

NATIONAL PLANNING ACT, 2024

No. 5



of 2024

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An Act to make provision for national planning through the development of national visions and national development plans; to establish the National Planning Commission; to provide for its powers and functions; and to provide for matters incidental or connected therewith.

Date of Assent: 30.01.2024

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title and commencement

1. This Act may be cited as the National Planning Act, 2024 and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Advisory Council” means the National Planning Commission Advisory Council established under section 6;

“Commission” means the National Planning Commission established under section 3;

“Commissioner General” means the Commissioner General appointed under section 16;

“long term development plan” means a plan implemented in a period of more than five years but is not a national vision;

“macro-economic outline” means a framework that outlines the broad economic situation that must be taken into account when developing the national development plan, including the broad policy environment and strategy for the plan, describing the country’s development prospects in terms of gross domestic product (GDP) growth;

“medium term development plan” means a plan implemented in a period of two to five years;

“member” means a member of the National Planning Commission Advisory Council appointed under section 6;

“national development plan” means a national development plan developed and implemented under section 21;

- “national vision” means a framework that defines a national development agenda over an extended period, as may be specified in that framework;
- “planning period” means the national development planning period in section 21; and
- “short term development plan” means a plan implemented in a period of up to 12 months.

PART II — *Establishment of Commission*

- 3.** (1) There is hereby established a body, to be known as the National Planning Commission. Establishment of Commission
- (2) The Commission shall be a public office and accordingly, the provisions of the Public Service Act shall, with such modifications as may be necessary, apply to the Commissioner General and to officers of the Commission. Cap. 26:01
- 4.** The Commission shall — Objectives of Commission
- (a) coordinate the development and implementation of the national vision;
 - (b) coordinate the development and implementation of the short, medium and long term development plans;
 - (c) coordinate sectoral, district, urban and national planning, including the formulation of national priorities and socio-economic policies for the development of Botswana compatible with national spatial planning principles;
 - (d) develop and implement performance monitoring and evaluation systems to facilitate delivery of the national vision, strategies and national development plans; and
 - (e) provide advocacy and communication for the national vision and its strategic interventions.
- 5.** In the attainment of the objectives set out in section 4, the Commission shall — Functions of Commission
- (a) lead in the development of the national vision and the national development plans;
 - (b) provide direction for strategic monitoring and evaluation to assess progress made towards effective implementation of the national vision, national strategy and development plans;
 - (c) provide direction for attainment of identified specific national objectives; and
 - (d) advise the President, on matters relating to national planning and implementation.

PART III — *Advisory Council for the National Planning Commission*

- 6.** (1) There is hereby established the Advisory Council for the National Planning Commission which shall have oversight and be responsible for the direction of the affairs and operations of the Commission. Advisory Council

- (2) The Advisory Council shall consist of the following members —
- (a) a Chairperson, who shall be the Vice President;
 - (b) the Minister responsible for local government;
 - (c) the Minister responsible for finance;
 - (d) the Minister responsible for trade and industry;
 - (e) the Minister responsible for land management;
 - (f) the Commissioner General, who shall be an *ex-officio* member but shall not take part in the decision making processes of the Advisory Council; and
 - (g) not less than six and not more than 10 members, appointed by Minister, with expertise or experience in —
 - (i) development planning,
 - (ii) economics,
 - (iii) public finance,
 - (iv) public policy,
 - (v) strategic management and planning,
 - (vi) research, science, technology or innovation,
 - (vii) governance,
 - (viii) culture,
 - (ix) law, or
 - (x) other subjects or fields relevant to the objectives of the Commission:

Provided that such a person may be appointed from both the private or public sector.

(3) The members shall elect, from among their number, a Vice-Chairperson who may be a Minister.

(4) The Minister shall cause a notice of the appointment of a member appointed in terms of subsection (2) (g) to be published in the *Gazette*, notifying the public of the member's names, date of appointment and tenure of office.

(5) The office of the Commissioner General shall be the Secretariat to the Advisory Council.

Functions and
duties of
Advisory
Council

7. (1) The Advisory Council shall be responsible for —
- (a) the supervision of the development, implementation monitoring and evaluation of a national development plan;
 - (b) ensuring alignment and consistency in the formulation of national policies to the national development plan and national vision;
 - (c) giving instructions and directions to the Commissioner General in relation to the exercise of his or her duties under section 17;
 - (d) giving direction to the Commissioner General in connection with the management, performance, operational policies and implementation of such policies of the Commission; and
 - (e) supervision of the exercise and performance of any function conferred on the Commission under this Act.

(2) The Advisory Council may, in the performance of its functions under this Act, direct the Commissioner General to furnish it with any information, report or other document which the Advisory Council considers necessary for the performance of its functions.

8. A member appointed in terms of section 6 (2) (g) shall be appointed for a period of five years and may be eligible for re-appointment for one further term not exceeding three years.

Tenure of office

9. (1) A person shall not be appointed as a member in terms of section 6 (2) (g) or be qualified to continue to hold office if the person —

Disqualification, removal and suspension of member

- (a) has, in terms of a law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been discharged, or
 - (ii) made assignment, arrangement or composition with, his or her creditors, which has not been rescinded or set aside; or
- (b) has, within a period of 10 years immediately preceding the date of his or her appointment, been convicted —
 - (i) of a criminal offence within Botswana, or
 - (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence, and sentenced by a court of competent jurisdiction to imprisonment for a term of six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

(2) The Minister may, in writing, suspend from the Advisory Council, a member referred to in subsection (1) against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment may be imposed, and whilst that member is so suspended, the member shall not carry out any duties or be entitled to any remuneration or allowances as a member.

(3) The Minister shall remove a member from the Advisory Council, if the member referred to in subsection (1) becomes subject to a disqualification in terms of subsection (2).

10. A member appointed in terms of section 6 (2) (g) shall vacate his or her office, or a member's office shall become vacant —

Vacation of office

- (a) if he or she becomes subject to any disqualification, or is removed from the Advisory Council, under section 9;
- (b) if he or she is absent from three consecutive meetings of the Advisory Council without reasonable excuse;
- (c) if he or she becomes mentally or physically incapable of performing his or her duties as the member of the Advisory Council;
- (d) where a period of 30 days has elapsed from the date the member is given notice, in writing by the Minister, to vacate office;
- (e) on the expiry of 30 days' notice in writing, to the Minister of the member's intention to resign from office;

- (f) after a period of 30 days from the date that a ruling against the member is made on all appeals made in respect of a conviction of an offence under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine; or
- (g) upon his or her death.
- 11.** (1) Where the office of a member appointed in terms of section 6 (2) (g) becomes vacant before the expiry of the member's term of office, the Minister shall appoint another person to be a member in place of a member who vacates office, for the remainder of the period.
- (2) Subsection (1) shall not apply where the remainder of the period for which the member whose office has been vacated is less than six months.
- 12.** (1) The Advisory Council may, for the purpose of performing its functions, establish such committees as it considers appropriate, and may delegate, to any committee, any of its functions as it considers necessary.
- (2) The Advisory Council may co-opt, to committees established under subsection (1), such number of members of the Advisory Council and other persons with specialised skills, not being members of the Advisory Council, as it considers appropriate, and the members of the committee shall hold office for a period that the Advisory Council may determine.
- 13.** The Advisory Council may, in its discretion, invite any person whose presence it deems necessary to attend and participate in the deliberations of any meeting of the Advisory Council, but such person shall not vote.
- 14.** A member or committee member shall be paid such allowance and for expenses incurred in connection with his or her services to the Advisory Council, if any, as the President may from time to time determine.
- 15.** (1) The Advisory Council shall meet at least once every quarter for the transaction of its business.
- (2) Notwithstanding the provisions of subsection (1), the Advisory Council shall meet when the Chairperson so directs.
- (3) There shall preside at the meeting of the Advisory Council —
- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice Chairperson; or
- (c) in the absence of the Chairperson or the Vice Chairperson, a member selected for the purposes of that meeting by the members present.
- (4) The Advisory Council shall regulate its own procedure and proceedings in such a manner as it sees fit.
- (5) The quorum at any meeting shall not be less than one-half of the members, of whom shall be —
- (a) the Chairperson or, in the absence of the Chairperson, the Vice Chairperson;

- (b) two Ministers; and
 - (c) three members appointed in terms of section 6 (2) (g).
- (6) All issues shall be decided by the majority of the members present and voting.
- (7) The Advisory Council may perform any of its functions notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

PART IV — *Commissioner General and Staff of Commission*

16. (1) There shall be a Commissioner General to the Commission who shall be appointed by the President, on such terms and conditions as the President may determine.

Appointment of
Commissioner
General

(2) The Commissioner General shall be responsible for the direction, control and administration of the Commission.

(3) A person appointed as a Commissioner General shall hold office for a period not exceeding five years, on such terms and conditions as may be specified in his or her instrument of appointment, and may be considered for re-appointment for another term not exceeding five years.

17. The Commissioner General shall, subject to the direction and supervision of the Advisory Council —

Duties of
Commissioner
General

- (a) exercise general supervision over all matters pertaining to the development of a national vision and national development planning;
- (b) provide inclusive leadership in national strategy development, planning, implementation coordination and performance monitoring and evaluation;
- (c) apprise Cabinet, through the Advisory Council, on a regular basis, which may not be more than six months, on the progress made in implementation of the national strategies and national development plans, and where necessary advise Cabinet on corrective measures to ensure full implementation of national development plans; and
- (d) liaise with the private sector and civil society organisations with a view to promote collaboration in pursuance of the Commission's objectives.

18. The Commissioner General may, in the performance of his or her duties under this Act —

Powers of
Commissioner
General

- (a) require any person, in writing, to produce within a specified time, any information, document, or answer any question which the Commissioner General considers necessary relating to national development planning, implementation, monitoring and evaluation;

- Staff of Commission
- (b) give specific direction to stakeholders within the scope of national planning, implementation, monitoring and evaluation for the attainment of identified national objectives; and
 - (c) perform such other acts as are reasonably necessary or required.
- 19.** There shall be such officers and support staff for the Commission as may be necessary for the proper and efficient discharge of the functions of the Commission.

PART V — *National Vision, National Development Plan, etc.*

- National Vision
- 20.** The Commission shall prepare a national vision which shall specify the development aspirations of Botswana and shall —
- (a) undertake a mid-term review of the national vision;
 - (b) formulate a successive national vision three years prior to the expiry of the existing national vision; and
 - (c) develop a national strategy and performance framework based on the national vision which shall be the basis for the development of successive national development plans.

- National development plan
- 21.** (1) The Commission shall coordinate the development and implementation of a national development plan and strategy within such time as the Minister may prescribe.
- (2) The period for the national development plan and strategy referred to in subsection (1) shall not exceed the period specified under section 91 (3) of the Constitution.
- (3) A national development plan in subsection (1) shall set out —
- (a) socio-economic development priorities for Botswana;
 - (b) short, medium and long-term development plans for Botswana;
 - (c) strategies for implementation of the national development plan over the planning period; and
 - (d) any other matter as may be necessary for effective implementation of the national development plan.
- (4) The Minister shall, not later than 60 days after the commencement of a session of Parliament in terms of section 90 (3) of the Constitution, cause to be prepared and laid before the National Assembly a national development plan.

- Reviews
- 22.** (1) The Commissioner General shall cause annual reviews of the national development plan which shall include —
- (a) a current and projected state of the economy and the extent to which the annual targets in the National Development Plan have been attained;
 - (b) capital investment projects with particular attention to the physical execution of a project in relation to the original scope, expenditure incurred and the time remaining to complete the project;
 - (c) performance of the national budget for the previous financial year in relation to its contribution to the achievement of the output targets in the national development plan;

- (d) assessment of human resource capacity for the successful implementation and service delivery of the national development plan; and
 - (e) progress in the implementation of performance monitoring and evaluation system.
- (2) Following the annual review of a national development plan under subsection (1), the Minister shall table, before the National Assembly, a detailed report of the progress made together with any short term adjustments necessary to meet the overall development targets of the national development plan.
- (3) The annual performance reviews shall inform the annual budgets and the mid-term review of the national development plans.
- (4) The Commissioner General shall cause the mid-term review of a national development plan after two and a half years of its implementation.
- (5) The mid-term review shall form the basis for the formulation of the next national development plan.
- (6) The Minister shall table, before the National Assembly, a detailed mid-term review report of the progress made together with any adjustments necessary to meet the overall development targets of the national development plan.
- (7) The review shall specify any adjustment to strategies and associated projects and programmes specified in the plan; and any recommended changes in priorities in the national development plan.

23. (1) The Commission shall be responsible for macroeconomic planning in collaboration with the minister responsible for finance.

Collaborations

(2) The Commission shall develop a macro-economic outline as part of the national development plan or any other medium-term planning framework that may be adopted and shall provide for the broad national strategic priorities by which Government shall be guided in the preparation of the plan.

24. (1) The Minister shall have the power to establish thematic working groups that are necessary to facilitate in planning, implementation, monitoring and evaluation of national development plans.

Thematic
working
groups

- (2) The thematic working groups shall —
 - (a) improve the strategic planning, coordination and implementation of the national development plans;
 - (b) ensure alignment of policies, programmes and projects to national priorities;
 - (c) ensure efficient budgeting against national priorities;
 - (d) improve the focus of human resource capacity and performance for successful service delivery; and
 - (e) ensure provision of timely, accurate and reliable performance information to support and enhance decision making.

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Responsibilities of accounting officers

25. An accounting officer's responsibilities in respect of national development plan implementation, including programmes and projects assigned, shall include —

- (a) coordination of sectoral planning based on the national development goals and guidelines issued by the Commission;
- (b) effective and efficient management of programmes and projects;
- (c) implementation, monitoring and evaluation of the approved sectoral plans and shall submit quarterly monitoring reports to the Commission as may be prescribed; and
- (d) participation in the planning, implementation, monitoring and evaluation structures as prescribed by the Commission.

Planning functions of district and urban development committees
Cap. 40:01

26. District and urban development committees established under section 80 of the Local Government Act shall discharge their functions in compliance with this Act and in collaboration with the Commission to ensure effectiveness of a national development plan.

Appraisal of projects and programmes

27. (1) The Commission shall appraise proposed projects or programmes, using the methodology arrived at in collaboration with the Ministry responsible for finance and the Ministry responsible for local government, and others as may be identified prior to the inclusion of such projects or programmes in the National Development Plan.

(2) The National Planning Commission shall issue guidelines for the appraisal of projects and programmes.

PART VI — *Miscellaneous*

Annual report

28. (1) The Commission shall, within a period of six months of the end of the financial year or such longer period as the Minister may approve, submit to the Minister a comprehensive report on national development, planning and implementation.

(2) The Minister shall, within 30 days of receiving the Commission's report, table such report before the National Assembly.

Offences and penalties

29. (1) A person who —

- (a) refuses, without reasonable excuse to produce any information or documentation when required by the Commission;
- (b) makes any statement knowing it to be false, or provides any information or documentation that is materially incorrect with the intention of misleading the Commission;
- (c) without written permission of the Commission, publishes or discloses to any unauthorised person the contents of any documents communication or information of any kind which came to the person's knowledge in the course of his or her duty under this Act; or
- (d) obstructs or interferes with the Commission, a member of the Advisory Council, employee, agent or service provider in the performance of any function under this act,

is liable to an administrative fine not exceeding P 500 000, as may be imposed by the Commission.

(2) Any fine imposed under subsection (1) is recoverable as a civil debt.

30. (1) The Minister may make regulations for the better carrying out of the provisions of this Act and prescribing anything that under this Act requires to be prescribed.

Regulations

(2) Without derogating from subsection (1), the Minister shall —

- (a) make and publish guidelines dealing with mechanisms to ensure effective representation of district priorities in the national development plans; and
- (b) make regulations relating to the composition and operationalisation of thematic working groups.

31. (1) Any national development plan approved before the coming into operation of this Act shall continue to subsist for the remainder of the planning period:

Savings and transitional provisions

Provided that such national development plan and the planning period thereof may, in order to be consistent with the provisions of this Act, be varied by the Commission in such manner as the Advisory Council may approve.

(2) Any person who was an officer or employee of the Vision Council immediately before the coming into operation of this Act shall continue as officer or employee of the Commission for a period for which, and subject to the conditions under which he or she was appointed as an officer of the Vision Council:

Provided that any of existing contract of employment or instrument of appointment of such officers or employees shall remain valid until its expiry.

(3) An officer who was employed by the Ministry responsible for Finance, National Strategy Office or Government Implementation Coordination Office immediately before the coming into operation of this Act shall continue as an officer of the Commission for a period for which, and subject to the conditions under which he or she was appointed as an officer of the Ministry responsible for Finance, National Strategy Office or Government Implementation Coordination Office.

PASSED by the National Assembly this 11th day of December, 2023.

BARBARA N. DITHAPO,
Clerk of the National Assembly.