

EMPLOYMENT ACT, 1984
(29 of 1984)

EMPLOYMENT (REGISTRATION OF CONTRACTORS AND
SUBCONTRACTORS) REGULATIONS, 1984

(Published on 28th December, 1984)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Application by contractor or subcontractor for registration or re-registration with Commissioner
3. Certificate of registration or re-registration
4. Production and inspection of certification of registration or re-registration
5. Certificate of registration or re-registration to be delivered to Commissioner in certain circumstances
6. Penalties

FIRST SCHEDULE

SECOND SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Home Affairs by section 175 of the Employment Act, 1984, the following Regulations are hereby made —

1. These Regulations may be cited as the Employment (Registration of Contractors and Subcontractors) Regulations, 1984. Citation
2. (1) A contractor or subcontractor required to be registered with the Commissioner in terms of section 103 of the Act shall complete an application form in form A1 set out in the First Schedule, ensuring that the form contains all the particulars therein indicated, and, having dated and signed the same, lodge it with the Commissioner. Application by contractor or subcontractor for registration or re-registration with Commissioner
(2) A contractor or subcontractor required by section 103 of the Act to apply to the Commissioner for re-registration and cancellation of the previous registration in terms of that section shall complete an application form in form A2 set out in the First Schedule, ensuring that the form contains all the particulars therein indicated, and, having dated and signed the same, lodge it with the Commissioner together with the current certificate of registration or re-registration, as the case may be.
3. (1) Where the Commissioner registers a contractor or subcontractor in terms of section 103 of the Act, he shall issue to the contractor or subcontractor a certificate of registration in form B1 set out in the Second Schedule. Certificate of registration or re-registration
(2) Where the Commissioner re-registers and cancels the previous registration of a contractor or subcontractor in terms of section 103 of the Act, he shall issue to the contractor or subcontractor a certificate of re-registration in form B2 set out in the Second Schedule.

Production and inspection of certificates of registration or re-registration

4. (1) The Commissioner or any labour officer may, during ordinary office hours, require any holder of a certificate of registration or re-registration in terms of these Regulations forthwith to produce the certificate for inspection by the Commissioner or labour officer.

(2) Any person of whom a requirement is made under this regulation shall comply with the same.

Certificate of registration or re-registration to be delivered to Commissioner in certain circumstances

5. Where the holder of a certificate of registration or re-registration in terms of these Regulations ceases, for whatever reason, to do business as a contractor or subcontractor, as the case may be, in Botswana or has his certificate cancelled by order of a court under regulation 6, he shall, within 14 days immediately after the cessation or cancellation, deliver his certificate or registration or re-registration to the Commissioner.

Penalties

6. (1) Any person who fails, without reasonable excuse, to comply with regulations 4(2) or 5 shall be guilty of an offence and liable to a fine of P200 and to imprisonment for 6 months and the court convicting him may order the cancellation of his certificate of registration or re-registration in terms of these Regulations or order the certificate to be produced or delivered to the Commissioner.

(2) Where a court orders a certificate or registration or re-registration in terms of these Regulations to be cancelled, the holder's registration or re-registration in terms of section 103 of the Act shall thereupon also be deemed, for the purposes of the Act, to be cancelled.

(3) In any proceedings in respect of an offence under this regulation, the court shall presume, unless the contrary is proved, the absence of reasonable excuse on the part of the person charged in the proceedings.

FIRST SCHEDULE

(reg. 2)
Form A1

EMPLOYMENT ACT, 1982
(29 of 1982)

EMPLOYMENT (REGISTRATION OF CONTRACTORS AND
SUBCONTRACTORS) REGULATIONS, 1984

(S.I. 151 of 1984)
(regulation 2 (1))

APPLICATION FOR REGISTRATION AS CONTRACTOR OR SUBCONTRACTOR

APPLICATION IS HEREBY made to the Commissioner of Labour by or on behalf of the contractor/subcontractor* hereinafter named for registration in terms of section 103 of the Act.

• *Delete whichever is inapplicable*

Full name (in block letters) under which applicant carries on business

Postal and locational addresses of applicant Telephone No.....

Citizenship of applicant (or of each partner or director where applicant a partnership or company)

Name of each bank and name and postal address of each branch thereof by which an account in name of applicant is held

.....

.....
Name and postal address of applicant's insurance company for purposes of workmen's compensation

No. of insurance policy in respect of applicant's liability for workmen's compensation

.....

Kind of work undertaken or to be undertaken

.....

.....

Full names and postal and locational addresses of applicant's present principal or principals (if any)

.....

.....

Dated at.....this.....day of.....,19.....

.....
Signature of applicant or of partner or director where applicant a partnership or Company

Full name (in block letters) of person signing application (if different from applicant) and whether partner or director

.....

EMPLOYMENT ACT, 1982
(29 of 1982)

EMPLOYMENT (REGISTRATION OF CONTRACTORS AND
SUBCONTRACTORS) REGULATIONS, 1984
(S.I. 151 of 1984)
(regulation 2(2))

**APPLICATION FOR RE-REGISTRATION AS CONTRACTOR
OR SUBCONTRACTOR FOLLOWING CHANGE OF NAME**

APPLICATION IS HEREBY made to the Commissioner of Labour by or on behalf of the contractor/subcontractor* hereinafter named for re-registration in terms of section 103 of the Act and cancellation of the previous registration.

* *Delete whichever is inapplicable*

Full name (in block letters) under which applicant carries on business

Full name (in block letters) under which applicant carried on business immediately before the change of name

.....
Date of change of name and authority therefor

.....
No. of current certificate of registration or re-registration

Postal and locational addresses of applicant

..... Telephone No.

Dated at.....this.....day of, 19.....

.....
*Signature of applicant or of partner or
director where applicant a partnership
or company*

Full name (in block letters) of person signing application (if different from applicant) and whether partner or director

.....
Note: *This application must be accompanied by the current certificate of registration or re-registration*

SECOND SCHEDULE

(reg. 3)
form B1

EMPLOYMENT ACT, 1982
(29 of 1982)
EMPLOYMENT (REGISTRATION OF CONTRACTORS AND
SUBCONTRACTORS) REGULATIONS, 1984
(S.I. 151 of 1984)
(regulation 3(1))

CERTIFICATE OF REGISTRATION

Certificate of Registration No.

Full name under which contractor/subcontractor carries on business

.....

Postal and locational addresses

..... Telephone No.....

I HEREBY CERTIFY that the contractor/subcontractor hereinbefore named has been duly registered with me this day in terms of section 103 of the Employment Act, 1982, and that the contractor/subcontractor is accordingly entitled to act as such for so long as this Certificate remains uncanceled.

Dated at.....this.....day of, 19.....

.....

Commissioner of Labour.

Form B2

EMPLOYMENT ACT, 1982
(29 of 1982)
EMPLOYMENT (REGISTRATION OF CONTRACTORS AND
SUBCONTRACTORS) REGULATIONS, 1984
(S.I. 151 of 1983)
(regulation 3(2))

CERTIFICATE OF RE-REGISTRATION FOLLOWING CHANGE OF NAME

Certificate of Re-registration No.

Full name under which contractor/subcontractor carries on business.....

Full name under which contractor/subcontractor carried on business immediately before the change of name

.....

Postal and locational addresses Telephone No.....

I HEREBY CERTIFY that the contractor/subcontractor hereinbefore named has been duly re-registered with me this day in terms of section 103 of the Employment Act, 1982, and the previous registration duly cancelled and that the contractor/subcontractor is accordingly entitled to act as such for so long as this Certificate remains uncanceled.

Dated at.....this.....day of, 19.....

.....
Commissioner of Labour.

MADE this 14 day of December, 1984.

E.M.K. KGABO,
Minister of Home Affairs.

L2/7/34