

No. 15 of 2021.

Public Finances (Management)(Amendment) Act 2021.

Certified on : 4 NOV 2021



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ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 2).
2. Payments into Trust Accounts (Amendment of Section 16).
3. APC Committee Powers and Functions (Amendment of Section 40).
4. Certain Contracts Null and Void (Amendment of Section 44).
5. New Section 47N.

“47N. ESTABLISHMENT, RESTRUCTURE OR REVIEW OF PUBLIC BODIES.”

6. Application of this Part (Amendment of Section 48).



No. 15 of 2021.

AN ACT

entitled

Public Finances (Management)(Amendment) Act 2021,

Being an Act to amend the ***Public Finances (Management) Act 1995*** -

- (a) to further manage the financing of national procurement (including those relating to Provincial Governments and Local-level Governments as required by the ***Organic Law on Provincial Governments and Local-level Governments***); and
- (b) to further allow for the management of public finances, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

1. INTERPRETATION (AMENDMENT OF SECTION 2).

The Principal Act is amended in Section 2 by repealing the word “levies” from the definition of “public money”.

2. PAYMENTS INTO TRUST ACCOUNTS (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended by repealing Subsection (2) and replacing it with the following new subsections:

“(2) Subject to this section, transfers of funds from the Consolidated Revenue Fund to the Trust Fund are prohibited unless a special transfer is authorised by an Appropriation Act.

(2A) Transfers of funds from the Consolidated Revenue Fund to the Trust Fund may be made into the bank accounts of Trust Accounts opened and operated under this Act by the head of the department responsible for financial matters for the purpose of holding appropriations authorised by an Appropriation Act for a procurement of goods, works or services or the payment of rental or lease obligations of public or statutory bodies.”.

3. APC COMMITTEE POWERS AND FUNCTIONS (AMENDMENT OF SECTION 40).

Section 40 of the Principal Act is amended by repealing Subsections (5) and (6).

4. CERTAIN CONTRACTS NULL AND VOID (AMENDMENT OF SECTION 44).

Section 44 of the Principal Act is amended in Subsection (2) by repealing the word “K100,000.00” wherever appearing and replacing it with “K1,000,000.00”.

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5. NEW SECTION 47N.

The Principal Act is amended by inserting immediately after Section 47M the following new section:

“47N. ESTABLISHMENT, RESTRUCTURE OR REVIEW OF PUBLIC BODIES.

(1) The public body shall submit to the Treasurer and the Finance Minister all proposals for the creation, reform or restructure of the public body for consideration, clearance and comment prior to submission to the National Executive Council.

(2) The Treasurer shall examine and consider a proposal under Subsection (1) as to the financial implications on the National Budget and shall issue a certificate stating -

- (a) that the proposal has been considered; and
- (b) the impact of the proposal on the National Budget; and
- (c) whether or not the proposal is supported and the changes, if any, required to the proposal prior to the grant of support.

(3) The Finance Minister shall examine and consider a proposal under Subsection (1) as to the impact of the proposal on financial accountability and shall issue a certificate stating -

- (a) that the proposal has been considered; and
- (b) the impact of the proposal on financial accountability; and
- (c) whether or not the proposal is supported and the changes, if any, required to the proposal prior to the grant of support.

(4) A certificate shall be attached to any submission to the National Executive Council for the creation, reform or restructure of a public body.

(5) The Treasurer or the Finance Minister may require a review to be undertaken in respect of any public body as to whether the purpose and expectations in respect of that public body have been met and make recommendations to the National Executive Council as to either reform or repeal of that public body.

(6) A review under this section shall be conducted as the Treasurer or Finance Minister directs.”.

6. APPLICATION OF THIS PART (AMENDMENT OF SECTION 48).

Section 48 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following new subsections:

“(1) This Part applies to all statutory bodies without exception, limitation, condition, addition or modification prescribed by any other law.

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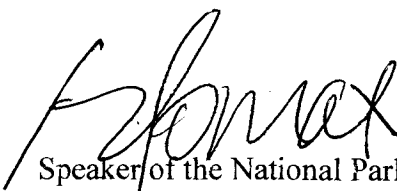
(1A) Where a provision in this Part is stated to apply to all statutory bodies, then, notwithstanding any contrary provision in any other law, that provision shall apply without regard to any exception, limitation, condition, addition or modification in any other law.”.

I hereby certify that the above is a fair print of the ***Public Finances (Management)(Amendment) Act 2021***, which has been made by the National Parliament.


Clerk of the National Parliament.

4 NOV 2021

I hereby certify that the ***Public Finances (Management)(Amendment) Act 2021***, was made by the National Parliament on 13 September 2021, by an absolute majority in accordance with the ***Constitution***.


Speaker of the National Parliament.
4 NOV 2021