

THE REVISED EDITION OF LAWS ACT, 1968.

No. 50



of 1968

AN ACT TO PROVIDE FOR THE PREPARATION, PRINTING AND PUBLICATION OF A REVISED EDITION OF THE STATUTE LAWS OF BOTSWANA AND FOR MATTERS INCIDENTAL THERETO

Date of Assent : 6.9.68

Date of Commencement : 13.9.68

ENACTED by the Parliament of Botswana

Short Title

1. This Act may be cited as the Revised Edition of the Laws Act, 1968.

Interpretation

2. In this Act, unless the context otherwise requires —

“Commission” means the Statute Law Revision Commission established under section 3;

“laws” means the written laws of Botswana which are in being (whether or not brought into operation) on the specified date;

“revised edition” means the edition of the laws prepared under the authority of this Act;

“specified date” means the date fixed by the President under section 10.

Establishment of Commission

3. (1) There is hereby established a commission to be known as the Statute Law Revision Commission which is charged with the duty of preparing the revised edition of the laws and making arrangements for the printing and publication thereof.

(2) The President shall appoint three persons qualified to be legal practitioners in Botswana to be members of the Commission, and shall appoint one of such members as chairman.

Powers of the Commission

4. In the preparation of the revised edition the Commission shall have the following powers —

- (a) to omit —
 - (i) all laws or parts of laws which have been expressly, specifically or implicitly repealed or which have expired or have become spent or have had their full effect;
 - (ii) all repealing provisions contained in laws and also all tables and lists of repealed laws, whether contained in schedules or otherwise;
 - (iii) all preambles to laws where such preambles can in the opinion of the Commission conveniently be omitted;
 - (iv) all enacting clauses, where such omission can in the opinion of the Commission be conveniently made;
 - (v) any laws or parts thereof which amend or repeal any law omitted from the revised edition;
 - (vi) all provisions prescribing the date when a law or part of a law is to come into operation where such omission can in the opinion of the Commission be conveniently made;
 - (vii) all amending laws or parts thereof where the amendments effected thereby have been embodied by the Commission in the laws to which they relate;
- (b) to consolidate into one law any two or more laws *in pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient;
- (c) to alter the order of sections in any law and in all cases where it may be necessary to do so to re-number the sections;
- (d) to alter the form or arrangement of any section by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;

- (e) to divide any law, whether consolidated or not, into parts or other divisions;
- (f) to add a long or short title to any law which may require it and, if necessary, alter the long title or short title of any law;
- (g) to transfer any provision contained in any law from that law to any other law to which the Commission considers that it more properly belongs;
- (h) to arrange the laws, whether consolidated or not, in any sequence or groups that may be convenient, irrespective of the dates when they came into operation;
- (i) to supply or alter head or marginal notes and to convert marginal notes into head notes and vice versa;
- (j) to correct cross-references;
- (k) to correct grammatical and typographical errors in any law and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of the law;
- (l) to make such adaptations and amendments in any laws as are necessary to take account of changes in the name or status of any country or territory and of any change in the manner of government thereof;
- (m) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any law into conformity with the present circumstances of Botswana;
- (n) to make such amendments, omissions or alterations as the Commission may consider necessary to bring any law into conformity with the Interpretation Law, 1966, and the Constitution of Botswana;
- (o) to prepare such tables of contents and indices as it may think fit;
- (p) to do all things relating to form and method which may be necessary for the production of the revised edition.

Alterations in Substance

5. The powers conferred upon the Commission by section 4 shall not be taken to imply any power to make any major alteration or amendment in the matter or substance of any law, but shall include powers to make such alterations in the language of laws as are requisite in order to preserve a uniform mode of expression and to make such amendments as are necessary to bring out more clearly what the Commission deems to have been the intention of the legislature.

Numbers of Laws

6. There shall be attached to each law contained in the revised edition a number showing its place among the laws of the year in which it belongs and in the case of a law which was printed in the 1948 or 1959 Revised Editions of the

Laws, of the Bechuanaland Protectorate, the number of the Chapter in which it was included in those editions.

Omission of Certain Laws

7. (1) The Commission may omit from the revised edition the laws mentioned in the First Schedule but every law omitted under the authority of this section shall have the same force and effect as if it had not been omitted.

(2) The President may by notice in the *Gazette* add any law or category of laws to the Schedule.

United Kingdom Statutes

8. (1) Subject to the provisions of subsection (2), no Act of Parliament of the United Kingdom shall continue in force in Botswana save to such extent as may be provided expressly in any written law, being a written law other than an Act of Parliament of the United Kingdom.

(2) The Acts of the Parliament of the United Kingdom specified in the Second Schedule shall, to the extent that they are applicable in Botswana, continue in force after the specified date.

(3) The President may by order made at any time before the specified date make such amendments to —

- (a) any of the Acts of Parliament of the United Kingdom specified in Part II of the Second Schedule; and
- (b) any order or instrument thereunder in force in Botswana;

as may appear to him to be necessary or expedient for bringing those laws into conformity with the present circumstances of Botswana or otherwise for giving effect or enabling effect to be given to those provisions.

Printing and Publication of Revised Edition and Deposit of Copies Thereof

9. (1) The Commission shall cause to be printed and published so many copies of the revised edition and of each separate law included therein as it may deem necessary.

(2) The Commission shall cause a printed copy of the revised edition to be deposited with the President, the Chief Justice, the Speaker and in the Government Archives, and such copies shall be deemed to be the original copies of the revised edition.

Specified Date

10. The President shall by notice in the *Gazette* specify the date for the purposes of the revision and any written law made after that date shall not be included in the revised edition.

Date of Publication and Validity of the Revised Edition

11. When the revised edition has been printed and the original copies deposited in accordance with section 9, the President shall by notice in the *Gazette* fix a

convenient date for the bringing into operation of the revised edition and with effect from that date the revised edition shall come into force and the laws as therein printed shall in all courts of justice and for all purposes whatever be the sole and authentic version of such laws and be conclusive evidence thereof.

Construction of References

12. Whenever in any law or in any document of whatever kind made before the date of the coming into force of the revised edition reference is made to any law included in the revised edition, the reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding law in the revised edition.

FIRST SCHEDULE

(Section 7)

PART I

1. All appropriation laws
2. All financial adjustment laws
3. All laws providing for the raising of specific sums of loan money
4. All laws imposing rates of income tax
5. All laws concerned with the pensions or pensionable right of individual officers
6. Unauthorized expenditure laws
7. All statutory instruments which were not republished in annual volumes of the Laws of the Bechuanaland Protectorate or Botswana or which were not published in the supplements of the Government Gazette of the Republic of Botswana.
8. All statutory instruments omitted from the revised edition prepared under the Revised Edition of the Laws Proclamation, 1959.

PART II

<i>Cap. No. or Annual No.</i>	<i>Title</i>	<i>Extent of Omission</i>
Cap. 1	The Revised Edition of the Laws Proclamation, 1959.	The whole
Cap. 129	The Dairies and Dairy Produce Proclamation.	The whole
No. 68 of 1956	The Customs Proclamation 1956	The whole

SECOND SCHEDULE

(Section 8)

PART I

The Botswana Independence Act, 1966 (Eliz. 2 1966 c.23)

PART II

The Civil Aviation Act, 1949 (12, 13 & 14 Geo. 6 c.67)

The Evidence Act, 1851 (14 & 15 Vict. c.99) (sections seven and eleven only)

The British Law Ascertainment Act, 1859 (22 & 23, Vict. c.63)

The Foreign Law Ascertainment Act, 1861 (24 & 25, Vict. c.11)

The Evidence (Colonial Statutes) Act, 1907 (7, Edw. 7 c. 16)

The Copyright Act, 1956 (4 & 5, Eliz. 2, c.74)

The Colonial Stock Acts 1877 to 1934

~~The Fugitive Offenders Act, 1881 (44 & 45 Vict. c.69)~~ See Act 14/72

Passed by the National Assembly this day, the 9th August, 1968.

G.T. MATENGE,
Clerk of the National Assembly.