



LAWS OF SOUTH SUDAN

APPROPRIATION ACT 2021 - 2022

MARCH 2022



LAWS OF SOUTH SUDAN

APPROPRIATION ACT 2021 - 2022

MARCH 2022

LAWS OF SOUTH SUDAN
APPROPRIATION ACT, 2021/2022

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY PROVISIONS

- 1. Title and Commencement**
- 2. Definitions**

CHAPTER II

APPROPRIATIONS

- 3. Appropriations from the Consolidated Fund**
- 4. Payment Requests against Spending Agencies**
- 5. Peace Budget (R-ARCISS Implementation Fund)**
- 6. Limits to expenditure**
- 7. Supplementary Expenditure**
- 8. Contractual Obligations**
- 9. Budget Execution Reports**
- 10. Pension Funds.**
- 11. Carry over into 2022/2023.**

CHAPTER III

PENALTIES

- 12. Penalties**

LAWS OF SOUTH SUDAN

APPROPRIATION ACT, 2021/2022

An Appropriation Act to provide for the control and management of the Republic of South Sudan revenue and expenditures from the Consolidated Fund intended for the security and benefit of the citizens of South Sudan, from 1st July 2021 to 30th June 2022.

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement

This Act shall be cited as “The Appropriation Act 2021/2022 and shall come into force upon its signature by the President.

2. Definitions

In this Act, unless the context otherwise requires, the following words and expressions shall carry the meanings assigned to them:

“Accounting Officer” means the individual designated by this Act to make all payment requests, and provide all necessary accountability, for the expenditures of a Government Spending Agency; and shall have the meaning assigned to it under the Public Financial Management and Accountability Act, 2011;

“R-ARCISS” refers to The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

“Budget line” means an expenditure classification defined in the Approved Budget through the allocation of a specific three-digit expenditure code;

“Chapter” means one of the five main expenditure categories of Wages & Salaries, Use of Goods & Services, Transfers, Capital expenditures and Other expenditures, as defined in the Approved budget through the allocation of a specific two-digit expenditure code;

“Consolidated Fund” means the central group of revenue, expenditure and reserve accounts, maintained by the National Ministry of Finance and Planning in the Bank of South Sudan, for receiving public revenue and meeting public expenditure;

“Spending Agency” means any Government entity receiving an appropriation under this Act;

“GRSS” Refers to Government of the Republic of South Sudan;

“Spending Agency” means any Government entity receiving an appropriation under this Act;

“Legislature” Means the Transitional National Legislative Assembly and the Council of States;

“Minister” means the National Minister of Finance and Planning in the Government of the Republic of South Sudan;

“Ministry” means the National Ministry of Finance and Planning in the Government of the Republic of South Sudan;

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

“Peace Agreement” refers to the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

CHAPTER II

APPROPRIATIONS

3. Appropriations from the Consolidated Fund

- (1) The total estimates of the National Budget for the Fiscal Year 2021/2022 amount to Three Hundred Thirty-Eight Billion, Forty -Three Million, Seven hundred forty Seven thousand, Seven Hundred and One South Sudan Pounds only (SSP 338,043, 747,701);
- (2) The Resource Envelope for FY 2021/2022 budget is to be realized from the following funding sources:
 - (a) Net oil revenues of Hundred and Eleven Billion, Eighty-Six Million, Nine Hundred Thirty-Five Thousand, Three Hundred (SSP 111,086,935,300) after deductions of transfers to Sudan, oil producing states and communities, Ministry of Petroleum, debts service and oil for roads projects;
 - (b) Non-oil of Fifty- Eight Billion, Two Hundred Forty-Eight Million, Nine Hundred Ninety-Nine Thousand, One Hundred Ninety-Five South Sudanese Pounds (SSP 58,248,999, 195); and
 - (c) External financing of Seventy-Seven Billion, Four Hundred Million South Sudanese Pounds (SSP 77,400,000,000).
 - (d) Fifty-One Billion, Seven Million, Seven Hundred Thirty One Thousand, Six hundred and One South Sudanese Pounds Only (SSP 51,007,731,601) from Over paid Transitional Financial Arrangement (TFA) to Sudan and difference of Oil Benchmark sale from January to June 2022.
 - (e) Deficit (Financing from Commercial Borrowing) of Forty Billion, Three Hundred Million, Eighty-One Thousand, Six Hundred and Five South Sudanese Pound Only (SSP 40,300,081,605).

-
- (3) **The resource envelope is appropriated as follows:**
- (a) **Ninety-Six Billion, Eleven Million, One Hundred and Thirty-Five Thousand, One Hundred South Sudanese pounds only(SSP 96, 011,135,100) is appropriated to Government Spending Agencies for payment of wages and salaries;**
 - (b) **One Hundred Three Billion, Fourteen Million, One Hundred Thirty Two Thousand, Nine Hundred and Forty-Nine South Sudanese Pounds only(SSP 103,014,132,949) is appropriated to Government Spending Agencies for operations (Use of Goods and Services);**
 - (c) **Fifteen Billion South Sudan Pounds (SSP 15,000,000,000)is earmarked for peace (ARCISS Implementation Fund);**
 - (d) **Six Billion Four Hundred One Million, One Hundred Eighty-Seven Thousand Five Hundred Twenty South Sudanese Pounds (SSP 6,401,187,520) is Emergency Fund;**
 - (e) **Forty-Seven Billion, Four Hundred Sixty-Three Million, Nine-Hundred Seven Thousand, Six Hundred Eighty-Four South Sudanese pounds (SSP 47,463,907, 684) appropriate for other capital expenditure other than roads;**
 - (f) **Sixty-Five Billion, Eight Hundred and Nineteen Million, Seventy-Thousand, Eight Hundred Thirty-Four South Sudanese Pounds (SSP 65,819,070,834) appropriated for grants and transfers;**
 - (g) **Four Billion, Three Hundred Thirty-Four Million, Three Hundred and Thirteen Thousand, Six Hundred Fourteen South Sudanese Pounds Only (SSP 4, 334, 313, 614,) appropriated for other expenditures.**
- (4) **Expenditures from the Consolidated Fund are authorised for the period of 1st July 2021 to 30th June 2022 for each Spending Agency on a chapter by chapter basis, as set forth in Appendix 1 to this Act.**

(5) **Payments for salaries to public service employees, use of goods, services costs and capital expenditures shall be in accordance with the Public Finance Management & Accountability Act 2011, Public Service Laws and this Appropriation Act, 2021/2022.**

(6) **Scales and procedures shall be in accordance with the Public Services Laws and approved Regulations.**

4. Payment Requests against Spending Agencies

(1) **Payment requests against a Spending Agency's appropriation shall be submitted to the National Ministry of Finance and Planning by the designated Accounting Officer, as specified in the Approved Budget.**

(2) **No other individual is authorised to submit a payment request on behalf of a Spending Agency.**

(3) **In the event the designated Accounting Officer is out of station or otherwise unavailable, a senior official within the Spending Agency may be nominated by the head of the Spending Agency to act on behalf of the designated accounting officer.**

5. Peace Budget (R-ARCISS Implementation Fund)

(1) **Spending from the Peace Budget (R-ARCISS Implementation Fund) shall be for the purpose of providing for the implementation of the Agreement, up to the amount appropriated in Section 3 (3) (c) of this Act.**

(2) **Proposals for spending from the Peace Budget (R-ARCISS Implementation Fund) shall be proposed by the Minister responsible for Peace Building.**

(3) **The Accounting Officer of the Ministry for Peace Building shall submit detailed estimates to the Minister of Finance and Planning. Notwithstanding any additional information requested by the Minister of Finance and Planning these details shall include:**

-
-
- (a) Categorization of the proposed expenditure according to the Government Chart of Accounts; and
- (b) The timing frequency and total amount of the proposed expenditure within FY 2021/2022.
- (4) The following are prohibited as proposed expenditures under the Peace Budget (R-ARCISS Implementation fund):
- a. Expenditures that have already received an appropriation for activities appropriated from another source of funding;
 - b. Expenditures for activities for which international development partners have pledged sufficient support, as determined by the Minister of Finance and planning;
 - c. All goods or services delivered prior to the 1st of July 2021;
 - d. All foreign travel unrelated to ARCISS; and
 - e. Salaries except allowances (if any) of any public official already employed in an official capacity by the GRSS.
- (5) Expenditures from the Peace and Budget (R-ARCISS Implementation Fund) shall be authorized by a resolution arising from a meeting of the Council of Ministers during which both the Minister of Finance and Planning and the Minister of Justice and Constitutional Affairs are present, and there is presentation from all parties to the Agreement.
- (6) The Ministry shall charge all expenditure from the Peace and Budget (R-ARCISS Implementation Fund) to a specific fund code, in order to identify that it is funded from the Peace Budget (R-ARCISS Implementation Fund), rather than the Spending Agency's appropriated budget.
- (7) Whenever expenditure is made from the Peace and Budget (R-ARCISS Implementation Fund), the balance of appropriated funds available to the Fund shall be reduced accordingly.
- (8) A report on the use of Funds from the Peace and Budget (R-ARCISS Implementation Fund) shall be laid before the National Legislature by the Minister "within three months of

expenditure” together with the budget execution quarterly report.

- (9) In the event that the funds appropriated to the Peace Budget (ARCISS Implementation Fund) are exhausted, the Minister shall submit a supplementary expenditure request to the National Legislature for its replenishment, consistent with the provisions of Section 7 of this Act.**

6. Limits to Expenditure

- (1) No expenditure from this budget or commitments against the Consolidated Fund must be made except as authorised by this Act.**
- (2) No funds except as provided under subsection (3) of this section shall be transferred from one chapter to another during the financial year, or from one Spending Agency to another without the approval of the National Legislature through a Supplementary Appropriation Act.**
- (3) The Minister may transfer funds against an approved budget upon a request of an individual agency between budget lines within a chapter, as long as expenditure internal transfers against the different budget lines do not exceed 20 percent of the category being reduced.**
- (4) The Ministry of Finance and Planning will establish cash limits for expenditures by Government Spending Agencies which shall be set on the basis of revenue availability, according to the revenues that have been deposited into the Consolidated Fund, and expenditure priority, within the limits of the appropriations approved for each Spending Agency in this Act.**
- (5) In the event that the estimates of resources and revenues in the Approved Budget are not expected to be realized in full during the Financial Year, the Minister shall inform the Council of Ministers and the President accordingly. The Minister shall either recommend that the President causes a financial Act to be submitted to the National Legislature to raise additional revenues or make a request for an allocation from the reserve funds, where available, or recommend to the Legislature that the appropriated budget ceilings be adjusted downward in line**

with the shortfall. In this case, the monthly cash limits shall sum to less than the annual estimates or resources and revenues.

- (6) The Government shall not finance a budget shortfall by reducing reserve funds where available or raising funds through Government borrowing, whether domestic or external, without the approval of the National Legislature.
- (7) No payments shall be made except in conformity with the Public Finance Management and Accountability Act, 2011.
- (8) All expenditures must be charged against the relevant code of a Spending Agency, according to the appropriate chapter and budget line.
- (9) Surplus funds over revenue estimates and funds out of the legal reserve shall not be spent save by a Supplementary Appropriation Act.

7. Supplementary Expenditure.

- (1) Whenever new circumstances occur, or a matter of public concern proves not to have been satisfactorily addressed by the Approved Budget, the President may during the financial year cause a supplementary expenditure request to be submitted to the National Legislature. The Minister shall prepare all such submissions on behalf of the President.
- (2) All requests for supplementary expenditures submitted shall clearly detail the source of financing for the supplementary expenditure. Sources may include a reduction in the appropriations of other Spending Agencies, or allocation from reserve funds where existing, or new revenue raising measures detailed through a Revenue Law.
- (3) Requests for supplementary appropriation shall not exceed five per cent (5%) of the total appropriated budget, unless approved by the National Legislature in the event of a national emergency.
- (4) Once a supplementary appropriation has been approved, the appropriation of the relevant Spending Agency shall be adjusted accordingly, on a chapter by chapter basis, according to the relevant budget line and activity code.

-
-
- (5) Where supplementary appropriations are financed through an allocation from reserve funds, reserve funds will be reduced accordingly, and the appropriation of the Spending Agency increased by the same amount.
- (6) The Minister of Finance and Planning shall not borrow, guarantee, or raise a loan on behalf of the Republic of South Sudan to finance supplementary expenditures except as authorized by the National Legislature.
- (7) Supplementary expenditures shall not be incurred before the approval of the Legislature has been obtained, except when financing the following items detailed in Article 90 (5) of the Transitional Constitution of the Republic of South Sudan, 2011:
- a) Emoluments of the President;
 - b) Expenses of the State House;
 - c) Budget of the Transitional National Legislature
 - d) Budget of the Judiciary;
 - e) National Government contractual financial obligations;
 - f) Repayment of National Government external debts under any loan agreements;
 - g) Payment of any money the National Government is required to pay under a court order arising out of litigation or as a result of an arbitration award or any other settlement having similar legal effect; and
 - h) Any other expenses as shall be regulated by law.
- (8) When supplementary expenditures are incurred according to sub-section (7) the Minister, within one month of the expenditure having been incurred, shall lay an explanation before the National Legislature which details the nature of the supplementary spending and its financing.

8. Contractual Obligations

- (1) No Spending Agency receiving appropriations under this Act shall enter into any contractual arrangement for consultancy services, goods and works without following procurement procedures laid down in the Public Finance Management and Accountability Act, 2011 and the Public Procurement and Disposal of Assets Act 2019.**
- (2) All spending units shall record as obligations against appropriated funds any orders for purchase of goods or services at the time the order is placed, or the purchase of goods for which contracts are signed.**
- (3) The Minister shall during the financial year submit all contracts to the National Legislature for approval before incurring any payment from the consolidated fund.**

9. Budget Execution Reports

- (1) The Minister shall present a quarterly progress report, on revenue and expenditure to the Council of Ministers of the Government of South Sudan and to the National Legislature within 30 days after the end of a quarter.**
 - (2) The Minister shall present an annual budget execution report, on revenues and expenditures for within 30 days after the end of the financial year to which this Bill relates.**
- 10. The Minister shall present a quarterly progress report, on revenue and expenditure to the Council of Ministers of the Government of South Sudan and to the National Legislature.**

11. Pension Funds

- (1) The Ministry of Finance and Planning shall maintain a Pension Account in the name of an employee of the Government of the Republic of South Sudan. Into that account the employee shall contribute 5% and the Government 11% of basic salary and cost of living allowance of the employee.**
- (2) The Pension Account shall be managed by a Pension Management Board established by a Pension Law.**

(3) Expenditures from the Pension Account shall only be for purposes of provision of post service benefits or other retirement entitlements of former Government employees.

12. Carry Over into 2022/2023.

(1) Programmes and project appropriated for more than one year life span at the end of the financial year shall be paid out of consolidated reserve funds as national government contractual obligation.

(2) Appropriated funds not expended by 30th June 2022 shall not be carried over into 2022/2023 to the credit of the Ministry to which they were appropriated.

(3) All appropriated funds except Constituency Development Fund money not expended by 30th June 2022 shall automatically revert to the Consolidated Fund and forms part of the General Reserve.

(4) Budget Delay

Where the procedure of adopting the general budget and the appropriation Act is delayed beyond the beginning of the financial year, expenditure shall continue pending adoption of the general budget in accordance with the estimates approved for the previous year, as if the same has been appropriated by law for the New Year

CHAPTER III

PENALTIES

13. Penalties

- (1) Every accounting officer of any Spending Agency receiving appropriation under this Act, who causes unauthorized re-allocation between appropriations, shall be required to refund to the Treasury the amounts unlawfully reallocated. Should such accounting officer fail to refund the amounts wrongfully allocated, he or she shall bear the penalty provided under subsection (2) of this section.
- (2) Any Accounting officer or government employee of any Government Spending Agency engaging in or promoting practices with intent of-
 - (a) personally enriching himself or herself, or his or her family, business or other associates, in respect of public funds, appropriated under this Act;
 - (b) overspending allocated budgets against the provisions of this Act, commits an offence; and if convicted, in addition to any other Penalties which the Court may decide under the Penal Code Law or any other law, shall refund to the Treasury the amount dishonestly used and the employee shall not occupy any future public office that may involve dealing with financial matters.
- (3) Failure by the Minister of Finance and Planning to present two consecutive quarterly reports to the National Legislature shall automatically trigger proceedings for a vote of no confidence in the concerned Minister.

Assent of the President

In accordance with the provision of Article 85 (1) of the Constitution I, Salva Kiir Mayardit, President of the Republic of South Sudan, hereby Assent to the Appropriation Act, 2021/2022 and sign it into law.

Signed in Juba this ^{9th} 9 day of the month of JUNE in the year, 2022.

A handwritten signature in black ink, consisting of a large, stylized 'S' with a horizontal line through it, and the letters 'K' and 'M' below it, all enclosed within a large, loopy circular flourish.

**Salva Kiir Mayardit
President
Republic of South Sudan
RSS - Juba.**

