

Extraordinary



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ELECTORAL OFFENCES COMMISSION AND TRIBUNAL
(ESTABLISHMENT) BILL, 2021
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A BILL

FOR

AN ACT TO ESTABLISH THE ELECTORAL OFFENCES COMMISSION AND THE
ELECTORAL OFFENCES TRIBUNAL TO PROVIDE FOR THE LEGAL
FRAMEWORK FOR INVESTIGATION AND PROSECUTION OF ELECTORAL
OFFENCES FOR THE GENERAL IMPROVEMENT OF THE ELECTORAL
PROCESS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. O.K. Chinda

[] Commencement

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

1 PART I - OBJECTIVE

2 1. The objective of this Act is to provide for electoral offences and Objective
3 legal framework for the investigation and prosecution of electoral offences.

4 PART II - ELECTORAL OFFENCES COMMISSION

5 2.-(1) There is established a body known as the Electoral Offences Establishment
6 Commission (in this Act referred to as "the Commission"). of the Electoral
Offences
Commission

7 (2) The Commission:

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

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

11 (c) may acquire, hold or dispose of property (whether movable or
12 immovable).

13 (3) The Commission shall be charged with the responsibility of
14 enforcing the provisions of the Constitution, this Act, the Electoral Act and
15 any other law relating to electoral offences, investigation and prosecution of
16 electoral offences.

17 (4) The Commission shall be independent in the discharge of its
18 functions and powers under this Act.

	<p>1 (5) The Headquarters of the Commission shall be in Abuja, Nigeria</p> <p>2 and the Commission may establish an office in any State of the Federation and</p> <p>3 which shall perform such functions as the Commission may, from time to time,</p> <p>4 assign to such office.</p> <p>5 (6) The common seal of the Commission shall be kept in the custody</p> <p>6 of the Secretary and shall be authenticated by the signature of the Chairman or</p> <p>7 such other officer as the Commission may designate.</p>
Composition of the Commission	<p>8 3.-(1) The Commission shall consist of the following Members:</p> <p>9 (a) a Chairman who shall be a person of proven integrity; and</p> <p>10 (b) twelve other persons, who shall be known as National</p> <p>11 Commissioners.</p> <p>12 (2) In appointing the members of the Commission, regards shall be</p> <p>13 had to federal character and gender policy of the Federal Government.</p> <p>14 (3) Members of the Commission shall be non-partisan and of proven</p> <p>15 integrity and in:</p> <p>16 (a) the case of the Chairman, be not less than forty years of age; and</p> <p>17 (b) other members, be not less than thirty - five years of age.</p> <p>18 (4) The Chairman shall be the chief executive and accounting officer</p> <p>19 of the Commission.</p> <p>20 (5) The provisions of the First Schedule to this Act shall have effect</p> <p>21 with respect to the proceedings of the Commission and other matters</p> <p>22 mentioned therein.</p>
Appointment and tenure of office of the members of the Commission	<p>23 4.-(1) The Chairman and members of the Commission shall be</p> <p>24 appointed by the President subject to confirmation by the Senate.</p> <p>25 (2) Members of the Commission shall hold office for a period of five</p> <p>26 years from the date of appointment and shall be eligible for re-appointment for</p> <p>27 another term of five years and no more and shall vacate office upon reaching</p> <p>28 the age of seventy years.</p> <p>29 (3) The Chairman and members of the Commission shall have at least</p> <p>30 a first degree or its equivalent from a recognized institution in addition to a</p>

1 minimum of ten years' cognate experience in the relevant field.

2 **5.**-(1) The office of the Chairman or a member of the Commission Cessation of
3 shall become vacant where: membership

4 (a) his term of office expires or attains 70 years of age;

5 (b) he resigns his office by a notice in writing under his hand
6 addressed to the President:

7 (c) he is incapable of performing the functions of his office due to
8 mental or physical illness;

9 (d) he has been convicted of a felony or any offence involving
10 dishonesty;

11 (e) he has been declared bankrupt or insolvent by a competent court
12 or tribunal;

13 (f) he becomes a member of, holds an office in or is employed by
14 any political party; or

15 (g) he is declared guilty of gross misconduct by a court of
16 competent jurisdiction or tribunal;

17 (2) A member may be removed or suspended from office by the
18 President:

19 (a) if he is satisfied that it is not in the interest of the Commission or
20 of the public for the person appointed to continue in office subject to
21 confirmation by the Senate; or

(b) acting on a resolution supported by two-thirds majority of the Senate praying that the member be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body, or any other cause) or for misconduct.

(3) Where a vacancy occurs in the membership of the Commission, the President shall appoint a successor to hold office for a term of five years subject to confirmation by the Senate.

(4) Where a vacancy occurs in the office of the Chairman, the members shall elect one of their members to act in the capacity of a chairman

	1	for a maximum period of 3 months and no more.
Emoluments, allowances, etc.	2	6. The Chairman and members of the Commission shall be paid such
	3	emoluments, allowances and benefits as may be determined by the appropriate
	4	Federal Government Agency, from time to time, in accordance with extant
	5	laws and regulations.
	6	PART III - FUNCTIONS AND POWERS
Functions of the Commission	7	7. The Commission shall:
	8	(a) investigate, enforce and prosecute all electoral malpractices and
	9	electoral offences created under the constitution, Electoral Act and any other
	10	law;
	11	(b) advise the electoral entities of any change in practices, systems or
	12	procedures compatible with the effective discharge of the duties of electoral
	13	entities as the Commission thinks fit to reduce the likelihood or incidence of
	14	electoral and related offences;
	15	(c) adopt measures to identify, trace and prosecute political thuggery,
	16	electoral fraud, political terrorism and related electoral offences;
	17	(d) adopt measures to prevent and eradicate the commission of
	18	electoral malpractices including coordination, preventive and regulatory
	19	actions, introduction of investigative and control techniques, and the
	20	collaboration with election observers within and outside Nigeria;
	21	(e) facilitate the exchange of scientific and technical information with
	22	other democracies on the conduct of joint operations and training geared
	23	towards the eradication of electoral fraud and malpractices;
	24	(f) inform and educate the public on matters related to electoral and
	25	related offences; and
	26	(g) carry out such other activities as are necessary or expedient for the
	27	full discharge of all or any of the functions conferred on it under this Act or
	28	conferred upon it by an Act of the National Assembly.
Powers of the Commission	29	8.-(1) The Commission shall have powers to:
	30	(a) investigate and prosecute any person suspected to have conspired

1 to commit or has attempted to commit or has committed an electoral offence
2 or an offence under the Constitution, this Act, the Electoral Act, or any other
3 law;

4 (b) examine the practices, systems and procedures of any electoral
5 entity and where, in the opinion of the Commission, such practices, systems
6 or procedures aid or facilitate electoral offences to advise on ways by which
7 electoral offences may be eliminated or minimized by such entity;

8 (c) appoint, promote, dismiss and exercise disciplinary control
9 over the staff of the Commission in accordance with the provisions of this
10 Act;

11 (d) adopt measures including coordination, prevention and
12 regulatory actions, to:

13 (i) identify, trace and prosecute political thuggery, electoral fraud,
14 political terrorism and other electoral offences;

15 (ii) prevent the commission of electoral malpractices; and

16 (e) enlist and foster public support in combating electoral offences.

17 (2) The Commission shall:

18 (a) formulate and provide the general policies and guidelines
19 relating to the functions of the Commission;

20 (b) monitor the implementation of the policies and programmes of
21 the Commission;

22 (c) submit to the relevant statutory bodies for approval the terms
23 and conditions of service, including remuneration of the employees of the
24 Commission after consideration by the Management of the Commission;

25 (d) cause to be kept, proper accounts and records of the
26 Commission in respect of each financial year and shall cause the accounts to
27 be audited not later than 6 months after the end of each year by auditors
28 appointed from the list and in accordance with the guidelines provided by
29 the Auditor-General of the Federation; and

30 (e) do any other thing which in the opinion of the Commission is

	1	necessary or expedient to ensure the efficient performance of its functions.
	2	PART IV - MANAGEMENT AND STAFF OF THE COMMISSION
Appointment and tenure of the Secretary to the Commission	3	9. -(1) There shall be for the Commission, a Secretary who shall be
	4	appointed by the Commission.
	5	(2) The Secretary shall hold office for a term of four years in the first
	6	instance and be eligible for re-appointment for another term of four years and
	7	no more.
	8	(3) The Secretary shall possess at least a first degree or its equivalent
	9	from a recognized Institution with at least fifteen years cognate experience in a
	10	relevant field.
	11	(4) The Secretary shall:
	12	(a) be the head of administration of the Commission;
	13	(b) keep records,
	14	(c) conduct correspondence of the Commission; and
	15	(d) perform such other duties and functions as the Commission or the
	16	Chairman may from time to time direct.
Other Staff of the Commission	17	10. -(1) The Commission may, from time to time, appoint such other
	18	staff or appoint officers on secondment from government security or law
	19	enforcement agencies or such other private or public services as it may deem
	20	necessary, to assist the Commission in the performance of its functions under
	21	this Act.
	22	(2) The staff of the Commission appointed under subsection (1) of this
	23	section shall be appointed on such terms and conditions of service as the
	24	Commission may determine in accordance with the approved Government
	25	Policy.
	26	(3) The staff of the Commission shall be public officers as defined in
	27	the Constitution of the Federal Republic of Nigeria.
Staff regulations	28	11. -(1) The Commission may, subject to the provisions of this Act,
	29	make staff regulations relating generally to the conditions of service of the
	30	employees of the Commission and, without prejudice to the generality of the

1 foregoing, the regulations may provide for:

2 (a) the appointment, promotion and disciplinary control, including
3 dismissal, of employees of the Commission; and

4 (b) appeals by such employees against dismissal or other
5 disciplinary measures, and until the regulations are made, any instrument
6 relating to the conditions of service of officers in the Civil Service of the
7 Federation shall be applicable, with such modifications as may be
8 necessary, to the employees of the Commission.

9 (2) Staff regulations made under subsection (1) of this section shall
10 not have effect until approved by the Commission, published in the Gazette
11 and brought to the notice of all affected persons in such manner as the
12 Commission may, from time to time, determine.

13 **12.-(1)** Service in the Commission shall be public service for the
14 purposes of the Pensions Reform Act and accordingly, officers and other
15 persons employed by the Commission shall in respect of their service in the
16 Commission, be entitled to pensions, gratuities and other retirement benefits
17 as are prescribed thereunder.

Pensionable
service

18 (2) For the purposes of the application of the provisions of the
19 Pensions Reform Act, any power exercisable under the Act by a Minister or
20 other authority of the Government of the Federation (not being the power to
21 make regulations under the Act by a Minister) is hereby vested in and shall
22 be exercisable by the Commission and not by any other person or authority.

23 (3) Notwithstanding the provisions of subsection (1) of this
24 section, nothing in this Act shall prevent the appointment of a person to any
25 office on terms which preclude the grant of pension and retirement benefits
26 in respect of that office.

27 (4) The Commission shall in consultation with the National
28 Salaries, Incomes and Wages Commission determine and review from time
29 to time, the remunerations and allowances, payable to the Commission's
30 staff.

Appointment
of Experts

1 (5) The conflict of interest provisions contained in the First Schedule
2 to this Act shall apply to all employees of the Commission.

3 **13.** In exercising and performing the powers, functions and duties
4 conferred on it under this Act, the Commission may appoint, contract, liaise or
5 co-operate with various experts, including specialized agencies, academic or
6 technical institutes, or advisory committees, in order to assist it in carrying out
7 its functions or duties.

8 PART V - FINANCIAL PROVISIONS

Funds of the
Commission

9 **14.-(1)** The Commission shall establish and maintain a fund from
10 which shall be defrayed all expenditures reasonably incurred by the
11 Commission for the execution of its functions under this Act.

12 (2) There shall be paid and credited to the fund established pursuant to
13 subsection (1) of this section:

14 (a) such monies as may, in each year, be approved by the Federal
15 Government for the purposes of the Commission;

16 (b) all such moneys as shall, from time to time, be appropriated to the
17 Commission by the National Assembly;

18 (c) all such moneys as may, from time to time, be lent or granted to the
19 Commission by the Government of the Federation, a State or Local
20 Government;

21 (d) all moneys raised for the purpose of the Commission by way of
22 donations, loans, grant-in-aid, testamentary disposition or otherwise; and

23 (f) all other assets that may, from time to time, accrue to the
24 Commission.

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

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

30 (b) requiring the keeping of proper accounts and records for the

1 purpose of the fund in such form as may be specified in the rules.

2 (4) The Commission may accept support or grant from any
3 organization upon such terms and conditions, if any, as may be specified by
4 the organization making the grant provided that such terms and conditions
5 are not inconsistent with the objectives and functions of the Commission.

6 **15.** The Commission shall apply the proceeds of the fund
7 established pursuant to section 14 of this Act to the following purposes, the: Administration
of the Commission's
Fund

8 (a) cost of administration of the Commission;

9 (b) cost of acquiring any property, equipment or other facility
10 necessary to the discharge of the functions and duties of the Commission
11 under this Act; and

12 (c) payments of salaries, allowances and other remunerations,
13 payable to members, experts or employees of the Commission.

14 **16.** The Commission shall cause to be kept, proper books of
15 accounts and records in respect of each financial year and shall cause its
16 accounts to be audited not later than six months after the end of each
17 financial year by auditors appointed in accordance with guidelines issued by
18 the Office of the Auditor-General of the Federation. Accounts and
audit

19 **17.** The Commission shall submit to the National Assembly, for
20 approval not later than 31st August, in each financial year, a statement of its
21 estimated income and expenditure for the following financial year. Statement of
estimated income
and expenditure

22 **18.** The Commission shall open and maintain with any bank or
23 financial institution, an account in which there shall be deposited all moneys
24 received by the Commission within the contemplation of section 14 of this
25 Act and from which all payments for and on behalf of the Commission shall
26 be made. Bank Account

27 **19.** The funds of the Commission, which are not immediately
28 required for current or contingent expenditure, may upon the decision of the
29 Commission: Investment of
funds

30 (a) be invested on call or short term fixed deposit with any bank or

	1	financial institution; or
	2	(b) be deposited with the Central Bank of Nigeria or any other bank or
	3	financial institution in an investment account in such manner and for such
	4	periods as the Commission may, upon a resolution, approve.
Annual reports	5	20. The Commission shall submit to the National Assembly not later
	6	than 30th June in each financial year, a report on its activities during the
	7	immediate preceding year and shall include in such report the audited accounts
	8	of the Commission.
	9	PART VI - SPECIAL POWERS OF THE COMMISSION
Training programme	10	21. The Commission shall initiate, develop or improve specific
	11	training programs for its law enforcement and other personnel charged with
	12	responsibility for the detection, investigation and prosecution of offences
	13	created by this Act and such programs shall include:
	14	(a) methods used in the detection of electoral offences or offences
	15	created under this Act;
	16	(b) techniques used by persons involved in electoral offences or
	17	offences under this Act and appropriate counter-measures;
	18	(c) collection of evidence;
	19	(d) law enforcement techniques;
	20	(e) capacity building for prosecutors; and
	21	(f) dissemination of information on electoral and related offences.
Powers and immunities of officers	22	22.-(1) Subject to the provisions of this Act, an officer of the
	23	Commission, when investigating or prosecuting an electoral offence shall have
	24	all the powers and immunities of a police officer under the Police Act and any
	25	other laws conferring power on the police or empowering and protecting law
	26	enforcement agents.
	27	(2) Where, in the course of any investigations or proceedings in a
	28	court in respect of the commission of an electoral offence or an offence under
	29	this Act by any person, there is disclosed an offence under any other written
	30	law, not being an electoral offence or offence under this Act, irrespective of

1 whether the offence was committed by the same person or any other person,
2 the officer of the Commission responsible for the investigation or
3 proceedings, as the case may be, shall notify the Attorney-General of the
4 Federation or any other officer charged with responsibility for the
5 prosecution of criminal cases, who may issue such direction as shall meet
6 the justice of the case.

7 **23.-(1)** The Commission shall investigate and prosecute all
8 electoral offences created under the Electoral Act or any other law or
9 Regulations on electoral offences.

Power to investigate
and prosecute
electoral offences

10 (2) Every report relating to the commission of an electoral offence
11 or any offence under this Act may be made orally or in writing to an officer of
12 the Commission, and if made orally shall be reduced into writing and read
13 over to the person making the report; and every such report shall be signed or
14 thumb-printed by the person making it; and where the person making the
15 report is an illiterate the officer obtaining the report shall endorse that fact on
16 the report together with a statement to the effect that it was read over and
17 interpreted to the maker.

18 (3) Every report, whether in writing or reduced into writing, shall
19 be recorded and kept at the office of the Commission and there shall be
20 appended to such entry the date and hour at which such report was made.

21 (4) Where an officer of the Commission has reason to suspect the
22 commission of an offence following a report made under subsection (1) or
23 information otherwise received by him, he shall cause investigation to be
24 made and for such purpose may exercise all the powers of investigation
25 provided for under this Act or any other law.

26 (5) A report made under subsection (1) of this section shall not be
27 disclosed by any person other than to the officers of the Commission until
28 the accused person has been invited, summoned or charged to court for an
29 offence arising from such report.

30 (6) Any document certified by any officer of the Commission

Power to examine
persons

1 under subsection (2) in respect of a report under subsection (1) shall be
2 admissible as evidence of the contents of the original and of the time, place and
3 manner in which the report was recorded.

4 **24.-(1)** An officer of the Commission investigating an electoral
5 offence or an offence under this Act may:

6 (a) order any person to attend before him for the purpose of being
7 examined in relation to any matter which may, in his opinion, assist in the
8 investigation of the offence;

9 (b) order any person to produce before him any book, document or
10 any certified copy thereof, or any other article which may, in his opinion, assist
11 in the investigation of the offence; or

12 (c) by written notice require any person to furnish a statement in
13 writing made under oath or affirmation setting out therein all such information
14 required under the notice,

15 (2) being information which, in such officer's opinion, would be of
16 assistance in the investigation of the offence. Subsection (1) (b) shall not apply
17 to banker's books save in accordance with the provisions of the Evidence Act.

18 (3) A person to whom an order under subsection (1) (a) has been given
19 shall:

20 (a) attend in accordance with the terms of the order to be examined,
21 and shall continue to attend from day to day where so directed until the
22 examination is completed; and

23 (b) during such examination disclose all information which is within
24 his knowledge.

25 (4) A person to whom an order has been given under subsection (1) (b)
26 shall not conceal, destroy, remove, mutilate, expunge or dispose of any book,
27 document or article specified in the order or relevant to the investigation, or
28 alter or deface any entry in such book or document, or cause such act to be done,
29 or assist or conspire to do such act.

30 (5) A person to whom a written notice has been given under

1 subsection (1) (c) shall, in is statement, furnish and disclose truthfully all
2 information required under the notice which is within his knowledge, or
3 which is available to him. Any person who contravenes any provision of
4 this section shall be guilty of an offence punishable with a term of
5 imprisonment not exceeding three months.

6 **25.-(1)** Subject to the provisions of subsections (1) to (6) of this
7 section, the Commission may issue a summons directed to a person
8 complained against or any other person to attend before the Commission for
9 the purpose of being examined in relation to the complaint or in relation to
10 any other matter which may aid or facilitate the investigation of the
11 complaint; and a summons so issued shall state the substance of the
12 complaint, and the time and place at which the inquiry is to be held.

General provisions
as to summons

13 (2) Every summons issued by the Commission under this Act shall
14 be in duplicate and signed by the Chairman or such other officer as the
15 Chairman may authorize to issue summons.

16 (3) Every summons issued by the Commission under this Act shall
17 be served by an officer of the Commission in the manner prescribed in the
18 Sheriffs and Civil Process Act and any other law relating to the service of
19 process and the person effecting the service shall have and exercise all the
20 powers conferred by that Act and any other law relating to the service of
21 process.

22 (4) Where the person summoned by the Commission is in the
23 service of Government, the Commission may deliver the summons in
24 duplicate to the Head of the Department in which such person is employed
25 for the purpose of its being served on that person and such officer shall
26 thereupon cause the summons to be served on that person.

27 (5) Where a summons has been served upon the person to whom it
28 is addressed or delivered to any other person, the person to whom it is
29 addressed or delivered, as the case may be, shall sign a receipt on the
30 duplicate; and where service is not effected by handing the summons to an

1 individual but by some other method approved by this Act, the person effecting
2 service shall endorse on the duplicate particulars of the method by which the
3 service was effected.

4 (6) A person required to sign a receipt on the back of the duplicate
5 summons to the effect that he has received the summons who refuses to do so
6 may be arrested by the person serving the summons and shall be guilty of an
7 offence and upon conviction be liable to one month imprisonment or a fine of
8 five thousand Naira.

9 (7) Where the Commission is satisfied that a summons directed to a
10 person complained against or any person has been served and that person does
11 not appear at the time and place appointed in the summons, the Commission
12 shall have power to arrest and detain any such person.

Warrant to search
premises

13 **26.-(1)** Whenever it appears to the Chairman upon information, and
14 after such inquiry as he shall consider necessary, that there is reasonable cause
15 to suspect that in any place there is any evidence of the commission of an
16 electoral offence or offence under this Act, he may by a written order direct an
17 officer of the Commission to obtain a court order to:

18 (a) enter any premises and search for, seize and take possession of any
19 book, document or other article evidencing the commission of such offence;

20 (b) inspect, make copies of or take extracts from any book, record or
21 document;

22 (c) search any person who is in or on such premises and, for the
23 purpose of such search, detain such person and remove him to such place as
24 may be necessary to facilitate such search, seize and detain any article found on
25 such person;

26 (d) break open, examine, and search any article, container or
27 receptacle; or

28 (e) stop, search and seize any vehicle or conveyance.

29 (2) Whenever directed, an officer of the Commission exercising any
30 of the powers prescribed under subsection (1) of this section shall obtain a

1 warrant from a judge or magistrate to:

2 (a) break open any outer or inner door or window of any premises
3 and enter thereto, or otherwise forcibly enter the premises and every part
4 thereof;

5 (b) remove by force any obstruction to such entry search, seizure or
6 removal as he is empowered to effect; or

7 (c) detain any person found in or on any premises or in any
8 conveyance searched under subsection (1) or until such premises or
9 conveyance has been searched.

10 (3) No person shall be searched under this section except by a
11 person who is of the same gender as the person to be searched.

12 **27.** Subject to such limitation as is provided under this Act, every
13 person required by an officer of the Commission to give any information on
14 any subject which it is the duty of such officer to inquire into under this Act
15 and which is in that person's statutory power to give, shall be bound to give
16 such information, failing which, he shall be guilty of an offence and on
17 conviction, liable to imprisonment for six months or a fine of fifty thousand
18 Naira or both.

Obligation to
give information

19 **28.** Any person who:

20 (a) refuses any officer of the Commission access to any premises or
21 fails to submit to a search by any person authorized to search him under this
22 Act;

23 (b) assaults or obstructs any officer of the Commission or any
24 person authorized by the Commission in the execution of his duty under this
25 Act;

26 (c) fails to comply with any lawful demand, notice, order or
27 requirement of an officer of the Commission in the execution of his duty
28 under this Act;

29 (d) fails to produce, or conceals or attempts to conceal from an
30 officer of the Commission, any book, document, or article, in relation to

Obstruction of
inspection and
search

1 which such officer has reasonable grounds for suspecting or believing that an
2 electoral offence or offence under this Act has been or is being committed, or
3 which is liable to seizure under this Act;

4 (e) rescues or endeavours to rescue or causes to be rescued any person
5 who has been duly arrested or anything which has been duly seized; or

6 (f) destroys anything to prevent the seizure thereof or the securing of
7 the thing, shall be guilty of an offence punishable with imprisonment for one
8 year without the option of a fine.

Attempt or
conspiracy

9 **29.** Any person who:

10 (a) attempts or conspires to commit any electoral offence;

11 (b) does any act preparatory to or in furtherance of the commission of
12 any electoral offence; or

13 (c) abets or is engaged in a criminal conspiracy to commit any
14 electoral offence; commits an offence and shall on conviction, be liable to the
15 punishment provided for such offence.

Bail of offenders,
etc.

16 **30.-(1)** Every electoral offence or offence under this Act shall be a
17 bailable offence for the purposes of the Criminal Procedure Act or Code.

18 (2) Every person arrested under this Act may be released from
19 custody on his executing a bond with sureties, as an officer of the Commission
20 may require.

21 (3) Any person who has been released from custody under subsection
22 (2) may be re-arrested without warrant by any officer of the Commission:

23 (a) if such officer has reasonable grounds for believing that any
24 condition on which such person was released or otherwise admitted for bail has
25 been broken; or

26 (b) on being notified in writing by the surety of such person that such
27 person has broken or is likely to break any condition on which such person was
28 released and that the surety wishes to be relieved of his obligation as surety.

29 (4) Any person arrested under subsection (3) who is not released on
30 bail shall, without unreasonable delay, and in any case within twenty-four

1 hours (excluding the time for any necessary journey) be produced before the
2 Court and if it appears to the Court that any condition on which such person
3 was released or otherwise admitted for bail has been or is likely to be broken,
4 the court may:

5 (a) remand such person in custody; or

6 (b) admit such person to bail on the same conditions or on such
7 other conditions as it deems fit.

8 (5) Where a person who is arrested for an electoral offence or
9 offence under this Act is serving a sentence of imprisonment or is in
10 detention under any law relating to preventive detention or is otherwise in
11 lawful custody, he shall, upon an order in writing by an officer of the
12 Commission, be produced before such officer or before any other officer of
13 the Commission for the purpose of investigation and for such purpose he
14 may be kept in lawful custody for a period not exceeding fourteen days.

15 (6) A person who is detained in lawful custody under subsection (5)
16 or otherwise under any other written law may, at any time, be made available
17 to an officer of the Commission for the purpose of investigation, or may be
18 taken to any other place for the purpose of searching the place, or seizing any
19 property, or identifying any person or for any other purpose related to the
20 investigation.

21 (7) The period during which a person is under lawful custody under
22 subsection (6) shall count towards the period of his imprisonment, detention
23 or other custody.

24 PART VII - ESTABLISHMENT, JURISDICTION AND PROCEDURE OF THE

25 ELECTORAL OFFENCES TRIBUNAL

26 **31.** There is established an ad hoc body to be known as the
27 Electoral Offences Tribunal (in this Act referred to as "the Tribunal") to
28 exercise the jurisdiction, powers and authority conferred on it by or under
29 this Act.

Establishment of
the Electoral
Offences tribunal

Composition of
the Tribunal

1 **32.**-(1) The Tribunal shall consist of nineteen (19) persons who shall
2 be persons of proven ability and expertise, to be appointed by the President on
3 the recommendation of the Secretary to the Government of the Federation:

4 (a) a Chairman who shall be a legal practitioner of not less than fifteen
5 years with cognate experience in legal practice; and

6 (b) 18 other Members, all of whom shall be Legal Practitioners of not
7 less than 10 years experience.

8 (2) The Chairman shall be the Chief Executive and Accounting
9 Officer and shall be responsible for the overall control, supervision and
10 administration of the Tribunal.

Constitution of
the Tribunal

11 **33.**-(1) For the purpose of exercising any jurisdiction conferred by
12 this Act, the Tribunal shall be duly constituted if it consists of not less than 2
13 members of the Tribunal.

14 (2) The Chairman of the Tribunal may constitute a panel of three (3)
15 from its membership whenever he deems it necessary for the purpose of
16 exercising the jurisdiction vested in the Tribunal by this Act or any other Act
17 provided that:

18 (a) a member presiding as chairman of any panel shall be a legal
19 practitioner; and

20 (b) for the purpose of this Act, the sitting of any of such panel shall be
21 deemed a sitting of the Tribunal in the six (6) Geo-Political Zones of the
22 country.

Tenure of office
of Members of
the Tribunal

23 **34.** The Chairman and other members of the Tribunal shall hold office
24 for an initial term of five (5) years and renewable for another term of five years
25 and no more.

Disqualification
of members of
the Tribunal

26 **35.** A member of the Tribunal shall cease to hold office if:

27 (a) he becomes of unsound mind;

28 (b) he becomes bankrupt or he makes a compromise with his
29 creditors;

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

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

2 (e) in the case of a person who has a professional qualification, he is
3 disqualified or suspended (other than at his own request) from practicing his
4 profession in any part of Nigeria by the order of any competent authority
5 made in respect of him personally.

6 **36.**-(1) The Chairman or a member of the Tribunal may, by notice
7 in writing under his hand addressed to the President resign his office. Resignation and
removal

8 (2) A member of the Tribunal shall be removed from office by an
9 order made by the President on:

10 (a) any of the grounds referred to in section 35 of this Act; or

11 (b) the ground of proven Charge of misbehaviour or incapacity
12 after due inquiry has been made and the member concerned has been
13 informed of the charge against him and given an opportunity of being heard
14 in respect of the charge.

15 **37.** If, for any reason other than temporary absence, any vacancy
16 occurs in the office of a member of the Tribunal then the President shall
17 appoint another person in accordance with the provisions of this Act to fill
18 the vacancy. Filling up of
vacancies

19 **38.** The salaries and allowances of the Chairman, members and
20 Chief Registrar of the Tribunal shall be equivalent to that of the Chief Judge,
21 Judges and Chief Registrar of the Federal High Court respectively. Salaries, allowances
and other conditions
of service of
members of the
Tribunal

22 **39.**-(1) The Tribunal shall appoint a fit and proper person to be
23 Chief Registrar of the Tribunal, who shall perform such duties in exercise of
24 powers and as may from time to time, be assigned to him by the rules of the
25 Tribunal and subject thereto by any special order of the Chairman. Chief Registrar
to the Tribunal

26 (2) The Chief Registrar, Deputy Chief Registrar and Registrar,
27 shall have power to administer oaths and perform such other duties with
28 respect to any proceedings in the Tribunal as may be prescribed by the rules
29 or by any special order of the Chairman.

Other staff of
the Tribunal

1 **40.**-(1) The Tribunal shall employ the services of such staff as the
2 Tribunal may deem necessary for the efficient performance of its functions
3 under or pursuant to this part of this Act.

4 (2) The remuneration (including allowances) and terms and
5 conditions of service of the staff of the Tribunal shall be as may be determined
6 by the Tribunal provided that it is not less than what is obtainable in other
7 Tribunals.

8 (3) The provisions of Section 12(1) of this Act shall be applicable to
9 other staff of the tribunal.

Jurisdiction of
the Tribunal

10 **41.**-(1) The Tribunal shall, to the exclusion of any other court of law or
11 body in Nigeria, exercise jurisdiction to hear and determine any question of law or
12 dispute arising from electoral offences as defined under this Act after
13 investigation by the Commission established under this Act.

14 (2) The Tribunal shall also exercise jurisdiction in any other matter as
15 may be prescribed by an Act of the National Assembly.

Proceedings of
the Tribunal

16 **42.** The Tribunal, shall in the exercise of its powers under this Act,
17 conduct its proceedings in such manners as to avoid undue delays and shall
18 dispose of any matter before it finally within ninety (90) days from the date of
19 the commencement of the hearing of the substantive action.

Powers of the
Tribunal

20 **43.**-(1) The Tribunal may make rules regulating its procedures.

21 (2) The Tribunal shall have, for the purposes of discharging its
22 functions under this Act, power to:

23 (a) summon and enforce the attendance of any person and examine
24 him on oath;

25 (b) require the discovery and production of documents;

26 (c) receive evidence on affidavits;

27 (d) all for the examination of witness or documents;

28 (e) review its decisions;

29 (f) dismiss an application for default or deciding matters ex-parte; and

30 (g) do anything which in the opinion of the Tribunal is incidental or

1 ancillary to its functions under this Act.

2 (3) Any proceeding before the Tribunal shall be deemed to be a
3 judicial proceeding and the Tribunal shall be deemed to be a Criminal court
4 for all purposes.

5 (4) Proceedings of the Tribunal may be held in camera as and when
6 deemed appropriate in the interest of the public.

7 **44.**-(1) The Tribunal shall give its judgment in writing.

Judgement of
the Tribunal

8 (2) A certified true copy of the decision of the Tribunal shall be
9 supplied to the parties upon request.

10 **45.** Any person dissatisfied with a decision of the Tribunal may
11 appeal against such decision to the Court of Appeal.

Appeal to the
Court of Appeal

12 **46.**-(1) The Tribunal shall establish and maintain a fund, into which
13 shall be paid and credited:

Funds of the
Tribunal

14 (a) annual subventions from the Federal Government with respect
15 to recurrent and capital expenditures; and

16 (b) such other sums of money as may be provided by the Federal
17 Government for the Tribunal.

18 (2) The Tribunal may from time to time apply the proceeds of the
19 funds established in Sub- section (1) of this Act:

20 (a) to meet the cost of administration of the Tribunal;

21 (b) to reimburse members of the Tribunal, staff or any committee of
22 the Tribunal for expenses authorised; and

23 (c) for such other matter relating to the discharge of its functions
24 under this Act.

25 **47.** The Tribunal shall keep proper accounts of its receipts,
26 payments, assets and liabilities and the accounts shall be audited at least 2
27 month before the terminal period of the Tribunal, by a qualified auditor
28 appointed from list of Auditors and in accordance with the guidelines
29 supplied by the Auditor- General for the Federation.

Account and
audit of the
Tribunal

	1	PART VIII - MISCELLANEOUS
Power to make regulation	2	48. -(1) The Commission may make rules or regulations with respect
	3	to the exercise of any of the duties, functions or powers of the Commission
	4	under the Act.
	5	(2) Regulations made under this Act shall be transmitted before the
	6	Senate within 90 days after gazetting.
Offence by an officer of the Commission	7	49. Where an officer of the Commission commits an offence, or aids
	8	or abets the commission of an offence under this Act or any other law, he may
	9	be liable on conviction to the maximum punishment prescribed for such an
	10	offence.
Legal Proceedings	11	50. No civil action shall be commenced against the Commission or
	12	its authorised officers until 30 days pre-trial notice have been served on the
	13	Commission
Restriction on execution against property of the Commission	14	51. In any action or suit against the Commission, no execution shall
	15	be levied or attachment process issued against the property of the Commission;
	16	unless not less than three months' notice of the intention to execute or attach has
	17	been given to the Commission.
Indemnity of officers of the Commission	18	52. A member of the Commission, Secretary to the Commission or
	19	Staff of the Commission shall be indemnified out of the assets of the
	20	Commission against any proceedings brought against him in his capacity as a
	21	member of the Commission, Secretary to the Commission or Staff or employee
	22	of the Commission where the act complained of is not ultra vires his powers.
Transitional Provisions	23	53. -(1) Any person who immediately before the commencement of
	24	the Act was a staff of the Independent National Electoral Commission but
	25	handling issues relating to prosecution of electoral offences shall continue in
	26	office and be deemed to have been appointed under this Act for purposes of
	27	Pension.
	28	(2) Any part-heard proceedings pending before any court, in relation
	29	to any electoral offence, immediately before the coming into force of this Act,
	30	shall be continued and completed as if this Act had not been made.

1 (3) This Act and the Electoral Act (as amended) shall be read and
2 construed together in so far as it is necessary to give effect to the intendment
3 and tenor of this Act.

4 (4) Without prejudice to subsection (3) of this section, the
5 functions conferred upon the Independent National Electoral Commission
6 in relation to the prosecution of electoral offences and other related matters
7 in the Electoral Act, shall, as from the commencement of this Act, be
8 conferred upon and exercisable by the Commission established under
9 section 2 of this Act and accordingly, all references to the "Independent
10 National Electoral Commission", whether express or implied, in the
11 Electoral Act shall, unless the context otherwise requires, be construed as
12 references to the "Electoral Offences Commission."

13 **54.** In this Act:

Interpretation

14 "Commission" means the Electoral Offences Commission" established
15 under this Act;

16 "electoral offence" means Political thuggery, electoral fraud, political
17 terrorism and any other offence prescribed under the Constitution, this Act,
18 the Electoral Act, any Act of the National Assembly or in a regulation;

19 "Political Party" has the same meaning as in the Electoral Act; and

20 "public officer" means any person employed in the public service of the
21 Federation or of a State.

22 **55.** This Bill may be cited as the Electoral Offences Commission
23 and Tribunal (Establishment) Bill, 2021.

Short title

1 FIRST SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

3 [Section 3 (5)]

4 *Proceedings of the Commission*

5 1. Subject to the provisions of this Act and section 27 of the
6 Interpretation Act, the Commission shall have power to regulate its
7 proceedings and may make standing orders with respect to the holding of its
8 meetings, and those of its committees, notices to be given, the keeping of
9 minutes of its proceedings, the custody and production for inspection of such
10 minutes and such other matters as the Commission may, from time to time
11 determine.

12 2. There shall be at least one ordinary meeting of the Commission in
13 each quarter of the year and subject thereto, the Commission shall meet
14 whenever it is convened by the Chairman, and if the Chairman is requested to
15 do so by notice given to him by not less than four other members, he shall
16 convene a meeting of the Commission to be held within 30 days from the date
17 on which the notice was given.

18 3. Every meeting of the Commission shall be presided over by the
19 Chairman and if the Chairman is unable to attend a particular meeting, the
20 members present at the meeting shall elect one of them to preside at the
21 meeting.

22 4. The minutes of the Commission shall be recorded by the Secretary
23 and signed by the Chairman or the person who presided at the meeting, after
24 confirmation by the Commission.

25 5. A quorum at a meeting of the Commission shall be two-third of the
26 total number of members.

27 6. The Commission may co-opt any person to attend and participate
28 at any of its meetings provided that the person so co-opted shall only be in
29 attendance and shall not count towards the quorum or votes at the meeting.

1 *Convening of Meetings of the Commission*

2 7. The Chairman shall, at any time, if five other members request
3 in writing, convene an emergency meeting of the Commission, provided
4 that not less than 48 hours' notice is given to members for the meeting.

5 8. If the office of Chairman is at any time vacant, or the Chairman
6 is absent from Nigeria or is in the opinion of the Commission permanently or
7 temporarily unable to perform the functions of his office, the Secretary to the
8 Commission shall convene such meetings of the Commission as are
9 required during the period of vacancy, absence or otherwise.

10 9. The Commission shall meet for the conduct of its business at
11 such places and on such days as the Chairman may appoint.

12 10. A question put before the Commission at a meeting shall be
13 decided by consensus and where this is not possible, by a majority of the
14 votes of the members present and voting.

15 11. The Chairman shall, in the case of an equality of votes, have a
16 casting vote in addition to his deliberative vote.

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

22 *Committees*

23 13. The Commission may appoint one or more committees to carry
24 out on behalf of the Commission such of its functions as the Commission
25 may determine and report on any matter with which the Commission is
26 concerned.

27 14. A committee appointed under paragraph 13 of this Schedule
28 shall be presided over by a member of the Commission and shall consist of
29 such number of persons (not necessarily all members of the Commission)
30 as, may be determined by the Commission, and a person other than a

1 member of the Commission shall hold office on the committee in accordance
2 with the, terms of his appointment.

3 15. A person who is not a member of the Commission shall hold
4 office on the committee in accordance with his letter of appointment.

5 16. A decision of a committee of the Commission shall be of no effect
6 until it is confirmed by the Commission.

7 *Seal of the Commission*

8 17. The application of the common seal of the Commission shall be
9 authenticated by the signature of the Chairman or the Secretary to the
10 Commission on behalf of the Commission.

11 18. A contract or an instrument which, if made or executed by any
12 person not being a body corporate, would not be required to be under seal, may
13 be made or executed on behalf of the Commission by the Secretary to the
14 Commission or by any person generally or specifically authorized to act for
15 that purpose by the Commission.

16 19. A document purporting to be a contract, an instrument or other
17 document signed or sealed on behalf of the Commission shall be received in
18 evidence and, unless the contrary is proved, be presumed without further proof,
19 to have been properly signed or sealed.

20 *Miscellaneous*

21 20. The validity of any proceeding of the Commission or its
22 committees shall not be affected by:

23 (a) any vacancy in the membership of the Commission or its
24 committees;

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

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

28 21. Any member of the Commission or committee who has a personal
29 interest in any arrangement entered into or proposed to be considered by the
30 Commission or any committee shall:

- 1 (a) disclose his interest to the Commission or committee; and
2 (b) not vote on any question relating to the arrangement.
3 22. A resolution of the Commission is valid, even though it is not
4 passed at a meeting of the Commission, if:
5 (a) the notice in writing of the proposed resolution was given to
6 each member; and
7 (b) the resolution is signed or assented to by a majority of members
8 of the Commission, including the Secretary to the Commission.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the Act but is intended
to explain its purport)*

This Bill seeks to establish the Electoral Offences Commission with powers to provide legal framework for the investigation and prosecution of electoral offences.

NIGERIAN SOLID MINERALS' COMMUNITIES DEVELOPMENT
(ESTABLISHMENT, ETC) BILL, 2021
ARRANGEMENT OF SECTIONS

Section:

PART 1 - ESTABLISHMENT

1. Establishment and Commencement
2. Offices

PART 2 - OBJECTIVES AND PURPOSE

3. Objectives

PART 3 - CLASSIFICATIONS

4. Classification of Solid Minerals
5. Classification of Solid Mineral Rich and Producing Communities
(Host Communities)
6. Classification of Solid Mineral Mining of Refining Companies
(Mining Companies)

PART 4 - FUNDS OF THE COMMISSION

7. Funding the Commission
8. Expenditure, Budget and Application of the Commission's Funds

PART 5 - THE STRUCTURE OF THE COMMISSION

9. The Governing Board
10. Functions and Responsibilities of the Governing Board
11. Membership of the Governing Board
12. The Management Board
13. The Advisory Council

PART 6 - THE ROLES AND FUNCTIONS

14. The Roles and Functions of the Vice-Chairman and Managing
Director
15. The Roles and Functions of the Executive Directors
16. Responsibilities of Mining and Refining Companies

PART 7 - LOCAL CONTENT

17. Local Content and Priority to Indigenes of Host Communities

PART 8 - CONTRACTOR'S ETHICS

18. The Commission's Contractors' Ethics

PART 9 - MISCELLANEOUS

19. Limitations of Suits Against the Commission
20. Service of Documents
21. Restriction on Executive Against the Property of the Commission
22. The Authority and Seal of the Commission
23. Anti-Corruption Clause
24. Regulation
25. Interpretation
26. Citation

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN SOLID MINERALS COMMUNITIES'
DEVELOPMENT COMMISSION, AND FOR RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

Co-Sponsors:

Hon. Mohammed Umaru Bago

Hon. Darlington Nwokocha

[] Commencement

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

PART 1 - ESTABLISHMENT

1.-(1) There is hereby established a body known as Nigerian Solid
Minerals Communities Development Commission, hereinafter referred to
as the 'Commission'; which shall be an Agency of the Federal Government
of Nigeria;

(2) The Commission shall be a corporate body with a perpetual
succession and a common seal;

2.-(1) It shall have its Head office situated in the Federal Capital
Territory, Abuja; and two Zonal Head Office annexes, one each in the
Northern and Southern parts of Nigeria respectively, and with dedicated
complexes for its operations;

(2) It shall have the authority to buy, build and maintain branch
offices in all the Solid Mineral producing states of the Federation, and within
the host communities.

PART 2 - OBJECTIVES AND PURPOSE

3.-(a) To promote transparency and accountability in the solid
mineral industry;

(b) Incorporate a climate action, protection, environmentally

1 friendly and responsible operational standards for mining and refining
2 companies;

3 (c) To enhance profitability of the solid mineral industry, ensure
4 comprehensive development of its value chain, especially the mid-stream and
5 value addition sector;

6 (d) To ensure social justice, equity and parity between solid minerals
7 producing and oil producing host communities in Nigeria, for even
8 development of both sectors;

9 (e) To identify all solid minerals' rich communities in Nigeria and
10 protect the rights, interests, privileges, lives and livelihood of the host
11 communities;

12 (f) To create a fund to collect at least 13% derivation of all revenues
13 from licences, taxes etcetera accruing from sales and use of locally sourced
14 solid minerals etcetera, for investment in host communities' human capital
15 development, infrastructure and socio-economic development;

16 (g) To compensate host communities for the socio-economic loss of
17 their lands, water bodies, farming livelihood resulting from mining and other
18 extracting and refining activities of their natural resources;

19 (h) To promote and deepen peace and, attract and ensure sustainable
20 development in solid mineral host communities;

21 (i) To encourage refining and mining companies to develop and
22 utilize the local content and human resources of host communities in their
23 managerial and operational activities;

24 (j) To reduce dependence on imported solid minerals in either raw or
25 refined or processed onamental and jewellery forms, which can be locally
26 sourced in commercial quantities from host communities;

27 (k) To diversify the economy of Nigeria and other individual solid
28 mineral rich States' in order to enable the solid minerals' sector become the
29 leading foreign exchange and revenue contributor to the Gross domestic
30 product of Nigeria; while also attracting enormous foreign direct investment;

1 (l) To endorse and monitor the implementation of Community
 2 development agreements (CDA's) signed and duly endorsed by host
 3 Communities and mining and/or refining companies, to prevent a breach of
 4 the agreement and fine the erring parties;

5 (m) To create a uniform framework applicable to all solid Minerals
 6 miners, refiners and host Communities for standardization of mining
 7 activities before, during and after exploration in a host Communities;

8 (n) To guarantee the protection of the rights, lives and livelihood of
 9 solid mineral host communities in Nigeria;

10 (o) To ensure that royalties are accurately calculated and remitted
 11 as and when due, by the miners and refining companies using the
 12 international market price and volume of end product to determine
 13 remittances;

14 PART 3 - CLASSIFICATIONS

15 4. By this bill, solid minerals' shall be known and defined as:

Classification of
Solid Minerals

16 (a) any non-oil or non-gas natural resources located above or
 17 beneath the soil, on land or in water, within a community or communities
 18 and State or States' in the territorial borders of the Federal Republic of
 19 Nigeria;

20 (b) with a minimum combined deposit reserve in all host
 21 communities having such solid minerals deposit in Nigeria above 100
 22 tonnes or its minimum estimate is worth N100,000,000 (N100 Million);

23 (c) any non-oil or non-gas natural resources with over 50 tonnes or
 24 its equivalent of N2,500,000 (N2.5 Million) daily mined or refined in
 25 Nigeria;

26 (d) but not limited to Gold, limestone, bitumen, silver, marble,
 27 gypsum, granite, tourmaline, sapphire, emerald, amethyst, ruby, coal, mica,
 28 feldspar, aluminium, copper, steel, kaolite, kaolin, tin, bronze, bismuth,
 29 gamet, topaz, baryte, columbite, aquamarine, diamond, lead, zinc, tantalite,
 30 iron ore, tantalite, laterite;

1 (e) any non-oil or non-gas natural resources found to be of high
2 economic value located within any or several States' in the borders of Nigeria,
3 for which a company may need a mining or exploration or reconnaissance
4 permit or license to access, in line with the Nigerian Minerals and Mining Act,
5 2007.

Classification
of Solid Mineral
Rich and Producing
Communities
(Host Communities)

6 **5.** By this bill, a host community shall be defined or known as:

7 (a) any community in Nigeria which has solid minerals as defined in
8 section 7;

9 (b) any community in Nigeria which has solid minerals in commercial
10 quantity where not less than 100 kilogram or the equivalent of N100,000 is
11 being mined and refined weekly;

12 (c) any community with non-oil or non-gas natural resources where
13 any mining or refining company has obtained a mining or exploration or
14 reconnaissance permit and/or license to access, in line with the Nigerian
15 Minerals and Mining Act, 2007;

16 (d) any community where a solid minerals mining and/or refining
17 company has been undertaking or concluded commercial mining or refining
18 activities for at least five years prior to the establishment of this 'Commission';

19 (e) any community where solid minerals exceeding N100,000 daily is
20 being commercially refined;

21 (f) any community where refined and processed solid minerals used
22 to form secondary products worth N1,000,000 weekly, and above is being
23 refined;

Classification of
Solid Minerals
Mining or Refining
Companies (Mining
Companies)

24 **6.** By this Bill, a solid mineral mining and/or refining company,
25 hereinafter referred to as 'Mining companies' shall be known or defined as:

26 (a) any company or corporation or co-operative organization
27 registered as a corporate business entity by the Corporate Affairs Commission,
28 which has obtained a mining or exploration or reconnaissance permit and/or
29 license to access and undertake solid minerals' extraction from a host
30 community, in line with the Nigerian Minerals and Mining Act, 2007;

1 (b) has used any of these licenses to previously undertake or is
2 currently undertaking mining or refining activities in over the last five
3 years, in a host community;

4 (c) any Corporate Affairs Commission registered company or
5 corporation or co-operative organization which is commercially extracting
6 or refining any solid mineral as defined in section 4, in any host community;
7 and

8 (d) any company or corporation or co-operative organization
9 which refines solid minerals imported or locally sourced worth N250,000
10 and above daily, within a host community.

11 PART 4 - FUNDS OF THE COMMISSION

12 7. The 'Commission' shall be funded through:

Funding the
Commission

13 (a) 13% of all revenue accruing to the Federal Government of
14 Nigeria from all solid mineral activities of mining and refining and sales
15 within Nigeria and exported;

16 (b) 13% of all taxes from all solid mineral mining, exploration and
17 refining companies using locally sourced solid minerals;

18 (c) 9.5% of all taxes from every raw imported solid mineral
19 available in commercial quantity in Nigeria;

20 (d) 5% of the taxes from imported finished products and jewelry
21 made with solid minerals available in commercial quantity in Nigeria but
22 not sourced from Nigeria;

23 (e) 7.5% of export duty on all raw solid minerals to be exported
24 from Nigeria;

25 (f) .1.5% of the annual budget of solid mineral mining and refining
26 companies;

27 (g) Not more than 200,000 ordinary shares to host communities in
28 the solid minerals' mining and refining parent companies, or not less than 0.1
29 % of the shares of the local company to host Communities, with each State
30 and host community getting the annual monetized dividends of the

Expenditure,
Budget and
Application of
the Commission's
Funds

1 equivalent of the percentage of its community's solid mineral contribution to
2 the overall production capacity of the company;

3 (h) 3.5% of the profit after tax from solid mineral mining and refining
4 companies;

5 (i) 13% of the ecological funds due to the State Governments' of every
6 host community;

7 (j) Grants from the Federal, State, Local, foreign sovereign
8 governments; and international and local donors;

9 (k) 1.5% of the total monthly federation account allocation due to host
10 communities' States';

11 (l) Fines collected from host Communities and/or mining and/or
12 refining companies who breach duly signed Community Development
13 Agreement;

14 (m) Royalty as stipulated by the Ministry of Mines and steel
15 development's royalty rate 2015;

16 (n) At least 2.5% of their profit after tax, annually, for every raw or
17 refined solid Minerals mined or refined or sold in Nigeria;

18 **8.** The Commission shall apply funds accruing to it for activities
19 aimed at achieving its objectives which shall include:

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

21 (b) the payment of salaries, fees, remunerations, emoluments,
22 allowances, pensions, gratuities payable to its staffs, member's of its governing
23 board, its employees, consultants and contractors of the Commission;

24 (c) the payment for all contracts, including mobilization, fluctuations,
25 variations, legal fees, consultancy jobs, town-hall meetings, cost of contract
26 administration; which shall be disbursed:

27 (i) 30% for first instalment and mobilization;

28 (ii) 25% for second instalment, after first valuation;

29 (iii) 35% for third instalment, after second valuation;

1 (iv) 10% for third and final instalment, only after project has been
2 certified completed;

3 (d) the payment for all purchases of office supplies, stationeries',
4 equipment's and electronics;

5 (e) provide educational scholarships up to post-graduate studies
6 for indigent students for not less than five from each host community
7 annually, especially in fields that would provide them competence and skills
8 and capacity in operational and managerial positions in the 'Mining
9 companies' operating in that host community;

10 (f) to undertake any other activities connected to the functions and
11 effective discharge of the responsibilities and objectives of the
12 'Commission' listed in section 7 (subsections 1-5), only after its annual
13 budget has been appropriated by the National Assembly and assented to by
14 the President, such that:

15 (i) the commission shall forward its annual financial budget for the
16 next financial year on or before the eleventh Month of every financial year,
17 attached with the budget performance and social impact of the ending years'
18 budget;

19 (ii) with approval from the President, where budget approval is
20 delayed beyond the first quarter of the financial year, the Commission shall
21 be meet its financial obligations only to offset all contractual agreements
22 exceeding 90% completion by contractor from its reserve account, which
23 may attract any penalty or fine or interest above 7.5% of the contract or
24 purchase sum;

25 (iii) the annual budget proposals to be forwarded to the National
26 Assembly shall be listed per quarter, with contract or purchase duration and
27 delivery dates, and well defined social and human capital and infrastructure
28 impact goals to justify every investment and project and purchase outlined
29 in its annual budget proposal;

30 (iv) the budget development process shall not be complete without

1 town-hall meetings or interactions with host communities in all solid mineral
2 rich States, who shall recommend projects in their communities to be funded in
3 the next financial year's budget;

4 (v) proposed budget shall not exceed the preceding years' budget by
5 75% if budget performance or social impact assessment or human capital
6 development assessment of the preceding year is less than 60%; and not more
7 than 125% of the preceding year at any time;

8 (vi) the Commission's annual budget proposal shall not exceed 100%
9 of its total financial balance by the end of the third quarter of the current year;

10 (vii) the commission shall not take a loan to fund more than 10% of
11 its annual budget, which shall not accrue an interest above 11 %;

12 (viii) the Commission shall operate a general reserve account which
13 shall hold not more than 12.5% of its total cash balance, which may be spent
14 only by the governing boards resolution with approval from the President;

15 (ix) the Commission shall not later than:

16 (1) the 15th of the first month in every quarter, produce a quarterly
17 report to reflect the budget performance for the preceding quarter, and make it
18 available to the host communities;

19 (2) the 15th of the first month every six months', beginning from the
20 first year of its establishment, produce a half-yearly comprehensive
21 operational and financial report to be forwarded to the President, National
22 Assembly, Federal Ministry of Mines and solid Minerals or its succeeding
23 Ministry, Mining and refining companies, donor agencies and sponsors;

24 (3) thirty days to the end of every financial year, produce an annual
25 financial and operations report;

26 (4) the 1st day in the eleventh month, conduct and environmental,
27 social, socio-economic, human capital impact assessment of its operations for
28 that year;

29 PART 5 - THE STRUCTURE OF THE COMMISSION

The Governing
Board

30 9. The Commission shall have a governing board, which shall:

- 1 (a) be the highest decision making body of the Commission;
- 2 (b) have its members recommended by their respective host
- 3 communities and States, such that every three closest "host communities'
- 4 States" would recommend two persons each, leaving out the State which
- 5 represented their group last, from which the President shall nominate and
- 6 select at least one per "group of three closest host communities" of those
- 7 recommended for appointment after their screening by the Nigerian Senate
- 8 in consultation with the Federal House of Representatives;
- 9 (c) consist of a Chairman, Vice chairman who shall also be the
- 10 Managing director of the Commission, a secretary who shall be a lawyer of
- 11 not less than 10 years at the bar, a member each selected from a community
- 12 within each three closest host community States, and not more than 15; with
- 13 each slot rotated amongst all the three closest solid mineral producing States
- 14 having host communities;
- 15 (d) have its chairman, vice chairman rotated amongst the Southern
- 16 and Northern regions of Nigeria every tenure;
- 17 (e) hold office for one single non-renewable tenure of three years;
- 18 (f) have the representative of each group of three closest host states
- 19 rotated amongst each state, and in each State, amongst the host
- 20 communities;
- 21 (g) have its chairman earn a monthly salary not exceeding the pay
- 22 of a permanent secretary in active Federal civil service, its vice chairman
- 23 and the Managing director shall earn a monthly salary not exceeding the pay
- 24 of a retired permanent secretary from the Federal civil service while the
- 25 other board members shall earn a monthly salary not exceeding the salary of
- 26 a director in active Federal civil service.
- 27 **10.** The governing board's functions and responsibilities shall
- 28 include:
- 29 (1) meeting at least once every month;
- 30 (2) to regulate its the proceedings of its meetings, once they form a

Functions and
responsibilities
of the Governing
Board

- 1 quorum and are duly constituted;
- 2 (3) approving contracts that are independently worth above
- 3 N50,000,000 (N50 million);
- 4 (4) reviewing the contributed income and revenue from mining and
- 5 refining companies, to ensure that mining and refining companies make the
- 6 accurate contributions annually to the Commission, on or before the second
- 7 quarter of every financial year;
- 8 (5) reviewing the contributed income and revenue from Federal and
- 9 State governments, to ensure that the relevant Ministries Departments and
- 10 Agencies make the accurate contributions annually to the Commission, on or
- 11 before the second quarter of every financial year;
- 12 (6) advising the Federal and States' Ministry of Mines and Solid
- 13 Minerals on matters involving host communities and mining companies;
- 14 (7) ensuring co-operation and harmony between host communities
- 15 and mining companies;
- 16 (8) ensure equity, fairness and balance in the distribution of projects to
- 17 host communities during the budget development process, so that every host
- 18 community State gets a minimum of the percentage of revenue its natural
- 19 resources and companies operating in their host communities contributed to
- 20 the overall balance of the Commissions account for the preceding year;
- 21 (9) supervise project sites to validate project quality and timeline, and
- 22 monitor budget implementation and performance;
- 23 (10) approve and ensure that the black-booking/black listing of erring
- 24 contractors by the Management Board follows due process and is in
- 25 accordance with the provisions of this Bill;
- 26 (11) perform a general oversight of the activities of the management
- 27 board;
- 28 (12) form a quorum when the chairman calls for a meeting and three
- 29 quarter of the members are present;
- 30 (13) vet the budget proposal by the management board before it is

1 forwarded to the President for transmission to the National Assembly for
2 appropriation;

3 (14) ensure that no member of the governing board or management
4 board or staff of the commission is a member of the board of director's and/or
5 major shareholder in any company being awarded or to be awarded any
6 contract by the Commission;

7 (15) suspend an Executive director for sixty days and/ or
8 recommend him to the President for removal on clearly established grounds
9 with three quarter of the votes in support, in a meeting where every
10 Governing Board member is in attendance;

11 (16) supervise adequate relocation and resettlement of mining host
12 Communities, where mining exploration activities may be injurious to their
13 health and general wellbeing;

14 **11. A member of the governing Board shall:**

Membership of
the Governing
Board

15 (1) possess a minimum academic qualification of Senior secondary
16 school leavers certificate;

17 (2) lose his membership on the Board if a company he is a major
18 shareholder or a director in, is awarded a contract by the Commission;

19 (3) resign and lose his membership on the Board if he is found to be
20 physically or mentally unfit to perform the duties of his office;

21 (4) lose his membership if he forwards his resignation letter to the
22 President;

23 (5) lose his membership, if he is removed by the President for in-
24 subordination or gross misconduct;

25 (6) lose his membership if he is indicted for any crime in the anti-
26 corruption clause, or is indicted for any corrupt practice by a duly
27 constituted board, or at any time he is a defendant or an accused person being
28 prosecuted for any corruption or criminal case in any competent court of
29 law;

30 (7) lose his membership if he is declared bankrupt;

1 (8) lose his membership on the Board if he accepts any gift from any
2 contractor worth over N50,000 (fifty thousand Naira);

3 (9) lose his membership if he is unable to attend the meeting of the
4 Board for one quarter in a row or one third of the Board's meetings in a year;

5 (10) lose his membership if he is discovered to be a member of any
6 secret cult society or organization, proscribed organization, terrorist
7 organization and/or sponsor of any of these;

8 (11) be replaced by a nominee from his State to complete his tenure; if
9 he resigns or is removed;

10 (12) not be entitled to pension but a severance package not more than
11 the severance package of a director in the Federal civil service for other
12 members, and not more than a permanent secretary for the chairman and the
13 vice chairman;

14 (13) receive a severance package equivalent to the percentage of time
15 served on the board if he resigns and doesn't complete the three year tenure;

16 (14) receive no severance package if he loses his membership of the
17 Board because he is sacked or indicted or prosecuted;

18 (15) receive no severance package if he serves on the board for less
19 than one year;

The Management
Board

20 **12.** The Commission shall have a Management board, hereinafter
21 referred to as 'Management which shall:

22 (1) comprise of a Managing Director who shall be the Vice-chairman
23 of the Governing Board, two Executive Directors with one each from the North
24 and South respectively and seconded from a mining and refining company, and
25 eight Directors;

26 (2) have its Executive Director heading the zonal head-office annexes
27 in the North and South respectively, such that there is an Executive Director for
28 the North and another Executive Director for the South;

29 (3) have at least one Executive director and at least three of the
30 Directors as a female;

1 (4) have its Vice-chairman and Managing director responsible for
2 the daily administration of the Commission;

3 (5) have its Executive directors have a single non renewable tenure
4 of three years, after they are appointed by the President, upon
5 recommendations by the traditional rulers of host communities in the North
6 and South respectively;

7 (6) have no managing director, executive director in acting
8 capacity beyond three months;

9 (7) have its Executive director lose his position and severance
10 package if he is found to have contravened the anti-corruption clause;

11 (8) have another company from the same group of three closest
12 host community States replacing a removed Executive director;

13 (9) rotate the position of the Executive director amongst host
14 community State in each region respectively;

15 (10) have an Executive director suspended for sixty days according
16 to section 9 subsection 14, and by so recommended for removal to the
17 President, or be removed by the President for gross misconduct or
18 corruption or insubordination, or be recommended for removal by his
19 company or council of traditional rulers from host communities in his
20 region;

21 (11) have its Executive directors receive a salary and severance
22 package not more than that of a retired director in the Federal civil service,
23 whose office is not pensionable;

24 (12) have these directorates:

25 (a) Directorate of Administration, planning and human resources;

26 (b) Directorate of Operations, policy research and statistics;

27 (c) Directorate of Legal services;

28 (d) Directorate of public communications, mining companies and
29 inter-government and host communities relations;

30 (e) Directorate of engineering, projects, geo-graphical and

- 1 management information systems;
- 2 (f) Directorate of Agriculture, commerce and industrial development;
- 3 (g) Directorate of budget, finance and supply;
- 4 (12) Have its directors receive a salary not more than the deputy
- 5 director in active civil service, who are eligible for pension according to the
- 6 Federal civil service rules and pension Act;
- 7 (13) have the functions and responsibilities to:
- 8 (a) formulate policies, social and human and environmental impact
- 9 assessment guidelines/metrics, identify and propose projects to be
- 10 implemented by the Commission in host communities;
- 11 (b) propose a national budget for the Commission in consultation with
- 12 the Governing Board, and forward to the President for transmission to the
- 13 National Assembly for appropriation;
- 14 (c) cause Nigeria to be surveyed in collaboration with the Ministry of
- 15 Mines and Solid Minerals in order to identify solid minerals' and the solid
- 16 mineral rich communities, ascertain their natural resource reserve quantity and
- 17 quality, estimate the economic value of these solid minerals, their daily
- 18 production average/quota, and the amount payable by the governments and
- 19 Mining companies;
- 20 (d) promote the general transparency and accountability of the solid
- 21 mineral sectors;
- 22 (e) solicit and attract donors to contribute to the fund of the
- 23 Commission;
- 24 (f) approve and award contracts less than N50,000,000 (Fifty Million
- 25 Naira);
- 26 (g) rate contractors performance and maintain a white, yellow and
- 27 black book to record their performance and determine their suitability for
- 28 projects by the Commission;
- 29 (h) blacklist erring contractors and consultants after final approval
- 30 from the Board;

- 1 (i) tackle ecological and environmental challenges in host
2 communities;
- 3 (j) protect the overall interest of the host communities;
- 4 (k) hold town-hall meetings at least annually in each of the Host
5 community States';
- 6 (l) ensure the full compliance with the Community development
7 agreements (CDA) by the parties involved;
- 8 (m) ensure proper representation on the board of local and parent
9 mining and refining companies by host communities;
- 10 (n) draft a climate action environment protection plan in line with
11 the United Nations Sustainable Development Goal three (SDG 3), and
12 enforce compliance with the climate action plan by host communities and
13 mining companies;
- 14 (o) ensure prompt and proper remittance of payments due to the
15 Commission by the mining and refining companies;
- 16 (p) pay the salaries of staffs, employees and members of the
17 Governing Board and Management board;
- 18 (q) set up committee in consultation with the Board to carry out
19 functions and pay such committees and its members sitting and/or
20 operational allowance on behalf of the Commission, but with the findings
21 and decisions of such committees to be ratified by the Board before it can be
22 enforced;
- 23 (r) pay pensions and other emoluments and severance packages to
24 members of the Board, Management and staffs of the Commission;
- 25 (s) endorse Community Development Agreements between
26 mining host Communities and mining and/or refining companies;
- 27 (t) monitor the implementation of Community Development
28 Agreements and approve fines and/or sanctions against erring host
29 Communities and/or mining and/or refining companies.

The Advisory
Council

1 13. The Commission shall have an advisory Council, herein after
2 referred to as the 'Council' which shall:

3 (a) comprise of four governors each from host community States in
4 the North and South respectively, who shall have a single non-renewable
5 tenure of two years, and;

6 (b) six traditional rulers each from Host communities in the North and
7 South respectively, alternate to the States' represented by the State governors in
8 the Council, who shall have a single non-renewable tenure of two years, and;

9 (c) two representatives from the Federal Ministry of Finance, not less
10 than the position of director, who shall have a single non-renewable tenure of
11 two years;

12 (d) one representative from the Nigerian the Nigerian Customs
13 Service, not lower than the rank of an Assistant Comptroller-General, who
14 shall have a single non-renewable tenure of two years;

15 (e) the Minister of Mines and Solid Minerals, who shall be the
16 permanent chairman of the Council;

17 (f) two other representatives from the Federal Ministry of Mines and
18 Solid Mineral not lower than the position of Director, who shall have a single
19 non-renewable tenure of two years;

20 (g) three Managing Directors each of Mining and refining companies
21 from the North and south respectively, who shall have a single non-renewable
22 tenure of two years;

23 (h) one representative each from every host community States'
24 Ministry of Solid Mineral;

25 (i) meet at least once every quarter;

26 (j) make rules for its sittings, meetings and deliberations;

27 (k) advise and make recommendations to the President, Ministry of
28 Solid Minerals, mining and refining companies and the Commission;

29 (l) work with relevant bodies, agencies, Non-governmental
30 organizations, donor agencies, foreign and sovereign governments and set up

committees as it may deem fit, to be funded by the supervising Ministry,
Federal Ministry of Mines and Solid Minerals;
(m) organize high level panel discussions, solid-mineral
investment fairs and exhibitions to attract investment to the Solid Minerals
sector;

(n) not have the powers to hire or fire any member of staff,
employee, member of the Board or Management of the Commission;

PART 6 - THE ROLES AND FUNCTIONS

14. The Managing Director of the Commission, who shall also be
the Vice-Chairman, shall be responsible for:

The Roles and
Functions of the
Vice-Chairman
and Managing
Director

(a) the daily administration of the Commissions activities;
(b) keeping the updated books, records, financial transactions of
the Commission;

(c) administration of the head office secretariat of the Commission;

(d) supervising the Northern and Southern head office annexes, its
operations and their respective Executive directors;

(e) posting and assigning duties to the directors;

(f) general direction and control of all employees of the
Commission;

15. The Executive directors of the Commission shall be
responsible for:

The Roles and
Functions of the
Executive Directors

(a) the daily administration of the operations in his zone;

(b) carrying out and enforcing compliance of policies and
administrative instructions from the Managing Director;

(c) oversight of all operations, projects and the Commission's work
in his zone;

(d) sending comprehensive monthly reports to the Managing
Director;

(e) co-ordinating the activities of all staffs and contractors and
consultants within his zone, to ensure that they work in tandem with the

Responsibilities
of Mining and
Refining Companies

- 1 goals and principles of the commission;
- 2 (f) monitoring and ensuring prompt and accurate remittances of
- 3 mining companies in his zone, to the Commissions account;
- 4 (g) representing the Managing Director and protecting the interest of
- 5 the Commission in his zone, as directed by the Managing Director.
- 6 **16.** Mining companies operating within host communities shall:
- 7 (a) enter into a CDA with the host communities, as defined in the
- 8 Nigerian Minerals Mining Act 2007, not later than the second quarter after they
- 9 commence operations, not without due consultations with the host community
- 10 in not less than one town-hall meeting, or be fined between N5,000,000 and
- 11 N10,000,000 per quarter from the third quarter the CDA is unsigned, collected
- 12 by the Commission and payable to the affected host community; while it loses
- 13 its mining or exploration rights or license after eighteen months of not signing a
- 14 CDA;
- 15 (b) pay an estimated amount of not less than 50% of their tax of five
- 16 years to the commission, if the mining company has operated within a
- 17 community for up to ten years before the establishment of this Commission
- 18 where they had no CDA with such host communities for up to five years whilst
- 19 they mined and refined solid minerals in their communities;
- 20 (c) give all communities not more than 200,000 ordinary shares in its
- 21 parent companies if the host communities where they operate are more than
- 22 three, and/or the volume of annual solid mineral extraction is over
- 23 N100,000,000 (one hundred Million Naira); and pay dividends on these shares
- 24 to the Commission annually;
- 25 (d) pay the Commission 1.5% of its annual budget;
- 26 (e) pay the commission 3.5% of its annual profit after tax;
- 27 (f) invest a minimum 45% of its corporate social responsibility budget
- 28 in the host communities;
- 29 (g) build a standard multi-purpose hall or community recreation
- 30 centre in the host community, and;

1 (h) build and equip a standard primary health care centre with a
2 minimum of 25 bed-space for the host community, where a Mining
3 company earns between N500,000,000 (five hundred Million) to
4 N1,000,000,000 (One Billion Naira) as revenue annually from mining
5 and/or refining activities in that community;

6 (i) build both a standard multi-purpose hall and a recreation centre
7 for the host community if there are more than two Mining companies
8 operating in a community, or where one Mining company mining and/or
9 refining the solid minerals of a host community earns more than one Billion
10 Naira in revenue annually;

11 (j) appoint the traditional ruler or his representative of the host
12 community as a director and board member in the local company operating
13 in the host community, and ensure the full payment of all entitlements and
14 benefits and privileges due to all directors are paid as and when due;

15 (k) appoint an indigene as the plant manager and/or the deputy
16 Managing director of the Mining company operating in the host community;

17 (l) protect the interest and safety of the host community, its people
18 and environment at all times;

19 (m) deal with the government recognised traditional ruler or his
20 nominated representatives, in whose absence the Mining companies shall
21 deal with the community elders council recognized as members of the
22 traditional rulers cabinet chiefs, during all CDA negotiations;

23 (n) organize town-hall meetings at least twice annually with the
24 host communities;

25 (o) discontinue or suspend all mining and refining activities in host
26 communities where communal feuds, violence or hostilities between host
27 community and mining companies occur and continue beyond sixty days
28 which causes the death of at least one human life, due to the presence and
29 operations of mining companies.

	1	PART 7 - LOCAL CONTENT
Local Content and priority to indigenes of Host Communities	2	17. The Commission and all mining and refining companies
	3	operating within any/every host community shall:
	4	(a) ensure to sponsor the sufficient development and equipping with
	5	the relevant skills and academic qualifications of indigenes for technical and
	6	managerial appointment and employment in the mining companies and
	7	Commission;
	8	(b) offer at least 40% of all development, consultancy, supply,
	9	construction projects and contracts to competent indigenous firms, who have
	10	not been blacklisted in the last zero to five years;
	11	(c) offer at least 40% of all available jobs, including top management
	12	positions to competent indigenes of host communities;
	13	(d) ensure that at least one indigene or 20% of all those to be trained on
	14	new technology in the Mining company is amongst the trainees;
	15	(e) hold town-hall meetings annually with the host community;
	16	(f) adequately compensate the host community, land owners, family
	17	for any injury, loss of life and property and economic livelihood, occasioned by
	18	mining and refining activities;
	19	(g) maintain an active community relations desk and department and
	20	office, to fast track conflict management and resolution between the host
	21	community and Mining companies and/or Commission;
	22	(h) promote projects and programs that would ensure human capital
	23	development and agro- allied industrialization within host communities;
	24	(i) invest in the mid-stream industry in terms of human capital and
	25	technology, to ensure that indigenous youths can successfully operate small
	26	and medium scale enterprises in the mid-stream industry, which can produce
	27	high quality refined products of international quality;
	28	(j) promote skill acquisition and training activities targeted at
	29	indigenous youths of host communities, to make them the engine room of the
	30	mid-stream sector;

1 (k) organize annual boot-camps for skill acquisition trainings in
2 the upstream, mid-stream and down-stream industry for the respective solid
3 minerals found in each host community;

4 (1) host safety enlightenment programs regularly to inform host
5 communities of any and every health hazard associated with the solid-
6 minerals in their communities and how best to manage any dangerous
7 occurrence;

8 PART 8 - CONTRACTOR'S ETHICS

9 **18.** Every contractor, supplier, consultant and project executor for
10 the Commission shall subscribe and be signed to contractors' strict ethics
11 and rules at the commencement of any bidding or land contract award
12 process, which terms shall include:

The Commission's
Contractors' Ethics

13 (1) the Bureau of Public Enterprise's (BPE's) guidelines, and shall
14 not earn a profit exceeding 20% from any of the Commissions' project;

15 (2) resist offering any employee or staff or member of the Board
16 and Management from the positions of assistant director above, and the
17 positions below assistant director the sum of N50,000 and N10,000
18 respectively, in cash and kind, else such company shall be blacklisted from
19 the Commission and the bribe or kickback giver and taker shall be
20 prosecuted along with the company they represent;

21 (3) complete execution of jobs not more than sixty days after the
22 project due date, and demobilize from project site not later than ninety days
23 after project due date, to avoid a monthly fine of 1 % of project contract fees;

24 (4) avoiding the use of substandard materials or any material lower
25 than the specified standard in the contract award papers, or be blacklisted
26 and be fined 10% of contract sum;

27 (5) that no company shall be awarded to handle more than ten
28 projects in any three year period or more than four projects of the
29 Commission annually;

30 (6) the Commission shall maintain a White-book to register

- 1 contractors whose company and/or directors:
- 2 (a) have no professional complaint or query from the commission for
3 three years in a row or six projects in a row;
- 4 (b) and staffs do not offer or give bribes and/or kickbacks to any staff
5 member or employee or Board member and/or Management staff of the
6 Commission;
- 7 (c) presents a detailed quarterly project report to the Commission for
8 ongoing projects it is handling on behalf of the Commission;
- 9 (d) completes its projects not later than thirty days after project's due
10 completion date;
- 11 (e) records zero casualty and excellent safety record on the
12 Commissions' project sites for three years in a row or six projects in a row;
- 13 (f) has not been yellow-booked in the last thirty months or blacklisted
14 in the last six years;
- 15 (g) has not made a profit after tax above 20% from any of the
16 Commissions project in the last three years or six projects in a row; and
- 17 (h) such that a company that is white-booked shall be given a
18 Category A status, and be awarded ongoing projects reversed and re-awarded
19 from recently blacklisted companies or other companies ejected from the
20 Commission's project sites, and may under such circumstances be allowed to
21 handle more than four projects but not more than six projects annually and
22 more than ten projects but not more than fifteen projects in three years.
- 23 (7) a yellow-book which the Commission shall maintain to reflect and
24 record performance of consultants and contractor companies who:
- 25 (a) execute projects with substandard materials or of lower quality
26 industry and project specification standards and refuse to rectify same within
27 thirty days shall be ejected from site, and shall also be fined 5% of the project
28 cost deducted from their next payment;
- 29 (b) pay site workers below the project wage approved estimate, and
30 after two warnings refuse to comply and pay the difference within thirty days,

1 and shall also be fined 0.75% of the contract sum deducted from its next
2 payment;

3 (c) fail to complete project after sixty days of the project
4 completion due date and clear out from site after ninety days of project
5 completion due date, and shall also be fined 1 % of the contract sum;

6 (d) make a net profit after tax deductions of more than 20% from
7 any of the Commission's project it executed;

8 (e) refuses to mobilize to site within thirty days after receiving
9 mobilization fees and first instalment of project sum, and shall also be fined
10 2.5% of the contract sum deducted from their next payment for every thirty
11 days;

12 (f) is unable to meet its obligations to its creditors for two quarters
13 in a row, or its directors is declared bankrupt;

14 (g) if yellow-booked shall not be awarded more than two projects
15 in a year; and if yellow-booked twice in twelve months, shall not be awarded
16 more than one project in a year; and if yellow-booked thrice in twenty-four
17 months or four projects in a row, shall be blacklisted;

18 (h) after yellow-booking, such company shall remain in the
19 yellow-book for twenty four months after the last yellow-book offence,
20 before its records may be expunged from the yellow-book.

21 (8) a black-book which the Commission shall maintain to reflect
22 and record performance of consultants and contractors, whose companies
23 shall be blacklisted from the Commission if:

24 (a) it is yellow-booked thrice in twenty-four months or four
25 projects in a row;

26 (b) it absconds from any of the Commission's project site or
27 discontinues work duly awarded by the Commission beyond thirty days,
28 without permission from the Commission;

29 (c) it or any of its directors is/are indicted or convicted of
30 corruption;

1 (d) its staffs or agents give any gift over N50,000 and over N10,000 to
2 any official of the Commission from assistant director and above or below the
3 position of assistant director, respectively;

4 (e) it is found to have given bribe or kickbacks on any project,
5 including those not belonging to the Commission;

6 (f) its director is found to be a member of staff, employee, director
7 members of the governing Board of the Commission;

8 (g) it falsifies any of its records, accounts, documents used in bidding
9 for any of the Commission's contracts;

10 (h) if it uses substandard materials on any of the Commission's project
11 more than thrice;

12 (i) it contravenes any of the guidelines and ethical standards of section
13 8 (subsection a-g),

14 such company shall be removed from any and all of its project sites being
15 handled for the Commission, then prosecuted, and its projects re-awarded to
16 white-booked companies or any other non-yellow-booked qualified company
17 within the next thirty days;

18 (j) after been black-listed, it shall not be re-admitted into the
19 Commission's list of eligible contractors for another six years, and upon re-
20 admission, shall be placed on probation as a company with one yellow-book
21 offence, and until after twenty four months of re-admission without any
22 offence shall it be able to bid and be awarded not more than four projects in a
23 year and not more than 10 projects in three years.

24 PART 9 - MISCELLANEOUS

Limitations of
suit against the
Commission

25 **19.-(1)** the Commission shall have the powers to investigate, sue,
26 prosecute whoever contravenes any provision of this Bill or any other law or
27 Act of the Federal Republic of Nigeria as it may apply to the Commission, and
28 may also be sued;

29 (2) no member of staff, employee, director or member of the
30 Management board or Governing Board may be sued as an individual for

1 performing his lawful duties and responsibilities on behalf of the
 2 Commission in pursuant to the achievement of the goals, objectives and
 3 purpose of the commission, except he is accused of felony, corruption or any
 4 other criminal offense in the process;

5 **20.** A court notice, summons or other document required or
 6 authorized to be served upon the Commission under the provisions of this
 7 Bill or any other law or enactment, may be served by addressing and
 8 delivering it to the Managing Director/ Vice chairman of the Commission,
 9 or by sending it to the registered post and head-office of the Commission;

Service of
Documents

10 **21.**-(1) in any legal suit arising against the Commission, an
 11 execution or attachment of a legal process in the nature thereof may be
 12 issued against the Commission as directed by a competent court;

Restriction on
execution against
the property of the
Commission

13 (2) any sum of money which may be judgement of any cost
 14 awarded against the Commission, where appeal has been exhausted in
 15 futility to upturn such judgements, shall be paid from the general reserve
 16 account of the Commission;

17 **22.**-(1) the fixing of the seal of the Commission shall be
 18 authenticated by the signatures of the Vice chairman/Managing Director or
 19 any of the Executive Director assigned to exercise this authority on his
 20 behalf in their respective zones; and/or the Chairman or any other member
 21 of the Governing Board specifically authorized by the board or its Chairman
 22 to act for this purpose.

The authority and
seal of the
Commission

23 **23.** Any member of the Advisory Council, Governing Board,
 24 Management Board, any other employee or staff of the Commission or
 25 contractor or individual shall be investigated and recommended for
 26 prosecution or prosecuted if found to have:

Anti-Corruption
Clause

27 (1) solicited bribe or kickback from any contractor or any person,
 28 in a bid to enable such a company or person access the benefits and
 29 opportunities available in the Commission;

30 (2) unduly used privileged position to influence a contract or

- 1 employment or benefits to an unqualified company or person;
- 2 (3) benefitted from any bribe or kickback from any contractor or job
- 3 applicant;
- 4 (4) abused his position to deliberately and wrongfully deny a
- 5 deserving applicant or contractor a rightful offer or contract;
- 6 (5) misappropriated or diverted or converted the Commission's funds
- 7 and/or assets to private use;
- 8 (6) vire funds without the express authorization of the Governing
- 9 Board;
- 10 (7) authorize contracts above its specified limit;
- 11 (8) offers, pays bribe or kickback to any member of the Commission's
- 12 employ;
- 13 (9) solicits to induce financially or in kind any member of the
- 14 Commission's employ, in order to obtain privileges exclusive to the
- 15 Commission's staffs and employ or be awarded a contract or employment;
- 16 (10) offers or pays in cash or in kind any member of staff or employ of
- 17 the Commission from the rank of assistant director above and below the rank of
- 18 assistant director the sum of N50,000 above or N10,000 above respectively;
- 19 (11) receives the sum of N50,000 and above or N10,000 as an assistant
- 20 director above or below the position of an assistant director respectively, from
- 21 any person or company seeking opportunities from the Commission;
- 22 (12) any such member of staff or employ of the Commission found
- 23 guilty of Section 21 subsection 1-11 shall have his employment or appointment
- 24 terminated, lose his pension, gratuity, emoluments and severance package and
- 25 every other benefits accruing to their office; and shall barred from holding
- 26 public office either appointed or elected for a period not less than 4 years after
- 27 his conviction;
- 28 (13) any company refuses to complete any project it has been paid for;
- 29 or a staff, employee or contractor of the Commission absconds with or steals
- 30 the funds or/and assets of the Commission.

- 1 **24.** The Commission, with the approval of the President, may Regulation
2 make regulations generally for the purpose of giving full effect to this Bill.
- 3 **25.**-(a) The 'Commission' is the Nigerian Solid Minerals' Interpretation
4 Communities Development Commission (NISOMICODEC), which is
5 being established by this Bill;
- 6 (b) The 'Advisory Council' is the non-administrative body
7 receiving no established remuneration to advise the President etcetera on
8 issues that affect the solid mineral's sector;
- 9 (c) The 'Governing Board' is the highest administrative decision
10 making body of the Commission, appointed by the President, which has not
11 more than 15 members drawn from a group of three closest host community
12 states that supervises the Management board;
- 13 (d) The 'Management Board' is the administrative engine room of
14 the Commission headed by the Vice chairman and Managing director of the
15 Commission;
- 16 (e) An 'indigene' is a person residing and earning a living within
17 and/or belonging to the host community by birth, marriage; .
- 18 (f) 'Host community' is a solid mineral rich and producing
19 community;
- 20 (g) 'Head-office annexes' shall be the head-office of the
21 Commission located outside the Federal Capital Territory in a host
22 community State in the Northern and Southern zones of Nigeria
23 respectively, to co-ordinate the operations of the Commission in each of the
24 zones;
- 25 (h) 'Community development agreement' refers to the
26 commitments and covenants agreed upon by and binding on the host
27 community and the Mining and refining companies, to be fulfilled by both
28 parties;
- 29 (i) 'Managing Director/Vice chairman' refers to the administrative
30 head of the Commission;

1 (j) 'white-book' is the register that contains a list of contractors with
2 excellent performance records over a period of at least three years in a row;

3 (k) 'yellow-book' is a register maintained by the Commission
4 containing a list of erring contractors and consultants who have not been
5 blacklisted;

6 (l) 'black-book' is a register maintained by the Commission
7 containing the list of all blacklisted contractors, who shall not be awarded any
8 contract for a minimum period of six years;

9 (m) 'host community state' is any State of the Federal republic of
10 Nigeria where commercial mining activities is being undertaken by any
11 licensed mining and/or refining company;

12 (n) 'group of three closest host community states' is a set of host
13 community states which may share boundaries or are found to be
14 geographically closest to each other than any other three host community
15 states;

16 (o) 'President' refers to the President and Commander-in-Chief of the
17 Armed Forces of the Federal Republic of Nigeria.

Citation 18 **26.** This Bill may be cited as the Nigerian Solid Minerals'
19 Communities Development Commission (Establishment, etc) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Commission that will comprehensively develop a responsible operational standards for the solid minerals sector in Nigeria by encouraging the mining and other extracting and refining activities of solid minerals resources with a view to diversify the economy and utilize the local content and human resources of host communities.

A BILL

FOR

AN ACT TO AMEND THE NOTARIES PUBLIC ACT AND FOR RELATED MATTERS

Sponsored by Hon. Sergius Ogun

[] Commencement

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

- 1 **1.** The Notaries Public Act, Cap. N141, Laws of the Federation of
2 Nigeria, 2004 (in this Bill referred to as the Principal Act) is hereby amended
3 as set out in this Bill. Amendment of
Notaries Public
Act, Cap. N141,
LFN, 2004
- 4 **2.** Section 15 of the Act is amended by replacing the word "two"
5 with the word "seven" as follows: Amendment of
Section 15
- 6 "Any notary public or other person who wilfully certifies or
7 propounds any false statement or document, or who fraudulently or with
8 intent to deceive conceals, withholds or perverts any fact or document
9 pertinent to the subject of a protest or other notarial act, is guilty of an
10 offence and liable on conviction, to imprisonment for a term of seven years."
- 11 **3.** Section 16 of the Act is amended by replacing {N100" with Amendment of
Section 16
12 {{N500,000", replacing the phrase "four months" with {{three years" and
13 inserting the phrase "or both" after the phrase "four months" as follows:
- 14 "Any person who is suspended from practising as a notary or
15 whose name is not on the register as a notary who makes, does, exercises or
16 performs any act, matter or thing appertaining or belonging to the office,
17 function or practice of a notary public or who being suspended from
18 practising as a notary purports to act in any capacity as a notary public is
19 guilty of an offence and liable on summary conviction to a fine of N500,000
20 or to imprisonment for a term of three years, or both".

Citation 1 **4.** This Bill may be cited as the Notaries Public Act (Amendment)
 2 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Notaries Public Act Cap N141, Laws of the Federation of Nigeria, 2004, to review upwards the penalty imposed for misfeasance and for other offences under the Act.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN MINERALS AND MINING ACT NO. 20 OF 2007 TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF PROCESSING FACILITIES IN NIGERIA AS A PRE-CONDITION FOR THE GRANT OF MINING LEASE; AND FOR RELATED MATTERS

Sponsored by Hon. Abass A. Adigun

[] Commencement

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

- 1 **1.** The Minerals and Mi ring Act Petroleum Act, No. 20 of 2007, in Amendment of
2 this Bill referred to as "the Principal Act" is amended as set out in this Bill. the Principal Act
- 3 **2.** Section 4 is amended by inserting a new paragraph (s) as Amendment of
4 follows: Section 4
- 5 "(s)" take steps to ensure the accelerated development of domestic
- 6 processing capacity for solid minerals.
- 7 **3.** By renumbering paragraphs (s) - (u) as (t) - (v) and
- 8 **4.** Section 65 of the Principal Act is amended by inserting a new Amendment of
9 subsection (2) as follows: Section 65
- 10 "(2)" An application for a mining lease shall only be granted by the
- 11 Minister if it is backed by an undertaking to invest in the local processing of
- 12 solid minerals.
- 13 **5.** By renumbering subsection (2) subsection (3).
- 14 **6.** This Bill may be cited as the Minerals and Mining Bill, 2021. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Minerals and Mining Act No. 20 of 2007, to provide for the development of the solid minerals value chain through value addition.

A BILL

FOR

AN ACT TO ENCOURAGE, PROMOTE AND REGULATE THE CONCEPT AND PRACTICE OF CORPORATE SOCIAL RESPONSIBILITY BY BUSINESS CONCERNS, COMMUNITY, ORGANISATIONS AND PUBLIC BODIES, TO ENABLE VOLUNTARY CONTRIBUTIONS, ETC. TO BE MADE BY ANY SUCH ORGANISATIONS TO MAJOR NATIONAL CHALLENGES SUCH AS EDUCATION, ENERGY, THE ENVIRONMENT, CREATION OF JOBS AND ENHANCEMENT OF EMPLOYEE SKILLS, NEIGHBOURHOOD REGENERATION. AGRICULTURAL ADVANCEMENTS, REDUCTION OF POVERTY, ETC. AND FOR RELATED MATTERS

Sponsored by Hon. Abass A. Adigun

[] Commencement

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

- 1 1.-(1) Subject to this Act, and the social and economic policies
- 2 adopted or propagated by the Government of the Federal under any law,
- 3 every private, voluntary and public sector organization (in this Act referred
- 4 to as "organization(s)" shall, as from the commencement of this Act, be
- 5 obliged to take ethical and complimentary action, to the best of its capability,
- 6 to address key social, economic and environmental challenges confronting
- 7 any part or parts of the Federation in which the operations and activities of
- 8 any such organization is prevalent (in this Act referred to as "Corporate
- 9 Social Responsibility"), and as prescribed under and pursuant to this Act.
- 10 (2) Accordingly, the Corporate Social Responsibility obligations,
- 11 expectations and contributions from any organization to the social,
- 12 environmental and economic challenges confronting any part or parts of the
- 13 Federation shall, without prejudice to the preferences that may be made
- 14 from time to time by the Government of the Federation, by resolution or law,

Activities,
initiatives, etc.
that constitute
Corporate Social
Responsibility
contributions, etc.

1 include any or a combination of any of the following national challenges that is
2 to say:

3 (a) improvements and progressions as regards:

4 (i) educational structures, facilities, learning processes, standards,
5 learning aids, and materials,

6 (ii) setting up education centers for the enhancement of adult literacy
7 and numeracy levels of members of rural communities, suburban areas, etc., in
8 which activities of an organization is prevalent,

9 (iii) sponsorship of or scholarship for individuals, workers or other
10 group of persons to educational institutions for learning , research studies or
11 acquisition of special skills in industry or other enterprise, within or outside
12 Nigeria;

13 (b) initiatives and programmes that enhance the application of varied
14 sources of energy generation and distribution for the benefit of inhabitants of
15 any areas or community in which an organisation's operations and business
16 activities is prevalent;

17 (c) programmes and activities aimed at:

18 (i) protecting the environment and bringing environmental benefits,

19 (ii) cleaning and detoxification of polluted or degraded environments,

20 (iii) nurturing shelter belts and providing other erosion control
21 mechanisms for environmentally degraded areas in the Federation,

22 (iv) promotion of designs and approaches for the prudent use and
23 conservation of natural resources, water and ecology,

24 (v) reporting or disclosing environmental information and data that is
25 beneficial to the purposes of government, and for tackling environmental
26 problems in any part of the Federation;

27 (d) programmes and initiatives that seek to:

28 (i) improve the quality of life of members of any community and
29 renew the outlook and aesthetic values of neighbourhoods, communities, etc.
30 in which an organisation operates or carries on its business,

- 1 (ii) carry on repairs, improvements or construction of roads,
- 2 streets, alley ways, public facilities and structures,
- 3 (iii) improve existing healthcare structures and healthcare delivery
- 4 for clinics, medical centres, maternities, or set up new ones,
- 5 (iv) facilitate the proper functioning of water works, and construct
- 6 boreholes, public conveniences and shelter for economically disadvantaged
- 7 persons,
- 8 (v) provide and equip playing grounds, recreational centres, sports
- 9 facilities and structures, etc. within and around any such neighbourhoods, in
- 10 which it carries on its business or other activities;
- 11 (e) activities and programmes that:
- 12 (i) create jobs, enhance the skills and knowledge of its workforce
- 13 and those of the wider community in which it operates, and provide housing
- 14 facilities for its workforce or members of the community thereof,
- 15 (ii) empower members of the community in which an organisation
- 16 operates, to be involved in the economic and social mainstream of modern
- 17 developments, and carry on other initiatives that are designed to alleviate
- 18 poverty in any such community;
- 19 (j) improvements and programmes that seek to galvanize the
- 20 agricultural sector as regards;
- 21 (i) enhancement of the agricultural skills and knowledge of
- 22 farmers,
- 23 (ii) application or distribution of modern technological methods,
- 24 equipment, inputs and processes to enhance agricultural production yields
- 25 of farmers,
- 26 (iii) promotion and implementation of activities and other
- 27 arrangements in which improved seedlings, variety of fingerlings, poultry
- 28 and animal stocks, feeds, medicaments, etc. are distributed at subsidized
- 29 rates or freely to farmers to assist in boosting crop yields, improving the
- 30 flourishing of fisheries, poultry, animal husbandry, etc.;

1 (g) any other activity, initiatives, improvements or programmes
2 which are incidental or supplementary to the foregoing national challenges
3 mentioned and described under this subsection of this section.

4 (3) Subject to this Act, any activity, initiatives or programme carried
5 on by any organisation, to which this Act relates, that essentially deviates or
6 departs from the national challenges enumerated under subsection (2) of this
7 section, shall not be regarded, counted, recorded or classified as Corporate
8 Social Responsibility contribution of any such organisation to any part of the
9 Federation.

10 (4) For the avoidance of any doubt, any activity, initiative or
11 programme of any organisation in the Federation that purports or proposes to
12 offer, to members of the public and consumers of the products, goods or
13 services of any such organisation, gifts of money, materials, benefits,
14 equipages, etc. under certain terms and conditions stipulated under any such
15 activity, initiative or programme, shall not be regarded, counted, recorded or
16 classified as Corporate Social Responsibility contribution of any such
17 organisation to the national challenges enumerated under subsection (2) of this
18 section.

19 (5) Without prejudice to the foregoing provisions of this section of
20 this Act, an organisation which proposes to carry on Corporate Social
21 Responsibility contribution to any number of the national challenges
22 enumerated under subsection (2) of this section, shall notify the Minister in
23 writing under its seal of such intention, and the Minister shall acknowledge any
24 such notification.

Duty of
organisations
to report Corporate
Social Responsibility
performance to
the Minister, etc.

25 **2.-(1)** Every organisation to which section 1 (5) of this Act relates,
26 shall be required to present a report, on its Corporate Social Responsibility
27 performance on one or more of the national challenges enumerated under
28 section 1 (2) of this Act, to the Minister not later than the last day of June of a
29 financial year.

30 (2) The report required to be presented to the Minister in terms of

1 subsection (1) of this section shall provide the following information, that is
2 to say:

3 (a) description of the particular national challenges or challenges
4 which the organisation in question selected for implementation;

5 (b) the objects and intendment of the organisation in question for
6 selecting any particular national challenge or challenges as its Corporate
7 Social Responsibility contribution;

8 (c) description of the part or parts of the Federation in which it
9 carried out its preferred Corporate Social Responsibility, and the list of
10 authorities, credible persons, etc. in that part or parts of the Federation that
11 can attest to its claims of performance of Corporate Social Responsibility
12 with respect to its selected national challenge or challenges, including any
13 other evidence to attest to its purported performance;

14 (d) a compendium of the expenditure incurred for the
15 implementation of its Corporate Social Responsibility with respect to its
16 preferred national challenge or challenges;

17 (e) the extent of the organisation's estimation of the impact or level
18 of success or otherwise of its Corporate Social Responsibility contribution
19 to any part or parts of the Federation in which its activities, etc. is prevalent
20 or targeted;

21 (f) any other information which the organisation in question may
22 wish to disclose in respect of problems and impediments encountered in the
23 course of its implementation of its Corporate Social Responsibility,
24 including lessons learned in carrying out the exercise thereof; and

25 (g) a synopsis of the organisation's plans or contemplations as
26 regards its future, Corporate Social Responsibility contributions to any
27 number of national challenges in any part or parts of the Federation.

28 (3) Every report on the Corporate Social Responsibility
29 performance of each organisation compiled in accordance with subsection
30 (2) of this section, shall be authenticated by a reputable accounting body,

1 and an auditor appointed by the organisation in question, from the list of
2 auditors and in accordance with the guidelines supplied by the Auditor-General
3 for the Federation.

4 (4) Notwithstanding the foregoing provisions of this section of this
5 Act, an organisation to which this section applies may, in addition to its
6 compliance with the requirements of this section of this Act, elect to publish or
7 disseminate its own report of Corporate Social Responsibility performance in
8 or through any medium of information, for its own purposes.

Minister to verify
claims of Corporate
Social Responsibility
performance of
organisations, etc.

9 3.-(1) Upon his receipt of a report in terms of subsection 2 (1) of this
10 Act, the Minister shall appoint a team of its officers in his Ministry to carryon
11 verification of the claims made by each organisation in their respective reports,
12 not later than one month after receiving the reports thereof.

13 (2) On completion of the verification exercise specified under
14 subsection (1) of this section, the Minister shall prepare and present to the
15 President, as soon as may be, a comprehensive report containing his
16 observations, findings and recommendations with respect to each report
17 presented to him in terms of section 2 (1) of this Act.

18 (3) The President shall upon receipt of the Minister's report in
19 pursuance of subsection (2) of this section, declare as satisfactory or
20 unsatisfactory the Corporate Social Responsibility performance report of each
21 organisation brought before him, in consonance with the Minister's
22 observations, findings, and recommendations thereof, not later than one month
23 of his receipt of the Minister's report.

Satisfactory
conduct of
Corporate Social
Responsibility
to attract incentives,
etc.

24 4.-(1) Where an organisation's report of its purported Corporate
25 Social Responsibility performance is declared to be satisfactory by the
26 President in accordance with section 3 (3) of this Act, the organisation in
27 question shall be eligible to obtain the benefits, incentives and privileges
28 described under section 5 (1) of this Act.

29 (2) Where an organisation's report on its purported Corporate Social
30 Responsibility performance is declared by the President to be unsatisfactory, in

1 terms of section 3 (3) of this Act, the organisation in question shall not be
2 entitled, or eligible to obtain any of the benefits, incentives and privileges
3 described under section 5 (1) of this Act.

4 (3) Where the report of an organisation in respect of its purported
5 Corporate Social Responsibility performance is found to be false in every
6 material particular or calculated to deceive the relevant authorities under
7 this Act, the organisation shall be guilty of an offence, and liable on
8 conviction by a court of competent jurisdiction to a fine of an amount not
9 exceeding ten million Naira, in addition to any other sanctions or
10 punishment that the court may, in its discretion, impose on the organisation
11 in question or any of its high ranking officers found to be involved in
12 committing the offence.

13 (4) A court of competent jurisdiction under this Act shall be a
14 Federal High Court.

15 5.-(1) Subject to this Act, an organisation to which this Act relates,
16 whose Corporate Social Responsibility performance in any part or parts of
17 the Federation has been declared by the President to be satisfactory, shall be
18 eligible and entitled:

Incentives,
benefits, etc. for
organisations with
satisfactorily
Corporate Social
Responsibility
performance

19 (a) to obtain a variety of tax incentives, holidays, deductions, etc.
20 from the Federal Inland Revenue Service, in consonance with the extent and
21 volume of its Corporate Social Responsibility performance ratings,
22 compiled and maintained by the Minister;

23 (b) to obtain waivers and other concessions for any import of
24 goods, equipment, raw materials, etc. which is may require for carrying on
25 its business, subject to the extent which the President may determine and
26 approve, from time to time;

27 (c) be registered and appropriately ranked in the register of
28 organisations with the best corporate practice, which register shall be kept
29 and maintained by the Minister;

30 (d) to obtain government grants-in-aid, bailout packages or other

1 forms of compensation in the event of any economic losses it may suffer as a
2 result of any natural disaster, non physical disaster or other economic recession
3 or downturn that may affect its operations, provided that any of the foregoing
4 occurrences is not as a result of any negligence or poor management by the
5 affected organisation; and

6 (e) to be invited to send its representatives to State functions and
7 ceremonies, and be listed to accompany presidential business delegations and
8 trade missions to any part of the world.

9 (2) The incentives, benefits, privileges, etc. enumerated in subsection
10 (1) of this section shall become effective immediately after the publication, in
11 the Federal Government Gazette of the President's declaration of satisfactory
12 conduct of an organisation made pursuant to section 3 (3) of this Act, by the
13 Minister.

14 (3) Without prejudice to the provisions of the last foregoing
15 subsection of this section, the incentives, benefits, etc. contained in subsection
16 (1) (a), (b) and (d) of this section, made available to an organisation whose
17 Corporate Social Responsibility performance is declared to be satisfactory by
18 the President in terms of section 3 (3) of this Act, shall be valid for a period of
19 two years beginning from the date of the publication made pursuant to
20 subsection (2) of this section.

21 (4) Notwithstanding the provisions of subsection (3) of this section,
22 the registration of an organisation made pursuant to subsection (1) (c) of this
23 section shall not be expunged from the register kept thereof at the expiration of
24 the period specified in that paragraph of the subsection of the section, but its
25 ranking thereof for best corporate practice, and its eligibility contained in
26 subsection (1) (e) of this same section, shall be subject to review and variations
27 annually in consonance with other entries made in the said register, kept and
28 maintained by the Minister.

Copies of reports,
etc. to be presented
to the national
Assembly for
information, etc.

29 6. Without prejudice to the relevant provisions of this Act, the
30 Minister shall have responsibility for furnishing each House of the National

1 Assembly with copies of every report, declaration, etc. authorised to be
 2 prepared and presented pursuant to the relevant provisions of this Act
 3 thereof, as soon as they become available in terms of any such relevant
 4 provision of this Act, for their information and records.

5 7. The Minister shall, by regulations of a general nature, prescribe Regulations
 6 anything falling to be prescribed for the purposes of giving full effect to the
 7 provisions of this Act.

8 8.-(1) In this Act, unless the context otherwise requires, the Interpretation
 9 following words and expressions have the meanings respectively assigned
 10 to them, that is to say:

11 "Corporate Social Responsibility" refers to the ethical, complimentary or
 12 obligatory actions taken by an organisation to address key social, economic
 13 and environmental challenges confronting any part or parts of the
 14 Federation in which the operations or business activities of any such
 15 organisation is prevalent;

16 "Minister" means the Minister of the Government of the Federation
 17 charged, for the time being, with responsibility on matters relating to
 18 commerce and industry, and "Ministry" shall be construed accordingly;

19 "national challenges" refers to the enumerates aspects of social, economic
 20 and environmental challenges under section 1(2) of this Act, which an
 21 organisation may elect to choose from, and take complimentary action on, as
 22 its Corporate Social Responsibility and contribution to any part or parts of
 23 the Federation;

24 "organisation(s)" includes business concerns, firms, companies,
 25 enterprises, conglomerates, trusts, etc., community based organizations,
 26 associations, cooperatives, societies, non-governmental organizations,
 27 labour organizations, etc and public bodies, corporations, agencies,
 28 institutions, etc., registered under the Companies and Allied Matters Act, or
 29 established or recognized under any law or under any credible arrangement
 30 by the government;

	1	"President" means the President of the Federal Republic of Nigeria.
	2	(2) The Interpretation Act shall apply for the purposes of interpreting
	3	the provisions of this Act.
Provisions of this Act severable	4	9. If any provision of this Act or the application to any person, body
	5	corporate or circumstances is held invalid, such invalidity shall not affect other
	6	provisions or applications of this Act which can be given effect without that
	7	invalid provision or application, and to this end, the provisions of this Act is
	8	severable.
Citation	9	10.-(1) This Bill may be cited as Corporate Social Responsibility
	10	(Special Provisions, etc.) Bill, 2021.
	11	(2) The provisions of this Act are IN addition to, and in derogation of,
	12	any other existing law, regulation, rule or direction relating to the obligations of
	13	employers, business concern or other bodies corporate to the Government of
	14	the Federation and its people.

EXPLANATORY MEMORANDUM

This Bill seeks to define the limits to which the obligatory, ethical, complimentary actions of business concerns, community organizations and public bodies may be carried out for the purpose of enabling the organizations thereof to address key social, economic, and environmental problems confronting any part or parts of the Federation in which their operations and activities are prevalent. Such obligatory, ethical and complimentary actions are defined as Corporate Social Responsibility.

Wherefore, the concept and practice of Corporate Social Responsibility is encouraged under this proposed law through the provision of incentives, benefits and other privileges for organizations that are ranked for best corporate practice.

A BILL

FOR

AN ACT TO AMEND THE DISCRIMINATION AGAINST PERSONS WITH
DISABILITIES (PROHIBITION) ACT, 2018, TO PROVIDE FOR ESTABLISHMENT
OF THE DISABILITIES TRUST FUND AND FOR RELATED MATTERS

Sponsored by Hon Princess Miriam Onuoha

[] Commencement

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

- 1 1. Section 45(1) of the Discrimination against persons with
2 Disabilities (Prohibition) Act, 2018 (herein referred to as "the Principal
3 Act"), is amended by deleting the existing subsection (1) and inserting
4 instead thereof as follows:
- 5 45 -(1) There is established a fund to be known as the Disabilities
6 Trust Fund (in this Bill referred to as "the Trust Fund") maintained by the
7 Commission into which shall be paid and credited:
- 8 (a) a levy of 0.05% of the net profit of companies operating
9 business in Nigeria;
- 10 (b) 1% of the personnel cost of Ministries/Departments/Agencies
11 of the Government;
- 12 (c) any take-off grant and special intervention fund as may be
13 provided by the President of the Federal Republic of Nigeria;
- 14 (d) such money as may be appropriated to meet the objective of this
15 Act by the National Assembly in the budget;
- 16 (e) aids, grants and assistance from, intentional bilateral and
17 multilateral agencies, non - government organizations and private sector;
- 18 (f) grants, donations, endowments, bequests and gifts, whether of
19 money land or any other property from any source;
- 20 (g) money derived from investment made by the Trust Fund;

Funds of the
Commission

	1	(h) 10% deduction from the National Education Tax;
	2	(i) fees from the issuance of Disability Compliance certificate to
	3	companies by the National Commission for Persons with Disabilities.
	4	(2) Subsection (1) (e) and (f) shall not be acceptable to the Trust Fund
	5	except where the terms and conditions attached to an aid, grant, donation or gift
	6	are inconsistent with the objective of the Trust Fund and provisions of this Act.
Amendment of section 45	7	2. Section 45 is amended by inserting a new Subsection 45(2) as
	8	follows:
	9	(2) The Commission shall utilize all monies accruing to the Trust
	10	Fund under this Act to meet the function of the Commission.
Renumbering of subsection (2) and (3)	11	3. Subsection (2) and (3) of Section 45 is renumbered accordingly, as
	12	(3) and (4) respectively.
Citation	13	4. This Bill may be cited as the Discrimination Against Persons with
	14	Disabilities (Prohibition) (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, to provide for the Establishment of Special Intervention Fund, to aid the full integration of persons living with Disabilities into the society, through provisions for their education, health care, social, economic and civil rights.

A BILL

FOR

AN ACT TO ESTABLISH A NATIONAL AGRICULTURAL RAW MATERIALS
PROCESSING CENTRE, NGOR-OKPALA, IMO STATE, AND FOR OTHER
RELATED MATTERS

Sponsored by Hon. Bede Eke

[] 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 a body to be known the National
3 Agricultural Raw Materials Processing Centre, Ngor - Okpala, Imo State
4 (herein in this Bill referred to as "Centre").

Establishment
of National
Agricultural Raw
Materials Processing
Centre, Ngor-Okpala.
Imo State

5 (2). The "Centre" shall be a body corporate with perpetual
6 succession and a common seal; and may sue and be sued in its corporate
7 name.

8 (3) The Centre shall be sited in Ngor-Okpala, in Imo State;

9 2.-(1) There is hereby established for the management of "the
10 Centre" a governing board (in this Act referred to as the Board) which shall
11 consist of:

Establishment of
the Management
of the Centre

12 (a) Chairman, who shall be appointed by the President,
13 Commander-in-Chief of the Armed Forces of Nigeria;

14 (b) Representatives of the following Federal Establishments:

15 (i) Three representatives of the Agricultural Research Council of
16 Nigeria,

17 (ii) A representative from universities of technology in Nigeria;

18 (iii) A representative of the Association of Agricultural
19 Technologist in Nigeria;

20 (iv) A representative of Agricultural Co-operative Societies;

	1	(v) The Director - General shall be secretary to the Board;
Appointment of the Chairman and Members	2	3.-(1) The Chairman and members of the Board shall be appointed by
	3	the President of the Federal Republic of Nigeria;
	4	(2) Members of the Board, other than the Director - General shall be
	5	appointed by the President of the Federal Republic of Nigeria.
Schedule	6	4. The supplementary provisions set out in the schedule to this Act
	7	shall have effect with respect to the proceedings of the Board and other matters
	8	contained therein.
Tenure of Office	9	5. The Chairman and members of the Board:
	10	(a) shall each hold office for a period of 4 years on such terms and
	11	conditions as may be specified in their letters of appointment; and
	12	(b) May be re-appointed for an additional period of 4 years and no
	13	more.
Removal from Office	14	6. Notwithstanding the provisions of section 2(5) of this Act the
	15	chairman or any member of the Board may at any time be removed from the
	16	office by the president for inability to discharge the functions of his office
	17	(whether arising from infirmity of mind or body or any other cause).
	18	7. A member of the Board shall be paid such emoluments, allowances
	19	and benefits as the President of the Federal Republic of Nigeria may, from time
	20	to time approve.
	21	PART II - FUNCTIONS AND POWERS OF THE CENTRE
Functions of the Centre	22	8. The functions of the Centre shall be to:
	23	(a) Collaborate with farmers and farming co-operatives to end
	24	wastages of farm products in the rural areas and other agricultural settlements
	25	by adopting the best preservation practices and technologies;
	26	(b) Collaborate with agricultural tools production companies towards
	27	the manufacturing of agricultural machineries and technologies for
	28	preservation and refining purposes for more value addition;
	29	(c) Set up distribution chains to ensure that agricultural raw materials
	30	are easily accessed by industries requiring and at lower cost compared to

- 1 imported alternatives;
- 2 (d) Identify the various cash crops and other agricultural products
- 3 within the area of location and beyond that may be further processed to earn
- 4 more value for export;
- 5 (e) Set up distribution chains to ensure that agricultural raw
- 6 materials are easily accessed by industries requiring and at lower cost
- 7 compared to imported alternatives;
- 8 (f) Collaborate with sister organizations on research in high breed
- 9 crops or seedlings in line with the regulations of the Agricultural Research
- 10 Council of Nigeria;
- 11 (g) Commercialize their products through export to other African
- 12 countries and the world over to earn foreign exchange for government;
- 13 (h) Maintain a data bank on all agricultural products cultivated in
- 14 Nigeria with a view to improving upon their value through further refining;
- 15 (i) Partner with higher institutions of learning and other research
- 16 institutes in Nigeria and other parts of the world in achieving her set
- 17 objectives;
- 18 **9. The Powers of the "Centre" shall be to:**
- 19 (a) Demand and obtain relevant information, data, statistics and
- 20 report on matters relating to agricultural products refining equipment and
- 21 machinery as well as latest inventions;
- 22 (b) Liaise with relevant establishments within and outside Nigeria
- 23 in pursuance of the functions of the Centre;
- 24 (c) Initiate and implement skill acquisition programmes geared
- 25 towards empowering the young population to be successful entrepreneurs in
- 26 agricultural machine designing and productions;
- 27 (d) Partner with higher Institutions of learning in designing
- 28 programs which will better the skills of agricultural engineers and
- 29 technologist studying in those institutions;
- 30 (f) Carry out such activities as are necessary or expedient for the

Powers of the
Centre

Functions and
Powers of the
Board

1 performance of its functions under this Act;

2 PART III -FUNCTIONS AND POWERS OF THE BOARD

3 **10.** The Board shall:

4 (a) Determine the overall policies of the Centre, including its
5 financial and operating procedures and ensure the effective implementation of
6 the policies and procedures;

7 (b) Establish committees, as may be expedient which shall be charged
8 with specific functions delegated by the Board;

9 (c) Appoint, promote and discipline employees for the proper
10 discharge of the functions of the Centre;

11 (d) Design strategies for mobilizing and synergizing resources
12 throughout the economy for the purpose of addressing the challenges
13 confronting farmers in Nigeria and other parts of the world and proffer
14 solutions to them through technologies and software applications;

15 (e) Relate with the local community and other stakeholders to develop
16 funding options for young farmers and aspiring entrepreneurs in agricultural
17 technology sub -sector;

18 (f) Establish, encourage and promote training program for the
19 employees of the Centre and other appropriate persons from the public or
20 private organizations;

21 (g) Promote multi - sectoral and multi-disciplinary collaboration and
22 encourage networking among the farmers' co-operative organizations;

23 (h) Assess from time to time the research, consultancy, training and
24 advocacy program on agricultural technology and other related matters
25 conducted by various institutions with a view to:

26 (i) Ascertain their sustainability, and,

27 (ii) Offering them such assistance, either alone or in co-operation with
28 other related bodies as may improve the contents and quality of their work;

29 (i) the Board may, subject to such conditions as it may impose,
30 delegate any of its functions under this act to any of its committees or to the

1 Director - General;

2 (j) Nothing in this section shall prevent the Board from performing
3 or exercising any of the functions and powers so delegated;

4 (k) Open and operate ordinary and domiciliary account for the
5 Centre in recognized banking institutions in Nigeria as stipulated by extant
6 financial guidelines of the Federal Government;

7 (l) enter into agreement with public or private organizations and
8 individuals to develop, utilize, coordinate and share such information as are
9 determined to be appropriate by the Board for the performance of its
10 functions under this Act; and

11 (m) Carry out such other activities which are connected with its
12 other functions or as may be assigned to it by the Minister of Agriculture or
13 other relevant authority.

14 PART IV - STRUCTURE OF THE CENTRE

15 **11.** The Centre shall have:

Structure of the
Centre

16 (a) A Planning, Research and Statistics Directorate to be headed by
17 a Director;

18 (b) A Preservation and Storage Directorate to be headed by a
19 Director;

20 (c) An Administration and Finance Directorate to be headed by a
21 Director;

22 (d) A Technical Directorate headed by a Director;

23 (d) Such other Directorates as may be required for the proper
24 performance of the functions of the Centre, such Directorates shall be
25 determined by the Board and approved by the Federal Ministry of Health.

26 PART V - STAFF OF THE CENTRE

27 **12 -(1)** there shall be appointed for the Centre by the President of
28 the Federal Republic of Nigeria, a Director General, who shall be a person
29 with a background in Agriculture and Food Processing or Agricultural
30 Technology and other related disciplines.

Appointment of
Director-General

- 1 (2) The Director General shall be:
 2 (a) The Chief Executive of the Centre;
 3 (b) Be responsible for the day -to-day administration of the Centre,
 4 keep the books and records of the Board; and
 5 (c) Be subject to the supervision and control of the Board Tenure of
 6 DG.

- 7 (3) The Director - General shall hold office for a term of 5 (five) years
 8 and may be renewed for another term and no more.

Appointment
of other staff

- 9 **13.**-(1) The Board may from time to time, appoint for the Centre such
 10 other, staff, as it may deem necessary to assist the Director-General in the
 11 performance of the function of the Centre and the Board.

- 12 (2) The Terms and Conditions of service (including remuneration,
 13 allowances, benefits and pensions) of officers and employees of the Centre
 14 shall be determined by the Board on the recommendation of the Federal Civil
 15 Service Commission.

- 16 (3) The staff of the Centre shall be:

- 17 (a) Public Servants as defined in the 1999 Constitution of the Federal
 18 Republic of Nigeria; and

- 19 (b) Governed by the rules governing the Civil Service of the
 20 Federation.

Pensions
Cap 346 LFN

- 21 **14.**-(1) Service in the "Centre" shall be approved service for the
 22 purpose of the Pensions Act and accordingly, officers and other persons
 23 employed in the Centre shall, in respect of their services in the Centre, be
 24 entitled to pension, gratuities and other retirement benefits as are prescribed
 25 there under.

- 26 (2) Notwithstanding subsection (1) of this section, the Centre may
 27 appoint a person to any office on the terms, which preclude the grant of a
 28 pension, gratuity or retirement benefits.

- 29 (3) For the purpose of the application of the Pension Act, any power
 30 exercisable there under by a Minister or other authority of the Government of

1 the Federation other than the power to make regulations is hereby vested and
2 shall be exercisable by the Board and not by other persons or authority.

3 PART VI - FINANCIAL PROVISIONS

4 **15.**-(1) The Centre shall establish and maintain a fund from which Funding of the
Centre
5 all expenditures incurred by the Centre shall be defrayed.

6 (2) The Fund shall comprise fund derived from but not limited to
7 the following sources:

8 (a) Such funds as may be appropriated to the Centre from time to
9 time by the National Assembly;

10 (b) Gifts, loans, grants, aids, etc; and

11 (c) 0.04% of profit of Foreign Agriculture technology companies
12 based in Nigeria;

13 (d) 0.03% of Profit of Agriculture -raw materials based companies;

14 (e) All other assets that may from time to time accrue to the Centre;

15 **16.** The Centre may accept gifts and grants of money or aids or Gift and Monies
16 other property from national and multilateral organization and upon such
17 term and conditions if any, as may be agreed upon between the donor and the
18 Centre provided such gift are not inconsistent with the objectives and
19 functions of the Centre under this Act.

20 **17.**-(1) The Centre shall not later than 30th September in each Budget and
Expenditure
21 financial year prepare and present to the National Assembly through the
22 President for approval, a statement of estimated income and expenditure for
23 the following financial year.

24 (2) Notwithstanding the provision of subsection (1) of this section,
25 the Centre may also, in any financial year, submit supplementary or adjust
26 statements of estimated income and expenditure to the National Assembly
27 through the President for approval.

28 (3) Subject to subsection (1) and (2) of this section, the Centre shall
29 apply the proceeds of the Centre's fund:

30 (a) To meet the administration and operating costs of the Centre;

	1	(b) For the payment of salaries, wages, fees and other allowances,
	2	retiring benefits such as pensions and gratuities and other remunerations
	3	payable to the Director - General and staff of the Centre;
	4	(c) For the purchase or acquisition of property or other equipment and
	5	other capital expenditure and for maintenance of any property acquired or
	6	vested in the Centre; and
	7	(d) For or in connection with all or any of the functions of the Centre
	8	under this Act or its subsidiary legislation.
Financial Year and Audit of Centre's Account	9	18. -(1) the financial year shall start on 1st January of each year and end
	10	31st December of the same year.
	11	(2) The Centre shall keep proper records of its accounts to be audited
	12	within six months from the end of each financial year by auditors whose appointment
	13	shall be approved by the Board and shall be subjected to reappointment on
	14	annual basis provided that such Auditors are on the list of Auditors approved
	15	from time to time by the Auditor-General of the Federation.
Annual Report to the National Assembly	16	19. The Centre shall prepare and submit to the National Assembly
	17	annually, through the President not later than six (6) months after the end of its
	18	financial year, a report on the activities of the Centre's audited accounts for the
	19	year under review together with auditor's report thereon.
Exemption from Taxation	20	20. The provision of any enactment relating to the taxation of
	21	companies or trust funds shall not apply to the Centre.
Miscellaneous	22	21. -(1) The Centre may make regulation not inconsistent with this
	23	Act (a) Concerning any matter that:
	24	(i) May not be prescribed in terms of a provision of this Act; or
	25	(ii) is necessary to prescribe for the effective carrying out of the
	26	objectives of the Act;
	27	(b) Providing for payment, by the National Assembly for this purpose,
	28	or compensation to any person or dependents of any person, whose death,
	29	bodily injury or disablement results from any event occurring in the course of
	30	the performance of any function entrusted to such person in terms of this Act.

1	{2} The Board may, with the approval of the President make the	
2	regulations for the effective operation of this Act.	
3	22. Subject to the provision of this Act, the provision of the public	Limitations against suit
4	officers' protection Act shall apply in relation to any suit instituted against an	
5	officer or employee of the Centre.	
6	23. A notice summons or other document required or authorized to	Service of Documents
7	be served upon the Board under the provisions of this Act or any other law or	
8	enactment may be served by delivering it to the Director - General or by	
9	sending it by registered post and addressed to the Director - General at the	
10	principal office of the Board.	
11	24. In any action or suit against the Board, no execution or	Restriction on Executive against properties of the Commission
12	attachment of process shall be issued against the Board.	
13	25. In this Bill unless the context otherwise requires	Interpretation
14	"Centre" means the National Agricultural Raw Materials Processing Centre,	
15	established by section 1 of this Bill;	
16	"Ngor - Okpala" means a local government in Imo State where the centre	
17	would be sited;	
18	"Function" includes duties and powers	
19	"President" means President of the Federal Republic of Nigeria.	
20	26. This Bill may cited as the National Agricultural Raw Materials	Short title
21	Processing Centre, Ngor - Okpala Bill, 2021.	

1 SUPPLEMENTARY PROVISION RELATING TO THE CENTRE, ETC

2 *Proceedings of the Centre*

3 1.-(1) Subject to this Bill and Section 20 of the interpretation Act, the
4 Centre may make standing orders regulating its proceeding or those of its
5 committee;

6 (2) The quorum of the Centre's Board shall be the Chairman or the
7 person presiding at the meeting, and three (3) other members of the Board and
8 the quorum of any committee of the Centre shall be as determined by the
9 Centre.

10 2.-(1) The Centre shall meet whenever it is summoned by the
11 chairman and if the Chairman is required to do so by giving him not less than
12 four (4) other members, he shall summon a meeting of the Centre to be held
13 within twenty-four (24) days from the date upon which the notice is given.

14 (2) Where the Centre desires to obtain the advice of any person on a
15 particular matter, the Centre may co-opt him to the Centre for such period of
16 time it deems fit, but a person who is in attendance by virtue of this
17 subparagraph shall not be entitled to vote at any meeting and shall not count
18 towards a quorum.

19 *Committee*

20 3.-(1) The Centre may appoint one or more committee to carry out, on
21 behalf of the Centre such functions as the Centre may determine.

22 (2) The Committee appointed under this paragraph shall consider
23 such number of persons as may be determined by the Centre and a person shall
24 hold office in the committee in accordance with the term of his appointment.

25 (3) A decision of a committee of the Centre shall be of no effect until it
26 is confirmed by the Centre.

27 4.-(1) the fixing of the seal of the Centre shall be authenticated by the
28 signature of the Chairman or any other member of the Centre generally or
29 specified by the Centre to act for the purpose and the Chief Executive.

30 (2) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, would not require to be under seal may be made
2 or executed on behalf of the Centre by the Chief Executive or any person
3 generally or specified authorized by the Centre to act for the purpose.

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

7 5. The validity of any proceeding of the Centre or of a committee
8 shall not be adversely affected by:

9 (a) A vacancy in the membership of the Centre or committee; or

10 (b) A defect in the appointment of a member of the Centre or
11 committee; or

12 (c) Reason that a person not entitled to do take part in the
13 proceedings of the Centre or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Agricultural Raw Materials Processing Centre in Ngor-Okpala, Imo State to curtail the wastage of agricultural products in the rural areas and other parts of the Country due to the absence of appropriate storage and processing facilities.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL DIRECTORATE OF EMPLOYMENT ACT
CAP. 28 LAWS OF THE FEDERATION OF NIGERIA 2004 TO MAKE IT THE
MANDATORY STATUTORY DUTY OF THE NATIONAL DIRECTORATE OF
EMPLOYMENT TO, AMONGST OTHERS, CONDUCT CENSUS OF
UNEMPLOYED PERSONS AND MAINTAIN A DATA BANK ON EMPLOYMENT
IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Kabiru Amadu

[] Commencement

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

- 1 **1.** Section of the National Directorate of Employment Cap. N28
- 2 Laws of the Federation of Nigeria 2004 (in this Bill referred to as the
- 3 "Principal Act") is hereby amend d b substituting paragraph (c) with the new
- 4 paragraph (c):
- 5 (c) obtain and maintain a data bank on employment and vacancies
- 6 in the country, with a view to acting as a clearing house to link jobseekers
- 7 with vacancies, in collaboration with other government agencies pursuant to
- 8 which the Directorate shall:
- 9 (i) Periodically but n t later than at intervals of four (4) years
- 10 conduct census of unemployed persons in each State of the Federation and
- 11 the Federal Capital Territory to determine the number and percentage of
- 12 unemployed persons in each State of the Federation and shall publish same
- 13 in the Federal Government gazette and in the mass media;
- 14 (ii) Required unemployed persons to present themselves for
- 15 registration with the Directorate:
- 16 (iii) Liaise with Ministries, Departments and Agencies (MDAs) to
- 17 regularly and promptly publish in the federal government gazette available

Amendment of
Section 2 of the
National Directorate
of Employment
Cap. N28 LFN
2004

Amendment
of Section 14

- 1 vacancies and the methods of application;
- 2 (iv) Keep a record of job gains and losses in each State of the
- 3 Federation and the Federal Capital Territory and periodically publish same in
- 4 the Federal government gazette and the mass media;
- 5 **2.** Section 14 of the Principal Act is hereby amended by substituting
- 6 subsection (1) with the following new subsection (1):
- 7 The Board shall not later than 30 Jul in each year, submit to the Minister and
- 8 National Assembly a report of the activities of the Directorate and its
- 9 administration during the immediate preceding year and shall include in such
- 10 report:
- 11 (a) The audited accounts of the Directorate and auditor's report
- 12 thereon;
- 13 (b) An accurate report of the number and percentage of unemployed
- 14 persons in each State of the Federation and the Federal Capital Territory;
- 15 (c) Accurate data on job gains and losses in each late of the Federation
- 16 and Federal Capital Territory.
- 17 **3.** This Bill may be cited as National Directorate of Employment Act
- 18 (Amendment) Bill. 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Directorate of Employment Act Cap. 28 Laws of the Federation of Nigeria 2004 to make it the mandatory statutory duty of the National Directorate of Employment to, amongst others, conduct census of unemployed persons and maintain a data bank on employment in Nigeria as a base for national planning.

NIGERIAN SCHOOL OF ECONOMIC ESTABLISHMENT LAGOS BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I

1. Establishment of Nigerian School of Economic Lagos
2. Governing Council of the School
3. Membership of the Council of the School
4. Tenure of office of members of the School
5. Functions of the School
6. Powers of the Council
7. Visitation
8. The Academic Board and its functions.
9. Power of Minister to give direction to the School
10. The Provost of the School
11. Deputy Provosts
12. The Registrar and other staff of the School.
13. Other principal officers of the School
14. Resignation of appointment of principal officers.
15. Other employees of the School
16. Selection Board for other principal officers
17. Pensions

PART II - FINANCIAL PROVISIONS

18. Establishment of fund the School
19. Power to accept gifts
20. Accounts and audit
21. Annual reports

PART III - MISCELLANEOUS AND SUPPLEMENTARY

22. Offices and premises
23. Discipline of students
24. Interpretation.
25. Short title

A BILL

FOR

AN ACT TO ESTABLISH NIGERIAN SCHOOL OF ECONOMIC LAGOS STATE;
PROVIDE FOR THE FUNCTIONS AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Bandele Adebajo

[] Commencement

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

1 PART I - ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF NIGERIAN
2 OF SCHOOL OF ECONOMICS, LAGOS STATE

3 1. -(1) There is hereby established Nigerian School of Economic
4 ,Lagos State which shall have such powers and exercise such functions as
5 are conferred on them by this Act.

Establishment
of Nigerian School
of Economic Lagos
State

6 (2) The School shall be a body corporate with perpetual succession
7 and a common seal; with power to sue and be sued and shall have power to
8 acquire and dispose of interests in movable and immovable property and
9 may sue and be sued in its corporate name.

10 2.-(1) The governance of the School and the management of its
11 affairs shall vest in the Governing Council of the School concerned (in this
12 Act referred to as "the Council").

Governing Council
of the School

13 (2) Without prejudice to the generality of subsection (1) of this
14 section, it shall be the responsibility of the Council to consider and approve:

15 (a) the day to day and plan of activities of the School;

16 (b) the programme of studies, courses, and research to be
17 undertaken by the School;

18 (c) the yearly estimates of the School; and

19 (d) the structure and investment plans of the School.

20 (3) The provisions of the Second Schedule to this Act shall have
21 effect with respect to the Council as specified therein.

Membership of the Council of the School	1	3.-(1) The Council of the School ,shall consist of a chairman and the
	2	following other members, to be appointed by the President:
	3	(a) a representative of the Federal Ministry of education;
	4	(b) a representative of the alumni association of the School;
	5	(c) three persons appointed on individual merit on a nationwide basis
	6	who should have wide experience in the area of Journalism
	7	(d) two representatives of the Academic Board of the School;
	8	(e) one representative of the general public; and
	9	(f) the Provost of the School.
Tenure of office of members of the Council	10	4.-(1) Each member of the Council (other than an ex-officio member)
	11	shall hold office for a term of four years and shall be eligible for re-appointment
	12	for a further period of four years.
	13	(2) The office of a member appointed under sections 3 (1) (d) and 3 (2)
	14	(d) of this Act shall become vacant if:
	15	(a) the member resigns his office by notice in writing under his hand,
	16	addressed to the president through the Minister;
	17	(b) the member is convicted of any offence by any court;
	18	(c) the member becomes a person of unsound mind;
Functions of the School Functions and powers of the School	19	(d) The member abuses his office.
	20	5. The functions of the school shall be:
	21	6. The functions and powers of the School shall be:
	22	(a) to provide for instruction and training in:
	23	(i) economics, finance and business administration; and,
	24	(ii) such other branches of learning as the Board of Governors may
	25	determine with the approval of the. Patron given on the recommendation of a
	26	committee constituted by the Education Department;
	27	(b) to provide for research, demonstration and other services, and for
	28	the advancement and dissemination of knowledge;
	29	(c) to hold examinations and confer on or award degrees, diplomas,

1 certificates and other academic distinctions to persons who have passed its
2 examinations;

3 (d) to select and promote faculties;

4 (e) to prescribe courses of studies;

5 (f) to establish and support other facilities for education, training
6 and research; and

7 (g) to decide teaching methods and strategies in order to ensure the
8 most effective educational and training programmes

9 7.-(1) For the carrying out of the functions of School ,the Council
10 shall have power to:

Powers of the
Council

11 (a) undertake examinations and award diplomas, professional
12 certificates and other distinctions to persons who have pursued a course of
13 study approved and accredited by the National university Commission;

14 (b) collect from any student or any other person attending the
15 School for the purpose of instruction such fees as the Council may, with the
16 prior approval of the Minister, from time to time determine;

17 (c) hold public lectures and undertake printing, publishing and
18 bookselling;

19 (d) make gifts for any charitable purpose;

20 (e) hold examinations for student or teachers;

21 (f) provide amenities for and make such other provision for the
22 welfare of the staff of the School;

23 (g) invest the funds of the School in securities specified by law or in
24 such other securities in Nigeria as may be approved by the Minister;

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

27 (i) enter into such contracts as may be necessary or expedient for
28 carrying into effect the objectives of the School;

29 (j) recruit staff of the right calibre and determine the career
30 structure of such staff;

	1	(k) establish and maintain such schools and other teaching units
	2	within the School; or extramural departments as the Council may, from time to
	3	time, decide;
	4	(l) school and award fellowships, medals, prizes and other titles;
Visitation	5	8. -(1) The Minister of Education shall be the Visitor of the School.
	6	(2) The Visitor shall, not less than once in every five years, conduct a
	7	visitation of the School; or appoint a visitation panel consisting of not less than
	8	five experts to conduct the visitation:
	9	(a) for the purpose of evaluating the academic and administrative
	10	performance of the School; or
	11	(b) for such other purpose or in respect of any other affairs of the
	12	School; as the Visitor may deem fit
The Academic Board and its functions	13	9.-(1) The School Shall have a board to be known as the Academic
	14	Board which shall consist of the following members:
	15	(a) the Provost of the School; who shall be the chairman;
	16	(b) all heads of departments;
	17	(c) the School Librarian; and
	18	(d) not more than two members of the academic staff other than heads
	19	of departments to be appointed by the Council.
	20	(2) The Academic Board shall be responsible for:
	21	(a) overseeing the management of academic matters of the School and
	22	among others the regulation of admission of students, the award of certificates,
	23	scholarships, prizes and other academic distinctions;
	24	(b) providing reports from time to time on such academic matters to
	25	the Council as the Council may from time to time direct;
	26	(c) carrying out any other functions which the Council may assign or
	27	delegate to it.
Power of Minister to give directions to the Council	28	10. The Minister may give directive to the council with regard to the
	29	exercise by the Council of its functions under this Act and it shall be the duty of
	30	the Council to comply with such directions.

- 1 **11.-(1)** There shall be a Provost of the School (in this Act referred to
2 as "the Provost) who shall be appointed by the President, in accordance with
3 the provisions of this section. The Provost of
the School
- 4 (2) Where a vacancy occurs in the post of Provost, the Council
5 shall:
- 6 (a) advertise the vacancy in a reputable journal or a widely read
7 newspaper in Nigeria specifying:
- 8 (i) the qualities of the person who may apply for the post;
- 9 (ii) the terms and conditions of service applicable to the post; and
10 thereafter draw up a short list of suitable candidates for consideration;
- 11 (b) constitute a search team consisting of:
- 12 (i) a member of the Council not being a member of the Academic
13 Board, as chairman;
- 14 (ii) two members of the academic Board not below the rank of chief
15 lecturer;
- 16 (iii) two members of the academic community of the School not
17 below the rank of chief lecturer to be selected by the Council, to identify and
18 draw up a short list of suitable persons who are not likely to apply for the post
19 for any reason whatsoever.
- 20 (3) A Joint Council and Academic Selection Board consisting of:
- 21 (a) the chairman of the Council;
- 22 (b) two members of the Council not being members of the
23 Academic Board;
- 24 (c) two members of the Academic Board not below the rank of
25 chief lecturer, who were not members of the search team, shall consider the
26 candidates and persons on the short lists drawn up under subsection
27 (2) of this section through an examination of their curriculum vitae
28 and interaction with them and recommend through the Council to the
29 President, three candidates for his consideration.
- 30 (4) The President shall appoint as Provost one of the candidates

1 recommended to him under the provisions of subsection (3) of this section.

2 (5) Subject to this Act and the general control of the Council, the
3 Provost shall be the chief executive of the School; and shall be charged with
4 general responsibility for matters relating to the day-to-day management
5 operations of the School;

6 (6) The Provost:

7 (a) shall hold office for a period of four years beginning with the
8 effective date of his appointment and on such terms and conditions as may be
9 specified in his letter of appointment; and

10 (b) may be reappointed for one further period of four years and no
11 more.

Deputy Provosts

12 **12.-(1)** There shall be for the School a Deputy Provost

13 (2) The Council shall appoint the Deputy Provost from among the
14 chief lecturers in the School in one of the following ways, that is:

15 (a) from a list of three candidates in order of preference, submitted by
16 the Provost; or

17 (b) on the recommendation of a Selection Board constituted under
18 this section for that purpose; or

19 (c) on the nomination of the Provost.

20 (3) The Selection Board referred to in subsection (2) of this section
21 shall:

22 (a) consist of:

23 (i) the chairman of the Council;

24 (ii) the Provost;

25 (iii) two members of the Council not being members of the Academic
26 Board;

27 (iv) two members of the Academic Board; and

28 (b) make such inquiries as it deems fit before making the
29 recommendation required under that subsection.

30 (4) The Deputy Provost shall:

1 (a) assist the Provost in the performance of his functions;
2 (b) act in the place of the Provost when the post of Provost is vacant
3 or if the Provost is, for any reason, absent or unable to perform his functions
4 as Provost; and

5 (c) perform such other functions as the Provost or the Council may,
6 from time to time, assign to him.

7 (5) The Deputy Provost:

8 (a) shall hold office for a period of two years beginning from the
9 effective date of his appointment and on such terms and conditions as may
10 be specified in his letter of appointment; and

11 (b) may be reappointed for one further period of two years and no
12 more.

13 **13.-(1)** The Council of the School shall appoint a Registrar to the
14 School (hereinafter referred to as the Registrar") who shall keep the records
15 and conduct the correspondence of the Council and shall perform such other
16 duties as the Council and subject thereto as the Provost may from time to
17 time direct.

The Registrar and
other staff of the
School

18 (2) The Registrar shall, in addition to other duties conferred on him
19 by or under this Act, be the secretary to the Council. the Academic Board and
20 any committee of the Council and in his absence, the Councilor any such
21 committee may appoint some other person to act as secretary, and he shall
22 not vote on any question before the Councilor count towards a quorum.

23 (3) A Registrar:

24 (a) shall hold office for a period of five years beginning from the
25 effective date of his appointment and on such terms and conditions as may
26 be specified in his letter of appointment; and

27 (b) may be reappointed for one further period of five years and no
28 more.

29 (4) Where, on the commencement of this section, a Registrar
30 appointed before the commencement of this section has held office:

Other principal
officers of the
School

1 (a) for five years or less, he shall be deemed to be serving his first term
2 of office and may be reappointed for a further term of five years;

3 (b) for more than five years but less than ten years, he shall complete
4 the maximum period of ten years and thereafter relinquish his post and be
5 assigned other duties in the School;

6 (c) for ten years or more, the Council may allow him to serve as
7 Registrar for a further period of one year only and thereafter he shall relinquish
8 his post and be assigned other duties in the School.

9 **14.-(1)** There shall be for the School the following principal officers
10 in addition to the Registrar, that is:

11 (a) the Bursar; and

12 (b) the Librarian, who shall be appointed by the Council on the
13 recommendation of the Selection Board constituted under this Act

14 (2) The Bursar shall be the chief financial officer of the School; and be
15 responsible to the Provost for the day-to-day administration and control of the
16 financial affairs of the School.

17 (3) The School Librarian shall be responsible to the Provost for the
18 administration of the School Library and the coordination of the library
19 services in the teaching units of the School.

20 (4) A Bursar or Librarian:

21 (a) shall hold office for a period of five years beginning from the
22 effective date of his appointment and on such terms and conditions as may be
23 specified in his letter of appointment; and

24 (b) may be reappointed for a further period of five years and no more.

25 (5) Where, on the commencement of this section, a Bursar or
26 Librarian has held office:

27 (a) for five years or less, he shall be deemed to be serving his first term
28 of office and may be reappointed for a further term of five years;

29 (b) for more than five but less than ten years, he shall complete the
30 maximum period of ten years and thereafter relinquish his post and be assigned

1 other duties in the School;

2 (c) for ten years or more, the Council may allow him to serve in that
3 capacity for a further period of one year only and thereafter he shall
4 relinquish his post and be assigned other duties in the School;.

5 **15.** A principal officer may resign his appointment:

Resignation of
appointment of
principal officers

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

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

8 **16.**-(1) The Council may appoint such other persons to be
9 employees of the School as the Council may determine to assist the Provost
10 and the principal officers of the School in the performance of their functions
11 under this Act.

Other employees
of the School

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

16 **17.**-(1) There shall be, for the School, a selection Board which shall
17 consist of:

Selection Board
for other principal
officers

18 (a) the chairman of the Council;

19 (b) the Provost;

20 (c) four members of the Council not being members of the
21 Academic Board; and

22 (d) two members of the Academic Board.

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

26 **18.**-(1) It is hereby declared that service in the School shall be in
27 accordance with the pension Act.

Pensions

28 **PART II - FINANCIAL PROVISIONS.**

29 **19.**-(1) The Council shall establish and maintain a fund which shall
30 be applied towards the promotion of the objectives specified in this Act.

Establishment
of fund of the
School

	1	(2) There shall be paid and credited to the fund established under
	2	subsection (1) of this section:
	3	(a) such sums as may be made to the School through Annual budget;
	4	(b) all moneys raised for the purposes of the Council by way of gifts,
	5	grants-in-aid or testamentary disposition; and
	6	(c) all subscriptions, fees and charges for services rendered by the
	7	Council and all other sums that may accrue to the Council from any source.
	8	(3) The Council shall submit to the Minister, through the University
	9	commission not later than three months before the end of each financial year or
	10	at such other time as he may direct, an estimate of its revenue and expenditure
	11	for the next succeeding financial year.
Power to accept gifts	12	20. -(1) The Council may accept gifts.
	13	(2) The Council shall not accept any gift if the conditions attached by
	14	the person making the gift are inconsistent with the functions of the Council.
Accounts and audit	15	21. The Council shall keep proper accounts and shall in respect of
	16	each year cause the accounts to be audited.
Annual reports	17	22. The Council shall prepare and submit to the Minister a report of its
	18	activities during the immediately preceding financial year.
	19	PART III - MISCELLANEOUS AND SUPPLEMENT
Offices and premises	20	23. -(1) For the purpose of providing offices and premises necessary
	21	for the performance of its functions, the Council may:
	22	(a) purchase any interest in or take on lease any land; and
	23	(b) build, equip and maintain offices and premises.
	24	(2) The Council may, with the approval of the Minister, sell any
	25	interest in or lease any land, offices or premises held by it and no longer
	26	required for the performance of its functions.
Discipline of students	27	24. -(1) The Council may make rules providing for the Provost to
	28	conduct enquiries into alleged breaches of discipline (including lack of
	29	diligence) by students and such rules may make different provisions for
	30	different circumstances.

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

3 (3) Subject to the provisions of subsection (1) of this section, where
4 it is proved during the enquiry that any student of the School has been guilty
5 of misconduct, the Provost may, without prejudice to any other disciplinary
6 powers conferred on him by this Act or any regulations made there under,
7 direct:

8 (a) that the student shall not, during such period as may be specified
9 in the direction, participate in such activities of the School, or make use of
10 such facilities of the School, as he may specify; or

11 (b) that the student may be suspended for such period as may be
12 specified in the direction; or

13 (c) that the Student expelled from the School

14 (4) Where there is temporarily no Provost or where the Provost
15 refuses to apply any disciplinary measures, the Council may either directly
16 or through some other staff, apply such disciplinary actions as are specified
17 in subsection (3) of this section to any student of the School who is guilty of
18 misconduct.

19 (5) 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
21 date of the letter communicating the decision to him, appeal from the
22 direction to the Council, and where such an appeal is brought, the Council
23 shall, after causing such inquiry to be made in the matter as the Council
24 considers just, either confirm or set aside the direction or modify it in such
25 manner as the Council may think fit.

26 (6) The fact that an appeal from a direction is brought in pursuance
27 of subsection (5) of this section shall not affect the operation of the direction
28 while the appeal is pending.

29 (7) The Provost may delegate his powers under this section to a

1 disciplinary committee consisting of such members of the School as he may
2 nominate.

3 (8) Nothing in this section shall be construed as preventing the
4 restriction or termination of a student's activities at the School otherwise than
5 on the ground of misconduct.

6 (9) It is hereby declared that the direction under subsection (3) (a) of
7 this section may be combined with a direction under subsection (3) (b) of this
8 section.

9 (10) In all cases under this section, the decision of the Council shall be
10 final unless reversed by the Minister on appeal by the student.

Interpretation

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

12 "School" means Nigerian School of Journalism Lagos established under
13 section 1 of this Act chairman" means the chairman of the Council;

14 "Council" means the Governing Council of the School established by or
15 pursuant to section 2 of this Act;

16 "Provost" means the Provost of an school appointed under section 9 of this Act;

17 "functions" includes powers and duties;

18 "Minister" means the Minister of Education;

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

Citation

20 **26.** This Bill may be cited as the Nigeria School of Economics Lagos
21 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Nigerian School of Economic Lagos; provide for the functions and to decide teaching methods and strategies in order to ensure the most effective educational and training programmes.

A BILL

FOR

AN ACT TO ESTABLISH A NATIONAL POVERTY ERADICATION PROGRAMME
AND TO PROVIDE FOR RELATED MATTERS

Sponsored by Hon. Olufemi Bandele Adebajo

[] Commencement

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

1 *Establishment, seal and functions of the Programme*

2 1.-(1) There is established a Programme to be known as the Establishment
3 National Poverty Eradication Programme and seal of the
Programme

4 (2) The Programme shall have perpetual succession and a common
5 seal and may sue or be sued in its corporate name, and may, in connection
6 with the purposes of this Act purchase, hold, manage and dispose of any
7 property, and enter into such contracts, as may be necessary or expedient.

8 (3) The headquarters of the Programme shall be at Abuja with
9 centers in any other geopolitical zones or states as the board may direct

10 2. Function of the Programme shall be: Functions of the
Programme

11 (1) to nurture and grow new and small businesses, products,
12 innovations and entrepreneurs by supporting them through the early stages
13 of development for poverty eradication;

14 (2) to advise and promote policy and programmes regarding the
15 eradication of poverty in Nigeria;

16 (3) to ensure proper planning and coordination of all poverty-based
17 programmes within the broad guidelines of the programme of action;

18 (4) to regularly review and identify obstacles to the
19 implementation of the programme of action and to advise on feasible
20 solutions to overcome them;

21 (5) to monitor and evaluate programmes and activities of the

- 1 programme of action;
- 2 (6) to mobilise and evaluate programmes and activities of the
- 3 programme of action;
- 4 (7) to advise on programmes and budgets for the implementation of
- 5 the programme of action;
- 6 (8) to act as a clearinghouse for information and data on the situation
- 7 of poverty and activities designed to benefit poverty in Nigeria;
- 8 (9) to disseminate research and development findings on the needs
- 9 and problems of poverty through seminars, workshops, publications and other
- 10 means of communication;
- 11 (10) to work in close cooperation with and to coordinate the activities
- 12 of all persons, institutions, sectors and organisations, involved in poverty-
- 13 based activities;
- 14 (11) to grant credit facility to the poor
- 15 (12) do such other things as are necessary or incidental to the effective
- 16 performance of the foregoing functions of the Programme.

17 *The Board*

Board of the
Programme

- 18 **3.-(1)** There is hereby established for the Programme a governing
- 19 board which shall consist of the following members to be appointed by the
- 20 President:
- 21 (a) The Chairman who shall be a person with wide knowledge and
- 22 distinction in one or more in the fields of small businesses, products,
- 23 innovations and entrepreneurs
- 24 (2) The appointment of the six part-time members from the six geo-
- 25 political zones who shall have wide knowledge and distinction in one or more
- 26 in the fields of small businesses, products, innovations and entrepreneurs.
- 27 (3) The following are ex officio members of the Board:
- 28 (a) (i) the Federal Ministry of Industry;
- 29 (ii) the Federal Ministry of Science and Technology;
- 30 (iii) the National Planning Commission;

- 1 (iv) the Agricultural or Industrial Research Institutes;
2 (v) the Indigenous Fabricators and Manufacturers of Machinery;
3 (vi) the Federal Ministry of Finance;
4 (vii) the Development Banks for Small and Medium Scale
5 Industries;
6 (viii) the Bank of Industry;
7 (ix) the Manufacturers' Association of Nigeria;
8 (x) the National Association of Small Scale Industries (NASSI);
9 and

10 (b) the Director-General of the Agency.

11 (4) There shall be a Secretary to the Board who shall be appointed
12 by the Board:

13 (i) the Executive Secretary of the Council who shall be an ex-
14 officio member with no voting right.

15 (5) Any member of the board may resign his or her office by writing
16 under his or her hand addressed to the Minister, or may be removed from
17 office by the Minister for inability to perform the functions of his or her
18 office or for any other sufficient reason.

19 (6) Any member of the board ceasing to hold office shall be eligible
20 for reappointment for one more time and that shall be final.

21 4.-(1) The board shall meet for the discharge of its functions under
22 this Act at least once every month at such time and place as the chairperson
23 may appoint or upon the request in writing of three members of the board.

Meetings of the
Board

24 (2) The chairman shall preside at all meetings of the board, and in
25 his or her absence such member of the board as the members present shall
26 appoint shall preside.

27 (3) The board may invite any number of persons to act as
28 consultants or advisers at any of its meetings as it may think fit.

29 (4) Questions proposed at a meeting of the board shall be
30 determined by a simple majority of the members of the board present and

1 voting; and in the case of an equality of votes, the person presiding at the
2 meeting shall have a second or casting vote.

3 (5) Four members shall form a quorum.

4 (6) Any member of the board who has any personal interest in any
5 transaction of the board or any matter before the board shall disclose the nature
6 of his or her interest to the board and shall be disqualified from taking part in
7 the deliberations of the board with respect to that transaction or matter; and the
8 failure to make any disclosure required by this section may constitute a
9 sufficient reason for the removal of the member from the board.

10 (7) Subject to subsections (1) to (6), the board may regulate its own
11 procedure.

Remuneration
of Board members,
etc.

12 5. The chairman and the other members of the board and any other
13 person attending any meeting of the board may be paid such remuneration or
14 allowances as the Minister may, after consultation with the Minister
15 responsible for finance, determine.

16 *Staff*

General Manager

17 6.-(1) The Programme shall have a secretary and other senior
18 management staff who shall be appointed by the Minister for such period and
19 upon such terms and conditions as the Minister may determine.

20 (2) The general manager shall devote his or her full time to the affairs
21 of the Programme.

22 (3) Subject to this Act and to the general control of the board on
23 matters of policy, the general manager shall be responsible for the management
24 of the funds, property and business of the Programme and for its administration
25 and organisation and the control of the staff of the Programme.

Staff of the
Programme

26 7.-(1) The board may, subject to section 7, from time to time, and on
27 such terms and conditions as it thinks fit, appoint such officers and employees
28 as may be necessary for the proper and efficient discharge of the functions of
29 the Programme, and may also delegate to the general manager either alone or

1 together with other persons the power to appoint such class of employees as
2 it may specify.

3 (2) Public officers may be seconded to the Programme or otherwise
4 give assistance to it.

5 (3) The board may grant pension, gratuities or retiring benefits to
6 the officers and other employees of the Programme and may require them to
7 contribute to any pension, provident fund or superannuation scheme.

8 (4) No matter or thing done by any employee of the Programme
9 shall if it is done bona fide for the purposes of executing any provision of this
10 Act subject any such employee or any person acting by his or her direction to
11 any civil liability.

12 *Financial provisions*

13 **8.-(1)** The funds of the Programme shall consist of:

Funds of the
Programme

14 (a) any grant from the Government of a capital nature;

15 (b) any loan raised by the Programme for the purposes of its
16 functions under this Act;

17 (c) any monies that may become payable to the Programme in the
18 discharge of its functions under this Act;

19 (d) any fund made to the Programme by annual budget

20 **9.-(1)** The Programme may, subject to the approval of the Minister
21 in consultation with the Minister responsible for finance, borrow sums
22 required by it for meeting any of its obligations or discharging any of its
23 functions under this Act.

Borrowing
powers

24 (2) An approval given under subsection (1) may be either general
25 or limited to a particular borrowing or otherwise and may be either
26 unconditional or subject to conditions.

27 (3) A person lending money to the Programme shall not be bound to
28 inquire whether the borrowing of money is within the power of the
29 Programme.

Estimates	1	10. -(1) The Programme shall, within such period from the end of each financial year as the Minister shall determine, make and submit to the Minister for his or her approval estimates of the income and expenditure of the Programme for the next ensuing year.
	5	(2) No expenditure shall be made out of the funds of the Programme unless the expenditure has been approved by the Minister under the estimates for the year in which the expenditure is to be made or in any other estimates supplementary to those estimates.
Programme to operate on sound financial principles	9	11. In the discharge of its functions under this Act, the Programme shall so conduct its business that taking one transaction with another, and taking one year with another:
	12	(a) its revenue is sufficient for meeting all charges including interest on capital and loans properly chargeable to revenue account;
	14	(b) sufficient provision is made to provide for depreciation of assets;
	15	and
	16	(c) where any loss or bad debt arises in respect of any transaction, provision is made in respect of other transactions whether of similar nature or otherwise, to offset the amount of such loss or debt.
Investments	19	12. The Programme may invest any monies under its control in any investment or project approved by the Minister in consultation with the Minister responsible for finance.
Accounts and audit	22	13. -(1) The Programme shall keep proper books of account and proper records in relation to them.
	24	(2) For the purposes of this section, proper books of account shall be deemed not to have been kept with respect to the business of the Programme if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the Programme and to explain its transactions.
	28	(3) The accounts shall, in respect of every financial year, be subject to audit by the Auditor General or an auditor appointed by him or her.
	30	(4) The Auditor General shall deliver to the Minister a copy of the

1 audited accounts of the Programme not later than six months from the end of
2 the financial year to which they relate.

3 (5) The Minister shall lay before Parliament a copy of the audited
4 accounts delivered under subsection (4).

5 In this section, "financial year" means the period of twelve months ending
6 on 31st December, or such other period of twelve months as the Minister, by
7 writing under his or her hand, may authorise the Programme to adopt as its
8 financial year.

9 *Miscellaneous provisions*

10 **14.**-(1) Subject to such terms and conditions regarding periodic Transfer of property
11 payments as may be stipulated by the custodian board, there is transferred to
12 the Programme the whole of the shares in each of the specified companies.

13 (2) For the avoidance of any doubt, the transfer of shares effected
14 by subsection (1) shall not affect the continuance of any specified company
15 as a separate entity or any liability or obligation owed by the company; and
16 pursuant to section 3(4), each specified company shall maintain its own
17 separate accounts, subject to the Companies and Allied matters Act and the
18 direction of the Programme.

19 (3) The Minister may, in consultation with the custodian board and
20 the Minister responsible for finance, amend the Schedule to this Act.

21 **15.** The Minister may, subject to this Act, give to the Programme Minister's power
of direction
22 written directions of a general or specific nature relating to the functions of
23 the Programme, and the Programme shall be bound to comply.

24 **16.** The Programme shall, not later than six months after the end of Annual reports
25 each financial year, make and submit to the Minister a report showing the
26 performance of the Programme during that financial year, including the
27 extent to which any direction given by the Minister during that financial year
28 has been carried out.

29 **17.**-(1) The board may, with the prior approval of the Minister, Byelaws

	1	make byelaws not inconsistent with this Act regulating the following matters:
	2	(a) procedure at the meetings of the board;
	3	(b) terms and conditions of service of the officers and employees of
	4	the Programme;
	5	(c) welfare schemes for the employees of the Programme;
	6	(d) legal proceedings by or against the Programme;
	7	(e) the custody of the seal of the Programme; and
	8	(f) generally the conduct of the business of the Programme, including
	9	the control of the management and staff of the specified companies.
	10	(2) Notwithstanding the Interpretation Act, it shall not be necessary to
	11	publish in the Gazette the byelaws made by the board under this section, but the
	12	byelaws may be published in such manner as the board, with the approval of the
	13	Minister, may think fit.
Savings	14	18. All appointments made or contracts entered before this enactment
	15	shall not be affected and shall continue to be in existence according to their
	16	tenure or terms
Savings	17	19. Any appointment made or contract entered prior to this Act shall
	18	continue to remain in force and operate in their due course
Regulations	19	20. -(1) The Minister may, in consultation with the board, make
	20	regulation generally for better carrying out the provisions and principles of this
	21	Act.
Interpretation	22	21. In this Act, unless the context otherwise requires:
	23	"Programme" means National Poverty Eradication Programme established
	24	under section 2 of this Act;
	25	"Minister" means the Minister responsible for trade and investment.
Citation	26	22. This Bill may be cited as National Poverty Eradication
	27	Programme Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Poverty Eradication Programme and to nurture and grow new and small businesses, products, innovations and entrepreneurs by supporting them through the early stages of development for poverty eradication.

NIGERIAN INSTITUTE OF JOURNALISM LAGOS BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

1. Establishment of Nigerian Institute of Journalism Lagos
2. Governing Council of the Institute
3. Membership of the Council of the Institute
4. Tenure of office of members of the Institute
5. Functions of the Institute
6. Powers of the Council
7. Visitation
8. The Academic Board and its functions
9. Power of Minister to give direction to the Institute
10. The Provost of the Institute
11. Deputy Provosts
12. The Registrar and other staff of the Institute
13. Other principal officers of the Institute
14. Resignation of appointment of principal officers
15. Other employees of the Institute
16. Selection Board for other principal officers.
17. Pensions

PART II - FINANCIAL PROVISIONS

18. Establishment of fund the Institute
19. Power to accept gifts
20. Accounts and audit
21. Annual reports

PART III - MISCELLANEOUS AND SUPPLEMENTARY

22. Offices and premises
23. Discipline of students
24. Interpretation
25. Short title

FOR

Sponsored by Hon. Olufemi Bandele Adebajo

[] Commencement

1 PART 1 - ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF
2 NIGERIAN INSTITUTE OF JOURNALISM LAGOS STATE

3 **1.**-(1) There is hereby established Nigerian Institute of Journalism
4 ,Lagos State which shall have such powers and exercise such functions as
5 are conferred on them by this Act.

Establishment
of Nigerian Institute
of Journalism
Lagos State

(2) The Institute shall be a body corporate with perpetual succession and a common seal; with power to sue and be sued and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.

10	2.-(1) The governance of the Institute and the management of its	Governing Council
11	affairs shall vest in the Governing Council of the Institute concerned (in this	of the Institute
12	Act referred to as "the Council").	

13 (2) Without prejudice to the generality of subsection (1) of this
14 section, it shall be the responsibility of the Council to consider and approve:

15 (a) the day to day and plan of activities of the Institute.

16 (b) the programme of studies, courses, and research to be
17 undertaken by the Institute;

18 (c) the yearly estimates of the Institute; and

19 (d) the structure and investment plans of the Institute

20 (3) The provisions of the Second Schedule to this Act shall have
21 effect with respect to the Council as specified therein.

Membership of the Council of the Institute	1	3.-(1) The Council of the Institute ,shall consist of a chairman and the
	2	following other members, to be appointed by the President:
	3	(a) a representative of the Federal Ministry of education;
	4	(b) a representative of the alumni association of the Institute;
	5	(c) three persons appointed on individual merit on a nationwide basis
	6	who should have wide experience in the area of Journalism;
	7	(d) two representatives of the Academic Board of the Institute;
	8	(e) one representative of the general public; and
	9	(f) the Provost of the Institute.
Tenure of office of members of the Council	10	4.-(1) Each member of the Council (other than an ex-officio member)
	11	shall hold office for a term of four years and shall be eligible for re-appointment
	12	for a further period of four years.
	13	(2) The office of a member appointed under sections 3 (1) (d) and 3 (2)
	14	(d) of this Act shall become vacant if:
	15	(a) the member resigns his office by notice in writing under his hand,
	16	addressed to the president through the Minister;
	17	(b) the member is convicted of any offence by any court;
	18	(c) the member becomes a person of unsound mind;
	19	(d) The member abuses his office.
Functions of the Institute	20	5. The functions of the institute shall be:
	21	(a) to provide full-time courses in teaching, instruction and training:
	22	(i) in journalism, arts, social science, humanities and management;
	23	and
	24	(ii) in such other fields of applied learning relevant to the needs of the
	25	development of Nigerian in the areas of journalism and arts as the council may
	26	from time to time determine;
	27	(iii) to award national diploma, higher national diploma, and
	28	postgraduate diploma in journalism and related field;
	29	(iv) to arrange conferences, seminars and workshops relative to the
	30	fields of learning specified in paragraph (a) of this section;

1 (v) to perform such other functions as in the opinion of the council
2 may serve to promote the objectives of the institute;

3 (vi) to encourage the advancement of learning and to hold out to all
4 persons without distinction of race, creed, sex or political conviction, the
5 opportunity of acquiring a higher education in technology, applied science,
6 commerce, arts, social science, humanities and management;

7 (vii) to establish appropriate relationships with other national
8 institutions involved in training, research and development of in technology,
9 applied science, commerce, arts, social science, humanities and
10 management;

11 (viii) to conduct special programme and courses in journalism; and

12 (ix) to perform such other functions as in the opinion of the council
13 may serve to promote the objectives of the institute.

14 **6.-(1)** For the carrying out of the functions of Institute ,the Council
15 shall have power to:

Powers of the
Council

16 (a) undertake examinations and award diplomas, professional
17 certificates and other distinctions to persons who have pursued a course of
18 study approved and accredited by the National university Commission;

19 (b) collect from any student or any other person attending the
20 Institute for the purpose of instruction such fees as the Council may, with the
21 prior approval of the Minister, from time to time determine;

22 (c) hold public lectures and undertake printing, publishing and
23 bookselling;

24 (d) make gifts for any charitable purpose;

25 (e) hold examinations for student or teachers;

26 (f) provide amenities for and make such other provision for the
27 welfare of the staff of the Institute;

28 (g) invest the funds of the Institute in securities specified by law or
29 in such other securities in Nigeria as may be approved by the Minister;

30 (h) borrow money within Nigeria in such manner and upon such

	1	security as the Minister may from time to time authorise;
	2	(i) enter into such contracts as may be necessary or expedient for
	3	carrying into effect the objectives of the Institute;
	4	(j) recruit staff of the right calibre and determine the career structure
	5	of such staff;
	6	(k) establish and maintain such schools and other teaching units
	7	within the Institute ;or extramural departments as the Council may, from time
	8	to time, decide;
	9	(l) institute and award fellowships, medals, prizes and other titles.
Visitation	10	7.-(1) The Minister of Education shall be the Visitor of the Institute.
	11	(2) The Visitor shall, not less than once in every five years, conduct a
	12	visitation of the Institute; or appoint a visitation panel consisting of not less
	13	than five experts to conduct the visitation:
	14	(a) for the purpose of evaluating the academic and administrative
	15	performance of the Institute ;or
	16	(b) for such other purpose or in respect of any other affairs of the
	17	Institute; as the Visitor may deem fit
The Academic Board and its functions	18	8.-(1) The Institute Shall have a board to be known as the Academic
	19	Board which shall consist of the following members:
	20	(a) the Provost of the Institute ; who shall be the chairman;
	21	(b) all heads of departments;
	22	(c) the Institute Librarian; and
	23	(d) not more than two members of the academic staff other than heads
	24	of departments to be appointed by the Council.
	25	(2) The Academic Board shall be responsible for:
	26	(a) overseeing the management of academic matters of the Institute
	27	and among others the regulation of admission of students, the award of
	28	certificates, scholarships, prizes and other academic distinctions;
	29	(b) providing reports from time to time on such academic matters to
	30	the Council as the Council may from time to time direct;

1 (c) carrying out any other functions which the Council may assign
2 or delegate to it

3 **9.** The Minister may give directive to the council with regard to the
4 exercise by the Council of its functions under this Act and it shall be the duty
5 of the Council to comply with such directions.

Power of Minister
to give directions
to the Council

6 **10.-(1)** There shall be a Provost of the Institute (in this Act referred
7 to as "the Provost") who shall be appointed by the President, in accordance
8 with the provisions of this section.

The Provost of
the Institute

9 (2) Where a vacancy occurs in the post of Provost, the Council
10 shall:

11 (a) advertise the vacancy in a reputable journal or a widely read
12 newspaper in Nigeria specifying:

13 (i) the qualities of the person who may apply for the post;

14 (ii) the terms and conditions of service applicable to the post; and
15 thereafter draw up a short list of suitable candidates for consideration;

16 (b) constitute a search team consisting of:

17 (i) a member of the Council not being a member of the Academic
18 Board, as chairman;

19 (ii) two members of the academic Board not below the rank of chief
20 lecturer;

21 (iii) two members of the academic community of the Institute not
22 below the rank of chief lecturer to be selected by the Council, to identify and
23 draw up a short list of suitable persons who are not likely to apply for the post
24 for any reason whatsoever.

25 (3) A Joint Council and Academic Selection Board consisting of:

26 (a) the chairman of the Council;

27 (b) two members of the Council not being members of the
28 Academic Board;

29 (c) two members of the Academic Board not below the rank of
30 chief lecturer, who were not members of the search team, shall consider the

1 candidates and persons on the short lists drawn up under subsection (2) of this
2 section through an examination of their curriculum vitae and interaction with
3 them and recommend through the Council to the President, three candidates for
4 his consideration.

5 (4) The President shall appoint as Provost one of the candidates
6 recommended to him under the provisions of subsection (3) of this section.

7 (5) Subject to this Act and the general control of the Council, the
8 Provost shall be the chief executive of the Institute; and shall be charged with
9 general responsibility for matters relating to the day-to-day management
10 operations of the Institute;

11 (6) The Provost:

12 (a) shall hold office for a period of four years beginning with the
13 effective date of his appointment and on such terms and conditions as may be
14 specified in his letter of appointment; and

15 (b) may be reappointed for one further period of four years and no
16 more.

Deputy Provosts

17 11.-(1) There shall be for the Institute a Deputy Provost

18 (2) The Council shall appoint the Deputy Provost from among the
19 chief lecturers in the Institute in one of the following ways, that is:

20 (a) from a list of three candidates in order of preference, submitted by
21 the Provost; or

22 (b) on the recommendation of a Selection Board constituted under this
23 section for that purpose; or

24 (c) on the nomination of the Provost. (3) The Selection Board referred
25 to in subsection (2) of this section shall:

26 (a) consist of:

27 (i) the chairman of the Council;

28 (ii) the Provost;

29 (iii) two members of the Council not being members of the Academic
30 Board;

- 1 (iv) two members of the Academic Board; and
- 2 (b) make such inquiries as it deems fit before making the
- 3 recommendation required under that subsection.
- 4 (4) The Deputy Provost shall:
- 5 (a) assist the Provost in the performance of his functions;
- 6 (b) act in the place of the Provost when the post of Provost is vacant
- 7 or if the Provost is, for any reason, absent or unable to perform his functions
- 8 as Provost; and
- 9 (c) perform such other functions as the Provost or the Council may,
- 10 from time to time, assign to him.
- 11 (5) The Deputy Provost:
- 12 (a) shall hold office for a period of two years beginning from the
- 13 effective date of his appointment and on such terms and conditions as may
- 14 be specified in his letter of appointment; and
- 15 (b) may be reappointed for one further period of two years and no
- 16 more.
- 17 **12.-(1)** The Council of the Institute shall appoint a Registrar to the
- 18 Institute (hereinafter referred to as the Registrar") who shall keep the
- 19 records and conduct the correspondence of the Council and shall perform
- 20 such other duties as the Council and subject thereto as the Provost may from
- 21 time to time direct.
- 22 (2) The Registrar shall, in addition to other duties conferred on him
- 23 by or under this Act, be the secretary to the Council, the Academic Board and
- 24 any committee of the Council and in his absence, the Councilor any such
- 25 committee may appoint some other person to act as secretary, and he shall
- 26 not vote on any question before the Councilor count towards a quorum.
- 27 (3) A Registrar:
- 28 (a) shall hold office for a period of five years beginning from the
- 29 effective date of his appointment and on such terms and conditions as may
- 30 be specified in his letter of appointment; and

The Registrar
and other staff
of the Institute

1 (b) may be reappointed for one further period of five years and no
2 more.

3 (4) Where, on the commencement of this section, a Registrar
4 appointed before the commencement of this section has held office:

5 (a) for five years or less, he shall be deemed to be serving his first term
6 of office and may be reappointed for a further term of five years;

7 (b) for more than five years but less than ten years, he shall complete
8 the maximum period of ten years and thereafter relinquish his post and be
9 assigned other duties in the Institute;

10 (c) for ten years or more, the Council may allow him to serve as
11 Registrar for a further period of one year only and thereafter he shall relinquish
12 his post and be assigned other duties in the Institute.

Other principal
officers of the
Institute

13 **13.-(1)** There shall be for the Institute the following principal officers
14 in addition to the Registrar, that is:

15 (a) the Bursar; and

16 (b) the Librarian, who shall be appointed by the Council on the
17 recommendation of the Selection Board constituted under this Act

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

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

24 (4) A Bursar or Librarian:

25 (a) shall hold office for a period of five years beginning from the
26 effective date of his appointment and on such terms and conditions as may be
27 specified in his letter of appointment; and

28 (b) may be reappointed for a further period of five years and no more.

29 (5) Where, on the commencement of this section, a Bursar or
30 Librarian has held office:

1 (a) for five years or less, he shall be deemed to be serving his first
2 term of office and may be reappointed for a further term of five years;

3 (b) for more than five but less than ten years, he shall complete the
4 maximum period of ten years and thereafter relinquish his post and be
5 assigned other duties in the Institute;

6 (c) for ten years or more, the Council may allow him to serve in that
7 capacity for a further period of one year only and thereafter he shall
8 relinquish his post and be assigned other duties in the Institute;

9 **14.** A principal officer may resign his appointment:

Resignation of
appointment of
principal officers

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

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

12 **15.-(1)** The Council may appoint such other persons to be
13 employees of the Institute as the Council may determine to assist the Provost
14 and the principal officers of the Institute in the performance of their
15 functions under this Act

Other employees
of the Institute

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

20 **16.-(1)** There shall be, for the Institute, a selection Board which
21 shall consist of:

Selection Board
for other principal
officers

22 (a) the chairman of the Council;

23 (b) the Provost;

24 (c) four members of the Council not being members of the
25 Academic Board; and

26 (d) two members of the Academic Board.

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

Pensions	1	17. -(1) It is hereby declared that service in the Institute shall be in
	2	accordance with the pension Act.
	3	PART II - FINANCIAL PROVISIONS
Establishment of fund of the Institute	4	18. -(1) The Council shall establish and maintain a fund which shall be
	5	applied towards the promotion of the objectives specified in this Act
	6	(2) There shall be paid and credited to the fund established under
	7	subsection (1) of this section:
	8	(a) such sums as may be made to the Institute through Annual budget;
	9	(b) all moneys raised for the purposes of the Council by way of gifts,
	10	grants-in-aid or testamentary disposition; and
	11	(c) all subscriptions, fees and charges for services rendered by the
	12	Council and all other sums that may accrue to the Council from any source.
	13	(3) The Council shall submit to the Minister, through the University
	14	commission not later than three months before the end of each financial year or
	15	at such other time as he may direct, an estimate of its revenue and expenditure
	16	for the next succeeding financial year.
Power to accept gifts	17	19. -(1) The Council may accept gifts.
	18	(2) The Council shall not accept any gift if the conditions attached by
	19	the person making the gift are inconsistent with the functions of the Council.
Accounts and audit	20	20. The Council shall keep proper accounts and shall in respect of
	21	each year cause the accounts to be audited.
Annual reports	22	21. The Council shall prepare and submit to the Minister a report of its
	23	activities during the immediately preceding financial year.
	24	PART III - MISCELLANEOUS AND SUPPLEMENT
Offices and premises	25	22. -(1) For the purpose of providing offices and premises necessary
	26	for the performance of its functions, the Council may:
	27	(a) purchase any interest in or take on lease any land; and
	28	(b) build, equip and maintain offices and premises.
	29	(2) The Council may, with the approval of the Minister, sell any
	30	interest in or lease any land, offices or premises held by it and no longer

1 required for the performance of its functions.

2 **23.**-(1) The Council may make rules providing for the Provost to Discipline of
3 conduct enquiries into alleged breaches of discipline (including lack of students
4 diligence) by students and such rules may make different provisions for
5 different circumstances.

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

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

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

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 Institute

19 (4) Where there is temporarily no Provost or where the Provost
20 refuses to apply any disciplinary measures, the Council may, either directly
21 or through some other staff, apply such disciplinary actions as are specified
22 in subsection (3) of this section to any student of the Institute who is guilty of
23 misconduct

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

1 (6) The fact that an appeal from a direction is brought in pursuance of
2 subsection (5) of this section shall not affect the operation of the direction while
3 the appeal is pending.

4 (7) The Provost may delegate his powers under this section to a
5 disciplinary committee consisting of such members of the Institute as he may
6 nominate.

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

10 (9) It is hereby declared that the direction under subsection (3) (a) of
11 this section may be combined with a direction under subsection (3) (b) of this
12 section.

13 (10) In all cases under this section, the decision of the Council shall be
14 final unless reversed by the Minister on appeal by the student.

Interpretation

15 **24.** In this Act, unless the context otherwise requires:

16 " Institute " means Nigerian Institute of Journalism Lagos established under
17 section 1 of this Act;

18 chairman" means the chairman of the Council;

19 "Council" means the Governing Council of the Institute established by or
20 pursuant to section 2 of this Act;

21 "Provost" means the Provost of an Institute appointed under section 9 of this
22 Act;

23 "functions" includes powers and duties;

24 "Minister" means the Minister of Education;

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

Citation

26 **25.** This Bill may be cited as the Nigerian Institute of Journalism
27 Lagos Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Nigerian Institute of Journalism Lagos; provide for the functions and to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in technology, applied science, commerce, arts, social science, humanities and management.

A BILL

FOR

AN ACT TO MAKE PROVISION FOR THE CONTROL OF PUBLIC RECREATION
GROUND AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Bandele Adebajo

[] Commencement

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

- | | |
|---|---|
| <p>1 1. An act performed in a recreation ground by an officer or servant
2 of the ministry of sports in the proper execution of his duty shall not be an
3 offence.</p> | <p>Acts by Ministry
Officers or Servant</p> |
| <p>4 2. No person shall in a recreation ground:
5 (a) soil, deface or destroy any building, barrier, railing, post, seat,
6 erection, ornament, or any wall or fence in or enclosing a recreation
7 (b) climb any wall or fence in or enclosing a recreation ground, or
8 any tree, barrier, railing, post or other erection;
9 (c) remove or displace any barrier, railing, post, seat, or any part of
10 any erection or ornament, or any implement provided for use in the laying
11 out or maintenance of a recreation ground.</p> | <p>Damage to
recreation ground
or buildings</p> |
| <p>12 3. No person shall bring or cause to be brought into a recreation
13 ground any cattle, sheep, goats, pigs, or any beast of draught or burden,
14 except in pursuance of an agreement with the Council, or in the exercise of
15 any lawful right or privilege.</p> | <p>Prohibition of
cattle</p> |
| <p>16 4. No person shall bring or cause to be brought into a recreation
17 ground any vehicle:
18 Provided that this By-law shall not apply to:
19 (a) vehicles of a recognised type intended for the conveyance of
20 children or invalids; and
21 (b) vehicles for the use of which a place is set apart by the Council.</p> | <p>Prohibition of
vehicles</p> |

Restriction of vehicles	1	5. No person shall in a recreation ground drive, ride, wheel or station a
	2	vehicle over upon:
	3	(a) any flower bed, shrub, or plant, or any ground in course of
	4	preparation as a flower bed or for the growth of any tree, shrub, or plant;
	5	(b) any portion of a recreation ground prohibited by the Council by a
	6	notice board affixed or set up in a conspicuous position.
Bill posting	7	6. No person shall affix any bill, placard, or notice, to or upon any
	8	tree, plant, building, barrier, railing, seat, erection, ornament or any wall or
	9	fence in or enclosing a recreation ground.
Protection of grass and plants	10	7. No person shall in a recreation ground enter:
	11	(a) any place where entry is prohibited by notice placed thereon;
	12	(b) any flower bed, shrub, or plant, or any ground in course of
	13	preparation as a flower bed or for the growth of any tree, shrub, or plant.
Damage to grass and plants	14	8. No person shall in a recreation ground:
	15	(a) remove, cut, or displace any soil, turf, plant or tree;
	16	(b) pluck any bud, blossom, flower, or leaf of any tree, shrub, or plant;
	17	(c) throw or discharge any missile to the damage or danger of any
	18	person.
Admission charge	19	9. Where a charge is made for admission of the public to a recreation
	20	ground no person entering such recreation ground shall refuse or neglect to pay
	21	such charge.
Dogs	22	10. No person shall cause, suffer or permit any dog belonging to him
	23	or in his charge to enter or remain in a recreation ground, unless such dog is
	24	under proper control, and effectually restrained from causing annoyance or
	25	disturbance to any person, animal or water-fowl, or entering any ornamental
	26	water.
Specified games	27	11. Where the Council has set apart a portion of a recreation ground by
	28	a notice board affixed or set up in a conspicuous position therein, for the
	29	purpose of a game specified in the notice board, no person shall elsewhere in
	30	such recreation ground play or take part in such game.

1	12. No person shall in any portion of a recreation ground play or	Unfit ground
2	take part in any game when the state of the ground makes it unfit for use or a	
3	notice prohibiting play is set up in a conspicuous position.	
4	13. No person shall in a recreation ground:	General prohibitions
5	(a) erect any post, rail, fence, pole, tent, booth, stand, building or	
6	other structure without first obtaining permission in writing from the	
7	Council which, in granting such permission, may impose such conditions as	
8	it considers appropriate;	
9	(b) beat, shake, sweep, brush, or cleanse any carpet, rug, mat, or	
10	any other fabric retaining dust or dirt;	
11	(c) wash clothing or other material or hang, spread, or deposit any	
12	linen or other fabric for drying or bleaching;	
13	(d) sell, offer or expose for sale, or let to hire, or offer or expose for	
14	letting to hire, any commodity or article, excepting in pursuance of an	
15	agreement with the Council, or in the exercise of any lawful right or	
16	privilege;	
17	(e) deposit litter or refuse, except in litter bins provided therefor.	
18	14. No person shall in a recreation ground wilfully obstruct,	Annoyances and obstructions
19	disturb, interrupt, or annoy any other person in the proper use of the	
20	recreation ground, or wilfully obstruct, disturb, or interrupt any officer of	
21	the Council in the proper execution of his duty, or any person or servant of	
22	any person employed by the Council in the proper execution of any work in	
23	connection with the laying out or maintenance of the recreation ground.	
24	15. Any person who shall contravene or fail to comply with any of	Penalty
25	these commits an offence and on conviction shall be liable to a fine not	
26	exceeding one hundred thousand naira.	
27	16. Any person who shall infringe any of these provisions may be	Removal of offenders
28	removed from a recreation ground by any officer of the Council.	
29	17. In this Act:	Interpretation
30	"Recreation grounds" means any of the recreation grounds (or sports stadia)	

	1	"Vehicle" means motor vehicle, cart, carriage, perambulator, bicycle or motor
	2	bicycle
Short title	3	18. This Bill may be cited as the Public Recreation Ground Bill,
	4	2021.

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the control of Public Recreation Ground.