

**CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT)  
ACT, 1982**

No. 21



of 1982

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title
2. Amendment of section 301 of Cap. 08:02

**An Act to amend the Criminal procedure and Evidence Act**

*Date of Assent: 28.9.82*

*Date of Commencement: 15.10.82*

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1982. Short title

2. Section 301 of the Criminal Procedure and Evidence Act is hereby amended by adding at the end of subsection (2) thereof, the following new subsections- Amendment of section 301 of Cap 08:02

Cap. 04:04

“(3) Notwithstanding anything to the contrary contained in section 61 (2) of the Magistrates’ Courts Act and section 30 of the Penal Code and the preceding provisions of this section where a person is sentenced under sections 235, 297, 298 and 305 to 308 of the Penal Code to undergo corporal punishment, such person shall be given four strokes each quarter in the first and last years of his term of imprisonment and such strokes shall be administered in traditional manner with traditional instrument at such places as may be specified by the Minister.

(4) Where a person convicted of an offence under the provisions of any section of the Penal Code referred to in subsection (3) commits any other offence while in prison or attempts to escape from lawful custody, such person shall, in addition to any other punishment which may be lawfully imposed on him, be liable to corporal punishment to be administered in accordance with the provisions of subsection (3).

(5) The Minister may by statutory instrument make an order specifying such places as he may consider proper for administering corporal punishment in traditional manner with traditional instrument.”.

**PASSED** by the National Assembly this 30th day of August, 1982.

**B.K. TEMANE,**  
*Clerk of the National Assembly.*