

**CHAPTER 02:07 - NTLO YA DIKGOSI (POWERS AND PRIVILEGES): SUBSIDIARY  
LEGISLATION**

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**NTLO YA DIKGOSI (ELECTION OF ELECTED MEMBERS) REGULATIONS**

(under section 83(e) of the Constitution)

(19th February, 1965)

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L.N. 3, 1965,  
Act 11, 2005,  
S.I. 92, 2006.

**1. Citation**

These Regulations may be cited as the *Ntlo ya Dikgosi* (Election of Elected Members) Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"by-election"** means an election to fill a vacancy among the Elected Members occurring otherwise than upon a dissolution of the National Assembly;

**"candidate"** means a candidate for election as an Elected Member;

**"Constitution"** means the Constitution of Botswana;

**"district"** means the Chobe district, the North East district, the Ghanzi district or the Kgalagadi district;

**"Elected Member"** means a member of the *Ntlo ya Dikgosi* elected from among their own number by the Sub-Chiefs of a district;

**"election"** means the election of an Elected Member;

**"Electoral Officer"** means the *Ntlo ya Dikgosi* Electoral Officer of the appointed under regulation 3;

**"general election"** means an election to elect Elected Members occurring upon a

dissolution of the National Assembly;

**"meeting"** means a meeting of Sub-Chiefs held for the purpose of a general election or a by-election;

**"Secretary"** means the person appointed to be the Secretary of the *Ntlo ya Dikgosi* in terms of section 81 of the Constitution;

**"Sub-Chief"** means a person for the time being performing the functions of the office of Sub-Chief in a district.

### **3. Appointment of Electoral Officer to *Ntlo ya Dikgosi***

(1) The President, acting in his or her discretion, shall appoint an Electoral Officer to the *Ntlo ya Dikgosi* who shall have the powers and perform the duties conferred and imposed upon him by these Regulations.

(2) Any appointment made under this regulation may be by name or by office and shall be published in the *Gazette*.

### **4. Election to be held**

(1) The Electoral Officer shall cause meetings of Sub-Chiefs to be held-

- (a) for the purposes of a general election, as soon as practicable after the holding of a general election of the Elected Members of the National Assembly; and
- (b) for the purposes of a by-election, as soon as practicable after the vacancy has occurred.

(2) The Electoral Officer shall preside at every meeting and conduct it in such manner as he or she thinks fit in accordance with these Regulations.

### **5. Summoning of Sub-Chiefs for purpose of elections**

(1) A meeting shall be held at such time and place as the Electoral Officer may determine by giving written or telegraphic notice thereof to the Sub-Chiefs entitled to take part in the elections to be conducted at that meeting:

Provided that the time specified in such notice shall not be earlier than 14 days after the date on which such notice is given.

(2) The Electoral Officer may at any time, by notice given in like manner, change the time so specified to a later time, or change the place so specified.

### **6. Separate elections to be held**

(1) Separate elections shall be held for the election of the several Elected Members to be elected at any meeting.

(2) No person other than a Sub-Chief of the district in respect of which an Elected Member is to be elected shall be entitled to take part in the election of that member.

### **7. Commencement of proceedings**

(1) At the commencement of proceedings at any meeting, the Electoral Officer shall announce what elections are to be conducted at that meeting, and then proceed to the first election by calling for the nomination of candidates for that election.

(2) Any Sub-Chief present who is entitled to take part in that election, may then nominate as a candidate any other Sub-Chief entitled to take part in that election. The Electoral Officer shall call upon the Sub-Chief nominated to declare whether he or she accepts candidature or not.

(3) If any Sub-Chief is willing to accept candidature for election and has reason to believe that he or she may not be present when the election is held, he or she may give written notice of his or her willingness to the Electoral Officer in advance. If when the election is held such Sub-Chief is nominated, the Electoral Officer shall announce that the Sub-Chief has accepted candidature in advance.

(4) Where in respect of any election no candidate has been nominated but one or more Sub-Chiefs entitled to take part in the election are present, every such Sub-Chief shall be deemed to have been nominated and the Electoral Officer shall call upon him to declare whether he accepts candidature or not.

(5) Where no Sub-Chief entitled to take part in the election is present but a single Sub-Chief so entitled has given notice of his willingness to accept candidature in terms of subregulation (3), such Sub-Chief shall be deemed to have been nominated and the Electoral Officer shall announce that that Sub-Chief has accepted candidature in advance.

#### **8. Announcement of candidates**

When all nominations in respect of that election have been received, the Electoral Officer shall announce the names of the candidates who have been duly nominated or deemed to be nominated and who have accepted candidature. If there is only one such candidate, the Electoral officer shall forthwith declare him to have been duly elected as an Elected Member. If there is more than one such candidate a poll shall be taken, and the Secretary shall write the names of the candidates on a blackboard placed in full view of the Sub-Chiefs entitled to take part in the election.

#### **9. Marking of ballot papers**

(1) The Secretary shall then supply a ballot paper to each Sub-Chief present who is entitled to take part in the election and who wishes to vote and the Sub-Chief shall write on the ballot paper the name of the candidate whom he wishes to elect as an Elected Member.

(2) Only one name shall be written on the ballot paper and no Sub-Chief shall mark the ballot paper in such a way as to disclose whose ballot paper it is.

(3) Where any Sub-Chief is unable to write he may communicate, in secret, to the Electoral Officer the name of the candidate for whom he wishes to vote and the Electoral Officer shall thereupon secretly write forthwith such name on the ballot paper and the provisions of subregulation (2) shall, *mutatis mutandis*, apply.

(4) A Sub-Chief who has accidentally dealt with his ballot paper in such manner that it may not properly be used as a ballot paper may, on delivering such ballot paper to the Electoral Officer and after satisfying the Electoral Officer that it has been spoilt by accident, obtain another ballot paper in place thereof and the spoilt ballot paper shall be immediately cancelled.

#### **10. Casting of votes**

(1) The Secretary shall then sit at a convenient table and call in turn the names of all Sub-Chiefs present and entitled to take part in the election and each such Sub-Chief who wishes to vote shall as his or her name is called come to the table and drop his or her ballot paper into a glass placed before the Secretary in such a manner as not to disclose for whom he or she is voting.

(2) A Sub-Chief shall not drop into the glass a ballot paper which is not his or her own.

#### **11. Counting of votes**

When all the Sub-Chiefs who wish to do so have voted at a poll the Electoral Officer shall examine all ballot papers dealt with in accordance with the provisions of regulation 10 and shall reject any which in his or her opinion does not adequately indicate for which candidate a Sub-Chief intended to vote or which does not comply with any of the provisions of these Regulations. He or she shall then count the number of votes obtained by each candidate and prepare a list of candidates showing the votes polled by each.

#### **12. Second poll**

(1) If two or more candidates have an equal number of votes each, which number is greater than the number of votes obtained by any other candidate, then such candidates shall be candidates in a second poll to be held in accordance with the provisions of these Regulations.

(2) If, after a second poll has been held in terms of subregulation (1) an equality of votes is found to exist between any candidates so that the addition of a vote would entitle one of the candidates to be declared elected, the Electoral Officer shall forthwith decide between those candidates by lot and shall proceed as if the candidate on whom the lot falls has received an additional vote.

#### **13. Declaration of results**

A candidate who has received more votes at a poll than any other candidate shall be deemed to have been elected at that poll and the Electoral Officer shall forthwith declare such Sub-Chief to have been duly elected as an Elected Member.

#### **14. Other elections**

On completion of the procedure described in the foregoing regulations at any meeting, the Electoral Officer shall proceed in like manner to any further election to be conducted at that meeting.

#### **15. Safe custody of ballot papers**

At the completion of an election the Secretary shall place ballot papers, including spoilt ballot papers, used at any poll in an envelope, seal it and keep it in safe custody and, when so ordered by the Electoral Officer, shall cause the envelope and its contents to be destroyed.

#### **16. Transmission of names**

As soon as practicable after the completion of a meeting the Electoral Officer shall cause the names of the Elected Members elected at that meeting to be published in the *Gazette*.

#### **17. Poll or election void**

If the Electoral Officer is satisfied in relation to any poll or election that the provisions of these Regulations have not been, or are not being carried out properly in any respect, he or she may declare the poll or the election void, and order the proceedings for the poll or for the election to be begun afresh at the same or any subsequent meeting.

#### **18. Electoral Officer's decision final**

Any decision made by the Electoral Officer under these Regulations shall be final and shall not be enquired into in any court.

#### **19. Requirement of secrecy**

(1) The Electoral Officer, the Secretary and any Sub-Chief present at a meeting shall maintain and aid in maintaining the secrecy of the voting at the meeting.

(2) No person shall, except for some purpose authorized by law or with the consent of the Sub-Chief concerned-

- (a) obtain or attempt to obtain any information as to the candidate for whom a Sub-Chief has voted at any meeting; or
- (b) communicate at any time to any person any information he or she may have obtained as to the candidate for whom a Sub-Chief has voted at any meeting.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

### **RULES OF PROCEDURE OF THE NTLO YA DIKGOSI**

*(under section 83 of the Constitution)*

*(2nd July, 1965)*

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First Schedule - Oath of Allegiance

Second Schedule - Election of Chairperson and Deputy Chairperson

L.N. 27, 1965,  
S.I. 12, 1967,  
S.I. 42, 1967,  
S.I. 12, 1968,  
S.I. 153, 1985,  
Act 11, 2005,  
S.I. 92, 2006.

## **PART I**

### **Introductory (rules 1-11)**

#### **1. Citation and interpretation**

(1) These Rules may be cited as the Rules of Procedure of the *Ntlo ya Dikgosi*.

(2) In these Rules, unless the context otherwise requires-

"**Chairperson**" includes any other Member presiding for the time being in the *Ntlo ya Dikgosi* in terms of rule 6;

"**meeting**" means any sitting or sittings of the *Ntlo ya Dikgosi* commencing when the *Ntlo ya Dikgosi* first sits after being notified of the commencement of a meeting and terminating when the *Ntlo ya Dikgosi* is adjourned *sine die* or on a dissolution of the National Assembly;

"**Secretary**" includes an Assistant Secretary when the latter is at the Table.

#### **2. Oath of allegiance**

Every Member of the *Ntlo ya Dikgosi* shall, before taking his or her seat therein, take and subscribe before the *Ntlo ya Dikgosi* the oath or affirmation of allegiance as set out in the First Schedule.

#### **3. Election and tenure of office of Chairperson and Deputy Chairperson**

(1) There shall be a Chairperson and a Deputy Chairperson of the *Ntlo ya Dikgosi*. At the first meeting of the *Ntlo ya Dikgosi* in any year or after a general election to the National Assembly, or whenever, at any other time, either office is vacant, the *Ntlo ya Dikgosi* shall proceed immediately to the election of a Chairperson and Deputy Chairperson, or either, as the case may be, following the procedure set out in the Second Schedule.

(2) A person so elected as Chairperson or Deputy Chairperson shall hold office until-

- (a) he or she resigns such office by writing under his or her hand addressed to the Secretary;
- (b) he or she ceases to be a member of the *Ntlo ya Dikgosi*; or
- (c) a person is elected as Chairperson or Deputy Chairperson, as the case may be, at an election held in pursuance of subrule (1).

#### **4. Duties of Secretary**

(1) The Secretary shall be responsible for keeping minutes of all the proceedings of the *Ntlo ya Dikgosi*. The minutes of proceedings shall include in respect of every sitting of the *Ntlo ya Dikgosi* the names of Members not attending, all decisions taken, and details of every division held.

(2) At the end of every meeting of the *Ntlo ya Dikgosi* the Secretary shall sign the minutes of the proceedings of that meeting and shall then circulate copies to Members before the commencement of the next meeting.

(3) The Secretary shall be responsible for preparing for each meeting an Order Paper showing all business for that meeting of which notice has been given.

(4) The Secretary shall be responsible for the custody of the minutes of proceedings and

of the Bills, papers, and other documents laid before the *Ntlo ya Dikgosi*, which shall be open to inspection by Members of the *Ntlo ya Dikgosi* and other persons under arrangements approved by the Chairperson.

(5) The Secretary shall perform the further duties laid upon him or her in these Rules, and all other duties in the service of the *Ntlo ya Dikgosi* ordered by the *Ntlo ya Dikgosi* or directed by the Chairperson.

#### **5. Seating**

Every Member shall have a seat reserved for him or her by the Secretary, and the seats shall be arranged in such a manner as may be decided by the Chairperson.

#### **6. Presiding in *Ntlo ya Dikgosi***

Subject to the provisions of the Second Schedule there shall preside at any sitting of the *Ntlo ya Dikgosi*-

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Deputy Chairperson; or
- (c) in the absence of the Chairperson and the Deputy Chairperson, such other Member as the *Ntlo ya Dikgosi* may elect for that sitting following the procedure set out in the Second Schedule.

#### **7. Official report of speeches**

The Secretary shall be responsible for the production of an official report of all speeches made and all business transacted in the *Ntlo ya Dikgosi*.

#### **8. Absence of Members**

Any Member who is prevented from attending a meeting of the *Ntlo ya Dikgosi* shall acquaint the Secretary as early as possible of his or her inability to attend.

#### **9. Language**

The proceedings and debates of the *Ntlo ya Dikgosi* shall be in English and Setswana languages:

Provided that-

- (i) speeches in Setswana shall be interpreted into English and speeches in English shall, if any Member so requests, be interpreted into Setswana; and
- (ii) all speeches shall be recorded in English in the official report of speeches.

#### **10. Quorum**

(1) A quorum of the *Ntlo ya Dikgosi* shall consist of not less than seven Members excluding the Chairperson.

(2) If the attention of the Chairperson is drawn to the fact that a quorum is not present he or she shall direct that Members be summoned. If after five minutes have expired he or she is satisfied that a quorum is not present he shall adjourn the *Ntlo ya Dikgosi* without question put, and the *Ntlo ya Dikgosi* shall then stand adjourned in accordance with rule 13.

(3) If from the number of Members taking part in a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, the question on which it was held shall stand over until the next sitting, and the procedure prescribed in subrule (2) shall be followed.

#### **11. Attendance of Ministers**

(1) Any Minister who is responsible for a Bill the draft or copy of which has been referred to the *Ntlo ya Dikgosi* in terms of rule 39 or rule 40, or the representative of any such Minister, may attend the proceedings of the *Ntlo ya Dikgosi* when the draft or copy of the Bill is being considered by the *Ntlo ya Dikgosi*.

(2) Any Minister who has consulted the *Ntlo ya Dikgosi* on any matter, or his or her representative, may attend the proceedings of the *Ntlo ya Dikgosi* relative to such matter.

(3) Any Minister who has arranged to make a statement to the *Ntlo ya Dikgosi* in pursuance of rule 20 may attend the proceedings of the *Ntlo ya Dikgosi* for the purpose of making such statement.

(4) Where arrangements have been made for any Minister or his or her representative to answer questions in the *Ntlo ya Dikgosi*, such Minister or representative may attend the proceedings of the *Ntlo ya Dikgosi* in order to answer such questions.

(5) Any Minister may be invited by the Chairperson to attend or send a representative to attend any other proceedings of the *Ntlo ya Dikgosi*:

Provided that the Chairperson shall invite a Minister to do so in relation to any particular proceedings of the *Ntlo ya Dikgosi* if requested in writing to do so by not less than four Members.

(6) A person attending the proceedings of the *Ntlo ya Dikgosi* by virtue of the provisions of this rule shall be entitled to take part in those proceedings as if he or she were a Member of the *Ntlo ya Dikgosi*:

Provided that he or she shall not be entitled to vote in the *Ntlo ya Dikgosi*.

## **PART II**

### ***Meetings and Sittings of the Ntlo ya Dikgosi (rules 12-15)***

#### **12. Meetings**

(1) Subject to the provisions of this rule, meetings of the *Ntlo ya Dikgosi* shall be held at such places and begin at such times as the Vice-President may determine. Written or telegraphic notice of all meetings shall be given by the Secretary to Members and such notice shall be despatched at least 14 days before the day of the meeting if practicable, but if not practicable the longest possible notice shall be given.

(2) The Vice-President may at any time, by notice given in like manner, change the time so determined to a later time, or, in cases of emergency, an earlier time.

(3) The Vice-President shall call a meeting of the *Ntlo ya Dikgosi*-

- (a) to commence within 30 days of his or her receiving a request in writing for that purpose addressed to him or her by any six Members of the *Ntlo ya Dikgosi*;
- (b) at least once in every year.

#### **13. Days of sittings**

During the course of a meeting, unless the *Ntlo ya Dikgosi* in any case otherwise decides, the *Ntlo ya Dikgosi* shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, but shall not sit on public holidays.

#### **14. Hours of sittings**

Every sitting other than the first sitting of a meeting shall be from 9.30 a.m. to 12.30 p.m. and 2.30 p.m. to 4.00 p.m. unless the Vice-President otherwise determines.

#### **15. Adjournment of meeting**

The Vice-President shall after consultation with the Chairperson, adjourn the *Ntlo ya Dikgosi sine die*.

## **PART III**

### ***Business of the Ntlo ya Dikgosi (rules 16-21)***

#### **16. Daily routine of business**

(1) Subject to the provisions of these Rules, the business of each sitting shall be transacted in the following order-

- (a) entry of Chairperson;
- (b) prayers;
- (c) messages from the President, Vice-President or Ministers;
- (d) announcements by the Chairperson;
- (e) motions in pursuance of paragraph (b) of rule 23(2);
- (f) other business, as set out on the Order Paper for the meeting in such order as, subject to the provisions of rule 39(2), the Chairperson may determine.

(2) The Chairperson shall so far as possible at each sitting announce to Members at the time appointed in subrule (1) the order in which business will be taken at that sitting.

#### **17. Questions**

(1) Any Member may address a question to a Minister relating to a public matter for which he or she is responsible, and either seeking information on such matter, or asking for official action with regard to it.

(2) A question shall not be asked without notice except as may be arranged with the Minister to whom it is addressed.

(3) Notice of a question should be sent by a Member to reach the Secretary at least three clear days before the commencement of the meeting at which that Member wishes to ask the question. Every such notice must be signed by the Member giving it.

(4) The Secretary shall then advise the Minister to whom the question is addressed of the question and shall request such Minister to make arrangements with him or her for answering that question at the next meeting and when any such arrangements have been made he or she shall inform the Chairperson accordingly.

#### **18. Contents of questions**

(1) A question shall conform to the following rules-

- (a) a question shall not include the names of persons, or statements which are not strictly necessary to make the question intelligible;
- (b) a question shall not contain a statement which the Member who asks the question is not prepared to substantiate;
- (c) a question shall not contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;
- (d) a question shall not refer to debates or answers to questions in the current year;
- (e) a question shall not seek information about a matter which is of its nature secret;
- (f) a question shall not reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;
- (g) a question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;
- (h) a question shall not be asked whether statements in the press or of private individuals or private concerns are accurate;
- (i) a question shall not be asked about the character or conduct of any person mentioned in rule 32(7); and a question shall not be asked about the character or conduct of any other person except in his or her official or public capacity;
- (j) a question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference;
- (k) a question which has been fully answered shall not be asked again during the same year.

(2) If the Chairperson is of the opinion that a question of which a Member has given notice to the Secretary or which a Member has sought to ask without notice, infringes any of the provisions of rule 17 or of this rule he or she may direct-

- (a) that it be placed on the Order Paper with such alterations as he or she may direct; or
- (b) that the Member concerned be informed that the question is out of order.

#### **19. Manner of asking and answering questions**

(1) At any time during a meeting at which arrangements have been made for the attendance of Ministers or their representatives for the oral asking and answering of questions, the Chairperson shall call in turn upon each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed. Each Member so called shall rise in his or her place and ask the question by reference to its number on the Order Paper, and the Minister or representative questioned shall be entitled to reply.

(2) After the answer to a question has been given, supplementary questions may, at the discretion of the Chairperson, be put for the purpose of elucidating the answer given orally, but the Chairperson may refuse any such question which in his or her opinion introduces matters not relative to the original question, or which infringes any of the provisions of rule 18, and may

in that case direct that such question be not reported in the official report of speeches.

(3) A Member shall not address the *Ntlo ya Dikgosi* on a question, and a question shall not be made a pretext for a debate.

(4) Any questions of which notice has been given which are not asked and answered in pursuance of subrules (1) to (3) during the meeting in respect of which notice was given shall be sent by the Secretary to the Ministers concerned and any answers received shall be circulated to Members and recorded in the minutes of proceedings.

(5) When all the questions, for which oral answers are required, have been called, the Chairperson shall call again any question which has not been asked by reason of the absence of the Member in whose name it stands, in which case a Member can ask a question for another Member, if deputed to do so.

#### **20. Statements by Ministers**

(1) A Minister may by arrangement with the Chairperson make a statement to the *Ntlo ya Dikgosi* on some public matter for which he or she is responsible.

(2) No debate may arise on such a statement but the Chairperson may in his or her discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

#### **21. Personal explanations**

With the leave of the Chairperson, a Member may make a personal explanation, although there is no question before the *Ntlo ya Dikgosi*, but no controversial matter may be brought forward nor may debate arise upon the explanation. The terms of the proposed statement shall be submitted in full to the Chairperson when his or her leave to make it is sought.

### **PART IV**

#### ***Process of Debate (rules 22-27)***

#### **22. *Ntlo ya Dikgosi* may not be addressed except on a motion**

Except as otherwise provided in these Rules, no Member shall address the *Ntlo ya Dikgosi* unless he or she is speaking to a motion moved in accordance with the provisions of this Part.

#### **23. Notice of motions**

(1) Except as otherwise provided in these Rules, no motion may be moved at any meeting unless the text of the proposed motion is included in the Order Paper for that meeting.

(2) The Secretary shall not include the text of any proposed motion in the Order Paper for any meeting unless-

- (a) notice thereof has been given to him or her at least three clear days before the commencement of that meeting; or
- (b) the *Ntlo ya Dikgosi*, on a motion in the following terms, that is to say "That a motion by (name of Member proposing to move motion) concerning (subject matter of proposed motion) be added to the Order Paper for the present meeting", has ordered that the proposed motions be added to the Order Paper for that meeting.

(3) A motion in pursuance of subrule (2)(b) may be moved without notice by any Member at the time appointed in rule 16 or, if in the opinion of the Chairperson the matter to be raised by way of the proposed motion is of urgent importance, at any other time appointed by the Chairperson.

#### **24. Manner of giving notice of motions**

Notice of a motion shall be given by the delivery of a copy of the motion in writing to the Secretary during his or her normal office hours. The notice shall be signed by the Member wishing to move the motion and, if circumstances require, the Secretary may make such alterations to the text thereof, being alterations to facilitate considerations in terms of these Rules, as he or she may deem necessary.

#### **25. Manner of debating motions**

(1) A Member called upon by the Chairperson to move a motion shall rise in his or her place and after making such remarks as he may wish to make shall move the motion, stating its terms.

(2) Debate may then take place on the question raised by the motion and may continue for so long as any Member wishes to speak.

(3) When no more Members wish to speak the Chairperson shall put the question to the *Ntlo ya Dikgosi* for its decision.

## **26. Amendments to motions**

(1) Any Member who has risen to speak on a question raised by a motion may propose an amendment to that motion.

(2) An amendment to a motion shall take one of the following forms-

- (a) to leave out one or more of the words of the motion;
- (b) to insert one or more words in the motion;
- (c) to add one or more words at the end of the motion;
- (d) to leave out one or more words of the motion and insert one or more words instead;
- (e) to leave out one or more words at the end of the motion and to add one or more words instead.

(3) As soon as an amendment has been moved, the Secretary shall put the amendment into writing as directed by the mover, and shall hand the text thereof to the Chairperson who shall thereupon propose the question to the *Ntlo ya Dikgosi*. A debate may then take place on the question raised by the amendment.

(4) An amendment to an amendment which a Member wishes to move may be moved at any time after the original amendment has been moved and before the question has been put at the conclusion of the debate on the original amendment.

## **27. Withdrawal of motions and amendments**

(1) A motion or an amendment may be withdrawn at the request of the mover by leave of the *Ntlo ya Dikgosi* before the question is fully put thereon if there is no dissenting voice.

(2) If the question has been postponed on an amendment to a motion or to another amendment, the original motion cannot be withdrawn until the amendment has been disposed of.

(3) A notice of motion may be withdrawn from the Order Paper at any time before it is moved if the Member in whose name the motion stands gives instructions to that effect to the Secretary.

## **PART V**

### ***Rules of Debate (rules 28-33)***

## **28. Time and manner of speaking**

(1) A Member other than the Chairperson shall speak standing and shall address his or her observations to the Chairperson.

(2) The Chairperson shall speak seated and only rise in order to deal with any point of order.

(3) Whenever the Chairperson rises during a debate, any Member then speaking or offering to speak shall sit down, and the Members shall be silent so that the Chairperson may be heard without interruption.

(4) If two or more Members rise at the same time to speak the Chairperson shall select one Member and call on him or her to speak.

(5) When a Member has finished speaking he or she shall resume his or her seat and any other Member wishing to speak shall rise.

(6) A Member may not read his or her speech but he or she may read extracts from books or papers in support of his or her argument and may refresh his or her memory by reference to notes.

## **29. Interruption**

- Subject to the provisions of rule 31 a Member shall not interrupt another Member except-
- (a) by rising to a point of order, when the Member speaking shall resume his or her seat and the Member interrupting shall direct attention to the point which he or she wishes to bring to notice and submit it to the Chairperson for decision; or
  - (b) to elucidate some matter raised by that Member in the course of his or her speech, if the Member speaking is willing to give way and resume his or her seat and the Member wishing to interrupt is called by the Chairperson.

### **30. Adjournment of debate**

(1) A Member who has risen to speak on a motion may move without notice that the debate be now adjourned; thereupon that question shall be disposed of before the question on the original motion is further considered.

(2) When a motion that the debate be now adjourned has been agreed to, the debate on the question then before the *Ntlo ya Dikgosi* shall stand adjourned and the Secretary shall add to the Order Paper for the meeting an item in respect of the resumption of that debate. The *Ntlo ya Dikgosi* shall then proceed to some other item of business.

(3) When a motion that the debate be now adjourned has been defeated, the debate on the question then before the *Ntlo ya Dikgosi* shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by the Chairperson.

(4) It shall not be in order to move an amendment to a motion moved under the provisions of this rule.

### **31. Closure of debate**

(1) After a motion has been moved, any Member may at any time during the course of debate rise in his or her place and claim to move "That the question be now put". Thereupon the Member speaking shall resume his or her seat and unless it appears to the Chair that that motion is an abuse of the rules of the *Ntlo ya Dikgosi* or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith. No debate on that motion shall be allowed, and if the motion is carried, the debate then before the *Ntlo ya Dikgosi* shall cease and the question before the *Ntlo ya Dikgosi* shall be put forthwith.

(2) When the motion "That the question be now put" has been carried, and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair be now put forthwith and decided without amendment or debate.

### **32. Contents of speeches**

(1) A Member shall restrict his or her observations to the subject under discussion and shall not introduce matter irrelevant to that subject.

(2) Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Chairperson, might prejudice that case.

(3) It shall be out of order to attempt to reconsider a specific question on which the *Ntlo ya Dikgosi* has taken a decision during the current year, except on a substantive motion to rescind that decision made with the permission of the Chairperson.

(4) It shall be out of order to use offensive and insulting language about Members of the *Ntlo ya Dikgosi*.

(5) A Member shall not impute improper motives to another Member.

(6) The name of the President shall not be used to influence the *Ntlo ya Dikgosi*.

(7) The conduct of the President or of any person performing the functions of President, Members of the National Assembly, Judges of the High Court or individual Chiefs or Sub-Chiefs shall not be raised except upon a motion moved for that purpose.

### **33. Behaviour of Members not speaking**

During a sitting-

- (a) all Members shall enter or leave the *Ntlo ya Dikgosi* with decorum;
- (b) no Member shall cross the floor of the *Ntlo ya Dikgosi* unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents except such

- matter therein as may be directly connected with the business of the *Ntlo ya Dikgosi*;  
and  
(d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruption.

**PART VI**  
**Rules of Order (rules 34-35)**

**34. Decision of chair final**

The Chairperson shall be responsible for the observance of the rules of order. His or her decision on a point of order shall be final.

**35. Order in the *Ntlo ya Dikgosi***

(1) The Chairperson, after having called the attention of the *Ntlo ya Dikgosi* to the conduct of a Member who persists in irrelevance or tedious repetition of his or her own or other Members' arguments in the debate, may direct him or her to discontinue his or her speech.

(2) The Chairperson shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Chamber for the remainder of that day's sitting, and may direct an usher to ensure compliance with this order.

(3) If, on any occasion the Chairperson deems that the powers conferred under subrules (1) and (2) are inadequate to deal with any Member who has committed the offence of disregarding the authority of the Chair or contravening the rules of order in the *Ntlo ya Dikgosi* by persistently and wilfully obstructing or otherwise, he or she may suspend such Member.

(4) If any Member is suspended under this rule, his or her suspension on the first occasion in any year shall continue for one week, on the second occasion for a fortnight, and on the third or any subsequent occasion for one month.

(5) On receiving from a Member so suspended a written expression of regret the Chairperson shall lay it before the *Ntlo ya Dikgosi*, and it shall be entered in the minutes of proceedings. On a motion being made for the discharge of the order of suspension the question thereon shall be decided without amendment or debate. If the question is agreed to, the order shall be discharged and the Member shall be readmitted.

(6) A motion in pursuance of subrule (5) may be moved without notice at the time appointed in rule 16.

(7) In the case of grave disorder arising in the *Ntlo ya Dikgosi*, the Chairperson may, if he or she thinks it necessary to do so, adjourn the *Ntlo ya Dikgosi* without question put, or suspend the sitting for a time to be fixed by him or her.

**PART VII**  
**Decisions (rules 36-38)**

**36. Decisions of the *Ntlo ya Dikgosi***

(1) Every decision of the *Ntlo ya Dikgosi* shall be determined by a question being put to the *Ntlo ya Dikgosi* by the Chairperson in the manner provided in these Rules of Procedure and then decided by a majority of the votes of the Members present and voting.

(2) No question shall be put to the *Ntlo ya Dikgosi* for its decision unless it has been raised by a motion moved by a Member in accordance with these Rules of Procedure and all Members who wish to speak thereon have spoken.

**37. Collection of votes**

(1) When the Chairperson puts a question to the *Ntlo ya Dikgosi* for its decision, he or she shall first call upon those Members who are in favour of the question to say "Aye" and then upon those who are against the motion to say "No".

(2) As soon as the Chairperson has collected the voices of the Ayes and the Noes, the question being then fully put, no other Member may speak to it.

(3) The Chairperson may according to his or her judgment of the number of voices on either side, then state that he or she thinks the Ayes have it or that he or she thinks the Noes have it, as the case may be; and subject to the provisions of subrule (4) he or she shall declare

the questions to have been so decided.

(4) If-

- (a) a Member challenges the statement of the Chairperson that he or she thinks that the Ayes or Noes have it by claiming a division; or
- (b) the Chairperson is unable to judge the preponderance of voices on either side, then the Chairperson shall order the *Ntlo ya Dikgosi* to proceed to a division, and the division shall be held forthwith in the manner prescribed in rule 38.

### **38. Divisions**

(1) When a division has been ordered a bell shall be rung for two minutes. On the conclusion of that time the Chairperson shall repeat the question and the votes of Members present shall be taken by the Secretary who shall ask each such Member separately in alphabetical order how he or she wishes to vote. A Member shall upon his or her name being called give his or her vote by saying "Aye" or "No" or else say that he or she abstains from voting.

(2) As soon as the Secretary has taken the votes the Chairperson shall state the numbers voting for the Ayes and for the Noes respectively and shall then declare the result of the division.

(3) If a Member states that he or she voted in error or that his or her vote has been counted wrongly, he may claim to have his or her vote altered if his or her claim is made before the Chairperson has declared the result of the division.

## **PART VIII**

### ***Bills (rules 39-40)***

### **39. Procedure on Bills**

(1) When in terms of section 88(2) of the Constitution a Bill has been referred to the *Ntlo ya Dikgosi* for its consideration, the Bill shall be considered in accordance with the following procedure.

(2) As soon as any such Bill is received by the Secretary he or she shall send a copy to every Member, and add the following items in respect of that Bill to the Order Paper for the next meeting of the *Ntlo ya Dikgosi*-

- (a) first reading of the Bill;
- (b) second reading of the Bill;
- (c) consideration of the resolution of the *Ntlo ya Dikgosi* on the Bill.

(3) Such items shall be taken during the meeting in the order in which they are set out in subrule (2).

(4) When the first reading of a Bill is taken, the Chairperson shall move that the Bill be read a first time, and a debate may then arise, on the question, covering the general merits and principles of the Bill. At the conclusion of such debate no question shall be put and the question on the motion shall be deemed to have been agreed to.

(5) When the second reading of a Bill is taken, the Chairperson shall move that the Bill be read a second time and then call the number of each clause or of any groups of clauses in succession. On each clause or group of clauses being so called a debate may arise, on the question, covering the details of the clause or clauses called. Any Schedules to a Bill shall be dealt with in the same manner as clauses. At the conclusion of such debate no question shall be put and the question on the motion shall be deemed to have been agreed to.

(6) When consideration of resolution of the *Ntlo ya Dikgosi* on a Bill is taken, any Member may bring a draft resolution on the Bill for the consideration of the *Ntlo ya Dikgosi* (and the draft shall be entered in full on the minutes of proceedings of the *Ntlo ya Dikgosi*). When all such drafts have been brought up, the Chairperson shall move the drafts in order until one is accepted as a basis for discussion, beginning with his or her own draft and proceeding with the remainder in the order in which they were brought up. The motion to be moved by the Chairperson on a draft resolution shall be "That the Chairperson's (or .....)'s) draft resolution

be read paragraph by paragraph". Once any such question has been agreed to no motion shall be moved in respect of further drafts but portions thereof may be offered as amendments to the draft under consideration if they are relevant to it.

(7) The *Ntlo ya Dikgosi* shall then go through the draft resolution paragraph by paragraph and when each paragraph is reached the Chairperson shall move "That paragraph ..... stand part of the resolution".

(8) When all paragraphs of the draft resolution have been disposed of in this way any Member may move without notice to add any new paragraph to the draft.

(9) When consideration of a draft resolution, paragraph by paragraph, is concluded and when all motions relating to new paragraphs have been disposed of, the Chairperson shall put the question that the resolution be the resolution of the *Ntlo ya Dikgosi*.

(10) The Secretary shall forward a copy of every such resolution, certified under his or her hand and the hand of the Chairperson as a true copy thereof, to the Clerk to the National Assembly.

#### **40. Procedure on draft Bills**

The provisions of rule 39 shall have effect for the consideration of any draft Bill referred to the House by the Government as they have for the consideration of Bills:

Provided that resolutions thereon shall be submitted to the Minister concerned.

### **PART IX**

#### **Miscellaneous Matters (rule 41)**

#### **41. Admission of press and public**

The Secretary shall ensure that all orders made by the *Ntlo ya Dikgosi* for the regulation of the admission of strangers to the precincts of the *Ntlo ya Dikgosi* are complied with.

### **FIRST SCHEDULE**

#### **OATH OF ALLEGIANCE**

*(Rule 2)*

(Holding the Bible by his or her right hand)

I, .....

do swear that I will be faithful and bear true allegiance to the Republic of Botswana, and that I will preserve, protect and defend the Constitution of Botswana as by law established.

So help me God.

Signed .....

### **SECOND SCHEDULE**

#### **ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON**

*(Rule 3(1))*

1. In this Schedule, "Presiding Officer" means-

- (a) in the case of an election of a Chairperson, the Deputy Chairperson if there is one and he or she is present, otherwise the Secretary;
- (b) in the case of an election of a Deputy Chairperson, the Chairperson if he or she is present, otherwise the Secretary;
- (c) in the case of an election of a person to preside in the absence of the Chairperson and Deputy Chairperson, the Secretary.

2. Any Member of the *Ntlo ya Dikgosi* may nominate any other Member for election as Chairperson. If that nomination is seconded the Presiding Officer shall call upon the Member so nominated and seconded to declare whether he or she accepts candidature or not.

3. If any Member is willing to accept candidature for election and has reason to believe that he or she may not be present at any meeting at which it is necessary to elect the Chairperson of the *Ntlo ya Dikgosi*, he may inform the Presiding Officer of his or her willingness to accept nomination in writing in advance. If when the *Ntlo ya Dikgosi* meets such Member is nominated and seconded the Secretary shall announce that that Member has accepted candidature in advance.

4. When all nominations have been received, the Secretary shall announce the names of all

Members who have been duly nominated and seconded and have accepted candidature. If only one Member has been nominated and seconded and accepted candidature the Presiding Officer shall forthwith declare him or her to be elected as Chairperson. If more than one Member has been nominated and seconded and accepted candidature a poll shall be taken as provided in the following paragraphs.

5. The Secretary shall write the names of the candidates on a blackboard placed in full view of all the Members.

6. The Secretary shall then supply a ballot paper to each Member, who wishes to vote, and the Member shall write on the ballot paper the name of the candidate, whom he or she wishes to elect as Chairperson. No Member shall write more than one name on his or her ballot paper and no Member shall mark his or her ballot paper in such a way as to disclose whose ballot paper it is. If for any good reason any Member is unable to complete his or her ballot paper correctly the Secretary may, at his request, assist him or her to vote but the Secretary shall not disclose to anyone for whom such Member voted.

7. The Secretary shall then sit at a convenient table and call in alphabetical order the names of all the Members present and each Member who wishes to vote shall as his or her name is called come to the table and drop his or her ballot paper into a glass placed before the Secretary in such manner as not to disclose for whom he or she is voting.

8. A Member shall not drop into the glass a ballot paper which is not his or her own.

9. When all Members who wish to vote have voted the Secretary shall examine the ballot papers and reject any that do not comply with the provisions of paragraph 6 above and count the number of votes obtained by each candidate and mark against each candidate's name on the blackboard the number of votes polled.

10. If two or more candidates have an equal number of votes each, which number is greater than the number of votes obtained by any other candidates, then such candidates shall be candidates in a second poll to be held in accordance with the provisions of this Schedule. If after a second poll has been held in terms of this paragraph an equality of votes is found to exist between any candidates so that the addition of one vote would entitle one of the candidates to be declared elected the Secretary shall forthwith decide between these candidates by lot and shall proceed as if the candidate on whom the lot falls has received an additional vote.

11. A candidate who has received more votes at a poll than any other candidate shall be forthwith declared to have been duly elected as Chairperson by the Presiding Officer.

12. As soon as possible after the completion of an election as described in this Schedule, the Secretary shall destroy all the ballot papers.

13. The provisions of this Schedule shall apply *mutatis mutandis* to the election of the Deputy Chairperson or to the election of any Member to preside in the *Ntlo ya Dikgosi* in the absence of the Chairperson and Deputy Chairperson.

## **NTLO YA DIKGOSI (ELECTION OF SPECIALLY ELECTED MEMBERS) RULES**

*(under section 83(e) of the Constitution)*

*(16th December, 1966)*

### **ARRANGEMENT OF RULES**

#### **RULE**

1. Citation
2. Interpretation
3. Elections to be held
4. Procedure before commencement of election
5. Procedure for nomination of candidates
6. Procedure on receipt of nominations
7. Ballot papers
8. Voting
9. Examination of ballot papers
10. Late voting

11. Result of ballot
12. Result of election
13. Procedure after election
14. Invalid elections
15. Chairperson's and Secretary's decisions to be final
16. Requirement of secrecy

Schedule - Forms

L.N. 110, 1966.

## 1. Citation

These Rules may be cited as the *Ntlo ya Dikgosi* (Election of Specially Elected Members) Rules.

## 2. Interpretation

In these Rules unless the context otherwise requires-

**"by-election"** means an election to fill a vacancy among the Specially Elected Members of the *Ntlo ya Dikgosi* occurring otherwise than upon a dissolution of Parliament;

**"candidate"** means a candidate for election as a Specially Elected Member of the *Ntlo ya Dikgosi*;

**"general election"** means an election to fill the vacancies among the Specially Elected Members of the *Ntlo ya Dikgosi* of Chiefs held upon a dissolution of Parliament;

**"meeting"** means a meeting of the Members held for the purposes of a by-election or general election;

**"Member"** means an *ex-officio* or Elected Member of the *Ntlo ya Dikgosi*.

## 3. Elections to be held

(1) At any time when a vacancy exists among the Specially Elected Members of the *Ntlo ya Dikgosi* a meeting shall be held as soon as practicable to fill the vacancy in accordance with the provisions of these Rules.

(2) A meeting shall be held on such day and shall commence at such hour as the Chairperson may determine. Written or telegraphic notice thereof shall be given to members by the Secretary at least 14 days before the day appointed for the commencement of the meeting.

(3) The Chairperson may at any time, by notice given in like manner, change the day or hour so determined to a later day or hour.

## 4. Procedure before commencement of election

Any Member who intends to nominate candidates at a meeting shall on or before the day preceding the day appointed for the commencement of the meeting give notice of such intention to the Secretary by delivering to him or her -

- (a) a written notice in Form A set out in the Schedule to these Rules; and
- (b) in respect of each candidate referred to in the notice-
  - (i) a nomination paper in Form B set out in the Schedule to these Rules, signed by the candidate; and
  - (ii) a certificate of proficiency in English relating to the candidate given by the Secretary or a District Commissioner.

## 5. Procedure for nomination of candidates

(1) Any Member who wishes to nominate candidates at any meeting shall do so by rising in his or her place when called upon to speak and informing the Chairperson orally of the names of his or her candidates.

(2) No Member may nominate any candidate unless he or she has given notice of his or her intention to do so in accordance with the provisions of rule 4.

## 6. Procedure on receipt of nominations

When all nominations have been received, the Chairperson shall announce the names

of all candidates who have been duly nominated, and if the number of candidates so nominated does not exceed the number of Specially Elected Members to be elected, the Chairperson shall forthwith declare those candidates to have been elected as Specially Elected Members. If the number of candidates so nominated exceeds the number of Specially Elected Members to be elected, a poll shall be taken as provided in the following rules and the Secretary shall write the names of the candidates and the number of Specially Elected Members to be elected on a blackboard placed in full view of all the Members.

#### **7. Ballot papers**

(1) The Secretary shall then supply a ballot paper to each Member who wishes to vote, and the Member shall write on the ballot paper the names of the candidates whom he or she wishes to elect as Specially Elected Members. No Member shall write more names on the ballot paper than the number of candidates to be elected or write any name on the ballot paper more than once, and no Member shall mark the ballot paper in such a way as to disclose whose ballot paper it is.

(2) A Member who has accidentally dealt with his or her ballot paper in such manner that it may not properly be used as a ballot paper may, on delivering such ballot paper to the Secretary, and after satisfying the Secretary that it has been spoilt by accident, obtain another ballot paper in place thereof and the spoilt ballot paper shall be immediately cancelled.

#### **8. Voting**

(1) The Secretary shall then call in turn the names of all the Members, and each Member who wishes to vote shall as his or her name is called drop his or her ballot paper into a glass before the Secretary in such a manner as not to disclose for whom he or she is voting.

(2) A Member shall not drop into the glass a ballot paper which is not his or her own.

#### **9. Examination of ballot papers**

(1) When all the Members who wish to do so have voted, the Secretary shall examine the ballot papers and prepare a list showing the candidates for whom votes have been cast in order according to the number of votes received by each of them, the candidate or candidates who received the highest number of votes being placed first and those who received any lower number of votes being placed in descending order.

(2) If the Secretary is satisfied that a ballot paper does not comply with any of the provisions of these Rules he or she shall reject it and proceed with the election or may declare the ballot void and order it to be begun afresh, as in his or her opinion circumstances require.

(3) As soon as he or she has prepared the aforesaid list (or has declared the ballot void) the Secretary shall place the ballot papers used at the poll, including spoilt ballot papers, in an envelope, seal it and keep it in safe custody and, on the expiration of three months after all proceedings in the election have been completed, shall cause the envelope and its contents to be destroyed.

#### **10. Late voting**

A Member who arrives after the names of all Members have been called but before the Secretary has begun his or her examination of the ballot papers may record his or her vote in the manner prescribed in these Rules.

#### **11. Result of ballot**

(1) In the case of a general election and subject to the provisions of subrule (2), those persons shall be deemed to have been elected as Specially Elected Members of the *Ntlo ya Dikgosi* who stand in the first and each succeeding place on the list until the number of persons to be elected as Specially Elected Members has been completed.

(2) Where, by reason of an equality of votes between them, the number of candidates in any place on the list who would otherwise be deemed to have been elected under subrule (1) exceeds the number of persons remaining to be elected as Specially Elected Members after the persons in the preceding places have been elected, none of the candidates in that place or in any succeeding place shall be deemed to have been elected and a further election shall be held

to fill the vacancies still remaining among the Specially Elected Members; and the provisions of these Rules shall apply in relation to that further election as if it were a general election where the total number of Specially Elected Members was equal to the number of vacancies still remaining to be filled.

**12. Result of election**

When the list referred to in rule 9 has been prepared, the Secretary shall submit it to the Chairperson who shall read it to the meeting and thereupon in accordance with the provisions of rule 11 declare the appropriate number of candidates to have been elected as Specially Elected Members.

**13. Procedure after election**

After the completion of any election the Secretary shall cause the result thereof to be published in the *Gazette*.

**14. Invalid elections**

(1) If the Chairperson is satisfied that in relation to any election there has been or is likely to be an undue return by reason of want of qualification or by reason of disqualification or of any illegality or irregularity of any kind whatsoever, he or she may declare the election void, and order the proceedings to begin afresh at the same or any subsequent meeting.

(2) If the Chairperson declares any election void in terms of this rule, after having made a declaration in terms of rule 12, the Secretary shall cause notice of his or her declaration in terms of this rule to be published in the *Gazette*.

**15. Chairperson's and Secretary's decisions to be final**

Any decision made by the Chairperson or Secretary under these Rules shall be final and shall not be enquired into in any court.

**16. Requirement of secrecy**

(1) All persons present at a meeting shall maintain and aid in maintaining the secrecy of the voting at that meeting.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

**SCHEDULE**

**FORMS**

*(Rule 4)*

**Form A**

**NOTICE OF INTENDED NOMINATION OF SPECIALLY ELECTED MEMBERS**

*(Rule 4(a))*

To

The Secretary of the *Ntlo ya Dikgosi*

TAKE NOTICE THAT I, .....

intend to nominate the undermentioned persons as candidates for election as Specially Elected Members of the *Ntlo ya Dikgosi* at the meeting of the *Ntlo ya Dikgosi* on the .....

Date:

Signed:

.....  
.....  
.....  
.....

**Form B**

**NOMINATION PAPER**

**THE NTLO YA DIKGOSI (ELECTION OF SPECIALLY ELECTED MEMBERS) RULES**

*(rule 4(b)(i))*

I, ..... declare that I am prepared to accept nomination as a candidate for election as a Specially Elected Member of the

*Ntlo ya Dikgosi* and I do further declare that-

- (a) I am a citizen of Botswana and have attained the age of 21 years;
- (b) I am qualified for registration as a voter in the ..... constituency and am so registered in that constituency;
- (c) I am not and have not been within the preceding five years actively engaged in politics, and in making this declaration I am aware of the provisions of section 64(4)(b) and section 79(3) of the Constitution of Botswana;
- (d) I possess none of the disqualifications referred to in section 79(5) of the Constitution of Botswana.

Date:

Signature of Candidate