

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE INDUSTRIAL TRAINING FUND ACT CAP 19 (NO.47 OF 1971) FOR THE PURPOSE OF EMPOWERING THE FUND TO DESIGN, SET UP AND OPERATE GUIDELINES FOR THE TRAINING, CERTIFICATION, NATIONWIDE AT STATE, LOCAL GOVERNMENT AND WARD LEVELS AND TO ESTABLISH AREA REGISTRIES FOR MAINTAINING UP-TO-DATE REGISTERS OF CERTIFIED ARTISANS AND TECHNICIANS IN ALL FIELDS AND IN ALL PARTS OF THE FEDERATION AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Industrial Training Fund Act Cap 19, Laws of the</p> <p>2 Federation of Nigeria "The Principal Act") is amended as set out in this Bill.</p> | <p>Amendment of
the Principal Act</p> |
| <p>3 2. Section 4 of the Principal Act is amended by adding the</p> <p>4 following new sub-sections after sub-section "f":</p> <p>5 " g. to design, set up and operate guidelines for the training,</p> <p>6 certification, registration and periodical licensing of all categories of</p> <p>7 artisans and technicians nation-wide".</p> <p>8 " h. set up and equip Area Registration Centers in all parts of the</p> <p>9 federation as it may deem fit for maintaining and publishing area registers of</p> <p>10 certified and licensed technicians and artisans nationwide.</p> <p>11 " i. train, recognize, license and certify such persons that are</p> <p>12 experienced in particular trades, artisan or technical work as it may deem fit</p> <p>13 for the purpose of inspecting and training of artisans and technicians and</p> <p>14 recommending qualified persons for certification.</p> <p>15 " j. recognize, after assessment, such factories, industrial facilities</p> <p>16 and work places as it may consider fit and assist such facilities technically</p> | <p>Amendment of
Section 4</p> |

1 and financially to be established as training centres for training prospective
2 artisans and technicians or for the attachment of such persons for such refresher
3 courses as it may from time to time prescribe.

4 "k. to work in co-operation with the National Board for Technical
5 Education and National Directorate of Employment in setting out and
6 publishing periodical directives for training institutions and artisan training
7 centres and prescribing minimum standards of facilities that must exist in
8 training institutions for such places to continue to enjoy recognition as such.

Citation

9 3. This Bill may be cited as the Industrial Training Fund
10 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Industrial Training Fund Act cap 19 (No.47 of" 1971) for the purpose of empowering the fund to design, set up and operate guidelines for the training, certification, nationwide at State, Local Government and Ward levels and to establish area registries for maintaining up-to-date registers of certified artisans and technicians in all fields and in all parts of the Federation.

A BILL

FOR

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF
NATIONAL ROOTS AND TUBERS PRODUCTION, PROCESSING AND
RESEARCH INSTITUTE, ZING, TARABA STATE AND FOR RELATED MATTERS,
2021

Sponsored by Hon. Kasimu Bello Maigari

[] Commencement

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

1 PART I - ESTABLISHMENT OF NATIONAL ROOTS AND TUBERS
2 PRODUCTION, PROCESSING AND RESEARCH INSTITUTE, ZING, TARABA
3 STATE AND GOVERNING BOARD.

4 1.-(1) There is hereby established the National Roots and Tubers
5 Production, Processing and Research Institute, Zing, Taraba State (in this
6 Bill referred to as the "Institute").

Establishment
of National Roots
and Tubers
Production,
Processing and
Research Institute

7 (2) The Institute:

8 (a) Shall be a corporate body with perpetual succession a Common
9 seal;

10 (b) may sue and be sued in its corporate name; and

11 (c) may for the purposes of performance of its functions under this
12 Bill, acquire, hold movable or immovable property and enter into contract or
13 any other transaction for the purposes of carrying out any of its functions.

14 2. The functions of the Institute shall be to:

Functions of the
Institute

15 (a) To conduct research into the genetic improvement, production,
16 processing, storage and socio-economy of Roots and Tubers crops of
17 economic importance. These Roots and Tuber crops includes- Yam,
18 Cassava, Potato, Sweet Potato, Hausa Potato and Cocoyam;

19 (b) Assist into research of the system of massive productions of

1 these varieties above, so that Nigeria can achieve self sufficiency in these
2 Roots and Tuber crops;

3 (c) Assist in the transfer, adaptation and utilization of the end results
4 of researches to get to the appropriate and relevant farmers, for the rapid
5 agricultural and socio-economic growth of Nigeria;

6 (d) Carry out appropriate research to ensure compliance with
7 standards and specifications designated by the Institute and approved by other
8 regulatory authorities in Nigeria for effective control of quality of Roots and
9 Tuber food crops;

10 (e) Identify indigenous technologies in the area of Root and tuber
11 crops food processing and develop them into modern technologies;

12 (f) Establish and equip research and development laboratories with
13 relevant facilities in the Institute;

14 (g) Liaise with relevant establishments within and outside Nigeria in
15 pursuance of the functions of the Institute;

16 (h) Establish and operate World class Laboratories and workshop as
17 centres of excellence for cutting edge research in Tuber crops research;

18 (i) Establish demonstration centres to ensure rapid commercialization
19 of its research as well as providing necessary avenues for training and re-
20 training especially for Students of agricultural studies in tertiary institutions of
21 learning;

22 (j) Encourage and promote the commercialization of research and
23 development innovation results through patents in conjunction with the
24 National Office for Technology Acquisition and promotion (NOTAP);

25 (k) Establish and operate State Offices for effective delivery and
26 deployment of its research results especially in the North East Zone of Nigeria;

27 (l) Provide technical consultancy services for revenue generation and
28 for quality control;

29 (m) Collaborate with relevant bodies, especially tertiary institutions
30 to develop curricula or modules for appropriate knowledge transfer and

- 1 training programmes with a view of diploma awards;
- 2 (n) Achieve a high research and development output and revenue;
- 3 (o) Become a member of any relevant International Scientific
- 4 bodies;
- 5 (p) Publish research results of its activities and collaborate with
- 6 educational institutions and other relevant government Institutes,
- 7 organizations, agencies, Councils and industries in research and;
- 8 (q) Carry out other activities as are necessary or expedient for the
- 9 performance of its functions under this Bill.
- 10 **3.** There is established a Governing Board (hereinafter in this Bill
- 11 referred to as "the Board") which shall formulate policy for the Institute.
- 12 **4.-(1)** The Institute shall consist of:
- 13 (a) A Chairman, appointed by the President with requisite
- 14 knowledge and experience in matters relating to global agricultural research
- 15 and development;
- 16 (b) The Minister charged with the responsibility for Science and
- 17 Technology or his representative;
- 18 (c) The Minister charged with responsibility for agriculture and
- 19 Rural Development or his representative;
- 20 (d) A representative of the Nigeria Academy of Science;
- 21 (e) A representative of the Nutrition Society of Nigeria (NSN);
- 22 (f) A representative of the Nigerian Institute of Foods, Science and
- 23 Technology (NIFST);
- 24 (g) One representative each from the Six Geopolitical Zones,
- 25 appointed by the President on the recommendation of the Minister for
- 26 Agriculture and Rural Development,
- 27 (h) A person appointed by the President on the recommendation of
- 28 the Minister to represent the Civil Society organizations; and
- 29 (i) The Director-General of the Institute who shall be the Board's
- 30 Secretary.

Establishment
of the Governing
Board of the
Institute

Composition of
the Governing
of the Institute

	1	(2) The supplementary provision set out in the First Schedule to this
	2	Bill shall have effect with regard to the proceedings of the Board and other
	3	matters contained in the Schedule.
Tenure of the Members of the Governing Board of the Institute	4	5. -(1) The Chairman of the Board shall hold office for a term of four
	5	years and may be eligible for re-appointment for another term of four years and
	6	no more.
	7	(2) a member of the Board who is not an ex-officio member shall hold
	8	office for a term of four years and may be eligible for re-appointment for
	9	another term of four years and no more.
Remuneration of members of the Governing Board of the Institute	10	6. The Chairman and other members of the Board shall be paid such
	11	allowances and expenses in accordance with such rates as may be approved by
	12	the Federal Government of Nigeria from time to time.
Removal of the Chairman or any member of the Board of the Institute	13	7. -(1) When it appears that the Chairman or any member of the Board,
	14	other than an ex-officio member should be removed from office on the grounds
	15	of misconduct or inability to perform the functions of his office, the Board shall
	16	make a recommendation through the Minister to the President for approval.
	17	(2) where the President, after making such inquiries as he considers
	18	necessary, approves the recommendation made through the Minister by the
	19	Board, the Secretary to the Government of the Federation shall, in writing
	20	declare the position vacant.
	21	(3) notwithstanding the provision of subsection (1) of this section, the
	22	President may remove any member of the Governing Board, where he is
	23	satisfied that it is in the interest of the Institute and the public to do so.
Resignation by a member of the Board of the Institute	24	8. A member of the Governing Board other than an ex-officio
	25	member may at any time by notice in writing addressed to the President
	26	through the Minister, resign from being a member of the Board of the Institute.
Cessation of members of the Board from office	27	9. Notwithstanding the provisions of Section 4 of this Bill, a member
	28	of the Board ceases to hold office as a member, where:
	29	(a) He resigns his appointment as a member of the Board by notice
	30	under his hand addressed to the President of the Federal Republic of Nigeria;

- 1 (b) He becomes of unsound mind;
- 2 (c) He becomes bankrupt;
- 3 (d) He is convicted of a felony or any other offence involving
- 4 dishonesty or corruption;
- 5 (e) He becomes incapable of performing the functions of his office,
- 6 either arising from infirmity of mind or body;
- 7 (f) The President of the Federal Republic of Nigeria is satisfied that
- 8 it is not in the interest of the Institute or in the interest of the public for the
- 9 person to continue in office;
- 10 (g) He has been found guilty under the Code of Conduct or serious
- 11 misconduct in relation to his duties; or
- 12 (h) In the case of a person who becomes a member by virtue of the
- 13 office he occupies ceases to hold such office;
- 14 **10.** In the event of death or resignation by a member of the
- 15 Governing Board or where the office of a member of the Board becomes
- 16 vacant under section (3) of this Bill, a replacement shall be appointed by the
- 17 President of the Federal Republic of Nigeria.
- 18 **PART II - POWERS AND FUNCTIONS OF THE BOARD OF THE INSTITUTE**
- 19 **11.** The Board shall have powers to:
- 20 (a) Formulate policies and ratify short and long term plans of the
- 21 Institute;
- 22 (b) Ratify the annual budget and estimates of the Institute in line
- 23 with approval granted by the National Assembly in the Appropriation Act;
- 24 (c) Approve research and Academic programmes of the Institute
- 25 (d) Approve investment plan of the Institute;
- 26 (e) Consider and approve the capital development plans of the
- 27 Institute;
- 28 (f) Receive and consider proposals, recommendations and
- 29 suggestions of the Director-General or any Committee of the Governing
- 30 Board on matters relating to the functions of the Institute under this Bill;

Filling of vacancies

Powers of the
Board

The structure of
the Institute

1 (g) Constitute any Committee that may be necessary to discharge any
2 of the functions assigned to it under this Bill;

3 (h) Attract funds by way of donations and contributions to the
4 Institute and put in place mechanisms for collection and utilization of funds;

5 (i) Invest surplus funds of the Institute in profit-yielding ventures; and

6 (j) Carry out or exercise any other powers that may be necessary for
7 the attainment of the objects of this Bill.

8 **12.-(1)** The Institute shall have:

9 (a) Its headquarters in Zing, Taraba State.

10 (b) Liaison office or Directorate in Abuja; and

11 (c) State offices in the remaining five states of the North East Zone of
12 Nigeria which include:

13 (1) Bauchi State;

14 (2) Borno State;

15 (3) Adamawa State;

16 (4) Gombe State;

17 (5) Yobe State.

18 (2) The Institute shall operate a departmental structure with
19 directorate or any other structure as may be considered necessary for the
20 performance of its functions and delivery of its services under this Bill.

21 (3) The head of the Research Directorate shall be designated as head
22 of Department and headed by a Director.

23 (4) The head of Research Department shall hold office for 3 years in
24 the first instance and renewable for another 3 years and no more.

25 (5) Notwithstanding the provisions of subsection (3) of this Section,
26 in the absence of a Director or head of the Research Directorate, the most
27 Senior Research Officer may be appointed in acting capacity on the
28 recommendation of the Director-General of the Institute to the Board.

29 (6) A Department shall have no more than five divisions, with each
30 division headed by a Deputy Director and a division may consists of Sections,

1 headed by Chief Research or Scientific Officer and a Section may also be
2 composed of units for effectiveness.

3 (7) State Offices shall be headed by a State Office Coordinator.

4 PART IV - APPOINTMENT OF THE DIRECTOR- GENERAL AND OTHER
5 STAFF OF THE INSTITUTE

6 **13.-(1)** There shall be appointed for the Institute a Director- Appointment of
7 General, who shall be the Chief Executive Officer and Accounting Officer the Director-General
8 of the Institute. of the Institute

9 (2) The Director-General shall be:

10 (a) Appointed by the President on the recommendation of the
11 Minister;

12 (b) Responsible to the Board for the management of the affairs of
13 the Institute;

14 (c) Responsible for the execution of the policy and day to day
15 Administration of the affairs of the Institute;

16 (d) Entitled to earn a remuneration and allowances as may be
17 Specified in his letter of appointment;

18 (e) A person with cognate experience and Skills of not less than 15
19 years post-doctoral qualification and or 25 years post qualification as a
20 professional in all fields of Agricultural Science that relates to the operations
21 of the Institute or other criteria as may be specified;

22 (f) Hold office for a term of four years at the first instance and
23 eligible for re-appointment for another term of four years on such terms and
24 conditions as may be specified in his letter of appointment and no more; and

25 (g) Shall be the Secretary to the Institute and the Governing Board,
26 but not a member of the Board.

27 **14.** The Director- General shall:

28 (a) Prepare the minutes of meetings of the Governing Board and
29 any of its Committees;

30 (b) Keep and secure all records of the Governing Board;

The duties of
the Director-General
of the Institute

Principal Officers
of the Institute

- 1 (c) Issue notice of meetings of the Governing Board as may be
- 2 directed by the Chairman;
- 3 (d) Be responsible for the implementations of the resolutions of the
- 4 Governing Board;
- 5 (e) Coordinates the preparation of income and expenditure, estimates
- 6 and development plans for the Governing Board's consideration;
- 7 (f) Have custody of the seal of the Institute;
- 8 (g) Perform such other functions as may be assigned by the Board.
- 9 **15.-(1)** The principal officers of the Institute shall include:
- 10 (a) Directors;
- 11 (b) Head of Department;
- 12 (c) State Office Coordinators;
- 13 (d) Head of Servicom Office;
- 14 (e) Chief Internal Auditor;
- 15 (f) Head of Pension Office;
- 16 (g) Head of Legal; and
- 17 (h) Head of Procurement
- 18 (2) The Directors, Heads of Departments or State Office Coordinators
- 19 shall assist the Director-General in the day-to-day management of the Institute
- 20 (3) Directors or State Office Coordinators shall:
- 21 (a). Head each of the Directorate of the Institute;
- 22 (b) Implement the policies of the Institute as they apply to the
- 23 Directorate;
- 24 (c) prepare draft expenditure estimates and development plans of his
- 25 Directorate;
- 26 (d) Serve on Scientific or Technical Advisory Committee of the
- 27 Institute; and
- 28 (e) perform such other functions as may be determined by the
- 29 Director- General.

1	16. The Board may from time to time, appoint or employ such	Other staff of the Institute
2	other persons as members of Staff of the Institute on the recommendation of	
3	the Director-General as may be necessary, subject to the extant rules and	
4	conditions of service of the Institute.	
5	17. Salaries and benefits of the Staff of the Institute shall be in	Remuneration of employees of the Institute
6	accordance with the conditions and scheme of service in other Research	
7	Institutes in Nigeria as may be approved by the Board of the Institute.	
8	18.-(1) The Board may make staff regulations or adopt staff	Staff Regulations
9	conditions of service that is independent of the Civil Service of the	
10	Federation that may provide for:	
11	(a) Remuneration and tenure of office of members of staff of the	
12	Institute;	
13	(b) Appointment, promotion, fringe benefits and incentive for	
14	members of staff of the Institute; and	
15	(c) Appeal procedure for members of staff of the Institute against	
16	dismissal or other disciplinary measures.	
17	(2) The Board shall have power to amend regulations made under	
18	this Bill, provided that the proposal for, is passed by two-thirds majority of	
19	the Board members.	
20	(3) All regulations made by the Board subject to the provisions of	
21	this Bill, may be published in the Official Gazette of the Federal	
22	Government of Nigeria.	
23	19.-(1) The Principal Officers of the Institute may be removed	Removal and discipline of Staff of the Institute
24	from office by the Board with the approval of the Minister.	
25	(2) any other Senior member of Staff of the Institute may be	
26	removed from office by the Director-General with the approval of the	
27	Board.	
28	(3) The removal from office of any Junior Staff shall be with the	
29	approval of the Director-General.	

Application of
the Pensions
Reform Act

1 **20.**-(1) Service in the employment of the Institute shall be as approved
2 service under the Pensions Reform Act, accordingly, employees of the Institute
3 shall, in respect of their services be entitled to Pension and other retirement
4 benefits as prescribed in the Act.

5 (2) notwithstanding provisions of Subsection (1) of this section,
6 nothing in this Bill, shall prevent the appointment of a person to any office on
7 terms, which preclude the gratuity in respect of that office.

8 (3) for the purpose of the application of the Pensions Reform Act, any
9 power exercisable thereunder by the President or authority other than the
10 Federal Government(not being the power to make Regulations under Section
11 34 of this Bill), shall be vested in and exercisable by the Institute.

12 (4) subject to Subsection (2) of this Section, the Pensions Reform Act,
13 shall in its application of Subsection (3) of this Section, have effect as if, the
14 office were in the public service of the Federation within the meaning of the
15 Constitution of the Federal Republic of Nigeria, 1999(as amended).

16 PART III - STRUCTURE AND CONSTITUTION OF THE INSTITUTE

Constitution of
Scientific Technical
Advisory
Committee

17 **21.**-(1) The Institute may establish Scientific Technical Advisory
18 Committee (in this Bill referred to as the Committee) in the areas of Research to
19 assist the Institute in various aspects of its responsibilities.

20 (2) The members of a Scientific or Technical Advisory Committee
21 shall be persons with requisite expertise and experience in the relevant areas of
22 interest of the Institute.

Establishment
of demonstration
Centres

23 **22.**-(1) The Institute may with the approval of the Chairman of the
24 Board or Minister, establish Demonstration Centres in any of the six geo-
25 political zones of Nigeria, based on
26 the nature of the Roots and Tubers derivable from the area or zone.

27 (2) The Institute shall provide for:

28 (a). the location of the demonstration centres;

29 (b) the field in which the centres are to conduct its work and
30 manpower training, where applicable;

1 (c) the transfer to the centres by mutual agreement, any existing
2 Federal, State and Local Government facilities;

3 (d) the establishment and constitution of senior officers of the
4 Institute to manage the affairs of the centres;

5 (e) the demonstration centres shall be fully equipped to carry out
6 training and research and development activities; and

7 (f) a suitable association and collaboration of the Demonstration
8 centres with Universities, other institutions of higher learning.

9 (3) The Institute may with the approval of relevant authorities
10 establish the Institute's Consult, which shall be a semi-autonomous body to
11 commercialize the Institute's research results.

12 PART IV - FINANCIAL PROVISIONS

13 **23.**-(1) The Institute shall establish and maintain a fund which shall
14 be applied towards the promotion of the objectives of the Institute specified
15 in this Bill.

Establishment
of fund for the
Institute

16 (2) There shall be paid and credited to the fund established in
17 pursuance of subsection (1) of this Section:

18 (a) such sums as may be provided by the Government of the
19 Federation or appropriated by the National Assembly for payment into the
20 fund of the Institute;

21 (b) fees charged for services rendered by the Institute; including
22 royalties on the Institute's results ceded to farmers or institutions for national
23 development in areas of agriculture;

24 (c) all sums accruing to the Institute by way of gifts, testamentary
25 dispositions, endowments or contributions from philanthropic persons or
26 organizations;

27 (d) contributions from the organized private sector;

28 (e) foreign aids and assistance from bilateral and multilateral
29 Agencies; and

	1	(f) proceeds from commercialization of research results of the
	2	Institute.
	3	(3) Notwithstanding the provisions of Subsection (2) of this Section,
	4	every application for registration into the Institute's Journal, shall attract a fee,
	5	which shall be credited and maintained in a separate account of the Institute,
	6	part of which shall be used for the publication of the Institute's Journal.
Expenditure of the Institute	7	24. The Institute shall apply the fund established under this Bill, with
	8	the approval of the National Assembly:
	9	(a) Conduct research and development activities in the capital project
	10	of the Institute;
	11	(b) Maintain the Head Office and establish State Offices for the
	12	Institute;
	13	(c) Pay allowances and expenses of members of the Board;
	14	(d) Sponsor local and international conferences, seminars, workshops
	15	for members of Staff of the Institute;
	16	(e) Provide scholarship and award for specialized training for
	17	personnel;
	18	(f) Publicize and promote the activities of the Institute;
	19	(g) Support national and international bodies and pay annual dues and
	20	other contributions for scientific organizations, in which Nigeria is a member;
	21	and
	22	(h) Undertake any other activity in connection with the objects of this
	23	Bill;
Annual Estimates Accounts	24	25.-(1) The Institute shall not later than 30th September of every year,
	25	submit to the Board and the National Assembly for approval its estimates of
	26	Income and expenditure for the next financial year.
	27	(2) The Institute shall:
	28	(a) keep proper records of all accounts of its income and expenditure
	29	and
	30	(b) prepare statement of account in respect of each financial year.

1 (3) The Institute shall not later than 30th June of each financial
2 year, submit its accounts to Auditors appointed from the list of qualified
3 auditors in accordance to guidelines laid down by the Auditor-General for
4 the Federation and the Auditors fees and expenses shall be paid from the
5 funds of the Institute and provide same to the National Assembly for
6 oversight purposes.

7 **26.**-(1) The Institute shall not later than 30th June of each financial Annual report
8 year submit to the Board and the National Assembly for approval its
9 estimates of income and Expenditure for the next financial year in respect of
10 the preceding year an annual report on the activities of the Institute in such
11 form as the Board may direct.

12 (2) The report referred to in Subsection (1) of this Section shall
13 include:

14 (a) information on the activities of the Institute for the year;
15 (b) a copy of the audited accounts of the Institute for that year
16 together with the Auditor- General report on the accounts of the Institute;
17 and

18 (c) such other information as the Board may request.

19 (3) The Director-General shall provide such information on the
20 affairs of the Institute as the Board may from time to time request.

21 **27.** All income derived by the Institute from sources specified in
22 section 23 subsection (2) of this Bill shall be exempted from income tax and
23 all contributions to the fund of the Institute shall be tax deductible.

24 **28.** Subject to the approval by the Board, the Institute may invest in Capital production
25 profitable production of agricultural produce for commercial purposes by income
26 joint venture, partnership, share-holding or as sole proprietor as the case
27 may be, the net income generated shall be paid into the fund of the Institute.

28 **29.** The Institute may, with the consent, or in accordance with any Borrowing and
29 general authority given by the Board, borrow by way of loan or overdraft, Investment Power
30 any specified amount of money required by the Institute for its obligations of the Institute

1 and functions under this Bill in line with extant laws and Regulations.

2 (2) The Institute may, subject to the provisions of this Bill and the
3 constitutions of any trust created in respect of any property, invest any of its
4 funds with consent or general authority of the Board.

5 (3) The Institute may invest any of its surplus funds in such securities
6 as the Board may, from time to time, approve.

7 PART IV - MISCELLANEOUS

Power to accept
gifts

8 **30.**-(1) The Institute may accept any gift of land, money or other
9 property upon such terms and conditions, if any, as specified by the person or
10 organization making the gift.

11 (2) The Institute shall not accept any gift where the conditions
12 attached by the person or organization making the gift are inconsistent with the
13 functions and objectives of the Institute.

14 (3) A gift donated to the Institute or project of the Institute shall be
15 made directly to the Institute and shall be utilized only for the purpose.

The seal of the
Institute

16 **31.**-(1) The seal of the Institute shall be such as may be administered
17 by the Board, signed by the Chairman of the Board and the Director-General.

18 (2) certificates issued by the Institute shall have the Institute's seal
19 affixed and signed by the Chairman of the Board and the Director- General of
20 the Institute.

21 (3) any contract or instrument which, if made or executed by a person
22 not being a body corporate, would not be required to be under seal may be made
23 or executed on behalf of the Institute by any authorized person.

Power to make
Regulations

24 **32.** The Board may make regulations:

25 (a) To regulate the activities and programmes of the Institute, or any
26 matter connected with the Institute; or

27 (b) For the effective implementation of any of the provisions of this
28 Bill.

Limitation of
suit against the
Institute

29 **33.**-(1) subject to the provisions of this Bill, the provisions of the
30 Public Officers Protections Act, shall apply to any suit instituted against the

1 Institute, an Officer of the Institute or employee of the Institute.

2 (2) No suit shall lie or be instituted in any Court of Law against the
3 Institute, a member of the Board or any Principal Officer or Employee of the
4 Institute for an action carried out in pursuance to the execution of this Bill or
5 any enactment, or of any public duty in respect of any alleged neglect or
6 default in the execution of this Bill or duty or authority, unless it is
7 commenced:

8 (a) within three months of such act, neglect or default complained
9 thereof; or

10 (b) in the case of a continuation of damage or injury, within six
11 months after the ceasing of the act, neglect or default.

12 (3) No suit shall be commenced against the Institute, a member of
13 the Board or any Principal Officer or employee of the Institute before the
14 expiration of a period of one month after written notice of the intention to
15 commence the suit has been served on the Institute by the intending Plaintiff
16 or his Agent.

17 (4) The notice referred to in subsection (3) shall clearly state the:

18 (a) cause of action;

19 (b) particulars of the claim;

20 (c) the name and place of abode of the intending Plaintiff; and

21 (d) the relief sought.

22 **34.-(1)** Any notice or other document required or authorized to be Service of notice
23 served Service of notice on or given to any person for the purposes of this
24 Bill, may be served or given by:

25 (a) Delivering it to that person, or by leaving it at his usual or last
26 known place of residence or business or at the address specified by him in
27 any notice, application or other document made, given or tendered to the
28 Institute under this Bill; or

29 (b) Posting it by registered mail to him at that place of residence or
30 business or at that address.

	1	(2) Where any of such notice or other document sent by registered
	2	mail, unless the contrary is proved, it shall be deemed to have been delivered to
	3	him when it would have been delivered in the ordinary course of a posting mail
	4	unless the contrary is established and in proving the delivery, it shall be
	5	sufficient to prove that there is return Post Office slip or Speed Post slip
	6	showing actual delivery.
	7	(3) When for any purpose under this Bill, a notice or document is
	8	required to be served on a firm or company, the notice or document may be
	9	served on the Secretary, Executive Officer or other Officer holding a similar
	10	position in the organization and the service unless otherwise directed by the
	11	Institute, be deemed to be served on all persons who are members of the
	12	organization.
	13	(4) Any service of notice or process on the Institute shall be by proven
	14	registered post or personal service on any Principal Officer of the Institute.
Power to give directives by the Minister	15	35. The Minister, may give to the Institute, directives of a general
	16	character relating to the policies and functions of the Institute and shall comply
	17	with such directives without prejudice to the powers of the Board and the
	18	oversight of the National Assembly.
Exemption from tax accruing from investment	19	36.-(1) The Institute shall be exempted from the payment of income
	20	tax in any income accruing from investment made by the Institute.
	21	(2) The provision of any enactment relating to the taxation of
	22	companies or Trusts Funds shall not apply to the Institute.
Joint Venture targets for technology acquisition	23	37. The Institute shall impose conditions and set targets for the
	24	formation of Joint Ventures or Partnerships between multinational services,
	25	Research Institutes, institutions or service companies in all sectors of the
	26	economy and certified indigenous services companies for the purpose of
	27	technological training and acquisition.
Research targets and development of research products	28	38. The Institute shall make regulations with requirement and targets
	29	for the growth of Research and Development in the areas of Food and other

1 Agro-allied raw materials but not limited thereof as may be reviewed by the
2 Institute, in Nigeria.

3 **39.** In this Bill, unless the context otherwise requires-

Interpretation

4 "Board" means the Governing body of the Institute established under
5 section 3 (1);

6 "Chairman" means the Chairman of the Governing Board of the Institute
7 appointed under section 14(1);

8 "Fund" means the fund of the Institute as established under section 25 of this
9 Bill;

10 "Institute" means the National Roots and Tubers Production, Processing and
11 Research Institute, Zing, Taraba State established under section 1(1) of this
12 Bill;

13 "Minister" means the Minister responsible for Science and Technology;

14 "Member" means a member of the Board and this includes the Chairman;

15 "President" means the President of the Federal Republic of Nigeria;

16 "Principal Officer" means the Directors and other Officers as specified in
17 section 16 of this Bill;

18 "Public Service" has the meaning assigned to it in the Constitution of the
19 Federal Republic of Nigeria, 1999 as amended;

20 "Secretary" means the Secretary to the Board of the Institute.

21 **40.** This Bill may be cited as the National Roots and Tubers
22 Production, Processing and Research Institute, Zing, Taraba State
23 (Establishment) Bill, 2021.

Short title

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

3 *Proceedings of the Board*

4 1. Subject to this Bill and section 42 of the interpretation Act, the
5 Board may make standing orders regulating its proceedings or those of any of
6 its Committees.

7 2. The quorum of the Board shall be the Chairman or the person
8 presiding the meeting and two other members of the Board and the quorum of
9 any Committee of the Board shall be determined by the Board.

10 3. The Board shall meet not less than four times in each year and
11 subject thereto, the Board shall meet whenever it is summoned by the
12 Chairman or where the Chairman is required to do so by a notice given to him
13 by not less than 4 other members, he shall summon a meeting of the Board to be
14 held within 28 days from the date on which the notice is given.

15 4. At any meeting of the Board, the Chairman shall preside but if he is
16 absent, the members present at the meeting shall appoint one of their members
17 to preside at the meeting.

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

23 6. The Board may set up one or more Committees to carryout, on
24 behalf of the Board, such functions as the Board may determine.

25 7. A Committee set up under this paragraph shall consist of such
26 number of persons as may be determined by the Board and a person shall hold
27 office on the Committee in accordance with the terms of his appointment.

28 8. A decision of a Committee shall be of no effect until it is confirmed
29 by the Board.

30 9. The validity of the proceedings of the Board or of a Committee

1 thereof shall not be affected by any vacancy in the membership of the Board
2 or of a Committee.

10. Any member of the Board or any person holding office on a Committee of the Board, who has personal interest in any contract or arrangement shall disclose his interest to the Board and shall not vote on any matter relating to the contract or arrangement.

7 *Miscellaneous*

11. The fixing of the seal of the Board shall be authenticated by the signature of the Director- General/Chief Executive Officer or any person generally or specifically authorized by the Board to act for that purpose.

11 12. Any contract or instrument which, if made or executed by a
12 person not being a body corporate, would be required to be under seal may
13 be made or executed on behalf of the Board by the Director- General/CEO or
14 any person generally or specifically authorized by the Board to act for that
15 purpose.

16 13. Any document purporting to be a document duly executed
17 under the seal of the Board shall be received in evidence and shall, unless
18 and until the contrary is proved, be presumed to be so executed.

19 14. The validity of any proceeding of the Board or a Committee
20 shall not be affected by-

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

22 (b) A defect in the appointment of a member of the Board or
23 Committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Roots and Tubers Production, Processing and Research Institute, Zing, Taraba State, for the conduct of research on Roots and Tubers crops to enhance their growth and commercialization to provide food so that the nation can be self-sufficient in food production.

A BILL

FOR

AN ACT TO PROHIBIT TRANSPORTATION OF LIVESTOCK BY TREKKING AND
BY VEHICLES THROUGHOUT THE FEDERATION AND FOR RELATED
MATTERS

Sponsored by Hon. Yakubu Shehu Abdullahi

[] Commencement

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

- | | | |
|----|--|---|
| 1 | 1. The objectives of the Bill are to: | Objectives of the
Bill |
| 2 | (a) To modernize the techniques of production, rearing and | |
| 3 | nurturing livestock and domestic animals in Nigeria; | |
| 4 | (b) To prevent any person from being cruel to animals in the | |
| 5 | gratuitous movement of animals from place to place exerting energy, | |
| 6 | maltreating the animals in the process and-exposing them to hazardous | |
| 7 | environment; | |
| 8 | (c) To reduce or prevent the transmission of animal diseases from | |
| 9 | community to community; | |
| 10 | (d) To ensure healthy livestock production and to satisfy the dairy | |
| 11 | needs for all Nigerians; | |
| 12 | (e) To prevent clashes between livestock breeders and crop farmers | |
| 13 | in the country; | |
| 14 | (f) To generate revenue through permits granted individuals or | |
| 15 | cooperate concerns to operate commercial ranches in Nigeria. | |
| 16 | 2. The production, rearing or breeding of all kinds of livestock or | Rearing or breeding
livestock in Nigeria |
| 17 | domestic animals in Nigeria or any part thereof by any person in Nigeria | |
| 18 | shall be done in accordance with the provision's of this Bill. | |
| 19 | 3. Any person engaged in the production, rearing or breeding of | Personal
Commercial
Ranches |
| 20 | livestock or domestic animals in Nigeria shall "keep such livestock or | |

	1	animals on a personal or commercial ranch that is well fenced and restrict the
	2	movement of all the livestock within that ranch.
Animal Feeds	3	4. Any person who keeps livestock in a ranch must provide enough
	4	animal feeds and medical care to such livestock.
Movement of Livestock on certain conditions	5	5. Any person who intends to move his/her livestock from a ranch to
	6	another place for the purposes of:
	7	(a) further raising of such livestock in another ranch;
	8	(b) medical treatment of the livestock;
	9	(c) sale of SUCG livestock;
	10	Shall obtain a permit from a Local Government Authority to do so.
Animals for slaughter	11	6. Animals shall not be moved from ranches to long distances for the
	12	purposes of slaughter but shall be slaughtered in the nearest abattoir and the
	13	meat preserved and moved from one distance to another.
Obtaining permit	14	7. Any person who wants ,to move his/her livestock .from a ranch to
	15	another place in line with section 5 of the Bill shall after obtaining a permit to
	16	do so; move such livestock by rail wagon, truck or pick-up van or by road.
Movement of Livestock on road	17	8. Any person who chooses to move his/her livestock by road shall
	18	restrict such livestock to not more than 25 meters on each side of the- Federal
	19	road provided such livestock do not trespass on crop farms or trail into the main
	20	road.
Ranch Classification	21	9. Any person who keeps more than 25 animals in a ranch is
	22	considered to be running a commercial ranch and shall formerly apply for a
	23	permit from the state and/or the local government to do so.
Ranch Fence	24	10. All ranches shall be properly fenced to prevent animals kept
	25	therein from escaping into other areas.
Inspection	26	11. All ranches that are personal or commercial- shall from time to
	27	time be subjected to the inspection of the Veterinary Department of a State or
	28	Local Government where they are located.
Animals for sale	29	12. All animals brought to market for sale shall be kept in a place
	30	designated for animals that are for sale.

1	13. All animals brought to market for sale must be certified fit for	Certification of animals
2	human consumption and issued with such certificate by inspectors of	
3	Veterinary Department of a State or Local Government.	
4	14. No person shall move about with livestock from place to place	Restriction of gratuitous movement
5	within the boundaries of the Federation of Nigeria for the purposes of	
6	feeding such livestock.	
7	15. No person shall operate a commercial ranch without having	Permits
8	the premises inspected and given a permit by a State or the Local	
9	Government to do so.	
10	16. Any person who 'violates any provision of this Bill .shall be	Penalties
11	arrested and prosecuted in the customary or magistrates court and upon	
12	conviction shall:	
13	(a) be sent to prison for a term of not less than six months;	
14	(b) pay a fine twice equivalent to the current price of that	
15	animal/animals on the market; or	
16	(c) both imprisonment and fine.	
17	17.-(1) A person who deals in livestock as a livestock producer,	Duty to keep record
18	processor, trader, tag manufacturer, auctioneer, abattoir, transporter or	
19	veterinarian shall collect, keep and. maintain the record of livestock or	
20	products for purposes of livestock traceability.	
21	(2) Subject to the provisions of the subsection (1), The records	
22	collected shall include the livestock:	
23	(a) species;	
24	(b) identification type and number;	
25	(c) sex;.	
26	(d) colour;	
27	(e) breed; and	
28	(f) any other information as deemed necessary for livestock	
29	identification and traceability.	

Veterinary traceability	<p>1 18.-(1) A person operating a veterinary laboratory shall collect and</p> <p>2 keep records of national livestock identification particulars on the livestock or</p> <p>3 the same collected for diagnosis and analysis;</p>
	<p>4 (2) The particulars collected pursuant to subsection (.1) shall be</p> <p>5 remitted to the Registry within 180 days of collecting them.</p>
Documentation	<p>6 19.-(1) A person shall not cause livestock to be marketed Or</p> <p>7 slaughtered in an abattoir whether for trade or export unless the livestock is</p> <p>8 accompanied by the required documentation under this Act.</p>
	<p>9 (2) All livestock imported into or exported outside Nigeria shall be</p> <p>10 registered at the point of such import or export and their particulars be</p> <p>11 submitted to the Registry.</p>
Offences	<p>12 20. Any person who wilfully fails or neglects to perform the duties</p> <p>13 imposed on him under this part, commits an offence and on conviction shall be</p> <p>14 liable to a fine not exceeding one hundred thousand naira or to a, term of</p> <p>15 imprisonment not exceeding one year or both.</p>
Powers to fix cost of permits	<p>16 21. State government or the Local Government shall have powers to</p> <p>17 fix the cost of permits from time to time.</p>
Effective date	<p>18 22. This Bill shall come into effect upon assent.</p>
Interpretation	<p>19 23. In this Bill, except is otherwise stated:</p> <p>20 "Animal" means' all vertebrate and invertebrate animals other than human</p> <p>21 beings;.</p> <p>22 "abattoir" means slaughter house where animals are slaughtered;</p> <p>23 "anti-cattle rustling task, force" means a combined team of the security</p> <p>24 agencies charged with the task of combating cattle rustling in their respective</p> <p>25 jurisdictions;</p> <p>26 "branding" means making any permanent mark, or representation on livestock</p> <p>27 in conformity with the law;</p> <p>28 "brand mark" means any letter, character, sign or symbol or any combination of</p> <p>29 these used or intended to be used for marking of livestock;</p> <p>30 "cattle' means bulls, cows, oxen, heifers, calves, sheep, goats and camels;</p>

- 1 "cattle rustling" means the stealing or planning, organizing, attempting,
2 aiding or abating "stealing of livestock by any person whether committed
3 with or without violence against or intimidation of any person or force and it
4 includes the killing of large cattle or taking its meat or hide without the
5 consent of the owner;
- 6 "establishment" means premises where livestock are reared, gathered,
7 assembled or processed and includes a livestock farm, market, show ground
8 and abattoir;
- 9 "herd" means a group of cattle, goats, sheep, camels, donkeys or horses kept
10 together under the control of a person;
- 11 "livestock" means animals such as horses, donkeys, mules, camels; cattle,
12 sheep, ostriches, goats, poultry and pigs;
- 13 "livestock identification" means the combination of the identification and
14 registration of an animal individually or collectively with a unique
15 identifier;
- 16 "livestock identification system" means a process whereby components
17 such as identity of owners, persons responsible for animals, movement and
18 other records, relating to animals are connected;
- 19 "marking" means making or placing a mark on any livestock by means of
20 tattooing or micro-chipping or any other mark or device which the bureau
21 consider to be a mark;
- 22 "minister" means the minister responsible for livestock;
- 23 "ministry" means the Federal Ministry in charge of livestock;
- 24 "movement" means the introduction, departure or transportation of a farm
25 animal or live stock products into or from an establishment;
- 26 "owner" means and includes, raised, keeper, herdsman, caretaker or
27 employee of any person or entity engaged in the raising of livestock;
- 28 "premises" means a holding, village or place where livestock are born, held,
29 managed, marketed, processed or exhibited;
- 30 "productions" means products derived from livestock and includes the

- 1 carcass of any livestock, meat, blood, hide, skin, wool, hair, horns, feathers,
2 feet, offal, fat, milk, whey, cream) butter, cheese, eggs, semen, ova, embryo
3 and or the secretions, excretions, manure and other wastes;
4 "register" means a register for maintaining a list of establishments, premises
5 and farm animals;
6 "registration" means the process for providing and collecting information on
7 animals regarding identification, health, movement, certification,
8 epidemiology or place of origin for recording and storage;
9 "Registry" means the Registry charged with the registration, identification and
10 traceability of livestock established by the Bill;
11 "traditional identification system" means, other livestock identification system
12 used by livestock farmer or owner;
13 A Ranch means - A large farm area properly fenced or demarcated and
14 reserved for the production, rearing or breeding of cattle, sheep, goats, horses,
15 donkeys, pigs, and other livestock;
16 A Personal Ranch means - A Ranch that contains less than 25 animals; and
17 A Commercial ranch means - A Ranch that contains 25 animals or above.
- Citation 18 **24.** This Bill may be cited as the Livestock Transportation by
19 Trekking and Vehicles (Prohibition) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to modernize the techniques of production, rearing and breeding of livestock and domestic animals in Nigeria, prevent the gratuitous movement of animals from place to place, maltreating the animals and exposing them to hazardous environment; prevent the transmission of animal diseases from community to community; ensure healthy livestock production and to satisfy the dairy needs for all Nigerians; prevent clashes between livestock breeders and crop farmers in the country; and generate revenue through permits granted individuals or corporate concerns to, operate commercial ranches in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL COMMISSION FOR NOMADIC
EDUCATION, ACT CAP N20, LAWS OF FEDERATION OF NIGERIA 2004 AND
FOR RELATED MATTERS

Sponsored by Hon. Sada Soli

[] Commencement

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

- 1 **1.** The National Commission for Nomadic Education Act, Cap Amendment of
2 N20 Laws of Federation of Nigeria, 2004 (in the Bill referred to as the Cap 20 LFN 2004
3 "Principal Act) is amended as set out in this Bill.
- 4 **2.** Section 2(3) (g) of the Principal Act is amended by subsisting Amendment of
5 the expression "one person each to represent the States of the Federation section 2(3)(g)
6 having Nomadic influence" with each Commissioner of Education and and add (j) to the
7 Attorney General of each States of the Federation necessary for the effective Principal Act
8 implementation of this Act.
- 9 (j) Two Traditional Rulers or Religious Leaders who can speak
10 recognized and acceptable languages in the nation.
- 11 **3.** Section 3 (e) is added by including: Amendment of
12 establish adult literacy classes in each Nomadic primary schools. section 3 (e) to
13 (f) Providing scholarships to the girls. (k) is added
- 14 (g) Collaborate with other Stakeholders in establishing Child
15 Rescue Centers in each geo political zones for purpose of rescuing children
16 that may be denied access to school by some extraneous factors.
- 17 (h) School calendar and time tabling of education programmes that
18 is flexible and accommodate nomadic life and Nomadic communities.
- 19 (i) Explaining the possibility of harnessing the readily available

	1	solar and wind energy resources in the nomadic regions to facilitate E-learning.
	2	(j) Securing of broadcast board for Educational Programmes from the
	3	National Broadcasting Commission (NBC) for Nomadic peoples.
	4	(k) Supply of radio and other electronic gadgets to the Nomadic
	5	people.
Amendment of section 4 add VII	6	4. Section 4 (b) of the Principal Act is amended to read Liaise with
	7	livestock Department of the Ministry of Agriculture, the State governments
	8	and the local governments to form an effective inter-Ministerial Committee
	9	that will establish grazing reserves, Ranches, Dams, for Nomadic people and
	10	Pastoralist people.
	11	(4d) The Traditional Rulers of such communities or areas such be
	12	involved in the activities of nomadic education.
Amendment of 10 (1)	13	5. Section 10 (1) of the Principal Act is amended by substituting "The
	14	Commission shall establish Nomadic Education Centers in all the Universities
	15	of Agriculture in Nigeria and other four universities to include:
	16	(a) one of the Universities in Jos;
	17	(b) one at Usman Danfodio University Sokoto;
	18	(c) one at the University of Maiduguri;
	19	(d) one at the Boyero University, Kano; and
	20	(e) any other place as the President may decide.
Citation	21	6. This Bill may be cited as the National Commission for Nomadic
	22	Education Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Commission for Nomadic Education Act cap N20, Laws of Federation 2004 in order to meet the needs of the Nomadic and Pastoralist people in Nigeria.

A BILL

FOR

AN ACT TO AMEND NATIONAL BROADCASTING COMMISSION ACT CAP N11
OF LAWS OF FEDERATION OF NIGERIA 2004 TO INCREASE THE POWERS OF
THE COMMISSION AND INTERPRETATION OF BROADCASTING AND FOR
RELATED MATTERS

Sponsored by Hon. Sada Soli

[] Commencement

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

- 1 **1.** The National Broadcasting Commission Cap N11 Laws of Amendment of
2 Federation of Nigeria 2004 in the Bill referred to as "The Principal Act" is Cap N11 LFN
3 amended as set out in this Bill. 2004
- 4 **2.** Section 2 (u) is created to read "control and regulate internet Amendment of
5 broadcast and all on-line media broadcast. Section 2
- 6 **3.** Section 2 (v) to now read "carrying out such other activities as Section (v)
7 are necessary or expedient for the full discharge of all or any of the functions
8 conferred on it under or pursuant to this Act.
- 9 **4.** Section 26 (interpretation) section of the Principal Act is Amendment of
10 amended by adding broadcasting to mean transmission intended for Section 26
11 reception by the general public either direct or relayed and all internet or
12 online related network.
- 13 **5.** This Bill may be cited as the National Broadcasting Citation
14 Commission Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend National Broadcasting Commission Act Cap N11
of Laws of Federation of Nigeria 2004 to increase the powers of the
Commission and interpretation of broadcasting.

ELECTRIC POWER SECTOR REFORM ACT (AMENDMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clauses:

1. Amendment of the Electric Power Sector Reform Act 2005
2. Amendment of Section 8 of the Principal Act
3. Amendment of section 10 of the Principal Act
4. Insertion of Section 2A
5. Insertion of Section 24A
6. Amendment of section 26 of the Principal Act
7. Amendment of section 27 of the Principal Act
8. Amendment of section 32 of the Principal Act
9. Amendment of section 33 of the Principal Act
10. Amendment of section 34 of the Principal Act
11. Amendment of section 37 of the Principal Act
12. Amendment of section 43 of the Principal Act
13. Amendment of section 44 of the Principal Act
14. Amendment of section 49 of the Principal Act
15. Amendment of section 50 of the Principal Act
16. Amendment of section 57 of the Principal Act
17. Amendment of section 61 of the Principal Act
18. Insertion of section 67 A
19. Amendment of section 68 of the Principal Act
20. Amendment of section 71 of the Principal Act
21. Substitution of section 74 of the Principal Act
22. Substitution of section 75 of the Principal Act
23. Substitution of section 76 of the Principal Act
24. Amendment of section 77 of the Principal Act
25. Amendment of section 78 of the principal Act
26. Amendment of section 79 of the principal Act
27. Insertion of section 79A

28. Amendment of section 80 of the Principal Act
29. Insertion of Part IX of the Principal Act
30. Insertion of Part IXA of the Principal Act
31. Amendment of section 94 of the Principal Act
32. Amendment of section 95 of the Principal Act
33. Amendment of section 97 of the Principal Act
34. Amendment of section 98 of the Principal Act
35. Citation

A BILL

FOR

AN ACT TO AMEND THE ELECTRIC POWER SECTOR REFORM ACT, 2005, TO PROVIDE THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE IMPLEMENTATION AND COORDINATION OF RURAL ELECTRIFICATION PROJECTS; ESTABLISHMENT OF THE NATIONAL POWER TRAINING INSTITUTE AND REGULATORY PROVISIONS TO STRENGTHEN THE SECTOR FOR EFFICIENT SERVICE DELIVERY AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Magaji Da'u Aliyu

Co-Sponsors:

Hon. Francis Waive	Hon. Aishatu Jubril Dukku
Hon. Idrisu Lawai Muhammed	Hon. Akinfolarin Mayowa
Hon. Abdullahi Hassan	Hon. Dahiru Abubakar sarki
Hon. Mohammed Ibrahim Bukar	Hon. Shehu Balarabe
Hon. Bala Sani Umar	Hon. Soli Sada
Hon. Nwokolo V. Onyemaechi	Hon. Chikere Kenneth Anaya
Hon. Shoyinka Abiola Olatunji	Hon. Oke Busayo Oluwole
Hon. Ganiyu Johnson	Hon. Kasimu Danjuma
Hon. Darlington Nwokocha	Hon. Lawan Shettima Ali
Hon. Princess Miriam O. Onuoha	Hon. Zainab Gimba
Hon. Chisom P. Dike	Hon. Nnoli Nnaji
Hon. Amos Gwmna Magaji	Hon. Olarewaju I. Kunle
Hon. Anthony Afe	Hon. Shehu Sale Rijau
Hon. Usman Abdullahi	Hon. Omolafe Adedayo
Hon. Jafaru Suleiman Ribadu	Hon. Jafaru Mohammed
Hon. Abubakar Faggo Kani	Hon. Ahmed Madaki Gololo
Hon. Abubakar Makki Yalleman	Hon. Ali Wudil Muhammad
Hon. Sani Zanga Daura Nasiru	Hon. Makwe Livinus Makwe
Hon. Ogbeide-Ihama Omoregie	Hon. Raji Tasir Olawale
Hon. Makinde Peter Abiola	Hon. Muraina Saubana Ajibola
Hon. Aisoweiren Patrick	Hon. Simon Chukwuemeka Atigwe
Hon. Amadi Oguerina Dennis	Hon. Abubakar Abdullahi Ahmad
Hon. Garba Shehu Nicholas	Hon. Blessing Onuh
Hon. Abubakar Y. Kusada	Hon. Khadija Bukar A. Ibrahim
Hon. Amadi O. Dennis	Hon. Fatoba Olusola Steve
Hon. Aminu Ashiru Mani	

[] Commencement

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

- 1 **1.** The Electric Power Sector Reform Act 2005, (in this Bill
- 2 referred to as "the Principal Act") is amended as set out in this Bill.
- 3 **2.** Section 8 of the Principal Act is amended by inserting, after the
- 4 word "shares", the words "or limited by Guaranty".

Amendment of
the Electric Power
Sector Reform
Act 2005

Amendment of
Section 8 of the
Principal Act

Amendment of
Section 10 of
the Principal Act

1 **3.** Section 10(4) of the Principal Act is amended by deleting, after the
2 words "successor company" the words "provided-that consent of the transferee
3 shall be required if the transferee is a person other than a successor company
4 incorporated by the National Council on Privatisation Wider section 8;

Insertion of
Section 2A

5 **4.** Section 24 of the Principal Act is amended by inserting after the
6 existing subsection (2), a new subsection "(2A)":
7 “(2A) The Commission shall request contribution of all stakeholders
8 in the Nigerian Electricity Supply Industry to prepare the report under this
9 section.”

Insertion of
Section 24A

10 **5.** Insertion of a new clause "24A"
11 Section 24 of the Principal Act is amended by inserting a new clause
12 "24A", after the existing section 23:

13 "24A - for the purpose of giving effect to the provisions of this Bill
14 especially of ensuring effective supervisory powers by the parent Ministry, the
15 following agencies shall be under the jurisdiction of Federal Ministry
16 responsible for power:

- 17 (a) Transmission Company of Nigeria, TCN;
- 18 (b) Nigeria Electricity Management Services Agency. NEMSA;
- 19 (c) Rural Electrification Agency, REA;
- 20 (d) National Power Training Institute of Nigeria, NAPTIN;
- 21 (e) Nigeria Electricity Liability management Company, NELMCO;
- 22 and
- 23 (f) Hydroelectric Power Producing Areas Development Commission,
- 24 HYPADEC;
- 25 (g) Nigerian Bulk Electricity Trading Company Ltd., NBET;
- 26 (h) FGN Power Company Ltd. FGNPC;
- 27 (i) Niger Delta Power Holding Company, NDPHC.

Amendment of
Section 26 of
the Principal
Act

28 **6.** Section 26 of the Principal Act is amended:
29 (a) in sub-section (l)(a), by substituting for the words "begin the
30 process of novating its existing rights and obligations to purchase electrical

1 power and ancillary services to other licensees" for the words "manage its
2 already existing contract till the end of term.";

3 (b) in subsection (1)(d)(i), by substituting the words "novated to
4 distribution companies or eligible customers and following such
5 innovations" for the words, "fully performed";

6 (c) in section 2, by substituting for the words "system operator" in
7 line 2, the word "Commission."; and

8 (d) in sub clause (6), by substituting for the words "Commission
9 before they come into force and provided that the system operator shall, in
10 accordance with the market rules, publish any proposed amendment to the
11 market rules at least 22 days before the proposed amendment comes into
12 force" for the words "President upon recommendation of the Minister before
13 they came into force and provided that the system operator shall in
14 accordance with the market rules, publish any proposed amendment to the
15 market rules at least 22 days before the proposed amendment comes into
16 force".

17 7. Section 27 of the Principal Act is amended by substituting for
18 the words "Minister may issue a directive to the Commission specifying",
19 the words "commission may specify", in line 1.

Amendment of
Section 27 of the
Principal Act

20 8. Section 32 of the Principal Act is amended:

Amendment of
Section 32 of the
Principal Act

21 (a) in subsection (1), by inserting after the existing paragraph
22 "(g)" new paragraphs (h) and (i):

23 "(h) prepare, review and update periodically indicative national
24 plans to ensure that all reasonable demands for electricity are met;

25 (i) secure a comprehensive data base for national decision making;
26 and

27 (b) in subsection (3), by inserting the words "representatives of
28 labour unions" after the word "consumers", in line 4".

29 9. Section 33(2) of the Principal Act is amended by inserting after
30 the word "market", the words "in line with the provision of this Bill".

Amendment of
Section 33 of the
Principal Act

Amendment of
Section 34 of the
Principal Act

1 **10.** Section 34(2) of the Principal Act is amended, by substituting
2 paragraphs "(a) and (b)" for paragraphs "(a) to (j)":
3 (a) generation;
4 (b) transmission;
5 (c) system operator;
6 (d) distribution;
7 (e) marketing of electricity;
8 (f) law;
9 (g) accountancy;
10 (h) economics;
11 (i) finance; and
12 (j) administration."

Amendment of
Section 37 of the
Principal Act

13 **11.** Section 37(c) of the Principal Act is amended, by inserting after
14 the word "Commissioner" the words "or fails to comply with section 36(2)".

Amendment of
Section 43 of the
Principal Act

15 **12.** Section 43(2) of the Principal Act is amended by substituting, the
16 words "contract, right, immovable property or interest referred to in that sub-
17 section (3) a Commission", for the words "interest property, right, etc., referred
18 to in that sub-section".

Amendment of
Section 44 of the
Principal Act

19 **13.** Section 44(1) of the Principal Act is amended, by inserting after
20 the word "authorised" the words "provided that the quorum under section 44(4)
21 or its, equivalent is met."

Amendment of
Section 49 of the
Principal Act

22 **14.** Section 49 of the Principal Act is amended by substituting for
23 subsection (1). a new subsection "(1)":
24 “(1) if any question of law arises from an order or decision of the
25 Commission, the Commission and the person directly affected by such order
26 shall reserve the question for the decision of the High Court."

Amendment of
Section 50 of the
Principal Act

27 **15.** Section 50 (l)(i) of the Principal Act is amended by substituting [or
28 the word "Commission", the words "Federal High Court or any independent
29 body set up under the Act."

1	16. Section 57 of the Principal Act is amended by substituting for	Amendment of Section 57 of the Principal Act
2	the word "twenty", the words "Five hundred" in line 3.	
3	17. Section 61 of the Principal Act is deleted.	Amendment of Section 61 of the Principal Act
4	18. Section 67 of the Principal Act is amended:	Insertion of Section 67A
5	(a) by substituting for the existing sub-section (3), a new sub-	
6	section "(3)":	
7	"3A distribution licensee that has a trading licence issued under	
8	sub-clause (2) of this clause or section 26 of this Act may:	
9	(a) purchase power for resale from another trading licensee and	
10	may, with the prior approval of the Commission, purchase power from other	
11	sources except for the rights and obligations of the trading licensee	
12	described in section 25(a);	
13	(b) award contracts for bulk purchase of power by a distribution	
14	licensee according to an open, transparent, and competitive manner,	
15	pursuant to a procedure established by the Commission, unless the	
16	circumstances require otherwise and the Commission approves an	
17	alternative method; and	
18	(c) by inserting after the existing sub-clause (3) new sub-clauses	
19	"(4 - 6)":	
20	"(4) If at any time the Commission ("NERC") is of the opinion that	Suspension of distribution of licence and sale of utility
21	a distribution licensee-	
22	(a) has persistently failed to maintain uninterrupted supply of	
23	electricity conforming to standards regarding quality of electricity to the	
24	consumers;	
25	(b) is unable to discharge the functions or perform the duties	
26	imposed on it by or under the provisions of this Bill;	
27	(c) has persistently defaulted in complying with any direction	
28	given by the Commission ("NERC") under this Bill; or	
29	(d) has broken the terms and conditions of license, and	

1 circumstances exist which render it necessary for it in public interest so to do.
2 The Commission ("NERC") may, for reasons to be recorded in writing.
3 suspend, for a period not exceeding one year. the license of the distribution
4 licensee in accordance with the terms and conditions of the license: provided
5 that before suspending a license under this section, the Commission ("NERC")
6 shall give a reasonable opportunity to the distribution licensee to make
7 representations against the proposed suspension of license and shall consider
8 the representations, if any, of the distribution licensee.
9 Upon suspension of license under sub-section (3) the utilities of the
10 distribution licensee shall vest in the Administrator for a period not exceeding
11 one year or up to the date on which such utility is sold in accordance with the
12 provisions contained in section 75, whichever is later.
13 The Commission ("NERC") shall, within one year of appointment of the
14 Administrator under sub-section (1) either revoke the license in accordance
15 with the provisions contained in section 74 or revoke suspension of the license
16 and restore the utility to the distribution license whose licence had been
17 suspended, as the case may be.
18 In a case where the Commission ("NERC") revokes the license under sub-
19 section (3), the utility of the distribution license shall be sold within a period of
20 one year from the date of revocation of the license in accordance with the
21 provisions of section 75 and the price after deducting the administrative and
22 other expenses on sale of utilities be remitted to the distribution license."

Amendment of
Section 69 of the
Principal Act

23 **19.** Section 68 of the Principal Act is amended by inserting after the
24 existing subsection (3), a new subsection "(4)":

25 "(4) The provisions of the Public Procurement Act, 2007 shall not
26 apply to the contract made pursuant to this Section."

Amendment of
Section 71 of the
Principal Act

27 **20.** Section 71 of the Principal Act is amended:

28 (a) by substituting for the existing subsection (4) a new subsection
29 "(4)":

30 "(4) where the Commission refuses to grant renewal of a distribution

1 license. the licensee may apply to the Federal High Court for such renewal";

2 (b) by substituting for the existing subsection (6), a new subsection

3 "(6)":

4 "(6) unless expressly indicated in the license, the grant of a license

5 shall entitle the licensee to undertake the licensed activity, on an exclusive

6 basis, for all or a part of the period of the license, for specific purpose, for a

7 geographical area, or for some combination of the foregoing and restrict the

8 grant of a license to another person for a like purpose and. in the absence of

9 such an express indication. the licensee shall claim exclusivity."; and

10 (c) in subsection (10), by substituting for the word "exceeding" the

11 word, "less than", in line one; and words "not exceeding five years at a time it

12 determines that it is in the public interest to do so", for the words "as it may

13 determine" in lines 3 and 4.

14 **21.** Section 74 of the Principal Act is amended, by substituting for

15 the existing section 74, a new clause "74":

Substitution of
Section 74 of the
Principal Act

16 "74(1) If the Commission ("NERC"), after making an enquiry, is

17 satisfied that public interest so requires, it may revoke a licence in any of the

18 following of cases:

Revocation of
license

19 (a) where the licensee, in the opinion of the Commission

20 ("NERC"), makes willful and prolonged default in doing anything required

21 of him by or under this Act or the rules or regulations made thereunder:

22 (b) where the licensee breaks any of the terms or conditions of his

23 license. the breach of which is expressly declared by such license to render it

24 liable to revocation;

25 (c) where the licensee fails to, within the period fixed in this behalf

26 by his license, or any longer period which the Commission ("NERC") may

27 have granted therefor:

28 (i) to show, to the satisfaction of the Commission ("NERC"), that

29 he is in a position fully and efficiently to discharge the duties and obligations

30 imposed on him by his license; or (ii) to make the deposit or furnish the

1 security, or pay the fees or other charges required by his license; and

2 (d) where in the opinion of the Commission ("NERC"). the financial
3 position of the licensee is such that he is unable fully and efficiently to
4 discharge the duties and obligations imposed on him by his license.

5 (2) where in its opinion the public interest so requires, the
6 Commission ("NERC") may, on application, or with the consent of the
7 licensee, revoke his license as to the whole or any part of his area of distribution
8 upon such terms and conditions as it thinks fit.

9 (3) No license shall be revoked under Sub-section (1) unless the
10 Commission ("NERC") has given to the licensee not less than six months'
11 notice, in writing, stating the grounds on which it is proposed to revoke the
12 license, and has considered any cause shown by the licensee within the period of
13 that notice, against the proposed revocation.

14 (4) The Commission ("NERC") may, instead of revoking a license
15 under sub-section (1), permit it to remain in force subject to such further terms
16 and conditions as it thinks fit to impose, and any further terms and conditions so
17 imposed shall be binding upon and be observed by the licensee and shall be of
18 like force and effect as if they were contained in the license.

19 (5) Where the Commission ("NERC") revokes a license under this
20 section, it shall serve a notice of revocation upon the licensee and fix a date on
21 which the revocation shall take effect.

22 (6) where the Commission ("NERC") has given notice for revocation
23 of license under sub-section (5), without prejudice to any penalty which may be
24 imposed or prosecution proceeding which may be initiated under this Act, the
25 licensee may, after prior approval of that Commission, sell his utility to any
26 person who is found eligible by that Commission for grant of license."

Substitution of
Section 75 of
the Principal Act

27 **22.** Section 75 of the Principal Act is amended, by substituting for the
28 existing section 75 for a new section "75":

Sale of utilities
of licensees

29 "75(1) Where the Commission ("NERC") revokes under section 74
30 the license of any licensee, the following provisions shall apply, namely:

1 (a) the Commission ("NERC") shall invite applications for
2 acquiring the utility of the licensee whose license has been revoke and
3 determine which of such applications should be accepted primarily on the
4 basis of the best price and business development model offered for the
5 utility;

6 (b) the Commission ("NERC") may, by notice in writing, require
7 the licensee to sell his utility and thereupon the licensee shall sell his utility
8 to the person (hereafter in this section referred to as the "purchaser") whose
9 application has been accepted b) the Commission ("NERC"):

10 (c) all the rights. duties. obligations and liabilities of the licensee,
11 on and from the date of revocation of license or on and from the date, if
12 earlier, on which the utility of the licensee is sold to a purchaser, shall
13 absolutely cease except for any liabilities which have accrued prior to that
14 date;

15 (d) the Commission (NERC) mal make such interim arrangements
16 in regard to the operation of the utility as may be considered appropriate
17 including the appointment of Administrators; and

18 (e) the Administrator appointed under clause

19 (d) shall exercise such powers and discharge such functions as the
20 Commission ("NERC") may direct.

21 (2) Where the Commission ("NERC") issues any notice under sub-
22 section (1) requiring the licensee to sell the utility, it may, by such notice,
23 require the licensee to deliver the utility, and thereupon the licensee shall
24 deliver on a date specified in the notice, the utility to the designated
25 purchaser on payment of the purchase price thereof.

26 (3) Where a utility is sold under sub-section (1), the purchaser shall
27 pay to the licensee the purchase price of the utility in such manner as may be
28 agreed upon.

29 (4) Where the licensee has delivered the utility referred to in sub-
30 section (2) to the purchaser but its sale has not been completed by the date

	1	fixed in the notice issued under that sub-section, the Commission (" ERC")
	2	may, if it deems fit, permit the intending purchaser to operate and maintain the
	3	utility system pending the completion of the sale."
Substitution of Section 76 of the Principal Act	4	23. Section 76 of the Principal Act is amended by substituting for the
	5	existing section 76 a new section '76':
Vesting of utility in purchase	6	"76" Where a utility is sold under section 67 or section 75, then, upon
	7	completion of the sale or on the date on which the utility is delivered to the
	8	intending purchaser, as the case may be, whichever is earlier the:
	9	(a) utility shall vest in the purchaser or the intending purchaser, as the
	10	case may be, free from any debt, mortgage or similar obligation of the licensee
	11	or attaching to the utility: provided that any such debt, mortgage or similar
	12	obligation shall attach to the purchase money in substitution for the utility; and
	13	(b) rights, powers, authorities, duties and obligations of the licensee
	14	under his license shall stand transferred to the purchaser and such purchaser
	15	shall be deemed to be the licensee."
Amendment of Section 77 of the Principal Act	16	24. Section 77 of the Principal Act is amended:
	17	(a) in subsection (6), by substituting for the word "President" the
	18	words "Minister, on behalf of the President" and by inserting before the word
	19	"federation", the words Government of the;
	20	(b) in subsection (7), by inserting after paragraph "(c)", a new
	21	paragraph "(d)":
	22	"(d) health and safety of inhabitants of the area and safe resettlement":
	23	and
	24	(c) in subsection (9), by substituting for the word, "President" the
	25	words "Minister, acting on behalf of the President".
Amendment of Section 78 of the Principal Act	26	25. Section 78 of the Principal Act is deleted.
Amendment of Section 79 of the Principal Act	27	26. Section 79 of the Principal Act is amended in subsection (1), by
	28	inserting after paragraph (b), a new paragraph "(c)"-
	29	"(c) give licensee whose assets may be affected by such construction,
	30	access to the construction plans submitted to the Commission."

1	27. The Principal Act is amended by inserting a new clause "79A":	Insertion of Section 79A
2	"79A (1) A licensee shall have the right to seek approval from the	
3	Commission to carry out maintenance and/or construction of electric lines	
4	or other electrical instruments on the right of way.	
5	(2) No person shall be allowed to erect or build any structure of any	Amendment of Section 80 of the Principal Act
6	nature under or in close proximity to the electric lines.	
7	(3) A licensee shall not be held liable or responsible for any	
8	accident or electrocution that occurred under or close proximately to electric	
9	lines.	Insertion of Part IX of the Principal Act
10	(4) There shall be absolute right of way on both sides of electric	
11	lines.	
12	(5) Any person who erects structures under or in close proximity to	
13	electric line commits an offence of obstruction and shall be liable on	Establishment of Rural Electrification and Renewable Energy Agency
14	conviction to a fine of two million naira or two years imprisonment.	
15	28. Section 80 of the Principal Act is amended:	
16	(a) in subsection (1)(c), by deleting, after the word "customers", the	
17	words "such as the blind or disabled, the elderly or severely ill"; and	
18	(b) in subsection (3), by deleting subsection (3).	
19	29, The Principal Act is amended, by substituting the existing Part	
20	IX for a new "Part IX":	
21	"PART IX	
22	ESTABLISHMENT OF RURAL ELECTRIFICATION AND RENEWABLE	
23	ENERGY AGENCY	
24	1.-(1) There is established the Rural Electrification and Renewable	
25	Energy Agency (in this Bill referred to as the "Agency").	
26	(2) The Agency shall be a body corporate:	
27	(a) with perpetual succession and a common seal;	
28	(b) which may sue or be sued in its corporate name: and	
29	(c) which may acquire, hold, purchase, mortgage and deal with	
30	property, movable or immovable, real or personal.	

Objectives

- 1 **2.** The objectives of the Agency shall be to:
- 2 (a) create an enabling channel for the entry into markets for rural,
- 3 unserved and underserved electrification services, to facilitate corporate
- 4 bodies wishing to supply such services and facilities;
- 5 (b) ensure that rural, unserved and underserved electrification
- 6 services are provided efficiently, economically and at such performance
- 7 standards which reasonably meet social, industrial and agricultural needs of
- 8 rural communities;
- 9 (c) promote the development and ensure the implementation of
- 10 Government' s general policies on rural electrification renewable energy, and
- 11 energy efficiency and execution of all such other functions and responsibilities
- 12 as are given to the Agency under this Bill or are incidental or related thereto;
- 13 (d) ensure the Nigerian rural, unserved and underserved populace
- 14 have unfettered access to electricity facilities and services in line with the
- 15 Sustainable Energy for all goal of 2030 of the United Nations;
- 16 (e) provide for the utilization of renewable energy sources for
- 17 electricity and heat generation in an efficient and sustainable manner;
- 18 (f) provide the framework to support:
- 19 (i) the development and utilization of renewable energy sources and
- 20 an enabling environment to attract investment in renewable energy sources,
- 21 (ii) the promotion for the productive use of renewable energy,
- 22 (iii) the diversification of supplies to safeguard energy sources,
- 23 (iv) improved access to electricity through the use of various
- 24 renewable energy technology sources;
- 25 (v) the building of indigenous capacity in various technologies for
- 26 renewable energy sources;
- 27 (vi) public education of renewable energy production and
- 28 consumption;
- 29 (vii) the production and supply of wood fuel and biofuel; and
- 30 (g) promote, develop and implement any special electrification

1 intervention programmes and projects, in both rural, unserved, underserved
2 communities, as may be approved by the Board or the Federal Ministry of
3 Power in furtherance of government objectives of initiatives by the Federal
4 Government of Nigeria.

5 3.-(1) For the furtherance of its objectives under clause 2 (1) of this Bill, the Agency shall perform the following functions, that is to: Functions of the
Agency

7 (a) promote universal access to affordable and sustainable
8 electricity thereby improving the quality of life and economic opportunities
9 for rural unserved and underserved communities;

10 (b) provide access to reliable electric power supply for rural,
11 unserved and underserved dwellers, irrespective of where they live and what
12 they do, in a way that would allow for reasonable return of investment
13 through appropriate tariffs that are economically responsive and supportive
14 of the average rural customer:

15 (c) oversee , manage and execute the funding of the Rural
16 Electrification and Renewable Energy Fund in accordance with the
17 operational guidelines approved by the Board;

18 (d) the Agency shall promote the exploitation, utilization and
19 development of renewable energy sources in accordance with regulations or
20 another subsidiary legislations issued by the Commission and collaborate
21 with relevant Federal Ministries, Departments and Agencies and State
22 Boards for Rural Electrification responsible for the development,
23 promotion, management, and utilization of renewable energy sources;

24 (e) provide learning opportunities to educate interested
25 communities, students and individuals on the opportunities for rural,
26 unserved, and underserved electrification business ventures;

27 (f) mandate the use of low-cost options in rural, unserved and
28 underserved electrification projects that apply for subsidy grants towards
29 start-up cost;

30 (g) advocate for tax incentives, investment capital allowance and

- 1 low interest loans for local producers of renewable energy products;
- 2 (h) encourage the economic growth of rural, unserved and
3 underserved communities;
- 4 (i) advocate for carbon tax to disincentive the sale of fossil fuels ,
5 encourage reliance on renewable energy and trigger gradual transition to clean
6 energy;
- 7 (j) sensitize the rural, unserved, and underserved communities in
8 Nigeria on renewable energy and related matters;
- 9 (k) protect public interest by ensuring that the provisions of this Act
10 are carried out diligently; and
- 11 (l) perform such other ancillary functions which are necessary and
12 incidental to its objectives and functions under this Bill or any other Act of the
13 National Assembly.
- 14 (2) In the discharge of its functions, the Agency shall consult, from
15 time to time, and to where appropriate, with such persons or groups of persons
16 who may or are likely to be affected by its projects or programmes including,
17 but not limited to investors or renewable energy companies, renewable energy
18 user cooperatives, State Rural Electrification Boards interested parties and
19 other stakeholders.
- 20 (3) For the furtherance of its objectives and functions under sub-
21 clause (1) and (2) of this Clause, the Agency is vested with powers to:
- 22 (a) insure its property against any loss or all forms or risks;
- 23 (b) acquire, purchase, hold, construct or maintain any property
24 whatsoever whether movable or immovable required for or in connection with
25 the performance of its functions and to sell, dispose of or otherwise deal with
26 such property or any part thereof;
- 27 (c) produce any document which is likely to assist the Agency, the
28 Board or any of its committees in the discharge of the duties of the Agency
29 under this Bill;
- 30 (d) discuss any matter which the Agency deems necessary for the

- 1 purpose of effectively discharging the Agency's duties under this Bill;
- 2 (e) enter into contract or partnership with companies, firms or
- 3 persons that in the opinion of the Agency will facilitate the duties specified
- 4 in this Bill;
- 5 (f) establish Zonal Offices and maintain Liaison and State Offices
- 6 for the discharge of such functions as the Agency may determine;
- 7 (g) establish gender unit to track and collate gender mainstreaming
- 8 indicators in the implementation of rural electrification projects, support for
- 9 capacity and manpower development for renewable energy and generally
- 10 track the impact of rural electrification projects on addressing income
- 11 inequalities and poverty in the rural, unserved and underserved areas;
- 12 (h) in accordance with the provisions of this Bill, receive, manage
- 13 and disburse funds accruing to the Rural Electrification and Renewable
- 14 Energy Fund established under clause 16 of this Bill for the carrying out of
- 15 approved projects;
- 16 (i) collect collate process and disseminate online and offline, rural
- 17 electrification data and information within and outside Nigeria and in
- 18 consultation with the Minister conduct performance evaluation of the rural
- 19 electrification policies and strategies to ascertain targets and milestones
- 20 achieved; and
- 21 (j) do any other thing necessary and instrumental to the execution
- 22 of its functions under this Bill.
- 23 (4) The powers conferred on the Agency under this Clause may be
- 24 exercised by it or through any of its employees or agents as may be
- 25 specifically authorized by a written mandate or policy direction.
- 26 4.-(1) There is established for the Agency a part -time Governing
- 27 Board (in this Bill referred to as "the Board") which shall be constituted and
- 28 exercise the powers and perform the functions stipulated under clause 2 of
- 29 this Bill.
- 30 (2) The Board shall consist of seven members as follows:

Establishment
and Composition
of the Governing
Board of the Agency

	1	(a) six members appointed to represent the Six geopolitical zones of
	2	the Nigeria out of which one shall be designated as a part -time Chairman; and
	3	(b) the Managing Director and Chief Executive Officer of the Agency.
	4	(3) The Managing Director of the Board and the Executive Directors
	5	of the Board appointed pursuant to sub-clause (2)(a) and (b) of this clause shall
	6	possess the qualifications, experience and competence stipulated under clauses
	7	11 and 15 of this Bill while the Part -time Chairman of the Board and the non-
	8	Executive Directors of the Board shall be highly respected persons who have
	9	distinguished themselves in public service and all members of the Board shall
	10	be appointed by the President on the recommendation of the Minister of Power
	11	vested with supervisory Power over the Agency.
Tenure of members of the Board	12	5. The Chairman and other members or the Board shall each:
	13	(a) hold office for a period or five years on such terms and conditions
	14	as may be specified in their letters of appointment; and
	15	(b) may be re-appointed for another period of five years and no more.
Cessation of membership of the Board	16	6.-(1) Notwithstanding the provisions of section 4 of this Bill, a
	17	person shall cease to hold office as a member of the Board if:
	18	(a) he becomes bankrupt, suspends payment or compounds with his
	19	creditors;
	20	(b) he is convicted of a felony or any offence involving dishonesty or
	21	fraud;
	22	(c) he become of unsound mind, or incapable of carrying out his
	23	duties;
	24	(d) he is guilt) of a serious misconduct in relation to his duties;
	25	(e) in the case of a person possessed of professional qualifications, he
	26	is disqualified or suspended from practicing his profession in any part of the
	27	world by an order of a competent authority made in respect of the member; or
	28	(f) he resigns his appointment by a letter addressed to the President.
	29	(2) If a member of the Board ceases to hold office for any reason
	30	whatsoever before the expiration of the term for which he is appointed, another

1 person representing the geopolitical zone and possessing the requisite
2 qualification shall be appointed in his stead as a member of the Board to
3 serve the unexpired term of the person whose membership of the Board has
4 ceased.

5 7. The Chairman and members of the Institute shall be paid such
6 emoluments, allowances and benefits as the Federal Government may, from
7 time to time, direct through the National Salaries and Wages Commission.

Allowances of
the Chairman
and non-Executive
members of the
Board

8 8.-(1) The powers of the Board shall include:

Powers of the
Board

9 (a) formulate the general policies and guidelines relating to the
10 discharge of the functions and realization of the objectives of the Agency
11 under this Bill;

12 (b) generally, supervise the management of the affairs of the
13 Agency;

14 (c) supervise and ensure accountability of the Rural Electrification
15 and Renewable Fund (in this Bill referred to as "the Fund") established
16 under this Bill by defining appropriate procedures for management of the for
17 the Fund by the Agency;

18 (d) approve the criteria for disbursement of monies approved for
19 the Fund;

20 (e) approve disbursement of monies from the Fund to pay for the
21 Agency's programmes and projects;

22 (f) receive and examine reports from designated persons or
23 institutions in respect of financial assistance in relation to the realization of
24 the objectives of the Agency;

25 (g) decide on policies and procedures for the allocation and use of
26 funds from the Fund established under this Bill for rural electrification
27 subsidies;

28 (h) approve allocations from the Fund for payment of subsidies for
29 selected rural electrification projects including payment for grid extension
30 projects and renewable mini-grid projects, Solar Home Solutions etc;

1 (i) grant approval for the Agency to support research and
2 developments proposals that would lead to the development of patentable
3 renewable, energy technology solutions and energy efficiency components;

4 (j) give approval to the Agency for the appointment of technical
5 consultants or committee to advise the Board or the Agency from time to time
6 as the need arise;

7 (k) approve the establishment or reorganization of such units,
8 departments or divisions of the Agency where it considers expedient and
9 necessary for the smooth operations of the Agency;

10 (l) generally exercise control and supervise the internal policies,
11 finances and property of the Agency;

12 (m) approve the investment of any portion of the funds of the Agency
13 in treasury bills or other securities or other money market products and services
14 in accordance with the provisions of this Bill;

15 (n) approve the appointment of such administrative staff including the
16 terms and conditions of their appointments, and subject to relevant Acts of the
17 National Assembly, determine the remunerations of management staff of the
18 Agency; and

19 (o) perform any other function and do such things as are necessary for
20 the successful performance of the functions of the Agency.

21 (2) In the performance of its functions under sub clause (1) of this Bill,
22 the Board shall sit on part -time basis and no part -time member of the Board is
23 permitted to interfere with the day to day running of the Agency.

24 (3) In the exercising its powers under this Bill, the Board shall submit
25 annual report and audited accounts of the Agency to the Minister for onward
26 transmission to the committee's on Power in the Senate and House of
27 Representatives of the National Assembly.

Meeting and
proceedings of
the Board

28 **9.** The Board shall adopt its rules and regulations to guide the
29 summoning and conduct of proceedings at its meetings including-

30 (a) the venue and place for its meetings;

- 1 (b) the minimum and maximum number of times in a year to hold a
2 meeting;
3 (c)' who to preside at such meetings in the absence of the chairman;
4 (d) quorum for decision making;
5 (e) participation at such meetings including mode of voting and the
6 exercise of casting vote; and
7 (f) any other issues that are relevant to the conduct of Board
8 meetings.

9 **10.** The Board shall on the recommendation of the Managing
10 Director and Chief Executive Officer of the Agency appoint a staff from the
11 Management Cadre of the Agency as the Secretary of the Board and once
12 appointed shall, attend meetings and discharge the functions assigned to him
13 under this Bill or as may be assigned to him by the Board but he shall not be
14 reckoned as a member of the Board.

Secretary of the
Board

15 (2) The Secretary of the Board shall be responsible to the Board
16 through the Managing Director and Chief Executive Officer of the Board
17 and shall be responsible for-

- 18 (a) convening, on the authority of the Chairman, meetings of the
19 Board;
20 (b) recording the minutes of all meetings of the Board and such
21 other meetings as the Board may direct;
22 (c) acting as Secretary to any Committee as may be appointed by
23 the Board except technical Committee;
24 (d) maintaining and keeping minute books and a register of the
25 members of the Board;
26 (e) keeping in safe custody the common seal of the Agency;
27 (f) keeping in safe custody all title documents relating to the
28 Agency's properties;
29 (g) keeping in safe custody all agreements entered into by the
30 Agency with any third party;

1 (h) arranging, through the Managing Director, payment of fees and
2 allowances of meetings and all other matters affecting members of the Board:

3 (i) communicating the decisions of the Board to the Board members;
4 and

5 (ii) carrying out such other duties and responsibilities as may be
6 assigned to him, from time to time, by the Managing Director and Chief
7 Executive Officer of the Agency.

8 (3) The Secretary to the Board shall be a lawyer, with at least, 10 years
9 cognate experience who is in the service of the Agency as Legal Adviser and
10 Head, Legal Unit of the Agency.

Managing Director
and Chief Executive
Officer of the
Agency

11 **11.**-(1) There shall be for the Agency a Managing Director who shall
12 be appointed by the President on the recommendation of the Minister and on
13 such terms and conditions as may be specified in his letter of appointment.

14 (2) The Managing Director shall be-

15 (a) the Chief Executive and accounting officer of the Agency;

16 (b) responsible to the Board for the day-to-day administration of the
17 Agency;

18 (c) appointed for a term of five years in the first instance and may,
19 subject to satisfactory performance, be reappointed for one further term of five
20 years and no more; and

21 (d) (i) be a person who possesses adequate professional qualifications
22 in the fields of Engineering; and

23 (ii) must possess cognate experience of not less than 20 years.

Other staff of
the Agency

24 **12.**-(1) The Agency shall have powers to employ such persons as it
25 may deem necessary for the discharge of the duties and powers of Agency
26 under this Bill or any regulations made pursuant to it.

27 (2) The Agency shall have the powers to determine the job
28 description, title, terms and qualifications of any such person and all such
29 persons shall be subject to the provisions for discipline of staff under this Bill.

30 (3) The employment of the Agency's staff, including its secretary;

1 shall be subject to such terms and conditions as may from time to time be
2 stipulated by the Agency's Board and contained in the respective staff's
3 employment contract.

4 **13.-(1)** It is hereby declared that service in the employment of the Pensions etc.
5 Agency shall be an approved service under the Pensions Reform Act, and
6 accordingly, employees of the Agency shall, in respect of their services shall
7 be entitled to pensions, gratuities, and other retirement benefits as are
8 prescribed thereunder.

9 (2) Notwithstanding the provisions of sub clause (1), nothing in
10 this Bill shall prevent the appointment of a person to any office on terms
11 which preclude the grant of pension and gratuity in respect of that office.

12 (3) For the purposes of the application of the Pensions Reform Act,
13 any power exercisable thereunder by the Minister or authority other than the
14 Federal Government (not being the power to make regulations under Bill) is
15 hereby vested in and shall be exercisable by the Agency and not by any other
16 person or authority.

17 (4) Subject to subsection (2) of this section, the Pensions Reform
18 Act shall in its application by virtue of sub clause (3) of this clause to any
19 office, have effect as if the office were in the public service of the Federation
20 within the meaning of the Constitution of the Federal Republic of Nigeria
21 1999.

22 **14.-(1)** The Agency shall have its headquarters located in the Structures of the
23 Federal Capital Territory and may set up Zonal Operational offices in the six Agency
24 geopolitical zones or State offices as the Board may approve.

25 (2) There shall be at the Headquarters of the Agency, three
26 divisions to be headed by three Executive Directors under the direct
27 supervision of the Managing Director as follows-

28 (a) Rural Electrification and Renewable Energy Fund Division ,
29 headed by the Executive Director RREF, with RREF Management
30 Directorate under his direct supervision;

1 (b) Engineering and Technical Services Division, headed by the
2 Executive Director, Engineering and Technical Services, with Projects
3 Supp011 Directorates under his direct supervision; and

4 (c) Corporate Services Division, headed by the Executive Director,
5 Corporate Services, with two Directorates under his direct supervision
6 namely-

7 (i) Planning Research and Promotion, and Directorate; and

8 (ii) Finance and Administration Directorate.

9 (3) The Agency shall have such other divisions, departments or units
10 as may be approved by the Board.

Functions of
Executive Directors
and Directorates
of the Agency

11 **15.-(1)** The Executive Directors of the Agency appointed pursuant to
12 the provisions of this Bill shall possess academic and professional
13 qualifications in the fields of Engineering, Law, Accounting, Corporate
14 Communication, Project Management, Public Administration in addition to
15 cognate experience and competence relevant to the respective divisions they
16 head as described under clause 9 (2) of this Bill and shall be appointed on such
17 terms and conditions as may be specified in their appointment letters.

18 (2) The Executive Director , Rural Electrification and Renewable
19 Energy Fund Division shall perform the following functions in relation to his
20 division and the directorate under his supervision-

21 (a) oversee the Rural Electrification and Renewable Energy Funds
22 Management Directorate;

23 (b) head the Rural Electrification Fund Division;

24 (c) implement the policies of the Agency as they apply to the Rural
25 Electrification Funds;

26 (d) supervise the work of the Rural Electrification Directorate under
27 him and render reports to the Managing Director or the Board, from time to;

28 (e) coordinate draft expenditure estimates and development plans of
29 the Directorate to ensure compliance with the objective of the Agency; and

30 (f) perform such other functions as may be assigned to him by the

1 managing Director of the Agency or the Board from time to time towards the
2 realization of the objectives of the Agency.

3 (3) The Executive Director, Engineering and Technical Services
4 Division shall perform the following services in relation to his division and
5 the directorate under his supervision-

6 (a) head the Engineering and Technical Services Division;

7 (b) oversee the Projects Support Directorate;

8 (c) implement the policies of the Agencies as it relates to rural
9 electrification, renewable energy and energy efficiency;

10 (d) supervise the work of the Project Support Directorate under
11 him and render reports to the managing Director or the Board, from time to
12 time;

13 (e) ensure that the expenditure estimates of the Project Support
14 Directorate is in accordance with the objectives of the Agency under this
15 Bill; and

16 (f) perform such other functions as may be assigned to him by the
17 Managing Director of the Agency or the Board from time to time towards the
18 realization of the objectives of the Agency.

19 (4) The Executive Director, Corporate Services Division shall
20 perform the following functions in relation to his Division and the
21 directorates under his direct supervision-

22 (a) head the Corporate Services Division;

23 (b) oversee the Planning, Research and Promotion Directorate to
24 promote rural electrification and create awareness more generally; and

25 (c) oversee the Finance and Administration Directorate to manage
26 the Agency's internal finance and administration.

27 (5) The REF Management Directorate shall be responsible for-

28 (a) establishing and administering the Rural Electrification and
29 Renewable Energy Fund to provide capital subsidies to qualified rural
30 electrification schemes developed by public or private sector entities;

1 (b) comply with the policy guidelines and procedures for
2 administering the Fund giving regard to the criteria for subsidy award,
3 transparency, and accountability;

4 (c) coordination of rural electrification projects at local, state, zonal
5 and federal levels; and

6 (d) perform any other function that may be approved by the Board as
7 being relevant to the realization of any of the objectives of the Agency.

8 (6) The Projects Support Directorate shall be responsible for-

9 (a) providing technical support to rural electrification schemes in
10 accordance with policy guidelines designed to protect consumers and service
11 providers on the basis of bilateral agreements signed between the Agency and
12 project developers;

13 (b) monitor project development and supervise project
14 implementation to ensure compliance with standards and specifications used
15 for projects supported by the rural Electrification Fund and Renewable Energy
16 Fund; and

17 (c) through diligent supervision and monitoring, ensure that projects
18 supported by the Rural Electrification Fund meets minimum safety standards,
19 quality of materials requirements, appropriate design and proper use of the
20 network equipment, reasonable cost effectiveness and other requirements.

21 (7) The Planning, Research and Promotion Directorate shall be
22 responsible for-

23 (a) promoting rural electrification through Nigeria;

24 (b) serve as an information clearing house and promote public
25 awareness; and

26 (c) work with the Ministry of Power to collect information on rural
27 electrification, including existing projects, planned projects, renewable energy
28 sources, rural load, equipment and material suppliers, and technological
29 innovations for cost-effective power supply.

30 (8) Finance and Administration Directorate shall be responsible for-

1 (a) internal financial and administrative management of the
2 Agency; and

3 (b) liaise with the Agency's zonal offices for effective monitoring
4 of project matters.

5 16.-(1) There is established the Rural Electrification and
6 Renewable Energy Fund (in this Bill referred to as "the Fund") into which
7 monies from the following sources shall be paid and credited-

Establishment
of the Rural
Electrification
and Renewable
Energy Fund

8 (a) any operating surplus of the Commission determined after
9 annual audited account of the Commission and paid directly into the Fund
10 within 30 days following the audit of the Commission's account;

11 (b) any fines imposed and collected by the Commission in the
12 enforcement of the provisions of this Bill or regulations made by the
13 Commission which shall be paid directly to the Fund within 30 days of
14 collection;

15 (c) any donations, grants, gifts, assistance or loans made by local or
16 international, bilateral or multilateral agencies or non -governmental
17 organizations, the private sector, Federal or State Governments, local
18 communities, businesses, or any other entity;

19 (d) any special intervention fund as may be provided by the
20 Federal, State or Local Government of the Federation;

21 (e) endowments, bequests, gifts, whether of money, movable or
22 immovable property from private foundations, trusts or other sources not
23 contrary to the objectives of the Agency and national security;

24 (f) funds appropriated by the National Assembly for the realization
25 of the objectives of the Agency and performance of its functions under this
26 Bill;

27 (g) 2% charged on assessable profit of all Renewable Energy
28 Service Companies in Nigeria executing renewable energy projects or
29 offering services related to renewable energy;

30 (h) 5% charged on every KWh of energy sold within the Nigerian

1 Electricity Supply Industry and the National Grid by Licensees and Eligible
2 Customers;

3 (i) Carbon tax at the rate of 5% on pump price of petroleum products (
4 PMS ,AGO, LNG) sold by every marketer across Nigeria to be paid directly
5 into the Fund;

6 (j) earnings from any investment of portion of the Fund in the money
7 or capital market as may be approved by the Board;

8 (k) any contribution payable by Eligible Customers and licensees at
9 the rates not exceeding 5% of the cost of electricity procured from non -
10 renewable generators or any other rate as may be determined by the
11 Commission to be paid as contribution into the Fund by the eligible customers
12 and licensees; and

13 (l) 0.5 % of royalties paid to the Federal Government as oil royalties.

14 (2) For the purpose of sub-clause (1) (g) of this clause, the assessable
15 profit of Renewable Energy Service Companies shall be ascertained in the
16 manner specified in the Companies. Income Tax Act (in this Act referred to as
17 "the CITA") and the rate imposed under this Bill shall apply without prejudice
18 to the provisions of the CITA or other Tax Statute:

19 Provided that in the event of a tax holiday or income tax relief scheme
20 introduced to incentivize Renewable Energy Companies, the Minister of
21 Finance shall issue a directive suspending the assessment and collection of the
22 2% imposed on the assessable profit of Renewable Energy Companies until
23 such a time as the tax holiday or income tax scheme is suspended or has
24 elapsed.

25 (3) It shall be the responsibility of the Federal Inland Revenue Service
26 (in this Bill referred to as "the Service") to assess and collect taxes imposed
27 under sub clause (l)(g) -(i) of this clause and for this reason issue such
28 regulations and guidelines on the assessment, collection and cost of collection
29 to be followed for smooth collection and remittances of such taxes to the Fund.

1	17. The purpose of the Fund established under clause 16 of this	Purpose of the Fund
2	Bill shall be to promote, support and provide sustainable and renewable	
3	rural electrification programmes and projects for rural, underserved and	
4	unserved communities through public and private sector participation in	
5	order to-	
6	(i) achieve more equitable regional access to electricity,	
7	(ii) maximise the economic, social and environmental benefits of	
8	rural electrification subsidies,	
9	(iii) promote expansion of the grid and development of off grid	
10	electrification,	
11	(iv) stimulate innovative approaches to rural electrification	
12	provided that no part of the Rural Electrification and Renewable Energy	
13	Fund shall be used as subsidies for Consumption,	
14	(v) promote the research and development of new technological	
15	advancement into renewable energy space in Nigeria,	
16	(vi) research into the establishment of technical and utilization	
17	standards of renewable energy,	
18	(vii) implement programmes to adopt international best practices,	
19	(viii) promote the implementation of mini-grid and off-grid	
20	renewable energy power systems for remote areas, unserved, underserved	
21	communities, and islands,	
22	(ix) promote the execution of renewable energy projects for non-	
23	electricity purposes,	
24	(x) develop infrastructure for renewable energy, renewable energy	
25	projects and capacity building for the energy sector,	
26	(xi) provide production- based subsidies for renewable energy	
27	generation; and	
28	(xii) procure equity participation in renewable energy projects.	
29	18.-(1) The Fund shall be managed by the Rural Electrification and	Management of the Fund
30	Renewable Energy Fund Directorate of the Agency under the direct	

1 supervision of the Executive Director Rural Electrification and Renewable
2 Energy Fund in accordance with the provisions of this Bill.

3 (2) Without prejudice to clause 17 of this Bill and for the purpose of
4 growing the Fund, the Board may approve a portion of the Fund to be invested
5 in any government security.

6 Provided that the portion of the Fund approved for investment is not
7 already committed to an ongoing project or any proposed project or
8 procurement activity of the Agency and such investment would not undermine
9 the ability of the Agency to meet its payment obligations but only boost its
10 sources of funding.

11 (3) It is further declared that at the maturation of any approved
12 investment of a portion of the Fund, the principal sum invested together with
13 the interest on investment or return on such investment shall be paid into the
14 Fund directly.

15 **19.-(1)** The Commission shall determine any contribution payable
16 by eligible customers and licensees into the Fund at the rates not exceeding 5%
17 of the cost of electricity procured by eligible customers from non-renewable
18 generators or any other rate as Commission may determine as contribution to
19 be paid into the Fund by the eligible customers and licensees,

20 (2) The Commission, while determining the contribution rates, shall
21 take into consideration the impact of such rates on eligible customers and
22 licensees who have to assume the burden of such contributions.

23 (3) Any amount determined by the Commission as contribution to be
24 paid by eligible customers or licensees under sub clause (1) of this clause shall
25 be due and payable within one month but not later than two months of notice or
26 directive issued by the Commission to that effect.

Contribution
payment for Rural
Electrification

27 **20.-(1)** All licensees and eligible customers liable to make
28 contribution under clause 19 (1) of this Bill shall make contributions to the
29 Rural Electrification and Renewable Energy Fund at the rates and for the

1 duration specified by the Commission in accordance with clause 19(1) of
2 this Bill.

3 (2) In making contributions to the Rural Electrification Fund,
4 licensees and eligible customers shall pay contributions directly to the Rural
5 Electrification Agency.

6 (3) All collections and payments shall be made in accordance with
7 procedures established by the Rural Electrification Agency.

8 **21.**-(1) The Rural Electrification Agency shall, in consultation
9 with the Minister-

Criteria for
allocation of the
Rural Electrification
and Renewable
Energy Fund

10 (a) establish objective and transparent criteria for the geographical
11 allocation of resources from the Rural Electrification and Renewable
12 Energy Fund and such criteria shall be determined taking into account-

13 (i) the need for financial support from the Fund,

14 (ii) progress in increasing rural electrification achieved through
15 previous disbursements from the Fund,

16 (iii) the existence of local matching funding; and

17 (b) develop an open, competitive and transparent procedure for
18 making disbursements from the Fund to individual projects, including the
19 establishment of eligibility and selection criteria.

20 (2) The eligibility criteria for the purposes of sub clause (1) (b) of
21 this clause shall be determined considering the-

22 (a) extent to which the proposed activity can demonstrate
23 technical, economic and financial viability for a sustained period;

24 (b) extent to which the proposed activity demonstrates support for
25 rural development taking into account the priorities of the local
26 communities; and

27 (c) level of community and investor commitment to the proposed
28 activity.

29 (3) The selection criteria for the purposes of sub-clause (1) (b) of

1 this clause, and the quantum of disbursement, shall be determined taking into
2 account-

3 (a) the resources available from the Fund;

4 (b) the cost of each new connection created under the project; and

5 (c) other objective criteria that the Rural Electrification and
6 Renewable Energy Agency may determine, such as tariff levels and quality of
7 service.

Fine for non-
payment for
amount owed

8 **22.** In the event of failure by any eligible customer or licensee or any
9 other person liable to make any contribution or payment to the Rural
10 Electrification and Renewable Energy Fund established under clause 16 of this
11 Bill, the principal sum owed as contribution or payment howsoever described,
12 together with a penalty of 10 per cent per annum of the principal amount due
13 plus interest at the prevailing commercial rate shall be recoverable as a debt
14 owed by the eligible customer, licensee, or any other person with such an
15 outstanding payment obligation under this Bill to the Agency:

16 Provided that in giving effect to the provisions of this section, the
17 eligible customer, licensee or any other person defaulting in his payment
18 obligation must first be accorded the opportunity and time frame to explain
19 why the provisions of this section should not be invoked and thereafter a
20 decision could be taken by the Agency regarding the recovering of such debt.

Expenditure of
the Agency

21 **23.** The Agency shall, from time to time as may be approved by the
22 Board, apply monies from the Fund created under clause 16 of this Bill or any
23 other fund at its disposal to pay for-

24 (a) such projects, programmes or activities as are connected to the
25 objectives, functions and purposes of the Agency;

26 (b) the cost of administration and maintenance of the Agency;

27 (c) publicity and advocacy activities of the Agency;

28 (d) allowances, expenses and other benefits of members of the Board,
29 committees or consultants appointed for the Agency;

30 (e) overhead allowances, benefits of employees of the Agency;

- 1 (f) allowances and other benefits of employees of the Agency; and
2 (g) such other activities as may be approved by the Board.

3 **24.** All sources of monies paid into the Rural Electrification and
4 Renewable Energy Fund as specified in clause 16 (1) of this Bill shall be
5 exempt from income tax and all contributions to the fund of the Agency shall
6 be tax deductible.

Exemption from
income tax

7 **25.-(1)** The Minister shall have the supervisory powers and
8 perform the functions as assigned to him under this section and any other
9 part of this Bill as follows-

Supervisory
Powers of the
Minister

10 (a) the Minister has the responsibility for the formulation of
11 National Renewable Energy Policy and shall give directives of general or
12 specific character to the Agency in the performance of its functions or
13 implementation of any policy measure,

14 Provided that such policy directives are not in conflict with the
15 objective and functions of the Agency under this Bill;

16 (b) the Minister may give directives to the Agency relating to the
17 performance by the Agency of any or all of its functions under this Bill, and
18 subject to the provisions of this Bill it shall be the duty of the Agency to
19 comply and give effect to the directives; and

20 (c) the Minister shall upon a proposal made by the Agency,
21 undertake a review of the Rural Electrification Strategy and Implementation
22 Plan approved by the President pursuant to the provisions of the Electric
23 Power Sector Reform Act, 2005 at least every two years from the
24 commencement of this Bill and the Rural Electrification Strategy and
25 Implementation Plan when reviewed shall come into effect only after the
26 approval of the President.

27 (2) The supervisory powers of the Minister under this clause shall
28 relate to general or specific policy matters but should not be exercised by the
29 Minister in such a manner as to undermine the autonomy of the Board in

States Rural
Electrification
Boards and Local
Government Rural
Electrification
Committees

1 giving internal policy guidance and directing the administrative affairs of the
2 Agency.

3 **26.**-(1) For the purpose of effective execution, coordination and
4 monitoring of rural electrification projects nationwide, the Agency shall
5 collaborate with State Rural Electrification Boards or related state agency by
6 whatever appellation and the Agency shall encourage such States to establish
7 Local Government Rural Electrification Implementation Committees or such
8 other similar institutions to carry out any component of the Programme in their
9 respective States.

10 (2) State Houses of Assembly may by law make provision for the
11 structure, operation and functions of the Local Government Rural
12 Electrification Committees in their respective States.

Relationship
between the Agency
and State Rural
Electrification
Boards

13 **27.**-(1) The Agency shall maintain effective liaison with State Rural
14 Electricity Boards and Local Governments Rural Electrification
15 Implementation Committees where established and shall leverage on such
16 relationship to-

17 (a) ascertain the status of the rural electrification access in the States
18 and Local Government Areas concerned;

19 (b) review, in conjunction with the States or Local Governments,
20 matters connected with or expected to affect the progress of rural
21 electrification projects in States or Local Government areas;

22 (c) leverage on such relationship to implement awareness programs
23 on opportunities that are available to States and Local Governments through
24 the use of renewable energy technologies;

25 (d) build strong alliances with States and Local Governments that can
26 be used to resolve disputes arising from acquisition of land and access to land
27 for rural electrification projects; and

28 (e) consider and advise the States and Local Government Areas on the
29 adoption of the best strategies for the realization of objectives of the
30 Programme.

1 (2) The Agency, as considered appropriate, may assist a State or
2 Local Government Implementation Committee in the formulation and
3 preparation of strategic plans for the implementation of rural electrification
4 projects in a State or its Local Government or in their local communities, the
5 Agency-

6 (a) may provide information and render advice to States Rural
7 Electrification Boards , Local Government Rural Electrification
8 Committees or to any person or body, where it considers that, to do so will
9 assist in achieving the efficient implementation of the rural electrification
10 nationwide; and

11 (b) shall arrange such technical assistance as may be practicable
12 and also encourage State Governments to provide technical and financial
13 assistance, including training, human capacity development, transfer of any
14 required technology to the local communities in their domains for the
15 attainment of the national targets on rural electrification.

16 **28.** For the purpose of monitoring progress in the implementation Progress report
17 of the Rural Electrification Strategy and Implementation Plans as may be
18 adopted or reviewed from time to time, the Minister in consultation with the
19 Agency shall, on a quarterly basis, submit to the President, progress report
20 indicating activities and milestones achieved in the implementation the
21 Rural Electrification Strategic Plans and such a report shall highlight
22 information relating to-

23 (a) the expansion of the main grid;

24 (b) the development of standalone and mini-grid systems;

25 (c) renewable energy power generation;

26 (d) the impact of ongoing rural electrification projects on
27 economic inequalities in the rural and peri urban areas:

28 (e) impact of rural electrification on general rural economy and
29 addressing gender inequalities in the rural areas in particular; and

	1	(f) the extent to which the projects set out in the strategic plan are
	2	being achieved.
Monitoring of Rural Electrification Projects	3	29. -(1) The Agency shall put in place appropriate machinery for the
	4	monitoring of Rural Electrification implementation projects nationwide.
	5	(2) The mechanism for rural electrification monitoring shall include
	6	the use of Geographic Information System and geo mapping technologies to
	7	monitor projects effectively, generate and analyze projects data without.
Power to accept gift	8	30. -(1) The Agency may accept gifts of land, money or other property
	9	on such terms and conditions, if any, as may be specified by the person or
	10	organization making the gift.
	11	(2) The Agency shall not accept any gift if the conditions attached by
	12	the person or organization making the gift are inconsistent with the functions of
	13	the Agency under this Bill.
Power to borrow money	14	31. The Agency may, with the approval of the Board, borrow such
	15	sums of money as may be required, from time to time, to execute or complete
	16	any special project of the Agency.
Estimates of the Agency	17	32. The Agency shall, not later than 30th September in each financial
	18	year, submit to the National Assembly through the Minister, an estimate of
	19	income and expenditure of the Agency during the next succeeding year.
Accounts and audit	20	33. -(1) The Agency shall keep proper and regular accounts and other
	21	records of monies received and paid by the Agency and of the several purposes
	22	for which the monies have been received or paid, and of its assets, credits and
	23	liabilities.
	24	(2) Agency shall do all things necessary to ensure that all payments
	25	out of its Funds and bank accounts are correctly made and properly authorised
	26	and that adequate control is maintained over the assets in its custody and over
	27	the expenditures incurred by the Agency.
	28	(3) The Board shall cause the accounts of the Agency to be audited
	29	quarterly and shall be externally audited once every year.
	30	(4) The Auditor-General of the Federation shall-

1 (a) inspect and audit the accounts and records of financial
2 transaction of the Agency;

3 (b) inspect records relating to assets of the Agency; and

4 (c) draw the attention of the Minister to any irregularity disclosed
5 by the inspection and audit.

6 (5) The Auditor-General may dispense with all or any part of the
7 detailed inspection and audit of any account or record referred to him under
8 this section.

9 (6) The Auditor-General or an officer authorized by him is entitled
10 at all reasonable time to a full and free access to all accounts, records,
11 documents and papers of the Agency relating directly or indirectly to the
12 receipt or payment of money by the Agency or to the acquisition, receipt,
13 custody or disposal of assets by the Agency.

14 (7) As soon as the accounts and the financial statements of the
15 Agency have been audited in accordance with the requirement of this Act,
16 the Board shall forward a copy of the audited financial statements to the
17 Minister for onward transmission to the National Assembly, together with
18 any report or observation made by the auditors and the Auditor-General on
19 the statement of accounts.

20 (8) The audited accounts of the Agency and the Auditor-General's
21 report on those accounts shall form part of the Auditor-General's overall
22 annual report to the National Assembly.

23 **34.** The Agency shall submit to the Minister, not later than 30th
24 June of each financial year, a report of its activities during the preceding
25 financial year, and it shall include a copy of the audited accounts of the
26 Agency for that year and a copy of auditor's report thereon.

Annual reports

27 **35.-(1)** The provisions of the Public Protection Act shall apply in
28 relation to any suit instituted against any officer or employee of the Agency.

Limitation of
suit against the
Agency

29 (2) A person suit shall not commence against a member of the
30 Board, the Managing Director, officer or employee of the Agency before the

	1	expiration of a period of 60 days after written a notice of intention to commence
	2	the suit shall have been served upon the Agency by the intending plaintiff or his
	3	counsel.
	4	(3) The notice referred to in sub clause (2) of this clause shall state-
	5	(a) cause of action;
	6	(b) particulars of the claims;
	7	(c) name and place of abode of the intending plaintiff; and
	8	(d) relief which he claims.
Service of process	9	36. A notice, summons or any other document required or authorized
	10	to be served upon the Agency under the provisions of this Bill or any other law
	11	or enactment may be served by delivering it to Managing Director and Chief
	12	Executive Officer at the head office of the Agency.
Restriction on execution against the property of the Agency	13	37. No execution or attachment of process shall be issued against the
	14	Agency in any action or suit without the consent of the Attorney-General of the
	15	Federation.
Indemnity	16	38. A member of the Council, the Managing Director and Officers of
	17	the Agency shall be indemnified against any proceeding, whether civil or
	18	criminal, in which judgment is given in his favour. or in which he is acquitted, if
	19	any such proceeding is brought against him in his capacity as member of the
	20	Council, the Managing Director, Officer or employee of the Agency.
Interpretation	21	39. In this Bill-
	22	"Agency" means Rural Electrification and Renewable Energy Agency
	23	established under clause 1 of this Bill;
	24	"Board" means the Governing Board of the Agency established under clause 4
	25	of this Bill;
	26	"Constitution" means 1999 Constitution of the Federal Republic of Nigeria, as
	27	altered;
	28	"Commission" means Nigerian Electricity Regulatory Commission;
	29	"Fund" means the Rural Electrification and Renewable Energy Fund
	30	established under clause 16 of this Bill;

1 "Minister" means the Minister in charge of Power;
 2 "President" means President of the Federal Republic of Nigeria;
 3 "Rural Area" means any area of the country not existing within 10km from
 4 the boundaries of an urban area or city and which has less than 20000
 5 inhabitants or a population density of less than 200 per square kilometre and
 6 which is at least 20km from the nearest existing 11 KV line;
 7 "Six geo-political zones" for the time being means North Central
 8 (consisting of Benue State, Nassarawa State, Niger State, Kogi State,
 9 Plateau State, Kwara State, FCT); North
 10 East (consisting of Bauchi State, Borno State, Gombe State, Yobe State,
 11 Adamawa State and Taraba State), North West (consisting of Kano state,
 12 Kaduna State, Katsina State, Jigawa State, Kebbi State, Sokoto State,
 13 Zamfara State), South-South (consisting of Delta State, Edo State, Rivers
 14 State, Akwa Ibom State, Cross River State, Bayelsa State); South East
 15 (consisting of Anambra State, Abia State, Enugu State, Ebonyi State, Imo
 16 State), South West (consisting of Lagos State, Oyo State, Ogun State, Osun
 17 State, Ondo State, Ekiti State);
 18 "Underserved Area" any area in Nigeria with intermittent power supply
 19 might as well qualify for the installation of an interconnected mini grid;
 20 "Unserved Area" means an area within a Distribution Licensee's Network
 21 without an existing distribution system otherwise called off-grid.

22 **30.** The principal Act is amended, by inserting a new "Part IXA"-

Insertion of
Part IXA

23 "PART IXA

24 ESTABLISHMENT OF THE NATIONAL POWER TRAINING INSTITUTE

25 **1.-(1)** There is established the National Power Training Institute (in
 26 this Bill referred to as the "Institute").

Establishment
of National Power
Training Institute

27 **(2)** The Institute shall be a body corporate-

Commencement

28 **(a)** with perpetual succession and a common seal;

29 **(b)** which may sue or be sued in its corporate name; and

30 **©** which may acquire, hold, purchase, mortgage and deal with

Objectives

- 1 property, movable or immovable, real or personal.
- 2 (3) The Institute shall be located in Abuja with branches in some states of the
3 federation as the Governing Council of the Institute may determine.
- 4 2. The objectives of the Institute shall be to-
- 5 (a) serve as centre of excellence for power sector training in Nigeria,
6 West African sub-region and the African continent;
- 7 (b) analyse and disseminate to critical stakeholders from time to time
8 the National Power Policy, existing legal frameworks and regulations for the
9 power sector;
- 10 (c) facilitate the development of National Power Sector Training
11 Policy with the approval of the Minister;
- 12 (d) facilitate a periodic review of the National Power Sector Training
13 Policy as the Minister may direct;
- 14 (e) facilitate the institutionalization of competency based training on
15 metre installation and supervision with provision of a framework for
16 certification and licensing of metre installers/supervisors in order to increase
17 public awareness in the industry;
- 18 (f) coordinate short term certificate and diploma programmes to
19 provide general manpower capacity development required to derive the
20 developments in the industry;
- 21 (g) facilitate curriculum development, standardisation and utilization
22 for capacity enhancement of power sector personnel and critical stakeholders
23 in the Nigeria Electricity Supply Industry;
- 24 (h) provide a conducive learning atmosphere that produce well
25 trained personnel capable of sustaining the growth of the power sector in a
26 competitive challenging operating environment;
- 27 (i) facilitate collaboration, network and synergy with relevant
28 Institutions and corporate bodies in discharging its functions;; and
- 29 (j) perform such other functions as may be directed by the Council to

1 ensure effective, efficient and standard provision of capacity development
2 by the Institute.

3 3.-(1) There is established for the Institute a part-time Governing
4 Council (in this Bill referred to as "the Council") which shall be constituted
5 and exercise the powers and perform the functions stipulated under clause 2
6 of this Bill.

Establishment
and Composition
of the Governing
Council of the
Institute

7 (2) The Council shall consist of seven members as follows-

8 (a) six members appointed to represent the six geopolitical zones
9 of Nigeria out of which one shall be designated as a part -time Chairman;
10 and

11 (b) the Director-General and Chief Executive Officer of the
12 Institute.

13 (3) The Chairman and members of the Council shall-

14 (a) possess sufficient experience in governance of public,
15 academic/professional Institute;

16 (b) be of integrity; and

17 (c) be of unquestionable character.

18 4. The Chairman and members of the Council shall each-

19 (a) hold office for a period of five years on such terms and
20 conditions as may be specified in their letters of appointment; and

21 (b) may be re-appointed for another term of five years and no more.

22 5.-(1) Notwithstanding the provisions of clause 4 of this Bill, a
23 person shall cease to hold office as a member of the Council if-

Tenure of members
of the Council

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

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

28 (d) he become of unsound mind, or incapable of carrying out his
29 duties;

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

Cessation of
membership of
the Council

1 (f) in the case of a person possessed of professional qualifications, he
 2 is disqualified or suspended from practicing his profession in any part of the
 3 world by an order of a competent authority made in respect of the member; or

4 (g) he resigns his appointment by a letter addressed to the President.

5 (2) If a member of the Council ceases to hold office for any reason
 6 whatsoever before the expiration of the term for which he is appointed, another
 7 person representing the geopolitical zone and possessing the requisite
 8 qualification shall be appointed in his stead as a member of the Council to serve
 9 the unexpired term of the person whose membership of the Board has ceased.

Allowances of
the Chairman and
members if the
Council

10 6. The Chairman and members of the Council shall be paid such
 11 emoluments, allowances and benefits as the Federal Government may, from
 12 time to time, direct through the National Salaries and Wages Commission.

Director-General
and Chief Executive
Officer of the
Institute

13 7.-(1) There shall be for the Institute a Director-General who shall be
 14 appointed by the President on the recommendation of the Minister and on such
 15 terms and conditions as may be specified in his letter of appointment.

16 (2) The Director-General shall be-

17 (a) the Chief Executive and accounting officer of the Institute;

18 (b) responsible to the Council for the day-to-day administration of the
 19 Institute;

20 (c) appointed for a term of five years in the first instance and may,
 21 subject to satisfactory performance, be reappointed for one further term of five
 22 years and no more; and

23 (d) be a person who possesses appropriate professional qualifications
 24 and experience.

Other staff of
the Institute

25 8.-(1) The Institute shall have powers to employ such persons as it
 26 may deem necessary for the discharge of the duties and powers of Institute
 27 under this Bill or any regulations made pursuant to it.

28 (2) The Institute shall have the powers to determine the job
 29 description, title, terms and qualifications of any such person and all such
 30 persons shall be subject to the provisions for discipline of staff under this Bill.

(3) The employment of the Institute's staff, including its secretary:
shall be subject to such terms and conditions as may from time to time be
stipulated by the Institute's Council and contained in the respective staff
employment contract.

5 **9.**-(1) It is hereby declared that service in the employment of the Pensions etc.
6 Institute shall be an approved service under the Pensions Reform Act, and
7 accordingly, employees of the Institute shall in respect of their services shall
8 be entitled to pensions, gratuities, and other retirement benefits as are
9 prescribed thereunder.

10 (2) Notwithstanding the provisions of sub clause (1) of this clause,
11 nothing in this Bill shall prevent the appointment of a person to any office on
12 terms which preclude the grant of pension and gratuity in respect of that
13 office.

(3) For the purposes of the application of the Pensions Reform Act, any power exercisable thereunder by the Minister or authority other than the Federal Government (not being the power to make regulations under Bill) is hereby vested in and shall be exercisable by the Institute and not by any other person or authority.

(4) Subject to sub-clause (2) of this clause, the Pensions Reform Act shall in its application by virtue of sub clause (3) of this clause to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

(5) The Institute shall have such other divisions, departments or units as may be approved by the Council.

26 **10.**-(1) There is established for the Institute a Fund (in this Bill
27 referred to as "the Fund") into which monies from the following sources
28 shall be paid and credited-

(a) any operating surplus of the Institute determined after annual audited account of the Institute and paid directly into the Fund within 30

1 days following the audit of the Commission's account;

2 (b) any fines imposed and collected by the Institute in the
3 enforcement of the provisions of this Bill or regulations made by the Institute
4 which shall be paid directly to the Fund within 30 days of collection;

5 (c) any donations, grants, gifts, assistance or loans made by local or
6 international, bilateral or multilateral agencies or non-governmental
7 organizations, the private sector, Federal or State Governments, local
8 communities, businesses, or any other entity;

9 (d) any special intervention fund as may be provided by the Federal,
10 State or Local Government of the Federation;

11 (e) endowments, bequests, gifts, whether of money, movable or
12 immovable property from private foundations, trusts or other sources not
13 contrary to the objectives of the Institute and national security;

14 (f) funds appropriated by the National Assembly for the realization of
15 the objectives of the Institute and performance of its functions under this Bill;
16 and

17 (g) earnings from any investment of portion of the Fund in the money
18 or capital market as may be approved by the Council.

Power to accept
gift

19 **11.-(1)** The Institute may accept gifts of land, money or other property
20 on such terms and conditions, if any, as may be specified by the person or
21 organization making the gift.

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

Power to borrow
money

25 **12.** The Institute may, with the approval of the Council, borrow such
26 sums of money as may be required, from time to time, to execute or complete
27 any special project of the Institute.

Estimates of the
Institute

28 **13.** The Institute shall, not later than 30th September in each financial
29 year, submit to the National Assembly through the Minister, an estimate of
30 income and expenditure of the Institute during the next succeeding year.

1	14.-(1) The Institute shall keep proper and regular accounts and	Accounts and audit
2	other records of monies received and paid by the Institute and of the several	
3	purposes for which the monies have been received or paid, and of its assets,	
4	credits and liabilities.	
5	(2) The Institute shall do all things necessary to ensure that all	
6	payments out of its Funds and bank accounts are correctly made and	
7	properly authorised and that adequate control is maintained over the assets	
8	in its custody and over the expenditures incurred by the Institute.	
9	(3) The Council shall cause the accounts of the Institute to be	
10	audited quarterly and shall be externally audited once every year.	
11	(4) The Auditor-General of the Federation shall-	
12	(a) inspect and audit the accounts and records of financial	
13	transaction of the Institute;	
14	(b) inspect records relating to assets of the Institute; and	
15	(c) draw the attention of the Minister to any irregularity disclosed	
16	by the inspection at audit.	
17	(3) The notice referred to in sub clause (2) of this clause shall state-	
18	(a) cause of action;	
19	(b) particulars of the claims;	
20	(c) name and place of abode of the intending plaintiff; and	
21	(d) relief which he claims.	
22	17. A notice, summons or any other document required or	Notice of process
23	authorized to be served upon the Agency under the provisions of this Bill or	
24	any other law or enactment may be served by delivering it to Director-	
25	General and Chief Executive Officer at the head office of the Institute.	
26	18. No execution or attachment of process shall be issued against	Restriction on execution against the property of the Institute
27	the Institute in any action or suit without the consent of the Attorney-General	
28	of the Federation.	
29	19. A member of the Council, the Director-General and Officers of	Indemnity
30	the Institute shall be indemnified against any proceeding, whether civil or	

	1	criminal, in which judgment is given in his favour, or in which he is acquitted, if
	2	any such proceeding is brought against him in his capacity as member of the
	3	Council, the Director-General, Officer or employee of the Institute.
Interpretation	4	20. In this Bill-
	5	"Institute" means National Power Training Institute established under clause 1
	6	of this Bill;
	7	"Council" means the Governing Council of the Institute established under
	8	clause 4 of this Bill;
	9	"Constitution" means 1999 Constitution of the Federal Republic of Nigeria as
	10	altered;
	11	"Commission" means Nigerian Electricity Regulatory Commission;
	12	"Fund" means the Fund of the Institute established under clause 10 of this Bill;
	13	"Minister" means the Minister in charge of Power;
	14	"President" means President of the federal Republic of Nigeria.
Amendment of Section 94 of the Principal Act	15	31. The Principal Act is amended by substituting after the existing
	16	Section 94, a new clause "94A" -
	17	"94A (1) Any person who unlawfully disconnects, removes,
	18	damages, tampers, meddles with or in any way whatsoever interferes with any
	19	plant, work, cables, wire or assembly of wires designed or used for
	20	transforming or converting electricity shall be guilty of an offence and is liable
	21	on conviction to a fine not exceeding N50 million naira or imprisonment not
	22	exceeding 21 years; and
	23	(2) Any person who unlawfully disconnects, removes, damages,
	24	tampers, meddles with or in any way whatsoever interferes with any electric
	25	fittings, meters or other appliances used for generating, transforming,
	26	converting, conveyance, supplying or selling electricity commits an offence
	27	and is liable on conviction to a fine not exceeding N50million naira or to
	28	imprisonment for a term not exceeding 5 years.
Amendment of Section 95 of the Principal Act	29	32. Section 95(1) of the Principal Act is deleted.

1	33. Section 97 of the Principal Act is amended-	Amendment of Section 97 of the Principal Act
2	(a) in subsection (2) by substituting for the words "for a period of	
3	five (5) years", in line 3, the word "indefinitely"; and	
4	(b) by inserting after the word "employee" in line 4, the words "as	
5	long as the information or commercial secret obtained from the inspector,	
6	commissioner or employee can be proved to possess commercial value,	
7	confers some sort of economic value in its secrecy, effort is continually	
8	being made to keep such information a secret and will suffer some damage if	
9	the Inspector, Commissioner or employee uses the information or	
10	commercial secret for personal purposes provided that where this occurs.	
11	the commercial value equivalent of the damages suffered should be	
12	indemnified by the offending officer or the Commission as is applicable."	
13	34. Section 98(1) of the Principal Act is deleted.	Amendment of Section 98(1) of the Principal Act
14	35. This Bill may be cited as the Electric Power Sector Reform Act	Citation
15	(Amendment) Bill, 2021.	

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electric Power Sector Reform Act, 2005, to provide the Legal and Institutional Framework for the Implementation and Coordination of Rural Electrification Projects; establishment of the National Power Training Institute and Regulatory Provisions to strengthen the Sector for efficient service delivery.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, CAP. C23, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO RESTRUCTURE CERTAIN JUDICIAL BODIES CREATED BY THE CONSTITUTION AND THE CODE OF CONDUCT TRIBUNAL TO ENABLE THEM DISCHARGE THEIR FUNCTIONS EFFECTIVELY AND INDEPENDENTLY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Isa	Hon. Shaba Ibrahim,
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba,	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. The Third Schedule to the Principal Act is altered: | Alteration of
Third Schedule |
| 4 | (a) in Part I, by substituting for paragraph 12, a new paragraph | |
| 5 | "12"- | |
| 6 | "12. The Federal Judicial Service Commission shall comprise the | |
| 7 | following members: | |
| 8 | (a) the Chief Justice of Nigeria, who shall be the Chairman; | |
| 9 | (b) the next most senior Justice of the Supreme Court, who shall be | |
| 10 | the Deputy Chairman; | |
| 11 | (c) the President of the Court of Appeal; | |
| 12 | (d) the Chief Judge of the Federal High Court; | |

- 1 (e) the President of the National Industrial Court;
- 2 (f) the Chief Judge of the Federal Capital Territory;
- 3 (g) the Grand Kadi of the Sharia Court of Appeal of the Federal
4 Capital Territory, Abuja;
- 5 (h) the President of the Customary Court of Appeal of the Federal
6 Capital Territory, Abuja;
- 7 (i) two persons, each of whom has been qualified to practise as a legal
8 practitioner in Nigeria for a period of not less than fifteen years, from a list of
9 not less than four persons so qualified, recommended by the Nigerian Bar
10 Association, to serve for one period of two years only;
- 11 (j) two retired persons from the public or private sector of the
12 economy appointed by the President, on the recommendation of the Chief
13 Justice of Nigeria after consultation with the ex-officio members of the
14 Commission, and subject to confirmation by the Senate, to serve for a period of
15 three years, which may be renewed for one further period of three years.";
- 16 (b) in Part I, paragraph 13, by substituting for subparagraph (c), a new
17 subparagraph "(c)"-
- 18 "(c) appoint, dismiss and exercise disciplinary control over the Chief
19 Registrars and Deputy Chief Registrars of the Supreme Court, the Court of
20 Appeal, the Federal High Court, the National Industrial Court, the Code of
21 Conduct Tribunal and all other members of the staff of the judicial service of
22 the Federation not otherwise specified in this Constitution and of the Federal
23 Judicial Service Commission".
- 24 (c) in Part I, by substituting for paragraph 21(a)(i), a new paragraph
25 21 (a) "(if):
- 26 "(i) the Federal Judicial Service Commission, persons for
27 appointment to the offices of the Chief Justice of Nigeria, the Justices of the
28 Supreme Court, the President and Justices of the Court of Appeal, the Chief
29 Judge and Judges of the Federal High Court, the President and Judges of the

1 National Industrial Court, the Chairman and members of the Code of
2 Conduct Tribunal; and;

3 (d) in Part II, paragraph 5:

4 (i) by substituting for subparagraph (b), a new subparagraph "(b)":

5 "(b) the next most senior Judge of the High Court, who shall be the
6 Deputy Chairman; and

7 (ii) in subparagraph (e), by substituting for the words "ten years" in
8 line 2, the words "fifteen years";

9 (e) in Part II, paragraph 6, by inserting a proviso to subparagraph
10 (b):

11 "Provided that the judicial officer has been afforded the
12 opportunity of being heard and a prima facie case has been established
13 against him;

14 (f) in Part III, paragraph 1, by substituting for subparagraphs (b),
15 (e) and (D, new subparagraphs "(a)", "(e)" and "(f)":

16 "(b) the next most senior Judge of the Federal Capital Territory,
17 Abuja, who shall be the Deputy Chairman;

18 (e) two members, who are legal practitioners, and have been
19 qualified to practise as legal practitioners in Nigeria for not less than fifteen
20 years; and

21 (f) two other persons, not being a legal practitioner, who in the
22 opinion of the President are of unquestionable integrity."; and

23 (g) in Part III, paragraph 2, by inserting a proviso to subparagraph
24 (b):

25 "Provided that the judicial officer has been afforded the
26 opportunity of being heard and a prima facie case has been established
27 against him;".

28 3. The Fifth Schedule to the Principal Act is altered in Part I, by
29 substituting for paragraph 15, a new paragraph "15":

Alteration of the
Fifth Schedule

30 "(1) There shall be a Code of Conduct Tribunal which shall

1 comprise of the Chairman and such number of members not less than 6, as may
2 be prescribed by an Act of the National Assembly.

3 (2) A person shall not be qualified to hold the office of Chairman or
4 member of the Code of Conduct Tribunal unless:

5 (a) he is a person of unquestionable integrity and unblemished
6 character; and

7 (b) he is qualified to practise as a legal practitioner in Nigeria for a
8 period not less than 15 years.

9 (3) The appointment of a person to the office of Chairman and
10 members of the Tribunal shall be made by the President on the
11 recommendation of the National Judicial Council subject to the confirmation
12 by the Senate.

13 (4) The Tribunal shall establish such offices in any part of the
14 Federation as it may require for the discharge of its functions under the
15 Constitution.

16 (5) For the purpose of exercising any functions conferred on it by this
17 Constitution or any other law, the Tribunal shall be duly constituted if it
18 consists of not less than 3 members of the Tribunal.

19 (6) The National Assembly may bylaw confer on the Code of Conduct
20 Tribunal such additional powers as may appear to it to be necessary to enable
21 the Tribunal more effectively discharge the functions conferred on it in this
22 Schedule."

23 (7) The Code of Conduct Tribunal shall be part of the Judicial Arm of
24 Government.

Alteration of
the Seventh
Schedule

25 **4.** The Seventh Schedule to the Principal Act is altered under Judicial
26 Oath by inserting after the word "State" in line 8, the words "Chairman and
27 members of the Code of Conduct Tribunal".

Citation

28 **5.** This Bill may be cited as the Constitution of the Federal Republic
29 of Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to restructure certain judicial bodies created by the Constitution and the Code of Conduct Tribunal to enable them discharge their functions effectively and independently.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS GRAND KADI OR KADI OF THE SHARIA COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Ise	Hon. Shaba Ibrahim
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 261(3)(a) of the Principal Act is altered by substituting | Alteration of
Section 261 |
| 4 | for the words "ten years" in lines 1 and 2, the words "twelve years". | |
| 5 | 3. Section 262 of the Principal Act is altered by inserting after | Alteration of
Section 262 |
| 6 | subsection 2, a new subsections "(3)": | |
| 7 | (3) The Sharia Court of Appeal of the Federal Capital Territory, | |
| 8 | Abuja shall not stay any proceedings on account of any interlocutory | |
| 9 | appeal." | |
| 10 | 4. This Bill may be cited as the Constitution of the Federal | Citation |
| 11 | Republic of Nigeria (Fifth Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, to increase the number of years of qualification for appointment as Grand Kadi or Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO GUARANTEE THE INDEPENDENCE OF JUDICIAL OFFICERS AND TO ENSURE A PROPER REMOVAL OF A JUDICIAL OFFICER; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Ise	Hon. Shaba Ibrahim
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 291 of the Principal Act is altered: | Alteration of
Section 291 |
| 4 | (a) in subsection (3) (a), by substituting for the words "fifteen | |
| 5 | years" in line 1, the words "ten years"; | |
| 6 | (b) in subsection (3) (b), by substituting for the words "fifteen | |
| 7 | years" in lines 1 and 4, the words "ten years", respectively. | |
| 8 | 3. Section 292 of the Principal Act is further altered: | Alteration of
Section 292 |
| 9 | (a) in subsection (1) (b), by inserting after subsection (1) (b): | |
| 10 | “Provided that the address from the Senate or House of Assembly, | |
| 11 | as the case may be, required under paragraph (a) of this subsection shall be | |
| 12 | accompanied with a memorandum from the National Judicial Council | |
| 13 | certifying that the judicial officer was accorded the right to fair hearing with | |
| 14 | respect to the issue in question and that, in the opinion of the National | |

	1	Judicial Council, a prima facie case for removal of the judicial officer has been
	2	established against him;"
	3	(b) By inserting after subsection (1), a new subsection "(1A)":
	4	"Notwithstanding anything contained in this Constitution, no other
	5	person or authority shall have the power to remove a judicial officer mentioned
	6	in subsection (1) except as provided in the subsection (1)."
Deletion of Section 295	7	4. Section 295 of the Principal Act is deleted.
Citation	8	5. This Bill may be cited as the Constitution of the Federal Republic
	9	of Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, to guarantee the independence of judicial officers and to ensure a proper removal of a judicial officer.

A BILL
FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (FIRST ALTERATION) ACT, 2010 AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (SECOND ALTERATION) ACT, 2010 TO MAKE CHIEF JUSTICE OF NIGERIA THE HEAD OF THE JUDICIARY AND RAISE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS JUSTICE OF THE SUPREME COURT; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Isa	Hon. Shaba Ibrahim
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999, the Constitution (First Alteration) Act No.1, 2010 and the Constitution (Second Alteration) Act No. 2, 2010 |
| 2 | this Bill referred to as "the Principal Act"), the Constitution of the Federal | |
| 3 | Republic of Nigeria (First Alteration) Act No.1, 2010 (in this Bill referred to | |
| 4 | as "the First Alteration Ad' and the Constitution of the Federal Republic of | |
| 5 | Nigeria (Second Alteration) Act No.2, 2010 (in this Bill referred to as "the | |
| 6 | Second Alteration Act) are altered as set out in this Bill. | |
| 7 | 2. Section 230 of the Principal Act is altered by substituting for | Alteration of Section 230 |
| 8 | subsection (2)(a), a new subsection "(2)(a)": | |
| 9 | "(2)(a) The Chief Justice of Nigeria who shall be the Head of the | |
| 10 | Judiciary of the Federation." | |

Alteration of
Section 231

1 3. Section 231 (3) of the Principal Act is altered by substituting for the
2 word "not less than fifteen years", in lines 3 and 4, the words "not less than
3 twenty years".

Alteration of
Section 233 of
the Constitution,
Section 24 of the
(First Alteration)
Act and Section
6 of the (Second
Alteration) Act

4 4. Section 233 of the Principal Act, Section 24 of the First Alteration
5 Act and Section 6 of the Second Alteration Act are substituted for a new section
6 "233":

7 "233 (1) The Supreme Court shall have jurisdiction, to the exclusion
8 of any court, to hear and determine appeals from the Court of Appeal.

9 (2) All appeals from the Court of Appeal to the Supreme Court shall be
10 by leave of the Supreme Court except decisions on any question:

11 (a) whether any person has been validly elected to the office of
12 President or Vice President under this Constitution;

13 (b) whether the term of office of President or Vice President has
14 ceased;

15 (c) whether the office of President or Vice President has become
16 vacant;

17 (d) whether any person has been validly elected to the office of
18 Governor or Deputy Governor under this Constitution;

19 (e) whether the term of office of a Governor or Deputy Governor has
20 ceased;

21 (f) whether the office of Governor or Deputy Governor has become
22 vacant; and

23 (g) any pre-election matter as provided under this Constitution .

24 (3) In considering application for leave to appeal, the Supreme shall,
25 among other things, have regard to:

26 (a) the novelty or reconditeness of the decision sought to be appealed;

27 (b) the fact that the decision sought to be appealed against relates to
28 interpretation or application of this Constitution, Chapter IV of this
29 Constitution or is on sentence of death;

30 (c) miscarriage of justice; or

1 (d) interest of justice.

2 (4) Nothing in this section shall confer any right of appeal from a
3 decision made by the Court of Appeal granting or refusing leave to appeal to
4 the Court of Appeal from any decision of the High Court.

5 (5) Three Justices of the Supreme Court sitting in chambers may
6 dispose of any application for leave to appeal from any decision after
7 consideration of the Record of Proceedings if the Justices are of the opinion
8 that the interest of justice does not require an oral hearing of the application.

9 (6) In subsection (4) of this section, "High Court" includes the
10 Federal High Court, the National Industrial Court, the High Court of the
11 Federal Capital Territory, Abuja, the High Court of a State and any other
12 Court or Tribunal, howsoever called, which decision is appealable to the
13 Court of Appeal."

14 **5.** Section 234 of the Principal Act is altered by substituting for a
15 new section "234":

Alteration of
Section 234

16 "234 (1) For the purpose of exercising any jurisdiction conferred
17 upon it by this Constitution or any Law, the Supreme Court shall be duly
18 constituted if it consists of not less than five Justices of the Supreme Court:

19 Provided that where the Supreme Court is sitting to exercise its
20 original jurisdiction in accordance with section 232 of this Constitution, the
21 Court shall sit as a full Court.

22 (2) A single Justice of the Supreme Court sitting in Chambers may
23 exercise a power vested in the Supreme Court not involving the decision of
24 the cause or matter before the Supreme Court, except that:

25 (a) in criminal matters, where that Justice refuses or grants an
26 application in the exercise of any such power, a person affected thereby shall
27 be entitled to have the application determined by the Supreme Court
28 constituted by five Justices thereof; and

29 (b) in civil matters, any order, direction, or decision made or given
30 in pursuance of the powers conferred by this subsection may be varied,

1 discharged or reversed by the Supreme Court constituted by five Justices
2 thereof.

3 (3) In subsection (1) of this section, "full court" means all the Justices
4 of the Supreme Court available at the time so however that the number shall not
5 be less than seven."

Citation 6 **6.** This Bill may be cited as the Constitution of the Federal Republic of
7 Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010 and the Constitution of the Federal Republic of Nigeria (Second Alteration) Act, 2010 to make Chief Justice of Nigeria the Head of the Judiciary and raise the number of years of qualification for appointment as Justice of the Supreme Court.

A BILL
FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (FIRST ALTERATION) ACT, 2010 TO PROVIDE FOR A MINIMUM NUMBER OF JUDGES OF THE FEDERAL HIGH COURT, INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS JUDGE OF THE COURT, AND CONFER CONCURRENT JURISDICTION ON THE COURT TO TRY OFFENCES ARISING FROM VIOLATION OF ELECTORAL ACT AND ANY OTHER ELECTION RELATED ACT OF THE NATIONAL ASSEMBLY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Isa	Hon. Shaba Ibrahim
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
|---|--|--|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution, 1999
and the Constitution
(First Alteration)
Act No. 1, 2010 |
| 2 | this Bill referred to as "the Principal Act") and the Constitution of the | |
| 3 | Federal Republic of Nigeria (First Alteration) Act No.1, 2010 (in this Bill | |
| 4 | referred to as "the First Alteration Act" are altered as set out in this Bill. | |
| 5 | 2. Section 249 (2) of the Principal Act is altered by substituting for | Alteration of
Section 249 of the
Constitution |
| 6 | paragraph (b), a new paragraph "(b)" - | |
| 7 | "(b) not less than one hundred judges of the Federal High Court." | |
| 8 | 3. Section 250 (3) of the Principal Act is altered by substituting for | Alteration of
Section 250 of the
Constitution |
| 9 | the words "ten years" in line 3, the words "twelve years". | |

Alteration of
Section 251 of the
Constitution and
Section 27 of the
(First Alteration)
Act

- 1 4. Section 251 of the Principal Act and Section 27 of the First
2 Alteration is altered-
- 3 (a) by substituting for subsection (1), a new subsection "(1)"-
- 4 "(1) Notwithstanding anything to the contained in this Constitution
5 and in addition to such other jurisdiction as may be conferred upon it by an Act
6 of the National Assembly, the Federal High Court shall have and exercise
7 jurisdiction to the exclusion of any other court in civil causes and matters-
- 8 (a) relating to the revenue of the Government of the Federation in
9 which the said Government or any organ thereof or a person suing or being
10 sued on behalf of the said Government is a party;
- 11 (b) connected with or pertaining to the taxation of companies and
12 other bodies established or carrying on business in Nigeria and other persons
13 subject to Federal taxation;
- 14 (c) connected with or pertaining to customs and excise duties and
15 export duties, including any claim by or against the Nigeria Customs Service or
16 any member or officer thereof, arising from the performance of any duty
17 imposed under any regulation relating to customs and excise duties and export
18 duties;
- 19 (d) connected with or pertaining to banking, banks, insurance and
20 other financial institutions, including any action between one bank or insurer
21 and another, any action by or against the Central Bank of Nigeria arising from
22 banking, foreign exchange, coinage, legal tender, bills of exchange, letters of
23 credit, promissory notes and other fiscal measures;
- 24 (e) any Federal enactment relating to copyright, patent, designs,
25 trademarks and passing-off, industrial designs and merchandise marks,
26 business names, commercial and industrial monopolies, combines and trusts,
27 standards of goods and commodities and industrial standards; any admiralty
28 jurisdiction, including shipping and navigation on the River Niger or River
29 Benue and their effluents and on such other inland waterway as may be
30 designated by any enactment to be an international waterway, all Federal ports,

1 (including the constitution and powers of the ports authorities for Federal
2 ports) and carriage by sea;

3 (g) diplomatic, consular and trade representation;

4 (h) citizenship, naturalisation and aliens, deportation of persons
5 who are not citizens of Nigeria, extradition, immigration into and
6 emigration from Nigeria, passports and visas;

7 (i) aviation and safety of aircraft;

8 (j) arms, ammunition and explosives;

9 (k) mines and minerals (including oil fields, oil mining, geological
10 surveys and natural gas);

11 (l) the administration or the management and control of the Federal
12 Government or any of its agencies;

13 (m) subject to the provisions of this Constitution, the operation and
14 interpretation of this Constitution in so far as it affects the Federal
15 Government or any of its agencies;

16 (n) any action or proceeding for a declaration or injunction
17 affecting the validity of any executive or administrative action or decision
18 by the Federal Government or any of its agencies; and

19 (o) such other jurisdiction civil or criminal and whether to the
20 exclusion of any other court or not as may be conferred upon it by an Act of
21 the National Assembly:

22 Provided that nothing in the provisions of paragraphs (l), (m) and
23 (n) of this subsection shall prevent a person from seeking redress against the
24 Federal Government or any of its agencies in an action for damages,
25 injunction or specific performance where the action is based on any
26 enactment, law or equity. "

27 (b) inserting after subsection 4, a new subsections "(5)" - "(6)"-

28 "(5) The Federal High Court, High of the Federal Capital Territory
29 and High Court of a State shall have and exercise concurrent jurisdiction for
30 the trial of offences arising from violation of the provisions of the Electoral

1 Act and any other election related Act of the National Assembly.
2 (6) The Federal High Court shall not stay any proceedings on account
3 of any interlocutory appeal."
Citation 4 **5.** This Bill may be cited as the Constitution of the Federal Republic of
5 Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, and the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010 to provide for a minimum number of Judges of the Federal High Court, increase the number of years of qualification for appointment as a Judge of the Court, and confer concurrent jurisdiction on the Court to try offences arising from violation of Electoral Act and any other election related Act of the National Assembly.

A BILL

FOR

AN ACT TO AMEND THE PETROLEUM TRAINING INSTITUTE, EFFURUN ACT
2004, CAP P16 LAWS OF THE FEDERATION OF NIGERIA AND FOR RELATED
MATTERS, 2021

Sponsored by Hon. Oberuakpefe Anthony Afe

[] Commencement

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

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| 1 | 1. The Petroleum Training Institute, Effurun, Act. No. 37, | Amendment of
the Principal Act |
| 2 | hereinafter referred to as the "Principal Act", is amended as follows: | |
| 3 | 2. Section 1(2) of the principal Act is hereby amended by deleting | Amendment of
Section 1 |
| 4 | item "C" of the subparagraph. | |
| 5 | 3. Section 1(2) of the principal Act is hereby further amended by | |
| 6 | the introduction of the following new paragraphs thus: | |
| 7 | (c) Provide certifications for workers in oil and gas in Nigeria in | |
| 8 | such skills normally required for Oil and Gas production value chain and | |
| 9 | sustainable energy; | |
| 10 | (d) Promote and actively participate in all research and | |
| 11 | development initiatives by the operators in the petroleum and allied | |
| 12 | industries; | |
| 13 | (e) Attract and maintain conducive learning and research | |
| 14 | atmosphere to sustain the pull on seminal intellectuals for the institution to | |
| 15 | provide cutting edge solutions required in the petroleum and allied | |
| 16 | industries; | |
| 17 | (f) Provide training for personnel competencies, skills and | |
| 18 | expertise requirements for work operations in the petroleum and allied | |
| 19 | industry; | |
| 20 | (g) Provide training requisite that may be appropriate for | |

Amendment of
Section 2

1 standardization of competencies, skills and expertise for required personnel in
2 the petroleum and allied industry;

3 (h) Develop and add to industry knowledge through mandatory
4 internship placements for students of the institute;

5 (h) Serve as the principal centre for the periodic certification of
6 workers in the Oil and Gas Industry in Nigeria in such skills normally required
7 for Oil and Gas production value chain and sustainable energy;

8 (j) Perform such other functions as in the opinion of the Council may
9 serve to promote the objectives of the institute, including without prejudice to
10 the generality of the foregoing, the making of such regulations as may be
11 necessary for entry into and type of courses approved by the Institute, the
12 duration of such courses and their academic standards, and the recognized
13 equivalents of such certificates and diplomas that the Institute may award.

14 **4.** Section 2 of the principal Act is hereby amended by deleting
15 paragraphs (b);

16 (h) except paragraph (c) thereof and substituting therefor the
17 following new paragraphs:

18 (b) one person appointed by the Permanent Secretary to represent the
19 Ministry of Petroleum Resources;

20 (d) one person appointed by the Permanent Secretary to represent the
21 Ministry of Education from the Technical Education Department;

22 (e) The Chief Executive and Principal of the Institute;

23 (f) one person appointed by the Group Managing Director to
24 represent Nigeria National Petroleum Corporation (NNPC);

25 (g) one person representing the following professional organisations
26 on a rotational basis for a period not more than two terms of three years each at a
27 time - Nigerian Mining and Geosciences Society (NMGS), and Nigerian
28 Society of Engineers (NSE);

29 (h) one person nominated by chairman of Oil Producers Trade Section
30 OPTS of the Lagos Chambers of Commerce;

1 (i) one person drawn from the Petroleum Technology
2 Development Funds;

3 (j) one person to represent the Nigerian Content Development and
4 Monitoring Board NCDMB;

5 (K) one person to represent the Institute Alumni.

6 **5.** Section 4 of the principal Act is amended by the introduction of
7 a new subsection (4) as follows: Amendment of
Section 4

8 (4) "Any official of a relevant ministry or department of
9 government of the Federation or the Institute, whose duty it is to ensure that
10 the deductions referred to in section 10 of this Act is promptly paid into the
11 account of the Institute, knowingly or negligently fails to perform his duties
12 resulting in default in the prompt release of accrued funds to the Institute as
13 and when due, shall be guilty of a felony and on conviction be liable to a
14 three year prison term without option of fine".

15 **6.** Section 4 of the principal Act is further amended by the
16 introduction of a new subsection (5) thus:

17 "Any person saddled with supervision and or certification of the
18 quality and integrity of any project under construction or embarked upon by
19 a contractor engaged by or for the Institute, who either by omission or
20 commission, certifies a project (whether at intermediate or completion
21 stage), as meeting the architectural, building, construction or engineering
22 standards or any other standard required of such project, but which project
23 however does not meet the required architectural, building, construction or
24 engineering standards or any other standard of quality and integrity required
25 for such specific project; or which project upon completion fails in part or in
26 whole within a period of five years or such number of years normally
27 required in the trade or industry for such project to last, or specified in the
28 contract award for such project, shall be guilty of a felony and liable on
29 conviction to six months imprisonment without option of fine.

Amendment of
Section 8

1 7. Section 8 of the principal act is hereby deleted and replaced with the
2 following new section thus:

3 8(1) Subject to the provisions of this section, where it appears to the
4 principal of the institute that a student has been guilty of misconduct, the
5 principal may, in consultation with the academic board, and without prejudice
6 to any other disciplinary power conferred on him by statute or regulations,
7 direct as follows:

8 (a) the student shall not during the period as may be specified in the
9 direction, participate in such activities of the institute, or use any facility of the
10 institute as may be specified; or

11 (b) the activities of the student shall, during such period as may be
12 specified in the direction restricted in such manner as may be specified in the
13 direction, or

14 (c) the student be rusticated for such period of time as may be
15 specified in the direction, or

16 (d) the student be expelled from the institute.

17 (2) Where a direction is given under subsection 1 (c) or (d) of this
18 section, the student concerned may within the period and in the prescribed
19 manner appeal to the council, and the council upon receipt of such appeal shall
20 cause an enquiry to be made on the subject matter, and may set aside, confirm
21 or vary the order as it sees fit based on the facts presented for review.

22 (3) The fact that an appeal is brought in pursuance of subsection 2 of
23 this section shall not affect the operation of the direction while the appeal is still
24 pending.

25 (4) The principal may delegate his powers under this section to a
26 Disciplinary Committee consisting of members of the institute as he may
27 nominate.

28 (5) Nothing in this section shall be construed as extinguishing the
29 power to terminate or restrict the activities of a student at the institute other than
30 on grounds of misconduct.

1 (6) Without prejudice to the provision of subsection (1) of this
2 section, nothing shall prevent the principal from taking immediate
3 disciplinary action against a student as he adjudges appropriate, and report
4 thereafter to the board of the institute.

5 (7) It is hereby declared that a direction under subsection (1)(a) of
6 this section may be combined with a direction under subsection (1)(b) of the
7 same section.

8 (8) No student or staff shall resort to a court of law without proof of
9 having exhausted the internal integral mechanism prescribed for resolving
10 dispute, grievances, and or seeking redress.

11 8. Section 10 of the principal Act is hereby amended by the Amendment of
12 insertion of the following paragraphs: Section 10

13 (f) The Nigerian National Petroleum Corporation (NNPC) shall
14 have the responsibility for funding research, training and facility building
15 and upgrading in the institute similar to the responsibility of the Federal
16 Ministry of Education in conventional tertiary institutions/ universities;

17 (g) Oil and Gas companies in public sector shall domicile not less
18 than 25 percentages of all their training funds in the Institute in line with the
19 local content obligations enshrined in the Nigerian Oil and Gas Industry
20 Content Development Act (NCDNB);

21 (h) NOCs shall domicile not less than 15% of training funds, while
22 IOCs shall domicile not less than 10% of training funds in the institute:

23 PROVIDED that any accrued fund, deductibles or monies due to
24 the Institute but which remain unremitted for two quarters, shall be
25 recoverable as a liquidated debt by the management of the Institute;
26 anybody of persons having interest in the Institute or any civil society
27 organization on behalf of the Institute, at no cost to the Institute by the body
28 of persons or civil society organization, through an action in the Federal
29 High Court in the name of the Institute.

Amendment of Schedule	1	9. The schedule to section 2(3) of the principal act is hereby amended
	2	by the deleting of the word "Four" appearing in the first sentence immediately
	3	before the word "members" in paragraph 6(2) and replacing it with the word"
	4	Six.
Interpretation	5	10. In this Act the following words shall have the meaning assigned
	6	to them:
	7	"Council" means the governing Council of the Institute established by the
	8	principal Act or as amended by this Act;
	9	"Group Managing Director" means the Group Managing Director of Nigeria
	10	National Petroleum Corporation (NNPC);
	11	"IOCs" means International Oil Companies;
	12	"Oil and Gas companies" refers to Oil and Gas companies operating in Nigeria
	13	whether onshore or offshore;
	14	"NOCs" means National Oil Companies;
	15	"Principal" shall have the same meaning assigned to it in the principal Act;
	16	"Permanent Secretary" means the Permanent Secretary in the Ministry of
	17	Petroleum Resources.
Citation	18	11. This Bill may be cited as the Petroleum Training Institute
	19	(Amendment) Bill, 2021.

EXPLANATORY NOTES

This Bill seeks to amend the Petroleum Training Institute Act to expand the scope of study and give more powers and responsibilities to the Institute.

A BILL

FOR

AN ACT TO ALTER THE PROVISION OF THE 1999 CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) TO ESTABLISH ONE
SUPREME COURT IN EACH OF THE SIX (6) GEO-POLITICAL ZONES OF
NIGERIA TO AID QUICK DISPENSATION OF JUSTICE AND FOR RELATED
MATTERS: 2021

Sponsored by Hon. Oberuakpefe Anthony Afe

[] Commencement

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

- 1 **1.** Section 230(1) is hereby altered by deleting the entire sub-
2 section and replacing same as follows thus: "There shall be a supreme court
3 of Nigeria which shall have one court in each of the six Geo-political zones
4 of Nigeria and the Federal Capital territory as the Headquarters".
5 **2.** Section 230(1) B is hereby altered by deleting the word "twenty
6 one" and replacing same with the word "forty".
7 **3.** This Bill may be cited as the Constitution of the Federal
8 Republic of Nigeria, 1999 (Alteration) Bill, 2021.
- Amendment of
Section 230
- Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the 1999 constitution (as amended) of the Federal
Republic of Nigeria to establish one Supreme Court in each geo political
zones and the Federal Capital Territory as the headquarters to aid quick
dispensation of Justice in Nigeria.