

# REPUBLIC OF BOTSWANA



## EXTRAORDINARY GAZETTE

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*Government Notice No. 331 of 1990*

CONSTITUTION OF BOTSWANA

**Prorogation of Parliament**

Proclamation

by

His Excellency DR Q.K.J. Masire, P.H., LL.D., J.P., M.P.

President of the Republic of Botswana

WHEREAS it is provided by section 91 (1) of the Constitution of Botswana that the President may at any time prorogue Parliament;

AND WHEREAS it is considered expedient now to prorogue Parliament;

NOW THEREFORE in exercise of the powers conferred upon me by the said section 91 (1), I, QUETT KETUMILE JONI MASIRE, President of the Republic of Botswana, hereby declare, proclaim and make known that Parliament shall be prorogued on 9th November, 1990.

GIVEN under my hand and the Public Seal at Gaborone this 7th day of November, 1990.

P U L A !

Q.K.J. MASIRE,  
*President.*



M.D. MOKAMA,  
*Custodian of the Public Seal.*

*Government Notice No. 332 of 1990*

CONSTITUTION OF BOTSWANA

**Appointment of Session of Parliament**

Proclamation

by

His Excellency DR Q.K.J. Masire, P.H., LL.D., J.P., M.P.

President of the Republic of Botswana

WHEREAS it is provided by section 91 (1) of the Constitution of Botswana that each session of Parliament shall be held at such place within Botswana and shall commence at such time as the President shall appoint;

AND WHEREAS it is considered necessary to appoint a new session on prorogation of the last session of parliament;

NOW THEREFORE in exercise of the powers conferred upon me by the said section 91 (1), I, QUETT KETUMILE JONI MASIRE, President of the Republic of Botswana, hereby declare, proclaim and make known that a session of Parliament shall be held at the Parliament House, Gaborone, commencing at 3.30 o'clock afternoon of the 19th November, 1990.

GIVEN under my hand and the Public Seal at Gaborone this 7th day of November, 1990.

P U L A !

Q.K.J. MASIRE,  
*President.*



M.D. MOKAMA,  
*Custodian of the Public Seal.*

*Bill No. 24 of 1990*

**BANK OF BOTSWANA (AMENDMENT) BILL, 1990**  
(Published on 9th November, 1990)

**MEMORANDUM**

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

The main object of the Bill is to amend section 36 of the Bank of Botswana Act to empower it to issue its own securities for purposes of monetary policy and buy, sell, discount or rediscount, grant loans or advances against such securities.

This amendment is considered necessary for the purpose of the Bank exercising proper control over the liquidity of the financial system and as a means of increasing the facilities available to the Bank for carrying out its responsibilities as implementing agency for Government's monetary and credit policies.

**F.G. MOGAE,**  
*Minister of Finance and  
Development Planning.*

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title
2. Amendment of section 36 of Cap. 55:01
3. Amendment of sections 50 (2) and 57 (1) of Cap. 55:01

**A BILL**  
**-entitled-**

**An Act to amend the Bank of Botswana Act.**

*Date of Assent:*

*Date of Commencement:*

**ENACTED** by the Parliament of Botswana.

1. This Act may be cited as the Bank of Botswana (Amendment) Act, 1990. Short title

2. The Bank of Botswana Act is hereby amended by substituting for section 36 thereof, the following new section —

Amend-  
ment of  
section  
36 of  
Cap. 55:01

"Credit  
operations

36 (1). The Bank may, on such terms and conditions as the Board may determine, undertake the following credit operations with financial institutions and other persons maintaining accounts with the Bank under section 35, that is to say —

- (a) buy, sell, discount and rediscount —
  - (i) bills of exchange and promissory notes drawn or made for commercial, industrial or agricultural purposes, bearing two or more good signatures of which at least one shall be that of a bank, and maturing within 184 days from the date of their acquisition by the Bank;
  - (ii) treasury bills or other securities issued or guaranteed by Government, forming part of a public issue and maturing within 184 days of the date of acquisition by the Bank;
- (b) grant advances for fixed periods not exceeding 92 days against —
  - (i) instruments specified in subparagraph (i) or (ii) of paragraph (a);
  - (ii) other securities issued or guaranteed by Government and forming part of a public issue;
  - (iii) warehouse receipts and documents of title issued in respect of staple commodities or other goods duly insured;
  - (iv) holdings of any assets which the Bank is permitted to buy, sell or deal in under section 32; or
  - (v) unsecured or secured by such other assets, on such special terms and conditions as the Board shall determine when, in its opinion, such as advance is exceptionally necessary to meet the liquidity requirements of the borrower.

(2) Subject to the provisions of section 57, the Bank may, on such terms and conditions as it may determine, issue its own securities, either in documentary form or as book entries, for purposes of monetary policy and buy, sell, discount or rediscount, or grant loans or advances against, such securities."

Amendment  
of sections  
50 (2) and  
57 (1) of  
Cap. 55:01

3. In consequence of the preceding provisions of this Act, the following sections of the Bank of Botswana Act are hereby amended —

- (a) in section 50 (2) thereof, by substituting for the words "sections 36 (3)" which appear therein, the words "sections 36 (1) (b); and
- (b) in section 57 (1) thereof, by substituting for the words "36 (3) (b)" which appear in paragraphs (c) and (e) therein, the words "section 36 (1) (b) (v)".

*Bill No 25 of 1990*

**PENAL CODE (AMENDMENT) BILL, 1990**  
*(Published on 9th November, 1990)*

**MEMORANDUM**

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

Abortion or procuring a miscarriage is an offence under the Penal Code without regard to any special circumstances which might surround the pregnancy or affect the health of the woman concerned, such as where the woman was raped or where the mental or physical health of the pregnant woman is endangered, or where evidence shows that the child if allowed to be born will suffer such physical or mental abnormalities or disease as to be seriously handicapped. Many countries now recognise that such circumstances may justify the termination of the pregnancy subject to certain safeguards and within a given period after conception, and this Bill seeks to modify the absolute prohibition of abortion in Botswana, whilst setting out the circumstances and the conditions in which it will not be an offence.

This Bill proposes that section 160 of the Penal Code be amended to permit the termination of pregnancy within the first 16 weeks of pregnancy in any of the circumstances specified, and provided that the termination is carried out by a registered medical practitioner in a Government hospital or a registered or approved private hospital or clinic and where two medical practitioners have given their opinions in writing that the treatment to terminate is immediately necessary to save the life of the pregnant woman or to prevent grave injury to her physical or mental health, or as to the condition of the child if born.

In the case of rape, defilement or incest the doctor performing the operation must be satisfied by acceptable evidence that the pregnancy was the result of such rape, defilement or incest.

**M.S. MERAFHE,**  
*Minister of Presidential Affairs  
and Public Administration.*

**A BILL**  
**-entitled-**

**An Act to amend the Penal Code**

*Date of Assent:*

*Date of Commencement:*

ENACTED by the Parliament of Botswana.

Short title

Amendment  
of section 160

1. This Act may be cited as the Penal Code (Amendment) Act, 1990.

2. The Penal Code is amended by renumbering section 160 as subsection (1) thereof and by adding the following new subsection —

“(2) Notwithstanding the provisions of subsection (1), it shall not be an offence under this section if a pregnancy is terminated or an abortion is caused within the first 16 weeks of pregnancy, in the following circumstances and under the following conditions —

(a) where the medical practitioner carrying out the operation is satisfied, by acceptable evidence, that the pregnancy is the result of rape, defilement or incest, and the termination or abortion is requested by the victim, or, where the victim lacks the capacity to make such request, by her next of kin or guardian or the person in loco parentis; or

(b) where the continuance of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health, and such woman consents to the termination or abortion, or, if she lacks the capacity to give such consent, it is given on her behalf by her next of kin or guardian or the person in loco parentis; or

(c) where established evidence shows that there is a substantial risk that, if the child were born, it would suffer from or later develop such serious physical or mental abnormality or disease as to be seriously handicapped, and the pregnant woman consents to the termination or abortion, or, if she lacks the capacity to give such consent, it is given on her behalf by her next of kin or guardian or the person in loco parentis:

Provided that —

(i) the termination or abortion is carried out by a registered medical practitioner in a Government hospital or a registered private hospital, or a clinic approved for the purpose by the Director of Health Services; and

(ii) two medical practitioners have given their opinions formed in good faith, in writing, in the case of paragraph (b) above, that continuation of the pregnancy would involve risk to the

life of the pregnant woman or injury to her physical or mental health, or, in the case of paragraph (c) above, that there is substantial risk that, if the child was allowed to be born, it would suffer such serious physical or mental abnormality or disease as to be seriously handicapped."