

# BECHUANALAND PROTECTORATE.

No. 42 of 1921.

[Promulgated 22nd July, 1921.]

## PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Police Pensions  
Proclamation, 1921.

Whereas certain rules and regulations concerning the granting of pensions and superannuation and other allowances to persons employed in the service of the Government of the Bechuanaland Protectorate, were established by Proclamation No. 26 of 1906;

And whereas it is expedient to make special rules and regulations with regard to the granting of pensions and allowances to European members of the Bechuanaland Protectorate police force;

Now therefore under and by virtue of the powers in me vested, I do hereby declare proclaim and make known as follows:—

1. European members of the Bechuanaland Protectorate police force (herein after referred to as "police officers") have no absolute right to any pension or allowance, and the Government retain the power to dismiss any police officer without compensation.

2. Any police officer who shall have served as such either before or after the date of this Proclamation may, on his retirement, receive a pension under this Proclamation; provided that he has held a pensionable office in the service of the Crown in the Bechuanaland Protectorate or elsewhere for not less than ten years.

3. No pension shall be granted to any police officer who shall be under fifty years of age, unless a medical board appointed by the Government shall report that such officer is incapable, from infirmity of mind or body, of discharging his duties as such and that such infirmity is likely to be permanent.

4. (1) Any police officer who has a claim to pension under section two of this Proclamation shall be required to retire on pension at the age of fifty.

(2) Any police officer transferred from the police force to the civil department of the service, and any member of the civil department transferred to the police force, shall be subject to the pension regulations governing that department of the service to which he belongs at the time of his retirement, in like manner as if the whole term of his service had been spent in that department.

5. The service of a police officer in the Bechuanaland Protectorate will, for the purposes of this Proclamation, ordinarily be reckoned from the date on which he commenced to draw salary from Protectorate funds in respect of his first permanent appointment;

Provided that no service shall be admitted as pensionable which was prior to the attainment of the age of eighteen years.

6. (1) Acting service in a pensionable office may when continuous with service in such an office be allowed to reckon as service for pension; provided that no other officer was earning pension for the same period in respect of the same office.

(2) Provisional or temporary service may subject to the approval of the Secretary of State be allowed to count for pension when such service shall have been immediately followed by a subsequent permanent appointment to a pensionable office.

7. The service in respect of which pensions will be granted must be unbroken except in cases where the service has been interrupted by circumstances not arising from misconduct or voluntary resignation, in which cases service prior to a break of service may, subject to the approval of the Secretary of State, be allowed to count for pension together with service subsequent to such break.

8. The pension which may be granted to any police officer under this Proclamation shall be calculated at the rate of one-fiftieth of his annual salary and emoluments to be determined as herein after provided, for each completed year of his service.

9. Where a police officer is retired on abolition of office a pension may be granted to him notwithstanding that he is not otherwise

qualified for pension under the foregoing sections of this Proclamation and in any such case an addition not exceeding ten years may, subject to the approval of the Secretary of State, be made to the period of service on which his pension is computed; provided always that the number of years to be added to the actual service shall not exceed that which if added to the age of the retiring police officer would bring that age up to fifty years.

10. (1) Where a police officer has been permanently injured
  - (a) in the actual discharge of his duty and
  - (b) without his own default and
  - (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, a pension may be granted to him notwithstanding that he has not served a sufficient period to qualify him ordinarily for such pension, and any pension granted to him under this Proclamation may be increased in proportion to the extent of his injury by the addition of an allowance not exceeding the proportion of his salary and emoluments hereunder indicated:—

- When his capacity to contribute to his support is
- slightly impaired: five-fiftieths of his annual salary and emoluments;
  - impaired: ten-fiftieths of his annual salary and emoluments;
  - materially impaired: fifteen-fiftieths of his annual salary and emoluments;
  - totally destroyed: twenty-fiftieths of his annual salary and emoluments;

provided that his pension as increased by such allowance shall in no case exceed forty-fiftieths of his annual salary and emoluments at the date of the injury.

(2) The allowance shall be less than the above-mentioned maximum by such amount as the High Commissioner, subject to the approval of the Secretary of State, shall think reasonable in cases where the injury is not the sole cause of retirement, i.e. where the retirement is caused partly by age or infirmity.

11. (1) For the purpose of calculating a pension the word "salary" shall include personal allowance and any fees paid out of the Treasury by way of salary; provided that the amount to be allowed for fees shall not exceed one-fourth of the actual salary of the office.

(2) The word "emoluments" shall include house allowance or the estimated value of free quarters, rations and fuel or any allowance of a permanent character given as an equivalent of salary, but shall exclude any temporary allowance such as acting or extra salary or bonus given as compensation for local disadvantages;

Provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth of the other emoluments of the police officer.

12. (1) If the police officer retiring has been in receipt of the same salary or in the class from which he retires for thirty-six months immediately preceding the date of his retirement, his pension will be calculated on the actual annual rate of salary and emoluments which he is drawing at the time of retirement.

(2) In other cases the pension will be calculated on the average annual amount of salary and emoluments for the thirty-six months next preceding the date of retirement, but if the whole period of service in the Bechuanaland Protectorate is less than three years then the retiring allowance will be calculated on the average for the whole period of service.

13. Pensions shall commence from date of retirement.

14. Every police officer to whom a pension shall have been granted before he shall have attained the age of fifty years shall, until he has attained that age, be liable to be called upon to fill any public office or situation under the Crown for which his previous experience in the opinion of the Secretary of State renders him eligible and the duties of which a medical board shall consider him physically fit to discharge; and if he shall decline to take upon himself such office or situation, or shall decline or neglect to execute the duties thereof, being in a competent state of health, he shall forfeit his right to the pension which had been granted to him.

15. If any police officer to whom a pension has been granted under this Proclamation or under any previous law or regulations is appointed to another office in the service of the Bechuanaland Protectorate or in any other public service, then during his tenure of such office so much only (if any) of his pension shall be paid to him as, together with any pension received by him in respect of other public service, and with the salary and fees of such office, makes up an amount not greater than the highest pensionable emoluments drawn by such officer at any time in the course of his service in the Bechuanaland Protectorate or other public service; provided that where the officer retired or was transferred from the service of the Bechuanaland Protectorate prior to such date as may be fixed by the High Commissioner the highest pensionable emoluments drawn by such officer in the course of his service in the Bechuanaland Protectorate, shall for the purposes of this section be deemed to be the highest pensionable emoluments actually so drawn by him plus 50 per cent. thereof; and also provided that any bonus or temporary increase, whether on pension or on the salary of the new office, granted in view of cost of living, shall be added to such pension or salary, as the case may be, for the purposes of this section.

16. Any police officer who, after serving for a period of at least one year in a pensionable office in the Bechuanaland Protectorate shall have been transferred to any other service under the Crown in any other portion of His Majesty's Dominions, or in any other territory under the protection of His Majesty, shall, on his final retirement after at least ten years' service, receive such a pension from Protectorate funds in respect of each year and proportionately in respect of any fraction of a year of his service in the Protectorate as he would have received if he had at the moment of his transfer received a pension calculated under this Proclamation, notwithstanding that his service in the Protectorate shall by itself have been less than ten years, and that at his retirement he may be under fifty years of age.

17. Any police officer who has been transferred from service in a pensionable office under the Crown in any other portion of His Majesty's Dominions, or in any other territory under the protection of His Majesty to a pensionable office in the Bechuanaland Protectorate and has served not less than ten years in all in a pensionable office, shall on retirement receive under this Proclamation in respect of his entire period of service under the Crown in a pensionable office, such pension as would have been payable to him if the whole of such service had been in the Bechuanaland Protectorate, notwithstanding that he may not have completed ten years' actual service in the Protectorate; provided however that the amount of any sum payable by the Government of any other portion of His Majesty's Dominions, or of any other territory under the protection of His Majesty towards the pension of any such officer may, if such sum is not paid into Protectorate funds, be deducted from the pension payable to such officer out of Protectorate funds.

18. (1) Any police officer who is compelled to retire from ill-health before he has completed ten years' service may be granted a gratuity of one month's salary for each year of service and half a month's salary in respect of any fraction of a year amounting to six completed months not included in any completed year of his service.

(2) The computation of salary for this purpose is to be governed by sections *eleven* and *twelve* of this Proclamation.

19. (1) Pensions gratuities and allowances computed at the rates before mentioned shall only be granted in cases of faithful and meritorious service.

(2) Where the fidelity and diligence of a police officer fall short of the first degree of merit the computation may be made at lower rates.

(3) Where a police officer has been guilty of gross negligence irregularity or misconduct, or where his failure of health is due to misconduct the grant of pension or other allowance or gratuity may be altogether withheld.

20. No pension granted under this Proclamation shall be assignable, or transferable, or capable of being hypothecated or liable to be attached, sequestrated, or levied upon, for, or in respect of any debt or claim whatsoever.

21. If any person to whom a pension has been granted under this Proclamation is convicted before any Court in His Majesty's Dominions or in any territory which is under His Majesty's protection of any crime or offence for which he is sentenced to death or penal servitude or transportation or any terms of imprisonment with hard labour or exceeding twelve months, and does not within two months after such conviction receive His Majesty's free pardon then in every such case such pension shall forthwith cease; provided always that the High Commissioner with the consent of the Secretary of State may restore the pension in the case of a person who after conviction as above described receives His Majesty's free pardon at any time.

22. If any person to whom a pension has been granted under this Proclamation becomes insolvent then such pension shall forthwith cease;

Provided always that in any case where a pension ceases by reason of the insolvency of the pensioner it shall be lawful for the High Commissioner subject to the approval of the Secretary of State from time to time during the remainder of such pensioner's life or during such shorter period or periods either continuous or discontinuous as the Secretary of State shall think fit to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any exclusive of the other, or others of the following persons namely such pensioner, and any wife, child, or children of his in such proportions and manner as to the High Commissioner appears proper.

23. If the death of the holder of an office in respect of which a pension or gratuity may be granted is caused by an injury occasioned without his own default in the actual discharge of his public duty and specifically attributable to the nature of his public duty the High Commissioner with the approval of the Secretary of State may grant to the widow of the deceased, or if the deceased does not leave a widow, and if his mother was at the time of the death wholly dependent upon him for her support to the mother or the deceased, a pension not exceeding one-sixth of the deceased's salary and emoluments at the date of the injury, and there may further be granted to the children of the deceased a gratuity not exceeding the number of pounds sterling, which is equal to the number obtained by subtracting the number of years completed by each of the children at the date of the father's death, from fifteen and adding the remainders together; the total gratuity not to be less than £10, or more than £50, although it shall be lawful in the case of motherless children to grant double the amount which would otherwise be given.

24. The final decision of all disputes or questions which may arise under this Proclamation, or in respect of the true meaning or construction thereof shall rest with the High Commissioner subject to the approval of His Majesty's Secretary of State for the Colonies.

25. (1) For the purposes of this Proclamation service under the British South Africa Company shall be deemed to be service under the Crown.

(2) The provisions of the Public Service (Bechuanaland Protectorate) Proclamation 1915 shall apply *mutatis mutandis* to police officers to whom this Proclamation applies, and the office of a police officer shall for the purposes of the said Proclamation be deemed to be a pensionable office.

(3) The provisions of Proclamation No. 17 of 1916 and of Proclamation No. 2 of 1918 shall apply *mutatis mutandis* to police officers to whom this Proclamation applies for the purposes of determining their length of service and of assessing pensions or gratuities payable to them under this Proclamation.

26. All entries relating to members of the Bechuanaland Protectorate police contained in the schedule to Proclamation No. 26 of 1906 as amended shall be and are hereby repealed; but notwithstanding this repeal or anything else in this Proclamation contained no police officer serving as such at the date of the taking effect of this Proclamation to whom the provisions of the said Proclamation No. 26 of 1906 have hitherto applied shall become subject to the provisions of this Proclamation unless such officer shall within such time as the High Commissioner may allow notify the Resident Commissioner in writing that he desires to come under the provisions of this Proclamation, and any such police officer who fails to give such notification shall continue to be subject to the provisions of the said Proclamation No. 26 of 1906 as if this Proclamation had not been issued.

27. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Police Pensions Proclamation 1921 and shall take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourteenth day of July One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,

High Commissioner.

By Command of His Royal Highness the  
High Commissioner.

C. L. O'B. DUTTON,

Acting Imperial Secretary.