

**THE POLICE (AMENDMENT) ACT, 1969**

No. 7



of 1969

**AN ACT TO AMEND THE POLICE PROCLAMATION (CHAPTER 63) TO CONFORM WITH CONSTITUTIONAL AND ADMINISTRATIVE CHANGES AND TO MAKE CERTAIN SUPPLEMENTARY PROVISION.**

Date of Assent: 29.1.69.

Date of Commencement: 14.2.69.

ENACTED by the Parliament of Botswana

**Short Title**

1. This Act may be cited as The Police (Amendment) Act, 1969.

**Amendment of Section 1 of Chapter 63**

2. The Police Proclamation (~~Chapter 63~~) (hereinafter referred to as the principal law) is amended in section 1 —

- (a) by the deletion in the definition of "Commissioner" of all the words following "Police";
- (b) by the deletion of the definition of "District Officer";
- (c) by the deletion in the definition of "the Force" of all the words following "means" and the substitution therefor of "the Botswana Police";
- (d) by the deletion in the definition of "member of the Force" of "warrant officer";
- (e) by the deletion of the definitions of "non-commissioned officer", "subordinate officer" and "warrant officer";
- (f) by the deletion of the definition of "senior officer" and the substitution therefor of —

""senior officer" includes the Commissioner".

**Substitution of Section 2 of Chapter 63**

3. Section 2 of the principal law is repealed and there is substituted therefor—

**“Composition of the Force**

2. The Force shall consist of the Commissioner of Police and such numbers of other officers of the ranks specified in section ~~six~~ as the President may from time to time determine.”

**Repeal of Section 3 of Chapter 63**

4. Section 3 of the principal law is repealed.

**Amendment of Section 4 of Chapter 63**

5. Section 4 of the principal law is amended in subsection (1) —

- (a) by the insertion before “Inspector” of “Chief”;
- (b) by the deletion of “as provided in” and the substitution therefor of “in accordance with”;
- (c) by the addition of the following proviso —

“Provided that no member shall be promoted under the provisions of this subsection above the rank of Chief Inspector”.

**Amendment of Section 7 of Chapter 63**

6. Section 7 of the principal law is amended by the deletion of subsection (2).

**Substitution of Section 8 of Chapter 63**

7. Section 8 of the principal law is repealed and there is substituted therefor—

**“Restriction on Retirement**

8. Subject to the provisions of any other law, in time of war or when a state of public emergency exists no member of the Force shall be at liberty to resign or retire therefrom unless in the case of a senior officer the Public Service Commission, and in the case of any other member the Commissioner acting with the consent of the President, orders otherwise.”

**Amendment of Section 9 of Chapter 63**

8. Section 9 of the principal law is amended by the deletion of subsection (1) and the marginal note and the substitution of —

**“Ranks**

9. (1) The ranks of the Force shall, in addition to that of Commissioner, be as follows —

**Senior Officers**

Deputy-Commissioner.

Assistant Commissioner.

Senior Superintendent.  
Superintendent.  
Assistant Superintendent.

**Subordinate Officers**

Chief Inspector.  
Inspector.  
Sub-Inspector

**Non-Commissioned Officers**

Sergeant.

**Other Ranks**

Trooper.  
Constable.

**Amendment of Section 10 of Chapter 63**

9. Section 10 of the principal law is amended —

- (a) in paragraph (b) by the deletion of “and for members of the Police Forces of Basutoland and Swaziland”;
- (b) by the insertion of the following paragraph, the present paragraph (g) becoming paragraph (h) —

“(g) the establishment, constitution, functions and procedure of Police Associations and matters incidental thereto”.

**Amendment of Section 11 of Chapter 63**

10. Section 11 of the principal law is amended —

- (a) in the proviso to subsection (2) by the deletion of “a Subordinate Court or” and “or (c) a Subordinate Court of the First Class”;
- (b) by the deletion of subsection (3), the present subsection (4) becoming subsection (3);
- (c) by the addition in subsection (3) after “competent jurisdiction” of “and to be punished therefor as though still a member of the Force”.

**Amendment of Section 16 of Chapter 63**

11. Section 16 of the principal law is amended by the deletion of “except in the case of an appeal heard as provided in subsection (4) of section *twenty*”.

**Amendment of Section 17 of Chapter 63**

12. Section 17 of the principal law is amended —

- (a) in subsection A(1) by the deletion of “or warrant”;

- (b) in paragraph C by the insertion after "Subordinate Court" of "under subsection (3) of section *eleven*".

**Amendment of Section 19 of Chapter 63**

13. Section 19 of the principal law is amended —

- (a) in subsection (1) by the deletion of "or District Officer";  
(b) in subsection (2) by the deletion of "warrant officer".

**Substitution of Section 20 of Chapter 63**

14. Section 20 of the principal law is repealed and there is substituted therefor —

**"Appeals**

20. (1) A member of the Force, convicted or sentenced by a senior officer or a Board as provided for in subsection (2) of section *eleven*, in order to avail himself of the right of appeal to the Public Service Commission shall lodge notice of such appeal together with the grounds thereof within seven days after conviction with the senior officer or Board who tried the case and it shall thereupon be the duty of the senior officer or Board, as the case may be, forthwith to transmit the record of proceedings through the Commissioner to the Public Service Commission.

(2) In the event of the Public Service Commission's dismissing the appeal or allowing it in part only, in order to avail himself of the right of further appeal to the President under section 113(4) of the Constitution the member who appealed shall lodge notice of such further appeal together with the grounds thereof with the Public Service Commission within seven days after the latter has delivered its decision, and the Public Service Commission shall thereupon transmit the record of proceedings to the President.

(3) No sentence shall be carried out until the time for appeal, or, in a case where an appeal has been dismissed or allowed in part only, the time for further appeal, prescribed in this section, shall have elapsed, and where an appeal has been lodged under subsection (1) or subsection (2) no sentence shall be carried out until the decision on the appeal has been delivered or unless the appeal has been withdrawn or has lapsed.

**Amendment of Section 21 of Chapter 63**

15. Section 21 of the principal law is amended —

- (a) by the deletion of "a senior officer, a Board or a Subordinate Court" and the substitution therefor of "a senior officer or a Board";  
(b) by the deletion of "such officer, Board or Court" and the substitution therefor of "such officer or Board";

(c) by the deletion of "warrant officer".

**Amendment of Section 29 of Chapter 63**

16. Section 29 of the principal law is amended —

- (a) by the deletion in subsection (1) of the words in the second sentence thereof from "the President" to "this Proclamation" inclusive and the substitution therefor of "the Public Service Commission";
- (b) by the insertion of the following subsection, the present subsection (2) becoming subsection (3) —

"(2) In the event of the Public Service Commission's dismissing the appeal or allowing it in part only, in order to avail himself of the right of further appeal to the President under section 113(4) of the Constitution the member who appealed shall lodge notice of such further appeal together with the grounds thereof with the Public Service Commission within seven days after the latter has delivered its decision and the Public Service Commission shall thereupon transmit the record of proceedings to the President."

- (c) by the deletion in subsection (3) of "the President" in both places and the substitution therefor of "the Public Service Commission or the President as the case may be" and by the deletion of "or imposes some lesser penalty".

**Amendment of Section 30 of Chapter 63**

17. Section 30 of the principal law is amended by the deletion of "the Pensions Proclamation" and the substitution therefor of "the Pensions (Consolidation) Law, 1965".

**Substitution of Section 33 of Chapter 63**

18. Section 33 of the principal law is repealed and there is substituted therefor —

**"Assignment of Pay**

33. No member of the Force shall assign, without the approval of the Public Service Commission in the case of a senior officer and in the case of any other member without the approval of the Commissioner, the whole or any part of any pay or allowances payable under this Proclamation or any regulations made thereunder".

Passed by the National Assembly this day, the 13th December, 1968.

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