

REPUBLIC OF KIRIBATI.

SPECIAL FUND (PLANT AND VEHICLES) ACT, 1979.

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REPUBLIC OF KIRIBATI.
(No. 8 of 1979).

I assent,

Beretitenti.
December, 1979.

A BILL
entitled

AND ACT TO ESTABLISH A SPECIAL FUND TO
FINANCE THE PROVISION AND
MAINTENANCE OF GOVERNMENT
PLANT AND VEHICLES.

Commencement:

MADE by the Maneaba ni Maungatabu and assented to by the
Beretitenti.

Short title and
commencement.

1. This Act may be cited as the Special Fund (Plant
and Vehicles) Act 1979, and shall come into operation on
such date as is fixed by the Minister by notice.

Interpretation.

2. In this Act -

"Government plant and vehicles" means all
engine-driven engineering construction
plant, engine-driven vehicles and
trailers acquired by the Government;

"the Special Fund" means the Special Fund
established in accordance with section 3.

Establishment of
the Special Fund.
No. 18 of 1976.

3. A Special Fund, to be known as the Government
Plant and Vehicle Fund, shall be established in
accordance with section 13 of the Public Finance (Control
and Audit) Act 1976.

Payments into the
Special Fund.

4. There shall be paid into the Special Fund -

- (a) any money appropriated by the Maneaba ni
Maungatabu for the purposes of the Fund; and
- (b) any charges payable under section 6; and
- (c) the proceeds of the sale of any Government
plant and vehicles; and
- (d) money received from the proceeds of any
investment, under section 13(2)(a) of the
Public Finance (Control and Audit) Act 1976,
of money standing to the credit of the
Fund; and

- (e) any other money lawfully available to the Fund.

Payments out of Special Fund.

5.(1) There shall be paid out of the Special Fund -

- (a) the amount of any expenditure by the Government on the procurement, provision, maintenance and operation of Government plant and vehicles; and
- (b) if the Minister, with the concurrence of the Minister responsible for Government transport generally, so determines, the expenses, as assessed by the Minister, of the administration of the Fund.

(2) Money shall not be paid out of the Special Fund except in accordance with a warrant under the hand of the Minister authorizing the Chief Accountant to issue the money to the accounting officer responsible for operating the Fund.

Plant and transport charges.

6. The Minister, with the concurrence of the Minister responsible for Government transport generally, may from time to time fix charges to be paid by departments of Government, statutory corporations and other persons in respect of the operation and use by them of Government plant and vehicles.

Control of Special Fund.
No. 18 of 1976.

7.(1) In the performance of his functions under this Act, and under section 13 of the Public Finance (Control and Audit) Act 1976 in relation to the Special Fund, the Minister shall subject to this section, use his best endeavours to manage the Special Fund in such a way that, taking one year with another, the income of the Fund is not less than sufficient to meet its outgoings including debt charges and depreciation of Government plant and vehicles.

(2) In the performance of his functions under subsection (1), the Minister is, in accordance with the Constitution, responsible to the Maneaba ni Maungatabu and is subject to the supervision of the Public Accounts Committee and the Director of Audit.

Annual reports, etc.

8.(1) The Minister shall, before the end of each financial year, submit to the Maneaba ni Maungatabu -

- (a) a statement showing the estimated income and expenditure of the Special Fund for the current financial year; and
- (b) estimates of the income and expenditure of the Special Fund for the next financial year.

(2) The Minister shall, as soon as practicable after the end of each financial year, lay before the Maneaba ni Maungatabu a report dealing generally with the operations of the Special Fund during the preceding financial year and containing the audited statement of account for that financial year.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on December 6, 1979, and is found by me to be a true and correctly printed copy of the said Bill.

.....
Clerk of the Maneaba ni
Maungatabu.

I certify that the above Bill was on December 6, 1979, passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

.....
Speaker.

Published by exhibition at the Public Office of the Beretitenti on December, 1979.

.....
Secretary to the Cabinet.

SPECIAL FUND (PLANT AND VEHICLES) ACT 1979.

EXPLANATORY MEMORANDUM.

The principal object of the Bill is to establish a special fund to finance the provision and maintenance of Government plant and vehicles as explained by the long title.

The Maneaba ni Maungatabu has the power to establish any special fund under Section 107(2), (3) of the Constitution of Kiribati. Hence one of the reasons for introducing the Bill to the Maneaba ni Maungatabu. When a special fund is established under this section such fund does not form part of the Consolidated Fund and any receipts, earnings, and accruals as well as the balance at the close of each financial year of such fund are not to be paid into the Consolidated Fund but are to be retained for the purposes of the fund.

If provision were made for the establishment of any fund in such a way that it should form part of the Consolidated Fund such provision would have the opposite effect from Section 107(2), (3) of the Constitution in that any receipts, accruals and the balance at the close of any financial year would be paid into the Consolidated Fund and not retained for the purposes of the fund.

Section 8 of the Public Finance (Control and Audit) Act 1976 has also the same effect if payments made to any fund consist of any public moneys appropriated by the Maneaba ni Maungatabu or issued from the Consolidated Fund and it is provided that the fund is to form part of the Consolidated Fund.

The Bill is specifically designed to avoid all these legal difficulties.

It is proposed in the Bill that the Government Plant and Vehicles Fund should be self-financing in terms of Section 107(2), (3) of the Constitution of Kiribati.

Clause 3 establishes the special fund to be known as Government Plant and Vehicles Fund.

Clause 4 specifies that payments may be made into the special fund namely any money appropriated by the Maneaba ni Maungatabu, the charges to be paid by the departments of Government, statutory Corporations and other persons operating and using Government Plant and Vehicles, the proceeds from the sale of any Government Plant and Vehicles, money received from the proceeds of any investment and any other money lawfully available to the Fund.

Clause 5 provides for the payment out of the Fund of the amount of any expenditure by the Government on the acquisition maintenance and operation of Government Plant and Vehicles and the expenses of the administration of the Fund.

Clause 6 gives the Minister of Finance, with the concurrence of the Minister for Communications and Works, the power from time to time, to fix the charges to be paid by departments of Government, Statutory corporations and others operating and using Government Plant and Vehicles.

Clause 7 gives the Minister of Finance the control of the Fund.

Michael Takabwe
State Advocate
for Attorney General

SPECIAL FUND (PLANT AND VEHICLES) ACT 1979

KABARABARANA

E iangoaki ian te Tua aei ba e na kateaki te Bota ni Mane teuana ibukin karekean bai-ni-makuri ma aekaki ni motoka ke rebwerebwe ae e kainano iai te Tautaeaka.

E iangoaki naba ian te Tua aei ba a na kabakaki boon kamakuran bai-ni-makuri ma kabutan motoka ke rebwerebwe ni kabane man te Bota ni Mane aei.

E anganaki te Maneaba ni Maungatabu te maaka ni katea te Bota ni Mane man te Constitution ian te kibu ae 107(2), (3). Ao ai ngaia ane ngkanne bukin uotakin te Tua aei nakon te Maneaba ni Maungatabu. Bota ni mane ake a kateaki ian kibun te Constitution aei a aki kona ni ikotaki ke ni itoman ma ana bota ni mane te Tautaeaka (Consolidated Fund) are e kakabongana ibukin ana makuri ni kabane iaon Kiribati, ma a na riai ni katukaki n aki riringaki ao a na ti riringaki ngkana iai bai-ni-makuri ke motoka ake a na kaboaki ke iai kabane-mane ake irian kamakuran bai-ni-makuri ke kabutan motoka ke rebwerebwe.

Are nanona ba e na kabonganaki te Bota ni Mane aei ti ibukin te bai are e kateaki iai n aron are e a tia ni kabarabaraki mai moana.

Bota ni Mane ake aki kateaki ian kibun te Constitution ae 107(2), (3) ke ni kateaki n te aro ae a riki ba toman ke kanoan ana Bota ni Mane te Tautaeaka (Consolidated Fund) a kakaokoro aroia ba nikiran mane ae aki bane man te ririki teuana mani bota ni mane aikai a na manga risi ni kaokaki nakon ana Bota ni Mane te Tautaeaka (Consolidated Fund) n tokin te ririki (financial year).

E reke naba aei ian kibun te Public Finance (Control and Audit) Act 1976 ae te kibu 8.

Aingaia ane ngkanne bukin katauraoran te Tua aei ba e na aki reke te Bota ni Mane aei n tua ni kanganga ake a tia n taekinaki.

E katautauaki ian te Tua aei ba te Bota ni Mane aei e na aki tukaki ni karikirake ngkana e kona ni karikirake.

Kibu 3. Katean te Bota ni Mane ae aranaki ba te "Government Plant and Vehicles Fund".

Kibu 4 - e kaotaki iai aekaki ni mane ake a kona ni karinaki inanon te Bota ni Mane aei n aron te mane ae e kataua te Maneaba ni Maungatabu be e na karinaki inanona, te kareke-mane ae e reke man tangoan bai-ni-makuri ke motoka ke rebwerebwe irouia kain te Tautaeaka, ke botaki ke aomata ake a kabonganai ana bai-ni-makuri ke ana motoka ke ana rebwerebwe te Tautaeaka, te mane ae e reke ngkana a kaboaki nako bai-ni-makuri ke motoka ke rebwerebwe, te raka ni mane ao mane riki tabeua ake a kona n reke.

Kibu 5. E kaotaki n te kibu aei aeka ni kabane mane ake a na riai ni kabakaki man te Bota ni mane aei, n aron boon kaboan bai-ni-makuri, ke motoka, ke rebwerekwe, te kabane-mane ibukin kabutan ke kawakinani bai-ni-makuri ke motoka ke rebwerekwe, ke mane ae a bane ibukin kawakinan te Bota ni Mane aei.

Kibu 6. E anganaki te Minita ibukin te Mane ao te Minita ibukin Mamananga ao Makuri te maaka ni kona ni bairea boon tangoan bai-ni-makuri ke motoka ke rebwerekwe irouia kain te Tautaeka, botaki ke aomata tabeman ake a kabongansi ana bai-ni-makuri ke ana motoka ke ana rebwerekwe te Tautaeka.

Kibu 7. E anganaki te Minita ibukin te Mane ian te kibu aei te maaka be e na kawakina te Bota ni Mane aei.

Michael Takabwebe
State Advocate
for Attorney General.