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APPRAISAL OF THE LEGAL FRAMEWORK FOR APPROPRIATION AND LEGISLATIVE OVERSIGHT IN NIGERIA

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Abstract
The role of the National Assembly of Nigeria in the budget process provides an overall picture and understanding of the role of different African legislatures and the varying relationships between the executive and the legislature. The 1999 Constitution in section 88(2) (b) stipulates that the powers conferred on the National Assembly under the provisions of this section are exercisable only for the purpose of enabling it to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it through the oversight function. The study examines the effect of the legislative oversight on budget implementation in the Nigeria

Keywords: Appraisal, Legal Framework, Appropriation, Legislative Oversight.

1. Introduction

The capacity and efficiency of any legislative arm of a democratic government is tested by its ability to make, amend or repeal laws that will have effect on the grass root population of any nation. Making laws and ensuring effective execution of such laws is therefore the primary essence of the legislature. Of the many laws that could be made, amended or repealed by the constitutional responsibility of the legislative arm of government, appropriation stands out for many.

Appropriation processes are important as the Appropriation Act itself, because if the process is faulty, the end product will also be faulty. These processes are the foundation on which many things stand. Giving the very important position appropriation holds in the national development of a democratic system of government, it becomes imperative that we take a critical look at the detailed processes that culminate in the act upon which the progress of a nation, a government and absolutely the people is measured.

There are key concepts associated with appropriation that would be exhaustively defined to give clarity to this research work and put it in its proper contextual perspective. We shall establish the connectedness of the key concepts and also lay their proper historical foundation.

2. Conceptual Clarification of Terms

i. Appropriation/Government Budgeting

The Black's Law Dictionary defined appropriation as a legislative body's act of setting aside a sum of money for a public purpose[1]. Osborn's Concise Law Dictionary also defined appropriation as the legalisation of the expenditure of public money by means of the annual Appropriation Act[2]. Appropriation is further defined as a law of Congress that provides an agency with budget authority. An appropriation allows the agency to incur obligations and to make payments from the Treasury for specified purposes. Appropriations are definite (a specific sum of money) or indefinite (an amount for "such sums as may be necessary")[3]

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[1] Black's Law Dictionary, Ninth Edition, 2009
[2] Osborn's Concise Law Dictionary, Ninth Edition, Sweet & Maxwell, 2001
[3] Glossary of Forms, United States House of Representatives Congressional Handbook, 1973.

Olutoye[4] defined appropriation as the legislative process of passing and approving the revenue and expenditure outlays of a government. We defined appropriation as a key legislative function through which the parliament approves by way of law the estimates of revenue and expenditure laid before it by the Executive and made operational within a defined period.

ii. Budgeting

Budget is defined as a financial and/or quantitative statement prepared and approved prior to a defined period of time for the purpose of attaining a given objective[5]. It is normally for a year and therefore a short term plan. Government budget usually shows authorized appropriations and estimated revenue. It is used as a guide for the present and the future, to plan, estimate and control the amount to be received and spent during a given period and as a standard of measurement for the purpose of controlling on-going economic activities[6]. Budget is an economic process which converts state development plans and priorities into a programme of action. It is usually enunciated to checkmate the insatiable wants of man with a bid to regulating and moderating expenses along income (revenue) in concordance with national interest[7]. For Suleiman[8], budget can be defined as a document from the government that sums up its revenue and expenditure for a fiscal year, which runs from January 1st to December 31st. It is a financial plan which spells out government's estimated revenue and proposed expenditure for a fiscal year.

Kanyip[9] defined a budget as the annual estimate of revenue and expenditure of a given country. He opined that constitutionally, the validity of the budget depends on the passing of an Appropriation Act or Law depending on whether the government in issue is Federal or State. A Budget is also defined as an aggregate policy instrument for organising and articulating government goals and objectives often expressed in terms of programmes and projects usually accompanied by a financial plan. It is an instrument used for attaining some pre-determined goals and for imposing checks and balances both vertical and horizontal accountability[10].

iii. Legislative Oversight

The origin of legislative oversight can be traced back to ancient Greece, centuries before the first European parliaments were formed. Aristotle was the first to highlight the necessity of protecting public funds from embezzlement, the obligation to disclose all financial activity to the citizens of the city and the commitment to deposit copies of expense accounts where the public could view them[11]. The concept "legislative oversight" interested thinkers already centuries ago. In the 18th Century, Montesquieu determined that the legislative branch in a free country should have the option to scrutinize in what way its laws were being implemented[12].

3. The Legal Framework for Appropriation and Legislative Oversight

3.1 The Constitution of the Federal Republic of Nigeria, 1999 (as amended)

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) sets the tone for the interaction between the executive and legislature in the budgetary process. Sections 80-83 deal with the power of the National Assembly with respect to control over public funds.

Section 162(1) of the Constitution provides that the Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of

[4] H O Olutoye, *Legislative Manual for New Legislators on Appropriation Process.* (2nd Edition. Abuja: Aroma Publications Ltd, 2012) P 9
[5] *Public Sector Accounting and Finance: Study Text.* Published by the Institute of Chartered Accountants of Nigeria. 2014
[6] R A Adams, *Public Sector Accounting and Finances*. (Fourth Edition. Lagos: El-Toda Ventures Ltd. 2019) p 227
[7] A Ariyo, A. 'Strategies for Civil Society Participation in National Budgeting'. A Paper Presented at a Capacity Building Workshop Organised by Socio-Economic Rights Initiative, 2018.
[8] E S Suleiman, 'The Nigerian Budget Process*' Understanding Monetary Policy Series* No. 56. Central Bank of Nigeria.
[9] B B Kanyip, 'Legal Issues in Government Budgeting' *Modus International Law and Business Law Quarterly*, 1999 pp.181-182
[10] A Abubakar, *Public Finance and Budgeting Principles, Practices and Issues*. Zaria: Gaskiya Corporation, 1986.
[11] C Friedberg, and R Y Hazan, 'Legislative Oversight' Comparative Assessment of Parliaments (CAP) Note, Centre for International Development, Rockefeller College University of Albany, State University of New York, 2012
[12] C S Montesquieu, *De L'esprit Des Lois;* 1748 originally Published anonymously.

the Federation. In addition, section 162(3) provides that any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manner as may be prescribed by the National Assembly. In the case of *Attorney General of Rivers State v Attorney General of the Federation & Ors*[13], the Federal High Court declared as illegal, unlawful and unconstitutional the direct allocations made by the Federal Government from the Federation Account to fund the Nigeria Police Trust Fund. The Court in the judgment held that sections 161 and 162 of the Constitution were glaringly breached by the Federal Government following the direct allocation from the Federation Account to the Police Trust Fund. It was held that section 162 of the Constitution was clear and unambiguous to the effect that only the federal, states and local governments shall be allocated fund directly from the federation account.

The Court also held that section 4 of the Nigeria Police Trust Fund Act, 2019 relied upon by the federal government to justify the unlawful deductions from the federation account was inconsistent with the provisions of section 162 of the Constitution. The power of the purse means that the Government can only spend money for purposes authorized by the Legislature[14]. Consequently, the National Assembly is vested with the sole power of prescribing the manner of withdrawing of moneys from the Consolidated Revenue Fund or any other public funds of the Federation and such prescribed manner being the only means of withdrawal of monies from those funds[15].

The President is empowered by Section 81 of the Constitution to prepare and lay before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditures of the Federation for the next following financial year. The estimates are included in a bill known as an Appropriation Acts Bill. Where the Bill is passed, it becomes an Appropriation Act. In the event of insufficiency of the amount appropriated, a supplementary estimate must be presented to the National Assembly. Any amount which stands to the Judiciary in the Consolidated Revenue Fund of the Federation, must be paid directly to the National Judicial Council for necessary disbursement[16].

The Budget process begins with the initiation of the Appropriation Bill by the President who is empowered by the Constitution to "*cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following year"*[17].

Certain issues are apparent from this constitutional provision. First, the budget process is initiated by the President by the expression "*cause to be prepared*…" the budget is prepared through an Appropriation Bill at the instance of the Constitution vesting executive powers of the Federation in the President which shall be exercised by him either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the public service of the Federation[18].

Secondly, the budget is laid before both Houses of the National Assembly after preparation. Thirdly, the preparation and laying of national budget is done at any time within the year but not within the year to which it relates. The implication is that the budget of a particular year must be laid at any time in the preceding year. Fourth, what the president lays before both Houses of the National Assembly are mere estimates that cannot qualify as a budget by any standard. The budget itself is a law which is an Act of the National Assembly and not that of the Executive.

It is interesting that the Constitution, particularly Section 81, does not specifically provide for the procedure for passage of the Appropriation Bill. This may be due to the fact that elaborate provisions

[13] FHC/ABJ/CS/511/2020
[14] S Oguche, 'Appraisal of the Role of the National Assembly in the Appropriation Process in Nigeria: Hints from Cross-Country Survey' (2018) 1 *JLR-NILDS Repository*, 118
[15] Section 80(4) Constitution of the Federal Republic of Nigeria, 1999 (As Amended).
[16] J A Yakubu, *Constitutional Law in Nigeria*. (Ibadan: Demyaxs Law Books, 2003) P144
[17] Section 81(1) of the Constitution of the Federal of Nigeria, 1999 (as amended)
[18] Section 5(1)(a) ibid.

are already contained in Sections 80 and 4. The point must be made that Section 80(2) of the Constitution prohibits withdrawal of moneys from the Consolidated Revenue Fund except upon appropriation by the National Assembly but admits of an exception under the Constitution.

The exception is that if by 1st of January the Appropriation Bill has not been passed into law, the President is allowed to authorize the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding six months or until the coming into operation of the Appropriation Act, whichever is the earlier[19]. The essence of this provision is to prevent the running of government from being grounded in the absence of the Appropriation Bill being passed into law. However, such withdrawal of unappropriated funds must not exceed six months and recourse shall be to the Appropriation Act of the preceding year in terms of amount to be withdrawn within the specified period[20].

3.2 Fiscal Responsibility Act, 2017

Apart from the provisions of the Constitution examined above, the Fiscal Responsibility Act (FRA) 2007 has far-reaching provisions relating to appropriation and legislative oversight. The Act empowers the Fiscal Responsibility Commission to, among others, monitor and enforce the provisions of the Act and by so doing, promote the economic objectives contained in section 16 of the Constitution[21]. The said section 16 of the Constitution which contains economic objectives under the Fundamental Objectives and Directive Principles of State Policy, enjoins the State to direct its policy towards ensuring that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens[22]. The same Section 16 of the Constitution prohibits operation of the economy in such a way that permits concentration of the commonwealth or the means of production in the hands of few individual or a group[23].

According to Ekpu and Iweoha[24], the critical importance of Section 3 of the Fiscal Responsibility Act is that where the President presents a budget in contravention of section 16 of the Constitution, the National Assembly may be brought under public pressure (through public hearing opportunities) to include estimates which would make the budget comply with the provisions of section 16 of the Constitution.

The Fiscal Responsibility Act also makes provision for a Medium Term Expenditure Framework (MTEF) which the Federal Government is mandated to, in consultation with the states, place before the National Assembly. The MTEF serves as the basis for annual budget planning. Specifically, section 18(1) of the Fiscal Responsibility Act, 2007 clearly stipulates that the Medium Term Expenditure Framework should be the basis for the preparation of the national budget's estimates of revenue and expenditure.

Section 18(2) FRA 2007 further states that the sectoral and compositional distribution of the budget should be consistent with the medium-term development priorities set out in the Medium Term Expenditure Framework (MTEF). Further to this, section 19 lists the documents that must accompany the annual budget. They are:

(a) A copy of the underlying revenue and expenditure profile for the next two years.
(b) A report setting out actual and budgeted revenue and expenditure and detailed analysis of the performance of the budget for the 18 months up to June of the preceding financial year;

[19] Section 82 of the Constitution of the Federal of Nigeria, 1999 (as amended)
[20] See RMAFC v. AG of the Federation & Ors. (2014) LPELR 24105 (CA); Anambra State v. Obiora (2013) LPELR 21233(CA)
[21] Section 3(1)(a), Fiscal Responsibility Act, 2017
[22] Section 16(2) (1) Constitution of the Federal Republic of Nigeria, 1999 (As Amended)
[23] Section 16(2) (c), Constitution of the Federal Republic of Nigeria, 1999 (As Amended)
[24] A O Ekpu and P I Iweoha, 'Powers of the Executive and Legislature in Budget Making Process in Nigeria: An Overview' (2017) 57 *Journal of Law, policy and Globalization*, .48

(c) A revenue framework broken down into monthly collection targets prepared on the basis of the predetermined Reference Commodity Price as contained in the Medium-Term Expenditure Framework;
(d) Measures on cost, cost control and evaluation of result of programmes financed with budgetary resources.
(e) A Fiscal target appendix derived from the underlying Medium-Term Expenditure Framework setting out the following targets for that financial year:
    (i) Target inflation rate
    (ii) Target fiscal account balances
    (iii) Any other development target deemed appropriate; and
(f) A Fiscal Risk Appendix evaluating the fiscal and other related risks to the annual budget and specifying measures to be taken to offset the occurrence of such risks.

The significance of the MTEF is further accentuated by its being the basis for the preparation of estimates of revenue and expenditure required to be prepared and laid before the National Assembly under Section 81(1) of the Constitution[25]. A combined reading of the various provisions of the Fiscal Responsibility Act discloses beyond doubt that the National Assembly is empowered by the legal framework for budgetary processes in Nigeria to alter budgetary estimates prepared and laid by the President[26]. The preparation of the Medium Term Expenditure Framework is the responsibility of the Budget Office of the Federation. Prior to 2016, this Office was in the Ministry of Finance but is currently in the Ministry of Budget and National Planning.

Moreover, section 11(1)(b) FRA, 2007 stipulates that the Federal Government must not later than four months before the commencement of the next financial year, cause to be prepared and laid before the National Assembly a Medium Term Expenditure Framework for the next three financial years. Section 14(1) FRA, 2007 requires the Minister of Finance to present the MTEF to the Federal Executive Council (FEC) for consideration and endorsement before the end of June. In addition, section 11(2) requires the National Assembly, through resolutions passed by both Houses, to consider and approve the FEC – endorsed framework with necessary modifications. However, Section 16 allows the President, without reverting to the National Assembly for concurrence, to authorise corrections of manifest error and any changes of fiscal indicators considered significant.

3.3 Financial (Control and Management) Act, 2004

Legislative Control and Management of the Public Finances

Section 3 of the Finances (Control and Management) Act, 2004 provides that the Minister shall so supervise the expenditure and finances of the Federation as to ensure that a full account is made to the Legislature[27] and its financial control is maintained and for such purpose shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 and this Act, have the management of the Consolidated Revenue Fund, and the Supervision, Control and Direction of all matters relating to the financial affairs of the Federation which are not by law assigned to any other Minister.

The above section emphasizes in clear terms that the Minister of Finance shall ensure that a full account is made to the National Assembly. This is because the power of appropriation resides in the legislature and it is only logical that the executive is held accountable through the instrumentality of oversight. Section 6(2) of the Act further provides that in respect of the issue of moneys other than statutory expenditure, no authority shall be given under subsection (1) of this Section in excess of the sum appropriated for the purpose concerned. It is deducible from this Section that the Minister must operate within the letters and the spirit of the Appropriation Act. There is no room for exercise of discretion as the Appropriation Act is a law and absolute compliance is required.

[25] Section 81(1) Fiscal Responsibility Act, 2017.
[26] Oguche, (n 14) 128
[27] Emphasis supplied by me.

Legislative Authorization of Expenditure

Section 13(1) of the Act provides thus:

> *In accordance with the provisions of the Constitution, the Minister shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following year, which shall be presented to the President for approval and when approved by him shall be laid before each House of the National Assembly at a meeting commencing before the 1st day of January of the Financial year to which they relate.*
>
> *(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the consolidated Revenue of the Federation by the Constitution) shall be included in a bid to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.*

The above provision is in tandem with the provision of Section 81(1) & (2) of the 1999 Constitution which made legislative authorisation of any expenditure from the Consolidated Revenue Fund mandatory. It is the duty of the Minister to prepare in each year estimates of revenues and expenditure of the Federation to the approval of the President who in turn lays it before the National Assembly for deliberation and passage into the Appropriation Act after the Consequential assent of the President. In respect of any financial year where it is found that the amount appropriated by the Appropriation Act for any purpose is insufficient or need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required shall be laid before each House of the National Assembly and the heads of any such expenditure shall be included in a supplementary Appropriation Bill[28].

As provided in Section 82 of the 1999 Constitution, the framers of the Act captured widely what happens if the Appropriation Act has not come into operation at the commencement of any financial year. Section 17 of the Act provides thus:

> *17(1) if the Appropriation Act has not come into operation at the commencement of any financial year, the President may authorise the withdrawal of moneys from the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding six months or until the Appropriation Act comes into operation whichever is earlier.*
>
> *(2) Any moneys so authorised to be withdrawn shall not exceed the amount authorised to be withdrawn under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year and shall be set off against the amount respectively provided in the Appropriation Act upon the same coming into operation.*

A learned author[29] opined that the essence of this provision is to prevent the running of government from being grounded in the absence of the appropriation bill being passed into law. However, such withdrawal of unappropriated funds must not exceed three months. The Act further provides that subject to any express provision of an Appropriation Act, moneys appropriated thereby and not expended shall lapse and accrue to the Consolidated Revenue Fund at the expiration of the year in respect of which they are appropriated[30].

Expenditure has shown that the issue of not expending moneys appropriated till the end of the year in respect of which they are appropriated has become a reason for selective implementation of the Appropriation Act and also cesspool of corruption by fraudulent and unscrupulous civil servants and politicians at the various Ministries, Departments and Agencies (MDAs).

[28] Section 14(a) & (b) of the Finance (Control and Management) Act,2007
[29] Oguche, (n 14) 120
[30] Section 16 of the Finance (Control and Management) Act,2007

3.4 Annual Appropriation Act

Supplementary Appropriation Act on the other hand means any act the principal purpose of which is the appropriation of moneys in supplementation of the appropriation already made by an Appropriation Act[31]

The Appropriation Act can be subdivided into five segments:

(i) The general description
(ii) The recurrent Expenditure
(iii) The Capital Expenditure
(iv) Other Expenditure items
(v) Explanatory Memorandum

i. **The General Description of the Act:** This contains the total approved sum of expenditure for the year in the consideration for transfers, Capital and Recurrent Expenditures as well as the conditions that must be fulfilled in the releases and the expenditure of such releases. For example there may be a clause such as any of the following:
   a. The amount mentioned in subsection (i) of this Section is hereby appropriated to the heads of expenditure as specified in the Schedule to this Act.
   b. As amounts appropriated under this Act shall be released from the Consolidated Revenue Fund of the Federation and applied only for the purpose specified in the Schedule to this Act
   c. In the event that the implementation of any of the projects intended to be undertaken under this Act cannot be completed without virement, such virement may only be effected with the prior approval of the National Assembly.
   d. In the event that a need arises to vire amounts within the heads of expenditure to which sums have been appropriated under this Act, such virement shall only be effected with the prior approval of the National Assembly.
   e. Such revenues as specified in sub-section (1) of this Section refers to Revenues accruing from sales of government crude oil in excess of N72 per barrel, the Petroleum Profit Tax and Royalty on Oil and Gas.

ii. **The Recurrent Expenditure**
   It has four segments viz:
   a. The Head of the vote stipulating the code in Finance Ministry.
   b. The second Column contains the description of the Ministry or the Department that is allocated the fund.
   c. The third column shows the recommendation from the Executive.
   d. The fourth column shows the approval by the National Assembly.

iii. **The Capital Expenditure**
   This schedule is made up of four columns as follows:
   a. Head/Code Column
   b. Ministry/Agency's name
   c. Recommendation from the Executive.
   d. Approval by the National Assembly.

iv. **Other Expenditure Items**
   a. **Statutory Transfers:** This section consists of first line charges for Agencies such as the National Judicial Council, Niger-Delta Development Commission, Universal Basic Education, Independent National Electoral Commission (INEC) and the Legislature.
   b. **Debt Service:** This contains expenses to be borne in foreign and local debts of Government. However, it does not contain the debts owed through unpaid contracts by MDAs.

[31] Ibid. Section 2(b)

v. **Explanatory Memorandum**
This is always at the end of the Act and gives further clarification on the Budget.

3.5 Standing Orders of the Senate and House of Representatives 2015 (as amended) Pre-Budget Laying of the National Assembly

The Appropriation Committee is one of the Standing Committees at both the Senate and the House of Representatives. Standing Committees are established along policy lines, have specific areas of jurisdiction and their life may be as short as the consideration of one specific bill or as long as the life of the Parliament[32]. The Committee on Appropriations is established by the Standing Orders of both Houses of the National Assembly[33].

In the House of Representatives, it consists of a minimum of 37 and maximum of 40 members and must be constituted at the commencement of the life of the House. This means that this Committee, like others, does not outlive the life of the House[34]. The Committee is vested with jurisdiction to appropriate funds for execution of government programmes and projects as well as holding hearings on the Budget as a whole[35]. It must be noted that the Committee must hold hearings within 30 days after the transmittal of the Budget to the National Assembly each year, with particular reference to the basic recommendations and budgetary policies of the President in the presentation of the budget; and the fiscal, financial and economic assumptions used as basis in arriving at total estimated expenditures and receipts.

It can be said with certainty that despite the fact that the budget is initiated by the President, representing the executive, the roles of the National Assembly in the appropriation process actually begins before the budget is laid, since the Committee on Appropriations is constituted at the commencement of the life of the Assembly[36].

4. Challenges Undermining Appropriation and Legislative Oversight in Nigeria

A. Delays in budget implementation report and the lack of oversight

FRA 2007 section 30(2) states that 'the Minister of Finance shall cause the report prepared pursuant to subsection (1) of this section to be published in the mass and electronic media and on the Ministry of Finance website, not later than 30 days after the end of each quarter'. While the BOF does produce budget implementation reports, they are not always released in a timely manner. This limits the accountability role that the National Assembly can play and has impacted negatively on the budget formulation and approval stages of the next fiscal year. Inconsistency and debates on the capital expenditure budget calendar have always been identified as causes of delays in budget performance reporting. In practice, the BOF prepares the first two quarters' budget implementation reports (although with some delay) and various committees within the National Assembly do review these reports. The problems lie with the budget implementation reports for the third and last quarter of the year. While the 1999 Constitution, in section 318(1), states that the fiscal year is a calendar year, there is a lack of consensus between the executive and the National Assembly as to when actual budget execution starts. Due to delays in presenting the Appropriations Bill and the late passage of the budget, some members of the National Assembly use section 318(1) of the 1999 Constitution to strongly urge that the approved budget is executed 12 months from the date of passage. The fact that climatic factors make the construction of capital projects difficult during the rainy season (April– November) is another major reason for extending the capital budget to 31 March of the next fiscal year. Due to the vagueness of the rules, the National Assembly questions the validity of budget implementation reports with an emphasis

[32]H O Olutoye, *Legislative Manual for New Legislators on Appropriation Processes*. (Revised Edition, Aroma Publications Limited, 2012) p18
[33]L Hamalai, L. (Ed): *Committees in the Nigerian National Assembly: A Study of the Performance of Legislative Functions, 2003-2013* (2nd Edition, Abuja: National Institute for Legislative Studies, 2014) p 25.
[34] Order XVIII, Rule 130 of the Standing Orders of the House of Representatives and Order 88 of the Senate Orders 2015 (As Amended)
[35] Rule 30(1) of the Standing Orders of the House of Representatives, 2015 (As Amended)
[36] Rule 30(2) Ibid.

on capital expenditure. The National Assembly also accuses the executive of waiting until the last two quarters to execute capital expenditure. Challenge

B. Delays in budget implementation report and the lack of oversight

One of the problems during the oversight stage in the budget process is the delay in receiving the Accountant General's Report, which, for many years, has often arrived at the OAuGF very late and thus could not be reviewed and put to use in good time, nor could it inform inputs into the consideration of the next Appropriations Bill, thereby constituting an incomplete evaluation and review process. Our study revealed that this can be attributed to the following reasons, among others: • Late implementation of the budget (especially on capital expenditure); • Inconsistencies in the budget calendar; and • Non-congruence between the government accounting calendar, which terminates at midnight of 31 December, and the budget calendar, whose capital component sometimes extends to March of the next fiscal year

5. Conclusion and Recommendations

This case study outlines the challenges that hinder the National Assembly's role in facilitating budgetary formulation, implementation and oversight. Understanding these challenges provides useful entry points for instigating the necessary steps towards improvement. These steps include: Create clear rules, designate clear responsibilities throughout the budget, and establish a budget calendar. The challenges related to a lack of clear rules, practices and procedures guiding the budget process are currently being considered in the Budget Process and Regulatory Framework Bill and in ongoing constitutional reforms. However, suffice to state that the constitutional reform process in Nigeria is challenging given the constitutional requirement of subnational involvement from the 36 states of the Federation for such constitutional amendments to be passed. Sections 10 and 11 of the new bill outline provisions for pre-budget and dispute resolution, respectively. Such interactions could clear up the seemingly mutual suspicion between the technical teams of the executive and legislature. This could help both arms of government find common ground on key budget assumption parameters. To address issues in budget approval and scrutiny, this bill is seeking to put both parties in check, which includes a clear demarcation of timelines and deadlines. To eliminate confusion, the bill should also attempt to resolve the duplication of efforts and actors involved throughout the budget process. In addition to the Budget Process and Regulatory Framework Bill, the National Assembly is currently reviewing the amended Audit Law. This will hopefully set a specific and early deadline for the submission of the Accountant General and Auditor General's reports. Improve coordination and information sharing between actors in the formulation and execution process. Throughout the budget process, the lack of coordination and information-sharing between the MF, MBNP, the MDAs and many other agencies leads to delays in presenting budget documents. These delays will not be resolved solely through a legal framework. In order to reduce the time lags between the submission of budget documents, there need to be incentives to ensure that all actors involved submit timely information to each other.