

**CHAPTER 48:01 - TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS: SUBSIDIARY
LEGISLATION**

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TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS (APPEAL) RULES

(under section 13(4))

(1st September, 1984)

ARRANGEMENT OF RULES

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Schedule

S.I. 149, 1983.

1. Citation

These Rules may be cited as the Trade Unions and Employers' Organizations (Appeal) Rules.

2. Application of Rules to every appeal to High Court under section 13 or 46 of the Act

These Rules shall apply to every appeal to the High Court under section 13 or 46 of the Act-

- (a) against a refusal of the Registrar in terms of section 10 or 46 of the Act to register a trade union, federation of trade unions or employers' organization or to register a proposed amalgamation of registered trade unions; or
- (b) against an order of the Registrar in terms of section 12 of the Act cancelling the registration of a trade union, federation of trade unions or employers' organization.

3. Appeal to be brought by notice of motion within limited time

The appeal shall be brought by notice of motion, in the form set out in the Schedule, within the period of 60 days immediately following the day on which-

- (a) the original applicants were notified in accordance with section 11 of the Act of the Registrar's refusal (if the appeal is against his refusal to register the trade union, federation of trade unions or employers' organization in question or to register the proposed amalgamation of registered trade unions in question); or
- (b) the Registrar's order was served in accordance with section 12 of the Act on the trade union, federation of trade unions or employers' organization in question (if the appeal is against his order cancelling the registration of the same):

Provided that the High Court may, if it considers it just to do so, extend or further extend the 60 days' period prescribed by this rule for such period as it thinks fit.

4. Fee

A fee of P25 00 shall be taken in the High Court in the form of stamps affixed to the copy of the notice of motion filed with the Registrar of the High Court at Lobatse or with the Assistant Registrar of the High Court at Francistown, as the case may be.

5. Contents of notice of motion

(1) The notice of motion shall clearly identify the decision of the Registrar against which the appeal is brought and the grounds of appeal therein set out shall be concisely stated.

(2) At the hearing of the motion, no grounds other than those set out in the notice of motion shall be taken by the appellant without the leave of the High Court which may grant such leave on such terms as it thinks just.

6. Respondent

Any person who appeared before the Registrar and in whose favour he decided shall, unless the High Court otherwise orders, be the respondent or one of the respondents to the motion.

7. Service of copies of notice of motion on respondents and other persons

(1) A copy of the notice of motion shall be served on each of the respondents, in the manner provided by the Rules of the High Court for the time being in force in relation to the service of documents, by any responsible person in the employ of the appellant.

(2) The High Court may, at any stage of the motion, direct that a copy of the notice of motion be served on any person on whom the High Court thinks such a copy ought to be served.

8. Power of High Court to give notice of hearing of motion

The High Court may, at any stage of the motion, if it appears expedient to do so, cause notice to be given by advertisement or otherwise of the time when the motion is or is likely to be heard and disposed of or otherwise make provision for enabling any person interested in the trade union, federation of trade unions or employers' organization in question or in the proposed amalgamation of registered trade unions in question or in the subject matter of the appeal to appear and be heard on the motion.

9. Directions for hearing of motion

The High Court may, at any stage of the motion, give such special directions as it thinks fit for the hearing and disposing of the motion, either on affidavit evidence or with witnesses or otherwise, and generally at such time and in such manner as appear to it just and convenient.

10. General powers of High Court

In all proceedings on the appeal, the High Court shall have all the powers vested by the Act in the Registrar and may make any decision or order the Registrar might or ought to have made.

11. Costs

Directions by the High Court as to the costs of the appeal may include directions as to the costs incidental to the appeal, including the costs of and incidental to any proceedings before the Registrar.

12. Applicability of Rules of High Court

Subject to the provisions of these Rules, the Rules of the High Court for the time being in force shall apply to all proceedings on the motion.

SCHEDULE NOTICE OF MOTION

Form 27 of the Rules of the High Court

(*reg. 3*)

TRADE UNIONS AND EMPLOYER'S ORGANIZATIONS ACT

(Cap. 48:01)

TRADE UNIONS AND EMPLOYER'S ORGANIZATION (APPEAL) RULES

(Cap. 48:01 (Sub. Leg.))

IN THE HIGH COURT OF BOTSWANA

In the matter of:

Appellant

-and-

Respondent

TAKE notice that the High Court at will be moved on the day of 20 at 10 a.m. or as soon as thereafter as counsel can be heard, for an order that

And that the costs of and incidental to this appeal may be paid by

And take notice further that the grounds of this appeal are

DATED this day of, 20

Agent for the Appellant
Address for service

To: (1)

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

(2) Registrar/Assistant Registrar of the High Court,
LOBATSE/FRANCISTOWN.

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

(section 67)

(28th September, 1984)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Register of trade unions, federations of trade unions and employers' organizations
3. Forms of application for registration
4. Publication of notice of application
5. Registration
6. Form of certificate of registration
7. Fees
8. Registrar to be notified of certain matters
9. Cancellation of registration
10. Particulars to be contained in notice of dissolution
11. Form of balance sheet
12. Date for furnishing annual returns
13. Secret ballot for purpose of amalgamation
14. Inspection of Registrar's records

Schedule - Forms

S.I. 105, 1984.

1. Citation

These Regulations may be cited as the Trade Unions and Employers' Organizations Regulations.

2. Register of trade unions, federations of trade unions and employers' organizations

(1) The Registrar shall keep and maintain the register of trade unions, federations of trade unions and employers' organizations (hereinafter referred to as "the register") in three parts, which parts shall be for trade unions, federations of trade unions and employers'

organizations respectively.

(2) The part of the register for trade unions shall have two subdivisions, which subdivisions shall be for trade unions and amalgamations of registered trade unions respectively.

(3) Without derogating from his duty to record in the register such further particulars as the Minister may direct, the Registrar shall record therein the particulars to be so recorded under the Act or by these Regulations.

3. Forms of application for registration

Every application for the registration of a trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions shall be in the appropriate form set out in Form A1, A2, A3 or A4 in the Schedule and shall be accompanied by the documents specified in paragraph 24, 19, 19 or 24 of Form A1, A2, A3 or A4 respectively, as the case may be.

4. Publication of notice of application

The Registrar shall cause a notice of every application for the registration of a trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions to be published in a newspaper circulating in Botswana as well as in the *Gazette*.

5. Registration

(1) The Registrar shall register a trade union by recording in the appropriate part and subdivision of the register the following particulars in respect of the trade union-

- (a) its name;
- (b) the date of its registration;
- (c) the number of its certificate of registration;
- (d) its postal address;
- (e) the location of its principal office;
- (f) the titles and full names of its officers and trustees;
- (g) the name of every employer or industry it claims will be bound to deal with it in terms of section 48 of the Act;
- (h) particulars of its negotiating bodies to be concerned with the conclusion of collective labour agreements; and
- (i) an identifying number for the purposes of subregulation (4).

(2) The Registrar shall register a federation of trade unions or employers' organization by recording in the appropriate part of the register the following particulars in respect of the federation of trade unions or employers' organization-

- (a) its name;
- (b) the date of its registration;
- (c) the number of its certificate of registration;
- (d) its postal address;
- (e) the location of its principal office;
- (f) the titles and full names of its officers and trustees (if any); and
- (g) an identifying number for the purposes of subregulation (4).

(3) The Registrar shall register a proposed amalgamation of registered trade unions by recording in the appropriate part and subdivision of the register the following particulars in respect of the proposed amalgamation of registered trade unions-

- (a) its name;
- (b) the date of its registration;
- (c) the number of its certificate of registration; and
- (d) an identifying number for the purposes of subregulation (4).

(4) Where a trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions is registered in accordance with this regulation, the

Registrar shall-

- (a) record on the copies of its constitution accompanying the application for registration the fact and date of the registration of the trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions, together with the identifying number referred to in subregulation (1)(j), (2)(g) or (3)(d), as the case may be; and
- (b) place those copies with his records.

6. Form of certificate of registration

A certificate of registration of a trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions shall be in the appropriate form set out in Form B1, B2, B3 or B4 in the Schedule.

7. Fees

(1) The fee to be paid for and to accompany every application for the registration of a trade union, federation of trade unions, employers' organization or proposed amalgamation of registered trade unions shall be P10 00.

(2) The fee to be paid for the registration of amendments to the constitution of a registered trade union, federation of trade unions or employers' organization shall be calculated at the rate of P1 00 for each amendment and, if any question arises as to how many amendments are involved in the registration, the question shall be determined by the Registrar alone.

(3) The fee to accompany every notice of change in the officers or trustees of a registered trade union, federation of trade unions or employers' organization shall be P1 00.

8. Registrar to be notified of certain matters

(1) Where a registered employers' organization first appoints or elects trustees, it shall, within 30 days immediately after the event, give written notice thereof to the Registrar, which notice shall set out the titles and full names of the trustees, and the Registrar shall, subject to section 35(4) and (5) of the Act, register the same.

(2) Where, following an amalgamation of registered trade unions, the resulting registered trade union-

- (a) first acquires a postal address;
- (b) first acquires a principal office;
- (c) first appoints or elects its officers and trustees;
- (d) is first in a position to name those employers or industries it claims will be bound to deal with it in terms of section 48 of the Act; or
- (e) is first in a position to give particulars of its negotiating bodies to be concerned with the conclusion of collective labour agreements,

it shall, within 30 days immediately after the event, give written notice thereof to the Registrar, which notice shall set out the postal address, the location of the principal office, the titles and full names of the officers and trustees, the names of those employers or industries or those particulars, as the case may be, and the Registrar shall, subject to section 35(4) and (5) of the Act, register the same.

9. Cancellation of registration

Where the Registrar cancels the registration of a trade union, federation of trade unions or employers' organization, he shall record in the appropriate part and, if it is the registration of a trade union that is cancelled, the appropriate subdivision of the register the following particulars in respect of the trade union, federation of trade unions or employers' organization-

- (a) the date of the written order cancelling its registration;
- (b) the ground for the cancellation of its registration; and
- (c) the date on which its certificate of registration was delivered to the Registrar.

10. Particulars to be contained in notice of dissolution

The notice to be sent to the Registrar in accordance with section 36 of the Act when a

registered trade union, federation of trade unions or employers' organization is dissolved shall contain the following particulars-

- (a) the name of the trade union, federation of trade unions or employers' organization;
- (b) the specific provisions of its constitution in terms of which the decision to dissolve it was taken;
- (c) the purported ground or grounds on which that decision was taken;
- (d) the date that decision was taken and its full terms;
- (e) the manner in which that decision was taken and the voting figures in respect of any vote taken on the question of dissolution;
- (f) particulars of the manner and respects in which any provisions of the constitution relating to the taking of a decision to dissolve and the giving of effect to such a decision have been complied with;
- (g) the full names of the persons charged with the duty of giving effect to the decision to dissolve;
- (h) the steps that have been taken to give effect to that decision;
- (i) the manner in which the funds of the trade union, federation of trade unions or employers' organization have been or will be disposed of; and
- (j) full details of those funds showing what they consist of and to what extent they have been or are yet to be disposed of.

11. Form of balance sheet

Every balance sheet for the purposes of section 41 of the Act shall be in Form C set out in the Schedule.

12. Date for furnishing annual returns

The date in every financial year on or before which every registered trade union, federation of trade unions or employers' organization shall furnish the Registrar in terms of section 42 of the Act with the documents referred to in that section shall be 30th April.

13. Secret ballot for purpose of amalgamation

(1) This regulation shall apply to every secret ballot held for the purposes of section 45 of the Act at a general meeting of a registered trade union on a resolution before the meeting that the trade union be authorized to amalgamate together as one trade union with one or more other registered trade unions or take part in forming a federation of trade unions.

(2) No step shall be taken under this regulation unless the Minister has given his consent in terms of section 45 of the Act to the proposed amalgamation of registered trade unions or federation of trade unions, as the case may be.

(3) The registered trade union in question shall-

- (a) not later than 14 days immediately before the day on which the ballot is to be held, notify the Registrar in writing of the terms of the material resolution, the nature of the proposed amalgamation or federation and the day on and the time and place at which the ballot is to be held; and
- (b) not earlier than 14 or later than seven days immediately before the day on which the ballot is to be held, compile and supply the Registrar with a complete list in alphabetical order of its members qualified to vote in the ballot showing, in the case of each such member, his union number and full name and whether he is or is not in arrears in payment of his dues to the trade union as required by its constitution and, if he is so in arrears, the date on which those arrears began.

(4) The Registrar or some other person authorized by him in that behalf shall conduct the ballot (and the person conducting the ballot in terms of this regulation is hereinafter referred to as "the ballot supervisor").

(5) The registered trade union shall provide a secure room or other place in which a person may vote in the manner prescribed by this regulation without disclosing whether he is voting for or against the material resolution (which room or other place is hereinafter referred to

as "the private balloting place").

(6) The Registrar may require the registered trade union in question to provide to the satisfaction of the ballot supervisor, not later than one hour immediately before the time at which the ballot is to be held, two ballot boxes, one to receive the ballot tokens of those voting for the material resolution and the other to receive the ballot tokens of those voting against the resolution, each of which shall be clearly distinguished from the other by colour or by notice affixed thereto or otherwise so as to assist voters to place their ballot tokens in the appropriate box.

(7) Each ballot box shall be so constructed that the balloting tokens can be freely inserted therein but cannot be withdrawn therefrom unless the box is unlocked or cut or broken open.

(8) The ballot supervisor shall, immediately before proceeding with the conduct of the ballot-

- (a) carefully explain to the general meeting the meaning of the material resolution and the method of balloting; and
- (b) then show the interior of each ballot box to the meeting in order that it may be satisfied that the box is empty and immediately thereafter ensure that it is sealed in such a manner as to prevent its being opened without breaking the seal.

(9) The ballot shall be conducted in the following manner and sequence-

- (a) the ballot supervisor shall, in the order in which they are listed, call out the union numbers and names shown on the list supplied to the Registrar in terms of subregulation (3)(b), pausing after calling out each number and name to allow the owner thereof to present himself;
- (b) on a person presenting himself in terms of paragraph (a), he shall, by producing his union card or otherwise to the satisfaction of the ballot supervisor, identify himself as the person whose number and name the ballot supervisor last called out whereupon the ballot supervisor shall mark off his number and name on the list;
- (c) the ballot supervisor shall ascertain whether that person is or is not at least three consecutive months in arrears in payment of his dues to the registered trade union in question as required by its constitution;
- (d) the ballot supervisor shall deliver to that person a ballot token already marked with an official mark in such form as the Registrar may direct (which mark is hereinafter referred to as "the first official mark"):

Provided that, where the ballot supervisor has ascertained that that person is at least three consecutive months in arrears in payment of his dues to the registered trade union in question as required by its constitution, the ballot supervisor shall, immediately before delivering the ballot token, place thereon a further official mark in such form as the Registrar may direct;

- (e) that person shall enter the private balloting place alone and shall vote either for or against the material resolution by placing his ballot token in the appropriate one of the two ballot boxes therein and shall immediately leave the private balloting place;
- (f) having called out all the union numbers and names shown on the list supplied to the Registrar in terms of subregulation (3)(b), the ballot supervisor shall, in the order in which they are listed, call out again the union numbers and names on the list that he has not marked off and thereafter the material preceding provisions of this regulation shall, with all necessary modifications, apply; and
- (g) finally, the ballot supervisor shall allow any person to present himself and, where the ballot supervisor is satisfied that that person is a member of the union and where that person is also qualified to vote in the ballot, the ballot supervisor shall record and mark off his union numbers and full name on the list supplied to the Registrar in terms of subregulation (3)(b) and thereafter the material preceding provisions of this regulation

shall, with all necessary modifications, apply.

(10) The ballot supervisor shall ensure that not more than one person is in the private balloting place at any one time.

(11) A ballot token unmarked with the first official mark shall be void and shall not be counted.

(12) The registered trade union in question may appoint not more than three representatives to attend at the counting of the votes when the ballot is at an end.

(13) As soon as the ballot supervisor is satisfied that all those present at the general meeting who are qualified to vote in the ballot have been given the opportunity to do so, he shall declare the ballot at an end and at once proceed, in the presence of such representatives appointed under subregulation (12) as are in attendance, to count the votes.

(14) At the conclusion of the counting of the votes, the ballot supervisor shall record in writing the number of votes cast for the material resolution, the number of votes cast against the material resolution and, of the affirmative votes, the number of votes cast by members of the registered trade union in question who are less than three consecutive months in arrears in payment of their dues to the trade union as required by its constitution.

(15) Having recorded in accordance with subregulation (14) how the votes were cast, the ballot supervisor and every such representative appointed under subregulation (12) who is in attendance shall sign the record and the ballot supervisor shall then attach thereto his written certificate stating whether the material resolution has or has not received sufficient affirmative votes in terms of section 457(4) of the Act to be carried.

(16) Having completed his certificate in terms of subregulation (15), the ballot supervisor shall hand the same, together with the record of how the votes were cast, to the person for the time being presiding at the general meeting who shall thereupon announce to the meeting how the votes were cast and, in accordance with the ballot supervisor's certificate, that the material resolution is accordingly carried or defeated, as the case may be.

(17) Having made his announcement in terms of subregulation (16), the person presiding at the general meeting shall hand back the record of how the votes were cast, together with the ballot supervisor's certificate, to the ballot supervisor who shall forthwith deliver the same, together with the list supplied the Registrar in terms of subregulation (3)(b) (with the voters' union numbers and names marked off), to the Registrar.

(18) The Registrar shall, as soon as is reasonably practicable, cause the result of the ballot to be published in the *Gazette* and in such other manner as he thinks fit.

14. Inspection of Registrar's records

(1) All registers and other books and documents kept and maintained by the Registrar in terms of the Act shall be open to inspection by members of the public entitled to inspect the same from 2.15 p.m. to 4.30 p.m. on Mondays to Fridays inclusive with the exception of public holidays.

(2) A member of the public shall be entitled to inspect the registers and other books and documents referred to in subregulation (1) if he has given the Registrar at least 24 hours' notice of his wish to do so and paid a fee of 50 thebe:

Provided that, in the case of an inspection by a group of persons, a fee of 25 thebe only shall be paid by each person in the group.

SCHEDULE FORMS

(regs. 3, 6 and 11)

Form A1

Application for Registration of Trade Union

REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

1. This application for registration is made by the officers of the trade union who have made and signed the solemn and attested declaration at the foot hereof.
2. The provision for the name and postal address and the location of the principal office of the trade union is set forth in paragraph(s) of the constitution.
3. The provision for the whole of the objects for which the trade union is established is set forth in paragraph(s) of the constitution.
4. The provision for the purposes for which the funds of the trade union may be expended is set forth in paragraph(s) of the constitution.
5. The provision for the conditions under which any members of the trade union shall be entitled to any benefit issued by the trade union is set forth in paragraph(s) of the constitution.
6. The provision for the fines and forfeitures that may be imposed on any member of the federation is set forth in paragraph(s) of the constitution.
7. The provision for the manner of amending the constitution of the federation is set forth in paragraph(s) of the constitution.
8. The provision for the appointment or election to and removal from the executive committee of the trade union is set forth in paragraph(s) of the constitution.
9. The provision for the appointment or election and removal of the secretaries, treasurers and other officers of the trade union is set forth in paragraph(s).....of the constitution.
10. The provision for the custody, investment and loan of the funds of the trade union, the designation of the officer or officers responsible therefor and the annual audit of the balance sheet prepared in accordance with section 41 of the Act is set forth in paragraph(s) of the constitution.
11. The provision for the times at which the books of account of the trade union, together with a list of its current members, shall be open to inspection in accordance with section 43 of the Act is set forth in paragraph(s) of the constitution.
12. The provision for the manner of the dissolution of the federation and the consequent disposal of its assets is set forth in paragraph(s) of the constitution.
13. The provision for the amount of subscriptions and fees payable by members of the federation is set forth in paragraph(s) of the constitution.
14. The provision for the maintenance of a separate fund for all moneys received or paid by the federation in respect of any contributory provident, welfare or pension fund scheme that may be established is set forth in paragraph(s) of the constitution.
15. The provision for the appointment or election and removal of trustees for the purposes of section 25 of the Act is set forth in paragraph(s) of the constitution.
16. The provision for the right of every trade union belonging to the federation to a reasonable opportunity to vote through a delegate on matters concerning the federation is set forth in paragraph(s) of the constitution.
17. The provision for the taking of all decisions affecting the trade unions belonging to the federation generally by a secret ballot if the same is required by the delegates of those trade unions is set forth in paragraph(s) of the constitution.
18. The provision for the disqualification of a trade union belonging to the federation from voting through a delegate on any matter concerning the federation and from receiving benefits if its subscription is in arrear is set forth in paragraph(s) of the constitution.
19. The provision for the disqualification of a member of the trade union from voting on any matter concerning the trade union and from receiving benefits if his subscription is in arrear is set forth in paragraph(s) of the constitution.
20. The provision for the arrangements for explaining to members of the trade union the contents of the balance sheet to be exhibited at its registered office and at the principal office of

each of its branches in terms of section 41 of the Act is set forth in paragraph(s)
of the constitution.

21. The provision for the extent and manner in which the trade union may control the activities of its branches is set forth in paragraph(s)
of the constitution.

22. Subject to section 45 of the Act, the provision for the circumstances permitting and the procedure to be adopted for amalgamation together with one or more other registered trade unions as one trade union, taking part in forming a federation of trade unions or joining an existing federation of trade unions is set forth in paragraph(s) of the constitution.

23. The provision for the protection and promotion of the respective sectional industrial interests of the members of the trade union is set forth in paragraph(s)
of the constitution.

(This paragraph must be deleted if the members of the trade union are not engaged in or working at more than one trade or calling).

24. The application is accompanied by-

- (a) the prescribed fee;
- (b) three printed or typed copies, each marked A, of the constitution of the trade union, each copy authenticated under the hand of the principal secretary of the trade union;
- (c) one copy, marked B, of the resolution by which the trade union was formed authenticated under the hand of the principal secretary of the trade union;
- (d) a list, marked C, of the full names of all the members of the trade union; and
- (e) a written statement, marked D, setting out, in respect of the trade union-
 - (i) its name and postal address and the location of its principal office;
 - (ii) the date of its formation;
- (iii) the titles, full names, ages, postal and residential addresses and occupations of the officers of the trade union who have made and signed the solemn and attested declaration at the foot hereof; and
- (iv) the name of every employer or industry that the trade union claims will be bound to deal with it in terms of section 48 of the Act and particulars of every negotiating body, whether of the parent trade union or a branch thereof, to be concerned with the conclusion of collective labour agreements.

STATUTORY DECLARATION

We, the undersigned declarants, do hereby solemnly, sincerely and truly declare and affirm that we are officers of the trade union and have been duly authorized by the trade union to make this application on its behalf, such authority consisting of,
and that, to the best of our knowledge and belief-

- (a) the name of the trade union is not identical with that by which some other trade union has been registered or so nearly resembles another name as to be likely to deceive or mislead any person or is otherwise misleading or undesirable;
- (b) the trade union has complied with the Act and with all regulations made thereunder;
- (c) the trade union has complied with every requirement made of it by the Registrar in respect of its registration under the Act;
(Delete this paragraph if no such requirement has been made)
- (d) the constitution of the trade union complies with the Schedule to the Act;
- (e) none of the principal objects of the trade union or any other provision of its constitution is unlawful or inconsistent with the Act or with any regulations made thereunder;
- (f) the trade union is not and has not been used for an unlawful purpose;
- (g) the funds and other property of the trade union are not being and have not been applied in an unlawful manner or for an unlawful object or an object not authorized by the Act or its constitution;
- (h) the accounts of the trade union are being kept in accordance with the Act;
- (i) at the date of this application, none of the officers of the trade union is a person who has, within the immediately preceding five years, been convicted of an offence under the Act or the Trade Disputes Act or involving fraud or dishonesty and finally sentenced in connection therewith to a term of imprisonment, whether or not the same was ordered in respect of the non-payment of a fine;

- (j) every officer of the trade union is a citizen of Botswana. ^{i*}
- (k) no other trade union registered under the Act is sufficiently representative of the interests in respect of which this application is made; and
- (l) the principal objects of the trade union are in accordance with those of a trade union defined by section 2 of the Act.

.....
(Signatures of declarants)

MADE and subscribed to before me atthis
 day of, 20

.....
(Signature of Commissioner of Oaths)

Form A2
Application for Registration of Federation of Trade Unions
REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
 TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

1. This application for registration is made by the officers of the federation of trade unions who have made and signed the solemn and attested declaration at the foot hereof.
2. The provision for the name and postal address and the location of the principal office of the federation is set forth in paragraph(s) of the constitution.
3. The provision for the whole of the objects for which the federation is established is set forth in paragraph(s) of the constitution.
4. The provision for the purposes for which the funds of the federation may be expended is set forth in paragraph(s) of the constitution.
5. The provision for the conditions under which any members of the federation shall be entitled to any benefit issued by the federation is set forth in paragraph(s) of the constitution.
6. The provision for the fines and forfeitures that may be imposed on any member of the federation is set forth in paragraph(s) of the constitution.
7. The provision for the manner of amending the constitution of the federation is set forth in paragraph(s) of the constitution.
8. The provision for the appointment or election to and removal from the executive committee of the trade union is set forth in paragraph(s) of the constitution.
9. The provision for the appointment or election and removal of the secretaries, treasurers and other officers of the federation is set forth in paragraph(s) of the constitution.
10. The provision for the custody, investment and loan of the funds of the federation, the designation of the officer or officers responsible therefor and the annual audit of the balance sheet prepared in accordance with section 41 of the Act is set forth in paragraph(s) of the constitution.
11. The provision for the times at which the books of account of the trade union, together with a list of its current members, shall be open to inspection in accordance with section 43 of the Act is set forth in paragraph(s) of the constitution.
12. The provision for the manner of the dissolution of the trade union and the consequent disposal of its assets is set forth in paragraph(s) of the constitution.
13. The provision for the amount of subscriptions and fees payable by members of the federation is set forth in paragraph(s) of the constitution.
14. The provision for the maintenance of a separate fund for all moneys received or paid by the federation in respect of any contributory provident, welfare or pension fund scheme that may be established is set forth in paragraph(s) of the constitution.
15. The provision for the appointment or election and removal of trustees for the purposes of

section 25 of the Act is set forth in paragraph(s) of the constitution.

16. The provision for the right of every trade union belonging to the federation to a reasonable opportunity to vote through a delegate on matters concerning the federation is set forth in paragraph(s) of the constitution.

17. The provision for the taking of all decisions affecting the members of the trade union generally by a secret ballot if the same is required by those members is set forth in paragraph(s) of the constitution.

18. The provision for the disqualification of a trade union belonging to the federation from voting through a delegate on any matter concerning the federation and from receiving benefits if its subscription is in arrear is set forth in paragraph(s) of the constitution.

19. This application is accompanied by-

- (a) the prescribed fee;
- (b) three printed or typed copies, each marked A, of the constitution of the federation, each copy authenticated under the hand of the principal secretary of the federation;
- (c) one copy, marked B, of each of the resolutions by which the members of the federation were authorized to enter into the federation authenticated under the hand of the principal secretary of the trade union in question;
- (d) a list, marked C, of the full names of all the members of the federation; and
- (e) a written statement, marked D, setting out, in respect of the federation-
 - (i) its name and postal address and the location of its principal office;
 - (ii) the date of its formation; and
- (iii) the titles, full names, ages, postal and residential addresses and occupations of the officers of the federation who have made and signed the solemn and attested declaration at the foot hereof.

STATUTORY DECLARATION

We, the undersigned declarants, do hereby solemnly, sincerely and truly declare and affirm that we are officers of the federation and have been duly authorized by the federation to make this application on its behalf, such authority consisting of

.....,

and that, to the best of our knowledge and belief-

- (a) the name of the federation is not identical with that by which some other federation of trade unions has been registered or so nearly resembles another name as to be likely to deceive or mislead any person or is otherwise misleading or undesirable;
- (b) the federation has complied with the Act and with all regulations made thereunder;
- (c) the federation has complied with every requirement made of it by the Registrar in respect of its registration under the Act;
 - (delete this paragraph if no such requirement has been made)
- (d) the constitution of the federation complies with the Schedule to the Act;
- (e) none of the principal objects of the federation or any other provision of its constitution is unlawful or inconsistent with the Act or with any regulations made thereunder;
- (f) the federation is not and has not been used for any unlawful purpose;
- (g) the funds and other property of the federation are not being and have not been applied in an unlawful manner or for an unlawful object or an object not authorized by the Act or its constitution;
- (h) the accounts of the federation are being kept in accordance with the Act;
- (i) at the date of this application, none of the officers of the federation is a person who has, within the immediately preceding five years, been convicted of an offence under the Act or the Trade Disputes Act or involving fraud or dishonesty and finally sentenced in connection therewith to a term of imprisonment, whether or not the same was ordered in respect of the nonpayment of a fine; and
- (j) every officer of the federation is a citizen of Botswana ^{ii*}.

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(signatures of declarants)

MADE and subscribed to before me atthis
day of, 20

.....
(signature of Commissioner of Oaths)

Form A3

Application for Registration of Employers' Organization

REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

1. This application for registration is made by the officers of the employers' organization who have made and signed the solemn and attested declaration at the foot hereof.
2. The provision for the name and postal address and the location of the principal office of the employers' organization is set forth in paragraph(s)of the constitution.
3. The provision for the whole of the objects for which the employers' organization is established is set forth in paragraph(s) of the constitution.
4. The provision for the purposes for which the funds of the employers' organization may be expended is set forth in paragraph(s) of the constitution.
5. The provision for the conditions under which any members of the employers' organization shall be entitled to any benefit issued by the employers' organization is set forth in paragraph(s) of the constitution.
6. The provision for the fines and forfeitures that may be imposed on any member of the employers' organization is set forth in paragraph(s) of the constitution.
7. The provisions for the manner of amending the constitution of the employers' organization is set forth in paragraph(s) of the constitution.
8. The provision for the appointment or election to and removal from the executive committee of the employers' organization is set forth in paragraph(s) of the constitution.
9. The provision for the appointment or election and removal of the secretaries, treasurers and other officers of the employers' organization is set forth in paragraph(s) of the constitution.
10. The provision for the custody, investment and loan of the funds of the employers' organization, the designation of the officer or officers responsible therefor and the annual audit of the balance sheet prepared in accordance with section 41 of the Act is set forth in paragraph(s) of the constitution.
11. The provision for the times at which the books of account of the employers' organization, together with the list of its current members, shall be open to inspection in accordance with section 43 of the Act is set forth in paragraph(s) of the constitution.
12. The provision for the manner of the dissolution of the employers' organization and the consequent disposal of its assets is set forth in paragraph(s) of the constitution.
13. The provision for the amount of subscriptions and fees payable by members of the employers' organization is set forth in paragraph(s) of the constitution.
14. The provision for the maintenance of a separate fund for all moneys received or paid by the employers' organization in respect of any contributory provident, welfare or pension fund scheme that may be established is set forth in paragraph(s) of the constitution.
15. The provision for the right of every one of the members of the employers' organization to a reasonable opportunity to vote on matters concerning the employers' organization is set forth in paragraph(s) of the constitution.
16. The provision for the taking of all decisions affecting the members of the employers'

organization generally by a secret ballot if the same is required by those members is set forth in paragraph(s) of the constitution.

17. The provision for the manner of nominating and withdrawing the nomination of a negotiating body on behalf of the employers' organization is set forth in paragraph(s) of the constitution.

18. The provision for the disqualification of a member of the employers' organization from voting on any matter concerning the employers' organization and from receiving benefits if his subscription is in arrear is set forth in paragraph(s) of the constitution.

19. This application is accompanied by-

- (a) the prescribed fee;
- (b) three printed or typed copies, each marked A, of the constitution of the employers' organization, each copy authenticated under the hand of the principal secretary of the employers' organization;
- (c) one copy, marked B, of the resolution by which the employers' organization was formed authenticated under the hand of the principal secretary of the employers' organization;
- (d) a list, marked C, of the full names of all the members of the employers' organization; and
- (e) a written statement, marked D, setting out, in respect of the employers' organization-
 - (i) its name and postal address and the location of its principal office;
 - (ii) the date of its formation; and
 - (iii) the titles, full names, ages, postal and residential addresses and occupations of the officers of the employers' organization who have made and signed the solemn and attested declaration at the foot hereof.

STATUTORY DECLARATION

We, the undersigned declarants, do hereby solemnly, sincerely and truly declare and affirm that we are officers of the employers' organization and have been duly authorized by the employers' organization to make this application on its behalf, such authority consisting of

..... and that, to the best of our knowledge and belief-

- (a) the name of employers' organization is not identical with that by which some other employers' organization has been registered or so nearly resembles another name as to be likely to deceive or mislead any person or is otherwise misleading or undesirable;
- (b) the employers' organization has complied with the Act and with all regulations made thereunder;
- (c) the employers' organization has complied with every requirement made of it by the Registrar in respect of its registration under the Act;
(delete this paragraph if no such requirement has been made)
- (d) the constitution of the employers' organization complies with the Schedule to the Act;
- (e) none of the principal objects of the employers' organization or any other provision of its constitution is unlawful or inconsistent with the Act or with any regulations made thereunder;
- (f) the employers' organization is not and has not been used for an unlawful purpose;
- (g) the funds and other property of the employers' organization are not being and have not been applied in an unlawful manner or for an unlawful object or an object not authorized by the Act or its constitution;
- (h) the accounts of the employers' organization are being kept in accordance with the Act;
- (i) at the date of this application, none of the officers of the employers' organization is a person who has, within the immediately preceding five years, been convicted of an offence under the Act or the Trade Disputes Act or involving fraud or dishonesty and finally sentenced in connection therewith to a term of imprisonment, whether or not the same was ordered in respect of the non-payment of a fine; and
- (j) no other employers' organization registered under the Act is sufficiently representative of the interests in respect of which this application is made; and

(k) the principal objects of the employers' organization are in accordance with those of an employers' organization as defined by section 2 of the Act.

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(signatures of declarants)

MADE and subscribed to before me at this
day of, 20

(signature of Commissioner of Oaths)

Form A4

**Application for Registration of Proposed Amalgamation of Registered Trade Unions
REPUBLIC OF BOTSWANA**

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

1. This application is made by the persons who have made and signed the solemn and attested declaration at the foot hereof (being the principal secretary and 10 members of each of the registered trade unions proposing to amalgamate together as one trade union).
2. The provision for the name of the trade union to result from the proposed amalgamation of registered trade unions (hereinafter referred to as "the trade union") is set forth in paragraph of the constitution.
3. The provision for the whole of the objects for which the trade union is established is set forth in paragraph(s) of the constitution.
4. The provision for the purposes for which the funds of the trade union may be expended is set forth in paragraph(s) of the constitution.
5. The provision for the conditions under which any members of the trade union shall be entitled to any benefit issued by the trade union is set forth in paragraph(s) of the constitution.
6. The provision for the fines and forfeitures that may be imposed on any member of the trade union is set forth in paragraph(s) of the constitution.
7. The provision for the manner of amending the constitution of the trade union is set forth in paragraph(s) of the constitution.
8. The provision for the appointment or election to and removal from the executive committee of the trade union is set forth in paragraph(s) of the constitution.
9. The provision for the appointment or election and removal of the secretaries, treasurers and other officers of the trade union is set forth in paragraph(s) of the constitution.
10. The provision for the custody, investment and loan of the funds of the trade union, the designation of the officer or officers responsible therefor and the annual audit of the balance sheet prepared in accordance with section 41 of the Act is set forth in paragraph(s) of the constitution.
11. The provision for the times at which the books of account of the employers' organization, together with the list of its current members, shall be open to inspection in accordance with section 43 of the Act is set forth in paragraph(s) of the constitution.
12. The provision for the manner of the dissolution of the employers' organization and the consequent disposal of its assets is set forth in paragraph(s) of the constitution.
13. The provision for the amount of subscriptions and fees payable by the members of the trade union is set forth in paragraph(s) of the constitution.
14. The provision for the maintenance of a separate fund for all moneys received or paid by the trade union in respect of any contributory provident, welfare or pension fund scheme that

may be established is set forth in paragraph(s) of the constitution.

15. The provision for the appointment or election and removal of trustees for the purposes of section 25 of the Act is set forth in paragraph(s) of the constitution.

16. The provision for the right of every one of the members of the trade union to a reasonable opportunity to vote on matters concerning the trade union is set forth in paragraph(s) of the constitution.

17. The provision for the taking of all decisions affecting the members of the trade union generally by a secret ballot if the same is required by those members is set forth in paragraph(s) of the constitution.

18. The provision for the manner of nominating and withdrawing the nomination of a negotiating body on behalf of the trade union is set forth in paragraph(s) of the constitution.

19. The provision for the disqualification of a member of the trade union from voting on any matter concerning the trade union and from receiving benefits if his subscription is in arrear is set forth in paragraph(s) of the constitution.

20. The provision for the arrangements for explaining to the members of the trade union the contents of the balance sheet to be exhibited at its registered office and at the principal office of each of its branches in terms of section 41 of the Act is set forth in paragraph(s) of the constitution.

21. The provision for the extent and manner in which the trade union may control the activities of its branches is set forth in paragraph(s) of the constitution.

22. Subject to section 45 of the Act, the provision for the circumstances permitting and the procedure to be adopted for amalgamation together with one or more other registered trade unions as one trade union, taking part in forming a federation of trade unions or joining an existing federation of trade unions is set forth in paragraph(s) of the constitution.

23. The provision for the protection and promotion of the respective sectional industrial interests of the members of the trade union is set forth in paragraph(s) of the constitution.

(This paragraph must be deleted if the members of the trade union are not to be engaged in or work at more than one trade or calling).

24. This application is accompanied by-

- (a) the prescribed fee;
- (b) three printed or typed copies, each marked A, of the constitution of the trade union, each copy authenticated under the hand of the principal secretary of each of the registered trade unions proposing to amalgamate together as that trade union and endorsed by him to the effect that a general meeting of his trade union has duly approved the same;
- (c) one copy, marked B, of each of the resolutions by which the registered trade unions in question were authorized to amalgamate authenticated under the hand of the principal secretary of the trade union in question;
- (d) a list, marked C, of the full names of all the members of the registered trade unions proposing to amalgamate; and
- (e) a written statement, marked D, setting out-
 - (i) the name of the trade union;
 - (ii) the names of the registered trade unions proposing to amalgamate together as that trade union; and
 - (iii) the titles, if any, full names, ages, postal and residential addresses and occupations of the persons who have made and signed the solemn and attested declaration at the foot hereof.

STATUTORY DECLARATION

We, the undersigned declarants, do hereby solemnly, sincerely and truly declare and affirm that we are the principal secretaries or members of the registered trade unions proposing to amalgamate together as one trade union and each of us has been duly authorized by his trade union to make this application on its behalf, such authority consisting of

.....

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

I HEREBY CERTIFY that has this day been registered in accordance with the Trade Unions and Employers' Organizations Act as a federation of trade unions.

This certificate shall, for all purposes, unless the registration of the federation of trade unions herein named is proved to have been cancelled in terms of section 12 of the Act, be conclusive evidence that the federation of trade unions is duly registered in accordance with the Act.

DATED at this day of 20

Registrar of Trade Unions and Employer's Organizations

Form B3

Certificate of Registration of Employers' Organization
REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

I HEREBY CERTIFY that has this day been registered in accordance with the Trade Unions and Employers' Organizations Act as an employers' organization.

This certificate shall, for all purposes, unless the registration of the employers' organization herein named is proved to have been cancelled in terms of section 12 of the Act, be conclusive evidence that the employers' organization is duly registered in accordance with the Act.

DATED at this day of 20

Registrar of Trade Unions and Employers' Organizations

Form B4

Certificate of Registration of Proposed Amalgamation of Registered Trade Unions
REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

I HEREBY CERTIFY that the proposed amalgamation together as one trade union of has this day been registered in accordance with the Trade Unions and Employers' Organizations Act.

The trade union resulting from the proposed amalgamation, to be named, shall be deemed to be registered as a trade union in accordance with the Act and to have effect from this day.

This certificate shall, for all purposes, unless the registration of the trade union last herein named is proved to have been cancelled in terms of section 12 of the Act, be conclusive evidence that that trade union is duly registered in accordance with the Act.

DATED at this day of 20

Registrar of Trade Unions and Employers' Organizations

Form C

Balance Sheet, for purposes of Section 41, as at 31st December, 20 -
REPUBLIC OF BOTSWANA

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT
TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS REGULATIONS

Table with 2 columns: Liabilities, Assets

Sundry Creditors Loans Funds (Specific) General Fund Previous Balance Add Excess of Income Over Expenditure Less Excess of Expenditure Over Income	Cash in hand Cash at Bank Sundry Debtors Investments Loans Furniture and fixtures Immovable Property General Fund Deficiency Add Less Previous Balance
..... Registrar of Trade Unions and Employers' Organizations	

ⁱ If this subparagraph cannot be declared and affirmed, it must be deleted and the application shall be accompanied by a further written application, signed by all the declarants, for exemption from section 10(3) of the Act. The further application shall set out, in relation to each non-citizen officer, his title; full name; age and place of birth; postal and residential addresses; occupation; the country of which he is presently a citizen and the period of that citizenship; the other countries of which he has at any time been a citizen and the periods of those citizenships; the period of his continuous residence in Botswana at the date of this application; the number of his residence permit or exemption certificate under the Immigration Act; the number of his work permit or exemption certificate under the Employment of Non-Citizens Act; and the reasons why he is preferred to a citizen of Botswana.

ⁱⁱ If this paragraph cannot be declared and affirmed, it must be deleted and the application shall be accompanied by a further written application, signed by all the declarants, for exemption from section 10(3) of the Act. The further declaration shall set out, in relation to each non-citizen officer, his title; full name; age and place of birth; postal and residential addresses; occupation; the country of which he is presently a citizen and the period of that citizenship; the other countries of which he has at any time been a citizen and the periods of those citizenships; the period of his continuous residence in Botswana at the date of this application; the number of his residence permit or exemption certificate under the Immigration Act; the number of his work permit or exemption certificate under the Employment of Non-Citizens Act; and the reasons why he is preferred to a citizen of Botswana.