

CHAPTER 14 -AUDIT

ARRANGEMENT OF SECTIONS

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CHAPTER 14 AUDIT

A LAW TO PROVIDE FOR THE SALARY AND FUNCTIONS OF THE NN I 963,
DIRECTOR OF AUDIT AND FOR THE AUDIT OF PUBLIC ACCOUNTS AND
FOR PURPOSES CONNECTED WITH THOSE MATTERS [15 March 1959]

1. This Law may be cited as the Audit Law.

2. Definitions:-

"Accountant-General" means the Accountant-General of the State;

"Commissioner" means the State Commissioner for the time being assigned with responsibility for finance;

"Government" means the Government of the State;

"Legislature" means the Legislature of the State;

"officer" means the holder of an office in the public service of the State;

"public moneys" include:-

(a) the public revenues of the State; and

(b) any trust or other moneys held in his official capacity whether temporarily or otherwise, by an officer either alone or jointly with any other person;

"storekeeper" means any officer having in his charge stores or other articles that are public property.

3.—(1) There shall be paid to the Director of Audit an annual of Director salary of twelve thousand, four hundred and twenty naira.

(2) In addition to the salary mentioned in subsection (1), the Director of Audit shall be paid such allowances as are payable for the time being to officers in receipt of an equivalent salary or of

similar status.

4. The Director of Audit shall vacate his office when he attains the age of sixty years.

5.—(1) The Director of Audit, in pursuance of the provisions of section 117 of the Constitution, shall audit and report on the public accounts of the State and of all offices, courts and authorities of the State, including all persons and authorities of the State, including all persons and bodies established by Law entrusted with the collection and administration of public moneys and assets.

(2) The Director of Audit shall satisfy himself:-

(a) that all reasonable precautions have been taken to safeguard the collection of public moneys and that the law relating thereto has been duly observed and that all directions or instructions relating thereto have been obeyed; and

(b) that all money appropriated or otherwise disbursed has been expended and applied for the purpose or purposes for which the grants made by the Legislature were intended to provide and that the expenditure conforms to the authority which governs it;

(c) that adequate regulations exist for the guidance of store-keepers and store accountants and that they have been duly observed.

(3) Anything which under the authority of this Law or of any other written law in force at the commencement of this Law is directed to be done by the Director of Audit other than the certifying of accounts and the signing of reports as set out in section 12 may be done by any person so authorised by him.

(4) The Director of Audit shall not be required to undertake any examination of accounts partaking of the nature of a pre-audit which involves acceptance by him of responsibility which would preclude him from full criticism of any accounting transactions after such transactions have been duly recorded.

(5) The Director of Audit shall not be required to undertake any duties outside those appertaining to his post, if he considers that such duties are incompatible with the responsibilities of his office.

(6) The Director of Audit shall not be capable while holding that office of holding any other office of profit under the state.

6. The Director of Audit may as an agent of and at the request of the Auditor-General of the Federation inquire into and audit the accounts of any officer of the Federation where the Auditor-General is empowered to inquire into and audit such accounts, and for such purposes the Director of Audit, and where so directed by him the officers of his department, shall have the powers and duties prescribed:-

(a) in subsection (2) of section 5 as though the reference in that subsection to the Legislature was a reference to the Federal Legislature; and

(b) in subsection (2) of section 10 as though the reference in that subsection to the Government was a reference to the Government of the Federation.

7. The Director of Audit may as an agent of and at the request of the Director of Audit of any other State inquire into and audit the accounts of any officer of that other State where such Regional Director is empowered to inquire into and audit such accounts, and for such purposes the Director of Audit, and where so directed by him the officers of his department, shall have the powers and duties prescribed:-

(a) in subsection (2) of section 5 as though the reference in that subsection to the Legislature was a reference to the Legislature of that other State; and

(b) in subsection (2) of section 10 as though the reference in that subsection to the Government was a reference to the Government of that other State.

8.—(1) The Director of Audit shall audit the accounts of any bodies established by Law, other than a body referred to in section 5, if the Governor so directs.

(2) In the exercise of his duties under this section the Director of Audit:-

(a) shall have, in relation to any such body as aforesaid and its members, officers and employees the same discretions and powers as are conferred upon him by sections 5 and 10 of this Law in relation to public moneys, stamps, securities, stores or other property of the Government;

(b) may authorise any person publicly carrying on the profession of accountant or any officer to inspect, examine or audit the books and accounts of any body which he may be required to examine and audit pursuant to the provisions of this section, and such person or officer shall report thereon to the Director of Audit in such manner as the Director of Audit may direct so, however, that such authority given to an officer shall be subject to the concurrence of the executive head of the ministry or other office in which the officer is employed.

(3) The Director of Audit shall report on his examination and audit of the accounts referred to in this section and shall send such report to the Commissioner.

(4) A body whose accounts have been audited under the provisions of this section shall in respect of such audit pay such fees as may be approved by the Governor, and such fees shall be credited to the public revenues of the State.

9. If at any time it appears to the Director of Audit that any irregularities have occurred in the receipt, custody or expenditure of public moneys or in the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other property of the Government, or in the accounting for the same, he shall immediately bring the matter to the notice of the Commissioner.

10.—(1) In the exercise of his duties under this Law the Director of Audit may:-

(a) call upon any officer to furnish forthwith any explanations or information which he may require in order to enable him to discharge his duties;

(b) authorise any officer, Federal officer or officer of any other State on his behalf to conduct any inquiry, examination or audit and such officer, Federal officer or officer of that other State as the case may be shall report thereon to the Director of Audit so, however, that such authority shall be subject to the concurrence:-

(i) in the case of an officer, of the executive head of the ministry or other office in which the officer is employed;

(ii) in the case of a Federal officer, of the President; and

(iii) in the case of an officer of any other State, of the Governor of that State;

(c) without payment of any fee cause search to be made in and extracts to be taken from any book, document or record in any public office;

(d) examine upon oath, declaration or affirmation (which oath, declaration or affirmation the Director of Audit is hereby empowered to administer) all persons whom he may think fit to examine respecting the receipt or expenditure of money or the receipt or issue of any stores affected by the provisions of this Law, and respecting all other matters and things necessary for the due performance and exercise of the duties and powers vested in him;

(e) lay before the Attorney-General of the State a case in writing as to any question regarding the

interpretation of any written law concerning the powers of the Director of Audit or the discharge of his duties, and the Attorney-General of the State shall give a written opinion on such case.

(2) In the exercise of his duties under this Law the Director of Audit or any person authorised by him shall have access to all books of account and other documents in respect of public moneys or other property of the Government which may be in the possession of any officer, and to all cash, stamps, securities, stores or other property of the Government which may be in the possession of any such officer.

(3) Any person examined pursuant to the provisions of paragraph (d) of subsection (1) of this section who gives a false answer to any question put to him or makes a false statement on any matter not knowing or believing it to be true shall be deemed to be guilty of perjury and shall be liable to be prosecuted and punished accordingly.

11.—(1) Within a period of eight months after the close of each financial year the Accountant-General shall sign and present to the Director of Audit accounts showing fully the financial position of the Government on the last day of such financial year.

(2) Notwithstanding the provisions of subsection (1) the Governor may by direction to the Accountant-General extend the period within which such accounts shall be presented and any direction so given shall be sent forthwith to the Speaker of the House of Assembly to be by him presented to the House of Assembly.

(3) Such accounts shall include:-

- (a) an abstract account of receipts and payments;
- (b) a statement of the assets and liabilities at the close of the financial year;
- (c) detailed statements of revenue and expenditure arranged according to subheads; and
- (d) such other statements as the Legislature may, from time to time, require.

12.—(1) Within sixty days after receiving the accounts mentioned in subsection (1) of section 11 or within such longer period as the House of Assembly may direct the Director of Audit shall send to the Speaker of the House of Assembly copies of the accounts signed and presented by the Accountant-General in pursuance of the provisions of section 11 together with his certificate of audit and report upon his examination and audit of the public accounts of the State and of the offices, courts and authorities of the State referred to in section 5 to be by him presented to the House of Assembly.

(2) The Director of Audit may at any time, if it appears to him to be desirable, send a special report on any matter incidental to his powers and duties under the provisions of this Law to the Speaker of the House of Assembly to be by him presented to the House of Assembly.