

THE CONSTITUTION (SECOND AMENDMENT) ACT, 1969

No. 43



of 1969

AN ACT TO AMEND SECTIONS 12, 13, 33 AND 37 OF THE CONSTITUTION OF BOTSWANA.

Date of Assent: 22.8.69

Date of Commencement: 22.8.69

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Constitution (Second Amendment) Act, 1969.

Amendment of Section 12 of the Constitution of Botswana

2. Section 12 of the Constitution is amended in paragraph (c) of subsection (2) by the addition at the end of "employees of Local Government bodies, or teachers,".

Amendment of Section 13 of the Constitution of Botswana

3. Section 13 of the Constitution is amended in paragraph (c) of subsection (2) by the addition at the end of "employees of Local Government bodies, or teachers,".

Amendment of Section 33 of the Constitution of Botswana

4. Section 33 of the Constitution of Botswana (as contained in Schedule 2 to the Botswana Independence Order 1966) is amended by the deletion of subsection (3) and the substitution of —

“(3) The following provisions shall then apply —

- (a) a person nominated as a Parliamentary candidate may, at the time of his nomination and subject to the provisions of paragraph (b), declare in such manner as may be prescribed by or under an Act of Parliament which of the candidates in the election of President he supports, but the nomination of a Parliamentary candidate shall be valid notwithstanding that the nomination paper does not contain such a declaration;

- (b) such a declaration shall not be made in relation to any Presidential candidate unless that candidate has signified, in such manner as may be prescribed by or under an Act of Parliament, his consent to the making of a declaration in his favour by that Parliamentary candidate;
- (c) where the Parliamentary election is contested in any constituency a poll shall be taken in that constituency at which the votes shall be given by ballot, and for the purposes of that poll any Parliamentary candidate who declared support in accordance with paragraph (a) for a particular Presidential candidate shall use the same voting colour and symbol, if any, as may have been allocated under any law for the time being in force in Botswana to that Presidential candidate for the purposes of the Presidential election;
- (d) the returning officer shall declare to be elected as President any candidate for whom support has been declared in accordance with paragraph (a) above by not less than such number of persons elected as members of the National Assembly in the Parliamentary election as corresponds to more than half the total number of seats for elected members in the Assembly, and if there is no such person the returning officer shall declare that no candidate has been elected."

Further Amendment of Section 33 of the Constitution of Botswana

5. Section 33 of the Constitution of Botswana is further amended in subsection (6) by the deletion from paragraph (b) of "(4)(d)" and the substitution of "(3)(c)".

Amendment of Section 37 of the Constitution of Botswana

6. Section 37 of the Constitution of Botswana is amended by the deletion of subsection (1) and the substitution of —

"(1) Whenever the President is absent from Botswana or considers it desirable so to do by reason of illness or any other cause he may, by directions in writing, authorise —

- (a) the Vice-President; or
- (b) during any period when there is no Vice-President or the Vice-President is absent from Botswana or is, by reason of physical or mental infirmity, unable to perform the functions of his office, some other Minister;

to discharge such of the functions of the office of President as he may specify, and the Vice-President or other Minister may discharge those functions until his authority is revoked by the President."

Passed by the National Assembly this day, the 18th August, 1969.

G. T. MATENGE
Clerk of the National Assembly.

CERTIFICATE

I, GAEFALALE GAOLEBALE SEBESO, Deputy Speaker of the National Assembly, hereby certify that the final voting in the National Assembly on the Constitution (Second Amendment) Bill took place not less than three months after the previous voting thereon in the National Assembly and that at such final voting the said Bill was supported by not less than two-thirds of all the members of the National Assembly.

Date: 20th August, 1969.

G.G. SEBESO,
Deputy Speaker.