

# Civil Imprisonment

## Overview

This is an application made to the court for the Judgment debtor to be imprisoned for failure to pay as per the settlement agreement made before the District Labour Office in terms of section 7(13) as read with 28(2) of the Trade Disputes Act of 2016.

## Who is eligible?

Any party whom there has been nulla bona return filed by the Deputy Sheriff.

## How do I get this service?

In order to file a civil imprisonment application, follow the steps below:

- Complete and file a **notice of motion** in term of the rules of court at the court registry.
- File a founding affidavit.
- Draft order.

The court will then hear the appeal on the date set and make its determination.

## What supporting documents are required?

- Notice of Motion.
- Founding Affidavit.
- Draft Order.
- Certificate from District Labour Office to enforce settlement agreement in terms of section 7(13) of the Trade Disputes Act of 2016.
- Nulla Bona Return form the Deputy Sherriff.
- Writ of execution.
- Settlement form District Labour office.

## How long will this service take?

Once the application has been delivered to the Judge for enrollment, the process is expected to be completed within approximately three (3) months.

## How much does it cost?

This service is offered for free.

## Where can I get more information on this Service

For more information, please refer to the Industrial Court Rules or contact the office listed below.

The Registrar

Industrial Court of Botswana

Private Bag BR 267

Gaborone, Botswana

Phone: (+267) 3900565

Fax: (+267) 3900567

Facebook: Industrial Court of Botswana

Opening hours: 07:30 to 12:45 and 13:45 to 16:30 Monday to Friday, except weekends and public holidays.

Additional information can also be obtained from the Industrial Court Rules