

CHAPTER 22:01
PROTECTED PLACES AND AREAS
ARRANGEMENT OF SECTIONS

SECTION

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Law 18, 1965,
L.N. 84, 1966.

An Act to provide for the declaration of protected places and protected areas, to regulate the entry of persons into such places and areas and to provide for matters incidental thereto or connected therewith.

[Date of Commencement: 21st December, 1965]

1. Short title

This Act may be cited as the Protected Places and Areas Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"authorized officer" means-

- (a) any police officer of or above the rank of Sub-Inspector;
- (b) any administrative officer (other than a cadet);
- (c) any person performing the duties of a guard or watchman in a protected place or a protected area authorized in that behalf under section 3; and
- (d) any other person or class of persons declared by the President by order published in the *Gazette* to be such either generally or in respect of any specified place or area or class of place or area;

"premises" includes any land in Botswana and any building or structure upon such land;

"protected area" means any area declared to be a protected area under section 5;

"protected place" means any premises declared to be a protected place under section

4.

3. Authorization of guards and watchmen

Any administrative officer (other than a cadet) or any police officer of or above the rank of Assistant Superintendent may authorize in writing any person performing the duties of a guard or watchman in a protected place or a protected area to exercise the powers of an authorized officer in such place or area.

4. Protected places

(1) If in regard to any premises it appears to the President to be necessary or expedient that special precautions should be taken to prevent the entry of unauthorized persons, he may, by order, declare those premises to be a protected place for the purposes of this Act; and so long as the order is in force no person, other than a person who is, or who belongs to a class of persons which is, specifically exempted in such order, shall not be in those premises unless he

is in possession of a pass card or permit issued by such authority or person as may be specified in the order, or has received the permission of an authorized officer on duty at those premises to enter them.

(2) Where under this section any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority or person granting the permission, and an authorized officer or any person authorized in that behalf by the occupier of the premises may search any person entering, or seeking to enter, or being in a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of the provisions of this section or, while in such place, fails to comply with any directions given under this section, he shall be guilty of an offence and liable to a fine not exceeding P2000 or to imprisonment for a term not exceeding five years, or to both, and he may in addition be removed from the place by an authorized officer or by any person authorized in that behalf by the occupier of the premises.

(4) Pass cards or permits issued under subsection (1) shall be in such form as the authority or other person issuing them may determine.

5. Protected areas

(1) If, in regard to any area, it appears to the President to be necessary or expedient that special measures should be taken to control the movements and conduct of persons, he may, by order, declare such area to be a protected area.

(2) Any person who is in any protected area shall comply with such directions regulating his movements and conduct as may be given by an authorized officer, and an authorized officer may search any person entering, or seeking to enter, or being in a protected area, and may detain any such person for the purpose of searching him.

(3) If any person while in a protected area fails to comply with any direction given under the provisions of subsection (2) he shall be guilty of an offence and liable to a fine not exceeding P2000 or to imprisonment for a term not exceeding five years, or to both, and he may in addition be removed from the area by an authorized officer.

6. Publication of Orders

An order made under this Act shall come into force upon the making thereof, and shall within seven days be published in the *Gazette* and in a newspaper circulating in the district in which the protected place or area to which it relates is situated:

Provided that failure to publish an order in a newspaper shall not invalidate such order nor shall it be a defence to any charge under section 4 or section 5.

7. Measures for protection of protected place or area

(1) The Minister may, by notice in writing to the occupier of any protected place or protected area, direct such occupier at his own expense to take such measures for the better protection of the place or area as the Minister may consider reasonably necessary.

(2) Any occupier aggrieved by directions given by the Minister under subsection (1) may within 14 days next after receiving such directions appeal to the President. On any such appeal the President may revoke or vary the directions given by the Minister, and notice in writing of such revocation or variation shall be given by the Minister to the occupier concerned.

(3) If an occupier fails or refuses within a reasonable time to comply with directions given under the provisions of subsection (1), or where such directions have been varied by the President, with the directions as so varied, the Minister may cause such measures to be taken and may recover the expenses incurred in so doing from the occupier concerned.

8. Safeguarding of information

(1) The Minister may, by notice in writing, require an occupier of any protected place or area to take such steps as the Minister may deem necessary in the public interest for the safe-guarding of information relating to such place or area, or for the security of any classified information or document which may be furnished to such occupier, in his capacity as such, by

any public officer.

(2) Any person who fails to comply with any of the requirements of a notice issued to him under subsection (1) 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.

9. Regulations

(1) The Minister may make regulations requiring the erection by persons specified in such regulations or in any order made thereunder of warning notices at or near the site of protected places or protected areas, and such other regulations as may be necessary or expedient for carrying out the objects of this Act.

(2) Any person who contravenes or fails to comply with any regulations made under this section shall be guilty of an offence and shall be liable to a fine not exceeding P50 or to imprisonment for a term not exceeding three months, or to both.

10. Powers to arrest

Any police officer may arrest without warrant any person reasonably suspected of committing an offence contrary to any of the provisions of this Act.