

**CUSTOMARY COURTS ACT**  
(Cap. 04:05)

**ESTABLISHMENT OF CUSTOMARY COURTS ORDER, 1987**  
(Published on 16th April, 1987)

**ARRANGEMENT OF PARAGRAPHS**

**PARAGRAPH**

1. Citation
2. Establishment of Customary Courts
3. Area of jurisdiction
4. Civil and criminal jurisdiction

**SCHEDULE**

IN EXERCISE of the powers conferred on the Minister of Local Government and Lands by section 6 (2) of the Customary Courts Act, the following Order is hereby made —

- |                                   |  |
|-----------------------------------|--|
| Citation                          | 1. This Order may be cited as the Establishment of Customary Courts Order, 1987.   |
| Establishment of Customary Courts | 2. There is hereby established a higher customary court at each of the places specified in the first column of the Schedule hereto.                  |
| Area of Jurisdiction              | 3. The area of jurisdiction of each court established under paragraph 2 shall be limited to the area of the place at which the court is established. |
| Civil and Criminal jurisdiction   | 4. The jurisdiction of each court in respect of civil and criminal matters shall be as specified in the second column of the Schedule hereto.        |

**SCHEDULE**

<i>First Column</i> <i>Place at which higher</i> <i>customary court is established.</i>	<i>Second Column</i> <i>Jurisdiction as to cause of action.</i>
Francistown	(a) Limited jurisdiction: matters of civil nature where the subject of the suit does not exceed P1 040 or 13 bovines or equines or 65 sheep or goats.
Gaborone and Gaborone West	(b) Unlimited jurisdiction: where the subject of the suit involves or arises out of matters which are purely customary in nature — (i) inheritance, (ii) devolution of property upon death or divorce, (iii) mahisa,

- (iv) seduction.
- (c) Matters of Criminal nature:
  - (i) imprisonment not exceeding 12 months,
  - (ii) fine or compensation not exceeding P560 or seven bovines or equines or 25 sheep or goats,
  - (iii) caning not exceeding three strokes.

MADE this 9th day of April, 1987.

**C.J. BUTALE,**  
*Assistant Minister of Local  
Government and Lands.*

**L2/7/119**