

CONSTITUTION (AMENDMENT) ACT, 1997

No. 16



of 1997

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 34 of the Constitution
3. Amendment of section 35 of the Constitution
4. Amendment of section 39 of the Constitution
5. Amendment of section 61 of the Constitution

An Act to amend the Constitution

Date of Assent: 20th August, 1997

Date of Commencement: 29th August, 1997

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Constitution (Amendment) Act, 1997.
2. Section 34 of the Constitution is hereby amended by substituting for that section, the following new section —

"Tenure of
Office of
President

34. (1) The President shall, subject to the provisions of this section, hold office for an aggregate period not exceeding 10 years beginning from the date of his first assumption of office of President after the commencement of this Act.

(2) The President shall cease to hold the office of President if at any time during his tenure of office any circumstances arise that would, if he were not a member of the National Assembly, cause him to be disqualified for election thereto.

(3) The President shall cease to hold office of President at the expiry of the period prescribed under subsection (1) of this section, or when the person elected at the next election of President following a dissolution of Parliament assumes office."

3. Section 35 of the Constitution is hereby amended by substituting for subsection (1) thereof, the following new subsection —

"(1) Whenever the President dies, resigns or ceases to hold office, the Vice-President shall assume office as President with effect from the date of the death, resignation or ceasing to be President."

Short title
Amendment
of section
34 of the
Constitution

Amendment
of section 35
of the
Constitution

Amendment
of section 39
of the
Constitution

4. Section 39 of the Constitution is hereby amended by substituting for subsection (1) thereof, the following new subsection —

“(1) There shall be a Vice-President who shall be appointed by the President from among the Elected Members of the National Assembly who are citizens of Botswana by birth or descent, which appointment shall be endorsed by the said Elected Members.”

Amendment
of section 61
of the
Constitution

5. Section 61 of the Constitution is hereby amended by substituting for paragraph (b) thereof, the following new paragraph —

“(b) he has attained the age of 18 years;”.

PASSED by the National Assembly this 6th day of August, 1997.

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