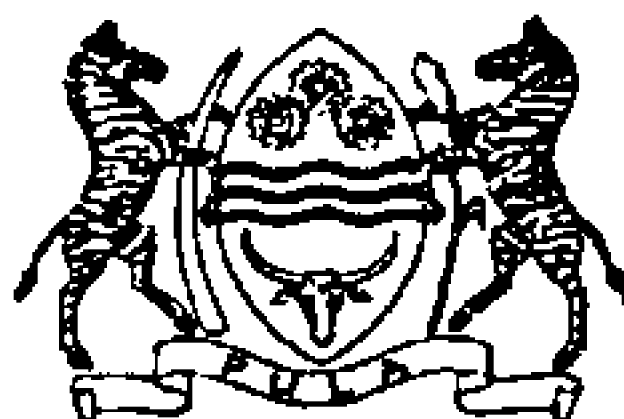


DEEDS REGISTRY (AMENDMENT) ACT, 1996

No. 22



of 1996

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 18 of Cap. 33 : 02

An Act to amend the Deeds Registry Act

Date of Assent : 30.12.96.

Date of commencement : 31.12.96.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Deeds Registry (Amendment) Act, 1996.

Short title

2. Section 18 of the Deeds Registry Act is amended —

Amendment of
section 18 of
Cap. 33:02

(a) by substituting, for subsection (3) thereof, the following new subsection —

“(3) A woman whether married in community of property or not shall not require the assistance of her husband in executing any deed or document required or permitted to be registered in the deeds registry or required or permitted to be produced in connection with any such deed or document, and immovable property may be transferred or ceded to her as if she were married out of community of property and the marital power did not apply.”;

(b) by substituting, for subsection (4) thereof, the following new subsection —

“(4) Immoveable property bequeathed or donated to a woman married in community of property may be transferred or ceded to that woman and shall not form part of the joint estate where, by a condition of the bequest or donation it is excluded from the community and the marital power.”;

(c) by substituting, for subsection (5) thereof, the following new subsection —

“(5) If immovable property not excluded from the community is registered in the name of a spouse married in community of property, neither spouse may, irrespective of when that property was so registered, alone deal with such property unless he has the consent, in writing, of the other spouse, or has been authorised by an order of court to deal therewith.”; and
(d) by deleting, from subsection (7) thereof, the words “(assisted where necessary by her husband)” which appear therein.

PASSED by the National Assembly this 19th day of December, 1996.

C.T. MOMPEI,
Clerk of the National Assembly.