

*Extraordinary*



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**A BILL** EXECUTIVE  
**FOR**

AN ACT TO PROVIDE FOR THE ASSESSMENT, COLLECTION OF, AND ACCOUNTING FOR REVENUE ACCRUING TO THE FEDERATION, FEDERAL, STATES AND LOCAL GOVERNMENTS; PRESCRIBE THE POWERS AND FUNCTIONS OF TAX AUTHORITIES, AND FOR RELATED MATTERS

[ ] Commencement

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

CHAPTER ONE

PRELIMINARY PROVISIONS

PART I - OBJECTIVE AND JURISDICTION OF TAX AUTHORITIES

1. The objective of this Act is to provide uniform procedures for a consistent and efficient administration of tax laws in order to-

Objective of the Act

- (a) facilitate tax compliance by taxpayers; and
- (b) optimise tax revenue.

2. This Act applies to any person required to comply with any provision of the tax laws whether personally or on behalf of another person.

Application

3.-(1) The Nigeria Revenue Service (the Service), established under the Nigeria Revenue Service (Establishment) Act, 2024 shall-

Jurisdiction of tax authorities

- (a) have exclusive responsibility to administer taxes-
  - (i) on companies,
  - (ii) on persons employed in the Nigerian Army, the Nigerian Navy, the Nigerian Air Force, the Nigeria Police Force, other than in a civilian capacity,
  - (iii) on officers of the Nigerian Foreign Service,
  - (iv) on non-resident persons who derive profit or income from Nigeria or any income derived from employment in Nigeria by a person, not being a resident of any State in Nigeria, and

1 (v) contained in chapter two, parts III, X, XI; chapters three, six, and  
2 seven and chapter eight, parts II and IV of the Nigeria Tax Act;

3 (b) have power to administer taxes contained in chapters two, three,  
4 five, six, seven, and eight of the Nigeria Tax Act; and

5 (c) exercise such other powers and functions conferred on it by this  
6 Act, the Nigeria Revenue Service (Establishment) Act, and any other law as  
7 may be enacted by the National Assembly.

8 (2) The relevant tax authority in a State or the Federal Capital  
9 Territory, shall pursuant to the First schedule to this Act, be responsible for-

10 (a) the administration of taxes contained in chapters two, parts I, II,  
11 IV-IX; chapter five; and chapter eight, parts I and III of the Nigeria Tax Act on  
12 individual resident in such state or the Federal Capital Territory, subject to  
13 subsection 1(a) (ii) - (iv) of this section; and

14 (b) exercising such other powers and functions conferred on it under  
15 any tax law enacted by the National Assembly.

16 (3) A tax authority, with the approval of the relevant government, may  
17 authorise another tax authority to administer taxes within its jurisdiction on its  
18 behalf, on such terms as they may agree.

19 (4) For the purpose of subsections (1) and (2) of this section, the  
20 relevant tax authority may do such things as it deems necessary and expedient  
21 for the assessment and collection of taxes and shall account for all taxes so  
22 collected in accordance with the provisions of this Act, the Nigeria Tax Act and  
23 any other law enacted by the National Assembly or a State House of Assembly.

#### 24 PART II - REGISTRATION

Taxable person

25 **4.** A taxable person shall register with the relevant tax authority and  
26 obtain a Taxpayer Identification ("Tax ID") for the purpose of compliance with  
27 tax obligations.

Federal, state  
and Local  
Government

28 **5.** Every ministry, department or agency of the Federal or a State  
29 government, and every Local Government shall register for tax and obtain a  
30 Tax ID.

1                   **6.**-(1) A non-resident person that supplies taxable goods or services  
2                   to any person in Nigeria, or derives income from Nigeria shall register for  
3                   tax purposes and obtain a Tax ID,  
4                   provided that a non-resident person who derives only passive income from  
5                   investment in Nigeria may not be required to register for tax but shall  
6                   provide relevant information as may be prescribed by the Service.

Non-resident  
person

7                   (2) The relevant tax authority may issue guidelines for the purpose  
8                   of giving effect to the provisions of this section.

9                   **7.**-(1) The relevant tax authority shall, upon receiving a request,  
10                  register and issue a Tax ID to every taxable person.

Issuance of  
taxpayer  
identification

11                  (2) Where a relevant tax authority refuses to register or issue a Tax  
12                  ID upon request under subsection (1) of this section, the relevant tax  
13                  authority shall, within two working days of the decision, notify that person  
14                  of the refusal.

15                  (3) A relevant tax authority may, based on the information  
16                  available to it, register and issue a Tax ID to a person who should apply for a  
17                  Tax ID but failed to do so.

18                  (4) The relevant tax authority shall promptly notify a person  
19                  registered and issued with a Tax ID under subsection (3) of this section of the  
20                  registration and Tax ID.

21                  (5) A taxable person having a valid Tax ID shall not apply for, or be  
22                  issued with another Tax ID.

23                  (6) A person who discovers that a taxable person has multiple Tax  
24                  IDs, shall promptly report to the relevant tax authority for unification.

25                  (7) A Tax ID issued to one taxable person is not transferable or  
26                  usable by another taxable person.

27                  **8.**-(1) A Tax ID shall be-

Use of taxpayer  
identification

28                  (a) stated on a return, notice, correspondence or documents  
29                  submitted, lodged, or used for the purposes of tax compliance;

30                  (b) stated on a document prepared, produced, issued or submitted

1 in respect of a transaction; and

2 (c) a condition for entering into a contract with any federal or state  
3 ministry, department or agency and local government.

4 (2) A person engaged in banking, insurance, stock-broking, or other  
5 financial services in Nigeria shall make the provision of a Tax ID, a  
6 precondition for opening a new account or operating an existing account.

Notification of  
change in  
particulars

7 **9.**-(1) Every taxable person shall, within 30 days of the occurrence of  
8 a change in its particulars, notify the relevant tax authority of the change.

9 (2) The change referred to in subsection (1) of this section includes-

10 (a) name, including trading name, location of business, telephone  
11 numbers or e-mail address, and registered address;

12 (b) in the case of-

13 (i) an incorporated person, persons holding 5% or more of its share  
14 capital, or the beneficial owner of the shares held by nominees,

15 (ii) a trust, the full identity, address and other contact details of the  
16 trustees and beneficiaries of the trust,

17 (iii) a partnership, the full identity, address and other contact details of  
18 all the partners, or

19 (iv) sale, liquidation or merger of a business, all relevant information  
20 regarding the sale, liquidation or merger, and full details of the new owners.

Suspension,  
deregistration  
and cancellation  
of tax identification

21 **10.**-(1) Where a taxable person temporarily ceases to carry on a trade  
22 or business in Nigeria, the taxable person shall notify the relevant tax authority  
23 of its intention to suspend its registration for tax purposes within 30 days of  
24 such temporary cessation of trade or business.

25 (2) The relevant tax authority shall classify the Tax ID as dormant and  
26 place it on suspension.

27 (3) Where a taxable person permanently ceases to carry on a trade or  
28 business in Nigeria, the taxable person shall notify the relevant tax authority of  
29 its intention to deregister for tax purposes within 30 days of such cessation of  
30 trade or business.

1 (4) Where a taxable person permanently ceases to carry on a trade  
2 or business, the relevant tax authority shall deregister the Tax ID.

3 (5) The relevant tax authority shall deregister or cancel a Tax ID  
4 where it is satisfied that-

5 (a) the taxable person is deceased, or, in the case of a body  
6 corporate, including a government ministry, department or agency is wound  
7 up or dissolved; and

8 (b) the person to whom the Tax ID was issued has another one.

9 (6) A taxable person whose Tax ID has been suspended, shall, upon  
10 reapplication, be re-issued with the same Tax ID.

## 11 CHAPTER TWO

### 12 RETURNS, ASSESSMENTS AND PAYMENTS

#### 13 PART I - RETURNS

14 **11.**-(1) Every company, including a company granted exemption  
15 from incorporation, whether or not it is liable to pay tax under the Nigeria  
16 Tax Act or any other tax law, for a year of assessment, with or without notice  
17 from the Service, shall file a self-assessment return with the Service in the  
18 prescribed form at least once a year and such return shall contain-

Income tax returns  
for companies

19 (a) a duly completed self-assessment form as may be prescribed by  
20 the Service;

21 (b) the audited financial statements, tax and capital allowances  
22 computation for the year of assessment in respect of the profit from each and  
23 every source computed,

24 provided that the return of a small company may contain a statement of  
25 accounts attested to by the taxpayer in place of audited financial statements;

26 (c) evidence of payment of the tax due;

27 (d) computation of the effective tax rate and additional tax payable,  
28 where applicable; and

29 (e) an attestation of the information contained in the tax returns  
30 signed by a Principal Officer of the company.

1           (2) Where a non-resident company derives profit from or is taxable  
2 in Nigeria under chapter two of the Nigeria Tax Act, such company shall be  
3 required to submit a return for the relevant year of assessment containing-

4           (a) the company's full audited financial statements and the financial  
5 statement of the Nigerian operations, attested to by an independent, qualified  
6 or certified accountant in Nigeria;

7           (b) tax computation schedules based on the profits attributable to its  
8 Nigerian operations;

9           (c) a true and correct statement, in writing, containing the profits from  
10 each and every source in Nigeria;

11           (d) duly completed Income Tax Self-Assessment Forms;

12           (e) evidence of payment of the tax due; and

13           (f) a computation of the effective tax rate and additional tax payable,  
14 where applicable.

15           (3) The provisions of subsection (2) of this section shall not apply in a  
16 year of assessment where a non-resident company only earns income on which  
17 the amount deducted at source is the final tax under the Nigeria Tax Act.

18           (4) Where a company permanently ceases operation in Nigeria, the  
19 company shall file the returns for the year of cessation and any outstanding  
20 return.

21           (5) Subject to this Act, any tax law or regulation, the time of filing  
22 returns shall be-

23           (a) in the case of a company that has been in business for more than 18  
24 months, not more than six months after the end of its accounting year;

25           (b) in the case of a newly incorporated company, within 18 months  
26 from the date of its incorporation or not later than six months after the end of its  
27 first accounting period, whichever is earlier; or

28           (c) in the case of a company that permanently ceases to carry on trade  
29 or business in Nigeria, not later than six months from the date the company  
30 permanently ceases to carry on the trade or business in Nigeria.



1 (6) For the purpose of this section-  
2 (a) every company shall designate a representative or  
3 representatives who shall attend to its tax matters; and

4 (b) where a person designated by a company pursuant to paragraph  
5 (a) of this subsection is a paid agent, such person shall be a person accredited  
6 under Section 32 of this Act.

7 **12.**-(1) Not later than two months after the commencement of each  
8 accounting period of any midstream company engaged in liquefied natural  
9 gas, the company shall submit to the Service an estimated returns of its  
10 profits or losses for that accounting period for the purpose of income tax.

Estimated income  
tax returns for  
companies engaged  
in liquefied natural  
gas

11 (2) The estimated tax returns shall contain-

12 (a) a computation of its estimated revenue, adjusted profit or loss  
13 and estimated assessable profits of that period;

14 (b) a computation of its estimated revenue from all sources  
15 including plants condensates, natural gas liquids, liquefied natural gas,  
16 liquefied petroleum gas and any other incidental income;

17 (c) a statement of an estimate of amounts to be repaid, refunded,  
18 waived or released to it, referred to in section 68 (2) of the Nigeria Tax Act,  
19 during that period;

20 (d) in connection with part I of the First Schedule to the Nigeria Tax  
21 Act, a schedule showing-

22 (i) the estimated residues at the end of that period in respect of its  
23 assets, all estimated qualifying capital expenditure incurred by it in that  
24 period,

25 (ii) the values of its assets, estimated by references to the  
26 provisions of that schedule, to be disposed of in that period,

27 (iii) the allowances due to it under that schedule for that period, and

28 (iv) a computation of estimated capital allowances for the period;

29 (e) a computation of its estimated total profits of that period;

30 (f) a computation of its estimated tax payable for that period; and

1 (g) a declaration, that the estimate was made to the best of the ability  
2 of the person signing the declaration.

3 (3) Where, at any time during the accounting period, there is a  
4 material change in any of the parameters, the company shall submit a revised  
5 return to reflect the change for such period.

6 (4) Every return made by a company engaged in liquefied natural gas  
7 operations in fulfilment of the provisions of this section shall be subject to  
8 review and validation by the Service.

9 (5) Where a company does not provide the estimates required under  
10 subsection (1), (2) and (3), of this section, the Service may determine the  
11 estimates payable by the company on the best of judgement basis.

Income tax  
returns for  
individuals

12 **13.**-(1) A return of income shall be filed, in the prescribed form, with  
13 the relevant tax authority in each year of assessment and without notice or  
14 demand, by-

15 (a) every taxable person whether or not liable to pay tax; and

16 (b) non-resident persons liable to pay tax in Nigeria under chapter two  
17 of the Nigeria Tax Act.

18 (2) The return required to be filed under this section shall contain-

19 (a) a duly completed self-assessment form;

20 (b) the amount of income from every source for the year preceding the  
21 year of assessment computed in accordance with the provisions of the Nigeria  
22 Tax Act or any regulation made pursuant to the Act;

23 (c) personal relief and tax computation;

24 (d) in the case of income earned from trade, business, profession or  
25 vocation, an audited financial statement or a statement of accounts attested to  
26 by the taxpayer; and

27 (e) evidence of payment of the tax due.

Pay As You  
Earn

28 **14.**-(1) An employer shall file a return with the relevant tax authority  
29 for all emoluments paid to its employees, not later than 31 January of each year  
30 in respect of all employees in its employment in the preceding year.

1 (2) The returns shall disclose for each employee gross  
2 emoluments, including allowances and benefits in kind, total deductions,  
3 net emoluments and tax deducted.

4 (3) Notwithstanding the provisions of subsection (1) of this  
5 section, an employee shall file an annual return of income from all sources,  
6 including employment income, in accordance with section 13 of this Act.

7 **15.** Notwithstanding the provisions of section 14, a relevant tax  
8 authority may issue guidelines for the filing of a simplified income tax  
9 return by low-income earners or persons operating in the informal sector.

Simplified Annual  
Income Tax Return

10 **16.-(1)** Not later than two months after the commencement of each  
11 accounting period of any company engaged in petroleum operations, the  
12 company shall submit to the Service an estimated returns of its profits or  
13 losses for that accounting period for the purpose of hydrocarbon tax,  
14 petroleum profit tax and Income tax, as applicable.

Estimated returns  
for upstream  
petroleum operations

15 (2) Any company involved in upstream petroleum operations  
16 under parts I or II of chapter three of the Nigeria Tax Act, shall apply the  
17 accounting periods under parts I and II of chapter three of the Nigeria Tax  
18 Act respectively.

19 (3) The estimated tax returns shall in addition to the particulars  
20 requested for the purpose of determining estimated tax payable under parts I  
21 and II of chapter three of the Nigeria Tax Act, contain-

22 (a) a computation of its estimated revenue, adjusted profit or loss  
23 and estimated assessable profits of that period;

24 (b) a computation of its estimated revenue from all sources  
25 including crude oil, field condensates and liquid natural gas liquids derived  
26 from associated and non-associated gas produced upstream of the  
27 measurement points;

28 (c) a statement of an estimate of amounts to be repaid, refunded,  
29 waived or released to it, referred to in sections 68 (2) and 91(2) of the Nigeria  
30 Tax Act during that period;

1 (d) in connection with parts II and III of the First Schedule to the  
2 Nigeria Tax Act a schedule showing-

3 (i) the estimated residues at the end of that period in respect of its  
4 assets,

5 (ii) all estimated qualifying petroleum expenditure incurred by it in  
6 that period,

7 (iii) the values of its assets, estimated by references to the provisions  
8 of that schedule, to be disposed of in that period, and

9 (iv) the allowances due to it under that schedule for that period;

10 (e) in connection with the Sixth Schedule of the Nigeria Tax Act a  
11 schedule showing estimated total production allowance and cost price ratio  
12 limits from all its upstream petroleum operations related to crude oil on the two  
13 classes of the chargeable profits;

14 (f) a computation of its estimated chargeable profits of that period  
15 identified in accordance with the Nigeria Tax Act;

16 (g) a computation of its estimated tax payable for that period; and

17 (h) a declaration, that the estimate was made to the best of the ability  
18 of the person signing the declaration.

19 (4) Where, at any time during the accounting period, there is a change  
20 in price, cost or volume, the company shall submit further returns on a monthly  
21 basis containing its revised estimated tax for such period.

22 (5) Every return made by a company engaged in upstream petroleum  
23 operations related to crude oil and gas in fulfilment of the provisions of this  
24 section shall be subject to review and validation by the Service.

25 (6) Where a company does not provide the estimates required under  
26 subsections (1), (2) and (3), of this section, the Service may use its power to  
27 determine the estimates on the best of judgement basis and impose such  
28 judgement on the company.

29 (7) Notwithstanding the provisions of this section, production  
30 allowances under the Sixth Schedule to the Nigeria Tax Act shall apply only to

1 hydrocarbon tax under part I of chapter three of the Nigeria Tax Act.

2           17.-(1) Every company engaged in upstream petroleum operations     Actual returns  
3 including companies yet to commence bulk sales or disposal of chargeable     for upstream  
4 oil, shall file with the Service its audited accounts and returns within-     petroleum operations

5           (a) 18 months from the date of its incorporation, in the case of a  
6 newly incorporated company; and

7           (b) five months after any period ending on 31 December, in the  
8 case of any other company.

9           (2) Every company under subsection (1) of this section shall for  
10 each accounting period of the company make up accounts of its revenue and  
11 profits or losses and prepare the following particulars for the purpose of  
12 determining its hydrocarbon tax, petroleum profits tax and income tax under  
13 parts I and II of chapter three of the Nigeria Tax Act-

14           (a) a statement of its revenues from all sources including lifting  
15 details of crude oil, field condensates and liquid natural gas liquids derived  
16 from associated gas and produced upstream of the measurement points;

17           (b) computations of its actual revenue adjusted profit or loss and  
18 actual assessable profits of that period;

19           (c) a statement of amounts repaid, refunded, waived or released to  
20 it, referred to in section 68 (2) and 91(2) of the Nigeria Tax Act during that  
21 period;

22           (d) in connection with the parts II and III of the First Schedule to the  
23 Nigeria Tax Act a schedule showing-

24           (i) the residue at the end of that period in respect of its assets,

25           (ii) all qualifying petroleum expenditure incurred by it in that  
26 period,

27           (iii) the values of any of its assets disposed of in that period, and

28           (iv) the allowances due to it under that schedule for that period.

29           (e) in connection with the Sixth Schedule to the Nigeria Tax Act; a  
30 schedule showing total production allowance and cost price ratio limit from

1 all its upstream petroleum operations related to crude oil on the two classes  
2 of chargeable profits where applicable;

3 (f) a computation of its actual chargeable profits for that period for  
4 the two classes of chargeable profits where applicable identified in  
5 accordance with Nigeria Tax Act;

6 (g) a computation of its chargeable tax payable for that period;

7 (h) duly completed self-assessment forms attested to by the  
8 principal officer of the company; and

9 (i) evidence of payment of the final instalment.

10 (3) Every company engaged in upstream petroleum operations  
11 related to crude oil after the expiration of that period, shall deliver to the  
12 Service-

13 (a) a copy of its audited accounts of that period, in accordance with  
14 subsection (1) of this section;

15 (b) copies of the particulars referred to in subsection (2) of this  
16 section relating to that period with the copy of the delivered company  
17 accounts; and

18 (c) a declaration signed by an authorised officer of the company or  
19 by its liquidator, receiver or the agent of the liquidator or receiver, that the  
20 information provided is true and complete.

Monthly returns  
of petroleum  
royalty

21 **18.**-(1) Every licensee or lessee engaged in petroleum operations  
22 upon the coming into effect of this law, or upon commencement of  
23 production, whichever is earlier, shall file a self-assessment return of  
24 royalty with the Service in the prescribed form.

25 (2) The returns of royalty for each month shall be filed on or before  
26 the 14th day of the following month, whether or not production has taken  
27 place, and shall be accompanied by the following-

28 (a) the respective total volumes of crude oil, condensates, natural  
29 gas and natural gas liquids produced on a field-by-field basis and where  
30 different types of petroleum are produced, the total volumes of each type;

1 (b) the fiscal prices for crude oil, condensates, natural gas and  
2 separately produced natural gas liquids;

3 (c) computation of royalty based on production;

4 (d) computation of royalty by price;

5 (e) duly completed royalty self-assessment form;

6 (f) evidence of payment of royalty due; and

7 (g) such other information as may be required by the Service.

8 (3) The returns referred to in subsection (2) of this section shall be  
9 signed by an authorised officer of the company, stating that the returns,  
10 schedules, statements, and other information given is correct and complete  
11 to the best of the person's knowledge.

12 (4) Where marketable natural gas is produced and utilised in-  
13 country, the lessee or licensee shall, in addition to subsection (2) of this  
14 section, provide the following information-

15 (a) the volume of domestic gas delivered;

16 (b) the volume of gas destined for export project;

17 (c) destination certificates based on the related purchase and sales  
18 agreements or other relevant information; and

19 (d) destination certificates where the lessee sells natural gas to a  
20 supplier or wholesale customer.

21 (5) The Service shall review the royalty returns filed and may  
22 reassess where necessary the royalty payable and any additional royalty  
23 shall be paid within 30 days of service of a notice of assessment of such  
24 additional royalty.

25 (6) The provisions of this Act as to notice of assessment, additional  
26 assessment, appeals and other proceedings, shall apply to an assessment or  
27 additional assessment made under this section.

28 **19.** Every licensee or lessee shall file an annual return of actual  
29 royalty paid in an accounting period not later than five months from the end  
30 of the accounting period in the form prescribed by the Service.

Annual returns  
of petroleum  
royalty

Monthly returns  
of minerals  
royalty

1                   **20.**-(1) Every person engaged in the trade or business of mining, shall  
2                   upon the coming into effect of this Act or upon commencement of operations,  
3                   file a monthly self-assessment return of minerals royalty with the Service in the  
4                   prescribed form.

5                   (2) Pay the correct royalty due to the government on the minerals sold  
6                   or used at the prescribed rate in the Ninth schedule to the Nigeria Tax Act.

7                   (3) The returns of royalty for each month shall be filed on or before the  
8                   21st day of the following month, and shall be accompanied by the following-

9                   (a) registered number of quarrying or mining licences;

10                  (b) type of mineral and weight;

11                  (c) location and labour used;

12                  (d) quarriable minerals in metric tons or cubic metres;

13                  (e) quantity of mineral won, sold, used and left on hand;

14                  (f) buyers of minerals;

15                  (g) computation of royalty payable on the mineral won, used or sold;

16                  (h) duly completed royalty self-assessment form;

17                  (i) evidence of payment of royalty due;

18                  (j) a declaration signed by an authorised officer of the company,  
19                  stating that the returns, schedules, statements, and other information given is  
20                  correct and complete to the best of the person's knowledge; and

21                  (k) such other information as may be required from time to time by the  
22                  Service.

23                  (4) The Service shall review the royalty returns filed and may reassess  
24                  where necessary the royalty payable and any additional royalty shall be paid  
25                  within 30 days of service of a notice of assessment of such additional royalty.

26                  (5) The provisions of this Act as to notice of assessment, additional  
27                  assessment, appeals and other proceedings, shall apply to an assessment or  
28                  additional assessment made under this section.

Monthly Returns  
by Non-Resident  
Shipping and  
Airline Companies

29                   **21.**-(1) A non-resident person engaged in the operation of transport by  
30                   sea or air, into Nigeria, shall file monthly returns with evidence of payment of



1 the tax as specified under section 18 of the Nigeria Tax Act to the Service in  
2 respect of the carriage of passengers, mail, livestock or goods shipped or  
3 loaded into an aircraft in Nigeria.

4 (2) The monthly return shall be filed not later than the 21st day of  
5 the following month.

6 (3) The returns shall contain a detailed gross revenue statement of  
7 the Nigerian operations for that month, showing the amount of total sums  
8 receivable during the period, and supported with all invoices issued to the  
9 relevant customers.

10 (4) Nothing in this section shall be construed to exempt the  
11 company from filing its annual returns or filing returns in respect of its non-  
12 freight operations or any other incidental income and payment of tax in  
13 respect of its non-freight or incidental income.

14 **22.**-(1) A taxable person shall, in respect of Value Added Tax  
15 (VAT), with or without a notice and whether or not an economic activity has  
16 taken place, submit a return to the Service in the prescribed form, by the date  
17 specified in subsection (2) of this section or in a regulation issued by the  
18 Service for that purpose.

Returns Value  
Added Tax

19 (2) The returns for each month shall be filed on or before the 21st  
20 day of the following month.

21 (3) Where the Service grants an extension of the period for filing  
22 the returns under this section, such extension shall not imply the extension  
23 of time to pay the VAT.

24 (4) The returns shall contain the input tax paid, output tax collected  
25 and VAT payable in respect of all taxable supplies in the preceding month.

26 (5) The provision of subsection (2) of this section above shall not  
27 apply to a small business.

28 (6) A small business may choose to file returns.

29 (7) A business, upon ceasing to be a small business, shall file  
30 monthly VAT returns.

1 (8) In determining whether a person meets the threshold in subsection  
2 (5) of this section, the value of the following taxable supplies shall be  
3 excluded-

4 (a) supply of a capital asset of the person; and

5 (b) supply made solely as a consequence of the person selling the  
6 whole or a part of its business or permanently ceasing to carry on business.

7 (9) A taxable person granted exemption in subsection (5) of this  
8 section is exempt from the provisions of sections 100 and 102 of this Act and  
9 section 151 of the Nigeria Tax Act.

10 (10) The provisions of subsection (5) of this section shall not apply to  
11 companies engaged in petroleum operations as defined in the Nigeria Tax Act.

12 (11) Where technology is deployed by the Service, a taxable person  
13 shall render returns in real time or at such other time as the Service may  
14 prescribe.

15 (12) For the purpose of attribution, any return under this section shall  
16 provide details of derivation of taxable supplies by location in a manner  
17 prescribed by the Service.

Value Added  
Tax Fiscalisation  
System

18 **23.**-(1) Where the Service deploys an Electronic Fiscal System (EFS),  
19 any person making a taxable supply shall use the EFS for recording and  
20 reporting all supplies.

21 (2) The Service may prescribe technical specifications and security  
22 standards for using the EFS to record and report supplies.

23 (3) Taxable persons shall be responsible for maintaining accurate  
24 records of all transactions passing through the EFS.

25 (4) The Service shall specify the fiscalisation system to be adopted  
26 and a transition arrangement for its implementation.

Returns of  
Excise Duty

27 **24.**-(1) A taxable person engaged in the provision of excisable  
28 services shall, in respect of excise duty imposed under chapter seven of the  
29 Nigeria Tax Act submit a return to the Service in the prescribed form specified  
30 by the Service.

1                   (2) The return shall be rendered on or before the 21st day of the  
2 following month or such other time as may be determined by the Service  
3 except in the case of foreign exchange transactions which shall be within 7  
4 days of the transaction.

5                   (3) The return shall contain the following information-

6                   (a) description of the excisable services provided during the  
7 month;

8                   (b) value of the excisable services on which duty is payable;

9                   (c) amount of excise duty payable; and

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

11                  **25.** A company granted priority status shall, in accordance with  
12 section 11 of this Act, in each year of assessment, file income tax returns in  
13 the manner specified for both priority and non-priority products or services  
14 of the company.

Returns by priority  
companies

15                  **26.**-(1) All taxable persons enjoying incentives administered by  
16 the relevant tax authorities, including incentives provided under chapter  
17 eight and section 60 of Nigeria Tax Act, shall, in addition to annual tax  
18 returns, submit Annual Tax Incentives returns to the relevant tax authority in  
19 the form prescribed by the Service covering income tax and any incentive  
20 other than those which are generally available to all taxpayers.

Tax incentive  
returns

21                  (2) In the case of annual tax incentives returns filed by individuals,  
22 the tax authority in each State shall, within 60 days from the end of the due  
23 date for filing of the annual tax returns, transmit to the Service the annual tax  
24 incentives returns filed.

25                  (3) The Service shall, while submitting its annual report to the  
26 Minister under section 23 of Nigerian Revenue Service Act, include the  
27 summary of the returns received under subsections (1) and (2) of this  
28 section.

29                  (4) The Minister may issue a regulation for administration of this  
30 section.

Returns for  
deduction of  
tax at source

1                   **27.** Every person who has an obligation to deduct and remit tax under  
2 this Act or any other tax legislation shall render monthly returns as specified in  
3 the regulation issued for that purpose.

Information  
to be delivered  
by bankers and  
others

4                   **28.**-(1) Without prejudice to section 138 of this Act, every bank,  
5 insurance company, stock-broking firm, or any other financial institution, shall  
6 prepare, with or without demand by the relevant tax authority, quarterly returns  
7 to the relevant tax authority specifying the names and addresses of-

8                   (a) new customers; and

9                   (b) existing customers in the case of-

10                  (i) an individual, all transactions where the cumulative transactions in  
11 a month amount to N25,000,000.00 or more, or

12                  (ii) a body corporate, all transactions where the cumulative  
13 transactions in a month amount to N100,000,000.00 or more.

14                  (2) Every bank, insurance company, stock-broking firm, other  
15 financial institution, or any other legal arrangement shall, as may be prescribed  
16 by way of notice, rules, regulations, guidelines, or circulars issued by the  
17 relevant tax authority prepare and submit returns of-

18                  (a) transactions involving the specified sum;

19                  (b) names, addresses, including foreign addresses, or any other  
20 information of its customers connected with those transactions; or

21                  (c) names, addresses, or any other information of new or existing  
22 customers.

23                  (3) Without prejudice to subsections (1) and (2) of this section, for the  
24 purpose of obtaining information relative to taxation, the relevant tax authority  
25 may give notice to any person including a person engaged in banking business  
26 in Nigeria to provide within the time stipulated in the notice, information  
27 including the name and address of any person specified in the notice.

28                  (4) Notwithstanding the provision of subsection (3) of this section a  
29 person engaged in banking business in Nigeria, shall not be required to disclose  
30 any additional information about his customer or his bank under this section

1 unless such additional disclosure is required by a notice signed by the Chief  
2 Executive Officer of the relevant tax authority.

3 **29.**-(1) Any person who enters or intends to enter into any Disclosure or  
4 transaction or agreement, referred to as a disclosable transaction or tax planning  
5 agreement, whose principal purpose is a benefit which enables, or might be  
6 expected to enable, such a person to obtain a tax advantage, shall without  
7 notice or request, provide to the relevant tax authority, information relating  
8 to that disclosable transaction or agreement.

9 (2) The relevant tax authority may make regulations specifying-

10 (a) the information to be provided by a person in relation to a  
11 disclosable transaction or agreement;

12 (b) the form and manner of delivery of that information to the  
13 relevant tax authority;

14 (c) the period of time within which the information referred to in  
15 subsection (1) of this section shall be provided to the relevant tax authority;  
16 and

17 (d) administrative penalties for non-disclosure, false disclosure,  
18 incomplete disclosure or late disclosure.

19 (3) In this section -

20 "tax advantage" means-

21 (a) a relief or increased relief from tax;

22 (b) repayment or increased repayment of tax;

23 (c) avoidance or reduction of a charge to tax or an assessment to  
24 tax;

25 (d) avoidance of a possible assessment to tax;

26 (e) deferral of a payment of tax or advancement of a repayment of  
27 tax; or

28 (f) avoidance of an obligation to deduct or account for tax;

29 "transaction" includes- course of action, agreement, scheme or  
30 arrangement.

Books of  
Account

1                   **30.**-(1) Every person, including a company granted exemption from  
2 incorporation, shall, whether or not the person is liable to pay tax, maintain  
3 books or records of accounts.

4                   (2) The books or records of accounts shall contain sufficient  
5 information or data of all relevant transactions for the ascertainment of the  
6 person's tax liability.

7                   (3) The books and records required to be maintained under subsection  
8 (1) of this section shall be in English language and shall, for the purpose of tax,  
9 be consistent with the format that may be prescribed by the relevant tax  
10 authority.

11                   (4) Where the record is maintained in a language other than the  
12 English language, the person shall, on demand by the tax authority, produce, at  
13 its own expense, a translation in English language, which shall be certified by a  
14 sworn translator.

15                   (5) Any book or record required to be kept under this section shall be  
16 kept for a period not less than six years after the year of assessment in which the  
17 income relates.

Returns deemed  
to be furnished by  
an authorised  
person

18                   **31.** A return, statement or form furnished under this Act by or on  
19 behalf of any person shall for all purposes be deemed to have been furnished by  
20 that person or by the representative of the person, unless the contrary is proved,  
21 and any person signing such return, statement or form shall be deemed to be  
22 duly authorised and cognisant of all matters contained in the return, statement  
23 or form.

Accreditation  
of tax agents

24                   **32.**-(1) For the purpose of compliance with this Act or any other law, a  
25 taxpayer may either represent itself or be represented by a tax agent accredited  
26 by the relevant tax authority.

27                   (2) The requirements for accreditation shall be set out by the relevant  
28 tax authority.

29                   (3) No return shall be deemed as duly filed except filed by the  
30 taxpayer or an accredited tax agent.

1 (4) Tax returns shall be accompanied by a declaration or attestation  
2 that the information supplied is true and correct.

3 PART II - ASSESSMENT AND COMPLIANCE

4 33.-(1) Every taxable person shall, on or before the due date, Self-Assessment  
of tax payable  
5 submit a self-assessment tax return with the relevant tax authority in  
6 accordance with the relevant provisions of this Act.

7 (2) A taxable person who has submitted a self-assessment return in  
8 the prescribed form for a reporting period is deemed to have made an  
9 assessment of the amount of tax payable, including a negative or nil amount,  
10 for the reporting period to which the return relates.

11 (3) A tax return in the approved form completed and submitted  
12 electronically by a taxable person is a self-assessment notwithstanding that-

13 (a) the form contains pre-entered information supplied by the tax  
14 authority; and

15 (b) an estimate of the tax payable is computed electronically as  
16 information is being entered into the form.

17 (4) Where a taxable person has delivered a tax return, under  
18 subsection (1) of this section, the relevant tax authority may-

19 (a) accept the tax return without making an additional assessment;

20 (b) accept the tax return and make additional assessment; or

21 (c) reject the tax return and, to the best of its judgement, determine  
22 the amount of the tax due from the taxable person, and make an assessment  
23 accordingly.

24 (5) Where the taxable person fails to declare the true and correct  
25 amount of income or tax payable in its self-assessed tax returns, the taxable  
26 person is liable to pay any outstanding tax from the due date of the returns.

27 (6) The outstanding tax shall be subject to penalty and interest, in  
28 accordance with the provisions of this Act or other relevant tax law from the  
29 date the return becomes due.

Administrative  
assessment

1           **34.**-(1) Where a taxable person has not delivered a tax return as  
2 provided under this Act, and the relevant tax authority is of the opinion that  
3 such taxable person is liable to pay tax, it may, to the best of its judgement,  
4 determine the amount of the tax due from the taxable person and make an  
5 assessment accordingly.

6           (2) The assessment issued under subsection (1) of this section shall  
7 not affect the imposition of any other liability specified in this Act or any other  
8 law, incurred by the taxable person by reason of its failure or neglect to deliver a  
9 return.

10          (3) The relevant tax authority may prescribe the rules, guidelines and  
11 procedures for the issuance of administrative assessment under this section.

12          (4) The relevant tax authority may make an assessment upon a taxable  
13 person for any year before the expiration of the time within which it is required  
14 to deliver a return or to give notice under the provisions of this Act, if the  
15 relevant tax authority considers such assessment to be in jeopardy.

Additional  
assessments

16          **35.**-(1) Where the relevant tax authority discovers or is of the opinion,  
17 at any time, that any taxable person liable to tax has not been assessed or has  
18 been assessed at an amount less than that which ought to have been charged, the  
19 relevant tax authority may, within six years of an assessment, assess the taxable  
20 person at such amount or additional amount, as ought to have been charged.

21          (2) The six-year limitation period stipulated in subsection (1) of this  
22 section shall not preclude the relevant tax authority from continuing with a tax  
23 audit and for raising additional assessment where the tax audit commenced  
24 before the expiration of the six-year limit.

25          (3) The provisions of this Act as to the notice of assessment, appeal  
26 and other proceedings shall apply to such assessment or additional assessment  
27 and to the tax charged.

28          (4) Notwithstanding the time limit specified in subsection (1) of this  
29 section, where there is a deliberate misstatement by a taxable person in  
30 connection with any tax imposed under the Nigeria Tax Act or any other tax



1 law, the relevant tax authority may at any time and as often as may be  
2 necessary, assess the taxable person at such amount or additional amount as  
3 may be necessary for the purpose of making good any loss of tax attributable  
4 to the deliberate misstatement.

5 (5) All relevant facts shall be considered in the computation of the  
6 amount or additional amount of tax that should have been charged under  
7 subsection (1) of this section, even where such facts were not known when a  
8 prior assessment or additional assessment was made for the taxable person  
9 in the same year.

10 **36.**-(1) Assessments of tax in upstream petroleum operations shall  
11 be made in a form and in such manner as the Service shall prescribe and shall  
12 contain the-

Making of  
assessment in  
upstream petroleum  
operations

13 (a) name and address of the company assessed to tax or of the  
14 person in whose name a company has been assessed to tax, provided that the  
15 name of the represented company is indicated; and

16 (b) particular accounting period and the amount of the chargeable  
17 profits and chargeable tax for that period, in the case of each company for  
18 each of its accounting periods.

19 (2) Where an assessment is to be amended or revised, a form of an  
20 amended or revised assessment shall be made in a manner similar to that in  
21 which the original of that assessment was made under subsection (1) of this  
22 section showing the amended or revised amount of the chargeable profits  
23 and chargeable tax.

24 (3) A copy of each self-assessment, and of each amended or revised  
25 assessment shall be filed in a list which shall constitute the assessment list  
26 for the purpose of this Act.

27 **37.**-(1) Where a business produces either no assessable profit or an  
28 assessable profit which is less than expected from that business or the true  
29 amount of the assessable profit cannot be readily ascertained, the relevant  
30 tax authority may, in the case of-

Deemed profit  
assessment on  
income assessment

1 (a) a resident, assess and charge that taxable person on such fair and  
2 reasonable percentage of the gross income from the trade or business as the  
3 relevant tax authority may determine; or

4 (b) a non-resident, the profits shall be any amount resulting from  
5 applying the profit margin of the person to the turnover generated from  
6 Nigeria.

7 (2) For the purpose of subsection (1) of this section "profit margin"  
8 shall be the proportion of the Earnings Before Interest and Tax ("EBIT") to  
9 income or revenue in the published audited financial statement of the business,  
10 and in the case of persons that are not required to publish financial statements,  
11 the profit margin as may be ascertained by the relevant tax authority from  
12 financial statements of comparative companies.

Currency of  
assessment and  
payment

13 **38.**-(1) Notwithstanding the provisions of any other law, tax may be  
14 assessed in the currency of transaction.

15 (2) Tax, including royalty, assessed in a currency other than the  
16 Nigerian Naira may be paid in that currency, or the Nigerian Naira at the  
17 prevailing exchange rate in the official foreign exchange market.

Service of notice  
of assessment

18 **39.** The relevant tax authority shall cause to be served on, or sent by  
19 registered post, courier service or electronic means to each taxable person, or  
20 person in whose name a taxable person is chargeable, a notice of assessment in  
21 respect of any tax charged including the place at which payment should be  
22 made, and setting out the rights of that person as contained in sections 40 and 41  
23 of this Act.

Revision of  
assessment in  
case of objection

24 **40.**-(1) Where a taxable person disputes a tax assessment, the taxable  
25 person may, by a written notice of objection delivered in person, by courier  
26 service or via electronic means, apply to the relevant tax authority for the  
27 revision and amendment of the assessment made upon it.

28 (2) An application under subsection (1) of this section shall only be  
29 valid if it-

30 (a) is delivered to the relevant tax authority within 30 days from the

- 1 date of service of the disputed notice of assessment; and
- 2 (b) contains the grounds of objection to the assessment, that is the-
- 3 (i) specific issues disputed or errors observed with their monetary
- 4 values,
- 5 (ii) amendment required to be made so as to resolve the dispute or
- 6 correct the error,
- 7 (iii) justification for the amendments,
- 8 (iv) amount of assessable and total profits, income or value of
- 9 transactions admitted by the taxable person for the relevant reporting period,
- 10 and
- 11 (v) amount of tax admitted by the taxable person or that no amount
- 12 of tax is admitted as payable.
- 13 (3) Notwithstanding the provisions of subsection (2) of this
- 14 section, the relevant tax authority may, for any satisfactory and good cause
- 15 shown, extend the time for making the application referred to in subsection
- 16 (1) of this section to such reasonable time in the particular circumstances.
- 17 (4) Upon receipt of the notice of objection referred to in
- 18 subsection(1) of this section, the relevant tax authority may-
- 19 (a) require the taxable person to furnish such particulars as it may
- 20 deem necessary and to produce all books or other documents relating to the
- 21 profits, income or transactions of the taxable person; and
- 22 (b) summon any person to give evidence in respect of the
- 23 assessment to appear for examination before an authorised officer of the
- 24 relevant tax authority or make a declaration on oath in respect of the
- 25 assessment.
- 26 (5) Where the taxable person and the relevant tax authority agree as
- 27 to the amount of tax to be assessed, the disputed assessment shall be
- 28 amended, and a revised notice of the tax payable shall be served upon the
- 29 taxable person.
- 30 (6) The relevant tax authority shall respond to the objection notice

1 within 90 days otherwise the objection of the taxpayer shall be upheld.

2 (7) Where the relevant tax authority considers the notice of objection  
3 submitted by the taxable person as invalid, or where the taxable person and the  
4 relevant tax authority do not agree as to the amount of tax to be assessed, the  
5 taxpayer may exercise the right of appeal.

Errors and defects  
in assessment  
and notice

6 **41.**-(1) An assessment, notice, warrant or other proceeding purporting  
7 to be made in accordance with this Act shall not be invalidated for want of form  
8 or be affected by reason of a mistake, defect or omission, if the-

9 (a) substance and effect of the assessment is in conformity with the  
10 provisions of this Act; and

11 (b) company assessed or intended to be assessed or affected is  
12 designated according to common intent and understanding.

13 (2) An assessment shall not be invalidated or affected by reason of-

14 (a) a mistake as to the-

15 (i) name of a company liable or of a person in whose name a company  
16 is assessed,

17 (ii) the description of any profits, or

18 (iii) amount of the tax charged;

19 (b) any variance between the assessment and the notice, if in cases of  
20 assessment, the notice-

21 (i) is duly served on the company intended to be assessed or on the  
22 person in whose name the assessment was to be made, and

23 (ii) contains, in substance and effect, the particulars on which the  
24 assessment is made.

Assessment to  
be final and  
conclusive

25 **42.**-(1) Where-

26 (a) no valid objection or appeal has been lodged within the time  
27 stipulated under this Act, against an assessment as regards the amount of the  
28 total income or profits assessed;

29 (b) the amount of the total income or profits has been agreed to under  
30 section 40(5) of this Act;

1 (c) the amount of such total profits has been determined on  
2 objection or revised under the provision of section 40(5) of this Act; or

3 (d) the assessment as made, has been agreed to, revised or  
4 determined on appeal;

5 such assessment shall be final and conclusive for all purposes of this Act as  
6 regards the amount of such total profits.

7 (2) Where the full amount of tax in respect of any final and  
8 conclusive assessment is not paid within the period prescribed in this Act,  
9 the provisions relating to the recovery of tax, and to any penalty under  
10 sections 64 and 66 of this Act, shall apply to the collection and recovery.

11 (3) The provision of subsection (2) of this section shall be subject  
12 only to the set-off of the amount of any tax repayable under any claim, made  
13 under the relevant provisions of this Act which has been agreed to by the  
14 relevant tax authority or determined on any appeal against a refusal to admit  
15 any such claim.

16 (4) The provisions of section 40 of this Act shall not prevent the tax  
17 authority from making any assessment or additional assessment for any year  
18 which does not involve re-opening any issue on the same facts, which has  
19 been determined for that year of assessment under section 40(5) of this Act  
20 by agreement or on appeal.

21 **43.**-(1) The relevant tax authority shall maintain assessment lists of  
22 taxable persons assessed to tax.

Lists of taxable  
persons assessed

23 (2) The assessment lists shall contain-

24 (a) the names and addresses of the taxable persons assessed to tax;

25 (b) the name and address of any person in whose name any such  
26 taxable person is chargeable;

27 (c) the amount of the total profits of each person;

28 (d) the amount of tax payable by the person; and

29 (e) such other particulars as may be determined by the tax  
30 authority.

1 (3) Where complete copies of all notices of assessment and all notices  
2 amending assessments are filed in the offices of the tax authority, they shall  
3 constitute the assessment lists for the purpose of this Act.

Manager, etc.  
to be answerable

4 44. Any principal officer or manager of a company shall be  
5 answerable for doing all such acts, matters and things as are required to be done  
6 by virtue of this Act for the assessment of the company and payment of the tax.

Artificial  
transactions, etc.

7 45.-(1) Where a relevant tax authority is of the opinion that any  
8 disposition is not in fact given effect to or that any transaction which reduces or  
9 would reduce the amount of any tax payable is artificial or fictitious, it may  
10 disregard any such disposition or direct that such adjustments be made, as  
11 regards liability to tax, as it considers appropriate so as to counteract the  
12 reduction of liability to tax affected, or reduction which would be affected by  
13 the transaction and any taxable person concerned shall be assessed  
14 accordingly.

15 (2) For the purpose of this section, transactions between persons who  
16 are connected in accordance with section 193 of the Nigeria Tax Act shall be  
17 deemed to be artificial or fictitious if in the opinion of the relevant tax authority  
18 those transactions have not been made on terms which might fairly have been  
19 expected to have been made by persons engaged in the same or similar  
20 activities dealing with one another at arm's length.

21 (3) A person in respect of which any direction is made under this  
22 section shall have a right of appeal as if such direction were an assessment  
23 under this Act.

24 (4) The relevant tax authority may issue guidelines or regulations for  
25 the purpose of specifying rules for the taxation of connected persons,  
26 transactions that are not at arm's length, or for the purpose of implementing  
27 other provisions of this section.

28 In this section, "disposition" includes any trust, grant, covenant, agreement or  
29 arrangement.

1                   **46.**-(1) The relevant tax authority may counteract a prohibited tax     Prohibited tax  
2 avoidance arrangement by way of adjustments, disregarding, or re-     avoidance  
3 characterising the arrangement through an assessment, the modification of     arrangement  
4 an assessment, amendment or disallowance of a claim or otherwise, in part  
5 or whole, unless the taxable person proves, to the satisfaction of the relevant  
6 tax authority, that granting that benefit in these circumstances would be in  
7 accordance with the object and purpose of the relevant provisions of this Act  
8 or any other tax law.

9                   (2) For the purpose of this section prohibited tax avoidance  
10 arrangement means any arrangement where, having regard to the facts and  
11 circumstances, it is reasonable to conclude that-

12                   (a) the main purpose of the arrangements was to obtain a tax benefit  
13 or advantage;

14                   (b) obtaining the tax advantage is contrary to the object and  
15 purpose of the provisions of this Act or any other tax law;

16                   (c) it results, directly or indirectly, in the misuse, or abuse, of the  
17 provisions of this Act or any other tax law; or

18                   (d) it lacks commercial substance or coherence in whole or in part.

19                   (3) In this section-  
20 "tax benefit or advantage" is as defined in section 29(3) of this Act;  
21 "arrangement" includes any agreement, understanding, scheme, transaction  
22 or series of transactions, whether or not legally enforceable.

23                   **47.** -(1) The relevant tax authority shall exchange relevant     Exchange of  
24 information with each other for ensuring compliance with the provisions of     information and  
25 this Act.     joint audit

26                   (2) Where any tax authority discovers non-compliance in the  
27 course of audit of any tax accruing to another tax authority, it shall refer such  
28 non-compliance to, or invite that other tax authority for a joint audit.

## PART III - PAYMENT AND REFUND OF TAX

Payment of tax

1  
2                   **48.**-(1) Subject to section 11 of this Act and without prejudice to any  
3 other provision of this Act, every person shall make payment of tax due on or  
4 before the due date of filing in one lump sum or in instalments, provided that  
5 the final instalment shall be paid on or before the due date of filing.

6                   (2) Tax charged by any assessment which is not or has not been the  
7 subject of an objection or appeal shall be payable, after the deduction of any  
8 amount to be set-off for the purposes of collection under any provision of this  
9 Act, or any amount deposited against the tax, at the place stated in the notice of  
10 assessment within 30 days of service of such notice upon the taxable person,  
11 provided that the relevant tax authority, in its discretion, may extend the time  
12 within which payment is to be made.

13                   (3) Subject to the provisions of section 11 of this Act collection of tax  
14 in any case where notice of an objection or appeal has been given by the taxable  
15 person shall remain in abeyance until such objection or appeal is determined,  
16 provided that the taxable person shall pay the tax which is not the subject of an  
17 objection or appeal.

18                   (4) Upon the determination of an objection or appeal, the relevant tax  
19 authority shall serve the taxable person, a notice of the tax payable as so  
20 determined, and that tax shall be payable within 30 days of the date of service of  
21 such notice.

22                   (5) Any balance of tax unpaid as at the due date shall attract interest  
23 and penalties as provided in this Act or any other relevant law.

24                   (6) Where the relevant tax authority grants a taxable person an  
25 extension of the period for the payment of a tax and the person fails to make the  
26 payment within that period of extension, penalty and interest shall accrue from  
27 the due date of payment of the tax as if the extension was never granted.

28                   (7) Where there is no objection or appeal, the relevant tax authority  
29 may proceed to enforce the recovery of the tax payable in accordance with the  
30 provisions of this Act.



1                   49.-(1) Without prejudice to section 16 of this Act, the tax due for  
2 any accounting period shall be payable in equal monthly instalments  
3 together with a final instalment as provided in subsection (4) of this section.

Payment of tax for  
companies engaged  
in upstream petroleum  
operations and  
mid-stream liquefied  
natural gas  
operations

4                   (2) The first monthly payment shall be due and payable not later  
5 than the third month of the accounting period and shall be in an amount  
6 equal to one-twelfth or where the accounting period is less than a year, in an  
7 amount of equal monthly proportions of the amount of tax estimated to be  
8 chargeable for such accounting period in accordance with this Act.

9                   (3) Each of the remainder of monthly payments to be made  
10 subsequent to the payment under subsection (2) of this section shall be-

11                   (a) due and payable not later than the last day of the month under  
12 consideration; and

13                   (b) in an amount equal to the amount of tax estimated to be  
14 chargeable for such period by reference to the latest returns submitted by the  
15 company in accordance with section 16 of this Act less so much as has  
16 already been paid for such accounting period divided by the number of the  
17 monthly payments remaining to be made in respect of such accounting  
18 period.

19                   (4) A final instalment of tax shall be due and payable on or before  
20 the due date of filing of the self-assessment of tax for such accounting period  
21 and shall be the amount of the tax assessed for that accounting period less so  
22 much as has already been paid under subsections (2) and (3) of this section.

23                   (5) Any instalments on account of tax estimated to be chargeable  
24 shall be treated as tax charged and assessed for the purpose of sections 64  
25 and 53 of this Act.

26                   (6) This section covers income tax on gas income under part II of  
27 chapter three of the Nigeria Tax Act.

28                   50.-(1) Subject to section 192(3) of the Nigeria Tax Act, where any  
29 payment is made to a person, the person making the payment shall, at the  
30 date when payment is made or otherwise settled, deduct the tax at the rate

Deduction at  
source

1 prescribed in regulations relating to deduction of tax at source.

2 (2) In the case of dividend, interest, rent, royalty, directors' fee and  
3 payment to entertainers and sportspersons, the tax, when paid over to the  
4 relevant tax authority, shall be the final tax due from a non-resident recipient of  
5 the payment.

6 (3) Dividend distributed by a Nigerian company and received by a  
7 person after deduction of the tax prescribed in this section and regulations  
8 relating to deduction of tax at source, shall be regarded as franked investment  
9 income of the person receiving the dividend and shall not be charged to further  
10 tax.

11 (4) Where a franked investment income is redistributed and tax is to  
12 be accounted for on the gross amount of the distribution in accordance with  
13 regulations relating to deduction of tax at source, the company may set off the  
14 amount deducted at source which it has itself suffered on the same income.

15 (5) Interest on short term securities and corporate bonds earned by an  
16 individual after deduction of tax at source, shall not be charged to further tax.

17 (6) Income tax chargeable on an employee whether or not the  
18 assessment has been made, shall be deducted from any emolument payable, or  
19 from any payment made on account of the emolument, by the employer to the  
20 employee.

21 (7) In arriving at the amount of income tax to be deducted from any  
22 payment of or on account of the emolument to an employee, the employer shall  
23 ensure that the aggregate amount of all the deductions made during a year of  
24 assessment shall equal the income tax chargeable on the employee in respect of  
25 its emoluments for that year.

26 (8) Notwithstanding subsections (1) to (6) of this section, a non-  
27 resident company that provides technical, consulting, professional or  
28 management services to a labelled startup shall be subjected to a 5% deduction  
29 on income derived from the provision of such services, which shall be the final  
30 tax to be paid by such non-resident company.

1 (9) For the purpose of giving effect to the provisions of this section,  
2 regulations relating to deduction of tax at source shall apply.

3 **51.** A person answerable for payment of tax on behalf of a taxable  
4 person- Indemnification  
of manager, agent,  
etc.

5 (a) may retain out of any money received on behalf of the taxable  
6 person so much as shall be sufficient to pay the tax; and

7 (b) is indemnified, against any person for all payments made.

8 **52.**-(1) Where a company is being wound up, the liquidator of the  
9 company shall not distribute any of the assets of the company to the  
10 shareholders unless provision has been made for the payment in full of any  
11 tax which may be found payable by the company, including any tax  
12 deductions made by the company under any law in force in any part of  
13 Nigeria. Company  
wound up

14 (2) Where tax is not paid in accordance with the provision of this  
15 section or any other law, the liquidator shall be personally liable.

16 **53.** Where a company which is or was engaged in petroleum  
17 operations transfers a substantial part of its assets to any person without  
18 having paid any tax, assessed or chargeable upon the company, for any  
19 accounting period ending prior to such transfer and in the opinion of the  
20 service one reason for such transfer by the company was to avoid payment of  
21 such tax then that tax as charged upon the company may be sued for and  
22 recovered from that person in a manner similar to a suit for any other tax  
23 under section 66 of this Act. Avoidance by  
transfer by  
companies engaged  
in petroleum  
operations

24 **54.**-(1) There shall be refunded to taxpayers, after an audit by the  
25 relevant tax authority, such overpayment or any excess of tax as is due. Tax refund

26 (2) The relevant tax authority may make such rules and conditions  
27 necessary to facilitate the refund mentioned in subsection (1) of this section.

28 (3) Any tax refund due shall be made within 90 days of the decision  
29 of the relevant tax authority made pursuant to subsection (2) of this section,  
30 with the option of a set-off against any tax liability of the taxpayer.

1 (4) For the purpose of tax refund, the Accountant-General of the  
2 Federation or of a State shall open a dedicated account for each tax-type into  
3 which shall be paid money for settling tax refunds.

4 (5) For the purpose of subsection (4) of this section, the relevant tax  
5 authority shall provide the Accountant-General of the Federation or of a State  
6 an estimate of the amount to be set aside for tax refunds.

7 (6) The dedicated accounts created pursuant to subsection (4) of this  
8 section, shall, be administered by the relevant tax authority and be funded from  
9 the respective accounts of Government into which revenue of each tax-type is  
10 remitted.

11 (7) No claim for refund of tax under this section shall be allowed  
12 unless it is made in writing within six years after the end of the year of  
13 assessment to which it relates.

Value added  
tax refund

14 **55.**-(1) A taxable person that qualifies for VAT refund shall make a  
15 request to the Service in the prescribed form.

16 (2) The request referred to in subsection (1) of this section shall be  
17 made not later than 12 months after the transaction giving rise to the refund,  
18 otherwise it shall lapse.

19 (3) Where a valid request is received from a taxable person, the  
20 Service shall not later than 30 days of the receipt of that request, refund the tax  
21 to the taxable person or the amount shall be eligible for set-off against any tax  
22 liability of the taxpayer.

#### 23 PART IV - ENFORCEMENT

Call for returns,  
books, documents  
and information

24 **56.**-(1) For the purpose of obtaining information in respect of the tax  
25 liability of a taxable person or for performing any function conferred on the  
26 relevant tax authority by this Act or any other tax law, the relevant tax authority  
27 may give notice or further notice to any taxable person to-

28 (a) complete and deliver to the tax authority any return specified in  
29 such notice or further notice, whether or not the person is liable to pay tax, and

1 whether or not a return had been previously filed under this Act for a year of  
2 assessment;

3 (b) appear personally before an officer of the tax authority for  
4 examination with respect to a matter to which such notice or further notice  
5 relates;

6 (c) produce or cause to be produced for examination, books,  
7 documents, records, or information relating to any assets, at the place and  
8 time stated in the notice or further notice, which time may be from day-to-  
9 day, or for such period as the tax authority may deem necessary;

10 (d) provide orally or in writing, any information specified in such  
11 notice or further notice; and

12 (e) grant the tax authority access to records, data or information  
13 stored or residing in computers or other electronic devices, including  
14 magnetic media or cloud computing facilities maintained, operated,  
15 controlled or owned by the individual, company or person.

16 (2) The time specified in the notice or further notice under  
17 subsection (1) of this section shall not be less than seven days from the date  
18 of service.

19 (3) Notwithstanding the provisions of this Act the tax authority  
20 shall not be precluded from verifying, by tax audit or investigation, any  
21 matter relating to a return or entry in a book, document, accounts, including  
22 those stored on a computer, cloud computing facilities, in digital, magnetic,  
23 optical or electronic media as may be specified in any guideline by the  
24 relevant tax authority.

25 (4) A person may apply in writing to the relevant tax authority for  
26 an extension of time within which to comply with the provisions of this  
27 section, and other relevant provisions of this Act, provided that the person-

28 (a) makes the application before the expiration of the time  
29 stipulated in the notice or further notice; and

30 (b) shows good cause for inability to comply with this provision.

1 (5) If the relevant tax authority is satisfied with the cause shown in  
2 the application under subsection (4)b) of this section, it shall, in writing,  
3 grant the extension of the time or limit the time as it may consider  
4 appropriate.

5 (6) Any return or information delivered under this section shall be  
6 accompanied by a declaration or an attestation stating that the information  
7 supplied is true and correct.

Power to access  
lands, building,  
books and  
documents

8 **57.**-(1) Notwithstanding anything to the contrary in any other enactment or  
9 law, an authorised officer of the relevant tax authority shall at all  
10 reasonable times have free access to all land, buildings, places, books and  
11 documents, in the custody or under the control of a person, public officer, or  
12 institution, for the purpose of inspecting the books or documents including  
13 those stored or maintained in computers, servers, billing systems or on  
14 digital, magnetic, optical or electronic media, and any property, process or  
15 matter which the officer considers necessary or relevant for the purpose of  
16 collecting any tax under any of the relevant enactments or law.

17 (2) Where the hard copies of any of the books or documents  
18 mentioned in subsection (1) of this section are not immediately available  
19 because they are stored in a computer, servers, billing system or on digital,  
20 magnetic, optical or electronic media, the relevant tax authority shall take  
21 immediate possession of such removable media and the related removable  
22 equipment or computer used to access the stored documents on the media in  
23 order to prevent the accidental or intentional destruction, removal or  
24 alteration of records and documents, especially where such may be needed  
25 as potential evidence in investigation or criminal proceedings.

26 (3) Where the relevant tax authority is able to obtain in place  
27 of taking physical possession of such equipment, computer or storage  
28 media under subsection (2) of this section, and the relevant tax authority  
29 possesses the ability, equipment and computer software to make exact  
30 duplicate copies of all information stored on the computer hard drive and

1 preserve all the information exactly as it is on the original computer, the  
2 relevant tax authority shall make such copy and use it as digital evidence  
3 during investigation or criminal proceedings.

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

6 (a) provide the officer with all reasonable facilities and assistance  
7 for the effective exercise of powers under this section; and

8 (b) answer questions relating to the exercise of the powers under  
9 this section, orally, or if required by the authorised officer, in writing, or by  
10 statutory declaration.

11 (5) Notwithstanding subsection (1) of this section, the authorised  
12 officer shall not enter any private dwelling except with the consent of an  
13 occupier or pursuant to an authorisation issued under subsection (6) of this  
14 section.

15 (6) A judicial officer upon an application by an officer of the  
16 relevant tax authority may authorise the officer by warrant to enter into any  
17 premises.

18 (7) Every authorisation issued under subsection (6) of this section  
19 shall-

20 (a) be in the form prescribed in the Second Schedule to this Act;

21 (b) be directed to a named officer of the tax authority;

22 (c) be valid for a period of three months from the date of its issue or  
23 such lesser period as the judicial officer considers appropriate;

24 (d) state its period of validity, or the date on which it expires; and

25 (e) be renewable by the judicial officer on application.

26 (8) An officer exercising the power of entry conferred by an  
27 authorisation issued under subsection (6) of this section shall produce the  
28 written authorisation and evidence of identity-

29 (a) on first entering the private dwelling; and

30 (b) whenever subsequently reasonably required to do so.

Power to remove  
books and  
documents

1                   **58.**-(1) An officer of the relevant tax authority authorised by the Chief  
2 Executive Officer, may remove books or documents or any item accessed  
3 under section 57 of this Act to make copies.

4                   (2) Any copy of the books or documents removed shall be made, and  
5 the books or documents returned as soon as practicable.

6                   (3) A copy of a book or document or digital evidence certified by or on  
7 behalf of the Chief Executive Officer of the relevant tax authority is admissible  
8 in evidence in court as if it were the original.

9                   (4) The owner of a book or document or any item that is removed  
10 under this section is entitled to inspect and obtain a copy of the book or  
11 document at the expense of the owner, at the premises to which the book or  
12 document is moved to-

13                   (a) at the time the book or document is moved to the premises; and

14                   (b) at reasonable times subsequently.

15                   (5) A person shall bear any cost incurred for the purpose of removing  
16 any book, information, document or item under subsection (1) of this section.

Power of  
substitution

17                   **59.**-(1) The relevant tax authority may by notice in writing appoint  
18 any person to be the agent of a taxable person where -

19                   (a) any tax has become due and payable and the taxable person has  
20 refused or failed to pay; or

21                   (b) the agent appointed is in possession or is expected to be in  
22 possession of the money, funds or assets of the taxable person.

23                   (2) The agent appointed under subsection (1) of this section, shall be  
24 required to pay any tax payable by the taxable person from any money, funds or  
25 asset of the person which may be held by the agent of the person.

26                   (3) Where the agent referred to in subsection (2) of this section  
27 defaults, all such enforcement and recovery actions, including the power to  
28 distraint the money, funds or asset of the person shall apply as if the agent so  
29 appointed were originally liable.

30                   (4) For the purpose of this section, the relevant tax authority may



1 require any person to give information as to money, funds or other assets  
2 which may be held for, or due to any person.

3 (5) The provisions of this Act with respect to objections and  
4 appeals shall apply to any notice given under this section as if such notice  
5 were an assessment or demand notice.

6 **60.**-(1) Where an assessment has become final and conclusive and Power to distrain  
7 a demand notice has been served upon a person or upon the person in whose  
8 name that person is chargeable and the payment of the tax is not made within  
9 the time specified by the demand notice, the relevant tax authority may in the  
10 prescribed form, for the purpose of enforcing payment of the tax due-

11 (a) distrain that person by his goods, chattels, bonds or other  
12 securities;

13 (b) distrain any land, premises, place or any asset in respect of  
14 which that person is the owner and, recover the amount of tax due by sale of  
15 anything so distrained.

16 (2) The authority to distrain under this section shall be in the form  
17 contained in the Third Schedule to this Act and such authority shall be  
18 sufficient warrant and authority to levy by distrain the amount of any tax  
19 due.

20 (3) For the purpose of levying any distrain under this section, any  
21 officer duly authorised by the relevant tax authority may execute any  
22 warrant of distrain, and if necessary, break open any building or place in the  
23 day time for the purpose of levying such distrain, and the relevant tax  
24 authority may call for police assistance and the police shall, when so  
25 required aid and assist in the execution of any warrant of distrain and in  
26 levying the distrain.

27 (4) Assets distrained under this section may, at the cost of that  
28 person, be kept for 14 days and at the end of that time if the amount due in  
29 respect of the tax, cost and charges of any incidental to the distrain are not  
30 paid, they may, subject to subsection (6) of this section, be sold.

1 (5) Where there is a sale in accordance with the provisions of  
2 subsection (4) of this section, a part of the proceeds of such sale, shall, in the  
3 first instance, be used to pay the cost of keeping and all expenses incidental to  
4 the sale, of the asset so distrained thereafter, the amount due in respect of the tax  
5 shall be paid.

6 (6) The balance of the proceeds, if any, shall be refunded to that  
7 person with or without a demand made within 90 days of the date of the sale.

8 (7) The provision of this section shall not be construed to authorise the  
9 sale of any immovable property without an order of a High Court or as  
10 prescribed by the rules of court.

11 (8) In exercise of the powers of distrain conferred by this section, the  
12 person to whom the authority is granted under subsection (3) of this section  
13 may distrain all assets, goods, chattels and effects belonging to the debtor  
14 wherever the same may be found.

15 (9) This provision shall also apply in the case of recovery relating to  
16 tax evasion and proceeds of crime where the offender cannot be found.

Enforcement  
pf powers

17 **61.**-(1) The relevant tax authority may request the assistance of any of  
18 the law enforcement agencies in the discharge of its duties under this Act.

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

21 (3) Any tax officer armed with the warrant issued by a judicial officer  
22 and accompanied by law enforcement officers as may be determined by the  
23 Chief Executive Officer of the relevant tax authority shall-

24 (a) enter any premises covered by such warrant and search for, seize  
25 and take possession of any book, document or other article used or suspected to  
26 have been used in the commission of an offence including the property or asset;

27 (b) inspect, make copies of, or take extracts including digital copies  
28 from any book, record, document or computer, regardless of the medium used  
29 for their storage or maintenance;

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

- 1 (d) open, examine and search any article, container or receptacle;  
2 (e) open any door or window of a premises and enter or otherwise  
3 forcibly enter the premises and every part of the premises; or  
4 (f) remove by reasonable force any obstruction to such entry,  
5 search, seizure or removal.

6 (4) A person shall not be bodily searched under this section except  
7 by a person who is of the same gender as the person to be bodily searched.

8 **62.** Where any petroleum or mineral royalty or tax due and payable  
9 by any company engaged in petroleum or mining operations under this Act,  
10 is unpaid after a demand notice has been issued to the company, the Service  
11 may notify the Commission or the relevant ministry or agency of such  
12 default for the revocation of the licence or lease under the relevant Act.

Revocation of  
petroleum or  
mining licence  
or lease

13 **63.**-(1) Notwithstanding the provision of any other law, the tax  
14 authority shall have the power to investigate or cause investigation to be  
15 conducted to ascertain any violation of any tax law, whether or not such  
16 violation has been reported to the relevant tax authority.

Tax Investigation

17 (2) The relevant tax authority may employ Special Purpose Tax  
18 Officers for the purpose of subsection (1) of this section to carry out  
19 investigation of any offence under this Act and may seek the assistance of  
20 any relevant law enforcement agency.

21 (3) In conducting an investigation under subsection (1) of this  
22 section, the relevant tax authority may cause investigation to be conducted  
23 into the properties of any taxable person where it appears to the relevant tax  
24 authority that the lifestyle of the person and extent of the properties are not  
25 justified by his source of income or in line with the tax declaration or  
26 compliance.

27 (4) Where an investigation under this section reveals the  
28 commission of any offence or an attempt to commit any offence, the relevant  
29 tax authority shall, pursuant to section 135 of this Act, undertake the  
30 prosecution of the offences.

Penalty and  
interest for non-  
payment of tax

1                   **64.**-(1) Subject to section 65 of this Act, where any tax is not paid  
2 within the period prescribed under this Act -

3                   (a) a sum equal to ten per cent of the amount of the tax payable shall be  
4 added thereto, and the provisions of this Act relating to the collection and  
5 recovery of tax shall apply to the collection and recovery of the sum;

6                   (b) in the case of naira remittances, the tax due shall carry interest at  
7 the prevailing monetary policy rate of the Central Bank of Nigeria plus spread  
8 to be determined by the Minister from the date when the tax becomes payable  
9 until it is paid, and the provisions of this Act relating to collection and recovery  
10 of tax shall apply to the collection and recovery of the interest; and

11                   (c) in the case of foreign currency remittance, the tax due shall incur  
12 interest at the prevailing Secured Overnight Financing Rate ("SOFR") or any  
13 successor rate, plus spread to be determined by the Minister from the date when  
14 the tax becomes payable until it is paid, and the provisions of this Act relating to  
15 collection and recovery of tax shall apply to the collection and recovery of the  
16 interest.

17                   (2) The relevant tax authority shall serve a demand notice upon the  
18 company or person in whose name a tax is chargeable and where payment is not  
19 made within 30 days from the date of the service of such demand notice, the  
20 relevant tax authority may proceed to enforce payment under this Act.

21                   (3) The penalty and interest imposed under this subsection shall not  
22 be deemed to be part of the tax paid for the purpose of claiming relief under any  
23 of the provisions of this Act or any other tax law.

Remission of  
penalty

24                   **65.** The relevant tax authority may, for any good cause shown, remit  
25 the whole or any part of penalty or interest due under this Act or any other tax  
26 law.

Recovery of  
Tax

27                   **66.**-(1) Without prejudice to any other provision of this Act or any  
28 other relevant law, any tax due shall constitute a debt due to the relevant tax  
29 authority.

30                   (2) Where the tax due is not paid within 30 days the relevant tax

1 authority may issue demand notice for the payment of the tax plus the  
2 penalty and interest due.

3 (3) Where the tax plus the penalty and interest is not paid on the  
4 date indicated in the notice, the relevant tax authority may exercise any of  
5 the powers under this Act for the recovery of the amount due, including by a  
6 legal action brought against the taxable person.

7 (4) Where any tax has been-

8 (a) under-assessed the taxable person who should have paid the  
9 amount under-assessed shall on demand by the relevant tax authority, pay  
10 the amount under-assessed; or

11 (b) erroneously repaid, the taxable person to whom the repayment  
12 has erroneously been made shall on demand by the relevant tax authority,  
13 pay the amount erroneously repaid.

14 (5) The amount referred to in subsection (1) of this section may be  
15 recovered by the relevant tax authority as if it were tax to which a person to  
16 whom the amount was so under-assessed or erroneously repaid were liable.

17 (6) The relevant tax authority shall not make any demand after six  
18 years from the date of under-assessment or erroneous repayment unless the  
19 under-assessment or erroneous repayment was caused by the production of a  
20 document or the making of a statement which was found to be untrue.

21 **67.**-(1) The relevant tax authority may pay a reward to any person,  
22 not being a person employed or a person related to the person employed in  
23 the relevant tax authority in respect of any information which may be of  
24 assistance to it in the performance of its duties under this Act on such  
25 conditions and quantum of reward as may be determined by the relevant tax  
26 authority.

Power to pay  
reward

27 (2) The identity of the person who gave information to the relevant  
28 tax authority shall be kept confidential and any person that discloses the  
29 identity of such person shall be dealt with in accordance with the provisions  
30 of section 114 of this Act.

1 (3) The tax authority may partner with a relevant agency to verify the  
2 information supplied and such verification shall not compromise the identity of  
3 the person referred to in subsection (1) of this section.

4 CHAPTER THREE

5 GENERAL AND ADMINISTRATIVE PROVISIONS

6 PART I - GENERAL PROVISIONS

Endorsement 7 **68.** Anything done or required to be done by the relevant tax authority  
8 in pursuance to this Act or any other tax law shall be endorsed by the Chief  
9 Executive Officer or any other authorised officer of the relevant tax authority.

Deployment of 10 **69.**-(1) A relevant tax authority may deploy technology to automate  
technology 11 tax administration processes including tax assessment, collection, accounting  
12 and information gathering.

13 (2) A relevant tax authority may deploy any technology, including  
14 third party payment processing platform or computer application to collect or  
15 remit taxes due on the supply of digital services to any person in Nigeria  
16 whether or not such supply originates from within or outside Nigeria, provided  
17 that nothing in this subsection shall be construed as empowering the tax  
18 authority of a State to collect tax from a non-resident or in respect of cross-  
19 border transactions.

Issuance of 20 **70.**-(1) Without prejudice to any provision of this Act, advance ruling  
advance rulings 21 may be issued for the purpose of clarity, consistency and certainty regarding  
22 the interpretation and application of any tax law that does not constitute an  
23 amendment or replacement of the law.

24 (2) The relevant tax authority may-

25 (a) make an advance ruling on any provision of a tax law,  
26 administration, precedence and policies;

27 (b) issue an advance ruling upon application by a taxable person  
28 within 21 days of the receipt of the application or give reasons in writing for  
29 inability to issue such ruling.

30 (3) An advance ruling may be issued in the prescribed form and

1 manner and shall be signed by an authorised officer of the relevant tax  
2 authority and may contain-

3 (a) a statement on whether the ruling is applicable generally or  
4 limited to the taxpayer;

5 (b) the name, Tax ID and postal address of the taxpayer;

6 (c) the relevant statutory provisions or legal issues addressed in the  
7 ruling;

8 (d) any assumptions made or conditions imposed by the relevant  
9 tax authority in connection with the validity of the ruling; and

10 (e) the period for which the ruling is valid.

11 (4) An application for advance ruling shall be made in the  
12 prescribed form and manner by a person who is a party to any tax related  
13 issue or transaction, or by two or more parties to a tax related issue or  
14 transaction.

15 (5) An application shall contain-

16 (a) the name, Tax ID, postal address, email address, and telephone  
17 number of the taxpayer;

18 (b) a complete description of the tax issue or transaction in respect  
19 of which the ruling is sought, including its financial implications, if any;

20 (c) a complete description of the impact the issue or transaction  
21 may have upon the tax liability of the taxpayer or any connected person in  
22 relation to the issue or transaction;

23 (d) details of any ongoing audit, previous correspondence and  
24 decisions of the relevant tax authority on the issue;

25 (e) the relevant statutory provisions or legal basis relied on by the  
26 applicant;

27 (f) the reasons why the taxpayer believes that the proposed ruling  
28 should be granted; and

29 (g) a written statement on whether or not the matter is before any  
30 tribunal or court of competent jurisdiction.

1 (6) The relevant tax authority may request additional information  
2 from an applicant.

3 (7) Where necessary, the relevant tax authority shall provide an  
4 applicant with a reasonable opportunity to make representations or provide  
5 clarifications.

6 (8) An applicant may withdraw an application at any time before a  
7 ruling is issued.

Rejection of  
application for  
advance rulings

8 **71.** The relevant tax authority may reject an application for an  
9 advance ruling where it requires the rendering of an opinion, conclusion or  
10 determination regarding-

11 (a) the application or interpretation of the laws of a foreign country;

12 (b) an issue already before a court or tribunal of competent  
13 jurisdiction;

14 (c) the interpretation of the Constitution of the Federal Republic of  
15 Nigeria;

16 (d) an issue that is academic, hypothetical, frivolous or vexatious; and

17 (e) a ruling that will interfere substantially with an ongoing audit,  
18 investigation or other proceeding involving the applicant or persons connected  
19 to the applicant.

Effect of  
advance rulings

20 **72.**-(1) The effect of the ruling is limited to the applicant and the  
21 transaction in relation to which the ruling is given.

22 (2) The ruling is rendered on a set of facts before the relevant tax  
23 authority and cannot be of general application.

24 (3) An advance ruling is void where-

25 (a) the issue or transaction as described in the ruling is materially  
26 different from the issue or transaction actually carried out;

27 (b) there is fraud, misrepresentation or non-disclosure of a material  
28 fact; or

29 (c) an assumption made or condition imposed by the relevant tax  
30 authority is not satisfied or carried out by the taxpayer.



1 (4) Notwithstanding any provision to the contrary contained in a  
2 tax law, an advance ruling ceases to be effective where-

3 (a) a provision of the tax law that was the subject of the advance  
4 ruling is repealed or amended in a manner that materially affects the advance  
5 ruling in which case the advance ruling will cease to be effective from the  
6 date that the repeal or amendment is effective; or

7 (b) a court overturns or modifies an interpretation of the tax law on  
8 which the advance ruling is based, in such case, the advance ruling shall  
9 cease to be effective from the date of the judgement unless such decision is  
10 overturned.

11 73.-(1) The relevant tax authority may withdraw or modify an  
12 advance ruling at any time and retrospectively if the ruling was fraudulently  
13 obtained. Withdrawal or  
modification of  
advance rulings

14 (2) The relevant tax authority shall specify the date the decision to  
15 withdraw or modify the advance ruling becomes effective.

16 74.-(1) The president may, on the recommendation of the Service  
17 remit, wholly or in part, the tax payable by any taxable person if satisfied  
18 that it will be just and equitable to do so. Power of the  
President or  
Governor to remit  
taxes

19 (2) The Governor of a State may, on the recommendation of the  
20 Commissioner responsible for finance acting on the advice of the relevant  
21 tax authority, remit wholly or in part, any tax payable under the Nigeria Tax  
22 Act if satisfied that it is just and equitable to do so.

23 75.-(1) The President may by order exempt from income tax- Power of the  
President to exempt  
companies from  
income tax  
24 (a) any company or class of companies; or  
25 (b) any profits of any company or class of companies from any  
26 source, on any ground which appears to be sufficient, provided that the order  
27 is published in the Official Gazette stating the grounds upon which the  
28 exemption is granted to the company or the class of companies.

29 (2) The President may, by order amend, add to or repeal any  
30 exemption.

Power of  
Accountant-  
General to deduct  
at source

1                   **76.** The Accountant-General of the Federation shall, not later than 30  
2 days of receiving a warrant signed by the Chief Executive Officer of the  
3 relevant tax authority and a Judicial Officer in accordance with the Fourth  
4 Schedule to this Act, deduct all un-remitted revenue due from any Ministry,  
5 Department, Agency or Government from its budgetary allocation or such  
6 other money accruing to it, and shall, immediately, remit such deductions to the  
7 relevant tax authority.

Distribution of  
value added tax  
revenue

8                   **77.** Notwithstanding any formula that may be prescribed by any other  
9 law, the net revenue accruing by virtue of the operation of chapter six of the  
10 Nigeria Tax Act shall be distributed as follows-

11                   (a) 10% to the Federal Government;

12                   (b) 55% to the State Governments and the Federal Capital Territory;

13                   and

14                   (c) 35% to the Local Governments.

15                   provided that 60% of the amount standing to the credit of states and local  
16 governments shall be distributed among them on the basis of derivation.

Transfer of tax  
revenue for  
refund

17                   **78.**-(1) The relevant tax authority, shall, not later than 7 days after the  
18 end of each month, furnish the Accountant-General of the Federation or  
19 Accountant-General of the State with the schedules containing the summary of  
20 taxes collected, and tax refund claims.

21                   (2) Notwithstanding the provisions of any other law, the Accountant-  
22 General of the Federation or of a State shall, before the distribution of tax  
23 revenue, deduct an amount equal to the total tax refund claims compiled by the  
24 relevant tax authority from the gross revenue realised from tax and remit same  
25 to the respective Tax Refund Accounts opened under section 54(4) of this Act.

26                   (3) The relevant tax authority shall, not later than 7 days after the end  
27 of each month, submit to the Accountant-General of the Federation or of a  
28 State, a reconciliation schedules of-

29                   (a) the amount received into the Tax Refund Accounts;

30                   (b) the total tax refund claims paid; and

1 (c) any amount standing to the credit of the respective Tax Refund  
2 Accounts.

3 (4) The Accountant-General of Federation or of a State may use the  
4 amount standing to the credit of a tax refund account at the end of a month to  
5 reduce the amount required for tax refund claims in a subsequent month.

6 **79.** A notice, summon or other document required or authorised to Notices  
7 be served on any relevant tax authority under the provisions of this Act or  
8 any other law may be served by delivering it to the Chief Executive Officer  
9 of the tax authority or by sending it by registered post addressed to the Chief  
10 Executive Officer of the relevant tax authority at its principal office or to a  
11 designated email.

12 **80.** The relevant tax authority may, from time to time, specify and Forms  
13 simplify the forms, statements and notices to be used for the effective  
14 administration of taxes under this Act.

15 **81.** Except as may be ordered by a court or tribunal of competent Obligations during  
16 jurisdiction, the pendency of a legal proceeding shall not affect the the pendency of  
17 performance of the duties or obligations of any taxable person under this Act legal proceedings  
18 or any other tax law.

19 PART II - ADMINISTRATIVE PROVISIONS

20 **82.**-(1) Without prejudice to the power of the State Government Establishment  
21 with respect to the administration of the Income Tax of individuals, Pay As of the State Internal  
22 You Earn, Stamp Duties, there is established for each State, the State Revenue Service  
23 Internal Revenue Service (State Service).

24 (2) The State Service shall be autonomous in the day-to-day  
25 running of its financial, technical, professional and administrative affairs.

26 **83.** The State Service shall- Functions of the  
27 State Service

28 (a) assess individuals, estates, trusts and settlements, communities  
29 and families;

30 (b) assess, collect, account and enforce payment of taxes as may be  
due to the State Government or any of its agencies;

1 (c) collect, recover and pay to the designated account any tax under  
2 the provisions of this Act or any other enactment or law;

3 (d) carry out examinations and investigations with a view to enforcing  
4 compliance with the provisions of this Act, in collaboration with the relevant  
5 law enforcement agencies; and

6 (e) carry out such other functions as may be prescribed by a law of the  
7 State House of Assembly.

Establishment  
and composition  
of the management  
board of the State  
Service

8 **84.**-(1) There is established for each State Service a Management  
9 Board (State Board) which shall have overall supervision of the State Service  
10 as specified under this Act.

11 (2) A State Board shall comprise-

12 (a) the Executive Chairman of the State Service, who shall be the  
13 Chairman of the State Board;

14 (b) directors from within the State Service;

15 (c) a director from the State Ministry of Finance;

16 (d) three other persons appointed by the State Governor on their  
17 personal merit, each representing a Senatorial District in the State, who shall  
18 possess relevant experience and knowledge in taxation and other related fields;  
19 and

20 (e) the Legal Adviser to the State Service, who shall serve as Secretary  
21 to the Board.

22 (3) The Secretary of the State Board shall summon a meeting of the  
23 State Board whenever the business requires its attention, or on the request of  
24 the Chairman or any member of the State Board.

25 (4) Five members of the State Board, one of whom shall be the  
26 Chairman or a Director, shall constitute a quorum.

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



1 authorise any person to-

2 (a) perform or exercise on behalf of the State Board, any function,  
3 duty or power conferred on the State Board; and

4 (b) receive any notice or other document to be given or delivered to or  
5 in consequence of this Act and any subsidiary legislation made under it.

Establishment  
of the Technical  
Committee of the  
State Board

6 **87.**-(1) There shall be a Technical Committee of the State Board  
7 (Technical Committee) which shall comprise the-

8 (a) Executive Chairman of the State Board as chairman;

9 (b) directors within the State Service; and

10 (c) Legal Adviser to the State Service.

11 (2) The Technical Committee shall-

12 (a) consider all matters that require professional and technical  
13 expertise and make recommendations to the State Board;

14 (b) advise the State Board on all its powers and duties specifically  
15 mentioned in section 86 of this Act;

16 (c) have powers to co-opt additional staff from within the State  
17 Service in the discharge of the duties; and

18 (d) attend to such other matters as may, from time to time, be referred  
19 to it by the State Board.

Establishment  
of the Local  
Government  
Revenue  
Committee

20 **88.**-(1) There shall be established for each local government area of a  
21 State a Committee to be known as the Local Government Revenue Committee  
22 (Revenue Committee).

23 (2) The Revenue Committee shall comprise-

24 (a) the Local Government Supervisor for Finance as chairman;

25 (b) three local government councillors as members; and

26 (c) two other persons experienced in revenue matters to be nominated  
27 by the chairman of the Local Government on their personal merits.

Functions of the  
Revenue  
Committee

28 **89.**-(1) The Revenue Committee shall be responsible for the  
29 assessment and collection of all taxes, fines and rates under its jurisdiction and

1 shall account for the amounts collected, in a manner to be prescribed by the  
2 local government.

3 (2) The Revenue Committee shall be autonomous of the local  
4 government treasury and shall be responsible for the day-to-day  
5 administration of the Department, which forms its operational arm.

6 **90.** There is established for each State of the Federation a State  
7 Joint Revenue Committee which shall comprise-

Establishment  
and Composition  
of the State Joint  
Revenue Committee

- 8 (a) the Executive Chairman of the State Service as the chairman;  
9 (b) the Chairmen of the Local Government Revenue Committees;  
10 (c) a representative of the agency responsible for local government  
11 affairs, not below the rank of a Director;  
12 (d) a representative of the Revenue Mobilisation Allocation and  
13 Fiscal Commission, as an observer;  
14 (e) the State Sector Commander of the Federal Road Safety  
15 Commission, as an observer;  
16 (f) the Legal Adviser of the State Service; and  
17 (g) the secretary of the Committee, who shall be a staff of the State  
18 Service.

19 **91.** The functions of the State Joint Revenue Committee are to-

Functions of the  
State Joint Revenue  
Committee

- 20 (a) implement decisions of the Joint Revenue Board;  
21 (b) advise the Joint Revenue Board and the State and local  
22 governments on revenue matters;  
23 (c) harmonise tax administration in the State;  
24 (d) enlighten members of the public generally on State and local  
25 government revenue matters; and  
26 (e) carry out such other functions as may be assigned to it by the  
27 Joint Revenue Board.

28 **92.**-(1) Any power conferred or any duty imposed upon the  
29 relevant tax authority may be exercised or performed by it, by an officer  
30 authorised generally, or specifically, in that behalf.

Exercise of powers  
by relevant tax  
authority

1 (2) Notwithstanding the provisions of subsection (1) of this section,  
2 the relevant tax authority may, at any time and at its discretion, reverse or  
3 modify any decision of any officer, affecting any tax or taxable income,  
4 whether or not the discretion to make the decision was conferred on the officer  
5 by any provision of this Act or any other tax law or whether or not the officer  
6 was authorised by it to make the decision, and the reversal or modification of  
7 the decision shall have effect as if it were the original decision made in respect  
8 of the matter concerned.

Delegation of  
powers of the  
relevant State  
board

9 **93.**-(1) Any power conferred or duty imposed under any provision of  
10 this Act or other tax laws upon the relevant Board, may be exercised or  
11 performed by the relevant Board or by an officer authorised generally or  
12 specifically in that behalf by the Board.

13 (2) The relevant Board may reverse or modify any decision of any  
14 officer, affecting any tax or taxable income, where such decision is discovered  
15 to have been made in error, not in accordance with the law or where such  
16 decision has been reviewed pursuant to dispute resolution and the reversal or  
17 modification of the decision by the Board shall have effect as if it were the  
18 original decision made in respect of the matter concerned.

19 (3) An order, ruling or directive made or given by an approved  
20 committee of the relevant Board pursuant to this section or any other tax law  
21 shall not be treated as an order, ruling or directive of the relevant Board, until  
22 the order, ruling or directive has been ratified by the relevant Board pursuant to  
23 the powers vested on the relevant Board under this Act and other tax laws.

24 (4) In the absence of the Board, the management of the relevant tax  
25 authority, under the direction of the Minister or the Governor as the case may  
26 be, shall perform all the functions of the Board.

Executive  
Chairman and  
other officials of  
the relevant tax  
authority

27 **94.**-(1) The powers and duties, which are conferred on the Executive  
28 Chairman of the relevant tax authority by this Act and other tax laws, shall be  
29 exercised by the Executive Chairman or by such other persons authorised to  
30 exercise such powers.



1 (2) Powers and duties not specifically required by this Act to be  
2 exercised by the Executive Chairman of the relevant tax authority may be  
3 exercised by an official authorised to exercise such powers or duties for the  
4 purpose of due administration of this Act.

5 CHAPTER FOUR

6 OFFENCES AND PENALTIES

7 PART I - OFFENCES AND PENALTIES OF GENERAL APPLICATION

8 **95.**-(1) A taxable person who fails or refuses to register for tax Failure to register  
9 under Section 4 of this Act, shall be liable to pay an administrative penalty  
10 of-

- 11 (a) N50,000.00 in the first month in which the failure occurs; and  
12 (b) N25,000.00 for each subsequent month in which the failure  
13 continues.

14 (2) A statutory body or company who awards a contract to an  
15 unregistered person, shall be liable to pay an administrative penalty of  
16 N5,000,000.00.

17 **96.** A taxable person who fails or refuses to file returns or Failure to file  
18 knowingly files incomplete or inaccurate returns to the relevant tax returns  
19 authority in accordance with the provisions of this Act, shall be liable to pay  
20 an administrative penalty of-

- 21 (a) N100,000.00 in the first month in which the failure occurs; and  
22 (b) N50,000.00 for each subsequent month in which the failure  
23 continues.

24 **97.** A taxable person who- Failure to keep  
25 books

26 (a) fails to keep accounts, books and records of business  
27 transactions and income, to allow for the correct ascertainment of tax and  
28 filing of returns to the relevant tax authority; or

29 (b) upon request by the relevant tax authority, fails to provide any  
30 record or book prescribed in this Act shall be liable to pay an administrative  
penalty of-

	1	(i) in the case of a person other than a company, N10,000.00, and
	2	(ii) in the case of a company, N50,000.00.
Failure to grant access for the deployment of technology	3	<b>98.</b> A person who refuses to grant access to the relevant tax authority
	4	to deploy technology after 30 days of receipt of the notice under this Act is
	5	liable to an administrative penalty of N1,000,000.00 for the first day of default
	6	and ?10,000.00 for each subsequent day of default.
Failure to use fiscalisation system	7	<b>99.</b> A taxable person that fails to process a taxable supply through the
	8	fiscalisation system is liable to an administrative penalty of N200,000.00 plus
	9	100% of the tax due and an interest of 2% above the Central Bank of Nigeria
	10	Monetary Policy rate per annum.
Failure to deduct tax	11	<b>100.</b> A person who has an obligation to collect, deduct or withhold tax
	12	under the relevant tax laws, and fails to collect, deduct or withhold the tax due
	13	is liable to an administrative penalty of 40% of the amount not deducted.
Failure to make attribution	14	<b>101.</b> A person who is required to make attribution but fails to do so or
	15	having done so, fails to notify the relevant tax authority, is liable to pay an
	16	administrative penalty of N1,000,000.00.
Failure to remit tax deducted at source of self account	17	<b>102.</b> -(1) A person, that deducts, collects or withholds any tax under
	18	this Act, and fails to remit the amount deducted, collected or withheld by the
	19	21st day of the month immediately succeeding the month in which the amount
	20	was deducted, collected or withheld, is liable to pay-
	21	(a) the amount deducted, collected or withheld but not remitted;
	22	(b) an administrative penalty of 10% per annum of the tax deducted,
	23	collected or withheld but not remitted; and
	24	(c) interest at the prevailing Central Bank of Nigeria monetary policy
	25	rate plus 2% per annum.
	26	(2) A person required to self-account under this Act and fails to self-
	27	account within the time prescribed by this Act, is liable to pay-
	28	(a) the tax not self-accounted for;
	29	(b) an administrative penalty of 10% per annum of the amount not self
	30	-accounted for; and

1 (c) interest at 2% above the prevailing Central Bank of Nigeria  
2 monetary policy rate.

3 (3) A person convicted of any of the offences under this section,  
4 shall, in addition to the administrative penalty in subsections (1) and (2) of  
5 this section, be liable to a term of imprisonment not exceeding 3 years.

6 **103.**-(1) A person who-

Failure to attend  
to demands, request  
or notices

7 (a) fails to comply with the requirements of a notice served under  
8 this Act or any other tax law;

9 (b) fails to attend or provide answers to a notice, summons or  
10 process served under this Act or any other tax law; or

11 (c) having attended, fails to answer any question lawfully put to  
12 him,

13 is liable to an administrative penalty of N100,000.00 in the first day of  
14 default and N10,000.00 for every subsequent day where the default  
15 continues.

16 (2) A person who fails or refuses to supply information,  
17 documents, or records as demanded or requested for by an authorised officer  
18 relating to any tax issue under this Act or any other tax law within the time  
19 provided under this Act or any other tax law, is liable to an administrative  
20 penalty of ?200,000.00 in the first day of default and N10,000.00 for each  
21 subsequent day where the refusal continues.

22 (3) A person who fails or refuses to comply with obligations to  
23 submit information relating to a legal arrangement or other obligations as  
24 may be prescribed by notice, rules, regulations, guidelines, or circulars  
25 issued by the Service or any other relevant tax authority, is liable to an  
26 administrative penalty of N1,000,000.00 for the first day of default, in  
27 addition to N10,000.00 for each subsequent day in which the failure  
28 continues, or any other administrative penalty as may be specified in such  
29 notice, rules, regulations, guidelines, or circulars.

Failure to stamp	1	<b>104.</b> A person that fails to stamp dutiable instruments in accordance
	2	with the relevant provisions of the Nigeria Tax Act is liable to pay-
	3	(a) in the case of the fixed duty, 10% of the unpaid duty and interest at
	4	2% above the Central Bank of Nigeria Monetary Policy Rate; and
	5	(b) in the case of ad valorem duty, 10% of the duty and interest at 2%
	6	above the Central Bank of Nigeria Monetary Policy Rate.
Failure to disclose facts in a dutiable instrument	7	<b>105.</b> A person that fails, neglects or omits to fully disclose all the facts
	8	and circumstances relating to dutiable instrument or underpays any duty is
	9	liable, in addition to the payment of the duty due-
	10	(a) to an administrative penalty of N100,000.00; or
	11	(b) on conviction to a fine of N50,000.00 or for a term of
	12	imprisonment not exceeding three years or both fine and imprisonment.
Failure to notify change of address, etc.	13	<b>106.</b> A taxable person who fails to notify the relevant tax authority of
	14	any change of address within 30 days of such change, gives a wrong address or
	15	fails to comply with the requirement for notification of permanent cessation of
	16	trade or business under the relevant tax laws shall be liable to administrative
	17	penalty of-
	18	(a) N100,000.00 for the first month in which the failure occurs; and
	19	(b) N5,000.00 for each subsequent month the failure continues.
Fraud in relation to stamps	20	<b>107.</b> A person that-
	21	(a) removes or causes to be removed from a document any revenue
	22	stamp, with intent that the stamp may be reused;
	23	(b) affixes to any other document the revenue stamp which has been
	24	removed, for the purpose of evading the payment of duty;
	25	(c) sells or offers for sale, any revenue stamp so removed; or
	26	(d) forges a stamp or any implement for denoting stamp duties,
	27	is liable on conviction to imprisonment for a term not exceeding 3 years or a
	28	fine of not less than N2,000,000.00 or both fine and imprisonment.
Offence by authorised and unauthorised persons	29	<b>108.</b> A person, whether or not appointed for the administration of this
	30	Act, any other tax law or employed in connection with the assessment and

1 collection of a tax that-

2 (a) demands or accepts any gratification from a taxable person in  
3 the performance of his functions under this Act or any other tax law;

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

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

8 (d) defrauds any person, embezzles money or otherwise uses his  
9 position to deal wrongfully with the relevant tax authority;

10 (e) steals or misuses the documents of the relevant tax authority; or

11 (f) compromises on the assessment or collection of any tax,  
12 commits an offence and is liable on conviction to a fine equivalent to 200%  
13 of the sum in question or to imprisonment for a term not exceeding 3 years or  
14 to both fine and imprisonment.

15 **109.** A person who attempts to induce, influence or entice an  
16 authorised officer in order to obtain any tax benefit in the course of duty  
17 commits an offence and is liable on conviction to a penalty of  
18 N2,000,000.00 or to imprisonment for a term not exceeding 3 years or to  
19 both fine and imprisonment, in addition to paying the tax due.

Inducement of  
an authorised  
officer

20 **110.-(1)** A person who, in the commission of an offence under this  
21 Act, is armed with any offensive weapon is liable on conviction to  
22 imprisonment for a term not exceeding five years.

Use of weapon

23 (2) A person who, while armed with an offensive weapon, causes  
24 injury to any officer or authorised officer of the relevant tax authority in the  
25 performance of any function or duty under this Act, is liable on conviction to  
26 imprisonment for a term not exceeding ten years.

27 **111.** A person, not being an authorised officer, who assumes the  
28 name, designation or impersonates the character of an authorised officer, for  
29 any purpose under this Act or any other tax law, is liable on conviction to a  
30 fine not exceeding N1,000,000.00 or to imprisonment for a term not

Impersonation  
of an authorised  
officer

	1	exceeding 3 years or both.
Aiding and abetting commission of offence	2	<b>112.</b> An officer of the relevant tax authority or any other person who
	3	aids or abets the commission of any of the offences under this Act is liable on
	4	conviction to a fine of N1,000,000.00 or to imprisonment for a term not
	5	exceeding 3 years.
Obstruction, etc.	6	<b>113.</b> A person who-
	7	(a) obstructs, hinders, molests or assaults any person or authorised
	8	officer in the performance of any function or the exercise of any power under
	9	this Act;
	10	(b) does anything which impedes or is intended to impede the
	11	carrying out of a search, seizure, removal or distrain;
	12	(c) rescues, damages or destroys anything liable to seizure, removal
	13	or distress;
	14	(d) does anything intended to prevent the procuring or giving of
	15	evidence as to whether or not anything is liable to seizure, removal or distrain;
	16	(e) prevents the arrest of any person by an authorised person duly
	17	engaged or acting or rescues any person so arrested is-
	18	(i) liable to an administrative penalty of N1,000,000.00, and
	19	(ii) on conviction to a fine not exceeding N1,000,000.00 or
	20	imprisonment for a term not exceeding 3 years or to both fine and
	21	imprisonment.
Unauthorised disclosure	22	<b>114.</b> Except as provided under this Act, any other law or any enabling
	23	agreement or arrangement on exchange of information or as otherwise
	24	authorised by the Minister-
	25	(a) a member or former member of the Board of the relevant tax
	26	authority; or
	27	(b) an employee or former employee of the tax authority; or
	28	(c) an agent or any person,
	29	who communicates or attempts to communicate taxpayer information or
	30	information considered confidential to any person other than to a person

1       legally authorised to receive such information or misuses the information is  
2       liable on conviction to a fine not exceeding N5,000,000.00 or to  
3       imprisonment for a term not exceeding 3 years or both.

4               **115.**-(1) A person that receives a refund under section 54 of this  
5       Act, through a false or fictitious claim, is, in addition to the recovery of the  
6       amount so received, liable to a penalty of 50% of that amount, plus interest at  
7       2% above the prevailing Central Bank of Nigeria Monetary Policy Rate.

False claim of  
tax refund

8               (2) The provisions in subsection (1) of this section shall not be  
9       construed as preventing the relevant tax authority from prosecuting that  
10      person in accordance with the relevant provisions of this Act.

11              **116.**-(1) A person that receives a refund under section 55 of this  
12      Act, through a false or fictitious claim, is, in addition to the recovery of the  
13      amount so received, liable to a penalty of 100% of that amount, plus interest  
14      at 2% above the Central Bank of Nigeria Monetary Policy Rate.

False or fictitious  
of VAT refund

15              (2) Where a taxable person makes a false or fictitious claim more  
16      than once within a two-year period, the Service may blacklist such a person  
17      and decline any future refund application made by that person for up to five  
18      years following the blacklisting.

19              (3) Notwithstanding the provisions in subsection (1) and (2) of this  
20      section, where a taxable person makes a false or fictitious claim under this  
21      section, the Service may, in addition to the penalties specified under this  
22      section, prosecute that person in accordance with the relevant provisions of  
23      this Act.

24              **117.**-(1) Where any mineral royalty due and payable under this Act  
25      remains unpaid for 30 days after the due date, it shall be a debt and-

Default in payments  
of mineral royalties

26              (a) a penalty of 10% of the amount of the royalty payable shall be  
27      added to the royalty due;

28              (b) in the case of foreign currency transactions, the royalty due  
29      shall incur interest at the prevailing SOFR or any other successor rate plus  
30      10%; and

1 (c) in case of Naira transactions, the royalty due shall incur interest at  
2 2% above the prevailing Central Bank of Nigeria Monetary Policy Rate.

3 (2) Notwithstanding the provisions of subsection (1) of this section,  
4 the Service may, with the assistance of the relevant Ministry or agency of  
5 government-

6 (a) distrain the licensee or lessee of its minerals, products, engines,  
7 machinery, tools, implements or other effects; or

8 (b) cancel, revoke, seize, distrain or dispose the licenses or rights of  
9 the licensee or lessee.

False declaration

10 **118.**-(1) A person that makes or signs, or causes to be made or signed,  
11 delivers or causes to be delivered to the relevant tax authority or any of its  
12 officers, any declaration, notice, certificate or other document being a  
13 document or statement produced or made for any purpose of tax, which is  
14 untrue, is liable-

15 (a) to an administrative penalty of N1,000,000 in addition to the  
16 payment of the tax undercharged or not charged in consequence of the false  
17 declaration, plus payment of the amount of tax unpaid or over payment made in  
18 respect of any repayment; or

19 (b) upon conviction to a fine of N1,000,000 or to imprisonment not  
20 exceeding 3 years or to both such fine and imprisonment in addition to payment  
21 of the amount of tax unpaid or over payment made in respect of any repayment.

22 (2) A person that makes any statement in answer to any question or  
23 enquiry put to him by an officer which he is required to answer by or under this  
24 Act or any other law, being a document or statement produced or made for any  
25 purpose of tax, which is untrue, is liable-

26 (a) to an administrative penalty of N1,000,000.00 in addition to the  
27 payment of the tax undercharged or not charged in consequence of false  
28 declaration, plus payment of the amount of tax unpaid or over payment made in  
29 respect of any repayment; or

30 (b) upon conviction, to a fine of N1,000,000 or to imprisonment not



1 exceeding 3 years or to both such fine and imprisonment in addition to  
2 payment of the amount of tax unpaid or over payment made in respect of any  
3 repayment.

4 **119.** A person that-

Counterfeiting  
documents, etc.

5 (a) counterfeits or falsifies any document which is required by or  
6 for the transaction of any business under this Act or any other relevant tax  
7 law;

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

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

11 (d) counterfeits any seal, signature, initial or other mark of, or used  
12 by, any officer for the verification relating to tax,

13 is liable to an administrative penalty of N1,000,000.00 and upon conviction,  
14 to imprisonment not exceeding 3 years or fine of N1,000,000.00 or to both  
15 such fine and imprisonment.

16 **120.** Where an offence under this Act is committed by a body  
17 corporate, firm, trust, association of individuals or any other legal  
18 arrangement-

Offence by body  
corporate

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

21 (b) a partner or officer of the firm;

22 (c) trustees, settlors, beneficiaries or any person involved in the  
23 management of the trust;

24 (d) a person concerned in the management of the affairs of the  
25 association or legal arrangement; or

26 (e) a person who acts or purports to act in any of the above  
27 capacities, is liable to be proceeded against and punished for the offence in  
28 like manner as if the person committed the offence, unless that person  
29 proves that the act or omission constituting the offence took place without  
30 the knowledge, consent or connivance of the person.

General Penalty	1	<b>121.</b> Subject to the provisions of this Act, a person who contravenes
	2	any of provisions of this Act for which no specific penalty was provided,
	3	commits an offence and is liable-
	4	(a) to an administrative penalty of N1,000,000.00; or
	5	(b) on conviction, to imprisonment not exceeding 3 years or to both
	6	fine and imprisonment.
	7	PART II - OFFENCES AND PENALTIES FOR PETROLEUM OPERATIONS
Failure to file estimated and actual returns on due date	8	<b>122.</b> -(1) A company which fails to file any of the estimated or actual
	9	returns under this Act on the due date is liable to pay for late filing for each of
	10	the return not filed, a penalty of-
	11	(a) N10,000,000.00 on the first day the failure occurs and
	12	N2,000,000.00 for each subsequent day in which the failure continues; or
	13	(b) any other sum as may be prescribed by the Minister by order
	14	published in the Official Gazette.
	15	(2) Where the further returns for estimated tax provided for under
	16	section 16 of this Act is not made, the Service shall impose interest at the
	17	prevailing SOFR or any other successor rate plus 10% points for the
	18	differential of the revised tax over the estimated tax paid by the company.
Late payment of tax	19	<b>123.</b> -(1) Where any tax, royalty or remittance due from a company
	20	involved or engaged in upstream petroleum operations is not paid on the due
	21	date, it shall be a debt and-
	22	(a) a sum equal to 10% of the amount payable shall be added to the tax,
	23	royalty or remittance due;
	24	(b) in the case of a foreign currency transaction, the tax, royalty or
	25	remittance due shall incur interest at the prevailing SOFR or any other
	26	successor rate plus 10%;
	27	(c) in the case of transactions in Naira, the tax, royalty or remittance
	28	due shall incur interest at 2% above the prevailing Central Bank Monetary
	29	Policy Rate.
	30	(2) In addition to the provisions of subsection (1) of this section, the

1 licensee or lessee shall be liable to-

2 (a) N10,000,000.00 or US Dollar equivalent on the first day of the  
3 failure to pay the tax, royalty or remittance; and

4 (b) N2,000,000.00 or US Dollar equivalent for each day in which  
5 the failure continues.

6 (3) Notwithstanding the provisions of subsections (1) and (2) of  
7 this section, the Service may, with the assistance of the Commission or  
8 Authority-

9 (a) distrain the licensee or lessee of its oil well, crude oil,  
10 condensates, natural gas or natural gas liquid, petroleum products, engines,  
11 machinery, tools, implements or other effects; or

12 (b) cancel, revoke, seize, distrain or dispose the licenses or rights of  
13 the holder.

14 **124.-(1)** A person that fails to-

15 (a) comply with the requirements of a notice served pursuant to  
16 chapter two of this Act;

17 (b) appear in response to a notice or summons served pursuant to  
18 chapter two of this Act, without sufficient cause or having appeared, fails to  
19 answer any lawful question; or

20 (c) submit any return required to be submitted under the relevant  
21 provisions of this Act;

22 is liable to an administrative penalty of N10,000,000.00, and where the  
23 default continues beyond the period stipulated by this Act, the person shall  
24 be liable to a further administrative penalty of N2,000,000.00 or such other  
25 sum as may be prescribed by the Minister, for each day the default continues.

26 (2) Notwithstanding the provisions of subsection (1) of this  
27 section, a person who is found guilty of an offence under this section shall on  
28 conviction, be liable to a fine of N20,000,000.00 or other sum as may be  
29 prescribed by the Minister by an order and where the offence continues  
30 beyond the period stipulated by this Act, the person shall be liable to an

Failure to comply  
with the requirement  
of notice

1 additional fine of N2,000,000.00 or such other sum as may, by order, be  
2 prescribed by the Minister for each day the default continues, or imprisonment  
3 for a term of six months.

Incorrect accounts

4 **125.**-(1) A person who without reasonable excuse -

5 (a) makes up or causes to be made up any incorrect accounts by  
6 omitting or understating any profits or overstating any losses which is required  
7 under this Act to make up accounts;

8 (b) prepares or causes to be prepared any incorrect schedule or  
9 statement required to be prepared under section 17 of this Act by overstating  
10 any expenditure or overstating any royalties or other sums or by omitting or  
11 understating any amounts repaid, refunded, waived or released; or

12 (c) gives or causes to be given any false or misleading information in  
13 relation to any matter or thing affecting his liability to tax,

14 is liable to an administrative penalty of N15,000,000.00 and 1% of the amount  
15 of tax which has been undercharged in consequence of such incorrect account,  
16 schedule, statement or information or would have been so undercharged if the  
17 account, schedule, statement or information had been accepted as correct,  
18 whichever is higher, and is also liable for the appropriate tax which would have  
19 been charged.

20 (2) Notwithstanding the provisions of subsection (1) of this section, a  
21 person who gives or causes to be given any false or misleading information in  
22 relation to any matter or thing affecting his liability to tax, commits an offence  
23 and on conviction is liable to a fine of N15,000,000 and 1% of the amount of tax  
24 which has been undercharged in consequence of such incorrect account,  
25 schedule, statement or information, or would have been so undercharged if the  
26 account, schedule, statement or information had been accepted as correct,  
27 whichever is higher, and is also liable for the appropriate tax which would have  
28 been charged.

False statement  
and returns

29 **126.**-(1) A person who-

30 (a) for the purpose of obtaining any deduction, refund, rebate,

1 reduction or repayment in respect of petroleum profits tax, hydrocarbon tax  
2 or income tax by upstream companies, for himself or for any other person or  
3 who in any return, account, particulars or statement made or furnished with  
4 reference to tax, knowingly makes any false statement or false  
5 representation or forges or fraudulently alters or uses or fraudulently lends  
6 or allows to be used by any other person any receipt or token as evidence for  
7 payment of the tax under this Act; or

8 (b) aids, abets, assists, counsels, incites or induces any other  
9 person-

10 (i) to make or deliver any false return or statement under this Act,

11 (ii) to keep or prepare any false accounts or particulars affecting  
12 tax, or

13 (iii) unlawfully refuses or neglects to pay tax,

14 commits an offence and is liable on conviction to a fine of N15,000,000.00  
15 and 1% of the amount of tax for which the person assessable is liable under  
16 this Act, whichever is higher, for the accounting period in respect of or  
17 during which the offence was committed, or to imprisonment for six months  
18 or to both the fine and imprisonment and is also liable for the appropriate tax  
19 which would have been assessed and charged.

20 (2) Notwithstanding the provisions of subsection (1) of this  
21 section, any person who does any of the acts or makes the omissions  
22 contained in subsection (1) of this section, shall be liable to an  
23 administrative penalty of N15,000,000.00 or 1% of the amount of tax for  
24 which the person assessable is liable under this Act whichever is higher, for  
25 the accounting period in respect of or during which the act or omission  
26 occurred and shall still be liable for appropriate tax which would have been  
27 assessed and charged.

28 **127.** A person who being a member of the Service charged with the  
29 administration of this Act or any assistant employed in connection with the  
30 assessment and collection of the hydrocarbon tax who-

Offences by  
authorised and  
unauthorised  
persons

1 (a) demands from any person an amount in excess of the authorised  
2 assessment of the tax payable;

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

5 (c) renders a false return, whether verbal or in writing of the amounts  
6 of tax collected or received by him;

7 (d) defrauds any person, embezzles money or otherwise uses his  
8 position to deal wrongfully with the Service or any other individual; or

9 (e) not being authorised under this Act, collects or attempts to collect  
10 the tax under this Act,

11 commits an offence and is liable on conviction to a fine equivalent to 200% of  
12 the sum in question or to imprisonment for a term not exceeding three years or  
13 to both fine and imprisonment.

Default in payments  
of petroleum  
royalties

14 **128.** Where any petroleum royalty due and payable under this Act  
15 remains unpaid for 30 days after the due date, the provisions of section 123 of  
16 this Act shall apply.

General penalty  
in relation to  
petroleum  
operations

17 **129.**-(1) Any person that fails to comply with the provisions of this  
18 part, chapter three of Nigeria Tax Act or any relevant regulations for which no  
19 penalty is specifically provided, is liable to an administrative penalty of  
20 N10,000,000.00 and where the default continues, beyond a period stipulated  
21 by law or regulation, the person is liable to an administrative penalty of  
22 N2,000,000.00 for each day the default continues, or such other sum as may, by  
23 order be prescribed by the minister.

24 (2) Notwithstanding the provision of this section, a person who is  
25 found guilty under this part of this Act or regulations made thereunder for  
26 which no other penalty is specifically provided shall upon conviction be liable  
27 to a fine of N20,000,000.00 or such other sum as may, by order, be prescribed  
28 by the Minister, or to imprisonment for 6 months or to both fine and  
29 imprisonment.

## 1 PART III - OFFENCES AND PENALTIES FOR EXCISE DUTIES

2 **130.** Any person who fails to comply with provisions made for the Contravention of  
3 administration of excise duty under this Act or the Nigeria Tax Act is liable excise provisions  
4 to an administrative penalty of N5,000,000.00 or such other amount as may  
5 be specified by any regulations made for the administration of excise duties  
6 on services.

7 **131.**-(1) A person with knowledge of the foreign exchange Contravention  
8 transaction contained in section 160 (2) of the Nigeria Tax Act, including the of foreign exchange  
9 buyer, broker, agent, exchange platform provider or a third party who, in any transaction services  
10 way, enabled, facilitated recorded or holds the record of same, shall report  
11 the transaction to the Service and the Nigerian Financial Intelligence Unit  
12 within seven days of the transaction or becoming aware of the transaction.

13 (2) A person who fails to comply with the provisions of this section  
14 commits an offence and shall on conviction be liable to-

15 (a) in the case of the seller, a fine equal to 200% of the amount of  
16 the foreign exchange transaction or 6 months imprisonment or both; or

17 (b) in any other case, a fine of not less than N10,000,000.00 or 6  
18 months imprisonment or both.

19 **132.**-(1) A taxable person who contravenes the provisions of Failure to keep  
20 section 24 of this Act is liable on conviction to a fine of not less than or provide records  
21 N5,000,000.00. of excisable services

22 (2) Where a taxable person, upon request by the Service, fails to  
23 provide within the time specified in the request, any record required to be  
24 kept under section 24 of this Act, the person is liable to an administrative  
25 penalty of N2,000,000.00, in the first instance, and N10,000.00 for every  
26 day the default continues.

27 **133.** A person who refuses to grant immediate access or entry to an Obstruction of  
28 authorised officer in the exercise of the powers under section 57 or 58 of this officer and refusal  
29 Act, is liable to an administrative penalty of N1,500,000.00 or on to grant immediate  
entry

1 conviction, to imprisonment not exceeding one year, or to both penalty and  
2 imprisonment.

3 CHAPTER FIVE

4 MISCELLANEOUS

Power to  
compound offences

5 **134.**-(1) The relevant tax authority may compound any offence under  
6 this Act by accepting a sum of money not exceeding the tax liability and  
7 maximum fine specified for the offence.

8 (2) The relevant tax authority shall issue an official receipt for any  
9 money received under subsection (1) of this section.

10 (3) Any offence compounded under subsection (1) of this section does  
11 not constitute conviction.

Power to  
prosecute

12 **135.**-(1) The relevant tax authority shall have powers to employ its  
13 own legal officers who shall have powers to prosecute any of the offences  
14 under this Act subject to the powers of the Attorney-General of the Federation  
15 or State in any court in Nigeria.

16 (2) Notwithstanding any administrative penalty or interest imposed  
17 under this Act or any other tax law, the relevant tax authority shall have powers  
18 to prosecute any person for an offence specified under the relevant provisions  
19 of this Act.

Place of an  
offence

20 **136.** An offence under this Act shall be deemed to occur in the place  
21 where the taxable person is registered or resident or at such other place as the  
22 relevant tax authority may decide.

Settlement of  
dispute

23 **137.**-(1) Without prejudice to any provision of this Act or any other  
24 law, the relevant tax authority and the taxable person may initiate to resolve any  
25 tax matters amicably at any stage of the dispute subject to such terms and  
26 conditions as may be prescribed under this Act or any other law.

27 (2) The relevant tax authority may settle disputes in whole or in part,  
28 where-

29 (a) such settlement will be in the interest of public revenue or public  
30 policy;



1 (b) due consideration is given to the cost of litigation in comparison  
2 to the possible benefits;

3 (c) a participant or a group of participants in a tax arrangement has  
4 accepted the position of the relevant tax authority in the dispute, in which  
5 case the settlement may be negotiated in a manner required to adjust the tax  
6 arrangements or disposition; or

7 (d) under a whistleblowing arrangement, the settlement will  
8 facilitate full disclosure of undisclosed tax planning or evasion schemes  
9 which may lead to significant recovery of tax revenue.

10 (3) Settlement of dispute shall not be considered where-

11 (a) the action by the taxable person concerned leading to the  
12 'dispute' constitutes intentional tax evasion or fraud inimical to the  
13 government revenue;

14 (b) it is in the public interest to have judicial clarification of the  
15 issue and the case will significantly promote taxpayer compliance with the  
16 relevant tax law.

17 (4) The procedure for settlement of disputes shall be as follows-

18 (a) a person participating in a settlement procedure shall disclose  
19 all relevant facts during the discussion phase of the process of settling a  
20 dispute and such facts disclosed only for the purpose of settlement shall be  
21 confidential;

22 (b) a dispute settled in whole or in part shall be evidenced by an  
23 agreement in writing between the parties in the prescribed format as may be  
24 determined by the relevant tax authority and must include details on-

25 (i) how each particular issue is settled,

26 (ii) relevant undertakings by the parties,

27 (iii) treatment of the issue in future years,

28 (iv) withdrawal of objections and appeals, and

29 (v) arrangements for payment;

1 (c) the agreement shall be signed by authorised officers of both  
2 parties.

3 (5) Finality of settlement agreement is where the-

4 (a) settlement agreement represents the final agreed position between  
5 the parties, and it is a full and final settlement of all or specified aspects of the  
6 dispute in question between the parties; and

7 (b) relevant tax authority shall enforce collection of the settlement  
8 amount under the collection provisions of this Act as a debt due to the relevant  
9 tax authority.

Information and  
documents to be  
confidential

10 **138.** Without prejudice to the provisions of any other Act concerning  
11 data privacy, data protection, and unlawful disclosure of taxpayer information,  
12 taxpayers' information shall be confidential.

Official secrecy  
and confidentiality

13 **139.**-(1) A person in an official duty or being employed for the  
14 administration of this Act or otherwise, that has access to taxpayer information  
15 shall regard and deal with such information as secret and confidential.

16 (2) A person who is in possession or control of, any document,  
17 information or tax return of any taxable person shall not communicate, expose  
18 or reveal such document, information or tax return to any third party without  
19 authorisation or in accordance with extant laws.

20 (3) A person who administers this Act shall not be required to produce  
21 any return, document or assessment, or to divulge or communicate any  
22 information that comes into his possession in the performance of his duties  
23 except as may be necessary in order to institute a prosecution, or in the course  
24 of a prosecution for any offence committed in relation to any tax in Nigeria.

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

1 in Nigeria or from income tax in that country.

2 (5) Where an agreement or arrangement with any other country,  
3 government or relevant tax authority for exchange of information or with  
4 respect to relief for double taxation of income or profits includes provisions  
5 for the exchange of taxpayer information with that country for the purpose  
6 of implementing a tax relief or preventing avoidance of tax, or for such other  
7 purposes as may be enshrined in the agreement or arrangement, the  
8 obligation as to secrecy imposed by this Act shall not prevent the disclosure  
9 of such information to the authorised officers of the Government of such  
10 country.

11 **140.-(1)** The Minister may give the relevant tax authority or its  
12 Chief Executive Officer such directives of a general nature or relating  
13 generally to matters of policy with regards to the exercise of the functions  
14 under this Act or any other tax law as may be considered necessary and the  
15 relevant tax authority or its Chief Executive Officer shall comply with the  
16 directives or cause them to be complied with.

Powers of the  
Minister to issue  
general directives  
and make regulations

17 (2) The Minister shall not give any directive, order or instruction in  
18 respect of any particular person which would have the effect of requiring the  
19 relevant tax authority to increase or decrease any assessment of tax made or  
20 to be made or any relief given or to be given or to defer the collection of any  
21 tax or judgement debt due, or which would have the effect of initiating,  
22 forbidding the initiation of, withdrawing or altering the normal course of  
23 any proceeding whether civil or criminal, relating either to the recovery of  
24 any tax or to any offence under this Act or any other tax law.

25 (3) The Minister may, on the advice of the Service or the Joint  
26 Revenue Board, make regulations for the carrying out of the provisions of  
27 this Act or any other tax law by order published in the Official Gazette to-

28 (a) determine what constitutes the significant economic presence  
29 of a company other than a Nigerian company or an individual in accordance  
30 with the Nigeria Tax Act;

1 (b) make rules prescribing the procedure to be followed in the conduct  
2 of appeals before the Tax Appeal Tribunal;

3 (c) amend, vary or modify the list set out in part IV of chapter eight of  
4 Nigeria Tax Act with respect of Value Added Tax; and

5 (d) regulate the administration of excise duties on excisable services  
6 in Nigeria.

7 (4) The Board of the relevant tax authority may, with the approval of  
8 the Minister or the Governor, make rules and regulations as, in its opinion, are  
9 necessary or expedient for giving full effect to the provisions of this Act or any  
10 other tax law and for the due administration of its provisions prescribing the-

11 (a) forms for returns and other information required under this Act or  
12 any other enactment or law; and

13 (b) procedure for obtaining any information required under this Act or  
14 any other enactment or law,  
15 provided that a relevant tax authority shall only make regulations to the extent  
16 of its power to administer taxes.

Supremacy of  
this Act

17 **141.**-(1) This Act shall take precedence over any other laws with  
18 regards to the administration, assessment, collection, accounting and  
19 enforcement of taxes and levies due to the relevant tiers of Government and if  
20 the provisions of any other law are inconsistent with the provisions of this Act,  
21 the provisions of this Act shall prevail and the provisions of that other law shall,  
22 to the extent of the inconsistency, be void.

23 (2) Any person or agency of Government that has been imposed with  
24 a duty or obligation under this Act or under any other law, for the purpose of  
25 giving effect to any of the provisions of this Act or to enable the Nigeria  
26 Revenue Service or any other relevant tax authority perform its duties under  
27 this Act shall continue to carry out such duty or obligation as prescribed in that  
28 law, provided that the duty or obligation is consistent with the provisions of this  
29 Act.

- 1                   **142.** Without prejudice to the provision of section 6 of the Interpretation Act- Savings  
2                   provisions
- 3                   (a) the repealed and amended enactments specified in sections 197  
4                   and 198 of the Nigeria Tax Act shall not affect anything done under the  
5                   enactments;
- 6                   (b) The tax administration provisions of the repealed and amended  
7                   enactments under paragraph (a) shall be exercised by the relevant tax  
8                   authority in accordance with the provisions of this Act.
- 9                   (c) a notice, guideline, rule, order, regulation, circular or other  
10                  subsidiary legislations made or issued under any provision of the repealed or  
11                  amended enactments under the Nigeria Tax Act, shall continue to be in force  
12                  as if they had been made or issued by the relevant authority or person under  
13                  this Act except to the extent that it is inconsistent with the provisions of this  
14                  Act;
- 15                  (d) an enforcement process or legal proceedings commenced or  
16                  pending prior to the commencement of this Act, in connection with tax  
17                  administration, contravention or non-compliance with the repealed or  
18                  amended enactments, shall continue and be disposed of, as if it was  
19                  commenced under this Act;
- 20                  (e) anything made or done, or having effect as if made or done,  
21                  before the date of commencement of this Act under any provision of the  
22                  repealed or amended enactments by the relevant tax authority, and having  
23                  any continuing or resulting effect with respect to the tax administration and  
24                  enforcement, shall be treated as if it was done or performed by the relevant  
25                  tax authority under this Act; and
- 26                  (f) all references to the administration provisions of the legislations  
27                  repealed by the Nigeria Tax Act shall be construed as references to the  
28                  corresponding provisions of this Act.
- 29                  **143.** In this Act- Interpretation
- 30                  "advance ruling" means any ruling issued by the tax authority in respect of

1 any disputed or controversial tax matter to the taxpayers in accordance with  
2 provision of this Act, the Nigeria Tax Act or any other tax law enacted by the  
3 National Assembly; or any written opinion or decision issued to a taxpayer by  
4 the relevant tax authority on a transaction, proposed transaction or any tax  
5 matter with a view to providing direction or clarification in accordance with the  
6 provisions of this Act;

7 "agency of Government" includes a Ministry, department, statutory body,  
8 public authority or any institution of the Federal, State, or Local Government;

9 "agreement" means mutual understanding, arrangement, undertaking, or  
10 memorandum, between a taxpayer and any third party which may have tax  
11 implications;

12 "angel investor" is as defined in the Nigeria Startup Act, No. 32,  
13 2022;"assessable income" has the same meaning under the Nigeria Tax Act;

14 "assessable profits" has the same meaning under the Nigeria Tax Act;

15 "authorised officer" means any person employed in the service of the relevant  
16 tax authority or, for the time being, performing duties in relation to tax who has  
17 been specifically authorised by the Board or the Chief Executive Officer to  
18 perform or carry out specific functions under this Act, the Nigeria Tax Act or  
19 any other tax law enacted by the National Assembly or the State House of  
20 Assembly;

21 "Board" means the Board of the relevant tax authorities established under this  
22 Act;

23 "book" includes any register, document or other records of information and any  
24 account or accounting record however compiled, recorded or stored, whether  
25 in written or printed form or micro-film, digital, magnetic or electronic form or  
26 otherwise;

27 "business" includes any economic activity such as trade, commerce,  
28 manufacturing, service or any activity carried out for the purpose of earning  
29 income;

30 "calendar year" means a period of 12 months commencing from 1 January and

1 ending 31 December;

2 "Chief Executive Officer" means the chief executive officer of the relevant  
3 tax authority;

4 "commencement of business" means the date that an entity carries out its  
5 first transaction, which shall be the earlier of the date that the business or  
6 person-

7 (i) begins to market or first advertises its products or services for  
8 sale,

9 (ii) obtains an operating licence from a regulatory authority in  
10 Nigeria,

11 (iii) makes first sale or purchase,

12 (iv) executes its first trading contract after complying with  
13 incorporation or regulatory processes,

14 (v) issues or receives its first invoice,

15 (vi) delivers or receives its first consignment of goods, or  
16 (vii) first renders services to its customers;

17 "Commissioner" means the commissioner charged with responsibility of  
18 finance in a State in Nigeria;

19 "company" means a company as defined under the Companies and Allied  
20 Matters Act and a corporate body that may be formed under any other  
21 written law and includes any association, whether incorporated in or outside  
22 Nigeria;

23 "dispute" means a disagreement on the interpretation of either the relevant  
24 facts or law or both, which arises pursuant to the issuance of an assessment,  
25 action or decision of either the tax authority or taxpayer;

26 "distrain" means to seize a taxable person's property, goods, chattels, bonds  
27 or other securities in order to collect and recover unpaid tax in accordance  
28 with this Act and the Nigeria Tax Act;

29 "document" includes any record of information evidencing a transaction,  
30 supporting accounts or schedules, accounting or inventory ledger, including

1 reports, agreements, correspondences, memoranda, minutes of meeting, or any  
2 such record however compiled, recorded or stored, whether written or printed  
3 or micro-film, digital, magnetic, electronic or optical form or otherwise, and all  
4 types of information stored in digital devices, computer or any other similar  
5 equipment;

6 "electronic or digital activities" means the receipt, emission or transmission of  
7 signals, sounds, messages, images or data of any kind by cable, radio,  
8 electromagnetic systems or any other electronic or wireless apparatus in  
9 respect of any commerce, trade or activity, including electronic commerce,  
10 application store, high frequency trading, electronic data storage, online  
11 adverts, participative network platform, online gaming, cloud computing,  
12 online teaching services, digital content services, supply of user data, search  
13 engines or online payments;

14 "employee of the tax authority" includes the Chief Executive Officer or other  
15 members of staff and those employed to carry out specific functions and may  
16 include board members of a relevant tax authority;

17 "employment" includes any appointment or office, whether public or  
18 otherwise, for which remuneration is payable;

19 "executor" includes any person administering the estate of a deceased person;

20 "entertainer, sports person, or competitor fees" includes payments in respect of  
21 appearance, performance, royalties, sponsorship, endorsement, advertising or  
22 related payments;

23 "foreign company" means any company other than a Nigerian Company;

24 "goods" means all forms of tangible properties, movable or immovable;

25 "Government" means the Federal, State, the Federal Capital Territory or Local  
26 Government Council and shall include, as the case may be, any agency of  
27 Government;

28 "gross income" means total income of an individual in any particular year of  
29 assessment from all sources, ascertained under the provisions of this Act;

30 "High Court" means the Federal High Court or High Court of the State or



1 Federal Capital Territory;

2 "importer" means any person who imports taxable goods from another

3 country;

4 "invoice" means any document issued as evidence of supply of goods or

5 services, or demand for payment for goods or services supplied;

6 "individual" includes a corporation sole and a body of individuals but does

7 not include a company, partnership, community, family, trustee or executor,

8 or any body of trustees or executors;

9 "labelled startup" is as defined in the Nigeria Startup Act, No. 32, 2022;

10 "manufacturer" means any person who engages in the manufacture of goods

11 and includes a person who has manufactured for his own account, or on

12 whose behalf other persons have manufactured goods made to his

13 specification or design;

14 "manufacturing" means the process by which a commodity is finally

15 produced, including assembling, bottling, repacking, mixing, blending,

16 grinding, cutting, bending, twisting and joining or any other similar process;

17 "Minister" means the Minister charged with the responsibility for matters

18 relating to finance;

19 "Nigeria" for the purpose of this Act, means the Federal Republic of Nigeria,

20 and when used in a geographical sense, includes the territorial waters of the

21 Federal Republic of Nigeria, and any area outside the territorial waters,

22 including the continental shelf, which in accordance with international law

23 has been or may hereafter be designated, under the laws of the Federal

24 Republic of Nigeria, as an area within which the right of the Federal

25 Republic of Nigeria with respect to the seabed, its subsoil, its superjacent

26 waters and their natural resources may be exercised now and in the future;

27 "Nigerian company" means-

28 (i) any company formed or incorporated under any law in Nigeria,

29 (ii) any company whose effective place of management or control

30 is Nigeria, provided, that the Minister may, by Regulations prescribe what

1 constitutes effective place of management or control;

2 "officer" means any person employed in the relevant tax authority to carry out  
3 the tax administration functions under this Act;

4 "official gazette" means the Federal Government Gazette or the Gazette of any  
5 State in the Federation;

6 "person" includes individuals, body of individuals, executor, trustee, family,  
7 community, a company or body corporate, corporation sole and any  
8 unincorporated body of persons, including a trust or any legal arrangement;

9 "President" means the President of the Federal Republic of Nigeria;

10 "private dwelling" means any building or part of a building occupied as  
11 residential accommodation, including any garage, shed and other building  
12 used in connection therewith;

13 "professional services" means services provided by an individual or a firm  
14 having specialised knowledge, skills, and qualifications in specific fields,  
15 including consulting, planning, or support services, excluding artisans or  
16 vocational services;

17 "registration" means action or process of registering or of being registered for  
18 tax purposes in accordance with this Act;

19 "registered person" means any person registered for the purpose of tax  
20 compliance under this Act or any other tax law;

21 "relevant tax authority" means Nigeria Revenue Service, the Internal Revenue  
22 Service of a State or the Federal Capital Territory in Nigeria;

23 "Service" means the Nigeria Revenue Service established by the Nigeria  
24 Revenue Service (Establishment) Act;

25 "settlement" means amicable resolution of dispute in accordance with the  
26 provisions of this Act;

27 "small business" or "small company" means a business or company that earns  
28 gross turnover of N50,000,000.00 or less per annum with a total fixed assets  
29 less than N100,000,000.00, provided that any business providing professional  
30 services shall not be classified as a small business or company;

1 "special purpose tax officer" means specially designated tax officers for the  
2 purpose of tax investigation and enforcement, and who shall be appointed  
3 from time to time and shall have the powers of Police Officers;

4 "supply of goods" means any transaction where the whole property in the  
5 goods is transferred or where the agreement expressly contemplates that this  
6 will happen and in particular includes the sale and delivery of goods or  
7 services used outside the business, the letting out of goods on hire or leasing,  
8 and any disposal of goods or furnishing of services;

9 "stamp duty" means a duty levied on dutiable instruments under this Act, the  
10 Nigeria Tax Act or any other laws;

11 "tax" includes any duty, levy or other revenue accruable to the Government  
12 in full or in part under this Act, the Nigeria Tax Act or any other law;

13 "tax agent" means any person acknowledged and duly certified by a  
14 professional body in Nigeria to represent the taxable person;

15 "tax authority" means the Nigeria Revenue Service, or the Revenue  
16 Authority of a State or the Federal Capital Territory in Nigeria;

17 "taxable goods and services" is as defined in Part IV of Chapter 7 of Nigeria  
18 Tax Act;

19 "taxable person" means any person who earns income, or carries out  
20 economic activity in a place or a person exploiting tangible or intangible  
21 property for the purpose of obtaining income therefrom by way of trade or  
22 business, or any or any person who falls or will fall under any tax obligation  
23 in Nigeria, including an agency of Government;

24 "tax return" means a form or any other document filed with a relevant tax  
25 authority that reports transactions, income, expenses, and any other relevant  
26 information as may be prescribed by relevant tax authority from time to  
27 time;

28 "taxpayer information" includes-

29 (i) any information received or generated by a relevant tax  
30 authority with respect to a taxpayer pursuant to its powers under this Act or

1 any other tax law,  
2 (ii) any information in any form received, accessed or produced by the  
3 Service under any agreement or arrangement with any country, government or  
4 tax authority, such as Double Taxation Agreements, Tax Information Exchange  
5 Agreements, and Common Reporting Standard, Country-by-Country  
6 Reporting or any other exchange of information agreement or arrangement, or  
7 (iii) written or electronic documents, returns, assessments, lists and  
8 copies of such lists relating to profits or items of profits of any person or to such  
9 matter which forms the basis of any agreement or arrangement with any  
10 country, government or tax authority;  
11 "transaction at arm's length" means a related party transaction conducted on  
12 normal open market commercial terms.  
13 **144.** This Bill may be cited as the Nigeria Tax Administration Bill,  
14 2024.

Short title

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SCHEDULES

FIRST SCHEDULE

DETERMINATION OF RESIDENCE

*[Section 3(2)]*

*Foreign Employments*

1. An individual, not being a person to whom section 3 (1)(a)(iv) of this Act applies, who holds a foreign employment on 1st January in a year of assessment, or who first becomes liable to income tax in Nigeria for that year by reason of his entering that employment during that year, shall be deemed to be resident for that year where the duties are-

(a) wholly performed outside Nigeria, in the territory in which the principal office of his employer is situated on that day or on the day his foreign employment commences, as the case may be; and

(b) performed or exercised in Nigeria for a foreign employer, in the place of residence, and in the absence of such, in the place where the person usually resides.

*Nigerian employment*

2.-(1) An individual who holds a Nigerian employment on 1st January in a year of assessment, or who first becomes liable to income tax in Nigeria for that year by reason of his entering that employment during that year, shall be deemed to be resident for that year in the territory in which he has a place or principal place of residence on that day or, as the case may be, on the day on which he enters upon the full duties of that employment in Nigeria.

(2) Where the individual in paragraph 1 above is on leave from a Nigerian employment on 1st January in a year of assessment, he shall be deemed to be resident for that year by reference to his place or principal place of residence immediately before his leave began.

*Other employments*

3.-(1) An employee whose remuneration is subject to income tax in

1 Nigeria for a year of assessment, but who has no place or principal place of  
2 residence in the territory of a State in Nigeria for that year under the provisions  
3 of paragraphs 2 of this Schedule, shall be deemed to hold a foreign  
4 employment, and if he has no territory of residence in a State for that year under  
5 the provisions of paragraph 1 of this Schedule, shall be deemed to be a person  
6 to whom section 3 (1)(a)(iv) of this Act applies.

7 (2) This paragraph shall apply to an employee who is subject to  
8 income tax in Nigeria for a year of assessment, but whose place of residence is  
9 in the Exclusive Economic Zone of Nigeria or territorial waters of Nigeria  
10 beyond the littoral States and has no principal place of residence in any of the  
11 littoral States.

#### 12 *Partnership*

13 4. The "principal place of residence" in relation to an individual who  
14 is a partner in a Nigerian partnership shall, where the individual is-

15 (a) engaged in the performance or exercise of the duty of the  
16 partnership, be the territory in Nigeria of the office where he performs or  
17 exercises the duty of the partnership;

18 (b) a dormant partner in the partnership, be the territory in Nigeria  
19 which he usually resides; and

20 (c) a dormant partner that does not reside in a territory in Nigeria, be  
21 deemed to be a person to whom section 3 (1)(a)(iv) of this Act refers.

#### 22 *Pensions*

23 5.-(1) An individual whose only source of earned income arising in  
24 Nigeria on 1st January in a year of assessment was a pension, and who had a  
25 place or principal place of residence on that day shall be deemed to be resident  
26 for that year in the territory in which that place or principal place of residence  
27 was situated on that day.

28 (2) An individual whose only source of earned income arising in  
29 Nigeria on 1st January in a year of assessment was a pension, and who had no  
30 place of residence on that day, shall be deemed to be resident for that year, if the

1 pension is-

2 (a) a Nigerian pension wholly payable by the Government of a  
3 territory, not being a Nigerian pension in respect of which section 3  
4 (1)(a)(iv) of this Act applies, in that territory;

5 (b) not a Nigerian pension, in the territory in which the principal  
6 office in Nigeria of the pension fund or other person authorising payment of  
7 the pension is situated.

8 (3) An individual whose only source of earned income arising in  
9 Nigeria on 1st January in a year of assessment was a Nigerian pension, and  
10 who had no place of residence on that day shall, if the pension is payable by  
11 more than one government, or payable by a person other than a government  
12 or if there are two or more pensions arising in different territories to the  
13 individual on that day, be subject to section 3(1)(a)(iv) of this Act.

14 *Other earned income*

15 6. An individual, other than a corporation sole or body of  
16 individuals, who has a source of earned income in Nigeria for a year of  
17 assessment, other than an employment or a pension, shall be deemed to be  
18 resident for that year in the territory in which he had a place or principal  
19 place of residence on 1st January in that year provided that-

20 (a) where the source of the income is first acquired by the  
21 individual during the year of assessment, and he had no place or principal  
22 place of residence on the first day of that year, he shall be deemed to be  
23 resident for that year in the territory where he first establishes a place of  
24 residence during that year; and

25 (b) in any other case where the individual had no place or principal  
26 place of residence, he shall be deemed to be resident for that year in any  
27 territory from which his earned income arising in Nigeria is derived, or the  
28 territory from which any part of the earned income is derived, if the income  
29 is derived from more than one territory.

1 *Unearned Income*

2 7. An individual, other than a corporation sole or body of individuals,  
3 who has no source of earned income in Nigeria for a year of assessment but  
4 who has one or more source of unearned income in Nigeria for that year shall be  
5 deemed to be resident for that year in the territory in which he has a place or  
6 principal place of residence on 1st January of that year, provided that where-

7 (a) all the unearned income of the individual for that year arises in one  
8 territory, and he has no place of residence on that day, he shall be deemed to be  
9 resident for that year in that territory;

10 (b) the unearned income of the individual arises for that year in more  
11 than one territory, and he has no place of residence on that day, he shall be  
12 deemed to be resident for that year in the territory from which any part of the  
13 unearned income arises.

14 *Application*

15 8.-(1) Where the territory of residence of an individual for a year of  
16 assessment may be determined under more than one of the preceding  
17 paragraphs of this Schedule, it shall be determined by the first-numbered  
18 paragraph which is applicable to his circumstances.

19 (2) Where, by reason of sub-paragraph (1) of this paragraph, or  
20 otherwise, a determination of residence of an individual for a year of  
21 assessment falls to be revised, and the tax authority that raised an assessment is  
22 other than that territory in which the individual is finally determined to be  
23 resident for that year, the first-mentioned tax authority shall discharge any  
24 assessment made by it on the income of the individual for that year.

25 *Corporation sole or body of individuals*

26 9. A corporation sole or body of individuals other than a family or  
27 community shall be deemed to be resident for a year of assessment in the  
28 territory in which its principal office in Nigeria is situated on 1st January in that  
29 year or, if it has no office in Nigeria on that day, in a territory in which any part  
30 or the whole of its income liable to tax in Nigeria arises for that year.



1 *Family income*

2 10. Income of a family shall be taxed only by the territory in which  
3 the member of that family who customarily receives that income in the first  
4 instance in Nigeria usually resides.

5 *Trust*

6 11. Income of a trustee of any settlements or trusts, or estates or to  
7 an executor of any estate of a deceased person, shall be taxed only by the  
8 territory in which the settlor or the person creating the trust is resident and to  
9 the extent provided in the Sixth Schedule to the Nigeria Tax Act.

10 *Interpretation*

11 12. In this Schedule-

12 "dormant partner" in relation to a partnership means a partner that does not  
13 take active part in the performance of the duties of the partnership;

14 "earned income" in relation to an individual, means income derived by him  
15 from a trade, business, profession, vocation or employment earned on or  
16 exercised by him and a pension derived by him in respect of a previous  
17 employment;

18 "foreign employment" means an employment the duties of which are wholly  
19 performed outside Nigeria save during any temporary visit of the employee  
20 to Nigeria or performed or exercised in Nigeria for a foreign employer;

21 "Nigerian employment" means any employment, not being a foreign  
22 employment, the duties of which are wholly or partly performed in Nigeria;

23 "Nigerian pension" means a pension in respect of past service under, and  
24 payable by, a resident person or a government in Nigeria;

25 "place of residence" in relation to an individual, means a place available for  
26 his domestic use in Nigeria on a relevant day, and does not include any hotel,  
27 rest house or other place at which he is temporarily lodging unless no  
28 permanent place is available for his use on that day;

29 "principal place of residence" in relation to an individual with two or more  
30 places of residence on a relevant day, not being both within any one territory

means in the case of an individual-

(a) with no source of income other than a pension in Nigeria, that place where he usually resides;

(b) who has a source of earned income other than a pension in Nigeria, that place where on a relevant day is nearest to his usual place of work;

(c) who has a source or sources of unearned income in Nigeria, that place where he usually resides; or

(d) who works in the branch office or operational site of a company or other body corporate, the place at which the branch office or operational site is situate, provided that operational site shall include Oil Terminals, Oil Platforms, Flow Stations, Factories, Quarries, Construction Site with a minimum of 50 workers, etc.

SECOND SCHEDULE

[Section 57]

FORM OF WARRANT AND AUTHORITY TO ENTER PREMISES, OFFICES ETC.

To: Name of Officer (a) .....

Name of Person (b) .....

Incorporation or Identification No. (c) .....

Place of Business (d) .....

The (e)....., in exercise of powers vested in section 57 of Nigeria Tax Administration Act authorises you to enter the premises, office, place of management or residence of the principal officer, office of the agent, factor or representative of the person that has been suspected by the tax authority of fraud, wilful default, etc., in connection with the tax imposed under the Nigeria Tax Act; and whose premises, office, place of management or residence of the principal officer, office of the agent, factor or representative is at (d) .....; and for the carrying out of your assignment, the said tax authority further authorises that you, with the aid if necessary of your assistants and calling to your assistance a police officer, which assistance the police officer is by law required to give, search and remove, if necessary, such records, books and documents of the person wherever they may be found either in possession of any officer of the person or any other person on its behalf.

For the purpose of your entry into the aforementioned premises, you are hereby authorised, if necessary, with such assistance as aforesaid, to break open any building in the daytime.

Signed for and on behalf of the (The tax authority) at.....this.....day of.....20...

Signature (f).....

Chairman,

(The Tax Authority)

Signed under the hand of the Judicial Officer at.....this.....day of.....20..

Signature (g).....

Judicial Officer

NOTE

(a) Insert the name of the officer who is authorised by the relevant tax authority to execute the warrant of entry.

(b) Insert the name of the company in whose premises the warrant of entry is to be executed.

(c) Insert the identification number of the company in whose premises the warrant of entry is to be executed.

(d) Insert the place of business of the company.

(e) Insert the name of the relevant tax authority.

(f) To be signed by the Chairman of the relevant tax authority.

(g) To be signed by a Judicial Officer.

THIRD SCHEDULE

[Section 60]

FORM OF WARRANT OF DISTRAINT

To (a).....Name of Officer;  
 (b).....Name of Company;  
 (c).....Amount of tax to be levied by distress;  
 The (d).....,in exercise of powers vested in it by section 60 of the Nigeria Tax Administration Act 2024 authorises you to collect and recover the sum of (e).....being arrears of tax due for the years of assessment mentioned from the above named person whose place of business is at (f).....and for the recovery thereof, the said tax authority further authorises that you, with the aid, if necessary, of your assistants and calling to your assistance any police officer, if necessary, which assistance he is by law required to give, do levy by distress the said sum together with the costs and charges of and incidental to the taking and keeping of such distress, on the goods, chattels, land, premises or other distrainable things of the said person wherever the same may be found and on all goods which you may find in any premises or on any lands in the use or possession of the said person or of any other person on its behalf or in trust for the person.

For the purpose of levying such distress you are authorised, if necessary, with such assistance as aforesaid, to break open any building or place in the day time.

The particulars of the said arrears of tax are as follows (g)-

Year of assessment	No. of Notice of assessment	Amount of tax due (currency)
(i).....	.....	.....
(ii).....	.....	.....
(iii).....	.....	.....

Signed for and on behalf of Board at .....the.....day of.....20.....

Signature (h).....

Chairman(Tax Authority)

## NOTES

(a) Insert the name of the officer who is authorised by the tax authority to execute the warrant of distress.

(b) Insert the name of the company on whose goods, chattels, land, premises or other distrainable things the warrant of distress is to be executed.

(c) Insert amount of tax to be levied by distress.

(d) Insert the name of the relevant tax authority.

(e) Insert the amount of tax outstanding against the company and which amount is to be levied by distress.

(f) Insert the address of the place of business of the company.

(g) Insert the particulars of the arrears of tax to be levied by distress, stating the years of assessment, the numbers of notices of assessment and the amount of tax due in respect of each such year of assessment.

(h) To be signed by the Chairman of the relevant tax authority.?

## FOURTH SCHEDULE

[Section 76]

## FORM OF WARRANT OF DEDUCTION AT SOURCE

To the Accountant General of the Federation,

1. Pursuant to Section 128 of the Nigeria Tax Administration Act 2024, you are hereby required to deduct at source and remit to the .....(relevant tax authority) within 30 days of the receipt of this warrant, the sum of.....accruing to the..... (Ministry, Department, Agency of Government) whose corporate place of business is at....., from its budgetary allocation or such other money accruing to it, being revenue deducted and not remitted.

2. The particulars of the revenue to be deducted and remitted are as follows-

Value Added Tax

Amount of Tax	N: K
.....	.....

Withholding Tax

Amount of Tax	N: K
.....	.....

SIGNED and issued by:

Signature.....this .....day of..... 20.....

Executive Chairman

(Relevant Tax Authority)

Signature.....this .....day of..... 20.....

Judicial Officer

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of this Act but intends to explain its purports)*

This Bill seeks to provide a uniform procedure for a consistent and efficient administration of tax laws in order to facilitate tax compliance by taxpayers and optimise tax revenue.

**A BILL** EXECUTIVE  
FOR

AN ACT TO REPEAL THE FEDERAL INLAND REVENUE SERVICE (ESTABLISHMENT) ACT, NO.13, 2007 AND ENACT THE NIGERIA REVENUE SERVICE (ESTABLISHMENT) ACT TO ESTABLISH THE NIGERIA REVENUE SERVICE, CHARGED WITH POWERS OF ASSESSMENT, COLLECTION OF, AND ACCOUNTING FOR REVENUE ACCRUABLE TO THE GOVERNMENT OF THE FEDERATION, AND FOR RELATED MATTERS

[ ] Commencement

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

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PART I

OBJECTIVE AND APPLICATION

1. The objective of this Act is to provide for a legal, institutional and regulatory framework for the administration of taxes and revenue under any law made by the National Assembly and to account for such taxes and revenue collected.

Objective

2. This Act applies throughout the Federal Republic of Nigeria.

Application

PART II

ESTABLISHMENT OF THE NIGERIA REVENUE SERVICE

3.-(1) There is established a body known as the Nigeria Revenue Service (the Service).

Establishment of the Nigeria 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 name; and

(c) may acquire, hold or dispose of any property, movable or immovable, for carrying out any of its functions under this Act.

(3) The Service shall have such powers and duties as are conferred

Functions of  
the Service

- 1 on it by this Act or by any other law.
- 2 **4.-(1)** The Service shall-
- 3 (a) assess persons including corporations, companies, partnerships,
- 4 enterprises and individuals chargeable with tax;
- 5 (b) collect or recover tax assessed, enforce payment of taxes and remit
- 6 tax collected, under the provisions of this Act or any other law, into designated
- 7 accounts;
- 8 (c) account for all revenue accruing to the Government;
- 9 (d) in collaboration with the relevant Ministries and Agencies of
- 10 Government, review the tax regimes and promote the use of taxation to
- 11 develop, stimulate and grow economic activities;
- 12 (e) carry out examination and investigation exercises with a view to
- 13 enforcing compliance with the provisions of this Act, and any other tax law;
- 14 (f) make a determination of the extent of financial loss and such other
- 15 losses by Government arising from tax fraud or evasion, and revenue foregone
- 16 arising from tax waivers and other related matters;
- 17 (g) adopt measures to identify, trace, freeze, confiscate or seize
- 18 proceeds derived from tax fraud or evasion;
- 19 (h) adopt measures which include compliance and regulatory actions,
- 20 introduction and maintenance of investigative and control techniques on the
- 21 detection and prevention of non-compliance with tax laws;
- 22 (i) collaborate and facilitate exchange of information with relevant
- 23 national or international agencies or bodies on tax matters;
- 24 (j) undertake exchange of personnel or other experts with
- 25 complementary agencies for purposes of comparative experience or capacity
- 26 building;
- 27 (k) establish and maintain a system for monitoring international
- 28 dynamics of taxation in order to identify suspicious transactions, and the
- 29 perpetrators or other persons involved;
- 30 (l) provide and maintain access to up-to-date and adequate data and



1 information on all taxable persons, individuals, corporate bodies or all  
2 agencies of Government involved in the collection of revenue for the  
3 purpose of efficient, effective and correct tax administration and to prevent  
4 tax evasion or fraud;

5 (m) maintain database, statistics, records and reports on persons,  
6 organisations, proceeds, properties, documents or other items or assets  
7 relating to tax administration including matters relating to tax waivers, fraud  
8 or evasion;

9 (n) undertake and support research or similar measures with a view  
10 to stimulating economic development and determine the manifestation,  
11 extent, and effects of tax waivers, fraud, evasion and other matters that affect  
12 effective tax administration and make recommendations to the Government  
13 on appropriate intervention and preventive measures;

14 (o) collate and continually review all policies of the Government  
15 relating to taxation and revenue generation and undertake a systematic and  
16 progressive implementation of such policies;

17 (p) liaise with the office of the Attorney-General of the Federation,  
18 any Government security and law enforcement agency, and such other  
19 financial supervisory institutions in the enforcement and eradication of tax  
20 related offences;

21 (q) issue taxpayer identification or any other equivalent identity to  
22 every relevant taxable person in collaboration with tax authorities of States  
23 or Local Governments, or the Joint Revenue Board;

24 (r) carry out and sustain public awareness and enlightenment  
25 campaign on the benefits of tax compliance;

26 (s) carry out assigned administrative and oversight functions over  
27 all taxes and levies accruable to the Government of the Federation and, as it  
28 may be required, query, subpoena, sanction or reward any activity  
29 pertaining to the assessment, collection of and accounting for revenues  
30 accruable to the Government; and

1 (t) provide or receive assistance in the collection of revenue claims or  
2 any other administrative assistance in tax matters with respect to any  
3 agreement or arrangement made between the Government of the Federal  
4 Republic of Nigeria and the Government of any country, person or body as may  
5 be deemed necessary.

6 (2) The Service shall, with the approval of the Minister, make rules  
7 and issue regulations as, in its opinion, are necessary or expedient for giving  
8 full effect to the provisions of this Act and for the due administration of its  
9 provisions; and such rules and regulations shall provide compliance  
10 requirements and may include consequences for non-compliance in line with  
11 relevant laws.

12 (3) The Service shall carry out such other activities as are necessary or  
13 expedient for the full discharge of all or any of the functions under this Act  
14 including-

15 (a) specifying the form of returns, claims, statements or notices  
16 necessary for the due administration of the powers conferred on it by this Act;  
17 and

18 (b) deploying appropriate technology or digital platforms to automate  
19 any of its tax administration processes or in carrying out any of its functions  
20 under this Act.

Assistance in  
Tax Collection

21 5.-(1) The Service may, on request, assist a Nigerian State or Local  
22 Government to collect or administer a tax.

23 (2) The assistance referred to in subsection (1) of this section, shall  
24 only be provided in respect of a tax which the requesting government has the  
25 statutory right to collect or administer, and such assistance may include-

26 (a) all the actions necessary for the proper assessment, collection,  
27 accounting or enforcement of the tax;

28 (b) administration of personal income tax on any class or group of  
29 individual taxpayers; or

1 (c) collection or enforcement of revenue claims on a particular  
2 person.

3 (3) Any revenue collected on behalf of a State or Local  
4 Government, or another tax authority, under this section, shall be remitted  
5 directly to that State or Local Government, or relevant tax authority as may  
6 be agreed by the parties.

7 (4) Where an agreement or arrangement between the Government  
8 of Nigeria and the Government of another country to avoid double taxation  
9 or provide administrative assistance in tax matters contains an obligation for  
10 the collection of revenue claim due to the Government of that country or any  
11 other administrative assistance on tax, the Service shall carry out such  
12 obligation as may be prescribed in that agreement or arrangement.

13 (5) The Service may enter into agreement with the competent  
14 authority of a country with which the Government of Nigeria entered into an  
15 agreement or arrangement for the avoidance of double taxation or  
16 administrative assistance in tax matters to prescribe the manner of the  
17 performance of the administrative assistance obligation contained in that  
18 agreement or arrangement.

19 (6) The Accountant-General of the Federation shall open a  
20 designated account into which revenue claims collected by the Service on  
21 behalf of the Government of any other country shall be paid pending the  
22 remittance of the amount so collected to that country.

23 (7) Where assistance is requested under this section, the Service  
24 shall carry out the assistance in line with the provisions of this Act and other  
25 relevant laws, except with respect to time limits, and shall apply its powers  
26 relating to the enforcement and collection of taxes as if the revenue were a  
27 revenue within its jurisdiction under the Nigeria Tax Administration Act.

28 (8) The Service may take any interim measure, including any  
29 judicial measure, in line with the provisions of this Act or other relevant laws  
30 to preserve the collection of any revenue claim for which assistance has been

1 requested under this section.

2 (9) The Service may charge a fee as may be agreed with the requesting  
3 authority to defray the cost of providing the assistance required under this  
4 section.

5 (10) For the purpose of this section, "revenue claim" means any  
6 amount of tax, levy, fees, charges or statutory contributions, due or owed,  
7 including interest, administrative penalties, and cost of collection or  
8 conservancy to a Nigerian local or state government and their agencies, or to  
9 the government of another country with which the Government of Nigeria has  
10 a subsisting agreement or arrangement to avoid double taxation or provide  
11 administrative assistance in tax matters.

### 12 PART III

#### 13 ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD

#### 14 OF THE SERVICE, ETC.

Establishment  
of the Governing  
Board

15 6. There is established for the Service, a governing board known as  
16 the Nigeria Revenue Service Board ("the Board") which shall have overall  
17 supervision of the Service as specified in this Act.

Composition  
of the Governing  
Board

18 7.-(1) The Board shall consist of-

19 (a) the Executive Chairman of the Service, who shall be the Chairman  
20 of the Board; and

21 (b) the following Ex-Officio members-

22 (i) a representative of the Minister responsible for Finance not below  
23 the rank of a Director,

24 (ii) a representative of the Minister responsible for National Planning  
25 not below the rank of a Director,

26 (iii) a representative of the Attorney-General of the Federation not  
27 below the rank of a Director,

28 (iv) a representative of the Minister responsible for Petroleum and  
29 Gas Resources not below the rank of a Director,

30 (v) the Governor of the Central Bank of Nigeria or a representative

- 1 not below the rank of a Deputy Governor,
- 2 (vi) the Chairman of the Revenue Mobilisation, Allocation and
- 3 Fiscal Commission or a representative who shall be a Commissioner
- 4 representing one of the States of the Federation,
- 5 (vii) the Comptroller-General of the Nigeria Custom Service or a
- 6 representative not below the rank of Deputy Comptroller-General, and
- 7 (viii) the Registrar-General of the Corporate Affairs Commission
- 8 or a representative not below the rank of a Director.
- 9 (2) Notwithstanding the provisions of subsection (1) of this
- 10 section, the President may appoint six members to represent each
- 11 geopolitical zone of Nigeria on the Board subject to such individuals
- 12 possessing academic or professional qualifications and expertise in
- 13 Taxation, Accountancy, Economics or Fiscal Policy, Law, Human Resource
- 14 Management, or Information Technology, provided that such appointments
- 15 shall ensure diversity of academic or professional qualifications and
- 16 expertise in the listed fields.
- 17 (3) All members of the Board, except the Executive Chairman,
- 18 shall serve on a part-time basis.
- 19 (4) The supplementary provisions set out in the First Schedule to
- 20 this Act shall have effect with respect to the proceedings of the Board and
- 21 other matters mentioned therein.
- 22 **8. The Board shall-**
- 23 (a) provide general policy guidelines relating to the functions of
- 24 the Service;
- 25 (b) manage and superintend the policies of the Service on matters
- 26 relating to the assessment, collection and accounting system under this Act
- 27 or any other law;
- 28 (c) review and approve the strategic plans of the Service;
- 29 (d) employ staff, and determine the terms and conditions of
- 30 service, including disciplinary measures, of the employees of the Service;

Powers of the  
Board

	1	(e) stipulate remunerations, allowances, benefits and pensions of the
	2	staff and employees; and
	3	(f) do such other things which, in its opinion, are necessary to ensure
	4	the efficient performance of the functions of the Service under this Act.
Tenure of Office	5	<b>9.</b> (1) The Executive Chairman and other members of the Board,
	6	other than Ex-officio members, shall each hold office for a term of four years,
	7	renewable for another term of four years and no more.
	8	(2) A member of the Board shall hold office on such terms and
	9	conditions as may be specified in their letters of appointment.
Emoluments of members	10	<b>10.</b> The Executive Chairman and members of the Board shall be paid
	11	such emoluments, allowances and benefits as may be determined by the
	12	Service in collaboration with the National Salaries, Incomes and Wages
	13	Commission.
Cessation of Membership	14	<b>11.</b> A person shall cease to be a member of the Board, where the
	15	person-
	16	(a) not being an ex-officio member, resigns by a notice addressed to
	17	the President;
	18	(b) dies or becomes incapable of carrying on the functions of the
	19	office either arising from an infirmity of body, or mind;
	20	(c) becomes bankrupt or makes a compromise with creditors;
	21	(d) is convicted of a felony or of any offence involving dishonesty or
	22	fraud;
	23	(e) not being an ex-officio member, is removed from office by the
	24	President on grounds of public interest or in the interest of the Service;
	25	(f) has been found guilty of contravening the Code of Conduct Bureau
	26	and Tribunal Act, or gross misconduct in relation to their duties;
	27	(g) is disqualified from professional qualification by a competent
	28	authority;
	29	(h) not being an ex-officio member, the tenure expires as provided in
	30	section 9(2) of this Act; or

1 (i) ceases to occupy the office by virtue of which the person  
2 becomes a member of the Board.

3 **12.**-(1) Any power conferred or any duty imposed upon the Board  
4 may be exercised or performed by the Board or by an officer authorised by  
5 the Board, generally or specifically in that behalf.

Delegation of  
Power

6 (2) The Board may modify or reverse any decision made by an  
7 authorised officer regarding any tax or taxable income, and the reversal or  
8 modification of the decision by the Board shall have effect as if it were the  
9 original decision made in respect of the matter concerned.

10 (3) An order, ruling or directive made or given by an approved  
11 committee of the Board pursuant to this section shall not be treated as an  
12 order, ruling or directive of the Board, until the order, ruling or directive has  
13 been ratified by the Board pursuant to the powers vested on the Board under  
14 this Act.

15 **13.**-(1) There shall be a Secretary for the Board who shall be  
16 appointed by the Board from within the Service.

Secretary to the  
Board

17 (2) The Secretary shall be responsible for-

18 (a) issuing notices of meetings of the Board;

19 (b) keeping records of the proceedings of the Board; and

20 (c) carrying out such other duties as the Executive Chairman or the  
21 Board may direct.

22 **14.**-(1) There shall be a technical committee of the Board ("the  
23 Technical Committee") which shall consist of-

Establishment  
of Technical  
Committee of  
the Board

24 (a) the Executive Chairman as the Chairman;

25 (b) two members of the Board of the Service;

26 (c) the Coordinating Directors in the Service;

27 (d) the Legal Adviser of the Service as appointed by the Board;

28 (e) the Director in charge of Tax Policy matters.

29 (2) The Secretary to the Board shall be the Secretary to the  
30 Technical Committee.

1 (3) The Technical Committee may co-opt, from the Service, such  
2 director or officer as it may deem necessary for the effective performance of its  
3 functions under this Act.

Functions of  
the Technical  
Committee

4 **15.** The Technical Committee shall-

5 (a) consider all tax matters that require professional or technical  
6 expertise, and make recommendations to the Board;

7 (b) advise the Board on any aspect of the functions and powers of the  
8 Service under this Act; and

9 (c) attend to such other matters as may be referred to it by the Board.

10 **PART IV**

11 **MANAGEMENT AND STAFF OF THE SERVICE.**

Executive  
Chairman of the  
Service

12 **16.** The Executive Chairman shall -

13 (a) be appointed by the President subject to confirmation of the  
14 Senate;

15 (b) be the chief executive and accounting officer of the Service;

16 (c) be responsible for the execution of the policies and the overall day-  
17 to-day administration of the Service; and

18 (d) have relevant qualifications, knowledge, cognate experience and  
19 expertise in, accountancy, economics, taxation, law or related fields.

Coordinating  
Directors of the  
Service

20 **17.-(1)** The Board shall appoint not more than Eight Coordinating  
21 Directors for the Service, provided that not more than two Coordinating  
22 Directors shall be appointed from a geopolitical zone.

23 (2) A Coordinating Director shall possess cognate experience in  
24 relevant fields, and shall have attained the rank of Director in the Service.

25 (3) A Coordinating Director shall-

26 (a) head, and be responsible for the day-to-day administration of a  
27 functional group in the Service; and

28 (b) perform all such duties or functions as may, from time to time, be  
29 required by the Board, Management or Executive Chairman of the Service.

30 (4) A Coordinating Director shall hold office for a term of four years



1 and may be renewed for a further term of four years and no more.

2 (5) A Coordinating Director shall be paid such remuneration and  
3 allowances, as may be determined by the Board.

4 (6) A Coordinating Director shall, save as provided in this Act, be  
5 subject to the terms and conditions of his appointment.

6 (7) Notwithstanding the provisions of subsection (4) of this  
7 section, a Coordinating Director shall cease to hold office as a Coordinating  
8 Director of the Service, where the-

9 (a) person resigns by a notice, under his hand, addressed to the  
10 Executive Chairman;

11 (b) person becomes incapable of carrying on the functions of the  
12 office either arising from an infirmity of body or mind;

13 (c) person is convicted of a felony or any offence involving  
14 dishonesty or fraud; or

15 (d) Board is satisfied that it is not in the interest of the Service or in  
16 the interest of the public for the person to continue in office, and the Board  
17 removes such person from office.

18 (8) For the purpose of this section, "Functional group" means a  
19 group of departments, divisions or units functionally related and aligned  
20 with the

21 (9) aim of performing a given function or set of functions relevant  
22 to the realisation of the goals of the Service.

23 **18.**(1) There is established for the Service a management  
24 committee known as the Nigeria Revenue Service Management Committee  
25 ("the Management") which shall be responsible for policy implementation,  
26 and supervision of the day-to-day activities of the Service.

Establishment  
and Composition  
of the Management  
Committee

27 (2) The Management shall consist of the-

28 (a) Executive Chairman of the Service, who shall be the head; and

29 (b) Coordinating Directors appointed under this Act.

Staff of the  
Service

1                   **19.**-(1) The Board may appoint such other persons to be employees of  
2 the Service for the proper and efficient performance of the functions of the  
3 Service under this Act and on such terms and conditions as may be prescribed  
4 by the Board.

5                   (2) Where the Board thinks it expedient that any vacancy in the  
6 Service should be filled by a person holding office in the Civil Service of the  
7 Federation or of a State, it shall notify the appropriate Civil Service to that  
8 effect and thereafter the Board, may, by arrangement with the Civil Service  
9 Commission concerned, cause such vacancy to be filled by way of secondment  
10 or transfer.

11                   (3) On grounds of public policy or for the purpose of capacity  
12 building or comparative experience, the Service may approve a temporary stay  
13 of any staff of the Service with agencies, organisations or other bodies subject  
14 to such terms and conditions as the Service may deem fit.

15                   (4) The Service may appoint and employ consultants, accountants,  
16 other professionals or agents to transact any business or to do any act required  
17 to be transacted or done in the execution of its functions under this Act,  
18 provided that such consultants shall not carry out the duties of assessment or  
19 collection of tax, tax compliance or enforcement activities, or routine  
20 responsibilities of tax officials.

Pensions

21                   **20.**-(1) Employment in the Service shall be subject to the provisions  
22 of the Pension Reform Act, and an officer or a person holding pensionable  
23 employment in the Service shall be entitled to pensions and other retirement  
24 benefits as prescribed under the Pension Reform Act.

25                   (2) Notwithstanding the provisions of subsection (1) of this section,  
26 nothing shall prevent the Board from appointing any person to any office on  
27 terms which preclude the grant of pensions or other retirement benefits.

28                   (3) For the purpose of the application of the provisions of the Pension  
29 Reform Act, any power exercisable by a Minister or other authority of the  
30 Government of the Federation, not being the power to make regulations, is



- 1 Chairman and other members of the Board;
- 2 (b) reimbursements to members of the Board or any committee set up
- 3 by the Board for such expenses as may be expressly authorised by the Service;
- 4 (c) remunerations and other costs of employment of the staff of the
- 5 Service;
- 6 (d) pensions and other retirement benefits under or pursuant to this
- 7 Act or any other law;
- 8 (e) costs of acquisition and upkeep of premises belonging to the
- 9 Service and any other capital expenditure of the Service;
- 10 (f) investments, maintenance of utilities, staff promotion, training,
- 11 research and similar activities;
- 12 (g) costs necessary for the day-to-day operations of the Service;
- 13 (h) all sums of money payable by the Service by way of grants-in-
- 14 aids, gifts, testamentary dispositions, endowments, etc.; and
- 15 (i) any other payment for anything incidental to the foregoing
- 16 provisions or in connection with or incidental to any other function of the
- 17 Service under this Act.
- Estimates 18 **24.** The Service shall prepare, not later than 30th September in each
- 19 year, an estimate of its income and expenditure for the succeeding year for the
- 20 purpose of appropriation by the National Assembly.
- Accounts and 21 **25.** The Service shall keep proper accounts and records, and such
- Audit 22 accounts shall, not later than six months after the end of each year, be audited
- 23 by auditors appointed by the Board from the list and in accordance with the
- 24 guidelines supplied by the Auditor-General for the Federation.
- Annual Report 25 **26.**-(1) The Service shall, not later than 30th September each year,
- 26 submit to the Minister, a report of its activities during the immediately
- 27 preceding year and shall include in such report the audited accounts of the
- 28 Service.
- 29 (2) The Minister shall within 30 days of receipt of the report present a
- 30 copy of the report to the-

1	(a) Federal Executive Council; and	
2	(b) National Assembly.	
3	<b>27.</b> -(1) Subject to subsection (2) of this section, the Service may	Power to accept
4	accept gifts of land, money or other property on such terms and conditions, if	gifts
5	any, as may be specified by the person or organisation making the gift.	
6	(2) The Service shall not accept any gift if the conditions attached	
7	are inconsistent with any law.	
8	<b>28.</b> The Service may, with the approval of the Minister, borrow by	Power to borrow
9	way of loan, overdraft or otherwise from any source, such sums as it may	
10	require for the performance of its functions and meeting of its obligations	
11	under this Act.	
12	<b>29.</b> The Service is exempt from all income taxes imposed under	Tax
13	any law in Nigeria provided that the exemption shall not relieve the Service	Exemptions
14	from the statutory obligation to deduct and remit taxes as may be required by	
15	the relevant tax laws.	
16	<b>30.</b> The Executive Chairman of the Service shall-	Accountability
17	(a) keep proper accounting records, in a manner as may be	
18	determined, by the Board or relevant law, in respect of all-	
19	(i) revenues and expenditure of the Service;	
20	(ii) its assets, liabilities and other financial transactions; and	
21	(iii) other revenues collected by the Service, including income on	
22	investments;	
23	(b) Prepare an annual report, including financial statements, in	
24	accordance with generally accepted accounting principles and practices;	
25	and	
26	(c) ensure that the available accounting resources of the Service are	
27	adequate and used economically in the most effective and efficient manner,	
28	and the accounting and other financial records are properly safeguarded.	

## 1 PART VI

## 2 MISCELLANEOUS PROVISIONS

General directions  
of the Minister

3 31.-(1) The Minister may, after consultation with the Executive  
4 Chairman, give written directions to the Service on general policy matters and  
5 the Service shall comply with such directions.

6 (2) The Minister shall not give any direction in respect of any  
7 particular person which would have the effect of requiring the Service to  
8 increase or decrease any assessment of tax made or to be made or any relief  
9 given or to be given or to defer the collection of any tax or judgement debt due,  
10 or which would have the effect of initiating, forbidding the initiation of,  
11 withdrawing or altering the normal course of any legal proceeding, relating  
12 either to the recovery of any tax or to any offence under any of the tax laws  
13 listed in the Second Schedule.

14 (3) In any legal proceeding under this Act or any of the laws  
15 administered by the Service, any act or thing done by the Service or the Board  
16 in pursuance of any of the laws referred to in subsection (2) of this section shall  
17 not be subject to challenge on the ground that such act or thing done was not  
18 proved to be in accordance with any direction given by the Minister.

Information and  
documents to be  
confidential

19 32.-(1) Without prejudice to the provisions of any other Act  
20 concerning data privacy or data protection, institutional information or  
21 communication, all internal information, communications, documents or  
22 memoranda of the Service are confidential.

23 (2) Except as otherwise provided under this Act, any other law or any  
24 enabling agreement or arrangement or as otherwise authorised by the  
25 Executive Chairman or management of the Service, any person who discloses  
26 or attempts to disclose institutional information, communication, document or  
27 memorandum of the Service is liable on conviction to a fine not exceeding  
28 N5,000,000.00 or to imprisonment for a term not exceeding three years or to  
29 both fine and imprisonment.

1                   33.-(1) A person acting in an official capacity or employed in the  
2 administration of this Act shall regard and deal with originals or copies of all  
3 documents, information, returns, notices or assessment, lists relating to the  
4 business, assets, liabilities, profits or items of profits of any person as secret  
5 and confidential.

Official Secrecy  
and Confidentiality

6                   (2) A person acting in an official capacity or employed in the  
7 administration of this Act who, being in possession of or control of, originals  
8 or copies of any document, information, return, notice or assessment, list  
9 relating to business, assets, liabilities, profits or items of profits of any  
10 person, communicates or attempts to communicate such information or  
11 anything contained in the document, return, notice or assessment, list or  
12 copy to any person other than-

13                   (a) a person authorised by the Service to communicate it;

14                   (b) by an order of the court; or

15                   (c) for the purpose of this Act or any other tax law in Nigeria,

16 commits an offence under this Act is liable on conviction to a fine not  
17 exceeding N5,000,000.00 or to imprisonment for a term not exceeding three  
18 years or to both fine and imprisonment.

19                   (3) A person appointed or employed under this Act shall not be  
20 required to produce any document, information, return, notice or  
21 assessment, or to divulge or communicate any information that comes into  
22 his possession in the performance of his duties except as may be necessary in  
23 order to institute a legal proceeding or in the course of a legal proceeding  
24 relating to tax in Nigeria.

25                   (4) The obligation as to secrecy imposed by this Act shall not  
26 prevent the disclosure of relevant information to an authorised officer of the  
27 Government of a country with which Nigeria has entered into any treaty,  
28 agreement or arrangement on tax matters.

29                   34. Anything done or required to be done by the Service pursuant to  
30 any of its powers or functions under this Act or the laws listed in the Second

Endorsement

Limitation of  
suits against the  
Service

1 Schedule may be endorsed by the Executive Chairman or an authorised officer  
2 of the Service.

3 **35.**-(1) Subject to the provisions of this Act, the provisions of the  
4 Public Officers Protection Act shall apply in relation to any suit instituted  
5 against any member of the Board, the Executive Chairman, officer or  
6 employee of the Service or the Service.

7 (2) Notwithstanding anything contained in any other law, no suit  
8 against the Service, Executive Chairman, member of the Board, or any other  
9 officer or employee of the Service for any act done in pursuance of this Act, any  
10 other law, any public duty or authority, or in respect of any alleged neglect or  
11 default in the execution of the provisions of this Act, shall lie or be instituted in  
12 any court unless it is commenced-

13 (a) within three months after the act, neglect or default complained of;

14 (b) in the case of a continuation of damage or injury, within six  
15 months after the ceasing of such damage or injury.

16 (3) No suit shall be commenced against the Service, Executive  
17 Chairman, a member of the Board, or any other officer or employee of the  
18 Service before the expiration of one month after written notice of intention to  
19 commence the suit shall have been served on it by the intending plaintiff or his  
20 agent.

21 (4) The notice referred to in subsection (3) of this section shall clearly  
22 state the-

23 (a) cause of action;

24 (b) particulars of claim;

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

26 (d) relief to be claimed.

Service of  
documents

27 **36.** A notice, summons or other document required or authorised to be  
28 served on the Service under the provisions of this Act or any other law may be  
29 served by delivering it to the Executive Chairman, sending it by registered post  
30 or courier service addressed to the Executive Chairman at the principal office



1 of the Service, delivered to a designated e-mail address of the Service, or  
2 other electronic means as may be provided by the Service.

3 **37.**-(1) In any action or suit against the Service, no execution or  
4 attachment of process in the nature thereof shall be issued against the  
5 Service unless, at least, three months' notice of the intention to execute or  
6 attach has been given to the Service.

Restriction on  
execution against  
property of the  
Service

7 (2) Any sum of money which by the judgement of any court has  
8 been awarded against the Service shall, subject to any direction given by the  
9 court, where no notice of appeal against the judgement has been given, be  
10 paid from the fund of the Service.

11 **38.** The Executive Chairman, a member of the Board,  
12 Coordinating Director or any officer or employee of the Service shall be  
13 indemnified out of the assets of the Service against any liability incurred in  
14 defending any legal proceeding, brought against them in their capacity as  
15 Executive Chairman, member of the Board, officer or other employee of the  
16 Service.

Indemnity

17 **39.** The Accountant-General of the Federation shall, not later than  
18 30 days of receiving a warrant endorsed by the Executive Chairman of the  
19 Service and approved by a Judicial Officer in accordance with the Third  
20 Schedule to this Act, deduct un-remitted revenue due from any Ministry,  
21 Department, Agency or Government from its budgetary allocation or such  
22 other money accruing to it, and shall remit the deductions to the Service.

Accountant-  
General to deduct  
un-remitted revenue

23 **40.**-(1) The Federal Inland Revenue Service (Establishment) Act  
24 No. 13, 2007 ("the repealed Act") is repealed.

Repeal of Act  
No. 13, 2007

25 (2) Without prejudice to section 6 of the Interpretation Act, the  
26 repeal of the Act referred to in subsection (1) of this section shall not affect  
27 anything done or purported to have been done under the repealed Act.

28 **41.** Notwithstanding anything in this Act-

Savings and  
Transitional  
Provisions

29 (a) the "Nigeria Revenue Service" is vested with all powers, rights,  
30 functions, obligations, and other acts of the Federal Inland Revenue Service

1 ("the Former Service");

2 (b) anything done or purported to have been done by the former  
3 Service, its Board, Technical Committee or the Executive Chairman shall  
4 continue to subsist as if done under this Act and any action or purported action  
5 shall be deemed to have been taken by the Service, Board, Technical  
6 Committee or Executive Chairman established under this Act;

7 (c) the Executive Chairman, members of the Board and Coordinating  
8 Directors holding office in the Former Service before the commencement of  
9 this Act are transferred to the Service in their respective capacities, and shall  
10 continue to hold office for the unexpired duration of their term;

11 (d) the employment of a director, officer or employee who,  
12 immediately before the commencement of this Act, held office in the former  
13 Service is transferred to the Service established under this Act on terms and  
14 conditions not less favourable than those obtainable immediately upon the  
15 commencement of this Act;

16 (e) all the rights and obligations previously vested in the Executive  
17 Chairman of the former Service under the repealed Act are hereby transferred  
18 to the Executive Chairman appointed under this Act;

19 (f) all notices, guidelines, rules, orders, regulations, or other  
20 subsidiary legislations, legal proceedings, appeals, made under the repealed  
21 Act shall continue to have effect as if made under the corresponding provisions  
22 of this Act;

23 (g) any enforcement process or proceedings commenced or pending  
24 prior to the commencement of this Act in connection with any breach,  
25 contravention or non-compliance of or under the repealed Act may be  
26 continued and disposed of under the repealed Act;

27 (h) all assets, funds, resources and other immovable property which,  
28 before the commencement of this Act, were vested in the former Service shall  
29 be vested in the Service established under this Act;

30 (i) the administration of any real property that was before the coming

1 into force of this Act under the administration or administrative  
2 responsibility of the former Service is transferred to the Service established  
3 under this Act;

4 (j) all rights, interests, obligations and liabilities of the former  
5 Service existing before the commencement of this Act under any contract or  
6 instrument, or in law or in equity, shall by virtue of this Act, be vested in the  
7 Service established under this Act;

8 (k) any contract or instrument referred to in paragraph (j) of this  
9 section shall be of the same force and effect against or in favour of the  
10 Service established under this Act and shall be enforceable as fully and  
11 effectively as if, the former Service existing before the commencement of  
12 this Act, had been named or had been a party; and

13 (l) every affidavit sworn or document duly certified by an officer of  
14 the former Service before the coming into force of this Act has the same  
15 probative value as if it were sworn or certified by an employee of the Service  
16 established under this Act.

17 (m) Any disciplinary proceeding, appeal or grievance pending or  
18 existing against any employee of the former Service, shall be continued and  
19 completed by the Service established under this Act.

20 **42.** In this Act-

Interpretation

21 "agreement or arrangement" means a tax treaty or tax information exchange  
22 agreement imposing an obligation on the government of Nigeria to  
23 exchange tax information with another jurisdiction;

24 "Board" means the Governing Board of the Service established under  
25 section 6 of this Act;

26 "Chairman" means the Chairman of the Board appointed pursuant to section  
27 7(1)(a) of this Act;

28 "Consultants" includes accountants, lawyers, tax practitioners or any other  
29 professional that has been certified by a recognised professional body in  
30 Nigeria, and accredited or enrolled by the Service;

1 "Coordinating Director" refers to the Coordinating Director appointed  
2 pursuant to section 17 of this Act;

3 "document" includes any record of information evidencing a transaction,  
4 supporting accounts or schedules, accounting or inventory ledger, including  
5 reports, agreements, correspondences, memoranda, minutes of meeting, or any  
6 such record however compiled, recorded or stored, whether written or printed  
7 or micro-filmed, in digital, magnetic, electronic or optical form or otherwise,  
8 and all types of information stored on digital devices, computer or any other  
9 similar equipment;

10 "Executive Chairman" means the Executive Chairman of the Service  
11 appointed under section 16 of this Act;

12 "Government" means the Federal Government, State Government or the  
13 Federal Capital Territory and the Local Government Council;

14 "gross misconduct" has the meaning ascribed to it in the Public Service Rules  
15 of the Federal Republic of Nigeria;

16 "Judicial Officer" means for the purpose of this Act, a holder of the judicial  
17 office of a court in Nigeria having jurisdiction over any matter contained in this  
18 Act or any relevant tax law;

19 "Minister" means the Minister charged with responsibility for matters relating  
20 to finance and "Ministry" shall be construed accordingly;

21 "Nigeria" for the purpose of this Act and the laws listed in the Second Schedule  
22 to this Act, means the Federal Republic of Nigeria, and when used in a  
23 geographical sense, it includes the territorial waters of the Federal Republic of  
24 Nigeria, and any area outside the territorial waters, including the continental  
25 shelf, which in accordance with international law has been or may hereafter be  
26 designated, under the law of the Federal Republic of Nigeria, as an area within  
27 which the right of the Federal Republic of Nigeria with respect to the seabed, its  
28 subsoil, its superjacent waters and their natural resources may be exercised  
29 now and in the future;

30 "person" includes an individual or a body of individuals, a company or body of

1 companies, any incorporated or unincorporated body of persons;  
2 "President" means the President of the Federal Republic of Nigeria;  
3 "Service" means the Nigeria Revenue Service established under this Act;  
4 "tax" includes any duty, levy or other revenue accruable to the Government  
5 in full or in part under this Act, the laws listed in the Second Schedule to this  
6 Act or any other law.

7           43. This Bill may be cited as the Nigeria Revenue Service     Short title  
8 (Establishment) Bill, 2024.

## 1 FIRST SCHEDULE

2 [Section 7(4)]

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 *Proceedings of the Board*

5 1. Subject to this Act and Section 27 of the Interpretation Act, the  
6 Board shall have power to regulate its proceedings and may make standing  
7 orders with respect to the holding of its meetings, and those of its committees,  
8 notices to be given, the keeping of minutes of its proceedings, the custody and  
9 production for inspection of such minutes and such other matters as the Board  
10 may, from time to time, determine.

11 2. There shall be at least four ordinary meetings of the Board in every  
12 calendar year and subject to, the Board shall meet whenever it is convened by  
13 the Chairman, and if the Chairman is requested to do so by notice given by not  
14 less than four other members, a meeting of the Board shall be convened within  
15 14 days from the date on which the notice was given.

16 3. Every meeting of the Board shall be presided over by the Chairman  
17 and if the Chairman is unable to attend, the members present at the meeting  
18 shall elect one of them to preside at the meeting.

19 4. The quorum of any meeting of the Board shall consist of the  
20 Chairman, or the person presiding at the meeting pursuant to paragraph 2 of  
21 this Schedule, and four other members.

22 5. The Board shall meet for the conduct of its business at such places  
23 and on such days as the Chairman may appoint.

24 6. A question put before the Board at a meeting shall be decided by  
25 consensus and where this is not possible, by a majority of the votes of the  
26 members present and voting.

27 7. The Chairman shall, in the case of an equality of votes, have a  
28 casting vote in addition to a deliberative vote.

29 8. Where the Board seeks the advice of any person on a particular  
30 matter, the Board may invite that person to attend for such period as it deems

1 fit, but a person who is invited by virtue of this paragraph shall not be  
2 entitled to vote at any meeting of the Board and shall not count towards the  
3 quorum.

4 *Committees*

5 9. The Board may appoint one or more committees to carry out, on  
6 behalf of the Board, such of its functions as the Board may determine and  
7 report on any matter with which the Board is concerned.

8 10. A Committee appointed under paragraph 9 of this Schedule  
9 shall be presided over by a member of the Board and shall consist of such  
10 number of persons, not necessarily all members of the Board, as may be  
11 determined by the Board, and a person other than a member of the Board  
12 shall hold office on the committee in accordance with the terms of  
13 appointment.

14 11. A decision of a committee of the Board shall be of no effect until  
15 it is confirmed by the Board.

16 *Miscellaneous*

17 12. The fixing of the seal of the Service shall be authenticated by  
18 the signature of the Executive Chairman and the Secretary to the Board or  
19 the Executive Chairman and such other person authorised by the Board to  
20 act for that purpose.

21 13. A contract or an instalment which, if made or executed by a  
22 person not being a body corporate, would not be required to be under seal,  
23 may be made or executed on behalf of the Service by the Executive  
24 Chairman or by a person generally or specifically authorised to act for that  
25 purpose by the Board.

26 14. A document purporting to be a contract, an instrument or other  
27 document signed or sealed on behalf of the Service shall be received in  
28 evidence and, unless the contrary is proved, be presumed to have been  
29 properly signed or sealed.

30 15. The validity of any proceeding of the Board or its committees

- 1 shall not be affected by-
- 2 (a) any vacancy in the membership of the Board or its committees;
- 3 (b) reason that a person not entitled to do so took part in the
- 4 proceedings; or
- 5 (c) any defect in the appointment of a member.
- 6 16. In the discharge of their responsibilities, members of the Board
- 7 shall-
- 8 (a) act in utmost good faith, with care, skill and diligence;
- 9 (b) not act in any circumstance where their personal interests conflict
- 10 with the interests of the Service;
- 11 (c) not make secret profit in the course of discharging their official
- 12 duties under this Act;
- 13 (d) not accept any gift or advantage in whatever form or manner for
- 14 anything done or likely to be done with respect to their responsibilities under
- 15 this Act; and
- 16 (e) adhere to all the duties and obligations specified for directors
- 17 under the Companies and Allied Matters Act.
- 18 17. Any member of the Board or committee who has a personal
- 19 interest in any contract or arrangement entered into or proposed to be
- 20 considered by the Board or any committee shall-
- 21 (a) disclose such interest to the Board or committee; and
- 22 (b) not vote on any question relating to the contract or arrangement.



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SECOND SCHEDULE

*[Section 4]*

LEGISLATIONS ADMINISTERED BY THE SERVICE

1. Nigeria Tax Act, 2024.

2. Nigeria Tax Administration Act, 2024.

3. Laws imposing collection of taxes, fees and levies collected by other Government entities including signature bonus, pipeline fees, penalty for gas flared, depot levies and licences, fees for Oil Exploration Licence (OEL), Oil Mining Licence (OML), Oil Production Licence (OPL), royalties, rents (productive and non-productive), fees for licences to operate drilling rigs, fees for oil pipeline licences, haulage fees and all such fees prevalent in the oil industry but not limited to the above listed.

4. All regulations, proclamations, order, government notices or rules issued in terms of these legislations or any revenue of the government.

5. Any other law for the assessment, collection and accounting of revenue accruable to the Government of the Federation 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, or where no administrative provisions have been made for such tax, duty or levy.

THIRD SCHEDULE

(Section 39)

FORM OF WARRANT OF DEDUCTION AT SOURCE

To the Accountant General of the Federation,

Pursuant to section 39 of the Nigeria Revenue Service Bill 2024, you are hereby required to deduct at source and remit to the Nigeria Revenue Service within 30 days of the receipt of this warrant, the sum of..... accruing to the..... (Ministry, Department or Agency of Government) whose principal address is at....., from its budgetary allocation or such other money accruing to it, being revenue deducted and not remitted by it.

2. The particulars of the revenue to be deducted and remitted are in respect of-

Value Added Tax

Amount of Tax N: k
.....

Stamp duty

Amount of Tax N: k
.....

Withholding Tax

Amount of Tax N: k
.....

SIGNED and issued by:

Signature.....this .....day of..... 20..

Executive Chairman

Nigeria Revenue Service

Signature.....this .....day of..... 20...

Judicial Officer

## EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but intends to explain its purports)*

This Bill seeks to repeal the Federal Inland Revenue Service (Establishment) Act, No.13, 2007 and enact the Nigeria Revenue Service (Establishment) Act, 2024 to establish the Nigeria Revenue Service, Charged with Powers of Assessment, Collection of, and Accounting for Revenue Accruable to the Government of the Federation.



**A BILL** EXECUTIVE  
**FOR**

AN ACT TO ESTABLISH THE JOINT REVENUE BOARD, THE TAX APPEAL TRIBUNAL AND THE OFFICE OF THE TAX OMBUD, FOR THE HARMONISATION, COORDINATION AND SETTLEMENT OF DISPUTES ARISING FROM REVENUE ADMINISTRATION IN NIGERIA AND FOR RELATED MATTERS

[ ] Commencement

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

PART I

OBJECTIVES AND APPLICATION

1. The objectives of this Act are to-

Objectives

- (a) provide for a legal and institutional framework for the harmonisation and coordination of revenue administration in Nigeria;
- (b) provide a mechanism for efficient dispute resolution; and
- (c) promote the rights of the taxpayers.

2. This Act shall apply throughout the Federal Republic of Nigeria.

Application

PART II

ESTABLISHMENT OF THE JOINT REVENUE BOARD

3.-(1) There is established a body to be known as the Joint Revenue Board ("the Board").

Establishment of the Joint Revenue Board

(2) The Board-

- (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 its property.

Composition  
of the Board

1 (3) The Board shall have its head office in the Federal Capital  
2 Territory.

3 **4.**-(1) The Board shall consist of-

4 (a) the Chairman, who shall be the Executive Chairman of the Nigeria  
5 Revenue Service;

6 (b) the Chairman of each State Internal Revenue Service, and the  
7 Federal Capital Territory Internal Revenue Service;

8 (c) a representative of the Minister of Finance not below the rank of a  
9 Director;

10 (d) the Director-General of National Identity Management  
11 Commission or its representative not below the rank of a Director;

12 (e) the Chairman of the Revenue Mobilisation, Allocation and Fiscal  
13 Commission or its representative not below the rank of a Director;

14 (f) the Comptroller-General of the Nigerian Immigration Service or a  
15 representative not below the rank of Assistant Comptroller-General;

16 (g) the Corps Marshall of the Federal Road Safety Corps or its  
17 representative not below the rank of an Assistant Corps Marshall; and

18 (h) the Comptroller General of the Nigeria Customs Service or its  
19 representative not below the rank of an Assistant Comptroller General.

20 (i) Notwithstanding the provisions of subsection (1) of this section,  
21 the Board may co-opt any person, body or agency on a need basis not  
22 exceeding two persons.

23 (2) Members of the Board shall serve on a part-time basis.

24 (3) The provisions set out in the First Schedule to this Act shall have  
25 effect with respect to the proceedings of the Board and other matters mentioned  
26 in it.

Functions of the  
Board

27 **5.** The Board shall-

28 (a) integrate and maintain database of Taxpayer Identification  
29 Numbers for every taxable person in Nigeria in collaboration with the Nigeria  
30 Revenue Service, State Internal Revenue Service, Local Government Revenue

- 1 Committee and other relevant Government agencies;
- 2 (b) resolve disputes between various tax authorities on the issue of
- 3 determination of residency;
- 4 (c) advise on double taxation matters within Nigeria;
- 5 (d) resolve disputes between different tax authorities;
- 6 (e) maintain a platform for revenue data collection, integration,
- 7 and exchange of information among the various tax authorities in Nigeria;
- 8 (f) promote harmonisation of taxes, levies, rates, charges and other
- 9 payments and ensure uniformity in revenue administration across Nigeria;
- 10 (g) advise the Federal and State Government on introduction of
- 11 new taxes and changes to existing ones;
- 12 (h) provide periodic impact analysis with recommendations on tax
- 13 framework and capacity building for all tiers of Government;
- 14 (i) collaborate with relevant agencies to carry out surveys,
- 15 ascertain and publish relevant tax indices and statistics;
- 16 (j) recommend, participate, facilitate or initiate fiscal and tax
- 17 policy reform in collaboration with relevant bodies;
- 18 (k) receive, collate, analyse and publish periodic tax revenue
- 19 collected by all tax authorities;
- 20 (l) receive, collate, analyse and publish tax expenditure on account
- 21 of tax waivers, exemptions or incentives granted by each government;
- 22 (m) collaborate with tax authorities to undertake or support
- 23 research or similar measures with a view to stimulating economic
- 24 development and determine the manifestation, extent, magnitude and
- 25 effects of tax fraud, evasion or other matters that affect effective tax
- 26 administration and make recommendations to the Government on
- 27 appropriate intervention and preventive measures;
- 28 (n) provide guidance for the accreditation of tax agents by the
- 29 relevant tax authorities in accordance with the relevant law; and
- 30 (o) carry out any other function as may be assigned to it by an Act of

	1	the National Assembly.
Powers of the Board	2	<b>6.</b> The Board shall-
	3	(a) provide general policy guidelines relating to its functions;
	4	(b) manage and superintend the policies of the Board on matters
	5	relating to the administration of its functions under this Act or any other law;
	6	(c) review and approve the strategic plans of the Board;
	7	(d) employ and determine the terms and conditions of employment
	8	including disciplinary measures of the employees of the Board;
	9	(e) stipulate remuneration, allowances, benefits and pensions of the
	10	staff and employees; and
	11	(f) do such other things which in its opinion are necessary to ensure
	12	the efficient performance of the functions of the Board under this Act.
Conflict of interest and corporate responsibility	13	<b>7.</b> In the discharge of their responsibilities, members of the Board
	14	shall-
	15	(a) act in utmost good faith, with care, skill and diligence;
	16	(b) have fiduciary obligations to the Board;
	17	(c) not act in any circumstance where their personal interest conflict
	18	with the interests of the Board;
	19	(d) not make secret profit in the course of discharging official duties;
	20	(e) not accept any gift or advantage in whatever form or manner, for
	21	anything done or likely to be done with respect to their responsibilities under
	22	this Act; and
	23	(f) adhere to all the duties and obligations specified for directors
	24	under the Companies and Allied Matters Act 2020.
Cessation of membership	25	<b>8.</b> A person shall cease to be a member of the Board where, the person-
	26	(a) no longer occupies the office by virtue of which the person is a
	27	member of the Board;
	28	(b) resigns from appointment as a member of the Board by notice;
	29	(c) dies or becomes incapable of carrying on the functions of the
	30	office either arising from an infirmity of mind or body;



1 (d) becomes bankrupt or makes a compromise with creditors; or  
2 (e) is convicted of a felony or of any offence involving dishonesty  
3 or fraud.

4 **9.**-(1) Any power conferred and any duty imposed upon the Board  
5 may be exercised or performed by the Board or by an officer authorised  
6 generally or specifically in that behalf, by the Board. Delegation of  
power

7 (2) An order, ruling or directive made or given by an officer  
8 authorised by the Board shall not be treated as an order, ruling or directive of  
9 the Board, until ratified by the Board pursuant to the powers vested on the  
10 Board under this Act.

### 11 PART III

#### 12 MANAGEMENT AND STAFF OF THE BOARD

13 **10.**-(1) There shall be for the Board, an Executive Secretary, who  
14 shall be- Executive  
Secretary of the  
Board

15 (a) appointed by the Board;  
16 (b) the chief executive and accounting officer of the Board; and  
17 (c) responsible for the execution of the policies formulated by the  
18 Board and the day-to-day administration of the Board.

19 (2) The Executive Secretary shall-  
20 (a) have requisite qualifications in taxation or related field,  
21 including accountancy, economics or law; and

22 (b) possess at least 10 years of relevant experience in tax  
23 administration or professional tax practice.

24 (3) The Executive Secretary shall hold office-  
25 (a) for a term of four years, renewable for another term of four  
26 years and no more; and  
27 (b) on such other terms and conditions as may be specified in the  
28 letter of appointment.

29 (4) The Executive Secretary shall be responsible for-

30 (a) issuing notices of meetings of the Board;

1 (b) keeping records of the proceedings of the Board;

2 (c) conducting the Board's correspondence; and

3 (d) carrying out such other duties as the Board may determine.

4 (5) The Executive Secretary shall be paid such emoluments,  
5 allowances and benefits as may be approved by the Board.

Staff of the  
Board

6 **11.**-(1) The Board shall appoint directly, or by way of transfer or  
7 secondment such persons to be employees of the Board-

8 (a) for the proper and efficient performance of the functions of the  
9 Board under this Act; and

10 (b) on terms and conditions, including remuneration, allowances, and  
11 benefits determined by the Board, as specified in the letter of appointment.

12 (2) On grounds of public policy or for the purposes of capacity  
13 building or comparative experience, the Board may approve a temporary stay  
14 of any staff of the Board with agencies, organisations or other bodies subject to  
15 such terms and conditions as the Board may deem fit.

16 (3) The Board may appoint consultants or agents to transact any  
17 business or to do any act required to be transacted or done in the execution of its  
18 functions under this Act.

Pensions

19 **12.**-(1) Employment in the Board shall be subject to the provisions of  
20 the Pension Reform Act and employees of the Board shall be entitled to  
21 pensions and other retirement benefits as prescribed under the Pension Reform  
22 Act.

23 (2) Notwithstanding the provisions of subsection (1) of this section,  
24 nothing shall prevent the Board from appointing any person to any office on  
25 terms which preclude the grant of pensions or other retirement benefits.

26 (3) For the purpose of the application of the provisions of the Pension  
27 Reform Act, any power exercisable by a Minister or other authority of the  
28 Government of the Federation, not being the power to make regulations, is  
29 vested in and shall be exercisable by the Board.



	1	from other sources, including charges for regulatory or statutory services, the
	2	disposal, lease or hire of, or any other dealing with, any property vested in or
	3	acquired by the Board.
Expenditure of the Board	4	<b>15.</b> There shall be chargeable to the fund-
	5	(a) the cost of administration of the Board;
	6	(b) emoluments and allowances payable to the Executive Secretary
	7	and members of the Board;
	8	(c) reimbursements to members of the Board or any committee set up
	9	by the Board for such expenses as may be expressly authorised by the Board;
	10	(d) remunerations and other costs of employment of the staff of the
	11	Board;
	12	(e) amounts payable as pensions and other retirement benefits under
	13	this Act or any other law;
	14	(f) costs of acquisition and upkeep of premises belonging to the Board
	15	and any other capital expenditure of the Board;
	16	(g) investments, maintenance of utilities, staff promotion, training,
	17	research and similar activities;
	18	(h) costs necessary for the day-to-day operations of the Board;
	19	(i) all sums of money payable by the Board by way of grants-in-aids,
	20	gifts, testamentary dispositions, endowments, etc.; and
	21	(j) any other payment for anything incidental to the foregoing
	22	provisions or in connection with or incidental to any other function of the
	23	Board under this Act.
Estimates	24	<b>16.</b> The Board shall cause to be prepared, not later than 30th
	25	September in each year, an estimate of its income and expenditure for the
	26	succeeding year for the purpose of appropriation by the National Assembly.
Accounts and Audit	27	<b>17.</b> The Board shall keep proper accounts and records, and such
	28	accounts shall, not later than six months after the end of each year, be audited
	29	by auditors appointed by the Board from the list and in accordance with the
	30	guidelines supplied by the Auditor-General for the Federation.

1                   **18.**-(1) The Board shall, not later than 30th September in each year,     Annual Report  
2                   submit to the Minister, a report of its activities during the preceding year, and  
3                   shall include in such report the audited accounts of the Board.

4                   (2) The Minister shall within 30 days of receipt of the report  
5                   present a copy to the-

6                   (a) National Economic Council; and

7                   (b) National Assembly.

8                   **19.** The Board may accept gifts of land, money, aids or other assets,     Power to accept  
9                   provided that the terms and conditions of the acceptance are consistent with     gifts  
10                  the functions of the Board under this Act.

11                  **20.** The Board may, with the approval of the National Economic     Power to borrow  
12                  Council, borrow by way of loan, overdraft or otherwise from any source  
13                  such sums as it may require for the performance of its functions and meeting  
14                  of its obligations under this Act.

15                  **21.** The Board shall be exempt from all taxes on income imposed     Tax Exemptions  
16                  under any law in Nigeria, except with respect to its obligations to deduct and  
17                  remit taxes under any of the laws.

18                  **22.** The Executive Secretary of the Board shall-     Accountability

19                  (a) keep proper accounting records, in a manner as may be  
20                  determined by the Board or relevant law, in respect of all-

21                  (i) revenues and expenditure of the Board,

22                  (ii) its assets, liabilities and other financial transactions, and

23                  (iii) other revenues earned by the Board, including income on  
24                  investments;

25                  (b) prepare an annual report, including financial statements, in  
26                  accordance with generally accepted accounting principles and practices;  
27                  and

28                  (c) ensure that the available accounting resources of the Board are  
29                  adequate and used economically in the most effective and efficient manner,  
30                  and the accounting and other financial records are properly safeguarded.

	1	PART V
	2	ESTABLISHMENT OF TAX APPEAL TRIBUNAL
Establishment of Tax Appeal Tribunal	3	<b>23.</b> -(1) There is established a Tax Appeal Tribunal ("the Tribunal") to
	4	exercise the jurisdiction and powers to settle any tax dispute and controversy
	5	arising from the administration of Nigeria Tax Act and Nigeria Tax
	6	Administration Act or any other tax laws made or to be made from time to time
	7	by the National Assembly.
	8	(2) The Minister may by notice in the Federal Gazette specify the
	9	number of zones, matters and places in relation to which the Tribunal may
	10	exercise jurisdiction.
Composition of the Tribunal	11	<b>24.</b> -(1) The Tribunal shall consist of five members to be known as
	12	"Tax Appeal Commissioners" to be appointed by the Minister.
	13	(2) There shall be a Chairman for each zone who shall be a legal
	14	practitioner qualified to practise with not less than 10 years cognate experience
	15	in tax legislation and tax matters.
	16	(3) The Chairman shall preside at every sitting of the Tribunal and in
	17	his absence, the members shall appoint one of them to be the Chairman.
	18	(4) The quorum at any sitting of the Tribunal shall be three members.
Qualification of a Tax Appeal Commissioner	19	<b>25.</b> A person shall be qualified for appointment as a Tax Appeal
	20	Commissioner if the person-
	21	(a) has requisite qualification from a recognised institution, with at
	22	least ten years cognate experience, in law, accounting, business administration,
	23	finance, economics, taxation; or
	24	(b) is a retired public servant, with at least ten years experience in tax
	25	administration; or
	26	(c) has shown capacity in the management of trade or business.
Term of Office	27	<b>26.</b> A Tax Appeal Commissioner shall hold office for a term of three
	28	years, and may be renewed for a further term of three years and no more.
Cessation of Office	29	<b>27.</b> A person shall cease to be a Tax Appeal Commissioner, where the
	30	person-

- 1 (a) attains the age of 70 years;
- 2 (b) resigns by giving three months' notice, addressed to the  
3 Minister or until a person duly appointed as his successor assumes his office,  
4 whichever is earlier;
- 5 (c) becomes incapable of carrying on the functions of the office  
6 arising from an infirmity of mind or body;
- 7 (d) is convicted of a felony or of any offence involving dishonesty  
8 or fraud;
- 9 (e) is removed from office by the Minister on grounds of public  
10 interest or in the interest of the Tribunal;
- 11 (f) has been found guilty of gross misconduct in relation to the  
12 duties of the office; or
- 13 (g) is disqualified from professional qualification by a professional  
14 body by virtue of which the person qualified for the appointment.

15 **28.-(1)** Where the Tax Appeal Commissioner-

- 16 (a) has a direct or indirect interest in a matter which he has been  
17 nominated to serve as a Panel member;
- 18 (b) has an interest that could reasonably conflict with the proper  
19 performance of the functions of the Commissioner; or
- 20 (c) is or was a client to any of the parties in professional capacity,  
21 the Tax Appeal Commissioner shall disclose such interest and refrain from  
22 sitting in any proceeding for the hearing of such appeal.

23 (2) Failure of the Commissioner to disclose the interest under  
24 subsection (1) of this section shall be considered as misconduct and shall be  
25 dealt with in accordance with the provisions of this Act by the Minister.

26 (3) A Tax Appeal Commissioner shall not, during his tenure, as Tax  
27 Appeal Commissioner appear as counsel before the proceedings of the  
28 Tribunal at any zone of the Tribunal.

29 **29.-(1)** The Tribunal shall have power to adjudicate on disputes,  
30 and controversies arising from Nigeria Tax Act and Nigeria Tax

Disclosure of  
Interest

Jurisdiction of  
the Tribunal, etc.

1 Administration Act or any other tax law made by the National Assembly or the  
2 House of Assembly of a State.

3 (2) The Tribunal shall apply such provisions of the laws referred to in  
4 subsection (1) of this section as may be applicable in the determination or  
5 resolution of any dispute or controversy before it.

Remuneration  
and Conditions  
of Service of Tax  
Appeal  
Commissioners

6 **30.** The Tax Appeal Commissioners shall be paid salaries and  
7 allowances to be determined by the Revenue Mobilisation Allocation and  
8 Fiscal Commission and shall be as prescribed in their Letters of Appointment,  
9 provided that neither the salaries and allowances nor the other terms and  
10 conditions of service of a Tax Appeal Commissioner shall be varied to their  
11 disadvantage after appointment.

Coordinating  
Secretary to the  
Tribunal and  
Secretaries to the  
Zones

12 **31.**-(1) The Minister shall appoint a Coordinating Secretary for the  
13 Tribunal, who shall be-

14 (a) responsible for keeping records of the proceedings of the Tribunal;

15 (b) the head of the secretariat and responsible for the-

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

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

18 (2) In addition to the Coordinating Secretary, the Minister shall  
19 appoint a Secretary for each of the zones of the Tribunal, who shall be  
20 responsible for-

21 (a) keeping records of the proceedings of the Tribunal at the zone;

22 (b) the day-to-day administration of the Tribunal at the zone; and

23 (c) the direction and control of all other employees of the Tribunal at  
24 the zone.

25 (3) The Secretary shall hold office-

26 (a) for a term of four years, and may be renewed for a further term of  
27 four years and no more; or

28 (b) until the attainment of the age of 60 years, whichever is earlier.

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



1 (5) The Secretary shall report to the Coordinating Secretary in the  
2 exercise of the functions in subsection (2) of this section.

3 32.-(1) The Minister shall appoint such other employees as deemed  
4 necessary for the efficient performance of the functions of the Tribunal and  
5 the remuneration of persons so employed shall be determined by the  
6 National Salaries, Incomes and Wages Commission.

Other Staff of the  
Tribunal

7 (2) Employment in the Tribunal shall be subject to the provisions of  
8 the Pension Reform Act and, accordingly, officers and employees of the  
9 tribunal shall be entitled to pensions and other retirement benefits as are  
10 prescribed under the Pension Reform Act.

11 33. The Tribunal shall prepare, not later than 30th September in  
12 each year, an estimate of its income and expenditure for the succeeding year  
13 for the purpose of appropriation by the National Assembly.

Estimates of the  
Tribunal

14 34. The procedure and other matters mentioned in the Second  
15 Schedule to this Act shall apply to the Tribunal.

Procedure of the  
Tribuna

16 PART VI

17 ESTABLISHMENT OF THE OFFICE OF THE TAX OMBUD

18 35.-(1) There is established a body to be known as the Office of the  
19 Tax Ombud.

Establishment  
of the Office of  
the Tax Ombud

20 (2) The Office of the Tax Ombud-

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

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

24 (c) may own or dispose of property whether movable or  
25 immovable.

26 (d) The Office of the Tax Ombud shall have its Head Office in the  
27 Federal Capital Territory and, at least, a branch office in each of the six geo-  
28 political zones.

29 36.-(1) There shall be a Tax Ombud who shall-

Appointment  
of the Tax Ombud

1 (a) be appointed by the President on the recommendation of the  
2 Minister;

3 (b) be a citizen of Nigeria;

4 (c) have relevant qualifications and, at least 10 years cognate  
5 experience in taxation, law, accounting, auditing, administration or dispute  
6 resolution; and

7 (d) hold office for a term of 4 years, and may be renewed for a further  
8 term of 4 years and no more.

9 (2) The Tax Ombud shall be the Chief Executive and Accounting  
10 Officer of the Office of the Tax Ombud.

Cessation of  
Tenure of the  
Ombud

11 **37.** A person shall cease to be the Tax Ombud, where the person-

12 (a) resigns from the appointment by notice, addressed to the  
13 President;

14 (b) becomes incapable of carrying on the functions of the office either  
15 arising from an infirmity of mind or body;

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

17 (d) is convicted of a felony or of any offence involving dishonesty or  
18 fraud;

19 (e) is removed from office by the President on grounds of public  
20 interest;

21 (f) has been found guilty of contravening the Code of Conduct Bureau  
22 and Tribunal Act, or gross misconduct in relation to their duties; or

23 (g) is disqualified from professional qualification by a professional  
24 body by virtue of which the person qualified for the appointment.

Staff of the  
Office of the  
Ombud

25 **38.**-(1) The Office of the Tax Ombud may appoint such officers and  
26 other staff as may be considered necessary for the efficient performance of the  
27 functions and exercise of the powers of the Office under this Act.

28 (2) The staff shall be subject to such terms and conditions of service as  
29 may be determined by the Office of the Tax Ombud with the approval of the  
30 Minister.

1 (3) The staff shall perform their duties under the direction and  
2 supervision of the Office of the Tax Ombud.

3 (4) Employment in the Office of the Tax Ombud shall be subject to  
4 the provisions of the Pension Reform Act and officers and employees of the  
5 Office of the Tax Ombud shall be entitled to pensions and other retirement  
6 benefits as prescribed under the Pension Reform Act.

7 (5) Staff of the Office of the Tax Ombud shall be persons who have  
8 relevant qualifications and experience in taxation, law, accounting,  
9 auditing, administration, or any other field related to the functions and  
10 powers of the office.

11 39.-(1) For the purpose of this Act, an officer of the office of the Tax  
12 Ombud may be authorised to administer oaths and to authenticate various  
13 affidavits, affirmations, or declarations.

Oath Administration  
and Document  
Authentication

14 (2) Authenticated documents in subsection (1) of this section shall  
15 be accepted as evidence in legal proceedings and no further verification or  
16 proof of the individual's signature, seal, or official capacity is required in this  
17 regard.

18 40.-(1) The Office of the Tax Ombud shall have the powers  
19 necessary or expedient for the performance of its functions under this Act,  
20 including power to-

Powers and Functions  
of the Office of  
the Tax Ombud

21 (a) serve as an independent and impartial arbiter to review and  
22 resolve complaints relating to tax, levy, regulatory fee and charges, customs  
23 duty or excise matters;

24 (b) review complaint against tax officials and authorities and  
25 resolve it through mediation or conciliation by adopting informal, fair and  
26 cost-effective procedures;

27 (c) receive and investigate complaints lodged by taxpayers  
28 regarding the actions or decisions of the tax authorities, agencies or their  
29 officials;

30 (d) enter and inspect any premises or place where any tax authority,

1 agency or official performs any function or duty under any law imposing taxes,  
2 levies, charges and fees for the purpose of carrying out investigation;

3 (e) invite and examine any person who may have information or  
4 evidence relating to a complaint or an investigation;

5 (f) make recommendations of its findings to the revenue authorities  
6 and other government agencies on matters relating to taxes, levies, charges and  
7 fees, for implementation;

8 (g) institute legal proceedings on behalf of the taxpayer;

9 (h) provide information and raise awareness of taxpayer rights and  
10 obligations, functions of the tax authorities and the role of the office of the Tax  
11 Ombud;

12 (i) identify and review systemic and emerging issues on fiscal policies  
13 and its impact on the tax system, in collaboration with the relevant agencies;

14 (j) serve as a watch-dog against any arbitrary fiscal policy of the  
15 government or by any of its agency and report such policy to the National  
16 Assembly;

17 (k) issue guidelines, directives or orders for the resolution of  
18 complaints or the implementation of recommendations; and

19 (l) delegate any of the powers or functions to any officer of the Tax  
20 Ombud.

21 (2) In the exercise of its functions under this Act, the Office of the Tax  
22 Ombud shall not charge a fee.

Conflict of  
interest

23 **41.** An officer of the Office of the Tax Ombud, in the exercise of the  
24 functions under section 58 of this Act, shall-

25 (a) act in utmost good faith, with care, skill and diligence;

26 (b) maintain independence and impartiality at all times;

27 (c) not act in any circumstance where personal interests conflict with  
28 the functions of the Office of the Tax Ombud;

29 (d) disclose any conflict of interest in relation to any complaint or  
30 investigation and an officer so conflicted shall refrain themselves from dealing

1 with such complaint or investigation;

2 (e) not make secret profit in the course of discharging official  
3 duties;

4 (f) not accept any gift or advantage in whatever form or manner, for  
5 anything done or likely to be done with respect to their responsibilities under  
6 this Act; and

7 (g) not publish studies, research, findings, recommendations,  
8 insights, or proposals concerning any matter under consideration by the  
9 Office of the Tax Ombud.

10 42. The Office of the Tax Ombud shall not have jurisdiction to-

Limitations on  
Authority

11 (a) interpret tax legislations other than to the extent that it relates to  
12 operational, procedural or administrative issues arising from the application  
13 of the provisions of the relevant tax law;

14 (b) review or determine issues that are subjudice before a court of  
15 competent jurisdiction or tribunal on the date of the receipt of a complaint;

16 (c) determine any tax liability or duty or issue tax assessment; or

17 (d) review any complaint by or on behalf of a tax official  
18 concerning matters relating to the relevant tax authority in respect of any  
19 personal grievance relating to the office.

20 43.-(1) The Office of the Tax Ombud shall establish and maintain a  
21 fund from which shall be defrayed all expenditure reasonably incurred for  
22 the execution of its functions under this Act.

Funds of the  
Office of the  
Tax Ombud

23 (2) There shall be paid and credited to the fund established  
24 pursuant to subsection (1) of this section-

25 (a) take-off grants from the Federal Government;

26 (b) moneys as may be appropriated by the National Assembly;

27 (c) gifts of land, money or other property on such terms and  
28 conditions as may be specified by the person or organisation making the gift  
29 provided that the terms and conditions are not contrary to the objectives and  
30 functions of the Office of the Tax Ombud under this Act; and

	1	(d) all other monies which may accrue to the Office of the Tax Ombud
	2	including the disposal, lease or hire of, or any other dealing with, any property
	3	vested in or acquired by the Office of the Tax Ombud.
Expenditure of the Office of the Tax Ombud	4	<b>44.</b> There shall be chargeable to the fund-
	5	(a) emoluments and allowances payable to the office of the Tax
	6	Ombud;
	7	(b) remunerations and other costs of employment of the staff of the
	8	office of the Tax Ombud;
	9	(c) amounts payable as pensions and other retirement benefits under
	10	or pursuant to this Act or any other enactment;
	11	(d) costs of acquisition and upkeep of premises as well as any other
	12	capital expenditure belonging to the office of the Tax Ombud;
	13	(e) investments, maintenance of utilities, staff promotion, training,
	14	research and similar activities;
	15	(f) costs necessary for the day-to-day operations of the office of the
	16	Tax Ombud;
	17	(g) all sums of money payable by the office of the Tax Ombud by way
	18	of grants-in-aids, gifts, testamentary dispositions, endowments, etc.; and
	19	(h) any other payment for anything incidental to the foregoing
	20	provisions or in connection with or incidental to any other function of the office
	21	of the Tax Ombud under or pursuant to this Act.
Estimates of the Office of the Tax Ombud	22	<b>45.</b> The Tax Ombud shall cause to be prepared, not later than 30th
	23	September in each year, an estimate of income and expenditure for the
	24	succeeding year for the purpose of appropriation by the National Assembly.
Accounts and Audit	25	<b>46.</b> The Tax Ombud shall keep proper accounts and records, and such
	26	accounts shall, not later than six months after the end of each year, be audited
	27	by auditors appointed from the list and in accordance with the guidelines
	28	supplied by the Auditor-General for the Federation.
Reports	29	<b>47.-(1)</b> The Tax Ombud shall, not later than 30th September in each
	30	year, submit to the Minister, a report of activities during the immediately

1 preceding year, and shall include in such report the audited accounts of the  
2 Office of the Tax Ombud.

3 (2) The Minister shall within 30 days of receipt of the report  
4 present a copy to the President and the National Assembly.

5 (3) The Tax Ombud shall publish a quarterly report within 30 days  
6 of the end of each quarter containing relevant details, including a summary  
7 of identified systemic and emerging issues.

8 **48.** The procedure and other matters mentioned in the Third  
9 Schedule to this Act shall apply to the Office of the Tax Ombud.

Procedures of the  
Office of the Tax  
Ombud

#### 10 PART VII

#### 11 MISCELLANEOUS PROVISIONS

12 **49.** Subject to the provisions of this Act, the National Economic  
13 Council (NEC) may give to the Board such directives of fiscal policy or  
14 revenue matters, with regards to the exercise of its functions as may be  
15 considered necessary and the Board shall comply with the directives.

Directive by the  
National Economic  
Council

16 **50.**-(1) Without prejudice to the provisions of any other law  
17 concerning data privacy, data protection, and unlawful disclosure of  
18 institutional information or communication, all internal memorandum and  
19 communication of the Board shall be confidential.

Information and  
documents to be  
confidential

20 (2) Except as otherwise provided under this Act, any other law or  
21 any enabling agreement or arrangement or as otherwise authorised by the  
22 Board or the Executive Secretary, any person who discloses institutional  
23 information, communication, document or internal memorandum of the  
24 Board, commits an offence under this Act and is liable on conviction, to a  
25 fine of N1,000,000.00 or to imprisonment for a term not exceeding three  
26 years or both.

27 **51.**-(1) A person in an official duty or being employed in the  
28 administration of this Act shall regard and deal with all documents and  
29 information as secret and confidential.

Official secrecy  
and confidentiality

30 (2) A person in possession of or in control of, originals or copies of

1 any document or information, who at any time communicates or attempts to  
2 communicate such information or anything contained in such document, other  
3 than a person to whom he is authorised by the Board to communicate it,  
4 commits an offence under this Act and is liable on conviction, to fine of  
5 N500,000.00 or to imprisonment for a term not exceeding three years or both.

Endorsement

6 **52.** Anything done or required to be done by the Board pursuant of  
7 any of its powers or functions under this Act may be endorsed under the hand of  
8 the Chairman, Executive Secretary or of an officer who has been duly  
9 authorised by the Board for the purpose under this section.

Limitation of  
suits against  
the Board

10 **53.**-(1) Subject to the provisions of this Act, the provisions of the  
11 Public Officers Protection Act shall apply in relation to any suit instituted  
12 against any member of the Board, the Executive Secretary, officer or employee  
13 of the Board or the Board itself.

14 (2) Notwithstanding anything contained in any other law, no suit shall  
15 lie or be instituted in any court against the Board, Executive Secretary, a  
16 member of the Board, or employee of the Board for any act done in pursuance  
17 to or execution of this Act or in respect of any alleged neglect or default, unless  
18 it is commenced-

19 (a) within six months after the act, neglect or default complained of;

20 (b) in the case of a continuation of damage or injury, within six  
21 months after the ceasing of such damage or injury.

22 (3) No suit shall be commenced against the Board, Executive  
23 Secretary, a member of the Board, or employee of the Board until the expiration  
24 of one month after a written notice of intention to commence the suit has been  
25 served on it by the intended plaintiff or his agent.

26 (4) The notice referred to in subsection (3) of this section shall clearly  
27 state the-

28 (a) cause of action;

29 (b) particulars of claim;

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



1	(d) relief to be claimed.	
2	<b>54.</b> A notice, summons or other document required or authorised to	Service of documents
3	be served on the Board under the provisions of this Act or any other law may	
4	be served by delivering it to the Executive Secretary, through registered post	
5	or courier; addressed to the Executive Secretary at the head office of the	
6	Board, or forwarded to his approved or authorised e-mail address.	
7	<b>55.</b> -(1) In any action or suit against the Board, no execution or	Restriction on execution against property of the Board
8	attachment of process shall be issued against the Board unless three months'	
9	notice of the intention to execute or attach has been given to the Board.	
10	(2) Any sum of money which by the judgement of any court has	
11	been awarded against the Board shall, subject to any direction given by the	
12	court, where no notice of appeal against the judgement has been given, be	
13	paid from the fund of the Board.	
14	<b>56.</b> The Executive Secretary, any member of the Board, officer or	Indemnity
15	employee of the Board shall be indemnified out of the assets of the Board	
16	against any liability incurred in defending any legal proceeding brought	
17	against them in their capacity as Executive Secretary, member of the Board,	
18	or an employee of the Board.	
19	<b>57.</b> -(1) The Personal Income Tax Act Cap. P8 L.F.N. 2004, is	Consequential Amendment
20	amended by deleting section 86 ("the deleted section").	
21	(2) Without prejudice to section 6 of the Interpretation Act, the	
22	amendment of the Act referred to in subsection (1) of this section shall not	
23	affect anything done or purported to have been done under the deleted	
24	section.	
25	<b>58.</b> Notwithstanding the provisions of section 57 of this Act-	Savings and Transitional Provisions
26	(a) anything done or purported to have been done by the Joint Tax	
27	Board, shall continue to subsist as if done under this Act, and any action or	
28	purported action shall be deemed to have been taken by the Board	
29	established under this Act;	
30	(b) all assets, funds, resources and other immovable property	

1 which before the commencement of this Act were vested in the Joint Tax Board  
2 shall be vested in the Board established under this Act;

3 (c) all rights, interest, obligations and liabilities of the Joint Tax Board  
4 existing before the commencement of this Act under any contract or  
5 instrument, or in law or in equity, shall by virtue of this Act be assigned to and  
6 vested in the Board established under this Act;

7 (d) all persons shall as from the commencement of this Act have the  
8 same rights, powers and remedies against the Board established under this Act  
9 as they had against the Joint Tax Board before the commencement of this Act;

10 (e) any regulation, order, rules or notice made or issued or deemed to  
11 be made or issued by, or for the purpose of, the Joint Tax Board existing before  
12 the commencement of this Act shall be deemed to have been made or issued by  
13 or for the purpose of the Board and shall continue in force until revoked or  
14 amended, subject to such modifications as may be applicable to the Board  
15 established under this Act;

16 (f) any proceedings commenced or pending immediately prior to the  
17 commencement of this Act shall be continued and disposed of under the  
18 deleted section;

19 (g) a reference to the Joint Tax Board, or any person under their  
20 control or a document issued in the name of the Joint Tax Board, to be read,  
21 unless the context otherwise requires, as a reference to the Board or any person  
22 under the control of the Board established under this Act;

23 (h) the Secretary to the Board appointed before the commencement of  
24 this Act shall continue to hold office for the unexpired duration of his term as  
25 Executive Secretary as if he has been appointed under this Act;

26 (i) the staff of the Board before the commencement of this Act shall  
27 continue to hold office and under the same terms and conditions.

Interpretation

28 **59.** In this Act-  
29 "Board" means the Joint Revenue Board of Nigeria established pursuant to  
30 section 1 of this Act;

- 1 "Chairman" means the Chairman of the Board appointed pursuant to section  
2 4(2) (a) of this Act;
- 3 "Consultants" includes tax practitioners, accountants, legal practitioners or  
4 any other recognised professionals that have been certified by relevant  
5 professional bodies in Nigeria;
- 6 "Document" includes any record of information supporting accounts and  
7 accounting records, including reports or correspondences or memoranda or  
8 minutes of meeting, however compiled, recorded or stored, whether in  
9 written or printed form or micro-film, digital, magnetic, electronic or optical  
10 form or otherwise and all types of information stored in computer and any  
11 other similar equipment;
- 12 "Executive Secretary" means the Executive Secretary of the Board  
13 appointed under section 10 of this Act;
- 14 "Government" means the Federal Government, State Government or the  
15 Federal Capital Territory, and Local Government Council;
- 16 "Gross Misconduct" has the meaning ascribed to it in the Public Service  
17 Rules of the Federal Republic of Nigeria;
- 18 "Minister" means the Minister charged with responsibility for matters  
19 relating to finance and "Ministry" shall be construed accordingly;
- 20 "Nigeria" for the purpose of this Act , means the Federal Republic of  
21 Nigeria, and when used in a geographical sense, it includes the territorial  
22 waters of the Federal Republic of Nigeria, and any area outside the territorial  
23 waters, including the continental shelf, which in accordance with  
24 international law has been or may hereafter be designated, under the law of  
25 the Federal Republic of Nigeria, as an area within which the right of the  
26 Federal Republic of Nigeria with respect to the seabed, its subsoil, its  
27 superjacent waters and their natural resources may be exercised now and in  
28 the future;
- 29 "person" includes an individual, a body of individuals, a company or body of

Short title

1 companies, any incorporated or unincorporated body of persons;  
2 "President" means the President of the Federal Republic of Nigeria;  
3 **60.** This Bill may be cited as the Joint Revenue Board of Nigeria  
4 (Establishment) Bill, 2024.

## 1 FIRST SCHEDULE

2 *[Section 4(4)]*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

## 4 OF THE BOARD

5 *Proceedings of the Board*

6 1. Subject to this Act and Section 27 of the Interpretation Act, the  
7 Board shall have power to regulate its proceedings and may make standing  
8 orders with respect to the holding of its meetings, and those of its  
9 committees, notices to be given, the keeping of minutes of its proceedings,  
10 the custody and production for inspection of such minutes and such other  
11 matters as the Board may, from time to time, determine.

12 2. There shall be at least four ordinary meetings of the Board in  
13 every calendar year and subject thereto, the Board shall meet whenever it is  
14 convened by the Chairman, and if the Chairman is requested to do so by  
15 notice given by not less than four other members, a meeting of the Board  
16 shall be convened within 14 days from the date on which the notice was  
17 given.

18 3. Every meeting of the Board shall be presided over by the  
19 Chairman and if the Chairman is unable to attend a particular meeting, the  
20 members present at the meeting shall elect one of them to preside over the  
21 meeting.

22 4. The quorum of any meeting of the Board shall be one - third of  
23 members consisting of the Chairman of the Board.

24 5. The Board shall meet for the conduct of its business at such  
25 places in Nigeria and on such days as the Chairman may appoint.

26 6. A question put before the Board at a meeting shall be decided by  
27 consensus and where this is not possible, by a majority of the votes of the  
28 members present and voting.

29 7. The Chairman of the Board shall, in the case of an equality of  
30 votes, have a casting vote in addition to a deliberative vote.





1 (3) Notwithstanding the provisions of subparagraph (2) of this  
2 paragraph, the Tribunal may entertain an appeal after the expiry of the said  
3 period of 30 days if it is satisfied that there was sufficient cause for the delay.

4 (4) Where a notice of appeal is not given by the appellant as required  
5 under this paragraph within the period specified, the assessment or demand  
6 notices shall become final and conclusive and the relevant tax authority may  
7 charge interests and penalties in addition to recovering the outstanding tax  
8 liabilities which remain unpaid from any person through proceedings at the  
9 Tribunal.

10 *Appeals by Relevant Tax Authorities*

11 3. A relevant tax authority aggrieved with the non-compliance by a  
12 taxable person in respect of any provision of the tax laws or in respect of any  
13 assessment, demand notice, action or decision may appeal to the Tribunal in the  
14 Zone where the taxable person is resident giving notice in writing through the  
15 Secretary to the Tribunal.

16 *Liquidated Money Claim Affidavit*

17 4. Where an Appeal is made to the Tribunal in respect of a claim to  
18 recover a debt or liquidated money demand and the Appeal is supported by an  
19 affidavit setting forth the grounds upon which the claim is based and stating  
20 that in the deponent's belief there is no defence, the Tribunal shall, if satisfied  
21 that there are good grounds for believing that there is no defence, enter the  
22 Appeal for hearing in what shall be called the "Liquidated Money Claim  
23 Appeal".

24 *Appeal by Summons*

25 5. Where the issue before the Tribunal is on interpretation of taxing  
26 provisions, rules or regulation without dispute of fact, the Tribunal shall hear  
27 and determine the Appeal by affidavit evidence.

28 *Settlement out of Tribunal*

29 6.-(1) Where an Appeal is before the Tribunal for the first time, the  
30 Chairman may grant to the parties time, not exceeding 30 days, within which



1 parties may explore possibilities for settlement of the dispute under the  
2 provision of the Nigeria Tax Administration Act.

3 (2) Where the parties fail to settle within 30 days or such other  
4 period as the Tribunal may grant, the case shall proceed to trial.

5 *Procedure before Tax Appeal Tribunal*

6 7.-(1) As often as may be necessary, Tax Appeal Commissioners  
7 shall meet to hear appeals in the jurisdiction or zone assigned to that  
8 Tribunal.

9 (2) The Secretary to the Tribunal shall give seven clear days' notice  
10 to the parties of the date and place fixed for the hearing of each appeal,  
11 except in respect of any adjourned hearing for which the Tax Appeal  
12 Commissioners have fixed a date at their previous hearing.

13 (3) Notices, documents, other than decisions of the Tribunal, may  
14 be signified under the hand of the Secretary.

15 (4) Appeals before the Tax Appeal Commissioners shall be held in  
16 public.

17 (5) The onus of proving that the assessment complained of is  
18 excessive or due for payment, as the case may be, shall be on the appellant.  
19 At the hearing of an appeal, where the representative of the relevant tax  
20 authority proves to the satisfaction of the Tribunal appeal that-

21 (a) the appellant has for the year of assessment concerned, failed to  
22 prepare and deliver to the tax authority returns required to be furnished  
23 under the relevant provisions of the Nigeria Tax Act and Nigeria Tax  
24 Administration Act;

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

27 (c) it is expedient to require the appellant to pay an amount as  
28 security for prosecuting the appeal, the provisions of subparagraphs (7) and  
29 (8) of this paragraph shall apply.

30 (6) The Tribunal may adjourn the hearing of the appeal to any

1 subsequent day and order the appellant to deposit with the tax authority, before  
2 the day of the adjourned hearing, an amount on account of the tax charged by  
3 the assessment under appeal equal to, the lesser of-

4 (a) the tax charged upon the appellant for the preceding year of  
5 assessment; and

6 (b) one half of the tax charged by the assessment under appeal.

7 (7) Where the appellant fails to comply with the order, the assessment  
8 against which he has appealed shall be confirmed and the appellant shall have  
9 no further right of appeal in the tribunal with respect to that assessment.

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

13 (9) Every decision of the Tribunal shall be recorded in writing by the  
14 Chairman and a certified copy of such decision shall be supplied to the  
15 appellant or the tax authority by the Secretary, upon a request made within 7  
16 days of the decision.

17 (10) Where on the hearing of an appeal-

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

20 (b) such accounts, books or records were produced but rejected by the  
21 Tribunal on the ground that it had been shown to its satisfaction that they were  
22 incomplete or unsatisfactory;

23 (c) the appellant or a representative, at the hearing of the appeal, has  
24 neglected or refused to comply with a notice from the Secretary to the Tribunal,  
25 without showing any reasonable cause; or

26 (d) the appellant or any person employed, whether confidentially or  
27 otherwise, by the appellant or an agent (other than a legal practitioner or  
28 accountant acting for them in connection with their liability to tax) has refused  
29 to answer any question put to them by the Tribunal, without showing any  
30 reasonable cause,

1 the Chairman of the Tribunal shall record particulars of the same in his  
2 written decision.

3 *Application of the Evidence Act*

4 8. The proceedings of the Tribunal and its decisions shall not be  
5 impeached for non-compliance with the strict provisions of the Evidence  
6 Act.

7 *Procedure following decision of the Tribunal*

8 9.-(1) Notice of the amount of the tax chargeable under the  
9 assessment as determined by the Tribunal shall be served by the relevant tax  
10 authority upon the taxpayer or upon the person in whose name the taxpayer  
11 is chargeable.

12 (2) An award or judgement of the Tribunal shall be enforced as if it  
13 were a judgement of the Federal High Court upon registration of a copy of  
14 such award or judgement with the Chief Registrar of the Federal High Court  
15 by the party seeking to enforce the award or judgement.

16 *Appeal to the Federal High Court*

17 10.-(1) Any person dissatisfied with a decision of the Tribunal  
18 constituted under this Act may appeal against such decision on a point of law  
19 to the Federal High Court upon giving notice in writing to the Secretary to  
20 the Tribunal within 30 days after the date on which such decision was given.

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

24 (3) Where the relevant tax authority is dissatisfied with the  
25 decision of the Tribunal, it may appeal against such decision to the High  
26 Court on points of law by giving notice in writing as specified in  
27 subparagraph (1) of this paragraph to the Secretary within 30 days after the  
28 date on which such decision was given.

29 (4) On receipt of a notice of appeal under subparagraphs (1) or (3)  
30 of this paragraph, the Secretary to the Tribunal shall cause the notice to be

1 given to the Chief Registrar of the High Court along with all the exhibits  
2 tendered at the hearing before the Tribunal.

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

7 *Right to Representation*

8 11.-(1) A complainant or appellant, may either appear in person or  
9 authorise one or more legal practitioners, a professional with the requisite  
10 knowledge and experience in tax matters or any of its officers to represent him  
11 or its case before the Tribunal.

12 (2) Where the representative in any matter before the Tribunal is  
13 unable for good cause to attend hearing, the Tribunal may adjourn the hearing  
14 for such reasonable time as it deems fit, or admit the appeal to be made by some  
15 other person or by way of a written address.

16 *Application of Statute of Limitation*

17 12. The provisions of any statute of limitation and Pre-Action Notice  
18 under this Act or the provision of the Public Officer Protection Act shall not  
19 apply to any appeal brought before the Tribunal.

20 *Powers and procedures of the Tribunal*

21 13.-(1) The Tribunal may make rules regulating its procedures.

22 (2) The Tribunal shall, for the purpose of discharging its functions  
23 under this Act, have power to-

24 (a) summon and enforce the attendance of any person and examine  
25 him on oath;

26 (b) require the discovery and production of documents;

27 (c) receive evidence on affidavits;

28 (d) call for the examination of witnesses or documents;

29 (e) review its decisions;

30 (f) dismiss an application for default or deciding matters ex parte;

1 (g) set aside any order or dismissal of any application for default or  
2 any order made by it, ex parte; and

3 (h) do anything which in the opinion of the Tribunal is incidental to  
4 its functions under this Act.

5 *Costs*

6 14. Each party to an appeal shall bear its own cost.

7 *Further Appeals*

8 15. An appeal against the decision of the Federal High Court at the  
9 instance of either party shall lie to the Court of Appeal.

10 *Savings and Transitional Provisions*

11 16.-(1)The provision of Section 59 and the Fifth Schedule of the  
12 Federal Inland Revenue Service (Establishment) Act, 2007 is repealed.

13 (2) The Tribunal established under this Act, shall continue to hear  
14 and conclude any proceeding commenced before the coming into effect of  
15 this Act, as if they were commenced under this Act.

16 (3) The Chairman and the other members of the Tribunal appointed  
17 before the commencement of this Act shall continue to hold office for the  
18 unexpired duration of their term as if they have been appointed under this  
19 Act.

20 (4) The Secretary and other staff serving the Tribunal before  
21 commencement of this Act shall continue to hold office and under the same  
22 terms and conditions.

23 (5) The administration and control of all rights, obligations and  
24 liabilities of the Tax Appeal Tribunal repealed under subsection (1) of this  
25 section are transferred to the Tribunal established under this Act.

26 (6) The administration of any real property that were immediately  
27 before the coming into force of this Act under the responsibility of the Tax  
28 Appeal Tribunal are transferred to the Tribunal established under this Act.

## 1 THIRD SCHEDULE

2 [Section 48]

## 3 PROCEDURE OF THE OFFICE OF THE TAX OMBUD

4 *Complaints*

5 1.-(1) A person may lodge a complaint with the Office of the Tax  
6 Ombud, in writing or through any other means or platform, as may be provided  
7 by the Office of the Tax Ombud.

8 (2) A complainant shall only lodge a complaint with the Office of the  
9 Tax Ombud, if the issue is unresolved by the relevant agencies.

10 (3) The Tax Ombud shall review and assess the complaint to  
11 determine whether it falls within its jurisdiction and mandate;

12 (4) The Office of the Tax Ombud shall not entertain anonymous  
13 complaints.

14 (5) Where the Office of the Tax Ombud finds a complaint to be false or  
15 misleading in any material respect it may strike out or disregard such  
16 complaint.

17 (6) Where a complaint relates to malicious misrepresentation of facts  
18 of a criminal nature, the matter shall be referred to the relevant law  
19 enforcement agency for further investigation and possible prosecution.

20 *Investigation*

21 2.-(1) The Office of the Tax Ombud shall initiate an investigation by-

22 (a) engaging the complainant, the officer or the relevant revenue or  
23 government agency to acquire additional information and evidence; and

24 (b) conducting site visits, interviews or inspections.

25 (2) An investigation under this section shall be conducted within 14  
26 days of receipt of the complaint, provided that the Office of the Tax Ombud  
27 may, where necessary, extend the period of an investigation by seven days.

28 (3) The conduct of an investigation shall not affect any action taken or  
29 to be taken by the relevant revenue or government agency.

30 (4) Where the Office of the Tax Ombud decides not to conduct an

1 investigation, a statement of the reasons for not conducting the investigation  
2 shall be communicated to the complainant within seven days of receipt of  
3 the complaint.

4 *Resolution and Recommendations*

5 3.-(1) The Office of the Tax Ombud may resolve a complaint by  
6 making recommendations to the relevant revenue or government agency or  
7 the complainant.

8 (2) Where the Office of the Tax Ombud is of the opinion that the  
9 complaint amounts to abuse of office or breach of procedure, it shall  
10 communicate its recommendations to the relevant tax authority or the  
11 persons concerned within a period of 14 days after determination of the  
12 complaint.

13 (3) Where the Office of the Tax Ombud has reason to believe that a  
14 relevant revenue or government agency has acted beyond the scope of  
15 authority or in a manner warranting criminal proceedings against such an  
16 officer, the matter shall be referred to the relevant revenue or government  
17 agency authority for necessary action, provided that where the relevant tax  
18 authority fails to take appropriate action in respect of the allegations within  
19 30 days, the Office of the Tax Ombud shall refer the matter to the relevant  
20 law enforcement agency for necessary action.

21 *Non-Compliance with Recommendations*

22 4.-(1) The relevant revenue or government agency shall report to  
23 the Office of the Tax Ombud within 21 days of receiving its  
24 recommendations stating reasons for non-compliance with the  
25 recommendations of the Office of the Tax Ombud.

26 (2) Where a relevant revenue or government agency fails to  
27 implement a recommendation, without providing satisfactory reasons for  
28 non-compliance, the Office of the Tax Ombud shall refer the matter to the  
29 National Assembly or the State House of Assembly to exercise its oversight  
30 functions over such recommendation.

1 *Dispute Resolution Process*

2 5.-(1) The Office of the Tax Ombud may encourage parties to explore  
3 alternative dispute resolution mechanisms with respect to the complaint  
4 lodged before it.

5 (2) The representative of the relevant revenue or government agency,  
6 its officers or the complainant shall-

7 (a) appear before the Tax Ombud when requested to do so;

8 (b) not take any step which will impede or will be capable of  
9 obstructing the Office of the Tax Ombud in the discharge of its functions; or

10 (c) not take any action which tends to prejudice or undermine a matter  
11 before the Office of the Tax Ombud.

12 (3) Where a party to the issue fails to comply with the provisions of  
13 subparagraph (2) of this paragraph, the complaint shall be deemed to be  
14 resolved against such party.

## EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but intends to  
explain its purports)*

This Bill seeks to establish the Joint Revenue Board, the Tax Appeal Tribunal and the Office of the Tax Ombuds, for the harmonisation, coordination and settlement of disputes arising from revenue administration in Nigeria.