

*Statutory Instrument No. 2 of 1973*

**THE MILITARY PENSIONS SPECIAL FUND ACT, 1971  
THE MILITARY PENSIONS SPECIAL FUND REGULATIONS,  
1972**

*(Published on the 5th January, 1973)*

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Regulations made by the Minister of Finance and Development Planning in exercise of the powers conferred on him by section 8 of the Military Pensions Special Fund Act, 1971, and of all other powers thereunto him enabling.

Citation	<p><b>1.</b> These Regulations may be cited as the Military Pensions Special Fund Regulations, 1972.</p>
Inter-pretation	<p><b>2.</b> In these Regulations, unless the context otherwise requires –</p> <p>“Board” means the Military Pensions Board established by regulation 3;</p> <p>“child”, in relation to a soldier, means –</p> <p style="margin-left: 40px;">(a) any child of the soldier, whether legitimate or illegitimate;</p> <p style="margin-left: 40px;">(b) any step-child of the soldier, and any child legally adopted by such soldier:</p> <p style="margin-left: 80px;">Provided that any child who is a child of a soldier in terms of the foregoing provisions shall continue to be the child of such soldier and shall not be or become the child of any other person unless such other person is himself a soldier who has become the adoptive parent or step-parent of such child;</p> <p>“dependant”, in relation to a soldier, means any person (other than a widow, parent or child) who in the opinion of the Board was wholly or in part dependant upon the soldier for a reasonable period prior to his enlistment, and up to the time of his disablement, or in the case of a deceased soldier, until his death, and “dependant” has a corresponding meaning;</p> <p>“disablement pension” means the disablement pension payable to a soldier in terms of Schedule 2;</p> <p>“Forces” means the African Auxiliary Pioneer Corps and any unit or body of the British army raised in the former Bechuanaland Protectorate;</p> <p>“marriage” includes a marriage in accordance with customary law;</p> <p>“medical treatment” means medical, surgical or hospital treatment, skilled nursing services and the supply and repair of any artificial part of the body or any device necessitated by disablement;</p> <p>“military service” means service with the Forces between the 1st June, 1941, and the 28th September, 1955;</p> <p>“parent” includes any person who in the opinion of the Board has assumed the place of a parent to a soldier;</p> <p>“post-disablement earning capacity”, in relation to a soldier, means a soldier’s actual current earnings, or the amount which in the opinion of the Board he would have been capable of earning in the open labour market, had he no disablement other than that in respect of which he has been awarded a disablement pension under these Regulations, whichever is the greater;</p>

“potential pre-disablement earning capacity”, in relation to a soldier, means the amount which, in the opinion of the Board, the soldier would have been able to earn but for his disablement or death as a result of military service, having regard to –

- (a) his post-disablement earning capacity;
- (b) his age and educational attainments and his prospects of further education had he not enlisted;
- (c) any evidence available as to the vocation he would have followed had he not been disabled and the average current earnings, salary or wages in such vocation;
- (d) any evidence available as to his capacity for leadership and organization;
- (e) his pre-enlistment occupation and earnings, if any, and his reasonable prospects of further advancement had he not died or been disabled as a result of military service; and
- (f) the general circumstances of the case;

“Secretary” means the Secretary of the Board;

“soldier” means any person who served on military service;

“widow”, in relation to a soldier, means a woman who was a wife of the soldier, at the time of his death;

“wife”, in relation to a soldier, means –

- (a) a woman who is married to the soldier;
- (b) a woman who has had a child by the soldier and was wholly or substantially maintained by him on a normal marital basis for at least one year prior to his enlistment and is still being maintained by him, and who has not returned to nor is in receipt of support from her husband, provided the soldier has no wife as defined in paragraph (a).

**3.** (1) There is hereby established a Military Pensions Board to whom shall be referred all claims for pensions under these Regulations.

(2) The Board shall consist of three persons, one of whom shall be a medical practitioner, appointed in writing by the Minister.

(3) Any person aggrieved by a decision of the Board may appeal to the Minister whose decision shall be final.

(4) The Minister shall appoint a Secretary to the Board.

Establishment  
of Pensions  
Board

Pensions in payment at the commencement of these Regulations

**4.** (1) Any pension in respect of military service being paid immediately before the commencement of these Regulations shall be deemed to have been awarded under the provisions of these Regulations, and any reference in these Regulations to an award made under these Regulations shall include a reference to an award deemed to have been made under these Regulations.

(2) Any pension being paid immediately before the commencement of these Regulations shall continue to be paid at such rate as it would be paid if it had been awarded under these Regulations.

Evidence of earnings

**5.** (1) Where it is necessary, in order to determine the amount of any benefit to be awarded under these Regulations to, or in respect of, a disabled or deceased soldier, to ascertain his earnings, it shall be the duty of any person who was the employer of the soldier during the period in respect of which his earnings require verification, and of any other person having any knowledge with respect to the financial circumstances of the soldier during the period, on being so required by notice in writing issued by the Secretary, to furnish in accordance with the directions of the notice any information in such person's possession relating to those earnings or circumstances, and to produce any wages book, records or other documents in his possession containing any entries with respect to those earnings.

(2) If any person fails to comply with any provision of this regulation or furnishes any information which is false or calculated to deceive, knowing it to be false or calculated to deceive, he shall be guilty of an offence and liable on conviction to a fine of R100.

Conditions of entitlement

**6.** (1) Subject to the provisions of regulation 21, a soldier shall be entitled to the pension, allowances and other benefits hereinafter provided for, if he is found on due consideration in accordance with the provisions of these Regulations, to be suffering from a disability (hereinafter referred to as a pensionable disability), which was either caused or aggravated by military service, and still remains so aggravated, and which has resulted in disablement, provided the said disability was not in fact caused or aggravated by the soldier's own serious misconduct.

(2) A disability shall be deemed to have been caused by military service –

(a) if such disability arose or became manifest during military service performed outside Botswana;

(b) if such disability arose or became manifest during military service performed in Botswana, unless the Board is satisfied on competent evidence –

(i) that the conditions under which the soldier served and his military duties were of such a nature that his disability could not have originated as a result of his military service;

- (ii) that the disability is one which according to authoritative medical opinion, could not have been caused by conditions experienced on military service and which would not normally obtain in civil life; or
- (c) if such disability is the result of an injury (other than a self-inflicted injury), sustained by a soldier –
  - (i) within the confines of the camp or barracks where he was stationed or within the confines of any accommodation outside such camp or barracks, where such soldier was required to reside because of the exigencies of military service;
  - (ii) while proceeding to or from his home or place of destination on authorized leave, unless the injury was sustained while he deviated from the direct route and the Board is of the opinion that such deviation was unreasonable in the circumstances.

(3) If a soldier is suffering from a disability which was not caused by military service but was aggravated thereby, he shall be compensated in respect of such aggravation only.

(4) If a disability in respect of which compensation is claimed is not recorded in the report on the medical examination of the soldier at the time of his enlistment, it shall be presumed not to have existed at the time, unless evidence is available which proves the contrary to the satisfaction of the Board.

(5) If a soldier contracts a disease or sustains an injury as a direct result of a pensionable disability or as a direct result of authorized medical treatment for a pensionable disability such disease or injury shall be deemed to be a pensionable disability provided the Board is satisfied that –

- (a) the disease or injury was not due to the refusal of the soldier to undergo medical treatment or to any act or negligence or misconduct on the part of the soldier, and that in this regard the soldier exercised the special care which it was proper for him to take having regard to his pensionable disability;
- (b) the disease or injury was not contracted or sustained in circumstances which give the soldier a right to compensation under any other written law or at common law.

7. A soldier's degree of pensionable disablement shall be determined by comparison with the physical and mental standard of a normally healthy person of the same age and sex, and shall be calculated as a percentage loss of physical or mental capacity in accordance with Schedule 1:

Deter-  
mination of  
pensionable  
disablement

Provided that –

- (a) if the disablement does not take a form specified in the said Schedule, it shall be assessed at the percentage of a disablement mentioned in that Schedule which the Board considers most closely to represent such disablement;
- (b) where the functional effects of two or more disabilities overlap, the Board shall make an assessment representing the cumulative effect of such various disabilities; and
- (c) if a soldier lost the total function of one of a pair of limbs or organs prior to his enlistment for military service, and loses the total function of the other limb or organ as a result of military service, his degree of pensionable disablement shall be determined on the basis of the loss of both such limbs or organs.

Disablement  
pension

**8.** (1) If it has been determined in accordance with the provisions of these Regulations that a soldier is suffering from a pensionable disability, he shall be awarded a disablement pension at the rate specified in Schedule 2 as corresponding to the percentage at which his pensionable disablement has been assessed.

(2) If a soldier's pensionable degree of disablement has been assessed at less than twenty per cent, he shall be awarded a final gratuity in accordance with the rates set forth in Schedule 5.

(3) If a soldier, to whom a gratuity has been awarded in terms of sub-regulation (2), subsequently alleges in an application that there has been a substantial increase in the extent of his pensionable disablement or submits an application for compensation in respect of a new disablement which was caused or aggravated by military service, his case shall be reviewed and if the extent of his disablement is then assessed by the Board at a percentage entitling him to a larger gratuity in terms of Schedule 5 or a disablement pension in terms of Schedule 2, he shall be awarded such larger gratuity or such pension as from the first day of the month in which his subsequent application is made:

Provided that –

- (a) the gratuity previously awarded in terms of sub-regulation (2) shall be set off against such larger gratuity;
- (b) if such pension is effective from a date within a period of five years of the date on which the gratuity previously awarded in terms of sub-regulation (2) became effective, a deduction at a monthly rate equivalent to one-sixtieth of the said gratuity shall be made from the said pension until the date of expiration of the said period of five years or until the date on which the pension ceases, whichever is the earlier date.

(4) If a pension awarded to a soldier in terms of sub regulation (3) is reviewed in terms of regulation 12 (1) and ceases by reason of the fact that the extent of his pensionable disablement is then assessed at less than twenty per cent, he shall be awarded a further gratuity in accordance with the rates set forth in Schedule 5:

Provided that such portion of the gratuity previously awarded to him in terms of sub regulation (2) as the Minister may determine, shall be set off against the further gratuity payable under this sub regulation.

9. (1) A soldier to whom a disablement pension has been awarded in terms of regulation 8 shall be granted during the continuance of the pension an allowance in respect of his wife at the rate specified in Schedule 2, and an allowance in respect of each child who is not self-supporting at the rate specified in Schedule 3: Family allowance

Provided that where a soldier has more than one wife, the Board may in its discretion grant an allowance in respect of each wife at a lower rate than the rate specified in Schedule 2.

(2) The allowance in respect of a child of a soldier shall be granted or continued up to the age of fourteen years in the case of a male child, and up to the age of sixteen years or previous marriage in the case of a female child:

Provided that –

(a) in the case of any child who is incapable owing to mental or physical infirmity of earning a livelihood, and who suffered from such infirmity before attaining the age of fourteen years, the allowance shall be granted or further continued while these conditions apply;

(b) in the case of any child, who is an apprentice or articled clerk or otherwise undergoing training and receiving nominal wages only, or who is being educated at a primary or secondary school, technical institute, university or other institution the allowances may be granted or further continued while these conditions apply.

(3) A soldier who has no wife shall receive, in respect of any wholly dependent parent or parents, one composite allowance at the appropriate rate indicated in Schedule 2 as for one wife and if such soldier has no child, he shall (subject to the provisions of sub regulation (2)) receive in respect of any wholly dependent brother or sister, an allowance at the rate indicated in Schedule 3 as for a child.

(4) A soldier who has been awarded an allowance in respect of a child in terms of this regulation shall in addition be entitled to an educational grant not exceeding the rates specified in Schedule 3, to meet any tuition fees payable in respect of such child while attending any school, college, technical institute or university.

Supplemen-  
tary pension

**10. (1)** If the sum of the disablement pension awarded to a soldier and his post-disablement earning capacity is less than his potential pre-disablement earning capacity, there shall be paid to him a supplementary pension equal to the difference:

Provided that --

- (a) a supplementary pension shall not at any time be payable –
  - (i) at a rate which, together with the soldier's disablement pension and his post-disablement earning capacity, exceeds eighty-nine rand per month; or
  - (ii) at a rate which, together with his disablement pension, his post-disablement earning capacity and all allowances under these Regulations (excluding attendant's allowance) exceeds one hundred and eighteen rand per month;
- (b) in the case of a soldier who has no post-disablement earning capacity the minimum supplementary pension shall be sixty per cent of his disablement pension;
- (c) a soldier shall be deemed to be without post-disablement earning capacity, if his pensionable disability is one of the following:
  - (i) total blindness;
  - (ii) loss of both hands;
  - (iii) loss of both feet;
  - (iv) facial disfigurement rendering contact with the public impossible or undesirable; or
  - (v) a disease or injury as a result of which he is permanently bed-ridden or which has unusually serious consequences having regard to the soldier's age, sex and pre-enlistment occupation;
- (d) in the case of a soldier whose pensionable disability is assessed at eighty per cent or more, his post-disablement earning capacity shall be reduced by an amount of eight rand and fifty cents per month.

(2) The provisions of sub regulation (1) shall apply *mutatis mutandis* to a soldier who has been awarded a gratuity in terms of regulation 8 (2) on the basis that one sixtieth of such gratuity shall be deemed to be the monthly disablement pension awarded.

(3) For the purpose of calculating any supplementary pension payable in terms of these Regulations in respect of any period commencing on or after the first day of October, 1965, the soldier's potential pre-disablement earning capacity as determined prior to that date may be increased by such amount as the Minister may determine.

(4) For the purpose of calculating any supplementary pension payable in terms of these Regulations in respect of any period commencing on or after the first day of October, 1966, the soldier's potential pre-disablement earning capacity, as increased in terms of sub regulation (3) or as determined on or after the first day of October, 1965, but prior to the first day of October, 1966, may be increased by an amount equal to two and one half per cent of such earning capacity.

**11.** (1) A temporary pension and allowances, if any, or a gratuity, shall be subject to reduction at the discretion of the Board by an amount not exceeding fifty per cent in the event of the pensioner refusing to undergo such medical or other treatment, in an institution or otherwise, as the Board may direct. Penalty for refusal of treatment

(2) Where a permanent disablement pension has been awarded no reduction in such pension shall be made by reason of a subsequent refusal by the pensioner of medical or other treatment, but the amount of any increase in pension payable by reason of deterioration of the pensionable condition shall be subject to the penalty mentioned in sub regulation (1).

(3) (a) Where a penalty is imposed under the provisions of this regulation and the pensioner is dissatisfied, he may claim an independent medical examination by a board of private practitioners to decide whether the refusal of medical or other treatment is reasonable.

(b) The members of such board, one of whom may be nominated by the pensioner, shall be appointed by the Minister from a panel approved by him.

(4) When a soldier is, owing to his misconduct, dismissed from an institution in which he was undergoing any authorized medical or other treatment, his pension or allowances, if any, shall be subject to reduction at the discretion of the Board by an amount not exceeding fifty per cent.

**12.** (1) (a) A disablement pension shall in the first instance be awarded temporarily unless the disablement has in the opinion of the Board reached its final condition. Review of pensions

(b) Such disablement pension shall be subject to review from time to time until a permanent assessment can be made or the grant ceases, but if such disablement pension has been drawn for an unbroken period of five years the Board shall make a permanent assessment on the degree of disablement then existing:

Provided that when a soldier on the authority of the Board is undergoing treatment in an institution at the time when the five-year period expires, a permanent assessment shall be made on a degree of disablement of not less than that obtaining at the time of the pensioner's admission to the institution.

(2) When a permanent pension has been granted, it shall not be subject to review except –

- (a) when the soldier in receipt of a disablement pension claims that there has been a substantial increase in the extent of the disablement, due to the original cause; or
- (b) when the Minister orders the review on the ground that the whole or part of a pension has been granted in error, or that there is reason to believe that a pension has been obtained by improper means.

(3) Any increase in a permanent disablement pension on review under sub regulation (2) (a) shall be regarded as permanent if paid for an unbroken period of two years calculated from the date of effectiveness of such increase.

Attendant's allowance

**13.** If a soldier's pensionable disablement has been assessed at eighty per cent or more, and if in the opinion of the Board his disablement is such that he requires the regular attendance of another person, he shall be awarded an attendant's allowance at the rate indicated in Schedule 4:

Provided that –

- (a) a soldier, whose pensionable disability is total blindness or loss of both hands or feet, or who owing to his pensionable disability is permanently bedridden, shall be deemed to require the regular attendance of another person;
- (b) save in the discretion of the Board, no attendant's allowance shall be paid in respect of any period during which the soldier receives treatment for his pensionable disability in an institution.

Clothing grant

**14.** If a soldier is in receipt of a disablement pension in respect of a disability, which requires him regularly to wear an artificial limb or regularly to use crutches (or any other appliance which, in the opinion of the Board, causes excessive wear and tear of the soldier's clothing), he shall be entitled to a clothing grant at the appropriate rate specified hereunder:

One artificial limb, crutch or crutches or other appliance	More than one artificial limb, or one artificial limb with crutch or crutches or with other appliance
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R3,00 per month

R4,00 per month

Pensions to widows and allowances in respect of children of deceased soldiers

**15.** (1) The widow of a soldier who dies as a result of a pensionable disability (whether or not such disability is due to the soldier's own serious misconduct) shall be awarded a pension at the rate specified in Schedule 6:

Provided that where a soldier leaves more than one widow the Board may in its discretion award each widow a pension at a lower rate than is provided for in the said Schedule.

(2) Subject to the conditions laid down in regulation 9 (3) an allowance at the rate specified in Schedule 6 shall be awarded in respect of ~~each~~ each dependent child of a soldier who died in the circumstances described in subsection (1).

(3) In addition to the allowance payable in respect of any child in terms of sub regulation (2), an education grant not exceeding in any one year the appropriate rate indicated in Schedule 6 may be awarded to meet any tuition fees payable in respect of such child while attending any school, college, technical institute or university.

(4) An allowance payable in respect of a child in terms of sub regulation (2) may in the discretion of the Board be increased to an amount not exceeding double the rates specified in Schedule 6, provided the mother of the child is not entitled to a pension, or the child is motherless, or is removed from the control of its mother.

**16.** (1) If the widow of a soldier, whose potential pre-disablement earning capacity is more than double the pension payable to her in terms of Schedule 6, is not maintaining a child in respect of whom an allowance is payable in terms of regulation 15 (2), she shall be awarded a supplementary pension equal to one-half of such excess:

Supplementary pension to widow

Provided that the sum of her pension and supplementary pension shall not exceed fifty-seven rand per month.

(2) If a widow who is entitled to a pension in terms of regulation 15 (1), is maintaining any child in respect of whom an allowance is payable in terms of sub regulation (2), and the potential pre-disablement earning capacity of her husband was more than one and one-half times the aggregate of her pension and allowances in respect of any children maintained by her, she shall be awarded a supplementary pension equal to two-thirds of such excess:

Provided that –

- (a) in no case shall such widow be paid by way of pension, children's allowances and supplementary pension an amount exceeding one hundred and five rand per month;
- (b) the Board may in its discretion reduce the supplementary pension payable to a widow, if any child in respect of whom an allowance is payable in terms of regulation 15 (2) is not maintained by her.

**17.** (1) Any pension or supplementary pension granted to the widow of a soldier shall cease on her remarriage, and she shall then be awarded a gratuity of fifty rand.

Remarriage of widow

(2) Where the widow of a deceased soldier has applied for a pension in respect of the death of her husband but has remarried before her application has been decided by the Board, she shall be granted any benefits which, but for her remarriage, would have been payable with effect up to the date of such remarriage:

Provided that if by virtue of regulation 24 (1) no pension is payable prior to the date of remarriage, she shall be granted the appropriate gratuity specified in Schedule 6 in addition to the gratuity mentioned in sub regulation (1).

Pension to widow of a pensioner who dies of a non-pensionable disability

**18.** (1) If a soldier, who is in receipt of or is entitled to a disablement pension in respect of a pensionable disablement assessed at not less than forty per cent, dies of a disability not caused or aggravated by his military service, the following benefits shall accrue:

- (a) a widow of such soldier shall be awarded a pension not exceeding one-half of the sum total of the disablement pension, supplementary pension (if any) and allowance in respect of a wife, that he was receiving or was entitled to at the time of his death nor exceeding the appropriate rate specified in the first column of Schedule 6;
- (b) subject to the provisions of regulation 9 (2), an allowance at the rate specified in Schedule 3 as corresponding to the soldier's degree of pensionable disablement at the time of his death, shall be paid in respect of any child of the soldier;
- (c) there shall be paid in respect of a child in respect of whom an allowance is being paid in terms of paragraph (b) an educational grant at a rate not exceeding the rate specified in Schedule 3, which corresponds to the soldier's degree of pensionable disablement at the time of his death, to meet any tuition fees payable in respect of such child while attending any school, college, technical institute or university.

(2) If a soldier who was in receipt of or entitled to a disablement pension in respect of a disablement assessed at not less than forty per cent, died prior to the first day of October, 1968, of a disability not caused or aggravated by his military service, any pension which in terms of sub regulation (1) becomes payable to a widow of the soldier with effect from the first day of October, 1968, or a later date may be increased to an amount not exceeding -

- (a) one-half of the sum total of the disablement pension, supplementary pension (if any) and allowance for wife, which would have been payable to the soldier in terms of these Regulations had he been alive on the first day of October, 1968, and had he on that day been in receipt of an allowance for wife; or

(b) the appropriate rate specified in the first column of Schedule 6, whichever is the lesser amount.

(3) If on or after the first day of October, 1968, the disablement pensions, supplementary pensions, or allowances in respect of wives, which are payable to soldiers in terms of these Regulations are, by reason of an amendment to these Regulations, increased, the amount of any pension payable to the widow of a soldier by virtue of the provisions of sub regulation (1) (a), or (2) (a) may be increased by an amount equal to one-half of the increase:

Provided that the increased pension payable to the widow shall not exceed the appropriate rate specified in the first column of Schedule 6.

**19.** (1) If the parents of a soldier whose death occurred in the circumstances described in regulation 15 were dependent upon such soldier for their maintenance, or if their financial circumstances are or become such that it could reasonably be expected that the soldier would have contributed towards their support had he survived, they shall be entitled to a pension equivalent to the amount which, in the opinion of the Board, the soldier would have so contributed:

Pensions to  
parents

Provided that such pension shall not exceed the appropriate rate specified in Schedule 7.

(2) Where a pension has been awarded under sub regulation (1) jointly to two parents, such pension may subsequently on the death of one parent, as from the day following the date of death of such parent, be transferred to the surviving parent at the same rate or at such higher or lower rate as the Board may determine.

(3) A pension awarded under this regulation may be reviewed from time to time, if deemed necessary by the Board.

**20.** Any pension granted to a woman under regulation 19, shall cease on her marriage or remarriage, and she shall then be awarded a gratuity not exceeding six times the monthly amount of such allowance or pension.

Remarriage  
gratuities to  
parents

**21.** (1) No benefits shall be awarded under these Regulations unless application is made therefor to the Secretary, but an application by or on behalf of a soldier for compensation in respect of disablement, or an application by or on behalf of the widow, children or parents of a deceased soldier for a benefit in respect of the death of such soldier, shall be deemed to be an application for all the benefits (other than a benefit under regulation 9 or regulation 15 (2) or (3)) to which the applicant may be entitled or may become entitled under the provisions of these Regulations including any benefit for which provision is made at a date subsequent to the date of the application.

Application  
for benefits  
and  
Investigation  
of claim

(2) Application may be made for compensation by or in respect of a soldier.

(3) It shall be the duty of the Secretary, or any person duly authorized by him, to arrange for the due and proper investigation of any application in terms of sub regulation (1) and to place all relevant evidence before the Board to which the application is referred.

(4) In considering any application for a benefit under these Regulations the applicant shall be given the benefit of any reasonable doubt as to the existence of any fact, matter, cause or circumstance.

Awards not  
assignable or  
executable

**22.** No award payable under these Regulations shall be capable of being assigned, transferred or hypothecated by the beneficiary, nor shall it be attached or subjected to any form of execution under judgment or order of any court, nor shall it pass under any order made for the sequestration of the estate of the beneficiary.

Control of  
payments of  
benefits

**23.** (1) Any benefit payable to or on behalf of any soldier under these Regulations may, in the discretion of the Secretary and for reasons deemed by him to be sufficient, be –

- (a) paid to the soldier or to or on behalf of persons dependant for maintenance on such soldier, or in instalments, or in such other manner as the Secretary may direct;
- (b) invested or applied from time to time as the Secretary may deem to the advantage of the soldier, or those dependent on him for maintenance;
- (c) paid to a Master of the Supreme Court, a trustee or other person to be used subject to such conditions as may be imposed by the Secretary;
- (d) paid to any hospital or institution in which such soldier is;
- (e) applied partly in one and partly in another of the methods mentioned in paragraphs (a), (b), (c) and (d) as the Secretary may determine.

(2) On the death of a soldier the unpaid balance of any accrued benefit shall be paid to such dependants as the Secretary may determine, and shall not form part of the estate of the deceased soldier:

Provided that where no dependants exist the Secretary may, in his discretion, pay such balance or part thereof to any creditor of the estate of the deceased soldier.

(3) The provisions of subregulations (1) and (2) may be applied, *mutatis mutandis*, in connection with any benefit payable to a widow, parent or other dependant of a deceased soldier.

**24.** (1) If a widow, child, parent or dependant of a deceased soldier has applied for a pension in respect of the death of such soldier within six months of the date of notification to the next-of-kin of the soldier's death, the date of taking effect of any benefit awarded shall be the first day of the month in which the death of the soldier occurred. Date from which benefits take effect

(2) If application has not been made within the period mentioned in sub regulation (1), any benefit granted shall take effect from the first day of the month in which the application was made:

Provided that in the case of an application under sub regulation (1) the Board may in its discretion make an award from an earlier date, but not prior to the date on which the pensionable disability manifested itself, and not more than six months before the date of such application.

(3) Whenever an application for a benefit under these Regulations has been rejected and is not renewed within six months of the date of notification of such rejection, any renewal of the application shall for the purposes of this section be deemed to be a fresh application.

(4) If an applicant for a benefit under these Regulations fails or refuses to comply within six months with a request by the Secretary to submit himself to medical examination, or to furnish any information within his knowledge which is required for the purpose of investigating his claim, his application shall be deemed to have been abandoned, and any renewal of such application shall for the purposes of this section be deemed to be a fresh application, unless he satisfies the Board that such failure or refusal was due to circumstances beyond his control.

(5) For the purpose of determining the date of taking effect of any increase in the rate of any allowance payable in terms of regulations 9, 15 or 18 in respect of any child, such child shall be deemed to have attained any particular age on the first day of the month in which he in fact attained that age.

(6) Notwithstanding anything to the contrary in these Regulations, any benefit payable may be granted from the first day of the month in which the beneficiary qualifies for such benefit, and may be continued up to and including the last day of the month in which the beneficiary dies or ceases to be entitled to such benefit.

**SCHEDULE 1**  
**SCALES OF DISABLEMENT ASSESSMENTS IN RESPECT**  
**OF SPECIFIC DISABILITIES**

Item	Specific Injury or Disability	Percentage of Disablement
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**UPPER LIMBS**

Notes:

(a) Stump measurements shall be taken as follows:

- (i) Upper arm: With stump hanging down by the side, measure in a straight line from tip of acromion to the end of the bone which is palpable beneath the skin or scar tissue
- (ii) Forearm: With stump flexed to a right angle, measure in a straight line from tip of olecranon to the end of the bone which is palpable beneath the skin or scar tissue

(b) In the case of soldiers who are certified to be left-handed the assessments shown below for right and left arms, respectively, shall be transposed

1.	Loss of both hands or of all fingers and both thumbs	100	
		Right arm	Left arm
2.	Amputation of arm at shoulder joint . . . . .	90	80
3.	Amputation of arm with stump less than 8 inches from tip of acromion . . . . .	80	70
4.	Amputation of arm anywhere between a point 8 inches from tip of acromion and a point less than 4½ inches distal to tip of olecranon . . . . .	70	60
5.	Amputation of arm at point 4½ inches or more distal to tip of olecranon, or loss of all fingers and thumb of one hand . . . . .	60	50
6.	Loss of all phalanges of thumb or four fingers of one hand . . . . .	40	30
7.	Loss of all phalanges of three fingers . . . . .	30	20
8.	Loss of all phalanges of two fingers . . . . .	20	20

## LOWER LIMBS

Notes:

(a) Stump measurements shall be taken as follows:

(i) Above knees: Measure from tip of great trochanter in a straight line over outer aspect of stump to end of bone which is palpable beneath the skin or scar tissue.

(ii) Below knee: With knee flexed measure from anterior edge of upper articular surface of the tibia in a straight line over inner aspect of stump to the end of the tibia (not the fibular) which is palpable beneath the skin or scar tissue.

(b) In order to determine middle thigh level in unilateral thigh amputations, the length of the sound femur shall be the criterion.

9.	Loss of both feet . . . . .	100
10.	Amputation at hip or below hip with stump not exceeding 5 inches measured from tip of great trochanter . . . . .	80
11.	Amputation below hip with stump exceeding 5 inches measured from tip of great trochanter but not beyond middle thigh . . . . .	70
12.	Amputation anywhere between middle thigh and 4 inches below knee . . . . .	60
13.	Amputation of leg with stump exceeding 4 inches below knee . . . . .	50
14.	Modified Syme amputation . . . . .	40
15.	Loss of all toes of both feet proximal to the proximal interphalangeal joint . . . . .	30
16.	Loss of all toes of one foot proximal to the proximal interphalangeal joint or loss of all toes of both feet distal to the proximal interphalangeal joint . . . . .	20

### DEFECTIVE VISION

17.	Total loss of sight . . . . .	100
18.	Loss of one eye . . . . .	50
19.	Total loss of vision in one eye . . . . .	40

N.B. - In cases of partial loss of vision the visual acuity shall be determined after correction with glasses.

**DEFECTIVE HEARING**

20. Total deafness . . . . .	100
21. Total deafness in one ear . . . . .	20

**FACIAL DISFIGUREMENT**

22. Very severe facial disfigurement rendering soldier incapable of mixing with the public . . . . .	100
23. Severe facial disfigurement rendering employment in contact with the public impossible . . . . .	80

**OTHER DISABILITIES**

24. Wounds, injuries or diseases resulting in the soldier being permanently bedridden or totally disabled	100
25. Total loss of speech . . . . .	80
26. Loss of testicles . . . . .	70
27. Loss of a kidney . . . . .	30
28. Loss of one testicle . . . . .	20

**COMBINATION OF CERTAIN DISABILITIES**

29. Loss of any two limbs . . . . .	100
30. Loss of an arm and an eye . . . . .	100
31. Loss of a leg and an eye . . . . .	100
32. Loss of a hand and a foot . . . . .	100

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**Notes:**

- (a) The assessment of the degree of disablement in respect of disabilities not specified in this Schedule shall be on the basis of physical or mental incapacitation only and shall be made by comparison with a normally healthy person of the same age and sex, without regard to loss of earning capacity in any particular occupation.
- (b) No combination of disabilities shall be deemed to exceed 100 per cent disablement.

SCHEDULE 2  
DISABLEMENT PENSIONS AND ALLOWANCES FOR WIVES

Percentage of Disablement	Disablement Pension		Allowance for wife	
	Per Month		Per Month	
	R	c	R	c
100	15	19	3	71
90	13	67	3	34
80	12	15	2	97
70	10	63	2	60
60	9	11	2	23
50	7	60	1	86
40	6	08	1	48
30	4	56	1	12
20	3	04		75

SCHEDULE 3  
Allowance and Educational Grants in Respect of the Children of a  
Disabled Soldier

Percentage of soldier's pensionable disablement	Children's Allowances			
	Each child	Educa- tional grants		
	per month	Not ex- ceeding per annum		
	R	c	R	c
100	3	26	27	00
90	2	94	24	30
80	2	61	21	60
70	2	28	18	90
60	1	96	16	20
50	1	63	13	50
40	1	30	10	80
30		98	8	10
20		65	5	40

**SCHEDULE 4**  
**Attendants' Allowances**  
per month

R  
6

**SCHEDULE 5**  
**Gratuities Payable in Full and Final Settlement for**  
**Disablement Assessed at Less Than Twenty Per Cent**  
**Disablement**

10%	Nominal (i.e. nearer 1% than 10%)
R c 120 00	R c 60 00

**SCHEDULE 6**  
**Benefits Payable to the Widows and in Respect of the**  
**Children of Deceased Soldiers**

Pension payable to widow	Allowances payable in respect of each child	Educational grant in respect of each child
per month	per month	Not exceeding per annum
R c 12 15	R c 3 26	R c 27 00

**SCHEDULE 7**  
**Pensions to Parents and to Dependants (Other than**  
**Widows, Children or Parents) of Deceased Soldiers**

Pension to surviving parents (whether one or two) in respect of the loss of –		Pension to dependants (other than widows, child or parent)
One child	An only child or two or more children	
Not exceeding per month	Not exceeding per month	Not exceeding per month
R c	R c	R c
4 57	6 85	4 57

Made the 18th day of December, 1972.

**H.C.L. HERMANS,**  
*Permanent Secretary,*  
*Ministry of Finance and Development Planning.*

L2/7/195