

Statutory Instrument No. 4 of 1989

INDUSTRIAL DEVELOPMENT ACT, 1988
(Act No. 17 of 1988)

INDUSTRIAL DEVELOPMENT REGULATIONS, 1989
(Published on 27th January, 1989)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Applications for industrial licence
4. Applications for exclusive licence
5. Applications to produce additional products
6. Applications to manufacture on additional premises or other premises
7. Failure to commence or recommence operations
8. Duration of licences and renewals
9. Reservation of enterprises for Botswana citizens

SCHEDULE

IN EXERCISE of the powers conferred on the Minister by section 23 of the Industrial Development Act, 1988 the following Regulations are hereby made —

Citation	1. These Regulations may be cited as the Industrial Development Regulations, 1989.
Inter-pretation	2. In these Regulations unless the context otherwise requires — “additional premises” shall include additions to or extensions of existing premises; “industrial licence” means a licence to carry on a manufacturing enterprise.
Application for industrial licence	3. (1) Any application for an industrial licence shall be made in Form AIL(1) as prescribed in Part 2 of the Schedule to these Regulations and shall be made to the Secretary of the Licensing Authority accompanied by such advertisement fee as may be prescribed in Part 1 of the said Schedule. (2) A copy of any such application shall also be forwarded to the Government Statistician. (3) Upon receipt of any such application, and upon being satisfied that it is complete in all respects, the secretary to the Authority shall cause to be published, as required by section 11 of the Act, a notice in Form AIL (3) as prescribed in Part 2 of the Schedule to these Regulations.
Applications for exclusive licence	4. (1) An applicant for an exclusive licence within the meaning of section 18 of the Act shall be required to satisfy the Authority — (a) that the enterprise will only be viable if there is a single manufacturer; (b) that he will produce goods of an acceptable quantity and quality selling at fair and competitive prices; (c) that the granting of an exclusive licence will result in a substantial increase in employment opportunities; (d) that the goods produced will be adequately distributed throughout the country, or the area covered by the exclusive licence, as the case may be. (2) Upon receipt of any such application, and upon being satisfied

that it is complete in all respects, the secretary to the Authority shall cause to be published, as required by section 11 of the Act, a notice in Form AEL1 as prescribed in Part 2 of the Schedule to these Regulations.

5. When a licensee wishes to manufacture goods additional to those indicated on his licence, application shall be made in the form AIL(2) as prescribed in Part 2 of the Schedule, together with the advertisement fee, and this application shall be dealt with in the same way as an original application for a licence.

Applications to produce additional products

6. Where a licensee wishes to manufacture goods on additional premises, or wishes to move his manufacturing enterprise to other premises, application shall be made to the Authority in the Form AIL(2) as prescribed in Part 2 of the Schedule, together with the advertisement fee, and shall be dealt with in the same way as an original application for a licence.

Application to manufacture on additional premises or other premises

7. If a licensee fails to commence his manufacturing enterprise within two years after the date of issue of his licence, or if a licensee fails to recommence his operations within two years after a temporary closure, the licence shall automatically cease, and a fresh application must be made before operations can commence or recommence as the case may be.

Failure to commence or recommence operations

8. (1) All licences shall expire on the 31st December next after their date of issue, but may be renewed within 12 months after such date of expiry on payment of the prescribed fee.

Duration of licences and renewals

(2) Any licence not so renewed shall automatically cease, and a fresh application for an industrial licence must be made if the licensee wishes to continue his manufacturing enterprise.

9. The following types of manufacturing enterprise shall be reserved for Botswana citizens or companies wholly owned by Botswana citizens —

Reservation of enterprises for Botswana citizens

- (a) the manufacture of school uniforms;
- (b) the manufacture of school furniture;
- (c) the manufacture of burglar bars;
- (d) the manufacture of protective clothing;
- (e) the milling of sorghum;
- (f) the manufacture of cement and baked bricks;
- (g) the baking of bread;

Provided that any person not being a Botswana citizen, or any company not wholly owned by Botswana citizens, engaged in the manufacturing enterprises referred to in paragraphs (f) and (g) and who is so engaged at the date of commencement of these Regulations may, with the consent of the Authority, be permitted to continue subject to compliance with the other requirements of these Regulations.

SCHEDULE PART I

The following fees shall be payable —

On the issue of an industrial licence or a renewal thereof	100,00
On the issue of an exclusive licence or a renewal thereof	300,00

P

100,00

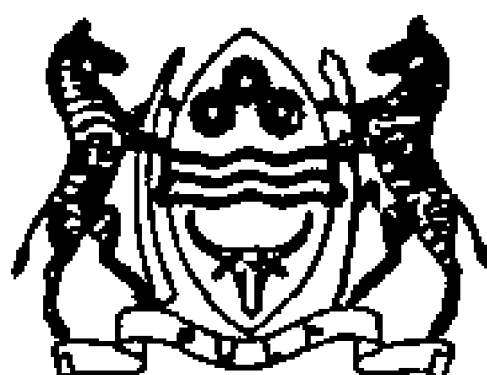
300,00

On the issue of a temporary licence	20,00
On the issue of a duplicate licence	2,00
On the issue of a licence to manufacture an additional product or a renewal thereof	50,00
Advertisement fee	40,00

PART 2

The following forms shall be used for the purpose of implementing the provisions of the Industrial Development Act, 1988 and these Regulations —

- (i) form AIL 1 to be used for applications for industrial licences or renewals thereof;
- (ii) Form AIL 2 to be used for applications to manufacture additional products;
- (iii) Form AIL 3 to be used by the secretary to the Industrial Licensing Authority for the purposes of regulation 3(3);
- (iv) Form IL to be used by the Industrial Licensing Authority when issuing an industrial licence;
- (v) Form AEL to be used by the secretary to the Industrial Licensing Authority for the purposes of regulation 4(2).



REPUBLIC OF BOTSWANA

APPLICATION FOR INDUSTRIAL LICENCE

(INDUSTRIAL DEVELOPMENT ACT, 1988)

The Secretary,
Industrial Licensing Committee,
Private Bag 0014, Gaborone
Botswana

Application is hereby made for Industrial Licence/ Renewal of Industrial Licence:

1. PARTICULARS OF APPLICANT(S)

NAME OF APPLICANT/COMPANY:-----
(In block letters)

COMPANY'S REGISTRATION NO. -----DATE: -----

a) OWNERSHIP:

PARTICULARS OF SHARE HOLDERS:

NAMES	NATIONALITY	NO. OF SHARES
1.-----	-----	-----
2.-----	-----	-----
3.-----	-----	-----
4.-----	-----	-----

b) MANAGEMENT:

PARTICULARS OF DIRECTORS:

NAMES	NATIONALITY	DESIGNATION
1.-----	-----	-----
2.-----	-----	-----
3.-----	-----	-----
4.-----	-----	-----

c) CONSULTANTS:

PARTICULARS OF COMPANY'S SECRETARY/ATTORNEY (IF ANY):

NAME:-----

POSTAL ADDRESS: -----

TELEPHONE:-----TELEX: -----

d) ASSOCIATION:

PARTICULARS OF OTHER ASSOCIATED COMPANIES (IF ANY)

NAME AND ADDRESS OF PARENT/HOLDING CONTROLLING COMPANY:

NAMES OF SISTER COMPANIES WITH THEIR LICENCE PARTICULARS:

NAME	ADDRESS	LICENCE HELD
------	---------	--------------

1.-----	-----	-----
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2.-----	-----	-----
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3.-----	-----	-----
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4.-----	-----	-----
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2. TRADE NAME (IF OTHER THAN COMPANY'S NAME): -----

3. LOCATION OF MANUFACTURING ESTABLISHMENT:

PLOT NO. ----- TOWN/VILLAGE: -----

4. COMMUNICATION ADDRESS:

POSTAL ADDRESS: -----

TELEPHONE NO: ----- TELEX: -----

5. PRODUCTS TO BE MANUFACTURED: (PLEASE GIVE DETAILS)

1.-----	2.-----
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3.-----	4.-----
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5.-----	6.-----
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7.-----	8.-----
---------	---------

9.-----	10.-----
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11.-----	12.-----
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6. PRODUCTION CAPACITY (PER SHIFT):

PRODUCTS	UNIT	QUANTITY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

7. EMPLOYMENT (PER SHIFT):

PROJECTED (FOR COMING YEAR); TOTAL:

ACTUAL (PREVIOUS YEAR: 19.....): TOTAL:

a) PROJECTED FIGURES (FOR COMING YEAR)

CADRE	CITIZENS	NON-CITIZENS	TOTAL
MANAGERS/SUPERVISERS			
SKILLED STAFF			
UNSKILLED WORKERS			
OTHERS			
TOTAL			

b) ACTUAL FIGURES (PREVIOUS YEAR:.....)

CADRE	CITIZENS	NON-CITIZENS	TOTAL
MANAGERS/SUPERVISERS			
SKILLED STAFF			
UNSKILLED WORKERS			
OTHERS			

b) MACHINERY:

DETAILS OF MACHINERY	SOURCE OF SUPPLY			VALUE IN 000 PULA
	LOCAL	IMPORTED	COUNTRY	

11. MARKETING:

a) LOCAL BUYERS/TRADERS NAMES WITH ADDRESSES:

b) BUYERS IN OTHER COUNTRIES WITH ADDRESSES:

Water (000 Litres)	-----	-----	-----
Gas (cu/ft)	-----	-----	-----
Fuels:			
SOLID (Tonnes)	-----	-----	-----
LIQUID (000 L)	-----	-----	-----
TRANSPORT (Tonnes)	-----	-----	-----
OTHERS	-----	-----	-----

14. INVESTMENT

a) FIXED ASSETS:

DETAILS	UNIT	QUANTITY	VALUE
LAND	Hectares	-----	-----
BUILDINGS (INDUSTRIAL)	Sq. Metres	-----	-----
RESIDENTIAL BUILDINGS	Sq. Metres	-----	-----
PLANT/MACHINERY	Number	-----	-----
VEHICLES	Number	-----	-----
OTHERS	-----	-----	-----

b) WORKING CAPITAL:

DETAILS	VALUE
STOCKS OF RAW MATERIAL	-----
STOCKS OF FINISHED GOODS	-----
STOCKS OF SPARE PARTS FOR MACHINERY	-----
CASH AND OTHER LIQUID ASSETS	-----
AMOUNT OWING FROM DEBTORS	-----
GROSS WORKING CAPITAL: (i)	-----
AMOUNT OWING TO CREDITORS: (ii)	-----
NET WORKING CAPITAL (Deduct (i) from (ii))	-----

c) SOURCES OF FUNDS:

DETAILS	VALUE
PERSONAL CAPITAL	-----
PRIVATE BORROWINGS IN BOTSWANA	-----
PRIVATE BORROWINGS OUTSIDE BOTSWANA	-----

LOANS FROM COMMERCIAL BANKS	
ADVANCES FROM BANKS	
CREDITS FROM SUPPLIERS	
LOAN FROM NATIONAL DEVELOPMENT BANK	
BOTSWANA DEVELOPMENT CORPORATION'S LOAN/EQUITY	
GRANTS UNDER GOVERNMENT SCHEME	
TOTAL FUNDS AVAILABLE (= a+b)	

15. OTHER INFORMATION:

- a) Has any director or shareholder been convicted within or outside Botswana of any serious criminal offence involving dishonesty?

If so, give details:.....

.....

- b) Has any director or shareholder been sequestrated or declared bankrupt within or outside Botswana?

If so, give details:.....

.....

- c) Have you acquired premises for your manufacturing enterprise? If not, What steps have been taken to acquire such premises?

Give details:.....

.....

.....

- d) Have you already started your manufacturing operations?

If so, give date of commencement of your operations:

.....

- e) If you are planning to set up a new operation, when do you expect to commence your manufacturing operations?

Give expected date:.....

16. DECLARATION:

I solemnly declare that information given in the application is correct to the best of my knowledge and I have not tried to conceal anything.

DATE OF APPLICATION:

SIGNATURE OF APPLICANT

.....

.....

NAME:.....

Copy for information to:

DESIGNATION:.....

The Central Statistics Office,
P/Bag 0024, Gaborone
Botswana

ADDRESS:

Note: If you also want to be considered for Financial Assistance Policy (Automatic), Please apply in triplicate.

FOR OFFICIAL USE ONLY

1. RECEIPT OF APPLICATION:

FILE NO.:-----

DATE:----- APPLICATION FEE RECEIPT NO.:-----

SIGNATURE OF LICENSING OFFICER:-----

2. REVIEW OF APPLICATION:

OFFICER'S NAME:-----

REMARKS:-----

SIGNATURE:----- DATE: -----

3. PUBLICATION OF ADVERTISEMENTS:

DATE OF DESPATCH TO ATTORNEY GENERAL'S OFFICE:-----

DATE OF FIRST PUBLICATION:-----

DATE OF SECOND PUBLICATION:-----

4. OBJECTIONS (IF ANY):

NAME OF OBJECTING COMPANIES

GROUND OF OBJECTIONS

5. DATE OF INDUSTRIAL LICENSING AUTHORITY'S MEETING:-----

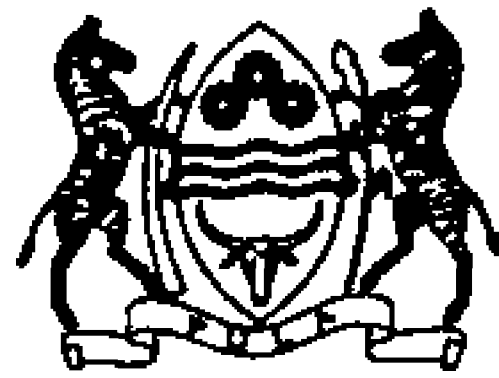
6. DECISION OF THE INDUSTRIAL LICENSING AUTHORITY:-----

SIGNATURE OF THE CHAIRMAN INDUSTRIAL LICENSING AUTHORITY:-----

7. COMMUNICATION OF DECISION:

LETTER NO.----- DATE:-----

8. LICENCE NO. ----- DATE:-----



REPUBLIC OF BOTSWANA

APPLICATION TO MANUFACTURE ADDITIONAL PRODUCTS OR TO MANUFACTURE AT A NEW OR ADDITIONAL PLACE

(INDUSTRIAL DEVELOPMENT ACT, 1988)

The Secretary,
Industrial Licensing Committee,
Ministry of Commerce and Industry,
Private Bag 0014, Gaborone

Application is hereby made to manufacture the following products:

.....
.....
.....

at:

I am the holder of Industrial Licence No. issued on

the under the name of:

.....

I do/do not* manufacture the products listed above at the place specified in the above mentioned licence.
The place at which I wish to manufacture the products listed above is/is not* the place specified in the above mentioned licence.

The reasons for the application are:

.....
.....
.....

Date of application:

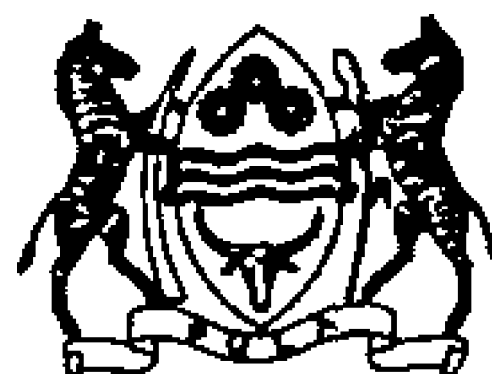
.....
Signature of Applicant
or his duly authorised representative

NAME:

DESIGNATION:

ADDRESS:

* Delete whatever is not applicable.



REPUBLIC OF BOTSWANA

GOVERNMENT NOTICE NO. _____ OF _____

APPLICATION FOR INDUSTRIAL LICENCE

(INDUSTRIAL DEVELOPMENT ACT, 1988)

In accordance with the provisions of Section 11 of the INDUSTRIAL DEVELOPMENT ACT, 1988, Notice is hereby given that the following application for industrial licence has been made:

NAME AND ADDRESS OF APPLICANT:

.....
.....
.....

LIST OF PRODUCTS PROPOSED TO MANUFACTURE:

.....
.....
.....

PROPOSED LOCATION FOR MANUFACTURING OPERATION:

.....
.....

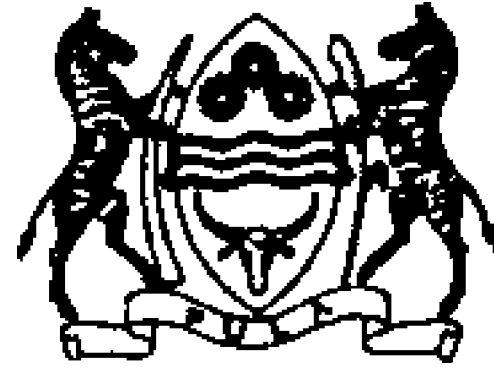
Any person, who wishes to make representations in terms of Section 12 of the INDUSTRIAL DEVELOPMENT ACT, 1988 may do so in writing to:

The Secretary,
Industrial Licensing Authority,
Private Bag 0014, Gaborone, Botswana

and should also send a copy of such representation to the applicant within fourteen (14) days of the second and last publication of this notice.

Issued on this day of, 19

.....
Secretary Industrial Licensing Authority



REPUBLIC OF BOTSWANA

APPLICATION FOR EXCLUSIVE INDUSTRIAL LICENCE

GOVERNMENT NOTICE NO. _____ OF _____

(INDUSTRIAL DEVELOPMENT ACT, 1988)

In accordance with the provisions of Section 18 of the INDUSTRIAL DEVELOPMENT ACT, 1988, Notice is hereby given that the following application for an exclusive industrial licence has been made:

NAME AND ADDRESS OF APPLICANT:

LIST OF PRODUCTS PROPOSED TO MANUFACTURE:

PROPOSED LOCATION FOR MANUFACTURING OPERATION:

Any person, who wishes to make representations in terms of Section 12 of the INDUSTRIAL DEVELOPMENT ACT, 1988 may do so in writing to:

The Secretary,
Industrial Licensing Authority,
Private Bag 0014, Gaborone, Botswana

and should also send a copy of such representation to the applicant within fourteen (14) days of the second and last publication of this notice.

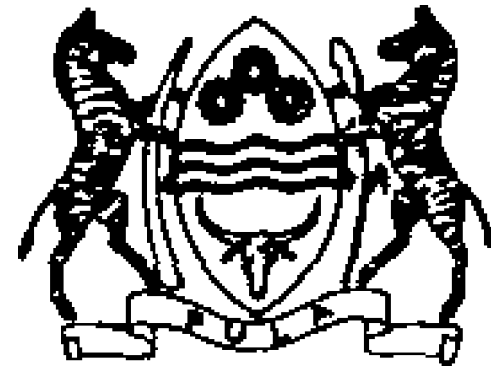
Issued on this ----- day of -----, 19 -----

Secretary Industrial Licensing Authority

INDUSTRIAL LICENCE (IL)

NO.:-----

Date of issue:----- 198-----



REPUBLIC OF BOTSWANA

THE INDUSTRIAL DEVELOPMENT ACT, 1988
(Section 15 OR 18(1))

INDUSTRIAL LICENCE

Licence No.:----- Issued at:-----

under the provisions of the Industrial Development Act and the Regulations thereunder.

Type of Licence:-----

To:-----
(Name of Company/Manufacturing Enterprise)

Whereby the said company/manufacturing enterprise is hereby licensed to manufacture the following products:

at Plot No.:----- Town/City:-----

This licence expires on the----- unless renewed under
section 24 of the Act.

FEE PAID	
HEAD	
SUBHEAD	
ITEM	

Secretary of Industrial
Licensing Authority

MADE this 19th day of January, 1989.

M.P.K. NWAKO,
for Minister of Commerce and Industry.