

ONE-STOP BORDER POSTS ACT, 2013

No. 10

of 2013



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An Act to provide for the designation of certain points of entry as one-stop border posts and the making of bilateral agreements authorising the use of such points as one-stop border posts, and for matters connected thereto.

Date of Assent: 4th September, 2013.

Date of Commencement: On Notice.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the One-Stop Border Posts Act, 2013 and shall come into operation on such date as the Minister may, by Order, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires —

Interpretation

“adjoining State” means the Republic of Namibia, the Republic of South Africa, the Republic of Zambia or the Republic of Zimbabwe; “agreement” means any bilateral agreement concluded under section 3; “border control procedures” means any border related control measures, checks and authorisations provided under any law in Botswana or in the adjoining State;

“control zone” means the area in the territory of the parties to an agreement within which authorised officers of either one of the parties to the agreement are empowered to perform border control procedures, and includes an exclusive use area;

“exclusive use area” means the area of the control zone dedicated for the exclusive use of one of the parties to an agreement; and “one-stop border post” means a border post which has been designated as such under section 4.

One-stop border post agreement	<p>3. (1) The Minister may enter into an agreement with the Government of any adjoining State for the purposes of establishing a one-stop border post.</p> <p>(2) An agreement made under subsection (1) shall provide for —</p> <p>(a) any border post in the territory of Botswana or within the territory of one or more adjoining State to be used as a one-stop border post at which border control procedures shall be undertaken; and</p> <p>(b) any other matter set out in the agreement.</p> <p>(3) An agreement made under subsection (1) shall come into operation on such a date as the Minister shall, by Order published in the <i>Gazette</i> appoint.</p>
Designation of point of entry as one-stop border post Cap. 25:02	<p>4. (1) The Minister may, by Order published in the <i>Gazette</i>, designate and appoint any point of entry specified under the Immigration Act, as a one-stop border post for purposes of an agreement entered into under section 3.</p> <p>(2) A point of entry designated under subsection (1) shall be deemed to be a place of entry for purposes of the Customs and Excise Act.</p>
Cap. 50:01 Applicable laws	<p>5. (1) The laws of the State at which the control zone is situated shall be applicable.</p> <p>(2) Notwithstanding subsection (1), an officer shall perform border control procedures at the control zone in accordance with the laws of the State he or she works for.</p>
Offences committed at Botswana exclusive use area Cap. 08:01	<p>6. Notwithstanding the provisions of section 5 of the Penal Code, where a person commits an act or omission which constitutes an offence against the laws of Botswana in an exclusive use area of Botswana in an adjoining State, such an act or omission shall be deemed to be committed within the jurisdiction of Botswana.</p>
Regulations	<p>7. The Minister may make regulations prescribing anything required to be prescribed or for the better carrying out of the purposes of this Act.</p>

PASSED by the National Assembly this 11th day of July, 2013.

BARBARA N. DITHAPO,
Clerk of the National Assembly.