

TRIBAL LAND ACT
(Cap. 32:02)

TRIBAL LAND (AMENDMENT) (NO. 2) REGULATIONS, 1999
(Published on 23rd July, 1999)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Addition of new regulation 2, Cap. 32:02, Sub. leg.

IN EXERCISE of the powers conferred by section 37 of the Tribal Land Act, the Minister of Local Government, Lands and Housing hereby makes the following Regulations –

1. These Regulations may be cited as the Tribal Land (Amendment) Regulations, 1999. Citation

2. The Tribal Land Regulations, hereinafter referred to as “the Regulations”, are amended by inserting immediately after regulation 1 thereof the following new regulation –

Addition of
new regulation
2 Cap. 32:02,
Sub. leg.

“Procedure for
appointment
of elected
members to
land board

2. (1) At least two months before the election of members, for appointment to any land board, as specified in the third column of the First Schedule to the Act, the Ministry of Local Government, Lands and Housing shall cause to be published in two or more newspapers of national circulation an invitation, to any person residing within the tribal area of that land board, desiring to be elected and appointed as a member of that land board, to submit his application to the secretary of that land board.

(2) In order to qualify as a candidate for election and appointment as a member of any land board the applicant shall –

(a) be a citizen of Botswana, holding a valid identity card issued under the National Registration Act;

(b) have attained the age of 21 years and not be over the age of 65 years;

(c) hold a minimum academic qualification of, or equivalent to, a Secondary School Junior Certificate;

(d) reside within the tribal area in respect of which he seeks election; and

(e) not be actively involved in party politics.

Cap. 01:02

(3) If the Land Board Selection Committee, established in terms of sub-regulation (11) of these Regulations, is satisfied that the applicant qualifies as a candidate in terms of sub-regulation (2) of this regulation and is not disqualified from being appointed in terms of section 3(3) of the Act, it shall submit the person’s name to the *kgotla*, as a candidate for election.

(4) On the day set for election of members to a land board –
(a) people residing in the tribal area of that land board shall assemble at the principal *kgotla* and elect 20 candidates residing in the tribal area, and the names of these candidates shall be submitted to the Land Board Selection Committee for that tribal area:

Provided that if the tribal area is too large for it to be practicable for all the residents to assemble at the principal *kgotla*, the villages in the tribal area may be divided into groups, with each group of villages electing a proportionate amount (relative to its population in the aggregate population of the groups) of the 20 candidates, the names of whom shall be submitted to the Land Board Selection Committee for that tribal area; and

(b) people residing in an area falling under the jurisdiction of a subordinate land board shall assemble at a *kgotla* and elect 10 candidates residing in the subordinate land board area, and the names of these candidates shall be submitted to the Land Board Selection Committee for that tribal area:

Provided that if the subordinate land board area is too large for it to be practicable for all the residents to assemble at the *kgotla*, the villages in the subordinate land board area may be divided into groups, with each group of villages electing a proportionate amount (relative to its population in the subordinate land board area) of the 10 candidates, the names of whom shall be submitted to the Land Board Selection Committee for that tribal area.

(5) During the election of candidates the Tribal Authority or his representative shall preside, assisted or guided by senior Government officers within the area.

(6) A person shall not be entitled to vote for a candidate to a land board within a tribal area unless he —

(a) is a citizen of Botswana;

(b) holds a valid identity card issued under the National Registration Act;

(c) has attained the age of 18 years; and

(d) resides within the tribal area of that land board.

(7) At the *kgotla* all the candidates shall first be introduced to the people and thereafter the people shall indicate their vote for a candidate by standing in a queue behind that candidate.

(8) From the lists of candidates submitted, the Land Board Selection Committee shall select the most eligible members, from whom the Minister shall make appointments to the land board (in accordance with the number of members and period of office for that land board, as provided in the third column of the First Schedule to the Act) and in doing so shall endeavour to ensure that, so far as possible, all relevant parts of the tribal area, including subordinate land board areas, are represented on the land board.

(9) The names of the candidates who have been elected but not appointed to the land board by the Minister shall be kept in the Ministry for the purposes of appointing —

(a) under regulation 3(2)(a) of the land board (Subordinate Land Boards) Regulations, members to any subordinate land board within the land board area, from candidates, elected in terms of regulation 4(b) of this regulation, residing within the area of jurisdiction of that subordinate land board;

(b) new members, should the office of any elected member to the land or subordinate land board become vacant; or

(c) in the Minister's discretion, for appointing any other member of the land board or subordinate land board.

(10) In making appointments the qualifications and experience of the candidate shall be taken into consideration.

(11) There is hereby established, for each land board listed in the First Schedule to the Act, a Land Board Selection Committee for the corresponding tribal area, which shall be comprised of —

(a) the appropriate District Commissioner, who shall be the chairperson;

(b) the Land Board Secretary of the tribal area concerned, who shall be the secretary of the Land Board Selection Committee;

(c) the Council Secretary of the District Council concerned;

(d) the Chief or Sub-Chief of the tribal area concerned; and

(e) a member appointed by the Minister.

(12) The Land Board Selection Committee shall determine its own procedure.”.

MADE this 16th day of July, 1999.

D.K. KWELAGOBÉ,
*Minister of Local Government,
Lands and Housing.*