

**CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ACT,
1983**

No.25



of 1983

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 222 of Cap. 08:02
3. Amendment of section 228 of principal Act
4. Insertion of new section 247A of principal Act
5. Amendment of section 301 of principal Act

An Act to amend the Criminal Procedure and Evidence Act

Date of Assent: 5.9.83

Date of Commencement: 9.9.83

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1983. Short title
2. Section 222 of the Criminal Procedure and Evidence Act (hereinafter referred to as "the principal Act") is amended by — Amendment of section 222 of Cap. 08:02
 - (a) substituting for the words "duly qualified medical practitioner or officer", which appear therein, the words "medical practitioner or officer or by an intern or houseman";
 - (b) by inserting therein, immediately after the words "such medical practitioner or officer", which appear therein, the words ",intern or houseman"; and
 - (c) by substituting for the words "practitioner, officer or surgeon", which appear therein, the words "medical practitioner or officer, intern or houseman or veterinary surgeon or officer".
3. Section 228 of the principal Act is amended by renumbering the section as subsection (1) thereof and adding thereto, immediately after subsection (1), the following new subsection — Amendment of section 228 of principal Act

"(2) It shall be lawful to admit evidence that anything was pointed out by the person under trial or that any fact or thing was discovered in consequence of information given by such person, notwithstanding that such pointing out or information forms part of a confession or statement which by law is not admissible against him on such trial."

Insertion
of new
section
247A of
principal
Act.

4. The principal Act is amended by inserting therein, immediately after section 247 thereof, the following new section —

"Inspection
of bankers'
books by
police

247A. (1) Where, on application made on oath by a policeman, a magistrate or a justice who is not a member of the police force is satisfied that the policeman believes there are reasonable grounds to suppose that the ledgers, day-books, cash-books or other account books or other accounting devices used by a bank (including a savings bank) may afford evidence as to the commission of any offence, the magistrate or justice may issue his warrant authorizing the policeman or policemen named therein —

- (a) to inspect all those ledgers, day-books, cash-books and other account books and other accounting devices carrying written records and make and retain in his or their possession copies or other record of any entries therein or extracted therefrom; and
- (b) to have access to all those other accounting devices carrying unwritten records and retrieve therefrom any information and make and retain in his or their possession a written or other record of that information.

(2) Any person resists or hinders or aids, incites or encourages any other person to resist or hinder a policeman in executing a warrant issued under this section shall be guilty of an offence and liable to a fine of P250."

Amendment
of section
301 of
principal
Act

5. Section 301 (3) of the principal Act is amended by substituting for the words "sections 235, 297, 298 and 305 to 308", which appear therein, the words "section 142, 143, 235, 297, 298, 305, 306, 307 or 308".

PASSED by the National Assembly this 19th day of August, 1983.

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