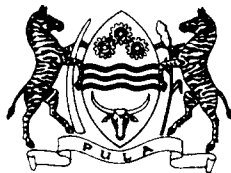


THE CHIEFTAINSHIP (AMENDMENT) ACT, 1970

No. 18



of 1970

AN ACT TO AMEND THE CHIEFTAINSHIP LAW BY PROVIDING FOR CERTAIN QUESTIONS AS TO WHO SHOULD BE APPOINTED DURING THE INCAPACITY OF A CHIEF TO BE DECIDED BY THE PRESIDENT AND TO ENABLE THE PRESIDENT TO DEPOSE CHIEFS.

Date of Assent: 3.6.1970

Date of Commencement: 10.6.1970

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Chieftainship (Amendment) Act, 1970.

Amendment of section 12 of Law No. 29 of 1965

2. Section 12 of the Chieftainship Law, 1965 (hereinafter referred to as the principal law), is amended as follows —

- (a) in subsection (3) thereof by the insertion immediately after the words “subsection (4)” appearing therein of the words “and (5)”;
- (b) in subsection (4) thereof by the deletion of the words “or if the Chief or senior member of the tribe fails to summon a kgotla in pursuance of subsection (2), or if there is any dispute as to whom the kgotla has designated the President may appoint a judicial commission to enquire into the matter” appearing therein and by the substitution therefor of the words “or if there is any dispute as to whom the kgotla has designated the matter shall be decided by the President”;
- (c) by the deletion of subsection (5) thereof and by the substitution therefor of a new subsection as follows —

- “(5) Upon deciding any question under subsection (4), or if the Chief or senior member of the tribe has failed to summon a kgotla or if a kgotla has failed to designate a person to exercise and perform the duties of the Chief the President shall make such appointment as he may deem fit.”; and
- (d) in subsection (6) thereof by the insertion immediately after the words “under subsection (3)” appearing therein of the words “or subsection (5)”.

Repeal and replacement of section 13 of Law No. 29 of 1965

3. The principal law is amended by the repeal of section 13 thereof and by the replacement thereof with a new section as follows —

“Removal of Chiefs

13. (1) If —

- (i) the President is of the opinion that the Chief of any tribe, or
 - (ii) any tribe or section of a tribe lodges with the President a complaint that the Chief of such tribe,
- is incapable of exercising his powers, or has abused his powers or is for any reason not a fit and proper person to be a Chief, the President shall inform the Chief of such fact in writing.

(2) When a Chief has been informed in writing of any fact in accordance with the provisions of subsection (1) the President shall appoint a person or persons to inquire into the matter and to report to him in writing. An inquiry held under the provisions of this subsection may be in public or in private as the President directs and the Chief shall be entitled to be present and heard at such inquiry and may, at the discretion of the person holding or presiding over such inquiry, be legally represented.

(3) On receiving the report of an inquiry held under the provisions of this section the President shall consider the report and may thereafter, in his discretion, if he considers it expedient and in the interests of peace, good order and good government that the Chief should be deposed or suspended, depose such Chief or suspend him for such period as he considers fit not exceeding two years.

(4) A Chief who has been deposed or suspended shall thereupon cease to hold office as Chief and shall no longer exercise any of the powers or perform any of the duties of a Chief under this or any other law.

(5) Notwithstanding anything contained elsewhere in this law where the President has suspended a Chief he may appoint any person whom he deems fit to act as Chief during the period of the suspension and such person shall, during such period, be deemed to be a Chief for the purposes of this law.”

Repeal of section 14 of Law No. 29 of 1965

4. Section 14 of the principal law is repealed.

Amendment of section 15 of Law No. 29 of 1965

5. Section 15 of the principal law is amended by the deletion of subsection (1) thereof and by the substitution therefor of a new subsection as follows—

“(1) If a Chief has been deposed or suspended under the provisions of section 13 the President may, if he is satisfied that it is necessary in the interests of public safety and public order, by notice served on the person deposed or suspended, direct him while he remains in the tribal territory to confine himself within such portion thereof and for such period as may be specified in such notice, or to leave the tribal territory and to remain outside thereof for such period as may be specified in such notice, or to reside while in Botswana in such place and for such period as may be specified in such notice.”

Amendment of section 16 of Law No. 29 of 1965

6. Section 16 of the principal law is amended by the insertion immediately after the words “a Chief” appearing therein of the words “or of any decision by the President under the provisions of section 12”.

Amendment of section 24 of Law No. 29 of 1965

7. Section 24 of the principal law is amended as follows —

(i) by the deletion of subsection (1) thereof and by the substitution therefor of two new subsections as follows —

“(1) A Chief may, after consultation with the kgotla in the customary manner, recognise any person as headman in respect of any area or areas of his tribal territory and may in like manner terminate the recognition.

(2) A Chief may, after consultation with the people of the area, with the approval of the Minister, appoint any person as his representative in respect of any area or areas of his tribal territory and may in like manner terminate the appointment.”; and

(ii) by re-numbering the existing subsections (2), (3) and (4) as (3), (4) and (5).

Passed by the National Assembly this day, the 7th April, 1970.

G.T. MATENGE,
Clerk of the National Assembly

CERTIFICATE

I, Albert Alfred Frank Lock, Speaker of the National Assembly, hereby certify that the National Assembly did not proceed on the Bamangwato Land Grant (Amendment) Bill, 1970, until a copy had been referred to the House of Chiefs after the Bill had been introduced in the National Assembly and a period of thirty days elapsed from the date when the Bill was referred to the House of Chiefs before the National Assembly proceeded on the Bill.

A.A.F. LOCK
Speaker

Date: 26th May, 1970