
ARRANGEMENT OF SECTIONS**SECTION****PART I
PRELIMINARY**

1. Short title
2. Interpretation

**PART II
CONTROL AND MANAGEMENT OF
PUBLIC FINANCE**

3. Powers and duties of Minister
4. Powers and duties of Financial Secretary
5. Powers and duties of Accountant General
6. Accounting Officers

**PART III
PUBLIC FUNDS**

7. Consolidated Fund
8. Payment into the Consolidated Fund
9. Payment from the Consolidated Fund
10. Special Funds
11. Trust Funds
12. Contingencies Fund

**PART IV
ACCOUNTS**

13. Public moneys to be accounted for
14. Consolidated Fund Services Account
15. Development Programme Account
16. Departmental Accounts
17. Annual Accounts
18. Special Accounts
19. Minister to lay accounts before the House of Assembly

**PART V
AUTHORIZATION OF EXPENDITURE**

SECTION

- 20. Annual Estimates
- 21. Appropriation
- 22. Supplementary Appropriation
- 23. Authorization of expenditure in advance of appropriation
- 24. Warrant to lapse
- 25. Reallocation
- 26. Virement
- 27. Appropriation and warrants to lapse at the end of each financial year

**PART VI
PAYMENTS**

- 28. Authority for payment
- 29. Statutory payments.
- 30. General Warrant
- 31. Provisional Warrant
- 32. Advance Warrant
- 33. Imprest Warrant

**PART VII
BANK ACCOUNTS**

- 34. Bank Accounts

**PART VIII
INVESTMENTS**

- 35. Investment of moneys

**PART IX
PUBLIC DEBT**

- 36. Restrictions on borrowing
- 37. Restrictions on guarantees
- 38. Public Debt

**PART X
DEPOSITS**

SECTION

- 39. Deposits
- 40. Investment of deposits
- 41. Unclaimed deposits

**PART XI
ABANDONMENT OF CLAIMS AND WRITE-OFF
OF PUBLIC MONEYS AND STORES**

- 42. Abandonment of claims and write-off of losses, etc.
- 43. Gift of stores or other property

**PART XII
SURCHARGE**

- 44. Power to surcharge
- 45. Circumstances of action
- 46. Notification of surcharge
- 47. Appeal against surcharge
- 48. Withdrawal of surcharge
- 49. Recovery of surcharge

**PART XIII
STATUTORY BODIES**

- 50. Definition
- 51. Application
- 52. Estimates of expenditure
- 53. Annual report and accounts

**PART XIV
MISCELLANEOUS**

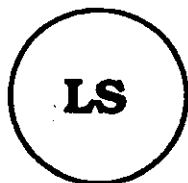
- 54. Power to make Regulations
- 55. Repeal
- 56. Savings

- Schedule I. - SPECIAL FUNDS
- Schedule 2 - TRUST FUNDS

COMMONWEALTH OF DOMINICA

ACT No. 4 of 1994.

I assent



C. A. SORHAINDO
President.

16th September, 1994

AN ACT TO REPEAL AND REPLACE THE FINANCE AND AUDIT ACT, CHAP. 63:01, TO PROVIDE FOR THE MANAGEMENT OF PUBLIC FUNDS OF THE COMMONWEALTH OF DOMINICA, THE APPROPRIATION, WITHDRAWAL AND ISSUE OF SUMS THEREFROM, AND FOR THE PUBLIC ACCOUNTS AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

(Gazetted 22nd September, 1994)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows:

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the -
FINANCE (ADMINISTRATION) ACT, 1994

Interpretation.

2. In this Act -

"accountable officer" means any officer, including an accounting officer and a receiver of revenue, responsible for the collection, receipt, custody, issue of payment of public moneys, stores, stamps, securities or negotiable instruments whether or not the same are the property of Government or on deposit with or entrusted to the Government or to any officer in his official capacity, either alone or jointly with any other officer or any other person;

"accounting officer" means any officer designated under the provisions of this Act and charged with the responsibility for revenue collection and accounting for any service in respect of which moneys have been appropriated;

"Appropriation Act" means any Act to apply a sum out of the Consolidated Fund to the service of a financial year and includes a Supplementary Appropriation Act;

"collector of revenue" means any officer responsible for collecting money, securities or other financial instrument for or on behalf of Government;

"Consolidated Fund" means the Consolidated Fund of the Commonwealth of Dominica established by section 76 of the Constitution;

SI No. 1027
of 1978.

"Consolidated Fund Services Account" means the General Services Account referred to in section 14 of this Act;

SI No. 1027
of 1978.

"Constitution" means the Constitution of the Commonwealth of Dominica contained in Schedule 1 to the Commonwealth of Dominica Constitution Order, 1978.

"development programme account" means the development programme account referred to in section 15 of this Act;

"expenditure vote" means any sum appropriated to any service or investment authorized by an Appropriation Act;

"Financial Regulations" means Regulations made under section 3 in respect of public funds, securities and investment;

"officer" means an employee of the Government including a public officer and a police officer;

"Procurement and Stores Regulations" means Regulations made under section 3 in respect of public stores;

"Public Accounts Committee" means the Select Committee established by Order 72 of the Standing Orders of the House of Assembly;

Chap 1:01

"public moneys include:

- (a) all revenues or other moneys raised or received for the purpose of the Government, and
- (b) any moneys or funds held, whether temporarily or otherwise, by any officer in his official capacity, either alone or jointly with any other person, whether or not that person is an officer;

"public stores" means all chattels of whatsoever nature being the property of, in the possession of, or under the control of the Government;

"receiver of revenue" means the Accountant General or any officer designated by him for the purpose of receiving moneys, securities or other financial instruments collected by collectors of revenue;

"Supplementary Appropriation Act" means any Act the purpose of which is the appropriation of moneys in supplementation of the appropriation already made by an

Appropriation Act;

"supply vote" means the total sums appropriated out of the Consolidated Fund for and applied to any purpose by an Appropriation Act.

PART II CONTROL AND MANAGEMENT OF PUBLIC FINANCE

Powers and
duties of
Minister.

3. (1) The Minister shall supervise the finances of the Government in order to ensure that a full account is made to the House of Assembly and for that purpose, shall, subject to the provisions of this Act, have full responsibility for the management of the Consolidated Fund.
- (2) The Minister shall make Regulations and give directions and instructions as appear to him to be necessary and expedient for the advantage, economy and safety of public moneys and public property.
- (3) Without restricting the generality of subsection (2), any Regulations made or directions or instructions given by the Minister may provide for the -
- (a) collection, custody, issue, expenditure, due accounting for, care and management of all public funds;
 - (b) effectual record, examination, inspection and internal checks of all receipts, payments and expenditure;
 - (c) forms of all accounts, books, documents and reports whatsoever required for the proper accounting for public moneys and public stores;
 - (d) purchase, safe custody, issue, sale or other disposal or write-off of stores and other property of the Government and the proper

accounting for and stock-taking of such stores and property;

- (e) custody, handling and proper accounting for stamps, investments, securities and negotiable instruments whether the property of the Government or on deposit with or entrusted to the Government or any officer in his official capacity or of any other person;
- (f) reporting of losses by whatever means of public money, stamps, accounting or accountable documents of whatever kind and public stores, and the reporting of damage to or destruction of any property of the Government, and
- (g) issue of public tenders, the powers and duties of the Tenders Board and the award of contracts.

4. (1) The Financial Secretary shall -

- (a) take all proper steps to ensure that any directions and instructions given pursuant to, and Regulations made under the provisions of section 3, are brought to the notice of all persons directly affected thereby and are complied with;
- (b) be entitled to inspect all government offices and public property and shall be given access at all times thereto and all available information he may require with regard to moneys and property in the custody of accounting officers and accountable officers and to all documents and records in respect thereof, and
- (c) certify all withdrawals made or authorized from the Consolidated Fund.

Powers and
duties of
Financial
Secretary

(2) The Financial Secretary may delegate in writing under his hand all or any of the powers conferred upon him by paragraph (b) of subsection (1).

Powers and duties of
Accountant General.

5.

(1) The Accountant General, in the discharge of his duties as the officer charged with the compilation and management of the accounts of the Government may, with the prior approval in writing of the Financial Secretary, give general instructions not inconsistent with the provisions of this Act and any Regulations made thereunder, and may in his discretion give special accounting instructions.

(2) Any special accounting instructions shall not conflict with or extend, abridge or amend any Regulations made, or any directions or instructions given by the Minister under section 3.

(3) Without prejudice to the generality of the duties imposed on him by subsection (1) and subject to the powers conferred on the Minister by section 3, and on the Financial Secretary by section 4, the Accountant General shall -

- (a) receive revenue and other moneys into and make payments from the Consolidated Fund;
- (b) ensure that all revenues and other moneys received and paid are brought promptly and properly to account;
- (c) refuse payment or any voucher wrong or insufficient in content or which contravenes Financial Regulations, Procurement and Stores Regulations or any other regulations, directions or instructions properly made or given under the provisions of this Act for management of public moneys and stores, or that are in his opinion in any other way unacceptable in support of a charge on public funds;

- (d) report to the Financial Secretary in writing any defect in departmental control of revenue, expenditure, cash, stamps, stores and other property and any breach or non-observance of Financial Regulations, Procurement and Stores Regulations or any other regulations, directions or instructions made or given under the provisions of section 3, that may come or be brought to his notice, and
- (e) ensure, in so far as is practicable, that adequate provision exists for the safe custody of public moneys, stamps, securities and other accountable documents.
6. (1) The Minister shall, when the annual estimates of revenue and expenditure of the Consolidated Fund is laid before Parliament, in respect of each head thereof, designate an officer to be the accounting officer for that head.
- (2) Notwithstanding subsection (1) the Minister may -
- (a) designate different officers in respect of different parts of a head of revenue or expenditure, and
- (b) at any time, designate an officer to be the accounting officer for any head or part thereof and include that designation in the next appropriate supplementary estimates of expenditure or revenue.
- (3) An accounting officer shall be answerable to the Public Accounts Committee of the House of Assembly for the efficient management of and accounting for public funds entrusted to him as accounting officer.
- (4) An accounting officer may with the prior approval in writing of the Financial Secretary, appoint an officer under his control to be the collector of revenues or for the collection of

Accounting
Officers

any item of revenue for which he is accountable and shall define in writing to the satisfaction of the Financial Secretary the extent to which the powers and duties conferred and imposed on him in respect of the receipt and collection of public moneys for which he is accounting officer shall be exercised or performed on his behalf by that collector of revenue.

(5) The appointment of a collector of revenue under subsection 4 for the collection of any item of revenue shall not abate or abridge the personal accountability of the accounting officer making the appointment in respect of that item of revenue.

(6) Every accounting officer shall comply with any Regulations, directions or instructions made or given as the case may be by the Minister under section 3 or under powers vested in the Financial Secretary under section 4 and all instructions given by the Accountant General under the authority of section 5.

(7) Notwithstanding anything contained in this section, where a department is headed by a Permanent Secretary he shall be the accounting officer for that department.

PART III PUBLIC FUNDS

Consolidated
Fund.

7. There shall be one revenue fund which shall be called the Consolidated Fund.

Payment into
the
Consolidated
Fund.
SI No. 1027
of 1978.

8. Subject to the Constitution and except as otherwise provided in this Act, all revenues and other moneys raised or received for the purpose of the Government not being revenue or other moneys which are payable by or under any law into some other fund established for a specific purpose, shall be paid into and form part of the Consolidated Fund.

Payment
from the
Consolidated
Fund.

9. (1) No moneys shall be paid out of the Consolidated Fund except -

- (a) to meet expenditure which is chargeable upon it by the Constitution or any law, including this Act;
- (b) where the payment has been authorized by an Appropriation Act or by a warrant under the hand of the Minister given in accordance with the provisions of this Act;
- (c) for the purpose of repaying any moneys received in error into the Consolidated Fund, or
- (d) for the purpose of paying sums as may be required for any refund, rebate or draw back where the payment of that refund, rebate or drawback is provided for in any law.

SI No. 1027
of 1978.

(2) No moneys shall be paid out of the Consolidated Fund except in the manner prescribed by this Act.

(3) Any moneys forming part of the Consolidated Fund which are -

- (a) deposited with a bank or other financial institution, or
- (b) invested in an authorized manner,

shall not, for the purpose of this section, be deemed to have been issued from the Consolidated Fund by reason only of that deposit or investment.

10. (1) The House of Assembly may -

- (a) make provision in any Appropriation Act for the establishment of a Special Fund, and
- (b) approve revenue for any Special Fund so established.

Special
Funds.

Schedule I.

(2) Any fund set out in Schedule I shall be deemed to be a Special Fund and to have been established in accordance with the provisions of subsection (1) and the balance standing to the credit of that fund at the close of account on the day of the coming into operation of this Act shall be deemed to have been appropriated by the House of Assembly for the purpose specified in Schedule I in respect of that Special Fund.

Trust Funds.

11. (1) For the purpose of this Act "trust fund" means -
- (a) any fund established by an Act other than an Appropriation Act, or
 - (b) any moneys held by or deposited with or entrusted to the Government pursuant to the terms of a deed of trust, trust instrument, agreement (whether expressed or implied) or any arrangement governing the use of moneys so held.

(2) No fund established in accordance with the provisions of subsection (1) (a) shall be deemed a Trust Fund where the Act establishing the same makes provision for the payment of moneys into that fund out of the Consolidated Fund.

(3) A trust fund shall not form part of the Consolidated Fund and, subject to section 12, shall be administered in accordance with the provisions of this Act.

Schedule II.

(4) The funds set out in Schedule II shall be deemed to be trust funds and the balance standing to the credit of each fund at the close of account on the coming into operation of this Act shall be deemed to be held by the Government for the purposes specified in Schedule II in respect of each trust fund.

(5) Nothing in this Act shall extend, abridge or alter the terms of any trust or be construed as authorizing the making of any Regulation or the giving of any directions or instructions requiring any person to obey that Regulation, direction

or instruction in relation to moneys held on trust which contravene or are inconsistent with terms of that trust.

(6) No public officer shall accept appointment as a trustee without the written authority of the Minister .

12 (1) A Contingencies Fund is hereby established.

Contingencies
Fund.

(2) The Minister may, by resolution passed in the House of Assembly, transfer from the Consolidated Fund any sum or sums as may be required from time to time for the operation of the Contingencies Fund.

(3) The Minister, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure -

(a) for which no moneys have been appropriated or for which the sum appropriated is insufficient;

(b) for which funds cannot be reallocated as provided for in section 25, and

(c) which cannot be deferred without serious detriment to the public service,

may, by Contingencies Fund Warrant under his hand and in anticipation of the grant of an appropriation by the House of Assembly, authorize an advance from the Contingencies Fund to meet this need.

(4) The total of the sums authorized under subsection (3) to be advanced from the Contingencies Fund shall not exceed the total sum authorized under subsection (2).

(5) Where any advance is made from the Contingencies Fund under the provisions of this section a supplementary estimate of the sum required for the service for which that advance was made shall be laid before the House of Assembly

as soon as possible but in any event not later than six months from the date on which the Contingencies Fund Warrant was issued and shall be included in a Supplementary Appropriation Bill for appropriation.

(6) Upon the grant of an appropriation to meet the expenditure in respect of which an advance was made under the provisions of this section, the Contingencies Fund Warrant authorizing that advance shall lapse and shall cease to have effect and the advance shall be deemed to have been made for the purpose of the appropriation and shall be accounted for accordingly.

PART IV ACCOUNTS

Public moneys
to be accounted
for.

13. All public moneys shall be accounted for in the accounts of the Commonwealth of Dominica.

Consolidated
Funds Services
Account.

14. (1) In this section the expression "consolidated fund services" means the services of government, the expense of which is charged on or payable from recurrent revenue receipts or any other source authorized by the House of Assembly.

(2) There is hereby established an account designated "Consolidated Fund Services Account" to which shall be credited all recurrent revenues and out of which all payments in respect of the consolidated fund services shall be made.

(3) The disbursement of moneys provided in any financial year to meet expenditure on the consolidated fund services shall be controlled and accounted for by the Accountant General.

Development
Programme
Account

15. (1) In this section the expression "development programme" means investments made by Government, the expense of which is charged on or payable from revenues specifically allocated thereto, or grants and loans raised specifically for that purpose.

(2) There is hereby established an account designated "Development Programme Account" to which shall be credited all revenues specifically allocated thereto, together with grants and loans received for financing the development programme and out of which all payments in respect of the development programme shall be made.

(3) The disbursement of moneys provided in any financial year to meet expenditure on development programmes shall be controlled and accounted for by the Accountant General.

16. Notwithstanding the provisions of sections 14 and 15, an accounting officer shall maintain departmental accounts in which shall be recorded all revenue receipts and the disbursement of all appropriations made to the head of expenditure in respect of which he has been designated accounting officer.

Departmental
Accounts.

17. (1) Within a period of three months after the close of each financial year the Accountant General shall prepare, certify and submit to the Director of Audit as many copies as the Director of Audit may reasonably require of the accounts of the Commonwealth of Dominica for that financial year showing the financial position of the Commonwealth of Dominica on the last day of that financial year.

Annual
Accounts.

(2) Notwithstanding subsection (1) the Minister may by written direction to the Accountant General extend the period within which the accounts shall be submitted and any direction given shall be laid before the House of Assembly within thirty days of its being given.

(3) Notwithstanding subsection (2) any direction given shall be laid before the House of Assembly within fourteen days of the commencement of its next sitting if there is no sitting of the House of Assembly when the direction is given.

(4) Accounts to be submitted by the Accountant General under subsection (1) shall show fully the financial position of the Consolidated Fund on the last day of each financial year and shall include -

- (a) a statement of assets and liabilities;
- (b) an annual abstract of revenue and expenditure by head;
- (c) a comparative statement of actual and estimated revenue by sub-heads;
- (d) a comparative statement of actual and estimated expenditure by sub-heads;
- (e) a statement of balances on advance accounts from the Consolidated Fund analyzed under the various categories set out in section 32;
- (f) a statement of balance on deposit accounts;
- (g) a statement of outstanding loans made from the Consolidated Fund, by annual and aggregate receipts and payments;
- (h) a statement of public debt;
- (i) a statement of contingent liabilities;
- (j) a statement of investments showing the funds on behalf of which the investments were made;
- (k) a statement of arrears of revenue by sub-heads;
- (l) a statement of losses of cash and stores and of abandoned claims, and
- (m) other statements as the House of Assembly may from time to time by resolution require.

(5) The Director of Audit shall submit to the Minister, not later than three months from the date of receipt of financial statements from the Accountant General, certified copies of those financial statements.

Special
Accounts.

18. Within six months after the close of each financial year or the close of any period of accounts as may be provided in any law or trust instrument related thereto or, in the absence of such a provision, the close of any period of account as may be prescribed by directions given by the Minister, any officer administering a special fund or trust fund shall submit to the Minister an account of that special fund or trust fund relating to the period of account in such form as may be stated in any

law or trust instrument governing the administration of the special fund or trust fund as the case may be, or in the absence of any directions being given in that law or trust instrument, in the form as the Accountant General may from time to time require.

19. The Minister shall lay a copy of every document submitted to him under sections 17 (5) and 18 before the House of Assembly at its next sitting following the date on which that document was received by him.

Minister to lay accounts before the House of Assembly.

PART V AUTHORIZATION OF EXPENDITURE

20. (1) The Minister shall cause to be prepared and laid before the House of Assembly, not later than 45 days after the commencement of each financial year, estimates of revenue and expenditure for that financial year.

Annual Estimates.

(2) The estimates of revenue and expenditure laid before the House of Assembly shall be in the form as the Minister may from time to time direct.

21. When the estimates of expenditure (other than expenditure charged on the Consolidated Fund by the Constitution or any law) have been approved by the House of Assembly, a Bill known as an Appropriation Bill shall be introduced in the House of Assembly, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums under separate votes for the several services required for the purposes specified therein.

Appropriation.
SI No. 1027
of 1978.

22. If in respect of any financial year it is found that -

- (a) the amount appropriated by the appropriation law to any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by that law, or
- (b) any moneys have been expended for any purpose in

Supplementary Appropriation.

excess of the amount appropriated to that purpose by the appropriation law or for a purpose to which no amount has been appropriated by that law,

a supplementary estimate showing the sums required or spent shall be laid before the House and, when the supplementary estimate has been approved by the House of Assembly, a Supplementary Appropriation Bill shall be introduced in the House of Assembly providing for the issue of such sums from the Consolidated Fund and appropriating them to the purposes specified therein.

Authorization
of expenditure
in advance of
Appropriation

- 23.** If, notwithstanding the provisions of section 21, the Appropriation Act has not come into operation at the commencement of any financial year, the Minister shall authorise by Provisional General Warrant under his hand expenditure necessary to carry on the services of Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Act, whichever is the earlier, but any sum so authorized shall not exceed one third of the aggregate of the sums provided for that service in the Appropriation Act of the previous financial year.

Warrant to
lapse.

- 24.** Upon coming into effect of the Appropriation Act the Provisional General Warrant authorized under section 23 shall cease to have effect.

Reallocation.

- 25** (1) The Minister may, by means of a Reallocation Warrant, direct that any surplus arising from underexpenditure on any item contained in the approved estimates, be applied in aid of any other item therein or in aid of any new item provided that the sum appropriated for that first mentioned item is not thereby exceeded.

Authority for
Payment.

- (2) Any sums reallocated in accordance with subsection (1) shall be submitted for the approval of the House of Assembly in accordance with the procedure laid down in section 22.

26. (1) If, in the opinion of the Financial Secretary, the exigencies of the public service render it necessary or expedient to vary the sum assigned to any purpose within a supply vote shown in the estimates of expenditure for any financial year or to make provisions for a new purpose within that vote, he may direct by means of a Virement Warrant under his hand that there shall be applied in aid of any purpose for which the sum assigned may be deficient or in aid of any new purpose a further sum out of any surplus arising from underexpenditure on any item within the same supply vote.

Virement.

(2) In the exercise of the powers under subsection (1) the Financial Secretary shall ensure that -

(i) the sum appropriated for any supply vote by the Appropriation Act or by a Supplementary Appropriation Act is not thereby exceeded, and

(ii) any new purpose to which a sum is assigned is within the ambit of the vote.

27. Except in accordance with this Act, every appropriation made by the House of Assembly of public moneys for the service of any financial year and every warrant issued under the provisions of this Act shall lapse and cease to have effect at the close of that financial year.

Appropriations and Warrants to lapse at the end of each financial year.

PART VI PAYMENTS

28. Subject to the provisions of section 9, and except in accordance with section 29, any payment made from the Consolidated Fund shall be authorised by warrant under the hand of the Minister.

Authority for payment.

29. The Financial Secretary shall authorize the Accountant General to pay out of the Consolidated Fund the sums falling due during the financial year for statutory expenditure.

Statutory Payments.

General
Warrant.

30. (1) Subject to sections 21 and 22 and on the coming into operation of an Appropriation Act and any Supplementary Appropriation Act, the Minister shall authorize the Accountant General by General Warrant under his hand to pay out of the Consolidated Fund such sums as may be required to pay for the services approved by the House of Assembly.

(2) Notwithstanding the issue of a General Warrant it shall be within the discretion of the Minister to limit or suspend at any time any expenditure excluding a statutory expenditure, with or without cancellation of the General Warrant if, in his opinion, financial exigencies of the public interest so require.

Provisional
Warrant.

31. Subject to section 23 where an Appropriation Act has not come into operation the Minister shall authorize the Accountant General by Provisional Warrant under his hand to pay out of the Consolidated Fund such sums as may be required to pay for the services for that period and up to the limit specified.

(2) Upon the coming into operation of the Appropriation Act the Provisional Warrant shall lapse and shall cease to have effect.

Advance
Warrant.

32. (1) Subject to the provisions of this section, the Minister may, by Advance Warrant under his hand, authorize the Accountant General to make disbursements of moneys forming part of the Consolidated Fund or of other public moneys for the purpose of making advances -

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

(b) to, or on account of, trusts and other funds administered by the Government;

(c) to, or on behalf of, public bodies, institutions or individuals where those advances are, in the opinion of the Minister, in the

public interest and are recoverable within a period not exceeding twelve months after the close of the financial year in which those advances are made, or

Imprest
Warrants.

(d) to public or police officers for any purpose and on terms as may be prescribed .

(2) The total of the sums issued and disbursed for the purpose of making advances under paragraph (c) and (d) of subsection (1) shall not exceed in the aggregate at any time, after deducting repayments, ten per cent of the recurrent revenue for the previous financial year.

33. (1) The Minister may, by Imprest Warrant under his hand, authorize the Accountant General to issue imprests from the Consolidated Fund to officers for any purpose for which moneys have been appropriated.

(2) Any officer to whom an imprest has been issued pursuant to subsection (1) shall retire that imprest before the end of the financial year in which the imprest was issued or, if some earlier date is specified in the Imprest Warrant, on or before that earlier date.

(3) Notwithstanding subsection (2) where any officer fails to retire an imprest the Accountant General shall forthwith recover the amount of the imprest by deducting from the salary or other emoluments of that officer in any manner that the Financial Secretary directs.

PART VII BANK ACCOUNTS

34. (1) All sums accounted for in the Consolidated Fund shall be kept with a bank or banks as the Financial Secretary shall from time to time determine.

Bank
Accounts.

(2) No public or official account shall be opened at any bank without the prior written authority of the Financial Secretary.

PART VIII INVESTMENTS

Investment of moneys.

35. (1) The Financial Secretary may authorize the investment of moneys forming part of the Consolidated Fund -

- (a) with a bank, either at call or subject to notice not exceeding twelve months;
- (b) in deposits with the Eastern Caribbean Central Bank, or
- (c) in a manner authorized for investments of property in the hands of trustees by any law for the time being in force.

(2) Subject to subsection (1) (c) all investments made under this section together with any interest received therefrom shall form part of the Consolidated Fund.

Unclaimed deposits.
Schedule 1.
Schedule 2.

(3) All investments held by or on behalf of the Government on the date of the coming into operation of this Act shall, if the same are not held on account of Special Funds or Trust Funds set out in the Schedule I or Schedule II as the case may be, be deemed to have been made out of moneys issued from the Consolidated Fund and shall be deemed to form part of the Consolidated Fund and may be retained notwithstanding that those investments are not such as may be made under subsection (1).

PART IX PUBLIC DEBT

Restrictions on borrowing.

36. (1) The powers conferred by a general or specific Loans Act or by an Appropriation Act to borrow money by means of advances from a bank or other financial institution may be exercised by means of a fluctuating overdraft.

(2) Subject to the provisions of a general or specific Loans Act, any money borrowed by the Government shall be paid into and form part of the Consolidated Fund.

37. No guarantee involving any financial liability shall be binding upon Government unless that guarantee is given in accordance with provisions of an Act or unless approved by resolution of the House of Assembly.

Restrictions on guarantees.

38. (1) There shall be charged upon and paid out of the Consolidated Fund all debt charges for which Government is liable.

Public Debt.

(2) For the purpose of this section debt charges include interest, sinking fund charges, the repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the revenue of the Consolidated Fund and the service and redemption of the debt thereby created.

PART X DEPOSITS

39. Any deposit, not being moneys raised or received for the purpose of the Government shall not form part of the Consolidated Fund and, except as provided in this Part, shall not be applied in any way for the purpose of the Government.

Deposits.

40. (1) The Financial Secretary may authorize the investment of deposits in like manner to that provided in section 35 in respect of the Consolidated Fund.

Investment of deposits.

(2) Any interest or dividend received in respect of deposits invested in accordance with subsection (1) shall be paid into the Consolidated Fund.

41. (1) Any deposit which is unclaimed for five years shall be paid into the Consolidated Fund.

Unclaimed deposits.

(2) Notwithstanding subsection (1) the Accountant General shall refund a deposit to a person who claims to the

satisfaction of the Accountant General that he has an absolute right to the deposit.

PART XI
ABANDONMENT OF CLAIMS AND WRITE-OFF
OF PUBLIC MONEYS AND STORES

Abandonment
of claims and
write-off of
losses, etc.

42. (1) The Minister may authorize the Financial Secretary to abandon or remit any claim by or on behalf of the Government or any service thereof and to write-off any losses of public moneys, stores and other property belonging to Government.

(2) The Financial Secretary may, by writing under his hand, delegate to any public or police officer any of the powers which he is authorized to exercise under this section.

Gift of stores or
other property.

43. (1) The Financial Secretary may authorize the gift of any stores not required for Government purposes to institutions or organizations in the Commonwealth of Dominica established solely or principally for educational, scientific, cultural or charitable purposes.

(2) Where the value of a gift exceeds 5000 dollars the prior approval of the Minister shall be obtained.

PART XII
SURCHARGE

Power to
Surcharge.

44. (1) If, at any time, it appears to the Financial Secretary that moneys or public stores have been lost or damaged, and if, within a period specified by the Financial Secretary an explanation satisfactory to him is not furnished by the responsible officer with regard to that loss or damage, the Financial Secretary shall surcharge against that person the amount which appears to him to be the loss suffered by the Government, or the value of the property lost or damaged as the case may be, or a lesser amount as the Financial Secretary may determine.

(2) Any officer who contravenes any provision of this Act or any Regulations made hereunder shall be liable to a surcharge in such sum as may be determined by the Financial Secretary.

(3) The amount of the surcharge made under subsection (2) shall not exceed one-tenth of the annual salary of the officer concerned.

45. Circumstances which may give rise to action under section 44 include -

Circumstances
of action.

- (a) failure to collect any moneys owing to Government for the collection of which a person is or was at the time responsible;
- (b) payment of public moneys in excess of amounts authorized under Part V of this Act;
- (c) making, allowing or directing any payment of public moneys without proper authority, or proper evidence that the amount was due;
- (d) payment of public moneys without obtaining proper evidence of the identity of the payee;
- (e) responsibility for any deficiency in, loss or destruction of or damage to any public moneys, stamps, securities, stores or other public property;
- (f) failure to render accurate accounts by a person whose duties require him to render such accounts;
- (g) signing an incorrect or false certificate on voucher;
- (h) mixing public moneys with other moneys, or
- (i) failure to observe Financial Regulations or Procurement and Stores Regulations or other instructions given under proper authority.

46. The Financial Secretary shall notify in writing the decision to surcharge -

Notification
of surcharge.

- (a) the person surcharged;
- (b) the accounting officer of the department concerned;
- (c) the Accountant General, and
- (d) the Director of Audit.

Appeal against surcharge.

47. (1) Any person who is aggrieved by any surcharge made against him under the provisions of section 44 may appeal to the Minister within one month from the date on which he is notified of the surcharge.

(2) The Minister, after making or causing to be made any investigation he deems to be necessary, may confirm the surcharge or direct that the person surcharged be released wholly or in part from the surcharge as may appear to be just and reasonable.

Withdrawal of surcharge.

48. The Financial Secretary may at any time withdraw any surcharge in respect of which a satisfactory explanation is received or if it otherwise appears to him that no surcharge should have been made in that event the Financial Secretary shall notify all the persons notified under section 46 of his decision to withdraw the surcharge.

Recovery of surcharge.

49. (1) The Accountant General, on being notified of a surcharge made under section 44, shall cause the amount of the surcharge to be recovered from the person surcharged in such a manner as the Financial Secretary directs.

(2) No recoveries shall be made under subsection (1) until after the expiration of the period allowed under section 47 for the lodging of any appeal, and where the person surcharged appeals under the provisions of that section, no recoveries shall be made until and unless the surcharge has been confirmed or otherwise determined.

(3) The amount of the surcharge made under the provisions of this Part shall be recovered as the Financial Secretary may direct and may be deducted from any salary, pension or other emoluments of the person surcharged.

(4) Notwithstanding subsection (3) -

(a) any monthly installment payable in respect of a surcharge shall not exceed one quarter of the gross monthly salary or pension of a person surcharged, and

- (b) where the person surcharged is due to be paid any moneys by Government other than by way of salary, pension or other emolument, the Financial Secretary may require the amount of any surcharge imposed on that person to be deducted from such moneys in whole or in part as he considers just and reasonable.

(5) Nothing in this section shall prejudice the right of Government to sue for and recover the amount of any surcharge as a civil debt due to the Government.

PART XIII STATUTORY BODIES

- | | | |
|------------|---|----------------------------------|
| 50. | In this part "appropriate Minister" means the Minister under whose portfolio the statutory body in question falls. | Definition. |
| 51. | The provisions of section 52 and 53 shall apply to a statutory body except where other provisions are made in the law establishing that statutory body. | Application. |
| 52. | <p>(1) A statutory body shall, before the commencement of each financial year of that statutory body, submit to the appropriate Minister for his approval, estimates of its recurrent and capital expenditure and the financing thereof for that year in such form as the Minister may direct.</p> <p>(2) The appropriate Minister shall, before the commencement of each financial year, submit to the Minister for his approval the estimates of recurrent and capital expenditure and the financing thereof in respect of each statutory body falling under his portfolio.</p> <p>(3) A statutory body shall, whenever the appropriate Minister or the Minister directs, furnish any further information in relation to its estimates of recurrent and capital expenditure and the financing thereof as may be required.</p> | Estimates of Expenditure. |

(4) The estimates of recurrent and capital expenditure and the financing thereof as approved by the Minister may not be altered without his approval.

(5) The appropriate Minister shall lay the estimates approved by the Minister pursuant to subsection (2), before the House of Assembly not later than fourteen days after the House of Assembly next meets.

Annual report
and accounts.

53. (1) A statutory body shall, as soon as possible and in any case not later than three months after the end of its financial year, submit an annual report to the appropriate Minister as the Minister may from time to time direct.

(2) An annual report shall include a balance sheet, an income and expenditure statement and the report of the auditor of the statutory body on the accounts.

(3) On receipt of the annual report, the appropriate Minister shall lay it before the House of Assembly not later than fourteen days after the House of Assembly next meets.

PART XIV MISCELLANEOUS

Power to make
Regulations.

54. The Minister may make Regulations as appear to him to be necessary and expedient for the proper carrying out of the intent and purpose of this Act and, in particular, may make Regulations in respect of financial and accounting matters.

Repeal of
Chap. 63:01

55. The Finance and Audit Act is repealed.

Savings S.R.O.
No 37 of 1976.
S.R.O. No. 23
of 1980.

56. Notwithstanding section 55 the Financial Regulations and the Financial Stores Regulation shall in so far as they are not inconsistent with this Act remain in force as if made under this Act with any adaptation, modification and qualification as may be necessary for the purpose, and shall accordingly be subject to amendment or revocation by Regulations made under this Act or as may otherwise be authorised by the powers conferred by this Act.

SCHEDULE I

Sections 10 (2)
& 35 (3)

SPECIAL FUNDS

<u>NAME</u>	<u>PURPOSE</u>
Mechanical Workshop Fund	To operate a revolving fund for the operation, maintenance, lease and rental of mechanical equipment required for public works.
Housing Fund	To operate a revolving fund for the development and sale of housing estates including sites and services, apartments and other housing units.

SCHEDULE 2

Section 11 (4)
& 35 (3)

TRUST FUNDS

<u>NAME</u>	<u>PURPOSE</u>
Education Trust Fund	For the receipt of moneys by private contribution and disbursement of such moneys in aid of students requiring welfare assistance.
Princess Margaret Hospital Trust Fund	For the receipt of moneys by private contribution and the disbursement of such moneys on expenditure incurred specifically for the improvement of public hospitals.

Passed in the House of Assembly this 23rd day of August, 1994.

M. ALBERTHA JNO. BAPTISTE
Clerk of the House of Assembly.

DOMINICA

Printed by the Ag. Government Printer at the Government Printery Roseau.
(Price \$6.00)

