (a) in subsection (1), by substituting for the first paragraph thereof, the new paragraph following —

“(1) The national licensing authority, in respect of any application made or referred to it, shall, subject to the provisions of subsection (2), issue or authorize the issue to the applicant the certificate applied for if, and shall not issue or authorize the issue of a certificate unless, it is satisfied —” ;

- (b) in subsection (2), by substituting for the words “a licensing authority” and “the licensing authority”, which appear therein, the words “the national licensing authority”;
- (c) by the substitution for subsection (5) of the new subsection following —

“(5) The Minister may from time to time give general or specific directions in any particular case or generally in regard to the exercise of its powers and functions to the national licensing authority, to any other licensing authority, or to all licensing authorities, and such licensing authorities shall comply with such directions.”.

Insertion of section 13A in principal Act

3. The principal Act is amended by the insertion, immediately after section 13, of the new section following

“Withdrawal, suspension or cancellation of licence by Minister

13A. The Minister may at any time withdraw, suspend or cancel a licence issued under this Act if, in his opinion, it is in the interests of the inhabitants of a particular area or of Botswana generally. In the event of the suspension of any licence, the Minister may order that such suspension continue until the holder of the licence has complied, to the satisfaction of the Minister, with such requirements as he may specify. Where a licence is withdrawn or cancelled, the Minister may in his discretion allow the licence-holder such time as he may consider necessary to enable the holder of the licence to dispose of his existing stocks. A licence-holder shall not be entitled to any refund of fees paid in respect of any licence that has been suspended, withdrawn or cancelled by the Minister in terms of this section. The Minister shall not be obliged to furnish reasons for any decision taken by him in terms of this section and such decision shall be final and shall not be questioned in any court.”.

Amendment of section 36 of principal Act

4. Section 36 of the principal Act is amended by substituting for subsection (5) thereof the new subsection following —

“(5) (a) The local authority or the licensing advisory committee shall, within a period of one month from the date of hearing, advise the national licensing authority and transmit every application for the grant of a certificate considered at such hearing to the national licensing authority together with its report and recommendations, a copy of the record of proceedings referred to in section 32 and such further information as may be required by the national licensing authority.

(b) The national licensing authority may, in its discretion, after consideration of the application and of all relevant documents and the record of the proceedings of the local authority referred to in section 32 transmitted to it in terms of subparagraph (a) hereof, authorize the issue of a certificate by a local authority to the applicant subject to such conditions and restrictions as it may impose, or it may refuse to authorize the issue of a certificate to the applicant.”

5. Section 41 of the principal Act is amended by the substitution thereof of the new section following —

“Appeal 41. Any person aggrieved by any decision of a licensing authority may appeal to the Minister who may confirm, vary or reverse the decision of such authority. The decision of the Minister shall be final and shall not be questioned in any court.”

Substitution
of section 41
of principal
Act

Passed by the National Assembly this 4th day of December, 1975.

I.P. GONTSE,
Clerk of the National Assembly.