

PUBLIC FINANCE MANAGEMENT ACT

(No. 4 of 2022)

PUBLIC FINANCE MANAGEMENT (MALAWI ELECTRICITY
ACCESS TREASURY REVOLVING FUND) ORDER, 2023

IN EXERCISE of the powers conferred by Section 44 of the Public Finance Management Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, on the written recommendation of the Secretary to the Treasury, make the following Order—

1. This Order may be cited as the Public Finance Management (Malawi Electricity Access Treasury Revolving Fund) Order, 2023 and shall come into operation on 1st April, 2023. Citation and commencement
2. There is hereby established the Malawi Electricity Access Treasury Revolving Fund (hereinafter referred to as the “Fund”) whose objective shall be to provide loan financing to address electricity challenges by scaling up the off-grid market. Establishment and object of the Fund
3. The Fund shall consist of moneys received for purposes of the Fund, including moneys— Capital of the Fund
 - (a) appropriated by Parliament for purposes of the Malawi Electricity Access Project, from time to time;
 - (b) received as loans;
 - (c) received as gifts, loans or grants; and
 - (d) received as interests and fees from participating organizations.
4. The Secretary responsible for Energy shall be responsible for administering the Fund. Responsibility for the Fund
5. The Secretary responsible for Energy shall appoint a Fund Advisory Committee consisting of five members with various professional backgrounds, including a representative of Secretary to the Treasury, a representative of Accountant General and Malawi Energy Regulatory Authority, which shall— Fund Advisory Committee
 - (a) provide financial oversight of the Fund and advise the Secretary responsible for Energy on—
 - (i) formulation of annual estimates;
 - (ii) implementation of the annual budget; and
 - (iii) collection of user fees and interests;
 - (b) provide technical, commercial and institutional advice related to scaling up of the off-grid market; and
 - (c) monitor implementation of off-grid electricity access projects.

Annual
estimates

6.—(1) The Secretary responsible for Energy shall, not later than 31st December in each financial year, submit annual Estimates of income and expenditure of the Fund for the subsequent financial year to the Secretary to the Treasury, for approval.

(2) The Secretary to the Treasury shall approve, in writing, the annual Estimates of income and expenditure of the Fund submitted in accordance with subparagraph (1).

(3) Estimates approved under subparagraph (2) shall not be varied without prior written approval of the Secretary to the Treasury.

Expenditure

7.—(1) The Secretary responsible for Energy shall ensure that all payments are made in compliance with relevant written laws and Government policies.

(2) All payments in excess of one hundred million Kwacha, shall be made upon prior approval of the Secretary to the Treasury.

Borrowing

8. The Secretary responsible for Energy shall not raise money for the purpose of the Fund by means of overdraft or loan without prior approval of the Minister of Finance.

Financial
records, reports
and audit

9.—(1) The Secretary responsible for Energy shall—

(a) cause to be maintained books and records of accounts of the income and expenditure of the Fund in accordance with Treasury instructions; and

(b) comply with financial reporting obligations as prescribed by Treasury instructions.

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(2) The Fund shall be audited by the Auditor General annually, in accordance with the Public Audit Act.

Surpluses and
deficiencies

10.—(1) When submitting the annual Estimates in accordance with paragraph 6, the Secretary responsible for Energy shall submit proposals for dealing with any annual financial surplus or deficiency of the Fund.

(2) The Secretary responsible for Energy shall comply with directions of the Secretary to the Treasury on surpluses or deficiencies.

Annual
performance
reports

11. The Secretary responsible for Energy shall no later than 31st May each year, submit to the Secretary to the Treasury, an annual performance report in a form as may be prescribed by Treasury Instructions.

Duration of the
Fund

12. The Fund shall take effect on 1st April 2023 and expire on 31st March 2030.

Made this 1st day of February, 2023.

(FILE NO. MOE/MEAP/01)

S. A. GWENGWE
Minister of Finance and Economic Affairs