

*Statutory Instrument No. 50 of 1972*

THE LOCAL COUNCILS' EMPLOYEES PROVIDENT FUND LAW, 1966  
**THE LOCAL COUNCILS' EMPLOYEES PROVIDENT FUND  
REGULATIONS, 1972**

*(Published on 2nd June, 1972)*

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In the exercise of the powers vested in him by section 3 of the Local Councils' Employees Provident Fund Law, 1966 (No. 38 of 1966), His Excellency the President makes the following regulations —

1. These regulations may be cited as the Local Councils' Employees Provident Fund Regulations, 1972. *Citation*

2. In these regulations, unless the context otherwise requires — *Inter-*  
"Board" means the Board of Management, referred to in regulation 4 (1), *pretation*  
of the Fund;

"contributor" means a person in the service of a local council who had not passed his 50th birthday when entering local government service; but does not include any person while in the service of a local council on a fixed-term contract or any person seconded from the public service;

"Director of Financial Affairs" means the person for the time being holding the office of Director of Financial Affairs in the public service;

"financial year" means the period of twelve months ending on the 31st March in any year;

“Fund” means the Local Councils’ Employees Provident Fund referred to in regulation 3;

“legal representative”, in relation to a person who is dead or legally incapable, means the person who by law or by customary law, whichever may be applicable, is entitled to administer the estate of that person;

“representative of contributors” means a person employed by a local council;

“representative of councils” means a town or district councillor or a member of a township authority other than a town council;

“salary” does not include any allowance.

Continuance  
of Fund

**3.** The Fund known as the Local Councils’ Employees Provident Fund established by the Local Councils’ Employees Provident Fund Regulations, 1967, is hereby continued in existence.

Continuance  
of Board of  
Management  
of Fund

**4.** (1) The Board of Management established by the Local Councils’ Employees Provident Fund Regulations, 1967, is hereby continued in existence.

(2) The Board shall consist of —

(a) the Director of Financial Affairs who shall be Chairman;

(b) the Permanent Secretary of the Ministry of Local Government and Lands;

(c) two representatives of councils who shall be appointed by the Minister in respect of each financial year;

(d) two representatives of contributors who shall be appointed by the Minister in respect of each financial year.

(3) Persons appointed in terms of paragraph (c) or (d) of subregulation (2) in respect of any financial year shall be eligible for appointment in respect of any other financial year.

(4) Any vacancy in the membership of the Board under paragraph (c) or (d) of subregulation (2) shall be filled by the Minister as soon as may be.

(5) The Board shall submit to the Minister as soon as practicable for each financial year the audited accounts of the Fund together with such particulars concerning the working of the Fund as the Minister may require.

Meetings of  
the Board

**5.** (1) The Board shall meet at least once in every financial year and may hold such other meetings as the Chairman may determine.

(2) Any vacancy in the membership of the Board shall not affect the powers of the remaining members in respect of the control and management of the Fund.

(3) Meetings of the Board shall be held on such days and at such time and place as the Chairman may decide.

(4) All decisions regarding the Fund shall be made at meetings of the Board and shall be made by the vote of the majority of the members present and voting.

(5) At all meetings of the Board the Chairman shall have a casting vote in addition to his deliberative vote.

(6) In the absence for any reason of the Chairman at any meeting the Permanent Secretary of the Ministry of Local Government and Lands shall preside.

**6.** The reasonable expenses of the management and administration of the Fund shall be apaid out of the Fund. Expenses of Management and Administration

**7.** Every local council shall, out of the salary of each contributor in its service each month deduct an amount equal to one-twentieth of the salary in respect of that month. Deductions from Salaries

**8.** Every local council shall each month in respect of every contributor in its service allocate an amount equal to the amount deducted from the contributor's salary for that month under regulation 7. Local Councils' Allocations

**9.** The amount deducted from the salary of every contributor each month and the equivalent amount allocated by a local council shall be paid to the Accountant-General not later than the 20th of the next following month and such amounts shall be recorded under the individual contributors' names in accounts to be maintained in respect of each contributor. Payment into Fund and keeping of Accounts

**10.** (1) The moneys of the Fund shall be invested by the Accountant-General on behalf of the Fund in such securities as the Board shall approve. Investment of Money in the Fund

(2) The Accountant-General shall keep a separate account into which shall be paid all the moneys accruing to the Fund.

**11.** (1) As soon as practicable after the end of every financial year the Board shall determine and publish in the Gazette a rate of interest to be credited in respect of the same financial year to the amounts standing in the accounts maintained as in regulation 9 provided. Interest to be Credited

(2) Such interest shall be credited separately to the amounts representing deductions from contributors' salaries and the amounts allocated by local councils and shall be calculated on the balances of such amounts on the last day of the previous financial year plus one-half of such amounts paid into the Fund during the current financial year.

**12.** As soon as practicable after the end of every financial year the Accountant-General shall inform each contributor of the total amount Contributors to be informed

paid into the Fund by way of deductions from his salary and the interest credited thereon, and the total amount paid by way of allocations in respect of him by the local council in whose service he was and the interest credited thereon.

Death or  
termination  
of Employ-  
ment

**13.** (1) If a contributor dies or ceases to be a contributor in any of the following circumstances, that is to say —

- (a) retirement on reaching the age of sixty-five years;
- (b) termination of employment on notice given by the local council or the contributor, if in the opinion of the Permanent Secretary of the Ministry of Local Government and Lands the contributor has become incapable of discharging his duties adequately by reason of any infirmity of mind or body which a medical practitioner has certified is likely to be permanent or likely to continue for more than six months;
- (c) termination of employment, not falling within paragraph (b) and not being dismissal in terms of the Local Government (Conditions of Service) Regulations, 1970, on notice given by the local council:

Provided that where the contributor has at the time of such termination completed less than ten years' service with the local council he shall only receive the amounts payable under this subregulation if the Board so approves;

- (d) termination of employment, not falling within paragraph (b), on notice given by the contributor after the age of fifty years, subject to a minimum of ten years' service:

Provided that in the case of a female contributor such period shall be reduced to five years if her employment is terminated with a view to, or in consequence of, marriage and she produces to the Board evidence of marriage within such period as the Board may in any case prescribe;

- (e) abolition of office;

the total amounts recorded under his name in terms of regulation 9 together with the interest credited thereto shall be paid out of the Fund to the contributor or his legal representative, as the case may be.

(2) If a contributor ceases to be a contributor in any circumstances other than those set out in subregulation (1), or where his employment has been terminated in the manner referred to in paragraph (c) of subregulation (1) and the Board has not given its approval as required by the proviso to that paragraph, the total amount recorded in terms of regulation

9 as having been deducted from his salary together with interest credited thereto shall be paid out of the Fund to the contributor or to his legal representative, as the case may be.

**14.** (1) When a contributor ceases on death or otherwise to be employed by a local council interest for the period from the end of the previous financial year to the date of such cessation at the rate fixed by the Board for the previous financial year shall be credited in respect of the amount to which such contributor is in accordance with regulation 13 entitled.

Notification  
of Entitle-  
ment

(2) Notice of the total amount in the Fund to which the contributor is entitled shall thereupon be given --

- (a) to the contributor; or
- (b) if the contributor is dead or legally incapable, to his legal representative.

(3) Any local council's contribution in respect of a contributor and interest thereon which are not payable to such contributor in terms of regulation 13 shall be refunded to the contributing local council.

**15.** (1) If for a period of one year there have been moneys standing unclaimed in the Fund to the credit of a contributor who has ceased to be employed by a local council and the whereabouts of such contributor or his legal representative, as the case may be, are unknown, the Accountant-General shall cause the name of such contributor to be published in the Gazette.

Unclaimed  
Moneys

(2) If for a period of five years there have been moneys standing unclaimed in the Fund to the credit of a contributor who has ceased to be employed by a local council and the whereabouts of such contributor or his legal representative, as the case may be, are unknown, the account of such contributor shall cease to bear interest upon the expiration of that period, the account shall be closed, and the moneys in such account shall accrue to the Fund.

**16.** The Local Councils' Employees Provident Fund Regulations, 1967, are revoked.

Revocation of  
Statutory  
Instrument  
No. 1 of 1967

P.L. STEENKAMP,  
*Acting Permanent Secretary.*

Office of the President, GABORONE.  
12/7/78