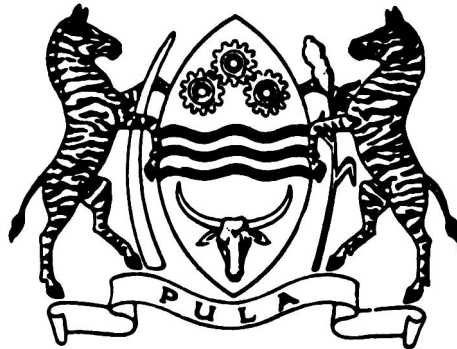


# REPUBLIC OF BOTSWANA



## GOVERNMENT GAZETTE

### EXTRAORDINARY

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GABORONE

24th August, 1987

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#### CONTENTS

*Page*

The following Supplements are published with this issue of the Gazette —

Supplement B — Referendum (Amendment) Bill, 1987 — Bill No. 21 of 1987 .....	B.173—176
Botswana Defence Force (Amendment) Bill, 1987 —	
Bill No. 22 of 1987 .....	B.177—179
Supplement C — The Tariff of Allowances (Witnesses in Criminal Cases)	
Regulations, 1987 — S.I. No. 88 of 1987 .....	C.273—274

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*Bill No. 21 of 1987*

**REFERENDUM (AMENDMENT) BILL, 1987**

*(Published on 24th August, 1987)*

**MEMORANDUM**

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

2. The Referendum Act requires three forms of affidavit to be included in a Schedule to the Act. These forms were omitted from the Act when it was passed. This amending Act prescribes those forms.

**P.H.K. KEDIKILWE,**  
*Minister of Presidential Affairs  
and Public Administration.*

**SECTION**

1. Short title
2. Amendment to section 5
3. Addition of a Schedule to the Act

**A BILL**  
—entitled—

**An Act to amend the Referendum Act, 1987**

*Date of Assent:*

*Date of Commencement:*

**ENACTED** by the Parliament of Botswana.

1. This Act may be cited as the Referendum (Amendment) Act, 1987. Short title

2. Section 5 of the Referendum (hereinafter referred to as the principal Act) is hereby amended by the interpolation after the words “the President shall issue a writ” of the words “in the form set out in this Act”. Amendment to section 5

3. The principal Act is hereby amended by the addition at the end thereof, after the form of writ appearing therein, of the following schedule — Addition of a Schedule to the Act

**B.174**

**"SCHEDULE**

**FORM A**

**REFERENDUM ACT  
(section 15)  
OBJECTION TO VOTER**

I, .....being  
a registered voter in the ..... constituency do hereby  
declare and undertake to prove that the person applying for/in possession of  
a ballot envelope and counters in the name of ..... who  
is registered on the existing election roll for the ..... polling  
station under number .....

- \*(a) is not the person he purports to be
- \*(b) has voted before at this referendum
- \*(c) is disqualified from voting at this referendum by reason of the fact that

.....  
*Signature*

Sworn to before me, this ..... day of.....19.....at .....

.....  
*Presiding Officer*

.....*Polling Station*

**\*Delete as necessary**

FORM B

REFERENDUM ACT  
(section 15)

DECLARATION BY VOTER

I, .....  
(full name in block capitals) .....

..... (address) hereby declare that —

- (a) (i) I am the person whose name appears as ..... on the  
existing election roll for the ..... polling station; and  
(ii) I have not voted before at this referendum; and  
(iii) I am not disqualified from voting at this referendum; and  
(b) the statement concerning my eligibility to vote in this referendum

made by ..... which has been read out to,  
and is understood by me, is false.

.....  
*Signature*

Sworn to before me, this ..... day of ..... 19..... at .....

.....  
*Presiding Officer*

..... *Polling Station*

**B.176**

**FORM C**

**REFERENDUM ACT**  
(section 21)

**DECLARATION OF IDENTITY BY A VOTER**

I, .....  
(full name in block capitals, placing surname first) hereby declare that I am  
enrolled as a voter at the ..... polling station.

My present address is .....

My voter's registration card number is .....and further declare that  
I have not voted before at this referendum.

.....  
*Signature*

Date.....

Sworn to before me, this ..... day of.....19.....at .....

.....  
*Presiding Officer*

..... *Polling Officer"*

*Bill No. 22 of 1987*

**BOTSWANA DEFENCE FORCE ACT**  
(Cap. 21:05)

**BOTSWANA DEFENCE FORCE (AMENDMENT) BILL, 1987**  
(Published on 24th August, 1987)

**MEMORANDUM**

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

2. The sections dealing with offences tried summarily, namely sections 74 and 75, have been amended so as to enable the officer trying the offence to award a greater punishment than was available. In the case of officers these punishments now include reduction in rank and dismissal and in the case of non-commissioned officers the punishments include reduction in rank. However, in both cases, these punishments are only to take effect after they have been confirmed by the Commander, thus ensuring that there is no persecution of offenders.

3. The other amendment has been made to relieve the Commander of the task of hearing summary cases against officers. The amendment permits the Commander to nominate an officer, senior in rank to the officer being tried, to hear the summary trial. Again it must be borne in mind that the Commander retains a right to review any case which was tried summarily.

**P.H.K. KEDIKILWE,**  
*Minister of Presidential Affairs and  
Public Administration.*

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title
2. Amendment of section 2 of Cap. 21:05
3. Amendment of section 67 of the principal Act
4. Amendment of section 74 of the principal Act
5. Amendment of section 75 of the principal Act

## A BILL

—entitled—

**An Act to amend the Botswana Defence Force Act***Date of Assent:**Date of Commencement:*

ENACTED by the Parliament of Botswana.

Short  
title

1. This Act may be cited as the Botswana Defence Force (Amendment) Act, 1987.

Amendment  
of  
section 2  
of  
Cap. 21:05

2. Section 2 of the Botswana Defence Force Act (hereinafter referred to as the principal Act) is hereby amended by the interpolation after the definition of the words "air signal" of the following definition —

"appropriate superior authority" in relation to an officer charged with an offence means —

- (a) in the case of officers of the rank of Major and Captain, any officer not below the rank of Colonel, and
- (b) in the case of officers of the rank of Lieutenant and below and Warrant officers, any officer not below the rank of Lieutenant Colonel who is not the commanding officer of the officer charged."

Amendment  
of  
section 67  
of the  
principal  
Act

3. Subsection (2) of section 67 of the principal Act is hereby amended by the renumbering of paragraphs (e), (f), (g) and (h) of that subsection as paragraphs (f), (g), (h) and (i) respectively and the interpolation of the following new paragraph (e).

"(e) reduction in rank, except that an officer appointed directly from Cadet training shall not be reduced to a rank below that of second lieutenant;"

Amendment  
of  
section 74  
of the  
principal  
Act

4. Subsection (5) of section 74 of the principal Act is hereby substituted by the following new subsection —

"(5) Notwithstanding anything in subsections (3) or (4) where the accused is a non-commissioned officer and the commanding officer finds him guilty, the commanding officer may if he awards no other punishment or no other punishment except stoppages, order the accused to be reduced to a lower rank than his substantive rank or to forfeiture of seniority in the prescribed manner.

Providing that any order reducing the accused in rank or to forfeiture of seniority shall not take effect until the finding and order have been confirmed by the Commander."

5. Section 75 of the principal Act is hereby amended —

Amendment  
of  
section 75  
of the  
principal  
Act

(a) by the substitution for the word "Commander" wherever it appears in subsections (2), (4) and (6) of the words "the appropriate superior authority nominated by the Commander";

(b) by the substitution for subsection (5) thereof of the following new subsection —

"(5) If the appropriate superior authority nominated by the Commander records a finding of guilty, he may award one or more of the following punishments —

(a) dismissal from the Defence Force; or

(b) reduction in rank to a rank lower than his substantive rank, in both cases to take effect only upon confirmation by the relevant authority referred to in section 102;

(c) forfeiture in the prescribed manner of seniority of rank;

(d) a fine of a sum not exceeding the equivalent of 28 days pay;

(f) where the offence has occasioned any expense, loss or damage, stoppages, except that he may not award both reduction in rank or forfeiture of seniority and a fine."

(c) by the interpolation after the words "will award" appearing in subsection (6) of the words "dismissal from the Defence Force, reduction in rank to a rank lower than his substantive rank",.