



**AN ACT TO ESTABLISH THE
LIBERIA REVENUE AUTHORITY
REPUBLIC OF LIBERIA**

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**AN ACT TO ESTABLISH
THE LIBERIA REVENUE AUTHORITY**

AN ACT TO AMEND THE 1972 EXECUTIVE LAW, CHAPTER 21, TITLE 12 OF THE LIBERIAN CODE OF LAW REVISED AND THE REVENUE CODE OF LIBERIA, ACT OF 2000 AND ALL ACTS AMENDATORY THERETO DETACHING THE REVENUE DEPARTMENT OF THE MINISTRY OF FINANCE FROM THE MINISTRY AND TO ESTABLISH THE LIBERIA REVENUE AUTHORITY.

WHEREAS, CHAPTER 10, ARTICLE 89 OF THE LIBERIAN CONSTITUTION EMPOWERS THE LEGISLATURE TO ENACT STATUTES FOR THE CREATION OF AGENCIES AND COMMISSIONS AS MAY BE NECESSARY FOR THE EFFECTIVE OPERATION OF GOVERNMENT,

NOW THEREFORE, IT IS ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED.

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**AN ACT TO ESTABLISH
THE LIBERIA REVENUE AUTHORITY**

PART I — PRELIMINARY PROVISIONS

Section 1. PURPOSE OF ACT

This ACT establishes the Liberia Revenue Authority to replace the Department of Revenue of the Ministry of Finance (including the Bureau of Internal Revenue and the Bureau of Customs & Excise), as defined in Chapter 21 of the Executive Law of 1972 for the purpose of assessing and collecting national revenues as specified in the Revenue Code of Liberia or related law; administering, accounting, auditing and enforcing revenue collection laws and regulations; and educating taxpayers to facilitate tax and customs compliance.

Section 2. SHORT TITLE

This Act shall be cited as the **LIBERIA REVENUE AUTHORITY ACT OF 2013**.

Section 3. DEFINITIONS

Terms used in this Act and also used in the Liberia Revenue Code have the meaning specified in the Code unless a different meaning is expressly stated in this Act. Unless specified to the contrary, for the purposes of this Act the terms listed in this section are defined as follows:

- (1) **"AUTHORITY"** means the Liberia Revenue Authority as established under this Act.
- (2) **"BOARD"** means the governing body of the Authority.
- (3) **"CENTRAL BANK"** means the Central Bank of Liberia as constituted by the Central Bank Act.
- (4) **"CHAIR"** means the Chairperson of the Board of Directors of the Liberia Revenue Authority.
- (5) **"CODE"** means the Liberian Revenue Code of 2000 and regulations, as amended.
- (6) **"COMMISSIONER"** means head of a Department of the Authority.
- (7) **"COMMISSIONER GENERAL / CHIEF EXECUTIVE OFFICER"** means the person appointed under Section 20.
- (8) **"CONFIDENTIALITY"** means confidentiality as defined in the Code.

- (9) **"DEPARTMENT OF REVENUE"** means the Ministry of Finance Department of Revenue, that existed under the Executive Law 1972 immediately before the effective date of this Act (comprising of the Bureau of Internal Revenue, the Bureau of Customs & Excise, and the headquarters and administrative offices).
- (10) **"DEPUTY COMMISSIONER GENERAL"** means the person appointed under Section 20.
- (11) **"EFFECTIVE DATE"** means the date on which this Act is published into handbill.
- (12) **"EX-OFFICIO"** means holding a position and having voting rights as part of that position due to one's official office.
- (13) **"FINANCIAL YEAR"** means the financial year of the Authority, which is the same as the financial year of the Government of Liberia.
- (14) **"GOVERNMENT"** means the Government of the Republic of Liberia.
- (15) **"HRMP"** means Human Resource Management Policy.
- (16) **"MINISTER"** means the Minister of the governmental entity responsible for Finance.
- (17) **"NON-GOVERNMENTAL SECTOR"** means the sector of the economy that is not run or operated by the government including the Private Sector.
- (18) **"PFM"** means Public Finance Management
- (19) **"PPC"** means Public Procurement and Concessions
- (20) **"PUBLIC SECTOR"** means the sector of the national economy controlled by Government and Government agencies.
- (21) **"REGULATIONS"** means regulations issued under the Code.
- (22) **"REVENUE"** means all sources of national income, both tax and non-tax including fines and penalties specified in the Code and other monies charged under legislations.
- (23) **"STATUTORY MEMBER"** means a person who serves on the Board by virtue of her/his official appointment as Minister, Deputy Minister or the Commissioner General in the Public Service.
- (24) **"TAX"** means tax as defined in the Code.
- (25) **"TAX POLICY REGULATION"** means public notice or schedule which establishes fees and charges under the code which the Minister is empowered to set.

PART II — ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY

Section 4. ESTABLISHMENT OF THE AUTHORITY

- (1) There is hereby established the Liberia Revenue Authority as a body corporate with perpetual existence and a common seal. It may sue and be sued in its own name, and subject to the provisions of this Act perform such acts as bodies corporate may lawfully perform;
- (2) The Authority shall be a semi-autonomous agency of the Government and shall be under the general supervision and direction of the Minister;
- (3) The Authority shall be governed by a Board of Directors, while the Commissioner General shall be responsible for the day to day management of the affairs of the Authority;
- (4) The Authority may, for the performance of its functions, acquire and hold movable and immovable property and may enter into contracts or any other transaction that a state-owned enterprise may enter into.

Section 5. ROLE OF THE MINISTER

- (1) The Minister has the authority to formulate tax policy and tax policy regulations in accordance with the Code;
- (2) The Minister may give special gazetted directions to the Board on matters of tax policy. However, prior to issuing the gazetted direction, the Minister shall inform the Board in writing of the proposed direction and the Board shall, within 15 working days or such other longer period as the Minister may allow, submit to the Minister in writing, its advice on the proposed direction and possible effects. After receipt of the advice the Minister shall forthwith issue the gazetted direction which the Board shall comply with;
- (3) The Minister shall enter into a revenue performance contract with the Authority
- (4) The Minister, at any time, may cause an investigation to be made within the Authority by one or more persons appointed by him

Section 6. OBJECTIVES OF THE AUTHORITY

- (1) **Primary Objective.** The Authority is established to administer and enforce the revenue laws in accordance with the Code (and other related laws under which it is assigned responsibility) for the purpose of assessing, collecting, auditing and accounting for all national revenues and to facilitate legitimate international trade and customs border management-enforcement.
- (2) **Additional Objectives.** The Authority's additional objectives are to:

- (a) Minimize tax administration and compliance costs while providing better service to taxpayers;
- (b) Promote efficient and fair collection of revenue, and the equitable distribution of the tax burden, and ensure greater transparency and integrity of revenue administration;
- (c) Ensure professional management of tax and customs administration with greater accountability to the Government;
- (d) Educate taxpayers and the general public about tax and customs obligations and compliance with the Code;
- (e) Ensure compliance with the Code through policies and procedures that discourage illicit trading, false declaration, under-reporting of income and tax evasion;
- (f) Maintain and publish tax and trade statistics;
- (g) Provide for other matters related to the improvement of revenue administration.

Section 7. FUNCTIONS OF THE AUTHORITY

- (1) **Primary Function.** To achieve the objectives for which it is established, the Authority is hereby empowered to transparently, equitably and fairly administer the assessment and collection of revenues, account for all revenues to which the revenue laws apply, and deposit all amounts assessed and collected into the Consolidated Fund and ensure compliance with the Code and regulations.
- (2) **Related Functions.** The Authority's additional functions shall be to:
 - (a) Educate and sensitize the general public about tax and customs obligations in a manner that promotes voluntary tax compliance to the highest degree possible;
 - (b) Handle non-criminal tax and customs related cases before the Board of Tax Appeals;
 - (c) Assist the Ministry of Justice in representing the Republic of Liberia with respect to non-criminal cases before the Tax Court or other courts having jurisdiction over tax cases;
 - (d) Refer criminal tax cases to the Ministry of Justice or appropriate agency for investigation and/or prosecution and assist with the prosecution;
 - (e) Prevent illicit trading, tax fraud, and tax evasion through effective domestic enforcement and as part of the international community through coordination with competent law enforcement and revenue agencies in other countries;
 - (f) Ensure institutional integrity through policies, procedures, administrative inquiries and the conduct of investigations that build and strengthen integrity;

- (g) Prepare and publish an annual report comprehensive and detailed monthly reports and statistics related to revenue operations, trade statistics, and tax concessions including tax expenditures;
- (h) Facilitate legitimate trade, customs clearance through the borders and social protection through policies and procedures that promote efficiency, simplify and enhance taxpayer compliance;
- (i) License Tax Practitioners and Customs Brokers;
- (j) Implement tax concessions in accordance with the Code and concession legislations;
- (k) Advise the Minister, the central and local governments on tax and revenue policy, revenue collection policy, tax administration policy and revenue related protocols and treaties; and
- (l) In keeping with law, perform other functions in relation to national revenue as directed by the Minister.

Section 8. POWERS OF THE AUTHORITY

- (1) **General Authorization.** The Authority is authorized to discharge its functions under this Act and has the power to take actions necessary to accomplish those functions in the manner and using the methods permitted under the Code and other laws.
- (2) **Specific Powers.** The Authority is empowered to:
 - (a) Assess and collect revenues;
 - (b) Administer and enforce the Code;
 - (c) Review the revenue laws and propose to the Minister amendments deemed appropriate to improve revenue generation, administration and voluntary compliance thereby expanding total revenue generation and collection;
 - (d) Study the administrative cost, compliance cost and operational impact of intended legislative changes and advise the Government accordingly;
 - (e) Collect and process the statistics needed to forecast revenues and the effect on the yield of any proposal for changes in the revenue laws. and advise the Minister accordingly;
 - (f) Establish employment and remuneration policies for the Authority independent of the Civil Service Act, provided that they are in compliance with the labor law. Employees of the Authority are prohibited from organizing or participating in any trade union. Employees of the Authority shall not be deemed civil servants;
 - (g) Set performance incentive schemes that shall be approved by the Minister;

- (h) Recruit and terminate staff in accordance with the Authority's established HRMP;
- (i) Manage its budget and procurement in accordance with relevant laws as applicable;
- (j) Exercise enforcement powers as specified in the Code and in collaboration with other law enforcement agencies when required;
- (k) Procure, secure and account for revenue receipts;
- (l) Collaborate, monitor and ensure the collection and payment to the Consolidated Fund of fees, levies, charges or any other tax collected by any Ministry, Authority, or Agency as revenue for the Government consistent with any fiscal decentralization program;
- (m) Take on responsibility for printing and accounting of revenue instruments as well as the collection of the intended revenue. No revenue instruments shall be printed and sold without the knowledge and consent of the Authority;
- (n) Subject to the provisions of this Act, take other measures it considers necessary or desirable for the achievement of the purposes and provisions of this Act and the Code.

PART III — THE BOARD OF DIRECTORS AND ITS FUNCTIONS

Section 9. BOARD OF DIRECTORS

- (1) **Establishment of the Board.** There is hereby established a Board of Directors which shall be the governing body of the Authority and which shall consist of seven persons. The President, upon recommendation of the Minister, shall appoint the Chair and members of the Board. The Board shall consist of:
 - (a) The Minister responsible for Finance or where there is a proxy not lower than a Deputy Minister;
 - (b) The Minister of Justice or where there is a proxy not lower than a Deputy Minister;
 - (c) The Minister of Commerce or where there is a proxy not lower than a Deputy Minister;
 - (d) The Commissioner General; and
 - (e) Three (3) other members from the non-governmental sector, one of whom shall be the Chair who shall have a minimum of a bachelor degree in management, business administration, taxation, public administration, public policy, finance, or law, and a minimum of ten years' work experience and must be a person of integrity;
- (2) **Criteria for Selecting Members of the Board.** In appointing members to the Board, the President shall have regard to the integrity, gender, the

knowledge, expertise, and experience of the persons and, in particular, their knowledge and experience of matters relevant to the functions of the Board such as taxation, public policy, public administration, law, business administration, management or finance.

Section 10. RESPONSIBILITIES OF THE BOARD

- (1) **Responsibility.** The Board shall be responsible to provide general governance and strategic direction for the management and organization of the Authority, planning and reporting, financial management and administrative policies, and expenditures so that the Authority's objectives can be achieved.

- (2) **Specific Responsibilities.**
 - (a) Examine and approve the Authority's strategic plans and assess performance of the Authority in accordance with its agreed action plan, budget, and performance contracts;
 - (b) Approve staff compensation scheme which shall include performance incentives set by the Minister;
 - (c) Approve the organizational chart of the Authority and the HRMP including the Professional Ethics and Code of Conduct;
 - (d) Approve the financial management and administrative policies of the Authority, namely: procurement, real property and security subject to relevant laws and any other related policies;
 - (e) Approve the Authority's annual draft budget proposal before its submission to the Minister;
 - (f) Approve the Authority's annual activity and financial reports;
 - (g) Establish bylaws for the functioning and operations of the Board;
 - (h) Ensure the conduct of an annual external audit by the General Auditing Commission;
 - (i) Ensure the development of and approve the annual internal audit and compliance plan;
 - (j) Keep confidential matters of the Authority and Board.

- (3) **Prohibitions.**

Except for the Commissioner General

 - (a) The Board or any of its members is prohibited from involvement in the Authority's daily operations, and in the implementation of the Code which includes intervening in the determination of revenue assessment, revenue liabilities or tax appeal of any taxpayer;
 - (b) The Board is not permitted access to tax files of natural or legal person that is confidential under the Code.

Section 11. TENURE OF OFFICE OF BOARD MEMBERS

- (1) **Term of Service.** Each non-statutory Board member shall be appointed by the President on a staggered term basis subject to confirmation by the Liberian Senate, for terms as follows:
 - (a) One (1) member shall be appointed for an initial term of three (3) years;
 - (b) One (1) member shall be appointed for an initial term of two (2) years;
 - (c) One (1) member shall be appointed for an initial term of one (1) year. Thereafter all subsequent appointments shall be for a fixed period of three (3) years. All Board members shall be eligible for reappointment one time only. The term of service as a member of the Board is three years. A member is eligible for re-appointment to a second term only. This term limit does not apply to a member whose service on the Board is a consequence of being a statutory member.
- (2) **Resignation, Suspension, Removal, or Death of Member.**
 - (a) Resignations of members of the Board shall be in writing addressed to the Minister who will in turn forward same to the President;
 - (b) If the Board disqualifies a member pursuant to Section 13 or 14 from service on the Board, the Chair of the Board shall notify the President, through the Minister, in writing stating the justifications for such disqualification. If the person so disqualified is the Chair, the Vice-chair shall notify the President, through the Minister;
 - (c) The President shall remove or suspend a member of the Board from continuing membership on grounds described in Section 13 or Section 14;
 - (d) Upon the death of a member of the Board, the Chair or the member acting as Chair shall officially notify the President, through the Minister, in writing.
- (3) **Vacancies.**

The President shall within thirty (30) days after the creation of a vacancy on the Board appoint another person to fill the vacancy upon recommendation of the Minister;

Section 12. MEETINGS OF THE BOARD

- (1) The Board shall meet at least once every three months for the conduct of business at the Head Office of the Authority or a place designated by the chair
- (2) The Chair shall preside at meetings of the Board;

- (3) At the convening of its first meeting the majority of the members of the Board shall select a Vice-chair who shall be from the public sector and who shall act in the absence of the Chair;
- (4) The Chair shall at the request in writing of not less than two-thirds of the membership of the Board or on request of the Minister or the Commissioner General convene an extraordinary meeting of the Board at a place and time determined by the Chair;
- (5) The quorum for a meeting of the Board shall be five members of the Board at any time when there is no vacancy on the Board. If there exists any vacancy, the quorum shall be a majority of members then constituting the Board;
- (6) Matters before the Board shall be decided by a majority of the members present and voting. The Chair (or the member presiding) shall vote only in the event of a tie vote;
- (7) The Board through the Commissioner General may invite guest(s) to attend a meeting of the Board in an advisory capacity. Notwithstanding, such guest or invitees shall have no voting rights;
- (8) Meetings of the Board shall be conducted in accordance with the by-laws of the Board.

Section 13. DISCLOSURE OF INTEREST

- (1) A Board member who has an interest in a matter that is to be considered by the Board at any scheduled meeting shall disclose in writing prior to the meeting the nature of the interest and shall recuse herself/himself from participating in the deliberations of the Board in respect of that matter;
- (2) A Board member who contravenes subsection 13(1) shall be removed as a member of the Board.

Section 14. REMOVAL OF BOARD MEMBERS

Grounds for removal. A member of the Board shall be disqualified and suspended or removed if;

- (1) The member is no longer able to perform the duties due to physical or mental disability. In the case of an alleged mental disability, a certification from a qualified psychiatrist or a qualified medical doctor is required; or
- (2) The member has been adjudged or otherwise declared bankrupt and has not been discharged, or has not paid an assignment, arrangement or composition made with creditors; or
- (3) It is discovered that within a period of five years immediately preceding the date of appointment, the member has been convicted:

- (a) of a felony in any country for which the member has not received an unconditional pardon; or
- (b) of an act which, if committed in Liberia, would constitute a felony, the penalty for which would be at least one year imprisonment without the option of a fine; or
- (4) The member is absent from regularly scheduled Board meetings three times within a one year period without good cause such as failure to provide a written medical excuse from a licensed medical practitioner; or
- (5) There is a proven record of the member's tax evasion under the law of any country; or
- (6) It is clear that the member no longer fulfills the requirements established at the time of appointment to the Board; or
- (7) The member is disqualified for reasons specified in Section 13; or
- (8) The member's conduct is inconsistent with the responsibilities of a Board member or jeopardizes the interests of the Authority; or
- (9) The member other than the Commissioner General accepts employment with the Authority or enters into a contractual relationship with the Authority; or
- (10) The member becomes an official of a political party, a member of the Legislature or a Local Authority; or
- (11) The member interferes in matters to which the Board is prohibited under Section 10(3).

Section 15. BOARD COMMITTEES

- . The Board may establish committees consisting of members of the Board to facilitate the efficient execution of its functions.

Section 16. BOARD FEES

- (1) Non-statutory Members of the Board shall receive from the Authority board fees as approved in the Authority's annual budget in accordance with law. Board fees shall be paid to non-statutory members at the quarterly meetings;
- (2) Statutory member shall not be entitled to board fees.

PART IV — COMMISSIONER GENERAL, DEPUTY COMMISSIONERS GENERAL, OFFICERS, OTHER STAFF AND ADMINISTRATIVE MATTERS

Section 17. OFFICERS OF THE AUTHORITY

Section 17. OFFICERS OF THE AUTHORITY

- (1) The Commissioner General shall be the chief executive officer of the Authority. The Authority's administrative structure shall be divided into Departments headed by Commissioners who shall report to the Commissioner General through the relevant Deputy Commissioners General pursuant to the administrative structure:
- (2) In addition to the Commissioner General (CG), the senior officers of the Authority shall be the Deputy Commissioner General for Administrative Affairs (DCGAA), the Deputy Commissioner General for Technical/Operation Affairs (DCGTA), the Commissioner for Customs (CC), the Commissioner for Domestic Tax (CDT), the Commissioner for Legal (CL), the Commissioner for Internal Audit (CIA), the Commissioner for General Services (CGS) and the Commissioner for any additional Department(s) the Board may establish on the recommendation of the Commissioner General;
- (3) The Commissioner General, Deputy Commissioners General, and Commissioners shall not receive salaries from any other sources other than the Authority;
- (4) The Deputy Commissioners General shall assist the Commissioner General in the execution of her/his functions and shall be primarily responsible for functions contained in the HRMP as approved by the Board. The Commissioner General may assign additional responsibilities as may be required to accomplish the objectives of the Authority.

Section 18. DEPARTMENTS OF THE AUTHORITY

The Departments of the Authority shall be the Customs Department, the Domestic Tax Department, the Legal Department, the Internal Audit Department, the General Services Department and any other Department(s) approved by the Board on recommendation of the Commissioner General. The functions of each department shall be determined by the Board consistent with the Code and or other relevant laws as applicable.

Section 19. APPOINTMENT OF COMMISSIONER GENERAL AND DEPUTIES

- (1) The President shall, nominate with the consent of the Senate, a Commissioner General and two Deputies; who shall be persons with advance or professional degrees or qualifications in finance, accounting, economics, public policy or administration, taxation, management, law or other discipline related to tax administration;
- (2) The Commissioner General and Deputies shall hold office for a term of four (4) years, which may be renewed as follows:

- a) Commissioner General, for one additional term of three (3) years,
- b) Deputies for additional term of four (4) years. Under no condition shall the Commissioner General or Deputies serve for more than two terms

- (3) All appointments shall be made in accordance with article 5(c) of the Constitution of the Republic of Liberia. All nominees shall be persons of integrity and shall be subject to comprehensive background checks.

Section 20. SUSPENSION OR REMOVAL OF COMMISSIONER GENERAL AND DEPUTIES

Contingent on the resolution of two-thirds of the Board membership, the Board Chair and the Minister shall advise the President to suspend or remove the Commissioner General and/or Deputies from office for consistent inability to perform and observe conditions specified in the contract of employment, for verified misconduct under the laws of Liberia or the Professional Ethics and Code of Conduct of the Authority, or for conduct that would subject a Board member to disqualification as specified in Sections 13 and 14. The contract shall specify conditions for suspension and for removal

Section 21. RESPONSIBILITIES OF THE COMMISSIONER GENERAL

- (1) The Commissioner General shall be responsible for the administration and supervision of the execution of the Code, the direction and day-to-day management and administration of the Authority, for the supervision of officers, managerial staff, and other employees of the Authority as well as other matters of the Authority. The Commissioner General shall also:
 - (a) Ensure the effective and fair interpretation, application and implementation of the Code;
 - (b) Ensure the proper and diligent implementation of this Act;
 - (c) Solicit donor financial and technical support for the Authority;
 - (d) Advise the Minister, central and local government on taxation and related matters;
 - (e) Ensure the effective deployment and utilization of staff to achieve maximum operational results;
 - (f) Prepare the budget and manage the properties, funds and business of the Authority;
 - (g) Prepare the strategic plan and annual business plan;
 - (h) Prepare the expenditure budget of the Authority for submission to and approval by the Board and the Minister;

- (i) Represent the Authority before the Legislature and in monitoring revenue generation;
 - (j) Report regularly to the Minister on the execution of the revenue performance contract at intervals agreed with the Minister, and to the Board on specific matters defined in this Act;
 - (k) Be accountable to the Minister for the enforcement of the Code;
 - (l) Engage the services of advisors upon recommendation of the Board;

 - (m) Ensure the application of the Code of Conduct for Public Officials to all employees of the Authority;
 - (n) Serve as Secretary to the Board; and
 - (o) In keeping with law perform any other function requested by the Board or the Minister.
- (2) In the absence of the Commissioner General, the Deputy Commissioner General responsible for Technical Affairs shall serve as officer in charge of the Authority on behalf of the Commissioner General.

Section 22. APPOINTMENT OF OFFICERS AND OTHER STAFF

- (1) The Board, after a competitive process and upon the recommendation of the Commissioner General, shall appoint the Commissioners of the Authority in accordance with procedures defined by the Authority's HRMP.
- (2) The Commissioner General shall appoint other management below the level of Commissioner, the technical and general staff of the Authority as necessary for the proper and effective performance of the functions of the Authority;
- (3) All appointments must follow a transparent process of interview and selection (including an aptitude test where applicable) in accordance with the HRMP.

Section 23. REGIONAL, DISTRICT AND OTHER OFFICES OF THE AUTHORITY

The Authority shall establish regional and district revenue offices, including offices to serve as customs ports as required for the effective performance of the functions of the Authority.

Section 24. ACCOUNTABILITY FOR PERFORMANCE

- (1) The Board may also enter into a performance contract with the Commissioner General for those matters within its scope;
- (2) The Commissioner General shall be accountable to the Minister for the enforcement of the revenue laws in accordance with the Code:

- (3) The Commissioner General shall enter into performance contracts with the Deputy Commissioners General, and with the Commissioners. Such performance contracts shall be required of other employees as specified in the HRMP;
- (4) Parties to a performance contract are required to account annually, in a written report' for the completion or failure to complete the deliverables due for that year, and be used as a basis to help assess performance as applicable

Section 25. ASSET DECLARATION. BONDING AND COMPLIANCE

- (1) The Commissioner General, Deputy Commissioners General and Commissioners shall declare their assets to the Liberia Anti-Corruption Commission before assuming duties;
- (2) Where determined by the Board, other employees of the Authority must declare their assets to the Liberia Anti-Corruption Commission;
- (3) The Commissioner General, Deputy Commissioners General, Commissioners and staff shall be bonded at levels to be determined by the Board;
- (4) Board members, Officials and Staff of the Authority are required to be tax compliant at all times;
- (5) All non-statutory Board members, Officials and Staff of the Authority shall be non-partisan at all times during their tenure or period of employment.

PART V — FINANCIAL PROVISIONS

Section 26. REVENUE COLLECTED

Revenue collected by the Authority under this Act shall be paid into the Consolidated Fund in accordance with the Code and PFM Act.

Section 27. FUNDS OF THE AUTHORITY

- (1) The funds of the Authority shall include:
 - (a) The amount appropriated by the National Legislature;
 - (b) Performance incentives set by the Minister and appropriated by the Legislature based on the revenue actually collected each year in excess of the estimated revenue in the National Budget for that year; and
 - (c) Grants, donations or subsidies which may lawfully accrue to the Authority.

- (2) The Minister shall issue quarterly Orders to the Central Bank of Liberia to debit the Consolidated Fund and pay to the Authority within the first fifteen days of each quarter the amount of the quarterly installment appropriated to the Authority;
- (3) The performance incentives funds specified in subsection(1)(b) above shall be payable to the Authority by the Minister within one month after the end of the fiscal year in which the annual target(s) have been met or one month after the annual target(s) have been met prior to the end of the fiscal year;
- (4) The Minister shall use best effort to ensure that the Authority is adequately and appropriately funded to carry out its functions to collect the national revenues for the benefit of the Republic and shall ensure that funds appropriated to the Authority are disbursed on a timely basis in accordance with subsection(2) above.

Section 23. ANNUAL BUDGET OF THE AUTHORITY

In accordance with the PFM Act and related budget preparation schedule, the Commissioner General shall prepare and submit to the Board for approval an annual budget for the ensuing year which the Board shall approve and subsequently submit to the Minister. The budget must include details of the Authority's income and expenditure for the current and two subsequent years including actual from the past year. The budget must include detailed and comprehensive estimates of the current year's known and anticipated income and expenditure and a projection of income and expenditure for the next financial year as well as the following year along with carried forward balances or as required under the budget law.

Section 29. PROCUREMENT

The Authority is subject to the PPC Act.

Section 30. ACCOUNTS AND AUDIT

- (1) The Authority is required to keep books of account and proper records in conformity with the National Accounting Standards and International Public Sector Financial Reporting Standards and the PFM Act as applicable;
- (2) The Commissioner General shall submit the accounts of the Authority to the Auditor-General for audit in line with the PFM Act;
- (3) The Auditor-General shall audit the accounts of the Authority and forward the audit report to the Legislature, and provide a copy each to the Board, Commissioner General, Minister and the President.

Section 31. BANK ACCOUNTS

For the purpose of carrying out its responsibilities, the Authority is empowered to open and maintain a bank account with the Central Bank of Liberia and any other Bank as the Board deems fit. It is required to operate its financial accounts in accordance with government financial regulations and use sound financial management practices.

Section 32. REPORTS

- (1) The Authority shall be subject to the PFM Act;
- (2) **Annual Report Timing.**
 - (a) The timing of the Authority's annual report shall be in accordance with the PFM Act;
 - (b) All other reporting shall be in accordance with applicable laws.
- (3) **Annual Report Substance.**
 - (a) The Board's annual report is required to comprise of the activities and the operations of the Authority for the year to which the report relates and other requirement in accordance with the PFM Act; and
 - (b) Any policy direction received from the Minister.
- (4) **Other Reports.**

The Board shall also submit to the Minister in writing such other reports as the Minister may require in writing.

PART VI-MISCELLANEOUS

Section 33. CONFIDENTIALITY

- (1) Every member of the Board or employee of the Authority shall treat as confidential those matters deemed confidential under the Code during and after her/his tenure on the Board or service with the Authority;
- (2) Any current or former Board member or employee who contravenes subsection (1) commits an offense and is liable to penalties specified in the Code and under the Penal Law, and in the case of a current Board member or employee she/he shall be disqualified or dismissed from further service on the Board or employment with the Authority.

Section 34. IMMUNITY

No member of the Board, member of a committee of the Board or an employee of the Authority shall in her/his personal capacity be liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of her/his duties unless the conduct is deemed willful or negligent.

PART VII-TRANSITIONALPROVISIONS

PART VII—TRANSITIONAL PROVISIONS

Section 35. TRANSFER OF PROPERTY, OBLIGATIONS, AND AUTHORITY

- (1) On the effective date of this Act, all properties, except any such property as the Minister may determine, that immediately before the effective date was vested in the Government for the use of the Department of Revenue shall, without further assurances rest in the Authority, and without any associated interest, liabilities, charges, obligations affecting that property. The Minister may direct the transfer of other property owned by the Ministry to facilitate the establishment of the Authority which shall be without any associated interest, liabilities, charges, obligations affecting that property;
- (2) All contracts, debts, and liabilities of the Government attributable to the Department of Revenue immediately prior to the effective date of this Act shall remain vested in the Government and are enforceable by or against the Government;
- (3) A legal proceeding or claim pending in respect of revenue described in the Code shall be continued and is enforceable by or against the Authority in the same manner as the proceeding or claim would have been continued or enforced against the tax and revenue authorities as constituted prior to the effective date;
- (4) Tax records of the Department including documents in the possession of the Department immediately before the effective date shall become records and documents of the Authority;

Section 36. EXISTING EMPLOYEES

- (1) Upon effectiveness of this Act, the employees of the Ministry of Finance, Department of Revenue shall be transferred in writing to the Authority by the Minister through the Director General of the Civil Service Agency except those that are under (a) administrative or criminal investigations (b) at retirement age or (c) retirement tenure. This includes employees studying abroad, under the Ministry of Finance sponsorship and assigned to the Department of Revenue;
- (2) In furtherance of Section 3.4.9 of the Civil Service Standing Orders, all employees transferred in accordance with section 36 (1) shall be transferred with their salary and conditions of service not less favorable than those attached to their existing appointment as employees of the Department of Revenue, Ministry of Finance on the effective date of this Act. The salary includes the statutory salary and the general allowance;
- (3) Any pension payable by the Authority to any person mentioned in subsection 36(1) whose service has been transferred, shall be granted to her/him in respect to her/his total service under the Ministry of Finance and the Authority and shall be calculated as provided for under the labor law.

- (4) Outstanding leaves, grievances and cases against the Ministry of Finance and or the Civil Service Agency by any Department of Revenue staff shall not be transferred to the Authority
- (5) Management positions recruitment process shall not exceed 120 working days and shall be subject to the HRMP Manual;
- (6) Contractors holding contract with the Ministry of Finance and assigned with the Department of Revenue shall be transferred pending completion of their respective contract period(s); and shall be subject to count 7 below. Said contractors may apply to the Authority after the expiration of their respective contracts;
- (7) Any person transferred to the Authority shall:
 - (a) Sign the Professional Ethics and Code of Conduct of the Authority prior to assuming duties or within thirty (30) working days;
 - (b) Sign the Employee Handbook of the Authority prior to assuming duties or within thirty (30) working days;
 - (c) Submit her/his completed and signed Asset Declaration prior to assuming duties or within sixty (60) working days;
 - (d) Be subject to the Human Resource Management Manual of the Authority, the Professional Ethics and Code of Conduct of the Authority and related regulations and to the administration of the Authority;
 - (e) No longer be a civil servant; and
 - (f) Apply formally to the Authority for employment which shall be granted upon the completion of the employment process as indicated in Count 9 below.
- (8) Transferees shall be subject to a transition period which shall not exceed twelve (12) months. During the transition period a transferee will have to apply for employment with the Authority and shall also have to complete the employment process. Notwithstanding transferees can submit their application from the date of receipt of their transfer letter from the Director General of the Civil Service Agency;
- (9) Once a transferee, not in management position, has applied by submitting a letter of application, CV and supporting academic records, including her/his asset declaration, and has signed the Employment Handbook and the Professional Ethics and Code of Conduct as indicated in count 7 (a-d) above, the Authority Management shall in a period not to exceed thirty (30) working days process the employment documents and provide the transferee her/his employment letter pursuant to the HRMP Manual;
- (10) A transferee who does not apply for employment with the Authority by the end of the transition period shall return to the Civil Service Agency for assignment:

- (11) Those Civil Servants under investigation, who are later cleared by the investigating body after the transfer date, may apply to the Authority for employment.
- (12) Terms and Conditions. All hires of the Authority shall be subject to the terms and conditions of employment established in the HRMP manual.

Section 37. COMMENCEMENT OF OPERATIONS

- (1) The President and the Legislature shall make appropriate budgetary allocations for the premises, transition and continuing modernization of the Authority;
- (2) The Minister in consultation with the Board shall develop a transitional plan to ensure a smooth transition and to operationalize the act within one year upon publication of into handbills;
- (3) The effective date of the provisions which describe the powers and responsibilities of the Board is the date of publication into handbills;

Section 38. REPEALS AND CONSEQUENTIAL AMENDMENTS

- (1) On the effective date of this Act, the administrative and operational powers and duties the Code assigns to the Minister or Deputy Minister shall be treated as powers and duties of the Commissioner General, and the following provisions of Title 12, Chapter 21 of the Executive Law of 1972 are hereby expressly repealed insofar as they relate to the establishment and functions of the Department of Revenue;
 - (a) Section 21.3: Appointment of Deputy Minister for Administration; Deputy Minister for Fiscal Affairs and Debt Management. The portion of this section referring to the appointment of a Deputy Minister of Finance for Revenue is hereby repealed.
 - (b) Section 21.6: Duties of the Deputy Minister of Finance for Revenues. This section is hereby repealed in keeping with this Act.
 - (c) Section 21.8: Commissioner of Internal Revenues; Commissioner for Customs. This section is hereby repealed in keeping with this Act
- (3) Provisions in the Executive Law or any other enactment that are inconsistent with this Act are superseded to the extent of the inconsistencies of said provisions with the provision of this Act.

Section 39. EFFECTIVE DATE OF THE ACT

This Act shall take effect immediately upon publication in Handbills by the Ministry of Foreign Affairs.

ANY LAW TO THE CONTRARY NOT WITHSTANDING

-2013-

**SECOND SESSION OF THE FIFTY-THIRD
LEGISLATURE OF THE REPUBLIC OF
LIBERIA**

HOUSE'S ENGROSSED BILL NO.52

**"AN ACT TO ESTABLISH THE LIBERIA
REVENUE AUTHORITY REPUBLIC OF
LIBERIA"**

On Motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Thursday, May 23, 2013 at the hour of 12:40 G.M.T.

On Motion, the Bill was taken from Committee Room for its second reading. On Motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading, and the Bill was adopted, passed into the full force of the law, and ordered engrossed today, Thursday, September 12, 2013 at the hour of 14:10 G.M.T



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2013

**SECOND SESSION OF THE FIFTY-THIRD
LEGISLATURE OF THE REPUBLIC OF LIBERIA**

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED
BILL NO. 52. ENTITLED:

**"AN ACT TO ESTABLISH THE LIBERIA REVENUE
AUTHORITY, REPUBLIC OF LIBERIA"**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Thursday, September 12, @ 14:30 G.M.T.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Friday, September 13, 2013 @ 13:20 G.M.T.



SECRETARY, LIBERIAN SENATE, R.L

-2013-

ATTESTATION TO:

"AN ACT TO ESTABLISH THE LIBERIA REVENUE AUTHORITY"



VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/PRESIDENT OF THE SENATE



SECRETARY, LIBERIAN SENATE



SPEAKER, HOUSE OF REPRESENTATIVES, R.L.



CHIEF CLERK, HOUSE OF REPRESENTATIVES. R.L



THE HONORABLE HOUSE OF REPRESENTATIVES

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Monrovia, Liberia
Website: www.legislature.gov.lr



Office of the Chief Clerk

-2013-

SECOND SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE REPUBLIC OF LIBERIA

SCHEDULE OF HOUSE'S ENROLLED BILL NO.17 ENTITLED:

"AN ACT TO ESTABLISH THE LIBERIA REVENUE AUTHORITY"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL.

APPROVED THIS 17th DAY OF September A.D. 2013

AT THE HOUR OF 6:00 P.M.



THE PRESIDENT OF THE REPUBLIC OF LIBERIA