

PENSIONS (AMENDMENT) ACT, 1998

No. 4



of 1998

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Repeal of sections 6(1) and 7 of Cap. 27:01
3. Amendment of section 10 of the Act
4. Amendment of section 12 of the Act
5. Addition of section 18 to the Act

An Act to amend the Pensions Act

Date of Assent: 23.4.98.

Date of Commencement: 1.1.98.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Pensions (Amendment) Act, 1998, and shall be deemed to have come into operation on 1st January, 1998.

Short title and
commence-
ment

2. Sections 6 (1) and 7 of the Pensions Act (in this Act referred to as "the Act") are hereby repealed.

Repeal of
sections 6(1)
and 7 of
Cap. 27:01

3. Section 10 of the Act is hereby amended by substituting for subsections (1) to (3) thereof, the following new subsections —

Amendment of
section 10 of
the Act

"Withholding
of benefits

Cap. 08:01

Cap. 23:01

10. (1) Where a public officer or former public officer who is entitled to payment of pension, gratuity or other allowance under this Act is convicted of one or more offences, under Part II of the Penal Code (relating to crimes of treason and other offences against the State's authority), or under the National Security Act, for which he has been sentenced to a term of imprisonment of at least 10 years, or has been sentenced on the same occasion to two or more consecutive terms amounting in aggregate to at least 10 years, the President may, if he thinks it is in the public interest to do so, withhold any pension, gratuity or other allowance payable to such officer under this Act.

(2) Where the President decides to withhold any benefits payable under this Act to any officer, he shall give such officer an opportunity to make such representations as the officer may wish to make to him.

(3) Where any benefits are withheld in accordance with the provisions of this section, the President may direct that all or any part of the benefits to which such officer would have been entitled by way of pension, gratuity or other allowance, but for the provisions of this section, should be paid or applied in the same manner in all respects as provided in section 9, and such benefits shall be paid or applied accordingly."

Amendment
of section 12
of the Act

4. Section 12 of the Act is hereby amended by deleting the proviso to subsection (1) thereof.

Addition of
section 18 to
the Act

5. The Act is hereby amended by adding at the end of section 17 thereof, the following new section —

"Gratuity of
contract
officers to be
free of tax

18. Any gratuity payable under this Act to any officer appointed on contract for a period of 24 months to 36 months shall be payable free from tax."

PASSED by the National Assembly this 16th day of April, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.