

Statutory Instrument No. 76 of 1985

LEGAL PRACTITIONERS ACT

(Cap. 61:01)

LEGAL PRACTITIONERS (EXAMINATIONS AND QUALIFICATIONS FOR ADMISSION) RULES, 1981

LEGAL PRACTITIONERS (SYLLABUSES FOR EXAMINATIONS FOR CANDIDATES FOR ADMISSION AS ATTORNEYS) RULES, 1985

(Published on 17th June, 1985)

IN EXERCISE of the powers conferred on the Legal Practitioners Committee by rule 6 of the Legal Practitioners (Examinations and Qualifications for Admission) Rules, 1981, the following syllabuses for examinations to be admitted as an attorney are hereby prescribed for an articled clerk who has served his articleship or any person who is qualified to be admitted as an attorney in accordance with section 9 of the Act —

SYLLABUSES FOR EXAMINATIONS

CRIMINAL LAW

The criminal act and its punishment. The general principles of criminal responsibility. Actus reus and mens rea. The defences to a criminal charge; insanity, intoxication, error, automatism, etc. Attempt, specific offences against property, Person and the Community, Penal Code.

CRIMINAL PROCEDURE

Sources of Criminal Procedure and Evidence in Botswana. Trial in the High Court, Subordinate Courts, trial Court Procedure, Judgment, Sentences imposed, Trial in Juvenile Courts, Appeals and review by the High Court, Appeals to the Court of Appeal.

CIVIL LAW

Sources of Civil Procedure and Evidence in Botswana, Jurisdiction of the Courts. Summons, proceedings, Functions and rules of Pleadings, Judgment, Costs and execution of Judgment, Provisional sentence, review and Appeal.

LAW OF EVIDENCE

Definitions and Sources. Relevance and Admissibility. Character, Opinion. The rule against hearsay. Admissions and Confessions. Privilege, Public Policy. The Parole Evidence rule. Estoppel, Witnesses, documentary and real evidence. The rules of trial. The burden of Proof. Presumptions, corroboration. Cogency and proof.

RELEVANT STATUTES AND COURTS RULES

THE STATUTORY LAW OF BOTSWANA

Constitution of Botswana

Interpretation Act (No. 20 1984)
46:02 Bills of Exchange
25:01 Citizenship
42:01 Companies

- 55:03 Exchange Control
- 52:01 Income Tax
- 16:01 Insolvency
- 61:01 Legal Practitioners

CUSTOMARY LAW

The origin and development of law in Botswana, recognition of Customary Law, repugnancy and inconsistency clause, the structure and jurisdiction of Customary Courts, the problem of choice of law in matters related to Customary Law marriage and Succession, judicial ascertainment of Customary Law, as modified by relevant statutes.

ROMAN DUTCH LAW

Law of persons

The nature of legal personality, its beginning and termination,

Status and Capacity

Domicile, Adoption, Illegitimacy

Marriage, Formalities and legal implications

Divorce and separation

Parent and Child

Minority and its implications

All as modified by relevant statutes.

Law of Contract

The nature of contractual obligations, Capacity to Contract, the formation of contracts, Warranties, Conditions, Offer and acceptance, termination of offer. Contracts Contrabonos mores. Breach of Contract, remedies for breach, void, voidable Contracts. The transfer and extinction of Contractual obligations. Special Contracts — Sale, Landlord and Tenant, Master and servant, letting and hiring, agency, Partnership. Mortgage and pledge, Suretyship, Senatus Consultum Velleianum and the Authentica si qua mulier.

Interpretation of Contracts, misrepresentation, fraud, duress, mistake, illegality. Advertisement and ticket cases.

Law of Property

The meaning of ownership, how it is acquired. The incidents and kinds of ownership. Classification of things.

Possession of Servitudes.

All as modified by relevant statutes,

Law of Succession

Succession in general

Administration of Estates

Law of inheritance

Wills

As modified by relevant statutes

Law of Delict

The nature of delictual obligations. The main forms of delictual actions. The Aquilian action and the Actio Injuriarum. Liability under the Aquilian action, the

wrongfulness of the act, defences, determining culpa, remoteness of damages and causation.

Quantum of damages.

BOOK-KEEPING AND TRUST ACCOUNTS

The essential requirements of modern double-entry book-keeping and sufficient practical knowledge of book-keeping to keep books of account required in an attorney's office.

MADE this 14th day of June, 1985.

S.M.A. CHUKURA,
*Secretary, Legal Practitioners
Committee.*

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