

**CHAPTER 66:03 - PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION):
SUBSIDIARY LEGISLATION
INDEX TO SUBSIDIARY LEGISLATION**

Damtshaa Mine Precious Stones Security Area Order
Debswana Diamond Company and Diamond Trading Company Botswana Precious Stones Security Area Order
Declaration of Precious Stones Regulations
Declaration of Semi-Precious Stones Regulations
Export and Import of Rough Diamonds Regulations
Diamond Technology Park Precious Stones Security Area Order
Diamonex Botswana Limited (Lerala Mining Lease) Precious Stones Security Area Order
Export Control (Semi-Precious Stones) Regulations
H & A Cutting Works Botswana (Pty) Ltd Precious Stones Security Area Order
Jwaneng Precious Stones Protection Areas Order
Jwaneng Precious Stones Protection Areas Regulations
Jwaneng Precious Stones Security Area Order
Lazare Kaplan Botswana Precious Stones Security Area Order
Letlhakane Mine Precious Stones Protection Area Order
Letlhakane Mine Precious Stones Security Area Order
Orapa Precious Stones Protection Area Order
Orapa Precious Stones Security Area Order
Precious and Semi-Precious Stones (Forms) Regulations
Precious and Semi-Precious Stones (Protection) (Security Area Permits) Regulations
Precious and Semi-Precious Stones (Search by X-Ray Apparatus) Regulations
Precious Stones Protection Areas Regulations
Semi-Precious Stones Regulations
Teemane Manufacturing Company Precious Stones Security Area Order
Tswapong Mine Precious Stones Security Area Order

ORAPA PRECIOUS STONES PROTECTION AREA ORDER

(section 25)

(23rd February, 1973)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones protection area

Schedule

S.I. 16, 1973.

1. Citation

This Order may be cited as the Orapa Precious Stones Protection Area Order.

2. Declaration of precious stones protection area

The area described in the Schedule hereto is declared to be a Precious Stones Protection Area.

SCHEDULE

The area lying within a square of sides nineteen point three zero eight (19,308) kilometres whose sides are parallel to and three point two one eight (3,218) kilometres outside the boundaries of the Mining Lease Area No. 1-NO situate in the Central Administrative District and shown on Diagram DSL 10/70, but excluding the Mining Lease Area No. 1-NO. This area is equal to two hundred and seven point two zero (207,20) square kilometres, and is to be marked at the four corners by four beacons, each four point five

five one (4,551) kilometres northwest, northeast, southwest and southeast of the northwest, northeast, southwest and southeast corner beacons of Mining Lease Area No. 1-NO respectively.

JWANENG PRECIOUS STONES PROTECTION AREAS ORDER

(section 25)

(20th July, 1979)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Interpretation
3. Declaration of precious stones protection areas

Schedule

S.I. 59, 1979,
S.I. 91, 1979.

1. Citation

This Order may be cited as the Jwaneng Precious Stones Protection Areas Order.

2. Interpretation

In this Order-

"Jwaneng precious stones security area" means the precious stones security area declared by the Jwaneng Precious Stones Security Area Order;

"Jwaneng Township" means Jwaneng Township as declared by the Declaration of Jwaneng Township Order.

3. Declaration of precious stones protection areas

Each of the areas specified in Parts I and II respectively of the Schedule is declared to be a precious stones protection area.

SCHEDULE PRECIOUS STONES PROTECTION AREAS

(para. 2)

PART I

JWANENG PRECIOUS STONES PROTECTION AREA 1

The area comprising the Jwaneng Planning Area, the boundaries of which are delineated on Plan No. KN-6 deposited with the Director of Surveys and Lands, Gaborone, but excluding therefrom the Jwaneng precious stones security area and Jwaneng Township.

PART II

JWANENG PRECIOUS STONES PROTECTION AREA 2

Jwaneng Township.

JWANENG PRECIOUS STONES PROTECTION AREAS REGULATIONS

(under section 25)

(20th July, 1979)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and application
2. Interpretation
3. Residence in protection area 1
4. Residence in protection area 2
5. Householder permit
6. Application for permit
7. Grounds for granting permit
8. Rights and obligations of holder of householder permit

9. Termination of householder permit
10. Removal of unauthorized person
11. Removal of suspected persons
12. Search of suspected persons
13. Prohibition on return
14. Exclusion of persons
15. Duty to demarcate and survey a protection area
16. Beacons and plates attached thereto
17. Line marks
18. Ancillary marks and plates attached thereto
19. Five metre belt aligned and centred upon boundary line
20. Conditions of boundary marks
21. Damage to boundary marks
22. Duties of Jwaneng Town Council and mining company
23. Offences and penalties
24. Non-application of S.I. 15 of 1975

First Schedule - Jwaneng Householder Permit
 Second Schedule - Jwaneng Householder Permit Application Form

S.I. 60, 1979,
 S.I. 92, 1979,
 S.I. 92, 1980.

1. Citation and application

These Regulations may be cited as the Jwaneng Precious Stones Protection Areas Regulations, and shall apply to the Jwaneng protection areas only.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"authorized person" means any person authorized by the lawful authority to do anything in accordance with these Regulations;

"householder permit" means a householder permit granted under regulation 5;

"Jwaneng protection areas" means protection areas 1 and 2;

"Jwaneng Township" or **"township"** means the Jwaneng Township as declared by the Declaration of Jwaneng Township Order;

"lawful authority" means, in respect of-

- (a) protection area 1, the Ngwaketse Land Board; and
- (b) protection area 2, the Jwaneng Town Council, established by the Jwaneng Township Regulations;

"mining company" means De Beers Botswana Mining Company (Proprietary) Limited or its successors-in-title;

"protection area 1" means the area specified in Part I of the Schedule to the Jwaneng Precious Stones Protection Areas Order;

"protection area 2" means the area specified in Part II of the Schedule to the Jwaneng Precious Stones Protection Areas Order.

3. Residence in protection area 1

No person shall reside within protection area 1 without permission of the lawful authority granted in accordance with the provisions of the Tribal Land Act.

4. Residence in protection area 2

Notwithstanding that any person has a lease to property, a certificate of occupancy, a State grant or any other title document to a residential plot or premises, no person shall reside within protection area 2 without permission of the lawful authority granted in accordance with the

provisions of these Regulations.

5. Householder permit

(1) Permission to reside within protection area 2 shall be granted by the issue of a householder permit by the lawful authority as set out in the First Schedule:

Provided that, in the case of the mining company, all employees of the mining company shall be covered by the householder permit of the company and such employees shall not be required to obtain separate householder permits, except that where any person ceases to be employed by the mining company such person shall be required to obtain a householder permit from the lawful authority in accordance with these Regulations.

(2) A householder permit issued under subregulation (1) shall not be transferable and shall not confer on the holder any right, title or other interest in the premises therein.

(3) A householder permit issued under subregulation (1) shall be for such period as the lawful authority may determine and such permit may be issued subject to such terms and conditions as the lawful authority may in each case determine.

6. Application for permit

Every person desirous of applying for a householder permit shall make an application by completing the form set out in the Second Schedule.

7. Grounds for granting permit

(1) In considering an application for a householder permit the lawful authority shall first be satisfied-

- (a) that the applicant is duly qualified to assume responsibility as a householder for the performance of the obligations attaching to him as a holder of a householder permit;
- (b) that the applicant-
 - (i) is a contractor to the mining company or is an employee of such contractor, such application having been supported in writing by the mining company;
 - (ii) is suitably qualified and experienced to provide services necessary or desirable in the township; or
 - (iii) is able to support himself and his dependants;
- (c) that the report of the Botswana Police Force on the applicant is satisfactory; and
- (d) as to any other matter as the lawful authority may consider appropriate in the circumstances.

(2) Notwithstanding subregulation (1), the lawful authority shall not issue a householder permit to any person who has been convicted of an offence relating to precious stones either in Botswana or elsewhere.

8. Rights and obligations of holder of householder permit

(1) Subject to subregulation (2), a householder permit shall permit the holder thereof to have any person, whether or not such person is a member of his family, to reside with him.

(2) The householder shall ensure that at no time shall the number of persons staying or residing at the premises covered by a householder permit exceed the maximum number specified in such permit:

Provided that this subregulation shall not apply to the mining company.

(3) The lawful authority shall, with the consent of the Minister, make a determination of the maximum number of persons permitted to reside in each type of house constructed in the township from time to time.

(4) For the purposes of this regulation "persons" does not include children and dependants of a householder under the age of 18 years or his spouse.

(5) The mining company shall bring the requirements of this regulation to the attention of its employees, and for the purposes of this regulation any employee of the mining company shall be deemed to be a householder.

9. Termination of householder permit

(1) A householder permit may be terminated by the lawful authority upon giving the

holder of such permit not less than seven days' notice of the termination, in writing, if any of the following grounds exist-

- (a) the holder of a householder permit has been convicted of any offence relating to precious stones, either in Botswana or elsewhere;
- (b) there are reasonable grounds to suspect that the holder of a householder permit is connected, or has at any time been connected, with the commission of an offence relating to precious stones, either in Botswana or elsewhere;
- (c) the holder of a householder permit is in breach of-
 - (i) these Regulations or any conditions of a householder permit; or
 - (ii) any bye-law, regulation, rule or order lawfully binding on him, and fails to comply with a request to correct such breach before the expiry of the notice given under this regulation;
- (d) the holder of a householder permit is convicted of an offence under these Regulations; or
- (e) the holder of the householder permit otherwise ceases to qualify for a permit in accordance with the provisions of regulation 7:

Provided that the lawful authority may extend the period of notice of termination where special circumstances exist justifying such extension.

(2) The mining company shall terminate the employment of any person on being required to do so by the lawful authority if the lawful authority has determined that any of the grounds mentioned in subregulation (1) exist in regard to such employee and any employee of the mining company shall be deemed to be a holder of the householder permit for the purposes of subregulation (1):

Provided that the mining company may appeal to the Minister against the determination of the lawful authority and the decision of the Minister shall be final.

(3) Any person may appeal to the Minister against the decision of the lawful authority terminating his householder permit and the decision of the Minister shall be final.

10. Removal of unauthorized person

(1) Any person who remains within the Jwaneng protection areas without permission in accordance with the provisions of these Regulations may, after being given 12 hours' written notice by the lawful authority to remove himself from such areas, be removed therefrom-

- (a) in the case of protection area 1, by an officer of the Local Police Force or a police officer; and
- (b) in the case of protection area 2, by a police officer.

(2) Any person who resists his removal by an officer of the Local Police Force or a police officer in accordance with subregulation (1) 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.

(3) For the purposes of this regulation an "officer of the Local Police Force" has the same meaning as is ascribed to "officer" in the Local Police Act.

11. Removal of suspected persons

(1) Without prejudice to any powers conferred on police officers by any other written law, a police officer who-

- (a) has reason to believe that any person has previously been convicted of an offence relating to precious stones in Botswana or elsewhere; or
- (b) suspects, on reasonable grounds, that any person is connected, or has at any time previously been connected, with the commission of an offence relating to precious stones in Botswana or elsewhere,

may-

- (i) in the case of a holder of a householder permit, report the matter to the lawful authority for its consideration as to the termination of such permit;
- (ii) in the case of an employee of the mining company, report the matter to the lawful

- authority for its determination as to whether the services of such employee with the mining company should be terminated; or
- (iii) in the case of a person not being a holder of a householder permit, order such person to leave, and upon refusal may remove him or cause him to be removed.

(2) Any person who resists his removal by a police officer in accordance with subregulation (1)(b)(iii) 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.

12. Search of suspected persons

If the lawful authority has reason to believe that there is a breach of the provisions of these Regulations, a police officer shall, on request by a lawful authority, search any premises for the purpose of ascertaining whether or not there is compliance with these Regulations.

13. Prohibition on return

No person who has been directed to leave or has been removed from any Jwaneng protection area, in accordance with the provisions of regulation 10 or 11, shall, within a period of three months of being ordered to leave or being removed, return to such area without written permission from the lawful authority.

14. Exclusion of persons

(1) The Minister may order the exclusion of any person who has previously been removed from a protection area from entering a protection area for any reason:

Provided that such person shall be served with a written notice to that effect by the Minister and, where the Minister is unable to ascertain his whereabouts, publication of such notice in the *Gazette* shall be sufficient for the purposes of this regulation.

(2) Any person who enters any protection area when the exclusion order is still in force shall be guilty of an offence and be liable to a fine not exceeding P300 or to imprisonment for a term not exceeding six months, or to both.

15. Duty to demarcate and survey a protection area

(1) The respective protection areas shall be demarcated or caused to be demarcated by the following bodies at their expense-

- (a) in respect of the outer boundary of protection area 1, the mining company; and
- (b) in respect of the outer boundary of protection area 2, the Jwaneng Town Council:

Provided that where the boundaries of the protection areas are contiguous the responsibility to demarcate and maintain such boundaries shall be on the mining company.

(2) Each corner beacon of the Jwaneng protection areas shall be surveyed separately and the respective plans, on which shall be shown the co-ordinates of the corner points of such protection areas, shall be submitted for approval to the Director of Surveys and Lands and the Mining Commissioner.

16. Beacons and plates attached thereto

(1) Whenever the boundary of a protection area changes its direction a beacon shall be erected.

(2) Each beacon shall be of the type prescribed in the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, except that the plate shall conform with the provisions of subregulations (3) and (4).

(3) Each beacon shall bear a plate firmly affixed to one side of it, near the top thereof.

(4) Each plate shall be made of metal or other durable material, e.g. plastic, and shall measure at least 30 cm by 23 cm and shall have engraved or stamped and kept legible upon it, in both the English and Setswana languages, in respect of each of the protection areas, the following particulars-

- (a) "Jwaneng Precious Stones Protection Area 1-Residence restricted by order of the Ngwaketse Land Board."; and
- (b) "Jwaneng Precious Stones Protection Area 2-Residence restricted by order of the Jwaneng Town Council."

17. Line marks

(1) Line marks shall be erected at intervals of not more than 1000 m along the sides of each protection area.

(2) Each line mark shall conform with the requirements of an ancillary mark as prescribed in the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, except that it shall protrude 1,50 m above the ground, and a plate conforming with regulation 16(3) and (4) and bearing the same inscription thereon, in both the English and Setswana languages, shall be affixed to it, so that the bottom of the plate shall be at least 1 m and 10 cm above the ground.

(3) Where a public road runs along the outer boundary of a protection area, the line marks shall be replaced by ancillary marks, as defined in regulation 18, and shall be placed on the side of the road which lies within the protection area, with the plate facing the road.

18. Ancillary marks and plates attached thereto

(1) Ancillary marks shall be erected where the boundary line of a protection area is crossed by a road or track and shall be identical to line marks in regulation 17, except that the plate shall measure at least 1 m by 60 cm, and shall be placed so that its base is at least 80 cm above ground level.

(2) Each plate shall have engraved or stamped and kept legible upon it, in both the English and Setswana languages, in respect of each of the protection areas, the same particulars as will appear on the plate of the beacons in accordance with regulation 16(3) and (4).

19. Five metre belt aligned and centred upon boundary line

A belt aligned and centred from the boundary line of each protection area and having a width of at least 5 m (equivalent to two parallel cuts with a bulldozer) shall be cleared and kept completely free of bush, scrub, trees, and overhanging branches of trees by the body responsible for demarcating the protection area in accordance with regulation 15.

20. Conditions of boundary marks

All beacons, line marks, ancillary marks and plates shall be kept in good order-

- (a) in respect of protection area 1, by the mining company; and
- (b) in respect of protection area 2, by the Jwaneng Town Council.

21. Damage to boundary marks

No person shall damage, deface or alter the position of any beacon, line mark, ancillary mark or plate established in accordance with these Regulations.

22. Duties of Jwaneng Town Council and mining company

The Jwaneng Town Council and the mining company shall once in every calendar year before the end of the second quarter thereof send to the Mining Commissioner, by registered post, a certificate each signed by each of them or their duly authorized representative stating, if the requirements of regulations 19 and 20 have been complied with by each one of them, that they have been complied with.

23. Offences and penalties

(1) Any person who contravenes the provisions of regulation 3, 4, 8, 13 or 21 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 the mining company or the Jwaneng Town Council fails-

- (a) to demarcate the relevant protected area as required by regulation 15; or
- (b) to comply with the provisions of regulation 19, 20 or 22,

it shall be guilty of an offence and liable to a fine not exceeding P500.

24. Non-application of S.I. 15 of 1975

The provisions of the Precious Stones Protection Areas Regulations shall not apply to the Jwaneng protection areas.

FIRST SCHEDULE JWANENG HOUSEHOLDER PERMIT

(reg. 5)

JWANENG TOWN COUNCIL

Householder Permit Number

THIS PERMIT IS TO CERTIFY THAT:

1. Mr/Mrs/Miss
(hereinafter called "the permit holder") is hereby authorized by the Jwaneng Local Authority
(hereinafter called "the lawful authority") to reside in the following premises (hereinafter called
"the premises")^{i*}

.....
.....

for a period of^{ii**}
with effect from^{iii***}

2. The permit holder may have any person, whether or not a member of his family, to stay
with him. He must, however, ensure that at no time shall the total number of persons (excluding
children under 18 years) staying at the premises exceed persons.

3. This permit shall be personal to the permit holder and shall in no way confer on him any
right, title or other interest in the premises herein referred to and is not transferable.

4. Any other terms and conditions

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

Date

Jwaneng Local Authority

SECOND SCHEDULE

JWANENG HOUSEHOLDER PERMIT APPLICATION FORM

(reg. 6)

JWANENG TOWN COUNCIL

1. Name of Applicant^{iv*}

2. Date and place of birth

3. Nationality

4. Family details (if any):

(a) Name of spouse

(b) Name(s) of children under 18 years

5. Present address

6. Permanent home address

7. Place of residence within the last two years

8. Name and address of employer (if any)

9. Description of premises for which residence permission is applied for^{v**}

10. Have you ever been convicted of an offence relating to precious stones either in Botswana
or elsewhere?

.....
11. Description of intended employment or occupation (including self-employment), and details of education, academic qualifications or skills (if any)
.....
.....
.....
.....

12. Any other information which you may wish to provide:
.....
.....
.....
.....

13. I agree to observe and perform the terms and conditions of the permit issued to me pursuant to this application should my application be successful.

DATED this day of, 20.....

.....
Applicant
For Official use only
Report upon the above application
.....
Botswana Police Force

PRECIOUS STONES PROTECTION AREAS REGULATIONS

(under section 25(2))

(23rd February, 1973)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Prohibited activities within a protected area
4. Movement into and within protected area
5. Order to leave a protected area
6. Duty of holder of mining lease to demarcate and survey a protected area
7. Beacons and plates attached thereto
8. Line marks
9. Ancillary marks and plates attached thereto
10. Five metre belt aligned
11. Conditions of boundary marks
12. Prohibitions in respect of boundary marks
13. Duty of mining lessee whose area is surrounded by a protected area
14. Offences and penalties

S.I. 15, 1973.

1. Citation

These Regulations may be cited as the Precious Stones Protection Areas Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"ancillary mark" means a mark marking the position of a boundary line of a protected area where such a boundary line is crossed by a railway, road or track;

"line mark" means a mark other than an ancillary mark or beacon marking the position of the boundary line of a protected area;

"plate" means a plate prescribed by regulation 7(2);

"protected area" means an area declared by the President to be a precious stones protection area under section 25 of the Act;

"trade" means to carry on the business of selling goods.

3. Prohibited activities within a protected area

Within a protected area no person shall, unless he is permitted to do so by a person having lawful authority-

- (a) trade;
- (b) have vehicles plying for hire;
- (c) reside;
- (d) camp; or
- (e) use by vehicle or otherwise the cleared firebreak where the firebreak bounds a mining lease area which is enclosed by a protected area except for the purpose of maintaining the firebreak.

4. Movement into and within protected area

(1) Any person requesting permission to visit a mining lease area which is enclosed by a protected area and being refused such permission shall immediately leave the protected area, and remain outside such area unless changed circumstances give reasonable ground to expect that he will then be admitted to the mining lease area.

(2) Any person resident in or visiting the mining lease area and who is leaving temporarily or permanently shall leave the protected area forthwith.

5. Order to leave a protected area

Every person shall leave a protected area when ordered to do so by a police officer and shall not return to such area without good and sufficient cause within a period of three months of being ordered to leave.

6. Duty of holder of mining lease to demarcate and survey a protected area

(1) As soon as possible after any area has been declared to be a protected area the holder of the mining lease whose mining lease area is enclosed by the protected area shall cause such area to be demarcated in accordance with the provisions of these Regulations.

(2) The holder of a mining lease shall cause each corner beacon to be surveyed separately in its relationship to the mining lease area and shall submit a plan of the protected area on which shall be shown the co-ordinates of the corner points of the protected area for the approval of the Director of Surveys and Lands and the Mining Commissioner.

7. Beacons and plates attached thereto

(1) Whenever the boundary of a protected area changes its direction a beacon shall be erected.

(2) Each beacon shall be of the type prescribed in the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, except that the plate shall conform with the provisions of subregulations (3) to (5).

(3) Each beacon shall bear a plate firmly affixed to one side of it, near the top thereof.

(4) Each plate shall be made of metal or other durable material e.g. plastic, and shall measure at least 30 by 23 centimetres.

(5) Each plate shall have engraved or stamped and kept legible upon it the following particulars in the following order-

- (a) the words "Precious Stones Protection Area" in English and Setswana;
- (b) the name of the holder of the mining lease whose mining lease area is enclosed by the protected area e.g. "Protected area for the mining lease held by A.B.C. Mining Company."; and
- (c) the number of the mining lease e.g. "S.G. (M.L.) 10/71".

8. Line marks

(1) Line marks shall be erected at intervals of not more than 1000 metres along the sides of each protected area.

(2) Each line mark shall conform with the requirements for an ancillary mark prescribed in the Mines and Minerals (Demarcation of Mining Lease Areas) Regulations, except that it shall protrude one and one half metres above the ground, and a plate conforming with regulation 7(3) to (5) and bearing the same inspection thereon, shall be affixed to it, so that the bottom of the plate shall be at least one metre and 10 centimetres above the ground.

(3) Where a public road runs along the outer boundary of a precious stones protection area, the line marks shall be replaced by ancillary marks as defined in regulation 9, and shall be placed on the side of the road which lies within the precious stones protection area, with the plate facing the road.

9. Ancillary marks and plates attached thereto

(1) Ancillary marks shall be erected where the boundary line of a protected area is crossed by a road, railway or track and shall be identical to line marks except that the plate shall measure at least one metre by 60 centimetres, and shall be placed so that its base is at least 80 centimetres above ground level.

(2) The plate shall bear engraved or stamped on its left-hand side the following inscription, and on its right-hand side a Setswana translation thereof-

"PRECIOUS STONES PROTECTION AREA

Surrounding State Grant (Mining Lease) No. x/xx granted to A.B.C. Mining Co.

No trading

No residence or camping

No loitering; person acting suspiciously may be ordered to remain outside the area by a police officer

Issued under the Precious Stones Protection Areas Regulations."

10. Five metre belt aligned

A belt aligned and centred from the boundary line of a protected area and having a width of at least five metres (equivalent to two parallel cuts with a bulldozer) shall be cleared and kept completely free of bush, scrub, trees, and overhanging branches of trees.

11. Conditions of boundary marks

All beacons, line marks, ancillary marks and plates shall be kept in good order by the holder of the mining lease whose mining lease area the protected area encloses.

12. Prohibitions in respect of boundary marks

No person shall damage, deface or alter the position of any beacon, line mark, ancillary mark or plate established in accordance with these Regulations.

13. Duty of mining lessee whose area is surrounded by a protected area

The holder of a mining lease whose mining lease area is surrounded by a protected area shall once in every calendar year before the end of the first quarter thereof, send to the Mining Commissioner by registered post a certificate signed by the holder or by a person authorised to sign on his behalf stating, if the requirements of regulations 10 and 11 have been complied with, that they have been complied with.

14. Offences and penalties

(1) Any person who contravenes the provisions of regulation 3, 4, 5 or 12 shall be guilty of an offence and liable to a fine not exceeding P50 or to imprisonment for a term not exceeding one month, or to both.

(2) The holder of the mining lease whose area is surrounded by a protected area who fails-

(i) to demarcate the protected area as required by regulation 6; or

(ii) to comply with the provisions of regulation 10, 11 or 13,

shall be guilty of an offence and liable to a fine not exceeding P500.

ORAPA PRECIOUS STONES SECURITY AREA ORDER

(section 26)

(13th August, 1971)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 95, 1971.

1. Citation

This Order may be cited as the Orapa Precious Stones Security Area Order.

2. Declaration of precious stones security area

The mining area referred to in the Schedule is declared to be a precious stones security area.

SCHEDULE

The area shown on diagram D.S.L. No. 10/70 approved by the Director of Surveys and Lands on 29th July, 1970, and filed in his office, which area is described as Certain Mining Lease Area No. 1-NO situate in the Central Administrative District and measuring 40960,0000 (forty thousand, nine hundred and sixty) acres equal to 64 (sixty-four) square miles or to 16575,8665 (sixteen thousand, five hundred and seventy-five point eight six six five) hectares.

H & A CUTTING WORKS BOTSWANA (PTY) LTD PRECIOUS STONES SECURITY AREA ORDER

(section 26)

(28th November, 2008)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 98, 2008.

1. Citation

This Order may be cited as the H & A Cutting Works Botswana (Pty) Ltd, Precious Stones Security Area Order.

2. Declaration of precious stones security area

The area described in the Schedule is hereby declared to be a precious stones security area.

SCHEDULE

H & A Cutting Works Botswana (Pty) Ltd, plot number 61124, Gaborone

LETLHAKANE MINE PRECIOUS STONES SECURITY AREA ORDER

(section 26)

(24th December, 1975)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation

2. Declaration of precious stones security area

Schedule

S.I. 155, 1975.

1. **Citation**

This Order may be cited as the Letlhakane Mine Precious Stones Security Area Order.

2. **Declaration of precious stones security area**

The area described in the Schedule is declared to be a precious stones security area.

SCHEDULE

Commencing at a point A the co-ordinates of which are Y-70 300,15X +2 379 420,04 the boundary runs in a straight line in an easterly direction to a point B the co-ordinates of which are Y-72 899,86 and X+2 379 419,93; thence in a straight line in a southerly direction to a point C the co-ordinates of which are Y-72 900,47 and X+2 382 219,89; thence in a straight line in a westerly direction to a point D the co-ordinates of which are Y-70 300,20X+2 382 220,13; thence in a northerly direction to the point of commencement, as will more fully appear from Plan NO-5, filed in the Department of Surveys and Lands, the co-ordinates of points A, B, C and D being expressed in metres on the Trigonometrical System Lo 25°.

LETLHAKANE MINE PRECIOUS STONES PROTECTION AREA ORDER

(under section 26)

(24th December, 1975)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 155, 1975.

1. **Citation**

This Order may be cited as the Letlhakane Mine Precious Stones Security Area Order.

2. **Declaration of precious stones security area**

The area described in the Schedule is declared to be a precious stones security area.

SCHEDULE

The whole of the area lying within a quadrilateral of sides each seven kilometres in length which sides are parallel to and one kilometre outside the boundaries of Mining Lease Area No. 2-NO situate in the Central District, and which Mining Lease is shown on Diagram DSL No. 136/75 filed in the Department of Surveys and Lands, but excluding the precious stones security area declared in the Letlhakane Mine Precious Stones Security Area Order.

JWANENG PRECIOUS STONES SECURITY AREA ORDER

(under section 26)

(16th February, 1979)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 10, 1979.

1. Citation

This Order may be cited as the Jwaneng Precious Stones Security Area Order.

2. Declaration of precious stones security area

The area specified in the Schedule is hereby declared to be a precious stones security area.

SCHEDULE

(para. 2)

Commencing at a point A, the co-ordinates of which are Y+30 422,66 X+2 719 869,30, the boundary runs in a north-westerly direction to a point B, the co-ordinates of which are Y+36 551,45 X+2 714 726,83; thence in a straight line in a north-easterly direction to a point C, the co-ordinates of which are Y+30 123,22 X+2 707 065,93; thence in a straight line in a south-easterly direction to a point D, the co-ordinates of which are Y+23 994,65 X+2 712 208,47; thence in a south-westerly direction to the point of commencement, as will more fully appear from Plan No. KN-3 deposited with the Director of Surveys and Lands, Gaborone; the co-ordinates of points A, B, C and D are expressed in metres on Trigonometrical System Lo 25°.

TSWAPONG MINE PRECIOUS STONES SECURITY AREA ORDER

(under section 26)

(26th March, 1999)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 34, 1999.

1. Citation

This Order may be cited as the Tswapong Mine Precious Stones Security Area Order.

2. Declaration of precious stones security area

The area described in the Schedule is declared to be a precious stones security area.

SCHEDULE

The area lying within the polygons described by points A, B, C, D, E, F, G, H, J, K representing sixteen point nine one six one (16,9161) hectares as shown on diagram D.S.M. No. 762/97, points A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X, Y, Z, a, b, c, d representing three point nine zero five seven (3,9057) hectares as shown on diagram D.S.M. No. 763/97, points A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, representing three point one two five one (3,1251) hectares as shown on diagram D.S.M. No. 764/97, points A, B, C, D, E, F, G, H, I, J, K, L, M, N, representing one point six four five zero (1,6450) hectares as shown on diagram D.S.M. No. 765/97, points A, B, C, D, E, F, G, representing one point five four two zero (1,5420) hectares as shown on diagram D.S.M. No. 766/97, and points A, B, C, D, E, F, G, representing three nine two three (3923) square metres as shown on diagram D.S.M. No. 767/97. All the above six areas are situated on Mining Lease Area No. 41-MQ in the Central Administrative District.

TEEMANE MANUFACTURING COMPANY PRECIOUS STONES SECURITY AREA ORDER

(under section 26)

(15th March, 1991)

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

S.I. 30, 1991.

1. Citation

This Order may be cited as the Teemane Manufacturing Company Precious Stones Security Area Order.

2. Declaration of precious stones security area

Plot No. 341 situated in the Serowe Industrial Site, Botlaote Ward, and occupied by Teemane Manufacturing Company (Pty) Ltd, is hereby declared to be a precious stones security area.

LAZARE KAPLAN BOTSWANA PRECIOUS STONES SECURITY AREA ORDER

(under section 26)
(7th February, 1992)

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

S.I. 8, 1992.

1. Citation

This Order may be cited as the Lazare Kaplan Botswana Precious Stones Security Area Order.

2. Declaration of precious stones security area

Plot No. 400 situated in the Molepolole Industrial Site, Molepolole, and occupied by Lazare Kaplan, Botswana (Pty) Ltd., is hereby declared to be a precious stones security area.

DAMTSHAA MINE PRECIOUS STONES SECURITY AREA ORDER

(under section 26)
(17th August, 2001)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

Schedule

S.I. 36, 2001.

1. Citation

This Order may be cited as the Damtshaa Mine Precious Stones Security Area Order.

2. Declaration of precious stones security area

The area described in the Schedule is declared to be a precious stones security area.

SCHEDULE

The area lying within the polygon described by points A, B, C, D representing eight hundred and eighty point three nine seven five (880.3975) hectares as shown on diagram D.S.M. No. 456/2001.

The above area is situated on Mining Lease Area No. 10-NO in the Bangwato Tribal Territory.

PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) (SECURITY AREA PERMITS) REGULATIONS

(under section 38)
(31st October, 1969)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Types of permits
4. Continuing permits for sections of areas
5. Permits for persons in service of the Republic
6. Form of long-term permits
7. Form of short-term permits
8. Form of conducting permits
9. Manner of obtaining conducting permit
10. Conducting of applicant to office of issuer
11. Manner of obtaining continuing permit
12. Copies of continuing permits
13. Permits not to be charged for
14. Provision of photographs
15. Register of permits to be kept
16. Tokens for short-term permits
17. Tokens to be worn by holders
18. Long-term permits to be carried and produced
19. Holders of continuing permits allowed entry
20. Surrender of permits
21. Name of security officer to be notified
22. Penalties

Schedule - Form of Long-Term Permit

S.I. 101, 1969.
G.N. 474, 1969,
S.I. 85, 1971.

1. Citation

These Regulations may be cited as the Precious and Semi-Precious Stones (Protection) (Security Area Permits) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"area" means a precious stones security area declared by the Minister under section 26(1) of the Act;

"Chief Security Officer" means the principal person in an area charged by the operator with the function of maintaining security;

"continuing permit" means a long-term or a short-term permit as described in regulation 3;

"issuer" means a person designated in relation to an area by the Minister under section 26(3) of the Act for the purpose of issuing permits;

"operator" means a person, artificial or natural, having the prospecting or mining right in respect of an area;

"permit" means a document issued by an issuer permitting the holder to enter or remain within an area or any section thereof;

"register" means a register kept under the provisions of regulation 15;

"security officer" means a person employed as such in an area by the operator.

3. Types of permits

The following types of permits may be issued-

- (a) long-term permits, being permits valid for an indefinite period which may be issued to persons who will reside within an area for a period exceeding 28 days, to persons mentioned in regulation 5(2) and, at the discretion of the issuer, to officials in the employ of the operator;
- (b) short-term permits, being permits the duration of which is expressed to be 28 days or a shorter period;
- (c) conducting permits, being permits authorizing the holder to be conducted from an entrance to an area to the office of an issuer within such area.

4. Continuing permits for sections of areas

(1) A continuing permit may specify that the holder may enter or remain within any particular section or sections or all sections of an area:

Provided that any such section is clearly demarcated from any other section of the area-

- (i) on a map of which a copy is filed by the operator with the Mining Commissioner and a copy is posted for inspection at the office of the issuer; and
- (ii) on the ground by fencing or otherwise, and is designated by clearly legible notices in English and Setswana on the boundary with every other section.

(2) No person shall enter or remain within any such section unless he is in possession of a permit authorizing him to do so.

(3) Notwithstanding anything contained in subregulation (2), no permit shall be required by any child under the age of 14 years to enter or remain within any section in which one of his parents resides provided such parent has a permit to enter or remain in such section.

5. Permits for persons in service of the Republic

(1) No person in the service of the Republic shall enter or remain within an area or any section thereof in the course of duty unless he is in possession of a permit authorizing him to do so issued in accordance with these Regulations.

(2) A permit shall be issued by an issuer-

- (a) to any police officer required in writing by the Commissioner of Police to have the right to enter or to remain within an area;
- (b) to the Mining Commissioner, the Government Mining Engineer, an Assistant Government Mining Engineer, and any person in the service of the Republic required in writing by the Minister or the Permanent Secretary to have the right to enter or remain within an area.

6. Form of long-term permits

A long-term permit shall be a card not less than 6,4 by 3,8 cm and not more than 7,6 by 5 cm in size bearing the following matter or particulars in the form set out in the Schedule-

- (a) at the top on the right hand side, the name of the operator;
- (b) below the said name, the name of the area;
- (c) below the name of the area, the number of the permit entered in the register;
- (d) a head and shoulders photograph of the holder in the top left hand corner not less than 2,8 cm square and not more than 3,2 cm square signed or over-stamped on its bottom section with the signature of the issuer;
- (e) below the photograph, the name of the holder in typescript;
- (f) along the right hand side parallel with the right hand margin of the card the signature of the holder or, in the case of a holder unable to write his name, his thumb-print;
- (g) the designation of the section or sections of the area which the holder is permitted to enter or remain within, entered along the bottom of the card from left to right.

7. Form of short-term permits

A short-term permit shall have imprinted on it-

- (a) the name of the operator; and
- (b) the name of the area,

and shall have entered upon it-

- (i) the legend "Valid from to unless required to be surrendered earlier" with the relevant dates inserted;
- (ii) the number of the permit entered in the register;
- (iii) the name of the holder; and
- (iv) the designation of the section or sections of the area which the holder is permitted to enter or remain within.

8. Form of conducting permits

A conducting permit shall be a card 7,6 by 5 cm in size bearing-

- (a) the name of the operator;
- (b) the name of the area,

and stating that the holder is permitted to be conducted by a security officer from an entrance to the area to the office of the issuer for the exclusive purpose of seeking a continuing permit.

9. Manner of obtaining conducting permit

(1) A person desiring a conducting permit may apply for it by letter addressed to an issuer, or by presenting himself at an entrance to the area, stating his name, address and his purpose in the area to a security officer, and requesting to be issued with such permit.

(2) On a request being made in terms of subregulation (1) it shall be the duty of the security officer to whom it is made to convey it to an issuer who may grant or refuse it, and in the event of his granting it shall forthwith direct that a conducting permit be handed to the applicant.

10. Conducting of applicant to office of issuer

(1) When a conducting permit is handed to an applicant as provided in regulation 9(2), he shall be conducted forthwith by a security officer to the office of the issuer.

(2) The person so conducted shall not diverge from the route along which he is conducted and shall remain in company with the security officer conducting him until he is issued with a continuing permit or until, in the event of his being refused a continuing permit, he is conducted to an entrance to the area, which he shall thereupon leave.

(3) On being conducted to an entrance as aforesaid, an applicant who has been refused a continuing permit shall forthwith at such entrance surrender his conducting permit to the security officer conducting him.

11. Manner of obtaining continuing permit

(1) A person desiring a continuing permit may apply for it at the office of an issuer:

Provided that if such office is within an area and the applicant is not in possession of a valid continuing permit he shall first have been conducted to such office under the authority of a conducting permit.

(2) A person applying under subregulation (1) shall complete and sign his name, or if he is unable to write his name, his thumb-print, an application form in which he shall state-

- (a) his full names;
- (b) his permanent address;
- (c) the purpose for which he wishes to enter or remain within the area; and
- (d) the probable duration of his visit or sojourn and the probable date of his departure.

(3) Subject to regulation 5(2) and to such directions as may be given in the matter by the Mining Commissioner, an issuer may grant or refuse the issue of any permit.

(4) An applicant in possession of a conducting permit shall surrender it upon being issued with a continuing permit.

12. Copies of continuing permits

(1) An issuer, on being satisfied that an unexpired continuing permit, duly issued, has

been lost, damaged or destroyed, may, on request, issue to the person to whom such permit was issued a copy of such permit.

(2) Notwithstanding anything in regulation 13, every person to whom a copy of a long-term permit is issued under subregulation (1) shall be charged a fee of P1 which shall be payable to the operator.

(3) All the provisions of these Regulations applicable to an original permit shall apply to any copy of such permit issued under subregulation (1).

13. Permits not to be charged for

No charge shall be made for any permit issued under these Regulations.

14. Provision of photographs

Any photographs of applicants required for inclusion in permits shall be taken and provided under the instructions of the issuer and at the expense of the operator.

15. Register of permits to be kept

(1) Every issuer shall keep a register in which he shall enter or cause to be entered in respect of every continuing permit issued-

- (a) the number of the permit and, in the case of a short-term permit the number of the token issued therewith in accordance with regulation 16;
- (b) the date of issue;
- (c) the full names of the person to whom it is issued;
- (d) his permanent address;
- (e) the purpose of his visit or sojourn;
- (f) its probable duration;
- (g) his signature or, in the case of a person unable to write his name, his thumb-print;
- (h) the designation of the section or sections of the area to which the permit relates; and
- (i) the date of issue of any copy of the permit and the fee (if any) charged therefor.

(2) The entry in the register of particulars in relation to a continuing permit shall in every case as soon as practicable be countersigned by the Chief Security Officer.

(3) All continuing permits shall be completed in duplicate, and duplicate copies of all such permits while in force shall be kept with the register.

16. Tokens for short-term permits

Where a short-term permit is issued the issuer shall issue together with such permit a token in the form of a numbered disc of durable material not less than 3,81 centimetres in diameter.

17. Tokens to be worn by holders

While within the area, the holder of a short-term permit shall wear the token issued to him, as provided in regulation 16, attached to the upper part of his body or the clothing thereon so as to be visible at all times.

18. Long-term permits to be carried and produced

While within the area, the holder of a long-term permit shall carry it at all times on his person and shall produce it on demand to any person producing a document purporting to be issued by the operator stating that the bearer is a senior official or a security officer employed by the operator.

19. Holders of continuing permits allowed entry

A holder of a continuing permit shall be allowed to enter any section of the area designated in the permit as one which he is permitted to enter or remain within.

20. Surrender of permits

(1) Every employee of an operator holding a long-term permit who leaves the operator's employ shall on the date of his departure from the area surrender such permit to the Chief Security Officer.

(2) Every person holding a continuing permit, other than a person to whom subregulation (1) applies, shall upon its expiry or upon the date of his final departure from the area,

whichsoever is the earlier, tender such permit and any token issued therewith to the Chief Security Officer for surrender:

Provided that an issuer may in his discretion allow an unexpired permit and any token issued therewith to be retained by the holder thereof.

(3) The Chief Security Officer shall cause any permit so surrendered and the duplicate kept with the register to be cancelled on the date of surrender.

21. Name of security officer to be notified

Whenever a Chief Security Officer is appointed for an area, the operator shall notify the Commissioner of Police and the Mining Commissioner of his name and the date of his appointment.

22. Penalties

(1) Any person contravening regulation 4(2), 5(1) or 10(2) shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

(2) Any person contravening regulation 10(3), 11(4), 17, 18, 20(1) or (2), shall be guilty of an offence and liable to a fine not exceeding P100 or, in default of payment, to imprisonment for a term not exceeding three months.

**SCHEDULE
FORM OF LONG-TERM PERMIT**

(regulation 6)

Head and shoulders
photograph of
holder

(Name of operator)

.....

(Name of area)

.....

.....

Precious Stones Security Area

No.

.....
Signature of issuer

.....
(Name of holder in typescript)

.....
(Designation of sections of area which holder may enter or remain within)

Signature or thumb-print of holder

.....

PRECIOUS AND SEMI-PRECIOUS STONES (FORMS) REGULATIONS

(under section 38)

(20th March, 1970)

ARRANGEMENT OF REGULATIONS

REGULATION

- 1. Citation
- 2. Form of declaration of discovery of precious stones
- 3. Form of register
- 4. Form of licences and recognizance

First Schedule - Declaration of Precious Stones Recovered under Authority of a Prospecting Licence

Second Schedule - Register of Rough Uncut Precious Stones Won or Recovered,

Manufactured, Purchased, Sold, Received, Exported or Imported
Third Schedule - Precious Stones Dealer's Licence
Fourth Schedule - Semi-Precious Stones Dealer's Licence

S.I. 23, 1970,
S.I. 57, 1978,
S.I. 118, 1988.

1. Citation

These Regulations may be cited as the Precious and Semi-Precious Stones (Forms) Regulations.

2. Form of declaration of discovery of precious stones

The declaration to be transmitted to the Minister through the Director of Geological Survey, in accordance with section 3 of the Act, by the holder of a prospecting licence who has discovered precious stones shall be in duplicate in the form set out in the First Schedule.

3. Form of register

The register to be kept by every banker, precious stones dealer, producer or accredited agent of a producer in accordance with the provisions of section 16 of the Act shall be in the form set out in the Second Schedule.

4. Form of licences and recognizance (1) The precious stones dealer's licence shall be in the form set out in Part A of the Third Schedule.

(2) The recognizance required to be lodged with the Minister in terms of section 8(4) of the Act shall be in the form set out in Part B of the Third Schedule.

(3) The semi-precious stones dealer's licence shall be in the form set out in the Fourth Schedule.

**FIRST SCHEDULE
DECLARATION OF PRECIOUS STONES RECOVERED UNDER
AUTHORITY OF A PROSPECTING LICENCE**

PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT
(Section 3)

Name of holder of prospecting licence
Month of 20

Authority conferring prospecting licence
Area or locality where prospecting operations are being carried on

Type of precious stone recovered

Weight of precious stone (in carats)

No. of single stones in case of diamonds weighing 10 carats or over

Volume of ground worked (by weight)

Estimated value of precious stones recovered ^{vi*}

.....
Signature of holder of prospecting licence or
authorized representative

Date 20 Address

**SECOND SCHEDULE
REGISTER OF ROUGH UNCUT PRECIOUS STONES WON OR RECOVERED,
MANUFACTURED, PURCHASED, SOLD, RECEIVED, EXPORTED OR IMPORTED
PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION ACT)**

(Cap. 66:03)

(Section 16)

FULL NAME OCCUPATION ^{vii*} MONTH OF

ADDRESS:
 (TO BE COMPLETED BY PRODUCER, ACCREDITED AGENT OF A PRODUCER, E

WINNINGS, RECOVERIES, RECEIPTS, MANUFACTURES, PURCHASES											
DATE	STATE TYPE OF PRECIOUS STONES AND HOW THEY WERE ACQUIRED	NAME OF SELLER OR CON-SIGNOR (IN THE CASE OF PURCHASES OR IMPORTS)	DETAILS OF PARCEL								STATE WHETHER ONE STONE OR MORE THAN ONE STONE
			Note: Single stones of a value of P200 or cover or weighing separately ^{viii*}								
BALANCE ON HAND BEGINNING OF MONTH											

(TO BE COMPLETED BY PRODUCER)
B

AREA OR LOCALITY WHERE PROSPECTING AND OR MINING OPERATIONS ARE BEING CARRIED	DISTRICT	AUTHORITY WHICH IS CURRENTLY OPERATING BEING

SALES AND EXPORTS										
DATE	STATE TYPE OF PRECIOUS STONES AND HOW THEY WERE ACQUIRED	NAME OF SELLER OR CONSIGNOR (IN THE CASE OF PURCHASES OR IMPORTS)	DETAILS OF PARCEL							
			Note: Single stones of a value of P200 or cover or weighing specified separately ^{ix**}							
WEIGHT (CARATS)			S	ESTIMATED VALUE						
			T	P						

	BALANCE ON HAND AT END OF MONTH																			

I, _____ do hereby solemnly and sincerely declare that the above is a true and correct copy of the _____ uncut Diamonds won or recovered, manufactured purchased or sold, received, exported or imported by me in a manner _____ they have been acquired in a legal and *bona fide* manner; and I make this solemn declaration, conscientiously believing t

Dated at _____ on the _____ day of _____ 20 _____

*Banker, Licensed Dealer, Producer or
Accredited Agent of a Producer*

**THIRD SCHEDULE
PRECIOUS STONES DEALER'S LICENCE
PART A**

REPUBLIC OF BOTSWANA
PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT
(Cap. 66:03)
(section 8)

No _____
_____ is hereby licensed
under section 8 of the Precious and Semi-Precious Stones (Protection) Act to deal in the
following Precious Stones:

_____ in premises situated at _____

for _____ year(s) subject to the following conditions: _____

*Minister of Mineral Resources and
Water Affairs.*

PART B
REPUBLIC OF BOTSWANA
PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT
(Cap. 66:03)
(section 8)

RECOGNIZANCE

WHEREAS on the _____ day of _____ 20..... there appeared before
me, _____ the following persons:

- (a) _____
- (b) _____
- (c) _____

who in my presence and in the presence of each other acknowledged themselves to owe the
Government of Botswana the sum of P10,000 in the event of the _____
being the holder of a precious stones dealer's licence issued to him in terms of section 8 of the
Precious and Semi-Precious Stones (Protection) Act at any time during the currency of the
licence failing or neglecting to comply with the conditions herein contained to be jointly and
severally liable therefor;

AND WHEREAS the said-

(a)
(b) and
(c)

have agreed and declared to bind themselves, their heirs, executors and assigns as sureties and co-principal for the due payment within one month of the said sum of P10,000 becoming due and payable under this recognizance:

CONDITIONS

1. The said (a) shall at all times during the currency of the licence issued to him comply strictly with the provisions of the Precious and Semi-Precious Stones (Protection) Act and Regulations made thereunder and any condition subject to which the licence was granted.
2. Notwithstanding anything to the contrary herein contained in the case of any offence which may be committed by the said (a) under the Precious and Semi-Precious Stones (Protection) Act, during the currency of his licence, this recognizance shall remain enforceable for a period of two years following the expiry of the licence.

IN WITNESS whereof the said:

(a)
(b) and
(c)

have hereunto set their hands in my presence this day of 20.....

Signed (a)
Signed (b)
Signed (c)

.....
Magistrate

**FOURTH SCHEDULE
SEMI-PRECIOUS STONES DEALER'S LICENCE**

REPUBLIC OF BOTSWANA
PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT
(Cap. 66:03)
(section 29)

No.....

..... is hereby licensed under section 29 of the Precious and Semi-Precious Stones (Protection) Act to deal in the following semi-precious stones:

.....
in premises situated at
for year(s) subject to the following conditions:

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

*Minister of Mineral Resources and
Water Affairs*

SEMI-PRECIOUS STONES REGULATIONS

*(under section 38)
(6th April, 1973)*

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Unlicensed trading prohibited
4. Application for licence
5. Validity of licences
6. Extension of validity of licence
7. Sale by wholesale only
8. Returns to be rendered
9. Licence fees
10. Licence may be cancelled
11. Offences

S.I. 29, 1973,
S.I. 117, 1988.

1. Citation

These Regulations may be cited as the Semi-Precious Stones Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"semi-precious stones" means unworked semi-precious stones;

"semi-precious stones dealer" is a person who holds a current semi-precious stones dealer's licence issued under these Regulations.

3. Unlicensed trading prohibited

No person may purchase or otherwise obtain for purposes of trade any semi-precious stones unless he is a semi-precious stones dealer:

Provided that this regulation shall not apply to-

- (i) any person who purchases or otherwise obtains such stones from a semi-precious stones dealer;
- (ii) the holder of a mining right, but only to the extent that semi-precious stones are included in and occur within the area of such mining right;
- (iii) the owner of mineral rights over any land where semi-precious stones occur, but only to the extent that semi-precious stones occur within such land.

4. Application for licence

Any person wishing to obtain a semi-precious stones dealer's licence shall apply in writing to the Minister giving such information as the Minister may require, and the Minister may grant or refuse such application.

5. Validity of licences

- A semi-precious stones dealer's licence shall-
- (a) expire on the 31st December, of the year in respect of which it is issued;
 - (b) be valid for such areas as shall be specified in the licence; and
 - (c) be valid for such semi-precious stones as shall be specified in the licence.

6. Extension of validity of licence

The Minister may extend the validity of a licence already issued by adding further semi-precious stones to those already specified in the licence:

Provided that any semi-precious stones so added are geologically related to those already specified and occur within the same area.

7. Sale by wholesale only

A semi-precious stones dealer shall be entitled to sell any semi-precious stones purchased or obtained by him under his licence by wholesale only.

8. Returns to be rendered

- (1) Not later than the 30th April, 31st July, 31st October and 31st January, and not later

than one month after the date of expiry of his licence, a semi-precious stones dealer shall render to the Mining Commissioner in respect of the preceding three months or part thereof ending the 31st March, 30th June, 30th September and 31st December, a return showing-

- (a) the type, weight and gross cost of all semi-precious stones purchased or obtained by him;
 - (b) the type, weight and gross sales value of all semi-precious stones sold by him; and
 - (c) such other information as the Mining Commissioner may reasonably require.
- (2) Failure to render returns in accordance with this regulation shall be an offence.

9. Licence fees

The fee for a semi-precious stones dealer's licence shall be-

- (a) P250 per annum, payable on the date of issue of a licence and on every anniversary thereof; and
- (b) a sum equal to three per cent of the gross sales value of all semi-precious stones sold by him, as declared in any return rendered under regulation 8, payable when each such return is rendered:

Provided that the Mining Commissioner may, with the approval of the Minister, waive payment of the fee.

10. Licence may be cancelled

The licence of a semi-precious stones dealer convicted of an offence under these Regulations may be cancelled by the Mining Commissioner:

Provided that-

- (i) such person shall not be entitled to a refund of any part of the fee paid under regulation 9(a) in respect of any unexpired period of his licence,
- (ii) not later than one month after the date of cancellation of his licence such person shall, in respect of any period between the date of issue of his licence or the end of the last three months or part thereof in respect of which he rendered a return, whichever shall be the later, and the date of cancellation of his licence, render to the Mining Commissioner a return containing all the information required under regulation 8, and shall pay a fee calculated in accordance with the provisions of regulation 9(b).

11. Offences

Any person who contravenes these Regulations shall be liable, in respect of a first offence to a fine not exceeding P250 or to imprisonment for a term not exceeding three months, or to both, and in respect of a subsequent offence to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

DECLARATION OF SEMI-PRECIOUS STONES REGULATIONS

(under section 38)

(12th January, 1973)

ARRANGEMENT OF REGULATIONS

REGULATION

- 1. Citation
- 2. Declaration of semi-precious stones

Schedule

S.I. 5, 1973,
S.I. 134, 1988.

1. Citation

These Regulations may be cited as the Declaration of Semi-Precious Stones Regulations.

2. Declaration of semi-precious stones

For the purposes of the Act, the substances listed in the Schedule are hereby declared to be semi-precious stones.

SCHEDULE (regulation 2)

Agate
Amethyst
Aquamarine
Azurite
"Botswana Pink"
Carnelian
Chalcedony
Crystal Quartz
Garnet
Jade
Jasper
Malachite
Moss Agate
Opal
Rose Quartz
Sodalite
Tanzanite
Tiger's eye
Tourmaline

EXPORT CONTROL (SEMI-PRECIOUS STONES) REGULATIONS

(under section 38)

(12th January, 1973)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Restriction on export
4. Samples

S.I. 6, 1973.

1. Citation

These Regulations may be cited as the Export Control (Semi-Precious Stones) Regulations.

2. Interpretation

In these Regulations "**semi-precious stones**" means any substance declared under the Act to be a semi-precious stone.

3. Restriction on export

Subject to paragraph 4, no person shall export from Botswana any unworked semi-precious stones except under and in accordance with an export permit issued by the Mining Commissioner.

4. Samples

No permit shall be required for any one consignment of unworked semi-precious stones of a total weight of less than 20 kilograms exported by any person in any year for the purpose of sampling and which is declared to be exported for such purpose.

DECLARATION OF PRECIOUS STONES REGULATIONS

(under section 38)

(21st December, 1979)
ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Declaration of precious stones

Schedule

S.I. 126, 1979.

1. Citation

These Regulations may be cited as the Declaration of Precious Stones Regulations.

2. Declaration of precious stones

For the purposes of the Act, the substances listed in the Schedule are hereby declared to be precious stones.

SCHEDULE

(reg 2)

Emeralds
Rubies
Sapphires

**PRECIOUS AND SEMI-PRECIOUS STONES (SEARCH BY X-RAY APPARATUS)
REGULATIONS**

(section 38)

(18th March, 1983)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Person suspected of swallowing a precious or semi-precious stone
4. Suspected person to be X-rayed
5. Person to be X-rayed to be informed and medically examined
6. Person unfit not to be X-rayed
7. Issue of a certificate
8. Evidence
9. Machine to be used in X-raying

Schedule - X-Ray Certificate

S.I. 36, 1983.

1. Citation

These Regulations may be cited as the Precious and Semi-Precious Stones (Search by X-ray Apparatus) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"authorised person" means a person authorised by the Minister to exercise the powers of search conferred by section 37 of the Act;

"medical practitioner" includes an intern duly registered as such under the Botswana Health Professions Act.

3. Person suspected of swallowing a precious or semi-precious stone

Where an authorised person has reasonable grounds to suspect that a person whom he

has searched or caused to be searched has swallowed a precious or semi-precious stone, the authorised person shall take such person to a police officer in the nearest police station.

4. Suspected person to be X-rayed

A police officer, to whom a person has been taken under regulation 3, or who has reasonable grounds to suspect that a person he has in custody in accordance with the provisions of the Act has swallowed a precious or semi-precious stone, shall take such person to a medical practitioner for the purpose of having an X-ray taken of such person by the medical practitioner or other qualified person as may be authorised by the medical practitioner.

5. Person to be X-rayed to be informed and medically examined

A medical practitioner shall, before taking or causing an X-ray to be taken of any person required to be X-rayed under regulation 4-

- (a) inform such person of the intention to X-ray him and enquire whether he has any objection to being X-rayed:

Provided that no person shall object to an X-ray being taken of him except only on medical grounds; and

- (b) conduct a medical examination on such person to ascertain whether he is medically fit to be X-rayed.

6. Person unfit not to be X-rayed

No X-ray shall be taken of any person who has been declared unfit by a medical practitioner under regulation 5.

7. Issue of a certificate

A medical practitioner who takes or causes an X-ray to be taken of any person in accordance with provisions of these Regulations shall issue a certificate which shall be in the form set out in the Schedule hereto.

8. Evidence

A certificate or certified copy thereof issued under these Regulations shall be received in evidence and shall, unless the contrary is proved, be deemed to have been issued by or on behalf of the person by whom or on whose behalf it purports to have been issued.

9. Machine to be used in X-raying

The instrument to be used in taking an X-ray under these Regulations shall be the type of machine used in hospitals in Botswana or by medical practitioners in taking X-rays of persons.

**SCHEDULE
X-RAY CERTIFICATE**

(reg 7)

I having
(name of medical practitioner)

been requested by
(name of police officer)

to X-ray
(name of suspect)

^{xi} + did X-ray the said
(name of suspect)

^{xii} + or did authorize that the said be
(name of suspect)

X-rayed by at
(name of person x-raying)

..... on
(name of hospital, clinic, etc)

(insert date)

and the following were my observations (state below the results of the X-ray):

.....

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

Signature:
(Medical Practitioner)
Date

DIAMOND TECHNOLOGY PARK PRECIOUS STONES SECURITY AREA ORDER
(section 26)
(30th May, 2008)
ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Declaration of precious stones security area

S.I. 43, 2008.

1. Citation

This Order may be cited as the Diamond Technology Park Precious Stones Security Area Order.

2. Declaration of precious stones security area

Plot No. 67782, situated in the Gaborone Administrative District and occupied by Diamond Technology Park, is hereby declared to be a precious stones security area.

DIAMONEX BOTSWANA LIMITED (LERALA MINING LEASE) PRECIOUS STONES SECURITY AREA ORDER
(section 26)
(4th July, 2008)
ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Declaration of precious stones security area

Schedule

S.I. 57, 2008.

1. Citation

This Order may be cited as the Diamonex Botswana Limited (Lerala Mining Lease) Precious Stones Security Area Order.

2. Declaration of precious stones security area

The area specified in the Schedule is hereby declared to be a precious stones security area.

SCHEDULE

Commencing at point A, the coordinates of which are Y-90462.50, X+2509495.87; The boundary runs in

an easterly direction to point B, the coordinates of which are: Y-92146.77, X+2509505.97; Thence in a south easterly direction to a point C, the coordinates of which are: Y-93132.25, X+2511757.61; Thence in a south westerly direction to a point D, the coordinates of which are: Y-90420.88, X+2516509.53; Thence in an easterly direction to a point E, the coordinates of which are: Y-87424.82, X+2516492.01; Thence in a north easterly direction to the point of commencement, as will more fully appear from on the D.S.M. Plan No. 320/2008, Tribal grant No. 229-MQ, deposited with Director of Surveys and Mapping in Gaborone; The coordinates of points: A, B, C, D and E are expressed in metres on Trigonometrical System Lo 27°.

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS

(under section 38(1)(c))

(19th March, 2004)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

Preliminary

1. Citation
2. Interpretation

PART II

Exportation of Rough Diamonds

3. Prohibition against unauthorized export of rough diamonds
4. Application for certificate to export rough diamonds
5. Grounds for refusal to issue Kimberley Process Certificate

PART III

Importation of Rough Diamonds

6. Prohibition against importation of rough diamonds
7. Validity and transfer of certificates
8. Appeal to President

PART IV

Offences and Penalties

9. Offences and penalties

Schedule

S.I. 24 of 2004.

PART I

Preliminary (regs 1-2)

1. Citation

These Regulations may be cited as the Export and Import of Rough Diamonds Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"exporter" means a dealer or agent authorised to export rough diamonds;

"importer" means a dealer or agent authorised to import rough diamonds;

"Kimberley Process" means an international certification scheme for rough diamonds as recognised in Resolutions 55/56 and 56/263 passed by the United Nations General Assembly on 1st December 2000 and 13th March 2002, respectively;

"**Kimberley Process Certificate**" means a certificate issued in terms of regulation 4(2);
and

"**Kimberley Process Certification Scheme**" means the international certification scheme negotiated by the Kimberley Process.

PART II

Exportation of Rough Diamonds (regs 3-5)

3. Prohibition against unauthorized export of rough diamonds

No person shall export rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate.

4. Application for certificate to export rough diamonds

(1) A person wishing to export rough diamonds shall submit an application in Form 1 set out in the Schedule, to the Minister, and the application shall be accompanied by a fee of P500 and such other information as the Minister may require in writing.

(2) Where the Minister is satisfied that the provisions of these Regulations are met, he shall issue a Kimberley Process Certificate in Form 2 set out in the Schedule, which shall identify the rough diamonds as having been handled in accordance with the provisions of the Kimberley Process Certification Scheme.

5. Grounds for refusal to issue Kimberley Process Certificate

(1) The Minister may refuse to issue a Kimberley Process certificate if he is satisfied that-

- (a) the rough diamonds in question were not handled in accordance with the provisions of the Kimberley Process Certification Scheme; or
- (b) the applicant has not satisfied any provision of these Regulations.

(2) Where the Minister is not satisfied that the provisions of these Regulations are met, and therefore refuses to issue a Kimberley Process Certificate, he shall notify the applicant in writing of that decision and stating his reasons for the refusal, and he may advise the applicant to submit such further information as may be necessary to ensure that his application fulfils the requirements of these Regulations and re-submit the application.

PART III

Importation of Rough Diamonds (regs 6-8)

6. Prohibition against importation of rough diamonds

No person shall import any rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate issued in the State of export.

7. Validity and transfer of certificates

A Kimberley Process Certificate issued in terms of regulation 4(2) shall be valid for one month and shall not be renewable or transferable.

8. Appeal to President

A person aggrieved by any decision of the Minister under these Regulations may appeal to the President against that decision.

PART IV

Offences and Penalties (regs 9-10)

9. Offences and penalties

Any person who exports or imports or causes to be exported or imported any rough diamonds contrary to these Regulations shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

SCHEDULE

FORM 1

APPLICATION FORM FOR KIMBERLEY PROCESS CERTIFICATE

(regulation 4)

REPUBLIC OF BOTSWANA

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS
(S.I. No. 24 of 2004)
APPLICATION FORM FOR KIMBERLEY PROCESS CERTIFICATE
EXPORT OF ROUGH DIAMONDS

Country of origin.....	Number of parcels.....
Name and address of exporter.....	Name and address of importer.....
<i>HS CLASSIFICATION</i> <i>CARATS</i>	<i>VALUE (US DOLLAR)</i>
7102.10	
7102.21	
7102.31	
Signed:.....	Capacity:.....
Date:.....	Place:.....

FORM 2
KIMBERLEY PROCESS CERTIFICATE

(reg 4(2))
REPUBLIC OF BOTSWANA

IMPORT AND EXPORT OF ROUGH DIAMONDS REGULATIONS
(S.I. No. 24 of 2004)

KIMBERLEY PROCESS CERTIFICATE
CERTIFICATE NO:.....



REPUBLIC OF BOTSWANA

THE ROUGH DIAMONDS IN THIS SHIPMENT HAVE BEEN HANDLED IN ACCORDANCE
WITH THE PROVISIONS OF THE KIMBERLEY PROCESS INTERNATIONAL
CERTIFICATION SCHEME FOR ROUGH DIAMONDS

Country of origin.....	Number of parcels.....
Name and address of exporter.....	Name and address of importer.....
<i>HS CLASSIFICATION</i> <i>CARATS</i>	<i>VALUE (US DOLLAR)</i>
7102.10	
7102.21	
7102.31	
THIS CERTIFICATE ISSUED [DD/MM /YY] Signed.....	EXPIRES [DD/MM /YY] Official stamp.....

DEBSWANA DIAMOND COMPANY AND DIAMOND TRADING COMPANY BOTSWANA
PRECIOUS STONES SECURITY AREA ORDER

(section 26)
(14th September, 2007)
ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Declaration of precious stones security area

1. Citation

This order may be cited as the Debswana Diamond Company and Diamond Trading Company Botswana Precious Stones Security Area Order.

2. Declaration of precious stones security area

Plot No. 64288 and Plot No. 63016, situated in the Gaborone Administrative District occupied by Debswana Diamond Company (Pty) Ltd and Diamond Trading Company (Pty) Ltd respectively, are hereby declared to be a precious stones security area with effect from the 30th November, 2007.

ⁱInsert plot number or any other identification of the premises.

ⁱⁱInsert the period of validity of the householder permit (e.g. days, months, years or for an indefinite period).

ⁱⁱⁱInsert effective date of the householder permit.

^{iv}To be completed by head of household who wishes to obtain permission to reside in Jwaneng township or surrounding area.

^vState plot number.

^{vi}Where the holder of a prospective right is unable to value the precious stones, but sends them outside the area or locality where prospecting operations are being carried on for valuation, this should be stated together with the name and address of the valuer to whom they are being sent.

^{vii}State whether Banker, Licensed Dealer, Accredited Agent of a Producer or Manufacturer of Precious Stones.

^{viii}Where a Producer or Accredited Agent of a Producer is unable to value the stones but having them sent outside the area of locality where prospecting and/or winning operations are being carried on for valuation, this should be stated together with name and address of the valuer to whom they have been sent.

^{ix}Where a Producer or Accredited Agent of a Producer is unable to value the stones but having them sent outside the area of locality where prospecting and/or winning operations are being carried on for valuation, this should be stated together with name and address of the valuer to whom they have been sent.

^xBanker, Licensed Dealer, Producer or Accredited Agent of a Producer

^{xi}Delete whichever is inapplicable.

^{xii}Delete whichever is inapplicable.