

PRISONS ACT
(Cap. 21:03)

PRISONS (CONDITIONS OF SERVICE) REGULATIONS, 2022
(Published on 25th March, 2022)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I — *Preliminary*

1. Citation
2. Interpretation
3. Application of Regulations

PART II — *Enlistment, Promotions, Acting Ranks and Seniority*

4. Enlistment
5. Promotions
6. Acting ranks

PART III — *Retirement on Medical Grounds, Termination of Appointment and Resignation*

7. Retirement on medical grounds
8. Termination of appointment
9. Resignation

PART IV — *Pensions and Gratuities*

10. Pensions and gratuities

PART V — *Salaries and Related Matters*

11. Salaries
12. Withholding of salary
13. Deductions from salary and allowances

PART VI — *Transfers, Transport, Travel and Related Allowances*

14. Transfers within and outside Service
15. Transfer expenses
16. Travel on transfer
17. Travel by air on transfer
18. Travel by own vehicle on transfer
19. Transport on retirement
20. Transport on first appointment
21. Transport of prison officer's employee

22. Travel warrants
23. Travel by rail
24. Railway baggage allowance
25. Transport on resignation and dismissal

PART VII — *Leave*

26. Classification of leave
27. Accrual of vacation leave
28. Sick leave
29. Compassionate leave
30. Maternity leave
31. Leave without pay
32. Authority to grant leave
33. Limitation on grant of leave
34. Bonus leave

PART VIII — *Training of Prison Officers*

35. Training of prison officers
36. Private study

PART IX — *Medical Examination and Treatment of Prison Officers*

37. Medical examination and treatment of prison officer

PART X — *Miscellaneous*

38. Accommodation
39. Service transport
40. Meals
41. Engagement on private work or business
42. Welfare Scheme

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Defence, Justice and Security by section 147 of the Prisons Act, the following Regulations are hereby made —

PART I — *Preliminary*

- | | |
|----------------|---|
| Citation | 1. These Regulations may be cited as the Prisons (Conditions of Service) Regulations, 2022. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires —
“enlistment” means the action of enrolling or be enrolled in the Service;
“limited engagement or certain engagement” means a recruitment of a person to fill a vacancy in the Service post by the appointing authority for a specific period of engagement;
“mess” means a facility where an authorised person is provided with a meal and entertainment; |

“specialist treatment” means a medical attention given to a sick or injured person by a specialist or a person who has a particular skill and knowledge about a particular sickness or injury; and

“welfare scheme” means the Botswana Prison Service Welfare Scheme established under regulation 42.

3. (1) These Regulations shall apply to all prison officers.

(2) The Regulations shall not apply to the non-uniformed staff employed to provide support services.

Application of
Regulations

PART II — *Enlistment, Promotions, Acting Ranks and Seniority*

4. (1) The Commissioner shall not appoint any person as a prison officer at entry level, unless such person is over the age of —

Enlistment

(a) 18 years and under the age of 30 years in the case of junior rank officers; and

(b) 18 years and under the age of 35 years in the case of cadets:

Provided that where the Commissioner is satisfied, in respect of a particular appointment to be made by him, and whether he sees fit that, it is in the interest of the Service to do so, in consultation with the Permanent Secretary to the President, as the case may be, may extend the upper age limit provided by this subregulation.

(2) A prison officer shall, on first appointment to an office within the permanent and pensionable establishment, be required to serve a probation for two years, or such other period as may be provided by the Commissioner.

(3) Notwithstanding subregulation (2), the Commissioner may from time to time extend or further extend the probation for a period not exceeding 12 months where the Commissioner has any doubt as to the efficiency or acceptability of the behaviour of a prison officer serving on probation on first appointment:

Provided that a prison officer's period of probation on first appointment shall in no case exceed three years.

(4) A prison officer shall immediately after he has satisfactorily completed the probationary period as provided under section 13 of the Act, be confirmed to permanent and pensionable establishment.

(5) The Commissioner may —

(a) confirm the appointment of a prison officer subject to the satisfactory efficiency or acceptable behaviour displayed or maintained by the prison officer; or

(b) terminate the appointment of the prison officer if he is not satisfied with the prison officer's behaviour.

5. (1) Every promotion of a prison officer shall be made from the rank of a subordinate officer or any rank currently held by the prison officer, to a rank of a junior officer or senior officer, whichever is applicable, in accordance with section 5 of the Act.

Promotions

(2) A prison officer shall complete a mandatory promotional course relevant to the level of the rank of a senior officer the prison officer is promoted to.

(3) The Commissioner shall not promote a prison officer serving on probation on first appointment.

(4) Every promotion made by the Commissioner shall be subject to a probationary period provided under section 13 of the Act.

Acting ranks

6. (1) The appointing authority may, where there is a shortage of ranks, appoint a prison officer of a rank of a subordinate officer to act in a rank of a senior level.

(2) The appointing authority shall not appoint a prison officer of a rank of a junior officer to act in a rank of a senior officer in order to —

- (a) close a gap in the numbers of a rank thereof unless that rank is immediately next to a prison officer's level of rank; or
- (b) replace a prison officer who holds a senior rank thereof who is not readily available for duty unless that rank is not more than two ranks senior to a prison officer's level of rank.

(3) The appointment of a prison officer to act in a vacant rank senior to his level, shall be for a period not exceeding 12 months, as the appointing authority shall determine and, at the conclusion of that period, the prison officer shall revert to his rank, unless he is appointed again to act in the same or some other vacant rank senior to his rank or appointed to the senior rank on promotion.

(4) Where a prison officer, while acting in a rank of a senior officer, is appointed to that rank, the appointment shall be subject to a probationary period provided under section 13 of the Act.

PART III — *Retirement on Medical Grounds, Termination of Appointment and Resignation*

Retirement
on medical
grounds

7. (1) The appointing authority may retire any prison officer on medical grounds if such prison officer is unfit and is incapable by reason of infirmity of mind or body of discharging the duties of his post and that the infirmity is likely to be permanent.

Cap. 63:01

(2) The appointing authority shall in consultation with the Service, constitute a medical board established under Public Health Act to examine the prison officer to determine whether such prison officer is incapable by reason of infirmity of mind or body of discharging the duties of his post and that infirmity is likely to be permanent.

Termination of
appointment

8. (1) The appointment of a prison officer, whether serving on probation on first appointment or on other subsequent appointment, may be terminated if the appointing authority considers it in the interest of the public to terminate such appointment.

(2) The appointing authority may terminate the appointment of a prison officer at any time by giving the prison officer one month's written notice for the following reasons —

- (a) for poor performance arising out of a prison officer's incompetence:
Provided that the prison officer shall have received two prior written warnings that he does not perform his duties well, and that there is no likelihood of improvement, and that the possibility of termination of employment exists, and a disciplinary hearing was held preceding such termination;
- (b) on dismissal or removal in consequence of disciplinary proceedings;
- (c) on retirement for medical reasons;
- (d) on the expiry or other termination of an appointment for a specified period;
- (e) on the abolition of office;
- (f) in the case of a prison officer on probation on first appointment as provided in section 13;

- (g) on being retired in the public interest;
- (h) on compulsory retirement; and
- (i) on abandonment of office.

(3) The appointing authority may inform the prison officer concerned of the reasons to terminate the appointment of the prison officer and may invite the prison officer in writing to show cause why the termination should not be effected.

(4) Where the appointing authority terminates the appointment of a prison officer on probation on first appointment, the appointing authority shall in writing give the prison officer one month's notice.

9. (1) A prison officer wishing to resign from the Service shall notify the appointing authority in writing of his intention to do so and shall serve three months' notice or by paying one month's salary in lieu of notice. Resignation

(2) A prison officer on probation intending to resign from the Service shall serve one month's notice or pay the Service one month's salary in lieu of notice.

(3) A prison officer who is resigning from the Service shall pay to the Service any money, which he is liable to pay to the Service and all unpaid debt shall be recovered from his terminal benefits.

PART IV — Pensions and Gratuities

10. (1) A prison officer shall upon enlistment be required to join the contributory pension of the public officer's scheme. Pensions and gratuities

(2) A prison officer who retires from the Service shall be paid a pension from the contributory public officer's pension scheme operated in accordance with the Retirement Funds Act.

(3) Upon the death of a prison officer where the prison officer has died from sustaining injuries or by contracting illness when discharging his duty, the pension from the contributory pension of the public officers pension scheme may be paid to the spouse and children of such deceased prison officer in accordance with the provisions of the Retirement Funds Act. Cap. 27:03

(4) A prison officer who retires from the Service on medical grounds may be paid pension from contributory pension of the public officers pension scheme in accordance with the provisions of the Retirement Funds Act if —

- (a) his illness occurred while performing his duties which had rendered him not to serve the Service; and
- (b) there was no misconduct or serious negligence on his part.

(5) Where a prison officer dies while serving in the Service as a result of —

- (a) sustaining injuries while discharging his duties, without any misconduct or serious negligence on his part; or
- (b) illnesses, which was contracted initially in the discharge of his duties but which occurred, without any misconduct or serious negligence on his part, and was aggravated to a material extent by the discharging of his duties, and such death occurs within seven years of the date when a prison officer was injured or contracted the disease, his benefits shall be paid in terms of the contributory pension of the public officers pension scheme, in accordance with the provisions of the Retirement Funds Act to the surviving spouse at the rate not exceeding ten-sixtieths of his annual pensionable emoluments from the date of which the injury occurred.

PART V — *Salaries and Related Matters*

Salaries	<p>11. (1) Subject to the other provisions of this Part, every prison officer shall receive a salary according to his rank at such rate as the appointing authority may from time to time determine.</p> <p>(2) A prison officer's salary shall be paid monthly in arrears in respect of each month.</p> <p>(3) A prison officer shall be eligible to receive the benefits and allowances as the appointing authority may from time to time determine.</p>
Withholding of salary	<p>12. (1) A prison officer shall not receive any salary or allowances in respect of any period during which he is absent from duty without leave.</p> <p>(2) The Commissioner may withhold a prison officer's salary in part when such prison officer is on interdiction and shall notify such prison officer in writing of the Commissioner's intention to withhold the prison officer's salary.</p> <p>(3) The Commissioner may withhold the prison officer's salary and allowances either, wholly or in part, in respect of the period during which such prison officer is absent from the Service, where such prison officer is absent from duty due to illness or injury, and the Commissioner is satisfied that the same absenteeism was occasioned or significantly aggravated by the officer's own misconduct or negligence.</p>
Deductions from salary and allowances	<p>13. (1) The Commissioner may authorise deduction from the salary and allowance due to a prison officer to recover —</p> <p>(a) any liquidated amount which the prison officer is liable to pay to the Service or to any mess and welfare facilities within the Service; or</p> <p>(b) any amount which the prison officer has previously been paid in salary or allowances in excess of the amount due to such prison officer.</p> <p>(2) Where a prison officer is surcharged, the amount thereof may be recovered by deductions from the prison officer's salary in accordance with the provisions of the Public Finance Management Act.</p>
Cap. 54:01	

PART VI — *Transfers, Transport, Travel and Related Allowances*

Transfers within and outside Service	<p>14. (1) Every prison officer, depending on the exigencies of the Service, shall at any time be transferred to the following formations —</p> <p>(a) within a prison station or prison unit; or</p> <p>(b) to some other formation of the Service.</p> <p>(2) The Commissioner may transfer any prison officer from the prison officer's duty station to another station for a limited period which, shall not exceed 12 months for purposes of carrying out certain assignments.</p> <p>(3) A prison officer shall resign from the Service before taking up any appointment in the public service under the Public Service Act.</p> <p>(4) A prison officer shall be entitled to contributory pension for public officers' pension scheme, where such prison officer resigns from the Service in terms of subregulation (3).</p>
Cap. 26:01	
Transfer expenses	<p>15. (1) Where the transfer of a prison officer requires the packing of the prison officer's household effects or those of the prison officer's spouse or minor children accompanying the prison officer on transfer, other than clothing and other equipment issued to the prison officer by the Service, the cost thereof, may be met by the Service at the rate which shall be determined from time to time.</p>

(2) A prison officer on transfer to another prison station for a limited period, may choose not to vacate his accommodation and shall be paid commuted subsistence allowance for the duration of the temporary transfer and shall not be allocated accommodation at such station of limited assignment.

(3) A prison officer who proceeds on transfer under this regulation shall be entitled to —

- (a) a mileage allowance at the applicable rates approved by the Service; and
- (b) travel from his duty station to another station by a maximum of two vehicles as this asset include the exclusion of tractors or heavy plant equipment.

16. (1) A prison officer who is transferred within the Service, may be required to travel by the Service transport or public transport. Travel on transfer

(2) A prison officer's spouse or minor children accompanying the prison officer on transfer within the Service, may be permitted to travel by the Service transport or required to travel by public transport:

Provided that where they have permitted to travel by Service transport, they may opt to travel by public transport if that is more to their convenience.

(3) All travel undertaken in terms of this regulation and the related conveyance of the personal household effects and baggage, both of the prison officer in question and of the prison officer's spouse or minor children, if they are accompanying him on transfer, shall be free of charge and the cost thereof shall be paid by the Service.

17. The Commissioner may direct the prison officer to travel by air, where such prison officer is transferred within the Service and is required to travel by public transport. Travel by air on transfer

18. A prison officer who is transferred within the Service and uses his own motor vehicle to effect the transfer, may be entitled to a motor vehicle allowance, for a single journey from his former duty station to his new duty station and by using authorised route. Travel by own vehicle on transfer

19. (1) On retirement from the Service —

- (a) a prison officer, the spouse and minor children of the officer, together with their personal baggage, shall, at any time within 30 days immediately after the officer's last day of active duty, be entitled to travel free of charge from the officer's last duty station to his home and the cost thereof shall be met by the Service;
 - (b) the cost of packing the officer's personal household effects and those of spouse or minor children, other than clothing, may be met by the Service; and
 - (c) the conveyance of such personal household effects from the officer's last duty station to his home shall be free of charge and the cost thereof shall be met by the Service.
- (2) Where a prison officer, spouse or minor children are entitled to the transport allowance granted under subregulation (1) (a) —
- (a) the Commissioner may, as he thinks fit, authorise road transport or rail transport; and
 - (b) if neither road transport nor rail transport is available and the journey cannot conveniently be completed by public transport, the Commissioner may authorise the use of —
 - (i) Service transport, or
 - (ii) the prison officer's own motor vehicle.
- Transport on retirement

- (3) Where the Commissioner authorises the use of a prison officer's own motor vehicle under this regulation —
- (a) the journey to the prison officer's home shall be by the most direct route depending on the nature of the vehicle; and
 - (b) the prison officer shall, after the completion of the journey, be paid the motor vehicle allowance in respect of the journey.
- Transport on first appointment** **20.** The rates applicable to the costs of transport of a prison officer on first appointment and on first posting to duty station on completion of recruit training shall be determined by the Service.
- Transport of prison officer's employee** **21.** An employee of a prison officer under this Part shall not be entitled to a free or subsidised travel at the expense of the Service.
- Travel warrants** **22.** A prison officer who travels at the expense of the Service by any form of public transport shall be subject to the issuance of a travel warrant:
 Provided that the Service may make a cash payment in lieu of a travel warrant if the —
- (a) transfer of a prison officer within the Service is complete;
 - (b) prison officer has completed his leave period; and
 - (c) journey has been completed.
- Travel by rail** **23.** A prison officer who travels by rail with his spouse or minor children shall travel on such class as may be determined by the Service.
- Railway baggage allowance** **24.** Notwithstanding the provisions of regulation 23, a prison officer, his spouse or minor children shall not be entitled to railway baggage allowance provided under this Part if the aggregate amount of the baggage exceed the following recommended aggregate —
- (a) that where a prison officer is entitled to free travel by first class in terms of regulation 23 —
 - (i) 200 kg in the case of conveyance by passenger train, or
 - (ii) a weight calculated at the rate of 500 kg each for a prison officer and his spouse and 250 kg for each of his minor children in the case of conveyance by goods train, or
 - (b) that where a prison officer is entitled to free travel by second class in terms of regulation 23 —
 - (i) 100 kg in the case of conveyance by passenger train, or
 - (ii) a weight calculated at the rate of 250 kg each for the officer and his spouse and 125 kg for each of his minor children in case of conveyance by goods train.
- Transport on resignation and dismissal** **25.** (1) A prison officer who has been confirmed in his rank shall, upon resignation from the Service be provided with transport for his personal household effects from his duty station to his home village or town.
 (2) A prison officer who has been confirmed in his rank may, upon dismissal from the Service, be provided with transport for his personal effects from his duty station to his home village or town, as may be determined by the Service.

PART VII — *Leave*

- Classification of leave** **26.** (1) A prison officer shall be entitled to the following leave —
- (a) vacation leave;
 - (b) sick leave;
 - (c) compassionate leave;

- (d) maternity leave;
- (e) leave without pay; or
- (f) bonus leave.

(2) A prison officer shall not be absent from duty except during a period of leave granted to him under this Part.

27. (1) Commencing on the date on which a prison officer has been appointed and confirmed in permanent and pensionable establishment, vacation leave shall accrue to him at such monthly rate as the Commissioner shall, with the consent of the Minister, from time to time direct.

Accrual of
vacation leave

(2) A vacation leave of a prison officer shall accrue to him at the time he has been appointed to the permanent and pensionable establishment and confirmed to the Service and such vacation leave shall not accrue in excess of four years entitlement.

(3) An accrued vacation leave of a prison officer shall, commencing from the date of appointment, be granted to him together with a salary depending on the leave days that has accrued to him, in terms of this regulation.

28. (1) Where a prison officer in charge of a prison or head of a section or unit of a prison, as the case may be, is satisfied that a prison officer subordinate to the prison officer in charge of a prison, is unable to perform his duties due to illness or injury, the officer in charge or head of a section or unit may, if a medical officer is not readily accessible, permit the prison officer subordinate to him to be absent from duty so long as that prison officer subordinate to him remains at his duty station, for any period not exceeding 48 hours and such absence shall be deemed, for the purposes of this Part, to be sick leave.

Sick leave

(2) Where a prison officer is absent from duty in terms of subregulation (1), the prison officer in charge of a prison or head of section or unit of a prison, as the case may be, may, if a medical officer is still not readily available, extend the period of absence from duty so long as a prison officer remains at his duty station, to a maximum period of seven days and the absence from duty for such extended period shall be deemed, for the purposes of this Part, to be sick leave.

(3) A prison officer shall not be absent from duty on the ground that the prison officer is unable to perform his duties due to illness or injury, except in terms of subregulation (1) or (2), unless he has been granted sick leave by a medical officer, and produces a medical certificate of the medical officer certifying such medical officer's opinion that such prison officer is unable to perform his duties due to illness or injury and taking into consideration, the nature of the illness or injury.

(4) The sick leave granted in terms of subregulation (3) shall not permit the prison officer to be absent from his duty station unless the medical certificate granting the sick leave expressly states that the necessary treatment, in the medical officer's opinion, requires such absence.

(5) The Commissioner may, where a prison officer is granted sick leave in excess of 90 consecutive days, request the prison officer to submit a medical certificate as to the fitness of such prison officer, at the end of each 30 days' period of the sick leave.

(6) Where a prison officer is granted sick leave or is absent from duty because of illness or injury for a greater period than 365 consecutive days, he shall be examined by a medical board established under section 5 of Public Health Act, for the purposes of retirement on medical grounds under section 21 of the Act.

(7) The first 180 days of any continuous period of sick leave shall be on full salary and, at any time thereafter, the salary of the prison officer concerned shall be reduced to half salary.

(8) After 365 days of any continuous period of sick leave, the prison officer concerned shall not receive any salary:

Provided that where, in the opinion of the Commissioner, the prison officer's illness or injury was caused or is likely to have been caused by discharge of his duties, without serious misconduct or negligence on his part, the Commissioner may extend the period during which the prison officer shall be entitled to salary or the date of the prison officer's retirement from the Service or return to duty, as the case may be.

(9) The salary to which a prison officer shall be entitled in terms of subregulation (8) shall be half salary in every case.

(10) Where a prison officer is granted sick leave or is admitted in hospital and the Commissioner is satisfied that this arose from the officer's own serious misconduct or negligence, the Commissioner may direct that the period of absence from duty be deducted from vacation leave accrued to such prison officer or to be treated as unpaid leave.

(11) Where a Government medical officer certifies that, in his opinion, a prison officer is in urgent need of medical, dental or specialist treatment and any of these treatment is not available at the prison officer's duty station, the officer in charge or head of section of prison or unit of prison as the case may be, may grant the prison officer sick leave for the purposes of receiving such treatment:

Provided that, it is in the opinion of the officer in charge or head of section of prison or unit of prison, that, the need for such treatment arose from the performance of the prison officer's duties but not through the prison officer's own misconduct or serious negligence.

Compassionate
leave

29. (1) The Commissioner may grant compassionate leave together with salary where a prison officer requests to be absent from duty to attend a funeral or terminal illness of a spouse, a child or parent or parent in law if —

- (a) vacation leave has not accrued to the prison officer; or
- (b) the vacation leave that has accrued to the prison officer is insufficient for the purpose for which such prison officer wishes to be absent from duty.

(2) Where a prison officer is granted compassionate leave in terms of subregulation (1) and has vacation leave accrued to him, he shall take all that vacation leave together with the compassionate leave.

(3) The Commissioner shall not grant a compassionate leave to the prison officer for a period more than two instances in any one year.

Maternity leave

30. (1) A female prison officer shall give notice to the Service of her confinement by delivering to the Service a written certificate signed by a medical officer or a registered nurse or midwife certifying his opinion that the prison officer's confinement would probably take place within six weeks immediately after the date of the certificate.

(2) On receipt of the notice under subregulation (1), the Service shall immediately permit the female prison officer in question to absent herself from work until her confinement and thereafter the Service shall not permit or require her to return to work until the expiry of six weeks immediately after her confinement.

(3) A female prison officer shall, within 21 days inform her Service of the date of the confinement by delivering to the Service a written certificate signed by a medical officer or a registered nurse or midwife certifying that date.

(4) Where a female prison officer is granted maternity leave and has vacation leave accrued to her, she may, if she so wishes, take all or part of that vacation leave together with the maternity leave.

(5) Maternity leave shall be paid at the rate determined by the Service from time to time.

(6) A female prison officer shall not resume duty after taking maternity leave unless she produces a medical certificate from a medical officer certifying her fitness for duty.

31. (1) Where a prison officer wishes to be absent from duty to attend to urgent matters or affairs, to pursue a course of study or for any other reasonable purpose and —

Leave without pay

(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 be absent from duty,

the Commissioner may grant him leave without salary for such period which in any event shall not be more than 12 months and subject to such conditions as the Commissioner may from time to time determine.

(2) Vacation leave shall not accrue in respect of any period of unpaid leave.

(3) Where a prison officer is granted unpaid leave and has vacation leave accrued to him, he shall take all that vacation leave together with the unpaid leave.

(4) Where a prison officer is granted unpaid leave to pursue a course of study, the Commissioner may authorise or require him to resume duty under normal conditions of service during any vacation from such course of study.

32. Subject to the provisions of this Part, the authority to grant leave shall be in accordance with such directions as the Commissioner may from time to time determine.

Authority to grant leave

33. A prison officer shall not be granted leave, other than sick leave, either wholly or in part, during the first six months of his appointment in the Service as a prison officer.

Limitation on grant of leave

34. Subject to regulation 36, a prison officer on private study may be given by the appointing authority, bonus leave of up to ten working days to prepare for and to write examinations.

Bonus leave

PART VIII — *Training of Prison Officers*

35. (1) A prison officer who is eligible for training shall be required to undertake educational training and professional development courses in accordance to the Human Resource Strategy of the Service, or any other training policies developed by the General Orders.

Training of prison officers

(2) The training of a prison officer under educational training and professional development programmes shall be to prepare the prison officer for the responsibilities of his new position, to acquire the skills and knowledge required for excellence and career advancement, and to assume leadership position in the Service.

(3) The training of a prison officer shall not be for purposes of enhancing an individual prison officer's chance for promotion or shall not by any reason of newly acquired qualifications entitle a prison officer to a promotion outside the normal promotion criteria and procedures.

(4) The training of a prison officer shall solely be for purposes of increasing capabilities for improved productivity.

(5) A prison officer on probation on first appointment shall not be sent for external training.

(6) A prison officer on probation may be sent for training outside the Service where such training programme is required for his confirmation in the Service or where there is no capacity to deliver the said training, or part thereof internally.

(7) The training of a prison officer in different areas shall be determined by the Commissioner in every each year in an annual training plan.

Private study

36. (1) A prison officer wishing to engage in private study and does not intend to be provided with financial support, shall seek approval of the Commissioner prior to engaging in such study.

(2) A prison officer permitted by the Commissioner to engage in private study under subregulation (1), shall be included in the annual training plan and shall be reimbursed for the course and examination fees for each year passed, as per the Human Resource Strategy of Prison Service.

PART IX — *Medical Examination and Treatment of Prison Officers*

Medical examination and treatment of prison officer

37. (1) A prison officer shall be entitled to free medical treatment at a public facility for any illness or injury arising from or caused by performance of his duties.

(2) Where a prison officer referred to in subregulation (1), receives medical treatment in a private facility, the expenses incurred shall be paid by the Government.

(3) The Commissioner may, at any time, order a prison officer to present himself for, and submit to, a medical examination for purposes of determining the fitness to undertake duty by a Government medical officer, a medical practitioner or a medical board established under the Public Health Act.

PART X — *Miscellaneous*

Accommodation

38. (1) Every prison officer shall be required to occupy official quarters which shall be free of charge:

Provided that the Commissioner may, in any case, authorise or direct such departure from this subregulation as he considers appropriate in certain circumstances and the officer shall be paid housing allowance in accordance with the General Orders.

(2) A prison officer of a rank of a senior officer occupying quarters appropriate to his rank shall be provided with furniture on the scale applicable to the public service generally.

(3) Every prison officer staying in official quarters shall be paid subsidy in respect of water and electricity at the rate set by the Service.

Service transport

39. A prison officer may be provided with the Service transport to travel to and from his work station under the circumstances that shall be determined by the Commissioner.

40. (1) A prison officer who is required to live in a tent accommodation or communal quarters shall be provided with meals at the expense of the Service. Meals

(2) A prison officer required to work outside his station for a period exceeding six hours, shall be provided with meals at the expenses of the Service.

41. (1) A prison officer who wishes to engage in private work or any business outside working hours shall request authority from the Commissioner to engage in such private work or business, before undertaking such work or business. Engagement on private work or business

(2) The Commissioner may authorise any officer who has requested for authority to engage in private work or businesses to disclose the nature of such private engagement, subject to the following conditions that –

- (a) the work or business must not be related to the duties and functions of a prison officer;
- (b) the work or business must not be connected to delivery of service or supply of any item to the Service; and
- (c) the prison officer must not be an active Director or shareholder in the business if such business is involved in delivery of services or supply to the Service.

(3) Every request for authority to engage in private work or business shall be accompanied by a declaration of interest in Form PF 85 and Form PF 86 set out in the Schedule.

42. (1) There is hereby established a Botswana Prison Service Welfare Scheme (hereinafter referred to as the “Welfare Scheme”) whose principal objectives shall be to – Welfare Scheme

- (a) promote the financial stability, security, investment and the creditworthiness of any prison officer;
- (b) reduce the rate at which prison officers leave the Service;
- (c) allow a prison officer to use an appropriate and recognised financial institutions for assistance; and
- (d) enhance an officer’s morale through the financial security.

(2) The Commissioner shall establish a Committee to be known as the Welfare Scheme Committee which shall administer the Welfare Scheme, subject to audit by any independent auditor.

(3) Subject to subregulation (4), a Senior Officer or Committee shall act on behalf of the Welfare Scheme in all matters concerned with the efficient administration and management of the Welfare Scheme.

(4) The monies of the Welfare Scheme shall be deposited in a bank account and be administered in accordance with the terms of a contract of surety that the Commissioner shall, on behalf of the Welfare Scheme, conclude with the bank, and copies of such contract shall be made available to contributors to the Welfare Scheme.

(5) Contributions to the Welfare Scheme shall be such monthly or other regular payments as the Commissioner may, after such consultations as he considers necessary or desirable, determine.

(6) There shall be paid into the Welfare Scheme –

- (a) minimum monthly contributions payable by each contributor to the Welfare Scheme;
- (b) donations from persons and organisations; and
- (c) any moneys accruing or realised from any investments made from the moneys of the Welfare Scheme.

(7) There shall be paid from the Welfare Scheme —

- (a) such monies that may have accrued to a contributor as a result of his continuous contributions;
- (b) such other sums of money that may have accrued as interest on the contributions received into the Welfare Scheme; and
- (c) all the relevant expenses incurred in the administration of the Welfare Scheme.

(8) The Commissioner shall authorise payments from the Scheme to be made to the dependants of a deceased contributor or to the contributor in the event he no longer wishes to be a contributor to the Welfare Scheme.

(9) The Commissioner shall keep and maintain or cause to be kept and maintained proper accounts and records in respect of the Scheme and shall, in respect of each financial year, prepare a statement of all receipts and payments out, in a form approved by the Accountant-General.

(10) Membership to the Welfare Scheme is open to any serving or retired member of the Prison Service.

(11) An application for membership to the Scheme shall be made to the Commissioner in Form PF 87 set out in the Schedule.

(12) A contributor to the Scheme shall make such monthly contributions as may be determined by the Commissioner authorising appropriate deductions from his pay or if he has retired, from his pension.

(13) A contributor to the Welfare Scheme may make an application to the Commissioner for a loan from a bank in Form PF 88 set out in the Schedule.

(14) Upon an application being made under subregulation (13), the Commissioner shall consider whether the applicant qualifies for a loan, in consultation with the bank which the application is directed to.

(15) The Commissioner shall make recommendations to the bank with respect to the application under subregulation (13).

(16) If the application made under subregulation (13), is approved and the loan application is granted by the bank, the Scheme shall not guarantee a loan.

(17) Recovery of the loan in default of payment shall be made by the bank that is party to the contract of surety as provided for under subregulation (3), in accordance with the terms of such contract.

(18) A prison officer ceases to be a contributor to the Welfare Scheme at the time of his death, dismissal or resignation from the Service.

(19) Any contributor to the Scheme who intends to discontinue his membership to the Welfare Scheme shall give 30 days' written notice to the Commissioner of his intention to do so, and his contribution together with any interest payable, calculated at a rate to be determined periodically by the Commissioner, less any administrative expenses, shall be paid to him within a period of 60 days.

(20) For purposes of this regulation, "contributor" means a prison officer and a retired prison officer."

SCHEDULE



Form PF 85
DECLARATION OF BUSINESS INTERESTS
(regulation 41(3))

I,..... of
.....
.....

Do solemnly and sincerely declare as follows:

1. I am (state here the office held by Officer).....
2. I annex here to a signed list of all my business interest, comprising assets, liabilities and all other business interests as at the date of the declaration.
3. I declare that the list is a complete and honest disclosure of all my business interests, save for my private farming activities and my private residence.
4. I make this declaration solemnly and conscientiously believing the same to be true.

Declared atthis.....day of 20.....

.....
Signature of Declarant



Form PF 86
LIST OF BUSINESS ASSETS
(regulation 41(3))

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....
- 8.....
- 9.....
- 10.....
- 11.....
- 12.....
- 13.....
- 14.....

.....
Signature of Declarant



Form PF 87
APPLICATION FOR MEMBERSHIP TO THE BOTSWANA PRISON SERVICE
WELFARE SCHEME
(regulation 42 (11))

REPUBLIC OF BOTSWANA

TO: Commissioner of Prison Service
Accountant – General

1. I, (full names).....
of
aged..... stationed at.....
Division.....

In my capacity as a serving or retired member of the Botswana Prison Service do hereby apply for membership to the Botswana Prison Service Welfare Scheme.

2. I fully understand the terms and conditions of the Scheme and hereby authorise the monthly deductions of P..... from my pay or pension with effect from.....
(date)

Signed:..... Date:

Place:..... Service No.:

Pay No.:

3. Declared before me this day of.....20.....

At (place) No..... Rank.....

Name of Officer:..... Signature:.....

DATE STAMP

4. **BENEFICIARY/NOMINEE**

Names..... ID NO..... Relationship.....

5. ACKNOWLEDGEMENT OF RECEIPT BY BOTSWANA PRISON SERVICE HEADQUARTERS

No.....Rank.....Date:.....
Authorised Officer

Authorising Officer.....Signature:.....

6. APPLICATION FOR MEMBERSHIP APPROVED / NOT APPROVED (*tick whatever is appropriate*)

7. ACKNOWLEDGMENT OF RECEIPT BY ACCOUNTANT GENERAL'S OFFICE

Name:.....Signature:.....

DATE STAMP



Form PF 88
APPLICATION FOR A LOAN TO THE BOTSWANA PRISON SERVICE
WELFARE SCHEME
(regulations 42 (13))

REPUBLIC OF BOTSWANA

TO: Commissioner of Prison Service
Accountant – General

1. I, (full names).....
of
aged.....in my capacity as a contributor to the Botswana Prison
Service Welfare Scheme do hereby apply for a loan amounting to P.....from
the.....Bank and for the Botswana Prison Service Welfare Scheme
to guarantee such loan.

2. I hereby authorise the appropriate deductions from my pay or pension every month
with effect from.....(date) until the loan of P.....and the related
liabilities (including interest) with the.....Bank are fully
discharged.

3. Signed..... Date:..... Place:.....

4. Declared before me this.....day of....., 20.....

At (place) No..... Rank.....

Name of Officer:..... Signature:.....

5. **ACKNOWLEDGEMENT OF RECEIPT BY BOTSWANA PRISON SERVICE
HEADQUARTERS**

No..... Rank..... Date:.....
Authorised Officer

Authorising Officer..... Signature:.....

MADE this 22nd day of March, 2022.

KAGISO THOMAS MMUSI,
Minister of Defence, Justice and Security.