

Statutory Instrument No. 36 of 1969

THE FINANCE AND AUDIT LAW, 1965

**THE RULES FOR THE OPERATION OF THE DEVELOPMENT
FUND (AMENDMENT) NOTICE, 1969**

(Published on 14th March, 1969)

In the exercise of the powers vested in him by section 11(5) of the Finance and Audit Law, 1965 (No. 15 of 1965), and with the approval of the National Assembly, His Excellency the President amends the rules set out in the Second Schedule to the said Act by deleting the said rules and substituting therefor the following —

Definitions

1. In this Schedule —

“Fund” means the Development Fund ;

“project” means such a project as is referred to in paragraph 2.

Use of Fund Restricted to Projects in Development Plan

2. The Fund shall be used only for the purpose of financing projects contained in a Development Plan (or any amendment thereto) prepared by the Government and approved by the National Assembly by resolution :

Provided that this paragraph shall not apply to expenditure authorised under paragraph 8.

Authority for Withdrawal

3. No monies shall be withdrawn from the Fund except upon the authority of a warrant under the hand of the Minister : and no such warrant shall be issued unless the issue of those monies has been authorised by an Appropriation Act in accordance with paragraph 5 or a supplementary estimate approved by the National Assembly under paragraph 7, or the President has directed under paragraph 6 or 8 that the warrant be issued.

Annual Estimates to be Prepared

4. (1) The Minister shall cause to be prepared in each financial year estimates of the revenue and expenditure of the Fund for the next following financial year.

(2) Estimates shall be so prepared as to show the provision made for each project provided for therein under a separate subhead (which may contain one or more items of expenditure), and the various subheads shall be grouped under heads of expenditure corresponding to the Departments responsible for the projects.

(3) The estimates shall show, in relation to every project, an estimate of the total cost of the project in addition to the estimate of sums required during the financial year.

(4) The estimates shall be accompanied by a statement showing the estimated balance of the Fund at the commencement of the financial year and the anticipated revenue accruing to and total expenditure from the Fund during the financial year.

Appropriation Bill

5. (1) The estimates of the Fund for any financial year shall be appended to the estimates for that year laid before the National Assembly in accordance with section 121(1) of the Constitution.

(2) The Appropriation Bill introduced in the National Assembly in accordance with section 121(2) of the Constitution for that year shall contain a number of heads of expenditure corresponding to the heads of expenditure in the estimates of the Fund and shall authorise the issue from the Fund of the monies required to meet expenditure under those heads during the financial year and appropriate such monies for the purposes thereof.

Issue of Money before Commencement of Appropriation Act

6. (1) If the Appropriation Act for any financial year has not come into operation by the beginning of that year, the President may direct the Minister to issue a warrant authorising the issue of monies from the Fund to meet such expenditure as may be necessary for the continuation of projects financed from the Fund in the previous financial year until the expiration of four months from the beginning of the new financial year or the coming into operation of the Appropriation Act, whichever is the earlier.

(2) All monies withdrawn from the Fund in pursuance of this paragraph shall be deemed to have been issued in anticipation of the enactment of an Appropriation Act, and on the coming into operation of that Act any warrant issued under this paragraph shall cease to have effect and withdrawals thereunder shall be deemed to have been made by virtue of the Act and shall be accounted for accordingly.

Supplementary Estimates

7. If in any financial year it is found —

- (a) that the expenditure allowed for any subhead in that year's estimates is insufficient; or
- (b) that a need has arisen to proceed with a project for which no provision has been made in that financial year;

a supplementary estimate (in a form corresponding to that of estimates prepared under paragraph 4), showing the sums required, shall be laid before the National Assembly and submitted for the approval of the Assembly signified by resolution.

Special Warrant

8. (1) If in either of the circumstances mentioned in paragraph 7(1) the supplementary expenditure is so urgently required that, in the judgment of the President, it cannot or cannot without serious injury to the public interest be postponed until adequate provision can be made by the National Assembly, the President may direct the Minister to issue a special warrant authorising the issue of monies from the Fund to meet such expenditure.

(2) At the next meeting of the National Assembly after the issue of a warrant under this paragraph, the Minister shall submit a supplementary estimate (in a form corresponding to that of estimates prepared under paragraph 4), covering the expenditure authorised by the warrant, to the Assembly for its approval signified by resolution.

Supplementary Appropriation Bill

9. Where any supplementary expenditure (other than expenditure, in aid of any subhead of a head, of the surplus appropriation for that head arising from under-expenditure on another subhead thereof) has been approved by the National Assembly under paragraph 7 or 8, a supplementary Appropriation Bill shall be introduced in the National Assembly, not later than the end of the financial year next following, providing for the appropriation from the Fund, for the purposes of the relevant head, of the additional monies so approved.

Re-allocation of Provision

10. (1) No surplus arising from under-expenditure on any subhead in the estimates for any financial year shall be applied in aid of any other subhead during that year unless the supplementary expenditure under that other subhead is authorised under paragraph 7 or 8.

(2) If the requirements of a project included in the estimates for any financial year render it expedient to do so, the appropriate authority may direct that any surplus arising from under-expenditure of any item of the relevant subhead shall be applied in aid of any other item thereof or of any new item thereof to be created, so however that the total authorised provision for the subhead is not exceeded.

(3) In this paragraph, "appropriate authority" means any person designated by Financial Instructions to exercise the powers conferred by sub-paragraph (2).

Conditions to be Observed

11. Where the grantor attaches, to any grant of money which by virtue of section 11 of the Law is paid into the Fund, conditions relating to the use of such grant, these Rules shall be applied in such manner as to ensure that those conditions are observed.

A.M. MOGWE,
Permanent Secretary.

Office of the President,
GABERONES.
7th March, 1969.