

Statutory Instrument No. 33 of 2022

PUBLIC FINANCE MANAGEMENT ACT
(Cap. 54:01)

**PUBLIC FINANCE MANAGEMENT (LEVY ON TECHNICAL DEVICES
(COPYRIGHT AND NEIGHBOURING RIGHTS)) FUND ORDER, 2022**
(Published on 8th April, 2022)

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IN EXERCISE of the powers conferred on the Minister of Finance and Economic Development by section 38 of the Public Finance Management Act, as read with section 35G of the Copyright and Neighbouring Rights Act the following Order is hereby made —

1. This Order may be cited as the Public Finance Management (Levy on Technical Devices (Copyright and Neighbouring Rights)) Fund Order, 2022. Citation
2. In this Order, unless the context otherwise requires — Interpretation
 - “Accounting Officer” means the Permanent Secretary in the Ministry responsible for investment, trade and industry, appointed as such under paragraph 5 (1);
 - “agency of Government” means the Companies and Intellectual Property Authority established under the Copyright and Neighbouring Rights Act; Cap. 68:02
 - “author” has the same meaning assigned to it under the Copyright and Neighbouring Rights Act;
 - “Committee” means a Management Committee appointed under paragraph 6; and
 - “Fund” means the Public Finance Management (Levy on Technical Devices (Copyright and Neighbouring Rights)) Fund continued under paragraph 3.
3. The Copyright and Neighbouring Rights (Levy on Technical Devices) Fund established under the Copyright and Neighbouring Rights (Levy on Technical Devices) Fund Order by section 35G of the Copyright and Neighbouring Rights Act, is hereby continued under a Special Fund known as the Public Finance Management (Levy on Technical Devices (Copyright and Neighbouring Rights)) Fund and shall continue to exist as if established by this Order. Continuation of Fund established under S.I. No. 94 of 2008

Purpose of Fund	<p>4. The purpose of the Fund is to promote the development of authors, publishers of works and the copyright industry.</p>
Administration of Fund	<p>5. (1) The Permanent Secretary in the Ministry responsible for investment, trade and industry shall be the Accounting Officer and he or she shall be responsible for the administration of the Fund.</p> <p>(2) The Accounting Officer may exercise such powers and perform such duties as may be required to be exercised or performed for the proper discharge of his or her duties under this Order.</p> <p>(3) The Accounting Officer may, in writing, authorise any other public officer or agency of Government to exercise or perform all or any of the powers or duties required of the Accounting Officer under this Order.</p>
Management of Fund	<p>6. (1) The Minister responsible for investment, trade and industry shall, after consultation with the Accounting Officer, appoint a Management Committee to oversee the management of the Fund.</p> <p>(2) The Committee appointed under subparagraph (1) shall consist of –</p> <ul style="list-style-type: none"> (a) the Deputy Permanent Secretary in the ministry responsible for investment, trade and industry who shall be the Chairperson of the Committee; (b) a representative from the Ministry responsible for finance and economic development; (c) a representative from the Ministry responsible for investment, trade and industry; and (d) eight members from the private sector who hold the qualification from the creative industry or have experience that the Accounting Officer considers appropriate and relevant for the carrying out of the purposes of the Fund. <p>(3) The Companies and Intellectual Property Authority shall provide secretarial services to the Committee.</p> <p>(4) The members of the Committee shall be appointed for a period of three years and shall be eligible for re-appointment for a further term not exceeding three years.</p> <p>(5) The quorum at any meeting of the Committee shall be the majority of the members.</p> <p>(6) The Committee shall be responsible for –</p> <ul style="list-style-type: none"> (a) developing and adopting guidelines to be utilised in awarding of grants from the Fund in accordance with the Fund objectives and submit the guidelines to the Accounting Officer for approval; (b) approving project proposals to be awarded grants from the Fund; (c) monitoring implementation of approved projects; (d) performing any other functions that the Accounting Officer may assign; (e) determining the disbursement procedures and investment strategy of the Fund in accordance with the Act; (f) making recommendations to the Accounting Officer on any changes or amendments in the Fund Order for subsequent approval by the Minister; and (g) advising the Accounting Officer on the performance of the Fund.
Receipts into Fund	<p>7. There shall be paid into the Fund the levy charged on all imported and locally manufactured blank sound and audio visual carriers, compact discs and equipment capable of being used to copy protected materials in terms of section 35G (1) of the Copyright and Neighbouring Rights Act.</p>
Disbursements from Fund	<p>8. There shall be paid from the Fund such sums of money for –</p> <ul style="list-style-type: none"> (a) the promotion of the creative industry;

- (b) the award of grants to finance approved projects for the copyright industry;
 - (c) financial auditing of the accounts of the Fund; and
 - (d) any other matter affecting the administration of the Fund as approved by the Accounting Officer provided that such disbursements qualify as reasonable expenses incurred in the performance of duties consistent with the objects of the Fund.
9. If the Fund is in surplus at the end of a financial year, such surplus shall remain as part of the Fund balance and carried forward into the following financial year. Surplus in Fund
10. Any monies held in the Fund which is not required for immediate use may be invested in accordance with the objects of the Fund as the Accountant-General may direct and interest from such investment shall accrue to the Fund. Investment of Fund monies
11. The Accounting Officer shall -- Accounts of Fund
- (a) keep and maintain or cause to be kept and maintained, proper books of accounts and records of all financial transactions, assets and liabilities of the Fund in respect of each financial year;
 - (b) maintain an account into which all receipts into the Fund and all disbursements from the Fund shall be recorded and the monthly reconciliation for the Fund accounts shall be carried out; and
 - (c) prepare, sign and transmit to the Accountant-General and Auditor-General a statement of income and expenditure and a balance sheet of the Fund in respect of the financial year, containing such information in the manner that the Minister in consultation with the Accountant-General may direct, within a period of two months after the close of each financial year.
12. The Copyright and Neighbouring Rights (Levy on Technical Devices) Fund Order is hereby revoked. Revocation of S.I. No. 94 of 2008

MADE this 17th day of March, 2022.

PEGGY O. SERAME,
Minister of Finance and Economic
Development.