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I assent,



CUTHBERT M SEBASTIAN

Governor-General.

11th July, 2007.

SAINT CHRISTOPHER AND NEVIS

No. 13 of 2007

AN ACT to provide for the control and management of public finance, for the operation and control of the Consolidated Fund, for the authorisation of expenditures, for the establishment of Special Funds and Deposit Funds, for the raising of money by the Government, for the management and control of the public debt and the giving of guarantees, for the investment of public money, for the preparation of the Public Accounts, for the governance of statutory bodies, for the repeal of the Finance Act, 1990, for transitional matters and consequential amendments and to provide for matters connected therewith and incidental thereto.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:—

PART I PRELIMINARY

1. This Act may be cited as the Finance Administration, Act 2007 and shall come into operation on such date as the Minister may, by Order, appoint. Short title and commencement.
2. The provisions of this Act shall apply *mutatis mutandis* to the island of Nevis as provided in section 104 of the Saint Christopher and Nevis Constitution Order, 1983. Application to Nevis.
3. (1) In this Act, unless the context otherwise requires Interpretation.
 - “Accountant General” means the Accountant General of Saint Christopher and Nevis and includes every person for the time being acting as Accountant General in his or her stead;
 - “accounting officer” means a public officer designated as such under section 8(1);

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“advance” means an advance referred to in section 36(1);

“annual estimates” means the annual estimates of revenue and expenditure, both recurrent and capital, referred to in section 27;

“appropriation” means a sum voted to meet the annual and supplementary estimates of expenditure in a financial year by an appropriation Act or a supplementary appropriation Act and, where the context requires, includes

- (a) estimates deemed to be an appropriation by
 - (i) a provisional general warrant; or
 - (ii) a special warrant;
- (b) a reallocation warrant under section 34; and
- (c) an expenditure vote transfer warrant under section 35;

“appropriation Act” means an Act to appropriate sums necessary to meet the annual estimates of expenditure for services in a financial year;

“Consolidated Fund” means the Consolidated Fund as provided for in section 69 of the Constitution;

“Chief Personnel Officer” means the public officer with responsibility for the Human Resources Management Department;

“Constitution” means the Constitution of Saint Christopher and Nevis Order, 1983;

“Department” means the Department of Finance;

“Deposit Fund” means a deposit fund referred to in section 46;

“Director of Audit” means the Director of Audit appointed under section 82(1) of the Constitution;

“expenditure vote” means a sum appropriated to a service;

“estimates” means annual or supplementary estimates and, where the context requires, includes

- (a) estimates prepared in relation to an appropriation by
 - (i) a provisional general warrant; or
 - (ii) a special warrant;
- (b) reallocation warrant under section 34; and

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- (c) an expenditure vote transfer warrant under section 35;
- “Financial Secretary” means the permanent secretary of the department responsible for finance appointed under section 79 of the Constitution;
- “financial year” means the twelve months beginning on the 1st day of January and ending on the 31st day of December in any year or such other period of twelve months as may be prescribed;
- “government bank account” means a bank account opened on behalf of the Government or for the deposit of public money;
- “government property” includes property in the possession or under the control of the Government;
- “imprest” means a sum of money in cash that is held under an imprest warrant;
- “imprest warrant” means a warrant referred to in section 37;
- “Minister” means the Minister responsible for finance;
- “Ministry” means the Ministry with responsibility for finance
- “money” includes negotiable instruments;
- “negotiable instrument” means a cheque, draft, traveller’s cheque, bill of exchange, postal note, money order or other similar instrument;
- “Public Accounts” means the accounts referred to in section 57(1); “prescribed” means prescribed by regulation under section 70(1);
- “provisional general warrant” means a provisional general warrant referred to in section 31(1);
- “Public Accounts Committee” means the committee appointed under the Standing Orders of the National Assembly;
- “public company” means a public company the memorandum of which states, or is deemed to state, that it is a public company;
- “public money” means money belonging or payable to or received, collected or held by, for or on behalf of the Government and includes

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- (a) all revenues or other money raised or received for the purpose of the Government; and
- (b) all money held, whether temporarily or otherwise, by a public officer in his or her official capacity, either alone or jointly with any other person whether or not that other person is a public officer;

“public officer” means a person holding or acting in any public office as provided in section 119(1) of the Constitution;

“securities” means bonds, debentures, promissory notes, treasury bills and other documents evidencing debts and includes documents commonly known as securities;

“sinking fund” means a sinking fund for which provision is made under section 51(3)(f) of this Act or under any other Act;

“Special Fund” means a special fund referred to in section 43(1);

“special warrant” means a special warrant referred to in section 32;

“statutory body” means any corporation, company, board, commission, authority or other body established by or under an Act to provide goods or services to the public and which meets one or more of the following conditions

- (a) all or part of its appropriations for operating purposes are provided under that heading in the budgetary estimates tabled in Parliament;
- (b) the Cabinet or a Minister appoints at least half of its members or directors;
- (c) at least half of its operating expenses are borne directly by the Consolidated Fund or by other funds administered by a public body, or by both at the same time,

but does not include a corporation incorporated under the Companies Act by the Government;

“statutory expenditure” means an expenditure charged on the Consolidated Fund by a law that provides that the expenditure is so charged in each year

- (a) by the Constitution; or
- (b) in any other case, without further vote of Parliament;

“supplementary appropriation Act” means an Act to appropriate sums of money necessary to meet the supplementary estimates of expenditure for services in a financial year;

“supplementary estimates” means supplementary estimates of expenditure, both recurrent and capital;

“Treasury” means the Accountant General’s Department;

“Treasury instructions” means the instructions issued by the Accountant General under section 7(2)(h).

- (2) (a) When a power to delegate, designate, appoint or authorise a person to do an act or thing is given under this Act or the regulations, the delegation, designation, appointment or authorisation may be made by the person’s name, title or office; and
- (b) When a delegation, designation, appointment or authorisation is by title or office, the delegation, designation, appointment or authorisation applies to every person while he or she holds that title or office.

PART II

CONTROL AND MANAGEMENT OF PUBLIC FINANCE

4. (1) The Minister, the Financial Secretary and the Accountant General shall discharge their responsibilities and exercise their powers in accordance with this Act and the regulations and any other Act relating to matters provided for in this Act and any regulations made under that other Act.

Interpretation of this Part.

(2) An accounting officer and any delegate of an accounting officer shall discharge his or her responsibilities and exercise his or her power in accordance with this Act and the regulations and any other Act relating to matters provided for in this Act and any regulations made under that other Act and the treasury instructions.

5. (1) The Minister

Responsibilities and powers of Minister.

(a) is responsible for

- (i) the supervision, control and direction of the Government’s financial affairs and the management and control of the Consolidated Fund,
- (ii) management of the public debt, of the investment of public money, and of loans and advances made and guarantees given by the Government,

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- (iii) exercising general direction and control over the Ministry,
 - (iv) the preparation of the annual and supplementary estimates,
 - (v) ensuring that a full account of the finances of the Government is laid before the National Assembly in the Public Accounts, and
 - (vi) any statutory body for which he or she is responsible by virtue of being Minister responsible for that statutory body; and
- (b) has such responsibilities in relation to government property as are assigned to him or her under the regulations.

(2) The Minister may issue directives in writing as to the form of the annual and supplementary estimates.

(3) The Minister may enter into and execute agreements on behalf of the Government in relation to matters of a financial nature, including, without limitation, agreements for the payment by instalments of money owing to the Government.

(4) The Minister may delegate any of his or her responsibilities or powers to the Financial Secretary or any other public officer, other than the power to make regulations.

Responsibilities
and powers of
Financial
Secretary.

6. (1) In accordance with the directions of the Minister, the Financial Secretary

- (a) is responsible for
 - (i) the supervision of the Department,
 - (ii) overseeing the preparation of the annual and supplementary estimates on behalf of the Minister,
 - (iii) advising the Minister, and
 - (iv) assisting the Minister in the discharge of his or her responsibilities in relation to the statutory bodies for which he or she is responsible by virtue of being Minister responsible for those statutory bodies; and
- (b) has such responsibilities in relation to government property as are assigned to him or her under the regulations.

(2) The Financial Secretary

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- (a) shall at all times have access to all ministries, departments or places where accounting for services takes place or accounting records are kept;
- (b) may require a public officer to furnish any information and provide access to any documents that the Financial Secretary considers necessary;
- (c) has such powers in relation to government property as are assigned to him or her under the regulations; and
- (d) may delegate any of his or her responsibilities or powers to the Accountant General or any other public officer.

7. (1) In accordance with the directions of the Financial Secretary, the Accountant General

Responsibilities
and powers of
Accountant
General.

- (a) is responsible for
 - (i) maintaining the central accounts of the Government so as to show the current state of the Consolidated Fund and the financial condition of the Government,
 - (ii) receiving and banking, or overseeing the receipt and banking, of public money and overseeing its disbursement,
 - (iii) preparing the Public Accounts and any other financial statements or reports required by the Minister or the Financial Secretary,
 - (iv) maintaining a system for the examination of payments to reasonably ensure that they are made in accordance with this Act or the regulations,
 - (v) ensuring that a proper system of accounts is established in every ministry, department and service, and that all money received and paid by the Government is brought promptly and properly to account,
 - (vi) reporting to the Financial Secretary, in writing, any apparent defect in the control of revenue, expenditure or cash, or any breach or non-observance of this Act, the regulations or Treasury instructions by a ministry, department or service that may come or be brought to his or her notice,

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- (vii) evaluating accounting and financial management systems throughout Government, and
 - (viii) exercising supervision over the receipt of revenue and securing its punctual collection, except where those responsibilities are by law assigned to the Comptroller of Customs, the Comptroller of Inland Revenue or other similar public officer;
 - (b) shall have such responsibilities in relation to government property as are assigned to him or her under the regulations; and
 - (c) shall have such responsibilities in relation to stamps and securities as are assigned to him or her under the regulations
- (2) The Accountant General
- (a) shall at all times have access to all ministries, departments or places where accounting for services takes place or accounting records are kept;
 - (b) may require access to records and require any information, records or explanations from a public officer or former public officer necessary for the performance of the responsibilities of the Accountant General;
 - (c) may examine and report to the Financial Secretary on the financial and accounting operations of a ministry, department or service;
 - (d) may provide accounting and other services in connection with the financial management of a ministry, department or service;
 - (e) may station a person employed in the Treasury in any ministry, department or place where accounting for a service takes place when the Accountant General considers it necessary to discharge his or her responsibilities;
 - (f) shall have such powers in relation to government property as are assigned to him or her under the regulations;
 - (g) shall have such powers in relation to stamps and securities as are assigned to him or her under the regulations; and

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- (h) within his or her area of responsibility and his or her powers, may issue Treasury instructions in writing to accounting officers and to persons to whom accounting officers have delegated their responsibilities under this Act or the regulations.

(3) In conducting an audit or examination or carrying out any responsibility under this or any other Act, the Accountant General may by notice require any person

- (a) to attend before the Accountant General to give evidence under oath or, where permitted by law, on affirmation with respect to any matter related to the audit, examination or other responsibility; and
- (b) to produce any records respecting the matter referred to in the notice.

(4) If a person fails or refuses to comply with a notice under subsection (3), the High Court, on the application of the Accountant General, may issue an order requiring the person to attend before the Accountant General in compliance with the notice.

(5) If a witness refuses

- (a) to give evidence in compliance with a notice under subsection (4);
- (b) to answer any questions before the Accountant General pursuant to the notice; or
- (c) to produce any records referred to in the notice,

the High Court may commit the witness for contempt in accordance with the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 or any other law.

(6) The Accountant General may delegate to a public officer any of his or her responsibilities or powers other than the power under subsection (2) (h).

(7) The Accountant General is accountable for discharging his or her responsibilities and exercising his or her powers under this Act, the regulations and under any other Act or regulation in relation to financial administration with diligence and honesty and is subject to discipline under the applicable law for failing to do so.

(8) Subsection (7) applies, with appropriate changes as the circumstances require, to delegates of the Accountant General.

8. (1) A public officer shall be designated as an accounting officer by the National Assembly in the annual or supplementary estimates, or by resolution, in respect of

Designation and responsibilities of accounting officers.

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- (a) each expenditure vote or part of an expenditure vote;
 - (b) each item or part of an item of statutory expenditure;
and
 - (c) each item of revenue or part of an item of revenue.
- (2) An accounting officer
- (a) shall be responsible in his or her role as a public officer and as a public officer accountable to the National Assembly, through the Public Accounts Committee for
 - (i) the prompt collection and receipt of revenue under an item of revenue or part of an item of revenue in respect of which he or she has been appointed accounting officer,
 - (ii) the control of, and accurate accounting of
 - (A) each expenditure vote or part of an expenditure vote,
 - (B) each item of statutory expenditure or part of an item of statutory expenditure; and
 - (C) each item of revenue or part of an item of revenue.
 - (iii) the control of, and accurate accounting for, public money, other than money for public purposes, received by the ministry, department or service for which he or she is accounting officer, and
 - (iv) the control of, and accurate accounting for the disbursement of public money, other than money for public purposes, received by the ministry, department or service for which he or she is accounting officer,

in accordance with this Act and regulations and any other Act or regulations and in accordance with the Treasury instructions;

- (b) shall have such responsibilities in relation to government property as are assigned to him or her by the regulations; and
 - (c) shall have such responsibilities in relation to stamps and securities as are assigned to him or her by the regulations.
- (3) An accounting officer shall not be absolved of his or her responsibilities by reason of the proper discharge by the Accountant

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General or the Director of Audit of his or her responsibilities such as the acceptance for deposit of money by the Accountant General or by reason of the auditing of the account by the Director of Audit.

(4) Notwithstanding anything in this section, an accounting officer who

- (a) is directed by the Financial Secretary to do a thing that he or she knows or has reason to believe is contrary to this Act or the regulations or any other Act or regulations or the Treasury instructions; and
- (b) objects in writing to the Financial Secretary to doing that thing before he or she does it;

shall be absolved of his or her responsibilities in relation to that thing.

(5) An accounting officer shall be accountable for discharging his or her responsibilities under this Act, the regulations and the Treasury instructions and any other Act or regulation in relation to financial administration with diligence and honesty and shall be subject to discipline under the applicable law for failing to do so.

9. (1) An accounting officer

- (a) may delegate some or all of his or her responsibilities to a public officer who reports to him or her and
- (b) the delegate shall be responsible, in relation to the responsibilities delegated, for the discharge of the accounting officer's responsibilities

Delegation by
accounting
officer.

and, when he or she does so delegate, the accounting officer shall set out in writing the extent to which he or she has delegated his or her responsibilities to a public officer under his or her control.

(2) Notwithstanding subsection (1), when a public officer who reports to the accounting officer discharges the responsibilities of the accounting officer, the accounting officer is deemed to have delegated the responsibilities to the public officer.

(3) The delegation of his or her responsibilities by an accounting officer to a public officer shall not absolve the accounting officer from ensuring that his or her responsibilities under this Act, the regulations and the Treasury instructions are discharged with diligence and honesty.

(4) Subject to subsection (5), a delegate of an accounting officer is not absolved of responsibility for the proper discharge of his or her responsibilities by reason of the fact that he or she is discharging the responsibilities of the accounting officer.

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(5) Notwithstanding anything in this section, a delegate of an accounting officer who

- (a) is directed by the accounting officer to do a thing that he or she knows or has reason to believe is contrary to this Act or the regulations or any other Act or regulations or the Treasury instructions; and
- (b) objects in writing to the accounting officer to doing the thing before he or she does it,

shall be absolved of his or her responsibilities in relation to that thing.

(6) The delegate of an accounting officer shall be accountable for discharging his or her responsibilities under this Act, the regulations and the Treasury instructions and under any other Act or regulation in relation to financial administration with diligence and honesty and shall be subject to discipline under the applicable law for failing to do so.

General
responsibility of
public officers.

10. (1) A public officer, other than an accounting officer or a public officer referred to in section 9, who in the discharge of his or her responsibilities as a public officer comes into the possession or control of

- (a) public money that he or she knows or has reason to believe is intended to be paid to or received by the Government; or
- (b) stamps or securities that are Government property and that are intended to be placed on deposit with or entrusted to the Government,

shall without delay deliver the money, stamps or securities into the possession of an accounting officer or delegate of an accounting officer concerned in or responsible for them or to the Accountant General.

(2) A public officer or an accounting officer or delegate of an accounting officer referred to in subsection (1) shall be accountable for discharging his or her responsibilities under that subsection with diligence and honesty and shall be subject to discipline under the applicable law for failing to do so.

PART III

BANKING

Public money to
be deposited in
bank.

11. All public money received by or on behalf of the Government shall be

- (a) payable to the Accountant General or as permitted by the Act or regulations; and

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- (b) deposited in a bank account referred to in section 12 as directed by the Accountant General or the regulations.

12. (1) A bank account shall not be opened or operated within or outside Saint Christopher and Nevis, by or on behalf of the Government or in respect of public money except by or under the written authority of the Financial Secretary with the approval of the Minister.

Authority to open bank accounts.

(2) The Financial Secretary shall not authorise any person other than the Accountant General or an accounting officer to open or operate a government bank account.

(3) A government bank account shall not be opened or operated in Saint Christopher and Nevis except in a bank licensed under the Banking Act, No. 4 of 2004.

13. (1) The Financial Secretary may close or direct the closure of a bank account and may issue directives in respect of the banking of the money from the bank account.

Authority to close bank accounts.

(2) The Financial Secretary in closing or directing the closure of any government bank account may give directions to the Accountant General or the accounting officer in respect of the banking of the public money from the closed government bank account in another government bank account.

(3) The Accountant General or an accounting officer who receives a direction to close a government bank account or as to the banking of the public money from the closed government bank account in another government bank account shall without delay comply with it.

14. (1) The Accountant General shall ensure that no government bank account operated directly by the Accountant General is overdrawn except to the extent permitted under section 49.

Overdrafts by Accountant General.

(2) If a government bank account operated directly by the Accountant General is, or is expected to be, overdrawn to an extent greater than that permitted under section 49, the Accountant General shall promptly

- (a) report that matter to the Financial Secretary; and
(b) take corrective action in accordance with the instructions of the Financial Secretary.

15. (1) When the Financial Secretary has delegated authority to operate a government bank account to an accounting officer, the accounting officer shall ensure that the government bank account is not overdrawn.

Overdrafts by accounting officer prohibited.

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(2) The accounting officer shall check the bank balance regularly and, if a government bank account is, or is expected to be, overdrawn, the accounting officer shall promptly

- (a) report that matter to the Financial Secretary; and
- (b) take corrective action in accordance with the directions of the Financial Secretary.

PART IV**PAYMENT OF MONEY INTO CONSOLIDATED FUND**

Consolidated
Fund.

16. There shall be a Consolidated Fund as provided in section 69 of the Constitution.

Payments into
Consolidated
Fund.

17. All public money shall be paid into the Consolidated Fund, other than public money

- (a) that is retained as a fee or commission under section 18;
- (b) that has not been paid and is subsequently remitted under section 66(1)(d) of the Constitution;
- (c) that is written off under section 19(1);
- (d) to the extent that the amount of a claim referred to in section 20 exceeds the amount for which it is settled;
- (e) that is to be paid into a Deposit Fund;
- (f) that is to be paid by or under this or any other Act into
 - (i) a Special Fund,
 - (ii) a sinking fund, or
 - (iii) any other fund for which provision is made by or under an Act; or
- (g) that is not required to be paid into the Consolidated Fund under any other Act.

Fees and
commissions
deducted at
source.

18. The Minister may, by agreement or directive, authorise a person in possession of money payable to the Consolidated Fund to retain a fee or commission out of that money before paying it into the Consolidated Fund.

Write off of
debts.

19. (1) The designated authority may by certificate write off all or part of a debt due to the Government that the designated authority considers to be uncollectible or the collection of which the designated authority considers not to be cost effective.

(2) The write off of all or part of a debt does not extinguish the right of the Government to collect it.

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(3) In subsection (1), “designated authority” means the Minister except to the extent that he or she has, by directive in writing, delegated his or her authority to a public officer, in which case the delegate, to the extent of the delegation, is a designated authority in addition to the Minister.

(4) A delegation under subsection (3) may be general or may relate to a class or classes of write offs and may be made subject to conditions.

20. The Accountant General shall not pay out any claim made on behalf of the Government except with the advice of the Attorney General.

Claims by Government.

21. (1) A summary statement of

Report and register of remissions, write offs and settlements under this or any other Act or regulation.

- (a) the write offs by certificate under section 19 and settlements under section 20; and
- (b) remissions, write offs and settlements made under the authority of any other law,

shall be included in the Public Accounts.

(2) A summary statement shall be sufficient if it identifies the type of remission, write off or settlement and the names of persons affected and the total value of each type of remission, write off or settlement and, in the case of a remission, write off or settlement made under the authority of any other law, the authority for it.

(3) The Accountant General shall ensure that the summary statement

- (a) is available within a reasonable time for inspection by the public in a register or registers during usual business hours; and
- (b) continues to be so available until the Public Accounts containing the summary statements are laid before the National Assembly and for one year thereafter.

(4) The register may be in such form as the Accountant General determines.

22. The recovery by the Government of an expenditure charged to an appropriation

Recovery of expenditure charged to an appropriation.

- (a) that is received before the end of the financial year in which the expenditure was made shall be credited to the appropriation against which the expenditure was charged; and
- (b) that is received after the end of the financial year referred to in paragraph (a) shall be credited to the

appropriate revenue account of the financial year in which it is received.

Interest on
overdue
accounts.

23. (1) The Minister may make regulations establishing an interest rate or rates and those regulations may

- (a) be of general application or may apply to a class or classes of persons who owe money or are liable to pay money to the Government that is due and owing or to a class or classes of money owed or liable to be paid to the Government that is due and owing; and
- (b) determine whether and how the interest rate is to be calculated and compounded.

(2) Interest shall be recoverable by the same means as the money to which it applies is recoverable or as a civil debt due to the Government.

(3) Regulations made under subsection (1) shall not apply when another Act requires or authorises the imposition of interest on money owed or liable to be paid to the Government.

PART V

PAYMENT OF MONEY OUT OF CONSOLIDATED FUND

Division 1

General Rules

Payment out of
Consolidated
Fund.

24. Money shall not be paid out of the Consolidated Fund except

- (a) to meet a statutory expenditure;
- (b) to make a payment authorised by an appropriation;
- (c) to be deposited by law in
 - (i) a Special Fund,
 - (ii) a sinking fund, or
 - (iii) any other fund for which provision is made by or under any other Act;
- (d) to make a payment, investment or advance authorised under this or any other Act.

Limitation on
payments from
appropriations.

25. An appropriation shall not be charged with an amount that

- (a) is not a lawful charge against the appropriation; or
- (b) would result in an expenditure in excess of the amount available in that appropriation.

Limitation on
payments for
statutory
expenditures.

26. A statutory expenditure shall not be paid out of the Consolidated Fund unless it is for the purpose for which it was charged.

Division 2*Authorisation of Expenditure*

27. (1) The Minister shall cause to be prepared and laid before the National Assembly, before or not later than 60 days after the beginning of the financial year, annual estimates of the revenue and expenditure, both recurrent and capital, of the Government for that financial year.

Annual estimates
and appropriation
Bill.

- (2) The annual estimates shall
- (a) provide for the expenditures that are to be incurred by the Government for services during the financial year and that are required to be voted on by Parliament and, in relation to each expenditure vote, shall
 - (i) contain a description of the vote,
 - (ii) show the amount required to be supplied for the vote by appropriation, and
 - (iii) contain a reference to the accounting officer designated under section 8(1) in respect of the expenditure vote or any part of the expenditure vote or item or any part of the item of revenue; and
 - (b) include
 - (i) the estimated amount of each statutory expenditure,
 - (ii) a reference to the provision of the law that authorises the statutory expenditure, and
 - (iii) a reference to the accounting officer designated under section 8(1) in respect of each statutory expenditure or part of the statutory expenditure.

(3) When the estimates of expenditure, other than the expenditures referred to in paragraph (2)(b), have been approved by the National Assembly, a bill, to be known as an appropriation Bill, shall be introduced in the National Assembly, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums, under separate expenditure votes for the several services required, to the purposes specified therein.

28. In conjunction with the preparation of the annual estimates, a corporate plan for each expenditure vote of the Government shall be prepared by each accounting officer in the form and containing the information required by the Minister.

Corporate Plan.

Finance Administration Act, 2007 – 13.

Supplementary estimates and supplementary appropriation Bills.

29. If in respect of any financial year it is found

- (a) that the amount appropriated by the appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by that Act, or
- (b) that any moneys have been expended for any purpose in excess of the amount appropriated to that purpose by the appropriation law or for a purpose to which no amount has been appropriated by that law whether or not a special warrant has been issued

a supplementary estimate showing the sums required shall be laid before the National Assembly; and when the supplementary estimate has been approved by the National Assembly, a supplementary appropriation Bill shall be introduced in the National Assembly providing for the issue of such sums from the Consolidated Fund and appropriating them to the purposes specified therein.

General warrants and reservations under appropriation Acts.

30. (1) Money shall not be expended under an appropriation Act unless the Minister has authorised the Accountant General by general warrant under his or her hand to pay that money out of the Consolidated Fund.

(2) A general warrant may reserve specified expenditures and may make provision for expending the reservation.

(3) Notwithstanding the issue of a general warrant, if, in his or her opinion, financial exigencies of the public interest so require, the Minister may in his or her discretion by written notice reserve at any time any expenditure authorised under an appropriation Act and may in the notice make provision for expending the reservation.

(4) Notice in writing of the reservation of an expenditure under subsection (3) shall be given without delay to the Accountant General and to affected accounting officers.

(5) An expenditure that is reserved by a general warrant or by notice under subsection (3) may be expended

- (a) in accordance with the authorisation in the general warrant or notice; or
- (b) where no provision for authorising the expenditure is made in the general warrant or notice, in accordance with the regulations or the directions of the Minister.

(6) The Financial Secretary shall certify that the general warrant has been issued in accordance with this Act.

Finance Administration Act, 2007 – 13.

31. (1) If the appropriation Act for a financial year has not come into operation at the commencement of the financial year, the Minister may by provisional general warrant under his or her hand authorise expenditures necessary to carry on the services of Government until the expiration of four months from the beginning of that financial year or the coming into operation of the appropriation Act, whichever is the earlier, except that

Provisional
general warrants
and reservations.

- (a) in the case of recurrent expenditures, only expenditures upon services in the annual estimates for which there was provision in the appropriation Act in operation in the previous financial year may be authorised under the provisional general warrant;
- (b) in the case of capital expenditures, only expenditures for which there was provision in the appropriation Act in operation in the previous financial year and that were contemplated to commence or continue in the current financial year are authorised under the provisional general warrant; and
- (c) the expenditure for any service shall not exceed one third of the amount voted for that service in the Appropriation Act for the previous year.

(2) The amounts paid pursuant to a provisional general warrant referred to in subsection (1) shall be deemed to have been paid pursuant to an appropriation made in respect of the estimates for expenditure referred to in subsection (1)(a), (b) or (c), as the case may be, until the appropriation Act is comes into operation.

(3) Sections 30(2) to (5) apply with such modifications as the circumstances require to a provisional general warrant made under subsection (1).

(4) On the coming into operation of the appropriation Act, the provisional general warrant shall lapse, and any money paid under it shall be deemed to have been paid for corresponding services in the estimates for which provision is made under the appropriation Act and shall be accounted for accordingly.

32. (1) Subject to section 33, when in a financial year it appears to the Minister that

Special warrants.

- (a) an expenditure for a service not foreseen and not provided for, or not sufficiently provided for is urgently required for the public good; and
- (b) the circumstances are such that the expenditure cannot, in the opinion of the Minister, be postponed without injury to the public good,

Finance Administration Act, 2007 – 13.

the Minister may cause estimates of the amount of the expenditure to be prepared and may, in anticipation of approval of the expenditure in a supplementary appropriation Act, issue a special warrant under his or her hand authorising the expenditure to be made out of the Consolidated Fund, but the aggregate of the amounts authorised by special warrants issued under this section in the financial year shall not exceed twenty five percent (25%) of the annual estimates for the current year.

(2) When any expenditure has been authorised under subsection (1), supplementary estimates showing the expenditure shall be laid before the National Assembly as soon as reasonably possible after the date of the special warrant and when the supplementary estimate has been approved by the National Assembly, a supplementary appropriation Bill shall be introduced in the National Assembly providing for the issue of such sums from the Consolidated Fund and appropriating them to the purposes specified therein.

(3) When a special warrant is issued with respect to an expenditure for a service for which there is an appropriation, the amount provided by the special warrant as set out in the estimates shall be added to, and deemed to be part of, the appropriation specified in the general warrant for the financial year for which the special warrant is issued until the supplementary appropriation Act is passed.

(4) When a special warrant is issued with respect to an expenditure for a service for which there is no appropriation, the amount provided by the special warrant as set out in the estimates shall be deemed to be an appropriation for the services specified in the general warrant for the financial year for which the special warrant is issued until the supplementary appropriation Act is passed.

(5) On the coming into operation of the supplementary appropriation Act that appropriates money for expenditures authorised by a special warrant, the special warrant shall lapse and the expenditures made under it shall be deemed to have been made for the corresponding expenditures under the supplementary estimates for which provision is made under the supplementary appropriation Act and shall be accounted for accordingly.

Special warrant
before
appropriation Act
is passed.

33. (1) Notwithstanding section 32(1), during any period when the appropriation Act for a financial year has not yet come into operation, a special warrant shall not be issued except in respect of capital expenditures for which there was provision in the appropriation Act in operation in the previous financial year and that were contemplated to commence or continue in the current financial year.

(2) If the capital expenditures are for a project identified in the annual estimates for that financial year, the special warrant lapses

Finance Administration Act, 2007 – 13.

when the appropriation Act for the financial year comes into operation and the expenditures made under the special warrant are deemed to have been made for the corresponding expenditures under the annual estimates for which provision is made under the appropriation Act and shall be accounted for accordingly.

(3) If the capital expenditures are for a project not identified in the annual estimates for that financial year, sections 32(2) to (5) apply in relation to the expenditures.

34. (1) If, in the opinion of the accounting officer, the exigencies of the service render it necessary or expedient to vary the amount assigned to items in any programme within an expenditure vote as shown in the annual or supplementary estimates of expenditure approved by appropriation Act or supplementary appropriation Act for a financial year the accounting officer may by reallocation warrant under his or her hand direct that savings arising from one item be applied in aid of another item in the programme except that;

Reallocation
warrants.

- (a) a reallocation of personal emoluments, wages or allowances in any programme shall not occur unless it is to personal emoluments, wages or allowances within that programme and unless approved by the Financial Secretary; and
- (b) a reallocation in any programme shall not occur between recurrent and capital expenditures.

(2) If, in the opinion of the accounting officer with the prior approval of the Financial Secretary;

- (a) the exigencies of the service render it necessary or expedient to vary the amount assigned to any programme within an expenditure vote as shown in the annual or supplementary estimates the accounting officer may by reallocation warrant under his or her hand direct that savings arising under one programme be applied in aid of another programme in the expenditure vote of expenditure approved by appropriation Act or supplementary appropriation Act for a financial year except that;
- (b) a reallocation of personal emoluments, wages or allowances in an expenditure vote shall not occur unless it is to personal emoluments, wages or allowances within that expenditure vote and unless approved by the Financial Secretary; and
- (c) a reallocation between programmes within an expenditure vote shall not occur between recurrent and capital expenditures.

Finance Administration Act, 2007 – 13.

Expenditure vote
transfer warrants.

35. (1) With the prior approval by resolution of the National Assembly, the Minister may by expenditure vote transfer warrant under his or her hand direct the Accountant General that savings arising from an expenditure vote contained in the annual or supplementary estimates approved by appropriation Act or supplementary appropriation Act be applied in aid of any other expenditure vote in those estimates or in aid of any new programme of expenditure, and the amounts to be applied shall be deemed to have been appropriated for that purpose.

(2) Subsection (1) applies subject to the following

- (a) a transfer between expenditure votes of personal emoluments, wages and allowances in an expenditure vote shall not occur unless it is to personal emoluments, wages or allowances within another expenditure vote unless approved by the Minister; and
- (b) a transfer between expenditure votes shall not occur between recurrent and capital expenditures.

Advance
warrants.

36. (1) Subject to subsection (2), the Accountant General may under the authority of an advance warrant issued under the hand of the Minister, make advances of money from the Consolidated Fund or from money held as Deposit Funds,

- (a) to, or on behalf of, and recoverable from, a government or a regional or international organisation;
- (b) to, or on account of, a Special Fund referred to in
 - (i) section 43(1)(a), or
 - (ii) section 43(1)(b) if it is composed in whole or in part of appropriated money;
- (c) to, or on behalf of, a statutory body, authority of government, public body, institution or individual where the advance is, in the opinion of the Minister, in the public interest;
- (d) to a public officer for any purpose; or
- (e) for the purpose of expenditure authorised by the Minister in anticipation of receipt of the proceeds of the loan.

(2) Subject to this section, the Minister may in the advance warrant make the advance referred to in subsection (1) subject to any conditions he or she considers appropriate, and, subject to any regulations and General and Staff Orders, the Accountant General may impose additional conditions.

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(3) The amount of the advances under paragraphs (c) and (d) outstanding at any one time shall not exceed 25% of the recurrent expenditures in the annual estimates.

37. (1) Subject to the regulations, the Accountant General may on the authority of an imprest warrant issued under the hand of the Minister issue imprests from the Consolidated Fund to accounting officers for the purpose of making payments of small amounts that cannot conveniently be made through the Treasury.

Imprest warrants.

(2) Any accounting officer to whom an imprest has been issued pursuant to subsection (1) shall retire that imprest not later than the end of the financial year in which the imprest was issued or, where an earlier date is specified in the imprest warrant or by the Accountant General, not later than that earlier date.

38. An accounting officer (the “first accounting officer”) may by departmental warrant under his or her hand authorise another accounting officer named in that departmental warrant to incur expenditure against a specific vote under the control of the first accounting officer.

Departmental warrants.

Division 3

Specific Cases of Payments out of Consolidated Fund

39. A refund of all or part of money received by the Government

Refunds of money.

- (a) that is erroneously paid or collected; or
- (b) that is a drawback, rebate or other amount required or permitted to be refunded under any Act or regulation,

may be paid to the person out of the Consolidated Fund on presentation of proof satisfactory to the Accountant General that the refund is so payable.

40. A payment in respect of an order or award for money in settlement of a claim against the Government shall not be paid out by the Accountant General except

Claims against Government.

- (a) with the advice of the Attorney General;
- (b) with the provision of such releases and other documents as the Attorney General considers appropriate.

41. Subject to the regulations and any other Act and the directives of the Financial Secretary, when a person owes money to the Government in a specific amount in this section referred to as the (“indebtedness”) and that person is owed money by the Government in a specific amount, the Accountant General may exercise a right of set off in relation to the indebtedness.

Right of set off.

Division 5*Lapse of Appropriations and Warrants*

Lapse of balance
in appropriations
and warrants.

42. (1) The balance in an appropriation that remains unexpended at the end of the financial year, after adjustment for the recording of debts referred to in subsection (2), and any warrant in relation to the balance of the appropriation, shall lapse.

(2) Subject to the directions of the Financial Secretary, a debt incurred by the Government before the end of the financial year that remains unpaid at the end of the financial year shall be recorded not later than December 31 of the financial year as a charge against the appropriation to which it relates.

(3) Within 30 days after the end of the financial year or such longer period as may be authorised by the Minister, the debt recorded as a charge under subsection (1) may be discharged or settled.

PART VI**SPECIAL FUNDS AND DEPOSIT FUNDS**

Special Funds.

43. (1) The following are Special Funds
- (a) a fund established by or under any other Act for a specific purpose;
 - (b) a fund established under subsection (2);
 - (c) a trust fund held or administered by the Government.
- (2) The Minister may by regulation establish a Special Fund.

(3) A regulation made under subsection (2) shall state the purpose of, and the money to be paid into, the special fund established thereby and the public officer responsible for the administration of the special fund.

Administration
of Special Funds.

44. (1) A Special Fund shall be administered and expenditures from it shall be authorised in the manner provided by the law or trust instrument establishing the Special Fund or any other law relating to it.

(2) If there is no provision for administration in the law or trust instrument establishing the Special Fund or in any law relating to it, the Minister may provide for the administration of the Special Fund.

(3) If, in his or her opinion, further or better provision should be made for the administration of a Special Fund, the Minister may provide for the further or better administration of the Special Fund.

(4) A Special Fund shall be kept in a separate account by the Accountant General or, where by virtue of any law some other public

officer is responsible for the administration of the Special Fund, by that other public officer, but it shall be lawful for the Accountant General to keep the account on behalf of the other public officer.

(5) Within a period of two (2) months after the end of the financial year, the public officer administering a Special Fund shall prepare, sign and submit to the Accountant General statements for the Special Fund at the end of the financial year.

(6) The statements required under subsection (5) shall include

- (a) a statement of assets and liabilities of the Special Fund;
- (b) a detailed statement of receipts by and payments from the Special Fund; and
- (c) a statement of any investments and any interest or dividends credited to the Special Fund.

(7) If

- (a) the money in a Special Fund referred to in section 43(1)(a) or (b) is exhausted and no legal provision exists whereby further money may be paid into that Special Fund; or
- (b) the objects for which a Special Fund referred to in section 43(1)(a) or (b) was established have been fulfilled or cease to exist and, in the opinion of the Minister, there is no likelihood that any objects for which that Special Fund could lawfully be used will arise in the future,

the Minister may dissolve the Special Fund by

- (c) publishing a notice in the *Gazette* in the case of a Special Fund referred to in section 43(1)(a); or
- (d) repealing the regulation establishing the Special Fund in the case of a Special Fund referred to in 43(1)(b).

(8) Money remaining in a Special Fund dissolved under subsection (7) shall be paid into the Consolidated Fund.

45. (1) Nothing in this Act shall extend to abridge or alter the terms of any trust or be construed as authorising the making of any regulation or the giving of any direction or instruction requiring any person to obey the regulation, direction or instruction in relation to money held in trust, that contravenes or is inconsistent with the law or instrument creating the trust.

Trusts.

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(2) A public officer shall not accept an appointment as a trustee in his or her capacity as a public officer without the written authority of the Minister and an appointment contrary to this subsection shall be void.

Deposit Funds.

46. (1) A Deposit Fund shall be money other than money that

- (a) is required to be deposited in the Consolidated Fund; or
- (b) is to be deposited in a Special Fund.

(2) A Deposit Fund shall not be used for the public purposes of Saint Christopher and Nevis except when

- (a) used to finance advances under subsection (3)(b)(ii); or
- (b) interest or dividend received from the investment of a Deposit Fund is to be credited to the Consolidated Fund under section 47(6).

(3) Every Deposit Fund

- (a) shall be held by the Accountant General; and
- (b) may
 - (i) with the approval of the Minister, be invested in the manner specified in section 47(1), or
 - (ii) be used to finance advances in the manner specified in section 36.

(4) Subject to this section, the regulations and the Treasury instructions, an accounting officer may administer a Deposit Fund in the manner he or she thinks fit and may, when he or she is satisfied that it should be refunded, refund a Deposit Fund or any part of it to any person entitled to it.

(5) A Deposit Fund that is unclaimed for five (5) years shall, subject to the provisions of any law, cease to be a Deposit Fund and shall accrue to the Consolidated Fund, but the Minister may direct the refund of a Deposit Fund or any part of it to a person who subsequently satisfies the Minister that he or she is entitled to it.

PART VII

INVESTMENTS

Investment of public money.

47. (1) The Minister may authorise the investment of money forming part of the Consolidated Fund or held in a Special Fund, Deposit Fund, sinking fund or any other fund for which provision is made by or under any other Act

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- (a) with a bank, whether at call or subject to notice not exceeding twelve months;
 - (b) in deposits with the Eastern Caribbean Central Bank;
or
 - (c) in a manner authorised by law for the investment of money administered by a trustee.
- (2) The Minister may, if he or she is satisfied that it is in the public interest and with the prior approval of the National Assembly signified by resolution, authorise the Financial Secretary to purchase securities in any public company with money from the Consolidated Fund.
- (3) Where the Minister authorises the purchase of securities under subsection (2), he shall within a reasonable time
- (a) submit a report to the National Assembly containing full details of the securities purchased; and
 - (b) lay before the National Assembly a copy of the agreement made in relation to the purchase together with the most recent annual financial statements of the public company.
- (4) The interest or dividends in money received from the investment under subsection (1) from
- (a) the Consolidated Fund;
 - (b) a trust fund that is a Special Fund;
 - (c) a sinking fund; or
 - (d) any other fund for which provision is made by or under an Act,
- shall be credited to each fund in proportion to the amount of money invested from that fund.
- (5) The interest or dividends in money received in respect of any investment under subsection (1) from a Special Fund, other than a trust fund, shall be credited to the Consolidated Fund unless
- (a) the Government is obligated by law, by agreement or otherwise to credit interest or dividends to the Special Fund; or
 - (b) the Minister directs otherwise.
- (6) The interest or dividends in money received from the investment of a Deposit Fund shall be credited to the Consolidated Fund unless

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- (a) the Government is obligated by law, by agreement or otherwise to credit the interest or dividends to the Deposit Fund; or
- (b) the Minister directs otherwise.

(7) Dividends in money from the purchase of securities under subsection (2) shall be credited to the Consolidated Fund.

- (8) Interest or dividends in money credited to
 - (a) the Consolidated Fund;
 - (b) a Special Fund;
 - (c) a Deposit Fund;
 - (d) a sinking fund; or
 - (e) any other fund for which provision is made by or under an Act,

shall form part of the fund.

(9) Money held by the Government in a trust fund that is a Special Fund and that is invested under subsection (1) may, while invested, be intermingled with other invested money, whether that other money is trust money or otherwise.

(10) The Accountant General shall maintain appropriate accounts and records of moneys which have been invested under this section.

PART VIII

PUBLIC DEBT AND GUARANTEES

Authorisation of debt.

48. Money shall not be raised on the credit of the Government except under the authority of an Act of Parliament or of a resolution of the National Assembly.

Short-term borrowing.

49. (1) The Minister may in a financial year, when authorised by resolution of the National Assembly for the purpose of meeting current requirements, borrow money from a bank, any other financial institution or any other entity by means of advances to an amount not exceeding in the aggregate the sum specified in the resolution.

(2) A resolution referred to in subsection (1) shall have effect for a period not exceeding twelve months.

(3) The power to borrow money under subsection (1) may be exercised by means of a fluctuating overdraft, treasury bills, or other similar means.

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50. The power to raise money conferred by an Act of Parliament or resolution of the National Assembly shall be interpreted to include the powers set out in sections 51 and 52 except to the extent that the Act or the resolution makes provision to the contrary.

Application of sections 51 and 52.

51. (1) This section applies to raising money other than under section 49.

Long-term borrowing.

(2) The Minister shall determine how the money is to be raised.

(3) If the money is to be raised by the issue and sale of government securities, the Minister may determine any matter with respect thereto, including, without limitation

- (a) the principal amount of the government securities to be issued;
- (b) the rate of interest payable and the rate of any premium or discount applicable to the government securities;
- (c) the currency in which the principal amount of the government securities and any interest or premium are payable;
- (d) the sale price of the government securities;
- (e) the form, denomination and dates of issue and maturity of the government securities;
- (f) the establishment of a sinking fund; and
- (g) any other terms and conditions of the government securities.

(4) When raising money by the issue and sale of government securities, the Minister may do all acts and things reasonably necessary or advisable to satisfy the requirements of any jurisdiction with respect to the offer, issue, sale and trade of securities and other transactions relating to securities in the jurisdiction, including, without limitation

- (a) the preparation, approval, filing or delivery of a prospectus or other document or any amendment or supplement to any of them;
- (b) the registration, qualification or exemption from registration or qualification of the Government under the laws of the jurisdiction regarding the offer, issue, sale or trade of securities;
- (c) the listing and trading of securities on a stock exchange;
- (d) the disclosure of financial and other information;

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- (e) entering into agreements with respect to the offer, issue, sale or trade of securities or other transactions relating to securities including underwriting and similar agreements; and
- (f) the execution of all documents and instruments in relation to matters described in this subsection.

Regulations respecting government securities.

52. (1) The Minister may by regulation provide for
- (a) the execution or execution and countersigning of government securities in any manner or for the authentication of government securities in a manner other than by execution or by execution and countersigning;
 - (b) the form of government securities and for the inscription, registration, transfer, transmission, exchange, redemption, cancellation and other related matters including the dematerialization of government securities and for the electronic inscription, registration, transfer, transmission, exchange, redemption, cancellation and other matters in relation to government securities.

(2) A regulation under subsection (1) does not apply to the extent that the regulation is inconsistent with the terms of the government security.

Proceeds of loans and sale of securities.

53. Subject to any provision of an Act to the contrary, any money raised by loan or by the sale of securities shall be paid into the Consolidated Fund.

Change in form of public debt.

54. (1) Subject to subsection (2) and to the consent of the creditor holding the public debt or where the Minister is entitled to do so, the Minister may change the form of the public debt or part of the public debt.

(2) The Minister shall not make a change in the form of the public debt or part of the public debt that has the effect of increasing the present value of the public debt except with the approval of the National Assembly.

Restriction on guarantees.

55. A guarantee of a financial liability shall not be given by the Government unless it is

- (a) given in accordance with the provisions of an Act authorising the guarantee; or
- (b) authorised by resolution of the National Assembly.

56. (1) All debt charges for which the Government is liable shall be a charge on the Consolidated Fund. Debt charges.

(2) For the purposes of this section, debt charges include interest, sinking fund charges, the repayment or amortization of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of the debt created thereby.

PART IX

PUBLIC ACCOUNTS

57. (1) All public money shall be accounted for in the Public Accounts of Saint Christopher and Nevis. Public Accounts.

(2) Subject to subsection (3), the Accountant General shall within six (6) months after the end of each financial year

- (a) prepare the Public Accounts for that financial year in accordance with generally accepted accounting principles as determined by the Minister, accounting for all public money and showing fully the financial position of Saint Christopher and Nevis at the end of that financial year;
- (b) certify the Public Accounts; and
- (c) submit to the Director of Audit as many copies of the Public Accounts as the Director of Audit may require.

(3) The Minister may, by directive in writing to the Accountant General, extend the period within which the Public Accounts are required to be submitted to the Director of Audit and any directive so given shall be laid within a reasonable time before the National Assembly if it is sitting and, if it is not sitting, then within a reasonable time after it next sits.

(4) The Public Accounts referred to in subsection (1) shall include

- (a) a summary statement of revenue and expenditure of the Consolidated Fund by standard object code and economic classification;
- (b) a comparative statement of actual and estimated revenue by detailed object code;
- (c) a statement of assets and liabilities;
- (d) a statement of each Special Fund;
- (e) a statement of the balance in each Deposit Fund;

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- (f) a statement of investments showing the funds on behalf of which the investments were made;
- (g) a statement of public debt and accumulated sinking funds;
- (h) a statement of the balance in any fund, other than a sinking fund, for which provision is made by or under an Act;
- (i) statement of contingent liabilities of the Government;
- (j) statement of balances on advance accounts from the Consolidated Fund and Deposit Funds analyzed under the various categories set out in section 36;
- (k) statement of arrears of revenue by detailed object code;
- (l) the summary statements referred to in section 21(1); and
- (m) any other statements that the National Assembly may require.

PART X**STATUTORY BODIES**

Definition of “appropriate minister”.

58. In this Part, “appropriate Minister”, in relation to a statutory body, means the Minister responsible for the statutory body.

Application of Part.

59. The provisions of this Part apply to a statutory body notwithstanding any provision of any other law respecting the statutory body.

Business plan.

60. (1) A statutory body shall, not later than September 1 of each year, cause to be prepared a draft business plan for the next financial year that contains

- (a) the estimates of
 - (i) its recurrent income and expenditures for the next financial year, and
 - (ii) its capital expenditures for the next financial year and a proposal for financing them;
- (b) a statement of the objectives and priorities of the statutory body for the next financial year and the following two financial years;
- (c) a comprehensive financial plan that shows how resources, including but not limited to financial resources, will be allocated to meet the objectives

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and priorities of the statutory body in the next financial year and the following two financial years;

- (d) a statement as to how the statutory body proposes to measure its performance in carrying out its responsibilities in each financial year; and
- (e) such other information as the Minister of Finance directs.

(2) The statutory body shall submit a copy of the draft business plan to the Minister of Finance and the appropriate Minister for their approval.

(3) The statutory body shall make such changes to the draft business plan as the Minister of Finance and appropriate Minister may direct.

(4) The approved business plan shall be implemented by the statutory body and shall not be materially altered without the further approval of the Minister of Finance and the appropriate Minister.

61. (1) A statutory body shall not
- (a) raise money by loan;
 - (b) make loans; or
 - (c) guarantee the repayment of a loan or the performance of an obligation,

Guarantees and loans by statutory bodies.

without the prior approval in writing of the Minister of Finance.

(2) A loan or guarantee made in contravention of subsection (1) shall be void.

62. (1) A statutory body shall
- (a) keep proper books of account of its income and other receipts and expenditures; and
 - (b) ensure that
 - (i) all money received is promptly and properly brought to account,
 - (ii) all payments out of its money are correctly made and properly authorised, and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the statutory body.

Accounts of statutory body.

- (2) The books of account kept under subsection (1) shall
- (a) be sufficient to record and explain the statutory body's transactions;

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- (b) enable the statutory body's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

Annual audited financial statements.

63. Within six months after the end of each financial year, the statutory body shall cause

- (a) to be prepared the following financial statements together with proper and adequate explanatory notes
 - (i) a statement of the assets and liabilities of the statutory body at the end of the financial year;
 - (ii) a statement of the revenue and expenditure of the statutory body during the financial year;
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister of Finance or the appropriate Minister;
- (b) to be prepared an annual report of the statutory body on the implementation of the business plan and such other matters as the statutory body considers advisable or the Minister of Finance or appropriate Minister directs; and
- (c) the financial statements to be audited.

Audited financial statements, etc. to be furnished and tabled in the National Assembly.

64. (1) Within a reasonable time after the completion of the audit of the financial statements, the statutory body shall furnish

- (a) to the appropriate Minister, a sufficient number of copies of the audited financial statements, the report of the auditor and the annual report of the statutory body for the members and officials of the National Assembly;
- (b) to the Minister of Finance, a copy of the audited financial statements, the report of the auditor and the annual report of the statutory body; and
- (c) to the Director of Audit, a copy of the audited financial statements, the report of the auditor and the annual report of the statutory body.

(2) The appropriate Minister shall, not later than seven days after the National Assembly first meets after he or she has received the audited financial statements, the report of the auditor and annual report of the statutory body, lay the financial statements, report of the auditor and the annual report before the National Assembly in a sufficient number for all the members and officials of the National Assembly.

PART XI
GENERAL

65. (1) Except as provided in subsection (2), accounts, instruments and other documents necessary or advisable for the administration of this Act and regulations shall be in the form prescribed by the Accountant General.

Form of documents.

- (2) The Minister may prescribe the form of
- (a) warrants to be used under the Act;
 - (b) notices of reservation in respect of a general warrant under section 30(3) or in respect of a provisional general warrant under section 31(3); and
 - (c) application to expend a reservation under a general warrant or a provisional general warrant.

(3) A different form may be prescribed under paragraph (1) or (2) for use manually or electronically.

(4) The Accountant General shall not delegate his or her responsibilities to prescribe forms under this section or any provision of the regulations made under this Act relating to prescribing forms;

66. (1) The Accountant General may in the discharge of his or her responsibilities or in the exercise of his or her powers under the Act or regulations authorise in writing one or more public officers to sign on his or her behalf.

Signing on behalf of Accountant General.

(2) The authorisation may be general or specific.

(3) A public officer shall not sign any document on behalf of the Accountant General except in accordance with a written authorisation under paragraph (1).

67. (1) When under this Act or the regulations anything is required to be signed by the Accountant General or a public officer, the signature shall be manual unless

Reproduction of signatures.

- (a) the regulations made require or permit the use of a reproduction of the signature; or
- (b) the Accountant General authorises in writing the use of a reproduction of the signature.

(2) An authorisation by the Accountant General to use a reproduction of a signature under subsection (1)(b) may be general or specific and may permit the use of a reproduction by electronic or mechanical means.

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(3) A public officer shall not use the reproduction of a signature except

- (a) when required or permitted under a provision of Regulations made under this Act and in accordance with the requirements of that provision; or
- (b) in accordance with a written authorisation of the Accountant General under paragraph (1).

(4) The Accountant General shall not delegate his or her responsibilities under this section or any provision of the regulations relating to the authorisation to use a reproduction of a signature.

Effect of electronic signature reproduced after person ceases to be a public officer, etc.

68. A reproduction in electronic form of a signature of a public officer referred to in section 66 (1)(a) or (b) reproduced on a document within 14 days after the public officer

- (a) ceases to be a public officer; or
- (b) when the authorisation is by the title or office held by the public officer, ceases to hold the title or office,

is not invalid by reason only that the person ceases to be a public officer or to hold the public office.

Voting of shares held by Government.

69. Except as provided in any other Act, the voting rights attached to shares held by the Government in a body corporate may be exercised by the minister responsible for the body corporate or by a person authorised by the minister responsible for the corporate body exercise the voting rights.

PART XII REGULATIONS

Regulations.

70. (1) The Minister may make such regulations as appear to him or her to be necessary and expedient for the proper carrying out of the intent of this Act.

(2) Without restricting the generality of subsection (1), the Minister may make regulations

- (a) prescribing anything that under this Act may be prescribed;
- (b) respecting accounting for public money including the collection, receipt, custody, banking, expenditure, proper accounting for, care and management and forms of records of public money;
- (c) respecting the accounts of Government when they are kept electronically on the financial information system;

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- (d) respecting the custody, handling and proper accounting for stamps and securities, whether the property of the Government or on deposit with or entrusted to the Government or to a public officer in his or her official capacity or to any other person;
- (e) respecting government property including such matters as the responsibility for making and maintaining up-to-date inventories, the form of and the information to be kept in such inventories, writing off government property and declaring government property surplus or unserviceable and disposing of it;
- (f) respecting stores including their classification and operation, the writing off of stores and declaring stores surplus or unserviceable and disposing of them;
- (g) providing for the responsibilities of the Accountant General, the Chief Personnel Officer, accounting officers and other public officers regarding the payment of salaries, wages, emoluments allowances and reimbursements;
- (h) providing for the responsibilities of the Accountant General, the Chief Personnel Officer and other public officers regarding the payment of pensions and gratuities;
- (i) providing for the operation of sinking funds and any fund for which provision is made by or under an Act;
- (j) respecting imprests;
- (k) respecting cash floats;
- (l) exempting corporations and entities from the definition of statutory body;
- (m) providing for the payment of interest on late payments by the Government, including permitting a specified person to determine when interest is payable, the rate of that interest and when it is calculated and compounded;
- (n) prescribing charges for payments to the Government made other than in legal tender;
- (o) prescribing charges for dishonoured cheques
- (p) prescribing charges to defray the costs of acceptance by the Accountant General of voluntary assignments

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by public officers of salaries, wages, pensions, gratuities and other money;

- (q) reflecting security of premises, documents, securities and the financial information system.

Negative resolution.

71. Regulations made under this Act shall be published in the *Gazette* and the Minister shall lay them before the National Assembly as soon as may be after they are published and, if the National Assembly resolves that the regulations or any provision of the regulations be annulled, then the regulations or the provision of the regulations is annulled and is deemed to have been repealed by the resolution, but without prejudice to the validity of anything done under the regulations or the provision of the regulations before its annulment or to the making of new regulations.

Application of Regulations to other Acts and Regulations.

72. (1) Subject to subsections (2) and (3), regulations made under this Act shall apply, with such modifications as the circumstances require, in relation to matters of financial administration arising under any other Act or regulation, as they apply to matters arising under that Act whether passed before or after those regulations as they apply to matters arising under this Act.

(2) If there is a conflict between the provision of the regulations made under this Act and any other Act, the other Act prevails.

(3) If there is a conflict between the provision of the regulations made under this Act and any other regulation, the regulations made under this Act shall prevail.

PART XII

REPEAL, TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

Repeal of Finance Act, 1990, No. 9 of 1990.

73. The Finance Act, 1990, No. 9 of 1990, is repealed.

Transitional provisions.

74. The Minister may make regulations providing for any transitional matter not dealt with or not sufficiently dealt with by this Act.

(1) In this section, “former Act” means the Finance Act, 1990, No. 9 of 1990.

(2) On the coming into operation of this Act

- (a) every person acting under the former Act at the time of its repeal shall continue to act under this Act as if he or she has been authorised to act under this Act;

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- (b) the Consolidated Fund and other funds held by the Government at the time of the repeal of the former Act are continued under this Act; and
- (c) any reference in an unrepealed enactment to the former Act shall, with respect to a subsequent transaction, matter or thing, be construed as a reference to the provisions of this Act relating to the same subject matter as the repealed enactment.

(3) For greater certainty, a claim that has been written off or abandoned under the former Act is deemed not to have been extinguished by reason only of its having been written off or abandoned.

75. A reference in any Act or regulation to the Finance Act, 1990, No. 9 of 1990, is amended to read the Finance Administration Act, 2007.

Consequential
amendments.

MARCELLA A LIBURD
Speaker

Passed by the National Assembly this 28th day of June, 2007.

JOSÉ LLOYD
Clerk of the National Assembly