

## CONSTITUTION (AMENDMENT) ACT, 2021

No. 1



of 2021

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title
2. Amendment of section 68 of the Constitution

#### **An Act to amend the Constitution.**

*Date of Assent:* 02.02.2021

*Date of Commencement:* 05.02.2021

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Constitution (Amendment) Act, 2021.

2. Section 68 of the Constitution is amended by —

(a) substituting for subsection (1) the following new subsection —

“(1) The seat of an Elected Member or a Specially Elected Member of the National Assembly shall become vacant —

- (a) upon dissolution of Parliament;
- (b) if he or she is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly;
- (c) subject to the provisions of subsections (2) and (3) of this section, if any circumstances arise that, if he or she were not a Member of the Assembly, would cause him or her to be disqualified for election thereto;
- (d) in the case of an Elected Member —
  - (i) if he or she was elected to the Assembly as a candidate for a political party, the Member resigns from the political party, or
  - (ii) if he or she was elected to the Assembly as a candidate who is not a member of a political party, the Member becomes a member of a political party:

Provided that an Elected Member who immediately before the commencement of this Act has effected a change in accordance with any of the provisions of this paragraph, shall be deemed to have been a candidate for election as a Member and elected to the Assembly in their status as so changed.”; and

Short title  
Amendment of  
section 68 of the  
Constitution

(b) inserting immediately after subsection (4), the following new subsection —

“(5) The provisions of subsection (4) shall not apply to subsection (1) (d).”.

PASSED by the National Assembly this 17th day of December, 2020.

BARBARA N. DITHAPO,  
*Clerk of the National Assembly.*