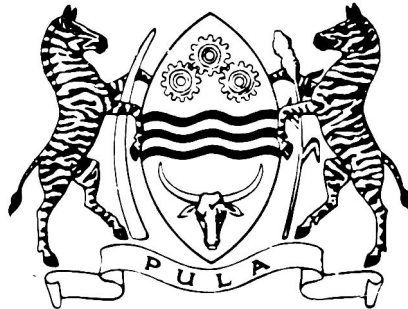


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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GABORONE

25th February, 1977.

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Bill No. 9 of 1977

EVIDENCE IN CIVIL PROCEEDINGS (AMENDMENT) BILL, 1977

(Published on 25th February, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill is to remove from the law of Botswana the rule of evidence inherited from the English law of 1861 which prevents evidence of non-access by a husband to his wife being introduced in a court, normally, though not always, in a divorce hearing. This rule is long out-of-date and has been repealed in England, and in South Africa where the rule was also applied. It causes considerable hardship and ought, therefore, to be removed. Accordingly, it is proposed to amend the Evidence in Civil Proceedings Act (Cap. 10:02) to effect such removal.

D.K. KWELAGOBÉ,

Minister of the Public Service and Information.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 23 of Cap. 10:02

A BILL

entitled

An Act to amend the Evidence in Civil Proceedings Act

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Evidence in Civil Proceedings (Amendment) Act, 1977. Short title

2. Section 23 of the Evidence in Civil Proceedings Act is amended -- Amendment of section 23 of Cap. 10:02

- (a) by substituting for the words "No witness", which appear therein, the words "Subject to subsection (2), no witness";
- (b) by renumbering it as subsection (1) thereof; and
- (c) by inserting, immediately after subsection (1) (as renumbered), the new subsection following --

"(2) Notwithstanding the provisions of subsection (1), a husband or a wife shall be competent but not compellable to give evidence in any proceedings to prove that matrimonial intercourse did or did not take place between them during any period, or to prove that a child to which the wife has given birth is or is not the offspring of the husband."

L2/4/715 I

Bill No. 10 of 1977

FINANCIAL INSTITUTIONS (AMENDMENT) BILL, 1977

(Published on 25th February, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The object of the Bill is to amend section 38 of the Financial Institutions Act (Cap. 46:04) to empower the Minister to suspend the transaction of any specific form of banking business for such period, not exceeding two days, as he may determine. This power will, for example, enable him in the face of currency speculation to suspend foreign exchange transactions without interference with other forms of banking activity.

Q.K.J. MASIRE,
Vice-President and

Minister of Finance and Development Planning.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 38 of Cap. 46:04

A BILL

entitled

An Act to amend the Financial Institutions Act

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Financial Institutions (Amendment) Act, 1977. Short title

2. Section 38 (2) of the Financial Institutions Act is amended — Amendment of section 38 of Cap. 46:04
- (a) by renumbering it as paragraph (a) thereof; and
 - (b) by inserting at the end thereof the new paragraph following —
“(b) The Minister, after consultation with the Bank may, by order in writing addressed to a financial institution and published in such manner as he may deem fit, declare that such banking business as may be specified in the order shall not be transacted during such period, not exceeding two days, as may be specified in the order, and on receipt thereof a financial institution shall not transact such business for such period, which, for the purposes of this section, shall be deemed to be a financial holiday insofar as such banking business is concerned.”.

L2/4/466 III

Bill No. 11 of 1977

STATUTE LAW MISCELLANEOUS AMENDMENTS) BILL, 1977

(Published on 25th February, 1977)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The purpose of the Bill is to make a number of minor amendments to various written laws, none of which is thought to be of sufficient importance to merit a separate Bill.

3. Clause 2 proposes amendments to the Arms and Ammunition Proclamation, 1959, to increase the penalties for certain offences in connexion with arms and ammunition. An amendment is also proposed to impose a minimum sentence for certain particular offences.

4. Clause 3 proposes an amendment to section 26 of the Immigration (Consolidation) Law, 1966, to prohibit entry into Botswana except through specific points of entry.

5. Clause 4 proposes an amendment to the Legal Practitioners Act (Cap. 61:01) to provide for the admission as advocates of law graduates of the University of Botswana and Swaziland, an amendment rendered necessary by the recent establishment of that University.

6. Clause 5 provides for an amendment to the Bank of Botswana Act (Cap. 74:07) to put the period of appointments of the Governor and Deputy Governor on a similar footing.

D.K. KWELAGOBÉ,

Minister of the Public Service and Information.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of Proc. 86 of 1959
3. Amendment of Law 19 of 1966
4. Amendment of Cap. 61:01
5. Amendment of Cap. 74:07

A BILL

entitled

An Act to make sundry minor amendments in the Laws of Botswana

Date of Assent :

Date of Commencement :

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Statute Law (Miscellaneous Short title Amendments) Act, 1977.

2. The Arms and Ammunition Proclamation, 1959, is amended — Amendment of Proc. 86 of 1959

- (a) in section 24 thereof, by substituting for subsection (2) the new subsection following —

“(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and liable to imprisonment for a period of not less than 5 years nor exceeding 10 years.”;

- (b) in section 25 thereof, by substituting for subsection (5) the new subsection following —

“(5) (a) Subject to paragraph (b), any person who contravenes the provisions of subsection (2), (3) or (4) shall be guilty of an offence and liable to imprisonment for 6 months and to a fine of P200.

(b) Any person importing any arms or ammunition in contravention of subsection (4) shall be guilty of an offence and liable to imprisonment for not less than 5 years nor exceeding 10 years.

(c) It shall not be a defence to a charge under paragraph (b) that the accused was *bona fide* under a belief that the arms or ammunition had not been imported into Botswana.”.

Amendment
of Law 19 of
1966

3. Section 6 of the Immigration (Consolidation) Law, 1966, is amended by substituting for subsection (1) thereof the new subsection following —

“(1) (a) No person shall enter Botswana except through a point of entry specified by the Minister by notice published in the Gazette.

(b) A person entering Botswana, other than a person having the written authority of the Immigration Control Officer or who is a member of a class of persons authorized by the Minister by notice published in the Gazette to enter Botswana without complying with the provisions of this section, shall, on arrival at the point of entry, present himself immediately to the nearest immigration officer.

(c) It shall be no defence to a charge under this section that the accused was *bona fide* under a belief that he had not entered Botswana.”.

Amendment
of Cap. 61:01

4. Section 8 of the Legal Practitioners Act is amended —

- (a) by renumbering paragraph (d) thereof as paragraph (e); and
- (b) by inserting, immediately after paragraph (c) thereof, the new paragraph following —

“(d) any Botswana citizen or citizen of a Commonwealth country who has obtained by examination the degree of LL.B. of the University of Botswana and Swaziland; or”.

5. Section 10 (1) of the Bank of Botswana Act is amended by deleting the words “, in the case of the Governor, for a period of 5 years, and in the case of the Deputy Governor,”, which appear therein. Amendment
of Cap. 74:07

L2/4/495 I