

BECHUANALAND PROTECTORATE.

No. 51 of 1946.

(Promulgated 31st December, 1946.)

PROCLAMATION

By His Excellency the High Commissioner
Entitled the Bechuanaland Protectorate Provident
Fund Proclamation, 1946.

Whereas it is expedient to establish a Provident Fund for certain non-pensionable employees of the Government of the Bechuanaland Protectorate;

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

1. (1) In this Proclamation, unless the ^{Interpre-} context otherwise requires—_{tation.}

“ the Fund ” means the Non-pensionable Employees' Provident Fund established under this Proclamation;

“ the Board ” means the Board of Management appointed under this Proclamation;

“ Financial Secretary ” means the Financial Secretary of the Bechuanaland Protectorate;

“ wife ” in cases where under native law and custom a depositor is legally entitled to have more than one wife shall be deemed to include all such legal wives; and “ widow ” shall have a corresponding meaning;

“ non-pensionable employee ” means an officer in the service of the Government who—

(a) holds an office which is for the time being included in the Schedule to this Proclamation and which is not in relation to him a pensionable office under the law relating to pensions; and

(b) receives a salary of not less than fifty pounds per annum or a salary on an incremental scale, the maximum of which is not less than sixty pounds per annum; but does not include any person who is—

(i) engaged on a daily rate of pay;

or

(ii) serving under a written agreement which is expressed to continue for a period of less than two years;

“ depositor ” means a person who is making deposits in the Fund;

“ salary ” includes wages and any personal allowance, but no other payment or allowance whatsoever, and does not include the value of free quarters or any allowance in lieu thereof;

“ personal allowance ” means a special addition to salary granted personally to the holder for the time being of the office;

“ prescribed ” means prescribed by regulations made under this Proclamation.

(2) For the purpose of this Proclamation a depositor's family shall be deemed to include his mother, father, wife and children, but no other person.

Amend-
ment of
Schedule
and
application
of Pro-
clamation
to Native
Adminis-
trations.

2. (1) The High Commissioner may by notice in the *Gazette* amend the Schedule to this Proclamation by adding any office to the list of offices contained therein or by deleting any office from such list, but every such notice shall make such provision (if any) as may be necessary or expedient to preserve existing rights. When any office is added to the Schedule the provisions of sections *four*, *five* and *eleven* of this Proclamation shall have effect as respects that office as if the date upon which it is added were the date of commencement of the Proclamation.

(2) The High Commissioner may by notice in the *Gazette* apply the provisions of this Proclamation to the employees of any Native Administration with such modifications (if any) and subject to such conditions as may be prescribed in the notice; and upon the issue of any such notice the provisions of sections *four*, *five* and *eleven* of this Proclamation shall have effect as respects such employees as if the date of the publication of such notice in the *Gazette* were the date of commencement of this Proclamation.

Establish-
ment and
manage-
ment of the
Fund.

3. (1) There shall be established a Fund to be known as the Non-pensionable Employees' Provident Fund.

(2) The High Commissioner shall appoint a Board of Management consisting of a Chairman and three members who shall be responsible for the control and management of the Fund in accordance with the provisions of this Proclamation and of any regulations made hereunder.

(3) The Financial Secretary shall be Chairman of the Board. One member shall be nominated by the Resident Commissioner;

one member (who shall be a depositor) shall be nominated by the European depositors; and one member (who shall be a depositor) shall be nominated by the Native depositors. The Chairman shall have a casting in addition to a deliberative vote.

(4) The expenses of management and administration of the Fund shall be paid out of the Fund.

(5) The moneys paid into the Fund shall, so far as practicable, be invested by the Financial Secretary on behalf of the Fund in such security or securities yielding interest or in such Savings Bank as the Board shall approve.

(6) The Financial Secretary shall keep a separate account for the moneys of the Fund.

(7) The Board shall submit to the High Commissioner through the Resident Commissioner as soon as practicable after the thirty-first day of March in each year, a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund. The accounts of the Fund shall be audited by the Auditor.

4. (1) Every person who shall have been appointed a non-pensionable employee, either after the commencement of this Proclamation or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Proclamation, whichever shall be the later. Who shall become a depositor.

(2) Every non-pensionable employee to whom the preceding sub-section does not apply, who does not elect under section *five* to become a depositor, and is appointed to the service of the Government after the commencement of this Proclamation upon terms which constitute a reappointment or re-engagement in the service of the Government, shall become a depositor as from the date of such reappointment or re-engagement.

5. Every non-pensionable employee who is not required by the last preceding section to become a depositor may, by a written notice addressed to the head of his department within three months after the commencement of this Proclamation, or within such extended time as the High Commissioner may in any particular case allow, elect to become a Who may become a depositor.

depositor, and, if he so elect, he shall become a depositor as from the commencement of this Proclamation.

Compulsory deposit.

6. (1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Financial Secretary shall deduct the deposit from the salaries of depositors.

(2) Such deposit shall be called the "compulsory deposit"; and shall be calculated on full salary whether the depositor is on full, half, or no salary:

Provided that when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

Voluntary deposits.

7. Subject to prescribed conditions a depositor may, from time to time—

(a) in addition to his compulsory deposits, deposit in the Fund sums, which shall be called "voluntary deposits", of one pound or any multiple thereof, to an amount not exceeding twenty-four pounds in any one year, or two hundred and forty pounds in all; and

(b) withdraw all or any part of such voluntary deposits including interest credited thereon;

(c) repay any sum so withdrawn.

Bonuses.

8. (1) A sum equal to each compulsory deposit shall, with effect from the date upon which the deposit is made, be paid out of the revenues of the Territory into the Fund for the credit of the depositor.

(2) Every sum so credited shall be called a "bonus".

Interest.

9. (1) Interest shall be credited separately on compulsory deposits, voluntary deposits and bonuses at a rate to be fixed annually in advance by the High Commissioner and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus had effect. Subject to the provisions of this Proclamation, it shall be calculated to the thirty-first day of March in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Proclamation to be compulsory deposit, voluntary deposit or bonus, as the case may be.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the last day of the month preceding the date of withdrawal and the first day of the month next following the date of repayment.

10. As soon as practicable after the thirty-first day of March in each year the Financial Secretary shall inform each depositor of the total amount standing to his credit in the Fund at that date. Information to depositors.

11. (1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Proclamation and who, being an officer to whom section *five* applies, elects under that section to become a depositor, may if he thinks fit— Deposits in respect of previous service.

(a) within a period of two years after the commencement of this Proclamation, deposit in the Fund in respect of each completed year of such service an amount not exceeding one-twentieth of his salary as at the commencement of this Proclamation; or

(b) increase his deposits under section *six* by fifty per centum for a period not exceeding his completed years' continuous service prior to the commencement of this Proclamation.

(2) Any depositor who elects under paragraph (b) or sub-section (1) to increase his deposits may at any time discontinue making payment in respect of the additional amount of the deposit, but in the event of his so discontinuing he shall not thereafter resume such payments.

(3) All amounts deposited under the provisions of this section shall be treated in all respects as compulsory deposits and the provisions of section *eight* shall apply accordingly.

(4) In this section the word "service" means service which would, if this Proclamation had been in force, have been service as a non-pensionable employee.

12. Subject to the provisions of this Proclamation no compulsory deposit, bonus, or interest on any such deposit or bonus, shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever. Deposits, etc., not to be assigned or attached.

13. A depositor may withdraw compulsory deposits— Withdrawal of compulsory deposits.

(1) with the approval of the Board; or

(2) with the permission of the Financial Secretary if the Financial Secretary is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes:—

(a) To pay the passage of—

(i) any member of the depositor's family, or

(ii) the depositor's brother or sister, coming from abroad, or leaving the Territory on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor;

(b) To pay the funeral expenses of any member of the depositor's family;

(c) To pay hospital or other expenses incurred through illness of the depositor or any member of his family.

Repay-
ment of
withdrawal.

14. Any sum withdrawn from compulsory deposits under section *thirteen* shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Closing
of
accounts.

15. (1) On the death of a depositor or the termination of the depositor's service with the Government, interest up to the end of the month previous to the date of such death or termination of service shall be credited to his account, which shall then be closed.

(2) Notice of such closure shall thereupon be given—

(i) if the depositor is living, to the depositor; or

(ii) if the depositor is dead, to such person or persons mentioned in section *nineteen* to whom it shall appear to the Financial Secretary that notice should be given,

and in either case to such other persons as shall, or may in the opinion of the Financial Secretary, reasonably require such notice.

Death or
termination
of service.

16. (1) Subject to the provisions of this Proclamation, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say:—

(i) retirement on medical evidence to the satisfaction of the High Commissioner that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;

(ii) satisfactory completion of contract;
(iii) abolition of office;
(iv) reaching the prescribed age of retirement;

(v) determination of contract by, or with the consent of, the Government otherwise than by dismissal;

(vi) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe);

the amount standing to his or her credit in the Fund at the closing of such account shall be paid out of the Fund to the depositor or any other person to whom by virtue of this Proclamation or otherwise payment may lawfully be made.

(2) Notwithstanding anything contained in the preceding sub-section, if a depositor is transferred to the service of the Government of Basutoland or Swaziland the provisions of sub-section (1), (2) and (3) of section *eighteen* shall apply as if he had been transferred to a pensionable office in the service of the Bechuanaland Protectorate.

17. (1) Subject to the provisions of this Proclamation, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving,

Resignation
or
dismissal.

(a) the amount of his deposits and interest credited thereon under sub-section (1) of section *fifteen* shall be paid out of the Fund to the depositor, and

(b) such part, if any, of the bonuses credited to the depositor and interest credited as aforesaid, as the Board with the approval of the High Commissioner shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be paid out of the Fund to the Government and credited to revenue.

18. (1) If a depositor is transferred to a post which is a pensionable office under any law relating to pensions, the provisions of section *fifteen* shall apply as if the service of the depositor had terminated in circumstances in which section *sixteen* applies:

Transfer to
pension-
able office.

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section *nine* and sub-section (1) of section *fifteen*.

(2) Subject to the provisions of this Proclamation, upon his subsequently leaving the service of the Government, the amount then standing to the credit of such depositor shall be paid to him out of the Fund.

(3) If a depositor who is so transferred is required upon transfer to make contributions under any law governing pensions to widows and orphans, he may, by notice addressed to the Board, elect not later than three months after the date of transfer or such later date as the High Commissioner may in any particular case allow, to have the whole or any part of the amount standing to his credit in the Fund applied to the payment of any lump sum contribution he may be permitted to make under that law; and if he so elect, the amount in question shall be paid out of the Fund and applied accordingly.

Any election under this sub-section shall be irrevocable.

(4) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provisions of this Proclamation, and shall thereupon be deemed to be a depositor as defined in sub-section (1) of section *one* while serving in a pensionable post or posts;

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of sub-sections (1), (2) and (3) of this section shall apply to him as from the date of such confirmation.

Any election under this sub-section shall be made in writing to the Board and shall be irrevocable.

(5) When an office is deleted from the Schedule to this Proclamation and becomes a pensionable office under the law relating to pensions, the holder thereof for the time being shall, for the purposes of this section, be deemed to have been transferred to a pensionable office.

Payment
on death of
depositor.

19. (1) Subject to the provisions of this Proclamation, a depositor may nominate in the manner prescribed a person or persons to whom he desires a sum not exceeding fifty

pounds in all to be paid on his death, and on the death of a depositor—

(a) if the amount standing to the credit of the depositor exceeds fifty pounds the Financial Secretary shall pay the sum nominated to the person or persons nominated, and the balance, or the whole if no nomination has been made, shall, subject to the proviso hereinafter contained, be paid to the estate of the depositor:

Provided that the High Commissioner may order that from such balance or whole amount, as the case may be, a sum not exceeding the amount of the bonuses including interest standing to the credit of the depositor shall be paid to any person being a relative or dependant of the depositor;

(b) if the amount standing to the credit of the depositor does not exceed fifty pounds and the sum in respect of which a nomination has been made does not equal such amount, the Financial Secretary shall pay the sum nominated to the person or persons nominated and the balance to the personal representative of the depositor or, at the discretion of the Financial Secretary, to the person appearing to him to be entitled ultimately to receive it;

(c) if the amount standing to the credit of the depositor does not exceed fifty pounds, and no nomination has been made, the Financial Secretary shall treat such an amount as if it were a balance under paragraph (b).

(2) Notwithstanding the provisions of the preceding sub-section the Financial Secretary may make payments in any one case of an amount not exceeding fifteen pounds, or ten per centum of the amount standing to the credit of the depositor subject to a maximum of twenty-five pounds, to meet expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Financial Secretary such relief is required.

(3) All amounts paid under this section shall be paid out of the Fund, and all payments under this section shall be valid and effectual against any demand made upon the Government, the Board or the Financial Secretary by any other person in respect of the amount standing to the credit of the depositor.

Sums due by depositor. 20. Any sum or sums due to the Government by a depositor on payment out of the Fund of any amount then standing to his credit therein may be deducted from the amount otherwise payable.

Regulations. 21. The High Commissioner may make regulations for carrying out the provisions of this Proclamation.

Short title and commencement. 22. This Proclamation may be cited as the Bechuanaland Protectorate Provident Fund Proclamation, 1946, and shall have force and effect as from the first day of January, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Eighteenth day of December, One thousand Nine hundred and Forty-six.

WALTER C. HUGGARD,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

PROVIDENT FUND POSTS.

BECHUANALAND PROTECTORATE.

EUROPEAN POSTS.

Principal Clerk.
Clerk, Grade I.
Clerk, Grade II.
Clerk and Storeman.
Registry Clerk.
Lady Clerk and Typist.
Learner Lady Clerk.
Gaoler.
Postmaster.
Assistant Postmaster.
Postal Assistant.
Mechanical Superintendent.
Works Superintendent.
Drilling Superintendent.
Technical Clerk.
Motor Mechanic.
Assistant Fitter Mechanic.
Fitter and Turner.
Drill Foreman.
Assistant Drill Foreman.

Maintenance Foreman.
Wireless Operator.
Coach Builder and Wheelwright.
Pumper.
Matron.
Hospital Sister.
Health Inspector.
~~Warrant Officer.~~ SENIOR INSPECTOR
~~Non-commissioned Officer or Trooper, Bechuanaland~~
~~Protectorate Police.~~ INSPECTOR OF POLICE, S/INSPECTOR &
Senior Agricultural and Livestock Officer. CAPT.
Agricultural and Livestock Officer.
Overseer and Clerk.
Assistant Overseer.
Senior Stock Inspector.
Stock Inspector.
Game Ranger.
Works Foreman.
Fence Foreman.
Forester.

Any other officer who is employed temporarily on a grade, the maximum salary of which does not exceed £600 per annum, provided such officer is subject to a contract of not less than two years.

AFRICAN POSTS.

All African Officials on the Junior Grade.
All African Officials on the Intermediate Grade A.
All African Officials on the Intermediate Grade B.
All African Officials on the Long Grade who have not passed the efficiency bar at £144 and whose appointments have not been or shall not hereafter be noted in the *Gazette*.

All African Officials receiving a salary of not less than £50 per annum who are on special scales of salary and who have not passed the efficiency bar at £144.