

Extraordinary



National Assembly Journal

No. 17

Abuja - 4th December, 2019

Vol. 16

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Printed and Published by the National Assembly Press, Abuja, Nigeria
NASSP 17/412/2019/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST; AND OTHER CONNECTED MATTERS

Sponsored by Senator Stella Oduah

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT

2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the South Establishment
4 East Development Commission (in this Act referred to as "the of the South East
5 Commission"). Development
Commission

6 (2) The Commission-

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

9 (b) may sue and be sued in its corporate name.

10 (3) The Commission shall have its head office in Enugu, Enugu
11 State and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing Establishment
15 Board (in this Act referred to as "the Board"), which shall consist of- of Government
Council of the
Commission

16 (a) a chairman;

17 (b) one person who shall be an indigene to represent each the
18 following member States, that is:

19 (i) Anambra,

	1	(ii) Imo
	2	(iii) Ebonyi,
	3	(iv) Enugu, and
	4	(v) Imo;
	5	(c) a representative of the Federal Ministry of Finance;
	6	(d) a representative of the Federal Ministry of Justice;
	7	(e) the Managing Director of the Commission; and
	8	(f) two Executive Directors;
	9	(2) The Chairman and other members of the Board shall-
	10	(a) be appointed by the President, Commander-in-Chief Forces,
	11	subject to the confirmation of the Senate;
	12	(b) be persons of proven integrity and ability.
	13	(3) The members of the Board referred to in paragraph (d) of
	14	subsection (i) of this Section shall be part-time members.
	15	(4) The supplementary provision set out in the schedule to this Act
	16	shall have effect with respect to the proceedings of the Board and the other
	17	matters contained therein.
Tenure of office	18	3.-(1) Subject to the provisions of section 4 of this Act a member of
	19	the Board, other than an ex-officio member, shall hold office for a term of 4
	20	years at the first instance and may be reappointed for a further term of 4 years
	21	and no more.
	22	(2) The member of the Board shall be paid such remunerations and
	23	allowances as the Federal Government may, from time to time, determine for
	24	the chairman and members of statutory board generally.
	25	(3) A member of the Board other than ex-officio members, may resign
	26	his appointment by notice, in writing under his hand addressed to the President
	27	Commander-in-Chief of the Armed Forces.
Rotation of Office of Chairman of the Commission	28	4. The office of the Chairman of the Commission shall rotate among
	29	the member states of the Commission in the following alphabetical sequence
	30	of-

(a) Anambra;

(b) Abia,

(c) Ebonyi;

(d) Enugu; and

(e) Imo.

5.-(1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as a member of the Board if-

(a) he becomes bankrupt, suspends payment or compounds with his creditors;

(b) he is convicted of a felony or any offence involving dishonesty or fraud;

(c) he becomes of unsound mind, or incapable of carrying out his duties;

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

(e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the President,
Commander-in-Chief of the Armed Forces

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President, Commander-in-Chief of Armed Forces subject to the confirmation of the Senate.

6. There shall be paid to every member of the council such allowances and expenses as Federal Government may, from time to time, direct.

	1	PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	2	7.-(1) The Commission shall-
	3	(a) formulate policies and guidelines for the development of the South
	4	East;
	5	(b) conceive, plan and implement, in accordance with set rules and
	6	regulations, projects and programmes for the sustainable development of the
	7	South East in the field of roads, education, health facilities, employment,
	8	industrialization, agriculture, housing and urban development, water supply,
	9	electricity and commerce;
	10	(c) prepare master plans and schemes designed to promote the
	11	physical development of the South East and the estimate of the cost of
	12	implementing such master plans and schemes;
	13	(d) implement all the measures approved for the development of the
	14	South East by the Federal Government and the member States of the
	15	Commission;
	16	(e) identify factors inhibiting the development of the South East and
	17	assist the member states in the formulation and implementation of policies to
	18	ensure sound and efficient management of the resources of the South East;
	19	(f) carry out such other functions as the President may, from time to
	20	time, direct.
	21	(2) In exercising its functions and powers under this section, the
	22	Commission shall have regard to the varied and specific contributions of each
	23	member state of the Commission.
Powers of the Board	24	8. The Board shall have power to-
	25	(a) manage and supervise affairs of the Commission;
	26	(b) make rules and regulations for carrying out the functions of the
	27	Commission;
	28	(c) enter and inspect premises, projects and such places as may be
	29	necessary for the purposes of carrying out its functions under this Act;
	30	(d) pay the staff of the Commission such remuneration and

1 allowances as appropriate;

2 (e) enter into such contracts as may be necessary or expedient for
3 the discharge of its functions and ensure the efficient performance of the
4 functions of the Commission;

5 (f) do such other things as are necessary and expedient for the
6 efficient performances of the functions of the Commission.

7 **PART III - STRUCTURE OF THE COMMISSION**

8 **9.-(1)** There shall be established in the Head Office of the Establishment
of Directorates
9 Commission, the following Directorates-

10 (a) the Directorate of Administration, Human Resources and Man
11 power Development;

12 (b) the Directorate of Community and Rural Development;

13 (c) the Directorate of Utilities, Infrastructural Development;

14 (d) the Directorate of Finance and Supplies;

15 (e) the Directorate of Agriculture and Rural Development,

16 (f) the Directorate of Planning, Research, Statistics and
17 Management Information system;

18 (g) the Directorate of Legal Services and Corporate Affairs;

19 (h) the Directorate of Education, Health and Social Services;

20 (i) the Directorate of Commercial and Industrial Development; and

21 (j) the Directorate of Projects Monitoring and Supervision.

22 (2) The Board may increase the number of Directorates as it may
23 deem necessary.

24 **10.** There shall be for the Commission a management Committee Establishment
of the Management
Committee
25 which shall-

26 (a) consist of a Chairman who shall be the Managing Director, the
27 Executive Directors, the Directors responsible for the Directorates under
28 section 9 of this Act and such number of other members as may be
29 determined from time to time;

30 (b) be responsible to the Board and the Managing Director for the

	1	general administration of the Commission.
Establishment and Membership and Functions if the South East Development	2	11. -(1) There is hereby established for the Commission, a South East
	3	Development Advisory Committee (in this Act referred to as "the Advisory
	4	Committee") which shall consist of-
	5	(a) the Governors of the member states of the Commission; and
	6	(b) two other persons as may be determined, from time to time, by the
	7	President, Commander-in-Chief of the Armed Forces.
	8	(2) The Advisory Committee shall be charged with the responsibility
	9	of advising the Board on the activities of the Commission.
	10	(3) The Advisory Committee may make rules regulating its own
	11	proceedings.
	12	PART IV - STAFF OF THE COMMISSION.
Appointment of Executive Secretary, etc.	13	12. -(1) There shall be for the Commission, a Managing Director, and
	14	two Executive Directors who shall-
	15	(a) have such qualification and experience as are appropriate for a
	16	person required to perform functions of that office under this Act, and
	17	(b) be the Chief executive and accounting officer of the Commission.
	18	(c) hold office on such terms and conditions as to emolument,
	19	conditions of service as may be specified in his letter of appointment.
	20	(2) The Managing Director shall, subject to the general direction of
	21	the Board, be responsible-
	22	(a) for the day to day administration of the Commission;
	23	(b) for keeping the books and proper records of the proceedings of the
	24	Board; and
	25	(c) for-
	26	(i) the administration of the Secretariat of the Board, and
	27	(ii) the general direction and control of all other employees of the
	28	chairman.
	29	(3) The Board shall have to-
	30	(a) employ either directly or on secondment from any civil or public

1 service, in the Federation or a State such number of employees as may, in the
2 opinion of the Board, be required to assist the Board in the discharge of any
3 of its functions under this Act; and

4 (b) pay to persons so employed such remuneration (including
5 allowances) as the Board may determine).

6 **13.**-(1) Service in the Commission shall be approved service for Service in the
7 the purposes of the Pension Act. Commission to
be pensionable

8 (2) The officers and other persons employed in the commission
9 shall be entitled to pensions, gratuities and other retirement benefits as are
10 enjoyed by persons holding equivalent grades as appropriate.

11 (3) Nothing in subsections (1) and (2) of this Section shall prevent
12 the appointment of a person to any office on terms which preclude the grant
13 of pension and gratuity in respect of that office.

14 (4) For the purposes of the application of the provisions of the
15 Pensions Act, any power exercisable thereunder by the Minister or other
16 authority of the Government of the Federation, other than the power to make
17 regulations under section 23 thereof, is hereby vested in and shall be
18 exercisable by the commission, and not by any other person or authority.

19 PART V - FINANCIAL PROVISIONS

20 **14.**-(1) The Commission shall establish and maintain a fund from Fund of the
21 which shall be defrayed all expenditure incurred by the Commission. Commission

22 (2) There shall be paid and credited to the fund established
23 pursuant to subsection (1) of this section-

24 (a) from the Federal Government, the equivalent of 15 percent of
25 the total monthly statutory allocations due to the member States of the
26 Commission from the Federation Account; this being the contribution of the
27 Federal Government to the Commission;

28 (b) 50 percent of monies due to member States of the Commission
29 from the Ecological Fund;

30 (c) such monies as may from time to time, be granted or lent to or

1 deposited with the Commission by the Federal or a state Government, any
2 other body or institution whether local or foreign;

3 (d) all moneys raised for the purposes of the Commission by way of
4 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

5 (e) proceeds from all other assets that may, from time to time, accrue
6 to the Commission.

7 (3) The Fund shall be managed in accordance with the rules made by
8 the Board, and without prejudice to the general of the power to make rules
9 under this subsection, the rules shall in particular contain provisions-

10 (a) specifying the manner in which the assets or the fund of the
11 Commission are to be held, and regulating the making of payments into and out
12 of the fund; and

13 (b) requiring the keeping of proper accounts and records for the
14 purpose of the fund in such form as may be specified in the rules.

Expenditure
of the Commission

15 **15.** The Commission shall apply the proceeds of the fund established
16 pursuant to section 14 of this Act to-

17 (a) the cost of administration of the Commission;

18 (b) the payment of salaries, fees, remuneration, allowances, pensions
19 and gratuities payable to the members of the Board specified in section 6 of this
20 Act or any Committee of the Board and the employees of the Commission;

21 (c) the payment for all contracts, including mobilization, fluctuations,
22 variations, legal fees and cost on contract administration;

23 (d) the payment for all purchases; and

24 (e) undertaking such other activities as are connected with all or any
25 of the functions of the Commission under this Act.

Gifts to the
Commission

26 **16.-(1)** The Commission may accept gifts of land, money or other
27 property on such terms and conditions; it may be specified by the person or
28 organisation making the gift.

29 (2) The Commission shall not accept any gift if the conditions
30 attached by the person or organisation making the gift are inconsistent with the

1 functions of the Commission under this Act.

2 **17.** The Commission may, with the consent of the President, Power to borrow
3 Commander-in-Chief of the Armed Forces, borrow, on such terms and money
4 conditions as the Commission may require in the exercise of its functions
5 under this Act.

6 **18.**-(1) The Board shall, not later than 30th September in each year, Annual Estimates
7 submit to the President, Commander-in-Chief of the Armed Forces an and Expenditure
8 estimate of the expenditure and income of the Commission during the next
9 succeeding year.

10 (2) The Board shall cause to be kept proper accounts of the
11 Commission in respect of each year and proper records in relation thereto
12 and shall cause the accounts to be audited not later than 6 months after the
13 end of each year by auditors appointed from the list in accordance with the
14 guidelines supplied by the Auditor-General for the Federation.

15 **19.** The Commission shall, at the end of every quarter in each year, Quarterly Report
16 submit to the President Commander-in-Chief of the Armed Forces a report
17 on the activities and administration of the Commission.

18 **20.** The Board shall prepare and submit to the President, Annual Report
19 Commander-in-Chief of the Armed Forces, not later than 30th June in each
20 year, a report in such form as the President, Commander-in-Chief of the
21 Armed Forces, may direct on the activities of the Commission during the
22 immediately preceding year, and shall include in the report a copy of the
23 audited accounts of the Commission for that year and the auditor's report
24 thereon.

25 (2) The President, Commander-in-Chief of the Armed Forces
26 shall, upon receipt of the report referred to in subsection (1) of this Section,
27 cause a copy of the report and the audited accounts of the Commission and
28 the auditor's report thereon to be submitted to each House of the National
29 Assembly.

	1	PART VI - MISCELLANEOUS PROVISION.
Establishment of Monitoring Committee	2	21. -(1) There is hereby established for the Commission a monitoring
	3	Committee which shall consist of such number of persons as the President,
	4	Commander-in-Chief of the Armed Forces may deem fit to appoint from the
	5	Public or Civil Service of the Federation.
	6	(2) The Monitoring Committee shall-
	7	(a) monitor the management of the funds of the Commission and the
	8	implementation of the projects of the Commission; and
	9	(b) have access to the books of accounts and other records of the
	10	Commission at all times, and submit periodical reports to the President,
	11	Commander-in-Chief of the Armed Forces.
Office and Premise of the Commission Cap. 202 LFN	12	22. -(1) For the purposes of providing offices and premises necessary
	13	for the performance of its functions under this Act, the Commission may,
	14	subject to the land use Act-
	15	(a) purchase or take on lease any interest land, or other property; and
	16	(b) construct offices and premises and equip and maintain same.
	17	(2) The Commission may, subject to the land use Act, sell or lease out
	18	any office or premises held by it, which office or premises is no longer required
	19	for the performance of its functions under this Act.
Directives by the President Commander-in- Chief of the Armed Forces	20	23. Subject to the provisions of this Act, the President, Commander-
	21	in-Chief of the Armed Forces may give to the Commission directives of a
	22	general nature or relating generally to matters of policy with regard to the
	23	performance by the Commission of its functions and it shall be the duty of the
	24	Commission to comply with the directives.
Limitation of suits against Commission Cap. 379 LFN	25	24. -(1) Subject to the provisions of this Act, the provisions of the
	26	Public Officers Protection Act shall apply in relation to any suit instituted
	27	against any Officer or employee of the Commission.
	28	(2) Notwithstanding anything contained in any other law or
	29	enactment, no suit shall lie against any member of the Board, the Managing
	30	Director or any other officer or employee of the Commission for any act done

1 in pursuance or execution of this Act or any other law or enactment, or of any
 2 alleged neglect or default in the execution of this Act or such law or
 3 enactment, duty or authority, shall lie or be instituted in any court unless-

4 (a) it is commenced within three months next after the Act, neglect
 5 or default complained of; or

6 (b) in the case of a continuation of damage or injury, within six
 7 months next after the leasing thereof.

8 **25.** A notice, summons or other document required or authorised
 9 to be served upon the Commission under the provisions of this Act or any
 10 other law or enactment may be served by delivering it to the Managing
 11 Director or by sending it by registered post and addressed to the Managing
 12 Director at the principal office of the Commission.

Service of
Documents

13 **26.**-(1) In any action or suit against the Commission, no execution
 14 or attachment of process against the Commission unless not less than three
 15 mouths notice of the intention to execute or attachment has been given to the
 16 Commission.

Restriction
Execution against
property of the
Commission

17 (2) Any sum of money which by the judgment of any court has been
 18 awarded against the Commission shall be subject to any direction given by
 19 the court, where no notice of appeal against the judgment has been given be
 20 paid from the fund of the Commission.

21 **27.** A member of the Board, the Managing Director, any officer or
 22 employee of the Commission shall be indemnified out of the assets of the
 23 Commission against any proceeding, whether civil or criminal, in which
 24 judgment is given in this favour or in which he is acquitted, if any such
 25 proceeding is brought against him in his capacity as a member of the Board,
 26 the Managing Director, officers or employee of the Commission.

Indemnity of
Officers

27 **28.** The Commission may, with the approval of the President,
 28 Commander-in-Chief of the Armed Forces, make regulations, generally for
 29 the purposes of giving full effect to this Act.

Regulations

Interpretation	1	29. In this Act, unless the context otherwise requires-
	2	"Chairman" means the Chairman of the Board;
	3	"Commission" means the South East Development Commission established
	4	by section 1 of this Act;
	5	"Board" means the Governing Board established for the Commission under
	6	section 2 (1) of this Act;
	7	"Member" means a member of the Board and includes the Chairman,
	8	Managing Director and Executive Directors;
	9	"Member States" include, Anambra, Abia Ebonyi, Enungu, and Imo States;
	10	and
	11	"President" means the President of the Federal Republic of Nigeria.

Citation	12	30. This Bill may be cited as the South East Development
	13	Commission (Establishment etc.) Bill, 2019.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

Proceedings of the Board.

18 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
19 Board may make standing orders regulating its proceedings or those of any of
20 its Committees.

(2) The Board shall meet whenever it is summoned by chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

25 2.-(1) the Board may appoint one or more Committees to carry out, on
26 behalf of the Board such functions as the Board may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the Committee in accordance with the terms of his appointment.

30 (3) A decision of a Committee of the Board shall be of no effect until it

1 is confirmed by the Board.

2 *Miscellaneous*

3 3.-(1) The fixing of the seat of the Committee shall be
4 authenticated by the signature of the Chairman and the Secretary to the
5 Board.

(2) A document purporting to be a document duly executed under the seat of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

9 (5) The validity of any proceedings of the Board or of a Committee
10 shall not be adversely affected by-

11 (a) a vacancy in the membership of the Board or Committee;

12 (b) a defect in the appointment of a member of the Board or
13 Committee; or

(c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South East Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East.

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH WEST DEVELOPMENT COMMISSION TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL AND INDUSTRIAL POTENTIALS OF THE SOUTH WEST, TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT OF THE SOUTH WEST AND ANY OTHER RELATED EDUCATIONAL BACKWARDNES AS WELL AS SECURITY AND DEVELOPMENTAL CHALLENGE; AND OTHER CONNECTED MATTERS

Sponsored by Senator Ibikunle Amosun

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. THE SOUTH WEST DEVELOPMENT 2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the South Establishment
4 West Development Commission (in this Act referred to as "the of the South West
5 Commission"). Development
Commission

6 (2) The Commission-

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

9 (b) may sue and be sued in its corporate name.

10 (3) The Commission shall have its head office in Ogun, Ogun
11 State and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing Establishment of
15 Board (in this Act referred to as "the Board"), which shall consist of- Government
Council of the
Commission

16 (a) a chairman;

1 (b) one person who shall be an indigene to represent each the
2 following member States, that is:

3 Ogun,
4 Lagos,
5 Ondo,
6 Oyo,
7 Osun,
8 Ekiti.

9 (c) a representative of the Federal Ministry of Finance;

10 (d) a representative of the Federal Ministry of Justice;

11 (e) the Managing Director of the Commission; and

12 (f) two Executive Directors;

13 (2) The Chairman and other members of the Board shall-

14 (a) be appointed by the President, Commander-in-Chief Forces,
15 subject to the confirmation of the Senate;

16 (b) be persons of proven integrity and ability.

17 (3) The members of the Board referred to in paragraph (d) of
18 subsection (i) of this Section shall be part-time members.

19 (4) The supplementary provision set out in the schedule to this Act
20 shall have effect with respect to the proceedings of the Board and the other
21 matters contained therein.

Tenure of office

22 **3.-(1)** Subject to the provisions of section 4 of this Act a member of
23 the Board, other than an ex-officio member, shall hold office for a term of 4
24 years at the first instance and may be reappointed for a further term of 4 years
25 and no more.

26 (2) The member of the Board shall be paid such remunerations and
27 allowances as the Federal Government may, from time to time, determine for
28 the chairman and members of statutory board generally.

29 (3) A member of the Board other than ex-officio members, may resign
30 his appointment by notice, in writing under his hand addressed to the President

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	1	confirmation of the Senate.
Allowances of Members	2	6. There shall be paid to every member of the council such allowances
	3	and expenses as Federal Government may, from time to time, direct.
	4	PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	5	7.-(1) The Commission shall-
	6	(a) formulate policies and guidelines for the development of the South
	7	West;
	8	(b) conceive, plan and implement, in accordance with set rules and
	9	regulations, projects and programmes for the sustainable development of the
	10	South West in the field of roads, education, health facilities, employment,
	11	industrialization, agriculture, housing and urban development, water supply,
	12	electricity and commerce;
	13	(c) prepare master plans and schemes designed to promote the
	14	physical development of the South West and the estimate of the cost of
	15	implementing such master plans and schemes;
	16	(d) implement all the measures approved for the development of the
	17	South West by the Federal Government and the member States of the
	18	Commission;
	19	(e) identify factors inhibiting the development of the South West and
	20	assist the member states in the formulation and implementation of policies to
	21	ensure sound and efficient management of the resources of the South West;
	22	(f) Conceive, conceptualize, plan and implement, in accordance with
	23	set rules and regulations, project and programmes for the sustainable
	24	development of the South West area in the field of receiving and management
	25	of fund from allocation or the Federation and Donor funds for the development
	26	of educational infrastructure and other developmental challenges.
	27	(g) Cause the South West area to be surveyed in order to ascertain
	28	measures which are necessary to promote its physical and socio-economic
	29	development;
	30	(h) Assess and report on any project being funded or carried out in the

1 South West area for the purpose of development;

2 (i) Tackle ecological and environmental problems that arise from
3 the soil erosion problems and other related environmental challenges in the
4 South West and advice the Federal Government and the member states on
5 the prevention and control of the erosion and environmental challenge;

6 (j) carry out such other functions as the President may, from time to
7 time, direct.

8 (2) In exercising its functions and powers under this section, the
9 Commission shall have regard to the varied and specific contributions of
10 each member state of the Commission.

11 **8.** The Board shall have power to-

Powers of the
Board

12 (a) manage and supervise affairs of the Commission;

13 (b) make rules and regulations for carrying out the functions of the
14 Commission;

15 (c) enter and inspect premises, projects and such places as may be
16 necessary for the purposes of carrying out its functions under this Act;

17 (d) pay the staff of the Commission such remuneration and
18 allowances as appropriate;

19 (e) enter into such contracts as may be necessary or expedient for
20 the discharge of its functions and ensure the efficient performance of the
21 functions of the Commission;

22 (f) do such other things as are necessary and expedient for the
23 efficient performances of the functions of the Commission.

24 **PART III - STRUCTURE OF THE COMMISSION**

25 **9.-(1)** There shall be established in the Head Office of the
26 Commission, the following Directorates-

Establishment
of Directorates

27 (a) the Directorate of Administration, Human Resources and man
28 power Development;

29 (b) the Directorate of Community and Rural Development;

30 (c) the Directorate of Utilities, Infrastructural Development;

	1	(d) the Directorate of Finance and Supplies;
	2	(e) the Directorate of Agriculture and Rural Development,
	3	(f) the Directorate of Planning, Research, Statistics and Management
	4	Information system;
	5	(g) the Directorate of Legal Services and Corporate Affairs;
	6	(h) the Directorate of Education, Health and Social Services;
	7	(i) the Directorate of Commercial and Industrial Development; and
	8	(j) the Directorate of Projects Monitoring and Supervision.
	9	(2) The Board may increase the number of Directorates as it may
	10	deem necessary.
Establishment of the Management Committee	11	10. There shall be for the Commission a management Committee
	12	which shall-
	13	(a) consist of a Chairman who shall be the Managing Director, the
	14	Executive Directors, the Directors responsible for the Directorates under
	15	section 9 of this Act and such number of other members as may be determined
	16	from time to time;
	17	(b) be responsible to the Board and the Managing Director for the
	18	general administration of the Commission.
Establishment and Membership and Functions of the South West Development	19	11.-(1) There is hereby established for the Commission, South West
	20	Development Advisory Committee (in this Act referred to as "the Advisory
	21	Committee") which shall consist of-
	22	(a) the Governors of the member states of the Commission; and
	23	(b) two other persons as may be determined, from time to time, by the
	24	President, Commander-in-Chief of the Armed Forces.
	25	(2) The Advisory Committee shall be charged with the responsibility
	26	of advising the Board on the activities of the Commission.
	27	(3) The Advisory Committee may make rules regulating its own
	28	proceedings.
Appointment of Executive Secretary, etc.	29	PART IV - STAFF OF THE COMMISSION.
	30	12.-(1) There shall be for the Commission, a Managing Director, and

1 two Executive Directors who shall-

2 (a) have such qualification and experience as are appropriate for a
3 person required to perform functions of that office under this Act;

4 (b) be the Chief executive and accounting officer of the
5 Commission; and

6 (c) hold office on such terms and conditions as to emolument,
7 conditions of service as may be specified in his letter of appointment.

8 (2) The Managing Director shall, subject to the general direction of
9 the Board, be responsible-

10 (a) for the day to day administration of the Commission;

11 (b) for keeping the books and proper records of the proceedings of
12 the Board; and

13 (c) for-

14 (i) the administration of the Secretariat of the Board, and

15 (ii) the general direction and control of all other employees of the
16 chairman.

17 (3) The Board shall have to-

18 (a) employ either directly or on secondment from any civil or
19 public service, in the Federation or a State such number of employees as
20 may, in the opinion of the Board, be required to assist the Board in the
21 discharge of any of its functions under this Act; and

22 (b) pay to persons so employed such remuneration (including
23 allowances) as the Board may determine).

24 **13.-(1)** Service in the Commission shall be approved service for
25 the purposes of the Pension Act.

Service in the
Commission to
be pensionable

26 (2) The officers and other persons employed in the commission
27 shall be entitled to pensions, gratuities and other retirement benefits as are
28 enjoyed by persons holding equivalent grades as appropriate.

29 (3) Nothing in subsections (1) and (2) of this Section shall prevent
30 the appointment of a person to any office on terms which preclude the grant

1 of pension and gratuity in respect of that office.

2 (4) For the purposes of the application of the provisions of the
3 Pensions Act, any power exercisable thereunder by the Minister or other
4 authority of the Government of the Federation, other than the power to make
5 regulations under section 23 thereof, is hereby vested in and shall be
6 exercisable by the commission, and not by any other person or authority.

7 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

8 **14.**-(1) The Commission shall establish and maintain a fund from
9 which shall be defrayed all expenditure incurred by the Commission.

10 (2) There shall be paid and credited to the fund established pursuant to
11 subsection (1) of this section-

12 (a) from the Federal Government, the equivalent of 15 percent of the
13 total monthly statutory allocations due to the member States of the
14 Commission from the Federation Account; this being the contribution of the
15 Federal Government to the Commission;

16 (b) 50 percent of monies due to member States of the Commission
17 from the Ecological Fund;

18 (c) two percent of the total annual budget of companies operating in
19 the South west;

20 (d) such monies as may from time to time, be granted or lent to or
21 deposited with the Commission by the Federal or a state Government, any
22 other body or institution whether local or foreign;

23 (e) all moneys raised for the purposes of the Commission by way of
24 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

25 (f) proceeds from all other assets that may, from time to time, accrue
26 to the Commission.

27 (3) The Fund shall be managed in accordance with the rules made by
28 the Board, and without prejudice to the general of the power to make rules
29 under this subsection, the rules shall in particular contain provisions-

30 (a) specifying the manner in which the assets or the fund of the

1 Commission are to be held, and regulating the making of payments into and
2 out of the fund; and

3 (b) requiring the keeping of proper accounts and records for the
4 purpose of the fund in such form as may be specified in the rules.

5 **15.** The Commission shall apply the proceeds of the fund Expenditure of
6 established pursuant to section 14 of this Act to- the Commission

7 (a) the cost of administration of the Commission;

8 (b) the payment of salaries, fees, remuneration, allowances,
9 pensions and gratuities payable to the members of the Board specified in
10 section 6 of this Act or any Committee of the Board and the employees of the
11 Commission;

12 (c) the payment for all contracts, including mobilization,
13 fluctuations, variations, legal fees and cost on contract administration;

14 (d) the payment for all purchases; and

15 (e) undertaking such other activities as are connected with all or
16 any of the functions of the Commission under this Act.

17 **16.-(1)** The Commission may accept gifts of land, money or other Gifts to the
18 property on such terms and conditions; it may be specified by the person or Commission
19 organization making the gift.

20 (2) The Commission shall not accept any gift if the conditions
21 attached by the person or organisation making the gift are inconsistent with
22 the functions of the Commission under this Act.

23 **17.** The Commission may, with the consent of the President, Power to borrow
24 Commander-in-Chief of the Armed Forces, borrow, on such terms and money
25 conditions as the Commission may require in the exercise of its functions
26 under this Act.

27 **18.-(1)** The Board shall, not later than 30th September in each year, Annual Estimates
28 submit to the President, Commander-in-Chief of the Armed Forces an and Expenditure
29 estimate of the expenditure and income of the Commission during the next
30 succeeding year.

	1	(2) The Board shall cause to be kept proper accounts of the
	2	Commission in respect of each year and proper records in relation thereto and
	3	shall cause the accounts to be audited not later than 6 months after the end of
	4	each year by auditors appointed from the list in accordance with the guidelines
	5	supplied by the Auditor-General for the Federation.
Quarterly Report	6	19. The Commission shall, at the end of every quarter in each year,
	7	submit to the President Commander-in-Chief of the Armed Forces a report on
	8	the activities and administration of the Commission.
Annual Report	9	20. The Board shall prepare and submit to the President, Commander-
	10	in-Chief of the Armed Forces, not later than 30th June in each year, a report in
	11	such form as the President, Commander-in-Chief of the Armed Forces, may
	12	direct on the activities of the Commission during the immediately preceding
	13	year, and shall include in the report a copy of the audited accounts of the
	14	Commission for that year and the auditor's report thereon.
	15	(2) The President, Commander-in-Chief of the Armed Forces shall,
	16	upon receipt of the report referred to in subsection (1) of this Section, cause a
	17	copy of the report and the audited accounts of the Commission and the auditor's
	18	report thereon to be submitted to each House of the National Assembly.
	19	PART VI - MISCELLANEOUS PROVISION.
Establishment of Monitoring Committee	20	21. -(1) There is hereby established for the Commission a monitoring
	21	Committee which shall consist of such number of persons as the President,
	22	Commander-in-Chief of the Armed Forces may deem fit to appoint from the
	23	Public or Civil Service of the Federation.
	24	(2) The Monitoring Committee shall-
	25	(a) monitor the management of the funds of the Commission and the
	26	implementation of the projects of the Commission; and
	27	(b) have access to the books of accounts and other records of the
	28	Commission at all times, and submit periodical reports to the President,
	29	Commander-in-Chief of the Armed Forces.

1	22. -(1) For the purposes of providing offices and premises	Office and Premise
2	necessary for the performance of its functions under this Act, the	of the Commission
3	Commission may, subject to the land use Act-	Cap. 202 LFN
4	(a) purchase or take on lease any interest land, or other property;	
5	and	
6	(b) construct offices and premises and equip and maintain same.	
7	(2) The Commission may, subject to the land use Act, sell or lease	
8	out any office or premises held by it, which office or premises is no longer	
9	required for the performance of its functions under this Act.	
10	23. Subject to the provisions of this Act, the President,	Directives by the
11	Commander-in-Chief of the Armed Forces may give to the Commission	President
12	directives of a general nature or relating generally to matters of policy with	Commander-in-
13	regard to the performance by the Commission of its functions and it shall be	Chief of the
14	the duty of the Commission to comply with the directives.	Armed Forces
15	24. -(1) Subject to the provisions of this Act, the provisions of the	Limitation of
16	Public Officers Protection Act shall apply in relation to any suit instituted	suits against
17	against any Officer or employee of the Commission.	Commission
18	(2) Notwithstanding anything contained in any other law or	Cap. 379 LFN
19	enactment, no suit shall lie against any member of the Board, the Managing	
20	Director or any other officer or employee of the Commission for any act	
21	done in pursuance or execution of this Act or any other law or enactment, or	
22	of any alleged neglect or default in the execution of this Act or such law or	
23	enactment, duty or authority, shall lie or be instituted in any court unless-	
24	(a) it is commenced within three months next after the Act, neglect	
25	or default complained of; or	
26	(b) in the case of a continuation of damage or injury, within six	
27	months next after the leasing thereof.	
28	25. A notice, summons or other document required or authorised	Service of
29	to be served upon the Commission under the provisions of this Act or any	Documents
30	other law or enactment may be served by delivering it to the Managing	

	1	Director or by sending it by registered post and addressed to the Managing
	2	Director at the principal office of the Commission.
Restriction on Execution against Property of the Commission	3	26. -(1) In any action or suit against the Commission, no execution or
	4	attachment of process against the Commission unless not less than three
	5	months' notice of the intention to execute or attachment has been given to the
	6	Commission.
	7	(2) Any sum of money which by the judgment of any court has been
	8	awarded against the Commission shall be subject to any direction given by the
	9	court, where no notice of appeal against the judgment has been given be paid
	10	from the fund of the Commission.
Indemnity of Officers	11	27. A member of the Board, the Managing Director, any officer or
	12	employee of the Commission shall be indemnified out of the assets of the
	13	Commission against any proceeding, whether civil or criminal, in which
	14	judgment is given in this favour or in which he is acquitted, if any such
	15	proceeding is brought against him in his capacity as a member of the Board, the
	16	Managing Director, officers or employee of the Commission.
Regulations	17	28. The Commission may, with the approval of the President,
	18	Commander-in-Chief of the Armed Forces, make regulations, generally for the
	19	purposes of giving full effect to this Act.
Interpretation	20	29. In this Act, unless the context otherwise requires-
	21	"Chairman" means the Chairman of the Board;
	22	"Commission" means the South West Development Commission established
	23	by section 1 of this Act;
	24	"Board" means the Governing Board established for the Commission under
	25	section 2 (1) of this Act;
	26	"Member" means a member of the Board and includes the Chairman,
	27	Managing Director and Executive Directors;
	28	"Member States" include Lagos, Ogun, Ondo, Oyo , Osun, Ekiti States; and
	29	"President" means the President of the Federal Republic of Nigeria.

30. This Bill may be cited as the South West Development Commission (Establishment etc.) Bill, 2019.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

Proceedings of the Board

1.-(1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.

(2) The Board shall meet whenever it is summoned by chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

2.-(1) the Board may appoint one or more Committees to carry out, on behalf of the Board such functions as the Board may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

3.-(1)The fixing of the seat of the Committee shall be authenticated by the signature of the Chairman and the Secretary to the Board.

(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

(3) The validity of any proceedings of the Board or of a Committee shall not be adversely affected by-

(a) a vacancy in the membership of the Board or Committee;

- 1 (b) a defect in the appointment of a member of the Board or
2 Committee; or
3 (c) reason that a person not entitled to do so took part in the
4 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South West Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial and industrial potentials of the South West and for the overall educational development as well as environmental degradation of the South West.

A BILL

FOR

AN ACT TO ESTABLISH THE NORTH CENTRAL DEVELOPMENT COMMISSION
TO ACT AS A CATALYST TO DEVELOP THE AGRICULTURAL , COMMERCIAL
AND INDUSTRIAL POTENTIALS OF THE NORTH CENTRAL, TO RECEIVE AND
MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE
AGRICULTURAL AND INDUSTRIAL DEVELOPMENT OF THE NORTH
CENTRAL AND OTHER DEVELOPMENTAL CHALLENGE; AND OTHER
CONNECTED MATTERS

Sponsored by Senator Sani Musa

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART I - ESTABLISHMENT, ETC. THE NORTH CENTRAL DEVELOPMENT 2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the North
4 Central Development Commission (in this Act referred to as "the
5 Commission").

Establishment
pf the North
Central
Development
Commission

6 (2) The Commission-

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

9 (b) may sue and be sued in its corporate name.

10 (3) The Commission shall have its head office in Minna, Niger
11 State and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing
15 Board (in this Act referred to as "the Board"), which shall consist of-

Establishment
of Government
Council of the
Commission

16 (a) a chairman;

1 (b) one person who shall be an indigene to represent each the
2 following member States, that is:

- 3 (a) Niger,
4 (ii) Kogi,
5 (iii) Kwara,
6 (iv) Benue,
7 (v) Plateau,
8 (vi) Nassarawa, and
9 (vii) FCT

10 (c) a representative of the Federal Ministry of Finance;

11 (d) a representative of the Federal Ministry of Justice;

12 (e) the Managing Director of the Commission; and

13 (f) two Executive Directors;

14 (2) The Chairman and other members of the Board shall-

15 (a) be appointed by the President, Commander-in-Chief Forces,
16 subject to the confirmation of the Senate;

17 (b) be persons of proven integrity and ability.

18 (3) The members of the Board referred to in paragraph (d) of
19 subsection (i) of this Section shall be part-time members.

20 (4) The supplementary provision set out in the schedule to this Act
21 shall have effect with respect to the proceedings of the Board and the other
22 matters contained therein.

Tenure of office

23 **3.-(1)** Subject to the provisions of section 4 of this Act a member of
24 the Board, other than an ex-officio member, shall hold office for a term of 4
25 years at the first instance and may be reappointed for a further term of 4 years
26 and no more.

27 (2) The member of the Board shall be paid such remunerations and
28 allowances as the Federal Government may, from time to time, determine for
29 the chairman and members of statutory board generally.

30 (3) A member of the Board other than ex-officio members, may resign

1 his appointment by notice, in writing under his hand addressed to the
2 President Commander-in-Chief of the Armed Forces.

3 **4.** The office of the Chairman of the Commission shall rotate
4 among the member states of the Commission in the following alphabetical
5 sequence of-

Rotation of Office
of Chairman of
the Commission

- 6 (a) Niger,
- 7 (ii) Kogi,
- 8 (iii) Kwara,
- 9 (iv) Benue,
- 10 (v) Plateau,
- 11 (vi) Nassarawa and
- 12 (vii) FCT

13 **5.-(1)** notwithstanding the provisions of section 3 of this Act, a
14 person shall cease to hold office as a member of the Board if-

Cessation of
Membership of
the Board

15 (a) he becomes bankrupt, suspends payment or compounds with
16 his creditors;

17 (b) he is convicted of a felony or any offence involving dishonesty
18 or fraud;

19 (c) he becomes of unsound mind, or incapable of carrying out his
20 duties;

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

22 (e) in the case of a person possessed of professional qualification,
23 he is disqualified or suspended, other than at his own request, from
24 practicing his profession in any part of the world by an order of a competent
25 authority made in respect of that member; or

26 (f) he resigns his appointment by a letter addressed to the President,
27 Commander-in-Chief of the Armed Forces

28 (3) Where a vacancy occurs in the membership of the Board, it
29 shall be filled by the appointment of a successor to hold office for the
30 remainder of the term of office of his predecessor, so however, that the

	1	successor shall represent the same interest and shall be appointed by the
	2	President, Commander-in-Chief of Armed Forces subject to the confirmation
	3	of the Senate.
Allowances of Members	4	6. There shall be paid to every member of the council such allowances
	5	and expenses as Federal Government may, from time to time, direct.
	6	PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	7	7.-(1) The Commission shall-
	8	(a) formulate policies and guidelines for the development of the North
	9	Central;
	10	(b) conceive, plan and implement, in accordance with set rules and
	11	regulations, projects and programmes for the sustainable development of the
	12	North Central in the field of roads, education, health facilities, employment,
	13	industrialization, agriculture, housing and urban development, water supply,
	14	electricity and commerce;
	15	(c) prepare master plans and schemes designed to promote the
	16	physical development of the North Central and the estimate of the cost of
	17	implementing such master plans and schemes;
	18	(d) implement all the measures approved for the development of the
	19	North Central by the Federal Government and the member States of the
	20	Commission;
	21	(e) identify factors inhibiting the development of the North Central
	22	and assist the member states in the formulation and implementation of policies
	23	to ensure sound and efficient management of the resources of the North
	24	Central;
	25	(f) Conceive, conceptualize, plan and implement, in accordance with
	26	set rules and regulations, project and programmes for the sustainable
	27	development of the North Central area in the field of receiving and
	28	management of fund from allocation or the Federation and Donor funds for the
	29	development of educational infrastructure and other developmental
	30	challenges.

1 (g) Cause the North Central area to be surveyed in order to
2 ascertain measures which are necessary to promote its physical and socio-
3 economic development.

4 (h) Assess and report on any project being funded or carried out in
5 the North Central area for the purpose of development.

6 (i) Tackle ecological and environmental problems that arise from
7 the soil erosion problems and other related environmental challenges in the
8 North Central and advice the Federal Government and the member states on
9 the prevention and control of the erosion and environmental challenge.

10 (j) carry out such other functions as the President may, from time to
11 time, direct.

12 (2) In exercising its functions and powers under this section, the
13 Commission shall have regard to the varied and specific contributions of
14 each member state of the Commission.

15 **8.** The Board shall have power to-

Powers of the
Board

16 (a) manage and supervise affairs of the Commission;

17 (b) make rules and regulations for carrying out the functions of the
18 Commission;

19 (c) enter and inspect premises, projects and such places as may be
20 necessary for the purposes of carrying out its functions under this Act;

21 (d) pay the staff of the Commission such remuneration and
22 allowances as appropriate;

23 (e) enter into such contracts as may be necessary or expedient for
24 the discharge of its functions and ensure the efficient performance of the
25 functions of the Commission;

26 (f) do such other things as are necessary and expedient for the
27 efficient performances of the functions of the Commission.

28 **PART III - STRUCTURE OF THE COMMISSION**

29 **9.-(1)** There shall be established in the Head Office of the
30 Commission, the following Directorates-

Establishment
of Directorates

- 1 (a) the Directorate of Administration, Human Resources and man
- 2 power Development;
- 3 (b) the Directorate of Community and Rural Development;
- 4 (c) the Directorate of Utilities, Infrastructural Development;
- 5 (d) the Directorate of Finance and Supplies;
- 6 (e) the Directorate of Agriculture and Rural Development,
- 7 (f) the Directorate of Planning, Research, Statistics and Management
- 8 Information system;
- 9 (g) the Directorate of Legal Services and Corporate Affairs;
- 10 (h) the Directorate of Education, Health and Social Services;
- 11 (i) the Directorate of Commercial and Industrial Development; and
- 12 (j) the Directorate of Projects Monitoring and Supervision.
- 13 (2) The Board may increase the number of Directorates as it may
- 14 deem necessary.

Establishment
of the Management
Committee

- 15 **10.** There shall be for the Commission a management Committee
- 16 which shall-
- 17 (a) consist of a Chairman who shall be the Managing Director, the
- 18 Executive Directors, the Directors responsible for the Directorates under
- 19 section 9 of this Act and such number of other members as may be determined
- 20 from time to time;
- 21 (b) be responsible to the Board and the Managing Director for the
- 22 general administration of the Commission.

Establishment
and Membership
and Functions
of the North
Central
Development

- 23 **11.-(1)** There is hereby established for the Commission, North
- 24 Central Development Advisory Committee (in this Act referred to as "the
- 25 Advisory Committee") which shall consist of-
- 26 (a) the Governors of the member states of the Commission; and
- 27 (b) two other persons as may be determined, from time to time, by the
- 28 President, Commander-in-Chief of the Armed Forces.
- 29 (2) The Advisory Committee shall be charged with the responsibility
- 30 of advising the Board on the activities of the Commission.

1 (3) The Advisory Committee may make rules regulating its own
2 proceedings.

3 PART IV - STAFF OF THE COMMISSION.

4 **12.**-(1) There shall be for the Commission, a Managing Director, Appointment of
5 and two Executive Directors who shall- Executive
Secretary, etc.

6 (a) have such qualification and experience as are appropriate for a
7 person required to perform functions of that office under this Act, and

8 (b) be the Chief executive and accounting officer of the
9 Commission.

(c) hold office on such terms and conditions as to emolument,
conditions of service as may be specified in his letter of appointment.

12 (2) The Managing Director shall, subject to the general direction of
13 the Board, be responsible-

14 (a) for the day to day administration of the Commission;

15 (b) for keeping the books and proper records of the proceedings of
16 the Board; and

17 (c) for-

18 (i) the administration of the Secretariat of the Board, and

19 (ii) the general direction and control of all other employees of the
20 chairman.

21 (3) The Board shall have to-

(a) employ either directly or on secondment from any civil or public service, in the Federation or a State such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Act; and

(b) pay to persons so employed such remuneration (including allowances) as the Board may determine).

13.-(1) Service in the Commission shall be approved service for
the purposes of the Pension Act.

30 (2) The officers and other persons employed in the commission

1 shall be entitled to pensions, gratuities and other retirement benefits as are
2 enjoyed by persons holding equivalent grades as appropriate.

3 (3) Nothing in subsections (1) and (2) of this Section shall prevent the
4 appointment of a person to any office on terms which preclude the grant of
5 pension and gratuity in respect of that office.

6 (4) For the purposes of the application of the provisions of the
7 Pensions Act, any power exercisable thereunder by the Minister or other
8 authority of the Government of the Federation, other than the power to make
9 regulations under section 23 thereof, is hereby vested in and shall be
10 exercisable by the commission, and not by any other person or authority.

11 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

12 **14.-(1)** The Commission shall establish and maintain a fund from
13 which shall be defrayed all expenditure incurred by the Commission.

14 (2) There shall be paid and credited to the fund established pursuant to
15 subsection (1) of this section-

16 (a) from the Federal Government, the equivalent of 15 percent of the
17 total monthly statutory allocations due to the member States of the
18 Commission from the Federation Account; this being the contribution of the
19 Federal Government to the Commission;

20 (b) 50 percent of monies due to member States of the Commission
21 from the Ecological Fund;

22 (c) such monies as may from time to time, be granted or lent to or
23 deposited with the Commission by the Federal or a state Government, any
24 other body or institution whether local or foreign;

25 (d) all moneys raised for the purposes of the Commission by way of
26 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

27 (e) proceeds from all other assets that may, from time to time, accrue
28 to the Commission.

29 (3) The Fund shall be managed in accordance with the rules made by
30 the Board, and without prejudice to the general of the power to make rules

1 under this subsection, the rules shall in particular contain provisions-

2 (a) specifying the manner in which the assets or the fund of the
3 Commission are to be held, and regulating the making of payments into and
4 out of the fund; and

5 (b) requiring the keeping of proper accounts and records for the
6 purpose of the fund in such form as may be specified in the rules.

7 **15.** The Commission shall apply the proceeds of the fund Expenditure of
the Commission
8 established pursuant to section 14 of this Act to-

9 (a) the cost of administration of the Commission;

10 (b) the payment of salaries, fees, remuneration, allowances,
11 pensions and gratuities payable to the members of the Board specified in
12 section 6 of this Act or any Committee of the Board and the employees of the
13 Commission;

14 (c) the payment for all contracts, including mobilization,
15 fluctuations, variations, legal fees and cost on contract administration;

16 (d) the payment for all purchases; and

17 (e) undertaking such other activities as are connected with all or
18 any of the functions of the Commission under this Act.

19 **16.-(1)** The Commission may accept gifts of land, money or other Gifts to the
Commission
20 property on such terms and conditions; it may be specified by the person or
21 organization making the gift.

22 (2) The Commission shall not accept any gift if the conditions
23 attached by the person or organisation making the gift are inconsistent with
24 the functions of the Commission under this Act.

25 **17.** The Commission may, with the consent of the President, Power to borrow
money
26 Commander-in-Chief of the Armed Forces, borrow, on such terms and
27 conditions as the Commission may require in the exercise of its functions
28 under this Act.

29 **18.-(1)** The Board shall, not later than 30th September in each year, Annual Estimates
and Expenditure
30 submit to the President, Commander-in-Chief of the Armed Forces an

	1	estimate of the expenditure and income of the Commission during the next
	2	succeeding year.
	3	(2) The Board shall cause to be kept proper accounts of the
	4	Commission in respect of each year and proper records in relation thereto and
	5	shall cause the accounts to be audited not later than 6 months after the end of
	6	each year by auditors appointed from the list in accordance with the guidelines
	7	supplied by the Auditor-General for the Federation.
Quarterly Report	8	19. The Commission shall, at the end of every quarter in each year,
	9	submit to the President Commander-in-Chief of the Armed Forces a report on
	10	the activities and administration of the Commission.
Annual Report	11	20. The Board shall prepare and submit to the President, Commander-
	12	in-Chief of the Armed Forces, not later than 30th June in each year, a report in
	13	such form as the President, Commander-in-Chief of the Armed Forces, may
	14	direct on the activities of the Commission during the immediately preceding
	15	year, and shall include in the report a copy of the audited accounts of the
	16	Commission for that year and the auditor's report thereon.
	17	(2) The President, Commander-in-Chief of the Armed Forces shall,
	18	upon receipt of the report referred to in subsection (1) of this Section, cause a
	19	copy of the report and the audited accounts of the Commission and the auditor's
	20	report thereon to be submitted to each House of the National Assembly.
	21	PART VI - MISCELLANEOUS PROVISION.
Establishment of Monitoring Committee	22	21. -(1) There is hereby established for the Commission a monitoring
	23	Committee which shall consist of such number of persons as the President,
	24	Commander-in-Chief of the Armed Forces may deem fit to appoint from the
	25	Public or Civil Service of the Federation.
	26	(2) The Monitoring Committee shall-
	27	(a) monitor the management of the funds of the Commission and the
	28	implementation of the projects of the Commission; and
	29	(b) have access to the books of accounts and other records of the
	30	Commission at all times, and submit periodical reports to the President,

1 Commander-in-Chief of the Armed Forces.

2 **22.**-(1) For the purposes of providing offices and premises Office and Premise
3 necessary for the performance of its functions under this Act, the of the Commission
4 Commission may, subject to the land use Act- Cap, 202 LFN

5 (a) purchase or take on lease any interest land, or other property;
6 and

7 (b) construct offices and premises and equip and maintain same.

8 (2) The Commission may, subject to the land use Act, sell or lease
9 out any office or premises held by it, which office or premises is no longer
10 required for the performance of its functions under this Act.

11 **23.** Subject to the provisions of this Act, the President, Directives by the
12 Commander-in-Chief of the Armed Forces may give to the Commission President
13 directives of a general nature or relating generally to matters of policy with Commander-in-
14 regard to the performance by the Commission of its functions and it shall be Chief of the Armed
15 the duty of the Commission to comply with the directives. Forces

16 **24.**-(1) Subject to the provisions of this Act, the provisions of the Limitation of
17 Public Officers Protection Act shall apply in relation to any suit instituted Suits against
18 against any Officer or employee of the Commission. Commission
Cap, 379 LFN

19 (2) Notwithstanding anything contained in any other law or
20 enactment, no suit shall lie against any member of the Board, the Managing
21 Director or any other officer or employee of the Commission for any act
22 done in pursuance or execution of this Act or any other law or enactment, or
23 of any alleged neglect or default in the execution of this Act or such law or
24 enactment, duty or authority, shall lie or be instituted in any court unless-

25 (a) it is commenced within three months next after the Act, neglect
26 or default complained of; or

27 (b) in the case of a continuation of damage or injury, within six
28 months next after the leasing thereof.

29 **25.** A notice, summons or other document required or authorised Service of
30 to be served upon the Commission under the provisions of this Act or any Documents

	1	other law or enactment may be served by delivering it to the Managing Director
	2	or by sending it by registered post and addressed to the Managing Director at
	3	the principal office of the Commission.
Restriction on Execution against Property of the Commission	4	26.-(1) In any action or suit against the Commission, no execution or
	5	attachment of process against the Commission unless not less than three
	6	months' notice of the intention to execute or attachment has been given to the
	7	Commission.
	8	(2) Any sum of money which by the judgment of any court has been
	9	awarded against the Commission shall be subject to any direction given by the
	10	court, where no notice of appeal against the judgment has been given be paid
	11	from the fund of the Commission.
Indemnity of Officers	12	27. A member of the Board, the Managing Director, any officer or
	13	employee of the Commission shall be indemnified out of the assets of the
	14	Commission against any proceeding, whether civil or criminal, in which
	15	judgment is given in this favour or in which he is acquitted, if any such
	16	proceeding is brought against him in his capacity as a member of the Board, the
	17	Managing Director, officers or employee of the Commission.
Regulations	18	28. The Commission may, with the approval of the President,
	19	Commander-in-Chief of the Armed Forces, make regulations, generally for the
	20	purposes of giving full effect to this Act.
Interpretation	21	29. In this Act, unless the context otherwise requires-
	22	"Chairman" means the Chairman of the Board;
	23	"Commission" means the North Central Development Commission
	24	established by section 1 of this Act;
	25	"Board" means the Governing Board established for the Commission under
	26	section 2 (1) of this Act;
	27	"Member" means a member of the Board and includes the Chairman,
	28	Managing Director and Executive Directors;
	29	"Member States" include Niger, Kogi, Benue, Plateau, Kwara, Nassarawa and
	30	the Federal Capital Territory; and

1 "President" means the President of the Federal Republic of Nigeria.

2 **30.** This Bill may be cited as the North Central Development Citation
3 Commission (Establishment etc.) Bill, 2019.

4 SCHEDULE

5 *Section 2(4)*

6 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

7 *Proceedings of the Board.*

8 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
9 the Board may make standing orders regulating its proceedings or those of
10 any of its Committees.

11 (2) The Board shall meet whenever it is summoned by chairman is
12 required to do so by notice given to him by not less than 4 other members, he
13 shall summon a meeting of the Board to be held within 14 days from the date
14 on which the notice is given.

15 2.-(1) the Board may appoint one or more Committees to carry out,
16 on behalf of the Board such functions as the Board may determine.

17 (2) A Committee appointed under this paragraph shall consist of
18 such number of persons as may be determined by the Board and a person
19 shall hold office on the Committee in accordance with the terms of his
20 appointment.

21 (3) A decision of a Committee of the Board shall be of no effect
22 until it is confirmed by the Board.

23 *Miscellaneous*

24 3.-(1) The fixing of the seat of the Committee shall be
25 authenticated by the signature of the Chairman and the Secretary to the
26 Board.

27 (2) A document purporting to be a document duly executed under
28 the seat of the Commission shall be received in evidence and shall, unless
29 and until the contrary is proved, be presumed to be so executed.

30 (5) The validity of any proceedings of the Board or of a Committee

- 1 shall not be adversely affected by-
- 2 (a) a vacancy in the membership of the Board or Committee; or
- 3 (b) a defect in the appointment of a member of the Board or
- 4 Committee; or
- 5 (c) reason that a person not entitled to do so took part in the
- 6 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the North Central Development Commission to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial and industrial potentials of the North Central and for the overall educational development of the educationally disadvantage North Central.

A BILL

FOR

AN ACT TO ESTABLISH THE NORTH WEST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL AND INDUSTRIAL POTENTIALS OF THE NORTH WEST, TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT OF THE NORTH WEST AND ANY OTHER RELATED EDUCATIONAL BACKWARDNESS AS WELL AS SECURITY AND DEVELOPMENTAL CHALLENGE; AND OTHER CONNECTED MATTERS

Sponsored by Senator Jibrin Barau

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT, ETC. THE NORTH WEST DEVELOPMENT

2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the North Establishment
4 West Development Commission (in this Act referred to as "the of the North West
5 Commission"). Development
Commission

6 (2) The Commission-

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

9 (b) may sue and be sued in its corporate name.

10 (3) The Commission shall have its head office in Kano, Kano State
11 and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing Establishment
15 Board (in this Act referred to as "the Board"), which shall consist of- if Government
Council of the
Commission

- 1 (a) a chairman;
- 2 (b) one person who shall be an indigene to represent each the
- 3 following member States, that is:
- 4 (i) Kano,
- 5 (ii) Kaduna,
- 6 (iii) Katsina,
- 7 (iv) Kebbi,
- 8 (v) Jigawa,
- 9 (vi) Sokoto, and
- 10 (vii) Zamfara,
- 11 (c) a representative of the Federal Ministry of Finance;
- 12 (d) a representative of the Federal Ministry of Justice;
- 13 (e) the Managing Director of the Commission; and
- 14 (f) two Executive Directors;
- 15 (2) The Chairman and other members of the Board shall-
- 16 (a) be appointed by the President, Commander-in-Chief Forces,
- 17 subject to the confirmation of the Senate;
- 18 (b) be persons of proven integrity and ability.
- 19 (3) The members of the Board referred to in paragraph (d) of
- 20 subsection (i) of this Section shall be part-time members.
- 21 (4) The supplementary provision set out in the schedule to this Act
- 22 shall have effect with respect to the proceedings of the Board and the other
- 23 matters contained therein.
- 24 **3.-(1)** Subject to the provisions of section 4 of this Act a member of
- 25 the Board, other than an ex-officio member, shall hold office for a term of 4
- 26 years at the first instance and may be reappointed for a further term of 4 years
- 27 and no more.
- 28 (2) The member of the Board shall be paid such remunerations and
- 29 allowances as the Federal Government may, from time to time, determine for
- 30 the chairman and members of statutory board generally.

Tenure of office

(3) A member of the Board other than ex-officio members, may resign his appointment by notice, in writing under his hand addressed to the President Commander-in-Chief of the Armed Forces.

4	4. The office of the Chairman of the Commission shall rotate	Rotation of Office of Chairman of the Commission
5	among the member states of the Commission in the following alphabetical	
6	sequence of-	

7 (a) Kano,
8 (ii) Kaduna,
9 (iii) Katsina,
10 (iv) Kebbi,
11 (v) Jigawa
12 (vi) Sokoto and
13 (vii) Zamfara.

14 **5.**-(1) notwithstanding the provisions of section 3 of this Act, a Cessation of
15 person shall cease to hold office as a member of the Board if- Membership of
the Board

16 (a) he becomes bankrupt, suspends payment or compounds with
17 his creditors;

18 (b) he is convicted of a felony or any offence involving dishonesty
19 or fraud;

20 (c) he becomes of unsound mind, or incapable of carrying out his
21 duties;

22 (d) he is guilty of a serious misconduct in relation to his duties; or

(e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or

27 (f) he resigns his appointment by a letter addressed to the President,
28 Commander-in-Chief of the Armed Forces

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the

	1	remainder of the term of office of his predecessor, so however, that the
	2	successor shall represent the same interest and shall be appointed by the
	3	President, Commander-in-Chief of Armed Forces subject to the confirmation
	4	of the Senate.
Allowances of Members	5	6. There shall be paid to every member of the council such allowances
	6	and expenses as Federal Government may, from time to time, direct.
	7	PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	8	7.-(1) The Commission shall-
	9	(a) formulate policies and guidelines for the development of the North
	10	West;
	11	(b) conceive, plan and implement, in accordance with set rules and
	12	regulations, projects and programmes for the sustainable development of the
	13	North West in the field of roads, education, health facilities, employment,
	14	industrialization, agriculture, housing and urban development, water supply,
	15	electricity and commerce;
	16	(c) prepare master plans and schemes designed to promote the
	17	physical development of the North West and the estimate of the cost of
	18	implementing such master plans and schemes;
	19	(d) implement all the measures approved for the development of the
	20	North West by the Federal Government and the member States of the
	21	Commission;
	22	(e) identify factors inhibiting the development of the North West and
	23	assist the member states in the formulation and implementation of policies to
	24	ensure sound and efficient management of the resources of the North West;
	25	(f) Conceive, conceptualize, plan and implement, in accordance with
	26	set rules and regulations, project and programmes for the sustainable
	27	development of the North West area in the field of receiving and management
	28	of fund from allocation or the Federation and Donor funds for the development
	29	of educational infrastructure and other developmental challenges.
	30	(g) Cause the North West area to be surveyed in order to ascertain

1 measures which are necessary to promote its physical and socio-economic
2 development.

3 (h) Assess and report on any project being funded or carried out in
4 the North West area for the purpose of development.

5 (i) Tackle ecological and environmental problems that arise from
6 the soil erosion problems and other related environmental challenges in the
7 North West and advice the Federal Government and the member states on
8 the prevention and control of the erosion and environmental challenge.

9 (j) carry out such other functions as the President may, from time to
10 time, direct.

11 (2) In exercising its functions and powers under this section, the
12 Commission shall have regard to the varied and specific contributions of
13 each member state of the Commission.

14 **8.** The Board shall have power to-

Powers of the
Board

15 (a) manage and supervise affairs of the Commission;

16 (b) make rules and regulations for carrying out the functions of the
17 Commission;

18 (c) enter and inspect premises, projects and such places as may be
19 necessary for the purposes of carrying out its functions under this Act;

20 (d) pay the staff of the Commission such remuneration and
21 allowances as appropriate;

22 (e) enter into such contracts as may be necessary or expedient for
23 the discharge of its functions and ensure the efficient performance of the
24 functions of the Commission;

25 (f) do such other things as are necessary and expedient for the
26 efficient performances of the functions of the Commission.

27 **PART III - STRUCTURE OF THE COMMISSION**

28 **9.-(1)** There shall be established in the Head Office of the
29 Commission, the following Directorates-

Establishment
of Directorates

30 (a) the Directorate of Administration, Human Resources and man

1 power Development;
2 (b) the Directorate of Community and Rural Development;
3 (c) the Directorate of Utilities, Infrastructural Development;
4 (d) the Directorate of Finance and Supplies;
5 (e) the Directorate of Agriculture and Rural Development,
6 (f) the Directorate of Planning, Research, Statistics and Management
7 Information system;
8 (g) the Directorate of Legal Services and Corporate Affairs;
9 (h) the Directorate of Education, Health and Social Services;
10 (i) the Directorate of Commercial and Industrial Development; and
11 (j) the Directorate of Projects Monitoring and Supervision.
12 (2) The Board may increase the number of Directorates as it may
13 deem necessary.

Establishment
of the Management
Committee

14 **10.** There shall be for the Commission a management Committee
15 which shall-
16 (a) consist of a Chairman who shall be the Managing Director, the
17 Executive Directors, the Directors responsible for the Directorates under
18 section 9 of this Act and such number of other members as may be determined
19 from time to time;
20 (b) be responsible to the Board and the Managing Director for the
21 general administration of the Commission.

Establishment
and Membership
and Functions
of the North West
Development

22 **11.-(1)** There is hereby established for the Commission, North West
23 Development Advisory Committee (in this Act referred to as "the Advisory
24 Committee") which shall consist of-
25 (a) the Governors of the member states of the Commission; and
26 (b) two other persons as may be determined, from time to time, by the
27 President, Commander-in-Chief of the Armed Forces.
28 (2) The Advisory Committee shall be charged with the responsibility
29 of advising the Board on the activities of the Commission.

1 (3) The Advisory Committee may make rules regulating its own
2 proceedings.

3 PART IV - STAFF OF THE COMMISSION.

4 **12.**-(1) There shall be for the Commission, a Managing Director,
5 and two Executive Directors who shall- Appointment of
Executive
Secretary, etc.

6 (a) have such qualification and experience as are appropriate for a
7 person required to perform functions of that office under this Act, and

8 (b) be the Chief executive and accounting officer of the
9 Commission.

10 (c) hold office on such terms and conditions as to emolument,
11 conditions of service as may be specified in his letter of appointment.

12 (2) The Managing Director shall, subject to the general direction of
13 the Board, be responsible-

14 (a) for the day to day administration of the Commission;

15 (b) for keeping the books and proper records of the proceedings of
16 the Board; and

17 (c) for-

18 (i) the administration of the Secretariat of the Board, and

19 (ii) the general direction and control of all other employees of the
20 chairman.

21 (3) The Board shall have to-

22 (a) employ either directly or on secondment from any civil or
23 public service, in the Federation or a State such number of employees as
24 may, in the opinion of the Board, be required to assist the Board in the
25 discharge of any of its functions under this Act; and

26 (b) pay to persons so employed such remuneration (including
27 allowances) as the Board may determine).

28 **13.**-(1) Service in the Commission shall be approved service for
29 the purposes of the Pension Act. Service in the
Commission to
be pensionable

30 (2) The officers and other persons employed in the commission

1 shall be entitled to pensions, gratuities and other retirement benefits as are
2 enjoyed by persons holding equivalent grades as appropriate.

3 (3) Nothing in subsections (1) and (2) of this Section shall prevent the
4 appointment of a person to any office on terms which preclude the grant of
5 pension and gratuity in respect of that office.

6 (4) For the purposes of the application of the provisions of the
7 Pensions Act, any power exercisable thereunder by the Minister or other
8 authority of the Government of the Federation, other than the power to make
9 regulations under section 23 thereof, is hereby vested in and shall be
10 exercisable by the commission, and not by any other person or authority.

11 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

12 14.-(1) The Commission shall establish and maintain a fund from
13 which shall be defrayed all expenditure incurred by the Commission.

14 (2) There shall be paid and credited to the fund established pursuant to
15 subsection (1) of this section-

16 (a) from the Federal Government, the equivalent of 15 percent of the
17 total monthly statutory allocations due to the member States of the
18 Commission from the Federation Account; this being the contribution of the
19 Federal Government to the Commission;

20 (b) 50 percent of monies due to member States of the Commission
21 from the Ecological Fund;

22 (c) such monies as may from time to time, be granted or lent to or
23 deposited with the Commission by the Federal or a state Government, any
24 other body or institution whether local or foreign;

25 (d) all moneys raised for the purposes of the Commission by way of
26 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

27 (e) proceeds from all other assets that may, from time to time, accrue
28 to the Commission.

29 (3) The Fund shall be managed in accordance with the rules made by
30 the Board, and without prejudice to the general of the power to make rules

1 under this subsection, the rules shall in particular contain provisions-

2 (a) specifying the manner in which the assets or the fund of the
3 Commission are to be held, and regulating the making of payments into and
4 out of the fund; and

5 (b) requiring the keeping of proper accounts and records for the
6 purpose of the fund in such form as may be specified in the rules.

7 **15.** The Commission shall apply the proceeds of the fund Expenditure of
8 established pursuant to section 14 of this Act to- the Commission

9 (a) the cost of administration of the Commission;

10 (b) the payment of salaries, fees, remuneration, allowances,
11 pensions and gratuities payable to the members of the Board specified in
12 section 6 of this Act or any Committee of the Board and the employees of the
13 Commission;

14 (c) the payment for all contracts, including mobilization,
15 fluctuations, variations, legal fees and cost on contract administration;

16 (d) the payment for all purchases; and

17 (e) undertaking such other activities as are connected with all or
18 any of the functions of the Commission under this Act.

19 **16.-(1)** The Commission may accept gifts of land, money or other Gifts to the
20 property on such terms and conditions; it may be specified by the person or Commission
21 organization making the gift.

22 (2) The Commission shall not accept any gift if the conditions
23 attached by the person or organisation making the gift are inconsistent with
24 the functions of the Commission under this Act.

25 **17.** The Commission may, with the consent of the President, Power to borrow
26 Commander-in-Chief of the Armed Forces, borrow, on such terms and money
27 conditions as the Commission may require in the exercise of its functions
28 under this Act.

29 **18.-(1)** The Board shall, not later than 30th September in each year, Annual Estimates
30 submit to the President, Commander-in-Chief of the Armed Forces an and Expenditure

1 estimate of the expenditure and income of the Commission during the next
2 succeeding year.

3 (2) The Board shall cause to be kept proper accounts of the
4 Commission in respect of each year and proper records in relation thereto and
5 shall cause the accounts to be audited not later than 6 months after the end of
6 each year by auditors appointed from the list in accordance with the guidelines
7 supplied by the Auditor-General for the Federation.

Quarterly Report 8 **19.** The Commission shall, at the end of every quarter in each year,
9 submit to the President Commander-in-Chief of the Armed Forces a report on
10 the activities and administration of the Commission.

Annual Report 11 **20.** The Board shall prepare and submit to the President, Commander-
12 in-Chief of the Armed Forces, not later than 30th June in each year, a report in
13 such form as the President, Commander-in-Chief of the Armed Forces, may
14 direct on the activities of the Commission during the immediately preceding
15 year, and shall include in the report a copy of the audited accounts of the
16 Commission for that year and the auditor's report thereon.

17 (2) The President, Commander-in-Chief of the Armed Forces shall,
18 upon receipt of the report referred to in subsection (1) of this Section, cause a
19 copy of the report and the audited accounts of the Commission and the auditor's
20 report thereon to be submitted to each House of the National Assembly.

21 **PART VI - MISCELLANEOUS PROVISION.**

Establishment
of Monitoring
Committee 22 **21.**-(1) There is hereby established for the Commission a monitoring
23 Committee which shall consist of such number of persons as the President,
24 Commander-in-Chief of the Armed Forces may deem fit to appoint from the
25 Public or Civil Service of the Federation.

26 (2) The Monitoring Committee shall-

27 (a) monitor the management of the funds of the Commission and the
28 implementation of the projects of the Commission; and

29 (b) have access to the books of accounts and other records of the
30 Commission at all times, and submit periodical reports to the President,

1 Commander-in-Chief of the Armed Forces.

Office and Premise
of the Commission
Cap. 202 LFN

5 (a) purchase or take on lease any interest land, or other property;
6 and

7 (b) construct offices and premises and equip and maintain same.

(2) The Commission may, subject to the land use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.

Directives by the
President
Commander-in-
Chief of the Armed
Forces

Limitation of
Suits against
Commission
Cap. 379 LFN

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment, or of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any court unless-

25 (a) it is commenced within three months next after the Act, neglect
26 or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the leasing thereof.

Service of Documents

	1	other law or enactment may be served by delivering it to the Managing Director
	2	or by sending it by registered post and addressed to the Managing Director at
	3	the principal office of the Commission.
Restriction on Execution against Property of the Commission	4	26.-(1) In any action or suit against the Commission, no execution or
	5	attachment of process against the Commission unless not less than three
	6	months' notice of the intention to execute or attachment has been given to the
	7	Commission.
	8	(2) Any sum of money which by the judgment of any court has been
	9	awarded against the Commission shall be subject to any direction given by the
	10	court, where no notice of appeal against the judgment has been given be paid
	11	from the fund of the Commission.
Indemnity of Officers	12	27. A member of the Board, the Managing Director, any officer or
	13	employee of the Commission shall be indemnified out of the assets of the
	14	Commission against any proceeding, whether civil or criminal, in which
	15	judgment is given in this favour or in which he is acquitted, if any such
	16	proceeding is brought against him in his capacity as a member of the Board, the
	17	Managing Director, officers or employee of the Commission.
Regulations	18	28. The Commission may, with the approval of the President,
	19	Commander-in-Chief of the Armed Forces, make regulations, generally for the
	20	purposes of giving full effect to this Act.
Interpretation	21	29. In this Act, unless the context otherwise requires-
	22	"Chairman" means the Chairman of the Board;
	23	"Commission" means the North West Development Commission established
	24	by section 1 of this Act;
	25	"Board" means the Governing Board established for the Commission under
	26	section 2 (1) of this Act;
	27	"Member" means a member of the Board and includes the Chairman,
	28	Managing Director and Executive Directors;
	29	"Member States" include kaduna, Kano , KatsinaKebbi, Jigawa Sokoto and
	30	Zamfara States; and

1 "President" means the President of the Federal Republic of Nigeria.

2 30. This Bill may be cited as the North West Development Commission (Establishment etc.) Bill, 2019. Citation

3 SCHEDULE

4 Section 2(4)

5 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

6 Proceedings of the Board.

7 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
8 the Board may make standing orders regulating its proceedings or those of
9 any of its Committees.

10 (2) The Board shall meet whenever it is summoned by chairman is
11 required to do so by notice given to him by not less than 4 other members, he
12 shall summon a meeting of the Board to be held within 14 days from the date
13 on which the notice is given.

14 2.-(1) the Board may appoint one or more Committees to carry out,
15 on behalf of the Board such functions as the Board may determine.

16 (2) A Committee appointed under this paragraph shall consist of
17 such number of persons as may be determined by the Board and a person
18 shall hold office on the Committee in accordance with the terms of his
19 appointment.

20 (3) A decision of a Committee of the Board shall be of no effect
21 until it is confirmed by the Board.

22 Miscellaneous

23 3.-(1) The fixing of the seat of the Committee shall be
24 authenticated by the signature of the Chairman and the Secretary to the
25 Board.

26 (2) A document purporting to be a document duly executed under
27 the seat of the Commission shall be received in evidence and shall, unless
28 and until the contrary is proved, be presumed to be so executed.

29 (5) The validity of any proceedings of the Board or of a Committee

- 1 shall not be adversely affected by-
- 2 (a) a vacancy in the membership of the Board or Committee; or
- 3 (b) a defect in the appointment of a member of the Board or
- 4 Committee; or
- 5 (c) reason that a person not entitled to do so took part in the
- 6 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the North West Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial and industrial potentials of the North West and for the overall educational development of the educationally disadvantage North West.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ELECTORAL OFFENCES
COMMISSION AND FOR RELATED MATTERS, 2019

Sponsor: Senator Abukakar Kyari

Co-sponsors:

Senator Ovie Omo-Agege

Senator Kabiru Gaya

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART I - ESTABLISHMENT OF NATIONAL ELECTORAL OFFENCES
2 COMMISSION, ETC.

3 1.-(1) There is hereby established a body to be known as the Establishment
4 National Electoral Offences Commission ("NEOC") (in this Bill referred to of the National
5 as "the Commission"). Electoral Offences
Commission

6 (2) The Commission shall-

7 (a) be a body corporate with perpetual succession, a common seal
8 and may sue and be sued in its corporate name;

9 (b) for the purposes of its functions, have power to acquire, hold or
10 dispose of properties;

11 (c) have power to enter into contracts;

12 (d) have power to enforce compliance with this Bill;

13 (e) have power to appoint and maintain, as its officers, employees,
14 investigators, prosecutors, experts and other persons with qualifications,
15 experience and skills in fields that are relevant to the Commission's
16 functions, to perform such duties as may be necessary from time to time;

17 (f) be independent in the performance of its functions, subject to
18 the provisions of clause 174 of the Constitution of the Federal Republic of

Members of
the Commission

1 Nigeria, 1999 (as amended) (on the power of the Attorney-General of the
2 Federation to institute, continue, takeover or discontinue criminal proceedings
3 against any person in any court of law); and

4 (g) have all such powers that are necessary for or incidental to the
5 performance of its functions under this Bill.

6 **2.-(1)** The Commission shall consist of the following members who
7 shall not be registered members of any political party-

8 (a) a Chairman, who shall be-

9 (i) the Chief Executive and Accounting Officer of the Commission;

10 (ii) a distinguished Nigerian with unblemished public reputation and
11 not less than Fifteen (15) years cognate experience;

12 (b) a Secretary who shall be the Commission's head of administration;

13 (c) a representative each of the following Federal Ministries-

14 (i) Justice;

15 (ii) Internal Affairs;

16 (iii) Defence;

17 (iv) Information.

18 (d) the Inspector-General of Police or his representative;

19 (e) the Chairman, Independent National Electoral Commission or his
20 representative;

21 (f) the Chairman, National Human Rights Commission or his
22 representative;

23 (g) the Commandant General, Nigeria Security and Civil Defence
24 Corps;

25 (h) the Director General Nigeria Financial Intelligence Unit or his
26 representative;

27 (i) the Director-General Legal Aid Council of Nigeria; and

28 (j) six Nigerians, with cognate experience in any of the following, that
29 is law, security, electoral management, engineering and information
30 technology, one representing each geo-political zone of the country; at least

1 two of whom shall be women.

2 (2) The members of the Commission, other than the Chairman and
3 Secretary, shall be part-time members.

4 (3) The Chairman and members of the Commission other than the
5 ex-officio members mentioned in Clause 2(1)(c) - (i) shall be appointed by
6 the President, subject to confirmation by the Senate.

7 **3.-(1)** The Chairman and members of the Commission other than
8 the ex officio members mentioned in Clause 2(1)(c) - (i) shall hold office for
9 a period of five (5) years and may be re-appointed for a further term of five
10 (5) years and no more.

Tenure of office

11 (2) A member of the Commission may be removed from office by
12 the President acting on an address supported by a simple majority of the
13 Senate praying that he be so removed for inability to discharge the functions
14 of his office (whether arising from infirmity of mind or body or any other
15 cause) or for misconduct; or if it is not in the interest of the public that the
16 member should continue in office.

17 (3) A member of the Commission may resign his membership by
18 notice in writing addressed to the President and that member shall, on the
19 date of the receipt of the notice by the President, cease to be a member of the
20 Commission.

21 **4.** Where a vacancy occurs in the membership of the Commission,
22 it shall be filled by the appointment of a successor to hold office for the
23 remainder of the term of office of his predecessor, but the successor shall
24 represent the same interest or appointment criteria stipulated as his
25 predecessor, and as stipulated by this Bill.

Vacancy in
Membership

26 **5.** The Commission may make standing orders regulating its
27 proceedings or those of any of its committees or units.

Standing Orders

28 PART II - FUNCTIONS OF THE COMMISSION

29 **6.-(1)** The Commission shall-

30 (a) enforce and administer the provisions of this bill;

Functions of the
Commission

1 (b) investigate all electoral offences created in any law relating to
2 elections in Nigeria;

3 (c) prosecute offenders under this Bill subject to the provisions of
4 clause 174 of the Constitution of the Federal Republic of Nigeria, 1999 (as
5 amended) (on the power of the Attorneys-General of the Federation
6 respectively to institute, continue, takeover or discontinue criminal
7 proceedings against any person in any court of law);

8 (d) liaise with the Attorney-General of the Federation and electoral
9 bodies in the Federation and government security and law enforcement bodies
10 and agencies in discharges its duties under this Bill;

11 (e) maintain records of all persons it investigated and prosecuted;

12 (f) liaise with other bodies within or outside Nigeria involved in the
13 investigation or prosecution of electoral offences;

14 (g) adopt measures to prevent, minimize and eradicate the
15 commission of electoral offences throughout the Federation; and

16 (h) carry out such other activities as shall be necessary or expedient
17 for the full discharge of all or any of its functions under this Bill.

Powers of the
Commission

18 7.-(1) The Commission shall have power to-

19 (a) investigate, arrest and prosecute any person, corporate body or
20 organization-

21 (i) alleged to have committed an offence under this Bill, the Electoral
22 Act No. 6, 2010 (as amended) or any other law relating to elections in force in
23 the Federation or a part thereof,

24 (ii) alleged to have corruptly perverted or undermined the course of
25 electoral justice.

26 (b) adopt measures to prevent, minimize and eradicate the
27 commission of electoral offences throughout the Federation.

28 PART III - STAFF OF THE COMMISSION

Staff of the
Commission

29 8.-(1) There shall be established for the Commission a secretariat
30 which shall be headed by the Secretary of the Commission.

1 (2) The Secretary shall be-

2 (a) the head of the Commission's secretariat;

3 (b) responsible for the administration of the Commission's
4 secretariat and the keeping of the Commission's books and records;

5 (c) subject to the supervision and control of the Chairman of the
6 Commission and the Commission.

7 (3) The Commission may appoint such other staff or second
8 officers from government security or law enforcement agencies or such
9 other private or public services as it may deem necessary, to assist the
10 Commission in the performance of its functions under this Bill.

11 (4) The staff of the Commission appointed under sub-clause (3) of
12 this Clause shall be appointed upon such terms and conditions as the
13 Commission may determine, subject to consultation with and approval by
14 the Federal Civil Service Commission.

15 (5) For the purpose of carrying out or enforcing the provisions of
16 this Bill, officers of the Commission involved in the enforcement of the
17 provisions of this Bill shall have the same powers, authorities and privileges
18 (including power to search persons or premises, effect arrest of any person
19 and bear arms) as are given by law to members of the Nigeria Police Force.

20 **9.-(1)** The Commission shall have power to initiate, develop and Special Programmes
21 implement specific training programmes for its law enforcement and other
22 personnel charged with the eradication of electoral offences and such
23 programmes shall include-

24 (a) methods used in the detection of electoral offences;

25 (b) techniques used by persons involved in electoral offences and
26 appropriate counter-measures;

27 (c) collection of evidence;

28 (d) law enforcement techniques;

29 (e) legal prosecution and defence; and

30 (f) dissemination of information on electoral offences and good

	1	electoral conducts.
Establishment of Special Units	2	10. -(1) The Commission shall have the following Units-
	3	(a) Investigation, Legal and Prosecution Unit;
	4	(b) Elections Monitoring and Operations Unit;
	5	(c) Administration Unit; and
	6	(d) Research and Training Unit.
	7	(2) Notwithstanding the provisions of sub-clause (1) of this Clause,
	8	the Commission may set up any unit or committee as may be necessary for the
	9	optimal exercise of its powers and performance of its functions.
Special Duties of the Units	10	11. -(1) The Investigation, Legal and Prosecution Unit shall be
	11	charged with responsibilities for-
	12	(a) the prevention and detection of electoral offences;
	13	(b) the arrest and apprehension of perpetrators of electoral offences;
	14	(c) dealing with matters connected with mutual international
	15	assistance in criminal matters involving electoral offences;
	16	(d) prosecuting persons accused of committing electoral offences,
	17	electoral corruption, violation of electoral due process and perversion of
	18	electoral justice; and
	19	(e) performing such other legal duties as the Commission may refer to
	20	it from time to time.
	21	(2) There shall be appointed for each of the units a principal officer
	22	who shall be known by such designation as the Commission may determine.
	23	(3) The responsibilities of other units shall be as prescribed by the
	24	Commission from time to time.
	25	PART IV - ELECTORAL OFFENCES
Offences arising from violating existing laws	26	12. -(1) Any person who violates or acts in breach of the provisions of
	27	the Electoral Act No. 6., 2010 (as amended) or any other law on or regarding
	28	elections in force in the Federation, or a part thereof, shall be guilty and
	29	sanctioned to the extent of such violation or breach as prescribed in the relevant
	30	or applicable law.

1 (2) All national officers or executives of any association or political
2 party, as the case may be, that contravene the provision of Clauses 221,
3 225(1), (2), (3) and (4) and 227 of the Constitution of the Federal Republic
4 of Nigeria 1999 (as amended) shall be guilty of an offence and shall be
5 liable, on conviction to imprisonment for a term of at least five (5) years or to
6 a fine of at least Ten Million Naira (N10,000,0000), or both.

7 **13.** Any person who-

Offences by any
Person

8 (1) knowingly makes any false statement on or in connection with
9 any application to be placed on the National Register of Voters kept by the
10 Independent National Electoral Commission; or

11 (2) forges or fraudulently defaces or fraudulently destroys any
12 document for the purpose of nomination for an elective office, or delivers to
13 the Independent National Electoral Commission or a State Electoral
14 Commission any document for the purpose of nomination for an elective
15 office knowing it to be forged; or

16 (3) forges or counterfeits or fraudulently defaces or fraudulently
17 destroys any electoral document or the official perforation, stamp or mark
18 on any electoral document issued by the Independent National Electoral
19 Commission or a State Electoral Commission; or

20 (4) without due authority supplies any electoral document issued
21 by the Independent National Electoral Commission or a State Electoral
22 Commission to any person; or

23 (5) sells or offers to sell any electoral document issued by the
24 Independent National Electoral Commission or a State Electoral
25 Commission to any person or purchases or offers to purchase any electoral
26 document from any person; or

27 (6) not being a person entitled to be in possession of any electoral
28 document which has been marked with any official perforation, stamp or
29 mark of the Independent National Electoral Commission or a State Electoral
30 Commission has any such electoral document in his possession; or

1 (7) puts into any ballot box approved by the Independent National
2 Electoral Commission or a State Electoral Commission anything other than the
3 ballot paper which he is authorised by law to put in; or

4 (8) without due authority takes out of a polling station any electoral
5 document or is found in possession of any electoral document outside a polling
6 station; or

7 (9) without due authority destroys, takes, opens or otherwise
8 interferes with any ballot box, ballot paper or packet of ballot papers or
9 electoral documents in use or intended to be used for the purposes of an
10 election; or

11 (10) without due authority prints any electoral document or ballot
12 paper or what purports to be or is capable of being used as an electoral
13 document or ballot paper at an election; or

14 (11) for the purposes of an election, manufactures, constructs,
15 imports, has in his possession, supplies or uses, or causes to be manufactured,
16 constructed, imported, supplied or used, any appliance, device or mechanism
17 by which a ballot paper or results of elections may be extracted, affected or
18 manipulated after having been deposited in a ballot box during the polling at
19 any election; or

20 (12) not being authorized to do so under the provisions of this Bill,
21 makes any mark on any ballot paper issued to any person other than to himself;

22 (13) votes at any election when he is not entitled to vote,
23 shall be guilty of an offence and shall be liable, on conviction, to imprisonment
24 for a term not exceeding fifteen (15) years.

Offences relating
to Register of
Voters's cards,
etc.

25 **14.** Any person who-

26 (a) without due authority makes, prepares or prints a document or
27 paper purporting to be a register of voters or a voter's card; or

28 (b) without due authority makes, prepares or prints any electoral
29 document or purporting to be an electoral document; or

30 (c) not being a person authorised to be in possession of any voter's

1 card bearing the name of another person or which has not been written in the
2 name of any person, has such voter's card in his possession; or

3 (d) without due authority supplies a voter's card to any person; or

4 (e) without due authority destroys, damages, defaces or makes any
5 alteration on a voter's card; or

6 (f) sells or offers to sell any voter's card to any person or purchases
7 or offers to purchase any voter's card from any person; or

8 (g) aids, abets, counsels or procures the commission of or attempts
9 to commit any of the offences referred to in paragraphs (a) to (f), (?) shall be
10 guilty of an offence and liable, on conviction, in the case of an offence under
11 paragraphs (a) to (f), (?) to imprisonment for a term not exceeding fifteen
12 (15) years, and in the case of an offence under paragraph (g), to
13 imprisonment for a term not exceeding ten (10) years.

14 **15.** Any person having any duty to perform pursuant to any written
15 law relating to any election who -

Offences by
Election Officials

16 (a) makes, in any record, return or other document which he is
17 required to keep or make under such written law, any entry which he knows
18 or has reasonable cause to believe to be false, or does not believe to be true;

19 (b) permits any person whom he knows or has reasonable cause to
20 believe not to be a blind person or an incapacitated person to vote in the
21 manner provided for blind persons or incapacitated persons, as the case may
22 be; or

23 (c) refuses to permit any person whom he knows or has reasonable
24 cause to believe to be a blind person or an incapacitated person to vote in the
25 manner provided for blind persons or incapacitated persons, as the case may
26 be; or

27 (d) willfully prevents any person from voting at the polling station
28 at which he knows or has reasonable cause to believe such person is entitled
29 to vote; or

30 (e) willfully rejects or refuses to count any ballot paper which he

1 knows or has reasonable cause to believe is validly cast for any candidate in
2 accordance with the provisions of such written law; or

3 (f) willfully counts any ballot paper as being cast for any candidate,
4 which he knows or has reasonable cause to believe was not validly cast for such
5 candidate; or

6 (g) gives false evidence or withholds evidence at the trial of an
7 election petition for the purpose of perverting the course of justice; or

8 (h) announces or declares a false result or a result which is false or he
9 ought to know is false at an election; or

10 (i) is without reasonable cause guilty of any act or omission in breach
11 of his official duty,

12 shall be guilty of an offence and liable, on conviction, to imprisonment for a
13 term of at least ten (10) years.

Personation

14 **16.-(1)** A person who at an election applies for a ballot paper in the
15 name of some other person, whether that name be that of a person living or
16 dead, or of a fictitious person or who, having voted once at any such election,
17 applies at the same election for a ballot paper in his own name, shall be guilty of
18 the offence of personation and shall be liable, on conviction, to imprisonment
19 for a term of not more than one (1) year.

20 (2) For the purposes of this clause, a person who has applied for a
21 ballot paper for the purpose of voting in person shall be deemed to have voted.

Undue Influence

22 **17.** A person shall be guilty of the offence of undue influence who
23 directly or indirectly, by himself or by any other person acting on his behalf,
24 makes use of or threatens any force, violence or restraint, or any temporal or
25 spiritual injury, damage or loss, or any fraudulent device, trick or deception, or
26 social boycott, calamity of any kind, fear or promise, or by boast, coercion,
27 blackmail or intimidation for the purpose of or on account of-

28 (a) inducing or compelling a person to give or refrain from giving his
29 vote, whether to a particular candidate or not, at an election; or

30 (b) otherwise impeding or preventing the free exercise of the

1 franchise of a voter; or

2 (c) inducing or compelling a person to refrain from becoming a
3 candidate or to withdraw if he has become a candidate; or

4 (d) impeding or preventing a person from being nominated as a
5 candidate for an election or from being registered as a voter.

6 **18.** A person shall be guilty of the offence of bribery who - Bribery

7 (a) directly or indirectly, by himself or by any other person on his
8 behalf, gives, lends, or agrees to give or lend, or offers, promises, or
9 promises to procure or to endeavour to procure, any money or valuable
10 consideration to or for any voter, or to or for any person on behalf of any
11 voter or to or for any other person, in order to induce any voter to give or
12 refrain from giving his vote, whether to a particular candidate or not, or
13 corruptly does any such act as aforesaid on account of such voter having
14 given or refrained from giving his vote at any election, whether to a
15 particular candidate or not; or

16 (b) directly or indirectly, by himself or by any other person on his
17 behalf, gives or procures, or agrees to give or procure, or offers, promises, or
18 promises to procure or to endeavor to procure, any office, place or
19 employment to or for any voter, or to or for any person on behalf of any
20 voter, or to or for any other person, in order to induce such voter to give or
21 refrain from giving his vote, whether to a particular candidate or not, or
22 corruptly does any such act as aforesaid on account of any voter having so
23 given or refrained from giving his vote at any election; or

24 (c) directly or indirectly by himself or by any other person on his
25 behalf, makes any such gift, loan, offer, promise, procurement, or agreement
26 as aforesaid to or for any person in order to induce such person to procure or
27 endeavour to procure the election of any person, or the vote of any voter at
28 any election; or

29 (d) upon or in consequence of any such gift, loan, offer, promise,
30 procurement or agreement, procures or engages, promises or endeavours to

1 procure, the election of any person, or the vote of any voter at an election; or

2 (e) advances or pays or causes to be paid any money to, or to the use
3 of, any other person with the intent that such money or any part thereof shall be
4 expended in bribery at any election or who knowingly pays or causes to be paid
5 any money to any person in discharge or repayment of any money wholly or in
6 part expended in bribery at any such election; or

7 (f) being a voter, before or during any election directly or indirectly,
8 by himself or by any other person on his behalf, receives, agrees, or contracts
9 for any money, gift, loan, or valuable consideration, office, place or
10 employment, for himself or for any other person, for giving or agreeing to give
11 or for refraining or agreeing to refrain from giving his vote, whether to a
12 particular candidate or not, at any such election; or

13 (g) after any election, directly or indirectly, by himself or by any other
14 person on his behalf, receives any money or valuable consideration on account
15 of any person having given or refrained from giving or having induced any
16 other person to give or to refrain from giving, his vote, whether to a particular
17 candidate or not, at any such election; or

18 (h) directly or indirectly, by himself or by any other person on his
19 behalf, on account of and as payment for voting or for having voted or for
20 agreeing or having agreed to vote for any candidate at an election, or on
21 account of and as payment for his having assisted or agreed to assist any
22 candidate at an election, applies to such candidate, or to his agent or agents,; for
23 the gift or loan of any money or valuable consideration, or for the promise of
24 the gift or loan of any money or valuable consideration or for any office, place
25 or employment or for the promise of any office, place or employment; or

26 (i) directly or indirectly, by himself or by any person on his behalf, in
27 order to induce any other person to agree to be nominated as a candidate or to
28 refrain from becoming a candidate or to withdraw if he has become a candidate,
29 gives or procures any office, place or employment, or agrees to give or procure
30 or offers or promises to procure or to endeavor to procure any office, place or

1 employment, to or for such other person, or gives or lends, or agrees to give
2 or lend, or offers, or promises to procure or to endeavour to procure any
3 money or valuable consideration to or for any person or to or for such other
4 person, or to or for any person on behalf of such other person.

5 **19.-(1)** A person who-

6 (a) commits the offence of personation, undue influence or bribery
7 in Clauses 18, 19 and 20 of this Bill respectively; or

8 (b) makes or publishes in print and electronic media including on
9 the Internet, before or during any election, for the purpose of promoting or
10 procuring the election of any candidate, any false statement of the
11 withdrawal of any other candidate at such election,

12 (c) or aids, abets, counsels or procures the commission of or
13 attempts to commit any such offence shall be guilty of corrupt practice and
14 liable, on conviction, in the cases referred to in paragraph (a) of this clause,
15 to imprisonment for a term of at least fifteen (15) years, and in any other case
16 in this clause, to imprisonment for a term of at least ten (10) years.

17 **20.-(1)** A judicial officer or officer of a Court or Tribunal shall be
18 guilty of corruptly perverting electoral justice if before, during or after an
19 election, he directly or indirectly receives or accepts for himself or for any
20 other person or on behalf of other persons, any money, gift, loan, property,
21 valuable consideration, office, place, employment or appointment, or a
22 promise of personal enrichment for the purpose of giving, rendering,
23 procuring or directing a judicial decision in favour of or against a particular
24 person or party in an election petition or any matter relating to an election
25 conducted pursuant to the provisions of the Constitution of the Federal
26 Republic 1999 (as amended), Electoral Act No. 6, 2010 (as amended) or any
27 other law regarding elections in force in the Federation or a part thereof.

28 (2) A judicial officer or officer of a Court or Tribunal who is guilty
29 under sub-clause (1) of this clause shall be liable, on conviction, to

Punishment and
incapacities for
corrupt practice

Corrupt Perversion
of Electoral Justice

	1	imprisonment for a term of at least twenty (20) years without an option of a
	2	fine.
Election official, security personnel not to cause influence	3	21.-(1) No person, including election official or security personnel,
	4	engaged by the Independent National Electoral Commission or a State
	5	Electoral Commission for the conduct of an election shall, in the course
	6	performing his official duties, perform or cause to be performed any act, except
	7	the act of giving his vote for any candidate according to law, with an intention
	8	of making any particular candidate successful or unsuccessful in the election.
	9	(2) Any person who commits an act in contravention of sub-clause
	10	(1) of this Clause shall be guilty of an offence of serious corrupt practice and
	11	liable, on conviction to imprisonment for a term of at least fifteen (15) years or
	12	a fine of at least Thirty Million Naira (N30,000,000), or both.
Prohibition on disturbing public peace	13	22.-(1) No person shall, from three (3) hours prior to the
	14	commencement of an election to the completion of the election on the day of an
	15	election, directly or indirectly disturb public peace by doing any of the
	16	following acts in the house, building or place where a polling station is located
	17	or in any private or public house, building or land in the neighbourhood thereof
	18	so as to cause obstruction to the election or to voters or to persons or election
	19	officials who are conducting the election at the polling station:
	20	(a) Using loudspeakers, megaphones or similar devices, or
	21	(b) Playing musical instruments, singing and dancing, holding
	22	assembly or function of any kind whatsoever, making or causing to make
	23	commotion or manhandling or shouting.
	24	(2) Any person who commits an act in contravention of sub-clause (1)
	25	of this Clause shall be guilty of an offence of breach of electoral peace and
	26	liable, on conviction to imprisonment for a term of at least six (6) months or a
	27	fine of at least One Hundred Thousand Naira (N100,000), or both.
Prohibition on damaging of character	28	23.-(1) No person acting for himself or on behalf of any organisation
	29	or political party or candidate or his agent or other person shall, with an
	30	intention of prejudicing the result of any election, damage or defame, in any

1 manner, the character of any candidate in an election or his family member
2 by making, saying, printing, publishing, distributing, posting up, airing, or
3 televising, or cause to be made, said, printed, published, distributed, posted
4 up, aired or televised, before or during any election, any matter in the print or
5 electronic media including radio, television, the Internet, online or social
6 media, which he knows or believes to be false in relation to the personal
7 character or conduct of the candidate or his family member or by making
8 false accusation on any matter in a manner likely to make others believe
9 such matter to be true.

10 (2) Any person who commits an act in contravention of sub-clause
11 (1) of this Clause shall be guilty of an offence of serious corrupt practice and
12 liable, on conviction to imprisonment for a term of at least ten (10) years or a
13 fine of at least Ten Million Naira (N10,000,000), or both.

14 **24.-(1)** Election campaigns materials including posters,
15 pamphlets, bills, advertisements etc. prepared for the purpose of
16 campaigning in an election shall bear the name and address of the political
17 party, aspirant, candidate or person to whom/which they belong.

Restriction on
election campaigns

18 (2) No person shall print, publish, distribute, post up, air or televise
19 in print or electronic media including radio, television, the Internet, online
20 or social media as the case may be, or cause to be so printed, published,
21 distributed, posted up, aired or televised, any electioneering campaign
22 audio, video, or printed advertisement, handbill, placard or poster which
23 refers to any election and which does not clearly or loudly bear upon its face
24 or presentation the names and addresses of the political party, candidate or
25 person getting them printed, published, distributed, posted up, aired or
26 televised.

27 (3) No person shall affix, or cause to be affixed, any election
28 campaign material including posters, pamphlets, bills, advertisements or
29 such papers to, or write, or cause to be written on, any religious,
30 archaeological or historical buildings, monuments or structures.

1 (4) No person shall affix, or cause to be affixed, any election
2 campaign materials including posters, pamphlets, bills, advertisements or such
3 papers to, or write, or cause to be written on any private house, shop, wall or
4 other structure without the permission of the owner thereof.

5 (5) No person shall, with the object of soliciting or giving votes for or
6 against any political party or candidate at an election, convene or organise
7 meetings, processions or raise slogans and campaign in any other manner
8 within an election area during the period from Twenty-Four (24) hours prior to
9 the day of the election to the end of the election.

10 (6) Any person who commits an act in contravention of sub-clause (1)
11 to (5) of this clause shall be guilty of an offence and liable, on conviction, to
12 imprisonment for a term of at least five (5) years or a fine of at least Ten Million
13 Naira (N10,000,000), or both.

Prohibition on
campaign against
national interest

14 **25.-(1)** No person shall propagate or cause to be propagated anything
15 or information that:

16 (a) undermines or is capable of undermining the independence,
17 sovereignty, territorial integrity, or unity of the Federation;

18 (b) promotes or is capable of promoting feeling of enmity or hate on
19 the basis of any religion, community, caste, tribe, language or territorial region;

20 (c) causes or is capable of causing people to vote on the basis of any
21 religion, community, caste, tribe, language or territorial region.

22 (2) Any person who commits an act in contravention of subclause (1)
23 of this clause shall be guilty of a serious electoral offence and liable, on
24 conviction, to imprisonment for a term of at least twenty (20) years without an
25 option of a fine.

Prohibition on
obstructing votes
counting or other
acts inhibiting
electoral due
process

26 **26.-(1)** No candidate or agent of his or any other person shall grab,
27 loot, damage or destroy in any manner ballot boxes or ballot papers or any other
28 electoral document or material before, during or after an election, or take or
29 attempt to take or cause to be taken ballot boxes or ballot papers or any other
30 electoral document or material before, during or after an election without the

1 permission of election official in charge of the election at a polling station or
2 election official in charge of the electoral materials or abet to the
3 commission of such act or cause obstruction of any kind in any manner to
4 any other acts relating to an election.

5 (2) Any person who commits any act in contravention of subclause
6 (1) of this clause shall be guilty of an electoral offence and liable, on
7 conviction, to imprisonment for a term of at least Twenty (20) years or a fine
8 of at least Forty Million Naira (N40,000,000).

9 **27.-(1)** No payment or contract for payment shall, for the purpose
10 of promoting or procuring the election of a candidate at any election, be
11 made-

Certain
expenditure

12 (a) on account of the conveyance of voters to or from the poll,
13 whether for the hiring of vehicles, vessels or animals of transport of any kind
14 whatsoever, or for railway fares, or otherwise; or

15 (b) to or with a voter on account of the use of any house, land,
16 building, or premises for the exhibition of any address, bill, or notice, or
17 account of the exhibition of any address, bill or notice.

18 (2) Subject to such exception as may be allowed in pursuance of
19 this Bill, if any payment or contract for payment is knowingly made in
20 contravention of this clause either before, during, or after an election, the
21 person making such payment or contract shall be guilty of an illegal
22 practice, and any person receiving such payment or being a party to any such
23 contract, in contravention of this clause, shall also be guilty of an illegal
24 practice.

25 (3) A person shall not let, lend, or employ for the purpose of
26 conveyance of voters to and from the poll any vehicle, vessel or animal of
27 transport of any kind whatsoever which he keeps or uses for the purpose of
28 letting out for hire, and if he lets, lends, or employs such vehicle, vessel or
29 animal of transport knowing that it is intended to be used for the conveyance
30 of voters to and from the poll he shall be guilty of an illegal practice.

1 (4) A person shall not hire, borrow, or use for the purpose of
2 conveyance of voters to and from the poll any vehicle, vessel or animal of
3 transport of any kind whatsoever which he knows the owner thereof is
4 prohibited by subclause (3) of this clause to let, lend, or employ for that
5 purpose, and if he does so he shall be guilty of an illegal practice.

6 (5) Nothing in sub-clause (3) or (4) of this clause shall prevent a
7 vehicle, vessel or animal of transport of any kind being let to, or hired,
8 employed, or used by a voter or several voters at their joint cost for the purpose
9 of being conveyed to or from the poll.

10 (6) Notwithstanding anything to the contrary in this clause-

11 (a) where it is the ordinary business of a voter as an advertising agent
12 to exhibit for payment bills and advertisements, a payment to or contract with
13 such voter, if made in the ordinary course of business, shall not be deemed to be
14 an illegal practice within the meaning of this clause;

15 (b) where voters are unable at an election to reach their polling
16 stations from their place of residence without crossing the sea or a branch or
17 arm thereof or a river, means may be provided for conveying such voters to
18 their polling stations, or to enable them to cross in order to reach their polling
19 stations:

20 PROVIDED that such means of conveyance shall be made available
21 equally to all such voters who wish to avail themselves thereof.

22 (7) A person who aids, abets, counsels or procures the commission of,
23 commits or attempts to commit any illegal practice under this clause shall be
24 liable, on conviction, to imprisonment for a term of at least fifteen (15) years.

Employers to
allow employees
reasonable period
for voting

25 **28.-(1)** Every employer shall, on polling day, allow to every voter in
26 his employ a reasonable period for voting, and no employer shall make any
27 deduction from the pay or other remuneration of any such voter or impose upon
28 or exact from him any penalty by reason of his absence during such period.

29 (2) Any employer who, directly or indirectly, refuses or by
30 intimidation, undue influence, or in any other manner, interferes with the

1 granting to any voter in his employ, of a reasonable period for voting, as
2 provided in this clause, shall be guilty of an offence and liable, on
3 conviction, to a fine of at least Six Million Naira (N6,000,000) or to
4 imprisonment for a term of least three (3) years, or both.

5 (3) The provisions of this clause shall not extend to-

6 (a) members of the Armed Forces, the Nigerian Police Force, State
7 Security Service, the Nigerian Prisons Service and all Federal Government
8 security and law enforcement agencies;

9 (b) any employee who at the election in question is acting as an
10 election official under the Electoral Act No. 6, 2010 (as amended) or any
11 electoral law in force in the Federation or a part thereof; and

12 (c) other employees in reasonably essential public or private
13 service.

14 **29.-(1)** No person shall furnish or supply any musical instrument or
15 loud speaker to any person with intent that it shall be used by any person in
16 any way or used in or upon vessels, animals, motor cars, trucks, or other
17 vehicles as or for the purpose of political propaganda on polling day and no
18 person shall with any such intent use himself or use in or upon any vessel,
19 animal, motor car, truck, or other vehicle any such musical instrument or
20 loud speaker on polling day.

Limitation of
political
propaganda on
polling day

21 (2) Any person who contravenes any of the provisions of subclause
22 (1) of this clause shall be guilty of an offence and liable, on conviction, to a
23 fine of at least One Million Naira (N1,000,000) or to imprisonment for a
24 term of at least one (1) year, or both.

25 **30.-(1)** Any person who in the discharge of his duty under this Bill
26 gives information which is false in any material particular to a public officer
27 or any person who is to take decision or do any other act in relation thereto
28 commits an offence under this Bill and the onus shall be on him to prove that
29 he exercised due diligence to prevent the commission of the offence having
30 regards to the nature of his function and circumstances.

Offences relating
to false information

Offences relating
to Election
Expenses

1 (2) The penalty for the offence under subclause (1) of this clause shall
2 be imprisonment for a term of at least Two (2) years and not more than Three
3 (3) years,

4 PROVIDED that where the offender is a public officer the penalty
5 shall be imprisonment for a term of least Three (3) years and not more than Five
6 (5) years.

7 31.-(1) Every candidate at an election shall submit a statement of
8 election expenses to the Commission at most Six (6) months after the election.
9 The statement shall be in a form to be prescribed by the Commission from time
10 to time.

11 (2) A candidate at an election who contravenes the provisions of
12 subclause (1) of this clause shall be guilty of an offence and shall be liable, on
13 conviction, to imprisonment for a term of at least Six (6) months and a fine
14 equal to the amount of money specified in the relevant law as the maximum for
15 election expenses for the particular elective office in question.

16 (3) A statement of the election expenses submitted under subclause
17 (1) of this clause may be audited by an auditor appointed by the Commission
18 for compliance or otherwise with the law.

19 (4) A candidate at an election shall be guilty of an offence if his-

20 (a) statement of election expenses is false; or

21 (b) election expenses are substantially above the ceiling stipulated by
22 law for the elective office in question, and shall in these respects be liable, on
23 conviction, to a fine which shall not exceed the amount of money stipulated in
24 the law as the ceiling for election expenses for that office.

25 (5) Subject to the provisions of clause 174 of the Constitution of the
26 Federal Republic of Nigeria, 1999 (as amended) (on the power of the Attorney-
27 General of the Federation to institute, continue, takeover or discontinue
28 criminal proceedings against any person in any court of law), where a
29 candidate contravenes the provisions of subclause (1) of this clause or is
30 deemed guilty under subclause (4) of this clause, the Commission may

1 compound these offences by imposing a fine on, and accepting same from,
2 the candidate:

3 PROVIDED that the fine shall not exceed the ceiling specified for
4 election expenses for the particular office in question.

5 (6) Prior to issuing an order for a fine on a candidate under
6 subclause (5) of this clause, the Commission shall give a reasonable
7 opportunity to the concerned person to defend himself and the Commission
8 shall not issue any such order if the candidate's failure to submit the
9 statement of election expenses is reasonably justified.

10 (7) All moneys received by the Commission under the provisions
11 of subclause (5) of this clause shall be paid into the consolidated Revenue
12 Fund of the Federation.

13 **32.-(1)** A person who, in the course of politics or elections, uses or
14 directs the use of threatening words, behaviour or action, or displays or
15 directs the display of any written material which is threatening or incites
16 violence, is guilty of an offence if -

Prohibition on
Hate Speech

17 (a) he/she intends thereby to stir up ethnic, religious, or racial
18 hatred, social or political insecurity or violence against anyone or group of
19 persons; or

20 (b) having regard to all the circumstances, ethnic, religious, or
21 racial hatred or social or political insecurity or violence is likely to be stirred
22 up thereby;

23 PROVIDED that nothing in this subclause shall be read or given
24 effect in a way which prohibits or restricts discussion, criticism or
25 expressions of antipathy, dislike, ridicule, insult or abuse of particular
26 beliefs or practices of their adherents, or of any other belief system or the
27 beliefs or practices of its adherents, or proselytising or urging adherents of a
28 different belief system to cease practising their belief system. Subjective
29 descriptions of a person's actions or behaviour, however abhorrent, crass or
30 objectionable, may not be considered an attempt to spread hate unless the

1 motive is clearly defined as such.

2 (2) Any person who commits offence under subclause (1) of this
3 clause shall be liable, on conviction, to imprisonment for a term of at least Ten
4 (10) years or a fine of at least Forty Million Naira (N20,000,000), or both.

5 PART V - COURTS

Jurisdiction and
special powers
of Court

6 **33.**-(1) The Federal High Court, High Court of a State or the High
7 Court of the Federal Capital Territory Abuja shall have the jurisdiction to try
8 alleged offenders under this Bill.

9 (2) Notwithstanding anything to the contrary in any other enactment,
10 the Federal High Court, High Court of a State or the High Court of the Federal
11 Capital Territory Abuja shall have power,-

12 (a) to impose the penalties provided for in this Bill;

13 (b) to ensure that all matters brought before the Court by the
14 Commission against any person, body or authority shall be given accelerated
15 hearing;

16 (c) to adopt measures necessary to avoid unnecessary delays and
17 abuse in the conduct of matters brought by the Commission against any person,
18 body or authority.

19 (3) The Chief Judge of the Federal High Court or a High Court of a
20 State or the High Court of the Federal Capital Territory Abuja, as the case may
21 be, may designate a court or judge or such number of courts or judges as he
22 shall deem appropriate to hear and determine matters brought pursuant to the
23 provisions of this Bill.

24 (4) A court or judge so designated under sub-clause 3 of this clause
25 shall give such matters priority over all other matters.

26 PART VI - FINANCIAL PROVISIONS

Commission's
fund, budgetary
appropriation
and gifts

27 **34.**-(1) The Commission shall establish and maintain a fund from
28 which shall be defrayed all expenditures reasonably incurred by it in the
29 execution of its functions.

30 (2) There shall be paid and credited to the fund established pursuant to

1 subclause (1) of this clause, such monies as may in each year be approved by
2 the National Assembly for the purpose of the Commission.

3 (3) The Commission may accept gifts of land, money or other
4 property (whether within or outside Nigeria) upon such terms and
5 conditions, if any, as may be specified by the person or organisation making
6 the gift provided that the terms and conditions are not contrary to the
7 objectives and functions of the Commission.

8 35. The Commission shall keep proper accounts, in a form which
9 conforms to accepted commercial standards of its receipts, payments, assets
10 and liabilities and shall submit the accounts annually, for auditing by a
11 qualified auditor appointed from the list of auditors and in accordance with
12 the guidelines supplied by the Auditor General of the Federation.

Keeping of
accounts

13 36. The Commission shall, not later than the 30th day of September
14 in each year, submit to the President and National Assembly, a report of its
15 activities during the immediately preceding year and shall include in such
16 report the audited accounts of the Commission.

Submission of
annual report

17 PART VII - MISCELLANEOUS PROVISIONS

18 37.-(1) The Commission shall seek and receive information from
19 any person, political party, organization, authority, corporation or company
20 without let or hindrance in respect of offences it is empowered to enforce
21 under this Bill.

Power to receive
information
without hindrances,
etc.

22 (2) A person who-

23 (a) willfully obstructs the Commission or any of its authorised
24 officers in the exercise of any of the powers conferred on the Commission;

25 (b) fails to comply with any lawful enquiry or requirements made
26 by any authorised officer of the Commission,
27 commits an offence under this Bill and shall be liable, on conviction to
28 imprisonment for a term of least Five (5) years or to a fine of at least Two
29 Million Naira (N2,000,000.00), or both.

Seizure and
forfeiture of
property

1 **38.**-(1) Any property used for the planning or execution of an electoral
2 offence under this Bill may be seized by the Commission-

3 (a) upon an application to a court for an interim order in the first
4 instance where the seizure is incidental to a lawful arrest or search executed by
5 the Commission; or

6 (b) upon an order of final forfeiture issued by a court following a
7 successful application made by the Commission.

8 (2) Whenever property is seized or forfeited under subclause (1) of
9 this clause, the Commission may-

10 (a) place the property under seal; or

11 (b) remove the property to a place designated by the Commission.

12 (3) Property taken or detained under this clause shall be deemed to be
13 in the custody of the Commission and owned by the Federal Government,
14 subject only to an order of a court of competent jurisdiction.

Attempt to commit
electoral offence,
etc.

15 **39.** A person who-

16 -(1) attempts to commit any electoral offence under this Bill, the
17 Electoral Act No. 6, 2010 or under any other law in force in the Federation or a
18 part thereof or does any act preparatory to or in furtherance of the commission
19 of any electoral offence shall be guilty of an offence and shall on conviction, be
20 liable to the punishment provided for such offence; or

21 (2) aids, counsels or procures another person to commit an electoral
22 offence shall be deemed to have taken part in the commission of that offence
23 and to be guilty of the offence and may be charged with actually committing the
24 offence.

Protecting
informants and
information, etc.,
and penalty for
false information

25 **40.**-(1) Officers of the Commission shall not be compelled to disclose
26 the source of information or identity of their informants except by the order of a
27 competent court or tribunal upon a successful application seeking the
28 discretion of the court to do so.

29 (2) Any person who makes or causes another person to make any
30 statement to an official of the Commission or to any other Public Officer who is

1 exercising the duties of his office, which statement to the knowledge of its
2 maker, or the person causing it to be made-

3 (a) is false, or intended to mislead or is untrue in any material
4 particular;

5 (b) is not consistent with any other statement previously made by
6 such person to any other person having authority or power under any law to
7 receive or require to be made such other statement notwithstanding that the
8 person making the statement is not under any legal or other obligation to tell
9 the truth, shall be guilty of an offence and shall be liable, on conviction, to a
10 fine of at least Two Million Naira (N2,000,0000) or to imprisonment for a
11 term of at least Two (2) years, or both.

12 (3) Where any person who has made a statement to an officer of the
13 Commission, subsequently makes any other statement to any person having
14 authority or power under any law to receive or require to be made such other
15 statement regardless of whether or not the person making the statement is
16 under a legal or other obligation to tell the truth, he shall if such other
17 statement is materially inconsistent with any statement previously made to
18 an officer of the Commission or such other public officer, be guilty of an
19 offence and shall be liable, on conviction, to a fine of at least Five Hundred
20 Thousand Naira (N500,0000) or to imprisonment for a term of at least Six
21 (6) months, or both.

22 (4) For the purpose of sub-clause (1) and (2) of this clause, any
23 statement made in the course of any legal proceedings before any court or
24 tribunal, whether civil or criminal, or any statement made by any person in
25 the course of any disciplinary proceedings, whether such legal proceedings
26 or disciplinary proceedings are against the person making the statement or
27 not, shall be deemed to be a statement made to a person having authority or
28 power under the law to receive the statement so made.

29 41. Subject to the provisions of the Constitution of the Federal
30 Republic of Nigeria, 1999 (as amended), an application for stay of

Appeals against
interlocutory ruling,
etc.

	1	proceedings in respect of any criminal matter brought by the Commission
	2	before the High Court shall not be entertained until judgment is delivered by
	3	the High Court.
Immunities	4	42. Subject to the provisions of this Bill, an officer of the Commission
	5	when investigating or prosecuting a case under this Bill, shall have all the
	6	powers and immunities of a Police Officer under the Police Act and any other
	7	law conferring power on the, police, or empowering and protecting officials or
	8	personnel of law enforcement agencies.
General Savings	9	43. Any offence committed or proceedings instituted before the
	10	commencement of this Bill under the provisions of-
	11	(a) the Electoral Act No. 6, 2010 (as amended); and
	12	(b) any other law or regulation relating to electoral offences,
	13	shall, as the case may require, be enforced or continue to be enforced by the
	14	National Electoral Offences Commission established under this Bill.
Regulations	15	44. The Attorney-General of the Federation may make rules or
	16	regulations with respect to the exercise of any of the duties, functions or powers
	17	of the Commission under this Bill.
Interpretation	18	45.-(1) In this Bill-
	19	"Court" means the Federal High Court or the High Court of the Federal Capital
	20	Territory or the High Court of a State,
	21	"election" means any election held in accordance with the provisions of any
	22	written law in the Federation or part thereof relating to the election of persons
	23	to public offices;
	24	"Electoral offences" means acts of commission or omission stipulated as
	25	offences punishable by law under this Bill, the Electoral Act No. 6, 2010 (as
	26	amended) or any other law relating to the conduct of elections in the Federation
	27	or a part thereof;
	28	"Federation" means the Federal Republic of Nigeria; and
	29	"the Commission" means the National Electoral Offences Commission
	30	("NEOC") established under clause 1 of this Bill;

1 (2) Any word or expression used in this Bill, the meaning of which
2 is defined in any written law relating to any election, shall have the same
3 meaning in this Bill, for the purposes of and with reference to such election,
4 as it has in the said written law; and any reference in this Bill to any person or
5 official shall be construed, for the purposes of and with reference to any
6 election, as a reference to any equivalent person or official appointed under
7 or by virtue of any written law relating to such election.

8 **46.** This Bill may be cited as the National Electoral Offences Citation
9 Commission Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Electoral Offences Commission and to prosecute offenders under this Bill subject to the provisions of clause 174 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (on the power of the Attorneys-General of the Federation respectively to institute, continue, takeover or discontinue criminal proceedings against any person in any court of law).