

THE FINANCIAL ADMINISTRATION AND AUDIT ACT

REGULATIONS

(under sections 8, 14 (3), 24A(3), 35, 39, 40 and 50(1))

The Financial Management Regulations, 2011

L.N. 44/A/2011

REGULATIONS

(under section 17)

The Financial Administration (Supplies) Regulations, 1963

L.N. 149/63
304/76

REGULATIONS

(under section 50)

The Financial Administration and Audit (Fiscal Responsibility Framework) Regulations, 2012

L.N. 45D/2012

THE FINANCIAL ADMINISTRATION AND AUDIT ACT

REGULATIONS

(under sections 8, 14(3), 24A(3), 35, 39, 40 and 50(1))

THE FINANCIAL MANAGEMENT REGULATIONS, 2011

*(Made by the Minister on the 17th day of February, 2011)*L.N. 44¹¹A/2011

PART I. Preliminary

1. These Regulations may be cited as the Financial Management Regulations, 2011.

Citation.

2. In this Regulations, unless the context otherwise requires—

Interpretation.

“appropriation-in-aid” means any revenue which a department collects in the ordinary course of business which have been approved by Parliament to be used by the department;

“automated communications device” means a computer programme or an electronic or other automated device used to initiate or respond to electronic communications in whole or in part, without review or action by an individual;

“budget call” means written instructions issued by the Financial Secretary to departments for the submission of proposals for their budgets, corporate plans and operational plans in respect of the ensuing financial year;

“certifying authority” means the public body that issues electronic certificates;

“data” includes—

- (a) any material stored, in whatever form, in an electronic communication system;
- (b) the whole or part of a computer programme; and
- (c) a representation suitable for processing in an electronic communications system;

“electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities, and references to carrying out any act “electronically” shall be similarly construed;

“electronic certificate” means any record that—

- (a) identifies the person or body that issues it;

- (b) names or otherwise identifies the signatory or a device (including an automated communications device) under the control of the signatory;
- (c) specifies its operational period;
- (d) is digitally signed by the person or body that issues it;
- (e) contains a public key that corresponds to a private key under the control of the originator of the electronic document to which the certificate relates; and
- (f) specifies any other matter required to be specified under these Regulations;

“electronic document” means information that is created, generated, communicated, stored, displayed or processed by electronic means;

“electronic communications system” means a system for creating, generating, sending, receiving, storing, displaying or otherwise processing electronic documents or data;

“electronic information” includes data, text, images, videos, sounds, codes, computer programmes, software and databases;

“electronic record” means a record created, stored, generated, received, or communicated by electronic means;

“electronic signature” means information that—

- (a) is contained in, attached to or logically associated with an electronic document; and
- (b) is used by a signatory to indicate his adoption of the content of that document, but does not include any signature produced by a facsimile machine or by an electronic scanning device;

“Government property” means land, buildings, furniture, equipment, fixtures, inventory, stores, supplies, artifacts and other assets, both tangible and intangible, owned by the Government;

“official receipt” means a receipt prescribed by the Financial Secretary for the collection of public funds;

“performance reports” means reports designed to provide information on the achievement of performance targets;

“Principal Receiver of Revenue” means any officer charged with the duties and responsibilities for collecting and accounting for revenue;

“private key” means an encryption or decryption value known only to the party or parties that exchange secret messages;

“public key” means a value provided by some authority to enable encrypted messages to be electronically transmitted and exchanged securely when combined with a private key;

“signatory (electronic)” means a person who by means of an encrypted signature creation device has (whether acting himself or through another person, or an automated communications device, acting on his behalf) affix his encrypted signature to an electronic document;

“supplementary estimates” means revision to the original approved budget passed by the Houses of Parliament;

“traffic data” means information about the communication of data using an electronic communications system, including the—

- (a) number and kind of communications;
- (b) origin of the communication;
- (c) destination of the communication;
- (d) time when the communication was sent; and
- (e) time when the communication was received;

“Treasury deposits” means funds held by the Accountant-General pending repayment or application to the purposes for which they were deposited as 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 and the Contingencies Fund).

3.—(1) These Regulations apply to all departments.

Application.

(2) Reference in these Regulations to a department includes a Ministry and, except where the context otherwise requires, a public body which is designated as an Executive Agency pursuant to the Executive Agencies Act and any other public body.

PART II. *Management of the Consolidated Fund*

4. The establishment or closure of a Consolidated Fund Subsidiary Bank Account shall be approved by the Financial Secretary.

Establishment and closure of Consolidated Fund Subsidiary Bank Accounts.

5.—(1) The books of account of the Consolidated Fund shall be maintained by the Accountant-General on a double entry basis and in accordance with the accounting policies and standards prescribed by the Financial Secretary.

Consolidated Fund Books of Account.

(2) A cash book or ledger account shall be maintained for each Consolidated Fund Bank Account and shall be reconciled at least once per month.

(3) Cash books and ledger accounts for Consolidated Fund External Accounts and Consolidated Fund Foreign Currency Accounts shall be maintained in the relevant foreign currencies along with the Jamaican dollar equivalent based on the daily Bank of Jamaica's weighted average rate of exchange.

(4) Foreign exchange differences incurred between the standard rate of exchange and the actual rate of exchange shall be transferred to a Foreign Exchange Adjustment Account in the books of accounts of the Consolidated Fund.

(5) The Foreign Exchange Adjustment Account shall form a part of the assets and liabilities of the Consolidated Fund and shall be disposed of in a manner approved by the Minister.

Bank and other charges on Consolidated Fund Operations.

6. Bank and other charges on any Consolidated Fund Bank Account shall be paid from an appropriation under the control of the Account-General.

Withdrawal from Consolidated Fund.

7. Withdrawals from the Consolidated Fund shall not exceed the limit set by the warrant.

Treasury Deposits

Accountant-General to maintain a Treasury Deposit Account.

8. The Accountant-General shall maintain a deposit account referred to as "the Treasury Deposits Account" in which shall be deposited all funds which are held for payment to a third party or for purposes stipulated by the depositor or for any other purposes prescribed by law or by the Financial Secretary.

Unclaimed Treasury deposits.

9. Unclaimed funds held on Treasury deposits for a period of six years shall be paid to the Consolidated Fund.

Refund of Treasury deposits paid to Consolidated Fund.

10. Where any person entitled to a deposit which has been paid over to the Consolidated Fund, subsequently proves, to the satisfaction of the Financial Secretary, his claim to that deposit, the Financial Secretary shall thereupon approve a refund by the Accountant-General of the amount to that person.

PART IIA. Preparation and Submission of Annual Estimates

Responsibility for preparing annual estimates of expenditure.

11.—(1) The accounting officer shall ensure that the draft estimates relating to his department are prepared in conformity with these Regulations.

(2) The accounting officer is responsible, in particular, for ensuring that—

- (a) all services which can be reasonably foreseen are included in the estimates and that they are within the capacity of his department during the financial year;