

THE PENSIONS (CONSOLIDATION) (AMENDMENT) LAW, 1966



No. 37



1966

I assent,

14th September, 1966

H.S. Norman-Walker,
Her Majesty's Commissioner.

**A LAW TO AMEND THE PENSIONS (CONSOLIDATION)
LAW, 1965**

(23rd September, 1966)

ENACTED by the Legislature of Bechuanaland.

Short Title.

1. This Law may be cited as the Pensions (Consolidation) (Amendment) Law, 1966.

Amendment of Section 7A of Law No. 17 of 1965.

2. The Pensions (Consolidation) Law, 1965 (No. 17 of 1965) (hereinafter referred to as the principal law) is amended in section 7A —

- (a) by the insertion into the proviso of sub-section (3) of "Basutoland and Swaziland" after "Bechuanaland"; and
- (b) by the deletion of sub-sections (5), (6) and (7) and by the substitution of the following sub-sections in place thereof —

“(5) If an officer to whom this section applies dies before he is eligible for the grant of a pension under sub-section (1), Her Majesty’s Commissioner may grant to his legal personal representative a gratuity not exceeding an amount of —

- (a) the annual pensionable emoluments enjoyed by him immediately prior to the transfer date; or
- (b) the maximum gratuity which might have been granted to the officer if on the day following his death he had left the public service referred to in sub-section (6) in circumstances which enabled a pension to be granted to him under the said sub-section (1) and he had been granted in lieu of that pension a gratuity and a reduced pension or gratuity only in accordance with regulation 24 of the Regulations, whichever is the greater.

(6) This section applies to an officer in the public service under the Governments of Bechuanaland, Basutoland or Swaziland who —

- (a) immediately before the transfer date was serving on pensionable terms in the public service under the Government of Bechuanaland, Basutoland or Swaziland;
- (b) on the transfer date had not attained the age of 45 years;
- (c) is not a member of Her Majesty’s Overseas Civil Service or an overseas officer;
- (d) on the transfer date was not a British protected person by reason of his connexion with Bechuanaland or in relation to an officer in service in Basutoland, is not entitled as of right to remain permanently in Basutoland under the provisions for the time being in force in respect of entry and residence therein, or in relation to an officer in service in Swaziland, is an officer in respect of whom Her Majesty’s Commissioner in his discretion determines that the officer is not entitled as of right to remain permanently in Swaziland;
- (e) has since the transfer date been the substantive holder of an office, service in which (in this section referred to as “contract service”) may not during his tenure thereof be taken into account as service on pensionable terms.

(7) In this section “transfer date” means, in relation to an officer to whom the section applies, the date on which he transferred to non-pensionable employment in public ser-

vice under the Government of Bechuanaland in accordance with the Review of Emoluments of the Public Service by Thomas Monier Skinner, Esquire, C.M.G., O.B.E., as read with and modified by Establishment Circular No. 29 of 1965 and the Secretary of State's memorandum set out therein. as read with Basutoland's Establishment Skinner Report Circular No. 1 of 28th July, 1965. as read with and amended by Swaziland Establishment Circular No. 24 of 1965 and the Secretary of State's memorandum referred to therein."

Amendment of Section 16 of Law No. 17 of 1965.

3. Section 16 of the principal law is amended in sub-section (3) by the omission of the full-stop and by addition thereto of "or in the case of the death of an officer to whom section 16A applies."

Passed by the Legislative Assembly this day,

the 23rd August, 1966.

G.T. MATENGE,
Clerk of the Legislative Assembly.