# POLICY ON ELIGIBILITY FOR FUNDING UNDER THE LEVY ON TECHNICAL DEVICES FUND

## Rule 1: Citation and Scope

#### Preamble

 It is recognised that the Levy on Technical Devices Fund (LTDF) seeks to promote the development and growth of creativity in Botswana through funding initiatives owned and driven by individuals, organisations, businesses and possibly public institutions.

#### **Definition of Terms**

1. Unless otherwise stated, the following terms shall bear the following meanings:

**Business:** refers to a company, business name, organisation, firm, partnership, society, trust or other

business arrangement authorised to carry on business.

**Eligibility**: means having the right to apply for funding from the LTDF.

**Applicant:** means a person who has submitted an application for funding from the LTDF.

Creative

Industries: means industries which have their origin in individual creativity, skill and talent and

which have a potential for wealth and job creation through the generation and

exploitation of intellectual property.

Close

Associate: means any person between whom exists close connection, this includes but is not limited

to a parent, spouse, child, sibling, friend, business partner, companion or any other

relationship where a close relationship exists.

## Purpose, Scope and Authority

- 1. This document sets out the eligibility criteria for funding and provides guidance on who can and cannot apply for funding under the LTDF.
- 2. This policy document applies to all potential applicants for funding under the LTDF;
- 3. By outlining who is eligible to apply for funding under the LTDF, the policy document provides guidance to the LTDF Committee in its decisions to accept or reject applications on grounds of eligibility.

# Rule 2: Eligibility Criteria

- 1. For an applicant to be eligible, they must meet any one of the following criteria:
  - a) Citizens of Botswana with a minimum age of 18 years (applicants below the age of 21, should submit a guardian's consent);
  - b) Businesses registered under the Business Names Registration Act that are 100% owned by Botswana citizens;
  - c) Companies registered under the Companies Act with 100% citizen ownership;
  - d) Voluntary and self-governing organisations (e.g. foundations, association, charities, societies, trusts,

etc) established under the laws of Botswana with 100% Botswana citizen membership; and

#### Rule 3: Ineligible Persons

- 1. The below listed shall not be eligible for applying under the LTDF:
  - a) The Minister and Assistant Ministers in the Ministry of Investment, Trade and Industry, their businesses, spouses, children and/or close associates;
  - b) The former Minister and Assistant Ministers in the Ministry of Investment, Trade and Industry, for whom twelve months has not elapsed since the termination of their term of office, their businesses, spouses, children and/or close associates;
  - c) The Accounting Officer of the LTDF, his/her businesses, spouse or, children and/or close associates;
  - d) The former Accounting Officer of the LTDF, for whom twelve months has not elapsed since the termination of his term of office, his/her businesses, spouse, children and/or close associates;
  - e) Sitting LTDF Committee Members, their businesses, spouses, children and/or close associates;
  - f) A former LTDF Committee Member, for whom twelve months has not elapsed since the termination of his term of office as a Committee Member, their businesses, spouses, children and/or close associates:
  - g) Employees of CIPA, their businesses, spouses, children and/or close associates;
  - h) CIPA Board Members, their businesses, spouses, children and/or close associates;
  - MITI employees involved in the processing of LTDF payments or who may be associated with the administration of the Fund in any other capacity;
  - j) Any person or organisation who falls outside of the categories listed in Rule 2 (eligibility criteria) above;
  - k) Any person or organisation whose proposed project violates or conflicts with any rights protected under the Copyright and Neighbouring Rights Act;
  - 1) Organisations engaged by CIPA in any activities that relate to the Fund;
  - m) A Beneficiary from the Fund whose project is still disbursing, and is incomplete;
  - n) A Beneficiary whose project was completed less than twenty-four months from the subsequent application. That is, all Beneficiaries shall have a waiting period of two years before re-applying for funding, or applying for funding;
  - o) Any individual, business or organisation that has been declared bankrupt or insolvent or has its affairs administered by the courts;
  - p) Any business or organisation whose directors and or managers have a prior conviction relating to misuse of funds or any criminal offence in the previous 24 months;
  - q) Any individual or organisation that has not fulfilled their obligations relating to the payment of taxes in terms of the Income Tax Act;
  - r) Any individual or organisation which has been blacklisted, or which has been suspended by a competent authority;
  - s) Any individual or organisation which has been found to be in gross violation of the Copyright and Neighbouring Rights Act;
  - t) Any individual or organisation which has pending criminal or civil proceedings against it; and
  - u) Political parties, politically motivated projects, trade unions, religious bodies, churches, and pressure groups.

## Rule 4: Review

- 1. The Accounting Officer may amend this Policy as he/she deems necessary.
- 2. Unless otherwise found necessary, this Policy shall be reviewed every three (3) years and any changes or modifications thereto shall not have any effect until approved by the Accounting Officer. Such changes or modifications shall immediately be communicated to the LTDF Committee, Officers of the Secretariat and any other persons to whom the policy applies.