

## VOLUME IX

### CHAPTER 43:01 - INDUSTRIAL DEVELOPMENT: SUBSIDIARY LEGISLATION INDEX TO SUBSIDIARY LEGISLATION

Industrial Development Regulations

Industrial Development Act (Size of Enterprises) Order

#### **INDUSTRIAL DEVELOPMENT REGULATIONS**

*(section 33)*

*(31st March, 2008)*

#### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Citation
2. Interpretation
3. Application for industrial licence
4. Application to produce new products
5. Application to manufacture on additional premises
6. Application to manufacture on new location
7. Application to transfer a licence
8. Form of licence
9. Registration of micro and small enterprises
10. Failure to commence or recommence operation
11. Failure to pay annual licence fee
12. Fees
13. Reservation of enterprises for Botswana citizens

Schedule

S.I. 4, 1989,  
S.I. 53, 1993,  
S.I. 25, 2008,  
S.I. 30, 2008.

#### **1. Citation**

These Regulations may be cited as the Industrial Development Regulations.

#### **2. Interpretation**

In these Regulations unless the context otherwise requires—

**"additional premises"** shall include additions to or extensions of existing premises; and

**"industrial licence"** means a licence to carry on a manufacturing enterprise.

#### **3. Application for industrial licence**

(1) An application for an industrial licence shall be made in Form AIL 1 as prescribed in Part 1 of the Schedule to these Regulations and shall be made to the Secretariat of a licensing committee or the Secretary of the Industrial Licensing Authority.

(2) A copy of such application shall also be forwarded to the Government Statistician.

#### **4. Application to produce new products**

When a licence holder wishes to manufacture new products additional to those indicated on his or her licence, application shall be made in the Form AIL 2 as prescribed in Part 1 of the Schedule.

#### **5. Application to manufacture on additional premises**

Where a licence holder wishes to manufacture goods on an additional premises, application shall be made to a licensing committee or the Industrial Licensing Authority in Form

AIL 3 as prescribed in Part 1 of the Schedule.

**6. Application to manufacture on new location**

Where a licence holder wishes to move his or her manufacturing enterprise to a new location, application shall be made to a licensing committee or the Licensing Authority in Form AIL 4 as prescribed in Part 1 of the Schedule.

**7. Application to transfer a licence**

Where a licence holder wishes to transfer a licence to another person, application shall be made to a licensing committee or the Licensing Authority in Form AIL 5 as prescribed in Part 1 of the Schedule.

**8. Form of licence**

A licence to be issued under these Regulations shall be in Form IL as prescribed in Part 1 of the Schedule.

**9. Registration of micro and small enterprises**

The registration of micro and small enterprises exempt from the Act shall be in Form AIL 6 as prescribed in Part 1 of the Schedule.

**10. Failure to commence or recommence operation**

If a licence holder fails to commence his or her manufacturing enterprise within two years after the date of issue of his or her licence, or if a licence holder fails to recommence his or her operations within two years after a temporary closure, the licence shall automatically cease, and a fresh application must be made before operations can commence or recommence, as the case may be.

**11. Failure to pay annual licence fee**

A licence holder who fails to pay an annual licence fee shall be liable to a fine of P100.

**12. Fees**

The fees payable for the issuance of licences and for other administrative services rendered to the public by a licensing committee or the Industrial Licensing Authority shall be as prescribed in Part II of the Schedule.

**13. Reservation of enterprises for Botswana citizens**

(1) The following types of small scale manufacturing enterprise shall be reserved for Botswana citizens or companies wholly owned by Botswana citizens—

- (a) the manufacture of school uniforms;
- (b) the manufacture of school furniture;
- (c) the manufacture of burglar bars;
- (d) the manufacture of protective clothing;
- (e) the milling of sorghum;
- (f) the manufacture of cement bricks and baked earth (mud) bricks;
- (g) the baking of bread and confectionery;
- (h) manufacture of peanut butter;
- (i) bottling of water;
- (j) the production of traditional sour milk;
- (k) packaging;
- (l) the manufacture of floor polish;
- (m) the manufacture of traditional leather products;
- (n) the manufacture of traditional crafts;
- (o) signage, including electronic signage;
- (p) fencing materials excluding gum poles;
- (q) the manufacture of candles;
- (r) ice making;
- (s) meat processing;

Provided that any person engaged in the manufacturing enterprises referred to above and who is so engaged at the date of commencement of these Regulations shall

be permitted to continue such manufacturing subject to compliance with other requirements of these Regulations.

**SCHEDULE**

**Part 1**

**Forms**

(regs 3, 4, 5, 6, 7, 8 and 9)

**FORM AIL 1**

**Application for Industrial Licence**



REPUBLIC OF BOTSWANA

**APPLICATION FOR INDUSTRIAL LICENCE**

(INDUSTRIAL DEVELOPMENT ACT)

The Secretary  
Licensing Committee/Industrial Licensing Authority  
P/Bag ....., Gaborone  
Botswana

Application is hereby made for Industrial Licence:

**1. PARTICULARS OF APPLICANT(S)**

Name of Applicant/ Company.....

(In block letters)

Trading Name (if other than company's name) .....

Company Registration No.....Date:.....

**(a) Ownership:**

Particulars of Shareholders:

	Names	Nationality	Oman/ Passport No.	No. of Shares
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....

**(b) Management:**

Particulars of Directors:

	Names	Nationality	Oman/ Passport No.	Designation
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....

**(c) Consultants:**

Particulars of company's secretary/attorney (if any):

Name:.....

Postal Address:.....

Telephone:.....E-mail :.....

**2. LOCATION OF MANUFACTURING ESTABLISHMENT:**

Plot No.....Town/Village.....  
Ward Name.....

**3. COMMUNICATION ADDRESS:**

Postal Address:.....  
Telephone No:.....Fax:.....E-mail.....

**4. PRODUCTS TO BE MANUFACTURED: (PLEASE GIVE DETAILS)**

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....
11. ....
12. ....

**5. PROJECTED EMPLOYMENT:**

(a)	Cadre	Citizens	F	M	Non Citizens	F	M	Total
	Managers/Supervisors	.....	.....	.....	.....	.....	.....	.....
	Skilled Staff	.....	.....	.....	.....	.....	.....	.....
	Unskilled Workers	.....	.....	.....	.....	.....	.....	.....
	Others	.....	.....	.....	.....	.....	.....	.....
	Total	.....	.....	.....	.....	.....	.....	.....

(b)	Projected Salaries/Wages:			
	Year	Citizens	Non Citizens	Total
	.....	.....	.....	.....
	.....	.....	.....	.....

**6. TRAINING PLANS:**

- (a) Plans for on the job training:.....  
.....  
.....
- (b) Plans for off the job training:.....  
.....
- (c) Estimated cost of external training:.....
- (d) Fields of external training:.....  
.....
- (e) Duration of training:.....
- (f) Proposed venue(s) of training:.....

**7. TECHNICAL KNOW-HOW:**

Director Names	Experience (professional/academic)
.....	.....
.....	.....
.....	.....
.....	.....

**8. PROCUREMENT OF MACHINERY AND RAW MATERIAL:**

**(a) Raw Material:**

Details of Raw materials	Quantity		Source (Country)	Total	Value		Total	Tariff Code
	Local	Imported			Local	Imported		
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
Total:.....	.....	.....	.....	.....	.....	.....	.....	.....

**(b) Machinery:**

Details of Machinery	Source of Supply		Country	Value In 000 pula
	Local	Imported		
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

**9. MARKETING:**

**(a) Local Buyers/Traders' Names with Addresses:**

.....  
.....  
.....  
.....

**(b) Buyers in other Countries with Addresses:**

.....  
.....  
.....  
.....

**10. SALES**

**(a) Projected Sales for Next Year:**

PRODUCTS	UNIT	QUANTITY			Total	VALUE		
		Local	Export	Destination (Country)		Local	Export	Total
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....

**11. ENERGY CONSUMPTION:**

DETAILS	QUANTITY		VALUE	
	Local	Total	Local	Total
Electricity (000kwh)	.....	.....	.....	.....
Water (000litres)	.....	.....	.....	.....
Gas (cut/fit)	.....	.....	.....	.....
Fuels	.....	.....	.....	.....
Solid (tonnes)	.....	.....	.....	.....
Liquid (000 l)	.....	.....	.....	.....
Transport (tonnes)	.....	.....	.....	.....
Others	.....	.....	.....	.....

**12. INVESTMENT**

**(a) Fixed Assets:**

DETAILS	UNIT	QUANTITY	VALUE
Land	Hectares	.....	.....
Building (industrial)	Sq. Metres	.....	.....
Plant/Machinery	Number	.....	.....
Vehicles	Number	.....	.....
Others	.....	.....	.....

**(b) Working Capital:**

DETAILS	VALUE
Stocks of Raw Material	.....
Cash and other Liquid Assets	.....
Gross Working Capital: (i)	.....
Amount Owing to Creditors: (ii)	.....
Net working capital (deduct (i) from (ii))	.....
Total Assets (for a+ b)	.....

**(c) Sources of Funds:**

DETAILS	VALUE
Personal Capital	.....
Private Borrowing in Botswana	.....
Loans from Commercial Banks	.....
Advances from Banks	.....
Credit from Suppliers	.....
Loan from National Development Bank	.....
Botswana Development Corporations Loan/Equity	.....
Grant under Government Scheme	.....
Other (Specify)	.....
Total	.....
Total Funds Available (= a + b)	.....

**13. Other Information:**

- (a) Has any director or shareholder been convicted within or outside Botswana of any serious criminal offence involving dishonesty?  
If so, give details:.....
- (b) Has any director or shareholder been sequestered or declared bankrupt within or outside Botswana?  
If so, give details:.....
- (c) When do you expect to commence your manufacturing operations?  
Give expected date:.....

**14. Declaration:**

I solemnly declare that information given in the application is correct to the best of my knowledge and I have not tried to conceal anything.

Date of Application:..... Signature of Applicant:.....  
Name:.....  
Id/Passport No.....  
Tel: .....

**For official use only**

- 1. Receipt of Application:  
File No.....  
Date:.....Application fee Receipt No: .....
- Signature of Licensing Officer:.....
- 2. Review of Application:  
Officer's Name:.....  
Remarks:.....  
Signature:.....Date:.....
- 3. Date of Licensing Committee/Industrial Licensing Authority Meeting:.....
- 4. Decision of the Licensing Committee/Industrial Licensing Authority:.....  
Signature of the Chairperson of Licensing Committee/Industrial Licensing Authority:.....
- 5. Communication of Decision:  
Letter No: ..... Date:.....
- 6. Licence No:..... Date:.....

**FORM AIL 2**  
**Application to Manufacture New Product(s)**



REPUBLIC OF BOTSWANA

**APPLICATION TO MANUFACTURE NEW PRODUCT(S)  
(INDUSTRIAL DEVELOPMENT ACT)**

The Secretary,  
Licensing Committee/Industrial Licensing Authority  
Private Bag .....  
Gaborone

Name of Company: .....

Location:.....

Licence No..... Issued on the.....

Products being manufactured under this licence .....

.....

Additional products being applied for: .....

.....

Reasons for the application:.....

.....

.....

.....

.....  
Date of application

.....  
Signature of Applicant

or a Duly Authorised Representative

Name: .....

Designation: .....

Address: .....

Telephone: .....

**FORM AIL 3  
Application to Manufacture at an Additional Place**





REPUBLIC OF BOTSWANA

**APPLICATION TO MANUFACTURE AT AN ADDITIONAL PLACE**  
**(INDUSTRIAL DEVELOPMENT ACT)**

The Secretary,  
Licensing Committee/Industrial Licensing Authority  
Ministry of Trade and Industry  
Private Bag .....  
Gaborone

Name of Company :.....  
Location:.....  
Licence No. .... Issued on the .....  
Products being manufactured under this licence:

.....  
.....  
.....

Additional place will be at..... Plot No:.....  
Reasons for the application:.....

.....  
.....  
.....

.....  
Date of application

.....  
Signature of Applicant  
or a Duly Authorised Representative  
Name: .....  
Designation: .....  
Address: .....  
Telephone: .....

**FORM AIL 4**  
**Application to Change Location**



REPUBLIC OF BOTSWANA

**APPLICATION TO CHANGE LOCATION**

(INDUSTRIAL DEVELOPMENT ACT)

The Secretary,  
Licensing Committee/Industrial Licensing Authority  
Private Bag .....  
Gaborone

Name of Company : .....

Location:.....

Licence No. ....Issued on the .....

Products being manufactured under this licence:  
.....  
.....  
.....  
.....  
.....

New place will be at..... Plot No:.....

Reasons for relocation:.....  
.....  
.....  
.....

.....  
Date of application

.....  
Signature of Applicant  
or a Duly Authorised Representative  
Name: .....  
Designation: .....  
Address: .....  
Telephone: .....

**FORM AIL 5**  
**Application to Transfer Industrial Licence**



REPUBLIC OF BOTSWANA

**APPLICATION TO TRANSFER INDUSTRIAL LICENCE**

(INDUSTRIAL DEVELOPMENT ACT)

The Secretary,  
Licensing Committee/Industrial Licensing Authority  
Private Bag .....  
Gaborone

Name of Company :.....

Location:.....

Licence No. ....Issued on the .....

Products being manufactured under this licence:

.....

.....

.....

.....

.....

Licence to be transferred to.....

Reasons for the application:.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....  
Signature of Applicant  
or a Duly Authorised Representative  
Name: .....  
Designation: .....  
Telephone: .....  
Address: .....

.....  
Date of application

**FORM AIL 6  
Registration Certificate**



REPUBLIC OF BOTSWANA

**REGISTRATION CERTIFICATE**

(INDUSTRIAL DEVELOPMENT ACT)

Business Registration No:..... issued at.....  
under the provisions of the Industrial Development Act and the Regulations.

To: .....  
(Name of business)

Trading a .....

Address .....

Products being manufactured under this Certificate:.....

.....

.....

.....

.....

At Plot No./ Ward .....Town/City/Village .....

for the period from ..... to .....

unless renewed.

Amount paid .....Receipt No.....

.....  
Registration Officer

**FORM IL**



REPUBLIC OF BOTSWANA

No. ....

Date of issue: .....

**INDUSTRIAL LICENCE**

(INDUSTRIAL DEVELOPMENT ACT)

A licence is hereby granted to .....

.....

At Plot No/Ward.....

For the purpose of manufacturing the following products.....

.....

.....

.....

.....

Subject to the payment of an annual licence fee and compliance with the following conditions:

.....

.....

This licence is valid for an indefinite period subject to compliance with the conditions upon

which it is issued.

.....  
Licensing Officer

.....  
Station

**Industrial Licence**

**Part 2**  
**Fees**  
(reg 11)

The following fees shall be payable —

	P
1. On the issue of an industrial licence	200
2. Annual fee for an industrial licence	200
3. On the issue of a licence to manufacture at an additional place	200
4. On the issue of a licence to change location	200
5. On the issue of transfer of a licence	200
6. On the issue of a licence to manufacture a new product	100
7. On the issue of a duplicate licence	100
8. Administration fee	50
9. Registration certificate	10

**INDUSTRIAL DEVELOPMENT ACT (SIZE OF ENTERPRISES) ORDER**

(section 2)

(30th May, 2008)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Size of Enterprises

S.I. 44, 2008.

**1. Citation**

This Order may be cited as the Industrial Development Act (Size of Enterprises) Order.

**2. Size of Enterprises**

The sizes of micro, small, medium and large enterprises in terms of staff complement and annual turnover shall be as indicated below—

	<i>STAFF COMPLEMENT</i>	<i>ANNUAL TURNOVER</i>
Micro Enterprises	Less than 6	Up to P100,000
Small Enterprises	Less than 25	P100,001 to P1,500,000
Medium Enterprises	25 to 100	P1,500,001 to P5,000,000
Large Enterprises	More than 100	Above P5,000,000