

THE MISCELLANEOUS AMENDMENTS ACT, 1971

No. 42



of 1971

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 27 of Chapter 18
3. Amendment of section 306 of Chapter 18
4. Amendment of Chapter 41
5. Amendment of section 13 of Chapter 57
6. Amendment of section 3 of Chapter 87
7. Amendment of Chapter 113
8. Amendment of section 12 of Chapter 118
9. Amendment of Schedule C to Chapter 147
10. Amendment of section 3 of Chapter 149
11. Amendment of section 64 of Law 15 of 1963
12. Amendment of section 3 of Act 31 of 1968
13. Amendment of section 24 of Act 54 of 1968

AN ACT TO MAKE SUNDRY MINOR MISCELLANEOUS AMENDMENTS IN THE LAWS OF BOTSWANA.

Date of Assent: 22.10.1971

Date of Commencement: 5.11.1971

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Miscellaneous Amendments Act, 1971. Short title

2. Section 27 of the Criminal Procedure and Evidence Proclamation is amended, in subsection (1), by the repeal of paragraph (i). Amendment
of s. 27 of
Cap. 18

Amendment
of s. 306 of
Cap. 18

3. Subsection (5) of section 306 of the Criminal Procedure and Evidence Proclamation is amended by the deletion of the words “enter it in the criminal record book of that Court” and the substitution therefor of the words “be numbered and filed consecutively in the records of that Court in a file to be known as the criminal record (admissions of guilt) file, which file shall for the purposes of any written law be deemed to be a criminal record book of that Court”.

Amendment
of Cap. 41

4. The Consular Conventions Proclamation is amended by the repeal of section 4 thereof and the substitution therefor of the following new section —

“Application
of Procla-
mation

4. The President may, by notice in the Gazette, direct that any section of this Proclamation shall apply to any foreign State specified in the said notice being a State with which a consular convention providing for matter for which provision is made herein has been concluded by Botswana.”.

Amendment
of s. 13 of
Cap. 57

5. Section 13 of the Habit-forming Drug Proclamation is amended by the repeal of subsection (3) thereof.

Amendment
of s. 3 of
Cap. 87

6. Section 3 of the Wills Proclamation is amended —

(i) by the repeal of subsections (1) and (2) and the substitution therefor of the following subsections —

“(1) Any member of the Botswana Police Force while on active service and any member of the land, air or naval forces of any country allied to or associated with Botswana in any war, may make a will without complying with the formalities prescribed by section 2 or with any formalities whatsoever except that the will shall be in writing.

(2) Such a will, hereinafter called an “active service will” shall be valid if the maker thereof dies while he is, or within one year after he has ceased to be, on active service with the Botswana Police Force or with the armed forces of any other country described in subsection (1).”;

(ii) by the deletion, in subsections (3), (4) and (5) of the words “a soldier’s will” and the substitution therefor in each case of the words “an active service will”; and

- (iii) by the deletion of the margin note thereto and the substitution therefor of the words —
“Wills made on active service”.

7. The Railway Land Proclamation is amended by the repeal of section 2 and the substitution therefor of the following new section — Amendment
of Cap. 113

“Inter-
pretation

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

“Company” means the Rhodesia Railways Limited; and

“railway purposes” means any purposes connected with the construction, maintenance or working of a railway and includes the obtaining of a supply of water for the use of a railway or any locomotive engine or rolling stock used upon or in connection with a railway.”.

8. Section 12 of the Acquisition of Property Proclamation is amended in the first paragraph thereof by the deletion of the words “Public Works, Veterinary or Agricultural Departments” and the substitution therefor of the words “Public Works, Roads and Buildings Branches, Ministry of Works and Communications, of the Department of Surveys and Lands, of the Ministry of Agriculture”. Amendment
of s. 12 of
Cap. 118

9. Schedule C to the Medical, Dental and Pharmacy Proclamation is amended in Parts I and II by the deletion of the words — Amendment
of Schedule C
to Cap. 147
“(2) the word “Poison” in English and “Gif” in Afrikaans” wheresoever these words occur and the substitution therefor in each case of the following words —

“(2) the word “Poison” in English and “Chefi” in Tswana”.

10. Section 3 of the Workmen’s Compensation Proclamation is amended in the definition of “Employer” by the deletion of the words “the various African Authorities” appearing therein and the substitution therefor of the words “District Councils, Town Councils or other township authorities”. Amendment
of s. 3 of
Cap. 149

11. Section 64 of the Employment Law, 1963 is amended by the deletion of subsection (2) thereof and the substitution therefor of the following new subsection — Amendment
of s. 64 of
Law 15 of
1963

“(2) Subsection (1) (c) shall have effect notwithstanding the provisions of the Regulation of Wages and Conditions of Employment Act, 1969 (22 of 1969) relating to the fixing and payment of a minimum wage.”.

Amendment
of s. 3 of Act
31 of 1968

12. Subsection (1) of section 3 of the Traditional Beer (Levy) Act, 1968 is amended by the repeal of the proviso thereto and the substitution therefor of the following new proviso —

“Provided that no such levy shall —

- (a) where traditional beer is sold in Imperial measure exceed the rate of three cents per gallon sold; and
- (b) where traditional beer is sold in metric measure exceed the rate of one cent per litre sold.”.

Amendment
of s. 24 of Act
54 of 1968

13. Section 24 of the Tribal Land Act, 1968 is amended in paragraph (a) of subsection (1A) thereof by the deletion of the words “or of lease thereof” where those words secondly appear.

Passed by the National Assembly this day, the 22nd September, 1971.

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