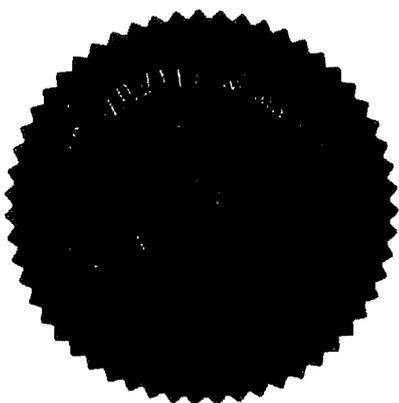


John

THE REPUBLIC OF KIRIBATI
(no 2 of 2018)

I assent,



[Handwritten signature]
Beretitenti
3/12/2018

An ACT
entitled

**AN ACT TO ESTABLISH A SPECIAL FUND TO ENSURE THE SUSTAINABILITY
OF THE SANITATION SERVICE IN SOUTH TARAWA**

Commencement date:
2018

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

**PART I
PRELIMINARY**

1 Short title

This Act may be cited as the Special Fund (Sanitation Maintenance Fund) Act 2018.

2. Interpretation

In this Act, unless the context otherwise requires —

“**Deposits**” refer to the tariffs levied to consumers for all related sanitation services

“**sanitation services**” means sewerage disposal services and activities that ensure the sustainability of the infrastructure, this include but are not limited to user education and awareness on the use of the services, maintenance of plant and vehicles allocated for maintenance of the sewerage system and administration costs related to the provision of the

service;

“SMF” mentioned in this Act refers to Sanitation Maintenance Fund.

“the Board” means the Public Utilities Board.

“the Minister” means the Minister for Finance.

“the Special Fund” means the Special Fund established pursuant to section 3.

3. Establishment of the Special Fund

A Special Fund, to be known as the Sanitation Maintenance Fund, shall be established in accordance with section 107(2) of the *Constitution* and section 13 of the *Public Finances (Control and Audit) Ordinance*.

PART II - DEPOSITS

4. Power to levy Deposits for sanitation services

(1) In accordance with the *Public Utilities Ordinance*, the Board shall have the exclusive right to perform functions relating to disposal of sewerage and supply and provision of sewerage and services incidental thereto, and to charge consumers for such performances, disposal, supply, provision, services and otherwise. Such charges shall be fixed by order of the Board in accordance with its powers under the *Public Utilities Ordinance*.

(2) Deposits levied under subsection (1) of this section are not required to be laid before the Maneaba ni Maungatabu.

PART III FINANCIAL PROVISIONS

5. Payments into the Special Fund

There shall be paid into the Special Fund:

- (a) any monies appropriated by the Maneaba ni Maungatabu for the purposes of the Fund;
- (b) any monies received from outside Kiribati for the purposes of the Fund;
- (c) any monies collected as Deposits under this Act and any orders or regulations prescribed for the provision of sanitation services; and
- (d) any other money lawfully available to the Fund.

6. Payments out of the Special Fund

(1) There shall be paid out of the Special Fund:

- (a) the amount of any expenditure by the Board on the costs of maintaining sanitation services and authorized in the yearly SMF Operation and Maintenance Plan and SMF Budget;
 - (b) the amount of expenditure to be determined by the Board with the concurrence of the Minister responsible for public utilities, subject to the approval of the Minister for the administration and carrying into effect of the provisions of this Act.
- (2) No money shall be paid out of the Special Fund except in accordance with a Warrant under the hand of the Minister authorising the Accountant General to issue the money to the Board's finance responsible for operating the Fund.

7. Control of the Special Fund

- (1) In the performance of his functions under this Part and under section 13 of the *Public Finance (Control and Audit) Ordinance* in relation to the Special Fund, the Minister shall use his best endeavours to manage the Special Fund in such a way that, taking one year with another, the income of the Special Fund is not less than sufficient to meet its outgoings including depreciation charges.
- (2) The Minister may direct that the Fund shall be wound up.

8. Annual reports

- (1) The Minister shall, before the end of each financial year, submit to the Maneaba ni Maungatabu –
- (a) a statement showing the estimated income and expenditure of the Special Fund for the current financial year; and
 - (b) estimates of the income and expenditure of the Special Fund for the next financial year.
- (2) The Minister shall, within six months after the end of each financial year, lay before the Maneaba ni Maungatabu a report dealing generally with the operations of the Special Fund during the preceding financial year and containing the audited statement of accounts for that financial year.

PART IV

SUPPLEMENTARY PROVISIONS

9. Offences

Any person who –

- (a) wilfully refuses, or without reasonable excuse neglects or fails to pay a Deposit, or wilfully avoids payment of any Deposit which he is required to pay under this Act or order or regulations for sanitation services; or
- (b) contravenes any provisions of this Act

shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$1000 and in default of payment of such fine, to imprisonment for a term not exceeding 2 years.

10. Civil proceedings

Without prejudice to any proceedings under section 9, any Deposit which remains unpaid after it has become due for payment shall be summarily recoverable by the Republic from the person liable to pay the Deposit as a civil debt.

Special Fund (Sanitation Maintenance Fund) Act 2018

EXPLANATORY MEMORANDUM

This Act seeks to empower the Public Utilities Board to perform its functions relating to disposal of sewerage and supply, provision of sewerage and services and to charge consumers for the services performed.

Section 4 of the Act imposes the exclusive right to the Public Utilities Board pursuant to section 17 of the *Public Utilities Ordinance* and the *Public Utilities Amendments Acts of 1999 (Act No. 4)* and *1983 (Act No. 3)* to regulate and perform the functions stipulated in this Act relating to disposal of sewerage and other services incidental thereto.

Sections 5, 6 and 7 establish a Special Fund (outside the Consolidated Fund) into which shall be paid, among others, all deposits collected in respect of the services relating to sewerage. All monies required for the expenditure of the sewerage services can be paid out of the Special Fund subject to the approval of the Minister of Finance. Payments out of the Fund can only be made by a Warrant signed by the Minister for finance authorizing the Accountant General to issue the money to the Board. The Minister for finance is also responsible for the overall control of the Special Fund in accordance with section 13 of the Public Finance Act and the preparation of the Annual report as stipulated in section 8 of this Act.

Sections 9 and 10 are supplementary provisions relating to the offences and civil proceedings for non-compliance of the provisions of the Act.

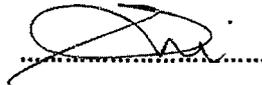
Hon. Ruateki Tekaiara

Minister of Infrastructure and Sustainable Energy

2018

CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU

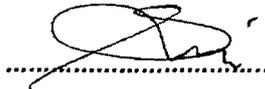
This printed impression of the Special Fund (Sanitation Maintenance Fund) Act has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 19th November 2018 and is found by me to be a true and correctly printed copy of the said Bill.



Eni Tekanene

Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this³ day of
DECEMBER 2018.



Eni Tekanene

Clerk of the Maneaba ni Maungatabu