

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE ARMED FORCES ACT, CAP. A20, LAWS OF THE
FEDERATION OF NIGERIA, 2004 TO REVIEW THE PROCEDURE AND PERIOD
OF RETENTION OF ENLISTED PERSONS WHOSE REGULAR TERMS EXPIRE IN
TIMES OF EMERGENCIES; AND FOR RELATED MATTERS

Sponsored by Hon. Sani Umar Bala

[] Commencement

Enacted by the National Assembly of the Federal Republic of

1 Nigeria as follows-

2 **1.** The Armed Forces Act, CAP.A20, Laws of the Federation of
3 Nigeria, 2004 (herein after referred to as the Principal Act) is amended as set
4 out in this Bill.

Amendment of
the Armed Forces
Act, Cap. A20,
LFN, 2004

5 **2.** Section 31 of the Principal Act is amended by deleting the entire
6 provisions therein and replacing it with a new provision to read as follows-

Amendment of
Section 31

7 "31. The President and Commander in Chief of the Armed Forces
8 shall, subject to ratification by the National Assembly approve that an
9 enlisted person whose term of regular service expires during a state of war,
10 insurrection, hostilities or public emergency may be retained in the Armed
11 Forces and his service prolonged for such period, not more than two years"

12 **3.** This Bill may be cited as Armed Forces Act (Amendment) Bill,
13 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Armed Forces Act, CAP. A20, Laws of the
Federation of Nigeria, 2004 to review the procedure and period of retention
of enlisted persons whose regular terms expire in times of emergencies.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN NATIONAL PETROLEUM CORPORATION
ACT 2004 AND FOR RELATED MATTERS

Sponsored by Hon. Oluwale Oke

[] Commencement

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

- | | | |
|---|---|-------------------|
| 1 | 1. The Nigerian National Petroleum Corporation Act (in this Act | Amendment of |
| 2 | referred to as "the Principal Act") is amended as set out in this Act. | NNPC Act 2004 |
| 3 | 2. Part 1 of the Principal Act, in Section 7(4) is hereby amended by | Amendment of |
| 4 | introducing and inserting an additional paragraph after paragraph (b) - | the Part I (7(4)) |
| 5 | (c) 7% of total revenue generated by the Corporation shall be | |
| 6 | appropriated by the National Assembly for the capital and recurrent | |
| 7 | expenditures of the Corporation. | |
| 8 | 3. This Bill may be cited as the Nigerian National Petroleum | Short title |
| 9 | Corporation Act (Amendment) Bill, 2021. | |

EXPLANATORY NOTE

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

This Bill seeks to amend the Nigerian National Petroleum Corporation
Act 2004, by including a new paragraph under Section 7(4), providing for
the appropriation of 7% of the Corporation's revenue by the National
Assembly for its annual capital and recurrent expenditure.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL MORTGAGE BANK OF NIGERIA ACT 1993
AND FOR RELATED MATTERS

Sponsored by Hon. Oluwale Oke

[] Commencement

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

- 1 **1.** The Federal Mortgage Bank of Nigeria Act (in this Bill referred
2 to as "the Principal Act") is amended as set out in this Act. Amendment of
FMBN Act 1993
- 3 **2.** Section 11(2) and (3) of the Act is amended by including an Amendment of
the Section
11(2)(3)
4 replacing the current provision with a new provision, as follows-
5 (2) The authorised capital of the Mortgage Bank shall be One
6 Hundred Billion Naira which shall be divided into 1,000,000, 000 shares of
7 N1.00 each and be subscribed and paid up at par by the Federal Government
8 of Nigeria, Development Banks, Pension Fund Administrators and any
9 other investor authorised by the Board of Directors.
10 (3) The loan capital of the Mortgage Bank shall be provided by the
11 by the Federal Government of Nigeria, Development Banks, Pension Fund
12 Administrators and any other investor authorised by the Minister, based on
13 such amount and on such terms as may be determined by the Board of
14 Directors.
- 15 **3.** Section 11 is further amended by the introduction of a new Amendment of
the Section 11
by introduction
of 11(4)
16 Section 11(4) by inserting the following-
17 (4) The shareholders of the Mortgage Bank shall be entitled to
18 increase the authorised capital in order to accommodate more investment
19 funds.
- 20 **4.** This Bill may be cited as the Federal Mortgage Bank of Nigeria Short title
21 Act (Amendment) Bill, 2021.

EXPLANATORY NOTE

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

This Bill seeks to amend the Federal Mortgage Bank of Nigeria Act 1993, by including a introducing a new Section 11 sub subsections (2) and (3), permitting private sector investors to participate in the shareholding arrangement of the Bank.

A BILL

FOR

AN ACT TO ESTABLISH THE ENVIRONMENTAL TRUST FUND CHARGED WITH THE RESPONSIBILITY FOR, IMPOSING THE TAX, MANAGING AND DISBURSING THE FUNDS FOR ENVIRONMENTAL RESTORATION, REHABILITATION, CONSERVATION, RESEARCH AND EDUCATION AND FOR RELATED MATTERS

Sponsored by Hon Sulaiman Abubakar Gumi

[] Commencement

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

1 PART I - IMPOSITION OF ENVIRONMENTAL TAX, ETC.

2 1.-(1) As from the commencement of this Bill, there shall be Imposition of
3 charged and payable an annual environmental tax which shall be assessed, Environmental
4 collected and administrated in accordance with the provisions of this Bill. Tax

5 (2) The tax, shall be as follows:

6 (a) Carbon tax at the rate of N1.00 per liter of petrol, gasoline,
7 diesel and kerosene;

8 (b) Pollution tax at the rate of N1.00:

9 (i) per bag of cement;

10 (ii) on every plastic bag;

11 (iii) per KVA.

12 (3) The tax shall be charged on the assessable profit of a company
13 registered in Nigeria and is engaged in the manufacturing or extraction of
14 environmental resources provided under sub-clause (2) of this Clause (in
15 this Bill referred to as "a company").

16 (4) The assessable profit of a company shall be ascertained in the
17 manner specified in the Companies Income Tax Act or the Petroleum Profits
18 Tax Act as the case may be.

Assessment and
collection of the
Tax

1 **2.**-(1) The Federal Inland Revenue Service (in this Bill referred to as
2 "the Service") shall assess and collect from a company the tax imposed by this
3 Bill and accordingly:

4 (a) shall when assessing a company, for companies income tax or
5 petroleum profit tax for an accounting period of the company, also proceed to
6 assess the company for the tax due under this Bill;

7 (b) the provisions of the Bill relating to the collection of companies
8 income tax or petroleum profit tax shall, subject to this Bill apply to the tax due
9 under this Bill.

10 (2) The tax imposed by this Bill shall be due and payable within 60
11 days after the Service has served notice of the assessment on a company.

12 (3) The Service may, for the purpose of assessing and collecting the
13 tax imposed by this Decree, devise such forms as it may deem necessary.

14 PART II - ESTABLISHMENT AND COMPOSITION OF THE ENVIRONMENTAL
15 TRUST FUND AND MANAGEMENT BOARD, ETC.

Establishment
of the
Environmental
Trust Fund

16 **3.**-(1) There is established a Fund to be known as the Environmental
17 Trust Fund (in this referred to as "the Fund").

18 (2) The Fund:

19 (a) shall be a body corporate with a common seal; and

20 (b) may sue and be sued in its corporate name.

Composition
of the Fund

21 **4.**-(1) The Fund shall comprise of:

22 (a) the Environmental Tax established under Clause 1(2) of this Bill;

23 (b) Any take-off grant and special intervention funds as may be
24 provided by the federal, state and Local Government of the Federation;

25 (c) Such moneys as may be appropriated by the National Assembly to
26 meet the objectives of this Bill in the National budget;

27 (d) Aids, grants and assistance from international bilateral and
28 multilateral agencies, non-governmental organization and the private sectors;

29 (e) Grants, donations, endowments, bequests and gifts, whether of
30 money, lands or any other property whatsoever, from any source; and

- 1 (f) Monies derived from investment made by the Fund;
- 2 (2) The sources of monies referred to in paragraphs (d) and (e) of
- 3 sub-clause (1) of this clause shall be acceptable to the Trust Fund except
- 4 where the terms and conditions attached to an aid, grants donation or gift are
- 5 consistent with the objective of the Trust Fund and the provisions under this
- 6 Bill.
- 7 (3) The Service shall pay the tax collected under sub-clause (1) into
- 8 the Fund and shall, when doing so, submit to the Fund, in such form as the
- 9 Board of Trustees shall approve, a return showing:
- 10 (a) the name of the company making the payment;
- 11 (b) the amount collected;
- 12 (c) the assessable profit of the company for the accounting period;
- 13 and
- 14 (d) such other information as may be required by the Fund for the
- 15 proper administration of the tax.
- 16 **5.** The objects of the Fund are as follows:
- 17 (a) to encourage and support the restoration and rehabilitation of
- 18 projects in both the public and the private sectors that will or are likely to
- 19 prevent or reduce pollution or environmental degradation, of any kind;
- 20 (b) to promote research in both the public and the private sectors
- 21 into environmental problems of any kind and, in particular, to encourage and
- 22 support:
- 23 (i) research into and development of local solutions to
- 24 environmental problems;
- 25 (ii) discovery of new methods of operation for industries that are
- 26 less harmful to the environment;
- 27 (iii) research into general environmental problems; and
- 28 (iv) assessment of environmental degradation,
- 29 (c) to promote environmental education and, in particular, to
- 30 encourage the development of educational programs in both the public and

Objects of the
Fund

Functions of
the Fund

1 the private sectors that will increase public awareness of environmental issues;
2 (d) to fund environmental community groups,
3 **6.** The Fund may for the purpose of promoting its objects:
4 (a) make available grants (either unconditionally or subject to
5 conditions) to both public and private environmental agencies and
6 organizations or projects, matters or purposes of a kind described in clause 5;
7 (b) supervise the expenditure of the grants;
8 (c) engage in such other activities relating to its objects as the Minister
9 may approve.

Establishment
of the
Environmental
Trust Fund
Management
Board

10 **7.-(1)** There is established for the Fund, a Management Board (in this
11 Bill referred to as "the Board") which shall consist of:
12 (a) A chairman who shall:
13 (i) be a person with good knowledge in environmental and
14 administrative matters;
15 (ii) have qualifications and experiences as are required to perform the
16 functions of the office under this Bill.
17 (b) 6 persons, each representing a geo-political zone in the country;
18 (c) a representative of the Federal Ministry of Environment, who shall
19 not be below the rank of a Director;
20 (d) a representative of the Federal Environmental Protection Agency;
21 (e) a representative of Civil Society Organizations and Non-
22 governmental Organizations operating in the area of environmental protection;
23 (f) a representative of the Service; and
24 (g) the Executive Secretary, who shall be the Secretary to the Board.
25 **(2)** The members of the Board shall:
26 (a) be persons with considerable experience from both the public and
27 private sectors to represent the business, financial and environment sectors;
28 (b) be appointed by the President on the recommendation of the
29 Minister;
30 (c) other than the ex-official members, each member shall hold office

1 for a term of 4 years in the first instance and may be eligible for
2 reappointment for a further term of 4 years and no more;

3 (d) be paid such remuneration and allowances as may be
4 determined by the Board in consultation with the National Salaries and
5 Wages Commission.

6 (3) The Board shall meet for the conduct of its ordinary meetings 4
7 times in a calendar year.

8 (4) Notwithstanding the provisions of sub-clause (3) of this Clause,
9 the Board may meet to conduct such other business as exigency demands.

10 (5) The supplementary provisions contained in the Schedule to this
11 Bill shall have effect with respect to the proceedings of the Board and other
12 matters contained therein.

13 **8.** A Member, other than ex-officio member, may resign his
14 appointment by a notice in writing, under his hand, addressed to the
15 President.

Resignation of
a Member

16 **9.** A member of the Board shall cease to hold office if he:

Cessation of
Membership

17 (a) becomes of unsound mind;

18 (b) becomes bankrupt or makes compromises with his creditors;

19 (c) is convicted of a felony or any offence involving dishonesty; or

20 (d) is guilty of corrupt practices or misconduct in relation to his
21 duties.

22 (2) A member of the Board may be removed from office by the
23 President if he is satisfied that it is not in the interest of the Fund or the public
24 that the Member should continue in that office.

25 (3) Where a vacancy occurs in the membership of the Board, it
26 shall be filled by the appointment of a successor to hold office for the
27 remainder of the term of office of his predecessor, so that the successor shall
28 represent the same interest and shall be appointed by the President.

29 **10.** Notwithstanding the provisions of clauses 8 and 9 of this Bill,
30 the President may remove a member from the Board if any circumstance

Removal from
Office of a
Member

Functions of
the Board

1 which borders on corruption and other activities that negates the interest and
2 security of the nation would require the removal of member from the Board.

3 **11.** The Board shall:

4 (a) monitor and ensure collection of environmental tax by the Service
5 and ensure transfer of same to the Fund;

6 (b) manage and disburse the fund established under this Bill;

7 (c) liaise with the appropriate ministries or bodies responsible for
8 collection or safe keeping of the tax;

9 (d) receive requests and approve projects after due consideration;

10 (e) ensure disbursement of funds to various agencies, institutions or
11 departments responsible for safeguarding the environment;

12 (f) monitor and evaluate execution of the projects;

13 (g) invest funds in appropriate and safe securities;

14 (h) update the Federal Government on its activities and progress
15 through annual and audited reports;

16 (i) review progress and suggest improvement within the provisions of
17 this Bill;

18 (j) do such other things as are necessary or incidental to the objects of
19 the Fund under this Bill or as may be assigned by the Federal Government;

20 (k) make and issue guidelines, from time to time, to all beneficiaries
21 on disbursement from the Fund on the use of monies received from the Fund;
22 and

23 (l) generally to regulate the administration, application and
24 disbursement of monies from the Fund under this Bill.

Application and
administration
of the Fund

25 **12.-(1)** The Board shall administer, manage and disburse the fund
26 established under this Bill on the basis of making available grants to:

27 (a) both public and private organizations to encourage and support
28 restoration and rehabilitation of environmental projects;

29 (b) Non-governmental organizations and community groups,
30 universities and research institutes to promote research; and

1 (c) both public and private organization to promote environmental
2 education

3 (2) The Minister shall, on the recommendation of the Board and
4 subject to approval by the President, make guidelines for disbursement of
5 funds under this Bill relating to:

6 (a) grants program which must identify the objects and policies of
7 the Fund for determining grants, including:

8 (i) priorities for funding;

9 (ii) amounts available for grants in different program areas,; and

10 (iii) limits on the size of individual grants.

11 (3) The Fund must publish information about each grants program
12 in a manner that the Fund is satisfied to bring the information to the attention
13 of organizations and persons who may be interested in applying for grants.

14 PART III - STAFF OF THE FUND

15 13.-(1) There shall be for the Fund an Executive Secretary who
16 shall:

Appointment of
the Executive
Secretary and
other staff of the
Fund

17 (a) be appointed by the President on the recommendation of the
18 Minister;

19 (b) be the Chief Executive and Accounting Officer of the Fund;

20 (c) be a person with good knowledge and cognate academic and
21 administrative experience in environmental studies;

22 (d) have qualifications and experience as are appropriate for a
23 person required to perform the functions of that office under this Bill; and

24 (e) hold office for a period of 4 years in the first instance and may
25 be eligible for reappointment for a further term of 4 years only and on such
26 terms and conditions as to emoluments, and conditions of service as may be
27 specified in his letter of appointment;

28 (2) The Executive Secretary shall, subject to the general direction
29 of the Board of be responsible for:

30 (a) the day-to-day administration of the Fund;

1 (b) keeping the books and proper records of the proceedings of the
2 Board;
3 (c) the administration of the secretariat of the Board; and
4 (d) the general direction and control of all other employees of the
5 Fund.

Removal of the
Executive
Secretary

6 **14.**-(1) Notwithstanding the provisions under clause 13 of this Bill,
7 the Executive Secretary may be removed from office by the President where
8 any circumstances arises which in the opinion of the President makes the
9 Executive Secretary no longer capable of carrying out the duties and
10 responsibilities of the office.

11 (2) A person appointed as the Executive Secretary upon the removal
12 of an Executive Secretary under sub-clause (1) of this Clause shall serve the
13 unexpired period of the term of his predecessor in office or the remainder of the
14 term of the Fund, whichever is shorter.

Staff of the Fund

15 **15.**-(1) The Board shall have power to appoint such other members of
16 the staff in the opinion of the Board to be staff of the Board necessary to assist
17 the Trust Fund in carrying out its functions under this Bill.

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

22 (3) The Board shall have power to appoint, either on transfer or on
23 secondment from any public service of the federation, such number of
24 employees required for the effective discharge of the duties and function of
25 Fund under this Bill.

Pension

26 **16.**-(1) Service in the Fund shall be approved service for purposes of
27 Pension.

28 (2) Employees of the Fund shall be entitled to pension, gratuity and
29 other retirement benefits as are enjoyed by persons holding equivalent grades
30 in the Civil Service of the Federation.

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

4 (4) For the purposes of the application of the provisions of the
5 Pension Act, any power exercisable by a Minister or other authority of the
6 Government of the Federation, other than the power to make regulations
7 under section 23 thereof, is vested in and shall be exercisable by the Board.

8 PART IV - MISCELLANEOUS PROVISIONS

9 17.-(1) A person who contravenes or fails to comply with Offences
10 provisions of this Bill is guilty of an offence under this Bill.

11 (2) Subject to the provisions of sub-clause (3) of this clause:

12 (a) if a tax due under clause 2 of this Bill is not paid within the time
13 specified in that Clause, the Service shall serve on the company, a demand
14 notice for the unpaid tax plus a sum which is equal to 5 per cent of the tax;
15 and

16 (b) if a sum demanded under paragraph (a) of this sub-clause is not
17 paid within 2 months of the demand, the company is guilty of an offence
18 under this Bill; and

19 (3) Notwithstanding any other provision in this Bill, it shall be the
20 duty and responsibility of every company liable to pay environmental tax to
21 ensure that its annual returns are filed with the Service for the purpose of
22 assessment of environmental tax.

23 (4) The Board shall, remit in whole or in part a sum added to the
24 unpaid tax under sub-clause (2)(a) of this clause.

25 (5) Where an offence under this Bill is committed by a body
26 corporate or firm or other association of individuals:

27 (a) every director, manager, secretary or other similar officer of the
28 body corporate;

29 (b) every partner or officer of the firm;

| | | |
|--|----|---|
| | 1 | (c) every person concerned in the management of the affairs of the |
| | 2 | association; or |
| | 3 | (d) every person who was purporting to act in that capacity is |
| | 4 | severally guilty of that offence and liable to be proceeded against and punished |
| | 5 | for the offence in like manner as if he had himself committed the offence, |
| | 6 | unless he proves that the act or omission constituting the offence took place |
| | 7 | without his knowledge, consent or connivance. |
| Penalties | 8 | 18. -(1) Except as otherwise provided in this Bill, a person guilty of an |
| | 9 | offence under this Bill shall, on conviction, be liable: |
| | 10 | (a) for a first offence, to imprisonment for a term of 6 months or to a |
| | 11 | fine of up to N1,000,000.00 or both; and |
| | 12 | (b) for a second and subsequent offence to imprisonment for a term of |
| | 13 | 12 months or to a fine of up to N2,000,000.00 or both. |
| | 14 | (2) The institution of proceedings or imposition of a penalty under |
| | 15 | this Bill shall not relieve a company from liability to pay to the Service a tax |
| | 16 | which is or may become due under this Bill. |
| | 17 | (3) Notwithstanding sub-clause (1)(a) and (b) of this clause, where |
| | 18 | any company or corporate body liable to file an environmental tax return under |
| | 19 | this Bill fails in any year to file such return, the Service, if it is of the opinion |
| | 20 | that such a company or corporate body is liable to pay environmental tax, may, |
| | 21 | according to the best of its judgment, determine the amount of assessable profit |
| | 22 | of such company and make an assessment of environmental tax in accordance |
| | 23 | with the provisions of this Bill. |
| Jurisdiction | 24 | 19. The Federal High court shall have jurisdiction to try offenders |
| | 25 | under this Bill. |
| Limitation of suit against the Fund, etc. Cap. P41 LFN, 2004 | 26 | 20. -(1) Subject to the provisions of this Bill, the provisions of the |
| | 27 | Public Officers Protection Act shall apply in relation to any suit instituted |
| | 28 | against any officer or employee of the Fund. |
| | 29 | (2) Notwithstanding anything contained in any other law or |
| | 30 | enactment, no suit against any member of the Board, the Executive Secretary |

1 or any other officer or employee of the Fund for any act done in pursuance or
2 execution of the Bill or any other law or enactment, or of any public duty or
3 authority or in respect of any alleged neglect or default in the execution of
4 this Bill or such law or enactment, duty or authority, shall lie or be instituted
5 in any court unless:

6 (a) it is commenced within 3 months next after the act, neglect or
7 default complained of; or

8 (b) in the case of a continuation of damage or injury, within 6
9 months next after the ceasing thereof.

10 (3) No suit shall be commenced against a member of the Board, the
11 Executive Secretary, officer or employee of the Fund before the expiration
12 of a period of one month after written notice of intention to commence the
13 suit shall have been served upon the Fund by the intending plaintiff or his
14 agent.

15 (4) The notice referred to in sub-clause (3) of this clause shall
16 clearly and explicitly state the cause of action, the particulars of the claim,
17 the name and place of abode of the intending plaintiff and the relief which he
18 claims.

19 **21.** A notice, summons or other document required or authorized
20 to be served upon the Fund under the provisions of this Bill or any other law
21 or enactment may be served by delivering it to the Executive Secretary or by
22 sending it by registered post and addressed to the Executive Secretary at the
23 principal office of the Fund.

Service of
Documents

24 **22.-(1)** In any action or suit against the Fund, no execution or
25 attachment of process in the nature thereof shall be issued against the Fund.

Restriction on
execution against
property of the
Fund

26 (2) Any sum of money which may, by the judgment of any court, be
27 awarded against the Fund shall, subject to any direction given by the court
28 where notice of appeal of the said judgment has been given, be paid from the
29 general reserve fund of the Fund.

| | | |
|--|----|---|
| Indemnity of Officers | 1 | 23. A member of the Board, the Executive Secretary, any officer or |
| | 2 | employee of the Fund shall be indemnified out of the assets of the Fund against |
| | 3 | any proceeding, whether civil or criminal, in which judgment is given in his |
| | 4 | favour, or in which he is acquitted, if any such proceeding is brought against |
| | 5 | him in his capacity as a member of the Board, the Executive Secretary, officer |
| | 6 | or employee of the Fund. |
| | 7 | PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS |
| Quarterly Reports | 8 | 24. The Board shall at the end of every three months submit to the |
| | 9 | President a report on its activities and on the administration of the Trust Fund. |
| Annual Report | 10 | 25. The Board shall not later than three months before end of each |
| | 11 | year submit to the President a report on the activities and administration of the |
| | 12 | Trust Fund during the preceding year and, shall include in such reports the |
| | 13 | Auditor's report thereon. |
| Power of the President to issue directives | 14 | 26. The President may give to the Board directives of a general nature |
| | 15 | with regard to the exercise by the Board of its functions under this Bill for |
| | 16 | compliance by the Board. |
| Regulation | 17 | 27. The Minister may, on the recommendation of the Board and |
| | 18 | subject to the approval of the President, make regulations generally for the |
| | 19 | purposes of this Bill and the due administration thereof. |
| Interpretation | 20 | 28. In this Bill: |
| | 21 | "Carbon tax" means tax imposed on the burning of carbon based fuels such as |
| | 22 | coal, oil and gas; |
| | 23 | "Minister" means federal minister charged with the responsibility of |
| | 24 | environment; |
| | 25 | "Pollution Tax" means tax imposed on environment on environmental |
| | 26 | pollutants or on goods whose use produces such pollutants. |
| Citation | 27 | 29. This Bill may be cited as the Environmental Tax Fund Bill, 2021. |

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Environmental Trust Fund charged with the responsibility for, imposing the Tax, Managing and Disbursing the Funds for Environmental Restoration, Rehabilitation, Conservation, Research and Education.

FOR

Sponsored by Hon. Garba Datti Muhammad

| | | |
|----|--|------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria 1999 (in | Alteration of |
| 2 | this Bill referred to as "the principal Act") is amended as follows: | Section 35(7) of |
| 3 | (a) By the deletion of Section 35(7)(a); and | the Constitution |
| 4 | (b) By the renumbering of section 35(7)(b) as the new section 35(7) | |
| 5 | and consequentially for the new section 35(7) to read: | |
| 6 | "Nothing in this section shall be construed as invalidating any law | |
| 7 | by reason only that it authorises the detention for a period not exceeding | |
| 8 | three months of a member of the armed forces of the federation or a member | |
| 9 | of the Nigeria Police Force in execution of a sentence imposed by an officer | |
| 10 | of the armed forces of the Federation or of the Nigeria police force, in | |
| 11 | respect of an offence punishable by such detention of which he has been | |
| 12 | found guilty". | |
| 13 | 2. This Bill may be cited as the Constitution of the Federal | Citation |
| 14 | Republic of Nigeria 1999 (Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter Sections 35(7) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to afford the right to trial within a reasonable time to persons arrested or detained upon suspicion of having committed capital offences.

A BILL

FOR

An Act to Restrict importation and prohibit hoarding/smuggling of rice of any form or kind into Nigeria and for Related Matters

Sponsored by Hon. Saidu Musa Abdullahi

[] Commencement

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

- | | |
|--|---|
| <p>1 1.-(1) Notwithstanding anything contained in the Customs, Excise</p> <p>2 Tariff, etc. (Consolidation) Act or in any Act or other enactment (including</p> <p>3 any statutory instrument or order), smuggling of processed / milled Rice into</p> <p>4 Nigeria by any way or whatsoever means, is strictly prohibited.</p> | <p>Suppression of smuggling and prevention of rice paddy hoarding</p> |
| <p>5 (2) Any person who smuggles, causes to smuggle, induces any</p> <p>6 other person to smuggle or attempt to smuggle processed / milled Rice of</p> <p>7 any form or kind either for trade, sales or otherwise, will be deem as an</p> <p>8 ECONOMIC SABOTEUR and shall be guilty of an offence and liable upon</p> <p>9 conviction to 20 years imprisonment without an option of fine.</p> | <p>Offences, penalty, etc.</p> |
| <p>10 (3) Any person who hoards, causes hoarding, induces any other</p> <p>11 person to hoard or attempts to hoard rice paddy (which is the primary raw</p> <p>12 material for processing /milling rice) shall be deemed as an ECONOMIC</p> <p>13 SABOTEUR and shall be guilty of an offence and liable upon conviction to</p> <p>14 10 years imprisonment without an option of fine.</p> | |
| <p>15 (4) Any person who procures, causes to procure, induces any other</p> <p>16 person to procure, displays for sales, warehouses and sells imported and/or</p> <p>17 smuggled processed / milled rice in any form or kind in any shop, store or</p> <p>18 market in Nigeria, will be deemed to be aiding and abating SMUGGLING</p> <p>19 and ECONOMIC SABOTAGE AGAINST NIGERIA and shall be guilty of</p> <p>20 an offence and liable upon conviction to 5 years imprisonment without an</p> <p>21 option of fine.</p> | |

| | | |
|--------------------|----|---|
| | 1 | (5) In addition to the penalty specified in subsection (1), (2) & (3) of |
| | 2 | this section: |
| | 3 | (a) the rice, as well as any vehicle, vessel, aircraft or other thing |
| | 4 | whatsoever used in connection with the importation including; all assets, |
| | 5 | movable or immovable shall be forfeited to the Federal Government. |
| Import restriction | 6 | 2. -(1) There shall be 100% tariff increase on rice importation of any |
| | 7 | form or kind either through land or sea border. |
| | 8 | 3. Any customs officer or other person/persons who aids, counsels, |
| | 9 | procures, or conspires with any other person to commit an offence under this |
| | 10 | section, shall be guilty of the same offence and liable on conviction to the same |
| | 11 | punishment as prescribed for the offence under subsection (1) of this section. |
| Jurisdiction | 12 | 4. Federal High Court shall have jurisdiction to entertain any matter |
| | 13 | arising from this Bill |
| Citation | 14 | 5. This Bill may be cited as the Rice Import Restriction and Anti- |
| | 15 | Smuggling/Hoarding Bill, 2021. |
| | 16 | FIRST SCHEDULE |
| | 17 | DEFINITION OF TERMS |
| | 18 | For the Purpose of this Bill, the following terms as used can be interpreted as |
| | 19 | stated below: |
| | 20 | <i>Smuggling of Processed/Milled Rice</i> |
| | 21 | The term "the smuggling of Processed / Milled Rice" referred to in this Bill, |
| | 22 | means the shipment of processed I milled into the Republic of Nigeria through |
| | 23 | the various land borders without making a declaration to Customs, and thus |
| | 24 | results in an avoidance of Customs inspections, evasion of Customs duties, or |
| | 25 | escape of Customs controls. |
| | 26 | <i>Paddy Hoarding</i> |
| | 27 | The term "Paddy Hoarding" referred to in this Bill, means the purchase of large |
| | 28 | quantities of Rice Paddy (paddy is the primary and only raw material for rice |
| | 29 | processing and milling) by a community trader or traders or speculator or |
| | 30 | speculators without the intent of selling the produce to the end users within a |

1 reasonable time frame thereby causing scarcity and distortion increase in
2 price of paddy.

3 *Economic Saboteur*

4 A person who deliberately engages in an act to damage a business or
5 economic system or weakening a government of Nigeria at anytime.

EXPLANATORY MEMORANDUM

This Bill seeks to restrict importation and prohibit smuggling of processed/milled Rice of any form or kind into Nigeria in-order protect local rice farmers, producers, processors, millers and other value chain actors in the Nigeria Rice Sub-sector and to also prevent shortage of Rice Paddy caused by speculators and commodity traders who buy and hold large quantities of rice paddy with the intention of causing hikes in prices through hoarding.

A BILL

FOR

AN ACT TO ESTABLISH NATIONAL COMMISSION FOR POLYTECHNIC (NCP)
AND FOR RELATED MATTERS

Sponsored by Hon. Saidu Musa Abdullahi

[] Commencement

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

1 PART 1- ESTABLISHMENT OF NATIONAL COMMISSION FOR POLYTECHNIC

2 1.-(1) There is hereby established a body to be known as the
3 National Commission for Polytechnic (hereinafter in this Act referred to as
4 "the Commission") which shall be a body corporate with perpetual
5 succession and a common seal and may sue and be sued in its corporate
6 name.

Establishment
of the National
Commission for
Polytechnic

7 (2) Upon becoming an act, this Bill shall take precedence over the
8 provisions of National Board for Technical Education (NBTE) Act as it
9 relates to Polytechnics and Colleges of Technology.

Amendment of
some power of
NBTE on
Polytechnics and
College of
Technology

10 (3) The supplementary provisions contained in the Schedule to this
11 Act shall have effect with respect to the proceedings of the Commission and
12 the other matters mentioned therein.

13 2.-(1) There is established for the Commission a Governing Board
14 (in this Act referred to as "the Commission") which shall administer and
15 direct the affairs of the Commission.

Establishment
of the Governing
Board

16 (2) The Commission shall consist of a Chairman who shall be
17 appointed by the President, Commander -in-Chief of the Armed Forces and
18 the following members:

19 (a) one person to represent the Federal Ministry of Education;

20 (b) one person to represent the Federal Ministry of Labour and
21 Productivity;

| | | |
|--|----|---|
| | 1 | (c) one person to represent the Federal Ministry of Agriculture; |
| | 2 | (d) one person to represent the Federal Ministry of Science and |
| | 3 | technology; |
| | 4 | (e) one person to represent the Polytechnics; |
| | 5 | (f) one person to represent the Colleges of Technology; |
| | 6 | (g) one person to represent the State of the Federation in rotation; |
| | 7 | (h) one person to represent the Industrial Training Fund (ITF); |
| | 8 | (i) one person to represent the National Employers Consultative |
| | 9 | Assembly (NECA); |
| | 10 | (j) one person to represent the National Manpower Board (NMB); |
| | 11 | (k) six persons to be appointed on individual merit on a nationwide |
| | 12 | basis to represent each of the six (6) geopolitical zones of the country, who |
| | 13 | should have wide experience on services in the public or private sector; and at |
| | 14 | least one (1) of the six shall be a woman |
| | 15 | (l) the Executive Secretary of the Commission who shall be an ex- |
| | 16 | officio member of the Governing Board. |
| | 17 | (2) The Chairman of the Commission and the members mentioned |
| | 18 | under paragraph (a), [b], (c) and (d) of Subsection (1) of this section, shall be |
| | 19 | appointed by the President. |
| Tenure of office | 20 | 3.-(1) Subject to the provisions of this Act, a person appointed to be a |
| | 21 | member of the Commission, not being a public officer under paragraph (a) - (d) |
| | 22 | of Section 2 (1) of the Act, shall hold office for a period of three years (3) from |
| | 23 | the date of his appointment and shall be eligible for reappointment for another |
| | 24 | final term of three (3) years. |
| | 25 | (2) Any member, not being a public officer, may resign his |
| | 26 | appointment by a notice in writing under his hand addressed to the Minister. |
| | 27 | (3) Members of the Commission, not being public officers, shall be |
| | 28 | paid such remuneration and allowance as may be determined by the President. |
| Removal from office of members of the Commission | 29 | 4. The Minister may, at any time remove any member of the |
| | 30 | Commission from office if the minister is satisfied that it is not in the interest of |

1 the Commission for the member to continue in office in which case the
2 Minister shall with the approval of the President, notify the member in
3 writing to that effect.

4 **5.** The functions of the Commission shall be:

Functions of the
Commission

5 (a) to advise the Federal Government on, and to coordinate all
6 aspects of education for the training of Engineers, Scientists, Technologists
7 and Technicians and other related disciplines;

8 (b) to determine, after consultation with the National Manpower
9 Board, the State Government, the Polytechnics, Industrial Training Fund
10 and such other bodies as it considers appropriate, the technical manpower
11 needs of the country in the industrial, commercial and other relevant fields
12 for the purpose of planning for industrial facilities and in particular to
13 prepare periodic master plans for the balanced and coordinate development
14 of Polytechnics, Monotechnics and Colleges of Technology in Nigeria.
15 Such plans shall include:

16 (i) the general progress to be pursued by Polytechnics,
17 Monotechnics and Colleges of Technology in order to maximized the use of
18 available facilities and avoid unnecessary duplication while ensuring that
19 they are adequate to the manpower needs of the country, and

20 (ii) recommendations for the establishment and location of new
21 Polytechnics, Monotechnics and College of Technology as and when it's
22 considered necessary in accordance with the commission's approved
23 guidelines;

24 (c) to inquire into and advise the Federal Government on the
25 financial needs, both recurrent and capital, of Polytechnics, Monotechnics
26 and Colleges of Technology of Technology to enable them meet the
27 objective of producing the trained manpower needs of the country;

28 (d) to receive block grants from the Federal Government and
29 allocate them to Polytechnics, Monotechnics and Colleges of Technology in

- 1 accordance with such formula as may be laid down by the Federal Executive
2 Council;
- 3 (e) to act in collaboration with the Federal Ministry of Education as
4 the agency for channeling all external aid to Polytechnics, Monotechnics and
5 Colleges of Technology in Nigeria;
- 6 (f) to advise and take steps to harmonize entry requirements and
7 duration of courses at Polytechnics, Monotechnics and Colleges of
8 Technology other similar institutions;
- 9 (g) to lay down standards to be attained and continually review such
10 standards as necessitated by technological changes and national needs;
- 11 (h) to develop and review curriculum of courses of Polytechnics,
12 Monotechnics, Colleges of Technology and other similar institutions;
- 13 (i) to accredit programmes of all institutions mentioned in Section 5
14 Subsection (h) above for the purpose of award of National Certificate, Higher
15 National Diploma and other similar awards;
- 16 (j) to collate, analyse and publish information relating to technical
17 education;
- 18 (k) to review methods of assessment of students and trainee as well as
19 develop a scheme of national certification for technologists and technicians in
20 collaboration with Ministries and organizations having technological training
21 programmes;
- 22 (l) to undertake periodic review of the terms and conditions of service
23 of personnel in Polytechnics, Monotechnics, and Colleges of Technology so as
24 to enable it make recommendations thereon to the Federal Government;
- 25 (m) to recommend to the visitor of a Polytechnic, Montechinic, and
26 College of Technology that a visitation be undertaken to the Polytechnic,
27 Monotechnic and College of Technology as and when due;
- 28 (n) to consider any matter pertaining to technical education as may be
29 referred to it from time to time by the Minister;
- 30 (o) To carry out such other activities as are conducive to the discharge

1 of its functions under its enabling Act; and

2 (p) Act as agency for challenging all external aids to the
3 Polytechnics, Monotechnics and Colleges of Technology.

4 6.-(1) In its role of advising on all aspects of technical education,
5 the Commission shall make recommendation as to how best to inculcate in
6 the public the attitude of respect for, and an appreciation of the role of
7 technology in society.

Provision
supplementary
to section 5

8 (2) To advise on and take measures to improve the immediate and
9 long-term prospects of Engineers, Technologists and Technicians with
10 respect to their employment status and remunerations.

11 (3) To expand the facilities for the training of technical teachers
12 and ensure that these teachers are exposed, both during and after training, to
13 industrial experience.

14 (4) To involve experts both in government and industry in the
15 design of courses relevant to the practical needs of the country in all fields.

16 (5) To encourage the study of technology in women and thereby
17 enable them to enter a wider range of fields in technical education.

18 (6) The minister may give the commission direction of a general
19 character or relating generally to particular matters with regards to the
20 exercise by the commission of its directives.

21 7.-(1) There shall be appointed by the President on the
22 recommendation of the minister, an Executive Secretary who shall have
23 appropriate qualifications as may be specified from time to time by the
24 President.

Executive
Secretary to the
Commission

25 (2) the Executive Secretary shall be the Chief Executive Officer of
26 the Commission and shall be responsible for the execution of the policies of
27 the Commission and the day to day running of the affairs of the Commission.

28 (3) The Executive Secretary shall hold office in the first instance
29 for a period of five years and shall be eligible for reappointment for another
30 term of five years and no more.

Staff of the
Commission

1 (4) Subject to this section, the Executive Secretary shall hold office on
2 such terms as to emolument and otherwise as may be specified in his letter of
3 appointment, and as may from time to time be approved by the President.

4 **8.-(1)** The Commission may appoint a Deputy Executive Secretary
5 and other employees of the Commission to assist the Executive Secretary in the
6 exercise of his functions.

7 (2) The remuneration and tenure of office of the Deputy Executive
8 Secretary and other employees of the Commission shall be determined by the
9 Commission after consultation with the Head of Service of the federation.

10 (3) Notwithstanding the provisions of Subsection (1) above, the
11 Deputy Executive Secretary and other employees of the Commission may be
12 appointed by the Commission by way of transfer or secondment from any of
13 the Public Services of the Federation.

Application of
Pension Act
Cap. 147

14 **9.-(1)** The Federal Civil Commission of the Federation may by order
15 published in the Gazette declare the office of any person employed by the
16 Commission to be a pensionable office for the purposes of the Pension Act.

17 (2) Subject to Subsections (3) and (4) below, the Pensions Act shall in
18 its application by virtue of the foregoing subsection to any office have effect as
19 if the office were in the Public Service of the Federation within the meaning of
20 the Constitution of the Federation.

21 (3) For the purpose of the application of the Pensions Act in
22 accordance with Subsection (2) above:

23 (a) paragraph (1) of Subsection 7 of the Act (which confers on the
24 minister power to waive the requirement to give notice of desire for retirement
25 at the age of sixty) shall have effect as if for the reference to the Minister there
26 were substituted references to the Commission; and

27 (b) the power under Section 9, Subsection (1) of the Act to require an
28 officer to retire in line with staff of public polytechnic subject to his being given
29 six months notice in writing, shall be exercisable by the Commission and by
30 any other authority.

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

PART II - FINANCE

10.-(1) There shall be established by the Commission a fund to be known as the National Commission for Polytechnic Fund.

Establishment
of the National
Commission for
Polytechnic Fund

(2) There shall be paid and credited to the fund established in pursuance of Subsection (1) above:

(a) such sums as may be made available to the Commission for the purpose of making grants to Polytechnics, Monotechnics, and Colleges of Technology in pursuance of Subsection (e) of Section 5 of this Act; and

(b) such sums as may from time to time be credited to the fund by way of payment of the principal and interest on and other charges in respect of any loan made out of the fund, and also any interest from investments made from the fund.

(3) The fund shall be managed in accordance with rules made by the Minister of Finance, and, without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions:

(a) specifying the manner in which the assets of the funds are to be held, and regulating the making of payments into and out of the fund;

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

(c) requiring copies of the accounts to be audited periodically by the Auditor -General of the Federation; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the President through the Minister.

11.-(1) The Commission shall establish and maintain a separate fund from which shall be defrayed all expenditure incurred by the

Maintenance of
separate Fund by
the Commission

| | | |
|----------------------------------|----|---|
| | 1 | Commission except, such expenditure as may be incurred pursuant to Section |
| | 2 | 10 above. |
| | 3 | (2) There shall be paid and credited to the fund established in |
| | 4 | pursuance of Subsection (1) above, such payments as may be made to it by the |
| | 5 | Federal Government for the running expenses of the Commission and all other |
| | 6 | assets from time to time accruing to the Commission otherwise than in |
| | 7 | pursuance of Section 10 above. |
| Expenditure of the Commission | 8 | 12. -(1) The Commission may from time to time apply the proceeds of |
| | 9 | the fund established in pursuance of Section 11 (1) above: |
| | 10 | (a) to the cost of administration of the Commission; |
| | 11 | (b) to the payment of the salaries, fees or other remuneration or |
| | 12 | allowances and pensions, superannuating allowances and gratuities payable to |
| | 13 | members or employees of the Commission so however that no payment of any |
| | 14 | kind under this paragraph shall be made to any person who is in receipt of |
| | 15 | emoluments from the Government of the Federation or the State; |
| | 16 | (c) for the maintenance of any property vested in the Commission; |
| | 17 | and |
| | 18 | (d) for and in connection with any of its functions under this Act. |
| Annual estimates and account | 19 | 13. -(1) The Commission shall submit to the Minister not later than 31st |
| | 20 | December in each financial year, an estimate of its expenditure and income |
| | 21 | (including payments from the National Commission for Polytechnics Fund) |
| | 22 | during the next succeeding financial year. |
| | 23 | (2) The Commission shall keep proper accounts in respect of each |
| | 24 | financial year (and proper record in relation thereto) and shall cause the |
| | 25 | account to be audited by the Auditor-General for the Federation. |
| Annual report | 26 | 14. The Commission shall prepare and submit to the President |
| | 27 | through the Minister not later than 31st December in each financial year, a |
| | 28 | report in such form as he may direct on the activities of the Commission during |
| | 29 | the immediately preceding financial year, and shall include in such report a |
| | 30 | copy of the audited accounts of the Commission for the year and the Auditor - |

1 General's report thereon.

2 **15.-(1)** At the commencement of this Act:

Transitional
Provisions

3 (a) all the obligation of the National Board for Technical Education
4 under any Insurance, Pensions and Contracts existing before the
5 commencement of this Act shall be vested in the Commission, and

6 (b) all the Assets (both physical and invisible) and liabilities of the
7 National Board for Technical Education existing before the commencement
8 of this Act shall be vested in the Commission.

9 (2) At the commencement of this Act, the power of the National
10 Board for Technical education over laying down of standards and
11 accreditation of the Programs referred to in Section 5 of this Act shall be
12 virtue of this Act and without further assurance, be vested in the
13 Commission.

14 (3) Any proceeding or cause of action pending or existing
15 immediately before the commencement of this Act by or against the
16 National Board for technical Education shall be taken over by the
17 Commission.

18 (4) The determination of the court of law, tribunal or other
19 authority or person made in a proceeding or cause of action referred to in
20 Section (3) of this section may be enforced by or against the Commission to
21 the same extent that the proceeding, cause of action or determination could
22 have been continued, commenced or enforce by or against the national
23 Board for Technical education as if this Act had not been made.

24 **16.-(1)** For the purpose of carrying out the functions conferred on
25 the Commission under this Act, the Executive Secretary or any other officer
26 of the Commission authorized in that behalf:

Power to obtain
information

27 (a) shall have a right of access to all records of any institution to
28 which this section applies; and

29 (b) may by notice in writing serve on any person to furnish
30 information on such matters as may be specified in that notice.

| | | |
|--|----|--|
| | 1 | (2) It shall be the duty of any person required to furnish information |
| | 2 | pursuant to Subsection (1) above to comply with the notice within a reasonable |
| | 3 | period of time. |
| | 4 | (3) In this section, the reference to an institution to which this section |
| | 5 | applies is a reference to any Polytechnic, Monotechnic, College of Technology |
| | 6 | or similar institutions. |
| Power of the Minister to give directive to the Commission | 7 | 17. Subject to the provisions of this Act, the Minister may give to the |
| | 8 | Commission directions of a general character or relating generally to matters of |
| | 9 | policy with regard to the exercise by the Commission of its functions and it |
| | 10 | shall be the duty of the Commission to comply with such directions. |
| List of institutions for supervision | 11 | 18. The list of the institutions to be supervised by the National |
| | 12 | Commission for Polytechnic is contained in Scheduled 2 to this Act. |
| Interpretation | 13 | 19. In this Act, unless the context otherwise requires: |
| | 14 | "Commission" means the National Commission for Polytechnic established |
| | 15 | under Section 1 of this Act; |
| | 16 | "Chairman" means the Chairman of the National Commission for Polytechnic; |
| | 17 | "Executive Secretary" means the person appointed as the Executive Secretary |
| | 18 | to the Commission in pursuance of Section 7, Subsection (1) of this Act; |
| | 19 | "Member" means member of the Commission and include the Chairman; |
| | 20 | "Minister" means the Minister charged with responsibility for Education. |
| | 21 | Short title |
| | 22 | 20. This Bill may be cited as the National Commission for Polytechnic Bill, |
| | 23 | 2021. |

1 FIRST SCHEDULE

2 *Section 1 (2)*

3 SUPPLEMENTARY PROVISION RELATION TO THE COMMISSION, ETC.

4 *Proceedings*

5 1. Subject to this Act and Section 26 of the Interpretation Act
6 (which provides for decisions of a statutory body to be taken by the majority
7 of its members and the Chairman to have a second or casting vote), the
8 Commission may make standing orders regulating the proceeding of the
9 Commission or any committee thereof.

10 2. Every meeting of the Commission shall be presided over by the
11 Chairman and if the Chairman is unable to attend a particular meeting, the
12 Deputy Executive Secretary shall preside at the meeting.

13 3. The quorum at a meeting of the Commission shall consist of the
14 Chairman (or, in an appropriate case, the person presiding at the meeting
15 pursuant to paragraph 2 above) and six other members.

16 4. Where upon any special occasion the Commission desires to
17 obtain the advice of any person on any particular matter, the Commission
18 may co-opt that person to be a member for as many meetings as may be
19 necessary, and that person while so co-opted shall have all rights and
20 privileges of a member except that he shall not be entitled to vote.

21 *Committees*

22 5.-(1) Subject to its standing orders, the Commission may appoint
23 such number of Standing and Ad hoc Committees as it thinks fit to consider
24 and report on any matter with which the Commission is concerned.

25 (2) Every Committee appointed under the foregoing provisions of
26 this paragraph shall be presided over by a member of the Commission and
27 shall be made up of such number of persons, not necessarily members of the
28 Commission, as the Commission may determine in each case.

29 (3) The quorum of any Committee set up by the Commission shall
30 be as may be determined by the Committee.

6. Where standing orders made pursuant to paragraph 1 above provided for committee of the Commission to consist of or co-opt persons who are not members of the Commission, the committee may advise the Commission on any matter referred to it by the Commission.

5 7. The fixing of the seal of the Commission shall be authenticated by
6 the signature of the Chairman or the Executive Secretary of the Commission.

7 8. Any contract or instrument which if made by a person not being a
8 body corporate, would not be required to be under seal may be made or
9 executed on behalf of the Commission by the Executive Secretary or by any
10 other person generally or specifically authorized to act for the person by the
11 Commission.

12 9. Any document purporting to be contract, instrument or other
13 document duly signed or sealed on behalf of the Commission shall be received
14 in evidence and, unless the contrary is provided, be presumed without further
15 proof to have been so signed or sealed.

16 10. The validity of any proceedings of the Commission or Committee
17 thereof shall not be affected:

18 (a) by any vacancy in the membership of the commission or
19 Committee, or

20 (b) by any defect in the appointment of a member of the Commission
21 or Committee.

11. Any member of the Commission or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or committee shall forthwith disclose his interest to the commission or committee and shall not vote on any question relating to the contract or arrangement.

27 SECOND SCHEDULE

28 1. The institutions to be supervised by National Commission for
29 polytechnics are as follows:

30 (I) Federal Polytechnics and Monotechnics;

- 1 (ii) State polytechnics and Colleges of Technology;
- 2 (iii) Federal and State Colleges of Agriculture;
- 3 (iv) Private Polytechnics and Colleges of Technology; and
- 4 (v) Other specialized institutions offering ND, HND, B.Tech and
- 5 Higher Degrees.

EXPLANATORY NOTE

The Bill seeks to set up the National Commission for Polytechnics as a body corporate and charges it with responsibility for advising the Federal Government on all aspects of Technical Education falling outside the universities, including the general development of Polytechnics, Monotechnics, Colleges of Technology, and other similar institutions, and the establishment and location of new ones. It is to act as the central agency for channeling financial contributions emanating from government or other bodies to the said institutions, and for the development in collaboration with the Ministries and organizations having technical programmes, of system of national Certificate for Technology and other skill personnel.

NATIONAL GAMING BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE NATIONAL GAMING REGULATORY
COMMISSION AND ITS GOVERNING BOARD, ETC.

1. Establishment of the National Gaming Regulatory Commission.
2. Establishment and Membership of the Governing Board.
3. Tenure of Office.
4. Cessation of Membership.
5. Emoluments, etc. of members.
6. Powers of the Board.

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

7. Functions of the Board.

PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER
STAFF OF THE COMMISSION

8. Appointment of Director-General of the Commission, etc.
9. Other Staff of the Commission.
10. Pension and other retirement benefits.
11. Conditions of Service.

PART IV - FINANCIAL PROVISIONS

12. Fund of the Commission.
13. Expenditure of the Commission.
14. Annual estimates and accounts.
15. Annual Report.
16. Power to accept gift.
17. Power to Borrow.

PART V - OPERATION OF GAMING IN NIGERIA AND GRANT OF
LICENSES AND PERMIT

18. Operation of the Gaming business.
19. Penalty for operation of gaming without license.
20. Application for License for Pari Mutuel Lottery, Fixed Odds Lottery, Sports Betting or any other Fixed Odds Game.

21. Application for Permit for Promotional Lotteries.
22. Establishment of lottery central monitoring system.
23. Conditions for Grant of License or permit.
24. Duration of License or Permit.
25. Suspension or Revocation of license and permit.
26. Powers to amend and vary a license or permit.
27. Certain restriction on lottery license and permit.
28. Appointment of Agents or Operators to manage lotteries, etc.
29. National game.
30. Application of proceeds of a lottery.
31. Establishment of Prize Pool and application thereof.
32. Financial Statements and records of License or permit-holder.
33. Submission of Annual Report by licensee or permit-holder.
34. Appointment of External Auditor.
35. Penalty for failure to submit financial statements and reports, etc.
36. Powers of the external auditor.
37. Sale of Lottery Tickets.
38. Lottery technical suppliers and vendors.
39. Commercial Lottery, etc syndicating prohibited.
40. Prohibition of illegal Remote lottery and gaming.
41. Unclaimed Prizes.
42. Power to Enter Agreements.

PART VI - OFFENCES AND PENALTIES

43. Offences and penalties.
44. Power to enter, inspect, seize, seal and detain, etc.
45. Jurisdiction to Prosecute Offences in this Bill.

PART VII - ESTABLISHMENT OF THE NATIONAL GAMING TRUST

FUND AND THE BOARD OF TRUSTEES

46. Establishment of the National Gaming Trust Fund.
47. Establishment and Composition of the Board of Trustees for the Trust Fund.
48. Tenure of Office.

- 49. Cessation of membership.
- 50. Emoluments, etc of members.

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TRUSTEES AND FUNCTIONS OF THE TRUST FUND

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- 52. Powers of the Board of Trustees.
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PART IX- APPOINTMENT OF THE SECRETARY AND OTHER STAFF
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- 54. Secretary of the Trust Fund.
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PART XI - MISCELLANEOUS PROVISIONS

- 61. Limitation of suits against the Commission, etc.
- 62. Service of documents.
- 63. Restriction on execution against property of the Commission and the Trust Fund.
- 64. Indemnity of officers.
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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL LOTTERY ACT NO. 7 OF 2005 AND THE NATIONAL LOTTERY (AMENDMENT) ACT NO. 6 OF 2017 AND ENACT THE NATIONAL GAMING ACT TO REGULATE THE OPERATION AND BUSINESS OF GAMING IN NIGERIA AND ENHANCE REVENUE GENERATION FOR THE GOVERNMENT OF THE FEDERATION TO COMPLEMENT THE FUNDING GAP OF THE COMMISSION, AND FOR RELATED MATTERS

Sponsored by Hon. Akin Alabi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL GAMING REGULATORY

2 COMMISSION AND ITS GOVERNING BOARD, ETC.

3 1.-(1) There is established a body to be known as the National
4 Gaming Regulatory Commission (in this Act referred to as "the
5 Commission").

Establishment of
the National
Gaming Regulatory
Commission

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession and a
8 common seal;

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

10 (c) may acquire, hold or dispose of any property, movable or
11 immovable for the purpose of carrying out any of its functions under this
12 Act.

13 2.-(1) There is established for the Commission, a governing body
14 to be known as the National Gaming Regulatory Commission Governing
15 Board (in this Bill referred to as "the Board").

Establishment
and Membership
of the Governing
Board

16 (2) The Board shall consist of:

17 (a) a part-time Chairman;

| | | |
|-------------------------|----|--|
| | 1 | (b) a representative each of the: |
| | 2 | (i) Federal Ministry of justice, |
| | 3 | (ii) Federal Ministry of Finance, |
| | 4 | (ii) Office of the Secretary to the Government of the Federation, and |
| | 5 | (iii) six other members, one per geo-political zone who shall be |
| | 6 | persons of integrity possessing cognate experience in relevant fields and |
| | 7 | versed in regulatory issues and at least two of them shall possess relevant |
| | 8 | industry knowledge and experience in gaming; and |
| | 9 | (iv) Two members representing lottery licensed lottery and gaming |
| | 10 | operators |
| | 11 | (c) Director-General of the Commission, who shall serve as the |
| | 12 | Secretary of the Board. |
| | 13 | (3) The Chairman and members of the Board shall: |
| | 14 | (a) be appointed by the President; and |
| | 15 | (b) serve on part-time basis. |
| First Schedule | 16 | (4) The supplementary provisions set out in the first schedule to this |
| | 17 | Bill, shall have effect with respect to the proceedings of the Board and related |
| | 18 | matters. |
| Tenure of Office | 19 | 3. The Chairman and other members of the Board, other than ex- |
| | 20 | officio members, shall each hold office: |
| | 21 | (a) for a term of 4 years in the first instance and may be re- appointed |
| | 22 | for a further term of 4 years and no more; and |
| | 23 | (b) on such terms and conditions as may be specified in their letter of |
| | 24 | appointment. |
| Cessation of Membership | 25 | 4.-(1) Notwithstanding the provisions of Section 3 of this Bill, a |
| | 26 | member of the Board shall cease to hold office as a member if the member: |
| | 27 | (a) resigns by a written notice under his hand, addressed to the |
| | 28 | President; |
| | 29 | (b) becomes of unsound mind; |
| | 30 | (c) becomes bankrupt or makes a compromise with his creditors; |

1 (d) is convicted of a felony or of any offence involving dishonesty
2 or corruption; or

3 (e) becomes incapable of carrying on the functions of the office
4 either arising from an infirmity of mind or body.

5 (2) A member of the Board shall cease to hold office where the
6 President is satisfied that it is not in the interest of the Commission or in the
7 interest of the public for the person to continue in office and the President
8 removes the person from office.

9 (3) Where a vacancy occurs in the membership of the Board, it
10 shall be filled by the appointment of a successor to hold office for the
11 remainder of the term of office of the predecessor, provided that the
12 successor shall represent the same interest as the predecessor.

13 5. The Chairman and members of the Board shall be paid such
14 emoluments, allowances and benefits as the President may, from time to
15 time, direct in line with the recommendation of the Revenue Mobilization,
16 Allocation and Fiscal Commission.

Emoluments, etc.
of members

17 6.-(1) The Board shall have powers to:

Powers of the
Board

18 (a) provide the general policy guidelines relating to the functions
19 of the Commission;

20 (b) superintend the implementation of the policies of the
21 Commission;

22 (c) determine the terms and conditions of service of the employees
23 of the Commission; and

24 (d) do such other things as are necessary to ensure the efficient
25 performance of the functions of the Commission under this Bill.

26 (2) The Board shall fix remuneration for the staff of the
27 Commission having regards to the recommendation of the National Salaries
28 and Wages Commission and in fixing the remuneration, due regards shall be
29 given to the following principles:

Functions of
the Board

- 1 (a) the need to attract and retain quality and high caliber manpower;
2 (b) specialized nature of work to be performed by the Commission;
3 (c) the need to ensure financial self-sufficiency for the Commission;
4 and
5 (d) the salaries paid, to individuals with equivalent responsibilities,
6 expertise and skills.
- 7 (2) The Board may do such other things as are necessary to ensure the
8 efficient performance of the functions of the Commission under this Bill.
- 9 PART II - FUNCTIONS AND POWERS OF THE COMMISSION
- 10 7. The Commission shall:
- 11 (a) regulate and administer the operation and business of Gaming in
12 Nigeria;
13 (b) set standards, guidelines, policies and rules for the operation of
14 Gaming in Nigeria;
15 (c) promote transparency, propriety and integrity in the operation of
16 Gaming in Nigeria, and ensure the protection of minors from sports betting
17 activities;
18 (d) ensure the protection of the interests of players, stakeholders and
19 the public in Gaming in Nigeria;
20 (e) standardize the provision and use of Gaming equipment in
21 Nigeria;
22 (f) in collaboration with relevant government agencies, License,
23 Register and certify all Gaming technology vendors, suppliers or service
24 providers doing business in Nigeria;
25 (g) carry out periodic assessment of the operation of Gaming in
26 Nigeria and submit a report to the Governing Board;
27 (h) issue license and permit to qualified operators to carry out the
28 business of Gaming in Nigeria;
29 (i) ensure that licensees and permit holders meet their obligations as

1 specified under this Act or regulations as may be determined from time to
2 time by the Commission;

3 (j) examine and resolve complaints and disputes arising from the
4 operation of Gaming, using appropriate dispute resolution mechanisms;

5 (k) develop performance standards and indicators relating to the
6 quality of Gaming in Nigeria having regard to global best practices;

7 (l) collaborate and liaise with government agencies to undertake:

8 (i) measures that would prevent the abuse of Gaming in Nigeria;

9 (ii) Seek and pursue maximization of returns for good causes and
10 ensure licensees and permit holders remit timely, accurate and complete
11 proceeds to the Trust Fund under this Act;

12 (iii) fix charges and collect fees, levies or penalties as may be
13 necessary in the exercise of its functions;

14 (iv) prevent and prohibit unlicensed foreign operators from
15 operating in the Nigerian Gaming space;

16 (m) enter, inspect, seize and impose administrative or civil
17 sanctions or fines on erring licensees and permit holders under this Act;

18 (n) take measures to prevent illegal lottery and gaming within the
19 Nigerian territory; and

20 (o) do such other things which in its opinion are necessary to ensure
21 the efficient performance of the functions of the Commission under this Act.

22 PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER

23 STAFF OF THE COMMISSION

24 **8.-(1)** There shall be for the Commission, a Director General who
25 shall be:

Appointment of
Director-General
of the Commission,
etc.

26 (a) appointed by the President subject to confirmation by the
27 Senate;

28 (b) the Chief Executive and Accounting Officer of the
29 Commission; and

30 (c) responsible for the execution of the policy and day-to-day

1 administration of the Commission.

2 (2) The Director General shall hold a minimum of first degree in any
3 professional field, with cognate experience in the industry.

4 (3) The Director-General shall hold office:

5 (a) for a term of 4 years in the first instance and may be re- appointed
6 for a further term of 4 years and no more; and

7 (b) hold office on such terms and conditions as may be specified in the
8 letter of appointment.

9 (4) Notwithstanding the provision of sub section (3) of this Act, the
10 Director-General may:

11 (i) treat as confidential any information which come to his knowledge
12 in the exercise of his powers or were obtained by him in the performance of his
13 duties under this Bill;

14 (c) not disclose any information referred to under paragraph (b) of this
15 sub-clause, except where required to do so by a court or in such other
16 circumstances as may be prescribed by the Board or Board of Trustees from
17 time to time.

18 (2) Any person who contravenes the provisions of sub-section (1) of
19 this section, commits an offence and shall be liable on conviction to a fine of
20 not less than N250,000 or imprisonment for a term not exceeding 1 year or
21 both.

Other staff of
the Commission

22 **9.** The Commission may, subject to the approval of the Board,
23 appoint such staff as it may deem necessary and expedient, from time to time:

24 (a) for the proper and efficient performance of the functions of the
25 Commission; and

26 (b) on such terms and conditions, as may be determined, from time to
27 time, by the Board.

Pension and
other retirement
benefits

28 **10.** Service in the Commission shall be subject to the provisions of
29 the Pension Reform Act, and accordingly officers and employees of the
30 Commission shall be entitled to pensions and other retirement benefits as are

1 prescribed under the Pension Reform Act.

2 **11.** The appointment, promotion, welfare and discipline of staff Conditions of
3 shall be in accordance with the provisions of the Commission's conditions of Service
4 service.

5 **PART IV - FINANCIAL PROVISIONS**

6 **12.** The Commission shall establish and maintain a fund to which Fund of the
7 shall be paid and credited: Commission

8 (a) any grants from the Federal Government;

9 (b) annual subventions and budgetary allocations from the Federal
10 Government;

11 (c) 2.5% of the portion of lottery and gaming remittances paid to
12 the Trust Fund;

13 (d) gifts, loans, grants-in-aid from national, bilateral and
14 multilateral organizations, agencies and bodies; and

15 (e) charges, fees, and other internally generated revenues by the
16 commission; and

17 (f) all other sums accruing to the Commission from time to time.

18 **13.** The Commission may, from time to time, apply the proceeds of Expenditure of
19 the fund established under Section 12 of this Act- the Commission

20 (a) to the cost of administration of the Commission;

21 (b) to the payment of the emoluments, allowances and benefits of
22 members of the Board and for reimbursing members of the Board or of any
23 committee set up by the Board and for such expenses as may be expressly
24 authorized by the Board;

25 (c) to the payment of the salaries, fees or other remuneration or
26 allowances, pensions and other benefits payable to the staff and other
27 employees of the Commission, provided that no payment of any kind under
28 this paragraph (except such as may be expressly authorized by the Board)
29 shall be made to any person who is in receipt of emoluments from the
30 Government of the Federation or of a State;

| | | |
|----------------------------------|----|--|
| | 1 | (d) for the development and maintenance of any property vested in or |
| | 2 | owned by the Commission; |
| | 3 | (e) for the payment of all consultancies, legal fees and cost of |
| | 4 | contracts administration; |
| | 5 | (f) for payment for all purchases made by the Commission; |
| | 6 | (g) for maintaining general financial reserves subject to general or |
| | 7 | special directives that may be given in that behalf by the President in |
| | 8 | accordance with the provisions of this Act; and |
| | 9 | (h) for any expenditure in connection with all or any of its functions |
| | 10 | under this Act. |
| Annual estimates and accounts | 11 | 14.-(1) The Commission shall, not later than 30th September in each |
| | 12 | year, submit to the President an estimate of its expenditure and income |
| | 13 | (including payments to the Commission's fund) for the next succeeding year. |
| | 14 | (2) The Commission shall keep proper accounts in respect of each |
| | 15 | year and proper records in relation to those accounts and shall cause its |
| | 16 | accounts to be audited within 2 months after the end of each year by auditors |
| | 17 | appointed from the list and in accordance with the guidelines supplied by the |
| | 18 | Auditor-General of the Federation. |
| Annual Report | 19 | 15. The Commission shall prepare and submit to the President and |
| | 20 | the Auditor-General of the Federation not later than 31st March in each year a |
| | 21 | report in such form as the President may direct on the activities of the |
| | 22 | Commission during the immediate preceding year, and shall include in the |
| | 23 | report a copy of the audited accounts of the Commission for that year and of the |
| | 24 | auditor's report thereon. |
| Power to accept gift | 25 | 16.-(1) The Commission may accept gift of land, money or other |
| | 26 | property on such terms and conditions, if any, as may be specified by the person |
| | 27 | or organization making the gift. |
| | 28 | (2) The Commission shall not accept any gift if the conditions |
| | 29 | attached by the person or organization making the gift are inconsistent with the |
| | 30 | functions of the Commission under this Bill. |

Power to borrow

PART V - OPERATION OF GAMING IN NIGERIA AND GRANT OF
LICENSES AND PERMIT

Operation of the
business of a
gaming

Penalty to operation
of gaming without
license

Penalty to operation
of gaming without
license

Application to
license for Peri
Mutuel Lottery,
Fixed Odds Lottery,
Sports betting or
any other Fixed
Odds Game

- Application to
license for Peri
Mutuel Lottery,
Fixed Odds Lottery,
Sports betting or
any other Fixed
Odds Game

| | | |
|---|----|---|
| | 1 | And upon approval make payment of such fees as may be prescribed, from time |
| | 2 | to time by the Commission. |
| Application for Permit for Promotional Lotteries | 3 | 21. A person or body corporate may submit application for permit to |
| | 4 | the Commission in the prescribed form and payment of prescribed fees to the |
| | 5 | Commission for the following: |
| | 6 | (a) Consumer Sales Promotion; |
| | 7 | (b) Online interactive games; |
| | 8 | (c) Scratch card games; |
| | 9 | (d) Online casino games; |
| | 10 | (e) Mobile Value-Added Service games; |
| | 11 | (f) And any other promotional lotteries as the Commission may from |
| | 12 | time to time determine. |
| | 13 | Such permit shall be for short duration, periodic or seasonal life span of not |
| | 14 | more than 1-year duration. |
| Establishment of lottery central monitoring system | 15 | 22.-(1) All gaming activities conducted pursuant to a license or permit |
| | 16 | granted under this Act shall be connected and report to the Commission's |
| | 17 | lottery central monitoring platform or such other monitoring system, which |
| | 18 | shall be capable of tracking all bets, sales, draws, lottery remittances, and prize |
| | 19 | redemptions. |
| | 20 | (2) A licensee or Permit holder shall, at its own expense, connect to the |
| | 21 | central monitoring system. |
| | 22 | (3) The Commission shall grant to the Trust Fund established under |
| | 23 | Section 46 of this Act, access to view transactions of the Central Monitoring |
| | 24 | System. |
| Conditions to Grant of License or permit | 25 | 23.-(1) The Commission shall in granting a license or permit, ensure |
| | 26 | that an applicant: |
| | 27 | (a) is a fit, proper and capable person to manage the business or any |
| | 28 | part of the business of a lottery and gaming; |
| | 29 | (b) has the relevant knowledge, expertise and experience to manage |
| | 30 | the business or any part of the business of operating a lottery and gaming; |

1 (c) is capable of mobilizing sufficient financial resources to ensure
2 financial viability of the business of operating a lottery and gaming;

3 (d) has made an undertaking to conduct the business of a lottery
4 and gaming with all integrity and transparency; in line with prescribed terms
5 and conditions of license or permit and in accordance with the provisions of
6 this Act or Regulations;

7 (e) has been adjudged insolvent or bankrupt, and has not been
8 discharged;

9 (f) made an assessment or an arrangement or composition with
10 creditors which has not been rescinded or set aside;

11 (g) has paid the requisite fees as may be prescribed from time to
12 time by the Commission.

13 (2) An application for a license or permit shall be accompanied by
14 such fees as the Commission may from time to time prescribe.

15 (3) The Commission may grant a license or permit under this Act, if
16 it is satisfied, from all the evidence and documentation supplied, that the
17 applicant is qualified to operate a lottery and gaming business.

18 (4) Any license or permit granted under sub-section (1) of this
19 section shall be subject to such terms and conditions as the Commission
20 may, from time to time, determine, and without prejudice to the generality of
21 the foregoing, such conditions shall include:

22 (a) the percentage of proceeds payable to the Trust Fund under 8.31
23 of this Act, and the frequency of such payments in respect of all lotteries or
24 games operated pursuant to the license or permit; and

25 (b) the modalities for the distribution of the proceeds of all lottery
26 and gaming transactions as may be conducted through an on-line, Real-
27 Time independent central monitoring system.

28 (5) If any change occurs in the information provided in the
29 application for a license or permit by any person or body corporate
30 (including any documents lodged with the application) before the

| | | |
|--|----|---|
| | 1 | application is granted or refused, the applicant shall forthwith submit to the |
| | 2 | Commission written particulars of the change. |
| | 3 | (6) Upon consideration of an application for a license or a transfer of |
| | 4 | license, the Commission must; |
| | 5 | (a) either grant the license or approve the transfer as the case may be |
| | 6 | with or without condition; |
| | 7 | (b) issue a written refusal to the applicant within 14 days with reasons |
| | 8 | for the refusal |
| | 9 | (7) The Commission shall not issue any online gaming or betting |
| | 10 | license to any foreign operator who has no local physical location situated in |
| | 11 | Nigeria. |
| Duration of License or Permit | 12 | 24. -(1) A license granted under this Act shall subject to payment of |
| | 13 | prescribed fees be valid for a minimum period of: |
| | 14 | (a) 5 years for sports betting |
| | 15 | (b) 10 years for lottery. |
| | 16 | (2) A permit granted under this Act for promotional lotteries under |
| | 17 | Section 21 of this Act, shall be valid for a maximum period of 1 year. |
| | 18 | (3) The Commission may, at least one year before the expiration of a |
| | 19 | license, upon approval of the Governing Board, extend the term of the license |
| | 20 | for a further period of 10 years for Lottery and 5 years for Sports Betting, |
| | 21 | subject to payment of requisite fees and fulfilment of prescribed conditions as |
| | 22 | may be determined by the Commission. |
| Suspension or revocation of license and permit | 23 | 25. -(1) Notwithstanding Section 24 of this Act, a license or permit |
| | 24 | granted under this Act may be suspended by the Commission, if: |
| | 25 | (a) the licensee or permit holder refuses to pay or defaults in the |
| | 26 | payment of dues; |
| | 27 | (b) the licensee or permit holder condones, allows or encourages |
| | 28 | underage gaming. |
| | 29 | Notwithstanding Section 24 of this Act, a license or permit granted under this |
| | 30 | Act, may be revoked by the Commission if: |

1 (a) the licensee or permit holder is no longer a fit and proper person
2 to carry on the business of gaming, whether arising from insolvency,
3 liquidation or any other reason;

4 (b) there has been a contravention or a breach of any of the
5 conditions of grant of the license or permit, or failure to generate or remit
6 proceeds due to the Commission and the Trust Fund under the provisions of
7 this Act;

8 (c) any person for whose benefit the license or permit has been
9 acquired, or who is a holding company of the licensee or permit-holder, or in
10 any other way controls the license or permit, is not a fit and proper person to
11 benefit from the license or permit, whether arising from insolvency,
12 liquidation, confinement in prison or other institution or any other relevant
13 reason;

14 (d) the licensee or permit-holder has failed to take adequate steps to
15 prevent the commission of fraud by its employees, after having been alerted
16 or becoming aware of the conditions conducive to the commission of fraud,
17 or to instances of fraud or dishonesty;

18 (e) the licensee or permit-holder, or any of its employees
19 unlawfully prevents the Commission or any authorized person from
20 carrying out their duties under this Act;

21 (f) the licensee or permit-holder fails to prevent or abate the
22 violation of the provisions of this Act or the conditions of grant for the
23 license or permit; or

24 (g) the licensee or permit-holder, or any of its employees,
25 repeatedly and knowingly sells tickets or awards or pays prizes to any
26 person contrary to the provisions of this Act.

27 (h) the licensee or permit holder condones, allows or encourages
28 underage gaming.

29 (2) The Commission shall, if satisfied that there exists any ground
30 for revocation as specified in sub-section (1) of this Section:

1 (a) notify the licensee or permit-holder in writing of the existence of
2 such grounds; and

3 (b) request the licensee or permit holder to furnish reasons, within 14
4 days of service of such notice, at the registered address of the licensee or
5 permit-holder, as to why the license should not be revoked.

6 (3) The Commission may:

7 (a) if satisfied with any reason furnished by the licensee or permit
8 holder pursuant to sub-section (2) of this Section, allow the license to continue;

9 (b) if not satisfied with the reasons furnished by the licensee or permit
10 holder, revoke the license or permit as it deems fit.

11 (4) Any license or permit revoked under sub-section (1) of this clause
12 shall not affect the obligations of the licensee or permit holder that arose before
13 the revocation.

Powers to amend
and vary a license
or permit

14 **26.** In the discharge of its functions in relation to the renewal of a
15 license or permit under this Act, the Commission shall have powers to:

16 (a) vary or amend in writing a condition attached to a license or
17 permit; and

18 (b) inspect a licensee or permit holder's books of account and other
19 records to determine whether a licensee or permit-holder is complying with its
20 obligations.

Certain restriction
on lottery license
and permit

21 **27.-(1)** A person shall not be holding a political office or in the public
22 service of the Federation within the meaning of the Constitution of the Federal
23 Republic of Nigeria shall have any controlling interest in a licensee, permit
24 holder or license or permit.

25 (2) A lottery license or sports betting permit is transferable subject to
26 prior authorization and proper due diligence on the prospective recipient of the
27 license and related terms and conditions as may be prescribed by the
28 commission.

Appointment of
Agents or
Operator to manage
lotteries, etc.

29 **28.** A licensee or permit holder shall, subject to this Act, with the
30 approval of the Commission, appoint, contract or otherwise engage any person

1 or body corporate as an operator or agent to manage, promote, conduct or
2 operate, on behalf of the licensee or permit holder, all or any of the lotteries
3 to which the license or permit relates.

4 **29.**-(1) Subject to the agreement of the Commission and all National game
5 licensees at the relevant time, there shall be established a lottery game or
6 series of lottery games to be known as National Lottery game.

7 (2) The National lottery game draws shall be conducted by the
8 Commission with a view to providing nationally recognized and accepted
9 games.

10 (3) All the lottery and games operators licensed under this Act shall
11 be entitled to sell, offer and accept stakes on national lottery games and the
12 distributions of proceeds shall be conducted in accordance with the terms
13 and conditions as may be agreed upon by the Licensee pursuant to sub-
14 section 1 of this Section.

15 **30.**-(1) A holder of a pari mutuel lottery shall establish an Application of
16 operational fund to be known as the "pari mutuel lottery prize fund" into proceeds of a
17 which shall be paid a minimum return of 40% of the gross proceeds of a lottery
18 lottery transaction.

19 (2) The prize fund established under sub-section (1) shall be
20 applied exclusively for the payment of prizes in respect of such lotteries
21 from which the proceeds were realized.

22 (3) A licensee shall pay to the Trust Fund 15 percent of gross
23 proceeds or as may be determined jointly from time to time by the
24 Governing Board of the Commission and the Board of Trustees of the
25 National Gaming Trust Fund.

26 (4) A holder of a fixed odds lottery license shall payout a minimum
27 return of 60% of the gross proceeds of a gaming transaction.

28 (5) A licensee shall pay to the Trust Fund 2 percent of gross
29 proceeds or as may be determined jointly from time to time by the
30 Governing Board of the Commission and the Board of Trustees of the

1 National Gaming Trust Fund.

2 (6) holder of a sports betting lottery license shall payout a minimum
3 return of 80% of the gross proceeds of a betting transaction.

4 (7) A licensee shall pay to the Trust Fund 1 percent of gross proceeds
5 or as may be determined jointly from time to time by the Governing Board of
6 the Commission and the Board of Trustees of the National Gaming Trust Fund.

Establishment
of Prize Pool and
application thereof

7 **31.**-(1) A Permit-holder shall, in respect of a promotional lottery,
8 establish and maintain an operational fund to be known as the "prize pool" into
9 which shall be kept or listed all prizes, whether cash, goods or equipment,
10 which shall be applied exclusively for the payment of prizes in respect of such
11 promotions for which the license or permit is granted by the Commission.

12 (2) The prize pool established by a permit-holder pursuant to sub-
13 section (1) of this Section shall be applied exclusively for the payment of prizes
14 in respect of the particular games to which they relate.

15 (3) Permit holders for other gaming categories shall pay to the
16 Commission and Trust Fund a percentage of Gross Proceeds as may be
17 prescribed by the Commission from time to time.

Financial
Statements and
reports of License
or permit holder

18 **32.**-(1) A licensee or permit-holder shall submit to the Commission, at
19 such time and in such manner as the Commission may from time to time
20 prescribe financial statements, returns and other records relating to the gaming
21 transactions operated pursuant to the license or permit.

22 (2) A licensee or permit-holder of gaming shall keep proper accounts
23 and records of the transactions and affairs of the licensee or permit-holder
24 sufficient to explain the financial operations and position of the licensee or
25 permit-holder relating to gaming activities.

26 (3) A licensee or permit-holder may apply to the Commission, for an
27 extension of time within which to submit the financial statements or returns
28 specified in sub-section (1), and no extension of time shall exceed three
29 months.

30 (4) The Commission may give notice to any person including a person

1 engaged in banking business in Nigeria, requiring such person to provide
2 within a stipulated time, the information specified in the notice. Provided
3 that such request shall be made in the course of investigating the activities of
4 a licensee or permit holder and such licensee or permit holder will be put on
5 notice.

6 **33.-(1)** A licensee or permit holder shall prepare and submit to the
7 Commission not later than 30th June in each year a report in such form as the
8 Commission may direct on the gaming activities of the licensee or permit-
9 holder during the immediately preceding year

Submission of
Annual Report
by license or
permit holder

10 (2) A licensee or permit holder shall attach to the annual report a
11 copy of the financial statement of gaming activities for the year submitted
12 pursuant to Section 33 of this Act and the audited accounts of the licensee or
13 permit holder for that year.

14 **34.** The Commission shall in appropriate cases appoint an external
15 auditor for purposes of forensic auditing of the financial statements of a
16 licensee or permit holder relating to gaming activity.

Appointment of
External Auditor

17 **35.** Any licensee or permit holder who fails to comply with the
18 provisions of sections 33, 34 and 35 of this Act within the prescribed time,
19 commits an offence and is liable to an administrative fine of not less than N2
20 million naira.

Penalty for failure
to submit financial
statements and
reports, etc.

21 **36.** An external auditor appointed to audit the accounts of a
22 licensee or permit holder pursuant to section 35 of this Act may:

Powers of the
external auditor

23 (a) access in the course of the audit, the books and electronic
24 records of the licensee or permit holder in respect of any games; and

25 (b) require from an employee, subsidiary or contractor of the
26 licensee or permit holder any information, assistance or explanation
27 necessary for the performance of the duties of the auditor in relation to the
28 audit.

29 **37.** A ticket of any games under this Act shall be sold on behalf of a

Sale of Lottery
tickets

1 licensee or permit holder through personal application, postage or electronic
2 transmission:

3 (a) at the offices of the licensee or permit holder;

4 (b) by sales agents appointed or contracted by the licensee or permit
5 holder;

6 (c) through automatic vending machines authorized by the licensee or
7 permit holder; and

8 (d) websites, USSD or SMS; and

9 (e) by such other means or places as may be authorized or designated
10 by the licensee or permit holder from time to time.

Gaming technical
suppliers and
vendors

11 **38.-(1)** It is prohibited for any person or body corporate to
12 manufacture, provide, install, test, maintain, repair, deploy, supply, operate,
13 distribute, broadcast or provide technical services, equipment, software and
14 content locally or from a foreign jurisdiction for the purpose of conducting
15 gaming in any part of Nigeria without certification or license from the
16 Commission.

17 (2) A person or body corporate desiring to operate gaming in Nigeria
18 shall ensure that the technology to be developed shall be certified and approved
19 by the commission; and complies with the Commissions regulations for
20 deploying such gaming equipment.

Commercial
Gaming etc,
syndicating
prohibited

21 **39.-(1)** A person shall not obtain or attempt to obtain any direct or
22 indirect financial gain by forming, conducting or assisting in forming or
23 conducting a syndicate for the purpose of a ticket or electronic entry.

24 (2) A person shall not promote:

25 (a) the formation of any syndicate for the purchase of a ticket or
26 electronic entry;

27 (b) any form of syndicate for the purchase of any ticket or making any
28 electronic entry; or (c) any scheme capable of assisting any other person to
29 form any syndicate for the purposes of purchasing ticket or making electronic
30 entry.

1 (3) Any person who contravenes the provisions of sub-sections (1)
2 and (2) of this Section commits an offence and shall be liable on conviction:

3 (a) in the case of an individual, to a fine of not less than 2 million
4 naira, or imprisonment for a term of not less than 2 years or both; and

5 (b) in the case of a body corporate, to a fine of not less than 20
6 million Naira and in addition, each director or principal officer shall be
7 liable to a fine of not less than 2 million Naira or imprisonment for a
8 minimum term of 2 years or both.

9 **40.-(1)** A person or body corporate being in Nigeria or other
10 jurisdiction shall not:

Prohibition of
illegal Remote
Gaming

11 (a) offer, take, accept, sell, conduct, promote, advertise, or
12 encourage remote gaming from within Nigeria unless licensed by the
13 Commission;

14 (b) take or accept bets by websites operated outside Nigeria, place
15 bets in sites based outside Nigeria including websites of Nigerian
16 companies without license or permit from the Commission, irrespective of
17 the operator holding a remote gaming license from another jurisdiction.

18 (2) The Commission may prescribe regulations, guidelines and
19 policies for the conduct, operation, management and control of remote
20 gaming activities in Nigeria .

21 (3) Any person who contravenes the provision of this section
22 commits an offence and shall on conviction be liable, in the case of:

23 (a) an individual, to a fine of not less than five hundred thousand
24 naira, or imprisonment for a term of not less than 3 months or both; and

25 (b) a body corporate, to a fine of not less than 5 million Naira and in
26 addition, each director or principal officer shall be liable to a fine of not less
27 than 1 million Naira or imprisonment for a minimum term of 3 months or
28 both.

29 **41.-(1)** Subject to this Act and any other condition in the license or
30 permit, the licensee or permit holder shall ensure payment to all winners.

Unclaimed Prices

Power to enter
agreements

1 (2) A licensee or permit-holder shall declare all unclaimed prizes with
2 details of the name, address and any other information of the prize winner to the
3 Commission on a yearly basis.

4 (3) Upon the expiration of a period of not less than 1 year following
5 the conclusion of any gaming draw, the licensee or permit holder shall pay the
6 value of any unclaimed prizes to the Trust Fund.

7 **42.**-(1) The Commission with the approval of the President, may enter
8 into an agreement with the Government of any country or any international
9 regulatory entity with respect to:

10 (a) the operation of a license or permit granted under this Act in that
11 country or State; and

12 (b) the payment of or exemption from payment of all or part of the
13 contribution to the trust fund established under Section 46 of this Act in
14 connection with proceeds from lotteries derived from or in that country or state
15 provided the Commission shall not grant any exemption without the consent of
16 the Trust Fund.

17 Provided that the written consent of the Commission is first sought
18 and obtained by the license or permit holder.

19 (2) The Commission, may enter into an agreement with the
20 Government of any state or any domestic regulatory entity with respect to:

21 (a) the operation of a license or permit granted under this Bill in that
22 country or State;

23 (b) any contract, agreement or arrangement entered into by the
24 licensee or permit holder with any person or body corporate in another country
25 or State to promote and conduct gaming in that country; and

26 (c) the payment of or exemption from payment of all or part of the
27 contribution to the trust fund established under Section 46 of this Act in
28 connection with proceeds from lotteries derived from or in that country or state
29 provided the Commission shall not grant any exemption without the consent of
30 the Trust Fund.

1 (3) Any agreement entered into pursuant to this section may be
2 varied or rescinded by the parties thereto on such terms and conditions as
3 may be agreed between them.

4 PART VI - OFFENCES AND PENALTIES

5 43.-(1) Any person who:

Offences and
penalties

6 (a) forges any gaming ticket or causes any ticket to be forged;

7 (b) knowingly disposes of or attempts to sell or dispose of any
8 forged or stolen ticket;

9 (c) alters any number or figure or falsifies or otherwise disfigures
10 any ticket with the intent to defraud;

11 (d) with the intent to defraud, takes or converts to his own use or to
12 the use of any other person, any proceeds from a game operated by the
13 licensee or permit holder;

14 (e) knowingly sells to any person under the age of eighteen years
15 any ticket in a game operated by a licensee or permit holder;

16 (f) fraudulently or unlawfully holds himself out as an agent of the
17 licensee or permit holder;

18 (g) as an incentive or inducement to enter into a contract, or as a
19 condition or consequence of entering into a contract, gives a guarantee or
20 promise to a person to the effect that the person will win a prize or share a
21 prize in a lottery or gaming scheme;

22 (h) conducts or promotes a scheme under which a guarantee or
23 promise is given to a person participating in the scheme to the effect that the
24 person will win a prize or share out a prize in a lottery or gaming;

25 (i) conducts a game either through personal application or by any
26 other means without a valid license or permit granted under this Act; or

27 (j) fraudulently manipulates a draw with intent to interfere with the
28 outcome of a game or draw, Commits an offence and is liable on conviction
29 to a fine of 5million Naira or imprisonment for a term of 3 years or both.

30 (k) who in playing or placing a bet on an event, game and sporting

1 activities, cheats or relies on a technical glitch or a palpable error from an
2 operator is liable on conviction to a fine not higher than twice the amount he is
3 claiming or an imprisonment for a term of six months;

4 (1) who as an operator or its agents makes payments without valid
5 tickets or as a punter or anyone acting on his instructions, forces an operator or
6 its agents to make such payment, shall be liable upon conviction to
7 imprisonment of not less than three months or a fine not more than 200% of the
8 value of the winning.

9 (2) An operator:

10 (a) shall not be obliged to pay winning which results from a visibly
11 obvious error;

12 (b) shall not be obliged to pay winnings on a bet that was placed after
13 the event has started or draws made.

14 (3) Where an offence under sub-section (1) of this Section is
15 committed by a body corporate:

16 (a) the body corporate shall on conviction be liable to a fine of not less
17 than N20,000,000 and forfeiture of any property, article, equipment used or
18 capable of being used for the purpose of illegal gaming activity; and

19 (b) each director, and every principal officer of the body corporate
20 shall be liable on conviction to a fine of not less than 5,000,000 or
21 imprisonment for a term of 3 years or both.

22 (4) Any person who:

23 (a) prevents or obstructs an officer of the Commission or any
24 authorized person from the performance of his duties; or

25 (b) contravenes any provisions of this Act where no specific penalty is
26 provided, commits an offence and is liable on conviction to a fine of
27 N500,000.00 or not more than 1 year imprisonment, or both.

28 (5) Where an offence under sub-section (4) of this Section is
29 committed by a body corporate, the body corporate shall on conviction be
30 liable to a fine of not less than N5,000,000.00 and each director and every

1 principal officer of the body corporate shall be liable on conviction to a fine
2 of N500, 000.00 or imprisonment for a term of 1 year or both. (

3 6) Save for licensees and permit holders under this Act, and
4 notwithstanding the provision of any other enactment to the contrary, the
5 operation of any game on a national basis or on inter-state basis is
6 prohibited.

7 (7) Pursuant to the provisions of sub-section (6) of this section, a
8 person shall not establish or conduct a games at national level or on
9 interstate basis or employ the use of a national platform to:

10 (a) conduct a game, either through personal application or any
11 electronic transmission;

12 (b) print a ticket in a lottery or gaming;

13 (c) sell, buy or offer for sale or give or accept a ticket in a lottery
14 gaming;

15 (d) publish or exhibit in a newspaper or broadcast, telecast or on a
16 notice by electronic means or otherwise any information relating to a lottery
17 or gaming;

18 (e) sell or dispose of any property of any kind or allot any prize of
19 money by means of a game of chance or a game of mixed chance and skill; or

20 (f) keep a house or place for the purpose of conducting any gaming
21 activity, whether the house or place is used for any other purpose.

22 (8) Any person who contravenes any of the provisions of sub-
23 section (7) of this section commits an offence and is liable on conviction to a
24 fine of N5 million or imprisonment for a term of 3 years or both.

25 (9) where an offence under sub-section (7) is committed by a body
26 corporate:

27 (a) the body corporate shall on conviction be liable to a fine of not
28 less than N20,000,000 and forfeiture of any property, article, equipment
29 used or capable of being used for the purpose of illegal gaming activity; and

30 (b) each director, and every principal officer of the body corporate

Power to enter,
inspect, seize,
seal and detain,
etc.

1 shall be liable on conviction to a fine of not less than N5,000,000 or
2 imprisonment for a term of 3 years or both.

3 **44.** An officer of the Commission with identification may at any
4 reasonable time:

5 (a) enter, if need be by reasonable force, any premises in which the
6 officer reasonably believes that illegal gaming operation is being carried out or
7 about to be carried out;

8 (b) examine any article or equipment within the premises which
9 appears to be an article or equipment to which the Act or regulation applies, or
10 anything in the premises used or capable of being used for purposes of gaming
11 activity;

12 (c) seize and detain, for such a time as may be specified by an order of
13 the court, any article or equipment within the premises which appears to be an
14 article or equipment to which the Act or regulation applies or anything in the
15 premises used or capable of being used for purposes of gaming activities;

16 (d) seal up any premises in which the officer reasonably believes that
17 illegal gaming operation is being carried out;

18 (e) in collaboration with law enforcement agencies, arrest, detain and
19 prosecute any person found within the premises; or

20 (f) require the owner or any person in charge of the premises and
21 every person found in the premises to provide all necessary information or
22 reasonable assistance to the officer.

Jurisdiction to
prosecute offences
in this Bill

23 **45.-(1)** Subject to the provisions of the Constitution of the Federal
24 Republic of Nigeria, an officer of the Commission may, with the consent of the
25 Attorney-General of the Federation, conduct criminal proceedings in respect
26 of offences under this Act or regulations under this Act.

27 (2) In a judicial proceeding for an offence under this Act or any
28 regulation made under it, the provisions of the Criminal Procedure Act,
29 Administration of Criminal Justice Law, Criminal Procedure Code depending
30 on the venue shall, with such modification as the circumstance may require,

1 apply in respect of such matter to the same extent as they apply to the trial of
2 offences generally.

3 (3) A court of competent jurisdiction shall have jurisdiction to
4 impose any penalty provided for an offence under this Act or any other
5 related enactment.

6 (4) In any trial for an offence under this Act, the court shall have
7 power, notwithstanding anything to the contrary in any other enactment, to
8 adopt all legal measures necessary to avoid unnecessary delays and abuse in
9 the conduct of matters.

10 PART VII- ESTABLISHMENT OF THE NATIONAL GAMING TRUST FUND

11 AND THE BOARD OF TRUSTEES

12 **46.-(1)** There is established a fund to be known as the National
13 Gaming Trust Fund (in this Act referred to as 'the Trust Fund') into which
14 shall be credited:

Establishment
of the National
Gaming Trust
Fund

15 (a) the percentage of the proceeds of lottery and gaming as
16 prescribed under sections 30 and 31 of this Act;

17 (b) any fine, interest, penalty, surcharge, cost or forfeiture arising
18 from breaches relating to remittances in this Act;

19 (c) interest and dividends accruing from any investment made
20 pursuant to section 53 of this Bill;

21 (d) gifts, loans, grants-in-aid from national, bilateral and
22 multilateral organizations, bodies and agencies; and

23 (e) any other moneys that may lawfully be received into the Trust
24 Fund.

25 (2) The Trust Fund:

26 (a) shall be a body corporate with perpetual succession and a
27 common seal;

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

29 (c) shall have the power to acquire, hold, mortgage, purchase or

| | | |
|---|----|---|
| | 1 | deal howsoever with property, whether movable or immovable, real or |
| | 2 | personal. |
| Establishment and Composition of the Board of Trustees for the Trust Fund | 3 | 47. -(1) There is established for the Trust Fund, a Board of Trustees to |
| | 4 | be known as the National Gaming Trust Fund Board of Trustees (in this Act |
| | 5 | referred to as "the Board of Trustees") which shall have overall control of the |
| | 6 | Trust Fund. |
| | 7 | (2) The Board of Trustees shall consist of: |
| | 8 | (a) a part-time Chairman; |
| | 9 | (b) a representative each of the: |
| | 10 | (i) Federal Ministry of Finance, |
| | 11 | (ii) Federal Ministry of Sports and Youth Development, |
| | 12 | (iii) office of the Secretary to the Government of the Federation or |
| | 13 | supervising ministry at any given time, and |
| | 14 | (iv) Federal Ministry of Budget and National Planning; |
| | 15 | (c) six persons, one from each geo-political zone, to represent public |
| | 16 | interest; |
| | 17 | (d) the Secretary of the Trust Fund; |
| | 18 | (e) two members representing licensed gaming operators; and |
| | 19 | (f) the Director-General of the Commission. |
| | 20 | (3) The Chairman and members of the Board of Trustees listed in sub- |
| | 21 | section 2(c) above shall possess cognate experience and qualification in any |
| | 22 | professional field. |
| | 23 | (4) The Chairman and members of the Board of Trustees shall: |
| | 24 | (a) be appointed by the President; and |
| | 25 | (b) serve on a part-time basis. |
| Second Schedule | 26 | (5) The supplementary provisions set out in the Schedule to this Act |
| | 27 | shall have effect with respect to the proceedings of the Board of Trustees and |
| | 28 | the other matters mentioned therein. |
| Tenure of office | 29 | 48. The Chairman and other members of the Governing Board, other |
| | 30 | than ex-officio members, shall each hold office: |

1 (a) for a term of 4 years in the first instance and may be re-
2 appointed for a further term of 4 years and no more; and

3 (b) on such terms and conditions as may be specified in their letters
4 of appointment.

5 **49.**-(1) Notwithstanding the provisions of Section 47 of this Act, a
6 member of the Board of Trustees shall cease to hold office as a member if the
7 member:

Cessation of
membership

8 (a) resigns by a written notice under his hand addressed to the
9 President;

10 (b) becomes of unsound mind;

11 (c) becomes bankrupt or makes a compromise with his creditors;

12 (d) is convicted of a felony or of any offence involving dishonesty
13 or corruption; or

14 (e) becomes incapable of carrying on the functions of the office
15 either arising from an infirmity of mind or body or other causes,

16 (2) A member of the Board of Trustees shall cease to hold office
17 where the President is satisfied that it is not in the interest of the Trust Fund
18 or in the interest of the public for the person to continue in office and the
19 President removes the person from office,

20 (3) Where a vacancy occurs in the membership of the Board of
21 Trustees, it shall be filled by the appointment of a successor to hold office for
22 the remainder of the term of office of the predecessor, provided that the
23 successor shall represent the same interest as the predecessor.

24 **50.** The Chairman and members of the Board of Trustees shall be
25 paid such emoluments, allowances and benefits as the President may, from
26 time to time, approve.

Emoluments, etc.
of members

27 PART VIII - APPLICATION OF TRUST FUND, POWERS OF BOARD OF
28 TRUSTEES AND FUNCTIONS OF THE TRUST FUND

29 **51.**-(1) The proceeds of the Trust Fund shall be applied from time
30 to time to fund good causes projects approved by the President of the Federal

Application of
Trust Fund Proceeds

1 Republic of Nigeria, which shall include but not limited to projects for the
2 advancement, upliftment and promotion of sports development, education,
3 health, social services, public welfare, poverty alleviation, and natural
4 disasters management.

5 (2) Subject to the provisions of Section 51 of this Act, the proceeds of
6 the Trust Fund shall be applied:

7 (a) to the cost of administration of the Trust Fund not exceeding 10%
8 Of lottery and gaming remittances paid;

9 (b) for the payment of emoluments, allowances and benefits of
10 members of the Board of Trustees and for reimbursing members of the Board of
11 Trustees or of any committee set up by the Board of Trustees and for such other
12 expenses as may be authorized by the Board of Trustees;

13 (c) to the payment of salaries, fees or other remuneration or
14 allowances, pensions and other benefits payable to the staff and other
15 employees of the Trust Fund, provided that no payment of any kind under this
16 paragraph (except as may be authorized by the Board) shall be made to any
17 person who is in receipt of emoluments from the Government of the
18 Federation or of a State; and

19 (d) for the acquisition, insurance, development and maintenance of
20 any property or equipment acquired, owned or otherwise vested in the Trust
21 Fund.

22 (3) Funds to be applied under sub-section (1) of this section, shall be
23 applied on the basis of equality among the:

24 (a) six geo-political zones of the Federation; and

25 (b) States of the Federation.

26 (4) In the management, disbursement and application of the funds
27 referred to in sub-section (1) of this section, the Trust Fund shall have power to
28 give consideration to the special needs and peculiarities of each State and
29 geopolitical zone of the Federation.

30 (5) Notwithstanding the provisions of sub-sections (3) and (4) of this

1 Section, the President may, for the purpose of managing natural disaster or
2 similar emergency in the country, require the fund to be applied in a manner
3 other than as prescribed by the Trust Fund provided that not more than ten
4 percent of the sums accruing to the Trust Fund within any fiscal year may be
5 applied for such purpose.

6 **52.** The Board of Trustees shall have power to:

Powers of the
Board of Trustees

7 (a) provide for the general policy guidelines relating to the
8 functions of the trust fund;

9 (b) approve grant programs and administration of the budgets;

10 (c) determine the terms and conditions of service of employees of
11 the Trust Fund;

12 (d) fix remunerations, allowances and benefits of the staff and
13 employees of the trust fund having regards to the recommendations of the
14 national salaries, incomes and wages commission; and

15 (e) do such other things which in the opinion of the Board of
16 Trustees are necessary to ensure the efficient performance of its functions
17 under this Act.

18 **53.** The Trust Fund shall:

Functions of the
Trust Fund

19 (a) credit into its account, all monies payable into the Trust Fund
20 under this Act;

21 (b) make all disbursements required to be made out of the Trust
22 Fund under this Act;

23 (c) in collaboration with relevant agencies and bodies, implement
24 or facilitate the implementation of any project approved by the President on
25 the recommendation of the Board of Trustees;

26 (d) carry out other activities as are necessary or expedient to ensure
27 the effective performance of its functions under this Act.

28 PART IX - APPOINTMENT OF THE SECRETARY AND OTHER STAFF
29 OF THE TRUST FUND

30 **54.-(1)** There shall be for the Trust Fund, a Secretary who shall be:

Secretary of the
Trust Fund

1 (a) appointed by the President;
2 (b) the chief executive and accounting officer of the Trust Fund; and
3 (c) responsible for the execution of the policy and day-to-day
4 administration of the Trust Fund.

5 (2) The Secretary shall hold office:

6 (a) for a term of 4 years in the first instance and may be re- appointed
7 for a further term of 4 years and no more; and

8 (b) on such terms and conditions as may be specified in the letter of
9 appointment.

10 (3) The Secretary shall hold a minimum of first degree in any
11 professional field, with cognate experience in management and
12 administration.

13 (4) Notwithstanding the provisions of sub-section (2) above, the
14 Executive Secretary may:

15 (a) resign by a written notice under his hand addressed to the
16 President; or

17 (b) be removed by the President for inability to discharge the
18 functions of the office (whether arising from infirmity of mind or body or any
19 other cause) or for gross misconduct or corruption.

Other staff of
the Trust Fund

20 **55.**-(1) The Trust Fund may, subject to the approval of the Board of
21 Trustees, appoint such other staff as it may deem necessary and expedient,
22 from time to time:

23 (a) for the proper and efficient performance of the functions of the
24 Trust Fund; and

25 (b) on such terms and conditions as may be determined, from time to
26 time, by the Board.

27 (2) The discipline and removal of Staff of the Trust Fund shall be in
28 accordance with the provisions of the conditions of service of the Trust Fund.

Pension
No. 64, 2014

29 **56.** Service in the Trust Fund shall be subject to the provisions of the
30 Pension Reform Act and accordingly officers and employees of the Trust Fund

1 shall be entitled to pensions and other retirement benefits as prescribed
2 under the Pension Reform Act.

3 PART X - FINANCIAL PROVISIONS

4 **57.-(1)** The Trust Fund shall, not later than 30th September in Annual Estimates
5 each year, submit to the President, through the Board of Trustees, an and Accounts
6 estimate of its expenditure and income (including payments to the Trust
7 Fund) for the next succeeding year.

8 (2) The Board of Trustees shall cause to be kept, proper accounts of
9 the Trust Fund in respect of each year and proper records in relation to those
10 accounts and shall cause its accounts to be audited within three months
11 after the end of each year by auditors appointed by the Board of Trustees
12 from the list and in accordance with the guidelines supplied by the Auditor-
13 General for the Federation.

14 **58.** The Trust Fund shall prepare and submit to the President, Annual Report
15 through the Board of Trustees, not later than 31st March in each year a
16 report in such form as the President may direct on the activities of the Trust
17 Fund during the immediately preceding year and shall include in the report a
18 copy of the audited accounts of the Trust Fund for that year and of the
19 auditor's report thereon.

20 **59.-(1)** The Trust Fund may accept gift of land, money or other Power to accept
21 property on such terms and conditions, if any, as may be specified by the gift
22 person or organization making the gift.

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

26 **60.** The Trust Fund may, with the approval of the President borrow Power to borrow
27 by way of loan, overdraft or otherwise from any source, such sum as it may money
28 require for the performance of its functions and discharge of its obligations
29 under this Act.

PART XI - MISCELLANEOUS PROVISIONS

Limitation of
suits against the
Commission, etc.

61.-(1) Subject to the provisions of this Act, the provisions of public Officers Protection act shall apply in relation to any suit instituted against any member, officer or employee of the commission or the trust Fund.

(2) Notwithstanding anything contained in any other law or enactment, no suit against the Commission, the Trust Fund, a member of the Board of the Commission, a member of the Board of Trustees of the Trust Fund, the Director-General of the Commission, the Secretary of the Trust Fund or any other officer or employee of the Commission or Trust Fund for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duty or authority, shall lie or be instituted in any court unless it is commenced:

(a) within three months after the act, neglect or default complained of;

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

(3) A suit shall not commence against the Commission, the Trust Fund, a member of the Board of the Commission, a member of the Board of Trustees of the Trust Fund, the Director-General of the Commission, the Secretary of the Trust Fund or any other officer or employee of the Commission or the Trust Fund before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Commission or the Trust Fund by the intending plaintiff or their agent.

(4) The notice referred to in sub-section (3) shall clearly and explicitly state the:

(a) cause of action;

(b) particulars of the claim;

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

(d) relief which he claims.

| | | |
|----|---|--|
| 1 | 62. A notice, summons or other document required or authorized | Service of documents |
| 2 | to be served on the Commission or the Trust Fund under the provisions of | |
| 3 | this Act or any other law or enactment may be served by delivering it to the | |
| 4 | Director-General of the Commission or the Secretary of the Trust Fund or by | |
| 5 | sending it by registered post addressed to the Director-General of the | |
| 6 | Commission or the Secretary of the Trust Fund at the principal office of the | |
| 7 | Commission or the Trust Fund. | |
| 8 | 63. -(1) In any action or suit against the Commission or the Trust | Restriction on execution against property of the Commission and the Trust Fund |
| 9 | Fund, no execution or process of attachment in the nature thereof shall be | |
| 10 | issued against the Commission or the Trust Fund unless not less than three | |
| 11 | months' notice of the intention to execute or attach has been given to the | |
| 12 | Commission or the Trust Fund. | |
| 13 | (2) Any sum of money which by the judgment of any court has | |
| 14 | been awarded against the Commission or the Trust Fund shall, subject to any | |
| 15 | direction given by the court, where no notice of appeal against the judgment | |
| 16 | has been given, be paid from the fund of the Commission or the Trust Fund. | |
| 17 | 64. A member of the Board or Board of Trustees, the Director- | Indemnity of officers |
| 18 | General, the Secretary or any officer or employee of the Commission or | |
| 19 | Trust Fund shall be indemnified out of the assets of the Commission or the | |
| 20 | Trust Fund against any liability incurred by the person in defending any | |
| 21 | proceeding, whether civil or criminal, if the proceeding is brought against | |
| 22 | the person as member, Director-General, Secretary or officer or employee of | |
| 23 | the Commission or the Trust Fund, as the case may be. | |
| 24 | 65. The President may give to the Commission or the Trust Fund, | Directives by the President, etc. |
| 25 | the Director-General of the Commission or the Secretary of the Trust Fund | |
| 26 | such directives of a general nature or relating generally to matters of policy | |
| 27 | with regards to the exercise of its functions under this Act as he may consider | |
| 28 | necessary and the Commission or the Trust Fund, the Director-General of | |
| 29 | the Commission or the Secretary of the Trust Fund shall comply with the | |
| 30 | directives or cause them to be complied with. | |

Powers to make
regulations and
guidelines

1 **66.**-(1) The Commission may with the approval of the Board, make
2 such regulations as in its opinion are necessary or expedient for giving full
3 effect to the provisions of this Act and for the due administration of its
4 provisions relating to the Commission.

5 (2) The Trust Fund may, with the approval of the Board of Trustees,
6 make such regulations as in its opinion are necessary or expedient for giving
7 full effect to the provisions of this Act and for the due administration of its
8 provisions relating to the Trust Fund.

9 (3) Without prejudice to the generality of the above sub-sections (1)
10 and (2) of this section, the Commission or the Trust Fund may issue guidelines
11 to give full effect to the provisions of this Act as it relates to their functions.

Secrecy

12 **67.**-(1) A member of the Board or the Board of Trustees, the Director-
13 General or the Secretary or any other officer or employee of the Commission or
14 the Trust Fund shall:

15 (a) not for personal gain, make use of any information which came to
16 their knowledge in the exercise of their powers or were obtained by them in the
17 ordinary course of their duty as a member of the Board or Board of Trustees, as
18 the Director-General, Secretary, officer or employee of the Commission or the
19 Trust Fund.

Repeal and
Savings Provisions

20 **68.**-(1) The National Lottery Act No. 7 of 2005 and the National
21 Lottery (Amendment) Act NO. 6 of 2017 are repealed.

22 (2) Without prejudice to the provisions of Section 6 of the
23 Interpretation Act, the repeal of the enactment specified in sub- section (1) of
24 this section shall not affect anything done or any action taken under or pursuant
25 to the repealed enactment except that such thing done or action taken shall be
26 construed in accordance with the provisions of this Act.

27 (3) All licensed operators that are up-to-date with their licensed "good
28 causes" fees to both the Gaming Commission and Trust Fund, shall be
29 exempted from the Value-Added Tax;

30 (4) Every payment, regulation, order, requirement, license, permit,

1 notice, direction, decision, authorization, consent, application, request or
2 thing made, issued, given or done under the repealed Act shall, at the
3 commencement of this Act, continue to be in force and have effect as if
4 made, issued, given or done under this Act.

5 (5) All assets, funds, resources and other moveable and
6 immoveable properties which, immediately before the commencement of
7 this Act, vested in the Commission or Trust Fund established under the
8 repealed Act shall without further assurance be vested in the Commission or
9 Trust Fund.

10 (6) Any reference to the Commission or Trust, Board or Board of
11 Trustees, Chairman, Director General, Secretary or any person under their
12 control or a document issued in the name of the Commission or Trust Fund
13 established under the repealed Act shall be read, unless the context
14 otherwise requires, as a reference to the Commission or Trust Fund, Board
15 or Board of Trustees, Chairman, Director General, Secretary or an employee
16 of the Commission or Trust Fund established under this Act.

17 **69.**-(1) Any person who immediately before the commencement of
18 this Act was a staff of the Commission or Trust Fund established under the
19 repealed Act, shall continue in office and be deemed to have been appointed
20 under this Act for purposes of implementing the provisions of this Act.

Transitional
Provisions

21 (2) Any property held immediately before the commencement of
22 this Act on behalf of the Commission or Trust Fund established under the
23 repealed Act by any person shall be vested in the Commission or Trust Fund.

24 (3) The Commission or Trust Fund shall be subject to all the
25 obligations and liabilities to which the Commission or Trust Fund
26 established under the repealed Act was subject to immediately before the
27 commencement of this Act and all other persons shall have the same right,
28 powers and remedies against the Commission or Trust Fund as they had
29 against the Commission or Trust Fund established under the repealed Act.

30 (4) Any proceeding or cause of action pending or existing

1 immediately before the commencement of this Act by or against the
2 Commission or Trust Fund established under the repealed Act in respect of any
3 right, interest, obligation or liability of the Commission or Trust Fund
4 established under the repealed Act, may be continued or commenced, as the
5 case maybe, and any determination of a court of law, tribunal or other
6 commission or person may be enforced by or against the Commission or Trust
7 Fund established by this Act to the same extent that such proceeding, cause of
8 action or determination might have been continued, commenced or enforced
9 by or against the Commission or Trust Fund established under the repealed Act.

10 (5) As from the commencement of this Act, any disciplinary
11 proceeding pending or existing against any employee of the Commission or
12 Trust Fund established under the repealed Act may be continued or completed
13 by the Commission or Trust Fund.

Interpretation

14 **70.** In this Act:

15 "Board" means the Governing Board of the Commission established under
16 clause 2 of this Act;

17 "Board of Trustees" means the National Lottery Trust Fund Board of Trustees
18 established under section 48 of this Act;

19 "Central monitoring system" means any system put in place by the
20 Commission for the purpose of assessing and monitoring all gaming activities
21 in Nigeria and capable of tracking and generating reports on sales, bets,
22 winnings, payouts, draws and remittances;

23 "Chairman" means the Chairman of the Governing Board of the Commission
24 or the Chairman of the Board of Trustees of the Trust Fund;

25 "Commission" means the National Gaming Regulatory Commission
26 established under section 1 of this Act;

27 "Controlling Interest" means where a person holds not less than 25% of the
28 issued share capital of the licensee or permit holder, or appoints or is entitled to
29 appoint a majority of the members of the board of directors, management or
30 governing body or qualifies as a shadow director under the Companies and

- 1 Allied Matters Act 2020, as may be amended from time to time;
- 2 "Director-General" means the Director-General of the Commission
- 3 appointed under section 8 of this Act;
- 4 "Federation" means the Federal Republic of Nigeria'
- 5 "Fixed Odds" means lotto, betting or a type of game where odds for the
- 6 winning bet is determined at the time the bet is placed;
- 7 "Gaming" means all forms of gaming within the objectives of this Act
- 8 "Grants" means non-repayable funds or products disbursed or gifted by the
- 9 Trust Fund to a recipient often a non-profit entity;
- 10 "Gross proceeds" means total revenue obtained from the total monetary
- 11 amount spent by participants on the purchase of tickets in respect of each
- 12 gaming activity;
- 13 "Good causes" means the projects executed by the Trust Fund towards
- 14 promoting public good and social inclusion;
- 15 "Intervention" means the active involvement of the Trust Fund to bring
- 16 about positive changes in the lives of the people;
- 17 "License" means official permission to operate games or carry out gaming
- 18 activities granted under this Act;
- 19 "Licensee" means the person to whom a license to carry on the gaming
- 20 business has been issued pursuant to this Act;
- 21 "Lottery" or "Lotteries" includes any game, scheme, arrangement, system,
- 22 plan, promotional competition, raffle draw, or device for the distribution of
- 23 prizes by lot or chance, or as a result of the exercise of skill and chance or
- 24 based on the outcome of sporting events, or any other game, scheme,
- 25 arrangement, system, plan, competition or device, which the Commission
- 26 may declare to be lottery in a gazette and which shall be operated according
- 27 to a license;
- 28 "Lottery Technology" means:
- 29 (a) Ticket;
- 30 (b) terminal for selling or validating ticket;

- 1 (c) ticket checker;
- 2 (d) block chain lottery;
- 3 (e) any computer equipment or software or hardware used by the
- 4 lottery operator, a lottery equipment supplier or an agent in operating a lottery
- 5 scheme in Nigeria;
- 6 (f) an operator's central lottery management system;
- 7 (g) any other software or hardware or future technological innovation
- 8 that could influence the outcome of the lottery scheme or be used in the
- 9 operation of lottery;
- 10 (h) any equipment that could influence the outcome of a lottery
- 11 scheme or, in the opinion of the Commission, is integral to conducting,
- 12 managing or operating a lottery scheme in Nigeria;
- 13 "Lottery technology/technical supplier and vendor" means any person or body
- 14 corporate other than the Commission and lottery operator, who:
- 15 (a) manufacture, provides, installs, tests, maintains or repairs lottery
- 16 equipment;
- 17 (b) provides gaming services that could influence the outcome of
- 18 lottery scheme or, in the opinion of the Commission, are integral to conducting,
- 19 managing or operating a lottery
- 20 scheme in Nigeria;
- 21 "Member" means a member of the Governing Board of the Commission or a
- 22 member of the Board of Trustees, as the case may be, and includes the
- 23 Chairman of the Board or Board of Trustees;
- 24 "National lottery" means any lottery established or conducted at national level,
- 25 or employing the use of a national platform or instate basis to:
- 26 (a) conduct a lottery either through personal application or any
- 27 electronic transmission;
- 28 (b) publish or exhibit in a newspaper or broadcast, telecast, or on
- 29 notice by electronic means or otherwise any information relating to lottery;
- 30 (c) sell or dispose of any property of any kind or allot any prize of

- 1 money by means of a game of chance or a game of mixed chance and skill.
- 2 "Operator" means a licensee or any other person or company engaged by the
- 3 licensee to operate a game;
- 4 "Participant" in relation to a game means a person who is in possession of a
- 5 valid ticket in that game;
- 6 "Permit" means a permit to operate games of short term duration, periodic
- 7 life span or seasonal existence, such as a promotional lottery of less than 1-
- 8 year duration;
- 9 "Permit-holder" means a person to whom a permit to operate a game has
- 10 been issued pursuant to this Act;
- 11 "Proceeds" means the total transaction made by the participants on the
- 12 purchase of tickets in respect of each lottery conducted under a license;
- 13 "President" means the President of the Federal Republic of Nigeria;
- 14 "Prize" means a prize due to a participant who holds a winning ticket in a
- 15 game or promotional lottery conducted by the licensee or permit holder;
- 16 "Prize fund" means that depository established by a licensee pursuant to
- 17 section 31 of this Act;
- 18 "Prize Pool" means the fund established by a permit holder for payment of
- 19 prizes in a promotional lottery;
- 20 "Promotional lottery" includes lotteries conducted by manufacturers,
- 21 distributors, retailers and promoters of goods and services for the
- 22 distribution of prizes by chance or lot;
- 23 "Promoter", includes but not limited to, manufacturers of goods, service
- 24 providers, telecom operators, construction companies, banks and any other
- 25 person offering goods or services by public advertisement, the gross return
- 26 on which is likely to exceed the sum of N1,000,000.00;
- 27 "Remote gaming" means any form of gaming by means of which persons
- 28 participate by the use of remote communication including:
- 29 the internet, telephone, television, radio or any other kind of electronic or
- 30 other technology for facilitating communication;

1 "Relevant period" means the financial year of the licensee as required and
2 governed by the Companies and Allied Matters Act;
3 "Secretary" means the Secretary of the Trust Fund appointed under section 55
4 of this Act;
5 "Sports Betting" means any activity involving predicting sports results and
6 placing a wager on the outcome;
7 "Supervising Agency" means the Ministry, Department or Agency of the
8 Government of the Federation responsible for supervising the activities of the
9 Commission and the Trust Fund;
10 "Ticket" means any receipt, symbol, sign, token, warrant, card, printed paper,
11 document or any other means or device including an electronic record, which
12 entitles a participant to take part in a game;
13 "Trust Fund" means the National Gaming Trust Fund established under section
14 46 of this Act;
15 "Unclaimed prizes" means prizes payable in respect of winning tickets in a
16 lottery which have not been claimed by the ticket owner within the claim period
17 specified in the lottery rules.

Citation

18 **71.** This Bill may be cited as the National Gaming Bill, 2021.

19 FIRST SCHEDULE

20 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

21 *Proceedings of the Board or Board of Trustees*

22 1. Subject to this Act and Section 27 of the Interpretation Act, the
23 Board or Board of Trustees shall have power to regulate its proceedings and
24 may make standing orders with respect to the holding of its meetings, and those
25 of its committees, notices to be given, the keeping of minutes of its
26 proceedings, the custody and production for inspection of such minutes and
27 such other matters as the Commission and Trust Fund may, from time to time
28 determine.

29 *Meetings of the Board or Board of trustees*

30 1. There shall be at least four ordinary meetings of the Board or Board

1 of Trustees in every calendar year and subject thereto, the Board or Board of
2 Trustees shall meet whenever it is convened by the Chairman, and if the
3 Chairman is requested to do so by notice given by not less than 3 other
4 members, he shall convene a meeting of the Board or Board of Trustees to be
5 held within 14 days from the date the notice was given.

6 2. Every meeting of the Board or Board of Trustees shall be
7 presided over by the Chairman and if the Chairman is unable to attend a
8 particular meeting, the members present at the meeting shall elect one of
9 their members to preside at the meeting.

10 *Quorum*

11 The quorum of any meeting of the Board or Board of Trustees shall consist
12 of the Chairman or in an appropriate case, the person presiding at the
13 meeting pursuant to paragraph 2 of this Schedule) and four other members.

14 *Venue of Board or Board of Trustees Meetings*

15 The Board or Board of Trustees shall meet for the conduct of its business at
16 such places and on such days as the Chairman may appoint.

17 *Determination of Issues Before the Board or Board of Trustees*

18 A question put before the Board or Board of Trustees at a meeting shall be
19 decided by consensus and where this is not possible, by a majority of the
20 votes of the members present and voting.

21 *Chairman's Casting Vote*

22 The Chairman shall, in the case of an equality of votes, have a casting vote in
23 addition to their deliberative vote.

24 *Non-Members of the Board or Board of Trustees*

25 Where the Board or Board of Trustees seeks the advice of any person on a
26 particular matter, the Board or Board of Trustees may invite that person to
27 attend its meeting for such period as it thinks fit, but a person who is invited
28 by virtue of this paragraph shall not be entitled to vote at any meeting of the
29 Board or Board of Trustees and shall not count towards the quorum.

1 *Committees*

2 (1) The Board or Board of Trustees may appoint one or more
3 committees to carry out on behalf of the Board or Board of Trustees such of its
4 functions as may determine and report on any matter with which the Board or
5 Board of Trustees is concerned.

6 (2) A committee appointed under this paragraph shall be presided
7 over by a member of the Board or Board of Trustees and consist of such number
8 of persons (not necessarily all members of the Board or Board of Trustees) as
9 may be determined by the Board or Board of Trustees, and a person other than a
10 member of the Board or Board of Trustees shall hold office in the committee in
11 accordance with the terms of its appointment.

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

14 *Miscellaneous*

15 The fixing of the seal of the Commission and Trust Fund shall be authenticated
16 by the signature of the Chairman, the Director General, Secretary and such
17 other person authorised by the Board or Board of Trustees to act for that
18 purpose.

19 *Execution of Documents*

20 1. A contract or an instrument which, if made or executed by any
21 person not being a body corporate, would not be required to be under seal, may
22 be made or executed on behalf of the Commission and Trust Fund by the
23 Chairman, Director General, Secretary or by any person generally or
24 specifically authorised to act for that purpose by the Board or Board of
25 Trustees.

26 2. A document purporting to be a contract, an instrument or other
27 document signed or sealed on behalf of the Commission and Trust Fund shall
28 be received in evidence and unless the contrary is proved, be presumed without
29 further proof, to have been properly signed or sealed.

1 *Validity of Proceedings*

2 The validity of any proceedings of the Board or Board of Trustees or its
3 committees shall not be affected by:

4 (a) any vacancy in the membership of the Board or Board of
5 Trustees or its committees;

6 (b) reason that a person not entitled to do so took part in the
7 proceedings; or

8 (c) any defect in the appointment of a member.

9 *Conflict of Interest*

10 Any member of the Board or Board of Trustees or committee who has a
11 personal interest in any contract or arrangement entered into or proposed to
12 be considered by the Board or Board of Trustees or any committee shall:

13 (a) forthwith disclose his or her interest to the Board or Board of
14 Trustees or committee; and

15 (b) not vote on any question relating to the contract or arrangement

16 SECOND SCHEDULE

17 SUPPLEMENTARY PROVISIONS RELATING TO THE TRUST FUND

18 *Proceedings of the Board of Trustees*

19 1. Subject to this Act and section 27 of the Interpretation Act, the
20 Board of Trustees shall have power to regulate its proceedings and may
21 make standing orders with respect to the holding of its meetings, and those
22 of its committees, notices to be given, the keeping of minutes of its
23 proceedings, the custody and production for inspection of such minutes and
24 such other matters as the Trust Fund may, from time to time determine.

25 2.-(1) There shall be at least four ordinary meetings of the Board of
26 Trustees in every calendar year and subject thereto, the Board of Trustees
27 shall meet whenever it is convened by the Chairman, and if the Chairman is
28 requested to do so by notice given to him by not less than 3 other members,
29 he shall convene a meeting of the Board of Trustees to be held within 14 days
30 from the date on which the notice was given.

(2) Every meeting of the Board of Trustees shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.

3. The quorum of any meeting of the Board of Trustees shall consist of the Chairman or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and four other members.

8 4. The Board of Trustees shall meet for the conduct of its business at
9 such places and on such days as the Chairman may appoint.

5. A question put before the Board of Trustee at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

13 6. The Chairman shall, in the case of an equality of votes, have a
14 casting vote in addition to his deliberative vote.

15 7. Where the Board of Trustees seeks the advice of any person on a
16 particular matter, the Board of Trustees may invite that person to attend for
17 such period as it thinks fit, but a person who is invited by virtue of this
18 paragraph shall not be entitled to vote at any meeting of the Board of Trustees
19 and shall not count towards the quorum.

20 Committees

21 8. The Board of Trustees may appoint one or more committees to
22 carry out on behalf of the Board such of its functions as the Board of Trustees
23 may determine and report on any matter with which the Board of Trustees is
24 concerned.

25 9. A committee appointed under paragraph 8 of this Schedule shall be
26 presided over by a member of the Board of Trustees and consist of such number
27 of persons (not necessarily all members of the Board of Trustees, and a person
28 other than a member of the Board of Trustees shall hold office on the committee
29 in accordance with the terms of his appointment.

30 10. A decision of a committee of the Board of Trustees shall be of no

1 effect until it is confirmed by the Board of Trustees.

2 *Miscellaneous*

3 11. The fixing of the seal of the Trust Fund shall be authenticated
4 by the signature of the Chairman and the Secretary or the Secretary and such
5 other person authorized by the Board of Trustees to act for that purpose.

6 12. A contract or an instrument which, if made or executed by any
7 person not being a body corporate, would not be required to be under seal,
8 may be made or executed on behalf of the Trust Fund by the Chairman or the
9 Secretary or by any person generally or specifically authorized to act for that
10 purpose by the Board of Trustees.

11 13. A document purporting to be a contract, an instrument or other
12 document signed or sealed on behalf of the Trust Fund shall be received in
13 evidence and, unless the contrary is proved, be presumed without further
14 proof, to have been properly signed or sealed.

15 14. The validity of any proceedings of the Board of Trustees or its
16 committees shall not be affected by:

17 (a) any vacancy in the membership of the Board of Trustees or its
18 committees; or

19 (b) reason that a person not entitled to do so took part in the
20 Proceedings; or

21 (c) any defect in the appointment of a member.

22 15. Any member of the Board of Trustees or committee thereof
23 who has a personal interest in any contract or arrangement entered into or
24 proposed to be considered by the Board of Trustees or any committee
25 thereof:

26 (a) shall forthwith disclose his interest to the Board of Trustees or
27 committee; and

28 (b) shall not vote on any question relating to the contract or
29 Arrangement:

30 (a) resign the appointment by a written notice under his hand

- 1 addressed to the President; or
2 (b) be removed by the President for inability to discharge the
3 functions of the office (whether arising from infirmity of mind or body or any
4 other cause) or for gross misconduct or corruption.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Lottery Act No. 7 of 2005 and the National Lottery (Amendment) Act No. 6 of 2017 and enact the National Gaming Act to regulate the operation and business of gaming in Nigeria and enhance revenue generation for the government of the federation to complement the funding gap of the Commission.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN INVESTMENT PROMOTION COMMISSION
ACT CAP. N117 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR
RELATED MATTERS

Sponsored by Hon. Ozurigbo Ugonna

[] Commencement

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

- 1 **1.** The Nigerian Investment Promotion Commission Act, Cap Amendment of
2 N117 LFN, 2004 (herein referred to as the "Principal Act") is amended as set Cap. N117 LFN,
3 out in this Bill. 2004
- 4 **2.** Section 4 of the Principal Act is amended by inserting a new Amendment of
5 subsection (n) to read as follows "to establish and maintain liaison offices in Section 4
6 each state of the Federal Republic of Nigeria".
- 7 **3.** Section 6 of the Principal Act is amended- Amendment of
8 (a) In subsection (1) by deleting the word "Minister" and Section 6
9 substituting it with the words "Vice President";
- 10 (b) In subsection (2) by deleting the word "Minister" and
11 substituting it with the words "Vice President"
- 12 **4.** Section 14 of the Principal Act is amended- Amendment of
13 (a) In subsection (1) by deleting the word "Minister" wherever it Section 14
14 appeared and substituting it with the word "Vice President";
- 15 (b) In subsection (2) by deleting the word "minister" and
16 substituting with the word "Vice President";
- 17 (c) In subsection (3) by deleting the word "minister" and
18 substituting it with the word "Vice President";
- 19 (d) In subsection (4) by deleting the word "minister" and
20 substituting with the word "Vice President".

| | | |
|----------------------------|----|--|
| Amendment of Section 15 | 1 | 5. Section 15 of the Principal Act is amended in subsection (1) by |
| | 2 | deleting the word "minister" and substituting it with the word "Vice President". |
| Amendment of Section 16 | 3 | 6. Section 16 of the Principal Act is amended by deleting the word |
| | 4 | "minister" and substituting it with the word "Vice President". |
| Amendment of Section 23 | 5 | 7. Section 23 of the Principal Act is amended in subsection (2) by |
| | 6 | deleting the words "Chairman of the council" and substituting it with the words |
| | 7 | "Vice President". |
| Amendment of Section 28 | 8 | 8. Section 28 of the Principal Act is amended by deleting the word |
| | 9 | "minister" and substituting it with the word "Vice President". |
| Amendment of Section 30 | 10 | 9. Section 30 of the Principal Act is amended in subsection (2) by |
| | 11 | deleting the word "Chairman of the Council" and substituting it with the word |
| | 12 | "Vice President". |
| Amendment of Section 31 | 13 | 10. Section 31 of the Principal Act is amended by deleting the words |
| | 14 | "minister means the Minister charged with responsibility for matters relating to |
| | 15 | industry" and substituting it with the words "Vice President means the Vice |
| | 16 | President under section 141 of the 1999 constitution of the Federal Republic of |
| | 17 | Nigeria (as amended)". |
| Citation | 18 | 11. This Bill may be cited as Nigerian Investment Promotion |
| | 19 | Commission (Amendment) Bill, 2021. |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Investment Promotion Commission Act Cap N117 LFN, 2004 to come in line with international best practices by vesting the power of supervision of the commission in the Presidency, specifically in the office of the Vice President. This initiative is to boost investors' confidence in Nigeria, reduce bureaucratic bottlenecks and further strengthen our institutional mechanism for driving Foreign Direct Investments and portfolio investments in Nigeria. It will give way for easy, quick, flexible and better articulation of investment policies and resolve of investment challenges in Nigeria.

The constitutional role of the Vice President as the head of Nigeria Economic Council as enshrined in section 153 (h) and at paragraphs 18 and 19 of Part 1 of Third Schedule of the constitution will be better complimented.

Again, the amendment seeks for the establishment of Nigeria Investment Promotion Commission offices in all the states of the Federation. The essence is to ensure even development and better assessment of the foreign direct investment need of each state. It will help to address the imbalance observed in the spread of foreign direct investments in Nigeria,

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION AMAIGBO, IMO STATE, TO PROVIDE FULL-TIME COURSES, TEACHING, INSTRUCTIONS AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT, AND FOR RELATED MATTERS

Sponsored by Hon. Ozurigbo Ugonna

[] Commencement

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

1 PART I

2 1.-(1) There is hereby established the Federal College of Education
3 Amaigbo, Imo State (hereinafter referred to as the "College") which shall
4 have such powers and exercise such functions as are conferred on it by this
5 Act.

Establishment of
Federal College
of Education
Amaigbo, Imo
State

6 (2) The College shall be a body corporate with perpetual
7 succession and a common seal and shall have power to acquire and dispose
8 of interests in movable and immovable property.

9 (3) The College may sue and be sued in its corporate name.

10 2.-(1) The governance of the College and the direction of its affairs
11 shall vest in the Governing Council of the College (in this Bill referred to as
12 "the Council").

Governing Council
of the College

13 (2) It shall be the responsibility of the Council to consider and
14 approve-

15 (a) the programme of studies, courses, and research to be
16 undertaken by the College;

17 (b) the plan of activities of the College;

18 (c) the annual estimates of the College; and

19 (d) the investment plans of the College.

| | | |
|--|----|--|
| | 1 | (3) The provisions of the Schedule to this Bill shall have effect with |
| | 2 | respect to the Council as specified therein. |
| Membership of the Council in the College | 3 | 3.-(1) The Council of the College shall consist of a chairman and the |
| | 4 | following other members, to be appointed by the President- |
| | 5 | (a) a representative of the Federal Ministry responsible for education; |
| | 6 | (b) a representative of the university to which the college is affiliated |
| | 7 | for the purpose of moderation; |
| | 8 | (c) two representatives of the Academic Board of the College; |
| | 9 | (d) a representative of the National Commission for Colleges of |
| | 10 | Education; and |
| | 11 | (e) the Provost of the College. |
| Tenure of office of members of the Council | 12 | 4.-(1) A member of the Council (other than an ex-officio member) |
| | 13 | shall hold office for a term of four years and subject to the provisions of |
| | 14 | subsection (2) of this section, shall be eligible for re-appointment for a further |
| | 15 | period of four years. |
| | 16 | (2) The office of a member appointed under sections 3 (1) and 3 (1a, b, |
| | 17 | c, d) of this Bill shall become vacant if- |
| | 18 | (a) the member resigns his office by notice in writing under his hand, |
| | 19 | addressed to the Minister; or |
| | 20 | (b) the Minister is satisfied that it is not in the interest of the College |
| | 21 | for the person appointed to continue in office and notifies the member in |
| | 22 | writing to that effect. |
| Functions of the College | 23 | 5. The functions of each College shall be- |
| | 24 | (a) to provide full-time courses in teaching, instruction and training- |
| | 25 | (i) in technology, applied science, commerce, arts, social science, |
| | 26 | humanities and management; and |
| | 27 | (ii) in such other fields of applied learning relevant to the needs of the |
| | 28 | development of Nigeria as the Council may from time to time determine; |
| | 29 | (b) to conduct courses in education for qualified teachers; |
| | 30 | (c) to arrange conferences, seminars and workshops relative to the |

1 functions of the college; and

2 (d) to perform such other functions as in the opinion of the Council
3 may serve to promote the objectives of the College.

4 **6.-(1)** The Council of the college shall have power to-

Powers of the
Council

5 (a) hold examinations and grant National Certificate of Education
6 (NCE), Diplomas, professional certificates and other distinctions to persons
7 who have pursued a course of study approved and accredited by the National
8 Commission for Colleges of Education;

9 (b) hold examinations in education for qualified teachers;

10 (c) hold public lectures and undertake printing, publishing and
11 bookselling;

12 (d) recruit staff of the right calibre and determine the career
13 structure of such staff;

14 (e) demand and receive from any student or any other person
15 attending the College for the purpose of instruction such fees as the Council
16 may, with the prior approval of the Minister, from time to time determine;

17 (f) receive and make gifts for any charitable purpose;

18 (g) provide amenities for and make such other provision for the
19 welfare of the staff and students of the College;

20 (h) borrow money within Nigeria in such manner and upon such
21 security as the Minister may from time to time authorise;

22 (i) enter into such contracts as may be necessary or expedient for
23 carrying into effect the objectives of the College;

24 (j) establish and maintain such schools and other teaching units
25 within the College or extramural departments as the Council may, from time
26 to time, decide;

27 (k) institute and award fellowships, medals, prizes and other titles;

28 (l) mount exhibitions and displays designed to foster an
29 appreciation of trends in and the scope and requirements of education;

30 (m) erect, provide, equip and maintain such educational,

| | | |
|--------------------------------------|----|---|
| | 1 | recreational and residential facilities as the College may require; |
| | 2 | (n) create lectureships and other academic posts and offices and to |
| | 3 | make appointments thereto; |
| | 4 | (o) encourage and make provision for research in the College; and |
| | 5 | (p) do such acts and things as incidental to the foregoing powers as |
| | 6 | may advance the objects of the College. |
| Visitation | 7 | 7.-(1) The Minister of Education shall be the Visitor of the College. |
| | 8 | (2) The Visitor shall, not less than once in every five years, conduct a |
| | 9 | visitation of the College or appoint a visitation panel consisting of not less than |
| | 10 | five experts to conduct the visitation- |
| | 11 | (a) for the purpose of evaluating the academic and administrative |
| | 12 | performance of the College; or |
| | 13 | (b) for such other purpose or in respect of any other affairs of the |
| | 14 | College as the Visitor may deem fit. |
| The Academic Board and its functions | 15 | 8.-(1) There shall be established for each College a board to be known |
| | 16 | as the Academic Board which shall consist of the following members- |
| | 17 | (a) the Provost of the College who shall be the chairman; |
| | 18 | (b) all heads of departments; |
| | 19 | (c) the College Bursar; |
| | 20 | (d) the College Librarian; and |
| | 21 | (e) not more than two members of the academic staff other than heads |
| | 22 | of departments to be appointed by the Council. |
| | 23 | (2) The Academic Board shall be responsible for- |
| | 24 | (a) the direction and management of academic matters of the College |
| | 25 | including the regulation of admission of students, the award of certificates, |
| | 26 | scholarships, prizes and other academic distinctions; |
| | 27 | (b) making periodic reports on such academic matters to the Council |
| | 28 | as the Council may from time to time direct; |
| | 29 | (c) discharging any other functions which the Council may from time |
| | 30 | to time delegate to it. |

- 1 **9.** Subject to the provisions of this Act, the Minister may give to
2 the Council directions of a general character or relating generally to matters
3 of policy with regard to the exercise by the Council of its functions under
4 this Act and it shall be the duty of the Council to comply with such
5 directions.
- 6 **10.**-(1) There shall be a Provost of the College (in this Bill referred
7 to as "the Provost") who shall be appointed by the President, with the
8 recommendations of the Minister.
- 9 (2) Where a vacancy occurs in the post of Provost, the Council
10 shall-
- 11 (a) advertise the vacancy in not less than two reputable and widely
12 read daily newspaper in Nigeria specifying-
- 13 (i) the qualifications and qualities of the person who may apply for
14 the post;
- 15 (ii) the terms and conditions of service applicable to the post; and
16 thereafter draw up a short list of suitable candidates for consideration by the
17 Minister;
- 18 (3) The President shall appoint as Provost one of the candidates
19 recommended to him under the provisions of subsection (2) of this section.
- 20 (4) Subject to this Act and the general control of the Council, the
21 Provost shall be the chief executive of the College and shall be charged with
22 general responsibility for matters relating to the day-to-day management
23 operations of the College
- 24 (5) The Provost shall hold office for a period of five years only
25 beginning with the effective date of his appointment and on such terms and
26 conditions as may be specified in his letter of appointment.
- 27 **11.**-(1) There shall be for the college two Deputy Provosts namely; Deputy Provosts
28 Deputy Provost (Academic) and Deputy Provost (Administration).
- 29 (2) The Council shall appoint the Deputy Provost from among the
30 chief lecturers in the College in one of the following ways, that is-

1 (a) from a list of five candidates in order of preference, submitted by
2 the Provost; or

3 (b) on the recommendation of a Selection Board; or

4 (c) on the nomination of the Provost.

5 (3) The Selection Board referred to in subsection (2 b) of this section
6 shall-

7 (a) consist of-

8 (i) the chairman of the Council;

9 (ii) the Provost of the College;

10 (iii) two members of the Council not being members of the Academic
11 Board;

12 (iv) two members of the Academic Board;

13 (4) The Deputy Provost Academics shall-

14 (i) assist the Provost in the performance of his functions in the
15 academic matters of the College;

16 (ii) act in the place of the Provost when the post of Provost is vacant
17 or if the Provost is, for any reason, absent or unable to perform his functions as
18 Provost; and

19 (iii) perform such other functions as the Provost or the Council may,
20 from time to time, assign to him.

21 (b) The Deputy Provost Administration shall-

22 (i) assist the Provost in the performance of his functions in the
23 administration matters of the College; and

24 (ii) perform such other functions as the Provost or the Council may,
25 from time to time, assign to him.

26 (5) Each of the Deputy Provost shall hold office for a period of two
27 years beginning from the effective date of the appointment and may be
28 reappointed for another two years and no more.

The Registrar

29 12.-(1) There shall be a Registrar for the College appointed by the
30 Council.

1 (2) The Registrar shall keep the records and conduct the
2 correspondence of the Council and shall perform such other duties as the
3 Council and subject thereto as the Provost may from time to time direct.

4 (3) The Registrar shall, in addition to other duties conferred on him
5 by or under this Bill, be the secretary to the Council, the Academic Board
6 and any committee of the Council and in his absence, the Councilor any such
7 committee may appoint some other person to act as secretary, and he shall
8 not vote on any question before the Councilor count towards a quorum.

9 (4) A Registrar shall hold office for a period of five years and no
10 more beginning from the effective date of his appointment and on such
11 terms and conditions as may be specified in his letter of appointment.

12 **13.-(1)** There shall be for each College the following principal
13 officers in addition to the Registrar, that is-

Other principal
officers of the
College

14 (a) the Bursar; and

15 (b) the College Librarian,

16 who shall be appointed by the Council on the recommendation of the
17 Selection Board constituted under section 11 (2d) of this Bill.

18 (2) The Bursar shall be the chief financial officer of the College
19 and be responsible to the Provost for the day-to-day administration and
20 control of the financial affairs of the College.

21 (3) The College Librarian shall be responsible to the Provost for the
22 administration of the College Library and the coordination of the library
23 services in the teaching units of the College.

24 (4) A Bursar or Librarian-

25 (a) shall hold office for a period of five years and no more,
26 beginning from the effective date of his appointment and on such terms and
27 conditions as may be specified in his letter of appointment.

28 **14.** A principal officer may resign his appointment-

29 (a) in the case of the Provost, by notice to the Visitor; and

30 (b) in any other case, by notice to the Council.

Resignation of
appointment of
principal officers

(2) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

11 (a) the chairman of the Council;

12 (b) the Provost;

13 (c) four members of the Council not being members of the Academic

14 Board; and

15 (d) two members of the Academic Board.

(2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

19 17.-(1) It is hereby declared that service in the College shall be
20 approved service for the purposes of the Pensions Act and, accordingly,
21 officers and other persons employed in each College shall in respect of their
22 service in the College be entitled to pensions, gratuities and other retirement
23 benefits as are prescribed in their respective letters of appointment, so however
24 that nothing in this Bill shall prevent the appointment of a person to any office
25 on terms which preclude the grant of a pension and gratuity in respect of that
26 office.

28 **18.-(1)** The College shall establish and maintain a fund which shall be
29 applied towards the promotion of the objectives specified in this Bill.

30 (2) There shall be paid and credited to the fund established under

1 subsection (1) of this section-

2 (a) such sums as may from time to time be granted to the College by
3 the Federal Government through the National Commission for Colleges of
4 Education;

5 (b) all moneys raised for the purposes of the College by way of
6 gifts, grants-in-aid or testamentary disposition; and

7 (c) all subscriptions, fees and charges for services rendered by the
8 College and all other sums that may accrue to the College from any source.

9 (3) The Council shall submit to the Minister, through the National
10 Commission for Colleges of Education, not later than three months before
11 the end of each financial year or at such other time as he may direct, an
12 estimate of its revenue and expenditure for the next succeeding financial
13 year.

14 **19.**-(1) The College may accept gifts of land, money or other
15 property upon such terms and conditions if any, as may be specified by the
16 person making the gift.

Power to accept
gifts

17 (2) The Council shall not accept any gift if the conditions attached
18 by the person making the gift are inconsistent with the functions of the
19 Council.

20 **20.** The Council shall keep proper accounts of its receipts,
21 payments, assets and liabilities and shall in respect of each year cause the
22 accounts to be audited.

Accounts and
audit

23 **21.** The Council shall as soon as may be after the expiration of
24 each financial year, prepare and submit to the Minister a report of its
25 activities during the immediately preceding financial year and shall include
26 in the report a copy of the audited accounts of the College for that year and of
27 the auditor's report on the accounts.

Annual reports

28 PART III

29 *Miscellaneous and supplement*

30 **22.**-(1) The Council may make rules providing for the Provost to

Discipline of
students

1 conduct enquiries into alleged breaches of discipline (including lack of
2 diligence) by students and such rules may make different provisions for
3 different circumstances.

4 (2) The rules shall provide for the procedure and rules of evidence to
5 be followed at enquiries under this section.

6 (3) Subject to the provisions of subsection (1) of this section, where it
7 is proved during the enquiry that any student of the College has been guilty of
8 misconduct, the Provost may, without prejudice to any other disciplinary
9 powers conferred on him by this Act or any regulations made thereunder,
10 direct-

11 (a) that the student shall not, during such period as may be specified in
12 the direction, participate in such activities of the College, or make use of such
13 facilities of the College, as he may specify;

14 (b) that the activities of the student shall during such period as may be
15 specified in the directions, be restricted in such manner as may be so specified;

16 (c) that the student may be suspended for such period as may be
17 specified in the direction; or

18 (d) that the student be expelled from the College.

19 (4) Where a direction is given under subsection (3) (c) or (d) of this
20 section in respect of any student, the student may, within 21 days from the date
21 of the letter communicating the decision to him, appeal to the Council, and
22 where such an appeal is brought, the Council shall, after causing such inquiry to
23 be made in the matter as the Council considers just, either confirm or set aside
24 the direction or modify it in such manner as the Council may think fit.

25 (5) The fact that an appeal brought in pursuance of subsection (4) of
26 this section is pending shall not affect the operation of the direction.

27 (6) The Provost may delegate his powers of enquiry under this section
28 to a disciplinary committee consisting of such members of the College as he
29 may nominate.

30 (7) In all cases under this section, the decision of the Council shall be

1 final unless reversed by the Minister on appeal by the student.

2 **23.** In this Bill, unless the context otherwise requires-

Interpretation

3 "chairman" means the chairman of the Council;

4 "College" means the Federal College of Education Amaigbo, Imo State.

5 "Council" means the Governing Council of the Colleges established
6 pursuant to section 2 of this Bill;

7 "Provost" means the Provost of the College appointed under section 9 of this
8 Act;

9 "functions" includes powers and duties;

10 "Minister" means the Minister charged with responsibility for matters
11 relating to education;

12 "member" means a member of the Council including the chairman.

13 **24.** This Bill may be cited as the Federal College of Education,
14 Amaigbo (Establishment) Bill, 2021.

Citation

15 SCHEDULE

16 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

17 *Terms of service*

18 1. There may be paid to the members of the Council or any
19 committee, other than ex-officio members, such remuneration and
20 allowances as may be determined by the President from time to time.

21 2. Where a vacancy occurs in respect of the membership specified
22 in section 3, it shall be filled by the appointment of a successor to hold office
23 for the remainder of the term of office of his predecessor in office and such
24 successor shall represent the same interest as his predecessor.

25 3. The Council may act notwithstanding any vacancy in its
26 membership or any defect in the appointment of a member or the absence of
27 a member.

28 *Proceedings*

29 4.-(1) Where the Council desires to obtain the advice of any person
30 on any particular matter, the Council may co-opt persons who are not

1 members of the Council but persons co-opted shall not be entitled to vote at a
2 meeting of the Council.

3 (2) The quorum of the Council shall be one half of the total members
4 of the Council, at least one of whom shall be a member appointed by the
5 President.

6 (3) Decisions of the Council shall be made on approval by a simple
7 majority of members.

8 *Miscellaneous*

9 5.-(1) The fixing of the seal of the College shall be authenticated by
10 the signature of the chairman, Provost and of some other members of the
11 Council authorised generally or specially by the Council to act for that purpose.

12 (2) Any contract or instrument which, if made or executed by a person
13 other than a body corporate would not be required to be under seal may be made
14 or executed on behalf of the College by any person generally or specially
15 authorised to act for that purpose by the Council.

16 (3) Any document purporting to be duly executed under the seal of the
17 College shall be received in evidence and shall, unless the contrary is proved,
18 be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education Amaigbo, Imo State as institution to offer full-time courses leading to awarding National Certificate of Education (NCE), Diplomas and other relevant education certificates.

The passage of this Bill will extinguish the existing imbalance in the establishment and citing of educational institutions in Imo State.

A BILL

FOR

AN ACT TO AMEND THE ASSET MANAGEMENT CORPORATION OF NIGERIA ACT, 2019 TO EXTEND THE TENOR OF THE BANKING SECTOR RESOLUTION COST FUNDS; AND FOR RELATED MATTERS

Sponsored by Hon. Victor Onyemaechi Nwokolo

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Asset Management Corporation of Nigeria (Amendment)</p> <p>2 Act, 2019(herein referred to as the "Principal Act") is further amended as set</p> <p>3 out in this Bill.</p> | <p>Amendment of the Asset Management Corporation of Nigeria (Amendment) Act, 2019</p> |
| <p>4 2. Section 9 of the Principal Act is further amended by enlarging</p> <p>5 the definition of "tenor" to read thus:</p> <p>6 "tenor", when used in Part IX of this Bill, means a period of 10</p> <p>7 years from the calendar year 2010 but may be extended by the National</p> <p>8 Assembly to such a period of time as may be determined by the National</p> <p>9 Assembly to enable the Corporation settle all outstanding liabilities and</p> <p>10 obligations as provided in section 60 E(1) of the Principal Act.</p> | <p>Amendment of Section 9 of the Principal Act</p> |
| <p>11 3. Amendment of Section 8 of the Principal Act by introducing a</p> <p>12 new Section "34 (1)(a)"-</p> <p>13 "(a) subject to paragraphs (c), (i) and (d), become vested with and</p> <p>14 acquire legal title to the eligible bank assets and all assets or property</p> <p>15 tangible or intangible belonging to, traced to and in which the debtor has</p> <p>16 interests in, whether or not such assets or property is used as security for the</p> <p>17 eligible bank asset, and the Corporation shall be vested with power, to the</p> <p>18 exclusion of all other creditors, to take possession of, manage, foreclose or</p> <p>19 sell, transfer, assign or otherwise dispose of the acquired eligible bank asset</p> <p>20 and any tangible or intangible asset or property belonging to, traced to and in</p> | <p>Amendment of Section 8 of the Principal Act</p> |

1 which the debtor has interests in, whether or not such assets or property is used
2 as security for the eligible bank asset, in full or partial satisfaction of the debt
3 owed to the Corporation by reason of the acquisition of the eligible bank asset
4 notwithstanding that the interest of debtor in such asset or property is equitable
5 only"

6 (b) Introduce new Section 34 (1)(b) and renumber the subsisting
7 paragraph accordingly:

8 "(b) Any certification of sale or certificate of transfer of title executed
9 by the corporation in exercise of its powers under sub-section (1)(a) above
10 shall constitute a valid registrable instrument under all applicable land
11 registration laws applicable in the Federation and in all land and corporation
12 registries in the Federation."

Amendment of
Section 12 of the
Principal Act

13 **4.** (a) Section 12 of the Principal Act is amended by substituting for
14 the existing provision, a new Section 45(2)

15 "(2) A certificate of Judgement obtained in a proceeding or any other
16 document presented by the Corporation as evidencing title whether Legal,
17 equitable or traced in a property constitutes instrument of title of the interest of
18 the Corporation in all land registries in the Federation."

19 (b) insert a new sub section (3) immediately after Sub section (2) -

20 "(3) the registrability of any certificate of judgement referred to in sub
21 section (2) of this Bill shall not, notwithstanding any law, be subject to the
22 provision of any land and/or title registration Act or law in force in the
23 Federation."

Amendment of
Section 20 of the
Principal Act

24 **5.** Section 20 of the principal Act by introducing a column and a new
25 proviso immediately after the word "action" in the new Section 53(3)

26 "PROVIDED that failure to conclude the action within six months
27 shall not invalidate the proceedings or judgment of court nor the claims made
28 by the Corporation against any obligor whatsoever".

Amendment of
Section 23 of the
Principal Act

29 **6.** Section 23 of the Principal Act is amended by substituting for a
30 definition of the following-

1 "court" means the Federal High Court to the exclusion of any other court;
2 "traced asset" means any asset, tangible or intangible belonging to the
3 debtor or which the debtor has interests in, whether or not such asset is used
4 as collateral for the eligible bank asset .

5 7. This Bill may be cited as the Asset Management Corporation of Citation
6 Nigeria Act (Amendment No. 3) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Asset Management Corporation of Nigeria Act,
2019 to extend the tenor of the Banking Sector Resolution Cost Funds.