

*Extraordinary*



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FIRE AND EMERGENCY SERVICE BILL, 2021

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# A BILL

## FOR

AN ACT TO REPEAL THE FIRE SERVICE ACT CAP. F29 LAWS OF THE  
FEDERATION OF NIGERIA, 2004, AND ENACT THE FIRE AND EMERGENCY  
SERVICE ACT 2021 TO PROVIDE FOR ADDITIONAL POWERS FOR EFFECTIVE  
SERVICE DELIVERY; AND FOR RELATED MATTERS

*Sponsored by Hon. Adejoro Adeogun*

[ ] Commencement

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

### 1 PART I - ORGANISATION AND ADMINISTRATION

2 **1.** There is established a Federal Fire and Emergency Service (in  
3 this Bill referred to as the "Fire and Emergency Service".

Establishment  
of the Fire and  
Emergency Service

4 **2.** The Fire and Emergency Service shall be employed for the  
5 extinguishment, control and prevention of fire, accident and flood rescue,  
6 saving and protection of life and property and for such other humanitarian  
7 works as may be required of them under this Bill

Duties of the Fire  
and Emergency  
Service

8 **3.** The Fire and Emergency Service shall consist of a Federal Fire  
9 and Emergency Chief (in this Bill referred to as the "Fire and Emergency  
10 Chief"), and other officers and firemen of such ranks as may be appointed by  
11 the Federal Civil Service Commission established under section . . . of the  
12 Constitution (in this Bill referred to as the Commission).

Constitution of  
the Fire and  
Emergency Service

### 13 FEDERAL FIRE AND EMERGENCY CHIEF

14 **4.-(1)** The Fire and Emergency Service shall be under the  
15 command of the Fire and Emergency Chief who shall be responsible for the  
16 efficient administration and government of the Fire and Emergency Service.

Responsibility of  
the Fire and  
Emergency Chief  
and delegation of  
powers

17 (2) Any power conferred and any duty imposed on the Fire and Emergency  
18 Chief may, in the absence of the Fire and Emergency Chief at any time, be  
19 exercised or performed by any member of the Fire and Emergency Service

Provisions of  
equipment,  
training and  
inspection of  
building

1 authorised generally or specifically in that behalf by the Fire and Emergency  
2 Chief for the Minister.

3 5. The Minister shall make provisions for fire-fighting,' fire  
4 prevention, accident and flood rescue, alleviation of distress. and in particular,  
5 may secure-

6 (a) the service of such fire, accident and rescue equipment as may be  
7 necessary and practicable to meet efficiently all normal requirements;

8 (b) the efficient training of members of the Fire and Emergency  
9 Service;

10 (c) efficient arrangements for dealing with calls for the assistance of  
11 the Fire and Emergency Service in case of fire or other emergency;

12 (d) efficient arrangements for obtaining by inspection or otherwise  
13 information required for fire-fighting and fire prevention purposes with  
14 respect to the character of buildings and other property, available water  
15 supplies and means of access, and other material circumstances and-

16 (i) for the purposes of such arrangements any member of the Fire and  
17 Emergency Service shall be empowered to enter any building or other property  
18 at all reasonable hours if authorised to do so in writing by the Fire and  
19 Emergency Chief,

20 (ii) if any member of the Fire and Emergency Service so authorised,  
21 as required by subparagraph (i) to enter any building or other property is  
22 refused admission, the court, on the ex parte application of the Fire and  
23 Emergency Chief or the member so authorised, may order the person having  
24 custody of the building or other property to admit the member,

25 (iii) any such court order shall continue in force until the purpose for  
26 which the entry was necessary have been fulfilled;

27 (e) efficient arrangements for the giving of fire prevention and flood  
28 control worthiness certificates in respect of buildings and other property as to  
29 fire and flood prevention or the restriction of the spread of fire or flood, and as  
30 to means of escape in case of fire or flood.

## Powers of the Minister

25                   7. Every fireman shall, on appointment, be enlisted to serve in the  
26       Fire and Emergency Service for five years or for such other period as may be  
27       fixed by the Commission to be reckoned in all cases from the day on which  
28       the fireman had been approved for service and taken on to the strength.

## Enlistment

Re-engagemnt

1 approval, re-engage to serve for a further period of five years and may similarly  
2 re-engage for a second period of five years, and may thereafter similarly re-  
3 engage either to serve until the expiration of a third period of five years or until  
4 he reaches the age of 60 years (whichever is earlier).

5 (2) Upon completion of such third period of five years, the fireman  
6 may, with the prescribed approval of the Commission, continue in the Fire and  
7 Emergency Service in the same manner in all respects as if his term of service  
8 were still unexpired, except that he may be discharged or may claim a discharge  
9 upon six months prescribed notice being given to or by him; or, if he has re-  
10 engaged, until reaching the age of 60 years then upon reaching such age, shall  
11 retire or be given the approved notice with pension, annual allowance or  
12 gratuity, as the case maybe.

13 (3) The prescribed approval referred to in subsections (1) and (2) shall  
14 be that of the Commission or of any member of the Fire and Emergency Service  
15 to whom the Commission has delegated the power to give such approval, and  
16 the prescribed notice referred to in subsection (2) of this section shall be given  
17 by or to the Commission or by or to any member of the Fire and Emergency  
18 Service to whom the Commission has duly delegated the power of giving or  
19 receiving such notice.

20 (4) Where a fireman offers to re-engage within six months after  
21 having received his discharge he shall, if his offer of service is accepted, on re-  
22 engagement be entitled to the rank which he was holding at the time of his  
23 discharge, provided there is a vacancy in the Fire and Emergency Service of  
24 that rank at the time he re-engages.

25 (5) Where however, no vacancy exists in the Fire and Emergency  
26 Service of the rank at that time as in subsection (4), he may be appointed to the  
27 nearest lower rank in the Fire and Emergency Service of which a vacancy exists  
28 and he shall be entitled to promotion to the rank he was holding at the time of  
29 his discharge as soon after his re-engagement as a vacancy arises in the Fire and  
30 Emergency Service of that rank.



1 (6) The service of a fireman who has re-engaged under this section  
2 shall be deemed to be continuous for the purposes of pension, annual.  
3 allowance or gratuity, as the case may be, the fireman being regarded as on  
4 leave without pay during the period between discharge and re-engagement.

5 (7) No fireman may apply for re-engagement after a period of six  
6 months has elapsed since his discharge, but a fireman may be permitted to  
7 re-enlist subsequent to that period if his offer of service is accepted.

8 (8) The question of the reinstatement of a re-enlisted fireman to the  
9 rank he held prior to his discharge shall be decided by the Fire and  
10 Emergency Chief.

11 (9) Any fireman whose term of service expires during the  
12 declaration of a state of emergency, insurrection, or hostilities, may be  
13 compulsorily retained and his service prolonged for such period, not  
14 exceeding 12 months, as the Commission may direct.

15 (10) Subject to the provisions of the Pensions Reform Act and No. 4, 2014  
16 subsection (2) of this section, a fireman shall not resign or withdraw himself  
17 from his duties without the approval of the Commission or of any member of  
18 the Fire and Emergency Service to whom the Commission has delegated the  
19 power to give such approval,

20 (11) For the purposes of this section, the term "a state of The 1999  
21 emergency" has the same meaning as it has in section 305 of the Constitution  
22 Constitution.

23 9.-(1) Any police officer who is a member of a Police Fire Brigade  
24 established under the Police Act shall, after confirmation of his  
25 appointment, declare in writing whether or not he elects to transfer to the  
26 Fire and Emergency Service, and if he so elects to transfer, may with the  
27 approval of the Fire and Emergency Chief, and with the consent of the  
28 Inspector General of Police, the Police Service Commission and the  
29 Commission be transferred from the Nigeria Police Force to the Fire and  
30 Emergency Service.

Transfer of Police  
officers to the Fire  
and Emergency  
Service

Cap. P19 LFN,  
2004

1 (2) For the purpose of this Bill, the length of service in the Nigeria  
2 Police Force of a transferred police officer is deemed to be the length of service  
3 in the Fire and Emergency Service.

4 (3) The conditions, of service of any such transferred police officer  
5 shall not, during the period in which he retains the rank in the Fire and  
6 Emergency Service to which he was initially appointed at the date of his  
7 transfer, be altered or amended in such a manner or to such an extent as to  
8 render such conditions of service less advantageous to the said transferred  
9 police officer than they would have been should he have not so transferred and  
10 have remained a member of the Nigeria Police Force under the conditions of  
11 service applicable to police officers, under the Police Act, at the date of his  
12 transfer to the Fire Services.

13 (4) Whether any alteration of or amendment to the conditions of  
14 service of the Fire and Emergency Service constitutes an infringement of  
15 subsection (3) shall be determined by the Commission.

16 (5) If the Commission determines that an alteration of or amendment  
17 to the conditions of service constitutes an infringement of subsection (3) the  
18 Commission shall, as soon as is convenient, notify the Fire and Emergency  
19 Chief of their decision and the Fire and Emergency Chief shall give notice in  
20 writing of such decision to each transferred police officer who is then serving in  
21 the rank to which he was initially appointed at the date of his transfer.

22 (6) Any such transferred police officer affected by such altered or  
23 amended conditions of service may, within one month from the date of his  
24 receipt of the notice from the Fire and Emergency Chief under subsection (5),  
25 elect to-

26 (a) accept the altered or amended conditions of service and continue  
27 to serve subject to conditions of service; or

28 (b) resign from the Fire and Emergency Service.

29 (7) In the event of a transferred police officer resigning from the Fire  
30 and Emergency Service under subsection (6) (b), the transferred police officer

1 shall, for the purposes of gratuity, annual allowance and pension under this  
2 Bill, be deemed to have completed the full term of his enlistment at the date  
3 of his resignation.

4 (8) For the purpose of this section the words "transferred police  
5 officer" mean a member of the Nigeria Police Force who has transferred to  
6 the Fire and Emergency Service under subsection (1).

7 PART II - GRATUITIES, ANNUAL ALLOWANCES AND PENSIONS

8 10.-(1) Members of the Fire and Emergency Service of or above  
9 the rank of Leading Fireman who are pensionable under the Pensions  
10 Reform Act, if promoted or re-appointed to such pensionable rank after the  
11 expiration of their initial period of enlistment, shall be deemed to be  
12 confirmed with effect from the date of such promotion or re-appointment.

Pension, gratuities  
and annual allowance

13 (2) Subject to this section, there shall be paid to a fireman on  
14 discharge after continuous good service extending over a period not less  
15 than five years a gratuity calculated at a rate of one-half of a month's pay at  
16 the rate pertaining at the date of discharge for each completed year of  
17 service, and in addition he may be granted the following retirement benefits-

18 (a) on completion of 10 or more years continuous service-

19 (i) subject to his having reached the age of 60 years or being  
20 required to retire on medical grounds, an annual allowance calculated at one  
21 nine hundred and sixtieth of this annual emolument at the date of retirement  
22 for each completed month of service; or

23 (ii) a gratuity calculated at one twentieth of a month's pay for each  
24 completed month of service.

25 (b) on completion of 10 years less than 15 years continuous service  
26 a gratuity calculated at one twentieth of a month's pay for each completed  
27 month of service.

28 (3) Where a fireman has rendered at least 25 years good service and  
29 has attained the age of 60 years but whose service has not been continuous,  
30 the Minister may, on the recommendation of the Fire and Emergency Chief,

1     treat such service, for the purpose of calculation of the annual allowance and  
2     gratuity for which the fireman might otherwise have been eligible under  
3     subsection (2) on final discharge, as continuous service, provided that-

4             (a) there shall be deducted from any gratuity so granted any sum  
5     previously paid to the fireman by way of gratuity; and

6             (b) any annual allowance previously granted under subsection (2)  
7     shall have been suspended during such further period of service.

8             (4) Where the service of a fireman has not been such as to justify the  
9     payment of the full annual allowance and gratuity on discharge for which he  
10    would otherwise have been eligible, the Minister may, on the recommendation  
11    of the Fire and Emergency Chief, approve the award of such reduced annual  
12    allowance and gratuity as he may think fit.

13            (5) Where a fireman has completed more than 10 years continuous  
14    service and is discharged as unfit for further services or on reduction of  
15    establishment; the fireman shall receive on discharge such proportion as Fire  
16    and Emergency Chief may think just of the annual allowance and gratuities for  
17    which the fireman would otherwise have been eligible had he attained the age  
18    of 60 years at the date of his discharge.

19            (6) Where a fireman who has completed more than five years  
20    continuous service dies while serving in the Fire and Emergency Service, the  
21    gratuity for which he would have been otherwise eligible under this section  
22    shall be calculated to the date of death and Fire and Emergency Chief may  
23    cause the gratuity to be paid to or for the benefit of the dependants or next-of-  
24    kin of the fireman, and if the gratuity is paid to or for the benefit of more than  
25    one person, in such proportion as Fire and Emergency Chief may think fit.

26            (7) Where a fireman dies while serving in the Fire and Emergency  
27    Service before he has completed five years continuous service, the Minister  
28    may, on the recommendation of the Fire and Emergency Chief, award gratuity  
29    calculated on the rate of pay pertaining at the date of the death of the fireman  
30    bearing such proportion to the gratuity for which he would otherwise have been

1 eligible had he completed 10 years of service at the said rate of pay as the  
2 number of years of actual service bears to 10 years and where such gratuity is  
3 awarded the provisions for the payment of gratuities under subsection (6)  
4 shall apply to the payment of such gratuity.

5           11. If any person to whom annual allowance or pension has been  
6 granted under this Bill is convicted by any court in the Federation of Nigeria  
7 and sentenced to death, penal servitude or any other form of imprisonment  
8 with hard labour for a period not less than three months, such annual  
9 allowance of pension shall cease from the date of conviction: Provided that-

Loss of annual  
allowance or  
pension on  
conviction

10           (a) if the conviction is before a Customary or Area court in Nigeria,  
11 such annual allowance shall not cease unless the offence for which the  
12 sentence was imposed is an offence punishable under the general Penal  
13 Code with death or imprisonment;

14           (b) where an annual allowance or' pension has ceased under this  
15 section, the Minister on the recommendation of the Fire and Emergency  
16 Chief may direct all or any part of the money, to which the person to whom  
17 such conviction relates would have been entitled by way of annual  
18 allowance or pension, to be paid to or applied for the maintenance and  
19 personal support and benefit of all or any; to the exclusion of the other or  
20 others, of any wife, child or children of such person, in such proportion and  
21 manner as the Minister on the recommendation of the Fire and Emergency  
22 Chief deems proper and such money shall be paid or applied accordingly;

23           (c) where an annual allowance or pension has ceased under this  
24 section the Minister on the recommendation of the of the Fire and  
25 Emergency Chief may, on the expiration of a sentence of penal servitude or  
26 imprisonment or in the case of a sentence of death on the expiration of any  
27 sentence of penal servitude or imprisonment substituted for it, direct that the  
28 annual allowance, or pension or part of it be restored to the person to whom  
29 the conviction relates;

30           (d) if after the conviction a person whose annual allowance or

Pension in case  
of incapacity

1 pension has ceased under this section is granted a free pardon, such annual  
2 allowance or pension shall be restored with effect from the date of conviction  
3 but in determining whether arrears of such allowance of pension are payable to  
4 such person and in computing the amount, account shall be taken of all the  
5 money paid or applied under paragraphs (b) or (c).

6 **12.-(1)** Where a fireman has been permanently incapacitated by an  
7 injury sustained or sickness contracted-

8 (a) in the actual discharge of his duty;

9 (b) without his own default; and

10 (c) on account of circumstances specifically attributable to the nature  
11 of his duty, and his discharge is thereby necessitated or materially accelerated,  
12 any annual allowance or gratuity granted to him under this Bill may be  
13 supplemented by a pension based on the proportions of his annual rate of pay at  
14 the date of his injury provided under subsection (2).

15 (2) When his capacity to contribute to his support is-

16 slightly impaired..... five-sixtieths

17 impaired ..... ten-sixtieths

18 materially impaired ..... fifteen-sixtieths

19 totally destroyed ..... twenty-sixtieths

20 Provided that-

21 (a) the amount of such pension may be reduced to such an extent as the  
22 Minister thinks reasonable where the injury or sickness is not the sole cause of  
23 discharge or where the fireman so incapacitated has continued to serve for not  
24 less than one year after sustaining the injury or contracting the sickness in  
25 respect of which he receives his discharge; and (b) the annual value of his  
26 combined annual allowance and pension shall not exceed fifty-sixtieths of his  
27 annual rate of pay at the date he sustained the injury or contracted the sickness.

Pensions and  
gratuities on  
death

28 **13.-(1)** Where a fireman who has completed more than five years  
29 continuous service dies while serving in the Fire and Emergency Service, the  
30 Minister on the recommendation of the Fire and Emergency Chief may grant to

1 his estate or to any person being a relative or dependant of such fireman, in  
2 addition to any other gratuity payable under section 10, a sum not exceeding  
3 one year's pay.

4 (2) The Minister on the recommendation of the Fire and  
5 Emergency Chief may direct that any sum so awarded be paid to or applied  
6 for the maintenance and personal support and benefit of all or any, to the  
7 exclusion of the other or others, of the following persons, namely, any wife,  
8 child, children, relative or dependant of the fireman in such manner as the  
9 Minister on the recommendation of the Fire and Emergency Chief, may  
10 deem just.

11 (3) If a fireman dies as a result of injuries received in the execution  
12 of his duty or is killed on duty, the Minister shall, on the recommendation of  
13 the Fire and Emergency Chief grant in addition to the award provided for in  
14 sub-section (1), the pensions set out in this subsection, that is to say -

15 (a) if such fireman leaves a widow or widows, a pension to her or  
16 divided equally between them whilst unmarried and of good character at a  
17 rate not exceeding ten-sixtieths of his pay or N30 a year whichever is the  
18 greater;

19 (b) if such fireman leaves a widow or widows, to whom a pension is  
20 granted under paragraph (a) and a child or children, a pension in respect of  
21 each child until such child reaches the age of 21 years, of an amount not  
22 exceeding one-eighth of the pension prescribed under paragraph (a);

23 (c) if such fireman leaves a child or children but does not leave a  
24 widow, or leaves a child or children and a widow or widows to whom no  
25 pension under paragraph (a) has been granted, then a pension in respect of  
26 each child of double the amount prescribed in paragraph (b), until such child  
27 attains the age of 21 years;

28 (d) if such fireman leaves a child or children and a widow to whom  
29 a pension is granted under paragraph (a) and the widow subsequently dies, a  
30 pension of double the amount prescribed in paragraph (b) in respect of each

1 child as from the date of the death of the widow until such child attains the  
2 age of 21 years;

3 (e) if such fireman does not leave a widow, or if no pension is  
4 granted to his widow, and if his mother was wholly or mainly dependent on  
5 him for support, a pension to the mother while of good character and without  
6 adequate means of support, of an amount not exceeding the pension which  
7 might have been granted to his widow:

8 Provided that-

9 (i) all such pensions shall be in the discretion of the Minister acting  
10 on the recommendation of the Fire and Emergency Chief and any pension so  
11 granted shall cease if at any time the Minister is satisfied that the person in  
12 respect of whom such pension has been granted is adequately provided with  
13 other means of support,

14 (ii) pensions shall not be payable under this paragraph at any time  
15 in respect of more than six children,

16 (iii) a pension granted to a female child under this paragraph shall  
17 cease upon the marriage of such child under the age of 21 years, and

18 (iv) if in any case it appears to the Minister acting on the  
19 recommendation of the Fire and Emergency Chief that it would be proper to  
20 do so having regard to the law or custom of any area, payment of the  
21 foregoing pensions may by his discretion be paid to such authority having  
22 jurisdiction in that area as he may specify, for disbursement in the interests of  
23 the persons entitled under this subsection.

24 (4) If any fireman proceeding by a route approved by the Minister,  
25 acting on the recommendation of the Fire and Emergency Chief, at the  
26 commencement or termination of his service or of a period of leave, dies as a  
27 result of damage to any vessel, vehicle or aircraft in which he is travelling,  
28 or of any act of violence directed against such vessel, vehicle or aircraft, and  
29 the Minister, acting on the recommendation of the Fire and Emergency  
30 Chief, is satisfied that such damage or act is attributable to circumstances



1 arising out of any war in which Nigeria may be engaged, such fireman shall  
2 be deemed for the purposes of this section to have died under the  
3 circumstances described in subsection (3).

4 (5) For the purpose of this section, the word "child" includes-

5 (a) a posthumous child; and

6 (b) a step-child or illegitimate child born before the date of the  
7 injury or death and wholly or mainly dependent on the deceased fireman for  
8 support.

9 PART III - FIREFIGHTING, FIRE PREVENTION, ACCIDENT AND

10 FLOOD RESCUE AND OTHER SERVICES

11 14. The Minister shall take all reasonable measures for ensuring  
12 the provision of adequate supply of water and small water rescue vessels,  
13 and for securing that they would be available for use, in case of fire or flood  
14 and may make regulations for-

Provision of  
water supply,  
small water rescue  
vessels and  
regulations

15 (a) securing on such terms as to payment or otherwise as may be  
16 specified that an adequate supply of water and small water rescue vessels  
17 will be available to the Fire and Emergency Service in case of fire or flood;

18 (b) the provision of such additional supply of water and small water  
19 rescue vessels for the Fire and Emergency Service as may be necessary from  
20 time to time;

21 (c) the provision at the expense of the Fire and Emergency Service  
22 of fire hydrants or other sources of the supply of water at points to be  
23 indicated by the Fire and Emergency Chief,

24 (d) the provision at the expense of the Fire and Emergency Service  
25 of distinguishing marks denoting the situation of each fire hydrant or other  
26 supply of water to which distinguishing marks may be placed or erected  
27 upon, or adjoining any street or public place;

28 (e) providing for uniformity in fire hydrants and other sources of  
29 water supply, the distinguishing marks denoting the location of such fire  
30 hydrants or other sources of water supply and the positions where such

1 distinguishing marks are to be placed;

2 (f) for the regulation of the pressure of water available from such fire  
3 hydrants or other sources of water supply, and for the provision at the expense  
4 of the Fire Service of such auxiliary pumping plant and equipment as may be  
5 necessary; or

6 (g) for the provision of prior notice from the Water Supply Authority  
7 to the Fire Service of any proposed installation of new main water pipes, or of  
8 the carrying out of major alterations to any existing main pipes; together with  
9 details, plan and other information of the proposed works.

Regulations

10 **15.-(1)** Save as provided under section 14, the Minister may make  
11 regulations-

12 (a) on the recommendation of the Fire and Emergency Chief with  
13 respect to-

14 (i) the organisation and administration of the Fire and Emergency  
15 Service,

16 (ii) appointments to the Fire and Emergency Service and to its offices,

17 (iii) the training of members of the Fire and Emergency Service, and

18 (iv) the promotion, transfer, dismissal and disciplinary control of  
19 members of the Fire and Emergency Service;

20 (b) setting out of the scales of charges permitted under section 23 (2),  
21 for services rendered by the Fire and Emergency Service;

22 (c) with respect to the administration of the Fire and Emergency  
23 Service Reward Fund established under the provisions of section 22;

24 (d) with respect to the prevention of fire or flood, the reduction of the  
25 risk of fire or flood and the safety of persons or animals in or near any building,  
26 or class of building, from fire and flood hazards; .

27 (e) with respect to the prohibition or control of the use, in the erection,  
28 alteration, improvement or repair of any building or structure, or materials  
29 deemed by the Minister to constitute a fire hazard; or of the use of any materials  
30 in the erection, alteration, improvement or repair of any building or other

1 structure which materials. because of the use or proposed use of the said  
2 building or other structure, or because of its location or proposed location or  
3 otherwise, the Minister thinks constitute a fire hazard;

4 (f) requiring owners of multiple dwellings, cinemas, theatres,  
5 office buildings and other buildings, structures or places to which the public  
6 resort to take such precautions as the Minister may specify for the safety  
7 against fire and flood hazards of the tenants, occupiers, invitees or other  
8 users of such buildings, structures, or places; and for this purpose the  
9 Minister may classify such buildings, structures or places into different  
10 categories, and each such category may be subject to different safety  
11 requirements; and the Minister may empower the Fire and Emergency Chief  
12 to limit the numbers of persons occupying or using such buildings,  
13 structures or places at any one time, and to require such owners to install  
14 such fire-fighting equipment of such standard as the Minister may prescribe  
15 and as the Fire and Emergency Chief may think necessary, and generally to  
16 regulate the user of such buildings, structures or places; so that at all times  
17 the tenants, occupiers, invitees, or users shall have free access to such fire-  
18 fighting equipment;

19 (g) prescribing the type of signals, audible or visual, to be used on  
20 fire-engines, mobile fire-fighting equipment and small water rescue vessels;

21 (h) relating to the establishment and good management of canteens  
22 and recreation rooms for the benefit of the Fire and Emergency Service; or,

23 (i) such other matters as the Minister thinks necessary or desirable  
24 to give effect to the provisions of this Bill.

25 (2) If any owner of a building, structure or place feels aggrieved by  
26 any regulation, requirement or classification made under subsection (1) (e)  
27 or (f), he may apply to the High Court for an order declaring the regulation  
28 unreasonable and therefore inapplicable to the said building, structure or  
29 place and the High Court shall have jurisdiction to hear and determine the  
30 application.

Standing orders	1	<b>16.</b> -(1) The Minister may make standing orders-
	2	(a) after consultation with the Commission with respect to any matter
	3	relating to the-
	4	(i) organisation and administration of the Fire and Emergency
	5	Service,
	6	(ii) appointments to the Fire and Emergency Service and to the
	7	promotion, transfer, discipline and control of members of the Fire and
	8	Emergency Service,
	9	(iii) the discipline and control of persons undergoing training under
	10	section 25, and
	11	(iv) the duties to be performed by members of the Fire and Emergency
	12	service and for their guidance in the discharge of those duties;
	13	(b) with respect to the description and issue of fire-fighting, fire
	14	prevention equipment, accident and flood rescue equipment, accoutrements,
	15	uniforms and other necessities to be supplied to the Fire and Emergency
	16	Service; or
	17	(c) with respect to the management and good government of fire and
	18	emergency stations, training schools, recreation centres and canteens.
	19	(2) Such standing orders shall be binding upon all members of the Fire
	20	and Emergency Service and on all persons under training but need not be
	21	published in the Federal Gazette.
Affixing of alarms	22	<b>17.</b> -(1) Any fire alarm, or any mark indicating the location of any fire
	23	hydrant or other water supply as required or prescribed by this Act may be
	24	affixed or placed upon any land, or other property for the purpose of this Act.
	25	(2) For the purpose of this section-
	26	"mark" includes any notice, tablet, plate, pillar, post or other distinguishing
Arrangements with State Governments for authorities and persons	27	mark; and
	28	"land" includes buildings walls or fences.
	29	<b>18.</b> -(1) The Minister, on the recommendation of the Fire and
	30	Emergency Chief, on such terms as to payment or otherwise as may be agreed,

1 may enter into arrangements with-

2 (a) the Government of any State, or any fire authority within the  
3 State which maintains a fire-fighting service; or

4 (b) any person who maintains a fire-fighting unit within a State, to  
5 secure the provision of assistance for the purpose of dealing with fires or  
6 other emergencies occurring in the State or to provide such State  
7 Government, fire authority or person assistance by the Fire and Emergency  
8 Service for the purpose of dealing with such fires or emergencies.

9 (2) No arrangement under subsection (1) (b) may be entered into by  
10 the Minister unless the Government of the State where the fire-fighting and  
11 emergency service or unit is maintained approves of such arrangement and  
12 agrees to indemnify the Fire and Emergency Service or its members against  
13 any damage for injury to person or property caused by any act or omission  
14 on their part during the course of such operations within that State.

15 **19.-(1)** If any major disaster occurs anywhere within the  
16 Federation of Nigeria and if either the fire authority or the Commissioner of  
17 Police for the State in which the said major disaster has occurred so requests;  
18 the Fire and Emergency Chief may, in his discretion, provide assistance by-

Major disaster  
and relief of  
distress in States

19 (a) utilising or lending, with or without compensation, to the State  
20 Government or fire authority, the equipment, supplies, facilities, personnel  
21 and other resources of the Fire and Emergency Service; and

22 (b) performing on public or private lands protective and other work  
23 essential for the preservation of life and property and the alleviation of  
24 suffering.

25 (2) The Government of the Federation shall not be liable for any  
26 claim based on the Fire Service's exercise or performance of any function or  
27 duty in carrying out the provision of this section.

28 (3) For the purposes of this section, "major disaster" means any  
29 flood, fire, hurricane, earthquake, storm or other catastrophe in any part of  
30 the Federation which in the determination of the local fire authority or of the

1 Commissioner of Police for the State is, or threatens to be, of sufficient severity  
2 and magnitude to warrant assistance by the Fire and Emergency Service to  
3 supplement the efforts and available resources of the fire authority and local  
4 fire-fighting services III alleviating the damage, hardship and suffering caused  
5 thereby.

6 PART IV - POWERS OF MEMBERS OF FIRE AND EMERGENCY SERVICE

Power of firemen  
and Police in  
extinguishing  
fires and regulations  
of traffic

7 **20.-(1)** The most senior member of the Fire and Emergency Service  
8 present at any fire shall have the sole charge and control of all operations for  
9 extinguishing the fire, including-

10 (a) the fixing of the positions of fire engines and apparatus, the  
11 attaching of hose to any water pipes, or the use of any water supply, and of the  
12 selection of the parts of the building, object, or place, where the fire is or of  
13 adjoining buildings, objects or places, against which the water is to be directed;  
14 and

15 (b) all other measures deemed by him to be necessary towards the  
16 extinguishing of the fire or the assistance of person or animals in distress by  
17 reason of such fire-fighting or fire prevention measures.

18 (2) The most senior police officer present at any fire or, in the absence  
19 of a police officer, the most senior officer of the Fire and Emergency Service  
20 present, may close to traffic any street or thoroughfare, or may stop or regulate  
21 the traffic thereon or may remove any person, including the owner or occupier  
22 of the property on fire, or of adjacent or neighbouring property, from the said  
23 street or thoroughfare if in the opinion of that officer it is necessary or desirable  
24 to do so for fire- fighting purpose.

25 (3) For the purpose of ensuring or expediting the free passage of any  
26 fire engine or other mobile fire-fighting equipment while proceeding to a fire,  
27 any member of the Fire and Emergency Service may stop or regulate the traffic  
28 on any street' or thoroughfare or may remove any person or vehicle from the  
29 said street or thoroughfare if, in his opinion, it is necessary or desirable to do so  
30 for the purpose of ensuring or expediting such free passage of the fire engine or

1 other mobile fire-fighting equipment.

2 (4) All persons and vehicles using any street or thoroughfare shall  
3 yield right of way to fire engines and other mobile fire-fighting equipment  
4 proceeding to a fire and operating and prescribed signal audible or visual  
5 and police officers, if present, shall give such assistance as may be necessary  
6 for the purpose.

7 **21.**-(1) Any member of the Fire and Emergency Service who is on  
8 duty or any member of a State or other fire authority or of a firefighting,  
9 accident or flood rescue unit who is acting within the Federal Capital  
10 Territory in pursuance of any arrangement entered into under sections 18, or  
11 any police officer, may, without the consent of the owner -

Right of members  
of Fire and  
Emergency Service  
to enter upon lands  
and injuries and  
damage when  
deemed injuries  
or damage by fire

12 (a) enter, and if necessary break into, any building or place in which  
13 a fire has, or is reasonably believed to have broken out;

14 (b) enter, and if necessary break into, any building or place, which  
15 he believes is necessary to enter for the purpose of protecting the building or  
16 place from fire or from acts done for fire-fighting purpose; or for the purpose  
17 of extinguishing a fire therein or any property adjacent to it;

18 (c) having entered such building or place, does an act therein as he  
19 may deem necessary for extinguishing any fire or for protecting such  
20 building or place or property adjacent to it or any property therein from fire  
21 or any act done for fire-fighting purpose;

22 (d) having entered such building or place, such acts in it as he may  
23 deem necessary for the protection, rescue or assistance of persons or  
24 animals;

25 (e) pull down any building or other structure, or destroy or remove  
26 any property, as he may deem necessary to extinguish or limit the spread of  
27 any fire; or

28 (f) take water from any source, without payment or other  
29 compensation, for the purpose of extinguishing or limiting the spread a fire.

30 (2) Any injury to person or damage to property caused by any

	1	member of the Fire and Emergency Service or any police officer while acting in
	2	the execution of his duties in the extinguishing of fires or in aid or assistance to
	3	persons or animals under the provisions of this Act shall be deemed to be
	4	injuries or damage by fire.
	5	PART V - MISCELLANEOUS PROVISIONS
Establishment of Fire and Emergency Service Reward Fund	6	<b>22.</b> -(1) There shall be established a Fire and Emergency Service
	7	Reward Fund (in this Bill referred to "the Fund").
	8	(2) There shall be paid into the Fund, all-
	9	(a) payments forfeited by members of the Fire and Emergency
	10	Service for offences against discipline; and
	11	(b) fines levied for assaults on members of the Fire and Emergency
	12	Service.
	13	(3) The Fund shall be applied and administered by the Fire and
	14	Emergency Chief in accordance with regulations made under section 15.
Charges for services of Fire and Emergency Service	15	<b>23.</b> -(1) No charge shall be made for any service rendered by the Fire
	16	and Emergency Service in extinguishing fires or in accident and flood rescue.
	17	(2) Charges may be made for services, other than extinguishing fires
	18	or accident and flood rescue rendered by the Fire and Emergency Service at
	19	rates to be prescribed.
	20	(3) Any such prescribed charge may be sued for and recovered in a
	21	court of competent jurisdiction in the Federation by the Fire and Emergency
	22	Chief in his official name with full costs of action from the person charged
	23	therewith as a debt to the Government of the Federation.
Fire and Emergency Service not to be used for suppressing civil disturbances	24	<b>24.</b> Save when expressly so authorised by the Minister or the Fire and
	25	Emergency Chief, the Fire and Emergency Service shall not be employed for
	26	the purpose of prevention, control or suppression of civil commotion, riot, or
	27	other civil disturbance.
Fire and Emergency Service training facilities available to non-members	28	<b>25.</b> Any person who is not a member of the Fire and Emergency
	29	Service may, with the approval of the Minister and on such terms as to payment
	30	or otherwise as may be prescribed, be admitted to all or part of such training in



1 fire-fighting, fire prevention, or accident and flood rescue as is established  
 2 under this Bill for the training of members of the Fire and Emergency  
 3 Service.

4 **26.** For the purpose of the Land use Act, fire-fighting and fire  
 5 prevention shall be deemed to be public purposes

Fire-fighting and  
 fire prevention  
 deemed to be  
 public purposes

6 **PART VI - OFFENCES**

7 **27.** Any person who contravenes or fails to comply with any of the  
 8 provisions of this Bill, or any regulation or requirement made under the Bill,  
 9 for which no other penalty is specifically provided commits an offence and  
 10 is, on summary conviction, liable to a fine N50, 000. 00 or imprisonment for  
 11 a term not more than six months or both.

Contravention  
 of the Bill or of  
 Regulations

12 **28.** Any person not being a member of the Fire and Emergency  
 13 Service who-

Impersonation  
 of members of  
 the Fire and  
 Emergency Service

14 (a) puts on or assumes, either in whole or in part, the dress, name,  
 15 designation or description of any member of the Fire and Emergency  
 16 Service;

17 (b) in any way pretends to be a member of the Fire and Emergency  
 18 Service;

19 (c) pretends to possess authority from or on behalf of the Fire and  
 20 Emergency Service for the purpose of obtaining admission into any building  
 21 or place; or

22 (d) does any act which the person is not by law entitled to do of his  
 23 own authority, commits an offence and on summary conviction is liable to a  
 24 fine of N200,000.00 or imprisonment for a term not more than two years or  
 25 both.

26 **29.** Any person who-

Obtaining  
 admission into  
 the Fire and  
 Emergency Service

27 (a) knowingly uses or attempts to pass off any forged or false  
 28 certificate, character, letter, or other document for the purpose of obtaining  
 29 admission into the Fire and Emergency Service; or

30 (b) on applying for admission into the Fire and Emergency Service,

	1	makes any false statement whether orally or in writing, commits an offence and
	2	on summary conviction is liable to a fine not more than one hundred thousand
	3	Naira or imprisonment for a term not more than 12 months or both; and, if he
	4	has been admitted to the Fire and Emergency Service, he shall further be liable
	5	to dismissal
Communication of confidential secret information	6	<b>30.-(1)</b> Any member of the Fire and Emergency Service who
	7	communicates or attempts to communicate any confidential or secret
	8	information obtained by him in the course of his duties as a member of the Fire
	9	and Emergency Service to any unauthorised person, commits an offence and
	10	on summary conviction is liable to a fine not more than N100,000.00 or
	11	imprisonment for a term not more than 12 months or both, and shall further be
	12	liable to dismissal from the Fire and Emergency Service.
	13	(2) For the purpose of this section, an "unauthorised person" means
	14	any person other than a person to whom a member of the Fire and Emergency
	15	Service is authorised by the Minister to communicate such information.
Obstruction and assault on members of the Fire and Emergency Service and obstruction of fire engines	16	<b>31.</b> Any person who-
	17	(a) willfully obstructs, interferes with, assaults or resists any member
	18	of the Fire and Emergency Service in the execution of his duty under this Bill or
	19	who aids, invites, induces or abets any other person to obstruct, interfere with,
	20	assault, or resist any such member of the Fire and Emergency Service, or any
	21	person aiding or assisting such member, in the execution of his duty under this
	22	Bill; or
	23	(b) willfully obstructs or delays the passage of any fire engine or other
	24	mobile fire-fighting or accident rescue equipment proceeding to a fire,
	25	commits an offence and on summary conviction is liable to a fine not more than
	26	N400,000.00 or imprisonment for a term of two years or both.
Failure to yield right of way to fire engines	27	<b>32.</b> Any person who fails to yield right of way to a fire engine or other
	28	mobile fire-fighting or accident rescue equipment as required by this Bill,
	29	commits an offence and on summary conviction is liable to a fine not more than
	30	N25,000.000 or imprisonment for a term not more than three month or both.

False alarm

Interference with  
fire-fighting,  
accident and flood  
rescue equipment

Contravention  
or failure to comply  
with regulations,  
in respect of building

(b) owner of land upon which a building is being erected, or who is the owner of a building which is being altered or repaired; or who is employed by the owner of the said land to erect a building on it or by the owner of a building to alter or repair the same whether under contract or otherwise; and who contravenes or fails to comply with any regulation or equipment prescribed or made under this Bill prohibiting, controlling or

1 limiting the use of certain specified materials in or about the erection, alteration  
2 or repair of the said building, commits an offence and is liable on summary  
3 conviction to a fine not more than N400,000.00 or imprisonment for a term not  
4 less than two years or both.

5 (2) upon conviction of any member of any building under subsection  
6 (1) (b), the Court may in its discretion order that the building be demolished, or  
7 that the materials be removed from the building at the expense of the owner  
8 without compensation.

9 (3) any demolition or removal order made under subsection (2) shall  
10 be executed by the convicted owner within the time decreed by the owner.

11 (4) for the purpose of this section, "building" includes any building,  
12 structure or place or any multiple dwelling.

13 PART VII - SAVINGS AND INTERPRETATION

Savings

14 **36.** Anything done or purported to have been done under the Fire  
15 Service Act Cap. F29, Laws of the Federation of Nigeria, 2004 remains valid,  
16 subject to the provisions of this Act.

Interpretation

17 **37.** In this Bill-

18 "Accident and Flood rescue equipment" includes small water rescue vessels  
19 and flood escape, as may be prescribed;

20 "Court" means the magistrates' court;

21 "fire authority" means any State or local authority or other body responsible  
22 under any law for the provision of fire-fighting or fire protection services in any  
23 State or part of a State;

24 "fire engine" means any vehicle used for the carriage of members of the Fire  
25 Service or of fire-fighting or rescue equipment;

26 "fire-fighting equipment" includes fire extinguishers, fire escapes, emergency  
27 exits and other such means of firefighting, fire-prevention and escape, as may  
28 be prescribed;

29 "fire-fighting unit" means fire-fighting personnel and mobile fire-fighting  
30 equipment maintained as such by any person other than a fire authority for use

- 1 in the fighting-; and prevention of fires on such person's property;
- 2 "fireman" means any member of the Fire and Emergency Service of or
- 3 below the rank of sub-officer; and
- 4 "Fire Service" means the Federal Fire and Emergency Service established
- 5 under this Bill;
- 6 "Mobile fire-fighting equipment" means any fire-fighting equipment, not
- 7 being a fire engine, so constructed as to be movable from place to place on a
- 8 wheel or wheels;
- 9 "Multiple dwelling" means a building or group of buildings constructed or
- 10 adapted to be let in separate portions for purposes of residence to more than
- 11 six separate tenants or occupiers under separate agreements whether verbal
- 12 or written; and includes hotel, guest-house, rest-house or other building
- 13 used for similar purposes;
- 14 "Owner" includes lessee, licensee and occupier;
- 15 "Small water rescue vessels!" includes swift water or flood inflatable rescue
- 16 boats.
- 17 **38.** This Bill may be cited as the Fire and Emergency Service Bill, Citation
- 18 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Fire Service Act Cap. F29 Laws of the Federation of Nigeria, 2004, enacts the Fire and Emergency Service Act 2021 and provide for additional powers for effective service delivery.



# A BILL

## FOR

AN ACT FOR THE PROHIBITION OF MERCENARY ACTIVITY; TO REGULATE THE PROVISION OF ASSISTANCE OR SERVICE OF A MILITARY OR MILITARY-RELATED NATURE IN A COUNTRY OF ARMED CONFLICT; TO REGULATE THE ESTABLISHMENT OF NIGERIAN CITIZENS OR PERMANENT RESIDENTS IN OTHER ARMED FORCES; TO REGULATE THE PROVISION OF HUMANITARIAN AID IN A COUNTRY OF ARMED CONFLICT; TO PROVIDE FOR EXTRA-TERRITORIAL JURISDICTION FOR THE COURTS OF NIGERIA WITH REGARD TO CERTAIN OFFENCES; TO PROVIDE FOR THE OFFENCES AND PENALTIES; AND FOR RELATED MATTERS

*Sponsors:*

Hon. Rimamnde Shawulu Kwewum

Hon. Kingsley K Chinda

[ ] Commencement

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

- 1           1-(1) No person may within the Nigeria or elsewhere-
- 2           (a) participate as a combatant for private gain in an armed conflict;
- 3           (b) directly or indirectly recruit, use, train, support or finance a
- 4 combatant for private gain in an armed conflict;
- 5           (c) directly or indirectly participate in any manner in the initiation,
- 6 causing or furthering of:
- 7           (i) an armed conflict; or
- 8           (ii) a coup d'etat, uprising or rebellion against any government: or
- 9           (d) directly or indirectly perform any act aimed at overthrowing a
- 10 government or undermining the constitutional order, sovereignty or
- 11 territorial integrity of a state.

Prohibition of  
mercenary activity

	1	(2) Any person who contravenes subsection (1) is guilty of an offence.
Prohibition and regulation of certain assistance or rendering of services in country of armed conflict or regulated country	2	<b>2.-(1)</b> No person may within Nigeria or elsewhere-
	3	(a) negotiate or offer to provide any assistance or render any service to
	4	a party to an armed conflict or in a regulated country, unless such a person has
	5	been granted authorization in terms of section 7 to negotiate or offer such
	6	assistance or service;
	7	(b) provide any assistance or render any service to a party to an armed
	8	conflict or in a regulated country, unless such assistance is provided or such
	9	service is rendered in accordance with an agreement or arrangement authorized
	10	in terms of section 7;
	11	(c) recruit, use, train, support or finance any person to provide
	12	assistance or render any service to a party to an armed conflict or in a regulated
	13	country, unless such person has been authorized in terms of section 7 to recruit,
	14	use, train, support or finance such a person;
	15	(d) recruit, use, train, support or finance any person to provide
	16	assistance or render a service to a party to an armed conflict or in a regulated
	17	country unless such a person is recruited, used, trained, supported or financed
	18	in accordance with an agreement or arrangement authorized in terms of section
	19	7; or
	20	(e) perform any other act that lies the result of furthering the military
	21	interests of a party to an armed conflict or in a regulated county, unless such a
	22	person has been authorized in terms of section 7.
	23	(2) Any person who contravenes subsection (1) is guilty of an offence.
Prohibition and regulation of enlistment of Nigerian in armed forces	24	<b>3.-(1)</b> No Nigerian citizen or permanent resident may enlist with any
	25	armed force, other than the Nigerian Armed Forces, including an armed force
	26	of any foreign state, unless he or she has been authorized in terms of section 7.
	27	(2) Subject to section 7(5) and (6), an authorization granted in terms
	28	of section 7 may be revoked if the person to whom the authorization has been
	29	granted takes part in an armed conflict as a member of an armed force other
	30	than the Armed Forces and such authorization contravenes anyone of the



1 criteria listed in section 9.

2           **4.-(1)** No Nigerian humanitarian organization may provide  
3 humanitarian assistance in a country where there is an armed conflict or a  
4 regulated country, unless such organization has been registered with the  
5 Committee for that purpose.

Prohibition and  
regulation of  
humanitarian  
assistance in  
country of armed  
conflict

6           (2) An organization referred to in subsection (1) must submit to the  
7 Committee an application for registration in the prescribed form and  
8 manner.

9           **5.-(1)** The Committee must inform the Federal Executive Council,  
10 whenever it is of the opinion that-

Proclamation of  
regulated country

11           (a) an armed conflict exists or is imminent in any country, and

12           (b) such a country should be proclaimed to be a regulated country.

13           (2) After the Committee has informed the Federal Executive  
14 Council in the manner contemplated in subsection (1), the President, a  
15 Chairman of the Federal Executive Council, may by proclamation in the  
16 Gazette, proclaim a country as a regulated country.

17           (3) The President must notify National Assembly of any  
18 proclamation issued in terms of subsection (2).

19           (4) This Act applies in a regulated country.

20           **6.-(1)** Any person who applies for an authorization referred in  
21 section 3(1) (a) to (e) or section 4(1) must submit to the Committee an  
22 application for authorization in the prescribed form and manner.

Application for  
authorization

23           (2) The Committee must consider any application for authorization  
24 submitted in terms of subsection (1), and, subject to section 9 may-

25           (a) refuse the application;

26           (b) grant the application subject to such conditions as it may  
27 determine; or

28           (c) at any time withdraw or amend an authorization so granted.

29           (3) No authorization granted in terms of this section is transferable.

30           (4) The prescribed fees in respect of an application for

Register of  
declarations,  
authorizations  
and exemptions

Criteria for  
authorization  
or exemption

1 authorization must be paid before the Committee makes its decision known.

2 (5) Any person who feels aggrieved by a decision taken in terms of  
3 this section, may apply for written reasons.

4 (6) Nothing in this Act must be construed as preventing a person from  
5 instituting proceedings in a competent court for judicial review.

6 **7.-(1)** The Committee must maintain a register of any-

7 (a) authorization issued by the Committee, in terms of section 7(2);

8 (b) proclamation made by the President, in terms of section 6;

9 (c) exemption granted by the President, in terms of section 13;

10 (d) Nigerian humanitarian organizations registered by the  
11 Committee, in terms of section 5; and

12 (e) Nigerian citizens or permanent residents enlisted with an armed  
13 force whose enlistment is authorized by the Committee in terms of section 4.

14 (2) The Committee must submit quarterly reports to the Federal  
15 Executive Council and National Assembly with regard to the register.

16 **8.** An authorization in terms of section 7(2), and exemption in terms of  
17 section 13, may be given, unless it-

18 (a) is in conflict with the Country's obligations in terms of  
19 international law;

20 (b) would result in the infringement of human rights and fundamental  
21 freedoms in the territory where the assistance or service is to be rendered or the  
22 exemption granted;

23 (c) endangers the peace by introducing destabilizing military  
24 capabilities into the region or territory where the assistance or service, or  
25 humanitarian aid is or is likely to be, provided or rendered;

26 (d) would contribute to regional instability or negatively influence the  
27 balance of power in such region or territory;

28 (e) in any manner supports or encourages any terrorist activity or  
29 terrorist and related activities,

30 (f) contributes to the escalation of regional conflicts;

1 (g) in any manner initiates, causes or furthers an armed conflict, or  
2 a coup d'etat, uprising or rebellion against a government; or

3 (h) prejudices the Country's national or international interests.

4 **9.-(1)** A person who contravenes or fails to comply with section  
5 4(1) or section 5, or contravenes or fails to comply with a condition  
6 determined in respect of an application in terms of section 7(2)(b) or section  
7 13 is guilty of an offence and liable upon conviction to a time or to  
8 imprisonment, or to both a fine and imprisonment.

Offences and  
penalties

9 (2) A person referred to in section 15(2) who fails to apply for the  
10 authorization within the period referred to in that subsection, and remains so  
11 enlisted, is guilty of an offence and liable, upon conviction, to a fine or to  
12 imprisonment or to both a fine and imprisonment.

13 (3) The court may when convicting any person of an offence under  
14 this Act declare any armament, weapon, vehicle, uniform, equipment or  
15 other property or object in respect of which the offence was committed or  
16 which was used for, in or in connection with the commission of the offence,  
17 to be forfeited to the State.

18 **10.-(1)** any act constituting an offence under this Act and that is  
19 committed outside Nigeria by-

Extra-territorial  
jurisdiction

20 (a) a citizen of the Nigeria;

21 (b) a person ordinarily resident in Nigeria;

22 (c) a company incorporated or registered as such under any law in  
23 Nigeria or

24 (d) anybody of persons, corporate or unincorporated, in the  
25 Nigeria, must be regarded as having been committed in the Nigeria and the  
26 person who committed it may be tried in a court in Nigeria which has  
27 jurisdiction in respect of that offence.

28 (2)(a) Any act that constitutes an offence under section 2 of this bill  
29 and that is committed outside Nigeria by a person, other than a person  
30 contemplated in subsection (1) against Nigeria, its citizens or residents must

1 be regarded as having been committed in the Nigeria if that person is found in  
2 the Nigeria;

3 (b) A person contemplated in paragraph (a) may be tried for such an  
4 offence by a Nigerian court if there is no application for the extradition of the  
5 person or if such an application has been refused.

6 (3) Any offence contemplated in subsection (1) or (2) is for the  
7 purpose of determining the jurisdiction of a court to try the offence, regarding  
8 as having been committed at-

9 (a) the place where the accused is ordinarily resident;

10 (b) the accused principal place of business; or

11 (c) the place where the accused was arrested.

12 (4) Where a person is charged with conspiracy or incitement to  
13 commit an offence or as an accessory after the fact, the offence is regarded as  
14 having been committed not only at the place where the act was committed, but  
15 also at every place where the conspirator, inciter or accessory acted or in the  
16 case of an omission, should have acted.

Regulations

17 11.-(1) The President as Chairman of the Federal Executive Council  
18 may make regulations relating to-

19 (a) any matter which is required or permitted in terms of this Act to be  
20 prescribed;

21 (b) the consideration of an application for an authorization in terms of  
22 section 7(2);

23 (c) the maintenance of the register; and

24 (d) generally, any other ancillary or incidental administrative or  
25 procedural matter which it may be expedient or necessary to prescribe for the  
26 proper implementation or administration of this Act.

27 (2) A regulation may prescribe a penalty of a fine or of imprisonment  
28 for a period not exceeding five years, or both a fine and such imprisonment, for  
29 any contravention thereof or any failure to comply herewith.

1	<b>12.</b> The President as Chairman of the Federal Executive Council	Exemptions
2	may subject to section 9 upon request in the prescribed form and manner,	
3	exempt any humanitarian aid organization from the provisions of section 5	
4	of this Act, if such exemption would facilitate the rendering of humanitarian	
5	aid without delay, in order to relieve the plight of civilians in an armed	
6	conflict, and subject to such conditions as he or she may determine.	
7	<b>13.-(1)</b> Any authorization or approval granted in terms of the	Transitional
8	Regulation of Foreign Military Assistance, remains in force and effect until	provisions
9	withdrawn or amended or until expiry of the term for which it was granted.	
10	(2)(a) A citizen of Nigeria or a person ordinarily resident in the	
11	Nigeria who at the time of the commencement of this Act, had already been	
12	enlisted in an armed force, must within six months of the date of	
13	commencement of this Act, apply for authorization in the manner required	
14	by section 7; and	
15	(b) If a citizen or person contemplated in paragraph (a), filed an	
16	application for authorization within the period provided for in that	
17	paragraph, the citizen or person may remain so enlisted until the application	
18	is decided.	
19	(3)(a) Any person who at the time of the commencement of this Act	
20	is involved in the activities contemplated in section 3(1)( a) to ( e) that did	
21	not constitute an offence under the Regulation of Foreign Military	
22	Assistance must within six months of the date of commencement of this Act	
23	apply for authorization in the manner required by section 7;	
24	(b) If a person contemplated in paragraph (a) filed an application	
25	for authorization within the period provided for in that paragraph, the person	
26	who conducts that activity may continue with the activity until the	
27	application is decided.	
28	(4) All formal hearings and court proceedings instituted, prior to	
29	the commencement of this Act, in terms of the Regulation of Foreign	
30	Military Assistance and that have not been concluded before the	

Interpretation

1 commencement of this Act must be continued with and concluded as if this Act  
2 had not been passed.

3 **14.-(1)** In this Bill, unless the context indicates otherwise:

4 "Armed conflict" includes any:

5 (a) situation in a regulated country proclaimed as such in terms  
6 section 6 and

7 (b) armed conflict in any other country which has not been so  
8 proclaimed, between:

9 (i) armed groups; (ii)

10 (iii) the armed forces of such country and dissident or rebel armed  
11 forces or other the armed forces of any state; armed groups

12 (iv) armed forces of any occupying power and dissident or rebel  
13 armed forces or any other armed group; or

14 (v) any other combination of the entities referred to in subparagraphs  
15 "assistance or service" includes-

16 (a) Any form of military or military-related assistance, service or  
17 activity;

18 (b) Any form of assistance or service to a party to an armed conflict by  
19 means of-

20 (i) Advice or training;

21 (ii) Personnel, financial, logistical, intelligence or operational  
22 support;

23 (iii) Personnel recruitment;

24 (iv) Medical or paramedical services;

25 (v) Procurement of equipment; or

26 (c) Security services;

27 "Committee" mean the members of the Prohibition of Mercenary Activities  
28 and Regulation of Certain Activities in Country of Armed Conflicts as  
29 nominated by the President subject to confirmation by the National Assembly;

30 "Person" means a person who is a citizen of, or is permanently resident in

- 1 Nigeria, a juristic person registered or incorporated in Nigeria, or any  
2 foreign citizen who contravenes this Act within the borders of Nigeria;  
3 "Prescribed" means prescribed by regulation made in terms of section 12;  
4 "register" means the register referred to in section 8;  
5 "regulated country" means a country contemplated in section 6;  
6 "security services" means one or more of the following services or activities:  
7 (a) Protection or safeguarding of an individual, personnel or  
8 property in any manner;  
9 (b) Giving advice on the protection or safeguarding of individuals  
10 or property;  
11 (c) Giving advice on the use of security equipment;  
12 (d) Providing a reactive or response service in connection with the  
13 safeguarding of persons or property in any manner;  
14 (e) Providing security training or instruction to a security service  
15 provider or prospective security service provider;  
16 (f) Installing, servicing or repairing security equipment;  
17 (g) Monitoring signals or transmissions from security equipment;  
18 (h) Making a person or service of a person available, directly or  
19 indirectly for the rendering of any service referred to in paragraphs (a) to (g);  
20 (i) Managing, controlling or supervising the rendering of any of  
21 the services referred to in paragraphs (a) to (h);  
22 "this Bill" includes the regulations.  
23 (2) No act may be construed as assistance or service if such act is-  
24 (a) in accordance with the principles of international law,  
25 especially international humanitarian law, including the purposes and  
26 principles of the Charter of the United Nations and the Declaration on  
27 Principles of International Law concerning Friendly Relations and  
28 Cooperation among States; or  
29 (b) performed by the security Agencies, as contemplated in  
30 sections 214 & 217 of the Constitution of the Federal Republic of Nigeria

	1	1999 and other Acts of the National Assembly in fulfillment of Nigeria's
	2	international obligations or in terms of any other law.
Short title	3	<b>15.</b> This Bill may be cited as the Prohibition of Mercenary Activities
	4	and Regulation of Certain Activities in Country of Armed Conflict Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks for the prohibition of mercenary activity; to regulate the provision of assistance or service of a military or military-related nature in a country of armed conflict; to regulate the establishment of Nigerian citizens or permanent residents in other armed forces; to regulate the provision of humanitarian aid in a country of armed conflict; to provide for extra-territorial jurisdiction for the courts of Nigeria with regard to certain offences; to provide for the offences and penalties.



NATIONAL SECURITY TRUST FUND (ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF CLAUSES

*Clause:*

1. Establishment of the National Security Trust Fund
2. Object of the Fund
3. Establishment of the Board of Trustees
4. Composition of the Board
5. Term of Office
6. Remuneration
7. Cessation of Office
8. Functions of the Board
9. Powers of the Board
10. Appointment of the Executive Secretary.
11. Other staff of the Board
12. Meeting of the Board
13. Sources of Fund
14. Annual Budget
15. Annual Report
16. Tax exemption
17. Offences and penalties
18. Jurisdiction
19. Application of Officers Protection Act
20. Notice of summons
21. Execution or attachment
22. Indemnity
23. Power to make regulations
24. Interpretation
25. Citation



# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL SECURITY TRUST FUND ACT 2018,  
TO PROVIDE FOR THE MAINTENANCE OF A TRUST FUND THAT WILL  
CARTER FOR THE PROCUREMENT OF MILITARY AND SECURITY  
INFRASTRUCTURE, AND TECHNOLOGY FOR SECURITY AGENCIES IN  
NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Rimamnde Shawulu Kwewum*

[ ] Commencement

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

- |   |  |
|---|--|
| <p>1               <b>1.</b> There is established a Fund to be known as the National Security</p> <p>2               Trust Fund (in this Bill referred to as "the Fund"), which shall be the</p> <p>3               depository of all monies received under this Bill.</p>  | <p>Establishment<br/>of the National<br/>Security Trust<br/>Fund</p> |
| <p>4               <b>2.</b> The object of the Fund shall be for the provision of (military and</p> <p>5               security hardware, infrastructure, technology and training for security</p> <p>6               agencies in Nigeria.</p>  | <p>Object of the<br/>Fund</p>  |
| <p>7               <b>3.-(1)</b> There is established a Board of Trustees to be known as the</p> <p>8               National Security Trust Fund Board of Trustees (in this Bill referred to as</p> <p>9               "the Board")</p>   | <p>Establishment<br/>of the Board of<br/>Trustees</p>                |
| <p>10              (2) The Board:</p> <p>11              (a) Shall be a body corporate with perpetual succession and a</p> <p>12              common seal;</p> <p>13              (b) May sue or be sued in its corporate name; and</p> <p>14              (c) Shall be capable of holding, purchasing, acquiring and</p> <p>15              disposing of any property whether moveable or immovable.</p> |  |
| <p>16              <b>4.-(1)</b> The Board shall consist of persons nominated by the</p> <p>17              President subject to confirmation by the National Assembly.</p>   | <p>Composition of<br/>the Board</p>                                  |
| <p>18              (2) The Board shall consist of the following members:</p>  |  |

	1	(i) A Chairman;
	2	(ii) One person each of the six geopolitical zones in Nigeria;
	3	(iii) A representative each of the following security agencies:
	4	(a) The Nigerian Army;
	5	(b) The Nigerian Navy;
	6	(c) The Nigerian Airforce;
	7	(d) The State Security Services;
	8	(e) The Nigerian Police Force;
	9	(f) The Nigerian Security and Civil Defence corps;
	10	(g) Nigerian Intelligence agency.
	11	Provide that a person nominated under clause 4(2)(i and ii) shall not be
	12	eligible to serve on the Board unless such a person has passed a security
	13	screening by the appropriate authority as may be prescribed from time to time
	14	by the President and found to be a fit and proper person to serve on the Board.
Terms of Office	15	<b>5.</b> The Chairman and members of the Board shall hold office for a
	16	term of five (5) years and shall be eligible for reappointment for one further
	17	term of five (5) years and no more.
Remuneration	18	<b>6.</b> The Chairman and other members Board shall be paid such
	19	remuneration as may be determined from time to time by the Revenue
	20	Mobilization and Fiscal Responsibility Commission.
Cessation of Office	21	<b>7.-(1)</b> The Chairman or a member of the Board shall cease to hold
	22	office if he:
	23	(i) Becomes of unsound mind;
	24	(ii) Becomes bankrupt or makes a compromise with his creditors;
	25	(iii) Is convicted of a felony or any offence involving dishonesty; or
	26	(iv) Is guilty of serious misconduct in relation to his duties.
	27	(2) The Chairman or members of the Board may be removed from
	28	office by the President, provided that the reasons adduced by the president are
	29	approved by a resolution of the two chambers of the National Assembly.
	30	(3) The Chairman or any member may resign his appointment by a

1 notice in writing under his hand addressed to the President.

2 (4) Where a vacancy occurs on the Board, it shall be filled by the  
3 appointment of a successor to hold office for the remainder of the term of  
4 office of his predecessor, so that the successor shall represent the same  
5 interest;

6 **8.** The Board shall:

Functions of the  
Board

7 (a) Be responsible for the management of the Fund established  
8 under this Bill and all other properties that may from time to time be vested  
9 in it;

10 (b) Devise ways and means of raising contributions and donations  
11 for the Fund as it may deem fit or to generate money for the Fund, pursuant to  
12 the provisions of this Bill;

13 (c) Set up operational guidelines for the Secretariat of the Board  
14 subject to the approval of the National Assembly;

15 (d) Sensitize security agencies on the need to effectively use and  
16 maintain infrastructure and gadgets deployed to them through the Fund;

17 (e) Encourage and set up the mechanism for common use of  
18 resources and platforms;

19 (f) Advise the president on the activities of the Fund and any other  
20 matter relating to the implementation of programmes of the Fund and  
21 recommendations of the Board thereof;

22 (g) Do such other things which in its opinion is expedient for the  
23 performance of its objective under this Bill.

24 **9.** The Board shall have power to:

Powers of the  
Board

25 (a) Generally raise money for the Fund through voluntary  
26 subscription and donation from all interested private organizations and  
27 individuals;

28 (b) Maintain accounts in any reputable bank as may be approved by  
29 the Board or by the Federal Government;

30 (c) Keep proper accounts and records in relation to all its

- 1 transactions in conformity with standard commercial practice;
- 2 (d) Acquire and maintain assets for and on behalf of the Fund;
- 3 (e) Pay and discharge out all expenses properly incurred by it;
- 4 (f) Set out the policies and programmes for the Funds;
- 5 (g) Approve the disbursement of monies from the Trust Fund to
- 6 finance the provisions of military and security hardware, infrastructure and
- 7 technology for the security Agencies;
- 8 (h) Appoint consultants or enter in to contracts as it deems necessary
- 9 for the efficient performance of its function under the Act.
- 10 (i) Scrutinise and approve projects which qualify for financing under
- 11 this Bill; and
- 12 (j) Exercise control over the management of the Trust Fund with view
- 13 to ensuring accountability and proper utilization of monies in the Trust Fund
- 14 for the purposes set out in this Bill.
- 15 **10.-(1)** There shall be appointed for the Fund an Executive Secretary
- 16 who shall:
- 17 (a) Be appointed by the President subject to confirmation by the
- 18 Senate;
- 19 (b) Be the Chief Executive and accounting Officer of the Fund;
- 20 (c) Be a person with good knowledge and cognate academic and
- 21 administrative experience in security matters; and
- 22 (d) Have qualification and experience as are appropriate for a person
- 23 required to perform the functions of that office under this Bill.
- 24 (2) The Executive Secretary shall hold office for a period of four (4)
- 25 years in the first instance and may be eligible for reappointment for a maximum
- 26 of two additional term of four (4) years only and on such terms and conditions
- 27 as to emoluments, and conditions of services as may be specified by the
- 28 Revenue Mobilization and Fiscal Responsibility Commission.
- 29 (3) The Executive Secretary shall, subject to the general direction of
- 30 the Board, be responsible for:

Appointment  
of the Executive  
Secretary

- 1 (a) The day-to-day administration of the Fund;  
2 (b) Keeping the books and proper records of the proceedings of the  
3 Board;  
4 (c) The administration of the secretariat of the Board; and  
5 (d) The general direction and control of all other employees of the  
6 Fund.

7 **11.-(1)** The Board shall have power to:

Other staff of  
the Board

- 8 (a) Employ either directly or on transfer or secondment from any  
9 civil or public service in the Federation such number a employees as may, in  
10 the opinion of the Board, be required to assist the Board of Trustees and the  
11 Executive Secretary in the discharge of their functions; and

- 12 (b) Pay to persons so employed such remuneration (including  
13 allowances) as the Board may, with the approval of the National Salaries,  
14 Income and Wages Commission, determine.

- 15 (2) Staff of the Fund shall be entitled to pension, gratuities and  
16 other retirement benefits as are enjoyed by persons holding equivalent  
17 grades in the Public Service of the Federation.

- 18 (3) Nothing in sub clause (2) shall prevent the appointment of a  
19 person to any office on terms which prelude the grant of pension and gratuity  
20 in respect of that office.

21 **12.-(1)** The Board shall meet at least once quarterly.

Meeting of the  
Board

- 22 (2) The Chairman may convene as many meetings of the Board as  
23 he considers necessary for the efficient conduct of its affairs; provided that  
24 the Chairman or, in his absence, a member appointed, other than the  
25 representative of any of the security agencies shall preside at such meeting.

- 26 (3) A minimum of seven (7) members shall form the quorum for a  
27 meeting, which shall include at least three of the zonal representatives

- 28 (4) Any issue arising at a meeting of the Board shall be determined  
29 by a majority of the votes of the members present and voting

- 30 (5) The person presiding has a deliberative vote and in the event of

	1	an equality of votes on any issue, a casting vote.
	2	(6) Subject to the provisions of this Bill, the Board may regulate its
	3	own proceedings, provided that the rules governing the conduct of meetings
	4	are adopted at the beginning of each fiscal year and may not be amended for the
	5	purpose of a particular meeting.
Sources of Fund	6	<b>13.</b> The sources of funds for the Fund shall include but not limited to
	7	the following:
	8	(a) Federal Government Subventions;
	9	(b) Five per cent of Value Added Tax accruable to consolidated
	10	Revenue Fund;
	11	(c) 5 per cent of license fees collected by the (NCC);
	12	(d) 5% of the 2.5% Operating Tax that Telecom operators pay to NCC;
	13	(e) 5 per cent of 1 % levy on profits of telecoms companies as
	14	collected by NITDA;
	15	(f) Five per cent of monies generated by Department of Petroleum
	16	Resources (DPR) from signature bonus paid by awardee of oil blocks;
	17	(g) Other financial or material aid, gifts, awards;
	18	(h) 5% of the operating security budgets of Multinational oil
	19	companies, banking institutions and companies whose which require security
	20	presence for their operations; and
	21	(i) Any other form of levy or support from any other source.
Annual Budget	22	<b>14.-(1)</b> Each Security Agency established by an Act of the National
	23	Assembly shall prepare in every fiscal year, a budget setting out its military and
	24	security hardware, infrastructural and technological requirements and forward
	25	same to the Board for consideration.
	26	(2) The budget referred to in sub clause 1 above shall be set out as
	27	follows:
	28	(i) Fifty per cent of the total expenditure shall be set aside for
	29	technology, military, and security hardware requirements;
	30	(ii) Thirty per cent of the total expenditure shall be set aside for



1       infrastructural requirements; and

2               (iii) Twenty per cent shall be set aside for training.

3               **15.** The Board shall cause to be prepared and submitted to the     Account audit  
4       National Assembly an annual report which shall include its audited  
5       accounts.

6               **16.** The Board's funds and its properties shall not be liable to tax by     Annual report  
7       any government or authority and contributions to the fund shall be  
8       recognized for tax purposes as expenditure towards the sustenance of the  
9       donor's business.

10              **17.**-(1) Any Company or organization liable to pay National     Tax exemption  
11       Security Agencies tax, but contravenes or fails to comply with visions of this  
12       Bill, is guilty of an offence under this Bill.

13              (2) Except as otherwise provided in this Bill, the Chairman/Chief  
14       Executive Officer or any management staff in charge of a company or an  
15       organization guilty of an offence under this Bill shall, on conviction, be  
16       liable:

17              (a) for a first offence, to imprisonment for a term of 6 months or to a  
18       fine of up to 50% of the amount due to the trust fund from the company or  
19       organization or both; and

20              (b) for a second and subsequent offence to imprisonment for a term  
21       of 12 months or to a fine of up to 80% of the amount due to the trust fund  
22       from the company or organization or both;

23              (c) Interest shall accrue on the defaulting assessment in accordance  
24       with prevailing commercial bank interests.

25              (3) The institution of proceedings or imposition of a penalty under  
26       this Bill shall not relieve a company or an Organization from liability to pay  
27       to the trust fund which is or may become due under the Bill.

28              **18.** The federal High court shall have jurisdiction to try offenders     Jurisdiction  
29       under this Bill.

Application of  
Officers Protection  
Act

1                   **19.**-(1) Subject to the provisions of the Bill, the provisions of the  
2   Public Officers Protection Act shall apply in relation to any suit instituted  
3   against any officer or employee of the Fund.

4                   (2) Notwithstanding anything contained in any other law or  
5   enactment, no suit against any member of the Board of Trustees, the Executive  
6   Secretary or any other officer or employee of the Fund for any act done in  
7   pursuance or execution of the Bill or any other law enactment, or of any public  
8   duty or authority or in respect of any alleged neglect or default in the execution  
9   of this Bill or such law or enactment, duty or authority, shall lie or be instituted  
10   in any court unless:

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

13                  (b) In the case of a continuation of damage or injury, within 6 months  
14   next after the ceasing thereof.

15                  (3) No suit shall be commenced against a member of the Board of  
16   Trustees, the Executive Secretary, officer or employee of the Fund before the  
17   expiration of a period of one month after written notice of intention to  
18   commence the suit shall have been served upon the Fund by the intending  
19   plaintiff or his agent.

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

Notice of  
Summons

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

Execution of  
attachment

28                  **21.**-(1) In any action or suit against the Fund, no executive or  
29   attachment of process in the nature thereof shall be issued against the Fund.

30                  (2) Any sum of money which may, by the judgment of any court, be

1 awarded against the Fund shall, subject to any direction given by the court  
 2 where notice of appeal of the said judgement has been given, be paid from  
 3 the general reserve fund of the Fund.

4 **22.** A member of the Board of Trustees, the Executive Secretary, Indemnity  
 5 any officer or employee of the Fund shall be indemnified out of the assets of  
 6 the Fund against any proceeding, whether civil or criminal, in which  
 7 judgment is given in his favour, or in which is acquitted, if any such  
 8 proceedings is brought against him in his capacity as a member of the Board  
 9 of Trustees, the Executive Secretary, officer or employee of the Fund.

10 **23.** The Minister may, on the recommendation of the Board of Power to make  
 11 Trustee and subject to the approval of the President and confirmation by the regulations  
 12 National Assembly make regulations generally for the purpose of this Act  
 13 and the due administration thereof.

14 **24.** In this Bill, unless the context otherwise provides: Interpretation  
 15 "Attorney-General" mean the Attorney-General of the Federation;  
 16 "Board" means the National Security Agencies Trust Fund Board of  
 17 Trustees;  
 18 "Chairman" means chairman of the Board;  
 19 "Employee" means any person who is employed in Nigeria under any  
 20 contract is express, implied, oral or in writing;  
 21 "Fund" means the National Security Agencies Trust Fund;  
 22 "President" means the President of the Federal Republic of Nigeria;  
 23 "Security Agencies" means the Armed Forces of the Federal Republic of  
 24 Nigeria, The State Security Services, The Nigeria Police and the Nigerian  
 25 Security and Civil Defence Corps and any other Security Agent that may be  
 26 established by the act of the National Assembly after the coming to force of  
 27 this Act;  
 28 "Minister" means the Minister charged with the responsibility for matters  
 29 relating Defence;

30 (2) Where no provision is made in this Act for a matter relating to

Citation

1 the assessment and collection of the tax imposed by this Act, the provisions of  
2 Act relating to the assessment and collection of companies' income tax or  
3 petroleum profit tax, as the case may be, shall apply mutatis mutandis to that  
4 matter.

5           **25.** This Bill may be cited as the National Security Trust Fund  
6 (Establishment, Etc.) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Security Trust Fund Act 2018, to provide for maintenance of a trust fund that will cater for the procurement of military and security infrastructure, technology for security agencies in Nigeria.

FEDERAL COLLEGE OF EDUCATION LISSAM (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

*Sections:*

PART I - ESTABLISHMENT, MEMBERSHIP, ETC.

1. Establishment
2. Board of Directors, Appointment into the Board
3. Office of the Provost, Deputy Provost (Academics) and Deputy Provost (Administration), Office of the Registrar and Academic Secretary
5. Operational Academic Faculties
6. Academic Departments
7. Academic Faculty Heads/Heads of Departments
8. Administrative Departments

PART II - FUNCTIONS AND POWERS

9. Functions
10. General Powers
11. Power to borrow
12. Power to accept gift as donations

PART III - STAFF OF THE INSTITUTION

12. Academic Staff and Non-Academic Staff

PART IV - POWER OF THE INSTITUTION

13. Power of the Institution
14. Staff rules and regulations

PART V -FINANCIAL PROVISIONS

15. Financial Provisions
16. Annual estimate, Audit of accounts
17. Annual report

PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS

18. Regulations
19. Indemnity
20. Seal of the Institution
21. Interpretations
22. Short title



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL COLLEGE OF  
EDUCATION LISSAM, TARABA STATE FOR THE PURPOSE OF PROVIDING  
QUALITATIVE EDUCATION IN SCIENCES, ARTS, SOCIAL SCIENCES AND  
OTHER TECHNICAL KNOWLEDGE AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Rimamnde Shawulu Kwewum*

[ ] Commencement

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

### PART I - ESTABLISHMENT, BOARD MEMBERSHIP, ETC

1           1.-(1) There is hereby established for the Federal Republic of Establishment  
2       Nigeria an institution known as Federal College of Education Lissam,  
3       Taraba State for the purpose of providing qualitative education in Sciences,  
4       arts and other technical knowledge herein this bill referred to as the  
5       'institution or institute' as the case may be.

6           (2) The Institution shall be a body with the status of a public study  
7       and research facility, corporate with perpetual succession and a common  
8       seal, so that the institution may:

9           (a) Sue and be sued in its corporate name and

10          (b) Hold, acquire and dispose of any property or interest in  
11       property, moveable or immoveable.

12          2.-(1) The governing body of the institution shall be a team of Board of Directors,  
13       Board OF Directors herein referred to in this bill as "the Board". The Board appointment into  
14       shall consist of the following as Chairman, Vice Chairman and Members: the Board

15          (a) A Chairman, to be appointed by the President of the Federal  
16       Republic of Nigeria;

17          (b) The Provost, who shall be the Vice-Chairman of the Board and  
18       a fulltime member;

1 (c) Six (6) other Members (with 1 Member representing each geo-  
2 political Zone of the country) with cognate experience, initiatives and  
3 Administrative capacity.

4 (2) All members of Board, other than the Provost shall be part-time  
5 members.

6 (3) There shall be paid to the members of the Board such  
7 remuneration as may be determined by the National salaries income and wages  
8 Commission with the exception of the Provost.

9 (4) All Members of the Board shall be appointed by the President C-  
10 in-C of the Armed Force of the Federal Republic of Nigeria.

11 (5) Members appointed to the Board pursuant to paragraph (a and c)  
12 of section 2, subsection 1 other than the Provost shall hold office for the period  
13 of four (4) years renewable once for a further period of four (4) years only,  
14 provided however that:

15 (a) Any member may resign his appointment at any given time by  
16 notice in writing under his hand, addressed to the Minister of education who  
17 shall forward same to the President C-in-C;

18 (b) If a member dies or resigns or otherwise vacates his office before  
19 the expiration of his term, a fit proper and qualified person shall be appointed  
20 by the President C-in-C for the remainder of the term of office of the member  
21 and the successor shall represent the same interest and zone of his predecessor;

22 (c) A member may be removed from office by the President C-in-C on  
23 the recommendation of the Minister of Education, if the Minister and other  
24 Board members are satisfied that it is not in the interest of the institution or the  
25 interest of the public that the member should continue in office.

26 OFFICE OF THE PROVOST, DEPUTY PROVOST (ACADEMICS) AND  
27 DEPUTY PROVOST (ADMINISTRATION), OFFICE OF THE REGISTRAR  
28 AND ACADEMIC SECRETARY

29 3.-(1) OFFICE OF THE PROVOST:

30 (a) There shall be for the institution a Provost herein this Bill referred



1 to as 'the Provost", who shall be the head of the academic and administrative  
2 functions the Chief Accounting Officer of the institution who shall also  
3 report to the Minister of Education;

4 (b) the Provost of the institution shall be a person of good moral  
5 character who must have attained the educational status of not below  
6 doctoral degree in relevant field as it relates to the institution.

7 (2) OFFICE OF DEPUTY PROVOST (ACADEMICS):

8 (a) There shall be for the institution a Deputy Provost (Academic)  
9 who shall be the head of the academic functions of the faculty who shall also  
10 report to the Provost;

11 (b) the Deputy Provost (Academics) shall be a person of good  
12 moral character who must have attained the educational status of not below  
13 doctoral degree in relevant field as it relates to the institution.

14 (3) OFFICE OF DEPUTY PROVOST ADMINISTRATION:

15 (a) There shall be for the institution a Deputy Provost  
16 (Administration) who shall be the head of the Administrative functions of  
17 the faculty who shall also report to the Provost;

18 (b) the Deputy Provost (Administration) shall be a person of good  
19 moral character who must have attained the educational status of not below  
20 doctoral degree in relevant field as it relates to the institution.

21 (4) OFFICE OF THE REGISTRAR AND ACADEMIC SECRETARY:

22 (a) There shall be for the institution a Registrar and also an  
23 Academic Secretary who shall perform the functions as so stipulated in the  
24 scheme of service for all tertiary institutions:

25 (i) the duo shall also report to the Provost;

26 (b) the duo shall be a persons of good moral character who must  
27 have attained the educational status of not below first degree with the  
28 required working experience to hold such offices.

29 (5) MANAGEMENT COMMITTEE OF THE INSTITUTION:

30 Subject to the provision of this bill, the Management of the institution shall

- 1 consist of the following:
- 2 (a) The Provost;
- 3 (b) The Deputy Provost Academics;
- 4 (c) The Deputy Provost Administration;
- 5 (d) The Registrar;
- 6 (e) The Academic Secretary;
- 7 (f) All Academic Faculty Heads;
- 8 (g) All Head of Departments;
- 9 (h) A representative of the Ministry as may be nominated by the
- 10 Minister.

Operational  
Academic facilities

- 11 4.-(1) The following Operational Academic Faculties are hereby
- 12 established for the Institute:
- 13 (a) Faculty of Engineering;
- 14 (b) Faculty of Agriculture;
- 15 (c) Faculty of Computer, Information and Communication
- 16 Technology;
- 17 (d) Faculty of Pure sciences;
- 18 (e) Faculty of Environmental Sciences;
- 19 (f) Faculty of Social Sciences;
- 20 (g) Faculty of Arts;

Academic  
Departments

- 21 5.-(1) There shall be establish Academic Departments that falls under
- 22 the faculties as may depends on academic relating to the faculties as follows:
- 23 (a) Faculty of Engineering:
- 24 (i) Department of Civil Engineering;
- 25 (ii) Department of Electrical Engineering;
- 26 (iii) Department of mechanical Engineering;
- 27 (iv) Department of Building Engineering;
- 28 (v) Department of Chemical Engineering.
- 29 (b) Faculty of Agriculture:
- 30 (i) Department of Agricultural Extension and Technology;

- 1 (ii) Department of Agricultural Management and Administration;
- 2 (iii) Department of Forestry Management;
- 3 (iv) Department of Botany.
- 4 (c) Faculty of Computer, Information and Communication
- 5 technology:
- 6 (i) Department of Computer Sciences;
- 7 (ii) Department of Software Design and Technology;
- 8 (iii) Department of Information and Communication Technology;
- 9 (iv) Department of Information and Communication
- 10 Management;
- 11 (v) Department of Mass Communications.
- 12 (d) Faculty of Pure sciences:
- 13 (i) Department of Biological Sciences;
- 14 (ii) Department of Microbiology;
- 15 (iii) Department of Chemistry;
- 16 (iv) Department of Physics;
- 17 (v) Department of Nutrition and Food Sciences.
- 18 (e) Faculty of Environmental Sciences:
- 19 (i) Department of Geography;
- 20 (ii) Department of Urban and regional Planning;
- 21 (iii) Department of environmental Management;
- 22 (iv) Department of Architecture.
- 23 (f) Faculty of Social Sciences:
- 24 (i) Department of Business Administration and management;
- 25 (ii) Department of public Administration;
- 26 (iii) Department of Political Sciences;
- 27 (iv) Department of Accountancy;
- 28 (v) Department of Banking and Insurance;
- 29 (vi) Department of Sociology;
- 30 (vii) Department of Economics.

- 1 (g) Faculty of Arts;
- 2 (i) Department of Home Management and Economics;
- 3 (ii) Department of theatre Arts;
- 4 (iii) Department of History;
- 5 (iv) Department of English;
- 6 (v) Department of Home Management;
- 7 (vi) Department of Physical and Health Education;
- 8 (vii) Department of Hotel and Catering Services.

9 (2) Subject to the provisions of sections 4 and 5 of this bill, the  
 10 Management of this institution in consultation with the Board and the Minister  
 11 may establish additional Faculty or Department for the institution if it deems fit  
 12 for the effective conduct of the functions of the institution.

Academic Faculty  
 Heads/Heads of  
 Departments

13 **6.-(a)** There shall be for each faculty an Academic Faculty Head who  
 14 shall be on the status of a Dean in similar institutions herein this Bill referred to  
 15 as “the AFH”, who shall be the head of the academic and administrative  
 16 functions of the faculty who shall also report to the Deputy Provost Academics;

17 (b) the AFH of each faculty shall be a person of good moral character  
 18 who must have attained the educational status of not below doctoral degree in  
 19 relevant field as it relates to the respective faculty;

20 (c) There shall be for each Department a Head of Department herein  
 21 this bill referred to as "the HOD", who shall be the head of the academic and  
 22 administrative functions of the Department who shall also report to the AFH of  
 23 the respective Faculty;

24 (d) the HOD of each Department shall be a person of good moral  
 25 character who must have attained the educational status of not below doctoral  
 26 degree in relevant field as it relates to the respective Department.

Administrative  
 Departments

27 **7.-(1)** There shall be establish Administrative Departments for the  
 28 institution to provide the needed support in line with the provision of the laws  
 29 and scheme of service for tertiary institutions, the Departments may include:

- 30 (a) Department of Administration and Personal;

- 1 (b) Department of Facility Management, Maintenance Works;  
2 (c) Department of legal Service; and  
3 (d) Department of Finance and Procurement.

4 (2) There shall be for each Department a Director, who shall head  
5 the operational functions of the department who shall also report to the  
6 Rector.

7 (3) the Director shall be a person of good moral character who must  
8 have attained the educational status of not below a Bachelor degree with  
9 working experience as stipulated in the public service rules.

10 (4) the Provost in consultation with the Minister and the Board may  
11 issue regulations prescribing additional departments for the institution or  
12 altering the departments listed in sub-section (1) of this section in any matter  
13 whatsoever.

14 (5) Notwithstanding the provision of this section, the Board shall  
15 have powers to set up any Committee to assist in the performance of its  
16 duties as prescribe under this Bill.

17 (6) A committee set up under subsection (5) of this section shall  
18 consist of such member of persons as may be determined by the Board and  
19 the Management Committee, and a member of such committee shall hold  
20 office in accordance with the term of his appointment.

21 (7) A decision of any of each Committee shall not be effective  
22 unless ratified by the Board.

23 PART II - FUNCTIONS AND POWERS

24 **8.-(1)** Subject to without prejudice to the Provision of the Functions  
25 Constitution of the Federal Republic of Nigeria, the institution shall be  
26 responsible for the following functions:

27 (a) Admit Students to study courses offered by the institution in  
28 such faculties as they may wish provided to fulfill all necessary  
29 requirements needed for admission;

30 (b) Award National Certificates of Education to students that

1 earned such certificate after having written and pass the prescribe  
2 examinations in respective courses as so undertaken by the student;

3 (c) Provide atmosphere and Facilities for research and studies;

4 (d) Organize conferences, seminars and intellectual discussion for the  
5 purpose of promoting good governance and making viable recommendations  
6 to the Government;

7 (e) Participate in any other activity that the law admits in the scheme  
8 of functions for tertiary institutions;

9 (f) provide employment opportunities for the teaming unemployed  
10 persons

11 (2) In discharging its general responsibility under subsection 1 above,  
12 the institution shall:

13 (a) Enter into agreement with any person or conglomerate for the  
14 supply, purchase, construction and maintenance or repair of any property  
15 whether movable or immovable which is necessary or appropriate for the  
16 purpose of promoting educational standard of the institution;

17 (b) Prepare plans for the management of all public facilities or project  
18 of the institution;

19 (c) In collaboration with the Ministry and other relevant stakeholders,  
20 improve the quality of training and capacity building workshop for its staff;

21 (d) Implore stabilities that will prepare the staff and students for  
22 future governance and leadership.

General Powers

23 9.-(1) The institution shall have powers to:

24 (a) Do all things which by this Act or any other enactments are  
25 required or permitted to be done by the institution;

26 (b) Monitor any matter that may affect the functions of the institution;

27 (c) Do anything that will ensure the advancement of the skills of  
28 employees of the institution including the provision of training facilities,  
29 general research and establishment of centres;

30 (d) Perform any other action or inaction reasonable and of advantage

1 or convenience needed to promote full discharge of its functions.

2 (2) Subject to any limitation imposed by law, the institution may  
3 delegate any of its powers to any members of the Board or employee.

4 **10.**-(1) Subject to the approval of the Ministers, and base on the Powers to borrow  
5 recommendation of the Board, the institution may borrow by way of  
6 overdraft or otherwise such sum as it may require for efficient discharge of  
7 its functions under this Act.

8 **11.**-(1) The institution may accept gift of land, money, property or Power to accept  
9 other valuables from persons or organization upon such terms that are gift and donations  
10 acceptable to the institution if any, as may be specified by those making the  
11 donation as long as the terms are not in conflict with the provisions of the  
12 constitution of the Federal Republic of Nigeria.

13 The institution shall not accept any of such gifts as stated in subsection (1) of  
14 this section if the terms attached thereto by those making the donation are  
15 inconsistent with the functions of the institution.

### 16 PART III - STAFF OF THE INSTITUTION

17 **12.**-(1) The institution shall employ such number of Academic Academic Staff  
18 staff as it may require on a permanent and pensionable status: and Non-Academic  
Staff

19 (a) Such employed Academic staff may be on different lecturing  
20 and teaching categories as may be prescribed by the scheme of service for  
21 Academic staff;

22 (b) Such employed Academic staff shall earned remuneration as  
23 prescribed for academic Staff of tertiary institutions;

24 (c) Academic Staff shall report to the heads of the respective  
25 departments of which they are assigned, taking cognizance of their  
26 discipline and study line;

27 (d) the Academic staff shall be a person of good moral character  
28 who must have attained the educational status of not below Bachelors  
29 degree in relevant field as it relates to the respective Departments.

30 (2) The institution shall employ such number of Non- Academic

1 staff as it may require on a permanent and pensionable status:

2 (a) Such employed Non-Academic staff may be on different cadre,  
3 salary grade levels and categories as may be prescribed by the scheme of  
4 service for Non-Academic staff;

5 (b) Such employed Non-Academic staff shall earned remuneration as  
6 prescribed for Non-Academic Staff of tertiary institutions;

7 (c) Non-Academic Staff shall report to the heads of the respective  
8 departments of which they are assigned;

9 (d) the Non-Academic staff shall be a person of good moral character  
10 who must have attained the educational status of Secondary School Certificate  
11 and or above depending on the grade level and seniority as so stipulated in the  
12 employment terms.

13 (3) The institution may from time to time appoint such other  
14 employees as it may deem fit and necessary to assist in the discharge of its  
15 functions under this Act.

16 (4) There shall be Unit heads of all division and Units of each of  
17 department who shall be from the employees of the institution and shall report  
18 to their various directors.

19 PART IV - POWERS OF THE INSTITUTION

Powers

20 **13.** -(1) The powers of the institution under this section shall include  
21 the power to:

22 (a) Promote and control all staff of the institution as it may appear to  
23 be necessary or expedient, and

24 (b) Dismiss, terminate, consider the resignation, withdrawal of  
25 appointment and exercise disciplinary control over the staff of the institution  
26 incase of serious misconduct as may be specified under the public service rule  
27 and regulations.

28 (2) In Collaboration with the Board, the Provost may recruit or  
29 employ a category of staff for the institution from time to time:

30 (a) Those Category of Staff that may be employed by the Provost as



1       stated in subsection 2 of this section shall only be the category of staff on the  
2       junior cadre of the civil Service.

3               (3) The Staff of the institution shall be public officers of the Federal  
4       Republic of Nigeria as defined by the Federal Civil Service Commission and  
5       must adhere to the codes and conducts of the Federal Civil Service.

6               (4) The institution may also from time to time engage such  
7       consultants and experts or advisers or visiting lecturers as it may require for  
8       the effective discharge of its functions:

9               (a) Employers under subsection 4 of this section shall serve on such  
10      terms as may be specified in their appointment letters and their emolument  
11      and remunerations specified based on the recommendations of the Board  
12      and approval of the Ministers.

13              **14.**-(1) The institution may subject to the provisions of this Act and     Staff Regulations  
14      in consultation with the Federal Civil Service Commission, make staff rules  
15      and regulations relating generally to the conditions of service of its  
16      employees and without prejudice to the generality of the foregoing, such  
17      regulations may provide for:

18              (a) The appointment, promotion and discipline, which include  
19      dismissal of employees of the institution;

20              (b) Listen to and consider appeal by employees against  
21      disciplinary measures;

22              (2) Pending the release of the regulations described in subsection 1  
23      of this section, the employers of the institution shall be governed by the  
24      terms and conditions generally applicable to all officers of the Federal Civil  
25      Service of the Federal Republic of Nigeria

26              (3) In the discharge of their respective duties employees shall also  
27      take into special recognition of all rules and financial regulations and other  
28      Acts that guide the conduct or otherwise of civil servants in the Federal  
29      Republic of Nigeria.

30              (4) Staff rules and regulations issued by the institution under

	1	subsection 1 of this section shall not have effect until approved by the Board
	2	and officially published in the Federal Government gazette.
	3	PART IV - FINANCIAL PROVISIONS
Financial Provisions	4	<b>15.-(1)</b> The Financial Provisions of the institution shall be based on
	5	the annual budgetary provisions made through the Federal Ministry of
	6	Education.
	7	(2) Income from any other investment or other property acquired by
	8	or vested in the institution.
	9	(3) Subject to the provisions of section 7 of this Act, all other sum
	10	accruing to the institution by way of gift or grants, endowment or donations
	11	made to the institution.
	12	(4) The Provost shall keep proper account and records for the purpose
	13	which the funds were used.
	14	(5) The institution shall operate accounts with banks as provided it is
	15	not in conflict with the constitution of the Federal Republic of Nigeria.
	16	(6) Subject to the approval of the Minister and in consultation with the
	17	Board may undertake some degrees of Corporate Social responsibilities (CSR)
	18	to the host community.
Annual Estimate, Accounts Audit	19	<b>16.-(1)</b> The institution shall not later than 31st December of each year
	20	submit its financial report and record to the Minister for onward submission to
	21	the President C-in-C.
	22	(2) The financial report must also be made public through publication
	23	in at least 3 local Newspapers not later than 31st December of each year.
Annual Report	24	<b>17.-(1)</b> The institution shall also not later than 31st December of each
	25	year submit to the Minister a Comprehensive report on the activities carried out
	26	by the institution during the year, and also the annual report of all activities
	27	shall be made public in not less than 3 local Newspapers.
	28	PART VI - REGULATIONS AND SUPPLEMENTARY PROVISION
Regulation	29	<b>18.-(1)</b> Every member of the Board and Employees of the institution
	30	shall have the rules and regulations of the institution binding on him for which

1 bridge of such rules may lead to disciplinary actions.

2           **19.**-(1) Every member of the Board and Employees shall be Indemnity  
3 indemnified out of the assets of the institution against any liability incurred  
4 by him/her defending any proceeding whether civil or criminal.

5           **20.**-(1) the institution shall have a common seal such as may be Common Seal  
6 determined by the Board: of the Institution

7           (a) The common seal shall be authenticated by the Signature of the  
8 Provost or any member as authorized by the Board in an event of absence of  
9 the Provost.

10           **21.**-(1) In this Act, unless the content otherwise requires: Interpretations

11           (a) "The institution" means the Federal College of Education  
12 Lissam, Taraba State;

13           (b) "The Board" means the governing Board of the institution;

14           (c) "The Provost" means the Provost of the Federal College of  
15 Education Lissam, Taraba State and the Chief Accounting Officer of the  
16 institute;

17           (d) "The Minister" means the Honourable Minister of Education  
18 for the Federal Republic of Nigeria charged with the responsibility of  
19 overseeing all Federal institutions under the Federal ministry of Education;

20           (e) "Members" means Members of the governing Board of the  
21 Federal College of Education Lissam, Taraba State;

22           (f) "the President C-in-C" means the President, Commander in  
23 Chief of the Arms forces of the Federal Republic of Nigeria.

24           **22.** The Bill shall be sited as the Federal College of Education Short title  
25 Lissam Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Federal College of Education Lissam, Taraba State for the purpose of providing qualitative education in Sciences, Arts, Social Sciences and other technical knowledge.



# A BILL

## FOR

AN ACT TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE  
FEDERAL REPUBLIC OF NIGERIA, 1999; TO GUARANTEE THE AUTONOMY OF  
LOCAL GOVERNMENTS AND FOR RELATED MATTERS

*Sponsored by Hon. Nkeiruka Onyejeocha*

[ ] Commencement

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

- |  |   |   |
|--|---|---|
| <p>1               <b>1.</b> The Constitution of the Federal Republic of Nigeria 1999 (in</p> <p>2               this Bill referred to as the "Principal Act") is altered as set out in this Bill.</p> | <p><b>2.</b> Section 7 is altered by:</p> <p>(a) substituting for subsection (1), a new subsection "(1)":</p> <p>"(1) The system of Local Government by democratically elected</p> <p>Local Government Councils is under this Constitution guaranteed."</p> <p>(b) inserting new subsections "(1A)" - "(1D)":</p> <p>"(1A) A Local Government Council:</p> <p>(a) not democratically elected shall not be recognised by any</p> <p>authority and person and shall not be entitled to any revenue allocation from</p> <p>the Federation Account or the State Government nor perform any function</p> <p>exercisable by a Local Government Council under this Constitution or any</p> <p>law for the time being in force; and</p> <p>(b) shall stand dissolved at the expiration of a period of three years,</p> <p>commencing from the date the members of the Council were sworn in.</p> <p>(1B) The democratically elected Local Government Council shall</p> <p>be a tier of government in Nigeria and shall consist of executive and</p> <p>legislative arms.</p> <p>(1C) The House of Assembly of every State shall ensure the</p> <p>existence of democratically elected Local Government Councils under a</p> | <p>Alteration of the<br/>Constitution of<br/>the Federal Republic<br/>of Nigeria</p> <p>Alteration of<br/>Section 7</p> |
|--|---|---|

1     Law which provides for the establishment, elections, structure, composition,  
2     finance and functions of such councils.

3             Provided that in the composition of the legislative arm of the local  
4     government, the House of Assembly of each State shall by law ensure that at  
5     least, one-third of the total number of seats in the local government legislative  
6     arm shall be reserved for women.

7             (1D) Subject to the provisions of this Constitution, a person shall be  
8     qualified for election for election into the Local Government Council if he is a  
9     member of a political party and is sponsored by that party or he is an  
10    independent candidate; and

11            (c) substituting for sub-section (5), a new section "(5)":

12            "(5) In addition to the functions conferred upon Local Government  
13    Councils as specified in the Fourth Schedule to this Constitution, a House of  
14    Assembly of a State may by law confer other functions on the Local  
15    Government Councils";

16            (d) deleting sub-section (6).

Citation

17            **3.** This Bill may be cited as the Constitution of the Federal Republic of  
18    Nigeria (Alteration) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to further alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999; to guarantee the autonomy of local governments.

# A BILL FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 TO CREATE ADDITIONAL SPECIAL SEATS FOR  
WOMEN IN THE FEDERAL AND STATE LEGISLATIVE HOUSES AND FOR  
RELATED MATTERS

*Sponsored Hon. Nkeiruka Onyejeocha, Hon. Femi Gbajabiamila*

*Co-Sponsors:*

Hon. Ibrahim Khadija Bukar Abba	Hon. Goodhead Boma
Hon. Lar Butmak Beni	Hon. Akande-Sadipe Tolulope T.
Hon. Oluga Taiwo Olukemi	Hon. Princess Mariam Odinaka
Hon. Onuh Onyeche Blessing	Hon. Dukku Aishatu Jibril
Hon. Ogunlola Omowumi O.	Hon. Gimba Zainab
Hon. Onanuga Adewunmi Oriyomi	Hon. Lynda Chuba Ikpeazu
Hon. Mohammed T. Monguno	Hon. Victor O. Nwokolo
Hon. Dachung Musa Bogos	Hon. Gideon Gwani
Hon. Abubakar M. Yalleman	Hon. Toby Okechukwu
Hon. Ndudi Elumelu	Hon. Uzoma Nkem Abonta
Hon. Abubakar Yinusa Ahmad	Hon. Chinda Kingsley
Hon. Adekoya A. Abdel-Majid	Hon. Leo Ogor Okuweh
Hon. Igariwey Iduma Enwo	Hon. Julius Ihonvbere
Hon. Maxwel Abdura E.	Hon. Ahmed A. Safana
Hon. Abiante Awaji-Inombek D.	Hon. Yusuf A. Tajudeen
Hon. Shehu Saleh Rijau	Hon. Solomon Maren B.
Hon. Ari Mohammed A.	Hon. Amadi Oguerina Dennis
Hon. Kolawole Taiwo	Hon. Sylvester Ogbaga
Hon. Yusuf Ayinla	Hon. Bello Hassan Shinkafi
Hon. Chinedu Ogah	Hon. Mani Maishinko
Hon. Haman M.	Hon. Onorisk A.
Hon. Afolabi O. Rasheed	Hon. Nsikak Ekong
Hon. Banwa Shehu Iseji	Hon. Saidu Doka Umar
Hon. Darlington Nwohocha	Hon. Aniekan Umanah
Hon. Sada Soli	Hon. Daniel Asuquo Effiong
Hon. Samson Okwu	Hon. Lawrence Babatunde
Hon. Adejoro Adeogun	Hon. Rimamnde S. Kwewum
Hon. Agbedi Y. Fredrick	Hon. Mark Terseer Gbillah
Hon. Saidu Musa Abdullahi	Hon. Magaji Da'u Aliyu
Hon. Ado Sani Kiri	Hon. Hafiz Kawu
Hon. Babajimi Benson	Hon. Bashir Uba Mashema
Hon. Kani Abubakar Faggo	Hon. Musa M. Pali
Hon. Paschal Obi	Hon. Olumide A. Ojerinde
Hon. Akin Alabi	Hon. Emeka M. Chinedu
Hon. Haruna I. Dederi	Hon. Abdulsalam G. Mubarak
Hon. Thomas Ereyilani	Hon. Gideo Goroki
Hon. Makwe Livinus M.	Hon. Muda Lawal Umar
Hon. James Faleke Abiodun	Hon. John Dyegh
Hon. Odebunmi Olusegun Dokun	Hon. Garba Datti Muhammad
Hon. Kabiru Idris	Hon. Henry Nwawuba
Hon. Dozie F. Nwankwo	Hon. Abubakar A. Ndakene
Hon. Bello Kumo Usman	Hon. Usman Zannah
Hon. Umar Abdulkadir Sarki	Hon. Mukhtar Shehu Ladan
Hon. Olufemi Fakaye	Hon. Chukwuka Onyema W.

[       ] Commencement

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

Alteration of the Constitution 1999	1	<b>1.</b> The Constitution of the Federal Republic of Nigeria, 1999 (in this
	2	Act referred to as "the Principal Act") is altered as set out in this Bill.
Alteration of Section 48	3	<b>2.</b> Section 48 of the Principal Act is altered by substituting the existing
	4	section 48 with a new section "48":
	5	"48. Composition of the Senate:
	6	(1) The Senate shall consist of:
	7	(a) three Senators from each State and one from the Federal Capital
	8	Territory; and
	9	(b) an additional Senator for each State and for the Federal Capital
	10	Territory, who shall be a woman.
	11	(2) Notwithstanding the provision of subsection (1) of this section,
	12	nothing shall prevent a woman from contesting for any of the senatorial seats
	13	referred to in subsection (1)(a).
	14	(3) The provisions of subsection (1) (b) shall commence after the
	15	current life of the National Assembly and shall be reviewed after 16 years from
	16	its commencement notwithstanding any other provision of this Constitution."
Alteration of Section 49	17	<b>3.</b> Section 49 of the Principal Act is altered by substituting the existing
	18	section 49 with a new section "49":
	19	"49. Composition of the House of Representatives:
	20	(1) Subject to the provisions of this Constitution, the House of
	21	Representatives shall consist of:
	22	(a) three hundred and sixty members representing constituencies of
	23	nearly equal population as far as possible, provided that no constituency shall
	24	fall within more than one State; and
	25	(b) two additional members for each State and for the Federal Capital
	26	Territory, who shall be women.
	27	(2) Notwithstanding the provision of subsection (1) of this section,
	28	nothing shall prevent a woman from contesting for any of the seats in the
	29	constituencies referred to in subsection (1)(a).
	30	(3) The provisions of subsection (1) (b) shall commence after the



1 current life of the National Assembly and shall be reviewed after 16 years  
2 from its commencement notwithstanding any other provision of this  
3 Constitution.

4 4. Section 71 of the Principal Act is altered by inserting Alteration of  
Section 71  
5 immediately after sub-sections (1) (a) and (b), new subsections "(2)" and  
6 "(3)":

7 71. Senatorial districts and Federal constituencies:

8 (1) Subject to the provisions of section 72 of this Constitution, the  
9 Independent National Electoral Commission shall:

10 (a) divide each State of the Federation into three Senatorial  
11 districts for purposes of elections to the Senate;

12 (b) subject to the provisions of section 49 of this Constitution,  
13 divide the Federation into three hundred and sixty Federal constituencies for  
14 purposes of elections to the House of Representatives.

15 (2) For the purpose of section 48 of this Constitution, a State shall  
16 constitute an additional senatorial seat to be occupied by a woman.

17 (3) For the purpose of section 49 of this Constitution, the  
18 Independent National Electoral Commission shall divide each State of the  
19 Federation into two Federal constituencies to be occupied by women.

20 5. Section 77 of the Principal Act is altered in subsection (1) by Alteration of  
Section 77  
21 substituting the words "every Senatorial district or Federal constituency" in  
22 lines 1 and 2 with the words "every Senatorial district, Federal constituency  
23 and the additional seats":

24 "77. Direct election and franchise:

25 (1) Subject to the provisions of this Constitution, every Senatorial  
26 district, Federal constituency and the additional seats established in  
27 accordance with the provisions of this Part of this Chapter shall return one  
28 member who shall be directly elected to the Senate or the House of  
29 Representatives in such manner as may be prescribed by an Act of the  
30 National Assembly."

Alteration of  
Section 91

1                   **6.** Section 91 of the Principal Act is altered by substituting the existing  
2                   section 91 with a new section "91":

3                   "91. Composition of the House of Assembly:

4                   (1) Subject to the provisions of this Constitution, a House of  
5                   Assembly of a State shall consist of:

6                   (a) three or four times the number of seats, which that State has in the  
7                   House of Representatives divided in a way to reflect, as far as possible, nearly  
8                   equal population; and

9                   (b) one additional member from each of the three senatorial districts  
10                  in the State referred to in section 48 (1) (a) of this Constitution, who shall be a  
11                  woman.

12                  (2) Notwithstanding the provision of subsection (1) of this section,  
13                  nothing shall prevent a woman from contesting for any of the seats in the  
14                  constituencies referred to in subsection (1)(a)

15                  (3) The provisions of subsection (1 ) (b) shall commence after the  
16                  current life of the State House of Assembly and shall be reviewed after 16 years  
17                  from its commencement notwithstanding any other provision of this  
18                  Constitution.

19                  Provided that a House of Assembly of a State shall consist of not less  
20                  than twenty-four and not more than forty-three members."

Alteration of  
Section 117

21                  **7.** Section 117 of the Principal Act is altered in subsection (1) by  
22                  inserting immediately after the words "every State constituency" in line 1, the  
23                  words "and the additional seats":

24                  "117. Direct election and franchise:

25                  (1) Subject to the provisions of this Constitution, every State  
26                  constituency and the additional seats established in accordance with the  
27                  provisions of this part of this Chapter shall return one member who shall be  
28                  directly elected to a House of Assembly in such manner as may be prescribed  
29                  by an Act of the National Assembly."

- 1                    **8.** This Bill may be cited as the Constitution of the Federal      Citation  
2      Republic of Nigeria, 1999 (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to remedy the low representation of women in Legislative Houses by providing for the creation of additional separate seats to be contested and filled by only women in the National Assembly and State Houses of Assembly as a temporary measure to promote women's representation. The provision is subjected to a review after four general election cycles of sixteen years for the purpose of either retaining, increasing, or abolishing the temporary measure.



# A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL CENTRE  
FOR STROKE MANAGEMENT AND FOR RELATED MATTERS

*Sponsored by Hon. Abass A. Adigun*

[ ] Commencement

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

## PART 1 - ESTABLISHMENT OF THE NATIONAL CENTRE FOR STROKE MANAGEMENT

1.-(1) There is hereby established a body to be known as the National Centre for Stroke Management (in this Act referred to as "the Centre") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.	Establishment of the National Centre for Stroke Management
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Establishment  
of the National  
Centre for Stroke  
Management

(2) The headquarters of the centre shall be Ibadan, Oyo State.

(3) There shall be established a branch of the Centre in each state of the Federation in order to ensure effective service delivery.

(4) The supplementary provision in the schedule to this Act shall have effect with respect to the proceedings of the board or its committee and other matters.

2. There shall be established for the centre a governing board (in this Bill referred to as "the Board") which shall consist of a Chairman, who shall be appointed by the President and the following other members, that is;

Governing  
Council of the  
Board

(i) one person to represent the Ministry responsible for health;

(ii) two persons to represent the Ministries of Health of the States of the Federation;

(iii) one person to represent the Nigerian Medical Association

(iv) one person to represent the Neurology Association of Nigeria;

(v) two persons to represent Nigerian Universities;

	1	(vi) one person to represent the Federal Teaching Hospitals In
	2	Nigeria;
	3	(vii) two persons to be appointed on individual merit on a national
	4	wide basis who shall have wide experience of service in the public or private
	5	sector; and
	6	(viii) the Director-General, who shall be an ex-officio member of the
	7	Board but shall not have the right to vote at the meetings of the Board.
Tenure of Office	8	<b>3.-(1)</b> A member of the Board other than an ex-officio shall hold office
	9	for a term of four years and no more.
	10	(2) Members of the Board shall be paid allowance as may be
	11	determined by the Board in consultation with the National Salaries, Wages and
	12	Income Commission.
Resignation of members of the Board	13	<b>4.</b> A member may resign his appointment by a notice in writing,
	14	addressed to the President.
Cessation of Membership	15	<b>5.</b> A member ceases to hold office if he:
	16	(a) becomes of unsound mind;
	17	(b) is withdrawn by the body he represents;
	18	(c) is convicted of felony or any offence involving dishonesty;
	19	(d) is guilty of misconduct in relation to his duties.
Removal from office of a member	20	<b>6.</b> Notwithstanding the provisions of section 3 of this Act, the
	21	President may remove a member from the board if any circumstance arises
	22	which would require the removal of the member from the board.
Functions of the Centre	23	<b>7.</b> The functions of the Centre shall be to:
	24	(a) provide diagnostic, curative and rehabilitative services;
	25	(b) provide ambulatory and domiciliary neurological treatment,
	26	employing the services of neurologists and other medical practitioners;
	27	(c) collate data on stroke cases reported to the centre and other health
	28	facilities in the country;
	29	(d) conduct research and collate information on the most effective
	30	methods for prevention, treatment and management of stroke;

1 (e) carry out enlightenment campaigns to educate Nigerians on  
2 effective measures to be adopted for preventing strokes;

3 (f) offer medical advice to persons predisposed to stroke and other  
4 neurological complications;

5 (g) offer such assistance to neurology departments or units in  
6 hospitals in various parts of the federation, as the Board may deem  
7 necessary;

8 (h) advise the government of the Federation or of a State on all  
9 matters relating to stroke and effective measures for reducing its occurrence;

10 (i) carry out such other activities as are necessary or expedient for  
11 the performance of its functions under this Act.

12 PART II - STAFF OF THE CENTRE

13 **8.-(1)** There shall be appointed by the President on the  
14 recommendation of the Minister, a Director-General to the Centre, who  
15 shall have appropriate qualification and experience in neurology.

Appointment of  
the Director-  
General of the  
Centre

16 (2) The Director-General shall be the Chief Executive of the Centre  
17 and shall be responsible for the execution of the policy of the Centre and the  
18 day-by-day running of the affairs of the Centre.

19 (3) The Director-General shall hold office in the first instance for a  
20 period of four years and shall be eligible for re-appointment for one further  
21 term of four years and no more.

22 **9.-(1)** Notwithstanding the provision of subsection 3 of section 8 of  
23 this Act, the Director-General may be removed from office by the President  
24 if he deems it necessary for the objectives of the Centre.

Removal of  
Director-General

25 (2) A person appointed as the Director-General after such removal  
26 in subsection (1) shall serve the unexpired period of the term of his  
27 predecessor-in-office.

28 **10.-(1)** The Centre may, from time to time, appoint such other staff  
29 as it may deem necessary to assist the Director General in the performance  
30 of the functions of the Centre.

Appointment of  
other staff

Application of  
Pension Act

1 (2) The remuneration and tenure of office of the employee of the  
2 Centre shall be determined by the Centre after consultation with the Minister.

3 (3) Notwithstanding the provision of subsection (1) of this section,  
4 employees of the Centre may be appointed by the Board by way of transfer  
5 from the public service of the Federation.

6 **11.**-(1) It is hereby declared that service In the Centre shall be  
7 pensionable under the Pensions Act and accordingly, employees of the Centre  
8 shall, in respect of their services in the Centre, be entitled to pensions,  
9 gratuities, and other retirement benefits as are prescribed there-under.

10 (2) Notwithstanding the provision of subsection (1) of this section,  
11 nothing in this Act shall prevent the appointment of a person to any office on  
12 terms which preclude the grant of pension and gratuity in respect of that office.

13 (3) For the purpose of application of the Pensions Act, any power  
14 exercisable there-under by the Minister or authority of the Federal Government  
15 (not being the power to make regulations under section 23 thereof) is hereby  
16 vested in and shall be exercisable by the Centre and not by any other person or  
17 authority.

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

#### 22 PART III - FINANCIAL PROVISIONS

Fund of the  
Centre

23 **12.**-(1) The Centre shall establish a fund from which shall be defrayed  
24 all expenditure incurred by the Centre for the purpose of this Act.

25 (2) There shall be paid and credited to the fund established in  
26 pursuance of subsection (1) of this section, such payments as may be made to  
27 the Centre by the Federal Ministry of Health for the running expense of the  
28 Centre and all other payments or monies, from time to time accruing to the  
29 Centre.



1	<b>13.</b> The Centre may from time to time, apply the proceeds of the	Expenditure of the Centre
2	fund established in pursuance of section 12 of this Act:	
3	(a) to the cost of administration of the Centre;	
4	(b) to payment of salaries, fees or other remunerations or	
5	allowances and pensions, superannuation, allowances and gratuities	
6	payable to members or employees of the Centre, so however that no	
7	payment of any kind under this paragraph shall be made to any person who is	
8	in receipt of emolument from the Government of the Federation or of a	
9	State;	
10	(c) for the maintenance of any property vested in the Centre; and	
11	(d) for and in connection with any of its functions under this Act.	
12	<b>14.</b> -(1) The Centre shall submit to the minister not later than 30th	Annual estimates and accounts
13	September in each year, an estimate of its expenditure and income during the	
14	next succeeding year.	
15	(2) The Centre shall keep proper accounts in respect of each year	
16	(and proper records in relation thereto) and shall cause the accounts to be	
17	audited by an auditor appointed from the list in accordance with the	
18	guidelines supplied by the Auditor General of the Federation.	
19	<b>15.</b> The Centre shall prepare and submit to the President through	Annual reports
20	the Minister not later than so" June in each year, a report in such form as he	
21	may direct on the activities of the Centre, on or during the immediate	
22	preceding year, and shall include in such report a copy of the audited	
23	accounts of the Board for that year and the Auditor General's report thereon.	
24	<b>16.</b> Subject to the provisions of this Act, the Minister may give to	Power of Minister to give directives
25	the Board directives of a general character or relating generally to matters of	
26	policy with regards to the exercise by the Centre of its functions and it shall	
27	be the duty of the Centre to comply with such directives.	
28	<b>17.</b> In this Act, unless the context otherwise requires:	Interpretation
29	"centre" means National Centre for Stroke Management; "chairman" means	
30	the chairman of the governing board of the centre;	

Short title

1 "function" includes power and duty;  
2 "minister" means the Federal Minister in charge of health;  
3 "president" means the President of the Federal Republic of Nigeria.

4 **18.** This Bill may be cited as the National Centre for Stroke  
5 Management Bill, 2021.

6 SCHEDULE

7 [Section 1 (4)]

8 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

9 OF THE BOARD

10 1. Subject to this Act and Section 27 of the Interpretation Act (which  
11 provides for decisions of a statutory body to be taken by a majority of its  
12 members and for the chairman to have a second or casting vote), the board may  
13 make standing orders regulating the proceedings of the Board or any  
14 committee thereof.

15 2. Every meeting of the Board shall be presided over by the Chairman  
16 or if the chairman is unable to attend a particular meeting, the members present  
17 at the meeting shall elect one of their numbers to preside at the meeting.

18 3. The quorum at the meeting of the Board shall consist the Chairman  
19 (or, in an appropriate case, the person presiding at the meeting pursuant to  
20 Paragraph 2 of this schedule) and five other members.

21 4. Where upon any special occasion, the Board desires to obtain the  
22 advice of any person on any particular matter, the Board may co-opt that  
23 person, while co-opted, shall have all the rights and privileges of a member,  
24 except that he shall not be entitled to vote or count towards a quorum.

25 5.-(1) Subject to its standing orders, the Board may appoint such  
26 number of standing and ad-hoc committees as it thinks fit, to consider and  
27 report on any matter with which the Board is concerned.

28 (2) Every committee appointed under the provisions of sub-  
29 paragraph (1) of this paragraph shall be presided over by a member of the  
30 Board and shall be made up of such number of persons, not necessarily

1 members of the Board, as the Board may determine in each case.

2 6. The decision of a committee shall be of no effect until confirmed  
3 by the Board.

4 7. The fixing of the seal of the Centre shall be authenticated by the  
5 signature of the Chairman or the Director-General of the Centre.

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

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

15 10. The validity of any proceedings of the Board or a committee  
16 thereof shall not be adversely affected:

17 (a) by any vacancy in the membership of the Board or committee;

18 (b) by any defect in the appointment of a member of the Board or  
19 committee, or

20 (c) by reason that a person not entitled to do so took part in the  
21 proceedings.

22 11. Any member of the Board or Committee thereof, who has a  
23 personal interest in any contract or arrangement entered into or proposal to  
24 be considered by the Board or Committee, shall forthwith disclose his  
25 interest to the Board or Committee and shall not vote on any question  
26 relating to the contract or arrangement.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of National Centre for Stroke Management to provide effective diagnostic, curative and rehabilitative services for stroke victims in order to reduce the incidents of stroke and its negative effects among Nigerians.

# A BILL

## FOR

AN ACT TO AMEND THE BANK EMPLOYEES ETC (DECLARATION OF ASSET)  
ACT CAP. B1 LAWS OF THE FEDERATION OF NIGERIA 2004 TO REFLECT  
THE PREVAILING SITUATION IN THE COUNTRY AND FOR RELATED  
MATTERS

*Sponsored by Hon. Abiola Shina Pellar*

[ ] Commencement

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

1           1. Section 1 of the Bank Employees Etc (Declaration of Assets) Act  
2 (hereinafter referred to as (the Principal Act') is amended by deleting the  
3 existing therein, and inserting instead the following new provisions:

Amendment of  
Section 1,  
Cap. B1 LFN,  
2004

4           "(1) Every employee of a bank shall, immediately after assuming  
5 duty and thereafter, at the determination of his employment and in the case  
6 of a serving banker, within thirty days of receipt of the Declaration of Assets  
7 form from the appropriate authority or at such other intervals as the  
8 President or the appropriate authority may specify make a full disclosure of  
9 his properties, assets and liabilities, and those of his Spouse or unmarried  
10 Children under the age of 18 years",

11           (2) For the purpose of this Section, a transfer or secondment from  
12 one Bank to another shall be treated as a new employment

13           2. The Principal Act is amended by inserting, after existing section  
14 5, the following new clauses:

Insertion of New  
Clauses

15           "5A. Prohibition of Foreign Accounts:

16 A bank employee shall not maintain or operate a personal bank account in  
17 any country outside Nigeria.

18           "5B. Allegation of breach of provisions of this Act

19 Any complaint that a bank employee has committed a breach of or has not

	1	complied with the provisions of this Act shall be made to the Central Bank of
	2	Nigeria or the appropriate regulator body in the case of employees of other
	3	Financial institutions."
Amendment of Section 12	4	<b>3.</b> Section 12 of the principal Act is amended by deleting the existing
	5	provisions therein and inserting instead the following new provisions:
	6	"(12) Application of the Act to other Financial institution:
	7	(1) The President may direct by an instrument published in the
	8	Federal Gazette that the provisions of this Act be applied to other Financial
	9	Institutions".
	10	(2) Where the President directs as provided in subsection (1) of this
	11	section the Act shall apply subject to such textual modification as may be
	12	necessary for its execution."
Amendment of Section 14	13	<b>4.</b> Section 14 of the Principal Act is amended by:
	14	(a) deleting the existing meaning of the words 'appropriate authority'
	15	and inserting instead the words 'appropriate authority' means the Central Bank
	16	of Nigeria in the case of bank, and the regulatory bodies in the case of other
	17	Financial institutions; and
	18	(b) Inserting the following:
	19	"other Financial Institution' means any individual, body, association
	20	or group of persons, whether corporate or unincorporated, other than the banks
	21	licensed under the banks and other Financial Institutions Act Cap 81 2004 or
	22	any other relevant Law, which carries on the business of a discount house,
	23	finance company and money brokerage and whose principal objects including
	24	factoring, project financing, equipment leasing, debt administration, fund
	25	Management, private ledger services, investment management local
	26	purchases, project consultancy, financial consultancy, pension fund
	27	management and such other business as the Central Bank of Nigeria may, from
	28	time to time designate.
Short title	29	<b>5.</b> This Bill may be cited as the Bank Employees Etc (Declaration of
	30	Assets)(Amendment) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bank Employees etc (Declaration of Assets) Acts Cap, B1 Laws of the Federation of Nigeria 2004 to reflect the prevailing situation in the Country.





**PATENTS AND DESIGNS (REPEAL AND RE-ENACTMENT) BILL, 2021****ARRANGEMENT OF SECTIONS***Section***PART 1 - PATENTS**

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2. Matter excluded from Patent Inventions
3. Patentable Inventions
4. Rights to Patents and Naming of an Inventor
5. Application for Registration of Patents
6. Unity of Invention, Amendment and Division Application
7. Right of Priority
8. Information Concerning Corresponding Foreign Applications and Patents
9. Filing Date and Examination
10. Grant of Patents and Changes in Patent
11. Right Conferred by Patent
12. Duration Annual Fees
13. Exploitation by Government or Authorized Persons
14. Non-Voluntary Licenses
15. Revocation of Patents
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**PART II - UTILITY MODEL CERTIFICATES**

17. Applicability of Provisions Relating to Patents
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21. Patent Office as a Receiving Office
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23. Patent Office as Designated office
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25. National Processing

26. Entering National Phase
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31. Registrable Designs
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33. Application for Registration
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35. Opposition to Registration
36. Registration and Publication
37. Applications Under Seal Cover
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PART V

42. Changes in Ownership License and Control
43. Representations
44. Patent Registry
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48. Exercise of Discretionary Powers
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# A BILL

## FOR

AN ACT TO REPEAL THE PATENTS AND DESIGNS ACT CAP P2 LFN 2004  
AND ENACT THE PATENTS AND DESIGNS ACT 2019 TO PROVIDE FOR THE  
PROTECTION OF INVENTIONS AND FOR RELATED MATTERS

*Sponsored by Hon. Oluga Taiwo*

[ ] Commencement

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

### 1 PART 1 - PATENT

2 1.-(1) Patent means the title granted to protect an Invention under Definition of  
3 this Bill. Patents and  
Inventions

4 (2) Invention means an idea of an Inventor which permits in  
5 practice the solution to a specific problem in the field of technology.

6 (3) An Invention maybe, or may not relate to, a product or a  
7 process.

8 2.-(1) the following inventions, even if they are inventions within Matter excluded  
9 the meaning of section 1, are excluded from patent protection; from Patent  
Inventions

10 (a) discoveries, scientific theories and mathematical methods;

11 (b) schemes, rules or methods for doing business, performing  
12 purely mental acts or playing games;

13 (c) methods for treatment of the human or animal body by surgery  
14 or therapy, as well as diagnostic methods practised on the human or animal  
15 body, this provision shall not apply to products for use in any of those  
16 methods;

17 (d) inventions, the prevention within the country of the commercial  
18 exploitation of which is necessary to protect public order or morality, which  
19 includes:

20 (i) the protection of human, animal or plant life or health; or

Patentable  
Inventions

- 1 (ii) the avoidance of serious prejudice to the environment; if the  
2 exclusion is not made because the exploitation is 'prohibited,  
3 (e) Plants and animals and other than micro-organism;  
4 (f) biological processes for the protection of plants or animals other  
5 than non-biological and micro-biological processes; and  
6 (g) plant varieties.

7 **3.-(1)** An invention is patentable if it is new, involves an inventive step  
8 and is industrially applicable.

9 (2) An invention is new if it is not anticipated by a prior art.

10 (3) Prior Art shall consist of everything disclosed to the public,  
11 anywhere the world, by publication in tangible form or by oral disclosure, by  
12 use or in any other way, prior to filing or, where appropriate, the priority date, of  
13 the application claiming the invention.

14 (4) for the purposes of subsection (3), disclosure to the public of the  
15 invention shall not be taken into consideration if it occurred within twelve  
16 months preceding the filing date or, where applicable, the priority date of the  
17 application or the applicant's predecessor in title or of an abuse committed by a  
18 third party with regard to or the applicant or the applicant's predecessor in title.

19 (5) An invention shall be considered as involving an inventive step if,  
20 having regard to the prior art relevant to the application claiming the invention  
21 and as defined in subsection (3), it would not have been obvious to a person  
22 having ordinary skill in the art.

23 (6) An Invention shall be considered industrially applicable if it can  
24 be made or used in any kind of industry.

Right to Patents  
and naming of  
inventor

25 **4.-(1)** the right to patent belongs to the inventor.

26 (2) where two or more persons have jointly made an invention, the  
27 right to the patent belongs to them jointly.

28 (3) where two or more persons have made the same invention  
29 independently of each other, the person whose application has the earliest  
30 filing date or, if priority is claimed, the earliest validly claimed priority date

1 shall have the right to the patent, as long as the application is not withdrawn,  
2 abandoned or rejected.

3 (4) the right to a patent may be assigned, transferred or devolve by  
4 succession.

5 (5) where an invention is made in execution of an employment  
6 contract, and the employer intended the task or activity of the employee in  
7 the course of the employment to resort into the invention or to result to an  
8 invention, the right to the patent belongs in the absence of any contractual  
9 provisions to the contrary, to the employer.

10 (6) where however, the employee makes an invention where the  
11 contract of employment does not require him to perform any inventive  
12 activity, and in so doing he makes use of any data or material belonging to  
13 the employer, the right to that invention shall automatically vest in the  
14 employee, and the employer shall have a right to declare his interest in the  
15 invention within six (6) months from the invention and shall be given a right  
16 to first option to acquire the patent and shall adequately remunerate the  
17 employee for his invention.

18 Provided that where the invention has an economic value greater  
19 than the parties can reasonably foresee at the time of conclusion of the  
20 contract, the inventor shall be entitled to a special remuneration, which shall  
21 be fixed by the Court in the absence of an agreement between the Parties and  
22 adequate remuneration shall take into account the economic value of the  
23 invention, future benefit to be derived by the employer, such as royalties to  
24 be paid on subsequent gains accruing from such invention.

25 (7) the inventor shall be named as the inventor in the patent, unless  
26 in a special written declaration signed by the inventor and addressed to the  
27 Registrar that the inventor indicates a desire not to be named.

28 (8) Any promise or undertaking by the Inventor made to any person  
29 to the effect that the inventor will make the declaration shall be without legal  
30 effect.

Application for  
registration of  
Patents

1                   5.-(1) An Application for the registration of a Patent shall be filled  
2     with the Registrar and shall contain a request, a description, one or more  
3     claims, one or more drawings where required, and an abstract.

4                   (2) the application shall be subject to payment of the prescribed  
5     application fee;

6                   (3) the request shall contain a Petition to the effect that a patent be  
7     granted, the name of and other prescribed data concerning the applicant, the  
8     inventor and the agent, if any, and the title of the invention.

9                   (4) where the applicant is not the inventor, the request shall be  
10    submitted with a statement justifying the applicant's right to the patent.

11                  (5) the description shall disclose the invention in a manner  
12    sufficiently clear and complete for the invention to be carried out by a person  
13    having ordinary skill in the art and shall in particular, indicate, at least, one  
14    mode known to the applicant for carrying out the invention.

15                  (6) the claim or claims shall define the matter for which the protection  
16    is sought;

17                  (7) claims shall be clear and concise and shall be fully supported by  
18    the description;

19                  (8) drawings shall be required when they are necessary for the  
20    understanding of the invention;

21                  (9) the abstract shall merely serve the purpose of technical  
22    information; in particular, it shall not be taken into account for the purpose of  
23    interpreting the scope of the protection.

24                  (10) the application may, up to the time when the application is in  
25    order for grant, withdraw the application at any time during its pendency.

Unity of Invention,  
Amendment and  
division of  
application

26                  6.-(1) the application shall relate to one invention only or a group of  
27    invention so linked as to form a single general inventive concept.

28                  (2) the applicant may, up to the time when the application is in order  
29    for grant, amend the application, but the amendment shall not go beyond the  
30    disclosure in the initial application;

1 (3) the applicant may, up to the time when the application is in  
2 order for grant, divide the application into two or more applications namely  
3 divisional applications, but each divisional application shall not go beyond  
4 the disclosure in the initial application.

5 (4) each divisional application is entitled to the filing date, and  
6 where applicable, the priority date if the initial application.

7 (5) the fact that a patent has been granted on an application that  
8 does not comply with the requirement of unity of invention under the  
9 subsection (1) is not a ground for the invalidation of the patent.

10 7.-(1) An Application may contain a declaration claiming the Right of Priority  
11 priority, as provided for in the Schedule of one or more earlier national,  
12 regional or international applications filed by an applicant or the applicant's  
13 predecessor in title:

14 (a) in or for any State Party to the Convention; or

15 (b) in or for any member of the World Trade Organisation.

16 (2) Where the application contains a declaration under subsection  
17 (1), the Registrar may request the applicant to furnish, within the prescribed  
18 time limit, a copy of earlier application certified as correct by the Patent  
19 Office with which it was filed.

20 (3) the effect of the declaration shall be as provided in the schedule.

21 (4) where the Registrar finds that the requirements under this  
22 section have not been fulfilled, the declaration shall be considered to have  
23 been made.

24 8.-(1) the Applicant, shall at the request of the Registrar, furnish the Information  
25 Registrar with the date and number of any foreign application. concerning  
corresponding  
foreign applications  
and patents

26 (2) the applicant shall, at the request of the Registrar, furnish the  
27 Registrar with the following documents relating to any foreign applications  
28 referred to in subsection(1):

29 (a) a copy of any communication received by the applicant  
30 concerning the results of any search or examination carried out in respect of

1 the foreign application;

2 (b) a copy of the patent granted on the basis of the foreign application;

3 (c) a copy of final decision rejecting the foreign application or  
4 refusing the grant requested in the foreign application.

5 (3) the Application shall, at the request of the registrar, furnish the  
6 Registrar with a copy of any final decision invalidating the patent granted on  
7 the basis of the foreign application referred to in subsection(2).

8 (4) for the purposes of this Section, "Foreign Application" means any  
9 application filed by the applicant abroad which relates to the same or  
10 essentially the same invention as that claimed in the application filed with the  
11 Patent Office.

Filing date and  
examination

12 9.-(1) The Registrar shall accord as the filing date, the date of receipt  
13 of the application, if at the time of receipt, the documents filed contain:

14 (a) an express or implicit indication that the granting of the patent is  
15 sought;

16 (b) Indications allowing the identity of the applicant to be established;

17 (c) a part which, on the face of it, appears to be a description of an  
18 invention;

19 (2) Where the Registrar finds that the application did not at the time of  
20 receipt, fulfil the requirements referred to in subsection (1) of this section, the  
21 Registrar shall invite the Applicant to file the required correction and shall  
22 accord as the filing date, the date of receipt of the required correction.

23 (3) where no correction is made, the application shall be treated as if it  
24 has not been filed.

25 (4) where the application refers to drawings, which are not included in  
26 the application, the Registrar shall invite the Applicant to furnish the missing  
27 drawings.

28 (5) where the applicant-

29 (a) complies with the invitation, the Registrar shall accord as the filing  
30 date the date of receipt of the missing drawings; or



1 (b) does not comply with the invitation of the Registrar, shall  
2 accord the filing date, the date of receipt of the application and any reference  
3 to the missing drawings shall be treated as non-existent.

4 (6) the Registrar after according the filing date, shall examine  
5 whether the application complies with the requirements of section 5  
6 subsection (1)(2)(3) and (4) and other requirements designated as formal  
7 requirements and whether information requested under section 8, if any, has  
8 been provided.

9 (7) where the Registrar is of the opinion that the application  
10 complies with the requirements indicated in subsection (6) Registrar shall  
11 cause the application to be examined as to whether the requirements of  
12 section 1(2) and (3), 2,3,5(5)(6)(7)(8), and 6 have been complied with.

13 (8) for the purpose of subsection (7), the Registrar shall take into  
14 account-

15 (a) the results of any international search report and any  
16 international preliminary examination report established under the Treaty in  
17 relation to the application; or

18 (b) a search and an examination report submitted under section  
19 8(2)(a) which relates to corresponding foreign application; or

20 (c) a final decision submitted under section 8(2)(c) on refusal to  
21 grant a patent on a corresponding foreign application; or

22 (d) a search and an examination report which was carried out upon  
23 the request of the Registrar by an external search and an examination  
24 authority.

25 **10.-(1) Where the Registrar Finds that:**

26 (a) the application complies with the requirements of section 9(6)  
27 and (7), the Registrar shall grant the Patent.

28 (b) the application does not comply with the requirements of  
29 section 9(6) and (7), the Registrar shall refuse the application and notify the  
30 applicant of the refusal.

Grant of Patents  
and changes in  
Patent

1 (2) where the Registrar grants the Patent, the Registrar shall:

2 (a) Publish a reference of the grant of the patent in the prescribed  
3 manner;

4 (b) issue to the applicant a certificate of the grant of patent and a copy  
5 of the patent;

6 (c) record the patent;

7 (d) make available copies of the patent to the public, on payment of  
8 the prescribed fees.

9 (3) the Registrar shall, whenever possible, give a final decision on the  
10 application not later than two(2) years after the commencement of the  
11 examination referred to in section 9(7)

12 (4) the Registrar shall upon request of the owner of the Patent, make  
13 changes in the text or drawings of the patent in order to limit the extent of the  
14 protection.

15 (5) the Registrar shall make any change where the change would  
16 result in the disclosure contained in the patent going beyond the disclosure  
17 contained in the initial application on the basis of which the patent is granted.

Rights conferred  
by Patent

18 **11.-(1)** The exploitation of the patented invention in the country by a  
19 person other than the owner of the patent shall require the owner's consent.

20 (2) for the purposes of this section, "exploitation" of a patented  
21 invention means any of the following acts:

22 (a) where the patent has been granted in respect of a product,  
23 "exploitation" means-

24 (i) making, importing, offering for sale, selling and using the product;

25 (ii) stocking the product for the purposes of offering for sale, selling  
26 or using.

27 (b) where the patent has been granted in respect of a process,  
28 "exploitation" means-

29 (i) using the process; or

30 (ii) doing any of the acts referred to in paragraph (a) in respect of

1 product obtained directly by means of the process.

2 (3) the owner of the patent shall, in addition to any other rights,  
3 remedies or actions available to the owner, have right, subject to subsection  
4 (4) and section 13, to institute court proceedings against any person who  
5 infringes the patent by performing, without the consent of the owner; any of  
6 the acts referred to subsection (2) or who performs acts which may lead to  
7 infringement.

8 (4) the rights under the patent shall extend to-

9 (a) acts in respect of articles which have been put on the market in  
10 any country by the owner of the patent or with the owner's consent; or

11 (b) the use of the articles on aircraft, vehicles or vessels of other  
12 countries which temporarily or accidentally enter the airspace, territory or  
13 waters of Nigeria; or

14 (c) acts done only for experimental purposes relating to patent  
15 invention; or

16 (d) acts performed by a person who in good faith, before filing, or  
17 where priority is claimed, the priority date of the application on which the  
18 patent is granted in the country, was using the invention or was making  
19 effective and serious preparations for the use;

20 (5) the right of prior use referred to in paragraph (d) may be  
21 transferred or devolve only together with the enterprise or business, or with  
22 that part of the enterprise or business, in which the use or preparation for use  
23 has been made.

24 (6) at the request of the owner of the patent or of a licensee if the  
25 licensee has requested the owner to institute court proceedings for a specific  
26 relief and the owner has refused or failed to do so, the court may grant an  
27 injunction to prevent infringement or an imminent infringement, award  
28 damages and grant any other relief provided for in the general law.

29 (7) for the purpose of civil proceedings in respect of the  
30 infringement of rights of the owner, if the subject matter of a patent is a

	1	process for obtaining a product, the court may order the defendant to prove that
	2	the process was used to obtain an identical product is different from the
	3	patented process.
	4	(8) any identical product when produced without the consent of the
	5	patent owner shall, in the absence of proof to the contrary, be deemed to have
	6	been obtained by the patented process if the product obtained by the patented
	7	process is new.
Duration, Annual Fees	8	<b>12.</b> -(1) subject to subsection (2), a Patent Application shall expire
	9	twenty years after the filing date of the application for patent;
	10	(2) in order to maintain the patent or patent application, an annual fee
	11	shall be paid in advance to the Registrar for each year, starting one year after the
	12	filing date of the application for grant of the patent.
	13	(3) a period of grace of six months shall be allowed for non-payment
	14	of annual fee on of the prescribed fee.
	15	(4) where the annual fees is not paid in accordance with this section,
	16	the patent application shall be deemed to have been withdrawn or the patent
	17	shall lapse.
Exploitation by Government or authorized persons	18	<b>13.</b> -(1) Where-
	19	(a) a public interest, in particular, national security, nutrition, health or
	20	the development of other vital sectors of the national economy so requires, or
	21	(b) a judicial or administrative body has determined that the matter of
	22	exploitation by the owner of the patent or the owner's licensee, is anti-
	23	competitive, and the Minister is satisfied that the exploitation of the invention
	24	in accordance with this subsection would remedy that practice.
	25	The Minister may decide that, even without the consent of the owner of the
	26	patent, a Government Agency or a third party designated by the Minister may
	27	exploit the invention.
	28	(2) the exploitation of the invention shall be limited to the purpose for
	29	which it was authorized and shall be subject to the payment to the owner of an
	30	adequate remuneration taking into account the economic value of the

1 Minister's decision as determined in the decision, and where a decision has  
2 been taken under subsection (1)(b), the need to correct anti-competitive  
3 practices.

4 (3) the Minister shall take a decision after hearing the owner of the  
5 Patent and any other interested person if that person wishes to be heard.

6 (4) upon a request of the owner of the patent, of the Government  
7 Agency or the third person authorized to exploit the patented invention, the  
8 Minister of Industry Trade and Investment may, after hearing the parties, if  
9 either or both wishes to be heard, vary the terms of the decision authorizing  
10 the exploitation of the patented invention to the extent that changed the  
11 circumstances justify the variation.

12 (5) upon request of the owner of the Patent, the Minister may  
13 terminate the authorization if the Minister is satisfied, after hearing the  
14 parties, if either or both wish to be heard, that the circumstances which led to  
15 the Minister's decision have ceased to exist and are unlikely to re-occur or the  
16 Government agency or third person designated by the Minister has failed to  
17 comply with the terms of the decision.

18 (6) Notwithstanding subsection (5), the Minister shall not  
19 terminate the authorization if the Minister is satisfied that the need for  
20 adequate protection of the legitimate interest of the Government Agency  
21 and third Person designated by the Minister justifies the maintenance of the  
22 decision.

23 (7) Where a third person has been designated by the Minister, the  
24 authorization may only be transferred with the enterprise or business of that  
25 person or with the part of the enterprise or business within which the  
26 patented invention is being exploited.

27 (8) the authorization shall not exclude:

28 (a) the conclusion of license contracts by the owner of the patent; or

29 (b) the continued exercise of license contracts by the owner of the  
30 patent, of the owner's right under section 11(2).

1 (9) A request for the Minister's Authorization shall be accompanied by  
2 evidence that the owner of the patent has received, from the person seeking the  
3 authorization, a request for a contractual license, but that, that person has been  
4 unable to obtain the license on reasonable commercial terms and conditions  
5 within a reasonable time.

6 (10) Subsection(9) does not apply in cases of national emergency or  
7 other circumstances of extreme urgency but in such cases, the Registrar shall  
8 notify the owner of the Patent of the Minister's decision as soon as reasonably  
9 practicable.

10 (11) the exploitation of the invention by the Government agency or  
11 third person designated by the Minister shall be predominately for the supply  
12 of the market in the country.

13 (12) the exploitation of an invention in the field of semi-conductor  
14 technology shall only be authorized for public non-commercial use or where a  
15 judicial or administrative body has determined the manner of exploitation of  
16 the patented invention, by the owner of the patent or the owner's licensee, is  
17 anti-competitive and if the Minister is satisfied that the issuance of the non-  
18 voluntary license would remedy the practice.

19 (13) A person aggrieved by the Minister's decision under this section  
20 shall appeal to the Federal High Court.

Non-Voluntary  
Licenses

21 **14.**-(1) On request, made to the Court after the expiration of a period  
22 of four years from the date of filing of the patent application or three years from  
23 the date of grant of the patent, whichever period expires last, the court may  
24 issue a non-voluntary license if the court is satisfied that the patented invention  
25 is not exploited or is insufficiently exploited by working the invention locally  
26 or by importation in the country.

27 (2) Notwithstanding subsection (1), a non-voluntary license shall not be  
28 issued if the owner of the patent satisfies the court that circumstances exist  
29 which justify the non-exploitation or insufficient exploitation of the patented  
30 invention in the country.

- 1 (3) the decision for issuing the non-voluntary license shall specify-
- 2 (a) the scope and function of the license.
- 3 (b) the time limit within which the licensee shall begin to exploit
- 4 the patented invention, and
- 5 (c) the adequate remuneration to be paid to the owner of the patent
- 6 and the condition of payment.
- 7 (4) the beneficiary of the non-voluntary license may:
- 8 (a) exploit the patented invention in the country according to the
- 9 terms specified in the decision issuing the licensee, or
- 10 (b) commence the exploitation of the patented invention within the
- 11 time limits specified in the decision, and
- 12 (c) exploit the patented invention sufficiently.
- 13 (5) where-
- 14 (a) the invention claimed in a patent cannot be exploited in the
- 15 country without infringing a patent granted on the basis of an application
- 16 benefiting from an earlier filing or where appropriate, priority date, and
- 17 (b) where the invention claimed in the later patent involves an
- 18 important technical advance of considerable economic importance in
- 19 relation to the invention claimed in the earlier patent,
- 20 The Court, upon the request of the owner of the later patent, may issue a non-
- 21 voluntary license to the extent necessary to avoid infringement of the earlier
- 22 patent.
- 23 (6) where an non-voluntary license is issued under subsection (5),
- 24 the court upon the request of the owner of the earlier patent, shall issue a
- 25 non-voluntary license in respect of the later patent.
- 26 (7) in the case of a request for issuance of a non-voluntary license
- 27 under subsection (5) and (6), subsection (3) shall apply with such
- 28 modifications as are necessary with the proviso that no time limit needs to be
- 29 specified.
- 30 (8) in the case of a non-voluntary license issued under subsection

Revocation of  
Patents

1 (5), the transfer may be made only with the later patent, or in the case of a non-  
2 voluntary license issued under the subsection(6), only with the earlier patent.

3 (9) Subsection 13(4) to (13) shall apply with such modifications as are  
4 necessary.

5 **15.** The Registrar of the Patent Registry in Nigeria shall on either of  
6 the following grounds revoke a Patent Granted under this Act:

7 (1) Where it can be ascertained that the Applicant was not the person  
8 entitled to apply for the Patent;

9 (2) The patent, as claimed, was obtained in contravention of the rights  
10 of the petitioner;

11 (3) The specification does not fully describe the invention and the  
12 claims are not fairly based on the matter described in the specification;

13 (4) The claimed invention is not an invention within the meaning of  
14 the Act;

15 (5) The claimed invention was obvious and did not an inventive step  
16 on or before the priority date of the claim;

17 (6) The claimed invention is the subject of a valid claim of earlier  
18 priority of date contained in another patent"

Invalidation or  
nullity of Patents

19 **16.**-(1) an interested person may request may request the court to  
20 invalidate a patent.

21 (2) the court shall invalidate a Patent if

22 (a) if the person requesting the invalidation proves that a person not  
23 complied with any of the requirements of sections 1(2) and (3),  
24 2,3,5(5),(6),(7)or (8); or

25 (b) the owner of the Patent is not the inventor or the inventor's  
26 successor-in-title

27 (3) an invalidated patent, or claim or part of a claim shall be regarded  
28 as null and void from the date of the grant of the patent.

29 (4) the registrar of the court shall notify the Registrar of the final  
30 decision of the Court.



1 (5) the Registrar shall record the decision and publish a reference to  
2 it in the prescribed manner.

3 PART II - UTILITY PATENT CERTIFICATES

4 17.-(1) Subject to the provisions of section 17 of this Bill, the  
5 provisions of this Part shall apply, with such modifications as are necessary,  
6 to utility model certificates or applications for utility model certificates.

Applicability of  
provisions relating  
to Patents

7 (2) where the right to a Patent conflicts with the right to a Utility  
8 Model Certificate in the case referred to in section 4(3), the provisions shall  
9 apply as if the word "patent" were replaced with "patent and utility model  
10 certificate"

11 18.-(1) An invention qualifies for Utility Model Certificate if it is  
12 new and industrially applicable.

Special provisions  
relating to utility  
model certificates

13 (2) Section 3 (1) and (5) does not apply to the case of an invention  
14 for which utility model certificate is requested.

15 (3) Section 9(7) does not apply in the case of applications for utility  
16 model certificates.

17 (4) A utility Model Certificate shall expire, without the possibility  
18 of renewal at the end of the seventh year after the date of filing of the  
19 application.

20 (5) with the exception of subsection (3), section 12(1) does not  
21 apply in the case of utility model certificates.

22 (6) in proceedings under section 15, the court shall invalidate the  
23 utility model certificate on the following grounds-

24 (a) that the claimed invention did not qualify for a utility model  
25 certificate, having regard to subsection (1), section 3(2), (3), (6);

26 (b) that the description and the claims do not comply with the  
27 requirements prescribed by sections 5(5), (6) or (7);

28 (c) that any drawing which is necessary for the understanding of the  
29 invention has not been furnished; or

30 (d) that the owner of the Utility Model Certificate is not the

	1	inventor or the inventor's successor in title.
	2	(7) section 15(2) does not apply to Utility Model Certificates.
Conversion of Patent applications or applications for Utility Model Certificates	3	<b>19.</b> -(1) Prior to the grant or refusal of a patent, an applicant for a
	4	patent may, upon payment of the prescribed fee, convert the applicant's
	5	application into an application for Utility Model Certificate, which shall be
	6	accorded the filing date of the initial application.
	7	(2) prior to the grant and refusal of a Utility Model Certificate, an
	8	applicant for a Utility Model Certificate may, upon payment of the prescribed
	9	fee, convert the applicant's application into a Patent application, which shall be
	10	accorded the filing date of the application.
	11	(3) An application may not be converted under subsection (1) more
	12	than once.
	13	PART III - INTERNATIONAL APPLICATIONS UNDER THE TREATY
Filing date and effects of International Applications Designating Nigeria	14	<b>20.</b> An International Application designating Nigeria shall subject to
	15	this Part, be treated as an Application for a Patent or a Utility Model Certificate
	16	filed under this Act having as its filing date the international filing date
	17	accorded under the Treaty.
Patent Office as receiving office	18	<b>21.</b> The Patent Office shall act as receiving office in respect of an
	19	international application filed with it by a resident or national of Nigeria.
Filing International Applications	20	<b>22.</b> An International Application shall be filed in a prescribed
	21	language with the Patent office in Nigeria as the receiving office and the
	22	prescribed transmittal fees shall be paid in the Patent office.
Patent Office as Designated Office	23	<b>23.</b> The Patent office shall act as a designated office in respect of
	24	international application in which Nigeria is designated for the purposes of
	25	obtaining a national patent or utility model certificate under this Act.
Patent Office as Elected Office	26	<b>24.</b> The Patent Office shall act as the elected office in respect of
	27	international applications in which Nigeria is designated as referred to in
	28	section 22, if the applicant elects Nigeria for the purposes of international
	29	preliminary examination under Chapter II of the Treaty.

1	<b>25.</b> The Patent Office as a designated office or elected office shall	National Processing
2	not commence the processing of an international application designating	
3	Nigeria before the expiration of the time limit referred to in section 25	
4	except if the applicant complies with the requirements of that section and	
5	files with the Patent Office an express request for early commencement of	
6	the processing.	
7	<b>26.</b> The Applicant in respect of an international application	Entering National
8	designating Nigeria shall before the expiration of the time limit applicable	Phase
9	under the Article 22 or 39 of the Treaty or of a later time limit as may be	
10	prescribed in the Regulations-	
11	(a) pay the prescribed fee to the Patent Office, and	
12	(b) where the international application was not filed or published in the	
13	prescribed language, the applicant shall submit an appropriate translation of	
14	the international application containing the prescribed contents.	
15	<b>27.</b> Where the applicant does not comply with the requirements of	Failure to enter
16	section 25 within the time limit referred to in that section, the international	National phase
17	application shall be considered withdrawn for the purposes of this Act.	
18	<b>28.</b> An international application may designate Nigeria for Patent	Harare Protocol
19	under the Harare Protocol.	
20	<b>29.-(1)</b> The Patent Office shall process an International Application	Processing
21	in accordance with-	International
22	(a) the Treaty and regulations made under the Treaty; and	application in
23	(b) the administrative instructions made under the regulations	accordance with
24	referred to in paragraph (a).	treaty
25	(2) where the provisions of the Treaty, the regulations made under	
26	the Treaty and the administrative instructions made under the Regulations	
27	conflict with this Act, the Treaty or the regulations or the administrative	
28	instructions shall apply.	

	1	PART IV - INDUSTRIAL DESIGNS
Nature of Industrial Designs	2	<b>30.</b> Any combination of lines or colours or both, and any three-
	3	dimension form, whether or not associated with colours, is an industrial design,
	4	if it is intended by the Creator to be used as a model or pattern to be multiplied
	5	by industrial process and is not intended solely to obtain a technical result.
Registrable Designs	6	<b>31.-(1)</b> Subject to the Provisions of this Section, an Industrial Design
	7	is registrable if:
	8	(a) it is new; and
	9	(b) it is not contrary to public order or morality.
	10	(2) where application is made for the registration of an industrial
	11	design the design shall be presumed to be new at the time of the application,
	12	except in so far as the following provisions of this section provide otherwise.
	13	(3) An Industrial Design is not new if, before the date of the
	14	application for registration, it has been made available to the public anywhere
	15	and at any time by means of description, use or in any other way, unless it is
	16	shown to the satisfaction of the register that the creator of the design could not
	17	have known that it had been made so available.
	18	(4) An industrial Design shall not be deemed to have been made
	19	available to the public solely by reason of the fact that within the period of six
	20	months preceding the time of filing the application for registration the creator
	21	has exhibited it in an official or officially recognised exhibition.
	22	(5) An industrial Design is not new merely because it differs in minor
	23	or inessential ways from an earlier design or concerns a type of product other
	24	than the type with which an earlier design is concerned.
Right to registration	25	<b>32.-(1)</b> Subject to this Section, the right to registration of an industrial
	26	design shall be vested in the Statutory Creator, that is to say, the person who,
	27	whether or not he is the true creator, is the first to file, or validly to claim a
	28	foreign priority for, an application for registration of the design.
	29	(2) The true creator shall be entitled to be named as such in the
	30	register, and the entitlement in question shall not be modifiable by contract.

1 (3) if the essential elements of an application for the registration of  
2 an industrial design have been obtained by the purported applicant from the  
3 creation of another person without the consent of that other person both to  
4 the obtaining of those essential elements and to the filing of the application,  
5 all rights in the application and in any consequent registration shall be  
6 deemed to be transferred to that other person.

7 (4) where an industrial design is created in the course of  
8 employment or in the execution of contract for the performance of specified  
9 work, the ownership of the design shall be vested in the employer or, as the  
10 case may be, in the person who commissioned the work.

11 Provided that, where the creator is an employee, then, if his  
12 contract of employment does not require him to exercise any creative  
13 activity but he has in creating the design used data or means that his  
14 employment has put at his disposal-

15 (a) he shall be entitled to fair remuneration taking into account his  
16 salary and the importance of the design which he has created; and

17 (b) the entitlement in question is not modifiable by contract and  
18 may be enforced by civil proceedings.

19 **33.-(1)** An application for the registration of an industrial design  
20 shall be made to the registrar and-

Application for  
Registration

21 (a) shall contain the following-

22 (i) a request for registration of the design;

23 (ii) the applicants full name and address and, if that address is  
24 outside Nigeria, an address of service within Nigeria;

25 (iii) a specimen of the design or a photographic or graphic  
26 representation of the design with any printing block or other means of  
27 reproduction from which the representation is derived;

28 (iv) an indication of the kind of product(or, where a classification  
29 has been prescribed, the class of the product) for which the design will be  
30 used; and

- 1 (v) such other matter as may be prescribed; and
- 2 (b) shall be accompanied by:
- 3 (i) the prescribed fee;
- 4 (ii) where appropriate, a declaration signed by the true creator
- 5 requesting that he be named as such in the register and giving his name and
- 6 address; and
- 7 (iii) if the application is made by an agent, a signed Power of Attorney
- 8 (so however that, notwithstanding any rule of law, legislation or certification
- 9 of the signature of the Power of Attorney shall be unnecessary)
- 10 (2) A single Application may relate to any number of industrial
- 11 designs not exceeding fifty, if the products to which the designs relate are of the
- 12 same kind or, where a classification has been prescribed, of the same class.
- 13 (3) where an applicant for the registration of an industrial design
- 14 seeks to avail himself of a foreign priority in respect of an earlier application
- 15 made in a country outside Nigeria-
- 16 (a) he shall append to his application under subsection(1) of this
- 17 section a written declaration showing
- 18 (i) the date and number of the earlier application;
- 19 (ii) the country in which the earlier application was made; and
- 20 (iii) the name of the person who made the earlier application; and
- 21 (b) not more than three months after making the application under
- 22 subsection (1) of this section, he shall furnish the registrar with a copy of the
- 23 earlier application certified correct by the Industrial Property Office (or its
- 24 equivalent) in the country where the application was made.
- 25 **34.-(1)** The Registrar shall examine every application for registration
- 26 of an industrial design as to its conformity with relating to Sections 30(1)(b)
- 27 and 32 of this Bill which concerns Registrable Designs and Applications for
- 28 Registration, and-
- 29 (a) if the application fails in any respect to comply with the provisions

1 of section 30 (1)(b) or 32(1) or (2) of this Bill, the Registrar shall reject the  
2 Application; and

3 (b) if the application fails in any respect to conform with sections  
4 30(3) of this Bill, the Registrar shall disregard any claim for foreign priority.

5 (2) where the examination mentioned in subsection (1) of this  
6 Section shows that an application for the registration of an industrial design  
7 satisfies the requirements of section 30(1)(b) and 32 of this Bill, the design  
8 registered in accordance with the application without further examination  
9 and, in particular, without examination of the question whether the  
10 registration might be contrary to section 30(1)(a) of this Bill, and, where the  
11 said examination shows that section 32(3) of this Bill has been complied  
12 with as respect a claim for foreign priority, the foreign priority claimed shall  
13 be recorded in the Register of Designs.

14 **35.-(1)** Any interested person may within the prescribed period and  
15 in the manner prescribed give notice to the Registrar of any opposition to the  
16 registration of an industrial design on the ground that one or more  
17 requirement of section 31(1)(a) and (b) and 33 of this Bill have not been  
18 fulfilled or that the applicant does not have a right to the registration of the  
19 industrial design.

Opposition to  
Registration

20 (2) the Registrar shall send a copy of the Notice to the Applicant  
21 within the prescribed period.

22 (3) the Applicant shall within the prescribed period and in the  
23 prescribed manner send to the Registrar a counter-statement of the ground  
24 on which the applicant relies for the application.

25 (4) if the applicant sends a counter-statement, the Registrar shall on  
26 receipt of the counter-statement send a copy of the counter-statement to the  
27 person giving the notice of opposition.

28 (5) the Registrar shall hear the Parties if either or both wish to be  
29 heard and after considering the merits of the case decides whether the  
30 industrial design is registrable.

Registration and  
Publication

- 1                   **36.**-(1) An industrial Design shall be registered by the issue of the  
2   Applicant of a registration Certificate containing:  
3                   (a) the number of the Design in order of registration;  
4                   (b) the name and address of the registered owner and, if that address is  
5   outside Nigeria, an address for Service in Nigeria;  
6                   (c) the date of the application and of the issue of registration  
7   certificate;  
8                   (d) if foreign priority is claimed:  
9                   (i) an indication of the fact; and  
10                  (ii) the number and the date of the application on which the claim is  
11   based and the name of the country where the application was made;  
12                  (e) a reproduction or representation of the design and an indication of  
13   the kind (or, or where a classification has been prescribed, the class) of  
14   products for which it will be used; and  
15                  (f) where appropriate, the name and address of the true creator.  
16                  (2) the Registrar shall maintain a register of industrial designs which  
17   shall consist of duplicates of the registration certificates issued under  
18   subsection (1) of this section, together with such other matter as may be  
19   required by this Act to be registered.  
20                  (3) as soon as may be after a design has been registered under  
21   subsection (1) of this section, the registrar shall cause to be published:  
22                  (a) a notification of the registration containing the details mentioned  
23   in paragraph (a) to (f) of that subsection; or  
24                  (b) if a summary form of notification is prescribed, a notification in  
25   that form.

Applications  
under sealed  
cover

- 26                  **37.**-(1) An applicant for recognition of an industrial design may ask  
27   for the design to be kept secret for a specified period not exceeding twelve  
28   months from the date of the application, and where he does so, notwithstanding  
29   any other provisions of this Act:  
30                  (a) the specimen and other matters mentioned in section 33(1)(a)(iii)



1 and (iv) of this Act shall be enclosed in a sealed package, which shall be  
2 opened by the Registrar:

3 (i) when the specified period has elapsed; or

4 (ii) if, before the specified period has elapsed, the applicant asks for  
5 the application to be converted to an open application; or

6 (iii) if the package is still sealed, at the expiration of twelve months  
7 after the date of the application;

8 (b) a provisional registration certificate shall be issued and a  
9 provisional notification published under section 36 of this Bill, each of  
10 which shall exclude the reproduction and other names mentioned in Section  
11 36(1)(e) of this Bill;

12 (c) the said provisional registration certificate and provisional  
13 notification shall not confer any right or protection against infringement of  
14 a Design Owner as provided under this Bill.

15 (d) when the sealed package has been opened pursuant to  
16 paragraph (a) of this subsection, the Registrar shall proceed in accordance  
17 with section 34 and 36 of this Bill in so far as he has not already done so and,  
18 if authorized by those sections, shall issue a revised registration certificate  
19 and publish a revised notification which shall have the same effect as any  
20 other certificate issued or notification published under section 35 of this  
21 Bill.

22 (2) Notwithstanding the provisions of subsection (1) of this  
23 Section, a sealed Package shall be opened by the Registrar at any time on the  
24 direction of the Court and shall be resealed when the Court no longer  
25 requires it.

26 Provided that, If the time at which the package may be opened  
27 under subsection (1)(a) of this Section arrives before the court has ceased to  
28 require it, the package shall be deemed to have been duly opened at that time  
29 and shall not be resealed.

Rights conferred  
by Registration

1                   **38.**-(1) Registration of Industrial Designs confers upon the registered  
2 owner the right to preclude any other person from doing any of the following  
3 acts:

4                   (a) reproducing the design in the manufacture of a product;

5                   (b) Importing, selling or utilizing for commercial purposes a product  
6 reproducing the design; and

7                   (c) holding such a product for the purpose of selling it or of utilising it  
8 for commercial purposes.

9                   (2) the reproduction of a registered design is not lawful for the  
10 purposes of subsection (1) of this section merely because it differs in minor or  
11 inessential ways from the design or because it concerns type of products other  
12 than the type with which the design is concerned.

13                  (3) the right conferred by this section-

14                  (a) shall extend to acts done for commercial or industrial purposes;  
15 and

16                  (b) shall not extend to acts done in respect of a product incorporating a  
17 registered industrial design after the product has been lawfully sold in Nigeria.

Duration and  
renewal of  
registration

18                   **39.**-(1) Subject to this Act, registration of an Industrial Design-

19                   (a) shall be effective in the first instance for ten years from the date of  
20 the application for the registration; and

21                   (b) on payment of the prescribed fee may be renewed for two further  
22 consecutive period of five years each.

23                   (2) the fee mentioned in subsection (1)(b) of this section shall be paid  
24 within the twelve months immediately preceding the renewal period to which it  
25 relates:

26                   Provided that:

27                   (a) a period of grace of six months after the beginning of the renewal  
28 period shall be allowed for the payment of the fee; and

29                   (b) if the fee and any prescribed surcharge are paid within that period,  
30 this subsection shall be deemed to have been complied with.

1 (3) the fact that the registration of an industrial design has ceased to  
2 be effective or has been renewed shall be registered and notified.

3 **40.**-(1) Subject to subsection (2) of this Section, the registered  
4 owner of an industrial design may renounce the registration by a written  
5 declaration to the registrar. Renunciation  
of Registration

6 (2) A renunciation under subsection (1) of this section-

7 (a) may be limited-

8 (i) to any particular kind or kinds of products;

9 (ii) if classification of products has been prescribed, to any  
10 particular class or classes of products; or

11 (iii) if the application for registration comprised several designs, to  
12 any one or more of those designs;

13 (b) subject to paragraph (d) of this subsection, shall be registered  
14 and notified;

15 (c) shall not be effective until it has been registered; and

16 (d) if it relates to a design as to which a contractual license is  
17 registered, shall be registered only if-

18 (i) it is accompanied by a licensee's written consent to registration;

19 (ii) the licensee has in the licence contract agreed that this  
20 paragraph shall not apply .

21 **41.**-(1) Subject to this Section, on the application of any person  
22 (including a public officer acting in exercise of his functions) the court shall  
23 declare the registration of an industrial design to be null and void: Nullity of  
Registration

24 (a) if the design, because of its failure to conform with section  
25 31(1)(b) of this Act, ought not to have been registered; or

26 (b) if the design fails to comply with section 31(1)(a) or 32 of this  
27 Bill/

28 (2) Where-

29 (a) a declaration under subsection (1) of this section relates to an  
30 application comprising several designs; and

1 (b) the grounds for making the declaration affects only some of the  
2 designs, the declaration shall apply only to the designs affected.

3 (3) where a declaration is made under subsection () of this section-

4 (a) the registration in question shall be deemed, to the extent specified  
5 in the declaration, to have been null and void ab initio, so however that it shall  
6 not be necessary to repay royalties paid by any licensee unless the court so  
7 orders; and

8 (b) the proper officer of the Court shall inform the Registrar, who  
9 shall register and notify the declaration.

10 (4) the Court-

11 (a) shall make a declaration under subsection (1) of this section  
12 without first giving the design owner an opportunity to be heard;

13 (b) in applying subsection (1)(a) of this section, shall have regard only  
14 to the state of affairs existing when the proceedings were instituted; and

15 (c) shall dismiss an application under subsection (1) of this section if  
16 the applicant(not being a public officer) fails to satisfy the court that he has  
17 material interest in making the application.

18 PART V - GENERAL PROVISIONS

Changes in  
ownership license  
and control

19 **42.-(1)** a Change of ownership of a Patent, or the registration of a  
20 Utility Model Certificate or an application for Patent or Utility Model  
21 Certificate shall be in writing.

22 (2) At the request of an interested Party, the Registrar shall record the  
23 fact of the change and, except in the case of an application, the Registrar shall  
24 publish the change in the prescribed manner.

25 (3) the change shall have no effect against third parties until it has  
26 been recorded.

27 (4) the License Contract concerning a Patent or a registered Utility  
28 Model Certificate or an application shall be submitted to the Registrar who  
29 shall keep the contents confidential but shall record it and publish a reference to  
30 it in the prescribe manner.

1	(5) The License contract shall have no effect against third parties	
2	until it has been recorded.	
3	<b>43.</b> Where an applicant's ordinary residence or principal place of	Representations
4	business is outside the country, the applicant shall be represented by a legal	
5	practitioner resident and practicing in the country.	
6	<b>44.</b> -(1) the Patent Registry shall be located at the Patent Registry of	Patent Registry
7	the Ministry of Industry, Trade and Investment	
8	(2) the Registry shall be responsible for the registration of patents	
9	and for the administration of registered patents.	
10	(3) the Registry shall be headed by the Registrar-General of the	
11	Patent Registry, who shall be assisted by such Assistant Registrars who shall	
12	be career civil servants of the Patent Registry of the Ministry.	
13	<b>45.</b> -(1) the Registry shall maintain a register for patents and utility	Register
14	model certificates.	
15	(2) all the recordings provided for under this Act shall be recorded	
16	in the Register.	
17	(3) the register shall be open to the public and a person may obtain	
18	an extract from the register in the prescribed manner.	
19	(4) the Register may cause to be published in the Official Bulletin,	
20	Journal or Gazette or other related print media any publication required	
21	under this Bill.	
22	<b>46.</b> The Registrar may correct any error of translation or	Correction of
23	transcription, clerical error or mistake in any application or document filed	errors
24	with the Patent Office or in any recording effected pursuant to this Bill.	
25	<b>47.</b> The Registrar if satisfied that the circumstances justify it, the	Extension of time
26	Registrar may, upon receiving a written request, extend the time for doing an	
27	act or taking any proceeding under this Bill, upon notice to the parties	
28	concerned and upon the terms as the Registrar may direct.	
29	<b>48.</b> The Registrar shall, in the exercise of a discretionary power	Exercise of discretionary powers

	1	conferred under this Act, comply with the Constitution of the Federal Republic
	2	of Nigeria.
Appeals	3	<b>49.</b> An aggrieved party may appeal to the Federal High Court against
	4	the decision taken by the Registrar under this Bill.
Offences	5	<b>50.</b> Subject to section 11(4), 13 and 14, a person who knowingly
	6	performs any of the acts referred to in Section 11(2) in the Country without the
	7	consent of the owner, commits an offence and is liable to a fine not exceeding
	8	two thousand penalty units or imprisonment of a term not exceeding two(2)
	9	years.
Regulations	10	<b>51.-(1)</b> The Minister may make regulations for the effective
	11	implementation of this Act and such Regulations shall be subject to the
	12	approval of the National Assembly vide the approval of the relevant Joint
	13	Relevant Committees of both Houses of the National Assembly.
	14	(2) the Regulations referred to in subsection (1) of this Section shall
	15	relate to:
	16	(a) the fees for any act for which payment is required under this Bill;
	17	(b) the details relating to the inspection of registers;
	18	(c) time limit for the submission of specific things under the Act;
	19	(d) additional details concerning the processing of International
	20	Applications;
	21	(e) measures to enable the Minister to stimulate, encourage, support
	22	inventive and innovative activities and to promote, patenting of inventions and
	23	utility model by citizens;
	24	(f) any matter required or authorized to be prescribed by the
	25	Regulations.
Interpretation	26	<b>52.</b> In this Act, unless the context so otherwise requires:
	27	"Court" means Federal High Court;
	28	"Designate" means "designated office", having the same meaning as that which
	29	is contained in the Patent Cooperation Treaty;
	30	"Harare Protocol" means the Protocol on Patents and Industrial Designs

1        adopted in Harare, Zimbabwe in 1982 and ratified by the Federal  
2        Government of Nigeria in 30th September 1983;  
3        "industry" includes handcraft, agriculture, fishery and services;  
4        "International Application" means "international filing state" "international  
5        preliminary examination" have the same meaning as the Patent Cooperation  
6        Treaty;  
7        "Minister" means Minister of Industry Trade and Investment;  
8        "Paris Convention" means Paris Convention for the Protection of Industrial  
9        Property of March 20, 1883 as revised;  
10       "priority date" means the date of the earlier application that serves as the  
11       basis for the right of priority provided for in the Paris Convention;  
12       "receiving office" has the same meaning as in the Treaty;  
13       "Register" means the register referred to in section 32 of this Bill;  
14       "Registrar" means the Registrar General.

15                **53.**-(1) The Patent and Designs Act Cap P2 LFN 2004 is hereby       Repeals and  
16       repealed by this Bill.       Savings

17                (2) Subsidiary legislation made under the Patent and Designs Act  
18       Cap P2 LFN 2004 shall remain in force until revoked.

19                (3) Notwithstanding the repealed Patent Act, Patent granted under  
20       the repealed Act shall remain in force but shall be deemed to have been  
21       granted by this Bill.

22                (4) Patent granted shall remain in force for the unexpired period of  
23       the term of protection provided for under this Bill, subject to the payment of  
24       annual maintenance fees provide for under this Bill.

25                (5) the Minister may make any further transitional or savings  
26       provisions which appear to the Minister to be necessary or desirable.

27                **54.** This Bill may be cited as the Patents and Designs (Repeal and       Citation  
28       Re-enactment) Bill, 2021.

1 SCHEDULE

2 ARTICLE 4

3 A. TO I. Patents, Utility Model Certificates, Designs, Marks and  
4 Investors Certificates: Right of Priority, G. Patents: Division of the  
5 Application).

6 A(1) Any Person that has filed an application for Patents, or  
7 registration of a Utility Model, or of an Industrial Design, or of a trademark, in  
8 one of the Countries of the Union, or his successor in title, shall enjoy for the  
9 purpose of filing in the other countries, a right of priority during the periods  
10 hereinafter fixed.

11 (2) Any filing that is equivalent to a regular National Filing under the  
12 domestic legislation of any country of the Union or under Bilateral or  
13 Multilateral treaties concluded between Countries of the Union shall be  
14 recognized as giving rise to the right of priority.

15 (3) By a regular national filing is meant any filing that is adequate to  
16 establish the date on which the application was filed in the country concerned,  
17 whatever may be subsequent of the application.

18 B. Consequently, any subsequent filing in any of the other countries  
19 of the Union before the expiration of the periods referred to above shall not be  
20 invalidated by reason of any acts accomplished in the interval, the particular,  
21 another filing, the publication or exploitation of the invention, the putting on  
22 sale of copies of the design, or to use the mark, and such acts cannot give rise to  
23 any third party right or any right of personal possession. Rights acquired by  
24 third parties before the date of the first application that serves as the basis of  
25 priority are reserved in accordance with the domestic legislation of each  
26 country of the Union.

27 C. (1) The periods of priority referred to above shall be twelve  
28 months for patents and utility models, and six months for industrial designs.

29 (2) these periods shall start from the date the date of filing of the first  
30 application; the day of filing shall not be included in the period.



1 (3) if the day of the period is an official holiday, or a day when the  
2 office is not open for the filing of applications in the country where  
3 protection is claimed, the period shall be extended until the following  
4 working day.

5 (4) A subsequent application concerning the same objects as a  
6 previous first application within the meaning of paragraph (2) above, filed in  
7 the same country of the Union, shall be considered as the first application, of  
8 which the filing date shall be the starting point of the period of the priority, if  
9 at the time of filing the subsequent application, the said previous application  
10 has been withdrawn, abandoned, or refused, without having been laid open  
11 to public inspection and without leaving any rights outstanding, and if it has  
12 not yet served as a basis for claiming a right of priority.

13 D. (1) Any person desiring to take advantage of the priority of  
14 previous filing shall be required to make a declaration indicating the date of  
15 such filing and the country in which it was made. Each country shall  
16 determine the latest date on which such declaration must be made.

17 (2) these particulars shall be mentioned in the publications issues  
18 by the competent authority, and in particular in the patents and the  
19 specifications relating thereto;

20 (3) the countries of the Union may require any person making a  
21 declaration of priority to produce a copy of the application (description,  
22 drawings, etc) previously filed. The copy, certified as correct by authority  
23 which by the authority which received such application, shall not require  
24 any authentication and may in any case be filed, without fee, at any time  
25 within three months of the filing of the subsequent application. They may  
26 require it to be accompanied by a certificate from the same authority  
27 showing the date of filing, and by a translation.

28 (4) No other formalities may be required for the declaration of  
29 priority at the time of filing the application. Each country of the Union shall  
30 determine the consequences of failure to comply with the formalities

1 prescribed by this Article, but such consequences shall in no case go beyond the  
2 loss of the right of priority.

3 (5) Subsequently, further proof may be required. Any person who  
4 avails himself of the priority of a previous application shall be required to  
5 specify the number of that application; this number shall be published as  
6 provided for by paragraph (2) above.

7 E. (1) Where an industrial design is filed in a country by virtue of a  
8 right of priority based on the filing of utility model, the period of priority shall  
9 be the same as that fixed for industrial designs.

10 (2) furthermore, it is permissible to file a utility model in a country by  
11 virtue of a right of priority based on the filing of patent application, and vice  
12 versa.

13 F. (2) No country of the Union may refuse a priority or a patent  
14 application on the ground that the applicant claims multiple priorities, even if  
15 they originate in different countries, or on the ground that an application  
16 claiming one or more priorities contains one or more elements that were not  
17 included in the application or applications whose priority is claimed, provided  
18 that, in both cases, there is unity of invention within the meaning of the law of  
19 the country.

20 With respect to the elements not included in the application or applications  
21 whose priority is claimed, the filing of the subsequent application shall give  
22 rise to a right of priority under ordinary conditions.

23 G. (1) if the examination reveals that an application for a patent  
24 contains more than one invention, the applicant may divide the application into  
25 a certain number of divisional applications and preserve as the date of each the  
26 date of the initial application and the benefit of the right of priority, if any.

27 (2) The applicant may also, on his own initiative, divide a Patent  
28 application and preserve as the date of each divisional application the date of  
29 the initial application and the benefit of the right of priority, if any. Each  
30 country of the Union shall have the right to determine the conditions under

1 which such division shall be authorized.

2 H. Priority may not be refused on the ground that certain elements  
3 of the invention for which priority is claimed do not appear among the  
4 claims formulated in the application in the country of origin, provided that  
5 the application documents as a whole specifically disclose such elements.

6 I. (1) Applications for inventors' certificates filed in a country in  
7 which applicants have the right to apply at their own option either for a  
8 patent or for an inventor's certificate shall give rise to the right of priority  
9 provided for in this Article, under the same conditions and with the same  
10 effects as applications for patents.

11 (2) in a country in which applicants have the right to apply at their  
12 own option either for a patent or for an inventors' certificate, an applicant for  
13 an inventors certificate shall, in accordance with the provisions of this  
14 Article relating to patent applications, enjoy a right of priority based upon an  
15 application for a patent, a utility model, or an inventor's certificate.

16 Article 4bis

17 [Patents: Independence of Patents Obtained for the Same Invention in  
18 Different Countries]

19 (1) Patents applied for in various countries of the Union by  
20 nationals of countries of the Union shall be independent of patents obtained-  
21 for the same invention in other countries, whether members of the Union or  
22 not.

23 (2) The foregoing provision is to be understood in an unrestricted  
24 sense, in particular, in the sense of patents applied for during the period of  
25 priority are independent, both as regards the grounds of the nullity and  
26 forfeiture and as regards their nominal duration.

27 (3) The provision shall apply to all patents existing at the time  
28 when it comes to effect.

29 (4) Similarly, it shall apply, in the case of the accession of new  
30 countries, to patents in existence on either side at the time of accession.

- 1           (5) Patents obtained with the benefit of priority shall, in the various  
2 countries of the Union, have duration equal to that which they would have, had  
3 they been applied for or granted without benefit of priority.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Patents and Designs Act CAP P2 LFN 2004 and Enact the Patents and Designs Act 2019 to strengthen the legal protection of inventions such as Patents, Utility Models and Designs.

# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL YOUTH SERVICE CORPS ACT CAP N84  
OF 2004 TO PROVIDE FOR A MANDATORY ENTREPRENEURIAL GRANT FOR  
OUTGOING SERVICE CORPS MEMBERS AND FOR RELATED MATTERS

*Sponsored by Hon. Abass A. Adigun*

[ ] Commencement

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

- 1           **1.** The National Youth Service Corps Act Cap N84 of 2004, in this      Amendment of  
2 Bill referred to as "the Principal Act" is amended as set out in this Bill.      the Principal Act
- 3           **2.** Section 1(4) is amended by inserting a new paragraph (g) as      Amendment of  
4 follows:      Section 1 (4)
- 5           "(g)"that members of the service corps are given entrepreneurial  
6 grant of not less than N500,000 each at the end of their one year national  
7 service whether they seek career employment or not, in pursuant of  
8 subsection (3) paragraph (d) of this section in the Principal Act.
- 9           **3.** By renumbering paragraphs (f)-(g) as (g-h).
- 10          **4.** Section 2 is amended by inserting a new subsection (4) and      Amendment of  
11 making the existing subsection (4) as subsection (5).      Section 2
- 12          A new subsection (4) is hereby inserted as follows: "the expense of  
13 the journey of corps members posted to various states for their mandatory  
14 service including all expenses incurred for their welfare during the journey,  
15 shall be borne by the service corps.
- 16          **5.** Section 18 is amended in subsection (2) paragraph (a) by      Amendment of  
17 inserting "N5000" to replace N250.      Section 18 (2)
- 18          **6.** Section 18 (2) of the Principal Act is hereby amended in  
19 paragraph (c) by inserting "N5000" in place of N1 50.

- 1                   7. This Bill may be cited as the National Youth Service Corps Act   Citation  
2                   (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Youth Service Corps Act Cap N84 of 2004 to provide for a mandatory entrepreneurial grant for all outgoing corps members who have successfully concluded their one year service whether they seek career employment or not and also to improve the welfare packages of service members as stipulated in the Principal Act.