

CHIEFTAINSHIP (AMENDMENT) ACT, 1973

No. 11



of 1973

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 10
3. Amendment of section 13
4. Amendment of section 24

AN ACT TO AMEND THE CHIEFTAINSHIP LAW, 1965.

Date of Assent: 22.6.73

Date of Commencement:

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Chieftainship (Amendment) Act, 1973. Short title.

2. Section 10 of the Chieftainship Law, 1965, hereinafter referred to as the principal law, is amended by inserting immediately after subsection (2) thereof the following new subsection — Amendment of section 10 (29 of 1965)

“(2A) If any disagreement arises between the Chief and the President as to the choice of deputy chief, the matter shall be decided by the President and the President, by notice in the Gazette, shall appoint such person to be deputy chief as he deems fit.”

3. Section 13 of the principal law is amended by substituting for subsections (2), (3), (4) and (5) thereof the following new subsections — Amendment of section 13.

“(2) Where a Chief has been informed in writing of any fact in accordance with the provisions of subsection (1), the President shall make such inquiry or cause such inquiry to be made as he deems fit, and consider any representations made to him by the Chief, and thereafter the President may, in his discretion, if he considers it to be expedient and in the interests of peace, good order and good government, depose such Chief or suspend him from the Chieftainship for such period as he deems fit.

(3) A Chief who has been deposed or suspended under this section shall thereupon cease to hold office as Chief, shall no longer exercise any of the powers or perform any of the duties of a Chief under this or any other written law, and shall be barred from appointment or recognition as a Chief under this Act —

- (a) in the case of a Chief who has been deposed, unless or until the President otherwise directs; or
- (b) in the case of a Chief who has been suspended, until the termination of his period of suspension.

(4) Notwithstanding anything elsewhere contained in this Law —

- (a) where the President has deposed a Chief he may, if he considers it expedient and in the interests of peace, good order and good government, and after consultation with the kgotla, appoint a person to be Chief for such period as he deems fit, and such person shall during such period be deemed to be and to be recognized and designated as the Chief for the purposes of this Law; or
- (b) where the President has suspended a Chief he may appoint any person whom he deems fit to act as Chief during the period of suspension, and such person shall during such period be deemed to be and to be recognized and designated as the Chief for the purposes of this Law.”.

Amendment
of section 24

4. Section 24 of the principal law is amended by inserting immediately after subsection (2) thereof the following new subsection —

“(2A) The Minister may, if he is satisfied that —

- (a) the recognition of a headman has been made without due consideration of the wishes and the interests of the kgotla, cancel the recognition of such headman, and may recognize as headman such person as he deems fit;

- (b) the appointment of the person proposed by the Chief as his representative would not be in the interests of the people of the area, make such appointment as he deems fit; or
- (c) the Chief is wilfully failing or refusing to fulfil his responsibilities under this section, recognize as headman or appoint as Chief's representative, as the case may be, such person as he deems fit,

and any recognition or appointment made by the Minister under this subsection shall not be capable of termination by the Chief.”.

Passed by the National Assembly this 29th day of May, 1973.

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