

**CHAPTER 43:08**  
**CONTROL OF GOODS, PRICES AND OTHER CHARGES**  
ARRANGEMENT OF SECTIONS

SECTION

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Act 23, 1973,  
Act 6, 1979,  
Act 27, 1980.

**An Act to enable the Minister to provide by regulations for the control of the distribution, disposal, purchase and sale, the standards and marking, and the wholesale and retail prices, of goods, whether manufactured or not, or of any class of such goods, for the control of exports from and imports into Botswana, for the control of certain charges and for purposes incidental thereto and connected therewith.**

*[Date of Commencement: 23rd November, 1973]*

**1. Short title**

This Act may be cited as the Control of Goods, Prices and Other Charges Act.

**2. Interpretation**

In this Act, unless the context otherwise requires-

"**goods**" means anything capable of being bought or sold, whether manufactured or not.

**3. Regulations**

(1) Whenever it appears to the Minister necessary or expedient to control-

- (a) the import or export of any goods;
- (b) the distribution, disposal, purchase and sale, or the wholesale or retail prices of any goods and the charges which may be made-
  - (i) for services relating to the distribution, disposal, purchase and sale of such goods; and
  - (ii) for delivery of any goods, the wholesale or retail prices of which are controlled under this section;
- (c) the supply of any goods whether to wholesalers, retailers or to any other person;
- (d) the quality and standards of any goods;
- (e) the marks and descriptions to be affixed to any goods;
- (f) the display of prices on any goods offered for sale;
- (g) the charges which may be made for or in connection with the servicing, maintenance, repair or alteration of goods,

he may make such regulations as appear to him to be necessary or expedient for such purposes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may provide for-

- (a) requiring persons carrying on or employed in connection with any trade, business, undertaking or enterprise specified in such regulations to produce to such person as may be specified any books, accounts or other documents relating to that trade, business, undertaking or enterprise, and for requiring any person to furnish to such persons as may be specified such estimates or returns as the Minister considers it desirable to obtain for the effectual exercise of any of his powers under this section;

- (b) the licensing of importers and exporters whether in respect of specific goods or classes of goods or generally;
- (c) the rationing of any goods and for-
  - (i) fixing or providing for fixing different quantities of such goods to be obtainable in the aggregate or individually by different classes of persons; and
  - (ii) providing for methods of distribution of such goods which differentiate as between different classes of persons so far as appears to the Minister to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain such goods;
- (d) the imposition of a levy on such items of goods as may be specified and the manner of utilizing such levy;
- (e) the detention of and forfeiture to the Government of any goods in respect of which an offence under such regulations has been committed; or
- (f) any incidental and supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide, including in particular the entering and inspection of premises to which the regulations relate by persons authorized in that behalf by the Minister with a view to securing compliance with the regulations.

(3) Regulations made under this section may be made so as to apply generally or to any particular trade, business, undertaking or enterprise, or class thereof, or class of persons, and either to the whole or to any part of any trade, business, undertaking or enterprise, and so as to have effect either throughout Botswana or in any particular area therein.

#### **4. Evidence**

(1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ, or by his agent.

(2) Whenever the manager, agent or servant of any person does or omits to do anything which it would be an offence under regulations made under this Act to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that that person issued instructions forbidding in respect of his manager, agent or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(3) In any prosecution involving the unlawful importation or exportation of any goods, the burden of proving that due permission authorizing the importation or exportation of such goods has been obtained shall lie upon the accused.

#### **5. Penalties**

Any person who contravenes or fails to comply with any regulation made under this Act shall be liable-

- (a) for a first offence, to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both; and
- (b) for a second or subsequent offence, to a fine not exceeding P400 or to imprisonment for a term not exceeding one year, or to both.