A CONSOLIDATED VERSION OF

THE STATUTORY BODIES
(ACCOUNTS AND AUDIT) ACT

5 March 2015
A CONSOLIDATED VERSION OF
THE STATUTORY BODIES (ACCOUNTS AND AUDIT) ACT

Act 2 of 1972 – 1 July 1972


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1. **Short title**

This Act may be cited as the Statutory Bodies (Accounts and Audit) Act.

2. **Interpretation**

In this Act –

“audit” has the same meaning as in the Financial Reporting Act;

“auditor” means a person appointed as auditor under section 5;

“Board” means the managing committee of a statutory body;

“capital project” means an intervention relating to acquisition or preservation, or to both acquisition and preservation, of non-financial assets for meeting defined objectives and consisting of a set of interrelated activities to be carried out within a specified budget and a time-schedule;

“financial statements”, in relation to a financial year –

(a) means –

(i) a statement of financial position;

(ii) a statement of financial performance;

(iii) a statement of changes in net assets or equity;

(iv) a statement of cash flow; and

(v) in respect of a statutory body specified in Part I of the Second Schedule, a statement of comparison of annual estimates and actual amounts; and

(b) includes notes, comprising a summary of significant accounting policies and other explanatory notes;

“financial year” has the same meaning as in section 2A of the Finance and Audit Act;

“IFAC” has the same meaning as in the Financial Reporting Act;

“Minister” means the Minister to whom responsibility for the statutory body concerned is assigned;

"qualified auditor" means -
(a) an auditor licensed under the Financial Reporting Act; and

(b) the Director of Audit;

“statutory body” means a body specified in the First Schedule.


3. **Powers of Minister**

The Minister may give to a Board directions of a general character as to the performance by the Board of its functions and duties as appear to the Minister to be requisite in the public interest, and the Board shall comply with the directions.

3A. **Interest in agency or body of persons restricted**

(1) Except where otherwise expressly provided in the enactment establishing or setting up a statutory body, the statutory body shall not –

   (a) establish or create any agency or body of persons, whether corporate or unincorporate;

   (b) acquire or hold any interest in any other agency or body of persons, whether corporate or unincorporate.

(2) Any agency or body of persons referred to in subsection (1) established or created prior to the commencement of this section shall be dissolved or wound up and the assets and liabilities taken over by the statutory body not later than 1 January 2011, unless the Minister approves otherwise.

(3) A statutory body which holds an interest in any agency or body of persons referred to in subsection (1) shall, not later than 1 January 2011, dispose of such interest, unless the Minister approves that it may continue to do so.

[Added 1/2009]

4. **Accounting records**

Every statutory body shall cause to be kept proper accounting records for the purpose of recording all the transactions relating to its undertakings, funds, activities and property.

[Amended 1/2009]

4A. **Report on performance**

Every statutory body shall, not later than 31 October in every year, submit to the Minister a report on its performance in respect of the previous financial year and on its strategic direction in respect of the following 3 financial years.
4B. Annual estimates

Every statutory body shall, not later than 28 February in every year, submit to the Minister, in respect of the following financial year, estimates of income and expenditure, both recurrent and capital, prepared on a 3-financial year rolling basis, the estimates for the first year of every such period of 3 financial years requiring approval by the Minister.

5. Auditor

(1) Subject to paragraph (b), every Board shall, every financial year, with the approval of the Minister, appoint an auditor to audit the financial statements of the statutory body.

(b) Paragraph (a) shall not apply where the enactment establishing the statutory body provides that the Director of Audit shall audit its financial statements.

(2) All expenses in connection with or incidental to an audit under this section shall be borne and paid by the statutory body.

(3) No person shall be appointed as an auditor unless he is a qualified auditor.

6. Powers of auditor

(1) Every auditor shall have access at all reasonable times to all the books and accounts of the statutory body, all vouchers in support of them, and all relevant books, papers, and writings in the possession or control of the Board relating to them.

(2) The auditor so appointed may require, from all the members of the Board and all officers, agents and employees of the statutory body, such information and explanations as may be necessary for the purpose of the examination or audit.

6A. Annual report

(1) Every statutory body shall cause to be prepared an annual report.

(2) The annual report under subsection (1) shall consist of –

(a) the financial statements in respect of the financial year to which the report relates; and

(b) a report on the activities of the statutory body during the financial year; and
(c) a corporate governance report in accordance with the National Code of Corporate Governance.

(2A) The financial statements referred to in subsection (2)(a) shall be signed by –

(a) the Chairperson or, in his absence, another member appointed by the Board; and

(b) another member of the Board.

(3) Every statutory body specified in –

(a) Part I of the Second Schedule shall prepare financial statements in compliance with the International Public Sector Accounting Standards (IPSAS) issued by IFAC;

(b) Part II of the Second Schedule shall prepare financial statements in compliance with the financial reporting and accounting standards issued under section 72 of the Financial Reporting Act.

(4) The Board of every statutory body shall be responsible for the proper and timely performance of the requirements of this section.

(5) [Repealed 20/2009]


7. **Submission of annual report**

   (1) The chief executive officer of every statutory body shall, not later than 3 months after the end of every financial year, submit to the Board for approval the annual report referred to in section 6A in respect of that year.

   (2) After approval by the Board, the chief executive officer shall, not later than 30 April after the end of every financial year, submit the annual report to the auditor.

   (3) The auditor shall, within 6 months of the date of receipt of the annual report pursuant to subsection (2), submit the annual report and his audit report to the Board.


7A. **Disciplinary action for non-compliance**

   Where, in the opinion of the Board, the chief executive officer or any other officer of a statutory body –
(a) has not properly performed his duties with the result that the requirements of sections 4A, 4B, 6A and 7(1) and (2) cannot be complied with within the prescribed time; or

(b) does not comply with any other provision of this Act or the enactment establishing the statutory body,

the Board may, after giving an opportunity for the officer to be heard, take appropriate disciplinary action against the officer.

[Added 1/2009, 10/2010, 26/2013]

8. **Auditor’s report**

Every auditor shall report to the Board whether -

(a) he has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purpose of the audit;

(b) [Repealed 20/2009]

(c) [Repealed 20/2009]

(d) in his opinion, to the best of his information and according to the explanations given to him, the financial statements give a true and fair view of the financial performance of the statutory body for the financial year and of its financial position at the end of the financial year;

(e) this Act and any directions of the Minister, in so far as they relate to the accounts, have been complied with;

(f) in his opinion, and, as far as could be ascertained from his examination of the financial statements submitted to him, any expenditure incurred is of an extravagant or wasteful nature, judged by normal commercial practice and prudence;

(g) in his opinion, the statutory body has been applying its resources and carrying out its operations fairly and economically.

[Amended 1/2009, 10/2010]

9. **Board’s report**

(1) On receipt of the annual report including the audited financial statements and the audit report under section 7(3), the Board shall, not later than one month from the date of receipt, furnish to the Minister such reports and financial statements.

(1A) [Repealed 10/2010]
(1B) Every statutory body shall also prepare such other accounts as the Minister may require, and shall afford to him facilities for the verification of the information furnished, in such manner and at such times as the Minister thinks fit.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of every statutory body before the Assembly.

[Amended 1/2009, 10/2010]

9A. **Provisions of Act to prevail**

In the event of any conflict or inconsistency between any provision of this Act and the provisions of the enactment establishing or setting up the statutory body, the provisions of this Act shall prevail.

[Added 1/2009]

10. **Regulations**

The Minister may –

(a) make such regulations as he thinks fit for the purposes of this Act; and

(b) by regulations, amend the Schedules.

[Amended 1/2009, 20/2009]
11. **Transitional provisions**

(1) Every statutory body having an accounting period which ends on 30 June, shall, not later than 15 May 2009, in respect of the period of 18 months ending 31 December 2010, submit to the Minister, an estimate of income and expenditure of the statutory body for his approval.

(1A) The provisions of this Act, as enacted before being amended by the Additional Stimulus Package (Miscellaneous Provisions) Act 2009 and the Finance (Miscellaneous Provisions) Act 2009, shall apply to the estimate of income and expenditure submitted in accordance with subsection (1), subject to –

(a) the time limit of 3 months after the end of every financial year referred to in section 7 being construed as not later than 31 March 2011;

(b) the Board furnishing its report to the Minister under section 9 not later than 30 June 2011.

(2) This Act, as enacted before being amended by the Additional Stimulus Package (Miscellaneous Provisions) Act 2009, and the enactment establishing the statutory body shall apply to the estimate submitted in accordance with subsection (1).

(3) [Repealed 10/2010]


12. **Transitional provisions**

Every statutory body having an accounting period which ends on 31 December shall, not later than 31 October 2015, in respect of the period of 18 months ending on 30 June 2017, submit to the Minister an estimate of its income and expenditure for his approval.

[Added 1/2015]
**FIRST SCHEDULE**  
[Section 2]  
**STATUTORY BODIES**

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## SECOND SCHEDULE
[Section 6A(3)]

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PART II

Body
Aapravasi Ghat Trust Fund
Bus Industry Employees Welfare Fund
Chagossian Welfare Fund
Civil Service Family Protection Scheme Board
Conservatoire de Musique François Mitterand Trust Fund
Construction Industry Development Board
Early Childhood Care and Education Authority
English-speaking Union

Established/Set up under the –
Aapravasi Ghat Trust Fund Act
Bus Industry Employees Welfare Fund Act
Chagossian Welfare Fund Act
Civil Service Family Protection Scheme Act
Conservatoire de Musique François Mitterand Trust Fund Act
Construction Industry Development Board Act 2008
Early Childhood Care and Education Authority Act 2007
English-speaking Union Act

Body
Export Processing Zones Development Authority
Authority
Export Processing Zone Labour Welfare Fund
Fashion and Design Institute
Fishermen Investment Trust
Fishermen Welfare Fund
Hindi-speaking Union
Islamic Cultural Centre Trust Fund
Law Reform Commission
Le Morne Heritage Trust Fund
Loïs Lagesse Trust Fund
Malcolm de Chazal Trust Fund
Marathi-Speaking Union
Mauritian Cultural Centre Trust
Mauritius Council of Registered Librarians
Mauritius Ex-Services Trust Fund
Mauritius Marathi Cultural Centre Trust
Mauritius Society of Authors
Mauritius Sports Council
Mauritius Tamil Cultural Centre Trust
Mauritius Telegu Cultural Centre Trust
Media Trust
National Adoption Council
National Agency for the Treatment and Rehabilitation of Substance Abusers
National Art Gallery
National Children’s Council
National Council for the Rehabilitation of Disabled Persons
National Heritage Fund
National Human Rights Commission
National Institute for Co-operative Entrepreneurship
National Library
National Solidarity Fund
National Women’s Council
National Women Entrepreneur Council
National Youth Council
Nelson Mandela Centre for African Culture Trust Fund

Body
Professor Basdeo Bissoondoyal Trust Fund

Established/Set up under the –
Professor Basdeo Bissoondoyal Trust Fund Act
Ramayana Centre
Seafarers’ Welfare Fund
Senior Citizens Council
Sir Seewoosagur Ramgoolam Botanical Garden Trust
Sir Seewoosagur Ramgoolam Foundation
Small Farmers Welfare Fund
St Antoine Planters Co-operative Trust
Sugar Cane Planters Trust
Tamil-Speaking Union
Telugu-Speaking Union
Tourism Employees Welfare Fund
Town and Country Planning Board
Trade Union Trust Fund
Training and Employment of Disabled Persons Board
Urdu-speaking Union
Vallée d’Osterlog Endemic Garden Foundation
World Hindi Secretariat

Ramayana Centre Act
Seafarers’ Welfare Fund Act 2008
Senior Citizens Council Act
Sir Seewoosagur Ramgoolam Botanical Garden Trust Act
Sir Seewoosagur Ramgoolam Foundation Act
Small Farmers Welfare Fund Act
St Antoine Planters Co-operative Trust Act
Sugar Cane Planters Trust Act
Tamil-Speaking Union Act 2008
Telugu-Speaking Union Act 2008
Tourism Employees Welfare Fund Act
Town and Country Planning Act
Trade Union Trust Fund Act
Training and Employment of Disabled Persons Act
Urdu-speaking Union Act
Vallée d’Osterlog Endemic Garden Foundation Act
World Hindi Secretariat Act