

**LOCAL AUTHORITIES PROCUREMENT AND ASSET
DISPOSAL (REPEAL) ACT, 2021**

No. 25



of 2021

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Repeal of Cap. 42:11
3. Savings and transitional provisions

An Act to repeal the Local Authorities Procurement and Asset Disposal Act.

Date of Assent: 18/10/2021

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Local Authorities Procurement and Asset Disposal (Repeal) Act, 2021 and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Local Authorities Procurement and Asset Disposal Act (in this Act referred to as “the repealed Act”) is hereby repealed.

Repeal of Cap. 42:11

3. (1) Notwithstanding the effect of the repeal under section 2, any subsidiary legislation made under the repealed Act shall continue to be of force and effect as if made under the provisions of the Public Procurement Act, to the extent that it is not inconsistent with such provisions, until revoked or amended under the Public Procurement Act.

Savings and transitional provisions

(2) Any decisions made and any other actions lawfully taken under the repealed Act are hereby deemed to be decisions made and actions taken under the Public Procurement Act.

Act No. 24 of 2021

(3) Any enquiry or proceedings whether of a disciplinary nature or otherwise, instituted or pending under the repealed Act shall be dealt with, inquired into and determined in accordance with the procedure in place prior to the commencement of this Act.

(4) Any tender notice, an award or decision made under the repealed Act shall, in so far as it is consistent with the provisions of the Public Procurement Act, be deemed to have been made under the Public Procurement Act.

(5) Any procurement activity or process pending on the date of the commencement of this Act shall be dealt with by the Authority in accordance with the relevant legislation in force when the activity or process commenced.

(6) Any right of appeal which subsisted immediately before the commencement of this Act shall continue to subsist.

(7) Any appeal which commenced under the repealed Act shall be prosecuted and disposed of as if commenced in terms of the Public Procurement Act.

(8) Any responsibility or function of any committee, the Appeals Board and the Competent Authority under the repealed Act, which has been or is performed by any other person or committee shall be deemed to be transferred to the relevant committee or sub-committee established by, or as provided for in the Public Procurement Act.

(9) A member of any committee, Appeals Board or the Competent Authority of the repealed Act shall not continue to be a member of the committee or Board established by, or provided for in, and his or her membership shall be terminated at commencement of, the Public Procurement Act.

PASSED by the National Assembly this 31st day of August, 2021.

BARBARA N. DITHAPO,
Clerk of the National Assembly.