

CHAPTER 20:03
UNWROUGHT PRECIOUS METALS
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Unlawful possession of unwrought precious metal
4. Return of unwrought precious metal to owner, etc.
5. Declaration of metals as precious metals
6. Regulations

Proc. 41, 1944,
Cap. 97, 1948,
Cap. 123, 1959,
HMC Order 1, 1963,
L.N. 84, 1966,
Act 11, 1999.

An Act to make provisions for the control of dealings in unwrought precious metals.

[Date of Commencement: 29th September, 1944]

1. Short title

This Act may be cited as the Unwrought Precious Metals Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"mining right" means any right to work precious metals granted or acquired either directly or indirectly;

"precious metal" means gold and silver and their ores, and any other metal declared as a precious metal under section 6;

"unwrought precious metal" includes any precious metal in any form whatsoever which, though smelted, is not manufactured or made up into any article of commerce, and includes also amalgam, slimes, slags, black sands, pots, battery chips, sweepings of reduction works and scrapings and by-products of unrefined precious metals.

3. Unlawful possession of unwrought precious metal

(1) No person shall have in his possession any unwrought precious metal unless—

- (a) such unwrought precious metal has been won by him or his servants or agents acting on his behalf from ground held by him under any mining right, or on which he is lawfully entitled to prospect;
- (b) he is in possession of such unwrought precious metal in fulfilment of a contract of service with a person mentioned in paragraph (a); or
- (c) he is a jewellery manufacturer or a jewellery repairer, or otherwise deals in precious metals and holds a permit issued by the Minister responsible for minerals, energy and water affairs (hereinafter referred to as "the Minister") authorising him to have in his possession unwrought precious metals lawfully obtained for the purpose of manufacturing jewellery or repairing jewellery.

(2) Any person who has in his possession any unwrought precious metal, unless—

- (a) he is a person excepted under subsection (1); or

(b) he is able to satisfy the court that he came into possession of such metal in a lawful manner, shall be guilty of an offence and liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding one year, or to both, and in the case of a second or subsequent conviction, to a fine not exceeding P10 000 or to imprisonment for a term not exceeding two years, or to both.

4. Return of unwrought precious metal to owner, etc.

On the conviction of any person of an offence under this Act, it shall be in the discretion of the court which passes sentence to order any unwrought precious metal in respect of which such conviction has been obtained to be delivered up to the owner thereof, if the court be satisfied of the ownership, or, if not so satisfied, to order the said metal to be forfeited to the State.

5. Declaration of metals as precious metals The Minister may, by order, declare such metal as he deems fit to be precious metal for the purposes of this Act.

6. Regulations The Minister may make regulations for the carrying out of or for giving effect to the provisions of this Act.

DISCLAIMER

Copyright © Botswana Government

The data on this CD-ROM is copyright under the Berne Convention.

Please note that you may be required, in terms of copyright or other laws, to obtain permission before reproducing any part of this database. Permission to reproduce the contents of this database may be sought from the Attorney-General Government Enclave Gaborone - Private Bag 009 Gaborone Botswana.

Disclaimer

Blackhall Publishing hereby disclaims any and all guarantees and warranties on the software described herein or on the documentation of this software, and specifically disclaims any implied warranties of the merchantability or fitness of the software or documentation for any particular purpose. This software and manual are sold on an 'as is' basis; any user of this software or manual uses it at his or her own risk.

Further, Blackhall Publishing reserves the right to revise this publication and to make changes from time to time in the software and in the content of this publication without obligation of Blackhall Publishing to notify any person of such revision or changes. No guarantee is made that further versions of the software or manual will be compatible with any other versions.

Further, although every care is taken to ensure the accuracy of this publication and disc, supplements, updates and replacement material, the authors, editors, publishers and printers do not accept any responsibility for any act, omission, loss, damage or the consequences thereof occasioned by the reliance by any person upon the contents hereof.