

PRISONS ACT
(Cap. 21:03)

PRISONS (CONSULTATIVE COUNCIL) REGULATIONS, 1987
(Published on 27th November, 1987)

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IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 137 of the Prisons Act the following Regulations are hereby made:-

Citation 1. These Regulations may be cited as the Prisons (Consultative Council) Regulations, 1987.

Establishment of Consultative Council 2. (1) There is hereby established a Council to be known as the Prisons Consultative Council (hereinafter referred to as "the Council"), consisting of eight members.

(2) The members of the Council shall be:-

- (a) the Director of Personnel or his deputy who shall be the Chairman of the Council;
- (b) the Permanent Secretary of the Ministry responsible for the administration of the Prisons or his deputy;
- (c) the Commissioner of Prisons; and
- (d) a person appointed by the Minister responsible for finance who shall collectively be known as the "Official Side", and
- (e) four persons appointed by the Botswana Prison Officers Association of whom one shall be nominated by the Association to be the Vice-Chairman of the Council, who will collectively be known as the "Staff Side".

(3) A public officer nominated by the Permanent Secretary of the Ministry responsible for Prisons shall act as Secretary to the Council.

(4) The members of the Council, other than the ex-officio members, may be replaced at any time by the authority responsible for their appointment.

Functions of the Council 3. The Council shall —

- (a) consider all matters affecting the welfare and efficient working of the Prisons Service, including questions relating to salaries and terms and conditions of service, that are referred to it by either the Official Side or the Staff Side;

- (b) consider any matters relating to the Prison Service which are raised for the Council's consideration by the Central Committee or Central Conference of the Prison Officers' Association;
- (c) advise the Minister on ways and means of improving general working conditions within the Prison Service:

Provided that, except in so far as a particular case raises a principle of general application to the Prison Service, the provisions of this regulation shall not be understood to include any power in the Council to consider any matter of promotion or discipline relating to a particular individual officer of the Prison Service.

4. The person intending to submit any matter for consideration by the Council shall do so in the form of a memorandum submitted to the Secretary of the Council at least 21 days prior to the meeting of the Council at which it is to be considered.

Procedure for submission to Council

5. (1) The Council shall meet at least twice in any year.

Meetings of the Council

(2) A special meeting of the Council may be convened by the Chairman and the Vice-Chairman upon 21 days notice being given thereof to the members of the Council.

(3) Three members of each side of the Council shall constitute a quorum.

(4) A decision of the Council shall require a majority of the votes of the members of the Council present and voting; the Chairman or in his absence the Vice-Chairman shall have a casting vote in the event of an equality of votes.

(5) Subject to this regulation the Council may regulate its own proceedings.

6. (1) The Council may at any time appoint a sub-committee from among its members and may delegate to such sub-committee responsibility for any particular matter.

Sub-committees of the Council

(2) The Council may by agreement between the Official Side and the Staff Side, co-opt any person whose knowledge or experience on any particular matter may, in the opinion of the Council, be of assistance to the Council or a sub-committee of the Council in arriving at a decision of the Council.

7. (1) Minutes shall be maintained of all meetings of the Council or any sub-committee of the Council, unless, in the case of a sub-committee the terms of reference to it permits it to make a report in lieu of minutes.

Minutes of Meetings

(2) Minutes of all meetings shall remain confidential and shall not be published outside the Prison Service.

8. The decisions of the Council shall be reported to the Minister, who shall take such steps as may be necessary to enforce them.

Effect of decisions of the Council

9. (1) The members of the Council shall receive no remuneration.

No remuneration for Council Members

(2) Any co-opted members may be paid a reasonable sitting allowance determined by the Minister on the advice of the Council.

10. The expenses of the Council shall be met from funds voted for that purpose by the National Assembly to the Ministry responsible for prisons.

Expenses of the Council

MADE this 18th day of November, 1987.

**E.M.K. KGABO,
*Minister of Labour and Home Affairs.***

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