

BECHUANALAND PROTECTORATE.

No. 21 of 1938.

(Promulgated 1st July, 1938.)

PROCLAMATION

By His Excellency the High Commissioner.

Entitled the Bechuanaland Protectorate Police Pensions (Amendment) Proclamation, 1938.

Whereas it is expedient to amend the Bechuanaland Protectorate Police Pensions Proclamation, 1933 (No. 25 of 1933), as amended by Proclamation No. 7 of 1936, hereinafter 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. Section *two* of the principal law is hereby repealed and the following section is substituted therefor:—

Amendment of section 2 of Proclamation No. 25 of 1933.

"2. Subject to the provisions of any law or regulation in force in the Bechuanaland Protectorate for the time being governing appointments to the pensionable establishment of the Bechuanaland Protectorate Police, any police officer who—

(1) shall have been appointed as such either—

(a) at the date of the commencement of this Proclamation; or
(b) after that date; or

(2) having been appointed as such, and having been transferred to other public service before that date is, at that date, serving in other public service;

shall be deemed to hold or to have held, as the case may be, a pensionable office, and shall, subject to the provisions of this Proclamation, be entitled to receive a pension upon his retirement from the public service."

2. Section *six* of the principal law is hereby amended by deleting sub-section (2) thereof and substituting therefor the following sub-section:—

Amendment of section 6 of Proclamation No. 25 of 1933.

"(2) Only service in a pensionable office shall be taken into account as pensionable service: Provided that where a period of service otherwise than in a pensionable office is immediately followed by service in a pensionable office one half of such period may with the approval of the High Commissioner be so taken into account."

3. Section *nine* of the principal law is hereby amended by deleting the second proviso.

Amendment of section 9 of Proclamation No. 25 of 1933.

Amendment of section 14 of Proclamation No. 25 of 1933.

4. Section *fourteen* of the principal law is hereby amended by deleting the words "he shall forfeit his right to the pension which has been granted to him" and substituting therefor the words "the payment of his pension may be suspended until he has attained that age".

Amendment of section 16 of Proclamation No. 25 of 1933.

5. Section *sixteen* of the principal law is hereby amended—

(a) by deleting in sub-section (2) (ii) (c) the word "final" and substituting therefor the word "highest";

(b) by adding the following further proviso at the end of sub-section (2) (iii)—

"and provided further that where under sub-section (2) of section *six* one half only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, one half only of the officer's aggregate emoluments during that service shall be taken into account for the calculation aforesaid";

(c) by inserting the following sub-section immediately after sub-section (12):—

"(13) The provisions of sub-section (2) of section *six* shall apply to the case of an officer transferred without break from a non-pensionable office in a Scheduled Government to a pensionable office in the Bechuanaland Protectorate as if his whole service had been in the Bechuanaland Protectorate."

Amendment of section 20 of Proclamation No. 25 of 1933.

6. Section *twenty* of the principal law is hereby amended—

(a) by deleting in sub-section (1) the words "to the persons mentioned in sub-section (3)" and substituting therefor the words "to his legal personal representative";

(b) by deleting sub-section (3);

(c) by deleting in sub-section (4) the words "to or for the benefit of the persons mentioned in sub-section (3)" and substituting therefor the words "to his legal personal representative".

New section 31.

7. The following new section, numbered *thirty-one*, is hereby inserted immediately after section *thirty* of the principal law, the existing sections *thirty-one* and *thirty-two* being re-numbered *thirty-two* and *thirty-three* respectively:—

Police Officers with service in Basutoland or Swaziland.

"31. When a pension or gratuity is granted to any police officer from the funds of Basutoland or Swaziland in respect of service remunerated by a salary or emoluments towards which contributions have been paid out of the funds of the Bechuanaland Protectorate, contributions towards the amount of such pension or gratuity may be paid from the funds of the Bechuanaland Protectorate to the funds of Basutoland or Swaziland, as the case may be, which shall bear the same proportion to such pension or gratuity as the annual contribution towards the said salary or emoluments at the date of the officer's retirement bears to the total annual amount of the officer's salary and emoluments at that date."

8. Notwithstanding anything contained in sections *six* and *sixteen* of the principal law as amended by this Proclamation, where a police officer in the service of the Bechuanaland Protectorate or in any other public service at the date of the commencement of this Proclamation shall before that date have served in provisional or temporary service, then, if it shall be to his advantage, his pension may be calculated on the conditions which would have applied if those sections had not been so amended. Saving of existing rights if more advantageous.

9. This Proclamation may be cited as the Bechuanaland Protectorate Police Pensions (Amendment) Proclamation, 1938, and shall have force and take effect from the date of its publication in the *Gazette*. Short title and commencement.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twenty-first day of June One thousand Nine hundred and Thirty-eight.

WALTER C. HUGGARD,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.