

ESTABLISHMENT AND JURISDICTION OF CUSTOMARY COURTS ORDER

(under sections 7(2) and 12(5))

(8th September, 1972)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Recognition and establishment
3. Area of jurisdiction
4. Jurisdiction
5. Jurisdiction of certain courts in respect of stock theft

First Schedule
Second Schedule
Third Schedule

S.I. 68, 1972,
S.I. 93, 1974,
S.I. 118, 1976,
S.I. 129, 1977,
S.I. 138, 1977,
S.I. 15, 1979,
S.I. 49, 1980,
S.I. 50, 1980,
S.I. 117, 1980,
S.I. 26, 1982,
S.I. 106, 1982,
S.I. 129, 1982,
S.I. 144, 1982,
S.I. 68, 1983,
S.I. 118, 1983,
S.I. 18, 1984,
S.I. 138, 1984,
S.I. 47, 1987,
S.I. 48, 1987,
S.I. 99, 1997,
S.I. 72, 1999,
S.I. 51, 2004.

1. Citation

This Order may be cited as the Establishment and Jurisdiction of Customary Courts Order.

2. Recognition and establishment

The customary courts listed in the first column of the First Schedule hereto have by warrant been recognised and established as customary courts within the district named in the said column.

3. Area of jurisdiction

The area of jurisdiction of each court shall be the area stated in relation to the Court in the second column of the First Schedule.

4. Jurisdiction

Subject to paragraph 5, the jurisdiction of each 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 the First Schedule, which letters refer to the maximum awards, fines or punishments which may be imposed, inflicted or granted by the court and which are more fully indicated in the Second Schedule hereto.

5. Jurisdiction of certain courts in respect of stock theft

Where a person is convicted of the offence of stealing or attempting to steal stock, contrary to the Penal Code, by a customary court specified in the first column of the Third Schedule (under the district within which it has been recognized or established), the court may, for that offence, sentence the person so convicted-

- (a) to pay a fine not exceeding the amount specified in the corresponding entry in the second column of the Schedule; and
- (b) to a period of imprisonment not exceeding the number of years specified in the corresponding entry in the third column of that Schedule.

FIRST SCHEDULE

<i>CUSTOMARY COURT</i>	<i>AREA</i>	<i>CIVIL JURISDICTION</i>	<i>CRIMINAL JURISDICTION</i>
Ngwato Tribal Authority	Bamangwato Tribal Territory	A	E
Senior Sub-Tribal Authority	Gweta	B	F
	Bobonong		
	Letlhakane		
	Mahalapye		
	Mmadinare		
	Mookane		
	Nata		
	Palapye		
	Ramokgonami		
	Sefhare		
	Shoshong		
	Tonota		
	Tsienyane		
	Tutume		
Subordinate Tribal Authority	Dukwi	C	G
	Kalamare		
	Lecheng		
	Lerala		
	Machaneng		

	Maitengwe		
	Maokatumo		
	Mathangwane		
	Mathathane		
	Maunatlala		
	Mmadinare		
	Mogapi		
	Moiyabana		
	Molalatau		
	Mosetse		
	Mopipi		
	Mosu		
	Nkange		
	Paje		
	Pilikwe		
	Sebina		
	Sefhophe		
	Semolale		
	Serule		
	Tsetsebjwe		
	Tumasera		

Headman	Bonwapitse	D	H
	Chadibe		
	Chadibe/Borolong		
	Changate		
	Dagwi		
	Damuchojena		
	Dibete		
	Dimajwe		
	Dovedale		
	Gobojango		
	Gootau		
	Goshwe		
	Kgagodi		
	Khumaga		
	Khwee		
	Kodibeleng		
	Kudumatse		
	Lentswe-le-moriti		
	Lepashe		
	Lephephe		
	Lepokole		
	Mabeleapudi		
	Mabesekwa		
	Mabolwe		
	Mabuo		
	Malatswai		

	Makalamabedi		
	Makwate		
	Manxotae		
	Marapong		
	Marobela		
	Matobo		
	Matsitama		
	Mhalapitsa		
	Mmadikola		
	Mmandunyane		
	Mmaphashalala		
	Mmashoro		
	Mmatshumu		
	Mmutlane		
	Mogorosi		
	Moletemane		
	Mokgenene		
	Mokobeng		
	Mokoboxane		
	Moreomaoto		
	Moshopha		
	Mosolotshane		
	Mosu		
	Motlhabaneng		
	Motlopi		
	Motshegaletau		
	Nswazwi		
	Palla Road		
	Poloka		
	Radisele		
	Ratholo		

	Seleke		
	Semolale		
	Sepako		
	Shakwe		
	Tamasane		
	Taupye		
	Tlhabala		
	Tobane		
	Topisi		
	Toromoja		
	Tshokwe		
	Tshimoyapula		
	Xhomo		
Selebi-Phikwe	Botshabelo	B	F
Customary Court	Ikagaleng		
President (Urban)	Kagiso		

Deputy Court	Botshabelo	C	G
President	Ikagaleng		
	Kagiso		
Kweneng			
Chief	Bakwena Tribal Territory	A	E
Senior Chief's	Gabane	B	F
Representative	Kopong		
	Lentsweletau		
	Lephephe		
	Letlhakeng		
	Mmankgodi		
	Mogoditshane		
	Motokwe		
	Salajwe		
	Takatokwane		
	Thamaga		
Chief's	Ditshewane	C	G
Representative	Khudumelapye		
	Metsimotlhabe		
	Mmopane		
Headman	Boatlaname	D	H
	Botlhapatlou		
	Diphuduhudu		
	Dutlwe		
	Gakgatla		
	Gakuto		
	Gamodubu		
	Hatsalatladi		
	Kgope		
	Kotolanamane		
	Kubung		
	Kumakwane		
	Kweneng		
	Lesilakgokong		
	Maboane		

	Mahetlwe		
	Malwelwe		
	Mantswemabe		
	Medie		
	Monwane		
	Moshaweng		
	Ngware		
	Ramankhung		

	Salajwe		
	Sesung		
	Shadishadi		
	Sojwe		
	Takatokwane		
	Tsetseng		
Ngamiland Chief	Batawana Tribal Territory	A	E
Senior Chief's Representative	Gumare	B	F
	Nokaneng		
	Sehitwa		
	Sepopa		
	Seronga		
	Shakawe		
	Shorobe		
	Tsau		
Chief's Representative	Chanoga	C	G
	Etsha 6		
	Kareng		
	Makalamabedi		
	Ngarange		
	Qangwa		
	Toteng		
Headman	Beetsha	D	H
	Bodiba		
	Botlhatlogo		
	Chukumuchu		
	Etsha 13		
	Gudigwa		
	Gunotsoga		
	Habu		
	Ikoga		
	Kauxwi		
	Komana		
	Mabebe		
	Makakung		
	Matlapana		
	Mogotlho		
	Nxamasere		
	Nxau-nxau		
	Phuduhudu		
	Samedupe		
	Sankoyo		
	Semboyo		

	Tubu		
	Xakao		
	Xaxa		
	Xauxau		
Ngwaketse Chief	Bangwaketse Tribal Territory	A	E
Senior Chief's Representative	Mabutsane Manyana Mmathethe Moshupa Phitshane-Molopo	B	F
Chief's Representative	Digawana Khakhea Lotlhakane East Mabule Maokane Molapowabojang Ntlhantlhe Ranaka Sekoma	C	G
Headman	Gasita Gasegwagwa Gathwane Keng Kgomokasitwa Khonkhwa Kokong Lekgolobotlo Loporung Lorolwane Lotlhakane West Magoriapitse Magotlhwane Metlobo Mmakgori Mogojogojo Mogonye Mokgomane Mokhomma Morwamosu Moshana Pitseng Samane	D	H

	Sedibeng		
	Selokolela		
	Sese		
	Thankane		
	Tshidilamolomo		
Barolong Chief	Barolong Tribal Territory	A	E
Senior Chief's	Goodhope	B	F

Representative			
Chief's Representative	Hebron Papatlo Pitsane	C	G
Headman	Cwagare Ditlharapa Kgoro Mokatako Rakhuna Ramatlabama Tlhareseleele	D	H
Kgatleng Chief	Bakgatla Tribal Territory	A	E
Senior Chief's Representative	Artesia Bokaa Mmathubudukwane Oodi	B	F
Chief's Representative	Malotwana Morwa Olifants Drift Rasesa Ramotlabaki Sikwane	C	G
Headman	Bokaa Dikgonnye Dikwididi Kgomodiatshaba Khurutshe Leshitse Mabalane Malolwane	D	H

	Matebele Modipane Mokatse Pilane Ramonaka		
South East Chief	Bamalete Tribal Territory	A	E
Senior Chief's Representative	Ramotswa	B	F
Chief's Representative	Mogobane Otse Taung	C	G
Chief	Batlokwa Tribal Territory	A	E
Senior Chief's Representative	Tlokweg	B	F

Gaborone City			
Court President (Urban)	Broadhurst Gaborone Gaborone West Naledi	B	F
Deputy Court President (Urban)	Broadhurst Gaborone Gaborone West Naledi	C	G
Kgalagadi Sub-chief	Bogobogobo Bokspits Hukunsi Kang Lehututu Lokgwabe Makopong Tsabong Werda	C	G
Headman	Draaihoek Gakhibane Hereford Hunhukwe	D	H

	Inalegolo		
	Khawa		
	Khuis		
	Kisa		
	Kolonkwaneng		
	Kokotsha		
	Maralaleng		
	Maubelo		
	Middlepits		
	Ntshutela		
	Ohe		
	Omaweneno		
	Phuduhudu		
	Tshane		
	Ukhwi		
Ghanzi Court President	Ghanzi (Urban)	B	F
Sub-chief	Charleshill Kalkfontein Karakobis Kule Ncojane New Xanagas	C	G
Headman	Bere Chobokwane East Hanahai Grootlaagte	D	H

	Kacgae		
	Makunda		
	New Xade		
	Qabo		
	West Hanahai		
Chobe Sub-chief	Kachikau Kavimba Pandamatenga	C	G
Court President (Urban)	Kasane	B	F
Headman	Kazungula Leshoma Mabele Parakarungu Satau	D	H

Francistown Township			
Court President (Urban)	Donga Monarch Phase IV Tati-town	B	F
Deputy Court President	Donga Monarch Phase IV Tati-town	C	G
Court President (Urban)	Orapa	B	F
Deputy Court President	Orapa	C	G
Court President (Urban)	Sowa	B	F
Deputy Court North East Sub-chief	Sowa Jackalas No 1 Makaleng Mapoka Masunga Matsiloje Moroka Mosojane Tati Siding Tsamaya Tshesebe	C C	G G
Headman	Butale Ditladi Gulubane Jackalas No 2 Kalakamati	D	H

	Kgari		
	Letsholathebe		
	Masingwaneng		
	Masukwane		
	Matshelagabedi		
	Mbalambi		

	Nlaphwane		
	Ramokgwebana		
	Sechele		
	Sekakangwe		
	Senyawe		
	Shashe Bridge		
	Siviya		
	Themashanga		
	Zwenshambe		
Lobatse Township	Motswedi	B	F
Court President (Urban)	Peleng Woodhall		
Deputy Court President (Urban)	Motswedi Peleng Woodhall	C	G
Jwaneng Township Court President (Urban)	Jwaneng Raphalane	B	F
Deputy Court President (Urban)	Jwaneng Raphalane	C	G
Customary Court President	Block 8, Gaborone	B	F
Customary Court President	Plateau, Kasane	B	F
Customary Court President	Gerald Estate, Francistown	B	F

**SECOND SCHEDULE
CIVIL JURISDICTION**

A. P4000	30 bovines or equines 70 sheep or goats
B. P2500	20 bovines or equines 60 sheep or goats
C. P1000	15 bovines or equines 40 sheep or goats
D. P500	15 bovines or equines 40 sheep or goats
<i>Criminal Jurisdiction</i>	
E. P2000	20 bovines or equines 80 sheep or goats 3 years imprisonment 6 strokes
F. P1000	13 bovines or equines 50 sheep or goats 18 years imprisonment

	5 strokes
G. 600	8 bovines or equines
	40 sheep or goats
	1 year imprisonment
	5 strokes
H. P400	6 bovines or equines
	30 sheep or goats
	9 months imprisonment
	3 strokes

**THIRD SCHEDULE PART I
CRIMINAL JURISDICTION UNDER THE STOCK THEFT ACT**

<i>Customary Court</i>	<i>Maximum Fine</i>	<i>Maximum Term of Imprisonment</i>
<i>Central</i>		
Tribal Authority	P5000	10 years
Senior Sub-Tribal Authority	P4000	9 years
Subordinate Tribal Authority	P3000	8 years
Headman	P2000	7 years
<i>Kweneng</i>		
Chief	P5000	10 years
Senior Chief's Representative	P4000	9 years
Chief's Representative	P3000	8 years
Headman	P2000	7 years

<i>Ngamiland</i>		
Chief	P5000	10 years
Senior Chief's Representative	P4000	9 years
Chief's Representative	P3000	8 years
Headman	P2000	7 years
<i>Chobe</i>		
Sub-Chief	P4000	9 years
Headman	P2000	7 years
<i>Southern</i>		
Chief	P5000	10 years
Senior Chief's Representative	P4000	9 years
Chief's Representative	P3000	8 years
Headman	P2000	7 years
<i>Kgatleng</i>		
Chief	P5000	10 years
Senior Chief's Representative	P4000	9 years
Chief's Representative	P3000	8 years
Headman	P2000	7 years
<i>South East</i>		
Chief	P5000	10 years
Senior Chief's Representative	P4000	9 years
Chief's Representative	P3000	8 years
<i>Gaborone City</i>		
Court President (Urban)	P4000	9 years
<i>Kgalagadi</i>		

Sub-Chief	P4000	9 years
Headman	P3000	8 years
<i>Ghanzi</i>		
Sub-Chief	P4000	9 years
Headman	P3000	8 years

<i>North East</i>		
Sub-Chief	P4000	9 years
Headman	P3000	8 years
<i>Francistown Township</i>		
Court President (Urban)	P4000	9 years
<i>Lobatse Township</i>		
Court President	P4000	9 years
<i>Selebi-Phikwe Township</i>		
Court President (Urban)	P4000	9 years
<i>Jwaneng Township</i>		
Court President (Urban)	P5000	10 years
<i>Ghanzi Township</i>		
Court President (Urban)	P5000	10 years
<i>Kasane Township</i>		
Court President (Urban)	P5000	10 years

**PART II
CRIMINAL JURISDICTION UNDER THE DRUGS AND RELATED SUBSTANCES ACT**

<i>Central</i>	<i>Maximum Fine</i>	<i>Maximum Term of imprisonment</i>
Tribal Authority	P8500	8 years
Senior Sub- Tribal Authority	P8000	7 years
Subordinate Tribal Authority	P7500	6 years
Headman	P7000	5 years
<i>Kweneng</i>		
Chief	P8500	8 years
Senior Chief Representative	P8000	7 years
Chief's Representative	P7500	6 years
Headman	P7000	5 years
<i>Ngamiland</i>		
Chief	P8500	8 years
Senior Chief Representative	P8000	7 years
Chief's Representative	P7500	6 years
Headman	P7000	5 years

<i>Southern</i>		
Chief	P8500	8 years
Senior Chief's Representative	P8000	7 years
Chief's Representative	P7500	6 years
Headman	P7000	5 years
<i>Kgatleng</i>		

Chief	P8500	8 years
Senior Chief's Representative	P8000	7 years
Chief's Representative	P7500	6 years
Headman	P7000	5 years
<i>South East</i>		
Chief	P8500	8 years
Senior Chief's Representative	P8000	7 years
Chief's Representative	P7500	6 years
Headman	P7000	5 years
<i>Gaborone City</i>		
Court President (Urban)	P8000	7 years
<i>Kgalagadi</i>		
Sub-Chief	P8000	7 years
Headman	P7000	5 years
<i>Ghanzi</i>		
Sub-Chief	P8000	7 years
Headman	P7000	5 years
<i>North East</i>		
Sub-Chief	P8000	7 years
Headman	P7000	5 years
<i>Francistown Township</i>		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
<i>Lobatse Township</i>		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years

<i>Selebi-Phikwe Township</i>		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
<i>Jwaneng Township</i>		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
<i>Ghanzi Township</i>		
Court President (Urban)	P8000	7 years
Deputy Court President (Urban)	P7500	6 years
<i>Kasane Township</i>		
Court President (Urban)	P8000	7 years