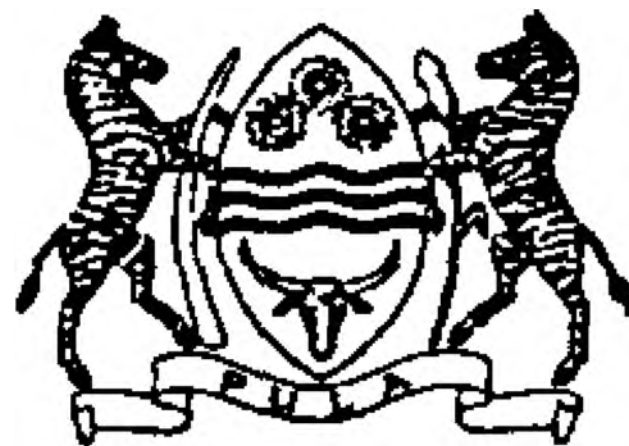


# BOTSWANA DEFENCE FORCE (AMENDMENT) ACT, 1994

No. 12



of 1994

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of section 2, Cap. 21:05
3. Insertion of new section 116A
4. Amendment of section 177

### An Act to amend the Botswana Defence Force Act

*Date of Assent:* 2nd August, 1994.

*Date of Commencement:* On Publication.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana Defence Force (Amendment) Act, 1994.

Short title

2. Section 2 of the Botswana Defence Force Act, hereinafter referred to as "the Act", is amended by inserting in their correct alphabetical order the following definitions —

Amendment of  
section 2, Cap.  
21:05

““local rank” means a rank to which an officer or a member of the Force may be appointed, higher than his substantive rank, which is neither a substantive rank nor an acting rank, which does not entitle him to any increase in salary or other financial benefit, and which is made in circumstances where there is no vacancy in the establishment for officers or members of such rank, but where the officer or other member is required to perform the duties of such rank;”

““rank” includes substantive rank, acting rank and local rank;”.

3. The Act is amended by inserting immediately after section 116 thereof the following new section —

Insertion of  
new section  
116A

“Criminal  
proceedings  
against member  
of Defence  
Force

116A. (1) Where a person subject to this Act is under investigation, with a view to the institution of criminal proceedings against him, either before a civil court or a court martial, the Commander, or any officer so authorized by the Commander, may suspend such person from the performance of his duties pending the outcome of such investigation, or the outcome of the proceedings arising therefrom.

(2) The person so suspended shall, during the period of such suspension, be paid such portion of his salary, being not less than one half thereof, as the Commander, or the officer so authorized by the Commander, determines.

(3) If proceedings are not instituted against such person, or if at the end of proceedings the person is acquitted, his suspension shall be lifted and he shall be paid the whole of his emoluments which were withheld.

(4) If an officer is convicted by a court martial and sentenced to a term of imprisonment, any emoluments withheld under subsection (2) shall be forfeited.

(5) If an officer is convicted by a civil court and sentenced to a term of imprisonment, he may be required by the Commander to resign from the Force with effect from the date of his conviction, or, in the event of an appeal against his conviction or sentence, with effect from the date of dismissal of such appeal, and any emoluments withheld under subsection (2) shall be forfeited.

(6) If an officer is convicted by a civil court or by a court martial, and is awarded a sentence other than a sentence of imprisonment, or that he be cashiered or dismissed, the Commander may, if he does not require him to resign from the Force, authorize the payment to him of not less than one quarter of any emoluments withheld from him under subsection (2).".

Amendment  
of section 177

4. Section 177 of the Act is amended by making the present paragraph (f) paragraph (g) thereof, and by inserting the following new paragraph (f) —

"(f) providing for appointments or acting appointments to positions within the Force, with or without changes of rank or acting rank;".

PASSED by the National Assembly this 25th day of July, 1994.

T.G.G.G. SEELETSO,  
*Clerk of the National Assembly.*