

CHAPTER 73:01

FINANCIAL ADMINISTRATION AND AUDIT ACT

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CHAPTER 73:01

FINANCIAL ADMINISTRATION AND AUDIT ACT

An Act to regulate the receipt, control and disbursement of public moneys, to provide for the audit of the accounts in relation thereto and to provide for other matters connected with or incidental to the purposes aforesaid. 39 of 1961

[1ST JANUARY, 1962]

PART I

PRELIMINARY

1. This Act may be cited as the Financial Administration and Audit Act. Short title.

2. (1) In this Act—

“accounting officer” means any person designated as such pursuant to section 4 and charged with the duty of accounting for expenditure on any service in respect of which moneys have been appropriated under any Act; Interpretation. [4 of 1972 O. 39/1966A 6 of 1981 22 of 1993]

“appropriate Minister” means, in relation to a statutory body, the Minister exercising authority under any law as respects such statutory body;

“Appropriation Act” means any Act appropriating revenue in relation to a financial year for such services as are specified in such Act;

“Chartered Accountant” has the same meaning as in section 2 of the Institute of Chartered Accountants of Guyana Act and includes a firm of Chartered Accountants; c:39:13

“officer” means any person in the employ of the Government or of a local democratic organ;

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“principal receiver of revenue” means an officer designated as such pursuant to section 4 and charged with the duty of collecting and accounting for revenue;

“public moneys” include—

- (a) the revenues;
- (b) any trust or other moneys held, whether temporarily or otherwise, by an officer in his official capacity either alone or jointly with any other person whether an officer or not, not being moneys or other receipts of a local democratic organ (from whatever source arising) other than its receipts from the Government on account of any service in respect of which moneys have been appropriated under any Act or its receipts on behalf of the Government;

“revenue” means all tolls, taxes, imposts, rates, duties, fees, fines, penalties, forfeitures, rents and dues, proceeds of sale and all other receipts of the Government from whatever sources arising, over which Parliament has the power of appropriation, including the proceeds of all loans raised and all grants and gifts received by the Government.

(2) References in this Act to a department include—

- (a) references to a Ministry; and
- (b) in relation to expenditure incurred, on any service in respect of which moneys have been appropriated under any Act, through, or public moneys received by, a local democratic organ or any officer thereof, references to a local democratic organ, and the expression “accounting officer of the department” shall be construed accordingly.

(3) References by this Act to the Consolidated Fund include the growing produce thereof.

PART II

ADMINISTRATION

3. There shall be a Secretary to the Treasury who shall hold office in the public service.

Appointment of Secretary to the Treasury.

4. The Secretary to the Treasury shall designate in writing the officers who shall be accounting officers or principal receivers of revenue and he may in writing, revoke any such designation.

Accounting officers and principal receivers of revenue.
[O. 39/1966A]

5. (1) The Minister may issue instructions and make regulations—

Powers of Minister.
[O. 39/1966A]

- (a) respecting the preparation of estimates;
- (b) respecting the collection, management and administration of, and the accounting for, public moneys;
- (c) respecting the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property;
- (d) respecting the keeping of the financial records of the Government;
- (e) respecting the exercise of any powers conferred by the preceding section;
- (f) prescribing forms or any other matter required to be prescribed under this Act;
- (g) for any other purpose necessary for the efficient administration of the financial business of the Government.

(2) All regulations made under this section shall, as soon after they are made as is practicable, be laid before the National Assembly.

(3) The Minister, or any officer of his department authorised in that behalf by him, shall be entitled to inspect such offices and to have such access to official books, documents and other records as may be necessary for the purpose of the Minister's exercise of his powers and his performance of his duties under this Act.

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Control of
expenditure
and revenue.
[O. 39/1966A]

6. (1) Save as may otherwise be provided by any law for the time being in force, no expenditure involving a charge on the revenues shall be incurred, and no sums due to the revenues shall be remitted, without the general or specific authority of the Minister.

(2) It shall be within the discretion of the Minister to limit or suspend any expenditure charged under any Appropriation Act, or authorised by any resolution of the National Assembly or by virtue of section 24, if in his opinion the exigencies of the financial situation render such limitation or suspension necessary.

Annual
statements.
[O. 39/1966A]

7. (1) In respect of each financial year and as soon as possible after the close of such financial year, the Minister shall lay the following statements in the National Assembly:

(a) a statement of the receipts and payments of the Consolidated Fund, certified by the Auditor-General;

(b) a statement of the revenue actually paid into the Consolidated Fund as compared with the estimates of revenue;

(c) a statement of the expenditure from the Consolidated Fund as compared with the estimates of expenditure;

(d) a statement of the public debt;

(e) a statement of the outstanding loans or credits guaranteed by the Government;

(f) a statement of all outstanding loans and advances made from the Consolidated Fund.

(2) In respect of each financial year and within a period of four months after the close of such financial year—

(a) the Accountant-General shall prepare, sign and transmit to the Auditor-General statements showing—

(i) the expenditure in respect of those services which by law are directly charged upon the Consolidated Fund;

(ii) the receipts and payments of the Contingencies Fund;

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(iii) the balances held on deposit by him at the close of the financial year, and the outstanding advances made in pursuance of section 22;

(iv) the current assets and liabilities of the Government;

(b) accounting officers shall prepare, sign and transmit to the Minister and the Auditor-General in such manner as the Minister may approve appropriation accounts in respect of the votes for which they were responsible;

(c) principal receivers of revenue shall prepare, sign and transmit to the Minister and the Auditor-General statements of their receipts and disbursements in such form as the Minister may direct;

(d) any officer administering a fund to which moneys have been appropriated by Parliament shall prepare, sign and transmit to the Auditor-General financial statements in respect of such fund in such form as the Minister may from time to time direct.

(3) The statements and accounts mentioned in subsection (2) when certified and reported on by the Auditor-General shall be laid before the National Assembly.

(4) In respect of each financial year and within a period of four months after the close of such financial year or within such longer period as the Minister may in any particular case approve, any officer administering any industrial, trading or commercial undertaking or any trust or other fund or account not provided for in this section shall, if so directed by the Minister, prepare, sign and transmit to the Auditor-General a balance sheet or statement of account, of such fund or account, together with such other statements of account relating thereto as the Minister may deem appropriate.

(5) The statements and accounts mentioned in subsection (4) shall, when certified and reported upon, be submitted to the Minister.

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Surcharge by
Secretary to
the Treasury.

8. (1) If it appears to the Secretary to the Treasury upon a report by the Auditor-General that any person who is or was an officer—

(a) has failed to collect any moneys owing to the Government for the collection of which such person is or was at the time of such employment responsible;

(b) is or was responsible for any improper payment of public moneys or for any payment of such moneys which is not duly vouched; or

(c) is or was responsible for any deficiency in, or for the loss or destruction of, any public moneys, stamps, securities, stores, or other Government property,

and if, within a period specified by the Secretary to the Treasury, an explanation satisfactory to him is not furnished with regard to such failure to collect, improper payment, payment not duly vouched, deficiency, loss or destruction, as the case may be, the Secretary to the Treasury may surcharge against the said person the amount not collected or such improper payment, payment not duly vouched, deficiency, loss or the value of the property destroyed, as the case may be, or such lesser amount as the Secretary to the Treasury may determine.

(2) No such surcharge shall be made after the expiration of a period of three years from the date of such failure to collect, improper payment, payment not duly vouched, deficiency, loss or destruction, as the case may be.

Notification of
surcharge.

9. (1) The Secretary to the Treasury shall cause the Auditor-General and the accounting officer of the department concerned to be notified of any surcharge made under section 8.

(2) The accounting officer on being notified as aforesaid shall notify the person surcharged and shall, subject to sections 10 and 11, recover the amount surcharged from such person.

Withdrawal of
surcharge.

10. The Secretary to the Treasury may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been

made, and in any such event the Secretary to the Treasury shall notify the Auditor-General and the accounting officer of the department concerned of the withdrawal of any such surcharge.

11. (1) Any person who is dissatisfied with any surcharge made against him under section 8 shall have the right to appeal to the appropriate authority within a period of one month immediately after he has been notified of the surcharge:

Remedy of person aggrieved by surcharge. [O. 39/1966A 6 of 1981]

Provided that the appropriate authority may authorise an appeal to be made after the expiration of such period of one month.

(2) After such further investigation as may be directed by it, the appropriate authority may make such order confirming the surcharge or directing that the appellant be released wholly or in part from the surcharge as may appear just and reasonable.

(3) A copy of every order made by the appropriate authority under the preceding subsection shall be transmitted to the Secretary to the Treasury, to the accounting officer of the department concerned and to the Auditor-General.

(4) For the purposes of this section, “the appropriate authority” means—

(a) the Judicial Service Commission, where the person seeking authorisation to appeal or the appellant, as the case may be, was appointed under article 199 of the Constitution;

c. 1:01

(b) the Police Service Commission, where the person seeking authorisation to make an appeal or the appellant, as the case may be, was appointed under article 211 or 212 of the Constitution;

(c) the Commissions Board established by section 14 of the Defence Act in the case of an officer or soldier of the Guyana Defence Force;

c. 15:01

(d) the Minister responsible for regional development, where the person seeking authorisation to appeal or the appellant, as the case may be, is a person in the employ of a local democratic organ;

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- (e) the Public Service Commission; and
- (f) the Teaching Service Commission.

Recovery of
surcharge.

12. The amount of any surcharge made under section 8 may, subject to sections 10 and 11, be sued for and recovered as a debt due to the State by action at the suit of the Attorney-General; or the Secretary to the Treasury may direct that the amount of any such surcharge which may be due from an officer shall be recovered by monthly deductions from the salary of such officer in such amounts, not exceeding one-sixth of the amount payable monthly to such officer in respect of salary, as the Secretary to the Treasury shall authorise.

PART III

PUBLIC FINANCES

Banking and
investment of
public moneys.
[O. 39/1966A]

13. (1) Public moneys may be deposited with such bank or banks as the Minister may approve.

(2) The Minister may authorise the investment from the revenues of sums not required for early withdrawal, with a bank either at call or subject to notice not exceeding twelve months or with the Joint Consolidated Fund operated by the Crown Agents for Oversea Governments and Administrations or in any of the investments authorised by the provisions of section 11 of the Civil Law of Guyana Act relating to the investment of trust funds.

c. 6:01

(3) An account in respect of public moneys shall not be opened with any bank without the written approval of the Minister or of an officer of his department who is authorised in writing in that behalf by the Minister; and the Government shall not be held liable for any overdraft on any such account otherwise than by virtue of section 21.

(4) Money at the credit of the Consolidated Fund shall be kept in an account styled the "Accountant General for the Consolidated Fund" (hereinafter referred to as the Consolidated Fund Account) at such bank or banks as the Minister may approve.

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14. There shall be kept by the Accountant General in respect of the Consolidated Fund two separate accounts as follows—

Consolidated Fund to be kept in two accounts.
[O. 39/1966A]

(a) an account to be called the Consolidated Fund Current Account in which shall be recorded all deposits into and withdrawals from the Consolidated Fund for application towards defraying current expenditure; and

(b) an account to be called the Consolidated Fund Capital Account in which shall be recorded all deposits into and withdrawals from the Consolidated Fund for application towards defraying capital expenditure.

15. (1) The Consolidated Fund Capital Account shall take account of—

The Consolidated Fund Capital Account.
[44 of 1954
O. 39/1966A]

(a) sums received by the Government, from time to time as grants or contributions for the purpose of works of development in Guyana; and

(b) sums accruing from any loan raised by or on behalf of the Government under the authority of any law for the purpose of works of development in Guyana.

(2) There shall be credited to the Consolidated Fund the amount standing to the credit of the Development Fund immediately prior to the 26th May, 1966.

Transfer of moneys to Consolidated Fund.

16. (1) The Accountant General shall in each year value any securities forming part of the Consolidated Fund by assigning thereto the mean market price of such securities at the close of business on the last day in the preceding financial year.

Fluctuation in value of investments of the Consolidated Fund.
[O. 39/1966A]

(2) Any appreciation or depreciation arising from the valuation of such securities, together with any profits or losses arising from the sale or redemption of such securities shall be credited or debited direct to the Consolidated Fund, and shall be shown as an addition to or deduction from the opening balance of the Consolidated Fund in the annual statement of assets and liabilities mentioned in section 7.

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Revenue collected to be paid into the revenues.
[O. 39/1966A]

17. Principal receivers of revenue shall cause the gross revenue collected by their departments to be paid into the Consolidated Fund at such times as the Minister may direct and in accordance with the regulations prescribed:

Provided that where the Minister so directs—

(a) principal receivers of revenue may deduct such sums as may be required for drawbacks, repayments or discounts before paying the gross revenue of their departments into the Consolidated Fund;

(b) principal receivers of revenue may defray out of revenue collected by them, payments authorised by departments in accordance with any law or regulation, but the amount of the revenue so expended shall be recovered from the departments concerned and paid into the Consolidated Fund.

Withdrawal of sums from the Consolidated Fund.
[O. 39/1966A]

18. No sums shall be withdrawn from the Consolidated Fund except under the authority of a warrant addressed to the Accountant General under the hand of the Minister.

Issues from Consolidated Fund Account to be paid into bank accounts.
[O. 39/1966A]

19. (1) All moneys withdrawn from the Consolidated Fund Account shall be paid into such other bank account or accounts as the Minister may direct; but such sums shall be carried in the books of the officers responsible for such accounts to the credit of the respective services for which the same may be issued as specified in the aforesaid requisition.

(2) With a view to economising the public balances the Minister shall restrict the sums to be withdrawn from the Consolidated Fund to the credit of such officers to such total sums as he may consider necessary for conducting the current payments for the public service entrusted to such officers, and the said officers may consider the sums so transferred to their accounts as constituting part of their general drawing balance applicable to the payment of all services for which they are accountable:

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Provided that this subsection shall not be construed to empower the Minister or any other authority to direct the payment, by any such officer, of expenditure not sanctioned by any law whereby services are or may be charged on the Consolidated Fund, or by resolution of the National Assembly or by any Appropriation Act.

20. Statements showing payments into and issues from the Consolidated Fund Account shall be rendered by every bank at which such an account is maintained to the Accountant-General and to the Auditor-General at such intervals and in such form as the Minister may direct.

Bank returns.
[O. 39/1966A]

21. (1) Subject to any limitation that the National Assembly may by resolution prescribe, the Minister may borrow in whole or in part, by means of advances from a bank, or by the issue of Treasury Bills, money for the purpose of meeting current requirements of the Government.

Advances to
Government.
[23 of 1963
11 of 1966A
6 of 1973
14 of 1983]

(2) Treasury Bills issued under this section shall be issued in such manner and form and may bear interest at such rate as the Minister may think fit.

(3) Every Treasury Bill issued under this section shall be payable at par at such time or times as, subject to this section, the Minister may determine and the time or times so determined shall together with the rate of interest (if any) payable on the Treasury Bill appear on the face of the Treasury Bill.

(4) The time determined under subsection (3) for the payment of a Treasury Bill shall be not later than the expiration of one year from the date of issue of the Treasury Bill.

(5) The principal and interest of all such advances and the principal moneys represented by the Treasury Bills issued under this section and any interest thereon (including the payment of any charges and expenses of or incidental to the issue of the said Treasury Bills) shall be charged on and shall be payable out of the revenues.

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(6) Upon repayment of the principal moneys represented by the Treasury Bills issued under this section the said Bills shall be delivered up to the Accountant General and shall be cancelled by him.

(7) Where in accordance with this section or in pursuance of any Act, power to borrow money by means of advances from a bank is conferred on the Minister, such power may be exercised by means of a fluctuating overdraft.

(8) Where a Treasury Bill has been defaced, lost or destroyed the person entitled thereto may make a written application to the Secretary to the Treasury for the issue to him of a duplicate Bill and such application shall be supported by a statutory declaration verifying the facts set out in the application.

(9) Where the Secretary to the Treasury is satisfied that the circumstances set out in the said declaration warrant approval of the application there may be issued to the applicant, after the expiration of twenty-one days subsequent to the date of publication in at least one newspaper circulating in Guyana at his expense of a notice by the Secretary to the Treasury of the intention to issue the duplicate, a duplicate Bill indorsed with such conditions, and on such terms, as may be prescribed and the duplicate shall, subject to any such indorsement, be as effectual in law as the original.

Treasury
Deposits.
[O. 39/1966A]

22. (1) There shall be a Deposits Fund into which shall be paid pending repayment or application to the purposes for which they were deposited—

(a) the balances held on deposit in respect of any special funds established by law or otherwise or of any other deposits (other than trust funds or the balances of the Consolidated Fund);

(b) notwithstanding the provisions of paragraph (a), such amounts, not exceeding the sums not required for early withdrawal, as the Minister authorises to be issued from the Consolidated Fund.

(2) The Minister may authorise the making of advances from the Deposits Fund not exceeding in the aggregate eight million dollars, or such greater sum as the National Assembly may by resolution direct, from the said Fund—

(a) on behalf of, and recoverable from, other Governments;

(b) to officers where such advances are in the public interest, and for the purposes of this paragraph “officer” shall be construed to include the holder of any office established by or under the Constitution notwithstanding that he be not a person in the employ of the Government; and

(c) to, or on account of, trusts or other funds administered by the Government, or to, or on behalf of, statutory bodies, public authorities or institutions where such advances are in the public interest and are recoverable within a period not exceeding twelve months after the close of the financial year in which such advances are made.

23. (1) It shall be lawful for the Minister to issue warrants for the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government (whether or not provision therefor had been ever previously made) until the expiration of three months from the beginning of the financial year or the coming into operation of the Appropriation Act for that year, whichever is the earlier.

Issue of moneys before promulgation of Appropriation Act. [O. 39/1966A 1 of 1980]

(2) All sums withdrawn in pursuance of warrants issued under subsection (1) shall be deemed to have been issued in anticipation of grants of Parliament in an Appropriation Act for the financial year in which the sums were issued and upon the commencement of such Act the said warrants shall cease to have effect and issues thereunder shall be deemed to have been made for the purposes of such Act and shall be accounted for in accordance with the provisions thereof.

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Establishment
of Contingencies Fund.
{O. 39/1966A}

24. (1) In order to defray unforeseen and urgent expenditure for which no other provision exists, the Minister may establish a Contingencies Fund by issues from the Consolidated Fund not exceeding in the aggregate five hundred thousand dollars or such greater sum as the National Assembly may approve.

(2) If the Minister is satisfied that—

(a) certain expenditure is likely to be incurred in a financial year upon a service—

(i) thereby causing an excess on the sum provided for that service by the Appropriation Act for that year; or

(ii) which being in respect of a new service was not provided for by the Appropriation Act relating to that year; and

(b) the circumstances are such that the expenditure cannot without injury to the public interest be postponed until adequate provision is made by Parliament,

the Minister may authorise such expenditure to be met by an advance from the Contingencies Fund.

(3) Supplementary estimates of such expenditure shall be submitted for the approval of the National Assembly as soon as possible. When the supplementary estimates have been approved, and pending the provision for such services under appropriate heads by an Appropriation Act, issues from the Consolidated Fund may be made accordingly and the sums advanced from the Contingencies Fund repaid out of the said issues.

(4) Unless the Minister otherwise determines the balance of the Contingencies Fund shall not be paid into the Consolidated Fund at the close of each financial year.

PART IV

AUDIT

25. (1) The Auditor-General shall examine in such manner as he deems necessary the accounts of all accounting officers and principal receivers of revenue and of all persons entrusted with the collection, receipt, custody, issue or payment of public moneys or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property.

Duties of Auditor-General [O. 39/1966A]

(2) In the conduct of his examination the Auditor-General shall ascertain whether in his opinion—

- (a) the accounts have been faithfully and properly kept;
- (b) the rules and procedures framed and applied are sufficient to secure effective control on the assessment, collection and proper allocation of the revenues;
- (c) all money expended and charged to an appropriation account has been applied to the purpose or purposes for which the grants made by Parliament were intended to provide and the expenditure conforms to the authority which governs it, and has been incurred with due regard to the avoidance of waste and extravagance; and
- (d) essential records are maintained and the rules and procedures framed and applied are sufficient to safeguard the control of stores and other public property.

26. (1) Notwithstanding section 25, the Auditor-General may, after satisfying himself that the vouchers have been examined and certified as correct by the accounting department, in his discretion and having regard to the character of the departmental examination, in any particular case admit the sums so certified in support of the charges to which they relate without further examination.

Test audits, defective vouchers. [O. 39/1966A]

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(2) Where a voucher has been lost or destroyed, or where an existing voucher is defective in any respect, the Auditor-General, if satisfied with the explanation given by the responsible officer or with other evidence of the transaction, may dispense with the production of a voucher, or in the case of a defective voucher, accept such voucher.

Powers of
Auditor-
General.
[6 of 1997]

27. (1) For the purpose of the examination of any account the Auditor-General shall be entitled at all reasonable times—

(a) to have access to all books, records, vouchers, documents, returns, cash, stamps, securities, stores or other Government property in the possession of any officer;

(b) to send for and have the custody of any books, accounts, vouchers or papers under the control of any officer relating to or in anywise concerning the public accounts, and to keep such books, accounts, vouchers or papers for such time as he may require them;

(c) to call upon any officer for any explanation and information the Auditor-General may require in order to enable him to discharge his duties;

(d) to require any department concerned to furnish him from time to time or at regular periods with accounts of the transactions of such department up to such date as he may specify;

(e) without payment of any fee, to cause search to be made in and extracts to be taken from any book, document or record in any public office;

(f) to summon and examine all persons whom he shall think fit to examine respecting the receipt or expenditure of money or the receipt or issue of any stores affected by this Act and respecting all other matters and things whatever necessary for the due performance and exercise of the duties and powers vested in him; and if any person summoned as aforesaid is not a public officer he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State;

(g) to lay before the Attorney-General a case in writing as to any question regarding the interpretation of any Act or

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regulation concerning the powers of the Auditor-General or the discharge of his duties, and the Attorney-General shall give a written opinion on such case.

(2) Any person summoned under subsection (1) (f) who without reasonable excuse makes default in obeying such summons shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars or, in default of payment, to imprisonment for one month.

28. (1) There shall be employed in the department of the Auditor-General such number and grades of officers as the National Assembly may, by resolution, direct.

Audit
Department
officers.

(2) The Auditor-General may authorise any officer of his department to perform on his behalf any of his duties or functions under this Act or any other Act other than the certifying and reporting of accounts for Parliament.

29. If at any time it appears to the Auditor-General that—

Notification of
irregularities
to Minister.

(a) any irregularities have occurred in the collection, custody or expenditure of public moneys, or in the accounting for the same; or

(b) any irregularities have occurred in the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores, or other Government property, or in the accounting for the same; or

(c) any loss of or damage to Government property has not been duly reported to the Minister,
he shall immediately bring the matter to the notice of the Minister.

30. The Auditor-General shall examine and certify in accordance with the outcome of his examinations the several statements and accounts which are required to be submitted to him in accordance with this Act.

Certification
by Auditor-
General.

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Annual report
by Auditor-
General.

31. The Auditor-General shall report annually as soon as possible and not later than the 30th day of September following the close of each financial year the results of his examinations:

Provided that the Auditor-General may at any time if it appears to him to be desirable, transmit a special report on any matter incidental to his powers and duties under this Act.

Audit of
accounts of
statutory
bodies, public
corporations
and other
bodies by the
Auditor
General.
[1 of 1983
22 of 1993]

32. (1) The accounts of —

(a) any statutory body being a public authority or other body administering public funds;

(b) any public corporation, or any corporate or unincorporate body in which the controlling interest vests in the State, or in any agency on behalf of the State, or in any other body established by or under any law for the time being in force or administering public funds or monies,

shall, notwithstanding anything to the contrary in any other Act, be examined and audited by the Auditor General.

(2) The Auditor-General shall report on his examination and audit of the accounts of a body referred to in subsection (1) and shall transmit such report to the body concerned the accounts of which have been examined and audited and to the appropriate Minister for presentation to the National Assembly:

Provided that the appropriate Minister shall obtain the observations of the body concerned on any matter to which attention has been called by the Auditor-General in his report and such observations shall be presented to the National Assembly with such report.

(3) In the exercise of his duties under this section, the Auditor-General may engage the services of a Chartered Accountant publicly carrying on the profession of accountant (hereinafter referred to as Chartered Accountant) and authorise that person to examine and audit

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the accounts of a body referred to in subsection (1) and such Chartered Accountant shall report thereon to the Auditor-General in such manner as the Auditor-General may direct.

(4) Where, in accordance with subsection (3), a Chartered Accountant examines and audits the accounts of a body referred to in subsection (1) the procedure set out in the Schedule shall be followed in regard to—

- (a) the recruitment and appointment of the Chartered Accountant;
- (b) the manner in which the examination and audit shall be conducted;
- (c) the acceptance of the report thereof by the Auditor-General.

(5) Notwithstanding anything in any other law, where under this section the accounts of a body referred to in subsection (1) have been examined and audited by—

- (a) the Auditor-General, an audit fee agreed to by the Auditor-General and the body concerned;
- (b) a Chartered Accountant authorised by the Auditor-General, the agreed audit fee,

shall be paid by the body concerned.

(6) The Minister may, on the recommendation of the Auditor-General, amend the Schedule.

33. In the exercise of his duties under section 32 in relation to the bodies referred to in section 32(1) and their employees, the Auditor-General, or any Chartered Accountant authorised under section 32(3), shall have like powers as are vested in the Auditor-General for the purpose of examining and auditing accounts under sections 25, 26, and 27, and section 27 (2) shall have effect accordingly.

Schedule.

Powers of Auditor-General in auditing accounts. [22 of 1993]

LAWS OF GUYANA

PART V

GENERAL

Duration of
Appropriation
Act.
[O. 39/1966A]

34. The authority for expenditure conferred by an Appropriation Act in respect of services during any financial year shall lapse after the close of that year and except as otherwise provided in this Act, unexpended balances of any moneys issued from the Consolidated Fund shall be surrendered to the Consolidated Fund.

Other funds.
[O. 39/1966A]

35. Whenever moneys are appropriated by Parliament to establish funds for any purpose, unless the Minister otherwise directs, neither the receipts, earnings or accruals of funds so established nor the balance of such funds at the close of each financial year shall be paid into the Consolidated Fund but shall be retained for the purposes of such funds.

Erroneous
payments.

36. Notwithstanding anything to the contrary contained in this Act, the Minister may, with the concurrence of the Auditor-General, authorise withdrawals from the Consolidated Fund Account of such sums as may be required to repay or adjust amounts erroneously paid into the Consolidated Fund Account.

Saving.

37. Nothing in this Act shall extend to abridge or alter the rights and powers of the State to control, suspend or prevent the execution of any process or proceedings for recovering money due to the State.

Saving.
Cap. 69
1953 Ed.

38. Notwithstanding the repeal of the Audit Department Ordinance, any rules or regulations made thereunder and in operation at the commencement of this Act shall, in so far as they are not inconsistent with this Act, continue in operation subject to amendment or revocation by regulations made under this Act.

SCHEDULE

s. 32(4)
[22 of 1993]

PROCEDURE FOR THE RECRUITMENT AND
APPOINTMENT OF CHARTERED ACCOUNTANTS TO
EXAMINE AND AUDIT THE ACCOUNTS OF STATUTORY
BODIES, PUBLIC CORPORATIONS, AND OTHER BODIES

1. At the beginning of each year, or at such other time as may be determined by the Auditor General, the Auditor General shall draw up a list of statutory bodies, public corporations, and other bodies for which he requires the services of Chartered Accountants publicly carrying on the profession of accountants to examine and audit the accounts of such bodies.

2. The Auditor General shall, by notification in at least two daily newspapers, invite applications from Chartered Accountants to examine and audit the accounts of such bodies as are mentioned in the notification.

3. Applications shall be accompanied by the questionnaire in the Form. Form. in this Schedule, duly completed and such other information as may be determined by the Auditor-General, which shall provide the basis on which the Chartered Accountants' capacity and professional competence shall be evaluated.

4. A Committee appointed by the Minister, comprising the Secretary to the Treasury as Chairman, the Governor of the Bank of Guyana, the Accountant General, the Commissioner of the Inland Revenue, a representative of the Institute of Chartered Accountants of Guyana not in private practice, and the Head of Department of Management Studies, University of Guyana, shall consider the applications and forward their recommendations thereon, with the reasons therefor to the Auditor General.

5. The Auditor General shall consider the recommendations and may engage the services of Chartered Accountants from the list submitted by the Committee.

LAWS OF GUYANA

6. The engagement of the services of Chartered Accountants shall be subject *inter alia* to the following terms and conditions—

(i) the audit plan and list of audit procedures shall be agreed upon by the Auditor General and the Chartered Accountants before work commences; and the audit fees shall be agreed upon by the Auditor General, the Chartered Accountants and the bodies concerned;

(ii) at the completion of the examination and audit, the Chartered Accountant's work-papers, report and opinion shall be reviewed by the Auditor General. If the Auditor General is not satisfied, he may request that additional work be done to his satisfaction;

(iii) the Chartered Accountant shall issue his audit report and opinion and the Auditor General shall issue a separate opinion.

7. Chartered Accountants engaged shall be required to follow auditing standards approved for use by Office of the Auditor General, in addition to generally accepted auditing standards.

8. Chartered Accountants engaged shall not undertake any form of accounting work or be engaged in the design of the accounting systems for the statutory bodies, public corporations, or other bodies for which they are required to function as auditors in respect of the year for which they have been engaged.

9. The services of the same Chartered Accountants shall not be retained for more than four consecutive years in respect of a particular statutory body, public corporation, or other body.

LAWS OF GUYANA

FORM

Para. 3

QUESTIONNAIRE TO BE COMPLETED BY CHARTERED ACCOUNTANTS

- 1. NAME OF CHARTERED ACCOUNTANTS OR FIRM OF CHARTERED ACCOUNTANTS
- 2. BUSINESS ADDRESS
- 3. TELEPHONE NOSFAX NO.....
- 4. NAME OF PARTNER PROFESSIONAL DESIGNATION
.....
.....
.....
.....
- 5. Please give the following information in relation to your current staffing or that of your firm.

LEVEL OF TRAINING

DESIGNATION	NO OF STAFF	PROFESS- IONAL	DEGREE OR EQUIVA- LENT	DIPLOMA OR EQUIVA- LENT	HIGH SCHOOL
Audit Manager					
Audit Senior					
Asst. Senior					
Junior II					
Junior I					
Support Staff					
.....					
.....					
TOTAL	_____	_____	_____	_____	_____

LAWS OF GUYANA

- 6. How long have you, or how long has your firm, been in practice?
- 7. Were there any changes in the name of your firm since it was first established? If so, please give reasons for any such changes.
- 8. Do you, or does your firm, have any experience in the auditing of statutory bodies, public corporations and other bodies referred to in section 32 (1) of the Act? If so, list the major audits undertaken.
- 9. List the major bodies other than the aforesaid audited by you or your firm over the past three years—

NAME OF ENTITY	YEAR OF ACCOUNT
.....
.....
.....
.....
.....
.....

- 10. Do you, or does your firm have regional audit offices in Guyana? If so, please give details.
- 11. What equipment do you, or does your firm, have in support of your operations?

Type of Equipment	No.
(a) photocopier
(b) fax machine
(c) computers
Details of computer programmes in use:	

- 12. What auditing standards have been adopted by you or your firm?
- 13. Do you have access to specialised services such as management advisory and legal services? If so, give details.

LAWS OF GUYANA

14. Do you have a programme of continuing professional education for yourself and the staff of your firm? If so, please specify the nature of such programme and the average number of hours per annum for each grade of staff.

15. Do you have a system of internal quality control? If so, please specify.

16. What programme do you have for an external quality control review?

17. Are you, or is your firm, prepared not to render accounting services for a corporation or other body if authorised by the Auditor General to audit the accounts of that corporation or body?

18. Indicate the charge-out rates used by you or your firm for computing audit fees—

Designation	Rate per hour
Senior Partner	
Junior Partner	
Audit Manager	
Audit Senior	
Assistant Senior	
Junior II	
Junior I	

19. Do you have any objections to the Office of the Auditor General reviewing your audit plans and list of audit procedures, if you are awarded a contract for services for the audit of statutory bodies, public corporations, or other bodies?

20. Do you have any objections to the Office of the Auditor General reviewing your work papers, report and opinion at the close of the examination and audit? Would you be willing to undertake additional work to the satisfaction of the Auditor General?

21. Any other comments.
