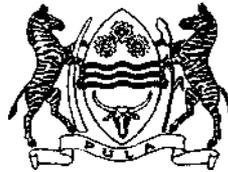


THE LOCAL POLICE ACT, 1972

No. 13



of 1972

ARRANGEMENT OF SECTIONS

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL POLICE FORCE: TO PROVIDE FOR THE APPOINTMENT AND DISCIPLINE OF OFFICERS OF SUCH FORCE: TO SET OUT THE POWERS OF SUCH OFFICERS AND TO PROVIDE FOR ALL MATTERS INCIDENTAL TO THE ESTABLISHMENT, CONTROL AND ADMINISTRATION OF SUCH FORCE

Date of Assent: 26.4.1972.

Date of Commencement: 19.5.1972.

ENACTED by the Parliament of Botswana.

Short title	1. This Act may be cited as the Local Police Act, 1972.
Inter-pretation	2. In this Act, except where the context otherwise requires - "Chief" means a Chief of one of the tribes and includes any Regent thereof and a tribal authority appointed under section 9 of the Chieftainship Law; "Force" means the Local Police Force established by section 3; "Minister" means the Minister of Local Government and Lands; "officer" means an officer of the Force; "sub-chief" means a sub-chief recognised as such under section 22 of the Chieftainship Law.
29 of 1965	
Establishment of the Force	3. (1) There is hereby established a Force, to be known as the Local Police Force. (2) The number of officers of the Force appointed in any tribal area or tribal community area shall not exceed the number approved for such area by the President by notice in the Gazette. (3) The Minister shall be in charge of the Force. (4) The Force shall consist of officers of the ranks set forth in the First Schedule. (5) An officer of the Force shall be a peace officer for the purposes of the written laws of Botswana.
Appointment of officers	4. (1) In every tribal area and tribal community area there shall be a committee consisting of the District Commissioner, who shall be chairman, a member, appointed by the Minister, of the local district council and the Chief or sub-chief of such area as the case may be which shall, subject to the provisions of section 3 (2), appoint suitable persons as officers in such area and who shall be responsible for promotions in the Force.

(2) A certificate of appointment in the form set out in the Second Schedule shall, subject to the provisions of subsection (3), be signed by the District Commissioner within whose jurisdiction such area is and issued to every officer appointed and shall, until the contrary is proved, be *prima facie* evidence of his appointment under this Act.

(3) No certificate shall be issued unless and until the officer has made and signed a declaration before the District Commissioner in the form set out in the Third Schedule.

5. The Force shall be employed in Botswana for the performance of the duties set out in this Act.

6. The Chief or sub-chief of any area within which officers have been appointed shall administer the Force in his area subject to the general or special directions of the Minister.

7. An officer shall carry out the duties imposed upon him by this Act within the area to which he is appointed:

Provided that -

- (i) with the consent of the Chief or sub-chief of another area, he shall execute such duties in such other area;
- (ii) he may, without any consent, enter any adjoining area for the purpose of exercising the powers of arrest exercisable by him by virtue of being a peace officer or of protecting life or property.

8. Every officer shall -

- (a) when called upon by any Chief or sub-chief, assist him in the exercise of his lawful duties;
- (b) obey and execute promptly all orders and warrants lawfully issued to him by any competent authority;
- (c) preserve the public peace, prevent the commission of offences and apprehend all persons in respect of whom he holds a valid warrant of arrest;
- (d) undergo such training as may be ordered by the Minister;
- (e) act as messenger in any matter connected with tribal administration, customary courts or the public service;
- (f) assist any district council in carrying out its lawful functions when called upon to do so:

Provided that the Minister may direct that a district council and a Chief or sub-chief shall not have power to call

Employment
of tribal
police
Adminis-
tration of
local police
in districts
Local
police
ordinarily
empowered to
act in own
area

Duties of
officers

upon officers to assist it or him or may only call upon officers to assist it or him for specified purposes.

Co-operation
etc. with
Botswana
police

9. The Force shall at all times co-operate with the Botswana Police and shall, if the President so directs in writing, be subject to the orders of the Commissioner of Police.

Power to lay
information
or complaint

10. An officer may lay any information or complaint before any customary court and may make application to such court for a summons, warrant or other legal process.

Power to stop
vehicles, etc.,
without
warrant

11. (1) An officer may stop, search and detain any vehicle or vessel which he has reasonable cause to suspect is being employed in the commission of or to facilitate the commission of, an offence.

(2) Any person who fails to obey a reasonable signal given by an officer in uniform requiring him to stop any vehicle or vessel shall be guilty of an offence and liable to imprisonment for six months, and an officer may arrest such person without warrant unless he gives his name and address and otherwise satisfies such officer that he will duly answer any summons or other proceedings which may issue or be taken against him.

(3) No person shall be entitled to damages or compensation for any loss or damage suffered by him by reason of action taken in pursuance of this section.

Power to
stop and
detain any
person for
production
of licence,
etc.

12. (1) An officer in uniform may stop and detain any person whom he -

(a) sees doing any act or thing;

(b) sees in possession of any thing; or

(c) suspects of doing any act or thing or of being in possession of any thing,

for which a licence, permit or certificate is required under any written law and may require such person to produce such licence, permit or certificate.

(2) Any person who fails to produce such licence, permit or certificate when called upon by an officer so to do may be arrested without a warrant unless he gives his name and address and otherwise satisfies such officer that he will duly answer any summons or other proceedings which may issue or be taken against him.

Power to
erect barriers

13. (1) A Chief or sub-chief may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of any offence, order an officer to erect or place barriers in or across any road or street or in any public place.

(2) Any officer in uniform may take all reasonable steps to prevent any vehicle from being driven past any such barrier and any driver who fails to comply with any reasonable signal given by an officer in uniform requiring him to stop such vehicle before any such barrier shall be guilty of an offence and liable to imprisonment for twelve months and to a fine of R100.

(3) No officer shall be liable for any loss or damage resulting to any vehicle or for any injury to any occupant of any such vehicle as the result of the driver of such vehicle failing to obey any officer acting under the provisions of subsection (2).

14. Every officer shall take charge of all unclaimed property handed to him by any person or found by him to be unclaimed and shall deliver such property without delay to the nearest police station.

Custody of unclaimed property

15. (1) Where the defence to any suit against an officer is that the act complained of was done in obedience to a warrant purporting to be issued by a customary court, the court shall, upon production of the warrant, accept such warrant as *prima facie* evidence of the due making thereof and, upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such officer.

Non-liability for act done under authority of a warrant

(2) No proof of the signature upon such warrant shall be required unless the court has reason to doubt its genuineness, and, where such signature is proved not to be genuine, the court shall nevertheless enter judgment in favour of the officer if it is satisfied that, at the time of the act complained of, such officer believed, on reasonable grounds, that the signature was genuine.

16. No salary or other allowance paid to any officer shall be liable to be attached, sequestrated or levied upon, for or in respect of any debt or claim for money borrowed by him or any goods supplied to him or to any person on his behalf while such officer is a member of the Force.

Salary not liable to be attached

17. Any person who assaults, resists or wilfully obstructs any officer in the due execution of his duty or any person acting in aid of such officer shall be guilty of an offence and liable to imprisonment for five years.

Assault in execution of duty

18. (1) Any officer who wilfully disobeys any lawful order or warrant or who is guilty of any act or conduct to the prejudice of good order or discipline shall be liable to be punished by a committee established under section 4 by

Penalties for offences by officers

- (a) reprimand;
- (b) fine not exceeding the equivalent of seven days' pay;
- (c) stoppage of salary increments;
- (d) reduction in rank; or
- (e) dismissal from the Force,

or by any combination of such punishments:

Provided that any sentence of dismissal from the Force shall be subject to confirmation by the Minister.

(2) A committee awarding any punishment inflicted upon an officer under the provisions of this section shall enter a record of such punishment, the date thereof and the offence for which it was inflicted on the record sheet of such local police officer.

(3) All fines imposed by a committee under the provisions of this section shall be recoverable by monthly deductions from the pay due and thereafter becoming due to the officer.

(4) The amount of such deduction in respect of any fine shall, subject to any general or special directions by the Minister, lie in the discretion of the committee imposing the fine, but whenever more than one order for deduction from an officer's salary is in force, so much only of his salary may be deducted as shall leave such officer not less than two-thirds of his salary.

Rules

19. The Minister may make Rules for the better carrying into effect of the provisions of this Act.

Standing orders

20. The Minister may issue standing orders for the general control, direction and administration of the Force.

FIRST SCHEDULE

Sergeant
Corporal
Constable

SECOND SCHEDULE

**Certificate of Appointment of an Officer of
the Local Police Force**

IN EXERCISE of the powers conferred by section 4 of the Local
Police Act, 1972,

has been appointed to be an officer of the Local Police for the
.....tribal area/tribal community

area and the said..... has made
before me the declaration required by section 4 (3) of the Act.

Dated this day of 19

District Commissioner

District.

THIRD SCHEDULE

I,....., do swear/affirm that I will
well and truly serve the Republic and President of Botswana as a
member of the Local Police Force and that I will truly and faithfully
obey all lawful commands given to me for the preservation of peace
and the prevention of crime and the apprehension of offenders
against peace in all respects to the best of my skill and knowledge
discharging all duties of the said office according to law.

So Help Me God.*

(* Delete as appropriate)

Passed by the National Assembly this day, the 30th March, 1972.

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

CERTIFICATE

I, Albert Alfred Frank Lock, Speaker of the National Assembly hereby certify that the National Assembly did not proceed on the Local Police Bill, 1972, until a copy had been referred to the House of Chiefs after the Bill had been introduced in the National Assembly and a period of 30 days elapsed from the time when the Bill was referred to the House of Chiefs before the National Assembly proceeded on the Bill.

A.A.F. Lock.