



# MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT

Government Centre, Port Louis, Mauritius

---

## Circular No 11 of 2019

MY REF : CF 40/30/11 V4 Date: 13 September 2019  
From : Financial Secretary  
To : Supervising Officers-in-Charge of Ministries/Departments and Accounting Officers

---

SUBJECT : Amendments to Statutory Bodies (Accounts and Audit) Act made in the Finance (Miscellaneous Provisions) Act 2019

---

The Statutory Bodies (Accounts & Audit) Act has been amended in the Finance (Miscellaneous Provisions) Act 2019 with a view to strengthening accountability and transparency in the area of public financial management with respect to statutory bodies.

2. The sections where amendments have been brought to the Statutory Bodies (Accounts & Audit) Act are enclosed for your information. The main changes refer to the following:

(a) **Performance Agreement**

Every statutory body specified in the First Schedule to the Act is required to prepare and agree with its Ministry a performance agreement, not later than **15<sup>th</sup> June** instead of 1<sup>st</sup> April in every year.

(b) **Application of surplus amount or accumulated revenue reserve**

Where the financial statements of a statutory body show an operating surplus or accumulated revenue reserve, the Board of the statutory body shall, at the request of the Minister responsible for the subject of finance, remit the surplus or accumulated revenue reserve into the Consolidated Fund or invest in Treasury Certificates or other Government securities.

(c) **Gender Representation on Board**

With a view to have a fair gender balance on the boards of directors and better women representation, Public Companies and Statutory Bodies are required to have at least one woman on their board of directors. *In that respect, you are kindly requested to ensure that this measure is implemented as soon as practicable but before 4<sup>th</sup> November 2019.*

(d) **Submission of annual report**

Statutory Bodies are now required to include in their Annual Report itself (i) a report on their performance in respect of the previous financial year; and (ii) their strategic direction in respect of the following 3 financial years. Accordingly, Section 4A (1) pertaining to the requirement to produce a separate Report on Performance is being removed.

(e) **Schedules**

Some amendments have been made in the First and Second Schedules to clarify for some Statutory Bodies as to which accounting standards they must comply with.

3. I am directed to kindly request you to relay the contents of this Circular to the attention of Chairperson and members of Boards/Councils and Chief Executive Officers of statutory bodies under the aegis of your Ministry.



**A. Acharuz**  
*for Financial Secretary*

**Extracts from the Statutory Bodies (Accounts and Audit) Act**  
**following amendments made in the**  
**Finance (Miscellaneous Provisions) Act 2019**

**49. Statutory Bodies (Accounts and Audit) Act amended**

The Statutory Bodies (Accounts and Audit) Act is amended –

(a) in section 4A –

- (i) by deleting the heading and replacing it by the following heading –

**Performance Agreement**

- (ii) by repealing subsection (1);

- (iii) in subsection (2), by deleting the words “1 April” and replacing them by the words “15 June”;

(b) by repealing section 4C and replacing it by the following section –

**4C. Application of surplus amount or accumulated revenue reserve**

Notwithstanding any other enactment establishing a statutory body, where the financial statements of the statutory body show an operating surplus or accumulated revenue reserve, the Board shall, at the request of the Minister responsible for the subject of finance, remit the surplus or accumulated revenue reserve into the Consolidated Fund or invest in Treasury Certificates or other Government securities.

(c) by inserting, after section 4C, the following new section –

**4D. Gender representation on Board**

Notwithstanding any other enactment establishing a statutory body, there shall be, on every Board, at least one woman as member of the Board.

(d) in section 6A(2) –

- (i) by repealing paragraph (b) and replacing it by the following paragraph –

- (b) a report on the performance of the statutory body in respect of the previous financial year;
- (ii) by adding the following new paragraph, the full stop at the end of paragraph (c) being deleted and replaced by the words “; and” –
  - (d) the strategic direction of the statutory body in respect of the following 3 financial years.
- (e) in the First Schedule –
  - (i) in the first column, in item “Private Secondary Schools Authority”, by deleting the word “Schools” and replacing it by the word “Education”;
  - (ii) by deleting item “Small and Medium Enterprises Development Authority” and its corresponding entry;
  - (iii) by deleting item “Rights Management Society” and its corresponding entry;
  - (iv) by inserting, in the appropriate alphabetical order, the following new items and their corresponding entries – Land Drainage Authority –

Land Drainage Authority	Land Drainage Authority Act 2017
Manufacturing Sector Workers Welfare Fund	Manufacturing Sector Workers Welfare Fund Act
Mauritius Society for Animal Welfare	Mauritius Society for Animal Welfare Act
Mauritius Society of Authors	Copyright Act 2017
National Institute of Sports	Sports Act 2016
National Wage Consultative Council	National Wage Consultative Council Act
National Women’s Sports Commission	Sports Act 2016

- (f) in the Second Schedule –
  - (i) in Part I –
    - (A) in the first column, in item “Private Secondary Schools Authority”, by deleting the word “Schools” and replacing it by the word “Education”;

- B) by deleting item “Small and Medium Enterprises Development Authority” and its corresponding entry;
- C) by inserting, in the appropriate alphabetical order, the following new items and their corresponding entries –

Insurance Industry Compensation Fund	Insurance Act
Land Drainage Authority	Land Drainage Authority Act 2017
Mauritius Renewable Energy Agency	Mauritius Renewable Energy Agency Act
Open University of Mauritius	Open University of Mauritius Act

(ii) in Part II –

- (A) by deleting the following item and its corresponding entry –

Mauritius Cane Industry Authority	Mauritius Cane Industry Authority Act
-----------------------------------	---------------------------------------

- (B) by inserting, in the appropriate alphabetical order, the following new items and their corresponding entries –

Arabic-speaking Union	Arabic-speaking Union Act
Bhojpuri-speaking Union	Bhojpuri-speaking Union Act
Chinese-speaking Union	Chinese-speaking Union Act
Creole-speaking Union	Creole-speaking Union Act
Utility Regulatory Authority	Utility Regulatory Authority Act