

REPUBLIC OF SOUTH SUDAN

LAWS OF SOUTH SUDAN

PUBLIC FINANCIAL MANAGEMENT REGULATIONS

2026

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PART I – PRELIMINARY

1. Citation and Application

1. These Regulations may be cited as the Public Financial Management Regulations, 2025.
2. These Regulations apply to all public bodies, “donor funded projects” and public enterprises.
3. These Regulations apply to all State governments and Administrative Areas .

2. Interpretation

In these Regulations, unless the context otherwise requires– “Act” means the Public Financial Management and Accountability Act 2011(Amendment 2024);

“Accounting Officer” means a person designated, as part of their official duties, under section 8 of the Act, as an accounting officer; and does not mean a separate position/job classification under Civil Service laws and Regulations—

(a) with respect to a State, its director general of finance, and,

(b) with respect to other Spending Agencies—

(1) Its Undersecretary;

(2) If it has no Undersecretary, it's Chief Executive Officer; or,

(3) If it has neither an Undersecretary nor a Chief Executive Officer, the person who has principal day-to-day administrative authority over its operations and personnel. In the special case of an autonomous executive agency, these terms mean the director or head of that Agency and not the Accounting Officer of the Spending Agency of which such Agency is a part. In the case of a Public Enterprise or Corporation, these terms mean the chief executive officer, managing director or other person having principal day-to-day administrative authority over its operations and personnel;

“Allocation” means funds allocated for expenditure as a part of the Budget;

“Appropriation” means legal authority to spend, as granted by the Transitional National Legislative Assembly through an Appropriation Act or a Supplementary Appropriation Act;

“Appropriation-in-Aid” means an appropriation for expenditure of a Spending Agency that is financed by revenue approved by Parliament to be used by the Spending Agency;

“Appropriation Bill” means a Bill presented to the Assembly for approval of the expenditures contained within the Budget, giving legal authority to spend;

“Assembly” means the Transitional National Legislative Assembly (TNLA);

“Auditor-General” means the person appointed or deemed to have been appointed Auditor-General pursuant to the Constitution and in accordance with the Audit Chamber law;

“Authorized Investment” shall mean government debt securities and bank deposit accounts denominated in a freely convertible currency whose rating is within the top three categories of an international ratings agency;

“Bank” means the Bank of South Sudan or its successor;

“Budget Ceiling” means the total budget allocation to an individual Spending Agency for expenditure within the Budget;

“Budget Call Circular” means a written instruction issued by the Minister providing broad guidelines on the budget process of the national government;

“Cash basis of accounting” means a basis of accounting where revenues are recognized and recorded when cash is received and expenditure is recognized and recorded when cash is paid;

“Cash Limit” means the amount of money available to a Spending Agency and shall be set on the basis of revenue availability and expenditure priority, within the limits of the budget ceilings appropriated for each Spending Agency in the Approved Budget;

“Capital transfers” means transfers in which the ownership of an asset (other than cash or inventories) changes from one party to another or that oblige one or both parties to acquire or dispose of an asset (other than cash or inventories)

“Certifying Officer” means the individual within a Spending Agency, or a Public Enterprise or Corporation who is employed in that position pursuant to section 13 of the PFMA Act.

Classified expenditure means the expenses and commitments incurred by an authorized agency for the collection and dissemination of information related to national security interests and includes the cost of procurement and maintenance of the related assets;

“Constitution” means the Transitional Constitution of the Republic of South Sudan, 2011(as amended);

“Consolidated Fund” means the Consolidated Fund of South Sudan, out of which all Government expenditures are made, following appropriation by the Legislative Assembly;

“Director General of Accounts” means the technical and operational Head of Government Accounting responsible for safeguarding public resources through accurate recording, transparency and sound financial control within the Public Financial System.

“Economy” means minimising the cost of resources used or required to achieve priority objectives;

“Effectiveness” means the extent to which a programme intervention has attained, or is expected to attain, its objectives efficiently in a sustainable manner;

“Efficiency” means a measure of how economically resources or inputs including fund, expertise and time are converted to results;

“Electronic Document” means information that is created, generated, communicated, stored, displayed or processed by electronic means;

“Electronic Fund Transfer” means any transfer of funds, other than a transaction originated by cheque, draft or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, point-of-sale terminal, stored value card terminal, debit card, Automated Teller Machine (ATM), computer magnetic tape or any other electronic device so as to order, instruct, or authorize a financial institution to debit or credit an account.

“Financial Officer” means the individual within a Spending Agency or a Public Enterprise or Corporation who is employed in that position pursuant to the Act;

“Financial Year” means a period of twelve months beginning on 1st July and ending on 30th June of the other year;

“Government” means Revitalized Transitional Government of National Unity (RTGoNU) established in accordance with the provisions of the constitution.

“Internal Audit” means an independent, objective assurance and consulting activity designed to add value and improve an organization's operations and help it accomplish its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, and governance processes;

“Internal Auditor” means the individual within a Spending Agency, or a Public Enterprise or Corporation who is employed in that position pursuant to the Act;

“Internal Control” means a set of processes and systems designed and effected to ensure that financial and other records are reliable and complete and which ensure compliance with applicable laws, Regulations and policies, the orderly and efficient conduct of the entity’s operations, and the proper recording and safeguarding of assets and resources;

“Irregular Expenditure” means expenditure, other than authorized expenditure, incurred in contravention of or that is not in accordance with a requirement of any applicable legislation, including this Act;

“Loan” means any form of financing raised by the Government from a third party, which has to be repaid, either in part or in full, at a later date;

“Minister” means the minister responsible for finance and planning;

“Ministry” means the ministry responsible for finance and planning;

“National Emergencies” means the consequences of epidemics, unforeseen acts of nature or war which could not have been anticipated, and for which spending cannot be postponed without detriment to the public interest;

“Outputs” means goods produced or services provided;

“On-lending” means any form of lending of borrowed funds or own resources by Government to public or private enterprises or State governments or Administrative Areas;

Overspending- in relation to a vote, means where expenditure under the vote, exceeds the amount appropriated for that vote.

“President” means the President of the Republic of South Sudan;

“Procurement Officer” means the individual within a Spending Agency, or a Public Enterprise or Corporation who is employed in that position pursuant to the Act;

“Public Bodies” refers to any institution whose establishment is mandated in the Constitution or by law;

“Public Money” or **“Public Funds”** means money or financial assets in the custody or under the control of any Spending Agency, including money that is held by the Spending Agency for the benefit of a person, body, or undertaking other than the Spending Agency; and Money or financial assets in the custody or under the control of any person, body or undertaking maintaining such custody or exercising such control for or behalf of a Spending Agency. Items that become public money upon receipt include, but are not limited to, amounts received by a Spending Agency as—

- (a) Taxes, fees, duties or user charges;
- (b) Interest;
- (c) Dividends or any other payments from undertakings;
- (d) Proceeds from the sale of any property;
- (e) Proceeds from rental or lease of any property;
- (f) Proceeds received from licensing or selling any rights involving a public resource, including, but not limited to, radio spectrum rights, natural resource exploration or exploitation rights, and intellectual rights;
- (g) Rents or royalties;
- (h) Revenue of a Spending Agency;
- (i) Fines, regulatory charges, damages from civil actions, and insurance proceeds; or
- (j) Grants and gifts from international organizations, foreign governments, or any

other source;

"Public Officer" means a person holding or acting in any public office within a state organ. The emoluments attaching to which are paid directly from the Consolidated Fund or of moneys provided by the Assembly;

"Public Property" means resources owned by the Government or in the custody or care of the Government;

"Public Enterprise" or **"Public Corporation"** means an enterprise or corporation established by an act of the Assembly in which the Government is able to do one or more of the following—

- (a) control the composition of the board of directors of the enterprise or corporation;
- (b) cast, or control the casting of more than fifty percent of the maximum number of votes that might be cast at a general meeting of the enterprise or corporation; and,
- (c) control more than fifty percent of the issued share capital of the enterprise or corporation, excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital.

"Recurrent Expenses" include the expenditure that is incurred in operating the services provided by the entity, but does not include expenditure incurred in creating or renewing assets belonging to or managed by that entity;

"Reporting Officer" means the individual within a Spending Agency or a Public Enterprise or Corporation who is employed in that position pursuant to the Act;

"Reserve Funds" means Government monies which are not appropriated and therefore are not available for expenditure;

"Revenue Fund" means the fund into which all funds received by the Government are deposited into;

"Spending Agency" means any Government Ministry, Commission, Public Corporation, Institution or Public Enterprise which receives a budget allocation in the Appropriation Act;

"State" refers to any of the States and Administrative Areas as established by the Constitution;

"State Assembly" means the legislative assembly of a State;

"Supplementary Appropriation Bill" means a law to be passed by the Assembly, the purpose of which is to supplement the appropriation already granted by the Appropriation Act;

"Transitional period" means the period referred to under Article 51A (2) and (3) of the Constitution.

"Unauthorized Expenditure" means overspending of a vote or a main division within a vote; expenditure not in accordance with the purpose of a vote or in the case of a main division, not in accordance with the purpose of the main division

"Undersecretary" means a public servant, official or employee appointed by the President to be the chief executive officer of a ministry and includes the most senior public servant of a Spending Agency.

“Vote” means one of the main segments into which an Appropriation Act is divided and which specifies the total amount that is usually separately approved by the Assembly before it approves the relevant appropriation Act as such.

3. Financial management forms and manuals.

- i. The Ministry shall publish financial manuals and forms which may be used by national, states and Administrative Areas government entities to support implementation of these Regulations.
- ii. The financial manuals and forms issued in accordance with these Regulations shall facilitate adoption of international standards and emerging best practices.
- iii. The publications under paragraph (1) of this regulation shall be made with the approval of the Minister.
- iv. The financial manuals shall include procedures for budget preparation, budget execution, maintaining books of accounts, formats for financial reporting statements, and the Government’s standard chart of accounts.

PART II - MACRO - FISCAL MANAGEMENT

4. Fiscal Objectives, Framework, Development Planning, and Policy Costing

(1) The fiscal objectives of the Government shall be guided by Section 7(1) of the Act and shall ensure the sustainable funding of government expenditure. Subject to this primary objective, the fiscal objectives shall promote macroeconomic stability, inclusive economic growth, and poverty reduction, and shall be aligned with the national development plan.

(2) The Ministry shall prepare a Fiscal Strategy Statement, which shall be approved by the Council of Ministers, and shall contain:

- I. A statement of fiscal objectives for the current financial year and at least the following three financial years, consistent with the Medium-Term Expenditure Framework (MTEF) and development planning priorities;
 - II. A definition of fiscal indicators, in accordance with internationally accepted standards, including but not limited to:
 - (i) Public debt and publicly guaranteed debt;
 - (ii) Overall fiscal balance and primary balance;
 - (iii) Compensation of employees;
 - (iv) Revenue and external grants;
 - (v) Any other fiscal indicators deemed material to the fiscal objectives;
 - III. The coverage of the general government and its sub-sectors for the purposes of fiscal reporting and target setting;
 - IV. The designation of institutions responsible for generating fiscal data and the reporting mechanisms to monitor compliance with fiscal objectives.
- (3) The Fiscal Strategy Statement shall also include—
- i. An analysis of consistency between the fiscal forecasts and the stated fiscal objectives;
 - ii. Justifications for any inconsistencies, including proposed corrective measures to ensure future alignment;

- iii. An assessment of changes from previous fiscal strategies, including explanations for any significant deviations;
 - iv. An articulation of how fiscal strategy supports the goals and priorities of the national development plan.
- (4) The fiscal framework contained in the Budget Policy Statement shall include—
- (a) Forecasts, expressed in South Sudan Pounds and as a percentage of Gross Domestic Product, for the current financial year, the following three financial years, and the actual results of the previous financial year, covering:
 - (i) Revenues, classified by major categories;
 - (ii) Expenditures, classified by economic and functional classifications;
 - (iii) Capital expenditures;
 - (iv) Overall and primary fiscal balances;
 - (v) Levels of public and publicly guaranteed debt;
 - (vi) Key macroeconomic assumptions and sensitivity analyses;
 - (vii) Any other information deemed material to fiscal strategy by the Minister.
 - (b) An explanation of fiscal policies in relation to fiscal responsibility principles and any exceptional or temporary measures proposed to maintain or restore compliance;
 - (c) A detailed policy analysis including—
 - (i) Revenue policy, including proposed changes to tax or non-tax revenue measures;
 - (ii) Deficit and debt policy, including debt sustainability assessments;
 - (iii) Expenditure policy, including priority areas, spending limits, and ceilings at national and sub-national levels.
- (5) The Minister shall issue guidelines and formats for the preparation of consolidated general government accounts for fiscal and statistical purposes and shall gazette the effective dates for implementation.
- (6) No policy with financial implications may be submitted to the Council of Ministers without prior costing and affordability assessment. The responsible Minister proposing the policy shall submit to the Minister:
- i. A comprehensive cost estimate of the policy;
 - ii. An assessment of its fiscal affordability over the medium term.
- (7) The Minister of Finance and Planning shall issue a formal opinion on the cost and affordability of any policy proposal with financial implications, which shall accompany the proposal or draft legislation submitted to the Council of Ministers for consideration.
- (8) The Minister shall issue a circular prescribing—
- i. The timeframe and process for submission of policy proposals with financial implications;
 - ii. The required formats, standards, and documentation for fiscal impact analysis;
 - iii. Any additional instructions necessary to ensure alignment of policy proposals with fiscal responsibility principles and development planning priorities

PART –III PREPARATION AND APPROVAL OF BUDGET

5. Classification and Structure of the Budget

5.1 General Budget Composition

- 1) The General Budget shall comprise:
 - (i) Salaries, wages and employee benefits;
 - (ii) Operational costs;
 - (iii) Transfers to States and Administrative Areas, including: taxation transfers, budget support and state development projects;
 - (iv) Government contributions to development projects and equity participation in public corporations;
 - (v) Interest payments and debt-service charges on domestic and external debt.
- 2) All revenues and expenditures shall be presented on-budget and made publicly available; no Government spending shall occur off-budget or outside the Consolidated Fund, except as expressly permitted by law.

5.2 Classification Requirements

- 1) The Director General of Accounts, on advice from the Director General of Accounts, shall determine and maintain budget classification systems in accordance with internationally accepted standards and the Chart of Accounts, including administrative, economic, functional, and program-based classifications.
- 2) Budget estimates shall be prepared and presented on a gross basis, clearly identifying revenue sources (including donor financing), expenditure items, and any transfers or reserve allocations.

5.3 Program and Economic Groupings

- (1) Each head of expenditure shall be structured into programs .Each program shall:

- (a) Include all corresponding line items of expenditure;
 - (b) Be classified by economic groups: compensation of employees; recurrent expenditure; current transfers; capital transfers; and capital expenditure.

- (2) Separate line items must be used for each type of personnel allowance.

6. Budget Preparation, Timetable and Responsibilities

6.1 Role of the Ministry of Finance and Planning

- (1) The Ministry shall coordinate macroeconomic and fiscal planning; monitor public finances; oversee national and sub-national financial management; safeguard transparency; and manage the Consolidated Fund and all related financial institutions.
- (2) It shall establish robust financial systems, administer procurement and payroll controls, and manage audit functions and intergovernmental fiscal relations. It shall also monitor implementation of development programs and partnerships with humanitarian and development actors.

6.2 Accounting Officers

- (1) Each Spending Agency, as designated by the Appropriation Act, shall be headed by an Accounting Officer, responsible for lawful, efficient, and transparent use of budgeted resources.
- (2) The Accounting Officer shall ensure:

- i. Estimates are complete, accurate, efficient, and compliant with relevant laws;
- ii. Submission of estimates in approved formats and through IFMIS;
- iii. Maintenance of financial records and internal audit functions;
- iv. Transparent procurement processes and timely reporting.

(3) The Accounting Officer may delegate duties in writing, but remains fully responsible for delegated acts.

6.3 Cash Management

(1) The Minister shall appoint a Cash Management Committee, including officials from the Ministry, Bank of South Sudan, and Revenue Authority, to monitor revenue performance, advise on cash limits and make prompt adjustments as needed

(2) Cash limits for Spending Agencies shall be set based on revenue availability, budget ceilings, and priority ranking, and must be adjusted promptly if revenue shortfalls occur.

6.4 Budget Calendar and Process

(1) The financial year begins 1 July and ends 30 June annually.

(2) Budget preparation shall follow this schedule:

- i. By 15 November (Year N–1): Preliminary estimates with three-year fiscal projections submitted to Council of ministers;
- ii. By 31 January (Year N): Spending Agencies submit three-year budget plans;
- iii. By 15 February : Fiscal Strategy statement/Budget Policy Statement prepared by the Ministry
- iv. By end February (Year N): Resources and fiscal plans presented to Assembly Committee;
- v. By 15 March (Year N): Council of Ministers approves final ceilings;
- vi. By 31 March (Year N): Ceilings issued to Agencies and State Finance Ministry;
- vii. By 15 April (Year N): Consolidated draft budget submitted to Council of Ministers;
- viii. By 30 April (Year N): Budget Proposal submitted to the Assembly;
- ix. By 15 May (Year N); Preparation of Annual Procurements plans and annual cashflow plans;
- x. If the Assembly fails to pass the Budget by 30th June, the President may issue a Presidential Decree effecting the Budget.

7. Participatory Planning and Medium-Term Framework

7.1 Participatory Procedures

(1) The Minister shall enact Regulations facilitating stakeholder participation including public consultations led by the Undersecretary featuring civil society, media, donors, non-state actors, and parliamentary representatives.

7.2 Medium-Term Budget Framework (MTBF)

- I. Spending Agencies must prepare MTBFs covering three years (N+1 to N+3), including strategic objectives, KPIs, procurement plans, and costed expenditures, consistent with national development strategy.
- II. MTBFs must be submitted in tandem with annual estimates and updated regularly to reflect changes.

7.3 Budget Impact Assessment for Legislation

(1) Any draft law or amendment with financial implications must include a budgetary and economic impact statement, reviewed by the Ministry, and provided to the Assembly before passage.

(2) State and Administrative Area involvement is required for assessments affecting their jurisdictions.

8. Appropriations, Supplementary Estimates, Virements and Control

8.1 Appropriation of Budget

- I. No public expenditure or revenue collection may occur except under authority of the Assembly via an Appropriation Bill or Supplementary Appropriation Bill.
- II. The President shall cause the Appropriation Bill and related financial legislation (taxes, borrowing) to be presented, prepared by the Minister on his behalf.
- III. The Assembly may amend chapters and schedules, with offsetting adjustments to ensure the Bill balances.
- IV. Appropriations shall be allocated by chapter and by Spending Agency, identifying each Agency's budget ceiling.

8.2 Multi-Year Projects and Interim Spending

(1) For programs extending beyond a single year, payment may be made from the Consolidated Fund as contractual obligations, with a report submitted to the Assembly within three months.

(2) If the Appropriation Act is delayed, recurrent spending may proceed monthly in line with draft budget estimates.

8.3 Supplementary Appropriation

(1) Transfers between chapters, surplus utilization, or spending for new purposes require a Supplementary Appropriation Bill.

(2) Such requests must detail financing methods—whether reallocations, reserve funds, or new revenues.

(3) Under normal conditions, supplementary appropriations may not exceed 10% of the annual budget, unless authorized by the Assembly in the event of a national emergency.

8.4 Virements (In-year Reallocations)

(1) Reallocations may be made within budget heads up to 10% with Ministerial approval; they must not increase personnel costs or alter statutory priorities.

(2) Agencies shall submit written applications, maintain a virement register, and provide quarterly reports.

(3) The Minister (or delegate) shall issue sequentially numbered virement warrants.

8.5 Unauthorized and Unbudgeted Expenditure

(1) No Agency may incur spending outside appropriations without legal authority.

(2) Unauthorized expenditure may only be regularized by Assembly resolution; otherwise, future allocations shall be reduced accordingly.

8.6 Contingency Fund

- (1) A specially designated Contingency Fund shall be maintained for national emergencies.
- (2) Contributions to the Fund must be appropriated annually and replenished through supplementary or subsequent budget allocations.
- (3) Withdrawals require a Council of Ministers' resolution and must be reported to the Assembly within three months.

8.7 Classified Expenditure

- (1) Certain expenditures of the Ministry of Defence and Security Services may be classified for security reasons.
- (2) Classified items remain within Agency ceilings and are accessible only to the Speaker, Chairs of Finance and Security Committees, and the Auditor-General.
- (3) The Auditor-General shall audit such expenditures, and reports are reviewed by designated parliamentary committees and approved by both the Speaker and President.

PART IV—CASH MANAGEMENT AND BANKING ARRANGEMENTS

Subpart I – Banking Arrangements

9. Treasury Single Account

9.1 Establishment of the Core TSA

- (1) In accordance with section 63 of the Act, the Minister shall establish a core Treasury Single Account (TSA) structure, including:
 - i. A single Treasury Main Account with the Bank of South Sudan;
 - ii. Designated TSA sub-accounts ("sub-ledgers") for major revenue/expenditure categories and Spending Agencies;
 - iii. Transit accounts in commercial banks for temporarily holding revenues pending sweep into the Main Account.
- (2) All public revenues including Oil Revenue and Non-Oil Revenue shall be paid into the National Revenue Fund (NRF) as defined under Section 21 of the Act, unless otherwise authorized by an Act of Parliament; all expenditures charged thereto, except for:
 - (a) Externally financed projects;
 - (b) Diplomatic missions;
 - (c) Imprest funds;
 - (d) Special purpose funds.

(3) Transit commercial bank accounts must have credit balances automatically transferred to the Main Account within the agreed time frame as specified in the Memorandum of Understanding Reconciliations for all TSA-included accounts shall be undertaken within the timeframe specified in the Memorandum of Understanding.

9.2 TSA Order

- (1) The Minister shall propose, and the Council of Ministers shall issue, an Order specifying:

- (a) Which bank accounts must be closed or integrated into the TSA;
- (b) Which accounts are exempt under 9.1(a);
- (c) TSA sub-ledger structures aligned with the Chart of Accounts.

9.3 Service Level Agreements

(1) The Minister and Bank of South Sudan shall conclude an SLA governing TSA operations, covering transaction processing, intra-day overdrafts, interest and fee arrangements, record-keeping, reporting, and participation in cash forecasting.

9.4 Account Opening, Closure, and Controls

(1) The Director General of Accounts is authorized to open or close TSA-related bank accounts and may require closure of non-compliant accounts.

(2) All bank accounts must be approved in writing, prohibited from being overdrawn, and are subject to balance limits as set by the Director General of Accounts.

(3) A register of all Government bank accounts must be maintained and updated by the Director General of Accounts.

(4) Any commercial bank must submit full statements to the Director General of Accounts upon request, within two working days.

9.5 Bank Reconciliation and System Interface

(1) Accounting Officers shall perform bank reconciliations monthly for all accounts and additionally upon change of signatories, inspections, or as directed.

(2) The IFMIS shall be integrated with the Bank of South Sudan's system for real-time upload of statements and automatic daily reconciliation of TSA accounts.

Subpart II – Cash Management

10. Cash Management Committee

10.1 Establishment and Composition

(1) The CMC shall be chaired by the First Undersecretary and co-chaired by a representative of the Bank of South Sudan, and include representatives from the Budget Department, Accounts Directorate, Public Debt, South Sudan Revenue Authority, and other agencies as designated.

(2) The CMC may establish sub-committees as necessary.

10.2 Functions

(1) The CMC is responsible for:

- (a) Reviewing and approving consolidated cash plans;
- (b) Advising on cash forecasting;
- (c) Coordinating cash/debt management;
- (d) Monitoring TSA performance;
- (e) Reporting discrepancies and recommendations to the Minister.

10.3 Sub-Committee Role

A CMC sub-committee shall assist with forecasting, risk assessment, cash-flow monitoring, TSA oversight, and related analytical duties.

11. Cash Flow Planning and Forecasting

11.1 Annual Cash Flow Plans

- (1) Spending Agencies must submit cash flow plans at least 15 days before the start of the financial year, detailing revenue, expenditure, and risk factors.
- (2) The CMC shall consolidate and review plans within 10 working days, produce a consolidated forecast, and highlight any deficits.

11.2 Forecasting Template and Reporting

- (1) The CMC shall develop standard templates requiring weekly cash flow projection data.
- (2) Agencies must submit forecasts quarterly and monthly—with appropriate lead times.
- (3) The CMC shall provide monthly liquidity forecasts to the Bank and monitor TSA daily balances.
- (4) Forecast accuracy shall be verified monthly, and failure to meet forecast accuracy standards may result in a 1–3% deduction from the next year's appropriations for non-compliant agencies.
- (5) Agencies must notify CMC urgently of significant cash flow variances.

11.3 TSA Balance Management

- (1) The Bank of South Sudan shall make daily TSA statements available through IFMIS.
- (2) The CMC sets minimum daily TSA balance targets 15 days before the financial year and monitors compliance.
- (3) Breaches require immediate notice to the DG of Accounts, with recommended remedial actions.
- (4) For insufficient balance incidents, the CMC may recommend loan draws, new borrowing, cash reallocation, or adjusted expenditure.

12. Cash Limits and Controls

12.1 Cash Limits Authority

- 1) The Minister or Undersecretary shall set cash limits for Spending Agencies, reflecting revenue availability and budget ceilings.
- 2) Limits shall be periodically reviewed and adjusted for revenue shortfalls, subject to approval by the Council of Ministers and the Assembly."

3) 12.2 Limit Communication and Adjustment

- 1) Cash limits are tabulated and communicated to Accounting Officers via circular.
- 2) In case of unanticipated cash variations, the Ministry may request revised forecasts from Agencies.

12.3 Compliance and Constraints

- 1) Agencies must operate within set cash limits and may not exceed them or incur unauthorized overdrafts.

- 2) Any excess spending or budget shortfall requiring additional cash shall follow legal procedures—new revenue, borrowing, or Reserve Fund allocation—which must be approved by the Assembly.

PART V—REVENUE MANAGEMENT

13. Revenue Collection and Pooling

(1) All public revenues including Oil Revenue and Non-Oil Revenue shall be paid into the National Revenue Fund (NRF) as defined under Section 21 of the Act, unless otherwise authorized by an Act of Parliament.

(2) The NRF shall include individual, clearly identified “sub-accounts” or “sub-funds” for the following revenue categories:

- Oil revenues
- Non-oil tax revenues
- Non-oil non-tax revenues (e.g., administrative fees, service charges, dividends, interest, royalties, penalties, rents, levies)
- Grants and transfers
- Loan proceeds
- Financing funds, sub-funds, special funds, and accounts as referred to in the Constitution

These sub-accounts shall be maintained separately within the NRF, with full accounting and reporting by the Ministry.

(3) All payments of public monies shall be made through electronic fund transfer to designated Treasury accounts. Where electronic methods are unavailable, payments may be accepted in cash or cheque, subject to conditions approved by the Director General of Accounts.

(4) No public money shall be paid into private accounts, retained unlawfully by any Agency, or used prior to deposit. All revenue collected shall be promptly deposited within twenty-four (24) hours, unless otherwise authorized by the Director General of Accounts.

(5) All collections and deposits shall be recorded and reconciled daily by revenue collecting entities and reported to the Director General of Accounts, the Minister of Finance, and, where applicable, the Auditor-General.

(6) The management of Oil Revenue will be under the Petroleum Revenue Management Act through the establishment and management of the Petroleum Revenue Account and Petroleum Revenue Savings Funds, for the transfers and withdrawals to and from these accounts.

14. Responsibilities of Revenue Collectors

(1) Revenue collectors shall be:

- i. Officers appointed as collecting officers by the Director General of Accounts;
- ii. Entities duly authorized by law or by the Minister to collect public monies.

(2) No person shall collect public monies unless formally authorized under these Regulations or an Act of Parliament.

(3) Revenue collectors shall be responsible for:

- i. Issuing official receipts and accounting for all public monies collected;
- ii. Ensuring collections are properly classified and entered into the financial management system;
- iii. Safeguarding all receipt books, registers, and associated documents;
- iv. Submitting regular reports and reconciliations of collections;
- v. Ensuring that no public monies are misused, delayed, or improperly handled.

(4) A public officer shall not assess and collect revenue simultaneously, to ensure segregation of duties and reduce the risk of fraud.

(5) Any dishonoured payment instrument shall be promptly reported and pursued for recovery in accordance with financial procedures and loss reporting requirements.

(6) The Commissioner-General of the South Sudan Revenue Authority (SSRA) and Accounting Officers of Spending Agencies shall ensure that appropriate internal controls and safeguards exist to manage revenue collection effectively.

15. Waivers, Exemptions, and Refunds

(1) Waivers, exemptions, or reductions of non-tax revenue shall be valid only if approved by the Minister and ratified by the Transitional National Legislature. Any unauthorized waiver or reduction is null and void.

(2) The Minister, upon recommendation by the Commissioner-General of SSRA or an Accounting Officer of an entity, may authorize waivers of interest or penalties where:

- i. Collection is impractical or uneconomical;
- ii. It serves to facilitate prompt payment of the principal amount;
- iii. It promotes public interest or facilitates compliance.

(3) Refunds of non-tax revenues may be made where:

- i. Revenues were collected in error or over-collected;
- ii. A provision exists for refund, rebate, or drawback under the relevant law or regulation.

(4) Refunds made within the same fiscal year shall be recorded as debit adjustments to the relevant revenue head. Refunds relating to prior fiscal years require the prior approval of the Director General of Accounts and shall be charged to "Refunds of Revenue of Previous Years".

(5) All waivers, exemptions, and refunds shall be reported to the Minister and the Auditor-General, and clearly disclosed in financial reports.

PART VI—EXPENDITURE CONTROL

16. Commitment Control Framework

General Commitment Principles

- i. All commitments for recurrent and capital expenditure shall be subject to ceilings established by budget warrants and recorded in the Integrated Financial Management Information System (IFMIS).

- ii. No procurement, contractual obligation, or financial decision resulting in expenditure shall proceed without an approved commitment requisition within IFMIS, except where imprest funds are authorized.

Control Mechanisms and Limits

- i. Commitment ceilings shall be aligned with quarterly cash availability and updated procurement plans.
- ii. Multiannual commitments may be approved by the Minister where compliance with annual appropriation and medium-term ceilings is certified in accordance with section 29(5A) of the Act.
- iii. Any increase to an approved commitment shall be treated as a new commitment.
- iv. Approved commitments must bear a unique commitment control number to be valid under procurement law.

Contractual Safeguards

- I. Any procurement contract or framework agreement shall be deemed to include a clause rendering orders or performance without a valid commitment control number null and void.
- II. Contractors shall not be entitled to compensation for services provided in breach of this requirement.

Commitment Adjustments

- I. Revisions due to supplementary estimates, virement, or special warrants shall result in updated ceilings, communicated by the First Undersecretary.
- II. Cancellations or price reductions must be verified and recorded in IFMIS.

Lapse and Carry-Forward Rules

- I. Unused quarterly ceilings may be carried forward but shall lapse at fiscal year-end.
- II. Outstanding commitments at year-end may be charged to the next fiscal year's appropriation, except for cancelled grants or transfers which must be re-submitted.

Employee Compensation Commitments

Payroll commitments shall be automatically recorded in IFMIS during payroll processing

17. Budget Warranting and Ceilings

17.1 Issuance of Warrants

- i. The Minister shall issue a General Warrant following budget approval covering:
 - 1. Compensation of employees
 - 2. Grants, subsidies, and transfers
 - 3. Debt service
 - 4. Other statutory expenditures under the Consolidated Fund
- ii. Budget warrants shall authorize commitment ceilings per item and sub-item under each vote.

Quarterly and Multi-year provisions

- i. Warrants may be issued to cover quarterly ceilings in advance of the fiscal year.

- ii. Any commitment spanning multiple years must comply with section 29(5A) and receive express ministerial approval.

Internal Distribution and Delegation

- i. Accounting Officers shall allocate ceilings to subordinate units via IFMIS commitment forms.
- ii. Program Managers may be designated with delegated commitment authority where applicable.
- iii. Distribution records shall be maintained in IFMIS for all sub-heads and units.

Change Control and Virements

- i. Commitment ceilings shall be adjusted promptly following changes to appropriations or ceilings authorized by law.
- ii. All such changes must be processed and validated through IFMIS by the Budget Department.

Cut-Off and Lapse Provisions

- i. The Director General of Accounts shall issue an annual circular setting the cut-off date for new commitment approvals.
- ii. No commitments may be approved between this cut-off and the start of the next financial year.

18. Expenditure Oversight

18.1 Monthly Reporting and Reconciliation

The Director General of Accounts shall submit a monthly commitment report to the Cash Management Committee, including:

- i. Budget and ceiling balances;
- ii. New commitments, payments, and outstanding liabilities;
- iii. Ageing analysis of unpaid commitments;
- iv. Forecasts of multiannual liabilities.

18.2 Commitment Register

A centralized commitment register shall be maintained within IFMIS containing:

- i. Supplier/recipient details
- ii. Commitment number and object code
- iii. Approval and payment dates
- iv. Outstanding and overdue amounts by age bracket
- v. Multiannual commitment projections

18.3 Inter-Government Reporting

General government entities funded from any source shall report all commitments to the Director General of Accounts as specified by circular. This includes donor funds, own-source revenues, and other off-budget resources.

18.4 Prohibition of Unauthorized Expenditure

- i. No payment may be authorized outside the scope of a valid appropriation or approved commitment.
- ii. Any officer contravening this provision commits an offence under the Act.

PART VII—PAYMENT PROCESS

19. Principles Governing Public Payments

1. All payments from public funds shall be made in accordance with the Public Financial Management and Accountability Act, applicable procurement laws, and these Regulations.
2. No payment shall be made from the Consolidated Fund or any other public fund unless:
 - i. The payment has been duly authorized and certified by the Accounting Officer;
 - ii. A valid commitment exists within an approved budget appropriation;
 - iii. Supporting documentation, including contract, invoice, inspection certificate, and payment voucher, has been submitted and verified; and
 - iv. The payment does not exceed the available appropriation or cash ceiling.
3. Payments may be effected only through secure and auditable methods, including:
 - i. Electronic Funds Transfer (EFT) via the Treasury Single Account;
 - ii. Cheques issued by authorized officers; or
 - iii. Other methods approved by the Minister in exceptional cases.
4. The Director General of Accounts or an officer authorized by the Director General may reject any payment request where:
 - i. The requisition is not a lawful charge;
 - ii. Procurement rules were not followed;
 - iii. The payment exceeds appropriation or cash limits;
 - iv. The payment compromises future commitments.
5. The First Undersecretary of Finance may resolve disputes between Spending Agencies and the Directorates of Budget or Accounts regarding rejected payment requisitions.

20. Certification and Inspection Requirements

- 1) Prior to payment, the Accounting Officer shall certify that:
 - i. Goods or services have been received;
 - ii. Works have been completed and inspected;
 - iii. Performance complies with contract terms, and pricing is deemed reasonable by the Accounting Officer
- 2) An inspection report shall be prepared detailing:
 - i. Date and description of delivery;
 - ii. Method and findings of inspection; and
 - iii. Remedial actions if performance is deficient.
- 3) Where technical expertise is required, an independent inspector may be appointed to verify performance prior to certification.

21. Payment Vouchers and Approval

- 1) Payment vouchers shall:
 - i. Be sequentially numbered through the Integrated Financial Management Information System (IFMIS);

- ii. Be certified by the Accounting Officer and verified by the Director of Accounts;
 - iii. Be supported by necessary documentation, including purchase orders, contracts, invoices, and inspection reports
- 2) An Accounting Officer may delegate voucher certification in writing to named officers within specified financial limits.
 - 3) Verification of a payment voucher shall be independent of its certification.
 - 4) No payment shall be initiated without proper voucher certification and verification.
 - 5) All payments shall, wherever practicable, be made directly to the beneficiaries.

22. Processing and Record-Keeping

- 1) Certified payment vouchers shall be recorded and transmitted through IFMIS to the Department of Accounts.
- 2) Where IFMIS is unavailable, Agencies shall submit physical copies of vouchers and supporting documents in accordance with directives issued by the Director General of Accounts.
- 3) The Director General of Accounts shall acknowledge receipt and maintain a record of all certified vouchers.
- 4) All vouchers and payments shall be archived in accordance with the public finance records management policy issued by the Ministry

23. Methods of Disbursement

- 1) Electronic Fund Transfers (EFT):
 - i. EFTs from the Treasury Single Account may only be initiated by the Director General of Accounts;
 - ii. EFTs from other public accounts may be initiated by authorized officers of the Spending Agency, subject to direction from the Director General;
 - iii. All EFT instructions shall be submitted through IFMIS and must correspond to a certified payment voucher.
- 2) Cheque Payments:
 - i. Cheques may be issued by the Director General of Accounts or designated Agency officers;
 - ii. Cheques must be pre-printed through IFMIS and signed by two authorized signatories;
 - iii. Crossed cheques shall be used as default; open cheques shall require prior written approval.
- 3) Debt Service Payments:
 - i. Payments for public debt obligations shall be initiated by the Director General of Accounts based on instructions from the First Undersecretary;
 - ii. Debt service schedules shall be prepared and submitted by the Debt Management Division and the Bank of South Sudan;
 - iii. Debt payments shall be recorded in IFMIS within one month of disbursement.

24. Timing and Compliance

- 1) Payments for goods and services shall be made within 30 days of verified delivery, in line with Section 31 of the Act.
- 2) Public officers who accept delivery of goods or services without securing prior payment authorization, resulting in arrears, commit an offence under Section 66 of the Act

- 3) Where taxes are applicable, the Accounting Officer shall ensure timely deduction and remittance.

25. Offences and Disallowances

- 1) A public officer who authorizes or makes payment contrary to these Regulations or the Act commits an offence.
- 2) Payments made without lawful appropriation, certification, or due process shall be disallowed and subject to recovery and disciplinary action

PART VIII– PAYROLL PAYMENT

26. Payroll Governance

- 1) The Accounting Officer shall ensure that:
 - i. All compensations, including appointments, promotions, bonuses, salary increments, and other benefits fall within the budget ceilings;
 - ii. Any changes with financial implications not compliant with Section 27(3) of the Act shall require prior approval from both the Minister of Finance and the Minister of Public Service
 - iii. No officer in a Spending Agency shall both authorize and record appointments, compensation, or payroll-related payments.
- 2) Personnel costs shall be based on the approved organizational and establishment hierarchical staffing structures, and must comply with the wage ceilings set by the Ministry of Public Service in coordination with the Ministry of Finance.
- 3) No new positions or changes in personnel compensation shall be incorporated on the payroll without prior confirmation of available funding and appropriate budgetary authorization by the Ministry of Public Service in coordination with Ministry of Finance.

27. Payroll Schedule

- 1) At the start of each financial year, the Undersecretary of the Ministry of Public Service shall issue an official payroll schedule to all Accounting Officers.
- 2) All payroll processing and approvals must adhere to the issued schedule unless varied with prior written approval by the Undersecretary of the Ministry of Public Service.

28. Mode of Payment

- 1) Employees shall be paid through:
 - i. Bank transfer; and
 - ii. Mobile money platforms approved by the Director General of Accounts
- 2) All Accounting Officers shall ensure that any unclaimed payments shall be remitted within one month to the Consolidated Fund or relevant Agency Account.

29. Payroll System Integration

- 1) The Undersecretary of Ministry of Finance and the Undersecretary of the Ministry of Public Service shall ensure full integration of the Government's Computerized Payroll System with the Government's Financial Management Information System (IFMIS).
- 2) All personnel records and payroll transactions must be entered, processed, and maintained within this integrated system.
- 3) Personnel transaction codes shall align automatically with the approved chart of accounts.
- 4) Amendments to the payroll shall only be made by the employing authority of the respective employee with the approval of the Ministry of Public Service.

- 5) The Ministry of Public Service shall maintain and update organizational and staffing structures in the payroll system.

30. Payroll Processing and Approval

- 1) No payroll payment shall be processed unless:
 - i. The employee is duly registered in the integrated payroll system;
 - ii. The transaction is processed through the system.
- 2) Monthly, the Head of each Spending Agency shall certify the accuracy of the payroll and confirm that all employees listed are entitled to their respective payments.
- 3) All payrolls must be reviewed and approved by the Ministry of Public Service before submission to the Ministry of Finance for payment

31. Payment Execution

- 1) Upon receipt of the approved payroll, the Director General of Accounts shall issue payment instructions through the financial management system.
- 2) Payroll processing banks shall confirm receipt of payment instructions or cheques in a format prescribed by the Director General of Accounts.
- 3) The Director General of Accounts shall:
 - i. Execute journal entries for all disbursements of valid payrolls reviewed and certified by the Ministry of Public Service;
 - ii. Return the certified payroll report to the originating agency when manual processing is required

32. Payroll Reconciliation

- 1) Monthly reconciliation shall be performed between:
 - i. Payroll transactions; and
 - ii. Financial postings in the integrated financial management system.
- 2) Reconciliation must include totals per personnel transaction type and per payroll cycle.
- 3) The Director General of Accounts shall:
 - i. Investigate and clear discrepancies;
 - ii. Retain reconciliation results and all source documents for audit.
- 4) Where the payroll and financial management systems are fully integrated, reconciliation shall be automated

33. Stoppage of Payroll Payments

- 1) Payroll payments shall cease in the following events:
 - i. Death – effective first day of the month following death;
 - ii. Conviction or imprisonment – effective date of conviction;
 - iii. Leave without pay – effective first day of leave;
 - iv. Absence without leave – effective first day of absence;
 - v. Suspension – effective first day of suspension;
 - vi. Resignation or retirement – effective first day of the following month.
- 2) If such events are not promptly recorded in the Payroll System, the Accounting Officer must immediately notify the Ministry of Public Service to effect the payroll changes.
- 3) Overpayments due to delayed stoppage of payroll payments shall be recovered by the employing authority.

34. Payroll Deductions

- 1) Permissible deductions from salaries shall include:
 - i. Statutory taxes and social contributions;
 - ii. Repayments for benefits received;

- iii. Fines, losses, or damages arising from disciplinary processes;
 - iv. Court-ordered deductions or those required by law;
 - v. Deductions agreed upon in writing by the employee.
- 2) Discretionary deductions from salaries are prohibited unless authorized by law or regulation.
 - 3) All payroll approvers must verify that only allowable deductions are included and correctly calculated on the payrolls.

PART IX–IMPREST MANAGEMENT

35. Establishment and Classification of Imprest Funds

- 1) An imprest fund may be established to facilitate payments for urgent or petty expenditures that cannot be processed through the standard payment procedures prescribed under the Act and these Regulations.
- 2) Imprest funds shall be classified as:
 - i. Standing Imprest – a revolving float maintained throughout the financial year and replenished as needed;
 - ii. Special Imprest – a one-time advance for specific activities or events, non-replenishable and must be fully accounted for within the time limit specified by the Director General of Accounts
- 3) The establishment of both standing and special imprest funds shall be approved in writing by the Director General of Accounts
- 4) A Spending Agency shall:
 - i. Submit requests for standing imprests at least 15 working days before the start of the financial year, supported by a monthly activity-based costing;
 - ii. Submit requests for special imprests at least 7 working days before the activity or event, supported by detailed cost estimates.

36. Appointment and Responsibilities of Imprest Holders

- 1) The Accounting Officer may designate, in writing, an officer to act as an imprest holder for each fund.
- 2) An imprest holder shall be personally responsible for:
 - i. Safeguarding the imprest;
 - ii. Using the imprest strictly for its intended and approved purpose;
 - iii. Maintaining accountability through proper records, receipts, vouchers, and bank reconciliations;
 - iv. Recording transactions using the Government chart of accounts.
- 3) In case of a change in imprest holder, a handover statement must be prepared, signed by both the outgoing and incoming officers, and submitted to the Director General of Accounts.
- 4) Any loss or shortage of an imprest shall be recovered from the imprest holder's salary, allowances, or other dues and may be treated as a civil debt.
- 5) Relief from liability shall only be granted after the imprest is fully retired and audit findings confirm the integrity of all documentation.
- 6) An Accounting Officer shall not hold imprest unless the Accounting Officer is authorized to do so by an imprest warrant issued by the Director General of Accounts.

PART X - DONOR AND SPECIAL FUNDS

37. Entry into External Loan & Grant Agreements

- 1) All external loan or grant agreements to finance Spending Agency activities must be signed by the Minister and ratified by Parliament.

- 2) No agreement shall have legal effect in South Sudan until both steps are complete.
- 3) Any disbursement made prior to ratification:
 - i. Must be refunded within one month; and
 - ii. Triggers a report from the Minister, naming responsible officials, to Council of Ministers and Parliament.

38. Negotiation Protocols

- 1) Agencies must seek prior approval from the Undersecretary, Planning to engage any donor.
- 2) Approval conditions include:
 - i. A preliminary appraisal of affordability, economic viability, and alternatives by the First Undersecretary;
 - ii. Alignment with the national development plan;
 - iii. The proposal's size is proportionate to anticipated transaction costs
- 3) The Minister or their designate must lead donor negotiations.
- 4) The Minister shall not execute agreements negotiated without this representation or advice.

39. Finalization and Ratification

- 1) Agreements must be signed by the Minister (and other relevant Ministers) only after:
 - i. Donor endorsement for Treasury Single Account (TSA) disbursement where appropriate;
 - ii. Commitment to provide annual disbursement schedules and quarterly remittance data;
 - iii. Inclusion in the Public Investment Programme (PIP);
 - iv. Completion of a final affordability and viability appraisal;
 - v. For NGO-implemented, confirmation of NGO eligibility.
- 2) Following signature, the Minister must submit to Parliament:
 - i. The full agreement;
 - ii. A summary of its financial and legal terms; and
 - iii. Final appraisal summary.
- 3) All donor-sponsored advances or reimbursements, regardless of source, must be:
 - i. Recognised in accordance with the government Charts of Accounts; and
 - ii. Converted at the official exchange rate on receipt.

40. Integration with National Budget Execution

- 1) All expenditures financed externally shall be fully integrated into the national budget execution process, and must be:
 - i. Subject to commitment control;
 - ii. Processed via the standard payment system;
 - iii. Recorded in the integrated financial system, including maintenance of a loan/grant register in the integrated financial system.
- 2) Projects not integrated must:
 - i. Have monthly and annual journal entries;
 - ii. Use coded accounting per the Chart of Accounts, including economic classification.

41. Consolidated Aid Database & Reporting

- 1) The Ministry shall maintain a unified database capturing:

- i. Agreements;
 - ii. Parliamentary ratifications;
 - iii. Disbursement schedules (3-year outlook);
 - iv. Quarterly disbursements;
 - v. Monthly/project-level expenditures;
 - vi. For NGO-implemented projects: NGO registrations and annual audited financial statements.
- 2) The Undersecretary, Planning, shall collect and input donor schedules and receipts.
 - 3) Agencies outside IFMIS must submit quarterly financial statements.
 - 4) Annual submission of disbursement and expenditure data is mandated; failure to comply shall result in suspension of related budget appropriations.
 - 5) The Public Debt Management Office shall be granted database access to monitor public debt as per the Act.

42. Donor Bank Accounts

- 1) Where practical, donor-funded projects should operate through TSA "sub-accounts" at the Bank of South Sudan, unless the Minister grants an exception.
- 2) Only one bank account per project is allowed to maintain financial clarity and ease of oversight.

43. Grants & Donations In-Kind

In-kind grants and donations must be approved, valued, recorded, and managed in accordance with the Act.

PART XI - INTERNAL AUDIT

44. Mandate and Independence

1) Establishment

Every Spending Agency, Public Enterprise, or Public Corporation shall maintain an Internal Audit Unit, led by an Internal Auditor, per Act section 11(1).

2) Core functions of the unit shall be:

- i. Appraise and report on internal controls;
- ii. Monitor budget execution and irregular expenditures;
- iii. Issue quarterly audit reports;
- iv. Track implementation of Auditor-General/external audit recommendations;
- v. Review contracts for value-for-money;
- vi. Evaluate risk management and governance practices;
- vii. Provide assurance on operational efficiency, economy, and effectiveness;
- viii. Verify legal and procedural compliance;
- ix. Perform additional duties assigned by the Agency head.

3) Risk & Control Assurance

Internal audit shall ensure adequate risk identification, compliance with laws and policies, safeguarding of assets, accuracy of financial/operational data, and strong IT/data controls.

4) Assurance & Advisory

Internal auditors may deliver:

- i. Assurance services: compliance, financial, operational, and IT audits per international standards; and
- ii. Advisory services: policy or system design, fraud investigation, and risk guidance—without taking management responsibility.

5) Independence & Access

Audit Units shall operate independent of audited functions, with:

- i. Administrative reporting to their Accounting Officer;
- ii. Functional reporting to the Audit Committee;
- iii. Unrestricted access to records, personnel, and premises;
- iv. Freedom from interference in planning and reporting;
- v. Internal auditors are prohibited from auditing areas where they provided advisory services within the past 24 months.

6) Standards & Ethics

All internal audit must conform to the IIA's International Professional Practices Framework and national ethics codes.

45. Audit Committees and Reporting

1) Creation & Composition

Each Spending Agency must establish an Audit Committee, aligned with international accounting standards and legal requirements. Committees should:

- i. Have 3–5 independent members with financial/governance expertise;
- ii. Report to the Minister and Agency head;
- iii. Hold quarterly meetings;
- iv. Approve annual audit plans by 15 February;
- v. Review internal audit performance and independence annually;
- vi. Oversee implementation of recommendations.

2) Reporting Process

- i. Internal Audit Heads shall produce quarterly reports, submitted within 14 days to the Accounting Officer and Audit Committee.
- ii. Findings must be orally briefed to the Accounting Officer and Audit Committee and confirmed in writing within 7 working days
- iii. Director General of Internal Audit shall submit an annual consolidated audit report to the Minister of Finance.

3) Material Breach Notification

Upon detecting fraud, waste, or material non-compliance, the Internal Audit Head must immediately notify the Minister of Finance and the Accounting Officer.

46. Implementation of Audit Recommendations

1) Responsibility & Timeline

Accounting Officers must implement audit recommendations within agreed timelines and submit action plans to the Audit Committee within 14 days of report issuance.

2) Follow-up & Escalation

Audit Committees shall monitor progress quarterly and escalate unresolved issues to the Minister or relevant authority as needed

3) Accountability

Internal auditors and Audit Heads are subject to legal and disciplinary liability under the PFM Act and these Regulations for failure to fulfill their duties.

PART XII- ASSET MANAGEMENT

Sub-Part 1: Asset Registers and Accountability

47. General Responsibilities of Accounting Officers

An Accounting Officer shall be responsible for:

- i. Establishing systems to prevent theft, loss, misuse, wastage, or damage of government assets and inventories;
- ii. Ensuring that all assets and inventory are used effectively, efficiently, economically, and transparently;
- iii. Implementing tracking mechanisms for the movement and condition of assets; and
- iv. Maintaining optimal and economical inventory levels.

The Ministry shall issue detailed guidelines to support effective asset management across government entities.

48. Asset Register

- I. Every national government entity shall maintain an up-to-date asset register covering:
 - a) Land, buildings, equipment, vehicles, and other movable and immovable assets;
 - b) Relevant details including acquisition cost, ownership, condition, location, usage, and disposal.
- II. Acquisitions or disposals of land and buildings will require approval by the First Undersecretary.
- III. The register shall support budget preparation, financial reporting, and periodic physical verification.

49. Inventory Management

- I. Accounting Officers shall ensure proper custody, maintenance, and use of government inventories, including imported goods awaiting clearance.
- II. Accountability for inventories shall only be discharged when:
 - a. Consumed or worn out in public service with verifiable records;
 - b. Properly disposed of under applicable procurement and disposal laws; or
 - c. Lost, stolen, or destroyed and formally approved for write-off.
- III. Where disposal is warranted in the public interest, the Accounting Officer shall act in accordance with the Public Procurement and Disposal Act.

- IV. Unused inventories must be periodically reviewed, especially during budget finalization, to inform cost recovery and asset utilization strategies.

50. Transfer of Assets and Liabilities

- I. Where assets or liabilities are transferred between government entities:
 - i. An inventory shall be jointly prepared and signed by the transferring and receiving Accounting Officers;
 - ii. Copies shall be submitted to the Ministry of Finance and Planning and the Auditor-General within two weeks of transfer

Sub-Part 2: Losses, Write-Offs, and Investigations

51. Definition of Losses

For the purpose of these Regulations, a “loss” includes but is not limited to:

- I. Misappropriation, damage (beyond fair wear and tear), or theft of public assets;
- II. Failure to collect monies due to the government;
- III. Unauthorized or wasteful expenditure; or
- IV. Improper or fraudulent use of government resources.

52. Responsibilities of Accounting Officers

- I. Upon discovery of a loss, the Accounting Officer shall:
 - i. Investigate to determine the cause, value, and corrective measures;
 - ii. Report to the Ministry of Finance and Planning and the Auditor-General as required
 - iii. Initiate recovery where possible.

53. Investigation and Reporting

- I. A report of any loss shall:
 - i. Provide a full description and estimated value;
 - ii. Include preventive and recovery actions;
- II. Investigations shall be initiated promptly, and where necessary, the Accounting Officer shall notify the police.
- III. If criminal conduct is discovered, prosecution or disciplinary procedures shall be initiated independently of the administrative inquiry.

54. Write-Off Procedures

- I. An Accounting Officer may write off a loss up to SSP 1,000,000 in accordance with a circular issued by the Ministry of Finance and Planning , subject to reporting to the Ministry and Auditor-General.
- II. Larger losses require:
 - i. Ministerial approval for losses above the amount stated in Section (i) within the Minister's authority;
 - ii. Approval by the Council of Ministers for losses exceeding 1% of the entity's annual approved budget.
- III. All losses written off must be disclosed in the entity's annual financial statements.

55. Write-Off Preconditions

A loss may only be written off if: (i) all reasonable recovery efforts are exhausted; (ii) the cost of recovery exceeds the asset's value; or (iii) the write-off is in the financial interest of the state or Administrative Area."

56. Categories of Losses

Losses shall be classified as:

- I. Cash Losses: including shortages or fictitious entries.
- II. Revenue Losses: uncollected debts or delayed payments.
- III. Expenditure Losses: overpayments, nugatory or fraudulent payments.
- IV. Inventory and Equipment Losses: unauthorized or damaged stock.
- V. Financial Asset Losses: irrecoverable advances, loan defaults, or asset revaluations.
- VI. Miscellaneous Losses: e.g., safe breaches or key losses.

57. Board of Survey

- I. A Board of Survey shall be appointed by the Director General of Accounts and consist of at least three independent members.
- II. The Board shall:
 - i. Verify asset records against physical inventory;
 - ii. Submit its report to the Director General of Accounts and Auditor-General;
 - iii. Conduct surveys annually within three months of financial year closure;
 - iv. Maintain confidentiality and operate with transparency.
- III. The Ministry shall issue procedural guidelines for the conduct of surveys.

Sub-Part 3: Inventory Controls and Preservation

58. Safeguarding of Cash and Valuables

- I. Accounting Officers shall ensure safes or secure facilities are available for storing government funds and valuables.
- II. Officers delegated to manage cash must be formally designated and held accountable.
- III. Any loss due to negligence must be reimbursed to the Consolidated Fund by the responsible officer

59. Preservation of Records

Financial and inventory records must be preserved for periods not less than those stipulated below:

S/No	Type of document	Preservation period
1.	Principal ledger	10 years
2.	Cash books	10 years
3.	Journals	3 years
4.	Payment vouchers	5 years
5.	Paid cheques or electronic payments	3 years
6.	Completed indent warrants	12 months after the end of the financial year to which they relate.

7.	Completed order forms	12 months after the end of the financial year to which they relate.
8.	Duplicate receipts	12 months after the end of the financial year to which they relate.
9.	Duplicate payment vouchers	12 months after the end of the financial year to which they relate.
10.	Receipt books: (a) Fully used	6 months after completion, subject to inspection by the Auditor-General and notation of disposal in the main counterfoil receipt book registers;
	(b) Obsolete, partly used	6 months after obsolescence, subject to the same inspection and notation requirements.

Retained records may be archived digitally, provided data integrity is maintained.

PART XIII-ACCOUNTING, FINANCIAL REPORTING AND AUDITING

60. Financial Statements and Timelines

60.1 Preparation and Submission of Accounts

- I. Public Officers responsible for accounts in Ministries, Agencies, Public Enterprises, or Corporations shall prepare, sign, and submit annual accounts reports by the end of the third month of the following financial year to the Director General of Accounts and the Auditor General, in accordance with budget content and classification.
- II. Public Officers responsible for accounts in States and Administrative Areas shall prepare, sign, and submit final annual accounts to the Auditor General by the end of the third month following the fiscal year, with copies to the Ministry, following Ministry instructions.
- III. All final annual accounts shall comply with International Public Sector Accounting Standards (IPSAS) and best practices as prescribed in Regulations.
- IV. Final accounts shall identify any significant departures from accepted accounting practices, stating reasons for such departures.
- V. An asset registry indicating status and location of title for all government assets shall be included in annual accounts of all Ministries, Agencies, States, Administrative Areas, Public Enterprises, or Corporations.
- VI. The Ministry shall consolidate financial statements received from all national government Spending Agencies at the end of each financial year, preparing consolidated annual financial statements in accordance with IPSAS.
- VII. Upon completion of the audit by the Auditor-General, the Director General of Accounts shall make publicly available:
 - a. Consolidated financial statements;
 - b. Contingency Fund accounts; and
 - c. Petroleum Fund accounts.

60.2 Closure and Adjustment of Accounts

- I. The Director General of Accounts shall notify Spending Agencies of the financial year closure date at least one month in advance.
- II. No adjustments shall be made to closed accounts except in the current financial year's accounts.

- III. Closure of accounts shall not prejudice any lawful claims or proceedings relating to transactions within the closed period

61. Chart of Accounts and Basis of Accounting

1. The Director General of Accounts shall:

- I. Establish and maintain a standardized chart of accounts and classification system consistent with international best practices.
- II. Ensure all government entities adopt the prescribed accounting system and comply with reporting requirements.
- III. Provide clear guidelines on the classification and recognition of revenues, expenditures, assets, liabilities, and contingencies.
- IV. Maintain oversight of the custody and safety of public funds and resources across all government entities.

62. Role of the Director General of Accounts

The Director General of Accounts , subject to section 53 and section 54 of the Act shall:

- I. Be responsible for managing government accounts, safeguarding public funds, and managing government resources.
- II. Issue instructions consistent with the Act, specify accounting and classification systems, and ensure proper accounting systems in all government entities.
Ensure prompt and accurate recording of government receipts and payments.
- III. Maintain sound internal controls across government Ministries, Agencies, States, Administrative Areas and reporting units.
- IV. May refuse payments if requests are incorrect, deficient, unlawful, or otherwise unacceptable.
- V. Report to the First undersecretary any defects in revenue, expenditure, cash, asset controls, or breaches of Regulations.
- VI. May inspect any government office regarding public finance management and accountability and shall have unrestricted access.

63. Role of Accounting Officer

The Accounting Officer of each Ministry, Agency, State or Administrative Areas , subject to section 51 of the Act shall:-

- I. Be personally accountable for the regularity and propriety of public expenditure.
- II. Be responsible for all funds, property, resources received, held, or disposed of by or on behalf of the respective entity.
- III. Ensure adequate control over commitments, maintain effective internal controls, and apply internal audits on all transactions and resources.
- IV. Where necessary, the Accounting Officer may delegate powers to subordinate officers, but remains personally accountable for all delegated duties.
- V. Maintain records and produce accounts of all financial transactions and comply with Ministry-issued accounting instructions.

64. Role of the Auditor General

The Auditor General subject to section 52 of the Act shall:-

- I. Upon receipt of accounts from the national government, States, Administrative Areas or local governments, audit and examine them, issuing an opinion within four (4) months, or a shorter period as resolved by the Assembly, on whether the accounts present a true and fair view of financial position.

- II. Submit audit reports to the President and Assembly (national level), Governors and State Assemblies (State level), or appropriate local authorities.
- III. Conduct special audits at any time and submit reports to the Assembly, President, Ministers, Governors, or other relevant authorities as deemed necessary.
- IV. Within six months of the Transitional Period, as defined in Article 51A(2) and (3) of the Constitution, undertake a comprehensive audit of the petroleum sector.
- V. The National Audit Chamber shall audit all public funds and financial dealings, reporting findings to the relevant Assembly(s).

65. Role of the Assembly in the Examination of Accounts

The Assembly subject to section 55 of the Act shall:-

- I. Review Auditor General reports on public finances.
- II. Upon receipt of any audit report, the Assembly, State Legislative Assembly, or Administrative Area Legislative Council shall promptly debate and act on recommendations
- III. Recommend corrective or legal action against misuse of public resources, including:
 - i. Seizure of assets of public officers responsible for losses;
 - ii. Legal proceedings against involved officers;
 - iii. Termination of employment for responsible officers, where applicable

66. Public Disclosure and Transparency

1. Transparency and Public Access

- i. The Ministry shall ensure all government financial transactions are transparent and subject to auditing and public oversight.
- ii. Revenues, expenditures, deficits, debts, and other fiscal information shall be accounted for and made accessible to the public in a timely manner.
- iii. Annual financial activity reports of MDAs shall be presented to the Assembly in accordance with the law.

PART XIV- OVERSIGHT OF STATE GOVERNMENTS AND ADMINISTRATIVE AREAS

67. Central Oversight Mandate

67.1 The Ministry, in collaboration with the South Sudan Fiscal , Financial Allocation and Monitoring Commission, shall exercise comprehensive oversight over:

- i. State and Local Governments, including Administrative Areas;
- ii. Management of government transfers, including conditional, unconditional, matching, and equalization grants.

67.2 Oversight of Revenue Allocation Across Levels of Government

Pursuant to Section 56(3) of the Act as amended, the Ministry shall:

- i. Ensure revenue collected by the Government is equitably allocated to all levels of government, including oil-producing areas;
- ii. Publish a disaggregated Revenue Allocation Report annually, with actual amounts allocated and received by each level of government.

67.3 Review of Historical Transfers

In accordance with Section 56(4) of the Act, the Ministry shall cooperate fully with the National Audit Chamber to:

- i. Provide complete records of transfers of the 2% and 3% allocations made to oil-producing States, Administrative Areas, and communities since 2011;
- ii. Facilitate the audit and reconciliation of such transfers within twelve (12) months of the effective date of the amendment.

67.4 Wealth Sharing and Transitional Revenue Arrangements

- I. In line with Section 56(5) of the Act, the Ministry, in consultation with the Fiscal and Financial Allocation and Monitoring Commission, shall prepare and submit to the Council of Ministers, within three (3) months of the commencement of the Transitional Period:
 - i. A revised Wealth Sharing Framework, covering vertical and horizontal transfers;
 - ii. A proposed formula for allocation to counties, States, and Administrative Areas;
 - iii. Guidelines on natural resource revenue-sharing.
- II. The framework shall inform subsequent appropriations and be subject to parliamentary review.

67.5 Formula-based Allocation of Grants

The allocation of all forms of intergovernmental grants shall:

- i. Be determined using a transparent formula that reflects population size, revenue potential, expenditure needs, and equity considerations;
- ii. Be reviewed every three (3) years or as directed by the Commission;
- iii. Be published annually as an annex to the National Budget Estimates.

68. Government Guarantees, On-lending, and Transfer Restrictions.

68.1 Prohibited Financial Engagements with Subnational Entities

(1) In accordance with Section 57(5) of the Act, no Spending Agency or the Ministry shall:

- (a) Extend any loan, advance, or financial guarantee to a State Government or Administrative Areas;
- (b) Authorize any pre-payment or overdraft against a grant allocation.

(2) Any such act, if undertaken, shall be null and void and subject to sanctions as per the Act

68.2. Guarantee Registry and Disclosure

All legally authorized guarantees shall be recorded in a publicly maintained register, updated quarterly and included in public debt statistics.

68.3. Compliance in Donor-Financed Transfers

(1) All donor-funded allocations to State Governments or Administrative Areas must:

- (a) Be negotiated by the Ministry;
- (b) Be ratified by Parliament before implementation;
- (c) Be recorded in the Development Cooperation Register.

(2) Agreements entered into by States or Administrative Areas in violation of this provision shall be void, and any funds disbursed shall be subject to immediate recovery.

69. Sanctions, Write-Offs, and Accountability Failures

69.1. Sanctions for Non-Compliance by Subnational Governments

(1) Where a State Government or Administrative Area fails to:

- (a) Submit quarterly or annual financial reports as required under Section 58;
- (b) Provide audit-ready final accounts within three (3) months of the fiscal year-end; or
- (c) Comply with grant conditions or utilization guidelines,

The Ministry shall impose one or more of the following sanctions:

- (i) Suspension of further disbursements;
- (ii) Referral to the National Audit Chamber or Anti-Corruption Commission;
- (iii) Public disclosure in the Intergovernmental Sanctions Register.

69.2. Conditionality and Suspension of Grants

States and Administrative Areas that do not submit interim or final accountability reports shall be ineligible for new or continued transfers, until full compliance is confirmed in writing by the Ministry.

69.3. Write-Offs and Abandonment of Claims

(1) No financial claim or government asset shall be written off without:

- (a) Ministerial approval based on a formal recommendation of the Debt and Asset Recovery Committee;
- (b) Evidence of exhaustion of recovery mechanisms and cost-inefficiency of further pursuit.

(2) The Ministry shall maintain a publicly accessible Write-Off Register detailing:

- (a) Justification;
- (b) Approving authority; and
- (c) Impact on fiscal operations.

69.4. Liability and Recovery

(1) Accounting Officers at all levels of government, including States, are personally liable for:

- (a) Irregular expenditures;
- (b) Fraudulent misstatements;
- (c) Failure to apply internal control measures.

(2) The Ministry shall initiate recovery of funds lost due to misconduct via:

- (i) Salary deductions;
- (ii) Legal action;
- (iii) Set-offs against future transfers.

PART XV- OVERSIGHT OF SPENDING AGENCIES AND PUBLIC ENTERPRISES

Subpart I- SPENDING AGENCIES

70. Spending Agencies

- I. A Spending Agency shall be established by or under an Act of Parliament in accordance with the Act.
- II. The Minister shall publish in the Official Gazette the updates of a list of Spending Agencies under sub-regulation (1), whenever a new Agency is added or an existing Agency is dissolved, reorganized, or renamed or becomes a public enterprise.

71. Fees and Charges and Subvention of Spending Agencies

- 1) For the purpose of sub-section (1) subvention from the budget to each Spending Agency shall not exceed the difference between: (a) the estimates of fees and charges; and (b) the estimates of expenditure necessary for the agency's operations.
- 2) For the purpose of subsection (1) the rates, scales, or tariffs of any fees and charges of Spending Agencies shall be annually reviewed by the Council of ministers when the Council of ministers approves the draft budget, after the rates, scales, or tariffs are approved by the Spending Agencies.
- (3) When the Council of ministers reviews fees and charges of Spending Agencies under sub-regulation (2), the Council of ministers shall ensure the compliance with sub-regulation (1).
- (4) Any fees and charges imposed by Spending Agencies without the Council of ministers' review under sub-regulation (1) shall be null and void, and the Spending Agencies shall refund the fees and charges with market interest rate.
- (5) This regulation shall not apply to fees and charges of Spending Agencies, rates, scales, or tariffs of which are fixed in an Act of Parliament.

72. Information on Fees and Charges of Spending Agencies

- (1) When the Council of ministers reviews the rates, scales, or tariffs fees and charges of Spending Agencies under sub-regulation (2) of Regulations the responsible minister for the Spending Agency shall publish in the Official Gazette the approved tariff structure of each Spending Agency for the next financial year.
- (2) Each Spending Agency shall attach to its annual financial statements information on—
 - (a) the tariff structure;
 - (b) exemptions, discounts, free services and any other aspect of material influence on the revenue yield; and
 - (c) comparison of its fees and charges with costs of corresponding services

73. Budget Process for Spending Agencies

- (1) For the purpose of sub-section (1), the budgets of Spending Agencies shall be prepared and approved in the same process as that for the National budget.
- (2) By the end of every March, Spending Agencies shall submit to the Minister a budget proposal for the next financial year, including—
 - (a) estimates of fees, charges, and other own revenues for the next financial year and an analysis of the revenue performance over the past 3 to 5 years;
 - (b) the rates, scales, or tariffs of fees and charges approved by the boards;

(c) estimates of expenditures for the next financial year, classified by using the same chart of account codes as those for the budget; and

(d) the annual financial statements for the last financial year, together with information on fees and charges required under the Regulations

(3) The ministry shall hold a meeting with each Spending Agency to discuss the budget proposal submitted under sub-regulation (2).

(4) For the purpose of informing votes on subvention to Spending Agencies in Parliament, the Minister shall include in the budget documents a volume on Spending Agency budgets, which shall contain –

(a) the estimates of all revenues and expenditures for the next financial year of each Spending Agency, regardless of whether they are funded by own revenues or transfer from the budget; and

(b) rates, scales, or tariffs of fees and charges for the next financial year of each Spending Agency.

74. Expenditure Control of Spending Agency

For the purposes of this section, expenditure commitments of all Spending Agencies shall be subject to a commitment ceiling set by a budget warrant and the requisition and approval requirements of these Regulations.

75. Payment Process of Spending Agency

- I. For the purpose of the Act, An Accounting officer of any Spending Agency shall inspect the completion of works in accordance with these Regulations
- II. A payment voucher of a Spending Agency that is subject to the commitment control under these Regulations shall be signed by its Accounting officer and verified by its Director of Accounts in accordance with these Regulations.
- III. Expenditure of a Spending Agency shall be paid by the Director of Accounts of the Agency in accordance with these Regulations, except for payroll payments.
- IV. Payroll payments of a Spending Agency shall be made by the Director General of Accounts in accordance with these Regulations.

76. Spending Agency to be Brought into the Budget

- I. From the preparation and execution of the budget, Spending Agencies shall be treated as such and subject to all applicable requirements under the Act and these Regulation
- II. Fees and charges and any other own revenues of a Spending Agency that has been brought into the budget and treated as a Spending Agency under sub-regulation (1) shall be deposited into the Consolidated Fund and shall not be earmarked or retained for meeting expenditure of the Agency.

77. Borrowing of Spending Agency

(1) For the purpose of the Act, a Spending Agency that has been brought into the budget under the regulation shall not borrow for any purpose.

(2) For the purpose of the Act, a Spending Agency that has not been brought into the budget under regulation may borrow only for the cash management purposes with the prior-approval of the Minister, subject to the following conditions–

(a) all borrowing of the Spending Agency shall be repaid by the end of a financial year; and

(b) borrowing shall not exceed a limit determined by the Minister in accordance with the Act in force, when he approved the borrowing.

(3) When a Spending Agency intends to obtain the Minister's approval under paragraph (2), the Accounting officer shall submit to the Minister, as part of its budget, a request for borrowing, including –

(a) a demonstration of how the borrowing will be repaid within the financial year; and

(b) the terms and conditions on the borrowing.

(4) A Spending Agency shall not make external borrowing for any purposes.

(5) Borrowing of a Spending Agency that has been made in violation of this regulation shall be null and void, and the borrowing shall be repaid within one week after the violation is identified.

78. Financial Reporting of Spending Agency

(1) The Accounting officer of a Spending Agency shall submit quarterly and end-year annual financial statements in accordance with these Regulations.

(2) If an Accounting officer of a Spending Agency fails to submit a quarterly or end-year and annual financial statements by the deadline specified in these Regulations, the Minister shall–

(a) suspend transfers from the budget until end-year and annual statements are submitted; and

(b) publish the fact of the failure, together with the names of the Accounting officer and Director of Accounts, on the Ministry's website.

(3) The Accounting officer of a Spending Agency shall include in the reports–

(a) revenues collected broken down to revenue categories, in accordance with revenue legislation;

(b) explanations for the discrepancy between budget revenue estimates and actual execution and provide remedial measures to address revenue under-performance.

79. Public Enterprises

(1) For the purpose of this Part, a public enterprise includes –any other entity that falls within a definition of a public enterprise under section 5 of the Act.

(2) The Minister shall publish in the Official Gazette the updates of any new enterprise added or an existing enterprise dissolved, reorganized, or renamed or falls within the general government.

80. Business Planning Process

(1) For the purpose of the Act, each public enterprise shall submit to the Minister or the responsible minister a business plan which includes at –

(a) the annual financial statements for the previous financial year;

(b) the approved budgets for the current financial year;

(c) detailed revenue generation strategy;

(d) detailed information on actual revenue generation compared with budget estimates and an explanation on the implementation of remedial measures to improve revenue generation;

- (e) the latest financial statements for the current financial year;
- (f) the draft budgets for the next financial year, including;
 - (i) estimates of income and expense on such accounting basis as determined by the Director General of Accounts; and
 - (ii) estimates of acquisition and disposal of fixed assets for the next financial year;
- (g) a borrowing program for the next financial year, including –
 - (i) a proposal of a ceiling on short-term borrowing;
 - (ii) the amount, currency, interest rate maturity, lender, and purpose of each proposed long-term domestic and external borrowing;
 - (iii) the amounts of opening balances, repayments, borrowing, and closing balances for the next financial year of domestic and external borrowing from each lender, broken down to short-term and long-term borrowing;
 - (iv) the detailed profile of outstanding long-term domestic and external borrowing, including the lender, type, currency, dates of borrowing and maturity, and original and outstanding amounts, broken down to each borrowing instrument; and
 - (v) the amount and beneficiaries of outstanding guarantees issued by the public enterprise and a proposal for new guarantees to be issued by the public enterprise, if any;
- (h) a proposal of a shareholder's compact specifying financial targets for the next financial year;
- (i) a proposal of a dividend pay-out ratio and dividend payments in the next financial year;
- (j) an out turn and request of support, including an actual amount for the last financial year, a budgeted or approved amount for the current financial year, and a request and justification for the next financial year of each of the following support –
 - (i) subsidies from the budget;
 - (ii) on-lending from the budget;
 - (iii) government guarantees on external borrowing;
 - (iv) government guarantees on domestic borrowing; and
 - (v) recapitalization by the government through capital injection, debt relief, or otherwise.
- (k) in respect to a project, an investment project plan specifying –
 - (i) the net present value;
 - (ii) the internal rate of return;
 - (iii) the funding source and support;
 - (iv) the total investment costs; and
 - (v) the cash inflow and outflow from the project over the entire project life.

- (2) For the purpose of the Act, the Minister or the responsible minister of the Spending Agency, shall jointly hold a meeting with each public enterprise to discuss the business plan.
- (3) On the basis of the business plan discussion under sub-regulation (2), or the responsible minister shall approve the shareholder's compact, investment projects, disposal of major assets, and dividends policy, in accordance with these Regulations
- (4) On the basis of the business plan discussion under sub-regulation (2), the Minister shall set out a borrowing limit, assess a plan of investment projects, and decide on whether to provide and include in the budget the requested support, in accordance with these Regulations and;
- (5) shall, in consultation with the Minister, issue a guideline specifying forms and procedures for submission of a business plan.

81. Investment Projects

- (1) By exercising the shareholder's rights, the responsible minister shall approve or refuse an investment project plan of each public enterprise, on the basis of the business plan submitted under these Regulations
- (2) The responsible minister may approve an investment project plan of each public enterprise, only after the Minister has approved the plan.
- (3) Before the end of October of every financial year, the Minister shall assess an investment project plan of each public enterprise or the responsible minister of whether the Minister has approved or refused the plan.
- (4) The Minister may approve an investment project plan of a public enterprise only when –
- (a) the project has a positive net present value;
 - (b) the long-term borrowing necessary for funding the project is approved under these Regulations; and
 - (c) the support necessary for funding the project is included in the budget and medium-term budgetary framework.
- (5) The Minister shall include in a Public Investment Program mentioned in the Act information on all approved investment project plans of public enterprises.
- (6) When assessing a net present value of a project of a public enterprise, the Minister shall use the same methodologies as those for evaluation of public investment projects.

82. Disposal of Major Assets

- (1) A public enterprise shall not dispose of, lease, or pledge its major assets, without the prior approval of the responsible minister.
- (2) By exercising the shareholder's rights, the responsible minister shall approve or refuse a proposal of a public enterprise for disposing of, leasing, or pledging its assets on the basis of the business plan submitted under the regulation.
- (3) The responsible minister may approve a public enterprise's proposal for disposing of, leasing, or pledging its assets only when –
- (a) the proposal has commercial merits;

(b) the disposal is made through a competitive process and the price of the disposal or lease it at market price; and

(c) the borrowing secured by the pledge of the assets has been approved by the Minister.

(4) A disposal, lease, or pledge of major assets made by a public enterprise without the approval required under this regulation shall be null and void.

83. Borrowing

(1) For the purpose of this regulation—

(a) short-term borrowing means borrowing with an original maturity of less than one year and;

(b) long-term borrowing means borrowing that has an original maturity of one year or longer.

(2) For the purpose of the Act , a public enterprise shall not make –

(a) short-term borrowing that exceeds a ceiling set by the Minister; and

(b) a long-term domestic or external borrowing without prior-approval of the Minister.

(3) Long-term borrowing made by a public enterprise without the approval required under sub-regulation (2) Shall be null and void.

(4) Before the beginning of every financial year, on the basis of the borrowing program included in the business plan, the Minister shall –

- i. set out a ceiling on maximum amount of outstanding short-term borrowing of each
- ii. public enterprise for the financial year; and
- iii. approve or reject proposed long-term domestic and external borrowings of each public enterprise for the financial year.

84. Guarantee issued by a Public Enterprise

i. A public enterprise shall not issue a guarantee on obligations of a related party or any other person, without prior approval of the Minister.

ii. A guarantee issued by a public enterprise without the approval required under sub-regulation (1) shall be null and void.

iii. When a public enterprise has outstanding guarantees issued by it, or intends to issue a guarantee in the next financial year, the public enterprise shall include information on the outstanding and proposed guarantees in the borrowing program, in accordance with Section 80, of these Regulations

85. Quarterly and Annual Financial Statements

(1) For the purpose of the Act, each public enterprise shall submit to or the responsible minister, the Minister, and the Auditor-General—

(a) a quarterly financial report with the contents specified in the Act, within one month after each quarter; and

(b) the unaudited annual financial statements required the Act, within three months after the end of each financial year.

(2) If a public enterprise fails to submit a quarterly financial report or the unaudited annual financial statements by the deadline specified in sub-regulation (1), the Minister may

(a) suspend subsidies from the budget until the quarterly financial reports or unaudited annual financial statements are submitted; and

(b) publish the fact of the failure, together with the names of the Chief Executive Officer and Director of Accounts, on the Ministry's website

86. Dissolution of public enterprise

- I. A public enterprise may be dissolved only with the prior approval of the Council of Ministers, with reference to legislation enacted to govern the establishment, management and dissolution of such public enterprise.
- II. Subject to the provisions of legislation enacted for the formation, management and dissolution of public enterprises, a public enterprise may be dissolved—
 - i. upon expiry of the lifespan of the public enterprise as may be defined in the instrument of establishment;
 - ii. where a public enterprise has carried out the mandate for which it was created;
 - iii. upon reorganization of the public enterprise and associated government functions, and
 - iv. upon a merger of the public enterprise with another.
- III. The accounting officer related to the public enterprise in question shall follow-up implementation of the findings and eventual recommendations for dissolution to ensure compliance.
- IV. The Minister may by notice in the gazette prescribe guidelines for dissolution and mergers of public enterprises.
- V. Upon approval by Council of Ministers of the recommendations to dissolve or merge public enterprises, the Minister shall cause the dissolution or merge the public enterprise with another
- VI. Upon dissolution of a public enterprise, the funds corresponding to government equity in the public enterprise shall be deposited into the Consolidated Fund.
- VII. Upon ceasing of an entity to be a public entity, the Minister shall vest all the assets and liabilities to the responsible national government entity.
- VIII. No national public enterprise shall vest its assets in another entity without prior approval of the Council of Ministers.
- IX. The provisions of this regulation shall be subject to the provisions of a legislation enacted for the formation, management and dissolution of public enterprise, or the Act of Parliament establishing that public enterprise.

PART XVI- GOVERNMENT GUARANTEES AND ON-LENDING

87. Assessment of Readiness

- I. Before the Minister seeks the ratification of Parliament for a government guarantee or on-lending from the budget for the first time under these Regulations, the Minister shall demonstrate to the Council of Ministers of readiness to comply with the requirements under the Regulations of this subpart.
- II. The ratification of Parliament for a government guarantee or on-lending from the budget shall not be sought under these Regulations, unless the Minister assures readiness under sub-regulation (1).

88. Conditions on Government Guarantees and On-lending

For the purpose of the Act, the Minister may seek the ratification of Parliament for a government guarantee only when all of the following conditions are met—

- (a) the borrower is a national government entity or a public enterprise;

- (b) the borrower is not in financial difficulty;
- (c) the guarantee is given –
 - (i) to a specific financial transaction;
 - (ii) for a fixed period of time; and for a specific amount.
- d) A guarantee fee comparable to the market price is charged;
- (e) a written draft government guarantee or loan agreement has been prepared;
- (f) in case of a loan guarantee, a domestic or external financial institution has agreed with the Minister to provide regular data on performance of an underlying loan; and
- (g) when a public enterprise is the borrower, a complete business plan, as required under these Regulations has been submitted.

89. Ratification of Government Guarantees and On-lending

(1) For the purpose of the Act, the Minister shall seek the ratification of Parliament for provisions of government guarantees and on-lending from the budget by submitting the following information as part of the budget documents–

- (a) in respect of each government guarantee, –
 - (i) a copy of a draft guarantee agreement;
 - (ii) the name of the borrower;
 - (iii) an explanation of the guaranteed financial obligation;
 - (iv) the guaranteed amount and period;
 - (v) the guarantee fee; and
 - (vi) the Minister's assessment of risks associated with the guarantee; and
- (b) in respect of each on-lending,
 - i) a copy of a draft loan agreement;
 - (ii) the name of the borrower;
 - (iii) the purpose, amount, maturity, and interest rate; and
 - (iv) the Minister's assessment of risks associated with the on-lending.

(2) When a public enterprise is a borrower, the Minister's assessment of risks associated with a guarantee and on-lending shall include –

- (a) an analysis of key financial ratios, including but not limited to a rate of return, interest cover, current ratio, debt to equity ratio, and in case of financing of a project a net present value; and
- (b) a discussion of market competitiveness and governance of each borrower.

90. Government Guarantees and On-lending without Parliamentary Ratification

Any agreement on a government guarantee or on lending from the budget that has been concluded without the prior ratification of Parliament shall be null and void .

91. Recording of a Register of Guarantees and Loans

(1) For the purpose of the Act, the First Undersecretary shall be responsible for maintaining the register of guarantees and loans.

(2) When Parliament ratifies a government guarantee or on-lending from the budget, the First Undersecretary shall record in the register of guarantees and loans:

- (a) a copy of a guarantee and loan agreement;
- (b) a copy of a ratification by Parliament; and
- (c) data on terms and conditions of a guarantee and loan.

(3) At least every quarter, the First Undersecretary shall obtain from a domestic or external financial institution data on performance of underlying loans in respect of each loan guarantee and record the data in the register of guarantees and loans.

(4) At least every month, the First Undersecretary shall obtain from the Director General of Accounts the bank statements showing receipts of guarantee fees and interests and principles of loans and payments and record these data in the register of guarantees and loans.

(5) By the end of every October, the First Undersecretary shall record in the register of guarantees and loans the financial statements of borrowers that are public enterprises on the basis of the business plan submitted under these Regulations.

(6) At least every month, the First Undersecretary shall obtain from the Director General of Accounts opening and closing balances of receivables arising from called government guarantees and defaulted on-lending from the budget, amount of newly called government guarantees and defaulted on-lending, and amount of their recoveries during the month and record them in the register of guarantees and loans.

(7) The Ministry shall establish an interface between their Information Technology System, the Real Time Gross Settlement System and Central Securities Depository System established by the Bank of South Sudan.

(8) The Bank of South Sudan shall establish an interface between the Ministry Information Technology System and the Real Time Gross Settlement System on order to achieve the straight-through processing of debt service and payment of

- a) Government securities issued abroad; and
- b) Borrowing through domestic and external loans.

92. Reserve Fund of Guarantee Fees

- I. A guarantee fee paid by a beneficiary of a government guarantee shall be deposited into a bank account opened as a reserve fund.
- II. A payment out of a bank account mentioned in sub regulation (1) may be made only to repay financial obligations when a government guarantee is called.
- III. The Director General of Accounts shall be responsible for managing any bank account mentioned in sub-regulation (1) and have the authority to make payments therefrom with the prior-approval of the Minister.
- IV. The Minister shall specify in the budget an amount of a reserve fund accumulated by guarantee fees.
- V. The Director General of Accounts shall make a journal entry of receipts of guarantee fees and payments and conduct a bank reconciliation by obtaining bank statements at least every week.

- VI. The First Undersecretary shall at least every week obtain bank statements and record receipts of guarantee fees and payments into the register of guarantees and loans.
- VII. A government guarantee agreement shall include a provision for immediate termination if the guarantee fee is not paid within one month of the due date.

93. Recovery and Calling Procedures

- I. When a public enterprise that is a borrower of a government guarantee or on-lending is likely to default in payment, the First Undersecretary shall immediately hold a meeting with the responsible ministry, including representation from the parts of the ministry responsible for budget and public debt.
- II. On the basis of the meeting mentioned in sub regulation (1), the First Undersecretary shall make a proposal to the Minister for exercising his powers for financial corrective actions under the Act.
- III. In case of call of a government guarantee or default on on-lending from the budget, the First Undersecretary shall consult with the Attorney-General's Office on legal actions for the debt collection and recovery.
- IV. The First Undersecretary may use a debt service provided by a financial institution for recovery and collection of a called government guarantee and non-performing on-lending.
- V. The Director General of Accounts shall make a journal entry –
 - (a) debiting a relevant receivable account when a government guarantee is called or there is default on on-lending from the budget; and
 - (b) crediting a relevant receivable account when a called government guarantee or a defaulted on-lending from the budget are recovered.

94. Public Debt Management Office.

For the purpose of Section 35 B of the Act and addition to the provisions of section 35 B of the Act, the functions of the Public Debt Management Office shall be to—

- a) Prepare and update an annual medium-term debt management strategy, including debt sustainability analysis, in accordance with these Regulations;
- b) participate in negotiation meetings with government creditors, and provide technical support to the Minister on public debt operations;
- c) assess the risks in issuing any guarantees including contingent liabilities inherent in public private partnership projects, and prepare reports on the method used for assessment and the results thereof for the attention of the Minister;
- d) facilitate the recovery of any payments including interest and other costs incurred by Government due to the honoring of outstanding guarantees;
- e) prepare annual debt management report which shall include outstanding guarantees, outstanding lending and government on-lending by Government;
- f) monitor and keep track of debt levels;
- g) to keep timely, comprehensive and accurate records of outstanding Government debt, guarantees and lending in an appropriate database;
- h) advise on all debt servicing obligations of Government;
- i) prepare and publish debt statistical bulletins annually;
- j) prepare forecasts on Government debt servicing and disbursements as part of the yearly budget preparation;
- k) compile, verify and report on all Government debt arrears and design a strategy for the settlement of those arrears;

- l) monitor that the disbursements of loans raised by Government are in accordance with agreed disbursement schedules;
- m) formulate External Resources Policy;
- n) assess, mobilize, negotiate and allocate all external resources including the consolidation of the donor commitment register in the annual national budget;
- o) examine and scrutinize proposals for financing projects of a national government entity from an accounting officer;
- p) formulate and harmonize policies and coordinate matters relating to employment of South Sudan nationals and appointment of expatriate consultants and technical assistance as experts and consultants in projects supported by development partners;
- q) ensure adherence to the accepted guidelines and procedures for procurement involving funds provided under foreign aid;
- r) coordinate, review and monitor the utilization of external resources including joint programming, joint work plans, joint visits, joint implementation, and monitoring and evaluation;
- s) profile external resources and maintain the accounts thereof;
- t) formulate an external resource mobilization strategy to guide the national and State governments including Administrative Areas in external resource mobilization including monitoring;
- u) liaise for external economic relations with international development agencies;
- v) coordinate all international agreements involving financial economic and technical co-operation dealing predominantly with economic and financial issues;
- w) programme and manage financing of fellowships, scholarships and foreign training offers from bilateral and multilateral sources;
- x) ensure harmonization, alignment and coordination of external resources in line with international conventions of which South Sudan is a member state thereof;
- y) monitor disbursement and absorption of external resources including reporting of the same by both national and State governments (including Administrative Areas);
- z) formulate guidelines and procedures for reporting and recording budget estimates and expenditure for external resource;
- aa) provide guidance and capacity development to State governments and Administrative Areas in the assessment, mobilization, negotiation and allocation of all multilateral and bilateral external resources for implementation of development partners;
- bb) support aid effectiveness initiatives and to use country systems in the management of external resources and where there is need, support in strengthening them rather than avoiding them;
- cc) ensure linkages of the Ministry of Finance with NGOs and coordination of NGOs through the formation of a National Consultative Forum; and
- dd) perform such other functions as may be determined by the Minister.

95. Borrowing limits

- (1) Pursuant to section 43 of the Act, the debt limit at any given time shall not exceed the net present value of the total public debt, as determined in accordance with fiscal responsibility principles under these Regulations.
- (2) In addition to the debt limit under paragraph (1), the annual thresholds for the annual borrowing by the national and State governments and their entities as required by section 43 of the Act shall be set by Parliament.
- (1) The debt limit under paragraph (1) of this regulation shall be specified annually in the budget policy statement and the medium term debt management strategy paper.

- (2) The annual new government debt and guarantees shall be consistent with the debt limits set out under paragraph (1) of this regulation.
- (3) For the purposes of monitoring compliance with the limits under paragraph (1), the amount of government debt and government guarantees which are not denominated in South Sudan pounds shall be recalculated at the prevailing exchange rate of the Bank of South Sudan.

PART XVII :INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF SOUTH SUDAN

For the purpose of Section 60 A of the Act. these Regulations shall be to provide for means of administering the Act by the Minister with respect to —

- (a) matters affecting the operations of the Institute and practice by members of the Institute; and
- (b) the administration and management of the Examinations Board.

96. Membership

- (1) The Institute shall have the following categories of members—
 - (a) full members;
 - (b) affiliate members
 - (c) associate members;
 - (d) Accounting technician; and
 - (e) trainee accountant
- (2) A person shall be eligible for full membership of the Institute if he or she
 - (a) has passed the qualifying examinations conducted by the examinations board and has completed the practical training prescribed by the Council; or
 - (b) is a member of the Professional Accountancy Organization that is recognized by the International Federation of Accountants.
- (3) A person shall be eligible for affiliate membership of the Institute if he or she has passed the professional qualifying examinations conducted by the examinations board but has not completed the practical training prescribed by the Council.
- (4) A person shall be eligible for associate membership of the Institute if they have been practicing accountancy and has a Practicing certificate issued by the Ministry of Justice prior to the commencement of the Act.
- (5) A person shall be eligible for accounting technician membership of the Institute if they have passed the accounting technician qualifying examinations conducted by the examinations board
- (6) A person shall be eligible for trainee accountant membership of the Institute while pursuing a professional accountancy course administered by the Examinations Board, for a period not exceeding nine years
- (7) Enrollment for membership
 - (a) A prospective member shall duly complete the application form and submit it together with the stipulated application fee set by Council.
 - (b) Upon enrollment, a member shall pay the annual subscription fees set by the Council.
- (8) Maintenance of membership

- (a) A member shall annually renew his or her membership by paying the annual subscription fee
 - (b) The Institute shall issue a notice for annual subscription not later than the first day of October each year.
 - (c) A member shall pay to the Institute the annual subscription fee for the ensuing year on or before the thirty-first day of December of the preceding year.
 - (d) A member shall obtain a minimum of 40 hours of continuing professional development (CPD) each year.
 - (e) Where a member does not acquire the minimum of 40 hours a year, the member shall be allowed to obtain the balance of the hours within the next two years.
 - (f) A member shall be responsible for keeping his or her CPD record.
 - (g) The council shall issue guidelines on CPD.
- (9) Rights of Members
- (a) A full member pursuant to the Act has the right to —
 - (i) participate in continuing professional development program at member rates;
 - (ii) participate in Annual General Meetings and Special General Meetings with full voting rights;
 - (iii) take up leadership positions on Council and other organs of the Institute
 - (iv) access relevant accountancy resources availed by the Institute;
 - (b) An affiliate member pursuant to the Act has the right to —
 - (i) participate in continuing professional development programs at member rates;
 - (ii) be registered as a full member after fulfilling necessary requirements for practical experience training as prescribed by Council;
 - (iii) participate in Annual General Meetings and Special General Meetings with no voting rights;
 - (iv) access relevant accountancy resources availed by the Institute;
 - (v) where necessary, be provided with practical experience, coaching and mentorship programmes;
 - (c) An associate member pursuant to the Act has the right to —
 - (i) participate in continuing professional development program at member rates;
 - (ii) be an observer at the Annual General Meetings and Special General Meetings with no participation and voting rights;
 - (iii) access relevant accountancy resources availed by the Institute;
 - (iv) pursue the accountancy professional qualification offered by a professional accountancy organization recognised by the International Federation of Accountants
 - (v) complete the professional qualification within a period of nine years, failure of which such member shall forfeit the rights to be a member of the Institute.

- (vi) access any other right as may be recommended by the Council for approval by the Minister
- (d) An accounting technician member pursuant to the Act has the right to —
 - (i) participate in continuing professional development program at member rates;
 - (ii) be an observer at the Annual General Meetings and Special General Meetings with no participation and voting rights;
 - (iv) access relevant accountancy resources availed by the Institute;
- (e) A trainee accountant pursuant to the Act has the right to —
 - (i) participate in continuing professional development program at member rates;
 - (ii) access relevant accountancy resources availed by the Institute;
 - (iii) remain under the register of the Institute while pursuing a professional accountancy course administered by the Examinations Board, for a period prescribed by Council.

97. Practicing Accountancy

- (1). Pursuant to section 60 A of the Act, a person is deemed to practice accountancy for the purpose of this Act, if he or she does so in consideration of remuneration or other benefits received or to be received, and whether as a sole practitioner or in partnership with any other person, such person engages in the practice of —
 - (a) Performing services involving auditing, verification and certification of financial statements or related reports; or
 - (b) renders any service which, amounts to practicing accountancy such as taxation, payroll, financial reporting; executorship and trusteeship, insolvency and receivership, attestation of documents related to the practice of accountancy, financial management.
- (2) Registration of an audit firm for license
 - (a) An audit firm shall comply with the registration requirements of the Government of South Sudan.
 - (b) Upon registration business name with the Government of South Sudan, the firm shall then apply for registration of the firm as per by-laws set by Council
 - (c) An accountant, who is a non-South Sudanese national and wishes to establish an audit firm, shall have at least one South Sudanese national who is a full member of the Institute
 - (d) Upon meeting all the requirements, the firm shall be issued a Practicing license by the Council.
 - (e) The firm license shall be renewed annually upon meeting the requirements set by the Council.
 - (f) A firm shall be subjected to a quality assurance review within a three year cycle as set in the Schedule by the Council,
 - (g) The Council may review and make changes to the quality assurance schedule and gazette the change.
- (3) Application for Practicing Certificate

- (1) Pursuant to section 60A of the Act, a person who is enrolled as a full member of the Institute and wishes to practice accountancy, shall apply to the Council to be registered as a Practicing accountant
- (2) The Practicing certificate shall be renewed annually upon meeting the requirements set by the Council.
- (4) Application for Registration
 - (1) Pursuant to section 60A of the Act, a person wishing to be registered as an accountant shall apply to the Council in the form set out in Schedule and such application shall be accompanied by the fees set out in the Schedule.
 - (2) The Council may recommend changes to the Third Schedule to the Minister for approval and gazettelement.
- (5) Register

For purposes of section 60A of the Act

 - (1) when a written application for access to its registers has been made, the Council may charge a fee set out in the Schedule for the provision of the information in accordance with the legal framework and
 - (2) the Council may recommend changes to the Schedule to the Minister for approval and gazettelement.
- (6) Offence to practice accountancy without certificate.
 - (1) A person, shall not practice accountancy without a certificate of practice issued by Council.
 - (2) A person who contravenes this provision commits an offence and is, on conviction, liable to a fine or imprisonment as provided in the by-laws.

98. The Council

- (1) Officers of the Institute

The Council shall be headed by a president who is deputized by a vice president.
- (2) Composition of the Council.
 - (a) The governing body of the Institute is the Council which consists of eleven members
 - (b) The Council comprises of—
 - (i) a president and a vice president elected by full members
 - (ii) five members elected by full members, at least two of whom shall be women;
 - (iii) three ex-officio members namely;
 - 1. Auditor-General, National Audit Chamber
 - 2. First Undersecretary, Ministry of Finance
 - 3. Commissioner General or representative, South Sudan Revenue Authority
 - (d) A representative of a professional association
- (3) An *ex officio* member may in writing appoint another person to represent him or her at a meeting of the Council
- (4) Tenure of office.

A member of the Council, other than an *ex-officio* member, shall hold office for three years and is eligible for re-election or reappointment for one additional term of three years. No member shall serve more than two terms.

- (5) Resignation of members of the Council.
- (a) A member of the Council, other than an *ex-officio* member, may resign his or her office by writing, addressed to the president and in the case of the president, addressed to the secretary
 - (b) Where an elected member of the Council ceases to be a member of the Institute, he or she shall cease to be a member of the Council.
 - (c) Where an elected member dies or ceases to be a member of the Council other than by effluxion of time, the Council shall coopt a member of the Institute, pending the election of another member at the next annual general meeting.
- (6) Termination of office of member of the Council
- A member of the Council, other than an *ex officio* member may, at any time, by the members at the annual general meeting, as the case may be, for—
- (a) professional misconduct;
 - (b) incompetence;
 - (c) abuse of office;
 - (d) corruption;
 - (e) inability to perform the functions of the office due to physical or mental incapacity;
 - (f) conviction of an offence involving moral turpitude;
 - (g) failure to attend six consecutive scheduled meetings of the Council, without reasonable excuse; or
 - (h) any other reasonable ground
- (7) Functions of the Council
- Pursuant to the provisions of this Act, the functions of Council shall be guided by the bylaws issued by Council.
- (8) Meetings of the Council
- Pursuant to the provisions of this Act, the Council shall regulate its own proceedings as guided by the by-laws

99. The Secretariat

- (1) Chief Executive Officer / Secretary
- The Council shall appoint a Chief Executive Officer, who shall also be Secretary of the Institute and who shall be responsible for the day to day management of the Institute, Institute's staff and for delivery of the agreed policies of the Institute, under the supervision of the Council
- (2) Staff Matters
- (a) The Council shall determine the detail and scope of the powers, duties, functions, remuneration and other conditions of employment of the Chief Executive Officer and staff.
 - (b) The Chief Executive Officer and senior staff of the Institute as designated by Council, shall constitute the Executive of the Institute, which shall be responsible to the Council for the daily operations of the Institute and such other functions as the Council may determine from time to time.

100. South Sudan Public Accountants Examinations Board

- (1) The Institute shall have an examinations board to be known as the South Sudan Public Accountants Examinations Board (SSPAEB), referred to as the “examinations board” consisting of—
 - (a) two members of Council, one of whom shall be designated as chairperson
 - (b) one qualified accountant from the teaching staff of a public university;
 - (c) one representative of the Ministry of Higher Education, Science and Technology;
 - (d) one representative of the South Sudan National Examinations Council;
 - (e) one representative of the South Sudan Bar Association ; and
 - (f) the secretary of the examinations board, who shall be the Secretary of Council.
- (2) A member of the board, other than a member who is a member of the Council and the secretary of the examinations board, shall hold office for three years and shall be eligible for re-appointment.
- (3). Functions of examinations board.
The examinations board shall—
 - (a) determine the syllabi and curricula in respect of examinations in the subjects of study;
 - (b) conduct the examinations of the Institute;
 - (c) appoint examiners, moderators and markers of examinations;
 - (d) make rules to govern the examinations of the Institute; and
 - (e) do any other thing connected with the management of the examinations of the Institute.

101. Regulation and Quality Assurance

- (1) Continuing Professional Development
 - (a) All members of the Institute must undertake Continuing Professional Development (CPD) activities that are relevant, measurable, and verifiable.
 - (b) The Council shall issue By-laws—
 - (i) prescribing the requirements for mandatory continuing professional development applicable to each category of membership;
 - (ii) providing for the processes to enable the Institute to monitor compliance with such requirements; and
 - (iii) prescribing penalties for non-compliance with such requirements.
- (2) Quality Assurance and Practice Review
 - (a) The Institute shall conduct audit practice review of its members and audit firms.
 - (b) The Council shall issue By-laws providing for the establishment, maintenance and management of a quality review system in compliance with the requirements of IFAC.
 - (c) In addition to subsection (2), the By-laws shall provide for the review of the work of auditors and audit firms and their quality control systems; preparation of reports on reviews and for appropriate corrective, disciplinary action arising from such reviews, and related matters.

102. Investigation and Discipline

- (1) The Council shall, establish and maintain a regime for -
 - (a) investigation -
 - (i) of complaints against members of all categories and audit firms other than complaints concerning fees (fee disputes); and
 - (ii) following receipt of reliable information indicating a possible act or omission by a member of any category or an audit firm in breach of the provisions of these Regulations or of any provisions of the By-laws;
 - (b) the resolution of such complaints and disposal of breaches by means other than formal disciplinary proceedings in appropriate circumstances, as specified in the By-laws; or
 - (c) prosecution of any such breaches by means of formal disciplinary proceedings;
 - (d) an appeal process for members of any category and member firms aggrieved by the disposal of any case prosecuted under subsection (c).
- (2) The By-laws shall provide for the establishment and maintenance of-
 - (a) an Investigation Committee
 - (b) a Disciplinary Committee; and
 - (c) an Appeals Committee;

with full powers necessary to implement the processes set forth in subsection (1) on behalf of the Institute, operating in compliance with the requirements of Statement of Membership Obligations No 6 (SMO 6) issued by IFAC, to the extent permitted by national laws.
- (3) Without prejudice to the generality concerning powers of the committees specified in subsection (2) the powers of the Investigation Committee and the Disciplinary Committee shall include powers to impose sanctions against members and audit firms in respect of any such breach, including, but not limited to suspension of membership, exclusion from membership, suspension or cancellation of registration and certificates, monetary penalties and awards of costs.
- (4) The By-laws shall define and prescribe the actions or omissions that shall constitute professional misconduct, professional incompetence, unsatisfactory work or other breaches of professional and membership obligations, rendering a member of any category of membership or member firm liable to investigation and disciplinary action.

103. Meetings of the Institute

- (1) Annual General Meeting
 - (a) The institute shall hold an annual general meeting which shall be held once every year at a time, date and place determined by the Council.
 - (b) The following business shall be transacted at the annual general meeting—
 - (i) reception and consideration of the annual report of the Council;
 - (ii) reception and consideration of the accounts of the institute and the auditor's report;
 - (iii) election of members of the Council;
 - (iv) appointment of auditors; and
 - (v) any other business.
- (2) Special General Meeting.

The Council may convene a special general meeting of the institute whenever it considers it necessary and shall convene a special general meeting within ten days from the receipt by the secretary of a requisition in writing, stating the object of the proposed meeting and signed by at least twenty members of the institute

(4) Notice of Meeting

The Secretary shall send to each member of the institute notice of the meeting not less than fourteen days and not more than 21 days before the date of the meeting and the agenda for the meeting

(5) Quorum

- (a) The quorum for the general meeting shall be twenty members and if after fifteen minutes from the time appointed for the meeting the quorum is not met, the meeting shall stand adjourned to that day a fortnight at the same time and a place to be determined by the Council.
- (b) On the date to which the meeting is adjourned, the meeting shall proceed to business notwithstanding that there may be less than twenty members.

104. Temporary and Transitional Provisions

(1). Appointment of Interim Council

- (a) The Minister of Finance and Planning shall, within three months after the commencement of these Regulations, appoint an interim Council comprising of the following persons—
 - i. Interim President of the Institute; a qualified accountant, resident in South Sudan
 - ii. Interim Secretary of the Institute, a qualified accountant, resident in South Sudan
 - iii. Auditor General or his or her representative
 - iv. First Undersecretary, Ministry of Finance and Planning, or his or her representative
 - v. Commissioner General of Revenue Authority, or his or her representative
 - vi. Director General (Accounts), Ministry of Finance and Planning, or his or her representative
 - vii. Representative of the private sector

(2) The Interim Council shall hold office for not more than 12 months.

(3) The Interim President shall preside over the election of a substantive Council at a general meeting.

(4) The interim council shall carry out the necessary initial organisation for the establishment of the institute.

(5) First enrollment

- (a) The interim president shall, with the advice of the interim council, and as soon as is practicable, publish a notice in at least two widely read newspapers inviting eligible persons to apply for full membership.
- (b) The interim president shall, within three months after the notice, and with the advice of the interim council, enroll eligible persons as first full members of the institute.
- (c) A person enrolled as a first full member shall, on enrollment, pay an enrollment fee and an annual subscription fee to be determined by the interim council.

(6). Handing-over by interim council

The interim council shall hand over all powers and responsibilities to the elected council as soon as is practicable after the election of the substantive council.

PART XVIII- PENALTIES AND MISCELLANEOUS

105. Penalties and surcharges

(1) When a public body or public officer fails to comply with any requirement under the Act or this Regulation, the Minister may take one or more of the following administrative measures:

- (a) require submission of corrective action plans and additional reporting;
- (b) publish the fact of the violation and the name of the Accounting Officer in media selected by the Minister;
- (c) undertake special investigations through an officer appointed by the Minister;
- (d) suspend or annul transactions made without the required approval;
- (e) place a special advisor in the office of the covered entity; and
- (f) take over, through an officer appointed by the Minister, such powers for the financial management of the public body as determined by the Minister.

(2) When a public body fails to submit quarterly financial and non-financial reports or annual financial statements by the prescribed deadlines, the Minister may take one or more of the following actions:

- (a) suspend allotments and warrants for the budget expenditure until the required reports or statements are submitted; and
- (b) publish the fact of the failure and the name of the Accounting Officer in such media as the Minister deems appropriate.

(3) A public officer who:

- (a) spends public money without authorization under the Constitution or any other law;
- (b) enters into obligations with financial implications for the national, State/Administrative Area, or local government budget without legal authority; or
- (c) borrows, issues guarantees or indemnities, or enters into financial transactions that bind government entities without lawful authority under These Regulations commits an offence and shall, upon conviction, be liable to a penalty not exceeding ten (10) years' imprisonment or a fine not exceeding five million South Sudanese Pounds (SSP 5,000,000), or both.

(4) Where a public officer causes loss to public funds through willful or negligent contravention of the Act or this Regulation, a surcharge shall be imposed equivalent to the value of the loss. This surcharge shall be a debt owed to the Government and shall be recoverable either administratively or through a court of competent jurisdiction, in addition to any other penalty imposed.

(5) The penalties provided under this Regulation shall be without prejudice to any additional penalties prescribed under any other applicable laws.

106. Losses Abandonment of claims and write off of public money and assets

- (1) Losses may include cash, inventories, public property, waived or abandoned claims, fruitless payments, illegal expenditures, and lost accountable documents

- (2) The Accounting Officer shall ensure:
- (a) that there is a mechanism in place for prompt detection and reporting of losses; that losses detected are investigated and for the purpose of the Act are recorded through the IFMIS in appropriate registers and reported in the accounts immediately;
 - (b) that amounts recoverable from the officer held responsible for the loss, are recovered without delay;
 - (c) that irrecoverable losses are written-off in accordance with procedures specified in the Comprehensive Operating Procedures Manual;
 - (d) that within two months after the end of each financial year, he or she submits to the Director General of Accounts an explanation of what disciplinary and other sanction has been taken in respect of each loss recorded in the IFMIS under paragraph 2(b).
 - (e) that an Annual Statement of Losses is compiled and included in the annual financial statements of the Public Body for submission to the Director General of Accounts who shall prepare a consolidated annual statement of losses as part of the annual financial statements of the National government submitted for audit.
- (3) The Director General of Accounts may establish a committee of enquiry to investigate the circumstances of any large or unusual losses referred to it by the Director General to the Director General of the Ministry, Director General Internal Audit or Auditor General.
- (4) The Minister shall, in a Comprehensive Operating Procedures Manual, specify detailed arrangements for the management of losses under paragraph (1).

107. Entry into force and implementation of the Regulation

- (1) These Regulations shall come into force on the date of signing by the Minister of Finance and Planning.
- (2) The Minister may, by order, defer or suspend the implementation of any part(s) or sections of These Regulations to allow for the smooth implementation of the Regulation.
- (3) For the better implementation of this Regulation and pursuant to the Act, the Minister shall make and publish operating financial management procedures specifying the general policies, procedures, processes and rules to be followed by the Accounting Officers in the efficient and effective management of public resources and funds.
- (4) In accordance with the Act and for the effective implementation of the Act and this Regulation, the Director General of Accounts shall be responsible for conducting and managing programmes for the professional development of public officers with public financial management responsibilities.

108. Schedule

ACTIVITY	DUE DATE
Present preliminary estimates and 3-year projections to Assembly's Finance and Economic Planning Committee.	By the end of December
Present preliminary annual estimates of resources/revenues and indicative budget ceilings (3-year MTEF) to Council of Ministers	15th November (each FY)
Present final estimates and budget ceilings to Council of ministers.	By 15 January
Present preliminary estimates of resources, revenue, and 3-year projections to the public.	By the end of January
Submit Quarterly Expenditure Reports	Within 30 days of quarter
Formal review of Agency budget plans.	Within 14 days of submission
Submit Budget Policy Statement to Assembly (by 15 February latest). Budget Policy Statement must include strategic priorities, expenditure limits, fiscal risks, and debt limits.	Within 7 days of BROP approval
Assembly to table and discuss Budget Policy Statement and issue resolution.	Within 14 days of submission to Assembly
Minister to publish the Budget Policy Statement.	Within 15 days of submission to Assembly
Submit finalized budget to Assembly (after Presidential review).	By 30 April
Public availability of Budget	30 days after Assembly approval
Supplementary Appropriations allowed	After 7th month of financial year (max. 2 times/year)
Submission of final accounts to Auditor General	By September 30th
Auditor General to audit and give opinion on accounts	Within 4 months after end of FY
Public availability of key accounts (Gov't, Contingency Fund, Petroleum Fund)	Immediately after September 30th

**EXPLANATORY MEMORANDUM
THE PUBLIC FINANCIAL MANAGEMENT REGULATIONS, 2025**

Following the enactment of the Public Financial Management and Accountability Act 2011 (Amendment 2024);
and in accordance with Section 68 of the said Act, the Ministry of Finance and Planning (MOFP), undertook to develop Public Financial Management Regulations, which supplements the Public Financial Management and Accountability Act 2011 (Amendment 2024); and provides for the new provisions contained in the said Act.

In collaboration with MOFP and the PFMIS World Bank Project, these Regulations were prepared. The drafting team, in collaboration with the Ministry of Finance and Planning and the PFMIS World Bank Project, met with a wide range of stakeholders, including all Ministries, Departments, Agencies (MDAs), Spending Agencies, and other public enterprises

The outcome of the
exercise was the production of draft Regulations. This was presented to the stakeholders at a workshop organized by MOFP.

These areas are as follows: Budgeting, Macro-fiscal Management; Treasury, Cash Management; Accounting and Financial reporting; Asset Management, Revenue Management and Government Lending.

These Regulations implement and actualize the provisions of the Public Financial Management Act 2011 (Amendment 2024); which makes provision for the prudent, efficient, effective,
and transparent management and use of public financial resources.

Made this day of 09 Month of April in the year 2026 A.D

Signed _____

Salvatore Garang Mabiordit

Minister of Finance and Planning

Republic of South Sudan

Juba.

