

THE FINANCE AND AUDIT (AMENDMENT) ACT, 1967

No. 13



of 1967

AN ACT TO AMEND THE FINANCE AND AUDIT LAW

Date of Assent: 21.4.67.

Date of Commencement: 21.4.67.

ENACTED by the Parliament of Botswana.

Short Title.

1. This Act may be cited as the Finance and Audit (Amendment) Act, 1967.

Amendment of Section 2 of Law 15 of 1965.

2. Section 2 of the Finance and Audit Law, 1965, (hereinafter referred to as the principal law), is amended —

- (a) by the renumbering of the existing section as subsection (1);
- (b) by amending subsection (1) —
 - (i) in the definition of "accounting officer" by the deletion of "under Financial Instructions" and the substitution of "by the Minister by notice in the *Gazette*";
 - (ii) in the definition of "General Orders" by the deletion of "for the conduct of public business" and the substitution of "defining the conditions of service of public officers";
 - (iii) by the insertion after the definition of "public moneys" of the following definition —

" "public officer" includes any person who is employed by the Republic ;";

(c) by the addition of the following subsection —

“ (2) Where the Minister is of the opinion that adequate provision exists for the management of moneys held in trust for, or on behalf of, a person other than the Government, being moneys of the nature described in paragraph (b) of the definition of “public moneys” in subsection (1), he may direct that such moneys shall not be public moneys for the purpose of that definition. ”

Insertion of Section 3A into Law 15 of 1965.

3. The principal law is amended in Part II by the insertion prior to section 4 of the following section —

“Functions of Minister.

3A. The Minister shall so supervise the finances of Botswana as to ensure that a full account thereof is made to the National Assembly and that its financial control is maintained, and for such purposes shall, subject to the provisions of the Constitution and this Law, have the control and management of the Consolidated Fund and the supervision, control and direction of all matters relating to the financial affairs of Botswana.”

Replacement of Section 4 of Law 15 of 1965.

4. Section 4 of the principal law is repealed and the following section substituted —

“Consolidated Fund.

4. (1) No moneys shall be withdrawn from the Consolidated Fund or other public funds of Botswana except upon the authority of a warrant under the hand of the Minister; and no such warrant shall be issued unless the moneys may lawfully be withdrawn from the Consolidated Fund or other public funds in accordance with the provisions of section 120 of the Constitution.

(2) Money at the credit of the Consolidated Fund shall, except for day-to-day cash requirements, be kept in an account at such bank as the Minister may approve.

(3) Subject to the provisions of section 120 (4) of the Constitution, the Minister may authorise the investment of moneys standing to the credit of the Consolidated Fund either at call or subject to notice not exceeding twelve months; such investments together with any interest therefrom shall form part of the Consolidated Fund. ”

Amendment of Section 14 of Law 15 of 1965.

5. Section 14 of the principal law is amended in paragraph (a) of subsection (1) by the deletion of “duties;” and the substitution of “duties, and shall be given such explanations and information by that officer; ”

Amendment of Section 19 of Law 15 of 1965.

6. Section 19 of the principal law is amended —
- (a) by the addition at the ends of paragraphs (a) and (c), after the semi-colon, of "or";
 - (b) by the insertion after paragraph (c) of —
“(d) is or was at the time of such employment responsible for any damage to any stores or other Government property;”;
 - (c) by the insertion after “deficiency, loss” where it appears for the first time of “, damage,”;
 - (d) by the insertion after “destroyed” of “or damaged”

Amendment of Section 24 of Law 15 of 1965.

7. Section 24 of the principal law is amended —
- (a) by the deletion of the head-note and by the substitution of —
“**Financial Instructions and Inspection**”;
 - (b) by the addition of the following subsections —
“ (3) The Financial Secretary or any public officer deputed him —
 - (a) shall be entitled to inspect all Government offices and shall be given access at all times thereto; and
 - (b) shall be given all available information he may require with regard to public moneys, stamps, securities, stores, or other Government property and to all documents and records in respect thereof; and
 - (c) shall be entitled at any time to inspect such moneys, property, documents and records;so far as may be necessary for the purpose of compliance with section 3A and subsection (1) of this section.

(4) Nothing in this section shall be construed as authorising the President to issue, or requiring any person to obey, any instructions in relation to any moneys held in trust which contravene or are inconsistent with the terms of such trust. ”.

Passed by the National Assembly this day, the 20th March, 1967.

G.T. MATENGE,
Clerk of the National Assembly.