

**THE OFFICIAL GAZETTE      g<sup>TH</sup> FEBRUARY, 2013**  
**LEGAL SUPPLEMENT -    C**

**BILL No. 5 of 2013**

*Friday 8<sup>th</sup> February, 2013*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

8<sup>th</sup> February, 2013.

The following Bill which will be introduced in the National Assembly is published for general information.

*S E Isaacs,*  
Clerk of the National Assembly.



**BILL No. 5 of 2013**

**THE FISCAL MANAGEMENT AND ACCOUNTABILITY (AMENDMENT)  
BILL 2013**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of section 54 of the Principle Act.
3. Amendment of Part XII and insertion of section 85A of the Principal Act.

**A BILL**  
**Intituled**

**AN ACT** to amend the Fiscal Management and Accountability Act 2003.

A. D. 2013

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Fiscal Management and Accountability (Amendment) Act 2013.

Amendment of Section 54 of the Principle Act.

2. Section 54 (1) of the Principal Act is hereby amended by the insertion of words "or allocations to Constitutional Agencies" after the words "statutory expenditure".

Amendment of Part XII and insertion of section 85A of the Principal Act.

3. The Principal Act is hereby amended as follows -

(a) by the insertion of the following heading after section 80 in Part XII "Constitutional Agencies";

Application of Provisions to Constitutional Agencies.

(b) "Section 80 shall apply to the Constitutional Agencies except as otherwise provided by the law establishing the Agency".

Annual Budget of Constitutional Agencies.

80B (1) The Public Officer responsible for managing the affairs of an Agency or such other person designated by an appropriate authority for the purpose, shall submit budget proposals to the Clerk of the National Assembly (and copied to the Speaker of the National Assembly and the Minister of Finance) who shall ensure that those proposals are submitted as presented. 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 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 form of the Annual Budget of the Constitutional Agencies shall be as determined by the Head of the 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 the intent of Article 222A of the Constitution, the Annual Budget appropriation for 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 Statements.

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.

Application of  
section 85.

"85A. The Principal Act is hereby amended by the insertion of the following section as section 85A -

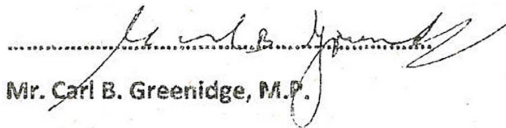
Insertion of  
Section 85A in  
the Principal  
Act.

Section 85A of the Principal Act shall apply *mutatis mutandis* to a Minister as it applies to an official.

**EXPLANATORY MEMORANDUM**

The Bill seeks to amend the Fiscal Management and Accountability 2003 Act and (i) to extend the application of section 85 of the Act to the responsible Minister and (ii) to establish the financial independence of Constitutional Agencies, including Service Commissions principally; by amending the provisions of the Act 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. This is captured in a separate section along with Statutory Bodies.

Dated 15<sup>th</sup> day of January, 2013.

  
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Mr. Carl B. Greenidge, M.P.