SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 3rd June, 2014

1. The Senate met at 10:48 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 28th May, 2014.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) ***Meeting:***

The Senate President read a letter from Senator Ike Ekweremadu (*Enugu West*) as follows:

THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on the Review of the 1999 Constitution
National Assembly Complex,
P. M. B. 141, Garki, Abuja-Nigeria

3rd June, 2014

His Excellency
The Senate President
Senate Chamber
National Assembly Complex
Abuja

My dear brother,

ANNOUNCEMENT

The Senate Committee on the Review of the 1999 Constitution and the Committee on the Independent National Electoral Commission (INEC) will meet today Tuesday, 3rd June, 2014 immediately after sitting at the Senate Meeting Room 204, Senate Building.

(Signed)
Senator Ike Ekweremadu
Deputy Senate President/Chairman

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(b) ***Acknowledgment:***
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*i*) Members of Students' Senate Council, Ekiti State University, Ado Ekiti, Ekiti State; and

(*ii*) Members of the Legislative Arm, Uhunmwode Local Government, Ehor, Edo State.

4. Presentation of Bill:
Witness Protection Programme Bill 2014 (HB. 118) — *Read the First Time.*

5. Motion:
Institutionalization of the African Legislative Forum:

Consideration of Motion deferred to another Legislative Day.

6. Conference Committee:
Report on the National Assembly Service Commission Act CAP N7 2004 (Repeal and Enactment) Bill 2014 (SB. 245):

Consideration of Report deferred to another Legislative Day.

7. Conference Committee:
Report on the Pension Reform Act CAP P4 LFN 2011 (Repeal and Re-enactment) Bill 2014 (SB.288):
Motion made: That the Senate do adopt the Report of the Conference Committee on Pension Reform Act CAP P4 LFN 2011 (Repeal and Re-enactment) Bill 2014 (*Senator Aloysius A. Etok — Akwa-Ibom North West*).

Question put and agreed to.

Report accordingly adopted.

8. Committee on National Identity and National Population:
Report on the screening of nominees:
Motion made: That the Senate do consider the Report of the Committee on National Identity and National Population on the screening of Alhaji Hassan Bashir (*Bauchi State*) and Hon. Olarewaju Emmanuel Fayemi (*Ekiti State*) for appointment as Members of the National Population Commission (*Senator Abdulmumin M. Hassan — Jigawa South West*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on National Identity and National Population on the screening of Alhaji Hassan Bashir (*Bauchi State*) and Hon. Olarewaju Emmanuel Fayemi (*Ekiti State*) for appointment as Members of the National Population Commission.

Nominees recommended for confirmation:

(*i*) Alhaji Hassan Bashir (*Bauchi State*) — *Agreed to.*

(*ii*) Hon. Olarewaju Emmanuel Fayemi (*Ekiti State*) — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on National Identity and National Population on the screening of Alhaji Hassan Bashir (*Bauchi State*) and Hon. Olarewaju Emmanuel Fayemi (*Ekiti State*) for appointment as Members of the National Population Commission and approved the nominations.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nominations:

Question:
"Will the Senate confirm the nomination of Alhaji Hassan Bashir (*Bauchi State*) for appointment as Member of the National Population Commission ?" — *Resolved in the Affirmative.*

Nomination of Alhaji Hassan Bashir (Bauchi State) for appointment as Member of the National Population Commission accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Hon. Olarewaju Emmanuel Fayemi (*Ekiti State*) for appointment as Member of the National Population Commission ?" — *Resolved in the Affirmative.*

Nomination of Hon. Olarewaju Emmanuel Fayemi (Ekiti State) for appointment as Member of the National Population Commission accordingly confirmed.

9. Committee on Banking, Insurance and Other Financial Institutions:
Report on the screening of nominees:
Motion made: That the Senate do consider the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of the following nominees for re-appointment as Members of the Monetary Policy Committee of the Central Bank of Nigeria:

S/No	Name	Area of Specialization
(*i*)	Dr. Adedoyin Salami	Macroeconomic Policy
(*ii*)	Prof. Chibuike Ugochukwu Uche	Banking and Finance
(*iii*)	Dr. Shehu Yahaya	Development Economics
(*iv*)	Abdul-Ganiyu Garba	Monetary and Fiscal Policy

(*Senator Bassey E. Otu — Cross River South*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report *(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Mr President's nominees for re-appointment as Members of the Monetary Policy Committee of the Central Bank of Nigeria.

Nominees recommended for confirmation:

(*i*)	Dr. Adedoyin Salami (*Macroeconomic Policy*)	—	*Agreed to.*
(*ii*)	Prof. Chibuike Ugochukwu Uche (*Banking and Finance*)	—	*Agreed to.*
(*iii*)	Dr. Shehu Yahaya (*Development Economics*)	—	*Agreed to.*
(*iv*)	Abdul-Ganiyu Garba (*Monetary and Fiscal Policy*)	—	*Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Mr President's nominees for re-appointment as Members of the Monetary Policy Committee of the Central Bank of Nigeria and approved the nominations.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nominations:

Question:
"Will the Senate confirm the nomination of Dr. Adedoyin Salami (*Macroeconomic Policy*) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria?" — *Resolved in the Affirmative.*

Nomination of Dr. Adedoyin Salami (Macroeconomic Policy) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Prof. Chibuike Ugochukwu Uche (*Banking and Finance*) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria?" — *Resolved in the Affirmative.*

Nomination of Prof. Chibuike Ugochukwu Uche (Banking and Finance) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Dr. Shehu Yahaya (*Development Economics*) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria?" — *Resolved in the Affirmative.*

Nomination of Dr. Shehu Yahaya (Development Economics) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria accordingly confirmed.

Question:
"Will the Senate confirm the nomination of Abdul-Ganiyu Garba (*Monetary and Fiscal Policy*) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria?" — *Resolved in the Affirmative.*

Nomination of Abdul-Ganiyu Garba (Monetary and Fiscal Policy) for re-appointment as Member of the Monetary Policy Committee of the Central Bank of Nigeria accordingly confirmed.

10. Joint Committee on Federal Capital Territory; and Finance:
Report on the Federal Capital Territory Internal Revenue Board Bill 2014 (SB. 203):
Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Joint Committee on Federal Capital Territory; and Finance, on the Federal Capital Territory Internal Revenue Service Bill 2014 (*Adjourned Consideration-Wednesday, 30th April, 2014*)(*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY INTERNAL REVENUE SERVICE CHARGED WITH POWERS OF ASSESSMENT, COLLECTION OF, AND ACCOUNTING FOR REVENUES ACCRUABLE TO THE FEDERAL CAPITAL TERRITORY; AND FOR OTHER RELATED MATTERS.

Clause 24: (1) A taxable person shall during each year of assessment, prepare and submit to the Service, in such form as the Service may prescribe from time to time, a true statement in writing, and without prejudice to the generality of the following, the statement shall contain—

(a) The amount of his income for the year of assessment;

(b) The source of such income;

(c) Allowance, reliefs and deduction; and

(d) Such other particulars as may be required by the Service.

(2) The Service may, by notice in writing, publish in any two daily national newspapers, a request to any person or group of taxable persons to submit their tax returns in such form and within the duration that the Service may, from time to time, determined.

(3) For the purpose of sub-clause (1) of this Clause, the Service shall, from time to time, by notice prescribe the forms or formats in which the statement shall be submitted.

(4) The form for the return of taxable statements shall contain a declaration which shall be signed by or on behalf of any taxable person to whom a notice has being given under sub-clause (2) of this Clause, stating that the form contains a true statement of his income computed in accordance with the provision of this Bill, or that any particulars given in the return in accordance with all other requirements of such notice, are true and complete.

(5) Any taxable person who has not been required to prepare and to deliver a statement under the provisions or sub-clause (2) of this Clause for any year shall do so whether or not any tax chargeable on him for that year.

(6) For every yearly assessment, any trustee, executor, body corporate or individual and every other taxable person whose total income for such year exceeds Forty Thousand Naira (₦40,000:00), unless required to make any return for such year under the provisions of sub-clause (1) of this Clause shall be given notice in writing to the Service within one month after the end of such year, the source of his income liable to tax under this Bill.

Committee's Recommendation:
That the provision in Clause 24 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 24 *do stand part of the Bill, put and agreed to.*

Clause 25: (1) The Service may give notice in writing to any person, from time to time, as it may think necessary requiring him to submit within a reasonable time such information or further information or returns as the Service may require for the purpose of proper tax assessment of such person.

(2) The Service may by notice in writing require any person to keep such records, books and accounts in such form and language as specified in such notice as the person to whom such notice was issued shall keep such records or books or accounts.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 25 *do stand part of the Bill, put and agreed to.*

(DEPUTY SENATE PRESIDENT IN CHAIR)

Clause 26: (1) After the expiration of the time allowed to any person under Clause 24 of this Bill and the person has not submitted the statement or returns, the Board may assess such taxable person chargeable with income tax in such manner as the Board may determine.

(2) Where a taxable person has submitted a statement or a return, the Service—

(a) accept the statement or return and make an assessment accordingly;

(b) refuse to accept the statement or return and, to the best of its judgment, determine the amount of the assessment tax, total or chargeable income of such person and make an assessment accordingly.

(3) Where a taxable person has not delivered a statement or reruns within the time allowed under this Bill or pursuant to a notice given by the Service and is of the opinion that tax is chargeable upon such person, the Service may determine the amount of assessable tax, total or chargeable income and make such assessment: provided that such assessment shall not affect any liability otherwise incurred by such person by reason of his failure to deliver a return or statement under the provisions of the Bill.

(4) Notwithstanding the provisions of Sub-Clause (1) of this Clause, no assessment to income tax for a year of assessment shall be made by the Service upon a staff or employee with respect to his emoluments or other income if that tax is recoverable by deduction under the PAYE provisions of this Bill unless, within six (6) years after the end of such year, he applied to the Service so as to be assessed for repayment of tax or otherwise.

Committee's Recommendation:
That the provision in Clause 26 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 26 *do stand part of the Bill, put and agreed to.*

Clause 27: List of Persons Assessed:

(1) The Service shall, from time to time, prepare a list of taxable persons assessed to income tax.

(2) The list of taxable persons assessed prepared under Sub-clause (1) of this Clause shall contain:

(a) the name and address of the taxable persons assessed to income tax;

(b) the name of the income assessed;

(c) the amount of the assessable tax, total or chargeable on which the tax is computed as the case may be;

(d) the amount of the income tax charged; and

(e) such other particulars as may be prescribed by the Service.

(3) Where completed copies of all notices of assessment and all notice amending the assessment are filed in the offices of the Board, they shall constitute a preliminary assessment list for the purpose of this Bill.

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 27 *do stand part of the Bill, put and agreed to.*

Clause 28: Records of Tax under PAYE, Etc:

In the case of any employee from whom tax is recoverable by deduction from his emoluments under PAYE provisions of this Bill, the Service may, from time to time prescribe—

(a) the form in which a record of his assessment tax and chargeable income and of the tax so recovered from him, shall be maintained in the offices of the Service;

(b) the form in which his employment shall maintain a record; and

(c) the form in which his employer shall account to the Board for the tax so deducted, and the employer shall produce the record maintained by him for examination by the Service within 21 years from the date of notice given by the Service thereto.

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 28 *do stand part of the Bill, put and agreed to.*

Clause 29: **Service of notice of assesment:**
The Service may serve upon any taxable person or a person in whose name a taxable person is chargeable, a notice stating whose name appears in the amount of any assessable tax, total or chargeable income, the tax charged and the place at which payment shall be made.

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 29 *do stand part of the Bill, put and agreed to.*

Clause 30: **Objective of notice of Assessment:**
(1) If any person is not satisfied with any assessment he may apply to the Board, by notice of objection in writing, to review and to revise the assessment.

(2) A notice of objection referred to under Sub-clause (1) of this Clause shall state precisely the grounds of objection to the assessment and shall be made within 30 days from the date of service of the notice of assessment.

(3) The Board may, upon receipt of the objection, request for any information or such books or documents as may deem necessary, and may summon any person who may be able to give information which is material to the determination of the objection.

(4) Where an objection to review or revise any assessment has been considered by the Board and the correct amount chargeable has been determined by the Board, the assessment shall be amended accordingly and a new revised notice of assessment shall be served on such person.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 30 *do stand part of the Bill, put and agreed to.*

Clause 31: **Objective to Assessment:**
(1) The Board may issue a tax clearance certificate to any person within two weeks of receipt of an application if—
(a) the Board is of the opinion that-

(i) taxes or levies assessed on a person or his income or property for the three (3) years immediately preceding the current year of the assessment and collectible by the Board as the revenue of the FCT has been fully paid;

(ii) no such tax or levy is due on the person or on his income or property; and

(iii) the person is not liable to tax for any of those three (3) years.

(b) the person is able to produce evidence that he paid withholding tax deduction at source and that the assessment year to which the tax relates falls within the period covered by the tax clearance, and that he has fully paid any balance of the tax after credit has been given for the tax so deducted; provided that payment of income tax for the current year shall not be made a condition for the issuance of the certificate unless the applicant is leaving the FCT finally.

(2) The tax clearance certificate may be issued in paper form or stored in an electronic format on a machine-readable smart card (referred to as Electronic Tax Clearance Certificate in this Bill) which holds tax information peculiar to that applicant and which shall be presented for checking by the holder whenever his tax compliance status is required.

(3) Where a person who has applied for a tax clearance has discharged his own tax liability but has failed to remit withholding tax or pay as you earn deductions collection by him on behalf of the FCT, no tax clearance may be issued to that person.

(4) The Board may decline to issue a tax clearance certificate but it shall within two weeks of receipt of the application give reasons for the denial.

(5) (a) Without prejudice to the provisions of the Stamp Duties Act and the Registration to Titles Law, appropriated authority shall demand tax clearance when checking documents of property transaction before accepting such documents for stamping or registration as the case may be;

(b) The Chairman of the Board is empowered to prescribe by notice in the FCT Gazette other purpose for which a Tax Clearance Certificate may be required.

(6) A Tax Clearance Certificate must contain the following information relating to each of the three (3) years immediately preceding the current year of assessment:

(a) chargeable income of holder;

(b) tax payable;

(c) tax paid; and

(d) tax outstanding; and where no tax is due from the holder or from his income or property, the certificate shall contain a statement to that effect.

(7) The Board shall be the sole authority to issue a Tax Clearance Certificate under this Law, but it may exercise its powers by employing the services of any person or company, provided that:

(a) the information which the Board requires the tax payer to provide (the data) shall not be excessive in relation to the purpose for which the Tax Clearance Certificate is to be issued;

(b) the Board shall request from the taxpayer all details that are necessary to keep the data accurate and up to date;

(c) the Board shall make available to the taxpayer at a price to be determined at its discretion a smart card with the taxpayer's identity number, names, signature and photograph embossed on the front side;

(d) the card shall hold data in respect of a particular taxpayer in a secure format that can be accessed for authentication;

(e) the data shall be made accessible to third parties only in a form which permits identification of the taxpayer and access to information on him for no longer than is necessary for the purpose of verifying his tax clearance status;

(f) the Board shall provide terminals free of charge to all persons or authorities empowered by this or any other legislation to demand tax clearance certificate from any person;

(g) the Board shall ensure that the taxpayer's data on the card are kept confidential to the same extent as their ordinary tax records; and

(h) every person having any official duty or being employed in the administration of this Law shall regard and deal with all documents, returns, assessment or other information as secret and confidential;

(i) the Board shall not be liable for damages or ay loss incurred by the cardholder as a result of inaccuracies in data supplied by him.

(8) The cardholder shall upon application, be advised as to—

(a) confidentiality of the information supplied;

(b) fees or charges for reissuing a lost card;

(c) complaint handling procedure; and

(d) procedure for review of personal data.

(9) The Chairman of the Board shall have power, from time to time, to make such other regulations as he may consider necessary for effective implementation of the Electronic Tax Clearance Certificate Scheme in the FCT.

Committee's Recommendation:
That the provision in Clause 31 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 31 *do stand part of the Bill, put and agreed to.*

Clause 32: **Access to Property and Records:**

(1) An authorized officer of the Service shall between the hours of 9 a.m. and 4 p.m. have free access to all lands, building and places and to all books and documents, whether in the custody or under the control of a public officer, institution or any other person whatsoever, for the purpose of inspecting any books, or documents including those stored or maintained on computers, or on digital, magnetic, optical, or electronic media, and property, process or matter which the officer consider necessary or relevant enactment or laws or for the purpose of carrying out any other function lawfully conferred on the Service, or considered likely to provide any information otherwise required for the purpose of any of those enactment or any of those functions and may, without fee or reward, make any extract from or copies of any such books or documents.

(2) Where the hard copies of any of the books or documents mentioned in Sub-clause (1) of this Clause are immediately available because they are stored on a computer, or on digital, magnetic, optical or electronic media, the Service may take immediate possession of such removable media and the related removable equipment or computer used to access the stored documents on the aforementioned media in order to prevent the accidental or intentional destruction, removal or alteration evidence in the investigation of criminal proceedings.

(3) Where the Service is able to obtain, in place of taking physical possession of such equipment, computer or storage media under Sub-clause (2) of this Clause and the Internal Revenue Service possesses the ability, equipment and computer software or make exact duplicate copies of all information stored on the computer hard drive and preserve all the information exactly as it is on the original computer, the Service shall make such a copy and use it as digital evidence during any investigation or criminal proceedings.

(4) The occupier of a land or building or place that is entered or proposed to be entered by an authorized officer, shall—

(a) provide the officer with all reasonable facilities and assistance for the effective exercise of power conferred by this Bill; and

(b) answer questions relating to the effective exercise of the powers, orally, or if required by the officer, in writing or by statutory declaration.

(5) Notwithstanding Sub-clause (1) of this Clause, the authorized officer or a person accompanying the officer shall not enter any private dwelling except with the consent of an occupier or pursuant to an authorization issued under Sub- clause (6) of this clause.

(6) If the Chairman of the Service, on written application is satisfied that the exercise by an authorized officer of his functions under this Clause requires physical access to a private dwelling, he may issue to the officer a written authorization to enter that private dwelling.

(7) Every authorization issued under Sub-clause (6) of this Clause shall—
(a) be in the form prescribed by the Chairman; and

(b) be directed to a named officer of the Service; and

(c) be valid for a period of 3 months from the data of its issue or such lesser period as the Chairman considers appropriate; and

(d) notwithstanding (b) and (c) above, be renewable by the Chairman on application.

(8) Every officer exercising the power of entry conferred by an authorization issued under Sub-clause (6) of this Clause shall produce the written authorization and evidence of identity—
(a) on first entering the private dwelling; and

(b) Subsequently when he is reasonably required to do so.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 32 *do stand part of the Bill, put and agreed to.*

Clause 33: Reproduction of Books, Documents and Records.

(1) An officer of the Service authorized by the Chairman may remove books or documents accessed under Clause 37 to make copies.

(2) After copies have been made, the books and documents so removed must be returned as soon as practicable.

(3) A copy of a book or document or digital evidence certified by or on behalf of the Chairman is admissible in evidence in Courts as if it were the original.

(4) The owner of a book or document that is removed under this Clause may at his expense inspect and obtain a copy of the book or document at the time the book is being moved or at a reasonable time thereafter.

Committee's Recommendation:
That the provision in Clause 33 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 33 *do stand part of the Bill, put and agreed to.*

Clause 34: Appointment of Agency.

(1) The Service may by notice in writing appoint a person to be the agent of another person and the person so declared as agent shall be the agent of that person for the purpose of this Bill, and may be required to pay tax which is or will be payable by the person from any money which may be held by him, for; or due by or to become due by him to the person whose agent he has been declared to be, and in default It of that (payment) the tax be recoverable from him.

(2) For the purpose of this Bill, the Service may require any person to give information as to any money, fund or other asset which may be held by him, or any money due from him at any person.

(3) For the purpose of this Bill, if any tax is not paid within the period prescribed, a sum equal to 10 percent of the amount of the tax payable shall be added and the provisions of this Bill relating to the collection and recovery of such and further that:

(a) That tax due shall carry interest at the prevailing commercial rate of the Central Bank of Nigeria from the date when the tax becomes payable until it is paid, and the provisions of the law relating to collecting and recovery of tax shall apply to the collection and recovery of the interest;

(b) The Service shall serve a demand note upon the company or person in whose name the tax is chargeable and if payment is not made within one month from the date of the service of such demand note, the service may proceed to enforce payment under this Law; and

(c) An addition imposed under this Clause shall not be deemed to be part of the tax paid for the purpose of claiming relief under any of the provisions of this Bill.

(4) Any person who without lawful justification excuse, (the proof of which shall lie on the person), fails to pay any tax imposed within the prescribed period commits an offence under this Law.

(5) The Board shall have the power to remit any part or the whole of the addition due under Sub-clause (1) of this Clause.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 34 *do stand part of the Bill, put and agreed to.*

Clause 35: Failure to comply with notices or enforcements.

(1) Notwithstanding the power conferred on the relevant revenue authority for the enforcement of payment of revenue, if payment has become due and a demand note has, in accordance with the provisions of the relevant Law, been served on the chargeable person or his agent, and payment is not made within the time limited by the demand note, the Service or other relevant revenue authority may for the purpose of enforcing payment of the amount due, distrain—

(a) Upon the goods, chattels or other properties movable, the person liable to pay the tax outstanding; and

(b) Upon all machinery, plant, tools vehicles, animals and effects in the possession, use or found on the premise or on the land of the person.

(2) The authority to distrain under this Clause shall be in such as the relevant revenue authority may direct and that authority shall be sufficient warrant and authority to levy by distress the amount of revenue due.

(3) For the purpose of levying any distress, under this Clause, an officer duly authorized by the chairman ofthe Board may apply to ajudge of the FCT High Court sitting in Chambers under oath for the issue of a warrant under this Clause.

(4) A judge of the High Court sitting in Chambers may authorize such officer, referred to in Sub clause (3) of this Clause, in writing to execute any warrant of distress and, if necessary, break open any building or place in the daytime for the purpose of levying such distress and he may call to his assistance any police officer and it shall be the duty of any police office when so required to aid and assist in the execution of any warrant of distress and in levying the distress.

(5) Things distrained under this Clause may, at the expense of the defaulter, be kept for fourteen days and if at the end of this period the amount due in respect of the revenue, cost and charges of, incidental to the distress are not paid, they may, subject to Sub-clause (6) of this Clause, be sold at any time.

(6) Out of the proceeds of a sale under this Clause, the cost of charges of and incidental to the sale and keeping of the distress and disposal thereunder, shall be payable to the defaulter on demand being made by him or on his behalf within one year of the date of the sale or shall be forfeited.

(7) Nothing in this Clause shall be construed as to authorize the sale of an immovable property without an order of a High Court, made upon application in such form as may be prescribed by the rules of court.

(8) In exercise of the power of distraint conferred by this Clause, the person to whom the authority is granted under Sub clause (4) of this Clause may distrain upon all goods chattels and effects belonging to the debtor wherever the same may be found in Nigeria.

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

Clause 36: Recovery of outstanding Tax.

(1) Notwithstanding the provisions of this Bill or any other relevant law, any amount due by way of tax shall constitute a debt due to the FCT and may be recovered by a civil action brought by the Board.

(2) Where any tax has been short-levied or to whom the repayment has erroneously been made shall on demand by the proper officer, pay the amount short-levied or erroneously repaid, as the case may be, and any such amount may be recovered as if it were tax to which a person to whom the amount was so short-levied or erroneously repaid were liable.

Committee's Recommendation:
That the provision in Clause 36 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 36 *do stand part of the Bill, put and agreed to.*

Clause 37: Investment of offenders.

(1) The Service shall take all necessary measures to assist any relevant law enforcement agency in the investigation of any offense under this Law.

(2) The Service shall have the power to investigation or cause investigation to be conducted to ascertain the violation of any tax law, whether or not such violation has been reported to the Service.

(3) In conducting any investigation under subsection (2) of this section, the Service may cause investigation to be conducted into the properties of any person if it appears to the Service that the lifestyle of the person and extent of his properties are not justified by his declared source of income.

(4) Where any investigation under this section reveals the commission of any offence or an attempt to commit any offence, the Service shall submit its findings to the relevant law enforcement agency and the Attorney-General for the purpose of further investigation.

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 37 *do stand part of the Bill, put and agreed to.*

Clause 38: Inter-Agency Cooperation in enforcement of Tax Law.

(1) The Service may co-opt the assistance and co-operation of law enforcement agency in the discharge of its duties under this Bill.

(2) The law enforcement officers shall aid and assist an authorized officer in the execution of any warrant of distress and the levying of distress.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 38 *do stand part of the Bill, put and agreed to.*

Clause 39 **Enforcement of Warrant.**
Any tax officer armed with the warrant issued by the a judge of the FCT High Court and accompanied by a number of law enforcement officers as shall be determined by the Chairman may—

(1) Enter any premises covered by such warrant and search for, seize and take possession of any book, document or other article used or suspected to have been used in the commission of an offence;

(2) Inspect, make copies of, or take extracts including digital copies from any book, record, document or computer regardless of the medium used for their storage or maintenance;

(3) Search any person who is in or on such premises;

(4) Open, examine and search any article, container or receptacle;

(5) Open any outer or inner door or window of any premises and enter same or otherwise forcibly enter the premises;

(6) Remove by reasonable force any obstruction to such entry, search, seizure or removal as he is empower to effect; and

(7) person shall be bodily searched under this Clause except by a person of the same gender.

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 39 *do stand part of the Bill, put and agreed to.*

Clause 40: **Reward and Privileges of non-employee informant.**
(1) The Service may with approval of the Board, reward any person, not employed in the Service, in respect of any information that may be of assistance to the Service in the performance of its duties under this Bill upon meeting such conditions as may be determined by the Board and the amount of such reward shall also be at the discretion of the Board.

(2) The identity of the person who gave information to the Service or Board that discloses the identity of such person shall be dealt with in accordance with the provisions of Clause 42 of this Bill with regard to confidential information.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 40 *do stand part of the Bill, put and agreed to.*

Clause 41: **Immunity of the Officers of the Service.**
An officer of the Service or of any other tax authority in the FCT shall not be liable in any civil action or proceedings for any act or omission done by him in the performance of his duties or exercise of the powers conferred upon him under this or any other law (*Senator Smart Adeyemi — Kogi West*).

Amendment Proposed:
Immediately after the word "him' in line 2, *insert* the words "in good faith" (*Senator Joshua M. Lidani — Gombe South).*

Question that amendment be made, put and agreed to.

Question that Clause 41 *as amended do stand part of the Bill, put and agreed to.*

Clause 42: **Confidentiality of the Documents.**
(1) All information and documents supplied or produced in pursuance of any requirement of this of this law or any other legislation being implemented by the Service shall be treated as confidential.

(2) Except as otherwise provided under this Bill or as otherwise authorized by the Minister or Chairman, any member or former member of the Board or any employee or former employee of the Service of the FCT who communicates or attempts to communicate any confidential information or the content of any such document to any person, commits an offence and shall be liable on conviction to a fine of Two Hundred Thousand Naira (₦200,000:00) or to imprisonment for three (3) years or both.

Committee's Recommendation:
That the provision in Clause 42 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 42 *do stand part of the Bill, put and agreed to.*

Clause 43: **Area Councils Revenue Committee.**
(1) There is established for each Area Council of the FCT a Committee to be known as the Area Council Revenue Committee (referred to in this Law as the "Revenue Committee").

(2) The Revenue Committee shall comprise of the following—
(a) a person versed in revenue matters appointed by FCTA, (not being a political appointee or public office) from within the Area Council as the Chairman);

(b) three Heads of Department of the Area Council, viz —
(i) Legal;

(ii) Treasury; and

(iii) Any other Department;

(c) a member of the public not being a member of the Council who is versed in revenue matters to be nominated by the Legislative Arm of the Council.

(3) All appointments made pursuant to this Clause shall be subject to the approval of the Legislative Arm of the Council.

Committee's Recommendation:
That the provision in Clause 43 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 43 *do stand part of the Bill, put and agreed to.*

Clause 44: Functions of the Revenue Committee.

(1) The Revenue Committee shall be responsible for the assessment and collection of all taxes, fines, rates, charges or other revenue under its jurisdiction and shall account for all amounts so collected in a manner to be prescribed by the Chairman of the Area Council, subject to the financial memorandum and guidelines on Area Council Administration.

(2) The Revenue Committee shall be autonomous of the Area Council Treasury and shall be responsible for the day-to-day administration of the Department or personnel which form its operational arm.

Committee's Recommendation:
That the provision in Clause 44 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 44 *do stand part of the Bill, put and agreed to.*

Clause 45: FCT joint Revenue Committee.

There is established for FCT a Joint Revenue Committee which shall comprise:

(1) the Chairman of the Service as the Chairman;

(2) the Chairman of each Revenue Committee in the FCT;

(3) a representative of the Department responsible for each Area Council's affairs not below the level of a Director;

(4) the Legal Adviser of the Service; and

(5) the Secretary to the Committee, who shall be a staff of the Service.

Committee's Recommendation:
That the provision in Clause 45 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 45 *do stand part of the Bill, put and agreed to.*

Clause 46: Functions of the FCT Joint Revenue Committee.

The functions of the FCT Joint Revenue Committee (in this Bill referred to as the "FCTJRC") shall be to —

(1) harmonize tax administration in the FCT;

(2) deal with revenue matters of common concern to the FCT and Area Council;

(3) enlighten members of the public generally on FCT and Area Council revenue matters;

(4) consider relevant resolutions of the Joint Tax Board for implementation in the FCT; and

(5) advise the Joint Tax Board, FCT and Area Councils on revenue matters.

Committee's Recommendation:
That the provision in Clause 46 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 46 *do stand part of the Bill, put and agreed to.*

Clause 47: **Disignation of Magistrate for Adjudication of Tax matters.**
The Chief Judge of the FCT shall designate in each Area Council at least two Magistrates who shall give priority to matters affecting the revenue of the FCT and of the relevant Area Council.

Committee's Recommendation:
That the provision in Clause 47 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 47 *do stand part of the Bill, put and agreed to.*

Clause 48: **Revenue Collector.**
(1) For the purpose of this Law, a revenue collector means a duly authorized officer of the Service or any of the Revenue Committees.

(2) The production by a Revenue collector of an identity card and certificate or warrant:
(a) Issued by and having printed thereon the office of the relevant revenue authority; and

(b) Setting out his full names, and stating that he is authorized to exercise the functions of a Revenue Collector, shall be sufficient evidence that the Revenue Collector is duly authorized for the purpose of this Law.

Committee's Recommendation:
That the provision in Clause 48 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 48 *do stand part of the Bill, put and agreed to.*

Clause 49: **Mode of Payment.**
Except as otherwise provided in any Law, revenue due to any authority in the FCT shall be payable by cash, bank draft, electronic debit or credit, or money transfer into any of the banks where FCT has substantial interest (*Senator Smart Adeyemi — Kogi West*).

Amendment Proposed:

(i) Immediately after the word "draft' in line 2, *leave* out the words "electronic debt" and *insert the words* "direct debit" instead thereof (*Senator Isa M. Galaudu — Kebbi North).*

Question that amendment be made, put and agreed to.

(ii) Immediately after the word "has' in line 3, *leave* out the words "substantial interest" and *insert the word* "Accounts" instead thereof (*Senator Joshua M. Lidani — Gombe South).*

Question that amendment be made, put and agreed to.

Question that Clause 49 *as amended do stand part of the Bill, put and agreed to.*

PART VI — APPEALS

Clause 50: Tax Committee.

(1) The Minister may, by Notice in the FCT Gazette, establish a Body of Appeal Commissioners called the Tax Appeal Committee (in this Bill referred to as the "TAC").

(2) The TAC shall consist of a Chairman and five other members none of whom shall be a public officer.

(3) Where any person is aggrieved by the decision of the Board in respect of the determination of the objection under Clause 26 of this Bill, he may appeal to the Minister who shall constitute a TAC consisting of such number of persons which must be at least three or more (but always of odd numbers) as the Minister may determine, from time to time, to consider the appeal.

(4) The members of the Tax appeal Committee shall—

(a) be appointed by the Minister on a part-time basis;

(b) be persons with considerable experience and knowledge in tax matters; and

(c) not include any member of the Board.

(5) Subject to any terms of reference given by the Minister, the TAC shall regulate its proceedings and shall submit its findings to the Minister for implementation.

(6) The Minister may, upon the receipt of the report of the TAC, give such directives to the Board as he may deem necessary for the implementation of the recommendation of the TAC.

(7) An Appeal Commissioner—

(a) shall be appointed by the Minister, by Notice in the Gazette, from among persons appearing to him to have had experience and shown capacity in the management of a substantial trade or business or the exercise of a profession of law, accountancy or taxation in the FCT;

(b) may subject to the provisions of this Clause, hold office for a period of three (3) years from the date of this appointment;

(c) may at any time resign his appointment by notice in writing addressed to the Minister, except that on the request of the Minister he may continue to act as an Appeal Commissioner after the date of his resignation and sit at any further hearing in a case in which he has already sat before the date hear an appeal, unit a final decision has been given with respect to the appeal; and

(d) Shall cease to be an Appeal Commissioner if the Minister determines that this office is vacant and notice of the vacancy is published.

(8) The Minister shall designate a public officer to be the Secretary to the TAC and the official address of the Secretary shall be published in the Gazette.

(9) Subject to the provisions of this Clause, the Appeal Commissioner shall remain in office until a new Body is sworn in.

Committee's Recommendation:
That the provision in Clause 50 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Clause 51: **Appeals to the Tax Appeal Committee etc.**
A taxable person being aggrieved by an assessment to income tax made upon him, having failed to agree with the Board in the manner provided in Section 57(3) of the personal Income Tax Act (Cap p8 LFN 2004), may appeal against the assessment upon giving notice as provided in section 50 of this Law within thirty days after the date of service of notice of the refusal of the Board to amend the assessment as desired.

Committee's Recommendation:
That the provision in Clause 51 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Clause 52: **Notice of Appeal.**
(1) a notice of appeal to be given under the provisions of this Clause notice shall be given in writing to the Board and shall set out as follows—
(a) the name and address of the appellant;

(b) the official number and the date of the relevant notice of assessment;

(c) the amount of the assessable concerned;

(d) the precise grounds of appeal against the assessment;

(e) the address for service of any notice or other documents to be given to the appellant; and

(f) the date on which appellant was served with notice of refusal by the Board to amend the assessment as desired.

(2) As soon as may be after receipt of a notice of appeal, the Secretary to the TAC (in this Bill referred to as "the Secretary") shall, having regard to the grounds of appeal therein disclose and to any relevant provisions of this Law, deliver a copy to the Board and the appeal shall be listed by the Secretary for hearing accordingly.

(3) A notice or other documents to be given to the TAC shall be addressed to the Secretary and be delivered at or sent by registered post to his official address.

(4) An appellant may discontinue an appeal by him under this Clause upon giving notice to the Secretary in writing any time before the hearing of the Appeal.

(5) Notwithstanding that notice of appeal against an assessment has been given by an appellant under this Clause, the Board may revise the assessment in agreement with the taxable person, and on notice of the agreement being given in writing by the Board to the Secretary at any time before the hearing, the appeal shall be treated as being discontinued.

(6) On the discontinuance of an appeal under the provisions of this Clause, the amount or revised amount of the assessment, as the Board may revise the assessment as the case may be, shall be deemed to have been agreed upon between the tax authority and the appellant under the provisions of subsection (3) of Section 57 of the personal income tax Act 1993.

Committee's Recommendation:
That the provision in Clause 52 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Clause 53: Consideration of Appeal.

(1) The TAC shall, as often as may be necessary, meet to hear appeals in any town where an office of the Board is situated and, subject to the provisions of Sub clause (20) of this Clause, at any such meeting—

(a) Any three or more Appeal Commissioners may hear and decide an appeal; and

(b) The Appeal Commissioners present shall elect one of their numbers to be the Chairman for the meeting.

(2) An Appeal Commissioner who had a direct or indirect financial interest in a taxpayer or being a relative of a person having such an Interest, and having knowledge thereof, shall, when any appeal by such taxpayer is pending before the TAC, declare such interest to the other Appeal Commissioners and give notice to the Board in writing of such interest or relationship, and he shall not sit at any meeting or the hearing of that Appeal

(3) The provisions of sub clause (2) of this Clause shall also apply where an Appeal Commissioner is a legal practitioner or an accountant, and the taxpayer is or has been a client of that Appeal Commissioner before the date fixed for the hearing.

(4) The Secretary shall give seven clear working day notice to the Broad and to the applicant of the date and place fixed for the hearing of an appeal except in respect of an adjourned hearing for which the TAC has fixed a date at the hearing.

(5) All notice, precepts and documents, other than decisions of the TAC may be signed under the hand of the Secretary.

(6) All appeals before the TAC shall be held in Camera.

(7) A taxpayer who appeals against an assessment shall be entitled to be represented at the hearing of the appeal but if the person intended but the taxpayer to be his representative in an appeal is unable for good cause to attend the hearing, the TAC may adjourn the hearing to such reasonable time as they think fit, or admit the appeal to be made by some other person or by way of written statement.

(8) The onus of proving that the assessment complained of is excessive shall be on the appellant.

(9) At the hearing of an appeal, if the representative of the Board proves to the satisfaction of the TAC or the court hearing the appeal in the first instance that—

(a) the appellant has, contrary to subsection (I) of section 44 of the Personal Income Tax Act, for the year of assessment concerned, failed to prepare and deliver to the Board the statement mentioned in that subsection; or

(b) the appeal is frivolous or vexatious or is an abuse of the appeal process; and

(c) it is expedient to require the appellant to pay an amount as security for processing the appeal, the TAC or, as the case may be, the court may adjourn the hearing of the appeal to any subsequent day and order the appellant to deposit with the Board before the day of the adjourned hearing an amount, on account of the tax charged by the assessment under appeal, equal to the tax charged on the appellant for the preceding year of assessment under appeal, whichever is the lesser.

(10) If the appellant fails to comply with an order under Clause (9) of this Clause, the assessment against which he appealed shall be confirmed and the appellant shall have no further right of appeal whatsoever with respect to that assessment.

(11) The TAC may confirm, reduce, increase or annual the assessment or make such order thereon as they see fit.

(12) The decision of the TAC shall be recorded in writing by the Chairman and a certified copy of the decision shall be supplied to the appellant and the Board by the Secretary, on a request within three months of the decision.

(13) Where, on the hearing of an appeal —

(a) no accounts, books or records relating to profits were produced by or on behalf of the appellant;

(b) those account, books or records were so produced but the TAC rejected the same on the ground that it has been shown to their satisfaction that they were incomplete or unsatisfactory;

(c) the appellant or his representative, at the hearing of the appeal has neglected or refused to comply with a precept delivered or sent to him by the Secretary without showing reasonable cause;

(d) the appellant or a person employed, whether confidentially or otherwise, by the appellant or his agent, has refused to answer any question put to him by the TAC, without showing any reasonable cause; the chairman of the TAC shall record particulars of the same in his written decision.

(14) The Minister may make rules prescribing the procedure to be followed in the conduct of appeal before the TAC.

Committee's Recommendation:
That the provision in Clause 53 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Clause 54: Service of the notice to the Appeal.

(1) Notice of the amount of the tax chargeable under the assessment as determined by the TAC shall be served by the Board on the appellant or on the person in whose name the appellant is chargeable.

(2) Where the tax chargeable on an appellant for a year of assessment in accordance with a decision of the TAC does not exceed twenty thousand Naira (₦20, 000.00) no further appeal by the taxpayer shall lie from that decision except with the consent of the Board.

(3) Notwithstanding that a further appeal may be pending, tax shall be paid in accordance with the decision of the TAC within one month of notification of the amount of the tax payable pursuant to sub clause (1) of this Clause, and proceedings may be taken for its recovery in accordance with the provisions of this Bill.

Committee's Recommendation:
That the provision in Clause 54 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Clause 55: Period for the Appeal.

(1) Subject to the provisions of Sub clause (2) of Clause 52 of Clause 2 of this Bill, a taxpayer who decides to appeal against an assessment made on him by the decision, to the High Court of the FCT, must give notice in writing to the Board within thirty days after the date on which the decision was given.

(2) Where no appeal Commissioners have been appointed with jurisdiction to hear an appeal against an assessment made on a taxpayer, the taxpayer who is aggrieved by the assessment and has failed to agree with the Board in the manner provided in Sub Clause (3) of Clause 30 of this Bill and Section 57(3) of the Personal Income Tax Act, may appeal against the assessment to the High Court of the FCT upon giving notice in writing to the Broad within thirty days after the date of service of notice of the refusal by the Broad to amend the assessment as desired.

(3) If the Board is dissatisfied with a decision of the TAC it may appeal against that decision to the high Court of FCT upon giving notice in writing to the other party to the appeal within thirty days after the date on which the decision was given.

(4) Seven clear working days' notice of the date fixed for the hearing of the appeal shall, unless rules made hereunder otherwise provide, be given to all parties thereto.

(5) The provision of Sub Clause (7), (8) and (9) of Clause 53 and that of Sub Clause (I) of Clause of 50 of this Bill shall apply to an appeal under this Clause with necessary modifications.

(6) All appeals shall be heard in chambers unless the Judge shall, on the application of the appellant, otherwise direct.

(7) If on the hearing of an appeal from a decision of the TAC given under the provisions of Clause 53 of this Bill, a certified copy of that decision s produced before the high Court and the decision contains a record by reference to —

(a) paragraph (a) of Sub Clause (13) of Clause 53 of this Bill, the High Courts shall dismiss the appeal;

(b) paragraph (b) of Sub Clause (13) of Clause 53 of this Bill; the High Court may dismiss the appeal; on prima facie evidence, with respect to the accounts, books or records having been incomplete or unsatisfactory, as the court may seem sufficient;

(c) paragraph (c) or (d) of sub Clause (13) of Clause 53 of this Bill, the High Court shall dismiss the appeal unless it considers that the cause of the neglect or refusal was reasonable.

(8) Notwithstanding the provisions of section 67 of the Personal Income Tax Act 1993, if in a particular case the Judge, from information given at the hearing of the appeal, is of the opinion that tax not be recovered, he may, on application being made by or on behalf of the Board, require the appellant to furnish within such time as may be specified the tax assessed shall immediately become payable and recoverable.

(9) The cost of the appeal shall be at the discretion of the Judge bearing the appeal and there shall be a sum fixed by the Judge.

(10) The Chief Judge of the FCT may make rules providing for the method of tendering evidence before a Judge on appeal, the conduct of the appeals and the procedure to be followed by a Judge.

(11) An appeal against the decision of a Judge shall lie with the Court of Appeal and thereafter to the Supreme Court—

(a) at the instance of the appellant, where the decision of the Judge is to the effect that the tax chargeable on the appellant for the relevant year of assessment exceeds Fifty Thousand Naira (₦50,00:00); and

(b) at the instance of or with the consent of the Board, in any other case provided that no cost shall be awarded against the appellant in an appeal instituted by the Board under this sub Clause unless the decision of the Judge is to the effect mentioned in paragraph (a) of this sub Clause.

Committee's Recommendation:
That the provision in Clause 55 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Clause 56: Validity of Object.

(1) Where no valid objection or appeal has been lodged within the time limited by Clause 55 of this Bill or where due notice has not been given of a further appeal against a decision of the Appeal Commissioners or a Judge, as the case may be, an assessment made, or agreed to under the provisions of sub clause (3) of Clauses 55 of this Bill, and sub clause (3) of Clause 57 of the Bill determined under the provision to that Sub Clause or on Appeal, as the case may be, shall be final and conclusive for all purpose of this Bill as regards the amounts of the assessable, total or chargeable income and the tax chargeable thereby.

(2) If the full amount of the tax charged by a final and conclusive assessment is not paid within the appropriate period prescribed by the provisions of this Bill, the provisions thereof relating to the recovering of tax, and to any penalty under Clause 39 of this Bill, shall apply to the collection and recovery of the tax or penalty subject only to the set-off of the amount of any tax payable under any claim made under a provision of this Bill or of which has been agreed to by the Board or determined on an appeal against a refusal to admit that claim, provided that—

(a) Where an assessment has become final and conclusive, any tax overpaid, including any amount deposited with the Board on account of the tax charged by the assessment, shall be paid; and

(b) Nothing in Section 57 of the Personal Income Tax Act 1993 shall prevent the Board from making an assessment or additional assessments for any year which does not involve re-opening any issue, on the same fact, which has been determined for that year of assessment under subsection (3) of that section or an appeal.

Committee's Recommendation:
That the provision in Clause 56 be deleted (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

PART VII — OFFENCES AND PENALTIES

Clause 57: Penalty for General Offences.

(1) Any person who contravenes any of the provisions of this Bill or any regulations made pursuant thereunder commits an offence and, where no specific penalty is provided, shall be liable on conviction to a fine of Fifty Thousand Naira (₦50,000:00); or to imprisonment for a term not exceeding 6 months or to both such time and imprisonment.

(2) Where an offence under this Bill is committed by a body corporate or firm or other association of individuals —

(a) every director, manager, secretary or other similar officer of the body corporate;

(b) every partner of the firm;

(c) every person concerned in the management of the association;

(d) every person purporting to act in any capacity as aforesaid, commits an offence and shall be liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 57 *do stand part of the Bill, put and agreed to.*

Clause 58: Failure to attend to a notice, etc.

Any person who—

(1) fails to comply with requirement ora notice served on him by the Board under this Bill;

(2) without sufficient cause fails to comply with any notice or summons served on him in respect of any proceedings of the Board or that of the -TAC for considering a notice of objection or an appeal by that person, as the case may be commits and offence and shall be liable on conviction to a fine of Fifty Thousand Naira (₦50,000:00): or to a term of imprisonment not exceeding 3 months or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 58 *do stand part of the Bill, put and agreed to.*

Clause 59: Penalty for making incorrect returns, etc.

Any person who—

(1) (a) make an incorrect returns or statement by omitting or understanding any income chargeable to tax under this Bill:

(b) gives any incorrect information in relation to any matter or thing affecting the liability to tax of any taxable person, commits an offence and shall be liable on conviction to a fine of Two Hundred Thousand Naira (₦200,000.00) and twice the amount of the tax which has been undercharged in consequence of such incorrect return or information, or would have been so undercharged if the return or information, or would have been so undercharged if the return or information had been accepted as correct.

(2) No person shall be held liable under the provisions of sub Clause (1) of this Clause unless the complaint concerning such offence was made in the year of assessment in respect of or during which the offence was committed or within three (3) years after the expiration thereof.

Committee's Recommendation:
That the provision in Clause 59 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 59 *do stand part of the Bill, put and agreed to.*

Clause 60: **False statements and returns.**
Any person who—
(1) for purpose of obtaining any deduction, set-off, relief or repayment in respect of tax for himself or any other person, or who in any statement or returns, account or particulars made or furnished with reference to tax, knowingly makes any false statement or false representation; or

(2) aids, abets, assists, counsels, incites or induces any other person —
(a) to make or deliver any false statement or returns under this Bill,

(b) to keep or prepare any false accounts or particulars concerning any income on which tax is payable under this law; and

(c) to unlawfully refuse to neglect to pay tax;
commits an offence and shall be liable on conviction to a fine of Two Hundred Thousand Naira (₦200,000:00), and 100% of the amount of tax unpaid or repayment made in respect of any repayment or imprisonment for a term not exceeding five (5) years or to both such fine and imprisonment.

Committee's Recommendation:
That the provision in Clause 60 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 60 *do stand part of the Bill, put and agreed to.*

Clause 61: **Offences relating to Tax Officers, etc.**
Any person who—
(1) being a person appointed for the due administration of this law or employed in connection with assessment or collection of the tax who —
(a) demands from any person an amount in excess of the authorized assessment of the tax;

(b) withholds for his own use or otherwise any portion of the amount of tax collected or received with any money accruable to the Board;

(c) render a false return, whether orally or in writing, of the amount of tax collected or receive by him,

(d) defrauds any person, embezzles any money, or otherwise uses his position to deal wrongly with any money accruable to the Board;

(2) Collect or attempts to collect tax without being authorized under this Bill.

(3) Steals or misuses Service documents.

(4) Compromises on the assessment or collective of any tax, commits an offence and shall be liable on conviction to a fine equivalent to 200 percent of the sum in question or to imprisonment for a term of three (3) years or both.

Committee's Recommendation:
That the provision in Clause 61 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 61 *do stand part of the Bill, put and agreed to.*

Clause 62: **Failure to remit Tax.**
If any person obliged to deduct any tax under this law or any other applicable law, fails to deduct or having deducted fails to pay or remit to the Service within thirty days from the date the amount was deducted or the time the duty to deducted arose, such a person is guilty of an offence and in addition to the penalty specified in Clause 34 of this Bill shall be liable on conviction to pay the tax withheld or not remitted in addition to a penalty of 10 per cent of the tax withheld or not remitted per annum and interest at the prevailing commercial rate.

Committee's Recommendation:
That the provision in Clause 62 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 62 *do stand part of the Bill, put and agreed to.*

Clause 63: **Failure to pay full rate of assessed Tax or Levy.**
Unless otherwise provided in this law, any person who fails to pay in full any tax, levy, rate charge or other revenue due to the FCT or an Area Council commits an offence and shall be liable upon conviction to —

(1) a fine of 1% of the total amount of revenue which was due and payable, for each day of default; and

(2) imprisonment for twelve months.

Committee's Recommendation:
That the provision in Clause 63 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 63 *do stand part of the Bill, put and agreed to.*

Clause 64: Falsification of Documents.
Any person who—
(1) counterfeits or falsification any document which is required by or for the transaction of any business under this Bill or any law being administered by the Board or the Service; or

Amendment Proposed:
Immediately after the word "or" in line 1, *leave out* the word "falsification" and *insert* the word "falsifies" instead thereof (*Senator Chris N. D. Anyanwu — Imo East*).

Question that the amendment be made, put and agreed to.

(2) knowingly accepts, receives or uses any document so counterfeited or falsified.

(3) alters any such document after it is officially issued.

(4) counterfeits any seal, signature, initial or other mark, used by any officer for the verification of such a purpose relating to tax.

(5) being an employee of the Service, initiates, connives or participates in the commission of any of the offences in paragraphs (a) to (e) of this Clause commits an offence and shall be liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000:00) or imprisonment for a term of three (3) years or both (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 64 *as amended do stand part of the Bill, put and agreed to.*

Clause 65: Obstruction of the Staff of the Service in the performance of their duty.
Any person who—
(l) obstructs, hinders molests or assaults any person or authorized officer in the performance of any function or the exercise of any power under this Bill.

(2) does anything which impedes or is intended the carrying out of any search, seizure, removal or distress.

Amendment Proposed:
Immediately after the word "intended" in line 1, *insert* the words "to obstruct" (*Senator Chris N. D. Anyanwu — Imo East*)

Question that the amendment be made, put and agreed to.

(3) rescues, damages or destroys anything so liable to seizure, removal or distress or does anything intended to prevent the procuring or giving of evidence as to whether or not anything is liable to seizure, removal or distress.

(4) prevent the arrest of any person by a person duly engaged or acting as aforesaid or rescues any person so arrested, commits an offence and shall be liable on conviction to a fine not exceeding Two Hundred Thousand Naira (200,000:00) or imprisonment for a term of not exceeding three (3) years or both (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 65 *do stand part of the Bill, put and agreed to.*

Clause 66: **Abuse of power and corruption by the Tax Officer.**
Any person appointed for the due administration of this Bill or employed in connection with the assessment and collection of a tax who—

(i) demands from any company an amount in excess of the authorized assessment of tax; or

(ii) withholds for his own use or otherwise any portion of the amount of tax collected;

(iii) renders a false returns, whether orally or in writing of the amount of tax collected or received by him;

(iv) defaults any person, embezzles any money, or otherwise uses position to deal wrongfully with the Internal Revenue Service;

(v) steal or misuses Service documents;

(vi) compromises on the assessment or collection of any tax, commits an offence and shall be liable on conviction to a fine equivalent to 200 per cent of the sum in question or imprisonment for a term of three (3) years or both.

Committee's Recommendation:
That the provision in Clause 66 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 66 *do stand part of the Bill, put and agreed to.*

Clause 67: **Use of Weapon to cause injury to Staff of the Service.**
(1) Any person who, in committing any offence against this Bill is armed with any offensive weapon commits an offence and shall be liable on conviction to imprisonment for a term of five (5) years.

(2) Any person who, while armed with an offensive weapon, causes injury to any officer or authorized officer of the Service in the performance of his function under this Bill, commits an offence and shall be liable in conviction to imprisonment for a term of ten (10) years.

Committee's Recommendation:
That the provision in Clause 67 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 67 *do stand part of the Bill, put and agreed to.*

Clause 68: **Contravention of the provisions of the Tax Laws.**
Any person who connives with one or more persons for the purpose of contravening any of the provisions of the Bill commits an offence and shall be liable on conviction to imprisonment for a term of one (1) year.

Committee's Recommendation:
That the provision in Clause 68 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 68 *do stand part of the Bill, put and agreed to.*

Clause 69: **Impersonation of Revenue Officer.**

(1) Any person who not being a Revenue Collector holds himself out as a Revenue Collector and attempts to collect or collects any revenue due to the FCT or an Area Council shall be guilty of an offence and liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000:00) or imprisonment for three (3) years or both and any amount collected by him shall be forfeited to the FCTA or the relevant Area Council Authority.

(2) If for purpose of obtaining admission to any building or other place of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, any person, not being an authorized officer, assumes the name or designation or impersonates the character of an authorized officer, he shall, in addition to any other punishment to which he may be liable, be liable on conviction to a fine of One Hundred Thousand Naira (₦100,000:00) or to imprisonment for a term of two (2) years.

Committee's Recommendation:
That the provision in Clause 69 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 69 *do stand part of the Bill, put and agreed to.*

Clause 70: **Director of Legal Service of the Board.**
Notwithstanding that the Director of Legal Services is a member of the Board, he may appear for and represent the Board or the Service in his professional capacity in any proceedings in which the Board or the Service is a party; provided that the Legal Adviser shall not in such circumstances give evidence on behalf of the Board or the Service.

Committee's Recommendation:
That the provision in Clause 70 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 70 *do stand part of the Bill, put and agreed to.*

Clause 71: **Fine by the Service.**

(1) The Service may, with the approval of the Attorney-General, compound any offence under this Law by accepting a sum of money not exceeding the maximum fine specified for the offence.

(2) The Service shall issue a treasury receipt for any money received under sub Clause (1) of this Clause

Committee's Recommendation:
That the provision in Clause 71 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 71 *do stand part of the Bill, put and agreed to.*

Clause 72: Liability to payment of Tax.
The institution of proceedings for or the imposition of a penalty, fine or term of imprisonment under this Bill shall not relieve any person from liability to payment of any tax for which he is or may become liable or chargeable.

Committee's Recommendation:
That the provision in Clause 72 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 72 *do stand part of the Bill, put and agreed to.*

PART VIII — GENERAL PROVISIONS

Clause 73: Conformity with Tax Law.
Notwithstanding the provisions of this Bill, the relevant provisions of all laws to be administered by the Internal Revenue Service shall be read with such modifications as to bring them into conformity with the provisions of Personal Income Tax Act, 1993.

Committee's Recommendation:
That the provision in Clause 73 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 73 *do stand part of the Bill, put and agreed to.*

Clause 74: Delegation of Powers of the Board.
(1) The Board shall in the exercise of its powers and duties under this Bill, be subject to the general directives of the Minister and such should be complied with provided it does not interfere with the day to day administration of the Service. Provided that the Minister shall not give any directive, order or instruction in respect of any particular person which would have the effect of requiring the Board to increase or decrease any assessment of tax made or to be made or any relief given or to be given or to defer the collection of any tax or judgment debt due, or which would have the effect of initiating, forbidding the initiation of, withdrawing or altering the normal course of any proceedings whether civil or criminal relating either to the recovery of any tax or to any offence under this Bill or any other tax legislation.

(2) In any proceedings whether civil or criminal under this Law or any of the laws administered by the Board, any act, mater or thing done by the Service or the Board in pursuance of the said laws shall not be subject to challenge on the ground that such act, matter or thing was not or was not proved to be in accordance with any directive given by the Minister.

Committee's Recommendation:
That the provision in Clause 74 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Confidentiality.

(1) Every person having any official duty or being employed in the administration of this Bill shall regard and deal with all documents, information, returns, assessment list and copies of such list relating to the profits or items of profits of any individual or company, as secret and confidential.

(2) Every person having possession of or control over any document, information, returns of assessment, lists or copies of such relating to the income and profits or losses of any person" who at any time communicates or attempts to communicate such information or anything contained in such documents, returns, lists or copies to any other person—

(a) other than a person to whom he is authorized by the Chairman to communicate it;

(b) otherwise than for the purpose of this Bill or of any other enactment, commits an offence under this Bill.

(3) No person appointed or employed under this Bill shall be required to produce any return, document or assessment, or to divulge or communicate any information that comes into this possession in the performance of his duties except as may be necessary in order to institute a prosecution, or in the course of a prosecution for any offence committed in relation to any tax in Nigeria.

(4) Where under any law in force in respect of any double taxation treaty with any country, provision is made for the allowance of relief from income tax in respect of the payment of income tax in Nigeria, the obligation as to secrecy imposed by this Clause shall not prevent the disclosure to the authorized officers of the Government of that country of such facts as may be necessary to enable the proper relief to be given in cases where such is claimed from tax in Nigeria or from income tax in that country.

(5) Where an agreement or arrangement with any other country with respect to relief for double taxation of income or profits includes provisions for the exchange of information avoidance of tax, the obligation as to secrecy imposed by this Clause shall not prevent the disclosure of such information to the authorized officers of the Government of such country.

Committee's Recommendation:
That the provision in Clause 75 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: Board to be subject to.

(1) Any power conferred and any duty imposed upon the Board may be exercised or performed by the Board or by an officer authorized generally or specifically in that behalf by the Board.

(2) Notwithstanding the provision if sub Clause (1) of this Clause, the Board may, at any time and at its discretion, reverse or otherwise or otherwise modify the decision of any officer, affecting any tax or taxation income, whether or not the discretion to make the decision was conferred on the officer by any tax law or whether or not the officer was authorized by the Service to make the decision, and the reversal or modification of the decision by the Board shall have effect as if it were the original decision made in respect of the manner concerned.

(3) An order, ruling or directive made or given by an approval committee of the Board pursuant to this Clause shall not be treated as an order, ruling or directive of the Board, until the order, ruling or directive has been ratified by the Board pursuant to the power vested on the Board under this Bill.

Committee's Recommendation:
That the provision in Clause 76 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 76 *do stand part of the Bill, put and agreed to.*

Clause 77: Signature of the Chairman of the Board.

Anything done or required to be done by the Service or the Board in pursuance of any of its power or duties under this Bill or any other law may be signed under the hand of the Chairman or an officer who has been authorized by the Board to do so.

Committee's Recommendation:
That the provision in Clause 77 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 77 *do stand part of the Bill, put and agreed to.*

Clause 78: Imposition of Surcharge.

(1) If any officer or former officer of the Service—

(a) is or was responsible for any improper payment of money from the fund of the Service or for any payment of such money which is not duly documented;

(b) is or was responsible for any deficiency in, or for the destruction of, any money, securities, stores or other property of the Service;

(c) fails or has failed to keep proper accounts or records;

(d) has failed to make any payment, or is responsible for any delay in the payment of money of the Service to any person to whom such payment is due under any contract, agreement or arrangement entered into between that person and the internal revenue; and

(e) if a satisfactory explanation is not furnished to the Service within a period specified by the Board; with regard to the failure to collect, improper payment not duly documented, deficiency or destruction, or failure to keep proper accounts of records, or failure to make payment or delay in making payment, the Service may surcharge the said officer such sum as it deems fit.

(2) Any action taken under subsection (1) of this Clause shall be subject to the approval of the Board and when such approval is obtained, the Chairman shall notify the person surcharged under this Clause.

(3) The Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received from the person concerned or if it otherwise appears that no surcharge should have been made, the board shall at once inform the Chairman of such withdraw.

(4) The amount of any surcharge imposed under subsection (1) of this Clause and not withdrawn under subsection (3) of this Clause shall be a debt due to the Service from the person against whom the surcharge is imposed and may be sued for and recovered in any Court by a suit initiated by the Service for its recovery and may also be recovered by deduction from the salary or other emoluments; of the person surcharged if the Board so directs.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to*.

Question that Clause 78 *do stand part of the Bill, put and agreed to.*

Clause 79: Limitation of Suits.

(1) Subject to the provisions of this Bill, the provisions of the Public officers Protection Act shall apply in relation to any suit instituted against any member, officer or employee of the Service.

(2) No suit against the Chairman or a member of the Board or any employee of the Service for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duties or authority of in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced—

(a) within three month after the act, neglect or default complained;

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against the chairman or a member of the Board or any other officer or employee of the Service before the expiration of a period of one month after a written notice of the intention to commence the suit shall have been served on the Service by the Intending plaintiff or his agent.

(4) The notice referred to in sub Clause (3) of this Clause shall clearly and explicitly state—

(a) The cause of action;

(b) The particulars of the claim;

(c) The name and place of abode of the intending plaintiff; and

(d) The relief which he claims.

Committee's Recommendation:
That the provision in Clause 79 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 79 *do stand part of the Bill, put and agreed to.*

Clause 80: **Service, etc.**
A notice, summons or other document required or authorized to be served on the Service under the provisions of this Bill or any other Law may be served by delivering it to the Chairman at principal office of the Service.

Committee's Recommendation:
That the provision in Clause 80 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 80 *do stand part of the Bill, put and agreed to.*

Clause 81: **Service of documents.**

(1) In any action or suit against the Service, no expiration or attachment of process in the nature thereof shall be issued against the Service unless not less than three months, notice of the intention to execute or attach has been given to the Service.

(2) Any sum of money which by the judgment of any court has been awarded against the Service shall be, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the funds of the Service.

Committee's Recommendation:
That the provision in Clause 81 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 81 *do stand part of the Bill, put and agreed to.*

Clause 82: **Indemnity.**
A member of the Board, the Chairman or any officer of the Service shall be indemnified out of the assets of the Service against any liability incurred by him in defending any proceedings, whether civil or criminal, if the proceedings is brought against him in his capacity as a chairman or member of the Board or officer or other employee of the Service.

Committee's Recommendation:
That the provision in Clause 82 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 82 *do stand part of the Bill, put and agreed to.*

Clause 83: **Directives by the Minister.**
The Minister may give to the chairman such directives of a general nature or relating generally to matters of policy with regard to the exercise of his functions as he may consider necessary and it shall be the duty of the Service or the chairman to comply with the directives or cause them to complied with.

Committee's Recommendation:
That the provision in Clause 83 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 83 *do stand part of the Bill, put and agreed to.*

Clause 84: **Power to make regulation.**
The Minster may, on the advice of the Board may, with the approval of the Minister, make regulations for carrying into effect the provisions of the Bill and for the due administration of its provisions and may in particular, make regulations—

(a) Prescribing the forms for returns and other information required under this Bill or any other Law;

(b) Prescribing the procedure for obtaining any information required under this act or any other Law; and

(c) For other incidental matters.

Committee's Recommendation:
That the provision in Clause 84 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 84 *do stand part of the Bill, put and agreed to.*

PART VIII — MISCELLANEOUS PROVISIONS

Clause 85: **Interpretation.**
In this Act, except the context otherwise requires—
"Assessable tax" means the or chargeable income on which tax is computed;

Question: That the words "Assessable tax" be as defined in the Interpretation to this Act, put and agreed to.

"Authorized officer" means any person employed in the Service or, for the time being, performing duties in relation to tax who has been specifically authorized by the Board or the Executive Chairman to perform or carry out specific function under this Act;

Question: That the words "Authorized officer" be as defined in the Interpretation to this Act, put and agreed to.

"Board" means the Federal Capital Territory Internal Revenue Board established under Section 1 of the Act.

Question: That the word "Board" be as defined in the Interpretation to this Act, put and agreed to.

"Book" includes any register, document or other record of information and any account or accounting record however compiled recorded or stored, whether in written or printed form or micro-film, digital, magnetic or electronic form or otherwise or micro- film, digital magnetic or electronic form or otherwise; and all types of information stored on computers and any other similar equipment;

Question: That the word "Book" be as defined in the Interpretation to this Act, put and agreed to.

"Chairman" means the Chairman of the Board appointed pursuant to section 3 (2) (a) of this Act;

Question: That the word "Chairman" be as defined in the Interpretation to this Act, put and agreed to.

"Chargeable Income" includes the total income of any person or body corporate on which tax is charged

Question: That the words "Chargeable Income" be as defined in the Interpretation to this Act, put and agreed to.

"Consultants" includes accountants, legal practitioners or any other recognized professionals that have been certified by their relevant professional bodies in Nigeria;

Question: That the word "Consultants" be as defined in the Interpretation to this Act, put and agreed to.

"Document" includes any record of information supporting accounts and accounting records including report or correspondences or memoranda or minutes of meeting, however compiled, recorded or stored, whether in written or printed form or micro-film, digital, magnetic, electronic or optical form or otherwise and all types of information stored in computer and any other similar equipment;

Question: That the word "Document" be as defined in the Interpretation to this Act, put and agreed to.

"Executive Chairman" means the Executive Chairman of the Service appointed under section 11 of this Act;

Question: That the words "Executive Chairman" be as defined in the Interpretation to this Act, put and agreed to.

"FCT" means Federal Capital Territory;

Question: That the word "FCT" be as defined in the Interpretation to this Act, put and agreed to.

"FCTA" mean Federal Capital Territory; Authority;

Question: That the word "FCTA" be as defined in the Interpretation to this Act, put and agreed to.

"Government" means the Government of the federation and shall include the Federal Capital Territory or, as the case may be, a Government of a state;

Question: That the word "Government" be as defined in the Interpretation to this Act, put and agreed to.

"Gross misconduct" referred to in section 5 (g) has the meaning ascribed to it in the Public Service Rules;

Question: That the words "Gross misconduct" be as defined in the Interpretation to this Act, put and agreed to.

"Member" means a member of the Board appointed under section 3 of this Act and includes the Chairman;

Question: That the word "Member" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister; of the Federal Capital Territory;

Question: That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.

"Officer" means any person employed in the Service;

Question: That the word "Officer" be as defined in the Interpretation to this Act, put and agreed to.

"Person" includes a company or body corporate and unincorporated body of person;

Question: That the word "Person" be as defined in the Interpretation to this Act, put and agreed to.

"President" means any building or part of a building occupied as residential Accommodation (including any garage shed and other building used in connection therewith)

Question: That the word "President" be as defined in the Interpretation to this Act, put and agreed to.

"Service" means the Federal Capital Territory Internal Revenue Service established under Section 1 of this Act;

Question: That the word "Service" be as defined in the Interpretation to this Act, put and agreed to.

"Special purpose Tax Officer" for this purpose refers to specially designated Tax Officers for the Purpose of tax investigation and tax enforcement who shall be appointed from time to time and shall have the powers of Police Officers;

Question: That the words "Special purpose Tax Officer" be as defined in the Interpretation to this Act, put and agreed to.

"Tax" includes any duty, levy or revenue accruable to the government in full or in part under this Act, the laws listed in the first Schedule to this act or any other enactment or law;

Question: That the word "Tax" be as defined in the Interpretation to this Act, put and agreed to.

"Taxable person" includes an individual or body of individuals, family, corporations sole, trustee or executor or a person who carries out an economic activity in a place, a person exploiting tangible or intangible property for the purpose of obtaining income by way of trade or business or person or agency of government acting in the capacity.

Question: That the words "Taxable person" be as defined in the Interpretation to this Act, put and agreed to.

"Territory" means the Federal Capital territory;

Question: That the word "Territory" be as defined in the Interpretation to this Act, put and agreed to.

"Year of Assessment" means a period between January and December of the year or such other period for which tax is computed the Board may, from time, determine.

Question: That the words "Year of Assessment" be as defined in the Interpretation to this Act, put and agreed to.

"Appraise" means to determine the market value of real property either by entry thereon and inspection thereof or by use of an adjustment multiplier;

Question: That the word "Appraise" be as defined in the Interpretation to this Act, put and agreed to.

"Assess" means to determine the amount of tax payable on real property;

Question: That the word "Assess" be as defined in the Interpretation to this Act, put and agreed to.

"Gazette" means the Federal Government Gazette;

Question: That the word "Gazette" be as defined in the Interpretation to this Act, put and agreed to.

"Commercial real property" means any real property used or occupied by any industry, trade, business, profession, or vocation other than farming;

Question: That the words "Commercial real property" be as defined in the Interpretation to this Act, put and agreed to.

"Court" means the Federal High Court;

Question: That the word "Court" be as defined in the Interpretation to this Act, put and agreed to.

"Demand Notice" means property tax demand notice;

Question: That the words "Demand Notice" be as defined in the Interpretation to this Act, put and agreed to.

"Designated areas" means such areas designated by the Minister as areas within which the Tax shall apply;

Question: That the words "Designated areas" be as defined in the Interpretation to this Act, put and agreed to.

"Market value" means the most probable sale price indicated by consideration of the cost of reproduction, the sale price of comparable properties and the value indicated by rentals or anticipated net income;

Question: That the words "Market value" be as defined in the Interpretation to this Act, put and agreed to.

"Non-commercial real property" means all real property except commercial realty;

Question: That the words "Non-commercial real property" be as defined in the Interpretation to this Act, put and agreed to.

"Non-profit organization" means a corporate or unincorporated body carrying on an activity the main purpose of which is a purpose other than the making of a profit;

Question: That the words "Non-profit organization" be as defined in the Interpretation to this Act, put and agreed to.

"Personal property" means property that is not real property;

Question: That the words "Personal property" be as defined in the Interpretation to this Act, put and agreed to.

"Prescribe" means prescribe by regulations;

Question: That the word "Prescribe" be as defined in the Interpretation to this Act, put and agreed to.

"Real property" includes :
(a) land including land covered by water ;

(b) land and any building or structure situated thereon, including machinery, installations, and equipment affixed to a building and contributing to the utility of the building and where a building is erected on land under lease, license or permit, that building may, for the purposes of this Act, be treated as real property separate from the land;

(c) a mobile home ;

(d) a bulk storage tank, and any supply pipe lines connected therewith ; and

(e) any wire, cable, pipe, tower, installation, equipment, or thing, or structures other than buildings, forming part of a television or radio broadcasting, transmission or rebroadcasting or retransmission system including a cable television system, telephone, electric light, telegraph or telecommunications system or any electric power distribution system;

Question: That the words "Real property" be as defined in the Interpretation to this Act, put and agreed to.

"Real property" does not include —
(a) crops growing in or on land, or

(b) all that part of a mine below the surface of the ground, or

(c) land used as a public right-of-way;

Question: That the words "Real property" be as defined in the Interpretation to this Act, put and agreed to.

"Regulation" means regulations issued by the Minister pursuant to this Bill;

Question: That the word "Regulation" be as defined in the Interpretation to this Act, put and agreed to.

"Tangible personal property" means personal property that can be seen, weighed, measured, felt, or otherwise perceived by the senses, but does not include a document or other perceptible object that constitutes evidence of a valuable interest, claim, or right and has negligible or no intrinsic value;

Question: That the words "Tangible personal property" be as defined in the Interpretation to this Act, put and agreed to.

"Property Tax" means the property tax levied under this Bill on property within designated areas in the Federal Capital Territory;

Question: That the words "Property Tax" be as defined in the Interpretation to this Act, put and agreed to.

"Taxable real property" means all real property located in areas within the FCT designated as urban areas by the Minister, which are not exempt from tax under thus Bill.

Question: That the words "Taxable real property" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:
That the provision in Clause 85 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 85 *do stand part of the Bill, put and agreed to.*

Clause 86: Citation:
This Act may be cited as the Federal Capital Territory Internal Revenue Service (Establishment, etc.) Bill 2014.

Committee's Recommendation:
That the provision in Clause 86 be retained (*Senator Smart Adeyemi — Kogi West*) — *Agreed to.*

Question that Clause 86 *do stand part of the Bill, put and agreed to.*

SCHEDULES

FIRST SCHEDULE

Legislation Administered by Service

1. Personal Income Tax Act No.1 04, 1993

2. Federal Capital Territory Property Tax Act

3. All regulations, proclamation, government notices or rules issued in terms of these legislation.

Any other law for the assessment, collection and accounting of revenue accruable to the Federal Capital Territory as may be made by the National Assembly from time to time or regulation incidental to those laws, conferring any power, duty and obligation on the Service.

Enactments or Laws imposing Taxes and Levies within the Federal Capital Territory.

Question that paragraphs 1, 2 and 3 under the Head "Legislation Administered by Service" stand part of the First Schedule to the Bill, put and agreed to.

SECOND SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

Proceedings of the Board, Cap. 192 LFN

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of as statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings of the or any of its committees.

2. At every meetings of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting other than the Executive Secretary.

3. The quorum at a meeting of the Board shall be not less than one -third of the total number of members of the Board at the date of the meeting and the quorum of a committee of the Board shall be as determined by the Board.

4. The Board shall for the purpose of this Bill, meet not less three times in each year ad subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than 7 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the board may co-opt such person to the Board for such period a s it thinks fit, but a person who is a member r by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

6. A member of the Board who is directly or indirectly interested in any matter being deliberation on the Board, or is interested in any contract made or proposed to be made by the Board shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of Board.

7. A disclosure under this paragraph shall be recorded in the Minutes of meetings of the Board and the member concerned shall —

(a) Not, after the disclosure, take part in any deliberation or decision of the Board; and

(b) Be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regards to the subject matter in respect of which his interest is so disclosed.

Committees

8. (1) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc committee as it thinks fit to consider any report on any matter with which the Board is concerned.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment and the committee shall be presided over a member of the Board.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board

(4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other person generally or specifically authorized by the Board to act for that purpose and that of the Secretary.

10. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Secretary or by the person generally or specially authorized by the Board to by other person generally or specially authorized by the Board to act for that purpose.

11. Any document purporting to be contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Board, or any of its committee shall not be affected by—

(a) Any vacancy in the membership of the Board, or committee;

(b) Any defect in the appointment of a member of the Board or committee;

(c) Reason that any person not entitled to do so took part in the proceedings of the Board committee.

13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall for with disclose his interest to the committee and not vote on any question relation relating to the contract or arrangement.

14. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.

Question that paragraphs 1,2,3,4,5,6,7,8,9,10,11,12,13 and 14 under the Head "Supplementary Provisions Relating to the Board, Etc " stand part of the First Schedule to the Bill, put and agreed to.

THIRD SCHEDULE

FORM OF AUTHORIZATION TO ACCESS LANDS, BUILDINGS,

Books and Documents

(1) To ----------the Federal Capital Internal Revenue Service, by virtue of the powers vested in by Clause 29 of the Federal Capital Internal Revenue Service Act 2010, hereby authorized you to enter the premises, office, place of management or residence of any person, the principal officer, agent factor or representative or any person who has been suspected by the Service of fraud, evasion, willful default etc., in connection with a tax due to government; and whose premises, office, place of management or residence of the principal officer, agent, factor or representative is at ----------and for carrying out your assignment thereof further authorized you, with the aid of any police officer (if necessary). Which assistance he is hereby required to give, search and remove (if necessary) such records, books and documents whenever they may be found either in possession of any person in respect of who the tax remains unpaid.

And for the purpose of this assignment you are hereby authorized, if necessary, with such assistance as a aforesaid to break open any building or place in the daytime.

2. The particulars of the said arrears of tax are as follows:
Years of Assessment
(I) .....
(ii) .....
(iii) .....

No. Of Notice of Assessment N:K
SIGNED and issued under the hand of the Chairman
Territory Internal Revenue Service at ---------- this ----------day of ---------20--------- Signature (f).....

Chairman
Federal Capital Territory Internal Revenue Service
Amount of Tax due

Question that paragraphs 1 and 2 under the Head "Form of Authorization to Access Lands, Buildings" stand part of the First Schedule to the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Joint Committee on Federal Capital Territory; and Finance, on the Federal Capital Territory Internal Revenue Service Bill 2014 and approved as follows:

Clauses 24-40	—	As Recommended
Clause 41	—	As Amended
Clauses 42-48	—	As Recommended
Clause 49	—	As Amended
Clauses 50-56	—	Deleted
Clauses 57-63	—	As Recommended
Clauses 64-65	—	As Amended
Clauses 66-85	—	As Recommended
Schedules 1-4	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Committee on Agriculture and Rural Development:
Report on the Animal Health and Husbandry Technologists (Registration, etc) Bill 2014 (SB.161):

Consideration of Report deferred to another Legislative Day.

12. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Corporate Manslaughter Bill 2014 (SB. 206):

Consideration of Report deferred to another Legislative Day.

13. Adjournment:
Motion made: That the Senate do now adjourn till Wednesday, 4th June, 2014 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:19 *p.m.*

Dr. David A. B. Mark, GCON, fnim
President,
Senate of the Federal Republic of Nigeria.