

Statutory Instrument No. 45 of 1976

UNIFIED TEACHING SERVICE TEACHERS' PROVIDENT FUND ACT, 1976
(3 of 1976)

**UNIFIED TEACHING SERVICE TEACHERS' PROVIDENT FUND
REGULATIONS, 1976**

(Published on the 1st April, 1976)

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IN EXERCISE of the powers conferred by section 3 of the Unified Teaching Service Teachers' Provident Fund Act, 1976, the Minister of Education hereby makes the following Regulations —

PART I. *Preliminary*

1. These Regulations may be cited as the Unified Teaching Service Teachers' Provident Fund Regulations, 1976, and shall come into operation on 1st April, 1976. Citation and commencement

2. In these Regulations, unless the context otherwise requires, — Interpretation
"Board" means the Board of Management of the Fund established under regulation 5;

"depositor" means a teacher who —

- (a) is a citizen of Botswana;
- (b) is employed by the unified teaching service;
- (c) except in the case of a teacher who was on the day prior to the establishment of the Fund a depositor in the Non-Pensionable Teachers' Provident Fund, has not attained the age of 50 years on entering the unified teaching service; and

- (d) is qualified to be a depositor in terms of regulation 4;
- “financial year” means the period of 12 months ending on 31st March in any year;
- “legal personal representative”, in relation to a person who is dead, means the person in whom by law or by customary law, whichever may be applicable, the estate of that person is vested;
- “salary” does not include any allowance.

PART II. *Fund*

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| Establishment of Fund | 3. There is hereby established a Fund to be known as the Unified Teaching Service Teachers' Provident Fund. |
| Depositors
26 of 1975 | 4. Teachers employed on permanent terms as defined in section 2 of the Unified Teaching Service Act, 1975, shall be depositors to the Fund. |
| Establishment of Board of Management | 5. There is hereby established a Board of Management of the Fund consisting of—
(a) the Accountant-General, who shall be chairman;
(b) the Permanent Secretary, Ministry of Education;
(c) one person appointed by the Minister who shall be a public officer in the Ministry of Education;
(d) one person appointed by the Minister who shall be a member of and nominated by a registered teachers' association. |
| Audited accounts to be submitted | 6. The Board shall submit to the Minister as soon as practicable after 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 | 7. (1) The Board shall meet at least once in every financial year and may hold such meetings as the chairman may determine.
(2) Meetings of the Board shall be held on such days and at such time and place as the chairman may decide.
(3) All decisions regarding the Fund shall be made at meetings of the Board and shall be determined by the vote of the majority of the members present and voting.
(4) At all meetings of the Board the chairman shall have a casting vote in addition to his original vote.
(5) In the absence for any reason of the chairman at any meeting, the Permanent Secretary, Ministry of Education, shall preside. |

PART III. *Financial Administration*

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| Management expenses | 8. The reasonable expenses of the management and administration of the Fund shall be paid out of the Fund. |
| Depositor's payments | 9. The employer shall, out of the salary due to each depositor per month, deduct an amount equal to one-twentieth of the salary in respect of that month. |
| Employer's payments | 10. The employer shall make each month in respect of every depositor a payment equal to that deducted from the depositor's salary for that month. |
| Investment of moneys | 11. (1) The Accountant-General shall keep a separate account into which shall be paid all the moneys accruing to the Fund. |

(2) The Accountant-General shall be responsible, on behalf of the Board, for investing the Fund's moneys from time to time at the market rate ruling at the time of the investment and shall ensure as far as possible that these moneys are invested as soon as may be less any amounts required to be paid in any month under regulations 14, 15 and 16.

(3) The administrative procedures and the policy relating to investments shall be the responsibility of, and be determined from time to time by, the Board having regard primarily to the best interests of the depositors.

12. (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 to depositors' accounts in the Fund in respect of that financial year. Interest to be paid

(2) Such interest shall be credited separately to the amounts paid by depositors and the amounts paid by the employer, and shall be calculated on the balances standing to the credit of depositors and the employer on the last day of the previous financial year plus one half of the payments made by depositors and the employer during the financial year.

13. As soon as possible after the end of every financial year, the Accountant-General shall inform each contributor of the total amount standing to his credit in the Fund at that date. Information to depositors

PART IV. *Death, Retirement or Termination of Service*

14. (1) If a depositor dies or ceases to be employed in any of the following circumstances, that is to say, — Termination of service

- (a) retirement on or after the age of 45 years subject to a minimum of 10 years' service: provided that a teacher who was on the establishment of the Fund a depositor in the Non-Pensionable Teachers' Provident Fund may count any complete calendar year of teaching service in which he was a depositor in the Non-Pensionable Teachers' Provident Fund towards the 10 year period specified;
- (b) retirement at the age of 60 years, which shall be the compulsory age of retirement;
- (c) retirement on medical evidence that he is incapable by reason of infirmity of mind or body from discharging his duties as a teacher; or
- (d) abolition of office,

the total amount standing to his credit in the Fund shall be paid out of the Fund to the depositor or to his personal legal representative, as the case may be.

(2) Where a depositor ceases to be employed in circumstances other than those set out in subregulation (1), the amount of the depositors made by him together with such interest as may have accrued thereon shall be paid to him at the date of termination of service.

15. (1) When a depositor ceases to be employed his account shall be closed and interest for the period from the end of the previous financial year to the date of the closure of his account shall be credited thereto calculated at the rate fixed by the Board for the previous financial year. Closing of accounts

(2) Notice of the total amount then standing to his credit in the Fund and to which he is entitled shall thereupon be given in accordance with the provisions of regulation 14 to —

- (a) the depositor; or
- (b) if the depositor is dead, to his legal personal representative.

(3) The employer's payments in respect of a depositor and interest thereon not paid out to a depositor in terms of subregulation (2) of regulation 14 shall be refunded to the employer.

Unclaimed
moneys

16. (1) If for a period of one year there have been moneys standing unclaimed in a depositor's account and the whereabouts of the depositor or his legal personal representative, as the case may be, are unknown, the Accountant-General shall cause the name of the depositor to be published in the Gazette.

(2) If for a period of 5 years there have been moneys standing unclaimed in a depositor's account and the whereabouts of the depositor or his legal personal representative, as the case may be, are unknown, the account of such depositor shall cease to bear interest with effect from the date of expiration of that period, and the moneys in such account shall accrue to the Fund.

MADE this 1st day of April, 1976.

B. MOOKODI,
Permanent Secretary,
Ministry of Education.

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