

TRANSFER OF POWERS ACT, 1970

No. 70



of 1970

ARRANGEMENT OF SECTIONS

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AN ACT TO AMEND SEVERAL WRITTEN LAWS SO AS TO TRANSFER CERTAIN POWERS OF THE PRESIDENT TO MINISTERS AND TO MAKE OTHER TRANSFERS OF POWERS

Date of Assent: 24.12.1970

Date of Commencement: 31.12.70

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Transfer of Powers Act, 1970.

Amendment of Cap. 120

2. Sections 1 and 2 of the Townships Proclamation are amended by the deletion of the word "President" wheresoever such word occurs and the substitution therefor in each case of the word "Minister".

Amendment of Cap. 153

3. The Trade Marks Proclamation is amended —

- (i) by the insertion, immediately after section 1, of the following new section —

"Interpretation 1A. In this Proclamation unless the context otherwise requires —

"Registrar of Trade Marks" means the person appointed as Registrar of Trade Marks for the purposes of the Registration of United Kingdom Trade Marks Proclamation (Chapter 154).";

- (ii) in sections 2, 3, 6 and 7 by the deletion of the word "President" wheresoever such word occurs and the substitution therefor in each case of the words "Registrar of Trade Marks"; and
 - (iii) in sections 5, 22 and 25 by the deletion of the word "President" wheresoever such word occurs and the substitution therefor in each case of the word "Minister".

Amendment of Proc. 86 of 1959

4. Sections 14 (1) and 25A (3) of the Arms and Ammunition Proclamation, 1959 are amended by the deletion of the word "President" wheresoever such word occurs and the substitution therefor in each case of the word "Minister".

Amendment of section 43A of Proc. 36 of 1960

5. Section 43A of the Deeds Registry Proclamation, 1970 is amended by the deletion of the word "President" and the substitution therefor of the word "Minister".

Amendment of section 2 of Proc. 36 of 1961

6. Section 2 of the Building Societies Proclamation, 1961 is amended by —
 - (i) the deletion of the definition of "Registrar"; and
 - (ii) the substitution therefor of the following new definition —

“Registrar” means the person holding the post of Permanent Secretary, Ministry of Finance and Development Planning and includes any officer acting as such for the time being;”.

Amendment of Law 26 of 1961

7. The Waterworks Law, 1961 is amended —

- (i) in sections 3, 4, 6, 8, 9, 18, 19, 20, 30 and 31 by the deletion of the word “President” wheresoever such word occurs and the substitution therefor in each case of the word “Minister”; and
- (ii) in the Arrangement of Sections and Margin Notes respectively, by the deletion of the words appearing opposite section 9 and the substitution therefor in each case of the following words —

“Minister may authorise entry of waterworks, etc.”.

Amendment of section 2 of Law 27 of 1961

8. Section 2 of the Non-Pensionable Teachers’ Provident Fund Law, 1961 is amended by the deletion of the words “Director of Education” wheresoever such words occur and the substitution therefor in each case of the words “Chief Education Officer in the Ministry of Education”.

Amendment of Law 32 of 1961

9. The Post Office Savings Bank and Savings Certificates Law, 1961 is amended —

- (i) in sections 4, 7, 16, 17, 18, 20, 21, 22, 23, 28, 29 and 32 by the deletion of the word “President” wheresoever such word occurs and the substitution therefor in each case of the word “Minister”; and
- (ii) in the Arrangement of Sections and Margin Notes respectively by the deletion of the words opposite section 22 and the substitution therefor in each case of the following words —

“Minister may impose conditions.”.

Amendment of Law 35 of 1964

10. The Botswana Teaching Service Law, 1964 is amended —

- (i) in section 2 by —
 - (a) the deletion of the definition of “Director”; and
 - (b) the insertion, immediately after the definition of “Board” of the following new definition —

““Chief Education Officer” means the person for the time being holding the post of Chief Education Officer in the Ministry of Education and includes any person acting as such for the time being;” and

- (ii) in sections 2, 5, 7, 11, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 28, 29 and 31 by the deletion of the word “Director” wheresoever such word occurs and the substitution therefor in each case of the words “Chief Education Officer”.

Amendment of Law 40 of 1966

11. The Education Law, 1966 is amended —

- (i) in section 2 by —

- (a) the deletion of the definition of “Director”; and

- (b) the addition immediately after the definition of “area” of the following new definition —

- ““Chief Education Officer” means the person for the time being holding the post of Chief Education Officer in the Ministry of Education and includes any person acting as such for the time being;”

- (ii) in sections 2, 4, 5, 14, 17, 18, 20, 21, 22, 25, 27, 28 and 29 by the deletion of the word “Director” wheresoever such word occurs and the substitution therefor in each case of the words “Chief Education Officer”; and

- (iii) in the Arrangement of Sections and Margin Notes to sections 4, 5 and 18 by the deletion of the word “Director” wheresoever such word occurs and the substitution therefor in each case of the words “Chief Education Officer”.

Amendment of section 6 of Act 27 of 1967

12. Section 6 of the Immovable Property (Removal of Restrictions) Act, 1967 is amended by the deletion of the word “President” and the substitution therefor of the word “Minister”.

Amendment of section 15 of Act 35 of 1967

13. Section 15 of the High Court of Botswana Act, 1967 is amended by the deletion of the words “Permanent Secretary, Ministry of Home Affairs” wheresoever such words occur and the substitution therefor in each case of the words “Permanent Secretary of the Office of the President”.

Amendment of section 24 of Act 54 of 1968

14. Section 24 of the Tribal Land Act, 1968 is amended by the deletion of the words "Registrar of Deeds" wheresoever such words occur and the substitution therefor in each case of the words "Director of Surveys and Lands".

Passed by the National Assembly this day, the 18th December, 1970.

G.T. MATENGE,
Clerk of the National Assembly