

Statutory Instrument No. 28 of 2022

CUSTOMARY COURTS ACT
(Cap. 04:05)

CUSTOMARY COURTS (ESTABLISHMENT AND JURISDICTION OF
CUSTOMARY COURTS) ORDER, 2022

(Published on 1st April, 2022)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Recognition and establishment of Customary Courts
3. Area of jurisdiction
4. Jurisdiction of court
5. Jurisdiction in respect of stock theft
6. Revocation of S.I. No. 102 of 2014

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Local Government and Rural Development by section 7(3) of the Customary Courts Act, the following Order is hereby made —

Citation	1. This Order may be cited as the Customary Courts (Establishment and Jurisdiction of Customary Courts) Order, 2021.
Recognition and establishment of Customary Courts	2. The customary courts listed in the first column of Schedule 1 hereto have by warrant been recognised and established as customary courts within the districts named in the said column.
Area of jurisdiction	3. The area of jurisdiction of each customary court shall be the area stated in relation to the Court in the second column of Schedule 1.
Jurisdiction of court	4. Subject to paragraph 5, the jurisdiction of each customary court in respect of civil and criminal matters shall be that indicated by letters in relation to its name in the third and fourth columns respectively of Schedule 1, which letters refer to the maximum awards, fines or punishments which may be imposed, inflicted or granted by the customary court and which are set out under Schedule 2.
Jurisdiction in respect of stock theft Cap. 09:01	5. Where a person is convicted of the offence of stealing or attempting to steal stock, contrary to the Stock Theft Act, by a customary court specified in the first column of Part 1 of Schedule 3 (under the district within which it has been recognised or established), the customary court may, for that offence, sentence the person so convicted — (a) to a fine not exceeding the amount specified in the corresponding entry in the second column of Schedule 3; or (b) to a period of imprisonment not exceeding the number of years specified in the corresponding entry in the third column of Schedule 3.
Revocation of S.I. No. 102 of 2014	6. The Establishment and Jurisdiction of Customary Courts Order is hereby revoked.

SCHEDULE 1
(paragraphs 2, 3 and 4)

<i>Customary Court</i>	<i>Area</i>	<i>Civil Jurisdiction</i>	<i>Criminal Jurisdiction</i>
Ngwato Tribal Authority	Bamangwato Tribal Territory	A	B
Senior Sub-Tribal Authority	Bobonong Gweta Letlhakane Mahalapye Mmadinare Mookane Nata Palapye Ramokgonami Sefhate Shoshong Tonota Rakops Tutume	B	F
Subordinate Tribal Authority	Dukwi Bobonong Gweta Kalamare Lecheng Letlhakane Machaneng Maitengwe Mahalapye Maokatumo Mathangwane Mathathane Maunatlala Mmadinare Mogapi Moiyabana Molalatau Mosetse Mopipi Mookane Mosu Nata Nkange Palapye Paje Pilikwe Ramokgonami Rakops	C	G

	Sebina		
	Sefhare		
	Sefhophe		
	Semolale		
	Serule		
	Shoshong		
	Tonola		
	Tsetsebjwe		
	Mimashoro		
	Tumasera		
	Tutume		
Kgosana	Bonwapitse	D	H
	Bobonong		
	Borotsi		
	Chadibe		
	Chadibe/Borolong		
	Changate		
	Dagvi		
	Damuchojena		
	Dibete		
	Dimajwe		
	Dovedale		
	Dzoroga		
	Foley		
	Gobojango		
	GooSekgweng		
	Gootau		
	Goshwe		
	Gojwane		
	Gweta		
	Jamataka		
	Kedia		
	Kutamogoree		
	Kgagodi		
	Khumaga		
	Khwee		
	Kodibeleng		
	Kudumatse		
	Lentswelemoriti		
	Lethakane		
	Lepashe		
	Lephephe		
	Lcsenepole		
	Lepokole		
	Maape		
	Mabeleapudi		
	Mabesekwa		
	Mabuo		
	Mabolwe		
	Majwaneng		

Majwanaadipitse
Mafungo Hubona
Makuta
Malaka
Mahalapye
Malatswai
Matlhako
Matlhakola
Mmea
Mokubilo
Makobo
Makalamabedi
Makwate
Manxotae
Marapong
Marobela
Matobo
Matsitama
Mhalapitsa
Mmadikola
Mmadinare
Mmandunyane
Mmaphashalala
Mmashoro
Mmatshumu
Mmutlane
Mogorosi
Moletemane
Mokgenene
Mokobeng
Mokoboxane
Mookane
Moreomaoto
Moshopha
Mosotshane
Mosu
Motlhabaneng
Motlopi
Motshegaletau
Nata
Natale
Nshakashokwe
Nswazwi
Otse
Palapye
Palla Road
Poloka
Rakops
Radisele
Ramokgonami

	Ratholo		
	Robelela		
	Sefhare		
	Sehunou		
	Seolwane		
	Shashemooke		
	Semotswane		
	Senete		
	Semitlwe		
	Seleke		
	Semolale		
	Sepako		
	Shakwe		
	Shoshong		
	Tamasane		
	Taupy		
	Thabala		
	Tobane		
	Tonota		
	Topisi		
	Toromoja		
	Tshokwe		
	Tutume		
	Tshimoyapula		
	Tsokatshaa		
	Xere		
	Xhumo		
Selebi-Phikwe Customary Court President (Urban)	Botshabelo		
	Ikageleng	B	F
	Kagiso		
Deputy Court President	Botshabelo		
	Ikageleng		
	Kagiso		
Kweneng Kgosi	Bakwena Tribal	A	E
	Territory	A	E
Moemela Kgosi o Mogolwane	Gabane	B	F
	Kopong		
	Lentsweletau		
	Lephephe		
	Letlhakeng		
	Mmankgodi		
	Mogoditshane		
	Molepoiolo		
	Motokwe		
	Salajwe		
	Takatokwane		
	Thamaga		

<i>Moemela Kgosl</i>	Boatlana Ditshewane Dutlwe Khudumelapye Letlhakeng Lentsweletau Mmankodi Metsimotlhabe Mogoditshane Molepolole Mmopane Takatokwane Thamaga	C	G
<i>Kgosana</i>	Bothapatlou Diphuduhudu Dutlwe Gabane Gakgatla Gakuto Gamodubi Hatsalatladi Kopong Kaudwane Khekhenye Kgope Kotolaname Kubung Kumakwane Kweneng Lotlhakeng Lentsweletau Lephepe Lesilakgokong Maboane Mahetlwe Malwelwe Mantshwabise Medie Mmanoko Mogonono Mogoditshane Molepolole Monwane Motokwe Moshaweng Ngware Ramankhung Salajwe Serinane Sesung	D	H

	Shadishadi		
	Sojve		
	Sorilatholo		
	Takatokwane		
	Thamaga		
	Tloaneng		
	Tsetseng		
	Tshwaane		
<i>Ngamiland Kgosi</i>	Batawana Tribal Territory	A	E
<i>Moemela Kgosi o Mogohwane</i>	Etsha 6	B	F
	Gumare		
	Maun		
	Nokaneng		
	Sehithwa		
	Sepopa		
	Shakawe		
	Seronga		
	Shorobe		
	Tsau		
<i>Moemela Kgosi</i>	Chanoga	C	G
	Kareng		
	Makalamabedi		
	Maun		
	Ngarange		
	Qangwa		
	Toteng		
<i>Kgosana</i>	Beetsha	D	H
	Bodiba		
	Bothatogo		
	Chukumouchu		
	Bretsha		
	Etsha 6		
	Etsha 13		
	Ghani		
	Gudigwa		
	Gumotsoga		
	Habu		
	Ikoga		
	Kajaja		
	Kauxwi		
	Khwai		
	Komana		
	Mabeleapudi		
	Makakung		
	Maun		
	Mallapana		
	Matsaudi		
	Mohembo West		
	Mogotlho		

	Nxaraga		
	Nxamasere		
	Nxaunxau		
	Phuduhudu		
	Samedupe		
	Samochima		
	Sankoyo		
	Sekondomboro		
	Semboyo		
	Somelo		
	Tobera		
	Tubu		
	Xakao		
	Xaixai		
	Xaxa		
Ngwaketse	Bangwaketse Tribal Territory		
<i>Kgosi</i>		A	B
<i>Moemela Kgosi o Mogolwane</i>	Kanye	B	F
	Mabutsane		
	Manyana		
	Molapowabojang		
	Mmathethe		
	Moshupa		
	Ranaka		
	Phitshane -- Molopo		
<i>Moemela Kgosi</i>	Digawana	C	G
	Kanye		
	Khakhea		
	Lotlbakane East		
	Mabule		
	Maokane		
	Molapowabojang		
	Ntlhantlhe		
	Ranaka		
	Sekoma		
<i>Kgosana</i>	Gasita		
	Gamajaalela		
	Gasegwagwa		
	Gathwane		
	Itholoke		
	Kanaku		
	Kanye		
	Keng		
	Kgomokasitwa		
	Khonkhwa		
	Kokong		
	Kutuku		
	Lefoko		
	Lejwana		

	Lekgolobotlo		
	Loporung		
	Lorolwane		
	Loilhakane West		
	Magorlapitse		
	Magotlhwane		
	Mahotshwane		
	Manyana		
	Metlobo		
	Mmakgori		
	Mmathethe		
	Mogojogojo		
	Mogonye		
	Mokgomane		
	Mokhomma		
	Morwamosu		
	Moshana		
	Moshupa		
	Pitseng		
	Phitshane – Molopo		
	Ranaka		
	Samane		
	Sedibeng		
	Seherefela		
	Sekhutiane		
	Sekoma		
	Sesung		
	Selokolela		
	Sese		
	Thankane		
	Tshidilamolomo		
	Barolong Tribal Territory		
Barolong			
<i>Kgosi</i>		A	E
<i>Moemela Kgosi o</i>	Goodhope	B	F
<i>Mogolwane</i>			
<i>Moemela Kgosi</i>	Hebron	C	G
	Papatlo		
	Pitsane		
Kgosana	Bethele	D	H
	Cwaanyaneng		
	Cwagare		
	Difharapa		
	Goodhope		
	Kgoro		
	Meflojane		
	Mokatako		
	Pitsane		
	Pitsane – Potlokwe		
	Phihetshwane		
	Rakhuna		
	Ramatlabama		
	Tlhareselele		

Kgatleng	Bakgatla Tribal Territory		
<i>Kgosi</i>		A	E
<i>Moemela Kgosi o</i>	Artesia	B	F
<i>Mogotswane</i>	Bokaa		
	Mmathubudukwane		
	Mochudi		
	Oodi		
<i>Moemela Kgosi</i>	Malotwana	C	G
	Mochudi		
	Modipane		
	Morwa		
	Olifant's Drift		
	Ramotlabaki		
	Rasesa		
	Sikwane		
<i>Kgosana</i>	Artesia	D	H
	Bokaa		
	Dikgonnye		
	Dikwldidi		
	Kgomodiatshaba		
	Leshitse		
	Malotwane		
	Mabalane		
	Matebele		
	Modipane		
	Mokatse		
	Oodi		
	Pilane		
	Rasesa		
	Ramonaka		
South-East	Bamalete Tribal Territory		
<i>Kgosi</i>		A	E
<i>Moemela Kgosi o</i>	Ramotswa	B	F
<i>Mogotswane</i>			
<i>Moemela Kgosi</i>	Mogobane		
	Otse		
	Ramotswa		
	Taung		
<i>Kgosana</i>	Mogobane		
	Otse		
	Taung		
<i>Kgosi</i>	Batlokwa Tribal Territory	A	E
<i>Moemela Kgosi o</i>	Tlokweng	B	F
<i>Mogotswane</i>			
<i>Moemela Kgosi</i>	Tlokweng		
<i>Kgosana</i>	Tlokveng		
Gaborone City			
Court President	Block 8, Gaborone	C	G
	Broadhurst		

	Naledi Phase IV Urban		
Deputy Court President	Block 8, Gaborone Broadhurst Naledi Phase IV Urban		
Kgalagadi <i>Letso go la Kgosi</i>	Bogogobo Bokspits Hukuntsi Kang Lehututu Lokgwabe Makopong Middlepits Tsabong Werda	C	G
Kgosana	Draihoeck Bokspits Gakhibane Hereford Hunhukwe Inalegolo Khawa Khuis Kisa Kokotsha Kolonkwaneng Maake Maleshe Marafaleng Maubelo Middlepits McCarthy's Rust Monong Ncaang Ngwatle Omaaveneno Phuduhudu Rappelspan Struizendam Tsabong Tshane Ukhwi Vaalhoeck Zutshwa	D	H
Ghanzi Court President	Ghanzi (Urban)	B	F

Deputy Court President <i>Letsogo la Kgosi</i>	Ghanzi (Urban) Charleshill Kacgae Kalkfontein Karakubisi Koie Ncojane New Kanagas New Xade West Hanahai	C	G
<i>Kgosana</i>	Bere Charleshill Chobokwane East Hanahai Grootlagte Kacgae Kuke Makunda Ncojane Qabo West Hanahai		
Chobe <i>Letsogo la Kgosi</i>	Kachikau Kavimba Kazungula Pandamatenga Parakarunga	C	G
Court President (Urban)	Kasane Plateau	B	F
Deputy Court President <i>Kgosana</i>	Kasane Plateau Kachikau Kavimba Kazungula Lesoma Mabele Pandamatenga Parakarungu Satau	D	H
Francistown Township Court President (Urban)	Donga Gerald Estate Monarch Phase IV Tati-Town	B	F
Deputy Court President	Donga Gerald Estate Monarch Phase IV Tati-Town	C	G

Court President (Urban)	Orapa	B	F
Court President (Urban)	Sowa	B	F
North-East Letsogo la Kgosi	Jackalas No. 1 Makaleng Mapoka Masunga Matsiloje Moroka Mosojane Tati Siding Tsamaya Tshesebe	C	G
Kgosana	Butale Ditladi Gambule Gulubane Jackalas No. 2 Kalakamati Kgari Letsholathebe Mabuzane Mambo Masingwaneng Masukwane Masunga Matopi Matenge Matsiloje Matshelagabedi Mbalambi Mulambakwena Nlaphwane Patayamatebele Pole Ramokgwebana Sechele Sekakangwe Senyawe Shase Bridge Sivlya Themashanga Zwenshambe	D	H
Lobatse Township Court President (Urban)	Motswedi Peleng Woodhall	B	F