



Republic of Botswana

MINISTRY OF LANDS AND WATER AFFAIRS

**CONSULTATION ON PROPOSED REVISION OF THE TRIBAL LAND ACT
REGULATIONS, 2022
FEE SCHEDULE**

DECEMBER 2023

PROPOSED REVISION OF THE TRIBAL LAND ACT REGULATIONS, 2022 FEE SCHEDULE

BACKGROUND:

The Ministry of Lands and Water Affairs has been inundated with influx of queries concerning the Revised Tribal Land Act Regulations 2022 Fee Schedule. The queries surrounded the issues pertaining to the exorbitant charges whilst some charges were not clear on their implementation. The Ministry then engaged the Land Boards on this regard to seek their input in order to come with fees which will be favourable to all.

It is very pivotal that in consideration of these fees that the Ministry should also consider the following;

- Instituting different rates depending on locality (Prime Areas versus Rural Areas) e.g. similar to property valuation concepts.
- A standing committee to review rates on an annual basis
- Inflationary adjustments and policy objectives for that year (e.g. discouraging transfers of land to foreigners).

In light of the foregoing, the Proposed Fee Schedule is forwarded to you for input. It is advisable that your comments are noted accordingly and clearly outlined with reasons thereof.

PROPOSED REVISION OF THE TRIBAL LAND ACT REGULATIONS, 2022 FEE SCHEDULE

NO	Service Rental	Old Fee Schedule	New Fee Schedule as per Regulations	Proposed Fees	MINISTRY'S PROPOSAL Issues/Justification for Review
1.	Certificate of Compliance/Consent	P100.00	P100.00	P100	As per provisions of Section 33 of the Tribal Land Act, 2018 the compliance and/or request for consents be charged at P100
2.	Survey Fees	P1000.00	P1500 (Less than 1000m ² , increases with plot size)	<ul style="list-style-type: none"> ▪ Residential, Industrial, Commercial, Civic & Community –P2,000. Also, the 2% discount as per the increase in number of plots. ▪ Agricultural P3,000 (Less than 20ha) and P5,000 (between 20.1 – 40ha) P10,000 (between 40.1 – 60ha) P20,000 (60.1 -100ha) P25,000 (Between 100.1 – 250ha). Agricultural land beyond 250.1 hectares it is proposed to be surveyed at (P30,000 + Distance/KM + Subsistence per day) ▪ Boreholes proposal (P3,000 + Distance/KM + Subsistence per day) 	<p>There is need for consideration in terms of the use of the plot to be surveyed</p> <ul style="list-style-type: none"> ▪ Residential, Industrial, Commercial, Civic & Community – It is currently P1,650 and the proposal is P2,000. Also, the 2% discount will be considered as per the increase in number of plots. ▪ Agricultural P3,000 (Less than 20ha) and P5,000 (between 20.1 – 40ha) P10,000 (between 40.1 – 60ha) P20,000 (60.1 - 100ha) P25,000 (Between 100.1 – 250ha). Agricultural land beyond 250.1 hectares it is proposed to be surveyed at (P30,000 + Distance/KM + Subsistence per day) ▪ Boreholes proposal (P3,000 + Distance/KM + Subsistence per day) ▪ NB: Consideration be made for the less privileged or vulnerable groups and youth in the society. A letter from Social Workers be produced for the vulnerable groups whilst Youth be charged half the price.
3.	Advert Tender Documents	P500.00	P1000.00	<p>P500</p> <p>P250 (Youth, Disabled and underprivileged)</p>	<p>There is need to make considerations of the following</p> <ul style="list-style-type: none"> ▪ Proposal to reduce the amount to P500

					<ul style="list-style-type: none"> Consideration for other Vulnerable groups of society being Youth, Women, Disabled, and the Needy be charged at P250
4.	Beacon Identification Residential (ordinary)	P200.00	P500.00	P500	The incremental be maintained.
5.	Beacon Identification Pre-demarcated	P500.00	P500.00	P500	The incremental be maintained.
6.	Beacon Identification Agric holding and ploughing field	P200.00	P100	P1,000 per visit	<p>The service will be offered for the second time. The requirement is that they should be assisted within ten working days.</p> <p>It used to be P200 for un-surveyed and it has been reduced to P100.00 However, it involves a lot of work to identify the beacons.</p> <p>Beacon re-identification refers to showing the allottee the corners for his or her plot which the Land Board had shown the allottee in the past.</p> <p>Proposal</p> <p>The proposal is to increase the ploughing fields and agricultural holdings to P1, 000/visit. This is to cater for the distance that is normally travelled and the amount of work involved. For <i>masimo</i> this may involve picking up the coordinates for surveyed plots.</p>
7.	Ranches (base rate + Distance /km subsistence. (all at Government prevailing rates)		P2500 + Distance/KM + Subsistence per day	P3,500 + Distance/KM + Subsistence per day	<p>Proposal (P3,500 + Distance/KM + Subsistence per day)</p> <p>This is intended to encourage allottees to put permanent beacons and also utilize the ranches</p>

8.	Sketch Plan	P150.00	P500.00	<p>Surveyed plots P50</p> <p>Un-surveyed plots P500</p>	<p>The Sketch plan should be divided into two categories;</p> <ul style="list-style-type: none"> ▪ Already surveyed plots proposal P50 ▪ Areas needing site visits proposal P500 	
9.	Land Application - Common Law	P10.00	P50.00	P50	The incremental be maintained and will assist in cost recovery	
10.	Land Application	P0000	P50.00	P50	The incremental be maintained and will assist in cost recovery	
11.	Transfer Application	Divorce		P200	Transfer to former spouses following divorce P200	
		Marriage		P200	Transfer between spouses still in marriage P200	
		Inheritance	P100.00	P200.00	<p>Those with certificates: P200</p> <p>Without certificates: P500</p>	<p>Transfer of immovable property to heirs for inheritance purposes (i.e. transfers to widows/widowers or children of the deceased)</p> <p>Inheritance should be divided in two parts:</p> <ul style="list-style-type: none"> ▪ Inheritance with certificate proposal P200 ▪ Inheritance without certificate (allocations by Bogosi) P500
		Donation/Sale (Transfer levy)	P100.00	P3000.00	<p>P1,000</p> <p>The introduction of the fee is to increase revenue for the Land Board as in some instances it has to undertake site visits to pick coordinates for old allocations</p> <p>The transfer of undeveloped land recognizes the value of land. The Land Board incurs costs in terms of stationery</p> <p>High volumes of transfers</p>	<p>The incremental reduced to P1, 000 due to the following reasons;</p> <ul style="list-style-type: none"> ▪ The fee is meant for facilitation of SLT ▪ It is a form of deterrence for sale of land ▪ The fee is only for the few individual choosing to dispose their land ▪ There has been public outcry on the increase from P100 payment to P3,000

12.	Lost Title (Registered Leases)	P40.00	P150.00		P1,500	P1,500 The incremental be maintained as it is due to the New Secure Land Title
13	Copies of Minutes and related documents	P10.00/Pack	P10.00/Pack	Increases with Number of pages	P10 per page	The incremental be maintained
14	Framing of survey diagram	P380	P500.00	32%	P500.00	The incremental be maintained
15	Application for way leaves and servitude	P150 for sketch plan	Less than 1km	233%	The following should be considered; <ul style="list-style-type: none"> ▪ Most of way leaves are for Government projects ▪ There is need for the way leaves to be surveyed as such survey fees must be considered 	
			1km-5km	567%		
			5km and above	3233%		
			P500.00			

LAND RENTALS					
	Land Use	Old Fee Schedule	New Fee Schedule	Proposed Fees	ISSUES/JUSTIFICATION FOR REVIEW
1.	Commercial plots	P0.25/m ² /annum	P1.00/m ² /annum	P0.75/m² /annum	There is need to increase the Fees to augment Government coffers. The proposal P0.75/m² / Annum
2.	Industrial plots	P0.10/m ² /annum	0.70/ m ² /annum	P0.50/m² /annum	There is need to increase the Fees to augment Government coffers. The proposal P0.50/m² / Annum
3.	Civic and community	P100/annum	0.55/ m ² /annum	<p>There has been change in the way this is being charged. Previously it was P100 per annum not in consideration of the plot size. The pricing has been adjusted.</p> <p>Places of worship: P0.25/m² /annum</p> <p>Recreational spaces: (i)Non-commercial: P0.25/m² /annum (ii)Commercial: P0.50/m² /annum</p> <p>Offices: P0.75/m² /annum</p> <p>VDC plots: P0.25/m² /annum</p> <p>Schools: (i)Private Schools: P0.75/m² /annum (ii) Public Schools: P0.25/m² /annum</p> <p>Mission houses: P0.25/m² /annum</p> <p>Residential plots: P0.25/m² /annum</p> <p>Airstrips: (i)Botswana Civil Aviation: P0.25/m² /annum (ii)Private Airstrips: P0.75/m² /annum</p>	<p>There is need to increase the Fees to argument Government coffers. The proposal is between P0.25/ m² to P0.75/m² /annum</p> <p>They used to be charged P100/annum and have been increased to 0.55/m² per annum. There are different types of civic and community land uses which are:</p> <ul style="list-style-type: none"> • Places of worship which is not profit making. This includes the different types of churches which have different streams and ways of making income. • Recreational spaces like football pitches which mostly attract people during the weekend. Most of them realize gate takings during the tournaments sessions. The allottees are not profit making although they are registered clubs. • Offices for private and government offices. • VDC plots are categorised as civic and community even for residential. All allocations for VDC plots are classified as civic and community plots.

					<ul style="list-style-type: none"> • Schools – Private and Government schools including the Day care centres • Mission houses are allocated as civic and community because they belong a church. • Residential plots allocations to companies are classified as commercial plots, residential for churches are classified as civic and community. They are supposed to pay annual leases to the Land Board. • Airstrips - These are classified as civic and community uses although in some cases they fall within commercial area and also operate commercially. In addition there are airstrips leased to Botswana Civil Aviation Authority which do not operate on commercial bases. Their uses are also not active. <p>The proposal is to have a separate charge based on the use of the plots as allocated by the Land Board. The resolutions must capture the annual lease rentals</p>
4.	Undeveloped small Agric holdings (dairy, Horticulture, Small Stock Farm, Piggery, Garden, Integrated Farm held under common lease	P0.70HA P0.25/M2 P0.04/M2	P1000.00 +P1.00/Ha/ Annum	P1,000.00 +P1.00/Ha/Annum	<p>This refers to plots allocated without any developments on site.</p> <p>The incremental be adjusted in order to cater for adjustments of inflationary costs and alignment with the markets.</p>
5.	Developed small Agric holdings (dairy,	P0.70HA P0.25/M2 P0.04/M2	P1000.00 +P1,50/Ha/ Annum	P1,000.00 +P1,000/Ha/Annum + Depreciated costs of developments amortised over the lease period	This refers to allocations where there are already developments on site like paddocks, fence, boreholes etc.

	Horticulture, Small Stock Farm, Piggery, Garden, Integrated Farm held under common lease				<p>The incremental be adjusted in order to cater for adjustments of inflationary costs and alignment with the markets.</p> <p>By virtue of introducing any development on land, this creates value addition in the form of infrastructure or physical structure.</p> <p>The existing developments will be valued and the value included in the lease rental divided across the lease period</p>
6.	Undeveloped game farm/livestock ranches	P5000	P1000 + P1.00/Ha/Annum	P1,000.00 + P1.00/Ha/Annum	<p>This refers to plots allocated without any developments on site.</p> <p>The incremental be adjusted in order to cater for adjustments of inflationary costs and alignment with the markets.</p>
7.	Developed Game/Livestock Ranches	P5000	P1000 + P1.50/ha/Annum	P1,000.00 + P1,000/Ha/Annum + Depreciated costs of developments amortised over the lease period	<p>This refers to allocations where there are already developments on site like paddocks, fence, boreholes etc.</p> <p>The incremental be adjusted in order to cater for adjustments of inflationary costs and alignment with the markets.</p> <p>By virtue of introducing any development on land, this creates value addition in the form of infrastructure or physical structure. Therefore, this is consistent with land rates.</p> <p>The existing developments will be valued and the value included in the lease rental divided across the lease period</p>

8.	Mining Concessions Areas		P15000.00 + P500.00/Ha /Annum	P1000.00 +P500/Ha/Annum	
9.	Surface rights Lease Rental (Sand/Gravel)	P0.08/M ² /month	P1.00/m ² /month	P0.15/m ² /month	<p>Extraction of building aggregates being river sand, gravel, and pit sand. These differ in terms of market value.</p> <p>Extraction of minerals and precious stones should be reflected in the rates.</p> <p>They pay monthly rental fees as opposed to annual rentals. In most cases they are temporary leases which are aligned to the projects that the Lessee is supplying with aggregates.</p> <p>Option 1 The proposal is to reduce them to P0.15/m² /month which is 300% increase as opposed to the 1150 %.</p> <p>Option 2 The standardisation of the fee does not reflect the scarcity of the commodity across the land authority jurisdictions. For example, in Tutume area, river sand is cheap while in the Kweneng area it is very expensive. Moreover, the environmental sensitive of the areas differ and hence the rehabilitations that are supposed to be undertaken post the extraction period. This calls for different rates across the different jurisdictions.</p>
10.	Residential Plots Citizens	P0	P100.00 flat rate	There has been a concern regarding why there should be a charge regarding this since it is considered a basic right.	Land for residential is a need and not right. Applicants are expected to develop the plots. The application fee is a portion of the administrative costs.
11.	Residential plots Non-Citizens	P0	P1000.00/Annum	P1000.00/Annum	The Ministry should put in place measures to ensure that Batswana do not lose residential land rights to non-citizens.

CONSULTATION