

A BILL

FOR

AN ACT TO REPEAL THE FISCAL RESPONSIBILITY ACT, 2007 AND ENACT
THE FISCAL RESPONSIBILITY BILL, 2019 AND FOR RELATED MATTERS

Sponsored by Hon. James Abiodun Faleke

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

1 PART I - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE FISCAL
2 RESPONSIBILITY COMMISSION

3 1.-(1) There is hereby established, a body to be known as the Fiscal
4 Responsibility Commission (in this Bill referred to as "the Commission"). Establishment
of the Commission

5 (2) The Commission:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal;

8 (b) may sue and be sued in its corporate name; and

9 (c) shall have the power to acquire and own properties for the
10 performance of its functions under this Bill.

11 *Responsibility, Powers and Functions of the Commission*

12 2.-(1) For the purpose of performing its functions under the Bill, Powers of the
Commission
13 the Commission shall have power to:

14 (a) compel any person or government institution to disclose
15 information relating to public revenues and expenditure;

16 (b) conduct investigations to ascertain whether any person has
17 violated any provisions of this Bill;

18 (c) request for and obtain information relating to public revenue,
19 expenditure and related matters from any person, department, public
20 institution, body, agency or arm of the Federal Government;

21 (d) request and be permitted by all government ministries,

1 departments, extra-ministerial departments, agencies, public bodies,
2 institutions, corporations and arms of government to inspect all documents,
3 records, minutes, entries, electronic systems, machines and objects which the
4 Commission shall deem necessary for the performance of its functions under
5 this Bill;

6 (e) interview any person it deems necessary with regard to
7 government revenue and expenditure;

8 (f) cause statements to be made on oath and have power to search,
9 enter premises, seize documentation and records required as evidence pursuant
10 to the ex-parte orders of a competent court.

11 (g) monitor and enforce the remittance of revenue into the
12 Consolidated Revenue Fund by all Corporations and government agencies as
13 is herein provided and publish same at the commencement of every fiscal year;

14 (h) collaborate and cooperate with the Nigeria Police Force, the
15 Economic and Financial Crimes Commission, the Independent Corrupt
16 Practices and other Related Offences Commission or any other agency, public
17 body, ministry or extra-ministerial department in the performance of its
18 functions under this Bill;

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

22 (j) make rules and issue guidelines for implementation of this Bill;
23 and

24 (k) do other things which, in its opinion, are necessary for the efficient
25 performance of its functions under this Bill.

26 (2) If the Commission is satisfied that a person has committed any
27 punishable offence under this Bill or violated any provisions of this Bill, the
28 Commission shall undertake the prosecution of the alleged offender.

29 (3) Every prosecution of an offender under this Bill by the
30 Commission or its appointed legal practitioner shall be deemed to have been

1 done with the consent of the Attorney General of the Federation.

2 3.-(1) The Commission shall perform the following functions:

Functions of the
Commission

3 (a) monitor and enforce the provisions of this Bill and by so doing,
4 promote the economic objectives contained in Section 16 of the
5 Constitution;

6 (b) disseminate such standard practices, including international
7 good practice, that will result in greater efficiency in the allocation and
8 management of public expenditure, revenue collection, debt control and
9 transparency in fiscal matters; "

10 (c) undertake fiscal and financial studies, analysis and diagnosis
11 and disseminate the result to the general public;

12 (d) make rules for carrying out its functions under this Bill;

13 (e) perform any other function consistent with the promotion of the
14 objectives of this Bill; and

15 (f) enforce the submission of periodic returns on revenue
16 performance showing estimates, actual collection and remittances to the
17 Consolidated Revenue Fund of the Federal Government by corporations
18 and agencies accompanied by accurate documentary evidence of collections
19 and remittances, including ensuring that all profits or dividend payments
20 due to the Federal Government from any privatized entity in which the
21 Federal Government is a shareholder are duly remitted into the
22 Consolidated Revenue Fund;

23 (g) attend and monitor monthly monitoring meeting of all revenue
24 collectors in collaboration with the Office of the Accountant General of the
25 Federation;

26 (h) monitor the operation of the Excess Crude Account and the
27 various Funds created under the Nigerian Sovereign Investment Authority
28 (Establishment, Etc.) Act, 2011;

29 (i) appoint for the Commission, such number of employees as it
30 may deem expedient and necessary for the proper and efficient performance

1 of its functions under this Bill;

2 (j) determine the terms and conditions of service in the Commission,
3 including disciplinary measures for employees of the Commission;

4 (k) develop and implement appropriate conditions of service for its
5 staff, including fixing of remunerations, pension scheme and other fringe
6 service benefits;

7 (l) review the remunerations payable to the employees of the
8 Commission, from time to time, in consultation with the National Salaries,
9 Incomes and Wages Commission;

10 (m) regulate its proceedings and make standing orders with respect to
11 holding of meetings, notices to be given, keeping of minutes of its proceedings
12 and such other matters as the Commission may, from time to time, determine;
13 and

14 (n) perform any other function consistent with the promotion of the
15 objectives of this Bill.

16 (2) The Commission shall be independent in the performance of its
17 functions,

18 (3) The provisions of the Public Officers Protection Act, Cap. P41,
19 Laws of the Federation of Nigeria, 2004 shall apply to the members and staff of
20 the Commission in the discharge of their functions under this B II.

21 4.-(1) The Commission shall establish and maintain a Fund from
22 which shall be defrayed all expenditure incurred by the Commission.

23 (2) There shall be credited to the Fund established pursuant to
24 subsection (1) of this Section, the funds specified in subsection (3) of this
25 Section and grants from other sources.

26 (3) The Commission shall be entitled, on monthly basis, to 5% of the
27 funds remitted into the Consolidated Revenue Fund of the Federal
28 Government as operating surplus, pursuant to Section 22 of this Bill as cost of
29 collection.

30 (4) The Minister shall, on the basis of the revenue performance of the

1 Commission, recommend to the President to grant financial autonomy to the
2 Commission.

3 5.-(1) The Commission shall consist of:

Composition of
the Commission

4 (a) a Chairman, who shall be the Chief Executive and Accounting
5 Officer of the Commission;

6 (b) one member representing:

7 (i) the Organised Private Sector;

8 (ii) Civil Society Organisations engaged in causes related to
9 probity, transparency and good governance;

10 (iii) Organised Labour; and

11 (iv) Professional Accounting Bodies.

12 (c) a representative of the Federal Ministry of Finance, Budget and
13 National Planning, of a level not below the rank of a Director; and

14 (d) a Secretary who shall be the head of administration of the
15 Commission.

16 (2) All members of the Commission shall be persons of proven
17 integrity and must possess appropriate qualifications with not less than 10
18 years cognate post qualifications experiences.

19 (3) The Chairman and Secretary of the Commission, other than the
20 ex-officio members, shall be appointed by the President subject to
21 confirmation by the Senate.

22 (4) The ex-officio members of the Commission, other than the
23 Chairman and the Secretary shall be part time members.

24 (5) There shall be established for the Commission a Secretariat that
25 shall be headed by the Secretary who shall be responsible for the
26 administration of the Secretariat and the keeping of the books and records of
27 the Commission under the supervision and control of the Chairman.

28 6. The Chairman, Secretary and ex-officio members of the
29 Commission shall hold office for a single term of 5 years and no more. Tenure of Office

Cessation of
membership

1 7.-(1) Notwithstanding the provision of Section 6 of this Bill, a
2 member of the Commission shall cease to hold office if:

3 (a) he becomes bankrupt or makes a compromise with his creditors;

4 (b) he is convicted of a felony or an offence involving dishonesty,
5 corruption or fraud by any court whether in Nigeria or elsewhere;

6 (c) he becomes incapable of carrying out the functions of his office
7 either by reason of infirmity of mind or body;

8 (d) the President is satisfied that it is not in the interest of the
9 Commission or the interest of the public that the member should continue in
10 office and removes him from office;

11 (e) he has been found guilty of violation of the code of conduct or
12 serious misconduct in relation to his duties;

13 (f) he resigns his appointment by a notice under his hand, addressed to
14 the President; or

15 (g) in the case of a person who becomes a member by virtue of the
16 office he occupies, he ceases to hold such office for whatever reason.

17 (2) Where a vacancy occurs in the membership of the Commission, it
18 shall be filled by the appointment of a successor to hold office for the remainder
19 of the term of office of the predecessor, provided that the successor shall
20 represent the same interest as his predecessor.

Emoluments etc.
of members

21 8.-(1) There shall be paid to the Chairman and Secretary of the
22 Commission such salaries, allowances and benefits as the Revenue
23 Mobilisation Allocation and Fiscal Commission may, from time to time,
24 approve

25 (2) There shall be paid to the ex-officio members of the Commission
26 such sitting allowances and benefits as may be determined by the Revenue
27 Mobilisation Allocation and Fiscal Commission may, from time to time,
28 approve.

Submission of
Annual report
to the National
Assembly

29 9. The Commission shall prepare and submit to the National
30 Assembly not later than 30th June in each financial year, a report of its

1 activities including all cases of contravention investigated during the
2 preceding financial year, and shall include in the report, a copy of its audited
3 accounts for the preceding financial year.

4 PART II - THE MEDIUM TERM EXPENDITURE FRAMEWORK

5 10.-(1) The Federal Government shall, through the Federal
6 Ministry of Finance, Budget and National Planning, not later than six
7 months before the commencement of the next financial year, cause to be
8 prepared a Medium Term Expenditure Framework for the next three
9 financial years.

Medium Term
Expenditure
Framework

10 (2) The framework so prepared shall be submitted to the Federal
11 Executive Council for consideration and the Council shall thereafter,
12 through the Ministry of Finance, Budget and National Planning, submit the
13 framework to the National Assembly for consideration and approval.

14 (3) The framework so laid shall be considered for approval with
15 such modifications, if any, as the National Assembly may find appropriate
16 by a resolution of each House of the National Assembly.

17 (4) The Ministry of Finance, Budget and National Planning shall
18 submit a copy of the framework approved by the Federal Executive Council
19 to the Commission not later than fourteen (14) days from the date of its
20 submission to the National Assembly.

21 (5) The Medium-Term Expenditure Framework shall contain:

22 (a) a Macro-Economic Framework setting out the macroeconomic
23 projections for the next three financial years, the underlying assumptions for
24 those projections and an evaluation and analysis of the macroeconomic
25 projections for the preceding three financial years;

26 (b) a Fiscal Strategy Paper setting out:

27 (i) the medium term financial objectives of the Federal
28 Government;

29 (ii) the policies of the Federal Government for the medium term
30 relating to taxation, recurrent (non-debt) expenditure debt expenditure,

- 1 capital expenditure, borrowings and other liabilities, lending and investment;
- 2 (iii) the strategic economic, social and developmental priorities of the
3 Federal Government for the next three financial years;
- 4 (iv) an explanation of how the financial objectives, strategic,
5 economic, social and developmental priorities and fiscal measures set out
6 pursuant to sub-paragraph (i), (ii) and (iii) of the paragraph relate to and
7 comply with the economic objectives set out in Section 16 of the Constitution.
- 8 (c) an expenditure and revenue framework setting out
- 9 (i) estimates of aggregate revenues for the Federation for each
10 financial year, based on the predetermined Commodity Reference Price
11 adopted and tax revenue projection and the expected share of Federal
12 Government Revenue;
- 13 (ii) aggregate expenditure projection for the Federal Government for
14 each financial year in the next three financial years;
- 15 (iii) aggregate tax expenditure floor for the Federation for each
16 financial year in the next three financial years, provided that the estimates and
17 expenditures provided under paragraph (d) of this subsection shall be:
- 18 (a) based on reliable and consistent data certified in accordance with
19 Section 13 (2) (b) of this Bill;
- 20 (b) targeted at achieving the macro-economic projection set out in
21 paragraph (a) of this subsection; and
- 22 (c) consistent with and derived from the underlying assumptions
23 contained in the Macro-economic framework, the objectives, policies,
24 strategic priorities and explanations in the Fiscal Strategy Paper;
- 25 (d) a consolidated Debt Statement setting out and describing the fiscal
26 significance of the debt liability of the Federal Government and measures to
27 reduce any such liability;
- 28 (e) a statement describing the nature and fiscal significance of
29 contingent liabilities and quasi fiscal activities and measures to offset the
30 crystallization of such liabilities; and

1 (f) consolidated debt profile and limit for the Federal, State and
2 Local Governments.

3 11. The estimates of:

Aggregate
Expenditure
Ceiling

4 (1) Aggregate expenditure and the aggregate amount appropriated
5 by the Ceiling National Assembly for each financial year shall not be more
6 than the estimated aggregate revenue plus a deficit, not exceeding three per
7 cent of the estimated Gross Domestic Product or any sustainable percentage
8 as may be determined by the National Assembly for each financial year.

9 (2) Aggregate expenditure for the financial year may exceed the
10 ceiling imposed by the provisions of subsection (1) of this Section, if in the
11 opinion of the President there is a clear and present threat to national security
12 or sovereignty of the Federal Republic of Nigeria.

13 12. The Minister shall be responsible for the preparation of the
14 Medium Term Expenditure Framework, and in doing so, he shall-

Preparation of
the Medium Term
Expenditure
Framework

15 (a) hold public consultations on the Macro-economic Framework,
16 the Fiscal Strategy Paper, the Revenue and Expenditure Framework, the
17 Strategic, economic, social and developmental priorities of government,
18 and such other matters as the Minister may deem necessary:

19 Provided that such consultations shall be open to the public, the
20 press and any citizen or authorized representatives of any organization or
21 group of citizens who may attend and be heard on any subject matter
22 properly in view;

23 (b) seek inputs from the:

24 (i) National Economic Council;

25 (ii) National Planning Commission;

26 (iii) Joint Planning Commission;

27 (iii) National Council on Developmental Planning;

28 (iv) National Assembly;

29 (v) Central Bank of Nigeria;

30 (vi) National Bureau of Statistics;

- 1 (vii) Revenue Mobilisation Allocation and Fiscal Commission;
 2 (ix) Fiscal Responsibility Commission; and
 3 (x) Any other relevant statutory body as the Minister may determine.
 4 (c) consider and reflect, as may be deemed appropriate, the input of
 5 the bodies and persons referred to in paragraphs (a) and (b) of this Section.

Time limit for
 presentation of
 Medium Term
 Expenditure
 framework to
 the Federal
 Executive Council
 and the National
 Assembly

6 **13.-(1)** The Minister shall, before the end of the second quarter of
 7 each financial year, present the Medium-Term Expenditure Framework to the
 8 Federal Executive Council for consideration and approval.

9 (2) The Federal Executive Council shall, not later than the end of July
 10 in each financial year consider and approve the Medium-Term Expenditure
 11 Framework for the next three years.

12 (3) The Medium-Term Expenditure Framework as approved by the
 13 Federal Executive Council shall, not later than mid-August of each financial
 14 year, be presented by the Minister to the National Assembly for consideration
 15 and adoption.

16 (4) The National Assembly shall, before the last day of August in each
 17 financial year, consider and approve the Medium-Term Expenditure
 18 Framework:

19 Provided that where the National Assembly fails to consider and
 20 approve the Medium-Term Expenditure Framework one week after the
 21 deadline set by this subsection, its approval shall be dispensed with, and the
 22 Framework shall take effect in the format that was presented to the National
 23 Assembly.

24 (5) The Minister shall, within the time set by the rules, submit a copy
 25 of the Medium-Term Expenditure Framework that was approved by the
 26 Federal Executive Council to the Commission.

Publication of
 medium term
 expenditure
 framework in
 the gazette etc.

27 **14.** The Minister shall, not later than 30 days of its approval by the
 28 National Assembly or otherwise coming into effect, publish the Medium-Term
 29 Expenditure Framework in the gazette, mass media and website of the Ministry
 30 of Finance, Budget and National Planning.

1 15.-(1) Subject to subsection (2) of this Section, the President may
2 cause adjustments to be made to a medium term expenditure framework.

Adjustment to
the medium term
expenditure
framework

3 (2) Any adjustment to the approved Medium Term Expenditure
4 Framework shall be limited to:

5 (a) correction of any manifest error; and

6 (b) changes in the fiscal indicators, which in the opinion of the
7 President, are significant.

8 16. States and Local Government Councils which so desire shall be
9 assisted by the Federal Government to manage their fiscal affairs within the
10 medium term framework.

Assistance to
States and Local
Government
Councils

11 PART III - THE ANNUAL BUDGET

12 17. Notwithstanding anything to the contrary contained in this Bill
13 or any other written law, the Medium term Expenditure Framework shall:

Annual Budget
to be derived from
medium term
expenditure
framework

14 (a) be the basis for the preparation of the estimates of revenue and
15 expenditure required to be prepared and laid before the National Assembly
16 under Section 81 (1) of Constitution;

17 (b) ensure consistency between the sectoral and compositional
18 distribution of the estimates of the expenditure referred to in subsection (1)
19 of this Section with the medium term developmental priorities set out in the
20 Medium Term expenditure Framework.

21 (2) The Federal Executive Council shall, not later than the last day
22 of October of each financial year, approve the budget presented to it under
23 subsection (1) of this Section.

24 18.-(1) The Federal Ministry of Finance, Budget and National
25 Planning shall, not later than the end of September in each financial year,
26 present the budget for the next financial year for the consideration and
27 approval of the Federal Executive Council.

Time limit for
Budget preparation

28 (3) The National Assembly shall give priority attention to the
29 consideration of the budget upon presentation of same to it by the President.

Annual Budget
to be accompanied
by certain
documents

1 19. The estimates of revenue and expenditure (in this Bill referred to
2 as the "Annual Budget") shall be accompanied by:

3 (a) a copy of the underlying revenue and expenditure profile for the
4 next two years;

5 (b) a report setting out the actual and budgeted revenue and
6 expenditure and detailed analysis of the performance of the budget for the 18
7 months up to June of the current financial year;

8 (c) a revenue framework broken down into monthly collection targets
9 prepared on the basis of the predetermined Reference Commodity Price as
10 contained in the Medium Term Expenditure Framework and other revenue
11 sources, including the net current revenue and the respective memorandum
12 items;

13 (d) measures on cost, cost control and evaluation of result of
14 programmes financed with previous budgetary resources;

15 (e) a Fiscal target appendix derived from the underlying Medium-
16 Term Expenditure Framework setting out the following targets for that
17 financial year:

18 (i) target inflation rate,

19 (ii) target fiscal account balances,

20 (iii) any other development target deemed appropriate, and

21 (f) a Fiscal Risk Appendix evaluating the fiscal and other related risks
22 to the annual budget and specifying measures to be taken to offset the
23 occurrence of such risks.

Application of
Part III to States
and Local
Government
Councils

24 20. In preparing their annual budgets, States and Local Government
25 Councils may adopt the provisions of this Part with such modifications as may
26 be appropriate and necessary.

27 PART IV - BUDGETARY PLANNING OF CORPORATIONS AND OTHER

28 RELATED AGENCIES

Preparation of
estimates of
revenue and
expenditures by
Corporation etc.

29 21.-(1) The corporations, agencies and government owned
30 companies listed in the Schedule to this Bill or subsequently added thereto

1 pursuant to this Bill (hereinafter referred to as the "Corporations") shall, not
2 later than 6 months from the commencement of this Bill and not later than
3 the end of the second quarter of every year, cause to be prepared and
4 submitted to the Minister their estimates of revenues and expenditures for
5 the next three financial years.

6 (2) Each of the bodies referred to in subsection (1) of this Section
7 shall submit to the Minister not later than the end of August in each financial
8 year:

9 (a) an annual budget derived from the estimates submitted in
10 pursuance of subsection (1) of this Section;

11 (b) projected operating surplus broken down into quarterly
12 estimates which shall be prepared in line with accrual accounting practices;
13 and

14 (c) the estimated revenue shall be broken down by the corporation
15 into monthly collection targets, including, where applicable, a separate
16 description of measures to combat corruption, fraud, evasion of taxes or
17 diversion of government revenue.

18 (3) The Minister shall cause the estimates submitted in pursuance
19 of subsection (2) of this Section to be attached as part of the Appropriation
20 Bill to be submitted to the National Assembly:

21 Provided that where appropriate, the Minister shall, in consultation
22 with the corporation, revise such estimates and the budgets of the
23 corporations passed by the National Assembly shall be subject to the assent
24 of the President.

25 (4) The Minister shall use every available tool, including the
26 Treasury Single Account (TSA), continuous monitoring and reporting to
27 improve the budgetary process and control of the corporations.

28 22.-(1) Notwithstanding anything to the contrary contained in this
29 Bill or any other written law governing a corporation, every corporation
30 (listed or added to the schedule to this Bill) shall remit 80% of its Operating

1 Surplus, calculated in accordance with the Template issued by the
2 Commission, into the Consolidated Revenue Fund of the Federal Government
3 within 30 days after the end of the statutory deadline for publishing its audited
4 financial report, PROVIDED that:

5 (a) if it is a self-funded corporation, it shall limit its annual
6 expenditure within its internally generated revenue to not more than 70% of its
7 gross revenue and remit 30% of its gross revenue quarterly into the
8 Consolidated Revenue Fund of the Federal Government which shall be
9 considered as payment on account with respect to its operating surplus;

10 (b) if it is partially funded from the Consolidated Revenue Fund of the
11 Federal Government, limit its annual expenditure within its internally
12 generated revenue to not more than 60% of its gross revenue and remit 40% of
13 its gross revenue quarterly into the Consolidated Revenue Fund of the Federal
14 Government which shall be considered as payment on account with respect to
15 its operating surplus;

16 (c) if it is fully funded through the annual Federal Government
17 Budget, remit 100% of its internally generated revenue into the Consolidated
18 Revenue Fund of the Federal Government as payment on account with respect
19 to its operating surplus; Provided that:

20 if the Minister, at any time, by the authority of the President, issues a circular or
21 instrument, directing the payment of any amount by any Agency and/or
22 Corporation into the Consolidated Revenue Fund of the Federal Government
23 or directs a corporation to incur expenditure outside its mandate, compliance
24 with such a circular or directive by a Corporation shall be taken into
25 cognizance in determining the amount payable by it as operating surplus as
26 stipulated in this Bill and pursuant to the operating surplus calculating template
27 issued by the Commission.

28 (2) Where a Corporation's result is a deficit, the corporation shall be
29 subjected to a forensic audit by the Commission, at the end of which the deficit,
30 if confirmed, shall be classified as the Corporation's loss for the fiscal year,

1 without prejudice to any further measures that may be taken regarding the
 2 management of the Corporation in order to enhance its productivity as may
 3 be recommended by the Commission which may include withheld tenur-
 4 renewal and other sanctions.

5 (3) Each Corporation shall, not later than three months after the end
 6 of its financial year (that is 31st of March), cause to be prepared and
 7 published its audited financial reports in accordance with such rules as may
 8 be prescribed from time to time, notwithstanding any contrary provision in
 9 the Corporation's enabling law.

10 23. The provisions of Sections 21 and 22 of this Bill shall cease to
 11 apply to any of the Corporations from the date of its privatization.

Cessation of
 application

12 (1) The Minister shall furnish the Commission with a
 13 comprehensive list of dividends and returns on Federal Government's
 14 investments duly remitted into the Consolidated Revenue Fund.

15 (2) The Minister shall, on the recommendation of the Commission,
 16 include or remove any other corporation, agency or government-owned
 17 company in the schedule to this Bill through appropriate circular or notice.

18 PART V - BUDGETARY EXECUTION AND ACHIEVEMENT OF TARGETS

19 24.-(1) The Federal Government, through the Office of the
 20 Accountant General of the Federation, shall cause to be drawn up, an Annual
 21 Cash Plan for each financial year.

Annual Cash
 Plan

22 (2) The Annual Cash Plan shall be prepared in advance of the
 23 financial year, setting out projected monthly cash flows and it shall be
 24 revised quarterly to reflect actual cash flows.

25 (3) A copy of the Annual Cash Plan shall be submitted to the
 26 Commission by the Office of the Accountant General of the Federation
 27 within one week of its preparation or amendment.

28 25.-(1) The Minister shall, within 30 days of the enactment of the
 29 Appropriation Act, prepare and publish a disbursement Schedule derived
 30 from the Annual Cash Plan for the purpose of implementing the

Disbursement
 Schedule

1 Appropriation Act.

2 (2) The Minister shall cause the disbursement schedule prepared
3 pursuant to subsection (1) of this Section to be published in the official gazette,
4 the Ministry's website and the mass media.

5 (3) The Minister shall cause a copy of the disbursement schedule to be
6 submitted to the Commission in accordance with the rules.

Power of Minister
to approve virement

7 26.-(1) The sums appropriated for a specific purpose shall be used
8 solely for the purpose specified in the Appropriation Act.

9 (2) Without prejudice to subsection (1) of this Section, the Minister
10 may, in exceptional circumstances and in the overall public interest,
11 recommend for the approval of the National Assembly, virements from sub-
12 heads of account, without exceeding the amount appropriated to such head of
13 account.

Power to restrict
further
commitments

14 27.-(1) Whereby the end of three months, after the enactment of the
15 Appropriation Act, the Minister determines that the targeted revenues may be
16 insufficient to fund the heads of expenditure in the Appropriation Act, the
17 Minister shall, within the next 30 days of such determination, take appropriate
18 measures to restrict further commitments and financial operation according to
19 the criteria set in the fiscal Risk Appendix.

20 (2) Where the target revenue are re-established, either in part or in
21 full, the appropriations for which further commitments were restricted shall be
22 restored proportionately.

23 (3) The provisions of subsections (1) and (2) of this Section shall not
24 apply to statutory or constitutional expenditures.

Restriction on
the grant of tax
relief

25 28.-(1) Any proposed tax relief shall be accompanied by an
26 evaluation of its budgetary and financial implications in the year it shall
27 become effective and in the three subsequent years, and shall only be approved
28 by the Minister of Finance, if it does not adversely impair the revenue estimates
29 in the annual budget or if it is accompanied by countervailing measures during
30 the period mentioned in this subsection through revenue increasing measures

1 such as tax rate raises and expansion of the tax base;

2 (2) The provisions of this Section shall not apply to:

3 (a) changes in the rates of the taxes mentioned in Section 163 of the
4 Constitution; and

5 (b) debt cancellation in an amount lower than the cost of collection.

6 29.-(1) The Budget Office of the Federation shall monitor and
7 evaluate the implementation of the Annual Budget, assess the attainment of
8 fiscal targets and report thereon on a quarterly basis to the Fiscal
9 Responsibility Commission and the Joint Finance Committee of the
10 National Assembly.

Responsibility of
the Budget Office
of the Federation
to monitor and
report on
implementation

11 (2) The Minister shall direct the Budget Office of the Federation to
12 cause the report prepared, pursuant to subsection (1) of this Section, to be
13 published in the mass and electronic media and on its website, not later than
14 30 days after the end of each quarter.

15 30. In the implementing of their annual budgets, States and Local
16 Government Councils may adopt the provisions of this part with such
17 modifications as may be appropriate and necessary.

Application of
Part V to States
and Local
Government
Councils

18 PART VI- PUBLIC REVENUE

19 31. Any fund due to the Federation from any tier of government
20 may be set off by the federation on or towards payment or remittance of any
21 sum due to that tier of government from the Federation.

Forecast and
collection of
public revenue

22 32.-(1) The Minister shall, at least 30 days before the deadline for
23 the submission of its budget proposals, place at the disposal of the National
24 Assembly, the revenue estimates for the following year, including the net
25 current revenue and the respective memorandum items.

Revenue forecast

26 (2) The Minister shall cause the documents mentioned in
27 subsection (1) of this Section to be submitted to the Commission within
28 seven days of its submission to the National Assembly.

29 33. Estimated revenue shall be broken down by the Minister into
30 monthly collection targets, including, where applicable, a separate

Executive to
breakdown
estimated revenue

1 description of measures to combat tax fraud and evasion.

2 PART VII - SAVINGS AND ASSET MANAGEMENT

3 34.-(1) Where the reference commodity price rise above the
4 predetermined level, the resulting excess proceeds shall be saved in
5 accordance with the provisions of subsection (2) of this Section.

6 (2) The saving of each Government in the Federation in pursuance of
7 subsection (1) of this Section shall be deposited in a separate account which
8 shall form part of the respective Governments' Consolidated Revenue Fund to
9 be maintained at the Central bank of Nigeria by each Government.

10 (3) The Central Bank of Nigeria shall, in consultation with the
11 Minister of Finance, the States Commissioners of Finance and Local
12 Government Councils Treasurers, invest, for and on behalf of the Governments
13 in the Federation, the savings of each Government and such investments can be
14 undertaken in a consolidated manner, provided that, the shares of each
15 Government and income due to them from the investments are clearly
16 identified.

17 (4) The Central Bank of Nigeria, in the discharge of its obligations
18 under subsection (3) of this Section, shall observe the limits and conditions
19 imposed by safety and prudential considerations and the need to maintain
20 macro-economic stability, and such safety and prudential conditions are to be
21 agreed upon with the Minister of Finance, States Commissioners of Finance
22 and Local Government Councils Treasurers.

23 (5) No Government in the Federation shall have access to the savings
24 made in pursuance of subsection (2) of this Section, unless the reference
25 commodity price falls below the predetermined level for a period of three
26 consecutive months and subject to the approval of the National Economic
27 Council (NEC).

28 (6) The augmentation referred to in subsection (5) of this Section shall
29 be limited to such sums that will bring the revenue of government to the level
30 contained in its budget estimates.

1 (7) Notwithstanding the provisions of subsections (5) and (6) of
 2 this Section and subject to agreement by Federal and States Governments in
 3 the Federation, a proportion of the savings may be appropriated in the
 4 following year for capital projects and programmes.

5 (8) The Central Bank of Nigeria shall, on quarterly basis, make
 6 available to the Commission the amount standing to the credit of the account
 7 referred to in subsection (2) of this Section.

8 PART VIII - PUBLIC EXPENDITURES

9 35. Every Agency, Corporation or Government Parastatal shall
 10 limit and ensure that its annual budgetary expenditure from internally
 11 generated revenue does not exceed 70% of its gross revenue and shall ensure
 12 that 30% of its gross revenue is remitted into the Consolidated Revenue
 13 Fund of the Federal Government.

Cap on cost to
 revenue and
 conditions for
 increasing
 Government
 Expenditure

14 (1) A proposal to create, expand or improve government action
 15 which will result in an expenditure increase shall be accompanied by:

16 (a) an estimate of the budgetary or financial impact in the year it
 17 shall become effective and in the two subsequent years; and

18 (b) a statement by the person requesting for the expenditure, stating
 19 how the increase or action is covered or relevant to the Appropriation Act
 20 and the Medium-term Expenditure Framework.

21 (2) The provisions of this Section shall not apply to expenditures
 22 deemed inconsequential and shall apply to States and Local Government
 23 Councils only to the extent to which they have adopted these provisions.

24 36. The granting of any advantage or increase of remuneration, the
 25 creation of posts or allocation of career structures and employment of new
 26 personnel on any account by bodies and entities, including foundation
 27 established and maintained by the Federal Government, shall only be
 28 effected if, there is a prior budgetary allocation sufficient to cover the
 29 estimated expenditure.

Conditions for
 increasing personnel
 expenditure

1 in pursuance of this Section.

2 (3) For the purpose of verifying compliance with the limits
3 specified pursuant to this Section, the Commission shall, at the end of each
4 quarter, determine the amount of the consolidated debt of each tier of
5 government.

6 (4) The Commission shall publish, on a quarterly basis, a list of the
7 Governments in the Federation that have exceeded the limits of
8 consolidated debt, indicating the amount by which the limit was exceeded.

9 (5) Where at the end of any quarter, the consolidated debt of the
10 Federal, States or Local Government Councils exceeds the respective limits,
11 it shall be brought within the limit, not later than the end of the three
12 subsequent quarters with a minimum of 25 percent reduction in the first
13 quarter.

14 (6) Violators of the limits specified pursuant to this Section shall:

15 (a) be prohibited from borrowing from internal or external sources,
16 except for the refinancing of existing debts; and

17 (b) bring the debt within the established limit by restricting fundin;
18 commitments accordingly.

19 (7) Where non-compliance with the limit specified pursuant to this
20 Section persist after the time limited by subsection (5) of this Section, the
21 affected tier of Government shall also be prohibited from receiving grants
22 from any other Government in the Federation.

23 (8) Whenever the fundamentals of the proposals referred to in this
24 Section are changed due to economic instability or change in monetary or
25 exchange policies, the President shall submit to the National Assembly a
26 request for a review of the current limits.

27 41.-(1) Servicing of external debts shall be the direct responsibility
28 of the Government that incurred the debt.

29 (2) The cost of servicing Federal Government guaranteed loan;
30 shall be deducted at source from the share of the debtor Government from

1 the Federation Account.

2 PART X - BORROWING

Conditions of
borrowing and
verification of
compliance with
limits

3 42.-(1) Any Government in the Federation or its agencies and
4 corporations desirous of borrowing shall specify the purpose for which the
5 borrowing is intended and present a cost-benefit analysis, detailing the
6 economic and social benefits of the purpose to which the intended borrowing is
7 to be applied and repayment programme.

8 (2) Without prejudice to subsection (1) of this Section, each
9 borrowing shall comply with the following conditions:

10 (a) the existence of prior authorization in the Appropriation or other
11 Act or Law for the purpose for which the borrowing is to be utilized; and

12 (b) the proceeds of such borrowing shall solely be applied towards
13 long term capital expenditures.

14 (3) Nothing in this Section shall be construed to authorize borrowing
15 in excess of the limits set out in Section 40 of this Bill.

16 (4) The Commission shall verify, on a quarterly basis, compliance
17 with the limits and conditions for borrowing by each Government in the
18 Federation.

19 (5) Without prejudice to the specific responsibilities of the National
20 Assembly and the Central Bank of Nigeria, the Debt Management Office shall
21 maintain comprehensive, reliable and current electronic database of internal
22 and external public debts, guaranteeing public access to the information.

Lending by
Financial
Institutions

23 43.-(1) All banks and financial institutions shall request and obtain
24 proof of compliance from the Commission with the provisions of this Part
25 before lending to any Government in the Federation.

26 (2) Lending by banks and financial institutions in contravention of
27 this Part shall be unlawful.

Prohibition against
CBN in its relation
with Government
Agencies and
Parastatals

28 44.-(1) The Central Bank of Nigeria, in its relation with Government
29 agencies and Parastatals, shall be subject to the following prohibitions:

30 (a) purchasing fresh issues of government securities on the date of its

1 primary issue in the market, except in the circumstances under subsection
2 (2) of this Section;

3 (b) exchanging, on a temporary basis, the debt securities of any
4 Government in the Federation for federal public debt securities and forward
5 exchange; or

6 (c) granting guarantees on behalf of any Government in the
7 Federation unless a cash cover has been provided by the relevant
8 Government for the facility.

9 (2) The Central Bank of Nigeria may only underwrite securities
10 issued by the Federal Government, which are rolled over to refinance
11 maturing securities.

12 (3) The underwriting permitted under subsection (2) of this Section
13 shall be offset through a public auction at market determined rate.

14 45.-(1) Subject to the provisions of this Part, the Minister may, with
15 the approval of the Federal Executive Council, grant guarantees on behalf of
16 any Government in the Federation.

Power of the
Minister to grant
Guarantees

17 (2) Any guarantee granted by the Minister shall be conditional
18 upon the provision of a counter guarantee in an amount equal to or higher
19 than the guarantee obligation, provided that there are no overdue obligations
20 from the requesting Government in the Federation to the guarantor and its
21 controlled corporations and such guarantee shall also be in compliance with
22 the following:

23 (a) counter-guarantee shall only be accepted from States or Local
24 Government Councils; and

25 (b) the counter-guarantee required by the Federal Government
26 from States or Local Government Councils may consist in the appropriation
27 of tax revenue directly collected and resulting from statutory transfers and
28 the guarantor shall be authorised to retain such revenue and use the
29 respective amount to repay overdue debts.

30 (3) In the case of foreign currency borrowing, Federal Government

1 guarantee shall be a requirement and no State, Local Government Councilor
2 Federal Agency shall, on its own borrow externally.

3 (4) Any guarantee provided in excess of the debts limits set pursuant
4 to Section 43 of this Bill shall be unlawful.

5 PART XI - TRANSPARENCY AND ACCOUNTABILITY

Fiscal
Transparency

6 46.-(1) The Federal Government shall ensure that its fiscal and
7 financial affairs are conducted in a transparent manner and shall accordingly
8 ensure full and timely disclosure and wide publication of all transactions and
9 decisions involving public revenues and expenditures and their implications
10 for its finances.

11 (2) The National Assembly shall ensure transparency and public
12 participation during the preparation and discussion of the Medium-Term
13 Expenditure Framework, the Annual Budget and the Appropriation Bill.

Publication of
Audited Accounts

14 47.-(1) The Federal Government shall publish its audited accounts
15 not later than six months following the end of the preceding financial year.

16 (2) The Federal Government shall, not later than two years following
17 the commencement of this Bill and thereafter, not later than 7 months
18 following the end of each financial year, consolidate and publish, in the mass
19 media and the Ministry of Finance, Budget and National Planning website, its
20 audited accounts for the previous year.

21 (3) The publication of general standards for the consolidation of
22 public accounts shall be the responsibility of the Office of the Accountant-
23 General of the Federation.

Publication of
summarised
report on budget
execution

24 48.-(1) The Federal Government, through the Budget Office of the
25 Federation shall, within 30 days after the end of each quarter, publish a
26 summarised report on budget execution in such form as may be prescribed by
27 the Fiscal Responsibility Commission.

28 (2) The Minister shall, not later than 6 months after the end of the
29 financial year, publish a consolidated budget execution report showing
30 implementation against physical and financial performance targets and shall

1 submit the report to the national Assembly and also disseminate it to the
2 public.

3 PART XII - ENFORCEMENT

4 49.-(1) Any person who wilfully, whether directly or indirectly,
5 hinders or obstructs the Commission or its agent from performing the
6 functions or duties imposed by this Bill commits an offence and shall, upon
7 conviction, be liable to a term of imprisonment of not less than three (3)
8 months or a fine of not less than N500,000.00 (five hundred thousand naira)
9 or to both the fine and imprisonment.

Offences and
Penalties

10 (2) Any person who gives false information to another person,
11 authority or the Commission in response to a request or in the performance
12 of a function imposed by this Bill or falsifies any document commits an
13 offence and shall, upon conviction, be liable to a term of imprisonment of
14 not less than Six (6) months or a fine of not less than N1,000,000.00 (one
15 million naira) or to both the fine and imprisonment.

16 (3) Any person who, with intent to deceive or mislead, makes a
17 partial (instead of full) disclosure of information to the Commission or its
18 agent, the Federal Ministry of Finance, Budget and National Planning; the
19 Budget Office of the Federation, the Debt Management Office or any other
20 Government Institution, in response to a request made in the performance
21 of a function imposed by this Bill commits an offence and shall, upon
22 conviction, be liable to a term of imprisonment of not less than three (3)
23 months or a fine of not less than N500,000.00 (five hundred thousand naira)
24 or to both the fine and imprisonment.

25 (4) Any person who refuses or fails, without lawful excuse, to give
26 information to the Commission or the Federal Ministry of Finance, Budget
27 and National Planning, the Budget Office of the Federation, the Debt
28 Management Office of the Federation or any other Government Institution,
29 upon a request made in the performance of a function imposed by this Bill
30 commits an offence and shall, upon conviction, be liable to a term of

1 imprisonment of not less than one year or a fine of not less than N1,000,000.00
2 (one million naira) or both the fine and imprisonment.

3 (5) Any person who, without lawful excuse, fails to perform a duty
4 imposed upon or assigned to him or the office which he occupies under this Bill
5 commits an offence and shall, upon conviction, be liable to a term of
6 imprisonment of not less than three (3) months or a fine of not less than
7 N500,000.00 (five hundred thousand naira) or both the fine and imprisonment.

8 (6) Any person who borrows or lends or is responsible for borrowing
9 or lending in contravention of the provisions of Part (X) of this Bill commits an
10 offence and shall, upon conviction, be liable to imprisonment for a term not less
11 than six (6) months or with a fine of not less than N1,000,000.00 (one million
12 naira) or with both the fine and imprisonment.

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

19 (8) Any person who duplicates a project or item in the budget or
20 accepts and expends a grant regarding an item for which monies are
21 appropriated, released and spent from the budget, commits an offence and
22 shall, upon conviction, be liable to imprisonment for a term of not less than one
23 year or with a fine of not less than N1,000,000.00 (one million naira) or with
24 both the fine and imprisonment.

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

1 (10) Any person who transfers or spends any sum allocated [or
2 particular project or service in an Appropriation Act, on another project or
3 service without approval of the National Assembly, commits an offence and
4 shall, upon conviction, be liable to imprisonment for a term not less than
5 three (3) months or a fine not less than N500,000.00 or to both imprisonment
6 and fine.

7 (11) Any person who assaults an officer, staff or agent of the
8 Commission while performing a function under this Bill commits an offence
9 and shall, upon conviction, be liable to imprisonment for a term of two years
10 without an option of fine: Provided that, in addition to the punishment
11 provided herein, the court shall have power to award appropriate
12 compensation to the staff or officer so assaulted.

13 (12) Any person who aids or abates the commission of an offence
14 under this Bill commits an offence and shall, upon conviction, be liable to
15 the same sanction as the principal offender.

16 (13) Any person who fails to remit funds pursuant to Section 23 of
17 this Bill commits an offence and shall, upon conviction, be liable to
18 imprisonment for a term not less than one (1) year or a fine not less than
19 N2,000,000.00 (two million naira) or to both imprisonment and fine, and
20 shall in addition, remit the full amount so outstanding.

21 (14) Any person who partially remits funds pursuant to Section 23
22 of this Bill commits an offence and shall, upon conviction, be liable to
23 imprisonment for a term not less than six (6) months or a fine not less than
24 N1,000,000.00 (one million naira) or to both imprisonment and fine, and
25 shall, in addition, remit the full amount so outstanding.

26 (15) Any person who contravenes any provision of this Bill
27 commits an offence and shall, where no other punishment has been
28 provided, be liable to imprisonment for a term not less than three (3) months
29 or a fine not less than N500,000.00 (five hundred thousand naira).

Enforcement	1	50.-(1) Any person shall have legal capacity to enforce the provisions
	2	of this Bill by obtaining prerogative orders or other remedies at the Federal
	3	High Court, without having to prove any injury (personal or otherwise) or to
	4	show any special or particular interest in the cause of action.
	5	(2) The court shall have the power to, whether under a criminal or
	6	civil action brought pursuant to the provisions of this Bill, order the recovery of
	7	every proceed of corrupt enrichment or wrongful benefit obtained by or
	8	conferred on any person from any public revenue, fund or other opportunity
	9	that belongs to government.
	10	(3) Every public fund recovered under this Bill shall be paid into the
	11	Consolidated Revenue Fund of the Federation.
Jurisdiction	12	51. The Federal High Court shall have exclusive jurisdiction to
	13	entertain and Jurisdiction determine actions relating to matters covered by this
	14	Bill.
	15	PART XIII - MISCELLANEOUS PROVISIONS
Government securities and collateral guarantee loans	16	52. Government securities, provided that they are duly listed on the
	17	Stock Exchange, maybe offered as collateral to guarantee loans or other
	18	financial transactions under this Bill for their economic values as shall be
	19	defined by the Ministry of Finance, Budget and National Planning.
Restriction on utilization of Proceeds of Sale of Public Assets, etc.	20	53. The proceeds derived from the sale or transfer of public properties
	21	and rights over public assets shall not be used to finance recurrent or debt
	22	expenditure, provided that, such proceeds may be used to liquidate existing
	23	liabilities directly charged against such properties or assets.
Technical and financial assistance to States and Local Government Councils	24	54. The Federal Government may provide technical and financial
	25	assistance to States and Local Government Councils that adopt similar fiscal
	26	responsibility legislation along the same line in this Bill for the modernization
	27	of their respective tax, financial and asset administrations.
Power to offer incentives	28	55. The Federal Government, through the Ministry of Finance,
	29	Budget and National Planning may, upon the recommendation of the
	30	Commission, offer such incentive and positive recognition to any Agency of

1 Government which is able to meet its revenue target and is in compliance :
 2 with the provisions of this Bill.

3 56. There is hereby established a Fiscal Responsibility Council to
 4 be constituted by the Chairman of the Commission and the Heads of Fiscal
 5 Responsibility bodies at the State Level, which shall hold meetings to
 6 deliberate on issues pertaining to fiscal policy framework and prudent
 7 management of the nation's resources/

Establishment
 of a Fiscal
 Responsibility
 Council

8 57. The President shall, on the recommendation of the Minister,
 9 make regulations generally for the purposes of carrying into effect the
 10 provisions of this Bill.

Power of President
 to make Regulations

11 PART XIV - INTERPRETATION AND CITATION

12 58. In this Bill -

Interpretation

13 "Appropriation Act" means an Act or law passed by the National Assembly
 14 or a State House of Assembly or a Local Government Legislative Council
 15 authorizing spending from the Consolidated Revenue Fund and includes a
 16 Supplementary Appropriation Act or Law;

17 "Appropriation Bill" means the Bill referred to in Section 59 of the
 18 Constitution;

19 "Arms of Government" means the Executive, Legislature and Judiciary;

20 "Borrowing" means any financial obligation arising from;

21 (a) any loan including principal, interest, fees of such loans;

22 (b) the deferred payment for property, goods or services;

23 (c) bonds, debentures, notes or similar instruments;

24 (d) letters of credit and reimbursement obligations with respect
 25 thereto;

26 (e) trade or bankers' acceptance;

27 (f) capitalised amount of obligations under leases entered into
 28 primarily as a method of raising financing or of financing the acquisition of
 29 the asset leased;

30 (g) agreements providing for swaps, selling rates, ceiling and floor

1 rates, contingent participation or other hedging mechanisms with respect to the
2 payment of interest or the convertibility of currency; and

3 (h) a conditional sale agreement, capital lease or other title retention
4 agreement;

5 "Budget Call Circular" means a circular:

6 (i) requesting the submissions in a prescribed form of the revenue
7 and expenditure estimates of Ministries, extra-ministerial departments and
8 other executing agencies of Government for the next financial year; and

9 (ii) giving details, guidelines and instructions on the preparation, 'of
10 the estimates and expenditure in a manner consistent with the medium term
11 developmental priorities set out in the Medium-Term Expenditure
12 Framework;'

13 "Capital Expenditure" means spending on an asset that lasts for more than one
14 financial year and expenses associated with the acquisition of such assets;

15 "Concessional terms" means the terms of the loan which must be at an interest
16 rate not exceeding 3 percent;

17 "Consolidated debt" means the aggregate of the outstanding financial
18 obligations of Government, including those of its Parastatals and agencies at
19 any point in time arising from:

20 (i) borrowing money including principal, interest, fees of such
21 borrowed money;

22 (ii) the deferred payment for property, goods or services;

23 (iii) bonds, debentures, note or similar instruments;

24 (iv) letters of credit and reimbursement obligations with respect
25 thereto;

26 (v) guarantees;

27 (vi) trade or bankers' acceptances;

28 (vii) capitalised amounts of obligations under leases entered into
29 primarily as a method of raising financing or of financing the acquisition of the
30 asset leased;

1 (viii) agreements providing for swaps, ceiling rates, ceiling and
2 floor rates, contingent participation or other hedging mechanisms with
3 respect to the payment of interest or the convertibility of currency; and

4 (ix) a conditional sale agreement, capital lease or other title
5 retention agreement;

6 "Constitution" means the Constitution of the Federal Republic of Nigeria,
7 1999 (as amended);

8 "Corporation" includes a government agency and a government owned
9 company;

10 "Cost-benefit-analysis" means an analysis that compares the cost of
11 undertaking a service, project or programme with the benefits that citizens
12 are likely to derive from it";

13 "Financial Institution" means banks and every institution or organization
14 that lends money, gives credit facility or guarantees the repayment of loans
15 or credit facilities on a commercial basis;

16 "Fiscal Risk Appendix" An explanatory attachment that provides a set of
17 indicators that can be used to measure local fiscal risk;

18 "Fiscal Risk Target" provides numerical target for each risk indicator with
19 which a fiscal entity will be considered fiscally healthy;

20 "Fiscal year" has the meaning ascribed by the Constitution;

21 "Fiscal Policy Objectives" means the goals set by Government for
22 attainment of set targets for a given period;

23 "Government or any reference to a Government" shall, where appropriate,
24 include the executive, legislature and judiciary;

25 "Government Owned Company" means a statutory corporation,
26 Government agency and a company in which Government has controlling
27 interest;

28 "Gross Revenue" under Part IV of this Bill, means all revenue earned by or
29 accruing to a corporation from all sources, less subventions from
30 government and grants from donors; "Lending Institution" means a bank or

- 1 financial institution;
- 2 "Medium-Term Expenditure Framework" means the document referred to and
3 the content of which is prescribed in Section 10 of this Bill;
- 4 "Minister" means the Minister, for the time being, charged with responsibility
5 for matters related to Finance, Budget and National Planning;
- 6 "Net Debt" means the Consolidated Debt less what is owed to Government, its
7 parastatals and agencies at any point in time;
- 8 "President" means the President of the Federal Republic of Nigeria;
- 9 "Public Debt Securities" means public debt represented by securities issued by
10 the Federal Government (including those of the Central Bank of Nigeria), the
11 State and Local Government Councils;
- 12 "Public Expenditure" means outlays other than those resulting into debt
13 reduction;
- 14 "Public revenue" means all moneys received by a Government in the
15 Federation;
- 16 "Quarter" means one quarter of a financial year and quarterly shall be
17 construed accordingly;
- 18 "Recurrent Expenditure" means normal overhead and administrative expenses
19 and personnel costs, including salaries, emoluments and other benefits of
20 employees;
- 21 "Reference Commodity Price" means such price as may be determined by the
22 President subject to the approval of the National Assembly;
- 23 "Refinancing of debt securities" means Issuance of securities to repay the
24 existing debt;
- 25 "State financial institution" means any financial institution in which one or
26 more state governments have controlling interests;
- 27 "State" shall be construed to include the Federal Capital Territory;
- 28 "Tax expenditure projections" means the projected amount expected to be
29 utilized in the granting of tax relief or tax holiday;
- 30 "Tax revenue projections" means the projected collectible tax or revenue

within a particular planning period; and

"Tiers of Government" means the Federal, States and Local Government Councils.

59. The Fiscal Responsibility Act, 2007 is hereby repealed.

60. This Bill may be cited as the Fiscal Responsibility Bill, 2019.

Repeal

Citation

THE SCHEDULE

LIST OF CORPORATIONS, AGENCIES AND GOVERNMENT OWNED COMPANIES

S/N	SCHEDULE CORPORATIONS
1	NIGERIAN NATIONAL PETROLEUM CORPORATION (NNPC)
2	NIGERIAN DEPOSIT INSURANCE CORPORATION (NDIC)
3	BUREAU OF PUBLIC ENTERPRISES (BPE)
4	NATIONAL AGENCY FOR SCIENCE AND ENGINEERING INFRASTRUCTURE (NASENI)
5	NIGERIAN SOCIAL INSURANCE TRUST FUND (NSITF)
6	CORPORATE AFFAIRS COMMISSION (CAC)
7	NIGERIA AIRSPACE MANAGEMENT AGENCY (NAMA)
8	NIGERIA SHIPPERS COUNCIL (NSC)
9	NATIONAL MARITIME ADMINISTRATION AND SAFETY AGENCY (NIMASA)
10	NIGERIA CIVIL AVIATION AUTHORITY (NCAA)
11	RAW MATERIALS RESEARCH AND DEVT. COUNCIL (RMRDC)
12	NIGERIAN POSTAL SERVICE
13	NATIONAL SUGAR DEVELOPMENT COUNCIL
14	NIGERIA PORTS AUTHORITY (NPA)
15	FEDERAL AIRPORTS AUTHORITY OF NIGERIA (FAAN)
16	SECURITIES AND EXCHANGE COMMISSION (SEC)
17	NATIONAL AUTOMOTIVE COUNCIL
18	NIGERIA TOURISM DEVELOPMENT CORPORATION
19	NATIONAL COMMUNICATION COMMISSION (NCC)
20	NATIONAL AGENCY FOR FOOD & DRUG ADMINISTRATION & CONTROL (NAFDAC)
21	NIGERIA CUSTOMS SERVICE
22	FEDERAL INLAND REVENUE SERVICE (FIRS)
23	CENTRAL BANK OF NIGERIA (CBN)

24	NIGERIAN IMMIGRATION SERVICE
25	NIGERIAN BROADCASTING COMMISSION (NBC)
26	NIGERIAN ELECTRICITY REGULATORY COMMISSION (NERC)
27	NIGERIA ENVIRONMENTAL STANDARDS & REGULATION ENFORCEMENT AGENCY (NESREA)
28	NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA)
29	NATIONAL BUSINESS AND TECHNICAL EXAMINATION BOARD (NABTEB)
30	ADVERTISING PRACTITIONERS COUNCIL OF NIGERIA (APCN)
31	ANAMBRA/IMO RIVER BASIN DEVT. AUTHORITY (RBDA)
32	BANK OF AGRICULTURE
33	BANK OF INDUSTRY
34	BENIN/OWENA RBDA
35	CEMENT TECHNOLOGY INSTITUTE OF NIGERIA
36	CENTRE FOR BLACK AFRICAN ARTS AND CIVILIZATION
37	CENTRE FOR MANAGEMENT DEVELOPMENT (CMD)
38	CHAD BASIN NATIONAL PARK
39	CHAD BASIN RBDA
40	CITIZENS AND LEADERSHIP TRAINING CENTRE
41	CONSUMER PROTECTION COUNCIL (CPC)
42	COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA
43	CROSS RIVER NATIONAL PARK
44	CROSS RIVER RBDA
45	DEPARTMENT OF PETROLEUM RESOURCES (DPR)
46	ENERGY COMMISSION OF NIGERIA (ECN)
47	FEDERAL HOUSING AUTHORITY (FHA)
48	FEDERAL RADIO CORPORATION OF NIGERIA (FRCN)
49	FEDERAL ROAD SAFETY COMMISSION
50	GASHAKA GUMTI NATIONAL PARK
51	GURARA WATER MANAGEMENT AUTHORITY
52	HADEJIA-JAMAARE RBDA

53	HYDROLOGY AND HYDROGEOLOGY SERVICES
54	INDUSTRIAL TRAINING FUND (ITF)
55	INFRASTRUCTURAL CONCESSIONARY AND REGULATORY COMMISSION (ICRC)
56	INTEGRATED WATER RESOURCES DEVELOPMENT AGENCY
57	INVESTMENT AND SECURITIES TRIBUNAL
58	JOINT ADMISSIONS AND MATRICULATION BOARD (JAMB)
59	ADMINISTRATIVE STAFF COLLEGE OF NIGERIA (ASCON)
60	KAINJI NATIONAL PARK
61	KAMUKU NATIONAL PARK
62	LAGOS INTERNATIONAL TRADE-FAIR COMPLEX MANAGEMENT BOARD
63	LOWER BENUE RBDA
64	LOWER NIGER RBDA
65	NATIONAL AGRICULTURAL RESEARCH COUNCIL
66	NATIONAL BIO-SAFETY MANAGEMENT AGENCY
67	NATIONAL COMMISSION FOR MUSEUMS AND MONUMENTS
68	NATIONAL COUNCIL OF ARTS AND CULTURE
69	NATIONAL EXAMINATIONS COUNCIL
70	NATIONAL FILM AND VIDEO CENSORS BOARD
71	NATIONAL FOOD RESERVE AGENCY
72	NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY (NITDA)
73	NATIONAL INLAND WATERWAYS AUTHORITY (NIWA)
74	NATIONAL INSTITUTE FOR POLICY AND STRATEGIC STUDIES (NIPSS)
75	NATIONAL INSTITUTE OF HOSPITALITY AND TOURISM DEVELOPMENT STUDIES
76	NATIONAL INSURANCE COMMISSION
77	NATIONAL LOTTERY REGULATORY COMMISSION
78	NATIONAL LOTTERY TRUST FUND
79	NATIONAL QUARANTINE SERVICES
80	NATIONAL SECURITY AND CIVIL DEFENCE CORPS (NSCDC)
81	NATIONAL SEEDS COUNCIL
82	NATIONAL SPACE RESEARCH AND DEVELOPMENT AGENCY
83	NATIONAL SPORTS COMMISSION (NSC)
84	NATIONAL STEEL DEVELOPMENT FUND
85	NATIONAL STEEL RAW MATERIALS DEVELOPMENT AGENCY
86	NATIONAL THEATER, IGANMU LAGOS
87	NATIONAL WATER RESOURCES INSTITUTE
88	NEWS AGENCY OF NIGERIA (NAN)
89	NIGERIAN ATOMIC ENERGY COMMISSION
90	NIGERIA COMMUNICATION SATELLITE (NICOMSAT)
91	NIGERIA CONTENT DEVELOPMENT AND MONITORING BOARD
92	NIGERIA INTEGRATED WATER RESOURCES MANAGEMENT COMMISSION
93	NIGERIAN AGRICULTURE INSURANCE CORPORATION (NAIC)
94	NIGERIAN BUILDING AND ROADS RESEARCH INSTITUTE (NIBRI)
95	NIGERIAN COPYRIGHT COMMISSION (NCC)
96	NIGERIAN EXPORT PROCESSING ZONES AUTHORITY (NEPZA)
97	NIGERIAN EXPORT PROMOTION COUNCIL (NEPC)

98	NIGERIAN FILM CORPORATION
99	NIGERIAN GEOLOGICAL SURVEY AGENCY
100	NIGERIAN INSTITUTE OF TRANSPORT TECHNOLOGY
101	NIGERIAN INVESTMENT PROMOTION COUNCIL (NIPC)
102	NATIONAL MARITIME ACADEMY OF NIGERIA
103	NIGERIAN NUCLEAR REGULATORY AUTHORITY
104	NIGERIAN PRESS COUNCIL
105	NIGERIAN RAILWAY CORPORATION (NRC)
106	NIGERIAN TELEVISION AUTHORITY (NTA)
107	OGUN/OSUN RBDA
108	OIL AND GAS FREE ZONE AUTHORITY
109	OKUMU NATIONAL PARK
110	OLD OYO NATIONAL PARK
111	PETROLEUM PRODUCTS PRICING REGULATORY AGENCY (PPPRA)
112	SMALL AND MEDIUM ENTERPRISE DEVT. AGENCY OF NIGERIA (SMEDAN)
113	SOKOTO RIMA RBDA
114	STANDARDS ORGANISATION OF NIGERIA (SON)
115	TAFAWA BALEWA SQUARE MANAGEMENT BOARD
116	TERTIARY EDUCATION TRUST FUND (TETFUND)
117	UPPER BENUE RBDA
118	UPPER NIGER RBDA
119	VOICE OF NIGERIA (VON)
120	NIGERIA DRUG LAW ENFORCEMENT AGENCY (NDLEA)
121	ABUJA SECURITIES AND COMMODITY EXCHANGE COMMISSION

EXPLANATORY MEMORANDUM

This Bill seeks to provide for prudent management of the Nation's Resources, ensure long Term Macro-Economic stability of the National Economy, secure greater accountability and transparency in Fiscal operations within the Medium Term Fiscal Policy Framework and the establishment of the Fiscal Responsibility Commission to ensure the promotion and enforcement of the Nation's Economic objectives.