

Law No. (5) of 2016 AD
adding certain provisions to law No. (19) of 2013 AD
on reorganising the Audit Bureau

The General National Congress,

Upon review of:

- The Constitutional Declaration issued on 3 August 2011 AD and amendments thereto;
- The rules of procedure of the General National Congress;
- The Law of the Financial System of the State;
- Law No. (19) of 2013 AD on reorganising the Audit Bureau;
- The submission of the head of the Audit Bureau in Letter No. (197-21) dated 11/1/2016 AD;
- The conclusions of the General National Congress in its suspended ordinary meeting No. (235) held on 09 Rabi' al-Akher 1437 AH, corresponding to 19 January 2016 AD;

has issued the following Law:

Article (1)

The following articles shall be added to Law No. (19) of 2013 AD on reorganising the Audit Bureau;

Article (9) (bis)

The head of the Bureau shall have all powers and authorities entrusted to the Cabinet by the laws and legislation with regard to the management of the Bureau's affairs and funds, and the Bureau head shall have the authority to issue administrative, regulatory, and financial regulations and decrees transferring items in the Bureau's budget.

Article (14) (bis)

To enable it to perform its oversight duties to protect public funds, monitor the performance of the bodies subject to its oversight, and assess the State's general policies, the Bureau may inspect any document or ask to review or obtain any data from public, private, or foreign bodies, including confidential data, related to the competencies assigned thereto under the law regulating it.

Article (19) (bis)

Within the framework of the application of Article (19) of Law No. (19) of 2013 AD on reorganising the Audit Bureau, the head of the Bureau may order the administrative detention of the equivalent of the value of lost State funds from the funds or property of the party causing such loss or the party unduly benefiting from such funds, in accordance with Law No. (152) of 1970 AD on administrative detention until a judicial ruling is issued to confiscate the detained funds, acquit, or lift the detention.

Article (45) (bis)

The Bureau's resources shall consist of the financial appropriations allocated thereto in the State's general budget, which shall be funded through the following sources:

1. Revenues of the State's general budget; the government shall monetize the value of the Bureaus' allocations on a stable time basis without delay.

2. Revenues collected by the Bureau for the examination, audit, and financial, technical, and training consulting activities it performs.
3. Budget surpluses from prior years, which shall be deducted from that year's budget.
4. Any other resources allocated to the Bureau.

Article (2)

The following articles of Law No. (19) of 2013 AD on reorganising the Audit Bureau shall be amended to read in accordance with the amendment next to each:

Article (20)

If it is established that disbursements were made that caused harm to public funds, the head of the Bureau may suspend disbursements from the bank accounts of bodies that suffered the damage, and may place them under examination and accompanying audit until the causes are removed and the damage undone. The Bureau head may also monitor the funds that were unduly disposed of in the accounts of the beneficiary bodies and persons and adopt the necessary measures for the return thereof.

Article (27)

If the examination, review, or audit produces matters necessitating investigation, the Bureau head or deputy thereof shall forward the documents to the competent bodies.

Article (3)

This Law shall come into force on the date of its issue and all provisions conflicting herewith shall be repealed. This Law shall be published in the Official Gazette.

General National Congress – Libya

Issued in Tripoli

On: 19 Rabi' al-Akher 1437 AH

Corresponding to: 19/01/2016 AD