

*Statutory Instrument No. 144 of 1980*

**BOTSWANA DEFENCE FORCE ACT, 1977**  
(13 of 1977)

**DEFENCE FORCE (REGULAR FORCE) (OTHER RANKS)**  
**(AMENDMENT) (NO. 2) REGULATIONS, 1980**

*(Published 19th December, 1980)*

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Citation and commencement
2. Amendment of regulation 38 of S.I. 72 of 1977
3. Amendment of regulation 42 of principal Regulations

IN EXERCISE of the powers conferred on His Excellency the President by section 177 of the Botswana Defence Force Act, 1977, the following Regulations are hereby made —

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| Citation  | 1. These Regulations may be cited as the Defence Force (Regular Force) (Other Ranks) (Amendment) (No. 2) Regulations, 1980.   |
| Amendment of regulation 38 of S.I. 72 of 1977       | 2. Regulation 38 of the Defence Force (Regular Force) (Other Ranks) Regulations, 1977 (hereinafter referred to as "the principal Regulations"), is hereby amended by adding thereto, immediately after subregulation (6) thereof, the following new subregulations —<br>" (7) Where, in consequence of personal injury suffered by a disabled member, compensation is payable under any law for the time being in force providing for the payment of workmen's compensation, the Defence Council may reduce or withhold any pension payable in accordance with this regulation in such manner and to such extent as it considers reasonable.<br>(8) Where the Defence Council is satisfied that damages have been or will be recovered in respect of personal injury for which a pension is payable in accordance with this regulation, the Council may take those damages into account against such pension in such manner and to such extent as it thinks fit and may reduce or withhold the pension accordingly.<br>(9) For the purposes of subregulation (8) damages shall be deemed to be recovered whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of the relevant claim and whether proceedings are or are not instituted to enforce that claim." |
| Amendment of regulation 42 of principal Regulations | 3. Regulation 42 of the principal Regulations is hereby amended by adding thereto, immediately after subregulation (7) thereof, the following new subregulations —<br>" (8) Where, in respect of the death of a member, compensation is payable under any law for the time being in force providing for the payment of workmen's compensation, the Defence Council may reduce or withhold any pension payable in accordance with this regulation in such manner and to such extent as it considers reasonable.<br>(9) Where the Defence Council is satisfied that damages have been or will be recovered in respect of death for which a pension is payable   |

in accordance with this regulation, the Council may take those damages into account against such pension in such manner and to such extent as it thinks fit and may reduce or withhold the pension accordingly.

(10) For the purposes of subregulation (9) damages shall be deemed to be recovered whether they are paid in pursuance of a judgment or order of a court or by way of settlement of the relevant claim and whether proceedings are or are not instituted to enforce that claim.”.

MADE this 19th day of December, 1980.

Q.K.J. MASIRE,  
*President.*

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