

*Statutory Instrument No. 155 of 1983*

**LEGAL PRACTITIONERS ACT**  
(Cap. 61:01)

**LEGAL PRACTITIONERS (EXAMINATION AND QUALIFICATIONS  
FOR ADMISSION) RULES, 1981**

**LEGAL PRACTITIONERS (SYLABUSES FOR EXAMINATIONS FOR  
CANDIDATES FOR ADMISSION AS ATTORNEYS) RULES, 1983**

*(Published on 9th December, 1983)*

IN EXERCISE of the powers conferred on the Legal Practitioners Committee by rule 6 of the Legal Practitioners (Examination and Qualifications for Admission) Rules, 1981, the following syllabuses for examinations to be admitted as an attorney are hereby prescribed for an articulated clerk who has served his articleship —

***SYLABUSES FOR EXAMINATIONS***

***CRIMINAL LAW***

The criminal act and its punishment. The general principles of criminal responsibility. *Actus reus* and *mens rea*. The defences to a criminal charge; insanity, intoxication, error, automatism, etc. Attempt, specific offences against property, Person and the Community, Penal Code.

***CRIMINAL PROCEDURE***

Sources of Criminal Procedure and Evidence in Botswana. Trial in the High Courts, Subordinate Courts, trial Court Procedure, Judgment, Sentences imposed, Trial in Juvenile Courts, Appeals and review by the High Court, Appeals to the Court of Appeal.

***CIVIL PROCEDURE***

Sources of Civil Procedure and Evidence in Botswana, Jurisdiction of the Courts. Summons, proceedings, Functions and rules of Pleadings, Judgment, Costs and execution of Judgment, Provisional sentence, review and Appeal.

***LAW OF EVIDENCE***

Definitions and Sources. Relevance and Admissibility. Character, Opinion. The rule against hearsay. Admissions and Confessions. Privilege, Public Policy. The Parol Evidence rule. Estoppel, Witnesses, documentary and real evidence. The rules of trial. The burden of Proof. Presumptions, corroboration. Cogency and proof.

***RELEVANT STATUTES AND COURTS RULES***

***THE STATUTORY LAW OF BOTSWANA***

	Constitution of Botswana
01:02	Interpretation and General Provisions
46:02	Bills of Exchange
25:01	Citizenship
42:01	Companies
55:03	Exchange Control
52:01	Income Tax
16:01	Insolvency
61:01	Legal Practitioners

## **CUSTOMARY LAW**

The origin and development of law in Botswana, recognition of Customary Law, repugnancy and inconsistency clause, the structure and jurisdiction of Customary Courts, the problem of choice of law in matters related to Customary Law marriage and Succession, judicial ascertainment of Customary Law.

As modified by relevant statutes.

## **ROMAN DUTCH LAW**

### *Law of Persons*

The nature of legal personality, its beginning and termination,

Status and Capacity

Domicile, Adoption, Illegitimacy

marriage, Formalities and legal implications.

Divorce and separation

Parent and Child

Minority and its implications

All as modified by relevant statutes.

### *Law of Contract*

The nature of contractual obligations Capacity to Contract, the

formation of contracts, Warranties, Conditions, Offer and

acceptance, termination of offer. Contracts *Contrabonos mores*.

Breach of Contracts, remedies for breach, void, voidable Contracts.

The transfer and extinction of Contractual obligations. Special

Contracts — Sale, Landlord and Tenant, Master and servant,

letting and hiring, agency, Partnership. Mortgage and pledge,

Suretyship, *Senatus Consultum Velleianum* and *the Authentica*

*si qua mulier*

Interpretation of Contracts, misrepresentation fraud, duress, mistake, illegality. Advertisement and ticket cases.

### *Law of Property*

The meaning of ownership, how it is acquired. The incidents

and kinds of ownership. Classification of things.

Possession of Servitudes.

All as modified by relevant statutes.

### *Law of Succession*

Succession in general

Administration of Estates

Law of inheritance

Wills

As modified by relevant statutes

### *Law of Delict*

The nature of delictual obligations. The main forms of delictual

actions. The Aquilian action and the Actio Injuriarum. Liability

under the Aquilian action, the wrongfulness of the act, defences,

determining culpa, remoteness of damages and causation.

Quantum of damages.

***BOOK-KEEPING AND TRUST ACCOUNTS***

The essential requirements of modern double-entry bookkeeping and sufficient practical knowledge of bookkeeping to keep books of account required in an attorney's office.

MADE this 2nd day of December, 1983.

M. SENEVIRATNE,  
*Secretary, Legal Practitioners Committee.*

*L2/7/160*