

Laws of Southern Sudan

The Constituencies Development Fund Act, 2007

THE CONSTITUENCIES DEVELOPMENT FUND ACT, 2007
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THE CONSTITUENCIES DEVELOPMENT FUND Act, 2007

An Act of the Southern Sudan Legislative Assembly, to provide for the establishment of the Constituencies Development Fund and connected purposes.

CHAPTER I PRELIMINARY

Section 1: Title and Commencement

This Act may be cited as the Constituencies Development Fund Act, 2007 and shall come into force on the date of signature by the President of the Government of Southern Sudan.

Section 2: Interpretation

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

“Community” mean residents of a particular geographical area defined as a Constituency and having common interests;

“Clerk” means the Clerk of the Southern Sudan Legislative Assembly;

“Constituency” has the meaning assigned to it in the National Elections Law.

“Constituency Development Committee” means the Committee established under section 23 of this Act;

“Constituency Account” means the account maintained for every Constituency—in accordance with section 45 of this Act;

“County Projects Committee” means the committee Established under section 39 of this Act;

“Constituencies Fund Committee” means a committee of the Southern Sudan Legislative Assembly established in accordance with section 27 of this Act;

“Fund” means the Constituencies Development Fund established under section 4 of this Act;

“Government” means government of Southern Sudan (GOSS)

“Minister” means the Minister of Finance and Economic Planning;

“Southern Sudan Committee” means the Constituencies Development Fund Management Committee established under section 5 of this Act; and

“Officer administering the Fund” means an officer appointed by the Minister in writing for that purpose.

Section 3: Application

The provisions of this Act shall apply, as more specifically provided for in the Act, and shall ensure that a specific portion of the Southern Sudan annual budget is devoted to the constituencies for purposes of development and in particular in the fight against poverty at the Constituency level.

CHAPTER II

ESTABLISHMENT OF THE CONSTITUENCIES DEVELOPMENT FUND

Section 4: Establishment of Constituencies Development Fund

(1) There shall be established a Fund to be known as the Constituencies Development Fund (in this Act referred to as the “Fund”) which shall be administered by the Officer administering the Fund under the direction of the Southern Sudan Committee

(2) There shall be paid into the Fund:

(a) an amount of money equal to 3% (three percent) of all the Government ordinary revenue shall be remitted into Constituency Development Fund; provided; that a percentage equal to 1.5 shall be remitted for 2007 Fiscal year.

(b) any moneys accruing to or received by the
Southern Sudan committee from any other source.

(3) The expenditure from the Fund shall be on the basis of, and not limited to, the annual budget, which shall be submitted to the Minister for approval in accordance with this Act before the beginning of the financial year to which the budget relates.

(4) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the provisions of this Act.

(5) If the Act comes into operation mid-way in a financial year then the Minister shall within one month of the assent, table in the House the amount proposed to be put into the Fund and the allocation to each Constituency, and the amounts so proposed shall be allowed through supplementary estimates.

Section 5: Establishment of the Southern Sudan Management Committee

(1) There shall be established a committee to be known as the Southern Sudan Constituencies Development Fund Management Committee (in this Act referred to as the “Southern Sudan Committee).

2) The Southern Sudan Committee shall comprise of;

(a) The Chairperson of the Committee of Economy, Development and Finance (SSLA) who shall be the Chairperson of the Committee.

(b) The Undersecretary of the Ministry of Finance and Economic Planning (GOSS) or his/her designate, not below the level of Director General.

(c) The Undersecretary of the Ministry of Cooperatives and Rural Development or his/her designated alternate, not being below the level of Director General.

- (d) The Undersecretary of the Ministry of Agriculture or his/her designated alternate, not being below the level of Director General;
 - (e) The Clerk of the Southern Sudan Legislative Assembly or his/her designated alternate, not being below the level of Deputy Clerk shall be the Secretary of the Committee;
 - (f) Ten persons appointed by the Minister of Finance and Economic Planning from a list submitted in accordance with subsection (3) below, qualified in matters relating to finance, accounting, engineering, economics, rural development, or law;
 - (g) The Officer administering the Fund who shall - be an ex-officio member.
- (3) The organizations listed in the first schedule shall each submit names of two nominees, one of whom shall be a man and the other a woman and out of the twenty names submitted, the Minister shall appoint eight persons one from each of the eight organizations and at least a third of the eight appointees shall be from either gender, to be members of the Committee
- (4) The names and curriculum vitae of persons nominated or appointed as members of the Southern Sudan Committee, pursuant to sub-section (3) above, and the name of the person proposed to be appointed as the officer administering the Fund, including names of persons to be designated as alternates, shall be submitted to the Assembly for approval before the appointments are made.

Section 6: The functions of the Southern Sudan Committee

(1) The functions of the Southern Sudan Committee Shall be:-

- (a) to ensure allocation and disbursement of funds to every Constituency;
- (b) to ensure prudent management of the Fund;
- (c) to receive and discuss annual reports and returns from the constituencies;
- (d) to ensure the compilation of proper records, returns and reports from the constituencies;
- (e) to ensure timely submission to the Assembly of various returns, reports and information as Required under the Act and
- (f) to perform such other duties as the Southern Sudan Committee, in consultation with the Minister, may deem necessary from time to time for the proper management of the Fund

(2) The quorum necessary for the transaction of the business of the Southern Sudan Committee shall be one-half of all the members.

Section 7: The Officer Administering the Fund

(1) The Officer administering the Fund shall;

- (a) be the Chief Executive of the Fund and secretary to the Southern Sudan Committee.
- (b) supervise and control the day to day administration of the Fund;

- (c) prepare monthly returns on the movement of funds as appropriate for submission to Assembly
 - (d) keep or cause to be kept proper books of accounts and other books and records related to the Fund;
 - (e) prepare, sign and transmit to the Controller and Auditor General accounts of the Fund in accordance with the law.
 - (f) perform any other duties that may be reasonably assigned to him by the Southern Sudan Committee from time to time;
- (2) The Officer administering the Fund shall be appointed by the Minister from among Government public servants who have relevant training and at least five years experience in public finance.

Section 8: Disbursement from the Fund

- (1) Each and every disbursement from the Fund shall be approved by the Southern Sudan Committee
- (2) All disbursements from the Fund shall be for specific projects as provided for in the printed estimates prepared for projects under this Act.
- (3) All disbursements shall be made through the Constituency bank accounts maintained for every Constituency in accordance with section 45 of the Act.
- (4) The record of the amounts received by each Constituency and the record of expenditure of amounts so received shall be submitted to the Southern Sudan Committee within thirty days after the close of the relevant financial year together with a copy of the

relevant bank statements and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received.

(5) The Southern Sudan Committee may set out general conditions and requirements for release of funds, provided that such conditions shall be submitted to the SSLA for approval before implementation.

(6) The Southern Sudan Committee may impose reasonable requirements including restrictions, on a particular Constituency due to previous misuse of funds and such restrictions or requirements shall be reported together with monthly returns to be submitted to the Assembly in accordance with this Act.

Section 9: Funds to be Set aside

(1) The Southern Sudan Committee shall, for each financial year, allocate funds to each Constituency and the funds shall be reflected in the printed estimates of that particular financial year.

(2) Once funds are allocated for a particular project they shall remain allocated for that project and shall not be re-allocated during the financial year for any other purpose whether in that Constituency or anywhere else.

(3) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the Fund and credited to the account of the Constituency from which the funds were withdrawn.

Section 10: Funds to be retained in the Fund

(1) All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be retained for the purposes for which the Fund is established.

(2) All funds allocated to a Constituency shall be cumulative and shall be carried forward from one financial year to the next, including funds returned into the accounts in accordance with section 9(3) or funds which are not utilized for whatever reasons.

Section 11: Emergency Reserve

A portion of the Fund, equivalent to 5% (five per cent hereinafter referred to as the “Emergency Reserve”) shall remain unallocated and shall be available for Emergencies that may occur within the Constituency.

CHAPTER III

SUBMISSION OF CONSTITUENCY PROJECT PROPOSALS

Section 12: Member of The Assembly To Submit Proposals

(1) The list of proposed Constituency based Projects to be covered under this Act shall be submitted by the Member of the Assembly for that Constituency.

(2).The Clerk -may designate a particular officer to receive and compile the list of proposed Constituency projects submitted to him or her under this Act.

Section 13: Submission deadline

The List of the proposed Constituency projects shall be submitted to the Clerk before the end of the month of June each year or such other month as may be determined by the Minister in order to ensure timely inclusion of the projects in the annual Government budget of a particular financial year.

Section 14: Submission Form

(1) The list of projects shall be submitted on a Standard Constituency Projects Submission Form set out in the Second Schedule to this Act.

(2) All projects proposed for every Constituency shall be listed in the Form together with the cost estimates of such projects.

Section 15: Projects description Form

(1) For every project listed in the Form there shall be attached a Standard Projects Description Form set out in the Third Schedule.

(2) The Southern Sudan Committee may, by notice, published in the Gazette, amend any of the Schedules to this Act; provided that, the amendments shall first be referred to SSLA for approval.

Section 16: Constituencies Fund Committee to Recommend

(1) The list of projects received by the Clerk pursuant to section 12(2) shall be tabled by the Clerk for review at a meeting of the Committee convened for that purpose.

(2) The Constituencies Fund Committee shall scrutinize and recommend the proposals to be forwarded to the Minister for eventual inclusion in the printed estimates of the following financial year.

Section 17: Clerk to forward to The Minister

The Clerk shall after scrutiny of the list of projects by the Constituencies Fund Committee, submit to the Minister the list of all the projects received for all the

constituencies together with a summary showing the total number of projects and the total cost of projects for all the Constituencies

Section 18: List to be serialized

The projects listed for each Constituency in accordance with section 17 shall be numbered by the Officer administering the Fund in order to ensure that a project retains the same serial number every year until its completion.

Section 19: Basis for budget ceiling

The budget ceiling for each Constituency shall be:

(a) three quarters of the amount under section 4(2) (a), divided by the Constituencies, an amount specified equally among all Constituencies.

(b) an amount equal to quarter of the amount specified in section 4(2) (a) divided by the Southern Sudan poverty index multiplied by the Constituency poverty index.

(2) The Minister shall table in the Assembly a schedule showing the ceiling for each Constituency, which shall be determined in accordance with sub section (1).

Section 20: Criteria for Projects

(1) The types of projects submitted for funding under this Act shall comply with the provisions of this Act.

(2) If some of the projects on the list of a particular Constituency do not comply with the provisions of this Act, then such projects shall be deleted from the list and the list shall be forwarded to the Minister less the unacceptable projects.

(3) If the total cost of the projects so submitted exceeds the allowable ceiling for a Constituency, then the order in which the projects are listed shall be taken as the order of priority and the projects shall be struck off from the bottom of the list so that the total amount of the projects is within the allowable ceiling

(4) Whenever the amount for projects in a Constituency is less than the allowable ceiling for reasons of projects being deleted in accordance with sub-section (3), or for whatever reason, the shortfall shall be indicated as unallocated amount against that particular Constituency on the list to be forwarded to the Minister.

CHAPTER IV

TYPES OF PROJECTS

Section 21: Projects to be Community based

(1) Projects under this Act shall be community based in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular area.

(2) Any funding under this Act shall be for a complete project or a defined phase, unit or element of a project.

(3) All projects shall be development projects and may include costs related to studies, planning and design or other technical input for the project-but shall not include recurrent costs of a facility.

(4) Funds provided under this Act shall not be used for the purpose of supporting political or religious bodies.

(5) Notwithstanding the provisions of subsection (4), the Southern Sudan Committee may identify a religious body or organization as an appropriate specialized agency for purposes of section 11 with regard to emergency support.

(6) A Constituency office project shall be considered as a development project for purpose of the Act and may include appropriate furniture and equipment for the office.

(7) Notwithstanding the provisions of sub section (3) above, a Constituency office project may include running expenses of the Constituency office of up to a maximum of 3% (three per cent) of the total annual allocation for the Constituency

Section 22: Number of projects

(1) The number of projects to be included in the Standard Constituency Projects Submission Form specified in the Second Schedule shall be a minimum of five and a maximum of twenty for every Constituency in each financial year.

(2) Uncompleted projects from a previous financial year shall remain on the project list, so as to ensure that the total number of projects remain the maximum number specified in subsection (1) at any one time.

(3) Project activities of a similar nature in a particular Constituency may be considered as one project for purposes of subsection (1); provided that the total cost of such projects shall not exceed 50% (fifty percent) of the total annual allocation for a particular Constituency.

(4) Constituencies may pool resources for joint projects; provided that the decision for such joint projects shall first be approved by the Constituency Development Committee of each of the participating constituencies and shall be reflected on the projects listed for each of the participating constituencies.

(5) Where constituencies have joint projects, the County Projects Committee shall co-ordinate such projects.

Section 23: Composition of The Constituency Development Committee

(1) There shall be a Constituency Development Committee for every Constituency, which shall be constituted and convened by the Member of SSLA shall have a maximum of fifteen members, comprising of:

- (a) the Member of SSLA;
- (b) two councilors in the Constituency;
- (c) one County officer in the Constituency;
- (d) two persons representing religious organizations in the Constituency;
- (e) two men representatives from the Constituency;
- (f) two women representatives from the Constituency;
- (g) one person representing the youth from the Constituency;
- (h) one person nominated from among the active NGOs in the area if any;

(2) The Member of the Assembly for every Constituency shall, Within the first year of a new Assembly and at least once every two years thereafter, convene locational meetings in the Constituency to deliberate on development matters in the location, the Constituency and the County.

(3) Each location shall come up with a list of priority projects to be submitted to the Constituency Development Committee.

(4) The Constituency Development Committee shall deliberate on Project proposals from all the locations in the Constituency and any other projects which the Committee considers beneficial to the Constituency, including joint efforts with other constituencies, then draw up a priority projects list both immediate and long term, out of which the list of projects to be submitted to the Assembly in accordance with section 12 shall be drawn up.

(5) The Member of the Assembly for every Constituency shall be chairperson of the Constituency Development Committee unless he or she opts out in which case the Committee shall elect one amongst its members to be the Chairperson.

(6) The quorum of the Constituency Development Committees shall be one half of the total membership.

Section 24: Cost Estimates to be realistic

(1) The Constituency Development Committee shall ensure that appropriate consultations with the relevant Government departments are done to ensure that cost estimates for the projects are as realistic as possible.

(2) The Constituency Development Committee shall rank the projects in order of priority and whenever, in the opinion of the Minister, the total cost of the projects listed exceeds the ceiling for a particular Constituency, then the order in which they are listed shall be taken as the order of priority for purposes of allocation of funds; provided that ongoing projects shall take precedence over all other projects.

Section 25: Personal awards to be excluded

(1) A project or any part thereof, which awards to any person in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 12 of this Act.

(2) Notwithstanding the provisions of subsection (1) above, an education bursary scheme shall be considered as a development project for purposes of the Act, provided that such a project shall not be allocated more than 10% (ten percent) of the total funds allocated for the Constituency in any financial year.

Section 26: Counter-part funding to be permitted.

For the purposes of this Act, the Southern Sudan Committee may, consider Counter-part funding of a project financed from sources other than the Fund so long as the other financiers or donors of that project have no objection and; provided that the Counter-part funding for the project availed pursuant to this Act shall go to a defined unit or any part thereof or phase of the project in order to ensure that the particular portion defined in the allocation is completed with the funds allocated under this Act.

CHAPTER V

CONSTITUENCIES FUND COMMITTEE

Section 27: Establishment of the Constituencies Fund Committee

(1) The Southern Sudan Assembly shall, in accordance with its Conduct of Business Regulations, establish a Committee to be known as the Constituencies Fund Committee consisting of a chairperson and not more than ten other members of SSLA who are not Ministers.

(2) In determining the membership of the Constituencies Fund Committee, the Assembly shall ensure proportionate representation of the Assembly Political Parties.

(3) The procedures and rules for the operations of the Constituencies Fund Committee shall be governed by the Standing Orders of the Assembly.

(4) The functions of the Constituencies Fund

Committee shall be to;

(a) consider project proposals submitted from various constituencies in accordance with this Act and make appropriate recommendations to the Clerk of the Southern Sudan Assembly,

(b) consider and report to the Assembly with recommendations, names of persons required to be approved by the Assembly under this Act.

(c) consider and recommend to the Assembly any matter requiring deliberations by the Assembly pursuant to the provisions of this Act.

(d) to oversee the implementation of this Act and in this respect, shall after every two years submit a report to the Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of this Act.

(e) oversee the policy framework and legislative matters that may arise in relation to the Fund;

(f) continually review the framework set out for the efficient delivery of development programmes financed through the Fund; and

(g) carry out any other functions relevant to the work of the Constituencies Development Fund

Section 28: Constituency Fund Committee to Scrutinize Proposals

(1) The Constituencies Fund Committee shall scrutinize the list of projects received by the Clerk pursuant to this Act.

(2). The Constituencies Fund Committee shall then minute all the project proposals received from every Constituency then submit the list of projects to the Clerk for onward transmission to the Minister.

Proposals to be included in the printed estimates

Section 29: Constituency Fund Committee to Scrutinize Proposals

(1) The Minister shall ensure that the list of Constituency based projects forwarded to him by the Clerk are included in the printed estimates before the Minister presents the annual Government budget to the Assembly.

(2) The estimates for the projects submitted under this Act shall be printed in a separate document among other printed estimates.

CHAPTER VI IMPLEMENTATION OF PROJECTS

Section 30: Government Department to Implement

(1) Projects under this Act shall be implemented by the relevant Department of Government in a County and all payments through cheques or otherwise shall be processed and effected, in accordance with government regulations for the time being in force.

(2) Where a particular project involves several sectors and therefore several Government Departments, then the Government Department under which the project is listed in the printed estimates shall take lead in the implementation of the project.

(3) Where a project in a Constituency involves the purchase of equipment, such equipment shall remain for the exclusive use of that Constituency and in the event of disposal of such equipment the amount realized shall be paid into the account of that Constituency.

(4) The Constituency Development Committee shall be responsible for monitoring the implementation of projects and may designate a sub-committee, a County committee or a project committee, the functions of monitoring an ongoing project

Section 31: Procurement of Services and Works

(1) All works and services relating to projects under this Act shall be sourced using existing Government procurement regulations

(2) All tenders and quotations shall be tabled at a meeting of the County Projects Committee and the committee shall indicate that they have no objection to the award through a minuted resolution before the tender or quotation is awarded.

Section 32: Department to Maintain records

The Departmental head of the relevant Ministry in each County shall oversee projects under his or her docket and shall keep and maintain records of the disbursements of funds progress of the projects funded under this Act.

Section 33: Returns to Constituencies Development Fund

(1) The County Development Officer in every County shall compile and maintain a record showing all receipts and disbursements on a monthly basis in respect of every project under this Act and shall submit annual returns to the Southern Sudan Committee not later than sixty (60) days after the end of every financial year.

(2) The County Development Officer, in every County, shall make such interim returns as the Southern Sudan Committee shall, by resolution, deem necessary in order to facilitate the release of the next tranche of funds as specified in section 47(2) of the Act.

Section 34: Accounts and Audit

All funds received under this Act shall be audited and reported upon by the Auditor General

Section 35: Community Initiatives

(1) Projects initiated by a community shall be eligible for support under this Act; provided that such projects shall be submitted with the other projects in conformity with the requirements of this Act.

(2) Pursuant to sub-section (1) above, a community shall, maintain an elected committee to represent the interests of that community during and after the implementation of the project and such a committee shall conform with established Government regulations in the discharge of its functions.

Section 36: Departmental head to be represented in project committees

(1) Where a community initiates a project, and a project committee is maintained by the community, the Departmental head of the Government Ministry under whose docket the project falls shall be an ex-officio member of such a committee and shall have the power to appoint a representative to the committee from among Government officers in the Constituency.

(2) A representative appointed under sub-section (1) shall not have the right to vote but shall attend each and every meeting of such a committee and shall receive minutes of the deliberations of the committee.

Section 37: On-going projects to be evaluated

Any on-going or existing project initiated by a community, prior or after the commencement of this Act, and which is intended to be supported under this Act, shall undergo a technical and financial evaluation by the relevant Departmental head in a County, and the project status documented, before it is listed for support in accordance with the provisions of this Act.

Section 38: Community interests be represented

If a community requests, it shall be given a chance to nominate representatives to represent their interests in any project being undertaken in their area.

CHAPTER VII

COUNTY PROJECTS COMMITTEE

Section 39: Establishment of County Projects Committee

(1) There shall be established, for every County, a committee to be known as the County Projects Committee whose main function shall be to coordinate implementation of projects financed through the Fund.

(2) The County Projects Committee shall also perform such other functions as may be allocated to it by the Southern Sudan Committee from time to time.

(3) The County Projects Committee may, in the discharge of its functions under this Act, make official or impromptu visits to projects at such times as it may deem appropriate.

Section 40: Membership

(1) The members of the County Projects Committee shall be:

(a) the Members of SSLA in that County.

(b) all Chairpersons and Local Government Authorities in the County.

(c) the *County* Commissioner of the County

(d) the *County* Development officer of the County who shall be the Secretary to the committee and the convener of a new committee pursuant to subsection (7) of this Act.

(e) the Chairpersons of the Constituencies Development Committee; and

(f) the County Accountant *of the County*.

(2) All County Departmental heads, *in a County* under whose docket the various projects fall, may attend County Projects Committee, meetings as Ex-officio members, at the invitation of County Projects Committee.

(3) The Members of the County Projects Committee shall elect a Chairperson from among the members of the Committee who are Members of SSLA or elected Councillors for a term of two (2) years or part thereof until the end of the term of the Assembly.

(4) The quorum for any meeting of the County projects Committee shall be one half of the members and for the purpose of this section immediate past members of a dissolved Assembly shall remain Members of the County Projects Committee until a new County Projects Committee is convened pursuant to the provisions of subsection (7).

(5) Meetings of the County Projects Committee shall be held at least once every three months.

(6) All County Project Committees and all Constituency Development Committees shall be dissolved upon the election of a new Assembly and no payments shall be made from the Constituency Accounts until the new Committees are formed.

(7) The new County Projects Committees shall be constituted within thirty days of a new Assembly being inaugurated.

CHAPTER VIII

ROLE OF THE COUNTY PROJECTS COMMITTEE

Section 41: Member of the Assembly to table proposals

A member of Assembly for each Constituency shall table a list of the projects for that Constituency at a meeting of the County Projects Committee convened for that purpose.

Section 42: Duplication of projects to be avoided

The County Projects Committee shall ensure that no duplication of projects occurs particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several Constituencies in a County.

Section 43: County Projects Committee to approve

(1) The County Projects Committee shall examine the list of projects submitted under section 41 and where there is no duplication of projects, recommend the list of projects for onward transmission to the Clerk through the Member of SSLA for that Constituency.

(2) The County Projects Committee shall, however, not unreasonably withhold recommendation of projects submitted under this chapter.

CHAPTER IX FINANCE AND ADMINISTRATION

Section 44: Other officers of the Fund

The Minister may designate such other officers as he considers necessary, but not more than ten, for the proper management of the Fund.

Section 45: Constituency account

(1) For the purpose of disbursement of funds under this Act there shall be opened and maintained a Constituency account for every Constituency at any commercial bank, approved by the Minister of Finance and Economic Planning, into which all funds shall

be kept and such an account shall be known by the name of the Constituency for which it is opened.

(2) The bank account opened pursuant to subsection (1) above, shall be separate from that of the County Treasury.

(3) At least three signatories shall be required for every cheque or instrument for Actual payment or withdrawal of funds from a Constituency account and the signing instructions shall be such that there shall be at least one signature of a nominee from the County Projects Committee and at least one signature of a nominee of the Constituency Development Committee and none of the signatories shall be members of SSLA or councilors.

(4) Funds from the Constituency account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 8 of the Act.

(5) Each and every payment out of the Constituency account shall strictly be on the basis of a minuted resolution of the Constituency Development Committee.

(6) All receipts, savings and accruals to the Constituency account and the balances thereof at the end of each financial year, shall be retained in the Constituency account for the purposes for which the account is maintained.

(7) All unutilized funds shall remain in the Constituency account and no investment elsewhere shall be permitted; provided that funds meant for a project that is cancelled or discontinued shall be returned to the Fund in accordance with section 9 of this Act.

(8) Any accruing revenue, interest and liabilities from any Constituency account shall be declared to the Southern Sudan Committee together with the annual returns.

Section 46: Bank account of the Fund

(1) A bank account of the Fund, shall be opened and maintained at the Bank of Southern Sudan.

(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the Officer administering the Fund and two other persons appointed by the Southern Sudan Committee from among its members.

(3) The signature of the Officer administering the Fund shall be mandatory on all payment cheques and or instruments intended for Actual release of money from the Fund.

Section 47: Record of disbursements to be kept

(1) An accurate record of all disbursements made for projects in each Constituency, shall be kept and updated every month by the Officer administering the Fund.

(2) The disbursement of funds to the Constituency account, shall be effected within the first quarter of each financial year with an initial amount equivalent to 25% of the total estimated amount for the year and thereafter the Constituency account shall be replenished in five equal installments of 25% as soon as returns are received from the Constituency showing an equivalent amount expended from the Constituency account.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 48: Personal emoluments

(1) The personal emoluments of Government officers working or involved in the management of the Fund, shall be determined by the Minister of Finance and Economic

Planning, in consultation with the Southern Sudan Committee and shall be provided under the recurrent expenditure of the Government.

(2) Out of pocket expenses incurred by any person officially involved in the management of the Fund or the implementation of projects under the Fund, including public officers may be reimbursed; provided that not more than 3% (three percent) of the total allocation in the financial year may be used for this purpose.

(3) Sitting and other allowances for the members of the Southern Sudan Committee, shall be fixed by the Minister, in consultation with the Constituencies Fund Committee.

Section 49: Minister to make regulations

(1) The Minister may make regulations for the smooth running of the Fund and such regulations shall be approved by SSLA before implementation.

(2) The Minister may amend any of the Schedules through a notice in the Gazette; provided that such amendments shall first be approved by SSLA before implementation.

Section 50: Provisions in the Act are complimentary

(1) The provisions of this Act shall be complimentary to any other development efforts by the Government or any other agency and nothing in this Act, shall be taken or interpreted to mean that an area may be excluded from any or other development programmes by the Government or any other agency.

(2) For the avoidance of doubt, normal Government development allocations shall continue alongside the projects under this Act.

Section 51: Offences and penalties

Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding six hundred Sudanese Pounds or both and the money misappropriated shall be refunded.

FIRST SCHEDULE

(Sec. 5(3))

LIST OF ORGANIZATIONS TO NOMINATE PERSONS TO THE SOUTHERN SUDAN COMMITTEE

1. The Southern Sudan Chamber of Commerce.
2. The Sudan Council of Churches.
3. The Southern Sudan Union of Teachers.
4. The NGO Council of Southern Sudan.
5. The Southern Sudan Farmers Union.
6. The Southern Sudan Youth Association.
7. The Southern Sudan Women Union