

Extraordinary



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EMPLOYEE'S REMUNERATION BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

1. Objectives of the Act
2. Application
3. Exemptions
4. Terms of Employment
5. Unlawful of Payment Contrary to Agreement
6. Period of Payment of Remuneration
7. Contract of Employment Less than One Month
8. Refusal to Pay Remuneration
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27. Service of Penalty
28. Protection of Employee
29. Priority of Payment of Remuneration
30. Interpretation
31. Citation

FOR

Sponsored by Jimoh Abdulraheem Olajide

[] Commencement

1. The objectives of the Act are to:

The objectives of the Bill

(2) Make payment of employee's remuneration a concern of priority in the dealings of government, corporate and individual employers;

(4) Provide an affordable, accessible, fair and fast system of justice for employee's to claim his remuneration.

2.-(1) Notwithstanding anything contained in any other Act, Law, Regulation or Order to the contrary, this Act shall apply to all employers and employees in the public and private sectors in the Federal Republic of Nigeria.

(2) For the purposes of this Act, the Head of each government parastatal, Agency, body or institution shall be deemed to be the employer of the Employees in that parastatal, agency, body or institution.

3.-(1) The provisions of this Act shall not apply to all employment Exemptions
by or into the Armed Forces of the Federation or the Nigeria Police Force.

4.-(1) In every contract of employment for a period which is more than one month, the Employer shall give to her employee, a written terms of

1 employment, not later than 14 working days after the beginning of the
2 employee's period of employment.

3 (2) The written terms of employment shall be a statement specifying
4 the following:

5 (a) the name and address of the employer or group of employers;

6 (b) the name and address of the employee;

7 (c) the address of the place of the Employee's engagement;

8 (d) the date or duration of the employee's engagement;

9 (e) the nature of the employment;

10 (f) the manner in which notice of termination may be given by the
11 party wishing to terminate the contract;

12 (g) the rates of wages, salaries, bonuses etc., method of calculation,
13 manner and period of payment thereof;

14 (h) terms and conditions relating to:

15 (i). hours of work;

16 (ii) overtimes and payment thereof;

17 (iii) holidays, leaves and payment thereof;

18 (iv) any special terms and conditions of work;

19 (i) Signatures of parties.

20 (2) the parties shall have the right to alter or change by mutual
21 agreement, any particular or clause contained in the written terms of
22 employment or to substitute same with a new written terms of employment.

Unlawful of
payment contrary
to agreement

23 5.-(1) It shall not be lawful for the employer to pay an employee's
24 remuneration in any way relating to rates, manner and period of payment other
25 than as contained in the subsisting written terms of employment.

Period of payment
of Remuneration

26 6.-(1) Any agreement for the payment of remuneration in an interval
27 of days which exceeds one calendar month shall be unlawful and void.

Contract of
employment
less than one
month

28 7.-(1) In a contract of employment for a period of one month or less, or
29 in a contract of employment which by its nature a written terms of employment
30 is not reasonable or necessary, remuneration of the employee shall become due

| | | |
|----|---|-------------------|
| 1 | and payable at the end of each period for which the contract is expressed to | |
| 2 | subsist. | |
| 3 | 8.-(1) It shall be unlawful for any employer to refuse or neglect to | Refusal to pay |
| 4 | pay the remuneration of her employee as provided under this Act. | Remuneration |
| 5 | 9.-(1) Where an employee's remuneration is unpaid after the | Written demand |
| 6 | expiration of the period allows by this Act, the employee who desires to | for payment |
| 7 | claim his entitlement to be remunerated shall serve upon his employer a | |
| 8 | written demand for the payment of his entitlement. | |
| 9 | 10.-(1) Where a demand is served pursuant to Section 9 of this Act | Application to |
| 10 | and the employee's remains unpaid after five working days of the service, | Court |
| 11 | the employee may apply to court by way of motion on notice for redress. | |
| 12 | 11.-(1) The National Industrial Court shall have exclusive original | Court with |
| 13 | jurisdiction in respect of any application brought pursuant to this Act. | Jurisdiction |
| 14 | 12.-(1) All applications brought pursuant to Section 10 of this Act | Summary |
| 15 | shall be dealt with summarily. | Procedure |
| 16 | 13.-(1) the Applicant shall file along with his application, an | Affidavit in |
| 17 | affidavit stating the facts which entitles him to the discretion of the court and | support of |
| 18 | his belief that the Respondent has no defence to the application. | application |
| 19 | (2) the Applicant may file a written address along with his | |
| 20 | application. | |
| 21 | 14.-(1) Service of the application and all other court processes shall | Service of |
| 22 | be in accordance with the service of Originating Processes and court | Processes |
| 23 | processes under the Rules of Court. | |
| 24 | 15.-(1) The Respondent shall, within 5 working days after being | Counter Affidavit |
| 25 | served with the application, file in the registry of the court: | |
| 26 | (a) An admission of the Applicant's claim, where the Respondent | |
| 27 | acknowledges her indebtedness to the Applicant; | |
| 28 | (b) A counter-affidavit, with or without a written address, where | |
| 29 | the Respondent disputed the Applicant's claim. | |

| | | |
|---------------------------|----|--|
| Admission | 1 | 16. -(1) In the case where the Respondent admitted the Applicant's |
| | 2 | claim, the admission shall contain: |
| | 3 | (a) an undertaking to pay the sum due to the Applicant on a date not |
| | 4 | later than 7 days from the date of filing his admission, or |
| | 5 | (b) a declaration of no means to pay. |
| | 6 | (2) where a counter-affidavit is filed under Section 15(a) of this Act, |
| | 7 | the court may make order that the Respondent be bind by her undertaking or |
| | 8 | make such other order as it deem fit to serve the interest of justice in the case. |
| | 9 | (3) where a counter-affidavit is filed under Section 15(b) of this Act, |
| | 10 | the court may make an order for the appointment of Receiver for the purposes |
| | 11 | of settling the Applicant's claim. |
| Defence | 12 | 17. The Respondent may dispute the Applicant's claim on any of the |
| | 13 | following grounds: |
| | 14 | (a) That the Applicant is not entitled to remuneration; |
| Reply | 15 | (b) That the Applicant is not her employee. |
| | 16 | 18. The Applicant shall file his reply, if any, within 3 working days |
| | 17 | after the service of the Respondent's counter-affidavit on him. |
| Production of Records | 18 | 19. -(1) The court may, in chamber, order for the production of an up- |
| | 19 | to-date: |
| | 20 | (a) record of the Employer's payroll; |
| | 21 | (b) Employer's Statement of Account or Estimate of Earnings and |
| | 22 | Expenditure; or |
| | 23 | (c) Any other documents, records or notices to aid the court in |
| | 24 | coming to a just determination of the Application. |
| Hearing of Application | 25 | 20. -(1) Hearing of the application shall be on affidavit evidence, |
| | 26 | whether or not the parties are present in court on the date fix for hearing, but |
| | 27 | nothing in this Section shall preclude the court from calling on the parties to |
| | 28 | call their witnesses. |
| Order of Court | 29 | 21. -(1) Upon hearing the parties, the court may make any of the |
| | 30 | following orders: |

1 (a) An order for payment of the Applicant's remuneration with or
2 without condition;

3 (b) An order for appointment of Receiver;

4 (c) An order that the application be transfer to general cause list for
5 determination of the question on whether or not an employer or employee
6 relationship exists between parties.

7 (d) An order that the employer bear the cost of filing and litigation;

8 (e) An order, whether suo motu or on application, for damages.

9 (f) An order for payment of interest; or

10 (g) Such other orders that the court may deem fit to make in the
11 circumstance of the case.

12 **22.**-(1) Where a Receiver is appointed pursuant to any order made
13 under this Act, the cost of remunerating the Receiver shall be bear by the
14 Employer. Remuneration
of Receiver

15 **23.**-(1) Any party who knowingly supply the court with false
16 information, or with a record which contains false information with the
17 intention that the court should act on it shall be guilty of an offence and on
18 conviction be liable to one month imprisonment. False information

19 **24.**-(1) Without prejudice to Section 1 of the Freedom of
20 Information Act, the confidentiality of all information supplied in the
21 Employer's payroll or Employer's Statement of Account or Employer's
22 Estimate of Earnings and Expenditure or any such document tendered in
23 court pursuant to this Act is hereby guaranteed, and same shall not be
24 disclosed except by an order of court following a formal application thereto. Confidentiality

25 **25.** Any person, who failed, refused or neglected to comply with
26 any order made by the court under Section 16(2), Section 16(3) and Section
27 18 of this Act shall be guilty of an offence and upon conviction shall be liable
28 to imprisonment of a term not less than 3 months and not exceeding 6
29 months without option of fine. Non-compliance
by individual

| | |
|--|--|
| Non-compliance by Corporate Body or Government | <p>1 26. Any corporate body, government's parastatal, agency or</p> <p>2 institution that failed, refused or neglected to comply with any order made by</p> <p>3 the court under Section 16(1), Section 16(2) and Section 21 of this Act shall be</p> <p>4 guilty of an offence and upon conviction shall be liable to:</p> <p>5 (a) Fine of N10,000 for each day of default until the order is fully</p> <p>6 complied with;</p> <p>7 (b) Be sealed off for a period of time not exceeding 3 months where</p> <p>8 the default continues for more than two months; or</p> <p>9 (c) Committal of every officer or agent of the company, government's</p> <p>10 parastatal, agency, body or institution who knowingly and willfully authorizes</p> <p>11 or permits the default or failure to a fine of N10, 000 until the order is complied</p> <p>12 with.</p> |
| Service of penalty | <p>13 27.-(1) service of penalty under Section 26 of this Act shall not</p> <p>14 amount to the discharge of the order of court not complied with.</p> <p>15 (2) service of penalty under Sections 25 and 26 of this Act shall not</p> <p>16 operate as a bar to the Applicant from further moving the court for contempt</p> <p>17 against the employer that fails to comply with the order of the court.</p> |
| Protection of employee | <p>18 28.-(1) The fact that the Applicant apply to court against the</p> <p>19 Respondent under any Section of this Act shall not be a basis any disciplinary</p> <p>20 action, query, suspension or dismissal of the Applicant by the Respondent or</p> <p>21 subsequent Employer of the Applicant.</p> |
| Priority of payment of Remuneration | <p>22 29. Payment of employee's outstanding remuneration shall take</p> <p>23 priority in an event of the employer went insolvent or bankrupt.</p> |
| Interpretation | <p>24 30. In this Act, unless the context otherwise requires:</p> <p>25 "Employee" means a person employed by an employer under oral or written</p> <p>26 contract of employment whether on a continuous, part-time, temporary, or</p> <p>27 casual basis and includes a domestic servant (who is not a member of the family</p> <p>28 of the employer), any person employed and exercising administrative,</p> <p>29 executive, technical or professional functions as public officers or otherwise in</p> <p>30 the Federal, State and Local Governments, and any of the government agencies</p> |

1 and in the formal and informal sectors of the economy;
2 "Employer" includes any individual, body corporate, Federal, State or Local
3 Government or any of the government parastatals, agencies, bodies or
4 institutions who has entered into a contract of employment to employ any
5 other person as an employee;
6 "Remuneration" means the amount of money that is agreed by the Employer
7 to pay to the Employee for the work the Employee has done for the
8 Employer, and this includes salaries, wages, allowances, benefits and
9 bonuses.

10 **31.** This Bill may be cited as the Employee's Remuneration Bill, Citation
11 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to penalize any employer that failed to pay her employee's remuneration as and when due and provide an affordable, accessible, fair and fast system of justice for employee's to claim his remuneration.

NATIONAL HUMANITARIAN BUREAU (ESTABLISHMENT, ETC) BILL, 2019

ARRANGEMENT OF SECTIONS

1. Establishment of the National Humanitarian Bureau
2. Functions and Power of the Bureau
3. Establishment and Composition of the Board, Etc.
4. Power of the President to give directives
5. The Appointment of Humanitarian General and other members of staff of the Bureau thereof
6. Application of Pensions Act
7. Financial provisions
8. Annual estimates, accounts and audit
9. Annual reports.
10. Regulations.
11. Interpretation
12. Short title

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Board

SECOND SCHEDULE

Issues relating to the Head Office of the Bureau

A BILL

FOR

AN ACT TO ESTABLISH NATIONAL HUMANITARIAN BUREAU TO BE RESPONSIBLE FOR THE REGISTRATION AND MANAGEMENT OF THE VICTIMS OF CRISIS OR NATURAL DISASTER, INCLUDING GENERAL COORDINATION AND MONITORING OF THIS PEOPLE'S WELFARE AND ALLEVIATION OF THEIR SUFFERING AND FOR RELATED MATTERS

Sponsored by Hon. Raheem Olajide Jimoh

[] Commencement

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

- 1 **1.**-(1) There is hereby established a body to be known as the Establishment
of the National
Humanitarian
Bureau
- 2 National Humanitarian Bureau (in this Act referred to as "the Bureau"),
- 3 which shall have the functions assigned to it by the President of the Federal
- 4 Republic of Nigeria.
- 5 (2) The Bureau shall be a body corporate with perpetual succession
- 6 and a common seal and may sue or be sued in its corporate name.
- 7 (3) The Bureau shall be removed from the core Civil Service.
- 8 **2.** The Bureau shall function and have power over the followings: Functions and
powers of the
Bureau
- 9 (a) central planning and management of the nation's humanitarian
- 10 activities;
- 11 (b) researching and developing innovating ideas for the
- 12 maintenance of nation's less privileged people, including research and
- 13 development of the ideas to raise finance for humanitarian activities;
- 14 (c) has the Presidential mandate to lead and coordinate
- 15 international humanitarian disaster response;
- 16 (d) coordinating the allocation and disbursement of humanitarian
- 17 provisions from the Federal Government Ministries, Departments and
- 18 Agencies in collaboration with the Office of the Secretary to the

Establishment
and Composition
of the Board,
etc.

- 1 Government of the Federation;
- 2 (e) organising training for Nigerians in all aspects of humanitarian
- 3 activities and first aid related fields;
- 4 (f) advising the Federal Government on the humanitarian
- 5 establishment both inside and outside Nigeria, and generally on the
- 6 formulation of policies relating to the development of Nigeria Humanitarian
- 7 services; and
- 8 (g) carrying on such other humanitarian activities as may be
- 9 conducive to the discharge of the functions vested on the Bureau under
- 10 subsequent amendment to this Act by the National Assembly.
- 11 **3.-(1)** There is established for the Bureau a Governing Board (in this
- 12 Act referred to as the "Board").
- 13 (2) The proceedings of the Board shall be as set out in the Schedule.
- 14 (3) [1] The Board of the Bureau shall consist of the Chairman who
- 15 must possess Bachelor Degree certificate from a recognised University either
- 16 within or outside Nigeria or equivalent professional qualification in
- 17 Humanitarian Studies, to be appointed by the President, on the
- 18 recommendation of the Secretary to the Government of the Federation
- 19 alongside the following other members, that is:
- 20 (a) one representative each of the following Federal Ministries:
- 21 (i) Women Affairs and Social Development;
- 22 (ii) Health;
- 23 (iii) Budget and National Planning; and
- 24 (iv) Education;
- 25 (b) a representative of Nigerian Labour Congress (NLC);
- 26 (c) a representative of National Bureau of Statistics;
- 27 (d) a representative of the Central Bank of Nigeria;
- 28 (e) a representative of the Nigerian Bar Association;
- 29 (f) six persons to be appointed by the President of the Federal
- 30 Republic of Nigeria to reflect the Federal Character of Nigeria and subject to

1 the approval and, confirmation by the senate and must be persons who by
2 reason of their ability, experience, specialized knowledge on the
3 humanitarian services or of professional or business attainments, are in his
4 opinion, capable of making useful contributions to the work of the Bureau;

5 (g) Humanitarian General of National Humanitarian Bureau;

6 (h) a representative of the Office of Accountant-General for the
7 Federation;

8 (i) a representative of the Office of Auditor-General for the
9 Federation.

10 (2) Subject to sub-section 1 of this section, a person appointed as
11 the Chairman or member of the Board, shall hold office for three years and
12 shall be eligible for reappointment for one further period of three years.

13 (3) The supplementary provisions contained in the First Schedule
14 of this Act shall have effect with respect to the proceedings of the Board and
15 the other matters therein mentioned.

16 (4) The Board shall meet at least twice in a year for the discharge of
17 its duty.

18 (5) Appointment as a member of the Board shall be terminated if
19 the person:

20 (a) is unable to perform the functions of office by reason of
21 infirmity of body or mind;

22 (b) serves the appointing authority with a notice in writing of his
23 resignation;

24 (c) is convicted of a criminal offence;

25 (d) conducts himself or herself in a manner deemed by the
26 appointing authority to be inconsistent with the membership of the Board; or

27 (e) is in the opinion of other members of the Board not fit to remain
28 a member of the Board.

29 (6) Every member of the Board other than I Humanitarian General

1 shall be entitled to a sitting allowance to be determined by the appropriate
2 authority.

3 (7) The Board shall have power to:

4 (a) ensure the Bureau fulfils its mission and that the profile of the
5 Bureau is commensurate with its role towards ensuring peace and unity in the
6 country;

7 (b) advise government on the national humanitarian policy,
8 procedures, methods and regulations relating to the development of the
9 humanitarian sector;

10 (c) formulate and monitor the implementation of policies for more
11 effective coordination of the Humanitarian System;

12 (d) monitor the technical quality of official humanitarian activities
13 and promote adherence to good practice and international recommendation
14 and standards;

15 (e) formulate and monitor the implementation of policies pertaining
16 to the organization and management of the Bureau;

17 (f) appoint, promote and discipline senior staff of the Bureau, except
18 the Humanitarian-General;

19 (g) set guideline for recruitment, discipline and promotion of junior
20 staff;

21 (h) provide the President with a Quarterly Progress Report on
22 activities of the Bureau;

23 (i) review the structure of the Bureau as necessary and approve the
24 corporate plans, work plans and budgets of the Bureau.

Power of the
President to
give directions

25 **4.** Subject to this Act, the President may give to the Bureau and its
26 Board directions of a general character or relating generally to particular
27 matters (but not to any individual person or case), with regard to the exercise by
28 the Bureau or its Board of their power and functions under this Act, and it shall
29 be the duty of the Bureau and the Board to comply with the directions.

1 5.-(1) There shall be appointed by the President? on the
2 recommendation of the Secretary to the Government of the Federation, the
3 Humanitarian General of the Bureau, who shall be the Chief Executive
4 Officer of the Bureau and shall be responsible for the execution of the
5 policies of the Bureau and the day-to day running of the affairs of the
6 Bureau.

The appointment
of Humanitarian
General and other
members of Staff
of the Bureau

7 (2) The Board may, subject to such conditions as it may think fit,
8 delegate any of its powers associating to the appointment of, or the exercise
9 of disciplinary control (including dismissal) over, its employees to the
10 Humanitarian General or any other employee of the Bureau

11 (3) The Humanitarian-General shall:

12 (a) advise Federal Ministries, Agencies, States and Local
13 Governments on issues relating to their humanitarian activities;

14 (b) advise on the appropriate methods for collecting and
15 processing national data for humanitarian purposes and on the timing and
16 form of dissemination of these aids;

17 (c) represent Nigeria in international meeting or designate one or
18 more staff from the National Humanitarian Bureau;

19 (d) be a full member of and act as the Secretary to the Board and
20 any committees which the Board may establish;

21 (e) subject to the direction of the Board be responsible to the Board
22 for the administration and management of funds and property of the Bureau;

23 (f) carry out the policies of the Board;

24 (g) ensure that the Bureau is at all times positioned for effective and
25 efficient service delivery;

26 (h) be responsible for the supervision and discipline of the staff of
27 the Bureau;

28 (i) present to the Board for approval annual work programmes,
29 human resource development programme and any other programmes to
30 develop national statistics;

1 (j) present to the Board for approval budgets and audited accounts of
2 the Bureau; and

3 (k) perform any other functions and duties as may be assigned by the
4 Board;

5 (l) The Humanitarian-General may, in writing, delegate to any officer
6 of the Bureau any of his powers and duties under this Act and in respect of any
7 power or duty so delegated, a reference to the officer to whom the power or
8 duty is delegated may be made.

9 (4) The Board may deem it necessary to appoint such other persons as
10 it may determine as employees of the Bureau to assist the Humanitarian
11 General in the discharge of his duties.

Application of
Pensions Act

12 **6.-(1)** The Federal Civil Service Commission may, by order published
13 in the Federal Gazette, declare the office of the Humanitarian General or of any
14 other employee of the Bureau to be a pensionable office for the purposes of the
15 Pensions Act.

16 (2) Subject to sub-sections (3) and (4) of this section, the Pensions Act
17 shall, in its application by virtue of sub-section (1) of this section to any office,
18 have effect as if the office were in the Public Service of the Federation within
19 the meaning of the 1999 Constitution of the Federal Republic of Nigeria.

20 (3) For the purposes of the application of the provisions of the
21 Pensions Act and in accordance with this section:

22 (a) the power under subsection 4 (2) of that Act shall be exercisable
23 by the Bureau and not by any other authority.

24 (4) Nothing in the foregoing provisions shall prevent the appointment
25 of a person to any office on terms which preclude the granting of a pension or
26 gratuity in respect of service in that office.

Financial
provisions

27 **7.-(1)** The Bureau shall establish and maintain a fund from which
28 shall be covered all expenditure incurred by the Bureau.

29 (2) There shall be paid or credited to the fund established in pursuance
30 of this section:

1 (a) such moneys as may be granted in each financial year to the
2 Bureau by the Federal Government through annual budgetary provision;
3 (b) all fees and charges for services rendered by the Bureau; and
4 (c) all other sums accruing to the Bureau from any other legitimate
5 source.

6 **8.-(1)** The Bureau shall be liable to prepare, not later than 30
7 September in each year, an estimate of the proposed expenditure and income
8 of the Bureau during the next succeeding financial year and when so
9 prepared, it shall be submitted to the Minister who shall thereafter forward
10 to the Ministry of Budget and National Planning for approval.

Annual estimates,
accounts and audit

11 (2) The Bureau shall keep proper accounts and proper records in
12 relation thereto and the accounts shall be audited, as soon as may be, after
13 the end of each financial year by auditors appointed from the list and in
14 accordance with the guidelines supplied by the Auditor-General for the
15 Federation and the fees of the auditors and the expenses of the audit
16 generally, shall be paid from the funds of the Bureau.

17 **9.** It is obligatory bound on the Bureau to prepare and submit to the
18 Minister not later than 30 November in each financial year, a report in such
19 form as the Minister may direct on the activities of the Bureau during the
20 immediately preceding financial year and the Bureau shall include in such a
21 report a copy of its audited accounts for that year and auditors' report
22 thereon.

Annual reports

23 **10.** The President may make regulations generally for carrying
24 into effect the provisions of this Bill and the due administration thereof.

Regulations

25 **11.** In this Bill, unless the context otherwise requires:

Interpretation

26 "Bureau" means the National Humanitarian Bureau, established pursuant to
27 section 1 to this Bill;

28 "Board" means the Governing Board of the National Humanitarian Bureau,
29 established pursuant to section 3(1) to this Bill;

30 "Chairman" means the Chairman of the Governing Board, appointed

1 pursuant to section 3(3)1 of this Bill;
2 "Member" means any member of the Board and includes the chairman;
3 "Humanitarian General" means the Chief Executive Officer of the National
4 Humanitarian Bureau;
5 "President" means the President of the Federal Republic of Nigeria; and
6 "Recommending Authority" means the Secretary to the Government of the
7 Federation.
Short title 8 **12.** This Bill may be cited as the National Humanitarian Bureau Bill,
9 2019.

10 FIRST SCHEDULE

11 [Section 3]

12 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

13 *Proceedings of the Board*

14 1. Subject to this Act and to section 27 of the Interpretation Act
15 (which provides for the decisions of a statutory body to be taken by a majority
16 of the members of the body and for the person presiding to have a second or
17 casting vote), the Board may make standing orders regulating the proceedings
18 of the members of any committee thereof.

19 2. The quorum of the Board shall be one-third of the Bureau
20 Members, that is, the Chairman and four other members, and the quorum of any
21 committee of the Board shall be determined by the Board.

22 3. The President may appoint one of the members of the Board to be
23 the Deputy Chairman of the Board for such period as the Secretary to the
24 Government of the Federation may determine, so however that a Deputy
25 Chairman who ceases to be a member of the Board shall also cease to be deputy
26 chairman.

27 4. At any time while the Office of the Chairman either is vacant or the
28 Chairman is, in the opinion of the Board, permanently or temporarily unable to
29 perform the functions of his Office, the Deputy Chairman shall perform those

1 functions, and references in this Schedule to the Chairman, shall be
2 construed accordingly.

3 5.-(1) Subject to the provisions of any standing orders of the Board,
4 the Board shall meet at the headquarter of the Bureau whenever it is
5 summoned by the Chairman; and if the Chairman is required to do so by
6 notice given to him by not less than three other members he shall summon a
7 meeting of the Board to be held within fourteen days from the date on which
8 the notice is given.

9 (2) At any meeting of the Board, the Chairman or in his absence,
10 the Deputy Chairman shall preside, but if both are absent, the members
11 present at the meeting shall appoint one of their colleagues to preside at that
12 meeting.

13 (3) Notwithstanding anything in the foregoing provisions of this
14 paragraph, the first meeting of the Board shall be summoned by the
15 Secretary to the Government of the Federation.

16 6.-(1) Where the Board desires to obtain the advice of any person
17 on a particular matter, the Board may co-opt him as a member for such
18 period as it thinks fit, but a person who is a member by virtue of this sub-
19 paragraph shall not be entitled to vote or count towards a quorum.

20 Committee

21 7.-(1) The Board may appoint one or more committees to carry out
22 on behalf of the Board such of its functions as the Board may determine.

23 (2) A committee appointed by the Board shall consist of the number
24 of persons determined by the Board, and not more than one-third of the
25 entire members of the Board; and a person other than a member of the Board
26 shall hold office on the committee in accordance with the terms of his
27 appointment.

28 (3) A decision of a committee of the Board shall be of no effect until
29 it is ratified by the Board.

1 *Miscellaneous*

2 8.-(1) The fixing of the seal of the Board shall be authenticated by the
3 signature of the Chairman or of some other member authorised generally or
4 specially to act for that purpose by the Board.

5 (2) Any contract or instrument which, if made or executed by a person
6 not being a body corporate, would not be required to be under seal, may be
7 made or executed on behalf of the Board by any person generally or specially
8 authorised to act for that purpose by the Board.

9 (3) Any document purporting to be a document duly executed under
10 the seal of the Board, shall be received in evidence and shall, unless the
11 contrary is proved, be presumed to be so executed.

12 9. Members of the Board who are not public officers, shall be paid out
13 of the moneys at the disposal of the Bureau such remuneration, fees or
14 allowances in accordance with such scales as may be approved, from time to
15 time, by the President.

16 10. Any member of the Board, and any person holding office on a
17 committee of the Board, who has a personal interest in any contract or
18 arrangement entered into or proposed to be entered into by the Board or
19 Committee, shall forthwith disclose his interest to the Board or Committee and
20 shall not vote on any question relating to the contract or arrangement.

21 SECOND SCHEDULE

22 *Head Office of the Bureau*

23 The Head Office of the Bureau shall be in Abuja with field offices located in
24 each geo-political zone of the Federal Republic of Nigeria.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Humanitarian Bureau to be responsible for the registration and management of the victims of crisis or natural disaster, including general coordination and monitoring of this people's welfare and alleviation of their suffering.

NATIONAL PARK SERVICE BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVES OF THE BILL

1. Objectives of the Act
2. Application

PART II - ESTABLISHMENT OF THE NATIONAL PARK SERVICE OF
NIGERIA AND ITS GOVERNING BOARD, ETC.

3. Establishment of the National Park Service
4. Establishment and Composition of the National Park Service
Governing Board
5. Powers of the Board
6. Tenure of office of member
7. Removal from office, etc
8. Resignation
9. Allowances of members

PART III - OBJECTIVES, FUNCTIONS AND POWERS

10. Objectives of the Service
11. Functions of the Service
12. Powers of the Service

PART IV - STAFF OF THE SERVICE

13. Conservator-General of the National Park Service
14. Deputy Conservator-General of the National Park Service
15. Secretary and other staff
16. Salaries, emoluments, Allowances, etc
17. Application of the Pensions Reform Act

PART V - FUND OF THE SERVICE

18. Fund of the Service
19. Accounts, audit, and estimate
20. Annual report.

21. Power to borrow
22. Power to invest
23. Power to accept gifts.

PART VI - ESTABLISHMENT AND DESIGNATION OF NATIONAL PARKS

24. Establishment of National Parks
25. Procedure for establishing or altering the boundaries of National Parks.
26. Ownership of Wild animals.

PART VII - ESTABLISHMENT, COMPOSITION, ETC., OF NATIONAL PARKS

ADVISORY COMMITTEE, ETC.

27. Establishment of National Park Advisory Committee
28. Functions of the Advisory Committee
29. Powers of the Advisory Committee
30. Conservator of Park
31. Technical Committee

PART VIII - MANAGEMENT PRINCIPLES, ETC., OF NATIONAL PARKS

32. Management of National Parks to be based on prescribed management principles
33. Management principles of the National Park
34. Management plan for the National Park
35. System plan

PART IX - COMMERCIALISATION AND PRIVATE SECTOR PARTICIPATION

36. Commercialisation of the National Park Service
37. Objectives of Commercialisation of National Parks
38. Private Sector Participation in National Parks Operation
39. Eligibility of Tour operators
40. Available incentives for Tourism Development
41. Role of Voluntary Organisations
42. Major components of a commercialised National Park
43. Appointment of a National Park Operator

44. Grant of Concessions, Leases, Joint Ventures, etc

PART X - ESTABLISHMENT OF THE NATIONAL PARK CONSERVATION
FUND

45. Establishment of the National Park Conservation Fund
46. Objectives of the Fund
47. Establishment of the Conservation Fund Management Committee
48. Income and Expenses of the Fund
49. Membership of the Fund
50. Sources of Fund

PART XI - OFFENCES AND PENALTIES

51. Restriction on entry into National Parks, etc.
52. Restriction on hunting, etc., in the National Parks
53. Restriction on weapons, etc., in the National Parks
54. Prohibition of introduction of wild animals into National Park
55. Prohibition of domestic animals in National Park
56. Prohibition of introduction of plants into National Park
57. Restriction on prospecting for genetic materials in National Park
58. Aiding and abetting of offences, etc.
59. Penalties
60. Offences by bodies corporate
61. Forfeiture and compensation
62. Conduct of proceedings
63. Power to search and arrest
64. Power to compound offences

PART XII - MISCELLANEOUS

65. Possession of arms by officers of the Service
66. Restriction on construction of buildings within National Parks
67. Construction of Roads within the Parks
68. Request for environmental impact assessment.
69. Scientific investigation of activities relating to the National Parks

- 70. Declaration of buffer zones around the National Parks
- 71. Delineation of boundaries of National Parks
- 72. Participation of local communities in the management of a National Park
- 73. Directives by the Minister
- 74. Repeals, savings and transfer of assets and liabilities, etc.
- 75. Power to make Regulations
- 76. Interpretation
- 77. Short title
- The Schedule
- Supplementary provisions relating to the Board, etc.

FOR

AN ACT TO REPEAL THE NATIONAL PARK SERVICE (AMENDMENT) ACT,
2006 CAP. N65 VOL. 9 LFN, 2010, TO ENACT THE NATIONAL PARK
SERVICE ACT, ESTABLISH THE NATIONAL PARK SERVICE TO BE
RESPONSIBLE FOR THE PRESERVATION, ENHANCEMENT AND PROTECTION OF
WILD ANIMALS, PLANTS AND OTHER VEGETATION IN NATIONAL PARKS;
AND PROMOTE ECO-TOURISM THROUGH PUBLIC PRIVATE PARTNERSHIPS
AND FOR RELATED MATTERS

Sponsored by: Hon. Johnson Egwakhede Oghuma

Hon. Obidigwe B. Chinedu

[] Commencement

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

PART I - OBJECTIVES OF THE ACT

1. The objectives of the Bill shall be to-

Objectives of the Bill

(a) provide for the conservation, preservation and protection of
and habitat as well as their utilisation for educational, inspirational
i, cultural and recreational purposes;

(b) strengthen the sector regulatory powers of the National Park Service;

(c) promote eco-tourism, by encouraging the organised private sector, international donor agencies, non-governmental organisations and other stakeholders in the sector to be actively involved in the operations and management of the parks in order to develop adequate tourism infrastructure in line with international best practice;

(d) provide a framework for private sector participation;

(e) determine the category of services and operations of the Service

as shall be commercialised in accordance with the provisions of the Public

1 Enterprises (Privatisation and Commercialisation) Act (CAPP38, LFN, 2010);
 2 (f) determine the category of services and operations of the Service to
 3 be managed, operated and controlled by private sector operators by way of
 4 public-private partnerships in accordance with the provisions of the
 5 Infrastructure Concession Regulatory Commission Act, 2005.

6 (g) enhance the para-military status of the National Park Service;

7 (h) regulate all eligible tourism operators in the Parks;

8 (i) provide a framework for the collaboration of the Federal, States,
 9 Local Governments, non-governmental organisations and host communities in
 10 the provision of infrastructure and protection of Biodiversity;

11 (j) recommend fiscal incentives by way of grant of pioneer status,
 12 waivers of import and excise duties and other incentives, and grant of work
 13 permit to foreign workers with specialised skills in the industry;

14 (k) establish a National Park Conservation Fund;

15 (l) promote Nigeria as a desirable global tourism destination within
 16 the context of Africa's cultural renaissance;

17 (m) create alternative sources of livelihood for members of host
 18 communities linked to Biodiversity conservation; and

19 (n) develop and implement all the Biodiversity Conventions, Treaties
 20 and Agreements signed by the Federal Government in the management of
 21 Parks in accordance with section 12 of the Constitution of the Federal
 22 Republic of Nigeria.

Application

23 2. The provisions of this Act shall be applied to Biodiversity
 24 conservation, management and protection of Wildlife, forests and
 25 environmental resources, and establishment of National Parks, Game
 26 Reserves, Forest Reserves and other protected areas in Nigeria.

27 PART II - ESTABLISHMENT OF THE NATIONAL PARK SERVICE OF NIGERIA
 28 AND ITS GOVERNING BOARD, ETC.

Establishment
of the National
Park Service

29 3.-(1) There is hereby established a body to be known as the National
 30 Park Service (in this Act referred to as "the Service").

- 1 (2) The Service-
- 2 (a) shall be a para-military Service;
- 3 (b) shall be a body corporate with perpetual succession and a
- 4 common seal; and
- 5 (c) may sue and be sued in its corporate name.

6 4.-(1) There shall be established for the Service, a board to be

7 known as the National Park Service Governing Board (in this Act referred to

8 as "the Board") which shall consist of-

Establishment
and Composition
of the National
Park Service
Governing Board

- 9 (a) a chairman, who shall be a person with knowledge in the sector
- 10 including, but not limited to conservation, protection and eco-tourism;
- 11 (b) the Director of Forestry in the Federal Ministry of Environment
- 12 or any other designated Ministry for the time being, responsible for National
- 13 Parks;
- 14 (c) the Surveyor-General of the Federation;
- 15 (d) one person to represent the Federal Ministry of Interior;
- 16 (e) One person to represent Federal ministry of Works;
- 17 (f) one person to represent the National Environmental Standards
- 18 Regulations Enforcement Agency;
- 19 (g) one person to represent the Nigerian Tourism Development
- 20 Corporation;
- 21 (h) one person to represent the Nigerian Conservation Foundation;
- 22 (i) one person from a research institution who possesses
- 23 recognised qualifications, experience or specialisation in matters relevant to
- 24 conservation, preservation or protection of wildlife, eco-tourism and natural
- 25 resources;
- 26 (j) four persons to be appointed from amongst the chairmen of the
- 27 National Park Advisory Committees in rotation for two years at a time;
- 28 (k) two persons, one of whom shall represent the business
- 29 community and the other to represent communities living within the limits
- 30 of National Parks;

| | | |
|----------------------------|----|---|
| | 1 | (l) the Conservator-General of the National Park Service; and |
| | 2 | (m) the Secretary of the Board. |
| | 3 | PROVIDED that no representative shall be below the rank of a |
| | 4 | Director. |
| | 5 | (2) Members of the Board, other than ex-officio members, shall be |
| | 6 | appointed by the President on the recommendation of the Minister. |
| | 7 | (3) The provisions set out in the Schedule to this Act shall have effect |
| | 8 | with respect to the proceedings of the Board and the other matters contained |
| | 9 | therein. |
| Powers of the Board | 10 | 5. -(1) The Board shall be responsible for- |
| | 11 | (a) providing the general policies and guidelines relating to major |
| | 12 | expansion programmes of the Service; |
| | 13 | (b) the supervision of management and general administration of the |
| | 14 | Service; |
| | 15 | (c) recruiting volunteers and regular members of the Service; and |
| | 16 | (d) fixing, with the approval of the Minister, the terms and conditions |
| | 17 | of service of members and employees of the Service, including their |
| | 18 | remuneration. |
| | 19 | (2) The Board shall have power to do such other things which in the |
| | 20 | opinion of the Board are necessary to ensure the efficient performance of the |
| | 21 | functions of the Service. |
| Tenure of office of member | 22 | 6. Subject to the provisions of this Act, a member of the Board, other |
| | 23 | than an ex-officio member- |
| | 24 | (a) shall hold office for a term of four years on such terms and |
| | 25 | conditions as may be specified in his letter of appointment; and |
| | 26 | (b) may be re-appointed for a further term of four years and no more. |
| Removal from office, etc. | 27 | 7. -(1) Notwithstanding the provisions of section 6 of this Act, a |
| | 28 | member may at any time be removed from office by the President- |
| | 29 | (a) for inability to discharge the functions of his office (whether |

1 arising from infirmity of mind or body or any other cause) or for
2 misbehaviour; or

3 (b) if he is satisfied that it is not in the interest of the Service or the
4 public for the member to continue in office.

5 **8.-(1)** A member of the Board may resign his membership by Resignation
6 notice in writing addressed to the President through the Minister; and the
7 member shall, on the date of the receipt of the notice by the President, cease
8 to be a member.

9 (2) If a member of the Board ceases to hold office for any reason
10 whatsoever before the expiration of the term for which he is appointed,
11 another person representing the same interest as that member shall be
12 appointed to the Board for the unexpired term.

13 **9.** A member of the Board shall be paid such allowances and Allowances of
members
14 benefits as the Federal Government may, from time to time, direct.

15 **PART III- OBJECTIVES, FUNCTIONS AND POWERS OF THE SERVICE**

16 **10.** The Objectives of the Service shall be- Objectives of
the Service

17 (a) the conservation of selected and representative samples of
18 wildlife communities in Nigeria;

19 (b) the establishment of an ecologically and geographically
20 balanced network of protected areas under the jurisdiction and control of the
21 Federal Government;

22 (c) the protection of endangered species of wild plants and animals
23 and their habitats;

24 (d) the conservation of wildlife throughout Nigeria so that the
25 abundance and diversity of their species are maintained at the optimum
26 levels commensurate with other forms of land use, in order to ensure the
27 continued existence of wildlife for the purpose of their sustainable
28 utilisation, for the benefit of the people of Nigeria;

29 (e) the preservation of outstanding scenic, natural, scientific,
30 recreational and other values in the National Parks;

Functions of
the Service

- 1 (f) the protection and maintenance of crucial wetlands and water
- 2 catchment areas;
- 3 (g) the control of dangerous vertebrate species;
- 4 (h) to determine which services and operations of the Service shall be
- 5 commercialised in accordance with the provisions of the Public Enterprises
- 6 (Privatisation and Commercialisation) Act, (CAPP38, LFN, 2010);
- 7 (i) to determine which services and operations of the Service shall be
- 8 managed, operated and controlled by private sector operators by way of public-
- 9 private partnerships in accordance with the provisions of the Infrastructure
- 10 Concession Regulatory Commission Act, 2005;
- 11 (j) to provide a framework for the collaboration of the Federal, States,
- 12 Local Governments, host communities, non-governmental organisations and
- 13 other stakeholders in the management of parks;
- 14 (k) to engage the non-governmental organisations and other strategic
- 15 stakeholders in the operation and management of the parks;
- 16 (l) to develop strategies to support, improve and sustainably manage
- 17 species composition (flora and fauna);
- 18 (m) the promotion and provision of education about wildlife and
- 19 nature conservation;
- 20 (n) the promotion of training and development of skills in the tourism
- 21 sector; and
- 22 (o) the conservation of biological diversity in Nigeria.
- 23 **11.** The functions of the Service shall be to-
- 24 (a) preserve, enhance, protect, and manage vegetation and wild
- 25 animals in the National Parks and promote eco-tourism;
- 26 (b) advise the Federal Government on the development and
- 27 preservation policy of the National Parks, including the financial requirements
- 28 for the implementation of such policy;
- 29 (c) advise the Federal Government on the areas which, for the purpose
- 30 of protecting wildlife species, biotic communities, sites of special interest or of

1 aesthetic value, the Service considers may be declared as National Parks
2 under this Act;

3 (d) determine which services and operations of the Service shall be
4 commercialised in accordance with the provisions of the Public Enterprises
5 (Privatisation and Commercialisation) Act, (CAPP38, LFN, 2010);

6 (e) determine which services and operations of the Service shall be
7 managed, operated and controlled by private sector investors by way of
8 public-private participation in accordance with the provisions of the
9 Infrastructure Concession Regulatory Commission Act, 2005;

10 (f) ensure the implementation of the Policy on Nigeria National
11 Parks of the Federal Government;

12 (g) conduct surveys and maintain up-to-date records of all the
13 existing facilities for the growth and protection of the fauna and flora in the
14 National Parks, for zoological or botanical species, and for wild or
15 domesticated animals and advise the Federal Government and State
16 Governments on their adequacy and efficient utilisation in the interest of the
17 national economy;

18 (h) promote, develop and carry out research on the wildlife
19 resources of Nigeria, with a view to promoting optimum utilisation and
20 management of the wildlife;

21 (i) encourage general education in the knowledge of wild and
22 domestic animals, fauna and flora and vegetation by publishing or
23 sponsoring the publication of the results of research, particularly in relation
24 to problems affecting Nigeria;

25 (j) encourage the general public to visit the National Parks and the
26 study of nature afforded therein, thereby popularising them as tourist
27 attractions;

28 (k) co-operate with other agencies to promote and develop
29 alternatives to wildlife as a source of protein and income for the rural
30 population;

| | | |
|--|----|--|
| | 1 | (l) provide for National Parks Week; |
| | 2 | (m) co-ordinate the activities of the various National Parks Advisory |
| | 3 | Committees; |
| | 4 | (n) administer and enforce this Act to attain its purpose; |
| | 5 | (o) set up committees including but not limited to the Technical |
| | 6 | Committee for the purpose of carrying out its functions; and |
| | 7 | (p) carry out such other activities which, in the opinion of the Service, |
| | 8 | will facilitate the performance of its functions under this Act. |
| Powers of the Service | 9 | 12. The Service shall have power to- |
| | 10 | (a) acquire or dispose of any property, movable or immovable; |
| | 11 | (b) establish partnerships and consultations with host communities |
| | 12 | where the parks are located; |
| | 13 | (c) set up committees including but not limited to the Technical |
| | 14 | Committee for the purpose of carrying out its functions; |
| | 15 | (d) to register companies in accordance with the provisions of the |
| | 16 | Companies and Allied Matters Act, 2004 (CAP. C20 LFN, 2010); |
| | 17 | (e) pay remuneration, allowances, expenses and any other benefits to |
| | 18 | members of the Board and employees of the Service or any other persons, in |
| | 19 | accordance with such scales as may be determined by the Service with the |
| | 20 | approval of the Minister; |
| | 21 | (f) grant licenses and sanction any violations of the law establishing |
| | 22 | the National Park Service; and |
| | 23 | (g) do anything which in its opinion is calculated to facilitate the |
| | 24 | performance of its functions under this Act. |
| | 25 | PART IV - STAFF OF THE SERVICE |
| Conservator- General of the National Park Service | 26 | 13.-(1) There shall be for the Service a Conservator-General who |
| | 27 | shall be appointed by the President, Commander-in-chief of the Armed Forces, |
| | 28 | on the recommendation of the Minister. |
| | 29 | (2) To be appointed as a Conservator-General, a person must possess: |
| | 30 | (a) a minimum qualification of B.sc degree in the field of Wildlife |

1 Management, Zoology, Botany or Forestry; and

2 (b) at least fifteen (15) years' experience in protected area and
3 wildlife management.

4 (3) The Conservator-General shall be the Chief Executive and
5 Accounting Officer of the Service.

6 (4) The Conservator-General shall be responsible for-

7 (a) the execution of the policies of the Service;

8 (b) the day-to-day administration of the Service;

9 (c) co-ordinating the work of the Secretariat of the Service and the
10 Conservator of National Parks;

11 (d) carrying out the provisions of this Act, subject to the general or
12 special directions of the Board; and

13 (e) performing such other functions as the Board or Minister may,
14 from time to time, assign to him in relation to this Act.

15 (5) The Conservator-General shall hold office in the first instance
16 for a term of five years and may be re-appointed for a further term of five
17 years and no more, based on the discretion of the President.

18 (6) Subject to this section, the Conservator-General shall hold
19 office on such terms as to emolument and otherwise as may be specified in
20 his letter of appointment, as approved by the President.

21 (7) Notwithstanding the provisions of subsection (4) of this
22 section, the Conservator-General may be removed from office by the
23 President-

24 (a) for inability to discharge the functions of his office (whether
25 arising from infirmity of mind, body or any other cause) or for misconduct;

26 (b) if he is satisfied that it is not in the interest of the Service or the
27 public for him to continue in office.

28 **14.-(1)** There shall be for the service, two (3) Deputy
29 Conservators-General appointed by the President, Commander-in-chief of
30 the Armed Forces, on the recommendation of the Minister.

Deputy
Conservator-
General

| | | |
|--|----|---|
| | 1 | (2) To be appointed as a Deputy Conservator-General, a person must |
| | 2 | possess: |
| | 3 | (a) a minimum qualification of B.sc in Natural Sciences; and |
| | 4 | (b) at least twelve (12) years' experience in Protected Area and |
| | 5 | Wildlife Management. |
| Secretary and other staff | 6 | 15. -(1) The Board shall appoint a Secretary to the Board and shall- |
| | 7 | (a) be a legal practitioner of not less than ten (10) years post-call; and |
| | 8 | (b) be subject to the control and supervision of the Board through the |
| | 9 | Conservator-General. |
| | 10 | (2) The Secretary shall be responsible for the following duties- |
| | 11 | (a) convening meetings of the Board, on the authority of the |
| | 12 | Chairman; |
| | 13 | (b) preparing the agenda and recording minutes of meetings of the |
| | 14 | Board as may be directed by the Board; |
| | 15 | (c) acting as Secretary to any Committee of the Board; |
| | 16 | (d) keep the books, records and conduct the correspondence of the |
| | 17 | Board; |
| | 18 | (e) keeping in safe custody the Common Seal of the Service; and |
| | 19 | (f) perform such other functions as the Board and the Conservator- |
| | 20 | General may assign to him. |
| | 21 | (3) Notwithstanding the provisions of subsection (1) of this section, |
| | 22 | the Board shall have power to appoint for the Service either directly or on |
| | 23 | secondment from the public or civil service of the Federation, such number of |
| | 24 | employees as may, in the opinion of the Board, be required to assist the Service |
| | 25 | in the discharge of any of its functions under this Act. |
| Salaries, emoluments, allowances, etc. | 26 | 16. The structure of remuneration (including pensions), emoluments, |
| | 27 | salaries and allowances of all staff and any other benefit shall be in accordance |
| | 28 | with the para-military service scheme. |
| Application of the Pensions Reform Act | 29 | 17. -(1) It is hereby declared that employment in the Service shall be |
| | 30 | pensionable under the Pensions Reform Act 2014, and accordingly, employees |

1 of the Service shall, in respect of their services, be entitled to pensions,
2 gratuities and other retirement benefits as are prescribed under the Pensions
3 Reform Act 2014.

4 (2) Notwithstanding the provisions of subsection (1) of this
5 section, nothing in this Act shall prevent the appointment of a person to any
6 office on terms which preclude the grant of a pension and gratuity in respect
7 of that office.

8 (3) For the purposes of the application of the Pensions Reform Act
9 2014, any power exercisable thereunder by a Minister or other authority of
10 the Federal Government (not being the power to make regulations) under
11 section 28 thereof, is hereby vested in and shall be exercisable by the Service
12 and not by any other person or authority.

13 (4) Subject to subsection (2) of this section, the Pensions Reform
14 Act 2014 shall, in its application by virtue of subsection (3) of this section to
15 any office, have effect as if the office were in the civil service of the
16 Federation.

17 PART V - FUND OF THE SERVICE

18 **18.-(1)** The Service shall establish and maintain a fund from which Fund of the
19 shall be defrayed all expenditures incurred by the Service. Service

20 (2) There shall be paid and credited to the fund established in
21 pursuance of subsection (1) of this section-

22 (a) such sums as may be granted to the Service by the Federal
23 Government;

24 (b) such sums as may be raised for the general purposes of the
25 Service;

26 (c) all moneys accruing to the Service by any means, including
27 grants-in-aid, endowments and donations;

28 (d) all charges, dues, fees or other amounts collected by the
29 Service;

30 (e) all interests on moneys invested by the Service; and

| | | |
|---------------------------------|----|---|
| | 1 | (f) such other moneys as may, from time to time, accrue to the Service. |
| Accounts, audit and estimate | 2 | 19. -(1) The Service shall keep proper accounts in respect of each year |
| | 3 | and proper records in relation to those accounts and shall cause to be prepared |
| | 4 | in each year- |
| | 5 | (a) a statement showing the income and expenditure of the Service |
| | 6 | for the immediate preceding year; and |
| | 7 | (b) a statement of all the assets and liabilities of the Service as at the |
| | 8 | last day of the immediate preceding year. |
| | 9 | (2) The Service shall cause every statement prepared under this |
| | 10 | section to be audited within six months after the end of the year to which the |
| | 11 | statement relates, by auditors appointed from the list and in accordance with |
| | 12 | the guidelines supplied by the Auditor- General of the Federation. |
| | 13 | (3) The Service shall submit to the Minister, not later than 31st |
| | 14 | October in each year, an estimate of its expenditure and income during the next |
| | 15 | succeeding year. |
| Annual report | 16 | 20. -(1) The Service shall prepare and submit to the Minister, not later |
| | 17 | than six months after the end of the year a report, in such form as the Minister |
| | 18 | may direct, on the activities of the Service during the immediate preceding year |
| | 19 | and shall include in the report a copy of the audited accounts of the Service for |
| | 20 | that year and the auditor's report. |
| | 21 | (2) The Minister shall cause a copy of each report made to him under |
| | 22 | this section to be laid before the President. |
| Power to borrow | 23 | 21. -(1) The Service may, with the consent of the Minister or in |
| | 24 | accordance with the general guideline approved by the Minister, borrow by |
| | 25 | way of loan or overdraft from any authorised source any moneys required by |
| | 26 | the Service for meeting its obligations and discharging its functions under this |
| | 27 | Act. |
| | 28 | (2) The Service may, without the consent or authority referred to in |
| | 29 | subsection (1) of this section, borrow by way of loan or overdraft, where the |
| | 30 | sum or the aggregate of the sums involved at any time does not exceed |

1 N5,000,000 (five million naira only).

2 **22.**-(1) The Service may, subject to the provisions of this Act and Power to invest
3 the conditions of any trust created in respect of any property, invest all or any
4 of its funds with the like consent or general authority referred to in
5 subsection (1) of section 21 of this Act.

6 (2) The Service may invest any of its surplus funds in such
7 securities as may be permitted by law.

8 **23.**-(1) The Service may accept gifts of land, money or other Power to accept
9 property or things within and outside Nigeria, upon such terms and gifts
10 conditions, if any, as may be specified by the person or organisation making
11 the gifts.

12 (2) The Service shall not accept any gift if the terms and conditions
13 attached by the person or organisation making the gift are inconsistent with
14 its functions under this Act.

15 PART VI - ESTABLISHMENT AND DESIGNATION OF NATIONAL PARKS

16 **24.**-(1) The National Assembly, with the consent of the Establishment
17 Government of a State, where a park is located, shall designate the parks. of National Parks

18 (2) The Designation of a park shall set out the location, limits and
19 classification of the park.

20 **25.**-(1) The Procedure for establishing, designating or altering the Procedure for
21 boundaries of a National Park shall be as follows- establishing or
22 altering the
23 boundaries of
24 National Parks

25 (a) a proposal to establish or alter the boundaries of a National Park
26 accompanied by a positive environmental impact assessment report;

27 (b) a recommendation based on the report of a comprehensive
28 study of the matter by or under the direction of the Service, approved by the
29 Minister; and

30 (c) the consent to the proposed establishment or alteration-

(i) of the Governor, where the National Park falls within the
territory of one State;

(ii) of a majority of the Governors of the States within whose

1 territories the National Park is located, where the National Park falls within the
2 territories of two or more States.

3 (2) If the conditions are complied with in subsection (1) of this
4 section, and the President is satisfied that the establishment or alteration is
5 desirable in the circumstances, he shall-

6 (a) send a bill to the National Assembly to designate the establishment
7 of the National Park; or

8 (b) effect the proposed alteration or such alteration falling short of the
9 proposed alteration as may best seem fit to him in the circumstances.

Ownership of
Wild Animals

10 **26.-(1)** The ownership of every wild animal and wild plant existing in
11 its natural habitat in a National Park, whether of biological, geomorphological
12 or historical origin or otherwise, existing or found in a National Park is hereby
13 vested in the Federal Government and subject to the control and management
14 by the Federal Government for the benefit of Nigeria and mankind generally.

15 (2) Where the wild animal, wild plant or other thing is lawfully taken
16 pursuant to a license issued under this Act, the ownership of the animal, plant or
17 thing shall, subject to the provisions of this Act, vest or continue to be vested in
18 the licensee.

19 (3) Except with authority under a license, nothing in this section shall
20 be deemed to transfer to any person the ownership of a wild animal found dead
21 or dying, or of a wild plant that has been cut down.

22 (4) If a person takes a wild animal or wild plant in contravention of
23 this Act, the ownership of that animal or plant shall not be transferred to that
24 person.

25 (5) A wild animal found outside a National Park shall not by reason
26 only of its being found near the National Park be deemed to be the property of
27 the Federal Government, unless it is shown to be in the course of a recognised
28 natural migratory route or pattern to or from the National Park.

29 (6) Nothing in this Act shall be deemed to confer any right to damages
30 or compensation on a person who alleges that he has suffered injury from or

1 due to the activities of a wild animal or wild plant shown to be the property of
2 the Federal Government otherwise than as provided in this Act.

3 PART VII - ESTABLISHMENT OF NATIONAL PARKS ADVISORY

4 COMMITTEE

5 27.-(1) There is hereby established for each National Park, a
6 committee to be known as the National Parks Advisory Committee (in this
7 Act referred to as "the Advisory Committee") which shall consist of-

Establishment
of National Parks
Advisory Committee

8 (a) a Chairman who shall have a good knowledge of the National
9 Park, to be appointed by the Minister, on the recommendation of the
10 Governor of the State in which the National Park is located;

11 (b) the Local Government Chairman where the Park is located;

12 (c) the Director of Forestry of the State concerned;

13 (d) one person to represent the Ministry charged with
14 responsibility for matters relating to land in the State concerned;

15 (e) one person to represent the Conservator-General of National
16 Park Service;

17 (f) one person to represent the Nigerian Tourism Development
18 Corporation;

19 (g) one person, with recognised qualifications, experience or
20 specialisation in matters relevant to conservation, preservation or protection
21 of wildlife and natural resources to represent the academic or research
22 institutions located in the State concerned;

23 (h) one person to represent non-governmental organisations in the
24 State concerned dealing with conservation;

25 (i) one person to represent the State Tourism Board;

26 (j) two persons to represent the host communities in the States
27 where the parks are located;

28 (k) one representative of the organised private sector; and

29 (l) the Conservator of Park.

1 (2) A member of the Advisory Committee, other than an ex officio
2 member-

3 (a) shall be appointed by the Minister, on the recommendation of the
4 Governor of the State concerned;

5 (b) shall hold office for a term of four years on such terms and
6 conditions as may be specified in his letter of appointment; and

7 (c) may be reappointed for a further term of four years and no more.

8 (3) Where a National Park is located within the territories of two or
9 more States, the-

10 (a) Minister shall apportion the seats on the Advisory Committee
11 between those States in such proportion as may appear to him best in the
12 circumstances; and

13 (b) Governor of a State shall make the nomination in respect of a seat
14 apportioned to that State pursuant to paragraph (a) of this subsection.

15 (4) The quorum of a meeting of the Advisory Committee shall be six.

16 (5) Subject to subsection (4) of this section, the Advisory Committee
17 shall have power to regulate its own procedures and the conduct of its own
18 meetings.

Functions of
the Advisory
Committee

19 **28.** Subject to such directions as may be given from time to time, by
20 the Board, each Advisory Committee shall assist in implementing the policies
21 of the Service and, in particular, shall-

22 (a) ensure that the National Park is set aside exclusively for the
23 propagation, protection and management of the vegetation and wild animals in
24 the National Park;

25 (b) ensure that hunting, destruction or collection of animals and plants
26 are prohibited in the National Park except-

27 (i) for scientific or management purposes;

28 (ii) in the case of fish, for sporting purposes; or

29 (iii) in either case, on the direction and control of the Conservator;

1 (c) ensure that an undertaking involving any of the following
2 activities-

3 (i) forestry, agriculture, grazing, mining, excavation or
4 prospecting;

5 (ii) flight over the National Park at altitudes lower than 200 metres;

6 (iii) any drilling or leveling of the ground or construction;

7 (iv) any work which could alter the configuration of the soil or the
8 character of the vegetation;

9 (v) any water pollution; or

10 (vi) any act likely to harm or disturb the fauna and flora, including
11 the introduction of zoological or botanical species, whether indigenous or
12 imported, wild or domesticated, is prohibited except in so far as the activity
13 is necessary for the implementation of the provisions of paragraph (d) of this
14 section or for enabling members of the public to visit the National Park; and

15 (d) perform such other functions as the Board may, from time to
16 time, assign to it.

17 **29.** Each Advisory Committee shall, with the approval of the Powers of the
18 Board, have power to- Advisory
Committee

19 (a) regulate access to and use of the National Park by members of
20 the public; and

21 (b) do anything which in its opinion is calculated to facilitate the
22 performance of its functions under this Act.

23 **30.-(1)** The Service shall appoint for each National Park, a Conservator of
24 Conservator of Park (in this Act referred to as "Conservator") who shall have Park
25 requisite qualification in wildlife management and a minimum of seven
26 years experience in protected area management.

27 (2) The Conservator of Park shall-

28 (a) be responsible for the day-to-day administration of a National
29 Park;

30 (b) act as secretary to the Advisory Committee; and

Technical
Committee

1 (c) carry out such other functions as the Advisory Committee or
2 Board may, from time to time, assign to him.

3 **31.**-(1) There shall be a committee known as a Technical Committee
4 that shall be set up by the Governing Board of the Service.

5 (2) The Committee shall consist of five (5) members.

6 (3) In setting up the Committee, the Board shall appoint members
7 from both the public and private sector, with experience and knowledge in the
8 following areas:

9 (a) privatisation and commercialisation transactions;

10 (b) public private partnership transactions including but not limited to
11 concessions, leases and joint venture agreements;

12 (c) transaction advisory services; and

13 (d) other ancillary services.

14 (4) The mandate of the Technical Committee shall include:

15 (a) advisory services to the Board;

16 (b) advising the Board on the selection methods to be used in the
17 commercialisation and public-private partnership (PPP) transactions;

18 (c) advising the Board on the structure and type of public-private
19 partnership model in respect of any PPP transaction;

20 (d) preparation of bidding documents for the commercialisation and
21 PPP transactions;

22 (e) advising the Board on the determination of evaluation criteria for
23 bids submitted for commercialisation and PPP transactions;

24 (f) assisting the Board in the selection of preferred bidder for
25 commercialisation and PPP transaction;

26 (g) coordinating commercialisation and PPP between the Board and
27 the relevant departments;

28 (h) assisting the Board in actualising the mandate of commercialising
29 and restructuring of the services provided by the Service; and

30 (i) carrying out any other function that may be assigned to the

1 Technical Committee by the Governing Board.

2 (5) The Technical Committee shall report to the Governing Board
3 through the Conservator General.

4 PART VIII - MANAGEMENT PRINCIPLES, ETC., OF NATIONAL PARKS

5 32.-(1) Each National Park shall be managed in accordance with-

6 (a) the management principles prescribed by or under this Act for
7 the class of protected area; and

8 (b) the management principles on Nigeria National Parks until a
9 management plan is approved for the National Park in accordance with this
10 Act.

11 (2) The management principles shall be as specified in the order
12 declaring an area to be a National Park.

13 (3) The management principles shall contain a statement of-

14 (a) the significant cultural and natural resources and values of the
15 National Park;

16 (b) the proposed management policy for the National Park; and

17 (c) the proposed use of the National Park.

18 33.-(1) It is hereby declared that the provisions of this Act shall
19 have effect for the purpose of preserving in perpetuity as national parks, for
20 their intrinsic worth and for the benefit, use and enjoyment of the public,
21 areas of Nigeria that contain scenery of such distinctive quality, ecological
22 systems, or natural features that are beautiful, unique, or scientifically
23 important that their preservation is in the national interest.

24 (2) It is hereby further declared that, having regard to the general
25 purposes specified in subsection (1), national parks shall be so administered
26 and maintained under the provisions of this Act that-

27 (a) they shall be preserved as far as possible in their natural state;

28 (b) except where the Authority otherwise determines, the native
29 plants and animals of the parks shall as far as possible be preserved and the
30 introduced plants and animals shall as far as possible be exterminated;

Management of
National Parks
to be based on
prescribed
management
principles

Management
principles of the
National Park

1 (c) sites and objects of archaeological and historical interest shall as
2 far as possible be preserved;

3 (d) their value as soil, water, and forest conservation areas shall be
4 maintained; and

5 (e) subject to the provisions of this Act and to the imposition of such
6 conditions and restrictions as may be necessary for the preservation of the
7 native plants and animals or for the welfare in general of the parks, the public
8 shall have freedom of entry and access to the parks, so that they may receive in
9 full measure the inspiration, enjoyment, recreation, and other benefits that may
10 be derived from mountains, forests, sounds, seacoasts, lakes, rivers, and other
11 natural features.

Management
plan for the
National Park

12 **34.**-(1) The Advisory Committee shall, not later than two years after-

13 (a) the enactment of this Act, in the case of an existing National Park;

14 (b) the establishment of a new National Park, prepare and publish a
15 comprehensive management plan in accordance with internationally accepted
16 standards.

17 (2) Each management plan shall include-

18 (a) a map of the National Park indicating proposed facilities;

19 (b) an inventory of the wildlife, cultural and related natural resources
20 in the National Park;

21 (c) an assessment of wildlife population trends in the National Park;

22 (d) an assessment of wildlife interference and plans for controlling it;

23 (e) a description of proposed research activities;

24 (f) a description of proposed infrastructural development, including
25 the construction of facilities for visitors to the National Park;

26 (g) a description of proposed activities for the management of wildlife
27 resources, including restoration of depleted populations;

28 (h) plans for the administration of the National Park, including
29 financial and staffing projections;

30 (i) plans for the development of national and international tourism,

1 where applicable;

2 (j) plans for the creation of buffer zones around the National Park;

3 (k) plans for public participation in the activities of the National
4 Park;

5 (l) plans for the participation of the local communities in the
6 management of the National Park; and

7 (m) plans for promoting and assisting in ensuring environmentally
8 sound and sustainable development in the areas surrounding the National
9 Park, other than the buffer zones, with a view to furthering protection of
10 those areas.

11 (3) The Advisory Committee shall, in preparing a management
12 plan, invite, accept and consider all appropriate submissions from interest
13 groups, local authorities and committees and members of the public.

14 (4) The draft management plan shall be submitted to the Board for
15 its consideration and approval, with or without modifications, not later than
16 three months after its submission.

17 (5) A management plan shall be reviewed at intervals of not more
18 than ten years and the procedure for submission and approval by the Board
19 shall be the same as for the management plan.

20 (6) A copy of the management plan or reviewed management plan
21 shall be available to members of the public on payment of the prescribed fee.

22 (7) A management plan shall replace a management policy as soon
23 as it is approved by the Board.

24 **35.-(1)** The Service shall cause to be prepared for the National System Plan
25 Parks a system plan which shall include-

26 (a) the objectives of the network of National Parks;

27 (b) an outline of what each National Park contributes to achieving
28 those objectives;

29 (c) identified areas of lapses in the National Parks and proposals for
30 preventing future lapses;

1 (d) detailed plans for managing each National Park as an integral unit
2 of the network of National Parks; and

3 (e) such other information as may be required for or as may be
4 practicable in this type of system plan.

5 (2) The Service shall give notice to members of the public that it
6 proposes to prepare a draft system plan for the National Parks and invite
7 submissions from relevant interest groups, local authorities and communities
8 and members of the public.

9 (3) The draft system plan shall not become effective until it is
10 approved by the Board and submitted to the Minister for publication in the
11 Gazette.

12 (4) An approved system plan or a reserved system plan, as the case
13 may be, shall remain in operation for at least three years before review.

14 (5) Both the Management Plan and System Plan shall comply with the
15 Ramsar Convention.

16 PART IX - COMMERCIALISATION AND PRIVATE SECTOR PARTICIPATION

Commercialization
of the National
Parks Service

17 **36.** The National Parks Service is hereby commercialised, in
18 accordance with the provisions of the Public Enterprises (Privatisation and
19 Commercialisation) Act.

20 *[CAP P38, LFN, 2010].*

Objectives of
Commercialization
of National Parks

21 **37.-(1)** The objectives for the Commercialisation of National Parks
22 shall be to-

- 23 (a) enhance operational and financial autonomy of the parks;
- 24 (b) reduce dependence on government for funding;
- 25 (c) restructuring public enterprises to be more effective and cost
26 conscious;
- 27 (d) encourage private sector partners in operating the various parks;
- 28 (e) encourage partnerships among the private sector investors;
- 29 (f) bringing private sector expertise, business efficiency and capital to
30 deliver improvements to public services;

1 (g) evolving a more result-oriented and accountable management
2 based on performance agreements and the provision of competitive
3 compensation schemes for employees;

4 (h) ensure financial solvency of the public enterprises through
5 effective cost recovery, cost control and prudent financial management; and

6 (i) ensuring viability and self sustainability of the Parks.

7 (2) All National Parks in Nigeria shall be partially commercialised
8 entities, and may, subject to the approval of the Board-

9 (a) fix rates, prices of goods and services provided; and

10 (b) capitalise its assets.

11 (3) Eco-tourism shall be the only aspect of the National Parks that
12 shall be managed by private sector operators; while the core functions of
13 conservation and protection of wildlife and biodiversity, shall remain in the
14 Service.

15 (4) The Parks may enter into contract with, or grant concession to
16 private investors who are willing to finance, construct, build and operate any
17 infrastructure that is financially viable, in accordance with the provisions of
18 the Public Enterprises (Privatisation and Commercialisation) Act (CAP
19 P38, LFN 2010) and the Infrastructure Concession Regulatory Commission
20 Act, 2005.

21 **38.** The activities of the Private Sector operators in the National
22 Parks shall be as follows-

Private Sector
participation in
National Parks
Operation

23 (a) to generate awareness on eco-tourism,

24 (b) provision of structures such as accommodation, conference
25 facilities and camping sites;

26 (c) provision of holiday resorts;

27 (d) provision of packaged tour services and tour guides;

28 (e) to collaborate with national and state tourism organisations,
29 Non-Governmental organisations to organise national events and festivals;

30 (f) develop standard souvenir entrepreneurship at tourist

| | | |
|---|----|--|
| | 1 | destinations; and |
| | 2 | (g) comply with the policies, guidelines and regulations defined by |
| | 3 | the Service. |
| Eligibility of Registered Tour Operators | 4 | 39.-(1) Operators who have been successfully registered as Tour |
| | 5 | operators of the Park shall- |
| | 6 | (a) be required to organise themselves to meet an acceptable standard |
| | 7 | set by the Service; and |
| | 8 | (b) obtain a certificate of operation from the Service, having satisfied |
| | 9 | all requirements before being permitted to operate in the Parks. |
| | 10 | (2) A certificate of operation shall set out the terms and conditions |
| | 11 | guiding its issuance. |
| Available Incentives for Tourism Development | 12 | 40. Upon the registration and grant of permits to tour operators to |
| | 13 | promote tourism development, the Federal Government through the Minister, |
| | 14 | may grant the following incentives such as- |
| | 15 | (a) conferment of Pioneer Status on major tourism projects; |
| | 16 | (b) consider minimum excise duties on imported tourism project |
| | 17 | equipments not manufactured in Nigeria; |
| | 18 | (c) grant of work permit for foreign workers with specialised skills |
| | 19 | within the industry; and |
| | 20 | (d) encouraging foreign tour operators to be affiliated with licensed |
| | 21 | tour operators in Nigeria in order to carry on business. |
| Role of Voluntary Organisations | 22 | 41. Voluntary organisations shall be encouraged to be involved in the |
| | 23 | development of the nation's tourism industry through the following ways- |
| | 24 | (a) development of recreational parks; |
| | 25 | (b) promotion of international meetings; and |
| | 26 | (c) promotion of the country's image among members worldwide. |
| Major components of a Commercialised National Park | 27 | 42.-(1) National Parks that are commercialised shall comply with the |
| | 28 | following requirements- |
| | 29 | Parks that are commercially viable (Corporate Status): |
| | 30 | (a) Parks that are commercially viable- |

1 (i) would be incorporated and operated as limited liability
2 companies in accordance with the provisions of the Companies and Allied
3 Matters Act, 2004; (CAP C.20 LFN, 2010)

4 (a) shall adopt corporate governance ethics in accordance with the
5 provisions of Securities and Exchange Commission (SEC) Code of
6 Corporate Governance in Nigeria; and

7 (b) shall have representation from the Federal Government
8 through the National Park Service, Ministry of Finance and Bureau of
9 Public Enterprises (BPE) who shall hold shares in the proportion of 35%,
10 35% and 30% respectively as may be varied from time to time by the Federal
11 Government.

12 (b) Parks that are not commercially viable:
13 Parks that are not commercially viable shall remain as statutory
14 corporations, but subject to commercialisation principles.

15 (c) Removal of Authorisation Limits:
16 The commercialised parks shall not be constrained in their operations and
17 procurement procedure by authorisation limits applicable in MDAs, public
18 service circulars and or financial regulations; but to be subject to their
19 boards.

20 (d) Funding:
21 The Federal Government shall continuously give financial support to
22 the commercialised parks, through -

23 (i) appropriation for the conservation and protection of
24 Biodiversity in the Parks in line with international treaty obligations; and

25 (ii) grants and loans convertible to equity, until Government's
26 interest is fully divested; and such appropriation shall be by the Ministry.

27 (e) Obligations of the Federal Government of Nigeria:
28 It shall be incumbent upon the Federal Government of Nigeria to avoid any
29 interference that can negate the principle of corporate governance ethics and
30 code.

| | | |
|---|----|--|
| | 1 | (f) Public-Private-Partnership (PPPs): |
| | 2 | The commercialised parks would be encouraged to adopt the emerging trend of |
| | 3 | doing business through Public Private Partnership (PPPs). |
| Appointment of a National Park Operator | 4 | 43. -(1) There shall be appointed a National Park Operator (in this Act |
| | 5 | referred to as "Park Operator") by the Service as may be required from time to |
| | 6 | time. |
| | 7 | (2) The Park Operator shall collaborate with the Service to perform |
| | 8 | the following functions- |
| | 9 | (a) deliver national programs on marketing and awareness for the |
| | 10 | parks; |
| | 11 | (b) provide support for the Service in enhancing training of rangers |
| | 12 | and other categories of staff; |
| | 13 | (c) provide support for the branding of parks; and |
| | 14 | (d) develop a harmonious interface amongst the service, the |
| | 15 | individual parks and the post-commercialisation private sector operators in the |
| | 16 | Parks; and |
| | 17 | (e) develop collaboration with local and international brands in park |
| | 18 | management and operations. |
| Grant of Concession, leases, joint ventures, etc. | 19 | 44. -(1) In determining the category of services and operations of the |
| | 20 | parks to be ceded to private sector operators, the National Park Service shall act |
| | 21 | in accordance with the provisions of the Public Enterprises (Privatisation and |
| | 22 | Commercialisation) Act, (CAP P38, LFN, 2010) and Infrastructure |
| | 23 | Concession Regulatory Commission Act, 2005, |
| | 24 | (2) For the purposes of subsection (1) of this section, the Service may |
| | 25 | grant Concession, leases or joint ventures or any form of public private |
| | 26 | partnerships. |
| | 27 | PART X - ESTABLISHMENT OF THE NATIONAL PARK |
| | 28 | CONSERVATION FUND |
| Establishment of the National Park Conservation Fund | 29 | 45. There is established for the purposes of this Act, a National Park |
| | 30 | Conservation Fund (in this Act referred to as "the Conservation Fund"). |

| | | |
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| 1 | 46. The objective of the Fund shall be to- | Objectives of the Fund |
| 2 | (a) finance projects that contribute significantly to the preservation | |
| 3 | and sustainable use of the Earth's biological, cultural and historical | |
| 4 | resources; | |
| 5 | (b) support research on conservation activities in Nigeria as the | |
| 6 | need arises; | |
| 7 | (c) supporting local partners & host communities to ensure that | |
| 8 | projects are implemented according to local traditions, customs and | |
| 9 | manners; | |
| 10 | (d) provide training for managers of protected areas, innovate new | |
| 11 | approaches to conservation needs and incubate new organisations; and | |
| 12 | (e) do any other such activity as may be determined by the Service | |
| 13 | from time to time. | |
| 14 | 47.-(1) There shall be established a Fund Management Committee | Establishment of the Conservation Fund Management Committee |
| 15 | (in this Act referred to as "the Conservation Fund Committee"). | |
| 16 | (2) The Fund shall be managed by a Fund Management Committee | |
| 17 | under the supervision of the Board; and shall have its secretariat in the | |
| 18 | National Park Service. | |
| 19 | (3) The Committee shall- | |
| 20 | (i) Provide guidelines for utilisation of the Fund and approve | |
| 21 | procedures for accessing the fund; | |
| 22 | (ii) Make recommendations to the Board for approval, on requests | |
| 23 | from applicants for disbursement; | |
| 24 | (iii) keep proper accounts and other records in respect of the | |
| 25 | operations of the Fund and shall cause to be prepared a statement of accounts | |
| 26 | in respect of each financial year; and | |
| 27 | (iv) cause the accounts of the Fund to be audited annually by the | |
| 28 | Head of Audit and submit to the Board at its next meeting following the date | |
| 29 | on which the accounts were audited, a copy of the audited accounts. | |

| | | |
|--------------------------------------|----|---|
| Income and Expenditure of Fund | 1 | 48. -(1)There shall be paid into the Fund- |
| | 2 | (a) any sum contributed to the fund by any person, foundation, |
| | 3 | organisation or agency; |
| | 4 | (b) sums appropriated by government by way of grants and special |
| | 5 | projects; and |
| | 6 | (c) all sums specified by this Act for payment into the Conservation |
| | 7 | Fund. |
| | 8 | (2)There shall be paid out of the Fund- |
| | 9 | (a) expenses related to forestry, national parks and the protection of |
| | 10 | wildlife; and |
| | 11 | (b) loans and grants to owners or tenants of private lands for tree |
| | 12 | planting and forest management. |
| Membership of the Fund | 13 | 49. The membership of the Fund shall be drawn from the Service and |
| | 14 | relevant stakeholders in the Environment sector and shall include- |
| | 15 | (a) the Committee Chairman who must be knowledgeable in |
| | 16 | conservation, Biodiversity management and eco-tourism; |
| | 17 | (b) the Head, Planning Research and Statistics of the Service; |
| | 18 | (c) the Head, Tourism Management unit of the Service; |
| | 19 | (d) a consultant knowledgeable in financial management who shall be |
| | 20 | appointed by the Board; |
| | 21 | (e) a representative of the Nigerian Conservation Foundation; |
| | 22 | (f) 2 persons to be appointed by the Minister; |
| | 23 | (g) a representative of the Federal Ministry of Works; |
| | 24 | (h) a representative from the Forestry Department of a Nigerian |
| Sources of Fund | 25 | University; and |
| | 26 | (I) a representative from the Forestry Research Institution of Nigeria |
| | 27 | (FRIN). |
| | 28 | 50. -(1) The Sources of Fund shall include- |
| | 29 | (a) any grants or donations made to the Fund; |
| | 30 | (b) not less than 1% of ecological fund; |

1 (c) not less than 21/2 % of profit derived from the hospitality
2 industry;

3 (d) 1% percentage of profit from airline operators and transporters;

4 (e) not less than 10% of the money accruing to the National
5 Tourism Fund domiciled with the Nigerian Tourism Development
6 Corporation; and

7 (f) any other source as may be identified by the Service.

8 (2) No disbursement of money shall be made from the Fund
9 except -

10 (i) for the purposes of the Act; and

11 (ii) with the authorisation of the Committee.

12 (3) The Committee shall, not later than 3 months after the end of
13 each financial year, prepare and submit to the Head of Audit -

14 (a) an annual statement of the receipts and payments of the Fund
15 for that financial year; and

16 (b) a Balance Sheet made up at the end of that financial year
17 showing the assets and liabilities of the Fund.

18 (4) The Committee shall, not later than six months after the end of
19 each financial year, furnish to the Board -

20 (a) a report dealing with the activities and financial position of the
21 Fund during that financial year; and

22 (b) a copy of the audited accounts of the Fund for that financial
23 year, together with the Auditors' Report on those accounts.

24 PART XI - OFFENCES AND PENALTIES

25 **51.**-(1) A person who, except in accordance with the provisions of
26 this Act, enters into, resides, erects a building or camp in a National Park is
27 guilty of an offence.

Restriction on
entry into National
Parks, etc.

28 (2) The provisions of subsection (1) of this section shall not apply
29 to-

30 (a) a member of the Board;

- 1 (b) an employee of the Service;
- 2 (c) a police officer or public officer on specified duty requiring his
3 presence in the National Park;
- 4 (d) a person traveling through the National Park along a public road
5 within the confines of the road reserve;
- 6 (e) a person in possession of a permit, issued by the Conservator-
7 General or any other employee of the Service duly authorised in writing by the
8 Conservator-General in that behalf, allowing the person to enter, reside, erect a
9 building or camp in a National Park; and
- 10 (f) a person who enters or is admitted pursuant to a regulation made
11 under section 75 of this Act, so however that the member, employee or other
12 person, as the case may be, shall be subject to any relevant regulations made
13 under section 75 of this Act, where appropriate, and shall, except if he is
14 exempted, pay any charge or fee relating to the entering, residing, erecting or
15 camping, as the case may be.
- 16 **52.-(1)** A person who, unless authorised to do so under this Act or the
17 regulations made under this Act-
- 18 (a) hunts or captures an animal;
- 19 (b) destroys or collects an animal;
- 20 (c) uproots, burns, strips off the bark or leaves from or otherwise
21 damages a tree or plant;
- 22 (d) sets fire to any grass or herbage or kindles a fire;
- 23 (e) digs, cuts, turns or cultivates the soil or makes a farm or plantation;
- 24 (f) constructs a dam or weir across a river or stream or otherwise
25 obstructs the channel of a river or stream;
- 26 (g) introduces a chemical or otherwise causes any form of pollution;
- 27 (h) removes from or damages the nest of a bird or reptile;
- 28 (i) fishes or attempts to kill any fish;
- 29 (j) is in possession of a wild animal, bird or reptile, dead or alive;
- 30 (k) is in possession of, uses, or sets a snare, net trap or any other

Restriction on
hunting, etc.,
in the National
Parks

- 1 instrument for the purpose of capturing or killing an animal;
- 2 (l) drives, stampedes or in any way disturbs unnecessarily any
- 3 animal;
- 4 (m) carries out an undertaking connected with forestry, agriculture,
- 5 grazing or excavation;
- 6 (n) does any leveling of the ground or construction or any act
- 7 tending to alter the configuration of the soil or the character of the
- 8 vegetation;
- 9 (o) does an act likely to harm or disturb the fauna or flora;
- 10 (p) engages in drilling, mining, prospecting or exploration of any
- 11 kind of natural resources;
- 12 (q) uses any bait, decoy, hide, blind or any calling device
- 13 whatsoever to bring animals closer for the purpose of hunting them;
- 14 (r) uses or is in possession of a motor vehicle's dazzling or artificial
- 15 light or radio communication; or
- 16 (s) damages or removes a material that is of geological, pre-
- 17 historic, archaeological, historical or scientific interest, in a National Park,
- 18 is guilty of an offence under this Act.
- 19 (2) A person who flies any kind of aircraft at an altitude lower than
- 20 200 metres over a National Park is guilty of an offence under the Act.
- 21 (3) The Conservator-General or any other employee of the Service,
- 22 duly authorised by the Conservator-General in that behalf, may issue a
- 23 permit to a person to fish in a National Park.
- 24 (4) The Conservator-General may issue a permit to a person
- 25 authorising the person, under the direction of the Conservator-General, to
- 26 hunt wild animals in a National Park-
- 27 (a) if the Conservator-General is satisfied that-
- 28 (i) a wild animal ought to be hunted for the better preservation of
- 29 other animal life in the National Park; or
- 30 (ii) a wounded animal ought to be destroyed;

1 (b) in order to ensure that the population of a particular species does
2 not exceed the carrying capacity of the National Park.

3 (5) A permit issued pursuant to subsection (4) of this section shall
4 specify the species and number of wild animals which may be hunted under the
5 permit.

6 (6) The Conservator-General may at any time, in his absolute
7 discretion, revoke or cancel a permit issued pursuant to subsection (3) or (4) of
8 this section.

9 (7) This section shall not apply to an employee of the Service or any
10 other public officer or police officer acting in the performance of his duties
11 under this Act or any other written law.

Restriction on
weapons, etc.,
in the National
Parks

12 **53.-(1)** A person in a National Park who-

13 (a) without a permit issued under this section;

14 (b) in breach of any express condition of a permit issued under this
15 Act; or

16 (c) in breach of a regulation made pursuant to this Act,
17 conveys into a National Park or, being within the confines of the National Park,
18 is in possession of, carries or uses for any purpose, any firearm, spear, bow,
19 arrow or other weapon, explosive, snare, net trap or poison, or sets out any
20 snare, net trap or other instrument for the purpose of capturing or killing an
21 animal, is guilty of an offence under this Act.

22 (2) The Conservator-General or any other employee of the Service
23 duly authorised in that behalf by the Conservator-General may, subject to such
24 conditions as he may deem fit, issue a permit to a person-

25 (a) to convey into a National Park; or

26 (b) within the confines of the National Park, to possess, carry or use,
27 for a purpose expressly stated in the permit, any firearm, spear, bow, arrow or
28 other weapon or any explosive, snare, net, trap or poison, as the case may be.

29 (3) A permit issued under subsection (2) of this section shall be valid
30 for the period specified in the permit.

1 (4) In a charge for a contravention of this section, the onus of
2 proving that the conveyance into or possession, carriage or use in a National
3 Park of any firearm, spear, bow, arrow or other weapon or of any explosive,
4 snare, net, trap or poison, as the case may be, was lawful, shall be on the
5 person charged.

6 (5) The provisions of subsections (1), (2) and (4) of this section
7 shall not apply to an employee of the Service or any other public officer or
8 police officer acting in the performance of his duties under this Act or any
9 other written law.

10 **54.**-(1) A person who, without the consent of the Conservator-
11 General, conveys, drives or introduces a wild animal, whether indigenous or
12 imported, into a National Park is guilty of an offence under this Act.

Prohibition of
introduction of
wild animals into
National Park

13 (2) If an employee of the Service finds, in a National Park, a wild
14 animal which was driven, conveyed or introduced into the National Park in
15 contravention of subsection (1) of this section, he may destroy the animal or
16 order it to be destroyed without compensation.

17 **55.**-(1) A person, being the owner or the person in charge or control
18 of a domestic animal who, without the consent of the Conservator-General-

Prohibition of
domestic animals
in National Park

19 (a) conveys, drives or introduces the domestic animal into a
20 National Park or causes or permits the domestic animal to be so conveyed,
21 driven or introduced;

22 (b) permits or causes the domestic animal to stray into a National
23 Park; or

24 (c) permits or causes the domestic animal to worry, harass or
25 otherwise interfere with a wild animal within the confines of a National
26 Park, is guilty of an offence under this Act.

27 (2) On the conviction of a person of an offence under this section,
28 the court may, in addition to any other penalty imposed, order the domestic
29 animal to be forfeited or destroyed without compensation.

Prohibition of
introduction
of plants into
National Park

1 **56.**-(1) A person who, without the consent of the Conservator-
2 General, brings or introduces a plant or any other vegetation, whether
3 indigenous or imported, into a National Park, is guilty of an offence under this
4 Act.

5 (2) If an employee of the Service finds, within the confines of a
6 National Park, a plant which was brought or introduced into the National Park
7 in contravention of subsection (1) of this section, he may destroy the plant or
8 order it to be destroyed without compensation.

Restriction on
prospecting for
genetic materials
in National Park

9 **57.**-(1) No person shall prospect for a genetic material or remove or
10 attempt to remove any biological material from a National Park for the purpose
11 of exploiting its genetic material except with the written prior informed
12 consent of the Minister on the recommendation of the Service.

13 (2) Subject to the provisions of subsection (1) of this section, no
14 transfer of a genetic material or indigenous knowledge relating to a genetic
15 material owned or in the possession or custody of a Nigerian citizen, group or
16 association shall be made, except with the written prior consent of that citizen,
17 group or association, which may be given subject to arrangements being made
18 to share research opportunities and benefits derived from the genetic material
19 or indigenous knowledge relating to the genetic material.

20 (3) The consent to prospect for genetic resources shall be vitiated by
21 fraud, deceit, or the willful or negligent failure to supply information that is
22 reasonably available to the applicant and contained in the application for the
23 required consent.

24 (4) The consent to prospect for genetic resources shall not be granted
25 to a person unless he undertakes to-

26 (a) secure research collaboration with Nigerian scientists;

27 (b) make periodic reports concerning the subsequent use of the
28 genetic resources; and

29 (c) share the benefits derived from the resources with the Government
30 and people of Nigeria, and this undertaking shall be a continuing obligation

1 relating to the genetic resources in whatever form they may be synthesised
2 or manipulated and irrespective of their transfer to other parties.

3 (5) A person who-

4 (a) prospects for a genetic material in a National Park;

5 (b) removes or attempts to remove a biological material from a
6 National Park;

7 (c) transfers a genetic material or indigenous knowledge relating to
8 a genetic material, without the consent required under subsections (1) and
9 (2) of this section, is guilty of an offence.

10 **58.** A person who aids, abets, procures or conspires with another
11 person or attempts to commit any of the offences specified in this Act or
12 regulations made under this Act is guilty of an offence as if he himself had
13 committed the offence and shall be punished accordingly.

Aiding and
abetting of
offences, etc.

14 **59.**-(1) A person who is guilty of an offence under section 51 of this
15 Act, shall be liable on conviction to a fine not exceeding N20,000 or
16 imprisonment for a term not exceeding two years or to both such fine and
17 imprisonment.

Penalties

18 (2) A person who is guilty of an offence under section 51 of this Act
19 is liable on conviction-

20 (a) where the offence is that of hunting, wounding, killing or
21 capturing of a mother of a young animal, large mammal or any endangered,
22 protected or prohibited species, to imprisonment for a term of not less than
23 three months but not exceeding five years without the option of a fine;

24 (b) where the offence is that specified in paragraph (g), (m), (n), or
25 (0) of that section, to imprisonment for a term of not less than six months but
26 not exceeding ten years without the option of a fine;

27 (c) in the case of any other offence, to a fine of not less than
28 N10,000 but not exceeding N50,000 or imprisonment for a term of not less
29 than one year but not exceeding five years or to both such fine and
30 imprisonment; and

1 (d) where the offence is committed by a body corporate, to a fine not
2 less than N1,000,000.

3 (3) A person who is guilty of an offence under section 53 of this Act is
4 liable on conviction to a fine of not less than N20,000 but not exceeding
5 N50,000 or imprisonment for a term of not less than six months but not
6 exceeding five years or to both such fine and imprisonment.

7 (4) A person who is guilty of an offence under section 54 of this Act is
8 liable on conviction to a fine of not less than N10,000 but not exceeding
9 N50,000 or imprisonment for a term not exceeding five years or to both such
10 fine and imprisonment.

11 (5) A person who is guilty of an offence under section 55 of this Act is
12 liable on conviction to imprisonment for a term of not less than three months
13 but not exceeding five years without the option of a fine.

14 (6) A person who is guilty of an offence under section 56 of this Act is
15 liable on conviction to a fine of not less than N10,000 but not more than
16 N50,000 or imprisonment for a term not exceeding five years or to both such
17 fine and imprisonment.

18 (7) A person who is guilty of an offence under section 57 of this Act is
19 liable on conviction to imprisonment for a term of not less than six months but
20 not exceeding five years without option of a fine.

21 (8) A person who aids, abets, procures or conspires with another
22 person or attempts to commit any of the offences under this Act or regulations
23 made under this Act, is liable on conviction to the penalty which the person
24 who committed the offence is subject to under this Act or the regulations.

Offences by
bodies corporate

25 **60.** Where an offence under this Act which has been committed by a
26 body corporate is proved to have been committed with the consent or
27 connivance of, or to be attributable to any neglect on the part of any director,
28 manager, secretary or other similar officer of the body corporate or any person
29 purporting to act in any of those capacities, he, as well as the body corporate,
30 shall be deemed to be guilty of that offence and shall be liable to be proceeded

1 against and punished accordingly.

2 **61.**-(1) In a judicial proceeding under this Act, it shall be lawful for Forfeiture and
3 the court before which the proceeding is brought to make an order that any compensation
4 equipment, instrument and any other thing of the like nature used by the
5 offender in committing the offence be forfeited to the National Park.

6 (2) Whereby or under this Act a fine or imprisonment is imposed on
7 a person, the court may order that compensation for the conservation value
8 of a wild plant, wild animal or the ecosystem, where applicable, as stipulated
9 in regulations made under section 75 of this Act, be paid by the person to the
10 National Park.

11 **62.**-(1) Subject to the provisions of section 174 of the Constitution Conduct of
12 of the Federal Republic of Nigeria 1999, any officer of the Service may, with proceedings
13 the consent of the Attorney-General of the Federation, conduct criminal
14 proceedings in respect of offences under this Act or regulations made under
15 this Act.

16 (2) In a judicial proceeding for an offence under this Act or any
17 regulations made under this Act, the provisions of the Criminal Procedure
18 Act or, depending on the venue, the Criminal Procedure Code, shall with
19 such modifications as the circumstance may require, apply in respect of such
20 matter to the same extent as they apply to the trial of offences generally.

21 **63.** Any person authorised in writing by the Service - Power to search
22 and arrest

23 (a) shall have the powers of search and arrest without warrant, in
24 respect of any offence committed in a National Park, as conferred on a police
25 officer by law; and

26 (b) may arrest any person or search any place, premises, vehicle or
27 other container inside a National Park or within a distance of two kilometres
28 from the boundary outside the National Park, if there is reasonable grounds
29 to suspect that they have contravened or possess any live or dead animal,
30 plant or any regulations made therein; and any such person may seize any
animal, plant or other vegetation found in the place, premises, vehicles or

| | | |
|---|----|---|
| | 1 | other container. |
| Power to compound offences | 2 | 64. -(1) The Service may, without prejudice to the provisions of |
| | 3 | section 174 of the Constitution of the Federal Republic of Nigeria 1999, and |
| | 4 | subject to such directions, whether general or specific, as may be given by the |
| | 5 | Attorney-General of the Federation, stay or compound any proceeding for an |
| | 6 | offence or for the condemnation of anything as being forfeited under this Act. |
| | 7 | (2) Where a person is reasonably suspected of having committed an |
| | 8 | offence under this Act, the Service by virtue of regulations made under section |
| | 9 | 75 of this Act, may, if the suspected person so agrees, receive from the person a |
| | 10 | sum of money stipulated as penalty under this Act instead of initiating |
| | 11 | proceedings against the suspected person in a court of law. |
| | 12 | (3) On payment being made pursuant to subsection (2) of this section, |
| | 13 | the suspected person shall be released from custody and no further proceedings |
| | 14 | shall be taken against the person in respect of the offence and, if an action is |
| | 15 | pending in a court in respect of the same person on the same facts, the action |
| | 16 | shall be withdrawn. |
| | 17 | (4) The Service shall in no case receive cash but shall ensure that any |
| | 18 | sum of money required to be paid, is paid into an account operated by the |
| | 19 | National Park and shall give the suspected person a receipt for the sum of |
| | 20 | money paid. |
| | 21 | PART XII - MISCELLANEOUS |
| Possession of arms by officers of the Service | 22 | 65. -(1) Notwithstanding anything in any other enactment, the officers |
| | 23 | of the Service that shall be lawfully entitled to be in possession of arms in the |
| | 24 | Service are the Park rangers, wildlife officers and other field workers. |
| | 25 | (2) It shall be lawful for an officer of the Service not below the rank of |
| | 26 | Chief Park Officer to have a firearm and ammunition in his possession or under |
| | 27 | his control on such occasions as may be specified by regulations. |
| | 28 | (3) Provision shall be made by regulations for the safe custody of |
| | 29 | firearms and ammunition provided in pursuance of subsection (1) of this |
| | 30 | section. |

1 (4) The authorisation to possess and control arms and ammunition
 2 given under subsection (1) of this section to officers of the Service not below
 3 the rank of Chief Park Officer shall not extend to other officers of the
 4 Service.

5 **66.**-(1) Subject to the management principle of a National Park, the
 6 location and construction of administrative, housing and other facilities of a
 7 National Park shall be outside the boundaries of the National Park.

Restriction on
construction of
buildings within
National Parks

8 (2) Where-

9 (a) it is proposed to locate or construct a building or other facility
 10 inside a National Park; or

11 (b) in the case of an existing National Park, buildings or other
 12 facilities are already located within the National Park,

13 an environmental impact audit shall be conducted and where necessary an
 14 appropriate mitigation or remedial programme shall be instituted and
 15 carried out.

16 **67.**-(1) The responsibility for the construction of roads within the
 17 Parks shall be vested in the Ministry of works.

Construction of
Roads within the
Parks

18 (2) This Act shall not confer on the Minister or the Service any
 19 jurisdiction or authority with respect to any public road that is within the
 20 boundaries of the park.

21 (3) Except with the consent of the Minister given in accordance
 22 with the management plan for a park, no roads may be made over or through
 23 the park.

24 **68.**-(1) If a person has good and sufficient reason to believe that a
 25 proposed or existing process or activity of government or any other
 26 organisation or person may have an adverse effect on a wildlife species or
 27 community, that person may request the Service to ensure that an
 28 environmental impact assessment is undertaken by the National
 29 Environmental Standards Regulations Enforcement Agency.

Request for
environmental
impact assessment

30 (2) The provisions of the Environmental Impact Assessment Act

1 shall apply to an environmental impact assessment undertaken under
2 subsection (1) of this section.

3 *[Cap. E12.]*

Scientific
investigation of
activities relating
to the National
Parks

4 **69.**-(1) For a better achievement of the objectives specified in this
5 Act, every person responsible for the administration of this Act shall ensure
6 that any measure taken or instituted under this Act is based on the result of
7 scientific investigation, including the monitoring of the status and habitat
8 conditions of the species.

9 (2) The Service may appoint suitable persons, organisations,
10 committee of scientists, academicians or such other persons as it may think fit,
11 to assist in undertaking surveys, scientific researches and other studies of a
12 scientific and professional nature relating to its functions under this Act.

Declaration
of buffer zones
around the
National Parks

13 **70.**-(1) The Service may, in consultation with the local host
14 community, declare the area surrounding a National Park as a multiple-use area
15 to protect the boundaries of the National Park from disturbance.

16 (2) The area referred to in subsection (1) of this section shall be as
17 wide as may be practicable and the Service shall reach agreement with the local
18 host community on measures to be taken to control activities which threaten
19 the objectives and the resources of the National Park in the area.

Delineation of
boundaries of
National Parks

20 **71.** Within three years of the declaration of a National Park, and two
21 years from the date of the commencement of this Act, in the case of an existing
22 National Park, the Service shall clearly mark the boundaries between each of
23 the National Parks and the surrounding land.

Participation of
local communities
in the management
of a National Park

24 **72.**-(1) The Board and Advisory Committees shall consult with and
25 take into account the views of local communities in the administration and
26 management of the National Parks and may, in each case, establish Local
27 Advisory Committees consisting of local residents to assist in the management
28 of a National Park.

29 (2) For the purpose of achieving a more effective partnership with the
30 local communities and to return benefits to them, a Management Committee

1 may organise, co-operate with or encourage the organisation of or co-
2 operation with guilds, associations and networks of local communities in
3 respect of any particular endeavour, activity, trade or profession.

4 **73.** The Minister may give directives of a general or special
5 character, not inconsistent with the provisions of this Act, to the Service in
6 relation to the performance by the Service of its functions under this Act and
7 it shall be the duty of the Service to comply and give effect to the directives.

Directives by
the Minister

8 **74.**-(1) The National Park Service Act (in this section referred to as
9 "the repealed Act") is hereby repealed but the Board established under the
10 repealed Act shall, subject to this Act, perform the functions of the Board
11 established under this Act until the Board established under this Act is duly
12 constituted, and shall then stand dissolved.

Repeals, savings
and transfer of
assets and
liabilities, etc.

13 (2) Accordingly and subject to the provisions of this Act, all
14 property, rights, liabilities and obligations which, immediately before the
15 commencement of this Act were property, rights, liabilities and obligations
16 of any of the bodies comprised in-

- 17 (a) the Chad Basin National Park;
18 (b) the Cross River National Park;
19 (c) the Gashaka-Gumti National Park;
20 (d) the Kainji Lake National Park;
21 (e) the Old Oyo National Park;
22 (f) Kamuku National Park; and
23 (g) Okomu National Park,

24 (in this Act referred to as "the respective bodies"), established by or under
25 the repealed Act, shall, as from the commencement of this Act, without
26 further assurance, vest or be deemed to have vested in the Service.

27 (3) For the avoidance of doubt, the National Parks listed in
28 subsection (2) of this section shall continue to exist as National Parks within
29 their respective existing boundaries until new orders are made under this
30 Act, and shall be subject to the provisions of this Act.

1 (4) Subject to this Act, the Advisory Committee appointed under the
2 repealed Act shall continue in office until the Advisory Committee established
3 under this Act is duly constituted, and shall then stand dissolved.

4 (5) The Director of the National Parks Board and a General Manager
5 of a National Park appointed under the repealed Act shall, unless the relevant
6 authority otherwise determines in writing, continue in office until a
7 Conservator of Park is appointed under this Act.

8 (6) There shall by virtue of this Act be vested in the Service all assets,
9 funds, resources, and other movable or immovable property which
10 immediately before this Act were vested in the Board established under the
11 repealed Act.

12 (7) The rights, interests, obligations and liabilities of the Board
13 established under the repealed Act existing before this Act under any contract
14 or instrument, or in law or in equity apart from any contract or instrument, shall
15 by virtue of this Act be assigned to and vested in the Service.

16 (8) A contract or an instrument as is mentioned in subsection (7) of
17 this section shall be of the same force and effect against or in favour of the
18 Service and shall be enforceable as fully and effectively as if the Service had
19 been named in the contract or instrument or had been a party to it.

20 (9) The Service shall be subject to all obligations and liabilities to
21 which the Board established under the repealed Act was subject before the
22 commencement of this Act and all other persons shall have the same rights,
23 powers and remedies against the Service as they had against the Board
24 established under the repealed Act immediately before the commencement of
25 this Act.

26 (10) A proceeding or cause of action pending or existing immediately
27 before the commencement of this Act by or against the Board established under
28 the repealed Act in respect of any right, interest, obligation or liability of the
29 Board established under the repealed Act may be continued or, as the case may
30 be, commenced, and any determination of a court of law, tribunal or other

1 authority or person may be enforced by or against the Service to the same
2 extent that such proceeding, cause of action or determination might have
3 been continued, commenced or enforced by or against the Board established
4 under the repealed Act if this Act has not been made.

5 (11) All assets, funds, resources and other movable or immovable
6 property which immediately before the commencement of this Act were
7 vested in the Board established under the repealed Act shall by virtue of this
8 Act and without further assurance be vested in the Service.

9 (12) Notwithstanding the repeal of the enactment referred to in this
10 section, if the Service thinks it expedient that any vacancy in the Service
11 shall be filled by a person holding office at the commencement of this Act in
12 the Board established under the re- pealed Act, it may employ the person by
13 way of transfer to the Service and the previous service in the Board
14 established under the repealed Act by that person shall count as service for
15 the purpose of any pension subsequently payable by the Service.

16 (13) The Minister, if he thinks fit, may, within the twelve months
17 after the commencement of this Act, by order published in the Gazette, make
18 additional transitional or savings provisions for the better carrying out of the
19 objectives of this section.

20 **75.**-(1) The Service may, with the approval of the Minister, make
21 regulations as in its opinion are necessary for giving full effect to the
22 provisions of this Act.

Power to make
Regulations

23 (2) Such regulations may be required to make provisions for-

24 (a) management principles, other than those specified in section 34
25 of this Act, for National Parks of a different class other than those
26 contemplated under that section;

27 (b) forms of application, permits, licences, returns and other forms
28 that may be required for the purposes of this Act in line with the
29 commercialisation of the Service;

30 (c) the powers and duties of officers, inspectors, employees and

- 1 honorary officers;
- 2 (d) in respect of national parks, botanical reserves, botanical gardens,
3 sanctuaries, safari areas and recreational parks-
- 4 (i) the general management and administration of the whole or part
5 thereof;
- 6 (ii) the use of any article or facility provided therein;
- 7 (iii) the fixing of speed limits on vehicles traveling therein other than
8 on a road which is the responsibility of the Federal Road Safety Commission
9 (FRSC) in accordance with the provisions of the Federal Road Safety
10 Commission Act; [Cap. F19, LFN, 2010.]
- 11 (e) the conditions under which any person, vehicle, boat, or animal
12 may enter into, travel through, reside, camp or be kept, as the case may be, in a
13 National Park or any part of a National Park;
- 14 (f) the conditions under which a person traveling through or in a
15 National Park on a public road may have in his possession or under his control
16 any firearm or other weapon, ammunition, explosive, trap or poison;
- 17 (g) the conditions under which any game animal or species of game
18 animal may be photographed in a National Park;
- 19 (h) the regulation or prohibition of lighting of fires in a National Park;
- 20 (i) the conditions under which a domestic or wild animal may be
21 brought into or maintained or prohibited in a National Park, and the regulations
22 may prescribe the fees to be charged for the bringing of any domestic or wild
23 animal into the National Park;
- 24 (j) the prohibition or control of the introduction into, the cutting or
25 damaging, or the removal from a National Park of any plant or other
26 vegetation, whether alive or dead;
- 27 (l) the prohibition or control of the destruction, defacing, damaging or
28 removal of anything, whether animate or inanimate, in or from a National Park;
- 29 (m) the fees to be paid for fishing and the conditions under which a
30 person may fish in a National Park;

1 (n) the rules of conduct and behaviour of persons while in a
2 National Park;

3 (o) the regulation of traffic on roads, other than public roads, in a
4 National Park;

5 (p) the carriage of passengers and goods in a National Park,
6 whether for hire or otherwise;

7 (q) the point at which persons and vehicles may enter or leave and
8 the routes by which they may pass through or over in a National Park on
9 roads, other than public roads;

10 (r) without prejudice to any other written law, the prohibition,
11 control or regulation of any trade or business carried on in a National Park;

12 (s) the killing, capturing or impounding of any animal in a National
13 Park and the disposal of the animal;

14 (t) the conditions under which permission may be granted to
15 members of the public to enter a National Park and the periods during which
16 the National Park shall be open to the public;

17 (u) the burning and cutting of vegetation, fauna or flora in a
18 National Park;

19 (v) the control of traffic within and through a National Park;

20 (w) the fees to be paid by members of the public to enter, reside,
21 camp, take photographs or for the enjoyment of the facilities, provided in a
22 National Park;

23 (x) the conditions, procedure and eligible officers for the purpose
24 of compounding offences;

25 (y) the conditions and modalities for prospecting for genetic
26 resources;

27 (z) the efficient control and management of National Parks,
28 generally.

29 (3) Regulations made under this section may prescribe a penalty of
30 a fine of not less than N1,000 but not exceeding N50,000 for the breach of

1 their provisions.

2 (4) Regulations made pursuant to this section may make different
3 provisions for-

4 (a) each National Park, as the circumstances of that National Park
5 may require; and

6 (b) different persons or class of persons or circumstances.

Interpretation

7 **76.** In this Act, unless the context otherwise requires-

8 "adverse effect" means any effect that is capable of threatening the survival of a
9 National Park, wildlife, buffer zone, wildlife habitat or affecting the capacity of
10 a National Park, wildlife, buffer zone, or wildlife habitat to sustain natural
11 processes;

12 "aircraft" includes all flying machines, gliders, balloons and any other aircraft
13 of any other kind designed to be lighter than air and whether or not navigable or
14 free, or controlled by a human being or not;

15 "animal" means any vertebrate animal and includes any mammal, bird, reptile,
16 and amphibian and the egg of any bird or reptile but does not include a fish or a
17 human being;

18 "ammunition" has the same meaning assigned to it in the Firearms Act; [Cap.
19 F28.)

20 "biological diversity" means the variability among living organisms from all
21 sources, including terrestrial, marine and other aquatic ecosystems and the
22 ecological complexes of which they are part, and includes diversity within
23 species and between the species of the ecosystem;

24 "Assistant Conservator-General" means the Conservator-General of the
25 National Park Service appointed as provided in section 16 of this Act;

26 "biological material" includes genetic material, organisms or part thereof,
27 population or any other biotic component of the ecosystem;

28 "autonomous park" means any National Park that may be designated from time
29 to time and registered by the National Park Service as an autonomous Park, and
30 having its full management and operational complement;

- 1 "Board" means the National Park Service Governing Board established as
2 provided in section 4 of this Act;
- 3 "buffer zone" means an area created as provided in section 70 of this Act;
- 4 "capture" includes to take egg or nest;
- 5 "concession" refers to grants of licenses, permits, leases to the organised
6 private sector to utilise federal Government premises for
7 commercialisation;
- 8 "conservation" means the protection and maintenance of nature while
9 allowing for its ecologically sustainable use;
- 10 "Conservation Fund" refers to the National Park Conservation Fund as
11 provided in Section 45 of the Act;
- 12 "Conservation Fund Committee" refers to the conservation fund as provided
13 in section 47 of this Act;
- 14 "conservation value" means a monetary sum of the national, international
15 and inter- generational value of any wildlife, including the cost of
16 remedying ecosystem disturbance occasioned by any unlawful interference
17 with, damage to or destruction of any wildlife as determined, from time to
18 time, by the Service;
- 19 "Conservator" refers to the Conservator of each National Park appointed as
20 provided in section 30 of this Act;
- 21 "Conservator-General" means the Conservator-General of the National
22 Park Service appointed as provided in section 13 of this Act;
- 23 "court" includes a magistrate's court;
- 24 "Deputy Conservator-General" means the Deputy Conservator-General of
25 the National Park Service appointed as provided in section 14 of this Act;
- 26 "ecosystem" means a dynamic complex of plant, animal and micro-
27 organism communities and their non-living environment interacting as a
28 functional unit;
- 29 "environmental impact assessment" means an assessment carried out

1 pursuant to the provisions of the Environmental Impact Assessment Act;
2 [Cap. E12.]
3 "existing National Parks" means the National Parks established by or under the
4 National Parks Act;
5 "firearms" has the same meaning assigned to it in the Firearms Act; [Cap. F28.]
6 "Fund" refers to the Fund of the service as provided in section 18 of the Act;
7 "genetic material" means any material of plant, animal or microbial or other
8 origin containing functional units of heredity;
9 "genetic resources" means genetic materials of actual or potential value;
10 "habitat" means the place or type of site where an organism or population
11 naturally occurs;
12 "host communities" refers to the local community where a National Park is
13 located;
14 "Minister" means the Minister charged with the responsibility for matters
15 relating to forestry, and "Ministry" shall be construed accordingly;
16 "MDAs" refers to Ministries, departments and agencies of the Federal
17 Government of Nigeria;
18 "National Park" means a defined area of land set aside by the Federal
19 Government of Nigeria; managed and controlled by the National Park Service
20 for the protection, preservation and conservation of its flora and fauna and their
21 habitat, outstanding aesthetic, geomorphological, cultural and historical
22 features for conservation of biodiversity, recreational, educational and
23 scientific purposes;
24 "Policy" refers to the Policy on Nigeria National Parks;
25 "prescribed fee" in relation to any license or permit issued under this Act,
26 means, in the case of any game license or permit so issued, the fee prescribed by
27 regulations made under the provisions of this Act;
28 "protected area" means the area covered by a National Park;
29 "prior informed consent" means consent based on prior information on how
30 and by whom the genetic resources or knowledge relating to the genetic

1 resources would be subsequently used and the scientific and financial value
2 of the genetic resources based on the most current and advanced state of
3 knowledge and technology available worldwide;
4 "public road" has the meaning assigned to it by the Road Traffic Laws of the
5 State concerned;
6 "regulations" means regulations made under section 75 of this Act;
7 "road" means any public or other way capable of being used by vehicular
8 traffic and to which the public has access and includes a bridge over which a
9 road passes;
10 "Service" means the National Park Service established under section 3 of
11 this Act;
12 "Technical Committee" refers to the Technical Committee as set up by the
13 Governing Board in section 31 of this Act;
14 "vegetation" includes any form of vegetable matter, dead or alive;
15 "voluntary organisations" refers to charitable organisations such as the
16 Lions' club, Rotary club and Golf club, etc;
17 "wild animal" means any animal *ferae naturae* and includes any game animal
18 but does not include a domestic animal;
19 "wild life" means wild animals or birds of species which are found in
20 Nigeria in a wild state and vegetation which is indigenous to Nigeria and
21 grows naturally without cultivation; and
22 "wild plant" means a plant or any other vegetation which is indigenous to
23 Nigeria and grows naturally without cultivation.

24 77. This Bill may be cited as the National Park Service Bill, 2019. Short title

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Park Service (Amendment) Act, 2006 CAP. N65 VOL. 9 LFN, 2010, to enact the National Park Service Act, in order to provide an enabling environment to promote eco-tourism through public private sector partnership and to formalise the para-military status conferred on the Service.

1 SCHEDULE 1

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

3 *Proceedings of the Board*

4 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
5 Board may make standing orders regulating its proceedings or those of any of
6 its committees.

7 *[Cap. 123, LFN, 2010]*

8 (2) The quorum of the Board shall be the chairman or the person
9 presiding at the meeting and seven other members of the Board, and the
10 quorum of any committee of the Board shall be as determined by the Board.

11 2.-(1) The Board shall meet not less than four times in each year and
12 subject thereto, the Board shall meet whenever it is summoned by the
13 chairman, and if the chairman is required to do so by notice given to him by not
14 less than seven other members, he shall summon a meeting of the Board to be
15 held within fourteen days from the date on which the notice is given.

16 (2) At any meeting of the Board, the chairman shall preside but if he is
17 absent, the members present at the meeting shall appoint one of their number to
18 preside at the meeting.

19 (3) Where the Board desires to obtain the advice of any person on a
20 particular matter, the Board may co-opt him to the Board for such period as it
21 deems fit, but a person who is in attendance by virtue of this sub-paragraph
22 shall not be entitled to vote at any meeting of the Board and shall not count
23 towards a quorum.

24 *Committees*

25 3.-(1) The Board may appoint one or more committees to carry out, on
26 behalf of the Board, such of its functions as the Board may determine.

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

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

1 is confirmed by the Board.

2 *Miscellaneous*

3 4.-(1) The fixing of the seal of the Service shall be authenticated by
4 the signatures of the chairman or any person generally or specifically
5 authorised by the Board to act for that purpose and the Conservator-General.

6 (2) Any contract or instrument which, if made or executed by a
7 person not being a body corporate, would not be required to be under seal,
8 may be made or executed on behalf of the Service by the Conservator-
9 General or any person generally or specifically authorised by the Board to
10 act for that purpose.

11 (3) A document purporting to be a document duly executed under
12 the seal of the Service shall be received in evidence and shall, unless and
13 until the contrary is proved, be presumed to be so executed.

14 5. The validity of any proceeding of the Board or of a committee
15 shall not be adversely affected by-

16 (a) a vacancy in the membership of the Board or committee;

17 (b) a defect in the appointment of a member of the Board or
18 committee; or

19 (c) reason that a person not entitled to do so took part in the
20 proceeding of the Board or committee.

A BILL

FOR

AN ACT TO AMEND THE NIGER-DELTA DEVELOPMENT COMMISSION
{ESTABLISHMENT, ETC} ACT, (NDDC ACT, LFN 2004), TO PROVIDE FOR THE
INCLUSION OF LAGOS STATE IN THE COMMISSION AS AN OIL PRODUCING
STATE AND FOR RELATED

Sponsored by Hon. Babatunde Hunpe

[] Commencement

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

- 1 **1.-(1)** The Niger-Delta Development Commission Act Ng6 LFN, Amendment of
2 2000 (herein referred to as "the Principal Act") is amended as set out below: the Principal Act
- 3 *[Composition of Membership of NDDC]*
- 4 **2.** Section 2 (b) of the Principal Act is hereby amended by inserting Amendment of
5 the numeral "X" and the words "Lagos State" thereof as the last Amendment Section 2
6 to section 4 (Rotation of the office of the Chairman;
- 7 **3.** Section 4 of the principal Act is amended by inserting the letter Amendment of
8 "J" and the words "Lagos State" thereof as the last paragraph; Section 4
- 9 **4.** the interpretation section is hereby amended as follows: Amendment to
10 (i) by inserting the words "Lagos State" in the definition of the
11 "Member States" thereof:
- 12 **5.** Chairman" means the Chairman of the Board: Interpretation
- 13 "Commission" means the Niger-Delta Development Commission
- 14 established by section 1 of the Principal Act;
- 15 "Board" means the governing Board established for the Commission under
- 16 section 2 (1) of this Act;
- 17 "Member" means a member of the Board and includes the Chairman,
- 18 Managing Director and Executive Directors;
- 19 "Member States" include Abia, Akwa Ibom, Bayelsa, Cross River, Delta,

Short title 1 Edo, Imo, Ondo, Rivers States, Lagos State and any other oil producing state.
2 6. This Bill may be cited as the Niger-Delta Commission
3 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Niger-Delta Development Commission (Establishment, etc,) Act, 2000 Act Ng 6 LFN to make provision for the membership of Lagos State in the Commission.

A BILL

FOR

AN ACT TO ESTABLISH THE OFFICE OF THE ACCOUNTANT GENERAL OF
THE FEDERATION AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Yakubu Dogara

[] Commencement

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

- 1 **1.**-(1) Subject to the provisions of the Constitution of the Federal
2 Republic of Nigeria [1999] as amended, There is hereby established, the
3 office to be known as the Accountant General of the Federation [in this Act
4 referred to as "the office"] which shall be a body corporate with perpetual
5 succession and a common seal and may sue and be sued in its corporate
6 name.
- 7 (2) The office shall be headed by the Accountant General of the
8 Federation [herein after referred to as Accountant General] who shall be of
9 same rank in public service with the Head of Service of the Federation.
- 10 (3) The Accountant General shall be assisted by a Deputy
11 Accountant General who shall be of same rank in public service with a
12 permanent secretary or its equivalent and such other staff as may be
13 appointed by the President on the recommendation of the Accountant
14 General.
- 15 (4) The Accountant General, the Deputy Accountant General and
16 other staff of the office shall be public servants.
- 17 **2.** A person shall be qualify to be appointed as the Accountant
18 General of the Federation if the person is:
- 19 (a) A Chartered Accountant;
- 20 (b) Has not been convicted of any offence involving dishonesty by
21 a Law court or found guilty of any professional misconduct involving

Establishment
of the Accountant
General of the
Federation

Qualification

| | | |
|---------------------|----|--|
| | 1 | dishonesty by any professional body established by Law in Nigeria; |
| | 2 | (c) of proven professional ability and expertise. |
| Appointment | 3 | 3. -(a) The President, subject to confirmation by the senate, shall |
| | 4 | appoint the Accountant General of the Federation; |
| | 5 | (b) The power to appoint persons to act in the Office of the Accountant |
| | 6 | General of the Federation shall also be vested in the President. |
| Tenure of office | 7 | 4. -(1) Subject to the provisions of this Act, the Accountant General of |
| | 8 | the Federation shall serve for a period of four years from the date of his |
| | 9 | appointment and shall be eligible for re-appointment for another term of four |
| | 10 | years. |
| | 11 | (2) Except with the sanction of a resolution of the Senate, no person |
| | 12 | shall act in the office of the Accountant - General of the Federation for a period |
| | 13 | exceeding six months. |
| Removal from office | 14 | 5. -(a) A person holding the office of the Accountant General of the |
| | 15 | Federation shall be removed from office by the President acting on an address |
| | 16 | supported by two-thirds majority of the Senate praying that he be so removed |
| | 17 | for inability to discharge the functions of the office (whether arising from |
| | 18 | infirmity of mind or body or any other cause) or for misconduct; |
| | 19 | (b) The Accountant General shall not be removed from office before |
| | 20 | such retiring age as may be prescribed by law save in accordance with the |
| | 21 | provisions of this Law. |
| Cessation of office | 22 | 6. A person holding office as the Accountant General of the |
| | 23 | Federation shall hold office until he: |
| | 24 | (a) Attains the age of 65 years or he has served in the public service of |
| | 25 | the Federation for 35 years whichever comes first; |
| | 26 | (b) Voluntarily retires by writing indicating his intention to retire |
| | 27 | addressed to the President through the Federal Civil Service Commission; |
| | 28 | (c) Is removed in accordance with the Law. |
| Remuneration | 29 | 7. -(1) Notwithstanding the provision of any Act, the Accountant |
| | 30 | General of the Federation shall be paid such salary and allowances as may be |

1 determined by the National Assembly on the recommendation of the
2 Revenue Mobilization Allocation and Fiscal Commission.

3 (2) Any person who holds the office as the Accountant General of
4 the Federation shall be entitled to pension for life at a rate equivalent to the
5 annual salary of the incumbent Accountant General of the Federation:

6 Provided that such a person was not removed from office on
7 grounds on misconduct or convicted for any offence involving dishonesty.

8 (3) Subject to subsection (2) or any other Act, the severance
9 allowance and other retirement benefits of the Accountant General of the
10 Federation Head of Service of the Federation.

11 **8.** The functions of the Accountant General of the Federation shall
12 be to:

Functions of the
Accountant
General of the
Federation

13 (a) Ensure the disbursement from the Consolidated Revenue fund
14 of the Federation in accordance with the constitution and the Law;

15 (b) Manage the Federation Account established by section 162 [1]
16 of the Constitution of the Federal Republic of Nigeria as amended;

17 (c) Be the chief Accounting officer of the Federation for the
18 payments of the accounts of the Federation;

19 (d) Be responsible for the overall management of receipts and
20 payments of the accounts of the Federation.

21 **9.-(1)** The office of the Accountant General shall consist of such
22 Directorates, Department, Division and Units as may be determined by the
23 President on the recommendation of the Accountant General.

Administrative
structure of the
office

24 (2) The President on the recommendation of the Accountant
25 General shall from time to time, review the administrative structure of the
26 office to meet the prevailing needs, and where it so reviews the new structure
27 shall not be valid unless published in the official Gazette.

28 **10.** The Accountant General of the Federation shall make
29 Regulations for the office subject to ratification by the National Assembly.

Regulations

Citation 1 **11.** This Bill may be cited as the Office of the Accountant General of
2 the Federation (Establishment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the office of the Accountant General of the Federation, which is separate from the Accountant General of the Federal Government.

A BILL

FOR

AN ACT TO ESTABLISH THE OFFICE OF THE ACCOUNTANT GENERAL FOR
THE FEDERAL GOVERNMENT OF NIGERIA AND FOR RELATED MATTERS,
2019

Sponsored by Hon. Yakubu Dogara

[] Commencement

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

- 1 **1.**-(1) Subject to the provisions of the Constitution of the Federal
2 Republic of Nigeria [1999] as amended, there is hereby established, the
3 office to be known as the Accountant General for the Federal Government of
4 Nigeria (in this Act referred to as "the office") which shall be a body
5 corporate with perpetual succession and a common seal and may sue and be
6 sued in its corporate name.
- 7 (2) The office shall be headed by the Accountant General for the
8 Federal Government [herein after referred to as the Accountant General]
9 who shall be of the same rank in the public service with permanent
10 secretaries of the Federal Government.
- 11 (3) The Accountant General shall be assisted by a Deputy
12 Accountant General and such other staff as may be appointed by the
13 President on the recommendation of the Accountant General.
- 14 (4) The Accountant General, the Deputy Accountant General and
15 other staff of the office shall be public servants.
- 16 **2.** A person shall be qualified to be appointed as the Accountant
17 General of the Federal Government of Nigeria if the person is:
18 (a) A Chartered Accountant;
19 (b) Has not been convicted of any offence involving dishonesty by
20 a Law court or found guilty of any professional misconduct involving

Establishment
of the Accountant
General for the
Federal Government
of Nigeria

Qualification

| | | |
|---------------------|----|--|
| | 1 | dishonesty by any professional body established by Law in Nigeria; |
| | 2 | (c) of proven professional ability and expertise; |
| Appointment | 3 | 3. -(a) The President, subject to the recommendation of the Federal |
| | 4 | Civil Service commission, shall appoint the Accountant General of the Federal |
| | 5 | Government of Nigeria, subject to confirmation by the senate; |
| | 6 | (b) The power to appoint persons to act in the Office of the Accountant |
| | 7 | General of the Federal Government of Nigeria shall also be vested in the |
| | 8 | President. |
| Tenure of office | 9 | 4. -(1) Subject to the provisions of this Act, the Accountant General of |
| | 10 | the Federal Government of Nigeria shall serve for a period of four years from |
| | 11 | the date of his appointment and shall be eligible for re-appointment for another |
| | 12 | term of four years. |
| | 13 | (2) Except with the sanction of a resolution of the Senate, no person |
| | 14 | shall act in the Office of the Accountant-General of the Federal Government |
| | 15 | for a period exceeding six months. |
| Removal from office | 16 | 5. -(a) A person holding the office of the Accountant General of the |
| | 17 | Federal Government of Nigeria shall be removed from office by the President |
| | 18 | acting on an address supported by two-thirds majority of the Senate praying |
| | 19 | that he be so removed for inability to discharge the functions of the office |
| | 20 | (whether arising from infirmity of mind or body or any other cause) or for |
| | 21 | misconduct; |
| | 22 | (b) The Accountant General shall not be removed from office before |
| | 23 | such retiring age as may be prescribed by law save in accordance with the |
| | 24 | provisions of this Law. |
| Cessation of office | 25 | 6. A person holding office as the Accountant General of the Federal |
| | 26 | Government of Nigeria shall hold office until he- |
| | 27 | (a) Attains the age of 65 years or he has served in the public service of |
| | 28 | the Federal Government of Nigeria for 35 years whichever comes first; |
| | 29 | (b) Voluntarily retires by writing indicating his intention to retire |
| | 30 | addressed to the President through the Federal Civil Service Commission; |

1 (c) Is removed in accordance with the Law.

2 7.-(1) Notwithstanding the provision of any Act, the Accountant Remuneration
3 General of the Federal Government of Nigeria shall be paid such salary and
4 allowances as may be determined by the National Assembly on the
5 recommendation of the Revenue Mobilization Allocation and Fiscal
6 Commission.

7 (2) Any person who holds the office as the Accountant General of
8 the Federal Government of Nigeria shall be entitled to pension for life at a
9 rate equivalent to the annual salary of the incumbent Accountant General of
10 the Federal Government of Nigeria:

11 Provided that such a person was not removed from office on
12 grounds on misconduct or convicted for any offence involving dishonesty.

13 (3) Subject to subsection (2) or any other Act, the severance
14 allowance and other retirement benefits of the Accountant General of the
15 Federal Government of Nigeria.

16 8.-(1) The functions of the Accountant General for the Federal Functions of the
17 Government of Nigeria shall be to: Accountant
General for the
Federal Government
of Nigeria

18 (a) Ensure the disbursement from the Consolidated Revenue fund
19 of the Federal Government of Nigeria in accordance with the Constitution
20 and the Law;

21 (b) Manage the Federal Government Account established by
22 section 162 (1) of the Constitution of the Federal Republic of Nigeria as
23 amended;

24 (c) Be the Chief Accounting Officer of the Federal Government for
25 the receipts and payments of the accounts of the Federal Government;

26 (d) Be responsible for the overall management of receipts and
27 payments of the accounts of the Federal Government of Nigeria.

28 (2) The Accountant-General shall be responsible for the execution
29 of the functions of the Office of the Accountant General and relevant
30 provisions of the Constitution including but not limited to:

- 1 (a) Supervision of the accounts of Federal Ministries and Extra
- 2 Ministries Departments;
- 3 (b) Collate Present and Publish statutory financial statement of
- 4 account required by the Minister of Finance;
- 5 (c) Manage Federal Government investments;
- 6 (d) Maintain and operate the accounts of the Consolidated Revenue
- 7 Fund, Department Fund, Contingency Fund and other public funds of the
- 8 Federal Government and provide cash backing for the operation of the Federal
- 9 Government;
- 10 (e) Conduct routine and in debt inspection of books of accounts of
- 11 Federal Ministries and Extra-Ministerial Departments to ensure compliance
- 12 with rules, regulations, policies and Internal audits Guides;
- 13 (f) Investigate case of fraud, loss of funds, assets and store items and
- 14 other financial malpractices in Ministries/Extra-Ministerial departments;
- 15 (g) Provide financial regulation and issue Treasury Circulars to
- 16 Federal Ministries/Extra-Ministerial Departments to ensure that there are
- 17 adequate systems in public funds and for the co-ordination of accounting
- 18 systems;
- 19 (h) Ensure revenue Monitoring and accounting;
- 20 (i) Issue officially approved forms bearing treasury numbers for use
- 21 in all Federal ministries to ensure uniformity;
- 22 (j) Formulate the Accounting Policies of the Federal Government;
- 23 (k) Loans servicing and debt management of the Federal
- 24 Government;
- 25 (l) Management of all Federal pay offices nationwide;
- 26 (m) Prepare and submit financial statement of the federal
- 27 Government to Auditor-General of the Federation in line with Section (85)(5)
- 28 of the Constitution.

Supplementary
functions of the
Accountant General
for the Federal
Government of
Nigeria

- 29 **9.** The Accountant General for the Federal government shall be
- 30 responsible for the creation and maintenance:

1 (1) all revenues or other money raised or revenue received by the
2 Federal Government (aside revenue or money due to the states and Local
3 Governments) shall be paid into and form one consolidated revenue fund of
4 the Federal Government, which shall be separate from the consolidated
5 Revenue Fund of the federal Government of Nigeria.

6 (2) No money shall be withdrawn from consolidated revenue fund
7 of the Federal Government except to meet expenditure that is charged upon
8 the fund by Law where the issue of those moneys has been authorized by an
9 Appropriation Act, supplementary Appropriation Act passed in pursuance
10 of Section 81 of the Constitution (as amended).

11 (3) No money shall be withdraw from any public Fund of the
12 Federal government other than the Consolidated Revenue Fund of the
13 Federal Government unless the issue of that money has been authorized by
14 the constitution or an Act of the National Assembly.

15 (4) No money shall be withdrawn from the consolidated revenue of
16 the Federal Government or any other public fund of the Government, except
17 in the manner prescribed by the National Assembly.

18 (5) If the Appropriation Bill in respect of any Financial year has not
19 been passed into law by the beginning of the Financial year, the President
20 may authorize the withdrawal of money from the Consolidated Revenue of
21 the Federal Government for the purpose of meeting expenditure necessary
22 to carry on the services of the Federal Government for a period not
23 exceeding six months on until the coming into force of the Appropriation
24 Act, whichever is earlier.

25 **10.-(1)** The office of the Accountant General shall consist of such
26 Directorates, Department, Division and Units as may be determined by the
27 President on the recommendation of the Accountant General.

Administrative
structure of the
office

28 (2) The President on the recommendation of the Accountant
29 General shall from time to time, review the administrative structure of the
30 office to meet the prevailing needs, and where it so reviews the new structure

| | | |
|-------------|---|---|
| | 1 | shall not be valid unless published in the official Gazette. |
| Regulations | 2 | 11. The Accountant General for the Federal Government of Nigeria |
| | 3 | shall make Regulations for the office subject to ratification by the National |
| | 4 | Assembly. |
| Citation | 5 | 12. This Bill may be cited as the Office of the Accountant General for |
| | 6 | the Federal Government of Nigeria (Establishment) Bill, 2019. |

EXPLANATORY MEMORANDUM

This seeks to establish the office of the Accountant General for the Federal Government of Nigeria, which is separate from the Accountant General of the Federation.

A BILL

FOR

AN ACT TO AMEND THE PENSION REFORM ACT 2014 AND TO ENACT THE
PENSION REFORM (AMENDMENT) ACT 2019; AND FOR RELATED MATTERS

Sponsored by Hon. Shehu Barwa Beji

[] Commencement

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

1 **1.** The Pension Reform Act, Laws of the Federation of Nigeria,
2 2014 (hereinafter referred to as the "Principal Act") is amended as set out in
3 this Bill. Amendment of
2014

4 **2.** Section 12 of the Principal Act is amended- Amendment of
Section 12
5 (a) In sub section (1) the phrase "*first line*" is hereby inserted before
6 the word "charge".

7 **3.** In subsection (3) of the Principal Act, the clause "not later than
8 30th day of every month" is hereby inserted after "of this section".

9 **4.** Sub section (4) is hereby added under Section 12 to provide
10 thus:

11 "The contributions of every State to the retirement savings account
12 of its employees under Section 11 (3) of this Act shall be a first line charge on
13 the revenue fund of the state."

14 5. sub section (5) is hereby added under Section 12 to provide thus:

15 "The contributions of every private employer to the retirement
16 savings account of its employees shall be a first line charge on the fund or
17 asset of the private employer."

18 **5.** Section 16 of the Principal Act is amended- Amendment of
Section 16

19 (a) in sub section (1), the words "An employee shall not be entitled
20 to make any withdrawal from his retirement savings account opened under
21 section 11 (1) of this Act before attaining the age of 50 years" is amended to

| | | |
|----------|---|--|
| | 1 | read "An employee shall be entitled to make up to 50% withdrawal from their |
| | 2 | retirement savings account opened under section 11 (1) of this Act." |
| | 3 | (b) in sub section (2) (c), the last clause "shall be entitled to make |
| | 4 | withdrawals in accordance with section 7 of this Act." is amended to read "shall |
| | 5 | be entitled to make withdrawals of the total amount credited to his retirement |
| | 6 | savings account." |
| Citation | 7 | 6. This Bill may be cited as the Pension Reform Act (Amendment) |
| | 8 | Bill, 2019. |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Pension Reform Act, Laws of the Federation of Nigeria, 2014 and enact the Pension Reform (Amendment) Act, 2019 to inter alia, provide for punctual funding of employees' retirement savings account as first line charge by employers in the Federal Republic of Nigeria and to further grant employees unfettered access to their retirement savings account during and after service.

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH SOUTH DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY TO RECEIVE AND MANAGE FUNDS FROM THE FEDERATION ACCOUNT ALLOCATION AND OTHER SOURCES, DONATIONS, GRANTS, AIDS FOR THE INTEGRATION, DEVELOPMENT, RESOLUTION OF INFRASTRUCTURAL DEFICIT, MILITANCY, COMMUNAL CRISES AS WELL AS TACKLE ECOLOGICAL, ENVIRONMENTAL AND FOR RELATED MATTERS

Sponsored by:

| | |
|-------------------------------------|-------------------------------|
| Hon. Awaji-Inombek D. Abiante | Hon. Umanah Aniekan John |
| Hon. Ifon Patrick Nathan | Hon. Luke Onofiok Akpan |
| Hon. Ukpong-Udo Emmanuel Effiong. | Hon. Uduyok Francis Charles |
| Hon. Ekong Nsikak Okon | Hon. Archimbong Henry Okon |
| Hon. Ekpenyong Nse Bassey | Hon. Idem Unyime Josiah |
| Hon. Enyong Michael Okon | Hon. Sunny Goli Israel |
| Hon. Agbedi Frederick, Y. | Hon. Obua Azibapu Fred |
| Hon. Oseke Preye Influence Goodluck | Hon. Azaiki Stephen Sinikiem |
| Hon. Asuquo Daniel Effiong | Hon. Egbona Felix |
| Hon. Agibe Christopher Ngoro | Hon. Edim Eta Mbora |
| Hon. Ayi Essien Ekpenyong | Hon. Idagbo Ochiglegor |
| Hon. Etaba Micheal Irom | Hon. Jarigbe Agom Jarigbe |
| Hon. Elumelu Ndidi Godwin | Hon. Mutu Nicholas Ebomo |
| Hon. Pondi Julius G. | Hon. Igbakpa Ben Rollands |
| Hon. Nwokolo Victor Onyemaechi | Hon. Ogor Leonard Okuweh |
| Hon. Ossai Nicholas Ossai | Hon. Afe Oberuakpefe Anthony |
| Hon. Waive Ejiroghene Francis | Hon. Thomas Ereyitomi |
| Hon. Peter Ohio Zojeh Akpatason | Hon. Ise-Idehen Jude |
| Hon. Edionwele Joe Eghonghon | Hon. Oguns Sergius Oseasochie |
| Hon. Oghuma Johnson Johnny | Hon. Ogbeide-Ihama Omoregie |
| Hon. Aisowieren Patrick | Hon. Idahosa Dennis |
| Hon. Ihonvbere Julius | Hon. Bob Solomon |
| Hon. Nnam-Obi Prince Uchechkwu | Hon. Goodhead Boma |
| Hon. Dagogo Doctor Farah | Hon. Dike Chisom Promise |
| Hon. Emerengwa Boniface Sunday | Hon. Nwuzi Ephraim |
| Hon. Dekor Dumnamene Robinson | Hon. Chinda Kingsley Ogundu |
| Hon. Gogo Bright Tamuno | Hon. Chikere Kenneth Anayo |
| Hon. Igwe Chinyere Emmanuel | Hon. Nkem-Abonta Uzoma |

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE SOUTH SOUTH DEVELOPMENT

2 COMMISSION AND THE GOVERNING BOARD

3 1.-(1) There is established a Commission to be known as South

4 South Development Commission (in this Bill referred to as "the

Establishment of
the South South
Development
Commission

Establishment
of the Governing
Board

1 Commission").

2 (2) The Commission shall be a body corporate with perpetual
3 succession and a common seal and may sue or be sued in its corporate name

4 2.-(1) There is established for the Commission, a body to be known as
5 the Governing Board (in this Bill referred to as 'the Board') which shall
6 consist of-

7 (a) Chairman;

8 (b) One person who shall be an indigene to represent the following
9 member States, that is-

10 (1) Akwa Ibom;

11 (2) Bayelsa;

12 (3) Cross River;

13 (4) Delta;

14 (5) Edo; and

15 (6) Rivers.

16 (c) Three persons to represent the following Security Organizations-

17 (i) The Army who shall not be below the rank of a Colonel;

18 (ii) The Police who shall not be below the rank of Superintendent of
19 Police; and

20 (iii) The Civil Defence Corp who shall not be below the rank of
21 Deputy Commandant.

22 (d) One representative of Solid Minerals extracting and Mining
23 producing Companies in the South South States nominated by those
24 companies;

25 (e) One person to represent the Federal Ministry of Finance;

26 (f) One person to represent the Federal Ministry of Environment;

27 (g) The Managing Director of the Commission; and

28 (h) Two executive Directors.

29 (2) The Chairman and other members of the Board Shall-

30 (a) be appointed by the President, subject to the confirmation of the

1 Senate; in consultation with the House of Representatives; and

2 (b) must be persons of proven integrity and ability.

3 (3) The members of the Board referred to in Section 2(1)(c-f) of
4 this Bill shall be part-time members.

5 (4) The supplementary provisions set out in the Schedule to this
6 Bill shall have effect with respect to the proceedings of the Board and the
7 other matters contained therein.

8 **3.** Subject to the provisions of clause 4 of this Bill, a member of the
9 Board, other than an ex-officio member, shall hold office for a term of 4
10 years at the first instance and may be re-appointed for a further term of 4
11 years and no more.

Tenure of office

12 **4.** The office of the Chairman shall rotate among the member
13 states of the Commission in the following alphabetical order-

Rotation of office
of Chairman

14 (i) Akwa Ibom;

15 (ii) Bayelsa;

16 (iii) Cross River;

17 (iv) Delta;

18 (v) Edo; and

19 (vi) Rivers.

20 **5.-(1)** A member of the Board other than ex-officio member, may
21 resign his or her appointment by notice in writing addressed to the President.
22 Which resignation shall take effect only upon receipt and approval by the
23 President

Resignation,
cessation or
removal from
membership of
the Board

24 (2) A member of the Board may cease membership if the member-

25 (a) becomes of unsound mind, or incapable of carrying out his
26 duties;

27 (b) becomes bankrupt, suspends payment or compounds with his
28 creditors;

29 (c) is convicted of a felony or any offence involving dishonesty or
30 fraud;

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

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

6 (f) resigns his appointment by a letter addressed to the President

7 (3) Where a vacancy occurs in the membership of the Board, it shall
8 be filled by appointment of a person representing the area where the vacancy
9 exists, to complete the remainder of the term of office of the predecessor and
10 shall be appointed by the President subject to the confirmation of the Senate in
11 consultation with the House of Representatives.

Allowances of
members

12 6. There shall be paid to every member of the Board such
13 remuneration, allowances and expenses as the Federal Government may from
14 time to time direct.

15 PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.

Functions and
Powers of the
Commission

16 7.-(1) The Commission shall have powers to-

17 (a) Formulate policies and guidelines for the development of the
18 South South States;

19 (b) Conceive, plan and implement, in accordance with the set rules
20 and regulations, projects and programmes for sustainable development of the
21 South South States in the field of transportation including roads, health,
22 education, employment, agriculture, industrialization, housing and urban
23 development, water supply, electricity and telecommunications;

24 (c) Cause the South South States to be surveyed in order to ascertain
25 measures which are necessary to promote its physical and socio-economic
26 development;

27 (d) Prepare master plans and schemes designed to promote the
28 physical development of the South South States and the estimates of the costs
29 of implementing such master plans and schemes;

30 (e) Implement all the measures approved for the development of the

1 South South States by the federal Government and the member States of the
2 Commission;

3 (f) Identify factors inhibiting the development of the South South
4 States and assist the member States in the formulation and implementation
5 of policies to ensure sound and efficient management of the resources of the
6 South South States;

7 (g) Assess and report on any project being funded or carried out in
8 the South South States by mineral extracting and mining companies, oil and
9 gas producing companies, and any other company including non-
10 governmental organizations and ensure that funds released for such projects
11 are properly utilized;

12 (h) Tackle ecological and environmental problems that arise from
13 the extraction and mining of solid minerals, exploration of oil mineral in the
14 South South States and advise the Federal Government and the member
15 States on the prevention and control of oil spillages, gas flaring and
16 environmental pollution;

17 (i) Liaise with the various solid mineral extraction and mining
18 companies and oil and gas prospecting and producing companies on all
19 matters of pollution prevention and control; and

20 (j) Execute such other works and perform such other functions
21 which in the opinion of the Commission are required for the sustainable
22 development of the South South States and its peoples.

23 (2) In exercising its functions and powers under this clause, the
24 Commission shall have regard to the varied and specific contributions of
25 each member State of the Commission.

26 (3) The Commission shall be subject to the direction, control or
27 supervision in the performance of its functions under this Bill by the
28 President of the Federal Republic of Nigeria.

29 **8.** The Board shall have power to:

30 (a) Manage and superintend the affairs of the Commission;

Powers of the
Board

1 (b) Makes rules and regulations for carrying out the functions of the
2 Commission;

3 (c) Enter and inspect premises, projects and such places as may be
4 necessary for the purposes of carrying out its functions under this Bill;

5 (d) Pay the staff of the Commission such remuneration and
6 allowances as are payable to persons of equivalent grades in the civil service of
7 the Federation;

8 (e) Enter into such contracts as may be necessary or expedient for the
9 discharge of its functions and ensure the efficient performance of the functions
10 of the Commission;

11 (f) Employ either directly or on secondment from any civil or public
12 service in the Federation or a State such number of employees as may be in the
13 opinion of the Board, be required to assist the Board in the discharge of any of
14 its functions under this Bill;

15 (g) Pay to persons so employed such remuneration, including
16 allowances, as the Board may determine; and

17 (h) Do such other things as are necessary and expedient for the
18 efficient performance of the functions of the Commission.

19 PART III - STRUCTURE OF THE COMMISSION

Structure of the
Commission

20 9.-(1) There shall be established in the head office of the Commission,
21 the following Directorates;

22 (a) the Directorate of Administration and Human Resources;

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

24 (c) the Directorate of Utilities, Infrastructural Development and
25 Waterways;

26 (d) the Directorate of Environmental Protection and Control;

27 (e) the Directorate of Finance and Supply;

28 (f) the Directorate of Solid Minerals, Agriculture and Fisheries;

29 (g) the Directorate of Planning, Research and Statistics and
30 Management Information System

- 1 (h) the Directorate of Legal Services;
 2 (i) the Directorate of Education, Health and Social Services;
 3 (j) the Directorate of Commercial and Industrial Development; and
 4 (k) the Directorate of Projects Monitoring and Supervision.

5 (2) The Board may increase the number of Directorates as it may
 6 deem necessary and expedient to facilitate the realization of the objectives
 7 of the Commission.

8 **10.** There shall be for the Commission, a Management Committee
 9 which shall-

Management
Committee

- 10 (a) consist of a Chairman who shall be the Managing Director;
 11 (b) the Directors responsible for the Directorates established under
 12 clause 9 of this Bill and such number of other members as may be
 13 determined from time to time by the Board;

14 (c) be responsible to the Board and the Managing Director for the
 15 general administration of the Commission.

16 **11.**-(1) There is hereby established for the Commission, A South
 17 South Development Advisory Committee (in this Bill referred to as the
 18 Advisory Committee) which shall consist of-

Establishment
of the South
South Development
Advisory Committee

- 19 (a) the Governors of the member States of the Commission; and
 20 (b) two persons as may be determined from time to time, by the
 21 President of the Federal Republic of Nigeria who shall be indigenes of the
 22 member states.

23 (2) The Advisory Committee shall be charged with the
 24 responsibility of advising the Board and guiding and monitoring the
 25 activities of the Commission with a view to achieving the objectives of the
 26 Commission.

27 (3) The Advisory Committee may make rules regulating its own
 28 proceedings.

29 **PART IV - STAFF OF THE COMMISSION**

30 **12.**-(1) There shall be for the Commission, a Managing Director

Executive
Secretary of the
Commission

1 and two Executive Directors who Shall be indigenes of the South South States
2 and shall rotate amongst the member States in alphabetical order and shall-

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

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

6 (c) be appointed by the President of the Federal Republic of Nigeria
7 and confirmed by the Senate in consultation with the House of
8 Representatives;

9 (d) hold office on such terms and conditions as to emolument,
10 conditions of service as may be specified in his letter of appointment and
11 subject to the provision of clause 3 of this Bill.

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

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

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

17 (c) For-

18 (i) the administration of the secretariat of the Board; and

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

21 (3) The Board shall have power to-

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

26 (b) pay to persons so employed such remuneration (including
27 allowances) as the Board may, after consultation with the Federal Civil Service
28 Commission, Determine.

29 **13.-(1)** Service in the Commission shall be approved service for the
30 purposes of the Pensions Act.

1 (2) The officers and other persons employed in the Commission
2 shall be entitled to pensions, gratuities and other retirement benefits as are
3 enjoyed by Persons holding equivalent grades in the civil service of the
4 Federation.

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

8 (4) for the purposes of the application of the provisions of the
9 Pensions Act, any power exercisable there under by the Minister or other
10 authority of the Government of the Federation, other than the power to make
11 regulations under section 13(1) thereof, is hereby vested in and shall be
12 exercisable by the Commission, and not by any other person or authority.

13 PART V - FINANCIAL PROVISIONS

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

16 (2) There shall be paid and credited to the fund established
17 pursuant to sub-clause (1) of the Bill-

18 (a) from the Federal Government, the equivalent of 15 per cent of
19 the total monthly statutory allocations due to member States of the
20 Commission from the Federation Account;

21 (b) 3 per cent of the total annual budget of any oil producing
22 company operating, on shore and off shore, in the South South States;
23 including gas processing companies;

24 (c) 3 per cent of the total annual budget of any Solid mineral
25 extracting mining company operating in the South South States;

26 (d) 50 per cent of monies due to member States of the Commission
27 from the Ecological Fund;

28 (e) such monies as may from time to time, be granted or lent to or
29 deposited with the Commission by the Federal or a State Government, any
30 other body or institution whether local or foreign;

1 (f) all monies raised for the purposes of the Commission by way of
2 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

3 (g) proceeds from all other assets that may, from time to time, accrue
4 to the Commission.

5 (3) The fund shall be managed in accordance with the rules made by
6 the Board, and without prejudice to the generality of the power to make rules
7 under this sub-clause, the rules shall in particular contain provisions-

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

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

Expenditure of
the Commission

13 **15.** The Commission shall apply the proceeds of the fund established
14 pursuant to clause 14 of this Bill to-

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

16 (b) the payment of salaries, fees, remuneration, allowances, pensions
17 and gratuities payable to the members of the Board specified in clause 6 of this
18 Bill or any committee of the Board and the employees of the Commission;

19 (c) the payment for all contracts, including mobilization, fluctuations,
20 variations, legal fees and cost of contract administration;

21 (d) the payment for all purchases; and

22 (e) undertaking such other activities as are connected with all or any
23 of the functions of the Commission under this Bill.

Gift to the
Commission

24 **16.-(1)** The Commission may accept gifts of land, money or other
25 property on such terms and conditions, if any, as may be specified by the person
26 or organization making the gift.

27 (2) The Commission shall not accept any gift if the condition attached
28 by the person or organization making the gift are inconsistent with the
29 functions of the Commission under this Bill.

| | | |
|----|--|------------------|
| 1 | 17. The Commission may, with the consent of the President of the | Power to borrow |
| 2 | Federal Republic of Nigeria, borrow, on such terms and conditions as the | |
| 3 | Commission may determine, such sums of money as the Commission may | |
| 4 | require in the exercise of its functions under this Bill. | |
| 5 | 18. -(1) The Board shall, not later than 30th September in each year | Annual Estimates |
| 6 | submit to the President of the Federal Republic of Nigeria, an estimate of the | and Expenditure |
| 7 | expenditure and income of the Commission during the next succeeding year. | |
| 8 | (2) The Board shall cause to be kept proper accounts of the | |
| 9 | Commission in respect of each year and proper records in relation thereto | |
| 10 | and shall cause the accounts to be audited not later than 6 months after the | |
| 11 | end of each year by auditors appointed from the list and in accordance with | |
| 12 | the guidelines supplied by the Auditor-General for the Federation. | |
| 13 | 19. The Commission shall, at the end of every quarter in each year, | Quarterly Report |
| 14 | submit Quarterly Report to the President of the Federal Republic of Nigeria, | |
| 15 | a report on the activities and administration of the Commission. | |
| 16 | 20. -(1) The Board shall prepare and submit to the President of the | Annual Report |
| 17 | Federal Republic of Nigeria, not later than 30th June in each year, a report in | |
| 18 | such form as the President of the Federal Republic of Nigeria, may direct on | |
| 19 | the activities of the Commission during the immediate preceding year, and | |
| 20 | shall include in the report a copy of the audited accounts of the Commission | |
| 21 | for that year and the auditor's report thereon; | |
| 22 | (2) The President of the Federal Republic of Nigeria shall, upon | |
| 23 | receipt of the report referred to in sub-clause (1) of this clause, cause a copy | |
| 24 | of the report and the audited accounts of the Commission and the auditor's | |
| 25 | report there on to be submitted to each House of the National Assembly. | |
| 26 | PART VI - MISCELLANEOUS | |
| 27 | 21. -(1) There is hereby established for the Commission a | Monitoring |
| 28 | Monitoring Committee which shall consist of such number of persons as the | Committee |
| 29 | President of the Federal Republic of Nigeria, may deem fit to appoint from | |
| 30 | the public or civil service of the Federation. | |

1 (2) The Monitoring Committee shall-

2 (a) monitor the management of the funds of the Commission and the
3 implementation of the projects of the Commission; and

4 (b) have access to the books of account and other records of the
5 Commission at all times, and submit periodical reports to the President of the
6 Federal Republic of Nigeria.

Office and
Premises of
the Commission

7 **22.**-(1) For the purposes of providing offices and premises necessary
8 for the performance of its functions under this Bill, the Commission may,
9 subject to the Land Use Act-

10 (a) purchase or take on lease any interest in land, or other property;
11 and

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

13 (2) The Commission may, subject to the Land Use Act, sell or lease
14 out any office or premises held by it, which office or premises is no longer
15 required for the Performance of its functions under this Bill.

Directives by
the President

16 **23.** Subject to the provisions of this Bill, the President of the Federal
17 Republic of Nigeria, may give to the Commission directives of a general nature
18 or relating generally to matters of policy with regard to the performance by the
19 Commission of its functions and it shall be the duty of the Commission to
20 comply with the directives.

Public Officer
Protection Act,
Cap. P41 LFN,
2004

21 **24.**-(1) Subject to the provision of the Bill, the provisions of the
22 Public Officers Protection Act shall apply in relation to any suit instituted
23 against any officer or employee of the Commission.

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

1 (a) it is commenced within three months next after the act, neglect
2 or default complained of; or

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

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

Service of Notice,
Summons and
other Documents

10 **26.-(1)** In any action or suit against the Commission, no execution
11 or attached of process in the nature thereof shall be issued against the
12 Commission.

Restriction on
executive of
judgment debts

13 (2) Any sum of money which may be the judgment of any court be
14 awarded against the Commission shall, subject to any direction given by the
15 court where notice of appeal of the said judgment has been given, be paid
16 from the general reserve fund of the Commission.

17 **27.** A member of the Board, the Managing Director, any other
18 officer or employee of the Commission shall be indemnified out of the assets
19 of the Commission against any proceeding, whether civil or criminal, in
20 which judgment is given in his favor, or in which he is acquitted, if any such
21 proceeding is brought against him in his capacity as a member of the Board,
22 the Managing Director, officer or employee of the Commission.

Indemnity of
officers

23 **28.** The Commission may, with the approval of the President of the
24 Federal Republic of Nigeria, make regulations, generally for the purposes of
25 giving full effect to this Bill.

Regulations

26 **29.** In this Bill-
27 "Chairman" means the Chairman of the Board;
28 "Commission" means the South South Development Commission
29 established by clause 1 of this Bill;
30 "Board" means the government Board established for the Commission

Interpretation

1 under clause 2 (1) of this Bill;

2 "Member" means a member of the Board and includes the Chairman,
3 Managing Director and Executive Directors;

4 "Member States" include Akwa Ibom, Bayelsa, Cross River, Delta, Edo, and
5 Rivers.

Short title

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

8 SCHEDULES

9 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

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

13 (2) The quorum of the Board shall be the Chairman or the person
14 presiding at the meeting, Managing Director or one Executive Director and one
15 third other members of the Board. The quorum of any committee of the
16 Commission shall be determined by the Board.

17 2.-(1) The Board shall meet whenever it is summoned by the
18 Chairman and if the Chairman is required to do so by notice given to him by not
19 less than 4 other members, he shall summon a meeting of the Board to be held
20 within 14 days from the date on which the notice is given.

21 (2) At any meeting of the Board, the Chairman shall preside but if he is
22 absent, the members present at the meeting shall appoint one of their members
23 to preside at the meeting.

24 3.-(1) The Board may appoint one or more committees to carry out on
25 behalf of the Board, such functions as the Board may determine.

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

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

1 4.-(1) The fixing of the seal of the Commission shall be
2 authenticated by the signatures of the Chairman or any other member of the
3 Board generally or specifically authorized by the Board to act for the
4 purpose and the Managing Director.

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

8 5. The validity of any proceedings of the Board or of a committee
9 shall not be adversely affected by-

10 (a) a vacancy in the membership of the Board or committee;

11 (b) a defect in the appointment of a member of the Board or
12 committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South South Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account for the reconstruction and rehabilitation of roads, houses and other infrastructural damages suffered by the region as a result of the effect of the Communal Crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the South South States.