

JAMAICA

No. 7 - 2010

I assent,

[L.S.]

(Sgd) P.L. Allen
Governor-General

March 22, 2010

AN ACT to Amend the Public Bodies Management and Accountability Act.

**The date notified by the Minister
[bringing the Act into operation]**

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Public Bodies Management and Accountability (Amendment) Act, 2010, and shall be read and construed as one with the Public Bodies Management and Accountability Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title,
construction
and
commencement.

(2) This Act shall come into operation on a day appointed by the Minister by notice published in the *Gazette*.

Insertion of
new section
2A into
principal
Act.

2. The principal Act is amended by inserting next after the heading “Part II. Corporate Governance and Accountability” the following as section 2A—

“Estimates
of revenue
and
expenditure.

2A.—(1) Before the end of each financial year, the Minister shall cause to be prepared, in such form as may be approved by the Minister, estimates of revenue and expenditure for public bodies with respect to the ensuing financial year, containing a summary of—

- (a) the corporate plans of all public bodies, including their total budgetary requirements; and
- (b) such other data and information pertaining to public bodies as the Minister may require.

(2) The Minister shall cause the estimates referred to in subsection (1) to be laid before the House of Representatives and the Senate for approval.”.

Amendment
of section 5
of principal
Act.

3. Section 5 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following—

“ (1) Notwithstanding the provisions of any relevant enactment or constituent document, a public body shall not, without the prior written approval of the Minister—

- (a) exercise any borrowing powers; or
- (b) enter into negotiations, or take any other steps, to borrow money by way of the issue of bonds or other debt securities”;

- (b) in subsection (2), by deleting the words “for the exercise of borrowing powers and” and substituting therefor the words “therefor and, where approval is sought pursuant to subsection (1)(a) for the exercise of borrowing powers,”;

- (c) inserting, next after subsection (2), the following subsections—

“ (3) The provision of subsection (1) shall not apply to the Bank of Jamaica in the exercise of borrowing powers in the performance of functions relating to monetary policy.

(4) At the end of each financial year, the Minister shall make a report to the House of Representatives and to the Senate as to every contravention of subsection (1) occurring in that financial year, and where the Attorney-General has made an application pursuant to section 25(1) or (4), the status of that application.”.

4. Section 6 of the principal Act is amended by deleting the full stop appearing at the end of paragraph (d) and substituting therefor a semicolon, and inserting the following as paragraph (e)—

Amendment
of section 6
of principal
Act

“(e) notwithstanding the provisions of any relevant enactment or any constituent document, enter into a performance contract with its Chief Executive Officer (or person performing like duties, by whatsoever title designated), on terms approved by the responsible Minister and the Minister.”.

5. Section 7 of the principal Act is amended—

Amendment
of section 7
of principal
Act.

- (a) by deleting from subsection (1) the words “Every Board shall, not later than the 1st day of January in each year” and substituting therefor the words “The board of directors of a public body shall, not later than three months before the end of the financial year of the public body”;

(b) by deleting paragraph (b) of subsection (3) and substituting therefor the following—

“(b) within one month after delivery of the draft corporate plan in accordance with subsection (1), deliver the final corporate plan to—

- (i) the responsible Minister; and
- (ii) the Minister for his endorsement.”;

(c) by deleting from subsection (4) the words “give written notice of such modification to the Minister” and substituting therefor the words “deliver the modification to the Minister for his endorsement”;

(d) in subsection (5)(a) by inserting, next after the words “responsible Minister”, the words “and the Minister”;

(e) in subsection (5)(b) by inserting next after the words “responsible Minister” the words “and the Minister.”;

(f) by deleting subsection (6) and substituting therefor the following—

“(6) The Minister shall, as soon as possible after endorsing any final corporate plan, or any modification of a corporate plan, pursuant to this section, cause a copy of the plan or modification (as the case may be) to be tabled in the House of Representatives and the Senate for approval.”.

Insertion of
new section
7A into
principal
Act.

6. The principal Act is amended by inserting, next after section 7, the following as section 7A—

“Power to
request
information.

7A. The Financial Secretary may, from time to time, request the board of a public body to supply information on its financial operations, and the board shall comply with the request within such time as may be specified in the request by the Financial Secretary.”.

7. Section 22 of the principal Act is amended in subsection (1) by inserting next after the word “prepared” the words “in the prescribed form and”.

Amendment
of section 22
of principal
Act

8. Section 23 of the principal Act is amended by deleting the words “prepare and submit to the Minister” and substituting therefor the words “prepare, in the prescribed form, and submit to the responsible Minister and the Minister”.

Amendment
of section
23 of
principal
Act

9. Section 25 of the principal Act is amended in subsection (4) by inserting immediately after the numeral “7” the numeral “, 7A”.

Amendment
of section 25
of principal
Act

Passed in the House of Representatives this 23rd day of February, 2010 with one (1) amendment.

DELROY CHUCK
Speaker.

Passed in the Senate this 12th day of March, 2010 with three (3) amendments.

OSWALD G. HARDING, O.J., C.D., Q.C.
President.

On the 16th day of March, 2010 the House of Representatives agreed to the amendments made by the Senate.

DELROY CHUCK
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.