

Statutory Instrument No. 100 of 1988

POLICE ACT

(Cap. 21:01)

POLICE REGULATIONS, 1988

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ARRANGEMENT OF REGULATIONS

REGULATION

PART I *Preliminary*

1. Citation
2. Interpretation

PART II *Enlistment, promotion, acting ranks and seniority*

3. Enlistment
4. Promotions
5. Acting ranks

PART III *Miscellaneous matters relating to retirement, dismissal, resignation and termination of appointment*

6. Procedure relating to compulsory retirement, dismissal and termination of appointment
7. Supplementary provision in relation to termination of appointment on probation on first appointment
8. Resignation
9. Voluntary retirement
10. Compulsory retirement
11. Further restriction on resignation and retirement
12. Leave on departing from the Force

PART IV *Pensions and gratuities on retirement*

13. Pensions
14. Gratuities
15. Reduced pension and gratuity
16. Declaration to remove doubt in relation to previous service
17. Pensionable service
18. Widow's and dependant's gratuity
19. Medical examination and treatment of pensioners

PART V *Supplementary provisions relating to appeals*

20. Supplementary provision relating to appeals

PART VI *Pay and related matters*

21. Pay
22. Incremental date
23. Stoppages of pay
24. Withholding pay
25. Deductions from pay and allowances

PART VII *Transfers, transport, travel and related allowances*

- 26. Transfers within and outside Force
- 27. Transfer expenses
- 28. Travel on transfer
- 29. Travel by air on transfer
- 30. Travel by own vehicle on transfer
- 31. Transport on leave
- 32. Transport, etc. on retirement
- 33. Transport on first appointment
- 34. Transport of officer's employee
- 35. Travel warrants
- 36. Travel by rail
- 37. Railway baggage allowance

PART VIII *Leave*

- 38. Classification of leave
- 39. Accrual of vacation leave
- 40. Sick leave
- 41. Compassionate leave
- 42. Maternity leave
- 43. Leave without pay
- 44. Authority to grant leave
- 45. Limitation on grant of leave
- 46. Commutation of leave

PART IX *Medical*

- 47. Medical examination and treatment

PART X *Accommodation*

- 48. Accommodation

PART XI *Botswana Police Association*

- 49. Establishment of Association
- 50. Divisions and Districts for the association
- 51. Constables' Branch Boards
- 52. Sergeants' Branch Boards
- 53. Inspectors' Branch Boards
- 54. Senior Officers' Branch Boards
- 55. Divisional Joint Branch Boards
- 56. Central Joint Committee
- 57. Convening of meetings of Branch Boards and Central Joint Committee
- 58. Constitution of Joint Branch Boards and Central Joint Committee
- 59. Business of meetings of Branch Boards and Central Joint Committee
- 60. Resolutions and minutes of meetings of Branch Boards and Central Joint Committee
- 61. Commissioner's response
- 62. Voting at meetings of Branch Boards and Central Joint Committee
- 63. Quorum for meetings of Branch Boards and Central Joint Committee
- 64. Attendance at meetings of Branch Boards and Central Joint Committee to be facilitated

PART XII *Miscellaneous*

- 65. Training accommodation
- 66. Mess, etc. subscriptions
- 67. Botswana Police Relief Fund
- 68. Revocation of S.I. 1 of 1987

IN EXERCISE of the powers conferred on the President by section 63 of the Police Act, the following Regulations are hereby made —

PART I *Preliminary*

- 1. These Regulations may be cited as the Police Regulations, 1988.
- 2. In these Regulations, unless the context otherwise requires —
 - “appointing authority” means the appropriate authority in terms of section 8 of the Act;
 - “approved leave destination”, in relation to a police officer, means the place within Botswana approved by the Commissioner as the officer’s destination for the purpose of any official leave granted to the officer;
 - “Association” means the Botswana Police Association established by regulation 49(1);
 - “dependant”, in relation to a deceased police officer, means a wife, dependant children and aged or disabled parents;
 - “Force” does not include special Constables or the Police Reserve;
 - “Force Standing Orders” means orders issued or approved by the Commissioner in terms of section 4(2) of the Act;
 - “last day of active duty”, in relation to a police officer, means the day on the expiration of which he ceases to be a police officer:
Provided that, where that day falls on a day on which the officer is on leave, including travelling leave, in consequence of his departing the Force, the expression means the day immediately preceding the first day of that leave;
 - “minor child”, in relation to a police officer, means an unmarried minor child of the officer who is financially dependent on the officer, and who is under the age of 21 years;
 - “police officer” or “officer” means a police officer who is a member of the Force;
 - “temporary transfer”, in relation to a police officer, means a transfer where the period of absence from the officer’s substantive duty station is not less than 30 days and not more than 90 days.

Citation
Interpre-
tation

PART II *Enlistment, promotion, acting ranks and seniority*

- 3. (1) No person shall be appointed a police officer unless he is over the age of 18 years and under the age of 30 years:
Provided that —
 - (i) where the President has directed, in terms of paragraph (i) of the proviso to section 8 (1) (b) of the Act, that a person who is not a serving member of the Force may be appointed a senior officer, or

Enlistment

- (ii) where the Commissioner is satisfied, in respect of a particular appointment to be made by him, that exceptional circumstances exist and that it is in the interest of the Force to do so,

the President, or the Commissioner, as the case may be, may extend the upper age limit prescribed by this subregulation.

(2) At the end of a police officer's period of probationary service on first appointment, the appointing authority shall immediately confirm the officer's appointment unless the appointment has been terminated under section 14 of the Act.

(3) Where he has any doubt as to the efficiency or acceptability of the behaviour of a police officer serving on probation on first appointment, the appointing officer may from time to time extend or further extend the period of 2 years' probationary service prescribed by paragraph (ii) of the proviso to section 8 (1) (b) of the Act:

Provided that a police officer's period of probationary service on first appointment shall in no case exceed four years.

Promotions

4. (1) Every promotion of a police officer shall be from the substantive rank currently held by him to a superior rank specified in the Schedule to the Act.

(2) No police officer serving on probation on first appointment shall be promoted:

Provided that a Constable so serving may be promoted, in accordance with such conditions as the Commissioner may from time to time establish, to any one of the cadet ranks specified in the Schedule to the Act.

(3) Where the appointing authority so directs, an appointment to a superior rank on promotion shall be a probationary appointment for such period, not exceeding two years, as the appointing authority shall specify at the time of the appointment.

(4) Where, in terms of subregulation (3), the appointing authority has specified a probationary period of less than two years, the authority may from time to time extend or further extend that period to a maximum period of two years.

(5) Where an appointment to a superior rank on promotion is a probationary appointment, the appointing authority may, at any time during the probationary period, and shall, at the conclusion thereof —

(a) confirm the appointment, if the authority is satisfied that the police officer in question has conducted himself efficiently and in every way satisfactorily in the new rank; or

(b) direct that the police officer in question shall revert to his former rank, if the authority is not so satisfied, whereupon the officer shall so revert.

Acting ranks

5. (1) Where there is a deficiency in the numbers of a rank or the substantive holder of a rank is not readily available for duty, the appointing authority may appoint a police officer of a lower rank to act therein:

Provided that a police officer shall not be appointed to act in a superior rank —

- (i) in order to meet a deficiency in the numbers thereof, unless that rank is immediately superior to his substantive rank; or

(ii) in order to replace a substantive holder thereof who is not readily available for duty, unless that rank is not more than two ranks superior to his substantive rank.

(2) The appointment of a police officer to act in a rank superior to his substantive rank shall be for such period, not exceeding 12 months, as the appointing authority shall determine and, at the conclusion of that period, the police officer shall revert to his substantive rank unless he is then appointed again to act in the same or some other superior rank or appointed to the superior rank on promotion.

(3) The appointment of a police officer to act in a rank superior to his substantive rank shall not affect his seniority in terms of his substantive rank.

(4) Where a police officer is, while acting in a rank superior to his substantive rank, appointed to the superior rank on promotion and the appointment is a probationary one, service in the superior rank immediately prior to the appointment shall count as part of the probationary period.

PART III *Miscellaneous matters relating to retirement, dismissal, resignation and termination of appointment*

6. (1) Where a police officer is retired under section 15(1) of the Act (other than under paragraph (c) (iv) thereof the appointing authority shall cause to be served on him, on or before the officer's last day of active duty or if that is not reasonably practicable, as soon after that day as is reasonably practicable, a statement in writing setting out the grounds of the retirement:

Procedure relating to compulsory retirement, dismissal and termination of appointment

Provided that no police officer shall be retired under section 15 (1) (a) or (b) of the Act unless the appointing authority has caused to be served on him, at least three months immediately before the officer's last day of active duty notice in writing of the authority's intention to do so.

(2) Subject to section 37 of the Act, where the appointing authority retires or dismisses a police officer from the Force and the officer wishes to appeal to the Police Council under that section against the retirement or dismissal, the appellant shall lodge the grounds for his appeal with the Commissioner within 14 days immediately after being informed of his retirement or dismissal and the Commissioner shall forthwith forward those grounds to the Police Council.

7. Where the appointing authority, under section 14 of the Act, terminates the appointment of a police officer serving on probation on first appointment, the authority shall not be required to give him any notice of the intention to do so.

Supplementary provision in relation to termination of appointment on probation on first appointment

8. (1) The appointing authority shall not permit a police officer to resign from the Force unless the officer has given the appointing authority at least three months' notice in writing of his wish to do so:

Resignation

Provided that the appointing authority may permit a police officer to resign from the Force if he has given the authority at least one

month's notice in writing of his wish to do so and paid the Government one month's basic pay, including any police allowance he may have received.

(2) Where the appointing authority is the Permanent Secretary, a notice under this regulation shall be lodged with the Commissioner who shall forthwith forward the same to the Permanent Secretary.

Voluntary
retirement

9. (1) Where a police officer has attained the age of 45 years and completed 10 years' continuous service as a police officer, he may, subject to regulation 10, retire from the Force at any time.

(2) Where a police officer, immediately before the commencement of these Regulations, was eligible for early retirement from the Force by reason of the conditions of service then applicable to him, he shall retain the same eligibility.

(3) No police officer shall be at liberty to retire from the Force under or by virtue of this regulation unless he has given the Commissioner at least 3 month's notice in writing of his intention to do so.

10. (1) A police officer shall retire from the Force on attaining the age of 60 years.

(2) Notwithstanding subregulation (1), the appointing authority may, if he considers it to be in the interest of the Force, permit a police officer to remain in the Force on attaining the age of 60 years for such period as the appointing authority may determine;

(3) The appointing authority may retire any police officer from the Force who has attained the age of 45 years.

Further
restriction
on resign-
ation and
retirement

11. In addition to the restrictions imposed by sections 11 and 12 of the Act, the appointing authority may postpone the resignation or retirement from the Force of any police officer who is an accused person in proceedings in respect of an offence under the Act or any other written law until such time as the proceedings are finally determined.

Leave on
departing
from the
Force

12. (1) Where the appointment of a police officer serving on probation on first appointment is terminated or a police officer is retired or dismissed or retires or resigns from the Force, he shall, with effect from the day immediately following his last day of active duty or, in the case of retirement, if he is granted any travelling leave, from the day immediately following the last or only day of such leave, be granted all such vacation leave as may have accrued to him.

(2) Vacation leave granted in accordance with this regulation shall be on full pay:

Provided that where the police officer in question is dismissed or retired from the Force as the result of proceedings against him pending the institution and determination of which he was interdicted under section 13 of the Act, he shall receive during such leave the same portion of his pay as he received during the period of his interdiction.

(3) Vacation leave granted in accordance with this regulation on retirement from the Force shall, for the purposes of this Part and of Part IV, count as part of the officer's continuous service as a police officer or as a member of the public service.

PART IV *Pensions and gratuities on retirement*

Pensions

13. (1) Every police officer who retires from the Force under regulation 9 (1) may be granted a pension.

(2) Where a police officer retires from the Force by virtue of regulation 9 (2) or in terms of regulation 10 (1) or is retired from the Force under section 15 (1) (a), (b) or (f) of the Act or under regulation 10 (3) and, at the time of his retirement, has been in the public service for a continuous period of at least 10 years, he may be granted a pension.

(3) A pension payable under this regulation shall be at the annual rate of —

(a) in case of a police officer who entered the Force before 1st October, 1970, one six hundredth of the annual pensionable emoluments payable to the police officer at the time of his retirement multiplied by the number of completed months of his continuous pensionable service at that time as a member of the Police Force;

(b) in the case of a police officer who entered the Force on or after 1st October, 1970, one seven hundred and twentieth of the annual pensionable emoluments payable to the police officer at the time of his retirement multiplied by the number of completed months of his continuous service at that time as a member of the Police Force.

14. (1) Where a police officer retires from the Force by virtue of regulation 9 (1) or in terms of regulation 10 (1) or is retired from the Force under section 15 (1) (a) or (b) of the Act or under regulation 10 (3) but does not qualify for a pension under regulation 13 (2) by reason only of his not having been in the public service for a continuous period of at least 10 years, he may be granted a gratuity. Gratuities

(2) Where a police officer is retired from the Force under section 15 (1) (c) (iv), (d) and (e) and, at the time of his retirement, has been in the public service for a continuous period of at least 10 years, he may be granted a gratuity.

(3) Where a Police Officer resigns from the force after he has served a minimum of 20 years continuous service but does not qualify for pension under regulation 13 because he has not reached the age of 45 years at the time of his resignation, he may nevertheless be entitled to a gratuity equivalent to five weeks salary for every completed year of service subject to a maximum of two years salary.

(4) A gratuity paid under subregulation (1) shall not exceed five times the annual rate of the pension for which the police officer in question would have been eligible under regulation 13 did that provision not prescribe a qualifying period of service.

(5) A gratuity paid under subregulation (2) shall not exceed five times the annual rate of the pension for which the police officer in question would have been eligible under regulation 13 had he been retired from the Force under one of the provisions therein specified and did regulation 13 not prescribe a qualifying period of service.

(6) Notwithstanding subregulation (1), where a police officer is retired from the Force under section 15 (1) (a) of the Act, following a finding by a board of Government medical officers that he is unfit mentally or physically for further service, and the board or, if injury arising from an accident is involved, the Commissioner is satisfied that his condition was occasioned or significantly aggravated by the officer's

own serious misconduct or negligence, he shall not be granted a gratuity under that subregulation.

(7) Where a female police officer, after completing five years' continuous service as a police officer, resigns from the Force in order to marry or because she has recently married, she may, on production to the Commissioner, within six months immediately after her resignation or within such longer period as the Commissioner may in any case allow, of satisfactory evidence of her marriage be granted a gratuity.

(8) A gratuity granted under subregulation (7) shall not exceed —

- (a) the annual pensionable emoluments payable to the police officer in question at the time of her resignation; or
- (b) five times the annual rate of the pension for which the police officer would have been eligible under regulation 13 had she retired from the Force under one of the provisions therein specified and did regulation 13 not prescribe a qualifying period of service, whichever amount is the smaller.

Reduced
pension
and gratuity

15. (1) Where a police officer is granted a pension under regulation 13, he may, in lieu of a pension calculated in accordance with that regulation, opt to be paid a pension at the annual rate of not less than three-fourths of the annual rate of a pension so calculated together with a gratuity equal to 12-and-a-half times the amount by which the annual rate of his pension so calculated is thereby reduced.

(2) Every option under this regulation shall —

- (a) be exercised and, if exercised, may be revoked on or before the date of retirement of the police officer in question or, at any time after that date and before the date of the final award of the pension granted to the officer under these Regulations;
- (b) be exercised or revoked by notice in writing addressed to the Commissioner; and
- (c) be deemed, for all purposes, to have been exercised or revoked on the date on which such notice was received by the Commissioner.

Declaration
to remove
doubt in
relation
to previous
service

16. For removing doubts, it is hereby declared that, with regard to every police officer who is a member of the Force at the commencement of these Regulations, any previous continuous service as a police officer immediately prior to such commencement shall be deemed, for the purposes of this part, to be part of his continuous service as a police officer at such commencement.

Pensionable
service

17. A police officer's continuous service as a police officer shall be deemed, for the purposes of this Part, to end on the expiration of the day on which he ceases to be a police officer.

Widow's and
dependant's
gratuity

18. (1) Upon the death of a police officer the Commissioner shall authorize the payment to his legal personal representative of a gratuity which shall not exceed —

- (a) the annual pensionable emoluments payable to the officer at the time of his death; or
- (b) the largest gratuity which the officer could have opted to be paid under regulation 15 had he retired from the Force at the time of his death and been granted a pension under regulation 13 as if that provision did not prescribe a qualifying period of service,

whichever amount is the larger.

(2) A pension payable in accordance with this regulation shall be at the annual rate of one-half of such percentage of the annual rate of the pension payable to the officer in question under regulation 13 or for which he would have been eligible under that regulation did it not prescribe a qualifying period of service, as the case may be, as is equal to the percentage of physical or mental unfitness for further service attributable, in the opinion of the Commissioner, to the discharge of the officers' duties as a police officer.

(3) Mental or physical unfitness for further service shall be deemed, for the purposes of this regulation, to be occasioned or aggravated in and by the discharge of his duties as a police officer if it is occasioned or aggravated by injury caused while the officer is —

- (a) participating in any recreational or athletic training organized by the Force or held under its auspices or in any sporting occasion, display, competition or similar event run or produced by the Force or held under its auspices or in which police officers are participating as official representatives of the Force;
- (b) for the purpose of proceeding on or returning from leave, other than casual leave, travelling by any reasonable means by the most reasonably practicable direct route between his current place of duty and his approved leave destination;
- (c) travelling by any reasonable means directly to or from any duty;
- (d) travelling by any reasonable means directly to or from any place he is required to attend for the purpose of training for his secondment;
- (e) attending training in a foreign country; or
- (f) engaging in any other activity which the Commissioner may approve for the purpose of this subregulation.

19. (1) Where a police officer is retired from the Force under section 15 (1) (a) of the Act, following a finding by a board of Government medical officers that he is unfit mentally or physically for further service and is granted a pension in terms of this Part, the Commissioner may at any time require him to submit to a medical examination by a board of Government medical officers or to undergo medical or surgical treatment involving no appreciable risk to his life or health and subsequently submit to such an examination.

Medical examination and treatment of pensioners

(2) Where a pensioner fails to comply with a requirement made of him by the Commissioner under this regulation, his right to the pension granted him in terms of this Part shall thereupon cease:

Provided that his right to such pension shall revive upon his subsequently complying with the Commissioner's requirement; but no right so revived shall have retrospective effect.

(3) A certificate signed by a majority of the members of a board of Government medical officers to the effect that any medical or surgical treatment a pensioner is required to undergo under this regulation does or does not involve appreciable risk to his life or health shall, for the purpose of this regulation, be conclusive as to the matter so certified.

PART V *Supplementary provisions relating to appeals*

Supple-
mentary
provision
relating
to appeals

20. (1) When an appeal is considered by the Police Council under Part VI of the Act, the Council may —

- (a) require the appellant to appear before it in person; and
- (b) give the appellant the opportunity to address the Council orally and shall, in every case, give him the opportunity to make a written submission to the Council:

Provided that neither opportunity shall be given where the Council summarily dismisses the appeal under this regulation.

(2) The appellant in an appeal before the Police Council shall not be represented.

(3) Where the Council is satisfied that the grounds for an appeal, as indicated to the Council in writing in accordance with section 37 of the Act are without substance, the Council may summarily dismiss the appeal.

(4) The result of an appeal to the Police Council shall be notified to the appellant in accordance with section 37 of the Act as soon as it is reasonably practicable to do so.

(5) It shall not be necessary for the reasons for the Police Council's decision on an appeal to the Council to be notified to the appellant.

PART VI *Pay and related matters*

Pay

21. (1) Subject to the other provisions of this Part, every police officer shall receive pay in accordance with his rank at such rate as the President may from time to time determine.

(2) A police officer's pay shall be paid monthly in arrears in respect of each month.

(3) The pay of a police officer for any period less than a month shall be calculated by dividing his current monthly pay by the number of days in the month in question and multiplying the figure thereby obtained by the number of days in the period under consideration.

(4) As regards the pay of a police officer newly appointed a member of the Force, the appointing authority may forthwith grant an increment or increments to take account of relevant previous experience on the basis of one increment for each year of such experience:

Provided that no more than eight increments shall thus be granted and in no case shall the maximum pay for the officer's rank thereby be exceeded.

Incremental
date

22. Increments of pay within the Force shall become due on 1st April in every year:

Provided that a police officer appointed a member of the Force or promoted on or after 1st October in any year and before the immediately following 1st April shall receive increment on his new pay scale, on 1st April immediately following the completion of one year's service or of one year's service in the new rank, as the case may be.

Stoppage
of pay

23. Where a police officer is surcharged under the Finance and Audit Act, the amount thereof may be recovered by stoppages from his pay.

Withholding
pay

24. (1) A police officer shall not receive any pay or allowances in respect of any period during which he is absent without leave.

(2) Where a police officer is absent from duty through illness or injury and the Commissioner is satisfied that the same was occasioned or

significantly aggravated by the officer's own serious misconduct or negligence, the Commissioner may order that the officer's pay and allowances shall be withheld, wholly or in part, in respect of the period during which he is so absent.

25. The Commissioner may authorize the deduction from the pay and allowance due to a police officer of —

Deductions
from
pay and
allowances

(a) any liquidated amount which the officer is liable to pay the Government or to any mess, institution of police officers within the Force; or

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

PART VII *Transfers, transport, travel and related allowances*

26. (1) Dependent upon the exigencies of the Force, every police officer may be transferred at any time within a station, unit or formation of the Force or from such a station, unit or formation to some other station, unit or formation of the Force.

Transfers
within and
outside
the Force

(2) Before a police officer takes up an appointment in the public service outside the Force, he shall resign from the Force.

(3) Where an officer resigns in terms of subsection (2) and his appointment in the public service is considered to be in the national interest, the officer's service in the Force shall be taken into account for the purpose of his pension as if the officer is transferring from office within the public service.

27. (1) Subject to subregulation (2) and to Force Standing Orders for the time being in operation, where the transfer of a police officer within the Force reasonably requires the packing of his personal household effects or those of his wife or minor children accompanying him on transfer, other than clothing and other than equipment issued to the officer by the Force, the cost thereof, may be met by the Government at the rate which shall be determined from time to time.

Transfer
expenses

(2) Where a police officer is required to proceed on temporary transfer within the Force, subregulation (1) shall not apply unless the Commissioner has expressly authorized the officer's wife or minor children to accompany him on transfer and he is so accompanied.

28. (1) Where a police officer is transferred within the Force, he may be required to travel by Force or public transport.

Travel on
transfer

(2) Where his wife or minor children are accompanying a police officer on transfer within the Force, they may be permitted to travel by Force transport or required to travel by public transport:

Provided that where they have permission to travel by Force transport, they may opt to travel by public transport if that is more to their convenience.

(3) All travel undertaken in terms of this regulation and the related conveyance of the personal household effects and baggage, both of the police officer in question and of his wife or minor children if they are accompanying him on transfer, shall be free of charge and the cost thereof shall be met by the Government.

29. Where a police officer is transferred within the Force and is required to travel by public transport, the Commissioner may direct that he shall travel by air.

Travel by
air on
transfer

Travel by
own vehicle
on transfer

30 Where a police officer is transferred within the Force and is the owner of a motor vehicle in respect of which he may claim the motor vehicle allowance, he may use the vehicle to effect the transfer and may thereafter be paid that allowance in respect of a single journey from his immediately former duty station to his new duty station by such route as shall be duly authorized.

Transport
on leave

31. (1) Travel undertaken by police officer on official leave for the purpose of proceeding from his duty station to his approved leave destination or from his approved leave destination to his duty station at the end of such leave shall be free of charge and the cost thereof shall be met by the Government.

(2) Travel undertaken by the wife of a police officer —

- (a) accompanying her husband when he is undertaking travel in terms of subregulation (1); or
- (b) travelling independently of her husband once only from his duty station to his approved leave destination or vice versa if, had her husband travelled with her at the same time on official leave and not independently of her, he would have been entitled to do so free of charge in terms of this regulation, shall likewise be free of charge and the cost thereof shall be met by Government.

(3) Notwithstanding subregulation (1), the concession thereby granted shall be subject to the following conditions —

- (a) it shall be granted once only in every period of 24 months after the police officer in question has been admitted to the permanent and pensionable establishment of the Force:

Provided that the Commissioner may, in a particular case, relax this condition where he is satisfied that the officer's immediately preceding period of leave attracting the concession was delayed due to the exigencies of the Force and through no fault of the officer;

- (b) the officer in question shall stay at his approved leave destination for not less than seven consecutive days.

(4) This regulation shall not apply to travel by air.

Transport,
etc. on
retirement

32 (1) On retirement from the Force —

- (a) a police officer and his wife and minor children, together with their personal baggage, shall, at any time within 90 days immediately after his last day of active duty, be entitled to travel free of charge from the officer's last duty station to his home within Botswana and the cost thereof shall be met by the Government;
- (b) the reasonable cost of packing the officer's personal household effects and those of his wife or minor children, other than clothing, may be met by the Government; and
- (c) the conveyance of such personal household effects from the officer's last duty station to his home within Botswana shall be free of charge and the cost thereof shall be met by the Government.

(2) Where a police officer or his wife or minor children are entitled to the concession granted by subregulation (1) (a) —

- (a) the Commissioner may, as he thinks fit, authorize road transport or rail transport; and

(b) if neither road nor rail transport is available for the public or the whole or any part of the journey cannot conveniently be completed by public transport, the Commissioner may authorize the use of Force transport or the use of the officer's own motor vehicle.

(3) Where the Commissioner authorizes the use of a police officer's own motor vehicle under this regulation —

(a) the journey to the officer's home shall be by the most direct route reasonably practical given the nature of the vehicle; and

(b) the officer may, after the completion of the journey, be paid the motor vehicle allowance in respect of the journey.

(4) For removing doubts, it is hereby declared that this regulation shall not apply in the case of a police officer who is dismissed.

33. (1) As soon as a person is appointed a police officer, he may be reimbursed by the Government, at the appropriate rate, the cost of any journey actually made by him from his home within Botswana to the place of appointment for the purpose of enlisting in the Force.

Transport
on first
appointmen

(2) On a police officer's first posting to a duty station following completion of his recruitment training after first appointment as a police officer —

(a) he shall be entitled to travel free of charge to that duty station and the cost thereof shall be met by the Government; and

(b) his wife and minor children shall be entitled to travel free of charge from their home within Botswana to the duty station and the cost thereof shall be met by the Government.

34. In no circumstances shall an employee of a police officer be entitled under this Part to free or subsidized travel at the Government's expenses.

Transport
of officer's
employee

35. Travel at the Government's expense by any form of public transport shall be subject to the issue of an appropriate travel warrant:

Travel
warrants

Provided that a cash payment in lieu of a warrant may be made —

(i) in the case of the transfer of a police officer within the Force, on completion of the transfer; or

(ii) in the case of leave, on completion of the leave period;

and, in each case, on completion of the journey in respect of which a warrant would otherwise have been issued.

36. Notwithstanding the other provisions of this Part —

Travel
by rail

(a) no travel by rail undertaken by a police officer shall be free of charge at the expense of the Government by virtue of this Part unless the officer travels in the class appropriate to his grade as follows —

Senior officersfirst class

Inspectorate.....first class

Sergeants.....second class

Constables.....second class; and

(b) no travel by rail undertaken by the wife or minor child of a police officer shall be free of charge at the expense of the Government by virtue of this Part unless she or he travels in the class appropriate to the grade of that police officer by virtue of paragraph (a).

37. Notwithstanding the other provisions of this Part, no conveyance by rail of personal effects or baggage shall be free of charge at the

Railway
baggage
allowance

expense of the Government by virtue of this Part to the extent that the aggregate amount thereof belonging to the police officer in question and to his wife and children, if any, exceeds —

- (a) where the officer is entitled to free travel by first class in terms of regulation 36 —
 - (i) 200 kg in the case of conveyance by passenger train, or
 - (ii) a weight calculated at the rate of 500 kg each for the officer and his wife and 250 kg for each of his minor children in the case of conveyance by goods train; or
- (b) where the officer is entitled to free travel by second class in terms of regulation 36 —
 - (i) 100 kg in the case of conveyance by passenger train, or
 - (ii) a weight calculated at the rate of 250 kg each for the officer and his wife and 125 kg for each of his minor children in case of conveyance by goods train.

PART VIII *Leave*

Classifi-
cation of
leave

38. (1) Leave for police officers shall be classified as follows —

- (a) vacation leave;
- (b) sick leave;
- (c) compassionate leave;
- (d) maternity leave; or
- (e) leave without pay.

(2) No police officer shall be absent from his duties except during a period of leave granted to him in terms of this Part.

Accrual of
vacation
leave

39. (1) Commencing on the date on which a police officer makes and signs the declaration prescribed by section 9 of the Act, vacation leave shall accrue to him at such monthly rate as the Commissioner shall, with the consent of the President, from time to time direct.

(2) Where a period of leave, of whatever class, is longer than 10 working days, no vacation leave shall accrue in respect of the period of that leave:

Provided that vacation leave shall accrue in respect of the first 30 days of —

- (i) sick leave; or
- (ii) confinement to bed or hospital, ordered by a Government medical officer or other practitioner; while the police officer in question is on vacation leave.

(3) Subject to the submission of satisfactory proof thereof, where a police officer is confined to bed or hospital while he is on vacation leave and the same is ordered by a Government Medical Officer or other medical practitioner, the period of such confinement shall not count as part of his vacation leave.

(4) A police officer shall not accrue vacation leave in excess of two years' entitlement unless the Commissioner consents thereto.

(5) A police officer may be granted vacation leave with pay for any period not in excess of that which has accrued to him in terms of this regulation.

Sick leave

40. (1) Where a formation, unit or station commander in the Force is satisfied that a police officer subordinate to him 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, permit the officer to be absent from duty, so long as he remains at his duty station, for any period not exceeding 48 hours and such absence shall be deemed, for the purposes of this Part, to be sick leave.

(2) Where a police officer is absent from duty in terms of subregulation (1), his formation, unit or station commander, as the case may be, may if a Government medical officer or some other acceptable medical practitioner is still not readily available, extend the period of absence from duty, so long as the officer remains at his 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.

(3) No police officer shall be absent from duty on the ground that he is unable to work because of illness or injury, except in terms of subregulation (1) or (2), unless he 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 officer is unable to work because of illness or injury and the nature of the illness or injury.

(4) Sick leave granted in terms of subregulation (3) shall not permit the officer in question to be absent from his 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.

(5) Where a police officer is granted sick leave or is absent from duty because of illness or injury for a greater period than 365 consecutive days, he shall be examined by a board of Government medical officers for the purposes of section 15 (1) of the Act.

(6) Where a police officer is granted sick leave in excess of 90 consecutive days or whose sick leave is likely to exceed 90 consecutive days, the Commissioner may require to be furnished, at the end of each 30 days' period of the sick leave, with the certificate of a medical practitioner, who shall normally be a Government medical officer, as to the officer's fitness for duty.

(7) The first 180 days of any continuous period of sick leave shall be on full pay and, at any time thereafter, the pay of the police officer concerned shall be reduced by half.

(8) After 365 days of any continuous period of sick leave, the police officer in question shall not receive any pay:

Provided that, where, in the opinion of the appointing authority, the officer's illness or injury was or was likely to have been caused or significantly aggravated in and by the discharge of his duties as a police officer (as the same is construed for the purpose of regulation 19) without serious misconduct or negligence on his part, the appointing authority may extend the period during which he shall be entitled to pay, the date of his retirement from the Force or return to duty, as the case may be.

(9) The pay to which a police officer shall be entitled in terms of the proviso to subregulation (8) shall be half pay in every case.

(10) Where a police officer is granted sick leave or is detained in hospital and the Commissioner is satisfied that this arose from the

officer's own serious misconduct or negligence, the Commissioner may direct that the period of absence from duty be deducted from any vacation leave accrued to the officer or be treated as unpaid leave.

(11) Where a medical practitioner, who shall normally be a Government medical officer, certifies that, in his opinion, a police officer is in urgent need of medical, dental or specialist treatment and the treatment is not available at the officer's duty station, his formation, unit or station commander as the case may be may, unless, in the opinion of the commander, the need for such treatment arose from the officer's own serious misconduct or negligence, grant him sick leave for the purpose of receiving that treatment.

Compassionate leave

41. (1) Where a police officer wishes to absent himself from duty on compassionate grounds and —

(a) no vacation leave has accrued to him; or

(b) the vacation leave that has accrued to him is insufficient for the purpose for which he wishes to absent himself from duty, the Commissioner may grant him compassionate leave with pay for such period as the Commissioner shall determine.

(2) Where a police officer is granted compassionate leave and has vacation leave accrued to him, he shall take all that vacation leave 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 30 days in any one year.

Maternity leave

42. (1) Where a police officer is pregnant the Commissioner shall grant her maternity leave.

(2) The period of maternity leave shall be 84 days irrespective of when the leave began.

(3) Where a police officer is granted maternity leave and has vacation leave accrued to her, she may, if she so wishes, take all or part of that vacation leave together with the maternity leave.

(4) Maternity leave shall be on one half of the police officer's pay.

(5) A police officer shall not resume duty after taking maternity leave unless she produces a certificate of a Government medical officer certifying her fitness for duty.

Leave without pay

43. (1) Where a police officer wishes to absent himself from duty to attend, to urgent private affairs, to pursue a course of study or for any other reasonable purpose and —

(a) no vacation leave has accrued to him; or

(b) the vacation leave that has accrued to him is insufficient for the purpose for which he wishes to absent himself from duty, the Commissioner may grant him leave without pay for such period and subject to such conditions as the Commissioner may determine.

(2) Vacation leave shall not accrue in respect of any period of unpaid leave.

(3) Where a police officer is granted unpaid leave and has vacation leave accrued to him, he shall take all that vacation leave together with the unpaid leave.

(4) Where a police officer is granted unpaid leave to pursue a course of study, the Commissioner may authorize or require him to resume

duty under normal conditions of service during any vacation from such course of study.

44. Subject to the other provisions of this part, authority to grant leave shall be in accordance with such directions as the Commissioner may from time to time give. Authority to grant leave

45. No leave, other than sick leave, shall be granted to a police officer to be taken, either wholly or in part, during the first six months of his service as a police officer. Limitation on grant of leave

46. Where a police officer dies and, at the time of his death, has vacation leave accrued to him, his widow or dependants shall be paid a sum equal to the amount of pay, including any increment, he would have received had he lived and taken the accrued leave from the day immediately following the day of his death. Commutation of leave

PART IX *Medical*

47. (1) The Commissioner may, at any time, order a police officer to present himself for and submit to a medical examination by — Medical examination and treatment

- (a) a Government medical officer;
- (b) some other medical practitioner; or
- (c) a board of Government medical officers.

(2) The Commissioner may, on the application of a police officer, arrange for him to be examined by a board of Government medical officers.

(3) Where a police officer receives medical treatment while on duty outside Botswana and a duly qualified medical practitioner of the country in question certifies his opinion that the treatment was urgently required, the proven cost thereof, including the cost of any hospitalization, shall, unless it was provided free of charge, be met by the Government:

Provided that this subregulation shall not apply where —

- (i) there are, in the opinion of the Commissioner, reasonable grounds to believe that the officer was aware of the illness or injury for which the treatment was received or of the symptoms thereof prior to his departure from Botswana and failed to inform the authority detailing him for duty outside Botswana thereof;
- (ii) there was nothing, in the opinion of the Commissioner, to prevent the officer forthwith returning to Botswana to obtain the same treatment without appreciable risk to his life or health;
- (iii) such illness or injury, in the opinion of the Commissioner, was or was likely to have been caused or significantly aggravated by the officer's own serious misconduct or negligence.

PART X *Accommodation*

48. (1) Every police officer shall be required to occupy official quarters which shall be free of charge: Accommodation

Provided that the Commissioner may, in any case, authorize or direct such departure from this subregulation as he considers appropriate in all the circumstances.

(2) A senior officer occupying quarters appropriate to his rank shall be provided with furniture on the scale applicable to the public service generally.

PART XI *Botswana Police Association*

Establish-
ment of
Association

49. (1) There is hereby established the Botswana Police Association.

(2) The object of the Association shall be to enable police officers representative of the various ranks of the Force to meet in order to consider and bring to the notice of the Commissioner their views on matters relating to the general welfare, including conditions of service, and efficiency of the Force and other matters for which provision is made by the Act or these Regulations.

(3) The Association shall be independent of and not associated with any association or other body outside the Force.

(4) No person other than a police officer shall be a member of the Association in any capacity whether honorary or otherwise.

Divisions
and
Districts
for the
Association

50. (1) For the purposes of this Part, the following Divisions within the Force are hereby established —

(a) Headquarters Division, which shall consist of such formations and units as the Commissioner shall direct;

(b) Northern Division; and

(c) Southern Division,

which last two Divisions shall comprise such parts of Botswana as the Commissioner shall direct.

(2) The Commissioner may, for the purposes of this Part, from time to time order the establishment of Divisions within the Force additional to those established by subregulation (1) and each such additional Division shall consist of such formations and units or comprise such part of Botswana as the Commissioner shall direct.

(3) The Commissioner may, for the purposes of this Part, from time to time designate any area within a geographical Division as a District.

Constables'
Branch
Boards

51. (1) The Commissioner may, for the purposes of this regulation, from time to time designate any formation, unit or station within a Division and for every formation, unit or station for the time being so designated there shall be established a Constables' Branch Board, of which all Constables for the time being serving with the formation, unit or station shall be members.

(2) For every District, or for every such combination of Constables' Branch Boards within a Division as the Commissioner may from time to time direct, there is hereby established a Constables' Joint Branch Board, to represent every Constables' Branch Board within that District or belonging to that combination.

(3) Every Constables' Joint Branch Board shall consist of delegates elected by the Constables' Branch Boards within the District or belonging to the combination for which the Constables' Joint Branch Board is established.

Sergeants'
Branch
Boards

52. For every District, or every such combination of formations or units within a Division as the Commissioner may from time to time direct, there is hereby established a Sergeants' Branch Board, of which all Sergeants for the time being serving in the District, or with a formation or unit belonging to the combination shall be members.

53. For every District, or every such combination of formations or units within a Division as the Commissioner may from time to time direct, there is hereby established an Inspectors' Branch Board, of which all members of the inspectorate for the time being serving in the District, or with a formation or unit belonging to the combination, shall be members.

Inspectors'
Branch
Boards

54. For every Division, or for every such combination of Districts or of formations or units within a Division as the Commissioner may from time to time direct, there is hereby established a Senior Officers' Branch Board, of which all senior officers, other than officers of or above the rank of Assistant Commissioner, for the time being serving in the Division, or in a District or with a formation or unit belonging to the combination, shall be members.

Senior
Officers'
Branch
Boards

55. For each Division there is hereby established a Divisional Joint Branch Board, which shall consist of delegates from the Boards established in accordance with regulations 51 (2), 52, 53 and 54 respectively within or for the Division for which the Divisional Joint Branch Board is established.

Divisional
Joint
Branch
Boards

56. As the governing body of the Association, there is hereby established a Central Joint Committee which shall consist of delegates from the Divisional Joint Branch Boards.

Central Joint
Committee

57. (1) Every Branch Board and the Central Joint Committee shall hold only one meeting in each year, in accordance with this regulation.

Convening of
meetings of
Branch
Boards
and Central
Joint
Committee

(2) In respect of every formation, unit or station designated by the Commissioner under regulation 51 (1), a member of the inspectorate serving with the unit or formation appointed for the purpose by a senior officer having responsibility for the formation or unit or, in the case of a station, the station commander shall, during January of each year, convene and chair a meeting of the Constables' Branch Board established for the formation, unit or station.

(3) Every District Commander or, in the case of a combination of Constables' Branch Boards directed by the Commissioner under regulation 51 (2), a senior officer serving at Force Headquarters shall, during February of each year, convene and chair a meeting of the Constables' Joint Branch Board established for the District or combination.

(4) Every District Commander or, in the case of a combination of formations or units directed by the Commissioner under regulation 52, a senior officer serving with a formation or unit belonging to the combination appointed by his Divisional Commander or by the Commissioner shall, during February of each year, convene and chair a meeting of the Sergeants' Branch Board established for the District or combination.

(5) Every District Commander or, in the case of a combination of formations or units directed by the Commissioner under regulation 53, a senior officer serving with a formation or unit belonging to the combination appointed by his Divisional Commander or by the Commissioner shall, during March of each year, convene and chair a meeting of the Inspectors' Branch Board established for the District or combination.

(6) Each Divisional Commander or, in the case of Headquarters Division or of a combination of Districts or of formations or units directed by the Commissioner under regulation 54, a senior officer serving at Force Headquarters shall, during April of each year, convene and chair a meeting of the Senior Officers' Branch Board established for the Division or combination.

(7) Each Divisional Commander or in the case of Headquarters Division, a senior officer serving at Force Headquarters of or above the rank of Assistant Commissioner shall, during May of each year convene and chair a meeting of the Divisional Joint Branch Board established for the Division.

(8) The Commissioner shall, during June of each year, convene a meeting of the Central Joint Committee which shall be chaired by a senior officer of or above the rank of Assistant Commissioner for that purpose.

(9) Notwithstanding the other provisions of this regulation, the Commissioner may, in any year, vary the months during which meetings shall be convened in accordance therewith.

Constitution
of Joint
Branch
Boards
and Central
Joint
Committee

58. (1) At its yearly meeting, each Constables' Branch Board shall elect from among its members one delegate for every 20 members to be a member of the Constables' Joint Branch Board by which it is or is to be represented.

(2) At its yearly meeting, each Constables' Joint Branch Board, Sergeants' Branch Board or Inspectors' Branch Board shall elect from among its members one delegate to be member of the Divisional Joint Branch Board for the Division within which the Constables' Joint Branch Board, Sergeants' Branch Board or Inspectors' Branch Board is established.

(3) At its yearly meeting, each Senior Officers' Branch Board shall elect from among its members two delegates to be members of the Divisional Joint Branch Board for the Division or within which the Senior Officers' Branch Board is established.

(4) At its yearly meeting, each Divisional Joint Branch Board shall elect from among its members four delegates to be members of the Central Joint Committee, which delegates shall consist of one Constable, one Sergeant, one member of the inspectorate and one senior officer.

(5) Every election prescribed by this regulation shall be by secret ballot.

(6) Every person elected a delegate in terms of this regulation shall be eligible for re-election as a delegate at the next yearly meeting of the Branch Board in question unless he has ceased to be a member of that Branch Board.

Business of
meetings
of Branch
Boards and
Central Joint
Committee

59. (1) A meeting of a Branch Board or the Central Joint Committee may consider any matter permitted in terms of regulation 49 raised by a member of the Board or by the chairman thereof and, in the case of a Joint Branch Board or the Central Joint Committee, shall consider every resolution submitted to it in terms of this regulation.

(2) A meeting of a Branch Board may, in relation to any matter such as is referred to subregulation (1), submit a written resolution —

(a) in the case of a Constables' Branch Board, to the Constables' Joint Branch Board by which it is or is to be represented;

(b) in the case of a Constables' Joint Branch Board, Sergeants' Branch Board, Inspectors' Branch Board or Senior Officers' Branch Board, to the Divisional Joint Branch Board by which it is or is to be represented; or

(c) in the case of a Divisional Joint Branch Board, to the Central Joint Committee.

(3) The chairman of a meeting of a Branch Board or the Central Joint Committee shall rule out of order any matter raised for consideration which, in his opinion, is not permitted in terms of regulation 49.

60. (1) The chairman of a meeting of a Branch Board shall, under his own signature and the signature or signatures of the delegate or delegates elected by the Board at that meeting, forward to the chairman of the next meeting of the Board of which the delegates are members or, in the case of a Divisional Joint Branch Board, to the chairman of the next meeting of the Central Joint Committee a copy of every resolution passed at the meeting.

Resolutions and minutes of meetings of Branch Boards and Central Joint Committee

(2) The chairman of a meeting of a Divisional Joint Branch Board or the Central Joint Committee shall forward to the Commissioner a copy of the minutes of the meeting and of every resolution passed at the meeting.

(3) The duty imposed on the chairman of a meeting of a Divisional Joint Branch Board by subregulation (2) shall be in addition to the duty imposed on him by subregulation (1).

(4) No resolution shall be treated as passed at a meeting of a Branch Board or the Central Joint Committee unless it receives an affirmative majority of the votes cast on the resolution and the voting thereon is by show of hands alone.

61. Where the Commissioner decides to respond to any resolution passed at a meeting of the Central Joint Committee, a copy of which has been forwarded to him in terms of regulation 60, he shall do so by way of written or oral communication to all formations, units and stations within the Force.

Commissioner's response

62. (1) Subject to subregulation (2), at a meeting of a Branch Board or the Central Joint Committee, each member thereof present shall have one vote on every question put to the vote at the meeting.

Voting at meetings of Branch Boards and Central Joint Committee

(2) The chairman of a meeting of a Branch Board or the Central Joint Committee shall not have an original vote but shall have a casting vote alone.

63. The presence of the chairman of a meeting of a Branch Board or the Central Joint Committee, together with that of at least two-thirds of the members thereof, excluding the chairman if he is a member, shall constitute a quorum for a meeting of the Board or Committee.

Quorum for meetings of Branch Boards and Central Joint Committee

64. Where a police officer is a member of a Branch Board or the Central Joint Committee, he shall, unless there are special circumstances in which he is required for duty for which no substitute is readily available, be given official permission to attend a meeting of the Board or Committee and, where he does so attend with official permission, he shall be deemed to do so in performance of his duty as a police officer.

Attendance at meetings of Branch Board and Central Joint Committee to be facilitated

PART XII *Miscellaneous*

Training
accommo-
dation

65. Where a police officer attends a training course within Botswana by official direction, he shall, during the entire period of the course, be provided with free board and accommodation.

Mess, etc
subscriptions

66. Where a mess or similar institution, organisation or association of police officers is created within the Force, the Commissioner may direct that such officers as he shall specify shall be members thereof and require them to pay such subscriptions thereto as may from time to time be laid down.

Botswana
Police
Relief Fund

67. (1) There is hereby established a Botswana Police Relief Fund (hereinafter called "the Fund"), the object of which is to assist the dependants of deceased police officers.

(2) For the purposes of this regulation "dependant" means the spouse and children, whether legitimate or not, of the officer, who were dependant on such officer during his lifetime.

(3) Any member of the Police Force shall be entitled to become a contributor to the Fund.

(4) Where any member of the Police Force becomes a contributor to the Fund he shall, if he wishes his family to receive a relief grant on his death, continue to so contribute until his death notwithstanding that he may have retired from the Force.

(5) The contribution to the Fund shall be two Pula per month. Such contribution shall be made by the officer authorising the deduction of the said sum from his pay or pension as the case may be, every month.

(6) There is hereby established an Accounts Committee (hereinafter referred to as "the Committee"), consisting of such number of contributors of all ranks as the Commissioner shall determine, all of whom shall be appointed by the Commissioner.

(7) It shall be the responsibility of the Committee to determine whether or not the dependants of a deceased officer qualify for a relief grant under this regulation.

(8) The Commissioner shall act on and in accordance with the advice of the Committee in authorising payments from the Fund.

(9) In ascertaining the relief grant payable to the dependants of a deceased contributor to the Fund, regard shall not be had to the rank, salary, number of years of service, or number of dependants of such contributor.

(10) No payment may be authorised from the Fund to the dependants of any deceased officer who was not a contributor to the Fund at the time of his death.

(11) The dependants of a deceased officer shall be entitled to a relief grant on the death of an officer who was a subscriber to the Fund at the date of his death.

Revocation
of SI 1 of
1987

68. Statutory Instrument No. 1 of 1987 is hereby revoked.

MADE this 7th day of September, 1988.

Q.K.J. MASIRE,
President.