

THE LAWS OF BOTSWANA

PRINCIPAL LEGISLATION

CHAPTER 01:03 REVISION OF THE LAWS ACT ARRANGEMENT OF SECTIONS

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Act 16, 2002.

An Act to provide for revision of the Laws of Botswana and for matters connected therewith and incidental thereto.

[Date of Commencement: 19th August, 2002.]

1. Short title

This Act may be cited as the Revision of the Laws Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"**the Commissioner**" means the person specified as Law Revision Commissioner under section 3;

"**Law Revision Order**" means an order made by the Commissioner under section 5;

"**revision date**" has the meaning given by section 4.

3. Law Revision Commissioner

The Attorney-General shall be the Law Revision Commissioner for the purposes of this Act.

4. Duty of Commissioner

It shall be the duty of the Commissioner, in accordance with this Act, to cause to be prepared and published from time to time an edition to be known as the Laws of Botswana containing all the enactments required to be included therein as they stand at a date appointed by the Commissioner (in this Act referred to as a "revision date").

5. Publication of the Laws of Botswana

(1) The Laws of Botswana shall be published in loose-leaf form, or such other form as the Commissioner may determine, and shall comprise only such pages as may be authorised to be included therein by the Commissioner under subsection (2).

(2) The Commissioner shall, by order published in the *Gazette*, give authority for the inclusion in the Laws of Botswana of each and every page to be comprised therein, and may similarly authorise the replacement of pages therein and the removal of pages therefrom, and

no page shall be deemed to form part of the Laws of Botswana unless it is so authorised.

(3) Every page comprised in the Laws of Botswana shall bear a reference to the Law Revision Order by which its inclusion therein was authorised.

(4) A Law Revision Order may authorise the inclusion in the Laws of Botswana of pages on which are reproduced a written law although such written law may not have been brought into operation on or before the last preceding revision date, provided that such written law comes into operation, or an instrument bringing that written law into operation has been published, prior to the publication of such Law Revision Order.

6. Periodical revision of Laws of Botswana

(1) As soon as practicable after the 1st January, 2002, and after each subsequent revision date, the Laws of Botswana shall be revised in accordance with this Act, and the necessary pages prepared for inclusion in, or to replace pages in, the Laws of Botswana, and the necessary steps taken to remove from the Laws of Botswana pages no longer required, to the intent that the Laws of Botswana shall contain all the written laws which are required or authorised by this Act to be included therein and are in force on the relevant revision date.

(2) Where any error in or omission from the Laws of Botswana comes to light and such error or omission cannot be conveniently corrected under section 12, the Commissioner may, at any time, prepare the necessary pages and take the necessary steps which should have been prepared or taken in order to comply with subsection (1); a Law Revision Order authorising the inclusion, replacement or removal of pages for such purpose may have retrospective effect to the date of coming into operation of the Law Revision Order from which the error or omission resulted.

7. Contents of Laws of Botswana

The Laws of Botswana shall, in relation to any revision date, contain-

- (a) the Constitution of Botswana;
- (b) this Act;
- (c) every Act as it stands at the revision date, unless omitted under section 8;
- (d) such subsidiary legislation as the Commissioner thinks fit to include therein;
- (e) a chronological list of Acts and a table of contents;
- (f) a list of Acts and subsidiary legislation omitted under the authority of section 8(b).

8. Power to omit certain laws from the Laws of Botswana

It shall not be necessary to include in the Laws of Botswana-

- (a) any Appropriation Act or Supplementary Appropriation Act;
- (b) any Act or subsidiary legislation which because of its temporary nature or local or limited application or for any other reason, can in the opinion of the Commissioner, be conveniently omitted.

9. Powers in respect of preparation of pages

In the preparation of pages for inclusion in the Laws of Botswana, there shall be power-

- (a) to omit or remove from the Laws of Botswana-
 - (i) all written laws or parts of written laws which have been repealed expressly or specifically or by necessary implication, or which have expired, or have become spent or have had their effect;
 - (ii) all repealing enactments contained in written laws and also all tables or lists of repealed enactments, whether contained in schedules or otherwise;
 - (iii) all preambles or long titles to written laws where such omission can, in the opinion of the Commissioner, be conveniently made;
 - (iv) all introductory words of enactment in any provision of any written law;
 - (v) all enacting clauses;
 - (vi) all provisions prescribing the date when any written law or part of a written law is to come into force where such omission can, in the opinion of the Commissioner, be conveniently made; and

- (vii) all amending written laws or parts thereof where the amendments effected thereby have been embodied in the laws to which they relate;
- (b) to consolidate into one written law any two or more written laws relating to similar matters, making all the necessary alterations therefor and affixing such date thereto as may seem convenient;
- (c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions;
- (d) to alter the form or arrangement or any provision by transferring words, by combining it in whole or in part with another provision or other provisions or by dividing it into two or more provisions;
- (e) to divide any written law, whether consolidated or not, into Parts, Chapters or Divisions;
- (f) to transfer any provision contained in any written law from that law to any other written law to which the Commissioner considers that it more properly belongs;
- (g) to arrange written laws, whether consolidated or not, in any sequence or group that may be convenient, irrespective of the date of enactment;
- (h) to add a long title, short title or citation to any written law which may require it and, where the Commissioner considers it necessary, to alter the long title, short title or citation in any written law;
- (i) to supply or alter marginal notes;
- (j) to supply or alter tables of contents;
- (k) to correct cross-references;
- (l) to shorten and simplify the phraseology of any enactment;
- (m) to correct grammatical and typographical errors, or any clerical or printing errors in any written law and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;
- (n) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any written law into conformity with the circumstances of Botswana;
- (o) to make such adaptations or amendments to any written law as may appear to be necessary or proper as a consequence of any change in the constitution of any country;
- (p) to renumber any Part, Chapter or Division and to re-arrange the order of Parts, Chapters or Divisions;
- (q) to classify or arrange all written laws under headings or otherwise, and to add to, alter or abolish any such classification or arrangement;
- (r) to cause to be included in the Laws of Botswana any written law which has been omitted therefrom under the authority of this Act;
- (s) to do all things relating to form and method which to the Commissioner appear necessary for the perfecting of the Laws of Botswana.

10. Evidence of revised edition

(1) A copy of any written law contained in a volume of the Laws of Botswana purporting to be prepared under the authority of this Act shall be accepted as evidence of the due making and terms of such law and of the date of its commencement, if stated, without any proof being given that the volume was so prepared, unless the contrary is proved.

(2) Subsection (1) is without prejudice to section 3(5) of the Interpretation Act.

11. References to laws included in revised edition

Where any written law made after a revision date contains a reference to any other law by its short title, citation or chapter number, the reference, unless a contrary intention appears, shall be read as referring, in the case of a law included in an edition of the Laws of Botswana, published by reference to that revision date, to that edition.

12. Power of Commissioner to rectify errors by order

The Commissioner may at any time, by order, rectify any clerical or printing error appearing in the Laws of Botswana, or rectify in a manner not inconsistent with the powers of revision conferred by this Act any other error so appearing, or any other matter or omission requiring revision.