

## THE PENAL CODE (AMENDMENT) ACT, 1972

No. 27



of 1972

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title
2. Insertion of new section 21A in Law No. 2 of 1964
3. Insertion of new section 64A in Law No. 2 of 1964.

#### **AN ACT TO AMEND THE PENAL CODE**

*Date of Assent:* 18.10.1972

*Date of Commencement:* 3.11.72

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Penal Code (Amendment) Act, 1972, and shall be read and construed as one with the Penal Code hereinafter referred to as the principal law. Citation

2. The principal law is amended by the insertion therein immediately after section 21 thereof of a new section as follows — Insertion of  
new section  
21A in Law  
No. 2 of 1964

“Attorney-  
General’s  
consent to  
prosecute

21A. Notwithstanding that in respect of any offence it is provided that no prosecution shall be instituted without the consent of the Attorney-General a person may be arrested and charged for such offence and any such person may be remanded in custody or bail notwithstanding that the consent of the Attorney-General to the institution of prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.”.

Insertion of  
new section  
64A in Law  
No. 2 of 1964

**3.** The principal law is amended by the insertion therein immediately after section 64 thereof of a new section as follows —

“Hijacking  
and related  
offences

**64A.** (1) Any person commits an offence who, whether in or out of Botswana, unlawfully or intentionally —

- (a) performs or threatens to perform an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
  - (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
  - (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
  - (d) destroys or damages air navigation facilities or interferes with their operation if any such act is likely to endanger the safety of aircraft in flight; or
  - (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.”
- (2) Any person also commits an offence if he —
- (a) attempts to commit any of the offences mentioned in subsection (1); or
  - (b) is an accomplice of a person who commits or attempts to commit any such offence.
- (3) Any person who commits the offence specified in subsections (1) and (2) shall on conviction be liable to imprisonment for life.

Passed by the National Assembly this 20th day of September, 1972.

I.P. GONTSE,  
*Clerk of the National Assembly.*