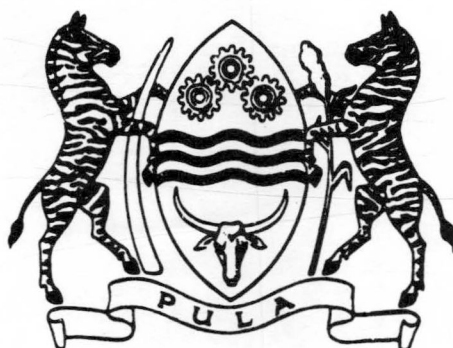


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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Bill No. 17 of 1991

MAGISTRATES' COURTS (AMENDMENT) BILL, 1991

(Published on 25th November, 1991)

MEMORANDUM

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

The present Magistrates' Court Act provides for four grades of Magistrate only, Chief Magistrate, Senior Magistrate, Magistrate Grade I and Magistrate Grade II. In October, 1988, the President, acting on the advice of the Judicial Service Commission, approved a scheme of service for Magistrates to facilitate localization. This scheme, whilst retaining the prescribed qualifications for the post of Senior Magistrate, made provision for the appointment to the post of Senior Magistrate of Batswana who did not have the prescribed minimum qualifications. Different salary scales were approved for Senior Magistrates depending on whether or not a particular Magistrate has the prescribed minimum qualifications.

The Job Evaluation Panel has now recommended that Senior Magistrates on the higher scale be designated Principal Magistrates whilst those on the lower scale retain the designation of Senior Magistrates, and this has been accepted by the Judicial Service Commission. This Bill seeks to implement this recommendation.

The jurisdiction of Principal Magistrates and Senior Magistrates will remain equal, but at the same time the Bill seeks to increase the jurisdiction of all Magistrates.

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

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2, Cap 04:04
3. Amendment of section 8
4. Amendment of section 10
5. Amendment of section 17
6. Amendment of section 60
7. Amendment of section 61
8. Amendment of section 63

A BILL

—entitled—

An Act to amend the Magistrates' Courts Act.*Date of Assent:**Date of Commencement:*

ENACTED by the Parliament of Botswana

- | | |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title | 1. This Act may be cited as the Magistrates' Court (Amendment) Act, 1991. |
| Amendment of section 2, Cap. 04:04 | 2. The definition of the word "magistrate" appearing in section 2 of the Magistrates' Courts Act, hereinafter referred to as "the Act", is amended by inserting immediately before the words "a Senior Magistrate" the words "a Principal Magistrate". |
| Amendment of section 8 | 3. Section 8 of the Act is amended —
(a) by substituting for subsection (1) thereof the following new subsection —
"(1). There shall be five grades of magistrate, namely, Chief Magistrate, Principal Magistrate, Senior Magistrate, Magistrate Grade I and Magistrate Grade II."; and
(b) in subsection (4) thereof by inserting immediately after the words "The Registrar" the words "and the Deputy Registrar". |
| Amendment of section 10 | 4. Section 10 of the Act is amended —
(a) in subsection (1) thereof, by inserting immediately after the words "Chief Magistrates" a comma and the words ", Principal Magistrates"; and
(b) in subsection (2) thereof by inserting immediately after the words "Chief Magistrate" a comma and the words ", Principal Magistrate". |
| Amendment of section 17 | 5. Section 17 of the Act is amended —
(a) in subsection (1) thereof by inserting immediately after the words "Chief Magistrate" a comma and the words ", a Principal Magistrate" and by substituting for the figures "P2 000" wherever they occur the figures "P5 000" in each case; and |

(b) in subsection (2) thereof by substituting for the figures "P1 000" the figures "P3 000" and by substituting for the figures "P400" the figures "P1 000".

6. Section 60(1) of the Act is amended by inserting immediately after the words "Chief Magistrate" wherever they occur the words "a Principal Magistrate" in each case. Amendment
of section 60

7. Subsections (1) (b) and (2) (b) of section 61 are amended by inserting immediately above the words "Senior Magistrates" wherever they occur the words "Principal Magistrates" in each case. Amendment
of section 61

8. Section 63 of the Act is amended by inserting immediately after the words "Chief Magistrate" the words "a Principal Magistrate", and by substituting for the words "one week" appearing in lines 6 and 7 thereof the words "three weeks". Amendment
of section 63