

CUSTOMARY COURTS ACT
(Cap. 04:05)

ESTABLISHMENT AND JURISDICTION OF
CUSTOMARY COURTS ORDER, 2014
(Published on 15th August, 2014)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
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 6. Revocation of S.I. No. 68 of 1972
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IN EXERCISE of the powers conferred on the Minister of Local Government and Rural Development by section 7 (3) of the Customary Courts Act, the following Order is hereby made —

- Citation
1. This Order may be cited as the Establishment and Jurisdiction of Customary Courts Order, 2014.
- Recognition and establishment
2. The customary courts listed in the first column of Schedule 1 hereto have by warrant been recognised and established as customary courts within the districts named in the said column.
- Area of jurisdiction
3. The area of jurisdiction of each court shall be the area stated in relation to the Court in the second column of Schedule 1.
- Jurisdiction of court
4. Subject to paragraph 5, the jurisdiction of each court in respect of civil and criminal matters shall be that indicated by letters in relation to its name in the third and fourth columns respectively of Schedule 1, which letters refer to the maximum awards, fines or punishments which may be imposed, inflicted or granted by the court and which are more fully indicated in Schedule 2.
- Jurisdiction in respect of stock theft and drugs and related substances
Cap. 09:01
5. (1) Where a person is convicted of the offence of stealing or attempting to steal stock, contrary to the Stock Theft Act, by a customary court specified in the first column of Part I of Schedule 3 (under the district within which it has been recognized or established), the court may, for that offence, sentence the person so convicted —
(a) to a fine not exceeding the amount specified in the corresponding entry in the second column of the Schedule; and
(b) to a period of imprisonment not exceeding the number of years specified in the corresponding entry in the third column of that Schedule.
- Cap. 63:04
(2) Where a person is convicted of an offence contrary to the Drugs and Related Substances Act, by a customary court specified in the first column of Part II of Schedule 3 (under the district within which it has been recognized or established), the court may, for that offence, sentence the person so convicted —
(a) to a fine not exceeding the amount specified in the corresponding entry in the second column of the Schedule; and
(b) to a period of imprisonment not exceeding the number of years specified in the corresponding entry in the third column of that Schedule.
- Revocation of S.I. No. 68 of 1972
6. The Establishment and Jurisdiction of Customary Courts Order is hereby revoked.

SCHEDULE 1

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Ngwato Kgosi/Mothusa Kgosi Moemela Kgosi yo mogolwane</i>	Bamangwato	A	E
	Tribal Territory		
	Bobonong	B	F
	Gweta		
	Lethakane		
	Mahalapye		
	Mmadinare		
	Mookane		
	Nata		
	Palapye		
	Ramokgonami		
	Sefhare		
	Shoshong		
	Tonota		
Tsienyane			
Tutume			
<i>Moemela Kgosi</i>	Dukwi	C	G
	Kalamare		
	Lecheng		
	Lerala		
	Machaneng		
	Maitengwe		
	Maokatumo		
	Mathangwane		
	Mathathane		
	Maunatlala		
	Mmadinare		
	Mogapi		
	Moiyabana		
	Molalatau		
	Mosetse		
	Mopipi		
	Mosu		
	Mmashoro		
	Mokubilo		
	Makalamabedi		
	Nkange		
Paje			
Pilikwe			
Radisele			
Sebina			

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Moemeta Kgosi (cont.)</i>	Sefophe Semolale Serule Tsetsebjwe Tumasera	C	G
<i>Kgosana</i>	Bonwapitse Borolong Chadibe Chadibe/Borolong Changate Chokatshaa Dagwi Damuchojenaa Dibete Dimajwe Dovedale Dzoroga Forley Gobojango Gootau Goshwe Gojwane Kgagodi Khumaga Kedia Khwee Kodibeleng Kudumatse Kutamogoree Lepashe Lephephe Lepokole Mabeleapudi Mabesekwa Malaka Mogapinyana Mabolwe Makobo Matlhako Matlhakola Majwaneng Mabuo Malatswai	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Kgosana (cont.)</i>	Makalamabedi	D	H
	Makwate		
	Manxotae		
	Marapong		
	Marobela		
	Matobo		
	Majwanadipitse		
	Matsitama		
	Mhalapitsa		
	Mmadikola		
	Mmandunyane		
	Mmaphashalala		
	Mmashoro		
	Mmatshumu		
	Mmutlane		
	Mogorosi		
	Moletemane		
	Mokgenene		
	Mokobeng		
	Mokoboxane		
	Moreomaoto		
	Moshopha		
	Mosolotshane		
	Mosu		
	Motlhabaneng		
	Motlopi		
	Motshegaletau		
	Mafungo/Hobona		
	Maposa		
	Maape		
	Mokoswane		
	Moralane		
	Moremi		
	Mmea		
	Matolwane		
	Mokgware		
	Mogome		
	Mogapi		
	Moreomabele		
	Natale		
	Nswazwi		
	Nkange		
	Nshakashokwe		
	Palla Road		
	Poloka		

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Kgosana (cont.)</i>	Radisele Ratholo Robelela Seleke Semolale Sepako Senete Semotswane Seolwane Shashemooke Shakwe Tamasane Taupye Tlhabala Tobane Topisi Toromoja Tshokwe Tshimoyapula Xhomo Xere	D	H
Selebi-Phikwe Customary Court President (Urban)	Botshabelo Ikageleng Kagiso	B	F
Deputy Court President	Botshabelo Ikageleng Kagiso	C	G
Kweneng <i>Kgosi/Mothusa Kgosi</i>	Bakwena Tribal Territory	A	E
<i>Moemela Kgosi yo magobwane</i>	Gabane Kopong Lentsweletau Lephepe	B	F

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Moemela Kgosi yo mogolwane (cont.)</i>	Letlhakeng Mmankgodi Molepolole Mogoditshane Motokwe Salajwe Takatokwane Thamaga	B	F
<i>Moemela Kgosi</i>	Ditshewane Gabane Khudumelapye Lentsweletau Letlhakeng Metsimotlhabe Mmopane Mmankgodi Mogoditshane Molepolole Thamaga	C	G
<i>Kgosana</i>	Diphuduhudu Gakgatlha Gakuto Gamodubu Gabane Hatsalatladi Kgope Kotolaname Kopong Kweneng Kaudwane Khudumelapye Lesilakgokong Lentsweletau Lephephe Letlhakeng Malwelwe Medie Monwane Mogonono Mantshwabisi Metsimotlhabe Mmopane Mogoditshane	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Kgosana (cont.)</i>	Molepolole Motokwe Ngware Salajwe Sesung Shadishadi Sorilatholo Seriname Tshwaane Thamaga	D	H
<i>Ngamiland Kgosi/Mothusa Kgosi</i>	Batawana Tribal Territory	A	E
<i>Moemela Kgosi yo mogoiwane</i>	Etsha 6 Gumare Makalamabedi Nokaneng Sehitwa Sepopa Seronga Shakawe Shorobe Tsau	B	F
<i>Moemela Kgosi</i>	Chanoga Etsha 6 Kareng Makalamabedi Matlapana Ngarange Phuduhudu Qangwa Toteng	C	G
<i>Kgosana</i>	Beetsha Bodibeng Bothatlogo Chukumuchu Etsha 13 Eretsha Etsha 1 Gudigwa Gunotsoga	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Kgosana (cont.)</i>	Habu Gani Ikoga Kauxwi Kajaja Khwai Komana Mabebe Mababe Makakung Matlapana Matsaudi Mohembo-West Mokgacha Mogotlho Nxamasere Nxau-nxau Nxaraga Phuduhudu Sankoyo Semboyo Samuchima Somelo Sekondomboro Tubu Tsodile Tobera Xakao Xaixai Xau-xau Xhanoga Qhonootsha	D	H
<i>Ngwaketse Kgosi/Mothusa Kgosi</i>	Bangwaketse Tribal Territory	A	E
<i>Moemela Kgosi yo mogolwane</i>	Kanye Manyana Mmathethe Mabutsane Molapowabojang Phitshane-Molopo	B	F

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Moemela Kgosi yo mogolwane (cont.)</i>	Moshupa Ranaka	B	F
<i>Moemela Kgosi</i>	Digawana Kanye Khakhea Lotlhakane East Mabule Maokane Molapowabojang Mokgomane Ntlhantle Sekoma	C	G
<i>Kgosana</i>	Digawana Gasita Gasegwagwa Gathwane Kanye Keng Kgomokasitwa Khonkhwa Kokong Lekgolobotlo Lefhoko Loporung Lorolwane Lotlhakane West Majaalela Magoriapitse Manyana Moshupa Mmathethe Mabutsane Magotlhwane Metlobo Mmakgori Mogojogojo Mogonye Mokhomma Morwamosu Moshana Pitseng	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Kgosana (cont.)</i>	Phitshane- Molopo Ranaka Samane Sedibeng Selokolela Sese Seherelela Thankane Tshidilamolomo	D	H
<i>Barolong Kgosi/Mothusa Kgosi</i>	Barolong Tribal Territory	A	E
<i>Moemela Kgosi yo mogolwane</i>	Goodhope	B	F
<i>Moemela Kgosi</i>	Hebron Papatlo Pitsane	C	G
<i>Kgosana</i>	Bethele Cwagare Cwaanyaneng Ditlharapa Kgoro Metlojane Mokatako Pitsane-Potlokwe Phihetswane Rakhuna Ramatlabama Tlhareselele	D	H
<i>Kgatleng Kgosi/Mothusa Kgosi</i>	Bakgatla Tribal Territory	A	E
<i>Moemela Kgosi yo mogolwane</i>	Artesia Bokaa Mmathubudukwane Oodi	B	F
<i>Moemela Kgosi</i>	Malotwana Morwa	C	G

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
<i>Moemela Kgosi (cont.)</i>	Mochudi Olifants Drift Rasesa Ramotlabaki Sikwane	C	G
<i>Kgosana</i>	Bokaa Dikgonnye Dikwididi Kgomodiatshaba Leshibitse Mabalane Malolwane Matebele Modipane Mokatse Pilane	D	H
<i>Kgosana (cont.)</i>	Ramonaka	D	H
<i>South East Kgosi/Mothusa Kgosi</i>	Bamalete Tribal Territory	A	E
<i>Moemela Kgosi yo mogolwane</i>	Ramotswa	B	F
<i>Moemela Kgosi</i>	Mogobane Otse Taung	C	G
<i>Kgosi/Mothusa Kgosi</i>	Batlokwa Tribal Territory	A	E
<i>Moemela Kgosi yo mogolwane</i>	Tlokweng	B	F
Gaborone City Court President (Urban)	Broadhurst Gaborone Gaborone West Naledi	B	F

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
Deputy Court President (Urban)	Broadhurst Gaborone Gaborone West Naledi	C	G
Kgalagadi <i>Kgosi/Mothusa Kgosi</i>	Bogogobo Bokspits Hukuntsi Kang Lehututu Lokgwabe Makopong Middlepits Tsabong Werda	C	G
<i>Kgosana</i>	Draihoek Gakhibane Hereford Hunhukwe Inalegolo Kang Khawa Khuis Kisa Kolonkwaneng Kokotsha Maralaleng Mc Cathy Maubelo Middlepits Malashe Ncaang Omaweneno Phuduhudu Rapplespan Struzendam Tshane Ukhwi Vaalhoek Zutshwa	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
Ghanzi Court President	Ghanzi (Urban)	B	F
<i>Kgosi/Mothusa Kgosi</i>	Charieshill Kalkfontein Karakobis Kule Ncojane New Xanagas New Xade	C	G
<i>Kgosana</i>	Bere Chobokwane East Hanahai Grootlagte Kacgae Kuke Makunda Qabo West Hanahai	D	H
Chobe <i>Kgosi/Mothusa Kgosi</i>	Kachikau Kavimba Kazungula Pandamantenga Parakarungu	C	G
Court President (Urban)	Kasane Plateau	B	F
Deputy Court President	Kasane Plateau	C	G
<i>Kgosana</i>	Kazungula Lesoma Mabele Parakarungu Satau	D	H
Francistown Township Court President (Urban)	Donga Monarch Phase IV Tati-town	B	F
Deputy Court President	Donga Monarch Phase IV Tati-town	C	G

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
Court President (Urban)	Orapa	B	F
Deputy Court President	Orapa	C	G
Court President (Urban)	Sowa	B	F
Deputy Court President	Sowa	C	G
North East <i>Kgosi/Mothusa Kgosi</i>	Jackalas No. 1 Makaleng Mapoka Masunga Matsiloje Moroka Mosojane Tati Siding Tsamaya Tshesebe	C	G
<i>Kgosana</i>	Butale Ditladi Gulubane Gambule Jackalas No. 2 Kalakamati Kgari Letsholathebe Masingwaneng Masukwane Matshelagabedi Mbalambi Mulambakwena Matopi Mabudzani Mambo Nlaphwane Ramokgwebana Sechele Sekakangwe Senyawe Shashe Bridge Siviya Themashanga Zwenshambe Pole	D	H

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
Lobatse Township Court President (Urban)	Motswedi Peleng Woodhall	B	F
Deputy Court President (Urban)	Motswedi Peleng Woodhall	C	G
Jwaneng Township Court President (Urban)	Jwaneng Raphalane	B	F
Deputy Court President (Urban)	Jwaneng Raphalane	C	G
Customary Court President	Block 8, Gaborone	B	F
Customary Court President	Plateau, Kasane	B	F
Customary Court President	Gerald Estate, Francistown	B	F

SCHEDULE 2
CIVIL JURISDICTION

- A. P10 000
- B. P8000
- C. P7000
- D. P5000

CRIMINAL JURISDICTION

- | | |
|----------|-------------------------------------|
| E. P4000 | 5 years imprisonment
8 strokes |
| F. P2000 | 3 years imprisonment
7 strokes |
| G. P1000 | 2 years imprisonment
6 strokes |
| H. P800 | 18 months imprisonment
4 strokes |

SCHEDULE 3

PART I

CRIMINAL JURISDICTION UNDER THE STOCK THEFT ACT

<i>Customary Court</i>	<i>Maximum fine</i>	<i>Maximum Term of Imprisonment</i>
Central		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
<i>Kgosana</i>	P2000	7 years
Kweneng		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
<i>Kgosana</i>	P2000	7 years
Ngamiland		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
<i>Kgosana</i>	P2000	7 years
Customary Court		
<i>Maximum fine</i>		
<i>Maximum Term of Imprisonment</i>		
Chobe		
<i>Kgosi/Mothusa Kgosi</i>	P4000	9 years
<i>Kgosana</i>	P2000	7 years
Southern		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
<i>Kgosana</i>	P2000	7 years
Kgatleng		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
<i>Kgosana</i>	P2000	7 years

<i>Customary Court</i>	<i>Maximum fine</i>	<i>Maximum Term of Imprisonment</i>
South East		
<i>Kgosi/Mothusa Kgosi</i>	P5000	10 years
<i>Moemela Kgosi yo mogolwane</i>	P4000	9 years
<i>Moemela Kgosi</i>	P3000	8 years
Gaborone City		
Court President (Urban)	P4000	9 years
Deputy Court President	P3000	8 years
Kgalagadi		
<i>Kgosi/Mothusa Kgosi</i>	P4000	9 years
<i>Kgosana</i>	P3000	8 years
North East		
<i>Kgosi/Mothusa Kgosi</i>	P4000	9 years
<i>Kgosana</i>	P3000	8 years
Francistown Township		
Court President (Urban)	P4000	9 years
Deputy Court President	P3000	8 years
Lobatse Township		
Court President	P4000	9 years
Deputy Court President	P3000	8 years
Selebi-Phikwe Township		
Court President (Urban)	P4000	9 years
Deputy Court President	P3000	8 years
Jwaneng Township		
Court President (Urban)	P5000	10 years
Deputy Court President	P3000	8 years
Ghanzi Township		
Court President (Urban)	P5000	10 years
Deputy Court President	P3000	8 years
Kasane Township		
Court President (Urban)	P5000	10 years
Deputy Court President	P3000	8 years

PART II

CRIMINAL JURISDICTION UNDER THE DRUGS AND
RELATED SUBSTANCES ACT

<i>Customary Court</i>	<i>Maximum fine</i>	<i>Maximum Term of imprisonment</i>
Central		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years
Kweneng		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years
Ngamiland		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years
Southern		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years
Kgatleng		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years

<i>Customary Court</i>	<i>Maximum fine</i>	<i>Maximum Term of Imprisonment</i>
South East		
<i>Kgosi/Mothusa Kgosi</i>	P8500	8 years
<i>Moemela Kgosi yo mogolwane</i>	P8000	7 years
<i>Moemela Kgosi</i>	P7500	6 years
<i>Kgosana</i>	P7000	5 years
Gaborone City		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Kgalagadi		
<i>Kgosi/Mothusa Kgosi</i>	P8000	7 years
<i>Kgosana</i>	P7000	5 years
North East		
<i>Kgosi/Mothusa Kgosi</i>	P8000	7 years
<i>Kgosana</i>	P7000	5 years
Francistown Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Lobatse Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Selebi-Phikwe Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Jwaneng Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Ghanzi Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
Kasane Township		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years

MADE this 30th day of July, 2014.

PETER SIELE,
*Minister of Local Government
and Rural Development.*