

BOTSWANA DEFENCE FORCE (AMENDMENT) ACT, 1997

No. 8



of 1997

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 21:05
3. Amendment of section 73 of the Act
4. Amendment of section 74(3) of the Act
5. Amendment of section 75(3)(a) of the Act
6. Amendment of section 75(5)(d) of the Act

An Act to amend the Botswana Defence Force Act.

Date of Assent: 20.5.97.

Date of Commencement: 30.5.97.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana Defence Force (Amendment) Act, 1997.

Short title

2. Section 2 of the Botswana Defence Force Act (in this Act referred to as "the Act") is amended by substituting for the definition of "appropriate superior authority" in subsection (1) thereof the following new definition —

Amendment of
section 2 of
Cap. 21:05

"appropriate superior authority", in relation to an officer charged with an offence, means —

- (a) in the case of officers of the rank of Colonel, any officer of the rank of Major-General and above;
- (b) in the case of officers of the rank of Lieutenant-Colonel, an officer of the rank of Brigadier;
- (c) in the case of officers of the rank of Major and Captain, any officer not below the rank of Colonel;
- (d) in the case of officers of the rank of Lieutenant and below and warrant officers, any officer not below the rank of Lieutenant-Colonel who is not the commanding officer of the officer charged."

Amendment
of section 73
of the Act

3. Section 73 of the Act is amended —

- (a) in subsection (1) thereof, by substituting for the word “Lieutenant-Colonel” which appears therein, the word “Brigadier”;
- (b) by substituting for paragraph (a) of subsection (3) thereof, the following new paragraph —
“(a) in the case of an officer of the rank of Brigadier and above, be remanded for trial by the High Court.”

Amendment of
section 74(3)
of the Act

4. Section 74(3) of the Act is amended —

- (a) by substituting for subparagraphs (i) - (iv) of paragraph (a) thereof, the following new subparagraphs —
 - (i) detention for a period not exceeding 45 days, or, if the accused is on active service, field punishment for a period not exceeding 45 days,
 - (ii) a fine of a sum not exceeding the equivalent of 45 days pay,
 - (iii) severe reprimand or reprimand,
 - (iv) where the offence has occasioned any expense, loss or damage, stoppages,
 - (v) admonition;”;
- (b) by substituting for the figure “28” wherever it appears in paragraph (b) thereof, the figure “45”.

Amendment of
section 75(3)(a)
of the Act

5. Section 75(3)(a) of the Act is amended by substituting for the word “Lieutenant-Colonel” which appears therein the word “Brigadier”.

Amendment of
section 75(5)(d)
of the Act

6. Section 75(5)(d) of the Act is amended by substituting for the figure “28” which appears therein the figure “45”.

PASSED by the National Assembly this 3rd day of April, 1997.

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