

CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ACT, 2018

No. 30



of 2018

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 08:02
3. Amendment of section 3
4. Amendment of section 214

An Act to amend the Criminal Procedure and Evidence Act.

Date of Assent: 03.08.2018

Date of Commencement: 10.08.2018

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 2018.

Short title

2. The Criminal Procedure and Evidence Act is amended by substituting for section 2, the following new section —

Amendment of section 2 of Cap. 08:02

“Procedure for offences
Cap. 08:01

2. (1) All offences under the Penal Code and, subject to the provisions of any enactment, all other offences shall be enquired into, tried and otherwise dealt with according to this Act.

(2) Notwithstanding subsection (1), a financial offence may be enquired into or otherwise dealt with by an investigatory authority simultaneously with any other offence.”

3. The Act is amended in section 3 by inserting in the correct alphabetical order, the following new definitions —

Amendment of section 3

““financial offence” has the same meaning assigned to it under the Financial Intelligence Act; and

“investigatory authority” has the same meaning assigned to it under the Financial Intelligence Act.”

Cap. 08:07

4. Section 214 of the Act is amended by substituting for the section, the following new section —

Amendment of section 214

“No person to be excluded from giving evidence except under this Act

214. (1) Every person not expressly excluded by this Act from giving evidence shall be competent and compellable to give evidence in a criminal case in any court in Botswana.

(2) A person referred to under subsection (1) shall provide a written statement under oath or affirmation setting out such information as may be required by an investigatory authority.”

PASSED by the National Assembly this 12th day of July, 2018.

BARBARA N. DITHAPO,
Clerk of the National Assembly.