

Statutory Instrument No. 69 of 1970

THE EDUCATION LAW, 1966

THE SWANENG BOARD OF GOVERNMENT ORDER, 1970

(Published on the 14th August, 1970)

In the exercise of the powers vested in him by Section 10 of the Education Law, 1966 (No. 40 of 1966), the Minister of Education, being of the opinion that the establishment of a Board of Governors would be in the interest of the group of aided schools named hereunder, makes the following Order –

Citation

1. This order may be cited as the Swaneng Board of Governors Order, 1970.

Interpretation

2. In this Order, unless the context otherwise requires –

“Board” means the Swaneng Board of Governors established by this Order;

“Co-ordinator” means the person appointed as such under section 17 of this Order;

“institution” means the group of schools enumerated together in any one of the paragraphs of section 3 of this Order;

“student” means pupil attending at Swaneng Hill School or Shashi River School;

“trainee” means person undergoing training with any Brigade or Workshop named in section 3 of this Order.

Establishment of Swaneng Board of Governors

3. A Board of Governors, named the Swaneng Board of Governors, is established in which shall be vested the ownership and management of the following schools, namely–

- (a) Swaneng Hill School, Serowe Builders' Brigade, Serowe Mechanical Workshop, Serowe Textile Workshop, Serowe Tannery Brigade, Serowe Farmers' Brigade;
- (b) Shashi River School, Shashi River Builders' Brigade, Shashi River Textile Workshop, Shashi River Farmers' Brigade and Shashi River Carpenters' Brigade.

Membership of the Board

4. The Board shall consist of the following members –

- (a) two members to represent the Ministry of Education to be appointed by the Minister;
- (b) one member to be appointed by the Minister of Agriculture;
- (c) one member to be appointed by the Minister responsible for Development Planning;
- (d) the Co-ordinator;
- (e) two members who shall be representatives of the Central District Council and appointed by it;
- (f) one Member of Parliament to be appointed by the Minister;
- (g) two persons resident in the Central District to be appointed by the Minister;

- (h) the District Commissioner of the Central District or his representative;
- (i) a member of the staff of the University of Botswana, Lesotho and Swaziland, resident in Botswana, to be appointed by the Minister.

Chairman and Vice-Chairman of Board

5. (1) The Chairman of the Board of Governors shall be appointed by the Minister from among the members of the Board.

(2) There shall be a vice-chairman of the Board, who shall be a member of the Board elected by the Board, provided that the Co-ordinator shall not be eligible for election as vice-chairman.

Secretary of the Board

6. (1) There shall be a Secretary to the Board who shall be appointed by the Minister. The Secretary to the Board may or may not be a member of the Board at the time of his appointment as Secretary, and if he is not then a member of the Board, he shall be appointed a member of the Board.

(2) The Secretary to the Board shall be responsible, in accordance with such instructions as may be given him by the Board, for arranging the business for, and keeping the minutes of, the Board and shall have such other functions as the Board may direct.

Attendance of Principals at Board Meetings

7. The principals of the schools for which the Board is established shall be entitled to attend the meetings of the Board and its committees unless expressly excluded therefrom by the chairman of the Board or Committee, as the case may be, but they shall not be entitled to vote at meetings of the Board.

Proceedings of the Board

8. (1) All acts, matters or things authorised or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(2) Seven members shall form a quorum at a meeting of the Board.

(3) At all meetings of the Board each member present shall have one vote on a question before the Board and, in the event of an equality of votes, the Chairman shall have, in addition to a deliberative vote, a casting vote.

(4) At any meeting of the Board from which the Chairman of the Board is absent the vice-chairman shall act as Chairman.

(5) In the absence of both the Chairman and the vice-chairman of the Board, the Board shall elect a Chairman for the meeting.

(6) Subject to the provisions of this Order, the Board shall make its own rules for the conduct of its meetings.

Committee of the Board

9. There shall be established a committee of the Board to be known as the Executive Committee to which there shall be delegated by the Board such of the Board's functions as are assigned to the Executive Committee in this Order.

Membership of the Executive Committee

10. The Executive Committee shall consist of –

- (a) the Chairman of the Board who shall be the Chairman of the Executive Committee;
- (b) the Secretary of the Board who shall be Secretary of the Executive Committee;
- (c) the Co-ordinator;
- (d) the District Commissioner of the Central District or his representative, as member of the Board;
- (e) one of the members referred to in section 4 (e) who shall be appointed by the Minister.

Powers and Duties of the Board

11. (1) The Board shall examine estimates of income and expenditure and accounts of income and expenditure for the institutions under its management, which estimates and accounts shall be submitted to it by the Executive Committee and, as it sees fit, grant or withhold approval of such estimates and accounts or require the submission of fresh estimates or accounts.

(2) The Board shall examine estimates of its own direct income and expenditure and accounts of its own direct income and expenditure submitted to it by the Executive Committee and, as it sees fit, grant or withhold approval of such estimates and accounts or require the submission of fresh estimates or accounts.

(3) The Board shall determine the educational and general policies of the institutions subject to the approval of the Minister.

(4) The Board may question the Executive Committee concerning the facilities provided at the institutions in respect of transport, dormitories, dining rooms, diet, equipment and buildings or building standards, and the general welfare of the students and trainees.

(5) Subject to the provisions of the Teaching Service Regulations, 1966, the Board shall determine the salaries and allowances of all staff in the institutions and all persons directly employed by it and shall approve or disapprove the general terms of contracts with all employees and the working conditions of all staff in the institutions, including volunteers.

(6) The Board shall consider any reports or recommendations submitted to it by the Executive Committee on matters of policy and on staff appointments, and shall consider any recommendations, suggestions or requests made to it by the Parent-Teachers' Associations and shall make such decisions thereon as it sees fit.

(7) The Board shall have power to appoint Auditors, Architects and legal representatives, to engage such services of other professional persons as may be necessary, and to employ such staff as it may need to carry out its functions.

(8) Subject to the provisions of the Law and Regulations made thereunder, the Board shall recommend to the Minister for approval the number of classes and forms that each institution shall have and the type and the highest form of education that each of the institutions shall provide.

(9) The purchase of any stores, the securing of any services, or the making of any other contracts, for any of the institutions, the cost of which is in excess of R500, shall be referred to the Board, which shall cause tenders to be invited:

Provided that the Board may delegate any of its functions under this subsection to the Principal of the institution concerned.

(10) Subject to the approval of the Minister, and after consideration of any recommendations made by the Executive Committee, the Board shall have the sole right to appoint a Principal to any of the institutions.

(11) The Board may terminate the appointment of the Principal of any of the institutions, subject to the provisions of the Botswana Teaching Service Law, 1966.

(12) After consideration of any recommendations made by the Executive Committee, and subject to the Botswana Teaching Service Law, 1966, the Board shall have the sole right to appoint and terminate appointments of teaching staff and instructors at the institutions, provided that the Executive Committee, at the request of the Principal, may make a temporary staff appointment, which, however, shall require ratification by the Board at its next meeting.

(13) The Board shall be responsible for raising funds for the development and maintenance of the institutions.

(14) The Board shall have the power to ratify or reject rules for proceedings of the Executive Committee.

(15) The Board shall meet each year on the 1st June and 21st October, or the next succeeding working day, at a place to be determined by the Chairman, who shall cause at least two weeks' written notice of the time and place of the meeting to be given to each member. The Board may, at its discretion, meet at other times as well.

Appointment of Site Engineer

12. When building or maintenance operations are necessary at any of the institutions, and the Board has approved estimates of expenditure for the work, the Board may appoint a competent person to be known as the Site Engineer to take charge of such operations, who shall be immediately responsible to the Principal and under the general supervision of the Co-ordinator in the execution of his duties.

Powers and Duties of Executive Committee

13. (1) The Executive Committee may discuss and consider any and all matters of policy and staffing relating to the institutions under the Board's control, and it may make such recommendations to the Board as it sees fit.

(2) The Committee may make its own rules for its proceedings, including rules in relation to the frequency of its meetings and voting and quorum thereat:

Provided that all such rules shall be ratified by the Board.

(3) The Executive Committee shall be responsible for supervising the finances of the Board in accordance with section 14 of this Order.

(4) The Executive Committee shall be responsible for ensuring that the records required by section 21 (1) of the Law are duly kept and for ensuring that the Balance

Sheet and receipts and payments accounts required by the said section are duly prepared and audited in each year.

(5) The Executive Committee shall require the Principal of each institution –

- (a) to prepare estimates of income and expenditure for the institution before the 1st July in each year in respect of the following financial year;
- (b) to prepare any supplementary estimates that may be needed before the 1st December in the year for which supplementary income or expenditure is expected or required; and
- (c) to post such estimates as soon as they are prepared to the members of the Executive Committee.

(6) The Executive Committee may invite any person who it believes can provide it with information or advice of use to it in its deliberations, to attend its meetings; and it may require Principals and staff under the Board's control to attend meetings and to answer questions put to them.

(7) The Executive Committee shall meet at each of the institutions in turn on the 15th January, 15th May, and 15th September in each year, or on the next succeeding working day to any of the said dates. The Executive Committee may as its discretion meet at other times as well.

(8) The Executive Committee may direct the Principal of each institution to report –

- (a) to it at any of its meetings; and
- (b) to any meeting of parents convened by it;

on the finances and on the administration and development of the institution and on the implementation of policies decided on by the Board.

(9) The Executive Committee shall supervise the Principals of the institutions in their implementation of policies decided on by the Board and may require the Principals to report thereon and to answer questions thereon put by members of the Board.

Finances

14. (1) All funds of the Board shall be held by the Board, and, in accordance with the approved estimates for the Board and for each institution, they shall be released quarterly, or as required, to the Board and each institution.

(2) The Principal of each institution shall, on behalf of the Board and subject to its direction, control the day-to-day expenditure relative to the administration of the institution.

(3) The Principal of each institution shall cause to be kept proper accounts and other records in relation to such institution, including records of the fixed and movable assets.

(4) During the financial year provision may be re-allocated by the Executive Committee at its discretion from one head of the estimates referred to in section 11 (1) to another:

Provided that the sum involved is not more than R500 or 20 per centum of the original allocation, whichever is the less.

(5) All re-allocations of funds shall be notified to the Board, and, in relation to funds provided by the Government, to the Chief Education Officer, and shall be reflected in the annual accounts of the Board and of the institution concerned.

(6) The Principal of each institution shall, for the purposes of the day-to-day administration of the institution, maintain a current account at a Bank. Cheques drawn upon this bank account shall be signed by any two of the following persons – the Principal, the Bursar, and another person authorised by the Board.

(7) No such bank account may be overdrawn without the authority of the Executive Committee.

(8) As soon as possible after the end of each financial year the Executive Committee shall cause the accounts for the year of the Board and of each institution to be balanced and an abstract of receipts and payments and a statement of assets and liabilities to be prepared and submitted to the Board.

(9) By the 31st July in each year the Executive Committee shall cause estimates for the following financial year of income and expenditure for the institutions under the Board's management and of the Board's own direct income and expenditure to be prepared and submitted to the Board.

(10) The Principal of each institution shall prepare internal Financial Instructions which shall be submitted to the Executive Committee for its approval and which shall provide for –

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care and management of all funds and the guidance of all persons concerned therein;
- (b) internal financial and accounting procedures, relating in particular to internal control;
- (c) the books of account to be kept;
- (d) commitment control;
- (e) the purchase, safe custody, issue, sale or other disposal or writing-off of stores and other school property, and the proper accounting for and stock-taking of such stores and property;
- (f) the preparation of estimates of revenue and expenditure.

(11) Within four months of the end of the financial year, statements of account of the Board and of each institution shall be audited by auditors appointed by the Board and approved by the Minister. The auditors shall report whether or not–

- (a) they have received all the information and explanations which, to the best of their knowledge and belief, were necessary for the performance of their duties as auditors;
- (b) the accounts and related records of the institution have been properly kept;
- (c) the provisions of this Order relative to the accounts have been complied with;

(d) the statements referred to in subsection (8) of this section present a true and fair view of the financial transactions and financial position of the Board and the institutions.

(12) The Board shall within thirty days of receiving the audited statements and auditors' report send a copy thereof to the Minister.

(13) The financial year of the Board and of each institution shall extend from the 1st January to the 31st December.

Functions of Principals

15. The Board shall give the following directions to the Principals of the institutions –

(1) When estimates of expenditure for an institution have been approved by the Board under section 11 (1), the Principal of such institution, subject to the provisions of section 11 (9), shall have power to incur the expenditure so approved for the various purposes indicated in the estimates, and shall present to the Executive Committee a quarterly statement of account of such expenditure as at the end of March, June, September and December:

Provided that the Principal may not spend more on each Head or Subhead than is indicated in the estimates without obtaining through the Executive Committee the approval of the Board in supplementary estimates.

(2) A Principal shall have full powers to do all that is necessary to carry out his functions as a duly authorised Executive Officer of the Board, and in particular he may –

- (i) engage or dismiss employees other than those referred to in section 11 (12);
- (ii) subject to the provisions of this Order, purchase goods and hire services, pay members of the staff of the institution and other employees and sign or terminate contracts.

(3) A contract entered into by a Principal in accordance with the last preceding subsection shall be binding on the Board.

(4) The Principal may, in consultation with the Executive Committee, initiate negotiations for the recruitment of teaching and administrative staff and invite applications for employment.

(5) A Principal shall be answerable to the Board for the implementation of policy, for the day-to-day administration of the institution and for the performance of his functions referred to in this section; he shall also be answerable as provided in section 13 to the Executive Committee and as provided in section 17 to the Co-ordinator.

(6) With the approval of the Board, the Principal may delegate his functions to any member of the staff of his institution and may apply to the Board for the appointment of paid staff to carry out such delegated functions, which functions shall be performed subject to the same conditions as apply to their performance by the Principal.

(7) Subject to any provisions contained in the Law or regulations made thereunder, a Principal –

- (i) may admit students or trainees to his institution and may expel students or

trainees therefrom in accordance with regulations made under the Education Law, 1966;

- (ii) shall be responsible for discipline at his institution and shall decide on forms of punishment to be imposed for misbehaviour and may delegate authority to punish such misbehaviour, provided that all disciplinary action shall be in accordance with regulations made under the Education Law, 1966.

Functions of Site Engineers

16. The Board shall give the following directions to any Site Engineer appointed by it in accordance with section 12 –

(1) When estimates of expenditure on building operations at an institution have been approved by the Board under section 11 (1) the Site Engineer appointed to take charge of such operations shall have power to incur the expenditure which the Board has approved for the various purposes connected with such operations indicated in the estimates:

Provided that the Site Engineer may not spend more on each Head or Subhead than is indicated in the estimates without obtaining the approval of the Board in supplementary estimates.

(2) A Site Engineer may –

- (i) recommend to the Principal the engagement or dismissal of workers, and
- (ii) subject to the provisions of this Order, purchase goods and hire services, pay workers and sign contracts after consultation with the Principal.

(3) A contract entered into by a Site Engineer in accordance with the preceding paragraph of this section shall be binding on the Board.

(4) A Site Engineer shall keep or cause to be kept books of account showing all expenditure incurred on the building operations of which he has charge and shall submit such books of account to the Principal for the purpose of inspection or audit as part of the accounts of the institution whenever called upon to do so.

(5) A Site Engineer shall report to the Board at each meeting thereof of which he is notified by the Board, on the progress of the building or maintenance operations of which he has charge.

Co-ordinator: Appointment and Duties

17. (1) On the publication of this Order, the Minister shall appoint a person to be Co-ordinator, which person shall hold office until 29th February, 1972, and shall be eligible for reappointment.

(2) With effect from the 1st March, 1972, a Co-ordinator shall be appointed by the Minister for every three year period, and a person so appointed shall be eligible for reappointment.

(3) If the Co-ordinator dies or otherwise vacates his office before the expiration of the period for which he was appointed, the Minister may appoint another person to be the Co-ordinator until the expiration of that period.

(4) If the Co-ordinator is temporarily unable to exercise the functions of his office whether by reason of illness, absence or other cause, he may recommend to the Minister the name of a person to act in his place for a period not exceeding three months. The Minister may, if he sees fit, appoint such person to act as Co-ordinator for such period. If such person is appointed by the Minister and is not a member of the Board, he shall be deemed to be a member of the Board for the period of his appointment.

(5) The Board shall direct the Co-ordinator to act on its behalf in raising funds for the development and maintenance of the institutions named in this Order.

(6) The Board shall direct the Co-ordinator where necessary to co-ordinate the activities of the institutions and to maintain all necessary liaison between the Board on the one hand and Principals and Site Engineers on the other hand.

(7) The Co-ordinator as directed by the Board or Executive Committee of the Board, shall satisfy himself that the Board's policies are being carried out. To this end, he shall visit any school or office under the Board's control, and the Principal and staff shall assist him to the best of their ability.

(8) The Co-ordinator as directed by the Board shall satisfy himself that every Site Engineer is carrying out the decisions of the Board. To this end, he shall inspect all works and shall have power to call for any records, plans and correspondence. A Site Engineer shall, to the best of his ability, assist the Co-ordinator in such inspection.

Appointment to the Board

18. (1) The first persons to be appointed as members of the Board in accordance with paragraphs (a), (b), (c), (e), (f) and (g) of section 4 shall be appointed within one month of the publication of this Order, shall hold office until the 31st March, 1971, and shall be eligible for reappointment.

(2) Subsequent appointments in accordance with the said provisions shall be for a period of one year from the 1st April and shall be made not later than the 31st March in each year and the persons appointed shall be eligible for reappointment.

Revocation of Appointment or Removal of Member

19. (1) The appointment of any person appointed as a member or Chairman of the Board in accordance with paragraph (a), (b), (c), (e), (f), (g) or (i) of section 4 or with section 5 (1) may, at any time and for any reason, be revoked by the person or body making the appointment who or which shall, however, at the same time appoint a new member or Chairman in place of the member or Chairman whose appointment is revoked.

(2) Any revocation and new appointment made in terms of subsection (1) shall forthwith be notified to the Chairman of the Board and shall take effect when so notified.

(3) If any member of the Board appointed as such in accordance with paragraph (a), (b), (c), (e), (f), (g) or (i) of section 4 fails without the permission of the Chairman to attend three consecutive meetings of the Board of which he has had notice, his appointment shall be deemed to be terminated and the Chairman shall thereupon notify the person or body by whom or which such member was appointed; and he or it shall thereupon appoint a new member in place of the member whose appointment is deemed to be terminated, and the appointment of such new member shall take effect when notified to the Chairman.

Vacation of office or incapacity of appointed member

20. If an appointed member of the Board vacates his office or is unable to exercise his functions as a member of the Board or of a Committee thereof whether by reason of illness, absence or other cause, temporarily or otherwise, the appointing authority may appoint a temporary member of the Board to act in such member's place for such period, being no greater than the remainder of such member's term, as the appointing authority may specify.

B. MOOKODI,
Permanent Secretary

Ministry of Education,
GABORONE.
6th August, 1970.