

Statutory Instrument No. 40 of 1974

PENSIONS (CONSOLIDATION) LAW, 1965  
(17 of 1965)

**PENSIONS (AMENDMENT) REGULATIONS, 1974**

(Published on the 5th April, 1974)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Replacement of regulations 4 and 5
3. Amendment of regulation 6
4. Amendment of regulation 13
5. Amendment of regulation 15
6. Replacement of regulation 22
7. Amendment of regulation 23 (3)
8. Addition of new regulation 23A
9. Miscellaneous amendments

IN EXERCISE of the powers conferred by section 4 of the Pensions (Consolidation) Law, 1965, His Excellency the President of Botswana hereby makes the following Regulations —

1. These Regulations may be cited as the Pensions (Amendment) Regulations, 1974.

2. The Pensions Regulations, 1965, hereinafter referred to as the principal Regulations, are amended by substituting for regulations 4 and 5 thereof the following new regulations —

"Pensions,  
to whom,  
and at what  
rates to be  
granted

4. (1) Subject to the provisions of the Law and these Regulations, every public officer to whom this regulation applies may be granted a pension on his retirement —

(a) on or after attaining the age at which he is permitted or required to retire under the provisions of the Constitution or the Public Service Act, 1973; or

(b) on medical grounds in accordance with the provisions of section 16 of the Public Service Act, 1973.

(2) Subject to the provisions of the Law and these Regulations, a public officer to whom this regulation applies means a public officer in a pensionable office under the Government of Botswana who has been in the public service of the Government of Botswana for ten years or more.

(3) A pension payable under this regulation shall be at the rate of —

(a) one six-hundredth of his pensionable emoluments in respect of each completed month of pensionable service,

Replacement  
of regulations  
4 and 5  
17 of 1965  
Second  
Schedule

in the case of a public officer who was in the public service of the Government of Botswana before the 1st October, 1970; and

- (b) one seven hundred and twentieth of his pensionable emoluments in respect of each completed month of pensionable service, in the case of a public officer who enters the public service of the Government of Botswana on or after the 1st October, 1970.

Gratuities  
in certain  
circumstances

5. (1 Subject to the provisions of the Law and these Regulations, every public officer who would otherwise qualify for a pension in accordance with the provisions of regulation 4, but who has not completed the ten year qualifying period referred to in regulation 4 (2), may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, had there been no qualifying period, might have been granted to him under regulation 4.

(2) Subject to the provisions of the Law and these Regulations, a Constable in the Police Force or a Warder in the Prison Service who has been permitted or required to retire after serving a minimum of twenty years' continuous service in the Police Force or the Prison Service, or in both such Force and such Service, may, if he does not otherwise qualify for a pension under regulation 4, be granted a gratuity in accordance with the rate specified in subregulation (1)

(3) Where a public officer who is compulsorily retired as a result of disciplinary proceedings being taken against him has served a minimum of twenty years' continuous service in the public service, but does not qualify for a pension under regulation 4 because he has not reached the age of forty five years at the time of his retirement, he may be granted a gratuity not exceeding five times the annual amount of the pension which might have been granted to him under regulation 4 had there been no age qualification."

Amendment  
of regulation  
6

3. Regulation 6 of the principal Regulations is amended by deleting the words "or is required to retire" which occur in line 2 thereof.

Amendment  
of regulation  
13

4. Regulation 13 of the principal Regulations is amended by deleting the words "or is required to retire" which occur in lines 1 and 2 thereof.

Amendment  
of regulation  
15

5. Regulation 15 of the principal Regulation is amended —

(a) in subregulation (1) by deleting the first proviso thereto and by deleting the word "also" which occurs in the second proviso thereto; and

(b) in subregulation (2) by deleting paragraph (a) thereof, and substituting for the words ", abolition of office, or reorganisation designed to effect greater efficiency or economy" which occur in paragraph (b) thereof the words "or abolition of office".

**6.** The principal Regulations are amended by substituting for regulation 22 thereof the following new regulation —

Replacement  
of regulation  
22

**22.** Where an officer holding a pensionable office retires from the public service in consequence of the abolition of his office, he may —

“Abolition  
of office

- (a) in lieu of any gratuity that he may or may not be entitled to, be granted a pension in accordance with the provisions of regulation 4, 9, 10 or 11, as the case may be, notwithstanding that he would not otherwise qualify for such pension by reason of age or length of service;
- (b) if he retires from the public service under the Government of Botswana, be granted an additional pension at the annual rate of one one hundred and eightieth of his pensionable emoluments for each complete year of his pensionable service:

Provided that —

- (i) the addition shall not exceed thirty one hundred and eightieths; and
- (ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement, and retired on reaching the age at which he would have been compelled to retire under the provisions of the Constitution or the Public Service Act, 1973, as the case may be, having received all increments for which he would have been eligible by that date.”

**7.** Regulation 23 (3) of the principal Regulations is amended by substituting for paragraph (a) thereof the following new paragraph —

Amendment  
of regulation  
23 (3)

“(a) if his retirement is necessitated or materially accelerated by his injury, be granted, in lieu of any gratuity that he may or may not be entitled to, a pension in accordance with the provisions of regulation 4, 9, 10 or 11, as the case may be, notwithstanding that he would not otherwise qualify for such pension by reason of age or length of service;”.

**8.** The principal Regulations are amended by inserting immediately after regulation 23 thereof the following new regulation —

Addition of  
new regula-  
tion 23A

“Officers  
retired on  
medical  
grounds

**23A.** Where a public officer holding a pensionable office in which he has been confirmed is permitted or required to retire from the public service on medical grounds under section 16 of the Public Service Act, 1973, in circumstances in which regulation 23 does not apply, he may be granted —

- (a) if he has been in the public service for ten years or more, a pension in accordance with the provisions of regulation 4, 9, 10 or 11 of these Regulations, notwithstanding that he does not otherwise qualify for a pension under those regulations; or
- (b) if he has been in the public service for less than ten years, a gratuity in accordance with the provisions of regulation 5 or 12 of these Regulations, notwithstanding that he does not otherwise qualify for a gratuity under those regulations.”.

Miscellaneous  
amendments

**9. The principal Regulations are amended —**

- (a) in regulations 3, 6, 16 and 19 (c) (i) by substituting for the word “President” wherever it occurs the words “Director of Personnel” in each case; and
- (b) in regulations 15 (2) (c), 18 (1) (c) (ii), 18 (2), 23 (3) (b), 23 (8), 23 (9) (a), 24 (2), 24 (3) and 25 (3) by substituting for the word “President” wherever it occurs the word “Minister” in each case.

Dated this 28th day of March, 1974.

P.L. STEENKAMP,  
*Administrative Secretary.*

L2/7/77