

Zambia

National Planning and Budgeting Act, 2020

Act 1 of 2020

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National Planning and Budgeting Act, 2020

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Zambia

National Planning and Budgeting Act, 2020

Act 1 of 2020

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There are multiple commencements

Provisions	Status
Part I (section 13); Part II (section 414); Part III (section 1531); Part IV, section 4243, section 4546; Part V (section 5053)	commenced on 14 May 2021 by Statutory Instrument 46 of 2021 .
Part IV, section 3241, section 44, section 4749	commenced on 1 January 2022 by Statutory Instrument 46 of 2021 .

[This is the version of this document from 26 October 2020.]

An Act to provide for an integrated national planning and budgeting process; strengthened accountability, oversight and participation mechanisms in the national planning and budgeting process; principles and modalities for formulation, approval, implementation, monitoring and evaluation of long and medium term national, provincial and district development plans and budgets; coordination of national development plans with the National Planning Framework; a participatory and decentralised national planning and budgeting process which promotes the participation of state and non state actors in the planning and budgeting process; evidence based decision making in national planning and budgeting; enhanced budget credibility; and matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Part I – Preliminary

1. Short title and commencement

- (1) This Act may be cited as the National Planning and Budgeting Act, 2020, and shall come into operation on the date appointed by the Minister by statutory instrument.
- (2) The Minister in consultation with the Minister responsible for finance, may appoint different dates for the coming into operation of different provisions or Parts of this Act.

2. Interpretation

In this Act, unless the context otherwise requires—

" **Appropriation Act** " means an Act of Parliament authorising the Republic to incur expenditure of public monies for a specified purpose;

[Act No. 1 of 2018]

" **budget** " means the estimates of revenue and expenditure for a financial year and "budgeting" shall be construed accordingly;

" **chiefs' representative** " means a person other than a chief who is appointed under [section 7](#) or [10](#);

" **civil society** " has the meaning assigned to the word in the Constitution;

[[Cap. 1](#)]

" **controlling officer** " has the meaning assigned to the words in the Public Finance Management Act;

[[Act No. 1 of 2018](#)]

" **Cluster Advisory Group** " means a cross sectoral advisory group constituted in accordance with [section 13](#);

" **District Development Coordinating Committee** " means a committee constituted in under [section 10](#);

" **financial year** " means a period of twelve months ending on 31st December of each year;

" **head of expenditure** " has the meaning assigned to the words in the Public Finance Management Act;

[[Act No. 1 of 2018](#)]

" **implementation plan** " means a detailed list of activities, responsibilities, costs, assumptions, risks and timelines that are required to achieve the objectives of a plan;

" **integrated** " in relation to national planning and budgeting means effective linkages created between development plans and budgets relating to development outcomes;

" **Investment Plan** " means a plan that consists of investment policies and priorities, suitable for achieving development objectives taking into account time frames, financial situations and possible risks for a period exceeding five years;

" **local authority** " has the meaning assigned to the words in the Constitution;

[[Cap. 1](#)]

" **Local Development Plan** " means a five year plan for implementation of the National Development Plan, integrated development plan, sector investment plan and Medium Term Budget Plan at district level;

" **Long Term Development Plan** " means a development plan that consists of the national vision, investment plans and the integrated development plans of each district and is valid for a period of more than five years;

" **Medium Term Development Plan** " means a development plan which contains three to five year national, provincial and local development plans as a basis for implementation of a long term plan which may be adjusted, where, necessary, following a material change in the macro economic and financial circumstances and development priorities of the Republic;

" **Medium Term Budget Plan** " means a three year projection of the resources of the Government and their allocation across heads of expenditure and functions to finance the operational and development expenditures of the Government in line with a National Development Plan;

" **National Development Plan** " means the five year medium term policy and strategic plan formulated in accordance with [section 19](#);

" **National Development Coordinating Committee** " means a committee constituted under [section 4](#);

" **non state actor** " means an individual or entity that is not part of the public sector;

" **planner** " means an officer tasked with the responsibility of making or carrying out development plans by setting up of goals, policies, and procedures for social or economic development including project management and appraisal, budgeting and monitoring and evaluation, but excludes determining and drawing up of plans for the physical arrangements such as the designing of towns, cities and communities;

" **planning** " means the setting up of goals, policies and procedures for socio-economic development including integration of population dynamics, project management and appraisal, budgeting and monitoring and evaluation, but excludes the determination and development of plans for the physical

arrangements such as the designing of towns, cities and communities formulated in accordance with [section 19](#);

"**Provincial Development Coordinating Committee**" means a committee constituted under [section 7](#);

"**Secretary to the Treasury**" means the Secretary to the Treasury appointed in accordance with the Constitution;

[\[Cap. 1\]](#)

"**spending agency**" means a public institution which receives and spends public funds as appropriated by Parliament;

"**supplementary estimate**" means an amount provided in the estimates of expenditure over and above the appropriation in an Appropriation Act for that financial year; and

"**ward**" has the meaning assigned to the word in the Constitution.

[\[Cap. 1\]](#)

3. Principles relating to national planning and budgeting

(1) Subject to the Constitution, the following principles apply to the national planning and budgeting process:

- (a) development plans and budgets are formulated in a transparent and accountable manner;
- (b) planning processes including fiscal responsibilities and functions are undertaken in accordance with the subsidiarity principle;
- (c) resources are distributed equitably and sustainably for national development;
- (d) development plans and budgets are responsive to the development needs of the people;
- (e) credibility of national development planning, budget preparation and budget execution is assured through expenditure in accordance with approved plans and national budget and effective implementation of plans and budgets in accordance with the financial provisions;
- (f) time frames and milestones for planning and budgeting process are appropriately defined;
- (g) all levels of society are involved in the planning and budgeting process;
- (h) input into the national planning and budgeting process at all levels of Government shall be systematic and synchronised;
- (i) the national planning and budgeting system is applied to ensure that the planning and budgeting process comprehensively covers all public resources;
- (j) the management of development objectives and definitions of milestones and targets are achieved through result oriented performance; and
- (k) the national planning and budgeting system will ensure sustainable development and intergenerational equity.

[\[Cap. 1\]](#)

(2) In this section—

"**intergenerational equity**" means humans holding the natural and cultural environment of the earth in common both with other members of the present generation and with other generations, past and future;

"**subsidiarity principle**" means the process of requiring public functions to be exercised by the lowest level of Government that can execute the function effectively; and

" sustainable development " means meeting the needs and aspirations of the present generation without compromising the ability to meet the needs of future generations.

Part II – Institutional framework for development planning

4. National Development Coordinating Committee

- (1) There is established the National Development Coordinating Committee as the national coordinating forum responsible for advising the Cabinet in matters relating to national development plans and budgets.
- (2) The National Development Coordinating Committee consists of—
 - (a) the Minister, as Chairperson;
 - (b) the Secretary to the Cabinet, as Vice-Chairperson;
 - (c) the Secretary to the Treasury;
 - (d) a representative of the Attorney-General;
 - (e) a controlling officer from each spending agency that has a head of expenditure prescribed in the budget;
 - (f) the head of the Industrial Development Corporation;
 - (g) five representatives of professional bodies;
 - (h) three representatives from a higher education institution;
 - (i) three representatives from the private sector; and
 - (j) a representative each from—
 - (i) civil society;
 - (ii) a faith based organisation; and
 - (iii) a parastatal.
- (3) The ministries, institutions or organisations referred to in subsection (2) shall nominate their representatives for appointment by the Minister.
- (4) The National Development Coordinating Committee may invite a person to attend and participate in the deliberation of a meeting of the National Development Coordinating Committee but that person shall have no vote.
- (5) Subject to the other provisions of this Act, the National Development Coordinating Committee may regulate its own procedure.

5. Functions of National Development Coordinating Committee

- (1) The National Development Coordinating Committee shall advise the Cabinet on—
 - (a) the formulation, implementation, monitoring and evaluation of the National Development Plan and budget;
 - (b) national, provincial and local planning and budgeting processes, systems and practices taking into account annual reviews and other evidence;
 - (c) policy recommendations and their implementation and other matters raised by Cluster Advisory Groups, Provincial Development Coordinating Committees and District Development Coordinating Committees; and

- (d) planning and budgeting processes that are participatory, transparent, results oriented, credible and responsive to the needs of the people.
- (2) The National Development Coordinating Committee shall perform other functions that the Minister may, in consultation with the Minister responsible for finance and the Secretary to the Treasury, prescribe.
- (3) The Schedule applies to the National Development Coordinating Committee.

6. Secretariat of National Development Coordinating Committee

The Permanent Secretary responsible for development planning shall provide secretarial services to the National Development Coordinating Committee in the performance of the Committee's functions under this Act.

7. Provincial Development Coordinating Committee

- (1) There is established a Provincial Development Coordinating Committee for each Province.
- (2) A Provincial Development Coordinating Committee consists of—
 - (a) the Provincial Minister, as Chairperson;
 - (b) the Permanent Secretary for that province, as Vice-Chairperson;
 - (c) Provincial Local Government Officer;
 - (d) the head of the provincial office of each ministry operating in that province;
 - (e) the district commissioner of each district in that province;
 - (f) the town clerk or council secretary, as the case may be, of each local authority located in that province;
 - (g) not more than two chief's representatives from within the province as appointed from among themselves;
 - (h) a representative each from—
 - (i) civil society;
 - (ii) a faith based organisation;
 - (iii) a parastatal; and
 - (iv) the private sector; and
 - (i) Members of Parliament in the province.
- (3) The members under subsection (2)(f), shall be nominated by their organisations.
- (4) The Provincial Minister shall appoint the members referred to in subsection (2)(g) and (h).
- (5) Subject to the other provisions of this Act, the Provincial Development Coordinating Committee may regulate its own procedure.
- (6) The Provincial Development Coordinating Committee shall report to the National Development Coordinating Committee.
- (7) The Provincial Development Coordinating Committee may invite a person to attend and participate in the deliberation of a meeting of the Provincial Development Coordinating Committee but that person shall have no vote.
- (8) The Schedule applies to the Provincial Development Coordinating Committee.

8. Functions of Provincial Development Coordinating Committee

- (1) The Provincial Development Coordinating Committee is responsible for the coordinating of the—
 - (a) formulation, implementation, monitoring and evaluation of a provincial plan and budget in a participatory, transparent and accountable manner which is responsive to the needs of beneficiaries;
 - (b) dissemination of the National and Provincial Development Plans to the general public, within the Province, not later than two months after the coming into effect of the National Development Plan;
 - (c) harmonisation of the provincial development plan and budget with the Long and Medium Term Development Plans; and
 - (d) incorporation of the district development plans into the provincial development plans and the medium term and annual budget.
- (2) In this section "provincial development plan" means a five year plan for implementation of the national development plan, integrated development plan and investment plan relating to a province.

9. Secretariat of Provincial Development Coordinating Committee

The Ministry responsible for development planning at provincial level is the Secretariat to the Provincial Development Coordinating Committee.

10. District Development Coordinating Committee

- (1) There is established a District Development Coordinating Committee for each district to facilitate the Coordinating of the planning and implementation of development activities in the district.
- (2) A District Development Coordinating Committee consists of—
 - (a) the district commissioner, as Chairperson;
 - (b) the town clerk or council secretary, as Vice-Chairperson;
 - (c) the head of each district office of a ministry operating in that district;
 - (d) the head of each technical department within the local authority;
 - (e) not more than two chiefs' representatives from within the district as appointed from among themselves;
 - (f) a representative each from—
 - (i) civil society;
 - (ii) a faith based organisation;
 - (iii) a parastatal; and
 - (iv) the private sector.
 - (g) the head of the constituency office in the district; and
 - (h) the mayor or council chairperson of each local authority located in that province, as *ex-officio*.
- (3) The Provincial Minister shall appoint the members referred to in subsection (2)(e) and (f).

- (4) The District Development Coordinating Committee may invite a person to attend and participate in the deliberation of a meeting of the District Development Coordinating Committee but that person shall have no vote.
- (5) The provisions of the Schedule apply to the District Development Coordinating Committee.

11. Functions of District Development Coordinating Committee

The District Development Coordinating Committee shall advise the local authorities on the—

- (a) formulation, implementation, monitoring and evaluation of district and ward plans and budgets;
- (b) harmonisation of district development plans and budgets with long and medium term, provincial and national development plans;
- (c) incorporation of the ward development plan into the district development plan and the medium term and annual budget; and
- (d) dissemination of the national, provincial and district development plans to the general public, within the district, not later than three months after the coming into effect of the National Development Plan.

12. Secretariat of District Development Coordinating Committee

- (1) The Directorate of Planning in a local authority in the district shall provide secretarial services to the District Development Coordinating Committee.
- (2) The District Development Coordinating Committee shall report to the Provincial Development Coordinating Committee.

13. Cluster Advisory Group

- (1) The Minister, in consultation with the Minister responsible for finance and the Secretary to the Treasury, may constitute Cluster Advisory Groups for the purpose of facilitating the participation of non state actors in the national planning and budgeting processes.
- (2) The Minister shall appoint the chairperson for each Cluster Advisory Group as prescribed.
- (3) The Minister shall, in consultation with the Minister responsible for finance and the Secretary to the Treasury, prescribe the manner and form of holding meetings for stakeholders to input into the planning and budgeting processes.
- (4) The Schedule applies to the Cluster Advisory Group.

14. Functions of Cluster Advisory Group

- (1) A Cluster Advisory Group shall advise the appropriate Minister on the—
 - (a) formulation, implementation, monitoring and evaluation of cluster frameworks and plans in line with the National Development Plan; and
 - (b) translation of the Investment Plan into the medium term development plan and annual budget.
- (2) A Cluster Advisory Group shall, where practicable, harmonise plans for state and non-state actors with the long and medium term development plans of the Government.
- (3) In this section "appropriate Minister" has the meaning assigned to the words in the Public Finance Management Act;

[Act No. 1 of 2018]

Part III – National planning process

15. Long Term Development Planning

The Minister, in consultation with stakeholders, shall initiate preparation of a Long Term Development Plan which shall specify the national long term development aspirations of the Republic.

16. Content of Long Term Development Plan

The Long Term Development Plan for the Republic shall contain—

- (a) socio-economic, spatial and other experiences gained from the subsisting Long Term Development Plan and previous national development plans;
- (b) key statistical data derived from long term demographic projections and other socio-economic data; and
- (c) development initiatives and programmes from, regional and international levels.

17. Preparation of Long Term Development Plan

- (1) The Minister, in consultation with the Minister responsible for finance and Secretary to the Treasury, shall, four years prior to the expiry of the implementation of the existing Long Term Development Plan, prescribe guidelines for undertaking the review and formulation of the successive Long Term Development Plan based on the principles referred to in [section 3](#).
- (2) The Minister, in consultation with the Minister responsible for finance and the Secretary to the Treasury, shall—
 - (a) initiate the development of the Long Term Development Plan;
 - (b) take into account the submissions of stakeholders and call for a stakeholder meeting to validate the submissions made;
 - (c) submit the Long Term Development Plan to Cabinet for approval by June of the year preceding the commencement of its implementation; and
 - (d) on cabinet approval, submit the Long Term Development Plan to the National Assembly for approval by September of the year preceding the commencement of its implementation.
- (3) The National Assembly shall approve a Long Term Development Plan by December of the year preceding the commencement of its implementation.

18. Performance framework

The Minister shall develop a national performance framework based on Long Term Development Plan which shall be the basis for the development of successive national development plans.

19. National Development Plan

- (1) The National Development Plan shall include a macro economic framework, socio-economic development framework, financing framework, strategic focus areas and implementation, coordination, monitoring and evaluation frameworks.
- (2) The Minister, in consultation with stakeholders, shall initiate the preparation of a national development plan, which shall operationalise the national long term development plan.

20. Policy statement

- (1) The Minister shall, by June of the fourth year of implementation of the existing plan, prepare and issue a policy statement on the formulation of the successor plan which shall state the—
 - (a) lessons learnt, challenges and propose broad areas of direction in implementation of the national development plan;
 - (b) process of the preparation of the national development plan; and
 - (c) means of public consultation and participation.

21. Development planning guidelines

- (1) The Ministry shall set guidelines for the management, preparation and dissemination of the National Development Plan in accordance with the approved policy statement.
- (2) Subject to this Act and any other written law guidelines issued in accordance with subsection (1) shall include the institutional arrangements and procedures necessary for the—
 - (a) formulation, approval, implementation, monitoring and evaluation of long and medium term national development plans, budgets, provincial and local development plans, policy frameworks and service delivery standards;
 - (b) effective participation of non state actors at all levels in the national development planning;
 - (c) harmonisation of medium term national, provincial and local development plans with the medium term and annual budgeting process; and
 - (d) appropriate division of roles and responsibilities between the national Government and local authorities, traditional authorities, and non state actors in spearheading national, provincial and local development.

22. Development planning

- (1) The Minister responsible for development planning shall cause the preparation of an integrated medium and long term national development plan with budgets which take into account regional and international development aspirations.
- (2) The ministries, provinces and districts shall at the beginning of each medium term budget plan cycle, undertake a review of the previous medium term budget plan and prepare a report on the progress made towards the implementation of the projects and programmes specified in the medium term budget plan.
- (3) The Minister shall—
 - (a) initiate the preparation of the national development plan;
 - (b) take into account the submissions of stakeholders and call for stakeholders meeting to validate the submissions made; and
 - (c) submit the draft national development plan to Cabinet for approval.

23. Approval of National Development Plan

- (1) The Minister shall lay before the National Assembly the National Development Plan for approval.
- (2) Subject to the Constitution, except as otherwise resolved by the National Assembly, programmes and projects of national character in an approved National Development Plan, and spanning beyond the life span of a national development plan period shall be binding to successive Governments.

[Cap. 1]

- (3) For the purposes of this section "project of national character" means a project whose benefits are intended to accrue to the majority of the population.

24. Appraisal of major project and programme

- (1) The ministries responsible for development planning and budget shall appraise a major project and programme required to be appraised before being included in a national development plan, national budget and medium term budget plan.
- (2) The Minister shall issue guidelines for the appraisal of major projects and programmes.
- (3) The ministry responsible for development planning shall publish in the *Gazette* a schedule of approved appraised projects.

25. Preparation of implementation plans

- (1) The ministries responsible for development planning and budget shall, after the launch of the National Development Plan, facilitate and guide the preparation of the implementation plans.
- (2) The provincial and district level implementation plan shall be developed within two months of the National Development Plan.
- (3) A controlling officer of a ministry shall, every five years, after consultation with the relevant Cluster Advisory Group, prepare and submit to the ministry responsible for development planning, an Investment Plan in the prescribed manner and form.

26. Institutional strategies and implementation plans

- (1) A ministry, provincial office, local authority and spending agency that receives an appropriation or appropriation-in-aid shall prepare a five year institutional strategic and implementation plan within four months of the coming into operation of the National Development Plan.
- (2) An institutional strategic and implementation plan shall specify how the ministry, provincial office, local authority and spending agency will contribute to the achievement of the development targets set out in the National Development Plan.
- (3) An institutional strategic and implementation plan prepared in accordance with subsection (1), shall form the basis of medium term and national budget estimates of a ministry, provincial office, local authority and spending agency.

27. Link to National Planning Framework

The minister responsible for local government shall, in consultation with the Minister, approve the National Planning Framework in accordance with the provisions of the Urban and Regional Planning Act, for the purposes of integrated planning under the National Development Plan.

[Act No. 3 of 2015]

28. Annual monitoring and evaluation of the National Development Plan and Budget

- (1) The Minister shall, in each year, cause the monitoring, evaluation and reporting of progress with regard to the implementation of the National Development Plan and national budget to ascertain whether development objectives of national projects and programmes are being attained.
- (2) A ministry, province, and district shall prepare monitoring and evaluation periodic reports outlining the status.

29. Annual review of National Development Plan

- (1) The Minister, in consultation with the minister responsible for finance and the Secretary to the Treasury shall, on or before the last Friday of May of each year, table before the National Assembly the annual review of the National Development Plan.
- (2) An annual review shall consider—
 - (a) capital investment projects with particular focus on the physical execution of a project in relation to the expenditure incurred and the time remaining to complete the project;
 - (b) the extent to which the output targets in the National Development Plan have been attained; and
 - (c) the performance of the national budget for the previous financial year in relation to its contribution to the achievement of the output targets in the national development plan.
- (3) An annual review shall specify—
 - (a) any adjustment to strategies and associated projects and programmes specified in the plan; and
 - (b) any change in priorities in the National Development Plan that results from socio-economic policies or other developments.
- (4) The annual review shall form the basis for the formulation of the medium term budget plan for the period of three years following the submission of the review under subsection (1).

30. Mid-term review of National Development Plan

- (1) The Minister, in consultation with the Minister responsible for finance shall lay before the National Assembly, before or on the last Friday of May in the fourth year of implementing a National Development Plan, a detailed mid term review of the progress made over the first three years of implementation, together with any adjustments necessary to meet the overall development targets of the National Development Plan by the end of the following year.
- (2) The ministries shall, when preparing the annual and midterm review of the National Development Plan, include the assessment of the impact of the projects implemented in the subsisting National Development Plan.
- (3) The mid term review shall form the basis for the formulation of the next National Development Plan.

31. Evaluation report

- (1) The Minister shall cause to be produced a final evaluation report of the plan two years after the expiry of the plan.
- (2) The Minister shall lay before the National Assembly a final evaluation report within six months of its production.

Part IV – Budget preparation process

32. Budget policy paper

- (1) A controlling officer for a head of expenditure shall, Budget by the second Friday of April of each year, submit to the Permanent Secretary responsible for budget and Permanent Secretary responsible for planning a detailed budget policy paper which shall include—
 - (a) the annual performance review of the National Development Plan for the head of expenditure;
 - (b) proposed new projects which have been appraised and approved in accordance with [section 24](#);
 - (c) proposed changes relating to—
 - (i) expenditure policy, including wage, recruitment and investment policy;
 - (ii) administration of fees and fines;
 - (iii) assistance from cooperating partners; and
 - (iv) any other policies that may have implications on Government's fiscal position; and
 - (d) annual output targets to be achieved in the next three financial years.
- (2) In this section "cooperating partner" means a person or organisation that renders material, technical or financial assistance to the Republic.

33. State and non-state actors submission of budget policy proposals

A state or non-state actor may, by the last Friday in April of each year, submit to the Minister for consideration, revenue or expenditure policy proposals for the forthcoming financial year.

34. Policy hearing

- (1) The Permanent Secretary responsible for budget, in consultation with the Permanent Secretary responsible for planning shall by the first Friday of May of each year submit to the Secretary to the Treasury a report on salient issues emanating from the submission under sections [32](#) and [33](#) for the purpose of advising the Secretary to the Treasury on the proposed policy direction and resource implications.
- (2) The Secretary to the Treasury may, by the second Friday in May each year, consult with the controlling officer of a head of expenditure on the budget policy paper submitted in accordance with [section 32](#), to ascertain the proposed policy direction and resource implication.

35. Budget policy concept paper

The minister responsible for finance shall, in consultation with the Minister, on or before the second Friday of June each year, submit a budget policy concept paper to Cabinet for approval of the principal budget policies to be adopted over the next three years.

36. Green paper on Medium Term Budget Plan

- (1) The minister responsible for finance shall, in consultation with the Minister, on an annual basis, prepare the medium term budget plan which shall form the basis of the implementation of the National Development Plan.

- (2) Subject to subsection (1), the Medium Term Budget Plan shall include—
 - (a) a review of the economic and fiscal performance for the last three years;
 - (b) proposed economic and fiscal policies for the next three years;
 - (c) indicative resources and expenditure allocations by head of expenditure;
 - (d) total indebtedness of the public sector and the financing plans for the next three years; and
 - (e) any other data that the Minister responsible for finance may consider appropriate.
- (3) The minister responsible for finance shall, in consultation with the Minister, on or before the first Friday of July each year, submit the Medium Term Budget Plan as a green paper to Cabinet for approval.

37. Public consultation on green paper

- (1) The green paper on the Medium Term Budget Plan shall be published for public consultation by the second Friday of July each year.
- (2) The minister responsible for finance shall, in consultation with the Minister, by the second Friday of July, submit to the appropriate Committee of the National Assembly the green paper on the Medium Term Budget Plan for consultation.
- (3) The Committee referred to in subsection (2) may consult any state or non-state actor on any issue on the green paper.
- (4) A state or a non state actor may, by the first Friday in August of each year, submit their comments on the green paper to the minister responsible for finance for consideration before finalisation.

38. Budget Call Circular

- (1) The Secretary to the Treasury shall, on approval of the Medium Term Budget Plan by the second Friday of July each year, issue to each controlling officer a Budget Call Circular.
- (2) The Budget Call Circular issued by the Secretary to the Treasury in accordance with subsection (1), shall include—
 - (a) the key policies to be observed, the parameters to be utilised and the procedures to be followed in the preparation of the estimates of revenue and expenditure at national, provincial, district and local levels;
 - (b) indicative resource ceilings and expenditure allocations; and
 - (c) the deadline for the submission of the budget framework paper and the estimates of revenue and expenditure.

39. Submission of budget framework paper

- (1) A controlling officer shall, by the second Friday in August, submit to the Secretary to the Treasury a budget framework paper on the estimates of revenue and expenditure for the next three years.
- (2) The budget framework paper shall include—
 - (a) a review of the first half of the year of the current budget indicating progress on the attainment of the output targets;
 - (b) a description of the programmes and projects in respect of which the estimates for the next three years apply;
 - (c) specification of the output targets to be achieved over the next three years and how they relate to the objectives in the National Development Plan; and

- (d) the projected revenue targets for the next three years, where applicable.

40. Budget hearing

The Secretary to the Treasury may, by the last Friday in August each year, cause to be reviewed with the relevant controlling officer, the budget framework paper and estimates for a head of expenditure, submitted in accordance with [section 40](#), to ensure consistency with Government's medium term policies and the National Development Plan.

41. National budget policy statement

The minister responsible for finance shall, in consultation with the Minister, on approval of the national budget by Cabinet, prepare a national budget policy statement for the next financial year, which includes—

- (a) an overview of the domestic and international macroeconomic environment in which the estimates were prepared;
- (b) an outline of the economic and fiscal policies proposed for the upcoming financial year including an explanation of any major changes in economic and financial policy;
- (c) the objectives and priorities of the proposed estimates including significant receipts and expenditures of the current financial year;
- (d) a summary of the projects and programmes for which appropriations are proposed;
- (e) any deficit or surplus projected for the current financial year and any expected deficit under the proposed estimates;
- (f) a description of the annual and medium term fiscal strategy;
- (g) the maximum limits that the Government intends to borrow or lend in that financial year in accordance with the Constitution; and

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- (h) any other information that the Minister considers necessary.

42. National budget

- (1) Subject to the Constitution, the national budget shall operationalise the implementation of the National Development Plan.
- (2) The national budget shall include estimates of revenue and expenditures of the Government.
- (3) The revenues of the budget consists of—
 - (a) tax revenues;
 - (b) revenues earned on activities of spending agencies under any law;
 - (c) interests and dividends;
 - (d) domestic and foreign grants;
 - (e) domestic and foreign borrowing; and
 - (f) any other revenues paid to the Government in accordance with any law.
- (4) Expenditure and other outlays from the budget may consist of—
 - (a) current expenditure;
 - (b) capital expenditure;

- (c) transfers;
 - (d) lending and equity participation; and
 - (e) repayment of public debt.
- (5) The budget expenditure estimates shall be balanced against total revenue estimates.
- (6) The budget shall contain a contingency reserve which shall not exceed five percent of domestic revenues.
- (7) In this section "public debt" has the meaning assigned to the words in the Public Finance Management Act.

[Act No. 1 of 2018]

[Cap. 1]

43. Presentation of budget to National Assembly

Subject to the Constitution, the Minister responsible for finance shall, in each financial year, prepare and lay before the National Assembly, the national budget for the Republic for the next financial year.

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44. White paper on Medium Term Budget Plan

The minister responsible for finance shall, within thirty days from the beginning of the financial year, following the approval of the national budget by the National Assembly, publish the Medium Term Budget Plan as a white paper.

45. Supplementary estimates

- (1) Supplementary estimates of expenditure shall not be incurred except in accordance with the Constitution.
- (2) The minister responsible for finance shall lay before the National Assembly the sources of finance proposed for any supplementary estimates of expenditure when they are being tabled for approval.
- (3) The implications on the output targets associated with the supplementary estimates of expenditure, shall be tabled with the request for authorisation of the supplementary estimates of expenditure.

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46. Limitation and conditions for issuance of warrants for excess expenditure

- (1) The President shall not issue a warrant under Article 204 of the Constitution for excess expenditure under any head of expenditure, unless there is an exceptional situation arising from—
 - (a) the declaration by the President of a natural or man made disaster under the Disaster Management Act;
 - (b) a threat to national security as may be determined by the President; or
 - (c) any unforeseen event necessitating the incurring of excess expenditure.

[Cap. 1; Act No. 57 of 2010]

- (2) The minister responsible for finance shall, at the sitting of the National Assembly following the approval of the excess expenditure in accordance with Article 203 of the Constitution, lay before the National Assembly together with the Excess Expenditure Appropriation Bill, the source of finance

for the expenditure and the impact the expenditure will have on other expenditure programmes, revenue estimates or the budget deficit.

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47. Accountability of controlling officer

- (1) A controlling officer is accountable for the attainment of the output targets set out in the estimates of revenue and expenditure falling under the controlling officer's mandate.
- (2) A controlling officer who contravenes subsection (1) is liable to disciplinary action as may be determined by the appointing authority.

48. Budget performance report

A minister responsible for a head of expenditure shall submit a budget performance report relating to the previous year to the National Assembly by the last Friday of June or the end of the second sitting, in a financial year, of the National Assembly, whichever is later.

49. Mid-year performance report

The minister responsible for finance shall lay before the National Assembly a mid-year budget performance report.

Part V – General provisions

50. Recruitment and placement of planners

The minister responsible for development planning shall recommend the recruitment and placement of, and manage and supervise, planners in public bodies.

51. Guidelines

- (1) The Minister and the minister responsible for finance may, in the exercise of their respective functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.
- (2) The guidelines issued under subsection (1) shall be published in the *Gazette*.
- (3) The guidelines issued under this Act bind all persons regulated under this Act.

52. Regulations

- (1) The Minister may, in consultation with the minister responsible for finance, by statutory instrument, make regulations for the better carrying out of this Act.
- (2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for—
 - (a) planning and budgeting policy frameworks;
 - (b) development planning processes and procedures for the formulation of long and medium term national development plans and annual budgets;
 - (c) the manner and form of an Investment Plan;
 - (d) carrying out a project appraisal in accordance with this Act;
 - (e) the method for the participation of stakeholders in the planning and budgetary processes;

- (f) the formulation of a provincial development plan or district development plan;
- (g) processes and procedures of conducting annual review monitoring and evaluation; and
- (h) anything which may be prescribed for the better carrying out of the provisions of this Act.

53. Savings and transitional provisions

This Act shall not invalidate any Appropriation Act, Supplementary Appropriation Act or Excess Expenditure Appropriation Act, Long Term Plan or National Development Plan or other planning or fiscal measure or framework that was in force before the coming into operation of this Act.

Schedule (Sections 5(3), 7(8), 10(5) and 13(4))

Proceedings of Committees and Cluster Advisory Groups

1. Proceedings of Committee and Cluster Advisory Group

- (1) A committee or Cluster Advisory Group shall meet for the transaction of business at least once in every three months at such places and times as a committee or Cluster Advisory Group may determine.
- (2) A meeting of a committee or Cluster Advisory Group may be called by the Chairperson upon giving notice of not less than fourteen days, and shall be called by the Chairperson if one-third or more of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of the notice, a special meeting may be called upon giving a shorter notice.
- (3) The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, with half of the other members shall constitute a quorum at a meeting of a committee or Cluster Advisory Group.
- (4) There shall preside at a meeting of a committee or Cluster Advisory Group—
 - (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice-Chairperson; and
 - (c) in the absence of the Chairperson and the Vice-Chairperson, such other member as the members present may elect for the purpose of that meeting.
- (5) A decision of a committee or Cluster Advisory Group on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.
- (6) A member who is for any reason unable to attend a meeting of a committee or Cluster Advisory Group may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.
- (7) A committee or Cluster Advisory Group may invite a person, whose presence is in its opinion desirable to attend and to participate in the deliberations of the meeting of a committee or Cluster Advisory Group, but that person shall have no vote.
- (8) The validity of any proceedings, acts or decisions of a committee or Cluster Advisory Group shall not be affected by any vacancy in the membership of a committee or Cluster Advisory Group or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.
- (9) A committee or Cluster Advisory Group shall cause minutes to be kept of the proceedings of every meeting of a committee or Cluster Advisory Group and every meeting of any committee or Cluster Advisory Group.

2. Committees of Sector Advisory Group

- (1) A committee or Cluster Advisory Group may, for the purpose of performing its functions establish committees that it considers necessary and delegate to any of those committees any of its functions.
- (2) A committee or Cluster Advisory Group may appoint as members of a committee persons who are or are not members of a committee or Cluster Advisory Group, except that at least one member of a committee or Cluster Advisory Group shall be a member of a committee.
- (3) A person serving as a member of a committee shall hold office for such period as a committee or Cluster Advisory Group may determine.
- (4) Meetings of the committee shall be held at such times as the committee may determine or as a committee or Cluster Advisory Group shall direct.
- (5) Subject to any specific or general direction of a committee or Cluster Advisory Group, a committee may regulate its own procedure.

3. Allowances

A member of a committee or any sub committee of a committee shall be paid such emoluments as the Emoluments Commission may determine.

4. Disclosure of interest

- (1) A person who is present at a meeting of a committee or Cluster Advisory Group or a committee of a committee or Cluster Advisory Group at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless a committee or Cluster Advisory Group otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.
- (2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.
- (3) In this paragraph—
 - (a) " associate " has the meaning assigned to the word in the Anti-Corruption Act; and
[Act No. 3 of 2012]
 - (b) " relative " means—
 - (i) a person's son, daughter, brother, sister, nephew, niece, parent, uncle, aunt, grandparent or cousin; and
 - (ii) a person's spouse or the spouse of any of the persons mentioned in subparagraph (i).

5. Immunity

An action or other proceeding shall not lie or be instituted against a member of a committee or Cluster Advisory Group for or in respect of an act or thing done or omitted to be done in good faith in the exercise or performance of the powers, functions or duties conferred under this Act.