THE PUBLIC FINANCE MANAGEMENT BILL, 2017

MEMORANDUM

The objects of this Bill are to provide for—

- (a) an institutional and regulatory framework for management of public funds;
- (b) the strengthening of accountability, oversight, management and control of public funds in the public financial management framework;
- (c) responsibilities and fiduciary duties of controlling officers and controlling bodies;
- (d) enhancement of cash management systems to ensure efficient and effective utilisation of cash for the Government;
- (f) the processes for efficient production of the Financial Report for the Republic;
- (g) the management and control of public assets and stores;
- (h) the repeal of the Public Finance Act No. 15 of 2004; and
- (i) matters connected with, or incidental, to, the foregoing.

A. Mwansa,
Solicitor-General

THE PUBLIC FINANCE MANAGEMENT BILL, 2017

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

- 1. Short title and commencement
- 2. Interpretation
- 3. Supremacy of Act

PART II

Management of Public Finances

- 4. Establishment of the Treasury
- 5. Functions and Powers of the Treasury
- 6. Secretary to the Treasury
- 7. Functions of the Secretary to Treasury
- 8. Accountant-General
- 9. Functions of the Accountant-General
- 10. Controlling Officers
- 11. General responsibilities of Controlling Officers
- 12. Fiduciary duties of Controlling Officers and Controlling body
- 13. Appointment and Responsibilities of Accounting Officers
- 14. Controller of Internal Audit
- 15. Functions of Controller of Internal Audit
- 16. Appointment and Powers of Internal Auditors
- 17. Functions of Internal Auditors
- 18. Appointment and Powers of Stock Verifiers
- 19. Audit Committees

PART III

CONTROL OF PUBLIC FINANCES

- 20. Additional principles of Public Finance
- 21. Public funds t be credited to Consolidated Fund
- 22. Disbursement of the Consolidated Fund
- 23. Issuance of warrant
- 24. Donations and Grants
- 25. Treasury Single Account
- 26. Borrowing and Lending

N.A.B. 17, 2017

- 27. Public Debt Chargeable to Consolidated Fund
- 28. General Revenues
- 29. Generation of Revenue
- 30. Releases of funds
- 31. Bank balances at end of financial year
- 32. Bank Accounts in respect of Public Monies
- 33. Interest on Bank Accounts
- 34. Investments
- 35. Deposits Excerpted from the Consolidated Fund
- 36. Appropriation in Aid
- 37. Working Accounts
- 38. Recoverable Advances
- 39. Variation of funds
- 40. Aided Projects
- 41. Management of public assets and stores in public bodies
- 42. Disposal of public assets and stores in public bodies
- 43. Establishment of Committees of Survey
- 44. Disposal of public assets and stores by local authority, statutory corporations and state owned enterprise
- 45. Disposal procedures for public assets and stores under public bodies
- 46. Methods of disposal of public assets and stores under public bodies
- 47. Restriction on disposal to employees
- 48. Losses of Money or Stores

PART IV

FINANCIAL MISCONDUCT

- 49. Financial misconduct by controlling officers, Committees and office holders
- 50. Disciplinary proceedings
- 51. Surcharge for failure by Controlling Officers or Controlling body to perform
- 52. Surcharge for failure by public officer to perform
- 53. Interim order of surcharge
- 54. Attachment of property of officer as security

PART V

CONTROL OF STATUTORY CORPORATIONS AND STATE OWNED ENTERPRISES

- 55. Responsibilities of the Minister in management of State Owned Enterprises and Statutory corporations
- 56. Management of Statutory Corporations and State Owned Enterprises
- 57. Representation in Statutory Corporations and State Owned Enterprises
- 58. Annual report and financial statements
- 59. Shareholder's Meeting
- 60. Conditions for appropriation of Grants
- 61. Grants disbursed to Statutory Corporations and State Owned Enterprises
- 62. Transfer of assets to Statutory Corporations
- 63. Records of investments in Statutory Corporations or State Owned Enterprises to be maintained
- 64. Inefficient operations of Statutory Corporations or State Owned Enterprises
- 65. Protection of assets of Statutory Corporations or State Owned Enterprises
- 66. Audit of Statutory Corporations or State Owned Enterprises
- 67. Protection of Government interest on privatization of Statutory Corporations or State Owned Enterprises
- 68. Recovery of outstanding moneys
- 69. Dissolution of Statutory Corporation

PART VI

REPORTS

- 70. Financial Report of Republic
- 71. Financial year for statutory corporation and state owned enterprise
- 72. Financial Reports for Statutory Corporations and State Owned Enterprises

PART VII

EXTERNAL AUDIT

- 73. Mandate of the Auditor-General
- 74. Auditor-General may secure services of agent or specialist consultants

N.A.B. 17, 2017

PART VIII

GENERAL PROVISIONS

- 75. Prohibition of unauthorised fiscal incentives
- 76. Unauthorised use of Public money
- 77. Right to make representation
- 78. Consultancy Services
- 79. Restrictions regarding Agreements
- 80. Establishment or Merging of public bodies
- 81. Dissolution of public bodies
- 82. Offences and penalties
- 83. General penalty
- 84. Establishment, Merging or Dissolution of Grant Aided Institutions
- 85. Forms of document
- 86. Establishment of Committees
- 87. Remuneration of Committees
- 88. Forfeited Assets
- 89. Conflict of interest
- 90. Regulations
- 91. Existing Funds
- 92. Transitional Arrangements
- 93. Repeal of Act No. 15 of 2004