

# MAGISTRATES' COURTS (AMENDMENT) ACT, 2022

No. 22



of 2022

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title and commencement
2. Amendment of section 17 of Cap. 04:04
3. Amendment of section 61 of the Act

### **An Act to amend the Magistrates' Courts Act.**

*Date of Assent:* 06.06.2022

*Date of Commencement:* ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Magistrates' Courts (Amendment) Act, 2022, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Magistrates' Courts Act (hereinafter referred to as the "Act") is amended by substituting for section 17, the following new section —

Amendment of Section 17 of Cap. 04:04

"Jurisdiction in respect of causes of action

17 (1) Subject to section 30, a Regional Magistrate, a Chief Magistrate, a Principal Magistrate and a Senior Magistrate shall have jurisdiction in all civil claims where the total amount claimed either in the way of liquidated or unliquidated damages, or the value of the property claimed, does not exceed —

(a) P100, 000. 00 in the case of a Regional Magistrate and a Chief Magistrate;

(b) P80, 000. 00 in the case of a Principal Magistrate; and

(c) P70, 000. 00 in the case of a Senior Magistrate.

(2) Subject to section 30, a Regional Magistrate, a Chief Magistrate, a Principal Magistrate and a Senior Magistrate shall have jurisdiction in all actions of ejection against the occupier of any premises or land where the right of occupation of any such premises or land in dispute between the parties does not exceed, in value to the occupier —

(a) P100, 000. 00 in the case of a Regional Magistrate and a Chief Magistrate;

(b) P80, 000. 00 in the case of a Principal Magistrate; and

(c) P70, 000. 00 in the case of a Senior Magistrate.

(3) Subject to section 30, a Magistrate Grade I, a Magistrate Grade II and a Magistrate Grade III shall have jurisdiction in all civil claims where the total amount claimed either in the way of liquidated or unliquidated damages or the value of property claimed does not exceed —

Amendment  
of section 61  
of the Act

- (a) P60,000.00 in the case of a Magistrate Grade I;
- (b) P50,000.00 in the case of a Magistrate Grade II; and
- (c) P40,000.00 in the case of a Magistrate Grade III.”

3. Section 61 of the Magistrates’ Courts Act is amended by substituting for subsection (1), the following new subsection —

“(1) Subject to provisions of this Act and of any other written law, the limits to the punishment that may be imposed by magistrates shall be as follows —

- |                                    |  |
|------------------------------------|--|
| (a) Regional and Chief Magistrates | 20 years imprisonment or P100,000.00 fine, or to both;   |
| (b) Principal Magistrates          | 15 years imprisonment or P80,000.00 fine, or to both;    |
| (c) Senior Magistrates             | 12 years imprisonment or P70,000.00 fine, or to both;    |
| (d) Magistrates Grade I            | 10 years imprisonment or P60,000.00 fine, or to both;    |
| (e) Magistrates Grade II           | 7 years imprisonment or P50,000.00 fine, or to both; and |
| (f) Magistrates Grade III          | 5 years imprisonment or P40,000.00 fine, or to both;     |

Provided that a Principal Magistrate and Senior Magistrate may impose a maximum sentence of 20 years imprisonment and a Magistrate Grade I may impose a maximum sentence of 15 years imprisonment, where a minimum sentence has been prescribed as punishment for commission of an offence.”.

PASSED by the National Assembly this 28th day of March, 2022.

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