

**THE RED CROSS SOCIETY OF BOTSWANA ACT, 1968**

No. 4



of 1968

**AN ACT TO PROVIDE FOR THE INCORPORATION OF THE RED CROSS SOCIETY OF BOTSWANA AND FOR THE PROTECTION OF ITS EMBLEMS AND TO MAKE INCIDENTAL PROVISION IN CONNECTION THEREWITH**

Date of Assent : 27.2.68.

Date of Commencement: 1.3.68.

**Short Title**

1. This Act may be cited as the Red Cross Society of Botswana Act, 1968.

**Interpretation**

2. In this Act, unless the context otherwise requires —

"Branch" means the Branch of the British Red Cross Society which was in operation in Botswana immediately before the coming into operation of this Act,

"Council" means the Council of the Society constituted in accordance with the provisions of section 7 ;

"Geneva Conventions" means the conventions detailed in the Schedule ; "rules" means rules of the Society made under the provisions of section 8 ; "Society" means the Red Cross Society of Botswana.

## **B.98**

### **Red Cross Society of Botswana to be a Body Corporate**

3. For the purpose of maintaining and carrying on the objects set out in section 4, the Branch is constituted a body corporate by the name of the Botswana Red Cross society, capable of suing and of being sued under the said name and having power to acquire, hold and dispose of, moveable and immovable property and perform such other acts as a body corporate may lawfully perform.

#### **Objects of the Botswana Red Cross Society**

4. (1) The objects of the Society shall be to carry on and assist in work in the improvement of health, the prevention of disease and the mitigation of suffering throughout the world in time of peace or war.

(2) In pursuance of its objects the Society shall not make any adverse distinction founded on sex, race, nationality, religion or faith, political opinions or other similar grounds and shall act in accordance with the spirit and principles of the Geneva Conventions.

#### **Recognition of Red Cross Society as Voluntary Aid Society and use of Red Cross Emblem**

5. The Society is hereby recognised as a voluntary aid society auxiliary to the public authorities both for the purpose of the Geneva Conventions and otherwise and shall have the right in conformity with the Geneva Conventions to use the heraldic emblem of a red cross on a white ground, formed by reversing the Swiss Federal colours.

#### **Independent and Voluntary Nature of the Society to be Respected**

6. The independent and voluntary nature of the Society shall at all times be respected in accordance with the resolution relative to National Red Cross Societies adopted by the General Assembly of the United Nations on the 19th November, 1946.

#### **Council of the Red Cross Society**

7. (1) The governing body of the Society shall be a Council constituted in accordance with the rules.

(2) The Council may from time to time appoint an Executive Committee with such powers and duties as may be prescribed by the rules.

(3) The first members of the Council shall be those who immediately before the coming into operation of this Act were the members of the Committee of the Branch.

#### **Rules of the Red Cross Society**

8. (1) The Council shall as soon as possible after the coming into operation of this Act make rules for the management of the affairs of the Society and the accomplishment of its objects including rules providing that —

- (a) membership of the Society shall not be withheld from any citizen of Botswana on the grounds of race, class, sex, religion, faith or political opinions; and
- (b) all members and associates of the Society have representation on the Council.

(2) Any rule made under the provisions of subsection (1) shall not be a statutory instrument for the purposes of the Interpretation and General Provisions Law, 1966 (Law No. 13 of 1966).

(3) Any rule made under the provisions of subsection (1) may from time to time be altered, added to or repealed by the Council and any new rules may from time to time be made in like manner.

### **Transfer of Assets etc. of Branch to Red Cross Society**

9. Upon the coming into operation of this Act —

- (a) all the assets and liabilities of **the Branch are hereby transferred to and vested in the Society and the Society shall have all the powers necessary to take possession of, recover and deal with such assets and discharge such liabilities;**
- (b) all deeds, bonds, instruments and contracts subsisting immediately before the day on which this Act comes into operation to which the Branch is a party shall be of as full force and effect against or in favour of the Society and enforceable as fully and effectually as if, instead of the Branch, the Society had been a party thereto ;
- (c) officers of the Branch shall hold corresponding appointments in the society until other provision is made pursuant to the rules, and life associates and associates of the Branch shall become corresponding life associates and associates of the Society, but subject to any provision of the rules.

### **Protection of the Emblems of the Red Cross**

10. (1) It shall not be lawful for any person other than the Society or such persons as may be authorized thereto under the Geneva Conventions to use for the purpose of his trade or business, or for any other purpose whatsoever —

- (a) the heraldic emblem described in section 5 or any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation ; or
- (b) the heraldic emblems of the red crescent or red lion and sun on a white ground;
- (c) any design being a colourable imitation of the designs mentioned in paragraphs (a) or (b);
- (d) the words "Red Cross", "Geneva Cross" or any translation thereof.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

**Repeals**

11. The British Protectorates (Geneva Convention) Order, 1917, as published under High Commissioner's Notice No. 20 of 1918 and the British Protectorates (Geneva Convention) Order, 1937 as published under High Commissioner's Notice No. 57 of 1938 are repealed.

**SCHEDULE**

Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of 12th August, 1949.

Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12th August, 1949.

Geneva Convention relative to the treatment of prisoners of war of 12th August, 1949.

Geneva Convention relative to the protection of civilian persons in time of war of 12th August, 1949.

Passed by the National Assembly this day, the 17th January, 1968.

G.T. MATENGE,  
Clerk of the National Assembly.