

**POST OFFICE SAVINGS BANK AND SAVINGS
CERTIFICATES (AMENDMENT) ACT, 1982**

No. 5



of 1982

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 56:03
3. Substitution of new section 4 of principal Act
4. Amendment of section 5 of principal Act
5. Substitution of new section 6 of principal Act
6. Amendment of section 7 of principal Act
7. Amendment of section 8 of principal Act
8. Amendment of section 10 of principal Act
9. Amendment of section 11 of principal Act
10. Amendment of section 12 of principal Act
11. Amendment of section 13 of principal Act
12. Amendment of section 14 of principal Act
13. Amendment of section 15 of principal Act
14. Amendment of section 16 of principal Act
15. Substitution of new section 17 of principal Act
16. Amendment of section 18 of principal Act
17. Amendment of section 19 of principal Act
18. Substitution of new section 20 of principal Act
19. Amendment of section 21 of principal Act
20. Amendment of section 23 of principal Act
21. Substitution of new section 24 of principal Act
22. Amendment of section 25 of principal Act
23. Amendment of section 26 of principal Act
24. Amendment of section 27 of principal Act
25. Amendment of section 28 of principal Act
26. Deletion of section 29 of principal Act
27. Amendment of section 30 of principal Act
28. Amendment of section 31 of principal Act
29. Amendment of section 32 of principal Act
30. Addition of new section 33 and Schedule to principal Act

An Act to amend the Post Office Savings Bank and Savings Certificates Act.

Date of Assent: 7.5.82.

Date of Commencement: 14.5.82.

ENACTED by the Parliament of Botswana.

Short title 1. This Act may be cited as the Post Office Savings Bank and Savings Certificates (Amendment) Act, 1982.

Amendment of section 2 of Cap. 56:03 2. Section 2 of the Post Office Savings Bank and Savings Certificates Act (hereinafter referred to as "the principal Act") is amended —

- (a) by deleting the definition of "auditor";
- (b) by substituting for the definition of "Director" the following new definitions —
 - ""Controller" means the person for the time being holding, acting in or lawfully performing the functions of the public office of Controller of the Post Office Savings Bank;
 - "Director of Financial Affairs" means the person for the time being holding, acting in or lawfully performing the functions of the public office of Director of Financial Affairs;
 - "Director of Postal Services" means the person for the time being holding, acting in or lawfully performing the functions of the public office of Director of Postal Services;"
- (c) by deleting the definition of "officer"; and
- (d) in the definition of "Reserve Fund", by substituting for the word "established", which appears therein, the word "maintained".

Substitution of new section 4 of principal Act 3. The principal Act is amended by substituting for section 4 thereof the following new section —

"Establishment, constitution and functions of Board 4. (1) There is hereby established a Savings Bank Board which shall consist of such number of members, not being less than 5, as the Minister shall from time to time determine.

(2) The Director of Financial Affairs and the Director of Postal Services shall be members of the Board:

Provided that the Director of financial Affairs may, with the consent of the Minister, from time to time nominate some other public officer for the purposes of this section and the officer for the time being so nominated (hereinafter referred to as "the nominee of the Director of Financial Affairs") shall be a member of the Board in place of the Director of Financial Affairs.

(3) The members of the Board, other than the Director of Financial Affairs or the nominee of the Director of Financial Affairs and the Director of Postal Services, shall be appointed by the Minister from among those persons whom he considers to be suitably qualified.

(4) The Minister shall decide the term of office of each member of the Board appointed by him and shall specify each such member's term of office at the time of his appointment to the Board.

(5) The Director of Financial Affairs or the nominee of the Director of Financial Affairs shall be the Chairman of the Board and the Minister shall from time to time appoint some other member of the Board to be the Deputy Chairman of the Board who shall hold office as such at the Minister's pleasure.

(6) The functions of the Board shall be --

(a) to give directions to the Controller in terms of section 7;

(b) to make recommendations to the Minister as to the terms of directions to be issued under section 20 and as to the provisions of regulations to be made under section 33 and generally for the efficient administration of the Savings Bank;
and

(c) to make rules, subject to the approval of the Minister, as to the conduct of the business of the Savings Bank.

(7) The provisions of the Schedule shall have effect in respect of the Board and the Minister may, by order published in the Gazette, from time to time amend the Schedule."

4. Section 5 of the principal Act is amended --

(a) in subsection (1) thereof, by substituting for the word "Director", which appears therein, the word "Controller";

(b) in subsection (2) thereof, --

(i) by substituting for the word "Director", which appears therein, the words "Director of Postal Services"; and

(ii) by substituting for the word "officers", which appears therein, the words "post offices";

(c) in subsection (3) thereof, by substituting for the word "Director", which appears therein, the word "Controller" and adding thereto the following proviso --

"Provided that, before giving any such direction in relation to a post office, the Controller shall consult the Director of Postal Services on the terms thereof."; and

Amendment of
section 5 of
principal
Act

- (d) in subsection (4) thereof, by substituting for the word “Director”, which appears therein, the word “Controller”.
- Substitution of new section 6 of principal Act
5. The principal Act is amended by substituting for section 6 thereof the following new section –
- “Maintenance of Reserve Fund
6. The Savings Bank shall maintain a Savings Bank Reserve Fund which shall be credited or debited, as the case may be, with the surplus or deficit of the Savings Bank in every Savings Bank year.”.
- Amendment of section 7 of principal Act
6. Section 7 of the principal Act is amended –
- (a) in subsection (1) thereof, –
- (i) by substituting for the word “Director”, which appears therein, the word “Controller”;
- (ii) by substituting for paragraph (b) thereof the following new paragraph –
- “(b) on deposit with the Bank of Botswana or, with the Minister’s approval, in any corporation established by a written law or in any corporation registered in accordance with the Companies Act in which the Government owns all the equity shares;”;
- (i) by substituting for the word “Director”, which appears therein, the word “Controller”;
- (ii) by substituting for paragraph (b) thereof the following new paragraph –
- “(b) on deposit with the Bank of Botswana or, with the Minister’s approval, in any corporation established by a written law or in any corporation registered in accordance with the Companies Act in which the Government owns all the equity shares;”;
- Cap. 42:01
- (iii) by adding thereto, immediately after paragraph (d) thereof, the following new paragraph –
- “(c) in any way, if the Government is bound, by virtue of a guarantee entered into in a manner prescribed by section 22 of the Finance and Audit Act, to make good any loss which might otherwise be occasioned thereby to the Savings Bank:”;
- Cap. 54:01
- and
- (iv) by adding thereto, immediately after the new paragraph (e), the following proviso –
- “Provided that all such transactions shall be subject to any exchange control regulations for the time being in force.”;
- (b) in subsection (2) thereof, by substituting for the word “Director”, which appears therein, the word “Controller”; and
- (c) in subsection (3) thereof, by substituting for the word “Government”, where it first appears therein, the words “Bank of Botswana”.

7. Section 8 (1) of the principal Act is amended by substituting for the word "Director", which appears therein, the word "Controller". Amendment of section 8 of principal Act
8. Section 10 of the principal Act is amended by deleting the words "or the amount of stamp duties", which appear in paragraph (ii) of the proviso thereto. Amendment of section 10 of principal Act
9. Section 11 (3) of the principal Act is amended by substituting for the word "Director", which appears therein, the word "Controller". Amendment of section 11 of principal Act
10. Section 12 of the principal Act is amended by substituting — Amendment of section 12 of principal Act
- (a) for the word "Director", where it twice appears therein, the word "Controller"; and
 - (b) for the words "P100", where they twice appear therein, the words "P500".
11. Section 13 of the principal Act is amended — Amendment of section 13 of principal Act
- (a) in subsection (1) thereof, —
 - (i) by deleting the words "not exceeding P200", which appear therein;
 - (ii) by substituting for the word "Director", which appears therein, the word "Controller"; and
 - (iii) by substituting for the words "the District Commissioner of the district in which the depositor's account was opened", which appear therein, the words "the District Commissioner of the district in which the depositor last usually resided";
 - (b) in subsection (3) thereof, by substituting for the word "Director", which appears therein, the word "Controller"; and
 - (c) by adding thereto, immediately after subsection (3) thereof, the following new subsection —

"(4) Payment of moneys into the Reserve Fund in accordance with subsection (3) shall not prejudice any subsequent claim on those moneys."
12. Section 14 of the principal Act is amended by substituting for the word "Director", which appears therein, the word "Controller". Amendment of section 14 of principal Act
13. Section 15 of the principal Act is amended — Amendment of section 15 of principal Act
- (a) in subsection (2) thereof, by substituting for the words "Director may", which appear therein, the words "Controller shall"; and
 - (b) by adding thereto, immediately after subsection (3) thereof, the following new subsection —

"(4) Payment of an amount into the Reserve Fund in accordance with subsection (3) shall not prejudice any subsequent claim in respect of that amount."

- Amendment of section 16 of principal Act
14. Section 16 of the principal Act is amended —
- (a) in subsection (1) thereof, by substituting for the word “Director”, where it twice appears therein, the word “Controller”; and
- (b) by substituting for subsection (2) thereof the following new subsection —
- “(2) No transfer shall be made under this section unless it is made in accordance with any exchange control regulations for the time being in force and with such conditions as may from time to time be laid down for the purposes of this section by the Controller with the approval of the Minister”.
- Substitution of new section 17 of principal Act
15. The principal Act is amended by substituting for section 17 thereof the following new section —
- “Security for deposits
17. (1) If at any time the funds of the Savings Bank are insufficient to meet the lawful demands of depositors, the amount required to meet the deficiency is hereby charged upon the Consolidated Fund.
- (2) The Minister shall cause a report of every deficiency such as is referred to in subsection (1) and subsequent withdrawal of moneys from the Consolidated Fund thereby authorized to be laid before the National Assembly.”.
- Amendment of section 18 of principal Act
16. Section 18 of the principal Act is amended —
- (a) in subsection (1) thereof, by substituting —
- (i) for the word “Director”, which appears therein, the word “Controller”; and
- (ii) for the words “an auditor”, which appear therein, the words “the Auditor-General”; and
- (iii) for paragraph (f) thereof the following new paragraphs —
- “(f) the total amount earned by the Savings Bank in that year through investment; and
- (g) the total amount of interest credited to depositors’ accounts in that year.”; and
- (b) in subsection (2) thereof, by deleting the words “within four days of its receipt by him if the National Assembly is then sitting or, if the National Assembly is not then sitting, on the next sitting day thereafter”, which appear therein.
- Amendment of section 19 of principal Act
17. Section 19 of the principal Act is amended by substituting for the word “Director”, which appears therein, the word “Controller”.
- Substitution of new section 20 of principal Act
18. The principal Act is amended by substituting for section 20 thereof the following new section —
- “Power of Minister to issue directions to Controller
20. (1) Subject to subsection (2), the Minister may from time to time issue directions to the Controller in respect

of the operation of this Part or of any matter incidental thereto and, without prejudice to the generality of the foregoing, such directions may specify —

- (a) the rate at which interest shall be payable to depositors, the minimum sum on which such interest shall be payable and the methods and periods by and in respect of which such interest shall be calculated;
 - (b) a form of acknowledgement which shall be evidence of a depositor's claim to repayment of his deposit with interest thereon;
 - (c) the maximum and minimum amounts which may be deposited at any one time and the conditions to be attached to deposits;
 - (d) the maximum amount which may be received in any one year from a depositor;
 - (e) the maximum amount which may be held by a depositor, other than a depositor such as is referred to in section 8;
 - (f) the maximum amount of deposits which may be received under section 8;
 - (g) the manner in which the payment of deposits and interest to depositors or persons legally entitled to claim on their accounts shall be regulated;
 - (h) the fees to be charged for transfers under section 16;
 - (i) the manner in which the remittance of deposits to the principal office of the Savings Bank shall be regulated;
 - (j) the manner in which the accounts of depositors shall be kept and the same are to be inspected and supervised;
 - (k) the forms of declaration to be made by or on behalf of a depositor or by a secretary, treasurer, trustee or other responsible officer of any association, society, club or fund approved by the Controller in terms of section 8; and
 - (l) subject to section 8, the persons or classes of persons who shall be entitled to become depositors.
- (2) No direction shall be issued by the Minister under this section unless he has considered every material recommendation made to him by the Board.

(3) The Controller shall forthwith take all reasonable steps to comply with or otherwise give effect to every direction issued to him by the Minister under this section.

(4) Where, consequent upon a direction issued by the Minister under this section, the rate of interest payable to depositors is varied, the Controller shall forthwith cause notice thereof to be published in the Gazette.”.

- Amendment of section 21 of principal Act 19. Section 21 (1) of the principal Act is amended by substituting for the word “Director”, which appears therein, the word “Controller”.
- Amendment of section 23 of principal Act 20. Section 23 of the principal Act is amended by substituting for the word “Director”, where it twice appears therein, the word “Controller”.
- Substitution of new section 24 of principal Act 21. The principal Act is amended by substituting for section 24 thereof the following new section —
- “Post Office Savings Certificates Fund 24. The Savings Bank shall maintain a Post Office Savings Certificates Fund into which shall be paid the proceeds of issues of savings certificates and the interest derived from the investment thereof.”.
- Amendment of section 25 of principal Act 22. Section 25 of the principal Act is amended —
- (a) in subsections (1) and (2) thereof, by substituting for the word “Director”, wherever it appears therein, the word “Controller”; and
- (b) by substituting for subsection (3) thereof the following new subsection —
- “(3) If at any time the assets of the Post Office Savings Certificates Fund are insufficient to meet its liabilities, the amount required to meet the deficiency is hereby charged upon the Consolidated Fund.”.
- Amendment of section 26 of principal Act 23. Section 26 of the principal Act is amended by substituting for the word “Director”, which appears therein, the word “Controller”.
- Amendment of section 27 of principal Act 24. Section 27 of the principal Act is amended by substituting —
- (a) for the word “Director”, which appears therein, the word “Controller”; and
- (b) for the words “to the general revenues of Botswana”, which appear therein, the words “into the Consolidated Fund”.
- Amendment of section 28 of principal Act 25. Section 28 of the principal Act is amended —
- (a) in subsection (1) thereof, by substituting —
- (i) for the words “an auditor”, which appear therein, the words “the Auditor-General”; and
- (ii) for the words “calendar year”, which appear therein, the words “Savings Bank year”; and
- (b) in subsection (2) thereof, by deleting the words “within four days of their receipt by him if the National Assembly is

then sitting or, if the National Assembly is not then sitting, on the next sitting day thereafter”

26. The principal Act is amended by deleting section 29 thereof.

Deletion of section 29 of principal Act

27. The principal Act is amended by substituting for section 30 thereof the following new section –

Amendment of section 30 of principal Act

30. The Board shall prepare and submit to the Minister for his approval annual estimates of the revenue and expenditure of the Savings Bank.”.

“Duty of Board to prepare annual estimates

28. Section 31 of the principal Act is amended –

Amendment of section 31 of principal Act

(a) in paragraph (a) thereof, by substituting for the word “Director”, which appears therein, the word “Controller”;

(b) by inserting therein, immediately after paragraph (d) thereof, the following new paragraph –

“(e) to the Bank of Botswana where such information is called for by the Bank of Botswana under the Financial Cap. 46:04 Institutions Act.”; and

(c) in the proviso thereto, by substituting for the words “an auditor”, which appear therein, the words “the Auditor-General”.

29. Section 32 of the principal Act is amended by substituting for the word “Director”, wherever it appears therein, the word “Controller.”.

Amendment of section 32 of principal Act

30. The principal Act is amended by adding immediately after section 32 thereof, the following new section and Schedule –

Addition of new section 33 and Schedule to principal Act

33. (1) Subject to subsection (2), the Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may provide for any of the matters in respect of which the Minister may issue directions to the Controller under section 20.

“Power of Minister to make regulations

(2) No regulations shall be made by the Minister under this section unless he has considered every material recommendation made to him by the Board.

(s. 30)

"SCHEDULE

(s.4 (7))

PROVISIONS TO HAVE EFFECT IN RESPECT OF BOARD

Meetings
of Board

1. (1) Meetings of the Board shall be convened by the Chairman of the Board when and as often as he alone thinks fit:

Provided that the Chairman of the Board shall ensure that the Board meets at least once in every 12 weeks.

(2) Notwithstanding subparagraph (1), where the Chairman of the Board is informed in writing signed by at least 3 other members of the Board that they require a matter concerning the Board to be considered by the Board as a matter of urgency, the Chairman of the Board shall, as soon as it is reasonably practicable to do so, convene a meeting of the Board for that purpose.

(3) No meeting of the Board shall be held otherwise than as provided by this paragraph.

Supple-
mentary
provisions
relating to
meetings
of Board

2. (1) The presence of the Chairman or Deputy Chairman of the Board and of 2 other members of the Board (including the Deputy Chairman if the Chairman is present) shall constitute a quorum of the Board.

(2) The Chairman or in his absence the Deputy Chairman of the Board shall preside at every meeting of the Board.

(3) Every decision of the Board on any question shall be taken at a meeting of the Board in accordance with the majority of the votes cast on the question.

(4) At a meeting of the Board, each member thereof present shall have one vote on every question before the meeting:

Provided that the Chairman or Deputy Chairman of the Board shall, when presiding at a meeting of the Board, have both an original and a casting vote.

Notification
of
appointments
to Board
in Gazette

3. Every appointment of a person by the Minister to be a member of the Board, together with the term of his office as such, shall be notified in the Gazette."

PASSED by the National Assembly this 21st day of April, 1982

B.K. TEMANE,
Clerk of the National Assembly