Statutory Instrument No. 115 of 1999

INCOME TAX ACT
(No. 12 of 1995)

INTERNATIONAL FINANCIAL SERVICES CENTRE CERTIFICATION COMMITTEE ORDER, 1999

(Published on 26th November, 1999)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPHS

IN EXERCISE of the powers conferred on him by section 137(1) of the Income Tax Act, 1995, the Minister of Finance and Development Planning hereby makes the following Order —

1. This Order may be cited as the International Financial Services Centre Certification Committee Order, 1999. Citation

2. In this Order, unless the context otherwise requires — Interpretation

"Committee" means the International Financial Services Centre Certification Committee;

"International Financial Services Centre" or "IFSC" means the entirety of international financial services companies and their respective approved financial operations and those institutions which have been appointed to regulate and supervise such companies;

"Marketing Agency" means, for the purposes of marketing the IFSC, the Botswana Development Corporation Limited (BDC); and

"Minister" means the Minister of Finance and Development Planning.

3. (1) There is hereby established an IFSC Certification Committee which shall consist of the following ten members to be appointed by the Minister — Establishment of IFSC Certification Committee

(*a*) the Secretary for Financial Affairs, who shall be the Chairman of the Committee;

(*b*) the Director, Tax Policy Unit in the Ministry of Finance and Development Planning;

(*c*) the Principal Finance Administrator (Insurance), Ministry of Finance and Development Planning;

(*d*) the Commissioner of Taxes;

(*e*) the Principal Inspector - Special Duties and the Secretariat, Department of Taxes;

(*f*) the Director of Financial Institutions Department, Bank of Botswana;

(*g*) the Principal Bank Examiner (Non-bank Operations), Bank of Botswana;

(*h*) the IFSC Project Manager;

(*i*) the Treasurer, Botswana Development Corporation; and

(*h*) the Chief Executive Officer, Botswana Export Development and Investment Authority.

(2) The Committee shall appoint, from among its members, a vice-chairman.

(3) The appointments shall be deemed to have come into effect on the 15th November, 1999 and shall be for a period of two years.

(4) The members of the Committee shall be eligible for re-appointment.

(5) The Minister may appoint such person as he considers appropriate to be the alternate of a specified member of the Committee and may terminate the appointment at any time.

(6) The alternate of a member of the Committee may, in the event of the absence of that member from a meeting of the Committee, attend the meeting, and shall, when so attending, be regarded as a member of the Committee.

Functions of Committee

4. The Committee shall —

(*a*) determine the procedures to be followed in the assessment of applications;

(*b*) review all applications for a tax certificate referred to it by the Marketing Agency; and

(*c*) make recommendations to the Minister in relation to the grant and revocation of tax certificates including any conditions to be attached thereto.

Meetings of Committee

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

(2) The Committee shall meet as often as is necessary or expedient for the discharge of its functions, and such meetings shall be held at such places, times and days as the Chairman may determine.

(3) Six members of the Committee, at least four of whom shall be from the Ministry of Finance and Development Planning, the Department of Taxes, IFSC and Bank of Botswana respectively shall form a quorum.

(4) The decisions of the Committee shall be by a majority of votes and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

(5) Minutes of each meeting of the Committee shall be kept and shall be confirmed at a subsequent meeting of the Committee.

Application for tax certificate

6. (1) A company applying for a tax certificate shall prepare the application for such certificate in conjunction with the Marketing Agency and the application shall be supported by a business plan for a three to five year period including the following —

(*a*) general information on the promoting company, outlining its activities, size, history, performance and principal shareholders, as well as its profit and loss accounts and balance sheets for the past three years;

(*b*) detailed particulars of the activity in respect of which the tax certificate is sought; and

(*c*) summary of the plans to market and promote the proposed service together with an assessment of the potential for employment creation in Botswana.

(2) The Marketing Agency shall, once satisfied that an application for a tax certificate contains the necessary information, including the information referred to in subparagraph (1), refer the application to the Committee.

MADE this 18th day of November, 1999.

B. GAOLATHE,
Minister of Finance and Development Planning.

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