No. 12 of 1999

An Act to amend the Magistrates' Courts Act
Date of Assent: 19.8.99.
Date of Commencement: On Notice
ENACTED by the Parliament of Botswana.

Short title and commencement

1. This Act may be cited as the Magistrates' Courts (Amendment) Act, 1999, and shall come into operation on such date as the Minister may by statutory instrument appoint, so however that the Minister may appoint different dates for the coming into operation of different provisions of the Act.

Amendment of section 17 of Cap. 04:04

2. Section 17 of the Magistrates' Courts Act (in this Act referred to as "the Act") is amended by substituting for the provisions of that section the following provisions —

"17. Subject to section 30 —

(*a*) a Chief Magistrate, a Principal Magistrate and a Senior Magistrate shall have jurisdiction —

(i) in all civil claims where the total amount claimed either in the way of liquidated or unliquidated damages, or the value of the property claimed does not exceed P40,000, in the case of a Chief Magistrate, P30,000, in the case of a Principal Magistrate, and P20,000 in the case of a Senior Magistrate,

(ii) in actions of ejectment against the occupier of any premises or land:

Provided that the right of occupation of any such premises or land in dispute between the parties does not exceed, in value to the occupier, P40,000, in the case of a Chief Magistrate, P30,000 in the case of a Principal Magistrate, and P20,000 in the case of a Senior Magistrate;

(*b*) a Magistrate Grade I and a Magistrate Grade II shall have jurisdiction in all civil claims where the total amount claimed either in the way of liquidated or unliquidated damages or the value of the property claimed does not exceed P15,000, in the case of a Magistrate Grade I, and P10,000, in the case of a Magistrate Grade II.".

Amendment of section 61 of the Act

3. Section 61 of the Act is amended —

(*a*) by substituting for the provisions of subsections (1) and (2) the following —

"(1) Subject to the provisions of this Act and of any other written law, the limits to the punishment that may be imposed by magistrates shall be as follows —

(*a*) Chief Magistrates	: 15 years' imprisonment or P40,000 fine, or both;
(*b*) Principal Magistrates	: 12 years' imprisonment or P30,000 fine, or both;
(*c*) Senior Magistrates	: 10 years' imprisonment or P20,000 fine, or both;
(*d*) Magistrates Grade I	: 7 years' imprisonment or P15,000 fine, or both;
(*e*) Magistrates Grade II	: 5years' imprisonment or P10,000 fine, or both:

Provided that a Chief Magistrate and a Principal Magistrate may impose a maximum sentence of 20 years' imprisonment where a minimum sentence has been prescribed as punishment for commission of an offence.

(2) In respect of offences for which such punishment is specifically authorised by written law all magistrates shall be competent to impose a sentence of whipping subject to the following maximum strokes —

(*a*) Chief Magistrates	: 12 strokes;
(*b*) Principal Magistrates	: 10 strokes;
(*c*) Senior Magistrates	: 9 strokes;
(*d*) Magistrates Grade I	: 7 strokes;
(*e*) Magistrates Grade II	: 5 strokes.";

(*b*) by repealing subsection (6) thereof.

PASSED by the National Assembly this 15th day of July, 1999.

C.T. MOMPEI,
Clerk of the National Assembly.