

Chapter R7 Laws of the Federation of Nigeria 2004

REVENUE MOBILISATION, ALLOCATION AND FISCAL COMMISSION ACT

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An Act to establish the Revenue Mobilisation, 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 Mobilisation, Allocation and Fiscal Commission

There shall be established for the Federation a Revenue Mobilisation, 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 sued 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 Federation and the Federal Capital Territory, Abuja, who are persons of unquestionable integrity with requisite qualifications and experience, to be appointed by the President.

3. Qualification, etc., 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 member 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that person has been duly appointed he shall, on his appointment, be deemed to have resigned or where appropriate, withdrawn or retired from his former office as from the date of the appointment.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 member otherwise than as an *ex-officio* member of the Commission, he has been re-appointed for a 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) advise 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 as specified in Parts A and B of the First Schedule to this Act;

[First Schedule.]

(e) make recommendations and submit its finding by a 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 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, data or returns from any Government agencies including the following, that is-

(i) the Nigerian National Petroleum Corporation;

(ii) the Nigerian 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 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 not 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 the other matters provided therein.

[Second Schedule.]

PART III

Organisation and staff

9. Appointment and functions of the secretary

There shall be appointed by the President, a secretary who shall carry out such duties as may be prescribed in this Act and such other duties as may be directed by the Commission, and he shall-

- (a) be responsible for preparing the minutes of the Commission's meetings;
- (b) keep and secure the records of the Commission;
- (c) issue notices of meetings 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 a 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 perform 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 pensions, gratuities and other 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 terms and conditions which preclude the grant of a pension or gratuity in respect of services 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 the fund established pursuant to subsection (1) of this section, all the amounts payable under or in pursuance of this Act, being sums representing-

(a) amounts 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 amounts from the fund established pursuant to this section.

13. Accounts 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 forwarded for 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 for 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 year a report on the accounts of the 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;

"functions" 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 meanings 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 Mobilisation, Allocation and Fiscal Commission Act.

SCHEDULES

FIRST SCHEDULE

[Section 6 (1) (d)]

PART A

Offices

President, the Vice-President, Chief Justice of Nigeria, Justice of the Supreme Court, President of the Court of Appeal, Justice of the Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, Judge of the Federal High Court in the Federal Capital Territory, Grand Kadi and Kadi of the Sharia Court of Appeal of the Federal Capital Territory, President and Judge of the Customary Court of Appeal of the Federal Capital Territory, Inspector-General of Police, the Auditor-General of the Federation and the Chairman and members of the following executive bodies, namely, the Code of Conduct Bureau, the Federal Civil Service Commission, the National Electoral Commission, the Federal Judicial Service Commission, the National Population Commission, the Revenue Mobilisation,

Allocation and Fiscal Commission, the Nigeria Police Council and the Public Complaints Commission.

PART B

Offices

Governor, Chief Judge of a State and Judge of the High Court of a State, Grand Kadi and Kadi of the Sharia Court of Appeal of a State, President and Judge of the Customary Court of Appeal of a State, the Auditor-General of a State, Auditor-General of the Local Government Councils of a State and Chairmen and members of the following bodies, that is to say, the State Civil Service Commission, the State Judicial Service Commission and the State Local Government Service Commission.

SECOND SCHEDULE

[Section 8.]

Proceedings of the Commission

1. The Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.
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 construed 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 2) 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 authorised generally or specially by the Commission to act for that person.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation