

Statutory Instrument No. 18 of 2000.

FINANCE AND AUDIT ACT
(Cap. 54:01)

MPULE KWELAGOBHE HIV/AIDS TRUST FUND ORDER, 2000.
(Published on 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

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by Section 25 of the Finance and Audit Act, the following Order is hereby made —

Citation 1. This Order may be cited as the Mpule Kwelagobe HIV/AIDS Trust Fund Order, 2000.

Interpretation 2. 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.

Establishment of Trust Fund 3. There is hereby established a special fund to be known as the Mpule Kwelagobe HIV/AIDS Trust Fund.

Purpose of Trust Fund 4 (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) cooperate 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.	Administration of Fund
5. The Permanent Secretary to the Ministry of Health shall be the public officer responsible for the administration of the Fund.	Board of Trustees
6. (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.	Board of Trustees
(2) The Board of Trustees shall consist of seven members being representatives of the following —	Proceedings of Board
(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. (1) Subject to the provisions of this Order, the Board shall regulate its own procedure.	Proceedings of Board
(2) The quorum at any meeting of the Board shall be three members.	Remuneration
(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. 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.	Remuneration
9. 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.	Duties of the Board
10. There shall be paid into the Fund —	Payments into 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.	Investment of Fund monies not required for use
11. 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. 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:	Disbursements from Fund
Provided that such disbursements qualify as reasonable expenses incurred in the performance of duties consistent with the objects of the Fund.	Guidelines for disbursements from Fund Accounts of Fund
13. 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. (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.

MADE this 15th day of February, 2000.

B. GAOLATHE,
*Minister of Finance and
Development Planning.*

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