

Statutory Instrument No. 36 of 1983

PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT

(Cap. 66:03)

**PRECIOUS AND SEMI-PRECIOUS STONES (SEARCH BY
X-RAY APPARATUS) REGULATIONS, 1983**

(Published on 18th March, 1983)

ARRANGEMENT OF REGULATIONS

REGULATION

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Mineral Resources and Water Affairs by section 38 of the Precious and Semi-Precious Stones (Protection) Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Precious and Semi-Precious Stones (Search by X-ray Apparatus) Regulations, 1983. Citation
2. In these Regulations, unless the context otherwise requires, — Interpretation
“authorized person” means a person authorized by the Minister to exercise the powers of search conferred by section 37 of the Act;
“Medical practitioner” includes an intern duly registered as such under the Medical, Dental and Pharmacy Act. Cap. 61:02
3. Where an authorized person has reasonable grounds to suspect that a person whom he has searched or caused to be searched has swallowed a precious or semi-precious stone, the authorized person shall take such person to a police officer in the nearest police station. Authorized person to report to police person suspected of having swallowed a precious or semi-precious stone
4. A police officer, to whom a person has been taken under regulation 3, or who has reasonable grounds to suspect that a person he has in accordance with the provisions of the Act has swallowed a precious or semi-precious stone, shall take such person to a medical practitioner for the purpose of having an X-ray taken of such person by the medical practitioner or other qualified person as may be authorized by the medical practitioner. Person suspected of having swallowed precious or semi-precious stone to be X-rayed

Person to be X-rayed to be informed and medically examined

5. A medical practitioner shall, before taking or causing an X-ray to be taken of any person required to be X-rayed under regulation 4 —

(a) inform such person of the intention to X-ray him and enquire whether he has any objection to being X-rayed:

Provided that no person shall object to an X-ray being taken of him except only on medical grounds; and

(b) conduct a medical examination on such person to ascertain whether he is medically fit to be X-rayed.

Person medically unfit to be X-rayed

6. No X-ray shall be taken of any person who has been declared unfit by a medical practitioner under regulation 5.

Issue of a Certificate

7. A medical practitioner who takes or causes an X-ray to be taken of any person in accordance with provisions of these Regulations shall issue a certificate which shall be in the form set out in the Schedule hereto.

Evidence

8. A certificate or certified copy thereof issued under these regulations shall be received in evidence and shall unless the contrary is proved, be deemed to have been issued by or on behalf of the person by whom or on whose behalf it purports to have been issued.

Machine to be used in X-raying

9. The instrument to be used in taking an X-ray under these Regulations shall be the type of machine used in hospitals in Botswana or by medical practitioners in taking X-rays of persons.

**SCHEDULE
X-RAY CERTIFICATE
(under regulation 7)**

I having
(name of medical practitioner)

been requested by
(name of police officer)

to x-ray
(name of suspect)

+ did x-ray the said
(name of suspect)

+ or did authorize that the said be
(name of suspect)

x-rayed by at
(Name of person x-raying)

..... on
(name of hospital, clinic etc) (inset date)

and the following were my observations (state below the results of the x-ray)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

+ Delete whichever is inapplicable

Signature:
(Medical Practitioner)

Date:

MADE this 4th day of March, 1983.

G.T.K. CHIEPE,
Minister of Mineral Resources and Water Affairs.

L2/7/167 IV