

# 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 Bobonong Letlhakane Mahalapye Mmadinare Mookane Nata Palapye Ramokgonami Sefhare Shoshong Tonota Tsienyane Tutume	B	F
Subordinate Tribal Authority	Dukwi 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	C	G
Headman	Bonwapitse Chadibe	D	H

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

Ngware  
Ramankhung

Salajwe  
Sesung  
Shadishadi  
Sojwe  
Takatokwane  
Tsetseng

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

Representative	Manyana Mmathethe Moshupa Phitshane-Molopo			
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  Sedibeng Selokolela Sese Thankane Tshidilamolomo	D		H
Barolong Chief	Barolong Tribal Territory	A		E
Senior Chief's Representative	Goodhope	B		F
Chief's Representative	Hebron Papatlo Pitsane		C	G
Headman	Cwagare Ditlharapa Kgoro Mokatako Rakhuna		D	H

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

	Mabele Parakarungu Satau			
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 Kgari Letsholathebe Masingwaneng Masukwane Matshelagabedi Mbalambi	D	H
	Nlaphwane Ramokgwebana Sechele Sekakangwe Senyawe Shashe Bridge Siviya Themashanga Zwenshambe			

Lobatse Township Court President (Urban)	Motswedi Peleng Woodhall	B	F
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