

*Statutory Instrument No. 91 of 1980*

PRISONS ACT, 1979  
(28 of 1979)

**PRISONS (BOTSWANA PRISON OFFICERS  
ASSOCIATION) REGULATIONS, 1980**

*(Published on 20th June, 1980)*

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IN EXERCISE of the powers conferred on the Minister of Home Affairs by sections 25 (3) and 137 of the Prisons Act, 1979, the following Regulations are hereby made —

Citation 1. These Regulations may be cited as the Prisons (Botswana Prison Officers Association) Regulations, 1980.

Establishment of Botswana Prison Officers Association 2. (1) An association, to be called the Botswana Prison Officers Association (and hereinafter referred to as "the Association"), is hereby established.

(2) The object of the Association shall be to enable prison officers to meet in order to consider and bring to the notice of the Director matters affecting the welfare and efficiency of the Service.

(3) The Association may consider the general principles governing appointments, promotions, transfers, matters of discipline and salaries within the Service with a view to improving conditions within the Service as a whole; but the Association shall not consider individual cases concerning these matters.

(4) The Association shall be independent of and not associated with any association or other body outside the Service.

(5) No person other than a prison officer shall become a member of the Association in any capacity whether honorary or otherwise.

(6) Every prison officer shall be entitled to become a member of the Association if and shall not be so entitled unless he is below the rank of Assistant Director of Prisons.

(7) A member of the Association who ceases to be a prison officer or is promoted to the rank of Assistant Director of Prisons or above shall thereupon cease to be a member of the Association.

(8) No fee shall be payable as a condition of membership of the Association.

3. For the purposes of these Regulations, the following divisions, to be called Prisons Divisions, are hereby established –

Establishment  
of Prisons  
Divisions

- (a) the Northern Division, comprising all that part of Botswana lying north of the Tropic of Capricorn; and
- (b) the Southern Division, comprising all that part of Botswana lying south of the Tropic of Capricorn.

4. (1) A board, to be called the Branch Board, is hereby established for each Prisons Division.

Establishment  
of Branch  
Boards

(2) Each Branch Board shall consist of 9 members of whom –

- (a) 3 shall be senior officers elected from among themselves by senior officers for the time being serving in the Prisons Division for which the Board is established;
- (b) 3 shall be junior officers elected from among themselves by junior officers for the time being serving in that Prisons Division; and
- (c) 3 shall be subordinate officers elected from among themselves by subordinate officers for the time being serving in that Prisons Division.

(3) The members of the Association for the time being serving in each Prisons Division shall, between 1st July and 31st August, 1980, elect from among themselves, in accordance with this regulation, members of the Branch Board established for that Division.

(4) Every member of a Branch Board shall retire from the Board on the third 31st August following his election to the Board but shall be eligible for re-election to the Board.

(5) Notwithstanding subregulation (4), of the original members of each Branch Board (not including such a member who has retired in accordance with this subregulation and been re-elected to the Board) –

- (a) 3 chosen at the Board's annual meeting in September, 1980, by ballot of all the members of the Board present thereat, shall retire on 31st August, 1981;
- (b) 3 chosen at the Board's annual meeting in September, 1981, by ballot of all the members of the Board present thereat, shall retire on 31st August, 1982; and
- (c) 3 shall retire on 31st August, 1983.

(6) The 3 members of each Branch Board retiring in accordance with subregulation (5) (a) or (b) shall consist of one senior officer, one junior officer and one subordinate officer.

(7) The members of the Association for the time being serving in each Prisons Division shall, in September, 1981, and in every subsequent September, elect from among themselves, in accordance with this regulation, members of the Branch Board established for that Division to fill the vacancies created by retirement from the Board in accordance with subregulation (4) or (5), as the case may be.

(8) The election prescribed by subregulation (3) and every subsequent election prescribed by subregulation (7) shall be by secret ballot conducted by the Director or by such prison officer or prison officers as he may designate for that purpose.

(9) Notwithstanding the other provisions of this regulation, a member of a Branch Board shall immediately cease to be a member thereof on –

- (a) his resignation from the Board;
- (b) his ceasing to serve in the Prisons Division for which the Board is established;
- (c) promotion whereby he ceases to be a junior officer and becomes a senior officer or ceases to be a subordinate officer and becomes a junior officer;
- (d) reduction in rank whereby he ceases to be a senior officer and becomes a junior officer or ceases to be a junior officer and becomes a subordinate officer; or
- (e) his ceasing to be a member of the Association.

(10) Notwithstanding the other provisions of this regulation, if a vacancy occurs in the membership of a Branch Board (otherwise than by retirement in accordance with subregulation (4) or (5)), the Director may, after consulting each remaining member of the Board, appoint a member of the Association of an appropriate rank for the time being serving in the Prisons Division for which the Board is established to fill the vacancy.

(11) Every prison officer who is appointed a member of a Branch Board under subregulation (10) shall assume the term of the member in respect of whom the vacancy in question occurred unless that member was an original member whose term had not yet been fixed under or by virtue of subregulation (5), in which last case the new member shall be treated for the purposes of subregulation (5) as if he were that original member.

Annual  
meeting of  
Branch Board

5. (1) Each Branch Board shall hold an annual meeting in September of every year which, in 1981 and in subsequent years, shall be held after the election prescribed by regulation 4 (7).

(2) The annual meeting of a Branch Board shall be held —

- (a) in the case of the Branch Board established for the Northern Division, at Francistown; and
- (b) in the case of the Branch Board established for the Southern Division, at Gaborone.

(3) At each annual meeting of a Branch Board, the members of the Branch Board present thereat shall —

- (a) elect from among themselves a Chairman and a Secretary of the Board;
- (b) formulate and consider a resolution in respect of any matter concerning the Association which any member of the Association for the time being serving in the Prisons Division for which the Board is established has required, by notice in writing received by the Secretary of the Board not later than 7 clear days before the commencement of the meeting, to be considered by the Board and in respect of any matter concerning the Association raised for discussion at the meeting by a member of the Board present thereat; and
- (c) elect from among the members of the Board delegates to the next Central Conference in accordance with regulation 8.

(4) A vote shall be taken by the members of the Board present upon every resolution such as is referred to in subregulation (3) (b) and, where a majority of the votes cast are in favour, a copy of the resolution shall be forwarded by the Secretary of the Board to the Secretary of the Central Committee.

6. Where the Director is informed in writing by a majority of the members of a Branch Board that they wish to consider any matter concerning the Association before the next annual meeting of the Board and the Director is of the opinion that exceptional circumstances exist, he may authorize the Board to hold a special meeting for the purposes of considering that matter.

Special meeting of Branch Board

7. (1) The Chairman and the Secretary of a Branch Board shall each hold office as such until the election of a new Chairman or Secretary, as the case may be, at a subsequent annual meeting of the Board.

Chairman and Secretary of Branch Board

Provided that the office of Chairman or of Secretary shall immediately become vacant on –

- (i) his retirement from the Board in accordance with regulation 4 (4) or (5) or his ceasing, for any other reason, to be a member of the Board;
- (ii) his resignation from the office; or
- (iii) the passing at a special meeting of the Board, by the members of the Board present thereat, of a resolution of no confidence in him.

(2) If the office of Chairman or of Secretary of a Branch Board becomes vacant between annual meetings of the Board, the Director may, after consulting each member of the Board, appoint one of them to fill the vacancy:

Provided that, where the office becomes vacant in consequence of a resolution of no confidence passed at a special meeting of the Board, by the members of the Board present thereat, those members shall immediately proceed to elect from among themselves a new Chairman or Secretary, as the case may be.

8. (1) A conference of the Branch Boards, to be called the Central Conference, shall be held at Gaborone in March of each year.

Central Conference

(2) The Central Conference shall consist of 6 delegates from each Branch Board elected from among themselves by the members of the Board at its annual meeting immediately preceding the Central Conference.

(3) The delegates to the Central Conference from each Branch Board shall consist of 2 senior officers, 2 junior officers and 2 subordinate officers.

(4) The Director shall appoint from among the delegates to the Central Conference a Chairman and a Secretary of the Conference.

(5) At the Central Conference, the delegates to the Conference shall consider and vote upon every resolution included in the agenda for the Conference and shall formulate, consider and vote upon a resolution in respect of any other matter concerning the Association referred to it by the Director; but the delegates to the Central Conference shall have no further or other business without the authority of the Director.

(6) No Central Conference shall last for more than 2 days without the consent in writing of the Director.

(7) The Secretary of the Central Conference shall keep a record of its proceedings and shall forward a copy thereof in duplicate to the Director within 30 days immediately after the end of the Central Conference.

(8) The presence of 6 delegates to the Central Conference shall constitute a quorum of the Conference.

Central  
Committee

9. (1) In addition to appointing a Chairman and a Secretary of the Central Conference in accordance with regulation 8 (4), the Director shall designate 2 other delegates to the Conference who, together with the Chairman and the Secretary, shall constitute a committee of the Association, to be called the Central Committee.

(2) The Central Committee shall remain in being until the appointment by the Director of a new Central Committee from among the delegates to the next Central Conference.

(3) The Chairman and the Secretary of the General Conference shall be the Chairman and the Secretary respectively of the Central Committee.

(4) The Central Committee shall hold a meeting immediately after the end of the Central Conference and a further meeting the following January.

(5) The Director may refer any matter concerning the Association to the Central Committee for its consideration and may, for this purpose, require the Central Committee, in writing, to hold a special meeting.

(6) Where the Director refers any matter to the Central Committee under subregulation (5), the Committee shall consult the members of the Branch Boards on the matter and thereafter cause a report in writing on the matter to be prepared and delivered to the Director setting out the Committee's views.

(7) The Committee may, after consulting the members of the Branch Boards, submit representations in writing to the Director on any matter concerning the Association.

(8) The Central Committee may, with the consent in writing of the Director, hold a special meeting to consider any matter concerning the Association referred to it as a matter of urgency by the Secretary of a Branch Board that has been raised by any member or group of members of the Association for the time being serving in the Prisons Division for which the Board is established and shall cause a report in writing on the matter to be prepared and delivered to the Director setting out the Committee's views.

(9) No meeting of the Central Committee shall last for more than 2 days without the consent in writing of the Director.

(10) Notwithstanding the other provisions of this regulation, a member of the Central Committee shall immediately cease to be a member thereof on –

- (a) his resignation from the Committee; or
- (b) his ceasing to be a member of the Association.

(11) If a vacancy occurs in the membership of the Central Committee between Central Conferences, the Director may appoint, from among the delegates to the immediately preceding Central Conference, a member of the Association to fill the vacancy and, where the member in respect of whom the vacancy occurred was the Chairman or the Secretary of the Central Committee, the Director may appoint a member of the Central Committee to fill the vacancy in the office of Chairman or of Secretary, as the case may be, which member may be the member appointed under this subregulation to fill the vacancy in membership.

(12) The office of Chairman or of Secretary of the Central Committee shall immediately become vacant on his resignation from the office whereupon the Director may appoint another member of the Committee to fill the vacancy.

(13) The presence of 2 members of the Central Committee shall constitute a quorum of the Committee.

10. (1) At its meeting in January, the Central Committee shall consider every resolution of a Branch Board a copy of which has been forwarded to the Secretary of the Central Committee in accordance with regulation 5 (4):

Preparation  
of agenda for  
Central  
Conference

Provided that no such resolution shall be considered unless a copy of it has been received by the Secretary of the Central Committee no later than 1st December immediately preceding the meeting.

(2) On considering a resolution of a Branch Board in accordance with subregulation (1), the Central Committee shall either include the resolution in a draft agent for the Central Conference, with or without such amendments as it thinks desirable, or reject the resolution for such inclusion, in which last case the Secretary of the Central Committee shall forthwith inform the Secretary of the Board concerned, in writing, of the reasons for the rejection.

(3) The Central Committee having prepared a draft agenda for the Central Conference in accordance with subregulation (3), the Secretary of the Central Committee shall deliver a copy thereof to the Director not later than 30 days immediately before the date on which the Central Conference is due to commence.

(4) The Director shall consider the draft agenda delivered to him in accordance with subregulation (3) and may approve the draft agenda either as it stands or after making such amendments, including the deletion of any resolution or the insertion of a new resolution, as he thinks desirable, whereupon the draft agenda, as so approved, shall be the agenda for the Central Conference.

(5) Before approving the draft agenda under subregulation (4), the Director shall take into account any representations in respect thereof which may be made to him by any prison officer of or above the rank of Assistant Director of Prisons and shall, for this purpose, make the draft agenda, as prepared by the Central Committee, available to every such officer for his perusal.

(6) Where the Director deletes a resolution included in the draft agenda prepared by the Central Committee, he shall forthwith inform the Secretary of the Central Committee, in writing, of the reasons for the deletion and the Secretary of the Central Committee shall cause those reasons to be given to the Central Conference.

11. (1) Within 14 days immediately after the end of the Central Conference, the Central Committee shall cause to be prepared and delivered to the Director a memorandum setting out every resolution voted upon by the delegates to the Conference, whether the resolution was or was not passed by the delegates, the number of votes cast for the resolution, the number of votes cast against the resolution and the number of abstentions in respect thereof.

Procedure  
following  
Central  
Conference

(2) On receipt of the memorandum referred to in subregulation (1), the Director shall carefully consider all the resolutions therein set out and the related voting figures and —

(a) may take such action within his lawful powers as he considers appropriate to give effect to any resolution passed by the delegates to the Central Conference; and

(b) shall refer to the Minister any resolution which, in his opinion, requires the Minister's consideration.

(3) Where the Director takes action under subregulation (2) (a) to give effect to a resolution, he shall forward to the Secretary of the Central Committee a report in writing setting out the details of that action and the Secretary of the Central Committee shall forthwith take steps to bring the contents of the report to the attention of the members of the Association.

General provisions relating to procedure

12. (1) The Chairman at the Central Conference or the Chairman at a meeting of the Central Committee or of a Branch Board shall have both an original and a casting vote.

(2) Every prison officer of or above the rank of Assistant Director of Prisons shall be entitled to attend the Central Conference and any meeting of the Central Committee or of a Branch Board:

Provided that –

- (i) no such officer shall take any part in the proceedings thereof unless invited to do so by a majority of the delegates or members, as the case may be, present and voting thereat; and
- (ii) where such an officer is invited to take part in the proceedings thereof, he shall not vote on any question.

(3) Subject to these Regulations, the Central Conference, the Central Committee and the Branch Boards shall each regulate its own procedure.

Delegate to Central Conference or member of Central Committee to Branch Board to be given official permission to attend Central Conference or meeting of Central Committee or Branch Board

13. Except where in special circumstances a prison officer is required for duty for which no substitute is reasonably available, he shall be given official permission to attend the Central Conference or any meeting of the Central Committee or of a Branch Board which he is otherwise entitled to attend as a delegate to the Central Conference or as a member of the Central Committee or of the Branch Board, as the case may be, and, where he does so attend with official permission, he shall be deemed to do so as part of his duty as a prison officer.

Transitional provision

14. (1) The Director shall appoint, from among the members of the Branch Boards elected in accordance with regulation 4 (3), a provisional committee of the Association (in this regulation referred to as "the provisional committee") consisting of 4 members.

(2) The provisional committee shall remain in being until the appointment by the Director of a Central Committee from among the delegates to the initial Central Conference in March, 1981.

(3) Pending the appointment by the Director of a Central Committee from among the delegates to the initial Central Conference in March, 1981, the provisional committee shall carry out the functions of the Central Committee and every reference in these Regulations to the Central Committee shall be deemed, for this purpose, to be a reference to the provisional committee.

(4) The Director shall appoint from among the members of the provisional committee a Chairman and a Secretary thereof.

MADE this 12th day of June, 1980.

**K.L. DISELE,**  
*Minister of Home Affairs.*

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