

BECHUANALAND PROTECTORATE.

No. 11 of 1926.

[Promulgated 18th June, 1926.]

PROCLAMATION

By His Excellency the High Commissioner
Entitled the Bechuanaland Protectorate Pensions Amendment
Proclamation, 1926.

Whereas it is expedient to amend the Bechuanaland Protectorate Pensions Proclamation, 1924, herein after referred to as the principal law:—

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. (1) An officer who is entitled to receive a pension under the provisions of the principal law, and who retires from the service after the 31st day of March, 1926, shall be entitled at his option in lieu of such pension, if he has exercised the option in manner herein after provided, to receive a pension equal to three-fourths of the pension payable to him together with a gratuity equal to ten times the remaining one-fourth thereof;

(2) The option referred to in sub-section (1) shall be exercisable—

- (a) not later than six months after the date of the taking effect of this Proclamation in the case of an officer who at such date had been appointed to a pensionable office;
- (b) in the case of any other officer not less than twelve months after the date of publication of the *Gazette* in which his appointment to a pensionable office shall be notified under section five of the Bechuanaland Protectorate Public Service Proclamation 1924.

Provided that—

- (i) an officer who has failed to exercise the option within the period herein prescribed and who subsequent to the expiration thereof has married and continued to serve in a pensionable office in the Bechuanaland Protectorate or in any other public service may within two months after the date of his marriage exercise the option with the permission of the High Commissioner which permission may be granted by the High Commissioner at his discretion after examination of the officer by a medical board appointed by the Government if the High Commissioner shall so require;
- (ii) the date of the exercise of the option shall be deemed to be the date of the receipt by the Resident Commissioner of a notification in writing by the officer that he has exercised the option;
- (iii) if an officer has exercised the option his decision shall be irrevocable so far as concerns any pension payable to him under the principal law.

2. (1) When an officer holding a pensionable office dies while holding such office there shall be paid subject to the provisions of sub-section (4) to the persons mentioned in sub-section (3) a gratuity equal to one year's pensionable emoluments of such officer at the date of his death.

(2) Where the death of an officer to whom this section applies is caused in the manner described in section *twenty-nine* of the principal law the gratuity payable under this section shall be the amount if any by which one year's pensionable emoluments of the officer at the date of his death exceed the total sum granted by the High Commissioner by way of gratuity under section *twenty-nine* of the principal law.

(3) Where an officer to whom this section applies dies leaving a widow or minor child or children surviving him the gratuity payable under sub-section (1) shall be paid to or for the benefit of such

person or persons as the High Commissioner in his discretion shall decide and may be paid to any one of them or be divided among them in such portions as he shall think fit. Where the officer dies without leaving a widow or minor child surviving him the gratuity shall be paid to his legal personal representative.

(4) Where on the death of an officer to whom this section applies any debt is due by him to the Government the amount of such debt may be deducted from any gratuity payable under this section and the balance remaining after such deduction shall be the amount to be paid to or for the benefit of the persons mentioned in sub-section (3).

3. (1) If an officer holding a pensionable office is removed or required to retire from office—

- (a) on the ground of negligence, irregularity or misconduct or
- (b) on the ground of infirmity of mind or body where such infirmity is due to his own misconduct or
- (c) on the ground of inability to discharge efficiently the duties of his office where such inability does not arise from permanent infirmity of mind or body

the High Commissioner may in his discretion grant to him a pension or gratuity at such rate or of such amount as he may decide not exceeding in any case the pension or gratuity to which the officer would have been entitled under the principal law had his retirement taken place under the conditions described in paragraph (a) of sub-section (1) of section *three* of that law.

(2) Section *twenty-four* of the principal law is hereby repealed.

4. Subject to the provisions of section *five* the principal law is hereby amended—

- (1) by the substitution in section *four* of the word "fifty-five" in place of the word "sixty" and of the word "sixty" in place of the word "sixty-five";
- (2) by the substitution in section *eight* of the word "one fifty-fifth" in place of the word "one sixtieth";
- (3) by the substitution in section *ten* of the word "fifty-fifths" in place of the word "sixtieths" wherever it occurs; and of the word "forty-five" in place of the word "fifty";
- (4) by the substitution of the word "fifty-five" in place of the word "sixty" in sections *three*, *nine*, *fourteen*, and *sixteen*.

5. The principal law as amended by section *four* shall apply in the case of all officers appointed to pensionable offices after the date of the taking effect of this Proclamation, and in the case of all officers holding pensionable offices at that date who shall within six months of that date signify in writing to the Resident Commissioner their desire that the principal law should apply to them as thus amended. In the case of all other officers the principal law shall apply as if the amendments contained in section *four* had not been made.

6. The terms used in this Proclamation shall save where the context otherwise requires have the same meaning as the like terms in the principal law.

7. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Pensions Amendment Proclamation 1926 and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Ninth day of June One thousand Nine hundred and Twenty-six.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.