

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT, NO. 16, 2011 TO ENSURE THAT DISBURSEMENT FROM THE FUND IS AVAILABLE TO MONOTECHNICS AND OTHER SPECIALISED TERTIARY INSTITUTIONS IN NIGERIA; AND FOR RELATED MATTERS.

Sponsored by Hon. Kpam Jimin Sokpo

[] Commencement

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

- | | | |
|----|--|------------------|
| 1 | 1. The Tertiary Education Trust Fund (Establishment, Etc) Act No. | Amendment of |
| 2 | 16, 2011 (in this Bill referred to as "the Principal Act") is amended as set out | Act No. 16, 2011 |
| 3 | in this Bill. | |
| 4 | 2. Section 4 (1) (d) of the Principal Act is amended by inserting | Amendment of |
| 5 | after the word "Polytechnics", in line 1, the word, "Monotechnics". | Section 4 |
| 6 | 3. Section 7 of the Principal Act is amended by substituting for | Amendment of |
| 7 | subsection (3), a new subsection "(3)"- | Section 7 |
| 8 | "(3)" The distribution of funds shall be in the following | |
| 9 | percentages- | |
| 10 | (a) Universities 44%; | |
| 11 | (b) Polytechnics. 23%; | |
| 12 | (c) Colleges of Education 23%; and | |
| 13 | (d) Monotechnics 10%. | |
| 14 | 4. This Bill may be cited as the Tertiary Education Trust Fund | Citation |
| 15 | (Establishment, Etc) (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend The Tertiary Education Trust Fund (Establishment, Etc.) Act, No. 16, 2011 to ensure that disbursement from the Fund is available to Monotechnics and other specialised tertiary institutions in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE ORTHOPAEDIC HOSPITALS MANAGEMENT BOARD ACT, CAP. O10 LAWS OF THE FEDERATION OF NIGERIA, 2004, TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL ORTHOPAEDIC HOSPITAL AZARE, BORNO STATE; AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Mshelia Haruna

[] Commencement

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

- | | | |
|----|---|-------------------|
| 1 | 1. The Orthopedic Hospitals Management Board Act, Cap O10 | Amendment of |
| 2 | Laws of the Federation of Nigeria, 2004 is amended as set out in this Bill. | the Principal Act |
| 3 | 2. The Second Schedule to the Orthopaedic Hospitals | Amendment of |
| 4 | Management Board Act is amended by inserting a new paragraph 5 as set out | the Second |
| 5 | below: | Schedule |
| 6 | “The Federal Orthopaedic Hospital, Azare, Borno”. | |
| 7 | 3. The Third Schedule to the Orthopaedic Hospitals Management | Amendment of |
| 8 | Board Act is amended by inserting a new paragraph 5 as set out below: | the Third |
| 9 | "The Federal Orthopaedic Hospital, Azare, Borno. and University | Schedule |
| 10 | of Maiduguri Teaching Hospital, Borno". | |
| 11 | 4. This Bill may be cited as the Orthopaedic Hospitals | Citation |
| 12 | Management Board Act (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Orthopaedic Hospitals Management Board Act, Cap. O10 Laws of the Federation of Nigeria, 2004, to provide for the establishment of the Federal Orthopaedic Hospital Azare, Borno State under the control of the Orthopaedic Hospitals Management Board and affiliated to the University of Maiduguri Teaching Hospital to provide specialized Orthopaedic treatment and medical services.

A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION TRUST FUND
(ESTABLISHMENT, ETC.) ACT 2011 TO INCLUDE FEDERAL INSTITUTES AND
COLLEGES OF FORESTRY AS BENEFICIARIES OF THE FUND AND FOR
RELATED MATTERS, 2021

Sponsored by Hon. Johnson Egwakhide Oghuma

[] Commencement

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

- 1 **1.** The Tertiary Education Trust Fund (Establishment, Etc) Act, Amendment of
2 2011 (in this Bill referred to as the Principal Act) is hereby amended as set the Principal Act
3 out in this Bill.
- 4 **2.** Section 7 (1) is amended as follows- Amendment of
5 “the Board of Trustees shall administer the tax imposed by this Act Section 7
6 and disburse the amount in the fund to:
- 7 (a) Federal and State Universities;
- 8 (b) Federal and State Polytechnic;
- 9 (c) Federal and State Institutes and Colleges of Forestry;
- 10 (d) Federal and State Colleges of Education;
- 11 specifically for the provision or maintenance of-
- 12 (a) essential physical infrastructure for teaching and learning;
- 13 (b) institutional material and equipment;
- 14 (c) research and publication;
- 15 (d) academic staff training and development; and
- 16 (e) any other need which, in the opinion of the Board of Trustees, is
- 17 critical and essential for the improvement and quality and management of
- 18 standards in the higher education institutions.

Amendment of
Section 7 (2)

- 1 **3.** Section 7(2) is amended as follows:
- 2 “The Board of Trustees shall administer, manage and disburse the tax
- 3 imposed by this Act on the basis of-
- 4 (a) Funding of-
- 5 (i) Federal and State Universities;
- 6 (ii) Federal and State Polytechnic;
- 7 (iii) Federal and State Institutes and Colleges of Forestry;
- 8 (iv) Federal and State Colleges of Education; and
- 9 (v) Any other federal or State Tertiary Institution.
- 10 (b) Equality among the 6 geo-political zones of the federation in case
- 11 of special intervention; and
- 12 (c) Equality among the States of the Federation in case of regular
- 13 intervention.

Amendment of
Section 7 (3)

- 14 **4.** Section 7(3) is amended as follows:
- 15 (3) The distribution of funds shall be in the ratio of 2: 1: 1 as in
- 16 Universities, Polytechnics and other Institutes and Colleges of higher
- 17 education.

Amendment of
Section 20 (1)

- 18 **5.** Section 20 (1) of the Principal Act is amended by inserting "and
- 19 Federal Institute or College of Forestry" after College of Education.
- 20 **6.** This Bill may be cited as the Tertiary Education Trust Fund
- 21 (Establishment, etc.) (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Tertiary Education Trust Fund (Establishment, Etc.) Act to include Federal and State Institutes and Colleges of Forestry as beneficiaries of the TETFUND.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA ACT (CAP. C23-120) 1999 (AS AMENDED) TO PROVIDE THAT STATE GOVERNMENTS SHALL HAVE CONCURRENT LEGISLATIVE AUTHORITY SIMILAR TO THAT OF THE FEDERAL GOVERNMENT WITH RESPECT TO PRISONS, WITHIN THEIR STATES OR FROM ONE STATE TO ANOTHER WITH THE CONSENT OF THE STATE GOVERNMENTS CONCERNED AND FOR RELATED MATTERS

Sponsored by Hon. Mukhtar Zakari Chawai

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria, Cap. C23-
2 120. Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the
3 Principal Act") is altered as set out in this Bill. Alteration of the
Constitution 1999
Cap. C23-120,
LFN, 2004
- 4 **2.** Part I to the Second Schedule of the Principal Act is altered by
5 deleting item "48 Prisons". Alteration to the
Second Schedule
of the Constitution
(as amended)
Cap. C23 LFN,
2004
- 6 **3.** Part II to the Second Schedule of the Principal Act is altered, by
7 inserting, after the existing item "30", a new item "30A":
8 "30A" The National Assembly may make laws for the Federation or any part
9 thereof with respect to Prisons but nothing in this paragraph shall preclude a
10 House of Assembly from making laws for the State or any part thereof with
11 respect to Prisons within their State or from the State to any other State with
12 the consent of the State Governments concerned."
- 13 **4.** The Bill may be cited as the Constitution of the Federal Republic Citation
14 of Nigeria 1999 (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria Act (Cap. C23-120) 1999 (as amended) to provide that State Governments shall have concurrent legislative authority similar to that of the Federal Government with respect to prisons, within their states or from one state to another with the consent of the State Governments concerned.

A BILL

FOR

AN ACT TO ESTABLISH THE ALEX EKWUEME FEDERAL TEACHING
HOSPITAL, ABAKALIKI; AND FOR RELATED MATTERS

Sponsored by Hon. Chinedu Ogah

[] Commencement

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

1 **1.-(1)** There is hereby established the Alex Ekwueme Federal
2 Teaching Hospital, Abakaliki ("in this Bill referred to as "the Federal
3 Teaching Hospital") and the Federal Teaching Hospital shall serve as the
4 Federal Teaching Hospital subject to the provision of this Bill.

Establishment of
Alex Ekwueme
Federal Teaching
Hospital, Abakaliki

5 (2) The hospital:

6 (a) shall be a body corporate;

7 (b) May sue and be sued in its corporate name;

8 (c) Shall have perpetual succession and a common seal.

9 **2.** There is hereby established for the management of the Federal
10 Teaching Hospital a Board of Management (in this Bill referred to as
11 "Board") which shall be constituted and have the functions and powers set
12 out in this Bill.

Establishment
of the Board of
Management of
the Federal Teaching
Hospital

13 **3.-(1)** The Board shall consist of:

14 (a) a chairman;

15 (b) the Chief Medical Director of the Federal Teaching Hospital;

16 (c) the Director of Clinical Services;

17 (d) the Director of Administration;

18 (e) the Director of Finance;

19 (f) the Director of Maintenance;

20 (g) a representative of the president;

21 (h) the Federal Ministry of Health;

Membership of the Board

	1	(i) the National Planning Commission;
	2	(j) the Society of Gynaecology and Obstetrics of Nigeria;
	3	(k) the Pharmaceutical Society of Nigeria;
	4	(l) the Paediatric Association of Nigeria;
	5	(m) the National Association of Nigerian Nurses and Midwives; and
	6	(n) one person to represent public interest.
	7	(2) The chairman and members of the Board, other than ex-officio
	8	members, shall be:
	9	(a) appointed by the President; and
	10	(b) persons of proven integrity and ability.
Schedule	11	(3) The supplementary provisions set out in the Schedule to this Bill
	12	shall have effect with respect to the proceedings of the Board and the other
	13	matters contained therein.
Tenure of office	14	4. Subject to the provisions of section 5 of this Bill, a member of the
	15	Board, other than ex-officio members, shall each hold office;
	16	(a) for a term of three years in the first instance and may be re-
	17	appointed for a further term of three years and no more; and
	18	(b) on such terms and conditions as may be specified in his letter of
	19	appointment.
Cessation of membership	20	5.-(1) Notwithstanding the provisions of section 4 of this Bill a person
	21	shall cease to hold office as a member of the Board if:
	22	(a) he becomes bankrupt, suspends payment principal loan with his
	23	creditors; or
	24	(b) he is convicted of a felony or any offence involving dishonesty or
	25	fraud; or
	26	(c) he becomes of unsound mind or is incapable of carrying out his
	27	duties; or
	28	(d) he is guilty of a serious misconduct in relation to his duties; or
	29	(e) in the case of a person possessed of professional qualifications, he
	30	is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) If a member of the Board ceases to hold office for any reason
5 whatsoever, before the expiration of the term for which he is appointed,
6 another person representing the same Interest as that member shall be
7 appointed to the Board for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is
9 satisfied that it is not in the interest of the Federal Teaching Hospital or the
10 interest of the public that the member continues in office.

11 6. There shall be paid to every member of the Board such Allowances of
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal members
13 Commission may, from time to time, direct.

14 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

15 7.-(1) The Board shall:

16 (a) equip, maintain and operate the Federal Teaching Hospital so as Functions of the
17 to provide facilities for diagnosis, curative, promotive and rehabilitative Board
18 services in medical treatment;

19 (b) construct, equip, maintain and operate such training schools
20 and similar institutions as the Board considers necessary for providing the
21 Federal Teaching Hospital at all times with a proper staff of the Federal
22 Teaching Hospital technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient
24 departments, laboratories, research or experimental stations and other like
25 institutions as the Board considers necessary for the efficient functioning of
26 the Federal Teaching Hospital.

27 (2) The Board shall ensure that the standards of teaching provided
28 at all establishments under its control and the standards of treatment and care
29 provided for patients at those establishments do not fall below those usually
30 provided by similar establishments of international repute.

Powers of the
Board

1 (3) Subject to this Bill, the Board shall perform such other functions
2 which in its opinion are calculated to facilitate the carrying out of its functions
3 under this Bill.

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

5 (a) Provide the general policies and guidelines relating to major
6 expansion programmes of the Federal Teaching Hospital;

7 (b) provide facilities for the training of medical students of associate
8 universities;

9 (c) manage and superintend the affairs of the Federal Teaching
10 Hospital;

11 (d) subject to the provisions of this Bill, make, alter and revoke rules
12 and regulations for carrying on the functions of the Federal Teaching Hospital;

13 (e) fix terms and conditions of service, including remuneration of the
14 employees of the Federal Teaching Hospital subject to the approval of National
15 Salaries Incomes and Wages Commission;

16 (f) do such other things which in the opinion of the Board are
17 necessary to ensure the efficient performance of the functions of the Federal
18 Teaching Hospital.

19 PART III - STAFF OF THE FEDERAL TEACHING HOSPITAL

Medical Director
of the Federal
Teaching Hospital

20 **9.-(1)** There shall be for the Federal Teaching Hospital a Chief
21 Medical Director who shall be appointed by the President on the
22 recommendation of the Board and on such terms and conditions as may be
23 specified in his letter of appointment or as may be determined, from time to
24 time, by the National Salaries Income and Wages Commission.

25 (2) The Chief Medical Director shall:

26 (a) be the chief executive and accounting officer of the Federal
27 Teaching Hospital;

28 (b) be responsible to the Board for the day-to-day administration of
29 the Federal Teaching Hospital;

30 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.-(1)** The Board shall appoint for the Federal Teaching Hospital:

Appointment of
Directors and other
staff of the Federal
Teaching Hospital

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all the administrative divisions of the Federal Teaching
13 Hospital;

14 (ii) conduct the correspondence of the Board and keep the records
15 of the Federal Teaching Hospital; and

16 (iii) perform such other functions as the Board or the Chief Medical
17 Director, as the case may be, may, from time to time, assign to him;

18 (b) a Director of Clinical Services;

19 (c) a Director of Finance;

20 (d) a Director of Maintenance.

21 (2) The Directors appointed under paragraphs (b), (c) and (d) of
22 subsection (1) of this section shall each be responsible to the Chief Medical
23 Director for the effective running of the clinical services, the finance and
24 accounts and the co-ordination of the maintenance of the Federal Teaching
25 Hospital, as the case may be.

26 (3) The Board shall appoint for the Federal Teaching Hospital such
27 number of employees as may in the opinion of the Board be expedient and
28 necessary for the proper and efficient performance of the functions of the
29 Federal Teaching Hospital.

30 (4) Notwithstanding the provisions of subsections (1) and (2) of

1 this section the Board shall have power to appoint for the Federal Teaching
2 Hospital either directly or on secondment from any public service in the
3 Federation, such number of employees as may, in the opinion of the Board, be
4 required to assist the Federal Teaching Hospital in the discharge of any of its
5 functions under this Bill.

6 (5) Nothing in subsection (4) of this section shall preclude the Board
7 from appointing persons from outside the public service of the Federation or of
8 the State whenever it deems it necessary so to do.

9 (6) The terms and conditions of service (including remuneration,
10 allowances, benefits and pensions) of the employees of the Federal Teaching
11 Hospital shall be as determined by the National Salaries Income and Wages
12 Commission.

Service in the
Federal Teaching
Hospital to be
pensionable

13 11.-(1) Service in the Federal Teaching Hospital shall be approved
14 service for the purposes of the Pensions Reforms Bill.

15 (2) The officers and other persons employed in the Federal Teaching
16 Hospital shall be entitled to pensions, gratuities and other retirement benefits
17 as are enjoyed by persons holding equivalent grades in the civil service of the
18 Federation.

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

Establishment
of the Medical
advisory
Committee, etc.

22 12.-(1) There shall be for the Federal Teaching Hospital a Medical
23 Advisory Committee which shall:

24 (a) consist of a chairman who shall be the Director, Clinical Services
25 and such number of other members as may be determined from time to time;

26 (b) be responsible to the Chief Medical Director for all the clinical and
27 training activities of the Federal Teaching Hospital; and

28 (c) be appointed by the Board.

29 (2) Subject to this Bill, the Board shall have power to appoint either
30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due
2 regard to the approved personnel establishment of the Federal Teaching
3 Hospital.

4 (3) Notwithstanding anything to the contrary, the Board may, from
5 time to time, appoint consultants outside the hospital to perform such
6 medical duties as the Board or the Chief Medical Director may assign to
7 such consultants.

8 PART IV - FINANCIAL PROVISIONS

9 13. There shall be established and maintained for the Federal
10 Teaching Hospital a fund into which shall be paid and credited:

Fund of the
Federal Teaching
Hospital

11 (a) all subventions and budgetary allocation from the Government
12 of the Federation;

13 (b) all fees and funds accruing from the sale of drugs and other
14 services;

15 (c) all sums accruing to the Federal Teaching Hospital by way of
16 gifts, endowments, bequests, grants or other contributions by persons and
17 organisations;

18 (d) foreign aid and assistance from bilateral agencies; and

19 (e) all other sums which may, from time to time, accrue to the
20 Federal Teaching Hospital.

21 14. The hospital shall, from time to time, apply the funds at its
22 disposal to:

Expenditure of
the Federal
Teaching Hospital

23 (a) the cost of administration and maintenance of the Federal
24 Teaching Hospital;

25 (b) publicize and promote the activities of the Federal Teaching
26 Hospital;

27 (c) pay allowances, expenses and other benefits of members of the
28 Board and committees of the Board;

29 (d) pay the salaries, allowances and benefits of employees of the
30 Federal Teaching Hospital;

	1	(e) pay other overhead allowances, benefits and other administrative
	2	costs of the Federal Teaching Hospital; and
	3	(f) undertake such other activities as are connected with all or any of
	4	the functions of the Federal Teaching Hospital under this Bill.
Power to accept gifts	5	15. -(1) The Federal Teaching Hospital may accept gifts of land,
	6	money or other property on such terms and conditions, if any, as may be
	7	specified by the person or organisation making the gift.
	8	(2) The Federal Teaching Hospital shall not accept any gift if the
	9	conditions attached by the person or organisation making the gift are
	10	inconsistent with the functions of the Federal Teaching Hospital under this Bill.
Annual estimates and expenditure	11	16. -(1) The Board shall, not later than 30 September in each year,
	12	submit to the President through the Secretary to the Government of the
	13	Federation an estimate of the expenditure and income of the Federal Teaching
	14	Hospital during the next succeeding year.
	15	(2) The Board shall cause to be kept proper accounts of the Federal
	16	Teaching Hospital in respect of each year and proper records in relation thereto
	17	and shall cause the accounts to be audited not later than six months after the end
	18	of each year by auditors appointed from the list and in accordance with the
	19	guidelines supplied by the Auditor- General for the Federation.
Annual report	20	17. The Board shall prepare and submit to the President, not later than
	21	30 June in each year, a report in such form as the President may direct on the
	22	activities of the Federal Teaching Hospital during the immediately preceding
	23	year, and shall include in the report a copy of the audited accounts of the
	24	Federal Teaching Hospital for that year and the auditor's report thereon.
Power to borrow	25	18. -(1) The Federal Teaching Hospital may, from time to time,
	26	borrow by overdraft or otherwise such sums as it may require for the
	27	performance of its functions under this Bill.
	28	(2) The Federal Teaching Hospital shall not, without the approval of
	29	the President, borrow money which exceeds, at any time, the limit set by the
	30	President.

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Federal Teaching Hospital shall
3 not borrow the sum without the prior approval of the President.

4 **19.**-(1) The Federal Teaching Hospital shall not pay income tax on
5 any income derived by the Federal Teaching Hospital under this Bill or
6 accruing to it from any of its investments. Exemption from tax

7 (2) Accordingly, the provisions of any enactment relating to the
8 taxation of companies or trust funds shall not apply to the Board of the
9 Federal Teaching Hospital.

10 **20.** The Federal Teaching Hospital shall not pay customs duty on
11 or be restricted or prohibited from importing any equipment, material,
12 supply and any other thing required by the Federal Teaching Hospital for the
13 purposes of this Bill. Exemption from customs duties, etc.

14 PART V - GENERAL

15 **21.**-(1) Notwithstanding anything to the contrary contained in any
16 other enactment, where it appears to the Board that any student of the
17 Federal Teaching Hospital has been guilty of misconduct, the Board may,
18 without prejudice to any other disciplinary powers conferred on it by
19 regulations, direct: Discipline of students

20 (a) that the student shall not, during such period as may be specified
21 in the direction, participate in such activities of the Federal Teaching
22 Hospital, or make use of such facilities of the Federal Teaching Hospital as
23 may be so specified; or

24 (b) that the activities of the student shall, during such period as may
25 be specified in the direction, be restricted in such manner as may be so
26 specified; or

27 (c) that the student be rusticated for such period as may be specified
28 in the direction; or

29 (d) that the student be expelled from the Federal Teaching Hospital.

30 (2) The fact that an appeal from a direction is brought in pursuance

1 of subsection (1) of this section shall not affect the operation of the direction
2 while the appeal is pending.

3 (3) The Board may delegate its powers under this section to a
4 disciplinary committee consisting of such members of the Federal Teaching
5 Hospital as the Board may nominate.

6 (4) Nothing in this section shall be construed as preventing the
7 restriction or termination of student's activities at the Federal Teaching
8 Hospital otherwise than on the ground of misconduct.

9 (5) A direction issued under subsection (1) (a) of this section may be
10 combined with a direction issued under subsection (1) (b) of this section.

11 (6) Nothing in this Bill shall affect the provisions of any enactment
12 relating to the discipline of medical practitioners, pharmacists, midwives,
13 nurses or members of any other profession or calling.

Removal and
discipline of
clinical,
Administrative
and technical staff

14 **22.-(1)** If it appears to the Board that there are reasons for believing
15 that any person employed as a member of the clinical, administrative or
16 technical staff of the Federal Teaching Hospital, other than the Chief Medical
17 Director, should be removed from his office or employment, the Board shall
18 require the Director of Administration to:

19 (a) give notice of those reasons to the person in question;

20 (b) afford him an opportunity of making representations in person on
21 the matter to the Board; and

22 (c) if the person in question so requests within a period of 1 month
23 beginning with the date of the notice, make arrangements for:

24 (i) a committee to investigate the matter and report on it to the Board;
25 and

26 (ii) the person in question to be afforded an opportunity of appearing
27 before and being heard by an investigating committee set up with respect to the
28 matter, and if the Board, after considering the report of the investigating
29 committee, is satisfied that the person in question should be removed as

1 aforesaid, the Board may so remove him by a letter signed on the direction of
2 the Board.

3 (2) The Chief Medical Director may, in a case of misconduct by a
4 member of the staff which in the opinion of the Chief Medical Director is
5 prejudicial to the interest of the Federal Teaching Hospital, suspend any
6 such member and any such suspension shall forthwith be reported to the
7 Board.

8 (3) For good cause, any member of staff may be suspended from
9 his duties or his appointment may be terminated or he may be dismissed by
10 the Board and for the purposes of this section, "good cause" means:

11 (a) a conviction for any offence which the Board considers to be
12 such as to render the person concerned unfit for the discharge of the
13 functions of his office; or

14 (b) any physical or mental incapacity which the Board, after
15 obtaining medical advice, considers to be such as to render the person
16 concerned unfit to continue to hold his office; or

17 (c) conduct of a scandalous or other disgraceful nature which the
18 Board considers to be such as to render the person concerned unfit to
19 continue to hold his office; or

20 (d) conduct which the Board considers to be such as to constitute a
21 failure or inability of the person concerned to discharge the functions of his
22 office or to comply with the terms and conditions of his service.

23 (4) Any person suspended shall, subject to subsections (2) and (3)
24 of this section be on half pay and the Board shall before the expiration of a
25 period of three months after the date of such suspension consider the case
26 against that person and come to a decision as to:

27 (a) whether to continue the person's suspension and if so, on what
28 terms (including the proportion of his emoluments to be paid to him); or

29 (b) whether to reinstate the person, in which case the Board shall

1 restore his full emoluments to him with effect from the date of suspension; or
2 (c) whether to terminate the appointment of the person concerned, in
3 which case he shall not be entitled to the proportion of his emoluments
4 withheld during the period of suspension; or

5 (d) whether to take such lesser disciplinary action against the person
6 (including the restoration of his emoluments that might have been withheld), as
7 the Board may determine, and in any case where the Board, pursuant to this
8 section, decides to continue a person's suspension or decides to take further
9 disciplinary action against a person, the Board shall before the expiration of a
10 period of three months from such decision come to a final determination in
11 respect of the case concerning any such person.

12 (5) It shall be the duty of the person by whom a letter of removal is
13 signed in pursuance of subsection (1) of this section to use his best endeavors to
14 cause a copy of the letter to be served as soon as reasonably practicable on the
15 person to whom it relates.

16 (6) Nothing in the foregoing provisions of this section shall preclude
17 the Board from making such regulations not inconsistent with the provisions of
18 this Bill for the discipline of students and all other categories of employees of
19 the hospital as the Board may prescribe.

20 (7) Regulations made under subsection (6) of this section need not be
21 published in the Gazette but the Board shall cause them to be brought to the
22 notice of all affected persons in such manner as it may, from time to time,
23 determine.

Discipline of
junior staff

24 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
25 Chief Medical Director may suspend him for not more than a period of 3
26 months and shall direct a committee to:

27 (a) consider the case; and

28 (b) make recommendations as to the appropriate action to be taken by
29 the Chief Medical Director.

30 (2) In all cases under this section of this Bill, the officer shall be

1 informed of the charge against him and given a reasonable opportunity to
2 defend himself.

3 (3) The Chief Medical Director may, after considering the
4 recommendation made pursuant to subsection (1) (b) of this section,
5 dismiss, or take such other disciplinary action against the officer concerned.

6 (4) Any person aggrieved by a decision of the Chief Medical
7 Director made under subsection (3) of this section may, within a period of 21
8 days from the date of the letter communicating the decision to him, address a
9 petition to the Board to reconsider his case.

10 PART VI - MISCELLANEOUS

11 24.-(1) The Board may, with the approval of the President, make Regulations
12 regulations:

13 (a) as to the access of members of the public either generally or of a
14 particular class, to premises under the control of the Board and as to the
15 orderly conduct of members of the public on those premises; and

16 (b) for safeguarding any property belonging to or controlled by the
17 Board from damage by members of the public.

18 (2) Bye-laws under this section shall not come into force until they
19 are confirmed (with or without modification) by the National Assembly and
20 published in such manner as he may direct.

21 25. The President may give to the Board directions of a general Power to give
22 character or relating generally to particular matters (but not to any individual directives
23 person or case) with regard to the exercise by the Board of its functions
24 under this Bill, and it shall be the duty of the Board to comply with the
25 directions; but no direction shall be given which is inconsistent with the
26 duties of the Board under this Bill.

27 26.-(1) On the commencement of this Bill, any person employed Transition and
28 by or serving in, the Federal Teaching Hospital shall be deemed to have been savings provision
29 employed or serving in the Federal Teaching Hospital established under this
30 Bill.

	1	(2) All Assets or liabilities belonging to the Federal Teaching Hospital
	2	shall be deemed to belong to the Federal Teaching Hospital established under
	3	this Bill.
Interpretation	4	27. In this Bill, unless the context otherwise requires:
	5	"associate universities" means the universities whose medical students receive
	6	aspects of their training from the Federal Teaching Hospital;
	7	"Board" means the Board of Management of the Federal Teaching Hospital;
	8	"chairman" means the chairman of the Board;
	9	"functions" include powers and duties;
	10	"Federal Teaching Hospital "means the Federal Teaching Hospital Abakaliki;
	11	"junior staff means staff of such grade as may be determined, from time to
	12	time, by the Board;
	13	"medical student" means a student whose course of instruction is:
	14	(a) designed (either alone or in conjunction with other courses) to
	15	enable him to qualify as a medical practitioner; or
	16	(b) designed for the further training of medical practitioners;
	17	"Minister" means the Minister charged with responsibility for matters relating
	18	to health and "Ministry" shall be construed accordingly;
	19	"student" means a person enrolled at an institution controlled by the Board for
	20	the purpose of pursuing a course of instruction at the institution.
Short title	21	28. This Bill may be cited as the Federal Teaching Hospital Abakaliki
	22	(Establishment) Bill, 2021.

SCHEDULE

[Section 3 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

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

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

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

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

Committees

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

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

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

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Federal Teaching Hospital shall be
5 authenticated by the signatures of the Chairman, the Chief Medical Director or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 (2) Any contract or instrument which, if made or executed by a person
9 not being a body corporate, would not be required to be under seal may be made
10 or executed on behalf of the Federal Teaching Hospital by the Chief Medical
11 Director or any person generally or specifically authorized by the Board to act
12 for that purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Federal Teaching Hospital shall be received in evidence and shall,
15 unless and until the contrary is proved, be presumed to be so executed.

16 5. The validity of any proceedings of the Board or of a committee shall
17 not be adversely affected by:

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

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide a Legal Framework to Establish the Alex Ekwueme
Federal Teaching Hospital, Abakaliki.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL MEDICAL CENTRE, AMAGU IKWO, EBONYI STATE AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Chinedu Ogah

[] Commencement

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

PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE, AMAGU IKWO

- | | | |
|----|--|---|
| 1 | 1. -(1) There is hereby established the Federal Medical Centre, | Establishment of the Federal Medical Centre, Amagu Ikwo |
| 2 | Amagu Ikwo (in this Bill referred to as "the Medical Centre"). | |
| 3 | (2) The Medical Centre: | |
| 4 | (a) shall be a body corporate; | |
| 5 | (b) may sue and be sued in its corporate name; and | |
| 6 | (c) shall have perpetual succession and a common seal.. | |
| 7 | 2. There is hereby established for the management of the Medical | Establishment of the Board of Management of the Centre |
| 8 | Centre a Board of Management (in this Bill referred to as "Board") which | |
| 9 | shall be constituted and have the functions and powers set out in this Bill. | |
| 10 | 3.-(1) The Board shall consist of: | Membership of the Board |
| 11 | (a) a chairman; | |
| 12 | (b) the Chief Medical Director of the Medical Centre; | |
| 13 | (c) the Director of Clinical Services; | |
| 14 | (d) Association of Medical Laboratory Scientists; | |
| 15 | (e) one person to represent each Medical and Health Workers | |
| 16 | Union; | |
| 17 | (f) one person to represent National Union of Allied Health | |
| 18 | Professional; | |
| 19 | (g) the representative of the Minister of Health who should not be | |

	1	below the rank of Assistant Director;
	2	(h) the Federal Ministry of Health;
	3	(i) the National Planning Commission;
	4	(j) one representative of Nigerian Medical Association;
	5	(k) the Pharmaceutical Society of Nigeria;
	6	(l) the Association of Medical Laboratory Scientists of Nigeria;
	7	(m) the Pediatrics Association of Nigeria; and
	8	(n) the National Association of Nigerian Nurses and Midwives.
	9	(2) The Director of Administration shall be the Secretary of the
	10	board.
	11	(3) The chairman and members of the Board, other than ex-officio
	12	members, shall be:
	13	(a) appointed by the President; and
	14	(b) persons of proven integrity and ability.
Schedule	15	(4) The supplementary provisions set out in the Schedule to this
	16	Bill shall have effect with respect to the proceedings of the Board and the
	17	other matters contained therein.
Tenure of office	18	4. Subject to the provisions of section 5 of this Bill, a member of
	19	the Board, other than ex-officio members, shall each hold office:
	20	(a) for a term of three years in the first instance and may be re-
	21	appointed for a further term of three years and no more; and
	22	(b) on such terms and conditions as may be specified in his letter of
	23	appointment.
Cessation of membership	24	5.-(1) Notwithstanding the provisions of section 4 of this Bill a
	25	person shall cease to hold office as a member of the Board if:
	26	(a) he becomes bankrupt, suspends payment principal loan with his
	27	creditors;
	28	(b) he is convicted of a felony or any offence involving dishonesty
	29	or fraud;

1 (c) he becomes of unsound mind or is incapable of carrying out his
2 duties;

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

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

8 (f) he resigns his appointment by a letter addressed to the President.

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

13 (3) A member of the Board may be removed by the President if he is
14 satisfied that it is not in the interest of the Medical Centre or the interest of
15 the public that the member continues in office.

16 6. There shall be paid to every member of the Board such
17 allowances and expenses as the Revenue Mobilization Allocation and Fiscal
18 Commission may, from time to time, direct.

Allowances of
the Board

19 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

20 7.-(1) The Board shall:

Functions of the
Board

21 (a) equip, maintain and operate the Medical Centre so as to provide
22 facilities for diagnosis, curative, preventive and rehabilitative services in
23 medical treatment;

24 (b) construct, equip, maintain and operate such training schools
25 and similar institutions as the Board considers necessary for providing the
26 Medical Centre at all times with a proper staff of the Medical Centre
27 technicians and nurses;

28 (c) construct, equip, maintain and operate such clinics, out-patient
29 departments, laboratories, research or experimental stations and other like

1 institutions as the Board considers necessary for the efficient functioning of the
2 Medical Centre.

3 (2) The Board shall ensure that the standards of teaching provided at
4 all establishments under its control and the standards of treatment and care
5 provided for patients at those establishments do not fall below those usually
6 provided by similar establishments of international repute.

7 (3) Subject to this Bill, the Board shall perform such other functions
8 which in its opinion are calculated to facilitate the carrying out of its functions
9 under this Bill.

Power of the
Board

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

11 (a) provide the general policies and guidelines relating to major
12 expansion programmes of the Medical Centre;

13 (b) provide facilities for the training of medical students of associate
14 universities;

15 (c) manage and superintend the affairs of the Medical Centre;

16 (d) subject to the provisions of this Bill, make, alter and revoke rules
17 and regulations for carrying on the functions of the Medical Centre;

18 (e) fix terms and conditions of service, including remuneration of the
19 employees of the Medical Centre subject to the approval of National Salaries
20 Incomes and Wages Commission;

21 (f) do such other things which in the opinion of the Board are
22 necessary to ensure the efficient performance of the functions of the Medical
23 Centre.

24 **PART III - STAFF OF THE MEDICAL CENTRE**

Medical Director
of the Medical
Centre

25 **9.-(1)** There shall be for the Medical Centre a Medical Director who
26 shall be appointed by the President on the recommendation of Hon. Minister of
27 Health on such terms and conditions as may be specified in his letter of
28 appointment or as may be determined, from time to time, by the National
29 Salaries Income and Wages Commission.

30 (2) The Medical Director shall:

1 (a) be the chief executive and accounting officer of the Medical
2 Centre;

3 (b) be responsible to the Board for the day-to-day administration of
4 the Medical Centre;

5 (c) be appointed for a term of four years in the first instance and
6 may be reappointed for a further term of four years subject to satisfactory
7 performance;

8 (d) be a person who is a medical practitioner and shall have been so
9 qualified for a period of not less than 15 years;

10 (e) have considerable administrative experience in matters of
11 health;

12 (f) hold a post-graduate specialist qualification obtained not less
13 than ten years prior to the appointment as Medical Director.

14 **10.-(1)** The Board shall appoint for the Medical Centre:

15 (a) a Director of Administration, who shall:

16 (i) be responsible to the Medical Director for the effective
17 functioning of all the administrative divisions of the Medical Centre;

18 (ii) conduct the correspondence of the Board and keep the records
19 of the Medical Centre; and

20 (iii) perform such other functions as the Board or the Medical
21 Director, as the case may be, may, from time to time, assign to him.

22 (b) a Director of Clinical Services;

23 (c) a Director of Finance;

24 (d) a Director of Maintenance.

25 (2) The Directors appointed under paragraphs (b), (c) and (d) of
26 subsection (1) of this section shall each be responsible to the Medical
27 Director for the effective running of the clinical services, the finance and
28 accounts and the co-ordination of the maintenance of the Medical Centre, as
29 the case may be.

30 (3) The Board shall appoint for the Medical Centre such number of

Appointment of
Director of
Administration
and recruitment
of other staff of
the Medical Centre

1 employees as may in opinion of the Board expedient and necessary for the
2 proper and efficient performance of the functions of the Medical Centre for the
3 proper and efficient.

4 (4) Notwithstanding the provisions of subsections (1) and (2) of this
5 section the Board shall have power to appoint for the Medical Centre either
6 directly or on secondment from any public service in the Federation, such
7 number of employees as may, in the opinion of the Board, be required to assist
8 the Medical Centre in the discharge of any of its functions under this Bill.

9 (5) Nothing in subsection (4) of this section shall preclude the Board
10 from appointing persons from outside the public service of the Federation or of
11 the State whenever it deems it necessary so to do.

12 (6) The terms and conditions of service of the employees of the
13 Medical Centre shall be as determined by the National Salaries Income and
14 Wages Commission.

Service in the
Medical Centre
to be pensionable

15 **11.**-(1) Service in the Medical Centre shall be approved service for the
16 purposes of the Pensions Reforms Act.

17 (2) The officers and other persons employed in the Medical Centre
18 shall be entitled to pensions, gratuities and other retirement benefits as are
19 enjoyed by persons holding equivalent grades in the civil service of the
20 Federation.

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

Establishment
of the Medical
Advisory
Committee, etc.

24 **12.**-(1) There shall be for the Medical Centre a Medical Advisory
25 Committee which shall:

26 (a) consist of a chairman who shall be the Director, Clinical Services
27 and such number of other members as may be determined from time to time;

28 (b) be responsible to the Medical Director for all the clinical and
29 training activities of the Medical Centre; and

30 (c) be appointed by the Board.

(2) Subject to this Bill, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Medical Centre.

(3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Medical Director may assign to such consultants.

9 PART IV - FINANCIAL PROVISIONS

10 **13.** There shall be established and maintained for the Medical
11 Centre a fund into which shall be paid and credited:

Fund of the
Medical Centre

12 (a) all subventions and budgetary allocation from the Government
13 of the Federation;

14 (b) all fees and funds accruing from the sale of drugs and other
15 services;

(c) all sums accruing to the Medical Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

19 (d) foreign aid and assistance from bilateral agencies; and all other
20 sums which may, from time to time, accrue to the Medical Centre.

21 **14.** The hospital shall, from time to time, apply the funds at its
22 disposal to:

Expenditure of the Medical Centre

23 (a) the cost of administration and maintenance of the Medical
24 Centre;

25 (b) publicize and promote the activities of the Medical Centre;

(c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;

28 (d) pay the salaries, allowances and benefits of employees of the
29 Medical Centre;

30 (e) pay other overhead allowances, benefits and other

	1	administrative costs of the Medical Centre; and
	2	(f) undertake such other activities as are connected with all or any of
	3	the functions of the Medical Centre under this Bill.
Power to accept gifts	4	15. -(1) The Medical Centre may accept gifts of land, money or other
	5	property on such terms and conditions, if any, as may be specified by the person
	6	or organization making the gift.
	7	(2) The Medical Centre shall not accept any gift if the conditions
	8	attached by the person or organisation making the gift are inconsistent with the
	9	functions of the Medical Centre under this Bill.
Annual estimate and expenditure	10	16. -(1) The Board shall, not later than 30 September in each year,
	11	submit to the President through the Secretary to the Government of the
	12	Federation an estimate of the expenditure and income of the Medical Centre
	13	during the next succeeding year.
	14	(2) The Board shall cause to be kept proper accounts of the Medical
	15	Centre in respect of each year and proper records in relation thereto and shall
	16	cause the accounts to be audited not later than six months after the end of each
	17	year by auditors appointed from the list and in accordance with the guidelines
	18	supplied by the Auditor-General for the Federation.
Annual report	19	17. The Board shall prepare and submit to the President, not later than
	20	30th June in each year, a report in such form as the President may direct on the
	21	activities of the Medical Centre during the immediately preceding year, and
	22	shall include in the report a copy of the audited accounts of the Federal Medical
	23	Centre for that year and the auditor's report thereon.
Power to borrow	24	18. -(1) The Medical Centre may, from time to time, borrow by
	25	overdraft or otherwise such sums as it may require for the performance of its
	26	functions under this Bill.
	27	(2) The Medical Centre shall not, without the approval of the
	28	President, borrow money which exceeds, at any time, the limit set by the
	29	President.
	30	(3) Notwithstanding subsection (1) of this section, where the sum to

1 be borrowed is in foreign currency, the Medical Centre shall not borrow the
2 sum without the prior approval of the President.

3 **19.**-(1) The Medical Centre shall not pay income tax on any income
4 derived by the Federal Medical Centre under this Bill or accruing to it from
5 any of its investments. Exemption from tax

6 (2) Accordingly, the provisions of any enactment relating to the
7 taxation of companies or trust funds shall not apply to the Board of the
8 Federal Medical Centre.

9 **20.** The Medical Centre shall not pay customs duty on or be
10 restricted or prohibited from importing any equipment, material, supply and
11 any other thing required by the Medical Centre for the purposes of this Bill: Exemption from
12 Provided that nothing in this section shall be construed as preventing the
13 Nigeria Customs Service from inspecting any equipment, or material
14 imported by the Centre. customs duties etc.

15 PART V - GENERAL

16 **21.**-(1) Notwithstanding anything to the contrary contained in any
17 other enactment, where it appears to the Board that any student of the
18 Medical Centre has been guilty of misconduct, the Board may, without
19 prejudice to any other disciplinary powers conferred on it by regulations,
20 direct: Discipline of student

21 (a) that the student shall not, during such period as may be specified
22 in the direction, participate in such activities of the Medical Centre, or make
23 use of such facilities of the Medical Centre as may be so specified;

24 (b) that the activities of the student shall, during such period as may
25 be specified in the direction, be restricted in such manner as may be so
26 specified;

27 (c) that the student be rusticated for such period as may be specified
28 in the direction; or

29 (d) that the student be expelled from the Medical Centre.

30 (2) The fact that an appeal from a direction is brought in pursuance

1 of subsection (1) of this section shall not affect the operation of the direction
2 while the appeal is pending.

3 (3) The Board may delegate its powers under this section to a
4 disciplinary committee consisting of such members of the Medical Centre as
5 the Board may nominate.

6 (4) Nothing in this section shall be construed as preventing the
7 restriction or termination of student's activities at the Medical Centre otherwise
8 than on the ground of misconduct.

9 (5) A direction issued under subsection (1) (a) of this section may be
10 combined with a direction issued under subsection (1) (b) of this section.

11 (6) Nothing in this Bill shall affect the provisions of any enactment
12 relating to the discipline of medical practitioners, pharmacists, midwives,
13 nurses or members of any other profession or calling.

Removal and
discipline of
clinical
administrative
and technical
staff

14 **22.-(1)** If it appears to the Board that there are reasons for believing
15 that any person employed as a member of the clinical, administrative or
16 technical staff of the Medical Centre, other than the Medical Director, should
17 be removed from his office or employment, the Board shall require the Director
18 of Administration to:

19 (a) give notice of those reasons to the person in question;

20 (b) afford him an opportunity of making representations in person on
21 the matter to the Board; and

22 (c) if the person in question so requests within a period of 1 month
23 beginning with the date of the notice, make arrangements for:

24 (i) a committee to investigate the matter and report on it to the Board;

25 and

26 (ii) the person in question to be afforded an opportunity of appearing
27 before and being heard by an investigating committee set up with respect to the
28 matter, and if the Board, after considering the report of the investigating
29 committee, is satisfied that the person in question should be removed as

1 aforesaid, the Board may so remove him by a letter signed on the direction of
2 the Board.

3 (2) The Medical Director may, in a case of misconduct by a
4 member of the staff which in the opinion of the Medical Director is
5 prejudicial to the interest of the Medical Centre, suspend any such member
6 and any such suspension shall forthwith be reported to the Board.

7 (3) For good cause, any member of staff may be suspended from
8 his duties or his appointment may be terminated or he may be dismissed by
9 the Board and for the purposes of this section, "good cause" means:

10 (a) a conviction for any offence which the Board considers to be
11 such as to render the person concerned unfit for the discharge of the
12 functions of his office;

13 (b) any physical or mental incapacity which the Board, after
14 obtaining medical advice, considers to be such as to render the person
15 concerned unfit to continue to hold his office;

16 (c) conduct of a scandalous or other disgraceful nature which the
17 Board considers to be such as to render the person concerned unfit to
18 continue to hold his office; or

19 (d) conduct which the Board considers to be such as to constitute a
20 failure or inability of the person concerned to discharge the functions of his
21 office or to comply with the terms and conditions of his service.

22 (4) Any person suspended shall, subject to subsections (2) and (3)
23 of this section be on half pay and the Board shall before the expiration of a
24 period of three months after the date of such suspension consider the case
25 against that person and come to a decision as to:

26 (a) whether to continue the person's suspension and if so, on what
27 terms (including the proportion of his emoluments to be paid to him);

28 (b) whether to reinstate the person, in which case the Board shall
29 restore his full emoluments to him with effect from the date of suspension;

30 (c) whether to terminate the appointment of the person concerned,

1 in which case he shall not be entitled to the proportion of his emoluments
2 withheld during the period of suspension; or

3 (d) whether to take such lesser disciplinary action against the person
4 (including the restoration of his emoluments that might have been withheld), as
5 the Board may determine, and in any case where the Board, pursuant to this
6 section, decides to continue a person's suspension or decides to take further
7 disciplinary action against a person, the Board shall before the expiration of a
8 period of three months from such decision come to a final determination in
9 respect of the case concerning any such person.

10 (5) It shall be the duty of the person by whom a letter of removal is
11 signed in pursuance of subsection (1) of this section to use his best endeavors to
12 cause a copy of the letter to be served as soon as reasonably practicable on the
13 person to whom it relates.

14 (6) Nothing in the foregoing provisions of this section shall preclude
15 the Board from making such regulations not inconsistent with the provisions of
16 this Bill for the discipline of students and all other categories of employees of
17 the hospital as the Board may prescribe.

18 (7) Regulations made under subsection (6) of this section need not be
19 published in the Gazette but the Board shall cause them to be brought to the
20 notice of all affected persons in such manner as it may, from time to time,
21 determine.

Discipline of
junior staff

22 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
23 Medical Director may suspend him for not more than a period of 3 months and
24 shall direct a Committee to:

25 (a) consider the case; and

26 (b) make recommendations as to the appropriate action to be taken by
27 the Medical Director.

28 (2) In all cases under this section of this Act, the officer shall be
29 informed of the charge against him and given a reasonable opportunity to
30 defend himself.

1 (3) The Medical Director may, after considering the
2 recommendation made pursuant to subsection (1) (b) of this section,
3 dismiss, or take such other disciplinary action against the officer concerned.

4 (4) Any person aggrieved by a decision of the Medical Director
5 made under subsection (3) of this section may, within a period of 21 days
6 from the date of the letter communicating the decision to him, address a
7 petition to the Board to reconsider his case.

8 PART VI - MISCELLANEOUS

9 **24.**-(1) The Board may, with the approval of the President, make Regulations
10 regulations

11 (a) as to the access of members of the public either generally or of a
12 particular class, to premises under the control of the Board and as to the
13 orderly conduct of members of the public on those premises; and

14 (b) for safeguarding any property belonging to or controlled by the
15 Board from damage by members of the public.

16 (2) Bye-laws under this section shall not come into force until they
17 are confirmed (with or without modification) by the National Assembly and
18 published in such manner as he may direct.

19 **25.** The "Minister of Health" may give to the Board directions of a Power to give
20 general character or relating generally to particular matters (but not to any directives
21 individual person or case) with regard to the exercise by the Board of its
22 functions under this Bill, and it shall be the duty of the Board to comply with
23 the directions; but no direction shall be given which is inconsistent with the
24 duties of the Board under this Act.

25 **26.** -(1) On the commencement of this Act, any person employed Transition and
26 by or serving in, the Medical Centre shall be deemed to have been employed savings provision
27 or serving in the Medical Centre established under this Act.

28 (2) All Assets or liabilities belonging to the Medical Centre shall be
29 deemed to belong to the Medical Centre established under this Act.

Interpretation	1	27. In this Act, unless the context otherwise requires:
	2	"associate universities" means the universities whose medical students receive
	3	aspects of their training from the Medical Centre;
	4	"Board" means the Board of Management of the Medical Centre;
	5	"chairman" means the chairman of the Board;
	6	"functions" include powers and duties;
	7	"Federal Medical Centre "means the Federal Medical Centre Amagu Ikwo;
	8	"junior staff" means staff of such grade as may be determined, from time to
	9	time, by the Board;
	10	"medical student" means a student whose course of instruction is:
	11	(a) designed (either alone or in conjunction with other courses) to
	12	enable him to qualify as a medical practitioner; or
	13	(b) designed for the further training of medical practitioners;
	14	"Minister" means the Minister charged with responsibility for matters relating
	15	to health; and
	16	"student" means a person enrolled at an institution controlled by the Board for
	17	the purpose of pursuing a course of instruction at the institution.
Short title	18	28. This Bill may be cited as the Federal Medical Centre, Amagu
	19	Ikwo (Establishment) Bill, 2021.

1 SCHEDULE

2 *[Section 3(3)]*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

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

8 (2) The quorum of the Board shall be the chairman or the person
9 presiding at the meeting and 5 other members of the Board, 2 of whom shall
10 be ex-officio members, and the quorum of any Committee of the Board shall
11 be as determined by the Board.

12 2.-(1) The Board shall meet whenever it is summoned by the
13 chairman and if the chairman is required to do so by notice given to him by
14 not less than 8 other members, he shall summon a meeting of the Board to be
15 held within 14 days from the date on which the notice is given.

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

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

24 *Committees*

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

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

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

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Medical Centre shall be
5 authenticated by the signatures of the Chairman, the Medical Director or any
6 person generally or specifically authorized by the Board to act for that purpose.

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

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

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

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

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

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

EXPLANATORY NOTE

This Bill seeks to Establish the Federal Medical Centre, Amagu Ikwo, Ebonyi State and also to equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, preventive and rehabilitative services in medical treatment.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL INSTITUTE FOR POLICY AND STRATEGIC STUDIES CAP. N51 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO REDUCE THE SIZE OF THE BOARD, MAKE PROVISION FOR REMOVAL OF MEMBERS OF THE BOARD, GIVE THE BOARD THE POWER TO APPROVE ADDITIONAL DIRECTORS AND EXPAND THE BORROWING POWERS OF THE INSTITUTE; AND FOR RELATED MATTERS

Sponsored by Hon. Abdullah; Ali I. Halims

[] Commencement

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

- 1 **1.** The National Institute for Policy and Strategic Studies Act Cap
2 N51 Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the
3 Principal Act") is amended as set out in this Bill. Amendment of
Cap. N51 LFN,
2004
- 4 **2.** Section 2 of the Principal Act is amended: Amendment of
Section 2
 - 5 (a) by deleting subsection (3)(e); and
 - 6 (b) in subsection (5), by substituting for subsection (5), a new
7 subsection "(5)":
 - 8 "(5) The office of the Chairman of the Governing Board and
9 members mentioned under section 2 (3)(c), (d), and (f), becomes vacant if:
 - 10 (a) the person resigns his appointment by notice in writing under
11 his hand addressed to the President;
 - 12 (b) the President is satisfied that it is not in the best interest of the
13 Institute for the person to continue in office;
 - 14 (c) the person is incapable of performing the functions of the office
15 by reason of disease of body or mind and was declared so by a medical
16 practitioner; or

	1	(d) by reason of death, bankruptcy or conviction of a criminal offence.
Amendment of Section 6	2	3. Section 6(1) of the Principal Act is amended by inserting after
	3	paragraph(e), a new paragraph "(d)":
	4	"(d) other Directives which the Board may deem expedient to make."
Amendment of Section 10	5	4. Section 10 of the Principal Act is amended by substituting for the
	6	expression, "N100,000" the words, "the power chief executive officer of the
	7	institute in line with subsisting financial regulation".
Citation	8	5. This Bill may be cited as the National Institute for Policy and
	9	Strategic Studies (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Institute for Policy and Strategic Studies Act Cap. N51 Laws of the Federation of Nigeria, 2004 to reduce the membership of the Board, make provision for removal of members of the Board, give the Board the power to approve additional directors and expand the borrowing powers of the Institute.

A BILL

FOR

AN ACT TO AMEND THE INSTITUTE OF PUBLIC ANALYSTS OF NIGERIA ACT
CAP I 16 LAWS OF THE FEDERATION OF NIGERIA, 2004; AND FOR RELATED
MATTERS

Sponsored by Hon. Hon. Abdullahi Ali I. Halims

[] Commencement

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

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1. The Institute of Public Analysts of Nigeria Act Cap I 16 Laws of

the Federation of Nigeria, 2004 {in this Bill referred to as "the Principal Act)

is amended as set out in this Bill.

2. Section 19 of the Principal Act is amended by substituting

existing subsection (5)(a)and{b) for new subsection (5)(a) and (b):

(a) summary conviction, to a fine of an amount not exceeding

N100,000; or

(b)conviction on indictment to a fine of an amount not exceeding

N500,000 or to imprisonment for a term not exceeding two years, or to both

such fine and imprisonment.

3. Section 19 (6) of the Principal Act is amended by substituting

"any person" with "any official".

4. This Bill may be cited as the Public Analysts of Nigeria Act

(Amendment) Bill, 2021.
- Amendment of

the Principal Act

Substitution of

the section 19 (5)

(a) & (b) of the

Principal Act

Amendment of

Section 19(6) of

the Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Institute of Public Analysts of Nigeria Act Cap
I16 Laws of the Federation of Nigeria, 2004, to review fine upward.

A BILL

FOR

AN ACT TO AMEND THE INSTITUTE OF PERSONNEL MANAGEMENT OF NIGERIA ACT CAP I 15 LAWS OF THE FEDERATION OF NIGERIA, 2004; AND FOR RELATED MATTERS

Sponsored by Hon. Abdullahi I. Halims

[] Commencement

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

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1. The Institute of Personnel Management of Nigeria Act Cap I 15 Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act) is amended as set out in this Bill.

2. Section 20 of the Principal Act is amended by substituting existing subsection (5)(a)and(b) for new subsection (5)(a) and (b):

(a) In summary conviction to a fine of an amount not exceeding one Hundred Thousand Naira; or

(b) In conviction on indictment to a fine of an amount not exceeding Five Hundred Thousand Naira or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

3. Section 20 (6) of the Principal Act is amended by substituting "any person" with "any official".

4. This Bill may be cited as the Personnel Management of Nigeria Act (Amendment) Bill, 2021.
- Amendment of the Principal Act

Substitution of the section 20(5) (a) and (b) for new subsection 20 (5)(a) and (b) of the Principal Act

Amendment of Section 20(6) of the Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Institute of Personnel Management of Nigeria Cap 115 Laws of the Federation of Nigeria, 2004, to review fines upwards.

A BILL

FOR

AN ACT TO REGULATE THE PLANNING, PREPARATION, PASSAGE AND
EXECUTION OF THE BUDGET OF THE GOVERNMENT OF FEDERATION, AND
FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajuddeen

[] Commencement

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

PART I - GENERAL PROVISIONS

1.-(1) This Act shall regulate the content and planning of the budget, the preparation, passage and implementation of the budget of the of the Federal Government (2) Subject to the Constitution, where existing Laws are inconsistent with this Act, the provisions of this Act prevail.

Purpose

PART II - BUDGET CONTENT AND PLANNING

2.-(1) The budget shall refer to the fiscal year and shall be valid during the year for which it is passed.

Fiscal Year and Temporary Financing

(2) The fiscal year shall be a period of twelve months, which commences on 1 January and concludes on 31 December of each calendar year.

(3) Unless otherwise provided in the Constitution, where the budget is not passed before the commencement of the fiscal year, funding shall be done on a temporary basis for a maximum period of the first three months of the fiscal year.

(4) In subsection (3), temporary funding shall be executed in proportion to funds utilized in the same periods in the preceding year's budget up to a maximum of one-fourth of the total revenues allocated through the preceding year's budget.

(5) Any decision on temporary funding of capital commitments or

	1	expenditure shall be approved by a resolution of the National Assembly.
Passage of the Budget	2	3. -(1) The budget shall be passed in compliance with the procedure
	3	stipulated in the Constitution, this Act or any other Act.
	4	(2) Budget expenditure shall be met by revenues and receipts defined
	5	by this Act or any other Law.
Scope of Budget	6	4. -(1) All budget commitments and expenditure shall be determined
	7	in the budget, and commitments shall balance out with revenues and receipts.
	8	(2) No unplanned or uncommitted expenditure may be paid out of the
	9	Consolidated Revenue Fund of the Federation.
	10	(3) The actual collection of revenues shall not be limited by estimates
	11	stated in the budget.
	12	(4) Where during the fiscal year a regulation or a Law is passed, which
	13	has an effect of decreasing the planned revenues and receipts or increasing the
	14	planned expenditure, a regulation or a law shall be passed, in compliance with
	15	budgetary procedure determining additional revenues needed to balance the
	16	budget.
	17	(5) Where during the fiscal year due to extraordinary circumstances
	18	and needs, there occurs an increase in expenditure or a decrease in revenues or
	19	receipts, the budget shall be balanced out by either lowering the planned
	20	expenditure or by finding new revenues.
	21	(6) Budget balancing shall be done through budget amendments
	22	passed in compliance with the budgetary procedure.
	23	(7) No Law or regulation may be passed or action taken which creates
	24	extra- budgetary spending.
Revenues	25	5. Revenues and receipts of the budget shall consist of:
	26	(a) tax revenues,
	27	(b) non-tax revenues, such as profits of public and Federal
	28	Government- owned companies, profit of the Central Bank of Nigeria, duties,
	29	finances for misconducts or federal offences and repayments on loans granted, (c)
	30	revenues earned on core activities of Ministries, Departments and Agencies i.e

1 budget beneficiaries, under regulations or law (d) domestic and foreign
2 grants,
3 (e) domestic and foreign borrowing aimed at financing the budget
4 deficit,
5 (f) other revenues paid to the Federal Government in accordance
6 with law.

7 **6.** Expenditure and other outlays from the budget shall consist of: Expenditures

8 (a) recurrent expenditure, such as salaries, allowances, outlays for
9 goods and services, current transfers, interest payment and grants in cash
10 and in kind,

11 (b) capital expenditure, such as purchase of fixed assets, capital
12 transfers and grants in cash and in kind,

13 (c) lending and equity participation,

14 (d) interests in companies' capital,

15 (e) repayment of principal on borrowing.

16 **7.-(1)** All budget revenue, receipt, commitments expenditure and Accounting and
17 payment transactions shall be entered into the Treasury's general ledger. Cash Management

18 (2) All revenue raised pursuant to section 5 of this Act shall form
19 one Treasury Consolidated Fund.

20 (3) The Minister responsible for budget shall open, one or more
21 bank accounts for the receipt, safekeeping, payment and transfer of
22 revenues and expenditure.

23 (4) The Minister responsible for budget is authorized to enter into
24 an agreement with any bank, including the Central Bank of Nigeria,
25 regarding the conduct of banking business of the Federal Government,
26 including the establishment of overdraft arrangements.

27 (5) Subject to consent of the President, the Minister responsible for
28 budget may defer the collection of a claim and allow collection in
29 installments.

30 (6) The balance of the Consolidated Revenue Fund of the

	1	Federation may be invested by the Minister responsible for budget in a form of
	2	investment approved by the Central Bank of Nigeria with the expenses of
	3	investing the money being debited from the Consolidated Revenue Fund of the
	4	Federation and interest received credited to the Fund.
	5	(7) The budget shall be debited with all outlays in connection with the
	6	deposits referred to in subsection (6) and credited with interest receivable.
Borrowing and deficits	7	8.-(1) The budget shall determine the manner in which budget surplus
	8	is to be used and budget deficit financed.
	9	(2) The budget deficit shall be financed by borrowing from home or
	10	abroad.
	11	(3) The borrowing referred to in subsection (2), excluding short-term
	12	liquidity borrowing, may be done only for the purpose of financing capital
	13	commitments or expenditure, except in cases of National emergency or when
	14	the economy is in recession.
	15	PART III - BUDGET PREPARATION AND DRAFTING
Bases of Budget Preparation	16	9. The bases for the preparation of the budget shall rest on the needs of
	17	economic development, macroeconomic stability and the policies and
	18	regulations or laws passed or adopted by the National Assembly, the Federal
	19	Executive Council and the Minister responsible for budget in accordance with
	20	their jurisdiction and competence.
Budget Development process and Schedule	21	10.-(1) In co-operation with the administrative body responsible for
	22	economic development, the Minister responsible for budget shall prepare a
	23	report on economic and fiscal policy in the month of July for the following
	24	fiscal year.
	25	(2) In co-operation with the competent administrative bodies, the
	26	Minister responsible for budget shall propose the guidelines and objectives of
	27	fiscal policy to the Federal Executive Council and prepare an estimate of the
	28	main types of revenues and expenditure for the following fiscal year.
	29	(3) On the basis of an opinion of the Federal Executive Council, the
	30	Minister responsible for budget shall send to Ministries, Departments and

1 Agencies i.e budget beneficiaries, an instruction on the method and
2 elements of budget preparation in the month of September.

3 (4) The instruction referred to in subsection (3) shall lay down the
4 basic elements of the policies which must be observed, the key parameters
5 that must be utilized and the procedures and deadlines for the preparation of
6 requests for the allocation of funds.

7 (5) The instruction referred to in subsection (3) shall contain the
8 estimated amount of expenditure for each Ministry, Department and Agency
9 i.e budget beneficiary.

10 **11.-(1)** The Minister responsible for budget shall determine the
11 content and method of preparation of Ministries, Departments and Agencies
12 i.e budget beneficiaries' requests for funds, as well as the procedure for the
13 allocation of said funds.

Spending Agency
Budget request

14 (2) The Ministries, Departments and Agencies i.e budget
15 beneficiaries' requests for Funds shall contain:

16 (a) commitment and expenditure planned for the budget year (by
17 class and sub-class). as categorized under the accounting regulations and the
18 budget chart of accounts, including estimated expenditures resulting from
19 prior year commitments and current year commitments;

20 (b) commitment and Expenditure planned for the next two years,
21 by expenditure groups prescribed by the Minister responsible for budget as
22 needed,

23 (c) a brief overview and structure of staff and officials for whom
24 budget funds are sought,

25 (d) an explanation of planned requirements enabling the Ministry
26 responsible for budget to approve the received requests,

27 (e) request proposals pertaining to future liabilities or expenditure
28 planned for several years in advance, including investment projects, to be
29 submitted separately from requests pertaining to expenditure projected for
30 each following year.

Resolving Ministry
Budget Requests

1 **12.-(1)** The Minister responsible for budget shall consider the
2 estimated revenues and requests for budget funds, propose necessary
3 modifications to Ministries, Departments and Agencies i.e budget
4 beneficiaries, and determine requirements and examine potential sources of
5 borrowing.

6 (2) The Minister responsible for budget shall prepare a draft budget
7 for the following fiscal year and submit it to the Federal Executive Council by
8 10th October of the current year.

9 (3) Where during discussion of the proposed budget any
10 disagreement occurs between the Minister responsible for budget and
11 Ministers or chief executive officers of Ministries, Departments and Agencies
12 i.e budget beneficiaries, the Minister responsible for budget shall prepare a
13 report for the President who shall reach a final and binding decision.

Submission of
Budget to National
Assembly

14 **13.** The President shall submit the draft budget to the National
15 Assembly for passage not later than is" November.

Content of Budget
submission to
National Assembly

16 **14.-(1)** The budget as well as reports submitted therewith to the
17 National Assembly shall contain:

18 (a) an explanation of the macroeconomic assumption used in
19 developing total revenue and expenditure estimates included in the budget,

20 (b) the economic growth projections (Gross Domestic Product) and
21 other key economic variables as used by the Federal Executive Council in
22 developing the budget,

23 (c) estimates for the same economic variables for the fiscal year as
24 projected by the competent administrative bodies and Central Bank of Nigeria,

25 (d) the macroeconomic forecasts of reputable International Monetary
26 Organisations, and Nigerian or foreign private sector forecasts, as available,

27 (e) the median forecast for estimate Gross Domestic Product growth,
28 and include an explanation of the major sources for variation in the Federal
29 Executive Council forecast from the median forecast,

30 (f) the explanation will also include estimates of total Federal

1 Executive Council revenue and expenditure if the median Gross Domestic
2 Product forecast were used;

3 (g) a detailed presentation of budget revenues, commitments and
4 expenditure,

5 (h) a proposal for the use of budget surplus and, in the event of
6 budget deficit, sources for its financing, provided that the amount of any
7 such deficit is equal to the ceiling referred to in the provisions of Sections 27
8 and 29 of this Act,

9 (i) a functional classification of commitments and expenditures to
10 be incurred by each Ministry, Department and Agency i.e spending agency,
11 presented in accordance with such methodology as may be determined by
12 the Minister responsible for budget,

13 (j) revenue, commitments and expenditure of each Ministry,
14 Department and Agency i.e spending agency presented in accordance with
15 revenues, commitments and expenditures (by class, sub-class and item)
16 presented under the chart-of-accounts classification;

17 (k) revenue, commitments and expenditure of each Ministry,
18 Department and Agency i.e spending agency presented by major program or
19 activity, including identification of major outputs or levels of service
20 associated with the program or activity.

21 (l) description and estimate of tax expenditure;

22 (m) Summary and structure of total outstanding debt and
23 guarantees, including totals for the prior year, estimate for the current year,
24 and the budget year,

25 (n) brief assessment of the risk of expenditures deriving from the
26 outstanding guarantees, and the Federal Executive Council plan for
27 financing activated guarantees;

28 (o) brief assessment of other contingent liabilities and their
29 potential impact on the budget.

30 (2)The document referred to in Section 14 (1) (b), above shall

1 contain the corresponding data for the preceding fiscal year, updated estimates
2 for the current fiscal year and projections for the following two fiscal years.

3 (3) The document referred to in Section 14 (1) shall also contain an
4 itemized annual overview of planned commitments and expenditures for
5 investment projects planned for two fiscal years.

6 (4) The document referred to in Section 14 (1) shall contain a proposal
7 of legal provisions and/or decisions enabling the implementation of the
8 proposed budget.

Consideration of
Budget by National
Assembly

9 **15.**-(1) Each modification made by the National Assembly to the
10 proposed budget shall be in compliance with the deficit ceiling of the Federal
11 Executive Council proposal budget.

12 (2) Any proposal to increase an item of commitment or expenditure
13 shall also state measures to increase revenues or reduce other commitment or
14 expenditure by the same amount.

15 (3) Any Amounts stated in the budget, except debt principal and
16 interest repayments, shall be considered maximum amounts, ensuring that
17 actual expenditure does not exceed revenues allocated under the law and/or the
18 decision on the implementation of the budget.

19 (4) Any proposed increase in commitment or expenditure, along with
20 proposed measures to offset any such increase by increasing revenues or
21 reducing expenditures under another item, shall be formulated as an
22 amendment to the budget, i.e. its balancing, and submitted to the National
23 Assembly for consideration and passage prior to implementation.

Emergency
Budget Reserve

24 **16.**-(1) Urgent and contingent expenditures occurring in the course of
25 the fiscal year shall be covered from reserves established in the budget.

26 (2) Up to specific amounts, the use of such reserves shall be approved
27 by President or the Minister responsible for budget, whereas the use of the
28 remaining amount established in the budget shall be approved by the Federal
29 Executive Council.

30 (3) The Federal Executive Council shall submit to the National

1 Assembly a quarterly report on the use of budget reserves referred to in
2 subsection

3 **17.** The budget shall be published in the Official Gazette of the
4 Federation. Publication of
Budget

5 **PART IV - BUDGET IMPLEMENTATION**

6 **18.** -(1) Upon the passage of the budget, the Ministry responsible
7 for budget shall inform other Ministries, Departments and Agencies i.e.
8 budget beneficiaries, on the approved funds. Allocation of
Spending Authority

9 (2) Each Ministry, Department and Agency i.e budget beneficiary
10 shall be responsible for the collection of revenues under its jurisdiction and
11 spending in accordance with previously established purposes.

12 (3) Within its jurisdiction and competence, each Ministry,
13 Department and Agency i.e budget beneficiary shall be responsible for the
14 compliance with budget-related regulations or laws.

15 (4) The Minister responsible for budget shall have the right to
16 suspend the execution of any decision contravening this Act or the budget
17 itself.

18 **19.**-(1) Each Ministry, Department and Agency i.e. spending Financial Plans
19 agency, shall prepare a financial plan based upon the budget levels of the
20 passed Budget.

21 (2) The financial plan shall include the:

22 (a) planned schedule of revenues and other receipts

23 (b) planned commitments;

24 (c) estimated expenditures resulting from the commitments, for
25 each month of the fiscal year or on such other time period and on such other
26 basis as the Minister responsible for budget may determine.

27 (3) Financial plans are submitted to the Budget Office for review
28 and approval.

29 (4) The Budget Office shall review and approve Ministry,
30 Department and Agency spending plans for consistency with:

	1	(a) the National Assembly-passed Budget,
	2	(b) policies of the Federal Executive Council and National Assembly
	3	as contained in the Budget,
	4	(c) current law,
	5	(d) sound financial practices, and
	6	(e) in conjunction with the Federal Government Treasury, effect on
	7	cash management
	8	(5) Approved financial plans are forward to the Federal Government
	9	Treasury for execution.
Revenue Collection responsibilities	10	20. -(1) Ministries, Departments and Agencies in charge of the
	11	collection of budget revenues, shall be responsible for a complete and timely
	12	collection of revenues payable into the Consolidated Revenue Fund of the
	13	Federation in accordance with relevant laws and regulations.
	14	(2) Moneys received by the Federal Government must be banked
	15	promptly in an official account of the Consolidated Revenue Fund of the
	16	Federation.
Commitment and Expenditure responsibilities	17	21. -(1) Actual commitment incurred by each Ministry, Department
	18	and Agency shall comply with budgeted amounts planned for each quarter or
	19	any such other period as the Minister responsible for budget may determine.
	20	(2) The funds referred to in subsection (1) shall be allocated on the
	21	basis of funds currently available in the budget and the amount shall be
	22	announced to each Ministry, Department and Agency i.e budget beneficiary at
	23	least ten working days before the commencement of the period to which they
	24	pertain.
	25	(3) The Ministry responsible for budget remits the planned budgetary
	26	funds to Ministries, Departments and Agencies i.e budget beneficiaries
	27	according to a written schedule of the Ministry, i.e. body responsible for budget
	28	implementation.
	29	(4) Budget beneficiaries may conclude procurement contracts based
	30	on amounts planned on a quarterly basis, in compliance with effective

1 regulation or law pertaining to this particular area and instructions issued by
2 the Minister responsible for budget.

3 (5) The provisions of subsection (4) shall not apply to long-term
4 commitments related to transactions and investment projects requiring
5 long-term liabilities.

6 **22.-(1)** Committed financial assets remaining in the Consolidated
7 Revenue Fund of the Federation at the end of the fiscal year shall be retained
8 for payment of those commitments in future years, unless the commitment is
9 cancelled or becomes inactive.

Commitment
Management

10 (2) Financial assets associated with commitments that are
11 cancelled after the end of the fiscal year in which the commitment was
12 originally made shall return to the Consolidated Revenue Fund of the
13 Federation for inclusion in subsequent budgets.

14 (3) Commitment cancelled during the fiscal year in which
15 originally budgeted may be re-committed by the Ministry, Department and
16 Agency i.e spending agency for the same purposes for which they were
17 budgeted.

18 (4) Commitment authority and associated financial assets that
19 remain uncommitted at the end of the fiscal year in which budgeted to a
20 Ministry, Department and Agency i.e spending agency are retained for use
21 of that spending agency in future years for the purposes for which they were
22 budgeted, provided they are reported in future budgets.

23 (5) Ministries, Departments and Agencies i.e spending agencies
24 shall enter into commitments on the basis of written agreements unless
25 otherwise provided by law.

26 (6) Expenditures arising from commitments entered into in prior
27 years shall be included in the budget of the year they fall due and are paid.

28 (7) In entering into commitments, Ministries, Departments and
29 Agencies i.e spending agencies must follow guidelines on terms and

	1	conditions of payment as may be determined by the Minister responsible for
	2	budget.
	3	(8) Commitments incurred in excess of authority granted in the
	4	Budget or incurred in contravention of this Act or other Laws, shall not be a
	5	financial obligation of the Federal Government.
Reallocation of commitment authority	6	23. -(1) Funds allocated in the budget shall not be reallocated among
	7	the Ministries, Departments and Agencies i.e budget beneficiaries unless the
	8	law regulating budget implementation expressly provides for such
	9	reallocation, which shall be determined by the Minister responsible for budget.
	10	(2) Under the budget item of each Ministry, Department and Agency
	11	i.e budget beneficiaries, the established funds may be reallocated among
	12	individual expenditure items or among individual budget beneficiaries, which
	13	shall be subject to approval from the Minister responsible for budget.
	14	(3) The amount of funds reallocated under subsection (2) shall not
	15	exceed 5 percent of the total funds earmarked for the item being reduced.
Minister responsibilities for Budget reporting responsibilities	16	24. -(1) The Minister responsible for budget shall submit to the
	17	Federal Government Executive Council a report on the implementation of the
	18	budget for the first six months of the current fiscal year by the end of July.
	19	(2) The report referred to subsection (1) shall contain: a presentation
	20	of macroeconomic and fiscal situation,
	21	(a) a comparative presentation of budgeted and actual revenues,
	22	commitments, expenditures, shortfalls and borrowings, accompanied by an
	23	explanation of discrepancies, if any,
	24	(b) proposed measures to improve the current situation, if and as
	25	necessitated by the circumstances.
Federal Executive Council reporting responsibilities	26	25. The Federal Executive Council shall submit to the National
	27	Assembly a report on the implementation of the budget for the first six months
	28	by 5 August of the current fiscal year.
Scope of Budget Accounts	29	26. -(1) The budget shall be implemented until 31 December of the
	30	fiscal year.

1 (2) Any commitments financial obligations not settled by 31
2 December of the current year shall be settled from the earmarked funds
3 approved in the budget of the following fiscal year.

4 PART V - BORROWING AND PUBLIC DEBT

5 **27.**-(1) The law regulating the implementation of the budget shall
6 also provide for a ceiling amount for borrowing, which shall also include
7 liabilities incurred by way of account overdrafts.

8 (2) The total ceiling amount referred to in subsection {1} shall also
9 include loans raised from the Central Bank of Nigeria and debts assumed by
10 the budget.

11 {3} The budget shall determine the total amount of guarantees to be
12 issued.

13 **28.**-(1) Public debt may be incurred by way of loans, securities Public Debt
14 issue or by entries into the book of accounts.

15 (2) Data on each holder of securities referred to in subsection (1)
16 shall be kept by the Central Bank of Nigeria and/or financial institution
17 authorized therefor by the Central Bank of Nigeria.

18 **29.**-(1) All decisions on public debt and government guarantees Public Debt
19 shall be approved by the National Assembly, on the recommendation of the Limitations
20 Federal Executive Council.

21 (2) The decisions referred to in subsection (1) shall be approved in
22 compliance with amounts and purposes established in the budget.

23 (3) All agreements on budget borrowings and the issue of
24 guarantees shall be signed by the Minister responsible for budget.

25 (4) The Minister responsible for budget shall make all decisions on
26 loan terms and the type of collateral.

27 (5) The Minister responsible for budget shall conclude with the
28 Central Bank of Nigeria a contract on the performance of services required
29 to implement all decisions on public debt.

Debt Record	1	30. Unless otherwise provided by law the Ministry responsible for
	2	budget shall keep a record of debt raised, guarantees issued and loans taken.
Debt Reporting	3	31. -(1) All decisions on public debt, federal government guarantees
	4	and loans shall be published in the Official Gazette of the Federation.
	5	(2) The Federal Executive Council may not unilaterally modify
	6	contractual terms related to public debt, Federal Government guarantees and
	7	loans granted.
Permanent Authority for Debt Service	8	32. For the purposes of this Act, any amount of interest and principal
	9	related to public debt and federal government guarantees may be paid out of the
	10	Consolidated Revenue Fund of the Federation budget account, in accordance
	11	with terms and conditions agreed to by the Republic of Nigeria.
	12	PART VI - BUDGET ACCOUNTING, CONTROL AND AUDIT
Responsibilities	13	33. -(1) Ministers and Chief Executive Officers shall be responsible
	14	for the accounting and internal control of transactions related to revenues and
	15	expenditure of their Ministries, Departments and Agencies.
	16	(2) Along with revenues and expenditure of the Ministry responsible
	17	for budget, the Minister responsible for budget shall, on behalf of the Federal
	18	Executive Council, bear responsibility for accounting and internal control of
	19	borrowing and debt transactions.
	20	(3) The Ministry responsible for Finance may control accounting
	21	documents related to revenues and expenditure of Ministries, Departments and
	22	Agencies i.e budget beneficiaries.
	23	(4) The control referred to in Subsections (1), (2) and (3) shall be
	24	carried out according to methodology determined by the Minister responsible
	25	for budget and may take place periodically.
Authority to establish Accounting Regulations	26	34. -(1) On the recommendation of the Federal Government, the
	27	National Assembly shall enact an Act on the accounting system applicable to
	28	the budget.
	29	(2) The Minister responsible for budget shall make regulation on
	30	accounting and the content and mode of financial reporting for all Ministries,

1 Departments and Agencies i.e spending entities.

2 (3) All revenues and expenditure shall be entered as gross amounts
3 independent of the actual amounts crediting or debiting the budget account.

4 **35.**-(1) The Minister responsible for budget shall issue by 20 Closing Accounts
5 December of the fiscal year an instruction on the closure of the budget
6 accounts and on the preparation of the annual statement.

7 (2) Ministries, Departments and Agencies i.e spending entities
8 shall prepare their annual statements for the preceding year.

9 (3) The annual statement for the preceding year referred to in
10 subsection (1) shall be submitted to the Ministry of responsible for budget
11 by 31 March of the fiscal year.

12 (4) On the basis of the annual statements for the preceding year
13 referred to in this section, the Ministry responsible for of budget shall
14 produce the budget statement by 15 April of the fiscal year.

15 **36.**-(1) The Minister responsible for budget shall submit to the Reporting
16 Federal Executive Council a report on the implementation of the budget for Requirements
17 the preceding year by 15 May of the fiscal year.

18 (2) The Federal Executive Council shall submit to the National
19 Assembly a report on the implementation of the budget for the preceding
20 year by 15 June of the fiscal year.

21 (3) The content of the reports referred to in Subsections (1) and (2)
22 of this Act shall follow the classification of accounts and shall contain:

- 23 (a) opening and closing balance on the budget account,
24 (b) clarification of major discrepancies,
25 (c) data on any borrowing and debt management operations,
26 (d) data on the use of budget reserves and on any guarantees issued
27 during the fiscal year.

28 **37.** Unless otherwise provided in the Constitution the Auditor Auditor General
29 General of the Federation shall carry out the audit of the budget, in a manner of the Federation
30 and by deadlines laid down in the regulation or law regulating Federal

	1	Government audit activities.
Internal Control	2	38. -(1) There is established within the Ministry responsible for
	3	budget a budget Inspectorate reporting to the Minister responsible of budget.
	4	(2) The Budget Inspectorate shall have government- wide
	5	responsibility for:
	6	(a) conducting internal audits of Ministries, Departments and
	7	Agencies;
	8	(b) conduct internal control assessments to evaluate the effectiveness
	9	of internal controls in Ministries, Departments and Agencies i.e spending
	10	agencies;
	11	(c) developing and issuing internal control and auditing guidelines,
	12	standards, and best practices for internal controllers and auditors;
	13	(d) developing and issuing professional standards for internal
	14	controllers and auditors;
	15	(e) issue written reports of the result of internal audits and internal
	16	control assessments;
	17	(f) assess penalties for offences detected through internal audits and
	18	internal control assessments, as specified below in section.
	19	(3) All Ministries, Departments and Agencies i.e spending agencies
	20	shall establish internal control and audit functions for all transactions relating
	21	to revenues, commitments, and expenditures, financial and other assets, and
	22	liabilities:
	23	(a) internal control shall be organized as a system of procedures and
	24	responsibilities of all persons involved in the procedure of making
	25	commitments or payments, as well as organized service of internal controllers
	26	and auditors;
	27	(b) internal control shall involve control over legality, economy,
	28	efficiency, effectiveness, and stewardship of financial assets;
	29	(c) persons exercising internal control shall be internal controllers and
	30	auditors reporting directly to the head of the spending agency;

1 (d) the Minister responsible for budget shall determine common
2 criteria, procedures, and best practices for internal control and auditing for
3 all Ministries, Departments and Agencies.

4 (3) Should a budget inspector establish that a law, regulation, or
5 other Law has been violated; the inspector shall issue a written decision:

6 (a) the written decision shall identify the responsible party or
7 parties, and identify remedial action to be taken to correct the deficiency;

8 (b) on the basis of the written decision, the Budget Inspectorate
9 may impose disciplinary action against the responsible party or parties.

10 PART VII - MISCELLANEOUS PROVISIONS

11 39.-(1) The Minister responsible for budget shall subject to the
12 approval of the President the Federal Government make such regulations as
13 may be necessary to realizes the purpose and objective of this Act from time
14 to time

Power to make
regulations

15 (2) Any regulation made by the Minister shall not be operational
16 until such regulation is published in the official Gazette of the Government
17 of the Federation.

18 40. A person commits an offence under this Act:

Penalties

19 (a) If such person approves any borrowing which contravenes the
20 provisions of this Act;

21 (b) If such person defers the collection of any claim or approves the
22 collection in installments of any claim without prior consent as provided in
23 this Act;

24 (c) If such person pays out of a budget account any expenditure
25 which has not been approved in the budget;

26 (d) If such person borrows in a manner contravening the provisions
27 of this Act; and

28 (e) If such person fails to remedy problems identified in written
29 external or internal audit or control reports in a timely fashion;

30 (2) Any person who commits an offence under this Act shall be

1 liable to a minimum fine of N50,000.00 naira or a term of 14 days
2 imprisonment or both.

Interpretation 3 **41.** For the purposes of this Act, the terms used shall have the
4 following meanings:
5 "budget" means an estimate of annual revenues and receipts and the
6 established level of expenditure and other disbursements made by the Federal
7 Government approved by the National Assembly in accordance with the
8 provisions of the Constitution and other laws;
9 "Budget beneficiaries" shall means the Federal Ministries, Departments and
10 Agencies financed from the Consolidated Revenue Fund of the Federation;
11 "Constitution" means the constitution of the Federal Republic of Nigeria 1999
12 as amended;
13 "Revenues" shall mean all non-repayable and non-refundable current and
14 capital receipts with or without counter-obligation, except for non- obligatory
15 and non-repayable receipts without obligation;
16 "Grants" shall mean receipts without counter-obligation, non-repayable and
17 non-obligatory receipts from domestic and foreign units of state administration
18 or international institutions;
19 "Taxes" shall mean mandatory, non-repayable receipts without counter-
20 obligation which are determined by Act of the National Assembly;
21 "Expenditure" shall mean non-refundable current and capital payments with or
22 without counter-obligation and grants and transfers paid out to others;
23 "Counter-obligation" shall mean an instance when the delivery of goods or
24 service must occur in return for a received or paid amount;
25 "Financing" shall mean obtaining loans to fund the budget deficit or to use the
26 budget surplus. Financing shall include principal amortization of public debt;
27 "Capital expenditure" shall mean payments to obtain land, intangible assets,
28 stockpiles, non-financial and other assets whose life exceeds one year; all
29 expenditure towards purchasing military assets and all other expenditure shall
30 be regarded as current expenditure;

- 1 "President" means President of the Federal Republic of Nigeria;
2 "Federal Executive Council" includes the Federal Government of Nigeria
3 "Minister" means the Minister responsible for preparation and
4 implementation of the annual budget.

5 **42.** This Bill may be cited as the National Budget Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to provide for an Act to regulate the Planning, Preparation,
Passage and Execution of the budget of the Government of Federation.

A BILL

FOR

AN ACT TO AMEND THE FISCAL RESPONSIBILITY ACT 2007 AND FOR
RELATED MATTERS

Sponsored by Hon. Oluwale Oke

[] Commencement

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

- 1 **1.** The Fiscal Responsibility Act (in this Act referred to as "the
2 Principal Act") is amended as set out in this Act. Amendment of
the Fiscal
Responsibility
Act 2007
- 3 **2.** The Principal Act is hereby amended by introducing a new
4 Section 21(4) immediately after Section 21(3) of the Principal Act which Insertion of a
New Section 21(4)
5 shall provide as follows:
- 6 "21(4) Notwithstanding any other provision of the Principal Act,
7 the Nigerian Ports Authority, Nigerian Communications Commission,
8 Council for the Regulation of Engineering in Nigeria and any other
9 professional body listed in the Schedule to the Act, are hereby excluded
10 from the application of the provisions of the Act."
- 11 **3.** This Bill may be cited as the Fiscal Responsibility Act Short title
12 (Amendment) Bill, 2021.

EXPLANATORY NOTE

*(This note does not form part of the above Act but, it is intended
to explain its purport)*

This Bill seeks to amend the Fiscal Responsibility Act 2007, by introducing a new Section 21(4), which excludes the Nigerian Ports Authority, Nigerian Communications Commission, Council for the Regulation of Engineering in Nigeria and any other professional body from the application of the provision of this Bill.