

CHAPTER 111
LOCAL GOVERNMENTS JOINT ACCOUNT LAW
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CHAPTER 111
LOCAL GOVERNMENTS JOINT ACCOUNT LAW

A Law to make provisions for the establishment of the Local Governments Joint Account and for the distribution of revenue to Local Government Councils in the State and matters incidental thereto.

ENSL 2001
No.6

(21st December, 2001)

PART 1 — PRELIMINARY

1. This Law may be cited as the Local Governments Joint Account Law.

Short title

2. In this Law —

Interpretation

“Accountant-General” means Accountant-General of the State;

“Auditor-General” means the Auditor-General of the State;

“Chairman” means Chairman of the Committee;

“Committee” means State Joint Local Government Account Distribution and Fiscal Committee established by Section 4 of this Law;

“Constitution” means Constitution of the Federal Republic of Nigeria;

“Governor” means the Governor of the State;

“Joint Account” means the State Joint Local Government Account as established by Section 3 of this Law.

“Local Government” means jointly and severally all the Local Government Councils in the State and shall include any other additional number of Local Government Councils that may be created from time to time pursuant to the Constitution;

“persons” includes the three tiers of Government, Communities, Public or Private interest Groups, Corporate Bodies, Individuals and Organizations;

“Senatorial Zones” means the existing geo-political divisions of the State viz - North, East, and West, and shall include any other additional numbers of senatorial zones as may be created from time to time pursuant to the Constitution;

“State” means Enugu State of Nigeria.

PART II — ESTABLISHMENT AND FUNCTIONS

Establishment
of Joint
Account

3. There is hereby established for the State an Account to be known as and called the State Joint Local Government Account into which shall be paid —

(a) all allocations to the Local Government Councils of the State from the Federation Account; and

(b) such portion of the State's internally generated revenue accruable to the Local Government Councils as may be prescribed by the State House of Assembly.

Establishment
of the
committee

4. There is hereby established for the State a Committee to be known as the State Joint Local Government Account Distribution of Revenue and Fiscal Committee which shall be a body corporate and can sue and be sued in its corporate name.

Composition

5. (1) The Committee shall consist of—

(a) a chairman;

(b) one treasurer of Local Government Council to be appointed by the Governor from each of the Senatorial Zones of the State to serve in rotation for one year, and

(c) one member from each of the Senatorial Zones of the State who in the opinion of the Governor are persons of unquestionable integrity with requisite qualifications and experiences;

(d) one representative of the Ministry of Finance and another of the office in charge of Local Government Matters both of whom must not be below the rank of Grade Level 13 in the Civil Service of the State.

(2) The Committee shall liaise with the Accountant-General of the State in the discharge of its functions.

Secretary

6. There shall be appointed by the Governor, a Secretary to the Committee who shall carry out such duties as are prescribed in this Law and shall —

(a) be responsible for preparing the minutes of the Committee meetings;

(b) issue notices of meetings of the committee as directed by the chairman; and

(c) perform such other functions as the Committee or the Chairman may from time to time direct;

7. The Chairman and members mentioned in paragraph (d) of subsection (1) of section 5 who shall be appointed by the Governor, shall hold office for a period of one year and may be re-appointed for a second and final tenure of one year.

Tenure of
members.

8. The Chairman, members, and Secretary of the Committee shall be paid such allowances and other remunerations as may be approved by the Governor.

Remuneration.

9. The functions of the Committee shall be —

Function of the Committee.

- (a) to open and maintain the Joint Account;
- (b) to distribute equitably, all monies that are from time to time set out for distribution to the Local Government Councils by the Committee from the Joint Account;
- (c) to review from time to time the formulae for the distribution of funds to Local Government Councils under this Law and principles in operation to ensure conformity with the changing economic realities;
Provided that any review shall be subject to approval by a resolution of the House of Assembly of the State.
- (d) to advise the State Government and Local Governments on fiscal matters and methods by which their revenue can be increased;
- (e) to carry out from time to time verifications of indices, memoranda, or petitions submitted by persons on matters touching, concerning, or relating to revenue accruals, generation, distribution, or disbursement and to that end may hold public hearings;
- (f) to organize from time-to-time seminars, symposia, public discourse, town hall meetings on matters relating to revenue accruals, generation, distribution, or disbursement in order to encourage awareness and constructive participation by the populace and ensure transparency;
- (g) to monitor disbursement of revenue from the Joint Account and the Local Government in order to ensure proper accountability and strict fiscal discipline;
- (h) to perform such other functions as may, with the approval of the Governor, be assigned to the Committee by the National Revenue Mobilization Allocation and Fiscal Commission; and
- (i) to perform any other functions incidental to the foregoing functions.

PART III — MISCELLANEOUS

Meetings of the Committee.

10. (1) The meetings of the Committee shall hold at least once a month at such places and times and on such days as the Chairman may determine.

(2) The Chairman shall preside at all meetings of the Committee at which he is present, but in the event of his absence, the members present shall elect one of their members to preside.

(3) The Chairman, or other member presiding, shall have a casting vote, where there is a tie.

(4) At any meeting of the Committee, two-thirds of the number of members shall form a quorum.

(5) All decisions of the meeting may be taken, and all acts or things may be done in the name of the Committee by a majority of the members present at the meeting.

Advice of Auditor-General and Accountant-General

11. The Auditor-General and Accountant-General shall, at the request of the Committee, attend its meetings and shall at all times offer whatever information and advice that may be required by the Committee.

12. The Committee shall from time to time submit reports of its meetings, decisions, and recommendations to the Governor and the State House of Assembly.

Reports of the Committee.

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| <p>13. Without prejudice to the provisions of this Law or any other enactment, any amount which shall be set out by the Committee at any time for distribution from the amount standing to the credit of the Local Government Councils in the Joint Account shall be distributed among the Local Government Councils in the following manner —</p> <ul style="list-style-type: none">(a) 40% on the basis of equality;(b) 25% on the basis of population;(c) 20% on the basis of Primary School Enrollment’(d) 10% on the basis of internal revenue generation; and(e) 5% on the basis of landmass. | <p>Allocation of Revenue to the Local Government</p> |
| <p>14. The Committee may, with the approval of the Governor, by rules or otherwise, regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions.</p> | <p>Powers and procedure.</p> |
| <p>15. All staff of the Committee shall be appointed from the Civil Service of the State and shall remain Civil Servants for all intents and purposes.</p> | <p>Staff.</p> |