

Statutory Instrument No. 62 of 1970

**THE REVISED EDITION OF LAWS ACT, 1968
THE REVISED EDITION OF LAWS (FUGITIVE OFFENDERS ACT)
ORDER, 1970**

(Published on the 31st July, 1970)

In the exercise of the powers vested in him by section 8 of the Revised Edition of Laws Act, 1968 (No. 50 of 1968), His Excellency the President makes the following Order —

Citation

1. This Order may be cited as the Revised Edition of Laws (Fugitive Offenders Act) Order, 1970.

Amendment of Long Title of 44 and 45 Vict. c. 69

2. The long title of the Fugitive Offenders Act, 1881, as applied to Botswana by virtue of the provisions of the South African Fugitive Offenders Order in Council, 1913 (which Act is hereinafter referred to as the principal law), is amended by the deletion of "HER MAJESTY'S DOMINIONS" and the substitution of "CERTAIN COMMONWEALTH COUNTRIES".

Deletion of Marginal Notes to 44 and 45 Vict. c. 69

3. The marginal notes to the principal law are deleted.

Amendment of Heading to Part II of 44 and 45 Vict. c. 69

4. The heading to Part II of the principal law is amended by the deletion of "INTER-COLONIAL".

Amendment of section 12 of 44 and 45 Vict. c. 69

5. Section 12 of the principal law is amended —

- (a) by the deletion of "those groups of British possessions" and the substitution of—"Botswana and to those Commonwealth countries to which it shall have been applied prior to 30th September, 1966,";
- (b) by the deletion of "Her Majesty" wherever that phrase occurs and the substitution of "the President";
- (c) by the deletion of "Council" and the substitution of "the Gazette";
- (d) by the deletion of "group of British possessions" and the substitution of "Commonwealth countries".

Amendment of section 13 of 44 and 45 Vict. c. 69

6. Section 13 of the principal law is amended —

- (a) by the deletion of "British possession of a group" and the substitution of "Commonwealth country";
- (b) by the deletion of "another British possession of the same group" and the substitution of "Botswana";
- (c) by the deletion of "in the last-mentioned possession" and "in the same British possession".

Amendment of section 14 of 44 and 45 Vict. c. 69

7. Section 14 of the principal law is amended —

- (a) by the deletion of “British possession” wherever that phrase occurs and the substitution of “Commonwealth country”;
- (b) by the deletion of “by sea or otherwise” and the substitution of “by sea, air or otherwise”.

Amendment of section 15 of 44 and 45 Vict. c. 69

8. Section 15 of the principal law is amended —

- (a) by the deletion of “prosecutor or defendant” and the substitution of “prosecution or defence”;
- (b) by the deletion of “British possession of a group” and the substitution of “Commonwealth country”;
- (c) by the deletion of “any other British possession of the same group” wherever that phrase occurs and the substitution of “Botswana”;
- (d) by the deletion of “that possession” and the substitution of “Botswana”;
- (e) by the deletion of —
“to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued”
and the substitution of —
“(without prejudice to any liability to be tried and punished elsewhere) to be tried and punished in Botswana”;
- (f) by the deletion of “the possession in which he is tried” and the substitution of “Botswana”.

Amendment of section 16 of 44 and 45 Vict. c. 69

9. Section 16 of the principal law is amended —

- (a) by the deletion of “in a British possession of a group to which this part of this Act applies”;
- (b) by the deletion of “the said possession” and the substitution of “Botswana”.

Amendment of section 17 of 44 and 45 Vict. c. 69

10. Section 17 of the principal law is amended —

- (a) by the deletion of “a British possession”, “that possession” and “such possession” and the substitution for each of “Botswana”;
- (b) by the deletion of “province or town” and the substitution of “district or township”.

Amendment of section 18 of 44 and 45 Vict. c. 69

11. Section 18 of the principal law is amended —

- (a) by the deletion of “British possession” and the substitution of “Commonwealth country”;

(b) by the deletion of —

“the governor of that possession, if he thinks fit”

and the substitution of —

“the Government of that country, if it thinks fit”;

(c) by the deletion of “back”;

(d) by the deletion of “the British possession” and the substitution of “Botswana”;

(e) by the addition of the following subsection, the present section becoming subsection (1) —

“(2) Conversely, where a prisoner accused of an offence is returned to Botswana in pursuance of this Part of this Act as applied in another Commonwealth country, and either is not prosecuted for the said offence within six months after his arrival in Botswana or is acquitted of the said offence, the President, if he thinks fit, may, on the requisition of such person, cause him to be sent, free of cost, and with as little delay as possible, to the Commonwealth country in or on his way to which he was apprehended.”

Amendment of section 26 of 44 and 45 Vict. c. 69

12. Section 26 of the principal law is amended —

(a) by the deletion of “constable” and the substitution of “police officer”;

(b) by the deletion of “the part of Her Majesty’s dominions or place” and “part or place” and the substitution for each of “area”.

Amendment of section 28 of 44 and 45 Vict. c. 69

13. Section 28 of the principal law is amended —

(a) by the deletion of “that part of Her Majesty’s dominions to which he escapes” and the substitution of “Botswana”;

(b) by the deletion of —

“parts of Her Majesty’s dominions, namely, the part of which and the part from which the prisoner is being removed, and the part in which the prisoner escapes and the part in which the offender is found”

and the substitution of —

“places, if within Botswana or a Commonwealth country to which Part II of this Act applies, namely the place to which or the place from which the prisoner is being removed, or the place in which the prisoner escapes or the place in which the offender is found”.

Amendment of section 29 of 44 and 45 Vict. c. 69

14. Section 29 of the principal law is amended —

(a) by the deletion of “the part of Her Majesty’s dominions” and the substitution of “Botswana or the Commonwealth country”;

(b) by the deletion of —

“a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary,

or of some secretary or minister administering a department of the government of a British possession"

and the substitution of —

"some secretary or minister administering a department of the government of a Commonwealth country".

Amendment of section 30 of 44 and 45 Vict. c.69

15. Section 30 of the principal law is amended by the deletion of the first paragraph thereof.

Amendment of section 33 of 44 and 45 Vict. c. 69

16. Section 33 of the principal law is amended —

- (a) by the deletion of "more than one part of Her Majesty's dominions" and the substitution of "Botswana and in one or more other Commonwealth countries";
- (b) by the deletion of "part of Her Majesty's dominions" wherever that phrase occurs and the substitution of "Commonwealth country";
- (c) by the deletion of "the place in which he is apprehended" and "the part of Her Majesty's dominions in which he is apprehended" and the substitution for each of "Botswana";
- (d) by the deletion of "a British possession, the governor of such possession" and the substitution of "Botswana, the President".

Amendment of section 34 of 44 and 45 Vict. c. 69

17. Section 34 of the principal law is amended —

- (a) by the deletion of "part of Her Majesty's dominions" wherever that phrase occurs and the substitution of "Commonwealth country";
- (b) by the deletion of "in Her Majesty's dominions" and the substitution of "in a Commonwealth country".

Substitution of section 38 of 44 and 45 Vict. c. 69

18. Section 38 of the principal law is deleted and there is substituted therefor —

"Where an offence is committed before the application of Part II of this Act to a Commonwealth country or to the offence, this Act shall apply after such application in like manner as if such offence had been committed after such application."

Amendment of section 39 of 44 and 45 Vict. C. 69

19. Section 39 of the principal law is amended —

- (a) by the deletion of the definitions of "British possession", "legislature", "governor", "constable", "magistrate", "offence punishable on indictment", and "superior court";
- (b) by the transposition of the definitions of "oath" and "deposition";
- (c) by the insertion immediately before the definition of "deposition" of the following definition —

“The expression “Commonwealth c untry” means any country to which section 28 of the Constitution applies.”

P.L. STEENKAMP,
Administrative Secretary

Office of the President,
GABORONE.
22nd July, 1970.