

BOTSWANA DEFENCE FORCE ACT
(Cap 21:05)

DEFENCE FORCE (REGULAR FORCE) (OFFICERS) (AMENDMENT)
REGULATIONS, 1993
(Published on 16th April, 1993)

ARRANGEMENT OF REGULATIONS

REGULATION

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IN EXERCISE of the powers conferred by section 15 of the Botswana Defence Force Act, the President hereby makes the following Regulations —

1. These Regulations may be cited as the Defence Force (Regular Force) (Officers) (Amendment) Regulations, 1993. Citation
2. Regulation 2 of the Defence Force (Regular Force) (Officers) Regulations, hereinafter referred to as “the Regulations”, is hereby amended by — Amendment of regulation 2
 - (a) deleting the reference to regulation “6” in the definition of “resignation”; and
 - (b) in the definition of “retirement”, by inserting “regulation 4 and” immediately after the word “under”.
3. Regulation 4 of the Regulations is amended by substituting for sub-regulation (3) the following new subregulations — Amendment of Regulation 4

“(3) Subject to these Regulations, an officer shall retire from the Force on attaining the age of 55 years:

Provided that an officer may, at his own request, be permitted by the Commander, or at the request of the Commander, and with the officer’s consent, continue in the Force until such age, not exceeding the age of 60 years, as the Commander considers necessary or desirable, bearing in mind the exigencies of the Force, the officer’s efficiency and experience and the difficulty of replacing him within a reasonable time.

(4) An officer who has attained the age of 45 years may, at the discretion of the President in the case of an officer of or above the rank of Lieutenant-Colonel, or of the Commander in the case of any other officer, be required to retire from the Force.

(5) An officer shall be required to retire from the Force —

- (a) if he is found by a medical board to be mentally or physically unfit for further service;
- (b) on being given three month’s notice in writing by the Commander, should there be no establishment for him in his present rank and no reasonable future prospects of promotion for him.

(6) An officer shall have the right to retire at any time on or after completing 20 years pensionable service, or on or after attaining the age of 45 years, on giving six months notice in writing to the Commander of his intention to do so, and on repaying to the Government any amount which he is liable to repay to the Government under these Regulations:

Provided that —

- (i) if such notice is given whilst the officer is on active service, or whilst he is under the orders of a superior officer to hold himself in readiness for such active service, his retirement shall not take effect until a period of one month has elapsed from the date on which such active service is completed or on which such orders are rescinded, as the case may be; and
- (ii) the provisions of subregulations (5) and (6) of regulation 5 shall apply, mutatis mutandis, to an officer who has attended a course of instruction at Government expense in or outside Botswana, and such officer shall not be entitled to retire from the Force unless and until such provisions are complied with.”.

Amendment
of
Regulation 5

4. Regulation 5 of the Regulations is amended —

- (a) in subregulation (1) by substituting “this Part” for “regulation 6”; and
- (b) by substituting for subregulation (3) thereof the following new subregulation —

“(3) An officer who resigns from the force during the first ten years of his period of engagement as an officer, shall be liable to repay to the Government such sum, calculated in accordance with the number of years served by the officer, as may be determined by the Defence Council.”.

Deletion of
regulations
6 and 9

5. The Regulations are amended by deleting regulation 6 and regulation 9 therefrom.

6. The Regulations are amended by substituting for regulations 13 and 14 thereof the following new regulation —		Replacement of regulations 13 and 14
"Acting appointment	13. (1) The Commander may, in his discretion, appoint an officer temporarily to act in an appointment for which a higher rank is required, and during any such appointment the officer concerned shall be paid an acting allowance equal to the difference between his substantive salary and the minimum of the scale of that higher rank:	
	Provided that no acting allowance shall be paid in terms of this subregulation to an officer whose acting appointment subsists for a period of less than 28 days.	
	(3) Notwithstanding the provisions of the proviso to subregulation (1), if the acting appointment is for 28 or more continuous days, and after reverting to his substantive appointment the officer is again, within 14 days thereafter, appointed to act in the same appointment, he shall be entitled to the acting allowance during such further appointment whether or not it subsists for 28 days."	
7. Regulation 15 (1) of the Regulations is amended by deleting all the words after the word "officer" where it appears in line 2.		Amendment of regulation 15 (1)
8. The Regulations are amended by substituting for regulation 17 thereof the following new regulation —		Replacement of regulation 17
"Pay	17. Subject to these Regulations all officers shall be paid at such annual rates of pay as may be determined in respect thereof by the Defence Council."	
9. The Regulations are amended by deleting regulation 18 therefrom.		Deletion of regulation 18
10. Regulation 19 (3) of the Regulations is amended by substituting for the words "the rate of P150 per annum" the words "such rate as may be determined by the Defence Council".		Amendment of regulation 19 (3)
11. The Regulations are amended by substituting for regulations 20 and 21 thereof the following new regulation —		Replacement of regulations 20 and 21
"General allowances	20. An officer may, in addition to his pay, be paid such allowances as may be determined by the Defence Council."	
12. Regulation 22 (2) of the Regulations is amended by substituting for the word "electricity" and all the words thereafter, the words "energy and water up to such maximum as may be determined by the Defence Council."		Amendment of regulation 22 (2)
13. Regulation 24 of the Regulations is amended by substituting for all the words after "family allowance" the words "at such rates as may be determined by the Defence Council."		Amendment of regulation 24
14. Regulation 26 of the Regulations is amended by —		Amendment of regulation 26
(a)	renumbering the present regulation as subregulation (1) thereof and by substituting for the words "an allowance not exceeding P150" the words "such allowance as may be determined by the Defence Council"; and	
(b)	adding the following new subregulation —	
	"(2) An officer who is posted on transfer at his own request shall be entitled, where he is a householder and is obliged to transfer his household effects, to half of the allowance determined under subregulation (1)."	

Amendment
of regulation
27 (1)

15. Regulation 27 (1) is amended by substituting for all the words after "entitled to" the words "an air passage to and from Botswana of such class as may be determined by the Defence Council."

Deletion of
regulation 28

16. The Regulations are amended by deleting regulation 28 therefrom.

Amendment
of
regulation 30

17. Regulation 30 of the Regulations is amended by adding after item (e) the following new item —

"(f) leave without pay."

Amendment
of regulation
34 (1)

18. Regulation 34 (1) of the Regulations is amended by substituting "30" for "25".

Addition of
new
regulation 36A

19. The Regulations are amended by inserting immediately after regulation 36 the following new regulation —

"Leave without pay
36A. (1) Leave without pay may be granted to an officer who has no leave due to him, or insufficient leave to cover the period of leave requested, for study purposes, or for any other purpose which the Commander may, at his discretion, approve.

(2) No leave shall be earned during such unpaid leave, and it shall not count as qualifying service for purposes of calculating pensions or gratuities.

(3) Notwithstanding the provisions of subregulation (1), the Commander may grant study leave with full pay or part thereof, depending on the circumstances and at his discretion, in any case where he determines that the course or courses of study undertaken may be of value to the Force.

Amendment
of
regulation 38

20. Regulation 38 of the Regulations is amended —

(a) by substituting for subregulations (1), (2) and (3) thereof the following subregulations —

"(1) In respect of any leave accruing to an officer in accordance with regulation 33, he shall, once in every two years from the date of his appointment, be granted free travelling facilities to his leave destination, as the Defence Council may determine, for himself, his wife and any dependants:

Provided that if his leave destination is outside Botswana, such facilities shall only be granted to and from the point on the borders of Botswana nearest to his leave destination.

(2) Any officer who has been granted —

- (a) embarkation leave;
- (b) disembarkation leave; or
- (c) compassionate leave,

may be granted free travelling facilities to and from his leave destination on one occasion per year, or the equivalent in money, at the discretion of the Commander:

Provided that if his leave destination is outside Botswana, such facilities shall only be granted to and from the point on the borders of Botswana nearest to his leave destination."

	<p>21. The Regulations are amended by substituting for regulation 45 the following new regulation —</p>	
<p>“Subsistence allowance</p>	<p>45. An officer who is required to travel on duty within Botswana shall be paid a subsistence allowance at such rate as may be determined by the Defence Council for each night that he is necessarily absent from his home station, and a refund of any other expenses necessarily incurred by him:</p> <p style="padding-left: 40px;">Provided that —</p> <p style="padding-left: 40px;">(a) where an officer is provided with overnight accommodation without expense to himself, he shall be entitled to only half the subsistence allowance otherwise payable under this regulation; and</p> <p style="padding-left: 40px;">(b) where an officer is provided with overnight accommodation and meals without expense to himself, no subsistence allowance shall be payable.”</p>	<p>Replacement of regulation 45</p>
	<p>22. The Regulations are amended by substituting for regulation 48 thereof the following new regulation</p>	
<p>“Expenses on transfer at own request</p>	<p>48. (1) An officer who is posted on transfer at his own request shall be entitled to free travel facilities to his new station for himself, his wife and his dependants, and to subsistence allowances at half of the rate payable under regulation 49.</p> <p style="padding-left: 40px;">(2) For the purposes of this regulation “free travel facilities” means a first class rail or road warrant or by military transport.</p> <p style="padding-left: 40px;">(3) Where the officer uses his own vehicle for the purposes of this regulation he shall be entitled to motor vehicle mileage allowance at half of the rate payable under regulation 50 (1).”</p>	<p>Replacement of regulation 48</p>
	<p>23. Regulation 49 of the Regulations is amended —</p>	
	<p>(a) in subregulation (1) (a) by substituting “regulation 45” for “regulation 28” and by deleting the proviso thereto; and</p> <p>(b) by substituting for the words “children” and “child” wherever they appear the words “dependants” and “dependant” respectively.</p>	<p>Amendment of regulation 49</p>
	<p>24. The Regulations are amended by substituting for regulation 52 thereof the following new regulation —</p>	
<p>“Clothing and equipment</p>	<p>52. (1) An officer shall be provided free of charge with such items of clothing and personal equipment as are required for service in the Force, which shall be exchanged or replaced from time to time, at Government expense, if new or altered order of dress is adopted, or when they become unserviceable due to fair wear and tear.</p> <p style="padding-left: 40px;">(2) An officer shall not wear any article forming part of the uniform of the Force which he is not authorized to wear.”</p>	<p>Replacement of regulation 52</p>
	<p>25. The Regulations are amended by the deletion of regulation 53 therefrom.</p>	<p>Deletion of regulation 53</p>
	<p>26. Regulation 65 (1) of the Regulations is amended by substituting for the reference to “regulation 9 “ reference to “regulation 4 (5) (a)”, and in paragraph (a) by substituting for “of P40” the words “at such rate as may be determined by the Defence Council”.</p>	<p>Amendment of regulation 65 (1)</p>

Replacement
of
regulation 66

27. The Regulations are amended by substituting for regulation 66 thereof the following new regulation —

“Benefits on
retirement or
resignation

66. (1) An officer who retires from the Force after 20 years or more pensionable service shall be entitled to a pension at the rate prescribed in regulation 63 (a).

(2) An officer who is compulsorily retired from the Force in terms of regulation 4 (5) (a) shall be entitled —

(a) if his pensionable service amounts to 7 years or more but less than 14 years, to a gratuity at the rate prescribed in regulation 63 (b); or

(b) if his pensionable service amounts to 14 years or more, to a pension at the rate prescribed in regulation 63 (a).

(3) An officer who resigns from the Force whose pensionable service amounts to 10 years or more, but less than 20 years, shall be entitled to a gratuity at the rate prescribed in regulation 63 (b).”

MADE this 6th day of April, 1993.

Q.K.J. MASIRE,
President of Botswana.

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