

CHAPTER 22:03
PUBLIC SAFETY
ARRANGEMENT OF SECTIONS

SECTION

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Schedule

Proc. 15, 1907,
Cap. 39, 1948,
Proc. 11, 1950,
Cap. 53, 1959,
HMC Order 1, 1963,
Law 28, 1964,
L.N. 84, 1966.

An Act to provide for the maintenance of peace and good order within Botswana.

[Date of Commencement: 3rd June, 1907]

PART I
Preliminary (s 1)

1. Short title

This Act may be cited as the Public Safety Act.

PART II

Power of President to Deport or Confine Certain Persons (ss 2-7)

2. President may issue order directing any person to leave Botswana

The President, on being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in Botswana is a danger to the peace thereof, may issue an order under his hand directing such person to leave Botswana within such time after service of the order on such person as may be specified therein, and if, on the expiration of such period, and during the continuance of such order, such person is found within Botswana, he shall be guilty of an offence, and shall be liable to imprisonment for a term not exceeding six

months, with or without a fine not exceeding P200, and in default of payment to a further term of imprisonment for a term not exceeding six months.

3. Persons dangerous to the peace may be ordered to confine themselves within certain limits

(1) The President, on being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in Botswana is dangerous to the peace thereof, may issue an order under his hand directing any such person to confine himself within such limits of Botswana, and for such period as may in such order be specified, or during the President's pleasure.

(2) If any such person neglects or refuses to comply with the terms of any such order, or during the period therein mentioned and during its continuance departs from the limits therein specified without the written permission of the President, or while within such limits does any further act which is a danger to the peace of Botswana, he shall be guilty of an offence, and shall be liable on conviction to the penalties specified in section 2.

4. Persons dangerous to the peace may be apprehended and deported

(1) The President may issue an order for the apprehension and removal from Botswana to any place without its limits of any person whom he has reasonable grounds for believing is a danger to the peace thereof, and whether or not an order has been issued under section 2 or 3, in respect of such person.

(2) Any such person who is found within Botswana without the written permission of the President, after having been removed therefrom, shall be liable to the penalties specified in section 2, and at the expiration of any term of imprisonment imposed on such conviction to be again removed from Botswana.

5. Orders may be revoked, renewed or varied

Any order issued under the provisions of this Part may be revoked, renewed or varied as to the terms thereof from time to time.

6. Arrest without warrant

It shall be lawful for any police officer to arrest without warrant any person in respect of whom an order has been issued under this Part, if there are reasonable grounds for suspecting that such person is acting in contravention of such order, or is found within Botswana, after having been removed therefrom under section 4, without the written permission of the President.

7. Aiding and abetting

Any person aiding or attempting to aid any person to do any act which amounts to a contravention of this Part, or aids or attempts to aid in the escape from custody or confinement of any person subjected thereto under this Part, shall be guilty of an offence, and shall be liable to imprisonment for a term not exceeding two years.

PART III

Power of District Commissioner to Prohibit Certain Persons from Entering or Remaining in a District (ss 8-11)

8. Interpretation

For the purposes of this Part, unless the context otherwise requires-

"district" means the various districts specified in the Schedule;

"road" means a road or thoroughfare which the public has a right to use, or has used without hindrance for a period of at least 12 months.

9. Prevention of entry into district

(1) The President may, by written notice or by written or telegraphic message, authorise the District Commissioner of a district, to prohibit any person from entering or remaining in such district, if, in his opinion, the presence of such person therein is likely to be prejudicial to the peace and good government of Botswana, or to the interests of the inhabitants thereof.

(2) Any person refusing or neglecting to obey any such order shall be guilty of an

offence:

Provided that the provisions of this section shall not apply to any person ordinarily resident in Botswana, nor to any person living in such district in the exercise of any rights held by him under any law.

10. Right to travel on roads

Nothing contained in this Part shall be taken as preventing any person from travelling on any road within such district, provided he does not behave in such a manner as to interfere unduly with persons residing in such district.

11. Penalty

Any person contravening the provisions of this Part shall be guilty of an offence and liable to a fine not exceeding P20, or in default of payment, to imprisonment for a term not exceeding one month.

SCHEDULE

1. Ngamiland District
2. Chobe District
3. Francistown District
4. Ngwato District
5. Gaborone District
6. Kweneng District
7. South East District
8. Southern District
9. Ghanzi District
10. Kgalagadi District
11. Tuli Block District