

*Extraordinary*



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## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1234	A Bill for an Act to Alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, and for Related Matters ....	C 191 - 192
HB. 1235	A Bill for an Act to Alter the Second to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, (As Amended) and for Related Matters ....	C 193 - 194
HB. 1236	A Bill for an Act to Establish Public Health Practitioners Council of Nigeria and for Related Matters ....	C 195 - 207
HB. 1237	A Bill for an Act to Amend the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) and Related Matters ....	C 209 - 211
HB. 1238	A Bill for an Act to Amend the Sheriffs and Civil Process Act, Cap S6 LFN, 2004 and for Related Matters ....	C 213 - 214
HB. 1239	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria 1999 as amended and for related Matters ....	C 215 - 215
HB. 1241	A Bill for an Act to Establish the National Renewable Energy Development Agency and for Related Matters ....	C 217 - 225
HB. 1242	A Bill for an Act to Provide for the protection of the Identity of National Security Agencies Personnel, Agents, Sources, Informants and Operational methods from unlawful disclosure; and to protect their establishments, facilities and equipment against unauthorized access; as well as provide for the protection and enhancement of Nigeria's external security and for Related Matters ....	C 227 - 242
HB. 1243	A Bill for an Act to Establish the Nigerian Maritime Security Trust Fund and for Relate Matters ....	C 243 - 257

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# A BILL

## FOR

AN ACT TO ALTER THE SECOND SCHEDULE TO THE CONSTITUTION OF THE  
FEDERAL REPUBLIC OF NIGERIA ACT (NO 24) 1999, TO TRANSFER LABOUR;  
INDUSTRIAL RELATION; INDUSTRIAL DISPUTE; MINIMUM WAGE; AND  
INDUSTRIAL DISPUTE FROM THE EXCLUSIVE LEGISLATIVE LIST TO THE  
CONCURRENT LEGISLATIVE LIST, AND FOR RELATED MATTERS

*Sponsored by Hon. Abbas Tajudeen*

[ ] Commencement

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

- 1           **1.** The Second Schedule to the Constitution of the Federal  
2     Republic of Nigeria 1999 (as amended) (hereinafter referred to as lithe  
3     Principal Act") is altered thus:  
4           (a) in part I, under Exclusive Legislative list, delete item 34  
5     thereof, and  
6           (b) in part II, under Concurrent Legislative list, after paragraph 20  
7     thereof, insert the following new item;  
8           "HA- Labour; Industrial Relations; Industrial Disputes, Minimum  
9     wage and Industrial Arbitration.  
10          20A - The National Assembly may make Laws for the Federation  
11     or any part thereof with respect to Labour, including trade Unions, Industrial  
12     relation, conditions, safety and welfare of Labour; Industrial disputes;  
13     prescribing minimum wage and industrial dispute in so far as the subject  
14     matter relates to a matter upon which the National Assembly has power to  
15     make Laws in this constitution.  
16          20B - A House of Assembly may, subject to paragraph 20A hereof,  
17     make Laws for the State or any part thereof with respect to Labour, including

Alteration of the  
Second Schedule  
to the Constitution,  
Act (No 24) 1999

	1	trade Unions, Industrial relations; Conditions, safety and welfare of Labour;
	2	Industrial disputes; prescribing minimum wage, and industrial disputes in so
	3	far as the subject matter relates to a matter upon which the a House of Assembly
	4	has power to make Laws in this Constitution."
Alteration of Section 254C of the Principal Act	5	<b>2.</b> Section 254C of the Principal Act is altered thus:
	6	(a) in subsection (1) thereof, in line 1 delete all the words from the
	7	word "Notwithstanding" to the word, 'matters' in Line 6 when replace with
	8	these words:
	9	(1) "Notwithstanding the provisions of Sections 251,257, 272, the
	10	National Industrial Court shall, in so far as the subject matter relates to a matter
	11	which the National Assembly have power to make Laws under this
	12	Constitution, have and exercise jurisdiction to the exclusion of any other court
	13	in civil causes and matters;" and (b) in subsection (1) paragraph (c) delete the
	14	word "National."
Citation	15	<b>3.</b> This Bill may be cited as the Constitution of the Federal Republic of
	16	Nigeria (Fifth Alteration) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, effect consequential alterations to Section 254C therein to transfer Labour, Industrial relations; Industrial dispute; Minimum wage; and Industrial dispute from the Exclusive Legislative list to the concurrent Legislative list.

FOR

*Sponsored by Hon. Abbas Tajudeen*

[ ] Commencement

1           **1. The Constitution of the Federal Republic of Nigeria (as**  
2    **amended) is altered in the Second Schedule as set out below:**

Alteration of the  
Second Schedule  
to the Constitution,  
Act (No 24) 1999

3 (c) in part I, delete item 51 thereof, and

4 (d) in part II, after paragraph 30 thereof, insert the following new  
5 item:

6 "HA- Quarantine"

7           30A - The National Assembly may make Laws for the Federation,  
8    or any part thereof with respect to Quarantine so far as the subject matter  
9    relates to any matter upon which the National Assembly has power to make  
10   Laws in this constitution.

11           30B - A House of Assembly may, subject to paragraph 30A hereof,  
12   make Laws for the State or any part thereof with or any part.

13           **2. Section 254C of the Principal Act is altered thus:**

14 (b) in subsection (1) thereof, in line 1 delete all the words from the  
15 word "Notwithstanding" to the word, 'matters' in Line 6 when replace with  
16 these words:

### Alteration of Section 254C of the Principal Act

17 (2) "Notwithstanding the provisions of Sections 251,257, 272, the  
18 National Industrial Court shall, in so far as the subject matter relates to a  
19 matter which the National Assembly have power to make Laws under this

1     Constitution, have and exercise jurisdiction to the exclusion  
2     of any other court in civil causes and matters;" and  
3             (b) in subsection (1) paragraph (c) delete the word "National."  
Citation     4             **3.** This Bill may be cited as the Constitution of the Federal Republic of  
5     Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, effect consequential alterations to Section 254C therein to transfer Labour, Industrial relations; Industrial dispute; Minimum wage; and Industrial dispute from the Exclusive Legislative list to the concurrent Legislative list.

FOR

*Sponsored by Hon. Muhammad Ali Wudil*

[ ] Commencement

1 PART 1 - ESTABLISHMENT OF THE PUBLIC HEALTH PRACTITIONERS  
2 COUNCIL OF NIGERIA

Establishment  
of the Public Health  
Practitioners Council

10 of the council

## Functions of the Council

(c) To expose the members with world-class technological advancement in the field of Public health science and their operations;

Power of the  
Council

- 1 (d) Secure a register of members of the council;
- 2 (e) To encourage research in the Public health science by exposing the
- 3 members with recent research development in premier research councils;
- 4 (f) To organize Public campaigns to spread awareness about disease
- 5 and common Household health care system and encourage the NGOs to
- 6 participate in such initiatives;
- 7 (g) To publish journals and papers for the mass Awareness of several
- 8 healthy hazards development in the field of paramedical science and
- 9 disseminate its benefits.
- 10 **3. The council has power to do all things necessary and convenient to**
- 11 **be done in connection with the performance of its functions and in particular**
- 12 **may:**
- 13 (a) Enter into contracts;
- 14 (b) Charge fees for its services;
- 15 (c) Make penal regulations
- 16 (i) MEMBERSHIP OF THE COUNCIL:
- 17 Subject to the provisions of this Act, persons admitted to membership of the
- 18 council shall be registered as members in the following categories:
- 19 (a) Associate Members;
- 20 (b) Full Members;
- 21 (c) Fellow Members.
- 22 (i) ASSOCIATE MEMBER:
- 23 (a) A person shall be entitled to be registered as an Associate member
- 24 during the period of training or mentoring in Public Health Practice;
- 25 (b). The training or mentoring programme must be at least a minimum
- 26 of 3 years of intensive practical exposure to all areas of public health practice;
- 27 (c) Full membership examination to be conducted by the council. A
- 28 successful associate member shall then become a full member
- 29 (ii) FULL MEMBERS
- 30 (a) A person shall be entitled to be registered as a full member after



1 undergoing training in Public Health recognized by the council;

2 (b) The programme must be at least a year of public health courses  
3 of study taken at a stretch;

4 (c) A person who has acquired skill and expertise in public Health  
5 practice for a period not less than 3 years (exception is given to those in  
6 practice 3 years prior to this Act).

7 (iii) FELLOW MEMBERS

8 (a) Qualified Practitioners shall apply to be considered for  
9 fellowship based on the criteria to be set by the privileges and ethics  
10 committee;

11 (b) The full professional designatory letters of the different  
12 categories of members shall be:

13 (i) Fellow Public Health FPH;

14 (ii) Member Public Health MPH;

15 (iii) Associate Public Health APH

16 4.-(1) The shall be for the council a governing body to be known as  
17 a "Board" which shall have responsibility for the administration and general  
18 management of the council.

Establishment  
of Governing  
Council and  
Management

19 (2) The council establish pursuant to subsection 1 of this section  
20 shall consist of the following members that is:

21 (a) The chairman, elected by council members among themselves;

22 (b) A vice chairman elected by council members among  
23 themselves;

24 (c) Two person nominated by the minister of health;

25 (d) Six person elected by the council;

26 (e) Registrar;

27 (f) An Immediate past chairman of the council who entitled to serve  
28 for a further maximum period of three years from the expiration of his tenure  
29 as chairman.

30 (2) The chairman and Vice shall hold office for a term of two (2)

Schedule

1 from the date of his elections.

2 (3) The chairman shall preside at meetings of the council and in his  
3 absence, the vice chairman shall preside

4 (4) The provisions set out in the schedule on this Bill shall have effect  
5 with respect to operation, qualification, tenure of office of members of the  
6 council and other matters therein mentioned.

7 PART 2 - APPOINTMENT AND DUTIES OF THE REGISTRAR

8 5.-(1) The council shall appoint a fit and proper person to the  
9 Registrar of the council.

10 (2) The registrar appointed in terms of subsection (1) of this section  
11 shall be head of the administration of the council and secretary to the Board.

12 (3) Subject to the following provisions of this subsection, the council  
13 may make rules with respect to the form and keeping of the Register and  
14 making of entries and therein particular:

15 (a) The making of applications for enrolment or registration, as the  
16 case may be:

17 (b) Providing for notification to the Registrar by the person to whom  
18 any registered particulars related of any change in those particulars;

19 (c) Authorizing a registered person to have any qualification, which is  
20 in relation to the relevant discipline of the profession, administration, either an  
21 approved qualification or an accepted qualification for the purpose of this Act;

22 (d) Specifying from time to time the fee including subscription to be  
23 paid to the Council in respect of the entry of names on the Register authorizing  
24 the Registrar to refuse to enter a name on the Register until the fee specified for  
25 the entry has been paid; and

26 (e) Specifying anything failing to be specified under this section, but  
27 rules made for the purses of paragraph (d) of this subsection shall not come into  
28 force until they are confirmed at a special meeting of the council as the case  
29 may be.

30 (4) The Register shall:

1 (a) Correct, in accordance with the Board's directives, any entry in  
2 the Register which the council direct him to correct as being in the Board's  
3 opinion an entry which was incorrectly made;

4 (b) Remove from the Register the name of any Registers person  
5 who has dies;

6 (c) Record the names of the members of the Council who are in  
7 default in the payment of annual subscriptions, dues or other charges for  
8 more than twelve months, and take such action in relation thereto (including  
9 removal or the names of the defaulters from the Register) as the Board  
10 meeting determine or direct; and

11 (d) Make from time to time any necessary alterations in the  
12 registered particulars of registered persons"

13 (5) If the Registrar:

14 (a) Sends by post to any registered person a letter addressed to him  
15 at his address on the Registered enquiring whether the registered particular  
16 relating to him are correct and receives no reply to the letter within the period  
17 of six month from the date of posting; and

18 (b) Upon the expiration of the period specified in paragraph (a) of  
19 the subscription send in like manner to the person in question a second  
20 similar letter and received no reply the letter within three month from the  
21 date of posting it, then the registrar, may remove the particulars relating to  
22 the person in question from the Register, and the Council may direct the  
23 Registrar to restore to the appropriate part of the Registrar an particulars  
24 removed there from under this subsection.

25 **6.-(1)** The Registrar shall be:

26 (a) Cause the Register to be printed, published and put on sale to  
27 members of the public not later than two years from the commencement of  
28 this Act;

29 (b) Thereafter in each year to cause to be printed, published and put

	1	on sale as aforesaid, a corrected edition of the Register since it was last printed;
	2	and
	3	(c) Cause a print of each edition of the registers and of each list of
	4	correction to be deposited at the principal offices of the council, and the
	5	Council shall keep the register and the list so deposited available at all
	6	reasonable time for inspection by members of the council.
Other Staff	7	<b>7.-(1)</b> The Council May, on the recommendation of the Registrar
	8	appoint such other staff as it may consider necessary to assist the Registrar in
	9	the discharge of his duties.
	10	(2) The employment of the Registrar and other staff shall be
	11	pensionable in accordance with the terms and conditions of service in the
	12	Federal Government of Nigeria.
	13	PART 3 - REGISTRATION OF MEMBERSHIP
Qualification for Membership	14	<b>8.-(1)</b> A person shall be entitled to be registered as a member of the
	15	council if:
	16	(a) He passes the qualifying professional examination conducted by
	17	the Council and completes the practical training prescribed; or
	18	(b) He holds a qualification accepted by the council as sufficient
	19	practical experience by paramedical practitioner council of Nigeria or
	20	(c) He holds a qualification granted outside Nigeria which recognized
	21	by the Council and he is by law entitled to practice the profession for all
	22	purpose in the country in which the qualification was granted.
	23	(2) An applicant for registration shall in addition to evidence or
	24	qualification, satisfy the council that:
	25	(a) He is good character;
	26	(b) He had attained the age of eighteen years and
	27	(c) He has not been convicted in Nigeria or elsewhere of an offence
	28	involving dishonesty.
	29	(3) The Council may, provisionally accept a qualification produced in
	30	respect of an application for registration under this section, or direct that the

1 Application be renewed within such period as may be specified in the  
2 direction.

3 (4) An entry made under subsection (3) shall show that the  
4 registration is provisional and such entry may only be converted to full  
5 registration with the Consent of the Council, signified in writing.

6 The Chairman and Registrar shall be the joint signatory to  
7 certificates awarded by the Council. Signatory to  
certificates

8 PART 4 - FUND FOR THE COUNCIL

9 **9.-(1)** The council shall establish and maintain a fund, to be applied  
10 towards function of the Council.

11 (2) The council shall not later than 15t September in each financial  
12 year or soon thereafter submit to the Council for approval, its estimate of  
13 revenue and expenditure in respect of the following year.

14 (3) The Council may invest moneys in the fund in any security  
15 created or issued or on behalf of the Government of the Federal Republic of  
16 Nigeria or in any other security in Nigeria approved by the Council:

17 (i) The council may from time to time, reasonably borrow money  
18 for purposes. of the Council;

19 (ii) all fees, and other monies payable to the Council;

20 (iii) all grants, aids and solicited funds received for the Council;

21 (iv) Proceeds from programme and activities

22 **10.** There shall be defrayed from the fund the following: Expenditure

23 (a) The remuneration and allowances of the Registrar and other  
24 employees of the Council;

25 (b) Such reasonable travelling allowances (as determined by the  
26 Council and its Committee) incurred in the business or official functions of  
27 the Council;

28 (c) Any expense incurred by the Council in the discharge of its  
29 duties Auditing Of Accounts:

30 (1) The Council shall keep proper records of the annual accounts of

1 the council in each financial year.

2 (2) The accounts of the Council shall be audited within six months  
3 after the end of each financial year by auditors appointed by the Council. The  
4 fees of the auditors and the expenses of audit shall be paid from the fund of the  
5 Council.

6 (3) The audited annual accounts and report shall be submitted by the  
7 Council to the members of the council at the AGM.

#### 8 PART 5 - PROFESSIONAL DISCIPLINE

Investigating  
Panel

9 **11.** There shall be an Investigating panel, consisting of three members  
10 and two non-members of the Council all to be appointed by the Council  
11 charged with duty of:

12 (a) Conducting preliminary investigation into allegations that a  
13 registered member has misconduct himself in his capacity as a registered  
14 member; and

15 (b) Deciding whether the allegations should be referred to the  
16 disciplinary committee or not.

Disciplinary  
Committee

17 **12.** There shall be a Disciplinary Committee consisting of six (6)  
18 members one of whom shall be the Chairman appointed by the Council,  
19 charged with the duty of investigating and determine any case refereed to it by  
20 the Investigating Panel.

Penalties for  
unprofessional  
conduct

21 **13.-(1)** Where:

22 (a) A registered person is, adjudged by the disciplinary Committee to  
23 be guilty of infamous conduct in any professional respect; or

24 (b) A registered person is convicted, in Nigeria or elsewhere by any  
25 court of competent jurisdiction; or

26 (c) The Disciplinary Committee determines that the name of any  
27 person has been fraudulently registered.

28 (2) The Disciplinary Committee may give a direction reprimanding  
29 that person or ordering the Registrar to strike the person's name out of the  
30 relevant Part of the Register.

1 (3) Disciplinary Committee may, defer or further defer its decision  
2 as to the giving of a direction under subsection two (2) until a subsequent  
3 meeting of the Disciplinary Committee.

4 (4) The Disciplinary Committee may not defer its decision under  
5 subsection (3) for periods exceeding one year.

6 (5) When the Disciplinary Committee gives a direction under  
7 subsection (2) the Disciplinary Committee shall cause notice of the  
8 direction to be served on the person to whom it relates.

9 (6) The person to whom a direction under subsection (2) relates  
10 may, at any time within twenty-five days from the date of service on him,  
11 appeal against the direction to the Federal High Court.

12 (7) A person whose name is removed from the register pursuant to a  
13 direction of the Disciplinary Committee, may not be registered again except  
14 pursuant to a direction in that respect given by the Disciplinary committee  
15 on the application of that person.

16 (8) A direction for the removal of a person's name from the  
17 register, may prohibit an application under subsection by that person until  
18 the expiration of such period from the date of the direction.

#### 19 PART 6 - OFFENCES AND PENALTIES

20 **14.-(1)** A person commits an offence who:

Offences and  
Penalties

21 (a) Holds himself out as a paramedical practitioners;  
22 (b) Willfully makes falsification in any matter relating to the  
23 register.

24 (2) A person who is found guilty of an offence under this section is  
25 liable on-

26 (a) Summary conviction, to a fine of an amount not exceeding  
27 N5,000 or imprisonment for a term not exceeding two years, or both.

28 **15.-(1)** Notwithstanding anything to the contrary contained in any  
29 other enactment, no suit against the Council, a member or any employee of  
30 the Council for any act done in pursuance or execution of any enactment or

Limitation of  
suits against the  
Council and its  
staff

1 law, or of any public duty or authority, or in respect of an alleged negligence or  
2 default in the execution of such enactment or law, duty or authority, shall lie or  
3 be instituted in any court unless it is commenced within 12 months next after  
4 the act or neglect complained of or in the case of a continuing damage or injury,  
5 within 12 months next after the ceasing thereof.

6 (2) No suit shall be commenced against the Council before the  
7 expiration of a period of one month notice of intention to commence the suit  
8 shall have been served upon the Council by the intending plaintiff or his  
9 authorized agent and the notice shall clearly and explicitly state:

10 (a) The cause of action;

11 (b) The particulars of the claim;

12 (c) The name and place of abode of the intending plaintiff; and

13 (d) The relief which he claims.

14 (3) The notice referred to in subsections (1) and (2) of this section and  
15 any summons, notice or other document required or authorized to be served  
16 upon the Council under the provisions of this Bill or any other enactment or law  
17 may be served by delivering the same to the chairman, chairman, Governing  
18 Councilor the Registrar of the Council and by sending it by registered post to  
19 the principal office of the Council.

Interpretation

20 **16.** In this Bill unless the context otherwise requires:

21 "Public" means Not Private; open to or concerning the people as a whole;

22 "Health" means a Healthy State of Wellbeing free from disease;

23 "Practitioner" means someone who practices a learned profession;

24 "Registered" means enrolled;

25 "Incorporate Council" means the paramedical practitioners council of Nigeria  
26 incorporated under the companies and Allied matters Act 2004;

27 "Minister" means the minister charged with the responsibility for matters  
28 relating to Health;

29 "Council" mean paramedical practitioner councils of Nigeria;

30 "Board" Means established as the governing body of the Council;



17. This Bill may be cited as the Public Health Council of Nigeria Bill, 2021.

## SCHEDULE

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Proceeding Of the Council*

1. Subject to this Bill and section 27 of the interpretation Act (which provides for decision of a statutory body to be taken by a majority of its members, and for the Chairman to have a second or casting votes) the council may make standing orders regulating the proceedings of the council and any Committee thereof:

2. If at any time, the office of the Chairman is vacant or the Chairman is in the opinion of the council permanently or temporarily unable to perform the function of his office, the Council may approve one of its Members to perform such functions and reference in the schedule to the Chairman shall be construed accordingly.

3. Every meeting of the Council shall be presided over by the Chairman and if he is unable to attend a particular meeting the Vice-Chairman shall preside and in the event where both the Chairman and Vice Chairman are absent, the Member present at the meeting shall elect one of their Members to preside at the meeting.

4. The Quorum at a meeting of the council shall consist of the Chairman/or in the appropriate case, the person presiding at the meeting and five other members.

5. Where upon any special occasion, the Council desire to obtain the advice of any person may co-opt that person to be member for as many meetings as may be necessary, and that person while so-co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

## Committee

(1) Subject to its standing orders, the Council may appoint such

1 number of standing or Ad-Hoc Committees as it thinks fit to consider and  
2 report on any matter with which the Council is concerned.

3 6. Every Committee appointed under the provision of subparagraph  
4 of this paragraph, shall be presided over by a member of the council and shall  
5 be made up of a number of persons, not necessarily members of the council as  
6 the council may determine in each case.

7 7. The decision of the Committee shall have no effect until it is  
8 confirmed by the Council.

9 *Miscellaneous*

10 8. The fixing of the seal to the Council shall be authenticated by the  
11 signature of the chairman and Registrar of the Council.

12 9. Any contract or instrument, which if made by a person not a body  
13 corporate, would not be required to be made under seal, may be made or  
14 executed on behalf of the Council by the Registrar or by any other person  
15 generally or specifically authorized by the council to act for that purpose.

16 10. Any document purporting to be a contract, instrument or other  
17 document signed or sealed on behalf of the Council shall be received in  
18 evidence and, unless the contract is proved, be presumed, without further proof  
19 to have been so signed or sealed.

20 11.-(1)The validity of any proceedings of Council or a Committee  
21 thereof, shall not be adversely affected.

22 (2) By any vacancy in the membership of the Council; or

23 (3) By any defect in the appointment of a member of the Council or  
24 Committee; or

25 (4) By reason that a person not entitled to do so, took part in the  
26 proceedings.

27 12. Any member of the Council or a Committee thereof, who has a  
28 personal interest in any contract or arrangement entered into or proposed to be  
29 considered by the Council or Committee shall forthwith disclose his interest to  
30 the Council or Committee and shall not vote on any question relating to the  
contract or arrangement.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish Public Health Practitioners Council of Nigeria charged with responsibility of advancing the study, training and practice of Public Health Management and Administration in Nigeria.



# A BILL

## FOR

AN ACT TO AMEND THE PROVISIONS OF THE CONSTITUTION OF THE  
FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) AND FOR RELATED  
MATTERS

*Sponsored by Hon. Oberuakpefe Anthony Afe*

[ ] Commencement

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

- 1           **1.** Section 7(5) of the constitution is hereby amended by deleting  
2     the words" shall include" in line two of the sub-section and substituting  
3     same with the word "beside" and the introduction of the phrase before the  
4     full stop mark in line three "shall include":  
5           (a) Maintenance of law and order in the local government area;  
6           (b) Improvement of the environment and the provision of  
7     infrastructures;  
8           **2.** Section 214(1) is hereby amended by deleting the phrase "and  
9     subject to the provisions of this section no other police force shall be  
10    established for the Federation or any part thereof" and substituting same  
11    with the phrase "and which shall be supported by security outfits so  
12    established by states within their respective state boundaries"  
13           **3.** Section 214 is further amended by the introduction of a new  
14    subsection (d):  
15           (d) The state security outfits shall have such powers and duties as  
16    the state Houses of Assembly, by enactment, may confer on them:  
17           Provided such powers and duties shall not extend to Federal crimes  
18    that are vested exclusively on the Nigeria Police Force.  
19           **4.** Section 221 of the constitution is hereby amended by the  
20    addition of the word "national" immediately before the word "a" in line one
- Amendment of  
Section 7
- Amendment of  
Section 214
- Amendment of  
Section 221

	1	of the section and the word "national" in line three before the word "political"
Amendment of Section 222	2	<b>5.</b> Section 222 of the constitution is hereby amended by the addition
	3	of the word "national" in line two after the word "a"
	4	<b>6.</b> Section 222 is further amended by the introduction of new item (g)
	5	to the section thus:
	6	"the association or political party that has become elevated as a national
	7	political party by producing at least 3 elected members in any state house of
	8	assembly".
Amendment of Section 271	9	<b>7.</b> Section 271(1) of the constitution is hereby amended by deleting
	10	the word "national" in line three and substituting same with the word "state".
	11	<b>8.</b> Section 271(2) of the constitution is hereby amended by deleting
	12	the word "national" in line three and replacing same with the word "state".
	13	<b>9.</b> Section 271(5) of the constitution is hereby amended by deleting
	14	the word "national" in line one of the subsection and substituting same with the
	15	word "state".
	16	<b>10.</b> Section 271 of the constitution is further amended by the
	17	introduction of a new subsection (6) thus "A person shall not be qualified to be
	18	appointed a judge if he does not get the endorsement of 2/3 members of the
	19	local branch of NBA where he is registered, such endorsement shall be decided
	20	by a yes integrity confirmatory vote of all members".
Amendment of Section 281	21	<b>11.</b> Section 281(1) of the constitution is hereby amended by deleting
	22	the word "national" in line three of the subsection and substituting same with
	23	the word "state"
	24	<b>12.</b> Section 281(2) of the constitution is hereby amended by deleting
	25	the word "national" in line three of the subsection and substituting same with
	26	the word "state"
	27	<b>13.</b> Section 281(5) of the subsection is hereby amended by deleting
	28	the word "national" in line one of the subsection and substituting same with the
	29	word "state"
	30	<b>14.</b> Section 281 of the constitution is hereby further amended by the

1            introduction of a new subsection (6) thus:

2                        "A person shall not be qualified to be appointed a judge if he does  
3            not get the endorsement of 2/3 members of the local branch of the NBA  
4            where the person is registered, such endorsement shall be decided by a yes  
5            integrity confirmatory vote of all members".

6                        **15.** The Bill may be cited as the Constitution of the Federal    Citation  
7            Republic of Nigeria 1999 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the constitution of the Federal Republic of Nigeria to provide for additional process of selecting a judge and make local government more responsive to the development of the local area.





# A BILL

## FOR

AN ACT TO AMEND THE SHERIFFS AND CIVIL PROCESS ACT, CAP S6 LFN, 2004, TO INCREASE COST OF FINES AND TO PUT THE ATTORNEY GENERAL OF THE FEDERATION ON A PRE-EXECUTION NOTICE AFTER A GARNISHEE ORDER NISI INVOLVING A PUBLIC OFFICER HAS BEEN RULED BY A COURT OF COMPETENT JURISDICTION AND FOR RELATED MATTERS

*Sponsored by Hon. Lynda Chuba Ikpeazu*

[     ] Commencement

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

- |   |   |
|---|---|
| <p>1            <b>1.</b> The Sheriffs and Civil Processes Act, Cap. S6, Laws of the</p> <p>2      Federation of Nigeria, 2004 (in this Bill referred to as the "principal Act") is</p> <p>3      amended as set out in this Bill.</p>  | <p>Amendment of<br/>Cap. S6 LFN,<br/>2004</p> |
| <p>4            <b>2.</b> Section 7 of the Principal Act is amended:</p> <p>5            (a) In line 3, by substituting for-</p> <p>6            (i) expression "N200" to the expression N500,000</p>   | <p>Amendment of<br/>Section 7</p>             |
| <p>7            <b>3.</b> Section 28 of the Principal Act is amended:</p> <p>8            (a) In line 4, by substituting for:</p> <p>9            (i) expression "NI 00" to the expression N250,000.</p>  | <p>Amendment of<br/>Section 28</p>            |
| <p>10           <b>4.</b> Section 69 of the Principal Act is amended:</p> <p>11           (a) In line 3, substituting for:</p> <p>12           (i) expression "N200" to the expression N500,000".</p> <p>13           (b) In line 4, substituting for:</p> <p>14           (i) expression "thirty naira" to the expression N200,000".</p> | <p>Amendment of<br/>Section 69</p>            |
| <p>15           <b>5.</b> Section 84 of the Principal Act is amended:</p> <p>16           (a) In subsection (1) as follows;</p> <p>17           (i) In line 2, 3, 4, S by substituting the expression "the order nisi</p> <p>18      shall not be made under the provisions of the last preceding section unless</p>                      | <p>Amendment of<br/>Section 84</p>            |

1 consent to such attachment is first obtained from the appropriate officer in the  
2 case of money in the custody or control of a public officer or of the court in the  
3 case of money in custodia legis, as the case may be" to the expression for "the  
4 order nisi shall be deemed an order absolute."

5 (b) In subsection (2) by substituting the expression:

6 (i) In line 1 as follows; "order of notice" for the expression "order  
7 absolute and a pre- execution notice";

8 (ii) By introducing sub-paragraphs (a) and (b) in sub-section 2 as  
9 follows;

10 (a) The Attorney General must be served with the garnishee order  
11 absolute and a pre-execution notice within 14 days from the date of issuance of  
12 the court Order Absolute;

13 (b) The Attorney General shall mandate that the public officer being  
14 the judgement debtor pays the judgement creditor within 30 days of being  
15 served with the Order Absolute and the Pre-Execution Notice."

Citation

16 **6.** This Bill may be cited as the Sheriffs and Civil Process  
17 (Amendment) Bill, 2021.

#### EXPLANATORY NOTE

This Bill seeks to increase fines and mandates that the Attorney General of the Federation is served with a Pre-Execution notice to expedite the execution of garnishes order nisi involving a public officer or public institution. The Attorney General shall play an advisory role in ensuring that the public officer pays the required judgment debt within a stipulated time. The amendment also voids the previous section requiring the Attorney Generals consent after a garnishee Order nisi involving a public officer has been made by a court of competent jurisdiction.

# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AS AMENDED TO INCREASE THE RETIREMENT AGE OF JUDICIAL OFFICERS AND FOR RELATED MATTERS

*Sponsored by Hon. Yusuf Adamu Gagdi*

[ ] Commencement

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

- |  |  |
|--|--|
| <p>1                   <b>1.</b> The Constitution of the Federal Republic of Nigeria (in this Act</p> <p>2 referred to as "the principal Act") is altered as set out in this Bill.</p>   | <p>Alteration of the<br/>Constitution of<br/>the Federal Republic<br/>of Nigeria</p> |
| <p>3                   <b>2.</b> Section 291 of the principal Act is altered in subsection (1) and</p> <p>4 (2) by substituting the entire (1) and (2) as set out below:</p> <p>5                   “(1) a judicial officer appointed to the Supreme Court or Court of</p> <p>6 Appeal may retire when he attains the age of sixty –five years and he shall</p> <p>7 cease to hold office when he attains the age of seventy five years.</p> <p>8                   (2) a judicial officer appointed to any other Court other than those</p> <p>9 specified in subsection (1) of this Section may retire when he attains the age</p> <p>10 of sixty –five years and he shall cease to hold office when he attains the age</p> <p>11 of seventy years”.</p> | <p>Alteration of<br/>Section 291</p>   |
| <p>12                   <b>3.</b> This Bill may be cited as Constitution of the Federal Republic of</p> <p>13 Nigeria 1999 (Alteration) Bill, 2021.</p>  | <p>Short title</p>   |

### EXPLANATORY MEMORANDUM

This Bill seeks to alter Section 291 of the 1999 Constitution of the Federal Republic of Nigeria, to increase the retirement age of Judicial Officers.



NATIONAL RENEWABLE ENERGY DEVELOPMENT AGENCY

(ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

*Section:*

1. Establishment of the National Renewable Energy Development Agency
2. Responsibilities under the bill
3. Membership of the Agency
4. Membership of the Technical Advisory Committee.
5. Proceedings of the Agency.
6. Establishment of the Renewable Energy fund
7. Sources of Money for the fund
8. Management of the fund
9. Tax Exemption
10. Account and Audit
8. Director-General and other staff of the Agency.
9. Interpretation
10. Short title



# A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL RENEWABLE ENERGY  
DEVELOPMENT AGENCY AND TO CHARGE IT WITH THE RESPONSIBILITY OF  
PROMOTING THE USE OF RENEWABLE ENERGY RESOURCES AND FOR  
RELATED MATTERS

*Sponsored by Hon. Usman Abdullahi*

[ ] Commencement

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

1	<b>1.-(1)</b> There is hereby established a body to be known as the	Establishment
2	National Renewable Energy Development Agency (in this bill referred to as	of the National
3	"the Agency") which shall have the functions specified in this Bill.	Renewable Energy Development Agency

4 (2) The Agency shall consist of the following departments, that is-

5 (a) Energy Information System (including Library and Computer  
6 Services);

(b) Energy Planning and Analysis (including Energy Efficiency  
Demand Management and Conservation, Rural Energy;

9 (c) Training and Manpower Development;

10 (d) Administration and Finance; and

(e) such other Departments as may be approved by the Ministry of Science and Technology on the recommendation of the Director-General.

13	<b>2.-(1) Recommend national targets for the use of renewable energy</b>	Responsibilities of the National Renewable Energy Development Agency under the Bill
14	resources.	

15 (2) Carry out an impact assessment of the use of biomass for energy  
16 purposes.

17                   (3) Work with other relevant Ministries and authorities to prepare  
18   and co-ordinate the permitting process for facilities using renewable energy  
19   resources within the meaning of this Bill.

Membership of  
the Technical  
Advisory  
Committee

1 (4) Work with other Ministries, Universities and other training  
2 providers to promote the implementation of educational programmes within  
3 the renewable energy sector;

4 (5) Encourage the development of technical and standard  
5 requirements and certification of renewable energy installations for  
6 Renewable Energy Systems, to ensure the quality of these systems especially  
7 in small scale installations, whether residential or commercial;

8 (6) Establish and manage a registry to monitor renewable energy  
9 facilities; and

10 (7) Undertake such reporting duties as are required by this agency.

11 3.-(1) There shall be established a technical arm of the Agency to be  
12 known as the Technical Advisory Committee which shall consist of the  
13 Director-General of the Agency.

14 (2) The other members shall be professionals representing the  
15 following Ministries, Government Agencies or professional organisations, that  
16 is to say-

17 (a) Energy Commission of Nigeria;

18 (b) Renewable Energy Division of the NNPC;

19 (c) Power and Steel;

20 (d) Science and technology;

21 (e) Agriculture and Rural Development;

22 (f) Water resources;

23 (g) Defence;

24 (h) Finance;

25 (i) Industries;

26 (j) Communication;

27 (k) Environment;

28 (l) Solar Energy Society of Nigeria;

29 (m) Nigerian Mining and Geosciences Society;

30 (n) Centres for Energy Research and Development at the Ahmadu



1 Bello University, Zaria; Obafemi Awolowo University, Ile-Ife; Usmanu  
 2 Danfodio University, Sokoto, University of Nigeria, Nsukka and any new  
 3 energy centres that may be established from time to time;

4 (o) Nigerian Society of Engineers;

5 (p) Nigerian Mining Corporation;

6 (q) Nigerian Coal Corporation;

7 (r) National Electric Power Authority;

8 (3) The Committee may co-opt, when necessary, any suitable  
 9 Nigerian whose contribution may be needed by the Committee.

10 4.-(1) The committee shall have power to regulate its own  
 11 proceedings and may make standing orders for that purpose and, subject to  
 12 such standing orders, may function notwithstanding any vacancy in its  
 13 membership or the absence of any member.

Proceedings of  
the Technical  
Committee

14 (2) The committee shall meet at least six times in every year for the  
 15 due performance of its responsibilities under this bill.

16 (3) Ten members shall form a quorum at any meeting of the  
 17 committee.

18 5.-(1) There is established by this bill, the Renewable Energy Fund.

Establishment of  
the Renewable  
Energy Fund

19 (2) Moneys from the Fund shall be used for-

20 (a) the promotion, development, sustainable management and  
 21 utilization of renewable energy sources;

22 (b) the provision of financial incentives, capital subsidies,  
 23 production based subsidies and equity participation for-

24 (i) grid interactive renewable electricity;

25 (ii) mini-grid and off-grid renewable power systems for remote  
 26 areas and islands,

27 (iii) renewable energy projects for non-electricity purposes, and

28 (iv) any other renewable energy activity that the Agency may  
 29 determine;

30 (c) the promotion of renewable energy projects especially

- 1 community based projects;
- 2 (d) the promotion of renewable energy for industrial use;
- 3 (e) scientific, technological and innovative research into renewable
- 4 energy;
- 5 (f) the production or fabrication of equipment for the development
- 6 and utilization of renewable energy in the country;
- 7 (g) programmes to adopt international best practices and innovative
- 8 approaches to the development and utilization of renewable energy sources;
- 9 (h) the development of infrastructure for renewable energy; and
- 10 (i) capacity building for renewable energy development.

11 (3) For the purposes of this section, "equity participation" means the  
 12 participation in the ownership of an organisation or venture through an  
 13 investment for renewable energy.

Sources of money  
for the Fund

- 14 **6.** The moneys in the Fund shall be derived from-
- 15 (a) moneys appropriated by the National Assembly;
- 16 (b) registration fees of individuals and organisations involved in
- 17 renewable energy for commercial gains;
- 18 (c) donations, grants and gifts received for renewable energy
- 19 activities;
- 20 (d) moneys generated by the Agency from the provision of services
- 21 for renewable energy activities;
- 22 (e) moneys generated by the Agency from the licenses issued to
- 23 Independent Power Producer's utilizing renewable energy resources for
- 24 electricity generation, including solar energy;
- 25 (f) any levy that may be introduced by the Government.

Management of  
the Fund

- 26 **7.-(1)** The Agency is responsible for the management of the Fund and
- 27 to that end shall-
- 28 (a) pursue policies to achieve the object of the Fund;
- 29 (b) collect or arrange to be collected, moneys lawfully due to the
- 30 Fund, through procedures determined by the Director General;

1 (c) keep moneys of the Fund in bank accounts separate from other  
2 funds of the Agency;

3 (d) ensure accountability of the Fund by defining appropriate  
4 procedures for the utilisation of the Fund;

5 (e) prepare and publish the criteria for the disbursement of moneys  
6 from the Fund with the approval of the Director General;

7 (f) disburse moneys from the Fund;

8 (g) receive and examine reports from designated persons or  
9 institutions in respect of financial assistance granted to those persons or  
10 institutions; and

11 (h) perform any other function assigned to it under this Act or  
12 incidental to the achievement of the object of the Fund.

13 (2) The administration expenses of the Fund related to the  
14 management of the Fund shall be charged on the Fund.

15 **8.** The Fund is exempt from the payment of tax.

Tax exemption

16 **9.-(1)** The Agency shall within three months before the end of each  
17 financial year, prepare and submit to the Minister of Science and  
18 Technology for approval, estimates of the income and expenditure of the  
19 Fund for the succeeding financial year.

Accounts and  
audit

20 (2) The Agency shall keep proper records and books of accounts of  
21 the income and expenditure of the Fund for each financial year.

22 (3) The Agency shall within two months of the end of each  
23 financial year, submit the statement of accounts of the Fund to the Auditor  
24 General of the federation for auditing.

25 **10.-(1)** There shall be appointed by the President, a Director-  
26 General who shall be responsible for the day-to-day running of the affairs of  
27 the Agency.

Director-General  
and other staff of  
the Agency

28 (2) The other staff of the Agency shall be officers in the civil  
29 service of the Federation.

Interpretation	1	11. -(1) In this Bill, unless the context otherwise requires-
Comment	2	"aerothermal energy" means energy stored in the form of heat in the ambient
	3	air;
	4	"bio fuels" means liquid or gaseous fuel for transport produced from biomass;
	5	"bio gas" means a fuel gas produced from biomass or from the bio degradable
	6	fraction of waste, that can be purified to natural gas quality, to be used as bio
	7	fuel or wood gas;
	8	"bio mass" means non-fossil, bio degradable organic material originating from
	9	naturally occurring or cultured plants, animals and micro-organisms, including
	10	products from agriculture (including vegetal and animal substances), forestry
	11	and related industries
	12	including fisheries and aquaculture, as well as the biodegradable fraction of
	13	industrial and municipal waste;
	14	"consumer" means any person or entity receiving electricity from the
	15	distribution or transmission network for his or her or its own
	16	use;
	17	"geothermal energy" means energy stored in the form of heat beneath the
	18	surface of solid earth;
	19	"grid" means a number of transmission and distribution systems linked
	20	together, as provided for under the Electricity Act;
	21	"hybrid systems" means any power or energy generation facility which makes
	22	use of more than one fuel source with a minimum of ten percent of the annual
	23	energy output provided by renewable energy sources, including but not limited
	24	to integrated combined solar and wind systems, combined biomass and fossil
	25	fuel systems, combined hydro and fossil fuel systems, integrated solar and
	26	biomass systems, integrated wind and fossil fuel systems;
	27	"hydrothermal" means energy stored in the form of heat in surface water;
	28	"hydro power" means water-based energy systems;
	29	"Minister" means the Minister responsible for Science and Technology" shall
	30	be construed accordingly;

- 1 "off-grid" means not connected to the grid;  
2 "registry" means a registry established by the Ministry to monitor renewable  
3 energy facilities;  
4 "renewable energy resources" means energy from non-fossil sources such as  
5 wind, solar, hydro power, biogas, biomass, landfillgas, sewage treatment  
6 plant gas, geothermal, aero thermal, hydrothermal and ocean;  
7 "solar resources" means the energy derived from solar radiation which can  
8 be converted into useful thermal or electrical energy; and  
9 "wind resources" means energy derived from wind, converted into useful  
10 electrical or mechanical energy.

11 (2) A word or phrase not specifically defined in this bill, but defined  
12 in the Electricity Act shall have the meaning assigned to it in that Act

13 **12.** The Bill may be cited as the National Renewable Energy Short title  
14 Development Agency Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to promote the use of renewable energy resources, including hybrid systems, to achieve greater energy self-reliance and thereby reduce the exposure to fossil fuel price fluctuations, reduce harmful emissions, and promote economic growth and protection of the environment in Nigeria.



NATIONAL SECURITY AGENCIES PERSONNEL IDENTITY PROTECTION

BILL, 2021

ARRANGEMENT OF SECTIONS

*Sections:*

PART 1 - PROTECTION OF PERSONNEL IDENTITY AND FACILITIES

1. Protection of Identity of Security Agencies Personnel
2. Protection of Facilities against Unauthorized Access
3. Disclosure of Damaging Information
4. Further Protection of Security Materials
5. Information Resulting from Authorized Disclosure or Entrusted in Confidence
6. Duty of Care Regarding Classified Information
7. Further Offences
8. Attempt, Aiding and Abetment of Offence
9. Protection of Information Relating to Security and Intelligence
10. Exemption of Operational Files by the Overall Administrator
11. Search and Review for Information

PART 2 - LIAISON WITH THE NATIONAL ASSEMBLY

12. Procedure for Reporting to National Assembly
13. Procedure to Protect from Disclosure
14. Form and Content of Reports to National Assembly

PART 3 - DEFENCES, POWERS AND IMMUNITIES

15. Defences
16. Powers and Immunities of Personnel
17. Power to Investigate
18. Search Warrant
19. Power to Arrest Without Warrant
20. Protection of Personnel Against Legal Process
21. Power to Bear Arms

22. Power to Undertake Joint Operations with Other Security and Intelligence Agencies

PART 4 - JURISDICTION AND LEGAL PROCEEDINGS

23. Court to Hear Cases in Camera  
24. Prosecution of Offences  
25. Extra-territorial Jurisdiction

PART 5 - MISCELLANEOUS PROVISIONS

26. Misuse of Security Agency's Name, Acronym or Seal  
27. Security Agency's Oaths of Secrecy and Allegiance  
28. Repeals

PART 6 - INTERPRETATION

29. Interpretations  
30. Short Title



## A BILL

### FOR

AN ACT TO PROVIDE FOR THE PROTECTION OF THE IDENTITY OF NATIONAL SECURITY AGENCIES PERSONNEL, AGENTS, SOURCES, INFORMANTS AND OPERATIONAL METHODS FROM UNLAWFUL DISCLOSURE; AND TO PROTECT THEIR ESTABLISHMENTS, FACILITIES AND EQUIPMENT AGAINST UNAUTHORIZED ACCESS; AS WELL AS PROVIDE FOR THE PROMOTION AND ENHANCEMENT OF NIGERIA'S EXTERNAL SECURITY AND FOR RELATED MATTERS

*Sponsored by Hon. Oluwale Oke*

[ ] Commencement

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

1 PART ONE - PROTECTION OF PERSONNEL IDENTITY AND  
2 OTHER MATERIALS

3 1.-(1) The Identity of a Security Agency Personnel or Agent shall  
4 not without due authorization from the Agency be disclosed to any other  
5 person.

Protection of  
Identities of  
Security Agency  
Personnel

6 (2) A person who willfully discloses the identity of a Security  
7 Agency Personnel or Agent to a person to whom he is not authorized on  
8 behalf of the government to disclose, is guilty of an offence and shall be  
9 liable on conviction to imprisonment for a term of five years or a fine not  
10 below the sum of five hundred thousand Naira or both.

11 (2) Where the unauthorized disclosure of the identity of a Security  
12 Agency Personnel or Agent is likely to or results in grievous bodily harm or  
13 death of the Personnel or Agent or in any manner impedes the intelligence  
14 collection of the Security Agency, the punishment shall be imprisonment for  
15 a term of ten years without option of fine.

Protection of  
Security Agency  
facilities,  
installations and  
equipment

1                   **2.**-(1) A person is guilty of an offence if, without lawful authority, he-  
2                   (a) enters or is in the vicinity of or inspects an establishment or facility  
3 of the Security Agency; or  
4                   (b) photographs, sketches or in any other manner makes a record of  
5 the description of, or of anything situated in a facility or establishment of the  
6 Security Agency; or  
7                   (c) obtains, reproduces or retains any photograph, sketch, plan, model  
8 or document relating to, or to anything situated in a facility of the Security  
9 Agency; or  
10                  (d) obstructs, misleads or otherwise interferes with a person engaged  
11 in guarding a facility of the Security Agency.

12                  (2) A person charged with an offence under subsection (1) (a), (b) and  
13 (c) of this Section shall be deemed to have acted without lawful authority if he  
14 carries out any of the acts without the written permission of the Overall  
15 Administrator of the Security Agency.

16                  (3) "Security Agency Facility or Establishment" means any area,  
17 building, structure, installation, equipment or office in Nigeria or elsewhere  
18 used by the Security Agency for or in connection with its activities.

19                  (4) A person who commits an offence under this Section is liable on  
20 summary conviction to imprisonment for a term of three (3) years.

Damaging  
Disclosure

21                  **3.**-(1) A person who is or has been a Public Officer or Government  
22 Contractor if, without lawful authority, makes a damaging disclosure of  
23 information, document or other article in his possession originating from, or  
24 given to the Security Agency;

25                  (a) relating to security or intelligence;

26                  (b) relating to classified international relations;

27                  (c) received in confidence from a Security Agent or a State other than  
28 the Federal Republic of Nigeria or its agencies; or

29                  (d) received in confidence from an international organization or a  
30 member thereof;

1 is guilty of an offence and shall be liable on conviction to imprisonment for a  
2 term of five years or a fine not below the sum of five hundred thousand Naira  
3 or both.

4 (2) For the purpose of Section 4, a disclosure is damaging if it is  
5 likely to cause harm to the interest of the Security Agency or Government of  
6 the Federal Republic of Nigeria or impedes the work of the Security Agency  
7 or causes injury or harm to any of its Personnel or Agents.

8 4. Any person who obtains, reproduces or retains any information,  
9 document or article relating to security or intelligence originating from, or  
10 given to the Security Agency, which he is not authorized on behalf of the  
11 Government to obtain, reproduce or retain, as the case may be, is guilty of an  
12 offence and liable upon conviction to imprisonment for a term of five years  
13 or a fine not below the sum of Five Hundred Thousand Naira.

Further protection  
of Security materials

14 5. Where any information, document or other article protected  
15 against disclosure by the foregoing provisions of this Bill has come into a  
16 person's possession as a result of having been-

Information  
resulting from  
authorized  
disclosure or  
entrusted in  
confidence

17 (a) disclosed (whether to him or another) by a Public Officer,  
18 Government Contractor or any other source without lawful authority; or

19 (b) entrusted to him by a Public Officer, Government Contractor,  
20 or any other source on terms requiring it to be held in confidence or in  
21 circumstances in which the disclosing party could reasonably expect that it  
22 would be so held; or

23 (c) disclosed (whether to him or another) without lawful authority  
24 by a person to whom it was entrusted as mentioned in paragraphs (a) and (b)  
25 above; such a person is guilty of an offence if he discloses it without lawful  
26 authority knowing or having reasonable cause to believe that it is protected  
27 against disclosure and is liable upon conviction to a term of imprisonment  
28 not exceeding three years.

29 6. A person is guilty of an offence and punishable with a term of  
30 imprisonment not exceeding three years if-

Duty of care  
regarding classified  
information

	1	(a) he fails to take such care to prevent disclosure of a classified
	2	material, document or article as a person in his position may reasonably be
	3	expected to take; or
	4	(b) being a Public Officer, he retains a classified material, document
	5	or article contrary to his official duty; or
	6	(c) being a Government Contractor, he fails to comply with an official
	7	directive for the return or disposal of a classified material, document or article.
Further Offences	8	<b>7.-(1)</b> A person is guilty of an offence and punishable with a term of
	9	imprisonment not exceeding five years if, without lawful authority, he
	10	discloses any official information, document, material or other articles which
	11	can be used for the purpose of obtaining access to any information, document,
	12	article, facility or installation protected against disclosure by the foregoing
	13	provisions of this Bill:
	14	Provided that the circumstances in which the official information,
	15	document, material or other article is disclosed are such that it would be
	16	reasonable to expect that it might be used for the purpose of obtaining
	17	unauthorized access to protected information, document, article, facility or
	18	installation.
Attempt to commit offence and abetment	19	<b>8.</b> A person is guilty of an offence and punishable with a term of
	20	imprisonment not exceeding five years if he-
	21	(a) attempts to commit any offence under this Bill;
	22	(b) does any act preparatory to or in furtherance to the commission of
	23	any offence under this Bill; or
	24	(c) abets, conceals or engages in criminal conspiracy to commit any
	25	offence under this Bill.
Protection of Operational files	26	<b>9.</b> Operational files of the Agency may, in the interest of national
	27	security, be exempted by the Security Agency's Overall Administrator from the
	28	provisions of any legislation which requires publication, disclosure, search or
	29	review of such documents or anything connected therewith. Such exemption

1 shall be contained in a written memorandum and communicated to the  
2 persons concerned.

3 **10.** The operational files to be exempted include-

Operational Files  
to be exempted

4 (i) Files of the Security Agency which contain information on any  
5 conduct of foreign intelligence or counter-intelligence operations or  
6 intelligence liaison arrangements or information exchanges with  
7 Intelligence units, Security Agencies, foreign governments or their  
8 Intelligence or Security Services; information on past or ongoing  
9 intelligence operations or activities, sources, informants, methods, agents,  
10 installations, locations of persons or objects of intelligence interest to the  
11 Federal Government;

12 (ii) Files of the Security Agency which contain information on the  
13 means by which intelligence and counter-intelligence are collected through  
14 scientific and technical methods; or contain information on the location of  
15 communications or technical equipment used in intelligence gathering for  
16 national security purposes or the fight against corrupt practices; and,

17 (iii) Files of the Security Agency which contains information on  
18 the Security Agency's Instruments, directives on operations or intelligence  
19 activities by the President or the National Security Adviser, decisions or  
20 minutes of meetings of the Joint Intelligence Board and the Intelligence  
21 Community Meeting, directives of the Overall Administrator, decisions of  
22 Senior Management of the Security Agency, internal circulars, information  
23 on policy, records of past and serving members of staff of the Security  
24 Agency, Security Agency finances, budget, expenditures and  
25 Administrative Rules, Regulations and Manuals.

26 **11.-(1)** Notwithstanding Sections 10 and 11 above, exempted  
27 operational files shall continue to be subject to search, disclosure and review  
28 for information concerning:

Search and review  
for information

29 (i) Declassified information;

30 (ii) Any intelligence activity, the existence of which is not

	1	exempted from disclosure under this Bill; and,
	2	(iii) Specific declassified subject matter of an inquiry/investigation
	3	by the Intelligence and Security Committees of the National Assembly, the
	4	Office of the National Security Adviser or the Nigerian Courts.
	5	(2) The Overall Administrator of the Security Agency may, from time
	6	to time and having regard to the security and intelligence interest of Nigeria,
	7	issue directives in writing for the declassification of any information or
	8	document in the possession of the Security Agency.
	9	PART TWO - LIAISON WITH THE NATIONAL ASSEMBLY
Procedure for reporting to National Assembly	10	12. The President of the Federal Republic of Nigeria or his designated
	11	officials and the National Assembly Committees on Security and Intelligence
	12	may establish such procedures as may be necessary to carry out the provisions
	13	of this Part.
Procedure to protect from disclosure	14	13. The Senate and the House of Representatives shall each establish,
	15	by Rule or Resolution, procedures to protect from unauthorized disclosure, all
	16	classified information relating to intelligence that is furnished to the National
	17	Assembly Committees on Security and Intelligence. Such procedures shall be
	18	established in consultation with the President's designated officials.
Form and Contents of Reports	19	14. Any report relating to a Security intelligence activity that is
	20	submitted to the National Assembly Committees on National Security and
	21	Intelligence by the Security Agency for purposes of this Part shall be in writing
	22	and contain the following:
	23	(a) A concise statement of any facts pertinent to such report;
	24	(b) An explanation of the significance of the intelligence activity
	25	covered by such report;
	26	(c) Use of gaps, asterisks, alphabets, pseudo words, dots or blacken
	27	words, to conceal sensitive names, figures, locations, issues, matters, sources
	28	and methods, which may, in compelling circumstances, be orally disclosed.
	29	PART THREE - DEFENCES, POWERS AND IMMUNITIES
Defences	30	15.-(1) It is a defence for a person charged with an offence under this

1 Bill to prove that-

2 (a) at the time of the alleged offence, he had no reasonable cause to  
3 believe that the act in question was one to which this Bill applies;

4 (b) when he knew or could reasonably have been expected to  
5 believe that the matter was classified matter, he forthwith placed his  
6 knowledge of the case at the disposal of the Overall Administrator of the  
7 Security Agency; and,

8 (c) at the time of the alleged offence, he believed that he was acting  
9 in accordance with his official duty and had no reasonable cause to believe  
10 otherwise.

11 (2) It is a defence for a person charged with an offence under  
12 Sections 4, 5, 6 and 8 of this Bill to prove that the disclosure of the  
13 information, article or document was in the public interest insofar as he had  
14 reasonable cause to believe that it indicated the existence of crime, fraud,  
15 abuse of authority, neglect in the performance of official duty or other  
16 misconduct. Provided that before making the said disclosure, he has taken  
17 reasonable steps to draw such misconduct to the attention of the Overall  
18 Administrator without effect.

19 **16.** Personnel of the Security Agency shall have all the powers and  
20 immunities of a Police Officer under the Police Act and any other laws  
21 conferring power and immunity on law enforcement agents and shall  
22 exercise these powers both within and outside Nigeria, especially in  
23 Nigeria's Diplomatic Missions abroad in furtherance of Nigeria's national  
24 security (where applicable).

Power and  
immunities of  
Personnel

25 **17.-(1)** A Senior Officer of the Security Agency shall have powers  
26 to investigate an offence under this Bill and may direct-

Power to  
Investigate

27 (a) any person to appear before him for the purpose of investigation  
28 in relation to any matter which may, in his opinion, assist in the investigation  
29 of the offence;

30 (b) any person to produce any book, documents, articles or

1 materials which, in his opinion, may assist in the investigation of an offence;  
2 and,

3 (c) by written notice, any person to furnish a statement in writing  
4 made under oath containing all such information required by the notice which  
5 in the officer's opinion would be of assistance in the investigation of an offence.

6 (2) No investigation shall be initiated under this Bill without the  
7 written authorization of the Overall Administrator.

Search Warrant

8 **18.** Where a Security Agency Personnel has reasonable cause to  
9 believe that an offence under this Bill has been committed and that a material  
10 relating to the offence is likely to be found on a particular premises, he may  
11 request to a superior personnel, that a warrant be issued authorizing him and  
12 such other Personnel as may accompany him, to enter and search those  
13 premises and to seize and remove any material found there on which the  
14 Personnel considers as evidence of an offence under this Bill.

Power to arrest  
without Warrant

15 **19.**-(1) Without prejudice to any other power of arrest, a Security  
16 Personnel may arrest without warrant any person whom he finds committing  
17 an offence under this Bill or whom he reasonably suspects of having committed  
18 such an offence.

19 (2) A Security Personnel may use such force as may be reasonably  
20 necessary for the purpose of executing an arrest under this Bill.

Immunity from  
Legal Process

21 **20.** No legal proceedings, civil or criminal, shall be instituted against  
22 a Personnel of the Security Agency or any person assisting such Personnel for  
23 an act which was done pursuant to the discharge of his duty under this Bill or  
24 any other law.

Power to bear  
Firearms

25 **21.** Personnel of the Security Agency shall be issued with such  
26 firearms and ammunition, and such other weapons of offence or defence for  
27 use within Nigeria and in Nigerian Diplomatic Missions abroad (where  
28 applicable) as may be authorized by the President, acting with the advice of the  
29 Overall Administrator.



1 PART FOUR - JURISDICTION AND LEGAL PROCEEDINGS

2 22.-(1) In the interest of national security, defence and foreign  
3 relations, where a classified information, material or matter is in issue, any  
4 document, article or material filed or produced by the Security Agency, shall  
5 be examined ex-parte and in camera by the court.

Court to examine  
documents in  
camera

6 (2) The court shall, to the fullest extent possible and practicable,  
7 determine issues of fact based on sworn written submissions of the parties.

8 (3) The court may not order the Security Agency to review the  
9 content of any exempted operational file or files unless the complainant  
10 disputes the Security Agency's showing with a sworn written submission  
11 based on personal knowledge or otherwise admissible evidence.

12 23.-(1) Without prejudice to the general powers of the Attorney-  
13 General of the Federation to institute and undertake criminal proceedings on  
14 behalf of the Federal Government of Nigeria, the Security Agency shall  
15 have powers to prosecute criminal cases against any person in respect of  
16 offences under this Bill.

Prosecution of  
Offences

17 (2) A prosecution for an offence under this Bill shall be concluded  
18 and judgment delivered within ninety (90) working days of its  
19 commencement except that the jurisdiction of the court to continue to hear  
20 and determine the case shall not be affected where good grounds exist for a  
21 delay.

22 24. Where an offence under this Bill has been committed outside  
23 Nigeria by a citizen of Nigeria, proceedings in respect of the offence may be  
24 brought in any court in Nigeria which would have had jurisdiction in the  
25 matter if the offence had been committed in Nigeria.

Extra-territorial  
Jurisdiction

26 PART FIVE - MISCELLANEOUS PROVISIONS

27 25. A person who, without the written permission of the Overall  
28 Administrator of the Security Agency, knowingly uses the Security  
29 Agency's identity card or the acronym or its seal or any imitation of such  
30 words, acronym, or seal in connection with any merchandise, solicitation,

Misuse of Security  
Agency's Name,  
Acronym or Seal

	1	commercial activity or communication, designed to impersonate or in any
	2	manner reasonably calculated to convey the impression that such use is
	3	approved, endorsed, or authorized by the Security Agency, is guilty of an
	4	offence and is liable on conviction for a term of imprisonment not exceeding
	5	three years.
Security Agency Oath and Oath of Allegiance	6	<b>26.-(1)</b> On the appointment or promotion of any person as personnel
	7	of the Security Agency, he shall forthwith take and subscribe to the Security
	8	Agency's Oath and the Oath of Allegiance as contained in the Schedule to this
	9	Bill.
	10	(2) A serving or retired Security Personnel who, having subscribed to
	11	the Security Agency's Oath and the Oath of Allegiance, breaches or violates
	12	any provisions of the Oaths, is guilty of an offence and is liable on conviction to
	13	imprisonment for a term of five years.
Repeal	14	<b>27.</b> Where any provision of the Official Secrets Act conflicts with the
	15	provisions of this Bill, the provisions of the Official Secrets Act that conflicts
	16	with the provisions of this Bill shall be null and void and of no effect to the
	17	extent of the inconsistency.
	18	PART SIX - INTERPRETATION SECTION
Interpretation	19	<b>28.</b> In this Bill-
	20	(1) "Agent" means any individual who furnishes information to the
	21	Agency through any means or works for the Agency as an informant or source,
	22	in the course of an intelligence relationship and whose identity and relationship
	23	with the Agency is classified information;
	24	(2) "Authorized", when used with respect to access to classified
	25	information, means having authority, right or permission pursuant to the
	26	provisions of a statute or directive of the Federal Government or the Overall
	27	Administrator;
	28	(3) "Classified Information or Material" means any information,
	29	document, article or material which, under any system of security
	30	classification in use by any branch of the government, is not to be disclosed to

1 the public in the interest of national security;

2 (4) "Counter-intelligence" means information gathered and  
3 activities conducted, to protect against espionage, sabotage and other hostile  
4 intelligence activities;

5 (5) "Covert Action" means a clandestine operation designed to  
6 influence foreign governments, events, organizations or persons to support  
7 and promote Nigeria's foreign policy and national security;

8 (6) "Disclose" or "Disclosure" means to communicate, provide,  
9 impart, transmit, transfer, convey, publish, or otherwise make available;

10 (7) "Foreign intelligence" means information relating to the  
11 capabilities, intentions or activities of foreign governments or elements  
12 thereof, foreign organizations, foreign persons or international terrorist  
13 activities;

14 (8) "Government Contractor" means any person who is not a  
15 Public Officer but who provides or is employed to provide any service to  
16 government and includes retired Security Agency Personnel who are  
17 engaged as consultants to the Security Agency;

18 (9) "Informant" means any individual who furnishes information  
19 to the Security Agency in the course of a confidential relationship;

20 (10) "International Organization" includes any organization with  
21 foreign affiliation or sponsorship whether or not it is one of which only  
22 states are members;

23 (11) "Intelligence" is the product or knowledge resulting from  
24 collecting, processing, integrating, analyzing, evaluating and interpreting  
25 available information concerning the capabilities, intentions, policies or  
26 activities of foreign countries/governments or elements thereof, foreign  
27 organizations or persons, international criminal organizations or subjects,  
28 hostile or potentially hostile forces or elements and other persons of interest  
29 to the Federal Government of Nigeria, as well as areas of actual or potential  
30 operations;

1           (12) "Intelligence Activities" are any or all of the activities  
2     undertaken by intelligence organizations;

3           (13) "Overall Administrator" means the Director-General of the  
4     National Intelligence Agency, Chairman of The Economic and Financial  
5     Crimes Commission, Chairman of The Independent Corrupt Practices  
6     Commission, Inspector General of Police of the Nigerian Police Force,  
7     Director-General of the State Security Service, Chief of Defence Intelligence  
8     of the Defence Intelligence Agency, and the Commandant General of the  
9     Nigeria Security and Civil Defence Corps;

10          (14) "Security Agency" means the National Intelligence Agency,  
11     Defence Intelligence Agency, State Security Service, Nigeria Security and  
12     Civil Defence Corps, The Independent Corrupt Practices Commission,  
13     Economic and Financial Crimes Commission and the Nigeria Police Force;

14          (15) "Security Agency Personnel" means-

15           (a) a serving or retired officer, employee or member of the Security  
16     Agency assigned to duty either within or outside the country, whose identity as  
17     such an officer, employee or member is classified information; and,

18           (b) an individual whose past or present intelligence relationship to the  
19     Security Agency is classified information and includes a present or former  
20     agent, informant or source of operational assistance to the Agency.

21          (16) "Nigeria", when used in a geographic sense, means all areas  
22     under the territorial sovereignty of Nigeria or entities or premises (covered by  
23     the Vienna Conventions on Diplomatic and Consular Relations) used by the  
24     Federal Government in a Foreign State irrespective of ownership;

25          (17) "Public Officer" means a person who exercised or formerly  
26     exercised, for the purposes of government, the functions of any office or  
27     employment under the state, including a Minister of the Federation, a  
28     Commissioner of a State Government and officers and staff of the Ministry of  
29     Foreign Affairs;

30          (18) "Significant Intelligence Activities" means any activity other

1 than covert actions or operations.

2                   **29.** This Bill may be cited as the National Security Agencies   Short title  
3 Personnel Identity Protection Bill, 2021.

#### SCHEDULE

##### Oath of Secrecy

I,....., swear that I shall not directly or indirectly reveal any matter that shall come to my knowledge in the course of my official duties and committed to my secrecy by this Oath except as may be required for the discharge of my official duties or as may be specially permitted by the Overall Administrator of the Agency/Force/Service/Commission/Corps; and I shall not engage or be involved in any activity in conflict with the interest of the Agency/Force/Service/Commission/Corps. I realize that failure to keep this Oath is an offence and shall render me liable to prosecution under the National Security Agencies Personnel Identity Protection and Other Related Matters Bill 2020. I also realize that the obligation of secrecy imposed upon me by this Oath will continue even after I have left Government service. So help me God.

##### Oath of Allegiance

I,....., swear that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and I will obey all lawful commands of the Federal Government, the National Intelligence Agency/Nigeria Police Force/ Defence Intelligence Agency/ State Security Service/ Economic and Financial Crimes Commission/ The Independent Corrupt Practices Commission/ Nigeria Security and Civil Defence Corps and any officer set over me while in the service of the Agency/Force/Service/Commission/Corps; I will also use my best endeavours for the preservation of peace and the apprehension of offenders and will, in all respects and to the best of my skill and knowledge, discharge all duties of the said office diligently and efficiently. So help me God.

EXPLANATORY MEMORANDUM

This Bill seeks to protect the identity of Personnel of the National Security Agencies, their agents, informants, sources and other classified information from unauthorized disclosure, as well as to protect intelligence facilities, installations and equipment against unauthorized access; and prescribes penalties for violation of its provisions.

NIGERIAN MARITIME TRUST FUND (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

*Clauses:*

PART I - OBJECTIVE AND SCOPE AND DURATION

1. Objective
2. Scope.

PART II - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIAN  
MARITIME TRUST FUND

3. Establishment of the Nigerian Maritime Trust Fund
4. Sources of the Trust Fund
5. Purposes of the Trust Fund
6. Functions of the Trust Fund
7. Establishment and composition of Nigerian Maritime Trust Fund  
Board of Trustee
8. Resignation by a member
9. Cessation of office
10. Removal from office of a member
11. Functions of the Board of Trustee
12. Powers of the Board of Trustee
13. Establishment of Maritime Trust Fund Project Implementation  
Committee

PART III - EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND

14. Appointment of the Executive Secretary and other staff of the Trust  
Fund
15. Functions of the Executive Secretary
16. Removal of the Executive Secretary
17. Staff of the Board of Trustee
18. Severance allowance.

PART IV - FINANCIAL PROVISIONS

19. Fund of the Trust Fund

20. Accounts of the Trust Fund
21. Estimates of expenditure
22. Account and audit
23. Exemption from tax

PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

24. Quarterly report.
  25. Annual report.
  26. Power of the President to issue directives
  27. Regulations
  28. Transitional provisions
  29. Interpretation
  30. Citation
- Schedule





	1	(2) The Trust Fund:
	2	(a) is a body corporate with perpetual succession and a common seal;
	3	and
	4	(b) may sue and be sued in its corporate name.
Sources of the Trust Fund	5	4.-(1) The Trust Fund shall consist of:
	6	(a) an amount constituting 0.5% of the total revenue accruing to the
	7	Federation Account;
	8	(b) a levy of 0.005% of the net profit of companies operating business
	9	in Nigeria;
	10	(c) any take-off grant and special intervention fund as may be
	11	provided by the Federal, State and Local Government of the Federation;
	12	(d) such money as may be appropriated to meet the objective of this
	13	Act by the National Assembly in the budget;
	14	(e) aids, grants and assistance from international bilateral and
	15	multilateral agencies, non-governmental organisations and the private sector;
	16	(f) grants, donations, endowments, bequests and gifts, whether of
	17	money, land or any other property from any source;
	18	(g) money derived from investment made by the Trust Fund.
	19	(2) Subsection (1) (e) and (f) shall be acceptable to the Trust Fund
	20	except where the terms and conditions attached to an aid, grant, donation or gift
	21	are inconsistent with the objective of the Trust Fund and the provisions of this
	22	Act.
Purpose of the Trust Fund	23	5. The Trust Fund shall be utilised:
	24	(a) for meeting the training and re-training needs of the personnel of
	25	the Nigerian Navy and its auxiliary staff within and outside Nigeria;
	26	(b) for the enhancement of the skills of the personnel of the Nigerian
	27	Navy and its auxiliary staff for improved proficiency in the use of operational
	28	equipment and machineries;
	29	(c) for the overall improvement, performance and efficiency in the
	30	discharge of the duties and responsibilities of the Nigerian Navy;

1 (d) for the purchase of equipment, machineries, including  
2 operational vehicles for the Nigerian Navy;

3 (e) for the construction of Navy Commands, provision of living  
4 facilities, such as quarters or barracks for the Nigerian Navy;

5 (f) to finance the procurement of books, instructional materials,  
6 training equipment for use at Navy Colleges and such other similar training  
7 institutions;

8 (g) to meet the cost of participation by the personnel of the  
9 Nigerian Navy at seminars and conferences relevant to sea or intelligence  
10 gathering; and

11 (h) for such other purposes incidental to, or connected with, the  
12 attainment of objective of this Act.

13 **6.-(1)** The Trust Fund shall:

Functions of  
the Trust Fund

14 (a) receive all money accruing to it under this Act;

15 (b) utilise all money accruing to the Trust Fund under this Act to  
16 meet the stated objective of this Act; and

17 (c) carry out such other activities considered necessary for the  
18 attainment of the objective of this Act.

19 (2) A member of the Board of Trustee, other than an ex-officio  
20 member, shall hold office for a term of three years in the first instance and  
21 may be reappointed for a another term of three years and no more.

22 (3) Members of the Board of Trustee shall be paid such allowances  
23 as may be determined by the Board of Trustee in consultation with the  
24 National Revenue, Mobilisation, Allocation and Fiscal Commission.

25 **7.-(1)** There is established the Nigerian Maritime Trust Fund Board  
26 of Trustee (in this Act referred to as "the Board of Trustee").

Establishment  
and composition  
of Nigerian Maritime  
Trust Fund Board  
of Trustee

27 (2) The Board of Trustee shall consist of:

28 (a) a Retired Chief of Naval Staff;

29 (b) Chief of Naval Staff or his representatives, as an Ex-officio  
30 member;

- 1 (c) a representative of the Federal Ministry responsible for:  
 2 (i) Defence,  
 3 (ii) justice, and  
 4 (iii) finance;  
 5 (d) a representative of:  
 6 (i) the civil society group,  
 7 (ii) the organised private sector and;  
 8 (e) Secretary to the Board of Trustee.
- 9 (3) A member of the Board of Trustee, other than an ex-officio  
 10 member:  
 11 (a) shall be appointed by the President;  
 12 (b) shall hold office for three years in the first instance; and  
 13 (c) may be reappointed for a another three years and no more.
- 14 (4) A member, other than ex-officio member, may resign his  
 15 appointment by a notice in writing under his hand addressed to the President.
- 16 **8.** A member, other than ex-officio member, may resign his  
 17 appointment by a notice in writing under his hand addressed to the President.
- 18 **9.-(1)** A member of the Board of Trustee ceases to hold office if he:  
 19 (a) becomes of unsound mind;  
 20 (b) becomes bankrupt or makes compromises with his creditors;  
 21 (c) is convicted of a felony or any offence involving fraud dishonesty;  
 22 (d) is guilty of corrupt practices or misconduct in relation to his duties.
- 23 (2) A member of the Board of Trustees may be removed from office by  
 24 the President if he is satisfied that it is not in the interest of the Trust Fund or  
 25 Public that the member should continue in that office.
- 26 (3) A member of the Board of Trustees, other than an ex-officio  
 27 members, may resign his appointment by a notice in writing under his hand  
 28 addressed to the President.
- 29 (4) Where a vacancy occurs in the membership of the Board of  
 30 Trustees, it shall be filled by the appointment of a successor to hold office for

Resignation by  
a member

Cessation of  
office

1 the remainder of the term of office of his predecessor and the successor shall:

2 (a) represent the same interest; and

3 (b) be appointed by the President.

4 (5) The provisions of the Schedule to this Act shall have effect with Schedule  
5 respect to the meetings and proceedings of the Board of Trustee and other  
6 related matters.

7 **10.** Notwithstanding the provisions of sections 7 and 8 of this Act, Removal from  
8 the President may remove a member from the Board of Trustee if any office of a member  
9 circumstance which borders on corruption and other activities that negates  
10 the interest and security of the nation would require the removal of the  
11 member from the Board of Trustee.

12 **11.** The Board of Trustee is responsible for:

13 (a) setting out the policies and programmes for the training and Functions of the  
14 training of personnel of the Nigerian Navy and its auxiliary staff in Nigeria Board of Trustee  
15 and abroad in accordance with objective of this Act;

16 (b) approving the disbursement of money from the Trust Fund to  
17 finance projects or activities of the Nigerian Navy and Navy Institutions  
18 beneficiaries of the proceeds of Trust Fund;

19 (c) scrutinising and approving projects which qualify for financing  
20 under the Act;

21 (d) exercising control over the management of the Trust Fund with  
22 a view to ensuring accountability and proper utilisation of money in the  
23 Trust Fund for the purposes set out in this Act;

24 (e) carrying out such other activities as are considered necessary  
25 for the attainment of the objective of this Act;

26 (f) updating the Federal Government on its activities and progress  
27 through annual and audited reports;

28 (g) reviewing progress and suggesting improvement within the  
29 provisions of this Act;

30 (h) making and issuing guidelines, to all beneficiaries on

Powers of the  
Board of Trustee

1 disbursement from the Trust Fund on the use of money received from the Trust  
2 Fund; and

3 (i) generally regulating the administration, application and  
4 disbursement of money from the Trust Fund under this Act.

5 **12.-(1)** The Board of Trustee has powers to:

6 (a) award contracts of any kind or description for any amount,  
7 whether in local or foreign currency in conformity with the due process  
8 requirements as provided under any law, rule, guideline or regulation; and

9 (b) invest money accruing to the Trust Fund and approve the  
10 utilisation of the returns on investment in the same way as money accruing to  
11 the Trust Fund.

12 (2) In the discharge of its duty under this Act, the Board of Trustee  
13 shall:

14 (a) through the Ministry, identify the funding needs of the various  
15 Navy Institutions for the enhancement of the performance of the Nigerian  
16 Navy;

17 (b) enter into contractual arrangements for the purpose of executing  
18 approved projects on behalf of the Trust Fund;

19 (c) oversee the implementation of projects financed through money  
20 accruing to the Trust Fund; and

21 (d) enter into public-private partnership and private finance initiative  
22 arrangements and agreements necessary for the projects execution.

Establishment  
of Maritime Trust  
Fund Project  
Implementation  
Committee

23 **13.-(1)** For the purpose of implementing any project approved by the  
24 Board of Trustee under this Act, there is established the Maritime Trust Fund  
25 Project Implementation Committee (in this Act referred to as "the  
26 Implementation Committee").

27 (2) The Implementation Committee shall consist of:

28 (a) the Minister as Chairman; and

29 (b) such other members, not exceeding six in number with proven  
30 integrity, appointed by the Board of Trustee.

1 (3) The Implementation Committee is responsible to the Board of  
2 Trustee in the execution of the duties and responsibilities assigned to it by  
3 the Board of Trustee.

4 PART III - EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND

5 14.-(1) The President shall, on the recommendation of the  
6 Minister, appoint the Executive Secretary for the Trust Fund.

Appointment of  
the Executive  
Secretary and other  
staff of the Trust  
Fund

7 (2) The Executive Secretary shall:

8 (a) be a person of unquestionable character and integrity; and

9 (b) have qualifications and experience as are appropriate for a  
10 person required to perform the functions of that office under this Act; and

11 (3) The Executive Secretary shall hold office:

12 (a) for a time of three years in the first instance and may be eligible  
13 for re-appointment for another term of three years and no more; and

14 (b) on such other terms and conditions as may be specified in his  
15 letter of appointment.

16 15. The Executive Secretary:

Functions of the  
Executive Secretary

17 (a) to be the Chief Executive and Accounting Officer of the Trust  
18 Fund;

19 (b) to be responsible for the administration of the Trust Fund;

20 (c) to be the Secretary to the Board of Trustee;

21 (d) shall keep proper records of the proceedings of the Board of  
22 Trustee;

23 (e) shall work closely with the Implementation Committee in  
24 discharging out such duties and responsibilities as may be assigned to him  
25 by the Board of Trustee;

26 (f) is in charge of the general direction and control of all other  
27 employees of the Trust Fund; and

28 (g) discharge such other duties as may be directed by the Board of  
29 Trustee.

1                   **16.-(1)** The Executive Secretary may be removed from office by the  
2   President where any circumstances arise which in the opinion of the President  
3   makes the Executive Secretary no longer capable of discharging the duties and  
4   responsibilities of his office.

(2) A person appointed as the Executive Secretary to replace the former Executive Secretary shall serve the unexpired the term of his predecessor in office or the remainder of the term of the Trust Fund, whichever is shorter.

9                   **17.-(1)** The Board of Trustee may appoint such other staff as may, in  
10   the opinion of the Board of Trustee, be necessary to assist the Trust Fund in  
11   performing its functions under this Act.

(2) The terms and conditions of service (including terms and conditions as to the remuneration, payment of allowances and other benefits) of person employed by the Board for the Trust Fund shall be in line with the general conditions of service as obtainable in the Public Service of the Federation.

(3) The Board of Trustee may appoint, either on transfer or secondment from any Public Service of the Federation, such number of employees required for the effective discharge of the duties of Trust Fund under this Act.

21               **18.** Service in the Trust Fund shall be for the duration of the Trust  
22 Fund and employees of the Trust Fund, in respect of their services, are entitled  
23 to other retirement benefits and severance allowances as may be approved by  
24 the Board of Trustee.

## PART IV - FINANCIAL PROVISIONS

26                   **19.-(1)** There is established under this Act a general fund (in this Act  
27 referred to as "the Fund") for the administration of the Trust Fund.

28                   (2) The Fund shall consist of:

29 (a) annual budgetary allocation appropriated by National Assembly  
30 for the management of the Trust Fund;



1 (b) take -off grants and such other money as may be made available  
2 to the Trust Fund to meet the cost of administration; and

3 (c) all other money which may be made available for the running of  
4 the Trust Fund.

5 **20.**-(1) There shall be maintained for the Trust Fund, an account Accounts of the  
6 into which shall be paid all money accruing to the Trust Fund under section 4 Trust Fund  
7 of this Act.

8 (2) The Board of Trustee shall also open and maintain an account  
9 into which shall be paid money received for management of the Trust Fund  
10 under section 19 (2) of this Act.

11 (3) The accounts referred to in subsections (1) and (2) shall be  
12 managed in accordance with the extant financial regulations.

13 (4) The Board of Trustee shall apply the proceeds of:

14 (a) the Trust Fund for the purposes set out in section 5 of the Act;  
15 and

16 (b) the money referred to in subsection (2) to meet the cost of  
17 administration, including payment of salaries, fees, other remunerations and  
18 allowances payable:

19 (i) to members of the Board of Trustee and employees of the Trust  
20 Fund, and

21 (ii) for payment of experts, professionals and consultants engaged  
22 by the Board of Trustee for Trust Fund.

23 **21.** The Board of Trustee shall, not later than 30th June of every Estimates of  
24 year, submit to the Minister an estimate of its income and expenditure during expenditure  
25 the succeeding year.

26 **22.** The Board of Trustee shall cause to be kept for the Trust Fund Account and  
27 proper accounts and records and when certified by the Board of Trustee, audit  
28 these accounts shall be audited by auditors appointed from the list and in  
29 accordance with the guidelines supplied by the Auditor-General for the  
30 Federation.

Exemption from tax	1	<b>23.</b> -(1) The Trust Fund is exempted from the payment of income tax
	2	on any income accruing from investments made by the Trust Fund or
	3	otherwise.
	4	(2) The provisions of any enactment relating to the taxation of
	5	companies or trust funds do not apply to the Trust Fund.
	6	PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS
Quarterly report	7	<b>24.</b> The Board of Trustee shall, at the end of every three months,
	8	submit to the President a report on its activities and the administration of the
	9	Trust Fund.
Annual report	10	<b>25.</b> The Board of Trustee shall, not later than three months before end
	11	of each year, submit to the President a report on the activities and the
	12	administration of the Trust Fund during the preceding year and shall include in
	13	such reports the auditor's report.
Power of the President to issue directives	14	<b>26.</b> The President may give to the Board of Trustee directives of a
	15	general nature with regard to the performance by the Board of Trustee of its
	16	functions under this Act for compliance by the Board of Trustee.
Regulations	17	<b>27.</b> The Board of Trustee may, with the prior approval of the
	18	President, make such regulations deemed necessary or expedient for giving
	19	full effect to the provisions of this Act.
Transitional provisions	20	<b>28.</b> Except as provided for under section 2 of this Act, at the
	21	expiration of the six year duration of the Trust Fund referred to in that section,
	22	the Trust Fund shall have six months to wind up its activities, including the
	23	settlement of all liabilities and thereafter handover all outstanding assets of the
	24	Trust Fund to the Nigerian Navy.
Interpretation	25	<b>29.</b> In this Bill:
	26	"Board" means the Maritime Trust Fund Management Board of Trustee,
	27	established under section 7 of this Act;
	28	"due process" means compliances with extant financial rules and regulations
	29	on public procurement of goods, works and services.
	30	"Executive Secretary" means the Executive Secretary of the Trust Fund

1 appointed under section 14 (1) of this Act;  
2 "Minister" means the Minister charged with responsibility for Defence, and  
3 Ministry shall be constructed accordingly;  
4 "personnel" means officers and men of the Nigerian Navy, its auxiliary staff  
5 and all of its staff, employees or officers within and outside Nigeria;  
6 "Navy Institutions" includes the Naval Headquarters, Naval Commands,  
7 and Naval training institutions;  
8 "President" mean "President of the Federal Republic of Nigeria; and  
9 "Trust Fund" means the Nigerian Maritime Trust Fund established under  
10 section 3 (1) of this Act;

11 30. This Bill may be cited as the Nigerian Maritime Trust Fund Citation  
12 (Establishment) Bill, 2021.

13 SCHEDULE

14 *Section 9 (5)*

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

16 1. Subject to the provisions of this Act and section 27 of the  
17 Interpretation Act, the Board of Trustee may make standing orders  
18 regulating its proceedings or those of its committee.

19 2. The quorum of the Board of Trustee shall be the Chairman and  
20 10 other members, three of whom shall be from the private sector, and the  
21 Board of Trustee shall determine the quorum of any committee.

22 3. The Board of Trustee shall meet at least four times in each year,  
23 and the Board of Trustee shall meet whenever it is summoned by the  
24 Chairman, or if the Chairman is required to do so by notice given to him by at  
25 least 10 members of the Board of Trustee, he shall summon a meeting of the  
26 Board of Trustee to be held within 14 days from the date on which the notice  
27 was given.

28 4. At any meeting of the Board of Trustee, the Chairman shall  
29 preside but, in his absence, the members present at the meeting shall appoint  
30 one of them to preside at the meeting.

5. Where the Board of Trustee desires to obtain the advice of any person on a particular matter, the Board of Trustee may co-opt the person to the Board of Trustee for such period as it deem fit, but a person who is in attendance by virtue of this subparagraph is not entitled to vote at any meeting of the Board of Trustee and does not count towards a quorum.

6 6. All members of the Board of Trustee shall have equal rights and  
7 privileges, and where there is equality in vote, the Chairman shall have a  
8 casting vote.

## 9 Committees

10                   7. The Board of Trustee may set up such number of committees to  
11   perform, on behalf of the Board of Trustee such of its functions as the Board of  
12   Trustee may determine.

8. A committee set up under paragraph 7 shall consist of such number of persons (not necessarily members of the Board of Trustee) as may be determined by the Board of Trustee, and the person, other than a member of the Board of Trustee, shall hold office on the committee in accordance with the terms of his appointment.

18           9. A decision of a committee of the Board of Trustee is of no effect  
19   until it is confirmed or ratified by the Board of Trustee.

20 *Miscellaneous*

21 10. The fixing of the seal of the Trust Fund shall be authenticated by  
22 the signature of the Chairman or of any other person authorised generally or  
23 specially to act for that purpose by the Board of Trustee.

11. Any contract or instrument made or executed by a person not being a body corporate, that would not be required to be under seal may be made or executed on behalf of the Board of Trustee by the Chairman or any person generally or specifically authorised to act for that purpose by the Board of Trustee.

29           12. Any document purporting to be a document duly executed under  
30   the seal of the Trust Fund shall be received in evidence and is, unless the

1 contrary is proved, presumed to be so executed.

2 13. The validity of any proceeding of the Board of Trustee or  
3 committee is not adversely affected by:

4 (a) any vacancy in the membership of the Board of Trustee or  
5 committee;

6 (b) any defect in the appointment of a member of the Board of  
7 Trustee or of a committee; or

8 (c) reason that a person not entitled to do so took part in the  
9 proceedings of the Board of Trustee or committee

0 EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Maritime Trust Fund to among other things, provide funds for the training and retraining of the personnel of the Nigerian Navy, provide state of the art security equipment and machineries to improve the general welfare of the personnel of the Nigerian Navy and enhance their preparedness to effectively discharge their constitutional duties.