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Act 13, 2015,
S.I. 48, 2016.

An Act to make provision for the establishment, development and management of special economic zones; for creating a conducive environment for local and foreign investment; to facilitate expansion of employment opportunities, attainment of economic growth targets and to provide for matters related therewith and incidental thereto.

[Date of Commencement: 2nd May, 2016]

PART I

Preliminary

1. Short title

This Act may be cited as the Special Economic Zones Act.

2. Interpretation

In this Act, unless the context otherwise requires-

“**authorised officer**” means an officer authorised by the Commissioner General to administer customs matters in the special economic zones;

“**Authority**” means the Special Economic Zones Authority established under section 3;

“**Board**” means the Special Economic Zones Board of the Authority established under section 7;

“**developer**” means an investor with right over land in a special economic zone held for purposes of development of special economic zones infrastructure;

“**enterprise zone**” means the revitalisation of distressed urban or rural areas through the provision of tax incentives and financial grants;

“**export processing zone**” means an industrial estate aimed primarily at foreign markets;

“**free port**” means activities including tourism and retail sales, permit on-site residence, and providing a broader set of incentives and benefits;

“**investor**” means a person licensed by the relevant licensing authority to carry on business in a special economic zone;

“**licence**” means a permit granted by the Authority pursuant to the provisions of section 31 to conduct business transactions in a particular special economic zone;

“**member**” means a member of the Board;

“**single factory economic zone**” means schemes providing incentives to individual enterprises regardless of location and in which factories do not have to locate within a designated zone to receive incentives and privileges;

“**special economic zone**” means an area of land established as such under section 29;

“**specialised zone**” includes science or technology parks, petrochemical zones, logistics parks or airport-based zones; and

“**zone management company**” means a company registered under the Companies Act and subcontracted by the developer to manage a special economic zone.

Part II

Establishment and Functions of Special Economic Zones Authority

3. Establishment of Authority

(1) There is hereby established a body to be known as the Special Economic Zones Authority.

(2) The Authority shall be a body corporate with full capacity to sue or be sued in its own name, and to do all such things as bodies corporate may, by law, do and as may be necessary or incidental to the exercise of its powers and the performance of its functions under this Act.

4. Objectives of Authority

(1) The Authority shall be responsible for overall coordination and implementation of activities related to the establishment and development of special economic zones.

(2) Notwithstanding the generality of subsection (1), the Authority shall-

- (a) diversify the economic and export base of Botswana;
- (b) provide a business environment that offers investors a competitive edge in world markets;
- (c) establish a one-stop business environment that caters for the needs of all businesses inside the special economic zone areas;
- (d) create business development opportunities for small, medium and micro-enterprise suppliers that will meet the expanding needs of special economic zone enterprises;
- (e) develop a portfolio of public sector, private sector and public-private sector partnership special economic zone as dictated by the market;
- (f) develop special economic zones that are integrated into the domestic, regional and international markets;
- (g) cluster business enterprises according to their trade to achieve mutually beneficial inter-sectoral linkages and economies of agglomeration within the special economic zone;
- (h) provide special economic zone incentive packages that are consistent with Botswana's domestic and international trade obligations;
- (i) propose special economic zone labour laws that are consistent with International Labour Organisation core labour standards;
- (j) create employment through the development of suitable special economic zones; and
- (k) regulate all entities and activities being carried out within a special economic zone.

5. Functions and powers of Authority

(1) The Authority shall initiate, develop and manage the operations of the special economic zones on behalf of the Government, and shall carry out duties and perform the functions as stipulated under this section.

(2) For purposes of initiating, developing and managing operations of the special economic zones, the Authority shall-

- (a) acquire land;
- (b) sub-lease land to investors for undertaking thereon the special economic zones licensed businesses for such period as may be prescribed;
- (c) develop primary infrastructure and provide within the special economic zones roads, utilities, a sewerage system, drainage and removal of refuse and waste for the benefit of special economic zones investors and other users;
- (d) lease buildings erected on land acquired under paragraph (a) to investors for undertaking thereon the special economic zones licensed businesses;
- (e) prepare national and international programmes for appropriate promotion of the special economic zones;
- (f) determine priority sectors to be promoted in a particular special economic zone;
- (g) approve specific financing requirements for the development of special economic zones;

(h) approve detailed development plans of special economic zones; and

(i) establish an administrative committee in each special economic zone to monitor the compliance of such special economic zone with this Act and other relevant written laws.

6. Seal of Authority

(1) The seal of the Authority shall be such device as may be determined by the Board and shall be kept by the Chief Executive or the Board Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or any other person authorised in that regard by a resolution of the Board.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Authority by the Chairperson or any other person authorised by the Board to do so.

7. Board of Authority

(1) The Board of the Authority shall consist of the following members-

(a) the Permanent Secretary in the ministry responsible for finance or his or her representative at permanent secretary level;

(b) the Permanent Secretary in the ministry responsible for trade and industry;

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