

PREFACE

This Edition of the Financial Regulations is the second since the commencement of the present democratic dispensation in 1999. The issue of this edition is borne out of the concern of government to ensure that requisite rules and regulations that would guarantee probity and transparency in the management of public funds and resources of government are put in place.

2. Since the Year 2000 when the Financial Regulations were last reviewed and published, the conduct of Government business has undergone many transformations. The complexity which government business has assumed since the inception of democratic government made it necessary to take closer look, once again, at the Financial Regulations by which Government Finance and Accounting procedure are regulated. This review, and indeed the changes in the philosophy of management of Government business are designed to promote honesty and transparency. Of particular note in this regard are the Chapter on Public Procurement of Goods and Services and the Codification of Offences and Sanctions.

3. On the part of Ministers, it is mandatory that they ensure that any decision taken by them is correct, unexceptionable and in the public interest. In this regard they should insist that any recommendation put before them is supported by the relevant provision of an extant Act or Regulation.

4. Public officers are enjoined to acquaint themselves with these regulations, the Finance (Control and Management) Act, Cap. 144 Laws of the Federation of Nigeria 1990, as well as the relevant sections of the constitution dealing with public finance for proper guidance.

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TABLE OF CONTENTS

<i>Chapter</i>	<i>Subject matter</i>	<i>Financial Regulations</i>
1.	Financial Authorities and Responsibilities of Public Officers	
	Part I – Financial Authorities	101
	Part II – Financial Responsibilities of Public Officers ..	106
2.	Revenue- Collection and Accounting	201
3.	Expenditure – Authorities for:	
	Part I – Recurrent Expenditure	301
	Part II – capital expenditure	302
4.	Expenditure – Classification and control	318
5.	Standardization – and accounting procedure..	401
6.	Payments procedure	501
7.	Banks accounts cheques	601
8.	Cash book and monthly accounts	701
9.	Adjustments	801
10.	Imprest	901
11.	Custody of public moneys, stamps, security, books and document	1001
12.	Receipt and licence books	1101
13.	Deposits	1201
14.	Advances	1301
15.	Salaries:	
	Part I – General	1401
	Part II – Payroll Preparation and Control	1501
16.	Self- Accounting Status	1517
17.	Internal Audit	1601
18.	Board of Survey: Cash and Stamps	1701
19.	Pension Scheme in the Federal Public Service:	
	Part I – General Administration	1801
	Part II – Accounting Procedure	1901
20.	Government Vehicles:	
	Part I – Uses and Proper Control	1905
	Part II – Accounting Procedure	2001
		2011

TABLE OF CONTENTS - *continued*

<i>Chapter</i>	<i>Subject matter</i>	<i>Financial Regulations</i>
21.	Stores Accounting and Custody:	
	Part I – Stores: Classification and General	2101
	Part II – Stores: Books and Forms of Accounts ..	2101
	Part III – Supervision and Custody of Stores ..	2128
22.	Allocated and Unallocated Stores:	
	Part I – Allocated stores	2201
	Part II – Unallocated stores	2220
23.	Acquisition of stores: local purchase and indents ..	2301

24.	Handling of stores:				
	Part I – Receipt of Stores				2401
	Part II – Issuance of Stores				2412
	Part III – Returned Stores				2424
	Part IV – Handing Over Stores				2429
25.	Loss of Shortage of Government Funds:				
	Part I – Loss of Funds: Procedure				2501
	Part II – Loss of Funds: Accounting entries				2524
	Part III – Board of enquiry: procedure				2531
26.	Loss of stores and unserviceable stores:				
	Part I – Loss, of stores, plant, motor vehicle and Equipment				2601
	Part II – Unserviceable stores, building, plants, motor vehicles equipment				2609
	Part III – Destruction, write-Off and Loss of Operational Animals				2923
	Part IV – Accounting Procedure for the write- off of loss or Unserviceable Stores				2634
27.	Stores Inspection by Board of Survey and Stock Verifiers				2701
28.	Stores Verification Unit				2801
29.	Public Procurement Contracts:				
	Part I – General Principles				2901
	Part II – Procurement of Goods, Works: Open Competitive Bidding				2920

TABLE OF CONTENTS - *continued*

<i>Chapter</i>	<i>Subject matter</i>	<i>Financial Regulations</i>
	Part III – Special and Restricted Bidding Methods ..	2937
	Part IV – Procurement of consultancy services ..	2949
	Part V – Public Procurement Contracts: Miscellaneous	2964
30.	Miscellaneous Matters	3001
31.	Codification of offences and sanctions :	
	Part I – Irregularities resulting in losses to government	3701
	Part II – Irregularities not directly or immediately resulting in losses to the Government ..	3116
	Part III – Irregularities arising through poor or inefficient management accounts	3118
	Part IV – Offences and sanctions under the public procurement Act, 2007	3125
	Part V – sanctions for making payment by using cheques and cash	3127
32.	Financial Guidelines for the Operations of Parastatals..	3201

TABLE OF APPENDICES

<i>Appendix No.</i>	<i>Subject Matter</i>
1.	Public funds of the Federation (Disbursement) Rules

2. Rules for the Operation of the Federation Account
3. Rules for the Operation of the Development Fund
4. Rules for the Operation of the Contingencies Fund
5. General Imprest Warrant
6. Revenue Collector's Cash Book
7. Revenue Collector's Chart
8. Treasury Form and Books in use
9. Treasury Cash Book
10. Imprest Cash Book
11. Dishonored Cheques Register
12. Treasury Form 50A – (Agreement form)
13. Receipt Book Issue Note (TF 136)
14. Correspondence Course Advance Agreement Form(TF 51)
15. Stores Form and Books in General Use
16. Board of Survey Report on Unserviceable stores (TF 147)
17. Report on Less of Funds or Stores(TF 146)
18. Unallocated Stores Annual Balance Statement
19. Monthly VAT Returns Form
20. Monthly Withholding Tax Returns Form
21. Monthly Schedule/ Remittance of PAYE to FIRS
22. Service Chart
23. Station Diary

INDEX

A

Financial Regulation

Accidents – Government Vehicles:

Accounting Officers, Disciplinary Action by	..		..	2021
Accounting Officers, report of	..	..	..	2022, 2023
Board of enquiry	..	..	..	2020
Board of Survey and Write-off	..	..	..	2027
Driver, action by	..	..	..	2012
Report to accounting officer	..	..	..	2019
General procedure and legal advice	..	..	..	2011, 2025
Head of Division or Unit, action by	..	..	..	2013
Mechanical Engineer, inspection by	..	..	..	2014
Police reports to be obtained	..	..	..	2018
Quarterly returns	..	..	..	2028

Accountant-General:

Accounting Code	..		..	507
Accounting Equipment, approval for Purchase	..	..	..	505
Accounting procedure, approval of	..	..	..	504
Accounting Systems, co-ordination of	..	..	..	503
Advances Non-personal Account, opening of	..	..	..	1402
Bank Account Form missions' overseas, arrangement for	..	..	..	725
Bank Account, opening of	..	..	..	701
Bank Account, overdrafts	..	..	..	910
Bill of Exchange and Promissory Notes, authorization required	..	..	..	727
Cheques, Post-dated, authority to accept	..	..	..	726
Chief Accounting Officers	..	..	..	107

Consolidated Revenue Fund – issue from	..	302-306
Contingencies Fund, issues from	.. ..	306
Deployment of Internal Audit	.. ..	1702
Deposits – Code of instructions on	.. ..	1303
Duties of	.. ..	106
Free access to Books of Accounts and Bank Accounts		110,709
General Warrant – issued to	.. ..	401
Imprest Accounts – inspection by	.. ..	1013
Imprest Warrant – notification of Accounting Officers		1003
Inspection of Cash Accounts	.. ..	1803

A - contd.

*Financial
Regulation*

Internal Auditors – deployment of	.. ..	1702
Issuance of Treasury Circulars and Accounting Manual	.. ..	502
Loss of Government Funds – action by	.. ..	2507, 2509
Loss of Stores – action by	.. ..	2607
Payroll Procedure and Methods Approval by	.. ..	1517
Power to write- off loss of Cash	.. ..	2515
Power to write-off loss of stores, unserviceable stores, plants etc	.. ..	2601, 2610
Receipt and Licence Books, general control by	.. ..	1201
Responsibility of	.. ..	106
Self-Accounting Units – Approval of	.. ..	1602
Surprise inspection of accounts of Accounting Officer	.. ..	126, 1803
Accidents to Government Vehicles	.. ..	2019, 2012
Advances records, recovery	.. ..	1404, 1405, 1420
Authorized Signatories to accounts	.. ..	705
Board of Enquiry Reports	.. ..	2539
Board of Survey - Responsibility for	.. ..	2621
Correspondence Advance-Approval Required	.. ..	1415
Custody of Bonds and Agreements	.. ..	1123
Deceased Officers, Estates, Monies due to/from	.. ..	3003
Definition and responsibilities	.. ..	111
Delegation of Responsibility for Expenditure Control	.. ..	404
Duties of	.. ..	112
Established of Internal Audit Unit	.. ..	1701
Loss of Funds, Action by	.. ..	2502, 2506
Loss of Stores, Action by	.. ..	2602, 2606
Monthly Reconciliation of Deposit Accounts	.. ..	1312
Offences and Sanctions	.. 3101, 3109, 3115, 3117, 3121	
Period Manpower Audit	.. ..	1529
Personal Emolument Records	.. ..	1506
Public Procurement Responsibilities	.. ..	113
Responsibility for custody of public moneys	.. ..	1106
Revenue Collection – departmental control	.. ..	217
Role in a self-accounting unit	.. ..	1601
Security of keys to safes, strong room	.. ..	1107, 1114

A - contd.

*Financial
Regulation*

Special instructions on deposits..	..	1303
------------------------------------	----	------

Stock verification unit- establishment of and control of	2801, 2804	
Stores codes, supervision and control	2126, 2129	
Stores inspection	2701	
Subsidiary Pensions Account Unit	1905	
Unserviceable Stores-Action by	2616	
Use of Government Vehicles	2001	
Write-off of Unserviceable Stores	2609	
Adjustments:		
Correction of errors-office to initiate	903	Creditor
Department to Initiate Voucher	905	
Information on voucher	901	
Nature of	908	
Reconciliation of Accounts	903	
Vouchers, Submission of	906	
Vouchers to be recorded in Vote Book	1419	
Advances:		
Advances Records	1404	
Correspondence Advance	1415	
Detail in Advance Payment Vouchers	1403	
Non-Personal Advance	1402	
Personal Advances	1401	
Officer to ensure full repayment	1409	
Outstanding Balance	1416	
Outstanding Balance in respect of Deceased Officer	1417	
Recovery of Advances	1405	
Salary Advance on first Appointment, Rent of Accommodation etc	1406, 1410	
Touring Allowance	1411	
Appropriation Acts	301,304,307	
Auditor- General:		
Responsibility of	108	
Bank Accounts, right of access to	110, 709	
<i>A - contd.</i>		
Receipt and Licence books, notice to	1203	
Revenue Collector, new to be advised of ..	217	
B		
Bank Accounts:		
Acceptance of Cheques	719	
Authority for Opening of	701	
Overdrawing of Bank Accounts not permitted ..	710	
Bank reconciliation made weekly	716	
Bills of Exchange and Promissory Notes not to be accepted	727	
Care of Cheque Books	736	
Cash Balance, Minimum	714	
Authorized Signature	706	

*Financial
Regulation*

Cheque Books, supply of	718
Bank Accounts: Cheques	
Cash for Personal Cheques not allowed ..	729
Cash, not allowed	714
Dishonored, treatment of	730,732,733
Drawn on Banks outside Nigeria, collection of ..	724
Post-Dated, not to be accepted	726
Receipt, disposal of	719
Signing of	707
Specimen Signatures to be provided	706
Mutilated, defaced (cancelled)	737
Summary Register, use of	717
Commission Charges Unauthorized, liable to surcharge ..	734
Bank Account: Dishonored Cheques	
Register of	733
Treatment of Debits	732, 734,735
Bank Accounts:	
Full Use to be made of	1101
Guarantees to be given when in doubt	728
Missions Overseas for	725
<i>B - contd.</i>	
Payments by Cheques	714
Payments into Bank	715
Paying-in-Slips	738
Private Money to be kept separate	713
Board of Enquiry: Loss of Funds or Stores	
Convening Notice, distribution of	2533
Convening of, Overseas	2532
Distribution of the Report of the Board	2538
Establishment Permanent Board of Survey & Enquiry	2534
Reports of the board (contents)	2537
Sittings-Procedure	2535
Taking Evidence	2536
Board of Survey: Cash and Stamps	
Annual board to be held	1801
Business, Suspension of	1806
Composition	1805
Duties of	1807
Procedure for	1802, 1803
Surplus or Shortage, Treatment of	1807
Surprise Board of Survey	1803, 1804
Board of Survey: Stores	
Annual Inspection	2701
Application for	2701
Closure of Stores during a Survey	2702
Constitution of	2621
Inspection, Method of	2704

*Financial
Regulation*

Inspection, Programme of	..	..	..	2703
Report of	..	..	..	2705,2706

Board of Survey:
 Unserviceable Stores 2614

Board: Tenders: *see* Stores
 Bureau for Public Procurement *see* Public Procurement Contracts

C

*Financial
 Regulation*

Cash or Cheque Orders forms: Use of	623
-------------------------------------	----	----	----	-----

Central bank of Nigeria:
 Bank Accounts 704
 Use of 702

Cheques: *see* Bank Accounts

Cheques: Cashing of, rank of Officers	638
---------------------------------------	----	----	----	-----

Cheques: Dishonored: *see* Bank Accounts
 Chief Accounting Officer of the Federation Clearance
 Accounts 107
 Classification of Payments 417

Collector of Revenue: *see* Revenue Collector

Consolidated Revenue Fund: *see* Expenditure

Contingencies Fund: *see* Expenditure

Contracts: Award of: *see* Public Procurement Contracts
 Voucher to contain certificate that payment is in
 accordance with contracts terms 412

Constitution of the Federal Republic of Nigeria
 Financial Authority 102

D

Departmental Vote Book: *see* Vote Book

Departmental Warrants: *see* Warrants

Deposit:

Accounting for..	..	..	..	1301
Balancing Annually	..	..	..	1313
Code of Instructions	..	..	..	1303
Monthly Reconciliation	..	..	..	1312
Refunds under Immigration Act	..	..	..	1311
Register of	..	..	..	1304
Unclaimed Deposits	..	..	..	1310
Withdrawals of	..	..	..	1306, 1309

D - contd

*Financial
 Regulation*

Development Fund: see Expenditure

Dishonored Cheques: see Bank Account

Duty Tour Allowances:

Per diem	..	..	..	..	..	1411
Estacode	..	..	..	..	..	1412

E

Economy: Exercise of 415

Equipment: Standardization and Accounting Procedure
see Standardization and Accounting Procedure

Estates of Deceased officers:

Accounting Officers Duties	3003
----------------------------	----	----	----	----	------

Estimates, Annual: see Expenditure

Expenditure:

Annual Estimates	..	..	..	..	301
Authorized Expenditure not be exceeded	..	..	..	..	313
Unspent Balance lapses at end of year	..	..	..	..	414

Expenditure: Capital

Development Fund, charge to	..	..	..	..	318
Development Fund, General Warrant	..	..	..	..	320
Development Fund, provisional General Warrant	..	..	..	319	323
Development Fund, Special Warrant	..	..	..	..	323
Development Fund, Supplementary Warrant	..	..	..	..	322
Development Fund, Supplementary General Warrant	..	..	..	..	321
Development Fund, Virement Warrant	..	..	..	..	324

Expenditure: Classification of 417

Classification of Payments on behalf of Self- Accounting Units	418
---	----	----	----	----	-----

Expenditure: Contingencies

Supplementary Warrant	..	..	..	..	306
Vouchers not to be charged to the fund	..	..	..	..	307

E - contd

Financial
Regulation

Expenditure:

Date of Payment to govern date of the Record to Charge	..	..	..	..	414
Delegation of Control	..	..	..	..	404, 406
Economy, exercise of	..	..	..	..	415
Payments against Contracts	..	..	..	..	412
Public Fund: Order, authorized for disbursement..	..	..	..	..	326

Expenditure: Recurrent

Annual General Warrant	..	..	..	..	304
Authorities for	..	..	..	..	302
Establishments, Variation in ..	..	..	..	..	311
Establishment, Virement, application for ..	..	..	..	..	316

Provisional General Warrant	303
Revote of, not allowed	314
Supplementary General Warrant	305
Supplementary Provision, application	315
Virement, application for	316
Virement Control on Savings	317

Expenditure:

Schedules of Payments from Accounting-General ..	408
Supplementary (statutory expenditure) Warrant for	312

Expenditure:

To be spread evenly	419
-----------------------------	-----

Expenditure: Officers Controlling

Action of, on suspicion of fraud	409
Authorized Expenditure not be exceeded	313
Definition of	120
Duties of	122
Officers Authorized to sign Vouchers	411
Pecuniary Responsibilities of	124
Delegation of Responsibility	125
Responsibility for Signing Certificates Vouchers	410
Responsibility for Unauthorized Expenditure	420
Settlement to be made within Financial Year	422

F

*Financial
Regulation*

Finance (Control and Management) Act, Cap. 144	104, 501
Financial Regulations	105
Treasury Circular and Accounting Manual	502
Fraud: Suspicion of, Action by officer Controlling Vote	409

Freight: *see* Transport

Funds: *see* Expenditure from Consolidated Revenue, Development, Contingencies and Public Funds

Furniture, Inventory board	2217
Master Inventory of furniture issued to quarters	2216, 2218
Registration of Equipment and Appliance	2219

Furniture of Offices & Govt Quarts.. .. .	2214
---	------

G

General Warrant: *see* Expenditure

Green Ink:

Use of, Strictly forbidden	3002
------------------------------------	------

H

I

Identification of Payee: Responsibility of Paying Officers	611
--	-----

Imprests:

Bank Account to be used	1009
---------------------------------	------

Definition of	120, 1001
Duties of Holder	112
General Imprest Warrant	1002,1003
Holder, not relieved of responsibility delegated ..	125
Inspection	1013
Issue of	1006
Limit Reimbursable	1014
Pecuniary Responsibility of Holder	124

I - contd

*Financial
Regulation*

Procedure for Operation	1007
Reimbursement of	1010
Responsibility of holders	1008
Retirement of Annual and Special	1011, 1012
Standing and Special Imprest	1004

Inspections:

Accountant-General to make	126
Interest	711

Internal Audit:

Audit Guide by Head of Internal Audit Units ..	1708
Annual Audit Programme	1704
Appointment of Internal Auditor	1702
Collection of Audit Stamps at the end of each duty	1712
Duties of Internal Auditor	1703
Issuance of Auditor Stamps	1710
Internal Audit Stamps not Transferable	1713
Periodic Audit Reports	1706
Policy of	1701
Progress Register	1704
Restrictions on the Duties of Audit Staff	1709
Stock Verification	2802
Prepayment Audit of Payment vouchers	1705
Procedure for Issuance of Audit Stamp	1711

J

K

L

Licence:

Alteration on: Fees	216
Licence or Ticket of counterfoil type to be initialled	207

Loss of Funds:

Accountant-General, action by	2507, 2509
Accounting Officers, action by	2506
Limitation of Period of Action	2505- 2509

L - contd

*Financial
Regulation*

Loss of Funds: Accounting Procedure

Accounting Entries	2525
Account to be Charged.. .. .	2524

Application for Funds to Cover Losses	2530
Losses written-off, classification of	2529
Officer to Initiate Accounting Entries	2526
Recovery of the Loss	2527
Surcharge, Classification of Receipts	2528
Loss of Funds:	
Board of Enquiry, convening of	2503, 2534
Loss of funds: Board of Enquiry: see Boards of Enquiry	
Loss of funds: Board of Enquiry at Overseas Offices..	2532
Loss of Funds:	
Government to meet own losses	2518
Loss of Funds:	
Head of Division or Units, Action by	2505
Loss of Federal Funds in State involving a State and a Federal Officer	2514
Loss of Federal Funds in a State involving a State Officer	2513
Officer in-Charge of Office, action by	2504
Procedure for, when a State Officer is involving in Loss in Abuja	2511
Chairman, Federal Public Service Commission, Action by	2508
Write-off Authority	2515
Loss of Operational Animal	
Accountant-General, action by	2633
Loss of Stores:	
Accountant-General, action by	2617
Accounting Officer, action by	2616
Accounting Procedure	2634-2637
Board of Enquiry, when to convene	2505
Head of Division or Units, action by	2614
<i>L - contd</i>	
Minor Loss of, not exceeding N250,000	2609
Officer in-Charge, action by	2613
Power to Write-off Loss of Stores	2601, 2602

*Financial
Regulation*

M

Machines Accounting: *see* Accounting Procedure

Mail: Registered and Unregistered: *see* Security

Marine Transport: *see* Transport

Material Expenses Statement (MES): Use of 907

Motor Vehicles:

 Accidents Procedure, Government Vehicles: *see* Chapter 20

N

O

Offences and Sanctions, Codification of:

 Assets paid for but not collected 3109

Audit Queries, Non-response to ..	3101
Failure to Collect and Account for Government Revenue	3112
Failure to Pay for Use of Government Property ..	3113
Failure to Post Ledger Accounts..	3119
Failure to Prepare Bank Reconciliation Statements	3121
Failure to Reciprocate Cash Remittances..	3120
Inflation of Contracts	3112
Irregular Award of Contracts	3117
Irregular or Wrong Payments	3106
Non-Recovery of advance	3118
Non-Rendition of Monthly Transcript	3123
Non-Rendition of Returns	3122
Non-Retirement of Imprests and Advances	3124
Over Payments of Salaries and Allowances	3111
Payment for Jobs not executed	3104
Payment to Ghost workers	3110
Poor Cash Management	3115
Poor Quality of Works	3105

O - contd

Financial
Regulation

Premature Scraping and Sale of Government Property at:	
Low Price	3114
Public Procurement Offences	3125
Shortage or Loss of Cash by Cashier	3108
Shortage or Loss Stores by Storekeeper ..	3117
Splitting of Contracts	3118

P

Paper Money Register	233
------------------------------	-----

Parastatals, Operational Guidelines for:

Authorized Specimen Signatures	3204
Bank Accounts	3203
Chief Executive Officer of	3202
Compliance with Financial Regulations	3208
External Auditors, Appointment of	3210
Interest Received on Fixed Deposit Account	3207
Loans and Overdrafts Secured by	3205
Placement of Excess Funds in fixed Deposit Account	3206
Relationship with Supervising Ministry	3201

Passages: see Transport

Payment:

Advance, Vouchers, particulars to be given on ..	1403
Alterations to vouchers not allowed	604, 610
Certificate to be signed separately	607
Cheques to be crossed	616, 621
Classification of Vouchers, alteration of	421
Certificate on Vouchers	412
Deduction on	625
Electronic Payment	631, 632
Honour Certificate in Lieu of Receipts	617
Identification of Payee	613
Irregularities on Payments Vouchers	409
Legal Representative Payments to	615

Outside Nigeria	..	..	..	..	626
Particulars to be shown on Vouchers	..	..	..	..	603
<i>P - contd</i>					
Vouchers Payable at other Stations	..	..	..	..	612
Preparations of Vouchers	..	..	..	..	604
Receipts of Payment to Government	..	..	..	..	619
Signatories, to Payment Vouchers	..	..	..	..	411
Signing of vouchers	..	..	..	..	606
Stamp Duties payable	..	..	..	..	620
Stores for	..	..	..	..	2901, 2303
Sub-Accounting Officer's duties before payment	..	..	..	..	611
Vouchers to be stamped "Entered Into the Vote Book"	..	..	..	..	407
Where payee is illiterate	..	..	..	..	614
Payment Vouchers:					
Copies to be identified	..	..	..	..	608
Prescribed forms to be used	..	..	..	..	602
Submission of vouchers to	..	..	..	..	803
Vouchers to be stamped "PAID"	..	..	..	..	622
Plant:					
Accessories, Inventory of	..	..	..	..	2211
Definition of	..	..	..	..	2208
Log book	..	..	..	..	2212
Registration of	..	..	..	..	2209
Unserviceable, Write-off	..	..	..	..	2213
Write-off	..	..	..	..	2213
Postage stamps:					
Security for Main Stocks	..	..	..	..	1127
Prison Clothing and Bedding					
Write-off of	..	..	..	..	3009
Prisoner's Money: Deposit of	..	..	..	..	3004
Public Funds: <i>see</i> Expenditure					
Public Procurement Contents, General Principles:					
Approving Authority	..	..	..	..	2916
Bureau for Public Procurement	..	..	..	..	2905
Certificate of No. Objection	..	..	..	..	2906
Disqualification of Bids	..	..	..	..	2910
General Considerations..	..	..	..	..	2901
<i>P - contd</i>					
Mandatory Procurement Procedure	..	..	..	..	2919
Ministry of Finance, when to consult	..	..	..	..	2915
Monetary Value to be in Local Currency	..	..	..	..	2914
No payments above thresholds	..	..	..	..	2908
Open Competitive bidding	..	..	..	..	2907
Persons Disqualified to Bid	..	..	..	..	2913
Proof of Eligibility	..	..	..	..	2909
Procurement Planning Committee	..	..	..	..	2917,2918

*Financial
Regulation*

*Financial
Regulation*

Public Procurement Act	..	..	..	2902
Redemption of Procurement Records	..	..	..	2911
Review thresholds	..	..	..	2906
Scope of Procurement Act	..	..	..	2903
Transmission of Procurement Proceedings	..	..	..	2912
Public Procurement Contracts, Open Competitive Bidding:				
Acceptance of Bids	..	..	..	2931
Bids Opening Process	..	..	..	2928
Bid Security	..	..	..	2923
Consideration of Tenders	..	..	..	2925
Domestic Preference	..	..	..	2932
Examination of Bids	..	..	..	2929
Evaluation of Bids	..	..	..	2930
Format and Submission of Tenders	..	..	..	2924
Guidelines for Procurement of Goods, works	..	..	..	2920
Interest on Delayed payments	..	..	..	2935
Invitation to Bid	..	..	..	2922
Mobilization Fee	..	..	..	2933
Open Competitive Bidding	..	..	..	2907,2921
Performance Guarantee	..	..	..	2934
Records of Procurement Proceedings	..	..	..	2936
Right to Reject bid or Cancel Proceedings	..	..	..	2926
Public Procurement Contracts – Special Bidding Methods:				
Direct Procurement, Grounds for Procedure	..	..	..	2945, 2946
Emergency Procurements Conditions and Procedure	..	..	..	2947, 2948
Request for Quotations	..	..	..	2943, 2944
Restrictive Tendering, Conditions and procedure..	..	..	..	2941, 2942
<i>P - contd</i>				
Special Bidding Methods, Distinguished	..	..	..	2937
Two-Stage Bidding, Application and Procedure	..	..	..	2938, 2939
Procurement Contracts, Consultancy Services:				
Ascertained Needs	..	..	..	2950, 2951
Confidentiality of Proposals	..	..	..	2962
Criteria for Evaluation	..	..	..	2957
Monitoring and Review by Bureau for Public Procurement	..	..	..	2963
Nature of Needs, Ascertained or Unascertained	..	..	..	2948
Selection Criteria	..	..	..	2958, 2961
Submission of proposal	..	..	..	2955, 2956
Unascertained Needs	..	..	..	2952, 2954
Procurement Contracts, miscellaneous:				
Code of Conduct for Public Procurement..	..	..	..	2967
Disposal of Public Property	..	..	..	2964
Pre-bidding Report on Property to be disposed	..	..	..	2965
Procedure for disposal	..	..	..	2966

*Financial
Regulation*

Railway Transport: see Transport

Receipts:

Alteration on	216
Deductions from Revenue prohibit	223
Details of Transaction to be shown	204
General receipt (Treasury Book 6)	206
Interest Received in Bank deposit, treatment of ..	222
Notice to be Displayed to the Public	205
Payer to Sign	203
Received by Officers not in Possession of Receipt Book	218
Revenue Collectors' Receipt	208
Surplus, Treatment of	221
Issue of Receipts	202
Unexplained Cash	221

R - *contd*

*Financial
Regulation*

Receipt and Licence Book:

Cancellation of Defeated or Mutilated Receipts ..	1216
Delivery of Receipt or Original Licence	1217
Destruction of	1227, 1228
Disposal of Duplicate Copies	1218
Disposal of Unused Stock	1223
Disposal of triplicate copies	1219
Fixed fees, Receipts and Licences	1220
Handing-over Certificates	1260
Issues by the Accountant-General	1205
Issues in Strict Serial Order.. .. .	1208, 1215
Issues of: by sub-Accounting Officers	1207
Missing Receipt and Licence Books	1205
Monthly returns	1221, 1222
Printing of	1202
Receipt Book Issue Notes	1206
Receiving Officers to Record Stock in Register ..	1212
Responsibility for checking all issued received ..	1211
Revenue Collectors Not to be Over Stock with ..	1210
Transfers between Revenue Collector not allowed	1214
Transfers between Sub-Accounting Officers not allowed	1213
Use of State Receipt/Licence Books Prohibited ..	1209

Rents of Government Quarters:

Recovery of	3007
---------------------	------

Revenue:

Abandonment of Arrears of Revenue	231
Annual Returns on Arrears of Revenue	228, 230

Revenue collector:

Accounting Code of	201
Cash Book	210
Cash Book and Receipt Books to be submitted ..	211
Cash Book, Examination of by Sub-Accounting ..	212
Cash Surplus, treatment of	221
Cheques Cashed from Government Funds not Allowed	729
Collections to be paid to Bank	219

R - *contd*

*Financial
Regulation*

Definition of	119
Documents Retention of	1132
Duties of	123, 209
Notice to be Displayed to the Public	205
Not relieved of Responsibility by Delegation	125
Payments into Bank	715
Pecuniary Responsibility of	124
Receipts, details of transaction to be shown	204
Receipt of Payer to be obtained.. .. .	203
Receipt to be issued	202
Revenue Collectors Receipt (Treasury Book 6A)	208
Sub-Accounting Officer to keep Revenue Collector Chart	215

Revenue:

Deductions from Revenue Prohibited	223
Income Tax Return of Arrears	229
Loss by Negligence.. .. .	232
Paper Money Register	224
Revenue Due to the Federal Government.. .. .	224
Refunds	3006

S

Self-Accounting Units, General, Withdrawal of .. 1609, 1610

Safes and Strong-rooms: see security

Salary Advance: see Advances, Salary

Salaries:

Increments in Salaries	1509
Withholding of	1511
Accounting Officer, Responsibility to keep Records	1506
Mode and Station of Payment	1503
Calculation, Method of Payment	1504
Withholding of Salary	1507
Deduction from Emoluments, Accounting Procedure	1515
Delays in Payment to be Reported	1512

S - contd

Financial
Regulation

Receipts for Deductions	1516
Transfers of Officers, last Pay Certificate	1514
Unclaimed Moneys for treatment of	1513
When payable – Accountant-General to fix dates	1505

Salaries: Payroll

Action by:

Cash Pay Office	1526
Internal Audit	1525
Salaries Section	1524
Cash Deficiency	1528
Personal Emoluments Record	1519, 1521
Procedure to be approved by Accountant- General	1517
Standard System to be employed	1520
Submission of to Paying Officers	1909

Surplus Cash	1527
Variation Control	1523
Security:	
Bank Account, full use to be made of	1101
Bonds and Agreements, Safe Custody of Documents, Retention of	1123
Safe Custody of Document against.. ..	1132
Mail, to be delivered by Locked bag	1131
Mail Registered, register of and security of	1128
	1129
Security: Safes and Strong-room:	
Alteration to Locks of Safes	1114
Annual Return.. ..	1115
Cash, Security of Overnight.. ..	1120
Custody of Original Keys	1110
Delivery of Documents, etc	1126
Double Locks to be fitted	1102
Handing-over Certificates	1125
Inspection of	1105
Keys, Locks, etc, Suspected Interference	1113
Key-holders to be present when opened.. ..	1118
Key-holders to verify whereabouts of duplicate	1109
<i>S - contd</i>	
Loss of Key, action to be taken	1111
Loss of Key, Officer responsible for loss liable to meet cost	1112
Monthly Check of Contents	1122
Notice to holder of duplicate keys	1117
Private Money not to be lodged in	1119
Register of contents	1121
Separate Key-holders for Safe and Strong-room	1108
Stamps, Postage, Stocks of	1127
Transfers of	1116
Transfers of Key	1124
Self-Accounting Status:	
Accounting-in-Charge to be Treasury Trained	1603
Approval for and Conditions Precedent	1603
Definition of	1601
Directions, Finance and Accounts, Duties of	1604, 1605
Documents, Retention and Custody of	1606
Payments through own Cash Office or Federal Pay Office	1609
Transaction in respect of other Ministry or Unit	1607
Verification of Accounting Records from Treasury.. ..	1608
Withdrawal of Status	1610
Stamp Duties:	
When Payable.. ..	620
Stock Verification Unit:	
Establishment and Responsible of Function	2810
Functions of	2803

*Financial
Regulation*

Head of Unit, Responsible to Accounting Officers	2802	
Reports of the Units	2805	
Stock Verification Manual	2804	
Stock Verifiers Stamps, Issuance and Control ..	2806, 2807	
Stores, Allocated:		
Definition of	2103	
Expendable Stores, treatment of	2205-2204	
Non-Expendable Stores, Treatment of	2205-2207	
<i>S - contd</i>		
Plants, Definition	2208	
Plants, Accounting and Control	2209-2213	
Furniture and Furnishing	2214	
Furniture, Control and Accounting	2215-2219	
Stores Unallocated:		
Annual Balancing Statement	2238	
Application of FR21-26 on Security, Issue, Returns, Handing over	2223	
Claim for Short Landing of damaged goods ..	2235, 2236	
Clearance of Balances in Shortfall and Excesses Account	2233	
Cost of Stores	2226	
Definition of	2104	
Issues Journal or Stores Summary	2231	
Losses of Stores and Unserviceable Goods vide FR Chapter 26	2222	Maximum Stock
Holding	2222	
Purchase Journal	2230	
Purpose for	2221	
Shortfall and Excesses Account	2232	
Store Verification, vide chapter 27, FR 1704 and 2802		
Stores Charges	2234	
Valuation Methods	2227, 2228	
Vote of Charges	2223	
Write-off of Unsettled Claim	2237	
Stores Acquisition: Local Purchase Order		
Contract Instrument, Accounting Officers to approve	2303	
Issuance of LPO / Job Order	2304	
Local Purchase to Comply with Procurement Act..	2312	
Loss of Local Purchase Order	2307	
Officers Controlling Expenditure to issue..	2302	
Preparation of LPO	2306	
Security of LPO	2308	
Use of Indent in Lieu of Local Purchase	2310	
<i>S - contd</i>		
<i>Financial Regulation</i>		
Stores, Handing of:		
Handing Over:		
Absence of Out-going Officer	2431	

Excesses and Deficiencies, Treatment of..	2430
Responsibility for Deficiency	2432
Valuable and Attractive Stores Register	2433
Verification of Physical Stock against Book balances	2429

Stores: Issue

Issuance and Distribution of Stores Receipt	
Vouchers	2414, 2417
Issuance of Stores for Conversion or Manufacture	2419
Preparation and Acceptance of Requisition for	
Stores	2412, 2413
Procedure for the Issue of Stores	2418
Stores Issued: on Payment	2421
Write-off of Condemned	2420

Stores: Receipt

Certificate of Storekeeper of Payment Voucher ..	2402
Checking of Document against Actual Store Received	2411
Distribution of Stores Receipt Vouchers	2405
Duty Payable on Imported Stores	2409
Invoice Control Register	2403
Receipt of Stores by Air, Rail, Sea, etc	2410
Sources of Stores and Supporting Documents ..	2401
Transfers of Stores	2406

Stores: Returned

Serviceable Used Parts	2428
Tools in Use in a Project	2426
Unserviceable used parts	2427
Unused Stores.. .. .	2424, 2425

Stores: Definition and Classification

Classification of	2101,2103, 2104
Definition of	2101
Storage according to Classification	2105

S - contd

*Financial
Regulation*

Stores: Books and Forms of Accounts

Code of Instructions for Stores Officers	2126
Conversion and Adjustment Voucher	2117
Receipt and Issue vouchers, Proper use of	2115, 2116
Specialized form, use of	2125, 2127
Stores Ledgers, Maintenance, Balancing and	
Custody of	2106, 2114
Tally Cards, Maintenance and Custody	2119,2120, 2124
Use of Inventories in addition to Ledger Records..	2122

Stores: Supervision and Custody

Inspection and Inspection Reports	2134, 2136
Limitation of Stock Verifier's and storekeeper's role	2133
Responsibility of all Public officers including	
Accounting officers	2128, 2130
Responsibility of Storekeeper	2131, 2132

Stores: Unserviceable Plants, Motor Vehicles and Equipment

Action by Accounting Officer and Accountant-General	2616, 2617
Constitution of Board of Survey	2621
Depreciation for Write-off	2622
Destruction of Unserviceable stores	2618
Duty of Officers- in- Charge	2613
Head of Department or Unit: Action by	2614
Power to write-off by the Accounting Officer and Accountant-General:	2606, 2607
Proceeds of Sale by Action	2620
Report of Board of Survey	2615
Sale of Unserviceable Stores	1619

Sub-Accounting Officers:

Accounts, consolidation of	809
Accounts, Submission of to Accountant-General or Accounting Officer	808
Accounts, Voucher outstanding	810
Acceptance of cheques, Duties of	719,720,724
Bank Reconciliation, preparation, of	806

S - contd

Financial
Regulation

Bank Reconciliation, Clearance, Responsibility for Cash Book, to Maintain.. .. .	807
Cash, Book to be signed at end of each month	801 805
Cash, Safe custody of	1103
Cash Surplus, treatment of	221
Daily balance of Cash	804
Definition of	115
Disposal of Cheques Received	720
Documents, Retention of	1132
Duties of	114
Duties and Responsibilities before making a payment	420
Duty of, concerning Revenue Collection	217
Imprest, Responsibilities on	1011, 1012
Notice to be Displayed to the Public	205
Not Relieved of Responsibility by delegation	124
Payments into Bank	715
Pecuniary Responsibilities of	124
Receipt and Licence Books, Safe Custody of	1130
Receipt and Licence Book Issue.. .. .	202
Receipt, Details of Transaction to be shown	204
Receipt Form for use of	206
Register of Payer to be obtained	203
Register of Outstanding Vouchers	811
Responsibilities and Duties before Payment	611
Responsibility for Identification of Payee.. .. .	613
Responsibility for Outstanding Vouchers	629
Revenue Bank Account.. .. .	213
Safes, Contents, Verification of, Responsibility for	1122
Security of Cash over-night, Responsibility for	1120
To make Prompt Entries into Cash books	802
Vouchers, Submission to	803
Vouchers, Classification of, not to be altered by	421

Sub-Accounting Officers: Revenue					
Collected by .. .. .	..	..	..	..	220
Collected to be paid to Bank .. .. .	..	..	..	..	219
Collectors Cash book, examination of .. .. .	..	..	..	..	212
Inventories .. .. .	..	..	..	..	215

S - contd

*Financial
Regulation*

Loans of .. .. .	..	..	..	..	2122
Tools, Plant, Furniture, etc. Special Cases of .. .. .	..	..	..	..	2121

Sub-Treasurer of the Federation					
Duties of .. .. .	..	..	..	..	724 (iv)
Surprise Inspection: see Inspection					

T

Tender Boards: see Stores

Tools: Expendable:					
Ledger for .. .. .	..	..	..	..	2210
Replacement of .. .. .	..	..	..	..	2207
Write-off of .. .. .	..	..	..	..	2213

Tools: Non-Expendable:					
Definition of .. .. .	..	..	..	..	2210
Ledger for .. .. .	..	..	..	..	2202
Write-off of Lost Tools .. .. .	..	..	..	..	2204
Write-off of Unserviceable .. .. .	..	..	..	..	2206

U

Un-Allocated Stores:					
Annual Balance Statements .. .. .	..	..	..	..	2238
Adjustment made through M.E.S .. .. .	..	..	..	..	907
Application of Financial Regulations .. .. .	..	..	..	..	2223
Claims .. .. .	..	..	..	..	2235
Claims not to be raised if Damages or Deficiency is					
N50,000 or less .. .. .	..	..	..	..	2236
Claims, Write-off of .. .. .	..	..	..	..	2237
Cost of Stores .. .. .	..	..	..	2226	2226
Fixed Price Method .. .. .	..	..	..	..	2227
Issued journal .. .. .	..	..	..	2231	2231
Issued not to be drawn before required .. .. .	..	..	..	414	414
Last Known Price Methods .. .. .	..	..	..	..	2228
Local Purchases .. .. .	..	..	..	..	2225
Loss of Stores and Unserviceable Stores .. .. .	..	..	..	2240	2240
Maximum Holding .. .. .	..	..	..	..	2222

U - contd

*Financial
Regulation*

Purchases Journal (Stores Cost Book) .. .. .	..	..	..	..	2230
Purpose of .. .. .	..	..	..	..	2221
Records, Minimum to be kept .. .. .	..	..	..	..	2229
Shortfalls and Excesses Account .. .. .	..	..	..	..	2232
Shortfalls and Excesses, clearance of .. .. .	..	..	..	..	2233
Stock Verification .. .. .	..	..	..	..	2239

Stores charges	2243
Stores to be Charged	2224

V

Virement: see Expenditure

Vote Book:

Delegation Officers to keep	404
Departmental Warrant	406
Entries to be made in	403
Officers Controlling to keep	402
Schedules of Payments, etc from Accountant-General	408
Vouchers to be Stamped " Entered in Vote Book" ..	407

Vouchers:

Advances, particulars to be given	1403
Alterations, to vouchers not allowed	604, 610
Cash or cheques order from to accompany	623
Lost Vouchers Procedure to be followed	630
Outstanding, Register of	629
Outstanding Sub-Accounting Officer's Monthly Account	811
Register of	810
Responsibility for, by Certifying Officers	410
Returns of Unpaid Vouchers within seven days	634
Schedule of, to be accompanied by	611 (a)
(see also under, " payments")	

W

Warrant:

Authorities for: Lapse at end of years	413
Departmental, Issue of.. .. .	405

Workshop Accounts:

Adjustments made through M.E.s	907
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CHAPTER 1

**FINANCIAL AUTHORITIES AND RESPONSIBILITIES
OF PUBLIC OFFICERS**

PART I

FINANCIAL AUTHORITIES

101. Financial authorities are the legal instruments that empower and guide all public officers in carrying out government financial transactions. Such financial transactions include the receipt, custody of and accounting for government revenue; the procurement, custody and utilization of government stores and assets, and the disbursement of funds from the major government funds i.e. the Consolidated Revenue Fund (CFR), Development Fund and the Contingencies Fund. The principal financial authorities are dealt with here-under

102. The 1999 Constitution of the Federal Republic of Nigeria makes ample provisions for government financial business. The payment of revenue into the Federation Account and the

Consolidated Revenue Fund, the authorization of allocation of revenue from the federation account, the disbursement of funds from Consolidated Revenue Fund, the Development Fund and Contingencies Fund, the audit of public accounts and other financial matters are regulated by the relevant sections of the Constitution.

103. The President of the Federal Republic of Nigeria has assigned to the Minister of Finance the responsibility for all financial business of the government of the federation. Warrants issued by the Minister from time to time authorizing the Accountant-General of the Federation to disburse funds from the Consolidated Revenue Fund and Development Fund as appropriated by the National Assembly are instruments through which he exercises control over the utilization of public moneys. In other words, no payments shall be made except on the authority of a warrant duly issued and signed by the Minister.

104. Certain financial matters of government are regulated by other laws of the Federation enacted by the National Assembly. These include the Finance (Control and Management) Act, CAP 144 Laws of the Federation of Nigeria, 1990, the Annual Appropriation Act and the Supplementary Appropriation Act and the Revenue Mobilisation and Fiscal Allocation Commission Act, Cap 16 Laws of the Federation of Nigeria, 1990.

105. The Minister of Finance shall issue from time to time financial regulations, which shall be in accordance with existing laws and policies of government. The financial regulations so issued shall generally apply to the Federal Public Service which terms means ministries, extra-ministerial offices and other arms of government

PART II

FINANCIAL RESPONSIBILITIES OF PUBLIC OFFICERS

106. The Accountant-General of the Federation is the Head of the Federal Government Accounting Services and the Treasury. He has the responsibility for providing adequate accounting systems and controls in the ministries, extra-ministerial offices and other arms of Government

107. Pursuant to FR 106 above, the Accountant-General shall inter-alia:

- (a) serve as the Chief Accounting Officer for the receipts and payments of the government of the federation;
- (b) supervise the accounts of federal ministries, extra-ministerial offices and other arms of government;
- (c) collate, prepare and publish statutory financial statements of the federal government and any other statements of accounts required by the Minister of Finance;
- (d) manage federal government Investments;
- (e) maintain and operate the accounts of the Consolidated Revenue Fund, Development Fund, Contingencies Fund and other Public Funds and provide cash backing for the operations of the Federal Government;
- (f) maintain and operate the Federation Account;
- (g) establish and supervise Federal Pay Offices in each state capital of the federation;
- (h) Conduct routine and in-depth inspection of the books of accounts of federal ministries, extra-ministerial offices and other arms of government to ensure compliance with rules, regulations and policy decisions of the federal government.
- (i) approve and ensure compliance with accounting codes, internal audit guides and stock verification manuals of federal ministries, extra-ministerial offices and other arms of government.
- (j) investigate cases of fraud, loss of funds, assets and store

- items and other financial malpractices in ministries/extra-ministerial offices and other arms of government;
- (k) provide financial guidelines through the issuance of treasury circulars to federal ministries/extra-ministerial offices and other arms of government to ensure, strict compliance with existing control systems for the collection, custody and disbursements of public funds and stores;
- (l) supervise and control the computerization of the accounting system in the federal ministries, extra-ministerial offices and other arms of government;
- (m) carry out revenue monitoring and accounting;
- (n) issue officially approved forms bearing Treasury numbers for use in all federal ministries, extra-ministerial office and other arms of government to ensure uniformity;
- (o) formulate the accounting policy of the federal government;
- (p) service public debt and loans; and
- (q) organize training of accounts and internal audit personnel in all federal ministries, extra-ministerial offices and other arms of government.

108. The Officer responsible under the Constitution of the Federation for the audit and report on the public accounts of the federation including all persons and bodies established by law entrusted with the collection, receipt, custody, issue or payment of Federal Public moneys or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other property of the government of the federation is the Auditor-General for the Federation, hereinafter referred to as the Auditor-General. The Auditor-General shall examine and ascertain in such manner as he may deem fit the accounts relating to public funds and property and shall ascertain whether in his opinion:

- (a) the accounts have been properly kept;
- (b) all public monies have been fully accounted for, and the rules and procedures applied are sufficient to secure an effective check on the assessment, collection and proper allocation of revenue;
- (c) monies have been expended for the purposes for which they were appropriated and the expenditure have been made as authorised; and
- (d) essential records are maintained and the rules and procedures applied are sufficient to safe-guard and control public property and funds.

109. (i) The Auditor-General shall carry out the following statutory functions:

- (a) Financial Audit in accordance with extant laws in order to determine whether government accounts have been satisfactorily and faithfully kept.
 - (b) Appropriation Audit-to ensure that funds are expended as appropriated by the National Assembly.
 - (c) Financial Control Audit-to ensure that laid down procedures are being observed in tendering, contracts and storekeeping with a view to preventing waste, pilferage and extravagance.
 - (d) Value-for-Money (Performance) Audit – to ascertain the level of economy, efficiency and effectiveness derived from government projects and programmes.
- (ii) The Scope of work of the Auditor-General include:
- (a) audit of the books, accounts and records of federal ministries, extra-ministerial offices and other arms of government;
 - (b) vetting, commenting and certifying audited accounts

of all Parastatals and government statutory corporations in accordance with the Constitution of the Federation.

- (c) audit of the accounts of federal government establishments located in all states of the federation including all Area Councils in the Federal Capital Territory, Abuja;
- (d) audit of the Accountant-General's Annual Financial Statements;
- (e) auditing and certifying the Federation Account;
- (f) deliberation, verification and reporting on reported cases of loss of funds, stores, plants and equipment as stipulated in Chapter 25 of the Financial Regulations;
- (g) pre and post auditing of the payment of pensions and gratuities of the retired military and civilian personnel;
- (h) Periodic checks of all Government Statutory Corporations, commissions, Authorities, Agencies, including all persons and bodies established by an Act of the National Assembly; and
- (f) revenue audit of all government institutions.

110. By virtue of the responsibilities and functions of the Accountant-General and the Auditor-General or their representatives shall, at all reasonable times, have free access to books of accounts, files, safes, security documents and other records and information relating to the accounts of all federal ministries/extra-ministerial offices and other arms of government or units. They shall also be entitled to require and receive from members of the Public Service such information, reports and explanations as they may deem necessary for the proper performance of their functions.

111. (i) The Term "Accounting Officer" means the Permanent Secretary of a ministry or the head of extra-ministerial office and other arms of government who is in full control of, and is responsible for human, material and financial resources which are critical inputs in the management of an organization.

- (ii) The Accounting Officer shall:
 - (a) be responsible for safeguarding of public funds and the regularity and propriety of expenditure under his control
 - (b) observe and comply fully with the checks and balances spelt out in the existing Financial Regulations which govern receipts and disbursement of Public Funds and other assets entrusted to his care and shall be liable for any breach thereof; and
 - (c) note that his accountability does not cease by virtue of his leaving office and that he may be called upon at any time to account for his tenure as Accounting Officer

112. (i) The functions of the Accounting Officer shall include:

- (a) ensuring that proper budgetary and accounting systems are established and maintained to enhance internal control, accountability and transparency;
- (b) ensuring that the essential management control tools are put in place to minimize waste and fraud;
- (c) rendering monthly and other financial accounting returns and transcripts to the Accountant-General of the Federation as required by the Financial Regulations;
- (d) ensuring the safety and proper maintenance of all government assets under his care;
- (e) ensuring personal appearance before the Public Accounts Committee to answer audit queries to ministry/extra-ministerial department or agency;

- (f) ensuring accurate collection and accounting for all public moneys received and expended;
- (g) ensuring prudence in the expenditure of public funds;
- (h) ensuring proper assessments, fees, rates and charges are made where necessary;
- (i) ensuring internal guides, rules, regulations, procedures are adequately provided for the security and effective check on the assessment, collection and accounting for revenue;
- (j) ensuring that any losses of revenue are promptly reported and investigated;
- (k) ensuring that all revenue collected are compared with the budgeted estimates with a view to highlighting the variances, positive or otherwise and the reasons for them; and
- (l) ensuring that any revenue collected are not spent, but remitted to the appropriate authorities promptly.

113. In compliance with their special role under the Public Procurement Act, all accounting officers of ministries, extra – ministerial offices and other arms of government are hereby charged with the following responsibilities. They shall:

- (a) preside over the activities of their Tenders Boards for the proper planning and evaluation of tenders and execution of procurements;
- (b) ensure that adequate appropriation is available for procurements in their annual budget;
- (c) integrate their entity's procurement expenditure into its yearly budget;
- (d) ensure the establishment of a procurement planning committee over whose activities they shall preside;
- (e) constitute a procurement evaluation committee for the efficient evaluation of tenders;
- (f) constitute a procurement Committee;
- (g) render annual returns of procurement records to the Bureau of Public Procurements;
- (h) liaise with the Bureau of Public Procurements to ensure the implementation of its regulations; and
- (i) ensure compliance with the provisions of the Public Procurement Act by their organizations, failing which they shall be personally liable for any breach or contravention thereof, whether or not such breach of contravention was caused by them in person, their subordinates or any person to whom they may have delegated their responsibilities.

114. The Head of Finance and Accounts of a ministry/extra ministerial office and other arms of government shall perform the following duties, amongst others:

- (a) ensuring compliance with Financial Regulations and the Accounting Code by all staff under his control and supervision;
- (b) ensuring adequate supervision of the disbursement of funds and proper monitoring and accounting for revenue;
- (c) advising the Accounting Officer on all financial matters as well as the more technical provisions of these Regulations and other Treasury and Finance Circulars;
- (d) maintaining proper accounting records such as books of accounts, Main and Subsidiary Ledgers;
- (e) ensuring prompt rendition of all returns e.g.

- Consolidated Accounts (monthly transcripts), Bank reconciliation statements, Revenue and Expenditure returns as prescribed in these Regulations;
- (f) compiling and defending of the budget proposals and ensuring effective budgeting control by matching/comparing budgeted figures with actual expenditure or revenue as the case maybe and advise the Accounting Officer appropriately;
 - (g) ensuring that all staff under his control are exposed to regular training programmes to prepare them for the efficient performance of their duties;
 - (h) liaising with the Accountant-General from time to time when in doubt in the interpretation of the provisions of these Regulations and other Treasury Circulars or when confronted with difficulties in the performance of his duties; and
 - (i) ensuring the existence of an effective Audit Query unit/ section to promptly deal with all queries from Internal Audit Unit, Inspectorate Department, Office of the Accountant-General, Office of the Auditor-General and Public Accounts Committee.

115. (i) The term "Sub-Accounting Officer" means an officer who is entrusted with the receipt, custody and disbursement of public money and who is required to keep one of the recognized Cash books together with such other books of accounts as maybe prescribed by the Accountant-General (see Regulation 801), the transactions in respect of which are subsequently embodied in the final accounts rendered by the Accountant-General.

(ii) The term "Sub-Accounting Officer" which applies to the Director of Finance and Accounts or Head of Accounts includes the Sub-Treasurer of the Federation, the Federal Pay Officer, the Policy Pay Officer, the Customs Area Pay Officer and Pensions Pay Officer.

116. The Political Head of a Ministry shall be the Minister while that of a parastatal, extra-ministerial office and other arms of government shall be the Chairman of the parastatal or extra-ministerial office and other agencies of government or as defined in the extant laws that govern their operations.

117. (i) Any directive to the Accounting Officer by a Political Head having financial implications on the ministry, agency or parastatal shall be in writing.

(ii) Should the implementation of a directive from a Political Head result in an unauthorized expenditure, and/or contravene extant rules and regulations, the Accounting officer shall be responsible for such an unauthorised expenditure unless a report had been made by the Accounting Officer to the Head of Service, in the case of ministries/extra-ministerial offices, or to the Minister in the case of Parastatals.

118. (i) It shall be the responsibility of the Political Head to supervise and control the activities of his ministry, agency and/or parastatal.

(ii) Pursuant to sub-section (i) above, the Political Head shall exercise the responsibilities for supervision and control of the activities of his ministry/extra-ministerial office and other arms of government as follows:

- (a) endorsing the annual budget proposals of his ministry/ extra-ministerial office and other agencies of government to the Budget Office;
- (b) ensuring the implementation of the political programmes of government as they relate to his ministry/extra-ministerial office and other arms of government; and
- (c) ensuring compliance with the extant rules and regulations and policies of the executive arm of government.

119. A "Revenue Collector" means an officer, other than a Sub-Accounting officer, who is entrusted with an official receipt, licence or ticket booklet for the regular collection of some particular forms of revenue and who is required to keep a cash book. (see specimen Revenue Collector's Cash Book rulings in Appendix 6).

120. The term "Imprest-holder" means an officer other than a Sub-Accounting officer who is entrusted with the disbursement of public money, for which vouchers cannot be presented immediately to a Sub-Accounting Officer and who is required to keep a cash book (see specimen Imprest-holder's Cash Book rulings in Appendix 10).

121. An Officer Controlling Expenditure is the officer to whom the control of a sub-head, or specified amount of a sub-head, has been delegated by the appropriate Accounting Officer.

122. Where a Ministry or Department has been constituted as a Self-Accounting Unit, the Accounting officer as defined in Financial Regulation 111 is charged, in relation to that unit, with the installation and maintenance of a proper system of accounts subject to the general supervision of the Accountant-General.

123. (i) Any Accounting Officer, Sub-Accounting Officer, Officer Controlling Expenditure, Federal Pay Officer, Police Pay Officer, Customs Area Pay Officer, Pensions Pay Officer, Imprest-holder, Revenue Collector or other officer having monetary or financial responsibilities directly connected with, or arising from his official duties, must, in so far as the following requirements maybe applicable to his particular duties:

(i) see that the proper system of account as prescribed by or under the authority of the Accountant-General is established and maintained;

(b) exercise supervision over the receipt of public revenue and ensure its prompt collection;

(c) promptly bring to account, under the proper Heads and Sub-heads of the Estimates or other approved classifications, all moneys, whether revenue or other receipts accounted to him;

(d) see that proper provision is made for safe keeping of public moneys, security documents, stamps, receipts, tickets, licences and valuable documents;

(e) exercise supervision over all officers under this authority entrusted with the receipt and expenditure of public moneys, and take precautions, by the maintenance of efficient checks against the occurrence of fraud, embezzlement or carelessness;

(f) supervise the expenditure of government so that no payment is made without proper authority and call the attention of the appropriate officer in writing where there is any apparent abuse;

(g) promptly charge all disbursements under the proper heads and sub-heads;

(h) check all cash and stamps in his charge and verify the amounts with the balances shown in the cash book or stamp register;

(i) promptly bring to account as receipt any cash or stamps found in excess of the balances shown in the cash book or stamp register;

(j) promptly make good any minor deficiency in cash and stamps not caused by theft or fraud and report in writing details of such deficiency to the appropriate officer (This provision is without prejudice to Chapter 25 of the Financial Regulations);

(k) promptly prepare such financial statements as are required by law or by the Accountant-General;

(l) see that all books are correctly posted and kept up-to-date;

(m) see that the authorized maximum cash balance that may be held at onetime is not exceeded;

- (n) report apparent defect in the procedure of revenue collection detected in the course of his accounting duties;
- (o) produce when required by the Accountant-General or his representative, all cash, stamps, securities and accounts books, and vouchers in his charge; and
- (p) within twenty-one days reply to formal queries or any other enquiries addressed to him by the Accountant-General and Auditor-General giving fully the particulars or information required.

(ii) Disciplinary action will be taken against defaulting officers in accordance with the provisions of the codification of offences and sanctions in Chapter 31. In this connection, it is essential that an officer of sufficient seniority is assigned the duty of ensuring that all formal queries received are replied to in accordance with these regulations.

124. All officers are personally and pecuniarily responsible for the due performance of the financial duties of their ministries/extra-ministerial offices and other arms of government, for the proper collection and custody of all public moneys receivable by them, and for any inaccuracies in the accounts rendered by them or under their authority. The responsibility of the Auditor-General for checking and reporting any shortcomings, in connection with public accounts or finance does not absolve any officer mentioned in Regulation 123 from his responsibility for complying or securing compliance with regulations within the scope of his own authority.

125. No officer shall be relieved of his responsibility should he delegate or entrust the performance of duties or any part thereof to his subordinate officer. An officer who, acting in accordance with the Financial Regulations or other express authority, delegates functions which were assigned in the first place to him is not thereby relieved of that responsibility.

126. The Accountant-General shall from time to time cause surprise inspections to be carried out on the accounts of any of the officers referred to in Regulations 123. Accounting Officers will likewise cause surprise checks to be made on the accounts of their subordinates and report to the Accountant-General any material irregularity connected with Public Accounts which may have been brought to his notice.

127. Accounting Officers shall refer to the Office of the Accountant-General for advise on any matter affecting the accounts of their ministries or extra-ministerial office and other arms of government which is not provided for in these Regulations. Any departure from these Regulations will only be permitted with the concurrence of the Accountant-General.

CHAPTER 2

REVENUE – COLLECTION AND ACCOUNTING

201. The individual officers concerned with the collection of particular items of revenue are specified in an Appendix to each year's Approved Estimates. Where such an officer is not already an Accounting Officer, he shall be primarily responsible to the Accounting Officer of his Ministry or Department. Accounting Officers shall ensure that the accounting codes of their organization include detailed procedures to be followed in the collection, custody and accounting for revenue. Each code will be subject to approval by the Accountant-General after consultation with the Auditor-General and shall thereafter have effect as though it were part of these Regulations. Where the approved code is at variance with these regulations, the code will prevail.

202. Except otherwise expressly provided, every Sub-Accounting Officer or Revenue Collector shall issue a receipt which bear the stamp of the office of issue upon the prescribed form for each sum paid to

him. Under no circumstance shall temporary or privately printed receipts be utilized for the collection of government revenue.

203. Where carbon copy receipt books are used, the payer shall sign the receipt in the space provided for the purpose and where counterfoil receipt books are used, the payer shall sign on the counterfoil of the receipt. When money is received by post or through courier service, the duplicate copy of the receipt issued shall be supported by the covering document. Where the payer is unable to sign his name, he shall be asked by the Sub-Accounting Officer or revenue collector to make his mark, and that mark will be witnessed by a third person, who will also enter his occupation and address.

204. Where printed receipts or licence forms contain spaces for the insertion of details in manuscript, the appropriate details will be inserted in such spaces. Details of amount paid to be inserted in the space provided shall include such information as quantities, rates, invoice number, issue voucher or other documents for the classification and computation of the amount paid to be verified. The particulars of cheques, money and postal orders will be shown on the receipt and counterfoil. Licenses will be brought to account directly in cash books and no covering receipt is required.

205. There will be exhibited prominently in every office where public money is received, notices to the effect that a numbered official receipt shall be obtained for every sum of money paid to Government

206. (i) Except where receipt or licence books are specifically printed for particular purposes, or where receipting machines are used, General Receipts (Treasury Book 6) shall be used by all Sub-Accounting Officers. These books each contain fifty sets of original, duplicate and triplicate receipts.

(ii) The original receipts shall be completed in ball pen, and double-sided carbon paper shall be used to make the duplicate and triplicate copies. The original shall be handed or delivered to the payer by the officer who issued the receipt. The duplicate receipt supported with completed Treasury Forms 15 or 15A shall be used as cashbook voucher and the triplicate receipt shall be retained in the book.

(iii) The above regulations for the preparation and disposal of original, duplicate and triplicate copies of receipts shall be applied also to special receipt books or licence books, which are printed and arranged in the same manner as General Receipt Books.

207. Where fixed fee licences or tickets of the counterfoil type are used the counterfoil of each licence or ticket issued shall be initialed by the issuing officer.

208. (i) Except where receipt or licence books are specifically printed for a particular purpose or where receipting machines are used, Revenue Collectors' Receipts (Treasury Book 6A) shall be used by all Revenue Collectors. These books each contain fifty sets of original, duplicate and triplicate receipts.

(ii) The original receipts shall be completed in ball pen, and double-sided carbon paper will be used to make duplicates and, where applicable triplicates. The original will be handed over or delivered to the payers by the officer who issued the receipts.

(iii) Where fees are fixed, the amount of the fee should be printed on the receipt or licence. Under no circumstance shall a printed face-value of a fixed fee licence or ticket be altered to a lower or higher amount by a revenue collector or Sub-Accounting Officer.

209. (i) Every Revenue Collector will keep a cash book in which all receipts will be entered without delay in strict serial number order on the day of receipt, and in which all payments to a Sub-Accounting Officer or other prescribed officers will be promptly recorded. Such payments shall be made at least once a week unless an alternative specific period is approved by the Accountant-General. The payments will be supported by a revenue Collector's paying-in Form (Treasury Form 15A) and the duplicate receipts will be included by the Sub-Accounting Officer in his monthly accounts. The revenue collector will insert in the

paying-in form the Head and Sub-Head to which the collections are to be credited, but the receiving cashier will in each case verify, so far as he is able, that the Head and Sub-Head are correct.

(ii) Where receipts or licences are of fixed value, such value being printed on the receipt or licence form, details of each such receipt or licence need not be given in the paying-in form, nor need counterfoils be attached. The necessary information will be supplied on Treasury Form 15A as follows: -

<i>Date</i>	<i>Receipt Nos.</i>	<i>Head</i>	<i>Sub-Head</i>	<i>Amount</i>
1-7 April	1002-1016		₦ k	15 at 50k
	7 50			

(iii) Where a document itself constitutes a receipt (e.g. a passport) or where adhesive postage stamps are used as evidence of receipt, a register showing full particulars shall be maintained by the revenue collector and each entry therein checked and initialed by the responsible supervising officer who will satisfy himself that all such revenue had been collected and brought to account in the cash book.

(iv) Federal Revenue Collectors resident in the States shall pay their collections to the appropriate federal pay officers (see provisions of FR 217 and 218).

(v) For the purpose of accountability, revenue received monthly as Federal Government Independent Revenue by ministries/federal pay offices shall be reflected in the monthly transcript and supported by a cheque payable to the Sub-Treasurer of the Federation.

210. All receipt entries in the Revenue Collectors' cash book shall include the dates and numbers of all receipts issued. The Revenue Collector will obtain an official receipt for all moneys paid in by him and will paste this receipt in his cash book, recording its date and number, on the payment side of the cash book.

211. Every Revenue Collector shall submit his cash book and receipt books for examination to the Sub-Accounting Office to whom he pays his collections at such fixed intervals as the Accountant-General or Accounting officer may prescribe. In fixing the intervals at which (a) Collections should be paid and (b) revenue collectors' cash books should be produced for examination, consideration will be taken of the number of transactions, the amount of money collected, the facilities available to revenue collectors for the safe custody of their cash and the traveling time involved. Unless there are exceptional circumstances, the intervals at which revenue collectors' cash books are produced for examination shall not be greater than one month. The Accountant-General or the Accounting Officer shall supplement routine checks as far as possible by surprise inspections at the offices concerned.

212. Sub-Accounting officers and federal pay officers are responsible for ensuring that Revenue Collectors pay in their collections and produce their cash books for examination in accordance with Regulations 209, 211 and thereafter for reporting any failure to do so.

213. (i) Each ministry, extra-ministerial office and other arms of government shall maintain a separate bank account for Revenue at the Central Bank of Nigeria or any other designated bank by the Accountant-General. The balance of the account shall be transferred to the Consolidated Revenue Fund (CFR) account as in Financial Regulation 209.

(ii) On no account shall any withdrawal be made from the revenue account other than for the purpose of transfer to the consolidated account.

(iii) Accounting Officers of ministries/extra-ministerial offices and other arms of government who earn revenue in Foreign currency are to ensure that such revenue is paid to the Central Bank of Nigeria without exception.

214. (i) When a Revenue collector produces his cash book for examination to a Sub-Accounting Officer, the triplicates or counterfoils of his receipt books shall be checked with the receipt entries in his cash book, and the payment entries with the Treasury receipts pasted in his Cash Book, in accordance with the Financial Regulation 210.

(ii) The Revenue Collectors' cash book must be ruled off and balanced, and cash or its equivalent must be produced in support of any collection not paid in previously. Examining officers shall stamp, initial and date in ink the last receipt or counterfoil examined by them in each book after they are satisfied that all moneys received have been correctly accounted for. Measures must be taken at each examination to ensure that no book issued to a Revenue Collector is being concealed for fraudulent purposes; and as far as possible, all books on issue to a Revenue Collector should be produced for inspection on each occasion (see Regulation 1213). Any books not produced at one inspection must be seen at the next, or if fraud is suspected, called for immediately.

(iii) Examining officers shall also impose any additional checks which circumstances may require.

215. A Sub-Accounting Officer shall display in his office an up-to-date chart listing the individual Revenue Collectors under his control and the dates on which each is required to present his cash book for examination, (*see* specimen chart in Appendix 7).

216. Whenever an incorrect entry is made on a receipt or licence, the receipt or licence shall be cancelled and a new one completed. The cancelled receipts or licence, including the original, will be retained in the receipt or licence book.

217. It is the duty of the Accounting Officer responsible for the collection of revenue or other moneys due to Government, to ensure that all collections for which he is responsible are correctly and promptly brought to account, whether such collections are payable direct to him, or to a Sub-Accounting Officer or through any other channel. None of the checks which are required by these Regulations to be carried out by Sub-Accounting Officers relieves the Accounting Officer of the ultimate responsibility of verifying that all collections are brought to account. In addition to any other checks, which an Accounting Officer may consider necessary. Revenue Collectors' cash books and cash balances shall be checked at irregular intervals and cash books shall be promptly reconciled with revenue registers or other records in use for the control of collections. Accounting Officers will notify the appropriate Sub-Accounting Officer and the Auditor-General of the establishment of any new revenue collecting office.

218. If an officer who is neither a Revenue Collector nor a Sub-Accounting Officer comes into possession of moneys in the course of his official duties, he will lodge them without delay with a Sub-Accounting Officer who will issue an official receipt. The lodgment will be supported by a paying-in form (Treasury Form 15). When accepting such lodgment, the Sub-Accounting Officer will ascertain whether the officer is likely to come into possession of further moneys in the course of his duties, and if so, will arrange for the officer to be supplied with an official receipt booklet.

219. Subject to Regulations 716 and 717, and unless the Accounting Officer or Sub-Accounting Officer shall expressly authorize otherwise, at all stations where there is a bank in which the government revenue account is kept, collections shall be paid in to the credit of the government account at the bank, the relevant bank credit slip supported by completed Treasury Forms 15 or 15A in duplicate being tendered to the Sub-Accounting Officer in lieu of cash at the earliest possible time (see FR 711).

220. (i) Sub-Accounting Officers who function as Revenue Collectors will bring their collections to account direct into their cash books, the receipt being acknowledged on General Receipt Form (Treasury Book 6) or the appropriate Receipt or licence form.

(ii) This Regulation is not intended to prevent a division of work in a particular office. Any officer other than the Sub-Accounting Officer may, for instance, be supplied with a Revenue Collector's receipt book (Treasury Book 6A) and made responsible for the collection of specified revenue. Such officer shall be subject to all regulations relating to the conduct of Revenue Collectors.

221. Any unexplained surplus cash and/or interest on bank deposit shall be promptly brought to account as a receipt, placed on a Below-the-line deposit account, and reported to the Accountant-General or, in the case of a self-Accounting unit, to the Accounting Officer. Subject to the specific approval of the Accountant-General or the Accounting Officer, as the case may be such surplus may be withdrawn from deposit to make good a subsequent deficiency provided that the deficiency is directly attributable to the correction of the error which caused the apparent surplus. The Accountant-General shall prescribe that amounts not so withdrawn from deposit are transferred to Revenue.

222. Interest earned on bank accounts must be properly classified to the appropriate revenue head of Accounts and paid to the Consolidated Revenue Fund.

223. No deductions shall be made from any revenue collections or other receipts to adjust a previous over-credit. The gross amount received must, on all occasions, be accounted for in full. The procedure for refunds of revenue and advance payments above is prescribed in Financial Regulations 3006.

224. The following general principles shall apply in respect of all monies due to federal government.

(i) All accounts or statements requesting payment to government of revenue due shall be sent out in advance and should show thereon the date by which payment ought to be made.

(ii) All services rendered by government must be paid for immediately on completion of the service. Where possible, payment may be made in advance.

(iii) Where payment is outstanding a system of following-up by means of reminders and final demand through courier service shall be made. Printed pro-forma as should be used for this purpose, and definite instructions will be laid down by Accounting Officers in Ministries, Extra-Ministerial offices and other Arms of Government for the reporting of outstanding arrears at an early date to a designated officer for a decision as to the action necessary to enforce payment, e.g. legal action.

225. Arrears of Revenue are revenues collectable during a given financial year but which remains uncollected three months after the close of that financial year.

226. Abandoned revenues are arrears of revenue which have become impossible to collect.

227. (i) Accounting Officers who are responsible for the collection of revenue will furnish annually a Return of Arrears of revenue due at the 31st December in each year which remains uncollected by the following 31st March. The return, which will be submitted by the 31st May, shall be prepared in triplicate, one copy each sent to the Accountant-General, and the Auditor-General while the third retained for record purposes. In cases where there is no outstanding revenue a NIL return should be rendered. The Accountant-General will list in his Annual Report these departmental returns for the information of the Public Accounts Committee.

(ii) It is the responsibility of Accounting Officers to follow up outstanding items of revenue and to take all necessary steps to ensure collection or, where collection is no longer possible, to apply to the ministry of Finance for authority for a write-off, explaining the circumstances.

228. The Chairman of Federal Inland Revenue Service shall furnish, in lieu of the Arrears of Revenue as at 31st December, a return of all assessments raised up to that date and still outstanding at the 30th June, each year. Such return will include all assessments in the following categories:

- (a) Under objection.
- (b) Under appeal.
- (c) Unpaid.

229. The returns to be rendered by the Chairman of Federal Inland Revenue Service under Regulation 228 shall be accompanied by a return showing, in respect of all assessments outstanding as at 31st December, the income tax:

- (a) Collected.
- (b) Discharged on objection or appeal
- (c) Written off as irrecoverable under the prescribed authority during the six months to the 30th June.

230. (i) Arrears of Revenue returns must include all arrears for which the Accounting Officer is responsible to collect and not merely the arrears in respect of Headquarters only. Heads of Department/Division should be notified of any amounts collectable by their department officers.

(ii) Officers responsible for returns of Arrears of Revenue should not overlook the possibility of fraud in cases where there is a considerable increase in the arrears without adequate explanation. Steps should be taken to test this possibility by the issue of bills through means other than the normal channels.

(iii) Arrears of Revenue returns must include all arrears still outstanding from previous years if not written off.

231. (i) In the case of irrecoverable arrears of revenue, except where other authority is by law established, the authority of the Minister of Finance is required for any abandonment of claims.

(ii) In the case of minor arrears of revenue not involving any important principle or negligence on the part of a Government officer, where the non-collection is due to local circumstances, the Minister of Finance will, from time to time, furnish to the Auditor-General, a list of cases in which it has been decided to abandon or remit such arrears, with the reasons for so doing entered against each case. Unless the Auditor-General sees cause to challenge the decision in any case, this list will be accepted as a valid discharge for the Accounting Officer in respect of the non-collection of any amount specified therein.

232. If at any time, a Public Officer sustains a loss of Revenue due to negligence, he shall be liable to be surcharged for the amount involved.

233. (i) All remittances such as bank notes, cheque, bank draft, etc received through post or by hand shall be passed to the Director, Finance and Accounts Department who will send them to Head of Account. The Heads of Accounts shall immediately enter, or cause to be so entered under his direct supervision full details of all remittances into a Paper Money Register (Treasury Book 12) shall prepare, or cause to be prepared, a Treasury Form 15 in respect of each remittance. The remittances, together with the Paper Money Register and the Treasury Forms 15 will then be passed to the cashier who will forthwith issue receipts or licences in respect of all such amount and bring them to account in his cash book.

(ii) After entry by the cashier in the Paper Money Register of the dates and numbers of the receipts or licences issued, the Register shall be returned to the Head of Accounts who will cross-check the particulars of the original receipts or licences with the details entered in the Paper Money Register.

(iii) When a cheque or bank draft, is returned to sender, redirected to another office or remitted to another station for collection, an appropriate entry will be made in the Paper Money Register, giving reference to the covering memorandum or Remittance Voucher.

(iv) In no circumstances may the Paper Money Register be maintained, or incoming mail opened, by the cashier.

234. (i) It is mandatory for Accounting Officers to ensure full compliance with the dual roles of making provision for the Value Added Tax (VAT) and Withholding Tax (WHT) due on supply and services contract and actual remittance of same.

(ii) Any loss of government revenue through direct payment of VAT and WHT to contractor or failure to provide for VAT and WHT due and remitting same to Federal Inland Revenue Service by any ministry/extra-ministerial department shall be recovered from the statutory allocation of the defaulting ministry/extra-ministerial office and other arms of government. Remittance shall be made not later than 21 days after deduction.

(iii) Accounting Officer/Sub-Accounting Officer who fails to provide for and remit VAT and WHT due on Vatable supplies and services shall be sanctioned under the applicable VAT Act. No. 102 of 1993, which may include fines and/or imprisonment.

235. Deductions for WHT, VAT and PAYE shall be remitted to the Federal Inland Revenue at the same time the payee who is the subject of the deduction is paid.

236. Revenue paid into the Revenue Accounts for Internally Generated Revenue (IGR) or MDAs shall be transferred to the CFT on or before the 15th of the month following the month of collection of the Revenue.

CHAPTER 3

EXPENDITURE – AUTHORITIES FOR

301. The Annual Estimates and Appropriation Act are instruments used to limit and arrange the disbursement of the funds of the Federal Government. No expenditure maybe incurred except on the authority of a warrant issued by the Minister of Finance. No expenditure may be incurred by any officer on any service, whether or not included in the Estimates, until he has received an authority to do so in accordance with one of the following provisions in these rules and regulations. Any officer controlling a vote, or part thereof, who incurs expenditure without such authority does so on his sole responsibility and will consequently be held pecuniarily responsible for his actions.

PART I

RECURRENT EXPENDITURE

302. (i) Recurrent expenditure is paid from the Consolidated Revenue Fund and no such expenditure maybe incurred except on the authority of a Warrant duly signed by the Minister of Finance, and without such a warrant the Accountant-General shall not accept in his accounts any charge upon the Consolidated Revenue Fund.

(ii) The authority of the Minister of Finance shall be conveyed in one of the following forms of warrant:

(a) Provisional General Warrant

- (b) Recurrent Expenditure General Warrant
- (c) Recurrent Expenditure Supplementary General Warrant.
- (d) Supplementary (Contingencies) Warrant.
- (e) Virement Warrant
- (f) Supplementary (Statutory Expenditure) Warrant.

303. A Provisional General Warrant shall be issued where the Appropriation Act has not come into operation at the commencement of the financial year. The warrant shall authorise the withdrawal of moneys from the fund as maybe necessary for carrying on the services of government for a period not exceeding six months and at a level not exceeding the level of those services prevailing in the previous financial year. The original copy of a provisional General Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. A notification that the warrant has been signed shall also be published in the federal official gazette.

304. The General Warrant authorizes the Accountant-General to issue funds to pay for the personal emoluments and other services provided in the Annual Estimates, and authorises the officers controlling expenditure votes to incur expenditure on these purposes. The Minister of Finance may exclude from the Annual-General Warrant any item of expenditure over which it is desired to exercise special control (See Financial Regulations 311). The original copy of the Annual-General Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. A notification that the warrant has been signed shall also be published in the Federal Official Gazette.

305. A Supplementary General Warrant authorizes the Accountant-General to issue funds to pay for the additional personal emoluments and other services which must have been approved in Supplementary Estimates, and for which additional funds have been appropriated by the National Assembly. The Minister of Finance may exclude from the Supplementary General Warrant any item of expenditure over which he desires to exercise some control (see Financial Regulation 311). The original copy of a Supplementary General Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. A notification that the warrant has been signed shall also be published in the federal official gazette.

306. A Supplementary (Contingencies) Warrant may be issued in very exceptional cases, where virement is not possible and where an application for additional provision reveals such a degree of urgency that the issue of funds cannot without serious injury to the public interest be postponed until a Supplementary Appropriation Act can be passed. Such authority shall be conveyed by the issuance of Contingencies Fund Warrant to the Accountant-General, authorising him to transfer the necessary funds from the Contingencies Fund to the Consolidated Revenue Fund, and also by the issuance of a Supplementary (Contingencies) Warrant, authorising expenditure form the head and Sub-Heads concerned. The original copies of both warrants are addressed to the Accountant-General, with signed copies forwarded to the Auditor-General. The Minister of Finance will also notify the officers controlling the relevant votes of the additional expenditure authorized.

307. In no circumstances will expenditure incurred under this Contingency Fund procedure be charged, or the relevant vouchers classified directly, to the Contingency Fund. Expenditure authorized under this procedure is subject to the covering approval of the National Assembly at its next meeting and must for this purpose be included in a Supplementary Appropriation Act.

308. A Supplementary General Warrant shall be the authority of the Accountant-General to transfer any sum appropriated from the Consolidated Revenue Fund to the Contingency Fund by way of replenishment.

309. A Virement Warrant shall be issued when, as a result of circumstances which could not have been foreseen when the Annual Estimates were being compiled, additional provision is required under a particular sub-head (or a new sub-head is required) while, at the same time, equivalent savings can be

made under another sub-head of the same Head. Virement Warrants shall be issued on the approval of the virement by the National Assembly.

310. Virement of funds from one sub-head to the other may be granted under the following conditions:

- (a) the amount to be vired from any sub-head within a financial year under over-head costs should not exceed any limit prescribed by the National Assembly in the approved estimates for each sub-head under the over-head costs;
- (b) virement shall not be used to create a new sub-head or re-introduce items disallowed by the Estimates Committee during the Estimates exercise or by the National Assembly; and
- (c) virement shall not apply to queries raised by the Auditor-General in respect of improper expenditure already incurred by a ministry/extra-ministerial office and other arms of government.

311. Any variation in the Establishment or rates of allowances authorized for the Public Service in the Annual or in Supplementary Estimates, whether or not it requires an addition by virement to the personal emoluments vote concerned, must receive the approval of the Minister of Finance and the Office of the Head of Civil Service, which approval shall be notified to the Auditor-General.

312. A Supplementary (Statutory) Expenditure Warrant is issued, where necessary, additional expenditure over and above that included in the General Warrant or in a Supplementary General Warrant, in respect of votes which are chargeable against the Consolidated Revenue Fund by virtue of the Constitution of the Federal Republic of Nigeria. The original copy of a Supplementary (Statutory) Expenditure Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. The Minister of Finance will also notify the officers controlling the relevant votes of the additional expenditure authorised.

313. The authority conveyed to the Accountant-General, and to officers controlling votes, by Recurrent Expenditure Warrants is limited to the amounts provided under each sub-head in the Approved Estimates and Supplementary Estimates. No expenditure on any sub-head of the Recurrent Estimates in excess of the provision in the Approved estimates or Supplementary Estimates may be authorized by any officer controlling a vote, without approval of the National Assembly. Such approval will be sought by means of an application for supplementary provisions or virement.

314. If provision is required to complete payment for an item for which provision was made in the previous year's estimates, and which cannot be contained within the current year's estimates, an application for supplementary provision or for virement must be made. An unspent balance on a recurrent expenditure vote cannot be revoted.

315. Subject to any special instructions which may from time to time be issued, applications for supplementary provision should be submitted to the Minister of Finance on General Form 57, with a copy to the Auditor-General and, where questions of establishments, gradings or personnel are involved, a copy shall be sent to the office of the Head of Service of the Federation. The Minister of Finance will decide, after consultation, where necessary, with the Office of the Head of Civil Service of the Federation whether an application is justified and the provision of additional funds is in the public interest. He will also decide whether the provision should be included in the Supplementary Estimates to be submitted at the next meeting of the National Assembly or provide the funds immediately by means of a Supplementary (Contingencies) Warrant or by a Virement Warrant.

316. (i) Ministries/extra-ministerial offices and other arms of government shall forward completed application form Gen. 57 relating to virement on grading and establishment to the Office of the Head of Civil Service of the Federation. Such application shall be made and approval obtained not later than first quarter of the Financial Year.

(ii) Ministries/extra-ministerial officers and other arms of government shall forward completed form Gen.57 relating to Virement in respect of funds to the Budget Office of the Federation with copies to the Accountant-General and Auditor-General. Such application shall be submitted and approval obtained not later than tenth month of the budget year. No application submitted after the tenth month shall be considered.

(iii) Virement from one Head of Account in the Recurrent Expenditure estimates to another Head of account in Capital Expenditure estimates shall not be allowed and vice versa.

(iv) All applications for virement shall be collated by the Minister of Finance and submitted to National Assembly for approval before virement warrant shall be issued.

(v) A register is to be kept for all approved virements, details of which shall be forwarded within one month to the Office of the Accountant-General and the Auditor-General.

317. Officers authorized to incur expenditure shall ensure that, on receipt of the virement warrant, expenditure against the sub-head from which the provision was transferred is not allowed to exceed the reduced balance therein. Officers controlling votes are personally responsible for ensuring compliance with this regulation.

PART II

CAPITAL EXPENDITURE

318. Capital Expenditure is paid from the Development Fund, and no such expenditure may be incurred except on the authority of a warrant duly signed by the Minister of Finance, and without which the Accountant-General shall not accept in his accounts any charge upon the Development Fund. The authority of the Minister of Finance shall be conveyed in one of the following forms of Warrants:

- (a) Provisional Development Fund General Warrant.
- (b) Development Fund General Warrant.
- (c) Development Fund Supplementary General Warrant
- (d) Development Fund Supplementary Warrant
- (e) Development Fund (Special) Warrant
- (f) Development Fund Virement Warrant

319. Where the Capital Estimates has not come into pertain at the commencement of the financial year, the President shall authorize the withdrawal of money from the Development fund as may be necessary through the issuance of a Provisional Development Fund General Warrant for carrying on the services of Government for a period not exceeding six months and at a level not exceeding the level of those services prevailing in the previous financial year. The original copy of a provisional Development Fund General Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. A notification that the warrant has been issued shall be published in the federal official gazette.

321. A Development Fund Supplementary General Warrant authorises the Accountant-General to issue funds, and the officers controlling the votes concerned to incur expenditure, on projects as sanctioned by the National Assembly in resolutions approving Supplementary Capital Estimates. The Minister of Finance may exclude from the Development Fund Supplementary General Warrant any item of expenditure included in Supplementary Capital Estimates over which it is desired to exercise special control. The original copy of a Development Fund Supplementary General Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. A notification that the warrant has been issued shall be published in the Federal Official Gazette.

322. (i) A Development Fund Supplementary Warrant authorizes the Accountant-General to issue funds and the officers controlling the votes concerned to incur expenditure in certain circumstances on capital projects beyond the amounts provided for the year concerned in the Annual or Supplementary Capital Estimates. Its purpose is to accelerate the provision of funds formally allocated but not yet voted for a project, by bringing forward an amount from the "Balance to Complete" column of the Estimates. Provision of funds by such a warrant is strictly limited in so far as the amount of the provision brought forward, when added to the total expenditure authorised for the current year, must not exceed the estimated total cost of the project as shown in the Annual or Supplementary Estimates. The original copy of a Development Fund Supplementary Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. The Minister of Finance shall also notify the officers controlling the relevant votes of the additional expenditure authorised.

(ii) Expenditure brought forward must not exceed the remaining balance in the Development Fund after necessary provision had been made for all other expenditure authorized for the year. Expenditure authorized by a Development Fund Supplementary Warrant is required to be reported to the National Assembly at its next meeting.

323. A Development Fund (Special) Warrant may be authorized by the Federal Executive Council (FEC) when an application for Supplementary provision reveals a degree of urgency which makes it essential that funds be immediately made available to meet expenditure which cannot be provided for by virement or without serious injury to the public interest, be postponed until adequate provision can be made by the National Assembly. The issue of such a warrant for any amount is subject to the limitation that if expended at once it must not exceed the remaining balance of the Development Fund after necessary provision had been made for. Expenditure authorized by Development Fund (Special) Warrant shall be submitted under the appropriate Head of Capital Expenditure to the National Assembly at its next meeting for approval. The original copy of a Development Fund (Special) Warrant is addressed to the Accountant-General with a signed copy forwarded to the Auditor-General. The Minister of Finance shall also notify the officers controlling the relevant votes of the additional expenditure authorised.

324. The purpose of a Development Fund Virement Warrant is to permit the issue of additional funds required for the completion of a capital project, for which the funds earlier provided in the approved Annual or Supplementary Estimates, was insufficient or inadequate, provided sufficient off setting savings can be found within the amounts appropriated for the capital projects in the same Economic Programme Section, or sufficient amount is available within an appropriation made under the Section after allowing a margin for increased costs. Such virement is subject to the following limitations:

- (a) re-allocation may be made only within the same Head of Expenditure in the Capital Estimates;
- (b) the re-allocation must not give effect to a new principle, or policy, or increase provision as to raise doubts whether the intentions of the National Assembly in approving the Head of Estimates concerned would not be exceeded; and
- (c) funds cannot be provided in this way for a new project. A Development Fund Virement Warrant shall be issued by the Minister of Finance after approval by the National Assembly. The original copy of the Warrant is addressed to the Accountant-General and a signed copy shall be forwarded to the Auditor-General. The Minister of Finance will also notify the officers controlling votes of the additional expenditure authorized.

325. Subject to any special instructions which may be issued from time to time, applications for additional capital provision shall be made by a letter addressed to the Ministry of Finance, with a copy to the National Planning Commission. Where an application involves the bringing forward of expenditure, the letter must be supported by a statement showing in respect of each project concerned:

- | | |
|---|---|
| <ul style="list-style-type: none"> (a) the estimated total cost as shown in the Current Annual or Supplementary; (b) the total expenditure incurred up to the end of the (c) the provision in the Current Estimates, whether Annual Supplementary; (d) the unspent balance in the appropriate vote at the financial year. | <ul style="list-style-type: none"> Estimates, whether previous financial year; or end of the previous |
|---|---|

326. The foregoing Financial Regulations set out the authorities necessary for expenditure to be incurred from the Consolidated Revenue Fund and from the Development Fund or where a sufficient amount is available within an appropriation made under the section providing a margin for increased cost. The authority to incur expenditure from any of the other Public Funds of the Government is the appropriate warrant signed by the Minister of Finance, addressed to the Accountant-General, who is empowered to make disbursements from the various Public Funds in the manner prescribed by law and in accordance with the special rules relating to each fund.

CHAPTER 4

EXPENDITURE – CLASSIFICATION AND CONTROL

401. (i) All disbursements of public funds shall be made by the Accountant-General on the authority of the appropriate Warrant issued to him and also by Accounting Offices entrusted with the expenditure of public fund falling within the votes of charge of their ministries or extra-ministerial offices and other arms of government. The officers charged with the control of votes shall be specified in the Annual Estimates together with the votes for which they are responsible.

(ii) The provisions of Regulation 404 notwithstanding, the ultimate responsibility to the Federal Executive Council for the control of votes rests with the Accounting Officers at all times. However, any officer making, allowing or directing any disbursement without proper authority shall be personally responsible for the amount involved and any officer whose duties require him to render accounts shall similarly be held responsible for any inaccuracies in his accounts.

402. (i) It is the duty of every officer controlling a vote to monitor the expenditure pattern of his ministry, extra-ministerial office and other arms of government with reference to the amounts provided in the Estimates. He shall keep a departmental vote book posted up-to-date in such form as will clearly show in respect of each sub-head the following:-

(a) In the space provided at the top of the Vote Book for:

- (i) The amount sanctioned in the Estimates;
- (ii) The amount of any additional provision by supplementary or other Warrants quoting the Warrant Number;
- (iii) Any reduction of the provision by virement to another sub-head or item quoting the Warrant Number. Any such reduction should be shown in red ink.

(b) in the columns provided in the body of the Vote Book:

- (i) Expenditure incurred;
 - (ii) Any further known liabilities under the Sub-Head for the
 - (iii) The balance available.
- year;

(ii) It is the duty of the officer controlling vote, or such other officer acting under this instructions, to investigate fully, without delay, any payments or charges appearing in the schedules submitted by the Accountant-General which do not appear in the vote book, with a particular view to the detection of fraudulent payments.

403. The gross amount, i.e. the actual charge to the vote, of every expenditure voucher will be entered in the vote book. Similarly all liabilities and commitments will be entered as soon as they are known or incurred, e.g. indents and requisitions for stores, Local Purchase Orders, Job Orders. Liabilities or commitments shall be cleared with necessary adjustments when the actual payment is being effected. Sub-Heads affected by supplementary or other warrants should be adjusted in the vote book by addition to, or deduction from the amount hitherto shown as provided, as the case may be.

404. An Accounting Officer, at his discretion, may delegate the day-to-day control of expenditure to a subordinate officer by the direct delegation of the whole Vote by formal letter or written instruction (Regulation 401). An officer to whom responsibility for expenditure control has been delegated shall keep a Vote Book in the manner prescribed in Regulation 402. He shall not sub-delegate such responsibility wholly or partly, without the knowledge and approval of the officer controlling the vote.

405. When it is necessary for an Accounting Officer to authorise other officers to incur expenditure and sign vouchers on his behalf, he shall do so by issuing Authority to Incur Expenditure (A.I.E) supported by appropriate cash backing addressed to the officers concerned with copies to the Sub-Accounting Officer at the paying station or office. The Sub-Accounting Officer shall maintain an appropriate record and ensure that the amount of the A.I.E. is not exceeded. The officer controlling the vote shall enter the amount of the A.I.E. in his Vote Book as a commitment. The officer to whom the A.I.E. has been issued will also keep a Vote book and will submit to the officer controlling the vote at the end of every month, returns of expenditure, liabilities incurred and the balance available together with copies of the vouchers. The expenditure so incurred shall be reconciled by the officer controlling the vote in accordance with Regulation 403.

406. When an Authority to Incur Expenditure is issued by one ministry, extra-ministerial office and other arms of government to another, it will be the duty of the responsible officer in the receiving Ministry or Department to maintain a Vote Book and forward a monthly returns of expenditure to the issuing Ministry/Department showing expenditure, liabilities incurred and balance available. The monthly returns must be supported with copies of paid vouchers.

407. At the time of entry in the vote book whether as a payment or a liability, all vouchers, indents, local purchase orders, job orders, agreements shall be stamped "ENTERED IN VOTE BOOK" and initialled by the officer responsible for maintaining the vote book. Officers empowered to incur expenditure must ensure by adding their initials against the relevant entry that the requisite vote book entries are made before the payments are authorized by their signatures to the payment vouchers.

408. As soon as possible after the end of each month, the Accountant-General will furnish Accounting Officers with schedules of all payments and adjustments, together with copies of the vouchers charged to their votes for examination. Any discrepancy which such examinations may disclose should immediately be brought to the notice of the Accountant-General (*see* Chapter 16 of procedure for self accounting units).

409. Where a serious irregularity in a voucher is established or suspected the officer controlling the vote shall immediately investigate and report the circumstances, inform the police, if fraud is suspected, and take such other action as is necessary to remedy the error or to prevent re-occurrence. Where a loss of public fund is revealed, action shall be taken in accordance with Chapter 25 of these Regulations. In the event of any unauthorised payment being made in consequence of an incorrect certificate or entry on

a voucher, the certifying officer or the sub-accounting officer as provided under Regulation 420 shall be held responsible and surcharged for the amount involved.

410. The signature of the officer controlling a vote, or an office signing for him, certifies to the accuracy of every details on the voucher. He shall, therefore, be held responsible that the services specified have been duly performed, the prices charged are either according to contracts or approved scales, or fair and reasonable according to current local rates, authority has been obtained as quoted, the computations and castings have been verified and are arithmetically correct, the persons named in the vouchers are those entitled to receive payment, and stores purchased have been duly taken on charge or correctly issued for immediate consumption if they are expendable.

411. Officers authorized to sign payment vouchers shall not be below the rank of Accountant I or a Senior Executive Officer (Accounts). The Accounting Officer shall furnish the Internal checking section, internal audit unit and the paying Officer with the specimen signatures along with the list of relevant votes chargeable.

412. Where a contract involves supplies of goods or work done, there will be attached to the voucher a certificate that the payments are in accordance with terms of the contract agreement, that as regards supplies, the articles have been received and, in the case of work, that it has been properly done. In the case of payment on account, no money will be claimed other than the cost of the work certified to have been performed. If a deduction is made from the amount payable on a contract in respect of a penalty or fine, the net sum only will be paid, while the deduction shall be credited to the appropriate revenue head.

413. (i) Recurrent Expenditure. The authority for recurrent expenditure conveyed by any of the warrants contained in Chapter 3 lapses at the end of the financial year to which it relates. Any unspent balance required for the completion of a service must be provided for in the Estimates of the year in which the sum will actually be expended.

(ii) Capital Expenditure

(a) In the case of capital expenditure, any amount conveyed by any of the warrants in chapter 3 which has not been cash backed from the Consolidated Revenue Fund Account to the Central Capital Account (CCA) automatically lapses at the end of the Financial year;

(b) any balance in the CCA at the end of the Financial year which has not been cash-backed into the Capital Account of the spending Ministry/Agency shall lapse by 31st March of the following year; and

(c) any amount cash-backed into the Account of the spending Ministry/Agency shall not lapse but shall be utilised for the purpose stated in the warrant.

414. The date of payment shall be the date of the record of the charge in the accounts, except as otherwise specifically authorised by the Accountant-General. Under no circumstances shall anticipated savings be utilised for payments before they are due. Likewise the unexpended portion of any sub-head shall not be drawn for the purpose of setting it in reserve to meet impending payments, or be carried to a deposit or a suspense account. On the other hand, expenditure properly chargeable to the account of a given year under, as far as possible, be met within the year, and must not be deferred or placed in suspense for the purpose of avoiding an excess on the amount provided in the Estimates. Unallocated stores may not be drawn for use before they are required in order to utilize provision in the Estimates which would otherwise lapse at the end of the financial year.

415. The federal government requires all officers responsible for expenditure to exercise due economy. Money must not be spent merely because it has been voted.

416. (i) Without prejudice to FR 312 of these Regulations, any sums due to contractors whose project has been provided for in the Annual Budget and the "certificate of 'no objection' to award contract" has been obtained shall be entitled to payment.

(ii) Pursuant to sub-section (i) above, the Accountant-General shall determine the level of such amounts due but which could not be paid owing to lack of funds at the end of the financial year and seek approval of the Honourable Minister of Finance for a revote through supplementary appropriation in the subsequent year.

417. Expenditure shall strictly be classified in accordance with the Estimates, and votes must be applied only to the purpose or which the money is provided. Expenditure incorrectly charged to a vote shall be disallowed.

418. All payments made under authority of or on behalf of self-accounting units by Accounting Officers of other units or departments must be backed by cheques and or cash and shall be classified to the appropriate Cash Transfer Account and not direct to the expenditure sub-head of the Estimates.

419. Officers controlling votes and officers acting under their instructions shall arrange, so far as it is practicable, to spread expenditure evenly over the year. Officers controlling votes are solely liable for unauthorised expenditure in excess of the sum allocated.

420. Before making any payment a Sub-Accounting Officer shall satisfy himself that:

- (a) The expenditure has been authorized by Warrant and the voucher correctly classified in accordance with the Estimates or Supplementary Estimates.
- (b) The information furnished on the voucher is correct, the certificates on voucher completed where necessary and the vouchers signed by the appropriate officer.
- (c) All deductions from salaries such as pensions staff contributions, repayment of advances, or other liabilities have been duly made (See also Regulations 609 and 611).

421. The classification of a voucher shall not be changed arbitrarily by a checking officer or Sub-Accounting Officer. An alteration to the classification of a voucher shall only be effected by the officer controlling expenditure who will amend his Vote Book accordingly.

422. (i) Officers controlling votes are responsible for ensuring that, as far as possible, payment for services rendered are settled within the financial year in which they were rendered. When necessary reminders should be sent to private parties to forward their claims without delay. Neglect to do this will not prejudice the private party but the officer who has neglected to press for claims shall be held responsible. Officers controlling votes must impress this necessity upon their subordinate officers. Where the validity of a claim is beyond doubt, payment before the end of the year shall not be held over because of imperfections in the vouchers which can be corrected after payment.

(ii) All instruments of commitments, indents, LPOs, Job Orders and signed contracts must be entered into the Vote Book as liabilities. All such contracts should be embossed with the impression "ENTERED INTO VOTE BOOK" (see FR 407).

CHAPTER 5

STANDARDISATION AND ACCOUNTING PROCEDURES

501. By the provisions of Sections 3 and 4 of the Finance (Control and Management) Act Cap 144 Laws of the Federation, 1990, the Minister of Finance shall have full authority to direct on all matters relating to the finance and accounting affairs of the federation which are not by law assigned to any other Minister. Specifically, the Minister of Finance shall from time to time direct the issuance of the Financial Regulations to guide all public officers on the receipts and disbursements of Public Funds, as well as the management of public assets.

502. Pursuant to FR 501, the Accountant-General shall issue from time to time Treasury Circulars and Accounting Manual to guide Accounting Officers and other employees of each ministries/extra-ministerial offices and other arms of government on all matters relating to the provisions of the Financial Regulations.

503. The frequent movement of accounting staff between ministries, extra-ministerial offices and other arms of Government calls for a degree of standardisation in the accounting procedures in use in all federal ministries and self-accounting units. For this purpose, federal ministries/extra-ministerial offices and other arms of government shall use the Financial Regulations, Treasury Accounting Manual and Treasury Circulars issued by the Office of the Accountant-General in accounting for their daily financial transactions.

504. Any material variation of an existing accounting procedure, or a proposed accounting procedure to be introduced into a new office, must be approved by the Accountant-General after consultation with the Auditor-General.

505. The purchase of accounting equipment or machines, in connections with a variation of an existing procedure, or an installation in a new office, or in replacement of a major item of equipment must be approved by the Accountant-General.

506. A detailed flow chart shall be submitted to the Accountant-General when application is being made for a variation of an existing procedure or introduction of a procedure to a new office.

507. The approved Accounting Code and Internal Audit Guide of ministries/extra-ministerial offices and other arms of government or self accounting unit as well as Treasury circulars issued by the Accountant-General shall be circulated to all officers within the ministry, extra-ministerial office and other arms of government for their guidance and compliance.

CHAPTER 6

PAYMENTS PROCEDURE

601. All payment entries in the cash book/accounts shall be vouched for on one of the prescribed treasury forms. Vouchers shall be made out in favour of the person or persons to whom the money is actually due. Under no circumstances shall a cheque be raised or cash paid for services for which a voucher has not been raised.

602. Separate vouchers shall be raised for separate sub-heads. Separate vouchers shall also be raised for the payment of different services.

603. (i) All vouchers shall contain full particulars of each service, such as dates, numbers, quantities, distances and rates, so as to enable them to be checked without reference to any other documents and will invariably be supported by relevant documents such as local purchase orders, invoices, special letters of authority, time sheets, e.t.c.

(ii) The following particulars, as may be applicable, must be given on vouchers;

- (a) Reference to the contracts and details of any previous payment(s) under such contracts;
- (b) Reference to the numbers, dates and stations of deposits in case of repayments;
- (c) Reference to special authorities;
- (d) The appropriate authority for expenditure as under:
 - (i) Provisional General Warrant (P.G.W or G.W.) No./ (Financial Year).
 - (ii) Supplementary General Warrant (S.G.W.) No./ (Financial Year).
 - (iii) Supplementary (Contingencies) Warrant (S.G.W.) No./ (Financial Year).
 - (iv) Virement Warrant (V.W.) No./ (Financial Year).
 - (v) Development Fund General (Provisional) Warrant (D.F.P.G.W.)_No./ (Financial Year). (D.F.G.W.) or
 - (vi) Development Fund Supplementary General Warrant (D.F.S.G.W.) No./ (Financial Year).
 - (vii) Development Fund Supplementary Warrant (D.F.S.W.) No./ (Financial Year).
 - (viii) Development Fund (Special) Warrant (D.F.(S).W.)_ No./ (Financial Year).
 - (xi) Development Fund Virement Warrant (D.F.V.W.)_ No./ (Financial Year).

(iii) Vouchers for payments made under the authority of an A.I.E. in addition to any one of the above authorities, shall also quote the number of the A.I.E. The A.I.E. shall be applied strictly in accordance with F.R. 406.

604. The following rules shall be strictly observed in the preparation of payment vouchers.

- (a) Vouchers shall be made out either in ink, ball pens or shall be typewritten. On no account shall vouchers be written in pencil. All copies must be legible. The totals of all vouchers shall be written in ink and in words as well as in figures.
- (b) No erasures of any kind, whether in typescript or manuscript or the use of correction fluid shall be allowed.
- (c) A single thick horizontal line shall be drawn immediately before, and immediately after the Naira (N) figure where it appears in word. Spaces shall not be allowed. Where the (N) figure is nil, the work "NIL" shall be entered in the appropriate space.

605. Officer controlling vote shall maintain a payment voucher register as shown below. Under no circumstances shall be sign a voucher until it has been entered in the register and has accordingly confirmed the accuracy of the entries therein.

606. Only the originals of payment vouchers shall be signed in full in ink or ball pens by the certifying officer and the payee. Copies shall be initialled or stamped. Facsimile signature stamps shall not be used. Any name stamp used for copy vouchers must be strictly safeguarded by the officer concerned.

607. Each certificate on a payment voucher shall be signed separately. Signatures shall not be written across one or more certificates.

608. Duplicate and triplicate copies shall be clearly marked. "Duplicate", "Triplicate" and copies shall not be accepted as payment vouchers.

609. (i) All payment vouchers shall be passed to checking section for checking to ensure that all the requirements of a valid voucher are on the payment voucher.

(ii) All Vouchers shall be stamped "checked and passed" for payment at (station) only and is duly signed to that effect by the checking officers in the appropriate place on the voucher.

(iii) Payment vouchers received in the checking section must be promptly dealt with and under no circumstances shall a voucher be held in that unit for more than forty-eight (48) hours.

610. Alterations to the amount of voucher a whether in words or figure are not allowed. A new voucher must be prepared when necessary. Any other alteration must be supported by the full signature of the officer certifying the voucher or, if the alteration is in the receipt, of the payee.

611. A Sub-Accounting Officer may not make payment against a voucher unless:

(a) It is certified for payment by the officer who is _____ authorized to do so.

(b) It is stamped "checked and passed for payment at _____ (Name of station) only", and is duly signed to that effect by the checking officer in the appropriate place on the voucher.

(c) It is not more than three months since the voucher _____ was signed by officer controlling expenditure.

(d) It is accompanied by a schedule in the following form:

Departmental
Office of issues *Serial No. of Schedule*
Date:.....

<i>Departmental P.V. No.</i>	<i>Payee</i>	<i>Amount</i>	<i>For payment at</i>
		<i>N : k</i>	

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Total

I certify that the above vouchers have been entered in my Vote Book and funds are available therein.

Signature of officer controlling expenditure _____

(e) The voucher is stamped, "Entered in the Vote Book" and signed by the officer maintaining or keeping the Vote Book. (see F.R. 407).

612. When a voucher is submitted to a Sub-Treasury or Cash Office for payment at another station, it will, after being checked and stamped in accordance with Regulation 609, be sent under security schedule of Transfer of Payment Vouchers through the Sub-Treasurer (See TF 193).

613. Payments shall be made only to the persons named in the vouchers or their properly authorized representatives. Paying Officers must satisfy themselves that the person claiming the payment is the person authorised to receive the amount and it is the duty of the ministry, extra-ministerial office and other arms of Government authorizing payment to furnish proof of identity if required. This can be done by a member of the ministry, extra-ministerial office and other arms of Government attesting payment at the Treasury or Cash Office. Vouchers must be receipted in the presence of the paying officer by the payee or his properly authorised representative at the time payment is actually made, and the amount received completed in words.

614. Where a payee is an illiterate, his or her mark must be witnessed by a literate official other than the paying officer. A description of the witness should be given, e.g. name, rank, title, etc on the voucher. When necessary, a witnessed sub-receipt bearing the names and marks of the payee shall be attached to the voucher. Receipts in vernacular characters should likewise be certified and witnessed.

615. When payments are to be made to legal representatives, authorities such as Powers of Attorney, Letters of Administration, etc. shall be presented to the Sub-Accounting Officer for inspection and a certificate showing that they have been seen should be appended to the voucher. The only exception to this rule is that provided by Section 64 of the Administrator-General's Ordinance (Administrator-General Act Cap.473) governing payment to the legal personal representative of a deceased person when the amount of the estate does not exceed N2,000 (see Chapter 2103).

616. Payments to firms, shall be made only by cheques crossed "Not Negotiable", "Account Payee only", in favour of the firm. For the purpose of cheque collection, each firm shall forward to the ministry/extra-ministerial office and other arms of Government a letter of introduction on the firm's letter-head, signed by the Chief Executive (or Managing partner in the case of partnership) authorizing the release of cheque to an accredited representative whose specimen signature and passport photograph (duly endorsed) must be given. The letter shall be endorsed by the Head of Department that initially awarded the contract to the Director, Finance and Accounts.

617. When it is impracticable to obtain receipts for petty disbursements, a certificate to that effect must be given on the face of the voucher signed by the payee.

618. When a payment to a firm is in doubt due to loss of relevant documents e.g. Payment Voucher and an initial investigation has revealed that no payment had been previously made to the firm, the payee shall be made to issue a certificate of indemnity to indemnify the federal government against double payment should an earlier payment be established at a later date.

619. Any payment due to or receipted by any government officer in his official capacity shall be paid to the Treasury for which official receipt shall be obtained.

620. Receipts given on payment vouchers are liable to Stamp Duty in accordance with the Stamp Duties Ordinance (Stamp Duties Act Cap.411). The following tables show briefly the nature and amount of payments which are (a) liable to and (b) exempt from Stamp Duty. The tables are comprehensive and in doubtful cases reference should be made to the Ordinance. It should be noted that a receipt given without being stamped may only be stamped after execution under penalty.

(b) Exempt from Stamp Duty Under all Conditions

- (i) Payments for goods supplied or services rendered if the amount is under ₦1,000.00
- (ii) Advances of salary
- (iii) Salaries, duty pay, seniority pay
- (iv) Duty tour, traveling and Transport Allowances
- (v) Wages
- (vi) Refund of out-of-pocket expenses incurred and paid by officers n the court of their duties
- (vii) Pensions, Gratuities, Compassionate Allowances
- (viii) Repayments of prisoners' property and sums deposited in the Treasury under the provisions of the Mineral Act.
- (ix) Refunds of overpayments to Government
- (x) Customs drawbacks
- (xi) Customs duties refunded upon certificate of over-entry or upon re-importation certificates
- (xii) Receipts given by officers on behalf of Government in their official capacity.
- (xiii) Imprest
- (xiv) Advances (other than advances of Salary) where the officer receives no personal benefit therefrom
- (xv) Receipts given by accused person for money taken from him on arrest.
- (xvi) Duplicate receipt required for payment of several amounts.

621. Where banking facilities are available, all payments to the public other than firms covered under FR 614 must be made by cheque crossed "Account Payee only".

622. Immediately after payment is made, the paying officer shall stamp the original voucher and all copies, all invoices, warrant or other supporting documents "PAID".

623. Where a payment voucher is presented at a Sub-Treasury or Cash Office for the purpose of obtaining cash for payment to be made else-where, as in the case of drawing cash for the payment of salaries, wages, etc. it shall be accompanied by a cheque/cash order form signed by the officer authorizing the voucher, and bearing the signature of the officer authorized to receive the cheque/cash. A separate cheque/cash order form is required for each voucher. At the end of payment, the officer authorised to receive cheque/cash shall receipt the form which should be retained by the Sub-Accounting Officer as a temporary voucher until the Payment Voucher is returned duly receipted by the payee, whereupon the cheque/cash order form shall be released to the authorised officer. On no account should a cheque/cash order form be released until the receipted voucher is returned to the Sub-Accounting Officer except as provided in Regulation 622.

624. Vouchers withdrawn against cheque/cash order forms must be returned to the Sub-Treasury or Cash Office within seven days. If payment cannot be effected within that period, the cash should be paid into the Sub-Treasury or Cash Office along with the unreceipted payment voucher. A Treasury Receipt shall be issued for the amount of cash returned and the cheque/cash order form released. Particulars of the Treasury Receipt shall be endorsed on the unreceipted voucher as evidence that the amount has been refunded.

625. Advances recovered or any other sums recoverable from payments due must be inserted in the payment voucher, the gross amount being shown as a debit in the cashbook and necessary credit entries as receipts in respect of the deduction. The credit entries shall be supported by receipt vouchers. (Treasury Forms 15).

626. Payments may be made outside Nigeria under situation encountered below:

- (a) The regular expenditure of Overseas Missions is controlled by A.I.Es issued by the Ministry of Foreign Affairs. In addition, the Nigerian Missions abroad are authorised to make payments to Nigerian students.
- (b) Nigerian Missions Overseas may made payments to Ministers and Government Officials on official overseas tours only on the authority of a specific letter of authority or A.I.E.
- (c) Any other payment shall be effected through the Federal Ministry of Finance (Foreign Exchange Department). Requests for such payments should be submitted to the Federal Ministry of Finance (Foreign Exchange Department) in a letter form and should contain all relevant informant including the name and the address of payee, amount, description of the payment, classification and the authority and shall be supported with copies of the relevant invoice, documents, etc.
- (d) Settlement of inter-territorial accounts with other Administrations shall be effected through the Central Bank of Nigeria or as directed by the Accountant-General.

627. (i) A Sub-Accounting Officers who is releasing a payment voucher in place of cash./cheque order form shall maintain a register of outstanding voucher TF 73 in respect of the payment voucher he has released for payment outside his office. The specimen of the register is presented:

(ii) The above specimen Register provides minimum requirements and may be elaborated to meet Departmental needs. The authorising officer shall ensure that the Register, with the first three columns completed by the officer who prepared the voucher, is produced to him each time he is asked to sign a voucher and/or Cheque/Cash Order Form. The Authorising Officer shall then complete columns 4 and 5. He will complete column 6 when the voucher clerk produces the Cheque/Cash Order Forms retrieved from the Sub-Treasury or paying Cash Office. The authorizing officer shall ensure that the Register is produced for his inspection at least once a week. Gaps in column 6 will be followed up as to why any voucher is still outstanding and if payment cannot be made the cash must be immediately refunded to the Sub-Treasury or Cash Office from which it was drawn, (see Regulation 622).

628. Officers authorized to draw cash/cheques on a strength of Cheque Order Form should not be below the rank of Accountant II or Higher Executive Office (Accounts).

629. If a voucher is outstanding the following steps should be taken to secure its return:

- (a) Not later than seven days after payment, the paying Sub-Accounting Officer shall apply in writing to the Departmental Officer responsible, requesting the immediate return of the receipted voucher, or the unreceipted voucher and equivalent cash as the case may be.
- (b) Not later than seven days after issue of the first written

application, the paying Sub-Accounting Officer shall again apply in writing to the Departmental Officer for the return of the outstanding voucher, with a copy to the Accounting Officer concerned.

- (c) If the voucher is still outstanding seven days after issue of the second written application, the paying Sub-Accounting Officer will notify the Accounting Officer who will immediately inform the Accountant-General. The Departmental officer who withdrew the voucher shall be held responsible for the amount on the outstanding voucher.

630. If a payment voucher is reported lost, prompt investigation shall be made. It must be established immediately whether payment has been made or whether the cash drawn is still on hand. If a loss or fraud has occurred, action will be taken in accordance with F.R. Chapter 25. Where the Accounting Officer is satisfied that no loss or fraud has taken place he will submit a report on the circumstances of the loss of the voucher to the Accountant-General. The report will be accompanied by a copy of the voucher with the following certificate thereon signed by the authorising officer:

I am the officer

- *(a) who signed the original voucher
- *(b) now controlling the vote

and I certify that to the best of my knowledge and belief this is the true copy of the original voucher and that no fraud has been perpetrated.

The Accountant-General will consider the circumstances of the case and on behalf of the Minister of Finance, rule whether the copy voucher is admissible to support the accounts.

* Whichever is inapplicable to be deleted.

631. Commencing 1st January 2009, all payments except where exemption has been granted shall be made through electronic payments.

632. The use of cheques and cash for payment is hereby prohibited except as provided in 631. Violation of this provision shall attract sanctions as provided for in this FR.

633. Irrespective of provisions in these regulations on cash and cheque operations, no cash or cheque operation should be conducted unless approval has been granted by the Honourable Minister of Finance on the recommendation of the Accountant-General.

CHAPTER 7

BANK ACCOUNTS AND CHEQUES

701. (i) No official bank account shall be opened unless authorized by the Accountant-General. Each approved account shall be maintained under an official designation.

(ii) Each establishment shall be allowed to operate only three (3) bank accounts as follows:

- (a) Salary Account;
- (b) Overhead Cost Account; and
- (c) Revenue Account.

No other bank account shall be allowed without the express approval of the Accountant-General.

(iii) No ministry shall be allowed to operate any bank accounts in the outstation office without approval of the Accountant-General.

(iv) No multiplicity of bank accounts shall be allowed beyond the three account listed above.

(v) Every organization shall submit a return of their bank accounts half-yearly to the Accountant-General giving details of all bank accounts maintained, the name of the bank, account number, designation and branch, name and rank of the signatories to the account.

702. All Capital Accounts shall be maintained at the Central Bank of Nigeria or any other banks as maybe designated by the government of the federation and authorized by the Accountant-General.

703. (i) Every cheque leaf shall be crossed and stamped with the correct account number.

(ii) The designation of the account shall be stamped at the bottom of the cheque below the space provided for signatories to the account.

(iii) The name of the payee shall be written in full and the use of abbreviation shall not be allowed.

704. Federal Government bank accounts in Nigeria shall be maintained at the Central Bank of Nigeria, or such other banks as may be authorized by the Accountant-General.

705. (i) All Accounting Officers shall furnish the details of commercial banks being used with certified specimen signatures of the officers authorised to sign cheques drawn on official accounts he shall advise on any subsequent changes in signatories. Notification to the bank of any changes in respect of officers authorized to sign cheques on an account must be signed by one of the current signatories to the account and counter-signed personally by the Accounting Officer. Delegation of this authority shall not be allowed.

(ii) Prompt notification should be given when an officer's authority to sign is cancelled.

(iii) A copy of every notification concerning a change in authorised signatories shall be sent to the Accountant-General. All notifications shall be forwarded under confidential cover and shall be accompanied by certified specimen signatures of the new signatory or signatories.

706. (i) In the case of an account maintained with the Central bank of Nigeria, the Accountant-General shall countersign the special form provided for specimen signature.

(ii) Where accounts are maintained at the Central Bank the special form provided for change of signatory shall be used.

707. Signatories to an official bank account shall be categorized into A & B, with the officers operating the accounts in category A, while the officers in category B shall be the counter-signatories. NO signatory shall be below the Rank of Accountant I or designated officer of equivalent rank. On no account should a cheque/bank mandate be signed by signatories belonging to one category.

708. On no account should payment be made for services not yet performed or for goods not yet supplied.

709. The Accountant-General and the Auditor-General or their representatives shall have the right of access to records of all bank accounts of all ministries, extra-ministerial offices and other arms of government and are entitled to any information they may require in connection with such accounts.

710. No government bank account shall be overdrawn, or any temporary advance obtained from a bank. In the event of an account being overdrawn, the officer responsible shall be made to refund any bank charges incurred thereon.

711. (i) Idle funds in the accounts of missions abroad may be invested in short term deposit but with the prior approval of the Accountant-General.

(ii) Where such idle funds are invested, the accrued interests received thereof, shall be classified to the appropriate revenue head and sub-head and remitted to the Treasury.

(iii) Where the provisions of FR. 711(i) and (ii) above apply, proper investment records shall be maintained by the mission concerned. The Accountant-General and Auditor-General shall be informed when the bank deposit or the investment is made.

712. The capital and recurrent Accounts of all Federal ministries/extra-ministerial offices and other arms of government shall be funded as follows:

- (a) Warrant and A.I.E. from Budget Office: On release of quarterly warrants by the Budget office, the Accountant-General shall issue advice to the Central Bank to credit the bank accounts of ministries/extra-ministerial offices and other arms of government.
- (b) On release of any supplementary general warrant of recurrent expenditure, the receiving ministry/extra-ministerial office and other arms of government is similarly funded as in (a) above.
- (c) Any A.I.E. issued by the Budget Office to any ministry, extra-ministerial offices and other arms of government on votes controlled by the Budget Office shall be supported with cash backing from the Accountant-General. A.I.E. will be issued by the Budget Office in not less than four copies. Original and Duplicate copies shall be forwarded to the receiving ministry/extra-ministerial office and other arms of government, the triplicate copy to the Accountant-General and the quadruplicate copy retained for record purpose.
- (d) The dispatch of the A.I.E.s by Budget Office to the Accountant-General and the ministries/extra-ministerial offices and other arms of government shall be done simultaneously. The Accountant-General on receipt of the AIE's shall immediately issue payment advice to Central Bank of Nigeria with a copy endorsed to the receiving ministry/extra-ministerial offices and other arms of government.
- (e) The cash funding will be classified to the Cash Transfer Account of the Funds Department in the 2000 series. For example, if Accountant-General is funding the Federal Ministry of Education, he will advise the Funds Department to classify the debit to Head 2042 and this will be reciprocated by the receiving Ministry on receipt of Central Bank of Nigeria Credit advice in classifying its receipt voucher to Head 2042.

713. Personal money shall in no circumstances be paid into a government bank account, nor shall any public money be paid into a private bank account. An officer who pays public money into a private account is deemed to have done so with fraudulent intention.

714. Where a Bank account is kept, only sufficient cash to meet small payments shall be allowed while all payments should be made by cheques. On no account shall contract payments be made by cash.

715. Sub-Accounting Officers must ensure that all sums paid direct into their bank accounts are brought to account in their cash books promptly.

716. All officers authorized to keep bank accounts must compare on weekly basis, and at the close of each month, the entries appearing in the bank statements with those in their cash books and effect early clearance of outstanding items (see Regulation 807). At the end of the month, a bank statement signed by the manager of the bank, shall be submitted with the monthly transcript and accompanied with a reconciliation statement signed by the Sub-Accounting Officer (see Regulation 806).

717. Sub-Accounting Officers shall maintain a cheque summary register in addition to a cash book. All daily entries in the bank account e.g. cheques drawn, debit and credit advices, etc shall be recorded in the cheque summary register by an officer other than the cashier. The balances as shown in the cheque summary register will be reconciled with the bank balance as shown in the cash book on daily basis. The Director of Financial and Accounts should ensure full compliance with the provisions of this section.

718. Every request for official cheques/books shall be signed by one of the authorised signatories to the account and countersigned by the Head of Accounts.

719. (i) A cheque received should be made payable to "Federal Government of Nigeria". A cheque may be accepted, however, if made payable in the official designation of a government account. If not already done, all cheques should be crossed "Not Negotiable" and "Account Payee Only" immediately on receipt. Sub-Accounting Officers and Revenue Collectors shall first satisfy themselves as to the identity and standing of the drawer of the cheque and ensure before acceptance that:

- (a) The cheque is correctly dated (i.e. not stale or post-dated)
- (b) The amounts in words and figures agree.
- (c) The drawer's signature is appended.
- (d) The cheque is not torn or mutilated.
- (e) Alterations of any kind are covered by the full signature of the drawer.
- (f) If drawn on a branch of a bank situated in a town other than that at which the cheque will be paid in for collection, the cheque must bear the endorsement "Commission to Drawer's Account" with the full signature of the drawer added thereto.
- (g) On receipt from the Bank, all cheques should immediately be stamped to show the full names of the office operating the Bank Account.
- (h) All cheques above ₦20,000 must be properly confirmed with the designated banks before acceptance.

(ii) Cheques not complying with any of the above conditions shall not be accepted.

720. (i) Cheques received shall be paid to the bank account not later than the next business day after receipt. However, if a Revenue Collector or Sub-Accounting Officer receives a cheque liable to bank commission not endorsed in accordance with regulation 719 (f) and considers that it is not in the public interest to return the cheque to the drawer for the necessary endorsement to be made the following steps shall be taken:

- (a) Revenue Collector shall pay the cheque to Sub-Accounting Officer to whom he normally accounts.
- (b) Sub-Accounting officer shall remit the cheque together with completed remittance voucher (Treasury Form 18) to Sub-Treasury at the station on which the cheque is drawn.
- (c) Self-Accounting Ministries may remit cheques between their own offices, where these exist.

(ii) Remittances of cheques must be dispatched by courier service in properly sealed envelopes. On no account may cheques received by a Sub-Accounting Officer be endorsed or assigned to a third party.

721. (i) The following guidelines shall apply in the remittance of money to field officers in respect of overhead costs:

- (a) Relevant original AIE should be forwarded to the receiving branch office while copies of the AIE should be forwarded to the Federal Pay Office (FPO) in respect of the affected State and Sub-Treasurer of the Federation for record purpose.
- (b) The remitting ministry/extra-ministerial office and other arms of government should, through its Banker transfer the equivalent amount on the AIE to the receiving FPO. Bank Remittance Advice should be forwarded to the receiving ministry/extra-ministerial office and other arms of government, receiving FPO and the Sub-Treasurer of the Federation.
- (c) In view of the present electronic banking system, the processing period of cash transfers in respect of AIE's issued by ministries/extra-ministerial offices and other arms of government in favour of state offices shall not exceed Seven (7) working days. All Accounting Officers, Directors of Finance and Accounts and Federal Pay Officers shall ensure strict compliance with this Regulation.
- (d) In the event of any delay of cash remittance being traced to any officer(s), such officer(s) shall be sanctioned in accordance with chapter 31 of these Regulations.
- (e) Where a delay in remittance involves any of the Banks, such defaulting Bank shall be made to pay interest at 3 per cent above the Minimum Rediscount Rate (MRR) in addition to being blacklisted.

(ii) The remitting ministry/extra-ministerial office and other arms of government should prepare Monthly Remittance Reconciliation Statement with the Original copy sent to the Accountant-General while a copy is forwarded to the Auditor-General.

722. (i) In order to ensure the prompt payment of salaries of all federal officers nationwide not later than 28th day of every month, all Accounting Officers shall forward to the Accountant-General and the Budget Officer of the Federation on a quarterly basis, a schedule of monthly remittances to the state offices and headquarters to facilitate direct remittance of personnel emolument to the federal pay officers through the Central Bank of Nigeria.

(ii) To facilitate the deadline prescribed above, all officers charged with the responsibility of salary payment shall prepare the salary vouchers and cheques in advance of the dates the Central Bank of Nigeria is to credit their bank accounts.

(iii) The Central Bank of Nigeria shall, on a monthly basis, send Credit/Debit Advice to the headquarters of ministries and agencies to facilitate the reconciliation of accounts. Copies of such Credit/Debit Advice shall also be endorsed to the Accountant-General.

723. (i) The monthly salaries of military and para-military personnel shall be paid through their bank accounts not later than 20th of each month.

(ii) Pursuant to Section (i) above, the following actions shall be taken:

- (a) The Ministry of Defence shall submit to the Budget Office and the Accountant-General on a quarterly basis, the schedule of monthly remittances due to each of the three (3) services. The schedule must include additional information such as particulars of banks and account numbers through which payments are to be made.
- (b) The Budget Office shall issue quarterly warrants based

- on the submission of the Ministry of Defence as per (a) above.
- (c) On receipt of monthly warrants the Accountant-General shall issue mandates for cash backing to the Central Bank of Nigeria not later than the 10th day of each month.
 - (d) The Central Bank of Nigeria shall ensure that the bank accounts as listed in the cash backing mandates are credited not later than the 13th day of each month. It shall also send, on a monthly basis, Credit/Debit Advice to the Ministry of Defence for the purpose of reconciliation of accounts.

724. (i) Cheques drawn on banks outside Nigeria may only be accepted with the approval of the Accountant-General.

(ii) Self-Accounting ministries/extra-ministerial offices and other arms of government will remit all foreign cheques to the Central Bank for negotiation not later than the following working day.

(iii) Except as in (ii) above, all foreign cheques shall be tendered or remitted to the Sub-Treasurer of the Federation, Abuja not later than the following working day.

(iv) The Sub-Treasurer of the Federation shall remit all foreign cheques received to the Central Bank for negotiation.

(v) The same treatment as in (i) to (iv) above, shall be given to any foreign currencies received.

(vi) Under no circumstances shall a Nigerian Mission abroad receive foreign currencies which are not acceptable in the host country.

725. Arrangements for the operation of bank accounts by Nigerian Missions Overseas shall be made between the Mission, the Ministry of Foreign Affairs and the Accountant-General, provided that a separate bank account shall be maintained.

726. Post-dated cheques shall not be accepted without the prior authority of the Accountant-General.

727. Bills of Exchange and Promissory Notes shall not be accepted without the specific approval of the Accountant-General.

728. Cheques shall not be accepted if there is any doubt as to the standing of the drawer, or suspicion that the cheques might not be honoured. Accounting Officers should arrange wherever possible for bank guarantees to be furnished, from any of the banks officially listed by the Federal Ministry of Finance for that purpose.

729. Under no circumstances shall personal cheques be exchanged for cash from any government funds.

730. (i) When a cheque which has been credited to Revenue (or a Below-the-Line account) is returned dishonoured by the bank the amount shall be debited to the Revenue Head and Sub-Head (or Below-the-Line account) originally credited. The Sub-Accounting Officer shall immediately request the officer who accepted the cheque to obtain reimbursement from the drawer (see also regulation 732). It shall be the ultimate responsibility of the Accounting Officer concerned to ensure that these amounts are recovered, instituting legal action if necessary. Dishonoured revenue cheques shall be reported as arrears of revenue, as applicable, in accordance with regulation 226 (i).

(ii) Any revenue paid to bank which does not appear in the bank statement after a reasonable period shall be investigated and a written reply for its non appearance shall be obtained from the bank and necessary reconciliations effected.

(iii) No Treasury receipt shall be issued until all cheques received are declared by the bank.

731. An officer accepting a cheque which is subsequently dishonoured shall be surcharged for the full amount, if the provisions of Regulations 719 were negligently disregarded.

732. (i) Bank debits in respect of dishonoured cheques shall be cleared (in accordance with Regulations 730) or refunded by the drawer not later than the next business day after receipt of the dishonoured cheque from the bank.

(ii) Under no circumstances may a dishonoured cheque be held as cash.

733. (i) A departmental dishonoured cheques register shall be maintained and particulars of all dishonoured cheques returned by the bank shall be entered therein on receipt of the dishonoured cheques (see Appendix 11).

(ii) The register shall be checked monthly by the Head of accounts to ensure that clearances are pursued and recoveries effected.

734. (i) No government organization or agency shall place government funds in any commercial Bank that will charge any commission on transactions.

(ii) All Sub-Accounting Officers shall ensure that monthly statements of bank accounts are obtained regularly and to confirm that no commission on turnover (COT) is being charged.

735. Officers incurring unauthorised commission charges on cheques shall be liable to surcharge of the amount involved.

736. (i) All unused cheque books must be kept in the strong room or safe under the control of the officer who keeps the bank account. Cheque books in use must be kept under lock and key when not in use and at the close of business each day.

(ii) Officers authorized to operate bank accounts are responsible for ensuring that no cheque leaf is extracted from a cheque book for fraudulent purposes.

737. (i) When a cheque is defaced or mutilated, it must be cancelled, and affixed to the stub and retained in the cheque book. The designated banks shall be informed promptly in writing about the particulars of the cancelled cheques.

(ii) A cancelled cheque register shall be maintained to record the particulars of all cancelled cheques.

738. When money is paid to the bank, the bank paying-in-slip (Bank Tellers) and the duplicate (and triplicate when used) must be specific as to cheques, notes and coins. The duplicate copy must be examined to see that it bears an acknowledgement of receipt by the bank and that the specification has neither been altered, added to, nor substituted after the lodgment. The correct amount number shall be stamped at the top of the teller or paying-in-slip.

739. Idle funds in the Bank Accounts of Ministry, Departments and Agencies shall only be invested in Treasury bills in accordance with extant circulars.

CHAPTER 8

CASH BOOK AND MONTHLY ACCOUNTS

801. A Sub-Accounting Officer as defined by FR 115 is required to keep a Treasury Cash Book NO.153A (see Appendix 9) or a cash book in such form as may be approved by the Accountant-General, in consultation with the Auditor-General. He shall keep such other books of accounts as may be prescribed.

802. A Sub-Accounting Officer shall enter promptly into the cash book all sums of money received by him or paid by him as a public officer, supporting such entries by a receipt or payment voucher on the prescribed form. Receipt and payment vouchers shall be numbered consecutively, from No. 1 each month in the order in which the amounts are received or paid, and will be entered into the cash book accordingly.

803. Revenue Expenditure, and Below-the-line vouchers will be submitted to Sub-Accounting Officers in duplicate, except as maybe otherwise directed from time to time by the Accountant-General. The terms "Revenue" and "Expenditure" refer to receipts and payments, respectively under Heads appearing in the recurrent and capital Estimates while Below-the-line refers to receipts and payments for services that are not specified in the approved Annual Budget estimates.

804. The cash book shall be ruled off and balanced daily by the cashier who will enter the cash specifications of the balance in hand in the ash book. The Sub-Accounting Officer will check the cash against the specification and will initial the cash book. Cheques held as cash at the close of business will be paid to the bank or otherwise cleared on the next business day. In no circumstances may a cheque which has been presented to the bank and returned unpaid be held as cash. The procedure for dealing with dishonoured or unpaid cheques is laid down in Chapter 7 of these Regulations.

805. The cash book shall be signed at the end of each month by the Sub-Accounting Officer whose signature will be taken as certifying the correctness of the entries and cash balance. The cash book will be supported by a balance statement as shown below:

	N	k	
balance of the			Opening balance (i.e the closing
previous month)			
Add: Total receipts for the month	
Deduct: Total payments for the month	
Closing Balance	
_____		_____	

.....
Signature of Sub-Accounting Officer

806. Where a bank account is maintained, a bank reconciliation statement and certified bank statement as at the last business day of the month shall be attached to the cash book. Bank reconciliation statements will be prepared as follows, individual items being specified, to explain any variation from the balance shown in the cash book.

	N		
.....)			Cash book balance as at (date
Add Cheque issued but not presented to bank	
Add Receipts (credits) in bank not in cash book	Deduct Payments (debits) in bank not in
cash book ..			

Deduct Receipts (credits) in cash book not in bank
Bank Balance as at (date)

807. Sub-Accounting Officers will ensure that all outstanding items in the Bank Reconciliation Statement are cleared expeditiously. In this regard:

- (a) Unpresented cheques which become stale after 6 months should be written back in the Cash Book after written confirmation of non-payment from the bank.
- (b) Payments (debits) in Bank not in cashbook should be thoroughly investigated and brought into cash book at the earliest possible time.
- (c) Prompt action should always be taken to obtain bank advices to confirm the various entries in the bank statement as the effectiveness of the Bank Reconciliation Statement lies in the prompt clearance of outstanding items.
- (d) Schedules which usually support Bank Reconciliation Statements should be sufficiently informative to facilitate effective clearance action.

808. (i) Sub-Accounting Officers shall submit their accounts by the fourteenth day of the following month or within such other period as may be prescribed by the Accountant-General. Sub-Accounting Officers at the Nigerian Overseas Missions shall also ensure the dispatch of their accounts by the fourteenth day of the following month either by diplomatic bag or courier service.

(ii) All Accounting Officers shall ensure strict compliance with the provision of sub-section (i) above.

809. The Monthly Consolidated Account otherwise known as "Transcripts" will consist of:

- (i) (a) Original cash book folios arranged in strict date and numerical order, with cash specification on the last page
- (b) Original and duplicate receipt and payment vouchers in respect of transactions carried out on behalf of other ministries/agencies (with additional copies where prescribed).
- (c) Balance Statement.

(ii) Bank Reconciliation Statement duly supported with Certified Bank Statements.

810. In the event of all vouchers not being available to accompany the account, a list of outstanding vouchers (Treasury Form 34) shall be forwarded and voucher substitute (Treasury Form 72) in (duplicate) inserted. Voucher substitutes will show month and year of account and will also contain payment voucher number. Classification, amount paid and sufficient details to permit identification of the transaction.

811. (i) Sub-Accounting Officer shall maintain a register of outstanding vouchers (Treasury Form 73) which shall be marked off as they are received.

(ii) It is the personal responsibility of the Sub-Accounting Officer to obtain acquittal for the payments out of public funds and this responsibility exists until he has obtained the relevant payment vouchers. (See Regulation 621). Should he be unable to obtain the return of an outstanding voucher, he shall take action as laid down in Regulation 626.

812. The Head of Accounts of a self-accounting unit will bring to account in his main and subsidiary ledgers all transactions conducted by his Sub-Accounting Officers and shall submit the consolidated account of the unit to the Accountant-General as in Financial Regulation 808.

CHAPTER 9

ADJUSTMENTS

901. Adjustments are effected by means of Journal entries which enable transfers to be made from one account to another without actual receipt or payment of cash. Examples of these are adjustments between expenditure or revenue sub-heads, correction of accounting errors arising from misclassifications and the ultimate allocation of Unallocated Stores.

902. Types of adjustment vouchers shall include the following:

- (a) Adjustment Voucher (TF23).
- (b) Supplementary Journal Voucher (SJV)
- (c) Principal Journal Voucher (PJV)

903. (i) The Adjustment Voucher (TF 23) which is designed to adjust inter-ministerial transactions is mostly used in ministries, extra-ministerial offices and other arms of government.

(ii) Adjustments shall be submitted on Treasury Form 23 in quadruplicate, or as otherwise directed. Two copies of the voucher must be signed in full.

(iii) The ministry, extra-ministerial office or other arms of government which is receiving the adjustment voucher shall stamp and return one of the fully signed voucher as evidence of acceptance or rejection.

904. (i) In addition to use of TF 23 in the foregoing section, the SJV and PJV are used in the Office of the Accountant-General of the Federation (OAGF) for the Preparation of Consolidated accounts. While SJVs are used for all adjustments and transfers that are made before the "Below-the-line Statement" in extracted, all subsequent transfers and adjustments are effected by means of PJVs.

- (ii) PJVs shall be prepared for the following reasons:
 - (a) to correct misclassification of accounts detected by the main accounts.
 - (b) to adjust the accounts e.g. when funds, rightfully belonging to one state have been wrongly credited to another.
 - (c) effect month-end transfer of accounts from Above-the-line Accounts to Below-the-line Accounts; and
 - (d) effect annual transfers.

(iii) The SJVs shall be prepared for two main reasons:

- (a) to adjust differences between ministry transcript's figures and those contained in the Bank Transfer Statements prepared by the Sub-Treasurer of the Federation; and
- (b) to re-classify accounts before the Trial Balance is prepared.

905. Adjustment vouchers must clearly indicate the reason for the adjustment, and must make full reference to the original debit or credit being adjusted, i.e. name of Sub-Treasury or Cash Office, voucher

number and month of account and particulars of Treasury or Audit Query if applicable. A cross reference to the adjustment voucher shall be endorsed upon the voucher on which the debt or credit first originated.

906. Where adjustments affect expenditure sub-heads in a current financial year, the amounts whether debit or credit must be entered in the vote book and the relevant vouchers stamped accordingly before the officer controlling the vote accepts. After inclusion in the Accountant-General's account, numbered copies of the vouchers shall be returned to the officer controlling the votes with the monthly advice schedules.

907. Adjustments in which Unallocated Stores and Workshops Accounts are credited must be embodied in the relevant Material Expense Statement (M.E.S.) Vouchers supporting adjustments between votes which are not to be included in the M.E.S. must bear the signature of the engineer or officer actually in charge of the vote.

908. Vouchers in respect of adjustments arising from reconciliations should, wherever possible, accompany the Reconciliation Statements.

CHAPTER 10

IMPREST

1001. The term "Imprest" is applicable to all sums advanced to a public officer to meet expenditure under current estimates, for which vouchers cannot immediately be presented to a Sub-Accounting Officer for payment.

1002. Imprests are issued by the Accountant-General of the Federation and the Accounting officers of Self-Accounting ministries/extra-ministerial offices and other arms of government. The authority for issuing imprests is conveyed in the Annual General Imprest Warrant issued by the Minister of Finance to the Accountant-General (see Appendix 5).

1003. (i) The General Imprest shall be issued by the Minister of Finance immediately after the enactment of the Annual Appropriation Act.

(ii) The Accountant-General will notify Accounting Officers of the signing of the General Imprest Warrant by the Minister of Finance. In accordance with the provisions of FR 1002, no imprest moneys may be issued until that authority has been conveyed and received.

1004. (i) Imprests are of two types, namely:

- (a) Standing Imprests which may be replenished from time to time during a financial year by the submission of paid vouchers to Sub-Accounting Officers for reimbursement..
- (b) Special imprests which is granted for a particular purpose and must be retired in full when the purpose has been achieved.

(ii) On no account shall personal advance be used in disguise of Special Imprest, in the procurement of stores which is governed by the provision of chapter 23 of these Regulations.

1005. Applications for imprests should be made to the Accountant-General or in the case of a self-accounting agency, to the Accounting Officer and should state the amount and purpose for which it is required.

1006. Authorities for issue and payments of imprests shall be effected on a Departmental Imprests Warrant (Treasury Form 9), with a copy sent to the Auditor-General. All imprests issued and their

retirement shall be recorded in a special imprest ledger. Issues shall be classified to "Imprests" General Ledger Account in the name and designation of the Imprest Holder. The number of the Imprest Warrant shall be recorded on all relevant vouchers.

1007. The procedure for operation of imprest shall be as follows:

- (a) Every imprest holder will keep a cash book and will record therein all receipts and payments. (see specimen at appendix 10). This applies also to imprest for telegrams and postage.
- (b) All imprest payments shall be supported by Sub Receipts
(Treasury Form 10).
- (c) Vouchers should be classified to the Heads and Sub-heads of the approved Estimates and the imprest holder will retain a copy of each voucher.
- (d) Entries should be made in the cash book on the day they occur and will show particulars of each receipt or payment.
- (e) The cash book shall be balanced regularly, ruled off, and the cash on hand regularly checked by a senior officer, who will certify the cash book accordingly. Accounting Officers shall issue instructions concerning the frequency of the check, having due regard to the size of the imprest and the number of payments made.
- (f) The cash in bank as shown by the cash book will be regularly reconciled with the bank statement, and the Reconciliation Statements duly certified by a senior officer.
- (g) A record shall be kept of vouchers which have been submitted for reimbursement and reimbursed moneys brought to account immediately they are received.
- (h) Imprest cash shall be kept separate from other moneys at all
times.
- (i) The provision of Regulations 1103 or 1104 as appropriate will apply with regard to the custody of imprest cash.
- (j) The duty of maintaining the imprest cash and cash book shall not be delegated to an officer on a salary grade level lower than Assistant Executive Officer (Accounts). The office must also be conversant with the book-keeping procedure for posting and balancing of the cash book (see Appendix 10 for specimen cash book rulings).

1008. Imprest holders must duly observe all regulations regarding the control of expenditure and the disbursement of public money and are responsible for the correctness of vouchers signed by them (see Regulation 410). They are also responsible for ensuring the early submission of paid vouchers for reimbursement. The imprest may be used only for the purpose for which it is issued and Imprest holders shall not use other public funds for imprest purposes.

1009. Where an imprest is granted, the imprest holder must open a bank account in his official designation (see Chapter 7), unless authority is given to the contrary by the Accountant-General.

1010. (i) To obtain reimbursement of amounts paid from an imprest, the holder shall submit the properly completed and receipted payment vouchers for the amount expended to the Sub-Accounting Officer who issued the imprest. The vouchers shall be classified direct to the expenditure heads concerned and not to "Imprest". The reimbursement must not exceed the amount of the expenditure vouchers submitted. Replenishment of amount paid from imprest will be effected at least once a month.

(ii) Pursuant to sub-section (i) above, it shall be the direct responsibility of the Director of Finance and Accounts or the Head of Accounts, as the case may be, to ensure that reimbursement payment

vouchers are classified to the ministry's Heads and Sub-Head of Accounts and not to the imprest control account of the Accountant-General.

1011. (i) All standing imprests must be retired on or before the 31st December of the financial year in which they are issued while Special Imprests shall be retired immediately the reasons for which they were granted cease to exist. Retirement will be effected by the production of vouchers and/or cash for the full amount of the imprest.

(ii) If an imprest is retired at a station other than that in which the warrant is drawn, the officer to whom the imprest was issued must immediately notify his ministry or department and the Sub-Accounting Officer who issued the imprest, stating the number of the warrant and date, number and amount of relevant receipt voucher. It is the responsibility of the Sub-Accounting Officer who issued the imprest to verify the receipt voucher particulars.

(iii) All Self-Accounting ministries/extra-ministerial offices and other arms of government shall submit to the Accountant-General of the Federation within twenty-one days of the end of the financial year a return showing details of imprests issued and particulars of the vouchers (receipts or adjustments) by which the imprests were retired.

1012. Sub-Accounting Officers and Imprest Holders are required to see that all imprests are retired in accordance with Regulation 1011 (i). Suitable arrangements should be made to ensure that all vouchers submitted for reimbursement are passed before the end of the financial year. However, if in special circumstances completed vouchers cannot be submitted in time, the Imprest Holder will pay his cash balance to the Sub-Accounting Officer on or before 31st December of the financial year and will forward the vouchers when completed to the Accountant-General or Accounting Officer who will include them by journal entry in that year's accounts. Should repayment not be made in full, any shortage will be charged to an advance account in the name of the Imprest Holder who will be personally responsible for a refund.

1013. The accounts of Imprest Holders are subject to inspection by the Accountant-General and the Auditor-General

1014. (i) The limit of reimburseable standing Imprest shall be as follows:

	₦
Honourable Minister	300,000
Permanent Secretary and Director-General..	200,000
Directors/Head of Department	100,000
Head of Formation in each state and any other	
Imprest Holder	60,000

(ii) The frequency of obtaining reimbursement of any standing imprest shall be limited to once in a quarter, but where the need arises, should not be more than twice in the quarter.

CHAPTER 11

CUSTODY OF PUBLIC MONEYS, STAMPS, SECURITY BOOKS AND DOCUMENTS

1101. The fullest possible use shall be made of banking facilities and all cash in excess of daily requirements shall be paid into the bank account immediately.

1102. In all offices where cash or stocks of stamps or receipt and licence books beyond immediate requirements are maintained, there must be a strong-room or reserve cash safe(s) for the custody of such cash and stocks, secured if possible by not less than two locks, the key to one being held by the

cashier and the key to the other by a more senior official than the cashier. Where existing safes have only one lock, steps should be taken to provide for a second lock either by having locking bars fitted or the safe exchanged for one with double locks.

1103. In all offices having cash transactions, a safe must be provided for the safe custody of the daily working balance of cash, stocks of stamps and receipt and licence books during office hours. Such safes should be built in to the wall of the building or otherwise securely attached to the structure of the building.

1104. In cases where cash has to be transported from one place to another e.g. cash collected by Revenue Collector, cash for payments of salaries, wages, etc. The officer responsible for the cash must be provided with an approved cash tank or box, government vehicle and police escort.

1105. Strong-rooms shall be examined periodically to ensure that no vents or openings exit through which any of the contents could be extracted either by hand or by other means. Currency notes should be kept in boxes with lids and not let loose on the shelves.

1106. (i) It is the duty of Accountant Officers to ensure that their departmental officers who are required to hold public moneys, stamps, etc., are provided with proper safe custody facilities.

(ii) Where safes, strong-rooms, cash tanks and boxes are to be procured, their specification must first be obtained from the Accountant-General before procurement.

1107. (i) Accounting Officers shall issue instructions governing the security of keys to strong rooms, safes or departmental cash tanks and boxes. All duplicate keys shall be kept by the Accounting Officer. A Register shall be maintained for all keys deposited and shall be checked periodically to ensure accuracy of entries.

(ii) By arrangement with the Accountant-General, duplicate keys of strong-room or safes situated outside Abuja maybe deposited with the Federal Pay Officer for custody. A receipt will be obtained and kept by the key holder.

(iii) Regulations governing the safe custody of keys of strong-rooms and safes held at overseas offices shall be issued by the Ministry of Foreign Affairs.

1108. Where a safe is contained in a strong-room, one officer should not hold the keys of both strong-room and safe.

1109. The holders of original keys of safes, must verify the availability of the duplicate keys and if not available or untraceable, they must report to the Accounting officer of their ministry or extra-ministerial office and other arms of government and request that the locks be altered and new keys provided.

1110. Officers holding the keys of strong-rooms, safes, cash tanks or cash boxes are personally responsible for their safe custody and collectively responsible for the contents. Except when officially handed over to another officer, keys must not leave their personal possession (see Regulation 1127). This precaution is not only to prevent their being stolen but also to safeguard them from being copied or duplicated.

1111. The loss of the keys of any strong-room, safe, cash tanks or boxes must be reported immediately to the Accounting Officer, giving a full explanation of the loss, with a copy to the officer holding the duplicate key and a copy to the head of the key holder's department. The other key holders, if any, must be informed immediately, and a tape should at once be sealed across the door of the safe, the time of doing so being carefully noted. If the safe contains cash, stamps, securities, receipt or licence books, a police guard must be placed over the safe or strong room until it has been opened and the contents

removed. The duplicate keys shall be obtained only to open the safe for the verification and removal of the contents. The safe may not thereafter be used until new locks are provided.

1112. The officer responsible for the loss of a key to a Government safe, is liable to be called upon to meet the cost of altering the lock and the provision of new keys, if found negligent.

1113. In the event of a key holder having any suspicion that the keys or locks of a strong-room or safe in his charge have been interfered with, he must remove the contents to another safe, report the circumstances as directed in Regulation 1111, and ask that immediate steps be taken to have the locks altered and new keys provided. Other key holders, if any, must be notified immediately.

1114. Alterations to lock of safes and the provisions of new keys must be made by the Accounting Officer under security conditions.

1115. Annual returns in duplicate, of all Government strong-rooms and safes will be rendered on the 31st March by all ministries and extra-ministerial office and other arms of government to the Accountant-General who will have all particulars checked with his records and his register amended where necessary. These returns shall give full particulars of the safes and the disposition of duplicate keys if not held by the Accountant-General.

1116. Any transfers of safes between stations, or from one department to another, must be notified at once to the Accountant-General. The duplicate key holders must likewise be informed to enable them forward their keys under confidential cover to another officer for safe custody if necessary.

1117. Whenever locks to strong room or safe are changed or where a safe has been condemned and destroyed, the duplicate key holders shall be informed accordingly so that the old keys maybe destroyed and written off his record.

1118. No strong-room or safe may be opened by a person in other than the authorised key holders, who must remain present while the strong-room of safe is open. Where there are two or more key holders, all must remain present.

1119. Officers are prohibited from keeping private money or personal effects to an official safe, etc. Any private money found in an official safe shall be credited to revenue.

1120. Sub-Accounting Officers are personally responsible for ensuring that the balance of cash with the cashier is locked in a strong-room or safe at the close of business daily. Where a strong-room or reserve-cash safe is provided, on no account should cash be kept over-night in the cashier's safe.

1121. Registers shall be kept in each strong-room or reserve cash safe of all cash, stamps, receipt or licence books and other articles deposited. The cash and stamps register must show separately the various denominations. Bags of coins and bundles of notes must be properly labelled and denominations kept separate. All entries must be signed by the authorized key holders, and in the case of documents or other articles deposited for safe custody a receipt should be given to the depositor (see Regulation 1126).

1122. Sub-Accounting Officers should check the contents of the strong-room or reserve cash safe at least once a month against the register and report discrepancies if any. The register shall be signed by the key holders on each occasion (see Regulation 204).

1123. Bonds and Agreements particularly those which safe guard the financial interest of government, should be kept in a strong-room or safe Accounting Officers shall be held responsible if government coffers financially due to lack of adequate precautions to safeguard such documents (See Regulation 1130).

1124. When an officer holding a key of a strong-room or reserve cash safe is temporarily absent, the key in his charge should be handed over to the officer next in rank, against the signature in the departmental key register. In no circumstance may all the keys be held by one officer (see Regulation 1125).

1125. In all cases where one key holder hands over to another, temporarily or permanently, the contents of the strong-room or safe shall be checked and certificates inserted in the register. Any discrepancies must be reported to the Accounting Officer.

1126. Documents or other articles deposited for safe custody shall only be delivered on the demand of the depositing officer and on the production of the receipt issued when the deposit was made. The documents, shall be acknowledged by the receiver on the back of the receipt which will then be pasted in the register.

1127. The main stocks of postage stamps, postal orders, money orders, embossed envelopes, aerogramme, etc, will be held in the joint custody of officers appointed by the Accounting Officer and Minister of Communications.

1128. Every officer at which money or articles or documents of value are received through the post must be provided with a padlocked Post Office Mail Bag in which all letters from the Post Office shall be delivered. The key of the padlock shall be kept by the officer in charge of the office and the Mail Bag opened in his presence.

1129. The officer to whom the responsibility of the opening of mails has been delegated shall keep a register of all inward and outward registered letters giving details of the contents of the letters. Unregistered letters containing articles of value shall also be entered in the register. All entries must be signed by the officer-in-charge. In the case of outward registered letters, the Post office receipts shall be filed and numbered consecutively and a reference inserted in the register.

1130. The greatest care must be exercised at all times in the care and safe custody of security documents and an officer having in his charge any of the under mentioned documents must ensure that they are looked overnight in a safe, strong-room or fire proof security cabinet, according to their importance, and that adequate measures are taken to safeguard them during the day. Unused or partly used forms in the following categories:

(a) All Receipt and Licence Books and Fixed Fee Tickets, Entertainment Tax Tickets.

Cheque Books
Local Purchase Order Books,
Stores Requisition Books

(b) Legal Documents

Contracts,Agreement
Bonds,
Insurance Policies,
Share Certificates, Debentures and similar Securities,
Documents submitted for assessment and/or payment of Stamp Duty,
Safe custody of security documents.

1131. (i) Adequate precautions must be taken to protect the following security documents against access by unauthorized persons, and damage by fire:

Cash Books (including Revenue Collectors' Cash Books),
Principal and other journals

Principal and Subsidiary Ledgers
Abstracts of Revenue and Expenditure
Loans Registers
Investment Registers
Records of Advances and Deposits
Paper Money Registers and Registered Letter Register
Registers of Safe and Keys
Store Ledger and Stock books
Assets Register
Personal Emoluments Index and Record Sheets
Pension Registers
Used Receipt and Licence books

(ii) The best protection facility for these documents is a strong-room or safe. Where it is quite impossible to put them in one or the other, the best possible alternative measures must be devised.

1132. (i) Security books and documents and other accounting records shall be retained for the following periods after use (in the case of books or registers the period counts from the date of the last entry made therein):

- (a) Permanently:
 - Warrants issued by the Minister of Finance
 - Cash Books (other than Revenue Collectors')
 - Principal and other journals.
 - Personal Emoluments Record (index) Sheets
 - Pension Registers
 - Loans Registers
 - Investment Registers
 - Register of Safe and Keys
 - Assets Register
- (a) For ten years:
 - Electronic and file records of all procurement proceedings made within each financial year from the date of award of each contract.
- (b) For Seven years:
 - Abstracts of Revenue and Expenditure
 - Revenue Collectors' Cash Books
 - Original payment Vouchers
 - Original Receipt Vouchers
 - Paper Money Registers
 - Stores Ledgers and Stock Books
- (c) For Two Years
 - Local Purchase Order Books/Job orders
 - Receipts booklet (see 1220)
 - Cheque book stubs until after the audit by Auditor-General.

(ii) Officers having in their custody any of the documents specified in (b) and (c) above may destroy them at the end of the prescribed periods provided they have been audited by the Auditor-General.

CHAPTER 12

RECEIPTS AND LICENCE BOOKS

1201. The Accountant-General is responsible for the control of Treasury Receipt Books (T.B.6) and Revenue Collectors' Receipt Books (T.B.6A). Accounting Officers are responsible for the control of Receipt and Licence books and Fixed Fee Tickets. These officers and such others as maybe so authorized by the Accountant-General shall maintain their own stock and distribution Registers and will comply with the principles laid down in this chapter in respect of receipt book controlled by them. Accounting Officers are also responsible for the safe custody of all revenue receipt books and licences/tickets that may be referred to them.

1202. Receipt and licence books must be printed in the form prescribed by law or by these Regulations. All leaflets which are contained in the receipt and licence books will bear serial and consecutive numbers. Each act of forms (original, duplicate, triplicate and quadruplicate, as the case may be) will bear the same printed serial and consecutive numbers.

1203. (i) The Accountant-General is the only officer authorised to place indents with the Nigerian Security Printing and Minting Company (NSPMC) or its subsidiary for the supply of Treasury books 6 and 6A. Every issue made by the NSPMC to the Accountant-General shall be accompanied by a Receipt Book Issue Note (RBIN). The NSPM shall furnish the Auditor-General with a copy of each issue note (see Regulation 1206).

(ii) On no account may revenue earning Receipt and Licence Books or fixed fee ticket booklets be obtained from any printer other than the Nigerian Security Printing and Minting Company (NSPMC) or any printer authorized by the Accountant-General of the Federation.

1204. All books received shall be taken on charge in a stock and distribution register in the prescribed form (see TF 157). Receipt shall be recorded in serial order of books, and each book shall be entered individually. In large offices it may be convenient to use a subsidiary distribution register in addition to the main stock distribution register.

1205. Request for Treasury Receipts books shall be submitted as and when necessary to the Accountant-General. Accounting Officers shall include in their indents the requirements of revenue collectors under their supervision. All issues by the Accountant-General shall be recorded in the stock and distribution register, and will be accompanied by a Receipt book issue Note.

1206. (i) Every issue of a receipt book or books shall be accompanied by a Receipt Book Issue Note which will be serially numbered and printed in quadruplicate (see Appendix 13 for specimen RBIN). Distribution of the four copies of each issue note will be as follows:

- (a) Original and duplicate copy to the officer to whom the issue was made. The duplicate will be receipted by him and returned to the issuing officer who will paste same to the quadruplicate copy.
- (b) Triplicate copy to the Auditor-General.
- (c) Quadruplicate copy shall be retained in the book at the _____ office of issue.

(ii) Issuing officers must ensure that the duplicate copy of each Receipt Book Issue Note is receipted and returned without delay and that all triplicate copies are sent to the Auditor-General immediately.

1207. Federal Pay Officers shall issue (Treasury Receipt Book 6A) to all Revenue Collectors in their respective states, in line with the laid down procedure in FR 1206. For security purposes, they will draw the attention of the revenue collectors to the serial numbers of the treasury receipts books collected with the number of the Security Book Issue note.

1208. Receipt and licence books shall be issued for use in strict serial order.

1209. Federal Revenue Collectors stationed in a State shall not under any circumstances request, stock or issue state receipt to account for Federal Government earnings or revenue.

1210. Issues of receipt and licence forms to Revenue Collectors shall not exceed the number required for their daily use. Individual Revenue Collectors must not hold a stock of receipt and licence forms.

1211. Every issue of receipt and licence books must be checked with the supporting Receipt Books Issue Note as soon as it is received by the receiving officer. Each book shall be examined for defects in numbering, printing, etc., and any discrepancy in the quantity or the numbering of the books supplied will be reported immediately to the supplying officer with a copy to the Accountant-General and the Auditor-General. The receiving officer shall be held responsible for any errors discovered after the duplicate copy of the Receipt Book Issue Note has been receipted and returned to the supplying officer.

1212. (i) All Treasury receipt books issued from main stocks for use must be recorded by the receiving officer in the Receipts Book Register. He will be responsible for ensuring that the books are locked in a safe or strong-room at the close of business and that adequate measures are taken to safeguard them during the day.

(ii) Cashiers or officers to whom issues are made for daily use shall be responsible for them during the day while the officers will ensure that these receipts are kept in the safe at the close of business daily.

(iii) Cashiers or officers who leave the receipts so issued to them with another officer on temporary basis shall be held responsible for any misuse. Such cashiers or officers should examine the books on its return to ensure that there has been no loss of receipt leaflet and carry out check of the receipt with the cash book entries.

1213. Receipt and licence books will not be transferred between Sub-Accounting Officers without the consent of the Accounting Officer, except in special cases of emergency when the circumstances will be reported to the issuing officer and the procedure laid down in Regulation 1206 will be followed.

1214. Except when one Revenue collector is officially relieved by another, no used or unused receipt or licence books shall be transferred between one Revenue Collector and another except with the approval of the Accountant-General (see Regulation 1226).

1215. All revenue receipts shall be issued to payers in strict serial order and shall not be altered in any way.

1216. A defaced or mutilated receipt/licence leaflet shall be cancelled with the words "cancelled" endorsed on all copies of such receipts and retained in the booklet for audit purposes.

1217. The original receipt or licences leaflet shall be handed over or delivered to the payer.

1218. The duplicate of all receipts and licences (excluding fixed fees, licences and tickets of the counterfoil type) issued by Sub-Accounting Officers shall be sent with the monthly account to Accountant-General or Accounting Officer (see Regulation 209 (f)).

1219. Book copies of used receipt or licence books printed in triplicate may be destroyed two years after the date of the audit inspection except where a request that a particular book should be retained has been received from the Accountant-General, Accounting Officers, Auditor-General or Inspector-General of Police. [See FR1132 (i) (c)]

1220. In the case of receipt and licence leaflet with fixed value [see FR 209 (ii)] the receipt voucher on which the revenue is brought to account in the Sub-Accounting Officer's cash book must give reference to the opening and closing serial numbers of receipts and licences issued.

1221. (i) Every officer having in his charge revenue receipt books will render with his monthly accounts a certified return giving the following details in respect of each type of receipt for licence in stock and in use:

(a) Serial numbers of unused receipts on hand at commencement of the month.

(b) Serial numbers of receipts during the month

(c) Serial numbers of issues during the month.

(d) Serial numbers of unsued receipts on hand at the end of the month.

(ii) Revenue Collectors, including holders of special departmental receipts or licences, shall render their returns monthly to the Sub-Treasurer of the Federation, Federal Pay Officer, Police Pay Officer and Customs Area Pay Officer as the case may be, who will incorporate them in his own returns to the Accountant-General.

(iii) For the purpose of the returns submitted by Revenue Collectors as required by this Regulation, the term "at the end of the month" is to be interpreted as meaning the date in which the last payment in a month is made to the Sub-Accounting Officer.

1222. In cases where a Sub-Accounting Officer or Revenue Collector does not issue any receipts or licences during a month, he will nevertheless submit a nil monthly return as prescribed by Regulation 1221, so long as he holds a receipt or licence book.

1223. Unused Receipt Booklets and Licence Books shall be returned to the Accountant-General or Accounting officer as the case may be and the Auditor-General be informed accordingly.

1224. Where an issued original receipt leaflet is lost and application is made for the issue of a certified true copy, the Accountant-General or Accounting Officer concerned may issue a certified true copy. The application for the issuance of a certified true copy must be supported with a sworn affidavit.

1225. Every officer responsible for the safe custody of receipt and licence leaflet must investigate any loss immediately and report the particulars to the issuing officer. The officer to whom the loss is reported shall ensure that the investigation is brought to conclusion and will render a report to the Accountant-General (with a copy to the Auditor-General) so that particulars of the missing leaflet can be published in the official gazette. No lost book or leaflet shall be published in an official gazette without the approval of the Accountant-General.

1226. When one officer hands over to another, certificates signed by both officers are required in respect of all receipt or licence books or forms on charge. The certificates should be supported by detailed list showing the quantity and serial numbers of each type of book, and the officer taking over should sign below the last entries in the stock register.

1227. Audited fixed fees, licences and tickets counterfoil may be destroyed at the expiration of two years from the date of issue of the last receipt therein. [see FR 1132 (i) c].

1228. (i) Accounting Officers may authorize the destruction, by burning of obsolete, unused receipts and licences in the presence of three senior officers, two of whom must be from the other departments other than the Finance and Accounts departments.

(ii) Preparatory to destruction of these documents, the following conditions must be fulfilled:

- (a) The unused receipts must first be carefully examined to ensure that they are complete as to originals and all copies and that they are in fact unused.
- (b) The unused receipts actually destroyed must be carefully listed on a destruction certificate signed by all three officers and a copy forwarded to the Auditor-General.
- (c) The main stock registers must also show details of all books so destroyed.
- (d) Prior notice of intention to destroy unused receipts must be given to the Auditor-General so as to enable an Audit officer to attend and witness the destruction, if the Auditor-General so desires.

CHAPTER 13

DEPOSITS

1301. Deposits shall be accounted for under the Below-the-line classification list issued by the Accountant-General.

1302. Unclaimed salaries, wages, unspent balances of allocation, sum due to Merchants or Contractors or any form of revenue shall not be placed on deposit.

1303. Accounting Officers shall include in their accounting codes, special instruction for the operation of deposit accounts peculiar to their ministries/extra-ministerial offices and other arms of government. These instructions shall be subject to approval of the Accountant-General in consultation with the Auditor-General.

1304. A Deposit register shall be maintained by the Sub-Accountant authorized to record all transactions in respect of the deposits. The register shall contain the name of the depositor, particulars of all deposits and withdrawal made. Deposits and withdrawals shall be posted promptly into the register. Sufficient details of each deposit should always be given to ensure recognition of the withdrawals.

1305. Receipt vouchers relating to deposits should clearly indicate, the person or persons on whose behalf the deposit is made, the nature of the transaction and the necessity for placing the sum on deposit.

1306. Withdrawals from deposit must be supported by the original receipt issued when the money was placed on deposit. When the withdrawal is made the receipt will be marked "repaid" and attached to the withdrawal voucher. In cases where part only of a sum deposited is required, the payment voucher for the withdrawal must be for the whole of the sum deposited, and the amount not required shall be re-deposited using the Paying-in-Form. A separate receipt must be issued in respect of this new deposit.

1307. A deposit shall not be repaid at an office other than that at which it was received.

1308. The Director of Finance and Account shall at the close of every financial year compile a detailed list of all un-withdrawn deposit money duly certified by Internal Audit and forward to the Accountant-General who shall make a refund at the commencement of a new financial year.

1309. Deposit of over two years, except prisoners property, shall not be repaid without prior approval of the Accounting Officer of the ministry/extra-ministerial office and other arms of government.

1310. Deposits other than Prisoners' property which have remained unclaimed for five years or more shall be reported to the Accountant-General by the officer responsible for the deposit account. Sufficient details should be furnished to enable a decision is to be taken as to whether the deposits may be transferred to revenue. On receipt of authority to transfer, the office responsible for the deposit shall effect the transaction by means of an adjustment voucher and record such transfer, quoting the adjustment voucher particulars.

1311. Refund of deposits made under the Immigration Restriction Act shall be made on the authority of the Accounting Officer of Ministry of Interior. This authority must be attached to the voucher and the reference quoted thereon.

1312. Accounting Officers are required to effect a monthly reconciliation between the balances as shown in their deposit ledgers and the schedules provided by the Accountant-General.

1313. Deposit ledgers must be balanced and ruled off at the end of each financial year and all outstanding balances brought down. All entries must be adequately cross referenced.

CHAPTER 14

ADVANCES

1401. Personal advances, which are cash loans to individual officers in the employment of the Federal Government of Nigeria, may only be granted on the authority of these Regulations and the Public Service Rules.

1402. (i) Advances Non-personal are those advances granted to an Officer in his official capacity e.g. Imprests (standing and special) and advances granted as a result of loss of funds.

(ii) Advances of Non-Personal character shall be authorised by the Minister of Finance, except advances created under the authority of Financial Regulation 2524 or advances of up to ₦50,000.00 approved by the Accounting Officer. Applications for Non-personal Advance must state the reason for the advance, the method of clearance and the person to be held responsible for clearing the advance.

(iii) In the disbursement of funds for Non-Personal Advance for project/Special programmes, the leader of the project/special programmes shall be the Accounting Officer and shall approve all payments, while an Accountant of an appropriate grade shall be attached to each project/special programmes and have responsibility for the disbursements as well as retirements of the Non-Personal Advances.

1403. Vouchers relating to advances must indicate:

- (a) name/Designation of Officer;
- (b) the below the line classification code;
- (c) the nature of the advance;
- (d) the terms of recovery; and
- (e) the authority for the advance.

1404. (i) The Accounting Officer of a ministry/extra-ministerial offices and other arms of government shall ensure that Advances Account records, fully indexed, are maintained to record advances issued and all the recoveries made.

(ii) Transactions must be posted promptly and correctly and at the end of each month shall be reconciled with the Accountant-General's Control Account.

(iii) Officers responsible for the advances accounts records must examine such records each month and are also responsible for bringing to the notice of Accountant-General.

1405. Accounting Officers are responsible for ensuring the prompt repayment of all advances by installments or otherwise.

A - SALARY ADVANCES

1406. An Officer proceeding on transfer, who has to bear wholly or partly the cost of his own or his family's transport may on application be granted an advance not exceeding one month's salary.

1407. Officers on posting to an overseas office of the Ministry of Foreign Affairs or other duty posting in an overseas country may receive an advance of up to one month's salary.

1408. An officer on first appointment may, on application to the Accounting Officer of his ministry/extra-ministerial office and other arms of government, receive an advance not exceeding one month's salary, An officer on temporary appointment may also be given salary advance not exceeding one month's salary on production of acceptable guarantee.

1409. (i) An advance not exceeding one month's salary must be repaid in not more than three equal and consecutive monthly installments, commencing with the salary of the month following that in which the advance was drawn. Advances up to two and three month's salary must be repaid in not more than six and nine installments respectively.

(ii) Notwithstanding any advance granted under the above provisions, no advance may be granted which will result in a total deduction of more than a half of an officer's monthly salary.

1410. Salary advances and recoveries thereof shall be classified to Below-the-Line advance account in the officer's name. Under no circumstances shall they be classified to a personal emoluments vote.

B - DUTY TOUR ALLOWANCES

1411. (i) The following duty tour allowances shall be paid to any officer on official tour within Nigeria:

	_____	₦
(a) Minister/SGF/HOS	35,000.00	per diem
(b) Permanent Secretary	20,000.00	per diem
(c) Officers on G.L. 15-17	16,000.00	per diem

(ii) The above rates cover only lodging and feeding expenses. The transport allowance shall be paid to all officers when traveling to towns and cities where air transport services do not exist at the rate of ₦20.00 per kilometer. Air tickets shall be determined departmentally depending on the nature of the tour and the prevailing transport charges. For local running, officers shall be entitled to 30 per cent of DTA in addition to airport and taxi fare at the prevailing rates. The payment of the above allowances shall be made only in respect of official tours duly approved by an appropriate authority in each case.

(iii) The payment of the above allowances and other related expenses shall be charge directly to the relevant vote of a ministry/extra-ministerial office and other arms of government concerned without any need for retirement.

1412. (i) The Accounting Officer shall authorize and grant an estacode to an officer travelling either alone or as a member of a delegation on overseas tour at the prevailing rates at the time of the tour.

(ii) The following estacode shall be paid to Officers on Overseas tour:

- | | |
|---------------------------------|----------------|
| (a) Minister/SGF/HOS | \$900 per diem |
| (b) Permanent Secretary | \$600 per diem |
| (c) Officer on G.L. 15-17 | \$425 per diem |
| (d) Officer on G.L. 07-14 | \$381 per diem |
| (e) Officer on G.L. 01-06 | \$206 per diem |

1413. (i) Payment of estacode authorised under Financial Regulation 1412 shall be drawn in Nigeria in the form of Travellers's Cheques, made payable to the officer(s) undertaking the tour. The Traveller's Cheques shall be obtained from the Central Bank of Nigeria, against a cheque covering all charges drawn on the government account.

(ii) In special circumstances where an officer is forced to stay longer than necessary while on official duty abroad, an overseas mission may pay additional estacode to such an officer after obtaining approval from his Accounting Officer. The ministry or agency shall however refund such additional payment to the mission.

1414. Officers on duty tour, locally or overseas shall not over stay the number of days approved without obtaining prior approval from their Accounting Officers.

C - ADVANCES: MISCELLANEOUS

1415. Advances for correspondence courses and evening classes may be authorized by an Accounting Office subject to the following conditions:

- (a) the ability and efficiency of the officer warrant his undertaking the course;
- (b) the course is related to his work;
- (c) the study is likely to increase his efficiency;
- (d) the course is with a reputable institution or establishment;
- (e) the officer shall produce receipts to show that the whole advance has been fully used for the purpose intended;
- (f) the officer understands that successful completion of the course will not of itself constitute grounds for advancement;
- (g) the officer shall enter into an agreement by completing Treasury Form 51 for repayment and if the officer has less than two years in service, he shall in addition produce an acceptable surety who will enter into a bond for the amount advanced;
- (h) the advance shall be granted interest free;
- (i) the advance shall not include an element for postage, stationery, examination or other fees; and
- (j) the amount so granted under these rules shall be recovered in not more than 24 consecutive installments.

D - GENERAL

1416. The outstanding balance of any advance shall be recovered in full from the last payment of salary and/or retirement gratuity of an officer who leaves the service on retirement, resignation, termination of appointment or dismissal.

1417. The outstanding balance of a salary advance in respect of a deceased officer who is not entitled to payment of gratuity is not recoverable from his estate. Government accepts liability of the irrecoverable balance in these circumstances.

1418. In the event of an officer being transferred from one pay station to another before an advance granted him is recovered, details of the advances granted him and recoveries made up to the date of transfer shall be stated in his Last Pay Certificate forwarded to the new pay station along with a certified true copy of his Personal Emolument Record (see Financial Regulation 1514). The Sub-Accounting Officer of his new station shall record the outstanding balance of the advance in his advances Ledger or Personal Emolument Record and effect recoveries accordingly.

1419. The lack of any advice regarding repayment of any installments of an advance does not absolve an officer from repaying an advance in accordance with the terms of these Regulations. Any installments not recovered shall be deducted enbloc on receipt of appropriate documents.

1420. It is the responsibility of all Accounting Officers to ensure that all advances granted to officers are fully recovered.

CHAPTER 15

SALARIES

PART I - GENERAL

1501. Salary is the personal emolument paid to an employee of an organization, usually monthly for services rendered at a predetermined rate of pay.

1502. All offices in the employment of the public service are eligible for the payment of salaries.

1503. (i) All officers shall have their salaries and allowances paid through named banks on completion of Treasury Form 14.

(ii) The salaries and allowances of an officer whose duty station is within Nigeria shall be paid locally in Nigeria and in Naira.

(iii) Salaries, allowances and pensions must not be paid in advance.

1504. Salaries and allowances which are based on an annual rate shall be paid by monthly installments of one-twelfth of the annual rate. On retirement or termination of appointment, payment for part of a month shall be calculated on pro-rate basis.

1505. The Accounting-General shall prescribe dates in the month on which salaries and Allowances shall be paid.

1506. (i) The Accounting Officer shall ensure that all the prescribed forms are completed by all employees as in FR 1522 and that payments are correctly made as and when due.

(ii) Where preparation of salaries are not computerized, the Accounting Officer shall ensure that personal emolument records are maintained on the prescribed forms to ensure that payments are made when they are due, that over-payments are not made, and that all the required deductions are made.

1507. (i) The officer controlling expenditure shall promptly be informed of any variation or contingency likely to affect officers' salary such as death, resignation, interdiction, suspension, dismissal, in order that instructions to withhold pay may be issued without delay.

(ii) An officer who first receives information about the resignation, termination, dismissal, death, withdrawal or retirement, of another officer shall pass the information promptly by submitting a copy of such letter/notice to the Accounts Department for the salary of officer to be stopped. The original

letter/notice of such information shall be endorsed to the effect that a copy has been sent to the Accounts Department.

1508. The officer who first received information and failed to pass a copy of it promptly to the Director, Finance and Account Department and any other officer who defaults or contributes in any way whatsoever in communicating a decision to withhold payment of salary as continued in Regulation 1507 shall be liable to surcharge and discipline for negligence and dereliction of duty.

1509. The officer controlling expenditure shall be advised of any variation by way of increments on an officers' salary. The Auditor-General need not be advised of the grant of a normal increment but shall be advised when an increment is withheld or deferred and subsequently restored.

1510. On cessation of appointment arising from termination, or resignation, the salary of the officer shall be payable up to and including the day of cessation. This shall be without prejudice to the provisions of Public Service Rules or any extant law.

1511. Any balance of salary or other moneys due to an officer who has been convicted for misappropriation of government funds or theft of Government property, or who has been dismissed without liquidating any indebtedness to Government, shall not be paid without the authority of the Accounting Officer.

1512. Any undue delay in the payment of pensions or salary or any other regular recurrent payments shall be investigated by the Director, Finance and Accounts and when appropriate, the circumstances reported to the Accounting Officer.

1513. (i) Unclaimed salaries, allowances and pensions, where they arise shall be paid to the Sub-Accounting Officer within seven days from the date of the withdrawal of the cash or issuance of cheque classified as an expenditure credit to the vote originally debited.

(ii) All repayments made in accordance with FR 1513 (i) shall be effected before the end of the financial year in which the salaries, allowances or pensions were drawn.

(iii) The Sub-Accounting Officer shall issue a Treasury Receipt (T.B.6) for each individual on-payment. A subsequent out-payment of an amount paid into chest shall be debited to the appropriate current vote of charge, under the supporting cover of a payment voucher T.F.I with the original Treasury Receipt attached.

1514. (i) A Last Pay Certificate together with a certified true copy of the Personal Emolument Records shall be issued when an Officer is transferred from one ministry to another or from one pay point to another within a ministry under confidential cover. The last pay certificate and the personal emolument record must show the last pay date of payment of salaries, full details of deductions which have been made and the balance recoverable.

(ii) Where the system is computerized, the officer in charge of the personal emolument section or unit shall complete a Standard personal emolument card for issue to the officer's new office/station.

1515. The gross amount of the emoluments must be charged against the relative personal emoluments sub-head of the current year's estimates. The paying officer (i.e the Sub-Accounting Officer, the Federal Pay Officer, Police Pay officer or Customs Area Pay Officer in the State), shall enter the total of each type of deduction from emoluments as a receipt in his cash book and enter the gross amount of the emoluments as payment.

1516. The receipt entries for deductions from salary (Financial Regulation 1515) shall be allocated receipt voucher numbers sequentially in the cash book. Treasury Receipts (T.B.6) shall be issued for certain categories of deductions as may be instructed by the Accountant-General.

PART II - PAYROLL PREPARATION AND CONTROL

1517. The procedure and method to be employed by Federal Ministries, Departments or Units for the recording and the calculation of personal emoluments must be approved by the Accountant-General.

1518. (i) The standard payroll system to be applied in all offices, unless otherwise provided under Financial Regulation 1519, shall be such as to ensure that maintenance of the following records will be made in a single operation:

- (a) Personal Emoluments Record [T.F. 174 (a) or T.F. 174 (b)]
- (b) Payroll, in duplicate (T.F.2 PRA or T.F.2 PRB) together with a bank paying-in advise slip, and a National Health Insurance Fund, National Pension Fund and National Housing Fund advice slips.
- (c) Pay Statement to be issued to the individual officer (T.F.2 PSA or T.F. 2 PSB).

(ii) The above provision will apply irrespective of whether the system is computerized or not.

Personal Emoluments Records:

Form of.

1519. The officers controlling expenditure shall ensure that the standard personal emoluments records [T.F.174 (a) or T.F.174 (b)] shall show the following:

Standard rate of pay of the officer

Incremental date.

Standard allowances.

Salary and other advances issued.

Standard deductions from emoluments.

Tax P.A.Y.E. and Free Pay Allowances.

Aggregate gross emoluments, including, separately taxable allowances,

Tax P.A.Y.E assessments.

Net emoluments payable.

1520. Where the accounting system is manual, the Head, Finance and Accounts Department shall ensure that the personal emolument record cards are kept under strict security arrangements, and that when they are not in use they are locked up in a fire-resistant cabinet, safe or strong-room. (See Financial Regulations 1135 for period of retention).

1521. (i) Every officer shall complete the personal emolument record form annually which must be certified by his head of department or any other designated officer.

(ii) The completed personal emolument form shall be the basis for opening the groups registers which must be audited before the inclusion of any officer in the payroll.

1522. (i) The salary section must be informed in writing of any variation that may affect the salary of any officer (e.g. increment, promotion, or demotion, etc) at the earliest possible time.

(ii) Salary variation advices raised by Administration Department shall indicate all changes affecting salary as indicated in sub-section (i) above. Five copies of the variation advice should be prepared and distributed as follows:

- (a) One copy to Payroll Section;
- (b) One copy to Variation Control Section;
- (c) One copy to Internal Audit Unit;
- (d) One copy in Variation advice file;
- (e) One copy in the officer's personal file.

1523. (i) The Head of Accounts shall ensure that a Variation Control Record on Treasury Form 208 is maintained to indicate each variation in the month under review, of emoluments, taxable allowances, and the standard deductions from emoluments for each officer. The sum total of these variations shall be added to or subtracted from the relative total of the previous months, and from this will be calculated the totals of emoluments, taxable allowances, gross taxable emoluments and each type of standard deduction for the current month.

(ii) The officer directly in charge of variation control shall be an officer not below the rank of Senior Accountant or principal Executive office (II) (Accounts) and must not be the officer directly in-charge of preparation of payroll. He shall work independently of the payroll section.

1524. The payroll section shall ensure that the following actions are taken:

- (a) Effect necessary entries in Personnel Emolument records of each employee in the payroll. Such entries shall include basic salary for the months, all categories of deductions (e.g. union dues, pension contributions, housing fund contribution, NHIS, Tax, etc), all categories of allowances and net amount payable. Prepare pay schedule TF2 detailing net amount due to each officers along with payroll.
- (b) Aggregate all entries made as par (a) above on pay-point basis and raise necessary TF.209 to cater for deductions and TF 1 for the on-payment vouchers in favour of the relevant beneficiaries.
- (c) The TF 209 and TF1 raised shall be classified to the appropriate below-the-line classification code and not to the Personnel Emolument vote of charge.
- (d) A summary payment voucher TF shall be raised on pay-point basis to capture the total basic salaries and allowances due to arrive at the gross amount due to all officers in a pay-point, the total deductions and the net amount payable.
- (e) Process cash/cheque order forms in accordance with the provision of the Financial Regulations – if cash/cheque is to be drawn in a pay office other than the office of pay-roll voucher preparation.
- (f) Effect necessary entries in the Personnel Emolument voucher register and vote book.
- (g) Carry out internal check of payroll entries and vouchers to ensure accuracy of postings taking into consideration variation in officers salaries monthly.
- (h) Compare and reconcile the figures computed by the salaries and wages section with the figures in the variation control sheet for a given month.
- (i) The officer controlling expenditure shall sign all summary vouchers, TF. 209 and TF 1 –on –payment vouchers after agreeing his figures with those on the variation control sheet.
- (j) On completion of action as per (h) above, the payrolls supported with all the necessary documentations i.e. summary vouches, TF 209 and on-payment vouches, shall be forwarded to the Internal Audit unit on pay-point basis.

1525. On receipt of payrolls from the salary and wages section, the Internal Audit shall carry out the following actions amongst others:

- (a) Examine in detail the accuracy of entries in the Personnel

- Emolument records of officers and payroll to ensure that any variations in the emolument of staff in a given month are correctly recorded.
- (b) Examine all summary vouchers and other relevant supporting documents to ensure correctness of all deductions and amounts payable to individual officers and other agencies e.g. tax authorities and labour unions.
 - (c) Ensure that the gross amounts payable as reflected in the summary vouchers agree with the figures computed independently in the variation control sheets.
 - (d) Extract copies of summary vouchers and other supporting documents for record purposes.
 - (e) Schedule the audited vouchers to the Central Pay Office (CPO) or Federal Pay Office (FPO) and return the Personnel Emolument records to the salaries and wages section.

1526. (a) Check payroll documents i.e. payroll summary voucher and other supporting documents, against entries in the forwarding schedules from the Internal Audit unit to ensure that no documents are missing.

(b) Sort and allocate Treasury Payment Voucher numbers to summary vouchers and on-payment vouchers and treasury receipt voucher numbers in respect of TF 209.

(c) Stamp all summary vouchers and on-payment vouchers with a 'PAID' stamp for the month of account.

(d) Draw cheques for the net amount payable in the summary payment voucher in favour of the bank through which payment is to be made or in the case of cash in the name of the Accounting Officer or head of the field headquarters office in the state.

(e) Draw cheques due to various agencies as reflected in the on-payment vouchers.

(f) Post all payment vouchers and Treasury Receipt Vouchers (TF. 209) separately in a salary cash book. Balance cash book and reconcile with bank statement monthly.

(g) For cash payments, cheques should also be drawn to withdraw money from the Bank. The Cash Office/Paymasters should prepare cash specifications from the payrolls, to ease enveloping operation and arrange to draw money from the bank.

(h) Precautionary measures for protection of Cash-in-Transit should be taken particularly in relation to the various categories of officers who can collect and make lodgment of various sums from or to the Banks, viz:

Under N 250,000.00	Confirmed employees not below Executive Officer (Accounts).
<hr style="width: 100px; margin-left: 0;"/> N 250,000.00 - N 500,000.00	Not below the ranks of Accountant II or its equivalent.
Over N 500,000.00	Not below the grade of Accountant I or its equivalent and at least two other senior employees.

(i) The assistance of police escort must be sought and secured for cash in transit. In this regard, the following guidelines shall be followed:

(i) Communications to the Police in relation to movement of cash should be classified "SECRET".

(ii) Police Escort shall be in the following categories:

Group A – up to ₦500,000 – One NCO or Two Police Constables.

Group B – ₦1,000,000 – ₦5,000,000 One NCO and three Police Constables.

Group C – ₦5,000,000 – ₦10,000,000 One NCO and four Police Constables.

Group D – Over ₦10,000,000 – One Inspector, one NCO and four Constables.

(iii) Cash for salaries should not be withdrawn on the last day of the week to avoid the risk of keeping large amounts of cash over the weekend. Detailed standing instructions in writing for security precautions to be taken in the handling of money for payment of salaries should be issued.

(j) Schedule all original and duplicate copies of summary payment vouchers, on-payment vouchers and receipt vouchers along with original copies of cash book to the Final Accounts section for consolidation of the accounts.

1527. Surplus cash remaining unaccounted for after payment of salaries and overtime shall be brought to account immediately as an expenditure credit to the vote to which the salaries or over time were originally charged and the reason for the surplus investigated.

1528. Deficiencies of cash shall be treated as a loss of fund under the provision of Chapter 25. This should also be investigated.

1529. The Accounting Officer shall ensure that manpower audit is carried out in each ministry/extra-ministerial office and other arms of government at least twice in any financial year. In all cases representatives of the Accountant-General and the Auditor-General shall be in attendance.

CHAPTER 16

SELF-ACCOUNTING STATUS

1601. A Self-Accounting ministry/extra-ministerial office and other arms of government or unit is one in which the responsibility for the maintenance of the detailed record of expenditure and revenue and the Below-the-line payments and receipts of the ministry/extra-ministerial office and other arms of government or unit is delegated to the Accounting Officer and where the Accounting Officer is required to account to the Accountant-General in total head (or Sub-Head where applicable) form at monthly intervals, and also at the close of each financial year in the manner prescribed by the Accountant-General.

1602. (i) The approval of the Accountant-General is required before a ministry/extra-ministerial office and other arms of government or Unit may become Self-Accounting

(ii) The approval for Self-Accounting Unit shall be given on the fulfillment of the following conditions:

(a) a fully constituted Internal Audit Unit is in place (see FR Chapter 17);

- (b) an Accounting Code and Internal Audit for the ministry/extra-ministerial office and other arms of government have been approved by the Accountant-General;
- (c) a well-equipped Central pay Office is in existence;
- (d) adequate man-power for the Finance and Accounts Department is available.
- (e) a conducive office accommodation and other infrastructure are provided; and
- (f) a secured Voucher Room is provided.

1603. The Accounting Officer in consultation with the Accountant-General shall ensure that the accounts of the ministry/extra-ministerial office and other arms of government or unit are placed under the direct control of a suitably competent Treasury Accountant

1604. It shall be the responsibility of the Head of Finance and Accounts or the Head of Accounts, as the case may be, to maintain inter-alia, the following records:

- (a) Abstract of Expenditure and Revenue (Financial Regulations 1134 and 1135).
- (b) General Ledger and Subsidiary ledger.
- (c) Journals.
- (d) Other supporting accounts and registers which may be required to meet the specific requirements of the ministry/extra-ministerial department or unit.

1605. The Head of Finance and Accounts or Head of Accounts as may be applicable shall ensure, inter alia, that:

- (a) Sub-Accounting Officers under his control submit their monthly accounts within the prescribed time limit (Financial Regulation 808);
- (b) the accounts received from the Sub-Accounting Officers are examined in full detail against the supporting documents;
- (c) all charges to a vote or account for which the Accounting Officer is responsible are authorized and are fully supported by original documents and payees' receipts;
- (d) an abstract record is maintained to record the monthly and the cumulative yearly total of each Sub-Head of expenditure and revenue in the manner that reflects any excess of expenditure over the authorised limit or shortfall in revenue;
- (e) a consolidated monthly account (monthly transcript) is forwarded to the Accountant-General within the prescribed time limit to show:
 - (i) opening cash/bank balance;
 - (ii) the Head total for the month of the recurrent receipt and expenditure of the ministry/extra-ministerial office and other arms of government or unit;
 - (iii) the Head and Sub-Head totals for the month of capital expenditure;
 - (iv) the Head and Sub-Head totals for the month in respect of revenue;
 - (v) the Head totals for the Below-the-line receipts and payments for the month';
 - (vi) the account totals of the receipts and payments for the month;
 - (vii) the closing cash/bank balance;
- (f) monthly accounts are produced to the Accounting

- Officer to show the cumulative yearly total of expenditure and revenue of each Sub-Head under his control;
- (g) there is an adequate system of Internal control over the collection of all revenues which are under the responsibility of the Accounting Officer;
 - (h) detailed accounting instructions are issued to officers to embrace the general provisions of Financial Regulations and any specific directives from the Minister of Finance or the Accountant-General;
 - (i) annual budget proposals of his ministry, extra-ministerial Office or other arms of Government are compiled and defended under his supervision; and
 - (j) monthly and quarterly statements of budget performance of his ministries/extra-ministerial offices and other arms of government are prepared for the attention of management.

1606. The Director, Finance and Accounts or Head of Accounts shall ensure that the following documents are properly kept:

- (a) Cash Books of all Sub-Accounting Officers under his control (see Financial Regulations 806 and 1134).
- (b) Receipts and Payments vouchers for which the Accounting Officer is responsible.
- (c) Other Accounting records required by these Regulations.

1607. (i) The original documents in respect of payments on behalf of another ministry/extra-ministerial office and other arms of government or unit shall be forwarded through a schedule along with the monthly transcript by the Accounting Officer to the Accountant-General. The schedule which should be in duplicate shall show:

- (a) Date and amount of each transaction.
- (b) Voucher reference
- (c) Classification.
- (d) Total of Sub-Heads or account.

(ii) The Director, Finance and Accounts shall ensure that the schedule total of a sub-head or account, as in (d) above, is in complete agreement with the relative entries in the Consolidated monthly account forwarded to the Accountant-General, under the provisions of Financial Regulations 1605(e).

1608. The Self-Accounting ministry/extra-ministerial office and other arms of government or unit receiving a schedule of transactions under Financial Regulation 1607 (i) will link the schedule against the relevant head and subhead total appearing in the accounting-current receivable from the Accountant-General. It shall immediately bring any observed discrepancies arising from incorrect postings or fraudulent payments to the attention of the Accountant-General.

1609. A Self-Accounting ministry-extra-ministerial office and other arms of government or unit shall make all payments through the Sub-Accounting Officer in the ministry/extra-ministerial office or other arms of government. With regards to payments to be made outside the headquarters through the Federal Pay Offices, a Departmental Warrant (AIE) together with the Cash-backing must be issued to the relevant agencies (see Regulation 405).

1610. The Accountant-General shall reserve the right to withdraw the self-accounting status of any ministry/extra-ministerial agency that fails to comply with the provisions of these Regulations.

CHAPTER 17

INTERNAL AUDIT

1701. (i) Internal Audit is a managerial control which functions by measuring and evaluating the effectiveness of internal Control system in an organization.

(ii) The Accounting Officer of a ministry or extra-ministerial office and other arms of government shall ensure that an Internal Audit Unit is established to provide a complete and continuous audit of the accounts and records of revenue and expenditure, assets, allocated and unallocated stores, where applicable.

(iii) The existence of an Internal Audit Unit shall not divest any member of the ministry or extra-ministerial office and other arms of government of the individual responsibilities placed upon him, neither shall it obviate the necessity for normal departmental checks.

1702. The Accountant-General shall ensure that a suitably competent Accountant is placed directly in-charge of the Internal Audit Units of ministries/extra-ministerial offices and other arms of government.

1703. The Internal Auditor in charge will be directly responsible to the Accounting officer for a detailed audit of the accounts and records and for the examination of the systems and procedures in force. Initially he will submit to the Accounting Officer a detailed programme of audit and thereafter he will report monthly to the Accounting Officer on the progress of the Audit. He will also issue special reports, if necessary, when, in his opinion, the attention of the Accounting Officer and of the Accountant-in-charge must be called to an irregularity in the accounting records, or to an apparent weakness in the accounting procedure, or to any apparent in-attention to the reports of the Auditor-General, or to earlier Internal audit report(s) issued by him.

1704. (i) The Head of Internal Audit shall submit to his Accounting Officer a detailed annual audit programme with copies to the Accountant-General.

(ii) The comprehensive programme of audit shall cover all the records of the ministry, department or unit, to ensure that:

- (a) The safeguards introduced for the prevention or the prompt detection of fraud and loss of cash are adequate. In this regard safeguards means compliance with extant rules and regulations and the existence of internal checks.
- (b) The system for the control of the collection of revenue is adequate, and that all moneys received are promptly and accurately brought to account under the correct heads and sub-heads.
- (c) The system for the control of expenditure is adequate and that all payments made are properly authorized for the correct amounts and that they are paid to the right persons, classified to the correct heads and sub-heads, and made for the purpose for which they were authorised.
- (d) A system for the control of the issue and consumption of stores is adequate, that all issue are properly authorised, that issues are made to the right persons for the purpose for which they must have been authorised, and that adequate stores records are maintained.
- (e) There are adequate means for the verification of all cash, stores and assets held.
- (f) The accounting records are accurate.

1705. The Head of Internal Audit Unit in all ministries/extra-ministerial offices and other arms of government shall ensure that 100% pre-payment audit of all checked and passed vouchers is carried out and the vouchers forwarded under security schedule direct to the appropriate Central Pay Office for

payment. Checked and passed vouchers received in the Internal Audit Unit must be promptly dealt with and, under no circumstance, shall a voucher be held in that Unit for more than forty-eight (48) hours.

1706. (i) The Internal Auditor shall produce monthly, quarterly and half yearly reports to the accounting officer on the progress of the audit with copies to the Accountant-General and the Auditor-General.

(ii) The content of the report shall disclose to what degree he is satisfied with the safeguards against fraud, the controls of the receipts and payments, issues and consumption of stores, verification of cash and stamps held and the accuracy of the accounting records. The report shall also include his observations on the economy of operation, efficiency, and effectiveness of other areas of activities and functions of the ministry/extra-ministerial office and other arms of government.

(iii) He shall issue special reports, when in his opinion, the attention of the Accounting Officer and that of Director of Finance and Accounts of the ministry need to be drawn to any irregularity in the accounting records, or to any apparent weakness in the accounting procedure. He shall also draw attention to the reports of the Auditor-General or to Internal Audit reports earlier issued by him. Copies of these special reports shall be forwarded to the Accountant-General and the Auditor-General.

1707. The Head of Internal Audit shall maintain under his personal control a register to record the progress of the audit.

1708. The Head of Internal Audit shall draw up detailed internal audit instructions for the use of the staff, setting out concisely the nature and extent of the checks to be applied to each account or record. The instructions shall be comprehensive and shall be an amplification of the Audit guide of the ministry/extra-ministerial office and other arms of government. In addition, they shall explain the general nature of the accounts, in relationship to the function of the ministry, department or, unit, and contain references to the basis in law, any relevant accounting instruction issued by the Accountant-General or other Government functionaries.

1709. The Staff of the Internal Audit Unit shall not be employed within the ministry, extra-ministerial office and other arms of government, on accounting duties. Furthermore, an officer shall be precluded from taking up the duties of internal audit staff if he has previously been engaged on accounting duties within the ministry, extra-ministerial office and other arms of government.

1710. Internal Audit certification on payment vouchers and other accounting books and records examined shall be through the use of Internal Audit Stamps. All Internal Audit stamps shall be issued by the Accountant-General and shall be regarded strictly as a security instrument.

1711. (i) The Head of Internal Audit Unit shall submit the names and particulars of their Internal Audit staff who are empowered to make use of audit stamps. The ranks of such officers shall not be below G.09 in Abuja and GL. 08 outside Abuja. The particulars to be submitted in respect of each officer shall be as follows:

- (a) the name and rank;
- (b) two recent passport photographs, stamped and endorsed by the
Head of Internal Audit unit;
- (c) specimen signatures; and
- (d) evidence of posting to the Unit

(ii) The application for audit stamps to be signed by the Head of Internal Audit and countersigned by the Accounting officer shall be forwarded to the Accountant-General.

(iii) It shall be the responsibility of the Head of Internal Audit Unit to collect assigned audit stamps from the Accountant-General for issuance to designated staff.

1712. (i) The Head of Internal Audit Unit shall arrange to collect all audit stamps at the end of each day and have them locked up in a Treasury Safe with two Senior Officers holding the keys one of whom should be the Head of Internal Audit. The stamps shall be released to their respective users the next issuance day. The daily issue and returns shall be recorded in a "Daily Release of Audit Stamps Register".

(ii) In the case of out-stations, the Head of Internal Audit Unit will likewise collect the audit stamps and issue them to the auditors as in 1712(i).

1713. (i) Internal Audit stamps are not transferable from one officer to another.

(ii) Internal Auditors re-assigned are to ensure that audit stamps in their possession are returned to the Head of Internal Audit Unit who shall immediately forward the stamps to the Accountant-General and the Accounting Officer informed accordingly. On no account shall such audit stamps be re-issued to another Officer.

1714. Any Internal Auditor who loses an Internal audit stamp duly issued to him through his negligence shall bear the maximum penalty of surcharge or replacement cost as confirmed by the Accountant-General.

1715. As part of the internal control functions, the Internal Auditor shall have free access at all reasonable times to stores and store records to carry out independent audit.

CHAPTER 18

BOARDS OF SURVEY: CASH AND STAMPS

1801. (i) Boards of Survey, to be held after the close of business on the last business day of each financial year, or before the commencement of business on the first working day of the new financial year, shall be appointed to examine the cash, bank balances and stamps, held by the Accountant-General at the Sub-Treasury, federal pay offices and cash offices in ministries/extra-ministerial offices and other arms of government. It will be the responsibility of the Director, Treasury Inspectorate Department, office of the Accountant-General, Abuja to convene the Annual Board(s) of Survey.

(ii) The Director, Treasury Inspectorate Department, Office of the Accountant-General, Abuja shall by the first week in August every year, call for particulars of all cash offices to be surveyed at the end of the year from Accounting Officers who shall forward the information not later than first week of October. The Director, Treasury Inspectorate shall appoint members of the Boards and advise all Accounting Officers accordingly.

1802. Annual Boards of Surveys as described in 1801 above shall be held on the cash and bank balances and stamps held at Nigerian Missions overseas. It will be the responsibility of the head of the Mission to convene such Boards. In this regard, the Director, Treasury Inspectorate, shall by first week in August each year, address as special letter to the Ministry of Foreign Affairs intimating them of the need for Heads of Missions to comply with this regulation.

1803. The Director, Treasury Inspectorate shall also be responsible for the convening of surprise Boards of Survey at least three times during each year, on the cash and bank balances held, by the Sub-Treasury, federal pay offices and cash offices of ministries and extra-ministerial offices and other arms of government. The surprises Boards shall be appointed once in each of the first three quarters of the financial year and shall not necessarily be held at the end of a month or quarter. The Director, Treasury Inspectorate and officers authorised by him may at any time make surprise inspection of the cash,

imprests and accounts, of any Accounting Officer. The appointment of surprise Boards must be kept confidential.

1804. Surprise Boards will be appointed three times during each year to examine the cash and bank balances, imprest, stamps, etc. held at Nigerian Missions overseas. It will be the responsibility of the Head of Mission to convene such Boards and which shall be held at intervals as described in Regulation 1803.

1805. (i) A Board shall consist, of three officers including the President. The President shall be an officer on Grade Level 10 and above; while other members shall not be lower than grade level 08. The officer in charge of the cash office, shall be present when the Board is conducting its survey.

(ii) Officers appointed to serve on a Board of Survey must report immediately to the convening authority if they are unable to serve.

1806. No cash transactions may take place between the close of business at the end the financial year and the time of the survey. Where the cash survey could not be completed in one day, the unverified portion of the cash must be kept separately in the safe.

1807. (i) Boards of Survey shall check the cash book and stamp registers by verifying the cash book balance with the actual cash and stamps. The cash balance will be certified by the Board of Survey on both original and duplicate copy of the cash book.

(ii) Any surplus discovered as a result of a Board of Survey must be brought to account in the cash book as a credit to revenue Head: Miscellaneous, Sub-Head: Sundries. Similarly, any shortage must be made good by the officer responsible or charged to an advance account for investigation. A serious shortage must be reported immediately to the Accountant-General with a copy to the Auditor-General in accordance with Chapter 25 of these Regulations.

1808. On completion of a survey, a report shall be rendered in triplicate on Revised Treasury Form 42, the certificate being signed by all members of the Board. The three copies shall be forwarded by the president not later than two weeks after the date of the survey to the Accountant-General who will transmit a copy each to the Auditor-General, and the Accounting Officer concerned.

1809. Accounting Officers must issue instructions for systematic inspection at irregular intervals of the cash held by their subordinate officers. A record of such inspections must be kept.

CHAPTER 19

PENSION SCHEME IN THE FEDERAL PUBLIC SERVICE

PART 1 - GENERAL ADMINISTRATION

1901. (i) Contributions by the employer and deductions from employees' salaries shall be centralised and made at source before monthly allocations of personnel cost are released upon receipt of the warrant from the Honourable Minister of Finance.

(ii) Contributions by the employees will be based on the basic salary in addition to transport and housing allowances.

(iii) Contributions shall be lodged at the Central Bank of Nigeria where pension contribution accounts have been opened.

1902. The amount to be deducted as government's share and from the salary of each Officer is as follows:

- (a) Military staff - 2.5% of basic salary and allowances
- (b) Civilian staff - 7.5% of basic salary and allowances
- (c) Government contribution for military and civilian staff respectively shall be 12.5% and 7.5% of basic salary and allowances.

1903. The following categories of employees shall be exempted from the scheme:

- (a) All employees who are entitled to retirement benefits before 1st July 2004 and those who have three (3) or less years to retire from the service.
- (b) Judicial Officers appointed to the Supreme Court or Court of Appeal and other judicial Officers appointed to any other Court, as per Section 291 of the 1999 Constitution of the Federal Republic of Nigeria.

1904. The contributions from both the employers and the employee shall be accounted for in the following manner:

- (a) National Pension Commission (NPC) will open Retirement Savings Accounts (RSA) for each employee and credit both the collections and interest earned to the account.
- (b) On receipt of payments and advice of National Pension Commission, Central Bank of Nigeria is required to invest the fund as provided in the Pension Reform Act. 2004.
- (c) The Commission shall maintain accounting record for the contributions and ensure proper periodic reconciliation of the accounts.
- (d) On quarterly basis, the commission shall generate and distribute Retirement Savings Account (RSA) statements to each of the contributing employees through their offices.
- (e) Each ministry or agency shall designate a liaison officer not below the rank of a Director for all matters relating to the scheme.

PART II – ACCOUNTING PROCEDURES

1905. All Accounting Officers shall ensure that a Subsidiary Account Pension Unit is created in their ministries/extra-ministerial offices and other arms of government. The section shall function independently of the main subsidiary accounts section of the ministries/extra-ministerial offices and other arms of government.

1906. The Accountant-General shall allocate a Below-the-Line Classification code to all ministries/extra-ministerial offices and other arms of government for the recording of monthly pension contribution.

1907. On receipt of monthly personnel cost warrants from the Budget Office, the Director of Finance and Accounts shall ensure the issuance of Treasury Receipt Book 6 in respect of the gross amount on the warrant, while a nominal payment voucher is raised to account for the deduction at source. Both the Treasury Receipt Voucher and Payment Voucher should be classified to cash transfer code 2000 series.

1908. (i) Annual deductions of 7½% or 2½% contribution as the case may be, from the personnel emolument shall be effected during the payrolling process.

(ii) The Director of Finance and Accounts shall ensure the raising of nominal TF 15 and TF1 on Pay Point basis which shall be classified to each ministries/extra-ministerial offices and other arms of

government, below-the-line classification code. The TF 15 shall be supported with a schedule of contributors and amounts contributed.

1909. A separate subsidiary cash book shall be maintained in respect of all TF15 and TF1. The monthly totals, which should agree, shall then be transferred to the Main Salary Cashbook. Any variance should immediately be reconciled before transfer to the Main Cash book.

1910. The Director of Finance and Accounts shall ensure that actual monthly deductions, as reflected in the cash book agree with the sum deducted at source. Any variance should be reconciled and communicated to the Budget Office of the Federation for necessary adjustment.

1911. (i) Original copies of all TF15 supported with schedules of contributors on a given pay point shall be forwarded to pension sub-accounts section for posting and updating the individual ledger accounts of all employees.

(ii) All ledger accounts shall be kept in strong room or fireproof cabinets when not in use.

(iii) Where the system is computerized, individual ledger accounts shall be maintained in the system and produced when necessary.

1912. The Subsidiary Pension Accounts Section, shall prepare quarterly reports stating the cumulative contribution of all employees. Copies of this report shall be distributed as follows:

- (i) The Accounting Officer;
- (ii) Accountant-General;
- (iii) Auditor-General;
- (iv) The Budget Office;
- (v) The National Pension Commission; and
- (vi) The Pension Administrator.

1913. (i) On the transfer of an officer, from one ministry/extra-ministerial office and other arms of government to another, a last pay certificate (LPC) stating the total contribution by the Officer shall be prepared by his former ministry/extra-ministerial office and other arms of government and forwarded along with a certified true copy of his ledger card to his new ministry/extra-ministerial office and other arms of government.

(ii) On the receipt of the LPC and the certified true copy of ledger card, the pension sub-accounts section of his new ministry/extra-ministerial office and other arms of government shall open a new ledger card using the closing balance on the certified true copy as his opening balance for the transferred employee.

(iii) The Budget Office and the Pension Fund Administrator shall be duly informed of the transfer.

1914. On the death, retirement or termination of appointment of an officer, a last pay certificate shall be prepared and forwarded to the Pension Fund Administrator, with copies to the Budget Office, Accountant-General, Auditor-General and Pension Commission

1915. (i) For field Officers, all deductions shall be treated as outlined in the foregoing provisions. Where payments are made through the federal pay officers, it shall be the responsibility of the officer in-charge of Field Offices to collect copies of TF15 supported with a schedule of affected contributors for onward transmissions to the Accounting Officers of their respective ministries/extra-ministerial offices and other arms of government.

(i) All transmission of deductions as per sub-section (i) above shall be effected within 30 days of the deductions.

(iii) The transmitted deductions from the field officers shall be referred to the pension accounts section for action as stipulated in FR 1911.

CHAPTER 20

GOVERNMENT VEHICLES

PART I – USES AND PROPER CONTROL

2001. The Accounting Officer shall be responsible for ensuring that there are effective controls in the use of government vehicles. For this purpose, he will ensure that the following records are maintained:

- (a) Vehicles' Control Register
- (b) Requisition/Approval for journey;
- (c) Vehicle Log-Book (Gen. 59);
- (d) Vehicle Maintenance Register

2002. Official transport is to be used on all occasions to facilitate government business but shall not be used for private journeys.

2003. The circumstances in which a government officer is eligible for transport at government expense, and the scales for such transport, are prescribed in the Public Service Rules. Ministries/extra-ministerial offices and other arms of government shall arrange cash payment for all authorized journeys.

2004. As much as possible, a particular vehicle should be attached to a particular driver over a period to facilitate accountability for the movement and general condition of the vehicle. The existing practice whereby any driver has access to any vehicle in the pool-system is inimical to good care and proper maintenance, and should be avoided.

2005. Ministries/extra-ministerial offices and other arms of government shall enter into reasonable agreements with petrol dealers for supply of fuel, on a monthly credit basis. As much as possible cash purchases should be limited to touring duties and emergency cases where supply is not immediately available from the regular supplier.

2006. The Director, Administration and Supplies on the recommendation of the Transport Officer, and the Head of Accounts Department shall cause a reasonable stock of spare parts to be maintained to support the service bay.

2007. Service charts should be prepared by transport officers showing the details of vehicles owned by ministries, the type and repair undertaken at the previous service, current problems, date of next service, etc. (specimen as Appendix 22). A similar chart showing the service history of a vehicle from the date of purchase till its present age should also be compiled. This will enable the Board of Survey to determine the appropriate moment to board a vehicle.

2008. To facilitate the proper control of transport operation and for effective monitoring of the movement of government vehicles, transport units should adopt the use of Station Diary (specimen as Appendix 23) for a graphic illustration of the deployment of all vehicles in a ministry/extra-ministerial office and other arms of government at a particular point in time. The transport office shall ensure that drivers endorse their log books before, during and after any assignment.

2009. Government drivers should be properly inducted into their roles when they are newly employed. Training and retraining should also be a regular feature in a driver's development.

2010. The non-accident bonus policy should be more faithfully observed and stringent measures taken against any driver who negligently causes damage to government vehicles.

PART II - ACCIDENTS TO GOVERNMENT VEHICLES

2011. In addition to any action which may be required to be taken in accordance with the provisions of section 23, of the Road Traffic Act, Cap 184 the procedure prescribed in this chapter shall be observed when an accident occurs involving a federal government vehicle, (see endnote to this chapter for the provisions of Section 23 Road traffic Act.).

2012. (i) The driver, or the person in charge of the vehicle, must immediately report the accident to his head of Department or Division. At the scene of the accident he will furnish, only to a police Officer, or to the owner of the property to which injury has been caused, details of:

- (a) his name and address;
- (b) the name and address of his Ministry or Agency; and
- (c) the identification mark of his vehicle.

(ii) Pursuant to sub-section (i) above, the driver shall in no way admit liability to any member of the public, or make any statement other than those above, to the police, or to the owner of the damaged property.

2013. The Head of Department or Division shall report to the Director, Administration who shall take early steps to obtain statements of what took place from the driver, the passengers and any witnesses whose names and addresses are known.

2014. The Director, Administration and Supplies shall request the Accounting Officer of the Federal Ministry of Works to send a Mechanical Engineer to inspect the damage to the government vehicle or property. The inspection of non-government property shall not be carried out except in circumstances as described in Financial Regulation 2018, since an unsolicited inspection might be held to amount to an admission of liability.

2015. The representative of the Federal Ministry of Works shall be a person whose evidence shall be relied upon in any law court in the event of a dispute.

2016. If a claim for compensation for damage or injury arising out of an accident is received, the Director, Administration and Supplies shall promptly acknowledge receipt of the claim.

2017. On receipt of a claim under F.R. 2016, and provided the consent of the owner of the vehicle or property or his representative has been obtained, the Director, Administration and Supplies shall request the Federal Ministry of Works to send a competent person to inspect the damaged vehicle or property in respect of which the claim is made.

2018. In those cases which are brought to the notice of the Police, in accordance with Section 23 of the Road Traffic Act, Cap. 184, the Director, Administration and Supplies shall obtain a police report together with a statement as to whether any person is being prosecuted as a result of the accident. The police authorities shall also be requested to give the result of such prosecution, where available.

2019. The Director, Administration and Supplies shall forward in duplicate to the Accounting Officer, a report on the circumstances of the accident. The report, which must contain full details of how the accident occurred, shall include, the following:

- (a) Details of any claim which has been received for damages or for injury arising from the accident.
- (b) The original of any such claim.
- (c) For the purposes of assessing the legal position, an opinion whether or not the government driver was acting in the course of his employment, and if it is considered that he was not, then full particulars must be given. As a general rule a driver on an authorized journey is presumed to be acting in the course of his employment, even if he makes an unauthorized tour, or drives at a speed or in a manner which his superior officer has forbidden.
- (d) Details of the damage to government vehicles and property, including the cost of repairs, and details of any evidence tending to show how the accident occurred.
- (e) Details of the damage or injury in respect of which any claim has been made.
- (f) Copies of any reports provided by the Police.
- (g) Copies of the statement of the driver.
- (h) A sketch plan of the scene of the accident, if this is likely to assist in assessment of the case.
- (i) An opinion on the degree of negligence of each of the parties involved.

2020. The Accounting Officer shall decide whether the circumstances of the accident disclosed by the report of the Head of Unit or Division warrant the convening of a Board of Enquiry, and, if so, he shall apply for such a Board under the provisions of Chapter 25, Part III of these Regulations.

2021. The Accounting Officer may dispose of an accident report, and order the repair of the government vehicle when:

- (a) A civil claim against Government has not been received, or is not likely to be received.
- (b) The Accounting Officer is of the opinion that government should not institute a civil claim against any person.
- (c) The disciplinary action against any officer involved is within the discretion of the Accounting Officer.
- (d) Sufficient funds are available to meet the cost of repair to the government property.

2022. The Accounting Officer shall submit a report to the Ministry of Finance on the circumstances of those accidents if:

- (a) a civil claim against Government has been received, or is likely to be received;
- (b) in the opinion of the Accounting Officer, Government should institute a claim against any person; and
- (c) there are allegations of negligence causing the accident which may involve disciplinary action against officer over whom powers of discipline have not been delegated.

2023. (i) The report to be submitted under Financial Regulation 2022 must contain, *inter alia*, details of:

- (a) The opinion of the Accounting Officer as to the degree of negligence of each of the parties involved in the accident.
- (b) The disciplinary action including suspensions, surcharge and loss of no-accident bonus taken against any officer found guilty of negligence.

- (c) Instances of any unauthorized use of government vehicles which may have been disclosed as a result of the accident, together with recommendation to prevent a re-occurrence.
- (ii) The report of the Accounting Officer shall be supported with the following documents:
 - (a) A copy of the report with the attachments, from the Director of Administration, Head of Unit or Division, as required by Financial Regulation 2019.
 - (b) The report of the Board of Enquiry, where applicable.

2024. If a criminal prosecution is pending against a government employee arising from an accident involving a government vehicle, the departmental disciplinary action should not be taken until the result of the criminal prosecution is known.

2025. On receipt of the report from the Accounting Officer, the Federal Ministry of Finance shall be responsible for all subsequent action on Civil claims, and will refer the papers to the law officers for advice as to whether government should institute a claim against any person or admit liability in respect of any claim which may be made against government for damage or injury caused by the accident.

2026. For purposes of disciplinary action, all relevant papers in respect of a charge of negligence against an officer shall as be forwarded to the appropriate Staff Committees of the ministry for consideration or to the Federal Civil Service Commission as appropriate.

2027. If as a result of the accident, the government vehicle is considered to be beyond economic repair, the Accounting officer shall apply for a Board of Survey on the vehicle under the provisions of Chapter 25 of these Regulations. Copies of the Report of the Accident shall be made available to the Board.

2028. Accounting Officers shall forward at quarterly intervals to the Federal Ministry of Finance with a copy to the Auditor-General and Accountant-General, a return of all accidents to government vehicles under their charge to show:

- (a) Date of accident
- (b) Details of vehicle involved.
- (c) Estimate of the cost of repairs to government vehicle or property.
- (d) Brief details of accidents dealt with under Regulation 2022, and details
of disciplinary action taken.
- (e) Brief details of accidents dealt with under Regulation 2023, and
cross-references to the reports submitted under Financial Regulation 2024.

END NOTE

The provisions of Section 23, Road Traffic Act, Cap.184, are reproduced as follows:

“Where in any accident due to the use of any motor vehicle or trailer on a high way, any injury is caused to any person, property or livestock in the charge of any person, the driver of the motor vehicle shall:

- (a) immediately stop the vehicle;
- (b) furnish his name and address, the name and address of the owner of the vehicle, the identification mark of the vehicle and other particulars relating thereto if requested to do so by any person to whom, or by the owner or person in charge of the property or of the livestock to which the injury has been caused, or by any police Officer;

- (c) in the case where the person to whom injury has been caused so requests, or if he is unconscious, or if the injury caused to that person appears to endanger life, take all reasonable practicable steps to attend to the injured person, to procure him medical attention and to procure, where necessary, his removal to hospital and thereafter report the accident forthwith to the nearest police Station;
- (d) in every case not referred to in paragraph (c) report the accident as soon as possible and in any case within 24 hours of the occurrence of the accident to the nearest Police Station."

CHAPTER 21

STORES ACCOUNTING AND CUSTODY

PART I

STORES - CLASSIFICATION AND GENERAL

2101. Stores include all movable property purchased from public funds or otherwise acquired by government.

2102. For accounting purposes, stores are of two classes, namely Allocated and Unallocated Stores. They are further divided into three categories which, after issue, are dealt with according to the nature of the article, defined as follows:

- (a) Non-expendable stores, e.g. plant and machinery, motor vehicles, typewrites, scales and furniture.
- (b) Expendable stores, e.g., shovels, machetes, brushes.
- (c) Consumable stores, e.g., paint, soap and food-stuffs.

2103. Allocated Stores are stores the costs of which are chargeable direct to, and remain a charge to, the sub-head of expenditure in which funds for their purchase are provided in the estimates. These stores are taken on numerical charge and may be placed in an Allocated Stores or put into immediate use. They may be either purchased direct or obtained from the Unallocated Stores Stocks.

2104. Unallocated Stores are those purchased for general stock rather than for a particular work or service, for which the final vote of charge cannot be stated at the time of purchase. Their cost is debited to an Unallocated Stores sub-head in the Expenditure Estimates. They are held on charge by both value and unit and when issued for use are charged to the appropriate sub-head of expenditure as an Allocated Store, and the corresponding credit is posted to the Unallocated Stores sub-heads.

2105. Allocated and Unallocated Stores should preferably be stored in separate premises. Where this is not possible, separate areas should be maintained within the same store.

PART II

STORES: BOOKS AND FORMS OF ACCOUNTS

2106. Every officer charged with responsibility as defined in F.R. 2402 and 2403 will ensure that proper stores ledgers are maintained to record all receipts and issues from stores.

2107. A separate ledger shall be maintained for each store. Records of articles of the same group shall be kept in one ledger, and items should be arranged in alphabetical order. The unit of quantity shall be shown and articles shall be taken on charge in that unit. Separate folios shall be assigned to the various

articles in stock and the description shall, in every case, agree with that of the tally card kept in the store. All stores ledgers must be clearly indexed.

1208. (i) All bound ledger folios shall be numbered consecutively. Sheets for loose-leaf binders shall be controlled by register and issued against signature. The Control Register shall be maintained by senior officer other than the Storekeeper, who will be responsible either for ensuring that the loose-leaf sheets are properly and serially numbered on receipt from the printer, or for seeing that such sheets are numbered in his office immediately on receipt with a numbering stamp which he shall keep personally under lock and key. He shall also be responsible for issuing new sheets as required and recording in the control register the stores ledger folio number given to each on coming into use. Keys to loose-leaf ledgers and locking devices for card cabinets shall be kept personally by this officer.

(ii) Each sheet in use shall be given same folio number on both sides and when a replacement sheet of any one item is inserted for one that is exhausted, in brackets, e.g., 5 (2). Completed sheets when withdrawn from a loose-leaf ledger in current use shall be filed in numerical order in a separate binder.

2109. (i) In place of a bound or loose-leaf ledger, a system of controlled cards may be used. Control of cards shall follow the procedure for loose-leaf binder sheets as shown in F.R. 2108.

(ii) A new ledger shall not be opened until the old one is exhausted.

2110. The Stores ledgers or cards maintained in accordance with F.R. 2107 and 2109 shall contain completed record of the receipts and issue of all articles of government property and stores, including livestock and bulk supply of petrol, but excluding consumable stores purchased for immediate use in accordance with F.R. 2402 (ii). The ledgers shall be posted daily and every entry must be supported by a voucher, the number of which shall be recorded against the entry see F.R. 2401. In the case of Unallocated Stores, the ledgers and vouchers will record both quantity and values.

2111. Unserviceable and obsolete stores shall be posted in a separate ledger, supported by a consignment note.

2112. Stores ledger shall be balanced at the end of each month or when a Board of Survey is held or a stock verification takes place. Allocated stores should be balanced when one officer hands over to another. Where a separate column for the purpose is provided in the stores ledger, the running balances shall be inserted after each transaction.

2113. When the last line but one on any folio of a ledger has been entered, the receipts and issues shall be totalled and carried forward to a new folio. The completed folio and the new one shall be cross-referenced (see F.R.2108). When ledger cards are in use, and totals are carried forward, both cards will be similarly cross-referenced.

2114. At the end of the financial year, a red line must be drawn immediately below the last entry on each page of the ledger and totals obtained.

2115. Receipt and issue vouchers shall be numbered consecutively for each financial year and filed in numerical order.

2116. Should a receipt or issue voucher be cancelled, all copies except the last which should remain in the book shall be filed serially. Cancelled voucher shall be clearly marked as such and initialled by a responsible Officer.

2117. Conversion and adjustment vouchers of any description will be in separate series, consecutively numbered for each financial year, and filed in numerical order.

2118. The number of the store ledger folio to which each item has been posted shall be recorded on all receipt, issue, or other vouchers. To prevent unauthorised additions on vouchers, a diagonal line shall be drawn immediately below the last entry and initialled by the officer raising the voucher.

2119. A separate tally card must be kept for each item in the store to correspond with items recorded in the store ledgers. The relevant ledger folio shall be quoted on the tally card. Tally cards must be kept in the bin with the article of which they refer, except that where this is impracticable, they may be kept in suitable cabinets or drawers, provided they are immediately available for entering and checking. All receipts and issue shall be recorded on the tally cards which will be posted from the vouchers immediately the stores are physically received or issued.

2120. Entries on tally cards shall be made in ink or ball pointed pen and shall be initialled by the Storekeeper. Cards must not be ruled off while the balance of stock on hand must be shown in the proper column. If circumstances permit, the tally card should be entered by an officer other than the officer responsible for posting stores ledgers.

2121. Registers shall be kept to record the following:

(a) All short-landed, missing and damaged articles Claims Register: see Financial Regulation 2407).

(b) Issue of Allocated Stores on loan and their return (See F.R.2139 and 2425).

(c) All issue vouchers, showing the number, nature, requisitioning officer and date of acceptance, and return of the issued voucher signed by the consignee.

2122. In addition to stores ledgers, inventories of non-expendable stores in use as office furniture, camp equipment, tools, machinery etc, shall be maintained by each officer to whom such property has been issued. A duplicate copy of the inventory shall be kept elsewhere in safe custody.

2123. Erasures may not be made in any stores ledger, receipt or issue voucher, or other stores accounting documents. Corrections must be made by striking out the erroneous entry in red ink and inserting the correct entry. Corrections in ledgers shall be initialled by the responsible officer. Corrections on issue as well as the recipient of the stores. The recipient of stores may not make any corrections on the issue voucher.

Stores Documents: Security

2124. All stores ledgers must be kept in safe custody as provided for in Financial Regulations Chapter 11.

2125. Specimen forms of ledgers and vouchers are given in the Appendix 15. Ministries/Extra-Ministerial offices and other arms of government whose stores require specialised documents may design such forms but are required to submit them to the Accountant-General and the Auditor-General for approval.

2126. Accounting Officers are responsible for formulating a Stores Code for the guidance of their officers dealing with stores. Such code or other accounting instructions must conform with the main principle laid down in these Regulations and must have the prior approval of the Accountant-General. In the event that there is a conflict of detail, then the code shall prevail.

2127. Stores forms in general use shall bear stores numbers and shall be issued under the authority of the Accountant-General. Stores Forms for special use may not be used without the authority of the Accountant-General (see Appendix 15 for list of Store Forms in use).

PART III

SUPERVISION AND CUSTODY OF STORES

2128. Every public officer is personally and pecuniarily responsible for government property under this control or in his custody.

2129. The Accounting-Officer is responsible for the general supervision and control of stores and stores accounts of his ministry/extra-ministerial office and other arms of government.

2130. Every officer in charge of a branch, section, or station is responsible for the general supervision and control of the stores and stores accounts of his branch, section or station.

2131. The storekeeper or officer in charge of a store or section of a store who shall in each case be specifically nominated in writing is personally responsible for:

- (a) checking, handling and storage of stores received;
- (b) care of stores, including proper stacking and storage according to the nature of the stores with due observation of safety precautions;
- (d) progression of stores issues so that items of old stock are issued before new stock;
- (e) maintenance of stocks within the prescribed maximum and minimum limits and avoidance of waste of stores and irregular issues; and
- (f) periodic verification of stock balances with tally cards and ledger balances and reporting any discrepancies revealed, including damage or deteriorated stores, excess stores or obsolete stores.

2132. (i) The storekeeper or officer in charge of a store or a section of a store, is personally responsible for:

- (a) Existence and observance of security regulations which should include prevention of unauthorized access;
- (b) frequent inspection of the storeroom giving special attention to the prevention of illegal entry;
- (c) ensuring that the storeroom is clean and properly ventilated, and
- (d) reporting when the storeroom is not in good condition or a state of disrepair.

(ii) The storekeeper or officer in charge of a store or a section of a store is required to be present when the storerooms are opened and must visit the storerooms daily. He is solely responsible for the keys and no delegation of the duties of locking up is permitted. However, where special circumstances require that more than one officer is specifically authorised, all such officers shall be equally liable. In such circumstances, special instructions which must be approved by the Accountant-General after consultation with the Auditor-General are required.

2133. Store officers and/or stock verifiers shall not participate in the procurement of stores. They are also not to participate in the selection of a contractor or sit on the Tenders Board. Their duties are mainly

to ensure that the goods ordered are received according to the specifications and recorded in the stores ledgers as appropriate.

2134. All stores are subject to the following inspections:

- (a) The inspection of all stores within the ministries/extra-ministerial offices and other arms of government, whether at headquarters or outstation shall be carried out at least twice yearly at intervals.
- (b) The inspection of all unallocated stores at least twice yearly at irregular intervals.
- (c) Checking of every item of stock at least once a year by stock verifiers.
- (d) Inspection by Internal Auditors as part of their regular routine functions.
- (e) Boards of Survey, held annually and at such other times as may be necessary (see Chapter 27)

2135. Reports of inspections arranged in conformity with F.R. 2134 will provide the results of the following checks:

- (a) A test verification of the additions and subtractions in the store ledger and a test comparison of the ledger entries with receipt and issue vouchers.
- (b) A test comparison of the ledger balances with the actual stock and tally cards.
- (c) An examination of the condition of the stock and manner of storage.
- (d) A scrutiny of the books and registers in use, which should be up-to-date and the relevant vouchers properly filed.
- (e) An examination of security measures in place as well as comments on obsolete and/or excess stores if any, together with any necessary recommendations.

2136. The reports of all inspections, except Board of Survey, shall be submitted to the Accounting Officer with copies to the Accountant-General and Auditor-General. In case of board of Survey, it should be submitted in accordance with the provisions of Chapter 27 of these Regulations.

2137. Officers to whom plant and tools have been issued for current use will make periodic checks to ensure that no shortages exist. Any discrepancy should be reported to the Head of the supervising division or department (see F.R. 2131).

2138. All stores premises must have adequate fire fighting appliances provided and maintained in a serviceable condition.

2139. (i) No article shall be issued on loan from an Unallocated Store.

(ii) Articles may be issued on loan from an Allocated Store, but prior written approval must be obtained from the responsible officer where a loan register shall be kept for that purpose,

2140. Security Guards should be employed to look after all government stores.

CHAPTER 22

ALLOCATED AND UNALLOCATED STORES

PART I

ALLOCATED STORES: TOOLS, PLANT AND FURNITURE

2201. The provisions of Part I of this Chapter shall apply to the control of expendable and non-expendable stores as defined in FR 2102 (a) and (b) after their issue.

2202. The receipt of non-expendable tools from main store or from direct purchase or from transfer, and their return to main store shall be recorded in a separate non-expendable tools ledger to be maintained by the officer in charge of the workshop or unit. The officer in charge shall also maintain subsidiary or inventory records to show the issue and return of tools to and from individuals. They supervising officers shall make periodical checks to ensure that the correct numbers of tools are on hand and that they are in good serviceable condition.

2203. Non-expendable tools which have become unserviceable shall remain on charge in the tools ledger pending examination by a Board of Survey and authority for disposal and write-off, to be given under the provisions of chapter 27.

2204. Non-expendable tools which have been lost shall remain on ledger charge in the tools ledger and shall be a liability of the officer in charge, pending the examination of the loss under the provisions of chapter 27.

2205. The receipt of expendable tools *i.e.* those which are not considered to have a specific life assigned to them shall be recorded in a separate expendable tools ledger to be maintained by the officer in charge of the workshop or unit.

2206. Expendable tools which have become unserviceable through fair wear and tear shall be written-off charge in the expendable tools ledger without an examination by a Board of Survey (see Financial Regulations 2611 and 2612).

2207. When replacement of expendable tools destroyed is required the original of the destruction certificate in the following form shall be forwarded to the issuing store in support of the demand: "Certified that I have personally inspected the under-mentioned expendable tools issued to me which have become unserviceable through fair wear and tar and have been destroyed by (quote method of destruction)"

Signed:.....

Rank:.....

Date:.....

Countersigned:.....

Officer-in-charge of workshop

Date:

.....

2208. The term "Plant" includes both fixed and movable items, such as machines, engines, boilers, etc.

2209. Every item of plant shall be numbered in a series to be recorded in a register at the headquarters of a ministry/extra-ministerial office and other arms of government concerned with the acquisition and issue of the plant. The appropriate series and number shall be inscribed on the equipment.

2210. The receipt of the plant shall be recorded in a plant ledger to be maintained by the officer in charge of the workshop or unit, and for fixed plant, the record shall show the location of the plant in use.

2211. Inventories on Stores Form 15 shall be maintained by the officer in charge of plant to record the accessories, spares and tools carried with plant equipment.

2212. Officers in-charge of plant shall maintain plant log book for each item of equipment to record the plant's history of repairs, overhauls, spare parts consumed, details of periodic maintenance, servicing and details of fuel and oil consumption.

2213. Plant which has become unserviceable or lost shall remain on charge in the plant ledger pending examination by a Board of Survey or Board of Enquiry and the authority for disposal and write-off to be given under the provisions of Chapter 27.

2214. Ministries and extra-ministerial officers and other arms of government may, on their own furnish and equip their offices as well as residential quarters of eligible officers.

2215. The receipt from store, direct purchase of furniture and equipment for an office or other government building as well as returns to store shall be recorded in a furniture ledger to be maintained by the office manager, or officer in charge of the building.

2216. The distribution of furniture and equipment within a building shall be recorded in a master inventory record, to be maintained by the office manager or officer in charge to show the location of the furniture and equipment and he shall ensure that the total of each type so distributed agrees with the balance on the relevant furniture ledger.

2217. The office manager, or officer in charge of the building shall ensure that a furniture inventory board (Stores Form 15) is displayed in each room or office to record the distribution of furniture and equipment to each room or group of rooms. He will make periodic checks at least once quarterly to ensure that the correct numbers of furniture and equipment are in their proper place and that they are in good serviceable condition. He will ensure that all items found surplus are immediately taken on inventory and master inventory charge.

2218. The officer in charge of federal houses in an area shall maintain a master inventory record to show the location of all federal government furniture on issue to houses, quarters, etc., and will issue a furniture inventory board (Stores Form 15) to record the furniture and equipment on issues to each quarter. Inventories will be checked in full detail on a change of occupant.

2219. Every electrical or gas cooker, refrigerator, water heater or fan shall be numbered in a series to be recorded in a register by the officer in charge of the Store of issue. The appropriate series and number shall be inscribed on the equipment.

PART II

UNALLOCATED STORES

2220. The provision of Part II of this chapter shall apply to the control of unallocated stores.

2221. The purpose of an unallocated store is to acquire stores of a standard design and in constant demand, and to hold minimum stocks thereof to facilitate their immediate availability when required for a project or service. It is also to allow the vote of the relevant project or service to be charged with the value of the stores when issued.

2222. The maximum limit of the value of the stores which may be held in stock at any onetime shall not be exceeded without the authority of the Minister of Finance.

2223. The provisions of chapters 21 to 26 concerning regulations, security, issue, return, handing over, acquisition and issues shall apply *mutatis mutandis* to unallocated stores.

2224. The cost of stores purchased to replenish standard stocks, and stores imported and handled by an unallocated stores organization for a specific work or service, shall be charged initially to the unallocated stores sub-head of the current estimates, under the item of "Purchases-of stores".

2225. The cost of stores purchased locally for specific projects or service shall be charged direct to the relevant vote of the project ore service.

2226. The "cost" of unallocated stores for accounting purposes shall be:

- (a) For imported store-the invoice price (f.o.b), ocean freight, inspection fees, marine insurance, customs duty and local transport cost.
- (b) For stores purchased locally – the full purchase price, less discount, if any.

2227. When stores are received, each category shall be separately taking on charge in quantity and value. The value at which stores will be taken on charge shall be ascertained by the officer in charge of the stores by determining a unit price for each category approximate to the average of the value of the items in stock and the known or estimated price of the stores to be taken on charge. This unit price will remain as a fixed or catalogue price until a variation of the cost of a replacement purchase demands a revision of the rate.

2228. As an alternative system to the fixed price method, and when approved specifically by the Minister of Finance, the articles may be taken on charge at the last known price when details of the full landed costs are not immediately available.

2229. The Head of Finance and Accounts of the ministry/extra-ministerial office and other arms of government shall ensure that the following minimum records are maintained:

- (a) Purchases Journal (or Stores Cost Book)
- (b) Issues journal (or Stores Issues Summary)
- (c) Stores ledger, to include an account for each category of store, and a separate account for:
 - (i) Shortfalls and excesses (or Price Adjustments)
 - (ii) Claims.

2230. The Purchases Journal of Stores Cost Book shall be the prime entry record for taking on charge of the stores received and shall be a manually written record in columnar form conveniently divided to facilitate:

- (a) The reconciliation between the prime entire for stores received with the accounting entries in the abstract, (see Financial Regulation 1605 (d)).
- (b) The reconciliation between the prime entries for the cost of stores received with the values taken on charge at the fixed or predetermined rate.
- (c) The reconciliation and agreement of the total postings to and balances remaining on the various stores accounts.
- (d) The periodic computation of the total of the differences between the actual costs and the fixed prices.
- (e) The recording of the values for goods imported when

short-landed or damaged and the subject of a claim on the carrier or supplier.

(f) The recording of the revaluations of stocks on hand upon the change of a fixed price.

2231. The Issues Journal or Stores Issues Summary will provide a summary and a monthly total of the values of issues of stores computed at the prevailing fixed price. Copies of the Stores Issue Summary, in triplicate, together with supporting copy stores issues vouchers, when required, will be forwarded monthly in the form of Materials Expense-Statement to the Head of Finance and Accounts of the ministry controlling the stores at a date to be prescribed by the Accounting officer. The Head of Finance and Accounts shall incorporate into the abstract record the total of the issues to the credit of the unallocated stores sub-head of expenditure, item "Issues of Stores" and charge the values of the issues to the relevant votes of the project or service for which the stores were drawn (see Financial Regulations 1607).

2232. The Shortfalls and Excesses Account or the Price Adjustment Account shall be utilized only for the following purposes:

(a) to accommodate the differences between the total costs and the fixed prices of issues.

(b) to accommodate the value of stores found surplus.

(c) to accommodate the value of minor discrepancies of stores and of goods short-landed or damaged and written-off store ledger charge by the Accounting Officer under the authority of Financial Regulations 2601.

(d) to accommodate the value of unserviceable stores written-off store ledger charge by the authority of the Accounting Officer under the provisions of Financial Regulations 2610.

(e) to accommodate the increase or decrease in the valuation of stocks on a change of fixed price.

2233. A credit balance remaining at the end of financial year on the Short-falls and Excesses or Price Adjustment Account shall be abandoned and no accounting entry will pass through the Abstract. If the account runs into a debit balance towards the end of the financial year or earlier, if the debit is excessive, the officer in charge of the store shall fully investigate the cause and, if appropriate, make the necessary amendments to the fixed prices. Alternatively, he will apply for additional funds by Virement Warrant (see Financial Regulation 309) under Sub-head "Unallocated Stores Deficiencies", sufficient to accommodate a transfer by adjustment voucher to put the Short-falls and Excesses Account or Price Adjustment Account into a credit balance by the end of the financial year. The adjustment shall be a debit to the "Deficiencies" sub-head and a credit to unallocated stores "Payments".

2234. Store charges shall be raised only when stores are issued on repayment to another government, corporation or in exceptional circumstances on repayment to a government official or to the public. The element of store charge will be shown as an addition to the issue or fixed price, and shall be classified direct to the appropriate revenue head.

2235. The value of imported stores received in a damaged condition from, or short-landed by the carrier, will be recorded in the Purchases Journal or Stores Cost Book and taken on charge in the appropriate claims section. Details of the loss shall be entered in a claims register and the claim against the carrier or supplier shall be passed to the shippers by the officer in charge of the stores. The claim must be made immediately and within the prescribed time limit. The receipt of a settlement of a claim shall be recorded in the Purchases Journal and the appropriate records will be made in the claim register. The stores charges account will reflect the periodic totals of the value of the claims made, settled or written-off and the balance of the values of claims outstanding.

2236. A claim shall not be made when the value of the short-landed or damaged stores does not exceed N50,000.00.

2237. Unsettled claims shall be abandoned and written-off in accordance with the provisions of charter 27. A claim abandoned under the authority of the Accounting Officer, Financial Regulation 2606 (a) may be charged against the Short-falls and Excesses Account or Price Adjustment Account if the balance on the account is sufficient to absorb the loss. In all other instances, the losses shall be transferred, when funds are made available, to the separate sub-head of expenditure "Unallocated Stores Deficiencies", by a transfer adjustment as an expenditure credit to the item of "Purchases".

2238. As soon as possible, after the end of a financial year, or not later than a date to be prescribed by the Accountant-General, an Annual Balance Statement and Reconciliation Accounts (see appendix 18), shall be prepared by the Accounting Officer and forwarded to the Accountant-General and the Auditor-General.

2239. The provisions of chapter 27 concerning Board of Survey and Inspections of Stores and Financial Regulations 1704 and 2802 concerning the responsibilities of Internal Auditors and Stock Verifiers, shall apply respectively.

2240. The provisions of chapter 267 concerning losses of stores shall apply.

CHAPTER 23

ACQUISITION OF STORES: LOCAL PURCHASE AND INDENTS

2301. Stores may be obtained by local purchase in Nigeria or by indents from overseas suppliers. All ministries/extra-ministerial offices and other arms of government of the federal government are required to purchase stores from Nigerian industries in preference to placing orders for imported goods.

2302. (i) All local purchase of, or indents for, stores must be authorised by the officer controlling expenditure, and the Local Purchase Order of indent must be signed by him.

(ii) On no account shall special imprest or cash advance be used in place of Local Purchase Order or Job Order of the procurement of stores locally.

2303. The Accounting Officer shall determine which contract instrument is appropriate having regard to the nature of transaction and the need to protect public funds. The following guidelines shall apply:

- (a) For on-the-shelf or standardized products, e.g. Refrigerator, Air-Conditioners, within the thresholds approved by Bureau of Public Procurement from time to time, Local Purchase Order (LPO) may be issued. The validity period of Local Purchase Order shall not exceed 3 months and in any case, shall not be valid after the end of the financial year in which it was issued as stipulated in FR 413.
- (b) With regard to other contracts that are not covered by Local Purchase Order or Job Order, a formal contact agreement shall be entered into.

2304. (i) On the approval of the Accounting Officer, the Director of Administration and Supplies shall forward all request for the issue of Local Purchase Order in the procurement file to the Director of Finance and Accounts. The Director of Finance and Accounts shall issue the Local Purchase Order and ensure that liability is taken against the appropriate vote of charge in the vote book. He shall thereafter release the original and duplicate copies along with the relevant file to the Director of Administration and Supplies for delivery to the supplier.

(ii) Where a job order is to be used for the procurement of stores, such job orders shall be issued by the Director, Administration provided that it is passed to the Director, Finance and Accounts who will ensure that liability is taken against the relevant vote of charge in the vote book before delivery to a supplier.

2305. As much as it is practicable, goods must be purchased from reputable manufacturers or their accredited agents. When goods are obtained through an agent, the purchasing officer will satisfy himself that the goods are authentic.

2306. (i) Local Purchase Orders (Treasury Book 118R) will be prepared in quadruplicate. The quantities and estimated cost shall be entered in words and figures, and the order will be ruled off after the last item. The original and duplicate of the order shall be submitted to the supplier, who will return the original with the invoice or bill. When payment is made, the original of the order together with the invoice or bill shall be attached to the payment voucher.

(ii) The triplicate copy shall be sent to the storekeeper if the goods are to be taken on charge. The quadruplicate will remain in the book.

(iii) Any alteration to the wording on a Local Purchase Order shall be signed by the officer authorizing the order [see FR 2404]

2307. (i) If the original of a Local Purchase Order is lost before delivery of the goods and this fact has been brought to the knowledge of the issuing officer by the supplier, the issuing officer shall cancel the LPO and inform the supplier of the cancellation immediately. The triplicate copy of the order shall be recovered from the storekeeper, replaced and stapled with the quadruplicate copy in the order book and endorsed accordingly. A fresh Local Purchase Order may then be issued.

(ii) A report should be made to the Head of Department and to the Accountant-General who will arrange for a notice of loss to appear in the official gazette. A copy of such notice shall be forwarded to the Auditor-General

(iii) If a Local Purchase Order is lost after the goods have been delivered, the loss must be promptly *gazetted* as in sub-section (ii) above and a replacement of Local Purchase Order issued. The supplier may obtain payment after signing an indemnity certificate, on the payment voucher to protect government in the event of double payment for the same delivery.

2308. All unused and partly used Local Purchase Order books shall be kept under lock and key and suitable precautions taken at all times to prevent them getting into unauthorised hands.

2309. Tenders invited in accordance with F.R. 2303 (b) shall be considered in line with the provisions of the Public Procurement Act.

2310. In special circumstances where stores are urgently needed, and it is known that local manufacturers are unable to supply in reasonable time, a Head of Department may seek the specific authority of the Minister of Finance to place an order through importers without recourse to tender. The Minister must be satisfied that to wait for local supply would seriously prejudice the work of the Department concerned or entail extra cost to public funds.

2311. In order that the cost of indents may be met within the financial year for which provision is made, the indents shall be submitted as soon as practicable after the estimates have been approved.

2312. The foregoing provisions shall apply in so far as they do not breach any of the provisions in the Public Procurement Act or any guidelines that the Bureau for Public Procurement may issued from time to time.

CHAPTER 24

HANDLING OF STORES

PART I

RECEIPTS OF STORES

2401. (i) Receipt entries in the Allocated Stores ledger shall be supported with the prescribed voucher according to the sources of receipt as follows:

Source of receipt of stores Ledger entry supported by

- | | | |
|--|--|-------------|
| (a) Importation | Stores Receipt Voucher
Duplicate copy of invoice | |
| (b) Local Purchase | Copy of Stores Receipt Voucher
and triplicate copy of Local Purchase Order. | |
| (c) Transfer from other stores
(stores Form 4). | Copy of Issue Voucher
from the transferring stores | |
| (d) Conversion and
(Stores Form 5). | Copy of Conversion Voucher | Manufacture |
| (e) Returned Stores
Form 3). | Stores Receipt Voucher (Stores
Form 3). | |
| (f) Excesses taken on
Form 3). | Stores Receipt Voucher (Stores
Form 3). | charge |
| (g) Any other source
Form 3). | Stores Receipt Voucher (Stores
Form 3). | |

(ii) Receipt entries in the unallocated stores ledger shall be supported with the prescribed vouchers according to receipt of stores as follows:

Source of receipt of stores Ledger entry supported by

- | | | |
|--------------------------------|--|----------------------|
| (a) Importation | Stores Receipt Voucher
(Stores Form 3) with relevant invoice. | |
| (b) Local Purchase | Stores Receipt Voucher
(Stores Form 3) and triplicate copy of Local Purchase Order. | |
| (c) Transfer from other stores | | |
| (d) Conversion and manufacture | As Required for Allocated | |
| (e) Returned Stores | Stores detailed in | |
| (f) Excesses taken on charge | Sub-Section (i) above | (g) Any other source |

(iii) Receipt entries in the unallocated Stores Ledger shall be supported by the appropriate voucher or vouchers as detailed in sub-section (ii) above, except where special forms are designed for Departmental/Divisional use. These special forms must have the prior approval of the Accountant-General and be in accordance with F.R. 2422.

2402. (i) On all payment vouchers for the purchase of stores, except as provided in sub-section (ii) of this Regulation, the Storekeeper must certify that the stores have been received and taken on charge in the stores ledger quoting the stores receipt voucher number and attaching the original copy of the store receipt voucher to the original L.P.O. (see F.R. 2415).

(ii) Expendable and consumable stores obtained in small quantities for immediate use e.g. uniforms, soap, brooms, dusters, etc., should not be taken on charge in ledgers, but a certificate should be inserted in the payment voucher thus:

"Required for immediate use and not taken on Ledger charge".

2403 (i) The Supplies Division of every ministry/extra-ministerial office and other arms of government shall maintain an Invoice control Register to ensure that all imported Allocated Stores paid for, are duly taken on charge. The register shall provide columns for entries to show:

- (a) Indent No. and Date (To be entered when indent is prepared)
- (b) Invoice No. and date.
- (c) Value of Stores on invoice.
- (d) Import Payment Voucher, date and number.
- (e) Date invoiced stores taken on charge.
- (f) Stores Receipt Voucher Number.

The register will be examined periodically by a Stock Verifier to verify that the stores paid for, have in fact been received.

(ii) Where applicable, Bills/Invoices Control Register shall be maintained by every ministry/extra-ministerial office and other arms of government for all stores purchased through indent as imported items.

2404. Where stores are partly supplied on an L.P.O. the L.P.O. shall be used to support the voucher for payment of only the items actually supplied. The same L.P.O. must not be used to support any item to be supplied.

2405. Stores receipt vouchers shall be issued in triplicate and will be distributed as follows:

- (a) original to be attached to the payment voucher for the stores purchased;
- (b) duplicate copy to be forwarded to the Stock Verifier for verification of stores purchased; and
- (c) triplicate copy will be retained in the book for record purpose.

2406. When it is desired to transfer stores from one store to another, a Stores Transfer Requisition (Stores Form 12) shall be raised by the requisitioning store in duplicate, the original of which shall be forwarded to the issuing store. The stores transferred will be accompanied by a Stores issue Voucher (Stores Form 4) in duplicate, one copy of which will be receipted and returned. The second copy will serve as a receipt voucher duly numbered and filed.

2407. (i) Before acceptance of delivery of stores from abroad, packages must be carefully checked against the shipping documents and examined for external signs of rough handling or tampering in

transit. Whenever practicable, packages should be weighed and the weight compared with that on the invoice. Packages showing evidence of damage or loss shall be reported to the Shipping Agent before delivery is taken.

(ii) After delivery had been accepted, the packages shall be opened and checked against the shipping documents by the Store-Keeper and an independent officer. Where the item to be inspected is technical in nature, an independent officer with requisite technical knowledge shall be in attendance. If the contents of the packages are not found to be correct or in good order when opened, a Discrepancy and Breakage Report shall be prepared immediately and the Shipping Agent informed forthwith. The Discrepancy and Breakage report however, will be recorded in the claims register by the stores officer.

2408. All claims for damaged or short-delivered stores shall be made against shipping company or Nigeria Ports Authority. Where the ministry/extra-ministerial office and other arms of government is unable to obtain satisfaction of claim, it shall pursue the claim through the shipping agents for settlement against the marine Insurance Fund. If applicable, refund of Custom Duty, or arrangement for replacement of stores, free of duty, shall be made.

2409. Duty payable on imported stores through the post shall be made by the consignee at the time of collection; the duty is chargeable to the sub-head provided for the purchase of the stores. Where applicable, Indents in respect of stores to be delivered by post should indicate the full postal address of the indenter and any reference to the shipping agent.

2410. Stores received by air, rail, road, sea, etc as local purchase shall be checked against the consignment note and/or relative invoice and their correctness established as in F.R. 2407 and 2411. Discrepancy and Breakage Reports shall be prepared for goods damaged or short delivered and claims for settlement made against the relevant transporting agency.

2411. (i) All receipt into a store will be checked against the relative document by the storekeeper and another officer as prescribed in FR 2407.

(ii) Certain fragile stores which are specially packed to avoid damage in transit need not be opened for checking provided they are easily identifiable and are likely to be transferred elsewhere. Where, however, the external-packaging shows signs of damages or pilferage, the contents must be checked.

PART II

ISSUE OF STORES

2412. (i) Issues shall be made only on the authority of a numbered Stores Requisition, a numbered combined Requisition/Issue Voucher, or a Stores Transfer Requisition. In cases of issue of stock from unallocated stores, the requisition must be signed by the officer authorised to incur expenditure, who must ensure that funds are available.

(ii) Requisitions shall be prepared in duplicate, the original of which should be sent to the stores issuing department. Quantities shall be written in both words and figures and each type of article required will be given an item number. To prevent unauthorized additions a line will be drawn immediately below the last entry. The Requisition Forms shall be clearly marked "Original" and "Duplicate".

2413. (i) A requisition shall not be accepted and passed to the store-keeper until it has been examined by the responsible officer, to ensure that it is signed by the authorised requisitioning officer, the correct rate of charge is quoted, the quantity required is not excessive, and the voucher is otherwise correct. The Director, Administration and Supplies shall furnish specimen signatures of authorised requisitioning officers to the stores issuing units.

(ii) Separate stores requisitions shall be prepared for items of stores in different vocabulary groups. Stores issuing units should furnish requisitioning officers with a stores vocabulary whenever necessary.

2414. All issues of stores shall be supported by a Stores Issue Voucher in the prescribed form which shall be prepared in ink or ball pointed pen. Each line on the voucher must be utilized until the requisition is completely entered and there shall not be any blank spaces between items. All amounts shall appear in words as well as figures except where alternative safeguards against fraudulent additions have been specifically approved in accordance with F.R. 2422. The voucher shall then be ruled-off and initialled. The issuing officer will sign each voucher.

2415. Allocated Stores Issue Vouchers shall be prepared in triplicate the original and duplicate of which shall be forwarded to the requisitioning officer who will acknowledge receipt of stores by signing and returning the original to the issuing officer for filing in serial order. The duplicate shall be retained by the requisitioning officer as the Stores Receipt Voucher. Stores required for immediate use must be so endorsed on the original and duplicate copies by the requisitioning officer.

2416. Unallocated Stores Issue Vouchers shall be raised and distributed in accordance with the approved accounting instruction as stipulate in F.R. 2422. The number of copies required must include, in addition to those enumerated in F.R.2415, an accounts copy, and a copy to support the monthly summary of receipts and issues.

2417. All copies of Stores Issue Vouchers must be clearly marked "Original", "Duplicate", etc.

2418. (i) After a stores requisition has been accepted in accordance with F.R. 2412 *(i)* and *(ii)*, and the availability of the stores ascertained, the Stores Issue Voucher will be prepared and sent to the Storekeeper. The issuing storekeeper will post his tally card at the actual time of issue of the stores. Pre or late posting shall not be permitted.

(ii) Stores may only be issued by or in the presence of an authorised Issuing Officer.

(iii) Whenever the establishment of a store permits, the issuing storekeeper should not have access to the main stores ledger, or normally be aware of the ledger balances, except on hading over (see F.R.2429). He may be informed, however, of specific balances if required for checking purposes.

2419. Stores and materials issued within the same store for conversion or manufacture shall be supported by a conversion voucher in duplicate. The original copy shall serve as an issue voucher when the materials are issued from store and as a receipt voucher for the article after manufacture when it is returned to store and brought on charge. Both receipt and issue sides of the voucher will show the quantities and values where necessary.

2420. (i) The issue entry of stores condemned by a Board of Survey after approval has been given to write them off, shall be supported by a store Issue Voucher quoting the authority.

(ii) Proceeds of sale of condemned stores shall be credited to Revenue Head: "Earnings and sales", Sub-head: "Condemned Stores".

2421. (i) Stores may be issued on payment only when the Accounting Officer is satisfied that such sales are in the public interest. Stores which are marked or stamped "government property" may not be sold except when specifically authorized by the Accountant-General.

(ii) The purchaser will be required to pay, in addition to the gross cost (allocated store), a ten percent (10%) store charge. Any alteration in these charges must be approved by the Accountant-

General who shall inform the Auditor-General. Proceeds realised from these charges shall be credited to the appropriate sub-head under the Revenue Head: Earnings and Sales.

(iii) The purchaser should supply transport from the store of issue, but where this is not possible, the cost of transport from store to destination shall be borne by the purchaser.

(iv) Stores-on-payment issues shall be made by Stores Issue Voucher, but such stores shall not be released until the purchaser presents to the issuing officer a Treasury Receipt for payments for the stores and all additional costs, including storage and transport charges. The Treasury Receipt number shall be entered on the Store Issue Voucher.

(v) In exceptional cases, where credit facilities have been authorised by the Head of Department for purchases, the stores Issue Voucher will bear reference to the authority. Under no circumstances must credit facilities be made available to individuals or non-governmental bodies.

2422. Where permission is granted to use books for issue, instead of Stores Issue Vouchers, e.g., issue of petrol from pumps, the quantity or number of each item issued shall be entered in words and figures and the recipient shall sign in full opposite the entry at the time he receives the stores.

2423. Regulations for cash sales of manufactured articles from Workshops are given in Chapter 26.

PART III

RETURNED STORES

2424. Expendable or consumable stores which have been issued but not used shall be returned to store and taken on charge in the stores cost book at the current issue price. The vote for the project shall be credited by adjustment and the unallocated stores vote correspondingly debited.

2425. (i) Non-expendable stores which have been issued for, and charged to a project vote, but not used, and if not required immediately on other project shall be returned to the nearest allocated store and taken on numerical charge. The issue value will be credited by adjustment to the project vote with a corresponding debit to the appropriate vote for tools, plant or other non-expendable allocated stores.

(ii) It is not necessary to return non-expendable stores to stock, if they are required immediately for other project. Financial adjustment shall be made between the votes concerned.

2426. (i) Immediately after completion of projects, officers in charge shall ensure that all tool in use are returned to the nearest allocated stores. The receiving officer shall take the stores on numerical charge in a special ledger and store separately. The entries in the ledgers shall be supported by a Stores Issue Voucher (Stores Form 4) signed by the officer in charge of works, who will also record the returned stores in the Completion Report.

(ii) An exception to sub-section (i) above may be permitted in the case of large plant, which need not necessarily be returned to store on completion of the work, provided the location of such plant is shown in the assets of plant Register.

(iii) Recovered stores shall be treated in a similar manner as in Sub-Section (i) above.

2427. Unserviceable used parts removed from plant and vehicles for replacement in the normal course of repair and overhaul shall be returned to a separate section of the store and a record made for submission to a Board of Survey, which should be held at frequent intervals.

2428. Serviceable parts becoming available on the dismantling of plant or vehicles may only be removed after Board of Survey recommendations have been approved and must be taken on charge in a special ledger.

PART IV

HANDING OVER STORES

2429. When an officer hands over custody of stores to another officer, he and the incoming officer shall verify that the physical stocks and balances in the ledger and tally cards agree. If no discrepancies are found, both officers will sign a certificate in duplicate to that effect on stores Form 10, one copy of which will be forwarded to the Accounting Officer and the other copy filed by the office-in-charge. When, due to the number of items, it is impracticable to check all stores, test checks of a reasonable percentage of items in each group or class of stores must be made. Where test checks have of necessity been made, the certificate shall be suitably endorsed.

2430. Any excesses and deficiencies and the values thereof shall be listed and signed by the outgoing officer as an acknowledgement. The incoming officer shall report the discrepancies to his senior officer, who will obtain an explanation from the outgoing officer. Receipt vouchers will be prepared for excesses which shall be taken on charge in the usual manner. The officer-in-charge will forward a report to Accounting Officer who will take necessary action as prescribed in chapter 25.

2431. (i) If circumstances are such that the outgoing officer is unable to be present at the time of hand-over, a stock verifier or Board of Survey shall be appointed to check and hand over stores.

(ii) The incoming officer will be present throughout the check by the stock verifier or Board of Survey and will take over when completed. Stores Forms 11 shall be prepared in duplicate, with a list of any discrepancies, and signed as the handing-over certificate. The stock verifier or Board of Survey shall distribute the certificate as stated in Financial Regulation 2429.

2432. The out-going officer shall be responsible for all deficiencies reported at the time of hand-over and the incoming officer shall be responsible for deficiencies not so reported but subsequently discovered. Where only a percentage check has been made and deficiencies in the items not checked are discovered subsequent to the completion of the handing-over, all officers concerned will be called upon for an explanation.

2433. Senior stores officers responsible for supervision of stores shall ensure that a "Valuable and Attractive Stores Register" is maintained for items qualifying for this description. In every case of hand-over, these items shall be subject to a hundred per cent check and the certificate endorsed accordingly.

2434. The handing-over of furniture in Government quarters is dealt with in the Public Service Rules.

CHAPTER 25

LOSS OR SHORTAGE OF GOVERNMENT FUNDS

PART I

LOSSES OF FUNDS-PROCEDURE

2501. Loss or shortage of fund is a depletion of government fund at a given time. This can arise from any of (but not limited to) the following:

- (a) Misappropriation of funds
- (b) Falsification of records
- (c) Conversion of funds to personal use.
- (d) False claims
- (e) Fraudulent payments
- (f) Theft
- (g) Negligence.

2502. (i) Where a cash loss to the value of ₦50,000 or below has occurred without fraud or theft being involved, Accounting Officers are personally empowered to surcharge the officers responsible up to the full amount of the loss, provided the officer is not above Grade Level 10. Accounting Officers are personally responsible for ensuring that all surcharges they authorise are duly recovered. For officers above GL. 10 the loss should be reported to the Accountant-General.

(ii) Where a loss is treated under this Regulation, Accounting Officers must immediately send a brief report of the circumstances including the value of the loss and the names of the officers he has surcharged, together with the amounts of the surcharge in each case to:

- (a) The Chairman, Federal Civil Service Commission,
- (b) The Auditor-General,
- (c) The Accountant-General,
- (d) Federal Ministry of Finance.

(iii) On receipt of this Report and after consideration and acceptance of same, a write-off approval, if still required, shall be conveyed to the Accounting Officer by the Accountant-General.

(iv) A loss or shortage treated under this Regulation shall be charged as a personal advance against the officer responsible for the shortage, pending a decision by the Losses Committee.

EXPLANATORY NOTE

A surcharge is not a disciplinary measure and it can be made at any time whether or not disciplinary proceedings are being taken in respect of the circumstance leading to the surcharge. A surcharge can be justified whenever there is a degree of culpability, even though the same degree of culpability could not support the disciplinary charge for negligence or inefficiency. A degree of negligence which though proved, does not in fact contribute to a loss or to its non-detection cannot support a surcharge in respect of that loss. For a surcharge to be made there should be some degree of negligence or culpability on the part of the officer concerned which contributes to the loss positively or negatively.

2503. In the event of any loss occurring which is not covered by Regulation 2502, the procedure as prescribed in FR. 2504-2507 shall apply.

2504. (i) The Officer in-charge of the office in which the loss occurs shall take the following actions:

- (a) Report Immediately to Head of Unit or Division by the fastest means if the loss occurs away from the Headquarters.
 - (b) Report to Police if fraud or theft is suspected.
 - (c) Initiate immediate action by completing Treasury Form 146, Part I and forward same in quintuplicate to Head of supervising department or Unit.
 - (d) Ensure that if a weakness in the system of internal control or in security is established, measures have been taken to prevent a re-occurrence of the loss.
 - (e) Ensure that the accounting entries as prescribed in FR. 2524 and 2525 have been made.
- (ii) If the loss is of cash which must be replaced imme

diately in order to meet urgent commitments, e.g. the payment of salaries or leave transport expenses, as an interim measure, payment voucher may be prepared for the sum required, classified to Head 1800 – Advances: Non-Personal and cashed at the Treasury, or Cash Office in the case of self-accounting department. A copy of the paid voucher, must be carefully preserved and produced when required.

2505. (i) The Head of Department/Unit shall take the following actions:

- (a) Forward brief particulars to the Accounting Officer
- (b) Investigate the whole incident at the earliest possible moment, but not later than 7 days and complete Parts II and III of Treasury Form 146 and forward one copy each to:
 - (i) Accounting Officer;
 - (ii) Accountant-General;
 - (iii) Auditor-General;
 - (iv) Chairman, Federal Civil Service Commission.
- (c) Consider whether a Board of Enquiry is necessary and if so, advise the Accounting Officer accordingly.
- (d) A Board of Enquiry may not be necessary if the loss is immaterial, if it is an isolated incident, and if the identity of the officer responsible is indisputable.
- (ii) A Board of Enquiry should be held under the following conditions:
 - (a) if fraud is probable;
 - (b) if the loss is substantial;
 - (c) if several officers are involved;
 - (d) if the responsibility of officers is not clearly defined;
 - (e) if the loss took place over a period of time; and
 - (f) if collusion is suspected.

2506. The Accounting Officer shall take the following actions:

- (i) On receipt of Treasury Form 146, review the action of the Head of Department or Division and where necessary, request the Accountant-General to convene a Board of Enquiry.
- (ii) Recommend terms of reference to the Accountant-General.
- (iii) Within 14 days of receipt of Treasury Form 146, submit recommendations for any necessary immediate disciplinary action to the Accountant-General, Chairman Federal Civil Service Commission and the Auditor-General, Similarly, recommendations on immediate accounting safeguards shall be submitted.

2507. The Accountant-General shall take the following actions:

- (a) Ensure that the correct procedure has been followed by the ministries/extra-ministerial offices and other arms of government concerned, e.g. submission of completed Treasury Form 146 and/or Police report as required, so that full information about the loss is available.
- (b) Approve terms of reference and convene a Board of enquiry even if the Accounting Officer has not so recommended.
- (c) If considered expedient that an Accounts Officer be included in the Board of enquiry, he should notify the concerning officer accordingly.

- (d) Submit his final recommendation to the Chairman, Federal Civil Service Commission and the Accounting Officer concerned within 45 days.
- (e) Convey any approval for write-off within 60 days to the Accounting Officer, the Auditor-General and the Chairman, Federal Civil Service Commission.

2508. The Chairman, Federal Civil Service Commission and the Auditor-General shall convey their opinions on the Report to the Accountant-General within 14 days.

2509. The Accountant-General shall take necessary action, on receipt of the opinions of the Chairman, Federal Civil Service Commission and the Auditor-General to close the case within 90 days from the start of the case by conveying the decision on the cases to the appropriate Accounting Officer for implementation.

2510. The procedure in FR 2503 shall be varied as prescribed in FR 2511-2513 in the event of state officer(s) being involved in loss of Federal funds.

2511. The following action(s) shall be taken where state officers are involved in loss of federal fund:

- (a) The final recommendation of the Accountant-General of the Federation shall be made through the Federal Civil Service Commission to the State Civil Service Commission of the state officer(s) concerned.
- (b) The relevant State Civil Service Commission shall convey its decision to the Accounting Officer or Head of Department of the officer(s) concerned with copies to the State Accountant-General and Accountant-General of the Federation.

2512. The following action shall be taken in the event of loss of federal funds in the headquarters involving both federal and state officers.

- (a) In the case of state officer(s) recommendations by the Accountant-General on disciplinary action shall be made through the Federal Civil Service Commission to the State Civil Service Commission of the Officer(s) concerned.
- (b) For federal officer(s), as in 21503 and for state officer(s) as in 2510 above.

2513. The circumstances of the loss shall be examined in the state in accordance with the general regulations for the investigation of losses laid down by the state government concerned, and a report forwarded to the Accounting Officer of the ministry in the state. In cases involving fraud or negligence, the Permanent Secretary, Ministry of Finance of the state shall assemble all relevant papers and forwarded them with his comments to the State Civil Service Commission for consideration of any disciplinary action. Thereafter, the papers will be forwarded to the Accountant-General of the Federation who will authorise write-off action where necessary against federal funds after obtaining approval of Minister of Finance.

2514. Where a loss involves both federal and state officers, the action to be taken shall be as in FR 2511 above. However, the Accountant-General of the Federation shall refer the report to the Chairman, Federal Civil Service Commission for the disciplinary action of the federal officer(s), if necessary before authorizing write-off action.

2515. The authority for write-off of federal government funds is the prerogative of the Minister of Finance. However, the power to write-off losses to the value of ₦200,000 is delegated to the Accountant-General except those Losses occurring within his own office.

2516. The Losses Committee is a standing Committee responsible for considering all cases involving loss of cash, stores and vehicle including accident vehicles.

2517. The Committee shall be composed of the following members:

(a) Representative of the Auditor-General (not below salary grade level 16) as Chairman.

(b) Representative of the Accountant-General.

(c) Representative of the Administration Department of the ministry/extra-ministerial office and other arms of government concerned.

(d) Representative of the Inspector-General of Police.

(e) Representative of the Economic and Financial Crimes Commission.

(f) The Inspectorate Department of Office of the Accountant-General

shall provide the secretariat.

2518. In general, and subject to the detailed arrangements above, losses of state funds shall be met by the state government concerned and losses of federal funds by the federal government.

2519. (i) Losses of funds arising from the forgery of a local purchase order shall be regarded as a loss against the ministry/extra-ministerial office and other arms of government where the loss occurred.

(ii) Losses arising from forged payment vouchers which bear the signature(s) of officer(s) duly authorized to sign such vouchers shall be considered as losses against the ministry/extra-ministerial office and other arms of government, unless it can be proved or established beyond reasonable doubt that fraud was actually perpetrated by a person or persons other than the officer(s) of the ministry/extra-ministerial office and other arms of government.

(iii) Losses occurring in both cases specified in FR 2519 (i) and (ii) shall be charged initially against the affected ministry/extra-ministerial office and other arms of government pending a decision as to whom shall eventually be held responsible for the loss.

2520. Recoveries made or surcharges imposed shall be credited to the accounts of the government suffering the loss.

2521. In cases of doubt, or where losses do not clearly fall into FR 2502-2519, each case shall be decided on its merit.

2522. Where criminal proceedings have been instituted in a loss case resulting in the conviction of a public officer, the Accounting Officer shall immediately liaise with the Attorney-General of the Federation with a view to exploring the prospect of recovering the loss of funds through civil action against the assets of the convicted person or persons. The result of such action should be communicated to both the Accountant-General and the Auditor-General.

2523. (i) When an officer is interdicted from duty, such proportion of his emoluments as the Federal Civil Service Commission allows him to receive, shall not be impounded or subjected to any reduction or abatement in respect of any claim which government may have against him in connection with the reason for his interdiction.

(ii) The proportion of emoluments allowed to be received during a period of interdiction shall cease as from the date of criminal conviction, pending consideration of the case by the Federal Civil Service Commission.

PART II

LOSS OF FUNDS - ACCOUNTING ENTRIES

2524. On the discovery of a loss of funds, a payment voucher shall be prepared classified to below the line account number 1800 Advances Non-personal subhead. Ministry (department concerned) pending the investigation of the loss.

2525. (i) The type of the accounting entries to be passed as a result of loss will depend upon the nature of the loss, and the date of the original transaction when payments were actually made:

(ii) The following accounting entries shall be made:

<i>Types of Loss</i>	<i>Accounting Entry Required</i>
a. Loss of Cash	Charge the loss to the advance account under the authority of a payment voucher.
b. Fraudulent or over-adjustment voucher debiting same financial year.	Transfer the amount by raising payments made and advance accounts, and crediting the account originally debited. discovered within the

2526. The Sub-Accounting Officer or the Officer controlling Expenditure where loss has occurred, shall initiate the accounting entries required under Financial Regulation 2525, and shall ensure that an additional copy of the accounting document is forwarded to the Accountant-General attaching the report on the loss on Treasury Form 146. If the adjustment for a loss originates within a self-accounting ministry, the adjustment shall be passed through the accounts of the ministry concerned. In the case of a non-self accounting unit, the full set of the adjustment voucher must be forwarded to the Accountant-General for incorporation into the Accounts.

2527. Any recovered amount from a declared loss whether in-part or in full shall be credited to the Non-personal Advances Account initially charged. However, recovery of a loss received subsequent to the writing-off thereof, shall be credited directly to the Miscellaneous Head of the current years revenue estimates, under the sub-head "Sundries".

2528. The receipt of a surcharge, either by installment or full payment shall be credited to the Miscellaneous Revenue Head of the current year's estimates, under sub-head "Sundries".

2529. Losses, when written-off, shall be charged to the loss of funds Head and Sub-head of expenditure in the current year's Estimates of the ministry or unit concerned.

2530. When funds under the loss of funds head/sub-head of the current year's estimates are insufficient to meet the amount of loss to be written-off, the Accounting Officer concerned must apply for additional funds through virement warrant under Financial Regulation 309. Where savings are not available to warrant any virement, an application for a supplementary provision under Financial Regulation 305 can be made.

PART III

BOARD OF ENQUIRY: PROCEDURES

2531. The Accountant-General shall convene a Board of Enquiry at the request of the Accounting Officer, the Chairman, Federal Civil Service Commission or when he deems it necessary. The Board of Enquiry shall investigate the circumstances of the loss of funds (excluding losses being dealt with in Financial Regulations 2502 and 2520). The Accountant-General in convening the Board shall incorporate any special terms of reference for the Board, as he may deem necessary.

2532. When a Board of Enquiry is required at a Nigerian Overseas Mission, the Head of Mission shall be responsible for the convening of the Board of Enquiry. Where the Head of the Mission is involved, the Board must be convened by the Accounting Officer, Ministry of Foreign Affairs. In either case, the convener shall incorporate into the convening order any specific terms of reference required by the Accounting Officer, the Accountant-General or the Chairman, Federal Civil Service Commission.

2533. The officer convening a Board of Enquiry shall forward a copy of the convening order with full terms of reference to:

- (i) Accounting Officer;
- (ii) Accountant-General;
- (iii) Auditor-General; and
- (iv) Chairman, Federal Civil Service Commission.

2534. The establishment and constitution of Permanent Board of Survey and Enquiry shall be guided by the following:

- (a) There shall not be fewer than 24 members including a Secretary. The Board shall constitute itself into panels, which shall consist of not less than a President and at least two members.
 - (b) Appointment to the Board shall be made by the Accountant-General.
 - (c) The President shall not be below salary grade level 15 and others are below level 12.
 - (d) The Board shall have power to investigate cases of loss of fund, fraud, ascertain adequacy of existing security and control systems and recommend improvement in the system.
 - (e) When the Board is in session to determine an issue before it, it shall be guided by the rules of natural justice.
 - (f) When sitting as a Board of Survey, the Board shall:
 - (i) survey end-of-year Accountant-General's and all Sub-Treasury's cash balances;
 - (ii) conduct surprise quarterly survey of cash, stores and government property, moveable and immovable; and
 - (iii) investigate loss of stores and unserviceable stores,
- etc.

2535. The sitting of the Board shall not be deferred owing to the fact that criminal proceedings are pending in connection with the loss. The Board shall, therefore, direct its enquiries towards discovering any weaknesses in the system and submit an interim report even though they are not able to include a recommendation as to fixing of responsibility for the loss.

2536. (i) Where practicable the evidence taken by the Board shall be recorded verbatim and/or on tape but where this is impracticable the evidence will be summarised by the Board in such a manner as to facilitate examination and deduction.

(ii) In order to ensure fair hearing, where evidences of witnesses are to be obtained, the following shall be observed:

- (a) The Officer(s) being investigated shall be entitled to be present and to put questions to witnesses.
- (b) No documentary evidence shall be used against an officer unless he has previously been supplied with a copy thereof or given access thereto.
- (c) The officer shall be entitled to know the whole case against him and shall have an adequate opportunity of preparing his defence.

2537. The Board's report shall include:

- (a) a statement on the exact amount of loss incurred;
- (b) an opinion as to whether the accounting systems were faulty with suggestions as to any remedy which may appear to be practicable in view of local conditions;
- (c) an opinion as to whether the operation of the accounting system was defective in the office concerned;
- (d) recommendations for improving the physical security

- measures if those in existence have been inadequate;
- (e) the report should include an assessment of the degree of negligence of the officer considered responsible for the loss and proffer recommendations;
 - (f) recommendation as to the fixing of responsibility for the loss in whole or in part;
 - (g) recommendations as to surcharge of officer(s) responsible for the loss; and
 - (h) details of any mitigating circumstances which should be taken into consideration in the assessment of the degree of negligence.

2538. The Board shall forward copies of its proceedings and report together with copies of supporting documents, and, when appropriate, copies of Police Reports and Court Proceedings to the Accounting Officer of the ministry or Head of the extra-ministerial office and other arms of government concerned, the Accountant-General, Federal ministry of Finance, the Chairman of the Federal Civil Service Commission and the Auditor-General.

2539. (i) The Accounting Officer, on receiving his copy of the report of a Board of Enquiry, shall collate all relevant facts and submit his comments within 30 days to the Accountant-General, Federal Ministry of Finance, the Chairman, Federal Civil Service Commission and the Auditor-General. Special reference must be made in the comments to the question of the fixing of responsibility for the loss and apportionment of surcharge where applicable.

(ii) For Boards of survey appointed as state level, this procedure shall be varied according to the state's requirements.

CHAPTER 26

LOSS OF STORES AND UNSERVEABLE STORES

PART I

LOSS OF STORES, PLANT, MOTOR VEHICLES AND EQUIPMENT

2601. The authority for the write-off of losses of stores is the prerogative of the Minister of Finance. A limited degree of power of write-off is delegated to Accounting officers and the Accountant-General under the appropriate provisions of these Regulations.

2602. A loss of stores, plant, equipment, etc may be written-off under the personal authority of the Accounting Officer, provided that:

- (a) The original cost or the estimated value of a unit of each item, whichever is applicable, does not exceed ₦20,000, and the sum total of the value of the items does not exceed ₦100,000.00.
- (b) There is no apparent weakness in the system of control.
- (c) There is no evidence of fraud or theft.
- (d) Where negligence is involved, the disciplinary action against the officer(s) found negligent is within the delegated power of the Accounting Officer.

2603. In the event of any loss of stores, the officer in charge of the store in which the loss occurs shall:

- (a) Report immediately to the Head of Department or Unit

but not later than three (3) days, by the fastest means possible if the loss occurs away from headquarters.

- theft
- (b) Report to the nearest police station if there is any suspicion of fraud or theft
 - (c) Initiate action on Treasury Form 146 Revised (see Appendix No., 17) by completing Part I thereof and forward it in quintuplicate to this head of Division or Unit, without delay.
 - (d) Ensure that, if a weakness in the system of control or inadequate security is revealed, immediate measures are taken to prevent a re-occurrence of the loss.

2604. On being informed of the loss, the Head of Department or Unit shall:

- (a) Forward immediately, in writing, brief details of the loss to his Accounting Officer.
- (b) Investigate the whole incident at the earliest possible time but not later than seven (7) days, complete Parts II and III of Treasury Form 146 (Revised), and forward the forms in quadruplicate to this Accounting Officer. If the investigation is liable to be protracted, submit the reports on Treasury Form 146 as soon as possible, and follow-up with interim and final reports in a letter form.
- (c) Recommend the convening of a Board of Enquiry to his Accounting Officer if he considers that the circumstances warrant such an investigation (see Financial Regulation 2605).
- (d) Ensure that, if a weakness in the system of control or inadequate security is revealed, measures have been taken to prevent a re-occurrence of the loss.
- (e) Obtain copies of the police Report and/or Court Proceedings, where appropriate, and forward four copies to his Accounting Officer.

2605. A Board of Enquiry should be held under the following conditions:

- (a) If fraud is involved;
- (b) If the loss exceeds the amounts specified in FR. 2602;
- (c) If several officers are involved;
- (d) If there is any doubt as to the degree of responsibility for the loss.
- (e) If the loss occurred over a period of time.

2606. On receipt of the reports of the loss, the Accounting Officer shall:

- (i) If the loss is a minor one, and is covered by Financial Regulation 2602, examine the reports, take the appropriate disciplinary action, complete part IV of the Treasury Form 146 (Revised) and forward one copy of the form to the Director, Finance and Accounts for the appropriate accounting action, and send one copy each to the Accountant-General and the Auditor-General within fourteen (14) days.
- (ii) If the loss does not fall under Financial Regulation 2602, he shall:
 - (a) send immediately brief details of the loss in writing to the Accountant-General and the Auditor-General within 14 days.
 - (b) request the convening of a Board of Enquiry if he considers that the circumstances of the loss warrant such an investigation (see chapter 25 for procedure for convening of a Board of Enquiry, and Financial Regulation 2605 for examples when a Board must be convened).
 - (c) consider the interdiction/suspension from duty of the officer(s)

- concerned if the circumstances of the loss warrant such disciplinary action;
- (d) examine the full circumstances of the loss and forward his report and comments attaching all relevant documents (e.g. TF 146, Police Report and court proceedings) to the Accountant-General, Auditor-General and Chairman, Federal Civil Service Commission.
- (e) submit interim report to the Officers mentioned in (d) above in the event of the investigations being protracted and the findings of the Board of Enquiry not being immediately available.
- (f) ensure that, if a weakness in the system of control or inadequacy in security is revealed, precautions have been taken to prevent a re-occurrence of the loss;
- (g) examine the findings of the Board of Enquiry when available and make a final report on the loss to include his comments and his recommendations for surcharge, where appropriate, and then distribute as in (iv) above, and
- (h) take all practicable measures to recover the loss, and, if a civil action is deemed necessary, liaise with the Ministry of Justice for appropriate action.

2607. On receipt of the report of the loss, the Accountant-General shall:

- (a) ensure that the full procedure has been followed by the ministry/extra-ministerial office and other arms of government concerned;
- (b) ensure that his nominee is a member of the Board of Enquiry;
- (c) direct the Secretary, Permanent Board of Survey and Enquiry to convene a Board, if necessary;
- (d) direct the Secretary, Permanent Board of Survey and Enquiry to include any specific item in the terms of reference of the Board;
- (e) ensure that, if a weakness in the system of control or inadequate security is revealed, measures have been taken to prevent a re-occurrence;
- (f) ensure that every practicable measure has been taken for the recovery of the loss and
- (g) recommend to the Accounting Officer or Chairman, Federal Civil Service Commission as the case may be surcharge and disciplinary action against any officer(s) involved in the loss within 45 days.

2608. The provisions of Financial Regulations 2501-2511 relating to procedures for losses affecting federal officers and losses involving state officers, and the division of losses between the various governments, shall apply *mutatis mutandis*, to the loss of stores.

PART II

UNSERVICEABLE STORES, BUILDINGS, PLANTS, MOTOR VEHICLES AND EQUIPMENT

2609. Unserviceable stores, buildings, plants, motor vehicles and equipment maybe written-off and disposed of under the personal authority of the Accounting Officer, provided that:

- (a) The original cost or estimated value, whichever is applicable, does not exceed ₦250,000.00 in case of general stores, or ₦500,000.00 in case of plants, motor vehicles and equipment, or ₦1,000,000.00 in case of buildings in any financial year. Where exigencies of the service demand, special dispensation will be granted to each ministry/extra-ministerial office and other arms of government by the minister of Finance.
- (b) The stores, buildings, plants, motor vehicles or

equipment have been surveyed and found to be obsolete, unserviceable or dilapidated, as the case may be, by an independent Board of Survey. (See Financial Regulations 2702 and 2703 for procedure for the convening of a Board of Survey).

- (c) Negligence of an officer is involved and the disciplinary action (with or without surcharge) against the officer(s) is within the delegated powers of the Accounting Officer.
- (d) The Accounting Officer is of the opinion, after taking advice from the appropriate technical officer, that the unserviceable articles are beyond economic repair. In the case of motor vehicles, plants and equipment, ministries/extra-ministerial offices and other arms of government which have their own engineering/technical facilities shall undertake the inspection and valuation. Those without such facilities may request the assistance of the Ministry of Works, or other ministries/extra-ministerial offices and other arms of government having such facilities, or employ the services of a registered engineering/technical workshop.

2610. Under similar circumstances stated in Financial Regulation 2509 unserviceable stores, buildings, plants and equipment may be written-off and disposed of under the personal authority of the Accountant-General provided that:

- (a) the original cost or estimated value, whichever is applicable, does not exceed ₦300,000.00 in case of general stores, or ₦750,000.00 in case of plants, motor vehicles and equipment, or ₦1,500,000.00 in case of building, in any financial year.
- (b) similar conditions stated in sub-paragraph (b), (c) and (d) of FR 2609 shall apply.

2611. Expendable tools (see Financial Regulation 2206) which become unserviceable through fair wear and tear may be written off charge of the Expendable Tools Ledge on the authority of the officer in charge of the Workshop or Unit, provided that he is on salary level 08 and above and such certificate for write-off must be countersigned by an officer not below level 09 (see Financial Regulation 2207 for the form of Destruction Certificate).

2612. Used parts of plants and vehicles which have become unserviceable by fair wear and tear may be written off on the authority of the Accounting Officer, who will, in his discretion, authorize disposal by destruction, by sale, by public auction or public tender. The vouchers covering the issue of replacement parts shall be countersigned by a mechanical Engineer.

2613. It is the duty of the officer directly in-charge of a store to segregate unserviceable articles and to report to his Head of Department or Unit on the circumstances leading to the stores being rendered unserviceable.

2614. - (i) It is at the discretion of the Head of Department or Unit to determine whether the quantity of the unserviceable stores is sufficient to justify the convening of a Special Board of Survey (see Chapter 27) or whether the articles should be held for inspection by the next periodic survey to be held under the provisions of Financial Regulation 2701. There must be no delay however, in the application for a Board of Survey for articles which have a residual value and which are liable to determine rapidly, such as motor vehicles or furnishing items.

(ii) For boarding purposes, Boards of Survey should be convened at least once in every two months or as soon as unserviceable stores accumulate.

(iii) Obsolete or unserviceable stores should similarly be disposed of either by auction sale or as directed by the Board, but disposal instruction must be carried out promptly within one month of the date of boarding.

(iv) The Head of Department or Unit shall submit to the President of the Board of Survey, Treasury Form 147 (see Appendix 16) in quintuplicate, together with Store Form 9 in quintuplicate, duly completed with the details of the stores to be inspected. A separate set of forms must be submitted for those articles of store, which need be dealt with under the provisions of Financial Regulation 2409.

2615. The President of the Board of Survey will complete Part II of Treasury Form 147 and the Certificate on the Stores Form 9, then forward the reports in quadruplicate through the secretary, Permanent Board of Survey and Enquiry, to the Accounting Officer.

2616. On receipt of the reports on Treasury Form 147, the Accounting Office shall:

- (a) If the unserviceable articles fall within the provisions of Financial Regulation 2606, examine the reports, take the appropriate disciplinary action, complete Part III of the Treasury Form 147, and forward one set to the Head of Division with his instructions for disposal of the unserviceable articles and one set each to the Accountant-General as well as the Auditor-General.
- (b) If the unserviceable articles fall within the provisions of Financial Regulations 2606, examine the reports, complete Parts IV and V of Treasury Form 147 and make recommendations and distribute two sets of the forms to the Accountant-General.

2617. On receipt of the report on Treasury Form 147, the Accountant-General shall, if negligence is involved, forward his recommendation for disciplinary action to the Accounting Officer of the Ministry concerned. The authority for the write-off and disposal of the stores shall be conveyed to the Accounting Officer by completing Store Form 9 under cover of letter, a copy of which will be forwarded to the Auditor-General.

2618. Unserviceable stores authorized to be destroyed must be destroyed in such a manner as to render the articles unusable for their original purpose. The certificate of destruction, signed by at least two officers who witnessed the destruction must be completed to include details of the quantities destroyed and the method of destruction used. The certificate will be attached to the copy of the relevant Treasury Form 147 in the possession of the Accounting Officer.

2619. Accounting Officers shall make arrangements for the sale of the unserviceable and obsolete stores by a licensed public auctioneer, or, where appropriate, by public tender in accordance with Financial Regulation 2964.

2620. (i) The Officer in charge of the public auction, or public tender shall pay the net proceeds of the auction after the deduction of the auctioneer's commission, to the nearest Sub-Treasury or Central Pay Office for classification to the appropriate Sub-Head of the Miscellaneous Revenue Head. He shall inform the Accounting Officer concerned of the details of the proceeds of sale and quote the reference and date of the relevant Treasury Receipt. The Accounting Officer shall inform the Accountant-General and the Auditor-General of the reference number, date and amount of the Treasury Receipt for the proceeds of the sales of articles disposed of.

(ii) The officer in-charge of the auction or tender shall ensure that the net proceeds referred to in sub-section (i) above is paid to the nearest Sub-Treasury or Central Pay Office within 48 hours of collection.

2621. (i) Each ministry/extra-ministerial office and other arms of government shall set up a Board of Survey for the boarding and disposal of its unserviceable stores, vehicles, plants and equipment.

(ii) A ministry/extra-ministerial office and other arms of government Board of Survey shall consist of at least three members;

(a) The chairman shall be an officer on GL. 14 or above

except in an overseas mission where an officer on GL.12 and above maybe the chairman;

(b) The Head of Accounts Division or his nominee, and

(c) A professional/technical officer in federal service whose expertise relate to the items being boarded.

(iii) The transport officer, storekeeper(s) or other stores officials of the ministry/extra-ministerial office and other arms of government or Overseas Mission shall not serve on the Board.

2622. For the purpose of arriving at the estimated value(s) of stores, motor vehicles, plants and equipment, the following guidelines are provided:

(a) For motor vehicles with engine capacity of 2000cc and below as well as construction vehicles over 7 tonnes:

Under 1 year old 20% reduction on original cost.

Between 1 and 2 years old 40% reduction on original cost

Between 2 and 3 years old 60% reduction on original cost

Between 3 and 4 years old 80% reduction on original cost

Between 4 and 5 years old 85% reduction on original cost

Between 5 and 6 years old 90% reduction on original cost

Between 6 years and above 95% reduction on original cost

(b) For motor vehicles with engine capacity of over 2000cc

Under 1 year old 30% reduction on original cost.

Between 1 and 2 years old 50% reduction on original cost

Between 2 and 3 years old 65% reduction on original cost

Between 3 and 4 years old 75% reduction on original cost

Between 4 and 5 years old 85% reduction on original cost

Between 5 and 6 years old 90% reduction on original cost

Between 6 years and above 95% reduction on original cost

(c) In the case of a vehicle rendered unserviceable as a result

of accident or whose working life has come to premature end for other reasons, arrangement should be made within two months of such accident or where Police investigation is involved, immediately after such investigation to have the vehicle inspected and certified as such by an Engineer or technical expert such as mentioned in FR 2609 (d) above who should also produce a valuation report for the guidance of the Board of Survey.

(d) For plants and equipment, an Engineer's estimated

value of the asset at the time of the write-off or disposal shall be obtained.

(e) For general stores, the estimated value shall be furnished by a stock verifier.

(f) In an Overseas Mission, motor vehicles can be written-off at depreciation rates prevailing in the host country.

PART III

DESTRUCTION, WRITE-OFF AND LOSS OF

OPERATIONAL ANIMALS

2623. An operational animal may be disposed of on any of the following grounds:

- (a) failure to respond to training;
- (b) unsatisfactory performance for any reason after having been deployed for operational duties; or
- (c) incapacitation by age, injury or illness, Grounds for disposal of operational animals.

2624. If an operational animal dies as a result of an accident or from natural causes, a report from the veterinary officer shall be obtained certifying the cause of death.

2625. In every case of serious injury to an operational animal or where an operational animal dies from any cause other than natural causes, a senior officer under whose command the animal is serving, shall cause a full inquiry to be made into the circumstances surrounding the injury or death.

2626. The following procedure shall be adopted in the boarding and disposal of operational animal:

- (a) One veterinary officer and two senior officers, one of whom shall be an accounts officer, shall constitute the Board.
- (b) All reports of Board of Survey shall be accompanied by medical history card and certificate of health.
- (c) The Board of Survey shall make specific recommendations as to sale or destruction.
- (d) The Board of Survey reports shall be submitted to the Accounting Officer of the ministry/extra-ministerial office and other arms of government concerned who would seek covering approval from the Accounting-General.
- (e) A copy each of the Board of Survey reports, particulars of proceeds of sale or disposal certificate shall be furnished to the Accountant-General and the Auditor-General for record purposes.

2627. (i) The disposal of animals shall be carried out by a veterinary officer as provided in Financial Regulation 2626.

(ii) Where the services of a veterinary officer are not available, animals shall be destroyed by a senior officer who has been trained in the safe and humane method of destroying animals.

2628. The veterinary officer or a senior officer destroying an operational animal shall be required to complete (in quintuplicate) a destruction certificate. Where the destruction is by a senior officer other than a veterinary officer, the certificate shall be witnessed by another officer.

2629. (i) In every case of the disposal of an operational animal the officer in charge of the operational unit shall render a full disposal report on the circumstances leading to such destruction.

(ii) Copies of the report, together with copies of the destruction certificate shall be forwarded to the Accountant-General and the Auditor-General through the Accounting Officer of the ministry/extra-ministerial office and other arms of government concerned.

2630. The final authority to delete an operational animal from the stock register will be given by the Accountant-General or any officer to whom such power is delegated.

2631. Loss of live animals shall be reported to the Accountant-General and the Auditor-General on T.F. 146 stating full details of the loss and supported with relevant documents such as police report.

2632. Write-off of animals shall be restricted to theft of live horses, dogs, and any other operational animals.

2633. The Accountant-General shall record as losses all cases of theft of animals against the ministry/extra-ministerial office and other arms of government submitting such report.

PART IV

ACCOUNTING PROCEDURE FOR THE WRITE-OFF OF STORES LOST OR UNSERVICEABLE

2634. On the discovery of a loss of stores, a memorandum note in red ink shall be made of the details of the deficiency in the relative stores ledger account and tally card. (Financial Regulation 2704 (ii).

2635. The provisions of Financial Regulations 2523 to 2527 will apply, *mutatis mutandis*, to the write-off of lost stores and stores rendered unserviceable.

2636. On receipt of the authority for the write-off of allocated stores, an issue voucher shall be raised to support the write-off entry to be made in the relative stores ledger account and tally card, and the voucher entry in the ledger shall be duly initialed by the officer in charge of the store. A reference to the write-off authority shall be written against the entry and included in the detail of the issue voucher.

2637. The procedure for the write-off of unallocated stores shall be in accordance with Financial Regulations Chapter 22 Part II.

CHAPTER 27

STORES INSPECTION BY BOARDS OF SURVEY AND STOCK VERIFIERS

2701. Government stores will be regularly inspected and reported upon by a Board of Survey or Stock verifier, at least twice a year. The Accounting Officer shall ensure that systematic inspections are made at irregular intervals and not at fixed or predetermined dates. If the services of a stock verifier are not available, the Accounting Officer shall apply for the appointment of a Board of Survey as stipulated in Financial Regulation 2615.

2702. The store will be closed while a Board of Survey is being conducted and no issue will be made without the approval of the chairman, for issues thus approved, the chairman shall counter-sign the stores issue vouchers.

2703. A Board of Survey will be required to inspect a minimum of 40 per cent of the stock categories, but if a serious discrepancy is found or suspected, then a 100 per cent inspection must be carried out. Items selected for inspection shall include all categories of stock, but especially those in general demand, of high value or stores of attractive nature. A Stock Verifier will be required to arrange a programme of inspection to cover the whole store at least twice a year.

2704. (i) At the end of every stores inspection, the storekeeper or stores officer shall sign the survey sheets with or without comments.

(ii) In addition to any special check that may be required, a Board of Survey or the stock verifier shall:

(a) instruct the Storekeeper to make accounting entries in

- the stores ledger for all receipts and issues of stores up to the point of the closure of the store;
- (b) make a physical count of the stock of each category of stores, examine each item for serviceability and compare the physical stock count against the tally card balance and the stock balance as shown on the relevant stores ledger;
 - (c) seek the explanation of the officer in charge of the store for any deficiency and ensure that details of the deficiency are entered on the Stores Form 8.
 - (d) seek the explanation of the officer in-charge of the store for items found unserviceable;
 - (e) assess the rate of issue of items of stores and compare with the quantity in stock and the date of the last issue;
 - (f) examine the receipt and issue vouchers prepared since the date of the last inspection and test check that they are properly recorded in the stores ledger;
 - (g) examine the records of payments made for stores acquired since the last inspection and test check that purchases of stores have been properly taken one charge in the relevant stores ledger.
 - (h) instruct the storekeeper to prepare receipt vouchers to bring on charge on the tally card and in the stores ledger any excess of stock found on inspection;
 - (i) initial the entries in the Stores Ledger, and the relevant tally card for the taking of the excesses on charge.
 - (j) initial the memorandum notes to be made, in red ink, in the stores ledger and the relevant tally card of the details of any deficiencies; and
 - (k) complete Stores Forms 8 and 9 with recommendations as to the disposal of dormant and unserviceable stores (see Financial Regulation 2705 for distribution of the forms).

2705. The chairman of the Board of Survey or Stock Verifier shall submit a report in quadruplicate, together with Stores Forms 8 and 9, also in quadruplicate, to the Accounting Officer. The report shall contain, inter alia:

- (a) a reference to the list of items found surplus, deficient, obsolete or unserviceable;
- (b) an opinion as to the responsibility of the Storekeeper and/or Officer-in-charge of the store for the general state of the store, particularly in respect of deficiencies as well as obsolete and unserviceable items; and
- (c) an opinion as to the adequacy and condition of the store accommodation security arrangements, and fire fighting appliances.

2706. The report of the Board or Stock Verifier involving a loss of stores, or the unserviceability of stores shall be dealt with in accordance with the provisions of chapter 26.

CHAPTER 28

STOCK VERIFICATION UNIT

2801. The Accounting Officer of a ministry, extra-ministerial office and other arms of government shall ensure that a Stock Verification Unit is established to provide a complete and continuous verification of the stock records, plant, allocated, and unallocated stores where applicable.

2802. The Head of the Stock Verification Unit shall be directly responsible to the Accounting Officer for a comprehensive verification of all the stocks and purchases of the ministry/extra-ministerial office and other arms of government.

2803. The stock verifier shall:

- (a) maintain a system of continuous verification of all stores, allocated or unallocated;
- (b) be responsible for price analysis and taking charge of store survey of vehicles and equipment;
- (c) assist the Board of Survey and Enquiry on stores matters;
- (d) verify store records, such as store ledgers and tally cards;
- (e) compile and submit periodic reports as prescribed in these Regulations.

2804. The Accounting Officer of ministry/extra-ministerial office and other arms of government shall ensure that a stock verification manual or code is produced for the guidance of the stock verification unit. The approval of the Accountant-General and the Auditor-General must be sought before the manual or code becomes operational.

2805. The head of stock verification unit shall issue monthly, half-yearly and annual progress report of his activities to the Accounting Officer, Accountant-General, Auditor-General and internal Auditor. However, where occasion demands, he shall issue special report for the attention of the Accounting Officer with copies forwarded to the Accountant-General and Auditor-General.

2806. (i) Each stock verifier in a ministry, extra-ministerial office and other arms of government shall be issued with a stamp under the control of the Accountant-General. Such stamps shall be regarded strictly as security instruments. The head of stock verification unit shall collect all the stamps on behalf of his designated officers of the Accountant-General. Where officers are transferred, the stamps issued to such officer must be returned immediately to the Accountant-General by the head of stock verification unit.

(ii) Stock verification stamp holders shall not be below Grade Level 09 in the headquarters and grade level 08 outside the headquarters.

(iii) An application for new or replacement of stamps shall be endorsed by the Accounting Officer.

2807. (i) The head of stock verification unit shall submit the names and particulars of their stock verification staff who are empowered to make use of Stamps. The rank of such officers shall not be below GL. 09 in Abuja and GL. 08 outside Abuja. The particulars to be submitted in respect of each officer shall be as follows:

- (a) the name and rank.
- (b) two recent passport photographs, stamped and endorsed by the head of stock verification unit; and
- (c) specimen signatures.

(ii) The application to be signed by the head of stock verification unit and countersigned by the Accounting Officer shall be forwarded to the Accountant-General.

(iii) It shall be the responsibility of the head of stock verification unit to collect assigned stamps for the accountant-general for issuance to designated staff.

CHAPTER 29

PUBLIC PROCUREMENT CONTRACTS

PART I

GENERAL PRINCIPLES

2901. Government contracts are made in accordance with the ordinary law of contract through offer by one party and acceptance by the other. The only distinction between a Government contract and that of a commercial undertaking is that, while an outside body can freely choose the suppliers with whom it wishes to deal, a ministry/extra-ministerial office and other arms of government is accountable for disbursement of public funds and is obliged to consider the claims of all qualified firms wishing to work for it.

2902. The Public Procurement Act, 2007 (PPA) provides detailed requirements and guidelines for procurement contracts in respect of goods and services in the public sector i.e. ministries, extra-ministerial offices, other arms of government. The following provisions in this chapter have been produced using the provisions of the Act as a guide. Consequently, it is advised that this chapter should be read and applied side by side with the provisions of the Act in order to resolve every areas of ambiguity.

2903. (i) The Public procurement Act applies to all procurements made by the following federal government agencies, viz:-

- (a) all ministries, extra-ministerial offices, other arms of government; and
- (b) all agencies of government that derive at least 35% of their operational funds through appropriations from the Consolidated Revenue Fund.

(ii) The Act does not apply to procurements of special goods, works and services involving national defence or national security unless the express approval of the president has been first sought and obtained.

2904. All procurement contracts in ministries, extra-ministerial offices and other arms of government shall be executed in a manner that shall be prescribed and allowed by the Bureau for Public Procurements.

2905. Except as exempted under the PPA, the Bureau for Public Procurement shall from time to time set review thresholds in respect of all contracts for public procurement of goods and services.

2906. (i) All contracts or tender falling within the limits of the threshold prescribed by the Bureau for Public Procurements, except as exempted under the Act, shall attract a "Certificate of 'No objection' to award Contract" for such to be seen as validly executed. The Bureau shall issue this certificate only when it is satisfied that all necessary pre-requisites have been complied with.

(ii) Pursuant to sub-section (i) above, all procurement plans must be supported by prior budgetary appropriation as proof of availability of funds. In other words payments that are not provided for in the annual estimates shall not be accepted (FR. 417).

2907. (i) In order to ensure transparency and accountability, achievement of value for money, economy and efficiency, and equity and fairness, all procurements falling within the Bureau's thresholds shall be by way of Open Competitive Bidding.

(ii) The provision of sub-section (i) above notwithstanding, selective tenders may be allowed under the conditions stipulated in the PPA e.g. where the goods are of a specialized nature, time is of the essence and the suppliers are limited.

2908. Where there are existing thresholds, no moneys shall be drawn from the Consolidated Revenue Fund or any government account in respect of procurements falling above the set thresholds. Such payment falling above threshold shall only be valid if a "Certificate of No-Objection" is obtained from the bureau.

2909. All bidders in a contract for public procurement must show proof of eligibility for the award of the contract. They must prove the following amongst others, viz:

- (a) they possess the necessary technical qualification;
- (b) they possess the machinery, equipment and manpower for the job
- (c) they have the legal capacity to enter into the contract
i.e. they are not under a receivership nor are they insolvent;
- (d) they are not tax evaders; and
- (e) non of their directors has been convicted in respect
of any offence/crime involving fraud financial misappropriation or falsification of records.

2910. (i) All bidders who breach the provision of section 2909 above or whose bids do not meet the tenders requirements shall be automatically disqualified and their bids withdrawn.

(ii) Notice of the disqualification of any bidder shall be conveyed to the Bureau for Public Procurements with reasons given.

2911. All procurement proceedings made during a financial year shall be properly recorded in files and electronic records, which procurement records shall be maintained for ten (10) years from the date of the award of contract.

2912. All ministries, extra-ministerial offices and other arms of government shall ensure the transmission of procurement records to the Bureau not latter than three (3) months after the end of a financial year. The records shall include the following information amongst others:

- (a) details of the procuring entity and the contacts involved in the procurement;
- (b) date of the contract award;
- (c) the value of the contract and
- (d) detailed records of the procurement proceedings.

2913. Persons who have been involved in the preparation of procurement proceedings shall not qualify to bid for the procurement either as a main contractor or sub-contractor

2914. All monetary values in procurement bids shall be stipulated in Naira and Kobo. Where they are expressed in foreign currency they shall be converted at the prevailing exchange rates to local currency.

2915. (i) Accounting Officers shall consult with the Federal Ministry of Finance in the early stages in the negotiation of a contract under any following situations:

- (a) where the price or consideration is to be denominated in a currency other than Naira;
- (b) where a foreign currency exchange guarantee is to be involved; and
- (c) where the provisions are to specify a substantial programme of deferred payments extending beyond the end of the financial year in which the contract is to be executed.

(ii) In the award of contracts, Accounting Officers shall ensure that companies that have higher local contents are given preference.

2916. (i) Subject to the thresholds prescribed by the Bureau Public procurement from time to time, there shall be an Approving Authority in every procuring entity, viz:-

- (a) In the case of ministries, extra-ministerial offices and other arms of government, it shall be the ministerial Tenders Board.
- (b) In the case of public corporations, it shall be the Parastatals Tenders Board.

(ii) The membership of the Tender's Board under sub-section (i) above shall be as stipulated by the Bureau from time to time.

(iii) The tenders board shall be responsible for the following duties:

- (a) approving the award of contract for the procurement of goods, works and services;
- (b) constituting a technical evaluation sub-committee in cases where there is need for pre-qualification; and
- (c) communicating its decisions to the minister for information and implementation.

2917. All ministries extra-ministerial offices, and other arms of government shall ensure, in any financial year, the establishment of a Procurement Planning Committee. The composition of the committee shall be as follows, viz:-

- (a) the Accounting Officer or his representative who shall be the chairman;
- (b) a representative of the procuring unit who shall serve as the secretary;
- (c) a representative of the unit directly in requirement of the procurement;
- (d) the Head/Director of the Finance and Accounts Department or his representative;
- (e) the Head/Director, Planning Research and Statistics or his representative;
- (f) a Technical Personnel of the Procuring entity with expertise in the subject matter; and
- (g) Head of the Legal Unit or his representative.

2918. Subject to regulations which may from time to time be prescribed by the Bureau for Public Procurements, the Procurement Planning Committee shall perform the following duties, viz:-

- (a) preparing the needs assessment and evaluation;
- (b) identifying the goods, works and service required;
- (c) carrying out appropriate market and statistical surveys and on that basis, prepare analyses of the costs implications of procurements;
- (d) aggregating the requirements of its procurement entity both within and between other procurement entities to obtain economy of scale and reduced cost of procurements;
- (e) integrating procurement expenditure into the annual budgets of the procurement entity; and
- (f) prescribe methods of obtaining procurements within the provisions of the Procurement Act.

2919. The following procedure shall be observed by ministries, extra-ministerial offices, and other arms of government in implementing their procurement plans, viz:

- (a) advertise and elicit for bids in accordance with guidelines prescribed by the Bureau from time to time;
- (b) invite two (2) credible persons as observers in every procurement process, one from a private sector professional organization relevant to the procurement and the other from non-governmental organization working in transparency, accountability and/or anti-corruption areas;
- (c) receive, evaluate and make a selection of the bids in accordance with prescribed guidelines;
- (d) obtain the approval of the tenders board for the award of contract to the successful bidder;
- (e) debrief bid losers on request;
- (f) resolve complaints and disputes if any;
- (g) obtain and confirm validity of performance guarantee;
- (h) obtain "certificate of 'No objection' to award contract" from the Bureau.
- (i) execute contract agreements; and
- (j) announce and publicize the award of the contract in a format prescribed by the Bureau.

PART II

PROCUREMENT OF GOODS, WORKS OPEN COMPETITIVE BIDDING

2920. The following provisions/guidelines apply strictly to procurements of goods, works and services other than consultancy services, which fall within the monetary and prior review thresholds prescribed by the Bureau for Public Procurements from time to time. In view of the very technical and detailed nature of the subject matters involved, ministries, extra-ministerial offices and other arms of government are advised to refer to the provisions of the Act itself for guidance when in doubt.

2921. (i) Except as exempted under the Procurement Act, all procurements of goods, works and services shall be by way of Open Competitive bidding by which is meant that all contractors/suppliers shall be subjected to the same level playing ground. The format for submission of bids, the deadline for submission and the pre-determined criteria for evaluation shall not vary from one contractor/supplier to the other, they shall be the same.

(ii) The lowest responsive bid shall be the winning bid.

2922. (i) Invitation to bid shall either be by way of National Competitive Bidding or International Competitive bidding. The Bureau shall from time to time set different monetary thresholds for each type of bidding.

(ii) International competitive bidding shall be advertised in at least two (2) national newspapers, one internationally recognized publication, the websites of the procuring entity and the Bureau and the procurement journal at least six (6) weeks before the deadline for the submission of bids.

(iii) A national competitive bidding shall be advertised on the notice board of the procuring entity, two (2) national newspapers, the websites of the procuring entity and in the procurement journal at least six (6) weeks before the deadline for the submission of bids.

2923. (i) All procurements valued in excess of the monetary and prior review thresholds prescribed by the Bureau shall require a bid security in a sum not exceeding 2% of the bid price. The bid security shall be way of a bank guarantee issued by a reputable bank.

(ii) Any requirement for the submission of a bid security shall apply to all contractors/suppliers submitting bids.

2924. (i) All bids shall be in writing and in the format stipulated in the bid documents; they shall be signed by an official who is authorized to bind the bidder to contract. The bid shall be enclosed in sealed envelope.

(ii) All bids submitted shall be deposited in a secured tamper-proof box.

(iii) The procuring entity shall issue a receipt indicating the date and time a bid is submitted.

(iv) Bids received after the deadline for submission shall not be opened and shall be returned to the contractors who submitted them.

(v) Communication between a procuring entity and contractors after the publication of the invitation to bid is prohibited except as allowed under the Act.

2925. (i) No contract work involving construction shall be considered by Tenders Board unless:

(a) The land has been acquired, and the topographical map (and soil test except where it is certified by the Architect that it is not necessary) has been approved by the appropriate authority. The documents relating to the land the survey map, the soil test report or certificate of exemption by the Architect should form part of contract documents to be presented to the Tenders Board.

(b) The Design of the building, road, etc, relating to (a) above is broken down into:

(i) Architectural Design.

(ii) Structural Design

(iii) Electrical design

(iv) Mechanical design.

(v) Bills of Quantities

(c) Technical details of the project shall be made available to the Procurement Planning committee for proper costing.

(ii) Tenderers shall be requested to purchase the designs for a non-refundable fee, the amount of which shall be determined from time-to-time.

2926. (i) A ministry, extra ministerial office and other arms of government reserves the right to reject any/all bids at any time prior to the acceptance of bids without incurring any liability to bidders.

(ii) Further to sub-section (i) above, it may also cancel procurement proceedings in the public interest without incurring any liability to bidders.

2927. (i) A validity period is the period during which a bidder agrees not to vary the cost of its bid or remove any component from the bid. This period shall be specifically stipulated in the bid documents.

(ii) A validity period maybe extended on request by the procurement entry to the suppliers/contractors for additional specified period of time. The contractor/supplier may refuse the request for the extension of the validity period in which case the effectiveness of its bid will cease on the expiration of the extend period.

(iii) A supplier/contractor may modify or withdraw bids prior to the date for the submission of bids. However, the notice shall only be effective if it is received by the procuring entity prior to the deadline for the submission of bids.

2928. In order to ensure transparency in the process of opening bids, the following guidelines shall be observed: -

- (a) all persons present for the exercise, including the independent observers, shall be allowed to examine the envelopes in which the bids were submitted to ascertain that they have not been tampered with;
- (b) the bids shall be opened in public in the presence of all the bidders or their representatives, the independent observers and any interested member of the public;
- (c) the opening shall take place immediately following the deadline for submission or any extensions thereof;
- (d) the secretary of the tenders board shall record in a register all the names and addresses of those present and the organizations they represent; and
- (e) there shall be a call-over to the hearing of all present, the name and address of each bidder, the total amount of each bid and the bid currency which shall be duly recorded by the secretary of the tenders board.

2929. (i) Prior to the actual evaluation of bids, they shall first be examined to ascertain whether they:-

- (a) conform with the minimum requirements as stipulated in the bid documents;
- (b) have been duly signed;
- (c) are substantially responsive to the bid documents; and
- (d) are generally in order.

(ii) A procuring entity may seek further clarification from bidders in respect of their bids provided that such clarifications shall not allow:-

- (a) changes in prices,
- (b) changes of substance in the bid; and
- (c) changes that will make an unresponsive bid responsive.

(iii) A procuring entity may effect, minor arithmetic corrections in the process of bid examination provided such corrections are communicated to the contractor or supplier.

(iv) While minor deviations in bids may not lead to their rejection, major deviations, will automatically render such bids unacceptable and therefore shall be rejected. What constitutes minor and major deviations, the correction of minor deviations through further clarification from the bidder, the right of the bidder to accept or reject such correction and the effect of rejection of his bid are fully dealt in the procurement Act.

2930. (i) The objective of bid evaluation shall be to determine and select the lowest evaluated responsive bid from the bidders that have responded to the bid solicitation.

(ii) Only bids that have been adjudged valid for evaluation after examination of bids shall be evaluated and the criteria for evaluation shall be the one prescribed in the bid documents and none other.

(iii) In determining the lowest responsive bid, the tenders board shall observe the following processes as applicable:

- (a) checking of deviations;
- (b) checking of omissions with qualification of same;
- (c) application of discounts, as applicable;
- (d) clarification with bidders of questionable minor deviations;
- (e) qualification in monetary terms of such questionable deviations.
- (f) conversion to common currency.
- (g) calculation and tabulation of bid amount with domestic preference applicable; where
- (h) determination of the lowest calculated prices in order or rank;
- (i) post-qualification of bidders, where applicable;
- (f) listing of rejection of bids, where applicable;
- (k) decision of rejection of all bids where justifiable
- (l) recommending for award; and
- (m) writing-up of the bid evaluation report.

(iv) All relevant factors, in addition to price that will be considered for purposes of bid evaluation and the manner in which such factors will be applied shall have been stipulated in the solicitation documents. The factors shall also have been calculated in monetary terms.

(v) When bid prices are expressed in two or more currencies, the prices of all the bids shall be converted to Nigerian currency at the prevailing official exchange rates.

(vi) If contractors or suppliers had been pre-qualified verification of the information provided in the submission for pre-qualification shall be confirmed at the time of award of contract and award may be denied to a bidder who no longer has the capacity or resources to successfully perform the contract.

(vii) After opening of bids, information relating to the examination clarification and evaluation of bids and recommendations concerning award shall not be disclosed to the bidders or to persons not officially concerned with the evaluation process until the successful bidder is notified of the award.

2931. (i) The successful bid shall be that submitted by the lowest cost bidder from the bidders responsive to the solicitation. However, the selected bidder needs not be the lowest cost bidder provided the procuring entity can show goods grounds derived from the provisions of the procurement Act, e.g. where the factor of domestic preference is material.

(ii) Notice of acceptance of a bid shall immediately be given to the successful bidder.

2932. (i) Domestic preference is the margin of preference in the evaluation of tenders when comparing tenders from domestic bidders vis-à-vis foreign bidders or when comparing tenders from domestic suppliers of goods manufactured locally with those offering goods manufactured abroad. Margins of preference shall apply to tenders under international competitive biddings.

(ii) The Bureau shall from time to time set the limits and formula for the computation of margins of preference and determine the contents of locally manufactured goods.

(iii) A procuring entity wishing to grant margins of preference shall indicate in the bidding documents any preference to be granted domestic suppliers or contractors and the information required to establish the eligibility of a bid for such preference.

2933. (i) Subject to any regulations that may be prescribed by the Bureau from time to time, a procuring entity may grant a mobilization for which shall not exceed 15% of the contract price. The

payment of mobilization fee shall be supported by, in case of national competitive bidding a guarantee issued by a reputable bank or Insurance company, and in the case of an international competitive bidding a bank guarantee issued by a reputable bank;

(ii) No further payments shall be made to a supplier or contractor who has been paid mobilization fee except on the strength of an interim performance certificate issued in accordance with the contract agreement.

2934. The provision of a Performance Guarantee shall be a precondition for the award of any contract upon which mobilization fee is to be paid provided that it shall not be less than 10% of the contact value in any case or an amount equivalent to the mobilization fee requested by the supplier or contractor, whichever is higher.

2935. Payment for the procurement of goods, works or services shall be settled promptly and diligently. Any payment due for more than sixty (60) days from the date of submission of invoice, valuation certificate, or confirmation or authentication by a ministry, extra-ministerial office and other arms of government, shall be deemed to be a delayed payment and shall attract interest at the rate specified in the contact agreement.

2936. (i) All ministries, extra-ministerial offices and other arms of government, shall maintain comprehensive records of their procurement proceedings. Portions of the records shall be made available to:-

- (a) any person after a tender proposal, offer or quotation has been accepted or after procurement proceedings have been terminated without resulting in procurement contract; and
- (b) suppliers, contractors or consultants that submitted tenders, quotations or proposals or applied of pre-qualification, after a tender proposal, offer or quotation has been accepted or procurement proceedings have been terminated without resulting in a procurement contract.

(ii) The disclosure of procurement proceedings maybe ordered by court prior to award of contract and when so ordered, a procuring entity shall not disclose such information if its disclosure would:

- (a) be inimical to law;
- (b) impede law enforcement; or
- (c) prejudice legitimate commercial interest of the parties.

(iii) A procuring entity shall not be liable to suppliers, contractors or service providers for damages solely because it fails to maintain Records of procurement proceedings.

(iv) Records and documents in respect of procurement proceedings shall be made available for inspection by the Bureau, an investigator appointed by the bureau and the Auditor-General upon request. Where donor funds have been used for the procurement, donor officials shall have access on request to procurement files and records for audit review.

PART III

SPECIAL AND RESTRICTED BIDDING METHODS

2937. (i) Apart from the open competitive bidding process treated under Part II of this chapter, the Public Procurement Act provides for other modes of competitive bidding which are more flexible but at the same time have built-in controls to safe guard against breaches and abuses. These are:-

- (a) two-stage bidding;
- (b) restrictive bidding;
- (c) request for quotations;
- (d) direct procurement; and
- (e) emergency procurements.

(ii) With the exception of the "request for quotation" model which may not require the approval of the bureau, all others attract the "Certificate of 'No objection' to award contract" duly issued by the Bureau. However while in the case of methods (a) (b) and (d) approval must be obtained before award of contracts as in respect of the open competitive bidding, the approval with regards model (e) shall be issued retrospectively, i.e. after award and execution of contract.

2938. The two-stage tendering process shall be resorted to under any of the following conditions:-

- (a) where the procuring entity is not in a position to define the detailed specifications of the goods or works, or in the case of services, the detailed characteristics, and where it seeks tenders proposals or offer on various means of meeting its needs in order to obtain the most satisfactory and efficient solution to its procurement needs;
- (b) where the character of the goods or works are subject to rapid technological advances/development or where the contract is for research, experiment, study or development or where the procurement concerns national security.

2939. (i) The first stage of the two-stage tender shall require the procuring entity to invite bidders to submit detailed proposals in respect of the procurement without stating the cost price. The proposals may relate to technical quality or other characteristics of the goods, works, or services as well as contractual terms and conditions and professional competence and technical qualification of the suppliers/contractors.

(ii) The proposals submitted under sub-section (i) above shall be examined and evaluated in line with the provisions of the procurement Act with a view to identifying the one considered successful.

(iii) In the second stage, the procurement entity shall invite all bidders with successful proposals to submit tenders which shall include the cost element of the procurement. The bid documents shall indicate detailed specification and criteria for evaluation as modified, as well as the characteristics of the goods, works etc.

(iv) Examination and evaluation of the bids shall be carried out as earlier defined in these regulations and the award of contract made to the contractor/supplier with the lowest bid.

(v) A contractor or supplier with a successful proposal reserves the right to withdraw his tender at any point before the evaluation of tenders.

2940. Except as otherwise provided under the Procurement Act, general principles and procedures as regards submission of bids in sealed envelopes, dropping of tenders in secured tamper-free box, public opening of bids, examination of bids, rejection of bids, evaluation of bids, bid security, mobilization fee, performance guarantee, approval by the tenders board, obtaining of approval of the bureau and rendition of records of proceedings shall be applicable.

2941. Ministries, extra-ministerial offices and other arms of government shall resort to the restrictive method of public procurement on the following conditions:-

- (a) the goods, works and service are only available from a limited number of suppliers or contractors;

- (b) the time and cost of evaluating a larger number of tenders is disproportionate to the cost of the goods, works or services to be procured; and
- (c) the method shall be used only as an exception to the rule rather than a standing practice.

2942. (i) The following procedures shall be observed by ministries, extra-ministerial officer and other arms of government with regards to restricted tendering.

- (a) all supplier or contractors falling within the limited supplier/contractor group shall be invited to submit bids in respect of the procurement intended;
 - (b) in the case where cost/benefit analysis rules against open competitive bidding, bids shall be invited from a selected number of contactors/suppliers within the available group of suppliers/contactors without being seen to be discriminatory, and
 - (c) general tendering principles and procedures shall apply (see FR 2940).
- (ii) All invitations for restricted biddings shall be published in the procurement journal.

2943. A procuring entity shall apply the special procurement method of request for quotations where the value of the goods, works or services to be procured fall below the thresholds set by the Bureau from time to time.

2944. (i) The procuring entity shall obtain quotations from three (3) contractors or suppliers who shall submit only one (1) quotation each and who shall be informed of any extra charges to be included in the quotation (e.g. transport and storage costs), outside the cost of the goods, works or service.

(ii) The procurement contract shall be awarded to the contractor/suppliers with the lowest quotation.

(iii) Where the value of goods, works, or service falls below threshold prescribed, the approval of the Bureau may not be obtained.

2945. A procuring entity may resort to direct procurement where the following grounds exist:

- (a) the goods, works or services can only be procured from only one supplier or contactor who may have exclusive rights to the goods, works, or services and there are no alternative or substitutes;
- (b) there is urgent need for the goods, works or services such that procuring them through the open competitive bidding may cause delay and the purpose for which they are required defeated;
- (c) owing to a catastrophic event, there is the urgent need for the goods, works or services through direct procurement as other methods have been adjudged impracticable.;
- (d) the procuring entity had earlier procured goods, works or services from a particular supplier or contactor and it is of the opinion that an intended fresh procurement should be made through the same contractor/supplier on the ground of compatibility and standardization of the goods, works or services with existing ones, size of the procurement and reasonableness of price etc.
- (e) the contract is for research, experiment, study, or development and does not include procurement of goods in commercial quantity; and
- (f) the procurement concerns security issues and therefore should not be exposed to other methods of procurement.

2946. (i) The procedure for procurements under the direct procurement method shall be through an invitation by the procurement entity to a contractor or supplier to submit a proposal or price quotation. Such proposal or quotation shall be properly evaluated before the award of contract.

(ii) The procuring entity shall, in rendering returns of records of procurement proceedings, attach a statement on the grounds for its decision and circumstances justifying the use of this single source procurement method.

2947. A procuring entity may procure goods, works or services under all emergency situations such as:

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- (a) the country is seriously threatened by or actually confronted with a major disaster, war, insurrection or Act of God;
- (b) the condition of public assets may seriously deteriorate unless urgent necessary action is taken to sustain them in their actual value or usefulness; end
- (c) a public project maybe delayed for lack of a very minor item.

2948. (i) Under emergency situation, a procuring entity may engage in direct or single source procurement of goods, works, or services.

(ii) Further to sub-section (i) procurements shall be made expeditiously, without losing sight of the principles of accountability and transparency.

(iii) On cessation of the emergency situation warranting procurement under this method, the procuring entity shall file records of procurement proceedings with a view to obtaining certificate of "No objection" if necessary from the Bureau of Public Procurement.

PART IV

PROCUREMENT OF CONSULTANCY SERVICES

2949. The procurement of consultancy services by a ministry/extra-ministerial office or other arms of government may either be for ascertained or unascertained needs.

2950. (i) A ministry, extra-ministerial office or other arms of government shall call for expression of interest or Applications for pre-qualification from consultants where their services so required have been fully ascertained.

(ii) Pursuant to sub-section (i) above, a notice shall be published in at least 2 (two) national newspapers and the procurement journal.

2951. (i) Not-with-standing the provisions of FR 2945, a ministry/extra-ministerial office or other arms of government may, without publication, invite or request not less than 3 or more than 10 consultants or relevant service providers to submit proposals for service whose value is less than one million Naira (N1m) and/or with the approval of the Bureau.

(ii) The proposals requested for under sub-section (i) above shall include the following:

- (a) a statement of qualifications of the consultant to provide the service;
- (b) a statement of understanding of the procuring entity's needs;
- (c) the methodology for providing the services; and
- (d) the cost of free for the service.

2952. (i) Where a ministry, extra-ministerial office and other arms of government intends to enter into a contract to procure services for the purposes of research, experiment, study or development, it shall do so by requesting for proposal, except where such contract will include the production of goods in quantities sufficient enough to establish their commercial viability to recover the research and development costs;

(ii) Similar actions with reference to publication stipulated in FR 2946 shall apply.

2953. A ministry, extra-ministerial office or other arms of government shall make direct request to a limited number of consultants requesting proposals for the provisions of a service under the following conditions:

- (a) the services are only available from not more than 3 consultants;
- (b) where there are more than 3 consultants, the time and cost required to examine and evaluate a large number of proposals would be disproportionate to the value of the services to be performed, provided it invites enough consultants to ensure transparent competition; and
- (c) it is in the interest of national defence and security or similar reasons of confidentiality.

2954. The requests for proposals in respect of services for unascertained needs which shall be made available to every consultant shall contain the following, amongst others:

- (a) the name and address of the ministry, extra-ministerial office or other arms of the government;
- (b) a requirement that the proposals are to be prepared in English Language;
- (c) the manner, place and deadline for the submission of the proposal;
- (d) a statement to the effect that the procuring entity reserves the right to reject proposals;
- (e) the criteria and procedures for the evaluation;
- (f) the documentary evidence of the qualification of the consultant;
- (g) the nature and required characteristics of the services to be provided;
- (h) whether the procuring entity is seeking proposals on various means of meeting its needs;
- (i) a requirement that the proposal price is to be expressed in Nigerian currency;
- (j) the manner in which the proposal price is to be expressed, including a statement on whether the price covers other elements apart from the cost of service, e.g. reimbursement for transportation, lodging, insurance etc; and
- (k) whether the procedure to ascertain the successful proposal shall be based on the lowest cost or quality or both.

2955. (i) The procuring entity shall allow for sufficient time for the submission of proposals, which shall not be less than 30 days from the date of notice and the deadline for the preparation and submission of proposals;

(ii) The technical and financial proposals shall be submitted simultaneously in separate envelopes;

(iii) The technical proposals shall be opened for evaluation immediately after the deadline for submission of proposals but the financial proposal shall remain sealed and kept in a secure bid box until they are opened publicly;

(iv) Under no circumstances shall be technical evaluation committee have access or insight to the financial proposals.

2956. Any proposal received after the deadline for submission of proposals shall be returned to the bidder/sender unopened.

2957. (i) A ministry, extra-ministerial office and other arms of government shall establish criteria to evaluate the proposals and prescribe the relative weight to be accorded to each criteria and the manner in which they are to be applied as it affects:

- (a) the qualification, experience, reliability, professional and managerial competence of the consultant or service provider as well as those of the personnel to be involved in providing the service;
- (b) the effectiveness of the proposal submitted in meeting needs of the ministry, extra ministerial and other arms of governments;
- (c) the proposal price including any related cost; and;
- (d) the effect that the acceptance of the proposal will have on:

- (i) the balance of payments and foreign reserve;
- (ii) the extent of participation by local personnel
- (iii) the economic development potentials
- (iv) the encouragement of employment if any
- (v) the transfer of technology and development of management, scientific and operational skills.
- (vi) the counter trade arrangements.

(ii) A margin of preference shall be accorded for domestic consultant by the ministry/extra-ministerial office or other arms of government and which shall be calculated in accordance with guidelines to be issued by the Bureau from time to time. Such margin of preference shall be reflected to the records of procurement proceedings.

2958. (i) A successful proposal shall be selected either by choosing the proposal with the lowest evaluated price or the combined evaluation in terms of the general criteria set out in the request for proposals and the price quoted.

(ii) Pursuant to sub-section (i) above, the procuring entity shall include in the record of procurement, a statement of the grounds and circumstances on which they relied to select the successful proposal.

2959. (i) Where the choice of the successful proposal has been based on technical and price factors, a weight with respect to quality and technical price factors of the proposals shall be established in accordance with the criteria other than price as might have been set out in the request for proposal and rate each proposal in accordance with such criteria together with the relative weight.

(ii) In pursuance of the provisions of sub-section (i) above, the procuring entity shall:

- (a) compare the prices of those proposals that have attained a rating, at or above the threshold;
- (b) notify within 14 working days of taking decision, the consultants whose proposals did not meet the minimum qualifying marks or were non responsive to the invitation for proposals and terms of reference after the evaluation of quality is completed.
- (c) read aloud the names of the qualifying consultants,

- the quality scores for the technical component of the proposal and record at the same time, the price proposed by each consultant or service provider when the financial proposals are opened; and
- (d) prepare the minutes of the public opening of the financial proposals which shall be part of the evaluation report and shall retain this record.
- (iii) A proposal shall be considered successful under one of the following conditions:
- (a) the proposal with the best combined evaluation in terms of the criteria established under subsection (i) above from price in the case of quality and cost-based selection;
 - (b) the proposal with the lowest price in the case of least – cost selection; or
 - (c) the highest ranked technical proposal within the budget.

2960. (i) The consultants with the winning proposal shall be invited for negotiations which shall focus on the technical proposals.

(ii) No negotiates shall be carried out on the proposed unit rates for staff-months and reimbursable unless there are exceptional cases/reasons.

2961. (i) Where a ministry, extra-ministerial office or other arms of government decides to make a quality – based (that is based on consultant's qualifications) or single-sourced selection, it shall engage in negotiations with the consultants.:

- (ii) Pursuant to sub-section (i) above, the procuring entity shall:
- (a) establish a weight with respect to quality and price of the proposals; and
 - (b) invite for negotiations, on the price of its proposals, the consultant that has attained the best rating in accordance with (a) above;

(iii) The procuring entity shall inform the consultant that attained ratings above the weight that may be considered for negotiations if it becomes apparent that the negotiations with consultants with the best rating do not result in a procurement contract. Where it becomes apparent that the negotiations with the consultants with the best rating that have been invited for negotiations will not result in a procurement contract, the procuring entity shall inform the consultant of this intention to terminate the negotiations;

(iv) Where negotiations with the consultants with the best rating fails, the procuring entity shall invite the consultant that obtained the second best rating, and if negotiations with that second rating fails, then other suppliers/contractors shall be invited for negotiations on the basis of their rating until it arrives at a contract or rejects the remaining proposals.

2962. A ministry/extra-ministerial office or other arms of government shall treat proposals and any negotiations or selection procedure as confidential and avoid the disclosure of their contents to competing consultants.

2963. The Bureau of Public Procurement may review and recommend for investigation by any relevant authority any matter related to the conduct of procurement proceedings by a ministry, extra-ministerial office or other arms of government, or the conclusion or operation of a procurement contract if it considers that criminal investigation is necessary or desirable to prevent or detect a contravention of the public procurement Act.

PART V

PUBLIC PROCUREMENT CONTRACTS MISCELLANEOUS

2964. (i) The disposal of any public property shall be regulated by the provisions of the Public Enterprises (Commercialisation) Act 1999 as well as those of Public Procurement Act 2007.

(ii) The open competitive bidding shall be the primary source of receiving offers for the purchase of any public property offered for sale.

(iii) All disposing entities i.e. ministries, extra-ministerial offices and other arms of government shall comply with the guidelines that the Bureau for public procurement shall issue from time to time for purposes of disposing public property.

2965. The accounting officer of a disposing entity shall cause a valuation report to be prepared by an independent evaluator or such professional with the appropriate competence on public property intended to be disposed of before such property is listed for disposal.

2966. The general principles applicable under the open competitive bidding process in respect of public procurement shall also apply to the disposal of public property (see FR 2940).

2967. (i) The Bureau of Public Procurement shall stipulate the code of conduct for all public officers, suppliers, contactors and service providers and which shall be anchored on the principles of honesty, accountability, transparency, fairness and equity.

(ii) These principles of honesty, accountability, transparency, fairness and equity shall apply to every stage of bidding process either for procurement of goods and services or disposal of public property up to the award and the execution of contract.

CHAPTER 30

MISCELLANEOUS MATTERS

3001. Accounting forms are forms for general use bearing Treasury numbers and issued under the authority of the Accountant-General. Accounting Forms for special use may not be used without the authority of the Accountant-General (see Appendix No.8).

3002. Except in the case of drawing offices, where they may be required for the preparation of maps and plans, the use of green ink or pencils in the recording or checking of accounting or store transactions by officers other than those of the Office of the Auditor-General is strictly forbidden.

3003. (i) Accounting Officers are responsible for paying all sums, such as salaries and allowances due to the estate of a deceased officer from government to the Legal Representative of the deceased officer's estate.

Legal representative of the deceased officer in this regard shall include:

- (a) next-of-kin as indicated in the deceased officer's record of service.
- (b) the executor of the WILL of the deceased officer.
- (c) in the absence of (a) and (b) above any person with a valid letter of administration.
- (d) in the absence of (a) to (c) above the money should be paid to the appropriate State's Administrator-General.

(ii) The Accountant-General and the appropriate State's Administrator-General as in (d) above shall be informed of any amount due from the estate to the deceased to government or of any liability of government from any guarantee arrangement.

(iii) Personal emoluments and pensions are payable up to, and inclusive of, the date of death. Those aspects of funeral expenses not provided for in government regulations must be borne by the deceased officer's estate.

(iv) In making payments to the legal representatives as required in sub-section (i) above, Accounting Officers shall attach a copy of the relevant document to the payment voucher.

(v) The gratuity and pension of a deceased pensionable officer shall be calculated in accordance with the public Service Rules and related legal authorities. Amounts due from the estate to government shall be deducted before such payments are made.

3004. The Comptroller-General of Prisons shall ensure that instructions are issued to officers in charge of prisons for the detailed recording of money received from prisoners for safe custody. When cash has accumulated which is more than sufficient to cover possible withdrawals for the month following, the excess amount will be deposited with the Federal Pay Officer in separate units of ₦1,000.00 each. A separate set of paying-in form (T.F. 15) will be prepared for each unit and the officer paying in the deposits will ask for a separate receipt (T.B. 6) to be issued for each unit and classified to Deposits: Prisoners' property. Withdrawals will be made in units of ₦1,000.00, and the original receipts (T.B. 6) will be attached to the payment voucher for cancellation by the Sub-Accounting Officer.

3005. When an overpayment of expenditure charge to a Head in the Estimates of Recurrent Expenditure is recovered in the same financial year as that in which it was incurred, it will be credited to the expenditure head and sub-head concerned. When recovery is in respect of expenditure incurred in a previous financial year, it will be credited to Revenue Head: Miscellaneous, Sub-head: Over-payments Refunded. When a recovery is related to expenditure under the capital estimate, it will be credited to the head and sub-head concerned irrespective of the financial year in which it was incurred.

3006. All refunds of revenue excepting refunds of customs duty, income tax and auctioneers' Commission shall be charged to the "Refunds General" Sub-head of the Ministry of Finance Head. The vouchers covering a refund of such revenue may be issued only, in accordance with the provisions of Financial Regulations 402 to 405.

3007. Officers in charge of salary pay-rolls shall ensure that the appropriate rent is deducted from the salary of an officer who occupies a government quarter. On a change of occupancy, rent will be chargeable to the outgoing officer up to and including the day prior to the hand-over, and against the incoming officer from and including the day of the take-over.

3008. In order to prevent forgery and falsification of accounting records and documents, the use of correction fluid e.g. TIPPEX or LIQUID PAPER is prohibited.

3009. Worn out clothing and beddings which have become unserviceable through fair wear and tear may be written-off on the authority of a certificate signed by the officer-in-charge of the prison/hospital as follows:

"I hereby certify that I have personally inspected the under mentioned article/articles; in Prison/Hospital, which have become unserviceable through fair wear and tear and have been destroyed by " (method of destruction)".

Signature: Designation: Date:

3010. (i) The regulations governing the acquisition of stores in Chapter 23 shall apply, mutatis mutandis to the purchase of all stationery. Where practicable, ministries/extra-ministerial offices and other arms of governments may procure stationery through the Federal Government Printer.

(ii) Accounting Officers shall delegate to responsible officers the duties of the safe custody, receipts and issues of stationery. The accounting records at each store shall include:

- (a) Where main stocks are held for supply to branch offices, a stores ledger (Store Form 1) which will show, for each category, the receipt into stock, issues to branch offices and the balance remaining in stock.
- (b) For all branch offices where stocks are held, a stationery store ledger (Store Form 20) which will show, for each category, the receipts from the main stores, the issue to the various offices and the balance in stock.
- (c) Stores Receipt Voucher or Receipted Issue Vouchers.
- (d) Daily Issue Book to record the detailed issues to offices.

(iii) All stocks of stationery will be kept under lock and key and in charge of a responsible officer who will ensure that the ledger balances are checked periodically against physical stocks.

CHAPTER 31

CODIFICATION OF OFFENCES AND SANCTIONS

PART I

IRREGULARITIES RESULTING IN LOSSES DUE TO EITHER FRAUDULENT ACTIVITIES OF FUNCTIONARIES OR NEGLIGENCE OR INCOMPETENCE

3101. Any Accounting Officer or public officer who fails to give satisfactory explanations to the audit queries within the stipulated time as indicated in the provisions of the this chapter of the Regulations shall be sanctioned accordingly as provided for an this chapter.

3102. (i) Any public officer who is alleged to be involved in the inflation of contract shall be allowed 5 days within which to respond to audit query addressed to him. Where the query involves an Accounting Officer, he shall be reported to Mr. President. In the case of any other officer, he shall be surcharged appropriately and removed from the duty schedule, dismissed and prosecuted.

(ii) Where the inflation of the contract involves the Tenders Board, all the members that approved the inflated contract shall be severally and collectively sanctioned.

3103. A query on an unauthorised variation of contract(s) and procurement shall be answered within 21 days of issue. However, if it remains unanswered after the time limit and it affects the Accounting Officer, such failure shall be reported to the President. If it affects any other officer, appropriate sanction shall be imposed and the officer shall be removed from the duty schedule, dismissed and prosecuted.

3104. (i) Where a contractor or a supplier who is paid mobilisation fee for a job fails to perform after collecting the fee, he shall be given 30 days notice to refund the money failing which the mobilisation fee shall be recovered enbloc from the contractor or supplier and such contractor shall be black listed and referred to the Economic and Financial Crimes Commission for prosecution.

(ii) Where a contractor presents a false certificate of completion and is paid, he shall be given 21 days within which to complete the job or refund in full the contract sum paid to him. In addition, the contractor shall be referred to the Economic and Financial Crimes Commission for prosecution.

(iii) A public officer who fraudulently pays money to a contractor for a job not executed shall be required to refund in full the amount wrongly paid and shall be removed from that schedule and the matter referred to the Economic and Financial Crimes Commission for prosecution.

3105. A public officer, on receipt of a query from the Auditor-General for a poor quality work carried out by a contractor, has 42 days to get the contractor to rectify the abnormalities or get refund for the amount over paid as a result of the poor job. If the query remains unanswered after the time limit, the officer(s) that certified the job for payment shall be demoted in rank while the contractor blacklisted and reported to the Economic and Financial Crimes Commission for prosecution

3106. A public officer who makes an irregular payment from public funds, shall be given 21 days notice to offer an explanation. Where no satisfactory explanation is given, the amount involved shall be recovered from the officer and such officer shall be removed from the schedule.

3107. Where a store-keeper or an officer-in-charge of store fails to answer an audit query on a shortage or loss of stores within 14 days of issue, such officer(s) shall not only be surcharged the total cost of the loss or shortage, but also be removed or transferred to another schedule.

3108. Where a cashier or officer suffers a shortage or a loss, he has 7 days within which to answer the query satisfactorily failing which he shall be surcharged the full amount of the shortage or loss and transferred to another schedule.

3109. An Accounting Officer or a Sub-Accounting Officer who pays for the acquisition of asset(s) with public funds but fails to collect the asset(s) from the contractor/supplier, shall be given 21 days to recover the assets(s) from the contractor/supplier, failing which the officer shall be transferred to another schedule. The contractor/supplier shall be blacklisted and reported to the Economic and Financial Crimes Commission for prosecution. If collusion is however established, the officer (s) involved should be removed from that schedule and made to face disciplinary action.

3110. A public officer who authorizes the payment of public fund to ghost-workers and/or knowingly processes such payment, shall be charged for gross misconduct, removed from the schedule and reported to the Economic and Financial Crimes Commissions for prosecution.

3111. A public officer who receives a query involving an overpayment of public funds in respect of salaries and allowances to staff, shall be given 21 days within which to reply to the query and refund the amount overpaid. He shall also be disciplined in accordance with public Service Rules and if need be, the matter should be referred to the police for prosecution.

3112. (i) A public officer who fails to respond to the Auditor-General's query satisfactorily within 21 days for failure to collect Government Revenue due shall be surcharged and be transferred to another schedule.

(ii) Where an officer fails to give satisfactory reply to an audit query within 7 days for his failure to account for government revenue, such officer shall be surcharged for the full amount involved and such

officers handed over to either the Economic and Financial Crimes Commissions (EFCC) or Independent Corrupt Practices and Other Related Offences Commission (ICPC).

3113. A public officer who fails to pay for the use of government property shall be given 30 days to offer explanation for the query issued for this purpose. If his explanation is unsatisfactory, the amount involved shall be recovered from him/her and be sanctioned under the Public Service Rules.

3114. A public officer who has been queried for premature scrapping of and/or sale of government asset(s) at a ridiculously low price and has failed to answer the query satisfactorily, shall be disciplined in accordance with Public Service Rules.

3115. An Accounting Officer who is queried for his failure to manage or spend public funds effectively or who spends public money without due regard to economy contrary to FR 415 and fails to reply to the query, shall be removed from the schedule and be disciplined in accordance with the Public Service Rules.

PART II

IRREGULARITIES NOT DIRECTLY OR IMMEDIATELY RESULTING IN LOSSES TO THE GOVERNMENT, BUT WHICH INFRINGE UPON BUDGETING CONTROL AND PROPER FINANCIAL MANAGEMENT

3116. Any public officer who is involved in splitting of contracts to circumvent tenders procedures shall be given 21 days notice within which to offer explanations to a formal query issued. Failure to give satisfactory explanation, any loss arising thereof may be recovered from or surcharged against the defaulting

3117. (i) Any Accounting Officer or public officer who is involved in the irregular award of contracts i.e. contracts award not in compliance with the normal tenders procedures as laid down by the Bureau of Public Procurement in these regulations or any other law shall be requested to offer an explanation in writing within 21 days to a query issued on this irregularity. Failure to give a satisfactory explanation shall lead to the demotion in rank of such officer and his immediate transfer to another schedule.

(ii) Where the award is by a Tenders Board, all members of the Board shall be sanctioned individually or collectively as in sub-section (i) above.

PART III

IRREGULARITIES ARISING THROUGH POOR OR INEFFICIENT MANAGEMENT OF ACCOUNTS WHICH MAY RESULT IN LOSSES

3118. The Head of Finance and Accounts or Head of Accounts who fails to recover personal advances from staff shall be requested within 21 days to offer written explanations to a query addressed to him on this irregularity. All losses suffered by Government as a result of negligence shall be recovered from or surcharged against the defaulting officer if he/she is a Public Officer and such Officer would be charged for gross misconduct under the Public Service Rules.

3119. The Head of Finance and Accounts or Head of Accounts who fails to post his ledger accounts up to date shall be requested to respond to a formal query addressed to him within 21 days. Any unsatisfactory response or any losses incurred as a result of this negligence of duty shall be recovered from or

surcharged against him. Where no losses are involved, the officer shall be seriously warned and charged for gross misconduct under the Public Service Rules.

3120. A public officer who is involved in the remittance of cash and who fails to acknowledge the receipts of such remittance(s) within 30 days shall be requested to offer explanation within 21 days to a query issued to him for this irregularity. Failure to give satisfactory explanations and any loss suffered by government as a result of such a delay in the non-reciprocation of the fund shall be recovered from or surcharged against the defaulting officer.

3121. The Accounting Officer and the Head of Finance and Accounts who fails to prepare bank reconciliation statements in respect of his accounts or who fails to render such a statement as and when due shall be requested to offer an explanation within 14 days to a formal query on this irregularity. Any unsatisfactory explanation and any losses suffered by government as a result of negligence to render or prepare such statement shall be recovered or surcharged against the defaulting officer. Where no losses are involved, the defaulting officer(s) shall be seriously warned.

3122. The Head of Finance and Accounts or the equivalent in a ministry or agency who fails to render detailed statement of accounts in respect of quarterly warrants and Authority to Incur Expenditure (AIE) to his ministry or extra-ministerial office and other arms of government shall be requested within 30 days to respond to a formal query addressed to him. All losses incurred as a result of non-compliance with the procedure shall be recovered from or surcharged against the defaulting officer. Where no losses are involved, the defaulting officer shall be seriously warned.

3123. The Head of Finance and Accounts or his equivalent in a ministry or agency who fails to render monthly transcripts shall be requested to respond to a formal query issued to him in this respect within 21 days, failing which allocation of fund to the ministry/extra-ministerial office and other arms of government allocation shall be suspended indefinitely.

3124. A public officer who fails to respond to a query issued to him within 21 days for non-retirement of advances or imprests shall be surcharged and the total amount involved recovered.

PART IV

OFFENCES AND SANCTIONS UNDER THE PUBLIC PROCUREMENT ACT (PPA).

3125. (i) The Public Procurement Act makes provisions for offences that shall attract various forms of sanctions. These offences are:

- (a) Entering or attempting to enter into a collusive agreement, whether enforceable or not, with a supplier, contractor, consultant or buyer where the prices quoted in their respective tenders, proposals or quotations are or would be higher than what would have been the case had there not been collusion between the persons concerned.
- (b) Directly, indirectly or attempting to influence in any manner the procurement process to obtain an unfair advantage in the award of a procurement or disposal of public property contract.
- (c) Conducting or attempting to conduct procurement fraud

by means of fraudulent and corrupt acts, unlawful influence, undue interest, favour agreement, bribery or corruption.

(d) Splitting of tenders to enable the evasion of monetary thresholds set.

(e) Bid-rigging.

(f) Altering any procurement documents with intent to influence the outcome of a tender proceeding.

(g) Altering or using fake documents or encouraging their use.

(h) Wilful refusal to allow the Bureau of Public Procurement or its officers to have access to any procurement records.

(ii) Any offence in contravention of the Act shall be tried by the Federal High Court.

3126. (i) An officer of the Bureau or the Procuring entity who, while performing his procurement duties contravenes any of the offences under the Public Procurement Act shall be liable on conviction to a cumulative punishment of:

(a) a term of imprisonment of not less than 5 (five) calendar years without any option of fine and

(b) summary dismissal from Government services.

(ii) Any legal person who contravenes any provision of the Act is deemed to have committed an offence and shall be liable on conviction to a cumulative penalty of:

(a) debarment from all public procurements for a period not less than 5 calendar years; and

(b) a fine equivalent to 25% of the value of the procurement in issue.

PART V

SANCTIONS FOR MAKING PAYMENTS BY USING CHEQUES OR CASH WITHOUT EXEMPTION AND OTHER VIOLATION OF THE FINANCIAL REGULATIONS

3127. Any Organisation that makes payment by cheque or cash without having been exempted from the e-payment policy shall have its budget allocation suspended.

3128. Any officer who makes payment by cash or cheque without relying on exemption from e-payment for his or her organization shall be deemed to have committed a gross misconduct and shall be disciplined accordingly.

3129. Any officer who violates any other provision for which no sanction is specifically recommended shall be taken to have committed gross misconduct and shall be disciplined accordingly.

CHAPTER 32

FINANCIAL GUIDELINES FOR THE OPERATIONS OF PARASTATALS.

3201. A ministry supervising a parastatal shall be responsible for: -

- (a) drawing up a clear strategic control frame work for their operations;
- (b) ensuring that each parastatal has sufficient and appropriate management and financial controls to safeguard public funds;

- (c) ensuring that, where a parastatal is incorporated as a company, Consolidated financial accounts are prepared in accordance with generally accepted accounting practice;
- (d) ensuring that each parastatal has made suitable arrangements for internal audit functions and controls; and
- (e) ensuring that the Tenders Board as stipulated by the Public Procurement Act 2007 exists for award of all contracts within the thresholds approved by Bureau of Public Procurement from time to time. Tenders Board as in FR 2905.

3202. The Chief Executive Officer of parastatals, being the Accounting Officer of the organization, has responsibilities for human, material and financial resources, which are critical inputs in the management of the organization. His duties shall be as defined in FR 112 and 113.

3203. No official bank account shall be opened unless authorized by the Accountant-General. Each approved account shall be maintained under an official designation of the Parastatal.

3204. The Chief Executive Officer shall provide banks with certified specimen signatures of officers authorized to sign cheques drawn on official bank accounts and shall advise banks on any subsequent changes.

3205. No loan or any form of advance shall be obtained from the bank without prior approval from Debt Management Office.

3206. No excess funds shall be placed on deposit account without prior approval of the Accountant-General.

3207. All interest earned from moneys placed on deposit account on the approval of the Accountant-General shall be paid into Consolidated Revenue Fund of the federal government and shall be classified to budget Code 6700 and subhead 4100 (FR 822).

3208. Except the enabling Act relating to a particular parastatal provides otherwise, the provisions of the Financial Regulations shall apply. Where any provision of the Financial Regulations conflicts with the act relating to any particular Parastatal, the immediate advice of the Accountant-General should be sought.

3209. (i) The Chief Executive Officer of a parastatal shall submit a Statement of Account on monthly basis to the supervising ministry, showing the receipts of funds from government for personnel, overheads and capital. The Statement shall also show the actual expenditure classified into personnel, overheads and capital.

(ii) The Statement of Accounts for each financial year shall be submitted to the External Auditor within two months after the end of the financial year.

3210. (i) The Board of each parastatal shall appoint an External Auditor who shall audit and report on the affairs of the organization to the Board.

(ii) It shall be the duty of the Auditor-General to provide:-

- (a) a list of External Auditors qualified to be appointed by parastatals; and
- (b) guidelines on the level of fees to be paid to External Auditors.

(iii) The Auditor-General shall incorporate comments on the Annual Accounts and Management Report of the Parastatal to the Public Accounts Committee of the National Assembly.

(iv) The External Auditor shall submit the Audited Accounts and Management Report to the Board of the parastatal within the stipulated time indicated in the signed contact agreement.

(v) The Chief Executive Officer shall submit both the Audited Accounts and Management Report to the Auditor-General and the Accountant-General not later than 31st May of the following year of Account.

APPENDIX 1

**Public Funds of the Federation (Disbursement) Rules, 1959
(Extracts of various Legal Notices)**

Commencement: 18th February, 1959

In exercise of the powers conferred by Section 23(1) of the Finance (Control and Management) Act, Cap.144 laws of the Federation of Nigeria 1990, the Head of Federal Government in Council has made the following Rules.

1. These Rules may be cited as the Public Funds of the Federation (Disbursement) Rules, 1959.

2. (i) The manner of disbursements from the funds specified in the First Schedule to the Finance (Control and Management) Act, 1958 (other than the Development Fund and the Contingencies Fund) shall be as provided in these rules.

(ii) No moneys shall be withdrawn from any of the Public Funds of the Federation except upon the authority of a warrant under the hand of the Minister of Finance.

3. (i) The Stock Transfer Stamp Duty Fund shall be applied to the payment of Stamp Duties lawfully due to the transfer of Nigeria Government stocks where the Act under which the loan giving rise to the issue of such stocks was raised so provides.

(ii) Disbursement from the Stock Transfer Stamp Duty fund shall be made by the Accountant-General in accordance with periodical accounts submitted to him by the Crown Agents for Overseas Government and Administrations.

4. (i) The deceased Officer Children's Education Grant shall be applied to the payment of grants in accordance with the provisions of the First Schedule to these Rules and to the payment of an annual contribution of N200.00 to the Nigerian Ex-Servicemen's Welfare Association.

(ii) Disbursement from the Deceased Officers Children's Education Grant shall be made by The Accountant-General of the Federation in accordance with the instructions of the Minister responsible for education.

5. (i) The Sir Alfred Jones' bequest shall be applied to the provisions of scholarships for instruction in technical subjects in accordance with the provisions of the Second Schedule to these Rules.

(ii) Disbursements from the Sir Alfred Jones Bequest shall be made by the Accountant-General in accordance with the instructions of the Minister responsible for technical education in Lagos.

6. (i) The K. W. Merchant Memorial Fund shall be applied to the provision of an annual prize for biology at King's College, Lagos in accordance with provision of the Third Schedule to these Rules.

(ii) Disbursements from the K.W. Merchant Memorial Fund shall be made by the Accountant-General in accordance with the instructions of the Principal, King's College, Lagos.

- 7. NO LONGER APPLICABLE**
- 8. NO LONGER APPLICABLE**
- 9. NO LONGER APPLICABLE**

10. (i) The Personal Advances Fund shall be applied to the payment of advances to Members of the National Assembly or of the Public Service of the Federation.

(ii) Advances to Members of the National Assembly shall be made in accordance with the instructions laid down from time to time by the President in Council.

(iii) Advances to members of the Public Service of the Federation shall be made in accordance with the provisions of the Public Service Rules and Financial Regulations as from time to time amended.

11. NO LONGER APPLICABLE

12. (i) The Treasury Clearance Fund shall be applied:

- (a) to the payment of non-personal advances and to meet recoverable payments made on behalf of other administrations such as arise in the normal course of business; and
- (b) to receive and repay temporary deposits.

(ii) Disbursements from the Treasury Clearance Fund shall be made by the Accountant-General.

13. (i) The Revolving Loans Fund for Industry shall be applied to the purposes specified in Section 3 of the Revolving Loan Fund for Industry Act, 1959 and the provisions of the Fourth Schedule of these Rules.

(ii) Disbursements from the Revolving Loans Fund for Industry shall be made by the Accountant-General of the Federation in accordance with the instructions of the Head of the Federal Government in Council.

14. (i) The Revolving Loans Fund for Sporting and Social Clubs shall be applied for the purpose of making loans to Sporting and Social Clubs in the Federation under the provisions of the Fifth Schedule of these Rules.

(ii) Disbursements from the Revolving Loans Fund for Sporting and Social Clubs shall be made by the Accountant-General of the Federation in accordance with the instructions of the Head of Government in Council.

15. (i) The Federal Government Staff Housing Scheme Fund shall be applied for the purpose of making advances to the Public Service of the Federation for the purchase, redemption or development of or improvement of land or dwelling houses in accordance with regulations which may from time to time be made by the Head of the Federal Government in council and published in the Official Gazette

(ii) Repayments of advances under the Federal Government Staff Housing Scheme and interest thereon shall be credited to the Fund.

(iii) Disbursements from the Federal Government Staff Housing Scheme shall be made by the Accountant-General of the Federation in accordance with this rule.

APPENDIX 2

RULES FOR THE OPERATION OF THE FEDERATION ACCOUNT

**Extract of Section 162 Sub-Sections 1 -10 of the Constitution
of the Federal Republic of Nigeria, 1999**

1. The Federation shall maintain a special account to be called the Federation Account into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personal of the Armed Forces of the Federation, the Nigeria Police Force, the Ministry or Department of government charged with responsibility of Foreign Affairs and the residents of the Federal Capital Territory Abuja.
2. The President upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of states; internal revenue generation, land mass, terrain as well as population density, provided that the principle of derivation shall be constantly reflected any approved formula as being not less than thirteen percent of the revenue accruing to the Federation Account directly from any natural resources.
3. Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each state on such terms and in such manner as may be prescribed by the National Assembly.
4. Any amount standing to the credit of the state in the Federation Account shall be distributed among the States on such terms and in such manner as may be prescribed by the National Assembly.
5. The amount standing to the credit of the local government councils in the Federation Account shall also be allocated to the State for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly.

APPENDIX 2 - continued

6. Each State shall maintain a special account to be called State Joint Local Government Account into which shall be paid all allocations to the local government councils of the State from the Federation Account and from the Government of the State.
7. Each State shall pay to local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as maybe prescribed by the National Assembly.
8. The amount standing to the credit of the local government councils of a state shall be distributed among the local government councils of that state on such terms and in such manner as may be prescribed by the House of Assembly of the State.
9. Any amount standing to the credit of the judiciary in the Federation Account shall be paid directly to the National Judicial Council for disbursement to the heads of courts established for the Federation and the States under Section 6 of the Constitution.
10. For the purpose of Sub section (1) of this section, revenue means any income or return accruing to or derived by the government of the Federation from any source and includes:
 - (a) any receipt, however, described, arising from the operation of any law;
 - (b) any return, however described, arising from or in respect of any property held by the Government of the Federation;
 - (c) any return by way of interest on loans and dividends in respect of

shares or interest held by the Government of the Federation in any company or statutory body.

APPENDIX 3

RULES FOR THE OPERATION OF THE DEVELOPMENT FUND

Extract of Second Schedule to the Finance (Control and Management) Act 1999

1. The Development Fund will be used to finance general capital expenditure of the Government of the Federation and the accounts relating thereto shall be kept by the Accountant-General.

2. The receipts of the Development Fund shall consist of:

- (a) the product of loans raised by the Government of the Federation for purposes for which the Fund is set up unless allocated by or under this some other law to some other purpose.
- (b) development grants made to the Government of the Federation by Her Majesty's Government;
- (c) development grants made to the Government of the Federation by any other government or body;
- (d) sums from time to time authorized by law.

3. (1) No moneys shall be withdrawn from the Fund for the purpose of meeting any expenditure except upon the authority of a Warrant under the hand of the Minister of Finance.

(2) Subject to the provisions of Rules 5 and 7, no such Warrant shall be issued (except in respect of Statutory Expenditure) under the authority of these rules.

4. (1) The Minister shall cause to be prepared in each financial year estimates of the receipts and expenditure in respect of the Development Fund for the next following financial year shall be laid before the National Assembly.

(2) The proposals for all expenditure contained in the estimates (other than Statutory Expenditure) shall be submitted to the vote of the National Assembly by means of motion which shall seek to authorise expenditure under appropriate Heads for the several services required.

APPENDIX 3 - *continued*

5. (1) When in any financial year the capital estimate of supplementary capital estimates for that year show a figure for the estimated total cost of any sub-head of a Head over any period which is in excess of the total sum appropriated for that sub-head for the current year, the Minister of Finance may by Warrant authorise the expenditure of any sum which when added to the expenditure incurred on the same sub-head in previous years and to the expenditure already authorised for the same sub-head for the current year does not cause to be exceeded the latest estimated expenditure for the sub-head included in the capital estimates or supplementary capital estimates approved by the National Assembly for that year.

(2) When in any financial year the provisions included for any sub-head in the capital estimates or supplementary capital estimates of the immediately preceding year was fully expended, the Minister of Finance may by Warrant authorised the expenditure of the unspent balance of the sum or sums authorized for that sub-head in the immediately preceding financial year, provided that the amount so authorised already made in the current year exceed the incurred in previous years and to the provision

already made in the current year exceed the latest figure for the estimated total cost of the corresponding sub-head included in any capital estimates or supplementary capital estimates approved by the National Assembly.

- (a) When in any financial year provision is made in the capital estimates or supplementary capital estimates under any Head for increased costs., the Minister of Finance may by warrant increase the authorised expenditure under any sub-head of that head provided that the total additional expenditure so authorised does not exceed the amount provided for increased costs.
- (b) When in any financial year it becomes necessary to incur expenditure additional to that made in the capital estimates or supplementary capital estimates under any item of any sub-head, the Minister of Finance may by Warrant authorise such additional expenditure provided equivalent savings can be quoted from the provision made in that year under another item of the same sub-head.

APPENDIX 3 - continued

(3) No Warrant may be issued under this rule for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorized for the year has been provided for.

(4) Any Warrant issued under the authority of this rule shall be reported to the National Assembly at its next ensuing meeting.

6. Whenever in circumstances other than those set out in Rule 5.

- (a) any expenditure (other than Statutory Expenditure) is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service for that year, or.
- (b) any expenditure (other than Statutory Expenditure) is incurred or is likely to be incurred in any financial year upon any service for which expenditure has not been authorised for that year, the proposals for such expenditure shall be submitted to the vote of the National Assembly by means of a motion which shall seek to authorise expenditure under appropriate Heads for the services required.

7. (i) Notwithstanding rule 6, the president in Council may, by Warrant under the hands of the Minister authorise the issue from the Fund of such sum as may be necessary for expenditure upon any service.

- (a) of a special character which is not provided for in the expenditure already authorised by the National Assembly for that year; or
- (b) which will result in an excess of the sum authorized for any service by the National Assembly for that year, and which is either event cannot, or cannot without serious injury to the public interest, be postponed until adequate provisions can be made by the National Assembly.

(2) No Warrant may be issued for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorized for the year has been provided for.

8. Any issue from the Fund authorised in accordance with the provisions of rule 7, shall be submitted to the National Assembly for approval in the manner prescribed by rule 6 during its next ensuing meeting.

APPENDIX 4

RULES FOR THE OPERATION OF THE CONTNGENCIES FUND

Extract of Third Schedule to the Finance (Control and Management) Act 1999

1. The Commissioner may by Warrant authorize the issue from the Contingencies Fund of such sum as may be necessary for expenditure upon any service:

(a) of a special character which is not provided for in the Appropriation Act;
and

(b) which will result in an excess of the sum provided for that service in the Appropriation Act, and which cannot, or cannot without serious injury to the public interest, be postponed until provision can be made by supplementary Appropriation Act.

2. The amount for which any Warrant is issued shall be withdrawn from the Contingencies Fund and shall be paid into the Consolidated Revenue Fund to meet the expenditure specified on the Warrant and the moneys remaining available in the Fund shall be reduced accordingly. Any amounts withdrawn and remaining unspent at the end of the year shall accrue to the Consolidated Revenue Fund.

3. Each Warrant authorizing the issue of a sum from the Fund shall specify under which Head or Heads of the expenditure estimates the expenditure of the sum issued shall be recorded and such expenditure shall be accounted for in the same manner as if it had been authorized by a Supplementary Appropriation Act.

4. (i) All withdrawals from the Fund shall be reported to the National Assembly at its next ensuing meeting and the National Assembly shall be asked to appropriate from the Consolidated Revenue Fund to the Contingencies Fund a sum equal to the total of the sums withdrawn and not already made good by previous appropriations from the Consolidated Revenue Fund so that the Contingencies Fund shall be restored to the amount appropriated under Section 15 of the Act.

APPENDIX 4 - continued

(ii) Appropriation to the Contingencies Fund under this rule shall be effected by inclusion in a Supplementary Appropriation Act and the sums included in accordance with this rule shall be set out separately from any sums it is sought to appropriate under section 13 or 14 of the Act.

5. No moneys shall accrue to the Fund other than moneys appropriated by an Act and any interest or other accruals which might otherwise be received by the Fund shall accrue to the Consolidated Revenue Fund. Any part of the Fund which may be invested shall form part of Investments General referred to in Section 10 of the Act.

APPENDIX 5

(Financial Regulation No. 1002)

**GENERAL IMPREST WARRANT
FEDERATION OF NIGERIA**

General Imprest Warrant (Financial Year)

(Signed)

Place: Abuja

Date:

To: The Accountant-General of the Federation

You are hereby authorized and required to issue by means of Imprest to Permanent Secretaries, Heads of Federal Departments or other Senior officers of the Federal Government during the financial year the amounts which may be required for any regularly recurrent service for which vouchers cannot be presented direct to the Accountant-General or a Sub-Accounting Officer of the Federation for payment.

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>
TF 1	Other Charges payment Voucher
TF 2	
TF 2 PRA	(Personal Emoluments)
TF 2 PRB	Junior officers (Personal Emoluments Payroll (Anson))
TF 2 PRC	Non-Pensionable Payroll (Anson)
TF 2 PSA	Senior Officers Pay statement (Anson)
TF 2 PSB	Junior Officer Payment Statement (Anson)
TF 2 PSC	Non-Pensionable Pay Statement (Anson)

TF	3	Quasi Commercial Account Book
TF	4	Payment Voucher-Pensions
TF	5	Travelling Allowance Voucher
TF	5T	Transport Allowance Voucher
TF	6	Treasury Receipt Book
TF	6A	Revenue Collectors Receipt Book
TF	7	
TF	8	Labour Pay Sheet (monthly)
TF	8A	Labour Pay Sheet (weekly)
TF	9	Imprest Warrant
TF	10	Sub-Receipt
TF	11	Cheque/Cash Order Form
TF	12	Paper money Register
TF	13	
TF	14	Authority for payment of salary into Bank
TF	15	Pay-in Voucher
TF	15A	Revenue Collectors Pay-in Form
TF	16	Letter Headings
TF	17	
TF	18	Payment Voucher-Remittances
TF	19	Remittance Sheets to Crown Agents
TF	20	Letter of Remittance to Crown Agents

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>
TF 21	
TF 22	Monthly Abstract of Expenditure
TF 23	Adjustment Voucher
TF 24	Department Warrant
TF 25	
TF 26	Letter of Additional Provision
TF 27	Capital Expenditure Payment Voucher
TF 28	
TF 29	
TF 30	
TF 30B	Summary of Receipt/Payments
TF 30E	Clearance Account Schedule
TF 31	
TF 32	
TF 33	Statement of Cash Balances
TF 34A	List of outstanding Vouchers
TF 35A	Notification for grant of Increments
TF 36	
TF 37	
TF 38	
TF 39	Advances Advice-Transfer to Other Government
TF 40	
TF 41	Statement of Cash, Bills, etc.
TF 42	Report of Board of Survey (Cash and Stamps)
TF 43	

TF	46	
TF	47	
TF	48	Debit and Credit Note
TF	49	
TF	50	Schedule of Crown Agents Payment
TF	50A	Correspondence Advance
TF	51	Agreement to repay Correspondence Advance

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>
TF 52	Treasury Query Form
TF 52B	Treasury Minor Query Form
TF 53	
TF 54	
TF 55	
TF 56	Salaries, Pensions, etc., Record Book
TF 57	
TF 58	Interport River Transport Warrant
TF 59	Ledger Accounts Reconciliation Sheet
TF 60	Requisition for Treasury Forms and Books
TF 61	Expenditure Book – Local Treasurer
TF 62	Treasury Account Book
TF 63	
TF 64	
TF 65	
TF 66	
TF 67	Letter to bank for Telegraphic Remittance
TF 68	
TF 69	
TF 70	
TF 71	
TF 72	Voucher Substitute
TF 73	Register of Outstanding Vouchers
TF 74	Letter of Advice, African Officers Pensions
TF 75	
TF 76	

TF 77
 TF 78
 TF 79
 TF 80
 TF 81

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>		
TF 82	Letter of Advice, Increase in W.O.P.S.		
TF 83			
TF 84	Material Suspense Account		
TF 85	Departmental M.E.S. Book		
TF 85B	Transcript M.E.S. Book		
TF 100	Freight Warrant Book		
TF 101	Trial Balance (GL Account)		
TF 113	Schedule of Crown Agents Marine Insurance	TF	114B
	Motor Transport Warrant Book		
TF 115			
TF 116			
TF 117			
TF 118R	Local Purchase Order		
TF 119	Letter of Approval of Imprest		
TF 120			
TF 121			
TF 122			
TF 123			
TF 129	Yearly Return of Safes and Strong Room Doors.		
TF 130	Advances Ledger Form		
TF 131			
TF 132			
TF 133	Bank Schedule		
TF 134			
TF 135			
TF 136	Receipt Book Issue Note		
TF 144			
TF 145			
TF 146	Report of Loss or Shortage of Government Funds		
TF 147	Board of Survey Report		
TF 148	Handing Over Certificates		

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>		
TF 148B			
TF 149	Special Receipt etc. Book		
TF 150	Voucher for Non-Government Transport Service	TF	151

TF	152		
TF	153A	Treasury Carbon Cash Book	
TF	154		
TF	155A	Audit Query Register	
TF	156	Stock Register	
TF	157	Revenue Collectors Receipt Register (Distribution Register)	
TF	158	Receipt Book Register	
TF	159	Untitled Ledger	
TF	160	Petty or Revenue Collectors: Cash Book	
TF	161		
TF	162	Treasury Cash Book (Large)	
TF	163	Treasury Cash Book (Small)	
TF	164	Register of Documents presented for Stamping	TF 165
		Sea Passenger Warrant	
TF	166	Other Charges Voucher (Rent Rebates)	
TF	167		
TF	168	Head Cards	
TF	169		
TF	170		
TF	171	Children's Separate Domicile Allowance Claims.	
TF	172	Advances/Deposit Register Sheet	
TF	172A	Advances/Deposit-Continuation Sheet	
TF	173		
TF	174		
TF	174A	Senior Officers' Personal Emoluments Record	
	(Anson)		

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>
TF 174B (Anson)	Senior Officers' Personal Emoluments Record
TF 175	Remittances Ledger Loose Sheets
TF 176	Non-Expatriate Claims for Children's Domicile Allowance
TF 177	
TF 178	Schedule Form for Crown Agents Accounts
TF 179	
TF 180	
TF 181	
TF 182	Air Passenger Warrant Book
TF 183	Air Freight Warrant Book
TF 184	
TF 185	
TF 186	
TF 187	
TF 188	
TF 189	Monthly Return of passenger Flight Insurance Book
TF 190	

TF	191	
TF	192	
TF	193	Schedule of Transfer payment Vouchers
TF	194	
TF	195	
TF	196	New Ports Authority Government Warrant Book
TF	197	Boat Licence
TF	198	Petrol Requisition Book
TF	199	Certificate Supporting Returns of Revenue
TF	200	Returns of Arrears of Revenue Outstanding at 31 st December
TF	201	

APPENDIX 8 - *continued*

TREASURY FORMS AND BOOKS IN USE

<i>Form or Book No.</i>	<i>Description</i>		
TF	202	Statement of aggregate salary drawn	
TF	203		
TF	204		
TF	205		
TF	206	Voucher Schedule for Departmental Accounts	
TF	207		
TF	208	Variation Control Sheets	
TF	209	Advice of Deduction from Salary	
TF	210	Payroll Summary Voucher – Non-Pens, Employees	TF 211
		Payroll Summary Voucher – Senior Officers	
TF	212	Payroll Summary Voucher – Junior Officers	TF 213
		General Claim Form (Payable Orders)	TF 214
		Transport and Travelling Claim Form	
TF	215	Federal Government Payable Orders (Anson)	TF 216
		Authority to Pay (Payable Orders) (Anson)	
TF	217	Register of Payments (Anson)	
TF	218	Payable Orders – Memorandum Cash Book	TF 219
		Federal Government – Receivable Orders	
TF	220	Variation Advice	

APPENDIX 12
Treasury Form 50A

By THIS BOND, I of
do bind myself to of Nigeria for the payment to him of the sum of

SEALED with my seal this day of 20.....

WHEREAS by Agreement annexed hereto on Treasury Form 50/51* dated made between of Nigeria, acting for an on behalf of the Government of Nigeria, hereinafter called the Lender of the one part and of the department, civil servant, hereinafter called the borrower of the other part, the Lender agreed to advance to the Borrower the sum of for the purpose of taking Correspondence Course and the Borrower agreed to repay the said sum of money in the manner stipulated in the said Agreement.

AND WHEREAS the Lender has requested the Borrower to provide security for the payment of the advance in the manner agreed upon,

AND WHEREAS the Borrower has requested the above bondmen to enter into a bond for the security of the payment of the amount due to the Lender and the said has to do so.

NOW THE ABOVE WRITTEN BOND is conditioned to be void either of the cases following, otherwise it shall remain in full force.

1. If the Borrower shall fully repay the said sum of ₦ due to the Lender in the manner agreed upon in the said Agreement.

2. If the Borrower shall die or leave the Government Service before the sum advanced by the Government has been repaid in full and the whole of the balance of the said advance then outstanding plus accrued interest has been fully repaid by his personal representative or by him.

.....
Signature and Seal of Surety

Witness

*Delete when inapplicable

APPENDIX 13
TF 136

**RECEIPT BOOK
ISSUE NOTE**

Serial No.....

..... Issuing Officer.....

.....

....., 20.....

ORIGINAL/DUPLICATE/TRIPPLICATE/QUADRIPLICATE

The following receipt book are forwarded herewith:

The above books are received and taken on charge in my Register on the folios shown in columns 5.

.....
Signature of Issuing Officer

....., 20.....

.....
Signature of Receiving Officer

To be signed and returned to Issuing Officer

APPENDIX 14

Treasury Form 51

AGREEMENT

AN AGREEMENT made this day of 20.....

BETWEEN of

..... (hereinafter, called the Permanent Secretary/Head of Department acting for and on behalf of the Government of the Federation of Nigeria) of the one part.

AND of

..... (hereafter called the Borrower, which expression shall include his heirs, executors and administrators) on the other part.

WHEREAS the Borrower has applied to the Permanent Secretary/Head of the Department for an advance of N for the purpose of

Undertaking a Correspondence Course with the

.....
(SPECIFY SUBJECT TO BE TAKEN, DURATION OF COURSE
AND NAME OF SCHOOL)
.....

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the sum of N..... now paid by the Permanent Secretary/Head of the Department to the Borrower (the receipt whereof the Borrower hereby acknowledges) the Borrower hereby agrees with the head of the Department as follows:

- (a) to forthwith undertake and to complete a correspondence with the as herein before mentioned.
- (b) to pay the fees for the said correspondence course in full and in advance and to produce the receipt of payment to the Permanent Secretary/Head of the Department whenever called upon so to do.
- (c) to repay the said sum of over a period of years by monthly installments the first payment to be made in respect of the month of The payments aforesaid shall be effected by deduction each month from the Borrower's salary.
- (d) If the Borrower shall die or shall for any reason leave the service of the Government during the continuance of this Agreement he shall forthwith pay to the Permanent Secretary/Head of the Department the balance of the said advance remaining due and if the said sum shall not be so repaid the Permanent Secretary/Head of Department may deduct or recover such moneys as shall remain unpaid from any salary, gratuity, pension or other moneys as shall be due from the Government to the Borrower.

2. If the Borrower shall fail to observe and perform the conditions of this Agreement it shall be lawful for the Permanent Secretary/Head of the Department or the Accountant-General as the case maybe to deduct any money due under this Agreement in respect of the said advance from moneys whatsoever standing to the credit of the borrower with the Accountant-General or any Department of Government.

AS WITNESS OUR HANDS THE DAY AND YEAR FIRST ABOVE WRITTEN

.....
*Permanent Secretary or Head of
 Extra-Ministerial Department*

.....
Witness

.....
Borrower

APPENDIX 15

STORES FORMS AND BOOKS IN GENERAL USE

<i>Form or Book No.</i>	<i>Description</i>
S.1	Store Ledger
S.3	Store Receipt Book
S.3	Store Issue Book
S.4	Store Issues Voucher
S.5	Conversion Voucher
S.7	

S.8	Statement of Discrepancies Found
S.9	Unserviceable Stores
S.10	Certificate of Handing Over Stores
S.12	Stores Transfer Requisition
S13	Transfer Issue Voucher
S13A	Transfer Issue Voucher
S.14	Tally Board
S.14A	Tally Card
S.15	Furniture Inventory Board
S.16	Invoice Register
S.17	Claim Book
S.18	Wants Book for L.P.O.
S.19	Store Requisition Book
S.20	Stationery Ledger
S.21	Store Cost Book
S.22	Tools Ledger
S.23	Report of Packages
S.24	Defects, etc. on Stores
S.25	Quarterly Vehicles Returns
S.26	Stock Verification Report

APPENDIX 16

CONFIDENTIAL

Treasury Form 147

BOARD OF SURVEY REPORT ON UNSERVICEABLE STORES, PLANT, BUILDINGS OR EQUIPMENT

PART I

(To be completed by the Head of Department or Unit)

Note: A Separate set of form must be used for articles where the original value of each item does not exceed ₦200. Financial Regulation 3410.

Station:..... Ministry/Department

.....

Store.....

The stores listed on the attached Store Form 9, dated are considered to be unserviceable. The articles have been segregated and wait the inspection by a Board of Survey under the provisions of Financial Regulations 3415.

In my opinion the stores have been rendered unserviceable by fair wear and tear with the following exceptions

.....

Signed:.....

Dated

PART II

(To be completed by the Accounting Officer and distributed to the Accountant-General, Federal Ministry of Finance, and to the Auditor-General).

ONLY WHERE THE STORES CONDEMNED FALL TO BE DEALT WITH BY THE ACCOUNTING OFFICER UNDER FINANCIAL REGULATION 2616.

I certify that in my opinion the stores on the attached Store Form 9

- (a) fair wear and tear, and/or
- (b) unfair wear and tear, involving the negligence of
-
-

and in accordance with the disciplinary powers delegated to me, I have taken the following disciplinary action

.....
.....
.....

The stores have been written off under my authority, file reference and the articles have been disposed of by safe and/or destruction.

Accounting Office

Date:..... *Ministry of*

.....
.....
.....
.....

APPENDIX 16-continued

PART IV

(To be completed by the Accounting Officer and distributed to the Accountant-General, Federal Ministry of Finance, two copies; and Auditor-General, one copy).

To be completed WHEN UNSERVICEABLE STORES FALL TO BE DEALT WITH UNDER FINANCIAL REGULATIONS 2616.

The write-off to the unserviceable stores, as overleaf; is recommended.

Accounting Officer

.....

PART V

Additional report of the Accounting Officer, on the recommendations of the Board of Survey, and recommendations for disciplinary action, and opinion of degree of negligence, etc, when appropriate.

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APPENDIX 17

CONFIDENTIAL

Treasury Form 146
(1963 Revised)

REPORT ON LOSS OF FUNDS OR STORES
(See Financial Regulations Chapters 25 and 26).

PART I

(To be completed by the Officer immediately in charge of the cash or stores)

1. Station Ministry/Department
2. Name and designation of Officer in charge of the custody of the cash or stores
.....
3. *Amount of loss of cash N.....
4. *Details of stores lost:

Quantity and description

.....
.....
.....
.....
.....
.....
.....
.....

Total

5. Has the matter been placed in the hands of the Police?

6. If the loss is one of cash, or fraudulent or over-payments, where has charged? (See Financial Regulation 1522)

loss been

APPENDIX 17 - *continued*

Account No. Voucher Ref

7. Short description of the circumstances of the loss (Copies of essential relative documents to be attached.

.....
.....
.....

(Signed)

Date.....

Rank.....

* Delete which is inapplicable

PART II

(To be completed by the Head of Department or Unit)

1. Is it your opinion that a Board of enquiry should be convened? (See Financial Regulation 1504)

2. Has the amount of the loss been finally established, and if so what is the amount.

3. Is it your opinion that the loss was a consequence of a defect in the system? If so, details of the precautions which have been taken to prevent a recurrence of the loss must be described in details in Part III

4. It is your opinion that the loss was a consequence of failure to comply with the existing system, regulations or instructions, either specific or established by custom?

APPENDIX 17 - *continued*

5. Is it your opinion that negligence was involved, and if so, on the part of whom?

6. Have criminal proceedings been initiated, and if so, against whom, and under what charges?
7. If, in your opinion, fraud was involved, has investigation been sufficiently retrospective to establish whether there has been systematic fraud, or whether the loss was a result of an isolated incident?

Signed.....

Date:.....

Rank.....

PART III

(To be completed by the Head of Department or Unit)

A detailed report of the circumstances of the loss and of the measures which have been taken to prevent a recurrence of the loss, and comments upon the salient points leading to the opinions expressed in the replies to the questionnaire in Part II.

PART IV

(To be completed by the Accounting Officer and distributed to the Accountant-General, Federal Ministry of Finance, and to the Auditor-General).

ONLY WHERE THE LOSS FALLS TO BE DEALT WITH BY THE ACCOUNTING OFFICER UNDER FINANCIAL REGULATIONS 1502 (i) and 3401.

I certify that I have found the following Officer(s) negligent in the performance of his/their duties, and, in accordance with the disciplinary powers delegated on me, I have taken the following disciplinary action:

APPENDIX 17 - *continued*

<i>Name of Officer</i>	<i>Rank</i>
.....
.....
.....

The loss of *cash/unallocated stores to the value of ₦..... has been written off/will be written-off when funds are made available, against Head Sub-Head under my authority.

Adjustments Voucher No..... refers.

The loss of allocated stores, listed under Part I, has been written-off ledger charge under my authority, file Ref:.....

Date:.....

.....
Permanent Secretary, Ministry of

Note: If the loss falls to be dealt with other than under Financial Regulations 1502 and 3401, the Accounting officer should forward the Forms in accordance with Financial Regulation 1502.

To: Accountant-General, Ministry of Finance
Auditor-General ,
Secretary, Federal Public Service Commission.

PROJECT FOR: MAINTENANCE SCHEDULE FOR CARS AND PLANTS/SERVICE CHART

1. Check and Top Radiator
2. Drain Engine Oil and Refill
3. Clean Engine Oil Filter *Operation 3
Monthly*
4. Wash and Refill if Applicable Air Filter
5. Check and Top Up Gear Box Oil
6. Check and Top Up Rear Axile Oil Level
(and Front if F.WD)
7. Check and Top Up Steering Box Oil Level
8. Check and Top Up Brake Fluid Level
9. Check and Top Up Battery Level
10. Clean and Grease Battery Terminals
11. Grease All NTPPLES
12. Tighten all Loose Nuts and Bolts
13. Check and Adjust Tyre Pressure
14. Check and Adjust Wheel Alighment
15. Flush Radiator
16. Adjust Fan Belt
17. Check Radiator Mountings *Operation 4
Quarters*
18. Check and Adjust Valve Clearance
19. Clean and Adjust C B Points
20. Clean and Adjust Spark Plugs
21. Clean Carburetor and Filter
22. Clean Fuel Filter (Diesel)
23. Check and Adjust if necessary, Clutch Pedal Clearance
24. Change Wheel Position

APPENDIX 22 - continued

25. Check Wheel Alignment
26. Drain Gear Box and Refill *Operation 5
Half-Yearly*
27. Drain Rear Axle and Refill (and Front if F.W.D.)
28. Remove Hobs and Check Repack with Grease
29. Inspect Brake Linings
28. Renew Fuel Filter Elements (Diesel)

29. Check and Adjust Injectors

30. Check Engine Compression

*Operation 6
Yearly*

31. Rebalance Wheels (Light Vehicle Only)

N.B. *Ref:* If Compression Poor

Ref: If Linings Worn

On Completion of Maintenance the o/c Vs for in the Case of Decarbonise
Engine

Recline Brakes

Presented BY

(Signed)

ENG. SAMUEL
Supervisor/Instructor:

AMENDMENTS: INSTRUCTION SHEET

1. The Register of Amendments and this Instruction Sheet are to be kept in the Federal Government Financial Regulations binders, behind the text and Appendices.
2. Amendments will be noticed by Treasury Circulars in two forms:
 - (a) Complete reprinted pages (or complete Chapters) to replace existing page (or complete Chapters) (of the Federal Government Financial Regulations;
 - (b) Amendments Sheets listing minor amendments to be made in manuscript on the existing pages (Manuscript Amendment Sheets).
3. Amendments sheets of either type will be numbered serially and will

bear a date (month and year) which will be the date of authorization of the amendments.

4. On receipt of an amendment consisting of complete reprinted pages (normally a whole chapter will be reprinted and reissued at one time, but sometimes only single pages maybe reissued), and officer who is holding a copy of Federal Government Financial Regulations must:
 - (a) Complete Columns 2 and 3 of the Register of Amendments;
 - (b) Remove the page or pages superseded and destroy it or them;
 - (c) Insert the new pages;
 - (d) Initial and date Column 4 of the Register Sheet.

5. On receipt of a manuscript amendment sheet, an officer who is holding a copy of Federal Government Financial Regulations must:
 - (a) Complete Columns 2 and 3 of the Register of Amendments;
 - (b) Amend his copy of Federal Government Financial Regulations in manuscript in accordance with the instructions on the amendment Sheet;
 - (c) Insert the amendment sheet in the binder behind the Amendment Register Sheet;
 - (d) Initial and date Column 4 of the Register Sheet

6. If an officer holding a copy of Federal Government Financial Regulations receives an amendment of either kind the serial number of which does not immediately follow on to that of the last amendment he has received and incorporated (e.g. if the last amendment he has received bears serial No. 5, and he then receives serial no.7), it is his duty to obtain the missing serial, and to incorporate the missing amendments.

REGISTER OF AMENDMENTS

FINANCIAL REGULATIONS (2009 EDITION)
ADDITIONS AND AMENDMENTS - *continued*

PUBLIC PROCUREMENT ACT, 2007

ARRANGEMENT OF SECTIONS

SECTION:

PART I - ESTABLISHMENT OF NATIONAL COUNCIL ON
PUBLIC PROCUREMENT

1. Establishment of the National Council on Public Procurement and its membership.
2. Functions of the Council.

PART II - ESTABLISHMENT OF THE BUREAU OF
PUBLIC PROCUREMENT

3. The establishment of the Bureau of Public Procurement.
4. Objectives of the Bureau.
5. Function of the Bureau.
6. Powers of the Bureau.
7. Director General and Staff of the Bureau.
8. Principal Officers of the Bureau.
9. Other staff of the Bureau.
10. Staff regulations.
11. Pension provisions.
12. Funds of the Bureau.
13. Financial year, budgeting and annual report.
14. Legal proceedings.

PART III - SCOPE OF APPLICATION

15. Scope of application.

PART IV - FUNDAMENTAL PRINCIPLES FOR PROCUREMENTS

16. Fundamental Principles for Procurement.
- PART V - ORGANISATION OF PROCUREMENTS

17. Approving authority.
18. Procurement planning.
19. Procurement implementation
20. Accounting officer.
21. Procurement planning committee.
22. Tenders board.
23. Pre-qualification of bidders.
24. Open competitive bidding.

PART XI - CODE OF CONDUCT

57. Code of conduct for public procurement.

PART XII - OFFENCES

58. Offences relating to public procurement.

PART XIII - MISCELLANEOUS

59. Miscellaneous.
60. Interpretation.
61. Short title

PUBLIC PROCUREMENT ACT, 2007

2007 ACT No. 14

An Act to establish the National Council on Public Procurement and the Bureau of Public Procurement as the Regulatory Authorities Responsible for the Monitoring and Oversight of Public Procurement, Harmonizing the existing Government Policies and practices by regulating, setting standards and developing the Legal Framework and Professional Capacity for Public Procurement in Nigeria; and for Related Matters.

[4th Day of June, 2007]

ENACTED by the National Assembly of the Republic of Nigeria:

PART I - ESTABLISHMENT OF NATIONAL COUNCIL ON PUBLIC PROCUREMENT

1. (1) There is established the National Council on Public Procurement (in this Act referred to as "the Council").
 - (2) The Council shall consist of:
 - (a) the Minister of Finance as Chairman;
 - (b) the Attorney-General and Minister of Justice of the Federation;
 - (c) the Secretary to the Government of the Federation;
 - (d) the Head of Service of the Federation;
 - (e) Economic Adviser to the President;
 - (f) Six part-time members to represent:
 - (i) Nigeria Institute of Purchasing and Supply Management;
 - (ii) Nigeria Bar Association;
 - (iii) Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture;
 - (iv) Nigeria Society of Engineers;
 - (v) Civil Society;
 - (vi) the Media; and
 - (g) the Director-General of the Bureau who shall be the Secretary of the Council.
 - (3) Notwithstanding the provisions of Section (2), the Council; may co-opt any person to attend its meeting but the person so co-opted shall not have a casting vote or be counted towards quorum.
 - (4) The Chairman and other members of the Council shall be appointed by the President.
 - (5) Subject to subsection (2) of this Section, a member of the Council being:
 - (a) the holder of an elective office under the Constitution of Nigeria, shall hold office for a period he remains so elected and no more; and
 - (b) the Director-General of the Bureau, shall hold office on such terms and conditions as may be specified in his letter of appointment.
2. The Council shall

- (a) consider, approve and amend the monetary and prior review thresholds for the application of the provisions of this Act by procuring entities;
- (b) consider and approve policies on public procurement;
- (c) approve the appointment of the Directors of the Bureau;
- (d) receive and consider, for approval, the audited accounts of the Bureau of Public Procurement; and
- (e) "approve changes in the procurement process to adapt to improvements in modern technology"
- (f) give such other directives and perform such other functions as may be necessary to achieves the objectives of this Act.

PART II – ESTABLISHMENT OF THE BUREAU OF PUBLIC PROCUREMENT

3. (1) There is established an agency to be known as the Bureau of Public Procurement in this Act referred to as "the Bureau".

(2) The Bureau:

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name; and
- (c) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its function under this Act.

4. The objectives of the Bureau are:

- (a) the harmonization of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process.
- (b) the establishment of pricing standards and benchmarks;
- (c) ensuring the application of fair, competitive, transparent, value-for-money standards and practices for the procurement and disposal of public assets and services; and
- (d) the attainment of transparency, competitiveness and professionalism in the public sector procurement system.

5. The Bureau shall

- (a) formulate the general policies and guidelines relating to public sector procurement for the approval of the Council
- (b) publicize and explain the provisions of this Act;
- (c) subject to thresholds as may be set by the Council, certify Federal procurement prior to the award of contract;
- (d) supervise the implementation of established procurement policies;

- (e) monitor the prices of tendered items and keep a national database of standard prices;
- (f) publish the details of major contracts in the procurement journal;
- (g) publish paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal;
- (h) maintain a national database of the particulars and classification and categorization of federal contractors and service providers;
- (i) collate and maintain in an archival system, all federal procurement plans and information;
- (j) undertake procurement research and surveys;
- (k) organize training and development programmes for procurement professionals;
- (l) periodically review the socio-economic effect of the policies on procurement and advise the Council accordingly;
- (m) prepare and update standard bidding and contract documents;
- (n) prevent fraudulent and unfair procurement and where necessary apply administrative sanctions;
- (o) review the procurement and award of contract procedures of every entity to which this Act applies;
- (p) perform procurement audits and submit such report to the National Assembly bi-annually;
- (q) introduce, develop, update and maintain related database and technology;
- (r) establish a single internet portal that shall, subject to section 16 (21) to this Act serve as a primary and definitive source of all information on government procurement containing all public sector procurement information at all times; and
- (s) co-ordinate relevant training programmes to build institutional capacity.

6. (1) The Bureau shall have the power to:

- (a) enforce the monetary and prior review thresholds set by the Council for the application of the provisions of this Act by the procuring entities;
- (b) subject to the paragraph (a) of this subsection, issue certificate of "No Objection" for Contract Award" within the prior review threshold for all procurements within the purview of this Act;
- (c) from time to time stipulate to all procuring entities, the procedures and documentation pre-requisite for the issuance of Certificate of 'No Objection' under this Act;
- (d) where a reason exist:
 - (i) cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of this Act,
 - (ii) review and determine whether any procuring entity has violated any provision of this Act;
- (e) debar any supplier, contractor or service provider that contravenes any provision of this Act and regulations made pursuant to this Act;
- (f) maintain a national database of federal contractors and service

- providers and to the exclusion of all procuring entities prescribe classifications and categorizations for the companies on the register;
- (g) maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement journal;
 - (h) call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and or collusion has been alleged, reported or proved against a procuring entity or service provider;
 - (i) recommend to the Council, where there are persistent breaches of this Act or regulations made under this Act for:
 - (i) the suspension of officers concerned with the procurement or disposal proceeding in issue;
 - (ii) the replacement of the head or any of the members of the procuring or disposal unit of any entity or the Chairperson of the Tenders Board as the case may be;
 - (iii) the discipline of the Accounting Officer of any procuring entity;
 - (iv) the temporary transfer of the procuring and disposal function of a procuring and disposing entity to a third party procurement agency or consultant; or
 - (v) any other section that the Bureau may consider appropriate;
 - (j) call for the production of books of accounts, plans, documents and examine persons or parties in connection with any procurement proceeding;
 - (k) act upon complaints in accordance with the procedures set out in this Act;
 - (l) nullify the whole or any part of any procurement proceeding or award which is in contravention of this Act;
 - (m) do such other things as are necessary for the efficient performance of its functions under this Act;
 - (2) The Bureau shall serve as the Secretariat for the Council.
 - (3) The Bureau shall, subject to the approval of the Council, have power to:
 - (a) enter into contract or partnership with any company, firm or person which in its option will facilitate the discharge of its functions;
 - (b) request for and obtain from any procurement entity information including reports, memoranda and audited accounts, and other information relevant to its functions under this Act; and
 - (c) liaise with relevant bodies or institutions national and international for effective performance of its functions under this Act.

7. (1) There shall be for the Bureau, a Director-General who shall be appointed by the President, on the recommendation of the Council after competitive selections.

(2) The Director-General shall be:

- (a) the Chief Executive and accounting officer of the Bureau;
- (b) responsible for the execution of the policy and day to day administration of the affairs of the Bureau; and
- (c) a person who possesses the relevant and adequate

professional qualification and shall have been so qualified for a period of not less than 15 years.

(3) The Director-General shall hold office:

- (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment.

(4) Without prejudice to the provisions of this Act, the Director-General of the Bureau may be removed from office at the instance of the President on the basis of gross misconduct of financial impropriety, fraud, and manifested incompetence proven by the Council.

8. (1) The Council shall appoint the principal officers for the Bureau after competitive selection process.

(2) The principal officers appointed under Section 9 (1) of this Section shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Bureau as specified under this Act.

(3) The Council shall have power to modify the operational structure of the of the Bureau as may be necessary to enhance the Bureau's duties and functions under this Act.

9. (1) The Council may appoint such officers and other employees as may, from time to time, deem necessary for the purpose of the Bureau.

(2) Subject to the Pension Reform Act, the terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Bureau shall be as determined by this Council.

(3) Without prejudice to the general of subsection this Section, the Council shall have power to appoint either on transfer or on secondment from any public service in the Federation, such number of employees as may, be required to assist the Bureau in the discharge of any of its functions under the Act and persons so employed shall be remunerated (including allowances) as the Council may consider appropriate.

10. (1) The Council may, subject to the provisions of this Act and within six months of the inauguration, make staff regulations relating generally to the conditions of service of the employees of the Bureau and without prejudice to the foregoing, such regulations may provide for:

- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Bureau; and
- (b) appeal by such employees against dismissal or other disciplinary measures.

(2) Until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable.

11. Employees of the Bureau shall be entitled to pensions, and other retirement benefits as prescribed under the pension Act.

12. (1) The bureau shall establish and maintain a Fund, to be approved by the Council into which shall be paid and credited:

- (a) the sums appropriated by the National Assembly for the running of the Bureau;
 - (b) all subventions, fees and charges for service rendered or publications made by the Bureau; and
 - (c) all other assets which may, from time to time, accrue to the Bureau.
- (2) The Bureau shall charge its fund to meet all its expenditure.
- (3) The Council may make regulations for the Bureau:
- (a) specifying the manner in which assets or the funds of the Bureau are to be held, and regulating the marking of payment into and out of the fund: and
 - (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.
- (4) The Bureau may, from time to time, apply the proceeds of the fund for:
- (a) the cost of administration of the Bureau;
 - (b) the payments of salaries, fees and other remuneration, employees of the Bureau or experts or professionals appointed by the Bureau;
 - (c) the maintenance of any property acquired by or vested in the Bureau; and
 - (d) any matter connected with all or any of the functions of the Bureau under this Act.
 - (e) the payments of salaries, fees and other remuneration, of employees of the Bureau or experts or professionals appointed by the Bureau; and
 - (f) any expenditure connected with all or any of the functions of the Bureau under this Act.

13. (1) The financial year of the Bureau shall be the same as that of the Federal Government.

(2) Not later than 6 months before the end of the financial year, the Bureau shall submit to the Council an estimate of its expenditure and projected income during the text succeeding year.

(3) The Bureau shall keep proper account and records of its receipts, payments assets and liabilities and shall in respect of each financial year prepare a statement of account in such form as the Council may direct.

(4) The Bureau shall within 6 months after the end of the financial year to which the accounts relates cause the accounts to be audited in accordance with guidelines supplied by the Auditor-General of the Federation.

(5) The Bureau shall at the end of each financial year, prepare and submit to the council a report in such forms as shall accurately capture all activities of the Bureau during the preceding year and shall include in the report a copy of the audited accounts of the Bureau for that year.

14. (1) Subject to the provisions of this Act, no suit shall be commenced against the Bureau before the expiration of 30 days after written notice of an intention to commence the suit shall have been served upon the Bureau by the intending plaintiff or his agent; and the notice shall clearly and explicitly state:

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and address of legal practitioner of the intending plaintiff; and
- (d) the relief being sought.

(2) The Director-General of the Bureau, its officers, employees or agents shall not personally be subject to any action, claim or demand by, or any person in respect of anything done or omitted to be done in exercise of any functions or power conferred by this Act upon the Bureau, its Director-General, officers, employees or agents.

(3) A member of the Bureau or the Director-General or any officer or employee of the Bureau shall be indemnified out of the assets of the Bureau against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Bureau.

(4) A notice, summons or other documents required or authorized to be served upon the Bureau under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Bureau.

PART III - SCOPE OF APPLICATION

15. (1) The provisions of this Act shall apply to all procurement of goods, works, and service carried out by:

- (a) the Federal Government of Nigeria and all procurement entities;
- (b) all entities outside the foregoing description which derive at least 35% of the fund appropriated or proposed to be appropriated for any type of procurement described in this Act from the Federation share of Consolidated Revenue Fund.

(2) The provisions of this Act shall not apply to the procurement of special goods, works and services involving national defence or national security unless the President's express approval has been first sought and obtained.

PART IV - FUNDAMENTAL PRINCIPLES FOR PROCUREMENTS

16. (1) Subject to any exemption allowed by this Act, all public procurement shall be conducted:

- (a) subject to the prior review thresholds as may from time to time be set by the Bureau pursuant to Section 7 (1) (a)-(b);
- (b) based only on procurement plans supported by prior budgetary appropriations and no procurement proceedings shall be formalized until the procuring entity has ensured that funds are available to meet the obligations and subject to the threshold in the regulations made by the Bureau, has obtained a "Certificate of 'No Objection' to Contract Award" from the Bureau;
- (c) by open competitive bidding;

(d) in a manner which is transparent, timely, equitable

- for ensuring accountability and conformity with this Act and regulations deriving therefrom;
- (e) with the aim of achieving value for money and fitness for purpose;
 - (f) in a manner which promotes competition, economy and efficiency; and
 - (g) in accordance with the procedures and timeline laid down in this Act and as may be specified by the Bureau from time to time.

(2) Where the Bureau has set prior review thresholds in the procurement regulations, no funds shall be disbursed from the Treasury of Federation Account or any bank account of any procuring entity for any procurement falling above the set thresholds unless the cheque, payments or other form of request for payments is accompanied by a certificate of "No Objection" to an award of contract duly issued by the Bureau.

(3) For all cases where the Bureau shall set a prior review thresholds, the Bureau shall prescribe by regulation, guidelines and the conditions precedent to the award of Certificate of "No Objection" under this Act.

(4) Subject to the prior review thresholds as may be set by the Bureau, any procurement purported to be awarded without a "Certificate of 'No Objection' to Contract Award" duly issued by the Bureau shall be null and void.

(5) A supplier, contractor or service provider may be a natural person, a legal person or a combination of the two. Suppliers, contractors or service providers acting jointly are jointly and severally liable for all obligations and or responsibility arising from this Act and the non-performance or improper performance of any contract awarded pursuant to this Act.

(6) All bidders in addition to requirements contained in any solicitation documents shall:

- (a) possess the necessary:
 - (i) professional and technical qualifications to carry out particular procurements;
 - (ii) financial capability;
 - (iii) equipment and other relevant infrastructure;
 - (iv) shall have adequate personnel to perform the obligations of the procurement contracts.
- (b) possess the legal capacity to enter into the procurement contract;
- (c) not be in receivership, the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings;
- (d) not have fulfilled all its obligations to pay taxes, pensions and social security contributions;
- (e) not have any director who has been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter;
- (f) accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the procurement entity of Bureau is a former or present director, shareholder or has any pecuniary interest in the bidder and confirmed that all information presented in its bid are true and correct in all particulars.

(7) The procuring entity may require a bidder to provide documentary evidence or other information it considers necessary as proof that the bidders is qualified in accordance with this Act and the solicitation documents and for this purpose any such requirements shall apply equally to all bidders.

(8) Whenever it is established by a procuring entity or the Bureau that any or a combination of the situations set out exist, a bidder may have its bid or tender excluded from any particular procurement proceeding if:

- (a) there is verifiable evidence that any supplier, contractor or consultant has given or promised a gift of money or any tangible item, or has promised, offered or given employment or any other benefit, item or a service that can be quantified in monetary terms to a current or former employee of a procuring entity or the Bureau, in an attempt to influence any action, or decision making of any procurement activity;
 - (b) a supplier, contractor or consultant during the last three years prior to the commencement of the procurement proceedings in issue, failed to perform or to provide due care in performance of any public procurement;
 - (c) the bidders is in receivership or is the subject of any types of insolvency proceedings or if being a private company under the Companies and Allied Mater Act, is controlled by a person or persons who are subject to any bankruptcy proceedings or who have been declared bankrupt and or have made any compromises with their creditors within two calendar years prior to the initiation of the procurement proceedings;
 - (d) the bidder is in arrears regarding payment of due taxes, charges, pensions or social insurance contributions, unless such bidders have obtained a lawful permit with respect to allowance, deference of such outstanding payments or payment thereof in installments;
 - (e) the bidders has been validly sentenced for a crime committed in connection with a procurement proceeding, or other crime committed to gain financial profit;
 - (f) the bidder has in its management or is in any portion owned by any person that has been validity sentence for a crime committed in connection with a procurement proceedings, or other crime committed to gain financial profit; and
 - (g) the bidder fails to submit a statement regarding its dominating or subsidiary relationships with respect to other parties to the proceedings and persons acting on behalf of the proclaiming entity participating in same proceedings or whom remains in subordinate relationship with other participants to the proceedings.
- (9) In such cases the procuring entity shall inform the Bureau and person referred to in subsection (8) (a)-(g) of this Section, in writing that the bid or tender in question has been excluded and the grounds for the exclusion and to keep a record of same in the file pertaining to the public procurement proceeding in question.

(10) All communications and documents issued by procuring entities and the Bureau shall be in English language.

(11) All communications regarding any matter deriving from this Act or proceedings of public procurement shall be in writing or such other form as may be stipulated by the Bureau.

(12) Every procuring entity shall maintain both file and electronic records of all procurement proceedings made within each financial year and the procurement records shall be maintained for a period of ten years from the date of the award.

(13) Copies of all procurement records shall be transmitted to the Bureau not later than 3 months after the end of the financial year and shall show:

- (a) information identifying the procuring entity and the contractors;
- (b) the date of the contract award;
- (c) the values of the contract;
- (d) the detailed records of the procurement proceedings.

(14) All unclassified procurement records shall be open to inspection by the public at the cost of copying and certifying the documents plus an administrative charge as may be prescribed from time to time by the Bureau.

(15) The criteria stipulated as the basis upon which suppliers or contractors would be evaluated shall not be charged in the course of any procurement proceedings.

(16) The burden of providing fulfillment of the requirements for participation in any procurement proceedings shall lie on the supplier or contractor.

(17) A contract shall be awarded to the lowest evaluated responsive bid from the bidders substantially responsive to the bid solicitation.

(18) Notwithstanding subsection (16) of this Section, the Bureau may refuse to issue 'Certificate of "No Objection" to Contract Award' on the ground that the price is excessive.

(19) Pursuant to subsection (17) of this Section, the Bureau may direct either that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender.

(20) Pursuant to subsection (18) of this Section, the Bureau may either direct that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender.

(21) The accounting officer of a procuring entity and any officer to whom responsibility is delegated are responsible and accountable for any actions taken or omitted to be taken either in compliance with or in contravention of this Act.

(22) The accounting officer of a procuring entity has the responsibility to ensure that the provisions of this Act and the regulations laid by the Bureau are complied with, and concurrent approval by any Tenders Board shall not absolve the accounting officer from accountability for anything done in contravention of this Act or the regulation laid down hereunder

(23) Procurement and disposal decisions of a procuring entity shall be taken in strict adherence to the provisions of this Act and any regulations as from time to time the laid down by the Bureau.

(24) Persons who have been engaged in preparing for a procurement or part of the proceedings thereof may neither bid for the procurement in question or any part thereof either as main contractor or sub-contractors nor may they cooperate in any manner with bidders in the course of preparing their tenders.

(25) A procuring entity shall not request or stipulate that a bidder should engage a particular subcontractor as a requirement for participating in any procurement proceedings.

(26) All procurement contracts shall contain provisions for arbitral proceedings as the primary forms of dispute resolution.

(27) The values in procurement documents shall be stated in Nigerian currency and where stated in a foreign currency shall be converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender or bid.

(28) All procurement contract shall contain warranties for durability of goods, exercise of requisite skills in service provision and use of genuine materials and inputs in execution.

PART V - ORGANISATION OF PROCUREMENTS

17. Subject to the monetary and prior review thresholds for procurements in this Act as may from time to time be determined by the Council, the following shall be the approving authority for the conduct of public procurement:

(a) in the case of:

- (i) a government agency parastatal, or corporation, Board; and a Parastatals Tender
- (ii) a ministry or extra-ministerial entity, the Ministerial Board. Tender

18. Subject to regulations as may from time to time be made by the Bureau under the direction of the Council, a procuring entity shall plan its procurement by:

- (a) preparing the needs assessment and evaluation;
- (b) identifying the goods, work or services required;
- (c) carrying appropriate market and statistical surveys and on the basis prepare an analysis of the cost implications of the proposed procurement;
- (d) aggregating its requirements wherever possible, both within the procuring entity and between procuring entities, to obtain economy of scale and reduce procurement cost;
- (e) integrating its procurement expenditure into its yearly budget;
- (f) prescribing any method for effecting the procurement subject to the necessary approval under this Act; and
- (g) ensuring that the procurement entity functions stipulated in this Section shall be carried out by the Procurement Planning Committee

19. Subject to regulations as may from time to time be made by the Bureau under direction of Council, a procuring entity shall, in implementing its procurement plans:

- (a) advertise and solicit for bids in adherence to this Act guidelines as may be issued by the Bureau from time to time;
- (b) to invite two credible persons as observers in every procurement process, one person each representing a recognized;
 - (i) private sector professional organization whose expertise is relevant to the particular goods or service being procured, and
 - (ii) non-government organization working in transparency, accountability and anti-corruption areas, and the observers shall not intervene in the procurement process but shall have right to submit their observation report to any relevant agency or body including their own organisations or associations;
- (c) receive, evaluate and make a selection of the bids received in adherence to this Act and guidelines as may be issued by the Bureau from time to time;
- (d) obtain approval of the approving authority before making an award;
- (e) debrief the bid losers on request;
- (f) resolve complaints and disputes if any;
- (g) obtain and confirm the validity of any performance guarantee;
- (h) obtain a "Certificate of 'No Objection' to Contract Award" from the Bureau within the prior review threshold as stipulated in Section 3 (a) of this Act;

- (i) execute all Contract Agreements; and
- (j) Announce and publicize the award in the format stipulated by this Act and guidelines as may be issued by the Bureau from time to time.

20. (1) The accounting officer of a procuring entity shall be the person charged with line supervision of the conduct of all procurement processes; in the case of ministries the Permanent Secretary and in the case of extra-ministerial departments and corporations the Director-General or officer of co-ordinate responsibility.

(2) The accounting officer of every procuring entity shall have overall responsibility for the planning of, organisation of tenders, evaluation of tenders and execution of all procurements and in particular shall be responsible for:

- (a) ensuring compliance with the provisions of this Act by his entity and liable in person for the breach or contravention of this Act or any regulation made hereunder whether or not the act or omission was carried out by him personally or any of his subordinates and it shall not be material that he had delegated any function, duty or power to any person or group of persons;
- (b) constituting the Procurement Committee and its decisions;
- (c) ensuring that adequate appropriation is provided specifically for the procurement in the Federal budget;
- (d) integrating his entity's procurement expenditure into its yearly budget;
- (e) ensuring that no reduction of values or splitting of procurements is carried out such as to evade the use of the appropriate procurement method;
- (f) constituting the Evaluation Committee;
- (g) liaising with the Bureau to ensure the implementation of its regulations.

21. (1) For each financial year procuring entity shall establish a Procurement Planning Committee.

(2) The Procurement Planning Committee shall consist of:

- (a) the accounting officer of the procurement entity or his representative who shall chair the Committee;
- (b) a representative of:
 - (i) the procurement unit of the procuring entity who shall be the Secretary,
 - (ii) the unit directly in requirement of the procurement,
 - (iii) the financial unit of the procuring entity,
 - (iv) the planning, research and statistics unit of the procuring entity,
 - (v) technical personnel of the procuring entity with expertise in the subject matter for each particular procurement, and
 - (vi) the legal unit of the procuring entity.

22. (1) There is hereby established by this Act in each procuring entity a tenders board (in this Act referred to as "the Tenders Board").

(2) Subject to the approval of the Council, the Bureau shall from time to time prescribe guidelines for the membership of the Tenders Board.

(3) The Tenders Board shall be responsible for the award of procurements of goods, works and services within the threshold set in the regulations.

(4) In all cases where there is a need for pre-qualification, the Chairman of the Tenders Board shall constitute a technical sub-committee of the Tenders Board charged with the responsibility for the evaluation of bids which shall be made up of professional staff of the procuring entity and the Secretary of the Tenders Board who shall also be the Chair of the Evaluation Sub-committee.

(5) The decision of the Tenders Board shall be communicated to the Minister for implementation.

23. (1) Where a procuring entity has made a decision with respect to the minimum qualifications of suppliers, contractors or service providers by requesting interested persons to submit applications, to pre-qualify, it shall set out precise criteria upon which it seeks to give consideration to the applications and in reaching a decision as to which supplier, contractor or service provider qualifies, shall apply only the criteria set out in the prequalification documents and no more.

(2) Procuring entities shall supply a set of prequalification documents to each supplier, contractor or consultant that request them, and the price that a procuring entity may charge for the prequalification documents shall reflect only the cost of printing and provision to suppliers or contractors and consultants.

(3) The prequalification document shall include:

- (a) instructions to prepare and submit prequalification application;
- (b) a summary of the main terms and conditions required for the procurement contract to be entered into as a result of the procurement proceedings;
- (c) any documentary evidence or other information that must be submitted by suppliers, contractors or consultants to demonstrate their qualifications;
- (d) the manner and place for the submission of applications to pre-qualify and the deadline for the submission, expressed as a specific date and time which allows sufficient time for suppliers, contractors or consultant to prepare and submit their applications, taking into account the reasonable need of the procuring entity; and
- (e) any other requirement that may be established by the procuring entity in conformity with this Act and procurement regulations relating to the preparation and submission of applications to pre-qualify and to the prequalification proceedings.

(4) The procurement entity shall respond to any request by a supplier, contractor or consultant for clarification of the prequalification documents if the request is made at least ten days before the deadline for the submission of applications to pre-qualify.

(5) The response by the procuring entity shall be given within a reasonable time and in any event within a period of at most seven working days so as to enable the supplier, contractor or consultant to make a timely submission of its application to pre-qualify.

(6) The response to any request that might reasonably be expected to be of interest to other supplier, contractor or consultant shall, without identifying the source of the request, be communicated

to other suppliers or contractors or consultants provided with the prequalification documents by the procuring entity.

(7) A procuring entity shall promptly notify each supplier, contractor or consultant which submitted an application to pre-qualify of whether or not it has been pre-qualified and shall make available to any member of the general public upon request, the names of the suppliers, contractors or consultants who have been pre-qualified.

(8) Suppliers, contractors or consultants who have been pre-qualified may participate further in the procurement proceedings.

(9) The procuring entity shall upon request communicate to suppliers, contractors or consultants who have not been pre-qualified, the grounds for disqualification.

(10) The procuring entity may require a supplier, contractor or service provider who has been pre-qualified to demonstrate its qualifications again in accordance with the same criteria used to pre-qualify the supplier, contractor consultant.

(11) The procuring entity shall promptly notify each supplier, contractor or service provider requested to demonstrate its qualifications again whether or not the supplier, contractor or consultant has done so to the satisfaction of the procuring entity.

(12) The procuring entity shall disqualify any supplier, contractor or service provider who fails to demonstrate its qualification again if requested to do so.

PART VI - PROCUREMENT METHODS (GOODS AND SERVICES)

24. (1) Except as provided by this Act, all procurements of goods and works by all procuring entities shall be conducted by open competitive bidding.

(2) Any reference to open competitive bidding in this Act means the process by which a procuring entity based on previously defined criteria, effects public procurements by offering to every interested bidder, equal simultaneous information and opportunity to offer the goods and works needed.

(3) The winning bid shall be that which is the lowest evaluated responsive bid which has been responsive to the bid with regards to work specification and standard.

25. (1) Invitations to bid may be either by way of National Competitive Bidding or International Competitive Bidding and the Bureau shall from time to time set the monetary thresholds for which procurements shall fall under either system.

(2) Every invitation to an open competitive bids shall:

(i) in the case of goods and works under International Competitive Bidding, the invitation for bids shall be advertised in at least two national

newspapers and one relevant internationally recognised publication, any official websites of the procuring entity and the Bureau as well as the procurement journal not less than six weeks before the deadline for submission of the bids for the goods and works,

(ii) in the case of goods and works valued under National Competitive Bidding, the invitation for bids shall be advertised on the notice board of the

procuring entity, any official web sites of the procuring entity, at least two national newspapers, and in the procurement journal not less than six weeks before the deadline for submission of the bids for the goods and works.

26. (1) Subject to the monetary and prior review thresholds as may from time to time be set by the Bureau all procurements valued in excess of the prescribed by the Bureau shall require a bid security in an amount not more than 2% of the bid price by way of a bank guarantee issued by a reputable bank acceptable to the procuring entity.

(2) The Bureau shall from time to time specify the principal terms and condition of the required bid security in the tender documents.

(3) When the procuring entity requires suppliers or contractors submitting tender to provide a bid security the requirement shall apply to each supplier or contractor.

27. (1) All bids in response to an invitation to open competitive bidding shall be submitted in writing and in addition to any other stipulated in the tender documents signed by an official authorized to bind the bidder to a contract and placed in a sealed envelop.

(2) All submitted bids shall be deposited in a secured tamper-proof bid-box.

(3) All bids submitted shall be in English language.

(4) The procuring entity shall issue a receipt showing the date and time the bid was delivered.

(5) Any bid receive after the deadline for the submission of bids shall not be opened and must be returned to the supplier or contractor which submitted it.

(6) No communication shall take place between procuring entities and any supplier or contractor after the publication of a bid solicitation other than as provided in this Act.

28. A procuring entity may:

(a) reject all bids at any time prior to the acceptance of a bid, without incurring thereby any liability to the bidders; and

(b) cancel the procurement proceedings in the public interest, without incurring any liability to the bidders

29. (1) The period of validity for a bid shall be the period specified in the tender documents.

(2) A procuring entity may request suppliers or contractors to extend the period of validity for an additional specified period time.

(3) A supplier or contractor may refuse the request for the extension of bid, in which case the effectiveness of its bid will terminate upon the expiration of the un-extended period of effectiveness.

(4) A supplier or contractor may modify or withdraw its bid prior to the deadline for the submission of bids.

(5) The modification or notice of withdrawal is effective if it is received by the procurement entity before the deadline for the submission of tenders.

30. All bids shall be submitted before the deadline or date specified in the tender documents or any extension of the deadline for submission and the procuring entity shall:

- (a) permit attendees to examine the enveloped in which the bids have been submitted to ascertain that the bids have not been tampered with;
- (b) cause all the bids to be opened in public, in the presence of the bidders or their representatives and any interested members of the public;
- (c) ensure that the bids opening takes place immediately following the deadline stipulated for the submission of bids or any extension thereof;
- (d) ensure that a register is taken of the names and addresses of all those present at the bids opening and the organizations they represent which is recorded by the Secretary of the tenders board; and
- (e) call-over to the hearing of all present, the names and address of each bidder, the total amount of each bid, the bid currency and shall ensure that these details are recorded by the Secretary of the Tenders board or his delegate in the minutes of the bid opening.

31. (1) All bids shall be first examined to determine to determination if they:

- (a) meet the minimum eligibility requirements stipulated in the bidding documents;
- (b) have been duly signed;
- (c) are substantially responsive to the bidding documents; and
- (d) are generally in order.

(2) A procuring entity may ask a supplier or a contractor for clarification of its bid submission in order to assist in the examination, evaluation and comparison of bids.

(3) The following shall not be sought, offered or permitted:

- (a) changes in prices;
- (b) changes of substance in a bid; and
- (c) changes to make an unresponsive bid responsive.

(4) Notwithstanding sub-Section (3) of this Section, the procuring entity may correct purely arithmetical errors that are discovered during the examination of tenders.

(5) The procuring entity shall give prompt notice of the correction to the supplier or contractor that submitted the tender.

(6) A major deviation shall result in a rejection of bid while a minor deviation shall be subjected to clarification.

(7) The following shall be considered as major deviations:

- (a) with respect to clause in an offer;
 - (i) unacceptable sub contracting,
 - (ii) unacceptable time schedule if time is of essence,
 - (iii) unacceptable alternative design, and
 - (iv) unacceptable price adjustment.

(b) with respect to the status of the bidder:

- (i) the fact that he is ineligible or not pre-qualified, and
 - (ii) the fact that he is uninvited;
- (c) with respect to bid documents an unsigned bid;
 - (d) with respect to time, date and allocation for submission:
 - (i) any bid received after the date and time for submission stipulated in the solicitation document,
 - (ii) any bid submitted at the wrong location.

(8) In case of major deviations, bids shall not be considered any further and, where unopened, shall be returned as such to the bidder.

(9) In all cases of rejection, a letter stipulating the reasons for rejection shall be sent, and the bidder shall not be permitted to amend his bid to become compliant.

(10) Subject to any provision to the contrary, the following shall be considered as minor deviations:

- (a) the use of codes;
 - (b) the difference in standards;
 - (c) the difference in material
 - (d) alternative design;
 - (e) alternative workmanship;
 - (f) modified liquidated damages;
 - (g) omission in minor items;
-
- (h) discovery of arithmetical errors;
 - (i) sub-contracting that is unclear and questionable;
 - (j) different methods of construction;
 - (k) difference in final delivery date;
 - (l) difference in delivery schedule;
-
- (m) completion period where these are not of essence;
 - (n) non-compliance with some technical local regulation;
 - (o) payment terms; and
 - (p) any other condition that has little impact on the bid.

(11) In cases not mentioned above and where there exist a doubt as to whether a particular condition in a bid is a major or a minor deviation, the following rules shall apply:

- (a) where the impact on the costs is major, it shall be regarded as a major deviation; and
- (b) where the impact on the costs is minor, it shall be regarded as a minor deviation.

(12) In cases of minor deviations, written classification may be obtained from the supplier or contractor and, where applicable, an offer made for the correction of the minor deviation.

(13) Where a supplier or contractor does not accept the correction of a minor deviation, his bid shall be rejected.

(14) At the stage of evaluation and comparison, all minor deviation shall be quantified in monetary terms.

(15) For the rejection of a bid, a written notice shall be given promptly to the supplier.

32. (1) For the evaluation and comparison of bids that have been adjudged as valid for the purposes of evaluation, no other method or criteria shall be used except those stipulated in the solicitation documents.

(2) The objective of evaluation shall be to determine and select the lowest evaluated responsive bid from bidders that have responded to the bid solicitation.

(3) In the course of its determination of the lowest evaluated responsive bid from the bidders that have responded to the bid solicitation the Tender Boards shall, in particular, undertake the following processes as applicable:

- (a) checking of deviations;
- (b) checking of omissions with qualification of same;
- (c) application of discounts, as applicable;
- (d) clarification with bidders of questionable minor deviations;
- (e) qualification in monetary terms of such questionable deviations;
- (f) conversion to common currency;
- (g) calculation and tabulation of bid amount with domestic preference where applicable;
- (h) determination of the lowest calculated prices in order of rank;
- (i) post-qualification of bidders, where applicable;
- (j) listing of rejection of bids, where applicable;
- (k) decision of rejection of all bids where justifiable;
- (l) recommendation for award; and
- (m) writing up of the bid evaluation report.

(4) All relevant factors, in addition to price, that will be considered for the purposes of bid evaluation and the manner in which such factors will be applied shall be stipulated in the solicitation documents.

(5) Such factors shall be calculated in monetary terms as stipulated in the solicitation documents and shall include:

- (a) for goods, among others, costs of transportation and insurance, payment schedule, delivery time, operating costs, efficiency, compatibility of the equipment, availability of services and spare parts, related training, safety, environmental benefits or losses by damages;
- (b) for works, in addition to factors stipulated in Section 34 (1) of this Act, and subject to Section 34 (2) of this Act, if time is a critical factor, the value of early completion; and
- (c) the value of early completion under Section 35 (2) of this Act shall not be taken into account unless, in conformity with criteria pre-set in the bidding documents, the conditions of contract provide for commensurate penalties in case of late delivery.

(6) When bid prices are expressed in two or more currencies, the prices of all bids shall be converted to Nigerian currency, according to the rate and date of rate specified in the solicitation documents.

(7) If suppliers were pre-qualified, verification provided in the submission for prequalification shall be confirmed at the time of award of

contract and award may be denied to a bidder who no longer has the capability or resources to successfully perform the contract.

(8) After opening of bids, information relating to the examination, clarification and evaluation of bids and recommendations concerning award shall not be disclosed to bidders or to persons not officially concerned with the evaluation process until the successful bidder is notified of the award.

33. (1) The successful bid shall be that submitted by the lowest cost bidder from the bidders responsive as to the bid solicitation.

(2) Notwithstanding subsection of this Section, the selected bidder needs not be the lowest cost bidder provided the procuring entity can show good grounds derived from the provision of this Act to that effect.

(3) Notice of the acceptance of the bid shall immediately be given to the successful bidder.

34. (1) A procuring entity may grant a margin of preference in the evaluation of tenders, when comparing tenders from domestic bidders with those from foreign bidders or when comparing tenders from domestic suppliers offering goods manufactured locally with those offering goods manufactured abroad.

(2) Where a procuring entity intends to allow domestic preferences, the bidding documents shall clearly indicate any preference to be granted to domestic suppliers and contractors and the information required to establish the eligibility of a bid for such preference.

(3) Margins of preference shall apply only to tenders under international competitive bidding.

(4) The Bureau shall by regulation from time to time set the limit and the formulae for the computation of margins of preference and determine the contents of goods manufactured locally.

35. (1) In addition to any other regulations as may be prescribed by the Bureau, a mobilization fee of not more than 15% may be paid to a supplier or contractor supported by the following:

(a) in the case of National Competitive Bidding – an unconditional bank guarantee or insurance bond issued by an institution acceptable to the procuring entity; and

(b) in the case of international Competitive Bidding – an Unconditional bank guarantee issued by a banking institution acceptable to the procuring entity.

(2) Once a mobilization fee has been paid to any supplier or contractor, no further payment shall be made to the supplier or contractor without an interim performance certificate issued in accordance with the contract agreement.

36. The provision of a Performance Guarantee shall be a precondition for the award of any procurement contract upon which any mobilization fee is to be paid, provided however it shall not be less than 10% of

the contract value in any case or an amount equivalent to the mobilization fee requested by the supplier or contractor whichever is higher.

37. (1) Payment for the procurement of goods, works, and services shall be settled promptly and diligently.

(2) Any payment due for more than sixty days from the date of the submission of the invoice, valuation certificate or confirmation or authentication by the Ministry, Extra-Ministerial Office, government agency, parastatal or corporation shall be deemed a delayed payment.

(3) All delayed payments shall attract interest at the rate specified in the contract document.

(4) All contracts shall include terms, specifying the interest for late payment of more than sixty days.

38. (1) Every procuring entity shall maintain a record of the comprehensive procurement proceedings.

(2) The portion of the records referred to in this Section shall, on request, be made available to:

(a) any person after a tender, proposal, offer or quotation has been accepted or after procurement contract; and

(b) suppliers, contractors or consultants that submitted tenders, proposals, offers or quotations, or applied for prequalification, after a tender, proposal, offer or quotation has been accepted or procurement proceeding have been terminated without resulting in a procurement contract

(3) A disclosure of procurement proceedings records, prior to award of contract may be ordered by a court, provided that when ordered to do so by a court, the procurement entity shall not disclose such information, if its disclosure would:

(a) be contrary to law;

(b) impede law enforcement; or

(c) prejudice legitimate commercial interests of the parties.

(4) The procuring entity shall not be liable to suppliers, contractors or service providers for damages owing solely to failure to maintain a record of the procurement proceedings in accordance with this Section.

(5) The records and documents maintained by procuring entities on procurement shall be made available for inspection by the Bureau, an investigator appointed by the Bureau and the Auditor-General upon request, and where donor funds have been used for procurement, donor officials shall also have access upon request to procurement files for the purpose of audit and review.

PART VII - SPECIAL AND RESTRICTED METHODS OF PROCUREMENT

39. (1) Notwithstanding the provisions of this Act, the Bureau may issue Certificate of No Objection upon conditions hereinafter prescribed.

(2) A procuring entity shall engage in procurement by two-stage tendering:

(a) where it is not feasible for the procuring entity to formulate detailed specifications for the goods or works or, in the case of services, to identify their characteristics and where it seeks tenders, proposals or offers on various means of meeting its needs in order to obtain the most satisfactory solution to its procurement needs;

(b) where the character of the goods or works are subject to rapid

technological advances; where the procuring entity seeks to enter into a contract for research, experiment, study or development, except where the contract includes the production of goods in sufficient quantities to establish their commercial viability or to recover research and development costs, where the procuring entity applies this Act to procurement concerned with national security and determines that the selected method is the most appropriate method of procurement; or

- (c) where the tender proceedings have been utilized but were not successful or the tenders were rejected by the procuring entity under an open competitive bid procedure and the procuring entity considers that engaging in new tendering proceedings will not result in a procurement contract.

(3) The provisions of this Act as regards the process for open competitive bidding shall apply to two-stage tendering proceedings except to the extent that those provisions vary from this Section.

(4) The invitation documents:

- (a) shall call upon suppliers or contractors to submit, in the first stage of two-stage tendering proceedings, initial tenders which contain their proposal without a tender price; and

(b) may solicit proposals that relate to technical, quality or other

characteristics of the goods, works or services as well as contractual terms and conditions of supply and may stipulate the professional competence and technical qualifications of the suppliers or contractors.

(5) The procuring entity may, in the first stage, engage in negotiations with any supplier or contractor whose tender has not been rejected under an open competitive bidding procedure with respect to any aspect of its tender.

(6) In the second stage of the two tender proceedings the procuring entity:

- (a) shall invite suppliers or contractors whose tenders have not been rejected to submit final tenders with prices on a single set of specifications;
- (b) may, in formulating the specifications, delete or modify any aspect of the technical or quality characteristics of the goods, works or services to be procured together with any criterion originally set out in these documents, evaluate and compare tenders and ascertain the successful tender;
- (c) may add new characteristics or criteria that conform with this Act;
- (d) shall communicate to suppliers or contractors in the invitation to submit firm tenders, any deletion, modification or addition; and
- (e) may permit a supplier or contractor who does not wish to submit a final tender to withdraw from the tendering proceedings.

(7) The final tenders shall be evaluated and compared in order to ascertain the successful tender as defined in an open competitive bid.

40. (1) Subject to the approval by the Bureau, a procuring entity may for reasons of economy and efficiency engage in procurement by means of restricted tendering if:

- (a) the goods, works or services are available only from a limited number of suppliers or contractors;
- (b) the time and cost required to examine and evaluate a

- large number of tenders is disproportionate to the value of the goods, works or services to procured; or
- (c) the procedure is used as an exception rather than norm.

(2) Where a procuring entity engages in restricted tendering on the basis that:

- (a) the good works and service are available only from a limited number of suppliers or contractors, it shall invite tenders from all the suppliers and contractors who can provide the goods, works or services; and
- (b) the time and cost required to examine and evaluate a large number of tenders is disproportionate to the value of the goods, works or service, it shall select in a non-discriminatory manner of the number of suppliers or contractors to ensure effective competition;

(3) For the purposes of subsection (2), of this Section, the procuring entity shall cause a notice of the selected tendering proceedings to be publish in the procurement journal.

(4) The provisions of this Act regarding the open competitive bidding procedure shall apply to the selective tendering proceedings, except to the extent that those provisions are varied by this Section.

41. (1) A procuring entity may carry out procurements by requesting for quotations from suppliers or contractors where the value of the goods or works to be procured does not exceed a sum that shall be set in the procurement regulation.

(2) Generally quotations shall be obtained from at least 3 unrelated contractors or suppliers.

(3) Each contractor or supplier from whom a quotation is requested shall:

- (a) be informed whether any factors other than the charges for the goods, works or services themselves, such as any applicable transportation and insurance charges, customs duties and taxes are to be included in the price; and
- (b) give only one quotation and shall not be allowed to charge or vary the quotation.

(4) No negotiation shall take place between a procuring entity and a contractor or supplier with respect to quotation.

(5) The procurement shall be awarded to the qualified contractor or supplier that gives the lowest priced responsive quotation.

(6) Where the total value of the procurement is not more than a sum that shall be set in the regulation, the procurement entity may not obtain the Bureau's approval.

42. (1) A procuring entity may carry out any emergency procurement where:

- (a) goods, works or services are only available from a particular supplier or contractors, or if a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exists; or
- (b) there is an urgent need for the goods, works or services and engaging in tender proceedings or any other method of procurement is impractical due to unforeseeable circumstances giving rise to the urgency which is not the result of dilatory conduct on the part of the procuring entity;
- (c) owing to a catastrophic event, there is an urgent need

- for the goods, works or services making it impractical to use other method of procurement because of the time involved in using those methods;
- (d) a procuring entity which has procured goods, equipment, technology or services from a supplier or contractor, determines that:
- (i) additional supplies need to be procured from that supplier or contractor because of standardization,
 - (ii) there is a need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the need of the procurement entity,
 - (iii) the limited size of the procurement in relation to the original procurement provides justification,
 - (iv) the reasonableness of the price and the unsuitability of alternatives to the goods or services in question merits the decision.
- (e) the procuring entity seeks to enter into a contract with the supplier or contractor for research, experiment, study or development, except where the contract includes the production of goods in quantities to establish commercial viability or recover research and development costs; or
- (f) the procuring entity applies this Act for procurement that concerns national security, and determines that single-source procurement is the most appropriate method of procurement.
- (2) The procuring entity:
- (a) may procure the good, works or services by inviting a proposal or price quotation from a single supplier or contractor.
 - (b) shall include in the record of procurement proceedings a statement of the grounds for its decision and the circumstances in justification of single source procurement.

43. (1) A procuring entity may for the purpose of this Act, carry out an emergency procurement where:

- (a) the country is either seriously threatened by or actually confronted with a disaster, catastrophe, war, insurrection or Act of God;
- (b) the condition or quality of goods, equipment, building or publicly owned capital goods may seriously deteriorate unless action is urgently and necessarily taken to maintain them in their actual value or usefulness; or
- (c) a public project may be seriously delayed for want of an item of a minor value.

(2) In an emergency situation, a procuring entity may engage in direct contracting of goods, works and services.

(3) All procurement made under emergencies shall be handled with expedition but along principles of accountability, due consideration being given to the gravity of each emergency.

(4) Immediately after the cessation of the situation warranting any emergency procurement, the procuring entity shall file a detailed report thereof with the Bureau which shall verify same and if appropriate issue a Certificate of 'No Objection'.

PART VIII - PROCUREMENT OF CONSULTANT (SERVICES)

44. Where a procuring entity wishes to procure services for its needs which are precise and ascertainable:

- (a) it shall solicit for expressions of interest or applications to pre-qualify to provide the services by publishing a notice to that effect in at least 2 national newspapers and the procurement journal;
- (b) where the value of the service to be procured is less than one million naira, or with the approval of the Bureau, of such a low value that only national consultants would be interested, the procuring entity may without placing any notice request at least 3 and not more than 10 consultants or service providers to make proposal for the provision of the services in a format stipulating:
 - (i) a statement of qualifications of the consultant to provide the service;
 - (ii) a statement of understanding of the procuring entity's needs;
 - (iii) the methodology for providing the service;
 - (iv) the time frame for providing the service; and
 - (v) the cost or fee for the service.

45. (1) A procuring entity wishing to procure service for its needs may do so by requesting for proposals when it intends to enter into a contract for the purpose of research, experiment, study or development, except where the contract includes the production of goods in quantities sufficient to establish their commercial viability or to recover research and development cost.

(2) The procuring entities shall procure the services of consultants by soliciting for expressions of interest by publishing a notice to that effect in 2 national newspapers and the procurement journal.

(3) A procuring entity may make direct request to a limited number of consultants, requesting proposals for the provision of a service if:

- (a) the services are only available from no more than 3 consultants;
- (b) the time and cost required to examine and evaluate a large number of proposals would be disproportionate to the value of the services to be performed, provided that it invites enough consultants to ensure transparent competition; or
- (c) it is in the interest of national defence and security or similar reason of confidentiality.

46. (1) Request for proposals shall include:

- (a) the name and address of the procurement entity;
- (b) a requirement that the proposal are to be prepared in the English language;
- (c) the manner, place and deadline for the submission of proposals;
- (d) a statement to the effect that the procuring entity reserves the right to reject proposal;
- (e) the criteria and procedures for the evaluation of the qualifications of the consultants;
- (f) the requirements on documentary evidence or other

- information that shall be submitted by consultants to demonstrate their qualifications;
- (g) the nature and required characteristics of the service to be procured including the location where the services are to be provided and the time when the services are to be provided;
 - (h) whether the procuring entity is seeking proposals on various possible ways of meeting its needs;
 - (i) a requirement that the proposal price is to be expressed in Nigeria currency;
 - (j) the manner in which the proposal price is to be expressed, including a statement on whether the price covers elements apart from the cost of services, such as reimbursement for transportation, lodging, insurance, use of equipment, duties or taxes;
 - (k) whether the procedure to ascertain the successful proposal shall be based on the lowest cost or quality and cost or a combination of the lowest cost, quality and criteria other than cost but stipulated in the request for proposals; and
 - (l) a short list to be made of only national consultants for consulting assignment, contract within a set threshold in the procurement regulation provided that national consultants possess such requisite skills.

(2) The procuring entity shall provide the same information to every consultant requested to submit proposals.

47. (1) A consultant shall be allowed to request for clarification on the request from the procuring entity and such request may be made within a reasonable time to be specified.

(2) A procuring entity may, whether on its initiative or as a result of a request for clarification by a consultant, modify the request for proposal by issuing an addendum at any time prior to the deadline for submission of proposals.

(3) The addendum shall be communicated promptly before the deadline for the submission of proposals to the short listed consultants to whom the procuring entity has provided the request for proposals and shall be binding on those consultants.

(4) If the procuring entity convenes a meeting of consultants, it shall prepare minutes of the meeting containing the issues submitted at the meeting for clarification of the request for proposal and its responses to those issues, without identifying the sources of the requests for clarifications.

(5) The minutes shall be provided promptly before the deadline for the submission of proposals to the consultants participating in the selection proceedings to enable them take the minutes into account in preparing their proposal.

48. (1) The procuring entity shall allow sufficient time for the preparation and submission of the request proposals but shall in no case give less than 30 days between the issue of the notice or request and the deadline for submission.

(2) The technical and financial proposals shall be submitted simultaneously but in separation envelopes.

(3) A proposal received after the deadline for submission of proposals shall be returned to the sender unopened.

(4) Immediately after the deadline for submission of proposals, the technical proposals shall be opened for evaluation whilst the financial proposals shall remain sealed and kept in a secure bid-box until they are opened publicly.

(5) The technical evaluation committee shall not have access to or insights to the financial proposals until the evaluations including any Tender Boards review are concluded.

49. (1) The procuring entity shall establish criteria to evaluate the proposals and prescribe the relative weight to be accorded to each criterion and the manner in which they are to be applied in the evaluation of:

- (a) the qualification experience reliability professional and managerial competence of the consultant or service provider and of the personnel to be involved in providing the services;
- (b) the effectiveness of the proposal submitted by the consultant or service provider in meeting the need of the procuring entity;
- (c) the proposal price, including any ancillary or related cost;
- (d) the effect that the acceptance of the proposal will have on the balance of payments position and foreign reserves of the government, the extent of participation by local personnel, the economic development potential offered by the proposal, including domestic investment or other business activity, the encouragement of employment, the transfer of technology the development of managerial, scientific and operational skills and the counter trade arrangements offered by consultant or service providers; and
- (e) national defence and security considerations.

(2) A procuring entity may accord a margin of preference for domestic consultants or service providers, which shall be calculated in accordance with the regulations and guidelines as issued from time to time by the Bureau and shall be reflected in the record of the procurement proceedings.

50. (1) The procuring entity shall select the successful proposal by either choosing the proposal with:

- (i) the lowest evaluated price, or
- (ii) the best combined evaluation in terms of the general criteria set out in the request for proposals and the price quoted.

(2) The procuring entity shall include in the record of procurement a statement of the grounds and circumstances on which it relied to select either of the procedures in subsection (1) of this Section.

(3) Nothing in this Section shall prevent the procuring entity from resorting to the use of any impartial panel of experts to make the selection.

51. (1) Where the procuring entity elects to choose the successful proposal based on technical and price factors, it shall establish a weight with respect to quality and technical price factors of the proposals in accordance with the criteria other than price as might have been set out in the request for proposals and rate each proposal in accordance with the such criteria and the relative weight and manner of application of the criteria as stipulated in the request for proposals; and then

(2) The procuring entity shall compare the prices of those proposal that have attained a rating at or above the threshold;

(3) The procuring entity shall notify the consultants whose proposal did not meet the minimum qualifying mark or were non responsive to the invitation for proposals and terms of reference after the

evaluation of quality is completed within a period of 14 working days after decision has been taken by the procurement entity;

(4) The name of the qualifying consultants, the quality scores for the technical component of the proposal shall be read aloud and recorded alongside the price proposed by each consultant or service provider when the financial proposals are opened;

(5) The procuring entity shall prepare the minute of public opening of financial proposals which shall be part of the evaluation report and shall retain this record.

(6) The successful proposal shall be:

- (a) the proposal with the best combined evaluation in terms of the criteria established under subsection (1) of this Section from price in the case of quality and cost-based selection;
- (b) the proposal with the lowest price in the case of least-cost selection; or
- (c) the highest ranked technical proposal within the budget.

(7) The Consultants with the winning proposal shall be invited for negotiations, which shall focus mainly on the technical proposals.

(8) The proposed unit rates for staff-months and reimbursable shall not be negotiated unless there are exceptional reasons.

52. (1) Where the procuring entity elects to make a quality-based selection, based on consultant's qualifications or single-source selection, it shall engage in negotiations with consultants in accordance with this Section.

(2) The procurement entity shall:

- (i) established a weight with respect to quality and price of the proposals;
- (ii) invite for negotiations on the price of its proposal, the Consultant that has attained the best rating in accordance with subsection (1) of this Section;
- (iii) inform the Consultants that attained ratings above the weight that may be considered for negotiations with the consultant with the best rating do not result in a procurement contract; and
- (iv) inform the Consultant with the best rating, that it is terminating the negotiations if it becomes apparent to the procuring entity that the negotiations with that Consultant, invited under subsection (b), will not result in a procurement contract.

(3) The procuring entity shall, if negotiations with the consultant with the best rating fails, invite the Consultant that obtained the second best rating, and if the negotiations with that Consultant do not result in a procurement contract, the procuring entity shall invite the other suppliers or contractors for negotiations on the basis of their rating until it arrives at a contract or rejects the remaining proposals.

(4) The procuring entity shall treat proposals and any negotiations on selection procedure as confidential and avoid the disclosure of their contents to competing consultants.

PART IX - PROCUREMENT SURVEILLANCE AND REVIEW

53. (1) The Bureau may review and recommend for investigation by any relevant authority any matter related to the conduct of procurement proceedings by a procuring entity, or the conclusion or operation of a procurement contract if it considers that a criminal investigation is necessary or desirable to prevent or detect a contravention of this Act.

(2) The relevant authority may in the course of investigation:

- (a) require an officer, employee or agent of the procuring entity or bidder, supplier, contractor, or consultant to produce any books, records, accounts or documents;
- (b) search premises for any books, records, accounts or documents;
- (c) examine and make extracts from and copies of books, records, accounts or documents of any procuring entity, bidder, supplier, contractor or consultant;
- (d) remove books, records accounts or documents of the procuring entity, bidder, supplier, contractor or consultant for as long as may be necessary to examine them or make extracts from or copies of them but the investigator shall give detailed receipt for the books records, accounts or documents removed;
- (e) require an officer, employer or agent of the procurement entity or bidder, supplier, or contractor or consultant:
 - (i) to explain an entry in the books, records, accounts or documents;
 - (ii) to provide the investigator with information concerning the management or activities of the procurement entity or bidders as may be reasonably required;
- (f) explain an entry in the books, records, accounts or documents;
and
- (g) provide the investigator with information concerning the management or activities of the procurement entity or bidders as may be reasonably required .

(3) The Bureau may, pursuant to the advice of the procuring entity, results of its review of a procurement or report of investigation by a relevant government agency issue a variation order requiring a contractor at his own expense to repair, replace, or to do anything in his or her contract left undone or found to have been carried out with inferior or defective materials or with less skill and expertise than required by the contract of award.

(4) The Bureau shall, if satisfied that there has been a contravention of this Act or any regulations in relation to procurement proceedings or procurement contracts, take action to rectify the contravention which action shall include:

- (a) nullification of the procurement proceedings;
- (b) cancellation of the procurement contract;
- (c) ratification of anything done in relation to the proceedings; or
- (d) a declaration consistent with any relevant provisions of this Act.

(5) On completion of the investigation, the relevant authority shall if an offence is disclosed, take all necessary steps to commence prosecution and inform the Bureau and the procurement entity accordingly, but where no offence is disclosed, the file shall be closed and the Bureau and procuring entity shall be duly informed.

54. (1) A bidder may seek administrative review for any omission or breach by a procuring or disposing entity under the provisions of this Act, or any regulations or guidelines made under this Act or the provisions of bidding documents.

(2) A complaint by a bidder against a procuring or disposing entity shall first be submitted in writing to the accounting officer who shall:

- (a) within fifteen working days from the date the bidder first became aware of the circumstances giving rise to the complaint or should have become aware of the circumstances, whichever is earlier;
- (b) on reviewing a complaint, the accounting officer shall make a decision in writing within 15 working days indicating the corrective measures to be taken if any, including the suspension of the proceedings where he deems it necessary and giving reasons for his decision; or
- (c) where the accounting officer does not make a decision within the period specified in sub-Section (2) (b).

(3) The bidder is not satisfied with the decision of the accounting officer, the bidder may make a complaint to the Bureau within 10 working days from the date of communication of the decision of the accounting officer.

(4) Upon receipt of a complainant, the Bureau shall promptly:

- (a) give notice of the complaint to the respective procuring or disposing entity and suspend any further action by the procuring or disposing entity until the Bureau has settled the matter;
- (b) unless it dismisses the complaint:
 - (i) prohibit a procuring or disposing entity from taking any further action;
 - (ii) nullify in whole or in part an unlawful act or decision made by the procuring or disposing entity;
 - (iii) declare the rules or principles that govern the subject matter of the complaint; and
 - (iv) revise an improper decision by the procuring or disposing entity or substitute its own decision for such a decision.

(5) Before taking any decision on a complaint, the Bureau shall notify all interested bidders of the complaint and may take into account representations from bidders and from the respective procuring or disposing entity.

(6) The Bureau shall make its decision within twenty-one working days after receiving the complaint, stating the reasons for its decisions and remedies granted, if any.

(7) Where the Bureau fails to render its decision within the stipulated time, or the bidder is not satisfied with decision of the Bureau, the bidder may appeal to the Federal High Court within 30 days after the receipt of the decision of the Bureau, or expiration of the time stipulated for the Bureau to deliver a decision.

PART X - DISPOSAL OF PUBLIC PROPERTY

55. (1) This Section shall apply subject to the Public Enterprise (Commercialization and Commercialization) Act 1999.

(2) For the purpose of this Act every procuring entity shall also be disposing entity

(3) The open competitive bidding shall be primary source of receiving offers for the purchase of any public property offered for sale.

(4) The Bureau shall, with the approval of the Council:

- (a) determine the applicable policies and practices in relation to the disposal of all public property;
- (b) issue guidelines detailing operational principles and organizational modalities to be adopted by all procuring entities engaged in the disposal of public property; and
- (c) issue standardized document, monitor implementation, enforce compliance and set reporting standards that shall be used by all procuring entities involved in disposal of public property.

(5) For the purposes of this Act, public property is defined as resources in the form of tangible and non-tangible assets (ranging from serviceable to the unserviceable):

- (a) created through public expenditure;
- (b) acquired as a gift or through deeds;
- (c) acquired in respect of intellectual or proprietary rights;
- (d) acquired on financial instruments (including shares, stocks bonds etc.) and
- (e) acquired by good will and any other gifts of the Federal Government.

(6) The means of the disposal of public assets shall include:

- (a) sale and rental;
- (b) lease and hire purchase;
- (c) licenses and tenancies;
- (d) franchise and auction;
- (e) transfers from one government department to another with or without financial adjustments; and
- (f) offer to the public at an authorized variation.

56. (1) Before slating any public property for disposal, the accounting officer (Whether acting in his own authority or at the direction of any superior or other authority (in charge of any public property set for disposal shall authorize the preparation of a valuation report for such property by an independent Evaluator, or such professional with the appropriate competence to carry out the valuation.

(2) The disposal of assets whether or not listed in the Assets register for a procuring entity shall be planned and integrated into the income and expenditure budget projection of the procuring entity.

(3) The disposal of assets referred to in subsection (2) of this Section shall be timed to take place when the most advantageous returns can be obtained for the asset in order to maximize revenue accruing to the government.

(4) All procuring entities shall distribute responsibilities for the public property between the procurement unit and the Tenders Boards.

57. (1) The Bureau shall, with the approval of the Council, stipulated a Code of Conduct for all public officers, suppliers, contractors and service providers with regards to their standards of conduct acceptable in matter involving the procurement and disposal of public assets.

(2) The conduct of all persons involved with public procurement, whether as official of the Bureau, a procuring entity, supplier, contractor or service provider shall at all times be governed by principles of honesty, accountability, transparency, fairness and equity.

(3) All officers of the bureau, members of Tenders Boards and other persons that may come to act regarding the conduct of public procurements shall subscribe to an oath as approved by Council.

(4) All persons in whose hands public funds may be entrusted for whatever purpose should bear in mind that its utilization should be judicious.

(5) Where a transaction involves the disposal of assets, principles of honesty, accountability, transparency, fairness and equity shall continue to apply to the same extents as where it involves procurement.

(6) These principles shall apply at all times, particularly when:

- (a) making requisition for or planning of procurements;
- (b) preparing solicitation documents;
- (c) receiving offers in response to any form of solicitation towards a procurement or disposal;
- (d) evaluating and comparing offers confidentially and in complete neutrality;
- (e) protecting the interest of all parties without fear or favour; and

(f) o b v i a t i n g a l l s i t u a t i o n s
l i k e l y t o r e n d e r a n o f f i c e r
vulnerable to embarrassment or undue influence.

(7) All public officers shall handle public procurement and disposal of assets by:

- (a) ensuring adequate time for preparing offers;
- (b) complying with this Act and all derivative regulations; and
- (c) receiving strict confidentiality until completion of a contract.

(8) All public officers involved in public procurement and disposal of assets shall maintain the highest standards of ethics in their relationships with persons real or corporate who seek government commerce whether as a bidder, supplier, contractor or service provider by developing transparent, honest and professional relationships with such persons.

(9) Every public officer involved directly or indirectly in matters of public procurement and disposal of assets shall:

- (a) divest himself of any interest or relationships which are actually or potentially inimical or detrimental to the best interest of government and the underlining principles of this Act; and
- (b) not engaging or participate in any commercial transaction involving the federal government, its ministries, extra-ministerial departments, corporations where his capacity as public officer is likely to confer any unfair advantage – pecuniary or otherwise on him or any person directly related to him.

(10) Any person engaged in the public procurement and disposal of assets who has assumed, or is about to assume, a financial or other business outside business relationship that might involve a conflict of interest, must immediately declare to the authorities any actual or potential interest

(11) Such a declaration shall be given such consideration at the relevant level as is necessary so that, where it is seen that remedial action is taken, a conflict of interest is present.

(12) A conflict of interest exists where a person:

- (a) possesses an interest outside his official duties that materially encroaches on the time or attention which should otherwise be devoted to affairs of government
- (b) possesses a direct or indirect interest in or relationship with a bidder, supplier, contractor or service provider that is inherently unethical or that may be implied or constructed to be, or make possible personal gain due to the person's ability to influence dealings;
- (c) entertains relationships which are unethical, rendering his attitude partial toward the outsider for personal reasons or otherwise inhibit the impartiality of the person's business judgments;
- (d) places by acts or omissions the procuring entity he represents or the Government in an equivocal, embarrassing or ethically questionable position;
- (e) entertains relationships compromising the reputation or integrity of the procuring entity he represents or the Government;
- (f) receives benefits by taking personal advantage of an opportunity that properly belongs to the procuring entity he represents or the Government;
- (g) creates a source of personal revenue or advantage by using public property which comes into his hands either in course of his work or otherwise; and
- (h) disclose confidential information being either the property of his procuring entity, the Government or to a supplier, contractor or service provider to unauthorized persons.

(13) A persons involved in the disposal of assets, shall not either by a third party or by himself be interested in any manner buying directly or indirectly these assets and shall not have or obtain any type of advantage or revenue from the disposal for a period of three years after the disposal.

58. (1) Any natural person not being a public officer who contravenes any provision of this commits an offence and is liable on conviction to a term of imprisonment not less than 5 calendar years but not exceeding 10 calendar years without an option of fine.

(2) Any offence in contravention of this Act shall be tried by the Federal High Court.

(3) Prosecution of offences under this Act shall be instituted in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such other officer of the Federal Ministry of Justice as he may authorize so to do, and in addition, without prejudice to the Constitution of the Federal Republic of Nigeria 1999, he may:

- (a) after consultation with the Attorney-General of any state of the federation, authorize the Attorney-General or any other officer of the Ministry of Justice of that state; or
- (b) if the relevant authority so requests, authorize any legal practitioner

in Nigeria to undertake such prosecution directly or assist therein.

(4) The following shall also constitute offences under this Act.

- (a) entering or attempting to enter into a collusive agreement, whether enforceable or not, with a supplier, contractor or consultant where the prices quoted in their respective tenders, proposals or quotations are or would be higher than would have been the case had there not been collusion between the persons concerned;
- (b) conducting or attempting to conduct procurement fraud by means of fraudulent and corrupt acts, unlawful influence, undue interest, favor, agreement, bribery or corruption;
- (c) directly, indirectly or attempting to influence in any manner the procurement process to obtain an unfair advantage in the award of a procurement contract;
- (d) splitting of tenders to enable the evasion of monetary thresholds set;
- (e) bid-rigging;
- (f) altering any procurement document with the intent to influence the outcome of a tender proceeding;
- (g) uttering or using fake document or encouraging their use; and
- (h) willful refusal to allow the Bureau or its officers to have access to any procurement records.

(5) Any person who while carrying out his duties as an officer of the Bureau, or any procuring entity who contravenes any provision of this Act commits an offence and is liable on conviction to a cumulative punishment of:

- (a) a term of imprisonment of not less than 5 calendar years without any option of fine; and
- (b) summary dismissal from government services.

(6) Any legal person that contravenes any provision of this Act commits an offence and is liable on conviction to a cumulative penalty of:

- (a) debarment from all public procurements for a period of not less than 5 calendar years; and
- (b) a fine equivalent to 25% of the value of the procurement in issue.

(7) Where any legal person shall be convicted pursuant to subsection (4) of this Section, every director of the company as listed in its records at the Corporate Affairs Commission shall be guilty of an offence and is liable on conviction to a term of imprisonment not less than 3 calendar years but not exceeding 5 years without an option of fine.

(8) An alternation pursuant to subsection 4 (f) shall include:

- (b) insertion of documents such as bid security or tax clearance certificate which were not submitted at bid opening; and
- (c) request for clarification in a manner not permitted under this Act.

(9) Collusion shall be presumed from a set of acts from which it can be assumed that there was an understanding, implicit, formal or informal, overt or covert under which each person involved

reasonably expected that the other would adopt a particular course of action which would interfere with the faithful and proper application of the provisions of this Act.

(10) Bid-rigging pursuant to subsection 4 (e) means an agreement between persons whereby:

- (a) offers submitted have been pre-arranged between them; or
- (b) their conduct has had the effect of directly or indirectly restricting free and open competition, distorting the competitiveness of the procurement process and leading to an escalation or increase in costs or loss of value to the national treasury.

(11) For the purpose of the presumption under Section 51 (7) of this Section, consideration shall be given to a suspect's ability to control the procurement proceedings or to control a solicitation or the conditions of the contract in question, whether total or partial.

(12) For the purposes of Section 59 (5) of this Section, it shall be sufficient to prove that a reasonable business person should have known that his action would result in his company or firm having an undue advantage over other bidders to the detriment of the national treasury.

PART XIII - MISCELLANEOUS

59. (1) The fixing of the seal of the Bureau shall be authenticated by the signature of the Chairman, the Director-General or of any other person authorized generally or specially to act for purpose by the Council.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Bureau by the Director-General or any person generally or specially authorized to act for that purpose by the Council.

(3) Any document purporting to be document duly executed under the seal of the Bureau shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

(4) The validity of any proceeding of Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a Committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

60. In this Act:

"Accounting officer" means the person charged with line supervision of the conduct of all procurement processes;

"Accounting authority" means the person charged with overall responsibility for the functioning of a ministry, extra-ministerial department or corporation;

"Assets" includes tangible and intangible things which have been or may be sold or procured for consideration;

"Bid security" means a form of security assuring the bidder shall not withdraw a bid within the period specified for acceptance and shall execute a written contract within the time specified in the bid;

"Debar" means the placing of a firm company or natural person on a list of person ineligible to participate in any procurement proceedings under this Act;

“Certificate of No Objection” means the document evidencing and authenticating that due process and the letters of this Act have been followed in the conduct or effect payments to contractors suppliers from the Treasury;

“Contract” means an agreement entered in writing;

“Contractor or supplier” means any potential party to a procurement contract with the procuring entity and includes any corporation, partnership, individual, sole proprietor, joint stock company, joint venture or any other legal entity through which business is conducted;

“Excessive price” means a monetary value proposed by a bidder for any procurement which is in the estimation of the Bureau unreasonable and injudicious after consideration of the actual value of the item in question plus all reasonable imputations of cost and profit;

“Goods” means objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form and electricity as well as service incidental to the supply of the goods;

“Interim Performance Certificates” means evidence that a contractor or supplier as performed its obligations under a procurement contract up to a level stipulated by the contractor but not meaning completion;

“International Competitive Bidding” means the solicitation of bids from both domestic and foreign contractors and suppliers;

“Lowest evaluated responsive bid” is the lowest price bid amongst the bids that meets all the technical requirements and standard as contained in the tender document.

“Margin Of Preference” means the extra mark up on price allowed any domestic contractor or supplier bidding under International Competitive Bidding without being otherwise disadvantageous to the terms of price;

“Minor Value” means a monetary value which is not in excess of the monetary thresholds set for any approving authority by the Bureau;

“Monetary Threshold” means the value limit in Naira set by the Bureau outside of which an approving authority may not award a procurement contract;

“National Competitive Bidding” means the solicitation of bids from domestic contractors and suppliers registered or incorporated to carry on business under Nigeria Law;

“Negotiation” means discussions to determine the terms and conditions of a contract or procurement;

“Open Competitive Bidding” means the offer of prices by individuals or firm competing for a contract, privilege or right to supply specified goods, works, construction or services;

“Procurement” means acquisition;

"Procurement proceedings" means the initiation of the process of effecting a procurement up to award of a procurement contract;

"Procuring entity" means any public body engaged in procurement and includes a Ministry, Extra-Ministerial office, government agency, parastatal and corporation;

"Public Procurement" means the acquisition by any means of goods, works, or services by the government;

"Relevant authority" includes Economic and Financial Crimes Commission and Independent Corrupt Practices Commission;

"Services" means the rendering by a contractor or supplier of his time and effort and includes any object of procurement other than goods, works or construction;

"Solicitation Documents" means the bid solicitation documents or any other documents for solicitation of offers proposals or quotations;

"Special Purpose Goods" means any objects of armaments ammunition mechanical electrical equipment or other thing as may be determined by the President needed by the Armed Forces or Police Force as well as the services incidental to the supply of the objects;

"Substantially Responsive" means the response to bid solicitations which virtually answers to all needs of a procuring entity as stipulated in the bid solicitation documents;

"Supplier" means a real or legal person that provides supply of goods, contracting of works or consultants;

"Threshold" refers only to the approving and not the actual process of ward;

"Validity Period" means the period during which a bidder agrees not to increase the cost of bids or to remove any components of the bid;

"Works" means all works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works, such as site preparation, excavation of a building, installation of equipment or materials, decoration and finishing, as well as service incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to the procurement of contract, where the value of those services does not exceed that of the construction itself.

61. This Act may be cited as the Public Procurement Acts, 2007.

I Certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the federation of Nigeria 1990, that this is a true copy of the Bill passed by both House of the National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
1st Day of June, 2007.

EXPLANATORY MEMORANDUM

This Act establishes the National Council on Public Procurement and the Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for Public Procurement in Nigeria.

CHAPTER R7

REVENUE MOBILISATION, ALLOCATION AND FISCAL COMMISSION ACT

ARRANGEMENT OF SECTIONS

PART I

Establishment and Composition of Commission, etc.

SECTION

1. Establishment of the Revenue Mobilization, Allocation and Fiscal Commission.
2. Composition of the Commission.
3. Qualification, etc., of members of the Commission.
4. Tenure of Office.
5. Removal of member and cessation of membership.

Part II

Power and functions of commission

6. Powers of the Commission.
7. Independence of the Commission.
8. Proceedings in the Commission.

Part III

Organization and staff

9. Appointment and Functions of the Secretary.
10. Special provisions as regards personnel.
11. Service in the Commission to be pensionable.

Part IV

Financial Provisions and Reports

12. Establishment of fund by the Commission.
13. Accounts and audit.
14. Annual report.

Part V

Interpretations

- 15. Interpretation.
- 16. Short title

SCHEDULES

FIRST SCHEDULE

PART A

Offices

PART B

Offices

SECOND SCHEDULE

Proceeding of the Commission

CHAPTER R7

REVENUE MOBILISATION ALLOCATION AND FISCAL COMMISSION ACT

An Act to establish the Revenue Mobilization, Allocation and Fiscal Commission with the functions, amongst others, of monitoring the accruals to and disbursement of revenue from the Federal Account and reviewing, from time to time, the revenue allocation formulae to ensure conformity with changing realities.

[1989 No. 49.]

[29th December, 1989]

[Commencement]

PART I

Establishment and composition of Commission, etc

1. Establishment of the Revenue Mobilization, Allocation and Fiscal Commission

There shall be established for the Federation a Revenue Mobilization, Allocation and Fiscal Commission (in this act referred to as "the Commission") which, under that name, shall be a body corporate with perpetual succession and a common seal and may sue and be used in its corporate name, and whose members shall exercise the functions specified in the Constitution of the Federal Republic of Nigeria, 1999 and in this Act.

[Cap. C23]

2. Composition of the Commission

The Commission shall consist of a Chairman and one member from each State of the Federal Capital Territory, Abuja, who are persons of unquestionable integrity with requisite qualification and experience to be appointed by the President.

3. Qualification, of members of the commission

(1) Any person employed in the Public Service of the Federation or of a State shall not be disqualified for appointment as Chairman or Members of the Commission:

Provided that where that person has been duly appointed he shall, on his appointment, be deemed to have resigned or where appropriate, withdrawn or retired from his former office as from the date of the appointment.

(2) No person shall be qualified for further appointment to the Commission if, having previously been appointed as a members otherwise than as an ex-officio member of the Commission, he has been re-appointed for further term as a member of the Commission.

4. Tenure of office

Subject to the provisions of section 5 of this act and section 155(1) of the Constitution of the Federal Republic of Nigeria 1999, a member of the Commission shall hold office for a period of five years from the date of his appointment as a member.

[Cap. C23]

5. Removal of member and cessation of membership

A member of the Commission may only be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he be removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

PART II

Powers and functions of Commission

6. Powers of the commission

(1) The Commission shall have power to –

(a) monitor the accruals to and disbursement of Revenue from the Federation Account;

(b) review, from time to time, the revenue allocation formulae and principles in operation to ensure conformity with changing realities;

(c) advice the Federal, State and Local Governments on fiscal efficiency and methods by which their revenue is to be increased;

(d) determine the remuneration appropriate to the holders of the offices specified in Parts A and B of the First Schedule to this Act; as

[First Schedule.]

(e) make recommendations and submit its finding by report thereto

to the government of the Federation or of the State, as the case may be, regarding the formula for the distribution of the Federation Accounts and the local government Accounts; and

(f) discharge such other of the functions as may be conferred on the commission by the constitution of the Federal Republic of Nigeria, this Act, or any other Act of the National Assembly.

(2) For the attainment of the objectives set in subsection (1) of this section, the commission shall -

- (a) be a statutory member of each of the following Government Agencies -
- (i) the Federation Account Allocation Committee;
 - (ii) the Local Government Joint Account Allocation committee;
 - (iii) the Joint Tax Board;
 - (iv) the Niger-Delta Development Commission; and
 - (v) the Commission on Ecological Fund;
- (b) have the power to demand and obtain regular and relevant information, date or returns from any Government Agencies including the following, that is -
- (i) the Nigeria National Petroleum Corporation;
 - (ii) the Nigeria Customs Service;
 - (iii) the Federal Board of Inland Revenue;
 - (iv) the Central Bank of Nigeria; and
 - (v) the Federal Ministry of Finance.

[1993 No.95]

(3) It shall be the duty of the Government Agencies referred to in this section to section to comply with requests made by the Commission pursuant to subsection (1) of this section.

[1993 No.95]

7. Independence of the Commission

The Commission shall be an independent and autonomous body and shall be subject to the direction or control of any other authority or person in the exercise of its power to make appointments or to exercise disciplinary control over persons.

8. Proceedings of the Commission

The provisions of the Second Schedule to this Act shall apply with respect to the proceedings of the Commission and other matters provided therein.

[Second Schedule.]

PART III

Organization and staff

9. Appointment and Function of the Secretary

There shall be appointed by the President, a Secretary who shall carry out such duties as may be directed by the Commission, and he shall -

- (a) be responsible for preparing the minutes of the Commission's meeting;
- (b) keep and secure the records of the Commission;
- (c) issue notice of meeting of the Commission as directed by the Chairman or the Commission
- (d) be responsible for the implementation of the Commission's decisions, subject to the direction of the chairman or the Commission;
- (e) be the head of the Secretariat staff of the commission and responsible for the general administration of the chairman or the commission.
- (f) perform such other functions as may be determined by the commission.

10. Special provisions as regards Personnel

(1) The Federal Government or State Government may, on an application made to it by the Commission in that behalf, second to the Commission officers in the Public Service of the Federation or, as the case may be, of a State, to assist the Commission in the discharge of its functions under this Act.

(2) The Commission may, if it deems it necessary to do so and with approval of the president, appoint persons not in the Public Service of the Federation to such duties as the Commission may direct.

11. Service in the Commission to be pensionable

(1) Service in the commission is hereby declared as Public Service for the purpose of the Pensions Act.

[Cap. P4]

(2) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to subject pensions, gratuities and shall in respect of the retirement benefits as prescribed under the pensions act in respect of persons holding equivalent posts, and accordingly, and notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purpose of that Act.

(3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on term and condition which preclude the grant of a pension or gratuity in respect of service in that office.

PART IV

Financial provisions and reports

12. Establishment of Fund by the Commission

(1) The Commission shall establish and maintain a fund consisting of such moneys as may in each financial year be appropriated by the Government of the Federation for the purposes of the Commission.

(2) The Commission shall defray from fund established pursuant to subsection (1) of this section, all the amounts payable under or in pursuance of this act, being sums representing -

- (a) amount payable to the Chairman and other members of the Commission (including allowances);
- (b) costs of employment of Staff of the Commission;
- (c) Amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this act or any other enactment;
- (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;
- (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other functions of the Commission under or pursuant to this Act.

(3) The Chairman of the Commission shall be the Accounting Officer for the purpose of controlling and disbursing amount from the fund established pursuant to this section.

13. Account and Audit

(1) The secretary to the Commission shall, in each year, prepare estimates of recurrent and capital expenditure and which shall be approved by the commission and forward the approval to the Federal Government.

(2) The secretary shall keep proper accounts and proper records in relation thereto, under the direction and control of the Chairman.

(3) The accounts of the Commission shall be audited annually by external Auditors appointed annually by the Commission on such terms as the Commission may, after consultation with the Auditor-General of the Federation, determine.

14. Annual report

In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President not later than the 30th day of June in each financial years a report on the accounts of Commission during the immediately preceding financial year, and shall include in that report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

PART V

Interpretation

15. Interpretation

In this act, unless the context otherwise requires -

"chairman" means the chairman of the commission appointed under section 2 of this Act;

"Commission" means the commission established under section 153 (1) of the constitution of the Federal Republic of Nigeria and section 1 of this Act;

"function" includes powers and duties;

"member" used in relation to the commission includes the chairman; and the expression **"Public Service of the Federation"** and **"Public Service of a state"** have the meaning assigned to them respectively in subsection (1) of section 318 of the constitution of the federal republic of Nigeria 1999; and

[Cap. C23]

"Secretary" means the secretary of the commission appointed under section 9 of this Act.

16. Short title

This Act may be cited as the Revenue Mobilization, Allocation and Fiscal Commission Act

2. The quorum of the Commission shall be five and the quorum of any Committee of the Commission shall be determined by the Commission.

3. At any time while the office of the Chairman is vacant or the chairman is in the opinion of the Commission temporarily or permanently unable to perform the functions of his office, a member of the commission duly appointed by the commission shall perform those functions and references in this schedule to the Chairman shall be accordingly.

4. (1) Subject to the provisions of any applicable standing orders, the commission shall meet whenever summoned by the Chairman and if the chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within 21 days from the date on which the notice is given.

(2) At any meeting of the Commission, the chairman or, in his absence, any member duly appointed by the Commission shall preside at that meeting.

(3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit, but a person who is a member

by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

5. (1) The Commission may appoint one or more Committees to carry out on behalf of the Commission such of its functions as the Commission may determine.

(2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Commission and not more than one third of those persons may be persons who are not members of the Commission; and a person other than a member of the Commission shall hold office in the Committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a Committee of the Commission shall be of no effect until it is confirmed by the Commission.

6. The fixing of the Seal of the Commission shall be authenticated by the signature of the Chairman or of some other members authorized generally or specially by the Commission to act for the person.

CHAPTER R7

REVENUE MOBILISATION, ALLOCATION AND FISCAL COMMISSION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

FINANCE (CONTROL AND MANAGEMENT) ACT

CAP. F.26

Laws of the Federation 2004

CHAPTER F26

FINANCE (CONTROL AND MANAGEMENT) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

General supervision and control

3. Legislative control and management of the public finances.
4. Minister's instructions to be complied with, and powers to inspect, etc.

PART II

The Consolidated Revenue Fund

5. Management of Consolidated Fund.
6. Authorised issues from the Fund.
7. Erroneous receipts.
8. Losses.

PART III

Investments

9. Authorisation of investments.
10. Investments General. Procedure concerning these.
11. Income of Investments General.
12. Fluctuation in value of Investments General.

PART IV

Legislative authorisation of expenditure

13. Annual estimates in Appropriation Bill.
14. Supplementary provision.

SECTION

15. Contingencies Fund.
16. Unexpended votes to lapse.
17. Provision if Appropriation Act not in force.

PART V

Other public funds of the Federation

18. Specification of certain public funds allocated by law.
19. Carrying forward of annual balance.
20. Interest and investment fluctuation to accrue to certain funds.
21. Interest and investment fluctuation to accrue to Consolidated Revenue Fund in certain cases.
22. Fluctuation in value of investments.
23. Rules for management of funds.

PART VI

Miscellaneous

24. Annual accounts of all funds.

SCHEDULES

FIRST SCHEDULE

Public Funds of the Federation

SECOND SCHEDULE

Development Fund Rules

THIRD SCHEDULE

Contingencies Fund Rules

CHAPTER F26

FINANCE (CONTROL AND MANAGEMENT) ACT

An Act to provide for the control and management of the public finances of the Federation and for matters connected therewith.

[1958 No. 33.]

[31st July, 1958]

[Commencement.]

1. Short title

This Act may be cited as the Finance (Control and Management) Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires -

“**A c c o u n t a n t - G e n e r a l**” means
t h e A c c o u n t a n t - General of the
Federation;

“**appropriation Act**” means the Act enacted in each year the principal purpose of which is the appropriation of public moneys for such services as are specified in such Act;

“**Consolidated Revenue Fund**” means the Consolidated Revenue Fund of the Federation established by section 80 of the Constitution of the Federal Republic of Nigeria 1999 (hereinafter called “the Constitution”);

[Cap. C23.]

“Minister” means the Minister charged with responsibility for matters relating to finance;

“public moneys” include -

- (a) the public revenues of the Federation; and
- (b) moneys held in his official capacity, whether temporarily or otherwise, and whether subject to any trust or specific allocation or not, by any officer in the public service of the Federation or any State on behalf of the Government of the Federation, or by any agent of the Government, either alone or jointly with any other person;

“statutory expenditure” with reference to subsection 2 of this section means -
[L.N. 139 of 1965.]

- (a) the expenditure charged on the Consolidated Revenue Fund by any provision of the Constitution; and
- (b) such other expenditure as shall from time to time, be charged by law on the Consolidated Revenue Fund or the general revenue and assets of the Federation or on the other public funds of the Federation,

and shall include expenditure which constitutes such a charge by virtue of the provisions of this Act;

“supplementary appropriation Act” means any Act the principal purpose of which is the appropriation of moneys in supplementation of the appropriation already made by an appropriation Act.

(2) The expenditure of moneys appropriated or granted by an Appropriation Act or a supplementary Appropriation Act shall not by virtue only of such Appropriation Act or supplementary Appropriation Act be deemed to amount to a charge on the fund out of which such expenditure is authorised to take place, and such expenditure shall accordingly not be comprised within the definition of statutory expenditure contained in subsection (1) of this Act.

(3) A reference to the Minister in this Act in relation to the signing or issue of a warrant shall imply a similar authority enabling the President to sign or issue such warrant.

[L.N. 139 of 1965.]

PART I

General supervision and control

3. Legislative control and management of the public finances

The Minister shall so supervise the expenditure and finances of the Federation as to ensure that a full account is made to the Legislature and its financial control is maintained and for such purpose shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 and of this Act, have the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of the Federation which are not by law assigned to any other Minister.

[Cap. C23.]

4. Minister’s instructions to be complied with, and powers to inspect, etc.

(1) Every person concerned in or responsible for the collection, receipt, custody, issue or payment of public moneys, stores, stamps, investments, securities, or negotiable instruments, whether the property of Government or on deposit with or entrusted to Government or any public officer in his official capacity either alone or jointly with any public officer or any other person, shall obey all instructions that may, from time to time, be issued by the Minister or by direction of the Minister in respect to the custody and handling of the same and accounting therefor.

(2) The Permanent Secretary exercising supervision over any department of Government for which the Minister is charged with responsibility, and any other officer subordinate to such Permanent Secretary, shall be entitled to inspect all offices and shall be given access at all times thereto and shall be given all available information he may require with regard to the moneys and property specified in subsection (1) of this section and to all documents and records in respect thereof, so far as may in any way be necessary in the opinion of the Minister for the purpose of compliance with the provisions of subsection (1) of this section and section 3 of this Act.

PART II

The Consolidated Revenue Fund

5. Management of Consolidated Fund

The management of the Consolidated Revenue Fund shall be conducted in accordance with the Financial Provisions of the Constitution and this Act.

6. Authorised issues from the Fund

(1) It shall be lawful for the Minister to authorise by warrant the issue from the Consolidated Revenue Fund of moneys necessary to meet statutory expenditure or to meet the cost of any purpose for which any sum has been appropriated in accordance with any Act.

(2) In respect of the issue of moneys other than statutory expenditure, no authority shall be given under subsection (1) of this section in excess of the sum appropriated for the purpose concerned.

(3) Notwithstanding the issue of a warrant, the President or the Minister may limit or suspend expenditure (not being statutory expenditure) with or without cancellation of the warrant if in his opinion financial exigencies or the public interest require.

7. Erroneous receipts

The repayment of any moneys received in error by the Consolidated Revenue Fund is hereby charged on the Fund, and the Minister may by warrant authorise an issue to effect such repayment.

8. Losses

Where a loss has occurred of any moneys forming part of the Consolidated Revenue Fund, or it is necessary to make a further issue therefrom in respect of moneys already issued therefrom which have been misappropriated or lost, or it is necessary to make an issue therefrom to effect the replacement of any Government property which has been misappropriated or lost, then, subject to any express provision of this or any other Act, an adjustment of the Fund or an issue from the Fund for such purpose shall only be effected by the issue of a warrant by the Minister under the authority of an appropriation or supplementary Appropriation Act.

PART III

Investments

9. Authorisation of investments

(1) The Consolidated Revenue Fund, and any other public fund of the Federation subject to any express provisions of law regulating any such public fund, may in part consist of deposits with a bank, or with the Joint Consolidated Fund, either at call or subject to notice not exceeding six months, or if any investments in which a trustee in Nigeria may lawfully invest trust funds, and the disposition of moneys of the Consolidated Revenue Fund or of such other public fund (subject as aforesaid) for any such purpose shall need no legislative authority other than that contained in this section and may be made by the Accountant-General or the State Agents for Overseas Governments and Administration in accordance with specific instructions issued by the Minister.

(2) No moneys deposited or invested otherwise than in accordance with subsection (1) of this section may form part of the Consolidated Revenue Fund, or of any other public fund of the Federation, and the disposition of any moneys from that Fund or those funds for any purpose other than the form of deposit or investment specified in that subsection shall be made in accordance with the procedure prescribed in this Act or in accordance with the provisions of law regulating the fund in question.

10. Investments General. Procedure concerning these

(1) The Accountant-General shall maintain under the designation of Investments General a record of certain investments.

(2) Investments General shall consist of -

(a) those investments forming part of Consolidated Revenue Fund by virtue of section 9 of this Act;

(b) any investments held in respect of moneys being part of the

Contingencies Fund referred to in section 15 of this Act;

(c) such investments held in respect of the public funds of the Federation specified in the First Schedule to this Act that the Minister shall designate in writing:

Provided that the Minister shall not designate any fund in respect of which by virtue of the provisions of law regulating such fund neither the receipts and outgoings nor the appreciation and depreciation of the investments forming part of the fund may accrue or does accrue to the Consolidated Revenue Fund.

[First Schedule.]

11. Income of Investments General

(1) All income accruing to Investments General shall accrue to the Consolidated Revenue Fund and shall be included in the annual statement of revenue of the Federation for each financial year.

(2) This section shall come into operation in respect of investments included in the record of Investments General at any time during the period of twelve months ending the 31st day of March, 1959, and in respect of all interest accruing within such period.

12. Fluctuation in value of Investments General

(1) The Accountant-General shall in each year value any securities forming part of Investments General by assigning thereto the mean market price of such securities at the close of business on the last day in the year for which such information is available.

(2) Any appreciation or depreciation arising from the valuation of such securities, together with any profits or losses arising from the sale or redemption of such securities, shall be credited or debited direct to the Consolidated Revenue Fund, and be shown as an addition to or deduction from the opening

balance of the Consolidated Revenue Fund in the annual statement of assets and liabilities of the Federation.

PART IV

Legislative authorisation of expenditure

13. Annual estimates in Appropriation Bill

(1) In accordance with the provisions of the Constitution, the Minister shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year, which shall be presented to the President for approval and when approved by him shall be laid before each House of the National Assembly at a meeting commencing before the 1st day of January of the Financial year to which they relate.

[L.N. 139 of 1965.]

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by the Constitution) shall be included in a bill to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

14. Supplementary provision

If in respect of any financial year it is found that -

- (a) the amount appropriated by the Appropriation Act for any purpose is insufficient; or
- (b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act,

a supplementary estimate showing the sums required shall be laid before each House of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

17. Contingencies Fund

(1) There shall be provided out of the Consolidated Revenue Fund upon the coming into operation of this Act the sum of one hundred million naira or such other sums as may be approved by the National Assembly for the establishment of a fund to be known as the Contingencies Fund.

(2) The Contingencies Fund may be utilised for making moneys available to meet expenditure (other than statutory expenditure as aforesaid) which is not provided for in the Appropriation Act for the current year, and which although otherwise falling to be met out of the Consolidated Revenue Fund cannot be postponed, or cannot without serious injury to the public interest be postponed, until a supplementary Appropriation Act providing for it can be passed into law.

16. Unexpended votes to lapse

Subject to any express provision of an Appropriation Act or supplementary Appropriation Act, moneys appropriated thereby and not expended shall lapse and accrue to the Consolidated Revenue Fund at the expiration of the year in respect of which they are appropriated.

17. Provision if Appropriation Act not in force

(1) If the Appropriation Act has not come into operation at the commencement of any financial year, the President may authorise the withdrawal of moneys from the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the

Government of the Federation for a period not exceeding six months or until the Appropriation Act comes into operation whichever is earlier.

(2) Any moneys so authorised to be withdrawn shall not exceed the amount authorised to be withdrawn under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year and shall be set off against the amount respectively provided in the Appropriation Act upon the same coming into operation.

PART V

Other public funds of the Federation

18. Specification of certain public funds allocated by law

(1) The public funds specified in Part I of the First Schedule to this Act shall be deemed to have been established with effect from the 1st day of April, 1958, and subject to the provisions of sections 20 and 21 of this Act and the express provisions of law regulating any such fund, the balances in such funds on that day, and the receipts and earnings and other items respectively accruing to such funds since that date, shall be deemed to be allocated by law for the purposes therein specified in respect of each such fund.

[First Schedule. Part I.]

(2) Whenever moneys are allocated by law to establish a fund or whenever it shall appear to the Minister that any public fund which is the property of the Federation or which comes into the possession of the Federation or of any public officer on behalf of the Federation, but which is not specified in the First Schedule to this Act, is by the provisions of law regulating such fund allocated for a specific purpose, and that for that reason such fund should not form part of the Consolidated Revenue Fund, the Minister shall by order amend Part II of the First Schedule to this Act by the addition of the title of such fund and a reference to the specific purpose to which it is allocated.

[First Schedule. Part II.]

(3) The Treasury funds specified in Part III of the First Schedule to this Act shall, with effect from the 1st day of April, 1958, be deemed to have been established and to be public funds of the Federation allocated by law for the specified purposes therein specified in respect of each such fund.

[First Schedule. Part III.]

(4) Moneys coming into the possession of the Federation since the 1st day of April, 1958, which are held on behalf of other persons or bodies and which do not accrue to any other fund specified in the First Schedule to this Act shall be deemed to have accrued to and shall be credited to the Treasury Clearance Fund specified in Part III of the said Schedule.

(5) The Minister may by Order amend the First Schedule to this Act by the deletion therefrom of the particulars relating to any fund which may lawfully be absorbed into a form part of the Consolidated Revenue Fund or which has otherwise ceased to exist.

19. Carrying forward of annual balance

Subject to the provisions of any law regulating any public fund, the balance remaining in such fund at the end of each financial year shall during the continuance of the existence of such fund be carried forward to the credit of that fund at the beginning of the next financial year.

20. Interest and investment fluctuation to accrue to certain funds

Unless by the provisions of law regulating any fund specified in the First Schedule to this Act it is provided that interest earned by that fund shall accrue to the Consolidated Revenue Fund, that interest, and all receipts, earnings and other items accruing in respect of such fund, shall be credited to the fund

itself, and any appreciation or depreciation in the value of any investments of such fund arrived at in accordance with section 22 of this Act shall similarly be taken to the account of that fund.

21. Interest and investment fluctuation to accrue to Consolidated Revenue Fund in certain cases

(1) Where by the provisions of law regulating any fund specified in the First Schedule to this Act it is provided that interest earned by that fund shall accrue to the Consolidated Revenue Fund, any depreciation in the value of investments of that fund and any losses on the sale or redemption of such investments shall be borne by the Consolidated Revenue Fund and any appreciation in the value of investments of such fund, and any profit on the sale or redemption of such investments, shall similarly accrue to the Consolidated Revenue Fund, save that any appreciation or depreciation in the value of investments and profit or loss on the sale or redemption of investment forming a part of the Reserve Fund referred to in that Schedule shall be taken to the account to the Reserve Fund itself.

[First Schedule.]

(2) Interest earned by the following funds specified in the First Schedule to this Act shall accrue to the Consolidated Revenue Fund -

- (a) Stock Transfer Stamp Duty;
- (b) Reserve Fund;
- (c) Development Fund;
- (d) University College Capital Account;
- (e) University College Endowment Fund;
- (f) Contingencies Fund.

22. Fluctuation in value of investments

(1) The Accountant-General shall in each year value any securities, other than those forming part of Investments General as provided for in section 10 to this Act, held by any of the funds specified in the First Schedule to this Act by assigning thereto the mean market price of such securities at the close of business on the last day in the year for which such information is available.

[First Schedule.]

(2) Any appreciation or depreciation in the valuation of such securities so assigned, together with any profits or losses arising from the sale or redemption of such securities, shall be credited or debited direct to the Consolidated Revenue Fund or to the fund in question in accordance with the provisions of section 20 or 21 of this Act as the case may be.

23. Rules for management of funds

(1) Disbursement from any funds specified in the First Schedule to this Act (other than the Development Fund and the Contingencies Fund) shall be made in accordance with rules to be made by the Minister and approved by Resolution of the National Assembly.

[First Schedule. L.N. 139 of 1965.]

(2) All rules made under subsection (1) of this section shall be consistent with the provisions of law regulating that fund.

(3) The Development Fund and the Contingencies Fund referred to in the First Schedule to this Act shall be operated in accordance with the rules set out in the Second and Third Schedules to this Act; and the provisions of the Second and Third Schedules may be amended by further rules made by this act the Minister and published in the Federal *Gazette*.

Provided that such further rules shall cease to have effect if a Resolution at the next meeting of the National Assembly thereafter shall so require.

[First, Second and Third Schedule.]

PART VI

Miscellaneous

24. Annual accounts of all funds

The Accountant-General shall sign and present to the Auditor-General for the Federation accounts showing fully the financial position on the last day of each financial year of the Consolidated Revenue Fund and of the funds specified in the First Schedule to this Act and such accounts shall form part of the accounts referred to in section 85 of the Constitution but the accounts relating to the University College Capital Account referred to in the First Schedule to this Act shall be signed and presented as soon as may be practicable to do so after the close of the financial year.

[Cap. C23.]

SCHEDULES

FIRST SCHEDULE

[Section 18.]

Public funds of the Federation

PART I

Funds established with effect from the 1st April, 1958

- (1) Stock Transfer Stamp Duty Fund:
To meet stamp duties on transfer of Nigerian Government stock.
- (2) Reserve Fund:
To provide a reserve for use in major emergency.
- (3) Development Fund:
To finance the general capital expenditure of the Government, including non-recurrent statutory expenditure not suitable for inclusion in the Estimates of Recurrence Expenditure.
- (4) Deceased Officers' Children's Education Grant:
To make grants towards the cost of educating the children of deceased officers.
- (5) Sir Alfred Jones' Bequest:
To provide technical education for Nigerians.
- (6) K. W. Marchant Memorial Fund:
To provide prizes for students at King's College, Lagos.
- (7) University College Capital Account:
To provide for approved schemes of capital expenditure on the University College Ibadan.
- (8) University College Endowment Fund:

To provide for anticipated deficits in the University College's recurrent expenditure.
[1964 No. 32.]

(9) Armed Forces Benefit Fund:

The Fund established by section 287 of the Armed Forces Act, for the purposes specified in that section.

[L.N. 132 of 1967. Cap. A20.]

(10) Federal Institute of Industrial Research Revolving Fund:

The Fund established by the appropriation of the sum of N30,000 (thirty thousand naira) under Head 622 Sub-head 106 of the 1968 Capital Estimates to the Federal Institute of Industrial Research for the setting up of testing apparatus and procedures on consumable stores and for modifying technology at the request of industrial concerns.

[L.N. 45 of 1971.]

PART II

Funds established upon or after commencement of Act

(1) Contingencies Fund:

The Fund established by section 15 of this Act for the purposes therein specified.

(2) Federal Government African Staff Housing Scheme Fund:

The Fund established by the appropriation of N300,000 from the Development Fund under Head 605 Item 35 of the Capital Expenditure Estimates for 1960/61 for the purpose of an African Staff Housing Scheme.

[L.N. 51 of 1961.]

(3) Non-Pensionable Government Servants' Provident Fund:

The Fund established by regulation 3 of the Government Servants' Provident Fund Regulations.

(4) Non-Pensionable Railway Servants' Provident Reserve Fund:

The Fund established by regulation 26 (1) of the Railway Servants' Provident Fund Regulations.

(5) Police Reward Fund:

The Fund established by section 33 of the Police Act.

[Cap. P19.]

(6) Post Office Savings Bank Fund:

The Funds of the Savings Bank established by the Federal Savings Bank Act.

[Cap. F20.]

(7) Any moneys and other property however held for the credit of -

(a) The Royal West African Frontier Force Rewards Fund; and

(b) The General Officer Commanding the Nigerian Military Force Fund.

[L.N. 105 of 1962.]

(8) Armed Forces Comfort Fund:

The Fund established by section 1 of the Armed Forces Comfort Fund Act for the purposes specified in section 2 of that Act.

Act for the

[Cap. A21.]

PART III

Treasury funds demed to be public funds

- (1) Personal Advance Fund:
An amount of two million naira, to provide for advances lawfully made to members of the National Assembly and to members of the public service.
- (2) Treasury Clearance Fund:
An amount of two hundred thousand naira, to provide for acceptance and repayment of deposits and for non-personal advances and to provide for payments on behalf of other administrations.

SECOND SCHEDULE

[Section 23.]

Rules for the operation of the Development Fund

1. The Development Fund will be used to finance general capital expenditure of the Government of the Federation and the accounts relating thereto shall be kept by the Accountant-General.
[L.N. 170 of 1959.]
2. The receipts of the Development Fund shall consist of -
 - (a) the product of loans raised by the Government of the Federation for purposes for which the Fund is set up unless allocated by or under this or some other law to some other purpose;
 - (b) development grants made to the Government of the Federation;
 - (c) development grants made to the Government of the Federation by any other government or body;
 - (d) sums from time to time authorised by law;
 - (e) sums from time to time authorised by the resolution of the National Assembly to be transferred from the Consolidated Revenue Fund.
3. (1) No moneys shall be withdrawn from the Fund for the purpose of meeting any expenditure except upon the authority of a warrant under the hand of the Minister.

(2) Subject to the provisions of rules 5 and 7 of this Schedule, no such warrant shall be issued (except in respect of statutory expenditure) unless the expenditure has been authorised by a Resolution of the National Assembly, under the authority of these rules.
4. (1) The Minister shall cause to be prepared in each financial year estimates of the receipts and expenditure in respect of the Development Fund for the next following financial year, which shall be laid before the National Assembly.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the National Assembly by means of a motion which shall seek to authorise expenditure under appropriate Heads for the services required.

5. (1) When in any financial year the capital estimates or supplementary capital estimates for that year show a figure for the estimated total cost of any sub-head of a Head over any period which is in excess of the total sum appropriated for that sub-head for the current year, the Minister of Finance may by warrant authorise the expenditure of any sum which when added to the expenditure incurred on the same sub-head in previous years and to the expenditure already authorised for the same sub-head for the current year does not cause to be exceeded the latest estimated expenditure for that sub-head included in the capital estimates or supplementary capital estimates approved by the National Assembly for that year.

[L.N. 50 of 1959. L.N. 77 of 1962.]

(2) When in any financial year the provisions included for any sub-head in the capital estimates or supplementary capital estimates of the immediately preceding year was not fully expended, the Minister of Finance may by warrant authorise the expenditure of the unspent balance of the sum of sums authorised for that sub-head in the immediately preceding financial year, provided that the amount so authorised shall not when added to the expenditure incurred in previously years and to the provision already made in the current year exceed the latest figure for the estimated total cost of the corresponding sub-head included in any capital estimates or supplementary capital estimates approved by the National Assembly.

(3) When in any financial year provision is made in the capital estimates or supplementary capital estimates under any Head for increased costs, the Minister of Finance may by warrant increase the authorised expenditure under any sub-head of that Head provided that the total additional expenditure so authorised does not exceed the amount provided for increased costs.

[L.N. 50 of 1959.]

(4) When in any financial year it becomes necessary to incur expenditure additional to that made in the capital estimates or supplementary capital estimates under any sub-head of any Head of Minister of Finance may by warrant authorise such additional expenditure provided equivalent savings can be quoted from the provision made in that year under another sub-heads of the same Head.

(5) No warrant may be issued under this rule for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorised for the year has been provided for.

(6) Any warrant issued under the authority of this rule shall be reported to the National Assembly at its next ensuing meeting.

6. (1) If, at the commencement of any financial year, the National Assembly has not authorised expenditure in respect of the Development Fund for that financial year, the Minister may authorise by warrant the issue from the Development Fund of such moneys as are necessary for carrying on projects for which any expenditure has been authorised in any previous financial year.

[L.N. 47 of 1960.]

(2) Warrants issued under this rule shall only be for a period of four months or until the proposals for all expenditure contained in the Estimates (other than statutory expenditure) shall be submitted to the vote of the National Assembly whichever is shorter.

(3) Any moneys so authorised to be issued shall not exceed the sum specified for such project in the draft Estimates presented for the financial year and shall be set off against the amounts respectively provided in such Estimates upon the authority of the National Assembly being obtained.

(4) Any warrant issued under the authority of this rule shall be reported to the National Assembly at its next ensuring meeting.

7. Whenever in circumstances other than those set out in rule 5 of this Schedule -

- (a) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service for that year; or
- (b) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service for which expenditure has not been authorised for that year,

the proposals for such expenditure shall be submitted to the vote of the National Assembly by means of a motion which shall seek to authorise expenditure under appropriate Heads for the services required.

8. (1) Notwithstanding rule 6 of this Schedule, the President may, by warrant under the hand of the Minister, authorise the issue from the Fund of such sum as may be necessary for expenditure upon any service -

[L.N. 139 of 1965.]

- (a) of a special character which is not provided for in the expenditure already authorised by the National Assembly for that year; or
- (b) which will result in an excess of the sum authorised for any service by the National Assembly for that year,

and which in either event cannot, or cannot without serious injury to the public interest, be postponed until adequate provision can be made by the National Assembly.

(2) No warrant may be issued for an amount which if it were expended at once would exhaust the balance of the fund remaining after all other expenditure authorised for the year has been provided for.

9. Any issue from the Fund authorised in accordance with the provisions of rule 7 of this Schedule, shall be submitted to the National Assembly for approval in the manner prescribed by rule 6 of this Schedule during its next ensuring meeting.

THIRD SCHEDULE

[Section 23.]

Rules for the operation of the Contingencies Fund

1. The Minister may by warrant authorise the issue from the Contingencies Fund of such sum as may be necessary for expenditure upon any service -

- (a) of a special character which is not provided for in the appropriation Act; or
- (b) which will result in an excess of the sum provided for that service in the appropriation Act,

and which cannot, or cannot without serious injury to the public interest, be postponed until provision can be made by supplementary appropriation Act.

2. The amount for which any warrant is issued shall be withdrawn from the Contingencies Fund and shall be paid into the Consolidated Revenue Fund to meet the expenditure specified on the warrant and the moneys remaining available in the Fund shall be reduced accordingly. Any amounts withdrawn and remaining unspent at the end of the year shall accrue to the Consolidated Revenue Fund.

3. Each warrant authorising the issue of a sum from the Fund shall specify under which Head or Heads of the expenditure estimates the expenditure of the sum issued shall be recorded and such expenditure shall be accounted for in the same manner as if it had been authorised by a supplementary appropriation Act.

4. (1) All withdrawals from the Fund shall be reported to the National Assembly at its next ensuing meeting and the National Assembly shall be asked to appropriate from the Consolidated Revenue Fund to the Contingencies Fund a sum equal to the total of the sums withdrawn and not already made good by previous appropriations from the Consolidated Revenue Fund so that the Contingencies Fund shall be restored to the amount appropriated under section 15 of the Act.

(2) Appropriations to the Contingencies Fund under this rule shall be effected by inclusion in a supplementary appropriation Act and the sums included in accordance with this rule shall be set out separately from any sums it is sought to appropriate under section 13 or 14 of the Act.

5. No moneys shall accrue to the Fund other than moneys appropriated by an Act and any interest or other accruals, which might otherwise be received by the Fund, shall accrue to the Consolidated Revenue Fund. Any part of the Fund which may be invested shall form part of Investments General referred to in section 10 of the Act.

CHAPTER F26

FINANCE (CONTROL AND MANAGEMENT) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

ALLOCATION OF REVENUE (FEDERATION ACCOUNT, ETC)

ACT

CAP. A15

Laws of the Federation 2004

CHAPTER A15

ALLOCATION OF REVENUE (FEDERATION ACCOUNT, ETC.) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Distribution of the Federation Accounts, etc.
2. Formula for distribution between the Federal and State Governments.
3. Formula for distribution between Local Government Councils.
4. Proportion of revenue to be paid by each State to Joint Local Government Account.
5. Allocations under special Funds.
6. Establishment of Federation Account Allocation Committee and functions.
7. Establishment of Joint Local Government Account Allocation Committee for each State and functions.
8. Limit on power of State Governments for borrowing money.
9. Report by Accountants-General in the Federation.
10. Interpretation.
11. Short title.

CHAPTER A15

ALLOCATION OF REVENUE (FEDERATION ACCOUNT, ETC.) ACT

An Act to prescribe the basis for distribution of revenue accruing to the Federation Account between the Federal and State Governments and the Local Government Councils in the States; the formula for distribution amongst the States inter se; the proportion of the total revenue of each State to be contributed to the State Joint Local Government Account; and for other purposes connected therewith.

[1982 No. 1.]

[22nd January, 1982]

[Commencement.]

1. Distribution of the Federation Accounts, etc.

The amount standing to the credit of the Federation Account, less the sum equivalent to 13 per cent of the revenue accruing to the Federation Account directly from any natural resources as a first line charge for distribution to the beneficiaries of the derivation funds in accordance with the Constitution shall, be distributed among the Federal and State Governments and the Local Government Councils in each State of the Federation on the following basis, that is to say -

- | | |
|----------------------------|-----------------|
| (a) the Federal Government | 56.00 per cent; |
| (b) the State Governments | 24.00 per cent; |

- (c) the Local Government Councils 20.00 per cent.

[1992 No. 106. S.I. 9 of 2002.]

2. Formula for distribution between the Federal and State Governments

(1) The 56.00 per cent specified in section 1 (a) of this Act shall be allocated to the Federal Government and utilised as follows -

- (a) Federal Government 48.50 per cent;
 - (b) General Ecological Problems 2.00 per cent;
 - (c) Federal Capital Territory 1.00 per cent;
 - (d) Stabilisation Account 1.50 per cent;
 - (e) Development of Natural Resources 3.00 per cent/
- [1992 No. 106. S.I. 9 of 2002].

(2) The 24.00 per cent standing to the credit of all the States in the Federation Account as specified in section 1 (b) of this Act shall be distributed among the States of the Federation using the factors specified in this Act.

[S.I. 9 of 2002.]

(3) For the purpose of subsection -

(a) Land mass of a State or local government shall be the proportional areal size (PAS) of the State or the local government to the total areal size of Nigeria, and shall be obtained as follows -

(i) for each State -

$$\frac{\text{Areal size of State} \times 100}{\text{Total areal size of Nigeria}}$$

(ii) for each Local Government -

$$\frac{\text{Areal size of Local Government Area} \times 100}{\text{Total areal size of Nigeria}}$$

(b) The allocation due to terrain is made on the basis of the proportional areal size of the three identified major terrain types present in the State or Local Government area respectively, which are -

- (i) wetlands/waterbodies;
- (ii) plains; and
- (iii) highlands;

(c) (i) education as a parameter for allocation to Social Development Factor (SDF) shall be measured in terms of primary school enrolment which attracts 60 per cent of the allocation to education while the remaining 40 per cent is made using secondary/commercial school enrolment; and allocation on the basis of primary school enrolment is made solely on direct proportion. 50 per cent of the allocation on the basis of secondary/commercial school enrolment is made in direct proportion while the remaining 50 per cent is made in inverse proportion. School enrolment refers to public funded schools only;

(ii) health as a parameter for allocation to social development factor shall be measured in terms of the number of State/Local Government hospital beds there are and 50 per cent of the allocation to health shall be made in direct proportion to the number of the State hospital beds, while the remaining 50 per cent shall be made in inverse proportion;

(iii) water as a parameter for allocation to social development factor shall be represented by mean annual rainfall in the State headquarters and territorial spread of State: 50 per cent of the allocation to water shall be made in direct proportion to the State's territorial spread, while the remaining 50 per cent shall be made in inverse proportion to the mean annual rainfall in each State headquarters, using the most current five year figures, the same year for all the States.

[1992 No. 106.]

(4) For the avoidance of doubt, a sum equivalent to the difference between the amount standing to the credit of the Federation Account in any one year, less the aggregate of the sums specified in section 1 of this Act shall revert to the Federation Account to be allocated and distributed in accordance with the provisions of this Act.

3. Formula for distribution between Local Government Councils

Subject to the provisions of this Act, the amount standing to the credit of local government councils in the Federation Account shall be distributed among the States of the Federation for the benefit of their local government councils using the same factors specified in this Act.

[1992 No. 106. S.I. 9 of 2002.]

4. Proportion of revenue to be paid by each State to State Joint Local Government Account

(1) In addition to the allocation made from the Federation Account under section 1 of this Act to Local Government Councils, there shall be paid by each State in the Federation to the State Joint Local Government Account (as specified in subsection (5) of section 162 of the Constitution of the Federal Republic of Nigeria) in each quarter of the financial year, a sum representing 10 per cent of the internally-generated revenue for that quarter of the State concerned.

[Cap. C23. 1992 No. 106.]

(2) The 10 per cent of each State's internally-generated revenue payable to the Local Government Councils in the State, under the provision of subsection (1) of this section, shall be distributed among the Local Governments in that State on such terms and in such manner as the State House of Assembly may prescribe.

[1992 No. 106.]

5. Allocations under special Funds

(1) An amount equivalent to 1 per cent of the Federation Account shall be allocated to the Federal Capital Territory.

(2) An amount equivalent to 3 per cent of the Federation Account derived from mineral revenue shall be paid into a fund to be administered by the Niger Delta Development Commission established by the Niger Delta Development Commission (Establishment, etc.) Act for the development of the mineral producing areas, in accordance with such directives as may be issued in that behalf, from time to time by the National Assembly, and the fund shall be distributed among the areas on the basis of need, subject to section 7 of the Niger Delta Development Commission (Establishment, etc.) Act.

[Cap. N86.]

(3) For the purposes of subsection (2) of this section, and for the avoidance of any doubt, the distinction hitherto made between on-shore and off-shore oil mineral revenue for the purpose of revenue sharing and the administration of the Fund for the development of the oil mineral producing areas, is hereby abolished.

(4) An amount equivalent to 2 per cent of the Federation Account shall be paid into a fund to be administered by an Agency to be set up for that purpose for the amelioration of general ecological problems in any part of Nigeria, in accordance with directives as may be issued from time to time by the National Assembly.

(5) An amount equivalent to 0.5 per cent of the Federation Account shall be allocated and paid into a fund to be designated "Stabilisation Fund", which shall be administered by the Minister for Finance; the residue arising out of using mineral revenue, instead of the Federation Account as the base for allocation to the Fund for the development of the mineral producing areas shall be added to this Fund.

(6) An amount equivalent to 1 per cent of the Federation Account derived from mineral revenue shall be shared among the mineral producing States based on the amount of mineral produced from each State and in the application of this provision, the dichotomy of on-shore and off-shore oil production and mineral oil and non-mineral oil revenue is hereby abolished.

(7) For the purpose of this Act, and for the avoidance of any doubt, where any State of the Federation suffers absolute decline in its revenue arising from factors outside its control, as a result of the implementation of this Act, the Stabilisation Fund shall be used to initially augment the allocation to that State, in accordance with acceptable threshold, to be worked out by the National Revenue Mobilisation Allocation, and Fiscal Commission, at which recourse can be had to the Fund and for how long.

[1992 No. 106.]

6. Establishment of Federation Account Allocation Committee and functions

(1) There is hereby established for the Federation, a body to be known as the Federation Account Allocation Committee which shall comprise the following members, that is to say -

- (a) the Federal Minister of Finance to be chairman thereof;
- (b) the Commissioner for Finance of each State in the Federation;
- (c) two persons to be appointed by the President; and
- (d) the Accountant-General of the Federation.

(2) The Permanent Secretary of the Federal Ministry of Finance or such officer as may be designated by the said Minister shall be the Secretary to the Committee.

(3) The functions of the Committee shall be -

- (a) to ensure that allocations made to the States from the Federation Account are promptly and fully paid into the treasury of each State on the basis and terms prescribed by this Act; and
- (b) to report annually to the National Assembly in respect of the function specified in the above paragraph.

7. Establishment of Joint Local Government Account Allocation Committee for each State and functions

There is hereby established for each State in the Federation, a body to be known as the State Joint Local Government Account Allocation Committee which shall comprise the following members, that is to say -

- (a) the Commissioner charged with the responsibility for Local Government in the State to be the chairman thereof;
- (b) the Chairman of each Local Government Council in the State;
- (c) two persons to be appointed by the Governor of the State;
- (d) two representatives of the Accountant-General of the Federation;
and
- (e) the Accountant-General of the State.

(2) The Permanent Secretary of the State Ministry charged with responsibility for local government or such officer as may be designated by the said Commissioner shall be the Secretary to the Committee.

(3) The functions of the Committee shall be to ensure that allocations made to the Local Government Councils in the State from the Federation Account and from the State concerned are promptly paid into the State Joint Local Government Account and distributed to Local Government Councils in accordance with the provisions of any law made in that behalf by the House of Assembly of the State.

8. Limit on power of State Governments for borrowing money

The power of State Governments for borrowing money shall not extend to money, funds or revenue allocated to Local Government Councils under this Act.

9. Report by Accountants-General in the Federation

(1) Not later than ninety days following the end of each financial year, the Accountant-General of the Federation shall report to each House of the National Assembly on the payments made to each State under this Act and stating whether or not the payments were correctly made under this Act.

(2) Not later than ninety days following the end of each financial year, the Accountant-General of each State shall report to the House of Assembly of the State and each House of the National Assembly on the payments made to each Local Government Council in the State and stating whether or not the payments made were correctly made under this Act and under the relevant Law of the State governing such payments.

10. Interpretation

In this Act, unless the context otherwise requires -

“Constitution” means the Constitution of the Federal Republic of Nigeria 1999;

“Federation Account” means the Federation Account established under section 162(1) of the Constitution.

11. Short title

This Act may be cited as the Allocation of Revenue (Federation Account, etc.) Act.

CHAPTER A15

ALLOCATION OF REVENUE (FEDERATION ACCOUNT, ETC.) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

FISCAL RESPONSIBILITY ACT 2007

ARRANGEMENT OF SECTIONS

Sections:

PART I – ESTABLISHMENT, FUNCTIONS, POWER OF THE FISCAL RESPONSIBILITY COMMISSION.

1. Establishment of the Fiscal Responsibility Commission
2. Responsibility, powers and functions of the commission
3. Functions of the Commission
4. Establishment of a fund for the Commission
5. Composition of the Commission
6. Tenure of office
7. Power of the Commission
8. Cessation of membership
9. Emoluments etc. of members
10. Submission of annual report of the Commission.

PART II – THE MEDIUM-TERM EXPENDITURE FRAMEWORK

11. Medium-term Expenditure
12. Aggregate expenditure ceiling
13. Preparation of Medium-Term Expenditure Framework
14. Time limit for presentation of medium-term Expenditure Framework to Federal Executive Council
15. Publication of medium-Term Expenditure Framework work in the *Gazette*
16. Adjustment to the medium-Term Expenditure Framework
17. Assistance to state and Local Government

PART III – THE ANNUAL BUDGET

18. Annual budget to be derived from medium-term Expenditure Framework
19. Annual budget to be accompanied by certain documents
20. Application of part III to state and Local Governments.

PART IV – BUDGET PLANNING OF CORPORATIONS AND OTHER RELATED AGENCIES

21. Preparation of estimate of revenue and expenditure by corporation etc.
22. Operation surplus and general reserved fund
23. Classification of corporation operating surplus
24. Cessation of application of Party IV

PART V – BUDGETARY EXECUTION AND ACHIEVEMENT OF TARGETS

25. Annual cash plan
26. Disbursement Schedule.
27. Power of minister to approve virement.
28. Power to restrict further commitments
29. Restriction on the grant of tax relief.
30. Responsibility of the budget office to monitor and report on implementation.
31. Application of part v to state and Local Government.

PART VI – PUBLIC REVENUES

32. Forecast and collection of public revenues
33. Revenue forecast
34. Executive to breakdown estimated revenue.

PART VII – SAVINGS AND ASSET MANAGEMENT

35. Penalty for non-compliance with Part VI

PART VIII – PUBLIC EXPENDITURE

36. Conditions for increasing government expenditure.
37. Conditions for increasing personal expenditure.
38. All contracts to comply with rules and guidelines.
39. Effect of violation of public expenditure rules
40. Application of Part VIII to State and Local Governments

PART IX – DEBT AND INDEBTEDNESS

41. Framework for debt management.
42. Limit on consolidated debt of Federal, State and Local Governments.
43. Servicing of external debt.

PART X - BORROWING

44. Conditions of borrowing and verification of compliance with limit
45. Lending by financial institutions
46. Prohibition against CBN in its relation with Government agencies and Parastatals.
47. Power of the minister to grant guarantees.

PART XI – TRANSPARENCY AND ACCOUNTABILITY

48. Fiscal transparency of audited accounts by all arms of Government.
49. Publication of audited accounts by all arms of Government.
50. Publication of summarized report on budget execution.

PART XII – ENFORCEMENT

51. Enforcement

PART XIII – MISCELLANEOUS PROVISIONS

52. Government securities as collateral to guarantee loans.
53. Restriction on utilization of proceeds of sale of public assets etc.
54. Technical and financial assistance to States and Local Governments.
55. Power of president to make regulations.

PART XIV – INTERPRETATION

56. Interpretation.
57. Citation

SCHEDULE

FISCAL RESPONSIBILITY ACT, 2007

2007 ACT No. 31

An Act 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 a 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; and for related matters

[30th Day of July, 2007]

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

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

1. (1) There shall be established, a body to be known as the Fiscal Responsibility Commission (in this Act referred to as "the Commission").

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. (1) For the purpose of performing its functions under this Act, the Commission shall have power to:

- (a) compel any person or government institution to disclose information relating to public revenues and expenditure; and
- (b) cause an investigation into whether any person has violated any provisions of this Act.

(2) If the Commission is satisfied that such a person has committed any punishable offence under this Act violated any provisions of this Act, the Commission shall forward a report of the investigation to the Attorney-General of the Federation for possible prosecution.

3. (1) The Commission shall:

- (a) monitor and enforce the provisions of this Act and by so doing, promote the economic objectives contained in section 16 of the Constitution;
- (b) disseminate such standard practices including international good practice that will result in greater efficiency in the allocation and management of public expenditure, revenue collection, debt control and transparency in fiscal matters;
- (c) undertake fiscal and financial studies, analysis and diagnosis and disseminate the result to the general public;
- (d) make rules for carrying out its functions under this Act; and
- (e) perform any other function consistent with the promotion of the objectives of this Act.

(2) The Commission shall be independent in the performance of its functions.

(3) The provisions of Public Protection Act shall apply to the members of the Commission in discharge of their functions under this Act

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

(2) There shall be credited to the Fund established pursuant to subsection (1) of this section, the budgetary allocation from the Federal Government and grants from any other source.

5. (1) The Commission shall consist of:

- (a) a chairman, who shall be the Chief Executive and accounting officer of the Commission;
- (b) one member representing:
 - (i) the organized private sector,
 - (ii) Civil Society engaged in causes relating to probity, transparency and good governance,
 - (iii) organized labour,
- (c) a representative of the Federal Ministry of Finance of

- a level not below the rank a Director; and
- (d) one member to represent each of the following six geopolitical zones of the country, that is: North-Central, North-East, North-West, South-East, South-West, and South-South.

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

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

(4) The Chairman and members representing the six geo-political zones shall be full time members.

6. The Chairman and members of the Commission shall hold office for a single term of 5 years.

7. The Commission shall have power to:

- (a) formulate and provide general policy guidelines for the discharge of the functions of the Commission;
- (b) superintend the implementation of the policies of the Commission;
- (c) a p p o i n t f o r t h e C o m m i s s i o n , s u c h n u m b e r s o f employees as may in the opinion of the Commission be expedient and necessary for the proper and efficient performance of the functions of the Commission;
- (d) determine the terms and conditions of service in the Commission, including disciplinary measures for the employees of the Commission;
- (e) fix the remuneration, allowances and benefits of the employees of the Commission as approved by the Salaries and Wages Commission;
- (f) do other things, which in its opinion are necessary to ensure the efficient performance of the functions of the Commission; and
- (g) regulate its proceedings and make standing orders with respect to the holding of its meetings, notices to be given, the keeping of minutes of its proceedings and such other matters as the Commission may, from time to time, determine.

8. (1) Notwithstanding the provisions of section 5 (2) of this Act, a member of the Commission shall cease to hold office if -

- (a) he becomes bankrupt or makes a compromise with his creditors;
- (b) he is convicted of a felony or any offence involving dishonesty, corruption or fraud;
- (c) he becomes incapable of carrying out the functions of his office either by reason of an infirmity of mind or body;
- (d) the President is satisfied that it is not in the interest of the Council or the interest of the public that the member should continue in office and the President removes him from office;
- (e) he has been found guilty of violation of the code of conduct or serious misconduct in relation to his duties;
- (f) he r e s i g n s h i s a p p o i n t m e n t b y a n o t i c e under his hand, addressed to the President: or

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

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

9. (1) There shall be paid to the Chairman of the Commission such salaries allowances and benefits as the Revenue Mobilisation Allocation and Fiscal Commission may from time to time, approve.

(2) There shall be paid to other members of the Commission such sitting allowances and benefits as may be determined by the Revenue Mobilisation Allocation and Fiscal Commission may, from time to time, approve.

10. The Commission shall prepare and submit to the National Assembly not later than 30th June in each financial year; a report of its activities including all cases of contravention investigated during the preceding financial year, and shall include in the report a copy of its audited accounts for the preceding financial year.

PART II – THE MEDIUM-TERM EXPENDITURE FRAMEWORK

11. (1) The Federal Government after consultation with the States shall -

- (a) not later than six months from the commencement of this Act, cause to be prepared and laid before the National Assembly, for their consideration a Medium-Term Expenditure Framework for the next three financial years; and
- (b) thereafter, not later than four months before the commencement of the next financial year, cause to be prepared a medium-Term Expenditure Framework for the next three financial years.

(2) The frame-work so laid shall be considered for approval with such modifications if any, as the National Assembly finds appropriate by a resolution of each House of the National Assembly.

(3) The Medium-Term Expenditure Framework shall contain:

- (a) a Macro-economic Framework setting out the macro-economic projections, for the next three financial years, the underlying assumptions for those projections and an evaluation and analysis of the macroeconomic projections for the preceding three financial years;
- (b) a Fiscal Strategy Paper setting out:
 - (i) The Federal Government's medium-term financial objectives,
 - (ii) the polices of the Federal Government for the medium-term relating to taxation, recurrent (non-debt) expenditure, debt expenditure, capital expenditure, expenditure, borrowings and other liabilities, lending and investment,
 - (iii) the strategic, economic, social and developmental priorities of the Federal Government for the next three financial years,
 - (iv) an explanation of how the financial objectives, strategic, economic, social and developmental priorities and fiscal measures set out pursuant to subparagraphs (i), (ii) and (iii) of this paragraph relating to the economic objectives set out in section 16 of the Constitution;

- (c) an expenditure and revenue framework setting out:
- (i) estimates of aggregate revenues for the Federation for each financial year, based on the predetermined Commodity Reference Price adopted and tax revenue projections,
 - (ii) aggregate expenditure projection for the Federation for each financial year in the next three financial years, and
 - (iii) aggregate tax expenditure projection for the Federation for each financial year in the next three financial years, and
 - (iv) minimum capital expenditure floor for the Federation for each financial year in the next three financial years:

Provided that, the estimates and expenditures provided under paragraph (d) of this subsection shall be:

- (i) based on reliable and consistent data certified in accordance with section 13 (2) (b) of this Act;
 - (ii) targeted at achieving the macro-economic projection set out in subsection (2) (a) of this section;
 - (iii) consistent with and derive from the underlying assumptions contained in the Macro-economic framework, the objectives, policies, strategic priorities and explanations in the Fiscal Strategy paper;
- (d) a Consolidated Debt Statement setting out and describing the fiscal significance of the debt liability of the Federal Government and measures to reduce any such liability; and
- (e) a statement describing the nature and fiscal significance of contingent liabilities and quasi-fiscal activities and measures to offset the crystallization of such liabilities.

12. The estimates of:

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

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

13. (1) The Minister shall be responsible for the preparation of the Medium-Term Expenditure Framework.

(2) In preparing the draft Medium-Term Expenditure Framework, the Minister:

- (a) may hold public consultation, on the Macro-economic Framework, the Fiscal Strategy Paper, the Revenue and Expenditure Framework, the strategic, economic, social and developmental priorities of government, and such other matters as the Minister deems necessary;

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

(b) shall seek inputs from the:

- (i) National Planning Commission,
- (ii) Joint Planning Commission,
- (iii) National Commission on Development Planning,
- (iv) National Economic Commission,
- (v) National Assembly
- (vi) Central Bank of Nigeria,
- (vii) National Bureau of Statistics,
- (viii) Revenue Mobilization Allocation and Fiscal Commission,
- (ix) any other relevant statutory body as the Minister may determine; and

(c) shall consider and reflect as may be deemed appropriate the input of the bodies and persons referred to in subsection (a) and (b) of this section.

14. (1) The Minister shall before the end of the second quarter of each financial year, present the Medium-Term Expenditure Framework to the Federal Executive Council for consideration and endorsement.

(2) The Medium-term Expenditure Framework as endorsed by the Federal Executive Council shall take effect upon approval by a resolution of each house of the National Assembly.

15. The Medium-Term Expenditure Framework as approved by the National Assembly shall be published in the *Gazette*.

16. (1) Subject to subsection (2) of this section, the President may cause adjustments to be made to a Medium-Term Expenditure Framework.

(2) Any adjustment to a Medium-Term Expenditure Framework shall be limited to:

- (a) the correction of manifest error, and
- (b) changes in the fiscal indicators, which in the opinion of the President are significant.

17. States and Local Governments which so desire shall be assisted by the Federal Government to manage their fiscal affairs within the medium-term framework.

PART III - THE ANNUAL BUDGET

18. Notwithstanding anything to the contrary contained in this Act any other law, the Medium-Term Expenditure Framework shall:

(1) be the basis for the preparation of the estimates of revenue and expenditure required to be prepared and laid before the National Assembly under section 81 (1) of Constitution.

(2) The sectoral and compositional distribution of the estimates of expenditure referred to in subsection (1) of this section shall be consistent with the medium term developmental priorities set out in the Medium Term expenditure Framework.

19. The estimates of revenue and expenditure (in the Act referred to as the "*Annual Budget*") shall be accompanied by:

- (a) a copy of the underlying revenue and expenditure profile for the next two years;
- (b) a report setting out actual and budgeted revenue and expenditure and detailed analysis of the performance of the budget for the 18 months up to June of the preceding financial year;
- (c) a revenue framework broken down into monthly collection targets prepared on the basis of the predetermined Reference Commodity Price as contained in Medium-Term Expenditure Framework;
- (d) measures on cost, cost control and evaluation of result of programmes financed with budgetary resources;
- (e) a Fiscal Target Appendix derived from the underlying Medium-Term Expenditure Framework setting out the following targets for that financial year:
 - (i) target inflation rate,
 - (ii) target fiscal account balances,
 - (iii) any other development target deemed appropriate; and
- (f) a Fiscal Risk Appendix evaluating the fiscal and other related risks to the annual budget and specifying measures to be taken to offset the occurrence of such risks.

20. In preparing their annual budget, States and Local Governments may adopt the provisions of this Part with such modification as may be appropriate and necessary.

PART IV - BUDGETARY PLANNING OF CORPORATIONS AND OTHER RELATED AGENCIES

21. (1) The Government corporations and agencies and government owned companies listed in the Schedule to this Act (in this Act referred to as "*the Corporations*") shall, not later than 6 months from the commencement of this Act and for every three financial years thereafter and not later than the end of the second quarter of every year, cause to be prepared and submitted to the Minister their Schedule estimates of revenue and expenditure for the next three financial years.

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

- (a) an a n n u a l b u d g e t d e r i v e d f r o m
t h e e s t i m a t e s
submitted in pursuance of subsection (1) of this section; and
- (b) projected operating surplus which shall be prepared
in line with acceptable accounting practices.

(3) The Minister shall cause the estimates submitted in pursuance of subsection (2) of this section to be attached as part of the Appropriation Bill to be submitted to the National Assembly.

22. (1) Notwithstanding the provisions of any written law governing the corporation, each corporation shall establish a general reserve fund and shall allocate thereto at the end of each financial year, one-fifth of its operating surplus for the year.

(2) The balance of the operating surplus shall be paid to the Consolidated Revenue Fund of the Federal Government, not later than one month following the statutory dead line for publishing each corporation's accounts.

23. (1) The Corporation's surpluses be classified as a Federal Treasury Revenue.

(2) Where a corporation's result is a deficit, the deficit shall be classified as the corporation's loss for the fiscal year.

(3) Each corporation shall, not later than three months after the end of its financial year, cause to be prepared and published its audited financial reports in accordance with such rules as may be prescribed from time to time.

24. The provisions of sections 20, 21 and 22 shall cease to apply to any of the corporations from the date of its privatization.

PART V - BUDGETARY EXECUTION AND ACHIEVEMENT OF TARGETS

25. (1) The Federal Government shall cause to be drawn up in each financial year, an Annual Cash Plan which shall be prepared by the office of the Accountant-General of the Federation.

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

26. The Minister, shall within 30 days of the enactment of the Appropriation Act, prepare and publish a disbursement Schedule derived from the Annual Cash Plan for the purpose of implementing the Appropriation Act.

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

(2) Without prejudice to subsection (1) of this section, the Ministry may in exceptional circumstances and in the overall public interest, recommended for the approval of the National Assembly virements from sub-heads of account, without exceeding the amount appropriated to such head of account.

28. (1) Where by the end of three months, after the enactment of the Appropriation Act, the Minister determines that the targeted revenues may be insufficient to fund the heads of expenditure in the Appropriation Act, the Minister shall, within the next 30 days of such determination, take appropriate measures to restrict further commitments and financial operation according to the criteria set in the Fiscal Risk Appendix

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

(3) The provisions of subsections (1) and (2) of this section shall not apply to statutory or constitutional expenditure.

29. (1) Any proposed tax expenditure shall be accompanied by an evaluation of its budgetary and financial implications in the year it becomes effective and in the three subsequent years, and shall only be approved by the Minister, if it does not adversely impair the revenue estimates in the annual budget or if it is accompanied by countervailing measures during the period mentioned in this subsection through revenue increasing measures such as tax rate raises and expansion of the tax base.

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

- (a) changes in the rates of the taxes mentioned in section 163 of the Constitution; and
- (b) debt cancellation in an amount lower than the cost of collection.

30. (1) The Minister of Finance, through the Budget Office of the Federation, shall monitor and evaluate the implementation of the Annual Budget, assess the attainment of fiscal targets and report thereon on a quarterly basis to the Fiscal Responsibility Council and the Joint Finance Committee of the National Assembly.

(2) The Minister of Finance shall, cause the report prepared pursuant to subsection (1) of this section to be published in the mass and electronic and on Ministry of Finance website, not later than 30 days after the end of each quarter.

31. In implementing their annual budgets, States and Local Governments may adopt the provisions of this Part with such modifications as may be appropriate and necessary.

PART VI - PUBLIC REVENUES

32. Any fund due to the Federation from any tier of government may be set off by the Federation in or towards payment or remittance of any sum due to that tier of government from the Federation.

33. The Executive Arm of the Federal Government shall, at least 30 days before the deadline for the submission of its budget proposals, place at the disposal of the National Assembly, the revenue estimates for the following year, including the net current revenue and the respective memorandum items.

34. Estimated revenue shall be broken down by the Executive Arm of Government into monthly collection targets, including, where applicable, a separate description of measures to combat tax fraud and evasion.

PART VII - SAVINGS AND ASSET MANAGEMENT

35. (1) Where the reference commodity price rise above the predetermined level, the resulting excess proceeds shall be saved in accordance with the provisions of subsection (2) of this section.

(2) The savings of each Government in the Federation in pursuance to subsection (1) of this section shall be deposited in a separate account which shall form part of the respective Governments Consolidated Revenue Fund to be maintained at the Central Bank of Nigeria by each Government.

(3) The Central Bank of Nigeria shall, in consultation with the Minister of Finance, the State Commissioners of Finance, and Local Government Treasurers, invest, for and on behalf of the Governments in the Federation, the savings of each Government and such investment can be undertaken

in a consolidated manner, provided that, the shares of each Government and income due to them from the investment are clearly identified.

(4) The Central Bank of Nigeria in the discharge of its obligation under subsection (3) of this section shall, observe the limits and conditions imposed by safety and prudential considerations and the need to maintain macro-economic stability and such safety and prudential conditions are to be agreed upon with Minister of Finance, State Commissioners of Finance, and Local Government Treasurers.

(5) No Government in the Federation shall have access to the savings made in pursuance to subsection (2) of this section, unless the reference commodity price falls below the predetermined level for a period of three consecutive months.

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

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

PART VIII - PUBLIC EXPENDITURES

36. (1) The creation, expansion or improvement in government action which result in an expenditure increase shall be accompanied by:

- (a) an estimates of the budgetary or financial impact in the year it becomes effective and in the two subsequent years; and
- (b) a s t a t e m e n t b y t h e p e r s o n r e q u e s t i n g f o r t h e expenditure, stating that the increase is consistent with the Appropriation Act and the Medium-Term Expenditure Framework.

(2) The provisions of this section shall not apply to expenditures deemed inconsequential and shall apply to State and Local Government only to the extent to which they have adopted these provisions.

37. The granting of any advantage or increase of remuneration, the creation of posts or allocation of career structures and admission of personnel on any account by bodies and entities including foundations established and maintained by the Federal Government shall only be effected if, there is a prior budgetary allocation sufficient to cover the estimated expenditure.

38. All contracts with regards to the execution of annual budget; shall comply with the rules and guidelines on:

- (a) procurement and award of contracts; and
- (b) due process and certification of contract.

39. Any violation of the requirements in sections 36, 37 and 38 shall be an offence.

40. In incurring public expenditures, States and Local Governments may adopt the provisions of this Part with such modifications as may be appropriate and necessary.

PART IX - DEBT AND INDEBTEDNESS

41. (1) The framework for debt management during the Financial year shall be based on the following rules:

- (a) Government at all tiers shall only borrow for capital expenditure and human development, provided that, such borrowing shall be on concessional terms with low interest rate and with a reasonable long amortization period subject to the approval of the appropriate legislative body where necessary; and
- (b) Government shall ensure that the level of public debt as a proportion of national income is held at a sustainable level as prescribed by the National Assembly from time to time on the advice of the Minister.

(2) Notwithstanding the provisions of subsection 1 (a) of this section and subject to the approval of the National Assembly, the Federal Government may borrow from the capital market.

(3) Non-compliance with the provisions of this section shall make the action taken an offence.

42. (1) The President shall within 90 days from the commencement of this Act and with advice from Minister of Finance subject to approval of National Assembly, set overall limits for the amounts of consolidated debt of the Federal, State Governments pursuant to the provisions of items 7 and 50 of Part I of the Second Schedule to the Constitution and the limits and conditions approved by the National Assembly, shall be consistent with the rules set in this Act and with the fiscal policy objectives in the Medium Term-Fiscal Framework.

(2) Outstanding judgment debts not paid shall be considered part of the consolidated debts for the purpose of application of the respective limits set in pursuance of this section.

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

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

(5) Where at the end of any quarter, the consolidated debt of the Federal, State or Local Governments exceeds the respective limits, it shall be brought within the limit not later than the end of the three subsequent quarters with a minimum of 25 per cent reduction in the first quarter.

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

- (a) be prohibited from borrowing from internal or external sources, except for the refinancing of existing debts; and
- (b) bring the debt within the established limit by restricting funding commitments accordingly.

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

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

43. (1) Servicing of external debts shall be the direct responsibility of the Government that incurred the debt.

(2) The cost of servicing Federal Government guaranteed loans shall be deducted at source from the share of the debtor Government from the Federation Account

PART X - BORROWING

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

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

- (a) the existence of prior authorization in the Appropriation or other Act or Law for the purpose for which the borrowing is to be utilized; and
- (b) the proceeds of such borrowing shall solely be applied towards long-terms capital expenditures.

(3) Nothing in this section shall be construed to authorize borrowing in excess of the limits set out in section 44 of this Act.

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

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

45. (1) All banks and financial institutions shall request and obtain proof of compliance with the provisions of this Part before lending to any Government in the Federation.

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

46. (1) The Central Bank of Nigeria in its relations with Government agencies and parastatals shall be subject to the following prohibitions:

- (a) purchasing fresh issues of government securities on the date of its primary issue in the market, except in the circumstances under subsection (2) of this section;
- (b) exchanging on a temporary basis, the debt securities of any Government in the Federation for Federal public debt securities and forward purchase or sale of such securities when the final result is similar to an exchange; or
- (c) granting guarantees on behalf of any Government in the Federation.

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

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

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

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

- (a) counter-guarantee shall only be accepted from State or Local Governments; and
- (b) the counter-guarantee required by the Federal Government from State or Local Government or by State from Local Government, may consist in the appropriation of tax revenue directly collected and resulting from statutory transfers and the guarantor shall be authorized to retain such revenue and use the respective amount to repay overdue debts.

(3) In the case of foreign currency borrowing, Federal Government guarantee shall be a requirement and no State, Local Government or Federal Agency shall, on its own borrow externally.

(4) Any guarantee provided in excess of the debts limits set pursuant to section 44(1) of this Act shall be an offence.

PART XI - TRANSPARENCY AND ACCOUNTABILITY

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

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

49. (1) The Federal Government shall publish their audited accounts not later than six months following the end of the financial year.

(2) Federal Government shall, not later than two years following the commencement of this Act and thereafter, not later than 7 months following the end of each financial year, consolidate and publish in the mass media, its audited accounts for the previous year.

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

50. The Federal Government through its budget within 30 days after the end of each quarter, publish a summarized report on budget execution in such form as may be prescribed by the Fiscal Responsibility Commission and not later than 6 months after the end of the financial year, a consolidated budget execution report showing implementation against physical and financial performance targets shall be published by the Minister of Finance for submission to the National Assembly and dissemination to the public.

PART XII - ENFORCEMENT

51. A person shall have legal capacity to enforce the provisions of this Act by obtaining prerogative orders or other remedies at the Federal High Court, without having to show any special or particular interest.

PART XIII - MISCELLANEOUS PROVISIONS

52. Government securities, provided that, they are duly listed on the stock exchange, may be offered as collateral to guarantee loans or other financial transactions under the law for their economic values as defined by the Ministry.

53. The proceeds derived from the sale or transfer of public properties and rights over public assets shall not be used to finance recurrent and debt expenditure, provided that, such proceeds may be used to liquidate existing liabilities directly charged against such properties or assets.

54. The Federal Government may provide technical and financial assistance to States and Local Government that adopt similar fiscal responsibility legislation along the same lines as this Act for the modernization of their respective tax, financial and asset administration.

55. The President shall, in addition to any other power, conferred on him under this Act, make regulations generally for the purposes of carrying into effect the provisions of this Act

PART XIV - INTERPRETATION

56. In this Act -

“Appropriation Act” means an Act or Law passed by the National or State Assembly or Local Government authorizing spending from the Consolidated Revenue Fund and includes a Supplementary Appropriation Act or Law;

“Appropriation Bill” means the Bill referred to in sections 59 of the Constitution of the Federal Republic of Nigeria, 1999;

“Arms of Government” means the Executive, Legislature and Judiciary;

“Borrowing” means any financial obligation arising from:

- (i) any loan including principal, interest, fees of such loan;
- (ii) the deferred payment for property, goods or services;
- (iii) bonds, debentures, notes or similar instruments;
- (iv) letters of credit and reimbursement obligations respect thereto;
- (v) trade or hankers' acceptance;
- (vi) capitalized amount of obligations under leases entered into primarily as a method of raising financing or of financing the acquisition of the asset leased;
- (vii) agreements providing for swaps, ceiling rates, ceiling and floor rates, contingent participation or other hedging mechanisms with respect to the payment of interest or the convertibility of currency and
- (viii) a conditional sale agreements, capital lease or other little retention agreement;

“Budget Call Circular” means a circular:

- (i) requesting the submissions in a prescribed form, of

- the revenue and expenditure estimates of ministries, extra-ministerial departments, and other executing agencies of Government for the next financial year; and
- (ii) giving details guidelines and instructions on the preparation of the estimates and expenditure in a manner consistent with the medium term developmental priorities set out in the Medium-Term Expenditure Framework;

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

“concessional terms” means the terms of the loan must be at an interest rate not exceeding 3 percent;

“consolidated debt” means the aggregate of the outstanding financial obligations of Government including those of its Parastatals and agencies at any point in time arising from:

- (i) borrowing money including principal, interest, fees of such borrowed money,
- (ii) the deferred payment for property, goods or services.
- (iii) bonds, debentures, note or similar instruments,
- (iv) letters of credit and reimbursement obligations with respect thereto,
- (v) Guarantees,
- (vi) trade or banker’s acceptances,
- (vii) capitalized amounts of obligations under leases entered into primarily as a method of raising financing or of financing the acquisition of the asset leased,
- (viii) agreements providing for swaps, ceiling rates, ceiling and floor rates, contingent participation or other hedging mechanisms with respect to the payment of interest or the convertibility of currency and
- (ix) a conditional sale agreement, capital lease or other little retention agreement;

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

“Fiscal Risk Appendix” An explanatory attachment that provide a set of indicator that can be used to measure local fiscal risk;

“Fiscal Risk Target” provides numerical target for each risk indicator with which a fiscal entity will be considered fiscally healthy.

“Fiscal Year” has the meaning ascribed in the Constitution;

“Fiscal Policy Objectives” means the goals set by Government for attainment of set targets for a given period;

“Government Owned Company” means a statutory corporation, Government agency and a company in which Government has controlling interest;

“Medium-Term Expenditure Framework” means the document referred to and the content of which is prescribed in section 1 of this Act;

“Minister” means the Minister charged with the responsibility for finance;

“Net debt” means the Consolidated Debt less what is owed to Government, its Parastatals and agencies at any point in time;

“President” means the President of the Federal Republic of Nigeria;

“Public Debt Securities” means public debt represented by securities issued by the Federal Government (including those of the Central Bank of Nigeria), the State and Local Governments;

“Public Expenditure” means outlays other than those resulting into debt reduction;

“Public revenue” all moneys received by a Government in the Federation;

“Quarter” means one quarter of a financial year and quarterly shall be construed accordingly;

“Recurrent Expenditure” means normal overhead and administrative expenses and personnel cost including salaries, emoluments and other benefits of employees;

“Reference Commodity Price” means such price as may be determined by the President subject to the approval of the National Assembly;

“Refinancing of debt securities”, means issuance of securities to repay the existing debt;

“State financial institution”, means any financial institution in which one or more state governments has controlling shares;

“State” shall be construed to include the Federal Capital Territory;

“Tax expenditure projections” means the projected amount expected to be utilized in the granting of tax relief or tax holiday;

“Tax revenue projections” means the projected collectible tax or revenue within a particular planning period; and

“Tiers of Government” means the Federal, State and Local Governments;

57. This Act may be cited as the Fiscal Responsibility Act, 2007.

SCHEDULE

Section 21

LIST OF CORPORATIONS, AGENCIES AND GOVERNMENT-OWNED COMPANIES

1. Nigerian National Petroleum Corporation.

2. Nigeria Deposit Insurance Corporation.
3. Bureau of Public Enterprises.
4. National Agency for Science and Engineering Infrastructure.
5. Nigerian Social Insurance Trust Fund.
6. Corporate Affairs Commission.
7. National Clearing and Forwarding Agency.
8. Nigeria Unity Line.
9. Nigerian Airspace Management Agency.
10. Nigerian Shippers Council.
11. National Maritime Authority.
12. Raw Material Research and Development Council.
13. Nigerian Civil Aviation Authority.
14. National Sugar Development Council.
15. Nigerian Postal Service.
16. Nigerian Ports Authority.
17. Federal Airport Authority of Nigeria.
18. Nigeria Mining Corporation.
19. Nigeria Re-insurance.
20. Nigerdock Nigeria Plc.
21. Securities and Exchange Commission.
22. National Insurance Corporation of Nigeria.
23. Nigeria Re-insurance Corporation.
24. Nigerian Telecommunication.
25. National Automotive Council.
26. Nigerian Tourism Development
27. National Communication Commission.
28. National Agency for Food & Drug Administration & Control.
29. Nigerian Customs Service.
30. Federal Inland Revenue Service.
31. Central Bank of Nigeria.

Any other corporation, agency or government-owned company that may be included by Minister through a local notice.

EXPLANATORY MEMORANDUM

This Act, among other things, establishes the Fiscal Responsibility Commission charged with the responsibility of monitoring and enforcing the provisions of this Act to ensure greater accountability, transparency and prudence in the management of the Nation's resources by the Federal Government, Government-owned corporations or companies and agencies as provided for undersections 13, 16 (1) and (2) and item 60 of the Exclusive Legislative List as set out in Part 1 of the Second Schedule to the 1999 Constitution of the Federal Republic of Nigeria and provides incentives to encourage States and Local Government pass similar fiscal responsibility legislation.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, CAP. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by the both Houses of the National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
19th day of July, 2007