THE FINANCE AND AUDIT ACT, 1969

No. 2 of 1970.

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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE CONTROL AND MANAGEMENT OF PUBLIC MONIES AND PUBLIC STORES, FOR THE AUDIT OF PUBLIC ACCOUNTS AND THE ACCOUNTS OF CERTAIN STATUTORY CORPORATIONS, FOR THE POWERS AND DUTIES OF THE AUDITOR-GENERAL AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

Date of Assent: 14.1.1970.

Date of Commencement: 23.1.1970.

ENACTED by the Parliament of Botswana.

PART I

PRELIMINARY

Short Title

1. This Act may be cited as the Finance and Audit Act, 1969.

Interpretation

2. (1) In this Act, unless the context otherwise requires —

"Accountant-General" means the Accountant-General acting in accordance with the provisions of section 3 (2);

"accounting officer" in relation to any department means such public officer as may be charged by the Minister by notice in the *Gazette* with the duty of controlling the collection and expenditure of public monies by that department;

"Appropriation Act" means an Act of Parliament the purpose of which is an appropriation of public revenues pursuant to section 121(2) of the Constitution;

"Consolidated Fund" means the Fund established by section 119 of the Constitution;

"Crown Agents' means the Crown Agents for Oversea Governments and Administrations;

"Financial Secretary" includes the Deputy Financial Secretary and Accountant-General while exercising or performing the functions of the Financial Secretary under section 3 (1);

"Development Fund' means the Fund established by section 11(1) of the law repealed by section 43;

"financial instructions" means instructions issued or deemed to have been issued under section 42;

"financial year" means any period of twelve months ending on the thirty-first day of March;

"General Orders" means the General Orders issued from time to time by the Government defining the conditions of service of public officers;

"public fund" means any fund or account of public monies;

"public monies", subject to the provisions of subsection (2), means —

(a) public revenues; and

(b) any trust or other monies, stamps or securities received or held, whether temporarily or otherwise, by any public officer in his official capacity either alone or jointly with any other person;

"public officer", subject to the provisions of subsections (3) and (4), includes any person who is employed by the Government;

"public stores" means property of any description (other than money, stamps and securities) belonging to, in the possession of or under the control of the Government;

"Special Fund" has the meaning assigned thereto in section 23;

"statutory expenditure" means expenditure charged on the Consolidated Fund under section 120(1) (a) of the Constitution.

(2) Where the Minister is of the opinion that adequate provision exists outside this Act for the management and audit of monies forming part of any trust fund of which a public officer is a trustee, he may direct by notice in the *Gazette* that such monies shall not be public monies for the purposes of this Act.

(3) For the purposes of this Act, a person shall not be considered to be a public officer by reason only of the fact that he is in receipt of any remuneration or allowance from public revenues as a Chief or tribal employee, and the provisions of section 129(3) and (4) of the Constitution shall have effect in relation to this Act as they have in relation to the Constitution.

(4) A public officer acting otherwise than in his official capacity shall not be regarded as a public officer for the purposes of this Act:

Provided that where there is any doubt as to the capacity in which a public officer acts he shall be deemed to be acting in his official capacity unless and until the contrary is proved.

Administration

3. (1) All or any of the functions conferred by this Act on the Financial Secretary (excluding the function of giving directions under this section) may, subject to the general or special directions of the Financial Secretary be exercised by the Deputy Financial Secretary and the Accountant-General.

(2) In the exercise of his functions under this Act, the Accountant-General shall act in accordance with the general or special directions of the Financial Secretary.

PART II

CONTROL AND MANAGEMENT OF PUBLIC MONIES AND PUBLIC STORES

Powers and duties of Minister

4. The Minister shall so supervise the finances of Botswana as to ensure that a full account thereof is made to the National Assembly and that its financial control is maintained, and for such purposes shall, subject to the provisions of the Constitution and this Law, have the control and management of the Consolidated Fund and the supervision, control and direction of all matters relating to the financial affairs of Botswana.

Duties of public officers

5. Every public officer concerned in or responsible for the collection, custody, or disbursement of public monies or the receipt, custody, issue or use of public stores, shall comply with financial instructions and any directions not inconsistent therewith which may from time to time be issued by the Financial Secretary in respect of the procedure to be followed in such matters, and the accounting for the same.

Powers of Financial Secretary

6. The Financial Secretary and any public officer deputed by him in writing—

(a) shall be entitled to inspect all Government offices and shall be given access at all times thereto; and

(b) shall be given all available information he may require with regard to public monies collected, held or disbursed or public stores received, held, issued or used therein or therefrom and to all documents and records in respect thereof; and

(c) shall be entitled at any time to inspect such monies, stores, documents and records so far as may in any way be necessary for the purpose of ensuring compliance with the financial instructions or any directions issued under section 5.

Money in Consolidated Fund to be banked etc.

7. Money at the credit of the Consolidated Fund shall, except for day-to-day cash requirements, be kept in an account at such bank or banks as the Minister may approve, either at call or subject to notice not exceeding twenty-four months, or may be invested in the Joint Consolidated Fund administered by the Crown Agents or in any other investments which may lawfully be held by a trustee in Botswana.

Bank accounts

8. No public officer shall open any public or official account in any bank without the authority in writing of the Accountant-General.

Imprests

9. The Minister may, by warrant under his hand, authorise the Accountant-General to issue impresses from the Consolidated Fund to public officers for any purpose for which monies have been appropriated therefrom.

Temporary borrowing

10. (1) Subject to the provisions of this section, the Minister may borrow, by means of advances from a bank, the Crown Agents or any public institution in Botswana, such monies as he may need to meet current requirements.

(2) The total outstanding amount of money borrowed under subsection (1) shall not at any one time exceed R500,000 or such higher amount as the National Assembly may approve by resolution.

(3) A resolution of the National Assembly under subsection (2) shall cease to have effect on the expiration of four months after the end of the financial year in respect of which it was given.

(4) Repayment of the principal and payment of interest on all money borrowed under this section is hereby charged on and shall be paid out of the Consolidated Fund.

(5) The power to borrow money conferred on the Minister by this section may be exercised by means of a fluctuating overdraft.

Deposits

11. (1) Except when acting in pursuance of a duty imposed on him by or under any law, no public officer shall receive any deposit unless the Accountant-General has authorised the receipt of that deposit or of deposits of the class to which that deposit belongs.

(2) The Accountant-General shall open such deposit accounts as he may deem necessary for recording the receipt of deposits and shall in relation to every such account specify a public officer who shall control the account.

(3) Deposits may be invested in like manner to that permitted by section 7 in respect of the Consolidated Fund.

(4) Any interest or dividend received in respect of any deposit shall be credited to the Consolidated Fund.

(5) Any public officer controlling a deposit account shall refund or pay out, as the case may be, any deposit to a person claiming the same if such person proves to the satisfaction of that officer that he is entitled thereto.

(6) Subject to the provisions of any other law, any deposit which is unclaimed for five years shall be paid into the Consolidated Fund:

Provided that if any person entitled thereto subsequently proves his claim to the satisfaction of the Minister, the amount of the deposit shall be refunded to him and the payment of any such refund shall be a charge on the Consolidated Fund.

(7) In this section, "deposit" means any monies, not being public revenues, held or received by a public officer on behalf of some other person, whether known or unknown.

Public Officers as trustees

12. No public officer shall accept appointment as a trustee without the written authority of the Minister and any appointment contrary to this section shall be void.

PART III

EXPENDITURE

Withdrawals from the Consolidated Fund

13. (1) No monies shall be withdrawn from the Consolidated Fund except upon the authority of a warrant under the hand of the Minister, and no such warrant shall be issued unless the withdrawal may lawfully be made in accordance with section 120(1) of the Constitution.

(2) The unspent balance of any warrant issued under this section may at any time be withdrawn or reduced by the Minister if in his opinion the exigencies of the financial situation render such withdrawal or reduction expedient.

Warrants to lapse at the end of year

14. Every warrant issued under section 13 in relation to any financial year shall lapse and cease to have any effect after the end of that year.

Withdrawals from other public funds

15. (1) No monies shall be withdrawn from other public funds unless the issue of those monies has been authorised by or under a law.

(2) In this section "other public funds" means public funds other than the Consolidated Fund or trust funds not established by law.

Provision if Appropriation Act not in operation

16. (1) If it appears to the President that the Appropriation Act for any financial year will not come into operation by the beginning of that financial year, the President, subject to the provisions of subsection (2), may by warrant under his hand authorise the withdrawal from the Consolidated Fund of monies for the purpose of meeting expenditure necessary to carry on the Government of Botswana from the beginning of that financial year until the expiration of four months thereafter or the coming into operation of the Appropriation Act whichever is the earlier.

(2) No provision shall be made under subsection (1) for any service —

(a) for which no provision was made during the previous financial year; or

(b) in excess of one-third of the provision made for that service during such previous financial year.

(3) On the coming into operation of the Appropriation Act for any financial year, any warrant issued under subsection (1) in respect of that financial year shall cease to have effect and any monies withdrawn from the Consolidated Fund for any service under the authority of such a warrant shall be set off against the amount provided for that service by the said Act.

Contingencies Fund

17. (1) The Contingencies Fund is continued in force for the purpose of enabling advances to be made in accordance with the provisions of subsection (2) and in addition to any monies standing to the credit of the Fund on the commencement of this Act shall consist of such monies as may from time to time thereafter be appropriated by law for the purposes of the Fund.

(2) If at any time the President is satisfied that there has arisen an urgent and unforeseen need for the expenditure of public revenues for which no other provision exists and that the circumstances are such that the expenditure cannot or cannot without injury to the State be postponed until adequate provision is made by Parliament the President may by warrant authorise advances from the Contingencies Fund in such amounts as may from time to time be necessary to meet that need:

Provided that the total value of warrants issued in any financial year and not yet replaced under the provisions of subsection (3) shall at no time exceed the total of the Fund.

(3) When pursuant to section 123(2) of the Constitution the National Assembly has approved a supplementary estimate replacing any amount advanced from the Contingencies Fund under this section the warrant issued under subsection (2) (hereinafter referred to as the Contingencies Fund warrant) shall be replaced by a warrant issued pursuant to the said estimates and expenditure under the Contingencies Fund, warrant shall be deemed to have been incurred under the said estimates and shall be accounted for accordingly.

(4) Any sum standing to the credit of the Contingencies Fund at the end of any financial year shall be paid into the Consolidated Fund.

(5) In this section "Contingencies Fund" means the fund established by section 6 of the law repealed by section 43.

Other advances

18. (1) Subject to the provisions of this section the Minister may, by warrant under his hand, authorise the issue from the Consolidated Fund or other public funds of advances —

(a) on behalf of, and recoverable from, other Governments;

(b) to or on account of trust or other funds administered by the Government, or to or on behalf of public bodies, institutions or individuals, where in the opinion of the Minister such advances are in the public interest;

(c) to public officers for the purposes and under the conditions set out in General Orders;

(d) to meet expenditure which has been approved by Parliament and is to be financed from the proceeds of a loan the raising of which is authorised by law and which a lender has agreed to make.

(2) The total advances outstanding under —

(a) subsection (1) (b) shall not at any time exceed R300,000;

(b) subsection (1) (c) shall not at any time exceed R500,000

or, in either case, such higher amount as the National Assembly may authorise by resolution.

(3) A resolution of the National Assembly under subsection (2) shall cease to have effect on the expiration of four months after the financial year in respect of which it was given.

Re-allocation within a head

19. (1) No surplus arising from under-expenditure (or anticipated under-expenditure) on any subdivision of a head of expenditure for which financial provision has been made by an Appropriation Act or supplementary estimate shall be applied in aid of any other subdivision of such head, except as may be permitted by or under the financial instructions.

(2) In this section, "subdivision" in relation to a head of expenditure means any subdivision of that head shown in the Estimates relating thereto.

Losses

20. Where a loss has occurred of any monies forming part of the public funds, then to the extent that it is not recovered such loss shall be charged against expenditure and accounted for accordingly, provision in respect thereof being made by Appropriation Act or supplementary estimate in accordance with the provisions of the Constitution and this Act.

Guarantees

21. No guarantee involving a financial liability shall be binding upon the Government, unless entered into with the written authority of the Minister or in accordance with a written law.

PART IV

DEVELOPMENT FUND AND SPECIAL FUNDS

Development Fund

22. (1) The Development Fund is continued in force for the purpose of financing projects of the Government for economic and social development.

(2) In addition to any monies standing to the credit of the Fund on the commencement of this Act, the Development Fund shall consist of —

(a) any monies appropriated by law for the purposes of the Fund;

(b) any monies received from the proceeds of loans raised by the Government for the purposes of the Fund; and

(c) any grants made to the Government by any other government, body or person for the purpose of projects to be financed from the Fund, or generally for the purposes of the Fund.

(3) The Development Fund shall be administered and expenditure therefrom regulated in accordance with the Rules set out in the First Schedule.

Definition of "Special Fund"

23. (1) For the purposes of this Act —

(a) any fund of public revenues established by or under any law for some specific purpose; and

(b) any trust fund held by the Government;

shall subject to the provisions of subsection (2) be deemed to be a Special Fund.

(2) The Contingencies Fund, the Development Fund and any fund or account of deposits established under section 11, shall not be regarded as Special Funds for the purposes of this Act.

Existing Special Funds

24. (1) The Funds set out in the first column of the Second Schedule shall continue to be Special Funds for the purposes set opposite thereto in the second column of that Schedule.

(2) The revenue described in the third column of the Second Schedule shall be paid into the Special Fund set opposite thereto in the first column of that Schedule, and not into the Consolidated Fund.

Administration etc. of Special Funds

25. (1) A Special Fund shall be administered and expenditure therefrom authorised in the manner provided by the law or trust instrument establishing the Fund, or any other law relating thereto.

(2) If in respect of any Special Fund no such law or trust instrument exists, or exists but the Minister considers provision therein inadequate, he may, be regulation, make provision or additional provision, as the case may be, for such matters in relation to that Fund.

(3) A Special Fund shall be kept in separate accounts by the Accountant-General or, where by virtue of any law some other public officer is responsible for the administration of the Fund, by that other public officer:

Provided that it shall be lawful for the Accountant-General to keep the accounts on behalf of any such other public officer.

(4) Subject to the provisions of this section and of any other law for the time being in force, any monies held in a Special Fund which are not required for immediate use, may be invested in like manner to that permitted by section 7 in respect of the Consolidated Fund.

(5) Except where the Minister otherwise directs, any interest or dividend received in respect of any investment of monies belonging to a Special Fund shall not be paid into the Consolidated Fund, but shall be paid into that Special Fund.

Dissolution of certain Special Funds

26. (1) If —

(a) the monies forming part of any Special Fund (not being a Fund constituted by or under a law other than this Act) are exhausted; and

(b) no legal provision exists whereby any further monies may be paid into the Fund;

the Minister may, by order, dissolve the Fund.

(2) If before the monies forming part of a Special Fund are exhausted the objects for which such Special Fund (not created by or under a law other than this Act) are fulfilled or cease to exist and in the opinion of the Minister there is no likelihood that any objects for which the Fund could be lawfully used will arise in the future the Minister may, by order, dissolve the Fund and the monies remaining in such Fund shall thereupon be paid into and form part of the Consolidated Fund.

PART V

AUDIT AND ACCOUNTS

Duties of Auditor-General

27. (1) In discharging his duties under section 126(2) and (3) of the Constitution, the Auditor-General shall satisfy himself —

(a) that all reasonable precautions have been taken to safeguard the collection and custody of public monies and that the laws, instructions and directions relating thereto have been duly observed;

(b) that the disbursement of public monies has taken place under proper authority and for the purposes intended by such authority;

(c) that all reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of public stores, and that the instructions and directions relating thereto have been duly observed; and

(d) that adequate instructions or directions exist for the guidance of officers responsible for the collection, custody, issue and disbursement of public monies or the receipt, custody, issue and disbursement of public stores.

(2) In addition to his duties under section 126(2) and (3) of the Constitution (as read with subsection (1) of this section) the Auditor-General shall draw to the attention of the Minister any apparent lack of economy in the expenditure or utilisation of public monies or public stores.

Duties not to be undertaken

28. (1) The Auditor-General shall not undertake any examination of accounts having the nature of pre-audit where in his opinion this would preclude the proper exercise of his functions under the Constitution or this Act.

(2) The Auditor-General shall not undertake any duties outside those he is required by or under the Constitution or this Act to perform if he considers that such duties are incompatible with the responsibilities of his office.

Delegation of authority

29. Anything which, under the authority of the Constitution, this Act or any other law, may be done by the Auditor-General other than the certifying of and reporting on accounts to the National Assembly may be done by any public officer authorised by him.

Powers of Auditor-General

30. (1) In carrying out his duties, the Auditor-General may in addition to exercising his powers under section 126(2) of the Constitution —

(a) require any person having custody of any such books, records, reports or other documents as are referred to in section 126(2) of the Constitution to produce the same to him;

(b) require any public officer to give him any explanation or information;

(c) with the concurrence of the departmental head concerned, require any public officer to conduct on his behalf any enquiry, examination or audit and report thereon to him;

and any person so required shall comply with that requirement.

(2) The Auditor-General may lay before the Attorney-General a case in writing as to any question regarding the interpretation of any provision of the Constitution or of any written law concerning the powers of the Auditor General or the discharge of his duties; and the Attorney-General shall give to the Auditor-General a written opinion upon any such case.

(3) The Auditor-General may, without payment of any fees, cause search to be made in and extracts to be taken from any book, record, report or other document in any public office.

Reporting of frauds, losses or irregularities

31. If at any time it appears to the Auditor-General that any fraud or serious loss or irregularity has occurred in the collection, custody or disbursement of public monies or in the receipt, custody, issue or use of any public stores, or in the accounting therefor, he shall, unless the fraud, loss or irregularity has already been so reported, immediately bring the matter to the notice of the Minister.

Annual public accounts

32. (1) Within a period of four months after the close of each financial year, any officer other than the Accountant-General who, by virtue of any law, is responsible for the administration of any Special Fund, shall prepare, sign and transmit to the Auditor-General and the Accountant-General an account of such Fund in respect of that financial year containing such information and in such form as the Minister may direct.

(2) Within a period of eight months after the close of each financial year, the Accountant-General shall prepare, sign and transmit to the Auditor-General the accounts and statements specified in the Third Schedule in relation to that financial year, containing such information and in such form as the Minister may direct.

(3) Notwithstanding the provisions of subsections (1) and (2), the President may, by directions in writing, extend the period within which any of the accounts and statements referred to in those subsections may be submitted to the Auditor-General and any directions so given shall be sent forthwith to the Speaker of the National Assembly to be notified by him to the Assembly at its next sitting.

Report on the public accounts

33. Within —

(a) twelve months after the end of the financial year to which the accounts and statements relate; or

(b) four months after his receipt of accounts and statements under section 32(2);

whichever expires later, the Auditor-General shall send to the Minister the accounts and statements specified in this section together with his certificate of audit and a report upon his audit of the accounts specified in section 126(2) of the Constitution.

Laying of audit reports

34. (1) The Minister shall, not later than thirty days after he has received the accounts and the statements together with the certificate and report of the Auditor-General under section 33, lay the same before the National Assembly without alteration thereto.

(2) If the Minister does not, as required by subsection (1) of this section, lay any report mentioned in this section before the National Assembly, the Auditor-General shall send such report to the Speaker and the Speaker shall present the report to the National Assembly.

Special reports

35. The Auditor-General may at any time, if it appears to him to be desirable, send a special report on any matter incidental to his powers and his duties under the provisions of this Act to the Speaker of the National Assembly.

Accounts of statutory bodies

36. (1) Where, by virtue of such a law as is referred to in the proviso to section 126(2) of the Constitution, the Auditor-General is required to exercise any functions in relation to the accounts of any body corporate directly established by law he —

(a) shall have, in relation to that body and its members, officers, employees and property, in addition to the powers conferred upon him by any other law, the same duties and powers as are imposed and conferred upon him by the Constitution and this Act in relation to public monies and public stores;

(b) may authorise any person publicly carrying on the profession of accountant or, with the consent of the service head of a public officer's department, any suitable public officer to examine or audit the books and accounts of that body and such person or officer shall report thereon to the Auditor-General in such manner as the Auditor-General may direct.

(2) The Auditor-General shall report on his audit of the accounts referred to in this section and shall send such report to the appropriate Minister and a copy thereof to the Minister of Finance, and the appropriate Minister shall present the report to the National Assembly as if such report were in all aspects one which the Minister is required to present in accordance with section 34:

Provided that —

(a) the appropriate Minister shall obtain the observations of the body concerned in any matter to which attention has been called by the Auditor-General in his report, and such observations shall be presented by him to the National Assembly with the said report; and

(b) if the appropriate Minister fails within a reasonable time to present such report to the National Assembly, the Auditor-General shall transmit such report to the Speaker of the National Assembly; and

(c) nothing in this subsection shall require the appropriate Minister to present any accounts of, or reports on, any authority or body to the National Assembly if the law establishing such body provides to the contrary.

(3) A body corporate whose accounts have been audited under the provisions of this section shall, in respect of such audit, pay such fees as may be determined by the Auditor-General, with the approval of the appropriate Minister and such fees shall be paid into the Consolidated Fund.

PART VI

SURCHARGE

Power of Surcharge

37. If it appears to the Financial Secretary that any person who is or was a public officer or who, although not a public officer, is or was paid from public funds and is or was responsible for the collection of public monies –

(a) has failed to collect any monies owing to the Government for the collection of which such person is or was (at the time of such employment or such payment from public funds) responsible;

(b) is or was at the time of such employment or such payment from public funds responsible for any improper payment of public monies or for any payment of such monies which is not duly vouched;

(c) is or was at the time of such employment responsible for any deficiency in, or for the loss or destruction of, any public monies, stamps, securities, stores or other Government property; or

(d) is or was at the time of such employment or such payment from public funds responsible for any damage to any stores or other Government property;

and if, within a period specified by the Financial Secretary, an explanation satisfactory to him is not furnished with regard to such failure to collect, improper payment, payment not duly vouched, deficiency, loss, damage or destruction, as the case may be, the Financial Secretary may surcharge against the said person the amount not collected or such improper payment, payment not duly vouched, deficiency or loss or the value of the property destroyed or damaged, as the case may be, or such lesser amount as the Financial Secretary may determine.

Notification of surcharge

38. The Financial Secretary shall cause the person surcharged, the accounting officer concerned, the Auditor-General and the Accountant-General to be notified of any surcharge made under section 37 of this Act.

Withdrawal of Surcharge

39. The Financial Secretary may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and in any such event the Financial Secretary shall notify the persons specified in section 38 of such withdrawal.

Appeal

40. (1) Any person who is dissatisfied with any surcharge made against him under section 37 of this Act may appeal in writing to the Public Service Commission or, in the case of a public officer to whose office section 105 of the

Constitution applies, to the Judicial Service Commission, within a period of twenty-one days immediately after he has been notified of the surcharge.

(2) After making such further investigation (if any) as may be considered necessary, the Public Service Commission or Judicial Service Commission, as the case may be, shall confirm the surcharge or direct the appellant be released wholly or in part from the surcharge as may appear just and reasonable to the Commission concerned.

(3) Every decision made under subsection (2) of this section shall be notified in the same manner as a surcharge is to be notified under section 38.

Recovery of Surcharge

41. (1) The amount of any surcharge made or confirmed under the provisions of this Part shall be due and payable on the expiration of the period within which, by virtue of section 40(1), the person surcharged may appeal or, if he has appealed, on the final determination of such appeal. Any amount thereof not paid within 30 days of becoming due and payable shall be recovered by the Accountant-General by such deductions from the salary or pension of the person surcharged as the Financial Secretary may direct:

Provided that —

(a) no one such deduction shall exceed one-sixth of the person's gross monthly salary or pension, as the case may be; and

(b) where the person surcharged is due to be paid any monies of whatever description by the Government other than by way of salary or pension the Financial Secretary may cause the amount of any surcharge imposed on that person to be deducted from such monies in whole or in part as he considers fit.

(2) The powers of the Accountant-General under this section are without prejudice to the powers of the Attorney-General under the Civil Procedure (Actions by or against Government or Public Officers) Law, 1966 (No. 24 of 1966).

PART VII

SUPPLEMENTARY

Financial Instructions

42. The Minister, with the approval of the President, may issue instructions for the better carrying out of the provisions of this Act, and without prejudice to the generality of this provision such instructions may provide for —

(a) the collection, receipt, custody, issue, expenditure, due accounting for, care and management of all public monies and the guidance of all persons concerned therein;

(b) the record, examination, inspection and departmental check of all receipts and expenditure and the keeping of such books and accounts as he may consider necessary;

(c) the forms for all books and documents whatever required under the provisions of this Act or of the instructions;

(d) the purchase, safe-custody, issue, sale or other disposal or writing off of public stores and the proper accounting for and stocktaking of such stores;

(e) the preparation of estimates of revenue and expenditure.

(2) Instructions issued under this section shall be published in a manner to be directed by the Minister and need not be published in the *Gazette*.

Repeal and Transitional

43. (1) The Finance and Audit Law, 1965 (No. 15 of 1965) is repealed.

(2) Any fund established under the law repealed by subsection (1) not being a fund continued in force by this Act is dissolved and any monies standing to the credit thereof shall be paid into the Consolidated Fund.

(3) Financial instructions issued or deemed to have been issued under section 24 of the law repealed by subsection (1) and in operation immediately before the commencement of this Act, shall have effect after such commencement as instructions issued under section 42 of this Act, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

FIRST SCHEDULE
(Section 22(3))

RULES FOR OPERATION OF THE DEVELOPMENT FUND

Definitions

1. In this schedule —

"Development Plan" means a plan of economic and social development (or any amendment of or addition to such a plan) prepared by the Government and approved by the National Assembly by resolution;

"approved project" means a project contained in an approved Development Plan;

"project" means a project of the Government for economic or social development.

Use of Fund

2. Except as provided in paragraph 8, provision shall not be made for expenditure from the Fund for any purpose other than the purpose of an approved project.

Authority for withdrawal

3. No monies shall be withdrawn from the Fund except upon the authority of a warrant under the hand of the Minister; and no such warrant shall be issued unless the issue of those monies has been authorised by an Appropriation Act in accordance with paragraph 5 or a supplementary estimate approved by the National Assembly under paragraph 7, or the President has directed under paragraph 6 or 8 that the warrant be issued.

Annual estimates to be prepared

4. (1) The Minister shall cause to be prepared in each financial year estimates of the revenue and expenditure of the Fund for the next following financial year.

(2) Estimates shall be so prepared as to show the provision made for each project provided for therein under a separate subhead (which may contain one or more items of expenditure), and the various subheads shall be grouped under heads of expenditure corresponding to the Departments responsible for the projects.

(3) The estimates shall show, in relation to every project, an estimate of the total cost of the project in addition to the estimate of sums required during the financial year.

(4) The estimates shall be accompanied by a statement showing the estimated balance of the Fund at the commencement of the next following financial year and the anticipated revenue accruing to and total expenditure from the Fund during such financial year.

Appropriation Bill

5. (1) The estimates of the Fund for any financial year shall be appended to the estimates for that year laid before the National Assembly in accordance with section 121(1) of the Constitution.

(2) The Appropriation Bill introduced for that year in the National Assembly in accordance with section 121(2) of the Constitution shall contain a number of heads of expenditure corresponding to the heads of expenditure in the estimates of the Fund and shall authorise the issue from the Fund of the monies required to meet expenditure under those heads during the financial year.

Issue of Money before Commencement of Appropriation Act

6. (1) If the Appropriation Act for any financial year has not come into operation by the beginning of that year, the President may direct the Minister to issue a warrant authorising the issue of monies from the Fund to meet such expenditure as may be necessary for the continuation of projects financed from the Fund in the previous financial year until the expiration of four months from the beginning of the new financial year or the coming into operation of the Appropriation Act, whichever is the earlier.

(2) All monies withdrawn from the Fund in pursuance of this paragraph shall be deemed to have been issued in anticipation of the enactment of an Appropriation Act, and on the coming into operation of that Act any warrant issued under this paragraph shall cease to have effect and withdrawals thereunder shall be deemed to have been made by virtue of the Act and shall be accounted for accordingly.

Supplementary estimates

7. If in any financial year it is found —

(a) that the expenditure allowed for any subhead in that year's estimates is insufficient; or

(b) that a need has arisen to proceed with an approved project for which no provision has been made from the Fund in that financial year;

a supplementary estimate (in a form corresponding to that of estimates prepared under paragraph 4), showing the sums required, shall be laid before the National Assembly and submitted for the approval of the Assembly to be signified by resolution.

Special Warrant

8. (1) If in any financial year —

(a) the circumstances mentioned in paragraphs 7(a) or (b) arise; or

(b) it is found that a need has arisen to proceed with a new project;

and, in the judgment of the President, supplementary expenditure from the Fund for the subhead, approved project or new project, as the case may be, is so urgently required that it cannot or cannot without serious injury to the public interest be postponed until adequate provision can be made by the National Assembly, the President may direct the Minister to issue a special warrant authorising the issue of monies from the Fund to meet such expenditure.

(2) At the next meeting of the National Assembly after the issue of a warrant under this paragraph, the Minister shall submit a supplementary estimate (in a form corresponding to that of estimates prepared under paragraph 4), covering the expenditure authorised by the warrant, to the Assembly for its approval to be signified by resolution.

(3) In this paragraph, "new project" means a project of the Government for economic or social development which is not contained in an approved Development Plan.

Supplementary Appropriation Bill

9. Where any supplementary expenditure (other than expenditure, in aid of any subhead of a head, of the surplus appropriation for that head arising from under-expenditure on another subhead thereof) has been approved by the National

Assembly under paragraph 7 or 8, a supplementary Appropriation Bill shall be introduced in the National Assembly, not later than the end of the financial year next following authorising the issue from the Fund, for the purposes of the relevant head, of the additional monies so approved.

Re-allocation of provision

10. (1) No surplus arising from under-expenditure on any subhead in the estimates for any financial year shall be applied in aid of any other subhead during the year unless the supplementary expenditure under that other subhead is authorised under paragraph 7 or 8.

(2) If the requirements of a project included in the estimates for any financial year render it expedient to do so, the appropriate authority may direct that any surplus arising from under-expenditure of any item of the relevant sub-head shall be applied in aid of any other item thereof or of any item thereof to be created, so however that the total authorised provision for the subhead is not exceeded.

(3) In this paragraph, "appropriate authority" means any person designated by financial instructions to exercise the powers conferred by sub-paragraph (2).

Conditions to be observed

11. Where the grantor attaches, to any grant of money which by virtue of section 22(2) (c) of the Act is paid into the Fund, conditions relating to the use of such grant, such conditions shall be observed and these Rules shall be applied in such manner as to ensure the same.

SECOND SCHEDULE
(Section 24)

SPECIAL FUNDS

Name of Fund	*Purpose*	*Revenue to be paid into Fund*
Cattle Export Levy Fund	Improvement and general development of the cattle industry industry	Proceeds from sale of live-stock, investments and receipts from cattle export tax
Feitelberg Bursary Fund	Bursaries to assist students of Tonota, Totome, Selolwane and Sebina Schools	Investment income and be-quests
Police Rewards and Fines Fund	Force welfare and re-wards to members of force	Sale of lost propert[illegible], fines and investment inc[illegible]e

Name of Fund	*Purpose*	*Revenue to be paid into Fund*
Frank Pearson Legacy Fund	To be used at the discretion of the D.C. Francistown to pay for medical treatment for Francistown residents	Investment income and bequests
Wenela (Motor Insurance) Fund	Motor insurance to cover transportation of labour force	Deposit made by Insurance Company
Non-Pensionable Teachers' Provident Fund	To provide for teachers' terminal and retirement benefits	Deductions from teachers' salaries and contributions made by Local Authorities plus interest from investments
Oxfam Famine Relief Fund	Famine Relief	Oxfam grants
Dairy Industry General Fund	Improvement and general development of the dairy industry	Levy raised on exported butterfat
Dairy Industry Special Fund	Improvement and special development of the dairy industry	Levy raised on exported butterfat
Cheese Levy Fund	Improvement and development of the cheese industry	Levy raised on exported cheese
Butter Levy Fund	Improvement and development of the butter industry	Levy raised on exported butter
Gaborone Water and Electricity Project Fund	Operation of Gaborone water and electricity supply service	Receipts from consumers and investment income
Oxfam Development (Pilot Irrigation Scheme) Fund	Irrigation development	Oxfam grants
Local Councils Employees' Provident Fund	To provide for local council employees' terminal and retirement benefits	Deductions from employees' salaries and contributions made by local councils plus interest from investments

Name of Fund	*Purpose*	*Revenue to be paid into Fund*
National Relief Fund	Relief schemes	Gifts, donations and bequests
National Library Service Fund	To provide books, furniture, equipment etc. for the Library Service	Fines, gifts, grants and bequests
Botswana Gifts and Donations Fund	To accommodate gifts and donations received pending their allocation to specific projects	Gifts, donations and bequests etc.
Botswana General Development Loan Fund	Loans issued to enable boreholes to be drilled	Sale of boreholes and repayment of loans issued for drilling
Land Sales Fund	For such purposes as the National Assembly may approve in terms of the State Land Law, 1966.	Proceeds from sale of State Land

THIRD SCHEDULE
(Section 32(2))

ACCOUNTS AND STATEMENTS TO BE PREPARED BY THE ACCOUNTANT-GENERAL

(a) A statement of Assets and Liabilities showing the balances of the various funds held by the Botswana Government and the assets relating thereto, to which shall be appended a list of any public asset or liability, contingent or actual, not reflected in the statement.

For the purposes of this paragraph the expression "public asset" does not include any Government buildings, plant, machinery, vehicles, furniture, equipment, stores or similar items.

(b) An Abstract Account of receipts and payments during the financial year.

(c) A detailed Statement of Revenue showing the sums received set out against the sums shown in the Estimates of Revenue of the Consolidated Fund and the Development Fund.

(d) A detailed Statement of Expenditure showing the sums disbursed set out against the sums shown in the Estimates and Supplementary Estimates of Expenditure of the Consolidated Fund and the Development Fund.

(e) A Statement of the Contingencies Fund summarising the appropriations to the Fund and the withdrawals from the Fund.

(f) Statements of account of Special Funds (other than Special Funds the administration of which is, by virtue of any law, the responsibility of some public officer other than the Accountant-General).

(g) A Statement of Investments.

(h) A Statement of Public Debt and Sinking Funds.

(i) A Statement of Outstanding Loans financed from public revenue.

(j) A Statement of Deposit Account Balances.

(k) A Statement of Advances Outstanding in each of the categories of Advances specified in section 18(1).

(l) A Statement of Cash and Bank Balances.

(m) A Statement of Arrears of Revenue.

(n) A Tabular Summary of Unallocated Stores.

(o) A Statement of Losses of Public Monies and Stores Written-off and Claims Abandoned during the year.

(p) A Statement of Losses of Public Monies and Stores incurred during the year but not written-off.

Passed by the National Assembly this day, the 26th November, 1969.

G.T. MATENGE,
Clerk of the National Assembly