

BECHUANALAND PROTECTORATE.

No. 31 of 1941.

(Promulgated 30th May, 1941.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Pensions
(Amendment) Proclamation, 1941.

Whereas it is expedient to amend the Bechuanaland Protectorate Pensions Proclamation, 1933, 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. Sub-section (1) of section *eight* of the principal law is hereby amended by inserting the following paragraph immediately after paragraph (i) of the second proviso:—

Amendment of section 8 of Proclamation No. 24 of 1933.

“(i) (a) if an officer has failed to exercise the option within the period herein prescribed, the High Commissioner may, if it appears to him in all the circumstances equitable to do so, and subject to the approval of the Secretary of State, allow such officer to exercise the option within some time to be specified.”

2. Section *ten* of the principal law is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):—

Amendment of section 10 of Proclamation No. 24 of 1933.

“(2) If an officer proceeding by a route approved by the High Commissioner to or from the Bechuanaland Protectorate at the commencement or termination of his service therein, or of a period of leave therefrom, is permanently injured as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the

purposes of this section, to have been injured in the circumstances described in sub-section (1) of this section."

Repeal of sub-section (2) of section 20 of Proclamation No. 24 of 1933.

3. Section *twenty* of the principal law is hereby amended by deleting sub-section (2) thereof.

New section 28 of Proclamation No. 24 of 1933.

4. Section *twenty-eight* of the principal law is hereby repealed and the following section is substituted therefor:—

" 28. (1) Where an officer, in respect of whom a pension or gratuity may be granted, dies as a result of injuries received—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Government of the Bechuanaland Protectorate, it shall be lawful for the High Commissioner to grant, in addition to the gratuity, if any, payable to his legal personal representative under section *twenty* of this Proclamation—

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;
- (iii) if the deceased officer leaves a child or children, but does not leave a widow, or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed in the preceding paragraph.

- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this sub-section, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii) of this sub-section;
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow: Provided that—
- (a) pension shall not be payable under this sub-section at any time in respect of more than six children; and
 - (b) in the case of a pension granted under paragraph (v) of this sub-section, if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease from the date of remarriage; and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine;
 - (c) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) In the case of an officer not holding a pensionable office, the expression 'pensionable emoluments' in the preceding sub-section shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) If an officer proceeding by a route approved by the High Commissioner to or from the Bechuanaland Protectorate at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in sub-section (1) of this section.

(4) For the purposes of this section the word 'child' shall include—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and
- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

Short
title and
commence-
ment.

5. This Proclamation may be cited as the Bechuanaland Protectorate Pensions (Amendment) Proclamation, 1941, 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 Cape Town
this Twenty-first day of May One thousand Nine
hundred and Forty-one.

WALTER C. HUGGARD.

High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,

Administrative Secretary.