

CHAPTER 02:07
NTLO YA DIKGOSI (POWERS AND PRIVILEGES)
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Immunity from legal proceedings
4. Freedom from arrest
5. Execution of process
6. Entry to the *Ntlo ya Dikgosi*
7. Regulation of admission to the *Ntlo ya Dikgosi*
8. Order of withdrawal from the *Ntlo ya Dikgosi*
9. Offences relating to admittance to the *Ntlo ya Dikgosi*
10. Other offences
11. Acceptance of bribes by Members
12. Penalty for printing false copy of minutes of proceedings
13. Protection of persons responsible for publications authorized by the *Ntlo ya Dikgosi*
14. Publication of proceedings without malice
15. Exclusion of jurisdiction of the courts
16. Powers of officers
17. Powers of arrest
18. Chairperson may order words out of order not to be published

Law 31, 1965,
L.N. 84, 1966,
Act 9, 1980,
Act 11, 2005,
S.I. 92, 2006.

An Act to determine and regulate the privileges, immunities and powers of the *Ntlo ya Dikgosi* and its Members.

[Date of Commencement: 31st December, 1965]

1. Short title

This Act may be cited as the *Ntlo ya Dikgosi* (Powers and Privileges) Act.

2. Interpretation

In this Act, unless inconsistent with the context-

"Chairperson" means the Chairperson of the *Ntlo ya Dikgosi*, and includes any other Member when such other Member is presiding at a meeting of the *Ntlo ya Dikgosi*;

"Member" means any Member of the *Ntlo ya Dikgosi*;

"Ntlo ya Dikgosi" means the *Ntlo ya Dikgosi* established by section 77(1) of the Constitution;

"officer of the *Ntlo ya Dikgosi*" means the Secretary or any other person acting as an officer of the *Ntlo ya Dikgosi* under the orders of the Chairperson within the precincts of the *Ntlo ya Dikgosi*, and includes any member of the Botswana Police Force on duty within the precincts of the *Ntlo ya Dikgosi*;

"precincts of the *Ntlo ya Dikgosi*" means the chamber of the *Ntlo ya Dikgosi*, and includes, while the *Ntlo ya Dikgosi* is sitting, any other premises provided for the purposes of the *Ntlo ya Dikgosi*;

"Secretary" means the Secretary to the *Ntlo ya Dikgosi*, and includes an assistant Secretary;

"stranger" means any person other than a Member or an officer of the *Ntlo ya Dikgosi*

or a Minister or his or her representative attending the proceedings of the *Ntlo ya Dikgosi* in pursuance of the provisions of section 85 of the Constitution.

3. Immunity from legal proceedings

No civil or criminal proceedings may be instituted against any Member for words spoken before the *Ntlo ya Dikgosi*, or by reason of any matter or thing brought by him or her by motion or otherwise before the *Ntlo ya Dikgosi*.

4. Freedom from arrest

No Member shall be liable to arrest-

- (a) for any civil debt whilst going to, attending at or returning from a meeting of the *Ntlo ya Dikgosi*; or
- (b) within the precincts of the *Ntlo ya Dikgosi* while the *Ntlo ya Dikgosi* is sitting, for any criminal offence, without the consent of the Chairperson.

5. Execution of process

No process issued by any court in the exercise of its jurisdiction shall be served or executed within the precincts of the *Ntlo ya Dikgosi* while the *Ntlo ya Dikgosi* is sitting.

6. Entry to the *Ntlo ya Dikgosi*

No stranger shall be entitled as of right to enter or to remain within the precincts of the *Ntlo ya Dikgosi*.

7. Regulation of admission to the *Ntlo ya Dikgosi*

(1) The Chairperson is hereby authorized to issue such orders as he or she may in his or her discretion deem necessary for the regulation of the admittance of strangers to the precincts of the *Ntlo ya Dikgosi*.

(2) Copies of orders made under this section shall be duly authenticated by the Secretary and exhibited in a conspicuous position in the precincts of the *Ntlo ya Dikgosi* and such copies when so authenticated and exhibited shall be deemed to be sufficient notice to all persons affected thereby.

8. Order of withdrawal from the *Ntlo ya Dikgosi*

The Chairperson may at any time order any stranger to withdraw from the precincts of the *Ntlo ya Dikgosi*.

9. Offences relating to admittance to the *Ntlo ya Dikgosi*

Any person who-

- (a) being a stranger, enters or attempts to enter or refuses to withdraw from the precincts of the *Ntlo ya Dikgosi* in contravention of any order of the Chairperson;
- (b) being a stranger, fails or refuses to withdraw from the precincts of the *Ntlo ya Dikgosi* when ordered to withdraw therefrom by the Chairperson; or
- (c) being a stranger, contravenes any order made under the provisions of this Act by the Chairperson regulating the admittance of strangers to the precincts of the *Ntlo ya Dikgosi*,

shall be guilty of an offence and liable to a fine not exceeding P 50, or to imprisonment for a term not exceeding three months, or to both.

10. Other offences

Any person who-

- (a) offers to any Member or officer of the *Ntlo ya Dikgosi* any bribe in order to influence him or her in his or her conduct as such Member or officer, or offers to any Member or officer of the *Ntlo ya Dikgosi* any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any Bill or matter submitted to or intended to be submitted to the *Ntlo ya Dikgosi*;
- (b) assaults, obstructs, molests or insults any Member coming to, being within, or going from the precincts of the *Ntlo ya Dikgosi*, or endeavours to compel any Member by force, insult or menace to declare himself or herself in favour of or against any proposition or matter pending in or expected to be brought before the *Ntlo ya Dikgosi*;

- (c) assaults, molests, insults, resists or obstructs any officer of the *Ntlo ya Dikgosi* while in the execution of his or her duty or while proceeding from or to the *Ntlo ya Dikgosi* knowing or having reasonable grounds for believing him or her to be such an officer;
- (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the *Ntlo ya Dikgosi* while the *Ntlo ya Dikgosi* is sitting;
- (e) utters or publishes any false or scandalous defamatory matter concerning the *Ntlo ya Dikgosi* or upon any Member in his or her capacity as such;
- (f) attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a Member in his or her vote, opinion, judgement or action, upon any question arising in the *Ntlo ya Dikgosi*, or to induce him or her to absent himself or herself from the *Ntlo ya Dikgosi*; or
- (g) threatens, assaults or insults a Member or an officer of the *Ntlo ya Dikgosi* on account of his or her conduct as such Member or officer,

shall be guilty of an offence, and liable to a fine not exceeding P400, or to imprisonment for a term not exceeding two years, or to both.

11. Acceptance of bribes by Members

Any Member who accepts or agrees to accept or obtains or attempts to obtain for himself or herself or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member, or for refraining from so speaking, voting or acting, or on account of his or her having so spoken, voted or acted, or having so refrained, shall be guilty of an offence and liable to a fine not exceeding P400, or to imprisonment for a term not exceeding two years, or to both.

12. Penalty for printing false copy of minutes of proceedings

Any person who prints or causes to be printed or published a copy of any minute, report, decision or message of the *Ntlo ya Dikgosi* as purporting to have been printed or published by or under the authority of the *Ntlo ya Dikgosi*, and the same is not so printed or published, or tenders in evidence any such copy so purporting to be so printed or published, knowing that the same was not so printed or published, shall be guilty of an offence and liable to a fine not exceeding P400, or to imprisonment for a term not exceeding two years, or to both.

13. Protection of persons responsible for publications authorized by the *Ntlo ya Dikgosi*

Any person, being a defendant in any civil or criminal proceedings instituted for or on account of or in respect of the publication by such person or by his or her servant or agent, under the authority of the *Ntlo ya Dikgosi*, of any minutes, reports, decisions or messages, may, on giving to the plaintiff or prosecutor, as the case may be, 24 hours written notice of his or her intention, bring before the court in which such civil or criminal proceedings have been instituted a certificate under the hand of the Chairperson stating that the minutes, reports, decisions or messages in respect of which such civil or criminal proceedings have been instituted were published by such person or by his or her servant or agent under the authority of the *Ntlo ya Dikgosi*, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

14. Publication of proceedings without malice

In any civil proceedings instituted for publishing any report or summary of or any extract from or abstract of any minutes, report, decision or message of the *Ntlo ya Dikgosi*, if the court is satisfied that such report, summary, extract or abstract was published in good faith and without malice, judgment shall be entered for the defendant.

15. Exclusion of jurisdiction of the courts

Neither the Chairperson nor any officer of the *Ntlo ya Dikgosi* shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Chairperson or such officer by or under this Act.

16. Powers of officers

Every officer of the *Ntlo ya Dikgosi* shall in the exercise of the powers conferred and duties imposed on him or her by this Act have all the powers and enjoy all the privileges of a member of the Botswana Police Force under the provisions of the criminal law.

17. Powers of arrest

An officer of the *Ntlo ya Dikgosi* may arrest without warrant-

- (a) any person who commits any offence contrary to section 9 or 10 in his or her presence;
- (b) any person within the precincts of the *Ntlo ya Dikgosi* whom he or she reasonably suspects of having committed, or being about to commit, an offence contrary to either of the said sections.

18. Chairperson may order words out of order not to be published

(1) If the Chairperson, under the provisions of the Rules of Procedure of the *Ntlo ya Dikgosi*, rules any words used by a Member to be out of order, the Chairperson may, in his or her absolute discretion, order that such words, or any words out of which they arose or arising out of them, shall not be published in any manner.

(2) Any person who publishes any words which are the subject of an order made under the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P400, or to imprisonment for a term not exceeding two years, or to both.