

State Financial System Law

The First Chapter

Treasury

Article (1)

The Minister of Treasury is responsible for the following:

Supervising the state's revenues and expenditures, and all affairs of the public treasury, and controlling its income and expenditure in a manner that ensures the maintenance of state funds and stocks and their proper management.

Supervising the management of government accounts and monitoring and directing the financial affairs of the state by the provisions of the law, except for what laws or regulations entrust to another authority or body.

Taking all necessary measures to collect the money owed to the government and recover what was spent from it or dispose of it unlawfully or in violation of laws or regulations.

Studying the draft general budget and the related supplementary budgets or additional appropriations, and submitting it to the Council of Ministers.

Proposing financial and accounting regulations and other regulations necessary for the implementation of this law and issuing the necessary financial instructions.

The Minister of Treasury, in exercising his powers stipulated in this law, may request all necessary data and clarifications from any ministry, authority, or public institution, and review all records, books, documents, and other papers.

Article (2)

A committee called (the Finance Committee) shall be established in the Ministry of the Treasury to prepare the draft general budget, supplementary and extraordinary budgets, additional appropriations, and review the independent budgets issued by law.

The Finance Committee shall carry out all the functions assigned to it in this law or according to a decision of the Minister of Treasury.

The formation of the Finance Committee and its procedures shall be issued by a decision of the Minister of Treasury.

Chapter Two

budget

Article (3)

The fiscal year of the state is twelve months, starting from the first of January and ending on the thirty-first of December of each year.

Article (4)

The budget includes an annual program after an advance with the revenues and expenditures of the various ministries and departments. The revenues and expenditures are determined based on reasonable financial capabilities based on all possible actual data. Revenues are estimated in full without deducting their collection expenses.

Article (5)

The Secretary of the Treasury issues annually the necessary rules and directives for the preparation and preparation of the draft budget.

Ministries and departments must, no later than the thirty-first of August of each year, submit their estimates regarding expenditures and revenues to the Ministry of Treasury after approval by the competent minister. ongoing and explaining its causes.

The Finance Committee prepares the draft budget after discussing the estimates of each ministry or department with the membership of the competent financial controller and the presence of the representative of the party whose budget is being discussed and hearing the clarifications of each of them.

The draft budget is submitted to the Revolutionary Command Council at least two months before the fiscal year for examination and approval (this article is amended by Law No. (16) for the year 1972 q - Issue 28 for the year 72 of the Official Gazette and Law No. (16) - Issue 177 for the year of the Official Gazette.)

Article (6)

The budget is divided into two main parts, the first for revenues and the second for expenses.

Chapter One: It is devoted to salaries, benefits, and wages.

Chapter Two: It is devoted to public expenditures.

Chapter Three: It is devoted to new business.

Article (7)

The appropriations included in the budget or the additional appropriations that have not been disbursed until the end of the fiscal year shall be canceled. As for the appropriations for new works that are not completed during the fiscal year, the remaining appropriations are carried over to the budget of the following year until the work is approved within the limits of the college approved for it.

Article (8)

If the new budget is not approved, before the start of the fiscal year, temporary monthly appropriations are opened by a decision of the Revolutionary Command Council based on one-twelfth of the appropriations of the previous year.

Article (9)

The Minister of Treasury shall notify the ministries, departments, and competent government agencies, immediately after the budget law is issued, or any additional appropriations, of the appropriations, set for spending during the fiscal year.

The Minister shall issue permission to release the sums obtained from a general loan to be spent on the purposes for which the loan was contracted, and a copy of the permit shall be sent to the President of the Audit Bureau (Articles (9-10) were amended by Law No. (61) of 1972 the first of Rabi' Al-Thani 1392 AH corresponding to May 15, 1972, and published in the Official Gazette - Issue 28 of 1972, and the published text is the modified version.)

Article (10)

Ministries and departments are obligated to implement the budget with all the divisions mentioned in it, and they are bound in spending within the limits of the appropriations listed in each item of the budget. By overtaking:

- The competent minister within the limit of fifty thousand dinars at a time, with no more than one hundred and fifty thousand dinars during the fiscal year.

The Minister of the Treasury in what is infringed on fifty thousand dinars and does not exceed one hundred and fifty thousand dinars at one time provided that the excess does not exceed five hundred thousand dinars during the fiscal year, for the ministry or one entity.

The Council of Ministers beyond the previous limits.

Article (11)

Every expenditure that is not included in the budget or is more than the estimates contained therein, must be authorized by the Revolutionary Command Council, seeking permission as well whenever an amount is to be transferred from one section of the budget to another.

It is permissible, between the sessions of the Council's convening and during the period of dissolution of the Council of Representatives, to decide on new expenditures that are not included in the budget and to transfer an amount of money From one chapter to another from the chapters of the budget if it is for an urgent necessity and on the condition that it be by decrees within a time not exceeding a month at its next meeting.

Article (12)

Without prejudice to the provisions of the obligations in force, the Minister of Treasury may request the Council of Ministers to stop or limit some expenditures, as the case may be if it appears that the public interest or the financial situation requires this action.

Article (13)

1- It is permissible, in case of necessity, to draft an exceptional budget for more than one year that includes exceptional resources and expenditures.

2- The ministries submit requests for opening additional credits and their justifications to the Minister of Treasury for consideration and presentation to the Council of Ministers.

3- In preparing and approving exceptional budgets and additional appropriations, the rules followed about the general budget shall be followed.

Chapter Three

government accounts

Article (14)

The government keeps its money in the Central Bank of Libya, and public bodies and institutions may deposit some or all of their money in one of the banks wholly owned by the state. All or part of it (Article 14 was amended by Law No. 61 of 1972 AD on the first Rabi' al-Thani 1392 AH corresponding to May 15, 1972 AD, Official Gazette No. 28 of 1972 AD, and the published text is the amended text.)

The bank may not allow overdrafts from any government account except with the approval of the Council of Ministers and within the limits stipulated in Article (20) of the Banking Law No. (4) of 1963.

Article (15)

The government shall have six separate accounts:

- General account: It is allocated to all government funds not provided for in the following clauses of this article.

General Reserve Account: The funds allocated for this purpose are deposited in it.

Development account: funds allocated for economic and social development are deposited in it.

Public Debt Account: It is allocated to the money obtained by the government through the public loan.

– Covenant Account: It is allocated for deposits, guarantees, trusts, and other funds that are deposited to achieve a specific purpose and are disbursed for this purpose.

Emergency account: the funds allocated to face emergencies are deposited in it. Other government accounts may be opened by a decision issued by the Council of Ministers based on the proposal of the Minister of Treasury.

Article (16)

It is not permissible to withdraw amounts from government accounts except for the purposes specified for them. However, by a decision of the Council of Ministers based on the proposal of the Minister of Treasury, it may be withdrawn from the trust account within the limit of 30% of the balance to achieve another specific purpose, provided that the withdrawn amount is returned as soon as possible.

Article (17)

It is not permissible to spend from the emergency account except within the limits of the amounts specified in the budget for this purpose and to face a sudden situation that cannot be delayed, which occurred after the approval of the budget. The disbursement is carried out by a decision of the Council of Ministers based on the proposal of the Minister of Treasury.

Chapter Four

Oversight of collection and disbursement

Article (18)

Each ministry shall have a financial controller and a sufficient number of assistants chosen by the Minister of Treasury from among the employees of his ministry, and they shall be subordinate to the Treasury and responsible before it to carry out the work of their jobs. And

public stocks and other things of value and immediately report any loss or loss in them as soon as they are discovered (Article 18 was amended by Law No. 61 No. 114 of Six 1970 AD on 6 Shaban 1390 AH corresponding to 10/10/1970 AD and published in the Official Gazette No. 66 of 1970 AD M. and the published text, as amended.

The Financial Controller shall submit a monthly report to the Undersecretary of the Treasury Department on the work of the Ministry in which he works, no later than the end of the following month, and a copy of this report shall be sent to the Undersecretary of the concerned Ministry.

The executive regulations organize the other tasks of the financial controllers and their assistants and clarify their duties.

Article (19)

The Executive Regulation shall specify the jobs whose occupants may order the disbursement in the various ministries, departments, and the established limits, in each case, with the jurisdiction to order the disbursement.

The competent employee must refrain from notifying any permission or order to disburse an amount if there was no appropriation at all, or requesting a discount on an appropriation not earmarked for this disbursement, or if the execution of the disbursement resulted in exceeding the appropriations allocated in a chapter of the budget or one of its items. Or transfer of credit from one chapter to another, or deduction on other than existing credits, without prejudice to the provision of Article (10) of this law.

The competent minister may order the disbursement in all cases if it is proven to him that the refusal to indicate the permission or the spending order is unfounded.

Article (20)

It is not permissible for any ministry or department to conclude a contract or take a procedure that results in a financial commitment except after obtaining a written acknowledgment from the financial controller or the assistant controller, as the case may be, with the statement of credit that may be deducted from the value of this commitment. Budget anyway.

Article (21)

No disbursement may be made in advance unless the disbursement is in implementation of the rule of law and a contractual condition, and the value of the payments, in this case, is settled on the budget appropriations directly related to it.

Article (22)

It is not permissible to appoint or promote to a new or modified owner except after the issuance of a budget law that includes the financial appropriations necessary for its implementation (Article 22 was amended by Law No. 11 of 1973 AD on 8 Saqr 1393 AH corresponding to March 13, 1973 AD and published in the Official Gazette Issue No. 16 of 1973 AD The published text is the modified version.

It is not permissible to be appointed with a daily wage in a deduction from the job appropriations.

Chapter Five

final account

Article (23)

The Secretary of the Treasury shall submit the final account to the Audit Bureau within a period of
Not exceeding six months from the end of the fiscal year. Ministries and departments must submit to the Treasury Ministry their data on the final account within three months at most from the end of the fiscal year.

The final account of the state includes the following accounts:

Statement of assets and liabilities (assets and liabilities)

A complete detailed statement calculating government revenues and expenditures and actual expenditures for each section of the budget compared to the budget estimates for the same year.

- Complete detailed data for each account of government accounts.

Any data that the Minister of Treasury or the head of the Audit Bureau deems to be included in the final account.

Chapter Six

Disposal of state funds for free

Write off the loss or deficit

Article (24)

It is not permissible to dispose of freely any of the state's immovable or movable funds except by the rules and procedures issued by a decision of the Council of Ministers, provided that if the

value of the money subject to the free disposal exceeds ten thousand dinars, it may not be disposed of except by law. It is not permissible to rent money from the state's fixed or movable property at a nominal rent or less than the same wage, except by the rules and procedures issued by a decision of the Council of Ministers.

Article (25)

The Minister of Treasury may authorize the write-off of the loss or deficit in government funds or in government stocks that are lost, incomplete, damaged, or unusable if it appears from the investigation that the loss or deficit did not occur as a result of negligence or fraud and provided that its value does not exceed two thousand dinars in one case and ten thousand dinars during the fiscal year.

But if the deficit exceeds that or it becomes clear from the investigation that it occurred as a result of negligence or fraud, the matter shall be referred to the Council of Ministers to decide to strike out or waive other appropriate measures.

Chapter Seven

Prosecuting employees for financial irregularities

Article (26)

Without substituting the criminal penalties prescribed in the Penal Code or other laws for filing a civil lawsuit when necessary - the Disciplinary Council for Financial Waste shall be competent to prosecute employees for violations committed against the provisions of this law and the regulations issued pursuant thereto and the financial violations stipulated in the law issued on November 23, 1966, on The Audit Bureau and Civil Service Law No. (19) of 1964 AD and other financial violations.

The disciplinary board constitutes financial violations as follows:

Counselor of the Supreme Court President

Accounting office agent

Undersecretary of the Treasury members

Head of Fatwa and Legislation Department

The General Assembly of the Supreme Court delegates every two years two advisers, one of whom is original and the other a reserve, to head the council.

Each of the three members may delegate one of the employees of the entity in which he works, provided that his rank is not below that of a general manager unless the person referred to trial is an employee of the first category.

In the event of the absence of a member of the Board or an impediment arises, someone who takes his place shall take his place according to the system of the authority to which he belongs. If the employee referred to trial is a member of the same council, the prime minister chooses a member to replace him.

The decisions of the Council are issued by the majority, and if the votes are equal, the side of the President shall prevail. (Article (26) was amended by Law No. 75 of 1976 AD on Jumada I 1390 AH corresponding to 4/4/1970 AD. It was published in Issue No. 46 of 1970 AD in the Official Gazette and the published text is the amended one. Popular Censorship No. (11) 1425 AD.)

Article (27)

The disciplinary penalties that the Disciplinary Council may impose for financial violations are:

Warning.

b- The deduction from the salary for a period not exceeding two months per year, and this deduction may not exceed a quarter of the salary per month after the quarter that is permissible to confiscate or be legally waived.

C- Postponing the annual bonus or depriving it.

D- Suspension from work without a salary or with a reduced salary for a period not exceeding six months.

e- Dismissal from employment while preserving the right to a pension or reward, subject to the provisions of the Retirement Law.

2- Only the two penalties stipulated in paragraphs (a-e) of this article shall be imposed on employees of the first category.

3- The employee's termination of service does not preclude his trial before the Disciplinary Council for financial violations and the imposition of penalties prescribed in this regard by the Civil Service Law.

Article (28)

The investigation of financial violations attributed to the employees shall be at the request of the Minister of Treasury, the minister to which the employee is affiliated, or the head of the Audit

Bureau. The investigation shall be undertaken by a member of the Public Prosecution, who shall be delegated for this purpose. Confidentiality and he may summon witnesses from employees or others of a member of the Audit Bureau or other technicians. The employee shall be notified of the investigation at least three days before it begins, and he may attend the investigation himself unless the interest of the investigation requires that it take place in his absence. The investigator has the authority to temporarily suspend the employee from his work if the interest of the investigation so requires, provided that the suspension period does not exceed three months except by a decision of the Board.

Article (29)

After the verification is completed, the investigator shall submit a report of his opinion to one of the general attorneys or the heads of the public prosecution delegated for this purpose. The attorney general or the head of the public prosecutor may decide to close the matter with a reasoned decision or file a disciplinary action, and if he considers that the violation does not require a more severe penalty than the deduction from the salary for a period of no more than exceed fifteen days. In this case, he may refer the papers to the entity to which the employee belongs, and this authority, within a date not exceeding fifteen days, may issue a decision to preserve or impose the penalty, and notify the attorney general or the head of the Public Prosecution office of its actions within fifteen days at most from the date of its dismissal decisions.

In all cases, the matter must be referred to the Public Prosecution to take the necessary criminal measures, if it is found that the violation constitutes a criminal penalty for them.

The resolution is What is issued by the attorney general or the head of the public prosecution to preserve the matter by filing a disciplinary case to the employee and to the entity to which he belongs.

The attorney general or the chief prosecutor may attend the disciplinary board sessions.

Article (30)

Testimony before the council or the investigator shall be after taking the oath. Witnesses shall be treated concerning failure to appear, refraining from testifying, and perjury, according to the provisions prescribed for this in the Penal Code and the Code of Criminal Procedure before the Court of Misdemeanors.

Article (31)

If one or more employees are accused of committing several related violations, some of which are administrative and others are financial, the disciplinary board for financial violations shall be competent to prosecute.

Article (32)

The decisions of the Council are final and may not be appealed except before the Supreme Court.

Article (33)

Concerning disciplining employees for financial violations, the provisions stipulated in the Civil Service Law shall apply to the extent that they do not conflict with the provisions of this chapter.

Chapter Eight

General Provisions

Article (34)

Without prejudice to the provisions of Law No. (5) of 1963 regulating planning and development affairs, the regulations issued pursuant thereto, and the functions of the National Planning Council and the Minister of Development and Planning, the provisions of this law shall apply to government ministries and their interests as well as to public bodies and institutions. The Council of Ministers, by a decision based on the presentation of the Minister of Treasury, determines the conditions and procedures that apply to public bodies and institutions.

Article (35)

The regulations necessary to implement this law shall be issued by a decision of the Council of Ministers based on the proposal of the Minister of Treasury. Ministries or government departments may not issue financial decisions or instructions or make any amendment to the sources of public revenue without referring to the Minister of Treasury.

Article (37)

The ministers, each within his jurisdiction, shall implement this law, and it shall come into force from the date of its publication in the Official Gazette.

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