



ST. CHRISTOPHER AND NEVIS

CHAPTER 22.17

PUBLIC ACCOUNTS COMMITTEE ACT

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PUBLIC ACCOUNTS COMMITTEE ACT

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by
The Regional Law Revision Centre Inc.,
P.O. Box 1626, 5 Mar Building,
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West Indies.

Available for purchase from—

Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521

Ext. 1013

Tel: (869) 465-2127

Fax: (869) 465-5040

Email: attorneygeneral@gov.kn

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CHAPTER 22.17

PUBLIC ACCOUNTS COMMITTEE ACT

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CHAPTER 22.17

PUBLIC ACCOUNTS COMMITTEE ACT

AN ACT TO PROVIDE FOR A PUBLIC ACCOUNTS COMMITTEE AND FOR RELATED MATTERS.

Short title.

1. This Act may be cited as the Public Accounts Committee Act.

Interpretation.

2. In this Act—

“Accountant General” has the same meaning as under the Finance Administration Act, Cap. 20.13;

“Chairman” means the Chairman of the Committee;

“Committee” means the Standing Committee of the National Assembly known as the Public Accounts Committee and established under section 70 of the Standing Orders set out as the Fourth Schedule to the National Assembly Elections Act;

“Constitution” means the Constitution of Saint Christopher and Nevis, 1983;

“Deputy Chairman” means the Deputy Chairman of the Committee;

“Director of Audit” has the same meaning as under the Constitution;

“Financial Secretary” has the same meaning as under the Finance Administration Act, Cap. 20.13;

“member” means a member of the Committee;

“Minister” means the Minister of Finance;

“National Assembly Elections Act” means the National Assembly Elections Act, Cap. 2.01;

“Permanent Secretary” has the same meaning as under the Constitution;

“Standing Orders” means the Standing Orders set out as the Fourth Schedule to the National Assembly Elections Act, Cap. 2.01.

Public Accounts Committee.

3. (1) The Public Accounts Committee is established under section 70 subsection (1) of the Standing Orders.

(2) The membership of the Committee shall be in accordance with section 70 subsection (2) of the Standing Orders and shall be as follows—

- (a) in the case of five members, three members shall be from the Government side and two members shall be from the members of the Opposition;
- (b) in the case of three members, two members shall be from the Government side and one member shall be from the members of the Opposition;

(3) Each member shall hold office during the pleasure of the National Assembly unless he or she sooner retires or otherwise ceases to be a member of the National Assembly.

(4) Vacancies shall be filled in accordance with section 70 subsection (3) of the Standing Orders and the members shall cease to hold office when Parliament is dissolved.

Chairman and Deputy Chairman.

4. (1) There shall be a Chairman of the Committee pursuant to the provisions of section 70 subsection (3) of the Standing Orders and if the Leader of the Opposition is a member of the Committee he or she shall be offered the option to Chair the Committee before all other members.

(2) There shall be a Deputy Chairman, who shall be elected by the members from time to time and shall hold office as Deputy Chairman during the pleasure of the Committee.

(3) The Chairman shall preside at all meetings of the Committee at which he is present.

(4) In the event of the absence of the Chairman from a meeting of the Committee, the Deputy Chairman shall, if he is present at that meeting, preside at that meeting.

(5) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee, the members present shall appoint a member other than a member who supports the Government to be the Chairman; and the member so presiding shall, in relation to the meeting, have all the powers and functions of the Chairman.

(6) At any time when the Chairman is, for any reason, unable to perform the duties of his office or there is a vacancy in the office of Chairman, the Deputy Chairman may exercise the duties of that office.

Meetings of Committee.

5. The Committee shall meet at least once within every 6 months and may convene meetings at such other times as the Committee, by resolution, determines.

Quorum and voting.

6. (1) At a meeting of the Committee three members constitute a quorum.

(2) All questions to be decided by the Committee shall be decided by a majority of the votes of the members present.

(3) The Chairman or other member presiding shall have a vote as a member and, in the event of an equality of votes, shall also have a casting vote.

(4) The Chairman shall cause minutes of every meeting to be recorded, and the minutes shall include the votes cast and the manner in which each member votes.

Powers and duties of the Committee.

7. (1) The powers and duties of the Committee are—

- (a) to examine the reports of the Director of Audit that is tabled in the National Assembly;

- (b) to report to the National Assembly with any comment it thinks fit on any items or matters in the reports of the Director of Audit referred to in paragraph (a) or any circumstances connected with it, that the Committee thinks should be drawn to the attention of the National Assembly;
- (c) to inquire, in writing, into any question connected with the reports of the Director of Audit referred to in paragraph (a) and to report to the National Assembly on that matter.

(2) Nothing in subsection (1) authorises the Committee to direct the activities of the Director of Audit.

Power to summon witnesses.

8. (1) The Committee may summon the Financial Secretary, a permanent secretary or a permanent secretary as the chief accounting officer of a Department of Government or the Accountant General to appear before it to give evidence and produce documents.

(2) A summons to a witness may be in accordance with Form C in the Schedule, and shall be signed by the Chairman or the Deputy Chairman.

(3) A summons to a witness may be served upon the witness either personally or by being left at, or sent by post to, his usual place of business or of abode.

Annual report.

9. The Committee shall report to the National Assembly in accordance with section 70 subsection (6) of the Standing Orders and prepare a report on the performance of its duties in respect of each financial year to be laid in the National Assembly.

Sittings to be private except in certain cases.

10. (1) Subject to subsection (2) and (3), the Committee shall take all evidence in private.

(2) The Committee may take evidence on oath or affirmation, and the Chairman or the Deputy Chairman may administer oaths or affirmations to witnesses appearing before the Committee.

(3) A witness may invite staff from his or her Government Department to assist him or her whilst he or she gives evidence.

(4) The oath or affirmation administered to a witness may be in accordance with Form A or Form B in the Schedule, as the case requires.

Continuance of evidence.

11. Where the Committee as constituted at any time, has taken evidence in relation to a matter, but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as next constituted may consider that evidence as if it has been given before it.

Disclosure of evidence.

12. (1) Where evidence is taken by the Committee—

- (a) the Committee or a member shall not, without the consent in writing of the witness; and

- (b) a person other than a member shall not, without the consent in writing of the witness and the authority of the Committee under subsection (3), disclose or publish the whole or a part of the evidence, other than evidence which has already been lawfully published.

(2) Where evidence is taken by the Committee otherwise than at the request of a witness, no member of the Committee or any other person shall without the authority of the Committee in writing disclose or publish the whole or a part of that evidence other than evidence which has already been lawfully published.

(3) Where a member of the Committee disclosed or published the whole or a part of evidence, without written consent, the Chairman or the Deputy Chairman shall report the matter to the National Assembly.

(4) Pursuant to subsection (3), where the matter has been reported to the National Assembly, the National Assembly may remove a member from the Committee who contravened the provisions of subsection (2), by a vote of the majority of members present and voting.

Warrant in case of disobedience of summons.

13. (1) Where a person upon whom a summons under section 8 has been served fails to appear or, having appeared, fails to continue in attendance in obedience to the summons, the Chairman or the Deputy Chairman shall report the matter to the National Assembly.

(2) Where a report is made to the National Assembly pursuant to subsection (1), the National Assembly may, in writing under the hand of the Clerk, order the person to attend the Committee.

(3) Where the person contravenes the order of the National Assembly referred to in subsection (2), the person may be disciplined—

- (a) in the case of the Financial Secretary or a permanent secretary, in accordance with the provisions of section 79 of the Constitution;
- (b) in the case of the Accountant General, in accordance with section 78 of the Constitution.

Preventing witnesses from giving evidence.

14. (1) A person shall not knowingly dissuade or prevent a person from obeying a summons under section 8.

(2) Where a person contravenes the provisions of subsection (1), the person may be disciplined—

- (a) in the case of a public officer, in accordance with section 78 of the Constitution;
- (b) in the case of a permanent secretary or certain other officers, in accordance with the provisions of section 79, 80, 81, 82 and 83 of the Constitution;
- (c) in the case of a member of the National Assembly, in accordance with rules of the National Assembly; or
- (d) in the case of any other person, is liable on indictment to a fine not exceeding twenty thousand dollars.

Privileges and protection of witnesses.

15. (1) A person summoned to appear or appearing before the Committee as a witness shall have the same protection and privileges as a witness in proceedings in the High Court.

(2) A person shall not use, cause, inflict or procure any violence, punishment, damage, loss or disadvantage on or to a person for or on account of his or her having appeared as a witness before the Committee, or for or on account of any evidence lawfully given by him or her before the Committee.

Regulations.

16. The Minister may make Regulations which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act.

SCHEDULE**FORM A***(section 10 (4))***OATH OF WITNESS**

The evidence that I shall give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help me God!

FORM B*(section 10 (4))***AFFIRMATION OF WITNESS**

I do solemnly and sincerely affirm and declare that the evidence I shall give before the Committee shall be the truth, the whole truth, and nothing but the truth.

FORM C*(section 8 (2))***SUMMONS TO A WITNESS**

To: (here insert name, address and occupation of witness)

You are hereby summoned to appear before the Public Accounts Committee on the day of _____ 20____, at _____ o'clock, at _____, to give evidence and to produce such documents as are required that are within your possession; and you are required to continue in attendance as directed by the said Committee (or sub-Committee), or the Chairman thereof, until your attendance is no longer required.
