

TRIBAL LAND (AMENDMENT) ACT, 1986

No. 5



of 1986

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 26 of Cap. 32:02
3. Amendment of section 28 of principal Act
4. Amendment of Second Schedule to principal Act

An Act to amend the Tribal Land Act

Date of Assent: 23.4.86

Date of Commencement: 2.5.86

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Tribal Land (Amendment) Act, 1986. Short title
2. Section 26 of the Tribal Land Act (in this Act referred to as "the principal Act") is hereby amended in subsection (1) thereof, by inserting at the end of the said subsection, the following proviso — Amendment of section 26 of Cap. 32:02

"Provided that the land board's consent shall not be required in the case of a sale in execution to a person who is a citizen of Botswana."
3. Section 28 of the principal Act is hereby amended by substituting for that section the following new section — Amendment of section 28 of principal Act

"Cancellation of grant and recovery of possession 28. (1) Where there has been any breach of a development covenant or any change of user not authorised under section 27 in respect of any land granted under the provisions of this Part, the secretary of the land board may, on behalf of the land board and notwithstanding the provisions of section 17 of the Magistrates' Courts Act, bring an action in the magistrate's court for the recovery of such land;

A.12

Provided that in an action involving the recovery of land in respect of which the ownership of the land is vested in the grantee, such action shall be instituted in the High Court.”.

Amendment
of Second
Schedule
to principal
Act

4. The Second Schedule to the principal Act is hereby amended by inserting immediately at the end of paragraph (15) thereof and before the sentence beginning with the words “The whole” and ending with the word “lands” the following new paragraph —
“(16) (a) Farm No. 2-OQ shown on diagram 958/1913 filed with the Certificate of Registered Title No. 2097 dated 29th May, 1957; and
(b) Farm No. 116-OQ shown on diagram SG No. 50/67 filed with Deed of Transfer No. 246/68 dated 20th September, 1968.”

PASSED by the National Assembly this 7th day of April, 1986.

C.G. MOKOBI,
Clerk of the National Assembly.