

**CHAPTER 27:03 - PENSION AND PROVIDENT FUNDS: SUBSIDIARY LEGISLATION
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Pension and Provident Funds Regulations

PENSION AND PROVIDENT FUNDS REGULATIONS

(section 34)

(23rd September, 1988)

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PART I
Preliminary (regs 1-2)

1. Citation

These Regulations may be cited as the Pension and Provident Funds Regulations.

2. Interpretation

(1) In these Regulations-

"child", includes an illegitimate child, stepchild or child adopted in accordance with the Adoption of Children Act, or in accordance with any enactment whatsoever, whether within or outside Botswana, relating to the adoption of children;

"dependent", includes a person nominated by a member as being a common law spouse dependent on the member for his or her support;

"forms" means the appropriate form set out in the Schedule;

"pensionable income" means the income of a member of a pension fund or provident fund on which the benefits payable from the fund are to be calculated, whether referred to as pensionable income, pensionable salary or salary or any similar term considered by the Registrar to be suitable;

"retirement annuity fund" means a fund established to purchase a pension to be paid to its members in the form of an annuity upon their retirement.

(2) Any reference in these regulations to a "widow" shall, unless otherwise expressly stated, be understood to include a widower.

PART II
Licensing (regs 3-5)

3. Application for a licence

(1) Except as otherwise provided in subregulation (2), an application in terms of subsection (1) of section 5 of the Act for-

(a)

(b) the registration of a fund shall be made in Form No. 2.

(2) An application referred to in subregulation (1) shall be accompanied by-

(a) the relevant enclosures required by the appropriate form; and

(b) the appropriate fee prescribed in regulation 4.

4. Licence fee

(1)

(2) The fee for the licensing of a fund shall be P100.

5. Licensing of existing funds

An existing fund shall submit to the Registrar, within three months of the appointed day, a return in Form No. 2 duly completed and signed by the principal officer.

PART III

Rules relating to Administration (regs 6-10)

6. Type of fund to be specified

The name and rules of a fund shall accurately state the purpose for which it was established.

7. Duties and responsibilities of officers

The rules of a fund shall make provision for the functions, powers, duties and areas of responsibility of every director, manager, controller, principal officer and, where the fund is a trust fund, the trustees.

8. Acting principal officer

The rules of a fund shall provide that if the principal officer is for any reason unable to discharge any duties imposed upon him by or under the Act for a period of one month or more, an acting principal officer shall be appointed.

9. Settlement of disputes

The rules of a fund shall provide for the manner in which any dispute between the fund and any member or any person whose claim is derived from a member shall be settled.

10. Protection against dishonesty

The rules of a fund shall require the fund to protect itself against dishonesty on the part of any of its directors, managers, controllers, principal officers or trustees either by way of a guarantee from the participating employer or by way of insurance of such amount as the principal officer deems adequate.

PART IV

Rules relating to Membership and Benefits (regs 11-25)

11. Membership

The rules of a pension fund or provident fund shall-

- (a) define each category of persons eligible to become members of the fund; and
- (b) not contain any provision the effect of which would be to render admission to membership subject to a discretion in any person other than the person seeking membership.

12. Pensionable income

The rules of a fund shall, where relevant, define the pensionable income applicable in relation to each category of members which-

- (a) shall include the basic income, salary or wage payable to the member; and
- (b) may include the whole or part of any regular contractual commission or bonus payable to the member and of any other allowance considered by the Registrar to be suitable for inclusion.

13. Contributions to a fund

(1) The rules of a fund shall-

- (a) if they require a member to make compulsory contributions to the fund, specify the rate of contributions which shall be expressed as a percentage of his pensionable income or, where it is not related to income, set out in a scale;
- (b) if they require a participating employer to make compulsory contributions to the fund, specify the basis of calculating contributions;
- (c) where a participating employer deducts the contributions of a member from his remuneration, pay to the fund that contribution, and the corresponding contribution referred to in paragraph (b), within 21 days from the end of the calendar month in respect of which the contributions are payable;
- (d) provide that if a participating employer fails to make the payment required in terms of paragraph (c), the principal officer shall report the failure to the Registrar forthwith;
- (e) provide for the acceptance of sums without a maximum which are transferred to the fund by the appropriate principal officer on the instructions or at the request of a

member from another fund:

Provided that a fund shall not be required to comply with this paragraph if the fund is not a fund the membership of which is not a condition or benefit of his terms of employment with a participating employer.

(2) The rules of a fund may provide that-

- (a) a member shall be permitted to make additional voluntary contributions to the fund, in which case the maximum amount payable in each period shall be specified and it shall be stated whether the continuation of such voluntary contributions may be revoked by the member;
- (b) if the pensionable income of a member is reduced, he may elect to contribute to the fund at an increased rate so that his contributions are not greater than they would have been if his pensionable income had not been reduced:

Provided that where the rules require a participating employer to make compulsory contributions the rules shall provide that it shall be subject to the consent of his employer;

- (c) a participating employer may make a special contribution to the fund in order to make or keep it financially sound.

14. Retirement age

(1) The rules of a fund shall specify the normal retirement age for each category of member.

(2) The rules of a fund may provide for the early retirement or late retirement of a member.

15. Benefits from a fund

(1) Subject to the provisions of this regulation, the rules of a fund shall-

- (a) specify the amount of and the method of calculation of every benefit payable from the fund;
- (b) not provide for differential rates of benefits within each category; and
- (c) not permit a member to participate in only part of the benefits unless he is subject to a medical restriction imposed in terms of the rules.

(2) The rules of a fund shall not empower any directors, managers, controllers, principal officers and, where the fund is a trust fund, any trustees or any other person to have any discretion in determining the amount of any benefit, subject to the following exceptions-

- (a) the rules may provide that in the case of an employee who leaves the employment of a participating employer, the whole or part of the employer's contributions, with or without interest be applied for the benefit of the member;
- (b) the rules may authorise the principal officer of a fund to exercise his discretion in the following circumstances-
 - (i) the apportionment of a lump sum benefit amongst dependants,
 - (ii) the apportionment of a pension amongst qualifying widows, children and dependants,
 - (iii) the reinstatement of a widow or widower's pension that has ceased on re-marriage;
- (c) the rules may provide for the transfer to or receipt from another fund of the benefits of a member:

Provided that no provision may be so made for the transfer of such benefits from a pension fund to a provident fund or the receipt of such benefits by a provident fund from a pension fund;

- (d) the rules may provide for any variation of the benefits due to or in respect of a member not elsewhere provided for in this paragraph if such variation is approved by the Registrar.

(3) In the event of a member withdrawing from a fund prior to his retirement under the

rules of the fund, he shall not be entitled to a refund of more than his own contributions with simple interest thereon at the rate of not less than two per cent per annum.

16. Commutation of pension

(1) Subject to the provisions of subregulations (2) the rules of a pension fund may provide for the commutation of a pension which is paid to a member on retirement or to a former member or to the widow or children or dependants of a member or former member as follows-

- (a) if the pension does not exceed P500 per annum, the fund may commute the whole or part of the pension for a lump sum;
- (b) if the pension exceeds P500 per annum, the fund may commute for a lump sum such portion, not exceeding one third, of the pension as is elected;
- (c) the un-commuted portion of a pension which is payable-
 - (i) to a member on retirement or to a former member, shall be payable for his lifetime or the period for which payment is guaranteed in the rules, whichever is the longer,
 - (ii) to a widow or dependant, shall be payable for her lifetime or for the period for which payment is guaranteed in the rules, whichever is the longer or, if the rules provide that the pension ceases on re-marriage, until she re-marries,
 - (iii) to a child, shall be payable for his lifetime or until he attains a specified age, being not less than 18 years, or marries, whichever occurs first.

(2) The provisions of subregulation (1) shall not apply to a member who retires from a retirement annuity fund and who has previously retired from the same or another retirement annuity fund.

17. Death of member of pension fund or pensioner

(1) The rules of a pension fund may provide-

- (a) that a capital sum not exceeding four times the annual pensionable income may be paid on the death of a member who dies before his retirement;
- (b) that a capital sum not exceeding four times his annual pension may be paid on the death of a pensioner.

(2) The sum referred to in subregulation (1) may be paid into the estate of the member or pensioner as the case may be.

(3) The payment of any sum referred to in subregulation (1) shall not affect the liability of the fund in respect of any pension payable to the widow, children or dependants of the member or pensioner concerned.

18. Death of member of provident fund

The rules of a provident fund shall not provide for the payment on the death of a member of a capital sum that is greater than the amount that would have been payable to the member had he retired from the fund on the date of his death.

19. Death of member of retirement annuity fund

(1) The rules of a retirement annuity fund shall not provide for the payment on the death of a member of a benefit that is greater in capital value than 20 times the total contributions made in respect of that member in the preceding 12 months by him and his employer.

(2) The payment of the sum referred to in subregulation (1) shall not affect the liability of the fund in respect of any pension payable to the widow, children or dependants of the member.

20. Payment of benefits on death

(1) The rules of a fund-

- (a) shall not authorise the payment on the death of a member or pensioner who leaves one or more dependants of any benefit to a person who is not a dependant;
- (b) may provide that on the death of a member or pensioner who does not leave any dependant the benefits shall be payable to his estate.

(2) The rules of a pension fund or provident fund may provide for a member to nominate, as a guide to the fund, one or more dependants to receive any benefits payable from the fund on the death of the member.

21. Disabled member of pension or provident fund

(1) The rules of a pension or provident fund may provide that a member be permitted to retire before attaining retirement age if satisfactory medical evidence is submitted to the fund showing that he is permanently incapable of performing his normal gainful employment or any similar employment or any other occupation for which he is reasonably suited by education, training or experience.

(2) Where the rules of a provident fund make provisions such as is referred to in subregulation (1), they shall not provide for the payment of a benefit which exceeds the amount that the member would have received on attaining the age of retirement.

22. Disabled member of retirement annuity fund

(1) The rules of a retirement annuity fund may provide that a member may be permitted to retire on the production to the fund of satisfactory medical evidence that he is incapable of performing his normal employment.

(2) Where the rules of a retirement annuity fund make provision such as referred to in subregulation (1), they shall not provide for the payment of a benefit which exceeds the value of the benefit referred to in regulation 19 and such benefit shall be paid as an annuity payable during the lifetime of the member or the surviving spouse where a joint pension has been elected.

23. Surpluses

(1) The rules of a fund which is required to comply with the provisions of subsection (1) of section 16 of the Act shall specify the manner in which any surplus disclosed by an investigation in terms of that subsection shall be applied.

(2) A surplus referred to in subregulation (1)-

- (a) shall not be applied, in whole or in part, as a refund of contributions to a member or a participating employer;
- (b) may be applied to improve benefits or to be offset against future contributions.

(3) Any surplus which arises other than as provided in subregulation (1) shall be dealt with in terms of the rules of the fund but no part of such surplus shall be refunded to a member or participating employer.

24. Dissolution of fund

(1) The rules of a fund shall specify in what circumstances and the manner in which the fund shall be dissolved in terms of subsection (1) of section 10 of the Act and shall provide for the appointment of a liquidator.

(2) The rules of a fund may provide that when the fund is dissolved-

- (a) if it is not possible, after all reasonable efforts have been made, to trace a member to whom an amount is payable from the fund, that amount shall, after a specified period, be deposited with the Registrar of the High Court to the credit of that member or his estate as the case may be;
- (b) if there remains a surplus after all payments and provisions for payments that are required have been made, the surplus may be distributed to the members, paid to the participating employers or otherwise disposed of to the satisfaction of the Registrar.

25. Amendment of rules

The rules of a fund shall specify the procedure for any amendment or repeal and replacement of the rules.

PART V

Financial Provisions and Statements (regs 26-31)

26. Records

A fund which is required to comply with the provisions of subsection (1) of section 16 of the Act shall keep such records as are necessary to enable the actuary to make an investigation in terms of that section at any time.

27. Investigation and report of actuary

(1) The investigation and report in terms of subsection (1) of section 16 of the Act shall be conducted and made at least once every three years as at the end of a financial year or, if so required or permitted by the Registrar, as at any other date.

(2) A licensed fund shall submit to the Registrar with the report following on the investigation-

- (a) a certificate signed by the principal officer that to the best of his knowledge and belief the information furnished to the actuary or person conducting the investigation for the purposes of his investigation was correct and complete in every material respect; and
- (b) a certificate signed by the principal officer that every participating employer has been given details of all amounts paid by an insurer to any agent or broker in respect of the fund since the appointed day or the last investigation in terms of section 16 of the Act, as the case may be.

(3) In the case of an existing fund, the first investigation referred to in subregulation (1) shall be made-

- (a) as at the end of the financial year that commences first after the appointed day or, if that fund so elects, the financial year during which the appointed day falls; or
- (b) if a date other than the end of the financial year has been fixed in terms of subregulation (1), as at the date so fixed:

Provided that an existing fund may, with the written permission of the Registrar, defer the investigation in terms of this subregulation for such period, not exceeding three years, as the Registrar may authorise.

28. Consideration of methods to make fund financially sound

(1) If, after an investigation such as is referred to in subregulation (1) of regulation 27, the actuary or person conducting the investigation is of the opinion that the fund is in an unsound financial condition he and the fund shall consider methods by which the fund may be made financially sound.

(2) After the consideration required by subregulation (1) the principal officer shall report to the Registrar on any methods adopted for the purpose of making the fund financially sound, unless the actuary or person conducting the investigation has reported thereon in his report in terms of subsection (1) of section 16 of the Act.

29. Report on fund

The report on the financial condition of a fund, made after an investigation under subsection (1) of section 16 of the Act shall include-

- (a) a statement of the present value of the liabilities and contingent liabilities of the fund that are susceptible of actuarial valuation, with a description of the actuarial basis employed in determining such value;
- (b) the nature and amount of any other liabilities and contingent liabilities of the fund;
- (c) a statement whether or not, in his opinion, the fund is in a sound financial condition and whether the rate of contributions should be increased;
- (d) if he is of the opinion that the fund is not in a sound financial condition-
 - (i) in what respects the condition of the fund is unsound; and
 - (ii) the causes of such unsoundness;
- (e) such other matters as he considers relevant.

30. Financial statements by funds

(1) A fund shall, within six months after the end of its financial year, prepare and send to the Registrar under cover of a letter signed by the principal officer of the fund, a copy of each of the following-

- (a) an income and expenditure account in Form No. 3;
- (b) a balance sheet in Form No. 4;
- (c) a membership return in Form No. 5;
- (d) a statement of assets in Form No. 6;

- (e) a list of the names of all the employers participating in the fund:
Provided that if such a list has previously been sent, any subsequent return need only mention changes to the list;
- (f) any report, other than the report on the balance sheet, by the auditor relating to any of the activities of the fund during that year;
- (g) any annual report the fund has presented to its members in respect of that year;
- (h) any other statement or report the fund has presented to its members in respect of any of its activities during that year.

(2) The name of the fund and the financial year or date to which the document relates shall be shown on each of the documents submitted in terms of subregulation (1).

(3) In the case of an external fund, the Registrar may accept documents in a form other than that required by subregulation (1) if the information referred to in subregulation (1) is contained therein.

31. Auditor's report

The balance sheet referred to in paragraph (b) of subregulation (1) of regulation 30 shall be accompanied by a report signed by the auditor in the form set out at the foot of Form No. 4:

Provided that if the auditor is unable to sign the report in that form without qualification, the report shall-

- (a) be in such form as he considers appropriate;
- (b) deal with matters shown in that form; and
- (c) include the reasons why he is unable to sign the report without qualification.

PART VI

General (regs 32-34)

32. Cession or pledge of benefits

(1) Subject to subregulation (2), a member of a fund may, for the purpose of security for-

- (a) a loan referred to in subsection 4 of section 18 of the Act; or
- (b) money borrowed from his employer,

cede or pledge his rights to any benefits from the fund in writing, as the „Registrar shall approve.

(2) A member of a fund shall not cede or pledge rights to any benefits, in terms of subregulation (1), exceeding-

- (a) 33 1/3 per cent of his benefits payable from a fund in the case of a member who has retired or was retrenched; or
- (b) 25 per cent of his benefits payable from a fund in the case of a member who has resigned or whose employment has otherwise been terminated.

(3) Except as is otherwise provided for in subregulation (1)-

- (a) no right to a benefit payable from a fund shall be capable of being ceded, pledged or hypothecated or be liable to be attached or be subject to any form of execution under a judgment or order of a court; and
- (b) any purported cession, pledge or hypothecation of a right to any benefit payable from a fund shall be disregarded by the fund.

(4) If the estate of any member of a fund or any beneficiary of a former member is sequestrated or assigned, his right from the fund shall not form part of the assets of his insolvent or assigned estate.

33. Withholding of benefits in certain circumstances

(1) The Registrar may authorise the fund in writing to withhold any benefits payable to a member until such time as any-

- (a) outstanding loan from the fund or money borrowed from the employer in terms of regulation 32(1), together with the interest has been repaid; or
- (b) loss suffered by the employer due to the dishonesty of the member, which has resulted in the member being discharged from employment, has been repaid.

(2) Subject to subregulation (3), where any benefits have been withheld in terms of

subregulation (1), the Registrar may authorise the fund in writing to utilise the benefits so withheld or such portion thereof as is required for the purpose of making the repayments, or portion thereof, and if the benefit is payable in the form of a pension, he may authorise the commutation of the pension or a portion thereof for that purpose.

(3) The Registrar may authorise procedures between a fund and an employer to facilitate the realisation of an employee's indebtedness with a fund.

34. Auditors

An auditor shall be such person as is qualified to be an auditor under section 124 of the Companies Act.

SCHEDULE

FORMS

Form No. 1

(Deleted)

Form No. 2

APPLICATION FOR A LICENCE

APPLICATION FOR A LICENCE

by the Fund

Fund Address:-

.....

.....

.....

Date 20

To:

The Registrar of Pension and Provident Funds,
Ministry of Finance and Development Planning,
Private Bag 008,
Gaborone.

Botswana.

Dear Sir,

PENSION AND PROVIDENT FUNDS ACT

I/We apply for the licensing of ⁱ1 Fund
as a Pension/Retirement Annuity/Provident or..... ⁱⁱ2 Fund

The registered office of the Fund will be at ⁱⁱⁱ3

The head office of the Fund will be at ^{iv}4

The person managing the business of the Fund will be ^v5

Address

The Principal Officer/Botswana Representative of the Fund is

Address

I/We enclose:-

- (a) two copies each of the Rules, Memorandum/Articles of Association and any Trust Deed of the Fund duly certified; ^{vi}6
- (b) a statement from the Principal Officer setting out the method of funding and stating-
 - (i) that he is aware of the total expenses of the Fund charged by the managers of the Fund (whether an insurer/broker/or other), and of the separate costs comprising such total, where these can reasonably be ascertained; and
 - (ii) that any participating employer has been advised of the method, amount, basis or formula of funding and fully understand and approve of such; ^{vii}7

- (c) a copy of the actuary's explanation; ^{viii}8
- (d) an application for exemption under section 16(3) of the Act; ^{ix}9
- (e) our cheque for P100 being the first annual licence fee.

The auditors of the Fund are

Address ^{x4}10

The actuary of the Fund is

Address ^{xi}11

Yours faithfully,

.....
(Authorised signature) ^{xii}12

General Notes:

Some of items (a) to (e) may not apply.

An "insurance company scheme" is a Fund established and administered exclusively by an insurer and as such is licensed in terms of the Insurance Industry Act (Cap. 46:01) only.

Form No. 3
ANNUAL RETURNS: INCOME AND EXPENDITURE ACCOUNT

ANNUAL RETURNS BY THE

..... FUND

INCOME AND EXPENDITURE ACCOUNT

Fund Address:

.....

.....

.....

Date 20

To:

The Registrar of Pension and Provident Funds,
Ministry of Finance and Development Planning,
Private Bag 008,
Gaborone.
Botswana.

Dear Sir,

PENSION AND PROVIDENT FUNDS ACT
INCOME AND EXPENDITURE ACCOUNT FOR THE FINANCIAL YEAR
ENDED 20

INCOME

	<i>This Financial Year Pula</i>	<i>Previous Financial Year Pula</i>
1. Balance of fund as at beginning of financial year
2. Contributions during the year: ^{xiii} 1		
(a) By members		
(i) Current		
(ii) voluntary		
(iii) in arrears		
(b) By employers -		
(i) normal		
(ii) special		
(iii) in arrears		
3. Amounts received on transfer from other funds
4. Amounts received on life insurances
5. Income from investments: ^{xiv} 2

(a)	Interest ^{xv3}		
(b)	Dividends		
(c)	Rent ^{xvi4}		
6.	Net surplus on sale/redemption of investments		
7.	Amount by which investments were written up		
8.	Amount paid by employer to raise interest income to guaranteed minimum level		
	9. Transfers from reserves		
	10 Other (specify) ^{xvii5} -		
		
		
		
	Total		

EXPENDITURE

		<i>Pula</i>	<i>Pula</i>
	1. Benefits: ^{xviii6}		
(a)	Pensions (i.e. regular periodical payments) ^{xix7}		
(b)	Purchase of annuities		
(c)	Lump sum awards on retirement		
(d)	Lump sum awards on death ^{xx8}		
(e)	Lump sum awards on resignation, etc. ^{xxi9}		
2.	Amounts transferred to other funds		
3.	Premiums paid on life insurances		
	4. Other expenditure (specify) ^{xxii10} -		
		
		
5.	Net loss on sale/redemption of investments.. ..		
6.	Amount by which investments were written down ^{xxiii11}		
7.	Gross administration expenditure: ^{xxiv12}		
(a)	Investment advisors		
(b)	Other		
8.	Provisions (specify) ^{xxv13} -		
		
		
		
	9. Transfers to reserves (specify) ^{xxvi14} -		
		
		
		
10.	Balance of fund as at the end of financial year		
	Total		

(Signed) *Principal Officer*

General Note: Amounts for Botswana and other countries must be shown separately.

Form No. 4
ANNUAL RETURNS: BALANCE SHEET

ANNUAL RETURNS BY THE

..... FUND

BALANCE SHEET

Fund Address:-

.....

 Date 20

To:
 The Registrar of Pension and Provident Funds,
 Ministry of Finance and Development Planning, Private Bag 008,
 Gaborone.
 Botswana.
 Dear sir,

PENSION AND PROVIDENT FUNDS ACT, 1987
 BALANCE SHEET FOR THE

Financial Year Ended 20

LIABILITIES	<i>This Financial Year Pula</i>	<i>Previous Financial Year Pula</i>
1. Amount of fund
2. Reserves (specify)
.....
.....
3. Provisions (specify)
.....
.....
4. Sundry creditors:		
(a) Contributions received in advances
(b) Interest received in advance.....
(c) Other
Total
	Pula	Pula
ASSETS		
1. Investments in Botswana:		
(a) Botswana Government securities
(b) Specified securities
(section 18(1)(c) of the Act)
(c) Debentures ^{xxvii} 2 -
quoted ^{xxviii} 3
unquoted
(d) Preference shares ^{xxix} 2 -
quoted ^{xxx} 3
unquoted
(e) Ordinary and deferred shares-		
quoted ^{xxxi} 3
unquoted
(f) Units in Unit Trust Schemes ^{xxxii} 2
(g) Loans and Mortgages on property-		
(i) to members.....
(ii) other
(h) Building society shares.....
(i) Fixed property ^{xxxiii} 4.....
less: accumulated depreciation
(j) Subsidiary property companies-

	shares in		
	advances and loans to .....	.....	.....
(k)	Deposits and savings accounts .....	.....	.....
(l)	Cash on hand or at short notice .....	.....	.....
(m)	Policies of insurance ^{xxxiv} 5 .....	.....	.....
(n)	Other (specify)		
		
		
		Sub Total	
2.	Office furniture and equipment .....	.....	.....
	(at cost) .....	.....	.....
	Less: accumulated depreciation		
		
3.	Sundry debtors in Botswana:		
(a)	Contributions ^{xxxv} 6		
(b)	Interest accrued on investments		
		
(c)	Dividends receivable		
(d)	Other .....	.....	.....
4.	Assets outside Botswana (specify) ^{xxxvi} 7		

		
		
5.	Payments in advance in Botswana	.....	.....
6.	Other (specify)-		
		
		
		
7.	Cash on hand and at bank .....	.....	.....
		Sub Total	
		Total	.....
Date of last actuarial valuation (if applicable)		.....	20
Date of previous actuarial valuation( " )		.....	20

(Signed) *Principal Officer*

General Notes:-

- (i) Commitments and contingent liabilities are to be shown in an attached note.
- (ii) Any amount that a participating employer has undertaken to pay in future for past service is shown in an attached note.

REPORT BY THE AUDITOR

We have examined the accompanying balance sheet and income and expenditure account which, in our opinion, are properly drawn up so as to exhibit a true and fair view of the financial position of the Fund from an accounting point of view as at the (insert date) 20 ..., and of its income and expenditure for the year ended on that date. We confirm that the rules of the Fund with regard to fidelity cover have been complied with and that according to the information and explanations given to us and as shown in the books and record of the Fund the mortgage loans granted were granted in accordance with the provisions of the Pension and Provident Funds Act, 1987, the regulations made thereunder and the rules of the Fund.

DATED 20

(Signed) *Auditor*

Specific Notes:

1. Benefits awarded but not yet paid must be included here.

Form No. 5
ANNUAL RETURNS: MEMBERSHIP STATISTICS

ANNUAL RETURNS BY THE

..... FUND
MEMBERSHIP STATISTICS

Fund Address:-

.....
.....
Date 20

To:
The Registrar of Pension and Provident Funds,
Ministry of Finance and Development Planning,
Private Bag 008,
Gaborone.
Botswana.
Dear Sir,

PENSION AND PROVIDENT FUNDS ACT, 1987
MEMBERSHIP STATISTICS FOR THE
FINANCIAL YEAR ENDED 20

	<i>In Botswana</i>	<i>Outside Botswana</i>
1. Number of members (other than deferred pensioners and persons in receipt of pensions) ^{xxxvii} 1
2. Number of deferred pensioners ^{xxxviii} 1 and ^{xxxix} 2
3. Number of persons in receipt of pensions: ^{xl} 1		
(a) Former members ^{xli} 3
(b) Widows
(c) Children
(d) Other dependants
4. Number of persons receiving retirement annuities during the financial year
5. Number of persons receiving payments from provident funds
6. Number of persons to whom benefits are being paid in instalments
Total

(Signed) *Principal Officer*

Form No. 6
ANNUAL RETURNS: DETAILED ANALYSIS OF ASSETS

ANNUAL RETURNS BY THE

..... FUND
DETAILED ANALYSIS OF ASSETS SHOWN IN FORM NO. 4

Fund Address:

.....
.....

.....
Date 20

To:
The Registrar of Pension and Provident Funds,
Ministry of Finance and Development Planning,
Private Bag 008,
Gaborone.
Botswana.
Dear Sir,

PENSION AND PROVIDENT FUNDS ACT, 1987
DETAILED ANALYSIS OF ASSETS SHOWN IN FORM NO. 4
FOR THE FINANCIAL YEAR ENDED 20

SECTION A

Assets held in terms of section 18(1)(c) of the Act

	<i>Total Amount</i>	<i>Percentage of Aggregate Value of Assets</i>
	<i>Pula</i>	<i>%</i>
1. Local securities issued by:		
(a) Botswana Government
(b) Bank of Botswana
(c) Local authorities
(d) Parastatal bodies
2. Approved Building Society Shares
3. Approved loans to:		
(a) Bank of Botswana
(b) Local authorities
(c) Parastatal bodies
(d) Building societies
Sub Total

SECTION B

Other assets

4. Debentures .....	.....	.....
5. Preference shares .....	.....	.....
6. Ordinary and deferred shares .....	.....	.....
7. Units in unit trust schemes .....	.....	.....
8. Loans and mortgages on property:		
(a) To members .....	.....	.....
(b) To non-members .....	.....	.....
9. Building society shares .....	.....	.....
10. Fixed property .....	.....	.....
11. Shares in, and loans and advances to, subsidiary property companies .....	.....	.....
12. Assets outside Botswana .....	.....	.....
13. Other assets .....	.....	.....
Total	.....	.....

.....
(Signed) *Principal Officer*
General Notes:

- (i) The items refer to Botswana assets except for item 12.
- (ii) The total percentage of assets listed in Sections A and B should equal 100%.
- (iii) The investments in debentures, shares and unit trusts in items 4, 5, 6 and 7 should be listed separately and attached to this form stating the numbers or

- amounts. If the Fund holds the majority of shares, or voting shares, in any company, this fact must be mentioned.
- (iv) Details of fixed property (i.e. name of building and address) must be listed separately and attached to this form. Include the extent of any outstanding mortgage.
 - (v) Investments with a participating employer are included in the appropriate items and must also be shown separately and attached to this form, (stating the percentage of such investments to the aggregate of all assets in Botswana), including all debentures, shares and loans, both secured and unsecured, but not the amount of any contributions as in assets item 3(a) of the balance sheet Form No. 4.

ⁱThe full name of the Fund is to be given.

ⁱⁱDelete the type of Fund not applicable.

ⁱⁱⁱThis must be the physical address of the registered office of a company registered in terms of the Companies Act (Cap. 42:01), or the registered office of an insurer, or in any other case the physical address of the place of business of the major participating employer.

^{iv}This must be both the physical and postal addresses and must state the country.

^vThis can be "Committee", "Committee of Management", "Trustees" or an insurer.

^{vi}"Certified that these are the (Rules, etc.) of the Fund, effective on the date of establishment.

Note: A copy of a members booklet is not sufficient.

^{vii}"We certify that the actuary and Principal Officer have explained to us in writing the method of funding adopted, which is (insert basis) and that we understand that the rate of contribution can reasonably be expected

.....
(Signed) Secretary

^{viii}The actuary's explanation will indicate the method of funding (for example, level rate of contribution by conventional methods, annual contribution by conventional methods, annual recalculation or controlled funding) and the following-

- (iv) whether the rate of contribution that he has estimated is expected to be level, increasing or fluctuating.

^{ix}"We apply for exemption from the provisions of section 16 of the Act and attach a certificate from an actuary/an auditor".

.....
(Signed) Fellow of () or
Chartered Accountant"

^xWhere an auditor is not resident in Botswana a full explanation is required, and the experience and knowledge of the auditor in handling Funds in Botswana should be included.

^{xi}Where the actuary is not an independent consultant to the Fund, a full explanation should be included.

^{xii}The application should be signed by the Principal Officer, but may be signed by a Director or Trustee of the Fund.

^{xiii}Contributions due must be included, whether paid or not. Employer's contributions other than normal recurrent contributions must be shown separately in item (b) (ii).

^{xiv}The amounts must indicate the net result after adjustment has been made for income received in advance. Accrued interest and rent and dividends receivable may be included.

^{xv}Income on all building society deposits or investments must be considered as interest and included under this item.

^{xvi}This is rental received less direct expenses.

^{xvii}This item covers (shown separately) unclaimed monies forfeited, increase in surrender values of policies held, excess proceeds of policies over their book values, expenses and other items recovered

from the employers and other items not shown elsewhere.

^{xviii} Benefits awarded but not yet paid out must be included.

^{xix} This includes bonuses and inflation allowances. Widow's and children's pensions may be shown separately, if desired.

^{xx} These are gross amounts. Any amount recovered from an insurer is shown in item 4 of Income.

^{xxi} This item covers payments on resignation, etc., and includes contributions, interest, etc.

^{xxii} For example, premiums paid on policies held except as in item 3, or income that accrued on amounts held for deferred payments and has been transferred to the accounts of the beneficiaries.

^{xxiii} For example, where a building is depreciated.

^{xxiv} The gross costs of administering the fund must be shown here. The gross cost includes fees paid to auditors, actuaries, secretaries and other administrators, and investment advisors, in connection with the running of the fund, but should not include fees incurred by participating employers in connection with the establishment of the fund nor improvement in benefits nor the participation of new employers. If fees paid to investment advisors, including insurers, are met by the fund, they are shown separately.

^{xxv} For example, the provision of actuary's fees.

^{xxvi} For example, amounts placed in investment reserve.

^{xxvii} The investments in debentures, shares and unit trusts must be listed separately stating their market value, if quoted, as at the financial year end.

^{xxviii} "Quoted" means quoted on a stock market approved by the Registrar of Pension and Provident Funds.

^{xxix} The investments in debentures, shares and unit trusts must be listed separately stating their market value, if quoted, as at the financial year end.

^{xxx} "Quoted" means quoted on a stock market approved by the Registrar of Pension and Provident Funds.

^{xxxi} "Quoted" means quoted on a stock market approved by the Registrar of Pension and Provident Funds.

^{xxxii} The investments in debentures, shares and unit trusts must be listed separately stating their market value, if quoted, as at the financial year end.

^{xxxiii} The market value of these assets must be shown in a note.

^{xxxiv} Details of the assets underlying the policy are not required.

^{xxxv} Contributions that were due and payable during the year by the employer are also shown here. Amounts calculated by the actuary to be necessary to bring the Fund into a financially sound condition are not to be included until they become due and payable.

^{xxxvi} A list of assets outside Botswana should be separately attached in the same format as ASSETS 1 of this form.

^{xxxvii} The figures given must be those on the last day of the financial year.

^{xxxviii} The figures given must be those on the last day of the financial year.

^{xxxix} A deferred pensioner is a former member who will become entitled to a pension, annuity or payment from a Provident Fund at a later date.

^{xl} The figures given must be those on the last day of the financial year.

^{xli} In this item persons who were members of the Fund should be included.