

VOLUME: XVII

BOTSWANA AGRICULTURAL MARKETING BOARD

Part ID: II Establishment of the Board (ss 3-9)

CHAPTER: 74:06

### 3. Establishment of Board

There is hereby established a Board to be known as the Botswana Agricultural Marketing Board, which shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued and to purchase, hold, manage and dispose of land and other property for the purposes of performing its functions and exercising its power under this Act and for those purposes entering into such contracts as it may consider necessary or expedient.

### 4. Membership of Board

(1) The Board shall consist of not less than eight nor more than 10 members appointed by the Minister, of whom one member shall be designated by the Minister as chairman and one member shall be designated by the minister as deputy chairman.

(2) No person shall be appointed to be a member of the Board-

- (a) if he has been declared insolvent or bankrupt under any law in any country and has not been rehabilitated or discharged, or has made a composition with his creditors and has not paid his debts in full;
  - (b) if he is incapacitated by physical or mental illness or infirmity from performing his functions as a member;
  - (c) if he has been sentenced to imprisonment without the option of a fine or has been convicted of any offence involving dishonesty; or
  - (d) if he is a Member of the National Assembly.
- (3) Every appointment to the Board shall be published in the Gazette.

### 5. Terms of office of members

(1) Subject to the provisions of this section, the members of the Board shall hold office for such period not exceeding three years as the Minister may in each case specify.

(2) A member of the Board shall cease to hold office-

- (a) if, after appointment as such, he ceases to be eligible for appointment by virtue of section 4(2);
  - (b) if he delivers to the Minister a written resignation of his office;
  - (c) if he accepts office as a member of the staff of the Board; or
  - (d) if the Board declares by resolution that he has been absent from two consecutive meetings of the Board without leave of the Board.
- (3) A member of the Board who retires or resigns shall be eligible for reappointment.

### 6. Payment of members

The Board shall pay to each member such remuneration, fees and allowances as the Minister may determine.

### 7. Meetings of Board

(1) The Board shall hold ordinary meetings as and when necessary but not less than once in every three months.

(2) The chairman, or in his absence the deputy chairman, shall convene a special meeting of the Board at any time upon receipt of a requisition signed by not less than three members calling upon him to do so, and such special meeting shall be held not later than 14 days after receipt of such requisition.

(3) The procedure at meetings of the Board shall be as provided for in the Second Schedule.

### 8. Members to declare financial interest

If a member of the Board or his spouse-

- (a) tenders for or acquires or holds any direct or indirect pecuniary interest in any contract with the Board;
  - (b) acquires or holds any direct or indirect interest in a company or firm which, to the knowledge of such member, tenders, applies or negotiates for a contract with the Board; or
  - (c) owns immovable property or any right in immovable property, or has any direct or indirect pecuniary interest in any company or firm owning immovable property, as a result of which that member's or his spouse's interest come or appear to come into conflict with the member's duties as such,
- that member shall immediately disclose the facts to the Board and shall not take part in the Board's consideration or

discussion of a vote in any question which relates to such contract, right or interest without the consent of the chairman or other member presiding:

Provided that the provisions of this section shall not apply in relation to a contract for the sale or purchase by the Board of scheduled produce entered into by a member or his spouse of which the terms and conditions are the same as for other members of the public.

#### 9. Appointment of general manager and other staff

(1) Subject to the approval of the Minister, the Board shall appoint a general manager.

(2) The Board may employ such other officers, servants and agents as may be necessary for the efficient conduct and operation of the Board.

(3) The general manager shall be the chief executive officer of the Board and shall, subject to the direction of the Board, manage the undertakings, operations and property of the Board and exercise such of the powers of the Board as the Board may from time to time delegate to him.

(4) In the event of the general manager being absent, whether on leave or owing to illness or other cause, or otherwise incapable of carrying out the functions of general manager, such other officer of the Board as the Board, with the approval of the Minister, may appoint, shall, during the period of absence or incapacity, exercise all the powers and discharge all the duties of the general manager.

(5) The general manager and other persons appointed under this section shall be paid from the funds of the Board such remuneration and allowances, and shall be subject to such conditions of employment as the Board, with the approval of the Minister, shall determine.