

CHAPTER P13 - PUBLIC FINANCES (CONTROL AND MANAGEMENT) LAW

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FIRST SCHEDULE

Public Funds of Kwara State

SECOND SCHEDULE

PUBLIC FINANCES (CONTROL AND MANAGEMENT) LAW

A Law to provide for the control and management of the public finances of the State.

[NN 1963, Cap 108, NN 3 of 1965, KWS 8 of 1968, KWSLN 1 of 1982, No. 4 of 2006.]

[Date of commencement: 1st August, 1958]

1. Short title

This Law may be cited as the Public Finances (Control and Management) Law.

2. Interpretation

(1) Definitions—

"Commissioner" means the State Commissioner charged with responsibility for finance;

[KWS LN 1 of 1982.]

"Consolidated Revenue Fund" means all revenues or other monies raised or received by the Government of Kwara State (not being revenue or other monies payable under the Constitution or any Law of the Legislature with any other public fund of the State established for a specific purpose);

"Constitution" means the Constitution of the Federal Republic of Nigeria;

[No. 4 of 2006.]

"Legislature" means the Kwara State House of Assembly;

"public monies" include—

- (a) the public revenues of Kwara State; and
- (b) any trust or other monies held in his official capacity, whether temporarily or otherwise, by any officer of the public service of the

Federation or of a State as the agent of the Government of Kwara State jointly with any other person;

"statutory expenditure" means—

- (a) the expenditure charged on the Consolidated Revenue Fund by any provision of the Constitution; and
- (b) such other expenditure as may by law (other than an Appropriation or Supplementary Appropriation Law) be charged on the Consolidated Revenue Fund or the general revenue and assets of Kwara State, or on the other public funds of Kwara State as the case may be.

(2) A reference to the Commissioner in this Law in relation to the signing or issue of a warrant shall imply a similar authority enabling the Governor to sign or issue such warrant whenever the office of the Commissioner is vacant.

3. Supervision of expenditure and accounts by Commissioner

(1) The Commissioner shall so supervise the expenditure of Kwara State as to ensure that proper arrangements for accounting to the Legislature are made and the Commissioner may direct what accounts shall be kept.

(2) All persons handling public monies, stamps, securities, stores or other property of the Government of Kwara State shall obey the instructions of the Commissioner regarding handling and accounting procedure.

(3) The Permanent Secretary, or other officer of the Ministry of Finance, shall have such access to official records as may be necessary for the exercise of the Commissioner's powers under this section.

4. Authorised expenditure from Consolidated Revenue Fund

(1) The Commissioner may by warrant authorise the issue from the Consolidated

Revenue Fund of all sums required to meet statutory expenditure or to meet the cost of any purpose to which any sum has been appropriated in accordance with this or any other Law: Provided that the aggregate of such sums in respect of expenditure other than statutory expenditure shall not exceed the total amount appropriated.

(2) The Commissioner may limit or suspend expenditure notwithstanding that authority for such expenditure has been given by a warrant if, in his opinion, financial exigencies or the public interest so require.

Provided that this subsection shall not convey authority to withhold payments which are required to be made under the Constitution.

5. Repayment of erroneous receipts

The Commissioner may by warrant authorise the repayment from the Consolidated Revenue Fund of sums received in error by that Fund. Any such repayment shall be a charge on the Fund.

6. Investment of monies forming part of public funds

(1) In investing any monies forming part of the Consolidated Revenue Fund or of any other public funds of Kwara State the Accountant-General shall act in accordance with any instructions issued by the Commissioner (subject, in the case of any such other public fund, to any express provisions of law regulating that fund).

[KWS 8 of 1968.]

(2) The Consolidated Revenue Fund, and any other public fund of Kwara State (subject to any express provisions of law regulating any such public fund), may in part consist of deposits with a bank, or with the Joint Consolidated Fund, either at call or subject to notice not exceeding twelve months or Treasury Bills issued by the Central Bank of Nigeria or of any investments in which a trustee in Nigeria may lawfully invest trust funds and the disposition of monies of the Consolidated Revenue Fund or of such other public

fund (subject as aforesaid) for any such purpose shall need no legislative authority other than that contained in this section.

(3) No public monies shall be deposited or invested otherwise than in accordance with subsection (2) or except as may be specified in any written law or in any approved estimates of expenditure.

7. Investments general

(1) The Accountant-General shall maintain under the designation "Investments General" a record of certain investments.

(2) Subject to any directions made under section 15 Investments General shall comprise all investments of public monies.

[KWS 8 of 1968.]

Provided that the investments forming part of any funds to which subsection (3) of section 16 applies shall not form part of Investments General.

(3) All interest earned by Investments General shall accrue to the Consolidated Revenue Fund and shall be included in the annual statement of Revenue of Kwara State for each financial year.

8. Fluctuation in value of investments general

The Accountant-General shall value investments general at the mean market price of the securities held at the close of business on the last day in each financial year for which a quotation is available. Any appreciation or depreciation in the value of such securities and any profits or losses arising from the sale or redemption of such securities shall be taken direct to the Consolidated Revenue Fund and shall be shown as an addition to or deduction from the opening balance of the Consolidated Revenue Fund in the annual statement of Assets and Liabilities of Kwara State.

9. (1) *Estimates of revenue and expenditure to be submitted to State Executive*

Council.—The Commissioner shall cause to be prepared, in each financial year, estimates of the revenue and expenditure of the State for the next following financial year which shall then be submitted to the State Executive Council before the beginning of the financial year to which they relate.

(2) *Appropriation Law*.—The proposals for all expenditure contained in the estimates which is to be charged on the Consolidated Revenue Fund (that is, expenditure other than statutory expenditure) shall when approved by the State Executive Council be submitted to the Governor in the form of an Appropriation Law which shall contain estimates under appropriate Heads for the several services required.

(3) *Provision of Appropriation Law not in force*.—If the Appropriation Law has not come into operation at the commencement of any financial year, the Commissioner may by warrant authorise the issue from the Consolidated Revenue Fund of such sums as are necessary for carrying on the services of the State Government at a level not exceeding the level of those services in the previous financial year, for a period of four months or until the Appropriation Law comes into operation, whichever is the shorter.

10. Supplementary Appropriation

When it is necessary in any financial year to provide for expenditure as a charge to the Consolidated Revenue Fund (other than statutory expenditure) upon any service not provided for by any Appropriation or Supplementary Appropriation Law relating to that year or not fully provided for by any such Appropriation Law or Supplementary Appropriation Law, proposals for such expenditure shall be submitted to the vote of the Legislature by means of a Supplementary Appropriation Bill which shall contain that expenditure under appropriate Heads.

11.....

[KWS LN 1 of 1982]

12. Appropriations lapse at end of financial year

Monies appropriated by the Legislature for the service of any financial year shall lapse at the close of that year, unless express provision to the contrary is made when they are appropriated.

13. Provision if Appropriation Law not in force

If the Appropriation Law has not come into operation at the commencement of any financial year, the Governor may by warrant authorise the issue from the Consolidated Revenue Fund of such sums as are necessary for carrying on the services of the Government of Kwara State at a level not exceeding the level of these services in the previous financial year, for a period of six months or until the Appropriation Law comes into operation, whichever is the shorter.

[KWSLN 1 of 1982.]

14. Specification of public funds

The public funds specified in the First Schedule shall be deemed to be established on the 1st day of April, 1968.

[KWS 8 of 1968.]

15. Carrying forward of annual balance

Unless it is otherwise provided in the Law establishing or regulating the fund, the balance remaining in any fund at the close of each financial year shall be carried forward to the credit of that fund at the beginning of the next financial year.

16. The operation of funds

(1) The Funds specified in the First Schedule (other than the Capital Development Fund) shall be operated in accordance with directions approved by Resolution of the Legislature.

(2) Directions made under this section may provide that investments held for any fund shall be so held in a separate account and in that event such directions shall specify whether—

- (a) the interest earned on such investments shall accrue to the fund itself or to the Consolidated Revenue Fund; and
- (b) any depreciation or appreciation in the value of such investments and any profits from the sale or redemption of such investments shall be debited or credited to the Fund in question or to the Consolidated Revenue Fund.

(3) Directions made under this section in respect of any fund shall be consistent with the terms of any bequest providing monies contained in that fund and of any Law establishing or regulating that fund.

(4) Subject to the provisions of subsection (3) the Commissioner may—

- (a) limit or suspend expenditure from any fund notwithstanding that authority for such expenditure has been given if, in his opinion, financial exigencies or the public interest so require. Provided that this paragraph shall not convey authority to withhold payments required to be made under the Constitution; and
- (b) by warrant authorise repayment from any fund of sums received in error by that fund and any such repayment shall be a charge on that fund.

(5) The Capital Development Fund shall be operated in accordance with the rules set out in the Second Schedule and the provisions of such Schedule may be amended from time to time by Resolution of the Legislature.

17. Annual accounts of all funds

(1) The Accountant-General shall sign and present to the Auditor-General accounts showing fully the financial position on the last day of each financial year of the Consolidated Revenue Fund and of the funds specified in the First Schedule to this Law.

[KWS 8 of 1968.]

(2) The accounts of all public funds (other than the Consolidated Revenue Fund and the Capital Development Fund) as certified by the Auditor-General shall be published in the State Gazette.

[No. 4 of 2006.]

FIRST SCHEDULE

[KWS 8 of 1968.]

Public Funds of Kwara State

The Capital Development Fund

The Personal Advances Fund

The Treasury Clearance Fund Other Governments Clearance Fund

The Staff Housing Scheme Loans Fund

The Local Governments Deposits and Short-term Loans Fund

The Local Governments Motor Vehicles Insurance Fund

The Small Industries Credit Scheme Fund.

The Voluntary Agencies Education Buildings Loans Fund

SECOND SCHEDULE

[Section 16.]

[As amended by NN 3 of 1965 and KWS LN 1 of 1982]

Rules for the Operation of the Capital Development Fund

1. In these rules—

"Development Plan" means a development plan approved in accordance with rule 2;

"Fund" means the Capital Development Fund.

2. The Fund shall be used to finance the construction and provision of capital projects necessary for the continued economic and social development of the State and contained in a Development Plan as approved from time to time by the Governor.

3. The receipts of the Capital Development Fund shall consist of—

- (a) the product of loans raised by the Government of Kwara State unless allocated by or under this or some other Law to some other purpose;
- (b) grants made to the Government of Kwara State for development purposes by another Government or body;
- (c) sums from time to time authorised by any Law or Resolution of the Legislature;
- (d) non-recurrent revenue received from any Government or body that the Governor directs shall be devoted to development purposes.

CHAPTER P13

PUBLIC FINANCES (CONTROL AND MANAGEMENT) LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

- 1. Delegation of Powers (Public Finances) Notice.
- 2. Kwara State Small Industries Credit Scheme Fund Directions.

DELEGATION OF POWERS (PUBLIC FINANCES) NOTICE

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.
3. Delegation of powers.
4. Revocation of NN LN 38 of 1965.

DELEGATION OF POWERS (PUBLIC FINANCES) NOTICE

[KWS LN 18 of 1968.]

In exercise of the powers conferred by paragraph (2) of rule 10 of the Second Schedule to the Public Finances (Control and Management) Law, the following notice is hereby given by the Military Governor of the Kwara State of Nigeria.

[Date of commencement: 1st April, 1968]

1. Short title and commencement

This notice may be cited as the Delegation of Powers (Public Finances) Notice, 1968, and shall be deemed to have come into operation on the 1st day of April, 1968.

2. Interpretation

In this notice—

"**Commissioner**" means the commissioner charged with responsibility for financial matters in the Kwara State of Nigeria.

3. Delegation of powers

The Military Governor has been pleased to delegate to the Commissioner the powers conferred upon the Governor by rule 10 of the Second Schedule to the Public Finances

(Control and Management) Law to the following extent and subject to the following conditions—

- (a)* to permit an increase in the estimated total cost of any project included in the Development Plan, by an amount not exceeding twenty per cent of the latest approved estimated total cost of the project or N50,000.00, whichever is the greater;
- (b)* to permit a decrease in the estimated total cost of any project included in the Development Plan by any amount;
- (c)* to permit the combination of any projects in the Development Plan which are so closely related as to be in effect different aspects of a single project, the division of one project into two or more projects or a reallocation of the estimated total costs of such related projects, provided that the aggregate estimated total cost of the project or projects is not increased by more than N50,000.00 or twenty per cent of the latest approved estimated total costs, whichever is the greater; and
- (d)* to permit the renaming of a project, provided that no change of substance is involved.

Provided That no change approved under these delegated powers shall be such as, in the opinion of the Commissioner, will significantly alter the principles or priorities in accordance with which the Development Plan has been drawn up.

4. Revocation of NN LN 38 of 1965

The Delegation of Powers (Public Finances) Notice, 1965, is hereby revoked to the extent to which it applies to the Kwara State of Nigeria.

THE KWARA STATE SMALL INDUSTRIES CREDIT SCHEME

FUND DIRECTIONS

ARRANGEMENT OF SECTIONS

SECTION

1. Title and commencement.
2. Use of Fund.
3. Composition of Fund.
4. Payments into Fund.
5. Loan committee.
6. Grant of Loans.
7. Accounts.

THE KWARA STATE SMALL INDUSTRIES CREDIT SCHEME

FUND DIRECTIONS

[KWS LN 4 of 1969.]

In exercise of the powers conferred by section 18 (1) of the Public Finances (Control and Management) Law and of all other powers enabling in that behalf, the following directions have been approved by the Executive Council of the Kwara State of Nigeria.

[Date of commencement: 1st April, 1969]

1. Short title and commencement

These directions may be cited as Kwara State Small Industries Credit Scheme Fund Directions, 1969, and shall be deemed to have come into operation on the 1st day of April, 1969.

2. Use of Fund

The Kwara State Small Industries Credit Scheme Fund established under the Public Finances (Control and Management) Law shall be used to grant loans to persons to assist

them in establishing, expanding and operating small industries in Kwara State which will contribute to the economic development of the State.

[Cap. P13.]

3. Composition of Fund

The Fund shall consist of—

- (a) sums appropriated or granted to the Scheme from time to time by the Government of Kwara State or by any other person or body on its behalf;
- (b) repayments of loans granted under the Scheme together with the interest thereon; and
- (c) repayments of loans granted for projects in the State from the Northern Nigeria Small Industries Credit Scheme Fund together with interest thereon.

4. Payments into Fund

All sums authorised under direction 3 shall be paid into the Fund in such manner and at such times as the Commissioner for Finance may direct.

5. Loan committee

There shall be a Loan Committee which shall control and direct the use of the Fund and all matters relating thereto, and which shall consist of the following—

The Permanent Secretary, Ministry of Finance.....	Chairman	
The Permanent Secretary, Ministry of Natural Resources.....		} Members
The Permanent Secretary, Secretary to the Military Government's Office.....		
The Chief Commercial Officer, Ministry of Finance, Trade and Industry Division.....		

Two members of the public, not likely to be recipient of a loan from the Scheme,
appointed by the Military Governor.....

And any other public officers or members of the public appointed by the Military
Governor as *ex officio* members.....

6. Grant of Loans

Loans shall be granted from the Fund with the approval of the Loan Committee and in accordance with the provisions of the Regulations governing the Kwara State Small Industries Credit Scheme Fund which are approved by the Military Governor, Kwara State, and published in the Kwara State Gazette.

7. Accounts

The accounts of the Fund shall be kept by the Accountant-General and shall be audited by the Director of Audit to whom annual statements shall be forwarded by the Accountant-General as soon as possible after the close of each financial year. The accounts as certified by the Director of Audit shall be published in the Kwara State Gazette.