

BOTSWANA DEFENCE FORCE ACT
(Act No. 21:05)

DEFENCE FORCE (REGULAR FORCE) (OFFICERS)
REGULATIONS, 1994
(Published on 11th November, 1994)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Insertion of new regulation 14
3. Replacement of regulation 15
4. Insertion of new regulation 18
5. Amendment of regulation 41
6. Replacement of regulation 42

IN EXERCISE of the powers conferred by section 15 of the Botswana Defence Force Act, the President of Botswana hereby makes the following Regulations —

1. These Regulations may be cited as the Defence Force (Regular Force) (Officers) Regulations, 1994. Citation

2. The Defence Force (Regular Force) (Officers) Regulations, hereby referred to as "the Regulations are amended by inserting immediately after regulation 13 thereof the following new regulation — Insertion of
new regulation
14

"Acting rank 14. (1) Any officer may be appointed to act in the rank next higher than his substantive rank, if there is a vacancy in the establishment of officers of that higher rank.

(2) An officer who does not otherwise qualify for promotion to the rank next higher than his substantive rank, may be appointed to act in that higher rank on probation pending confirmation of his substantive appointment to that rank.

(3) The appointment to an acting rank shall, subject to the provisions of subregulation (5), subsist for not less than 12 months, or more than 18 months, after which the officer shall, if he has not by then been confirmed in the appointment, revert to his substantive rank.

(4) Any period of time spent by an officer in an acting rank shall not affect the annual rate of pay applicable to his substantive rank, but he will be entitled to receive the acting allowance appropriate to the acting rank, as prescribed by these Regulations.

(5) An officer appointed to an acting rank may, at the discretion of the appointing authority, be required to revert to his substantive rank —

(a) if he is found to be deficient in the performance of his duties;

(b) if he is charged with and convicted by a court martial or by a civil court for any offence under the Botswana Defence Force Act, or any offence under the laws of Botswana; or

(c) if, after due investigation, he is in the opinion of the appointing authority guilty of any act prejudicial to military discipline or which is likely to bring disrepute to the Defence Force.

(6) For the purposes of disciplinary action an officer shall be dealt with in the manner appropriate to the rank in which he is acting.

(7) For the purposes of this regulation "appointing officer" in relation to officers of or above the rank of Lieutenant-Colonel means the President of Botswana, and in relation to officers of the rank of Major and below means the Commander."

Replacement of regulation 15

3. The Regulations are amended by substituting for regulation 15 thereof the following new regulation —

"Local rank

15. (1) The appointing officer as defined in regulation 14 may appoint any officer to a local rank higher than his substantive or his acting rank.

(2) An officer appointed to a local rank shall not be entitled to any increase in salary or any other financial benefit, and any such appointment will be made in the following circumstances and subject to the following conditions —

(a) when it is necessary to raise the status of an officer who by virtue of his appointment will be performing the duties of that local rank, and there is no vacancy in the establishment for officers of such rank;

(b) an officer appointed to a local rank shall relinquish such rank when he ceases to perform the duties of that rank, or may be required to relinquish it in the same circumstances and in the same manner as are referred to in regulation 14 (5).

(3) For disciplinary purposes, officers holding a local rank shall be dealt with in the manner appropriate to such rank."

Insertion of new regulation 18

3. The Regulations are amended by inserting immediately after regulation 17 thereof the following new regulation 18 —

Acting allowance

18. An officer who is appointed to act in a rank which is higher than his substantive rank shall, during the subsistence of such acting rank, be paid an acting allowance equal to the difference, if any, between the salary for his substantive rank and the minimum salary for the rank in which he is acting."

Amendment of regulation 41

4. Regulation 41 of the Regulations is amended —

(a) by substituting for subregulation (4) thereof the following new subregulation —

“(4) If an officer on leave outside Botswana requires medical or hospital treatment for himself or a dependant, and where satisfactory free medical treatment is not available in local government hospitals, the Commander may authorize him or his dependant to be provided, free of charge to him, with such medical or hospital treatment (including transport to a hospital) as the Commander considers necessary in the circumstances.”; and
(b) in subregulation (6) (a) (ii) thereof by substituting for the reference to “regulation 28” reference to “regulation 45”.

5. The Regulations are amended by substituting for regulation 42 thereof the following new regulation —

“Additional
medical service

42. (1) Without derogation from the provisions of regulation 41 the Commander may, on the advice of a medical officer, authorize the payment —

- (a) to an officer of the cost of any medical treatment incurred in Botswana by such officer or any of his dependants;
- (b) of the cost of any specialist advice or medical treatment not available in Botswana, incurred by such officer or any of his dependants.

(2) An officer or any of his dependants receiving medical treatment or advice outside Botswana in accordance with subregulation (1) shall be entitled to be paid reasonable transport expenses and the daily subsistence allowance referred to in regulation 46.

(3) For the avoidance of doubt, “medical advice” and “medical treatment” include surgical advice and surgical treatment respectively.

Replacement
of
regulation 42

MADE this 20th day of July, 1994.

Q.K.J. MASIRE,
President of Botswana.