

*Extraordinary*



# National Assembly Journal

**No. 60**

**Abuja - 8th December, 2021**

**Vol. 18**

## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1676	A Bill for an Act to Establish Federal College of Agriculture Etim Ekpo, Akwa Ibom State and for Related Matters ....	C 5225 - 5235
HB. 1677	A Bill for an Act to Amend the Constitution of the Federal Republic of Nigeria (1999) As Amended and for Related Matters ....	C 5237 - 5238
HB. 1678	A Bill for an Act to Establish Veterinary Teaching Hospitals of Universities and Veterinary Specialist Hospitals (Constitution of Boards) and for Related Matters, 2021 ....	C 5239 - 5257
HB. 1679	A Bill for an Act to Provide for the Establishment of the Unified and Special Operations Forces and for Related Matters ....	C 5259 - 5270
HB. 1681	A Bill for an Act to Alter the Provision of the Constitution of the Federal Republic of Nigeria 1999 and for Related Matters ....	C 5271 - 5272
HB. 1682	A Bill for an Act to Establish Federal Infrastructure Rehabilitation Management Agency and for Related Matters ....	C 5273 - 5285
HB. 1685	A Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act Cap. C15, LFN 2004 and for Related Matters ....	C 5287 - 5288
HB. 1686	A Bill for an Act to Amend the National Film and Video Censors Board Act and for Related Matters ....	C 5289 - 5289
HB. 1687	A Bill for an Act to Amend the National Directorate of Employment Act and for Related ....	C 5291 - 5291
HB. 1688	A Bill for an Act to Amend the National Broadcasting Commission Act and for Related Matters ....	C 5293 - 5300

Printed and Published by the National Assembly Press, Abuja, Nigeria

**NASSP 60/812/2021/900**

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.



# A BILL

FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF AGRICULTURE ETIM EKPO,  
AKWA IBOM STATE TO PROVIDE FULL-TIME COURSES LEADING TO THE  
AWARDS OF CERTIFICATE, DIPLOMA AND HIGHER NATIONAL DIPLOMA IN  
AGRICULTURE AND ALLIED FIELD, AND BE RESPONSIBLE FOR THE DUE  
ADMINISTRATION OF THE COLLEGE; AND FOR RELATED MATTERS

*Sponsored by Hon. Aniekan Umanah*

[ ] Commencement

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

1	1.-(1) There is established the Federal College of Agriculture Etim	Establishment of the Federal College of Agriculture Etim Ekpo, Akwa Ibom State
2	Ekpo, Akwa Ibom State (herein after referred to as "the College").	
3	(2) The College shall be a body corporate with perpetual	
4	succession and common seal and shall have the power to acquire and	
5	dispose of interest in movable and immovable property.	
6	(3) The College may sue and be sued in its corporate name.	
7	2.-(1) There is established for the College a governing Council (in	Governing Council of the College
8	the Bill referred to as "the Council").	
9	(2) The Council shall have the responsibility to consider and	
10	approve:	
11	(a) the Programme of studies to be undertaken in the College;	
12	(b) the annual estimates of the College; and	
13	(c) the investment plan of the College.	
14	(3) The Provision of the Schedule to this Bill shall have effect with	
15	respect to the proceeding of the Council.	
16	3.-(1) The Council of the College shall consist of:	Membership of the Council in the College
17	(a) a Chairman and other members to be appointed by the	
18	President;	

	1	(b) a representative of the Federal Ministry of Agriculture and Natural
	2	Resources;
	3	(c) a representative of the University of which the College is affiliated
	4	to for the purpose of moderation;
	5	(d) two representatives of the Academic Board of the College; and
	6	(e) the Provost of the College.
Tenure of Members of the Council	7	<b>4.-(1)</b> A member of the Council (other than the ex-official members)
	8	shall hold office for a term of four years and subject shall be eligible for re-
	9	appointment for a further a further period of four years and no more.
	10	(2) The office of a member appointed under section 3 of this Bill shall
	11	become vacant if:
	12	(a) the member resigns from office by notice of writing under his hand
	13	addressed to the Minister; or
	14	(b) the Minister is satisfied that it is not in the interest of the College
	15	for the person appointed to continue in office and notifies the member in
	16	writing to that effect.
Functions of the College	17	<b>5.</b> The functions of the College shall be:
	18	(a) to provide full-time courses in teaching instruction and training:
	19	(i) in Agriculture and allied matters; and
	20	(ii) in such other fields of applied learning relevant to the needs of
	21	development of Nigeria.
	22	(b) to conduct courses in Agriculture for qualified teachers;
	23	(c) to arrange conferences, seminars and workshops relative to the
	24	functions of the College;
	25	(d) to offer to the general population particularly in the area of
	26	Agriculture as a form of public service, the results of training and research and
	27	to foster the practical applications of these results;
	28	(e) to establish appropriate relationships with other national
	29	institutions involved in training, research and development of technologies in
	30	the Agriculture sector;

1 (f) to identify the problems and needs of the Agriculture sector in  
2 Nigeria and to find solutions to them within the context of overall national  
3 development; and

4 (g) to perform such other functions as in the opinion of the Council  
5 may serve to promote the objective of the College.

6 **6.** The Council of the College shall have power to:

Power of the  
Council

7 (a) hold examinations and grant Diplomas, Professional  
8 Certificates and other distinctions to persons, who have pursued a course of  
9 study approved and accredited by the National Board for Technical  
10 Education and have satisfied such other requirements as Council may lay  
11 down;

12 (b) hold examinations in Agriculture for qualified teachers;

13 (c) recruit staff of the right calibre and determine the career  
14 structure of such staff;

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

18 (e) hold public lectures and undertake printing, publishing and  
19 bookselling;

20 (f) award fellowship, medals, prizes and other titles;

21 (g) establish and maintain such schools, institutes, extramural  
22 departments and other teaching and research units within the College as the  
23 Council may from time to time determine;

24 (h) erect, provide, equip and maintain such educational,  
25 recreational and residential facilities as the College may require;

26 (i) create lectureships and other academic post and offices and to  
27 make appointment thereof;

28 (j) accept gifts, legacies and donations, but without obligation to  
29 accept the same for a particular purpose unless it approves the terms and  
30 conditions attaching thereto;

- 1 (k) enter into such contracts as may be necessary or expedients for  
2 carrying into effects the objectives of the College;
- 3 (l) provide amenities for and make such other provision for the  
4 welfare of the staff and students of the college;
- 5 (m) encourage and make provision for research in the college; and  
6 (n) do such acts and things whether or not incidental to the foregoing  
7 powers as may advance the objects of the College.
- Visitation 8 **7.-(1)** The Minister responsible for Agriculture and Natural  
9 Resources shall be the Visitor of the College.
- 10 (2) The Visitor shall, not less than once in every five year, conduct a  
11 visitation to the College or appoint a visitation panels consisting of not less  
12 than five experts to conduct the visitation:
- 13 (a) for the purpose of evaluating the academic and administrative  
14 performance of the College; or
- 15 (b) for such other purpose as the Visitor may deem fit.
- The Academic Board and its Functions 16 **8.-(1)** There shall be established for the College a Board to be known  
17 as the Academic Board which shall consist of the following members:
- 18 (a) the Provost of the College as the Chairman;  
19 (b) all Heads of Departments;  
20 (c) the College Bursar;  
21 (d) the College Librarian; and  
22 (e) not more than three members of the Academic Staff other than the  
23 Heads of Departments to be appointed by the Council.
- 24 (2) The Academic Board shall be responsible for:
- 25 (a) the direction and management of academic matters of the College  
26 including the regulation of admission of students, the award of certificates,  
27 scholarships, prizes and other academic distinction;
- 28 (b) making periodic reports on such academic matters to the Council  
29 as the Council may from time to time direct;

1 (c) discharging any other functions which the council may from  
2 time to time delegate to it.

3 9. Subject to the provisions of this Act, the Minister may give  
4 directions of the general character or relating generally to matter of policy  
5 with regard to the exercise by the Council of its functions under this Act and it  
6 shall be the duty of the Council to comply with such directions.

Power of Minister  
to give directions  
to the Council

7 10.-(1) There shall be a Provost of the College (hereinafter referred  
8 to as "the Provost") who shall be appointed by the President on the  
9 recommendation of the Minister.

The Provost of  
the College

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

12 (a) advertise the vacancy in reputable widely read newspaper in  
13 Nigeria specifying:

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

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

18 (3) The President shall appoint as Provost one of the candidates  
19 recommended by the Minister.

20 (4) Subject to this Act and the general control of the Council, the  
21 Provost shall be the Chief Executive of the College and shall be charged  
22 with general responsibility for matters relating to the day-to-day  
23 management and operations of the College.

24 (5) The Provost:

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

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

Deputy Provost      1                    11. There shall be for the College two Deputy Provosts namely:  
2      Deputy Provost (Academic) and the Deputy Provost (Administration).  
3                    (2) The Council shall appoint the Deputy Provosts from among the  
4      chief lecturers in the College in any of the following ways, that is:  
5                    (a) from a list of five candidates in order of preference, submitted by  
6      the Provost;  
7                    (b) on the recommendation of a Selection Board constituted for that  
8      purpose; or  
9                    (c) on the nomination of the Provost.  
10                  (3) The Selection Board referred to in subsection 2 (b) of this section  
11      shall:  
12                  (a) consist of:  
13                    (i) the Chairman of the Council;  
14                    (ii) the Provost of the College;  
15                    (iii) two members of the Academic board; and  
16                    (iv) two members of the Council not being members of the Academic  
17      Board.  
18                  (4) (a) The Deputy Provost (Academic) shall:  
19                    (i) assist the Provost in the performance of his function in Academic  
20      matters of the College;  
21                    (ii) act as the Provost when the post of the Provost is vacant or if the  
22      Provost is for any reason, absent or unable to perform his function.  
23                  (b) The Deputy Provost (Administration) shall:  
24                    (i) assist the Provost in administrative matters of the College; and  
25                    (ii) perform such other functions as the Provost or the Council may  
26      from time to time assign to him.  
27                  (5) Each of the Deputy Provosts shall:  
28                    (a) hold office for a period of two years beginning from the effective  
29      date of his appointment and on such terms and conditions as may be specified  
30      in his letter of appointment; and



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

3 **12.**-(1) There shall be a Registrar for the College to be appointed by  
4 the Council. The registrar and  
other staff of the  
College

5 (2) The Registrar shall keep the records and conduct the  
6 correspondence of the Council;

7 (3) The Registrar shall be the Secretary to:

8 (a) the Council;

9 (b) the Academic Board; and

10 (c) any other Committee of the Council.

11 (4) The Registrar may perform any duty as may be assigned to him  
12 by the Council and the Provost.

13 (5) The Registrar shall:

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

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

19 **13.**-(1) There shall be for the College in addition to the Registrar: Other Principal  
Officers of the  
College

20 (a) the Bursar; and

21 (b) the College Librarian who shall be appointed by the Council

22 (2) The Bursar shall be the Chief Financial Officer of the College  
23 and be responsible to the Provost for the day -to- day administration and  
24 control of the financial affairs of the College.

25 (3) The College Librarian shall be responsible to the Provost for the  
26 administration of the College Library and the coordination of the library  
27 services in the teaching units of the college.

28 (4) The Bursar and the College Librarian:

29 (a) shall each hold office for a period of four years beginning from  
30 the effective date of his appointment and on such terms and conditions as

	1	may be specified in their letters of appointments; and
	2	(b) may be reappointed for a further period of four years and no more.
Resignation of appointment of Principal Officers	3	<b>14.</b> A principal officer of the College may resign his appointment:
	4	(a) in case of the Provost by notice to the Visitor; and
	5	(b) in any other case by notice to the Council.
Other employees of the College	6	<b>15.-(1)</b> The Council may appoint other persons to be employees of the
	7	College as the Council may deem to assist the Provost and the Principal
	8	Officers in the performance of their functions.
	9	(2) Subject to the provisions of this Act, the remuneration, tenure of
	10	office and condition of service of the employee of the college shall be
	11	determined by the council consultation with the Federal Civil Service
	12	Commission.
Pensions	13	<b>16.</b> Service in the College shall be approved service for the purpose of
	14	the pension's reform and accordingly, officers and other persons employed in
	15	the college shall be entitled to pension's, gratuities and other retirement benefit
	16	as may be prescribed in their respective letters of appointments.
Selection Board for other principal officers	17	<b>17.-(1)</b> There shall be a selection Board for the college which shall
	18	consist of:
	19	(a) the Chairman of the Council;
	20	(b) the Provost;
	21	(c) four members of the Council not being members of the Academics
	22	Board; and
	23	(d) two members of the Academic Board.
	24	(2) The functions, procedure and other matters relating to the
	25	selection Board constituted under subsection (1) of this section shall be
	26	determined from time to time by the Council.
Funds of the College	27	<b>18.-(1)</b> The College shall establish and maintain a fund which shall be
	28	applied towards the promotion of the objectives of this Bill.
	29	(2) There shall be paid and credited to the fund established under
	30	subsection (1) of this section:

1 (a) such sums as may from time to time be granted by the Federal  
2 Government through the Federal Ministry of Agriculture and Natural  
3 Resources;

4 (b) all monies raised by the Council by way of gifts, grants in aid or  
5 testamentary disposition; and

6 (c) all subscription 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 not later than three  
9 months before the end of each financial year or at such other time as he may  
10 direct an estimate of its revenue and expenditure for the next succeeding  
11 financial year.

12 **19.**-(1) The College may accept gifts of loan, money or of other Power to accept  
gifts  
13 gifts property upon such terms and conditions, if any as may be specified by  
14 the person making the gifts.

15 (2) The College shall not accept any gift if the conditions attached  
16 to the gifts are inconsistent with the functions of the College.

17 **20.** The College shall keep proper accounts of its receipt, Accounts and  
audit  
18 payments, assets and liabilities and shall in respect of each year cause the  
19 account to be audited.

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

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

26 "Chairman" means the chairman of the Council;

27 "College" means the Federal College of Agriculture, Etim Ekpo established  
28 under section (1) of this Act;

29 "Council" means the Governing Council of the College established by or  
30 pursuant to section 2 of this Act;

Short title

1 "Function" includes power and duties;  
2 "Minister" means the Minister charged with responsibility for matters relating  
3 to Agriculture and Natural Resources;  
4 "Member" means a member of the Council including the Chairman;  
5 "Provost" means the Provost of the College established under section 10 of this  
6 Act.

7 **23.** This Bill may be sited as the Federal College of Agriculture, Etim  
8 Ekpo (Establishment) Bill, 2021.

9 SCHEDULE

10 [Section 2(3)]

11 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

12 *Terms of service*

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

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

20 3. The Council may act notwithstanding any vacancy in its  
21 membership or any defect in the appointment of a member or the absence of a  
22 member.

23 *Proceedings*

24 4.-(1) The Council shall meet for the conduct of business at such  
25 times, places and on such days as the Chairman may appoint but shall meet not  
26 less than once every four months.

27 (2) The Chairman may at any time and shall, at the request in writing  
28 of not less than six members, convene a meeting of the Council.

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

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

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

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

8 *Miscellaneous*

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Agriculture, Etim Ekpo as  
an Institute which would offer full-time courses leading to the awards of  
National Diplomas, Higher National Diplomas etc.



# A BILL

## FOR

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

*Sponsored by Hon. Oluwale Oke*

[ ] Commencement

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

1           **1.** The Constitution of the Federal Republic of Nigeria (in this Act  
2 referred to as "the Constitution") is amended as set out in this Act.

Amendment of  
the Constitution  
of the Federal  
Republic of  
Nigeria, 1999

3           **2.** Section 85 of the Constitution is amended by introducing a new  
4 subsection as follows:

Amendment of  
the Section 85  
of the Constitution

5           (7)(a) Notwithstanding the provisions of subsection 60 (this  
6 Section, the Committees of both Houses of the National Assembly  
7 responsible for public accounts shall exercise oversight over the activities of  
8 the Auditor-General for the Federation;

9           (b) In furtherance on the powers conferred on the Committees of  
10 both Houses of the National Assembly responsible for public accounts, the  
11 Committees shall appoint an independent external auditor every year to  
12 audit the accounts, financial statements, and financial management and  
13 performance information of the Auditor General;

14           (c) All expenditure of the Auditor-General for the Federation must  
15 be authorised by an Appropriation Act, Supplementary Appropriation Act or  
16 an Act passed in pursuance of section 81 of this Constitution and the release  
17 of appropriated funds from the Consolidated Revenue Fund shall be on a  
18 first line charge basis.

19           **3.** This Bill may be cited as the Constitution of the Federal  
20 Republic of Nigeria (Amendment) Bill, 2021.

Short title

EXPLANATORY NOTE

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

This Bill seeks to amend the Constitution of the Federal Republic of Nigeria by amending section 85 to include a new subsection 7 (a), (b) and (c) which introduces provisions for the appointment of an external auditor to audit the accounts, financial statements, and financial management and performance information of the Auditor-General for the Federation. The Bill further seeks to subject all expenditure of the Auditor-General for the Federation to appropriation procedures and disbursement of funds on a first line charge basis.



VETERINARY TEACHING HOSPITALS OF UNIVERSITIES AND VETERINARY  
SPECIALIST HOSPITAL ABUJA (CONSTITUTION OF  
BOARDS AND RELATED MATTERS) BILL, 2021  
ARRANGEMENT OF SECTIONS

*Section:*

1. Application of this Act
2. Composition of each Board
3. Qualification of Chairman of the Board
4. Tenure of office of members of the Board
5. Appointment of Chief Veterinary Medical Director and other Principal officers
6. Powers of the Board on appointment, promotion and discipline of staff
7. Duties of the Board
8. Discipline of students
9. Removal and discipline of clinical, administrative and technical staff
10. Discipline of junior staff
11. Bye-laws regulating behaviour of the public
12. Inspection of institutions controlled by the Board
13. Mode of giving directives, etc.
14. Financial provisions
15. Annual and routine reports
16. Power of the Board in relation to expansions
17. Registration of veterinary practicing premises
18. Power of the Minister to give directives
19. Interpretation
20. Citation

Schedule 1 - List of Veterinary Teaching and Specialist Hospitals



# A BILL

## FOR

AN ACT TO ESTABLISH VETERINARY TEACHING HOSPITALS OF  
UNIVERSITIES AND VETERINARY SPECIALIST HOSPITALS (CONSTITUTION  
OF BOARDS), AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Mohammed Tahir Monguno*

[ ] Commencement

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

- 1           **1.**-(1) As from the commencement of this Act, the Board of  
2   Management of the Veterinary Teaching Hospitals of each University and  
3   the Veterinary Specialist Hospital, Abuja (hereafter in this Act referred to as  
4   the "Board"), controlled by the Government of the Federation and specified  
5   in the Schedule to this Act shall be constituted for each hospital and have the  
6   functions and powers set out in the following provisions of this Act.
- 7           (2) The Minister may, from time to time, by order published in the  
8   Gazette, apply the provisions of this Act to any other Veterinary Teaching  
9   Hospital and Veterinary Specialist Hospital that may be established or come  
10   under the control of the Federal Government.
- 11           **2.**-(1) The Board of each hospital shall consist of a chairman who  
12   shall be appointed by the President on the recommendation of the Minister  
13   and the following other members (where applicable), that is to say:
- 14           (a) one representative of the Vice-Chancellor of the associate  
15   University;
- 16           (b) the Chief Veterinary Medical Director of the hospital;
- 17           (c) the Dean or Provost of the Faculty of Veterinary Medicine or  
18   College of Veterinary Medicine of the associate University or the Provost of  
19   College of Veterinary Surgeons Nigeria in the case of specialist hospital or  
20   by whatever other name called;

Application of  
this Act

Composition of  
each Board

- 1 (d) one representative of the Minister, who shall be the Director of the  
2 Federal Department in charge of veterinary services;  
3 (e) one elected member of the Veterinary Council of Nigeria;  
4 (f) the Director of veterinary services of the host state;  
5 (g) one elected representative of the senate of the associate  
6 University;  
7 (h) one elected member of the Committee of consultants of the  
8 hospital;  
9 (i) the Chairman, Nigerian Veterinary Medical Association of the host  
10 State;  
11 (j) one representative of the animal husbandry or animal health field,  
12 not being a staff of the hospital concerned; to be appointed by the minister;  
13 (k) one representative of the livestock industry to be appointed by the  
14 Minister from the geo-political zone where the hospital is located;  
15 (l) the Coordinators of Veterinary Services of the hospital; and  
16 (m) the Director of Administration of the hospital who shall be the secretary to  
17 the Board.

18 (2) The Board shall meet at least twice in a year.

19 (3) If the chairman is absent from any meeting of the Board, the  
20 members present shall appoint one of their members to preside at that  
21 particular meeting.

Qualification  
of Chairman of  
the Board

22 **3.** The chairman of the Board shall be a person with proven integrity  
23 coupled with outstanding ability and experience in the administration of  
24 veterinary practice and education.

Tenure of office  
of members of  
the Board

25 **4.-(1)** The Chairman and any member of the Board other than a  
26 statutory member shall:

27 (a) hold office for only one term of five years on such terms and  
28 conditions as may be specified in his letter of appointment; and

29 (b) be paid out of money at the disposal of the Board such  
30 remuneration and allowances in accordance with scales approved in that behalf

1 by the Federal Government for similar posts and responsibilities.

2 (2) The office of a member of the Board shall become vacant if:

3 (a) he resigns his office by notice in writing addressed to the  
4 chairman;

5 (b) his tenure or period covered by his appointment has expired; or

6 (c) there is passed by the Board a resolution declaring:

7 (i) that he has become incapable of discharging his duties by reason  
8 of mental or bodily infirmity;

9 (ii) that he has become unfit for membership of the Board by reason  
10 of the fact that he has an interest in a contract entered into by the Board and  
11 has not disclosed that fact;

12 (iii) that he has been absent from three consecutive meetings of the  
13 Board without leave of the Board; or

14 (iv) that he has been convicted of an offence which involves moral  
15 turpitude.

16 (3) Soon after the office of a member of the Board has become  
17 vacant, the authority by which he was appointed or elected shall appoint or  
18 elect another person in his place in accordance with the provisions of this  
19 Act.

20 **5.-(1)** There shall be for each hospital, a Chief Veterinary Medical  
21 Director.

Appointment of  
Chief Veterinary  
Medical Director  
and other principal  
officers

22 (a) He shall possess the following qualifications:

23 (i) be a registered veterinary surgeon and in good standing with the  
24 council;

25 (ii) hold the fellowship of the College of Veterinary Surgeons  
26 Nigeria or fellowship of other similar institutions recognised as equivalent  
27 by the council in a clinical subject; and

28 (iii) must be a Professor and a consultant from a clinical  
29 department.

30 (b) He shall be appointed by the Board following due process

1 which shall include advertisement in at least three national dailies and an  
2 interview.

3 (c) He shall be the chairman of Statutory Committees of the hospital.

4 (d) He shall be charged with the responsibility for the execution of the  
5 policies and matters affecting the day-to-day management of the affairs of the  
6 hospital;

7 (e) He shall be responsible to the Board;

8 (f) He shall hold office for a single term of five years;

9 (g) He shall be paid such remuneration and allowances in accordance  
10 with scales approved in that behalf by the Federal Government for similar posts  
11 and responsibilities;

12 (h) The substantive Director of the hospital at the commencement of  
13 this Act shall be assumed to have been duly appointed as the Chief Veterinary  
14 Medical Director in accordance with the provision of this Act and shall  
15 continue in office for a cumulative period of five years.

16 (2) There shall be for each hospital a Director of Administration who  
17 shall:

18 (a) be appointed by the Board on the recommendation of the  
19 Appointment and Promotions committee of the hospital;

20 (b) be responsible to the Chief Veterinary Medical Director for the  
21 effective functioning of all the administrative divisions of the hospital;

22 (c) be the secretary to the Board and committees of the hospital; and

23 (d) conduct the correspondence of the Board, keep the records of the  
24 hospital, and perform such other functions as the Board and the Chief  
25 Veterinary Medical Director, may assign to him from time to time.

26 (3) There shall be for each hospital, a Director of Finance who shall:

27 (a) be appointed by the Board on the recommendation of the  
28 Appointment and Promotions committee of the hospital;

29 (b) be responsible to the Chief Veterinary Medical Director for the  
30 day to day administration of financial affairs of the hospital; and

1 (c) keep the records of all financial transactions by the hospital; and  
2 perform such other functions as the Board or the Chief Veterinary Medical  
3 Director, as the case may be, may from time to time assign to him.

4 (4) There shall be for each hospital, Coordinators of Veterinary  
5 Services.

6 (a) A Coordinator of Veterinary Services shall possess the  
7 following qualifications:

8 (i) be a registered veterinary surgeon and in good standing with the  
9 Council;

10 (ii) hold the Fellowship of the College of Veterinary Surgeons  
11 Nigeria or Fellowship of other similar institutions recognised as equivalent  
12 by the Council; and

13 (iii) must have risen to the grade of senior lecturer in the associate  
14 University in the case of a Veterinary Teaching Hospital or equivalent grade  
15 in the case of a Veterinary Specialist Hospital; and

16 (iv) must be a consultant to the hospital.

17 (b) He shall be appointed by the Board based on the  
18 recommendation of the committee of consultants.

19 (c) He shall be responsible to the Chief Veterinary Medical  
20 Director for all the clinical, diagnostic and training activities of the hospital;

21 (d) He shall perform such other functions as the Chief Veterinary  
22 Medical Director may from time to time assign to him; and

23 (e) He shall have a tenure of two years renewable for a final term  
24 of 2 years.

25 (5) The Chief Veterinary Medical Director of a Veterinary  
26 Teaching Hospital or a Veterinary Specialist Hospital or a manager of a  
27 Veterinary Practising Premises registered by the Council shall have the  
28 power to purchase locally or import and store any veterinary drug, vitamins,  
29 vaccines, biologics and veterinary devices required for the smooth  
30 operation of his hospital or veterinary premises as the case may be.

Powers of the  
Board on  
appointment,  
promotion and  
discipline of staff

1                   **6.-(1)** Subject to the provisions of this Act, the Board shall have power  
2   to appoint, confirm, promote, advance, discipline and terminate the  
3   appointment of any employee, honourary consultants, honourary registrars  
4   and other honourary staff of the hospital.

5                   (2) All appointments, promotions, advancements, approvals of study  
6   leave, leave of absence and sabbatical leave, discipline and termination of  
7   appointment of employees and of consultants shall be based on  
8   recommendations of the Appointment and Promotions Committee or Staff  
9   Disciplinary Committee of the hospital as the case may be.

10                  (3) The Board shall pay appropriate clinical allowances to appointed  
11   honourary consultants and such other honourary staff in accordance with  
12   scales approved in that behalf by the Federal Government.

Duties of the  
Board

13                 **7.-(1)** It shall be the duty of the Board:

14                 (a) to approve the composition and functions of the Finance and  
15   tenders committee, Administrative and clinical services committee,  
16   Appointment and Promotion Committee, Staff and Students' Disciplinary  
17   Committees and any other statutory Committees proposed by the Management  
18   that may be considered necessary to facilitate the proper functioning of the  
19   hospital;

20                 (b) to approve the recommendations of the Finance and tenders  
21   committee, Administrative and Clinical Services Committee, Committee of  
22   consultants, Clinicians' forum, Appointment and Promotion Committee and  
23   Staff and Students' Disciplinary Committees and any other Committees of the  
24   hospital;

25                 (c) to approve the construction, equipping, maintenance and  
26   operation of such clinics, out-patient departments, laboratories, research and  
27   provide clinical and diagnostic facilities and services at veterinary field  
28   stations and other similar institutions as the Board considers necessary;

29                 (d) to approve colour code, logo, emblem and other insignia for the  
30   hospital;



1 (e) to approve links with other hospitals and institutions within and  
2 outside Nigeria; and

3 (f) to approve the representation of the hospital by the Chief  
4 Veterinary Medical Director and any other principal officer or staff of the  
5 hospital in any meeting outside the country.

6 (2) The Board shall be responsible to the Minister.

7 (3) It shall be the duty of the Chief Veterinary Medical Director to  
8 manage, develop, equip, maintain and operate the hospital so as to provide  
9 facilities for diagnostic, preventive, curative, surgical, public health and  
10 ambulatory services of the hospital and the veterinary field station and  
11 ambulatory clinical services of the Faculty or College of Veterinary  
12 Medicine of the associate University.

13 (4) The Administrative and Clinical Services Committee shall  
14 have power to prescribe professional dresses for consultants, registrars,  
15 para-veterinary staff, laboratory technologists, students and other service  
16 providers while on clinical, diagnostic, surgical, public health and  
17 ambulatory functions of the hospital.

18 **8.-(1).** Notwithstanding anything to the contrary contained in any  
19 other enactment, where it appears to the Chief Veterinary Medical Director  
20 that any student of the hospital has been guilty of misconduct, the Chief  
21 Veterinary Medical Director may, without prejudice to any other  
22 disciplinary powers conferred on him by regulations, shall direct:

Discipline of  
students

23 (a) that the student shall not, during such period as may be specified  
24 in the direction, participate in such activities of the hospital, or make use of  
25 such facilities of the hospital as may be so specified but not exceeding six  
26 weeks; and thereafter;

27 (b) refer the case to the students disciplinary committee of the  
28 hospital.

29 (2) The students' disciplinary committee:

30 (a) shall avail the student the opportunity to defend himself before

1 it in writing and in person;

2 (b) may invite any student or staff or any person to testify before it.

3 (3) (a) The Students' Disciplinary Committee shall submit its report to  
4 the Chief Veterinary Medical Director with clear recommendations on whether  
5 he is guilty or not and nature of the punishment if found guilty, which may be  
6 expulsion, rustication for a specified period, reprimand or warning;

7 (b) The Chief Veterinary Medical Director shall implement the  
8 decision of the committee.

9 4.(a) Where a student is dissatisfied with the decision of the students  
10 disciplinary committee, he shall within a period of 21 days from the date of the  
11 letter communicating the decision to him, address a petition to the Board to  
12 reconsider his case;

13 (b) The decision of the Board on the matter shall be final.

14 (5) In case of professional misconduct involving a staff or a student  
15 who is a veterinary surgeon or a para-veterinarian and where the veterinary  
16 ethics or ethics of any other professional body is suspected to be violated by the  
17 action or inaction of the student, the Chief Veterinary Medical Director shall  
18 hereafter forward the report to the Council or other professional body  
19 concerned for further sanctions.

Discipline of  
clinical,  
administrative  
and technical  
staff

20 9.-(1) If it appears to the Chief Veterinary Medical Director that there  
21 are reasons for believing that any person employed as a member of the clinical,  
22 administrative or technical staff of the hospital, should be removed from his  
23 office or employment, the Chief Veterinary Medical Director shall refer the  
24 matter to the staff disciplinary committee of the hospital.

25 (2) The Chief Veterinary Medical Director, may in a case of  
26 misconduct by a member of the staff which in the opinion of the Chief  
27 Veterinary Medical Director is prejudicial to the interest of the hospital,  
28 suspend any such member and any such suspension shall forthwith be reported  
29 to the staff disciplinary committee.

30 (3) The Staff Disciplinary Committee on receiving such a report in

1 section 9( 1 and 2) shall:

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

3 (b) afford him an opportunity of making representations in writing  
4 and in person on the matter to the staff disciplinary committee;

5 (c) have power to invite any staff, student or other persons that may  
6 provide useful information to the staff disciplinary committee on the matter.

7 (d) shall submit its report including observations and clear  
8 recommendations to the Board.

9 (4) If the Board, after considering the report of the Staff  
10 Disciplinary Committee is satisfied that the person in question should be  
11 removed as aforesaid, the Board may approve to remove him by a letter  
12 signed on the direction of the Board.

13 (5) For good cause, any member of the staff may be suspended  
14 from his duties for a specified period or his appointment may be terminated  
15 or he may be reprimanded or warned by the Board, based on the  
16 recommendations of the staff disciplinary committee, and for the purposes  
17 of this section, "good cause" means:

18 (a) a conviction for any offence which the Staff Disciplinary  
19 Committee considers to be such as to render the person concerned unfit for  
20 the discharge of the functions of his office; or

21 (b) any physical or mental incapacity which the Staff Disciplinary  
22 Committee, after obtaining medical advice, considers to be such as to render  
23 the person concerned unfit to continue to hold office; or

24 (c) conduct of a scandalous or other disgraceful nature which the  
25 staff disciplinary committee considers to be such as to render the person  
26 concerned unfit to continue to hold office; or

27 (d) conduct which the Staff Disciplinary Committee considers to  
28 be such as to constitute failure or inability of the person concerned to  
29 discharge the functions of his office or to comply with the terms and  
30 conditions of his service.

1 (6) Any person suspended shall, subject to subsection (2) above be on  
2 half pay and the Board shall before the expiration of a period of three months  
3 after the date of such suspension consider the case against that person and come  
4 to decision as to:

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

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

9 (c) whether to terminate the appointment of the person concerned, in  
10 which case, such person shall not be entitled to the proportion of his  
11 emoluments withheld during the period of suspension; or

12 (d) whether to take such lesser disciplinary action against such person  
13 including the restoration of his emoluments that might have been withheld, as  
14 the Board may determine; and in any case where the Board, pursuant to this  
15 section, decides to continue a person's suspension or decides to take further  
16 disciplinary action against a person, the Board shall before the expiration of a  
17 period of three months from such decision come to a final determination in  
18 respect of the case concerning any such person.

19 (7) It shall be duty of the person by whom a letter of removal is signed  
20 in pursuance of subsection (1) above to use his best endeavours to cause a copy  
21 of the letter to be served as soon as reasonably practicable on the person to  
22 whom it relates.

23 (8) (a) Any student who is not satisfied with the decision of the Chief  
24 Veterinary Medical Director and the Students' Disciplinary Committee, he may  
25 within a period of 21 days from the date of receiving the letter communicating  
26 the decision to him, address a petition to the Board to reconsider his case;

27 (b) The decision of the Board on the matter shall be final.

Discipline of  
junior staff

28 **10.-(1)** If any junior staff is accused of misconduct or inefficiency, the  
29 Chief Veterinary Medical Director may suspend him for not more than three

1 months and shall forthwith refer the matter to the Staff Disciplinary  
2 Committee.

3 (a) to consider the case; and

4 (b) to make recommendations as to the appropriate action to be  
5 taken by the Chief Veterinary Medical Director.

6 (2) In all cases under this section, the staff shall be informed of the  
7 charge against him by the Staff Disciplinary Committee and shall be given  
8 reasonable opportunity to defend himself.

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

12 (4)(a) In all cases that any staff of the hospital is placed on  
13 suspension, such a staff shall be paid half of his salary during the period of  
14 his suspension;

15 (b) If the appointment of the staff is terminated, he shall not be  
16 entitled to the proportion of his emoluments withheld during the period of  
17 suspension;

18 but when lesser disciplinary action is taken against him, his emoluments that  
19 was withheld shall be paid.

20 (5) (a) Any person aggrieved by the decision of the Chief  
21 Veterinary Medical Director and the Staff Disciplinary Committee of the  
22 hospital may, within a period of 21 days from the date of the letter  
23 communicating the decision to him, address a petition to the Board to  
24 reconsider his case;

25 (b) The decision of the Board on the matter shall be final.

26 **11.-(1)(a)** The Board shall make such regulations consistent with  
27 the provisions of this act for the discipline of students and all other  
28 categories of employees of the hospital and promotions staff and for other  
29 Statutory Committees of the Hospital;

30 (b) Regulations made under subsection (1) above need not be

Bye-lwas regulating  
behaviour of the  
public

1 published in the Gazette but the Board shall bring them to the notice of all  
2 affected persons in such manner as it may from time to time determine.

3 (2)(a) The Board may make bye-laws as to the access of members of  
4 the public either generally or of a particular class, to premises under the control  
5 of the Board and as to the orderly conduct of members of the public on those  
6 premises; and

7 (b) Bye-laws made under this section shall not come into force until  
8 they are confirmed by the Minister and published in such manner as he may  
9 direct;

10 (c) Bye-laws made under this section provide that a breach of the bye-  
11 laws or of a particular provisions of the bye-laws shall be punishable by a fine  
12 not exceeding N200,000 Naira and or to imprisonment for a term not exceeding  
13 three months;

14 (d) Bye-laws made under this section shall not apply to any member  
15 of the Board and shall not, in their application to a particular institution, apply  
16 to an officer or servant of the Board employed in connection with the institution  
17 or to a student at the institution.

18 Inspection of institutions controlled by the Board (1) The Minister may send a  
19 visitation panel of three persons, two of whom shall be Honourary consultants  
20 from universities other than the one being inspected, to inspect the hospital and  
21 submit a report to the Minister.

22 (2) The Minister shall after due consideration, pass the report and  
23 recommendations of the panel to the Board for implementation as may be  
24 appropriate.

Mode of giving  
directives, etc

25 **12.** Any directive, notice, report, representation or request authorized  
26 or required to be given or made under this Act shall be in writing and may  
27 without prejudice to any other method of service, be served by post.

Financial  
provisions

28 **13.-(1)** The Chief Veterinary Medical Director shall prepare and  
29 submit to the Minister, not later than 30th day of June in each financial year or  
30 as may be specified, an estimate of the hospital's recurrent and capital

1 expenditure and income for the next succeeding financial year, and such  
2 estimates shall be submitted to the national assembly for approval.

3 (2) A report of estimate of income and expenditure for the next  
4 succeeding financial prepared by the Chief Veterinary Medical Director,  
5 shall be approved by the Finance committee of the hospital before it is  
6 submitted to the Minister.

7 (3) The Chief Veterinary Medical Director shall keep proper  
8 accounts in respect of each financial year and shall cause the accounts to be  
9 audited, not later than five months after the end of the financial year to which  
10 the accounts relates.

11 (4) The Board has power to approve fees charged for any services  
12 and facilities provided by the hospital, including in particular the provision  
13 of tuition, treatment, accommodation and for other services rendered by the  
14 hospital.

15 (5) The Board shall with the approval of the Minister have power to  
16 borrow money from recognised financial institutions for exigencies.

17 14.-(1) The Chief Veterinary Medical Director shall submit a  
18 report to the Board on the activities of the hospital during the immediate  
19 preceding financial year and shall include in such a report, a copy of the  
20 audited accounts of the hospital for that year.

Annual and  
routine reports

21 (2) The Board shall prepare and submit to the Federal Executive  
22 Council, through the Minister, not later than 30th day of June in each year, a  
23 report in such form as the Minister may direct on the activities of the Board  
24 during the immediately preceding financial year and shall include in such a  
25 report a copy of the audited accounts of the Board for that year.

26 (3) The Chief Veterinary Medical Director shall forward the report  
27 after approval by the Board to the Minister, not later than 30 June in each  
28 year.

29 (4) The Chief Veterinary Medical Director shall render to the  
30 department in the ministry in-charge of the affairs of the hospital at such

	1	times and in such forms as may be specified, disease records, statistical and
	2	other epidemiological returns as he may from time to time require.
Power of the Board in relation to expansions	3	<b>15.-(1)</b> The Board shall be responsible for laying down general
	4	policies and guidelines relating to major expansion programmes of the hospital
	5	and the provisions of facilities for the training of the students of the associate
	6	University, students of College of Veterinary Surgeons Nigeria and other
	7	students of the hospital and it shall be the duty of the Chief Veterinary Medical
	8	Director to execute such policies and to keep within such guidelines.
	9	(2) The Board shall power to approve the establishment of new
	10	departments, schools or units for the hospital.
	11	(3) The Board shall have power to do anything which, in its opinion, is
	12	calculated to facilitate the carrying out of its functions and the activities of the
	13	hospital.
Resignation of Veterinary Practicing Premises	14	<b>16.-(1)</b> All other veterinary specialist hospitals and other Veterinary
	15	Practicing Premises in Nigeria, shall be registered by the Council and shall
	16	operate in accordance with the regulations, rules and guidelines issued by the
	17	Council.
	18	(2) Any person who operates any other Veterinary Specialist
	19	Hospitals or Veterinary Practicing Premises without current registration with
	20	the Council commits an offence and is liable on conviction to a fine not
	21	exceeding N500,000.00 naira or to imprisonment for a term not exceeding six
	22	months.
Power of the minister to give directives	23	<b>17.</b> The Minister may give to the Board directive of a general
	24	character or relating generally to particular matters (but not to any individual
	25	person or case) with regard to exercise by the Board of its functions under this
	26	Act, and it shall be the duty of the Board to comply with the directions, but no
	27	direction shall be given which is inconsistent with the duties of the Board under
	28	this Act.
Interpretation	29	<b>18.</b> In this act, unless the context otherwise requires:
	30	"associate university" means the university from which the hospital derived its



- 1 name in the case of a Veterinary Teaching Hospital;
- 2 "Board" means the Veterinary Teaching Hospital Management Board or the
- 3 Veterinary Specialist Hospital Management Board;
- 4 "Chairman" means the chairman of the Board;
- 5 "Chief Veterinary Medical Director" shall be the chief executive and overall
- 6 head of the hospital;
- 7 "Council" means the Veterinary Council of Nigeria;
- 8 "Department" shall include academic, clinical, diagnostic or service
- 9 departments of the hospital;
- 10 "functions" includes powers and duties;
- 11 "Honourary consultant" means an academic staff of the associate Faculty or
- 12 College of Veterinary Medicine who has been appointed by the Board as a
- 13 consultant to the hospital;
- 14 "Honourary registrar" means an academic staff of the associate Faculty or
- 15 College of Veterinary Medicine who has been appointed by the Board as a
- 16 clinician to the hospital;
- 17 "Hospital" means the veterinary teaching or specialist hospital, and includes
- 18 all institutions however called of the hospital;
- 19 "Hospital consultant" means a hospital registrar who has been appointed by
- 20 the Board as a consultant to the hospital;
- 21 "Management" includes the Chief Veterinary Medical Director who shall be
- 22 Chairman, Coordinators of Veterinary Services, the Director of
- 23 Administration, the Director of Finance and Heads of Schools in the
- 24 Hospital;
- 25 "Minister" means the Minister charged with responsibility for matters
- 26 relating to animal health and production;
- 27 "Para-veterinary staff" means a veterinary nurse, an animal health
- 28 technologist, a veterinary radiographer, a laboratory scientists or
- 29 technologist, veterinary pharmacists who assist the Veterinary surgeons in
- 30 carrying out some veterinary functions under supervision;

1 "President" means the President of the Federal Republic of Nigeria;  
2 "Student" means a person enrolled at an associate University for the purpose of  
3 pursuing a course of study leading to the award of Doctor of Veterinary  
4 Medicine degree, any other undergraduate or postgraduate degree and non-  
5 degree programmes of the associate University and shall include persons  
6 registered for the Fellowship or any other academic and clinical programme of  
7 the College of Veterinary Surgeons Nigeria; and  
8 "Veterinary practicing premises" includes a veterinary hospital, a veterinary  
9 clinic, ambulatory practice, veterinary diagnostic laboratory, aquatic animal  
10 practice, a veterinary pharmacy or a dog boarding kennel and any other place  
11 where diseases in animals are diagnosed and treated and where veterinary  
12 drugs, biologics, animal feeds, vitamins, veterinary vaccines, veterinary  
13 devices and other equipments for restraining and treating animals are stored,  
14 dispensed and sold.

Citation

15 **20.** This Bill may be cited as the Veterinary Teaching Hospitals of  
16 Universities and Veterinary Specialist Hospital Abuja (Constitution of Boards  
17 and related matters) Bill, 2021.

## SCHEDULE 1

## List of Veterinary Teaching and Specialist Hospitals

- (a) the University of Ibadan, Veterinary Teaching Hospital, Ibadan;
- (b) the Ahmadu Bello University, Veterinary Teaching Hospital,  
Zaria;
- (c) the University of Nigeria Veterinary Teaching Hospital,  
Nsukka;
- (d) the University of Maiduguri, Veterinary Teaching Hospital,  
Maiduguri;
- (e) the Usmanu Danfodiyo University, Veterinary Teaching  
Hospital, Sokoto;
- (f) the University of Agriculture, Veterinary Teaching Hospital,  
Makurdi;
- (g) the Federal University of Agriculture, Veterinary Teaching  
Hospital, Abeokuta;
- (h) the Michael Okpara University of Agriculture, Veterinary  
Teaching Hospital, Umudike;
- (i) the University of Abuja, Veterinary Teaching Hospital, Abuja;
- (j) the University of Ilorin, Veterinary Teaching Hospital, Ilorin;
- (k) the University of Jos, Veterinary Teaching Hospital, Jos;
- (l) the University of Benin, Veterinary Teaching Hospital, Benin  
City;
- (m) the Veterinary Specialist Hospital, Abuja; and
- (n) any other Veterinary Teaching or Specialist Hospital that may  
be established from time to time and added to the list by the Minister.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide legal backing for the Veterinary Teaching Hospitals of Universities and Veterinary Specialist Hospital and to transfer the management of the Veterinary Teaching Hospitals from the Federal Ministry Education to the Federal Ministry of Agriculture.



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE UNIFIED AND  
SPECIAL OPERATIONS FORCES FOR THE PURPOSE OF SPECIAL MILITARY  
OPERATIONS AND FOR RELATED MATTERS

*Sponsored by Hon. Sulaiman Abubakar Gumi*

[ ] Commencement

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

- |    |   |  |
|----|---|--|
| 1  | 1. Following advice and assistance of the Chief of Defence Staff,     | Unified and<br>Special Operations<br>Force |
| 2  | the President, through the Minister of Defense, shall:                |  |
| 3  | (1) establish unified force command(s) and special operations         |  |
| 4  | forces to perform force missions and special operations; and          |  |
| 5  | (2) prescribe the force structure of those commands and               |  |
| 6  | operations.   |  |
| 7  | 2. For purposes of this Bill, special operations activities include   |  |
| 8  | each of the following in so far as it relates to special operations:  |  |
| 9  | (a) Direct action;  |  |
| 10 | (b) Strategic reconnaissance;   |  |
| 11 | (c) Unconventional warfare;   |  |
| 12 | (d) Foreign internal defense;   |  |
| 13 | (e) Civil affairs;  |  |
| 14 | (f) Military information support operations;                          |  |
| 15 | (g) Counterterrorism;   |  |
| 16 | (h) Humanitarian assistance;  |  |
| 17 | (i) Theater search and rescue;  |  |
| 18 | (j) Such other activities as may be specified by the President or the |  |
| 19 | Minister of Defense.  |  |

Periodic Review	1	3.-(1) The Chief of Defense Staff shall periodically (and not less often
	2	than every two years):
	3	(a) review the missions, responsibilities (including geographic
	4	boundaries), and structure of each force command established in sub-clause (1)
	5	above; and
	6	(b) recommend to the President, through the Minister of Defense, any
	7	changes to such missions, responsibilities, and force structures as may be
	8	necessary.
	9	(2) Except during time of hostilities or imminent threat of hostilities,
	10	the President shall notify the National Assembly not more than 60 days after:
Assignment of Forces	11	(a) establishing a new unified or special operations force; or
	12	(b) significantly revising the missions, responsibilities, or force
	13	structure of an such an existing force command.
	14	4.-(1) As directed by the Minister of Defense, every service chief shall
	15	assign specified officers under their jurisdiction to force command to perform
	16	missions assigned to them.
	17	Provided that such assignments are consistent with the force structure
	18	prescribed by the Armed forces Act.
	19	(2) An officer assigned to a force command under this clause may be
	20	transferred from the command to which it is assigned only:
	21	(a) by authority of the Minister of Defense; and
	22	(b) under procedures prescribed by the Minister and approved by the
	23	President.
	24	(3) Except as otherwise directed by the Minister of Defense, all forces
	25	assigned to a unified force command shall be under the command of the
	26	commander of that force command.
	27	(4) The provisions of sub-clause (3) under this clause applies to
	28	officers assigned to a special force command only as prescribed by the Minister
	29	of Defense.

- 1                   **5.** Unless otherwise directed by the President, the chain of      Chain of Command  
2                   command to a unified or special force command runs:  
3                   (a) from the President to the Minister of Defense; and  
4                   (b) from the Minister of Defense to the commander of the force  
5                   command.
- 6                   **6.** The President may:      Role of the  
7                   (1) Direct that communications between the Office of the President      Chief of Defence  
8                   or the Minister of Defense and the commanders of the unified and special      Staff  
9                   force commands be transmitted through the Chief of Defence Staff; and  
10                  (2) assign duties to the Chief of Defense Staff to assist the President  
11                  and the Minister of Defense in performing their command function.
- 12                  **7.-(1)** The Minister of Defense may assign to the Chief of Defense      Oversight by  
13                  Staff responsibility for overseeing the activities of the force commands.      Chief of Defence  
14                  (2) Such assignment by the Minister to the Chief of Defense Staff      Staff  
15                  does not confer any command authority on the Chief of Defense Staff and  
16                  does not alter the responsibility of the commanders of the force commands  
17                  prescribed in clause 19(1) of this Bill.
- 18                  (3) Subject to the authority, direction, and control of the Minister of  
19                  Defense, the Chief of Defence Staff shall serve as the spokesman for the  
20                  commanders of the force commands, especially on the operational  
21                  requirements of their commands. In performing such function, the Chief of  
22                  Dense Staff shall:
- 23                  (a) confer with and obtain information from the commanders of the  
24                  force commands with respect to the requirements of their commands;  
25                  (b) evaluate and integrate such information;  
26                  (c) advise and make recommendations to the Minister of Defense  
27                  with respect to the requirements of the force commands, individually and  
28                  collectively; and  
29                  (d) communicate, as appropriate, the requirements of the force  
30                  commands to other elements of the Ministry of Defense.

Commander of  
Force Command

1                   **8.**-(1) The President may subject to the provisions of Section 22 of the  
2   Armed Forces Act CAP A20 Laws of the Federation 2004 assign an officer to  
3   serve as the commander of a unified or special force command only if the  
4   officer.

5                   (2) In furtherance to sub-clause (1) under this Clause, an officer to be  
6   assigned as commander shall have experience in similar operations abroad or  
7   within Nigeria;

8                   (3) The President may waive sub-clause (2) in the case of an officer if  
9   the President determines that such action is necessary in the national interest.

Responsibilities  
of Force  
Commanders

10                  **9.**-(1) The commander of a force command is responsible to the  
11   President and to the Minister of Defense for the performance of missions  
12   assigned to that command by the President or by the Minister with the approval  
13   of the President.

14                  (2) Subject to the direction of the President, the commander of a force  
15   command:

16                  (a) performs his duties under the authority, direction, and control of  
17   the Minister of Defense; and

18                  (b) is directly responsible to the Minister for the preparedness of the  
19   command to carry out missions assigned to the command.

20                  (3) Among the full range of command responsibilities specified in  
21   clause 10 and as provided for in clause 1 of this Bill, the primary duties of the  
22   commander of a combatant command shall be as follows:

23                  (a) To produce plans for the employment of the armed forces to  
24   execute national defense strategies and respond to significant force  
25   contingencies;

26                  (b) To take actions, as necessary, to deter conflict;

27                  (c) To command the force commands as directed by the Minister and  
28   approved by the President.

Command  
Authority of Force  
Commanders

29                  **10.**-(1) Unless otherwise directed by the President or the Minister of  
30   Defense, the authority, direction, and control of the commander of a force



1 command with respect to the commands and officers assigned to that  
2 command include the command functions of:

3 (a) giving authoritative direction to subordinate commands and  
4 forces necessary to carry out missions assigned to the force command,  
5 including authoritative direction over all aspects of military operations,  
6 joint training, and logistics;

7 (b) prescribing the chain of command to the commands and  
8 officers within the command;

9 (c) organizing command forces and officers within that command  
10 as he considers necessary to carry out missions assigned to the force  
11 command;

12 (d) deploying officers within that force command as he considers  
13 necessary to carry out missions assigned to the command;

14 (e) assigning force command functions to subordinate  
15 commanders;

16 (f) coordinating and approving those aspects of administration and  
17 support (including control of resources and equipment, internal  
18 organization, and training) and discipline necessary to carry out missions  
19 assigned to the force command; and

20 (g) exercising the authority with respect to selecting subordinate  
21 commanders, selecting force command staff, suspending subordinates, and  
22 convening courts-martial, as provided in subsections (e), (f), and (g) of this  
23 clause and Part XIII of the Armed Forces Act CAP 20 Laws of the Federation  
24 of Nigeria 2004, respectively.

25 (2) The Minister of Defense shall:

26 (a) ensure that a commander of a force command has sufficient  
27 authority, direction, and control over the commands and forces assigned to  
28 the command to exercise effective command over those commands and  
29 forces. In carrying out this subparagraph, the Secretary shall consult with the  
30 Chairman of the Joint Chiefs of Staff.

Authority over  
Commanders and  
Subordinate  
Officers

1 (b) periodically review and, after consultation with the service chiefs,  
2 the chief of defense staff and the commander of the force command, assign  
3 authority to the commander of the force command for those aspects of  
4 administration and support that the Minister considers necessary to carry out  
5 missions assigned to the command.

6 (3) If a commander of a force command at any time considers his  
7 authority, direction, or control with respect to any of the commands or officers  
8 assigned to the command to be insufficient to command effectively, the  
9 commander shall promptly inform the Minister of Defense.

10 **11.-(1)** Unless otherwise directed by the President or the Minister of  
11 Defense:

12 (a) officers assigned to a force command and commander of officers  
13 are under the authority, direction, and control of, and are responsible to the  
14 commander of the force command on all matters for which the commander of  
15 the force command has been assigned authority under clause 10 (1);

16 (b) the commander of a force command referred to in paragraph (a)  
17 shall communicate with other elements of the Ministry of Defense or Armed  
18 Forces on any matter for which the commander of the force command has been  
19 assigned authority under clause 10 (1) in accordance with procedures, if any,  
20 established by the commander of the force command;

21 (2) other elements of the Ministry of Defense of Armed forces shall  
22 communicate with the commander of a force command or officer on any matter  
23 for which the commander of the force command has been assigned authority  
24 under clause 10 (1) in accordance with procedures, if any, established by the  
25 commander of the force command; and

26 (3) if directed by the commander of the force command, the  
27 commander of a force shall advise the commander of the force command of all  
28 communications to and from other elements of the Ministry of Defense on any  
29 matter for which the commander of the force command has not been assigned  
30 authority under clause 10 (1).

1                   **12.**-(1) An officer may be assigned to a position as the commander  
2                   of officers within the force command directly subordinate to the commander  
3                   of a force command as may be recommended to the President for assignment  
4                   to that position, only:

Selection of  
Subordinate  
Commanders

5                   (a) with the concurrence of the commander of the force command;  
6                   and

7                   (b) in accordance with procedures established by the Minister of  
8                   Defense.

9                   (2) The Minister of Defense may waive the requirement under  
10                  clause (1) for the concurrence of the commander of a force command with  
11                  regard to the assignment (or recommendation for assignment) of a particular  
12                  officer if the Minister of Defense determines that such action is in the  
13                  national interest.

14                  (3)The commander of a force command shall:

15                  (a) evaluate the duty performance of each commander within a  
16                  force command directly subordinate to the commander of such force  
17                  command; and

18                  (b) submit the evaluation to the Minister and the armed forces  
19                  concerned and the Chief of Defense Staff.

20                  **13.**-(1) Every unified and special combatant command shall have  
21                  staff to assist the commander of the force command in carrying out his  
22                  responsibilities.

Force Commander  
Staff

23                  (2) Positions of responsibility on the force command staff shall be  
24                  filled by officers from each of the armed forces having significant forces  
25                  assigned to the force command.

26                  (3) An officer may be assigned to a position on the staff of a force  
27                  command as recommended to the President for assignment to that position,  
28                  only:

29                  (a) with the concurrence of the commander of such command; and

	1	(b) in accordance with procedures established by the Secretary of
	2	Defense.
	3	(4) The Minister of Defense may waive the requirement under
	4	paragraph (2) for the concurrence of the commander of a combatant command
	5	with regard to the assignment (or recommendation for assignment) of a
	6	particular officer to serve on the staff of the combatant command if the Minister
	7	of Defense determines that such action is in the national interest.
Authority to suspend Subordinates	8	<b>14.</b> In accordance with procedures established by the Minister of
	9	Defense, the commander of a force command may suspend from duty and
	10	recommend the reassignment of any officer assigned to such force command.
Support to the Service Chiefs	11	<b>15.-(1)</b> The commander of a force command shall provide such
	12	information to the Service chiefs as may be necessary for them to perform their
	13	duties assigned to him under this Bill or as it may deem necessary.
	14	(2) In furtherance to sub-clause (1) of this clause, the Minister of
	15	Defense, with the advice and assistance of the Chief of Defense Staff, shall
	16	provide for the administration and support of officers assigned to each force
	17	command.
Responsibilities of Service Chiefs	18	<b>16.</b> Subject to the authority, direction, and control of the Minister of
	19	Defense and subject to the authority of commanders of the force commands
	20	under clause 10 (1) under this Bill, the service chief is responsible for the
	21	administration and support of forces assigned by him to a force command.
Assignment of responsibility to other components of Defense	22	<b>17.-(1)</b> After consultation with the service chiefs of the armed forces,
	23	the Minister of Defense may assign the responsibility (or any part of the
	24	responsibility) for the administration and support of offices assigned to the
	25	force commands to other components under Defense (including Defense
	26	Agencies and force commands).
	27	(2) A component assigned such a responsibility shall discharge that
	28	responsibility subject to the authority, direction, and control of the Minister of
	29	Defense and subject to the authority of commanders of the force commands
	30	under clause 10 (1) under this Bill.

- 1                   **18.**-(1) The Minister of Defense shall include in the annual budget      Force Command  
2                    of the Ministry of Defense submitted to the National Assembly a separate      Budgets  
3                    budget proposal for such activities of each of the unified and special  
4                    operations force as may be determined under sub-clause (2) of this Clause.
- 5                    (2) A budget proposal under sub-clause (1) for funding of  
6                    activities of a force command shall include funding proposals for such  
7                    activities of the force command as the Minister (after consultation with the  
8                    Chief of Defense Staff) determines to be appropriate for inclusion and shall  
9                    the following:
- 10                    (a) Joint exercises;  
11                    (b) Force training;  
12                    (c) Contingencies;  
13                    (d) Selected operations ;  
14                    (e) development and acquisition of special operations-peculiar  
15                    equipment; and  
16                    (f) acquisition of other material, supplies, or services that are  
17                    peculiar to special operations activities.
- 18                    **19.** A funding proposal for force training under sub-clause (2) (b)      Training with  
19                    may include amounts for training expense payments.      Foreign Forces
- 20                    **20.**-(1) There shall be for the Command, a Force Initiative Fund      Force Initiative  
21                    which shall form part of the monies, from time to time appropriated by the      Fund  
22                    National Assembly for the purpose of the existence of the force commands;
- 23                    (2) The Minister of Defense may provide funds to the commander  
24                    of a force command, upon the request of the commander, or, with respect to a  
25                    geographic area or areas not within the area of responsibility of a  
26                    commander of a force command, to an officer designated by the Chief of  
27                    Defense Staff for such purpose.
- 28                    **21.** The Minister of Defense shall provide monies to the Force in      Authorized  
29                    respect to clause 20 for:      activities of the  
30                    (a) Force training;      Force Initiative  
Fund

- 1 (b) Contingencies;
- 2 (c) Selected operations;
- 3 (d) Command and control;
- 4 (e) Joint exercises (including activities of participating foreign
- 5 countries);
- 6 (f) Humanitarian and civic assistance, in coordination with the
- 7 relevant chief of mission to the extent practicable, to include urgent and
- 8 unanticipated humanitarian relief and reconstruction assistance;
- 9 (g) Military education and training to military and related civilian
- 10 personnel of foreign countries (including transportation, translation, and
- 11 administrative expenses);
- 12 (h) Personnel expenses of defense personnel for bilateral or regional
- 13 cooperation programs;
- 14 (i) Force protection;
- 15 (j) Joint war fighting capabilities;
- 16 (k) counter terrorism measures, which is to say:
- 17 (i) Procurement and maintenance of physical security equipment;
- 18 (ii) Improvement of physical security sites;
- 19 (m) extraordinary circumstances including:
- 20 (iv) physical security management planning;
- 21 (v) procurement and support of security forces and security
- 22 technicians;
- 23 (vi) security reviews and investigations and vulnerability
- 24 assessments; and
- 25 (vii) any other activity relating to physical security.

Priority activities  
to be funded

- 26 **22.** The Chief of Defense Staff, in considering requests for funds in
- 27 the Force Initiative Fund, shall give priority consideration to-
- 28 (a) requests for funds to be used for activities that would enhance the
- 29 war fighting capability, readiness, and sustainability of the forces assigned to
- 30 the commander requesting the funds;

1 (b) activities with respect to an area or areas not within the area of  
2 responsibility of a commander of a force command that would reduce the  
3 threat to, or otherwise increase, the national security of Nigeria; and

4 (c) activities with respect to urgent and unanticipated humanitarian  
5 relief and reconstruction assistance particularly during situations where the  
6 armed forces is engaged in a contingency operation;

7 (d) emergency or emergent unforeseen high-priority requirements  
8 for combating terrorism.

9 **23.** The Minister of Defense shall make regulations with respect to Regulations  
10 the administrative and general structure of force commands including  
11 administrative chain of command or exercise of authority, direction and  
12 control with respect to force commands, including peculiar administration  
13 and support of the force commands, and the readiness and organization of  
14 resources, equipment and civilian personnel.

15 **24.** In this Bill: Interpretation  
16 "armed force" means the armed forces of the federation established in  
17 Section 1(1) of the Armed Forces Act CAP A 20 Laws of the Federation  
18 2004;  
19 "force command" means a unified force command or a special operations  
20 command;  
21 "unified force command" means a force command which has broad,  
22 continuing missions and which is composed of forces from two or more  
23 force departments;  
24 "special operations force" means a force which has broad, continuing  
25 missions and which is normally composed of forces from a single armed  
26 force.

27 **25.** This Bill may be cited as Unified and Special Operations Force Citation  
28 Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Unified and Special Operations Forces for the purpose of special military operations.



# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 TO CLEARLY PROVIDE FOR THE VESTING OF LEGISLATIVE POWERS WITH RESPECT TO VALUE ADDED TAX, SALES TAX OR OTHER RELATED CONSUMPTION TAXES ON NATIONAL ASSEMBLY AND VESTING OF LEGISLATIVE POWERS WITH RESPECT TO HOTELS, RESTAURANTS AND EVENTS CENTRES CONSUMPTION TAX AND OTHER RELATED MATTERS ON THE STATE HOUSES OF ASSEMBLY AND FOR RELATED MATTERS

*Sponsored by Emmanuel Ukpong-Udo*

[ ] Commencement

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

- |   |   |
|---|---|
| <p>1           <b>1.</b> The Constitution of the Federal Republic of Nigeria 1999 (as</p> <p>2 amended) (herein referred to as "The Principal Act") is further amended as</p> <p>3 set out in this Bill;</p>  | <p>Amendment of<br/>Principal Act</p>   |
| <p>4           <b>2.</b> The provisions of Item 59, Part I (Exclusive Legislative List),</p> <p>5 Second Schedule to the Constitution of the Federal Republic of Nigeria,</p> <p>6 1999 is hereby altered to read thus:</p>   | <p>Alteration of<br/>Item 59, Part I<br/>(Exclusive<br/>Legislative List),<br/>Second Schedule<br/>to the Constitution<br/>of the Federal<br/>Republic of<br/>Nigeria, 1999</p> |
| <p>7           "59. Taxation of income, profits and capital gains, except as</p> <p>8 otherwise provided by this Constitution; and the imposition and</p> <p>9 administration of value added tax, sales tax or other related consumption</p> <p>10 taxes Provided that nothing in this paragraph shall affect the legislative</p> <p>11 powers of the State Houses of Assembly to make laws for the imposition and</p> <p>12 administration of Hotels, Restaurants and Events centres Consumption tax</p> <p>13 and other related taxes."</p> |   |

Citation                    1                    **3.** This Bill may be cited as the Constitution of the Federal Republic of  
                                     2                    Nigeria, 1999 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 to clearly provide for the vesting of legislative powers with respect to value added tax, sales tax or other related consumption taxes on National Assembly and vesting of legislative powers with respect to hotels, restaurants and events centres consumption tax and other related matters on the State Houses of Assembly.

FEDERAL INFRASTRUCTURE REHABILITATION MANAGEMENT AGENCY

BILL, 2021

ARRANGEMENT OF CLAUSES

*Clause:*

PART I - ESTABLISHMENT OF THE FEDERAL INFRASTRUCTURE

REHABILITATION MANAGEMENT AGENCY

1. Establishment of the Agency
2. Governing Board of the Agency
3. Tenure of some members of the Board.
4. Resignation, Cessation or removal of some members of the Board.

PART II - FUNCTIONS OF THE BOARD

5. Functions of the Agency
6. Powers of the Board

PART III - STAFF OF THE AGENCY

7. The Chairman and Secretary of the Agency
8. Other Staff of the Agency
9. Staff Regulations

PART IV - STRUCTURE OF THE AGENCY

10. Departments of the Agency
11. Zonal offices of the Agency
12. Establishment of management and other committees for the Agency

PART V - FINANCIAL PROVISIONS

13. Establishment of fund for the Agency
14. Applications and Management of the funds
15. Annual budget of the Agency
16. Reports.

PART VI - MISCELLANEOUS PROVISIONS

17. Procedure and Limitation of suits against the Agency
18. Service of Process

- 19.      Indemnity of members etc.
- 20.      Acquisition of property
- 21.      Regulations
- 22.      Directives by the President
- 23.      Powers to obtain information
- 24.      Citation
- Schedule

# A BILL

## FOR

AN ACT TO ESTABLISH FEDERAL INFRASTRUCTURE REHABILITATION MANAGEMENT AGENCY, TO BE SADDLED WITH THE RESPONSIBILITY OF COORDINATING AND REGULATING ALL FORMS OF FEDERAL INFRASTRUCTURAL REHABILITATION OF GOVERNMENT PROPERTIES, MAINTENANCE, MANAGEMENT OF GOVERNMENT DESTROYED PROPERTIES BY HOODLUMS, INCLUDING REPAIR, RECONSTRUCTION OF INEVITABLE AFFECTED FACILITIES IN ORDER TO SUSTAIN THE MASTER PLAN AND PROVISION OF COMPREHENSIVE DATABASE OR CAPTURING OF ALL THE DESTRUCTED GOVERNMENT PROPERTIES AND FOR RELATED MATTERS

*Sponsored by Hon. Christopher Okwudili Ezenwankwo*

[ ] Commencement

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

### 1 PART I - ESTABLISHMENT OF THE FEDERAL INFRASTRUCTURE

#### 2 REHABILITATION MANAGEMENT AGENCY AND ITS GOVERNING BOARD

3 1.-(1) There is established Federal Infrastructure Rehabilitation Establishment  
4 Management Agency (in this Bill referred to as "the Agency") of the Agency

5 (2) The Agency shall be a corporate body with a perpetual  
6 succession and a common seal, may sue and be sued in its corporate name  
7 and shall operate under the presidency.

8 2.-(1) There is established for the Agency a Governing, Board ("in Governing Board  
9 this Bill referred to as "the Board") which shall consist of: of the Agency

10 (a) Chairman, who shall be an experienced person(s) in Civil  
11 Engineer Expert and Administration, shall be appointed by the president of  
12 the Federal Republic of Nigeria (FRN);

13 (b) A representative of:

14 (i) Ministry responsible for Works & Housing;

	1	(ii) Ministry responsible for Finance, budget and National planning;
	2	(iii) Ministry of Justice;
	3	(iv) CBN;
	4	(v) EFCC;
	5	(vi) NGO;
	6	(vii) Ministry Responsible for Environment; and
	7	(viii) IGPO Office.
	8	(c) The Chairman of the Agency, who shall serve as a member and
	9	secretary of the Board.
	10	(2) Members of the Board shall not be below the rank of a Director.
Schedule	11	(3) The supplementary provisions contained in the schedule to this
	12	Bill, shall have effect with respect to the proceedings of the board and other
	13	Matters.
Tenure of Members of the Board	14	<b>3.-(1)</b> The Agency and members of the Board, shall hold office for the
	15	four "4" years and renewable, subject to satisfactory performances, for further
	16	term of four "4" years and no more.
	17	(2) The members of the Board shall be paid such remunerations
	18	allowances as the President of the FRN, on recommendation of salaries and
	19	wages Commission, may from time to time determine.
Resignation, Cessation or Removal of some members of the Board	20	<b>4.-(1)</b> The members of the Board may resign the appointment, by
	21	notice in writing addressed to the chairman, while the chairman shall address
	22	his/her letter of resignation to the President of the FRN.
	23	(2) A member of the Board, may cease membership if the member:
	24	(a) dies or becomes of unsound mind;
	25	(b) becomes bankrupt;
	26	(c) is convicted of a felony or of any offence involving dishonesty;
	27	(d) is guilty of serious misconduct in relation to the office;
	28	(e) in the case of a holding professional qualification, if the person(s)
	29	is disqualified or suspended from practicing the profession; or
	30	(f) cease to be a staff of the Agency he is representing.

1 (3) A member of the Board may be removed, at any time, from the  
 2 office by the president of the "FRN", if the President of the "FRN" is  
 3 satisfied that it is not in the interest of the Agency or the public that the  
 4 member should continue to hold office.

5 PART II - FUNCTIONS OF THE BOARD

6 5. The Agency shall be responsible for:

Functions of the  
Agency

7 (a) Coordinating and regulating all infrastructural rehabilitation of  
 8 government properties across Nigeria;

9 (b) Manage and control all the public owned properties for proper  
 10 utilization in the country;

11 (c) Provide maintenance framework mechanism, In the proper  
 12 management of government properties in case destroy by fire and hoodlums  
 13 incidents;

14 (d) Commence proper repairs and reconstructions of public  
 15 buildings affected by inevitable or unavoidable destructions within the  
 16 Nation;

17 (e) Maintain and sustain the master plan of the original  
 18 infrastructure, when embark on rehabilitation process to avoid standard;

19 (f) Provide platform for comprehensive database collection in  
 20 which all government infrastructure from three tiers of government  
 21 destroyed by hoodlums are adequately captured;

22 (g) Commence public awareness campaign from the grass-root for  
 23 easy identification of destroyed government infrastructural buildings for  
 24 adequate inclusion in the rehabilitation process across the states of Nigeria;

25 (h) Collaborate in partnership with the rural dwellers on  
 26 information dissemination gear to protect the government infrastructural  
 27 facilities across the federation.

28 6. The Board shall have powers to:

Powers of the  
Board

29 (a) superintended smooth implementation of the functions of the  
 30 Agency;

1            (b) approve guidelines in which government federal infrastructural  
2    rehabilitation management projects should be formulated and implemented  
3    within the Nation;

4            (c) approve appointment, discipline and promotion of staff of the  
5    Agency;

6            (d) approve creation of additional departments, divisions and units as  
7    may deem necessary to achieve the objectives of the Agency;

8            (e) perform any other function that may be assigned to it by the  
9    President of the "FRN" from time to time; and

10          (f) do other thing that is incidental to the objectives of this Bill.

Offences    11          7.-(a) Defaulter(s) of this bill is liable for life imprisonment or Twenty  
12    Million Naira or both. And offender(s) trail must be from the competent court  
13    of jurisdiction being the Magistrate Court;

14          (b) In case of corporate organization(s) or entities, group or  
15    association found to be guilty of this offence, is liable for punishment or fine  
16    worth Hundred Million Naira or alternative life imprisonment or both upon  
17    conviction beyond reasonable doubt by the Court of Competent Jurisdiction;

18          (c) This bill apply to individual(s) as stipulated by the Section (a)  
19    while Section (B) applies to corporate organization(s) or entitle(s) base on the  
20    nature of offence(s) committed by the offender(s) as enshrined in this Bill;

21          (d) Conspiracy by group(s) or person(s) or corporate bodies to  
22    vandalize government properties such as primary schools buildings,  
23    Secondary and tertiary institutions, perimeter fencing and infrastructural  
24    facilities, railway track, to be punished with a jail term of 25 years  
25    imprisonment:

26          (e) Defaulter(s) found guilty of government properties on malicious  
27    damage especially police stations, across Nigeria- have jail term of 30 years or  
28    life imprisonment or both;

29          (f) Defaulter(s) of government oil pipeline vandalism and in  
30    connections to its destruction within the Nigeria state or federation; if found



1 guilty attracts jail term of 30 years or life imprisonment or both;  
 2 (g) Defaulter(s) burning public healthcare institution(s) or pulling  
 3 or breaking down buildings own by government or in connection thereto,  
 4 attracts 30 years or life imprisonment or both, if found guilty in all states of  
 5 Nigeria;

6 (h) Defaulter(s) found destroying government in infrastructure on  
 7 waterways such as, breaking water pipeline(s) on a tad road causing bad  
 8 road, or in connection to link up water pipe(s) unlawfully attracts 30 years  
 9 imprisonment, if found guilty of the offence or life imprisonment or both;

10 (i) Defaulter(s) of solar light, CCTV of government infrastructural  
 11 facilities and in connection thereto is(are) liable to 15 years jail term if found  
 12 guilty;

13 (j) Defaulter(s) that vandalize government vehicle(s), or setting it  
 14 ablaze or fire or kills driver(s) in order to destroy the government  
 15 infrastructural facilities such as truck(s), car(s), tanker(s), helix(s), pick-  
 16 up(s) and buses(s) conveying sensitive and non- sensitive materials own by  
 17 government, is liable for 30 years imprisonment or life imprisonment or  
 18 both;

### 19 PART III - STAFF OF THE AGENCY

20 **8.-(1)** There shall be appointed for the Agency a chairman, by the  
 21 president of the FRN, who shall possess cognate experience and  
 22 qualification in Civil Engineer Expert and Administration, for a period of  
 23 not less than 10 years. (2) The chairman shall:

Chairman and  
Secretary of the  
Agency

24 (a) be the Chief-Executive and accounting officer of the Agency  
 25 and shall be charged with:

26 (i) matters relating to day-to-day management, and operations of  
 27 the Agency; and

28 (ii) determining structure of ranks, for staff of the Agency.

29 (b) hold office for a term of four "4" years and renewable, subject to

1 satisfactory performance, for further term of four "4" years, and no more; and

2 (c) be answerable to the Board.

3 (3) There shall be appointed for the Agency, by the Board on the  
4 recommendation of the chairman, a Secretary for the Agency, who shall qualify  
5 as a legal practitioner and was so qualified for a period of 10 years.

6 (4) The Secretary shall be:

7 (a) a legal adviser of the Agency;

8 (b) a secretary of all the committees to be established by the  
9 management committee; and

10 (c) answerable to the chairman of the Agency;

Other staff of  
the Agency 11 **9.**-(1) The staff of the Agency other than those, mentioned in this Bill,  
12 shall be employed according to the procedure stipulated by the Board.

13 (2) The staff can be on permanent or temporary appointment on the  
14 terms which precludes the grants of pension and gratuity.

Cap. L11 LFN,  
2004 15 (3) The staff of the Agency who qualify as a legal practitioner, within  
16 the meaning of legal practitioners Act, shall in addition to other function, enter  
17 appearance to prosecute or defend any civil matters in any court involving the  
18 Agency.

Staff regulations 19 **10.**-(1) The Agency may subject to the provision of this Bill, with the  
20 approval of the Board, make staff regulations, relating generally to the  
21 condition of service in the Agency such regulation may provide for the  
22 appointment, promotion, discipline and appeals for the staff of the Agency;

23 (2) The staff of the Agency shall be paid such salary and allowances as  
24 may be determined by the president or recommendation of the Board.

25 **PART VI - STRUCTURE OF THE AGENCY**

Departments  
of the Agency 26 **11.**-(1) There shall be establish for the Agency, such number of  
27 Departments, Divisions, and units as the Agency, may with the approval of the  
28 Board deem necessary.

29 (2) Each Department shall be headed by a Director who shall be

1 professionally qualified to hold the office appointed through a competitive  
2 process.

3 (3) Subject to the approval of the Board, of the Agency may create  
4 additional departments, divisions and units as it may deem necessary to  
5 achieve the objective of the Agency.

6 **12.** The Agency shall:

Zonal offices  
of the Agency

7 (a) divide the federation into such number of zones as it may from  
8 time to time, determine for effective organization of the Agency; and

9 (b) establish in each zone, a zonal office.

10 **13.**(1) There is established for the Agency, a management,  
11 committee comprising of all the Directors and the chairman of the Agency,  
12 who shall be the chairperson of the committee.

Establishment  
of management  
and other committees  
for the Agency

13 (2) The committee may create additional standing or Ad- Hoc  
14 committees and give them specific function.

#### 15 PART V - FINANCIAL PROVISIONS

16 **14.** The Agency shall establish and maintain a fund, which shall be  
17 paid and credited:

Establishment  
of fund for the  
Agency

18 (a) all subventions and budgetary allocation from the Federal  
19 Government;

20 (b)all sums accruing to the Agency by the way of gifts,  
21 endowments, bequests, grants or other social contributions, by person(s)  
22 and organizations;

23 (c) returns of investments;

24 (d) foreign donations or aid;

25 (e) all local donations or aid and assistances; and

26 (f) all other sums which may from time to time, accrued to the  
27 Agency.

28 **15.** The Agency shall manage and apply its fund, in accordance  
29 with the general guidelines made by the management committees,  
30 particularly on:

Application and  
management of  
the fund

	1	(a) general operations of the Agency;
	2	(b) cost of payment of allowances to the members of the board;
	3	(c) payment of salaries and other allowances for the staff of the
	4	Agency;
	5	(d) maintenance of any property vested in the Agency; and
	6	(e) cost of procurement of goods and consultancy, services for the
	7	benefits of the Agency.
Annual Budget of the Agency	8	<b>16.</b> The Agency shall not later than 30th September each year or other
	9	date stipulated by law or policy; submit to the president an expenditure
	10	estimate or income of the Agency as approved by the Board for the next fiscal
	11	year, for incorporation into the Federation budget.
Reports	12	<b>17.</b> The Agency shall submit to the Board quarterly report of the
	13	activities of the Agency and the Board shall submit annual report of its
	14	activities to the president of FRN.
	15	PART VI - MISCELLANEOUS PROVISIONS
Procedure and Limitation of suit against the Agency	16	<b>18.</b> A person who has a cause of action against the Agency shall:
	17	(a) Give the Agency three months' notice in writing, of intention to
	18	commence an action, and the relief sought to be served on the Agency at its
	19	head office; and
	20	(b) Commence the legal action within one '1' month from the date the
	21	cause arose.
Service of process	22	<b>19.</b> Any document, summons, notices, process or any other thing
	23	required or authorized to be served to the Agency, shall be served by delivering
	24	same to the office of the chairman of the Agency.
Indemnity of members etc.	25	<b>20.</b> Every member of the Agency, agents or employees of the Agency,
	26	shall be indemnified from the fund of the Agency, against any liability incurred
	27	in defending any proceeding brought against the person(s) under this clause, in
	28	the person's capacity as member or employee of the Agency.
Acquisition of property. Cap. L40 LFN, 2004	29	<b>21.</b> The Agency may subject to the provisions of, Land Use Act and
	30	any other applicable law, have powers to lease, rent or acquire an interest in

1        land and other properties.

2                    **22.** The Agency with approval of the Board shall have power to     Regulations  
3        make regulations for-effective implementation of the provisions of this Bill.

4                    **23.** The President may give to the Agency such, directives dealing     Directives by  
5        with matters of general policy and maintenance of public safety and peace in     the President  
6        Nigeria.

7                    **24.** For purpose of carrying out the functions of the Agency under     Power to obtain  
8        this Bill, the chairman, or any officer of the Agency shall:     information

9                    (a) have powers of access to any premises or record, within a  
10        reasonable time to obtain information of record of person affected by this  
11        Bill; and

12                    (b) by notice in writing served on person to provide an information  
13        required for carrying out the functions of the Agency.

14                    **25.** This Bill may be cited as the Federal Infrastructure     Citation  
15        Rehabilitation Management Agency Bill, 2021.

1 SCHEDULE

2 *Clause 2(3)*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 *Proceedings of the Board*

5           1.-(1) Subject to the Provisions of this Bill and other applicable laws,  
6   the Board may make Standing orders regulating its proceedings.

7 (2) The Board shall meet whenever summoned by the Chairman, or if  
8 required to do so, by at least five '5' members out of '10' ten members of the  
9 Board, and shall meet for a minimum of 4 times in each Fiscal year.

10 (3) The Chairman shall preside over the meetings of the Agency and  
11 in his/her absence, the Secretary of the Agency, may act and report back to the  
12 Chairman.

13 (4) The quorum of the Board shall be formed by the Chairman or a  
14 person sitting (secretary) in his/her place as chairman and five "5" other  
15 members of the Board or more.

## 16 Committees

17           2.-(1) The Board may appoint committees and sub-committees to  
18   carry out, on its behalf, such functions that Board shall do.

19 (2) The decision of the sub-committee appointed under paragraph  
20 2(1) shall have no effect until it is approved by the committee and the Board.

21 *Miscellaneous*

22 3.-(1) The Secretary of the Board shall be the custodian of the seal of  
23 the Board.

24 (2) Fixing of the common seal of the Agency shall be authenticated by  
25 the signature of the chairman of the Board or some other person(s) authorized  
26 to do so.

(3) Any contract or instrument, which if made or executed by a person(s) not being a corporate body, shall not require to be made under seal, shall be executed on behalf of the Agency by the chairman or any other person authorized to do so.

1                   (4) Where the Board desires to obtain an expert opinion from a  
2           person not being a member of the board, the Board may co-opt such person  
3           for such period the Board may determine but the co-opted person shall not  
4           have the right to vote or to count in forming a quorum.

5                   (5) The validity of any proceeding of the Board or of a committee  
6           shall not be adversely affected by any vacancy in the membership of the  
7           Board or committee or by any defect in the appointment of a member of the  
8           Board or committee or by reason that a person not entitled to take part in the  
9           proceedings of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal Infrastructure Rehabilitation Management Agency, to be saddled with the responsibility of coordinating and regulating all forms of Federal Infrastructural Rehabilitation of Government properties, maintenance, management of Government destroyed properties by hoodlums, including repair, reconstruction of inevitable affected facilities in order to sustain the master plan and provision of comprehensive database or capturing of all the destructed Government properties.





# A BILL

## FOR

AN ACT TO AMEND THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT  
CAP. C15, LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR  
RELATED MATTERS

*Sponsored by Hon. Ben. Rollands Igbakpa*

[     ] Commencement

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

- |   |   |
|---|---|
| <p>1            <b>1.</b> The Code of Conduct Bureau and Tribunal Act Cap C 15 Laws<br/>2 of the Federation of Nigeria, 2004 (herein referred to as "The Principal Act")<br/>3 is hereby amended as set out in this Bill.</p>   | <p>Amendment of<br/>the Principal Act</p> |
| <p>4            <b>2.</b> Section 1 subsection (2) of the Principal Act is hereby amended<br/>5 by introducing a new paragraph (c) after subsection (2) (b) thus:<br/>6            "(c) the individuals must have been qualified as legal practitioners<br/>7 for at least 10 years".</p>   | <p>Amendment of<br/>Section 1 (2)</p>     |
| <p>8            <b>3.</b> Section I subsection (3) of the Principal Act is hereby amended<br/>9 by inserting after the word "President" in line one the sentence "on the<br/>10 recommendation of the National Judicial Council".</p>   | <p>Amendment of<br/>Section 1 (3)</p>     |
| <p>11           <b>4.</b> Section 4 subsection (2) of the Principal Act is hereby amended<br/>12 by deleting the sentence "as may from time to time be made by the<br/>13 President" in lines three and four after the word "regulations" and inserting<br/>14 after the word "provisions" the sentence "of the Public Service Rules and<br/>15 Regulations"</p>                    | <p>Amendment of<br/>Section 4</p>         |
| <p>16           <b>5.</b> Section 6 of the Principal Act is hereby amended by introducing<br/>17 a proviso after subsection (b) thus:<br/>18           "Provided that a public officer under a non-pensionable and short-<br/>19 term appointment shall be entitled to engage or participate in the<br/>20 management or running of any private business, profession or trade".</p> | <p>Amendment of<br/>Section 6</p>         |

Amendment of Section 7	1	<b>6.</b> Section 7 of the Principal Act is hereby amended by deleting the
	2	sentence "or any other persons as the President may, from time to time, by order
	3	prescribe" after the word "Act" in lines one and two of the section and
	4	substituting the word "shall" with the word "may".
	5	<b>7.</b> Section 7 of the Principal Act IS hereby amended by introducing a
	6	proviso thus:
	7	“Provided that such proceeds, income or assets obtained there from
	8	are declared from time to time or as and when due".
Amendment of Section 18	9	<b>8.</b> Section 18 of the Principal Act is hereby amended by deleting the
	10	entire provisions.
Amendment of Section 19 - 27	11	<b>9.</b> Sections 19 - 27 of the Principal Act are hereby amended by
	12	renumbering it to now read Sections 1- 26 respectively.
Citation	13	<b>10.</b> This Bill may be cited as the Code of Conduct Bureau and
	14	Tribunal Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Code of Conduct Bureau and Tribunal Act Cap. N84, Laws of the Federation of Nigeria, 2004 to strengthen the powers of the Bureau and make provision for the National Judicial Council to exercise powers of recommendation and disciplinary control over the Chairman and other members of the Bureau.

FOR

*Sponsored by Hon. Sergius Oseasochie Ogun*

[ ] Commencement

Amendment of  
the National Film  
and Video Censors  
Board Act,  
Cap. N40, LFN,  
2004

## Amendment of Section 2

Citation

This Bill seeks to amend the National Film and Video Censors Board Act Cap.N40 Laws of the Federation of Nigeria (LFN) 2004, to expand the scope of functions of the Board for effectiveness and relevance in present day Nigerian society.



# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL DIRECTORATE OF EMPLOYMENT ACT  
TO EXPAND THE SCOPE OF OBJECTIVES OF THE DIRECTORATE TO INCLUDE  
FORMULATION AND IMPLEMENTATION OF POLICIES TO ERADICATE ALL  
FORMS OF DISCRIMINATION AGAINST JOB SEEKERS ON GROUNDS OF AGE  
OR ON OTHER GROUNDS AND FOR RELATED MATTERS

*Sponsored by Hon. Sergius Oseasochie Ogun*

[ ] Commencement

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

- |   |   |   |
|---|---|---|
| 1 | <b>1.</b> The National Directorate of Employment Act, Cap.N28, Laws           | Amendment of<br>the National<br>Directorate of<br>Employment Act,<br>Cap. N28, LFN,<br>2004 |
| 2 | of the Federation of Nigeria, 2004 (in this Bill referred to as the Principal |   |
| 3 | Act) is hereby amended as set out in this Bill.                               |   |
| 4 | <b>2.</b> Section 2 of the Principal Act is amended by inserting a new        | Amendment of<br>Section 2   |
| 5 | paragraph (e) immediately after paragraph (d) as follows:                     |   |
| 6 | ‘formulate and implement policies to eradicate all forms of discrimination    |   |
| 7 | against job seekers on grounds of age or on other grounds".                   |   |
| 8 | <b>3.</b> This Bill may be cited as the National Directorate of               | Citation  |
| 9 | Employment Act (Amendment) Bill, 2021.  |   |

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Directorate of Employment Act  
Cap.N28 Laws of the Federation of Nigeria (LFN) 2004, to expand the  
scope of objectives of the Directorate, to include formulation and  
implementation of policies to eradicate all forms of discrimination against  
job seekers on grounds of age or on other grounds.



# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL BROADCASTING COMMISSION ACT TO PROVIDE FOR COMPETITION IN NIGERIA TO PROMOTE EFFICIENCY AND EXPAND OPPORTUNITIES FOR NIGERIAN PARTICIPATION IN WORLD MARKETS WHILE AT THE SAME TIME RECOGNIZING THE ROLE OF FOREIGN COMPETITION IN NIGERIA AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Kolapo Korede Osunsanya*

[ ] Commencement

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

3 1. The National Broadcasting Commission Act (in this Act  
4 referred to as "The Principal Act") is hereby amended asset out hereunder. Amendment of  
National  
Broadcasting  
Commission Act

5 2. Section 2 subsections 1 of the Principal Act is hereby amended Amendment of  
Section 2  
6 by deleting existing paragraph u and inserting new paragraphs (u) (v) and  
7 (w) as follows:

8 (u) Maintaining and promoting fair and efficient market conduct  
9 and effective competition in the broadcast industry in Nigeria, or, in the  
10 absence of a competitive market, to prevent the misuse of monopoly or  
11 market power or anti-competitive and unfair practices by other broadcasters  
12 or facilities providers or equipment suppliers in the broadcast industry;

13 (v) developing codes of practice relating to content acquisition,  
14 sharing of content rights for rebroadcasting and technical standards for  
15 media services; and to standards of fair market conduct in any media  
16 industry, and monitor compliance with such codes;

17 (w) carrying out such other activities as are necessary 'or expedient  
18 for the full discharge of all or any of the functions conferred on it under or  
19 pursuant to this Act.

Insertion of a  
new section 13A

1                   3. The Principal Act hereby amended by inserting new section 13A as  
2 follows:

3                   13A. COMPETITION:

4                   (1) The Commission shall within 90 days of the coming-into force of  
5 this amendment, by publication in the National Broadcasting Code, issue one  
6 or more codes of practice and standards of performance for all or any of the  
7 following purposes:

8                   (a) To maintain fair market conduct and competition in any media  
9 industry in Nigeria;

10                  (b) To safeguard the interests of consumers of media services and of  
11 the public generally;

12                  (c) To provide guidance in relation to the operation of any provision of  
13 this Part;

14                  (d) For the regulation of activities and conduct in any media industry,  
15 and for matters connected therewith;

16                  (e) Generally for carrying out the purposes and provisions of this Part  
17 and for the due administration thereof.

18                  (2) The code of practice may, in particular specify the duties and  
19 obligations of any person, corporate entity or broadcaster in relation to its  
20 business operations in any media industry; and provide for such fees or charges  
21 as may be payable to the Commission in relation to any application or request  
22 made to it.

23                  (3) The Commission may, at any time, by publication in the National  
24 Broadcasting Code, add to, vary or revoke any code of practice,

25                  (4) A licensee shall immediately after the coming into force of this  
26 Amendment be prohibited from entering into any form of a agreement contract  
27 concerted practices or take any decision which have as their object and  
28 intendment the prevention, restriction or distortion. of competition in, or in any  
29 part of, the media and broadcasting industry in Nigeria: and for this purpose no  
30 licensee shall enter into any form of broadcasting right either in Nigeria or



1 anywhere in the world to acquire any broadcasting, right(s) to the exclusion  
2 of any other person in Nigeria.

3 (5) An agreement or a decision which is prohibited by subsection 4  
4 is void.

5 (6) The Commission may from time to time publish guidelines or  
6 regulations which clarify the meaning of "agreement, decisions or concerted  
7 practices, which have as their object or intendment. the prevention,  
8 restriction or distortion of competition" in the Nigerian broadcast industry  
9 and such guidelines or regulations may include but shall not be limited to  
10 references to:

11 (a) the relevant economic market;

12 (b) global trends in the relevant market;

13 (c) the impact of the conduct on the number of competitors in a  
14 market and their market shares;

15 (d) the impact of the conduct on barriers to entry into the market

16 (e) the impact of the conduct on the range of services in the market;

17 (f) the impact of the conduct on the cost and profit structures in the  
18 market; and

19 (g) any other matters which the Commission is satisfied are  
20 relevant.

21 (7) The Commission shall in a code of practice, publish guidelines  
22 and regulations which clarify how it shall apply the test of "dominant  
23 .position" to persons, corporate entities, affiliated companies and/or  
24 licensees; and the guidelines and regulations in subsection (6) of this section  
25 may specify the matters which the Commission may take into account,  
26 including but not limited to:

27 (a) the relevant economic market;

28 (b) global technology and commercial trends affecting market  
29 power;

30 (c) the market share of the licensee;

- 1 (d) the licensee's power to make independent rate setting decisions;
- 2 (e) the degree of product or service differentiation and sales
- 3 promotion in the market; and
- 4 (f) any other matter which the commission is satisfied is relevant.
- 5 (8) The Commission shall have the power to direct a licensee in a
- 6 dominant position in the broadcast industry to cease a conduct in that market
- 7 which has or may have the effect of substantially preventing, restricting and/or
- 8 distorting competition in the" broadcast industry and to implement appropriate
- 9 penalties and/or remedies.
- 10 (9) The Commission shall in a code of practice, prohibit any conduct
- 11 on the part of one or more persons, corporate entities, affiliated companies,
- 12 subsidiaries and/or Broadcaster(s) which amounts to the abuse of a dominant
- 13 position in, or in any part of, any media industry in Nigeria if in its discretion, it
- 14 may or would adversely hinder the maintenance and preservation of
- 15 competition in any media industry in Nigeria.
- 16 (10) For the purposes of this section, the Commission shall have the
- 17 obligation, a code of practice, to specify the Broadcaster(s) whom it considers
- 18 to have a dominant or non- dominant position in, or in any part of, any media
- 19 industry in Nigeria.
- 20 (11) The Commission shall also have the power to compel any
- 21 licensee or broadcaster in the broadcast industry to license its broadcast and/or
- 22 signal rights in any genre of programme(s) being broadcast in Nigeria if the
- 23 following circumstances are present:
- 24 (a) If the genre of programme(s) enjoys compelling viewership by
- 25 50% of Nigerians or more;
- 26 (b) it relates to a product or service that is objectively necessary to be
- 27 able to compete effectively on a downstream market;
- 28 (c) it is likely to lead to the elimination of effective competition on the
- 29 downstream market;
- 30 (d) and the refusal is likely to lead to consumer deprivation.

1           (12) The Commission in invoking its powers under subsection (12)  
2       of this section will make an assessment whether competitors can create an  
3       alternative source of efficient supply, which would be capable to be disposed  
4       in the downstream market.

5           (13) The power of the Commission to compel compliance herein,  
6       shall be binding on all persons, corporate entities, affiliated companies  
7       and/or Broadcaster(s) irrespective of contracts executed with right owners  
8       to the contrary.

9           (14) The Commission shall in a code of practice, publish  
10      guidelines and regulations which regulate the conduct of persons, corporate  
11      entities, affiliated companies, subsidiaries and/or Broadcaster(s) if the  
12      Commission concludes that the prior or proposed action(s) of the foregoing:

13          (a) is likely or shall cause substantial restraint of competition or  
14      tend to create monopoly in any line of business enterprise;

15          (b) the use of such shares by voting or granting proxies or  
16      otherwise shall not cause substantial restraint of competition or tend to  
17      create monopoly in any line of business enterprise.

18           (15) The Commission shall conduct an investigation if there are  
19      reasonable grounds for suspecting that any provision of this Part or of any  
20      code of practice has been infringed or upon the petition of a broadcaster or  
21      concerned person.

22           (16) Where, following an investigation conducted under this  
23      section, the Commission considers that any provision of this Part or of any  
24      code of practice has been infringed and the Commission proposes to make a  
25      direction thereto, the Commission shall:

26          (a) give written notice to the person likely to be affected by such  
27      direction; and

28          (b) give such person an opportunity to make representations to the  
29      Commission.

30           (17) Without prejudice to the generality of the foregoing

1 provisions, if the Commission is satisfied that any person is infringing, likely to  
2 infringe or has infringed any provision of this Part or of any code of practice,  
3 the Commission may, in writing take one or more of the following actions:

4 (a) direct one or more persons, corporate entities, affiliated  
5 companies, subsidiaries and/or broadcaster(s) to comply with that provision or  
6 cease infringing that provision;

7 (b) specify any procedure or action to be observed or taken by that  
8 person;

9 (c).impose such other direction or restriction as the Commission  
10 considers appropriate;

11 (d) require that person to modify or terminate any agreement,  
12 decision or concerted practice;

13 (e) require that person to modify or cease any conduct in question; and

14 (18) Provided that if the infringement relate to any act or deed to  
15 overtly or covertly prevent or restrict any other person from entering into the  
16 market or obtaining a broadcasting right thereby preventing competition in  
17 Nigeria, any licensee, broadcaster or person if after investigation is liable shall  
18 be liable to a fine of at least N10,000,000 (Ten Million Naira) in addition or  
19 apart from any of the requirement under Section 18 above.

20 (19) This Part shall apply to all-individuals, whether resident in  
21 Nigeria or not and whether citizens of Nigeria or not, and to all bodies  
22 corporate or unincorporate, whether incorporated or carrying on business in  
23 Nigeria or not; provided they are engaged in broadcasting in Nigeria or the  
24 owners/exclusive licensees of content and programmes to be broadcast in  
25 Nigeria or the operators technical or other services for broadcast in Nigeria.

26 4. The Principal Act is amended by deleting the existing section 26  
27 and substituting same with a new section 26 as follows:

Interpretation

28 5. In this Act, unless the context otherwise requires:

29 "chairman" means the chairman of the Commission;

30 "Commission" means the National Broadcasting Commission established by

- 1 section 1 of this Act;
- 2 "member" means a member of the Commission and includes the chairman;
- 3 "Minimum Qualifying Criteria" means the minimum requirements that
- 4 must be satisfied by a potential purchaser requesting supply under this
- 5 section, which may include requirements relating to:
- 6 (a) bank Guarantee;
- 7 (b) technical standards for retail provision of content;
- 8 (c) technical standards for securing wholesale supply of content;
- 9 and
- 10 (d) encryption and security;
- 11 "Minister" means the Minister charged with responsibility for information;
- 12 and
- 13 "Ministry" shall be construed accordingly;
- 14 "person, company and/or Broadcaster" is in a dominant position when, in
- 15 the opinion of the Commission, that Broadcaster is able to act without
- 16 significant competitive restraint from its competitors;
- 17 "secretary" means the secretary to the Commission;
- 18 "station" means a place or organisation established for the purpose of
- 19 distribution of radio or television programmes to the public through wireless
- 20 or cable means;
- 21 "Stipulated Prices" shall mean a sum not exceeding N4,000.00 (Four
- 22 Thousand Naira) per subscriber per month, and applies to the wholesale
- 23 charge for the programme and/or channel where all the sports, movie and
- 24 News programme and/or channels is taken as an aggregate and offered on a
- 25 stand-alone basis;
- 26 "Subscription Platform" means any method of electronically transmitting
- 27 audio-visual images via a closed circuit encrypted platform such as
- 28 including but not limited to Direct to Home, Cable, DTT, IPTV and Mobile
- 29 Technologies used for the distribution of programmes to subscriber for
- 30 reception and viewing in Nigeria upon the payment of a fee, other than a

- 
- Short title      1      platform operated solely by the Licensee.
- 2      **5.** This Bill may be cited as the National Broadcasting Commission  
(Amendment) Bill, 2021.

EXPLANATORY NOTES

This Bill seeks to encourage competition in the Nigeria broadcasting industry in order to expand opportunities for Nigerian participation in world markets while at the same time recognizing the role of foreign competition in Nigeria thereby providing consumers with competitive prices and product choices.