

# CUSTOMARY COURTS (AMENDMENT) ACT, 2005

No. 7



of 2005

## ARRANGEMENT OF SECTIONS

1. Short title
2. Amendment of section 18 of Cap. 04:05

### **An Act to amend the Customary Courts Act**

*Date of Assent:* 30.05.05

*Date of Commencement:* 10.06.05

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Customary Courts (Amendment) Act, 2005. Short title
2. Section 18 of the Customary Courts Act is amended — Amendment of section 18 of Cap. 04:05
  - (a) in subsection (2) thereof by substituting, for the words “over the age of 40 years”, the words “of the age of 40 years or over”.
  - (b) by substituting, for subsection (3) thereof, the following new subsection —

“(3) Where any person under the age of 40 years is convicted of any offence, a customary court may, in its discretion, order him to undergo corporal punishment in addition to or in substitution for any other punishment:

Provided that this subsection shall not apply to —

    - (a) any offence in respect of which a minimum punishment is by law imposed; and
    - (b) any conspiracy, incitement or attempt to commit any offence referred to in paragraph (a).”.

PASSED by the National Assembly this 29th March, 2005.

A. MATLHAKU,  
*Clerk of the National Assembly.*