

BOTSWANA DEFENCE FORCE ACT
(Cap 21:05)

DEFENCE FORCE (REGULAR FORCE)(OTHER RANKS)
(AMENDMENT) REGULATIONS, 1994
(Published on 11th November, 1994)

IN EXERCISE of the powers conferred by section 178 of the Botswana Defence Force Act, the President hereby makes the following Regulations —

1. These Regulations may be cited as the Defence Force (Regular Force) (Other Ranks) (Amendment) Regulations, 1994.

Citation

2. The Defence Force (Regular Force) (Other Ranks) Regulations are amended by substituting for regulation 8 thereof the following new regulation —

Replacement
of regulation
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Sub.leg

*Appointments
and promotions

8. (1) Subject to the provisions of the Act, the Commander may, —

(a) promote a member to, or appoint a member to act in, the rank in the Force next higher to his substantive rank, or to a higher class within the same rank, if there is a vacancy in the establishment of members of that rank or class;

(b) appoint a member to a local rank in the Force higher than his substantive or his acting rank.

(2) A member 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, if he has not been confirmed in the appointment, the member shall revert to his substantive rank.

(4) Any period of time spent by a member in an acting rank shall not affect the annual rate of pay applicable to his substantive rank, but he will be entitled to receive an acting allowance, being the difference between the rate of pay applicable to his substantive rank and the minimum of the rate applicable to the rank or class in which he is acting.

(5) A member appointed to an acting rank or to a local 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, the Commander is satisfied that the member is guilty of any act prejudicial to military discipline, or which is likely to bring disrepute to the Defence Force.

(6) A member appointed to an acting rank or to a local rank shall, for disciplinary purposes, be dealt with in the manner appropriate to the rank in which he is acting.

(7) An appointment to a local rank may be made when it is necessary to raise the status of a member who by virtue of his appointment will be performing the duties of that local rank, but where there is no establishment for members of such rank.

(8) Notwithstanding the provisions of regulation 11, a member appointed to a local rank shall not be entitled to any increase in pay or any other financial benefit.

(9) A member appointed to a local rank shall relinquish such rank when he ceases to perform the duties of that rank, or when he is required to relinquish it in accordance with the provisions of subregulation (5).

Replacement of
regulation 31

31. (1) A member shall, while stationed or on leave within Botswana and while outside Botswana on active service or other duty, be entitled to receive the following benefits free of charge in respect of himself and his dependants —

(a) attendance and treatment by a medical officer;

(b) such medical treatment by persons other than medical officers as is, before the commencement of such treatment, authorized by a medical officer.

(2) If, while a member is stationed or on leave within Botswana, or while outside Botswana is on active service or other duty, a medical officer authorizes the admission to a Government hospital of such member or of any of his dependants, such member shall not be required to pay any of the hospital bills which would normally be incurred during the period the member or any such dependant is kept at the hospital, and shall be entitled in addition to have himself or such dependant, as the case may be, transported to the hospital free of charge.

(3) If the Commander is satisfied that no medical officer was available to authorize —

(a) the medical treatment of a member or any dependant as referred to in subregulation (1) (b);

(b) the admission to a Government hospital of a member or any dependant as referred to in subregulation (2),

and that such treatment or admission was necessary in the circumstances, he may authorize such treatment or admission and thereupon the member shall be entitled to the benefits conferred by subregulation (1) or (2) as if the treatment or admission had been authorized by a medical officer.

(4) If a member 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, with such medical or hospital treatment (including transport to a hospital) as the Commander considers necessary in the circumstances.

(5) If, while a member is stationed or on leave within Botswana, or is outside Botswana on active service or other duty, it is necessary for him or any of his dependants to be admitted to a hospital and no Government hospital is available for the purpose, the Commander shall authorize the admission of such member or dependant to such other hospital or institution as may be named by him, and thereupon the member shall be entitled to have the amount of any hospital fees and the cost of transporting the patient to the hospital or other institution paid by the Government.

(6) If, while a member is stationed or on leave within Botswana, or is outside Botswana on active service or other duty, it is necessary for any dependant of such member to receive medical treatment which a medical officer certifies is not available at the place where such member is stationed, the member shall be granted a refund of the reasonable transport expenses incurred by him in respect of his dependant, not exceeding the amount of a return rail fare from the appropriate point of departure by rail nearest to the place where the member is stationed to the railway station nearest to the place where the medical treatment is available, and —

(a) if a medical officer certifies that the dependant is unfit to travel alone to the place where the medical treatment is available and such dependant is accompanied by the member or by an escort, the member or the escort, as the case may be, shall be —

(i) granted a refund of the transport expenses incurred by him, not exceeding the amount of a return rail fare from the appropriate point of departure by rail nearest to the place where the member is stationed to the railway station nearest to the place where the medical treatment is available;

(ii) paid a daily subsistence allowance at such rate equivalent to that paid to public officers on duty; or

(b) if the Commander certifies in the case of a dependant who is a child that it is necessary on medical grounds for the member and his wife to accompany such dependant to the place where the medical treatment is available, the member and his wife shall each be —

(i) granted a refund of the transport expenses referred to in paragraph (a) (i); and

(ii) paid the subsistence allowance referred to in paragraph (a) (ii).

(7) The reference to rail fare in this regulation, shall mean rail fare at such rate as the Defence Council may determine.

(8) Notwithstanding the previous provisions of this regulation, the Commander may, on the advice of a medical officer, authorize the payment to a member, of the cost of any medical treatment incurred within Botswana, or the cost of any specialist medical advice or medical treatment not available in Botswana, incurred by such member or any of his dependants.

(9) A member receiving medical treatment or advice outside Botswana in accordance with subregulation (8) shall be entitled to be paid the daily subsistence allowance paid to public officers on duty outside Botswana.

(10) For the avoidance of doubt, "medical advice" and "medical treatment" include surgical advice and surgical treatment respectively.

MADE this 20th day of July, 1994.

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