

PUBLIC ROADS (AMENDMENT) ACT, 2022

No. 32



of 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Insertion of section 1A in Cap. 69:04
3. Amendment of section 7 of the Act
4. Insertion of new sections in the Act

An Act to amend the Public Roads Act to provide for the establishment or declaration of toll roads, for the levying and collections of tolls on such roads and for matters incidental thereto.

Date of Assent: 09.09.2022

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Public Roads (Amendment) Act, 2022, and shall come into operation on such a date as the Minister may, by Order published in the *Gazette*, appoint.

Short title
and
commencement

2. The Public Roads Act (hereinafter referred to as “the Act”) is amended by inserting immediately after section 1, the following new section —

Insertion of
section 1A in
Cap. 69:04

“*Interpretation* 1A. In this Act, unless the context otherwise requires —
“authorised officer” means an officer or such other public officers as the Minister may appoint after consultation with the respective authorities;

“bilateral agreement” means —

(a) an agreement entered into between the Government of the Republic of Botswana and an adjoining state in relation to public roads infrastructure; and

(b) in relation to public roads infrastructure to which the One Stop Border Posts Act applies, an agreement within the meaning of that Act;

Cap. 25:03

“public road” means a road established or declared as such under section 2;

Cap. 69:01

“road” has the same meaning assigned to it under section 2 of the Road Traffic Act;

“toll” means a user fee or charge payable for the use of a toll road;
“toll road” means a road established or declared as such under section 20; and
“vehicle” has the same meaning assigned to it under section 2 of the Road Traffic Act.”.

Amendment
of section 7
of the Act

3. The Act is amended by substituting for section 7, the following new section —

“Regulations 7. (1) The Minister may by statutory instrument make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give effect to its provisions.
(2) Without prejudice to the generality of subsection (1), such regulations may provide for —
(a) circumstances and conditions under which fences or other obstructions may encroach on public roads;
(b) prohibition of causing damage to fences and obstructions lawfully encroaching on public roads;
(c) imposition and collection of tolls; and
(d) management and maintenance of toll roads.
(3) Any person who contravenes the provisions of any regulations made in terms of this Act, for which a penalty is not provided for, commits an offence and is liable to a fine not exceeding P20 000, or to imprisonment for a term not exceeding 12 months, or to both.”.

Insertion of
new sections
in the Act

4. The Act is amended by inserting immediately after section 19, the following new sections —

(a) section 20 —
“Establishment or declaration of toll road 20. The Minister may, by Order published in the *Gazette*, establish or declare any public road, or portion of a public road, a toll road.”;

(b) section 21 —
“Payment of toll 21. (1) A driver of a vehicle using a toll road shall pay such toll as the Minister may, by Order published in the *Gazette*, prescribe.
(2) A driver of a vehicle who refuses or fails to pay any toll due commits an offence and is liable to a fine not exceeding P20 000, or to imprisonment for a period not exceeding two years, or to both.”;

(c) section 22 —
“Establishment of Road Toll Fund 22. (1) There is hereby established a national toll roads fund to be known as the Public Roads Toll Fund (hereinafter referred to as the “Fund”).
(2) A toll levied under this Act shall be deposited into the Fund.
(3) Notwithstanding subsection (2), where a public road infrastructure is subject to a bilateral agreement, the collection and administration of such toll shall be in accordance with the bilateral agreement.”;

(d) section 23 —

“Exemption,
restriction or
suspension
of toll

23. The Minister may, by Order published in the *Gazette* —

- (a) exempt a category or class of vehicles from the payment of toll on a toll road;
- (b) restrict the levying of toll on a toll road to the hours specified in the Order; and
- (c) suspend the levying of toll on a toll road for any specified period, for all vehicles or a category of vehicles.”; and

(e) section 24 —

“Offences
relating to
toll road

24. Any person who willfully obstructs or interferes with, or fails to comply with any lawful order given by an authorised officer in the execution of his powers or duties on a toll road commits an offence and is liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding 18 months, or to both.”.

PASSED by the National Assembly this 19th day of August, 2022.

BARBARA N. DITHAPO,
Clerk of the National Assembly.