

A BILL

FOR

AN ACT TO PROVIDE AN OBLIGATION OF ACCOUNTABILITY, TIMELY REPORTING AND PROPER DISCLOSURE OF THE FEDERAL GOVERNMENT'S CAPITAL EXPENDITURE BY MAKING PUBLIC ACCURATE INFORMATION OF GOVERNMENT'S PERFORMANCE ON THE IMPLEMENTATION OF CAPITAL PROJECTS, THEREBY ENSURING THAT CAPITAL PROJECTS ARE EXECUTED IN ACCORDANCE WITH THE EXTANT OF LAWS AND POLICIES IN NIGERIA AND THAT FUNDS SOURCED FOR CAPITAL EXPENDITURE PURPOSES ARE APPLIED STRICTLY TO SUCH ENDS AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Fakeye

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 1.-(1) All Ministries, Departments and Agencies of Government,
2 whether they receive subventions from annual budgetary provisions of
3 government or not, shall prepare and submit to the office of the Minister,
4 Federal Ministry of Finance, bi-annual reports on all their capital projects.

Bi-annual reports
of Capital Projects
of Ministries,
Department and
Agencies

5 (2) The information submitted to Federal Ministry of Finance in
6 the reports on the capital projects shall include:

- 7 (a) the name, description, age and location of the projects;
- 8 (b) the status of the projects, including sources of funding, current
9 and cumulative position of fund disbursements and the expected completion
10 date;
- 11 (c) that the submission be made on or before the last day of the
12 month following the quarter being reported in the report.

13 2. The Office of the Minister, Federal Ministry of Finance, shall
14 ensure that the reports so collected from the various Ministries, Departments
15 and Agencies are summarized, compiled and published in at least one

1 national daily newspaper that is widely circulated and read in each of the six
2 geo-political zones of Nigeria within one month of each six- monthly interval
3 as set out in section 1(1) of this Bill.

4 **3.** Under this Bill, it shall be an offence to:

5 (a) refuse or neglect to furnish the relevant information to the Federal
6 Ministry of Finance for the purposes of publication as provided in sub clause 1
7 (l) of this Bill;

8 (b) submit a fraudulent report to the Federal Ministry of Finance as
9 provided under subclause 1(2) of this Bill;

10 (c) produce, or cause to be produced, a false document or piece of
11 information in support of their report;

12 (d) refuse or neglect to comply with section 2 of this Bill.

Offences and
Penalties

13 **4.** An officer who contravenes the provision of subsection 1(l) and
14 Section 2 of this Bill, commits an offence and is personally liable on conviction
15 to:

16 (a) pay a fine not below N500,000.00 (five hundred thousand naira
17 only) and, or,

18 (b) imprisonment for a term not exceeding three months.

Right of a Private
Persons to file a
Prerogative Order

19 **5.** Where there is failure to comply with the provisions of Sections 1
20 and 2 of this Bill, any tax paying citizen of Nigeria, or anyone with a valid or
21 tangible reason, such as not being in taxable employment, may file a
22 Prerogative Order at a Court of competent Jurisdiction.

Interpretation

23 **6.** In this Bill:

24 "Court of Competent Jurisdiction" means the High Court of the Federal Capital
25 Territory or of a State.

Citation

26 **7.** This Bill is cited as the Capital Expenditure Accountability and
27 Disclosure Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to ensure accountability, timely reporting and proper disclosure of governments' capital expenditure by providing accurate information of the governments' performance of capital project mandated roles to Nigerians, in ensuring that, capital projects are executed in accordance with the extant laws and policies in Nigeria.