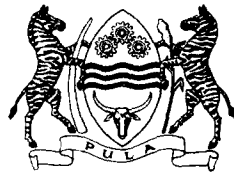


## THE PRISONS (AMENDMENT) ACT, 1970

No. 30



of 1970.

**AN ACT TO AMEND THE PRISONS LAW, 1964, BY MAKING BETTER PROVISION IN RESPECT OF DISCIPLINARY PROCEEDINGS AGAINST JUNIOR OFFICERS. BY ESTABLISHING A PRISONS REWARDS AND FINES FUND. AND BY TRANSFERRING THE POWER TO APPOINT PRISON VISITORS FROM THE PRESIDENT TO THE MINISTER.**

Date of Assent: 14.8.1970.

Date of Commencement: 26.8.1970

ENACTED by the Parliament of Botswana.

### **Short Title**

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

### **Amendment of Section 11 of Law No. 41 of 1964**

2. Section 11 of the Prisons Law, 1964 (hereinafter referred to as the principal law), is amended in subsection (1) by the deletion of "113 (2)" and the substitution of "113 (3) or (4)".

### **Amendment of Section 32 of Law No. 41 of 1964**

3. Section 32 of the principal law is amended —

- (a) in subsection (1) by the deletion of —

- “(a) reprimand;
- (b) severe reprimand;
- (c) extra duties;”

and the substitution therefor of —

- “(a) extra duties;
- (b) reprimand;
- (c) severe reprimand;”;
- (b) in subsection (3) by the deletion of “shall forward the record of the case, together with his comments thereon,” and the substitution therefor of “shall, save in a case where the punishment awarded comprises only extra duties or reprimand, forward the record of the case”;
- (c) in subsection (4) by the deletion of all the words following “abeyance” and the substitution therefor of —  
“until —  
(a) in the case of punishments other than extra duties or reprimand the Director has signified his decision thereon in terms of subsection (3);  
(b) in all cases, any time prescribed for appeal or, in cases where an appeal has been dismissed or allowed in part only, any time prescribed for further appeal, has elapsed;  
(c) in cases where an appeal or further appeal has been duly lodged, the decision on such appeal has been delivered or the appeal has been withdrawn.”

**Amendment of Section 34 of Law No. 41 of 1964**

4. Section 34 of the principal law is amended by the deletion of “113(2)” and the substitution of “113(3) or (4)”.

**Insertion of Section 38 into Law No. 41 of 1964**

5. The principal law is amended by the insertion after section 37 of the following section —

**“Establishment of Prisons Rewards and Fines Fund**

38. (1) All fines imposed under the provisions of this law or any regulations made thereunder for any offences against discipline committed by junior officers shall be placed to the credit of a fund to be called the Prisons Rewards and Fines Fund, hereinafter referred to as the Fund.

(2) The Fund shall be a Special Fund for the purposes of the Finance and Audit Act, 1969.

(3) The Fund shall be administered by an officer of the Prison Service of or above the rank of Assistant Superintendent who shall be appointed by the Director and shall be responsible under the supervision of the Director for the management of the Fund and shall be responsible for preparing and submitting annual accounts of the Fund as required by law.

(4) No payment shall be made from the Fund except upon the authority of the Director.

(5) The Director may, in his discretion, sanction payments from the Fund for any of the following purposes —

- (a) assistance to the wives or families of deceased members of the Prison Service of or below the rank of Principal Warder, or to members of or below such rank discharged from the Prison Service as medically unfit for further service;
- (b) payments to members of the Prison Service of or below the rank of Principal Warder as rewards for meritorious acts or service in the execution of duty if such acts or service are not rewarded by payments from the revenue of Botswana;
- (c) the procuring of any comforts, conveniences or advantages to members of the Prison Service which are not chargeable on the general revenue;
- (d) the granting of small loans in special circumstances to members of the Prison Service repayable by instalments from their pay; or
- (e) the providing of prizes for competitions limited to members of the Prison Service."

**Amendment of Section 93 of Law No. 41 of 1964**

6. Section 93 of the principal law is amended by the deletion of "President" and the substitution therefor of "Minister".

Passed by the National Assembly this day, the 2nd July, 1970.

G.T. MATENGE,  
Clerk of the National Assembly