

**CHAPTER 32:06**  
**BRITISH SOUTH AFRICA COMPANY LAND**

ARRANGEMENT OF SECTIONS

SECTION

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Proc. 9, 1931,  
Cap. 92, 1948,  
Cap. 114, 1959,  
HMC Order 1, 1963,  
L.N. 55, 1965,  
L.N. 84, 1966,  
L.N. 94, 1966,  
Act 21, 1979,  
Act 32, 1983.

**An Act to grant to the British South Africa Company Limited the title to certain land.**

[Date of Commencement: 7th February, 1905]

## **1. Short title**

This Act may be cited as the British South Africa Company Land Act.

## **2. Lands described in First Schedule vested in the B.S.A. Co.**

The property of and in all lands within the boundaries described in the First Schedule shall, subject to the provisions and reservations contained in this Act, be vested in the British South Africa Company (in this Act referred to as "the Company") absolutely, and the property described in the Second Schedule shall be so vested subject to such provisions and reservations, and further subject to the provisions of section 11.

## **3. Company may dispose of land**

The Company is hereby empowered to grant such lands or any portion thereof for terms of years or in perpetuity and either absolutely or by way of mortgage or otherwise:

Provided always that no occupation or ownership of any such lands shall be recognized as valid or legal unless a title has been granted to the owner or occupier in such form as the Minister shall prescribe.

## **4. Prior rights unaffected**

Nothing in this Act shall be construed to affect any rights duly conferred or recognized prior to 7th February, 1905, to any portion of the said lands or any minerals.

## **5. Closure of certain existing roads and thoroughfares**

(1) Subject to the provisions of this section, all roads and thoroughfares, other than the road or thoroughfare from Palla Ranch to Buffels Drift through to Serorome Valley, existing at or after 7th February, 1905, over any land referred to in section 2 are hereby closed.

(2) No person shall use the road or thoroughfare from Palla Ranch to Buffels Drift through to Serorome Valley or any road or thoroughfare closed under subsection (1) as a point of entry into or exit from Botswana unless such road or thoroughfare has been specified under section 4 of the Immigration Act as a point of entry or exit.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction thereof shall be liable to the penalties prescribed under section 32(2) of the Immigration Act.

## **6. Minister may grant roads or right of way**

If at any time it appears to the Minister that any owner or occupier of land requires a way or road of necessity over any part of the said lands, it shall be lawful for the Minister, or for any such person authorized by him to grant such way or road, and to point out the width and

direction thereof:

Provided that the person upon whose application such way or road is granted shall pay to the owner or occupier of the land over which such way or road is granted such compensation as the Minister may determine.

#### **7. Minister may establish outspan**

It shall be lawful for the Minister to establish from time to time such public outspans as may appear to him to be necessary, and to point out the areas and boundaries thereof.

#### **8. President may take land required for public purposes; impose taxes in respect of ownership or occupation**

Notwithstanding anything contained in this Act, it shall be lawful for the President at any time by statutory instrument to make an order-

- (a) to take such portion of the said lands as may appear to the President to be required for any public purpose and to grant titles to the same to any person or corporation;
- (b) to impose such taxes in respect of the ownership or occupation of the said lands as may appear to the President to be necessary for purposes of good order and government:

Provided that no such tax shall be imposed which is not also imposed in respect of the ownership or occupation of all other lands within Botswana which are or may be held on the same or a similar tenure.

#### **9. Minister has power of entry upon lands**

It shall be lawful for the Minister or for any person authorized by him at all reasonable times to enter upon the said lands for the purpose of-

- (a) conducting inspections or surveys;
- (b) making or repairing roads, railways, telegraphs, aqueducts, dams, or drains for the benefit of the public;
- (c) obtaining materials for the purposes named in paragraph (b);
- (d) generally conducting the duties of administration.

#### **10. No compensation payable for land expropriated for public purposes or for materials taken**

No compensation shall be payable for any land taken under section 8(a) unless such land has been improved by cultivation, irrigation, or otherwise, and no compensation shall be payable for any materials taken under section 9(c) unless such materials are taken from land

so improved.

## **11. Lands excluded**

This Act shall not apply to the following lands-

- (a) certain land at Baines Drift, the limits and boundaries of which are those represented in Diagram No. A.175-1927 filed in the Office of the President at Gaborone;
- (b) an area of approximately three thousand morgen situated at Seleka, shown on Diagram No. 820A-1922, less a portion thereof in extent four hundred and forty-four morgen seven square roods, shown on Plan 820-1922, filed in the Office of the President at Gaborone.

## **12. Certain lands deemed included**

All land within a radius of three miles of Baines Drift and Rhodes Drift, Saa's Post and Seleka (or Narapa) vested in the Company shall be regarded as if included in the land held by the Company under title deed dated 22nd February, 1906, and shall be subject to the provisions and reservations of sections 3 to 10.

## **13. Diagrams**

(1) The boundary lines of the Company's land, known as the Tuli Block, where it abuts on the State land reserved for Government purposes at Baines Drift shall, for the purposes of the title deed of the 22nd February, 1906, be regarded as being coincident with the boundaries of the Reserve on the Diagram No. A.175-1927.

(2) The limits and boundaries of the State land reserved for Government purposes at Seleka shall henceforth be in accordance with those represented on the Diagram A.144-1926 filed in the Office of the President at Gaborone.

(3) The boundary lines of the Company's land, known as the Tuli Block, where it abuts on the State land reserved for Government purposes at Seleka shall, for the purposes of the title deed of the 22nd February, 1906, be regarded as being coincident with the boundaries of the Reserve as indicated on the diagram A.144-1926.

## **FIRST SCHEDULE**

### **PORTION I Gaborone Block**

[The letters used in defining certain beacons are taken from a plan endorsed by the High Commissioner and the British South Africa Company, and filed in the Office of the President.]

Commencing at a beacon on Dikokong or Wildebeest Kop, being one of the beacons on the Transvaal Boundary, the boundary runs along the boundary of the Transvaal to a beacon five Cape roods east of the beacon at the junction of the Notwane and Metsemaswaane Rivers; thence 57 roods in a north-easterly direction along the boundary of the area reserved for the railway to a beacon EB; then

seven roods in a north-westerly direction to a beacon EP on the east bank of the Notwane River; thence down the middle of the Notwane River to a point opposite beacon R3 being the north-east beacon of Lot 1 Gaborone; thence along the northern boundary of the said Lot to a beacon LS 50 yards east of the centre of the railway; thence southwards along the western boundary of the said Lot being 50 yards east of the centre of the railway to a beacon LV being the south-west beacon of Lot 1 Gaborone on the north-eastern boundary of the farm Forest Hill; thence 1,450 roods in a north-westerly direction along the boundary of the farm Forest Hill to a beacon LBR being the northern beacon of the said farm; thence in a north-easterly direction along the eastern boundary of the Bakwena Tribal Territory as defined in the Tribal Territories Act to a beacon Z at a point two miles west of the spot where the Railway crosses the border of the Bakgatla Tribal Territory; thence along the south-west boundary of the Bakgatla Tribal Territory as defined in the said Act to the beacon on Wildebeest Kop aforesaid.

## **PORTION II**

### **Lobatse Block**

[The letters used in defining certain beacons are taken from a plan endorsed by the High Commissioner and the British South Africa Company and filed in the Office of the President.]

The western boundary is along the eastern boundary of the Bangwaketse Tribal Territory as defined in the Tribal Territories Act from the beacon (AD) to a beacon on a kopje known as Noga.

The northern boundary commences at the last-mentioned beacon and passes thence in a direct line to a beacon (AKS) on the southernmost point of Aasvogel Kop; from thence in a direct line south to a beacon (MC<sup>1</sup>) on the north-western extremity of a low ridge called Marapo-a-Tshwene; thence in a south-easterly direction 325 Cape roods along the said ridge to a beacon (LH); thence 235 Cape roods in a north-easterly direction across a break in the said ridge to a beacon (MC<sup>2</sup>); thence 243 Cape roods in an easterly direction to a beacon called Bend; thence 46 Cape roods in a south-easterly direction to a beacon (Ext.); thence 204 Cape roods in a south-easterly direction to a beacon (Pz) on the Transvaal border.

The eastern boundary is along the western boundary of the Transvaal from the beacon (Pz) last named to a beacon Dibatoulo (sometimes called Sibatoulo).

The southern boundary commences at the beacon last mentioned and passes thence 2,253 Cape roods in a westerly direction through Goode Siding to a beacon (BG) on the north side of a laagte which runs east and west; thence 2,697 Cape roods in a south-westerly direction to a beacon (Uo) in the northern boundary of the Baralong Farms as defined in Schedule B to the Botswana Boundaries Act; thence west 1,267 Cape roods along the last-mentioned boundary to the beacon (AD) on the eastern boundary of the Bangwaketse Tribal Territory.

## **SECOND SCHEDULE**

### **TULI BLOCK**

Commencing at the junction of the Shashe and Crocodile Rivers, the boundary runs along the Crocodile River to its junction with the Notwane River; thence along the Notwane River to a beacon on the left bank of the said river at Lokhalos; thence along the eastern boundary of the Bamangwato Tribal Territory, as defined in the Tribal Territories Act, to a beacon on the Tuli-Motloutse road marking the westerly limit of the 10 mile radius around Fort Tuli; thence south-east along the arc of a circle with a radius of 10 miles, the centre of which is Fort Tuli, until such arc touches the Shashe River, and thence

along the Shashe River to its junction with the Crocodile River aforesaid.