

2021

BILLS UPDATE



BOTSWANA CENTER FOR PUBLIC
INTEGRITY (BCPI)

EXECUTIVE SUMMARY

The objective of the report is to inform citizens and stakeholders about the Bills or laws passed by the National Assembly of Botswana (Parliament). The report covers legislative developments for 2021. A total of 19 legislative pieces were debated and approved by parliament in 2021.

In the report we provide a summary of the backdrop in which the Bills were debated in parliament, touching on relevant issues raised by Members of Parliament. The write up is accompanied by an annexure of the list of Bills that were passed.

The first column lists the Bill, while the second one contains information that led to the enactment, with the third column showing the date which the bill was first noticed in the Government Gazette, and the last column is the dates in which the Bills were approved by parliament to become law.

The Declaration of Assets and Liabilities Bill was finally passed in 2019, following more than two decades since former legislator Joy Phumaphi moved for its adoption. In ensuing years before it was finally passed into law, the current Leader of Opposition Dumelang Saleshando tried unsuccessfully in 2010 and 2014 to have the law passed as a Private Member's Bill.

However, in the run up to the 2019 general elections, President Mokgweetsi Masisi led to the Declaration of Assets and Liabilities Bill to be passed in parliament, using the law as a campaign tool for a transparent and accountable government. While the Bill was widely received from both sides in parliament, the opposition parties decried that the Bill was a watered-down version of what they envisaged. Chiefly, they argued that under the new law, declarations of assets and liabilities will be made to the President, and with the information kept private from the public.

Through the debate, and while showing support for the law they have long called for, the Members of Parliament from the opposition parties sought to have the declaration made to parliament and public. Furthermore, they argued against the Bill's punitive measures for those who will disclose the information from the declarations, while the punishment for those who are not truthful in their declarations was considered to be less severe. However, their proposed amendments were rejected, and the Bill was passed as proposed by the government on the 22nd of October 2019.

Almost a year later after the Bill was passed, the Presidential Affairs, Governance and Public Administration ministry published proposed amendments to The Declaration of Assets and Liabilities Act on the 30th October 2020, with the new Bill extending the scope of declarations to include certain government officials that were not included, as well as the establishment of the Ethics and Integrity Directorate for administration purposes (See Annex for changes made through the Declaration of Assets and Liabilities Amendment Bill).

Like the original Bill, it drew criticism from the opposition parties, reiterating that even with the new amendments, the law does little to rising concerns about widespread corruption among politicians and key decision makers in government. The main argument remained that declarations would remain secretive and will be under the ambit of the executive, thus making it an exercise in futility. Despite the objects and other proposals to make the Bill to be watertight and more transparent, it was also passed as proposed by the government on the 12th of August 2021.

The opposition parties still maintain that the Declaration of Assets and Liabilities law is a ruse aimed at deceiving the public that the government is doing something about corruption.

Botswana has some of the world's toughest immigration laws, where citizenship is through either parent being a citizen of Botswana, with no provision for dual citizenship. Further, citizenship for those whose parents are not citizens, even if born in the country, can only be gained through application for naturalisation, and that is not even guaranteed it will be granted.

In the Citizenship Amendment Bill first published on the 30th of October 2020 by Ministry of Nationality, Immigration and Gender Affairs, the ministry reduced the age from 21 to 18 in which children under 18 years of age and not citizens of the country by birth or descent to be given citizenship upon application by either parent who has been naturalised. This effectively meant that if a foreigner gains citizenship, their children who are under 18 qualify to be citizens upon an application being made.

Another major change to the Citizenship Act through the Amendment Bill is that children with dual citizenship can elect their preferred nationality or citizenship upon attaining the age of 18 years. Until then, they can have dual citizenship.

While the Bill did not receive resistance from both sides of parliament, a common recurring theme was for the Act to be further amended to allow for dual citizenship instead of having to forego another citizenship in favour of another. The main debate was that the world has become so interconnected in a way that children born between parents of different nationalities should be allowed to retain both citizenships instead of having to choose one as per laws of the country. Nonetheless, the Amendment Bill was passed as proposed on the 16th of August 2021.

The Nationality, Immigration and Gender Affairs ministry further presented the Change of Surname Bill, first published on the 1st of March 2021, to re-enact with amendments to the Change of Name Act, intended to make provision for restriction and regulation of the right of any person to assume a surname. The presented Bill in parliament was passed with overwhelming support from both sides, with the legislators praising the move as it provided clarity on the process of changing names unlike before. The Bill was adopted and passed by parliament on the 16th of August 2021.

Still in March, the ministry of Nationality, Immigration and Gender Affairs published the Married Persons Property (Amendment) Bill on the 26th March 2021, with the Bill bringing several amendments to empower the Registrar of Marriages to issue property forms to those who have lost their documents before registration to the Deeds Registry; to issue forms to those who were married out of community of property under the repealed Act; to issue forms for marriages between a citizen and non-citizen that happened before 1971; and to make provision for the offence of perjury for persons who make false declarations about their properties.

The Bill was well received by legislators as it was now aligned with the previous legislative changes which allows for married people the flexibility to switch between in or out of community of property. Prior to that, if a couple was married in community of property they could not switch back to out of community of property, and vice versa. The Bill was unanimously passed on the 16/08/2021.

The Mineral Resources, Green Technology and Energy Security presented two Bills related to the diamond industry, sparking a fierce debate about how the country has not done enough to benefit significantly from diamond trades. Since diamonds were discovered in the late 1960s, they propelled the Botswana from one of the world's poorest country to a middle-income country. Botswana is the biggest producer of diamonds by value, selling billions of rough diamonds every year and accounting for over 90 percent of the country's export revenue.

However, there has been growing concerns over the years that the country could have done more to benefit from the diamond trade instead of just selling them as rough diamonds. To this end, the ministry published the Diamond Cutting (Amendment) Bill on the 26th of February 2021, with the Bill intended to ensure that diamonds mined in Botswana are beneficiated in the country with the intent is to stimulate employment generation, skills development, industry development, citizen empowerment and transform Botswana into a world class diamond centre.

Both sides of the house took issue with the fact that there is no major citizen owned companies plying their trade in the diamond industry. Though the country had taken a decision in 2012 to relocate De Beers' diamond sorting and sales unit to Botswana in 2012, the legislators argued that the results of the beneficiation have not borne fruits as major buyers still include foreign based companies. Given that, it meant that the country is losing extra revenue as the rough diamonds are sold in the country but later gain so much value to countries they are exported to where they are then polished and sold.

The legislators debated that with the new amendments they hope to see more Botswana involved in the diamond trade value chain, with much of the cutting and polishing done locally instead of just selling rough diamonds.

Similarly, the ministry's next bill, the Precious and Semi-Precious Stones (Protection) (Amendment) Bill, attracted similar sentiments from Members of Parliament. The object of the Bill was also to ensure that diamonds mined in Botswana are beneficiated (including being sorted, valued, processed, sold, bought, marketed or otherwise dealt with) in Botswana. Further, stiffer penalties have been introduced to enhance protection, and integrity of the Botswana diamond industry and to curb the illicit trade in diamonds.

In making submissions, the legislators inquired how the government ensures how they are not cheated by mining companies especially when it came to declaration of the value of diamond mined. The Members of parliament called on the government to be more transparent on how the diamonds are valued. Furthermore, they raised an issue that some diamond mining companies are in the habit of illegally exporting diamonds in the guise that the diamonds are being sent to outside labs for further testing, something which legislators found deceptive as those diamonds end up being sold outside and with their values not declared, thus the country missing out on tax revenue.

As the two Bills were passed, legislators showed overwhelming support in the hope that they will be actual beneficiation with tangible results to show, particularly given that the diamond industry is facing critical challenges such as synthetic diamonds. As such, the legislators said Botswana's window of opportunities to extract as much value as they can from diamonds is narrowing with each passing year.

The Tobacco Control Bill, first published on the 12th of March 2021, by the ministry of Health and Wellness proved to be a double-edged sword for Members of Parliament, resulting in intense debates which had to balance health issues with economic ramifications. The object of the Tobacco Control Bill was to repeal and re-enact the Control of Smoking Act (Cap. 65:04) to align it with the World Health Organisation Framework Convention on Tobacco Control to which Botswana is a party.

Legislators agreed on the harmful effects of smoking and showed support for amendments such as prohibiting advertisement of cigarettes to young people, protecting workers from environments that put them in close proximity with smokers by banning indoor smoking and outdoor public spaces. However, the bone of contention that caused fierce debate was part of amendments that prescribed that tobacco should be sold by licence holders and that the cigarettes can only be sold in packets only. Those who opposed the amendment argued that this would disadvantage small medium enterprises (SMEs), especially hawkers, who make profit from selling loose cigarettes from packets. They said the hawkers are going to take a hit as most of them will not be eligible to get trading license to sell cigarettes and even if they do, the law will prohibit them from selling cigarettes as singles though their main customer base cannot afford to buy cigarette packages. Despite the objections to the bill on economic reasons, the Bill was passed by the majority on the 16th of August 2021.

The Motor Vehicle Accident Fund (Amendment) Bill brought by the Finance and Economic Development ministry was well received in parliament, drawing support from both sides of parliament. The object of the Bill was to amend the Motor Vehicle Accident Fund Act (Cap. 69:02), with key focus on: The word 'claimant', which has been re-defined to allow emancipated minors to deal directly with MVA and 'vehicle accident' has been re-defined to ensure that only vehicle accidents that are proximate to the act of driving a motor vehicle are claimable from the Fund

The Members of parliament equally showed support for amendments which they called progressive, in particular that the period of prescription of claims has been extended from 3 years to 5 years. With the MVA reportedly running low on funds due to high claims, the legislators welcomed the new provision that enables the fund to recover fully the amount it has paid as compensation or which the fund shall be liable to pay as compensation to the claimants; and that every person who drives into Botswana in a foreign registered vehicle shall be required to pay to the Fund vehicle third party insurance cover as may be prescribed. They said the amendments will ensure that the fund is self-sustaining. The Bill was unanimously agreed and passed on the 12th of March 2021.

Another Bill which garnered wide support from Members of Parliament was the Penal Code Amendment Bill, presented by the ministry of Defence, Justice and Security, with the overall aim to amend the Penal Code to enhance penalties for sexual offences (ranging from stringent statutory minimum sentences to imprisonment of 15, 20 and 30 years up to life imprisonment upon conviction). Furthermore, to make provision for compensation of victims of sexual offences; and criminalise false allegations for sexual offences.

With the increasing incidence of Gender Based Violence (GBV) in the country, it was not surprising that legislators will rally behind the bill. According to the World Population Review (2019), Botswana ranked as the second country on rape cases at 92.9 per 100,000 citizens. With the proposed stiffer penalties, legislators said the minimum penalties of 10 years imprisonment was lenient to the perpetrators, thus supported the amendment that a person convicted of the act of rape shall be sentenced to a maximum term of 25 years or life imprisonment.

In addition, the Members of Parliament proposed that the law should be further amended to ensure that there are stringent conditions attached to bail applications concerning rape

perpetrators as majority of them tend to be repeat offenders. The Bill was passed on the 16th of August 2021.

The ministry of Presidential Affairs, Governance and Public Administration brought to parliament the Ombudsman Bill, which brought divergent views from the house, pitying the ruling party and opposition parties. The Bill was brought to to repeal the existing Ombudsman Act [CAP 02:12] and re-enact same with amendments to, amongst others, expand the functions and powers of the Ombudsman to protection and promotion of human rights.

In theory the Ombudsman is a powerful position that can investigate government departments but the position over the years has proven to be a toothless watchdog, with its findings and recommendations usually ignored. A case in point was when the ombudsman ruled that former President Ian Khama while vice president should not be allowed to fly state aircrafts, however, the president at the time Festus Mogae ignored the findings and allowed Khama to fly the aircrafts.

It was on this backdrop that when the Ombudsman Bill was debated, the opposition legislators highlighted how the office lacks institutional independence from the executive. For starters, the President is the one who appoints the Ombudsman. Secondly, the office's budget is determined by the ministry of Presidential Affairs, Governance and Public Administration. During the debate, the members of parliament on the opposing side suggested that the ombudsman should be independent, reporting directly to parliament and that the appointment of the ombudsman should be the prerogative of lawmakers, unlike in the current dispensation.

However, the suggestions of the ombudsman's independence from the Office of the President did not see the light of the day as the ruling party used their majority numbers to pass the Bill as it is on the 16th of August 2021.

The Credit Information Bill was first published on the 11th of June 2021 by the ministry of Finance and Economic Development, with the piece of legislation moved to provide for the regulation of credit reporting system and the licensing and supervision of credit bureaus by the Bank of Botswana. The Bill was not hotly contested as it drew massive support from legislators who said the law was long over due to protect consumers in terms of their credit information records.

A common theme was that the credit bureaus should be owned by citizens unlike it has been the case where the business is dominated by foreign firms. The legislators said that this will enhance data protection as it will be stored locally. The Bill was unanimously passed on the 16th of August 2021.

The Finance and Economic Development ministry further presented the Collective Investment Undertakings Bill whose main objective is to provide for the supervision and regulation of collective investment undertakings, to enhance protection for investors. The ministry highlighted that with the rise in use of technology, there has been an increase in various investment opportunities, with some of them pushed by scammers.

To this end, the Members of Parliament showed support for the Bill, with some citing examples of how some Batswana have been swindled through Ponzi schemes, and that this

Bill will assist in reigning in scammers as it will regulate people who are supposed to take funds or deposits from people, and also provide process in how the funds are supposed to be managed prudently. The Bill was passed on the 31st of August 2021.

The advent of Covid-19 in 2020 brought with it repercussions to Botswana's economy as diamond trades were affected, thus straining the government's resources. To support the budget, the Finance and Economic Development ministry presented the Programmatic Economic Resilience and Green Recovery Development Programme (International Bank for Reconstruction and Development (IBRD) (Loan Authorisation) Bill, with the bill intended to authorise the raising by government, of a loan of an amount not exceeding two hundred and fifty million United States Dollars (US\$250,000,000) or the current exchange rate equivalent of two billion, six hundred and sixty-two million five hundred thousand Pula (P2,662,500,000) from the International Bank for Reconstruction and Development (IBRD).

The purpose of the loan is for budget support for the financing of the Programmatic Economic Resilience and Green Recovery Development Programme. Though legislators showed support for the borrowing, they warned that this was a sign that Botswana has to do everything to reduce its reliance on diamonds and find ways of widening revenue streams so that the Government Investment Account (GIA), which represents the government's share of funds in the foreign reserves, can be replenished.

Botswana's fiscal position was compromised last year after the COVID-19 pandemic forced the government to raid the GIA, leading to the account's worst decline – plunging from 2019's P18.3 billion to a paltry P3.3 billion in December 2020, the lowest level since the fund was established more than two decades ago. The funds were used to plug budget deficits and other government expenditures at a time when the diamond sales were depressed, which meant less revenue for government that relies heavily on diamond exports.

Prior to the financial crisis of 2008/9, the government investment account had a healthy balance of P30.5 billion in December 2008. The depletion was attributed to frequent withdrawals by the government to plug the budget deficits caused by high spending. Between 2017 and 2019, budget shortfalls have added to P21.8 billion, while projections for 2020/2021 financial year points to an all-time high budget deficit of P21 billion.

Meanwhile, Botswana's debt has increased since last year. The diamond dependent economy started 2020 with a P30.4 billion debt before ending the year with P38.6 billion in loans - with the increase largely due to domestic borrowing, jumping from P15 billion to P22 billion.

Annex 1: List of Bills Passed

Bill/Legislation	What to Know	First Published	Status
<p>Declaration of Assets and Liabilities (Amendment) (No.2) Bill, 2020 (Bill No.25 of 2020)</p>	<p>Responsible Ministry: PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION.</p> <ul style="list-style-type: none"> The Declaration of Assets and Liabilities Act No. 12 of 2019 makes provision for the declaration of assets and liabilities of certain categories of persons for the purpose of preventing and detecting corruption, money laundering and the acquisition of property from proceeds of crime. It came into effect on the 22nd of October 2019. The Act establishes the Ethics and Integrity Directorate for administration purposes. The Directorate is now operational following the appointment of the Director General in December 2019. A few other officers have also been appointed to provide the necessary assistance. Additional challenges were identified during the implementation of the Act. As a result, it became necessary to come up with another bill to address these challenges. <p>Having identified the loopholes, Government came up with a bill to address these. The objects of the Bill therefore are as follows:</p> <ul style="list-style-type: none"> The Bill proposes an amendment of the Act to ensure that, in order 	<p>30/10/2020</p>	<p>12/08/2021</p>

Bill/Legislation	What to Know	First Published	Status
	<p>that there is certainty, all those to whom the Act applies are listed under section 3 of the Act. During implementation, it was noted that some official had been excluded from section 3.</p> <ul style="list-style-type: none"> • The Bill also ensures that the obligation to submit declarations in the disciplined forces should start from the rank, which is equivalent to deputy director, which in the case of the army is Lieutenant Colonel, and not Colonel as appears in the Act. In the Prison Service, the equivalent rank is that of Assistant Commissioner and not Senior Assistant Commissioner. • In addition, the Bill ensures that there is clarity regarding persons who submit their declarations to the Permanent Secretary to the President. • It is also worth noting though that the Bill proposes that Mayors and Chairpersons of local authorities should declare to the Minister responsible for Local Government. • The Director-General of the Directorate of Ethics and Integrity and Corruption and Economic Crime will now be required to declare to the President, and not to the Minister responsible for Presidential Affairs, Governance and Public Administration. • Section 8 (2) of the Act makes it a criminal offence for failure to declare within sixty (60) days from date of assumption office. This bill therefore proposes an amendment to the effect that a criminal offence is committed only where there is failure to declare after issuance of a Notice by the Director General under 		

Bill/Legislation	What to Know	First Published	Status
	<p>section 16 of the Act.</p> <ul style="list-style-type: none"> • Another notable amendment is that where the value of interest, income or liabilities is altered by P200 000, a person subject to the Act will not be expected to submit a fresh declaration. He or she will only be required to update the information in his or her declaration. The Directorate will come up with relevant forms to facilitate the process. • Declarations under the Act are to be made every 24 months. • Fines for all offences will not exceed P500 000 and terms of imprisonment will not exceed 10 years. 		
<p>Citizenship (Amendment) Bill, 2020 (Bill No. 23 of 2020)</p>	<p>Responsible Ministry: Nationality, Immigration and Gender Affairs</p> <ul style="list-style-type: none"> • The Act is intended to amend the Citizenship Act [Cap 01:01] by substituting the number “21” with the number “18” everywhere the former appears in sections 9 and 15 thereof. • This means that the Minister of Nationality, Immigration and Gender Affairs may cause a person under the age of 18, if such person was not a citizen of Botswana by birth or descent and whose father or mother has become a citizen of Botswana, to be registered as a citizen of Botswana upon application made by that person’s citizen father or mother. • Further, the amendment requires that dual citizens elect their preferred nationality/citizenship upon attaining the age of 18. 	<p>30/10/2020</p>	<p>16/08/2021</p>

Bill/Legislation	What to Know	First Published	Status
Change of Surname Bill, 2021 (Bill No. 8 of 2021)	<p>Responsible Ministry: Nationality, Immigration and Gender Affairs</p> <ul style="list-style-type: none"> An Act to re-enact, with amendments, the Change of Name Act and to make provision for restriction and regulation of the right of any person to assume a surname and for matters incidental thereto. 	01/03/2021	Passed on 16/08/2021
Married Persons Property (Amendment) Bill, 2021 (Bill No. 12 of 2021)	<p>Responsible Ministry: Nationality, Immigration and Gender Affairs</p> <ul style="list-style-type: none"> The object of the bill amends section 10 of the Act in order to give a 24-months moratorium to persons whose instruments have not been registered with the Deeds Registry, further the Bill introduces sections 10 A; 10B; and 10C to: Empower the Registrar of Marriages to issue property regime forms to persons whose instruments were lost before registration at the Deeds Registry pursuant to an affidavit. Empower the Registrar of Marriages to issue, to persons who were married out of community of property under the repealed Act, and therefore did not have any form, a form as proof for an out of community of property regime. Empower the Registrar of Marriages to issue property regime forms for marriages solemnized between a citizen and a non-citizen before January 1 971 and were presumed to be out of community of property; and Make provision for the offence of perjury and provide a penalty 	26/03/2021	Passed on 16/08/2021

Bill/Legislation	What to Know	First Published	Status
	for persons who commit perjury by giving false information in their affidavits.		
Diamond Cutting (Amendment) Bill, 2021 (Bill No. 5 of 2021)	<p>Responsible Ministry: Mineral Resources, Green Technology and Energy Security</p> <ul style="list-style-type: none"> • The amendments to this Act seek to ensure that diamonds mined in Botswana are beneficiated in Botswana. Strategically the intent is to stimulate employment generation, skills development, industry development, citizen empowerment and transform Botswana into a world class diamond centre. • To this end, the amendments to the Act are being proposed to among other things to ensure that, only credible and legitimate companies are licensed in diamond manufacturing in Botswana. • Through the amendments, Government is able tighten regulatory control of downstream beneficiation of all the diamonds in the country. • Clause 4 substitutes a new section 8 of the Act with the following changes: the word nominee has been removed as licences will be issued to companies only and not a nominee. • A new provision that no person under 18 years will be issued with a diamond cutting licence. • A provision that an applicant must have secured, access to adequate financial resources and has the technical competence required to carry out the business of cutting and polishing. 	26/02/2021	Passed on 12/08/2021

Bill/Legislation	What to Know	First Published	Status
	<ul style="list-style-type: none"> • Clauses 5-8 and clause 13 of the Bill delete reference to the word nominee as a consequence of introducing a new section 8. • Clauses 10 and 11 have deleted sections 18 and 19 in order to remove barriers to business operations. • The other clauses (7 to 15) have increased the fines in sections 11, 12, 15, 25, 28, 33 and 34 to match them with the magnitude of the offences. 		
<p>Precious and Semi-Precious Stones (Protection) (Amendment) Bill, 2021 (Bill No. 6 of 2021)</p>	<p>Responsible Ministry: Mineral Resources, Green Technology and Energy Security</p> <ul style="list-style-type: none"> • This Act was presented as an amendment bill to the Precious and Semi-Precious Stones (Protection) Act (Cap 66:03) in order to, inter alia, substitute language enhance penalties, clarify provisions, introduce notification obligations and legislate for the dealings (or not dealing) with uncut precious stones. • The object of the Act is to ensure that diamonds mined in Botswana are beneficiated (including being sorted, valued, processed, sold, bought, marketed or otherwise dealt with) in Botswana. • Further, stiffer penalties have been introduced to enhance protection, and integrity of the Botswana diamond industry and to curb the illicit trade in diamonds 	26/02/2021	Passed on 16/08/2021
<p>Tobacco Control Bill, 2021 (Bill No. 9 of 2021)</p>	<p>Responsible Ministry: Health and Wellness</p>	12/03/2021	Passed on 16/08/2021

Bill/Legislation	What to Know	First Published	Status
	<ul style="list-style-type: none"> • The object of the Tobacco Control Bill is to repeal and re-enact the Control of Smoking Act (Cap. 65:04) to align it with the World Health Organisation Framework Convention on Tobacco Control to which Botswana is a party. • The Act had been found to fall short on a number of provisions, which include but are not limited to. • Addressing issues such as point of sale advertising as well as cross border advertising. • Addressing the issue of regulation of contents of tobacco products, packaging and labelling of tobacco products. • The Bill speaks to an exhaustive list, some of the key elements to be brought into effect are noted below: • The establishment of a Tobacco Control Committee which shall provide oversight in the implementation of the provisions and exercise the powers conferred upon it. • Provide protection to all workers and members of the public by completely prohibiting smoking in all indoor workplaces, all indoor and outdoor public places and on all public transport where smoking would create a hazard or contradict its objectives. • Restaurants will be required to declare smoke free zones. • Monitor a range of health and Tobacco related aspects including but not limited to the issuance of license health trends in relation tobacco consumption and exposure, recommend amendments to the Minister and develop, promote and implement 		

Bill/Legislation	What to Know	First Published	Status
	<p>a national programme for tobacco control which will include public awareness campaigns.</p> <ul style="list-style-type: none"> • Prohibit advertising, promotion and sponsorship by the tobacco industry to prevent messages, cues, and other inducements to begin using tobacco, especially among the youth, to reassure users to continue their use, or that otherwise undermine quitting. • Packaging and labelling of tobacco products in order to inform customers of the health consequences, addictive nature, mortal threat posed by the tobacco consumption and exposure to tobacco smoke and provide other relevant information to address consumers' lack of knowledge of the true risks and specific harms of tobacco use and exposure to tobacco smoke. • It also makes provisions for criminal sanctions for people who contravene the Bill by selling or purchasing tobacco or tobacco products from persons who do not possess a license issued in accordance with this Bill. • A person purchasing tobacco or tobacco products from any person who does not have a license will now be liable for criminal sanctions in the form of a fine not more than P2000 or imprisonment not exceeding 5 (five) months or both. • Where a person is found guilty of an offence under this Bill, the court may impose a fine in addition to any other penalty, equal to the amount of monetary benefit gained by the person as a 		

Bill/Legislation	What to Know	First Published	Status
	<p>result of the offence, even if the maximum fine is imposed under another provision.</p> <ul style="list-style-type: none"> Any person who contravenes any requirement under this Bill may be ordered to pay the reasonable costs associated with any inspection, investigation and enforcement action brought about by the non-compliance. 		

Bill/Legislation	What to Know	First Published	Status
<p>Motor Vehicle Accident Fund (Amendment) Bill, 2021 (Bill No. 10 of 2021)</p>	<p>Responsible Ministry: Finance and Economic Development</p> <p>The object of the Bill is to amend the Motor Vehicle Accident Fund Act (Cap. 69:02), with key focus on:</p> <ul style="list-style-type: none"> The word ‘claimant’ has been re-defined to allow emancipated minors to deal directly with the Motor Vehicle Accident Fund (MVA) and ‘vehicle accident’ has been re-defined to ensure that only vehicle accidents that are proximate to the act of driving a motor vehicle are claimable from the Fund. The period of prescription of claims has been extended from 3 years to 5 years. The Fund is enabled to recover fully the amount the Fund has paid as compensation or which the Fund shall be liable to pay as compensation to the claimants; and Every person who drives into 	<p>12/03/2021</p>	<p>Passed on 12/03/2021</p>

Bill/Legislation	What to Know	First Published	Status
	Botswana a foreign registered vehicle shall be required to pay to the Fund vehicle third party insurance cover as may be prescribed		
Penal Code (Amendment) Bill, 2021 (Bill No. 16 of 2021)	<p>Responsible Ministry: Defence, Justice and Security</p> <p>The objective of the Bill is to amend the Penal Code:</p> <ul style="list-style-type: none"> • Enhance penalties for sexual offences (ranging from stringent statutory minimum sentences to imprisonment of 15, 20 and 30 years up to life imprisonment upon conviction) • Make provision for compensation of victims of sexual offences; and • Criminalise false allegations for sexual offences. 	04/06/2021	16/08/2021
Aviation Security (Amendment) Bill, 2021 (Bill No. 18 of 2021)	<p>Responsible Ministry: Transport and Communications 11/06/2021</p> <p>The objective of the Bill is to amend the Aviation Security Act [CAP 71:02] to enhance it by:</p> <ul style="list-style-type: none"> • Providing for added screening of passengers and cargo. • Special protection of aircrafts. • The establishment of the National Air Transport Facilitation Committee. • The establishment of an Aerodrome Facilitation Committee in line with the amended International Civil Aviation Organisation Standards • Recommendations relating, inter alia, to passengers and their cabin baggage. 	11/06/2021	16/08/2021
Ombudsman Bill, 2021 (Bill No. 19 of	Responsible Ministry: Presidential Affairs, Governance and Public	11/06/2021	Passed on 16/08/2021

Bill/Legislation	What to Know	First Published	Status
2021)	<p>Administration</p> <ul style="list-style-type: none"> The Bill aims to repeal the extant Ombudsman Act [CAP 02:12] and re-enact same with amendments to, amongst others, expand the functions and powers of the Ombudsman to protection and promotion of human rights. To make provision for the continuation of the Office of the Ombudsman, for the powers and functions of the Ombudsman, the investigation of administrative actions taken on behalf of Government, the protection and promotion of human rights, the investigation of human rights violation, and for matters incidental thereto and connected therewith. 		
Credit Information Bill, 2021 (Bill No. 17 of 2021)	<p>Responsible Ministry: Finance and Economic Development</p> <p>The main object of Bill is to provide for:</p> <ul style="list-style-type: none"> The regulation of the credit reporting system and the licensing and supervision of credit bureaus by the Bank of Botswana. In terms of the Bill, a credit bureau is defined as a company licensed to collect credit reports and process information on the credit status of a data subject (an individual or business entity whose data is collected, processed and disclosed to third parties in the credit information sharing system). <p>The Bill makes numerous provisions for and under the following main sub-headings:</p>	11/06/2021	16/08/2021

Bill/Legislation	What to Know	First Published	Status
	<ul style="list-style-type: none"> • Licensing of Credit Bureaus • Governance, Regulation and Supervision of Credit Bureaus • Obligations of Data Providers and Data Users • Rights of Data Subjects relating to Consumer Information • Investigation of Complaints. 		
<p>Collective Investment Undertakings Bill, 2021 (Bill No. 20 of 2021)</p>	<p>Responsible Ministry: Finance and Economic Development</p> <ul style="list-style-type: none"> • An Act to provide for the supervision and regulation of collective investment undertakings, to enhance protection for investors and to provide for matters connected with or incidental thereto. • The Bill seeks to completely overhaul the current Collective Investment Undertaking Act [CAP 56:09] • The Bill does not contain amendments geared at supplementing the Act. The Bill contains all sections which are intended to repeal and replace the Act 	11/06/2021	31/08/2021
<p>Programmatic Economic Resilience and Green Recovery Development Programme (International Bank for Reconstruction and Development (IBRD) (Loan Authorisation) Bill, 2021 (Bill No. 21 of 2021)</p>	<p>Responsible Ministry: Finance and Economic Development</p> <ul style="list-style-type: none"> • The object of the Bill is to authorise the raising by Government, of a loan of an amount not exceeding two hundred and fifty million United States Dollars (US\$250,000,000) or the current exchange rate equivalent of two billion, six hundred and sixty-two million five hundred thousand Pula 	25/06/2021	Passed on 31/08/2021

Bill/Legislation	What to Know	First Published	Status
	<p>(P2,662,500,000) from the International Bank for Reconstruction and Development (IBRD).</p> <ul style="list-style-type: none"> The purpose of the loan is for budget support for the financing of the Programmatic Economic Resilience and Green Recovery Development Programme. 		
<p>Public Procurement Bill, 2021 (Bill No. 22 of 2021)</p>	<p>Responsible Ministry: Finance and Economic Development</p> <ul style="list-style-type: none"> An Act to establish the Public Procurement Regulatory Authority; to provide for its functions; to provide for the management of the procurement of works, services and supplies; and for matters incidental thereto and connected therewith. Public procurement in Botswana is currently regulated under the Public Procurement and Asset Disposal Act of 2002 and its Regulations. The objective of the Bill is to re-enact, with amendments, the Public Procurement and Asset Disposal Act (Cap. 42:08) under a new name, Public Procurement Act in order to: Continue the Public Procurement and Asset Disposal Board as the Public Procurement Regulatory Authority. Remove the asset disposal function from Procurement Law and provide for it under the Public Finance Management (PFM) Act. Make procuring entities fully accountable for all procurement activities (i.e., full devolution of the procurement function to procuring entities). Maximise economy and 	<p>08/07/2021</p>	<p>Passed on 31/08/2021</p>

Bill/Legislation	What to Know	First Published	Status
	<p>efficiency in procurement.</p> <ul style="list-style-type: none"> Promote competition among suppliers and contractors. Provide for fair, equal and equitable treatment of all suppliers and contractors. Promote the integrity of fairness and public confidence in the procurement process; and Achieve transparency in the procedures relating to procurement. 		
<p>Economic Inclusion Bill, 2021 (Bill No. 25 of 2021)</p>	<p>Responsible Ministry: Finance and Economic Development</p> <ul style="list-style-type: none"> An Act to make provision for the establishment of the office of the Coordinator of the Economic Empowerment Office: To promote the effective participation of targeted citizens in the economic growth and development of the economy To facilitate enforcement of the economic empowerment initiatives and for matters connected therewith and incidental thereto. 	08/07/2021	Passed on 01/09/2021
<p>Public Finance Management (Amendment) Bill, 2021 (Bill No. 24 of 2021)</p>	<ul style="list-style-type: none"> An Act to amend the Public Finance Management Act. 	08/07/2021	Passed on 01/09/2021
<p>Financial Intelligence (Amendment) Bill, 2021 (Bill No. 26 of 2021)</p>	<ul style="list-style-type: none"> An Act to amend the Financial Intelligence Act. 	12/07/2021	Passed on 01/09/2021
<p>Liquor (Amendment) Bill, 2021 (Bill No. 29 of</p>	<p>Responsible Ministry: Ministry of Investment, Trade and Industry</p>	20/08/2021	Passed on 01/09/2021

Bill/Legislation	What to Know	First Published	Status
2021)	<p>The Bill intends to make amendments to the Liquor Act [Cap. 43:11] (the “Act”) by inserting provisions:</p> <ul style="list-style-type: none"> • Which provides that a wholesale liquor or distributor liquor to only sell liquor to a person who holds a liquor licence issued in terms of the Act. • Prohibiting the consumption of alcoholic beverages on licences premises where the Director of Health Services declares a public health emergency in terms of section 23 of the Public Health Act [Cap. 63:01]; and • Increasing the penalties from consumption of alcohol in gazetted areas. 		