

Extraordinary



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CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 01	A Bill for an Act to Amend the Electric Power Sector Reforms Act 2005 and for Related Matters	C 1 - 3
HB. 02	A Bill for an Act to Provide that 20% of jobs available in all Federal Government Ministries, Department, Agencies and Companies be distributed amongst the physically challenged persons in Nigeria and for Related Matters	C 5 - 6
HB. 03	A Bill for an Act to Provide for the smooth and orderly transfer of power from one Government to another and for Related Matters....	C 7 - 10
HB. 04	A Bill for an Act to Provide that 40% of Nigeria Annual Budget should be earmarked for Capital Projects in the next 10 (ten) years and for Related Matters	C 11 - 12
HB. 05	A Bill for an Act to Amend the Labour Act to make further provisions for the compulsory registration of all foreign employers of Labour in Nigeria by the Ministry and for Related Matters	C 13 - 14
HB. 06	A Bill for an Act to Provide easy access to Higher Education for Nigerians through interest free loans from Nigerian education Bank and for Related Matters	C 15 - 24
HB. 07	A Bill for an Act to Prohibit late payment, non-payment and underpayment of worker's wages, pension and other emolument in Nigeria and prescribes penalties for violations and for Related Matters	C 25 - 28
HB. 08	A Bill for an Act to Amend the Federal Highways Act, LFN 2004 and for Related Matters	C 29 - 31
HB. 09	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria Cap. C23 LFN, 2004 and for Related Matters	C 33 - 35
HB. 10	A Bill for an Act to Provide for the Establishment of the Nigeria National Commission Against the Proliferation of Small Arms and Light Weapons and for Related Matters	C 37 - 59

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A BILL

FOR

AN ACT TO AMEND THE ELECTRIC POWER SECTOR REFORMS ACT, 2005 TO PROHIBIT AND CRIMINALISE ESTIMATED BILLING BY ELECTRIC DISTRIBUTION COMPANIES AND PROVIDE FOR COMPULSORY INSTALLATION OF PRE-PAID METERS TO ALL POWER CONSUMERS IN NIGERIA; AND FOR RELATED MATTERS, 2019.

Sponsored by Hon. Femi Gbajabamila

[] Commencement

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

3 1. The Electric Power Sector Reform Act (herein referred to as
4 "the Principal Act") is hereby amended as set out hereunder. Amendment of
the Principal Act

5 *Terms of office and conditions of service of Commissioners*

6 2. Section 35 (2) of the Principal Act is amended by inserting Amendment of
Section 35
7 immediately after the word "term" the phrase "except reappointed under
8 subsection 4 of this section.

9 *Distribution licences.*

10 3. Section 67 (1) of the Principal Act is amended by deleting the Amendment of
Section 67
11 entire paragraph (b) and replacing same with a new paragraph (b) as follows:
12 "the installations, maintenance and checking of pre-paid meters, tariff
13 methodology and proscription of estimated billings".

14 4. The Principal Act is amended by creating new sections 68 to 71 Insertion of new
section 68 - 71
15 as follows:

16 "68. (1) Estimated billing methodology is hereby prohibited in
17 Nigeria.

18 (2) Every electricity consumer in Nigeria shall apply to the
19 Electricity Distribution Company carrying out business within his
20 jurisdiction for a pre-paid meter and such consumer shall pay the regulated

1 fee for pre-paid meter to be installed in his premises and the Electricity
2 Distribution Company shall within 30 days of receiving the application and
3 payment install the pre-paid meter applied for in the premises of the consumer.

4 (3) Customers who elect to buy their pre-paid meters through Credit
5 Advancement Metering Implementation must state it in their applications and
6 such customers must be metered within 30 days of the receipt of their
7 applications.

8 (4) All electricity charges or billings to the premises of every
9 consumer shall be based strictly on pre-paid metering and no consumer shall be
10 made to pay any bill without a pre-paid meter first being installed at the
11 premises of the consumer.

12 (5) Notwithstanding the provisions of subsection (1) and (4) above,
13 an unmetered Customer may be issued with estimated bill for a stipulated
14 period:

15 Provided that the estimated bill has been issued through the
16 Commission's approved centralized automated system that reflects the
17 Commission's approved estimated billing methodology.

18 (6) If a customer is not metered within 30 days after application has
19 been duly made, the relevant electricity distribution company is prohibited
20 from refusing to connect the customer or disconnect the customer in the event
21 that the customer has been connected.

22 69. Upon connection, the Electricity Distribution Company serving
23 the Consumer must inform the customer in writing on the nature of the meter
24 installed, tariff methodology and all other services available to the customer.

25 70. In giving effect to the provisions of this Bill, the Nigerian
26 Electricity Regulatory Commission as the Regulatory body must ensure that all
27 licensed Distribution Companies comply with the provisions of this Bill.

28 71. All cases of illegal disconnection, refusal of the relevant
29 Distribution Company to connect a customer after application, un-metering
30 within 30 (thirty) days of a customer applying for a pre-paid meter and

1 estimated billing shall attract both civil and criminal liability and any officer
 2 found guilty shall be liable to a fine of N500,000 (Five Hundred Thousand
 3 Naira) or imprisonment for a term of 6 months or to both such fine and
 4 imprisonment as the Court may deem fit.

5 *Offences*

6 **5.** Section 94 of the Principal Act is amended by creating a new Amendment of
 7 sub-section (4) as follows: Section 94

8 "(4) any person who performs any act or does anything or refuses,
 9 fails and/or neglected to carry out his lawful duties with intention to
 10 contravene or frustrate the implementation of sections 68 and 71 of this Bill
 11 is said to have committed an offence; and upon conviction shall be liable to
 12 six (6) months imprisonment or a minimum fine of N1,000,000 (One
 13 Million Naira) or both such fine and imprisonment without prejudice to the
 14 right of the Commission to cancel or suspend any license under this Bill".

15 **6.** Section 100 of the Principal Act is amended by inserting the Amendment of
 16 following definition: Section 100

17 "Un-metered Customer" means either an electricity Consumer who has
 18 applied for a pre-paid meter in accordance with the provisions of section 68

19 (2) and is yet to be issued with a meter by the Electricity
 20 Distribution Company or an electricity consumer who has reported a faulty
 21 pre-paid meter and is awaiting replacement or repair.

22 **7.** This Bill may be cited as the Electric Power Sector Reform Act Citation
 23 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electric Power Sector Reform Act to prohibit
 and criminalize estimated billings by distribution Licensee and other related
 matters.

A BILL

FOR

AN ACT TO PROVIDE THAT 20% OF JOBS AVAILABLE IN ALL FEDERAL GOVERNMENT MINISTRIES, DEPARTMENT, AGENCIES AND COMPANIES BE DISTRIBUTED AMONGST THE PHYSICALLY CHALLENGED PERSONS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

1 1. Notwithstanding the provisions of any other law or enactment
2 in Nigeria, 20 % of jobs available in all Federal Government Ministries,
3 Departments, Agencies and Companies shall be reserved for the physically
4 challenged persons in Nigeria upon the coming into force of this Act.

5 2.-(1) Upon the commencement of this Act, all Federal
6 Government Ministries, Departments, Agencies and Companies shall
7 submit yearly reports not later than the first quarter of every year to the
8 National Assembly containing details of all employments including details
9 of the physically challenged persons employed in the previous year.

10 (2) The National Assembly shall within three weeks of the receipt
11 of the reports of the Ministries, Departments, Agencies and Companies
12 consider same and if not satisfied with the reports, pass appropriate
13 resolutions that will ensure full implementation/compliance with the
14 provisions of this Act and such resolution(s) shall be implemented by the
15 President.

16 3. In giving effect to the provisions of this Act, all Ministries,
17 Departments, Agencies and Companies to which this Act apply shall
18 provide all relevant facilities to ease ingress and egress of the Physically
19 Challenged in the work place.

1 **4.** No Physically Challenged person shall be employed under this Act
2 unless such physically Challenged person possesses the minimum
3 qualification for the job in the relevant Ministry, Department, Agency or
4 Company.

5 **5.**-(1)For the purpose of this Bill, a Physically Challenged Person is:

6 (a) A blind person;

7 (b) A person whose either one or both upper and lower limbs have
8 been amputated;

9 (c) Any person that is deaf and/or dumb

10 (d) Any person whose limb(s) have not been amputated but is unable
11 to walk easily and freely having been affected by polio or any other cause.

12 (2) For the purpose of this Bill, a dwarf or midget is not a Physically
13 Challenged person except any of the provisions of sub-section 1 of this section
14 applies to him/her.

15 **6.** This Bill shall be in force for a period of ten years after which it will
16 be reviewed by the National Assembly.

17 **7.** Any person who performs any act or does anything or refuses, fails
18 and/or neglected to carry out his lawful duties with intention to frustrate the
19 Implementation of this Act is said to have committed an offence; and upon
20 conviction shall be liable to one year imprisonment or a fine of N500,000,000
21 (Five Hundred Thousand Naira) or both.

Citation

22 **8.** This Bill may be cited as the Physically Challenged
23 (Empowerment) Bill, 2019.

EXPLANATORY NOTES

This Bill seeks to provide that 20% of the jobs available in all Federal Government Ministries, Departments, Agencies and Companies be reserved for qualified Physically Challenged Persons in Nigeria.

A BILL

FOR

AN ACT TO PROVIDE FOR THE SMOOTH AND ORDERLY TRANSFER OF
POWER FROM ONE GOVERNMENT TO ANOTHER AND OTHER RELATED
MATTERS THERETO, 2019

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

- 1 1.-(1) When at any general election for the Office of the President General purpose
2 of the Federal Republic of Nigeria, the incumbent President is not re- of the Bill
3 elected, the President shall within 2 weeks of the declaration of the President
4 elect as the winner of the election provide space for not more than 10 persons
5 designated by the President elect to begin a review and analysis of budgeted
6 expenditures during the tenor of the current President, review all other
7 necessary documents as may be requested by the President-elect's transition
8 team and to acquire a working knowledge of the various offices,
9 departments, commissions, boards and other agencies of the executive arm
10 of the Federal Government with a view to promote the orderly transition of
11 the executive power in connection with the expiration of the term of office of
12 a President and the inauguration of a new President.
- 13 (2) The President shall also constitute his transition team who must
14 cooperate with the President elect and the staff he so designated and provide
15 any assistance that may be reasonably requested.
- 16 (3) The provisions of this section shall apply at all times after each
17 general elections whether or not the power change is within the same party
18 or from one party to another.
- 19 (4) For the purpose of this Bill, the President shall include the vice
20 President and the President-elect shall include the vice President-elect.

Provision of
assumption of
office facilities

1 **2.** The President shall provide for the President-elect in connection
2 with the preparation for his assumption of office as the President of the Federal
3 Republic of Nigeria the following facilities:

4 (a) Office space well-furnished and equipped with all relevant
5 machines and electronics within the Presidential Villa to enhance smooth
6 working relationship with the President's team; such equipment shall include
7 but not limited to computers/laptops, printers, binding machines, papers,
8 communication services to aid the transition team in achieving the objectives
9 of this Bill.

10 (b) Payment of allowances for members of the President-elect's team
11 at such rate as may be determined by the Revenue Mobilisation Allocation and
12 Fiscal Commission to cater for the team, and such rate must not exceed what is
13 obtainable in the civil service:

14 PROVIDED that any employee of any agency or department of
15 government may be drafted to be part of the transition team of either of the
16 President or President-elect and he shall continue to be entitled to such
17 compensation provided by law for his regular employment and shall be entitled
18 to the rights and privileges associated with his regular employment without any
19 interruption.

20 AND PROVIDED that in appointing the Transition Team, the
21 President-elect shall consider key areas requiring professional/expert input to
22 the extent that extra funds shall not be provided by the state to hire the services
23 of Professionals outside the Transition team.

24 (c) payment of travel expenses and subsistence allowances.

Appointment
of Administrative-
General

25 **3.-(1)** There shall be appointed an Administrator-General who shall
26 oversee the Transition process after each general election.

27 (2) The Administrator-general shall be appointed by the President
28 subject to ratification by the Senate.

Functions of
the Administrative
General

29 **4.-(1)** The Administrator-general shall:

30 (a) be the Head of the government estates and shall take and keep

1 inventory of all assets and properties of the Government which assets and
2 properties not vested in the Governor of the states as provided by the Land
3 Use Act 1978;

4 (b) ensure that all assets and properties of government are
5 maintained and are in good condition;

6 (c) ensure that were relevant, such assets and properties are
7 transferred from the incumbent government to the new government in good
8 condition;

9 (d) make recommendations to the President for budgetary
10 allocation required in a transition for passing the reins of power from one
11 government to another;

12 (e) ensure that all budgetary documents and all other relevant
13 documents requested for by the President-elect are provided without any
14 delay and to ensure that the facilities required to be provided by the
15 Transition Team of the President-elect are provided;

16 (f) immediately after the new President is sworn in
17 initiate/commence the prosecution of any person who breaches any
18 provision of this Bill.

19 (2) The Administrator-General shall be removed by the President
20 on ground of gross misconduct subject to ratification by the Senate.

21 5.-(1) It is hereby authorized to be appropriated to the
22 Administrator-General such funds as may be necessary to carry out the
23 purposes of this Bill not exceeding the sum of N100,000,000 (One Hundred
24 Million Naira) only for any one Presidential transition for the fiscal year in
25 which the transition occurs.

Authorization of
Appropriations

26 (2) The President shall include in the budget transmitted to the
27 National Assembly for each fiscal year in which his term of office expires a
28 proposed appropriation for carrying out the purposes of this Bill:

29 PROVIDED that in the event that the incumbent President is re-
30 elected, the funds so appropriated shall not be disbursed.

Criminality
liability

1 **6.** Any person who violates any provision of this Bill by failing to
2 provide the necessary facilities required to be provided under this Bill or fails to
3 provide any required documents thereby frustrating the efforts of the transition
4 team shall upon conviction be liable to a fine of N10,000,000 or a term of
5 imprisonment of not less than 6 months or to both fine and imprisonment as the
6 case may be.

Citation

7 **7.** This Bill may be cited as the Presidential (Transition) Bill,
8 2019.

EXPLANATORY NOTES

This Bill seeks to make provision for the smooth and orderly transfer of power
from one Government to another.

A BILL

FOR

AN ACT TO PROVIDE THAT 40% OF NIGERIA ANNUAL BUDGET SHOULD BE
EARMARKED FOR CAPITAL PROJECTS IN THE NEXT 10 (TEN) YEARS AND
FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

1 **1.** Without prejudice to any contrary provision as contained in any
2 Act or in any other enactment or Law, 40% of the total annual budget of
3 Nigeria for the next 10 (ten) years shall be earmarked for Capital project
4 commencing from the 2017 fiscal year.

5 **2.-(1)** Upon the commencement of this Act, the Accountant-
6 General of the Federation shall submit quarterly reports to the National
7 Assembly in respect of the performance of the Capital Budget. The reports
8 shall be submitted within two weeks after the end of a corresponding
9 quarter.

10 **(2)** The National Assembly shall within two weeks of the receipt of
11 the Accountant-General's reports considers same and if not satisfied with the
12 performance, pass appropriate resolutions that will ensure full
13 implementation/performance of the Capital Budget and the resolutions shall
14 be implemented by the President.

15 **3.** This Act shall be in force for a period of ten years after which it
16 will be reviewed by the National Assembly.

17 **4.** Any person who performs any act or does anything or refuses,
18 fails and/or neglected to carry out his lawful duties with intention to frustrate
19 the Implementation of this Act is said to have committed an offence; and
20 upon conviction shall be liable to Five years imprisonment or a fine of

- Citation
- 1 N50,000,000 (Fifty Million Naira) or both.
- 2 **5.** This Bill may be cited as Economic Stimulus Bill, 2019.

EXPLANATORY NOTES

This Bill seeks to provide that 40% of the Nigeria annual budget be earmarked for capital project for in the next 10 (ten) years.

A BILL

FOR

AN ACT TO AMEND THE LABOUR ACT TO MAKE FURTHER PROVISIONS FOR
THE COMPULSORY REGISTRATION OF ALL FOREIGN EMPLOYERS OF
LABOUR IN NIGERIA BY THE MINISTRY AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

1 **1.** The Labour Act (herein referred to as 'the Principal Act' is
2 amended as set out hereunder.

3 **2.** Section 69 of the Principal Act is amended by creating a new
4 section 69 as follows:

5 “Section 69. Registration of Foreign employers of labour.

6 (1) Subject to the provisions of section 68 this act, the Minister
7 shall make regulations for the registration of foreign employers and such
8 regulations made under this section shall:

9 (a) provide for the compulsory and free registration of all foreign
10 employers of labour and the mode of registration shall be prescribed in the
11 regulations

12 (b) prescribe the manner of, and conditions for registration and the
13 person by whom and the manner in which the register is to be maintained.

14 (c) prescribe the circumstances in which employers may be struck
15 off the register;

16 (d) prohibit the employment of any person whether Nigeria
17 nationals or nationals of any other country by unregistered employers.

18 (e) provide for the compulsory and routine inspection of employers
19 to ensure compliance with the provisions of this act and such other laws
20 protecting the welfare of Nigerian workers and have the reports of every

1 inspection delivered to the Minister with 14 days of completion of the
2 inspection.

3 (f) provide for compulsory and quarterly submission of report of
4 activities and level of compliance to the Minister.

5 (g) contain such incidental or related provisions as the Minister may
6 think necessary or expedient; and

7 (h) impose penalties for contraventions of the regulations of the
8 regulations not exceeding a fine of N500,000n or imprisonment for a term of
9 two years or both.

10 (2) The provision in respect of registration (not penalties) shall not
11 apply to a foreign owned factory already registered under the Factories Act
12 provided that such factory shall comply with the provisions under this section.”

13 3. The existing sections 69 to 92 of the Principal Act is amended by
14 renumbering the sections to read sections 70 to 93.

Citation

15 4. This Bill may be cited as the Labour Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Labour Act to make provisions for the registration of all foreign employers of Labour in Nigeria with a view to further protecting the interests of Nigerian workers.

A BILL

FOR

AN ACT TO PROVIDE EASY ACCESS TO HIGHER EDUCATION FOR
NIGERIANS THROUGH INTEREST FREE LOANS FROM NIGERIAN EDUCATION
BANK ESTABLISHED IN THIS ACT WITH A VIEW TO PROVIDE EDUCATION
FOR ALL NIGERIANS AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

1 **1.** Notwithstanding anything to the contrary contained in any Act
2 or in any other enactment or Law, the provision of this Act shall apply to all
3 matters pertaining to the application and grant of loans to Nigerians seeking
4 Higher Education into institutions of higher learning in Nigeria through the
5 Nigerian Education Bank.

6 **2.** Subject to the provisions that may be contained in other
7 enactment, all students seeking higher education in any public institution of
8 higher learning in Nigeria shall have equal right to access the loan under this
9 Act without any discrimination arising from gender, religion, tribe, position
10 or disability of any kind

11 **3.** The loan referred to in this Act shall be granted to students only
12 for the payment of Tuition fees.

13 **4.** The grant of the loan to any student under this Act shall be
14 subject to the students/applicant(s) satisfying the requirements and
15 conditions set out under this Act.

16 **5.-(1)** There is hereby established a bank to be known as the
17 Nigerian Education Bank (in this Act referred to as "the Bank") which shall
18 have the functions and powers conferred on it by this Act.

Establishment
of the Nigerian
Education Bank

19 **(2)** The Bank shall:

Functions of
the Bank

1 (a) be a body corporate with perpetual succession and a common seal
2 and shall have powers to sue and be sued in its corporate name;

3 (b) have its head office located in the Federal Capital Territory and
4 may establish branch offices in any state of the Federation as it may deem fit;

5 (c) subject to the provisions of the Land Use Act, acquire, hold, or
6 dispose of properties, movable or immovable for the purposes of its functions.

7 **6.** The functions of the Bank shall be to:

8 (a) Implement the provisions of this Act;

9 (b) Supervise, coordinate, administer, and monitor the management
10 of the students loan in Nigeria;

11 (c) receive applications for students loan through higher institutions
12 in Nigeria on behalf of the applicants, screen the applications to ensure that all
13 requirements for grant of students' loan under this Act are satisfied, in
14 compliance with the provisions of this Act;

15 (d) approve and disburse loan to qualified applicants;

16 (e) control and monitor and coordinate the students loan account/fund
17 and ensure compliance in respect of disbursement;

18 (f) monitor academic records of grantees of the loan to obtain
19 information on their year of graduation, national service, employment in to
20 ensure that grantees of the loan commence repayment of the loan as at when
21 due;

22 (g) liaise with the employers of the grantees and conclude
23 documentation with employers to ensure that the required sum to be deducted
24 is deducted from the grantees salary and remitted to the student loan
25 fund/account as directed by the commission;

26 (h) provide financial advice on educational matters to institutions of
27 higher education, and to parents and educational investors;

28 (i) ensure adequate security on any loan granted;

29 (j) engage and participate in other banking business;

30 (k) exercise all legal rights toward recovering all loan and enforcing

1 the Provisions of this Act;

2 (l) quarterly issue a report to the President on the performance of
3 the Students Loan;

4 (m) without prejudice to the provisions of this Act or any other
5 enactment provide rules and guidelines including method of application to
6 ensure better performance at all times and prevent the emergence of Ghost
7 Students applications;

8 (n) employ and pay the staff of the bank salaries and other benefits
9 using the scale as applicable to industry of similar status;

10 (o) enter into any negotiation, agreement and contractual
11 relationship such as may be necessary or expedient for the discharge of the
12 functions of the Commission;

13 (p) Conduct studies, researches, and investigations that may
14 further the attainment of the goal and development of the students loan
15 regime in Nigeria;

16 (q) Do legally anything necessary to be done to facilitate the
17 carrying out of its functions.

18 7.-(1) There shall be for the Bank a Governing Board (in this Act
19 referred to as "the Board") which shall be responsible for the discharge of the
20 functions of the Bank.

Governing Board
of the Bank

21 (2) The Board shall consist of the following members:

22 (a) A Chairman who shall be a Professor and a retired Vice
23 Chancellor of any Nigerian University;

24 (b) The Managing Director;

25 (c) The Secretary;

26 (c) The Minister of Education;

27 (d) The Chairman, National University Commission;

28 (e) A representative of Vice Chancellor's forum of all Nigeria
29 Universities;

30 (f) A representative of the Rectors forum of all Nigerian

1 Polytechnics and Colleges of Education in Nigeria;

2 (g) The Minister of Finance or his representative;

3 (h) The Auditor General of the Federation;

4 (i) A representative of the Nigerian Labour Congress;

5 (j) A representative of the Nigerian Bar Association;

6 (k) A representative of Academic Staff Union of Universities.

7 **8.** The chairman and members of the Board shall be appointed by the
8 President subject to confirmation of the National Assembly and shall be
9 persons of proven integrity and ability.

Tenure of Office

10 **9.** The chairman and members of the Board shall each hold office:

11 (i) for a term of four (4) years and may be reappointed for a further
12 term of four year and no more; and

13 (ii) on such terms and conditions as may be specified in his letter of
14 appointment

15 **10.-(1)** A person shall cease to hold office as a member of the Board in
16 the occurrence of any of the following:

17 (a) If he dies;

18 (b) If he becomes bankrupt;

19 (c) If he is convicted of a felony or any offence involving dishonesty
20 or fraud;

21 (d) If he becomes of unsound mind or is incapable for any reason of
22 carrying out his duties;

23 (e) he is guilty of serious misconduct in relations to his duties;

24 (f) he resigns his appointment by written notice under his hand to the
25 president.

26 (2) Where there is a vacancy in the membership of the Board as a
27 result of any of the causes mentioned above, it shall be filled by the
28 appointment of a successor to hold office for the remainder of the term of office
29 of his predecessor to the extent that the successor shall represent the same
30 interest and shall be appointed by the President.

1 **11.** The President may remove a member if he is satisfied that it is
2 not in the interest of the Board or the public that such a member continues in
3 office. Provided that the removal of the Chairman of the Bank shall be
4 subject to ratification of the Senate.

5 **12.** A member of the Board shall be paid such allowances and
6 expenses as may be determined by Revenue Mobilization, Allocation and
7 Fiscal Commission using the scale as applicable to industry of similar status.

8 **13.** The Board shall have power to appoint for the Bank, either
9 directly or on secondment from public service of the Federation, such number
10 of employees as may in the opinion of the Board be required to assist the
11 Bank in the discharge of any of its functions under this Act.

12 **14.-(1).** The share capital of the bank shall subject to sub-section 2
13 of this section be N1,000,000,000 (One Billion Naira) divided into One
14 Billion shares of 1,000,000,000 shares of N1.00 each.

Share Capital
of the Bank

15 (2) The share capital shall on the commencement of this Act be
16 deemed to have been subscribed for, issued and called up in full and
17 payment in respect of the call up shall be made by the holder of the shares at
18 such times and in such manner as the President may direct.

19 (3) The President may from time to time increase the share capital
20 of the bank and Board shall forthwith make calls for the additional shares on
21 such terms and conditions as the Board may determine.

22 (4) All the shares of the Bank shall be taken up by the Federal
23 Government of Nigeria and shall subject to sub-section 1 and 2 of this
24 section be paid for by the Federal Government.

25 (5) The Accountant-General of the Federation shall when
26 authorised under this sub-section by the President charge to and issue out of
27 the Consolidated Revenue Fund of the Federation any sum required for
28 making payment for shares in the Bank taken up by the Federal
29 Government.

30 (6) The liability of the holder of shares in the Bank shall be limited

	1	to the amount, if any, unpaid on the shares held by the holder.
Funds of the Bank	2	15.-(1) Without prejudice to the provision of section 14 of this Act,
	3	there is hereby established a fund to be known as the Student's Loan Fund (in
	4	this Act referred to as "the Fund") to which funds of the bank from other
	5	sources shall be paid
	6	(2) All contributions and other monies required or prescribed by this
	7	Act shall be paid into the fund to be held and managed by the Bank for the
	8	purpose of granting and disbursement of loans to qualified applicants of the
	9	Student loan.
Sources of Fund	10	16. Subject to the provisions of Section 14 of this Act, the fund of the
	11	Bank shall consist of:
	12	(a) All Interests arising from deposits in the bank;
	13	(b) Education bonds;
	14	(c) Education endowment fund schemes;
	15	(d) 1 % of all taxes, levies and duties accruing to the government of
	16	the Federation from Federal Inland Revenue Services (FIRS), Nigerian
	17	Immigration Services and Nigerian Customs Services;
	18	(e) 1 % of all profits accruing to the government of the Federation
	19	arising from oil and other minerals;
	20	(f) All sums accruing to the fund by way of donations, gifts, grant,
	21	endowment or Otherwise;
	22	(g) Interest and Revenue accruing from savings and investments
	23	made by the bank;
	24	(h) Other revenue accruing to the bank from any other source.
Aims and Objectives of the Fund	25	17.-(1) The aims and objectives of the fund shall be to:
	26	(a) facilitate the mobilisation of funds to provide interest free loans to
	27	students of institutions of higher learning in Nigeria for the payment of tuition
	28	fees;
	29	(b) ensure constant supply of loans to qualified students applicants for
	30	the purpose of providing education to all Nigerians.

1	18.-(1) Students applying for loan under this Act must apply to the	Eligibility of applicants
2	Chairman of the Bank through their respective institutions upon satisfaction	
3	of the following conditions:	
4	(i) Applicant must have secured admission into any of the Nigerian	
5	Universities, Polytechnics, Colleges of Education or any Vocational School	
6	established by the Federal Government or the government of any State of the	
7	Federation;	
8	(ii) Applicant income or family income must be less than N500,000	
9	(Five Hundred Thousand Naira per annum;	
10	(iii) Applicant must provide at least two guarantors; each of the	
11	guarantors must be a civil servant of not less than level 12 years in the	
12	service; or a Lawyer with at least 10 (ten) years post-call experience; a	
13	Judicial officer; or a Justice of Peace.	
14	19. A student is disqualified from accessing the Loan if:	Disqualifications
15	(a) he is proven to have defaulted in respect of any previous loan	
16	granted by any organization;	
17	(b) he has be found guilty of exam malpractice by any school	
18	authority;	
19	(c) he is convicted of a felony or any offence involving dishonesty	
20	or fraud;	
21	(d) he has been convicted of drug offenses;	
22	(e) any of the parents has defaulted in respect of students loan or	
23	any loan granted to him/her.	
24	20.-(1) All applications from every Institution must be submitted	Method of Application
25	through the Students Affairs Office of each Institution via a list of all	
26	qualified applicants from the institution accompanied by a cover letter	
27	signed by the Vice Chancellor or Rector or the head of the institution and the	
28	Students Affairs Officer and addressed to the Chairman of the Board of the	
29	Bank.	
30	(2) Each application as stated above must be accompanied by:	

	1	(a) copy of the student's admission letter;
	2	(b) Letter by the guarantors addressed to the Chairman, Governing
	3	board of the Bank recommending the student for the loan and stating that he
	4	accepts liability in the event of default;
	5	(c) Each guarantor must submit two passport photographs, name of
	6	employer and evidence of being so employed by the named organization;
	7	(d) Where the guarantor is self employed he must provide particulars
	8	of his business as registered with the Corporate Affairs Commission or any
	9	other appropriate authority and his bankers;
	10	(3) Each institutions must ensure that all applications from its school
	11	reach the Bank not more than 30 days after close of admission for the academic
	12	year.
Disbursement	13	21. -(1) Processing of any applicant's application and disbursement
	14	shall be made within 30 days of the application reaching the Bank.
	15	(2) Without prejudice to sub-section 1 above, the applications must be
	16	processed and send to the Minister for approval within the said 30 days.
Repayment	17	22. -(1) Any beneficiary of the loan to which this Act refers shall
	18	commence repayment two years after completion of the National Youth
	19	Service Corps programme.
	20	(2) Repayment shall be by direct deduction of 10% of the
	21	beneficiaries salary at source by the employer and credited to the Students
	22	Loan Account to be prescribed by the Bank.
	23	(3) Where the beneficiary is self employed, he shall remit 10% of his
	24	total profit monthly to the Students loan account to be prescribed by the Bank
	25	(4) For the purpose of sub-section 3 above, a self employed person
	26	shall within sixty (60) days of assuming that status submit all information such
	27	as name of business, address and location, registration documents, if
	28	registered, name of bankers, names of partners, name of directors and
	29	shareholders to the Commission
	30	(5) Anyone in default of the provisions of sub-section 4 above, or

1 found to be aiding the default of any of the provisions of this Act is guilty of
2 an offence and if convicted shall be liable to imprisonment for two years or a
3 fine of N500,000 (Five Hundred Thousand Naira) or both.

4 **23.-(1)** The Provisions of the Public Officer Protection Act shall
5 apply in relation to any suit instituted against any officer or employee of the
6 Bank in his capacity as such.

Application of
the Public Officers
Protection Act

7 (2) No suit shall be commenced against a member of the Board or
8 the Secretary or any officer or employee of the Bank in that capacity before
9 the expiration of a period of one month after writing a notice of intention to
10 commence the suit which shall have been served upon the Bank by the
11 intending Plaintiff or his agent

12 (3) the notice referred to in sub section 2 shall state, the cause of
13 action, particulars of claims the name and place of abode of the intending
14 plaintiff and the relief, which he claims.

15 (4) a notice, summons, or other documents required or authorized
16 to be served upon the Bank under the provisions of this Act or any other law
17 or enactment may be served by delivering it to the Secretary or by sending it
18 by registered post and addressed to the Secretary at the head office of the
19 Board.

20 **24.** The Board shall not later than 4 months after the end of year,
21 submit to the President a report on the activities of the Bank and its
22 administration during the immediately preceding year and shall include in
23 the report the audited accounts of the Bank and the auditor's comment on the
24 report.

Annual Report

25 **29.** The Minister may make such regulations as he deems fit to be
26 necessary or expedient for giving full effect to the provisions of this Act.

Regulations

27 **30.** In this Act, unless the context otherwise requires:

Interpretation

28 Bank" means the Nigerian Education Bank established herein;

29 "Board" means the Governing Board of the Nigerian Education Bank;

30 "Minister" means the Minister of Education;

	1	"Loan" means loan to be granted to qualified Students of institutions of higher
	2	learnings in Nigeria;
	3	" Institutions of Higher Learnings" means Public Universities, Polytechnics,
	4	Colleges of Education and Vocational schools established by government;
	5	"Fund" means Students Loan fund established under this Act;
Repeal	6	32. -(1) The Nigerian Education Bank Cap 104 Laws of the Federation
	7	of Nigeria 2004 is hereby repealed.
	8	(2) All assets, funds, resources and other moveable or immovable
	9	properties which immediately before the commencement of this Act were
	10	vested in the repealed Act shall by virtue of this Act be vested in the Bank
	11	established under this Act.
Citation	12	33. This Bill may be cited as the Students Loan (Access to Higher
	13	Education) Bill, 2019

EXPLANATORY NOTES

This Bill seeks to provide easy access to higher education for Nigerians through students' loan with a view of providing education for all Nigerians.

A BILL

FOR

AN ACT TO PROHIBIT LATE PAYMENT, UNDERPAYMENT OF WORKERS' WAGES, PENSION AND OTHER EMOLUMENT IN NIGERIA AND PRESCRIBES PENALTIES FOR VIOLATIONS AND FOR RELATED MATERS

Sponsored by Hon. Femi Gbajabamila

[] Commencement

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

1 **1.** Notwithstanding anything to the contrary contained in any Act
2 or in any other enactment or Law, the provision of this Act shall apply to all
3 matters pertaining to payment of wages, pension, benefits and other
4 emoluments by employers to workers in Nigerian.

5 **2.** Every employer of labour in Nigeria, whether private or public;
6 and whether it is employing any worker on permanent or contract basis must
7 ensure that all payment of wages, salaries, pension and all benefits to
8 workers are paid promptly without any delay weekly, fortnightly, monthly
9 quarterly as may be agreed by parties in the contract of employment of the
10 individual employee.

11 **3.-(1)** An employer is prohibited from entering into any contract
12 with any workman for any deduction from the sum contracted to be paid by
13 the employer to the workman, or for any payment to the employer by the
14 workman for or in respect of bad or negligent work or injury to the material
15 or other property of the employer or in respect of any fine unless:

16 (a) The terms of the contract contained in a notice kept constantly
17 affixed at such place or places open to the workman and in such a position
18 that it should be seen easily read and copied by any person whom it affects;
19 or the contract is in writing signed by the workman;

20 (b) The deduction or payment to be made under the contract does

1 not exceed the actual or estimated damage or loss occasioned to the employer
2 by the proven Act or omission of the workman, or of some other person over
3 whom he has control or for whom he has by the contract agreed to be
4 responsible; and

5 (c) The amount of the deduction or payment is fair and reasonable
6 having regard to all the circumstances of the case.

7 (2) An employer shall not make any such deduction or receive any
8 such payment unless:

9 (a) the deduction or payment is made in pursuance or, or in
10 accordance with such a contract aforesaid; and

11 (b) particulars in writing showing the acts or omission in respect of
12 which the deduction or payment is made.

13 4.-(1) An employer shall not hold on to the salary, wage, pension and
14 any other benefit and emolument of any workman for a period of 7 (seven) days
15 and above from the day the payment of such salary, wage, pension and any
16 other benefit and emolument falls due save in the event of any force majeure.

17 (2) A The various duration(s) of the breach of sub-section (1) of this
18 section and the respective penalties attached shall be as set out in the schedule
19 to this Act herein.

20 (3) Where the breach is in respect of other monetary benefits apart
21 from monthly wage and monthly pension, the penalty shall be 30% of such
22 monetary benefits for the period.

23 (4) Without prejudice to the provisions of this Act, where the
24 employer in breach of this section for more than 60 days is an individual, the
25 schedule herein shall apply to such individual.

26 (5) Without prejudice to the provisions of this Act, where the
27 employer in breach of this section for more than 60 days is small company
28 other than a limited or public company, the penalties in the schedule herein
29 shall apply to each of the Partners in the company.

30 (6) Without prejudice to the provisions of this Act, where the

1 employer in breach of this section for more than 60 days is a limited or public
2 company, the schedule herein shall apply to all the directors of the company.

3 (7) The schedule referred to in sub-section 2 above shall form an
4 integral part of this Act.

5 5. In this Act, unless the context otherwise requires:

Interpretation

6 "Contract" means contract of employment, and includes any contract of
7 apprenticeship;

8 "Contract of employment" means any agreement, whether oral or written,
9 express or implied whereby one person agrees to employ another as a
10 worker temporarily or permanently and that other person agrees to serve the
11 employer as a worker;

12 "Employer" means any person who has entered into a contract of
13 employment to employ any other person as a worker either for himself or for
14 the services of any other person;

15 "Wages" means all remuneration or earnings including salaries, benefits,
16 pension etc however designated capable of being expressed in terms of
17 money and fixed by mutual agreement or by law payable to a worker for
18 work done or to be done or for services rendered or to be rendered;

19 "Workman" means any person who has entered into or works under a
20 contract with an employer whether the contract is for manual labour or
21 clerical work whether oral or written, express or implied, whether it is a
22 contract of service or a contract personally to execute any work or labour,
23 but does not include an Independent Contractor, provided that the word
24 "Workman" shall have the same meaning as worker and employee.

25 6. This Bill may be cited as the Workman (Unpaid Wages
26 Prohibition) Bill, 2019.

Citation

1	SCHEDULE	
2	Duration	Penalty
3	1 to 7 days	10% of one month wage
4	8 to 30 days	20% of one month wage
5	30 to 60 days	30% of two months wage
6	60 days and above	30% of the wage for the duration and one month
7	imprisonment of the employer	

EXPLANATORY NOTES

This Bill seeks to provide for the prohibition of late payment, non-payment and under payment of workers' wages in Nigeria and prescribes penalties for violations.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS ACT TO MAKE FURTHER PROVISIONS FOR THE SAFETY OF NIGERIAN HIGHWAYS AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

- 1 **1.** The Federal Highways Act (herein referred to as "the Principal
2 Act") is amended as set out hereunder. Amendment of
the Principal Act
- 3 **2.** Section 2 sub-section 7 (d) of the Principal Act is amended by Amendment of
Section 2 (7)
4 deleting the figure "N10,000" immediately after the word 'exceeding' and
5 replacing same with the figure "N100,000".
- 6 **3.** Section 4 sub-section 5 of the Principal Act is amended in line 2
7 by deleting the figure 'N100' immediately after the word 'than' and replacing
8 same with the figure "N100,000" and in line 3 by deleting the figure "N200"
9 immediately after the word 'than' and replacing same with the figure
10 "N200,000".
- 11 **4.** Section 12 of the Principal Act is amended in line 2 by deleting Amendment of
Section 12
12 the figure 'N100' immediately after the word 'of' and replacing same with the
13 word "N20,000".
- 14 **5.** Section 17 of the Principal Act is amended by creating a new Amendment of
Section 17
15 section 17 as follows: Section 17. Offences relating to driving of trucks or
16 any vehicles with a container:
- 17 (1) Any person who drives a truck or any other vehicle with a
18 container or containers shall ensure that the container is latched or bolted to
19 the truck or vehicle in such a manner that the container shall not falloff the
20 truck or vehicle.

1 (2) Upon the commencement of this Act, It shall be an offence for any
2 person to drive any truck whether with or without a container between the
3 hours of 6am and 9pm on all Federal Highways.

4 (3) The Minister shall ensure that cross barriers are built at every entry
5 point of bridges on all Federal Highways to restrain trucks with containers
6 from using overhead bridges on Federal Highways.

7 (4) The Minister shall ensure that all trucks are certified fit to ply
8 Nigerian Federal Highways and any truck over 15 years from the date of
9 manufacture shall not be certified fit to ply the Federal Highways.

10 (5) For the purpose of sub-section 4 of this section, the Minister shall
11 through any of the agencies of the ministry designated by him issue a certificate
12 of road worthiness to all registered trucks.

13 (6) If any truck or vehicle is caught on any Federal Highway without
14 the container latched or bolted to the truck, the driver of the truck shall be
15 arrested immediately and the truck or vehicle impounded.

16 (7) For the purpose of this section, the offenders shall be the driver and
17 the owner of the truck and shall jointly and severally, on conviction be liable to
18 a fine of N5,000,000 (Five Million Naira) or two years imprisonment or both:

19 PROVIDED that where the owner of the truck is a corporate
20 organisation, the organisation shall be liable to a fine of N2,000,000 (Two
21 Million Naira).

22 (8) Any officer of the relevant Ministry, or of the agency so designated
23 by the Minister to issue certificate of road worthiness referred to in sub-
24 paragraph 5 to registered trucks who in any way violate the provision of this act
25 by knowingly issuing a certificate of road worthiness to any truck over ten
26 years from the date of manufacture shall on conviction be liable fine of
27 N1,000,000 (One Million Naira) or 1 year imprisonment or both without
28 prejudice to the right of the employer to issue other penalties as obtainable in
29 the service.

30 6. The Principal Act is amended by re-numbering the existing

1 sections 17 to 28 to read sections 18 to 29.

2 7. This Bill may be cited as the Federal Highways (Amendment) Citation

3 Bill, 2019.

EXPLANATORY NOTES

This Bill seeks to amend the Federal Highway Act to make provision for the
safety of Nigerian roads and provide for stiff punishment for offenders.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA CAP. C 23 LAWS OF THE FEDERATION OF NIGERIA 2004 TO DELETE ITEM 45 FROM THE EXCLUSIVE LEGISLATIVE LIST TO CONCURRENT LEGISLATIVE LIST AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria Cap. C23 Alteration of
2 Laws of the Federation of Nigeria 2004 (in this Bill referred to as "The the Principal Act
3 Principal Act") is hereby altered as set out hereunder.
- 4 **2.** Section 214 sub section 1 of the Principal Act is hereby Amendment of
5 amended in line 2 deleting the phrase "and subject to the provisions of this Section 214(1)
6 section no other police force shall be established for the Federation or any
7 part thereof immediately after the word "force".
- 8 **3.** The Principal Act is hereby amended in section by creating new
9 sections 215 and 216 as follows:
- 10 217. (1) 'There shall be a police force in each state of the
11 Federation.
- 12 (2) Subject to the provisions of this Constitution:
- 13 (a) a state Police Force shall be organized and administered in
14 accordance with such provisions as may be prescribed by an act of the State
15 House of Assembly;
- 16 (b) members of state Police shall have such powers and duties as
17 maybe conferred upon them by law";
- 18 218. (1) "There shall be:
- 19 (a) a Commissioner of Police who shall be appointed by the

1 Governor on the advice of the State Police Council from among serving
2 members of the State Police Force;

3 (b) a Head of Police for each state of the Local Government Area of
4 the State to be appointed by the State Police Service Commission.

5 (2) The State Police Force shall be under the command of the State
6 Commissioner of Police.

7 (3) The Governor or such other Commissioner of the Government of
8 the State as he may authorize in that behalf may give to the Commissioner of
9 Police such lawful directions with respect to the maintenance and securing of
10 public safety and public order as he may consider necessary, and the
11 Commissioner of Police shall comply with those direction or cause them to be
12 compiled with".

13 219. (1) "Subject to the provisions of this constitution, the State
14 House of Assembly may make laws for the further regulation and control of the
15 State Police"

16 4. The Principal Act is hereby amended by rearranging the existing
17 sections 217 to 320 as sections 220 to 323.

18 5. The Principal Act is hereby amended by deleting item 45 from the
19 exclusive Legislative list in part 1 of the second schedule of the Constitution.

20 6. That the entire items on the Exclusive Legislative List in part 1 of
21 the second schedule of the Constitution is hereby rearranged and renumbered
22 as items 1 to 67 with the exclusion of the deleted item under this Bill.

23 7. The Principal Act is hereby amended by creating new sections 21
24 in part 2 of the second schedule as follows:

25 Section 21 - Police and Other Government Security Services;

26 (1) The National Assembly may make laws for the Federation or any
27 part thereof with respect to:

28 (a) Police force and other government security services in respect of
29 anything pertaining to internal security and the maintenance of law and order in
30 Nigeria;

1 (b) Regulation of ownership and control of Federal Police and
2 other Government security services.

3 (2) A House of Assembly of a State may make laws with respect to:

4 (a) The creation, formation or/and establishment of Police Force
5 and other security services in respect of any matter pertaining to internal
6 security and the maintenance of law and order within that state and with
7 regard to the enforcement of any law validly made by the House of
8 Assembly of that state;

9 (b) Regulation of ownership and control of State Police and other
10 State Government security services.

11 **8.** The Principal Act is hereby amended by renumbering the
12 existing section 21 to 30 of part 2 of the second schedule of the constitution
13 as numbers 22 to 31.

14 **9.** This Bill may be cited as the Constitution of the Federal Citation
15 Republic of Nigeria 1999 (Alteration) Bill, 2019.

EXPLANATORY NOTES

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria Cap, 23, Laws of the Federation of Nigeria 2004 to delete item 45 from the exclusive legislative list, grant the National Assembly and State Houses of Assembly the power to make laws with respect to the creation, formation and control of Police and other Government security Services in Nigeria.

NIGERIA NATIONAL COMMISSION AGAINST THE PROLIFERATION OF
SMALL ARMS AND LIGHT WEAPONS BILL, 2019
ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT AND MEMBERSHIP OF THE NIGERIA
NATIONAL COMMISSION AGAINST THE PROLIFERATION OF
SMALL ARMS AND LIGHT WEAPONS

1. Establishment of the Nigeria National Commission Against the Proliferation of Small Arms and Light Weapons
2. Membership of the National Commission
3. Tenure of office of members

PART II - FUNCTIONS THE NATIONAL COMMISSION

4. Functions of the National Commission

PART III - MANAGEMENT AND STAFF

5. Director-General of the National Commission
6. Delegation of powers by the Director-General
7. Other staff
8. Security screening of staff
9. Service in the National Commission to be pensionable
10. Establishment of Departments and Special Units

PART IV - FINANCIAL PROVISIONS

11. Fund of the National Commission
12. Expenditure of the National Commission
13. Estimates, accounts and audit
14. Annual report

PART V - LEGAL PROCEEDINGS AGAINST THE
NATIONAL COMMISSION

15. Limitation of suits against the National Commission
16. Service of documents
17. Restriction on execution against property of the National Commission
18. Indemnity of officers

PART VI - COLLECTION, STORAGE, DESTRUCTION, MANAGEMENT AND
STOCKPILING OF SMALL ARMS AND LIGHT WEAPONS

19. Collection, storage and destruction of small arms and light weapons
20. Management and security of stockpiles

PART VII - REGISTER OF SMALL ARMS AND LIGHT WEAPONS
AND OF ARMS FOR PEACE OPERATIONS

21. Establishment of Register of Small Arms and Light Weapons
22. Register of Arms for Peace Operations
23. Registrar of Arms

PART VIII - CONTROL OF THE MANUFACTURE OF SMALL ARMS
AND LIGHT WEAPONS

24. Control of the manufacture of small arms and light weapons
25. Measures of control for small arms and light weapons manufacture
26. Tracing

PART IX- MISCELLANEOUS

27. Public education and awareness programmes
 28. Dissolution, transitional and savings provisions
 29. Regulations
 30. Interpretation
 31. Short title
- Schedule

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA NATIONAL COMMISSION AGAINST THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS TO COORDINATE AND IMPLEMENT ACTIVITIES TO COMBAT THE PROBLEM OF THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN NIGERIA IN LINE WITH THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

1 PART I - ESTABLISHMENT AND MEMBERSHIP OF THE NIGERIA
2 NATIONAL COMMISSION AGAINST THE PROLIFERATION OF SMALL
3 ARMS AND LIGHT WEAPONS

4 1.-(1) There is established the National Commission Against the
5 Proliferation of Small Arms and Light Weapons (in this Act referred to as
6 "the National Commission which shall promote and ensure-co-ordination of
7 concrete measures for-effective control-of small arms and light weapon in
8 Nigeria.

Establishment of
the Nigeria
National
Commission
Against the
Proliferation of
Small Arms and
Light Weapons

9 (2) The National Commission is a body corporate with perpetual
10 succession and a common seal and may:

11 (a) sue or be sued in its corporate name;
12 (b) enter into contracts, and acquire, hold and dispose of property;
13 and

14 (c) so far as is possible for a body corporate exercise the rights,
15 powers and . privileges and incur the liabilities and obligations of a natural
16 person of full age and capacity.

Membership
of the National
Commission

- 1 **2.-(1)** The National Commission shall consist of:
- 2 (a) the Minister of Foreign Affairs who shall be the Chairman;
- 3 (b) one person, not below the rank of Director or its equivalent, to be
- 4 appointed from each of the following Ministries, Department and agency, as
- 5 the case may be:
- 6 (i) the Ministry Internal Affairs,
- 7 (ii) the Ministry of Defence,
- 8 (iii) the Federal Ministry of Justice,
- 9 (iv) the State Security Service,
- 10 (v) the Nigeria Police Force, Nigeria Security and Civil defence
- 11 corps;
- 12 (vi) the Nigerian Customs Service;
- 13 (b) the Director-General of the National Commission who shall also
- 14 be the Secretary of the National Commission; and
- 15 (c) two persons to represent civil society organisations engaged in the
- 16 control of the proliferation of small arms and light weapons.
- 17 **(2)** The members of the National Commission, other than ex-officio
- 18 members shall be appointed by the President on the recommendation of the
- 19 Minister,
- 20 **(3)** The National Commission may co-opt a person to act as adviser at
- 21 a meeting of the National Commission, but a person so co-opted shall not count
- 22 towards a quorum or vote at the meeting.
- 23 **(4)** A member of the National Commission, including a person co-
- 24 opted as a member
- 25 under subsection (3) of this section, shall be paid such reasonable allowance in
- 26 accordance with the scale approved by the Federal Government.
- 27 **(5)** The supplementary provisions set out in the Schedule to this Act
- 28 relate to the proceedings of the National Commission and the other matters
- 29 specified in it.

Tenure of office
of members

- 30 **3. -(1)** A member, other than an ex-officio member:

1 (a) shall hold office for a term of four years commencing on the
2 date of appointment on such terms and conditions as may be specified in his
3 letter of appointment; and

4 (b) may, at the end of his term unless he previously vacates or is
5 otherwise removed from office, be re-appointed for a further term of four
6 years only.

7 (2) The office of a member, other than an ex-officio member shall
8 become vacant if:

9 (a) his term has expired;

10 (b) he resigns his office by notice in writing under his hand
11 addressed to the President through the Minister;

12 (c) he dies;

13 (d) he becomes of unsound mind or incapable of carrying out his
14 duties;

15 (e) he becomes bankrupt;

16 (f) he is found guilty of gross misconduct relating to his duties;

17 (g) he ceases to hold the office on the basis of which he became a
18 member of the National Commission;

19 (i) the National Commission by resolution declares that -the
20 member should be removed from office for contravening the provisions of
21 paragraph 3 (1) of the Schedule to this Act; or

22 (j) the President is satisfied that it is not in the interest of the
23 National Commission or of the public for the person appointed to continue
24 in office.

25 (3) Where a vacancy occurs in the National Commission, it shall be
26 filled by an appointment by the President of a successor who shall represent
27 the same interest as that member whose exit created the vacancy.

28 (4) Where the office of a member of the National Commission
29 becomes vacant, the President shall appoint another person in his place in
30 accordance with the provisions of this Act.

	1	PART II - FUNCTIONS THE NATIONAL COMMISSION
Functions of the National Commission	2	4. The National Commission is responsible for:
	3	(a) establishing programmes of action to prevent, combat and
	4	eradicate the illicit trade in small arms and light weapons;
	5	(b) formulating strategies, plans and policies for the reduction in the
	6	proliferation of small arms;
	7	(c) sensitizing the public on the need to hand in to security services
	8	illegally held light weapons;
	9	(d) updating the Register of Small Arms and Light Weapons and
	10	transmitting them to the Economic Community of West Africa States and any
	11	other international organisation that may so require;
	12	(e) advising the Economic Community of West Africa States African
	13	Union and United Nations Organization on exemptions to be granted to
	14	member States for weapons of categories 1, 2 and 3 to meet legitimate national
	15	defence and security needs, or to participate in peace support or other
	16	operations in accordance with the decisions of the United Nations, African
	17	Union, Economic Community of West Africa States, or other regional or sub-
	18	regional body of which it is a member.
	19	(f) providing appropriate recommendations to the Economic
	20	Community of West Africa States, African Union and United Nations
	21	Organization Secretariat on exemptions to be granted under the Convention.,
	22	(g) liaising on a permanent basis with Economic Community of West
	23	Africa States, African Union, United Nations Organization and the Programme
	24	for Co-ordination for Assistance on Security and Development secretariats on
	25	issues relevant to the Convention and on issues regarding the proliferation of
	26	small arms in general;
	27	(h) initiating and developing mechanisms for exchange of
	28	information and experience with the National Commission of other Economic
	29	Community of West Africa States, African Union and United Nations
	30	accordance with the provisions of this Act;

1 (i) mobilizing resources for programme expenditures; and
 2 performing such other functions as are assigned to it under this Act or to
 3 National Commissions under the Convention.

4 PART III - MANAGEMENT AND STAFF

5 5.-(1) There shall be for the National Commission, a Director-
 6 General to be appointed by the President, on the recommendation of the
 7 Minister. Director-General
of the National
Commission

8 (2) The Director-General shall:

9 (a) be the chief executive and accounting officer of the National
 10 Commission;

11 (b) be an experienced in matters relating small arms and light
 12 weapons;

13 (c) be responsible for the day-to-day administration and
 14 management of the National Commission and the keeping of books and
 15 records of the National Commission;

16 (d) ensure that, in conducting its affairs, the National Commission
 17 is guided by the Jaws of Nigeria and international best practices which shall
 18 include the development and implementation of information security
 19 measures, technical and administrative competence, and the principles of
 20 impartiality, confidentiality, objectivity and integrity;

21 (e) formulate and develop an efficient and performance driven
 22 administration;

23 (g) the control and maintenance of discipline of staff; and

24 (e) perform such other functions as are assigned to him under this
 25 Act or any other law.

26 (3) The National Commission may give to the Director-General
 27 general directions as to the management of the property, business and funds
 28 of the National Commission and other matters relating to the functions of the
 29 National Commission.

30 (4) The Director-General shall be appointed into office for a term

1 of four years in the first instance and may subject to satisfactory performance,
2 be re-appointed for a further term off our years and no more.

3 (5) The Director-General shall cease to hold office if any the
4 provisions of section 3 (2) (a) to (h) of this Act become applicable to him.

5 (6) The salary and emoluments of the Director-General of the
6 National Commission shall be equivalent to that of a Permanent Secretary in
7 the public service of the Federation.

8 (7) All departments shall render such assistance as may be reasonably
9 required in the exercise, performance or carrying out of the powers, functions
10 and duties conferred on. assigned to or imposed on the Director-General by or
11 under this Act.

Delegation of
powers by the
Director-General

12 **6. -(1)** The Director-General may:

13 (a) delegate, in writing, any of the his powers under this Act to a
14 Deputy Director of the National Commission; or

15 (b) instruct any other employee to perform any of the functions
16 assigned to the National Commission under this Act.

17 (2) A delegation or instruction under subsection (1) of this section:

18 (a) is subject to the limitations or conditions that the Director-General
19 may impose; and

20 (b) does not relieve the Director-General of the ultimate
21 responsibility concerning the exercise of the delegated power or the
22 performance of the assigned function.

23 (3) The Director-General may confirm, vary or revoke any decision
24 taken by an employee in consequence of a delegation or instruction under
25 subsection (1) of this section, as tong as no such variation or revocation of a
26 decision detracts from any rights or contractual obligations that may have
27 accrued as a result of the decision.

Other Staff

28 **7.-(1)** The National Commission may, from time to time, appoint
29 directly, or on secondment from Jaw enforcement and security agencies,
30 Ministries or private sector, such professional, technical and other staff as it

1 may consider necessary to assist the National Commission in the effective
2 and efficient performance of its functions under this Act.

3 (2) For the purposes of this Act, a public officer who is transferred
4 or seconded to the National Commission under subsection (I) of this section
5 shall be regarded as a staff of the National Commission and be subject only
6 to the control and direction of the National Commission.

7 (3) The National Commission shall, with the approval of Minister
8 make staff regulations and determine conditions of service, including
9 allowances, pensions and other benefits and disciplinary control, as are
10 appropriate for its employees.

11 (4) The National Commission shall publish regulations made
12 under subsection (4) of this section in such manner as it may determine.

13 (5) The National Commission shall, for the purpose of achieving
14 maximum efficiency in the discharge of its functions set out in this Act,
15 institute schemes for the training of its staff.

16 8.-(1) A person, other than the Director-General, shall not be
17 appointed or seconded to perform any of the functions of the National
18 Commission unless:

Security screening
of staff

19 (a) information with respect to that person has been gathered in a
20 security screening investigation by the State Security Service; and

21 (b) the National Commission, after evaluating the information
22 gathered, is satisfied that the person may be so appointed or seconded
23 without the possibility that he might be a security risk or that he might act in
24 any way prejudicial to the objectives or functions of the National
25 Commission.

26 (2) Where the National Commission on the advice of the Director-
27 General is satisfied, it shall certify that the person has successfully
28 undergone a security clearance.

29 (3) The Director-General may at any time, after consultation with
30 the National Commission, subject a person referred to in subsection (1) of

	1	this section to further security screening investigation as contemplated in
	2	subsection (1) (a) of this section.
Service in the National Commission to be pensionable	3	9. -(1) Service in the National Commission is pensionable service for
	4	purposes of the Pension Reform Act, 2004 (2004 No.2) and accordingly,
	5	employees of the National Commission shall, in respect of their services, be
	6	entitled to pensions and other retirement benefits as are enjoyed by persons
	7	holding equivalent grades in the public service of the Federation.
	8	(2) Notwithstanding the provisions of -subsection (1) of this section,
	9	nothing in this Act shall prevent the appointment of-a person to any office on
	10	terms which preclude the grant of pension in respect of that office.
	11	(3) For the purpose of the application of the provisions of the Pension
	12	Reform Act, any powers exercisable by a Minister or other authority of the
	13	Government of the Federation (not being the power to make regulations under
	14	section 97 under that Act) are hereby vested in and shall be exercisable by the
	15	Board.
Establishment of Departments and Special Units	16	10. The National Commission shall establish Departments and
	17	Special Units for the effective and efficient discharge of its functions and
	18	powers under this Act.
	19	PART IV - FINANCIAL PROVISIONS
Fund the National Commission	20	11. -(1) There shall be established for the National Commission a
	21	fund which shall be applied towards the discharge of its functions and duties
	22	under this Act and into which shall be credited:
	23	(a) take off grants and annual subventions received from the
	24	Government of the Federation;
	25	(b) budgetary allocations approved by the National Assembly for the
	26	purpose of the National Commission;
	27	(c) grants, gifts or donations from international organisations and
	28	donor agencies, provided that the terms and conditions attached to a grant, gift
	29	or donation are not inconsistent with the functions of the National Commission;
	30	(d) charges, fees and other sums collected or received for services rendered by

1 the National Commission; and

2 (e) all other funds which may, from time to time, accrue to the
3 National Commission;

4 (2) The fund established pursuant to subsection (1) of this section
5 shall be managed in accordance with extant Financial Regulations
6 applicable in the public service of the Federation.

7 **12.** The National Commission may, from time to time, apply the
8 proceeds of the fund established pursuant to section 11 (1) of this Act for the
9 following purposes:

Expenditure of
the National
Commission

10 (a) the cost of administration of the National Commission;

11 (b) the reimbursement of members of the National Commission or
12 any committee set up by the National Commission for such expenses as may
13 be authorised in accordance with the rates approved by the Government of
14 the Federation;

15 (c) the payments of salaries, fees and other remunerations or
16 allowances, payable to members of the National Commission, committee,
17 employees, experts or professionals appointed by the National
18 Commission;

19 (d) the maintenance of any property acquired or vested in the
20 National Commission; and

21 (e) any matter connected with all or any of the functions of the
22 National Commission under this Act.

23 **13.** -(I) The National Commission shall not later than 30th August
24 of each year, submit to the Minister for approval, estimates of the income
25 and expenditure of the National Commission for the next financial year.

Estimates,
accounts and audit

26 (2) The National Commission shall:

27 (a) keep proper records and accounts of its incomes and
28 expenditures;

29 (b) prepare a statement of accounts in respect of each year; and

30 (c) ensure that the bank accounts are held with reputable banks.

	1	(3) The National Commission shall, within the first four months of
	2	each financial year, submit its accounts to auditors appointed by the National
	3	Commission from the list and in accordance with guidelines approved by the
	4	Auditor-General of the Federation, for auditing.
	5	(4) The audited accounts of the National Commission and the
	6	Auditor-General's report on those accounts shall form part of the Auditor
	7	General's overall annual report to the National Assembly.
Annual report	8	14. The National Commission shall, not later than six months after
	9	the end of each year, submit through the Minister to the President, a report on
	10	the activities of the National Commission, including evaluation reports
	11	received and of money laundering and terrorist financing trends and its
	12	administration during the preceding year and shall include in the report, the
	13	audited accounts of the National Commission and the auditor's comments on
	14	them.
	15	PART V - LEGAL PROCEEDINGS AGAINST THE NATIONAL COMMISSION
Limitation of suit against the National Commission t	16	15.-(1) Subject to the provisions of this Act, the provisions of the
	17	Public Officers' Protection Act (Cap. P41 LFN 2004) apply in relation to any
	18	suit instituted against the Director-General, a member of the Board, or an
	19	employee of the National Commission.
	20	(2) Notwithstanding anything contained in any other law or
	21	enactment, no suit shall lie or be instituted in any court against the Director;
	22	General, a member of the Board, or employee of the National Commission for
	23	any act done in pursuance of this Act or any other law or enactment on money
	24	laundering or terrorist financing or of any public duty or authority or in respect
	25	of any alleged neglect or default in the execution of this Act or such other law or
	26	enactment, duty or authority, unless:
	27	(a) it is commenced within three months after the act, neglect or
	28	default complained of; or
	29	(b) in the case of a continuation of damage or injury, within 6 months
	30	after its cessation.

1 (3) No suit shall be commenced against the Director-General, a
2 member of the Board or an employee of the National Commission before the
3 expiration of 3 months after written notice of the intention to commence the
4 suit shall have been served on the National Commission by the intending
5 plaintiff or his agent.

6 **16.** A notice, summons or other documents required or authorised
7 to be served on the National Commission under the provisions of this Act or
8 any other law or enactment may be served by delivering it to the Director-
9 General, or by sending it by registered post and addressed to the head office
10 of the National Commission.

Service of
documents

11 **17. -(1)** In an action or a suit against the National Commission, no
12 execution or attachment process in any nature thereof shall be issued against
13 the National Commission unless not less than 3 months' notice of the
14 intention to execute or attach has been given to the National Commission.

Restriction on
execution against
property of the
National
Commission

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

19 **18.** The Director-General, a member of the National Commission,
20 or an employee of the National Commission shall be indemnified out of the
21 assets of the National Commission against any proceedings brought against
22 him in his capacity as the Director-General, member of the National
23 Commission or the employee of the National Commission where (he act
24 complained of is not ultra vires his powers.

Indemnity of
officers

25 **PART VI - COLLECTIO , STORAGE, DESTRUCTION, MANAGEMENT AND**
26 **STOCKPILING OF SMALL ARMS AND LIGHT WEAPONS**

27 **19. -(1)** The National Commission shall collect:

28 (a) small arms which are surplus to the national needs or have
29 become obsolete;

30 (b) seized light weapons;

Collection, storage
and destruction of
small arms and
light weapons

	1	(c) unmarked light weapons;
	2	(d) illicitly held light weapons;
	3	(e) small arms collected in the implementation of peace accords or
	4	programmes for the voluntary handing in of weapons.
	5	(2) A small arms or light weapon collected under subsection (1) of this
	6	section shall be registered and securely stored or destroyed.
	7	(3) The National Commission shall promote and carry out
	8	programmes of voluntary handing in of small arms and light weapons.
Management and security of stockpiles	9	20. -(1) The National Commission shall take the necessary measures
	10	to ensure the safe and effective management, storage and security of national
	11	stocks of small arms and light weapons.
	12	(2) The National Commission shall, in pursuance of subsection (1) of
	13	this section, establish effective standards and procedures for stockpile
	14	management, storage and security, including:
	15	(a) appropriate site;
	16	(b) physical security measures of storage facilities;
	17	(c) inventory management and record keeping;
	18	(d) staff training;
	19	(e) security during manufacture and transportation; and
	20	(f) sanctions in case of theft or loss.
	21	(3) The National Commission shall ensure that stockpiles of small
	22	arms and light weapons by manufacturers, dealers as well as individuals are
	23	securely ordered in accordance with the appropriate standards and procedures;
	24	PART VII - REGISTER OF SMALL ARMS AND LIGHT WEAPONS AND
	25	REGISTER ARMS FOR PEACE OPERATIONS
Establishment of Register of Small Arms and Light Weapons	26	21. -(1) The National Commission shall keep and maintain a
	27	computerised Register of Small Arms and Light Weapons and a database, in
	28	which shall be recorded the following information:
	29	(a) description of the product (type of model, calibre) and quantity (if
	30	it concerns a batch);

- 1 (b) the content of the marking;
- 2 (c) the names and addresses of the former and current owners and,
- 3 when possible, successive owners;
- 4 (d) the date of registration;
- 5 (e) information concerning each transaction including:
- 6 (i) the name and address of the shipper, the intermediary (where
- 7 applicable), the consignee and the user indicated on the end-user-certificate;
- 8 (ii) the point of departure, transit and destination, as well as the
- 9 customs references and the dates of departure, transit and delivery to the
- 10 end-user;
- 11 (iii) the export, transit and import licence (quantities and batches
- 12 corresponding to the same licence as well as the validity of the licence);
- 13 (iv) full details concerning the method of transport and the
- 14 transporter;
- 15 (v) the controlling agency or agencies (at point of departure, transit
- 16 and entry);
- 17 (vi) the nature of the transaction (commercial, non-commercial,
- 18 private or public, conversion, repair), and
- 19 (vii) where applicable, the insurer and the financial institution
- 20 intervening in the transaction.
- 21 (2) The records in the Register shall be kept permanently,
- 22 **22.-(1)** The National Commission shall also:
- 23 (a) keep and maintain a Register of Small Arms and Light weapons
- 24 destined for use in peacekeeping operations both inside and outside the
- 25 ECOWAS or AU territory under the ECOWAS and AU and Executive
- 26 Secretary to ensure the control of movements of small arms and light
- 27 weapons and their effective withdrawal at the end of peace operations in
- 28 which Member States are participating; and
- 29 (b) declare to the ECOWAS, African Union and United Nations
- 30 Organization Executive Secretariat all small arms and light weapons:

Register or Arms
for Peace
Operations

	1	(i) used in peace operations, or
	2	(ii) seized, collected or destroyed during peace operations in Nigeria
	3	and in the ECOWAS or AU region.
Registrar of arms	4	23. The National Commission shall appoint a Registrar of Arms who
	5	shall:
	6	(a) keep, maintain and update, from time to time, the Registers
	7	established under sections 21 and 22 of this Act; and
	8	(b) transmit the Registers to the Secretariat of the Economic
	9	Community of West Africa States.
	10	PART VIII - CONTROL OF THE MANUFACTURE OF SMALL ARMS
	11	AND LIGHT WEAPONS
Control of the manufacture of small arms and light weapons	12	24. -(1) The National Commission shall:
	13	(a) control the manufacture of small arms and light weapons within
	14	Nigeria;
	15	(b) regulate the activities of local small arms and light weapons
	16	manufacturers; and
	17	(c) adopt strategies and policies to the reduction or limitation of the
	18	manufacture of small arms and light weapons so as to control the local
	19	manufacture as well as their marketing within West African Economic
	20	Community States.
	21	(2) The National Commission shall also prepare an exhaustive list of
	22	local manufacturers of small arms and light weapons and ensure their
	23	registration in the Register of Small Arms and Light Weapons established
	24	under section 21 of this Act.
Measures of control for small arms and light weapons manufacture	25	25. -(1) The National Commission shall ensure the effective control of
	26	the manufacturing of small arms and light weapons.
	27	(2) The National Commission shall not grant a request for the
	28	manufacture of small arms and light weapons unless the manufacturer gives
	29	information relating to:
	30	(a) details of the arms to be manufactured and the quantity, exact type

1 and kind of arms using ECOWAS classification system, including all serial
2 numbers and other markings;

3 (b) the procedure for marking, the procedure for entering details of
4 each small arm and light weapon into the Register of Small Arms and Light
5 Weapons established under section 21 of this Act and information on the
6 storage and management of the small arms and light weapons after
7 manufacture.

8 **26.-(1)** The National Commission shall exchange with other Tracing
9 ECOWAS, African Union and United Nations Organization member States
10 information on:

11 (a) illicit small arms and light weapons;

12 (b) seized small arms and light weapons; and

13 (c) trafficking in weapons that contravene international law or the
14 internal laws of the States in which the operations take place, including
15 condemnation of the person or institution implicated, sanctions, disposal,
16 destruction methods and neutralisation.

17 (2) The National Commission shall, in the case of other small arms
18 and light weapons exchange the following data on a regular basis:

19 (a) on manufacture, the marking system and techniques used and
20 authorized manufacturers;

21 (b) on transfers, exports to and imports from all other States,
22 transits, information available concerning national legislation, existing
23 practices and controls, authorised dealers and brokers; and

24 (c) on existing stockpiles, management, inventory, security,
25 surplus, losses, theft and destruction.

26 (3) The National Commission may initiate a tracing request
27 through the ECOWAS, AU or UN Executive Secretary in relation to small
28 arms and light weapons found within Nigeria that it considers to be illicit.

29 (4) A request by the National Commission for assistance in tracing
30 illicit small arms or light weapons shall contain sufficient information,

1 including, among others:

2 (a) information describing the illicit nature of the small arm and light
3 weapon, including its legal justification and circumstances under which the
4 small arm and light weapon was found;

5 (b) markings, type, calibre and other relevant information; and,

6 (c) intended use of the information being sought.

7 (5) Where the National Commission receives through the ECOWAS,
8 AU or UN Executive Secretary request for assistance in tracing illicit small
9 arms and light weapons found in the requesting Member State, the National
10 Commission shall acknowledge its receipt within a reasonable time frame.

11 (6) A request from a Member State received under subsection (5) of
12 this section shall contain the information set out in subsection (4) of this
13 section.

14 (7) The National Commission shall provide reliable responses to
15 tracing requests made by other Member States within one month from the date
16 of receipt of the request.

17 (8) In responding to a tracing request, the National Commission shall
18 provide all available information sought by the requesting Member States that
19 is relevant for the purpose of tracing illicit small arms and light weapons;

20 (9) The National Commission may seek additional information from
21 the requesting Member States where a tracing request does not contain the
22 information required in this section.

23 **PART IX- MISCELLANEOUS**

Public education
and awareness
programmes

24 **27.-(1)** The National Commission shall, in the interest of promoting a
25 culture of peace, design public and community education and awareness
26 programmes at national, State and local levels in order to involve Nigerians in
27 the efforts to curb the proliferation of small arms and light weapons.

28 (2) The National Commission shall, in pursuance of subsection (1) of
29 this section, undertake to develop and strengthen its partnership with civil
30 society organisations at national, State and local levels, including, women,

1 youth and others, for better information and raise public awareness on the
2 dangers of the proliferation of small arms and light weapons.

3 (3) The National Commission shall encourage civil society
4 organisations to play a central role in creating awareness and education of
5 the population.

6 **28.**-(1) The administrative body domiciled in the Ministry of
7 Foreign Affairs and known as the National Committee on SALWs
8 (NATCOM) (in this section referred to as the "dissolved Committee") is
9 dissolved. Dissolution,
transitional and
savings provisions

10 (2) Accordingly, all rights, obligations and liabilities which,
11 immediately before the commencement of this Act, were vested in or
12 imposed on the dissolved Committee shall be the rights, obligations and
13 liabilities of the National Commission established under this Act;

14 **29.** The Minister may make regulations and issue guidelines as are Regulations
15 necessary or expedient for the effective and efficient implementation of the
16 provisions of this Act.

17 **30.** In this Act, unless the context otherwise requires: Interpretation
18 "ammunition" means devices designed to be shot or projected through the
19 means of firearms, including, among others:

- 20 (a) cartridges;
- 21 (b) projectiles and missiles for light weapons; and
- 22 (c) mobile containers with missiles or projectiles for anti-aircraft
23 or anti-tank single action systems;

24 "Convention" means the Economic Community of West African States
25 Convention on Small Arms and Light Weapons, their Ammunition and
26 Other Related Materials, 2006, done at Abuja, on 14th June, 2006;

27 "ECOWAS" means the Economic Community of West African States; AU-
28 means African Union; UN - means United Nations

29 "illicit" means all that is carried out in violation of the Convention;

30 "light weapons" means portable arms designed to be used by several persons

1 working together in a team and include, notably:

2 (a) heavy machine guns;

3 (b) portable grenade launchers, mobile or mounted;

4 (c) portable anti-aircraft cannons;

5 (d) portable anti-tank cannons, non-recoil guns;

6 (e) portable anti-tank missile launchers or rocket launchers;

7 (f) portable anti-aircraft missile launchers; and

8 (g) mortars with a calibre of less than one hundred millimetres;

9 "marking" means inscriptions permitting the identification of arms covered by
10 the Convention;

11 "member" means a member of the National Commission appointed under
12 section 2 (1) of this Act and includes the Chairperson;

13 "Minister" means the Minister of Foreign Affairs;

14 "National Commission" means the Nigeria National Commission Against the
15 Proliferation of Small Arms and Light Weapons established under section 1 of
16 this Act;

17 "other related materials" means all components, parts or spare parts for small
18 arms or light weapons or ammunition necessary for its functioning; or any
19 chemical substance serving as active material used as propelling or explosive
20 agent;

21 "small arms" means arms used by one person and include, notably:

22 (a) firearms and other destructive arms or devices such as an
23 exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket
24 launcher, a missile system or landmine;

25 (b) revolvers and pistols with automatic loading;

26 (c) rifles and carbines;

27 (d) machine guns;'

28 (e) assault rifles; and

29 (f) light machine guns;

1 "small arms and light weapons" includes ammunition and other related
2 materials;

3 "tracing" means the systematic monitoring of the movements of small arms
4 and light weapons and their ammunition and other related materials, from
5 the manufacturer until the end user, with a view to helping member States
6 competent authorities to detect illicit manufacture and-trading;

7 "weapons -of categories 1, 2 and 3" .means light weapons, small arms and
8 ammunition, respectively,

9 **31.** This Bill may be cited as the Nigeria National Commission Citation
10 Against the Proliferation of Small Arms and Light Weapons Bill, 2019.

11 SCHEDULE

12 (Sections 2 (5)

13 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE
14 NATIONAL COMMISSION AND OTHER MATTERS

15 1.-(1) "Subject to the provisions of section 21 of the Interpretation
16 Act (Cap 123 LFN 2004) (which provides for the decisions of a statutory
17 body-to be-taken by a majority of the members of the body and for the
18 person presiding to have a second or casting vote), the National Commission
19 to make standing orders regulating the proceedings of the National
20 Commission and of its committee.

21 (2) The National Commission shall meet once a quarter at such
22 times and places as the Chairman may determine.

23 (3) The quorum for a meeting of the National Commission is five,
24 which shall include one other member who is not an ex-officio member, and
25 the quorum of a committee of the National Commission shall be determined
26 by the National Commission.

27 (4) The Chairman shall, at any time, if five other members request
28 in writing, convene an emergency meeting of the National Commission,
29 provided that not less than forty-eight hours notice is given to members for
30 the meeting.

1 (5) At a meeting of the National Commission, where the Chairman is
2 absent, the members present at the meeting shall appoint one of the members to
3 preside.

4 (6) The minutes of the National Commission shall be recorded by the
5 Secretary and signed by the Chairman or the person who presided at the
6 meeting, after confirmation by the National Commission.

7 (7) The validity of a proceeding of the National Commission is not be
8 affected by:

9 (a) a vacancy in its membership;

10 (b) a defect in the appointment or qualification of a member; or

11 (c) reason that a person not entitled to do so, took part in proceedings
12 of the National Commission.

13 2. A resolution of the National Commission is valid, even though it is
14 not passed at a meeting of the National Commission, if:

15 (a) the notice in writing of the proposed resolution was given to each
16 member; and

17 (b) the resolution is signed or assented to by a majority of members of
18 the National Commission, including the Director-General.

19 3.-(1) A member who has a direct or an indirect personal interest in
20 the outcome of the:

21 (a) disclose the nature of the interest at that meeting;

22 (b) withdraw from the deliberations of the National Commission in
23 respect of the matter; and

24 (c) not vote on the matter.

25 (2) The disclosure of the interest shall be recorded in the minutes of
26 the meeting.

27 (3) A member who contravenes the provisions of sub-paragraph (1)
28 may be removed from office.

29 4.-(1) The application of the common seal of the National
30 Commission shall be authenticated by the signature of the Chairman or the

1 Director General on behalf of the National Commission.

2 (2) A document bearing the imprint of the seal of the National
3 Commission is deemed to be properly sealed unless the contrary is proved.

4 5.-(1) Without prejudice to other provisions of this Act, the
5 National Commission may appoint such number of committees as the
6 National Commission considers necessary to carry out, on its behalf, such of
7 its functions as the National Commission may determine.

8 (2) A committee appointed under this paragraph shall consist of
9 such number of persons as the National Commission may determine, and
10 not more than one-third of those persons maybe appointed, who are not
11 members of the National Commission.

12 (3) A person who is not a member of the National Commission
13 shall hold office on the committee in accordance with his letter of
14 appointment

15 (4) A decision of a committee appointed under this paragraph shall
16 be of no effect until it is confirmed by the National Commission.

17 EXPLANATORY MEMORANDUM

18 *(This memorandum does not form part of the Bill but is intended to
explain its purport)*

This Bill seeks to provide for the establishment of the Nigeria National Commission against the Proliferation of Small Arms and Light Weapons to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria in line with the Economic Community of West African States Convention on Small Arms and Light Weapons.