

**THE PENSIONS (CONSOLIDATION) (AMENDMENT) ACT, 1969**

No. 38



of 1969

**AN ACT TO AMEND THE PENSIONS (CONSOLIDATION) LAW, 1965, BY AMENDING THE DEFINITIONS OF LEGAL PERSONAL REPRESENTATIVE AND OF PUBLIC SERVICE, BY MAKING PROVISION FOR THE DEDUCTION OF CERTAIN ADVANCES FROM GRATUITIES PAYABLE ON THE DEATH OF AN OFFICER, AND BY AMENDING THE DEFINITION AND LIST IN THE SECOND SCHEDULE OF EXTERNAL ADMINISTRATIONS AND AUTHORITIES.**

Date of Assent : 20.8.69.

Date of Commencement : 22.8.69

ENACTED by the Parliament of Botswana.

**Short Title**

1. This Act may be cited as the Pensions (Consolidation) (Amendment) Act, 1969.

**Amendment of Section 2 of Law No. 17 of 1965**

2. Section 2 of the Pensions (Consolidation) Law, 1965 (hereinafter referred to as the principal law), is amended —

(a) by the deletion of the definition of "legal personal representative" and the substitution of —

“ “legal personal representative” means the person in whom, by whatever system of law is applicable, the estate of a deceased officer is vested or, where such officer leaves a wife or other dependant, such person as the Minister may designate as being the person who in all the circumstances of the case and in order to safeguard the interests of such widow or dependant should be awarded a gratuity ;” :

(b) in the definition of "public service" —

(i) by the deletion of paragraph (b) and the substitution thereof of —

"(b) service under the East Africa High Commission, the East African Common Service Organisation, the East African Posts and Telecommunications Administration, the East African Railways and Harbours Administration, the East African Community, the East African Harbours Corporation, the East African Posts and Telecommunications Corporation or the East African Railways Corporation;" ;

(ii) by the addition to paragraph (c) of the following subparagraph —

"(v) under the Post Office, United Kingdom of Great Britain and Northern Ireland;" ;

(iii) by the deletion of paragraph (f) and the substitution thereof of —

"(f) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or the Court of Appeal for East Africa;" ;

(iv) by the addition of the following paragraph —

"(i) pensionable service under the Government of the Republic of Southern Yemen by officers who had served in the public service of Aden;" ;

#### **Amendment of Section 16 of Law No. 17 of 1965**

3. Section 16 of the principal law is amended by the addition of the following subsection —

"(5) Any gratuity paid under the provisions of this section shall be abated by any amount paid to the officer in accordance with the General Orders of the Government of Botswana as an advance on any gratuity payable under this Law or any other Law (not being a gratuity payable under this section) which would have accrued to such officer had he not died."

#### **Amendment of Second Schedule to Law No. 17 of 1965**

4. The Second Schedule to the principal law is amended —

(a) in regulation 8 by the deletion of paragraph (f) and the substitution thereof of —

"(f) the East African Common Services Organisation or, with effect from the 1st December, 1967, the East African Community, in respect of any person deemed to have been appointed or appointed to service as President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or, with effect from the 1st December, 1967, of the Court of Appeal for East Africa;" ;

- (b) in the List of Scheduled Administrations and Authorities contained in the Schedule to the said Schedule —
- (i) by the insertion after “East African Common Services Organisation” of —
    - “East African Community”
    - “East African Harbours Corporation” ;
  - (ii) by the insertion after “East African High Commission” of —
    - “East African Posts and Telecommunications Corporation” ;
  - (iii) by the insertion after “East African Railways and Harbours Administration” of —
    - “East African Railways Corporation” ;
  - (iv) by the insertion after “Overseas Audit Department (Home Establishment)” of — “Post Office, United Kingdom of Great Britain and Northern Ireland”.

Presented to the National Assembly this day, the 18th August, 1969.

G.T. MATENGE  
Clerk of the National Assembly.