

VOLUME: III

CHAPTER: 21:05 BOTSWANA DEFENCE FORCE: SUBSIDIARY LEGISLATION

DEFENCE FORCE REGULAR FORCE OFFICERS REGULATIONS

Part :III Promotion, Seniority, Pay and General Allowances regs 1026

10. Appointment to commissioned rank and subsequent promotion in case of direct entries

(1) This regulation shall apply to officers who are enlisted directly into the Force as cadet officers.

(2) An officer to whom this regulation applies shall, on first being appointed, be appointed to the rank of second-lieutenant.

(3) Promotion to the rank of lieutenant shall be made two years after the date of enlistment as a cadet officer.

(4) Promotion to the rank of captain may be made-

(a) after not less than two years' satisfactory service in the substantive rank of lieutenant;

(b) after the officer has passed the examination provided for promotion from lieutenant to captain;

(c) after the officer has received an up-to-date recommendation for promotion to captain; and

(d) provided there is a vacancy in the establishment for a captain.

(5) Promotion to the rank of major may be made-

(a) after not less than three years' satisfactory service in the substantive rank of captain;

(b) after the officer has passed the examination provided for promotion from captain to major;

(c) after the officer has received an up-to-date recommendation for promotion to major; and

(d) provided there is a vacancy in the establishment for a major.

(6) Promotion to any rank higher than that of major shall be by selection.

(7) The Commander

may, if he considers it in the interests of the Force to do so, vary the provisions of this regulation.

11. Appointment to commissioned rank and subsequent promotion in the case of officers who have served in the ranks

(1) This regulation shall apply to officers who have served in the ranks and are subsequently appointed.

(2) For the purposes of this regulation "reckonable service" shall be service in the Force other than as an officer computed in accordance with the following-

(a) in the case of a warrant officer, the whole of any service spent on full pay as a warrant officer after a minimum period of two years in that rank, and half of any other period of service spent on full pay;

(b) in the case of any other rank (other than a warrant officer) half of any period of service spent on full pay;

(c) the whole of any period of service spent on full pay as a cadet officer.

(3) A member of the Force appointed after less than two years' reckonable service shall be appointed to the rank of second-lieutenant, and a member of the Force appointed after two or more years' reckonable service shall be appointed to the rank of lieutenant.

(4) Promotion from second-lieutenant to lieutenant shall be made when the total of the officer's reckonable service and commissioned service amounts to two years or more.

(5) Promotion from lieutenant to captain may be made-

(a) after the total of the officer's reckonable service and commissioned service amounts to three or more years, of which one year shall have been service as a lieutenant;

(b) after passing the examination provided for promotion from lieutenant to captain, unless exempted therefrom under this regulation;

(c) after receiving an up-to-date recommendation for promotion to captain; and

(d) provided there is a vacancy in the establishment for a captain.

(6) Promotion to the rank of major may be made-

(a) after the total of the officer's reckonable service and commissioned service amounts to three or more years, of which one year shall have been service as a captain;

(b) after passing the examination provided for promotion from captain to major, unless exempted therefrom under this regulation;

(c) after

receiving an up-to-date recommendation for promotion to major; and

(d) provided  
there is a vacancy in the establishment for a major.

(7) Promotion to any  
rank higher than that of major shall be by selection.

(8) An officer  
otherwise eligible for promotion-

(a) from  
lieutenant to captain may be exempted by the Commander at his discretion from the necessity of taking or passing the examination provided for promotion from lieutenant to captain; or

(b) from  
captain to major and whose commissioned service amounts to less than four years may be exempted by the Commander at his discretion from the necessity of taking or passing the examination provided for promotion from captain to major.

(9) The Commander  
may, if he considers it in the interests of the Force to do so, vary the provisions of this regulation.

## 12. Acting appointment

(1) The Commander  
may, in his discretion, appoint an officer temporarily to act in an appointment for which a higher rank is required, and during any such appointment the officer concerned shall be paid an acting allowance equal to the difference between his substantive salary and the minimum of the scale of that higher rank:

Provided that no  
acting allowance shall be paid in terms of this subregulation to an officer whose acting appointment subsists for a period of less than 28 days.

(3) Notwithstanding  
the provisions of the proviso to subregulation (1), if the acting appointment is for 28 or more continuous days, and after reverting to his substantive appointment the officer is again, within 14 days thereafter, appointed to act in the same appointment, he shall be entitled to the acting allowance during such further appointment whether or not it subsists for 28 days.

## 13. Acting rank

(1) Any officer may  
be appointed to act in the rank next higher than his substantive rank, if there is a vacancy in the establishment of officers of that higher rank.

(2) An officer who  
does not otherwise qualify for promotion to the rank next higher than his substantive rank, may be appointed to act in that higher rank on probation pending confirmation of his substantive appointment to that rank.

(3) The appointment  
to an acting rank shall, subject to the provisions of subregulation (5), subsist for not less than 12 months, or more than 18 months, after which the officer shall, if he has not by then been confirmed in the appointment, revert to his substantive rank.

(4) Any period of  
time spent by an officer in an acting rank shall not affect the annual rate of pay applicable to his substantive rank, but he will be entitled to receive the acting allowance appropriate to the acting rank, as prescribed by these

## Regulations.

(5) An officer appointed to an acting rank may, at the discretion of the appointing authority, be required to revert to his substantive rank-

(a) if he is found to be deficient in the performance of his duties;

(b) if he is charged with and convicted by a court martial or by a civil court for any offence under the Botswana Defence Force Act, or any offence under the laws of Botswana; or

(c) if, after due investigation, he is in the opinion of the appointing authority guilty of any act prejudicial to military discipline or which is likely to bring disrepute to the Defence Force.

(6) For the purposes of disciplinary action an officer shall be dealt with in the manner appropriate to the rank in which he is acting.

(7) For the purposes of this regulation "appointing officer" in relation to officers of or above the rank of Lieutenant-Colonel means the President of Botswana, and in relation to officers of the rank of Major and below means the Commander.

## 14. Local rank

(1) The appointing officer as defined in regulation 13 may appoint any officer to a local rank higher than his substantive or his acting rank.

(2) An officer appointed to a local rank shall not be entitled to any increase in salary or any other financial benefit, and any such appointment will be made in the following circumstances and subject to the following conditions-

(a) when it is necessary to raise the status of an officer who by virtue of his appointment will be performing the duties of that local rank, and there is no vacancy in the establishment for officers of such rank;

(b) an officer appointed to a local rank shall relinquish such rank when he ceases to perform the duties of that rank, or may be required to relinquish it in the same circumstances and in the same manner as are referred to in regulation 13(5).

(3) For disciplinary purposes, officers holding a local rank shall be dealt with in the manner appropriate to such rank.

## 15. Seniority

Officers of the same rank shall take seniority from the date of their appointment or promotion to that rank, or, in the case of officers appointed or promoted to that rank on the same date, from the date of their enlistment in the Force.

## 16. Pay

Subject to these Regulations all officers shall be paid at such annual rates of pay as may be determined in respect thereof by the Defence Council.

## 17. Acting allowance

An officer who is appointed to act in a rank which is higher than his substantive rank shall, during the subsistence of such acting rank, be paid an acting allowance equal to the difference, if any, between the salary for his substantive rank and the minimum salary for the rank in which he is acting.

## 18. Entertainment allowance

### (1) The Commander

and any Lieutenant-Colonel or other officer who performs the functions and duties of a commanding officer of a battalion shall, in respect of the period during which they perform such functions and duties, be allowed a refund of expenses arising from official entertainment which directly results from such functions and duties.

### (2) An officer who

performs the functions and, as the case may be, duties of a detachment commander shall be entitled to a refund of expenses arising from entertainment which directly results from such functions and duties.

### (3) For the

avoidance of doubt it is hereby declared that an officer who performs functions and duties which qualify him for the payment of more than one entertainment allowance under this regulation shall be paid every entertainment allowance for which he so qualifies, so, however, that the aggregate of such allowances paid to any one officer shall in no case exceed such rate as may be determined by the Defence Council.

## 19. General allowances

An officer may, in addition to his pay, be paid such allowances as may be determined by the Defence Council.

## 20. Free furnished quarters

### (1) Where such

quarters are available, every officer shall be provided free of charge with furnished quarters (hereinafter referred to as "free furnished quarters").

### (2)

An officer living in free furnished quarters shall, on production of evidence of payment, be reimbursed with the costs of energy and water up to such maximum as may be determined by the Defence Council.

## 21. No pay or allowance in certain circumstances

Notwithstanding these Regulations, an officer shall not be paid any pay or allowances in respect of any period during which-

### (a) he

is undergoing a sentence of imprisonment imposed by a court-martial or by a civil court;

### (b) he

is being treated as an in-patient at a hospital for an illness or injury if-

(i) he has been convicted by a court-martial or a prescribed officer of an offence under the Act or by a civil court; and

(ii) a medical officer certifies that his illness or

injury has been occasioned by or arises out of such offence; or

(c) he is absent in circumstances constituting the offence of deserting or absenting himself without leave.

## 22. Family allowances when serving outside Botswana

When serving on duty or when attending a course outside Botswana for a consecutive period longer than one month an officer who is married shall be entitled to receive a family allowance at such rates as may be determined by the Defence Council.

## 23. Course allowance outside Botswana

When attending a course of instruction outside Botswana an officer shall be entitled to such additional allowances as the Defence Council may allow.

## 24. Disturbance allowance

(1) An officer who is posted on transfer not at his own request shall be entitled, where he is a householder and is obliged to transfer his household effects, to such allowance as may be determined by the Defence Council to cover the reasonable expenses incurred thereby.

(2) An officer who is posted on transfer at his own request shall be entitled, where he is a householder and is obliged to transfer his household effects, to half of the allowance determined under subregulation (1).

## 25. Travelling and baggage allowance

(1) An officer travelling on duty or for the purpose of attending a course of instruction outside Botswana shall be entitled to an air passage to and from Botswana of such class as may be determined by the Defence Council.

(2) In addition to the accompanied baggage allowance to which his air ticket entitles him, namely, 20 kg, an officer shall be entitled to an allowance of a further 20 kg of baggage at air freight rates. If an officer should decide to forward all or any of his baggage by sea, he shall be entitled to an allowance equivalent to the value of transporting 20 kg of baggage at air freight rates.

## 26. Deductions from pay and allowances

(1) The Commander may authorize the deduction from the pay and allowances due to an officer in terms of these Regulations of-

(a) any liquidated amount which that officer is liable to pay to the Government or to any mess, institution, organization or association whatsoever of members of the Defence Force;

(b) any amount which that officer has previously been paid in pay and allowances in excess of the amount which is due to him under these Regulations.

(2) If, after perusing the proceedings of any board of enquiry, the Commander is satisfied-

(a) that

loss or destruction of or damage to Government property or service property has been occasioned by the deliberate or negligent act of an officer; and

(b) that such officer will not be charged before a court-martial, a prescribed officer or a civil court with an offence arising out of such loss, destruction or damage,

he may authorize the deduction from the pay and allowances due to such officer under these Regulations of such amount, not exceeding the value of the loss, destruction or damage, as in the circumstances he may deem equitable in view of the value of the loss, destruction or damage.

(3) Any officer from whose pay and allowances a deduction has been made under subregulation (2) may, within the period of 14 days immediately following the date when the deduction was made, appeal in writing to the Defence Council against such deduction, and the Defence Council may confirm, modify or set aside the deduction.