

**A LAW TO PROVIDE FOR THE CONTROL AND MANAGEMENT
OF THE PUBLIC FINANCES OF KADUNA STATE 2016**



Kaduna State of Nigeria

Law No. 6 2016

(29th March 2016)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:

Enactment

1. This Law may be cited as the Public Finances (Control and Management) Law, 2016.

Short Title

2. This Law shall come into operation on the 29th day of March 2016.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

“Consolidated Revenue Fund” means the revenue fund established for the State under Section 120 (1) of the Constitution into which all revenues and other monies raised or received by the State not being revenues or other monies under the Constitution or any Law of the State into any other Fund of the State established for a specific purposed shall be paid;

“Commissioner” means the Commissioner of Finance of the State;

“Governor” means the Governor of the State;

“Legislature” means the House of Assembly of the State;

"Public Monies" include:

- (a) the public revenues of the State; and
- (b) any trust or other monies held in his official capacity, including monies held in banks and other financial institutions, whether temporarily or otherwise, by any officer of the public service of the State as the agent of the Government of the State either alone or jointly with any other person;

"State" means Kaduna State of Nigeria.

"Statutory Expenditure" means:

- (a) the expenditure charged on the Consolidated Revenue Fund by any provision of the Constitution; and
- (b) such other expenditure as may be authorized by an Appropriation or Supplementary Law.

4. There shall be for the State, a Treasury Single Account into which all revenues and monies accruing from the Consolidated Revenue Fund including funds from Excess Crude Account, grants or donations shall be paid, and out of which, all expenditure incurred or approved to be incurred shall be defrayed or paid.

Establishment of the
Treasury Single Account

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

Supervision of Expenditure
and Accounts by
Commissioner

(2) All persons handling public monies, stamps, securities, stores or other property of the Government of the State shall comply with all Financial Regulations operating in the State regarding handling and accounting procedure.

6. The Commissioner shall by warrant authorize the issue from the Consolidated Revenue Fund of all sums required to meet statutory expenditure or to meet the cost of any purpose to which any sum has been appropriated in accordance with this or any other Law:

Authorized Expenditure
from Consolidated
Revenue Fund

PROVIDED that, the aggregate of such sums in respect of expenditure other than statutory expenditure shall not exceed the total amount appropriated.

7. The Commissioner may by warrant authorize the repayment from the Treasury Single Account of sums received in error by that Fund. Any such repayment shall be charged on the Fund. Erroneous Receipts

8. (1) In investing any monies forming part of the Treasury Single Account or any other public funds of the State, the Accountant-General shall act in accordance with Financial Regulations applicable in the State. Investment of Money
Forming Part of Public
Fund

(2) The Treasury Single Account, and any other public fund of the State (subject to any express provisions of Law regulating any such public fund), may in part consist of deposits with a bank, or with the Joint Consolidated Fund, either at call or subject to notice not exceeding twelve months or Treasury Bills issued by the Central Bank of Nigeria or of any investments in which a trustee in Nigeria may lawfully invest trust funds and the disposition of monies of the Consolidated Revenue Fund or of such other public fund (subject as aforesaid) for any such purpose shall need no legislative authority other than that contained in this Section.

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

9. Whenever it is essential to incur additional expenditure under a sub-code (or create a new sub-code) and equivalent savings can be made on one or more other sub-codes within the same Main Code of the Estimates, the Commissioner for Budget and Planning may, in the case of Recurrent Expenditure authorized virement but in the case of Capital Expenditure, he shall recommend all cases of virements to the State House of Assembly for approval. Virement

10. Monies appropriated by the Legislature for the service of any financial year and have not been committed shall lapse at the close of that year. Appropriation Lapses at
the End of Financial Year

11. The Public funds specified in First Schedule to this Law shall be transferred and credited into the Treasury Single Account. Specification of Public Funds
13. It is otherwise provided in the Law establishing or regulating the fund, the balance remaining in any fund at the close of such financial year shall be carried forward to the credit of that fund at the beginning of the next financial year. Carrying Forward of Balance
14. The Law appropriating monies from the Consolidated Revenue Fund into any other fund may provide that any interest earned to that fund shall accrue to the Consolidated Revenue Fund and not to that fund: The Operation of Funds
- PROVIDED** that, if such a provision is made, the Law shall provide that:
- (a) depreciation in the value of the investments of the fund and any losses on the sales of any such investments shall be borne by the Consolidated Revenue Fund;
 - (b) any depreciation in the value of the investments and any profits on the sale or redemption of any such investments shall accrue to the Consolidated Revenue Fund;
 - (c) the application of the provisions of this section shall be without prejudice to the terms of any bequest providing monies contained in that fund and any Law establishing or regulating that fund.
15. In the event of any investment or disbursement of public funds it becomes irrecoverable owing to prolong lapse of time and is deemed to become moribund or bad debt; the Commissioner of Finance may recommend to the State Executive Council that such moribund investment or bad debt be written off from the Books of Account of the State Bad Debt Management
16. (1) The Accountant-General shall sign and present to the Auditor-General accounts showing fully the financial position on the last day of each financial year of the Treasury Single Account and of the funds specified in the First Schedule to this Law. Annual Accounts of all Funds

(2) All Public Expenditure as certified by the Auditor-General shall be published in the State Gazette.

17. The Governor shall have the power to make such regulations or issue such instructions for the purpose of giving effect to the provisions of this Law. Power to Make Regulations
18. The Public Finances (Control and Management) Law Cap. 124 of the Laws of Kaduna State, 1991 is hereby repealed. Repeal of Cap. 124 Laws of Kaduna State, 1991

**FIRST SCHEDULE
PUBLIC FUNDS OF KADUNA STATE**

- The Capital Development Fund
- The Personal Advances Fund
- The Treasury Clearance Fund
- Other Governments Clearance Fund
- The Staff Housing Loans Scheme Fund
- The Local Governments Deposits and Short-term Loans Fund
- The Voluntary Agencies Education Building Loans Fund
- The Local Governments Motor Vehicles Insurance Fund
- The Small Industries Credit Scheme Fund

SECOND SCHEDULE
RULES FOR THE OPERATION OF THE
CAPITAL DEVELOPMENT FUND

1. In these rules:

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

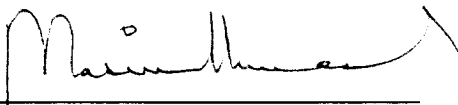
"Fund" means Capital Development Fund.

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

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

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

DATED AT KADUNA this 29th day of March 2016.



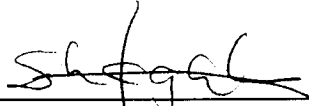
Malam Nasir Ahmad el-Rufa'i
Governor, Kaduna State.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to specify the various funds to be operated by the State and how they are to be managed and controlled.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



UMMA ALIYU HIKIMA Esq.
(Clerk to the Legislature)