



TRINIDAD AND TOBAGO

No. 20—1959

[L.S.]

I ASSENT,

SOLOMON HOCHOY

*Acting Governor.*

10th November, 1959

AN ORDINANCE to provide for the control and management of the public finances of Trinidad and Tobago ; for the duties and powers of the Director, of Audit ; for the collection, issue and payment of public moneys ; for the audit of public accounts and the protection and recovery of public property ; for the control of the powers of statutory bodies ; and for matters connected therewith.

[On Proclamation]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the  
advice and consent of the Legislative Council thereof.

Enactment.

## PART I

## PRELIMINARY

Short title  
and  
commence-  
ment.

1. (1) This Ordinance may be cited as the Exchequer and Audit Ordinance, 1959.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor by proclamation published in the *Royal Gazette*.

Interpreta-  
tion

2. In this Ordinance—

“ accounting officer ” means any person appointed by the Treasury and charged with the duty of accounting for any service in respect of which moneys have been appropriated by the Order in Council or the Legislative Council, or any person to whom issues are made from the Exchequer Account ;

“ appropriate Minister ” means in relation to a statutory body the Minister exercising authority under law as respects such statutory body ;

“ Appropriation Ordinance ” means any Ordinance appropriating public moneys for such services as are specified in such Ordinance ;

“ Consolidated Fund ” means the Consolidated Fund of the Government (including the growing produce thereof) constituted by section 15 of this Ordinance ;

“ Director of Audit ” means the person appointed as such under the Order in Council ;

“ Exchequer Account ” means the account provided for in section 14 of this Ordinance ;

“ Joint Consolidated Fund ” and “ Joint Miscellaneous Fund ” mean respectively the said Funds operated by the Crown Agents ;

“ Minister ” means the Minister charged with the administration of the subject of finance ;

“ officer ” means any person in the employment of the Government ;

“ period of account ” means, in respect of the accounts referred to in subsection (1) of section 28 of this Ordinance, the period of twelve months ending on the 31st day of December in each year, and in respect of other accounts such period of twelve months (or lesser period) as may be prescribed ;

“ Order in Council ” means the Trinidad and Tobago (Constitution) Orders in Council, 1950 to 1959 ;

“ public moneys ” include—

(a) revenue ;

(b) any trust or other moneys held, whether temporarily or otherwise, by an officer in his official capacity either alone or jointly with any other person, whether an officer or not ;

“ receiver of revenue ” means an officer appointed by the Treasury for the collection of, and for the accounting for, such items of revenue as the Treasury may specify ;

“ revenue ” means all tolls, duties, fees, licences, taxes, imports, royalties, rents, penalties, forfeitures, dues and all other receipts of the Government from whatever source arising, over which the Legislative Council has power of appropriation, including the proceeds of all loans raised ;

“ statutory body ” means any municipality, county council, board, commission or similar body corporate established and incorporated by an Ordinance ;

“ Territory ” means the Colony of Trinidad and Tobago ;

“ Treasury ” means the Minister, and includes such officer or officers in the Ministry of Finance as may be deputed by the Minister to exercise powers and to perform duties under this Ordinance.

## PART II

### CONTROL AND MANAGEMENT OF PUBLIC FINANCES

3. The Minister shall, subject to the provisions of the Order in Council and of this Ordinance, have the management of the Consolidated Fund and the supervision, control and direction of all matters relating to the financial affairs of the Government which are not by law assigned to any other Minister. Management of the Public Finances.

4. (1) All persons concerned in the collection, receipt, custody and payment or issue of public moneys, stores, stamps, securities or other Government property shall obey all such instructions as they may from time to time receive from the Treasury in respect of public moneys, stores, stamps, securities or other Government property, or accounting for the same. Powers of the Treasury.

(2) The Permanent Secretary to the Minister, or any officer in the Treasury authorised by him, shall be entitled to inspect all offices and to have such access to all official books, documents and other records as may be necessary for the exercise of the powers and duties of the Treasury under this Ordinance.

(3) The Treasury shall so superintend the expenditure of public moneys as to ensure that proper arrangements for accounting to the Legislative Council for such expenditure are made.

Control of  
Expenditure  
and Revenue

5. (1) Save as may otherwise be provided by this or any other law no expenditure involving a charge on the Consolidated Fund shall be incurred, and no sums due to the Consolidated Fund shall be remitted, without the general or specific authority of the Treasury.

(2) Notwithstanding any general or specific authority which may have been given by him, it shall be within the discretion of the Minister to limit or suspend any expenditure charged under any Appropriation Ordinance or by virtue of the provisions of section 20 of this Ordinance and so authorised if in his opinion the exigencies of the financial situation render such limitation or suspension necessary.

Bank  
Account.

6. No public or official account shall be opened in any bank without the authority in writing of the Treasury and no bank shall permit an overdraft on any public or official account unless authorised to do so in writing by the Treasury.

### PART III

#### DUTIES AND POWERS OF THE DIRECTOR OF AUDIT

Restriction  
on Director  
of Audit.

7. The Director of Audit shall not be capable while holding the said office of holding any other office of profit under the Crown with the exception of that of Auditor-General of the West Indies.

Tenure of  
Office of  
Director of  
Audit.

8. (1) Save as is otherwise provided in the Order in Council, the provisions of the law and regulations in force relating to the public service shall apply to the Director of Audit.

(2) Where the Director of Audit is removed from office under the Order in Council the Minister shall make a full statement of the reasons therefor at the first opportunity to the Legislative Council.

9. On any vacancy occurring in the office of Director of Audit from death, retirement, resignation or other cause, the Governor shall appoint a person to such office in accordance with the provisions of the Order in Council.

Duty to fill vacancy in the Office of Director of Audit.

10. (1) If, in the opinion of the Governor, the Director of Audit is likely to be unable to exercise the powers or perform the duties of his office during any period owing to absence or inability to act from illness or any other cause, the Governor may appoint in writing an officer to act as Director of Audit during such period.

Acting Director of Audit.

(2) In the event of the post of Director of Audit becoming vacant the Governor may appoint in writing a person to act as Director of Audit pending the appointment of a Director of Audit in accordance with the provisions of the Order in Council.

(3) Every person appointed to act as Director of Audit pursuant to the provisions of this section shall have and may exercise all the powers and authority and shall perform the duties by this Ordinance conferred and imposed on the Director of Audit.

11. (1) The Director of Audit shall, on behalf of the Legislative Council, examine, inquire into and audit the accounts of all accounting officers and receivers of revenue and all persons entrusted with the assessment of, collection, receipt, custody, issue or payment of public moneys, or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property.

Examination by Director of Audit.

- (2) The Director of Audit shall satisfy himself that—
- (a) all reasonable precautions have been taken to safeguard the collection of public moneys and that the laws, directions and instructions relating thereto have been duly observed ;
  - (b) all issues and payments were made in accordance with proper authority and that all payments were properly chargeable and are supported by sufficient vouchers or proof of payment ;
  - (c) all money expended has been applied to the purpose or purposes for which the same was granted by the Legislative Council and that such expenditure conforms to the authority which governs it, and has been incurred with due regard to the avoidance of waste and extravagance ;

(d) essential records are maintained and the rules and procedures framed and applied are sufficient to safeguard the control of stores and other Government property.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section the Director of Audit may, after satisfying himself that the vouchers have been examined and certified as correct by the accounting department, in his discretion and having regard to the character of the departmental examination, in any particular case admit the sums so certified in support of the charges to which they relate without further examination :

Provided that if the Minister desires the vouchers or any of them to be examined in greater detail the Director of Audit shall take action accordingly.

(4) Where a voucher has been lost or destroyed, or where an existing voucher is defective in any respect, the Director of Audit, if satisfied with the explanation given by the responsible officer, may dispense with the production of a voucher, or in the case of a defective voucher, accept such voucher.

(5) If the Director of Audit is required by the Minister to ascertain whether any expenditure included in any appropriation account is supported by the authority of the Treasury, he shall examine that expenditure with that object, and shall report to the Minister any expenditure which appears upon such examination to have been incurred without such authority, and any such unauthorised expenditure shall, unless sanctioned by the Minister, be regarded as not being properly chargeable to a grant of the Legislative Council, and shall be so reported to the Legislative Council.

Powers of  
the Director  
of Audit.

12. (1) In the exercise of his duties under this Ordinance the Director of Audit shall be entitled—

- (a) to call upon any officer for any explanations and information which the Director of Audit may require in order to enable him to discharge his duties ;
- (b) to authorise any officer on his behalf to conduct any inquiry, examination or audit, and such officer shall report thereon to the Director of Audit ;

- (c) to send for and have the custody of any books, accounts, vouchers or papers under the control of any officer relating to or in any wise concerning the public accounts, and to keep such books, accounts, vouchers or papers for such time as he may require them ;
- (d) to require any department concerned to furnish him from time to time or at regular periods with accounts of the transactions of such department up to such date as he may specify ;
- (e) without payment of any fee, to cause search to be made in and extracts to be taken from any book, document or record in any public office ;
- (f) to lay before the Attorney General a case in writing as to any question regarding the interpretation of any Ordinance or regulation concerning the powers of the Director of Audit or the discharge of his duties, and the Attorney General shall give a written opinion upon such case ;
- (g) to require every person employed in his office who has to examine the accounts of a department to comply with any security requirements applicable thereto and to take any oath of secrecy required to be taken by persons employed in that department.

(2) In the exercise of his duties under this Ordinance the Director of Audit, or any person duly authorised by him in writing, shall have access to all records, books, vouchers, documents, cash, stamps, securities, stores or other Government property in the possession of any officer.

13. (1) The staff required to assist the Director of Audit in the performance of his duties shall be composed of such officers as the Governor may determine.

Staff and  
delegation of  
functions of  
the Director  
of Audit.

(2) Anything which, under the authority of this Ordinance, is directed to be done by the Director of Audit, other than the certifying and reporting of accounts to the Legislative Council, may be done by any officer of his staff so authorised by him.

## PART IV

## THE COLLECTION, ISSUE AND PAYMENT OF PUBLIC MONEYS

Exchequer  
Account.

14. (1) An account styled "the Exchequer Account" shall be kept with such bank or banks as the Treasury shall from time to time determine.

(2) Subject to the provisions of section 20 of this Ordinance, issues out of the Exchequer Account for the public service shall be in accordance with orders directed by the Treasury to such bank or banks.

Consolidated  
Fund.

15. All revenue shall be paid, at such times and in such manner as the Treasury may direct, into the Exchequer Account and such revenue shall form the Consolidated Fund :

Provided that—

- (a) receivers of revenue may, if authorised by the Treasury so to do, pay as deductions from gross revenue such sums as may be required for drawbacks, repayments or discounts ;
- (b) the Treasury may, as it deems fit, from time to time authorise receivers of revenue who are accounting officers to defray in the first instance from revenue collected by them expenditure for which they are accountable, and the amount of such revenue so expended shall be subsequently paid to the Exchequer Account from the moneys provided for the purposes of such expenditure ;
- (c) where the Treasury directs that any revenue, whether received by way of duty, fee, penalty or proceeds of sale, or by way of an extra or unusual receipt, shall be applied as an appropriation in aid of money provided by the Legislative Council for any purpose, such revenue shall be deemed to be money provided by the Legislative Council for that purpose, and shall, without being paid into the Exchequer Account, be applied, audited and dealt with accordingly, and, so far as they are not in fact so applied, shall be paid into the Exchequer Account ; and where the revenue so directed to be applied as appropriations in aid of money provided by the Legislative Council for any purpose exceeds in a financial year the amount sanctioned by the Legislative Council to be applied to such purpose, the excess so realized shall be paid into the Exchequer Account.

16. Statements showing payments into and issues from the Exchequer Account shall be rendered by every bank, at which such an account is maintained, to the Treasury and the Director of Audit at such intervals and in such form as the Treasury may direct. Bank Return.

17. (1) The Legislative Council may from time to time by resolution authorise the Minister to borrow, by means of advances from a bank, money to an amount not exceeding in the aggregate the sum specified in that behalf in the resolution to meet the current requirements of the Consolidated Fund. Advances to Government.

(2) The principal and interest of all such advances shall be charged on and shall be payable out of the Consolidated Fund.

(3) Where by resolution in accordance with this section or in pursuance of any Ordinance, power to borrow money by means of advances from a bank is conferred on the Minister, such power may be exercised by means of a fluctuating overdraft on the Exchequer Account.

18. (1) The Minister may establish a Contingencies Fund by issues from the Consolidated Fund not exceeding in the aggregate one million, five hundred thousand dollars or such greater sum as the Legislative Council may by resolution approve, to defray unforeseen expenditure. Establishment of Contingencies Fund.

(2) If the Minister is satisfied that—

(a) certain expenditure is likely to be incurred in a financial year upon a service—

(i) thereby causing an excess on the sum provided for that service by the Appropriation Ordinance for that year ; or

(ii) which, being in respect of a new service, was not provided for by the Appropriation Ordinance relating to that year; and

(b) the circumstances are such that the expenditure cannot without injury to the public interest be postponed until adequate provision is made by the Legislative Council,

the Minister may authorise such expenditure to be met by an advance from the Contingencies Fund.

(3) Supplementary estimates of such expenditure shall be submitted for the approval of the Legislative Council as soon as possible.

(4) When the supplementary estimates have been approved, and pending the provision for such services under appropriate heads by an Appropriation Ordinance, issues from the Consolidated Fund may be made accordingly and the sums advanced from the Contingencies Fund repaid out of the said issues.

Treasury  
deposits.

19. (1) Pending repayment or application to the purposes for which they were deposited it shall be lawful for the Minister to authorise use of the balances held on deposit in respect of any special funds established by Ordinance or otherwise or of any other deposits (other than trust funds or the balances of the Consolidated Fund) to make advances—

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

(b) to or on account of trusts or other funds administered by the Government, or to, or on behalf of, public bodies, institutions or individuals, where such advances are in the public interest and are recoverable within a period not exceeding twelve months after the close of the financial year in which such advances are made.

(2) Notwithstanding anything to the contrary contained in subsection (1) of this section, the Minister may from time to time authorise the issue of amounts from the Consolidated Fund not exceeding in the aggregate five million dollars to augment the cash balance held on deposit to meet payments on account of the said deposits or on account of advances authorised as in subsection (1) of this section, and the said sum of five million dollars or such portion thereof as the Minister may determine shall from time to time be repaid into the Consolidated Fund.

Granting of  
credits on  
the  
Exchequer  
Account.

20. (1) When issues from the Consolidated Fund in accordance with any Appropriation Ordinance have been authorised by the Treasury in the manner hereafter provided, the Treasury may by requisition from time to time, authorise, and require the Director of Audit to grant, credits on the Exchequer Account not exceeding on the whole the amount authorised by the Treasury.

(2) The Director of Audit if satisfied that—

(a) the sums authorised by the Treasury have been lawfully authorised in accordance with the provisions of sections 24 to 27 of this Ordinance ; and

(b) the amount or amounts requisitioned by the Treasury do not exceed the sum so authorised ;  
shall grant the credit on the Exchequer Account.

(3) The credits so granted by the Director of Audit shall be the necessary authority to issue from the Exchequer Account the amount specified in the credits in accordance with the directions of the Treasury.

21. All issues from the Exchequer Account in terms of this Ordinance shall be paid into such other bank account or accounts as the Treasury may direct.

Issues from the Exchequer Account to be paid into bank account.

22. The powers conferred by any general or specific Loans Ordinance to borrow money by means of advances from a bank may be exercised by means of fluctuating overdraft on the Exchequer Account.

Overdraft on the Exchequer Account.

23. No part of the Consolidated Fund shall be issued except under and in accordance with this Ordinance.

Issue from the Consolidated Fund.

24. The Treasury may authorise the issue from the Consolidated Fund of the sums required from time to time to meet the cost of any purpose to which any revenue is or has been appropriated by the Legislative Council :

Issue of moneys appropriated by law.

Provided that the aggregate of such sums shall not exceed the total sum so appropriated.

25. (1) It shall be lawful for the Minister to issue warrants for the withdrawal of such sum from the Consolidated Fund as the Legislative Council may by resolution approve for the carrying on of the Government for any period not exceeding four months between the end of a financial year and the coming into force of the Ordinance authorising the appropriation for the ensuing financial year :

Issue of moneys before promulgation of Appropriation Ordinance.

Provided that no expenditure shall be deemed to be authorised by any such warrant in respect of any service for which no provision had been made during the previous financial year unless the Legislative Council by resolution specifically authorises such expenditure.

(2) It shall be lawful for the Minister where the Governor dissolves the Legislative Council before provision has been made for carrying on the Government, to authorise by warrant the withdrawal from the Consolidated Fund of such sums as he

may consider necessary for the public services until the expiry of a period of three months from the date on which the Legislative Council first meets after that dissolution.

(3) All sums withdrawn in pursuance of warrants issued under subsections (1) and (2) of this section shall be deemed to have been issued in anticipation of grants of the Legislative Council in an Appropriation Ordinance for the financial year in which the sums were issued and upon the commencement of such Ordinance the said warrants shall cease to have effect and issues thereunder shall be deemed to have been made for the purposes of such Ordinance and shall be accounted for in accordance with the provisions thereof.

Investment  
of moneys  
in the  
Consolidated  
Fund.

Ch. 8. No. 3.

26. (1) The Minister may authorise the investment of sums forming part of the Consolidated Fund with a bank either at call or subject to notice not exceeding twelve months or with the Joint Miscellaneous Fund or the Joint Consolidated Fund, or in any of the investments authorised by the Trustee Ordinance for the investment of trust funds.

(2) When any such investment is realised the proceeds shall be paid by the Treasury into the Exchequer Account.

Erroneous  
payments.

27. Notwithstanding anything to the contrary contained in this Ordinance the Minister may, with the concurrence of the Director of Audit, authorise the withdrawals from the Exchequer Account of such sums as may be required to repay or adjust amounts erroneously paid into the Exchequer Account.

## PART V

### THE AUDIT OF PUBLIC ACCOUNTS AND THE PROTECTION AND RECOVERY OF PUBLIC PROPERTY

Annual  
Accounts.

28. (1) Within a period of four months after the 31st day of December in each year, or such longer period thereafter as the Legislative Council may by resolution, appoint—

(a) the Treasury shall cause to be transmitted to the Director of Audit accounts showing fully the financial position of the Territory on the said 31st day of December, which shall include—

- (i) the Exchequer Account ;
- (ii) the statement of public debt ;
- (iii) the statement of loans from revenue ;

- (iv) the statement of revenue showing the sums estimated to be received into the Exchequer Account and the sums actually so received in the period of account ;
  - (v) the statement of expenditure, showing the sums to be issued out of the Exchequer Account and the sums actually so issued in the period of account ;
  - (vi) the statement of the loans or credits guaranteed by the Government ;
  - (vii) the statement of assets and liabilities ;
  - (viii) such other statements as the Legislative Council may from time to time require ;
- (b) accounting officers shall prepare and transmit to the Director of Audit appropriation accounts of the moneys expended under the votes for which they were responsible, showing the services for which the money was voted, the sums actually expended on each such service during the period of account, and the state of each vote compared with appropriation. Each such appropriation account shall contain an explanatory statement for any variation between the expenditure and the sum voted, and shall contain such other information and shall be in such form as the Treasury may direct and such statement as well as the appropriation account shall be signed by the accounting officer ;
- (c) receivers of revenue shall prepare and transmit to the Director of Audit statements of their receipts and disbursements in such form as the Treasury may direct.
- (2) Within a period of four months after the close of such period of account as may be prescribed in any law relating thereto or, in the absence of such law, such period of account as the Treasury may prescribe—
- (a) any officer administering a fund established under the provision of section 48 of this Ordinance shall, in respect of such fund, prepare, sign and transmit to the Director of Audit an account relating to the period of account in such form as the Treasury may from time to time direct ;

- (b) any officer administering any trust or other fund or account not provided for in this section shall, if so directed by the Treasury, prepare, sign and transmit to the Director of Audit an account, in such form as the Treasury may from time to time direct.

Annual  
Report of  
the Director  
of Audit.

29. (1) On receipt of the accounts prescribed by section 28 of this Ordinance, the Director of Audit shall cause them to be examined and audited and shall, within a period of seven months after the 31st day of December in each year or such longer period thereafter as the Legislative Council may, by resolution, appoint, prepare and transmit to the Minister a report upon his examination and audit of all accounts relating to public moneys, stamps, securities, stores and other Government property, together with certified copies of each of the said accounts.

(2) The Director of Audit shall set out in his annual report all payments out of public moneys made to members of the Legislative Council (other than salaries or allowances paid to them as Ministers, Temporary Ministers, Speaker, Deputy Speaker, Parliamentary Secretaries or as members and any pension paid to any of them) by stating in each case the name of the member receiving such payment, the total amount which he has received and the service or services in respect of which the payment was made.

(3) The Minister shall lay the report of the Director of Audit on the table of the Legislative Council within thirty days of its receipt by him or, if the Legislative Council is not sitting, within thirty days after the commencement of the next sitting.

(4) The Director of Audit may at any time if it appears to him desirable transmit a special report to the Minister for presentation in like manner to the Legislative Council. Such special report may be made on any matter incidental to his powers and duties under this Ordinance.

(5) If the Minister does not within the time prescribed lay such annual or special report on the table of the Legislative Council, the Director of Audit shall forthwith transmit such report to the Speaker of the Legislative Council, to be by him presented to the said Council.

Notification  
of irregulari-  
ties to the  
Treasury.

30. If at any time it appears to the Director of Audit that any irregularities have occurred in the receipt, custody or expenditure of public moneys or in the receipt, custody, issue,

sale, transfer or delivery of any stamps, securities, stores or other Government property, or in the accounting for the same, he shall immediately bring the matter to the notice of the Treasury.

31. (1) If it appears to the Minister that any person who <sup>Surcharge by Minister.</sup> is or was in the employment of the Government—

- (a) has failed to collect any moneys owing to the Government for the collection of which he is or was responsible ; or
- (b) is or was responsible for any improper payment of public moneys or for any payment of such moneys which is not duly vouched ; or
- (c) is or was responsible for any deficiency in, or for the destruction of, any public moneys, stamps, securities, stores or other Government property ;

and if a satisfactory explanation is not, within a period specified by him, furnished to the Minister with regard to such failure to collect, improper payment, payment not duly vouched, deficiency or destruction, the Minister may surcharge against the said person the amount of any such amount not collected, payment, deficiency, or loss or the value of the property destroyed, as the case may be.

(2) The amount of any surcharge made under this section shall, subject to the provisions of section 33 of this Ordinance, be a debt due to Government from the person against whom the surcharge is made.

32. The Minister shall cause the head of the department of the person surcharged to be notified of any surcharge made <sup>Notification of surcharge.</sup> under section 31 of this Ordinance and such head of department shall thereupon notify the person surcharged and shall, subject to the provisions of section 34 of this Ordinance, recover the amount from such person.

33. The Minister may at any time withdraw any surcharge <sup>Withdrawal of surcharge.</sup> in respect of which a satisfactory explanation has been received, or if it otherwise appears that no surcharge should have been made, and shall at once cause the head of department to be notified of such withdrawal.

Remedy of aggrieved person by surcharge.

34. (1) Any person who is dissatisfied with any surcharge made against him under section 31 of this Ordinance shall have the right to appeal to the Governor within a period of one month immediately after he has been notified of the surcharge :

Provided that the Governor in his discretion may authorise an appeal to be made after the expiration of such period of one month.

(2) After such further investigation as may be directed by the Governor acting in his discretion he shall, acting in his discretion, make such order confirming the surcharge or directing that the appellant be released wholly or in part from the surcharge as may appear just and reasonable. A copy of every such order shall be transmitted to the Minister, to the accounting officer of the department concerned and to the Director of Audit.

Recovery of surcharge.

35. The amount of any surcharge made under section 31 of this Ordinance may, subject to the provisions of sections 33 and 34 of this Ordinance, be sued for and recovered in any court of competent jurisdiction as a debt due to the Government by action at the suit of the Attorney General, or the Minister may direct that the amount of the surcharge shall be recovered by equal monthly instalments by deductions from the salary of such officer in such amount, not exceeding one-sixth of the monthly salary of such officer, as the Minister shall authorise.

## PART VI

### CONTROL OF THE FINANCE OF STATUTORY BODIES

Audit of accounts of statutory bodies.

36. (1) Notwithstanding anything to the contrary contained in any other Ordinance, the accounts of any statutory body shall be audited by the Director of Audit, if the Legislative Council by resolution so directs.

(2) In the exercise of his duties under this section the Director of Audit—

(a) shall have, in relation to such statutory body and its members, officers and employees, the same discretion and powers as are conferred on him by sections 11 and 12 of this Ordinance in relation to public moneys, stamps, securities, stores or other Government property ;

(b) may authorise any person publicly carrying on the profession of accountant or any officer to inspect, examine or audit the books and accounts of any statutory body which he may be required to examine and audit pursuant to the provisions of this section and such person or officer shall report thereon to the Director of Audit in such manner as the Director of Audit may direct.

(3) The Director of Audit shall report on his examination and audit of the accounts referred to in this section and shall transmit such report to the appropriate Minister for presentation to the Legislative Council :

Provided that :—

- (i) the appropriate Minister shall obtain the observations of the statutory body on any matter to which attention has been called by the Director of Audit in his report and such observations shall be presented to the Legislative Council with the said report ;
- (ii) if the appropriate Minister fails within a reasonable time to present such report to the Legislative Council, the Director of Audit shall transmit such report to the Speaker of the Legislative Council to be by him presented to the said Council.

(4) The appropriate Minister may exercise in respect of the members, or any member or members of any statutory body, or of any officer, employee, or servant of any statutory body, the accounts of which have been audited by the Director of Audit, whether or not in pursuance of a resolution of the Legislative Council, the same power of surcharge as the Minister may exercise in accordance with the provisions of section 31 of this Ordinance in respect of a person who is or who was in the employment of the Government ; for this purpose, every such member, officer, employee or servant shall be deemed to be such a person, and references in the said section to moneys owing to Government and to public moneys, stamps, securities, stores or other Government property shall be construed as references to moneys owing to the said statutory body, and to moneys, stamps, securities, stores or other Government property of the said statutory board ; and the provisions of sections 31, 32, 33, 34 and 35 of this Ordinance shall, in any such case, apply accordingly, and in such application references to “ the Minister ” shall be construed as reference to “ the appropriate Minister ”.

Application  
of certain  
sections to  
statutory  
bodies.

37. The provisions of sections 38 to 45 of this Ordinance shall apply to every statutory body notwithstanding anything to the contrary contained in any other law.

Capital  
budget.

38. (1) Every statutory body shall, before the commencement of each financial year of such statutory body, submit to the appropriate Minister for his approval and that of the Minister, a budget relating to capital expenditure and the financing thereof for each such year in such form as the Minister may from time to time prescribe.

(2) The appropriate Minister shall lay such budget as approved by him and the Minister, before the Legislative Council within fourteen days of such approval or, if the Legislative Council is not then in session, within fourteen days after the commencement of its next sitting.

(3) Such approved budget may, with the approval of the appropriate Minister, be altered by the statutory body concerned:

Provided that the total expenditure under such budget may not exceed that approved by the appropriate Minister and the Minister in terms of subsection (1) of this section.

Income and  
expenditure  
budget.

39. (1) Every statutory body shall, before the commencement of each financial year of such statutory body, submit for approval of the appropriate Minister and the Minister an income and expenditure budget in relation to such year in such form as the Minister may prescribe.

(2) Every statutory body shall, at such time as the appropriate Minister may direct, furnish him with such further information in relation to its income and expenditure budget as he may require.

(3) The income and expenditure budget as approved by the appropriate Minister shall be the income and expenditure budget of the statutory body concerned for the financial year to which it relates and may not be altered without the approval of the appropriate Minister.

Advances.

40. The Treasury may, out of moneys voted by the Legislative Council for the purpose, advance to any statutory body such sums as may be necessary to carry out any of its powers, duties, and functions. Such advances shall be made on such terms and conditions as the Minister may determine.

Borrowings.

41. (1) No statutory body shall borrow temporarily by way of bank overdraft or otherwise without the sanction of the Minister.

(2) No statutory body shall raise moneys by way of a loan or issue of securities without the prior approval of the appropriate Minister and of the Minister :

Provided that the provisions of this subsection shall not apply to any loan made by, or issue of securities to, the Government.

42. (1) If the Minister with the approval of the Governor in Council so directs, a statutory body shall pay to the Treasury for credit of the Consolidated Fund as much of the money held by it for the purposes of such statutory body as the appropriate Minister and the Minister consider to be in excess of the amount required for such purposes.

Payment of surplus funds to Consolidated Fund.

(2) Any money paid to the Treasury in terms of subsection (1) of this section shall be applied towards the discharge of any obligation of the statutory body concerned to the Government or to such other purposes as the Minister may direct.

43. (1) The Minister may, with the concurrence of the appropriate Minister, direct a statutory body to pay all or any part of its moneys to the Treasury and such statutory body shall comply with such directions.

Deposits to special account

(2) Any moneys paid to the Treasury in terms of subsection (1) of this section shall be placed to the credit of a special account in the name of the statutory body concerned, and the Minister may pay out of such account for the purposes of such statutory body all or any part of such moneys.

44. (1) If no provision is made in the law under which a statutory body is established for the appointment of an auditor of its accounts and financial transactions, the Minister may appoint an auditor to audit such accounts and financial transactions.

Appointment of auditor by Minister.

(2) Notwithstanding anything to the contrary contained in any other law, the Director of Audit may be appointed in terms of subsection (1) of this section.

(3) An audit fee—

(a) determined by the Treasury after consultation with the Director of Audit, in respect of the services, if any, of the Director of Audit ;

(b) equal to the fee charged by any other auditor appointed in terms of this section ;

shall be paid into the Consolidated Fund by the statutory body, the accounts of which have been audited in the terms of this section.

Annual reports and accounts.

45. (1) Every statutory body shall, as soon as possible and in any case not later than six months after the termination of each financial year of such statutory body, submit an annual report to the appropriate Minister in such form as that Minister may from time to time prescribe.

(2) Such report shall include a balance sheet, such other statements of account as the Minister may from time to time require, and the annual report of the auditor of such statutory body and shall be laid by the appropriate Minister before the Legislative Council within fourteen days of its receipt by him or, if the Legislative Council is not then in session, within fourteen days after the commencement of its next sitting.

Examination of accounts of Director of Audit's department.

46. The accounts of the Department of the Director of Audit shall be audited and reported on by the Treasury, and the provisions of sections 12 and 29 of this Ordinance shall apply in relation to the exercise of those functions by the Treasury as they apply in relation to the audit and reports made by the Director of Audit.

## PART VII

### GENERAL

Duration of Appropriation Ordinance.

47. Unless special provision to the contrary is made in any Appropriation Ordinance, every appropriation by the Legislative Council of public moneys for the service of any financial year shall lapse and cease to have any effect at the close of that period, and, except as otherwise provided in this Ordinance, the unexpended balance of any moneys withdrawn from the Exchequer Account shall be surrendered to the Exchequer Account.

Establishment of Funds.

48. (1) The funds set out in the First Schedule to this Ordinance shall be deemed to have been established in accordance with this section and the provisions of subsection (3) of this section shall apply to receipts, earnings and accruals and to the balances of such funds.

(2) Whenever moneys are appropriated by the Legislative Council to establish a fund, the Treasury may establish a fund to which moneys so appropriated may be credited and from which moneys may be expended for the purposes for which the fund was established, and the Minister shall by order amend the First Schedule to this Ordinance by the addition of the title of such fund.

(3) Unless the Treasury otherwise directs, and notwithstanding the provisions of sections 15 and 47 of this Ordinance, neither the receipts, earnings, nor accruals of funds established or deemed to have been established in terms of this section, nor the balances of such funds at the close of each financial year, shall be paid into the Consolidated Fund, but shall be retained for the purposes of such funds.

(4) The Minister may by order amend the First Schedule to this Ordinance by the deletion therefrom of the title of any fund which may lawfully be absorbed into and form part of the Consolidated Fund or which has otherwise ceased to exist.

49. There shall be credited to the Consolidated Fund the amounts standing to the credit at the commencement of this Ordinance of the accounts set out in the Second Schedule to this Ordinance.

Transfer of certain accounts to the Consolidated Fund.

50. (1) The Minister may make regulations (to be called Financial Regulations) as may appear to him to be necessary or expedient for the proper carrying out of the intent and provisions of this Ordinance.

Regulations.

(2) All regulations made under this section shall be laid before the Legislative Council as soon as may be after they are made.

51. (1) The Public Accounts Ordinance is hereby repealed.

Repeal and amendment.

(2) The enactment set out in the Third Schedule to this Ordinance is hereby amended in the manner specified in the third column of that Schedule.

Ch. 9. No. 3.

52. Nothing in this Ordinance shall extend or abridge or alter the rights and powers of the Governor to control, suspend or prevent the execution of any process or proceedings for recovering money due to the Government.

Saving.

(Section 48)

## FIRST SCHEDULE

Health Equipment Renewals Fund.  
 Hydraulics Renewals Fund.  
 Launches Renewals Fund.  
 Harbour Master's Launches Renewals Fund.  
 Navigational Aids Renewals Fund.  
 Port Services Slipway Machines, Tools and Vehicles Renewals Fund.  
 Port Services Wharves, Workshops, Machines and Tools Renewals Fund.  
 Port Services Accounting Machines Renewals Fund.  
 Wharf Equipment Renewals Fund.  
 Tugs and Dredgers Renewals Fund.  
 Railway Renewals Fund.  
 Government Vehicles Insurance Fund.  
 Petroleum Office Bonus to Staff Fund.  
 Provident Fund.  
 Widows' and Orphans' Pensions Fund.  
 Stock Transfer Stamp Duty Fund.  
 Supplementary Sinking Fund.

(Section 49)

## SECOND SCHEDULE

General Revenue Account.  
 Development Programme Fund Account.

(Section 51)

## THIRD SCHEDULE

Ch. 1. No. 2. Interpretation Ordinance In the definition " "general revenue" or "public revenue" or "public funds" " the words "Exchequer Account" shall be substituted for the word "Treasury".

Passed in Council this sixteenth day of October, in the year of Our Lord one thousand nine hundred and fifty-nine.

GEO. R. LATOUR

*Acting Clerk of the Council*