

POLICE ACT
(Cap. 21:01)

POLICE (SPECIAL CONSTABLES) REGULATIONS, 2004
(Published on 25th June, 2004)

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IN EXERCISE of the powers conferred on the Minister of Presidential Affairs and Public Administration by section 65 of the Police Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Police (Special Constables) Regulations, 2004. Citation
2. In these Regulations, unless the context otherwise requires — Interpretation
“Police Council” means the Police Council established in terms of section 62 of the Act;
“Service” means the Botswana Police Service;
“Service Standing Orders” means orders issued or approved by the Commissioner in terms of section 4(2) of the Act;
3. (1) The Commissioner may appoint fit and proper persons to be special constables. Appointment of special constables
(2) A person may be appointed as a special constable for a period not exceeding 6 months and shall be eligible for re-appointment.

(3) When appointing special constables, the Commissioner may give preference to persons who have previously served as members of the Police Service, or as members of the Botswana Defence Force or as special constables.

Age of special constable

4. No person shall be appointed as a special constable unless he is over the age of 18 years and under the age of 60 years.

Special constables not eligible for promotion

5. Special constables shall not be eligible for promotion.

Powers of special constable

6. A special constable shall exercise the powers and duties of a police officer as stated in Part IV of the Act only within an area which shall be specified by the Commissioner during such hours and on such days as the Commissioner may direct.

Declaration on attestation

7. (1) Every person shall, on appointment as a special constable, make and sign a special declaration before a senior officer in such form as may be prescribed.

(2) Every person shall, before making a declaration in terms of subregulation (1), answer truly any questions put to him as to his previous career and employment and as to whether he has at any time been convicted of any offence punishable by the laws of Botswana or by the laws of any other country.

(3) Any person who makes a false statement in reply to any question put to him under subregulation (2) to obtain or to attempt to admission to the Service shall be guilty of an offence liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months or to both.

(4) The Commissioner may dismiss any special constable who contravenes subregulation (2).

Remuneration

8. Special constables shall be paid at such rate as the Minister may determine from time to time.

Stoppage of pay

9. Where a special constable is surcharged under the Finance and Audit Act, the amount thereof may be recovered by stoppages from his or her pay.

Withholding pay

10. (1) A special constable shall not receive any pay in respect of any period during which he or she is absent without leave.

(2) Where a special constable is absent from duty through illness or injury and the Commissioner is satisfied that such illness or injury was occasioned or significantly aggravated by the special constable's own misconduct or negligence, the Commissioner may order that the special constable's pay shall be withheld, wholly or in part, in respect of the period during which he is so absent.

Deductions from pay

11. The Commissioner may authorize the deduction from the pay due to a special constable of —

(a) any liquidated amount which the special constable is liable to pay the Government or to any mess or institution of police officers within the Service; or

(b) any amount which the special constable has previously been paid in pay or allowances in excess of the amount due to him.

Identity cards

12. Special constables shall be issued with and at all times while on duty shall carry identity cards which identify them as special constables.

<p>13. (1) Special constables shall be provided with free basic uniform and equipment, which shall remain the property of the Government.</p>	<p>Uniform and equipment</p>
<p>(2) At the end of a special constable's period of appointment, he or she shall deliver up to the person appointed by the Commissioner for the purpose, or to the officer in charge of police where he or she was deployed, all uniform and other equipment.</p>	
<p>(3) Special constables shall wear uniform at all times while on duty.</p>	
<p>14. The Commissioner shall indicate to a newly appointed special constable the place, date and time for him or her to report for duty.</p>	<p>Place, date and time for special constable to report for duty</p>
<p>15. Any offence committed by a special constable in regard to which proceedings are not instituted in a criminal court may be dealt with in accordance with Part V and Part VI of the Act with right of appeal to the Police Council in the same manner <i>mutatis mutandis</i> as a member of the Service.</p>	<p>Discipline</p>
<p>16. An appeal shall lie to the Police Council and shall be dealt with under Part 6 of the Act in like manner as an appeal by a constable in the Service.</p>	<p>Appeals</p>
<p>17. (1) Leave for special constables shall be classified as follows – (a) vacation leave (b) sick leave (c) compassionate leave; or (d) leave without pay.</p>	<p>Classification of leave</p>
<p>(2) No special constable shall be absent during his or her hours of duty.</p>	
<p>18. (1) Commencing on the date on which a special constable makes and signs the declaration prescribed in regulation 7, vacation leave shall accrue to him or her at such monthly rate as the Commissioner may direct.</p>	<p>Accrual of vacation leave</p>
<p>19. (1) Where a formation, unit or station commander in the Service is satisfied that a special constable under his or her command is unable to work because of illness or injury, the commander may, if a Government medical officer or some other acceptable medical practitioner is not readily accessible to him or her, permit the special constable to be absent from duty, so long as he or she remains at his duty station, for any period not exceeding 48 hours and such absence shall be deemed, to be sick leave.</p>	<p>Sick leave</p>
<p>(2) Where a special constable is absent from duty in terms of subregulation (1), his or her formation, unit or station commander, as the case may be, may if a Government medical officer or some other medical practitioner is not readily accessible, extent the period of absence from duty, so long as the special constable remains at his or her duty station, to a maximum of seven days and absence from duty for such extended period shall be deemed, for the purposes of this Part, to be sick leave.</p>	
<p>(3) No special constable shall be absent from duty on the ground that he or she is unable to work because of illness or injury, except in terms of subregulation (1) or (2), unless he or she has been granted sick leave by a medical practitioner who shall normally be a Government medical officer, and produces the certificate of the medical practitioner certifying the practitioner's opinion that the special constable is unable to work because of illness or injury.</p>	

(4) Sick leave granted in terms of subregulation (3) shall not permit the special constable in question to be absent from his or her duty station unless the certificate of the medical practitioner granting the sick leave expressly states that the necessary treatment, in the practitioner's opinion, requires such absence.

Compassionate
leave

20. (1) Where a special constable wishes to absent himself or herself from duty on compassionate grounds and —

- (a) no vacation leave has accrued to him or her; or
- (b) the vacation leave that has accrued to him or her is insufficient for the purpose for which he or she wishes to absent himself or herself from duty, the Commissioner may grant him or her compassionate leave with pay for such period as the Commissioner may determine.

(2) Where a special constable is granted compassionate leave he or she shall take any vacation leave due to him or her together with the compassionate leave which shall be offset by future earned leave.

(3) No compassionate leave shall be granted in excess of an aggregate of 5 days in one month.

Special
constable not
entitled to
accommoda-
tion

21. 20. (1) A special constable shall not be entitled to accommodation provided by Government.

MADE this 15th day of June, 2004.

D.K. KWELAGOBE,
*Minister for Presidential Affairs and
Public Administration.*

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