

BOTSWANA LEGAL ANNEX

REVIEWED LAWS:

1. Constitution 1965 (version of 12th amendment, 2002, is the current version)
2. Corruption and Economic Crime Act 1994 (no amendments were made to this Act)

(*) Law(s) reviewed but not containing relevant articles for this study.

3. Standing Orders of the National Assembly of Botswana, 1966 (the most recent amendment was August 13, 1998)
4. Public Service Act 1998 (the most recent amendment by Act 15, 2005)
5. Ombudsman Act, Act 5, 1995, entered into force on December 1, 1997
6. Finance and Audit Act 1970 (the most recent amendment by Act 18, 2006)

Constitution 1965

Article 62

Disqualifications for membership of National Assembly

(1) No person shall be qualified to be elected as a Member of the National Assembly who—

- (d) is a Member of the House of Chiefs;
- (e) subject to such exceptions as may be prescribed by Parliament, holds any public office, or is acting in any public office by virtue of a contract of service expressed to continue for a period exceeding six months;
- (g) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any elections to the Assembly or the compilation or revision of any electoral register for the purposes of such elections.

Corruption and Economic Crime Act 1994

Article 24

(1) A public officer is guilty of corruption in respect of the duties of his office if he directly or indirectly agrees or offers to permit his conduct as a public officer to be influenced by the gift, promise, or prospect of any valuable consideration to be received by him, or by any other person, from any person.

Article 25

(1) A public officer is guilty of corruption if he accepts, or agrees or offers to accept, for himself, or for any other person any valuable consideration as an inducement or reward for doing or forbearing to do anything in respect of any matter in which he is concerned in his capacity as a public officer.

Article 31

(1) A member or an employee of a public body is guilty of corruption if he or an immediate member of his family has a direct or indirect interest in any company or

undertaking with which such body proposes to deal, or he has a personal interest in any decision which such body is to make, and he, knowingly, fails to disclose the nature of such interest, or votes or participates in the proceedings of such body relating to such dealing or decision.

(2) It is a defence to a charge under this section if the person having an interest has first made in writing to the public body the fullest disclosure of the exact nature of his interest and has been permitted there after to take part in the proceedings relating to such dealing or decision.

wb326868

<https://fpdkm.sharepointsite.com/doingbusiness/SubSaharan Africa/Botswana/Final Country Files/Botswana - Legal Annex.doc>

03/27/2008 10:54:00 AM