



## FEDERAL CAPITAL TERRITORY INTERNAL REVENUE SERVICE ACT, 2015



### ARRANGEMENT OF SECTIONS

*Section :*

#### PART I—ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY INTERNAL REVENUE SERVICE AND ITS MANAGEMENT BOARD

1. Establishment of the Federal Capital Territory Internal Revenue Service.
2. Objective of the Service.
3. Establishment of the Board and its Membership.
4. Tenure of Office, etc.
5. Cessation of Membership.
6. Emoluments, etc. of Members.

#### PART II—FUNCTIONS AND POWERS OF THE BOARD AND THE SERVICE

7. Functions of the Board.
8. Powers of the Service.
9. Technical Committee of the Board.
10. Powers of the Technical Committee.

#### PART III—MANAGEMENT AND STAFF OF THE SERVICE

11. Chairman of the Board.
12. Secretary and other Staff of the Board.
13. Staff Regulations.
14. Remuneration and Pension of Employees.

#### PART IV—FINANCIAL PROVISIONS

15. Funds of the Board.
16. Proceeds of the Fund.
17. Annual Estimates and Accounts.
18. Annual Reports.
19. Power to accept Gift.
20. Power to Borrow.
21. Investment. Cap. T22 LFN, 2004.

#### PART V—TAX ADMINISTRATION AND ENFORCEMENT

22. Power to enforce Tax Law.
23. Person Chargeable to Tax.

24. Statement and Returns of taxable person.
25. Request for further information or returns.
26. Assessment of Tax of taxable person.
27. List of persons assessed.
28. Records of Tax under PAYE, etc.
29. Service of Notice of Assessment.
30. Objection to Assessment.
31. Tax Clearance Certificate
32. Access to Property and Records.
33. Reproduction of books, documents and records.
34. Appointment of Agent.
35. Failure to comply with Notices or Enforcements.
36. Recovery of outstanding tax.
37. Investigation of Offences.
38. Inter-agency co-operation in enforcement of tax law.
39. Enforcement Warrants.
40. Reward and Privileges of non-employee informant.
41. Immunity of the officers of the Service.
42. Confidentiality of the documents.
43. Area Councils Revenue Committee.
44. Functions of the Revenue Committee.
45. FCT Joint Revenue Committee.
46. Functions of the FCT Joint Revenue Committee.
47. Designation of Magistrate for adjudication of Tax matters.
48. Revenue Collector.
49. Mode of payment.

#### PART VI—APPEALS

50. Tax Appeal Committee.
51. Appeals to the Tax Appeal Committee, etc.
52. Notice of Appeal.
53. Consideration of Appeal.
54. Service of Notice to the Appellant.
55. Period for the Appeal.
56. Validity of Objection.

#### PART VII—OFFENCES AND PENALTIES

57. Penalty for General Offences.
58. Failure to attend to a Notice, etc.
59. Penalty for making incorrect Returns, etc.
60. False Statements and Returns.
61. Offences relating to Tax Officers, etc.

62. Failure to remit tax.
63. Failure to pay full rate of assessed Tax or Levy.
64. Falsification of documents.
65. Obstruction of the Staff of the Service in the performance of their duty.
66. Abuse of power and corruption by the tax officer.
67. Use of weapon to cause injury to Staff of the Service.
68. Contravention of tax laws.
69. Impersonation of Revenue Officer.
70. Director of Legal Service of the Board.
71. Fine by the Service.
72. Liability to payment of Tax.

PART VIII—GENERAL PROVISIONS

73. Conformity with tax laws.
74. Compliance with Minister's directives.
75. Confidentiality.
76. Delegation of Power.
77. Signature of the Chairman of the Board.
78. Imposition of surcharge.
79. Limitation of Suits.
80. Service of documents.
81. Attachment of process.
82. Indemnity.
83. Directives by the Minister.
84. Power to make Regulations.

PART IX—MISCELLANEOUS PROVISIONS

85. Interpretation.
86. Citation.

SCHEDULES.

**FEDERAL CAPITAL TERRITORY INTERNAL REVENUE  
SERVICE ACT, 2015**

**ACT No. 10**

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY INTERNAL REVENUE SERVICE CHARGED WITH THE RESPONSIBILITY OF ASSESSMENT, COLLECTION OF, AND ACCOUNTING FOR REVENUES ACCRUABLE TO THE FEDERAL CAPITAL TERRITORY ; AND FOR OTHER RELATED MATTERS.

[27th Day of February, 2015]

Commence-  
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY INTERNAL  
REVENUE SERVICE AND ITS MANAGEMENT BOARD

1.—(1) There is established the Federal Capital Territory Internal Revenue Service (in this Act referred to as “the Service”).

Establishment  
of the  
Federal  
Capital  
Territory  
Internal  
Revenue  
Service.

(2) The Service—

(a) shall be a body corporate with perpetual succession and a common seal ;

(b) may sue or be sued in its corporate name ; and

(c) may acquire, hold or dispose of any property, moveable or immoveable, for the purpose of carrying out any of its functions under this Act.

(3) The Service shall have such powers and duties as are conferred on it by this Act, or by any other enactment or law on such matters on which the National Assembly has power to make law.

2. The object of the Service shall be to control and administer the different taxes and laws specified in the First Schedule or other laws made or to be made from time to time by the National Assembly or other regulations made there under by the Government of the Federation and to account for all taxes collected.

Objective of  
the Service.  
First  
Schedule.

3.—(1) There is established for the Service the Federal Capital Territory Internal Revenue Service Board (in this Act referred to as “the Board”), which shall have overall supervision of the Service as specified under this Act.

Establishment  
of the Board  
and its  
Membership.

(2) The Board shall consist of—

(a) the Chairman of the Service who shall be experienced in taxation as Chairman of the Service to be appointed by the Minister of the Federal Capital Territory (in this Act referred to as the “FCT”) subject to the approval of the National Assembly ;

(b) the FCT Director of Treasury who shall be the Deputy Chairman of the Board ;

(c) one representative each not lower than a Director from the following departments of the Federal Capital Territory Administration—

(i) the Department of Legal Services,

(ii) the Department of Lands, Planning and Survey,

(iii) the Department of Area Councils,

(iv) the Abuja Infrastructure and Investment Company,

(v) Department of Economic Planning, Research and Statistics, and

(vi) Department of Public Enlightenment ;

(d) six persons from the six geopolitical zones who shall be members of relevant professional body and knowledgeable in tax matters to represent public interest, and two of whom shall be women ; and

(e) the Secretary to the Service who shall be the Secretary and an ex-officio member of the Board.

(3) The Chairman and other members of the Board shall be appointed by the Minister.

(4) The members of the Board, other than the Chairman, shall be part time members.

Second  
Schedule.

(5) The supplementary provisions set out in the Second Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

Tenure of  
Office. etc.

**4.** The Chairman and other members of the Board, other than ex-officio members, shall each hold office—

(a) for a term of four years renewable once only ; and

(b) on such terms and conditions as may be specified in the letter of appointment.

Cessation of  
Membership.

**5.—(1)** Notwithstanding the provisions of section 4 of this Act, a member of the Board shall cease to hold office as a member of the Board if—

(a) he resigns his appointment as a member of the Board by notice, under his hand, addressed to the Minister ;

(b) he becomes of unsound mind ;

(c) he becomes bankrupt or makes a compromise with his creditors ;

(d) he is convicted of a felony or any offence involving dishonesty or corruption ;

(e) he become incapable of carrying on the functions of his office either arising from an infirmity in mind or body ;

(f) he is guilty of a serious misconduct in relation to his duties ;

(g) the Minister is satisfied that it is not in the interest of the Service or of the public for the person to continue in office and the Minister removes him from office ;

(h) he has been found guilty of contravening the Code of Conduct Bureau and Tribunal Act or gross misconduct in relation to his duties ;

(i) in the case of a person possessing a professional qualification, he is disqualified by a competent authority ; or

(j) in the case of a person who becomes a member by virtue of the office he occupies, he ceases to hold such office.

(2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the Minister, if it is established that it is not in the interest of the Board or of the public that the member continues in office, subject to a resolution of the National Assembly.

6. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as may be approved by the Minister.

Emoluments.  
etc. of  
Members.

## PART II—FUNCTIONS AND POWERS OF THE BOARD AND THE SERVICE

7.—(1) The Board shall —

(a) provide the general policy guidelines relating to the functions of the Service ;

(b) manage and superintend the policies of the Service on matters relating to the administration of the revenue assessment, collection and accounting system under this Act or any enactment or law ;

(c) review and approve the strategic plans of the Service ;

(d) employ and determine the terms and conditions of service including disciplinary measures of the employees of the Service ;

(e) make recommendations, where appropriate, to the Joint Tax Board on tax policy, tax reform, tax registration and exemptions as may be required from time-to-time ;

(f) stipulate remuneration, allowances and benefits of staff and employees in consultation with the Minister.

Functions of  
the Board.

(g) do such other things, which, in its opinion, are necessary to ensure the efficient performance of the functions of the Service under this Act, from time to time.

(2) The Board shall have power to—

(a) with respect to any revenue due to the FCT, acquire, hold and dispose of any property taken as security for or in satisfaction of the sum or of any judgment debt due in respect of any revenue and shall account for any property and the proceeds of sale thereof in a manner to be prescribed by the Minister ;

(b) appoint such other persons to be employees of the Service in position created by the Board and on such terms and conditions as shall be laid down by the Board subject to the provisions of this Act ;

(c) appoint persons from outside the Public Service of the Federation or of the FCT or of the Area Council whenever it deems it necessary for the proper and efficient performance of its functions under this Act ;

(d) appoint either directly or on secondment from any Public Service of the Federation or of the State or the FCT or Area Council or otherwise however, and other employee as it may, from time to time, deem it necessary to assist the Board in the discharge of any of its functions under this Act ;

(e) determine the terms and conditions of service (including remuneration, allowances, benefits and pensions) of staff and employees of the Service after consultation with the Federal Civil Service Commission ;

(f) function autonomously in the daily operations of the technical, professional and administrative affairs of the Service ;

(g) subject to such conditions as it may determine, appoint and employ practicing tax practitioners or chartered accountants as well as professional firms for the collection of revenue and monitoring agents to collect information through tax audit and to monitor compliance with relevant tax laws except as it relates to Income Tax Assessment, to do any act required to be done by it in the execution of its functions under this Act with the aim of achieving the internally generated revenue target of the FCT ; and

(h) subject to prevailing conditions, appoint and employ consultants, including tax consultants or accounts and agent to transact any business or to do any act required to be transacted or done in the execution of its functions or for carrying into effect the purpose of this Act.

**8.—(1)** The Service shall have powers to—

(a) assess all persons chargeable with tax within the FCT ;

(b) collect, recover and pay to the designated account any tax or levy due to the FCT under this or any other enactment ;

Powers of  
the Service.



(c) collect, account and enforce payment of taxes as may be due to the FCT ;

(d) in collaboration with the relevant agencies, review the tax regime and promote the application of tax revenues to stimulate economic activities and development ;

(e) make, from time to time, a determination of the extent of financial loss and such other losses by the FCT arising from tax waivers and other related matters ;

(f) adopt measures to identify, trace, freeze, confiscate or seize the proceeds of tax fraud or evasion ;

(g) issue a tax payer identification number to every person taxable in the FCT ;

(h) collate and keep under review all policies of the FCTA relating to taxation and revenue generation and undertake a systematic and progressive implementation of such policies ;

(i) maintain a database statistics, records and reports on persons, organizations, proceeds, properties, documents or other items of assets relating to tax waivers, fraud or evasion ;

(j) establish and maintain a system for monitoring dynamics of taxation in order to identify suspicious transactions and the persons involved ;

(k) collaborate and facilitate a rapid exchange of scientific and technical information with relevant national or international agencies or bodies on tax matters ;

(l) provide and maintain access to up-to-date adequate data and information on all taxable persons, corporations and real property for the purpose of efficient, effective and correct tax administration which will prevent tax evasion or fraud ;

(m) undertake and support research on similar measures with a view to stimulating economic development and determining the manifestation, extent, magnitude and effects of tax fraud, evasion and other matters that affect effective tax administration and make recommendations to the government on appropriate intervention and preventive measures ;

(n) carry out and sustain public awareness and enlightenment campaigns on the benefits of tax compliance within the FCT ;

(o) in collaboration with the relevant law enforcement agencies, carry out the examination and investigation with a view to enforcing compliance with the provisions of this Act ;

(p) administer, collect and enforce payment of property tax in the Federal Capital Territory ; and

(g) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions prescribed under this Act.

(2) The Service may, from time to time, specify the form of returns, claims, statements and notices necessary for the due administration of the powers conferred on it by this Act.

Technical  
Committee  
of the Board.

**9.**—(1) There shall be the Technical Committee of the Board (in this Act referred to as the “Technical Committee”) which comprises—

- (a) the Chairman of the Board ;
- (b) two Directors appointed to the Board from within the Service ; and
- (c) the Director of Legal Services or his representative not below the rank of a Director.

(2) The Technical Committee shall—

- (a) have power to co-opt additional staff from within the Service and persons from the private sector who are experienced in revenue matters for the effective discharge of its duties ; and
- (b) consider all tax matters that require professional and technical expertise and make recommendations to the Board.

Powers of  
the Technical  
Committee.

**10.** The Technical Committee shall—

- (a) advise the Board on all its powers and duties specifically mentioned in Section 7 of this Act and on any aspect of the functions and powers of the Service under this Act ; and
- (b) attend to such other matters as may, from time to time, be referred to it by the Board.

#### PART III—MANAGEMENT AND STAFF OF THE SERVICE

Chairman of  
the Board.

**11.** The Chairman of the Board shall—

- (a) be the Chief Executive and Accounting Officer of the Service ;
- (b) be responsible for the execution of the tax policies of the FCT and the daily administration of the Service ;
- (c) keep proper accounting records in accordance with standard accounting practice and financial regulations of the FCT in respect of—
  - (i) all revenues and expenditure of the Service,
  - (ii) all its assets, liabilities and other financial transactions,
  - (iii) all other revenue collected by the Service ; and
- (d) prepare an annual report, including financial statements, in accordance with generally accepted accounting principles and practice and

ensure that the available accounting records are adequate, in line with financial regulations and prepared by qualified personnel, who must be a member of a recognized professional body ; and

(e) have cognate experience and skills in accountancy, economics, taxation, law and related field.

12.—(1) There shall be a Secretary for the Board who shall —

(a) be appointed by the Board within the Service ;

(b) issue notices of meetings of the Board ;

(c) keep the records of the proceedings of the Board ; and

(d) carry out such duties as the Chairman or the Board may direct.

(2) The Secretary shall summon a meeting of the Board whenever business requiring its attention warrants same or on the request of the Chairman or any three members.

(3) Any five members of the Board, one of whom shall be the Chairman or a Director, shall constitute a quorum.

(4) A majority decision of the members on any matter obtained by the Secretary in written correspondence shall be treated in all respects as though it were a decision of the Board in an actual meeting unless a member has requested the submission of the matter to such meeting.

13.—(1) Subject to the provisions of this Act, the Board may make staff regulations relating generally to the conditions of Internal Revenue Service of the staff and, in particular, such regulations may provide for—

(a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Service ; and

(b) appeals by staff or employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to conditions of Service in the Public Service of the FCT shall be applicable, with such modifications as may be necessary, to the employees of the service.

(2) The staff regulations made under sub-section (1) of this section shall not have effect until approved by the Minister, and when so approved, they must be published in the FCT Gazette but the Service shall cause a notice of the staff regulations to be issued to all affected staff in such manner as the Internal Revenue Service may, from time to time, determine.

(3) If the Board thinks it expedient that any vacancy in the Service should be filled by a person holding office in the Civil Service of the FCT, it shall notify the Civil Service Commission to that effect and the Board may, by arrangement with the Commission, cause such vacancy to be filled by way of secondment or transfer.

Secretary  
and other  
staff of the  
Board.

Staff  
Regulations.

Remuneration  
and Pension  
of  
Employees.

14.—(1) Employment in the Service shall be subject to the provisions of the pension legislation for the time being in force in the FCT and accordingly, officers and employees of the Service shall be entitled to pensions and other retirement benefits as are prescribed under the relevant law.

(2) The term and conditions of service, including remuneration, allowance, benefits and pensions of the employees of the Service, shall be determined by the Minister.

#### PART IV—FINANCIAL PROVISIONS

Funds of the  
Board.

15. The Board shall establish and maintain a fund subject to appropriation to be applied towards the discharge of its functions which shall consist of and to which shall credit—

(a) an amount not more than 5% of all revenues collected by the Service in the preceding Year as administrative charge or cost of collection subject to appropriation ;

(b) all other moneys which may, from time to time, accrue to the Board for other services including the disposal, lease or hire of any other dealing with, any property vest in or acquired by the Board ;

(c) any subvention or budgetary allocation from the Federal Government and FCTA ; and

(d) all moneys raised for the purpose of the Board by way of gifts, grants-in-aid or testamentary disposition to the Board.

Proceeds of  
the Fund.

16. The Board may, from time to time, apply the proceeds of the Fund established under section 15 of this Act—

(a) to the cost of administration of the Service ;

(b) to paying of the emoluments, all allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee of the Board for such expenses as may be expressly authorized by the Board ;

(c) to the payment of the salaries, fees or other remuneration or allowances, gratuities, pensions and other benefits payable to the officers and other employees of the Service, so that no payment of any kind under this paragraph (except such as may be expressly authorized by the Minister) shall be made to any person who is in receipt of emoluments from the Federal, State and Local Government or Area Council ;

(d) for the development and maintenance of any property vested in or owned by the Service ; and

(e) for, and in connection with, all or any of its functions under this Act.

17.—(1) The Service shall, not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Boards Fund) for the next succeeding year.

Annual  
Estimates  
and  
Accounts.

(2) The Service shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

18. The Service shall prepare and submit to the Minister, through the Chairman, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Service during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Board for that year and the auditor's report on the accounts.

Annual  
Reports.

19.—(1) The Service may accept any gift of land, money or other property in accordance with the law on such terms and conditions, if any, as may be specified by the person or organization making the gift.

Power to  
accept gift.

(2) The Service shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Service.

20.—(1) The Service may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

Power to  
borrow.

(2) The Service shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.

(3) Notwithstanding the provisions of sub-section (1) of this Section, where the sum to be borrowed is in foreign currency, the Service shall not borrow the sum without the prior approval of the Minister.

21. The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister.

Investment.  
Cap. T22  
LFN. 2004.

PART V—TAX ADMINISTRATION AND ENFORCEMENT

22.—(1) The Service shall have power to administer any law on taxation in respect of which the Federal Capital Territory Authority (in this Act referred to as the "FCTA") or the National Assembly may confer power on it.

Power to  
enforce tax  
law.

(2) The Service may, with the approval of the Minister by instrument published in the FCT Gazette, appoint any of its Secretariats, Department or Agency to collect revenue pursuant to its powers under subsection (1) of this Section.

(3) Notwithstanding the provision of paragraph 10 to the First Schedule of the Federal Inland Revenue Service (Establishment) Act, 2007, the Federal Capital Territory Internal Revenue Service, shall have exclusive powers to control, administer and impose the different taxes and levies within the Federal Capital Territory as provided in this Act.

Act No. 13.  
2007.

(4) In carrying out the provision of this Act on property tax, existing collecting authority on tenement rates and charges may voluntarily delegate such authority or power to the Service.

**23.—**(1) subject to the provision of this Act, a taxable person shall be chargeable to tax—

Person  
chargeable to  
tax.

(a) in his name ; and

(b) in the name of any receiver, trustee, guardian, guarantor or committee who has the control or management of any property or concern on his behalf.

(2) Any person whose name is chargeable to tax shall be answerable for all matters within his competence which are required to be done by virtue of this Act for the assessment of the income of such taxable person and payment of any charge thereon.

(3) Where two or more persons act in the capacity of trustees, they may be charged jointly or severally with the tax with which they are chargeable in that capacity and shall be jointly and severally liable for payment of the same.

**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—

Statement  
and returns  
of taxable  
person.

(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, determine.

(3) For the purpose of sub-section (1) of this Section, 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 been given under sub-section (2) of this section, stating that the form contains a true statement of his income computed in accordance with the provision of this Act, 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-section (2) of this section 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 ₦40, 000:00, unless required to make any return for such year under the provisions of sub-section (1) of this Section, 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 Act.

**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.

Request for further information or returns.

(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.

**26.**—(1) After the expiration of the time allowed to any person under Section 24 of this Act 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.

Assessment of tax of taxable person.

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

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

(b) may 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 returns within the time allowed under this Act 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 Act.

(4) Notwithstanding the provisions of sub-section (1) of this section, 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 Act unless, within six years after the end of such year, he applied to the Service so as to be assessed for repayment of tax or otherwise.

List of persons assessed.

**27.**—(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-section (1) of this Section 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 notices amending the assessment are filed in the offices of the Board, they shall constitute a preliminary assessment list for the purpose of this Act.

Records of tax under PAYE. etc.

**28.** In the case of any employee from whom tax is recoverable by deduction from his emoluments under PAYE provisions of this Act, 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 employer 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 days from the date of notice given by the Service thereto.



**29.** 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.

Service of  
Notice of  
assessment.

**30.—**(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.

Objection to  
assessment.

(2) A notice of objection referred to under sub-section (1) of this section 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.

**31.—**(1) The Board may issue a Tax Clearance Certificate to any person within two weeks of receipt of an application if—

Tax  
Clearance  
Certificate.

(a) the Board is of the opinion that—

(i) taxes or levies passed on a person or his income or property for the three 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 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 ( in this Act referred to as “Electronic Tax Clearance Certificate”) 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 department, agency or official of the FCTA, any Area Council official, any corporate body, statutory authority or person empowered in that regard by this Act or any other law shall demand a tax clearance certificate for the three years immediately preceding the current year of assessment as a pre-condition to transacting any business, including but not limited to—

- (a) application for Minister's consent to real property transaction ;
- (b) application for Certificate of Occupancy ;
- (c) application for registration as a contractor ;
- (d) application for award of contracts by government, its agencies and registered companies ;
- (e) application for approval of building plans ;
- (f) application for any government licence or permit ;
- (g) any application relating to the establishment or conduct of business ;
- (h) application for FCTA loan for housing, business or any other purpose ;
- (i) registration for motor vehicles ;
- (j) registration for distributorship ;
- (k) confirmation of appointment by FCT as Chairman or Member of any public board, institution, commission, company or to any other similar position made by the government ;
- (l) application for registration of a limited partnership ;
- (m) application for allocation of market stalls ;
- (n) appointment or election into public office ; and
- (o) any other application or process for which a tax clearance certificate is required under this Act, or section 84 of the Personal Income Tax Act.

Cap. P8  
LFN, 2004.

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

(7) 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.

(8) A Tax Clearance Certificate shall contain the following information relating to each of the three 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.

(9) The Board shall be the sole authority to issue a Tax Clearance Certificate under this Act, 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 ;

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

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

(10) 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.

(11) 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.

Access to  
property and  
records.

**32.—**(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, buildings 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 book, or document including those stored or maintained on computers, or on digital, magnetic, optical or electronic media, and property, process or matter which the officer considers 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 enactments or any of those functions and may, without fee or reward, make any extract from or copies of such books or documents.

(2) Where the hard copies of any of the books or documents mentioned in sub-section (1) of this section 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 media in order to prevent the accidental or intentional destruction, removal or alteration of 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-section (2) of this section and the 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 Act ; 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-section (1) of this section, 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-section (6) of this section.

(6) If the Chairman of the Service, on written application, is satisfied that the exercise by an authorized officer of his functions under this section 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-section (6) of this section shall —

(a) be in the form prescribed by the Chairman as specified in the Third Schedule to this Act ;

Third  
Schedule.

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

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

(d) notwithstanding paragraphs (b) and (c) of this section, be renewable by the Chairman on application.

(8) Every officer exercising the power of entry conferred by an authorization issued under sub-section (6) of this section 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.

**33.**—(1) An officer of the Service authorized by the Chairman may remove books or documents accessed under section 37 of this Act to make copies.

Reproduction  
of books.  
documents  
and records.

(2) After copies have been made, the books and documents so removed shall 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 section 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.

Appointment  
of agent.

**34.—(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 Act, 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 of that payment the tax be recoverable from him.

(2) For the purpose of this Act, 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 Act, if any tax is not paid within the period prescribed, a sum equal to 10 per cent of the amount of the tax payable shall be added and the provisions of this Act relating to the collection and recovery of such and further that—

(a) 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 notice 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 notice, the Service may proceed to enforce payment under this Act ; and

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

(4) Any person who, without lawful justification or 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 Act.

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

Failure to  
comply with  
notices or  
enforcements.

**35.—(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 notice 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 notice, the Service or other relevant revenue authority may, for the purpose of enforcing payment of the amount due, distraint—

(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 section 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 distrain, under this section, an officer duly authorized by the Chairman of the Board may apply to a Judge of the Federal High Court sitting in Chambers under oath for the issue of a warrant under this Section.

(4) A judge of the Federal High Court sitting in Chambers may authorize such officer, referred to in sub-section (3) of this section, in writing to execute any warrant of distrain and, if necessary, break open any building or place in the daytime for the purpose of levying such distrain 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 distrain and in levying the distrain.

(5) Things distrained under this section may, at the expense of the defaulter, be kept for 14 days and if at the end of this period the amount due in respect of the revenue, cost and charges of and incidental to the distrain are not paid, they may, subject to sub-section (6) of this section, be sold at any time.

(6) Out of the proceeds of a sale under this section, the cost of charges of and incidental to the sale and keeping of the distrain 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 section shall be construed as to authorize the sale of an immovable property without an order of a Federal 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 section, the person to whom the authority is granted under sub-section (4) of this section may distrain upon all goods chattels and effects belonging to the debtor, wherever the same may be found in Nigeria.

**36.—**(1) Notwithstanding the provisions of this Act 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.

Recovery of  
outstanding  
tax.

(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.

Investigation  
of offences.

**37.**—(1) The Service shall take all necessary measures to assist any relevant law enforcement agency in the investigation of any offence under this Act.

(2) The Service shall have the power to investigate 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 sub-section (2) of this section, the Service may cause investigation to be conducted into the property 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.

Inter-agency  
co-operation  
in  
enforcement  
of tax law.

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

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

Enforcement  
warrants.

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

(a) 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 ;

(b) 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 ;

(c) search any person who is in or on such premises ;

(d) open, examine and search any article, container or receptacle ;

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

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

(g) not be bodily searched under this section except by a person of the same gender.



**40.**—(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 Act 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.

Reward and privileges of non-employee informant.

(2) The identity of the person who gave information to the Service or Board shall be dealt with in accordance with the provisions of section 42(1) of this Act with regard to confidential information.

**41.** 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 good faith in the performance of his duties or exercise of the powers conferred upon him under this Act or any other law.

Immunity of the officers of the Service.

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

Confidentiality of the documents.

(2) Except as otherwise provided under this Act 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 is liable on conviction to a fine of ₦200,000:00 or to imprisonment for 3 years or both.

**43.**—(1) There is established for each Area Council of the FCT the Area Council Revenue Committee (referred to in this Act as the “Revenue Committee”).

Area Councils Revenue Committee.

(2) The Revenue Committee shall consist of—

(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,—

(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 section shall be subject to the approval of the Legislative Arm of the Council.

Functions of the Revenue Committee.

**44.**—(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.

FCT Joint Revenue Committee.

**45.** There is established for FCT a Joint Revenue Committee which shall comprise—

- (i) the Chairman of the Service as the Chairman ;
- (ii) the Chairman of each Revenue Committee in the FCT ;
- (iii) a representative of the Department responsible for each Area Council's rank not below the Rank of a Director ;
- (iv) the Legal Adviser of the Service ; and
- (v) the Secretary to the Committee, who shall be a staff of the Service.

Functions of the FCT Joint Revenue Committee.

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

- (a) harmonize tax administration in the FCT ;
- (b) deal with revenue matters of common concern to the FCT and Area Council ;
- (c) enlighten members of the public generally on FCT and Area Council revenue matters ;
- (d) consider relevant resolutions of the Joint Tax Board for implementation in the FCT ; and
- (e) advise the Joint Tax Board, FCT and Area Councils on revenue matters.

Designation of magistrate for adjudication of tax matters.

**47.** 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.

Revenue collector.

**48.**—(1) For the purpose of this Act, 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 Act.

49. Except as otherwise provided in any Act, revenue due to any authority in the FCT shall be payable by cash, bank draft, electronic debt or credit, or money transfer into the banks where FCTA have substantial equity and representation. Mode of payment.

#### PART VI—APPEALS

50.—(1) The Minister may, by notice in the FCT Gazette, establish a body of Appeal Commissioners called the Tax Appeal Committee (in this Act referred to as the “TAC”) as set out in the Fourth Schedule to this Act. Tax Appeal Committee.  
Fourth Schedule.

(2) The TAC shall consist of a Chairman and 5 other members none of whom shall be a public officer.

(3) Where any person is aggrieved by the decision of the TAC in respect of the determination of the objection under section 26 of this Act, he may appeal to the Minister 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 section, hold office for a period of 3 years from the date of the 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 and hear an appeal, until 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 section, the Appeal Commissioner shall remain in office until a new body is sworn in.

Appeals to  
the tax  
appeal  
Committee.  
etc.Cap. P8  
LFN. 2004

**51.** 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 may appeal against the assessment upon giving notice as provided in section 50 of this Act within 30 days after the date of service of notice of the refusal of the Board to amend the assessment as desired.

Notice of  
Appeal.

**52.—(1)** A notice of appeal to be given under the provisions of this section shall be given in writing to the Board and shall set out—

- (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 Act referred to as “the Secretary”) shall, having regard to the grounds of appeal therein disclose and to any relevant provisions of this Act, deliver a copy to the Board and the appeal shall be listed by the Secretary for hearing.

(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 section 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 section, 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 this section, 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 of section 57(3) of the Personal Income Tax Act.

Cap. P8.  
LFN 2004.

**53.—**(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 subsection (20) of this section, at any such meeting—

Consideration  
of Appeal.

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

(b) the Appeal Commissioners present shall elect one of them 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-section (2) of this section 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 days notice to the Board 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 notices, 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 public.

(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 by 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 it thinks 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 section 44(1) 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 ;

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

(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 section (9)(c) of this section, 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 annul the assessment or make such order thereon as it deems 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 accounts books or records were so produced but the TAC rejected the same on the ground that it has been shown to its 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.

**54.**—(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.

Service of  
Notice to the  
appellant.

(2) Where the tax chargeable on an appellant for a year of assessment in accordance with a decision of the TAC does not exceed ₦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-section (1) of this section, and proceedings may be taken for its recovery in accordance with the provisions of this Act.

**55.**—(1) Subject to the provisions of section 52(2) of this Act , a taxpayer who decides to appeal against an assessment made on him by the decision, to the Federal High Court, shall give notice in writing to the Board within 30 days after the date on which the decision was given.

Period for  
the Appeal.

(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 section 30 (3) of this Act and section 57(3) of the Personal Income Tax Act, may appeal against the assessment to the Federal High Court upon giving notice in writing to the Board within thirty days after the date of service of notice of the refusal by the Board 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 Federal High Court upon giving notice in writing to the other party to the appeal within 30 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 provisions of section 53(7), (8) and (9) and section 50(1) of this Act shall apply to an appeal under this section 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 section 53 of this Act, a certified copy of that decision is produced before the Federal High Court and the decision contains a record by reference to —

(a) section 53(13)(a) of this Act, the Federal High Court shall dismiss the appeal ;

(b) section 53(13)(b) of this Act ; the Federal High Court may dismiss the appeal on *prima facie* evidence, with respect to the accounts, books or records having being incomplete or unsatisfactory, as the Court may deem sufficient ;

(c) section 53(13)(c) (d) of this Act, the Federal 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, if in a particular case the Judge, from information given at the hearing of the appeal, is of the opinion that tax is not 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 Federal High Court 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 ₦50,000 ; 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 subsection unless the decision of the Judge is to the effect mentioned in paragraph (a) of this subsection.

**56.**—(1) Where no valid objection or appeal has been lodged within the time limited by Section 55 of this Act 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 Section 55(3) of this Act or determined under the provision to that subsection or on appeal, as the case may be, shall be final and conclusive for all purpose of this Act as regards the amounts of the assessable, total or chargeable income and the tax chargeable thereby.

Validity of  
Objection.

(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 Act, the provisions thereof relating to the recovering of tax, and to any penalty under Section 39 of this Act, 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 Act 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 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.

Cap. P8.  
LFN 2004.

#### PART VII—OFFENCES AND PENALTIES

**57.**—(1) A person who contravenes any of the provisions of this Act or any regulation made thereunder commits an offence and, where no specific penalty is provided, shall be liable on conviction to a fine of ₦200,000, or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Penalty for  
general  
offences.

(2) Where an offence under this Act 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,

commits an offence and is 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.

Failure to  
attend to a  
notice. etc.

**58.** A person who—

(a) fails to comply with a requirement or notice served on him by the Board under this Act,

(b) without sufficient cause fails to comply with any notice or summons served on him in respect of any proceeding 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 an offence and is liable on conviction to a fine of ₦50,000 or to a term of imprisonment not exceeding 3 months or to both such fine and imprisonment.

Penalty for  
making  
incorrect  
returns. etc.

**59.**—(1) A person who —

(a) makes an incorrect returns or statement by omitting or understanding any income chargeable to tax under this Act, or

(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 is liable on conviction to a fine of ₦200,000 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 subsection (1) of this section 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 3 years after the expiration thereof.

False  
statements  
and returns.

**60.** A person who —

(a) for the 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

(b) aids, abets, assists, counsels, incites or induces any other person to —

(i) make or deliver any false statement or returns under this Act,

(ii) keep or prepare any false accounts or particulars concerning any income on which tax is payable under this Act, and

(iii) unlawfully refuse or neglect to pay tax, commits an offence and is liable on conviction to a fine of ₦200,000, and 100% of the amount of tax unpaid or repayment made in respect of any repayment or imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

**61.** A person who —

(a) being a person appointed for the due administration of this Act or employed in connection with assessment or collection of the tax who—

(i) demands from any person an amount in excess of the authorized assessment of the tax,

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

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

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

(b) collects or attempts to collect tax without being authorized under this Act ;

(c) steals or misuses Service's documents ;

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

**62.** If a person obliged to deduct any tax under this Act or any other applicable law fails to deduct or having deducted fails to pay or remit to the Service within 30 days from the date the amount was deducted or the time the duty to deduct arose, such a person is guilty of an offence and in addition to the penalty specified in Section 34 of this Act is 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.

**63.** Unless otherwise provided in this Act , a 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 is liable upon conviction to —

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

(b) imprisonment for 12 months.

Offences relating to tax of officers, etc.

Failure to remit tax.

Failure to pay full rate of assessed Tax or Levy.

Falsification  
of  
documents.

**64.** A person who—

(a) counterfeits or falsifies any document which is required by or for the transaction of any business under this Act or any law being administered by the Board or the Service ;

(b) knowingly accepts, receives or uses any document so counterfeited or falsified ;

(c) alters any such document after it is officially issued ;

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

(e) 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 section commits an offence and is liable on conviction to a fine of ₦500,000 or to imprisonment for a term of 3 years or both.

Obstruction  
of the staff  
of the  
Service in  
the  
performance  
of their duty.

**65.** A person who —

(a) obstructs, hinders molests or assaults any person or authorized officer in the performance of any function or the exercise of any power under this Act ;

(b) does anything which impedes or is intended to prevent the carrying out of any search, seizure, removal or distress ;

(c) 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 ;

(d) prevents the arrest of any person by a person duly engaged or acting as aforesaid or rescues and person so arrested,

commits an offence and is liable on conviction to a fine not exceeding ₦200,000 or imprisonment for a term of not exceeding 3 years or both.

Abuse of  
power and  
corruption  
by the tax  
officer.

**66.** A person appointed for the due administration of this Act or employed in connection with the assessment and collection of a tax who —

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

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

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

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

(e) steal or misuses Service's documents ;

(f) 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 3 years or both.

**67.—**(1) A person who, in commission of any offence against this Act, is armed with any offensive weapon commits an offence and is liable on conviction to imprisonment for a term of 5 years.

Use of  
weapon to  
cause injury  
to staff of  
the Service.

(2) A 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 Act, commits an offence and is liable in conviction to imprisonment for a term of 1 year.

**68.** A person who connives with one or more persons for the purpose of contravening any of the provisions of the Act commits an offence and is liable on conviction to imprisonment for a term of 1 year.

Contravention  
of tax laws.

**69.—**(1) A 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 commits an offence and is liable on conviction to a fine of ₦250,000 or imprisonment for 3 years or both and any amount collected by him shall be forfeited to the FCTA or the relevant Area Council.

Impersonation  
of revenue  
officer.

(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 ₦100,000 or to imprisonment for a term of 2 years.

**70.** 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 proceeding in which the Board or the Service is a party, provided that the Director shall not in such circumstances give evidence on behalf of the Board or the Service.

Director of  
Legal Service  
of the Board.

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

Fine by the  
Service.

(2) The Service shall issue a treasury receipt for any money received under subsection (1) of this section.

Liability to payment of tax.

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

PART VIII—GENERAL PROVISIONS

Conformity with tax laws.

73.—(1) Notwithstanding the provisions of this Act, the relevant provisions of all laws to be administered by the Service shall be read with such modifications as to bring them into conformity with the provisions of Personal Income Tax Act, Capital Gains Tax Act and Stamp Duties Act.

(2) If the provisions of any other State law for the charging and collection of revenue are inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the provisions of that law shall, to the extent of its inconsistency, be void.

Compliance with Minister's directives

74.—(1) The Board shall, in the exercise of its powers and duties under this Act, be subject to the general directives of the Minister and such shall 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 proceeding whether civil or criminal relating either to the recovery of any tax or to any offence under this Act or any other tax legislation.

(2) In any proceeding, whether civil or criminal under this Act or any of the laws administered by the Board, any act, matter 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.

Confidentiality.

75.—(1) Every person having any official duty or being employed in the administration of this Act 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 Act or of any other enactment, commits an offence under this Act.

(3) No person appointed or employed under this Act 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 section 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 section shall not prevent the disclosure of such information to the authorized officers of the Government of such country.

**76.—**(1) A 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.

Delegation  
of Power.

(2) Notwithstanding the provision of sub-section (1) of this Section, the Board may, at any time and at its discretion, reverse 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 approved committee of the Board pursuant to this section 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 Act.

Signature of  
the  
Chairman of  
the Board.

77. Anything done or required to be done by the Service or the Board in pursuance of any of its power or duties under this Act 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.

Imposition  
of Surcharge.

78.—(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, security, store or other property of the Service ;

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

(d) fails 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 service ; or

(e) without a satisfactory explanation given 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 deem fit.

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

(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 sub-section (1) of this Section and not withdrawn under sub-section (3) of this Section 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.

Limitation  
of Suits.

79.—(1) Subject to the provisions of this Act, 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 duty or authority in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duty or authority, shall lie or be instituted in any court unless it is commenced —

(a) within 3 months after the act, neglect or default complained ;

(b) in the case of a continuation of damage or injury, within 6 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-section (3) of this Section 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.

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

Service of documents.

**81.—**(1) In any action or suit against the Service, no execution or attachment of process in the nature thereof shall be issued against the Service unless not less than 3 months, notice of the intention to execute or attach has been given to the Service.

Attachment of process.

(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.

**82.** 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 proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a Chairman or member of the Board or officer or other employee of the Service.

Indemnity.

Directives  
by the  
Minister.

**83.** 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 be complied with.

Power to  
make  
Regulations.

**84.** The Minister may, on the advice of the Board, make regulations for carrying into effect the provisions of the Act 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 Act or any other law ;

(b) prescribing the procedure for obtaining any information required under this Act or any other law ; and

(c) on the general procedure for assessment and collection of property tax in FCT and other incidental matters.

#### PART IX—MISCELLANEOUS PROVISIONS

Interpretation.

**85.** In this Act—

“*Assessable Tax*” means chargeable income on which tax is computed ;

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

“*Assess*” means to determine the amount of tax payable on real property ;

“*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 Chairman to perform or carry out specific function under this Act ;

“*Board*” means the Federal Capital Territory Internal Revenue Board established under section 3(1) of the Act.

“*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 ;

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

“*Chargeable income*” includes the total income of any person or body corporate on which tax is charged ;

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

“*Court*” means the Federal High Court ;

“*Demand Notice*” means property tax demand notice ;

“*Delegation*” means power and authority given to the Service by Area Councils to levy and to collect tenement rate on their behalf ;

“*Designated Areas*” means such areas designated by the Minister as areas within which the tax shall apply ;

“*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 ;

“*FCT*” means Federal Capital Territory ;

“*FCTA*” mean Federal Capital Territory Authority ;

“*Gazette*” means the Federal Capital Territory Gazette ;

“*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 ;

“*Gross Misconduct*” referred to in Section 5 (1) (h) has the meaning ascribed to it in the Public Service Rules ;

“*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 ;

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

“*Minister*” means the Minister of the Federal Capital Territory ;

“*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 ;

“*Officer*” means any person employed in the Service ;

“*Person*” includes a company or body corporate and unincorporated body of person ;

“*Personal Property*” means property that is not real property ;

“*Prescribe*” means prescribe by regulations ;

“*Property Tax*” means taxes and rates levied on real property within designated areas in the Federal Capital Territory ;

“*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, licence 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 structure other than building, 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 ;

“*Real Property*” does not include—

- (a) crops growing in or on land ;
- (b) all that part of a mine below the surface of the ground ; or
- (c) land used as a public right-of-way ;

“*Regulation*” means regulations issued by the Minister pursuant to this Act ;

“*Resident*” means any building or part of a building occupied as residential accommodation (including any garage shed and other building used in connection therewith) ;

“*Service*” means the Federal Capital Territory Internal Revenue Service established under Section 1(1) of this Act ;

“*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 ;

“*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 ;

“*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 ;

“*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 ;

“*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 this Act ;

“*Territory*” means the Federal Capital Territory ; and

“*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.

**86.** This Act may be cited as the Federal Capital Territory Internal Revenue Service Act, 2015.      Citation.

## SCHEDULES

## FIRST SCHEDULE

*Section 2*

## LEGISLATION ADMINISTERED BY SERVICE

1. Personal Income Tax Act No.1, Capital Gains Tax Act, and Stamp Duties Act.
2. Federal Capital Property Tax Regulation.
3. All regulations, proclamation, government notices or rules issued under these legislation.
4. 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.
5. Enactments or laws imposing taxes and levies within the Federal Capital Territory.

SECOND SCHEDULE

Section 3(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

*Proceedings of the Board*

1. Subject to this Act and Section 27 of the Interpretation Act (which provides for decisions of a 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 or any of its Committees.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of them to preside at the meeting other than the 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 Act, meet not less 3 times in each year and 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 as it thinks fit, but a person who is a member 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 deliberated 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 the 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 by 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 or 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 proceeding of the Board, or any of its committees 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 ; or
- (c) reason that any person not entitled to do so took part in the proceedings of the Board or 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 disclose his interest to the committee and not vote on any question 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.

THIRD SCHEDULE

Section 32(7)(a)

FORM OF AUTHORIZATION TO ACCESS LANDS, BUILDINGS, BOOKS AND DOCUMENTS

To .....the Federal Capital Internal Revenue Service, by virtue of the powers vested in by section 29 of the Federal Capital Internal Revenue Service Act 2015, 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 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 Federal Capital Territory Internal Revenue Service at ..... this ..... day of.....20....

.....

*Signature of Chairman*  
*Federal Capital Territory Internal Revenue Service*

AMOUNT OF TAX DUE

FOURTH SCHEDULE

Section 50(1)

ESTABLISHMENT, JURISDICTION, AUTHORITY AND PROCEDURE OF THE  
TAX APPEAL COMMITTEE

*Establishment of Tax Appeal Committees.*

1.—(1) Pursuant to Section 50 (1) of this Act, there shall be established the Tax Appeal Committee (hereinafter referred to as “the Committee) to exercise the jurisdiction, powers and authority conferred on it by or under this Schedule.

(2) The Minister may, by notice in the Federal Gazette, specify the number of zones, matter and places in relation to which the Committee may exercise jurisdiction.

*Composition of the Committee*

2.—(1) A Committee shall consist of 5 members (hereinafter referred to as “Tax Appeal (Commissioners)”) to be appointed by the Minister.

(2) A Chairman for each zone shall be a legal practitioner who has been so qualified to practise for a period of not less than 15 years with cognate experience in tax legislation and tax matters.

(3) A Chairman shall preside at every sitting of the Committee and in his absence the members shall appoint one of them to be the Chairman.

(4) The quorum at any sitting of the Committee shall be 3 members.

*Qualifications for appointment as a Tax Appeal Commissioner*

3. A person shall not be qualified for appointment as a Tax Appeal Commissioner unless he is knowledgeable about the laws, regulations norms, practices and operations of taxation in Nigeria as well as persons that have shown capacity in the management of trade or business or a retired public servant in tax administration.

*Term of Office*

4. A Tax Appeal Commissioner shall hold office for a term of 3 years, renewable for another term of 3 years only and no more, from the date on which he assumes his office or until he attains the age of 70 years whichever is earlier.

*Resignation and Removal*

5. If for reason other than temporary absence, any vacancy occurs in the office of a Tax Appeal Commissioner, then the Minister shall appoint another person in accordance with the provisions of this Act to fill the vacancy.

*Order Constituting a Committee to be Final*

6. The question as to the validity of the appointment of any person as a Tax Appeal Commissioner shall not be the cause of any litigation in any court or Committee and no act or proceedings before the Committee shall be called into question in any manner on the ground merely of any defect in the constitution of the Committee.

*Secretary to the Committee*

7.—(1) The Minister shall appoint for each place or zone where the Committee is to exercise jurisdiction a Secretary who shall—

(a) subject to the general control of the Tax Appeal Commissioners, be responsible for keeping records of the proceedings of the Committee ; and

(b) be the head of the secretariat and responsible for—

(i) the day-to-day administration, and

(ii) the direction and control of all other employees of the Committee.

(2) The official address of the Secretary appointed for each zone shall be published in the Federal Gazette.

*Other Staff of the Committee*

8.—(1) The Minister shall appoint such other employees as he may deem necessary for the efficient performance of the functions of the Committee and the remuneration of performance of the functions of the Committee and the remuneration of persons so employed shall be determined by the Minister.

(2) It is declared that employment in the Committee shall be subject to the provisions of the Pension Reform Act and, accordingly, officers and employees of the Service shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act.

*Jurisdiction of the Committee, etc.*

9. (1) The Committee shall have power to adjudicate on disputes and controversies arising from the following tax laws (hereinafter referred to as the tax laws)—

(a) Companies Income Tax Act, Cap. C21 LFN, 2004 ;

(b) Capital Gains Tax Act, CAP. C1 LFN, 2004 ;

(c) FCT Property Tax ; and

(d) any other law contained in or specified in the First Schedule to this Act or other laws made or to be made from time to time by the National Assembly.

(2) The Committee shall apply such provisions of the tax laws referred to in sub-paragraphs (1) of this paragraph as may be applicable in the determination or resolution of any dispute or controversy before it.

*Criminal Prosecution*

10. Where in the course of its adjudication, the Committee discovers evidence of possible criminality, the Committee shall be obliged to pass such information to the appropriate criminal prosecuting authorities, such as the office of the Attorney-General of the Federation or the Attorney-General of any State of the Federation or any relevant law enforcement agency.

*Appeals from Decisions of the Service*

11. If the Service is aggrieved by the non-compliance by a person in respect of any provision of the tax laws, it may appeal to the Committee where the person is resident giving notice in writing through the Secretary to the appropriate zone of the Committee.

*Procedure before Tax Appeal Committee*

12.—(1) As often as may be necessary, Tax Appeal Commissioners shall meet to hear appeals in the jurisdiction or zone assigned to that Committee.

(2) Where a Tax Appeal Commissioner has a direct or indirect financial interest in any appeal pending before the Committee or where the taxpayer is or was a client of that Tax Appeal Commissioner in his professional capacity, he shall declare such interest to the other Tax Appeal Commissioners and refrain from sitting in any meeting for the hearing of the tax appeal.

(3) The Secretary to the Committee shall give 7 clear days notice to the Service and to the appellant of the date and place fixed for the hearing of each appeal except in respect of any adjourned hearing for which the Tax Appeal Commissioners have fixed a date at their previous hearing.

(4) All notices, documents, other than decision of the Committee, shall be signified under the hand of the Secretary.

(5) All appeals before the Tax Appeal Commissioners shall be held in public.

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

(7) At the hearing of any appeal if the representative of the Service proves to the satisfaction of the Committee hearing the appeal in the first instance that—

(a) the appellant has, for the year of assessment concerned, failed to prepare and deliver to the Service returns to be furnished under the relevant provisions of the tax laws mentioned in paragraph 11,

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

(c) it is expedient to require the appellant to pay an amount as security for prosecuting the appeal,

the Committee may adjourn the hearing of the appeal to any subsequent day and order the appellant to deposit with the Service, 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 upon the appellant for the preceding year of assessment or one half of the tax charged by the assessment.

(8) Under appeal, whichever is the lesser plus a sum equal to ten percent of the said deposit, and if the appellant fails to comply with the order, the assessment against which he has appealed shall be confirmed and the appellant shall have no further right of appeal with respect to that assessment.

(9) The Committee may, after giving the parties an opportunity of being heard, confirm, reduce, increase or annul the assessment or make any such order as it deems fit.

(10) Every decision of the Committee shall be recorded in writing by the Chairman and subject to the provisions of paragraph 16, a certified copy of such decision shall be supplied to the appellant or the Service by the Secretary, upon a request made within 30 days of such decision.

(11) Where, upon the hearing of an appeal—

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

(b) such accounts, books or records were so produced but rejected by the Committee on the ground that it had been shown to its 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 notice delivered or sent to him by the Secretary to the Committee, without showing any reasonable cause ;

(d) the appellant or any person employed, whether confidentially or otherwise, by the appellant or his agent (other than his legal practitioner or accountant acting for him in connection with his ability to tax) has refused to answer any question put to him by the Committee, without showing any reasonable,

cause the Chairman of the Committee shall record particulars of the same in his written decision.

12.—(1) Notice of the amount of the tax chargeable under the assessment as determined by the Committee shall be served by the Service upon the taxpayer or upon the person in whose name such taxpayer is chargeable.

(2) An award or judgment of the Committee shall be enforced as if it were a judgment of the Federal High Court upon registration of a copy by the party seeking to enforce the award or judgment with the Chief Registrar of the Federal High Court by the part seeking to enforce the award or judgment.

(3) Notwithstanding that an appeal is pending, tax shall be paid in accordance with the decision of the Committee within one month of notification of the amount of the tax payable in pursuance of sub-paragraph (1) of this paragraph.

*Appeal to the Federal High Court*

13.—(1) Any person dissatisfied with a decision of the Committee constituted under this Schedule may appeal against such decision to the Federal High Court upon giving notice in writing to the Secretary to the Committee within 30 days after the date on which such decision was given.

(2) A notice of appeal filed pursuant to sub-paragraph (1) of this paragraph shall set out all the grounds of law on which the appellant's case is based.

(3) If the Service is dissatisfied with the decision of the Committee, it may appeal against such decision to the Federal High Court on points of law by giving notice in writing as specified in sub-section (1) of this Section to the Secretary within 30 days after the date on which such decision was given.

(4) Upon receipt of a notice of appeal under sub-paragraph (1) or (2) of this paragraph, the Secretary to Committee shall cause the notice to be given to the Chief Registrar of the Federal High Court along with all the exhibits tendered at the hearing before the Committee to the Secretary within 30 days after the date on which such decision was given.

(5) The Chief Judge of the Federal High Court may make rules providing for the procedure in respect of appeals made under this Act and until such rules are made, the Federal High Court rules relating to hearing of appeals shall apply to the hearing of an appeal under this Act.

*Right to Legal Representation*

14.—(1) A complainant or appellant, as the case may be, may either appear in person or authorize one or more legal practitioners or any of its officers to represent him or its case before the Committee.

(2) Every individual or company in a case before the Committee shall be entitled to be represented at the hearing of an appeal by a solicitor or chartered accountant or adviser provided that, if the person appointed by the taxpayer to be representative in any matter before the Committee is unable for good cause to attend hearing thereof, the Committee may adjourn the hearing for such reasonable time as it deems fit, or admit the appeal made by some other person or by way of a written address.

*Application of statute of Limitation*

15. The provisions of any statute of limitation shall not apply to any appeal brought before the Committee.

*Powers and Procedures of the Committee*

16.—(1) The committee may make rules regulating its procedures.

(2) The Committee shall, for the purposes of discharging its functions under this Schedule, have power to—

- (i) summon and enforce the attendance of any person and examine him on oath ;
- (ii) require the discovery and production of documents ;
- (iii) receive evidence on affidavits ;
- (iv) call for the examination of witnesses or documents; (v) review its decisions ;
- (vi) dismiss an application for default or deciding matters ex-parte ;
- (vii) set aside any order or dismissal of any application for default or any order passed by it ex parte ; and
- (viii) do anything, which in the opinion of the Committee, is ancillary to its functions under this Schedule.

(3) Any proceeding before the Committee shall be deemed to be a judicial proceeding and the Committee shall be deemed to be a civil court for all purpose.

*Minister to make Rules and Regulations*

17. The Minister may make rules prescribing the procedure to be followed in the conduct of appeals before the Committee.

*Costs*

18. Each party to an appeal shall bear its own cost.



**SCHEDULE TO FEDERAL CAPITAL TERRITORY INTERNAL REVENUE SERVICE BILL, 2015.**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Federal Capital Territory Internal Revenue Service Bill, 2015.	An Act to establish the Federal Capital Territory Internal Revenue Service charged with the responsibility of assessment, collection of, and accounting for, revenues accruable to the Federal Capital Territory ; and for related matters.	This Bill establishes the Federal Capital Territory Internal Revenue Service charged with the responsibility, among other things, of assessing or charging tax and collecting internal revenue in the Federal Capital Territory.	14th January, 2015.	14th January, 2015.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



SALISU ABUBAKAR MAIKASUWA, OON, mni  
*Clerk to the National Assembly*  
17th Day of February, 2015.

DR. GOODLUCK EBELE JONATHAN, GCFR  
*President of the Federal Republic of Nigeria*  
27th Day of February, 2015.

*Further Appeals.*

19. An appeal against the decision of the Federal High court at the instance of either party shall lie to the Court of Appeal.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni  
*Clerk to the National Assembly*  
17th Day of February, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal Capital Territory Internal Revenue Service charged with the responsibility, among other things, of assessing or charging tax and collecting internal revenue in the Federal Capital Territory.