



KEBBI STATE  
OF NIGERIA

LAW NO: 006 OF 2011

**FISCAL  
RESPONSIBILITY  
LAW  
2011**



# KEBBI STATE OF NIGERIA

LAW NO: 006 OF 2011

## FISCAL RESPONSIBILITY LAW, 2011

### ARRANGEMENT OF SECTIONS

1. Citation and Commencement
  2. Definitions
- PART I: OBJECTIVES FISCAL PRINCIPLES**
1. Fiscal Strategy
  2. Objectives
  3. Fiscal Principles
- PART II: FISCAL RESPONSIBILITY COUNCIL**
6. Establishment of the Fiscal Responsibility Council
  7. Composition of the Council
  8. Establishment of a Fund for the Council
  9. Tenure of office of members
  10. Cessation of membership
  11. Emoluments, etc of members
  12. Powers of the Council
  13. Functions of the Council
- PART III: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK**
14. Medium Term Fiscal Plan
  15. Impact of the Revenue Mobilization Allocation and Fiscal Commission etc.
  16. Management of Revenue deficit etc
  17. Fiscal Strategy statement

18. Objectives of Fiscal Strategy Statement
19. Content of Fiscal Strategy Statement
20. Budget Economic and Fiscal Position Report
21. Content of Fiscal Report
22. Mid-Year Fiscal Position Report
23. Content of Mid-year Fiscal Position Report
24. Final Budget Position Report
25. Content of Final Budget Position Report
26. Pre-Election Budget Position Report
27. Content of Pre-Election Budget Position Report
28. Information from Ministries, etc
29. Statement of Responsibility
30. Restriction of Borrowing
31. Accounting Standards
32. Power to obtain information
33. Referral to Standing Committee
34. Publication in Gazette
35. Protection of Public Officers
36. Departure from Provisions of this Law
37. Existing Remedies not impaired
38. Civil Procedure apply
39. Investigation of Violations
40. Remedial Action
41. Notice and Administrative Review
42. Additional Corrective Action
43. Investigation and suit by Attorney-General
44. Civil Penalty
45. Recovery of Costs

#### **PART IV: GENERAL**

46. Regulations
47. No prosecution

# KEBBI STATE OF NIGERIA

LAW NO: 006 OF 2011

I ASSENT this.....day of.....2011

ALHAJI SA'IDU USMAN NASAMU DAKINGARI  
The Executive Governor  
Kebbi State

## FISCAL RESPONSIBILITY LAW, 2011

BE IT ENACTED by the State House of Assembly as follows:-

- Citation and Commencement      1. This Law may be cited as the Fiscal Responsibility Law, 2011, and shall come into effect on the .....day of .....2011
- Definition.                      2. In this Law, unless the context otherwise requires:-
- “budget”** means the estimate of revenue and expenditure in the form of Annual Appropriation laid before the Kebbi State House of Assembly pursuant to the stipulations of section 189 of the Constitution of the Federal Republic of Nigeria 1999.
- “Commissioners”** means the Commissioners responsible for Finance and management of the day to day treasury functions of the Government of Kebbi State.
- “current year”** means the financial year proceeding the ensuing year;

**“Council”** means Fiscal Responsibility Council established under section 7.

**“ensuing year”** means the financial year for which the budget is being presented.

**“Financing Year”** means the year beginning on the 1<sup>st</sup> January and ending on the 31<sup>st</sup> December next following:

**“Fiscal deficit”** means the excess of total disbursements from the Consolidated Revenue Fund of Kebbi State (excluding repayment of debt) over total receipts into the Consolidated Revenue Fund excluding the debt receipt during a financial year;

**“fiscal Indicators”** means the measures such as numerical ceiling and proportions to Gross State Domestic Product as may be prescribed, for evaluation of the fiscal position of Kebbi State Government;

**“Fiscal Report”** means the Budget Economic and Fiscal Position Report;

**“Governor”** means the Executive Governor of Kebbi State.

**“Government:** means the Kebbi State Government

**“knowingly”** means that a person is aware or should have been aware that his/her conduct will violate the Fiscal Responsibility Law;

**“member”** means the members of the Council and includes the Executive Chairman and Secretary;

**“public Officer or employee”** means any officer or employee of the Government of Kebbi State;

**“Previous Year”** means the financial year preceding the current year;

**“revenue Deficit”** means the excess of revenue expenditure over revenue receipt; and

“**State**” means the Kebbi State of Nigeria;

“**total Liabilities**” means the liabilities under the Consolidated Revenue Fund of Kebbi State.

## **PART 1. OBJECTIVES, FISCAL PRINCIPLES**

- Fiscal Strategy. 3. The fiscal strategy of the State Government shall be based on the objectives and principles of responsible fiscal management as provided under this Law.
- Objectives> 4. The objectives of responsible fiscal management of the government shall be to:-
- (a) Limit or reduce government debt to prudent levels by ensuring that the budget deficit at the end of a financial year shall not exceed six per centum of the estimated gross state domestic product and to ensure that such levels be maintained thereafter;
  - (b) Ensure prudent management of the financial risks faced by the Government, having regard to changing economic circumstances;
  - (c) Adopt policies relating to spending which do not increase government debt to excessive levels.
  - (d) Adopt policies relating to spending and taxing, as are consistent with a reasonable degree of stability and predictability in the level of tax rates in the future;
  - (e) Ensure that the sum which is calculated as the guarantee and given as a percentage of the gross state domestic product for the current financial year along with the two preceding financial years, does not in the aggregate exceed 4.5 per centum;
  - (f) Ensure that at the end of a financial year the total liabilities of the Government (including external debt at the current exchange rates) do not exceed twenty per centum of the estimated gross state domestic product for that financial year and that at the end of the financial year, the total liabilities of the Government (including external debt at the current exchange rates) do not exceed thirty per centum of the estimated gross state domestic product for that financial year; and

- (g) Ensure that the policy decisions of the Government have regard to the financial impact of such decision on future generations.

**Fiscal Principles.** 5(1). The fiscal principles of the Government shall be to ensure that:-

- (a) the budget should be framed so as to achieve a net operating result for all public expenditure that is a surplus consistent with the fiscal targets;
- (b) the growth in net cost of services and expenses of the government is to be managed in accordance with the objective of prudent management of the Government finances;
- (c) the government policy with respect to negotiating rates of pay and related conditions of employment of government employees is to be consistent with the fiscal targets;
- (d) the capital expenditure proposals are to be evaluated in accordance with the State procurement policy requirements;
- (e) the budget should be framed taking into account the anticipated future fiscal gap likely to develop as a result of increased global economic trend and financial restructuring;
- (f) the general government sector net worth should at least be maintained in real terms from year to year;
- (g) the government's pension liabilities are to be managed and funded so as to eliminate total State unfounded pension liabilities and that the manner of management and funding of these liabilities is to be subject to periodic review;
- (h) the Ministries, Departments and Agencies of the State must align their physical asset management practices (on a whole-of-life basis) with their service delivery priorities and strategies;
- (i) the financial risk is to be managed prudently on the basis of sound risk management principles, which include;
  - (1) maintained total State net financial liabilities at prudent levels;
  - (2) managing risk associated with contingent liabilities;
  - (3) managing risk associated with the total of the State debt and financial assets, including commercial risks arising

from the ownership of public trading enterprises or stocks, shares or investments in commercial enterprises.

(j) Adjustments to tax rates, thresholds and bases are to be made with the maximum possible restraint having regard to the effect of these adjustments on the overall level of tax revenue and policies should be pursued that the consistent with a reasonable degree of predictability and stability of tax rates, threshold and bases for future years.

(2). The principles to be employed in meeting the objectives of this Law shall be:-

(A) to set out fiscal targets and fiscal principles for the State;

(b) to make it a goal of the State to pursue its policy objectives in accordance with those fiscal targets and fiscal principles;

(c) to provide for progress reports on those fiscal targets and fiscal principles in the annual budget and

(d) to provide for reports on departures from those fiscal targets and fiscal principles by the Commissioner.



## PART II: FISCAL RESPONSIBILITY COUNCIL

Establishment of  
The Fiscal  
Responsibility  
Council

6. There is hereby established a Fiscal Responsibility Council which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name and may hold property in its Corporate name.

Composition of  
The Council.

7(1) The Council shall consist of the following members

- (a) An Executive Chairman, who shall be a person with formal training background in economics management, accountancy, banking and finance or related discipline with cognate working experience of not less than 10 years in the public sector;
- (b) A representative of the Commissioner for Budget and Economic Development of the State;
- (c) A person who holds a degree in Political Science or related discipline with extensive research work on the political economy of Nigeria or the budget practices of the State;
- (d) A person who has retired from the service of the State and has held a position in the State Civil Service not below the mark of a Permanent Secretary;
- (e) A representative of the Organised Private Sector in the State to be selected on merit;
- (f) A representative of the Attorney-General and Commissioner of Justice of the State;
- (g) A representative of the Association of National Accountants of Nigeria, State Chapter; and
- (h) A Secretary, who shall be person with working experience of not less than 8 years in the public or private sector.

(2). The Chairman, members other than Ex-officio members and Secretary to the Council shall be appointed by the Governor subject to confirmation by the State House of Assembly.

Establishment  
of A Fund for  
the Council.

8 (1). The Council shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Council.

- (2). The fund established under sub-section (1) of this section shall be credited by budgetary allocation from the State and grants any other sources.
- Tenure of Office of Members** 9. The Executive Chairman, members other than Ex-officio members and Secretary to the Council shall on appointment hold office for a term of five years and may, on the expiration of the first term, be appointed for not more than one further term of five years.
- Cessation of Membership** 10. Notwithstanding the provision of section 9 of this law, a member of the council shall cease to hold office if:
- (a) He becomes bankrupt or makes a compromise with his creditors; or
  - (b) He is convicted of felony or any offence involving dishonesty, corruption or frauds; or
  - (c) He, becomes incapable of carrying out the functions of his office, either by reason of infirmity of mind or body; or
  - (d) He has been found guilty of violation of the code of conduct or serious misconduct in relation to his duty; or
  - (e) He resigns his appointment by a notice under his hand, addressed to the Governor; or
  - (f) In a case of a person who becomes a member by virtue of the office he occupies, he ceases to hold such office for whatever reason.
- Emoluments, etc. Of members.** 11. (1) There shall be paid to the Executive Chairman of the Council such salaries, allowances and other benefits as the Governor may from time to time approve.
- (2). There shall be paid to other members of the Council such allowances and other benefits as may be determined by the Governor from time to time.
- Powers of the Council.** 12. For the purpose of performing its functions under this Law, the Council shall have power to:-
- (a) Compel any Ministry, Department and Agency of the Government to disclose information relating to Budgetary activities and any other fund accruable to the Ministry, Department or Agency of the Government.

- (b) Investigate cases of infraction of section 13(e) or any other provision of the Law by the Commissioner of Finance and make a report its findings to the Governor and the State House of Assembly;
- (c) Appoint for the council, such number of employees as may in the opinion of the council be expedient and necessary for the proper and effective performance of the functions of the council;
- (d) The remuneration, allowances and benefits of the employees of the council shall be as is obtainable in the State Civil Service.

**Functions  
Of the Council.** 13. The Council shall:-

- (a) Carry out periodic review of the budgetary activities of Ministries, Departments and Agencies of the Government to ensure compliance with the provisions of this Law in the manner, as may be prescribed;
- (b) Ensure that suitable measures are put in place to ensure greater transparency in the fiscal operations of the State in the preparation of the Budget;
- (c) Ensure disclosure by Ministries, Departments and Agencies of the Government at the time of presentation of the Budget, in a statement in the form as may be prescribed;
  - (a) the significant changes in the accounting standards, policies and practices affecting or likely to affect computation of prescribed fiscal indicators;
  - (b) as far as practicable and consistent with protection of public interest, the contingent liabilities created by way of guarantees;

- (c) ascertain that budget and policies announced at the time of the budget shall be consistent with objectives and targets specified in the Medium Term Fiscal Plan for the coming and future years; and
- (d) ensure that the Commissioner reviews every half year, the trends in receipts and expenditure in relation to the budget, remedial measures to be taken to achieve the budget targets and place before the State House of Assembly the outcome of such reviews.

### **PART III: MEDIUM TERM REVENUE AND EXPENDITURE FRAME WORK**

- Medium Term 14. Fiscal Plan.
- (1) The Governor shall cause to be laid before the State House of Assembly a Medium Term Fiscal Plan along with the annual estimates of revenue and expenditure for a financial year.
  - (2). The Medium Term Fiscal Plan shall set forth a multi-year rolling target for the prescribed fiscal indicators with specification of underlying assumptions..
  - (3). In particular and without prejudice to the provisions contained in sub-section (2) of this section, the Medium Term Fiscal Plan shall include an assessment of sustainability relating to:-
    - (a) the balance between revenue receipts and revenue expenditure; and
    - (b) the use of capital receipts including borrowings for generating productive assets.
  - (4). The Medium Term Fiscal Plan shall also contain:-
    - (a) the medium term fiscal objectives of the Government;
    - (b) an evaluation of the performance of the prescribe fiscal indicators in the previous year vis-a-vis the targets set out earlier and the likely performance in the current year as per revised estimates;

- (c) a statement on recent economic trends and future prospects for growth and development affecting fiscal position of the Government;
- (d) the strategic priorities of the Government in the fiscal matter for policies of the Government for the ensuing financial;
- (e) the policies of the Government for the ensuing financial year relating to taxation expenditure, borrowings and other liabilities, lending and investments, pricing of administered goods and services and description of other activities, such as guarantees and activities of Public sector Undertaking which have potential budgetary implications and the key fiscal measures and targets pertaining to each of these; and
- (f) an evaluation as to how the current policies of Government are in conformity with the fiscal principles and fiscal objectives set out in the Medium Term Fiscal Plan.

Impact of the Revenue Mobilization Allocation and Fiscal Commission etc.

- 15. The application of the fiscal principles and targets in determining the tax and other fiscal policies of the Government is subject to recommendations of the Revenue Mobilization Allocation and Fiscal Commission on revenue allocation and the financial arrangements as well as the Federation Account Allocation Committee.

#### **PART IV. FISCAL MANAGEMENT PRINCIPLES**

Management of Revenue deficit, Etc.

- 16(1) The Government shall take appropriate measures to manage the revenue deficit, fiscal deficit and outstanding debt to sustainable levels.
- (2). The Governor shall adopt fiscal measures to:-
  - (a) reduce the ratio of revenue deficit to total revenue receipt with a medium term goal of below 5 percent to be attained by the end of a financial year or such other goal as may be determined from time to time.
  - (b) Reduce the ratio of fiscal deficit to estimated gross state domestic product with a medium term goal of not more than 2.5 percent fiscal deficit to gross state domestic product to be attained by the end of a financial year or such other goal as may be determined from time to time.

Provided that revenue deficit and fiscal deficit may exceed the limits specified under this sub-section due to ground or grounds of unforeseen demands on the finances of the State due to state or national security or national calamity subject to the condition that the excess beyond limits arising due to natural calamities does not exceed the actual fiscal that can be attributed to the calamities.

Provided further that the ground or grounds specified in the first provision shall be placed before the State House Assembly as soon as may be, after it becomes likely that such deficit amount may exceed the aforesaid limits, with an accompanying report stating the likely extent of excess, and reasons therefore.

**Fiscal Strategy Statement.**

17(1) The fiscal strategy of the Government shall be set out in a Fiscal Strategy Statement.

(2). The Commissioner shall in every year cause the Fiscal Strategy Statement of the Government to be released to the public and also be laid before the State House of Assembly.

(3). Where Commissioner may, at any time for reasons to be stated by the Commissioner, revise the Fiscal Strategy Statement.

(4). Where the Commissioner revises the Fiscal Strategy Statement, the Commissioner shall cause the revised Fiscal Strategy Statement to be released to the public and tabled in the State House of Assembly, and the revised Fiscal Strategy Statement shall be effective from the date of its release.

**Objectives of Strategy Statement**

18. The objectives of a Fiscal Strategy Statement is to Fiscal increase public awareness of the Government's fiscal policy and to establish standards For evaluating the Government's conducts of its Fiscal strategy.

**Content of Fiscal Strategy Statement.**

19. A Fiscal Strategy Statement shall:

- (a) Specify the Government's medium term fiscal policy, within which the Government's short term fiscal objectives will be formulated;
- (b) Explain the broad strategic priorities on which the budget is, or will be based;
- (c) Specify the key fiscal measures which the government considers important in view of the strategy and the overall fiscal policy to be implemented;
- (d) Specify in respect of the next financial year and the three succeeding financial years in conformity with the fiscal policy:
  - (i) the government's fiscal objectives and targets, in relation to expenditure revenue, debt, and other fiscal indicators, with special reference being made to the Government's debt, if any, to the Employees Pension Fund; and
  - (ii) the expected outcome of the key measures specified in paragraph ©
- (e) explain how the fiscal objectives and strategic priorities specified in paragraphs (a), (b) and (d) are consistent with the principles of responsible fiscal management;
- (f) explain, if such objectives and priorities depart substantially from the principles of responsible fiscal management
  - (i) the reasons for the departure;
  - (ii) the steps that the Government is taking to return to those principles;
  - (iii) the period of time within which the Government intends to return to these principles; and
  - (g) give reasons justifying the departure, where the Fiscal Strategy Statement departs from the immediately preceding Fiscal Strategy Statement.

**Budget Economic And fiscal Position Report** 20(1) The Commissioner shall in each financial year cause to be tabled before the State House of Assembly, a Budget Economic and Fiscal Position Report.

(2) The objectives in making the Budget Economic and Fiscal Position Report available is to provide information which will provide a basis for the evaluation of the Government's fiscal performance as against its fiscal strategy as set out in the Fiscal Strategy Statement.

**Content of  
Fiscal Report**

21(1) The Budget Economic and Fiscal Position Report shall contain, in relation to the next financial year and the two succeeding financial years, the following information.

- (a) estimates relating to the gross State domestic product;
- (b) estimates relating to consumer prices;
- (c) estimates relating to employment and unemployment;
- (d) estimates relating to the current account position of the balance of payments;
- (e) estimates relating to revenue expenditure;
- (f) estimates relating Government borrowing;
- (g) the basic economic or otherwise which has been used in the preparation of the estimates specified in paragraphs (a) to (f);
- (h) a statement relating to the sensitivity of the estimates specified above, to the changes which may occur in connection with the economic or other basis used in the preparation of such estimates;
  - (i) A statement, quantified as far as practicable of the risks that may have a material effect on the fiscal position; such as:
    - i. contingent liabilities including guarantees and indemnities, granted by the Government under any written law;
    - ii. public announcements relating to proposals of the Government in connection with Government spending not included in the estimates referred to in paragraph (e);
    - iii. on going negotiations of the Government which have not been finalized; and



(i) such other information which may be necessary to reflected fairly, the financial position of the Government, in respect of each financial year.

(2) Subject to the provisions of sub-section (3) of this Section the information contained in the Budget Economic and Fiscal Position Report shall take into account, as far as possible, all government decisions and all other circumstances that may have a material effect on the fiscal and economic position of the Government.

(3) Nothing contained in this section shall be read and construed as requiring the inclusion in the Budget Economic and Fiscal Position Report, a disclosure of any information which, in the written opinion of the Commissioner, will:

- (a) Be prejudicial to the State or national security,
- (b) Compromise the State in a material way, in recognition, litigation or commercial activity.

**Mid-Year Fiscal Position Report.**

22. The Commissioner shall cause to be released to the public, in respect of every financial year, a Mid-Year Fiscal Position Report, by the last day of the month of June of the relevant financial year or the lapse of six months from the date of the passing of the Appropriation Law, whichever is later.

**Content of Mid-Year Fiscal Position Report.**

23.(1) The Mid-Year Fiscal Position Report in respect of a financial year shall contain.

- (a) A statement of the estimated and actual expenditure for the first six months of that year;
- (b) A statement of the estimated and actual revenue for the first six months of that year;
- (c) a statement of the estimated and actual cash flows for the first six months of that year;
- (d) a statement of the estimated and actual borrowing for the first six months of that year; and

(e) such other statements which may be necessary to reflect fairly, the financial position of the Government in respect of the first six months of such financial year.

(2). Where there is a shortfall in the estimated revenue or cash flow, or an excess in the estimated expenditure or borrowings, the Mid-Year Fiscal Report shall state the reason for such shortfall.

(3). Subject to the provisions of sub-section (4) of this Section, the information contained in the Mid-Year Fiscal Position Report shall take into account, as far as possible, all government decisions and all other circumstances that may have a materials effect on the fiscal position (including decisions taken and circumstances that exist, after the passing of the Appropriation Law for that year).

(4). Nothing contained in this section shall be read and construed as requiring the inclusion in the Mid-Year Fiscal Position Report, the disclosure of any information which in the written opinion of the Commissioner, will.

- (a) Be prejudicial to the State or national security;
- (b) Compromise the State in a material way, in negotiation, litigation or commercial activity.

(5) Where any information on any matter required to be included in a Mid-Year Fiscal Position Report remains unchanged from the information in relation to such matter as is included in the last Budget Economic and Fiscal Position Report, the Mid-Year Fiscal Position Report shall state that such information remains so unchanged.

**Final Budget Position Report.** 24(1) The Commissioner shall cause to be released to the Public, In respect of each financial year, a Final Budget Position Report, not later than three months from the end of the financial year.

(2). The Commissioner shall:

- (a) If the State House of Assembly is sitting on the date of the release of the Final Budget Position Report, cause a copy of such Report to be tabled in the State House of Assembly within two weeks of the date of such release;
  - (b) If the State House of Assembly is not sitting on the date of the release of the Final Budget Position Report, cause a copy of the such Report to be tabled in the State House of Assembly within two weeks of the next sitting of the State House of Assembly.
- (3). The Final Budget Position Report for a financial year may be incorporated with the Budget Economic and Fiscal Position Report in respect of a financial year, which is introduced after the commencement of that financial year.

**Content of Final Budget Position Report. 25(1)**

The Final Budget Position Report in respect of a Financial year shall contain.

- (a) a statement of the estimated and actual expenditure for that year;
- (b) a statement of the estimated and actual revenue for that year;
- (c) a statement of the estimated and actual cash flows for that year;
- (d) a statement of the estimated and actual borrowings for that year; and
- (e) such other statements which may be necessary to reflect fairly, the financial position of the State, at the end of such financial year.

(2). Where there is a shortfall in the estimated revenue or cash flow or an excess in the estimated expenditure or borrowing, the Final Budget Position Report shall state the reasons for such shortfall or excess.

**Pre-election Budget Position Report.**

26(1) The Commissioner shall, within three weeks of the publication of the date for holding of a general election for the election of members of the State House of Assembly, cause to be released to the public a Pre-election Budget Position Report containing information on the fiscal position of the Government.

(2). The Commissioner shall, within four weeks of the first sitting of the new State House of Assembly, cause a copy of the Report specified in sub-section (1) of this Section to be placed before the State House of Assembly.

**Content of Pre-Election Budget Position.**

27(1) Every Pre-election Budget Position Report shall contain the following information for the current financial year:

- (a) estimates of revenue and expenditure;
- (b) estimates of the Government's borrowings;
- (c) the economic and other assumptions that have been used in preparing such estimates;
- (d) a statement of the risks, quantified where practicable, that may have material effect on the fiscal position, such as:
  - i. contingent liabilities including guarantees and indemnities given by the Government under any Law;
  - ii. publically announced proposals for spending by the Government that have not been included in the estimates referred to in paragraph (a); and
  - iii. the Government's negotiation in progress and not finalized; and
- (e) such other information as may be necessary to reflect fairly the financial position of the Government as at the date of the said Report.

(2). The information in the Pre-election Budget Position Report, shall, subject to the provisions of sub-section (3) of this Section, take into account to the fullest possible extent any decisions of the Government having a material effect on the fiscal position.

(3). Nothing in this section shall be read or construed as requiring the inclusion in a Pre-election Budget Position Report, of any information, the disclosure of which would, in the opinion of the Commissioner given in writing:

- (a) be prejudicial to the State or national security;
  - (b) compromise the State in a material way in negotiation, litigation or commercial activity.
- (4). Where information on any matter required to be included in a Pre-election Budget Position Report remains unchanged from the information on that matter included in a previous Budget Economic and Fiscal Position Report or a Mid-Year Budget Fiscal Position Report, the Pre-election Budget Position Report shall state that such information remains unchanged from the information included in either or both of these previous reports.

**Information from Ministries, etc.**

28. For the purpose of enabling the Commissioner to prepare a Pre-Election Budget Position Report under section 25 of this Law, the Accounting Officers of Ministries, Department and Agencies of the State shall, within one week of the publication of the dates for the holding of a General Election for the election of Members of the State House of Assembly, disclose to the Commissioner, details of all Government decisions and other circumstances within the knowledge of the Accounting Officers which have, or could have material fiscal or economics implications.

**Statement of Responsibility**

29. Every Pre-Election Budget Position Report shall be accompanied by:

- (a) a statement signed by the Commissioner to the effect that the Commissioner has compiled with the requirements of section 27 of this Law;
- (b) a statement by the Commissioner to the effect that the information in the report, to the fullest extent possible;
  - i. reflects the best professional judgment of the officers of the Ministry of Finance;
  - ii. takes into account all economic and fiscal information available to the Ministry of Finance and Ministry of Budget and Economic Development and

- iii. incorporate the fiscal implications of the Government's decisions and circumstances disclosed to him or her by the Accounting Officer of Ministries, Departments or Agencies of the State under section 27 of this Law;

**Restriction on Borrowing.** 30(1) Subject to the provisions of sub-sections(2) and (3) of this Section, the Government shall not borrow from the Central Bank of Nigeria, a commercial bank or any financial institution.

- (2). The Government may borrow from the Central Bank of Nigeria by way of advances to meet a temporary excess of cash disbursements over cash receipt in a financial year:

Provided that every such advance shall be repaid within such period as may be agreed between the Government and the Central Bank of Nigeria and the total of such advances, outstanding at any time in a financial year, shall not exceed ten per centum of the estimated revenues of the Government for that financial year.

- (3). Nothing contained in this section shall be deemed to prohibit the Government from subscribing to primary issues of Federal Government Treasury Laws, Bonds or Stocks.

- (4). Any measure proposed in the course of a financial year, which may lead to an increase in revenue deficit, either through enhanced expenditure or loss of revenue, shall be accompanied by remedial measures, which will neutralize such increase or loss and such measures shall be clearly mentioned.

**Accounting Standards.** 31. All Statements and Reports referred to in this Law shall be prepared in accordance with the best practice accounting standings relating to public sector accounts.

- Power to obtain Information** 32(1) The Commissioner may in writing, request any Ministry, Department, Agency, Public Corporation or Company in which the Government owns shares, to furnish to him such information as it necessary for the preparation of the Fiscal Strategy Statement referred to under section 16 and the Reports referred to under section 19, 21, 23 and 25 of this Law;
- (2). A Ministry, Department, Agency, Public Corporation or Company to which a request is made under of sub-section (1) of this section shall forthwith comply with such request so as to enable the Commissioner take the information requested into account in the preparation of the Statement or Report, as the case may be.
- Referral to standing Committee.** 33. Upon the Fiscal Strategy Statement referred to under Section 16 and the Reports referred to under sections 19, 21, 23 and 25 of this Law being placed before the Kebbi State House of Assembly, such Statement or Reports shall stand referred to the relevant Standing Committee of the State House of Assembly.
- Publication in Gazette:** 34. The Commissioner may by notification published in the Gazette.
- (a) Specify the place at which copies of the Fiscal Strategy Statement referred to under section 16 and the Reports referred to under sections 19, 21, 23 and 25 are made available for inspection free of charge; and
- (b) Specify the place at which copies of the Fiscal Strategy Statement and the Reports are available for sale.
- Protection of Public Officers** 35. No Civil or criminal proceeding shall be instituted against a public officer for anything done or omitted to be done in good faith by such public officer under this Law.
- Departure from House Provisions of this Law.** 36(1). The Governor may, subject to confirmation by the State of Assembly, make an order authorizing departure from the requirements of this Law

- (2). The Commissioner shall, before the confirmation of the State House of Assembly under sub-section (1) of this section, inform the State House of Assembly:-
- (a) the reasons for such departure;
  - (b) the steps that the Government will be taking to overcome the causes necessitating such departure;
  - (c) the period of time within which the Government expects such departure from the requirements, to come to an end.
- (3). The Commissioner shall in every instance where a departure is made:
- (a) if the State House of Assembly is sitting on the date when such departure is necessitated, inform the State House of Assembly within two weeks of the date of the departure of the matters specified in sub-section (2) relating to such departure; or
  - (b) if the State House of Assembly is not sitting on the date of such departure, take steps to ensure that the State House of Assembly is informed within two weeks of the next sitting of the State House of Assembly of the matters specified in sub-section (2) in relation to such departure.
- Existing remedies not impaired.** 37. The provisions of this part do not limit or diminish any civil Rights Or administrative procedure available to any public officer or employee.
- Civil procedure Apply.** 38. All actions and procedures under the provisions of this Part are Civil in nature and shall be governed by the appropriate rules, regulations, and laws regarding civil actions and remedies.
- Investigation of violations.** 39. Upon discovery or notification of an alleged violation of the Fiscal Responsibility Law, each Ministry, Department or Agency shall investigate the allegation and take appropriate administrative action and the Commissioner of each Ministry, Department or Agency shall be responsible for complying with the provisions of this Part.



**Remedial action.** 40(1) After completing the investigation, if the Ministry, Department or Agency determines that there has been a violation of the Fiscal Responsibility Law, the facts and circumstances relating to a violation and any corrective or remedial action taken shall be documented and placed in the personnel files of the public officer or employee involved in the violation.

(2). The Ministry, Department or Agency shall notify the public officer or employee of its findings and any corrective or remedial action to be taken:  
Provided that the notification shall be made in a manner ensuring actual notice to the public officer or employee.

(3). The public officer or employee violating a provision of this Law shall be given not more than thirty (30) days after notification to affect corrective or remedial action recommended by the Ministry, Department or Agency and that failure to make corrective or remedial action within thirty (30) days after notification creates the reputable presumption that the violation was committed with knowledge.

**Notice and Administrative Review.**

41(1) Within thirty (30) days after the expiration of the time period for the public officer or employee to effect corrective or remedial action, the Ministry, Department or Agency shall transfer to the Commissioner a document containing a summary of the violation and any corrective remedial action taken.

(2) The Commissioner shall review the summaries of violations received and may thereafter;

- (a) accept the summary and approve the corrective or remedial action by the Ministry, Department or Agency;
- (b) request additional information regarding the violation and corrective or remedial action by the Ministry, Department or Agency; or
- (c) impose additional corrective or remedial action upon such public officer or employees.

(3). The Commissioner shall submit, on a quarterly basis, a summary of all violations of the Fiscal Responsibility Law including any corrective or remedial action by any Ministry, Department or Agency to the Governor and members of the State House of Assembly.

Additional  
Corrective action.

42(1) Before the Commissioner may impose additional Corrective Or remedial action regarding public officer or employee, the Commissioner shall conduct an investigation regarding any violation and the public officer or employee shall in this regard be notified and given the opportunity for a fair hearing regarding any violation.

(2). The Commissioner may impose any one or more of the following as additional corrective or remedial action'

- (a) oral or written warnings or reprimands; or
- (b) suspension with or without pay for specified periods of time.

Investigation and  
Suit by  
Attorney-General

43(1) The Commissioner or the Public Accounts Committee of the State House of Assembly may request the office of the Attorney-General to review any information concerning any violation of the Fiscal Responsibility Law in order to determine whether legal action is appropriate.

(2). The Attorney-General may file a civil suit in the High Court of the State against the public officer or employee violating the Fiscal Responsibility Law.

Civil penalty. 44.

If the public officer or employee is found by the High Court of the State to have knowingly violated the Fiscal Responsibility Law, the Court shall impose the payment of damages resulting as a direct consequence of any violation on the officer or employee.

Recovery of costs.

45. If the public officer or employee is found by the High Court of the State to have knowingly violated the provisions of the Fiscal Responsibility Law, the Attorney-General shall be allowed to recover costs and attorney fees associated with the civil suit from the public officer or employee and any costs of

fees recovered by the Attorney-General under this provisions shall be deposited into the Consolidated Revenue Fund of the State.

## **PART VI. GENERAL**

**Regulations.** 46. The Commissioner may make regulations to carry into effect any of the provisions of this Law;

**No prosecution.** 47. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything done or omitted to be done in good faith under this Law or the Regulations made pursuant to this Law.

# EXPLANATORY NOTICE

This Law is to ensure the financial strategy of the Kebbi State Government is based on principles of responsibility of Fiscal Management. Fiscal Stability and sustainability and to enhance the scope for improvement in social and physical infrastructure and human development by achieving sufficient revenue surplus, reducing fiscal deficit and removing impediments to the effective conduct of fiscal policy and prudent debt management and to facilitate scrutiny of fiscal policy and performance grater transparency in the fiscal framework.

The printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

## PART I: OBJECTIVES/FISCAL PRINCIPLES

1. Fiscal Strategy
2. Objectives
3. Fiscal Principles

## PART II: FISCAL

**(SHEHU USMAN RANDALI mni)**  
**Clerk of the House.**

4. Establishment of the Council
5. Composition of the Council
6. Establishment of a Fund for the Council
7. Tenure of office of members
8. Cessation of membership
9. Emoluments, stipend members
10. Powers of the Council
11. Functions of the Council

## PART III: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK

12. Medium Term Fiscal Plan
13. Report of the Revenue, Monitoring Allocation and Fiscal Commission etc
14. Management of Revenue deficits etc
15. Fiscal Emergency statement



# KEBBI STATE OF NIGERIA

PREPARED & PRODUCED BY KEBBI STATE FISCAL RESPONSIBILITY COMMISSION  
PRINTED BY: KEBBI STATE GOVERNMENT PRINTING PRESS