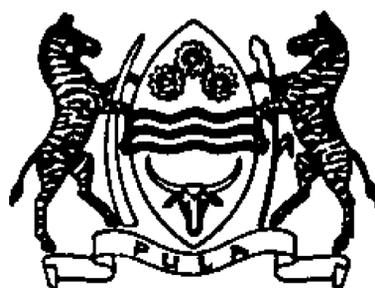


BOTSWANA DEFENCE FORCE (AMENDMENT) ACT, 1987

No. 20



of 1987

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 21:05
3. Amendment of section 67 of the principal Act
4. Amendment of section 74 of the principal Act
5. Amendment of section 75 of the principal Act

An Act to amend the Botswana Defence Force Act

Date of Assent: 5.10.87.

Date of Commencement: 9.10.87.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana Defence Force (Amendment) Act, 1987.

Short
title

2. Section 2 of the Botswana Defence Force Act (hereinafter referred to as the principal Act) is hereby amended by the interpolation after the definition of the words "air signal" of the following definition —

Amendment
of
section 2
of
Cap. 21:05

"appropriate superior authority" in relation to an officer charged with an offence means —

- (a) in the case of officers of the rank of Major and Captain, any officer not below the rank of Colonel, and

(b) in the case of officers of the rank of Lieutenant and below and Warrant officers, any officer not below the rank of Lieutenant Colonel who is not the commanding officer of the officer charged."

Amendment
of
section 67
of the
principal
Act

3. Subsection (2) of section 67 of the principal Act is hereby amended by the renumbering of paragraphs (e), (f), (g) and (h) of that subsection as paragraphs (f), (g), (h) and (i) respectively and the interpolation of the following new paragraph (e).

"(e) reduction in rank, except that an officer appointed directly from Cadet training shall not be reduced to a rank below that of second lieutenant;"

Amendment
of
section 74
of the
principal
Act

4. Subsection (5) of section 74 of the principal Act is hereby substituted by the following new subsection —

"(5) Notwithstanding anything in subsections (3) or (4) where the accused is a non-commissioned officer and the commanding officer finds him guilty, the commanding officer may if he awards no other punishment or no other punishment except stoppages, order the accused to be reduced to a lower rank than his substantive rank or to forfeiture of seniority in the prescribed manner.

Providing that any order reducing the accused in rank or to forfeiture of seniority shall not take effect until the finding and order have been confirmed by the Commander."

Amendment
of
section 75
of the
principal
Act

5. Section 75 of the principal Act is hereby amended —

(a) by the substitution for the word "Commander" wherever it appears in subsections (2), (4) and (6) of the words "the appropriate superior authority nominated by the Commander";

(b) by the substitution for subsection (5) thereof of the following new subsection —

"(5) If the appropriate superior authority nominated by the Commander records a finding of guilty, he may award one or more of the following punishments —

(a) dismissal from the Defence Force; or

(b) reduction in rank to a rank lower than his substantive rank, in both cases to take effect only upon confirmation by the relevant authority referred to in section 102;

(c) forfeiture in the prescribed manner of seniority of rank;

(d) a fine of a sum not exceeding the equivalent of 28 days pay;

(f) where the offence has occasioned any expense, loss or damage, stoppages,

except that he may not award both reduction in rank or forfeiture of seniority and a fine."

(c) by the interpolation after the words "will award" appearing in subsection (6) of the words "dismissal from the Defence Force, reduction in rank to a rank lower than his substantive rank,".

PASSED by the National Assembly this 18th day of September, 1987.

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