

**REVISION OF THE LAWS ACT, 1973**

**No. 15**



**of 1973**

**REVISION OF THE LAWS  
ARRANGEMENT OF SECTIONS**

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**AN ACT TO PROVIDE FOR REVISIONS OF THE LAWS OF  
BOTSWANA AND FOR MATTERS CONNECTED THERE-  
WITH AND INCIDENTAL THERETO.**

*Date of Assent: 25.9.73*

*Date of Commencement: 5.10.73*

ENACTED by the Parliament of Botswana.

Short title

**1.** This Act may be cited as the Revision of the Laws Act, 1973.

Inter-  
pretation

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

“Act” means any written law, however entitled, enacted by, or having force and effect in Botswana as an enactment of, the Parliament of Botswana;

“Commissioner” means the Law Revision Commissioner appointed by the President under section 3;

“in force”, in relation to an Act, means enacted and brought into operation, and, in relation to subsidiary legislation, means made and brought into operation;

“Law Revision Order” means an order made by the President under section 5;

“revision date”, in respect of the first edition of the Laws of Botswana prepared and published under this Act, means such date as the President may appoint as the first revision date and, in respect of subsequent revisions of the Laws of Botswana, means the 1st January in each year or such other date or dates in any year in addition to or in substitution for the 1st January as the President may appoint as a revision date or revision dates.

Appointment  
of Commis-  
sioner

**3.** The President may, from time to time, appoint a Commissioner for the purposes of this Act, who shall be known as the Law Revision Commissioner.

Duty of  
Commissioner

**4.** It shall be the duty of the Commissioner, in accordance with this Act, to prepare and publish, or cause to be prepared and published, an edition to be known as the Laws of Botswana, containing all the written laws required to be contained therein, and to maintain and from time to time revise such edition.

Publication of  
the Laws of  
Botswana

**5.** (1) The Laws of Botswana shall be published in loose-leaf form, or such other form as the Commissioner may determine, and shall comprise only such pages as may be authorized to be included therein by the President under subsection (2).

(2) The President shall, by order published in the Gazette, give authority for the inclusion in the Laws of Botswana of each and every page to be comprised therein, and may similarly authorize the replacement of pages therein and the removal of pages therefrom, and no page shall be deemed to form part of the Laws of Botswana until or unless it is so authorized.

(3) Every page comprised in the Laws of Botswana shall bear a reference to the Law Revision Order by which its inclusion therein was authorized.

(4) A Law Revision Order may authorize the inclusion in the Laws of Botswana of pages on which are reproduced a written law

although such written law may not have been brought into operation on or before the last preceding revision date, provided that such written law comes into operation, or an instrument bringing that written law into operation has been published, prior to the publication of such Law Revision Order.

**6.** (1) As soon as practicable after the 1st January, 1974, and after each subsequent revision date, the Laws of Botswana shall be revised in accordance with this Act, and the necessary pages prepared for inclusion in, or to replace pages in, the Laws of Botswana, and the necessary steps taken to remove from the Laws of Botswana pages no longer required, to the intent that the Laws of Botswana shall contain all the written laws which are required or authorized by this Act to be included therein and are in force on the relevant revision date.

Periodical  
revision of  
Laws of  
Botswana

(2) Where any error in or omission from the Laws of Botswana comes to light and such error or omission cannot be conveniently corrected under section 14, the Commissioner may, at any time, prepare the necessary pages and take the necessary steps which should have been prepared or taken in order to comply with subsection (1); a Law Revision Order authorizing the inclusion, replacement or removal of pages for such purpose may have retrospective effect to the date of coming into operation of the Law Revision Order from which the error or omission resulted.

(3) Nothing in this section or in section 2 or section 5 shall be construed so as to prevent the President from appointing more than one revision date in any year.

**7.** The written laws reproduced on the pages duly authorized for inclusion in the Laws of Botswana shall, subject to section 5 (4), constitute in all courts and for all purposes, the sole and proper version of those laws in force on the last preceding revision date.

Laws of  
Botswana to  
constitute sole  
and proper  
version of  
laws

**8.** The Laws of Botswana shall, in relation to any revision date, contain --

Contents of  
Laws of  
Botswana

- (a) every Act in force in Botswana, unless omitted under section 9;
- (b) such subsidiary legislation in force in Botswana as the Commissioner thinks fit to include therein;
- (c) a chronological list of Acts and a table of contents;
- (d) a list of the Acts omitted under the authority of section 9 (c), (d) and (e).

**9.** It shall not be necessary to include in the Laws of Botswana --  
(a) any Appropriation Act or Supplementary Appropriation Act;

Power to omit  
certain laws  
from the  
Laws of  
Botswana

- (b) any foreign law which is applied in Botswana by virtue of a specific provision in an Act of the Parliament of Botswana, even though not therein set out;
- (c) any loan Act or loan guarantee Act;
- (d) any Act of a temporary nature which can, in the opinion of the Commissioner, be conveniently omitted;
- (e) any Act specified by the President, by order, for the purpose of this section;
- (f) any subsidiary legislation which the Commissioner thinks fit to omit therefrom.

Validity of laws not included in the Laws of Botswana

**10.** Any written law omitted from the Laws of Botswana under the authority of section 9 (a) or (b), and any written law omitted from the Laws of Botswana under the authority of section 9 (c), (d) or (e) which is specified in the list referred to in section 8 (d), shall have the same force and effect as if it had not been so omitted, but otherwise no written law shall have force and effect in Botswana unless it is reproduced in the Laws of Botswana or specified in the list referred to in section 8 (d):

Provided that this section shall not apply to any written law brought into operation after a revision date until it is incorporated in the Laws of Botswana by means of a Law Revision Order prepared for the purpose of the next succeeding revision date.

Powers in respect of preparation of pages

**11.** (1) In the preparation of pages for inclusion in the Laws of Botswana, there shall be power —

- (a) to omit or remove from the Laws of Botswana —
  - (i) all written laws or parts of written laws which have been repealed expressly or specifically or by necessary implication, or which have expired, or have become spent or have had their effect;
  - (ii) all repealing enactments contained in written laws and also all tables or lists of repealed enactments, whether contained in schedules or otherwise;
  - (iii) all preambles or long titles to written laws where such omission can, in the opinion of the Commissioner, be conveniently made;
  - (iv) all introductory words of enactment in any provision of any written law;
  - (v) all enacting clauses;
  - (vi) all provisions prescribing the date when any written law or part of a written law is to come into force where such omission can, in the opinion of the Commissioner, be conveniently made; and

- (vii) all amending written laws or parts thereof where the amendments effected thereby have been embodied in the laws to which they relate;
- (b) to consolidate into one written law any two or more written laws relating to similar matters, making all the necessary alterations therefor and affixing such date thereto as may seem convenient;
- (c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions;
- (d) to alter the form or arrangement of any provision by transferring words, by combining it in whole or in part with another provision or other provisions or by dividing it into two or more provisions;
- (e) to divide any written law, whether consolidated or not, into Parts, Chapters or Divisions;
- (f) to transfer any provision contained in any written law from that law to any other written law to which the Commissioner considers that it more properly belongs;
- (g) to arrange written laws, whether consolidated or not, in any sequence or group that may be convenient, irrespective of the date of enactment;
- (h) to add a long title, short title or citation to any written law which may require it and, where the Commissioner considers it necessary, to alter the long title, short title or citation in any written law;
- (i) to supply or alter marginal notes;
- (j) to supply or alter tables of contents;
- (k) to correct cross-references;
- (l) to shorten and simplify the phraseology of any enactment;
- (m) to correct grammatical and typographical errors, or any clerical or printing errors in any written law and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;
- (n) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any written law into conformity with the circumstances of Botswana;
- (o) to make such adaptations or amendments to any written law as may appear to be necessary or proper as a consequence of any change in the constitution of any country;
- (p) to renumber any Part, Chapter or Division and to re-arrange the order of Parts, Chapters or Divisions;

- (g) to classify or arrange all written laws under headings or otherwise, and to add to, alter or abolish any such classification or arrangement;
- (r) to cause to be included in the Laws of Botswana any written law which has been omitted therefrom under the authority of this Act;
- (s) to do all things relating to form and method which to the Commissioner appear necessary for the perfecting of the Laws of Botswana.

(2) In the preparation of pages for inclusion in the Laws of Botswana there shall be power to make such amendments, modifications, adaptations, qualifications and exceptions to the written laws as may be necessary or expedient for bringing them into conformity with the provisions of the Botswana Independence Act, 1966, the Botswana Independence Order, 1966, or of the Constitution or of any written laws replacing them, or otherwise for enabling effect to be given to such provisions.

No power to make amendments of substance

**12.** Subject to section 11 (2), nothing in this Act shall confer any power to make any alterations or amendments in the substance of any law.

Construction of reference to repealed, etc. written law

**13.** Where in any written law or in any document of whatever kind reference is made to any law repealed or otherwise affected by or under the operation of this Act, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding law in the Laws of Botswana.

Power of Commissioner to rectify errors by order

**14.** The Commissioner may at any time, by order, rectify any clerical or printing error appearing in the Laws of Botswana, or rectify in a manner not inconsistent with the powers of revision conferred by this Act any other error so appearing, or any other matter or omission requiring revision.

Repeal 50 of 1968

**15.** The Revised Edition of the Laws Act, 1968 is hereby repealed.

Passed by the National Assembly this 9th day of August, 1973.

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