

THE FINANCIAL ADMINISTRATION AND AUDIT ACT
ARRANGEMENT OF SECTIONS

Law 34 of 1959 | Act 42 of 1969 3rd Sch. | 13 of 1992 | 5 of 1997

PART I. Preliminary

1. Short title.
2. Interpretation.

PART II. Consolidated Fund of Bank Accounts

3. Consolidated Fund Bank Accounts.
4. Restriction on overdrafts.
5. External Consolidated Fund Account.
- 5A. Consolidated Fund Foreign Currency Account.
6. Investment of moneys.

Payments into Consolidated Fund

7. Revenues to be paid into Consolidated Fund.
8. Regulations may modify section 7.
- 8A. Directions re fees, penalty, proceeds of sale or extra or unusual receipt.

Withdrawals from Consolidated Fund Account

9. Issue of warrants.
10. Authorizing withdrawals from Consolidated Fund Principal Bank Account.
11. Bank statements.
12. Advances to Government.

Contingencies Fund, Trust Fund and Other Funds

13. Establishment of Contingencies Fund.
14. Trust Funds.
- 14A. Deposit Fund.

PART IIA. Loans and Advances

- 14B. Loans and advances.
- 14C. Investments.
- 14D. Particulars to be included in annual estimates.

PART III. Administration

15. Accountant-General.
16. Accounting officers.
17. Official bank accounts.
18. Control of expenditure.
19. Commitment of expenditure.
- 19A. Appropriation.

- 19B. Regulations governing contracts.
- 19C. Authorization of payments.
- 20. Surcharge by Financial Secretary.
- 21. Notification of surcharge.
- 22. Withdrawal of surcharge.
- 23. Remedy of person aggrieved by surcharge.
- 24. Recovery of surcharge.

Government Accounts

- 24A. Government accounts.
- 24B. Basis of accounts.
- 24C. Retention money.
- 24D. External loan accounts.
- 24E. Credit agreements.
- 24F. Financial instructions.
- 24G. Annual statements.
- 24H. Finance accounts.
- 24I. Departmental accounts.
- 24J. Erroneous payments.
- 24K. Confidential expenditure.
- 24L. Settlement of undischarged commitments after close of financial year.

PART IV. Audit

- 25. Duties of Auditor-General.
- 26. Notification of irregularities.
- 27. Defective vouchers.
- 28. Certification of accounts.
- 29. Annual report by Auditor-General.
- 30. Audit of accounts of public body by Auditor-General.
- 31. Powers of Auditor-General to, order audit of books of public body.
- 32. Auditor-General to be informed re termination of auditor's Services.
- 33. Appointment of audit committees in public body.
- 34. Internal audit.

PART V. Government Property

- 35. Custody and control of Government property.
- 36. Responsibilities of accounting officers re property.
- 37. Disposal of government property.
- 38. Sales of government property.
- 39. Marking of government property.
- 40. Supplies revolving fund.

PART VI. Public Bodies

- 41. Application of this Part.

- 42. Financial year of public bodies.
- 43. Payments to public body.
- 44. Responsibilities of accounting officer in relation to public bodies.
- 45. Powers of Minister in cases of default.
- 46. Accounts of government company.
- 47. Acquisition of shares by companies.
- 48. Report on government companies by Registrar of Companies.

PART VII. General

- 49. Responsibilities of accountable officers.
- 50. Regulations.
- 51. Directions to institutions by Financial Secretary.
- 52. Minister's approval of certain payments.

1. Short title.

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

2. Interpretation. Cases

- 2. (1) In this Act-

"accountable officer" means any public officer, including an accounting officer, concerned in or responsible for the collection, receipt, custody, issue or payment of public moneys or other public property;

"accounting officer" means any person designated as such by the Minister pursuant to section 16 and charged with the duty of accounting for expenditure on any service in respect of which moneys have been appropriated under this Act or under any other enactment;

"appropriate Minister" means in relation to a statutory body the Minister exercising authority under law as respects such statutory body;

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

"Consolidated Fund" means the Consolidated Fund established pursuant to section 114 of the Constitution;

"Consolidated Fund Bank Account" means -

- (a) the Consolidated Fund Principal Bank Account;
- (b) a Consolidated Fund Subsidiary Bank Account;
- (c) a Consolidated Fund External Account; or
- (d) a Consolidated Fund Foreign Currency Account;

"Crown Agents" means the Crown Agents for Oversea Governments and Administrations;

"functions" includes powers and duties;

"government company" means a company registered under the Companies Act, being a company in which the Government or an agency of the Government, by the holding of shares, is in a position to direct the policy of that company;

"officer" means any person in the employ of the Government;

"proper officer" in relation to any function or activity of a bank means the person authorized by the bank to perform the function or activity;

"public body" means a statutory body or authority or any government company;

"public moneys" includes-

(a) revenue;

(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;

"revenue" means all tolls, taxes, imposts, rates, duties, fees, 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.

"supplies" means any articles required for the public service or any services required in connection with such articles.

(2) References in this Act to a department include references to a Ministry.

(3) References in any enactment or instrument, in whatever terms to the "General Revenue" and to its variations and cognate expressions shall be deemed to be references to the Consolidated Fund.

(4) References in any enactment or in any instrument to "Revenue Commissioner" shall be deemed to be references to the Minister.

3. Consolidated Fund Bank Accounts.Cases

3. (1) Money belonging to the Consolidated Fund shall, subject to the provisions of this section, be kept in an account styled the "Consolidated Fund Principal Bank Account" at such bank or banks as the Minister may approve.

(2) Subject to the provisions of this section, there shall be paid into the Consolidated Fund Principal Bank Account all public moneys other than-

(a) moneys assigned for defraying expenditure in relation to specified purposes; and

(b) revenues or other moneys which are payable pursuant to any law into some other fund.

(3) There shall be established at such bank or banks as the Financial Secretary may determine for the purposes of this Act such accounts (hereinafter referred to as "Consolidated Fund Subsidiary Bank Accounts") as the Financial Secretary may determine; and for the purposes of this Act, the Consolidated Fund Subsidiary Accounts include the Consolidated Fund External Account referred to in section 5 and the Consolidated Fund Foreign Currency Account referred to in section 5A.

(4) Each Consolidated Fund Subsidiary Bank Account shall be operated in such manner as the Financial Secretary may direct.

(5) There shall be paid into each Consolidated Fund Subsidiary Bank Account moneys intransit to or from the Consolidated Fund Principal Bank Account or moneys assigned for specified purposes.

(6) The Accountant-General shall have the management of the Consolidated Fund Principal Bank Account and all Consolidated Fund Subsidiary Bank Accounts and the supervision, control and direction of all matters relating to the operation of those accounts.

(7) In this section "specified purposes" means such purposes as are specified in any agreement to which the Government is a party, being an agreement under which funds are provided for such purposes.

4. Restriction on overdrafts.

4. (1) Subject to subsection (2) the proper officer of a bank in which a Consolidated Fund Bank Account is held shall not authorize any overdraft in respect of any such account..

(2) Where payment of any cheque drawn on a Consolidated Fund Bank Account is likely to cause that account to be overdrawn, the proper officer of the bank shall refer the matter to the Accountant-General for his decision as to whether such payment should be made; and the Accountant-General may permit a temporary overdraft for a period not exceeding five days if he is satisfied that-

(a) the provision of money to cover payment of the cheque has been authorized, and

(b) the insufficiency of moneys in the account is due to procedural delay.

(3) If any such overdraft is not cleared within the period of five days referred to in subsection (2), the proper officer of the bank shall forthwith notify in writing the Minister, the Accountant-General, the Financial Secretary and the Auditor-General.

5. External Consolidated Fund Account.

5. (1) It shall be lawful for the Accountant-General on the directions of the Minister and after consultation with the Governor of the Bank of Jamaica to maintain deposits with banks outside Jamaica in accounts to be called the "Consolidated Fund External Accounts".

(2) The Accountant-General may utilize any account referred to in subsection (1) for the purpose of receiving payments into or making payments from, the Consolidated Fund in a country outside Jamaica.

5A. Consolidated Fund Foreign Currency Account.

5A. (1) An account to be called "the Consolidated Fund Foreign Currency Account" shall be established at such bank or banks as the minister may, by order approve.

(2) There shall be paid into each Consolidated Fund Foreign Currency Account that portion of public moneys payable into the Consolidated Fund which consists of foreign currency.

6. Investment of moneys.

6. (1) The Minister may by directions in writing to the Accountant-General authorize the temporary investment of sums at the credit of the Consolidated Fund Principal Bank Account by-

(a) deposit in a bank or banks either at call or subject to notice not exceeding six months; or

(b) the purchase or sale of securities.

(2) All investments made under subsection (1) together with any interest derived therefrom shall form part of the Consolidated Fund.

7. Revenues to be paid into Consolidated Fund.

7. (1) Subject to the provisions of this Act, accounting officers shall cause the gross revenues collected by their departments to be paid forthwith into the Consolidated Fund.

(2) All accountable officers shall cause all sums collected by way of revenue to be paid forthwith into such banks as the Financial Secretary may from time to time direct, or as may be prescribed by regulations under this Act, pending final remittance of such sums into the Consolidated Fund Principal Bank Account or, as the case may be, any subsidiary account as mentioned in section 3 (3).

8. Regulations may modify section 7.

8. (1) The Minister may by regulations modify the application of section 7 and, without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the deduction by accounting officers of such sums as may be required for drawbacks, repayments or discounts before paying the gross revenues of their departments into the Consolidated Fund Principal Bank Account;

(b) the maximum amount which may be deducted for the purposes specified in paragraph (a);

(c) the procedures to be followed by accounting officers-

(i) in accounting for drawbacks, repayments or discounts; and

(ii) in making disbursements from sums deducted pursuant to regulations under this section;

(d) the defraying by accounting officers out of revenue collected by them, of payments authorized by departments in accordance with law;

(e) the recovery from the departments concerned of the revenue so expended and the payment of the amount recovered into the Consolidated Fund.

(2) Any power conferred by subsection (1) to make regulations may be exercised-

(a) either in relation to all cases to which the power extends or in relation to all cases subject to specified exceptions or in relation to any specified case or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised-

the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case or different provision as respects the same case or classes of case for different purposes;

(iii) any such provision either unconditionally or subject to any specified condition.

(3) Any regulations under this section may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

(4) Regulations under this section shall be subject to affirmative resolution of the House of Representatives.

8A. Directions re fees, penalty, proceeds of sale or extra or unusual receipt.

8A. (1) The Minister may in writing direct that any revenues received by an accounting officer by way of fee, penalty, proceeds of sale or by way of extra or unusual receipt shall be included as an appropriation-in-aid in the annual estimates of revenue and expenditure required by section 115 of the Constitution.

(2) Any revenues to which subsection (1) applies shall be lodged without any deductions being made therefrom into an appropriate bank account established pursuant to regulations made under section 24A.

(3) Such revenues shall be applied for the purposes approved by Parliament and, so far as they are not in fact so applied, shall be paid into the Consolidated Fund Principal Bank Account.

9. Issue of warrants.

9. (1) Save as may otherwise be provided by this or any other enactment, no expenditure involving a charge on the Consolidated Fund shall be incurred, and no sums due to the

Consolidated Fund shall be remitted without the general or specific authority of the Minister.

(2) The warrant issued pursuant to section 117 (1) of the Constitution shall be addressed to the Accountant-General and shall specify-

(a) the amounts to be disbursed upon the authority of that warrant; and

(b) the accounting officers responsible for such disbursements.

(3) The Accountant-General shall, upon receipt of such warrant, make moneys available to the accounting officers specified therein.

(4) The warrant issued in respect of the expenditure authorized by subsection (3) of section 117 of the Constitution shall not be deemed to authorize any expenditure in respect of any service for which no provision has been made during the previous financial year unless the House of Representatives specifically authorizes such expenditure.

(5) All sums withdrawn from the Consolidated Fund by virtue of warrants issued pursuant to subsections (3) and (4) of section 117 of the Constitution 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 that 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.

(6) With a view to economizing public balances the Minister shall restrict the sums to be withdrawn from the Consolidated Fund Principal Bank Account to such total sums as he may consider necessary for making the current payments for the public service.

(7) Accounting officers specified in the warrant issued under subsection (2) may consider the sums provided by the Accountant-General pursuant to that subsection as constituting part of their general drawing balance applicable to the payment of all services for which they are accountable.

(8) Nothing in this section shall be construed to empower the Minister or any other authority to direct the payment by an accounting officer, of expenditure not sanctioned by any law whereby services are or may be charged on the Consolidated Fund, or by a vote of the House of Representatives, or by any Appropriation Act

(9) Warrants referred to in this section may, if the Minister thinks fit, be issued in respect of expenditure generally or in respect of any specific service.

10. Authorizing withdrawals from Consolidated Fund Principal Bank Account.

10. (1) When disbursements from the Consolidated Fund have been authorized pursuant to section 9, the Auditor-General shall on the requisition of the Accountant-General authenticate orders issued by the Accountant-General for the withdrawal of sums from

the Consolidated Fund Principal Bank Account, so long as the sums requisitioned for the various services do not in the aggregate exceed the respective sums authorized for those services.

(2) Orders so authenticated by the Auditor-General shall be in the prescribed form and shall be the necessary authority to the bank in which the Consolidated Fund Principal Bank Account is held to issue from the account the amount specified to be paid to such other account or bank as the said order may direct.

11. Bank statements.

11. (1) Statements showing transactions carried out in respect of the Consolidated Fund Principal Bank Account or any Consolidated Fund Subsidiary Bank Account, as the case may be, shall be forwarded by the proper office of the bank in which the relevant account is held to the accounting officer specified in the relevant warrant in such form and at such intervals as the Accountant-General may direct.

(2) The proper office of the bank in which the relevant account is held shall, within seven days after the end of each month, send to the Accountant-General, a statement of transactions in relation to the Consolidated Fund Principal Bank Account and the Consolidated Fund Subsidiary Bank Accounts in respect of that month.

(3) The proper office of the bank in which the relevant account is held shall-

(a) upon request by the Financial Secretary or the Auditor-General, as the case may be, forward to him a copy of the statement referred to in subsection (1);

(b) forward a copy of the statement referred to in subsection (2) to the Financial Secretary and the Auditor-General.

12. Advances to Government.

12. (1) The principal and interest of all temporary advances (hereinafter referred to as "ways and means advances") made by the Bank to the Government pursuant to section 36 of the Bank of Jamaica Act shall be charged on and shall be payable out of the Consolidated Fund.

(2) Requests for ways and means advances shall be in writing, addressed to the Governor of the Bank and shall be signed by the Minister.

(3) All amounts of ways and means advances shall be paid into the Consolidated Fund Principal Bank Account.

13. Establishment of Contingencies Fund.

13. (1) Pursuant to section 118 of the Constitution there is hereby established a Contingencies Fund which shall consist of issues from the Consolidated Fund Principal Bank Account not exceeding in the aggregate one hundred million dollars or such greater sum as the House of Representatives may by resolution approve, to defray unforeseen expenditure.

(2) If the Minister is satisfied that-

(a) certain expenditure is likely to be incurred in a financial year-

(i) in relation to a service, thereby causing an excess on the sum provided for that service by the Appropriation Act relating to 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 authorize 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 House of Representatives as soon as possible. When the supplementary estimates have been approved, and pending the provision for such services under the appropriate heads by an Appropriation Act, issues from the Consolidated Fund Principal Bank Account may be made accordingly and the sums advanced from the Contingencies Fund repaid out of the said issues.

14. Trust Funds.

14. (1) For the purposes of this section and subject to subsection (2), "Trust Fund" means-

(a) a Fund established pursuant to any enactment (hereinafter referred to as the relevant enactment) other than this Act or an Appropriation Act;

(b) any Fund of moneys held by or deposited with or entrusted to the Government pursuant to the terms of a deed or trust, trust instrument agreement whether expressed or implied, or any arrangement governing the use of the moneys so held.

(2) Moneys held in any Trust Fund shall be deemed to be public moneys and, subject to subsection (5), any loss therefrom arising in the circumstances described in section 49 shall, if not otherwise made good, be repaid to that Fund out of the Consolidated Fund.

(3) Where the Minister is satisfied in relation to a Trust Fund that no provision or, as the case may be, inadequate provision, is made for the administration of such Fund or for the control of payments thereto or expenditure therefrom or for the proper accounting therefor, the Minister shall-

(a) designate an accounting officer as the officer responsible for the administration of such Trust Fund;

(b) give such directions or make such regulations as the Minister considers expedient to provide for the receipt, custody and disbursement of moneys belonging to such Fund and the accounting for such moneys.

(4) Subject to the provisions of any relevant enactment, the Minister may authorize the investment of moneys standing to the credit of a Trust Fund in like manner as provided in section 6 in relation to moneys standing at the credit of the Consolidated Fund Principal Bank Account.

(5) Any profit arising from any transactions authorized pursuant to subsection (4) shall accrue to the Trust Fund.

(6) Where under the provisions of any Trust Fund referred to in subsection (1), moneys belonging to the Trust Fund are required to be lodged with the Accountant-General, he shall-

(a) keep such moneys in safe custody and invest them in such securities as the Financial Secretary may direct;

(b) authorize disbursements of such moneys upon the written request of the accounting officer designated pursuant to subsection (3) (a), so, however, that no such disbursement shall be authorized unless the Accountant-General is satisfied that the request thereof is made in accordance with the relevant enactment;

(c) prepare and furnish to the accounting officer so designated pursuant to subsection (3) (a), statements of all transactions relating to the Trust Fund, at such intervals (not being less frequent than once per quarter) as the Minister may direct.

(7) The accounts of every Trust Fund shall be audited annually by the Auditor-General who shall submit to the Minister a report on the findings of the audit.

14A. Deposit Fund.

14A. (1) There shall be a Deposit Fund into which shall be paid, pending repayment or application to the purposes for which they were deposited, the balances held on deposit in respect of any funds established by law or otherwise or any other deposits of which the Accountant-General is the custodian (other than trust funds or the balances of the Consolidated Fund).

(2) Pending repayment or application to the purposes for which they were deposited. it shall be lawful for the Minister to authorize the use of the balances referred to in subsection (1) to make advances-

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

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

(3) Notwithstanding anything to the contrary contained in subsection (2), the Minister may from time to time authorize the issue of amounts from the Consolidated Fund not

exceeding in the aggregate fifty million dollars to augment the cash balance held on deposit to meet payments on account of those deposits or on account of advances authorized pursuant to subsection (2) and the said sum of fifty million dollars or such portion thereof as the Minister may determine shall from time to time be repaid into the Consolidated Fund.

(4) Moneys at the credit of the Deposit Fund shall be kept in an account styled the "Deposit Fund Account" and shall be under the management and control of the Accountant-General.

(5) The Minister may, by order subject to affirmative resolution, increase the amount specified in subsection (3).

(6) The accounts of the Deposit Fund shall be audited annually by the Auditor-General who shall submit to the Minister a report on the findings of the audit.

14B. Loans and advances.

14B. (1) No payments by way of loans or advances shall be made from the Consolidated Fund without the prior approval of the House of Representatives.

(2) The Minister may in writing authorize an accounting officer to conduct negotiations on behalf of the Government, for the grant of a loan to any person and for the purposes of this subsection the Minister shall-

(a) specify the terms of reference of any such negotiations;

(2) (b) approve the terms of any agreement between the Government and the borrower.

(3) Moneys to be applied for the purpose of any loans or advances under this section shall be provided by a special appropriation to the Accountant-General and any amount paid out as such loan or advance shall be recorded as an asset of the Consolidated Fund.

(4) It shall be the duty of the Accountant-General to ensure that-

(a) all payments of interest due on any loan or advance are collected and paid into the Consolidated Fund in accordance with the agreement relating thereto;

(b) all redemption payments or recoveries are collected and duly recorded;

(c) any default in such repayments is reported to the Minister, and the accounting officer authorized pursuant to subsection (2).

14C. Investments.

14C. (1) Subject to subsection (2), the Minister may, with the prior approval of the House of Representatives, authorize the Accountant-General to purchase shares in any company with moneys from the Consolidated Fund.

(2) Where the Minister takes any action under subsection (1) he shall-

(a) make a report to the House of Representatives of the details of any shares purchased; and

(b) lay on the Table of the House of Representatives a copy of any agreement made in relation to such purchase.

(3) The Accountant-General shall keep proper records relating to investments made under this section.

14D. Particulars to be included in annual estimates.

14D. When, pursuant to section 115 of the Constitution, annual estimates of revenue and expenditure are prepared, the Minister shall also cause to be prepared, estimates of-

(a) loans and advances to be made pursuant to section 14B;

(b) repayments to the Consolidated Fund in respect of any loans and advances previously made;

(c) investments to be made pursuant to section 14C;

(d) the proceeds of any sale or any realization of any such investments previously made;

(e) amounts representing-

(i) internal and external borrowings by Government; and

(ii) receipts and repayments of deposits and other trust moneys.

15. Accountant-General.

15. (1) The Governor-General acting upon the advice of the Public Service Commission, may from time to time appoint a fit and proper person to be Accountant-General who shall hold office during pleasure.

(2) The Accountant-General shall be the custodian of the Consolidated Fund and shall perform such functions as are conferred upon him by this or any other enactment.

(3) The Accountant-General shall be responsible for ensuring that-

(a) such balances are kept in the Consolidated Fund as may be required by law and as may be necessary for the conduct of Government business;

(b) no disbursement is made from the assets of the Consolidated Fund except in accordance with law.

(4) The Accountant-General shall submit to the Minister such statements of account on the financial position of the Consolidated Fund, at such times and in such form as the Minister may require.

16. Accounting officers.Cases

16. (1) The Minister shall from time to time designate in writing public officers who shall be accounting officers of the departments specified in such designation.

(2) An accounting officer shall be responsible for the financial administration of the department specified in a designation under subsection (1) and shall be accountable to the Minister for-

(a) the assessment and collection of, and accounting for, all moneys lawfully receivable by his department;

(b) ensuring that the purpose for which an appropriation is approved by Parliament is accomplished;

(c) making any payment required to be made in relation to such appropriation;

(d) the custody and proper use of all materials, equipment or other public property administered by him;

(e) the administration of any fund for which he has been assigned responsibility pursuant to section 14 (3);

(f) the discharge of any other financial responsibility assigned to him under this or any other enactment.

17. Official bank accounts.

17. (1) An accounting officer shall not open any bank account (hereinafter referred to as an "official bank account") for the lodgement of public moneys without the prior written approval of the Financial Secretary, and any such approval shall stipulate the terms and conditions under which the account shall be operated.

(2) An accounting officer-

(a) shall not permit an overdraft on any official bank account without the prior written approval of the Financial Secretary;

(b) shall submit to the Financial Secretary and the Auditor-General, within the prescribed time a monthly return showing the balances in such account at the close of business on the last working day of the month.

18. Control of expenditure.

18. If in his opinion the exigencies of the financial situation render such action necessary, the Minister may-

(a) specify the maximum limit of the amounts to be expended by any accounting officer;
or

(b) limit or suspend any expenditure charged under any Appropriation Act or by virtue of the provisions of section 13.

19. Commitment of expenditure.

19. An accounting officer shall not-

(a) make any payments in excess of the amounts specified by the Minister pursuant to section 18 (a) without the prior approval of the Minister; or

(b) enter into any commitment in excess of-

(i) the amount specified in the estimates of expenditure as approved by the House of Representatives; or

(ii) such lesser amount as the Minister may direct.

19A. Appropriation.

19A. (1) Subject to subsection (2), any expenditure by an accounting officer shall be in accordance with the provisions contained in an Appropriation Act for the services required.

(2) The Minister may, if he thinks fit, reallocate expenditure in relation to such services as he may specify, so, however, that no such expenditure-

(a) may be reallocated in respect of any new service not provided for by the Appropriation Act; and

(b) shall exceed the aggregate sums provided for such services.

(3) The Minister may in writing delegate to an accounting officer the function specified in subsection (2) but no such delegation shall prevent the performance of such function by the Minister.

(4) Subject to section 24L, every appropriation by Parliament of public moneys in relation to any financial year shall cease to have effect at the close of that financial year and, except as otherwise provided in this Act, any unexpended balances in any accounts referred to in section 13 shall be paid into the Consolidated Fund Principal Bank Account.

(5) All accounting officers immediately after the end of each financial year, prepare and submit to the Minister a statement showing-

(a) details of all commitments entered into for the supply of goods or services or the construction of any work during the year where such goods or services have not been received or such work has not been completed before the end of that year;

(b) details of the delivery of goods and services or the completion of any work for which payment has not been made before the close of that year;

(c) unspent balances of the appropriation, in such form as will indicate-

(i) that such balances are sufficient to cover the amounts required to meet the undischarged commitments and liabilities referred to in paragraphs (a) and (b); or

(ii) that any excess in respect of any such undischarged commitment or liability, as the case may be, has been approved by the Minister under section 19.

(6) Upon receipt of the statements referred to in subsection (5), the Minister shall issue directions to accounting officers as to the action to be taken by them to discharge such commitments or liabilities during the ensuing financial year and to maintain the provision of services on a regular basis.

19B. Regulations governing contracts.

19B. (1) All agreements for the supply of goods or services to, or the carrying out of any work for any department shall be on such terms and subject to such conditions as the Minister may by regulations, prescribe.

(2) Without prejudice to the generality of subsection (1) regulations made under that subsection may prescribe-

(a) the extent to which an officer is authorized to enter into the agreement;

(b) procedures relating to-

(i) the offer and acceptance of tenders;

(ii) the signing of such agreements;

(c) the form of agreements and the conditions to be stipulated therein;

(d) measures relating to the execution of agreements and the making of payments thereunder.

19C. Authorization of payments.

19C. (1) No payment shall be made from any Consolidated Fund Bank Account or any other official bank account unless the voucher for that payment is certified and the payment is approved and the accountable officer-

(a) who gives such certification or approval, as the case may be, is properly authorized to do so and acts within the limits of that authority;

(b) has taken the necessary steps to ensure that the payment may properly be made in respect of goods and services delivered or rendered in conformity with a valid agreement

(2) An accountable officer who approves or certifies any payment in contravention of subsection (1) shall be personally liable for any impropriety in relation to such payment.

20. Surcharge by Financial Secretary. Cases

20. (1) If it appears to the Financial Secretary 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 Financial Secretary, 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 Financial Secretary 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 Financial Secretary 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.

21. Notification of surcharge. Cases

21. (1) The Financial Secretary shall cause the Auditor-General and the accounting officer of the department concerned to be notified of any surcharge made under section 20.

(a) The accounting officer on being notified as aforesaid shall notify the person surcharged and shall, subject to the provisions of sections 22 and 23, recover the amount surcharged from such person.

22. Withdrawal of surcharge.

22. The Financial Secretary 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 Financial Secretary shall notify the Auditor-General and the accounting officer of the department concerned of the withdrawal of any such surcharge.

23. Remedy of person aggrieved by surcharge.

23. (1) Any person who is dissatisfied with any surcharge made against him under section 20 shall have the right to appeal to the Privy Council within a period of one month immediately after he has been notified of the surcharge:

Provided that the Governor-General in his discretion may authorize an appeal to be made after the expiration of such period of one month,

(2) After such further investigation as may be directed by the Governor-General acting in his discretion the Privy Council 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. A copy of every such order shall be transmitted to the

Financial Secretary, to the accounting officer of the department concerned and to the Auditor-General.

24. Recovery of surcharge.

24. The amount of any surcharge made under section 20 may, subject to the provisions of sections 22 and 23, be sued for and recovered as a debt due to the Government by action at the suit of the Attorney-General in the Supreme Court or in a Resident Magistrate's Court, as may be appropriate having regard to the amount of the surcharge, or the Financial Secretary 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 Financial Secretary shall authorize.

24A. Government accounts.

24A. (1) For the purposes of this Act, "Government accounts" includes all accounts kept pursuant to this Act by the Accountant-General and all accountable officers, in relation to the transaction of public business and includes all documents and other records in any form whatsoever.

(a) It shall be the duty of every accountable officer to keep and present in accordance with this Act and any regulations made or directions given thereunder proper and accurate accounts of all transactions entered into by him and all public moneys or other property held by him.

(3) The Minister may issue directions and make regulations-

(a) respecting the preparation, submission and form of estimates;

(b) respecting the collection, disbursement, 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 Government accounts and other records;

(e) prescribing forms and other matters required to be prescribed under this Act;

(f) respecting the establishment of bank accounts;

(g) for any other purpose necessary for the efficient administration of the financial business of the Government.

(4) The Minister or any officer authorized 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 exercise of his functions under this Act.

24B. Basis of accounts.

24B. (1) Government accounts which are required under this Act to be published shall be prepared on such basis as may be prescribed.

(2) When any Government accounts are published there shall be appended thereto explanatory notes indicating the basis on which the accounts have been prepared.

(3) It shall be the duty of all accounting officers to establish proper accounting systems for the purpose of recording-

(a) all amounts payable into the Consolidated Fund and all liabilities and commitments charged on and payable out of such Fund; and

(b) if so directed by the Financial Secretary, the cost of work undertaken by their respective departments.

24C. Retention money.

24C. (1) Any amount payable under a contract which is withheld to ensure due performance of the contract may be charged to the appropriation for that contract and any amount so charged shall be paid into a bank account in accordance with regulations made under section 24A and may, notwithstanding the provisions of section 19C be paid out in accordance with the contract.

(2) Any such amount which is not paid out as authorized under subsection (1) shall be paid into the Consolidated Fund Principal Bank Account.

24D. External loan accounts.

24D. (1) If, in accordance with any agreement for a loan to the Government designated in foreign currency, any amount is paid from the lender's account for goods and services purchased on behalf of the Government, the amount so paid shall be notified by the Financial Secretary to the Accountant-General who shall record that amount as a liability of the Consolidated Fund and as an amount payable to that Fund in the currency of Jamaica.

(2) Amounts in the currency of Jamaica, derived from the use or sale of goods and services purchased by means of a loan as mentioned in subsection (1) shall be forthwith paid over to the Accountant-General or, as the case may require, deposited in an account kept for that purpose at such bank as the Financial Secretary may determine in the custody of the Accountant-General.

(3) Such amounts shall constitute a reserve cash asset of the Consolidated Fund and may only be utilized by transferring such assets to the Consolidated Fund Principal Bank Account in accordance with the terms of the relevant loan agreement.

(4) The Accountant-General shall ensure that all such amounts as are referred to in subsection (2) are paid into the Consolidated Fund Principal Bank Account.

24E. Credit agreements.

24E. (1) In this section "credit agreement" means an agreement whereby goods or services delivered or supplied to a department are to be paid for at some future date extending beyond the end of the financial year within which such goods or services are delivered or supplied.

(2) No credit agreement shall be entered into without the prior approval of the Minister.

(3) Where, pursuant to subsection (2), a credit agreement has been entered into, the amount payable for the relevant goods or services shall, upon the delivery or supply thereof, be charged to an appropriation and shall be recorded as a liability of the Consolidated Fund and thereafter, notwithstanding the provisions of section 19C, may be paid out in accordance with the credit agreement and the directions, if any, issued by the Minister.

(4) The liability created by a credit agreement shall form part of the public debt.

24F. Financial instructions.

24F. (1) Subject to subsection (2), it shall be the duty of all accounting officers upon whom financial accounting responsibilities are conferred by this Act or any regulations made hereunder, to issue in keeping with the provisions of this Act, written instructions to other accountable officers in their respective departments in relation to the duties and responsibilities of those officers under this Act and in particular-

(a) the assignment of duties for the assessment, collection or accounting for revenue;

(b) the making of commitments and payments;

(c) the receipt and disbursement of deposits;

(d) the holding and use of stores and other public property;

(e) the accounting procedures applicable to and the forms to be used in the conduct of financial business;

(f) the designation of officers authorized to operate bank accounts;

(g) the contents of internal financial reports and dates for submission thereof.

(2) No instructions shall be issued pursuant to paragraph (e) of subsection (1) without the prior approval of the Financial Secretary.

24G. Annual statements.

24G. (1) In respect of each financial year and as soon as possible after the end of such financial year, the Minister shall lay the following statements on the Table of the House of Representatives-

(a) the statement of the receipts and payments in respect of the Consolidated Fund Principal Bank Account;

- (b) a statement of assets and liabilities of the Consolidated Fund showing balances in respect of current assets and liabilities;
 - (c) a summary of the transactions of the Consolidated Fund Principal Bank Account as compared with budget forecasts;
 - (d) a statement of the revenue and expenditure of the Consolidated Fund Principal Bank Account as compared with the original and revised budget forecasts.
- (2) The statements referred to in subsection (1) shall be prepared in accordance with the accounts as at the end of the relevant financial year and shall be signed by the Accountant-General.

24H. Finance accounts.

24H. (1) In respect of each financial year or within a period of four months after the end of such financial year the Accountant-General shall prepare, sign and submit to the Auditor-General statements showing-

- (a) current assets and liabilities of the Consolidated Fund;
- (b) revenue actually paid into the Consolidated Fund Principal Bank Account as compared with the estimates of revenue;
- (c) actual expenditure from the Consolidated Fund Principal Bank Account as compared with the estimates of expenditure;
- (d) the public debt of Jamaica, showing transactions for the relevant year of account and the balance of sinking funds held against redemption;
- (e) advances and loans from the Consolidated Fund showing transactions for the year of account and, for those accounts in respect of which no recovery is reported during that year, the date of the most recent recovery;
- (f) capital investments of the Consolidated Fund showing transactions for the year of account, the securities held and the proportion of equity held on behalf of the Government;
- (g) balances held by the Accountant-General on deposit at the end of the financial year and the outstanding advances made therefrom;
- (h) expenditure in respect of those services which by law are directly charged upon the Consolidated Fund as compared with budget forecasts;
- (i) outstanding loans or credits guaranteed by the Government;
- (j) receipts and payments of the Contingencies Fund;
- (k) such other matters as the Minister may direct for the purpose of amplifying the information required under paragraphs (a) to (i).

(2) The Accountant-General shall submit the statements referred to in subsection (1) to the Auditor General who shall certify them and the statements as so certified shall be laid on the Table of the House of Representatives.

24I. Departmental accounts.

24I. (1) In respect of each financial year and within a period of four months after the end of such financial year, all accounting officers shall prepare, sign and transmit to the Minister and the Auditor-General the statements relating to the financial activities under their control showing in respect of each head of estimates-

(a) revenue actually collected and paid into the Consolidated Fund or other approved depositories or applied as appropriation-in-aid, and including any drawbacks or other moneys paid out of such collections;

(b) appropriation accounts for expenditure as against approved estimates, including explanations for major variations therefrom;

(c) particulars of funds administered by them, including-

(i) a balance sheet;

(ii) a statement of receipts and payments in respect of transactions relating to each fund; and

(iii) such other statements as may be required by the rules governing any particular fund or by directions issued by the Financial Secretary.

(2) The statements mentioned in subsection (1) shall be certified by the Auditor-General and shall be laid on the Table of the House of Representatives.

24J. Erroneous payments.

24J. Notwithstanding anything to the contrary contained in this Act, the Accountant-General may, with the concurrence of the Auditor-General, authorize withdrawals from any Consolidated Fund Bank Account of such sums as may be required to repay or adjust amounts erroneously paid into that account.

24K. Confidential expenditure.

24K. (1) Where any payment is made from a provision in the Estimates of Expenditure for services of a confidential nature, a certificate of payment shall be prepared and signed by the accounting officer concerned stating that the payment has been properly made.

(2) A certificate referred to in subsection (1) may, without further enquiry, be accepted by the Auditor-General as proof that the payment mentioned therein has been properly made.

24L. Settlement of undischarged commitments after close of financial year.

24L. (1) Subsections (2) and (3) shall apply charged in any case where -

- (a) a statement has been submitted by an accounting officer in relation to goods delivered, services rendered or work completed before the close of that financial year; and
 - (b) amounts remain outstanding for such goods, services or work before the close of that financial year; and
 - (c) an unspent balance exists in the relevant appropriation for that financial year.
- (2) The unspent balance referred to in subsection (1) may within a period of three months after the close of the relevant financial year be used for making payments due and owing for the goods, services or work mentioned in subsection (1).
- (3) Any amount of the balance which is not dealt with in accordance with subsection (2) shall be paid into the Consolidated Fund Principal Bank Account.

25. Duties of Auditor-General.

25. (1) The Auditor-General shall, in performing his functions under section 122 (1) of the Constitution ascertain whether in his opinion-

- (a) the accounts referred to in that section are being faithfully and properly kept;
 - (b) the rules and procedures framed and applied are sufficient to secure an effective check on the assessment, collection and proper allocation of the revenue and other receipts of the Government;
 - (c) all money expended and charged to an appropriation account has been applied to the purpose for which the provision made by Parliament was intended and that any payment of public money conforms to the authority which governs it, and has been incurred with due regard to the avoidance of waste and extravagance;
 - (d) essential records are maintained and the rules and procedures framed and applied are sufficient to safeguard the control of Government property;
 - (e) the provisions of this or any other enactment relating to the administration of public moneys and Government property have been complied with;
 - (f) satisfactory procedures have been established to measure and report on the effectiveness of programmes and services.
- (2) Notwithstanding subsection (1) the Auditor-General may, after satisfying himself by conducting such tests as he considers necessary for the purpose of verifying the accounts, in his discretion and having regard to the character of the departmental examination and certification of such accounts, in any particular case admit the documents and accounts so certified in support of the charges to which they relate.
- (3) 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, reports, information storage devices, cash, stamps, securities, stores or other Government property in the possession of any officer;
- (b) to request in writing and be given custody for such time as he may require, of any books, accounts, vouchers or papers under the control of any officer relating to or concerning public accounts, so, however, that the Auditor-General shall give to that officer a written receipt acknowledging delivery of such accounts, vouchers or papers;
- (c) to call upon any officer for any explanation and information that the Auditor-General may require in order to enable him to discharge his duties;
- (d) to require any accounting officer to furnish him from time to time or at regular periods with accounts of the transactions for which that officer is responsible, up to such date as the Auditor General 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 and to require such extracts to be certified;
- (f) to require every person employed in his office who has to examine the accounts of a department to comply with any security requirements applicable thereto and to take any oath of secrecy required to be taken by persons employed in that department;
- (g) to station members of his staff in any department to facilitate the conduct of the audit and the accounting officer concerned shall provide such facilities as the Auditor-General may reasonably require for that purpose.
- (4) Any officer required by the Auditor-General to furnish information or documents shall comply with that request as soon as may be reasonably practicable in the circumstances.
- (5) Where any officer fails to comply with any requirement of subsection (3), the Auditor-General may, if the circumstances so warrant, report the matter to the Minister and shall send a copy of that report to the accounting officer concerned and to, the Chief Personnel Officer.
- (6) The Auditor-General shall be entitled to summon and examine on oath, declaration or affirmation (which oath, declaration or affirmation the Auditor-General is hereby empowered to administer) all persons whom he shall think fit to examine respecting the receipt or payment of money or the receipt or issue of any Government supplies affected by the provisions of 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.
- (6A) Any person summoned under the provisions of subsection (6) who without reasonable excuse makes default in obeying such summons shall be guilty of an offense and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not

exceeding five thousand dollars or, in default of payment, to imprisonment for a period not exceeding six months.

(7) The Auditor-General may authorize any officer of his department to perform on his behalf any of his functions under this Act or any other enactment, other than the administration of oaths and certifying and reporting of accounts for the House of Representatives.

26. Notification of irregularities.

26. (1) If, in the course of an audit it appears to the Auditor-General that-

(a) any loss or deficiency has occurred and has not been reported to the Financial Secretary, the Auditor-General shall report the matter to the Financial Secretary and shall inform the accounting officer concerned;

(b) any payment is improper or, as the case may be, is so extravagant or nugatory as to be regarded as an improper payment, the Auditor-General shall send a statement of such findings to the Financial Secretary.

27. Defective vouchers.

27. (1) Where any voucher or other document in respect of the receipt or payment of public moneys, has been lost or destroyed, or is defective in any respect, the accounting officer concerned shall forthwith report the matter to the Auditor-General for investigation.

(2) Where, as a result of such investigation the Auditor-General is satisfied that the relevant transaction is otherwise in order, he shall notify the accounting officer accordingly and shall issue in respect of that transaction, an authority under his hand-

(a) for the transaction to stand charged in the account in the case of a missing voucher or other document; or

(b) for such voucher or other document to be accepted where it is found to be defective.

(3) Where the Auditor-General is not satisfied that the relevant transaction is in order, such transaction shall be deemed to be unlawful and shall be treated as a loss as referred to in section 20 (1) (c).

28. Certification of accounts.

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

29. Annual report by Auditor-General.

29. (1) The Auditor-General shall report annually as soon as possible and not later than the 31st day of December following the end of each financial year the results of his examination:

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

(2) Every report of the Auditor-General shall be addressed to the Speaker who shall lay the report before the House of Representatives as soon as possible after its receipt by him.

30. Audit of accounts of public body by Auditor-General.

30. (1) Notwithstanding anything to the contrary contained in any other enactment, the Auditor-General may if he thinks fit, audit the accounts of any public body and shall do so if the House of Representatives by resolution so directs.

(2) The Auditor-General's report on his examination and audit of any accounts audited pursuant to subsection (1) shall be transmitted to the appropriate Minister for presentation to the House of Representatives:

Provided that-

(a) the appropriate Minister shall obtain the observations of the public 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 House of Representatives with the report;

(b) if the appropriate Minister fails within two months after receipt of the report to present it to the House of Representatives the Auditor-General shall transmit a copy of the report to the Speaker of the House to be presented by him to the House.

(3) The Auditor-General shall, if so required by the Minister, examine and report to the Minister the results of his examination of the accounts of any person or organization who has received moneys by way of grant or loan out of funds appropriated by Parliament or in respect of whom financial aid from the Government is sought.

31. Powers of Auditor-General to, order audit of books of public body.

31. (1) In the exercise of his duties under section 30, the Auditor-General may authorize any person registered under the Public Accountancy Act, to inspect, examine or audit the books and accounts of any public body which the Auditor-General may be required to examine or audit and that person shall report his findings to the Auditor-General.

(2) In the exercise of his duties in relation to public bodies, the Auditor-General or any auditor appointed by him shall have the like powers as are vested in the Auditor-General for the purpose of examining accounts under sections 25 and 28.

(3) There shall be paid to a person authorized pursuant to subsection (1) such fees as may be determined by the Auditor-General after consultation with the Financial Secretary.

32. Auditor-General to be informed re termination of auditor's Services.

32. Where-

(a) the appointment of an auditor is not renewed by the board of a public body, the board shall inform the Auditor-General in writing of the reasons therefor; or

(b) any auditor withdraws his services in relation to the audit of the accounts of any public body, he shall inform the Auditor-General in writing of such withdrawal, and the Auditor-General shall inquire into the matter and report his findings to the Minister.

33. Appointment of audit committees in public body.

33. The relevant Minister may require a public body to appoint a committee from among its members to be called an Audit Committee which shall be responsible for-

(a) assessing the adequacy and scope of the arrangements for the internal and external audit of the accounts of that body;

(b) examining the reports of internal and external auditors in relation to such accounts; and

(c) ascertaining what action has been taken in respect of recommendations contained in such reports.

34. Internal audit.

34. (1) There shall be established in each department a system of internal audit for examining the financial transactions and accounts of the department.

(2) Officers who are assigned to internal audit shall perform such functions as may be prescribed by the Financial Secretary but nothing in this subsection shall prevent an accounting officer from assigning such additional duties and responsibilities to such officers as the accounting officer may think fit.

(3) The officer who is in charge of internal audit in a department shall-

(a) submit, on a regular basis, reports in writing to the accounting officer designated pursuant to section 16 in respect of that department;

(b) make quarterly reports to the Financial Secretary containing the findings of that officer and such recommendations as the officer considers necessary.

(4) The Auditor-General shall be entitled to have access to all reports made in accordance with this section.

35. Custody and control of Government property.

35. (1) Notwithstanding the provisions of the Crown Property (Vesting) Act, the Minister may by regulations-

(a) prescribe procedures for-

(i) the acquisition of government property;

(ii) the regulation of contracts for such property;

(b) provide for the custody and control of any general or specific category of government property;

(c) prescribe such accounting procedures as may be necessary for the proper custody and control of such property;

(d) authorize

(i) the holding of government property;

(ii) the disposal of such property;

(e) prescribe any other matter which may be necessary for giving effect to this Part.

(2) Regulations under subsection (1) shall be subject to negative resolution of the House of Representatives.

36. Responsibilities of accounting officers re property.

36. Accounting officers shall, in relation to their respective departments, be responsible for the acquisition, safe custody, control and disposal of all government property.

37. Disposal of government property.

37. (1) Government property shall be deemed to be lawfully disposed of when such property-

(a) has been consumed in the ordinary course of work;

(b) has been disposed of in accordance with regulations made pursuant to section 35 (1) (d).

(2) Government property shall be deemed to be unlawfully disposed of when-

(a) no evidence can be shown that such property has been used in the ordinary course of work; or

(b) such property has-

(i) become unserviceable otherwise than as a result of ordinary wear and tear; or

(ii) been used for purposes not connected with the work of a department; or

(iii) been disposed of in contravention of this Act or any regulations made hereunder,

and any government property so disposed of shall be treated as a loss within the meaning of section 20 (1) (c).

38. Sales of government property.

38. When, pursuant to any regulation made under paragraph (d) of section 35, any government property is disposed of by way of sale, the proceeds of such sale shall be paid into the Consolidated Fund Principal Bank Account.

39. Marking of government property.

39. (1) The Minister may make regulations prescribing the identification marks to be applied to government property.

(2) Every person who without lawful excuse removes, destroys or obliterates wholly or in part, any identification marks applied to any Government property pursuant to regulations made under subsection (1) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

40. Supplies revolving fund.

40. (1) The Minister may by regulations provide for the establishment, operation and maintenance of a fund hereinafter referred to as a "Supplies Fund" which shall be used for the purchase of supplies for sale to other departments.

(2) The proceeds of sale of any such supplies or any income derived from investments referred to in subsection (3) shall be paid into the Supplies Fund.

(3) Moneys standing to the credit of the Supplies Fund may be invested in such manner as the Minister may specify in the regulations made under subsection (1)

41. Application of this Part.

41. This Part applies to all public bodies.

42. Financial year of public bodies.

42. Except as otherwise provided in any enactment by virtue of which a public body is established, the financial year of all public bodies shall be the period of twelve months ending on the 31st March in any year.

43. Payments to public body.

43. (1) No payment shall be made from the Consolidated Fund to any public body by way of grant, capital contribution, loan or assignment of revenue, and no guarantee may be given to any such body being a guarantee which may necessitate payments from the Consolidated Fund, unless-

(a) the prior approval of the House of Representatives has been obtained for such payment or guarantees;

(b) subject to section 44, an agreement in writing has, with the approval of the Financial Secretary been made by the Accountant-General and body, stating the terms and conditions under which the payment will be made;

(c) where appropriate, the body has lodged with the Financial Secretary and the accounting officer concerned copies of-

(i) its constitution or, as the case may be, its memorandum and articles of association;

(ii) its latest annual report and audited financial statements.

(2) Where any agreement referred to in subsection (1) (b) is in force, the public body concerned shall, within four months after the end of the financial year, submit to the accounting officer concerned-

(a) an annual report and audited financial statements; and

(b) a certificate signed by the auditor of that body stating that the terms of the agreement have been complied with.

44. Responsibilities of accounting officer in relation to public bodies.

44. (1) The accounting officer shall, in relation to any agreement referred to in section 43-

(a) carry out such investigations as may be necessary of the circumstances in which the application for financial assistance is made and shall report the findings to the Minister and the Minister responsible for the public body concerned;

(b) ensure that provision is made in such agreements for the effective execution of Government policy and for the protection of the financial interests of the Government;

(c) in the event of a default in complying with any such agreement, or, if the accounting officer has reasonable grounds for believing that any such default is likely to occur, carry out such investigation as may be necessary of the circumstances giving rise to such default or the likelihood thereof, and report his findings to the Minister and the Minister responsible for the public body concerned.

(2) An agreement made pursuant to section 43 may provide for the inspection on a regular basis, by the accounting officer of the accounts of the public body concerned.

(3) For the purpose of any inspection mentioned in subsection (2) the accounting officer shall be entitled at all reasonable times to examine the public body's assets, accounts, documents, files and other records in whatever form.

45. Powers of Minister in cases of default.

45. (1) Where a report is made to the Minister pursuant to section 43 (1) (b) in respect of any default by a public body, the Minister may, after consultation with the Minister responsible for that public body-

(a) direct that any agreement made in relation to that body pursuant to section 43 be revised;

(b) specify the remedial action to be taken by that body;

(c) direct that an investigation of the circumstances of the default be carried out by such persons as he may specify.

(2) Where any accounting officer is responsible for any default in complying with the terms of any agreement made under section 43, the public body concerned may appeal to the Minister responsible for that body for appropriate action to be taken in the matter.

46. Accounts of government company.

46. Within six months of the end of each financial year, a copy of the annual report and audited financial statements of each government company shall be submitted to the Minister responsible for that company who shall cause such report and statements to be laid on the Table of the House of Representatives.

47. Acquisition of shares by companies.

47. (1) Unless the Minister otherwise directs in relation to a particular company, no shares shall be acquired by or on behalf of a government company without the prior approval of the Minister.

(2) Any shares acquired by a government company shall be vested in the Accountant-General in accordance with section 7 (2) of the Crown Property (Vesting) Act.

(3) Notwithstanding the provisions of section 30 (3) of the Companies Act (which relates to the filing of accounts by private companies) a government company shall be obliged to file accounts in accordance with that section.

(4) The Minister may from time to time direct the Accountant-General in writing as to the manner in which the Accountant-General should exercise his powers as a shareholder in any government company.

(5) All dividends payable in respect of shares held by a government company shall be paid to the Accountant General who shall cause the same to be paid into the Consolidated Fund.

48. Report on government companies by Registrar of Companies.

48. (1) The Registrar of Companies shall within four months after the end of each financial year prepare and submit to the Minister a report of all government companies containing-

(a) a list of any subsidiaries of such companies, including any additions or deletions during the financial year;

(b) any default by such companies in complying with the relevant provisions of the Companies Act.

(2) The Minister shall cause a copy of the report submitted under subsection (1) to be laid on the Table of the House of Representatives.

49. Responsibilities of accountable officers.

49. (1) Where it appears to any accounting officer or the Auditor-General that a deficiency or loss or destruction as mentioned in section 20 (1) (c) has occurred, he shall forthwith make a report in accordance with subsection (2) of this section to the Financial Secretary.

(2) A report referred to in subsection (1) shall include information as to-

- (a) the amount or value of the deficiency or loss;
- (b) the circumstances leading to such deficiency or loss; and
- (c) the officer alleged to be responsible therefor.

(3) Upon receipt of a report under subsection (2), the Financial Secretary-

(a) shall, by notice in writing to the officer named in such report-

(i) specify the grounds on which the allegations are being made against the officer named in the report;

(ii) require that officer, within thirty days of the date of the notice, to state his defence; and

(iii) issue a warning to the officer that failure to respond to the notice will be regarded as an admission of liability,

(b) may conduct such investigations in relation to the report as he considers necessary.

(4) For the purposes of any investigation under subsection (3), the Financial Secretary is hereby empowered to-

(4) (a) summon and examine witnesses;

(b) call for and examine documents;

(c) administer oaths;

(d) adjourn any investigation from time to time, and the Financial Secretary may hear orally any person who, in the opinion of the Financial Secretary, is likely to be affected by such investigation and shall so hear that person if a written request for a hearing has been made by the person showing that he is an interested party likely to be affected by the result of the investigation and that there are particular reasons why he should be heard orally.

(5) For the purposes of this section any reference to deficiency or loss includes-

(a) damage or destruction by fire, accident, rain, flood or other occurrence;

- (b) misappropriation or theft of or failure to properly account for any public moneys or property;
 - (c) failure to collect moneys or property owing to the Government or to provide documents showing that such moneys are wholly and correctly brought into account;
 - (d) improper payments, that is to say
 - (i) payments unlawfully made or the making of which has been insufficiently documented;
 - (ii) payments deemed unlawful by the Financial Secretary on the grounds that they appear to be extravagant or nugatory;
 - (e) amounts which are not recoverable by the Government as a result of the negligence of the accountable officer;
 - (f) any malicious or wilful destruction of Government property.
- (6) Where an accounting officer has reasonable ground for suspecting that any loss or deficiency resulted from a criminal offence, the accounting officer shall forthwith report the matter to a member of the Jamaica Constabulary Force.

50. Regulations.

50. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, such regulations may make provision in relation to all or any of the following-

- (a) the establishment of appropriate accounting systems and procedures in relation to the operation of bank accounts by accounting officers;
 - (b) requirements in relation to the budgeting, financial reporting, accounting and auditing in public bodies;
 - (c) the collation of financial statistics in relation to public bodies;
 - (d) the procedure in relation to the exercise of the Auditor-General's functions under section 25 (6);
 - (e) procedures for the issue of and accounting for, warrants authorizing disbursement from appropriations;
 - (f) the submission of such reports or returns by accounting officers containing such information as the Minister may require.
- (2) Any power conferred by subsection (1) to make regulations may be exercised-

(a) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case or different provision as respects the same case or class of case for different purposes of this Act;

(iii) any such provision either unconditionally or subject to any specified condition.

(3) Any regulations under this section may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

51. Directions to institutions by Financial Secretary.

51. The Financial Secretary may issue instructions to be known as Financial Instructions in relation to public financial business and without prejudice to the generality of the foregoing, such instructions shall provide for-

(a) the collection, custody, issue, expenditure, due accounting for, care and management of all public moneys and the guidance of all persons concerned therewith;

(b) the effectual recording, examination, inspection and departmental checks of all receipts, payments and expenditure and the keeping of all necessary books and accounts;

(c) the forms for all accounts, books, returns and documents required for the proper accounting for public moneys and government supplies;

(d) the classification and coding to be used for budgets and other accounts;

(e) the purchase, safe custody, issue, sale or other disposal or writing-off of government supplies and other property and the proper accounting for and stocktaking of such supplies and other property;

(f) the reporting of losses, by whatever means, of public moneys, government property and the reporting of any damage to or destruction of any such property:

Provided that any directions and instructions which are in force for like purposes at the 17th August, 1992, shall continue in force insofar as they are applicable until other provision is made pursuant to this section.

52. Minister's approval of certain payments.

52. (1) Where it comes to the attention of an accounting officer or the Auditor-General that any expenditure requiring the authority of the Minister has been incurred without that authority the accounting officer or the Auditor-General, as the case may be, shall forthwith make a report thereof to the Financial Secretary.

(2) The Financial Secretary may, if satisfied that the circumstances of the expenditure are such as to warrant the approval of the Minister, recommend to the Minister that such approval be given.

(3) Where, in respect of any such expenditure-

(a) the Financial Secretary is not satisfied that a recommendation should be made under subsection (2); or

(b) the Minister refuses to give such approval as so recommended, the amount of the expenditure shall be treated as a loss under section 20 (1) (c).