

**CHAPTER 54:01 - FINANCE AND AUDIT: SUBSIDIARY LEGISLATION  
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**PUBLIC DEBT SERVICE FUND ORDER**

*(section 25)*

*(19th January, 1973)*

ARRANGEMENT OF PARAGRAPHS

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9. Realization of investments
10. Disbursements from the Fund

S.I. 9, 1973,

**1. Citation**

This Order may be cited as the Public Debt Service Fund Order.

**2. Interpretation**

In this Order, unless the context otherwise requires-

**"investments"** means loans or advances to City, District or Town Councils, statutory corporations or their subsidiaries, corporations, wholly or partly owned by the Government or their subsidiaries or to the Botswana Co-operative Bank Limited; securities issued by international organizations or institutions of which Botswana is a member; stocks, shares, bonds or debentures; other securities the investment in which is either in the public interest or is likely to result in income necessary for the achievement of the purposes of the Fund.

**3. Establishment of the Fund**

A Special Fund, to be known as the Public Debt Service Fund, (hereinafter referred to as "the Fund") is hereby established.

**4. Purpose of the Fund**

The purpose of the Fund is to receive and safeguard moneys made available to it or earned by it which are to be utilized to meet, in whole or in part, future payments of debt charges to be made by the Government pursuant to section 123 of the Constitution or any other written law, or guarantees given pursuant to section 22 of the Act, the discharge of which is not the subject of other redemption arrangements.

**5. Receipts into the Fund**

There shall be paid into the Fund-

- (a) such moneys as may be appropriated from time to time by Parliament for the purposes of the Fund;
- (b) any moneys accruing or realized from any investments or deposits made from moneys in the Fund in accordance with paragraphs 7 and 8 of this Order.

**6. Administration of the Fund**

(1) The Permanent Secretary of the Ministry for the time being responsible for finance (hereinafter referred to as "the accounting officer") shall be the public officer responsible for the administration of the Fund.

(2) In the exercise of any power conferred on him under this Order, the accounting officer may exercise such power personally or through any other public officer authorized by him in writing.

**7. Investment of moneys of the Fund**

Moneys of the Fund not immediately required for the purposes of paragraph 10(b) shall, as far as possible, be invested by the accounting officer on behalf of the Fund in such investments and on such terms-

- (a) as shall contribute to the achievement of the objectives of the National Development Plan, as approved from time to time by resolution of the National Assembly; and
- (b) as the President, on the advice of the Minister for the time being responsible for finance (hereinafter referred to as "the Minister"), shall direct:

Provided that such investments or terms shall not in any way prejudice the achievement of the purposes of the Fund.

**8. Deposits of moneys not otherwise invested**

The accounting officer may from time to time deposit, or renew deposits of, moneys of the Fund which are not invested in accordance with paragraph 7 of this Order, in the Joint Consolidated Fund administered by the Crown Agents or in such financial institutions as are approved from time to time by the Minister.

**9. Realization of investments**

The accounting officer may, in accordance with the directions of the Minister, realize

investments of moneys of the Fund.

#### **10. Disbursements from the Fund**

There shall be paid from the Fund-

- (a) such amounts as are required for the purposes of paragraphs 7 and 8;
- (b) such amounts as the Minister may from time to time direct to be paid into the Consolidated Fund towards meeting-
  - (i) payments of debt charges pursuant to section 123 of the Constitution or any other written law;
  - (ii) payments in respect of guarantees given pursuant to section 22 of the Act.

### **REVENUE STABILIZATION FUND ORDER**

*(under section 25)*

*(19th January, 1973)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation
- 2. Interpretation
- 3. Establishment of the Fund
- 4. Purpose of the Fund and revenues of the Fund
- 5. Administration of the Fund
- 6. Advisory committee
- 7. Investment of moneys of the Fund
- 8. Realization of investments
- 9. Disbursements from the Fund

S.I. 10, 1973,

S.I. 66, 1978.

#### **1. Citation**

This Order may be cited as the Revenue Stabilization Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"investments"** means deposits with such banks or other financial institutions as the Minister may from time to time approve; investments in the Joint Consolidated Fund administered by the Crown Agents; any investments which may lawfully be held by a trustee in Botswana; the purchase of Treasury bills, or other securities issued from time to time by the Government, or other negotiable securities the purchase of which is likely to contribute to the achievement of the purpose of the Fund; advances or loans to statutory corporations or to corporations wholly or partly owned by the Government, or their subsidiaries or to the Botswana Co-operative Bank Limited; such other classes of investments as the President, on the advice of the Minister, may from time to time approve.

#### **3. Establishment of the Fund**

A Special Fund, to be known as the Revenue Stabilization Fund, (hereinafter referred to as "the Fund") is hereby established.

#### **4. Purpose of the Fund and revenues of the Fund**

The purpose of the Fund is to receive and administer moneys which-

- (a) are appropriated to it by Parliament from time to time;
- (b) accrue to it as a result of investments made in accordance with paragraph 7 of this Order; or
- (c) are otherwise lawfully payable to it,

and thus to establish and safeguard a general revenue reserve which is intended to supplement other recurrent revenues in those financial years in which such other recurrent revenues fall

short of the total amounts which have been appropriated in such financial years to ensure the maintenance and orderly expansion of public services in a manner which is consistent with National Development Plans which have been, or are, approved from time to time by resolution of the National Assembly.

#### **5. Administration of the Fund**

(1) The Permanent Secretary of the Ministry for the time being responsible for finance (hereinafter referred to as "the accounting officer") shall be the public officer responsible for the administration of the Fund.

(2) In the exercise of any power conferred on him under this Order, the accounting officer may exercise such power personally or through any other public officer authorized by him in writing.

#### **6. Advisory committee**

There shall be established an advisory committee (hereinafter referred to as "the committee") comprising the accounting officer, who shall be chairman, and such other persons as the Minister may from time to time appoint in writing, which shall advise the Minister regarding the policies to be followed in the administration of the Fund and the investments to be made pursuant to paragraph 7 hereof.

#### **7. Investment of moneys of the Fund**

The moneys of the Fund not immediately required for the purposes of paragraph 9(b) shall, as far as possible, be invested on the instructions of the accounting officer on behalf of the Fund in such investments and on such terms-

- (a) as the Minister, on the advice of the committee, shall direct; and
- (b) as shall contribute generally to the achievement of the objectives of the National Development Plan as approved from time to time by resolution of the National Assembly:

Provided that such investments or terms shall not in any way prejudice the achievement of the purposes of the Fund.

#### **8. Realization of investments**

The accounting officer may, in accordance with the directions of the Minister, realize investments of moneys of the Fund.

#### **9. Disbursements from the Fund**

There shall be paid from the Fund-

- (a) such amounts as are required for the purposes of paragraph 7;
- (b) such amounts as the Minister may from time to time direct to be paid into the Consolidated Fund during any financial year for the purposes set out in paragraph 4.

### **MEAT INDUSTRIES (BEEF EQUALIZATION) SPECIAL FUND ORDER**

*(under section 25)*

*(4th July, 1975)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of the Fund
- 6. Receipts into Fund
- 7. Disbursements from the Fund
- 8. Accounts of Fund

S.I. 87, 1975.

**1. Citation**

This Order may be cited as the Meat Industries (Beef Equalization) Special Fund Order.

**2. Interpretation**

In this Order, unless the context otherwise requires-

"Director" means the Director of Customs and Excise;

"Fund" means the Meat Industries (Beef Equalization) Special Fund established under paragraph 3.

**3. Establishment of Fund**

There is hereby established a Special Fund to be known as the Meat Industries (Beef Equalization) Special Fund.

**4. Purpose of Fund**

The purpose of the Fund is to provide for the equalization of prices to be paid to the Botswana Meat Commission in respect of chilled or frozen boneless beef exported to any country forming part of the European Community.

**5. Administration of the Fund**

The Director shall be the public officer responsible for the administration of the Fund.

**6. Receipts into Fund**

There shall be paid into the Fund all moneys received in respect of export tax imposed under the Export Tax (Chilled or Frozen Boneless Beef) Regulations.

**7. Disbursements from the Fund**

There shall be paid from the Fund to the Botswana Meat Commission an amount equal to the export tax paid under the Export Tax (Chilled or Frozen Boneless Beef) Regulations.

**8. Accounts of Fund**

(1) The Director shall keep and maintain proper accounts and records in respect of the Fund and shall prepare in respect of each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve.

(2) The Director shall, not later than 31st July in each year, sign and forward to the Accountant-General a copy of the balance sheet and statement of income and expenditure in respect of the previous financial year.

(3) The balance sheet and statement of income and expenditure shall be included in the Annual Statement of Accounts submitted by the Accountant-General to the Auditor-General in accordance with section 34(2) of the Act.

(4) The Director shall reconcile the accounts and records maintained under subparagraph (1) monthly with the account maintained by the Accountant-General.

**FOREIGN EXCHANGE STABILIZATION RESERVE FUND ORDER**

*(under section 25)*

*(16th May, 1980)*

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purpose of Fund
4. Administration of Fund
5. Receipts into Fund
6. Disbursements from Fund
7. Deficit in Fund
8. Surplus in Fund

S.I. 81, 1980.

**1. Citation**

This Order may be cited as the Foreign Exchange Stabilization Reserve Fund Order.

**2. Establishment of Fund**

A special fund, to be known as the Foreign Exchange Stabilization Reserve Fund (hereinafter referred to as "the Fund"), is hereby established.

**3. Purpose of Fund**

The purpose of the Fund is to allow gains on foreign exchange transactions made by the Government, any Government institution or organization and statutory corporation to be set off against losses and thus reduce the consequences of large fluctuations arising from such transactions.

**4. Administration of Fund**

(1) The Permanent Secretary of the Ministry for the time being responsible for finance (hereinafter referred to as "the accounting officer") shall be the public officer responsible for the administration of the Fund.

(2) In the exercise of any power conferred on him under this Order, the accounting officer may exercise such power personally or through any other public officer authorized by him in writing.

**5. Receipts into Fund**

There shall be paid into the Fund-

- (a) such moneys as may be appropriated from time to time by the National Assembly to meet deficiencies; and
- (b) gains arising from foreign exchange transactions.

**6. Disbursements from Fund**

There shall be paid from the Fund all losses arising from foreign exchange transactions.

**7. Deficit in Fund**

If the Fund is in deficit at the end of the financial year, the National Assembly shall be requested to appropriate sufficient moneys to meet such deficit.

**8. Surplus in Fund**

If the Fund is in surplus at the end of the financial year, such surplus shall be carried forward into the following financial year:

Provided that any surplus in excess of the amount considered by the Minister for the time being responsible for finance to be necessary to stabilize foreign exchange transactions shall be paid into the Consolidated Fund.

**POSTAL SERVICES SPECIAL FUND ORDER**

*(under section 25)*

*(19th December, 1980)*

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Estimates
- 7. Receipts into Fund
- 8. Disbursements from Fund
- 9. Accounts of Fund

S.I. 142, 1980.

**1. Citation**

This Order may be cited as the Postal Services Special Fund Order.

## **2. Interpretation**

In this Order, unless the context otherwise requires-

"**Consolidated Fund**" means the Consolidated Fund established by section 117 of the Constitution;

"**Department**" means the Department of Postal Services;

"**Director**" means the Director of Postal Services;

"**Fund**" means the Postal Services Special Fund established under paragraph 3.

## **3. Establishment of Fund**

There shall continue to be a special fund, to be known as the Postal Services Special Fund.

## **4. Purpose of Fund**

The purpose of the Fund is to provide for-

- (a) the purchase, maintenance and replacement of land, buildings, plant, machinery and equipment used by or on charge to the Director;
- (b) the repayment of moneys spent by the Government from the Consolidated Fund for the purchase of land, buildings, plant, machinery and equipment used by or on charge to the Director;
- (c) the expenses of the Director under the Botswana Postal Services Act and the Botswana Savings Bank Act, and to account for all moneys received by the Director or held on deposit by him under such laws.

## **5. Administration of Fund**

The Permanent Secretary to the Ministry of Works, Transport and Communications (hereinafter referred to as "the responsible officer") shall be the public officer responsible for the administration of the Fund.

## **6. Estimates**

The responsible officer shall prepare annual estimates for the operation of the Department and submit them to the Minister for his approval.

## **7. Receipts into Fund**

There shall be paid into the Fund-

- (a) all direct, hiring and standing charges levied in respect of Government machinery and equipment in use by the Department and of services provided by the Department;
- (b) any advance made from the Consolidated Fund by the Minister under section 19(1)(b) of the Act;
- (c) any other moneys which may be appropriated by Government for the purpose of the Fund.

## **8. Disbursements from Fund**

There shall be paid from the Fund-

- (a) the cost of purchasing replacement Government buildings, plant and equipment;
- (b) all expenditure incurred in the operation, maintenance and replacement of Government buildings, plant and equipment and the provision of services;
- (c) all sums due to foreign postal authorities in respect of services rendered to the Department or under any international agreement affecting the Department; and
- (d) such sums as the Minister may direct shall be paid into the Consolidated Fund.

## **9. Accounts of Fund**

(1) The responsible officer shall keep and maintain proper accounts and records in respect of the Fund and shall prepare in respect of each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve.

(2) The responsible officer shall, not later than 31st July in each year, sign and forward to the Accountant-General a copy of the balance sheet and statement of income and expenditure in respect of the previous financial year.

(3) At the time of the submission of the balance sheet and statement of income and expenditure, the responsible officer shall also submit to the Minister proposals for dealing with any surplus or deficiency in the Fund and the handling of such surplus or deficiency.

(4) The balance sheet and statement of income and expenditure shall be included in the Annual Statement of Accounts submitted by the Accountant-General to the Auditor-General in accordance with section 34(2) of the Act.

(5) The responsible officer shall maintain accounts in which shall be recorded all receipts into the Fund and all disbursements from the Fund; such accounts, which shall be reconciled monthly with the account maintained by the Accountant-General, shall be kept in sufficient detail to enable the responsible officer to prepare the balance sheet and statement of income and expenditure required under subparagraph (2).

### **SIR SERETSE KHAMA MEMORIAL FUND FOR THE HANDICAPPED ORDER**

*(under section 25)*

*(1st August, 1980)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

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3. Purpose of Fund
4. Board of Trustees
5. Administration of Fund
6. Receipts into Fund
7. Disbursements from Fund
8. Surplus in Fund
9. Investment of money

S.I. 60, 1981.

#### **1. Citation**

This Order may be cited as the Sir Seretse Khama Memorial Fund for the Handicapped Order.

#### **2. Establishment of Fund**

There is hereby established a Special Fund to be known as the Sir Seretse Khama Memorial Fund for the Handicapped (hereinafter referred to as "the Fund").

#### **3. Purpose of Fund**

The purpose of the Fund is to assist handicapped persons in Botswana by providing them with their needs either in cash or in kind.

#### **4. Board of Trustees**

The President shall appoint a Board of Trustees to the Fund, whose membership will be as widely representative as possible of the interest of both Government and the general public in matters affecting the handicapped.

#### **5. Administration of Fund**

(1) The Chairman of the Board of Trustees shall be the Permanent Secretary to the President.

(2) The Chairman shall be responsible for the administration of the Fund and shall authorize such payments and financial transactions as may be approved by the Board.

#### **6. Receipts into Fund**

There shall be paid into the Fund-

- (a) such moneys as may be appropriated from time to time by the National Assembly to meet the requirements of the handicapped in Botswana;
- (b) donations from persons and organizations; and



- (c) any moneys accruing or realized from any investments made from moneys in the Fund in accordance with paragraph 9.

**7. Disbursements from Fund**

- (1) There shall be paid from the Fund-
  - (a) all the relevant expenses incurred in the provision of facilities for the handicapped in Botswana; and
  - (b) any other expenses incurred in the performance of the duties connected with the handicapped by the members of the Board of Trustees.

**8. Surplus in Fund**

If the Fund shows a surplus at the end of the Financial Year, such surplus shall be carried forward into the following year.

**9. Investment of money**

Any money accruing to the Fund which is not required for immediate use shall be invested in Botswana in accordance with the direction given by the Board and interest earned from such investments shall accrue to the Fund.

**TERTIARY EDUCATION DEVELOPMENT FUND ORDER**

*(under section 25)*

*(9th July, 2004)*

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Establishment of Fund
- 3. Purpose of Fund
- 4. Administration of Fund
- 5. Payments into Fund
- 6. Disbursements from Fund
- 7. Accounts of Fund

S.I. 57, 2004.

**1. Citation**

This Order may be cited as the Tertiary Education Development Fund Order.

**2. Establishment of Fund**

A special Fund to be known as the Tertiary Education Development Fund (hereinafter referred to as "the Fund") is hereby established.

**3. Purpose of Fund**

The purpose of the Fund is to meet the costs of-

- (a) the construction of a second University in Botswana;
- (b) the construction of a medical school and its associated facilities in Botswana; and
- (c) the expansion of the University of Botswana;

**4. Administration of Fund**

(1) The Permanent Secretary to the Ministry of Education (hereinafter referred to as "the Accounting Officer") shall be the public officer responsible for the administration of the Fund.

(2) The Accounting Officer may exercise such powers and perform such duties as may be required to be exercised or performed for the proper discharge of his duties.

(3) The Accounting Officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of the Accounting Officer.

**5. Payments into Fund**

There shall be paid into the Fund such monies as the Minister may determine out of funds received in respect of bonds issued under the Stock, Bonds and Treasury Bills Act, and such other monies as may be donated or contributed into the Fund.

## 6. Disbursements from Fund

There shall be paid from the Fund, money required for the carrying out of any activity which seeks to advance the objects of the Fund.

## 7. Accounts of Fund

(1) The Accounting Officer shall cause-

- (a) the keeping and maintenance of proper accounts and records of the Fund;
- (b) the preparation for each financial year, of a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve;
- (c) the maintenance of an account in which shall be recorded all receipts into the Fund, and the reconciliation of the monthly accounts of the Fund.

(2) At the time of submission of the balance sheet and statement of income and expenditure, the Accounting Officer shall also submit to the Minister, proposals for dealing with any surplus in the Fund.

## TROPICAL FOREST CONSERVATION FUND ORDER

(section 25)

(5th February, 2007)

### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Tropical Forest Conservation Board
- 7. Receipts into Fund
- 8. Investment of monies of Fund
- 9. Disbursements from Fund
- 10. Guidelines for awarding grants
- 11. Accounts of Fund
- 12. Annual report

S.I. 3, 2007

### 1. Citation

This Order may be cited as the Tropical Forest Conservation Fund Order.

### 2. Interpretation

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary in the Ministry of Environment, Wildlife and Tourism appointed as such under paragraph 5 of this Order;

**"Board"** means the Tropical Forest Conservation Board established by the Minister responsible for environment, wildlife and tourism as provided under paragraph 6;

**"Debt Reduction Agreement"** means the Agreement entered into by the Government of Botswana and the Government of the United States of America on 5th of October, 2006, which substitutes and replaces the rights and obligations arising under the Loan and Grant Agreements between the Government of Botswana and the Government of the United States of America, acting through USAID, dated 30 June, 1971, 31 August, 1972 and 12 June, 1973 respectively.

**"Fund"** means the Tropical Forest Conservation Fund established by paragraph 3 of this Order;

**"Parties"** means the parties to the Tropical Forest Conservation Agreement and the Debt Reduction Agreement;

**"Tropical Forest Conservation Agreement "** means the Agreement entered into by the Government of Botswana and the Government of the United States of America on 5th of October 2006, concerning the establishment of a Tropical Forest Conservation Fund and a Tropical Forest Conservation Board.

### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Tropical Forest Conservation Fund.

### **4. Purpose of Fund**

(1) The purpose of the Fund is to promote activities designed to conserve, maintain and restore the forests of Botswana in accordance with the terms of the Tropical Forest Conservation Agreement, the Forest Act and the National Forest Policy.

(2) Without prejudice to the generality of subparagraph (1), the Fund may provide for the-

- (a) establishment, restoration, protection and maintenance of parks, protected areas and reserves;
- (b) development and implementation of scientifically sound systems of natural resource management;
- (c) training programmes to increase scientific, technical and managerial capacities of individuals and organizations involved in forest conservation efforts;
- (d) restoration, protection or sustainable use of diverse animal and plant species;
- (e) research and identification of medicinal uses of forest plant life to treat human diseases, illnesses and health related concerns; and
- (f) development and support of the livelihoods of individuals living in or near forests in a manner consistent with protecting such forests.

### **5. Administration of Fund**

(1) The Permanent Secretary in the Ministry of Environment, Wildlife and Tourism is hereby appointed the Accounting Officer and he or she shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order and the terms of the Tropical Forest Conservation Agreement.

(2) The Accounting Officer shall oversee payments into the Fund and disbursements out of the Fund, and shall act in respect to all matters concerning the Fund in accordance with the directives of the Board.

(3) The Accounting Officer shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund; and
- (b) maintenance of an account in which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

(4) The accounting officer may exercise all such power and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions.

(5) The responsible officer may in writing authorize any other public officer to exercise or perform all or any of the powers or duties required of the responsible officers.

### **6. Tropical Forest Conservation Board**

The Minister responsible for environment, wildlife and tourism shall establish, in accordance with the terms of the Tropical Forest Conservation Agreement, the Tropical Forest Conservation Board to undertake the day to day activities of the Fund.

### **7. Receipts into Fund**

There shall be paid into the Fund-

- (a) monies appropriated by Parliament for purposes of the Fund;
- (b) deposits made pursuant to Article II, paragraph 3 of the Debt Reduction Agreement;
- (c) grants and contributions from other sources; and
- (d) proceeds of investment made pursuant to paragraph 8.

## **8. Investment of monies of Fund**

(1) The Board shall invest the monies of the Fund not immediately required for payments from the Fund on such terms as shall-

- (a) contribute to the achievements of the objectives of the Fund; and
- (b) ensure that such investment yields a positive real rate of return within acceptable limits of risk in accordance with sound investment practices.

(2) For purposes of obtaining high yields of investment, the parties may require the Board to convert all or part of the monies of the Fund into one or more hard currencies for a stated period.

(3) Any interest earned from the investment of the monies of the Fund shall accrue to the Fund.

## **9. Disbursements from Fund**

(1) The Board shall be responsible for the administration and management of the Fund and for directing the Accounting Officer with respect to the Fund.

(2) The Board shall award grants from the Fund to finance approved projects for any of the activities set out under paragraph 4 and in accordance with the guidelines set out in paragraph 10.

(3) The Board shall maintain and make available for public inspection a record of-

- (a) each resolution of the Board to award a grant; and
- (b) the justification for the resolution to award the grant.

(4) The Board shall cause to be paid out of the monies of the Fund administrative costs, not exceeding the annual amount agreed upon by the Parties, relating to the-

- (a) administrative management of the Board;
- (b) financial auditing of the accounts of the Board; and
- (c) remuneration of Board members representing the Non-Governmental Organizations.

## **10. Guidelines for awarding grants**

(1) The Board shall develop guidelines for the awarding of grants that shall provide, inter alia, for-

- (a) the public announcement of each grant awarded; and
- (b) developing, after consultation with the Accounting Officer, a Grant Agreement with respect to each grant recipient, which shall, inter alia, provide for -
  - (i) the receipt and use of the grant awarded;
  - (ii) a schedule for grant process;
  - (iii) the auditing and reporting requirements for the grant and any project financed by the grant;
  - (iv) representations and warranties;
  - (v) the procedures to monitor performance for awarded grants;
  - (vi) the intellectual property rights applicable; and
  - (vii) the procedures to be followed for the return of an unused grant or the recovery of a misused grant.

(2) The Board shall establish guidelines for making readily available to the public information on-

- (a) the selection criteria for awarding grants, which selection criteria shall include-
  - (i) criteria for evaluating an application; and
  - (ii) requirements for the approval of an application;
- (b) the board's written policies;
- (c) its operating procedures; and
- (d) the summaries of the Board's proceedings.

## **11. Accounts of Fund**

(1) The Board shall cause to be conducted an annual financial audit of the accounts of the Fund in accordance with the generally accepted international accounting standards.

(2) No later than six months after the close of each financial year the accounts and balance sheet with respect to that year shall be audited by an independent auditor appointed by the Board.

(3) As soon as the accounts and balance sheet have been audited, and in any case not later than six months after the audit, the Board shall submit to each of the Parties a copy of each audited account together with the auditor's report.

## **12. Annual report**

The Board shall, within six months after the end of the financial year, submit to the Parties a report on the conduct of the business of the Board.

### **PRODUCTIVE EMPLOYMENT DEVELOPMENT FUND ORDER**

*(under section 25)*

*(26th March, 1982)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Revenue of Fund
6. Administration of Fund
7. Investment of Fund moneys
8. Deposit of Fund moneys
9. Realization of investments of Fund moneys
10. Disbursements from Fund
11. Report to National Assembly

S.I. 29, 1982.

#### **1. Citation**

This Order may be cited as the Productive Employment Development Fund Order.

#### **2. Interpretation**

In this Order-

**"Fund"** means the Productive Employment Development Fund established under paragraph 3;

**"National Development Plan"** means the National Development Plan for the time being approved by the National Assembly.

#### **3. Establishment of Fund**

There is hereby established a Special Fund to be known as the Productive Employment Development Fund.

#### **4. Purpose of Fund**

The purpose of the Fund is to provide or make available to individuals and to companies and other organizations, in such manner as the Minister may from time to time approve for the purpose of this paragraph, financial assistance so as to promote the establishment and development of new and the further development of existing productive activities that increase employment and contribute to the achievement of the objectives of the National Development Plan.

#### **5. Revenue of Fund**

There shall be paid into the Fund such moneys as may from time to time-

- (a) be appropriated by Parliament for that purpose;
- (b) accrue or be realized from any investment or deposit made in terms of paragraph 7 or 8;

- (c) be recovered by the Government in terms of any agreement in accordance with which moneys from the Fund have been provided or made available; or
- (d) be received from other sources as contributions to the Fund.

#### **6. Administration of Fund**

The Permanent Secretary of the Ministry responsible for finance (hereinafter referred to as "the accounting officer") shall be responsible for the administration of the Fund.

#### **7. Investment of Fund moneys**

The accounting officer shall, as far as is reasonably practicable, invest all moneys of the Fund not immediately required for payment from the Fund in terms of paragraph 10 in such investments and on such terms as-

- (a) shall, in his opinion, contribute to the achievement of the objectives of the National Development Plan; or
- (b) the Minister may from time to time direct.

#### **8. Deposit of Fund moneys**

The accounting officer may from time to time deposit or renew the deposit of moneys of the Fund not immediately required for payment from the Fund in terms of paragraph 10, and not invested in accordance with paragraph 7, with such financial institutions as the Minister may from time to time approve for the purposes of this paragraph.

#### **9. Realization of investments of Fund moneys**

Subject to any directions which may be given him by the Minister, the accounting officer may from time to time realize any investment of moneys of the Fund.

#### **10. Disbursements from Fund**

(1) The accounting officer may pay from the Fund such moneys as may, in his opinion, be justifiably expended for the purpose of the Fund prescribed by paragraph 4 or to meet any incidental expenses which may be incurred in order to implement that purpose.

(2) The Minister may, by writing addressed to the accounting officer, from time to time furnish the accounting officer with guide-lines as to the circumstances in which moneys of the Fund may be justifiably expended in terms of this paragraph.

(3) Where the accounting officer is furnished with guide-lines by the Minister under this paragraph, he shall, notwithstanding subparagraph (1), follow those guide-lines.

#### **11. Report to National Assembly**

The Minister shall, at least once in every period of 12 months, lay before the National Assembly a general report on the operation of the Fund.

### **BOTSWANA RAILWAYS FUND ORDER**

*(under section 25)*

*(1st April, 1987)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Estimates
- 7. Receipts into the Fund
- 8. Disbursements from the Fund
- 9. Accounts of the Fund

S.I. 40, 1987.

#### **1. Citation**

This Order may be cited as the Botswana Railways Fund Order.

## **2. Interpretation**

In this Order unless the context otherwise requires-

"**Consolidated Fund**" means the Consolidated Fund established by section 117 of the Constitution;

"**Development Fund**" means the Development Fund referred to in section 23(1) of the Act.

"**Fund**" means the Botswana Railways Special Fund established under paragraph 3 of this Order;

"**Organization**" means the Botswana Railways Organization established under section 3 of the Botswana Railways Act.

## **3. Establishment of Fund**

A Special Fund to be known as the Botswana Railways Special Fund is hereby established.

## **4. Purpose of Fund**

The purpose of the Fund is to provide for the operations of the Organization.

## **5. Administration of Fund**

The Permanent Secretary of the Ministry of Works, Transport and Communications (hereinafter referred to as "the responsible officer") shall be the public officer responsible for administration of the Fund.

## **6. Estimates**

The responsible officer shall have annual estimates prepared for the operation of the Organization and shall submit them to the Minister responsible for finance prior to the 20th day of November in each year for his approval.

## **7. Receipts into the Fund**

There shall be paid into the Fund-

- (a) all revenues arising from the operations of the Organization;
- (b) any advance, loan or grant from the Consolidated Fund or the Development Fund under sections 19(1)(b) or 19(1)(c) of the Act;
- (c) any proceeds from investments of any other revenue that may accrue to the Organization in the course of its operations.

## **8. Disbursements from the Fund**

There shall be paid out of the Fund all expenditure incurred by the Organization in conducting its business.

## **9. Accounts of the Fund**

The Organization shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year a statement of accounts showing in detail the assets and liabilities (real and contingent) and income and expenditure of the Department in a form which shall conform with the best commercial accounting standards applicable to the provision of services.

### **AGRICULTURAL CREDIT GUARANTEE SCHEME FUND ORDER**

*(under section 25)*

*(3rd July, 1987)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purpose of Fund
4. Moneys of Fund
5. Administration of Fund

6. Statement of Income and Expenditure of Fund
7. Minister to report to National Assembly

S.I. 74, 1987.

**1. Citation**

This Order may be cited as the Agricultural Credit Guarantee Scheme Fund Order.

**2. Establishment of Fund**

There is hereby established a Special Fund to be known as the Agricultural Credit Guarantee Scheme Fund (hereinafter referred to as "the Fund").

**3. Purpose of Fund**

The purpose of the Fund is to provide financial assistance to small and medium scale farmers of arable rainfed farms in any part of the country that has been declared by the Government to be an area stricken by drought, by guaranteeing, for a fee to be paid by both parties, all or part of the seasonal agricultural input loans obtained by the said farmers from a bank.

**4. Moneys of Fund**

There shall be paid into the Fund such moneys as may from time to time be-

- (a) appropriated by Parliament for that purpose;
- (b) levied as a fee on both the borrower and the lending bank against the guarantee given by the Fund; and
- (c) received from other sources as contributions to the Fund.

**5. Administration of Fund**

(1) The Permanent Secretary of the Ministry responsible for finance (hereinafter referred to as "the responsible officer") shall be the public officer responsible for the administration of the Fund.

(2) The responsible officer may exercise all such power and perform all such duties as may be required to be exercised or performed for the proper discharge of his functions.

(3) The responsible officer may in writing authorize any other public officer to exercise or perform all or any of the powers or duties required of the responsible officer.

**6. Statement of Income and Expenditure of Fund**

The Accountant-General shall, not later than the 30th day of November of each year, prepare an income and expenditure statement and a balance sheet for each year of the affairs of the Fund to be included in the annual statement of accounts of the Government.

**7. Minister to report to National Assembly**

The Minister shall, at least once in every period of 12 months, lay before the National Assembly a general report of the operation of the Fund.

**GUARANTEED LOANS INSURANCE FUND ORDER**

*(under section 25)*

*(1st April, 1988)*

**ARRANGEMENT OF PARAGRAPHS**

**PARAGRAPH**

1. Citation
2. Establishment of Fund
3. Purpose of Fund
4. Administration of Fund
5. Receipts into the Fund
6. Disbursements from the Fund
7. Accounts of the Fund

S.I. 43, 1988.



## **1. Citation**

This Order may be cited as the Guaranteed Loans Insurance Fund Order.

## **2. Establishment of Fund**

A special Fund to be known as the Guaranteed Loans Insurance Fund (hereinafter referred to as the Fund) is hereby established.

## **3. Purpose of Fund**

The purposes of the Fund are to-

- (a) to insure motor vehicles and private dwellings purchased with commercial loans guaranteed by the Government of Botswana or a City, Town or District Council or a Land Board in respect of its employees;
- (b) to insure, at the sole discretion of the Fund, motor vehicles and private dwellings, the property of employees of the Government of Botswana or of a City, Town or District Council or a Land Board on which there is no loan guarantee;
- (c) to ensure that insurance cover on purchased property is operative during the entire period of the guarantee,
- (d) to establish as wide a basis of insurance cover as is required to provide counter guarantees on loans guaranteed; and
- (e) to provide insurance cover as economically as possible, commensurate with the objectives of the Fund.

## **4. Administration of Fund**

(1) The Permanent Secretary, Ministry of Finance and Development Planning (hereinafter referred to as the Accounting Officer) shall be the public officer responsible for the administration of the Fund.

(2) The Accounting Officer may, with the written approval of the Minister, appoint a person registered as an Insurer or a Broker in terms of the Insurance Industry Act, to undertake the day to day activities of the Fund.

## **5. Receipts into the Fund**

There shall be paid into the Fund all monies received in respect of premiums and contributions received from employees and from Government and City, Town and District Councils and from Land Boards, and as income from the investments of monies of the Fund.

## **6. Disbursements from the Fund**

There shall be paid from the Fund-

- (a) costs of claim settlements commensurate with the provisions of the insurance cover provided by the Fund;
- (b) costs of administration of the Fund;
- (c) such other sums as the Minister may in writing approve.

## **7. Accounts of the Fund**

The Accounting Officer shall-

- (a) keep and maintain proper accounts and records in respect of the Fund;
- (b) prepare in respect of each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve.

### **CENTRE FOR ACCOUNTING STUDIES SPECIAL FUND (REVOCATION) ORDER**

*(under section 25)*

*(1st August, 1997)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Transfer of assets and liabilities of Fund

S.I. 71, 1997.

## 1. Citation

This Order may be cited as the Centre for Accounting Studies Special Fund (Revocation) Order..

## 2. Transfer of assets and liabilities of Fund

The assets and liabilities of the Centre for Accounting Studies Special Fund Order are hereby transferred and shall vest in the Botswana Accountancy College, a company limited by guarantee with Registration No. Co. 96/328 with effect from 1st July, 1996.

## LEVY ON ALCOHOLIC BEVERAGES FUND ORDER

(section 25)

(31st October, 2008)

### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Appointment of Alcohol Levy Implementation Committee
7. Receipts into Fund
8. Payments out of Fund
9. Surplus of Fund
10. Annual budget and investment plan of Fund
11. Procedure for awarding payments out of Fund for projects
12. Accounts of Fund

S.I. 90, 2008,  
S.I. 102, 2009.

## 1. Citation

This Order may be cited as the Levy on Alcoholic Beverages Fund Order.

## 2. Interpretation

In this Order, unless the context otherwise requires–

**"Accounting Officer"** means the Permanent Secretary in the Ministry of Trade and Industry appointed as such under paragraph 5;

**"Committee"** means the Alcohol Levy Implementation Committee established by the Accounting Officer under paragraph 6;

**"Department"** means the Department of Trade and Consumer Affairs within the Ministry of Trade and Industry;

**"Fund"** means the Levy on Alcoholic Beverages Fund established under paragraph 3;

## 3. Establishment of Fund

There is hereby established a special fund to be known as the Levy on Alcoholic Beverages Fund.

## 4. Purpose of Fund

The purpose of the Fund is to promote projects and activities designed to combat alcohol abuse and minimise the effects of alcohol abuse by means of–

- (a) public and school education campaigns on the harm of alcohol abuse;
- (b) advocating alcohol free youth activities;
- (c) supporting measures for the rehabilitation of victims of alcohol abuse;
- (d) monitoring and limiting the role of advertising of alcohol in sports activities;
- (e) reviewing and advising on the practices relating to the sale of alcohol;

- (f) complementing law enforcement measures on curbing drunken driving; and
- (g) such other activities aimed at curbing alcohol abuse or minimising its effects as the Accounting Officer may, by notice, approve.

#### **5. Administration of Fund**

(1) The Permanent Secretary in the Ministry of Trade and Industry is hereby appointed the Accounting Officer and he or she shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order.

(2) The Accounting Officer may exercise all such powers and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions under this Order.

(3) The Accounting Officer may, in writing, authorise any other public officer or any agency of Government to exercise or perform all or any of the powers or duties required of the Accounting Officer.

(4) Without derogating from the generality of the functions and powers of the Accounting Officer as provided in this paragraph, the Accounting Officer shall cause the Department to—

- (a) be responsible for the day to day administration and management of the Fund;
- (b) keep and maintain proper books of accounts and records of the Fund; and
- (c) maintain an account into which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

#### **6. Appointment of Alcohol Levy Implementation Committee**

(1) The Accounting Officer shall appoint an Alcohol Levy Implementation Committee, which shall be responsible for the Fund as set out in this Order.

(2) The Accounting Officer shall appoint the following members to the Committee—

- (a) Deputy Permanent Secretary for Trade in the Ministry of Trade and Industry, as chairperson;
- (b) a member from the Ministry of Youth, Sport and Culture;
- (c) a member from the Ministry of Health;
- (d) a member from Botswana Confederation of Commerce Industry and Manpower (BOCCIM); and
- (e) three other members from the private and public sector as he or she may deem appropriate.

(3) The Committee shall be responsible for overseeing the administration and management of the Fund and for advising the Accounting Officer with respect to the Fund.

(4) The Committee shall determine its own procedures.

#### **7. Receipts into Fund**

(1) The Botswana Unified Revenue Service shall collect the levy charged on alcoholic beverages and credit the levy collected to the Fund.

(2) The levy shall be collected at the point of manufacture for locally produced alcoholic beverages and at the point of import for imported liquor respectively.

(3) The levy shall be calculated and be at a rate in accordance with the provisions of the Control of Goods (Intoxicating Liquor (Levy)) Regulations.

(4) The Botswana Unified Revenue Service shall remit to the Fund the levy collected on a quarterly basis or at such times as may otherwise be agreed upon between the Botswana Unified Revenue Service and the Accounting Officer.

(5) The Botswana Unified Revenue Service shall, for the purpose of ensuring compliance with this Order, conduct an inspection of the books of any person required to pay the levy on alcoholic beverages in accordance with this Order.

#### **8. Payments out of Fund**

The Committee shall cause to be paid out of the monies of the Fund –

- (a) costs for the funding of projects set out in the annual budget prepared in terms of

- paragraph 10;
- (b) administrative costs relating to the—
    - (i) administrative management of the Fund;
    - (ii) financial auditing of the accounts of the Fund;
    - (iii) remuneration/sitting allowances of Committee members;
    - (iv) other matters affecting the administration of the Fund as approved by the Committee; and
    - (v) agency fees for the Botswana Unified Revenue Service, paid at a rate to be agreed upon by the Accounting Officer and Botswana Unified Revenue Service.

## **9. Surplus of Fund**

The surplus remaining in the Fund, after the deduction of payments referred to in paragraph 8, shall be paid into the Consolidated Fund.

## **10. Annual budget and investment plan of Fund**

(1) The Committee shall cause to be prepared an annual budget for the funding of projects planned for the year.

(2) The Committee shall submit the annual budget for the approval, in writing, of the Accounting Officer not later than three months—

- (a) after the coming into operation of this Order; and
- (b) before the end of the financial year of the Fund.

(3) The Accounting Officer shall approve, in writing, any amendment or change to the annual budget before it is implemented.

## **11. Procedure for awarding payments out of Fund for projects**

(1) The Committee shall, with the approval of the Accounting Officer, formulate guidelines it shall utilise to award grants from the Fund to finance approved projects for any activity intended to combat alcohol abuse and minimise the effects of alcohol abuse as provided in paragraph 4.

(2) The Committee shall develop guidelines for the awarding of grants that shall provide, inter alia, for—

- (a) the criteria for evaluating and approving a project or activity to receive an award of a grant from the Fund;
- (b) the passing of a resolution to award a grant to a project or activity;
- (c) the public announcement of each grant awarded;
- (d) the development, after consultation with the Accounting Officer, of a Grant Agreement with respect to each grant recipient, which shall, inter alia, provide for—
  - (i) the receipt and use of the grant;
  - (ii) a schedule for grant process;
  - (iii) the auditing and reporting requirements for the grant and any project or activity financed by the grant;
  - (iv) representations and warranties;
  - (v) the procedures to monitor performance for awarded grants; and
  - (vi) the procedure to be followed for the return of an unused grant or the recovery of a misused grant.

(3) The Committee shall maintain and make available for public inspection a record of—

- (a) each resolution of the Committee to award a grant; and
- (b) the justification for the resolution to award the grant.

(4) The Committee shall set in place mechanisms for making information readily available to the public on—

- (a) the selection criteria for awarding grants, which selection criteria shall include—
  - (i) criteria for evaluating projects; and
  - (ii) requirements for the approval of a project;
- (b) the Committees written policies;

- (c) the Committees operating procedures; and
- (d) the summaries of the Committees proceedings.

## **12. Accounts of Fund**

(1) The Committee shall cause to be conducted an annual financial audit of the accounts of the Fund in accordance with the generally accepted international accounting standards.

(2) No later than six months after the close of each financial year the Committee shall cause the accounts with respect to that year to be audited by an independent auditor appointed by the Auditor General.

(3) As soon as the accounts have been audited, and in any case not later than three months after the audit, the chairperson of the Committee shall submit to the Accounting Officer a copy of each audited account together with the auditors report.

(4) The chairperson of the Committee shall, within six months after the end of the financial year, submit to the Accounting Officer a report on the conduct of the business of the Committee.

## **LOCAL AUTHORITIES SELF INSURANCE SPECIAL FUND ORDER**

*(under section 25)*

*(10th May, 1991)*

### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purposes of Fund
4. Responsibility for administering Fund
5. Payments into Fund
6. Payments out of Fund
7. Management of Fund
8. Accounts

S.I. 55, 1991.

#### **1. Citation**

This Order may be cited as the Local Authorities Self Insurance Special Fund Order.

#### **2. Establishment of Fund**

A special fund to be known as the Local Authorities Self Insurance Special Fund (hereinafter referred to as "the Fund") is hereby established.

#### **3. Purpose of Fund**

The purpose of the Fund is to make provision for a scheme whereby appropriate insurance cover can be obtained on a uniform basis for all local authorities and land boards in Botswana, including an element of self insurance.

#### **4. Responsibility for administering Fund**

The Permanent Secretary of the Ministry of Local Government and Lands shall be the public officer responsible for administering the Fund, but may exercise such responsibility personally or through any other public officer authorized by him in writing.

#### **5. Payments into Fund**

There shall be paid into the Fund-

- (a) appropriations from monies provided by Parliament as grants to local authorities and land boards;
- (b) proceeds from any salvage arising from claims.

#### **6. Payments out of Fund**

There shall be paid into the Fund-

- (a) premiums for commercial insurance of catastrophic risks;

- (b) claims made under the self insurance scheme;
- (c) expenses incidental to the administration of claims; and
- (d) the fees of the managing agents of the scheme.

#### **7. Management of Fund**

The Fund shall be managed in such a way that the managing agents hold sufficient monies to be able to settle self-insured claims promptly, and to meet other expenses, whilst also ensuring that excessive appropriations from grants are not made.

#### **8. Accounts**

The Permanent Secretary for Local Government and Lands shall keep and maintain or cause to be kept and maintained proper accounts and records in respect of the Fund and shall, in respect of each financial year, prepare a statement of all receipts and payments out, in a form approved by the Accountant-General.

### **SIM'S BURSARY TRUST FUND ORDER**

*(under section 25)*

*(23rd August, 1991)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

- 1. Citation
- 2. Establishment of Fund
- 3. Purpose of Fund
- 4. Administration of Fund
- 5. Revenues of Fund
- 6. Investment of Fund moneys
- 7. Disbursements from Fund

S.I. 97, 1991.

#### **1. Citation**

This Order may be cited as the Sim's Bursary Trust Fund Order.

#### **2. Establishment of Fund**

There is hereby established a Special Fund to be known as The Sim's Bursary Trust Fund (hereinafter referred to as "the Fund").

#### **3. Purpose of Fund**

The purpose of the Fund is to finance the training of deserving citizens of Botswana in the professions.

#### **4. Administration of Fund**

The Minister of Education shall be responsible for the administration of the Fund in accordance with the terms of the last will and testament of George William Sim, but may, in writing, authorize any public officer (hereinafter referred to as "the responsible officer") to exercise any of the powers or perform any of the duties imposed on him by virtue of the terms of the will and this Act.

#### **5. Revenues of Fund**

The revenues of the Fund shall comprise all sums realised from the estate of the late George William Sim for the benefit of the said Fund, and any moneys realised from investments in accordance with paragraph 6.

#### **6. Investment of fund Mones**

The Minister or the responsible officer shall, as far as is reasonably practicable, invest all moneys of the Fund not immediately required for payments from the Fund in accordance with paragraph 7, in such investments and on such terms as shall, in his opinion, contribute to the achievement of the objectives of the Fund, and any interest earned from such investments shall accrue to the Fund.

## **7. Disbursements from Fund**

The Minister or the responsible officer shall, each year, utilize interest from the Fund, or such of it as may be required, in the payment of a bursary to a deserving Botswana citizen, or to deserving Botswana citizens, chosen at the discretion of the Minister, for the purpose of meeting his, or their, expenses in training for one of the professions.

### **CONSTRUCTION INDUSTRY (CRASH TRAINING PROGRAMME) TRUST FUND ORDER**

*(under section 25)*

*(13th December, 1991)*

#### **ARRANGEMENT OF PARAGRAPHS**

##### **PARAGRAPH**

1. Citation
2. Establishment of Fund
3. Purpose of Fund
4. Administration of Fund
5. Receipts into Fund
6. Investment of Fund moneys
- 6A. Power to own property
7. Disbursements from Fund
8. Surplus in Fund
9. Levy

S.I. 139, 1991,  
S.I. 79, 1994,  
S.I. 4, 2005.

#### **1. Citation**

This Order may be cited as the Construction Industry (Crash Training Programme) Trust Fund Order.

#### **2. Establishment of Fund**

There is hereby established a Special Fund to be known as the Construction Industry (Crash Training Programme) Trust Fund (hereinafter referred to as "the Fund").

#### **3. Purpose of Fund**

The purpose of the Fund is to finance a crash training programme for the purpose of training, as a matter of urgency, Botswana to be artisans or craftsmen, such as bricklayers, carpenters, painters and plasterers, and aimed at meeting the needs of the construction industry without having to rely on imported skills.

#### **4. Administration of Fund**

(1) The Minister of Labour and Home Affairs shall appoint a Board of Trustees for the Fund which shall, subject to his directions, be responsible for the administration of the Fund.

(2) The Permanent Secretary of the Ministry of Labour and Home Affairs shall be the chairman of the Board of Trustees, and the remaining members shall be as widely representative of both Government and the private sector in matters relating to manpower and the construction industry as the Minister considers necessary or desirable to address the needs of the industry.

(3) The Board of Trustees may appoint an executive director and training and administrative staff to administer the Fund on such terms and conditions, and at such remuneration as the Board may, from time to time, direct.

#### **5. Receipts into Fund**

There shall be paid into the Fund-

- (a) P2,875,000 provided by the Government to establish the Fund;
- (b) such sums as may from time to time be appropriated by Parliament; and

- (c) any moneys accrued or realised from investments made in accordance with paragraph 6.

## **6. Investment of Fund moneys**

The Board of Trustees shall, as far as is reasonably practicable, invest or direct the investment of all moneys of the Fund not immediately required for payments from the Fund in accordance with paragraph 7, in such investments, and on such terms as shall, in its opinion, contribute to the achievement of the objectives of the Fund, and any interest earned from such investments shall accrue to the Fund.

**6A. Power to own property** The Board of Trustees may, for the purpose of achieving the objectives of the Fund, acquire any kind of property and do such acts as they may consider necessary or expedient for the fulfilment of the purpose of the Fund.

## **7. Disbursements from Fund**

There shall be paid from the Fund all expenses incurred in the performance of duties connected with the administration and management of the crash training programme, and all relevant expenses incurred in the provision of training facilities and in the actual training of trainees.

## **8. Surplus in Fund**

If the Fund shows a surplus at the end of the Financial Year, such surplus shall be carried forward into the following year.

**9. Levy** There shall be a levy of 0,25% on all construction contracts awarded by the Central Tender Board, which levy shall be paid directly into the Consolidated Fund.

### **NATIONAL PETROLEUM FUND ORDER**

*(under section 25)*

*(1st February, 1986)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

1. Citation
2. Establishment of Fund
3. Purposes of the Fund
4. Administration of the Fund
5. Payments into the Fund
6. Disbursements from the Fund
7. Accounts of the Fund

S.I. 44, 1992,  
S.I. 61, 2001,  
S.I. 3, 2002.

## **1. Citation**

This Order may be cited as the National Petroleum Fund Order.

## **2. Establishment of Fund**

A special fund to be known as the National Petroleum Fund, hereinafter referred to as "**the Fund**", is hereby established.

## **3. Purposes of the Fund**

The purposes of the Fund are to-

- (a) meet the engineering, construction and operational costs of the strategic storage facilities for Government fuel;
- (b) purchase petroleum products for the Government's strategic oil stocks;
- (c) stabilize prices charged by the oil industry;
- (d) meet insurance premiums in respect of the insurance of Government's strategic oil installations and oil stocks.



**4. Administration of the Fund** (a) The Permanent Secretary, Ministry of Minerals, Energy and Water Affairs, (hereinafter referred to as "the accounting officer") shall be the public officer responsible for the administration of the Fund;

(b) The Minister shall appoint a management committee charged with determining the investment strategy and disbursement procedures of the Fund;

(c) The management committee appointed under paragraph (b) shall comprise of the following-

- (i) the Permanent Secretary of the Ministry of Minerals, Energy and Water Affairs, who shall be the Chairman;
- (ii) a representative of the Department of Energy Affairs, who shall be a member;
- (iii) a representative of the Ministry of Finance and Development Planning, who shall be a member;
- (iv) the Managing Director of Stanbic Bank Botswana, who shall be a member; and
- (v) a representative of the Ministry of Minerals, Energy and Water Affairs, who shall be the Secretary.

(d) The Minister may appoint an independent auditor to undertake audits of the Fund on such conditions as the Minister shall in writing specify;

(e) The management committee shall, with the written approval of the Minister, cause the assets of the Fund to be prudently invested so as to retain the real value of the assets;

(f) The accounting officer may, with the written approval of the Minister, appoint a Bank licensed in terms of the Banking Act, or wholly owned subsidiary of such a financial institution, to undertake the day to day activities of the Fund.

#### **5. Payments into the Fund**

There shall be paid into the Fund-

- (a) all monies received in respect of levies charged under the Control of Goods (Petroleum Products) (Levy) Regulations;
- (b) such other money as shall be received from Government or which Government instructs to be paid into the Fund;
- (c) income from the investment of moneys of the Fund.

#### **6. Disbursements from the Fund**

There shall be paid from the Fund-

- (a) costs for the engineering, construction, and operation of the strategic storage, and distribution facilities for Government fuel;
- (b) sums of money to the oil industry for the stabilization of prices in respect of petroleum products;
- (c) such sums of money to the oil industry or Consolidated Fund as the Minister may from time to time determine;
- (d) costs of the purchase of petroleum products for Government's strategic oil stocks;
- (e) insurance premiums in respect of Government's strategic oil installations and oil stocks;
- (f) management and audit expenses of the Fund;
- (g) such other sums as the Minister may in writing approve.

#### **7. Accounts of the Fund**

(1) The accounting officer shall-

- (a) keep and maintain proper accounts and records of the Fund;
- (b) prepare in respect of the Fund for each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve;
- (c) at the time of submission of the balance sheet and statement of income and expenditure, submit to the Minister proposals for dealing with any surplus in the Fund;
- (d) maintain an account in which shall be recorded all receipts into the Fund; and all

disbursements from the Fund accounts shall be reconciled monthly.

(2) The balance sheet and statement of income and expenditure shall be included in the annual statement of the Fund of the Accountant-General to the Auditor-General in accordance with section 34(2) of the Finance and Audit Act.

### **BRIGADES REVOLVING LOAN FUND ORDER**

*(under section 25)*

*(8th March, 1996)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purpose of the Fund
4. Administration of Fund
5. Payments into Fund
6. Disbursements from Fund
7. Accounts of the Fund

S.I. 19, 1996.

#### **1. Citation**

This Order may be cited as the Brigades Revolving Loan Fund Order.

#### **2. Establishment of Fund**

A special fund to be known as the Brigades Revolving Loan Fund (hereinafter referred to as "the Fund") is hereby established.

#### **3. Purpose of the Fund**

The purpose of the Fund is to make provision for a scheme whereby loans are advanced to Brigades, to enable them to meet their operational costs.

#### **4. Administration of Fund**

The Director of Vocational Education and Training (hereinafter referred to as "the Accounting Officer") shall be the public officer responsible for the administration of the Fund.

#### **5. Payments into Fund**

There shall be paid into the Fund such sums of money-

- (a) as are held by Standard Chartered Bank in favour of the Special Account of the Revolving Loan Fund;
- (b) received upon repayment of any loan made from the Fund; and
- (c) realised from interest earned on the loans.

#### **6. Disbursements from Fund**

There shall be paid from the Fund-

- (a) expenses incidental to the issue of loans to the Brigades for their efficient operation; and
- (b) costs of administration of the Fund.

#### **7. Accounts of the Fund**

The Accounting Officer shall keep and maintain or cause to be kept and maintained proper accounts and records in respect of the Fund and shall in respect of each financial year prepare a statement of all receipts into and payments from the Fund, in a form approved by the Accountant General.

### **NATIONAL DISASTER RELIEF FUND ORDER**

*(under section 25)*

*(8th March, 1996)*

#### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purpose of the Fund
4. Administration of Fund
5. Payments into Fund
6. Disbursements from Fund
7. Management of Fund
8. Accounts of the Fund

S.I. 20, 1996.

**1. Citation**

This Order may be cited as the National Disaster Relief Fund Order.

**2. Establishment of Fund**

A special fund to be known as the National Disaster Relief Fund (hereinafter referred to as "the Fund") is hereby established.

**3. Purpose of the Fund**

The purpose of the Fund is to provide financial assistance to natural disaster victims.

**4. Administration of Fund**

The Permanent Secretary to the President (hereinafter referred to as "the Accounting Officer") shall be the public officer responsible for the administration of the Fund.

**5. Payments into Fund**

There shall be paid into the Fund-

- (a) such moneys as may be appropriated by Parliament;
- (b) donations from persons and organisations; and
- (c) such moneys as may from time to time be received from other sources as contributions to the Fund.

**6. Disbursements from Fund**

There shall be paid from the Fund-

- (a) the cost of reconstruction and repair to victims' shelter;
- (b) the cost of rehabilitation of transport infrastructure;
- (c) such other costs, related to disaster relief, as the Minister may in writing approve.

**7. Management of Fund**

The Fund shall be managed by the National Committee on Disaster Preparedness.

**8. Accounts of the Fund**

(1) The Accounting Officer shall-

- (a) keep and maintain proper accounts and records in respect of the Fund;
- (b) prepare in respect of each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant General may approve;
- (c) at the time of submission of the balance sheet and statement of income and expenditure, submit to the Minister proposals for dealing with any surplus in the Fund;
- (d) maintain an account in which shall be recorded all receipts into the Fund and all disbursements from the Fund; such accounts shall be reconciled monthly with the account maintained by the Accountant General.

(2) The balance sheet and statement of income and expenditure shall be included in the Annual Statement of Accounts submitted by the Accountant General to the Auditor General in accordance with section 34(2) of the Act.

**FINANCE (TOURISM INDUSTRY TRAINING FUND) ORDER**

*(under section 25)*

*(27th December, 1996)*

ARRANGEMENT OF PARAGRAPHS

## PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Investment of monies
7. Disbursements from Fund
8. Accounts of Fund

S.I. 99, 1996,  
S.I. 11, 2006.

### **1. Citation**

This Order may be cited as the Finance (Tourism Industry Training Fund) Order.

### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary appointed as such under paragraph 5 of this Order;

**"Fund"** means the Tourism Training Fund established by paragraph 3 of this Order.

**"Minister"** means the Minister responsible for Environment, Wildlife and Tourism.

### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Tourism Industry Training Fund.

### **4. Purpose of Fund**

The purpose of the Fund is to finance the skills training programmes for employees of the tourism sector at basic, intermediate and advanced levels in key areas of the hospitality industry.

### **5. Administration of Fund**

(1) The Permanent Secretary to the Ministry of Environmental, Wildlife and Tourism (hereinafter referred to as "the Accounting Officer"), shall be the public officer responsible for the administration of the Fund.

(2) The Minister may appoint a Management Committee which shall determine the training strategy and subject to the special or general direction of the Accounting Officer, manage the Fund.

(3) The Minister may appoint an independent auditor to undertake audits of the Fund on such conditions as he shall in writing require.

(4) The Accounting Officer may, with the written approval of the Minister, appoint an accounting firm or an associate of a firm to undertake the day to day accounting activities of the Fund.

### **6. Investment of monies**

The Management Committee shall invest the monies of the Fund not immediately required for payments from the Fund on such terms as shall contribute to the achievement of the objectives of the Fund and interest earned from such investment shall accrue to the Fund.

### **7. Disbursements from Fund**

There shall be paid from the Fund all expenses incurred in the performance of duties connected with the administration and the management of skills training programmes.

### **8. Accounts of Fund**

(1) The Accounting Officer shall-

- (a) keep and maintain proper accounts and records of the Fund;
- (b) prepare for each financial year a balance sheet and statement of income and

- expenditure in such form and manner as the Accountant-General may approve;
- (c) maintain an account in which shall be recorded all receipts into the Fund and all disbursements from the Fund and reconcile monthly the accounts of the Fund.

(2) The balance sheet and the statement of income and expenditure shall be prepared by the Accountant General in the annual statement of the Fund to be transmitted to the Auditor General in accordance with the Act.

## **FINANCE (CITIZEN CONTRACTORS' FUND) ORDER**

*(under section 25)*

*(28th February, 1997)*

### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Payments into the Fund
7. Disbursements from the Fund
8. Accounts of Fund

S.I. 12, 1997.

#### **1. Citation**

This Order may be cited as the Finance (Citizen Contractors' Fund) Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary appointed as such under paragraph 5 of this Order;

**"Fund"** means the Citizen Contractors' Fund established by paragraph 3 of this Order.

#### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Citizen Contractors' Fund.

#### **4. Purpose of Fund**

The purpose of the Fund is to provide financial assistance in the form of loans to citizen contractors in the construction business-

- (a) experiencing problems of lack of working capital, to enable them to carry out construction contracts awarded to them; or
- (b) to enable them to repay their debts.

#### **5. Administration of Fund**

(1) The Permanent Secretary, Ministry of Commerce and Industry (hereinafter referred to as the Accounting Officer"), shall be the public officer responsible for the administration of the Fund.

(2) The Minister shall appoint the National Development Bank established under the National Development Bank Act to undertake the day to day activities of the Fund.

#### **6. Payments into the Fund**

There shall be paid into the Fund-

- (a) P 50 000 000 (Fifty million Pula);
- (b) such other moneys as shall be received from Government;
- (c) income from the investment of moneys of the Fund.

#### **7. Disbursements from the Fund**

There shall be paid from the Fund loans to citizen contractors which shall be repayable at an interest rate of 9 per cent over a period of 7 years.

## **8. Accounts of Fund**

(1) The Accounting Officer shall-

- (a) keep and maintain proper accounts and records of the Fund;
- (b) prepare for each financial year a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve; and
- (c) maintain an account in which shall be recorded all receipts into the Fund and all disbursements from the Fund and reconcile monthly the accounts of the Fund.

(2) The balance sheet, statement of income and expenditure shall be prepared by the Accountant-General in the annual statement of the Fund to be transmitted to the Auditor-General in accordance with the Act.

### **CONSERVATION TRUST FUND ORDER**

*(under section 25)*

*(8th February, 1999)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Payments into Fund
- 7. Investment of Fund moneys
- 8. Disbursements from Fund
- 9. Guidelines for disbursements from Fund
- 10. Accounts of Fund

S.I. 12, 1999,  
S.I. 43, 2000.

#### **1. Citation**

This Order may be cited as the Conservation Trust Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Board"** means the Board of Trustees of the Conservation Trust Fund;

**"Fund"** means the Conservation Trust Fund as established by paragraph 3 of this

Order.

#### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Conservation Trust Fund.

#### **4. Purpose of Fund**

The purpose of the Fund is to finance the-

- (a) conservation of elephants; and
- (b) development of community based projects for communities living adjacent to elephant ranges.

#### **5. Administration of Fund**

(1) The Minister of Commerce and Industry shall appoint a Board of Trustees for the Fund which shall, subject to his directions, be responsible for the administration of the Fund.

(2) The Board of Trustees shall consist of-

- (a) the Permanent Secretary to the Ministry of Commerce and Industry, who shall be the Chairman of the Board;
- (b) 2 representatives of Non-Governmental Organisations concerned with conservation;
- (c) one representative of Community Based Organisations;

- (d) one representative of the National Conservation Strategy (Coordinating) Agency;
- (e) two representatives of the Department of Wildlife and National Parks, one of whom shall be the Secretary to the Board.

(3) The Minister shall appoint the Department of Wildlife and National Parks to undertake the day to day activities of the Fund.

#### **6. Payments into Fund**

There shall be paid into the Fund-

- (a) all moneys received from the export of ivory in accordance with Decisions 10.1 and 10.2 at the 10th Conference of the Parties to CITES;
- (b) donations from any persons;
- (c) income from the investment of moneys of the Fund in accordance with paragraph 7.

#### **7. Investment of Fund moneys**

The Board shall invest the monies of the Fund not immediately required for payments from the Fund on such terms as shall contribute to the achievement of the objectives of the Fund and interest earned from such investment shall accrue to the Fund.

#### **8. Disbursements from Fund**

(1) There shall be paid from the Fund all expenses incurred in the performance of duties connected with the conservation of elephants and the development of community based projects for communities living adjacent to elephant ranges in accordance with subparagraph (2).

(2) Seventy percent of the moneys of the Fund shall be used to pay for expenses connected with the conservation of elephants and thirty percent of the moneys of the Fund shall be used for expenses connected with the development of community based projects for communities living adjacent to elephant ranges.

(3) The costs of the management and administration of the Fund shall be met by the Department of Wildlife and National Parks.

#### **9. Guidelines for disbursements from Fund**

The Board shall develop guidelines for the payment of moneys from the Fund to-

- (a) organisations concerned with the conservation of elephants;
- (b) the development of community based projects for communities living adjacent to elephant ranges.

#### **10. Accounts of Fund**

(1) The Board shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year of a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve;
- (c) maintenance of an account in which shall be recorded all receipts into the Fund and all disbursements from the Fund and the reconciliation of the monthly accounts of the Fund.

(2) The balance sheet and statement of income and expenditure shall be prepared by the Accountant-General in the annual statement of the Fund transmitted to the Auditor-General in accordance with the Act.

(3) The Minister may appoint an independent auditor to undertake audits of the Fund on such conditions as he shall in writing require.

### **MICRO CREDIT ENTERPRISES FUND ORDER**

*(under section 25)*

*(17th December, 1999)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation

2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Payments into Fund
7. Investment of Fund monies
8. Disbursements from Fund
9. Guidelines for disbursements from Fund
10. Accounts of Fund

S.I. 116, 1999.

#### **1. Citation**

This Order may be cited as the Micro Credit Enterprises Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary in the Ministry of Commerce and Industry appointed as such under paragraph 5 of this Order;

**"Fund"** means the Micro Credit Enterprises Fund established by paragraph 3 of this Order;

**"micro enterprise"** means a business with an annual income of not more than P40 000; and

**"Minister"** means the minister responsible for finance.

#### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Micro Credit Enterprises Fund.

#### **4. Purpose of Fund**

(1) The purpose of the Fund is to foster, by means of funding, the development of a self-sustaining micro enterprises sector.

(2) Without prejudice to the generality of sub-paragraph (1), the Fund may provide for-

- (a) appropriate funding of micro enterprises;
- (b) training programmes for micro enterprises; and
- (c) institutional support programmes for micro enterprises.

#### **5. Administration of Fund**

(1) The Permanent Secretary in the Ministry of Commerce and Industry (hereinafter referred to as "the Accounting Officer") shall be the public officer responsible for the administration of the Fund.

(2) The Minister shall appoint the National Development Bank established under the National Development Bank Act to undertake the day to day activities of the Fund.

#### **6. Payments into Fund**

There shall be paid into the Fund-

- (a) P80 000 000 (eighty million Pula) by the Ministry of Finance and Development Planning;
- (b) such other monies as may be received from government; and
- (c) income from the investment of monies of the Fund.

#### **7. Investment of Fund monies**

The National Development Bank shall invest the monies of the Fund not immediately required for payments from the Fund on such terms as shall contribute to the achievements of the objectives of the Fund, and interest earned from such investment shall accrue to the Fund.

#### **8. Disbursements from Fund**

(1) There shall be paid from the Fund loans ranging from P500 to P20 000 to any type of business that qualifies as a micro enterprise in accordance with provisions of this Order, which



loans shall be repayable at an interest rate of 18 per cent per annum over a period of between six months and thirty six months.

(2) The Fund shall grant loans to Botswana citizens and Botswana citizen-owned businesses only.

(3) Every person granted a loan by the Fund shall be required to give a personal guarantee to the National Development Bank.

(4) Every person granted a loan by the Fund shall undergo such financial management course as the Accounting Officer shall direct.

(5) The costs of the financial management course shall be borne by the Government of Botswana, save that every person who undergoes such financial management course shall be required to pay a fee of P20, such other amount as may be declared by the Accounting Officer, before he embarks on such course.

#### **9. Guidelines for disbursements from Fund**

The National Development Bank shall develop guidelines for the payment of monies from the Fund to micro enterprises.

#### **10. Accounts of Fund**

(1) The Accounting Officer shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year, of a balance sheet and statement of income and expenditure in such form and manner as the Accountant-General may approve; and
- (c) maintenance of an account in which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

### **MPULE KWELAGOBE HIV/AIDS TRUST FUND ORDER**

*(under section 25)*

*(25th February, 2000)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation
- 2. Interpretation
- 3. Establishment of Trust Fund
- 4. Purpose of Trust Fund
- 5. Administration of Fund
- 6. Board of Trustees
- 7. Proceedings of Board
- 8. Remuneration
- 9. Duties of the Board
- 10. Payments into Fund
- 11. Investment of Fund monies not required for use
- 12. Disbursements from Fund
- 13. Guidelines for disbursements from Fund
- 14. Accounts of Fund

S.I. 18, 2000.

#### **1. Citation**

This Order may be cited as the Mpule Kwelagobe HIV/AIDS Trust Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Board"** means the Board of Trustees of the Mpule Kwelagobe HIV/AIDS Trust Fund;

**"Fund"** means the Mpule Kwelagobe HIV/AIDS Trust Fund as established by paragraph

3 of this Order; and

**"member"** means a member of the Board.

### **3. Establishment of Trust Fund**

There is hereby established a special fund to be known as the Mpule Kwelagobe HIV/AIDS Trust Fund.

### **4. Purpose of Trust Fund**

(1) The purpose of the Fund shall be to collect, receive, and hold all monies becoming available to it as a result of any appeal for funds, or monies otherwise donated, granted, bequeathed, inherited or in any other manner made available and which the Board may at its discretion accept and use for purposes of HIV/AIDS related projects.

(2) Without prejudice to the generality of subparagraph (1), the Fund may-

- (a) keep readily available funds for the immediate use in HIV/AIDS related projects;
- (b) fund activities related to combatting HIV/AIDS, including, but not limited to, awareness campaigns, home based care, or hospice care;
- (c) work with members of the community, including non governmental organisations and community-based organisations in matters related to HIV/AIDS; and
- (d) co-operate with and assist any other body or person whether associated with the Fund or not in relation to any other matter intended to advance any of the purposes of the Fund.

### **5. Administration of Fund**

The Permanent Secretary to the Ministry of Health shall be the public officer responsible for the administration of the Fund.

### **6. Board of Trustees**

(1) The Minister of Health shall appoint a Board of Trustees for the Fund, which shall, subject to the Minister's approval, undertake the day to day activities of the Fund.

(2) The Board of Trustees shall consist of seven members being representatives of the following-

- (a) the Ministry of Health;
- (b) the Ministry of Finance and Development Planning;
- (c) the Ministry of Local Government;
- (d) the Ministry of Labour and Home Affairs;
- (e) the Attorney General's Chambers;
- (f) the Debswana Diamond Company (Proprietary) Limited Botswana.

### **7. Proceedings of Board**

(1) Subject to the provisions of this Order, the Board shall regulate its own procedure.

(2) The quorum at any meeting of the Board shall be three members.

(3) A decision of the Board on any question shall be by the majority of the members present and voting, and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's vote.

### **8. Remuneration**

No remuneration shall be payable to members of the Board, who shall give their services gratuitously, save that the actual costs of administration, including out of pocket expenses incurred during the course of carrying out their duties in accordance with this Order, shall be met by the Fund.

### **9. Duties of the Board**

The Board of Trustees shall accept donations and bequests from donors and other persons made in favour of the Fund and administer the same, subject to such conditions as may be imposed by the donor or other such persons, provided that such conditions are not inconsistent with the aims and objectives of this Fund.

### **10. Payments into Fund**

There shall be paid into the Fund-

- (a) all monies received from donors;
- (b) all monies generated for the Fund through fund-raising activities; and
- (c) all other income generated from the investment of monies of the Fund.

**11. Investment of Fund monies not required for use**

The Board shall invest the monies of the Fund not immediately required for payment from the Fund on such terms and conditions as shall be consistent with the objectives of this Fund.

**12. Disbursements from Fund**

There shall be paid from the Fund any amount of money required for the carrying out of any activity, which seeks to advance the objects of the Fund:

Provided that such disbursements qualify as reasonable expenses incurred in the performance of duties consistent with the objects of the Fund.

**13. Guidelines for disbursements from Fund**

The Board, with the approval of the Permanent Secretary to the Ministry of Health, shall develop guidelines for the payment of monies from the Fund.

**14. Accounts of Fund**

(1) The Board shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year of a balance sheet and (2) The balance sheet and statement of income and expenditure in such form and manner as the Accountant General may approve;
- (c) maintenance of an account in which shall be recorded all receipts into the Fund and all disbursements from the Fund and the reconciliation of the monthly accounts of the Fund.

(2) The balance sheet and statement of income and expenditure shall be prepared by the Accountant General in the annual statement of the Fund transmitted to the Auditor General in accordance with the Act.

**COPYRIGHT AND NEIGHBOURING RIGHTS (LEVY ON TECHNICAL DEVICES) FUND  
ORDER**

*(section 25)*

*(14th November, 2008)*

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Payments into Fund
- 7. Disbursements from Fund
- 8. Grants awarded from Fund by Committee
- 9. Accounts of Fund

S.I. 94, 2008.

**1. Citation**

This Order may be cited as the Copyright and Neighbouring Rights (Levy on Technical Devices) Fund Order.

**2. Interpretation**

In this Order, unless the context otherwise requires—

**"Accounting Officer"** means the Permanent Secretary in the Ministry of Trade and Industry appointed as such under paragraph 5 (1);

**"Committee"** means the committee established by the Accounting Officer under paragraph 5 (5);

**"Fund"** means the Copyright and Neighbouring Rights (Levy on Technical Devices) Fund established under paragraph 3;

**"Office"** means the Copyright Office established by the Copyright and Neighbouring Rights Act;

### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Copyright and Neighbouring Rights (Levy on Technical Devices) Fund.

### **4. Purpose of Fund**

(1) The purpose of the Fund is to deposit the levy charged on all imported and locally manufactured blank sound and audio visual carriers, compact discs and equipment capable of being used to copy protected materials.

(2) The levy collected shall be used for the professional development of the authors and publishers of works.

### **5. Administration of Fund**

(1) The Permanent Secretary in the Ministry of Trade and Industry is hereby appointed the Accounting Officer and he or she shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order and the terms of the Copyright and Neighbouring Rights Act.

(2) The Accounting Officer may exercise all such powers and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions under this Order.

(3) The Accounting Officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of the Accounting Officer.

(4) Without derogating from the generality of the functions and powers of the Accounting Officer as provided in this paragraph, the Accounting Officer shall cause the Office to—

- (a) be responsible for the day to day administration and management of the Fund as provided for by section 22B (j) of the Copyright and Neighbouring Rights Act;
- (b) keep and maintain proper books of accounts and records of the Fund; and
- (c) maintain an account into which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

(5) The Accounting Officer shall appoint a Committee to be chaired by the Copyright Administrator, who shall perform the functions set out in paragraph 9.

### **6. Payments into Fund**

There shall be paid into the Fund monies being the levy charged on all imported and locally manufactured blank sound and audio visual carriers, compact discs and equipment capable of being used to copy protected materials.

### **7. Disbursements from Fund**

The Accounting Officer shall cause to be paid out of the monies of the Fund administrative costs relating to the—

- (a) administrative management of the Committee;
- (b) financial auditing of the accounts of the Fund;
- (c) remuneration of Committee members representing Non-Governmental Organisations; and
- (d) other matters affecting the administration of the Fund as approved by the Committee.

### **8. Grants awarded from Fund by Committee**

(1) The Committee shall, with the approval of the Accounting Officer, develop guidelines

it shall utilise to award grants from the Fund to finance approved projects for any activity intended to promote the development of authors and publishers of works.

(2) The Committee shall develop guidelines for the awarding of grants that shall provide, inter alia, for—

- (a) the criteria for evaluating and approving a project to receive an award of a grant from the Fund;
- (b) the passing of a resolution to award a grant to a project;
- (c) the public announcement of each grant awarded;
- (d) the development, after consultation with the Accounting Officer, of a Grant Agreement with respect to each grant recipient, which shall, inter alia, provide for—
  - (i) the receipt and use of the grant;
  - (ii) a schedule for grant process;
  - (iii) the auditing and reporting requirements for the grant and any project financed by the grant;
  - (iv) representations and warranties;
  - (v) the procedures to monitor performance for awarded grants; and
  - (vi) the procedure to be followed for the return of an unused grant or the recovery of a misused grant.

(3) The Committee shall maintain and make available for public inspection a record of—

- (a) each resolution of the Committee to award a grant; and
- (b) the justification for the resolution to award the grant.

(4) The Committee shall set in place mechanisms for making readily available to the public information on—

- (a) the selection criteria for awarding grants, which selection criteria shall include—
  - (i) criteria for evaluating projects; and
  - (ii) requirements for the approval of a project;
- (b) the Committee's written policies;
- (c) the Committee's operating procedures; and
- (d) the summaries of the Committee's proceedings.

## **9. Accounts of Fund**

(1) The Accounting Officer shall cause the Office to conduct an annual financial audit of the accounts of the Fund in accordance with generally accepted international accounting standards.

(2) No later than three months after the close of each financial year the Office shall cause accounts with respect to that year to be audited by an independent auditor appointed by the Auditor General.

(3) As soon as the accounts have been audited, and in any case not later than three months after the audit, the Office shall submit to the Accounting Officer a copy of each audited account together with the auditors report.

(4) The Office shall, within three months after the end of the financial year, submit to the Accounting Officer a report on the conduct of the business of the Committee.

### **ROAD TRAFFIC FINES FUND ORDER**

*(section 25)*

*(15th May, 2009)*

#### **ARRANGEMENT OF PARAGRAPHS**

##### **PARAGRAPH**

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund

5. Administration of Fund
6. Receipts into Fund
7. Disbursements from Fund
8. Investment of Fund moneys
9. Accounts of Fund

S.I. 40, 2009.

## **1. Citation**

This Order may be cited as the Road Traffic Fines Fund Order.

## **2. Interpretation**

In this Order, unless the context otherwise requires-

**"accounting officer"** means the Permanent Secretary in the Office of the President for the time being responsible for Defence, Justice and Security;

**"Fund"** means the Road Traffic Fines Fund established under paragraph 3;

**"road traffic fine"** means a fine imposed for the contravention of the Road Traffic Act.

## **3. Establishment of Fund**

There is hereby established a special fund to be known as the Road Traffic Fines Fund.

## **4. Purpose of Fund**

The purpose of the Fund is to receive, deposit and administer the road traffic fines imposed under the Road Traffic Act.

## **5. Administration of Fund**

(1) The Permanent Secretary in the Office of the President for the time being responsible for Defence, Justice and Security is hereby appointed the accounting officer who shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order.

(2) The accounting officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of the accounting officer.

## **6. Receipts into Fund**

There shall be paid into the Fund-

- (a) road traffic fines;
- (b) donations from persons and organisations; and
- (c) any monies accruing or realised from any investment made from monies in the Fund in accordance with paragraph 8.

## **7. Disbursements from Fund**

(1) The accounting officer shall on a quarterly basis or at such times as may otherwise be agreed upon between the accounting officer and the Minister for Finance and Development Planning, remit to the Consolidated Fund, 50 per cent of the value of the Fund.

(2) There shall be paid from the Fund all relevant expenses required for-

- (a) the purchase and maintenance of detective devices as defined in the Road Traffic Act;
- (b) public and school education campaigns on road safety;
- (c) advocating accident free roads;
- (d) collaborating with other institutions to promote road safety;
- (e) complementing law enforcement measures on curbing road traffic offences; and
- (f) such other activities aimed at promoting road safety as the accounting officer may, by notice published in the *Gazette*, approve.

## **8. Investment of Fund moneys**

(1) The accounting officer shall invest the moneys of the Fund not immediately required for payments from the Fund on such terms as shall contribute to the achievement of the purposes of the Fund.

(2) Interest earned from an investment made in accordance with subparagraph (1) shall accrue to the Fund.

#### **9. Accounts of Fund**

The accounting officer shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year, of a balance sheet and statement of income and expenditure in such form as the Accountant-General may approve; and
- (c) maintenance of an account in which shall be recorded all receipts into the Fund, and the reconciliation of the monthly accounts of the Fund.

### **BOTSWANA INNOVATION HUB FUND ORDER**

*(section 25)*

*(18th September, 2009)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

- 1. Citation
- 2. Interpretation
- 3. Establishment of Fund
- 4. Purpose of Fund
- 5. Administration of Fund
- 6. Board of Trustees
- 7. Receipts into Fund
- 8. Disbursements from Fund
- 9. Surplus in Fund
- 10. Investment of money
- 11. Accounts of Fund

S.I. 81, 2009.

#### **1. Citation**

This Order may be cited as the Botswana Innovation Hub Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary of the Ministry of Communications, Science and Technology appointed as such under paragraph 5 (1);

**"Board of Trustees"** means the Board of Trustees of the Innovation Hub Fund appointed by the Minister responsible for Communications, Science and Technology under paragraph 6;

**"Botswana Innovation Hub"** means the administrative arrangement under the Ministry of Communications, Science and Technology established for the implementation of Government policy, the objective of which is to provide special incentives for investors in technology-driven and knowledge intensive businesses; and

**"Fund"** means the Botswana Innovation Hub Fund established under paragraph 3.

#### **3. Establishment of Fund**

There is hereby established a Special Fund to be known as the Botswana Innovation Hub Fund.

#### **4. Purpose of Fund**

The purpose of the Fund is to-

- (a) promote innovation through technology, product and business development in the private sector by providing cash grants to-
  - (i) companies and organisations registered with the Botswana Innovation Hub, and
  - (ii) universities and research organisations inside or outside the Botswana Innovation

- Hub, to which companies and organisations registered with the Botswana Innovation Hub may sub-contract part of the research and development work; and
- (b) encourage companies and organisations registered with the Botswana Innovation Hub to transfer skills to citizen employees by providing cash grants to be utilised for-
    - (i) institutionalised training, and
    - (ii) approved on-the-job training programmes.

## **5. Administration of Fund**

(1) The Permanent Secretary of the Ministry of Communications, Science and Technology is hereby appointed the Accounting Officer who shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order.

(2) The Accounting Officer may exercise all such powers and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions under this Order.

(3) The Accounting Officer may, in writing, authorise any other public officer or any agency of Government to exercise or perform all or any of the powers or duties required of the Accounting Officer.

(4) Without derogating from the generality of the functions and powers of the Accounting Officer as provided in this paragraph, the Accounting Officer shall cause the Board of Trustees to-

- (a) be responsible for the day to day administration and management of the Fund;
- (b) keep and maintain proper books of accounts and records of the Fund; and
- (c) maintain an account into which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

## **6. Board of Trustees**

(1) The Minister responsible for Communications, Science and Technology shall appoint a Board of Trustees, consisting of four representatives of the public and private sector, plus the Permanent Secretary to administer the Fund as directed by the Accounting Officer in accordance with this Order.

(2) The Accounting Officer shall be the Chairperson of the Board of Trustees.

(3) A Deputy Chairperson shall be elected by the Board of Trustees from among their number.

## **7. Receipts into Fund**

There shall be paid into the Fund-

- (a) such moneys as may be appropriated from time to time by the National Assembly for the purposes of the operation of the Fund;
- (b) donations from persons and organisations; and
- (c) any moneys accruing on or realised from investments made from moneys in the Fund in accordance with paragraph 10.

## **8. Disbursements from Fund**

(1) There shall be paid from the Fund-

- (a) such grants as the Board of Trustees may approve for-
  - (i) technology, product and business development,
  - (ii) training costs not exceeding 50 per cent of approved training expenses, which shall be required to be utilised within five years of the registration of the company or organisation with the Botswana Innovation Hub; and
- (b) expenses incurred in the management of the Fund and the evaluation of projects, or any other expense approved by the Board of Trustees in line with the objectives of the Fund.

(2) The disbursement of grants-

- (a) in the case of subparagraph (1)(a)(i), where such grants are to cover project activities



- over several years, shall be in instalments based on proper financial records and assessed performance and outcomes; or
- (b) in the case of subparagraph (1)(a)(ii), shall be in the form of reimbursements based on proper financial records and training evidence and results.

#### **9. Surplus in Fund**

If the Fund shows a surplus at the end of the financial year, such surplus shall be carried forward into the following year.

#### **10. Investment of Money**

Any money accruing to the Fund which is not required for immediate use shall be invested in Botswana in accordance with the direction given by the Board and interest earned from such investments shall accrue to the Fund.

#### **11. Accounts of Fund**

(1) The Board of Trustees shall cause to be conducted an annual financial audit of the accounts of the Fund in accordance with the generally accepted international accounting standards.

(2) The Board of Trustees shall, not later than six months after the close of each financial year, cause the accounts with respect to that year to be audited by an independent auditor appointed by the Auditor General.

(3) The Board of Trustees shall, as soon as the accounts have been audited, and in any case not later than three months after the audit, submit to the Accounting Officer a copy of each audited accounts together with the auditor's report.

(4) The Board of Trustees shall, within six months after the end of the financial year, submit to the Accounting Officer a report on the conduct of the business of the Fund.

### **CREDIT GUARANTEE SCHEME FUND ORDER**

*(under section 25)*

*(15th September, 2000)*

#### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Payments into Fund
7. Investment of Fund moneys
8. Disbursements from Fund
9. Guidelines for disbursements from Fund
10. Accounts of Fund

S.I. 58, 2000.

#### **1. Citation**

This Order may be cited as the Credit Guarantee Scheme Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary in the Ministry of Finance and Development Planning appointed as such under paragraph 5 of this Order;

**"business"** means any establishment whose main objective is the generation of a monetary profit and includes retail, commercial development, manufacturing and agricultural projects;

**"Fund"** means the Credit Guarantee Scheme Fund established under paragraph 3 of this Order;

**"guarantee"** means financial cover provided in case of the occurrence of failure to pay back a bank loan by any person granted such bank loan under this scheme; and

**"small and medium enterprises"** means any business with an annual income ranging from P40 000 to P250 000; and

**"Minister"** means the Minister responsible for finance.

### **3. Establishment of Fund**

There is hereby established a special fund to be known as the Credit Guarantee Scheme Fund.

### **4. Purpose of Fund**

(1) The purpose of the Fund is to foster, by means of providing a guarantee for losses of bank loans granted to Botswana owned businesses, the development of a self-sustaining small and medium enterprises sector in Botswana.

(2) Without prejudice to the generality of subparagraph (1), the Fund may provide for the setting up of any institutional support programmes that may be necessary in the carrying out of its objectives.

### **5. Administration of Fund**

(1) The Permanent Secretary in the Ministry of Finance and Development Planning (hereinafter referred to as "the Accounting Officer") shall be the public officer responsible for the administration of the Fund.

(2) The Minister shall appoint the Botswana Export Credit and Insurance Company to undertake the day to day activities of the Fund.

### **6. Payments into Fund**

There shall be paid into the Fund-

- (a) P20 000 000 (twenty million Pula) by the Ministry of Finance and Development Planning;
- (b) such other moneys as may be received from Government;
- (c) income derived from the payment of interest, premiums, and any such fees as may be charged to persons whose bank loans are covered by this Fund; and
- (d) income from the investment of moneys of the Fund.

### **7. Investment of Fund moneys**

The Botswana Export Credit and Insurance Company shall invest the moneys of the Fund not immediately required for payments from the Fund on such terms as shall contribute to the achievement of the objectives of the Fund, and interest earned from such investment shall accrue to the Fund.

### **8. Disbursements from Fund**

There shall be paid from the Fund-

- (a) any amount of money required for the carrying out of any activity, which seeks to advance the objects of the Fund:  
Provided that such disbursements qualify as reasonable expenses incurred in the performance of duties consistent with the objects of the Fund; and
- (b) any amount which has been guaranteed under this Fund and in accordance with this Order.

### **9. Guidelines for disbursements from Fund**

The Botswana Export Credit and Insurance Company shall develop guidelines for the payment of moneys from the Fund.

### **10. Accounts of Fund**

(1) The Accounting Officer shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year, of a balance sheet and statement of income and

- (c) expenditure in such form and manner as the Accountant-General may approve; and maintenance of an account in which shall be recorded all receipts into the Fund, all disbursements from the Fund and the reconciliation of the monthly accounts of the Fund.

## **ROAD LEVY COLLECTIONS FUND ORDER**

*(under section 25)*

*(6th July, 2001)*

### ARRANGEMENT OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Road Levy Collections Fund
4. Purpose of Fund
5. Administration of Fund
6. Payments into Fund
7. Investment of Fund monies
8. Disbursements from Fund
9. Accounts of Fund

S.I. 31, 2001.

#### **1. Citation**

This Order may be cited as the Road Levy Collections Fund Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

**"Accounting Officer"** means the Permanent Secretary to the Ministry of Works Transport and Communications;

**"Fund"** means the Road Levy Collections Fund established under paragraph 3.

#### **3. Establishment of Road Levy Collections Fund**

There is hereby established a special fund to be known as the Road Levy Collections Fund.

#### **4. Purpose of Fund**

The purpose of the Fund is to hold all revenue collected from the road fund levy collections so as to utilise the monies of the Fund to finance the maintenance of roads.

#### **5. Administration of Fund**

(1) The Permanent Secretary to the Ministry of Works Transport and Communications shall be the public officer responsible for the administration of the Fund.

(2) The Accounting Officer may exercise such power and perform such duties as may be required to be exercised or performed for the proper discharge of his duties.

(3) The Accounting Officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of the Accounting Officer.

#### **6. Payments into Fund**

There shall be paid into the Fund-

- (a) all monies received from road levy charges; and
- (b) income from the investment of the moneys of the Fund.

#### **7. Investment of Fund monies**

(1) The Accounting Officer shall invest the monies of the Fund not immediately required for payments from the Fund, on such terms as shall contribute to the achievement of the objectives of the Fund.

(2) Interest earned from an investment made in accordance with subparagraph (1) shall

accrue to the Fund.

#### **8. Disbursements from Fund**

There shall be paid from the Fund, money required for the carrying out of any activity which seeks to advance the objects of the Fund:

Provided that such disbursement qualifies as reasonable expenses incurred in the performance of duties consistent with the objects of the Fund.

#### **9. Accounts of Fund**

The Accounting Officer shall cause the-

- (a) keeping and maintenance of proper accounts and records of the Fund;
- (b) preparation for each financial year, of a balance sheet and statement of income and expenditure in such form as the Accountant-General may approve; and
- (c) maintenance of an account in which shall be recorded all receipts into the Fund, and the reconciliation of the monthly accounts of the Fund.

### **PENSION LIABILITY SERVICE FUND ORDER**

*(under section 25)*

*(1st April, 2001)*

#### ARRANGEMENTS OF PARAGRAPHS

#### PARAGRAPH

1. Citation
2. Establishment of Fund
3. Purpose of Fund
4. Moneys of Fund
5. Administration of Fund
6. Statement of income and expenditure of Fund
7. Minister to report to National Assembly

S. I. 56, 2001.

#### **1. Citation**

This Order may be cited as the Pension Liability Service Fund Order.

#### **2. Establishment of Fund**

There is hereby established a special fund to be known as the Pension Liability Service Fund.

#### **3. Purpose of Fund**

The purpose of the Fund is to-

- (a) service the pension liabilities of public officers who opt to join the Fund; and
- (b) hold monies appropriated by Parliament for the purpose stated under paragraph (a).

#### **4. Moneys of Fund**

There shall be paid into the Fund such moneys as may be appropriated by Parliament for that purpose.

#### **5. Administration of Fund**

(1) The Permanent Secretary of the Ministry of Finance and Development Planning (hereinafter referred to as the "responsible officer") shall be the public officer responsible for the administration of the Fund.

(2) The responsible officer may exercise all such power and perform all such duties as may be required to be exercised or performed for the proper discharge of his duties.

(3) The responsible officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of the responsible officer.

#### **6. Statement of income and expenditure of Fund**

The Accountant General shall, not later than the 30th November of each year, prepare an income and expenditure statement and a balance sheet for each year of the affairs of the

Fund to be included in the annual statement of accounts of the Government.

**7. Minister to report to National Assembly**

The Minister shall at least once in every period of 12 months lay before the National Assembly a general report of the operation of the Fund.