

Statutory Instrument No. 107 of 2022

PUBLIC FINANCE MANAGEMENT ACT
(Cap. 54:01)

PUBLIC FINANCE MANAGEMENT (LAND BOARDS SELF
INSURANCE FUND) ORDER, 2022
(Published on 9th September, 2022)

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IN EXERCISE of the powers conferred on the Minister of Finance by section 38 of the Public Finance Management Act, the following Order is hereby made —

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| Citation | 1. This Order may be cited as the Public Finance Management (Land Boards Self Insurance Fund) Order, 2022. |
| Interpretation | 2. In this Order, unless the context otherwise requires — “Accounting Officer” means the Permanent Secretary in the Ministry responsible for lands appointed as such under paragraph 5 (1); “Committee” means the Management Committee established under paragraph 6 (1); “Fund” means the Land Boards Self Insurance Fund established under paragraph 3; and “Land Board” means a land board established under section 3 of Tribal Land Act and “the land board” in relation to any area of land means the land board for the area in which that area is situated. |
| Cap. 32:02 | |
| Establishment of Fund | 3. There is hereby established a Special Fund to be known as the Public Finance Management (Land Boards Self Insurance) Fund (hereinafter referred to as the “Fund”). |
| Purpose of Fund | 4. The purpose of the Fund is to provide for a scheme of appropriate insurance cover for the assets and the liabilities of any land board including an element of self insurance. |
| Administration of Fund | 5. (1) The Permanent Secretary in the Ministry responsible for lands shall be the Accounting Officer and he or she shall be responsible for the administration of the Fund in accordance with the provisions of this Order. (2) The Accounting Officer may exercise such powers and perform such duties as may be required to be exercised or performed for the proper discharge of his or her functions under this Order. |

(3) The Accounting Officer may, in writing, appoint any person registered as an insurer or a broker in terms of the Insurance Industry Act to exercise or perform all or any of the duties required to be exercised or be performed by the insurer or a broker under this Order. Cap.46:01

6. (1) The Minister responsible for lands shall after consultation with the Accounting Officer, establish a Management Committee for the Fund. Management of Fund

(2) The Committee shall be responsible for determining the investment strategies and disbursement procedures of the Fund in accordance with the Act.

(3) Without derogating from the generality of subparagraph (2), the Committee shall —

(a) review and approve expenditure requirements and audited financial statements of the Fund; and

(b) make recommendations to the Minister responsible for lands on any amendments to the Fund for subsequent approval by the Minister.

(4) The Committee shall consist of —

(a) the Deputy Permanent Secretary in the Ministry responsible for lands who shall be the Chairperson of the Committee;

(b) a representative at Director level from Business Botswana;

(c) a representative at Director level from the Ministry responsible for finance;

(d) a representative at Director level of a Division responsible for finance from the Land Boards within the Ministry responsible for lands; and

(e) two representatives at Director level from the Land Boards.

(5) The Finance Division in the Ministry responsible for lands shall provide secretarial services to the Committee.

(6) A member of the Committee shall be appointed for a period of three years and shall be eligible for re-appointment for a further term not exceeding three years.

7. There shall be paid into the Fund —

(a) such monies as may from time to time be appropriated by the National Assembly for the purposes of the Fund; Receipts into Fund

(b) the proceeds from salvage arising from claims;

(c) the interest accrued from the investment of monies of the Fund in accordance with paragraph 10; and

(d) the third party recoveries due to the Fund, for damages caused to motor vehicles or property belonging to the land boards.

8. There shall be paid from the Fund —

(a) premiums for commercial insurance of catastrophic risk; Disbursements from Fund

(b) the claims made under the self insurance scheme; and

(c) administrative costs related to the management and auditing of the Fund.

9. If the Fund is in surplus at the end of a financial year, such surplus shall remain as part of the Fund balance and shall be carried forward to the next financial year. Surplus in Fund

10. Any money accruing to the Fund which is not monies required for immediate use shall be invested in Botswana in accordance with the purpose of the Fund as the Accountant-General may direct and interest from such investment shall accrue to the Fund. Investment of Fund monies

11. The Accounting Officer shall —

(a) keep and maintain or cause to be kept and maintained, proper books of accounts and records of all financial transactions, assets and liabilities of the Fund in respect of each financial year; Accounts of Fund

- (b) maintain an account into which all receipts into the Fund and all disbursements from the Fund shall be recorded and the monthly reconciliation for the Fund accounts shall be carried out; and
- (c) prepare, sign and transmit to the Accountant-General and Auditor-General a statement of income and expenditure and a balance sheet of the Fund in respect of the financial year, containing such information in the manner that the Minister in consultation with the Accountant-General may direct, within a period of two months after the close of each financial year.

MADE this 25th day of August, 2022.

PEGGY O. SERAME,
Minister of Finance.