

# PRISONS (AMENDMENT) (NO. 2) ACT, 1985

No. 26



of 1985

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of section 80 of Cap. 21:03
3. Repeal of sections 81 and 82 of Cap. 21:03

### **An Act to amend the Prisons Act**

*Date of Assent: 18.12.85*

*Date of Commencement: 27.12.85*

**ENACTED by the Parliament of Botswana.**

1. This Act may be cited as the Prisons (Amendment) (No. 2) Act, 1985. Short title
2. Section 80 of the Prisons Act is hereby amended by inserting after subsection (3) thereof, the following new subsections — Amendment of section 80 of Cap. 21:03
  - “(4) Without prejudice to the preceding provisions of this section and notwithstanding the provisions of section 74 a parole board referred to in section 73 may, in considering a prisoner’s case under section 75, recommend to the Minister that —
    - (a) any prisoner serving a determinate term of imprisonment of not less than 4 years be granted special remission on the ground —
      - (i) of his meritorious conduct,
      - (ii) that his mental or physical condition warrants such remission,
      - (iii) that special circumstances exist which, in the opinion of the parole board, warrant such remission;
    - or
    - (b) any prisoner serving a term of imprisonment for life or confined during the President’s pleasure be released on any ground specified in paragraph (a).

(5) The Minister shall consider every recommendation made to him under subsection (4) and then submit it to the President together with his own recommendation.”.

Repeal of  
sections 81  
and 82 of  
Cap. 21:03

**3. Sections 81 and 82 of the Prisons Act are hereby repealed.**

**PASSED** by the National Assembly this 5th day of December, 1985.

**C.G. MOKOBI,**  
*Clerk of the National Assembly.*