

BOTSWANA DEFENCE FORCE (AMENDMENT) ACT, 2005



No. 4

of 2005

ARRANGEMENT OF SECTIONS

SECTION

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

An Act to amend the Botswana Defence Force Act

Date of Assent: 18th May, 2005

Date of Commencement: 27th May, 2005

ENACTED by the Parliament of Botswana.

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| <p>1. This Act may be cited as the Botswana Defence Force (Amendment) Act, 2005.</p> <p>2. Section 74 of the Botswana Defence Force Act (hereinafter referred to as “the Act”) is amended —</p> <p>(a) by deleting subsection (8) thereof ; and</p> <p>(b) in subsection (9) thereof —</p> <p>(i) by deleting the words “and (8)” which appear therein; and</p> <p>(ii) by deleting the proviso thereto.</p> <p>3. Section 75 of the Act is amended by substituting, for subsection (6) thereof, the following new subsection —</p> <p>“(6) Notwithstanding the provisions of subsection (4), where the appropriate superior authority nominated by the Commander has determined that the accused is guilty and if the charge is dealt with summarily will award dismissal from the Defence Force, the appropriate superior authority nominated by the Commander shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial; and, if the accused so elects, the appropriate superior authority nominated by the Commander shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.”</p> | <p>Short title</p> <p>Amendment of section 74 of Cap. 21:05</p> <p>Amendment of section 75 of the Act</p> |
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PASSED by the National Assembly this 4th day of April, 2005.

A. MATLHAKU,
Clerk of the National Assembly.