

CHAPTER 29:05
DISSOLUTION OF MARRIAGES OF PERSONS SUBJECT TO CUSTOMARY LAW
(DISPOSAL OF PROPERTY)
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Division of estate of married persons subject to any Botswana Customary Law in certain cases

Proc. 19, 1926,
Cap. 68, 1948,
Cap. 77, 1959,
Law 28, 1964,
L.N. 84, 1966.

An Act to make provision for disposal of property after divorce between persons subject to any Botswana customary law.

[Date of Commencement: 16th July, 1926]

1. Short title

This Act may be cited as the Dissolution of Marriages of Persons subject to Customary Law (Disposal of Property) Act.

2. Division of estate of married persons subject to any Botswana Customary Law in certain cases

(1) Where at the commencement of this Act a marriage subsists between spouses, subject to any Botswana customary law, having been duly solemnized by a marriage officer or according to the rites of the Christian religion if contracted before 1st day of April, 1917, and if contracted on or after that date having been solemnized by a marriage officer appointed under the Marriage Act, and where on the dissolution of the marriage by decree of a competent court or by the death of one of the spouses a question arises as to the disposal or devolution of any property of either or both of the spouses the question shall be heard and determined in accordance with the law of Botswana by a court presided over by a Magistrate Grade I if it appears to that court on application made to it that regard being had to the mode of life of the spouses or to any disposition of the property made by either of the spouses during the subsistence of the marriage it would not be just and equitable that such property should be dealt with according to customary law.

(2) Any person aggrieved by the decision of the court on an application made under subsection (1), whether or not he was a party to such application may appeal against that decision to the High Court subject to any rules made governing the procedure in such appeals.