

STATUTORY INSTRUMENT

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THE PUBLIC FINANCIAL MANAGEMENT REGULATIONS, 2017

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The Public Financial Management Act, 2016
(Act No. 13 of 2016)

Short title. **THE PUBLIC FINANCIAL MANAGEMENT REGULATIONS, 2017**

In exercise of the powers conferred upon him by section 123 of the Public Financial Management Act, 2017, the Minister of Finance and Economic Development hereby makes the following Regulations.

PART I—PRELIMINARY

Application. 1. These Regulations shall apply to the general government institutions, including public enterprises.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“Act” means the Public Financial Management Act, 2016;

"Appropriation-in-Aid" means an appropriation for expenditure of a budgetary or a sub-vented agency that is financed by revenue approved by Parliament to be used by the budgetary or sub-vented agency;

"Capital transfers" means any unrequited transfer where either the party making the transfer realizes the funds involved by disposing of an asset (other than cash or inventories), by relinquishing a financial claim (other than accounts receivable); or the party receiving the transfer is obliged to acquire an asset (other than cash or inventories) or both conditions are met;

"Chief Accountant" means the highest-ranking accountant in a budgetary or sub-vented agency;

"Commissioner-General" means the Commissioner-General appointed under any existing National Revenue Authority Act;

"Electronic Document" means information that is created, generated, communicated, stored, displayed or processed by electronic means;

"Electronic Fund Transfer" means any transfer of funds, other than a transaction originated by cheque, draft or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, point-of-sale terminal, stored value card terminal,

debit card, Automated Teller Machine (ATM), computer magnetic tape or any other electronic device so as to order, instruct, or authorize a financial institution to debit or credit an account;

"Ineligible Expenditure" means expenditure that either has been made in excess of a provision of the State budget or has been used for purposes other than for which it was approved.

PART II—INSTITUTIONAL RESPONSIBILITIES IN BUDGET SYSTEMS

3. (1) For the purpose of section 4 of the Act, the Cabinet shall establish a Cabinet Budget Committee, which shall be a subcommittee of the Cabinet, composed of -

(a) the Minister whom shall chair the Cabinet Budget Committee; and

(b) such other ministers as specified by the President of the Republic.

(2) The Cabinet Budget Committee shall assist the Cabinet in performing its functions under section 4 of the Act and shall be responsible for—

(a) providing the Cabinet recommendations on the Fiscal Strategy Statement, the State budget, and a Supplementary Estimate as set out in regulation 25;

(b) providing the Minister recommendations on expenditure ceilings in a budget call circular;

(c) providing recommendations or approval, as the case may be, on use of the Contingencies Fund, special warrant of the President, and unallocated head of expenditure;

(d) scrutinizing a fiscal report before it is submitted to Parliament;

(e) providing the Cabinet an opinion on a new policy with financial implication; and

(f) performing such other functions as may be specified by the Cabinet.

(3) The Cabinet Budget Committee shall meet at least quarterly.

(4) The Cabinet Budget Committee shall prescribe its own procedures.

Budget Committees of budgetary agencies.

4. (1) For the purpose of section 11 of the Act, the head of a budgetary agency shall establish a Budget Committee which shall be chaired by the vote controller and includes a budget officer, who shall serve as secretary to the Budget Committee and such other public officers as specified by the vote controller.

(2) The Budget Committee of a budgetary agency shall be an advisory body to the vote controller and shall be responsible for -

- (a) coordinating preparation of budget proposals and strategic, procurement, and personnel plans;
- (b) monitoring and coordinating budget execution; and
- (c) performing any other functions as may be specified by the vote controller.

(3) The vote controller shall prescribe the procedures for the Budget Committee of the budgetary agency in accordance with a circular of the Minister.

District Budget Oversight Committee.

5. District Budget Oversight Committees established under sub-section (1) of section 4 of the Act shall consist of between ten and sixteen members, being persons of note in the district who are not members of the public service or local council, selected by the Chiefdom Administration after consultation with the Financial Secretary and the persons representing each ward or chiefdom in the district.

PART III—MACROECONOMIC AND FISCAL POLICIES

Fiscal objectives.

6. (1) The fiscal objectives set out at subsection (1) of section 21 of the Act shall ensure the sustainable funding of State expenditure, and subject to the foregoing, contribute to the macroeconomic stability and growth and poverty reduction.

(2) The Fiscal Strategy Statement that is first prepared by the new Cabinet and specifies the fiscal objectives for the next five years shall—

- (a) define in full accordance with the internationally accepted standards-
 - (i) the fiscal indicators of public debt, deficit, compensation of employees, revenue, external grants, and other indicators used in the fiscal objectives; and
 - (ii) the general government or its sub-sectors or components covered by the fiscal objectives;
- (b) specify the institutions responsible for producing the outturn data on the fiscal indicators and the reports in which the outturn data to verify compliance with the fiscal objectives are presented.

(3) In relation to the fiscal objectives, the Fiscal Strategy Statement shall include—

- (a) analysis of consistency between fiscal forecasts mentioned in paragraph (c) of subsection (1) of section 23 of the Act and the fiscal objectives; and
- (b) if the fiscal forecasts are inconsistent with the fiscal objectives, the reasons why a consistent framework has not been recommended and the corrective measures towards the achievement of the fiscal objectives.

7. (1) For the purpose of subsection (1) of section 22 of the Act, the Minister shall establish a Macro-Fiscal Strategy Group responsible for macroeconomic modelling and forecasting.

Macro-fiscal Strategy Group

(2) The Macro-Fiscal Strategy Group shall be chaired by a representative from a division of the Ministry responsible for the macroeconomic and fiscal policy and composed of representatives from -

- (a) such other divisions of the Ministry as determined by the Minister;
- (b) the Bank of Sierra Leone;
- (c) the National Revenue Authority;
- (d) Statistics Sierra Leone; and
- (e) any ministry or entity invited by the Minister from time to time to present to the Group, but not to partake in decisions or substantive discussions of the Group.

(3) The Macro-Fiscal Strategy Group shall, at least, -

- (a) discuss and advise on the key assumptions to be used in macroeconomic forecasting;
- (b) produce macroeconomic forecasts for the next three years, including forecasts of gross domestic product, inflation, the balance of payments, exchange rate, and other main macroeconomic variables;
- (c) produce fiscal forecasts for the subsequent three years, including forecasts of revenue, expenditure, deficit, borrowing, and other main fiscal variables; and
- (d) produce analyses of macroeconomic risks.

Policy costing

8. (1) For the purpose of subsection (1) of section 24 of the Act, before a new policy with financial implication is introduced to the Cabinet, the responsible minister shall produce and provide the Minister with the cost information and assessment of affordability.

(2) A new policy with financial implication introduced to the Cabinet for decision, whether in a form of a draft Bill or otherwise, shall be accompanied by the Minister's opinion on its cost information and assessment of affordability.

(3) The Minister shall issue a circular to prescribe the timeframe for proposing a new policy with financial implication and other instructions for implementation of this regulation.

PART IV—PREPARATION AND APPROVAL OF BUDGET (Appropriations and budgetary principles)

9. (1) The Financial Secretary shall, on the proposal of the Budget Bureau, determine the structure and nomenclatures of items of revenue and expenditure in the estimates, in accordance with the revenue laws and internationally accepted standards, and in accordance with the following paragraphs of this regulation and regulations 10 and 11. Budget classification.

(2) The Financial Secretary shall not make a change in the items of revenue and expenditure or create a new item, unless the Accountant-General has made a change in the codes of the chart of accounts or has created a new code to reflect the change.

(3) In addition to the administrative and economic classification required under paragraph (a) of subsection (2) of section 27 and subsection (3) of the Act, the Financial Secretary may classify expenditures in the State budget by the functions of the Government or by other classification.

(4) The economic and functional classification mentioned in subsection (3) of section 27 of the Act and sub-regulation (3) shall be in accordance with internationally accepted standards.

10. (1) For the purpose of subsection (2) of section 27 of the Act, the revenue and expenditure estimates shall be divided into such heads of expenditure as determined by the Financial Secretary. Head of expenditure and ambit of vote.

(2) The purposes of expenditures included in, and the services provided under, each head of expenditure shall be outlined in a preamble to the head to be called the "ambit of the vote".

(3) No expenditure shall be charged to the head unless it falls within the ambit of the vote.

Program and group of Expenditures.

11. (1) Each head of expenditure shall be divided into such programs as determined by the Financial Secretary.

(2) Each program shall -

(a) include, as far as possible, all the items of expenditure relating to particular services provided under the program and show clearly the total estimated cost of the services; and

(b) meet the requirements under regulation 12.

(3) The items of expenditure under each program shall be classified into the following groups-

- (a) compensation of employees;
- (b) other recurrent expenditure excluding current transfers;
- (c) current transfers;
- (d) capital transfers; and
- (e) capital expenditure.

(4) Compensation of employees shall contain-

- (a) basic salaries;
- (b) personnel allowances such as allowances for special duty, overtime, representation expenses, entertainment, housing, medical, transport, power clothing, or allowances in lieu of accommodation;
- (c) retiring benefits, including pensions and gratuities; and
- (d) government contribution to social security.

(5) Each personnel allowance shall be described in a separate line item of expenditure and shall not be included in the same line item as that of basic salaries.

12. (1) For the purpose of subsection (4) of section 27 of the Program Act, expenditures in the state budget may be classified by programs, classification, if-

(a) the head of a relevant budgetary agency appoints a program manager for each program, whose responsibilities are specified in writing;

(b) the objectives and activities of each program are specified and evaluated in the budget preparation process;

(c) the program structure is reflected in the chart of accounts; and

(d) such other requirements as prescribed by the Financial Secretary are complied with.

(2) A program classification may be applied to some or all of the expenditures of one or more budgetary agencies.

13. (1) For the purpose of subsection (2) of section 29 of the Act, any fees and charges collected by a budgetary agency, under or by an Act of Parliament, shall be deposited into the Consolidated Fund and shall not be earmarked or retained for the expenditure of the agency, unless provided otherwise by an Act of Parliament. Prohibition of retaining fees and charges of budgetary agencies.

(2) A credit balance of any bank account into which fees and charges collected by a budgetary agency are deposited shall be daily swept into the designated Treasury account in accordance with paragraph (g) of sub-regulation (1) of regulation 31.

14. (1) A sub-vented agency may use fees and charges that it collects to finance its expenditure only when - Retaining fees and charges of sub-vented agencies.

(a) the fees and charges are reviewed by the Cabinet under sub-regulation (2) of regulation 246; and

- (b) the maximum amount of expenditure to be financed by the fees and charges is authorized by Parliament as an Appropriation-in-Aid in the State budget.

(2) Notwithstanding sub-regulation(1), a sub-vented agency that is treated as a budgetary agency under sub-regulation (1) of regulation 252 shall deposit fees and charges that it collects into the Consolidated Fund and shall not retain or earmark the fees and charges for the expenditure of the agency.

(3) An Appropriation-in-Aid shall be presented in the State budget on a gross basis without being netted with any revenue.

(Budget preparation and approval)

15. (1) No later than the end of every March, the Financial Secretary shall issue the budget call circular which includes—

- (a) a budget calendar setting out the timeframe for preparation and approval of the State budget;
- (b) instructions for preparation of the medium-term strategy and work plans for the implementation of that strategy; and
- (c) any other matters as deemed necessary by the Financial Secretary.

(2) A budget call circular shall give budgetary agencies and sub-vented agencies at least a six week-period for preparation of their budget proposal.

(3) In addition to a budget proposal, by such date as prescribed by a budget call circular, every budgetary agency and sub-vented agency shall submit to the Minister, at least—

- (a) a plan on recruitment, retirement, promotion, and payroll allocation for the next three years or more with relevant costs;

Budget calendar issue.

- (b) an annual cash flow plan;
- (c) a strategic plan which presents prioritized policy measures for the implementation of programmes in the national development plan, for the next three years or more and their estimated costs and work plans for their implementation; and
- (d) a procurement plan according to section 29 of the Public Procurement Act, 2016.

(4) No later than the end of every May, the Minister shall submit the draft Fiscal Strategy Statement to the Cabinet for its scrutiny and approval, after holding budget hearings concerning expenditure ceilings and policy measures.

(5) The Minister shall submit an annually updated Fiscal Strategy Statement to Parliament for its information before Parliament goes into a summer recess but in any case, no later than the end of every July.

(6) In accordance with subsection (1) of section 31 of the Act, the Financial Secretary may issue a revised budget call circular including the expenditure ceilings.

(7) The Minister or Ministry shall hold budget hearings concerning the draft State budget, before submitting the finalized State budget to the Cabinet for approval.

16. For the purpose of paragraph (a) of subsection (2) of section 31 of the Act, expenditure ceilings of a budget call circular shall be consistent with the fiscal forecasts set out in the annual updates of the Fiscal Strategy Statement.

Expenditure ceilings in Budget Call Circular.

17. (1) When preparing revenue estimates to be included in a budget proposal under paragraph (a) of subsection (1) of section 32 of the Act, a vote controller of a budgetary agency shall -

Revenue and Expenditure Estimates in Budget Proposals.

- (a) identify all activities that already generate revenue or have a potential to generate revenue;

- (b) assess efficiency of assessment and, or collection, where applicable, and accuracy of past revenue estimates;
- (c) indicate in a budget proposal, assumptions of the revenue estimates and plans to change rates and charges;
- (d) explain the rationale for changes in rates and charges;
- (e) describe the outlook for corresponding tax bases;
- (f) list all revenues to be collected by the budgetary agency as provided by an act of Parliament; and
- (g) include all revenue collected, if any.

(2) When preparing expenditure estimates to be included in a budget proposal under paragraph (b) of subsection (1) of section 32 of the Act, a vote controller of a budgetary agency shall -

- (a) incorporate the recurrent expenditures for ongoing and new projects and also payments to settle outstanding multiannual commitments;
- (b) reflect the impact of new policy measures and any changes in costs of current policy measures;
- (c) prioritize policy measures within expenditure ceilings and in accordance with the Fiscal Strategy Statement and the budget call circular;
- (d) ensure that the expenditure estimates are consistent with personnel, strategic, and procurement plans; and

- (e) include all recurrent and capital expenditure of the budgetary agency.

18. (1) The budget call circular shall require every vote controller to submit within a specified time and in a prescribed manner a medium- term budget framework for his budget entity, including - Participatory budget discussions

- (a) a medium-term strategy and target outcomes in line with national and sectoral strategies, and keyperformance indicators for assessing the achievement of the outcomes;
- (b) detailed work plans for the implementation of the strategy andthe anticipated revenue and recurrent and capital expenditure for the following three years within the financial ceilings prescribed by the Minister;
- (c) a procurement plan showing details of the estimated amount of continuing contracts and each contract to be entered into in the following year, item to be purchased, estimated timing and amount of payments, and the modality of each contract; and
- (d) revised estimates of revenue and expenditure for the current year.

(2) A vote controller shall, in preparing draft estimates of revenue and expenditure, convene a budget committee meeting to review and ensure that the estimates are realistic and accurate in all respects and are prepared with the involvement of all relevant divisional or programme officers, procurement officers, internal auditors and other relevant officials of the budgetary agency in accordance with any other instruction or guideline given by the minister.

(3) A vote controller shall brief his Minister on the preparation of the budget and, during the year, on budget performance.

(4) Proposals for any new establishment or expansion of an existing one including an increase or upgrading in the establishment, shall be included in the draft estimates only after the approval of the Minister has been obtained.

(5) Not later than the end of every September, the Financial Secretary as chairman with the Director of Budget and local government finance departments shall convene the stakeholder budget discussions of Central Government followed by Local Councils.

(6) The discussions with Local Councils shall be held at the respective district or municipality.

(7) The stakeholders of the participatory budget discussions shall include Civil Society Organisations, District Budget Oversight Committee Members, the Media, Non-State Actors, Donors, Members of Parliament and budgetary and sub-vented agencies.

Public investment process.

19. (1) For the purpose of subsection (1) of section 35 of the Act, when a cost of a project or Public Private Partnership (PPP) project, including a transformational development project, exceeds 1% of the Annual Public Investment Program for the budget year, the project or PPP project shall not be included in the State budget, unless the Minister determines that the project or PPP project is -

- (a) affordable, which means that financial obligations, including contingent liabilities, to be incurred for the project or PPP project may be met by the State budget without hindering achievement of the fiscal objectives established under section 21 of the Act or the principles of responsible financial management mentioned in subsection (2) of section 20 of the Act;
- (b) economically viable, which means that the project or PPP Project is feasible and determined by cost-benefit analysis to have more benefits than costs; and

- (c) the best option, which means that the project or PPP project is the most efficient and effective option to deliver the good or service.

(2) All budgetary or sub-vented agencies shall, in relation to all projects and PPP projects, included in the lists mentioned in paragraph (a) of subsection (1) of section 35 of the Act, gather and submit to the Minister all necessary information about the project to allow the Minister to determine if the project meets the criteria in sub-regulation (1).

(3) For the purpose of subsection (1) of section 35 of the Act, the Minister has the power to select a transformational development project to be included in the State budget.

(4) The Minister may select a transformational development project only when it meets the requirements under this regulation.

(5) The Minister shall publish the Public Investment Operational Manual, which describes the standard methodologies to design, estimate cost of, and appraise whether the project or PPP project is affordable, economically viable, and the best option.

(6) The Operational Manual shall also prescribe the procedures of project selection and financing, implementation, and monitoring & evaluation.

(7) Estimates of revenue foregone due to waivers and reductions shall be attached to any project or PPP project mentioned in section 35 of the Act when submitting to Parliament.

20. (1) The preparation, submission, screening, appraisal, and selection of all new projects and PPP projects into the Public Investment Programme hereinafter called "PIP", shall follow the procedures provided in the National Public Investment Management Operational Manual, and completed by such date as prescribed in a budget call circular.

Preparation of Public Investment Programme.

(2) For the purpose of subsection (1) of section 35 of the Act, by such date as prescribed in a budget call circular, every budgetary and sub-vented agency shall submit to the Minister the following documents and information of all on going and new projects and PPP projects, using templates provided by the Public Investment Management Unit -

- (a) documents required in paragraph (c) of subsection (1) of section 35 of the Act;
- (b) a revised contract including all technical and financial information in the event of contract variation during implementation, for existing PPP projects; and,
- (c) any other documents and information may be required by a budget call circular.

(3) The PIP shall be finalized by such date as prescribed in a budget call circular and as instructed in the National Public Investment Management Policy.

(4) The Minister may refuse to include a public investment project or PPP project in the State budget, if the responsible budgetary or sub-vented agency fails to comply with the requirements under sub-regulations (1) and (2).

Public
Investment
Programme
Execution.

21. (1) Once a new project is included in the PIP, budgetary or sub-vented agencies may start the contractual negotiation, procurement, and implementation activities according to the National Public Investment Management Operational Manual.

(2) All procurement activities shall be in compliance with the Public Procurement Act in force.

Coordination
with
Development
Planning.

22. (1) A development plan of the Government, referred to development in clause (c) of sub-regulation (3) of regulation 15, shall include cost information on planned projects.

(2) Financial resources required by a development plan of the Government shall be consistent with the fiscal objectives established under section 21 of the Act.

23. (1) The use of the Contingencies Fund shall be in accordance with subsection (1) of section 37 of the Act. Use of
Contingencies

(2) Expenditures that shall not be funded by the Contingencies Fund or a special warrant of the President or the unallocated head of expenditures include but is not limited to -

- (a) expenditure that, although known when finalizing the State budget, could not be accommodated within the State budget;
- (b) increase in expenditure due to tariff adjustments or price increases; and
- (c) expenditure for extensions of existing services or creation of new services that are not urgent or unforeseen.

(3) The Minister or the President as the case may be, may consult the Cabinet Budget Committee before exercising his authority for the Contingencies Fund or a special warrant under subsection (3) of section 37 or subsection (1) of 38 of the Act.

(4) The Minister shall obtain approval of the Cabinet Budget Committee before issuing a warrant for the unallocated head of expenditure under subsection (2) of section 39 of the Act.

(5) When rejecting a request for the use of the Contingencies Fund or the unallocated head of expenditure, the Minister shall convey the decision to the affected agency.

(6) For the purpose of paragraph (c) of subsection (5) of sections 37, subsection (3) of 38 and subsection (5) of 39 of the Act, expenditure paid during a financial year by using the Contingencies Fund, special warrant of the President, or unallocated head of expenditures shall be reflected in a Supplementary Estimate, if any is submitted within the financial year under subsection (1) of section 42 of the Act.

Temporary
budget.

24. (1) In accordance with paragraph (a) of subsection (2) of section 114 of the Constitution and section 41 of the Act, the President shall issue a warrant for expenditure, authorized by the Minister with the prior-approval of Parliament, to be made before an Appropriation Act comes into force.

(2) Expenditure authorized under paragraph (1) -

- (a) may be made only for services for which a provision was made in the state budget or Supplementary Estimate of the previous financial year; and
- (b) shall not exceed one third of the total expenditure authorized in the State budget of the previous financial year.

(In-year adjustments)

Supplementary
Estimate.

25. (1) For the purpose of subsection (5) of section 42 of the Act, a Supplementary Estimate shall not increase the total expenditure of the State budget, unless the increase in the total expenditure -

- (a) is required due to a natural disaster, epidemic of illness, or other significant and unforeseen economic and financial event; or
- (b) can be financed by the increase in the revenue other than domestic or external borrowing.

(2) In addition to information required under subsection (5) of section 42 of the Act, a Supplementary Estimate shall be accompanied by a justification for its proposal.

(3) When a Supplementary Estimate increases the total expenditure of the State budget, the Minister shall submit to Parliament, at least, the following information -

- (a) revised fiscal forecasts, including revenues, expenditures, deficit, and debt, of the State budget for the next three years or more;

(b) the impact on achievement of the fiscal objectives and the adjustments to be made towards its achievement; and

(c) a source of financing.

(3) All budgetary agencies shall request additional funds through a Supplementary Estimate in accordance with a circular for that purpose.

(4) The Minister may annually issue a circular on preparation of a Supplementary Estimate.

26. (1) When a function is to be transferred between heads of budgetary agencies, the Minister shall be consulted in advance, and a head of a budgetary agency to which a function is transferred shall submit to the Minister a memorandum to request a Supplementary Estimate. Transfer of functions.

(2) A circular mentioned in sub-regulation (5) of regulation 25 shall include instructions for implementation of this regulation. Virement

27. (1) All virements shall be made in accordance with section 43 of the Act. Virement.

(2) An item of expenditure from which reallocation is made shall not be eligible for provisions of additional funds by a Supplementary Estimate, the Contingencies Fund, a special warrant of the President, or the unallocated head of expenditure.

(3) Reallocation shall not be made by the head of a budgetary agency or approved by the Minister under section 43(2) or (3) of the Act, unless -

- (a) an amount of an item of expenditure reduced by the reallocation is still sufficient to pay outstanding and planned commitments under the item of expenditure; and

- (b) the reallocation does not create conflict with the priorities and objectives of the agency.

Procedure for Virement.

28. (1) The Minister may delegate to the Financial Secretary all or part of his powers for approving reallocation between different subheads under subsection (2) of section 43 of the Act.

(2) When requesting the Minister's or Financial Secretary's approval for reallocation, the vote controller shall submit an Application for Virement form clarifying the chart of account codes of the items from and to which the reallocation is made.

(3) When approving reallocation requested under sub-regulation (2), the Minister shall issue a virement warrant that is numbered sequentially within the same financial year.

(4) When making reallocation within the same subhead under subsection (3) of section 43 of the Act, the head of a budgetary agency shall use such standard preform as determined by the Financial Secretary.

(5) The vote controller of each budgetary agency shall maintain a register of all the virements made by the agency.

(6) The vote controller of a budgetary agency shall submit to the Minister a quarterly report that specifies all virements that the agency made during the quarter.

Carryover.

29. (1) For the purpose of subsection (1) of section 45 of the Act, a provision of the State budget of a financial year which was not spent in the financial year may be carried over, subject to availability of cash, to the following financial year with the approval of the Minister only to discharge an outstanding commitment that has been made before the end of the financial year and provided for in the next financial year budget.

(2) The head of a budgetary agency shall submit to the Minister a request for carryover under this regulation in accordance with a circular of the Minister.

(3) A provision of the State budget shall not be carried over for more than one financial year.

30. (1) A vote controller of a budgetary agency shall not incur or settle any commitment for which public money has not been provided by the State budget or authorized to be charged on the Consolidated Fund. Unbudgeted expenditure and over-spending.

(2) When a budgetary agency has overspent a head or subhead of expenditures under the State budget or made unbudgeted expenditure, the Minister shall require the head of the budgetary or sub-vented agency to submit an action plan under paragraph (b) of subsection (2) of section 120 of the Act, as soon as practicable after the end of a financial year.

(3) As soon as practicable after the end of a financial year, the Minister shall submit to Parliament a report on overspending.

(4) The Minister shall issue a circular to prescribe the instructions for implementation of this regulation.

Part V - Cash Management and Banking Arrangements *(Banking Arrangements)*

31. (1) For the purpose of subsection (1) of section 47 of the Act, the Minister shall establish a core Treasury Single Account structure, which shall satisfy at least the following requirements - Establishment of Core Treasury Single Account structure.

(a) the Treasury Single Account shall include only one bank account opened with the Bank of Sierra Leone hereinafter called "Treasury Main Account" and other accounts of the Treasury Single Account opened with the Bank of Sierra Leone and commercial banks in accordance with subsection (2) of section 47;

(b) all tax and non-tax revenue of the Consolidated Fund shall be deposited into the Treasury Main Account;

- (c) all expenditure of the Consolidated Fund shall be paid out of the Treasury Main Account, except the following expenditures which may be paid from a bank account other than the Treasury Main Account -
 - (i) expenditure for externally financed projects included in a Public Investment Program;
 - (ii) expenditure for embassies;
 - (iii) expenditure made from imprest funds; and
 - (iv) expenditure made from special funds.
- (d) there shall be a book of sub-ledger accounts where revenue of each sub-ledger account shall be recorded as a credit balance of the Treasury Main Account and expenditure of each sub-ledger account shall be recorded as a debit balance of the Treasury Main Account;
- (e) separate sub-ledger accounts shall be opened for-
 - (i) major categories of revenue and expenditure;
 - (ii) major categories of financing transactions and advance payments; and
 - (iii) major budgetary and sub-vented agencies;
- (f) bank accounts may be opened with said commercial banks only as transit accounts into which tax and non-tax revenue is deposited before being deposited into the Treasury Main Account;

- (g) all credit balances of transit bank accounts opened with commercial banks shall be swept automatically into the Treasury Main Account at the end of every business day;
- (h) bank reconciliation of all bank accounts included in the Treasury Single Account shall be automatically or manually, as the case may be, conducted every business day;
- (i) at the end of every business day, a consolidated statement with the following contents shall be auto-matically generated -
 - (i) a debit and credit balance of each sub-ledger account;
 - (ii) a credit balance of the Treasury Main Account; and
 - (iii) credit balances of all said commercial bank accounts included in the Treasury Single Account.

(2) All commercial banks shall submit to the Accountant-General at the end of the day, all information identifying the payments made in the day.

(3) When a commercial bank does not comply with the requirements of paragraph (1) of sub-regulation (1) and sub-regulation (2), the Accountant-General may require the account to be closed under sub-regulation (2) of regulation 34 and sub-regulation (3), and transfer any balance to the Treasury Main Account.

(4) The Cabinet shall, on the proposal of the Minister, issue an Order that specifies, in accordance with the requirements under sub-regulation(1), -

- (a) the bank accounts opened for ministries, other departments, and sub-vented agencies, into or from which revenue or expenditure of the Consolidated Fund is deposited or paid, and which shall be closed;
- (b) the sub-ledger accounts to be opened as part of the core Treasury Single Account structure established under sub-regulation(1);
- (c) the transit bank accounts to be opened with said commercial banks as part of the core Treasury Single Account structure established under sub-regulation (1); and
- (d) the expenditures of the Consolidated Revenue Fund that will be paid from bank accounts outside the core Treasury Single Account structure.

(5) Under paragraph (a) of sub-regulation (4), all bank accounts opened for ministries, other departments, and sub-vented agencies, into or from which revenue or expenditure of the Consolidated Revenue Fund is deposited or paid, shall be closed, except for bank accounts -

- (a) from which the expenditures excluded from the core Treasury Single Account structure under paragraph (d) of sub-regulation (4) are to be paid; and
- (b) the needs of which are fully justified.

(6) When proposing a draft Order under sub-regulation (4), the Minister shall ensure that

- (a) a sub-ledger account is opened only for an accounting item that requires its cash balance

to be recorded separately from the rest of the Consolidated Fund; and

- (b) the structure of the sub-ledger accounts uses the classification of the chart of accounts, to the extent possible.

32. (1) All revenue and expenditure of donor funds, where appropriate, special funds, sub-vented agencies and extra-budgetary agencies shall be deposited into and paid from the Treasury Main Account or commercial bank accounts included in the Treasury Single Account. Extension of Treasury Single Account.

(2) All bank accounts opened for budgetary and sub-vented agencies, donor funds, where appropriate and special funds shall be closed or included in the Treasury Single Account.

(3) The scope of the full Treasury Single Account referred to in sub-regulation (1) of regulation 31 may be extended to all or some of revenues and expenditures when provided by enactment, including the local governments, and other general government entities, if so specified in the Cabinet Order referred to in sub-regulation (4) of regulation 31.

33. (1) For the purpose of subsection (3) of section 47 of the Act, the Minister and the Bank of Sierra Leone shall conclude a Service Level Agreement that specifies, in respect of the core Treasury Single Account structure, - Service Level Agreement.

- (a) the responsibilities of the Bank of Sierra Leone for the operation of the Treasury Single Account, including but not limited to -

- (i) handling and transmission of receipts, notices, and other transactional documents;

- (ii) handling of government cheques;

- (iii) processing of payment instructions;
 - (iv) processing of transfer between sub-ledger accounts;
 - (v) processing of refunds and repayments;
 - (vi) handling of public money held in trust;
 - (vii) record-keeping of sub-ledger accounts;
 - (viii) reporting to the Accountant-General; and
 - (ix) cooperation with the Cash Management Committee on cash forecasting;
- (b) use of intra-day overdraft of the Treasury Main Account;
 - (c) remuneration on a credit balance and charge on a debit balance of the Treasury Main Account;
 - (d) notwithstanding subsection (2) of section 52 of the Act, other fees to be paid to the Bank of Sierra Leone for the operation of the Treasury Single Account; and
 - (e) any other matters necessary for the operation of the Treasury Single Account.

(2) The Service Level Agreement between the Minister and the Bank of Sierra Leone shall be revised along with any extension of the Treasury Single Account under sub-regulation (1) of regulation 32.

Opening and closure of bank accounts.

34. (1) The Minister's power to approve a budgetary or sub-vented agency or other entity in the central government to open or close a bank account under subsection (4) of section 47 of the Act shall be delegated to the Accountant-General.

(2) For the purpose of paragraph (d) of subsection (5) of section 47 of the Act the Accountant-General may require banks to close, transfer or suspend bank accounts of budgetary agencies, sub-vented agencies or other entities in the central government that fail to obey section 47 of the Act and this regulation.

(3) For the purpose of paragraph (d) of subsection (5) of section 47 of the Act, the Accountant-General shall require a budgetary or sub-vented agency or other entity in the central government to close any account opened with a commercial bank or the Bank of Sierra Leone, whenever necessary for the effective operation of the Treasury Single Account.

(4) For the purpose of paragraph (d) of subsection (5) of section 47 of the Act, and subject to subsection (2) of section 67 of the Act, any account opened with a commercial bank for a budgetary or sub-vented agency or other entity in the central government shall not be overdrawn, and no advance or loan shall be obtained from the account, without the prior approval of the Minister.

(5) For the purpose of paragraph (d) of subsection (5) of section 47 of the Act, the Accountant-General may set a minimum or maximum balance of any account of the Treasury Single Account opened with a commercial bank or the Bank of Sierra Leone for a budgetary or sub-vented agency or other entity in the central government.

(6) For the purpose of paragraph (e) of subsection (5) of section 47 of the Act, a service level agreement shall be approved by the Accountant-General in advance of opening an account with a commercial bank for a budgetary or sub-vented agency or other entity in the central government.

(7) A service level agreement with a commercial bank may be negotiated on a competitive basis.

(8) A service level agreement with a commercial bank shall specify, at least, -

- (a) the requirements to implement the Accountant-General's instruction on opening, transfer, and closure of the bank accounts;

- (b) the requirements of handling and transmitting receipts, notices, and other transactional documents;
- (c) the requirements for handling of government cheques and processing of payment instructions;
- (d) the requirements for record-keeping and reporting to the Accountant-General and cooperation with the Cash Management Committee on cash forecasting;
- (e) the prohibition of overdraft, loan, and advance without the prior-approval of the Minister;
- (f) remuneration on a credit balance and charge on a debit balance of the bank account;
- (g) notwithstanding subsection (2) of section 52 of the Act, other fees to be paid to the commercial bank for its services; and
- (h) the requirements for the operation of the Treasury Single Account, when the bank account is included in the Treasury Single Account.

Access to bank Accounts and register.

35. (1) For the purpose of subsection (6) of section 47 of the Act, the Accountant-General may require a commercial bank to submit to him a bank statement and any other information of any account opened for a budgetary or sub-vented agency or other entity in the central government.

(2) The bank shall comply with the request to submit a bank statement within two working days.

(3) When a commercial bank refuses to submit a bank statement and the required information under paragraph (1), the Accountant-General may require the account to be closed under sub-regulations (2) and (3) of regulation 34.

(4) The Accountant-General shall maintain a register of all bank accounts opened with commercial banks or the Bank of Sierra Leone for budgetary or sub-vented agencies or other entities in the central government.

36. (1) Vote Controllers of budgetary agencies and sub-vented agencies and other entities in the central government shall submit a bank reconciliation statement of the month to the Accountant-General of all bank accounts managed by them. ^{Bank reconciliation.}

(2) Notwithstanding sub-regulation (1), the Accountant-General may require bank reconciliation more than once a month.

(3) Bank reconciliation shall also be carried out -

- (a) when a responsibility for any bank account or cheque book is handed over from one officer to another;
- (b) on the occasion of any inspection by the Board of Surveys; or
- (c) when the Accountant-General so requires.

(4) A vote controller shall conduct bank reconciliation in accordance with a circular of the Accountant-General.

(Cash Management)

37. (1) For the purpose of subsection (1) of section 48 of the Act, the Cash Management Committee shall be chaired by the Financial Secretary and composed of representatives of- ^{Establishment of Cash Management Committee.}

- (a) the Bank of Sierra Leone, co-chairing the Committee;
- (b) the Budget Bureau, Accountant-General's Department, the director responsible for public debt and such other divisions of the Ministry as may be determined by the Minister;

- (c) the National Revenue Authority; and
- (d) any other institutions as may be specified by the Minister.

(2) The Cash Management Committee may establish a sub-committee.

(3) For the purpose of subsection (2) of section 48 of the Act, the Cash Management Committee shall perform the following duties:

- (a) reviewing cash forecasts;
- (b) approving the consolidated cash plans;
- (c) discussing financing options;
- (d) coordinating the cash and debt management;
- (e) monitoring the development and
- (f) management of the Treasury Single Account; and
- (g) any other functions assigned by the Minister or under these Regulations.

(4) when performing its duties, the Cash Management Committee shall have access to-

- (a) bank statements of any account opened for a budgetary or sub-vented agency;
- (b) all information about the Treasury Single Account; and
- (c) the cash forecasts and data on budget execution of budgetary and sub-vented agencies.

(5) The Cash Management Committee shall report to the Minister about -

- (a) any discrepancy on the management of bank accounts and the Treasury Single Account;
- (b) the transaction and operation of the Treasury Single Account;
- (c) recommendations on the development of the Treasury Single Account; and
- (d) consolidated cash plans.

38. For the purpose of sub-regulation (2) of regulation 37, the Cash Management Sub-Committee shall be responsible for - Functions the Sub-Committee.

- (a) assisting the Cash Management Committee to perform its functions;
- (b) forecasting the government cash flow and cash balances;
- (c) advising the Cash Management Committee on the risks associated with cash management, future borrowing programs, and financing options;
- (d) monitoring balances of bank accounts opened for budgetary and sub-vented agencies;
- (e) overseeing the performance of the Treasury Single Account; and
- (f) performing such other functions as may be specified by the Accountant General.

39. (1) The budgetary agencies and sub-vented agencies shall submit an annual cash flow plan to the Cash Management Committee within 20 days prior to the beginning of the financial year. Annual Cash Flow Plan.

(2) The annual cash flow plan shall reflect the entity's execution of the State budget for the next financial year.

(3) The annual cash flow plan shall contain at least -

- (a) the expenditure and the revenue collection plan;
- (b) cash flow analysis and its indicators; and
- (c) the remarks or highlights of the factors that may affect the annual cash flow plan.

(4) The Cash Management Committee shall consolidate and review the annual cash flow plans within 10 days prior to the beginning of the financial year.

(5) The Cash Management Committee shall produce -

- (a) the consolidated annual cash flow plan for its approval; and
- (b) the analysis report highlighting at least the following points -
 - (i) any differences between the annual cash flow plan to the Budget document;
 - (ii) any negative net cash flow during the whole year plan; and
 - (iii) recommendations on the annual cash management plan upon consulting with the director responsible for public debt.

Cash forecasting.

40. (1) The Cash Management Committee shall prepare a cash- forecasting template and guideline.

(2) The cash-forecasting template shall at least contain the following information -

- (a) payment dates;
- (b) type and amount of payments;
- (c) expected weekly cash inflow and outflow;
- (d) weekly net balance;
- (e) historical trends of cash flows patterns; and
- (f) any change to the cash flow plan and justification.

(3) The Cash Management Committee shall train the budgetary and sub-vented agencies about -

- (a) the approved cash-forecasting manual;
- (b) the approved cash-forecasting template; and
- (c) the mechanism to conduct cash-forecasting.

(4) For the purpose of subsection (1) of section 49 of the Act, the budgetary and sub-vented agencies shall submit to the Minister the following cash forecasting reports -

- (a) a cash forecast for the quarter, broken down into weekly cash inflow and outflow not later than one month before the beginning of every quarter;
- (b) a cash forecast for the month, broken down into weekly cash inflow and outflow not later than two weeks before the beginning of every month.

(5) The Cash Management Committee shall -

- (a) provide the Bank of Sierra Leone with a monthly liquidity forecast, within 10 business days at the end of each month;

- (b) consolidate and review the cash-forecasting reports every month;
- (c) identify the daily net cash position by highlighting any shortage or surplus within a consolidated statement of the Treasury Single Account;
- (d) record at least the following data: actual revenue and expenditure of budgetary and sub-vented agencies; macroeconomic data; historical cash flow patterns; known dates of large revenue and expenditure payments; forecast data submitted by budgetary and sub-vented agencies; and past cash forecasts.

(2) The information referred to in sub-regulation (2) shall be made accessible to -

- (a) the Bank of Sierra Leone;
- (b) the Accountant-General; and
- (c) the director responsible for Public Debt.

(3) The Cash Management Committee shall convene a monthly meeting to discuss cash management plan.

(4) In order to prevent shortfall of cash, the cash management plan shall at least include -

- (a) the future borrowing programs;
- (b) financing options; and
- (c) any recommendation on the budget warrants and the expenditure control process under Part VII of these Regulations.

(4) On a rolling basis, the Cash Management Committee shall verify the accuracy of its cash forecasts and the cash forecasting reports with the real cash flows of the budgetary and sub-vented agencies.

(5) The Cash Management Committee shall produce a monthly verification report to identify at least-

- (a) the rate of accuracy;
- (b) the causes of any inaccuracy; and
- (c) the forecast performance evaluation of the budgetary and sub-vented agencies.

(6) The Cash Management Committee may request the Minister to reduce by 1-3% of the next financial year appropriations of the budgetary or sub-vented agencies, which have large errors within its cash forecasting report.

(7) The budgetary or sub-vented agencies shall promptly report to the Cash Management Committee any significant changes on the cash forecasting.

(8) If the changes have a great impact on the net cash flow or the balance sheet of the Treasury Single Account, the Cash Management Committee shall convene an urgent meeting in order to address the problem.

41. The Bank of Sierra Leone shall make payments and transfers from the Treasury Single Account in accordance with these regulations and the service level agreement mentioned in regulation 33. Bank of Sierra Leone.

42. (1) The Bank of Sierra Leone shall make the daily statements of the Treasury Single Account available to the Accountant-General through the computerized financial management system. Management of balances.

(2) The Cash Management Committee shall annually determine the minimum target cash balance of the Treasury Single Account three weeks prior to the start of the financial year.

(3) The Accountant-General shall ensure that the approved minimum target cash balance shall not be breached.

(4) If there is any breach to the minimum target cash balance, the Accountant-General shall notify the Cash Management Committee.

(5) The Cash Management Committee shall propose the necessary action in order to restore the balance of the Treasury Single Account.

(6) In the event that there is insufficient cash within the Treasury Single Account to service any payment, the Cash Management Committee may request the Minister to -

- (a) execute any existing loan commitment;
- (b) take any new borrowing;
- (c) perform any available financial options; or
- (d) adjust the expenditure.

PART VI- REVENUE MANAGEMENT

(Collection of public monies)

Scope of application.

43. (1) Part VI of these Regulations shall not apply to assessment and collection of tax revenues.

(2) Part VI of these Regulations applies mutatis mutandis to budgetary agencies, collecting revenues under or by an Act of Parliament.

(3) Subpart III shall not be applicable to a person in respect of default to which tax laws apply.

Deposit of Revenue in the Consolidated Fund.

44. (1) All public monies, including but not limited to tax and non- tax revenue shall be paid into the Consolidated Fund, unless otherwise provided by an Act of Parliament.

(2) Any department of Government that may, by or under an Act of Parliament retain monies to defray its expenses shall pay into the Consolidated Fund within 30 days following the end of the fiscal year, any money retained above its expenses.

(3) For the purpose of Section 28 of the Act, non-tax revenues, include-

- (a) administrative fees;
- (b) licence fees;
- (c) tolls;
- (d) proceeds from goods and services rendered;
- (e) proceeds from privatizations;
- (f) rents from Government assets;
- (g) fines and damages from civil actions;
- (h) levies;
- (i) penalties;
- (j) interests;
- (k) royalties;
- (l) dividends and other payments;
- (m) charges;
- (n) stamp duties; and
- (o) any other non-tax revenues as prescribed by written law.

45. (1) The National Revenue Authority shall be responsible for assessing and collecting national revenue, in accordance with the National Revenue Authority Act. Responsibility for revenue management.

(2) The National Revenue Authority shall ensure that adequate safeguards exist and are applied for the collection of non-tax revenue, in accordance with the National Revenue Authority Act.

(3) For the purpose of paragraph (h) of subsection (2) of section 13 of the Act, vote controllers of budgetary agencies shall be personally responsible for ensuring that adequate safeguards exist and are applied for the assessment of such revenues and other public monies relating to their entities.

(4) The National Revenue Authority shall be afforded full, free and unrestricted access to all assessment records and relevant personnel to carry out its collection functions.

(5) For the purpose of paragraph (i) of subsection (4) of section 15 of the Act, vote controllers of sub-vented agencies, other entities in the central government, social security funds and public enterprises shall be personally responsible for ensuring that adequate safeguards exist and are applied for the assessment, collection of and accounting for such revenues and other public monies relating to their entities.

Revenue
Collectors.

46. (1) Revenue collectors shall be -

- (a) Collecting officers who shall be permanently appointed officers; and
- (b) any other entity duly authorized to collect public money.

(2) A public officer shall not collect public monies unless he is authorised to do so.

(3) Revenue collectors shall -

- (a) collect revenue when it is due and pay it into the Treasury Main Account or other designated Treasury bank account;
- (b) issue official receipts;

(c) in the case of electronic payment, shall facilitate the collection of revenue when due and ensure it is banked promptly;

(d) account for the revenue collected;

(e) ensure that for all amounts credited to the designated Treasury account or to any other official bank accounts -

(i) the source and purpose of the amount is identified;

(ii) the appropriate accounting entries are made in the entity's records to reflect the amount received;

(f) keep such registers and other records which shall enable them to supervise efficiently the collection of revenue for which they are responsible and provide the relevant financial statements; and

(g) ensure safe custody, recording and proper use of all receipts, licenses and other documents issued for the receipt of public money.

(4) A revenue collector shall not improperly use his position to-

(a) gain an advantage for himself, herself or itself or someone else; or

(b) cause a detriment to the Government of Sierra Leone.

47. (1) Payments of non-tax revenue may be made by electronic fund transfer. ^{Methods of payment.}

(2) Payments of non-tax revenue may also be made by cash or cheque when payments by electronic fund transfer are not available.

(3) For the purpose of paragraph (a) of subsection (1) of section 9 of the Act, the following payments are prohibited, unless specifically authorised by the Accountant-General -

- (a) payments in foreign currency, notes or coins, foreign stamps or cheques drawn in foreign currency;
- (b) payments in kind are prohibited, unless they are necessary for collection of delinquent claims.

Payment of non-tax revenue by electronic fund transfer.

48. (1) A payer of non-tax revenue with no automatic interface with a bank may fill a prescribed fund transfer form and submit it to the Bank.

(2) Any receiver of public monies paid by electronic fund transfer shall -

- (a) process the payment to the Treasury Main Account or other Treasury account designated by the Accountant-General, at the Bank of Sierra Leone or such other financial institution as maybe specified by the Minister, identifying the payer's details and the purpose of the payment;
- (b) transmit to the National Revenue Authority or the vote controller of a sub-vented agency, a copy of the payment-slip identifying the payer's details, the purpose of the payment and the amount received, on a daily basis; and
- (c) submit promptly an electronic document or any other appropriate form of advice to the payer notifying the amount received.

(3) The National Revenue Authority or the vote controller of a sub-vented agency shall, on a daily basis, issue receipts to the payers of non-tax revenue on the basis of the information received under paragraph (b) of sub-regulation (2).

(4) Until the date prescribed by the Minister by notice in the Official Gazette for the introduction of electronic receipts, payers of non-tax revenue shall collect receipts from the National Revenue Authority or sub-vented agency offices within five working days of lodging their payment

(5) The Bank of Sierra Leone and all relevant financial institutions, shall inform the Accountant-General, the Commissioner-General and vote controllers of sub-vented agencies of all non-tax payments that have been received in the designated accounts, and transmit the payment-slip identifying the payer's details, the purpose of the payment and the amount received, on a daily basis.

49. (1) Every revenue collector who collects, receives, or has a custody of, any public money shall deposit it, within twenty-four hours of receipt, into the Treasury Main Account or other Treasury account designated by the Accountant-General.

Payments of non-tax revenue by cash or cheque.

(2) An official receipt shall be issued by revenue collectors immediately after public money is received in the case of manual payment.

(3) Any office where public money is collected shall have a public notice informing all payers that an official receipt shall be obtained by the payer for any sum of money paid to the Government.

(4) After paying collected monies into the Treasury Main Account or other designated Treasury account, the revenue collector shall submit to the Commissioner-General and to the vote controller of a sub-vented agency, where appropriate, and to the Accountant General, on request, as and when necessary -

- (a) bank payment-slip;
- (b) complete receipt vouchers; and
- (c) duplicate receipt.

(5) The public officer receiving the collections shall, where appropriate verify that all receipts issued have been entered in the receipt vouchers and that the totals in the vouchers are correct and correspond with the amount acknowledged in the bank payment-slip.

(6) The public officer shall post details of the receipt into the computerized financial management system or cash book.

(7) No State Revenue or other public monies shall be held or paid into a private bank account.

(8) When State Revenue or other public monies is received in a bank, the bank shall -

- (a) process the payment into the Treasury Main Account or other designated treasury account identifying the payer's details and the purpose of the payment; and
- (b) provide two copies of the bank payment-slip identifying the payer's details, the purpose of the payment and the amount received and
 - (i) and one of the copies shall be issued to the payer; and
 - (ii) the other copy transmitted to the National Revenue Authority or the vote controller of a sub-vented agency, as appropriate.

(9) Where the payer pays at the bank, the original receipt shall be issued by the National Revenue Authority or the vote controller of a sub-vented agency upon presentation of the bank payment slip and one copy of the official receipt shall be sent to the Accountant-General.

(10) When public monies are paid into accounts other than a Treasury account where the Bank of Sierra Leone is not operational, those accounts shall only be for transitory purposes and all balances shall be transferred to the Treasury Main Account or other designated Treasury account within twenty-four hours of receipt, except when otherwise approved by the Accountant-General.

(11) In exceptional circumstances, such as for diplomatic missions, the transfer to the Treasury Main Account or other designated treasury account may be made once a month.

(12) When public money is being paid into a bank by cheque, the amount and serial number of the cheque and the name of the bank shall be recorded and retained with the copy of the bank payment-slip identifying the payer's details, the purpose of the payment and the amount received.

(13) The Bank of Sierra Leone and all relevant financial institutions, shall inform the Accountant-General and, where appropriate, the Commissioner-General or the vote controllers of a sub-vented agency of all non-tax payments that have been received in the Treasury Main Account and other designated accounts, and transmit to the Accountant-General the payment-slip identifying the payer's details, the purpose of the payment and the amount received, on a daily basis.

50. (1) A cheque drawn in local currency shall be accepted in payment of public monies if the revenue collector receiving it has no reasonable grounds for believing that the cheque will not be honoured. ^{Acceptance of cheques.}

(2) All cheques received shall be made payable to the Government and shall be crossed "Account Payee Only" and any cheque not so crossed on receipt shall immediately thereafter be crossed.

(3) Post-dated cheques shall not be accepted in payment of public money.

(4) Revenue collectors accepting cheques in payment of public monies shall ensure that-

- (a) the cheque is correctly dated (that it is neither time-expired nor post-dated);
- (b) the amounts in words and figures agree;
- (c) the cheque is signed; and

- (d) all alterations to any details of the cheque are validated by the full signature of the drawer, and shall not accept any cheque which contravenes any of these conditions.

(5) When payment is made by cheque, the revenue collector receiving it shall insert the cheque number on all copies of the book or document and record the serial number of the book or document on the back of the cheque.

(6) An accepted cheque shall be recognised and acknowledged only after that cheque has been cleared or credited on account.

Dishonour
Cheques.

51. (1) If a cheque received by a revenue collector is dishonoured by the bank and cannot be immediately corrected and re-presented, the revenue collector shall, if the cheque has been received in payment of a Government Agency license or similar pre-paid item or in settlement of a debt owed to Government, or any other liability, debit the appropriate revenue item by the entry of a debit item in the revenue cash book and inform the Commissioner-General or vote controller of a sub-vented agency or relevant authority in order that appropriate action can be taken;

(2) Without limiting sub-regulation (1), all necessary steps shall be taken immediately to obtain the revenue including where appropriate, legal actions, in respect of the dishonoured cheque.

(3) All amounts involved with dishonoured cheques shall be included in the Register of Losses.

(4) No dishonoured cheques shall be held as part of a cash balance.

(5) The name of the drawer and the amount of a dishonoured cheque shall be included in a schedule to be maintained by the Accountant-General and when the revenue is collected from the debtor, the entry shall be removed.

(6) Any dishonoured check shall be kept in safe custody.

52. (1) Gross amounts of payments shall be accounted for. No charge to be offset against revenues.
- (2) Any charges against revenues shall require appropriate authority as expenditure.

53. (1) The Commissioner-General and vote controllers of sub-vented agencies shall report to the Minister - Difficulty in Assessment and Collections of monies be reported.
- (a) any case in which they consider, after due inquiry, that the payment of national revenue is falling unduly into arrears; and
- (b) any difficulty in assessing and collecting monies.

54. No public officer whose duty involves the assessment of non-tax revenues, or the issuance of an order of payment, shall be authorized to collect public monies to post collections into a cash book or into the computerized financial management system. Separation of duties between assessment and collection of Revenue.

55. (1) No use of any public money shall be made by any public officer in any manner between the time of its receipt and payment into the bank, Treasury or other public office designated by the Accountant-General and no public money shall be lent or borrowed in any manner or for any purpose by any person. Public money not to be used.

(2) No money received shall be used by a public officer or any other person to cash any cheque other than a Government cheque.

(3) No public officer shall convert public monies received in local currency into foreign currency.

(Assessment of non-tax revenues, Payment and Receipts)

56. (1) Any person carrying out activities subject to the payment of non-tax revenues identified in sub regulation (3) of regulation 44 shall provide to the vote controllers of government agencies, in the best possible delay, accurate and sufficiently detailed information, necessary for the assessment of payable amounts. Assessment of non-tax revenues.

(2) The vote controller concerned shall determine the assessment value based in the legislation providing for non-tax revenues and their decision is final.

(3) When the vote controller concerned is not satisfied with the information submitted or in case there is a disagreement on the value of the assessment the vote controller may issue a provisional assessment.

(4) All vote controllers involved in the assessment of non-tax revenue, shall send to the Commissioner-General all relevant non-tax revenue assessment information.

(5) A person shall comply with the obligation to submit information within five working days.

Issuance of
Order of
Payment.

57. (1) Orders of Payment shall be issued through a computerized financial management system approved by the Accountant-General.

(2) As a provisional arrangement, until a computerized financial management system is fully operational, orders of payment may be issued in a written form and authenticated.

(3) An Order of Payment shall be issued to the person carrying out activities subject to the payment of non-tax revenue and a copy of the Order of Payment shall be given, within twenty-four hours of its issuance, where applicable, to the National Revenue Authority.

Written
notice of an
Order of
Payment.

58. (1) Where an assessment is made under regulation 56, the vote controller concerned shall serve, within three days of the assessment, the liable person with a written notice of the Order of Payment, containing -

- (a) a serial number;
- (b) the name and Taxpayer's Identification Number of the liable person;
- (c) the issuance date;

- (d) the vote controller's assessment of the non-tax obligations;
- (e) the manner in which the assessment is calculated;
- (f) the reasons why the vote controller has made the assessment;
- (g) the amount due to be paid;
- (h) the date by which the amounts shall be paid;
- (i) where payment may be made;
- (j) a transactional arrangement, including accepted means of payment;
- (k) the time, place and manner of objecting to the assessment;
- (l) the signature of an authorized officer.

(2) Any recipient of an Order of Payment shall countersign it to acknowledge its receipt.

(3) Unless provided otherwise in other legislation -

- (a) a liable person shall comply with an Order of Payment within three working days;
- (b) when the assessment issued by the vote controller is provisional the liable person shall pay the greater of the following amounts-
 - (i) the undisputed assessment value;
 - (ii) fifty percent of the assessment value. within three working days.

Instalment
Payments.

59. (1) The Commissioner-General or a vote controller of a sub-vented agency may authorize, in writing, instalment payments, with the following limitations -

- (a) prior submission of a local bank guarantee in favour of the National Revenue Authority or Government agency;
- (b) the total payable amount shall be paid no later than the time of extinction of the liability-creating event;
- (c) no more than four instalment payments shall be granted annually.

(2) When the total assessed amount has not been paid by the time of extinction of the liability creating event, the bank guarantee may be monetized by the Commissioner-General or the vote controller concerned.

(3) Where an extension is granted by permitting the liable person to pay by instalments and the liable person defaults in paying any of the instalments, the whole balance of the payable amount outstanding becomes payable immediately.

Exemptions,
waivers and
reductions.

60. Any exemption waiver and reductions of non-tax revenue not signed by the Minister and ratified by the Parliament shall be considered null and void.

Receipts and
receipt
books.

61. (1) Any receipts may be produced by a computerized system approved by the Minister.

(2) Official receipts shall be issued in a form prescribed by the Commissioner-General or vote controller of sub-vented agencies and authorized by the Accountant-General.

(3) Temporary receipts or receipts other than in the prescribed form shall not be used for collections.

(4) Any receipt book shall be approved by the Accountant-General and where appropriate by the Commissioner-General or vote controller of sub-vented agencies.

(5) All receipts shall contain-

- (a) a serial number;
- (b) the number of the Order of Payment and one of the following numbers, where applicable-
 - (i) the number of the cheque if payment was made by cheque;
 - (ii) the number of the bank payment-slip if payment was made into a bank account;
 - (iii) the number of the electronic document if payment was made by electronic means;
- (c) the name and Taxpayer' Identification Number of the payer;
- (d) issuance date;
- (e) sufficiently detailed information on the revenue base;
- (f) payment date;
- (g) amount paid;
- (h) signature of an authorized officer.

(6) No alterations shall be made to any receipt.

(7) Revenue collectors shall ensure that receipt copies are clear and legible in every aspect.

(8) All issues of receipt books shall be acknowledged in writing by the officer to whom the issue is made.

(9) All receipt books shall be kept by the issuer in accordance with the requirements of the Accountant-General and, where appropriate, the Commissioner-General or vote controller of sub-vented agencies.

(10) When receipts are issued from counterfoil books, the officer signing the receipts shall initial the counterfoil and shall ensure it contains all the necessary detail and that it accords with the original.

(11) No original, counterfoil, or copy of a receipt shall be destroyed or receipt data entry deleted.

(12) The National Revenue Authority and all vote controllers shall be responsible for safe custody of receipt books.

(13) Before being entered in a register, all receipt books shall be checked to ensure that they are correct and consecutively numbered.

(14) The officer in charge of the register shall ensure that details of receipt books are fully and correctly entered as soon as they are received.

Revenue
collection
records.

62. (1) All public officers responsible for revenue collection shall keep such registers and other records manual or electronic as prescribed by the Accountant-General.

(2) All monies collected shall be recorded by an officer responsible for recording.

(3) Records shall show the liability, the number of the order of payment, persons from whom revenue is due, the amount payable, the date, location, receipt number, number of bank payment-slips, cheques or electronic documents and amount of collections made.

(4) Any outstanding revenue arrears, refund, exemption and discount shall be properly recorded in the computerized system.

(5) Where a revenue collector is using a computerised system of receipting or an electronic cash book, the system shall keep an audit trail of all receipts, time, amount, transaction and the user id of who issued them.

(6) Public officers responsible for recording shall ensure correct application of the chart of accounts or classification codes when receipts are recorded.

(7) Public officers who post revenue assessment registers, rent tolls, ledgers and similar documents shall inform the Commissioner-General or the vote controller whenever the amount collected differs from the amount due and such differences shall be immediately investigated.

(8) Entries in receipts, cash books, licences, rent tolls, ledgers, assessment registers, accounting records or documents shall not be obliterated, erased or altered by being written over.

(9) Incorrect figures shall be corrected by passing the necessary journal entries.

(10) Records shall be reconciled with cash collections regularly.

(11) The Commissioner-General and vote controllers concerned shall keep sufficiently detailed records of public monies received and make them accessible to the Accountant-General and the Minister.

63. (1) The date of the record of the transaction in the accounts shall be the date of receipt.

Date of
record of
transaction.

(2) Revenue collected shall not be placed on deposit or held in a suspense account with the object of transferring it to revenue in the following year.

(Enforcement, Penalties and Interests)

Payment due. 64. Unless provided otherwise in other legislations, when a liability-creating event occurs, any non-tax revenue that is due and payable shall be a debt owed to the Government of Sierra Leone.

Responsibility for enforcement of delinquent non-tax debts. 65. (1) The Commissioner-General and the vote controller of a sub-vented agency shall enforce any delinquent debt of non-tax revenue to the Government of Sierra Leone, where applicable-

- (a) in accordance with the National Revenue Authority Act;
- (b) any other acts providing for non-tax revenues; and
- (c) making use of the same process as that for tax revenue, as enacted in Revenue Laws.

(2) A debt becomes delinquent when payment is not made within the due date specified in the Order of Payment or agreement for instalment payment.

Penalty on debts. 66. (1) A person who fails to pay non-tax revenue by the due date shall be liable for a penalty.

(2) The penalty shall be the higher of -

- (a) 2.5 per cent of the amount of the non-tax payable that is unpaid at the due date; or
- (b) in the case of an individual, 5 currency points or, in the case of an entity, 10 currency points.

(3) The penalty shall be imposed on the due date for payment and separately each month that the non-tax or a part of the non-tax remains unpaid.

Interests on debts. 67. (1) Non-tax debts shall be subject to payment of interests.

(2) Interests shall-

- (a) be calculated on a simple interest basis;
- (b) accrue from the date of delinquency; and; continue to accrue on the unpaid amounts until the debt is fully paid or otherwise resolved.

68. The Commissioner-General or the vote controller of a sub-vented agency and subject to the approval of the Minister may waive collection of interest and penalties, if he determines that the Government is unable to collect the amount in full within a reasonable time by enforced collection proceedings.

Waiver.

69. (1) The Commissioner-General or the vote controller of a sub-vented agency, may assess penalties owed to the Government of Sierra Leone in accordance with this regulation, the National Revenue Authority Act and the revenue laws applicable.

Assessment of interests and penalties.

(2) Where an assessment is made under this regulation, the Commissioner-General or the vote controller of a sub-vented agency shall serve the person liable with a written notice of assessment, which may be incorporated with another notice of assessment under a revenue law, stating -

- (a) the name of the person and the person's Taxpayer Identification Number;
- (b) the assessment value of the interest and penalties;
- (c) the manner in which the assessment is calculated;
- (d) the reason why the assessment was made;
- (e) the date by which the interest or penalties shall be paid; and
- (f) the procedure by which a person liable may object the assessment.

(3) An assessment made under this regulation shall be considered an original assessment.

(4) The imposition of interest and penalties under this Part shall be in addition to any other duty imposed by a revenue law and shall not relieve any person from liability to criminal proceedings.

(5) Where a particular failure incurs interest or a penalty both under this regulation and another revenue law, the Commissioner-General or the vote controller of a sub-vented shall assess the person under one law only, at the Commissioner-General or vote controller's choice.

(Reconciliation, Refund, Reporting and Secure Custody of Public Monies)

Reconciliation 70. (1) The Commissioner-General and the vote controller of a sub-vented agency shall, on a daily basis, reconcile receipts, bank payment-slips, collections recorded and monies deposited into bank accounts and submit the reconciliation to the Accountant-General.

(2) The Accountant-General shall, on a regular basis, reconcile the revenue accounts by matching the bank payment-slips with the receipt voucher and matching the revenue to the daily collections listing and subsequently the bank statement.

Refund of non-tax revenue. 71. (1) Refunds of non-tax revenue may become necessary because of collections or over-collections made in error or because, although properly collected in accordance with an Act or regulation, provision exists under the Act or regulation for the revenue to be reclaimed under certain circumstances in the form of a rebate or drawback.

(2) Where the collection, over-collection, rebate or drawback is made in the same financial year as that in which the revenue was originally collected, it shall be authorised by the Accountant-General to be charged as a debit item in the appropriate revenue head.

(3) A rebate or drawback made in the financial year subsequent to that in which the revenue was collected shall be made with prior approval of the Accountant-General who shall debit it to an expenditure item called "Refunds of Revenue of Previous Year".

(4) A rebate or drawback made in accordance with an enactment or instruction shall be authorised by the officers prescribed in the enactment or instruction and charged against the appropriate revenue or expenditure programme.

72. (1) When an overpayment charged to an expenditure item is charged in the same financial year as that in which the expenditure occurred, it shall be treated as an expenditure credit to the same expenditure item but when recovery is made in a subsequent year, the recovery shall be treated as a revenue and credited to the revenue sub-head called "recovery of overpayment".

Recovery of overpayment of expenditure.

(2) Recovery of an overpayment made from an advance or suspense account shall be credited to that account irrespective of the financial year in which the original payment is made.

(3) Where departmental revenue is refunded or overpayment is recovered, the original receipts or vouchers on which the over-collection or overpayment occurred shall be fully cross-referenced and copies attached to the vouchers or receipts by which the adjustments are made or otherwise.

73. (1) Within sixty days after the close of the financial year, the Commissioner-General and each vote controller concerned shall submit to the Accountant-General in a form approved by the Accountant-General with a copy to the Auditor-General, a return of all arrears of the revenue for which they are responsible.

Arrears of revenue returns.

(2) The return shall state for each revenue head and item the arrears outstanding at the end of that financial year.

(3) The Accountant-General shall, on receiving the individual returns consolidate them into a statement showing all the revenue outstanding under each revenue item as at the end of that financial year.

(4) The statements shall form part of the Government's annual statements of accounts.

Secure
custody.

74. (1) It shall be the responsibility of the Commissioner-General or the vote controller of a sub-vented agency to ensure that adequate arrangements are made for the safe custody and preservation of public monies, official receipts and records.

(2) The Accountant-General shall issue instructions regarding the security and custody of public monies, official receipts and records.

Reporting
revenue
Information.

75. The National Revenue Authority and all sub-vented agencies shall provide the Minister and the Accountant-General with-

- (a) an annual report, including a financial statement, accounting for revenue collected disaggregated by revenue type;
- (b) a monthly report, no later than the 15th working day of each month, on -
 - (i) the actual collection for the preceding month and an updated monthly revenue projection for the remainder of the year;
 - (ii) revenue arrears;
- (c) monthly reconciliation information on revenue collected;
- (d) any instance of a dishonoured cheque relating to the Consolidated Fund or other funds under his control.

PART VII - EXPENDITURE CONTROL

Expenditure
subject to
commitment
control.

76. (1) A commitment for recurrent and capital expenditure of budget heads and sub-heads from the State budget shall be subject to a commitment ceiling set out by a budget warrant issued according to cash availability and the requirements of the requisition and approval through the computerized financial management system under this Part.

(2) A commitment for the expenditure to be paid from an imprest fund shall not be subject to the requirements under this Part.

(3) The Accountant-General shall, on the advice of the Financial Secretary, specify by circular the chart of accounts codes of the expenditures subject to the commitment control under this Part.

77. (1) For the purpose of subsection (3) of section 56 of the Act, within one week after the approval of the State budget and at least 10 business days after the beginning of every January, April, July, and October, the Minister shall, on the advice of the Financial Secretary, issue to the vote controller of every budgetary and sub-vented agency a budget warrant which specifies a ceiling on commitments to be made during the quarter for the expenditures subject to the commitment control. ^{Budget warrant.}

(2) A budget warrant shall be based on consolidated cash forecasts produced by the Cash Management Committee under sub-regulation (5) of regulation 39.

(3) Commitment ceilings under a budget warrant shall be set at a level of heads of expenditures.

(4) The Accountant-General shall process the commitment ceilings in the computerized financial management system when the Minister issues a budget warrant.

(5) The Minister may issue a budget warrant which specifies a commitment ceiling for a period longer or shorter than a quarter.

78. (1) This regulation only applies for a transitory period up to the implementation of the new Integrated Financial Management Information System, hereinafter called IFMIS. ^{Allocation of commitment ceilings through PETS form 1.}

(2) For the purpose of sub section (2) of section 56 of the Act, a budget officer of each budgetary and sub-vented agency shall, with the approval of the vote controller of the agency, submit to the Minister for approval of a MTEF/PETS form 1 or an IFMIS generated commitment control form which specifies the agency's request for

allocation of the amount given by the recurrent or capital budget warrant to each item of expenditure, not exceeding the total allocation for the fiscal year.

(3) Before submitting a MTEF/PETS form 1, or an IFMIS generated commitment control form, under sub-regulation (2), a budget officer of a budgetary and sub-vented agency shall hold meetings of the agency's Budget Committee in order to reach agreement on the MTEF/PETS form 1, or an IFMIS generated commitment control form.

(4) A MTEF/PETS form 1, or an IFMIS generated commitment control form, submitted by a Budget Officer shall consolidate requests for allocations of commitment ceilings to all subordinated units of the agency.

(5) An allocation of commitment ceilings to each item of expenditure requested under a MTEF/PETS form 1, or an IFMIS generated commitment control form, shall be within an available balance of a budget provision for the item of expenditure and consistent with an updated procurement plan notified to the Minister under subsection (6) of section 29 of the Public Procurement Act, 2016.

(6) A MTEF/PETS form 1, or an IFMIS generated commitment control form, shall be numbered sequentially within the same financial year.

(7) The Financial Secretary shall approve a MTEF/PETS form 1 through the computerized financial management system as soon as practicable after its submission.

(8) The Financial Secretary shall by circular specify a form of a MTEF/PETS form 1 and a procedure for the submission.

79. (1) Notwithstanding sub-regulation (1) of regulation 77, by the last business day before the beginning of a financial year, the Minister may issue a budget warrant which specifies commitment ceilings for each quarter during the financial year.

Budget
warrant
covering
entire
financial
year.

(2) Other regulations under this Part shall apply mutatis mutandis to commitment ceilings issued under sub-regulation (1).

80. A balance of a commitment ceiling that remains unused at the end of a quarter shall be carried over to the subsequent quarters but shall lapse at the end of the financial year. Unused balance of commitment ceiling

81. (1) When a budget appropriation was created or changed because of the following reason, the Financial Secretary shall make necessary changes in a commitment ceiling for the budget appropriation and communicate the changes to the Accountant-General - Changes in commitment ceilings.

- (a) the approval of a supplementary estimate under section 42 of the Act;
- (b) the withdrawal of the Contingencies Fund under section 37 of the Act;
- (c) the issuance of a special warrant of the President or a warrant of the Minister for an unallocated head under section 38 or 39 of the Act; and
- (d) the approval for virement under subsection (2) of section 43 of the Act and regulation 27.

(2) The Budget Bureau and any other unit within the Ministry mandated by the Financial Secretary shall process in the computerized financial management system changes in a commitment ceiling made under sub-regulation(1).

(3) When the head of a budgetary and sub-vented agency makes reallocation of an appropriation that does not require the Minister's approval under sub section (3) of section 43 of the Act, an existing commitment ceiling for the appropriation shall be reallocated proportionately by -

- (a) the Budget Officer of the agency; or

- (b) the Accountant-General when the agency has no access to the computerized financial management system.

(4) The Financial Secretary may change or revoke an existing commitment ceiling only when the budget appropriation was changed or suspended or consolidated cash forecasts were significantly changed.

Distribution of commitment heads and sub-heads.

82. (1) A Budget Officer of a budgetary or sub-vented agency may, with the approval of the vote controller, distribute commitment ceilings approved under a MTEF/PETS form 1 to the agency's subordinated units.

(2) All distributions of commitments set under sub-regulation (1) shall be recorded in the computerized financial management system.

(3) When a distribution of commitments is set under sub-regulation (1), the vote-controller of the budgetary or sub-vented agency shall designate a program manager to whom the responsibilities of the Budget and Chief Accountant shall be delegated in respect of the object of expenditure.

(4) The Accountant-General shall, on the request of the vote controller, set and record in the computerized financial management system the distribution of commitments for an agency that has no access to the computerized financial management system.

Commitment requisition.

83. (1) For a requisition of a commitment subject to the commitment control, an officer of a budgetary or sub-vented agency shall prepare and submit to the Chief Accountant a commitment requisition before -

- (a) placing an order or awarding a call-off, in case of procurement under the framework agreements;
- (b) awarding a contract, in case of procurement of new projects;

- (c) approval by a procurement committee of price variations, in case of increases in prices or occurrence of additional payments under on going projects or existing procurement contracts;

- (d) placing an order or awarding a contract, in case of other procurement; and

- (e) competent authorities' decisions that result in expenditure, in case of grants, subsidies, or transfers.

(2) An officer of a budgetary or sub-vented agency shall not commence with the procurement or the decisions on grants, subsidies, or transfers, until a commitment requisition is approved under regulation 84.

(3) When a budgetary or sub-vented agency has no access to the computerized financial management system, a commitment requisition shall be submitted to the Accountant-General for its approval.

(4) A commitment requisition that requests a commitment covered by a sub-ceiling shall be submitted to the program manager responsible for the sub-ceiling.

(5) The Accountant-General shall by circular specify a form of a commitment requisition, supporting documents to be submitted together with a commitment requisition, and a procedure for the submission.

84. (1) The Chief Accountant of a budgetary or sub-vented agency may approve a commitment requisition only when the requested commitment is within an available balance of a commitment ceiling as determined by the allotment in the IFMIS.

Commitment approval.

(2) In case of a commitment that requires multiple payments, the Chief Accountant of a budgetary or sub-vented agency may approve a requisition of the commitment only when -

- (a) the entire amount of the payments to be made during the current fiscal year is within an available balance of the commitment ceiling; and
- (b) the Minister has approved the commitment if it is a multiannual commitment.

(3) On the approval of a commitment requisition, the Chief Accountant shall record the approved commitment in the computerized financial management system and provide the requesting officer with the following document generated by the computerized financial management system -

- (a) a Local Purchase Order; or
- (b) a Commitment Control Form in case of a commitment -
 - (i) for subsidies, grants, and transfers; or
 - (ii) that does not use a purchase order.

(4) In case of a commitment requisition from a budgetary or sub-vented agency that has no access to the computerized financial management system, the Accountant-General shall approve the commitment requisition in accordance with this regulation.

(5) In case of a commitment requisition covered by a sub-head, the Chief Accountant responsible for the distribution of commitments shall approve the commitment requisition in accordance with this regulation.

Commitment Control Number.

85. A unique commitment control number shall be given by the computerized financial management system to each Local Purchase Order and Commitment Control Form.

Expenditure and Contract Management Committee.

86. (1) There shall be established an Expenditure and Contract Management Committee in accordance with these Regulations.

(2) The Expenditure and Contract Management Committee shall comprise representatives from each of the following agencies and departments -

- (a) The National Public Procurement Authority;
- (b) Law Officers' Department;
- (c) The Accountant General;
- (d) The Director responsible for Public Debt; or
- (e) any other functional department or unit within the Ministry as prescribed by the Minister

(3) The Expenditure and Contract Management Committee shall, in relation to a public contract subject to national and international tender, ensure -

- (a) availability of budget;
- (b) adherence to the procurement plan;
- (c) enforcement of compliance conditions, including legal and administrative;
- (d) the requirements of the National Public Procurement Authority, Law Officers Department and other relevant agencies and departments have been adhered to; and
- (e) risk analysis is undertaken.

(4) The Expenditure and Contract Management Committee shall establish the Secretariat of the Expenditure and Contract Management Committee responsible for -

- (a) checking for required documents;

- (b) calling for meetings with budgetary sub-vented agencies, if necessary;
- (c) reviewing relevant documents and produce a report on the findings, with recommendations.

(5) When the Expenditure and Contract Management Committee receives the report on the findings and recommendations it shall-

- (a) submit the report for the approval of the Minister; or
- (b) send it back to the Secretariat for corrections and representation, if unsatisfied with the contents of the report.

(6) After the approval sought under paragraph (a) of sub-regulation 5 the certificate of contract approval shall be issued by the Minister.

Provision in a Procurement contract.

87. (1) Any framework agreement that is made under the Public Procurement Act, and requires expenditure from the State budget shall be deemed to include the following provision -

- (a) an order or call-off made under the framework agreement shall be valid only when it is made by a Local Purchase Order or Commitment Control Form with a unique commitment control number;
- (b) the contractor shall not be entitled to compensation for any performance provided in response to an order or call-off that was not made by a Local Purchase Order or Commitment Control Form with a unique commitment control number.

(2) Any contract, other than a framework agreement, that was made under the Public Procurement Act, and requires expenditure from the State budget shall be deemed to include the following provision -

- (a) the contract shall be suspended automatically, if the contractor receives no Commitment Control Form with a unique commitment control number when they enter into the contract; or a local purchase order; and
- (b) the contractor shall not be entitled to compensation for any performance provided during the suspension of the contract until the contractor receives a Commitment Control Form or a local purchase order with a unique commitment control number.

88. (1) For the purpose of section 60 of the Act, when a ^{Multiannual} commitment requisition requests a multi-annual commitment, the vote controller of a budgetary or sub-vented agency shall submit the requisition to the Financial Secretary for the approval of the Minister.

(2) The Minister shall approve or reject a requisition of a multi-annual commitment within one week after the requisition was submitted by the vote controller or head of the budgetary agency.

(3) The vote controller or head of the budgetary agency shall not approve a requisition of a multi-annual commitment, until the approval of the Minister is sought.

(4) When the Minister rejects a requisition of a multi-annual commitment, he shall return the requisition to the vote controller or head of the budgetary agency, who shall in turn return it to the requesting officer.

(5) When the Minister approves a requisition of a multi-annual commitment, the Financial Secretary shall notify the vote controller or head of the budgetary agency, who shall approve the requisition in respect of a portion of the multi-annual commitment that will be paid during the current financial year in accordance with regulation 84.

(6) When the Minister and the vote controller or head of the budgetary agency approve a requisition of a multi-annual commitment, the vote controller or head of the budgetary agency shall record all commitments that will arise in the current and future years in the computerized financial management system.

(7) The Financial Secretary shall maintain a database of an approved multi-annual commitment, into which all commitments that will arise in the current and future years are recorded.

(8) In case of a requisition of a multi-annual commitment from a budgetary or sub-vented agency that has no access to the computerized financial management system, the Accountant-General shall record all commitments that will arise in the current and future years into the computerized financial system.

(9) In case of a requisition of a multi-annual commitment covered by commitment's head or sub-head, the person responsible for the head or sub-head shall submit the requisition to the vote controller or head of the budgetary agency who shall deal with the requisition in accordance with this regulation.

Increase in amount of an Approved Commitment.

89. (1) When an amount of an approved commitment is increased, the increase shall be treated as a new commitment.

(2) An increase in amount of an approved commitment shall be null and void and of no effect, unless it is approved and recorded in accordance with regulation 84 as a new commitment.

Cancellation or reduction in approved commitment.

90. (1) When an approved commitment is no longer needed because of cancellation of procurement, contract, or grants, subsidies, or approved transfers, an officer who submitted the requisition shall submit to the Chief Accountant a copy of the decision document on the cancellation.

(2) When there is reduction in price of an approved commitment, an officer who submitted the requisition shall submit to the Chief Accountant a document proving the reduction in price.

(3) After verifying the cancellation under sub-regulation (1) or reduction in price notified under sub-regulation (2), the Chief Accountant shall cancel or modify records of the commitment in the computerized financial management system.

(4) In case of a budgetary or sub-vented agency that has no access to the computerized financial management system, the cancellation or reduction in price of an approved commitment shall be notified to the Accountant-General in accordance with this regulation.

(5) In case of cancellation or reduction in price of an approved commitment covered by an object of expenditure, the cancellation or reduction in price shall be notified to the program manager responsible for the object of expenditure in accordance with this regulation.

91. (1) The Accountant-General shall annually issue a circular to announce a cut-off date of submission of a commitment requisition. Cut-off date of a commitment.

(2) After the cut-off date and before the beginning of the next financial year, the vote controller and the program manager, or the Accountant-General, as the case maybe, shall not approve any new commitment.

92. (1) Any commitment that is approved under this Part and remains outstanding at the end of a financial year shall be - Outstanding commitment at the end of financial year.

(a) discharged by payments under -

(i) an appropriation of the next year's budget; or

(ii) an appropriation carried over under regulation 29; or

(b) in case of a decision on provision of grants, subsidies, or transfers, cancelled by the Accountant-General at the beginning of a financial year through the computerized financial management system.

(2) When a commitment for a grant, subsidy, or transfer is cancelled under sub-regulation (1), an officer of a budgetary or sub-vented agency shall re-submit a commitment requisition and obtain again the necessary approval based on commitment ceilings of the upcoming financial year.

General
Warrant.

93. For the purpose of subsection (1) of section 55 of the Act, as soon as practicable after the approval of the State budget, the Minister shall issue to the Accountant-General a general warrant which covers -

- (a) the entire amount of appropriations under the State budget for -
 - (i) salaries, wages, and other compensation of employees;
 - (ii) grants, subsidies, and transfers, including social benefits, that are legally obligated;
 - (iii) debt services; and
 - (iv) any other expenditure and payment that that is not covered by a budget warrant; and
- (b) the entire amount of expenditure and payment to be charged on the Consolidated Fund.

Recording of
commitments
for compen-
sation of
employees.

94. A commitment for compensation of employees of budgetary or sub-vented agencies for each payroll period shall be recorded by the Accountant-General in the computerized financial management system when running the payroll in the computerized payroll system.

Commitment
register.

95. The Accountant-General shall develop in the computerized financial management system a commitment register, into which a committed and available balance of each budget provision and a commitment ceiling and the following information on each commitment to the extent applicable is recorded -

- (a) a name of supplier or recipient;
- (b) a chart of account object code;
- (c) a date of commitment approval;
- (d) a commitment control number;
- (e) a date and amount of an invoice and payment made under the commitment; and an amount outstanding on the commitment;
- (g) an amount payable on the commitment, unpaid for-
 - (i) less than 30 days after the due date;
 - (ii) more than 30 days but less than 90 days after the due date;
 - (iii) more than 90 days after the due date; and
- (h) an amount of a multiannual commitment to be paid in each future financial year.

96. (1) The Accountant-General shall close accounts of outstanding commitments and payables in the commitment register at the end of every month and carry forward their balances to the next month. Monthly reporting of commitments.

(2) After the end of each month, the Accountant-General shall prepare and submit to the Cash Management Committee a monthly commitment report which shall include, in respect of each provision of the State budget-

- (a) the original and revised budget provision and the available balances at the end of the month;

- (b) the approved commitment ceiling and the available balances at the end of the month;
- (c) the opening and closing balances of the outstanding commitments at the beginning and end of the month and the amount of commitments made during the month;
- (d) the opening and closing balances of the payments at the beginning and end of the month and the amount of payments made during the month;
- (e) the closing balances of the unpaid commitment at the end of the month, broken down to those unpaid for -
 - (i) less than 30 days after the due date;
 - (ii) more than 30 days but less than 90 days after the due date; and
 - (iii) more than 90 days after the due date; and
- (f) the closing balances of the multi-annual commitments at the end of the month, broken down to the amount to be paid in each future financial year.

Commitment reporting from general government entities.

97. (1) The Accountant-General shall request from any entity in the general government, information on commitments to be paid from the general State budget, donor funds, own revenue, and any other funding source.

(2) The Accountant-General shall by circular specify a list of entities subject to the commitment reporting framework under sub-regulation (1) and the frequency, forms, and procedures for the reporting.

PART VIII- PAYMENT PROCESS

98. (1) When certifying completion of works or supply of goods or services under section 63 of the Act, the vote-controller or his authorized officer shall prepare an inspection report that includes the date, quantity and particulars of the works and supply, method, and results of the inspection, and any evidences supporting the results, and record this information in the financial management system.

Certification of Completion of Works or Supply of Goods and Services.

(2) If the vote-controller or his authorized officer identifies that works, goods, or services rendered or their prices are inconsistent with the contracts or specifications, he shall specify necessary remedial actions in an inspection report.

(3) When inspection of works, goods, or services under sub-regulation (1) requires specific expertise, the vote-controller may appoint an independent person or firm as an inspector.

99. (1) When certifying completion of works under section 63 of the Act, the vote-controller or his authorized officer shall inspect the physical output of the works in the field.

Inspection of completion of works.

(2) Inspection of completion of works shall be carried out -

- (a) when works are fully completed; and
- (b) before a progress payment required under a contract is made, in order to certify progress in works required for the progress payment.

(3) The vote-controller or his authorized officer shall not certify completion of works, unless -

- (a) the contractor has complied with all provisions in the contracts;
- (b) the measure of the physical output is consistent with the design and specifications; and

- (c) the quality and performance of the physical output is consistent with the design and specifications.

(4) An officer authorized by the vote controller to carry out inspection under sub-regulation (1) shall have adequate expertise in construction or engineering.

(5) When necessary for inspecting the measure, quality, or performance of a physical output of a work, the vote-controller or his authorized officer shall carry out destructive inspection.

(6) The Minister, on the recommendation of the Minister responsible for public works, shall issue guidelines specifying methodologies for certifying completion of works under this regulation.

Certification of payment vouchers.

100. (1) No payment from the Consolidated Fund or a donor or special fund shall be made without a payment voucher -

- (a) signed by the vote controller of a budgetary agency as to validity, accuracy and legality of the claim as mentioned in subsection (2) of section 64 of the Act; and
- (b) verified by the Chief Accountant of a budgetary agency as to -
 - (i) whether a complete set of supporting documents, including a contract, Local Purchase Order or Commitment Control Form, invoice, and an inspection report, has been submitted to the Chief Accountant;
 - (ii) through the review of the journal entries, whether the claim has been already paid;

- (iii) through the review of the Local Purchase Order or Commitment Control Form, whether the Local Purchase Order or Commitment Control Form has been generated by, and the commitment has been authorized and recorded in the computerized financial management system; and

- (iv) whether there is a sufficient available balance of an appropriation.

(2) A sequential number shall be assigned to each payment voucher through the computerized financial management system.

(3) A vote controller may in writing authorize by name or position an officer in his budgetary agency to sign a payment voucher on behalf of the vote controller within such financial limit and under such conditions as determined by the vote controller.

(4) The Chief Accountant may in writing authorize by name or position an accounting officer to verify a payment voucher on behalf of the Chief Accountant, but verification of a payment voucher under paragraph (b) of sub-regulation(1) shall not be made by its signatory.

101. (1) The Chief Accountant of a budgetary agency shall use the computerized financial management system to record certified payment vouchers and batch sheets and to send them to the Accountant-General's Department.

Submission and record of payment vouchers and supporting documents.

(2) When the computerized financial management system is not available for a budgetary agency, a budgetary agency shall -

- (a) prepare two copies of certified payment vouchers and batch sheets;
- (b) send one copy, together with supporting documents, to the Accountant-General's Department by such time and in such manner as determined by the Accountant-General;

- (c) retain one copy for the budgetary agency' record; and
- (d) keep a logbook in which copies of batch sheets and payment vouchers and their supporting documents are recorded.

(3) On receipt of batch sheets and certified payment vouchers under paragraph (b) of sub-regulation (2), the Accountant-General's Department shall compare the batch sheets return one copy of the batch sheets to the vote controller as an acknowledgement of the receipt.

(4) A budgetary agency shall send supporting documents of each payment voucher to the Accountant-General's Department in a paper based form in such manner and by such date as determined by the Accountant-General.

(5) Notwithstanding sub-regulation (4), the Accountant-General may by instructions require a budgetary agency to send supporting documents through the computerized financial management system.

Processing of payment vouchers for payment by budgetary agency.

102. (1) Notwithstanding regulation 101, this regulation shall apply to-

- (a) payment by self-accounting budgetary agencies approved to do so; and
- (b) payments by a budgetary agency from donor funds.

(2) In order to make payments listed in sub-regulation (1), the Chief Accountant of the budgetary agency shall -

- (a) record a certified payment voucher and supporting documents into the computerized financial management system; and
- (b) send a copy of a certified payment voucher, together with supporting documents, to a signatory of a cheque or an officer authorized to send a payment instruction for electronic fund transfer.

103. (1) For the purpose of subsection (1) of section 65 of the Act, a cheque to make a payment from the bank accounts opened for the Treasury Single Account with the Bank of Sierra Leone and a cheque to make a payment from accounts opened for grants and loans from donors, may be drawn only by the Accountant-General. Payment by cheques.

(2) A cheque to make a payment from bank accounts opened for budgetary agencies or their donor or special funds may be drawn by the budgetary agency, unless otherwise instructed by the Accountant-General.

(3) A cheque may be drawn by the Accountant-General under sub-regulation (1) or by the budgetary agency under sub-regulation (2) only when the payment voucher is duly signed and verified by the vote controller and the Chief Accountant and meets the requirements mentioned in subsection (2) of section 65 of the Act.

(4) A cheque drawn by the Accountant-General under sub-regulation (1) or by the budgetary agency under sub-regulation (2) shall be printed through the computerized financial management system, except for payments from donor funds, special funds, imprest funds and bank accounts of budgetary agencies that are not brought into the computerized financial management system.

104. (1) A cheque drawn by the Accountant-General, a budgetary agency or a sub-vented agency shall be crossed, except when an open cheque is specifically requested by the payee and approved by the Accountant-General or Head of Budgetary or Sub-vented Agency for which the cheque was drawn. Types of cheques.

(2) If an open cheque is remitted by post, it shall be sent to the payee under registered cover.

105. (1) A cheque drawn by the Accountant-General shall be signed by two officers authorized by the Accountant-General. Signatories of a cheque.

(2) A cheque drawn by the budgetary or sub-vented agency shall be signed by two or more officers authorized by the vote-controller of the budgetary or sub-vented agency.

(3) The signatories of a cheque shall verify that the amount and payee of the cheque is in accordance with the certified payment voucher and supporting documents.

(4) The Accountant-General and the Chief Accountant shall daily -

- (a) examine certified payment vouchers and copies of cheques against a report on cheque issued to verify if the serial numbers of cheques actually issued are all accounted for; and
- (b) make journal entries into the computerized financial management system.

Payment by electronic fund transfer.

106. (1) For the purpose of sub-section (1) of section 65 of the Act, an electronic fund transfer to make a payment from bank accounts opened for the Treasury Single Account with the Bank of Sierra Leone may be initiated only by the Accountant-General.

(2) An electronic fund transfer to make a payment from a bank account opened for budgetary agencies and sub-vented or their donor or special funds may be initiated by the vote-controller of the budgetary or sub-vented agency, unless otherwise instructed by the Accountant-General.

(3) When initiating an electronic fund transfer, the Accountant General or vote-controller of a budgetary or sub-vented agency, as the case may be, shall send a payment instruction through the computerized financial management system.

(4) A payment instruction may be sent under sub-regulation (1) only when a payment voucher is duly certified by both the vote controller and Chief Accountant and meets the requirements referred to in sub-section (2) of section 65 of the Act.

Payment of debt service obligations and repayments.

107. (1) Notwithstanding regulation 100, when paying loan related debt obligations or repaying principal of domestic and external debt of the Consolidated Fund and donor fund, the Accountant-General shall send a payment instruction to the Bank of Sierra Leone on the instruction of the Financial Secretary.

(2) The division responsible for Public Debt and the Bank of Sierra Leone shall each prepare and send to the Accountant-General's Department debt service payment schedules for external and domestic debt in such manner and by such date as determined by the Accountant-General.

(3) All debt service payments shall be recorded in the financial management system within (1) month of the payment.

PART IX–PAYROLLPAYMENT

108. (1) In a budgetary or sub-vented agency, the person authorizing appointments, payments, and compensation of employees, shall not be the person recording those payments. Compensation of employees.

(2) The vote controller of a budgetary or sub-vented agency shall ensure that appointments, promotions, salary increases, performance bonuses, and other costs of compensation of employees are within amounts of the line items in the State budget or the sub-vented agency's budget.

109. At the beginning of every financial year, the Accountant-General shall issue to all vote-controllers of budgetary or sub-vented agencies a schedule of payroll dates. Payroll date.

110. (1) An employee of a budgetary or sub-vented agency shall be paid by bank transfer. Payment by bank transfer or cheque.

(2) Notwithstanding sub-regulation (1), an employee of a budgetary or sub-vented agency may be paid by cheque if the employee has made in writing a specific request and obtained the prior-approval of the Accountant-General.

(3) An employee of a budgetary or sub-vented agency paid by cheque shall sign a payroll report when collecting the cheque.

(4) The vote controller shall ensure that any unclaimed employee compensation to be paid out, shall be appropriately refunded to either the Consolidated Fund or to the sub-vented agency account, in the subsequent month.

Payroll System.

111. (1) The Accountant-General shall ensure that the computerized payroll system, assembling and processing all relevant personnel information and transactions of budgetary agencies, is fully integrated into the computerized financial management system.

(2) All personnel information and personnel transactions of sub-vented agencies shall be assembled and processed through the computerized payroll system integrated into the computerized financial management system under sub-regulation (1).

(3) The Accountant-General shall ensure that the structure of personnel transaction codes used by the computerized payroll system integrated into the computerized financial management system under sub-regulation (1) is made automatically consistent with the chart of accounts.

(4) Amendment to the payroll shall be by the employing authority of the affected employee.

(5) The Human Resource Management Office shall be responsible for keeping up to date the organizational and establishment structures captured in the computerized payroll system of civil servants and contract staff integrated into the computerized financial management system under sub-regulation (1).

Payroll payment of budgetary agencies.

112. (1) Unless authorised by the Accountant-General, no payment for costs related to compensation of employees of a budgetary agency shall be made, unless -

- (a) the employee has been registered on the computerized payroll system; and
- (b) the costs have been processed on the computerized payroll system.

(2) After the payroll date the head of a budgetary agency shall certify that all employees listed on the payroll are entitled to the payments.

(3) The vote-controller of each budgetary agency shall ensure that all payroll approvals required under sub-regulation (2) have been made on a monthly basis through the computerized payroll system.

(4) After receiving approved payroll, the Accountant-General shall make payroll payments for all employees of budgetary agencies by drawing cheques, payees of which are payroll processing banks.

(5) Payroll processing banks shall acknowledge receipt of cheques drawn under sub-regulation (4) in such manner as specified by the Accountant-General.

(6) Notwithstanding sub-regulation (4), the Accountant-General may make payroll payments by sending a payment instruction through the computerized financial management system.

(7) The Accountant-General shall make journal entries for compensation of employees based on the payroll.

113. (1) The payroll payments of a sub-vented agency that has access to the computerized payroll system shall be made in the same process as that for payroll payments of a budgetary agency under regulation 112. Payroll payment of sub-vented agencies.

(2) A sub-vented agency that has no access to the computerized payroll system shall submit to the Accountant-General a certified payroll report in such form and by such date as determined by the Accountant-General.

(3) After receiving approved payroll, the Accountant-General shall make payroll payments for all employees of sub-vented agencies by drawing cheques.

(4) Payroll processing banks shall acknowledge receipt of cheques drawn under sub-regulation (3) in such manner as specified by the Accountant-General.

(5) Notwithstanding sub-regulation (3), the Accountant-General may make payroll payments of sub-vented agencies by sending a payment instruction through the computerized financial management system.

(6) In case of a sub-vented agency that has access to the computerized payroll system, the Accountant-General shall make journal entries for compensation of employees based on the paid payroll.

(7) In case of a sub-vented agency that has no access to the computerized payroll system, the Chief Accountant shall return the paid payroll report to the Accountant-General who shall make journal entries for compensation of employees if applicable.

Reconciliation with the payroll system.

114. (1) The Accountant-General shall reconcile financial data on all personnel transactions, including expenditure, deductions, net salaries, and employer's social contribution, recorded in the computerized financial management system with the data generated from the computerized payroll system on a monthly basis.

(2) The reconciliation under sub-regulation (1) shall be made at a level of totals per personnel transaction type and for each payroll processing run.

(3) The Accountant-General shall be responsible for clearing errors in payroll postings on the computerized payroll system during the reconciliation under sub-regulation (1).

(4) The Accountant-General shall retain the results of the reconciliation and all source documents used for the reconciliation for audit purposes.

(5) After the computerized payroll system is fully integrated into the computerized financial management system, the reconciliation under sub-regulation (1) shall be made automatically through the system.

Stoppage of payroll payment.

115. (1) Unless otherwise prescribed in any other enactment, payroll payment to the following employees of budgetary agencies shall be stopped for the reasons and on the dates specified below -

- (a) a deceased employee– the first day of the month following the month when the employee died;
- (b) an employee convicted of an offence involving theft or fraud or sentenced to imprisonment– the date of the conviction;
- (c) an employee on leave without pay– the first day of the leave;
- (d) an employee absents from duty without leave– the first day of the absence;
- (e) an employee suspended from duty– the first day of the suspension; and
- (f) a resigned or retired employee– the first day of the month following the month when the employee resigned or retired.

(2) When the vote-controller of a budgetary agency identifies that the occurrence of events referred to in sub-regulation (1) have not been recorded in the computerized payroll system by the date of the stoppage, the vote-controller shall immediately notify the Accountant-General of the details of the fact.

(3) If a payroll payment has been made to a person referred to in sub-regulation (1) after the date of the stoppage, the employing authority shall take actions necessary for refund of the payroll payment.

116. (1) Deductions from salaries of employees of budgetary or sub-vented agencies shall be limited to the following– Payroll deductions.

- (a) a deduction of taxes and social contributions;
- (b) a benefit deduction to facilitate a payment of amount owed to the Government arising from employee's benefits;

- (c) a deduction of fines, losses, and damages determined through the disciplinary process;
- (d) a deduction that is required or permitted under the law or court order; and
- (e) a deduction to which the employee agrees in writing;

(2) A payroll approver of a budgetary or sub-vented agency shall not make any discretionary deduction, which is a deduction not listed in sub-regulation (1).

(3) When approving a payroll, a payroll approver of a budgetary or sub-vented agency shall verify that amount of payroll deductions actually due and no portion of the payroll deductions shall be a discretionary deduction.

PART X-IMPREST

Establishment of an imprest fund.

117. (1) An imprest fund shall be established for making payments of petty expenditure that cannot be made through the ordinary payment Process required under the Act and these Regulations without undue inconvenience.

(2) Imprest funds shall be classified into-

- (a) a standing imprest fund, which is maintained throughout a financial year, and utilized amount of which can be replenished; and
- (b) a special imprest fund, which -
 - (i) shall be established for making specific payments in respect of specific activities or events;
 - (ii) shall not be replenished; and
 - (iii) shall be fully retired within a period specified by the Accountant-General.

(3) Establishment of standing and special imprest funds of a budgetary agency shall require the prior-approval of the Accountant-General in the order.

(4) A vote controller of a budgetary agency shall submit to the Accountant-General at least 15 working days before the beginning of each financial year a list of required standing imprests, which shall be supported by an analysis and costing of activities or events on a monthly basis, from which a monthly float can be determined.

(5) A vote controller of a budgetary agency shall submit to the Accountant-General as the need arises a request for special imprest using a special imprest form supported by an analysis and costing of activities or events at least 7 working days before the special imprest fund is required or the commencement of the activities or events.

118. (1) The ceiling on a standing imprest for a financial year shall be determined by the Accountant-General at the beginning of the financial year. Ceiling on an Imprest Fund.

(2) A ceiling on each special imprest shall not exceed five (5) percent of the respective head or sub-head annual budget and shall be approved by the Accountant-General.

(3) Any request for a standing or special imprest, a ceiling of which exceeds the limit referred to in sub-regulations (1) and (2) shall be approved by the Financial Secretary.

119. (1) The vote-controller of a budgetary agency may delegate, in writing, his powers to an imprest-holder to each standing and special imprest fund. Imprest-holder.

(2) An imprest-holder shall be responsible for -

- (a) safeguarding public money included in the imprest fund;
- (b) ensuring that an imprest fund is used wholly and exclusively for the purposes for which it is established;

- (c) ensuring that the full amount of the imprest is fully accounted for at all times in cash, invoices, receipts and money at a bank; and
- (d) entering accounting records into the imprest account, using the Government chart of accounts.

(3) For any change in an imprest-holder, the handing-over and taking-over imprest-holders shall—

- (a) prepare a statement of accounts on the imprest, which shall -
 - (i) show how the imprest is made up at the time of handing-over; and
 - (ii) be signed by both the handing-over and taking-over imprest-holders; and
- (b) submit a copy of the signed statement to the Accountant-General.

(4) An imprest-holder shall be personally responsible for loss or shortage of the imprest fund under his control and such loss or shortage shall be recovered from the salary or other emoluments or any amount due to the office or recovered as civil debt due to the Government.

(5) An imprest-holder shall not be relieved from his personal responsibilities for loss or shortage of the imprest fund until the retirements submitted to the Accountant-General have been examined and found to be correct.

Advances to an imprest fund.

120. (1) An imprest fund of a budgetary agency shall be funded and replenished by advances from the Consolidated Fund.

(2) Advances under sub-regulation (1) shall be within an amount of a line item in the State budget.

(3) The Accountant-General shall make an advance to an imprest fund by drawing cheque or making bank transfer, at such frequency as he determines.

(4) Public money advanced to an imprest fund shall be deposited by the imprest-holder into a bank account opened for the budgetary agency, and the imprest-holder shall not keep cash in hand.

(5) The Accountant-General may require an imprest-holder to deposit an imprest into a bank account specifically opened for the imprest fund.

121. (1) A payment from an imprest fund shall be made by cheques or bank transfer. Utilization of an imprest fund.

(2) A cheque drawn on an imprest fund shall be signed by the authorized signatory of the fund.

(3) Regulation 104 and sub regulation (2) of regulation 105 shall apply to a cheque drawn on an imprest fund.

(4) A payment instruction to make bank transfer from an imprest fund shall be initiated by the imprest-holder.

(5) An imprest-holder may sign cheque drawn on, or initiate bank transfer from, an imprest fund, only when -

- (a) the imprest-holder has received a certified imprest payment voucher and a complete set of receipts and other supporting documents; and
- (b) the payment is within the balance of the imprest fund and made for the purpose for which the imprest fund is established.
- (c) an imprest payment voucher shall be certified by a requesting officer and his super-visor as to legality, propriety, and validity of the claim.

Regularization of advances to an imprest fund. 122. When a payment is made from an imprest fund, the Accountant-General shall record the expenditure in the computerized financial management system and regularize the corresponding amount of advances made to the imprest fund.

Reporting of an imprest fund. 123. (1) The Accountant-General shall monitor utilization and determine replenishment of an imprest fund through the computerized financial management system.

(2) The budgetary agency shall report utilization and request replenishment of an imprest fund on a monthly basis or in such manner and at such frequency as determined by the Accountant-General.

Retirement of an imprest fund. 124. (1) All standing and special imprest funds shall be fully retired at the end of a financial year, and any remaining balance shall be refunded to the Consolidated Fund by January 31 of the following financial year.

(2) When failing to retire and refund an imprest fund under sub-regulation (1), the amount failed to be retired and refunded shall be deducted from salaries of the imprest-holder.

(3) Sub-regulation (2) shall not relieve the imprest-holder from liability to criminal proceedings in case of misappropriation.

(4) When any regulations under this Part is breached, the Accountant-General may freeze or close a bank account opened for the imprest fund and require it to be fully retired.

(5) No further special imprest shall be funded or issued to an imprest-holder if the imprest-holder is still in possession of an unretired imprest previously issued.

(6) Special imprest shall be retired 30 days after the completion of the activity.

PART XI—ADVANCE PAYMENTS

125. (1) For the purpose of section 70 of the Act, an advance payment for goods, services and civil works to be financed by the State budget or donor funds shall meet the following conditions-

Approval of advance payment for goods, services and civil works

- (a) the advance payment shall be required by a written public and civil contract works.
- (b) the amount shall be within 30 percent of a total price to be paid under the contract;
- (c) a supplier or contractor shall have obtained from a financial institution a guarantee on payments of damages to the Government in case of its non- performance of contractual obligations;
- (d) the term of the guarantee shall cover the period until all goods, services and civil works covered by the guarantee are delivered; and
- (e) the financial institutions issuers of the guarantee-
 - (i) are licensed by the Bank of Sierra Leone or subject to the regulations of the foreign central bank or regulator; and
 - (ii) meet the regulatory requirements of capital adequacy or solvency ratios calculated in accordance with internationally accepted standards; and either
 - (iii) are locally rated at the highest level designated by Moody's or an equivalent designated by Standard & Poor's or Fitch; or

- (iv) are rated A1 or higher designated by Moody's or an equivalent designated by Standard & Poor's or Fitch, for overseas banks.

(2) The powers of the Minister for approving an advance payment for goods and services and civil works under sub-section 2 of section 70 of the Act may be delegated to the Accountant-General.

(3) When seeking for the approval of an advance payment for goods and services or civil works under sub-regulation (2), a Chief Accountant of a budgetary or sub-vented agency shall submit to the Accountant-General a payment voucher for the disbursement signed by the vote controller and verified by the Chief Accountant, together with the following documents-

- (a) a written public contract for the goods and services or civil works; and
- (b) a guarantee certificate issued by a financial institution.

(4) A payment voucher and supporting documents required under sub-regulation (3) shall be submitted -

- (a) through the computerized financial management system; or
- (b) if the budgetary or sub-vented agency has no access to the computerized financial management system or the advance payment is to be disbursed from donor funds, in such manner as determined by the Accountant-General.

(5) The Accountant-General may approve an advance payment for goods and services and civil works, only when it meets all the conditions specified under sub-regulation (1).

(6) Any advance payment for goods and services and civil works to be financed from the State budget or donor funds that violates any of the conditions specified in sub-regulation (1) shall be null, void and of no effect, and the recipient shall repay the advance payment to the extent in violation of sub-regulation (1) within one month after the Accountant-General requires the repayment.

126. (1) An advance payment for goods, services and civil works from bank accounts opened for the Treasury shall be disbursed only by the Accountant-General.

Disbursement of advance payment for goods, services and civil works.

(2) In the case of disbursement of an advance payment for goods, services and civil works from a bank account opened for a budgetary or sub-vented agency, an officer authorized by the vote controller of the agency shall make disbursement only after the approval of the Accountant-General under sub-regulation (5) of regulation 125.

127. For the purpose of sub-section (3) of section 70 of the Act, an advance payment for goods, services and civil works made in a financial year shall be acquitted when -

Acquittal of advance payment for goods, services and civil works.

- (a) goods and services are delivered or civil works are completed;
- (b) progress payments are made.

128 (1) The Accountant-General shall maintain a database of advance payments for goods and services and civil works, which shall cover all approved advance payments of budgetary or sub-vented agencies to be disbursed from the State budget or donor funds.

Database of advance payments for goods, services and civil works.

(2) The database referred to in sub-regulation (1) shall include, in respect of each advance payment, -

- (a) the amount and date of the advance payment;
- (b) the name of the guaranteeing financial institution; and
- (c) the date, amount, and reason of the acquittal.

Reporting of advance payment for goods, services and civil works. 129. (1) Every month, the vote controller of each budgetary and sub-vented agency shall submit to the Accountant-General, a report showing information listed in sub-regulation (2) of regulation 128 in respect of each advance payment disbursed from bank accounts opened for the budgetary or sub-vented agencies.

(2) The Accountant-General may, at any time, require a vote controller of a budgetary or sub-vented agency to provide such information as the Accountant-General deems necessary for maintaining the database referred in sub-regulation (2) of regulation 128.

Staff loan. 130. (1) Subject to sub-section (4) of section 71 of the Act, the Accountant-General may provide a staff loan -

- (a) only to a member of Parliament and civil servant that meets the eligibility criteria prescribed by the Accountant-General; and
- (b) which shall be repaid by payroll deductions within such repayment period as prescribed by the Accountant-General.

(2) The Accountant-General may charge interest on staff loans.

(3) The State budget shall include a provision for a gross amount of staff loan to be provided in a financial year.

(4) In the computerized financial management system or otherwise, the Accountant-General shall maintain a database on staff loans, in respect of each loan which includes-

- (a) the name of the borrower;
- (b) the amount and date of the loan;
- (c) the repayment period and repaid amount; and
- (d) the interest, if any.

(5) The Accountant-General may disburse a staff loan by electronic fund transfer.

131. For the purpose of section 70 of the Act, no advance payment other than those specified in this Part of these Regulations shall be made from the Consolidated Fund, donor funds, special funds or by sub-vented agencies. Prohibition of other advance payment.

132. (1) The monthly statements of the Consolidated Fund and its annual financial statements prepared and published under regulations 217 and 220 shall include at least opening and closing balances of - Inclusion of advance payments in financial reports and statements.

- (a) advance payments for goods, services and civil works made from the State budget or donor funds of budgetary agencies; and