

**PRESIDENTS (PENSIONS AND RETIREMENT BENEFITS)
ACT, 1998**

No. 3



of 1998

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Act to provide for the payment of pensions and other retirement benefits to and in respect of Presidents of the Republic of Botswana; and to provide for matters connected with or incidental thereto.

Date of Assent: 20.4.98.

Date of Commencement: 1.4.98.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Presidents (Pensions and Retirement Benefits) Act, 1998, and shall come into operation on 1st April, 1998.

Short title
and com-
mencement

2. In this Act, unless the context otherwise requires —
“President” means a President of the Republic of Botswana

Interpretation

3. Subject to this Act, any person who has been President shall, immediately upon ceasing to hold office as such, be entitled to —

Pension
and other
benefits of
President

- (a) a tax free monthly pension equivalent to the monthly basic salary attached to the office at the time that that person ceased to hold office, or 80 per cent of the incumbent President’s salary, whichever is greater; and
- (b) the benefits set out in the Schedule.

Pension payable to spouse or dependants on death of President

4. (1) A surviving spouse of a person, who has held the office of President —

(a) who dies in office shall be paid a tax free monthly pension at the rate of 50 per cent of the pension that that person would have been entitled to receive if that person had retired at the date of the occurrence of the death;

(b) who dies after ceasing to hold office shall be paid a tax free monthly pension at the rate of 50 per cent of the pension that that person would have received but for the occurrence of such death.

(2) Without prejudice to the provisions of subsection (1), any surviving spouse shall, at the commencement of this Act, be paid a tax free monthly pension of P5114:

Provided that the President may, by order, amend this subsection by increasing the amount of pension payable thereunder.

(3) A pension payable to a surviving spouse under subsection (1) shall, if there is no surviving spouse, or if the surviving spouse subsequently dies, be payable to any dependent children under 21 years of age.

5. The pension and other benefits conferred by this Act shall be a charge on the Consolidated Fund.

Pensions, etc. chargeable to the Consolidated Fund

Circumstances in which pensions, etc. not payable

6. (1) The pension and other benefits conferred by this Act shall not be granted to or in respect of a person who ceased to hold office of President on the ground that that person is, by virtue of that person's own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State.

(2) If a person who ceases to be President directly or indirectly holds any paid office, in the service of the State, or in the employment of any person, any pension or benefits to which such person is entitled under this Act shall be suspended for the period that that person holds such office.

(3) Where a person entitled to a pension or other benefits in terms of this Act is sentenced to death or to serve a term of imprisonment (and the sentence of imprisonment has not been wholly suspended), the President may, if he thinks it is in the public interest to do so, withhold such pension or benefits.

(4) The pension and other benefits conferred by this Act shall cease —

(a) in the case of any person, upon such person's death;

(b) in the case of a surviving spouse, upon remarriage;

(c) in the case of a dependent child, upon attaining the age of 21 years.

7. A pension payable in terms of this Act shall not be capable of being assigned or ceded or otherwise transferred or of being pledged or hypothecated nor shall it be liable to be attached or subjected to any form of execution under a judgment or order of court except for the purpose of satisfying —

Pensions, etc. not to be assignable

- (a) a debt due to the government of Botswana; or
- (b) an order of any competent court for the payment of periodical sums of money towards the maintenance of the spouse or former spouse or minor child of the person to whom the pension is payable.

8. Where a person entitled to a pension or other benefit in terms of this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, the pension or other benefit, or the value thereof, shall not form part of the assets of the insolvent estate of such person.

Insolvency

9. Section 5 of the National Assembly (Salaries and Allowances Act (relating to payment of pension to a surviving spouse of a deceased President) and paragraph 1 (2) of the Schedule to the said Act are hereby repealed.

Repeal of
section 5 of
Act No. 3 of
1992 and
paragraph 1
(2) of the
Schedule
thereto

SCHEDULE (section 3 (b))

OTHER BENEFITS

1. *Staff:*

- (a) Such number of security officers as may be determined by the President
- (b) Two drivers
- (c) One private secretary
- (d) One secretary
- (e) One office attendant

2. *Office and equipment:*

- (a) Office accommodation
- (b) Telephone
- (c) Computer/wordprocessor
- (d) Office furniture
- (e) and such other office equipment as may be determined by the President

3. *Housing:*

- (a) A furnished residential house in Gaborone or such housing allowance as may be determined by the President
- (b) Two maids
- (c) One gardner

4. *Medical:*

Medical insurance for the former President and the spouse.

5. *Travel:*

- (a) First class air and rail travel within Botswana.
- (b) First class international air travel up to a maximum of four (4) trips per annum (including spouse if accompanying) and such per diem for each trip as may be determined by the President.

6. *Transport:*

three vehicles namely —

- (a) one sedan (Mercedes or an equivalent or similar class of motor vehicle).
- (b) one 4 wheel drive station wagon
- (c) one pick-up van

The vehicles will be permanently at the disposal of the former President and will carry BX registration number plates unless otherwise decided by Parliament. As with other Government vehicles the vehicles will be replaced as and when necessary.

7. *Other Benefits:*

- (a) Entertainment allowance as may be determined by the President.
- (b) Telephone expenses in respect of the office and official residence in Gaborone.
- (c) Water and electricity expenses in respect of the office and official residence in Gaborone.

PASSED by the National Assembly this 8th day of April, 1998.

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