



Republic of Kenya

SUMMARY

**REPORT OF
THE CONTROLLER AND AUDITOR-GENERAL
ON THE APPROPRIATION ACCOUNTS,
OTHER PUBLIC ACCOUNTS
AND THE
ACCOUNTS OF THE FUNDS OF THE
REPUBLIC OF KENYA
FOR THE YEAR 2008/2009**

KENYA NATIONAL AUDIT OFFICE (KENAO)

VISION

To be a lead agency in promoting good governance and effective accountability in the management of public resources

MISSION

KENAO is a statutory agency which seeks to build professional excellence in the provision of audit services through objective, reliable and timely audit reports as a contribution to enhanced accountability and transparency in the use of public resources

CORE VALUES

- ❖ Integrity
- ❖ Professional Excellence
- ❖ Cooperation
- ❖ Creativity
- ❖ Confidentiality
- ❖ Objectivity and Independence

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Preface

The Office of the Controller and Auditor General was established under Section 105(1) of the Constitution of Kenya as an Office in the public service.

Section 105(2) spells out the duties of the Controller and Auditor General as:-

- (a) to satisfy himself that any proposed withdrawal from the Consolidated Fund is authorized by law, and, if so satisfied, to approve the withdrawal;*
- (b) to satisfy himself that all moneys that have been appropriated by Parliament and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it; and*
- (c) at least once in every year to audit and report on the public accounts of the Government of Kenya, the accounts of all officers and authorities of that Government, the accounts of all courts in Kenya (other than courts no part of the expenses of which are defrayed directly out of moneys provided by Parliament), the accounts of every Commission established by this Constitution and the accounts of the Clerk of the National Assembly.*

These duties are amplified in the Public Audit Act, 2003 which also renamed the Office, **Kenya National Audit Office**.

In making this Report therefore, I am fulfilling my duties as set out under Section 105(2)(b) and (c) of the Constitution of Kenya and Sections 8 and 9 of the Public Audit Act, 2003.

This Report covers the year 2008/2009 and it relates to the results of the audit of the Central Government including; Ministries, Departments, Commissions and the National Assembly. The Report provides an overview of observations made in the main Report.



A.S.M. Gatumbu
CONTROLLER AND AUDITOR GENERAL

INTRODUCTORY AND GENERAL

This Report covers the financial year 2008/2009 and is issued in accordance with the requirements of Section 105 (2) (c) of the Constitution of Kenya.

EXCHEQUER ISSUES

All issues from the Consolidated Fund were authorized by me as required by Section 105 (2) (a) of the Constitution of Kenya.

GOVERNMENT FINANCIAL POSITION AS AT 30 JUNE 2009

1. The overall Government financial position as at 30 June 2009 was a net surplus of Kshs.35,783,271,151.10 compared to a net surplus of Kshs.56,205,599,678.06 recorded in the previous year.

2. The total issues from the Consolidated Fund for both Recurrent and Development Services during the year 2008/2009 amounted to Kshs.627,275,256,689.00 against total receipts of Kshs.628,391,857,456.65, resulting in a surplus of Kshs.1,116,600,767.65 as at 30 June 2009. However, when added to the surplus of Kshs.1,064,207,986.85 brought forward from 2007/2008, a Tax Reserve Certificate of Kshs.69,477,280.00, a deficit of Kshs.897,797,000.00 relating to a long outstanding loan owing from the yet to be wound-up Cereals and Sugar Finance Corporation and a bank balance of Kshs.34,430,782,116.60, the result is a net overall Government cash position of Kshs.35,783,271,151.10 as at 30 June 2009. This cash position represents a decrease of Kshs.20,422,328,526.96 or approximately 36% of the previous year's balance of Kshs.56,205,599,678.06.

3. As indicated above, the overall Government cash position of Kshs.35,783,271,151.10 has been arrived at after taking into consideration the short-term borrowing in form of a Tax Reserve Certificate of Kshs.69,477,280.00 and a deficit of Kshs.897,797,000.00 relating to the Cereals and Sugar Finance Corporation. However, and considering the fact that Cereals and Sugar Finance Corporation has, as observed in the preceding paragraph, been placed under a winding-up process, the recoverability of the amount of Kshs.897,797,000.00 from the Corporation may be in doubt.

OUT-TURN OF EXPENDITURE FOR 2008/2009

4. The year 2008/2009 ended with a net under-expenditure of Kshs.37,995,330,420.91 compared to a net under-expenditure of Kshs.20,311,965,325.49 recorded in 2007/2008. The net under-expenditure of Kshs.37,995,330,420.91 was arrived at as shown below:-

RECURRENT

	Gross Kshs	AIA Kshs	Net Kshs	Under(Over) Kshs
Estimated	390,563,987,617.00	40,610,351,917.00	349,953,635,700.00	
Actual	<u>381,806,767,028.54</u>	<u>38,437,622,488.35</u>	<u>343,369,144,540.19</u>	
Under(over)	<u>8,757,220,588.46</u>	<u>2,172,729,428.65</u>	<u>6,584,491,159.81</u>	<u>6,584,491,159.81</u>

DEVELOPMENT

Estimated	203,383,165,731.00	61,546,204,261.00	141,836,961,470.00	
Actual	<u>163,665,089,453.91</u>	<u>38,288,190,073.77</u>	<u>125,376,899,380.14</u>	
Under (Over)	<u>39,718,076,277.09</u>	<u>23,258,014,187.23</u>	<u>16,460,062,089.86</u>	<u>16,460,062,089.86</u>

CONSOLIDATED FUND SERVICES

Estimated	167,592,430,156.00	-	167,592,430,156.00	
Actual	<u>152,641,652,984.76</u>	-	<u>152,641,652,984.76</u>	
Under(Over)	<u>14,950,777,171.24</u>	-	<u>14,950,777,171.24</u>	<u>14,950,777,171.24</u>
Net overall position				<u>37,995,330,420.91</u>

5. The under-expenditure of Kshs.37,995,330,420.91 was mainly caused by slow implementation of projects, inadequate exchequer issues, delayed disbursement of donor funds and failure to submit expenditure returns by various development partners. Detailed reasons for the under-expenditure are provided in the respective Appropriation Accounts.

EXPENDITURE CONTROL

6. The Excess Expenditure incurred during 2008/2009 without Parliamentary approval totalled Kshs.633,999,805.03 compared to Kshs.2,484,258,548.70 recorded in the previous year. The Excess Expenditure of Kshs.633,999,805.03 was incurred in eight (8) Ministries and Departments as follows:-

Vote	Ministry/Department	Recurrent Kshs.	Development Kshs.	Total Kshs.
03	Public Service	-	1,307,703.55	1,307,703.55
16	Trade	-	8,618,367.00	8,618,367.00
21	Environment and Mineral Resources	-	16,821,368.40	16,821,368.40
26	Judicial Department	2,265,287.41	37,676,542.70	39,941,830.11
30	Energy	-	86,224,169.60	86,224,169.60
48	Office of the Prime Minister	-	131,379,199.62	131,379,199.62
49	Public Health and Sanitation	-	344,215,140.55	344,215,140.55
58	Development of Northern Kenya	<u>5,492,026.20</u>	<u>-</u>	<u>5,492,026.20</u>
	Total	<u>7,757,313.61</u>	<u>626,242,491.42</u>	<u>633,999,805.03</u>

7. The Excess Expenditure of Kshs.633,999,805.03 does not however include pending bills amounting to Kshs.16,393,797,984.64 which, though relating to 2008/2009 were not settled during the year, but were instead carried forward to 2009/2010, as discussed in the ensuing paragraph.

PENDING BILLS

8. During the year ended 30 June 2009, a number of Ministries and Departments did not settle bills totalling Kshs.16,393,797,984.64, made up of amounts of Kshs.5,531,049,565.50 and Kshs.10,862,748,419.14 under Recurrent and Development Votes respectively, but instead carried forward such bills to 2009/2010, as indicated below:-

Vote	Ministry/Department	Recurrent Kshs.	Development Kshs.	Total Kshs.
01	Provincial Administration and Internal Security	468,327,710.40	459,708,566.45	928,036,276.85
02	State House	12,770,164.15	-	12,770,164.15
04	Foreign Affairs	49,674,593.16	-	49,674,593.16
05	Home Affairs	235,202,210.98	85,963,485.58	321,165,696.56
06	Planning, National Development and Vision 2030	15,434,380.35	190,000.00	15,624,380.35
07	Finance	282,516,852.20	135,179,271.90	417,696,124.10
08	Defence	191,004,723.42	-	191,004,723.42
10	Agriculture	314,175,313.20	479,476,840.05	793,652,153.25
11	Medical Services	24,152,753.00	124,804,058.80	148,956,811.80
12	Local Government	1,511,030,016.04	127,633,415.63	1,638,663,431.67
13	Roads	1,681,097,871.95	8,511,676,909.70	10,192,774,781.65
14	Transport	26,805,558.20	7,668,355.00	34,473,913.20
15	Labour and Human Resource Development	14,957,815.02	12,985,865.10	27,943,680.12

18	Gender, Children and Social Development	15,780,430.30	2,704,124.05	18,484,554.35
19	Livestock Development	18,654,220.00	16,198,260.50	34,852,480.50
20	Water and Irrigation	19,126,753.00	55,617,996.00	74,744,749.00
21	Environment and Mineral Resources	117,377,053.65	123,490,901.60	240,867,955.25
22	Co-operative Development and Marketing	14,789,327.87	4,659,315.00	19,448,642.87
23	Cabinet Office	9,416,738.30	-	9,416,738.30
24	East African Community	6,977,144.00	-	6,977,144.00
26	Judicial Department	36,343,629.30	138,926,078.51	175,269,707.81
27	Public Service Commission	8,405,418.00	-	8,405,418.00
29	National Assembly	51,239,409.80	-	51,239,409.80
31	Education	122,169,127.70	106,126,911.10	228,296,038.80
32	Information and Communications	12,213,843.27	499,000.00	12,712,843.27
36	Lands	12,953,867.20	22,503,567.95	35,457,435.15
40	Immigration and Registration of Persons	40,723,003.25	3,491,000.00	44,214,003.25
41	National Heritage and Culture	6,297,619.20	4,410,687.90	10,708,307.10
42	Youth Affairs and Sports	113,946,642.43	12,643,847.00	126,590,489.43
43	Higher Education, Science and Technology	945,200.00	-	945,200.00
44	Housing	7,704,036.00	-	7,704,036.00
46	Tourism	18,552,137.91	10,273,998.48	28,826,136.39
48	Office of the Prime Minister	18,047,916.60	1,207,194.00	19,255,110.60
49	Public Health and Sanitation	748,620.00	-	748,620.00
55	Forestry and Wildlife	-	1,900,000.00	1,900,000.00

56	Fisheries Development	32,933,039.00	-	32,933,039.00
59	Public Works	14,698,127.90	412,808,768.84	427,506,896.74
60	Industrialization	<u>3,856,298.75</u>		<u>3,856,298.75</u>
	Total	<u>5,531,049,565.50</u>	<u>10,862,748,419.14</u>	<u>16,393,797,984.64</u>

9. Had the bills been settled during the period and the expenditure charged to the accounts for 2008/2009, sixteen (16) additional Ministries and Departments would have recorded Excess Expenditure against Recurrent and/or Development Votes, as shown hereunder:-

Recurrent Vote

Vote	Ministry/Department	Net Surplus Kshs.	Pending Bills Kshs.	Excess Expenditure Kshs.
R.01	Provincial Administration and Internal Security	159,072,675.80	468,327,710.40	(309,255,034.60)
R.02	State House	1,827,475.70	12,770,164.15	(10,942,688.45)
R.05	Home Affairs	218,813,277.86	235,202,210.98	(16,388,933.12)
R.08	Defence	13,786,412.20	191,004,723.42	(177,218,311.22)
R.10	Agriculture	250,112,416.06	314,175,313.20	(64,062,897.14)
R.12	Local Government	217,535,003.78	1,511,030,016.04	(1,293,495,012.26)
R.13	Roads	322,032,943.68	1,681,097,871.95	(1,359,064,928.27)
R.14	Transport	23,554,995.00	26,805,558.20	(3,250,563.20)
R.21	Environment and Mineral Resources	7,369,411.30	117,377,053.65	(110,007,642.35)
R.22	Co-operative Development and Marketing	6,402,936.79	14,789,327.87	(8,386,391.08)
R.24	East African Community	1,800,489.35	6,977,144.00	(5,176,654.65)
R.27	Public Service Commission	1,627,366.90	8,405,418.00	(6,778,051.10)
R.41	National Heritage and Culture	282,904.66	6,297,619.20	(6,014,714.54)

R.56	Fisheries	<u>8,034,177.80</u>	<u>32,933,039.00</u>	<u>(24,898,861.20)</u>
	Development			
	Sub Total	<u>1,232,252,486.88</u>	<u>4,627,193,170.06</u>	<u>(3,394,940,683.18)</u>

Development Vote

Vote	Ministry/Department	Net Surplus	Pending Bills	Excess
		Kshs.	Kshs	Expenditure
				Kshs.
D.13	Roads	2,391,244,762.90	8,511,676,909.70	(6,120,432,146.80)
D.40	Immigration and Registration of Persons	1,364,926.80	3,491,000.00	(2,126,073.20)
D.59	Public Works	<u>805,867.25</u>	<u>412,808,768.84</u>	<u>(412,002,901.59)</u>
	Sub Total	<u>2,393,415,556.95</u>	<u>8,927,976,678.54</u>	<u>(6,534,561,121.59)</u>
	Total			<u>(9,929,501,804.77)</u>

OUT-TURN OF REVENUE

10. Revenue recorded as having been received as at 30 June 2009 totalled Kshs.479,630,267,573.92, made up of Recurrent and Development Revenue balances of Kshs.443,508,480,504.78 and Kshs.36,121,787,069.14 respectively, against estimated total receipts of Kshs.507,345,721,653.00. There was therefore an under-collection of Kshs.27,715,454,079.08 during the year, representing approximately 5% of the estimated receipts.

The reasons for the under-collection are provided in the footnotes to the respective Statements of Revenue.

COLLECTION OF APPROPRIATIONS-IN-AID

11. The total Appropriations-In-Aid collected in 2008/2009 amounted to Kshs.76,725,812,562.12, against estimated receipts of Kshs.102,156,556,178.00, resulting in a deficiency of Kshs.25,430,743,615.88. The deficiency represented approximately 25% of the estimated collections.

12. The deficiency occurred mainly under the Development Votes, where out of estimated collections of Kshs.61,546,204,261.00 during the year, only receipts of Kshs.38,288,190,073.77 were realized.

As in the previous year, the reasons for the under-collection are provided in the respective Appropriation Accounts.

APPROPRIATION ACCOUNTS

13. During the year under review, a number of Ministries and Departments submitted for audit, Recurrent and Development Appropriation Accounts which had errors and were therefore inaccurate. Many such Appropriation Accounts carried balances which did not agree with those reflected in the respective Ledgers against which the Accounts had been drawn. Further, and as discussed in a related paragraph below, expenditure recorded against various items in the Accounts was not supported with the relevant documents, consequent upon which the propriety of such expenditure could not be ascertained. In other instances, expenditure incurred during the year was altogether excluded from the Accounts.

These matters have been dealt with in detail in the paragraphs under the respective Ministries and Departments.

STATEMENTS OF ASSETS AND LIABILITIES

14. The Statements of Assets and Liabilities as at 30 June 2009 for a number of Ministries and Departments continued to reflect significant balances under various Accounts, which had not been analysed and/or cleared from the books of account as at 30 June 2009. As in the previous year, such Accounts included General Account of Vote, Paymaster General, Exchequer, Advances, Suspense, Agency and Clearance, amongst others.

15. For example, the Advances Account debit and credit balances for 2008/2009 in respect of all Ministries and Departments stood at Kshs 2,100,309,597.07 and Kshs.341,041,377.00 respectively as at 30 June 2009, as shown below:-

Vote	Advances Account	
	Debit	Credit
	Kshs.	Kshs.
Recurrent	1,673,479,096.07	332,239,687.05
Development	426,830,501.00	8,497,199.95
Deposits	<u>0.00</u>	<u>304,490.00</u>
Total	<u>2,100,309,597.07</u>	<u>341,041,377.00</u>

16. Similarly, the Suspense Account debit and credit balances for the year amounted to Kshs.34,006,881,688.72 and Kshs.33,685,322,753.49 respectively as at 30 June 2009, as indicated below:-

Vote	Suspense Account	
	Debit	Credit
	Kshs	Kshs
Recurrent	19,068,197,819.07	20,238,177,188.16
Development	13,774,850,103.95	12,172,595,367.12

Deposits	<u>1,163,833,765.70</u>	<u>1,274,550,198.21</u>
Total	<u>34,006,881,688.72</u>	<u>33,685,322,753.49</u>

17. Further, the Clearance Account debit and credit balances for the period totalled to Kshs.6,882,182,886.09 and Kshs.2,416,519,216.95 respectively as at the close of the year, as summarized below:-

Vote	Clearance Account	
	Debit	Credit
	Kshs	Kshs
Recurrent	4,784,674,753.89	1,901,543,395.93
Development	732,081,114.15	101,408,026.02
Deposits	<u>1,365,427,018.05</u>	<u>413,567,795.00</u>
Total	<u>6,882,182,886.09</u>	<u>2,416,519,216.96</u>

As in the previous year, I have not been able to establish what many of these balances represent or whether such balances are represented by actual cash.

FUND ACCOUNTS

18. As similarly observed in my report for 2007/2008, various Funds are dormant and have not recorded any meaningful activities for a number of years. These Funds include:-

Fund	Ministry
District Cash Fund	Provincial Administration and Internal Security
Provident Fund	Finance
Asiatic Widows and Orphans Pensions Fund	Finance

Rural Development Fund	Planning, National Development and Vision 2030
District Development Fund	Planning, National Development and Vision 2030
Rural Enterprise Fund	Finance
Hides and Skin Cess Fund	Livestock Development

These Funds continue to tie up substantial sums of cash that could otherwise be utilized to finance other critical and urgent development programmes.

BANK RECONCILIATION STATEMENTS

19. A review of Bank Reconciliation Statements for Recurrent, Development and Deposits Cashbooks as at 30 June 2009 in respect of several Ministries and Departments indicated that the Statements continued to reflect substantial receipts and payments in the Cashbooks not recorded in the Bank Statements, and also receipts and payments in the Bank Statements not recorded in the Cashbooks. In many instances, the receipts and payments were found to have been outstanding for considerably long periods of time.

These matters have been discussed in detail in the paragraphs under the respective Ministries and Departments.

UNSUPPORTED EXPENDITURE

20. During the year under review, a number of Ministries and Departments failed to avail documents to support various expenditure totalling Kshs.3,597,578,609.95 reflected in the Appropriation Accounts for 2008/2009, as summarized below:-

Vote	Ministry/Department	Unsupported Expenditure Kshs.
01	Provincial Administration and Internal Security	86,372,512.00
04	Foreign Affairs	762,884,644.75
06	Planning, National Development and Vision 2030	3,038,780.00
07	Finance	16,619,044.00
10	Agriculture	349,412,372.70
13	Roads	8,301,319.00
16	Trade	342,045,770.80
18	Gender, Children and Social Development	23,504,558.00
19	Livestock Development	168,171,835.30
20	Water and Irrigation	90,618,425.35
24	East African Community	48,346,247.00
26	Judicial Department	48,822,509.25
31	Education	27,294,694.80
33	Interim Independent Electoral Commission	159,656,239.85
35	Special Programmes	1,055,324,178.45
36	Lands	65,368,784.35
49	Public Health and Sanitation	285,442,398.45
59	Public Works	470,000.00
60	Industrialization	<u>55,884,295.90</u>
	Total	<u>3,597,578,609.95</u>

In absence of the documents, the propriety of the expenditure of Kshs.3,597,578,609.95 could not be ascertained.

EXCLUDED EXPENDITURE

21. Expenditure totalling Kshs.711,152,701.67 incurred in 2008/2009 under various Ministries and Departments as shown below, was excluded from the Annual Accounts for the year, with the result that such Accounts were understated by amounts equivalent to the expenditure.

Vote	Ministry/Department	Excluded Expenditure Kshs.
01	Provincial Administration and Internal Security	131,481,344.25
04	Foreign Affairs	19,484,224.05
09	Regional Development Authorities	1,355,214.80
13	Roads	18,694,010.00
14	Transport	16,346,951.00
20	Water and Irrigation	44,136,353.05
26	Judicial Department	2,061,995.70
35	Special Programmes	463,235,465.20
49	Public Health and Sanitation	5,224,608.92
60	Industrialization	<u>9,132,534.70</u>
	Total	<u>711,152,701.67</u>

As observed in the paragraphs on the matter under the respective Ministries and Department, most of the expenditure was excluded from the Accounts due to book-keeping errors and non-submission of expenditure returns for various projects.

CONTROL OVER IMPRESTS

22. As in the previous year, various Ministries and Departments continued to exercise weak controls and inadequate management of imprests during 2008/2009 and as a result, substantial balances of such imprests totalling Kshs.3,342,877,820.60 as shown below, were indicated as outstanding as at 30 June 2009.

Vote	Ministry/Department	Outstanding Imprest Kshs.
01	Provincial Administration and Internal Security	11,868,270.50
02	State House	2,563,992.45
04	Foreign Affairs	35,699,228.00
05	Home Affairs	4,265,635.05
07	Finance	30,057,880.70
08	Defence	847,400.00
10	Agriculture	4,290,541.50
11	Medical Services	2,793,472,897.35
12	Local Government	16,164,776.00
13	Roads	5,912,703.90
15	Labour and Human Resource Development	3,173,895.00
16	Trade	600,429.80
17	Justice, National Cohesion and Constitutional Affairs	1,092,187.65
18	Gender, Children and Social Development	4,596,758.00
19	Livestock Development	5,204,490.80
20	Water and Irrigation	11,297,217.90
21	Environment and Mineral Resources	10,362,241.80
22	Co-operative Development and Marketing	648,745.00
23	Cabinet Office	1,811,243.00
25	State Law Office	1,808,503.45
26	Judicial Department	1,639,041.90
29	National Assembly	11,005,189.30
31	Education	27,985,826.85

32	Information and Communications	1,982,487.00
35	Special Programmes	3,200,476.50
36	Lands	1,690,584.00
40	Immigration and Registration of Persons	17,562,397.10
42	Youth and Sports	635,150.50
43	Higher Education, Science and Technology	6,483,389.45
44	Housing	1,450,616.90
46	Tourism	3,081,950.00
48	Office of the Prime Minister	2,101,300.00
49	Public Health and Sanitation	308,564,016.60
55	Forestry and Wildlife	2,070,711.80
56	Fisheries Development	1,479,696.00
58	Development of Northern Kenya	1,483,127.50
59	Public Works	2,473,904.95
60	Industrialization	<u>2,248,916.40</u>
	Total	<u>3,342,877,820.60</u>

23. In other circumstances, some Ministries and Departments issued to officers additional imprests before such officers had surrendered or accounted for balances previously issued.

24. Although the Government Financial Regulations and Procedures clearly spell out the guidelines for control and management of imprests, as supplemented by various circulars issued by Treasury from time to time, no significant efforts appear to have been made during the year to ensure compliance with such guidelines.

MAINTENANCE OF ACCOUNTING RECORDS

25. A number of financial statements submitted for audit by various Ministries and Departments have been excluded from the Certificate of the Controller and Auditor-General for 2008/2009. The reasons for such exclusion relates to various weaknesses observed during the year, in the maintenance of accounting records and preparation of the financial statements. These weaknesses included:-

- Poor and inadequately maintained accounting records including Ledgers and Trial Balances;
- Unanalysed balances for various below the line accounts;
- Uncleared long outstanding balances in the Statements of Assets and Liabilities and Bank Reconciliation Statements;
- Unreconciled Cashbook balances;
- Inaccurate brought forward balances in the Statements of Assets and Liabilities and in various Revenue Statements; and
- Material book keeping errors resulting in exclusion of expenditure from the Accounts.



A.S.M. Gatumbu

CONTROLLER AND AUDITOR GENERAL

NAIROBI

19 May, 2010