

THE POLICE ACT, 1972

No. 42



of 1972

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AN ACT TO MAKE PROVISION FOR THE ENROLMENT, DISCIPLINE, CONTROL AND ADMINISTRATION OF THE BOTSWANA POLICE FORCE AND MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

Date of Assent: 30.12.72.

Date of Commencement: 5.1.73

ENACTED by the Parliament of Botswana.

PART I
PRELIMINARY

Short title
and com-
mencement
Inter-
pretation

1. This Act may be cited as the Police Act, 1972, and shall come into operation on the date of publication in the Gazette.

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

“arms” includes firearms;

“Board” means an officer or officers empowered under this Act to try offenders;

“Commissioner” means the Commissioner of Police;

“the court” means the High Court or a subordinate court;

“the Force” means the Botswana Police Force as constituted under the provisions of this Act;

“other rank” means any police officer of or below the rank of sergeant;

“pay” means the salary of a police officer in his substantive rank and does not include any allowances which have not been declared to be pensionable;

“police lines” means an area set apart for occupation by police officers;

“police officer” means any member of the Force;

“Republic” means the Republic of Botswana;

“senior officer” means any police officer of or above the rank of Assistant Superintendent;

“subordinate officer” means any police officer of the rank of Inspector or Sub-Inspector.

PART II
CONSTITUTION AND ADMINISTRATION

Constitution
of the Force

3. The Force shall consist of the Commissioner of Police and such numbers of the following ranks as the President may from time to time direct, and the police officers shall rank for seniority in the order shown.

Deputy Commissioner
Assistant Commissioner
Senior Superintendent
Superintendent
Assistant Superintendent
Inspector
Sub-Inspector
Sergeant
Constable

4. (1) The Commissioner shall, subject to the provisions of this Act and the general directions of the President, have the command, superintendence, direction and control of the Force and shall be responsible to the President for maintaining peace and good order throughout the Republic.

Commissioner

(2) The Commissioner may, subject to the provisions of this Act, issue or approve such orders for the general control and administration of the Force as he may deem necessary.

5. Any power conferred upon the Commissioner by this Act or any regulations made thereunder may, subject to the directions of the Commissioner, be exercised by the Deputy Commissioner.

Delegation

6. (1) The Force shall be employed in and throughout the Republic to prevent and detect crime, repress internal disturbance, maintain security and public tranquillity, apprehend offenders, bring offenders to justice, duly enforce all written laws with which it is directly charged and generally maintain the peace, and for the performance of such duties may carry arms.

Functions and administration of the Force

(2) The Force shall perform such military duties within the Republic as may be required of it under the authority of the President as Commander-in-Chief of the Armed Forces.

(3) The control of the police in any place shall be vested in such police officer as may be appointed by the Commissioner to be in charge thereof. Such officer shall carry out the orders of the Commissioner in all matters connected with the discipline, administration and training of the police officers under him.

7. The President may, in time of war or other emergency, employ the Force or part thereof in the defence of Botswana:

Employment of the Force in emergency

Provided that the Force or any part thereof when so employed shall remain for the purpose of administration and discipline under the command of the Commissioner.

PART III

APPOINTMENT, ATTESTATION, SERVICE AND DISCHARGE

8. The Commissioner shall, subject to the provisions of this Act, appoint fit and proper persons to be members of the Force up to and including the rank of Inspector, and may, in accordance with this Act, promote, suspend, reduce, dismiss or discharge any such member, provided that no member shall be promoted under this section above the rank of Inspector.

Attestation

Declaration on joining the Force	<p>9. (1) Every person on joining the Force shall make and sign a declaration before a senior police officer in Form I in the Schedule to this Act.</p> <p>(2) Every person shall, before making the declaration required by subsection (1), answer truly any question put to him as to his previous service and as to whether he has at any time been convicted of an offence punishable by the laws of Botswana or the laws of any other country.</p> <p>(3) Any person who makes a false statement in reply to a question put to him under subsection (2) to obtain or to attempt to obtain admission to the Force shall be guilty of an offence and liable to a fine of R100 and to imprisonment for 3 months.</p>
Leave conditions	<p>10. Leave will be granted to members of the Force in accordance with the regulations for the time being in force for the Botswana Government Service.</p>
Pensions and gratuities	<p>11. The grant of pensions and gratuities to members of the Force shall be governed by the Pensions (Consolidation) Law, 1965 and any regulations made thereunder.</p>
Permission for resignation	<p>12. No police officer below the rank of Assistant Superintendent shall be at liberty to resign from the Force unless expressly permitted to do so by the Commissioner or by an officer authorized by the Commissioner to grant such permission.</p>
Restriction on retirements	<p>13. Subject to the provisions of any other law no police officer shall be at liberty to retire from the Force in time of emergency or war unless the Commissioner, acting with the consent of the President, orders otherwise.</p>
Interdiction of police officers	<p>14. (1) When any police officer is accused of any offence against this Act or any other written law, the Commissioner may interdict such officer from duty pending the institution and determination of proceedings against such officer.</p> <p>(2) A police officer who has been interdicted shall be allowed to receive such portion of his pay, not being less than one-half, as the Commissioner may in his discretion order; if the proceedings against such officer do not result in his dismissal or other punishment he shall be entitled to the full amount of the pay he would have received if he had not been interdicted.</p>
Termination of appointment	<p>15. (1) The Commissioner may, at any time, terminate the appointment of a police officer of or below the rank of Inspector and serving on probation if the Commissioner considers that such officer is unlikely to become an efficient police officer.</p>

(2) The termination of an appointment under this section shall not be a dismissal or removal from office and the decision of the Commissioner shall be final and no appeal shall lie to any person or authority.

16. (1) The Commissioner may, at any time, in respect of a police officer of or below the rank of Inspector — Dismissal and retirement

- (a) retire such officer on a reduction of establishment;
- (b) retire such officer if a board of Government medical officers shall find he is unfit mentally or physically for further service;
- (c) dismiss such officer if he is convicted of an offence under any written law other than this Act;
- (d) dismiss such officer if he is convicted of a disciplinary offence under the provisions of this Act;
- (e) retire such officer if he displays an habitual inattention to orders, or fails to obey orders, or fails to co-operate with members of the Force, or manifests a quarrelsome disposition or want of courage, although he is not guilty of a specific offence.

17. Nothing in section 15 or section 16 of this Act shall be construed so to affect any right to a pension or gratuity to which a member might be eligible in terms of the Pensions (Consolidation) Law, 1965 or any regulations made thereunder. Earning of pension rights

18. No police officer shall, without the consent of the Commissioner, engage in any employment whatsoever, other than in accordance with his duties under this Act. Not to engage in other employment

19. (1) All members of the Force, other than senior officers, will be provided with free uniform and equipment. Such uniform and equipment shall remain the property of the Botswana Government. Uniform and equipment

(2) When a police officer ceases to belong to the Force he shall forthwith deliver up to the person appointed by the Commissioner for the purpose, or to the officer in charge of police where he was last stationed, all equipment, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Botswana Government.

PART IV
POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS

General powers and duties

20. (1) Every police officer shall be deemed to be always on duty when required to act as such and may at any time be detailed for duty in any part of Botswana.

(2) Every police officer shall be an officer of the court for the service of any summons or warrant or other process directed to him.

(3) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist.

Powers to lay information

21. It shall be the duty of any police officer to lay information before a magistrate and to apply for a summons, search warrant or such other process as may by law be issued against any person committing an offence.

Right of entry in case of fire

22. (1) Any police officer may break into and enter upon any premises being or appearing to be on fire, or any premises adjacent thereto, without the consent of any person, and may do all acts or things deemed to be necessary for extinguishing such fire on any such premises or land, or for protecting the same or other property or rescuing any person or property from fire.

(2) No action shall lie in any court of law against any police officer or any other person acting under the instructions of any police officer for the recovery of any damage caused in exercising the powers conferred upon him by subsection (1) unless it be proved that such damage was caused *mala fide*.

(3) Any person who interferes with any police officer who is engaged in extinguishing or controlling a fire or with any person acting under the instructions of such police officer shall be liable on conviction to a fine of R100 and to imprisonment for 6 months.

PART V **DISCIPLINE**

Methods of dealing with offences

23. Any offence committed by a police officer in regard to which proceedings are not instituted in a criminal court shall, in the case of a police officer of or below the rank of Inspector, be dealt with in accordance with the provisions of this Part of this Act.

Offences for trial by criminal courts

24. (1) Any police officer who —

(a) being present at any mutiny or sedition amongst the Force does not use his utmost endeavours to suppress such mutiny or sedition; or

- (b) knowing of any intended mutiny or sedition amongst the Force does not give information thereof without delay to his senior officer; or
- (c) deserts; or
- (d) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or
- (e) knowing that any police officer has deserted or intends to desert does not give information thereof without delay to his senior officer,

shall be guilty of an offence and liable to imprisonment for 12 months.

(2) A police officer shall not be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force:

Provided that proof that a police officer has been absent from duty without leave for a period of 28 days or more shall be *prima facie* evidence of an intention not to return to the Force.

25. Any police officer of or below the rank of Inspector commits an offence against discipline if he is guilty of —

Disciplinary
offences

- (a) disobedience to orders, that is to say, if he disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (b) insubordinate or oppressive conduct, that is to say, if he —
 - (i) is disrespectful in word, act or demeanour to his senior in rank;
 - (ii) is oppressive or tyrannical in conduct towards his junior in rank;
 - (iii) uses obscene, abusive or insulting language to any other police officer;
 - (iv) assaults any other police officer;
 - (v) wilfully or negligently makes any false complaint against any police officer;
 - (vi) fails to report any complaint or report made against any police officer;
 - (vii) talks or is inattentive or otherwise misbehaves himself on parade;
 - (viii) being under arrest or in confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;

- (ix) resists an escort whose duty it is to apprehend him or to have him in charge;
- (c) neglect of duty, that is to say, if he —
- (i) neglects, or without good and sufficient cause omits, promptly and diligently, to attend to or carry out anything which it is his duty as a police officer to attend to or carry out;
 - (ii) idles or gossips or sits or lies down without reasonable cause when on duty;
 - (iii) sleeps when on duty;
 - (iv) fails to work his beat in accordance with orders or leaves his beat point or other place of duty to which he has been ordered without due permission or sufficient cause;
 - (v) by carelessness or neglect permits a prisoner to escape;
 - (vi) when knowing where any offender is to be found fails to report the same or to exert himself to make the offender amenable to the law;
 - (vii) fails to report any matter which it is his duty to report;
 - (viii) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge;
 - (ix) neglects or refuses to assist in the apprehension of any police officer charged with any offence;
 - (x) without reasonable cause omits to make any necessary entry in any official document, book or paper;
 - (xi) refuses, or without good and sufficient cause omits, to make or send a report or return which it is his duty to make or send;
 - (xii) neglects to assist any person injured or taken ill on the streets;
- (d) discreditable conduct, that is to say, if he —
- (i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;

- (ii) lends money to any senior or borrows money from or accepts any present from any junior in rank;
 - (iii) incurs debt in or out of the Force without any reasonable prospect or intention of paying the same or, having incurred any debt, makes no reasonable effort to pay the same;
 - (iv) if called upon by the Commissioner to furnish a full and true statement of his financial position, fails to do so;
- (e) absence without leave or being late for duty, that is to say, if he —
- (i) without reasonable cause or excuse is absent without leave from or is late for parade, court or any other duty;
 - (ii) leaves without right or permission or lawful reason any police camp or quarters;
- (f) falsehood or prevarication, that is to say, if he —
- (i) knowingly makes or signs any false statement in any official book or document;
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
 - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;
 - (iv) prevaricates before any court or inquiry;
- (g) breach of confidence, that is to say, if he —
- (i) divulges any matter which it is his duty to keep secret;
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued except in the lawful execution of such warrant or summons;
 - (iii) without proper authority communicates to the public press, or to any unauthorized person any matter concerning the Force;
 - (iv) without proper authority shows to any person outside the Force any book or written or printed document, the property of the Force;

- (v) makes, or joins in making, any anonymous communication to a superior officer;
- (iv) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner;
- (vii) signs or circulates any petition or statement with regard to any matter concerning the Force, except through the proper channels of correspondence to the Commissioner;
- (h) corrupt practice, that is to say, if he fails to account for or to make a true and prompt return of any money or property received by him in his official capacity;
- (i) unlawful or unnecessary exercise of authority, that is to say, if he —
 - (i) without good and sufficient cause makes any unlawful or unnecessary arrest;
 - (ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;
 - (iii) is uncivil to any member of the public;
- (j) malingering, that is to say, if he —
 - (i) feigns or exaggerates any sickness or injury with a view to evading duty;
 - (ii) while absent from duty on account of sickness neglects or without good and sufficient cause omits to carry out any instruction of a medical officer or of a member of the hospital staff or acts or conducts himself in a manner calculated to retard his return to duty;
- (k) uncleanness, that is to say, if he while on duty, or while off duty in uniform in a public place, is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;
- (l) damage to property, that is to say, if he —
 - (i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrements or to any book, document or other property of the Force, served out to him or used by him or entrusted to his care;
 - (ii) fails to report any loss or damage as aforesaid however caused;

- (*m*) offences relating to the consumption of liquor, that is to say, if he —
 - (i) renders himself unfit for duty through the consumption of intoxicating liquor or drugs;
 - (ii) whilst on or detailed for duty and in uniform partakes of intoxicating liquor;
- (*n*) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor or enters other premises where intoxicating liquor is offered for sale when on duty, except when his presence is required there in the execution of his duty;
- (*o*) engaging without authority in any employment or office other than his police duties;
- (*p*) discharging his firearm without orders or just cause;
- (*q*) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;
- (*r*) any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified;
- (*s*) conniving at or knowingly being an accessory to any offence against discipline under this Act,

and such offence may be inquired of, tried and determined and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of this Act:

Provided that a police officer shall not be found guilty of an offence under paragraphs (*c*) (ii), (*c*) (iii) or (*n*) of this section unless it shall be proved that at the time when such offence was committed he was on a specific duty for which he was specially detailed.

- 26.** (1) A police officer shall not be or become a member of —
- (*a*) any trade union, or of any body or association affiliated to a trade union; or
 - (*b*) any body or association the object of which or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
 - (*c*) any body or association the object of which is to control or influence the pay, pensions or conditions of service of the Force:

Membership
of trade union
forbidden

Provided that a police officer may become a member of any such body or association which may be constituted and regulated pursuant to regulations made under this Act.

(2) Any police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force.

Powers of
arrest and
remand

27. Any senior officer, subordinate officer or station commander may arrest without warrant, or order the arrest without warrant, of any police officer (not being a police officer of higher rank) who is accused of an offence against discipline, and any police officer, on receipt of any such order, may apprehend such accused police officer without warrant and shall forthwith bring him before a senior police officer or station commander, who may confine such police officer in any building set apart as a guard room or cell.

Authorities
for the trial of
disciplinary
offences

28. (1) Offences against discipline shall be tried before a Board constituted under subsection (2) as the Commissioner may direct.

(2) Boards for the trial of disciplinary offences shall be —

- (a) a Board, held by a police officer not below the rank of Assistant Commissioner and specially authorized by the Commissioner in that behalf, or comprising three senior officers specially appointed by the Commissioner in that behalf, hereinafter referred to as a Class I Board; and
- (b) a Board, held by any senior police officer, hereinafter referred to as a Class II Board:

Provided that where it appears to a Class II Board that, by reason of the gravity of the offence or for any other reason, the matter would be dealt with more properly by a Class I Board, the Class II Board shall defer its verdict and report the facts to the Commissioner, who may return the report for further inquiry or order the accused to be tried before a Class I Board.

Attendance of
witnesses

29. Any senior officer may summon any person to attend as a witness at a trial by a Board and may, being a member of such a Board, take evidence on oath or affirmation of any witness.

Disobedience
to summons

30. (1) Any person summoned as a witness under section 29 who fails to attend at the time and place appointed in the summons or who refuses to be sworn or, having been sworn, refuses to give evidence or to answer a lawful question or to do any lawful thing required by the Board, shall be liable to be dealt with by a subordinate court in the like manner as if such witness had been a witness duly summoned to appear at a criminal trial before such court.

(2) If at any trial under this Part of this Act any witness having been duly sworn makes any false statement knowing the same to be false he shall be guilty of perjury and liable to punishment accordingly in a subordinate court having jurisdiction.

31. Expenses shall be allowed in accordance with the scales of expenses for witnesses attending a subordinate court on subpoena to such witnesses attending Board trials under this Act whether such witnesses are called for the prosecution or defence, provided that no member of the Force nor any person in the employment of the Botswana Government shall qualify for such expenses. Witnesses' expenses

32. At a trial by a Class I Board comprising 3 senior officers, the person accused shall be entitled to be represented at his own expense by a legal practitioner admitted to practise in Botswana or by a senior or subordinate officer approved by the Commissioner. Representation of the accused

33. (1) All Boards shall have the power to award any one or more of the following punishments — Punishment

(a) in the case of a subordinate officer —

- (i) admonition;
- (ii) reprimand or severe reprimand;
- (iii) a fine not exceeding R15;

(b) in the case of other ranks —

- (i) admonition;
- (ii) reprimand or severe reprimand;
- (iii) a fine not exceeding R10;
- (iv) confinement to police lines for a period not exceeding 14 days with or without punishment drill, extra guards, fatigues or other duties in addition to normal duty.

(2) In addition to the powers conferred by subsection (1) of this section a Class I Board shall have power to award a fine not exceeding one month's pay or R100 whichever shall be the less.

(3) In addition to the powers conferred on Boards by subsection (1) of this section, where any police officer has been convicted of a disciplinary offence under section 25 of this Act, the Board convicting him may order him to make good the loss or damage to the Force, and such order shall for the purpose of section 35 be deemed to be a sentence, and for the purpose of section 36 shall be deemed to be a fine.

Reduction in rank or dismissal **34.** A Board may, upon conviction of an offender, recommend to the Commissioner, in addition to or in lieu of any other penalty provided for in section 33, that the person convicted should be dismissed from the Force or be reduced in rank.

Commissioner to consider sentences **35.** (1) Any Board which sentences any police officer under this Act, except when such sentence is one of admonition or of extra guards, fatigues or other duties, shall forthwith transmit the record of proceedings to the Commissioner, who may alter, reverse or confirm the conviction, or increase, reduce, vary or confirm the sentence.

(2) The Commissioner may, in addition or in place of any sentence imposed, order the reduction in rank of the person convicted, or dismiss such person from the Force.

(3) No sentence shall be carried out until the decision of the Commissioner under subsections (1) and (2) of this section is made known.

(4) The powers conferred upon the Commissioner by subsections (1) and (2) of this section may, subject to the general or special directions of the Commissioner, be exercised by the Deputy Commissioner, and by any Assistant Commissioner authorized in that behalf by the Commissioner.

Stoppage of pay **36.** Any fine imposed upon a police officer by a Board may be recovered by stoppage from the pay of such officer.

Appeals **37.** A police officer convicted or sentenced by a Board under the provisions of this Act, shall, in order to avail himself of the right of appeal to the Public Service Commission, lodge notice of such appeal together with the grounds thereof with the Board which tried the case, within 7 days after notification to him of the Commissioner's decision and it shall be the duty of the Board forthwith to transmit the proceedings through the Commissioner to the Public Service Commission.

PART VI

REWARDS AND FINES FUND

Establishment **38.** (1) All fines imposed under the provisions of this Act or any regulations made thereunder for any offence against discipline, the proceeds of sales of unclaimed property as provided for in section 39, and any fees paid or donations made in respect of special services provided by the Force, shall be placed to the credit of a fund called the Police Rewards and Fines Fund.

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may, in his discretion, sanction payment from the Police Rewards and Fines Fund for any of the following purposes —

- (a) to assist the wives and families of deceased police officers of or below the rank of Inspector or to assist any such police officer discharged from the Force as medically unfit for further service;
- (b) as rewards to police officers of or below the rank of Inspector for meritorious acts or service in the execution of duty:
 Provided such payment shall not be made to any police officer who has received any other reward from Government revenue;
- (c) the procuring of any comforts or conveniences or advantages to members of the Force which are not chargeable to general revenue;
- (d) the granting of loans in special circumstances to police officers repayable by instalments; or
- (e) to provide prizes for competitions limited to members of the Force.

39. (1) Where any movable property has come into the possession of the officer in charge of a police station, and such property has not been lawfully claimed by any person for a period of three months, such officer in charge shall inform the Commissioner.

Unclaimed
property

(2) The Commissioner or any police officer authorized by him shall apply to the District Commissioner of the District where the property was found for an order that the said property be sold by auction and the proceeds paid into the Police Rewards and Fines Fund, or if the said property is worthless, for an order that it should be destroyed, and the District Commissioner may order accordingly.

(3) Notwithstanding anything in this section an officer in charge of a police station may, if he is of the opinion that the immediate sale of unclaimed property would be of benefit due to the perishable nature of such property, at any time direct that it be sold by public auction and the proceeds paid into the Police Rewards and Fines Fund, or if the unclaimed property is in his opinion dangerous the officer in charge of a police station may order that it be destroyed.

(4) If a lawful claim to the ownership of unclaimed property sold under the provisions of this section is established by any person within 6 months of the date of sale the proceeds thereof shall be paid to such person.

(5) So much of the proceeds of the sale of such unclaimed property as the Commissioner may direct, if no claim has been established under subsection (4), may be apportioned to the finder.

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(6) Nothing in this section contained shall authorize the sale of stock for the disposal of which provision is made in the Stock Theft Act, or the sale of anything for the disposal of which provision is made in the Fauna Conservation Proclamation, 1961.

22 of 1961

PART VII

SPECIAL CONSTABLES

Appointment
of special
constables

40. Whenever there are not in any locality sufficient members of the Force available to perform police duties or whenever any grave disturbance of the peace has taken place, or may be reasonably anticipated, the President, on the application of the Commissioner, may authorize generally or in any particular case any senior police officer to appoint by writing in Form 2 of the Schedule to this Act any persons to act as special constables for such time and in such manner as to the senior police officer may seem fit and necessary for the preservation of peace, the protection of the inhabitants and the security of property.

Equipment
for special
constables

41. The Commissioner may provide for the use of special constables, at public expense, such batons, weapons and other articles as he may consider necessary for the proper carrying out of the duties of their office.

Powers of
special
constable

42. Every special constable appointed under this Act shall have the same powers, privileges and protection and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as police officers.

Deter-
mination of
services of
special
constables

43. The Commissioner may suspend or determine the services of any special constable if he considers such services can be safely dispensed with, and shall forthwith transmit notice thereof in writing in Form 3 in the Schedule to this Act to the special constable concerned.

Delivering up
of equipment

44. Every special constable shall, within two weeks after receipt of the notice determining his appointment, deliver up every baton, weapon or other article which may have been provided to him.

- 45.** Whenever any special constable is employed on active duty he may be paid such remuneration as the President may determine. Remuneration of special constables
- 46.** (1) If a special constable is permanently or temporarily disabled by sickness or injury contracted or inflicted — Compensation of special constables for injury, sickness or death
- (a) in the actual discharge of his duty or in the course of training which he has been required or permitted to undergo; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duties,

the President may award him such compensation therefor as the President may deem proper.

(2) If as a result of such sickness or injury as is set out in subsection (1) a special constable dies or is killed, the President may award to his dependents such compensation as he deems proper.

PART VIII GENERAL

47. Nothing in this Act shall exempt any person from being proceeded against under any other written law in respect of any offence made punishable by this Act: Power to prosecute under other written laws

Provided that no person shall be punished twice for the same offence.

48. Any person, not being a police officer, who is found in possession of any article whatsoever which has been supplied to any police officer for the execution of his duty and who fails to account satisfactorily for the possession thereof, or who, without due authority purchases or receives such article from any such officer, or who aids and abets any such officer to sell or dispose of any such article, shall be guilty of an offence and liable to a fine of R20 and to imprisonment for 3 months. Unlawful possession of property

49. No article whatsoever which has been supplied to any police officer for the execution of his duty shall be capable of being seized or attached under any writ of execution issued against any such police officer nor shall the same pass under any order made for the sequestration of the estate of any such police officer. Attachment of property of police officers

50. No police officer shall assign, without the approval of the Director of Personnel in the case of a senior police officer, and in the case of any other police officer without the approval of the Commis- Assignment of pay

sioner, the whole or any part of any pay or allowances payable under this Act or any regulations made thereunder.

Limitation of actions

51. For the protection of persons acting in pursuance of this Act or any regulations made thereunder, any civil action against any such person in respect of anything done or omitted to be done in pursuance thereof shall be commenced in the 6 months next after the cause of action arises, and notice of any civil action and of the substance thereof shall be given to the defendant at least two months before the commencement of the said action:

Provided that the court may, for good cause, proof of which shall lie upon the applicant, extend the said period of 6 months.

Application of general orders

52. In respect of any matter not provided for in this Act and in any regulations or orders made thereunder, all police officers shall be subject to the provisions of the Botswana Public Service General Orders as are from time to time in force.

PART IX

MISCELLANEOUS

Power to make regulations

53. The President may make regulations for the better carrying out of the provisions of this Act and the general control and administration of the Force and without prejudice to the generality of the foregoing such regulations may —

- (a) make provision regarding the matters which the Commissioner is authorized to order under any section of this Act;
- (b) regulate the enlistment, pay, leave, conditions of service, transfer, discharge and dismissal of police officers;
- (c) regulate the procedure at disciplinary trials held under section 28 of this Act;
- (d) provide for the establishment, constitution, functions and procedure of police associations and matters incidental thereto;
- (e) regulate the award of such medals as the President may be empowered to award;
- (f) prescribe anything which by this Act may or is to be prescribed.

Repeal and saving
Cap. 63

54. (1) The Police Proclamation is hereby repealed.
(2) All police officers who immediately prior to the commencement of this Act were attested members of the Force shall be deemed to have been appointed under this Act, and any prior service of such officers shall be deemed to be service under the provisions of this Act.

SCHEDULE

Form 1

POLICE OATH OF ALLEGIANCE
(Promissory Oaths Law No. 36/66)
(s.9)

Ido swear that I will well and truly serve the Republic and President of Botswana as a member of the Botswana 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

.....
Signature

Declared atthis.....day of
19.....

.....
Witness

.....
Commissioner or Authorized Officer

BOTSWANA POLICE
APPOINTMENT OF SPECIAL CONSTABLES
(s.40)

Under and by virtue of the powers vested in him by section 40 of the Police Act, 1972, the President, on application of the Commissioner of Police, has authorized the appointment of:

.....
.....
.....

to be a Special Constable in the Botswana Police for the period

.....

Such appointment shall terminate automatically if the holder shall resign or be discharged from his substantive appointment in the services of the Botswana Government and his appointment as a Special Constable may be withdrawn at any time by the Commissioner of Police.

The holder shall have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and shall be subordinate to the same authorities as ordinary members of the Force.

Signed at Botswana Police Headquarters, Gaborone on the
day of 19.....

COMMISSIONER OF POLICE

Form 3

BOTSWANA POLICE
DETERMINATION OF SERVICES: SPECIAL CONSTABLES
(s.43)

Under and by virtue of the powers vested in the Commissioner of Police by section 43 of the Police Act, 1972, I hereby give notice that I have terminated the appointment as Special Constable of:—

with immediate effect.

Signed at Botswana Police Headquarters, Gaborone,
on the.....day of.....19.....

COMMISSIONER OF POLLICE

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

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