

# A BILL

## FOR

AN ACT TO AMEND THE INVESTMENT AND SECURITIES ACT, 2007 TO PROVIDE FOR GREATER TRANSPARENCY AND ACCOUNTABILITY IN THE FINANCES OF SECURITIES AND EXCHANGE COMMISSION; AND TO ENSURE GREATER LEGISLATIVE OVERSIGHT; AND FOR RELATE MATTERS

*Sponsored by Hon. Uzoma Nkem-Abonta*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows –

1           1. The Investment and Securities Act, 2007 (herein referred to as  
2 the “Principal Act”) is amended as set out in this Act.

Amendment of  
Investment and  
Securities Act,  
2007

3           2. Section 20 of the Principal Act is amended by-

Amendment of  
section 20

4           (a) deleting the word “may” and inserting the following words  
5 instead thereof – “shall subject to the provisions of subsection (2) of this  
6 section”;

7           (b) re-numbering the existing provisions as subsection (1) thereof;

8           and

9           (c) inserting the following words as subsection (2) thereof –

10           “(2) No money shall be withdrawn from the fund of the  
11 Commission or the consolidated Revenue Fund of the Federation that is to  
12 say standing in the name of the Commission, unless the issue of those  
13 moneys has been authorized by an Act of the National Assembly as set out  
14 under section 26 of this Act.”

15           3. Section 21 of the Principal Act is amended in subsection (2) by  
16 inserting after the word “Commission” the following words – “subject to the  
17 provisions of section 20 (2) of this section”.

Amendment of  
section 21

Amendment of  
section 23

1           4. Section 23 of the Principal Act is amended by deleting the words  
2           “charge, retain and utilize for its purposes” and inserting the following words  
3           instead thereof—“charge and transfer to the Consolidated Revenue Fund of the  
4           Federation in the name of the Commission”.

Amendment of  
section 26

5           5. Section 26 of the Principal Act is amended by—

6           (a) inserting the following as new subsection (2), (3), (4), (5) and (6)—

7           “(2) The heads of expenditure contained in the estimates shall be  
8           included in a bill to be known as Securities and Exchange Commission  
9           Appropriation Bill, providing for the issue from the fund of the Commission of  
10          the sums necessary to meet that expenditure and the authorization of those  
11          sums for the purposes specified therein.

12          (3) If in respect of any financial year it is found that—

13          (a) the amount authorized by the Appropriation Act specified in  
14          subsection (2) of this section for any purpose is insufficient; or

15          (b) a need has arisen for expenditure for a purpose for which no  
16          amount has been authorized by the Act,

17          a supplementary estimate showing the sums required shall be submitted to the  
18          National Assembly and the heads of any such expenditure shall be included in a  
19          Supplementary Appropriation Act.

20          (4) The bill required pursuant to the provisions of subsection (2) of  
21          this section shall stand in the name of the chairman and members of the  
22          committee of each House of the National Assembly which exercises oversight  
23          on the Commission.

24          (5) The provisions of section 59 of the Constitution shall apply to an  
25          Appropriation Bill under this Act.

26          (6) If the Financial Authorization Bill in respect of any financial year  
27          has not been passed into law by the 31st of March of the financial year, the  
28          Commission may authorize the withdrawal of moneys from the fund for the  
29          purpose of meeting expenditure necessary to carry on the services of such  
30          statutory body for a period not exceeding six months or until the coming into

1 operation of the Appropriation Act, whichever is the earlier;  
2 Provided that the withdrawal in respect of any such period shall not exceed  
3 the amount authorized to be withdrawn from the fund of the Commission  
4 under the provisions of the Appropriation Act passed by the National  
5 Assembly for the corresponding period in the immediately preceding  
6 financial year, being an amount proportionate to the total amount so  
7 authorized for the immediate preceding financial year.”

8 (b) re-numbering the existing subsection (2) as subsection (7).

9 6. This Bill may be cited as the Investment and Securities Act Short Title  
10 (Amendment) Bill, 2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Investment and Securities Act 2007 for purposes of ensuring greater transparency and accountability in the finances of Securities and Exchange Commission and for greater exercise of oversight on the Commission.

