

GUYANA

BILL NO. 3 OF 2015

FISCAL MANAGEMENT AND ACCOUNTABILITY (AMENDMENT) BILL 2015

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 54(1) of the Principal Act.
3. Amendment of the Principal Act.
4. Amendment of Schedule to the Principal Act.

A BILL

Intituled

AN ACT to amend the Fiscal Management and Accountability Act.

A.D. 2015 Enacted by the Parliament of Guyana:-

Short title. **1.** This Act which amends the Fiscal Management and
Cap. 73:02 Accountability Act may be cited as the Fiscal Management and Accountability
(Amendment) Act 2015.

Amendment of **2.** Section 54(1) of the Principal Act is amended by the insertion
section 54(1) of immediately after the words “statutory expenditures” of the words “or
the Principal Act. allocations to Constitutional Agencies”.

Amendment of **3.** The Principal Act is amended as follows –
the Principal Act. (a) by the insertion immediately after section 80 of the following
heading and section –

“Part XIIA

Application of
section 80 to
Constitutional
Agencies.

80A. Section 80 shall apply to the
Constitutional Agencies except as otherwise
provided by the law establishing the Agency.”.

(b) By the insertion of the following sections as sections 80B, 80C and
80D –

“Budget proposal.

80B. (1) The public officer responsible for
managing the affairs of an Agency or such other
person designated by the appropriate authority for

that purpose, shall submit budget proposals to the Clerk of the National Assembly (copied to the Speaker of the National Assembly and the Minister of Finance) who shall ensure that those proposals are submitted as presented and in the case of the Audit Office, the budget shall be submitted to Parliament through the Chairperson of the Public Accounts Committee.

(2) The Minister of Finance shall submit to the National Assembly the Minister's comments on the annual budget of a Constitutional Agency, including recommendations in sufficient time to enable consideration by the Assembly and those recommendations shall be limited to the overall request rather than line items.

(3) The submission shall be made in accordance with section 79(1) and prior to the commencement of the fiscal or calendar year, as the case may be, for the approval of the National Assembly.

(4) The format of the annual budget of the Constitutional Agencies shall be as determined by the Head of each Agency in consultation with the Minister of Finance.

(5) Detailed budgets and appropriations shall be reflected in the Annual Estimates together with detailed Estimates of Revenues and Expenditures

of the Constitutional Agencies.

(6) Notwithstanding the provisions of subsection (5) and consistent with Article 222A of the Constitution, the annual budget appropriation for the Constitutional Agencies shall be included in the Estimates of the Public Sector as Subventions to Constitutional Agencies (similar to those for Subsidies to Local Organisations) reflecting the following for each Agency: Programme and Agency Description, Budget for the Previous Year and Budget for the Current Year.

(7) The annual budget of a Constitutional Agency approved by the National Assembly shall not be altered without the prior approval of the National Assembly.

(8) The appropriation of a Constitutional Agency approved by the National Assembly shall be disbursed as a lump sum by the end of the month following the month in which the appropriation is approved.

Annual reports and
audit.

80C. Annual Reports and Audited Financial Statements shall be prepared and presented as required by section 80 for Statutory Bodies and references to the Minister shall be construed for the purpose as references to the official in charge of the Constitutional Agency.”.

(c) by the insertion immediately after section 85 of the following section as section 85A –

“Application of Act to Minister.

85A. The Principal Act shall apply *mutatis mutandis* to a Minister as it applies to an official.”.

Amendment of Schedule to the Principal Act.

4. The Schedule to the Principal Act is amended by the deletion of the following entities –

The Public Service Commission
The Police Service Commission
Teaching Service Commission
The Public Service Appellate Tribunal
The Supreme Court of Judicature
The Office of the Ombudsman
The Parliament Office
The Guyana Elections Commission.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Fiscal Management and Accountability Act, Cap. 73:02, (i) to extend the application of the Act to the responsible Minister and (ii) to establish the financial independence of certain Constitutional entities, including Service Commissions principally, to specifically allow for lump sum payments to be made to these Agencies and to free them from the automatic obligations of Budgetary Agencies and the discretionary powers exercised by the Minister of Finance over Budgetary Agencies, which obligations compromise their independence which they are intended to have as contemplated by the Constitution.

The Bill also seeks to amend the Schedule to the Fiscal Management and Accountability Act to ensure its consistency with the spirit and letter of the Constitution with regard to the independence of the listed entities and the relevant motions adopted by the National Assembly (Resolution No 11 of 2012) with regard to the financial autonomy of the above-mentioned Constitutional entities.

Winston Jordan

Minister of Finance