

**BOTSWANA DEFENCE FORCE ACT**  
(Cap. 21:05)

**DEFENCE FORCE (REGULAR FORCE) (OTHER RANKS)**  
**(AMENDMENT) REGULATIONS, 2007**  
(Published on 21st September, 2007)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Citation
2. Amendment of regulation 2 of Cap. 21:05 (Sub. Leg.)
3. Substitution of regulation 20 of the Regulations
4. Insertion of regulation 26A into the Regulations
5. Amendment of Part VIII of the Regulations

IN EXERCISE of the powers conferred on the President by section 178 of the Botswana Defence Force Act, the following Regulations are hereby made —

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| <p><b>1. These Regulations may be cited as the Defence Force (Regular Force) (Other Ranks) (Amendment) Regulations, 2007.</b></p>  | <p>Citation</p>  |
| <p><b>2. The Defence Force (Regular Force) (Other Ranks) Regulations are amended in regulation 2 by —</b></p> <p>(a) substituting, for the full stop appearing at the end of the last definition, a semi-colon;</p> <p>(b) inserting, immediately after the definition of “unit”, the following new definition —<br/>““widow” includes widower.””.</p>   | <p>Amendment of regulation 2 of Cap. 21:05 (Sub. Leg.)</p> |
| <p><b>3. The Regulations are amended by substituting, for regulation 20 thereof, the following new regulation —</b></p> <p><b>Classification of leave</b> 20. For the purposes of this Part leave shall be divided into the following classes —</p> <p>(a) vacation leave;</p> <p>(b) sick leave;</p> <p>(c) maternity leave;</p> <p>(d) compassionate leave;</p> <p>(e) embarkation leave;</p> <p>(f) disembarkation leave;</p> <p>(g) travelling leave;</p> <p>(h) unpaid leave.”.</p>   | <p>Substitution of regulation 20 of the Regulations</p>    |
| <p><b>4. The Regulations are amended by inserting, immediately after regulation 26 thereof, the following new regulation —</b></p> <p><b>“Maternity leave</b> 26A. (1) Subject to subregulation (2), a member may be granted maternity leave with pay for a period not exceeding 84 days on the following conditions —</p> <p>(a) maternity leave shall be granted for a maximum of three confinements during the member’s service;</p> <p>(b) a minimum period of 42 days shall pass following delivery before a member resumes duty;</p> | <p>Insertion of regulation 26A into the Regulations</p>    |

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- (c) a member must have been in continuous service for one year, which period excludes basic military training to qualify for maternity leave;
- (d) there shall be service of a continuous period of at least two years between confinements;
- (e) a still-birth shall terminate the period of maternity leave.
- (f) infant mortality within seven days of delivery shall be deemed to be a still-birth.
- (2) Where a member requests maternity leave —
  - (a) before a continuous period of one year is served; or
  - (b) before a continuous period of two years is served between confinements,
 the Commander shall grant it as leave under any other class of leave:

Provided that if a part of a period of such other leave falls after the expiration of two years between the allowed confinements, such period shall qualify as maternity leave with full pay.

(3) Where a still-birth occurs when a part of maternity leave has already commenced, that period shall be taken as sick leave.

(4) Where a member falls ill before maternity leave commences, the normal rules under regulation 26 shall apply:

Provided that sick leave shall cease and maternity leave commence 42 days before delivery.

(5) A member due to proceed on maternity leave shall not be permitted to go for training or any other course of instruction scheduled to end 42 days within the expected date of delivery.

(6) A member shall produce a medical certificate of fitness to resume duty after maternity leave, and where a miscarriage or still-birth occurs, a medical certificate showing the period when the officer would be fit for duty.

(7) A member shall be granted at least one hour or two half hour intervals each working day for a period of one year for the purpose of nursing her child.”.

Amendment of  
Part VIII  
of the Regulations

**5. Part VIII of the Regulations is amended by —**

(a) substituting, for the words “Defence Council” or “Council”, as the case may be, in regulations 41, 43 (3), (7) and (8), and 44 and, 45 and, 46 (1) and, 47 (5), (6), (7), (8), (12), (15) and (16) the word “Commander”;

(b) substituting —

(i) for the word “it” in regulation 41, the word “him”;

(ii) for the word “it” in regulations 43 (7) and 8, and 47 (15) and (16), the word “he”; and

(c) substituting, for regulation 39 thereof, the following new regulation —

“Award of  
pensions, and  
appeal

39. (1) The right of any person to an award under this Part and the amount of such award shall be determined by the Commander.

(2) Within six months after the date on which any decision of the Commander has been communicated to the claimant under this Part such claimant may, if aggrieved by such decision, by notice in writing to the Commander, appeal to the Defence Council.

(3) On any such appeal the Defence Council may confirm the decision of the Commander or may, subject to the provisions of these Regulations, vary such decision.

(4) A claimant may appeal the decision of the Defence Council to the President, who may, on such appeal, confirm or vary the decision of the Defence Council.

(5) The President's decision shall be given effect to by the Defence Council."

MADE this 6th day of September, 2007.

F.G. MOGAE,  
*President.*

*L2/7/242/ VIII*