



SWAZILAND
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. XXVI]

MBABANE, Monday, June 20th., 1988

[No. 601

CONTENTS

No.

Page

PART C — LEGAL NOTICES

58. The Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1988 S1

PUBLISHED BY AUTHORITY

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE
EXTRAORDINARY

VOL. XXVI]

MBABANE, Monday, June 20th., 1988

[No. 601

CONTENTS

No.

Page

PART C — LEGAL NOTICES

58. The Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1988 S1

PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 58 OF 1988

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977

(Order No. 10 of 1977)

THE UMBUTFO SWAZILAND DEFENCE FORCE
(GRATUITIES) REGULATIONS, 1988

(Under section 34)

In exercise of the powers conferred by section 34 of the Umbutfo Swaziland Defence Force Order, 1977 and on the advice of the Defence Council, I hereby make the following Regulations—

Title, commencement and construction.

1. (1) These Regulations may be cited as the Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1988 and shall be deemed to have come into force on the 27th April, 1988.

(2) In these Regulations service in the Defence Force shall include any period of military service overseas during the Second World War.

Entitlement to retirement and gratuity.

2. A member of the Defence Force shall retire from the Force and, upon such retirement shall, unless he otherwise qualifies to receive a pension or other terminal benefit, be entitled to receive a gratuity if—

- (a) having attained the age of 50 years or more and upon his application, the authority which appointed him to the rank or office he holds at the time of such application approves his retirement; or
- (b) at any time he is required to retire by the authority which appointed him, to the rank or office he holds at that particular time; or
- (c) at any time after attestation and in the course and scope of his employment, he suffers personal injury (whether physical or mental) which, in the opinion of a medical practitioner, renders him incapable to serve in a capacity in which he can reasonably be expected to do so.

Death gratuity.

3. The legal personal representative (as defined in the Pensions Act, 1968) of a member of the Defence Force who—

- (a) dies of natural causes after attestation and having served continuously for not less than two years; or
- (b) died or dies, as the case may be, on or after the 1st April, 1986 in the course and scope of his employment

his legal personal representative (as defined in the Pensions Act, 1968) shall be entitled to receive a gratuity in accordance with these Regulations.

Rate of gratuity.

4. The rate at which a gratuity under these Regulations is payable shall be as follows;

(a) *Retirement gratuity under Regulation 2(a) and (b):*

- | | |
|---|--|
| (i) from Private to Regimental Sergeant-Major |) 6% of the total salary received during the entire period of service: |
| (ii) Commissioned Officer: | 4% of the total salary received during the entire period of service. |

(b) *Retirement gratuity under Regulation 2(c):*

- | | |
|--|---|
| (i) from Private to Regimental Sergeant— |) 10% of the total salary received during the entire period of service; |
| (ii) Commissioned Officer: | 6% of the total salary received during the entire period of service. |

(c) *Death gratuity under Regulation 3:*

- | | |
|--------------------------------|---|
| (i) Under paragraph (a) – (aa) | from Private to Regimental Sergeant Major: 15% of the total salary received during the entire period of service prior to the date of death or, if such service is longer than eight years, 15% of the salary received over the last eight years of service; |
| (bb) | Commissioned officers: 10% of the total salary received during the entire period of service prior to the date of death or, if such service is more than eight years, 10% of the salary received over the last years of service. |
| (ii) Under paragraph (b) | irrespective of rank, one year's salary at the salary rate applicable on the date of death. |

Gratuity to be statutory expenditure.

5. All moneys payable under these regulations shall be a charge upon the Consolidated Fund.

Protection of gratuity from attachment, etc.

6. No gratuity payable under these Regulations or any right thereto shall be capable of being assigned, transferred, ceded, pledged or hypothecated or liable to attachment, sequestration or any other form of execution under any circumstances whatsoever (including any judgement or order of a court) nor shall such right thereto be deemed to form part of the assets in the insolvent estate of any member or of the estate of a deceased member of the Force:

Provided that a gratuity payable under these Regulations may be assigned, transferred, ceded, pledged or hypothecated to the Government in respect of any debt owed to the Government or to a financial institution as defined in the Financial Institutions (Consolidation) Order, 1975 and for that purpose any such gratuity or right thereto shall be deemed to form part of the assets in the insolvent estate of a member or the estate of a deceased member.

Revocation of Legal Notice No. 24 of 1979.

7. The Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1979 are hereby revoked.

DONE AT LUDZIDZINI THIS 27TH DAY OF APRIL, 1988.

MSWATI III
KING OF SWAZILAND