

BOTSWANA DEFENCE FORCE ACT
(Cap. 21:05)

DEFENCE FORCE (REGULAR FORCE) (OFFICERS) (AMENDMENT)
REGULATIONS, 1996
(Published on 25th October, 1996)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 4 of Cap. 21:05 (Sub. Leg.)
3. Amendment of regulation 8 of the Regulations
4. Insertion of new regulation 9 of the Regulations
5. Amendment of regulation 34 of the Regulations

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

1. These Regulations may be cited as the Defence Force (Regular Force) (Officers) (Amendment) Regulations, 1996.

Citation

2. Regulation 4 of the Defence Force (Regular Force) (Officers) Regulations (in these Regulations referred to as “the Regulations”) is amended by substituting for subregulation (5) (b) thereof, the following new subregulation —

Amendment of
regulation 4
of Cap. 21:05
(Sub. Leg.)

“(b) on being given three months’ notice in writing by the Commander, if —

- (i) there is no establishment for him in his present rank, or
- (ii) there is no reasonable future prospects of promotion for him in his present rank.”

3. Regulation 8 of the Regulations is amended by substituting for that regulation, the following new regulation —

Amendment of
regulation 8
of the
Regulations

“Dismissal
of officers

8(1) Subject to the provisions of this regulation, an officer may be dismissed from the Force at any time —

(a) by the President; or

(b) in the case where the Commander is the appointing authority, by the Commander,

if the President or the Commander, as the case may be, is satisfied that —

(i) the officer, by his conduct and actions, has shown that he is not fit to hold his commission; or

(ii) the conviction of the officer of an offence by a court-martial adversely reflected on the integrity or reputation of the officer, and the penalty imposed for the conviction did not include reduction in rank.

(2) Where the President or the Commander, as the case may be, intends to dismiss an officer from the Force, he shall, in writing, inform the officer concerned of his intention to do so, giving the reasons therefor, and requiring the officer within 14 days of the receipt of the letter to give reasons why he should not be dismissed from the Force.

- (3) An officer dismissed from the Force may —
- (a) in the case of dismissal by the President, petition the President for reconsideration of his decision; and
 - (b) in the case of dismissal by the Commander, appeal against his dismissal to the Defence Council.”

Insertion of
new regulation
9 of the
Regulations

4. The Regulations are amended by the insertion immediately after regulation 8 thereof, of the following new regulation —

“Reduction
in rank of
officers

9(1). Subject to the provisions of these Regulations, the President or the Commander, in the case where the Commander is the appointing authority, may order the reduction in rank of an officer if he is satisfied that —

- (a) the officer has demonstrated characteristics which are indicative of inability to perform the duties and responsibilities commensurate with his rank and appointment; or
- (b) the officer has conducted himself in manner unbecoming his rank and appointment.

(2) Where the President or the Commander, as the case may be, intends to order the reduction in rank of an officer, he shall, in writing, inform the officer of his intention to make such an order and giving reasons therefor, and to require the officer within 14 days of the receipt of the letter to reply in explanation why such order should not be made against him.

(3) An officer, in respect of whom an order for the reduction in rank has been made, may —

- (a) in the case of an order made by the President, petition the President for reconsideration of his decision; and
- (b) in the case of an order made by the Commander, appeal against the order to the Defence Council.”

Amendment of
Regulation 34
of the
Regulations

5. Regulation 34 is amended by inserting the following new provision immediately after subsection (2) thereof —

“(3) Any period of annual leave which has accumulated shall not accrue to a member under this regulation in excess of 90 working days.”

MADE this 14th day of October, 1996.

Q.K.J. MASIRE,
President.

L2/7/242 VII