

POLICE ACT
(Cap. 21:01)

POLICE (SPECIAL CONSTABLES) REGULATIONS, 2015
(Published on 17th July, 2015)

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IN EXERCISE of the powers conferred on the Minister of Defence, Justice and Security by section 65 of the Police Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Police (Special Constables) Regulations, 2015. Citation
2. In these Regulations, unless the context otherwise requires, “disciplinary offence” has the same meaning assigned to it under section 23 of the Act. Interpretation
3. Any senior officer may appoint fit and proper persons to be special constables. Appointment of special constables
 - (2) A person may be appointed as a special constable for a term not exceeding two years and may be eligible for re-appointment.
 - (3) When appointing a special constable, the senior officer may give preference to persons who have previously served as members of the Police Service, or as members of the Botswana Defence Force or as special constables.

Enlistment	<p>(4) The senior officer shall indicate in writing to a newly appointed special constable the place, date and time for him or her to report for duty.</p> <p>4. No person shall be appointed as a special constable unless he has attained the age of 18 years.</p>
Educational qualification	<p>5. (1) No person shall be eligible for an appointment as a special constable if he does not meet the requisite educational qualification as may be determined by the appointing authority.</p> <p>(2) A special constable who possesses the requisite qualifications and relevant experience, and has served for at least a period of one year as a special constable, may be appointed as a regular police officer subject to availability of vacancies.</p>
Promotion	6. A special constable shall not be eligible for a promotion.
Acting appointment	7. A special constable shall not be eligible for an acting appointment.
Probation	<p>8. (1) A special constable shall serve a probation of three months after which his performance will be assessed.</p> <p>(2) A special constable on probation for six months shall be deemed to have been confirmed in his appointment, at the end of probation period, if he has not been informed in writing of the outcome of his probation.</p> <p>(3) In any other case, a special constable shall be deemed to have been confirmed in his appointment at the end of the probation period.</p> <p>(4) A senior officer may at any time terminate the appointment of the special constable serving on probation if he considers that such special constable is unlikely to become an efficient special constable, but only after inviting him to show cause why his appointment should not be terminated.</p> <p>(5) The termination of an appointment under this regulation shall not prejudice the granting of any pay the special constable would otherwise be entitled to.</p>
Powers of special constables	9. A special constable shall exercise the powers conferred to him under section 45 of the Act.
Pay	<p>10. (1) A special constable shall receive pay at such rate as the Minister may determine from time to time.</p> <p>(2) A special constable shall be entitled to payment of allowances as may be determined by the Commissioner.</p>
Stoppage of pay Cap. 54:01	11. Where a special constable is surcharged under the Public Finance Management Act, the amount thereof may be recovered by stoppages from his pay.
Withholding pay	<p>12. (1) A special constable shall not receive any pay or allowance in respect of any period during which he is absent without leave.</p> <p>(2) Where a special constable is absent from duty through illness or injury and the Commissioner is satisfied that the illness or injury was occasioned or significantly aggravated by the special constable's own misconduct or negligence, the Commissioner may order that the special constable's pay and allowances be withheld, wholly or in part, in respect of the period during which he is absent.</p>
Deductions from pay and allowances	<p>13. The appointing authority may authorize the deduction from the pay and allowances due to a special constable of —</p> <p>(a) any liquidated amount which the special constable is liable to pay Government, any police mess or institution of police officers within the Service; or</p> <p>(b) any amount which the special constable has previously been paid in pay or allowances in excess of the amount due to him.</p> <p>(2) The Government shall be entitled to deduct from any reimbursements, gratuity or monies due to the special constable, any monies owing to Government.</p>

<p>14. A special constable shall be issued with an identity card and shall at all times while on duty, carry such identity card which identifies him as a special constable.</p>	<p>Identity cards</p>
<p>15. (1) The equipment provided to a special constable in terms of section 44 of the Act shall remain the property of the Government of Botswana.</p>	<p>Equipment for special constable</p>
<p>(2) A special constable shall wear a uniform while on duty unless directed otherwise by the Commissioner.</p>	
<p>16. (1) Leave for special constables shall be classified as follows —</p> <ul style="list-style-type: none"> <i>(a)</i> vacation leave; <i>(b)</i> sick leave; <i>(c)</i> compassionate leave; <i>(d)</i> maternity leave; or <i>(e)</i> leave without pay. 	<p>Classification of leave</p>
<p>(2) No special constable shall be absent from his duties except during a period of leave granted to him in terms of these Regulations.</p>	
<p>17. Commencing on the date on which a special constable makes and signs the declaration provided for in section 9 of the Act, vacation leave shall accrue to him at such monthly rate as the Commissioner shall from time to time direct.</p>	<p>Accrual of vacation leave</p>
<p>18. (1) Where a formation, unit or station commander in the service is satisfied that a special constable under his command is unable to work because of illness or injury, the commander may, if a medical practitioner is not readily available, permit the special constable to be absent from duty, so long as he remains at his duty station, for any period not exceeding 48 hours and such absence shall be deemed, for the purpose of these Regulations, to be sick leave.</p>	<p>Sick leave</p>
<p>(2) Where a special constable is absent from duty in terms of subregulation (1), his formation, unit or station commander, as the case may be, may, if a medical practitioner is not readily accessible, extend the period of absence from duty, so long as the special constable remains at his duty station, to a maximum of seven days and absence from duty for such extended period shall be deemed, for the purposes of these Regulations, to be sick leave.</p>	
<p>(3) No special constable shall be absent from duty on the ground that he is unable to work because of illness or injury, except in terms of subregulation (1) or (2), unless he has been granted sick leave by a medical practitioner and produces the certificate of the medical practitioner certifying the practitioner's opinion that the special constable is unable to work because of illness or injury.</p>	
<p>(4) A sick leave granted in terms of subregulation (3) shall not permit the special constable in question to be absent from his or her duty station unless the certificate of the medical practitioner granting the sick leave expressly state that the necessary treatment, in the practitioner's opinion, requires such absence.</p>	
<p>(5) A special constable shall be entitled to three months continuous sick leave on full pay.</p>	
<p>(6) Where a special constable continues to be on sick leave for another three months he shall be entitled to half pay.</p>	
<p>(7) If the special constable is unfit to resume duty after the three months referred to under subregulation (6), the contract of service shall automatically terminate on the last day of the three months.</p>	
<p>19. (1) Where a special constable wishes to absent himself from duty on compassionate grounds and —</p>	<p>Compassionate leave</p>

- (a) no vacation leave has accrued to him; or
 - (b) the vacation leave, that has accrued to him is insufficient for the purpose for which he wishes to absent himself from duty, the appointing authority may grant him compassionate leave with pay for such period as the senior officer may determine.
- (2) Where a special constable is granted compassionate leave and has vacation leave accrued to him, he shall take all that vacation together with the compassionate leave which shall be offset by future earned leave.
- (3) No compassionate leave shall be granted in excess of an aggregate of five days in any one month.
- Maternity leave** **20.** (1) Where a special constable is pregnant, the senior officer shall grant her paid maternity leave.
- (2) The period of maternity leave shall be 84 days irrespective of when the leave began.
- (3) A special constable shall not resume duty after taking maternity leave unless she produces a certificate of a medical practitioner certifying her fitness for duty.
- (4) Where the contract of service ends during maternity leave, the special constable's contract of service terminates on that date.
- Accommodation** **21.** A special constable shall not be entitled to accommodation provided by Government.
- Gratuity** **22.** (1) A special constable shall, upon successful completion of a two year term be entitled to receive gratuity at the rate and on conditions laid down in his contract of service .
- (2) Gratuities shall be paid at the following rates —
- (a) 25 per cent of aggregate salary for first two year contract term;
 - (b) 27.5 per cent of aggregate salary for second two year contract term; and
 - (c) 30 per cent of aggregate salary for third and subsequent two year contract terms.
- (3) A special constable shall be entitled to his gratuity in instances where his contract is terminated, on medical grounds, before the end of the two year contract term.
- (4) A special constable shall, towards the end of each two year contract term, take all leave days earned by him during the term.
- Termination of service** **23.** (1) A special constable's contract of service shall automatically terminate at the expiration of the two year contract term.
- (2) A special constable may leave the Service by way of resignation on his own volition by serving one month notice or paying to the Government one month's gross salary in lieu of notice.
- (3) Notice of termination of service under this regulation, shall be effective for one calendar month.
- (4) A senior officer may suspend with pay, a special constable from the Service pending a disciplinary or criminal investigation of such special constable.
- (5) Where a contract of service expires during the suspension period of a special constable, the contract shall be deemed to have expired.
- (6) The senior officer may terminate the contract of a special constable without notice where the special constable is guilty of a disciplinary offence.
- (7) A special constable may appeal a decision of a senior officer under this regulation to the Police Council within 14 days of being notified of such decision.

(8) A senior officer may, at any time, terminate the contract of service of a special constable if in the opinion of a medical practitioner approved by the Ministry of Health or a Medical Board appointed in that behalf by the Permanent Secretary in the Ministry of Health, finds that he is unfit mentally or physically for further service.

24. (1) A special constable shall notify a senior officer, in writing, of his intention to renew the contract of service at least three months prior to the expiration of his two year contract term. Renewal of contract

(2) Notice of intention to renew a contract under this regulation, shall not be regarded as leading to automatic renewal of contract.

25. The Police (Special Constables) Regulations are hereby revoked. Revocation of
S.I. No. 50
of 2004

MADE this 6th day of July, 2015.

HON. SHAW KGATHI,
Minister of Defence, Justice and Security.