



**A BILL FOR A LAW TO REPEAL
THE EDO STATE AUDIT LAW, 2019 AND TO ENACT THE EDO
STATE AUDIT LAW 2021, PROVIDE FOR THE ESTABLISHMENT OF
EDO STATE AUDIT SERVICE COMMISSION AND THE OFFICE OF
THE AUDITOR-GENERAL OF EDO STATE AND LOCAL
GOVERNMENTS AND FOR OTHER CONNECTED PURPOSES**

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| Enactment | 1. Be it enacted by the Edo State House of Assembly and by the Authority of same as follows: |
| Citation | 2. This Law may be cited as the Edo State Audit (Repeal) Law, 2021 |
| Commencement | 3. This Law shall come into force on the day of...
.....2021 |
| Establishment of
Audit Service
Commission | 4. There is hereby established a commission to be known as Audit Service Commission (referred to in this Law as “the Commission”)

a. The Commission shall be a body corporate with perpetual succession and a common seal

b. shall have power to sue and be sued. |
| Composition and
Appointment of
Members of the
Commission | 5.

(1) The Commission shall comprise of a Chairman and four other members with at least one (1) from each of the three (3) Senatorial Districts. One of whom shall be a professionally qualified Accountant/Auditor.

(2) The Chairman and other Members of the Commission shall be appointed by the Governor and their appointment shall be subject to confirmation by the House of Assembly. |

Qualification of Membership	<p>6. No person shall be qualified for appointment as a member of the Commission if;</p> <ul style="list-style-type: none"> a) Within the preceding ten (10) years they have been removed as a member of any of the bodies established by section 197 of the Constitution of the Federal Republic of Nigeria 1999 or as a holder of any other office on the ground of misconduct; or b) He/she has been convicted of a criminal offence by a Court of competent jurisdiction or Tribunal. c) No person employed in the Public Service of the Federation or of a State shall be qualified for appointment as Chairman or Member of the Commission provided that where such a person has been duly appointed to the Commission, he shall on such appointment be deemed to have resigned from his Public Service Office as from the date of appointment to the Commission.
Tenure of Office	<p>7. A member of the Commission shall hold office for a period of four (4) years from the date of their appointment and may be re-appointed for another term only, subject to further confirmation by the State House of Assembly.</p>
Cessation of Office	<p>8. The Chairman and any other Member shall cease to hold office in the event of any of the following:</p> <ul style="list-style-type: none"> a) where he has been found to have been involved in any act that in the opinion of the Governor is inimical to the interest of the Office occupiers or the State; or b) if he resigns his membership of the Commission in writing by a letter addressed to the Governor; or c) in case of permanent incapacity or death; or d) been convicted of an offence which involves moral turpitude; or e) the Governor may recommend the said Chairman or Members' removal to the House of Assembly which

may approve same by at least two third majority decision; or

- f) become bankrupt or made a compromise with his creditors.

Filling of Vacancy **9.** At the commencement of this Law, or upon the expiration of the tenure of Members of the Commission at any time upon vacancy occurring in the membership of the Commission, the Governor shall within 30 days fill the vacancy upon confirmation by the House of Assembly.

Remuneration **10.** The Chairman and Members of the Commission shall be paid such remuneration and/or allowance commensurate to those payable to other Commissioner of the State, in the case of the Chairman and Permanent Secretary, in the case of a Member.

Secretary to the Commission **11.** 1. There shall be appointed by the Commission, a Secretary who shall be;

a) a senior officer not below the rank of a Director in the State Civil Service; or its equivalent who on appointment shall enjoy all the rights and privileges of a Permanent Secretary in the State Civil Service; and

b) the Accounting Officer of the Commission.

2. The Secretary shall hold Office on such terms and conditions as may be applicable in the State Civil Service.

3. Subject to the general direction of the Commission, the Secretary shall be responsible for the day to day administration of the Commission and for the keeping of books and proper records of proceedings in the Commission.

4. The Secretary shall perform all other duties affecting the Commission as may be assigned to him by the Chairman.

**Powers and
Functions of the
Commission**

- 12.** (1) The Commission shall appoint persons to hold or act in such other Offices as may constitute the Directorates units of the Office.
- (2) The Audit Service Commission shall have power to:
- a) appoint persons to Offices of the Auditor-General;
 - b) handle all matters on recruitment, promotion and discipline of Members of Staff of the Office of Auditor-General;
 - c) formulate and implement guidelines; perform such other duties and functions as are necessary or expedient for the discharge of its function under this Law; and
 - d) review from time to time, the administrative structure of the Office to meet prevailing needs of the Office.
- (3) Nothing in this Law shall preclude the creation of more Departments/Units by the Commission, and neither shall the Commission be precluded from making appointments into such Department/Units.
- (4) If the Commission considers it expedient that any vacancy in the Commission should be filled by a person holding Office in any Service of the State, it shall notify the appropriate Body to that effect and the Commission may, by arrangement with the Body concerned cause such vacancy to be filled by way of secondment or transfer.
- (5) Where any Member or Staff of any Service commission is seconded under subsection (4) of this section, he shall be notified of the terms and conditions of the secondment; and the secondment shall be without prejudice to

any pension right which, despite the secondment would still accrue to him.

- (6) A person seconded pursuant to subsection (4) of this section may elect, subject to the approval of the Commission, which case any previous services shall count as service for the purposes of pension payable on retirement.
- (7) Any Member of Staff of the Office may elect to be transferred or be seconded to any other Public Service of the State and such right of transfer or secondment shall not operate to the disadvantage of the Officer concerned.
- (8) In exercising its power to make appointments or discipline of persons under this Law, the Commission shall not be subjected to the direction or control of any authority of persons but shall act within the ambit of and subject to the Civil/Public Service Rules applicable in the State.

Power to Co-opt

- 13.** The Commission may co-opt person(s) who are not members of the Commission for any meeting of the Commission or its Committee and such co-opted person(s) may take part in the deliberations of the Commission or any of its Committees but shall not be entitled to vote or be counted as part of the quorum of the meeting.

Meetings and Quorum

- 14.** (1) The meetings of the Commission shall be convened by the Secretary acting on the instruction of the Chairman, or by the directive of a simple majority of the Members.
- (2) At any meeting of the Commission, the Chairman shall preside and in his absence any Member of the Commission as the other Members may elect from among themselves shall preside.

- (3) The quorum for any meeting of the Commission shall be three (3) Members.
- (4) Any matter which comes before the Commission for decision shall be decided by the vote of a simple majority of the members present, and in the event of equality of votes, the Chairman presiding shall have a casting vote.
- (5) The validity of any meeting shall not be affected by reason of the existence of any vacancy in the appointment of any member.

Proceedings of the Commission **15.** The Commission shall have power to regulate its proceedings and may make standing orders for that purpose.

Privilege of the Commission **16.** (1) Any report, statement, communication, record of any meeting or proceeding which the Commission may make in the due exercise of its functions or which any member of the Commission may make in the course of performing his official duties shall be privileged.

(2) Subject to subsection (1) above, a report, statement, communication, record of any meeting or proceeding of the Commission may be released on the order of a court to the Governor or the House of Assembly.

Staff of the Commission **17.** The Commission shall appoint such persons as may be necessary to enable it carry out its functions under the provision of this Law.

Conditions of Service of Employees **18.** The terms and conditions of service (including remunerations, allowances, benefits and pensions) of the employees of the office shall be as applicable in the Civil Service of the state.

Staff Regulations **19.** The Commission may make regulation relating to the conditions of service of the employees of the Office and without prejudices to the generality of the foregoing such regulations may provide for;

- a) the appointment, promotion and disciplinary control (including dismissal) of Employees of the Office; and

- b) appeals by such employees against dismissal or such other disciplinary measures and until such regulations are made, any instrument relating to the conditions of Officers in the Civil Service of the State shall be applicable, with such modifications as may be necessary to the Employees of the Office.

Pensions

20. (1)

Officers of the Commission shall in respect to their services in the Commission be entitled to such pensions, gratuities and other retirement benefits as are applicable in the Public Service of the State and prescribed under Edo State Pension Reform Law.

- (2) The period of service of any person in the Commission shall be joined to and deemed to be continuous with the period served by that person previously or subsequently in any other pensionable service.
- (3) For the purpose of the application of the Pensions Reform Law, any power exercisable under the provisions of that Law by a Commissioner or other authority of the State (not being the power to make regulations) are vested in and shall be exercisable by the Commission and not by any other person or authority.
- (4) Nothing in the foregoing provisions of the section shall prevent the appointment of a person to any office in the Commission on terms which preclude the grant of a pension or gratuity in respect of service in the Office.

**Funds of the
Commission, Sources
of Funds and
Application of Funds**

21. (1)

There shall be established a Fund for the Commission and provision for the Fund shall be made in the Annual Budget of Edo State.

- (2) There shall be paid and credited to the Fund established under subsection (1) of this section:
 - a) any sum appropriated to the Commission by the House in each Financial Year;

- b) all monies raised for the purposes of the Commission by way of gifts, grants-in-aid;
 - c) take off grant; and
 - d) proceeds from all other assets that may from time to time accrue to the Commission.
- (3) The Commission shall defray all expenditure incurred by it from the Fund referred to in subsection (1) of this section and shall include:
- a) the cost of administration;
 - b) the payment of salaries, fees or other remuneration or allowances and pensions and gratuities payable to members and employees of the Commission; and
 - c) anything done in furtherance to any of its functions under this Law.
- (4) The Auditor-General shall defray from the Fund established under this Law, all the amount payable representing:
- a) Salaries and running cost of the Office;
 - b) Cost of acquisition, rent or upkeep of premises, and
 - c) Any other payment incidental to the performance of his functions under the Law.
- (5) The Auditor-General shall manage the approved Budget of the Office, and allocate it as appropriate and the expenses to be paid from its funds shall include:
- a) salaries and allowances/running cost of Staff of the Office of the Auditor-General;

- b) cost of training and professional development; and
- c) any capital development project or special expenditure.

**The Office of the
Auditor –General &
Appointment of
Auditor-General**

- 22.**
- 1) The appointment of Auditor-General for the State and Local Government, and all other matters not covered by this Law relating to the Office of the Auditor-General of the State shall be, pursuant to the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and any other Law concerning audit of Public Accounts in the State.
 - 2) The Auditor-General shall be appointed by the Governor on the recommendation of the Commission, subject to confirmation by the House of Assembly.
 - 3) The Auditor-General shall be a professional Accountant with a minimum of 15 years post qualification, and cognate experience in Accounting and/or Auditing field and can be selected from within or outside the Office.

**Remuneration &
Allowances of the
Auditor-General**

- 23.**
- 1) The Auditor-General shall be paid such remuneration and salaries as may be prescribed by the House of Assembly, but not exceeding the amount as determined by the Revenue Mobilization, Allocation and Fiscal Commission.
 - 2) The salary of the Auditor-General shall be charged upon the Consolidated Revenue Fund of Edo State and a First (1st) Line Charge.
 - 3) Notwithstanding the provisions of subsection (1) of this section, and any other Act with respect to benefits on retirement, the Auditor-General shall retire with his salaries privileges and other benefits.
 - 4) The remuneration and allowances payable to the Auditor – General and the conditions of

service will not be altered to the Auditor – General’s disadvantage after his appointment.

**Tenure of Office of
the Auditor-General**

24. The Auditor-General shall remain in office until the retirement age of Sixty (60) years or after spending Thirty - Five (35) years in service (whichever comes first) unless removed under the provisions of this Law.

**Cessation of Office of
the Auditor-General**

25. A person holding the office of the Auditor-General shall cease to hold office where:

- a) he is removed by the Governor acting on the address supported by two third majority of the House of Assembly where the House has formed a quorum praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body) or for misconduct, provided that the Auditor-General shall have been given at least twenty-one (21) days notice in writing to defend himself on the floor of the House;
- b) he resigns/retires;
- c) he is permanently incapacitated/dies.

**Vacancy in the
Office of the
Auditor-General**

- 26.1)** In the event of the absence or incapacitation of the Auditor-General or where the Office of the Auditor-General is vacant, the Governor may, on the recommendation of the Commission appoint a person to perform the duties of the Auditor-General in a temporary capacity.
- 2) A person appointed in line with subsection (1) above shall possess the qualifications spelt out in section 22(2) of this Law.
 - 3) No person shall act in the Office of the Auditor-General for a period exceeding six months except by Resolution of the House of Assembly.

**Functions of the
Auditor-General**

- 27.** 1) In addition to the powers conferred on him by

Section 125 of the Constitution, the Auditor-General shall ensure that:

- a) all reasonable precautions have been taken to safeguard the collection of public monies and that the laws, directions and instructions relating to it have been duly observed and obeyed;
- b) all monies appropriated or otherwise disbursed have been expended on and applied for the purpose for which the grants made by the Executive Council of the State and the State House of Assembly were intended, and that the expenditure conform to the authority which governs it;
- c) adequate audit rules, guides, regulations, manuals, etc exist for accounting and financial operations in the State that are duly observed;
- d) monies have been expended with efficiency and effectiveness and due regards to the economy;
- e) satisfactory procedures have been established to measure and report the effectiveness of programmes, where such procedures could appropriately and reasonably be implemented;
- f) the attention of the appropriate authorities have been drawn to any irregularity observed during the examination of the account as soon as facts of such irregularities have been established and confirmed;
- g) as a result of the audit conducted by him, all queries and observations are addressed to the Accountant General, the Accounting Officer or any other appropriate person and call for such accounts, vouchers, statements, documents and explanations as he deems fit; and

- h) where he deems it fit, he should confirm that all surcharges made are duly paid;
 - i) performance audit is conducted to ensure that Government business is economically, efficiently and effectively performed;
 - j) other emerging audits are conducted;
 - k) audit of counterpart funded projects and disaster related programmes are conducted;
 - l) such other audit as he/she may deem necessary to safeguard Government assets and promote good governance are carried out.
 - m) The Auditor-General is free to make observations and recommendations in the audit reports, taking into consideration, as appropriate, the view of the audit entity.
 - n) The Auditor-General is free to decide the timing of the Audit Reports except where specific reporting requirements are prescribed by law.
 - o) The Auditor-General is free to publish and disseminate the reports once they have been formally submitted to the House of Assembly.
- (2) The Auditor-General shall, in exercising his functions under the provisions of this Law express his opinion as to whether the Financial Statements/Accounts represent the financial information in accordance with applicable statutory provisions, stated accounting policies of government, generally accepted accounting principles and standards, and are essentially consistent with those of the preceding year.
- (3) The Auditor-General or any person authorized by him to conduct periodic checks on a statutory corporation shall, in addition to the Audit Report, draw attention to the following:

- a) the profitability, liquidity, stability and solvency of the parastatal, corporation and educational institution and also the performance of the shares of the corporation in the capital market, where applicable;
 - b) any delay in the payment of the government's portion of any dividend into the Consolidate Revenue Fund;
 - c) any fraud or loss and, if so, their underlying causes and person(s) responsible for such fraud or losses;
 - d) any internal control weakness which were identified;
 - e) the general corporate performance indicating achievements against set targets and objectives; and
 - f) whether the finances of the body have been conducted with due regard to economy, efficiency and effectiveness, having regard to the resources utilized.
- (4) The Auditor-General shall evaluate the adequacy of the State and Local Governments enterprise risk management strategies and to audit the implementation of policies.
- (5) The Auditor-General in exercise of his responsibility shall publish the annual statutory report of Edo State Government and Local Governments electronically, and manually once they have been formally submitted to the House of Assembly.
- (6) The Auditor-General:
- a) Free to decide the contents of the Audit Reports;
 - b) Free to make observations and recommendations in the Audit Reports, taking into consideration as

appropriate, the views of the audited entity; and

- c) Free to decide the timing of the audit reports except where specific reporting requirements are prescribed by law.

(7) The Auditor-General's Office shall:

(a) Have internal follow-up system including post audit meetings with the audited entities to ensure that audited entities properly address the observations and recommendations as well as those made by the House of Assembly and to confirm that corrective and remedial actions are taken; and

(b) Auditor-General Office shall submit follow-up reports on the implementation of audit and House of Assembly recommendations to the legislative as well as the Audittee Governing Board as appropriate for consideration and action.

**Duties and Powers of
the Auditor-General**

28. (1) The Auditor- General shall:

a) Prepare a budget for the approval of the House of Assembly not later than three months before the end of the Budget Year. The Budget should be submitted to the Ministry of Finance as part of the budget process.

b) Engage the service of professionals to serve on a contract basis for limited engagements, including those required as part of agreements with international organizations, but all audit opinions shall remain those of the Auditor-General; and

c) Constitute or establish any Standing or Ad-hoc Committee to facilitate the discharge of the functions of the Office.

- (2) a). Nothing in subsection (1) of this section shall be construed as authorizing the Auditor-General to audit the accounts or appoint auditors for government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by Law.
- b). The Auditor – General shall not be involved or seen to be involved, in any manner whatsoever, in the management of any auditable entity.
- c). The Auditor – General shall ensure that his staff do not develop too close a relationship with the entities they audit, so that they remain objective and appear objective.
- (3) The Auditor-General shall:
- a) Provide such bodies in subsection 2 with-
- i. a list of auditors qualified to be appointed by them as External Auditors and from which the bodies shall appoint their External Auditors;
 - ii. a guideline on the level of fees to be paid to external auditors; and
 - iii. comment on their Annual Accounts and Auditor's Report thereon.
- (4) The budgeted aggregate fees payable to the appointed External Auditors shall be paid to the accounts of the Office of the Auditor-General of Edo State for disbursement to the individual External Auditors upon satisfactory completion of their mandates.
- (5) The Auditor-General may:
- a) require a Public Officer to give explanation or information which the Auditor-

General may require in order to enable him discharge his duties;

b) without the payment of fee, cause a search to be made and extracts to be taken or copies made from any book, document or record in any Public Office of Edo State.

(6) The Auditor-General in the performance of his/her functions under this Law or any other Law may disallow any item of expenditure which is contrary to Law, and surcharge:

a) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure;

b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account;

c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.

7. The Auditor-General shall be free from direction and interference from the House of Assembly and the Executive in the:

a) Selection of the issues;

b) Planning, programming, conduct, reporting and follow-up of the audit; or

c) Organisation and management of his Office.

d) Enforcement of their decision where the application of sanction is part of their mandate.

8. Any statutory bodies and Local Government whose accounts are audited under the provision of this law shall in respect of such audit pay such fees as may be recommended by the Auditor-General and such fees shall be credited as provided in subsection(4) above. Where a firm of Accountants/Auditors is appointed, it may be paid such fees as the Auditor-General shall recommend/fix provided that such fees are not in excess of three quarters of fees chargeable in pursuant of this subsection.

**Right of Appeal
against Surcharges**

29. A person aggrieved by a disallowance or surcharge made by the Auditor-General may appeal to the High Court of Edo State.

Audit Report

30. All reports to the Auditor-General submitted to the House of Assembly shall be treated as House of Assembly Reports and enjoy all privileges accorded to the House of Assembly Reports.

Audit Standard

31. 1) The Auditor-General shall determine which auditing standards should be applied and may establish audit programmes and code of ethics specific to the audits performed by the Office of the Auditor-General.

2) The auditing standards may include:

a) Public Sector Auditing Standard issues by conference of Federal and State Auditors-General;

b) the auditing standards and code of ethics published by the International Organization of Supreme Audit Institutions (INTOSAI) and the International Auditing and Assurance Standards Board (IA&ASB);

c) ensuring compliance with the Accounting Standards and Code of Ethics published

by the International Federation of Accountants (IFAC), International Public Sector Accounting Standards Board (IPSASB); and

- d) other recognized or required standards issued or accepted as current best practices by funding or donor organizations or regulatory bodies such as the Financial Reporting Council (FRC).

**Annual Fiscal
Accounts**

- 32.**
- 1) Within a period of six (6) months after the end of each year, the Accountant General of Edo State shall present to the Auditor-General, accounts showing the fiscal position of the State as at the last day of the preceding year.
 - 2) Within three (3) months after the close of each Fiscal Year, the Accounting Officer shall prepare and submit to the Accountant-General with a copy to the Auditor-General, appropriate accounts of money expended under the Votes for which they are responsible, showing the:
 - a) Services for which the monies were voted;
 - b) Sums actually expended on each service during the period of the accounts; and
 - c) State of each Vote compared with the appropriation provided that each account shall contain such variation between the expenditure and the sums voted, such other required information and be in such form as the Auditor-General may direct; and the statement as well as the appropriated accounts shall be signed by the Accounting Officer.

**Refusal to answer
Audit Query**

33. Without prejudice to any other provision of this Law, every person who fails or refuses to reply to an audit query or observation within the period specified in the audit query or reasonable time thereafter shall have his emoluments and allowances withheld for as long as the person fails to reply and/or shall be liable to disciplinary action under the State Civil Service Rules.

**Annual Certificate
and Report of the
Auditor-General**

34. The Auditor-General shall:

1) within ninety (90) days of receipt of the Financial Statements and Annual Accounts of the State from the Accountant-General or Head/ Accounting Officer of the local Governments, submit his Report to the House of Assembly. and the House shall cause the Report to be considered by a Committee of the House responsible for Public Accounts.

2) The Auditor-General's Report shall:

a) be published and made available to the public once they are submitted to the State House of Assembly; and

b) be freely downloaded by the public from the Office website once published. payment of a minimal fee shall be charged only for hard copy publication.

3) The Auditor-General is empowered to:

a) Submit an Annual Activity Report;

b) Submit follow-up Reports on implementation of audit recommendation to the State House of Assembly;

c) Submit the Audit Reports to other person or entities charged with governance as may be appropriate

(Governing Councils, Boards, Oversight Committee etc).

**Review of the
Auditor-General's
Audit Report by the
Public Accounts
Committee**

- 35.** (1) The Public Account Committee shall:
- (a) consider each report from the Auditor-General and the process may include questioning the relevant accounting officers;
 - (b) inquiry from the relevant public body, receipt of explanations from the Auditor-General and official responses from the Government Official(s) concerned;
 - (c) make recommendations on the basis of the consideration and monitor their implementation;
 - (d) have power to summon the accounting officers, public officials and any member of the public for questioning about the Auditor-General's findings;
 - (e) hold its hearing in public but may choose to hold all or part of its hearing in private sessions;
 - (f) prepare a Report to the House of Assembly, which may include comments and recommendation at the end of its review of each of the Auditor-General's reports: and such reports shall be sent to the Auditor-General and all organizations reported on and shall be made available to the public on demand on payment of a minimal fee.
- 2) The action of the PAC shall be governed by the standing orders of the House of Assembly.

Delegated Immunity

- 36.** The Auditor-General or any person acting in that behalf shall not be personally liable for any act

or omission done or omitted to be done in good faith in the exercise of the functions of the Office.

**Establishment and
Functions of Audit
Committee**

- 37.** (1) The Accounting Officer in any Ministry, Department and Agency of the State shall establish an Audit Committee.
- (2) The Audit Committee shall:
- (a) Implement all recommendations contained in the Auditor-General's Report which are approved by the House of Assembly and any other resolution or directive of the House of Assembly; and
 - (b) Prepare annually a Report showing the status of the implementation of the provisions of subsection 2(a) of this section.
 - (c) The Report prepared pursuant to subsection 2(a) and
 - (d) of this section shall contain a statement showing the remedial action taken or being taken to avoid or minimize the occurrence of the undesirable feature in the accounts and operation of the Ministry, Department or Agency and the time frame within which the remedial action will be completed if any.
 - (f) A copy of the Report shall be forwarded to the Auditor-General.

**Annual Estimates,
Expenditure and
Funding**

- 38.** (1) The Auditor-General shall prepare and submit to the State House of Assembly, the estimated revenue and expenditures pertaining to the office of the Auditor-General of Edo State for inclusion in the Appropriation Bill of Edo State at least ninety (90) days before the beginning of each year, via Public Accounts Committee:

- (a) a draft Annual Plan, that:
 - i. describes and Auditor-General's proposed work programme for that year; and
 - ii. includes the interim Report for that Financial Year;
 - (b) the estimates of revenues and expenditure for inclusion in the state budget; and
 - (c) the operational and administrative expenses of the Office including salaries, allowances, gratuities and pensions payable to staff.
 - (d) The State House of Assembly (SHOA) is charged with the responsibility of making sure the Audit Office has reasonable human materials and financial resources to perform its functions.
- (2) The Auditor-General, after considering any comments of the State House of Assembly or of the Public Accounts Committee that considered the draft plan, may amend the plan as necessary and submit to the Ministry of Economic Planning and Budget for inclusion in the State Budget for appropriation by the State House of Assembly.
- (3) Any sum appropriated to the Office by the House of Assembly of the State in each Financial Year shall be charged upon the Consolidated Revenue Fund of the State and paid as a First (1st) Line Charge in equal instalment every month of the year.
- (4)
- (a) Any amount standing to the credit of the Offices of Auditor-General in the annual Appropriation Act shall be paid directly to the official bank accounts of

the Offices of Auditor-General of State and Local Government;

(b) The State Government shall provide such monthly allocation that will enable the Offices of State and Local Government Auditor-General carry out routine and continuous audits, in order to strengthen good Governance and transparency; and

(c) To effectively carry out value for money audit in respect of capital expenditures, contracts and projects the Offices of Auditors-General shall conduct project audit, regular monitoring and may engage professionals. Thus the Offices of the Auditor-General shall be entitled to 0.01% on all payments for all projects executed by the State or Local Governments.

**Improper Retention
of Public Funds**

39. 1) Where during the course of an audit, the Auditor-General becomes aware of any improper retention or misappropriation of public money or another activity that may constitute an offence under the Criminal Law of Edo State, or any existing Law, the Auditor-General shall immediately report the improper retention or misappropriation of public money or other activity to the prosecuting authority or any other authority charged with that function by the state.

2) In addition to reporting under subsection (1) of this section, the Auditor-General shall attach to his Annual Report to the House of Assembly, a list containing a general description of the incidents referred to in subsection (1), and the date on which those incidents were reported.

**Offences and
Penalties**

3) The provisions of subsection (1) of this section shall apply to a staff of the officer or any third party appointed pursuant to the provisions of this Law.

40. It is an offence for any person without lawful jurisdiction or excuse to:

(a) obstruct, intimidate, harass, hinder the Auditor-General or any person authorized by him in the exercise of his duties and power under this Law;

(b) refuse or fail to comply with any lawful request of the Auditor-General or his representative;

(c) fail to produce for inspection to the Auditor-General or his representative or otherwise refuse the Auditor-General or his representative access to any book, record, returns, payment voucher, revenue receipt or other documents relating or relevant to any account to be audited by the Auditor-General or his representative when so requested;

(d) fail to keep proper Book of account or proper records leading to any loss of public funds;

(e) make a statement or give information to the Auditor-General or his representative which is false or misleading; and

(f) suppress any information required by the Auditor-General in the performance of his function under this Law or any other enactment.

(2) Any person who commits an offence under the provisions of this Law shall on conviction, be liable-

(a) in the case of an individual, to a fine of not less than Two Hundred and Fifty Thousand Naira (~~N~~250,000.00) or to a term of imprisonment not exceeding two (2) years or both; and

(b) in the case of a body corporate or firm, to a fine of not less than Five Hundred Thousand Naira (₦500,000.00).

(3) Where a body corporate or firm is convicted of an offence under this section, every Director of the company or firm shall be liable to a fine of not less than Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment not exceeding two (2) years or both unless he proves that the offence upon which the conviction was based was committed without his knowledge, consent or connivance.

**Sanctions of Staff
of the Office of the
Auditor-General**

41. (1) The Auditor-General or any Member of Staff of the Office of the State Auditor-General who:

(a) demands or take bribe, gratuity, compensation or reward for the neglect or non-performance of his duty; or

(b) fails to report to the Auditor-General any abuse or irregularity coming to his notice in the course of his duties in relation to any account audited; or

(c) make any report to the Auditor-General which he knows to be false or which he has no reason to believe to be true;

(d) commits an offence under this Law and shall be liable on conviction to a fine of not less than ₦100,000.00 or imprisonment for two (2) years or both.

(2) Accounting Officers shall be held responsible for full recovery of losses discovered from erring officers.

(3) Where an Accounting Officer fails to make necessary recovery and it is proved that he failed to make reasonable effort to recover the said loss, he shall be guilty of an offence and shall be liable to a penalty of Five Million

Naira (~~₦~~5,000,000.00) plus the amount of loss involved.

**Regulation of
Audit Contracts**

- 42.** (1) All Private Audit Firms and consultants taking up audit or consultancy jobs relating to audit work must be registered with the Office of the Auditor-General and their engagement letters shall be issued by the Auditor-General.
- (2) Such contracts on audit work shall include;
- (a) review audit and consultancy work including tax audit;
 - (b) government bank accounts audit;
 - (c) audit of government offices including special investigations;
 - (d) staff audit including payment at sight;
 - (e) pension audit including verification;
 - (f) contracts in respect of estate/building valuation or valuation of some specialized government assets; and
 - (g) assessment and evaluation of effective government information systems;
 - (h) the forensic audit of the finances in Edo State.
- (3) the reports from contracted firms are prepared for and on behalf of the Auditor-General and the Auditor-General therefore determines the content of the report to the audittee and the timing of its release.

Special Assignment

- 43.** The Auditor-General may, where in his opinion such an assignment does not interfere with his primary responsibilities under this Law, whenever the Governor or the House of Assembly by resolution so requires inquire into and report on-

- (a) a matter relating to the financial affairs of the State or any Local Government or to the public property; or
- (b) a person or Organization that has received financial aid from the State government or in respect to which financial aid from the State Government is sought.
- (c) where the Auditor-General makes a report in accordance with sub-section (1), the Auditor-General shall report to the Governor or the House of Assembly.

Confidentiality

44. The Auditor-General and each person employed in the office or appointment or engaged to assist the Auditor-General in respect of a particular matter shall keep confidential all matters that come to his/her knowledge in the course of his/her employment or duties under this Law and shall not communicate those matters to another person, except as may be required in connection with the discharge of his/her responsibilities, but must be authorized by the Auditor-General or through a court process or by the State House of Assembly.

**Audit of the Office
of Auditor-General**

- 45**
- 1) The Auditor-General shall provide a list of qualified Auditors to the House of Assembly, one of which must be chosen by the House for the annual audit of the Office of the Auditor-General.
 - 2) The Auditor(s) so chosen shall have the same powers and perform the same duties of auditing the Office of the Auditor-General.
 - 3) The Auditor(s) shall submit copies of his/her Report to the House of Assembly, the Governor and the Auditor-General.
 - 4) The Speaker of the House of Assembly shall table the Auditor's Report before the House of Assembly as required by Law.

Power to make Regulations	46. The Auditor-General may make regulations for carrying into effect the purpose of this Law.
Transitional Provision	47. Subject to the provisions of this law, Officers serving in Audit Offices shall at the commencement of this Law be deemed to have been appointed in accordance with this Law.
REPEAL/SAVINGS	The EDO STATE AUDIT LAW,2019 is hereby repealed.
Interpretation	<p>48. In this Law unless the context otherwise requires:</p> <p>“Accountant-General” means the Accountant-General of Edo State.</p> <p>“Accounting Officer” means any Permanent Secretary or the Head of an Extra-Ministerial Department.</p> <p>“Attorney-General” means the Attorney-General and Commissioner for Justice, Edo State.</p> <p>“Auditor-General” means the Auditor-General of Edo State established by section 125(1) of the Constitution of the Federal Republic of Nigeria 1999 and Auditor-General of Local Government.</p> <p>“Audit Offices” means Office of the State Auditor-General and Auditor-General for Local Government.</p> <p>“Commission” means Edo State Audit Service Commission.</p> <p>“Commissioner” means the Commissioner appointed under this Law or a member of the State Executive Council.</p> <p>“Executive Auditors” means Independent Auditors appointed to audit the reports.</p> <p>“Executive Council” means the Edo State Executive Council.</p> <p>“Financial Year” means the Financial Year of Edo State Government.</p>

“Governor” means the Executive Governor of Edo State.

“House” means The Edo State House of Assembly.

“Office” means Office of the State Auditor-General.

“Officer” means the holder of an Office in the Public Service of Edo State.

“PAC” means Public Accounts Committee of the State House of Assembly.

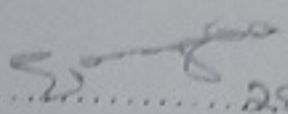
“Public Money” means and include the public revenue of Edo State and any other money held in trust for any period of time by any Officer alone or jointly with other persons.

“Revenue” means the State’s share from the Federation Account, internally generated money and any other grant and loans.


“Statutory Body” means any authority established by Law.

“State” means Edo State Government.

This printed impression has been compared by me with the law which has been passed by Edo State House of Assembly and found by me to be a true and correctly printed copy of the said law.


.....28/6/2021...
Clerk of the House of Assembly

Assented to by me this 28TH day of JUNE 2021


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Governor of Edo State of Nigeria

Assent withheld by me thisday of 2021

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Governor of Edo State of Nigeria