

PRISONS (AMENDMENT) ACT, 1999

No. 12



of 2000

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of section 5 Cap. 21:03
3. Amendment of section 9 of the Act
4. Insertion of new section 57A
5. Amendment of section 96 of the Act
6. Amendment of section 97 of the Act

An Act to amend the Prisons Act

Date of Assent: 29.09.2000.

Date of commencement: 6.10.2000.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Prisons (Amendment) Act, 1999. Short title
2. Section 5 of the Prisons Act (hereinafter referred to as "the Act") is hereby amended by inserting immediately after subsection (2) thereof the following new subsection— Amendment of section 5 of Cap. 21:03

“(3) The Minister may by Order create additional ranks for the Prison Service.”
3. Section 9 is amended by substituting for subsections (3) and (4) thereof the following new subsections (3) and (4) — Amendment of section 9 of the Act

“(3) The Permanent Secretary shall be the appointing authority for prison officers of the rank of Senior Superintendent to Deputy Commissioner.

Provided that before the Permanent Secretary fills any vacancy he shall consult the Commissioner.

(4) The Commissioner shall be the appointing authority for the posts of all junior officers, subordinate officers and senior officers up to the rank of Superintendent.”
4. The Act is hereby amended by inserting immediately after section 57 thereof the following new section — Insertion of new section 57A

^{“Powers of Minister} 57A (1). The Minister may, on the recommendation of a medical officer, as shall be contained in a prescribed certificate, release a terminally ill prisoner —

(a) whose condition is such that prison officers are unable to provide care for, or

(b) who has been discharged from hospital and recommended for home based care.

(2) 'Release' under subsection (1) means permitting a terminally ill prisoner to leave prison and be placed in the custody of relatives or such local authority or person as may be responsible if relatives cannot be traced, who shall care for the prisoner until his demise or until his recovery, whereupon he shall be required to complete the unexpired term of his sentence.

Amendment
of section 96
of the Act

5. Section 96 of the Act is amended by substituting therefor, the following new section—

"Courts may
order extra
mural labour
for offenders

96. Notwithstanding the provisions of this Act or any other law, an offender who has been sentenced to a term of imprisonment not exceeding twelve months (whether that term consists of a single punishment or punishments running concurrently or consecutively) or who has been committed by any court for non-payment of a fine not exceeding P800, may, by order of the court and with the consent of the offender, be employed under the immediate control and supervision of a public authority on public work or service carried on outside prison."

Amendment
of section 97
of the Act

6. Section 97 of the Act is amended by substituting therefor, the following new section —

"Commissioner
and official
visitors may
order
extramural
labour for
offenders

97. (1) Notwithstanding the provisions of this Act or any other law, where the Commissioner or an official visitor is satisfied that an offender whose remaining term of imprisonment does not exceed twelve months (whether that term consists of a single punishment or punishments running concurrently or consecutively) may be usefully employed on public work or service carried on outside prison, he may, with the consent of the offender, order the release of that offender from prison and the offender's employment under the immediate control and supervision of a public authority on such public work or service as the officer in charge of the prison shall approve.

(2) The provisions of subsection (1) shall not apply to an offender serving sentence for the offence of rape."

PASSED by the National Assembly this 3rd day of August, 2000.

C.T. MOMPEI,
Clerk of the National Assembly.