

CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ACT, 1980

No. 41



of 1980

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Insertion of new section 56A in Cap. 08:02
3. Amendment of section 57 of principal Act
4. Insertion of new section 331A in principal Act

An Act to amend the Criminal Procedure and Evidence Act

Date of Assent: 11.12.80.

Date of Commencement: 19.12.80.

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1980. Short title

2. The Criminal Procedure and Evidence Act (hereinafter referred to as "the principal Act") is amended by inserting therein, immediately after section 56 thereof, the following new section — Insertion of new section 56A in Cap. 08:02

"General powers of police to seize or take property affording evidence as to commission of offence

56A. Subject to sections 51 and 52, a policeman may seize or take anything which he believes on reasonable grounds will afford evidence as to the commission of any offence and thereafter that policeman or any other policeman into whose possession the thing is subsequently delivered or otherwise comes may retain it in his possession until such time as the Attorney-General is satisfied that no use or further use will be made of the thing to afford evidence in any criminal proceedings, whether actual or contemplated, as to the commission of any offence."

3. Section 57 of the principal Act is amended by adding thereto, immediately after subsection (4) thereof, the following new subsection — Amendment of section 57 of principal Act

"(5) This section shall not apply in respect of anything seized or taken by a policeman in exercise of the powers conferred on him by section 56A."

Insertion of
new section
331A in
principal
Act

4. The principal Act is amended by inserting therein, immediately after section 331 thereof, the following new section —

"Power of
Attorney-
General to
invoke
Court of
Appeal's
decision on
point of law

331A. (1) Where the High Court, at any stage of criminal proceedings, gives or makes any decision, ruling, opinion or statement on or in relation to a question of law and the Attorney-General has any doubt as to the correctness thereof, he may submit that decision, ruling, opinion or statement to the Court of Appeal and cause the correctness thereof to be argued before the Court of Appeal on behalf of the State in order that the Court of Appeal may determine the correctness thereof for the future guidance of all courts.

(2) For removing doubts, it is hereby declared that the application of subsection (1) extends to an opinion or statement which is not essential to the determination of any issue."

PASSED by the National Assembly this 3rd day of December, 1980.

I.P. GONTSE,
Clerk of the National Assembly.