GOVERNMENT NOTICE NO. 20

PUBLIC FINANCE MANAGEMENT ACT
(No. 4 of 2022)

PUBLIC FINANCE MANAGEMENT (PUBLIC HEALTH INSTITUTE OF MALAWI TREASURY FUND) ORDER, 2022

IN EXERCISE of the powers conferred by section 44 of the Public Finance Management Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs on the written recommendation of the Secretary to the Treasury, make the following Order—

Citation and commencement

1. This Order may be cited as the Public Finance Management (Public Health Institute of Malawi Treasury Fund) Order, 2022, and shall be deemed to have come into operation on 1st April, 2022.

Charge for provision of services

2. Public Health Institute of Malawi may charge user fees on such services and at such rates as the Secretary responsible for Health may approve.

Establishment and object of the Fund

3. There is hereby established the Public Health Institute of Malawi Treasury Fund (hereinafter referred to as the "Fund") whose objective is to enhance the capacity of Public Health Institute of Malawi to respond to public health emergencies.

Purpose of the Fund

4. The Fund shall be used solely for the purpose of financing emergency health service delivery through financing the health services, administrative services and other support services at the Public Health Institute of Malawi.

Capital of the Fund

5. The Fund shall consist of moneys received for purposes of the Fund, including moneys—

(*a*) appropriated to Public Health Institute of Malawi by the Parliament, from time to time;

(*b*) received as gifts or grants; and

(*c*) collected by Public Health Institute of Malawi as user fees, training fees and research fees revenue.

Responsibility for the Fund

6. The Public Health Institute of Malawi Director (hereinafter referred to as the "Director") shall be responsible for administration and accountability of the Fund.

Fund Advisory Committee

7. The Principal Secretary responsible for Health shall appoint a Fund Advisory Committee consisting of five members with various professional backgrounds which shall—

(*a*) advise the Director on—

(i) formulation of annual estimates;

(ii) implementation of the annual budget;

(iii) collection of user fees; and

(*b*) provide financial oversight of the Fund.

Annual estimates

8.—(1) The Director shall, not later than 31st December in each financial year, submit annual Estimates of income and expenditure of the Fund for the subsequent financial year to the Secretary to the Treasury, for approval.

(2) The Secretary to the Treasury shall approve, in writing, the annual Estimates of income and expenditure of the Fund submitted in accordance with subparagraph (1).

(3) Estimates approved under subparagraph (2) shall not be varied without prior written approval of the Secretary to the Treasury.

Expenditure

9.—(1) The Director shall ensure that all payments are made in compliance with relevant written laws and Government policies.

(2) All payments in excess of fifty million Kwacha, shall be made upon prior approval of the Secretary to the Treasury.

Borrowing

10. The Director shall not raise money for the purpose of the Fund by means of overdraft or loan without prior approval of the Minister of Finance.

Financial records, reports and audit

11.—(1) The Director shall—

(*a*) cause to be maintained books and records of accounts of the income and expenditure of the Fund in accordance with Treasury instructions; and

(*b*) comply with financial reporting obligations as prescribed by Treasury instructions.

(2) The Fund shall be audited by the Auditor General annually in accordance with the Public Audit Act.

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Surpluses and deficiencies

12.—(1) When submitting the annual Estimates in accordance with paragraph 8, the Director shall submit proposals for dealing with any annual financial surplus or deficiency.

(2) The Director shall comply with directions of the Secretary to the Treasury on surpluses or deficiencies.

Remittances to the Consolidated Fund

13. The Director shall, every month, remit forty per cent of its revenue to the Consolidated Fund.

Annual performance reports

14. The Director shall no later than 31st May each year, submit to the Secretary to the Treasury and the Secretary responsible for Health an annual performance report in a form as may be prescribed by Treasury Instructions.

Duration of the Fund

15. The Fund shall take effect on 1st April, 2022, and expire on 31st March, 2025.

Dated this 22nd day of June, 2022.

S. A. GWENGWE
Minister of Finance and Economic Affairs

(FILE NO. C/RPD/6/3/3/22)