

CHAPTER 43:03
TRADE RETURNS
ARRANGEMENT OF SECTIONS

SECTION

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Proc. 18, 1923,
Proc. 23, 1929,
Cap. 125, 1948,
Proc. 77, 1953,
Cap. 152, 1959,
Proc. 26, 1961,
L.N. 24, 1966,
Act 9, 1966.

An Act to provide for the rendering of returns of goods imported and exported.

[Date of Commencement: 1st April, 1923]

1. Short title

This Act may be cited as the Trade Returns Act.

2. Return by licensees of imports and exports

(1) Every holder of a trading licence in Botswana and every other person upon whom notice has been served in the form prescribed by regulations requiring him to make a return under this Act shall make annually, to the President, a return of all articles imported by him into or exported by him from Botswana during the period of 12 months from the first day of July in any year to the 30th of June in the following year.

(2) For the purposes of this Act the term "article" includes livestock, vehicles, farm produce, metals and precious stones, and all goods, wares and merchandise of any description whatsoever.

3. Procedure

The return required under this Act shall be in such form as may be prescribed by regulations, and shall be filed with the Ministry of Finance and Development Planning, Gaborone, not later than 30 days after the expiration of the period in respect of which the return is to be made.

4. Offences and penalties

(1) Any person required to make a return under this Act who fails to make such a return in accordance with the provisions hereof shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

(2) If any holder of a trading licence in Botswana fails to make a return as required by this Act it shall be in the discretion of any licensing authority to refuse to issue to such trader a new licence at the expiration of his current licence.

5. False statements in returns

Any person who makes, in any return filed by him under this Act, any statement which is

false in any material particular, knowing the same to be false, shall be guilty of an offence and shall be liable to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

6. Publication of information

Compilations of information contained in returns obtained under this Act may be made and published in such manner as the President may direct:

Provided that no return furnished by any person shall separately and alone be made public without the consent of the person making the return.

7. Secrecy to be observed

Any officer in the service of the Government who divulges, except as allowed by this Act, the contents of any return filed up in pursuance of this Act shall be guilty of an offence and be liable to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

8. Regulations

The President may, by statutory instrument, make regulations for any matter required to be made by regulations under this Act, prescribing the form of returns to be made under this Act, the particulars to be furnished therein, the form of notices to be served under this Act and generally for carrying out the purposes of this Act.

9. Service of notices

Any notice authorized under this Act to be served upon any person shall be sufficiently and effectively served-

- (a) if personally served upon him;
- (b) if left at his usual or last place of abode or office or place of business in Botswana; or
- (c) if sent in a registered letter addressed to such place of abode, office or place of business or to his usual or last postal address in Botswana,

and in the case of a company shall be sufficiently and effectively served if served on any manager or agent of the company in Botswana.