

A CRITICAL APPRAISAL OF THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR TAX ADMINISTRATION BY THE FEDERAL GOVERNMENT IN NIGERIA*

Abstract

This paper critically examined the legal and institutional framework for tax administration by the federal government in Nigeria. A tax system has three critical elements – the policy, the law and the administration. Policies are the fundamental principles which guide the orderly development of the tax laws and administration and, therefore, form the foundation of the entire tax system. Tax law is ‘a rule or body of rules governing the imposition and administration of taxes in a given society while tax administration can be briefly defined as the implementation of the tax laws in order to achieve set objectives. The prolonged military rule in Nigeria has bequeathed an over centralized structure under the Constitution of the Federal Republic of Nigeria, 1999 whereby the Federal Government administers about 90 percent of the country’s tax revenue. The aim of this paper is the need for decentralization and diversification of Nigerian revenue base from oil through and efficient and effective tax administration. The aim is to see how the tax system can be better arranged to ensure effective and efficient tax administration. It was found that the division of taxing powers is lopsided. This is because the federal government has the large chunk of the sources for the generation of revenue through taxation, to the detriment of the other tiers of government. The paper recommends for the devolution of taxing powers where states and local governments will be allocated more powers as against the present arrangement which place them at the mercy of the federal government.

Keywords: Tax Administration, Federal Government, Legal and Institutional Frameworks, Nigeria

1. Introduction

All over the world, taxation is the nucleus and the path to development because it is one of the formidable options to generate revenue by government. The importance of taxation lies primarily in its ability to raise capital formation of government. In some developed economies, over half of government revenue is derived from taxation. Nigeria, like some other federating nations of the world has a multi-tax system which is rooted from the Constitution¹. It is the Constitution that laid down the taxing powers of the Federating Unit of Nigeria. The laws enacted at Federal and State level regulates tax policy and administration, including the establishment of tax bodies that administer the respective taxes. The adoption of the above general scheme of division of powers has far-reaching consequences for the allocation of taxing powers. While certain taxes are expressly reserved for the Federal Government, none is so reserved for the States. Under the current arrangement, the most significant taxes in terms of revenue generation and potentials such as the Petroleum Profits Tax, Companies Income Tax, Customs and Excise Duties are exclusively within the competence of the federal government². Beyond this, the important taxes administered by the states such as Personal Income Tax, Capital Gains Tax, Stamp Duties are established by federal statutes which also determine their rates and administrative framework and regulations. The federalized nature of taxing powers has not only made the States to be dependent on federal allocation but also provided a springboard for friction between the federal and States over any tax (item) that seems to have potentials for revenue generation. The enactment of the Federal Inland Revenue Service (Establishment) Act further compounded the issue of taxation and tax administration in Nigeria. The Act in the surface looks like an Act to establish an agency of the federal government to administer federal taxes, but some of the provisions of the Act seem to have centralized tax administration in Nigeria. The paper advocates for a critical review of constitutional framework for division of taxing power under the 1999 Constitution towards the attainment of the twin objectives of defederalisation of power and diversification of the economic base.

2. Conceptual Clarifications

Tax

Section 69 of Federal Inland Revenue Service (Establishment) Act³, defined tax for the purposes of the Act as including any duty, levy, or revenue accruable to the government in full or part under this Act or any other enactment or law. Adams gave a Comprehensive definition of a tax stressing the various aspects of tax. He said ‘from the standpoint of view of the state, a tax is a source of derivative revenue, from the angle of the

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¹ The Constitution of the Federal Republic of Nigeria 1999 (as amended)

² See items 16, 25, 58 and 59 of the Exclusive Legislative Lists of the 1999 Constitution.

³ Cap F36 Laws of the Federation of Nigeria.

citizen a tax is a coerced payment, from the administrative point of view it is a demand for money by state in conformity to established rules from the point of view of theory a tax is a contribution from individuals for common expenditure. Another acceptable definition was given by Seligman; tax is a compulsory contribution from the person to the government, to defray the expenses incurred in the common interest of all without reference to special benefit conferred⁴. In *Fargo v. Wetz*⁵, the court stated that tax is any payment exacted by the state or its municipal subdivisions as a contribution towards the cost of maintaining governmental functions where the special benefit derived from their performance is merged in the general benefits. Nigerian courts have not really given any judicial definition of tax. When the Supreme Court was presented with the opportunity of defining the concept, it rather shied away from clear-cut definition of the concept but held that tax should be deemed as a debt due to the government⁶. Deducible from the above definitions is the fact that tax is obligatory fee payable by members of a state from his income, property, and or business, to the government of the state for various state uses. It is mandatory, compulsory, or obligatory and not discretionary; it is based on residency and not citizenship⁷.

Income

Income is the money or other form of payment that one receives usually periodically, from employment, business, investment, royalties, gifts and the like.⁸ Income has also been defined as the return in money from one's business, labour or capital invested gains, profits, salary, wages etc.⁹ In Nigerian taxing statutes, no comprehensive definition is given as to the meaning of the word Income. Under Section 3 (2) (b) of the Personal Income Tax Act, the word was simply or evasively defined as including any amount deemed to be income under the Act.¹⁰ No doubt this definition has not helped matters in trying to delimit a clear boundary around the concept of income. The reluctance to draw a precise boundary in this regard is not a recent development. In *London County Council v. Attorney General*¹¹, Lord Mac Naughten famously equipped, in an attempt to define the word income stated that: income tax... is a tax on income, it is not meant to be tax on anything else. No doubt this attitude of the courts and legislations in avoiding a comprehensive definition is to avoid the lurking trap or pitfall that might result from an imperfect definition which might give more room for tax avoidance speculators to exploit. Indeed, any definition incapable of generating revenue for government ought to sincerely and practically speaking be avoided.¹²

Legal Regime

This is set of rules, policies and norms of behavior that cover any legal issue and facilitate substantive or procedural arrangements for deciding that issue¹³. A legal regime is a system of principles and rules governing something, and which is created by law. It is framework of legal rules¹⁴. It follows that the legal regime for taxation in Nigeria has to do with the various statutes and administrative agencies put in place for the purpose of achieving the primary essence of taxation which is raising revenue for use by the government¹⁵.

3. Legal Framework for Taxing Powers in Nigeria

Tax Power is the power to impose or levy tax. It is a power inherent in sovereignty and unlimited in the absence of constitutional restrictions but subject in its exercise to the discretion of the authorities in whom it is reposed.¹⁶ Taxing power means the power granted to a governmental body to levy and collect taxes¹⁷.

⁴ Edwin RA Seligman, *Essays in Taxation* (London: Oxford University Press 1986) 81

⁵ 5 ALR 731.

⁶ See *Shell v. F.B.I.R.* (2004) F.W.L.R. (Pt. 859) 46.

⁷ A Sanni, 'Tax Reforms in the Capital Market – A Welcome Development', (being a paper delivered at a seminar organized by the Ogun State Board of Internal Revenue in Abeokuta, August 02, 2007), A Otubu, 'The Land Use Act and Equity Factor in Property Taxation in Nigeria' (2018) (9) (1) *NAUJILJ*, 218.

⁸ BA Garner, *Black's Law Dictionary* (8th ed; United States of America, Thomson West, 2004) 778

⁹ BH Campbell, *Black's Law Dictionary*, 5th edition (West Publishing Co. 1979) 687.

¹⁰ Cap. P.8 Laws of the Federation of Nigeria, 2004.

¹¹ (1881) 9 T.C., 287.

¹² KO Adinkrah, 'A New Tax Source for Development in Ghana and Nigerian and Its Effects on Peasants', *Journal of Private and Property Law*, 1984, 70

¹³ BA Garner (n.8) 1308.

¹⁴ 'Legal Regime Law and Legal Definition', available at www.uslegal.com (accessed on 05 June 2020)

¹⁵ IU Ibe, An Examination of the Legal Regime for Taxation under the Nigerian Jurisprudence, *COOUJPPL*, Vol. 2, No. 1, 2019, 266-267

¹⁶ F Kehinde, 'Taxing powers in Nigeria – Time for a New Approach' *Modern Practice Journal of Finance and Investment Law*, 269, JAA Agbonike, *Problems of Personal Income Tax in Nigeria* (Ibadan, Ababa Press Ltd, 2012) 195.

¹⁷ 'Taxing Power', available at www.definitions.uslegal.com (accessed on July 19, 2020).

Abiola views it as the power of a level of government to impose a tax by its own law and due administration of the tax either by its own agency or that of another level of government¹⁸. The power to tax is simply the power to govern¹⁹. The right to tax and to legally use coercive force to ensure compliance with its will is the key factor that distinguishes a government from a private sector²⁰. Restrictively, taxing power is the power of a government to impose and collect taxes as a means of raising revenue within a jurisdiction²¹. This definition is particularly relevant in countries operating written constitution, especially federations where powers of the federation and federating units are stated in a written document. Taxing powers involve the imposition of the extant tax, determination of the rate and administration of the tax²².

Power to Impose Tax

The main sources of power to tax in Nigeria are the constitution and the series of creating or amending, consolidating or repealing Acts and Laws, directives and sundry instruments. The series of applicable laws affects the taxation relationship between the Federal, State and Local Governments. For the purpose of this paper we shall be looking at mainly the power to tax as provided for in the Constitution of the Federal Republic of Nigeria 1999 (as amended). This is because the constitution is the supreme law of the land and all other laws are hinged on it and if any other law offends the provisions of the constitution, then that law to the extent of its inconsistency shall be void²³.

Distribution of Taxing Powers in Nigeria

Basically, the power to tax is one of the plenary powers of any government which need not be formally conferred on it. In a single tier system of government, there is no problem with the devolution of this power. Consequently, such a government can impose any form of tax for any purpose and at any rate. In effect, such government is not subject to any constitutional limitation. However, in a federal system of government, because of the inherent conflict situation always existing between the central and constituent governments, it is essential that powers are allocated and defined in the fundamental laws of the land, i.e. the constitution²⁴. Nigeria as a Federal Republic has tiers of government that is federal, state and local. A fundamental feature of federalism is the allocation of the power of government among those tiers. Although, this allocation could be done in such a way that each government exists separately and independently from the other, with exclusive authority over a few matters, the need to preserve the nation as a united entity make such arrangement inconvenient. Therefore, where it is desirable that rules governing certain matters be uniform throughout the country, power to make such rules may be given to the federal legislature. An example of this is the charge on personal income, which is exclusively reserved for the federal legislature. The same tendency is noticeable in respect of issues, which are best administered by the federal government on behalf of all. These include defence, currency, international trade, international relations etc²⁵. Allocation of legislative powers in any particular country is usually predetermined and embodied in the constitution of the country. In the case of Nigeria, it is to be found in the Constitution of the Federal Republic of Nigeria 1999 (as amended).

Section 4 of the 1999 Constitution which dealt with legislative powers, provides as follows:

- 4(1) the legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a Senate and House of Representatives.
- 4(2) the National Assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the exclusive legislative list set out in part 1 of the second schedule to this constitution.
- 4(3) the power of the National Assembly to make laws for the peace, order and good government of the federation with respect to any matter included in the exclusive legislative list shall, save as otherwise provided in this constitution, be to the exclusion of the House Assembly of states.

¹⁸ A Abiola, 'Meaning of Taxing Power in Nigeria', available at www.nou.edu.ng (accessed on July 19, 2020)

¹⁹ M Duplessis, 'Power to Tax', available at www.taxanalysts.com (accessed on July 10, 2020).

²⁰ F Vaillancourt, *Own Revenues in Federations: Tax powers, Tax Bases, Tax Rates and Collection Arrangements in Five Federal Countries* (2012) JJR, P.65

²¹ 'Taxing Power', available at www.businessdictionary.com/definition/taxing-power.html, accessed on July 10, 2020).

²² A Sanni, 'Division of Taxing Powers in Nigeria – A Paradigm Shift (A PhD Thesis submitted to the Department of Commercial and Industrial Law, University of Lagos, 2010) 82, also available at www.pdf.semanticscholar.org (accessed on July 13, 2020).

²³ Section 1(3)

²⁴ AO Giwa, 'Collection of Taxes, Levies and Rates by Local Government Councils and the Use of State Revenue Courts in Nigeria', *Ambrose Alli University Law Journal*, Vol. 1, No. 2, 2003, 54.

²⁵ EO Akanki, *Commercial Law in Nigeria* (Lagos: University of Lagos Press 2005) 662.

- 4(4) in addition and without prejudice to the powers conferred by subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say:-
- (a) any matter in the first column of part II of the second schedule to this constitution to the extent prescribed in the second column opposite thereto; and
 - (b) any other matter with respect which it is empowered to make laws in accordance with the provisions of this constitution.
- 4(5) if any law enacted by the House of Assembly of a state is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be void.
- 4(6) the legislative powers of a state of the federation shall be vested in the House of Assembly of the state.
- 4(7) the House of Assembly of a state shall have power to make laws for the peace, order and good government of the state or any part thereof with respect for the following matters that is to say:-
- (a) any matter not included in the exclusive legislative list set out in paragraph 1 of the second schedule to this constitution.
 - (b) any matter included in the concurrent legislative list set out in the first column of part II of the second schedule to this constitution to the extent prescribed in the second column opposite thereto; and
 - (c) any other matter with respect to which it is empowered to make law in accordance with the provisions of this constitution.
- 4(8) save as otherwise provided by this constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.

Generally, federal legislative powers over taxation are as stated in the exclusive and concurrent legislative lists. But, as we indicated earlier, the law views the power to tax as an inherent privilege of sovereignty. Hence, it may be argued that mere enumeration of some taxing powers in the exclusive legislative list has not exhausted all the taxing powers of the federation²⁶.

Thus, under the exclusive legislative list, set out in part 1 to the Second Schedule of the 1999 constitution, the federal government has exclusive jurisdiction on the following taxes:

1. Item 16: Customs and Excise duties
2. Item 25: Export duties
3. Item 36: Revenue from shipping and navigation on international waters, inland water ways, and revenue from federal ports.
4. Item 37: Mining rents and royalties
5. Item 58: Stamp duties
6. Item 59: Taxation of incomes, profits and capital gains, except as otherwise prescribed by this constitution.
7. Item 62: Trade and commerce, and in particular;
 - (a) trade and commerce between Nigeria and other countries, including import of commodities from Nigeria, trade and commerce between state;
 - (b) establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by the National Assembly;
 - (c) inspection of produce to be exported from Nigeria and the enforcement of grades and standards of quality in respect of produce so inspected;
 - (d) establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
 - (e) control of prices of goods and commodities designated by the National Assembly as essential goods or commodities; and
 - (f) registration of business names.
8. Item 66: Wireless, broadcasting and television other than broadcasting and television provided by the government of a state; allocation of water lengths for wireless, broadcasting and television transmission.

²⁶ EO Akanki, (n.25) 664 – 665

The federal government has exclusive right to legislate on all the enumerated subject matters from the above items. The implication is that no other level of government apart from the federal government can impose the following:²⁷

1. Excise Duty
2. Import and Export Duty
3. Companies Tax or any other type of tax on companies
4. Petroleum Tax or any other tax relating to mines and minerals
5. Stamp Duties
6. Incomes, profits and capital gains taxes.
7. Taxes relating to trade and commerce in all its ramifications.
8. Communication and Tele-communication taxes e.g.: radio and television licence.

From the above list, it will be seen that the 1999 constitution just as the 1979 constitution has enhanced the federal government's taxing power by explicitly placing within its exclusive competence the more important forms of taxation while leaving residuary matters at the disposal, of the states. If one takes into account the unlimited legislative competence of the federal military government provided by section 2(1) of Decree No. 1 of 1984 one can then appreciate the immense taxing power that has been allocated to the federal government²⁸. In the case of the taxing powers of the state, the concurrent legislative lists do not confer any direct authority on State House of Assembly to charge or impose tax. States can exercise powers on the items on the concurrent list only to the extent that such powers had not been reserved to the federal government in the second column of the list.

Hence, in spite of the fact that tax collection is a concurrent matter, it is merely indicated that the National Assembly may permit states to collect or authorize states to administer the law imposing stamp duties or tax on incomes, capital gains and profits of persons other than companies.²⁹ Also it is declared that a State House of Assembly may authorize a local government council to collect 'any tax, fee rate' or to administer the law providing for such collection³⁰. As regards powers in Item 7 (which are to be exercised under federal government permission), states are clearly subject to the authority of the National Assembly. However, item 9 which states that a House of Assembly may, subject to such conditions as it may prescribe, make provisions for the collection of any tax, fee or rate or for the administration of the law providing for such collection by a local government council the above provision justifies the inference that states may impose, collect and spend any tax, fee or rate which has not been expressly reserved for federal government control³¹. Also, as already indicated, the necessary inference to be drawn from section 4(7) of the Constitution is that legislative powers over all residual matters are vested in the states.

The provisions of the constitution as stated above as it relates to the power to tax by the three levels of government cannot but create conflict. This conflict is more pronounced in the areas of payment of stamp duty, payment for business premises, development levy, withholding tax, sharing of value added tax and capital gains tax³². It has also placed the states at the mercy of the federal government, this is because all the important and more lucrative forms of taxation are contained in the exclusive legislative list which is solely within the jurisdictional competence of the federal government.

4. Institutional Framework for Tax Administration in Nigeria

Tax administration is the administration, management, conduct, direction, and supervision of the execution and application of a government, country or state's taxation laws and related statutes³³. A tax administration is the whole organizational set-up for the management of the tax system. The tax administrative set-up is a department of government and of course works under regulations prescribed by tax legislation. Under this heading we shall for the purpose of this work discuss the Federal Inland Revenue Service with the view of highlighting some of the floors in the Act that established the agency and make recommendations on the way forward.

²⁷ MN Umenweke, *Tax Law and its Implications for Foreign Investments in Nigeria* (Enugu: Nolix Educational Publications 2008) 39 – 41

²⁸ IA Ayua, *Nigerian Tax Law* (Ibadan: Spectrum Law Publishing 1996) 31.

²⁹ Item D, Paragraph 7.

³⁰ Item D, Paragraph 9.

³¹This is simply because states could not have been required to delegate to local government councils what they (the states) could not by themselves do.

³² MN Umenweke, (n.27) 43.

³³'Tax Administration', available at www.definitions.net/definition/tax+administration, (accessed on 12 August 2020)

Federal Inland Revenue Service

The present Federal Inland Revenue Service came into existence by virtue of the Federal Inland Revenue Service (Establishment) Act³⁴. Section 1 of the FIRS Act provides as follows:-

1. There is established a body to be known as the Federal Inland Revenue Service (in this Act referred to as 'the service').
2. The service:
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Act.
3. The service shall have powers and duties as are conferred on it by this Act or by any other enactment or law on such matters on which the National Assembly have power to make law.

The objective of the service is to control and administer different taxes and laws specified in the first schedule or other laws made or to be made, from time to time, by the National Assembly or other regulation made thereunder by the Government of the Federation and to account for all taxes collected.³⁵ The First Schedule to the FIRS Act listed the legislations to be administered by the service as follows:

1. Companies Income Tax Act.
2. Petroleum Profits Tax Act.
3. Personal Income Tax Act³⁶
4. Capital Gains Tax Act
5. Value Added Tax Act
6. Stamp Duty Act
7. Taxes and Levies (Approved list for collection)
8. All regulations, proclamations, government notices or rules issued in terms of these legislation.
9. 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.
10. Enactment or laws imposing Taxes and Levies within the Federal Capital Territory.
11. Enactment or laws imposing collection of taxes, fees and levies collected by other government agencies and companies 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 unproductive), fees for licence 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 listed³⁷.

Section 25 of the FIRS Act reiterates the position of the Act in section 2 but now comes with the proviso that, the service may with the approval of the minister by instrument published in the Federal Gazette, appoint any Government agency to collect revenue³⁸.

The first issue here is to ascertain the effect of section 2 and 25 of the FIRS Act on the one hand and the afore-mentioned provisions of the Personal Income Tax Act and the Taxes and Levies Act on the other hand, which are obviously in conflict with each other. They are in conflict because the said section 2, 88 and 91 of PITA empower the various State Boards of Internal Revenue and Revenue Committee of the Local Government³⁹ to collect taxes that are within their domain. Again, section 1 (1) of the Taxes and Levies (Approved List for Collection) Act specifically breaks down those taxes, collectable by the three tiers of Government in Nigeria. The obvious implications of section 2 and 25 of the FIRS Act is that assessment and collection of these taxes now lies within the exclusive purview of the Federal Inland Revenue Service.

³⁴Cap. F. 36 Laws of the Federation of Nigeria, 2007 (hereinafter referred to as FIRS Act)

³⁵ Section 2 FIRS Act.

³⁶In respect of (a) members of the Armed Forces of the Federation; (b) members of the Nigeria Police Force; (c) residents of the Federal Capital Territory, Abuja; and (d) staff of the Ministry of Foreign Affairs and non-resident individuals. See Part 1, Article 8 (a) – (d) schedule to the Taxes and Levies (Approved List for Collection) Act, Cap T2, Laws of the Federation of Nigeria, 2004. See also *Shittu v. Nigerian Agricultural & Cooperative Bank Ltd & 2 Ors* (2001) 10 NWLR (Pt. 721) 298.

³⁷See First Schedule to the FIRS Act.

³⁸ Section 25 (2) FIRS ACT, 2007

³⁹ Section 7 (5) and the Fourth Schedule, CFRN 1999, even makes collection of Revenue by Local Government a Constitutional matter and therefore *ultra vires* the FIRS Act

Section 68 of the FIRS Act apparently clarified the issue beyond any doubts when it stated in its subsection 2 that, If the provisions of any law, including the enactments in the first schedule are inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the provisions of that other law shall to the extent of the inconsistency be void⁴⁰. By virtue of section 68 of the FIRS Act therefore, the provisions of sections 2, 88 and 91 of the PITA are void and this constitutes a serious challenge to effective tax administration in Nigeria⁴¹ and unless the Act is amended it will continue to raise dust. This because the Act presently as it is will seem that it is only the federal government through the FIRS that has the competence to levy and collect the taxes listed in the Act. This is not the correct position of the law as the other tiers of government through their various revenue agencies like the states board of internal revenue and the local government revenue authority also have the competence to collect some of those taxes listed there. It will be fair enough to define explicitly the categories of persons the FIRS has the capacity to collect their taxes where they have concurrent powers with the states board of internal revenue.

5. Conclusion

This paper has critically examined the legal and institutional framework put in place for the administration of tax laws at the federal level in Nigeria, with the aim of achieving the real essence of taxation in Nigeria. The allocation of taxing powers to the three tiers of government is lopsided and favours mostly the federal government. The resultant effect is that the states and local governments now explore every available avenue against the spirits of the existing tax laws to impose and or collect taxes. This has given rise to multiplicity of taxes with its attendant effects on the taxpayers. Revisiting the issue of allocation of power to collect various taxes will go a long way in addressing this problem which has serious negative impacts on the Nigerian tax system and administration. This paper recommends that the Nigeria Constitution should be urgently amended to correct the lopsided distribution of taxing powers and the allocation of responsibility of tax collections, which is presently in force. More taxing powers should be allocated in definite terms to states and local government councils in the spirit of fiscal federalism as obtainable in other developed federations of the world.

⁴⁰ Section 68 (2) FIRS Act, *Lakanmi v AG(West) & Others* (1971) IUILR,201, *AG Ogun State v AG Federation* (1982) 3 NCLR I, *Peenok Investment Ltd v Hotel Presidential Ltd* (1982) 12 SC,1

⁴¹ MN Umenweke and KK Ezeibe, *The Relevance of Residency in the Assessment of Tax Liability in Nigeria*, NAUJILJ 2010, 21-22