

# COURT OF APPEAL (AMENDMENT) ACT, 2017

No. 3



of 2017

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of Cap. 04:01
3. Insertion of section 4A
4. Insertion of section 4B
5. Insertion of section 4C

### **An Act to amend the Court of Appeal Act.**

*Date of Assent:* 10.04.17

*Date of Commencement:* 11.04.17

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Court of Appeal (Amendment) Act, 2017. Short title
2. The Court of Appeal Act (hereinafter referred to as "the Act") is amended by substituting for section 4 the following new section — Amendment of Cap. 04:01  
"Composition of the Court of Appeal 4 (1) The Court of Appeal shall, in addition to the judges provided for in the Constitution, consist of such number of Justices of Appeal not exceeding 12.  
(2) The provisions of subsection (1) shall be deemed to have come into effect on 19th December, 1980."
3. The Act is amended by inserting immediately after section 4, the following new section 4A — Insertion of section 4A  
"Validation of previous appointments 4A. (1) The appointments of Justices of Appeal by the President before the coming into effect of this Act shall be deemed to have been validly made notwithstanding that at the time of such appointments the number of Justices of Appeal had not been prescribed by Parliament.  
(2) The appointment by the President of any other Justice of Appeal on a fixed term contract before the coming into effect of this Act, shall be deemed to have been validly made notwithstanding that such Justice of Appeal had been appointed on more than one fixed term contract."

Insertion of  
section 4B

4. The Act is amended by inserting immediately after section 4A, the following new section 4B —

“Validation of  
judicial  
pronouncements  
and judicial acts

4B. Judicial pronouncements and judicial acts made by the Court of Appeal before the coming into effect of this Act shall not be invalidated by reason that the Court of Appeal consisted of —

- (a) Justices of Appeal appointed before the number of Justices of Appeal was prescribed by Parliament; or
- (b) a Justice of Appeal appointed on more than one fixed term contract.”.

Insertion of  
section 4C

5. The Act is amended by inserting immediately after section 4B, the following new section 4C —

“Validation of  
proceedings

4C. Proceedings of the Court of Appeal that commenced before the coming into effect of this Act shall not be invalidated by reason that the proceedings were commenced —

- (a) before the number of Justices of Appeal was prescribed by Parliament; or
- (b) when some Justices of Appeal had been appointed on more than one fixed term contract.”.

PASSED by the National Assembly this 5th day of April, 2017.

TUTU TSIANG,  
*Acting Clerk of the National Assembly.*