

A BILL

FOR

AN ACT TO AMEND THE FISCAL RESPONSIBILITY ACT, 2007 TO ENHANCE REVENUE GENERATION AND TO PROVIDE PENALTIES FOR AGENCIES WHO FAIL TO RENDER THEIR ACCOUNTS AS PRESCRIBED BY LAW AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Mansur Manu Soro

[] Commencement

ENACTED by the National Assembly of the Federal Republic Nigeria as follows:

1 1. The Fiscal Responsibility Act, 2007 (in this Bill referred to as
2 "the Principal Act" or "the Act") is amended as set out in this Bill.

Amendment of
the Fiscal
Responsibility
Act, 2007

3 2. Section 2 of the Act is amended as follows:

Amendment of
Section 2

4 (i) Section 2(1b) of the Act is amended by substituting the word
5 "cause" with the word "conduct" to read as follows:

6 2(1b) conduct investigations to ascertain whether any person has
7 violated any provisions of this Act;

8 (ii) That section 2 of this Act be further amended by adding the
9 following sub-paragraph to subsection 1 of section 2:

10 (c) request for and obtain information relating to public revenue,
11 expenditure and related matters from any person, department, agencies,
12 public institution or body, or arm of the Federal Government;

13 (d) request and be permitted by all government ministries,
14 department, extra-ministerial departments, agencies, public bodies,
15 institutions, corporations and arms of government to inspect all documents,
16 record, minutes, entries, electronic systems machine and objects which the
17 Commission shall deem necessary for the performance of its functions
18 under this Act;

19 (e) interview any person it deems necessary with regard to

1 government revenue and expenditure;

2 (f) monitor and enforce the remittance of revenue by all Corporations
3 and government agencies into the Consolidated Revenue Fund as is herein
4 provided and publish same at the commencement of every fiscal year;

5 (g) Sub-Treasury Single Account for all revenue generating agencies,
6 80% of Internally Generated Revenue to be remitted to Consolidated Revenue
7 of the Federation while 20% balance utilized by agencies;

8 (h) collaborate and cooperate with all or any of the following - Nigeria
9 Police, Economic and Financial Crimes Commission, Independent Corrupt
10 Practices and other Related Offences Commission or any other agency, public
11 body, ministry or extra-ministerial department in the performance of any of its
12 functions under this Act;

13 (i) without prejudice to the powers of the Auditor General of the
14 Federation, review or verify the financial records of any government agency,
15 corporation, ministry, department, extra-ministerial department etc;

16 (j) make rules and issue guidelines for implementation of this Act; and

17 (k) do other things which, in its opinion, are necessary for the efficient
18 performance of its functions under this Act.

19 That section 2(2) of this Act be amended by deleting the provision of
20 the subsection and inserting therein as follows:

21 2(2) If the Commission is satisfied that a person has committed any
22 punishable offence under this Act or violated any provisions of this Act, the
23 Commission shall undertake the prosecution of the alleged offender.

24 That section 2 of this Act is further amended by including the
25 subsection immediately after subsection 2 to read as follows:

26 2(3) Every prosecution of an offender under this Act by the
27 Commission or its appointed Legal Practitioner shall be deemed to have been
28 done with the consent of the Attorney General of the Federation.

29 3. The Act is amended by inserting a new section 49 on offences and
30 penalties as follows:

1 49. (1) Any person who wilfully, whether directly or indirectly,
2 hinders or obstructs the Commission or its agent from performing the
3 functions or duties imposed by this Act commits an offence and shall upon
4 conviction be liable to a term of imprisonment of not less than three (3)
5 months or a fine not less than N500,000.00 (Five Hundred Thousand Naira)
6 or to both fine and imprisonment.

7 (2) Any person who gives false information to another person,
8 authority or the Commission, in response to a request or in the performance
9 of a function imposed by this Act or falsifies any document commits an
10 offence and shall upon conviction be liable to a term of imprisonment of not
11 less than Six (6) months or fine not less than N1,000,000.00 (One Million
12 Naira) or to both fine and imprisonment.

13 (3) Any person who, with intent to deceive or mislead, makes a
14 partial (instead of full) disclosure of information to the Commission or its
15 agent, Federal Ministry of Finance, Budget and Planning or Debt
16 Management Office in response to a request made in the performance of a
17 function imposed by this Act commits an offence and shall upon conviction
18 be liable to a term of imprisonment of not less than Three (3) months or fine
19 not less than N500,000.00 (Five Hundred Thousand Naira) or to both fine
20 and imprisonment.

21 (4) Any person who refuses or fails, without lawful excuse, to give
22 information to the Commission or Federal Ministry of Finance, Budget and
23 Planning or the Debt Management Office of the Federation upon a request
24 made in the performance of a function imposed by this Act commits an
25 offence and shall upon conviction be liable to a term of imprisonment of not
26 less than One year or a fine of not less than N1,000,000.00 (One Million
27 Naira) or both fine and imprisonment.

28 (5) Any person who, without lawful excuse, fails to perform a duty
29 imposed upon or assigned to him or the office which he occupies by this Act
30 commits an offence and shall upon conviction be liable to a term of

1 imprisonment not less than three (3) months or fine not less than N500,000.00
2 (Five Hundred Thousand Naira) or both fine and imprisonment.

3 (6) Any person(s) who borrows or lends or is responsible for
4 borrowing or lending in contravention of the provisions of Part (X) of this Act
5 commits an offence and shall upon conviction be liable to imprisonment for a
6 term not less than six (6) months or with a fine not less than N1,000,000.00
7 (One Million Naira) or with both fine and imprisonment.

8 (7) Any person who under-declares public revenue generated or
9 collected by any government institution, corporation, agency, or government
10 owned company commits an offence and shall upon conviction be liable to
11 refund the total amount under-declared, imprisonment for a term not less than
12 three years or with a fine not less than 10% of the total amount under-declared,
13 or with both fine and imprisonment.

14 (8) Any person who duplicates a project or item in the budget, or
15 accepts and expends a grant regarding an item for which monies are
16 appropriated, released and spent from the budget, commits an offence and shall
17 upon conviction be liable to imprisonment for a term not less than one year or
18 with a fine not less than N1,000,000.00 (One Million Naira) or with both fine
19 and imprisonment.

20 (9) Subject, only, to the provisions of the Constitution, any person
21 who spends or authorises the spending of any money collected or generated
22 without appropriation by the National Assembly, commits an offence and shall
23 upon conviction be liable to imprisonment for a term not less than three years or
24 with a fine not less than 10% of the total amount spent or with both fine and
25 imprisonment.

26 (10) Any person who transfers or spends any sum allocated for a
27 particular project, or service in an Appropriation Act, on another project or
28 service without approval of the National Assembly, commits an offence and
29 shall upon conviction be liable to imprisonment for a term not less than three

1 (3) months or a fine not less than N500,000.00 or to both imprisonment
2 and fine.

3 (11) Any person who assaults an officer, staff or agent of the
4 Commission while performing a function under this Act commits an
5 offence and shall upon conviction be liable to imprisonment for a term
6 of two years without an option of fine.

7 Provided that, in addition to the punishment provided herein,
8 the court shall have the power to award appropriate compensation to
9 the staff or officer so assaulted.

10 (12) Any person who aids or abates the commission of an
11 offence under this Act commits an offence and shall upon conviction
12 be liable to the same sanction as the principal offender.

13 (13) Any person who fails to remit funds pursuant to section
14 23 of this Act commits an offence and shall upon conviction be liable
15 to imprisonment for a term not less than one (1) year or a fine not less
16 than N2,000,000.00 (Two Million Naira) or to both imprisonment and
17 fine, and shall in addition, ensure the remittance of the full amount so
18 outstanding.

19 (14) Any person who partially remits funds pursuant to
20 section 23 of this Act commits an offence and shall upon conviction be
21 liable to imprisonment for a term not less than six (6) months or a fine
22 not less than N1,000,000.00 (One Million Naira) or to both
23 imprisonment and fine, and shall in addition, ensure the remittance of
24 the full amount so outstanding.

25 (15) Any person who contravenes any provision of this Act
26 commits an offence and shall where no other punishment has been
27 provided be liable to imprisonment for a term not less than three (3)
28 months or a fine not less than N500,000.00 (Five Hundred Thousand
29 Naira) or to both imprisonment and fine.

Citation 1 4. This Bill may be cited as the Fiscal Responsibility Act
 2 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Fiscal Responsibility Act, 2007 to provide punishment or penalties for agencies who fail to render their accounts as prescribed by law.