

CHAPTER 42 - DEVELOPMENT LEVY

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CHAPTER 42

DEVELOPMENT LEVY

**AN EDICT TO IMPOSE AN ANNUAL LEVY ON RESIDENTS IN GONGOLA
STATE FOR THE IMPROVEMENT OF EDUCATION**

[1 January 1987]

1. This Edict may be cited as the State Development Levy Edict.
2. In this Edict, unless the context otherwise requires:-
 - "Board" means the Board of Internal Revenue;
 - "development levy" means the levy chargeable under section 4;
 - "Director" means the Director of the Board;
 - "Government" means the Government of the State;
 - "prescribed" means prescribed by Regulations made under section 12;
 - "State" means Gongola State of Nigeria.

3. As from the commencement of this Edict, a development levy, in this edict referred to as the "levy" shall be charged in the State.

4. —(1) Every person resident in the State who has attained the age of 18 years or above but the age does not exceed 59 years shall pay a levy of N 15.00 every year.

(2) The levy from the persons referred to in subsection (1) :-

(a) who are employees in the private sector; or

(b) who are employees of:-

(i) the Government;

(ii) the Federal Government;

(iii) the Local Government;

(iv) State Boards and parastatals;

(v) the State Judiciary.

shall be deducted at source by their employers.

(3) The levy deducted at source by:-

(a) the employers of the employees referred to in subsection (2)(a); and

(b) the employers of the employees referred to in subsection (2)(b) shall be paid in full to the Government by the employers.

(4) Every member of the Armed Forces in the State who has attained the age referred to in subsection (1) shall also pay a levy of N 15.00 every year and such levy shall also be deducted at source and paid in full to the Government by the appropriate authority.

5.—(1) The Director shall appoint collection agents including agents including employers of labour in the public or private sector and husbands.

(2) The husbands appointed under subsection (1) shall be responsible for the collection of levy from their wives (whose levy is not deducted at source) and dependant relatives and such levy shall be paid in full to the Government by the husbands.

(3) The collection agents and the employers referred to in subsection (1) shall collect the levy from persons, other than the employees referred to in subsection (2) of section 4 and members of the Armed Forces referred to in subsection (4) of section 4, and shall pay the levy in full to the Government.

6.—(1) Any person whose levy is deducted at source or collected, as the case may be, shall be furnished with a receipt.

(2) The receipt shall be in the prescribed form and in the prescribed manner.

7. A collection agent or any other person authorised by the Director may require any person

whose levy is deducted at source or collected, as the case may be, to produce the receipt referred to in section 6 for inspection and such person shall comply with the requirement.

8. The Director:—

- (a) shall maintain an account into which all monies deducted or collected shall be credited; and
- (b) shall render a quarterly statement of the account to the State Commissioner for Finance and Economic Planning.

9. The monies or any portion of the monies deducted or collected shall be used to improve education in the State.

10. The levy may sued for and recovered in any court in the State as debt due to the Government by the Board on behalf of the Government with full costs of action from the person liable to pay the levy.

11. Any person who:—

- (a) being liable for the payment of levy, without just cause or lawful excuse, refuses or fails to pay the levy when due under section 4(1); or
 - (b) being an employer of an employee in the private sector refuses or fails:—
 - (i) to deduct the levy at source under section 4(2)(a); or
 - (ii) to pay the levy deducted in full to the Government under section 4(3)(a); or
 - (c) being an employer of an employee of any of the bodies refuses or fails:—
 - (i) to deduct the levy at source under section 4(2)(b); or
 - (ii) to pay the levy so deducted in full to the Government under section 4(3)(b); or
 - (d) being an appropriate authority refuses or fails:—
 - (i) to deduct the levy at source; or
 - (ii) to pay the levy so deducted in full to the Government under section 4(4); or
 - (e) being a husband appointed under section 5(1) refuses or fails:—
 - (i) to collect the levy from his wife or relative dependant; or
 - (ii) to pay the levy so collected in full to the Government, under section 5(2); or
 - (f) being a collection agent or an employer appointed under section 5(1) refuses or fails:—
 - (i) to collect the levy; or
 - (ii) to pay the levy so collected in full to the Government, under section 5(3); or
 - (g) refuses or fails to produce a receipt for inspection when required to do so under section 7;
- or

(h) not being an authorised person to collect levy under this Edict, collects or attempts to collect a levy,

commits an offence under this Edict and on summary conviction is liable to a fine not exceeding N 500.00 or to imprisonment for a term not exceeding 6 months or to both.

12.—(1) The Board may make regulations for the purpose of giving effect to this Edict.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the State Executive Council, vary the levy if it thinks fit.