

Extraordinary



National Assembly Journal

No. 35

Abuja - 14th July, 2021

Vol. 18

CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1557	A Bill for an Act to Amend the Agriculture (Control of Importation) Act Cap. C23 1964, and for Related Matters	C 2839 - 2840
HB. 1558	A Bill for an Act to Establish Federal College of Education (Technical) Onna, Akwa Ibom State, and for Related Matters	C 2841 - 2850
HB. 1563	A Bill for an Act to Amend the Federal Character Commission (Establishment, Etc) Act, Cap F7, LFN, 2004 and for Related Matters	C 2851 - 2852
HB. 1564	A Bill for an Act to Amend the Nigerian Communications Act, Cap N11, LFN, 2004 and for Related Matters	C 2853 - 2854
HB. 1565	A Bill for an Act to Amend the Nigeria Police Act, Cap N12, LFN, 2004 and for Related Matters	C 2855 - 2855
HB. 1566	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria 1999 (As Amended) and for Related Matters	C 2857 - 2857
HB. 1567	A Bill for an Act to Establish the Artificial Intelligence and Robotics Research Regulatory Agency and for Related Matters....	C 2859 - 2872
HB. 1568	A Bill for an Act to Establish the Donor Agencies Regulatory Commission and for Related Matters	C 2873 - 2886
HB. 1569	A Bill for an Act to Make provision for the Establishment of a compulsory Natural Disaster Reserved fund for the Niger Delta Area and for Related Matters	C 2887 - 2906
HB. 1570	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria 1999 to provide for the Establishment of Host Communities Development Commissions; and for Related Matters	C 2907 - 2908
HB. 1572	A Bill for an Act to Establish the Nigeria Foreign Service Commission and for Related Matters	C 2909 - 2918
HB. 1573	A Bill for an Act to Provide for the Establishment of the Nigerian Military Academy, Umuoma (Okpo) in Igbo-Eze North, Enugu State and for Related Matters	C 2919 - 2937

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

NASSP 35/147/2021/900

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

A BILL

FOR

AN ACT TO AMEND THE AGRICULTURE (CONTROL OF IMPORTATION) ACT
CAP. C231964, AND FOR RELATED MATTERS

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

- | | |
|---|--|
| <p>1 1.-(1) Agriculture (Control of Importation) Act, herein referred to</p> <p>2 as “the Principal Act” is amended as set out hereunder.</p> | <p>Amendment of
Agriculture
(Control of
Importation) Act</p> |
| <p>3 2. Section 2 item 6 under interpretation is hereby amended by</p> <p>4 inserting the words "seed, etc" as follows-</p> <p>5 “Plant” means any plant or parts of a plant such as cuttings,</p> <p>6 suckers, bulbs, tubers, roots, haulms, and fruits, seeds, etc; but does not</p> <p>7 include the manufactured or processed products of plants.”</p> | <p>Amendment of
Section 2 item 6
“Plant”</p> |
| <p>8 3. Section 4(2) (a) of the Principal Act is hereby amended as by</p> <p>9 substituting the existing amount "N200" with the amount "N500.000.00"</p> <p>10 and the Words "Six Months" with the words "Twelve Months" respectively</p> <p>11 as follows-</p> | <p>Amendment of
Section 4 (2)</p> |
| <p>12 “(2) Regulations made under this section may provide that a</p> <p>13 contravention of any specified regulations shall be an offence and may</p> <p>14 provide penalties in respect thereof:</p> <p>15 Provided that, the penalties provided in respect of any such offence</p> <p>16 shall not exceed a fine of N500,000.00 and imprisonment for a term of</p> <p>17 Twelve Months.”</p> | <p>Minister may
make Regulations</p> |
| <p>18 4. Section 6 of the Principal Act is amended in by inserting the</p> <p>19 word "her" immediately after the word "his" as follows:</p> | <p>Amendment of
Section 6</p> |
| <p>20 “Where plants, seeds, soil, containers, straw or other packing</p> <p>21 materials or any other similar goods or things are on importation found or</p> | <p>Diseases and
Pests</p> |

	1	suspected to be infected with any plant disease or pest, an authorized officer
	2	may order them to be destroyed or may direct that they shall not be imported
	3	until they have been treated to his/her satisfaction for the removal of the plant
	4	disease or pest.”
Amendment of Section 8 (c)	5	5. Section 8 (c) of the Principal Act is amended in by substituting the
	6	existing amount "W400" with the amount "N1,000,000.00" and the word "One
	7	Year" with the words "Two years" accordingly as follows:
Offences	8	“(c) without lawful excuse, fails to furnish any information lawfully
	9	demand under this Act or furnishes information which he knows to be false
	10	in a material particular or does not believe to be true, shall be guilty of an
	11	offence and liable on conviction to a fine of N1 , 000,000.00 and imprisonment
	12	for a term of Two years.”
Amendment of Section 9 (1)	13	6. Section 9 (1) of the Principal Act is amended in by substituting the
	14	words "Director of the Federal Department of Research" with the words "the
	15	Honourable Minister of the Federal Ministry of Agriculture" as follows:
Prosecution	16	“(1) No prosecution for an offence against this Act shall be
	17	commenced except with the consent of the Honourable Minister of the Federal
	18	Ministry of Agriculture.”
Interpretation	19	7. In this Bill unless the context otherwise requires-
	20	"Minister" Honourable Minister of the Federal Ministry of Agriculture;
Short title	21	8. This Bill may be cited as the Plants, etc (Control of Importation)
	22	(Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Agriculture (Control of Importation) Act, to strengthen the Regulations, Offences and give Powers to Prosecute to the Honourable Minister of the Federal Ministry of Agriculture other than the Director of the Federal Department of Agricultural Research. This Amendment is necessitated to meet International Best Practice.

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF EDUCATION (TECHNICAL) ONNA, AKWA IBOM STATE. TO PROVIDE FULL-TIME COURSES TEACHING, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

- 1 **1.**-(1) There is established the Federal College of Education
2 (Technical) Onna, Akwa Ibom State (Herein after referred to as the College).
3 (2) The College shall be a body corporate with Education perpetual
4 succession and common seal and shall take power to acquire and dispose of
5 interest in movable and immovable properties.
6 (3) The College may sue and be used in its corporate name.
7 (4) Objectives of the college shall be:
8 (a) Encourage the advancement of learning and to hold out to all
9 Persons without distinction of race, creed, sex or political conviction of the
10 Opportunity of acquiring higher and liberal education;
11 (b) Provide technical courses of instruction and other facilities for
12 the pursuit of learning in all its branches, and to make those facilities
13 available on proper terms to such persons as are equipped to benefit from
14 them.
15 **2.**-(1) The governance and direction of the College affairs shall rest
16 in the governing council of the college (in the Bill referred to as "the
17 Council").

Establishment
of Federal College
of Education
(Technical) Onna,
Akwa Ibom State

Governing Council
of the College

	1	(2) The Council shall have the responsibility to consider and approve:
	2	(a) the programme of studies to be undertaken in the College;
	3	(b) the annual estimate of the College; and
	4	(c) the investment plan of the College.
	5	(3) the provision of the schedule of this bill shall have effect with
	6	respect to the Council as mentioned herewith
Membership of the Council in the College	7	3.-(1) The council of the College shall consist of:
	8	(a) a chairman and other members to be appointed by the President;
	9	(b) a representative of the Federal Ministry of Education;
	10	(c) A representative of the University of which the college is affiliated
	11	to for the purpose of moderation;
	12	(d) Two representatives of the academic board of the college;
	13	(e) A representative of the National Commission for the Colleges of
	14	Education; and
	15	(f) The provost of the college.
Tenure of Members of the College	16	4.-(1) A member of the council (other than the ex-official members)
	17	shall hold office for the term of four years and subject to the provision of sub-
	18	Section (2) of this section shall be eligible for re-appointment for a further
	19	period of four years and also move.
	20	(2) The office of a member appointed under section 3 of this bill shall
	21	become vacant if:
	22	(a) The member resigns in office by notice of writing under his hand
	23	addressed to the Minister; or
	24	(b) The minister is satisfied that it is not in the interest of the college
	25	for the person appointed to continue in office and notifies the member 20 in
	26	writing to that effect may serve to promote the objective of the College.
Powers of the Council	27	5. The council of the college shall have power to:
	28	(a) Hold examinations and grant Degree, NCE, Diploma,
	29	professional Certificates and other distinction to persons, who have pursued
	30	courses of study approved and accredited by the National Commission for

- 1 Colleges of Education (NCCE);
- 2 (b) hold examination in education for qualified teachers;
- 3 (c) Recruit staff and determine structure of such staff;
- 4 (d) Demand and receive from any student or any other person
- 5 attending the college for the purpose of construction such fees as the Council
- 6 may with the prior approval of the Minister, from time to time determine;
- 7 (e) Hold public lectures and undertake printing, publishing and
- 8 bookselling;
- 9 (f) Award fellowship, medals, prize, prizes and other titles;
- 10 (g) Establish and maintain such schools and other teaching units
- 11 with the college or extra moral department as the councils may time to time
- 12 determine;
- 13 (h) Erect, provide, equip, and maintain such educational
- 14 recreational and residential facilities as the College may require;
- 15 (i) Create lectureship and other academic post and offices and to
- 16 make appointment thereof;
- 17 (j) Receive grants and give gifts;
- 18 (k) Enter into such contracts as may be necessary or expedients for
- 19 carrying into effect the objectives of the college;
- 20 (l) Provide amenities for and make such other provision for the
- 21 welfare of the staff and students of the college;
- 22 (m) encourage and make provision for research in the college;
- 23 (n) Do such acts and things whether or not incident to the foregoing
- 24 powers as may advance the objects of the college.
- 25 **6.-(1)** the minster responsible for education shall be the visitor of The Visitor
- 26 the college the college:
- 27 (2) The visitor shall, not less than once in every five year conduct a
- 28 Visitation to the college or appoint a visitation panels consist of not less than
- 29 five experts to conduct the visitation:
- 30 (a) for the purpose of evaluating the academic and administrative

	1	performance of the college; or
	2	(b) for such other purpose as the visitors may deem fit.
The Academic Board and its functions	3	7.-(1) There shall be established for the college a board to be known as
	4	the academic Board which shall consist of the following members:
	5	(a) The power of the college as the chairman;
	6	(b) all heads of departments;
	7	(c) the College librarian; and
	8	(d) not more than three members of the Academic staff other than the
	9	heads of department to be appointed by the council.
	10	(2) The Academic Board shall be responsible for:
	11	(a) The Direction and management of academic and academic matters
	12	of the college including the regulation of admission of student, the award of
	13	certificate scholarship, prize and other academic distinction;
	14	(b) discharging other functions which the council may from time to
	15	time delegate to it.
Power of Minister	16	8. The Minister may give to the directions of the general character or
	17	relating generally to matters with regard to the exercise by the council of its
	18	functions and it shall be the duty of the council to comply with such directions
The Provost of the College	19	9.-(1) There shall be a provost for the college therein referred to as the
	20	provost') who shall be appointed by the president on the recommendation of the
	21	Ministers.
	22	(2) where a vacancy occurs in the post of the provost, the council
	23	shall:
	24	(a) Advertise the vacancy in reputable widely read newspaper in
	25	Nigeria specifying:
	26	(i) The qualities of the person who may apply for the post;
	27	(ii) The terms and conditions of the service applicable to the post and
	28	thereafter draw up a short list of suitable candidates for examination of the
	29	Minister.
	30	(3) The President shall appoint a provost from one of the candidates

1 recommended by the minister.

2 (4) subject to the general control of the council if the provost shall
3 be The chief executive of the college and shall be charged with general
4 responsibility for matters relating to the day-to-day management and
5 operations of the college.

6 (5) The provost shall hold offices for a period of five (5) years only
7 and on such terms and conditions as may be specified in his letter of
8 Appointment.

9 **10.**-(1) There shall be for the college two Deputy Provosts namely: Deputy Provost

10 (a) Deputy Provost (Academic) and the Deputy provost
11 (administration).

12 (2) The council shall appoint the deputy provost from among the
13 chief Lecturers in the college in any of the following way, that is:

14 (a) from a list of five candidates in order of preference, submitted
15 by the provost;

16 (b) On the recommendation of selection Board constituted for their
17 purpose; or

18 (c) On the nomination of the provost.

19 (3) The selection Board referred to in sub section 2 (b) of this
20 section shall consist of:

21 (i) The Chairman of the council;

22 (ii) The Provost of the college;

23 (iii) Two members of the Academic board; and

24 (iv) Two members of the council not being members of the
25 academic board.

26 (4) (a) The Deputy Provost (Academic) shall:

27 (i) Assist the provost in the performance of his function in
28 academic matters of the college;

29 (ii) Acts as the provost when the post of the provost is vacant or if
30 the Provost is for reasons absent or unable to perform his function

	1	(b) The Deputy Provost (administration) shall:
	2	(i) Perform such others function as the provost or the council may
	3	from time to time assign to him.
	4	(5) each of the deputy provost shall hold offices for a period of two
	5	years no more.
The Registrar and other Staff of the College	6	11. -(1) there shall be a registrar for the college to be appointed by the
	7	council.
	8	(2) The registrar shall keep the records and conduct the
	9	correspondence of the council.
	10	(3) The registrar shall be the secretary to:
	11	(a) The council;
	12	(b) The Academic Board of the council;
	13	(c) Any committee of the council.
	14	(4) The registrar may perform any duty as may be assigned to him by
	15	the council or the provost.
	16	(5) The registrar shall hold office for a period of five years and no
	17	more.
Other Principal Officers of the College	18	12. -(1) There shall be for the college in addition to the registrar:
	19	(a) The Bursar; and
	20	(b) The college Librarian who shall be appointed by the council.
	21	(2) The Bursar shall be the chief financial officer of the college and be
	22	responsible to the provost for the day-to-day administration and control of the
	23	financial affairs of the college.
	24	(3) The college Librarians shall be responsible to the provost for the
	25	administration of the college library and the coordinator of the library services
	26	in the teaching units of the college.
	27	(4) The Bursar and the college librarian shall each hold office for a
	28	period of five years and no more.
Resignation of appointment of Principal Officer	29	13. A principal officer of the college may resign his appointment:
	30	(a) in case of the provost by notice to the visitor for; and

1 (b) in any other case by advise to the council.

2 **14.**-(1) the council may appoint other persons to be employees of Other employees
3 the college as the council may deem to assist the provost and the principal of the College
4 officers in the performance of their functions.

5 (2) The remuneration tenure of office and condition of services of
6 the employee of the college shall be determined by the council in
7 conjunction with the Federal Civil Services Commission.

8 **15.** Service in the college shall be approved services for the Pensions
9 purpose of the pension's reform and accordingly, officers and other persons
10 employed in the college shall be entitled to pension; gratuity and other
11 retirement benefits as may be prescribed in their respect we letters of
12 appointment.

13 **16.**-(1) These shall be selection Board for: Selection Board
14 The college which shall consist of: for other Principal
Officers

15 (a) The chairman of the council;

16 (b) The provost;

17 (c) Four members of the council not being members of the
18 academics Board; and

19 (d) Two members of the Academic Board.

20 (2) The functions, procedure and other matters relating to the
21 selection Board constituted under subsection (1) of this section shall be
22 determined from time to time by the council.

23 **17.**-(1) The College shall establish and maintain a fund which shall Fund of the
24 be applied towards the promotion of the objectives of this Bill. College

25 (2) There shall be paid and credited to the fund established under
26 subsection (1) of this section;

27 (a) Such sums as may from time to time be granted by the federal
28 Government through the National Commission for Colleges of Education;

29 (b) all monies raised by the council by the way of gift, grants in aid
30 or test monetary disposition; and

	1	(c) all subscription fees and charges for services rendered by the
	2	council and all other sums that may accrue to the council from any sources.
	3	(3) The council shall submit to the minster, through the National
	4	Commission for Colleges of Education not later than three months before the
	5	end of each financial year or at such other time as he may direct an estimate of
	6	its revenue and expenditure for the next succeeding financial year.
Power to accept gifts	7	18.-(1) The college may accept gifts or loan, money or of other
	8	property upon such terms and condition, of any as may be specified by the
	9	person making the gifts.
	10	(2) the college shall not accept any gift of the conditioned attached to
	11	the gifts are inconsistent with the functions of the college.
Account and Audit	12	19. The College shall keep proper accounts of its recievedments,
	13	payments assets and liabilities and shall in respect of each year cause the
	14	account to be audited
Annual Reports	15	20. The council shall as soon as may be after the expiration of each
	16	Financials year, prepare and submit to the minister report of its activities during
	17	the immediate proceeding financial year and shall include in the report a copy
	18	of the audited accounts of the college for that year and of the auditor's report of
	19	the accounts.
Interpretation	20	21. In this Bill:
	21	“Chairman” means the chairman of the council;
	22	“College” means the Federal College of Education (Technical) Onna are
	23	established under Section (1) of this Bill;
	24	“Council” means the governing Council of the college established under
	25	section 2 of this Bill;
	26	“Function” includes power and duties;
	27	“Minster” means the minster charged with responsibility of education;
	28	“Member” means a member of the council including the chairman;
	29	“Provost” means the provost of the college established under section 10 of this
	30	Bill

22. This Bill may be sited as the Federal College of Education Citation
(Technical) Onna (Establishment) Bill, 2021.

SCHEDULE

[Section 2(3)]

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

Terms of service

1. There may be paid to the members of the councilor any Committee, other than ex officio members, such remuneration and Allowance may from time to time be determine by the president

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

3. The council may act notwithstanding any vacancy in its Membership or any defect in the appointment of a member or the absence of a member.

Proceedings

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

(2) the chairman may at time and shall at the request in writing of not less than six members, convene a meeting of the council.

(3) where the council desires to obtain the advice of any person on any particular matter,. The council may co-opt persons who are members of the council but persons co-opted shall not be entitled to vote at a meeting of the Council.

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

1 (5) decision of the council shall be made on approval by a simple
2 Majority of members.

3 *Miscellaneous*

4 5.-(1) The fixing of the seal of the college shall be authenticated by the
5 Signatures of the chairman, provost and of some other members of the council
6 Authorized generally or specially by the council to act for that purpose.

7 (2) any contract or instrument which, if made or executed by a person
8 other than a body corporate would not be required to be under seal may be made
9 executed on behalf of the college by any person generally or specially
10 authorized to act for that purpose by the council.

11 (3) any document purporting to be duly executed under the seal of the
12 College shall be received in evidence and shall unless the contrary is proved, be
13 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Technical) Onna, Akwa Ibom State in order to address the current imbalance occasioned by states creation and boundary delineation to satisfy the Federal Character Principle as Akwa Ibom State is without a Federal College of Education more than 30 years after its creation.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL CHARACTER COMMISSION (ESTABLISHMENT, ETC) ACT, CAP F7, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE PROVISION FOR THE APPOINTMENT OF THE CHAIRMAN AND SECRETARY FROM DIFFERENT REGIONS OF THE COUNTRY TO REFLECT THE PRINCIPLES OF FEDERAL CHARACTER AND FOR RELATED MATTERS

Sponsored by Hon. Unyime Josiah Idem

[] Commencement

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

- 1 **1.** The Federal Character Commission Act, Cap F7 Laws of the
 2 Federation of Nigeria, 2004 (herein after referred to as the “Principal Act”)
 3 is amended as set out in this Bill. Amendment of
Federal Character
Commission Act,
Cap. F7 LFN, 2004
- 4 **2.** Section 9 Subsection (1) of the Principal Act is amended by Amendment of
Section 9
 5 adding paragraph (c) to the provisions therein as a new paragraph under
 6 subsection (1) to read as follows-
 7 "9 (1) (c). The President shall put into consideration in the
 8 appointment of the Secretary that the positions of the Secretary and the
 9 Chairman appointed for the Commission shall not be from the same region
 10 of the Country in compliance with the principles of Federal Character."
 11 **3.** This Bill may be cited as the Federal Character Commission Citation
 12 (Establishment, etc.) Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the provisions of the Federal Character Commission (Establishment, etc.) Act, Cap. F7, Laws of the Federation of Nigeria, 2004 to make provisions for the appointment of the Chairman and Secretary from different regions of the Country to reflect the principles of Federal Character.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN COMMUNICATIONS ACT, CAP N11,
LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE
INDEPENDENT MEANS AND PROCEDURE OF REMOVING ITS
COMMISSIONERS AND FOR RELATED MATTERS

Sponsored by Hon. Unyime Josiah Idem

[] Commencement

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

- | | | |
|----|---|----------------|
| 1 | 1. The Nigeria Communications Act, CAP N11 Laws of the | Amendment of |
| 2 | Federation of Nigeria, 2004 (herein after referred to as the “Principal Act”) | the Nigeria |
| 3 | is amended as set out in this Bill. | Communications |
| 4 | 2. Section 10 Subsection (3) of the Principal Act is amended by | Act, Cap. N11 |
| 5 | adding new Subsection (3) to the provisions therein as a new clause to read | LFN, 2004 |
| 6 | as follows- | Amendment of |
| 7 | "10 (3). Upon Notice to the affected Commissioner by the | Section 10 |
| 8 | President of the intention to suspend or remove him, the President shall set | |
| 9 | up a 5-Man Panel of independent professionals in the industry to review and | |
| 10 | scrutinize the allegation upon which the Commissioner is being alleged and | |
| 11 | the Panel shall give him a fair hearing in consideration of the allegation." | |
| 12 | That the initial Subsection 3 is hereby amended and renumbered as | |
| 13 | Subsection 4 and thereby amended as follows- | |
| 14 | "The affected Commissioner under subsection (1) of this section | |
| 15 | shall be given a reasonable opportunity to make written submissions in his | |
| 16 | defense to the Panel within a time period specified in the notice and such | |
| 17 | time period shall not be less than 14 days from the date of the notice". | |
| 18 | That the initial Subsection 4 is hereby amended and renumbered as | |
| 19 | Subsection 5 and thereby amended as follows- | |

1 “The affected Commissioner may, after or within the time period
2 specified in the notice, submit a written submission to the Panel and the Panel
3 shall thoroughly consider the submissions and make their independent
4 findings and recommendation to the President within 14 days of the receipt of
5 the submission.”

Citation

6 **3.** This Bill may be cited as Nigerian Communication Act
7 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the provisions of the Nigeria Communication Act
Cap. N11, Laws of the Federation of Nigeria, 2004 to make provisions for
Independent and proper procedure for removing its Commissioners.

A BILL

FOR

AN ACT TO AMEND THE NIGERIA POLICE ACT, CAP N12, LAWS OF THE
FEDERATION OF NIGERIA, 2004 TO MAKE PROVISION FOR THE
COMPULSORY MEETING OF THE NIGERIA POLICE COUNCIL AND FOR
RELATED MATTERS

Sponsored by Hon. Unyime Josiah Idem

[] Commencement

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

- | | | |
|----|--|--|
| 1 | 1. The Nigeria Police Act, Cap. N12 Laws of the Federation of | Amendment of
Nigeria Police Act,
Cap. N12 LFN,
2004 |
| 2 | Nigeria, 2004 (herein after referred to as the “Principal Act”) is amended as | |
| 3 | set out in this Bill. | |
| 4 | 2. Section 9 of the Principal Act is amended by adding Subsection | Amendment of
Section 9 |
| 5 | (6) to the provisions therein, and the new Subsection (6) to read as follows- | |
| 6 | "9 (6). The Nigeria Police Council shall hold its Council meetings | |
| 7 | at least twice in a year in such a time to be determine by the President or in | |
| 8 | such period as the situation where the National Security of the Country | |
| 9 | demands." | |
| 10 | 3. This Bill may be cited as Nigerian Police Act (Amendment) | Citation |
| 11 | Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the provisions of the Nigeria Police Act, Cap. N12,
Laws of the Federation of Nigeria, 2004 to make provisions for the
mandatory and compulsory holding of a Nigeria Police Council meeting.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO PROVIDE FOR COMPULSORY AND PERIODIC PRESIDENTIAL ADDRESS OF THE NATIONAL ASSEMBLY ON URGENT NATIONAL ISSUES AND FOR RELATED MATTERS

Sponsored by Hon. Unyime Josiah Idem

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria 1999 (in Alteration of
2 this Bill referred to as "the Principal Act") is altered as set out in this Bill: 1999 Constitution
- 3 **2.** Section 148 is altered by: Alteration of
4 (a) Renumbering of Section 148; Section 148
5 (b) By inserting new Subsection (3) to Section 148; and
6 (c) That the new subsection shall read:
7 Section 148 (3):
8 "The President shall hold and have a compulsory and periodical
9 joint session address with the National Assembly for the purpose of
10 addressing matters of urgent national importance".
- 11 **3.** This Bill may be cited as the Constitution of the Federal Citation
12 Republic of Nigeria (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to further alter the provision of the Constitution of the Federal Republic of Nigeria, 1999; to make provision for the President to mandatorily and periodically address a joint session of the National Assembly on matters of urgent national importance.

ARTIFICIAL INTELLIGENCE AND ROBOTICS RESEARCH REGULATORY
AGENCY (ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

1. The Establishment of the Artificial Intelligence and Robotics Research Regulatory Agency, etc.
2. Establishment of the Governing Board for the Agency
3. Tenure of Office
4. Cessation of Membership
5. Disclosure of interest
6. Emolument etc. of Members
7. Powers of the Agency
8. Objectives of the Agency
9. Areas of Focus for the Agency
10. Director-General of the Agency
11. Other staff of the Agency
12. Pensions Act 2004
13. Funds of the Agency.
14. Expenditure of the Agency
15. Annual Estimates and Accounts.
16. Annual Reports.
17. Power to accept gifts.
18. Limitation of suits against the Agency, etc. Cap 379 LFN.
19. Directives by the President, etc.
20. Power to Make Regulations.
21. Interpretation.
22. Short title

A BILL

FOR

AN ACT TO ESTABLISH THE ARTIFICIAL INTELLIGENCE AND ROBOTICS
RESEARCH REGULATORY AGENCY AND FOR RELATED MATTERS

Sponsored by Hon. Unyime Idem

[] Commencement

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

- | | | |
|----|---|--|
| 1 | 1.-(1) There is established an Agency to be known as the Artificial | Establishment
of Artificial
Intelligence and
Robotics Research
Regulatory Agency |
| 2 | Intelligence and Robotics Research Regulatory Agency (in this Bill referred | |
| 3 | to as "the Agency") | |
| 4 | (2) The Agency- | |
| 5 | (a) Shall be a corporate body with perpetual succession and a | |
| 6 | common seal; | |
| 7 | (b) May sue and be sued in its corporate name; and | |
| 8 | (c) May acquire, hold or dispose of any movable or immovable | |
| 9 | property for the purpose of its functions under this Bill. | |
| 10 | (3) The headquarters of the Agency shall be located in the Federal | |
| 11 | Capital Territory, Abuja. | |
| 12 | 2.-(1) There shall be established for the Agency a Governing | Establishment
of the Governing
Council |
| 13 | Council (hereinafter referred to as "the Council") which shall be responsible | |
| 14 | for running the affairs of the Agency. | |
| 15 | (2) The Governing Council shall consist of- | Composition of
the Governing
Council |
| 16 | (a) A part-time Chairman; | |
| 17 | (b) the Secretary to the Government of the Federation; | |
| 18 | (c) Representative of the Minister of Science and Technology; | |
| 19 | (d) Representative of the Minister of Finance; | |
| 20 | (e) the Governor of the Central Bank of Nigeria; | |
| 21 | (f) one person each from the six geopolitical zones of Nigeria who | |

1 shall each have cognate experience and expertise in law, business
2 administration, engineering, economics or public administration and two of
3 whom shall be women; and

4 (g) the Director-General of the Agency.

5 (3) The Chairman and members of the Council other than ex-officio
6 member shall be:

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

8 (b) persons of proven integrity, and ability; and

9 (c) part-time members.

10 (4) The Chairman and members of the Agency, other than ex-officio
11 members, shall be appointed by the President subject to confirmation by the
12 Senate.

13 (5) The supplementary provisions set out in the Schedule to this Bill
14 shall have effect with respect to the proceedings of the Council and the other
15 matters mentioned therein.

Tenure of Office

16 **3.** The Chairman and other members of the Agency, other than ex-
17 officio members shall each hold office-

18 (a) for a term of 4 years in the first instance and may be re-appointed
19 for a further term of 4 years; and

20 (b) on such terms and conditions as may be specified in his letter of
21 appointment.

Cessation of
Membership

22 **4.** Notwithstanding the provisions of Section 2 of this Bill, a member
23 of the Council shall cease to hold office as a member of the Board if-

24 (a) he resigns his appointment as a member of the Board by notice,
25 under his hand, addressed to the President;

26 (b) he becomes of unsound mind;

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

28 (d) he is convicted of a felony or of any offence involving dishonesty
29 or corruption,

30 (e) he becomes incapable of carrying out the functions of his office

1 either arising from an infirmity of mind or body; or

2 (f) the President is satisfied that it is not in the interest of the
3 Agency or in the interest of the public for the person to continue in office and
4 the President removes him from office.

5 (2) Where a vacancy occurs in the membership of the Board, it
6 shall be filled by the appointment of a successor to hold office for the
7 remainder of the term of office of his predecessor, so however that the
8 successor shall represent the same interest as his predecessor.

9 **5.** A member of the Board who is directly or indirectly interested in
10 a transaction with the Agency or a transaction which the Agency is required
11 by this Bill to approve, shall disclose the interest at a meeting of the Council.

Disclosure of
interest

12 **6.** The Chairman and members of the Agency other than ex-officio
13 members shall be paid such emoluments, allowances and benefits as may be
14 recommended by the Revenue Mobilization Allocation and Fiscal Agency.

Emoluments etc.,
of Members

15 **7.** The Agency shall have Powers to:

Powers of the
Agency

16 (a) provide the general policy guidelines relating to the functions
17 of the Agency;

18 (b) manage and superintend the policies of the Agency;

19 (c) subject to the provisions of this Bill, make, alter and revoke
20 rules and regulations for carrying on the functions of the Agency;

21 (d) determine the terms and conditions of service of the employees
22 of the Agency;

23 (e) fix the remuneration, allowances and benefits of the staff and
24 employees of the Agency in consultation with the National Salaries, Income
25 and Wages Agency; and

26 (f) do such other things which in its opinion are necessary to ensure
27 the efficient performance of the functions of the Agency under this Bill.

28 **8.** The Objectives of the Agency shall be:

Objectives of the
Agency

29 (a) To facilitate artificial intelligence development for economic
30 benefits in the Country;

1 (b) creation of policy and legal framework to accelerate deployment
2 of all technologies and guarantee National security, citizens' safety and job
3 security;

4 (c) make recommendations for specific government, industry and
5 research programs;

6 (d) Shall take institutional reform processes needed to work with the
7 organizational constraints of Artificial Intelligence and Robotics Research;

8 (e) To ensure that such fund and resources as generated are used for
9 the purpose with which it was intended and not wasted by inadvertent
10 administrative errors or mistakes;

11 (f) Complementary long-term, flexible and "hand-on" aid modalities
12 and instruments have been required to address institutional blockages;

13 (g) ensure efficient execution of any agreement or memorandum of
14 understanding entered into between agencies, government and international
15 partners;

16 (h) ensure compliance with the provisions of this Bill; and

17 (i) perform such other duties as may be directed by the President, from
18 time to time, and as are necessary or expedient to ensure the efficient
19 performance of the functions of the Agency under this Bill.

Areas of focus
for the Agency

20 **9.** The areas of focus for the Agency shall be:

21 (a) Manufacturing, Fintech and Healthcare;

22 (b) Agriculture, food processing and Education;

23 (c) Retail/Customer Engagement, Human and Robot
24 interaction/intelligent automation, Aid for differently Abled and Accessibility
25 Technology;

26 (d) Environment, National Security, Enablers for AI Technology
27 development, Enablers for AI entrepreneurship, Enablers for AI product
28 commercialization.

Director-Generral
of the Agency

29 **10.-(1)** There shall be for the Agency, a Director-General who shall-

1 (a) be appointed by the President subject to confirmation by the
2 Senate;

3 (b) be the chief executive and accounting officer of the Agency.

4 (c) be responsible for the execution of the policy and day-to-day
5 administration of the Agency, and

6 (d) be a member and the secretary to the Agency.

7 (2) The Director-General shall hold office-

8 (a) for a term of 4 years in the first instance and may be reappointed
9 for a further term of 4 years; and

10 (b) on such terms and conditions as may be specified in his letter of
11 appointment.

12 (3) Notwithstanding the provisions of Subsection (2) of this
13 section, the Director- General may-

14 (a) resign his appointment by a notice in writing under his hand,
15 addressed to the President through the Council; or

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

19 **11.** The Agency may, subject to the approval of the Board, appoint
20 such other staff as it may deem necessary and expedient, from time to time:-
21 Other staff of the Agency (a) for the proper and efficient performance of the
22 functions of the Agency; and (b) on such terms and conditions as may be
23 determined; from time to time; by the Council.

Other Staff of
the Agency

24 **12.-(1)** The Agency shall be approved for the purpose of the
25 Pensions Act, and accordingly, officers and employees of the Agency shall
26 be entitled to pensions, gratuities and other retirement benefits as are
27 prescribed -under the Pensions Act.

Pension for the
Staff

28 (2) Without prejudice to the provisions of subsection (1) of this
29 section, nothing in this Act shall prevent the appointment of a person to any
30 office on terms and conditions, which preclude the grant of pension, gratuity

1 or other retirement benefits in respect of that office.

2 (3) For the purposes of the application of the provisions of the
3 Pensions Act, any power exercisable by a Minister or other authority of the
4 Federal Government, other than the power to make regulations, under Section
5 23 thereof, is hereby vested in and shall be exercisable by the Council and not
6 by any other person or authority.

Funds for the
Agency

7 **13.** The Agency shall establish and maintain a fund to which shall be
8 paid-

9 (a) grants from the Federal Government;

10 (b) gifts, loans, grant-in-aid from national, bilateral and multilateral
11 organizations and agencies.

12 (d) rents, fees and other internally generated revenues from the
13 services provided by the Agency; and

14 (e) all other sums accruing to the Agency, from time to time.

Expenditure of
the Agency

15 **14.** The Agency may, from time to time, apply the proceeds of the
16 Fund Agency, established under Section 12 of this Act-

17 (a) to the cost of administration of the Agency;

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

22 (c) to the payment of the salaries, fees or other remuneration or
23 allowances, gratuities and pensions, and other benefits payable to the staff and
24 other employees of the Agency, so however that no payment of any kind under
25 this paragraph (except such as may be expressly authorized by the Council)
26 shall be made to any person who is in receipt of emolument from the
27 Government of the Federation or of a State;

28 (d) for the development and maintenance of any property vested in or
29 owned by the Agency;

30 (e) for maintaining general financial reserves subject to general or

1 specific directives that may be given in that behalf by the President in
2 accordance with the provisions of this Act; and

3 (f) for and in connection with all or any of its functions under this
4 Act.

5 **15.-(1)** The Agency shall, not later than 30th September in each Annual Estimate
and Accounts
6 year, submit to the President an estimate of its expenditure and income
7 (including payments to the Agency Fund) for the next succeeding year.

8 (2) The Agency shall keep proper accounts in respect of each year
9 and proper records in relation to those accounts and shall cause its accounts
10 to be audited within six months after the end of each year by auditors
11 appointed from the lists and in accordance with the guidelines supplied by
12 the Auditor General of the Federation.

13 **16.-(1)** The Agency shall prepare and submit to the President not Annual Report
14 later than 30th June in each year a report in such form as the President may
15 direct on the activities of the Agency during the immediate preceding year,
16 and shall include in the report a copy of the audited accounts of the Agency
17 for that year and of the Auditor's report thereon.
18 The Auditor General of the Federation shall lay a copy of the report and the
19 Auditor's report thereon before the National Assembly so soon after the
20 receipt thereof.

21 **17.-(1)** The Agency may accept gift of land, money or other Power to accept
gifts
22 property on such terms and conditions, deemed lawful Power to accept gifts.

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

26 **18.** Subject to the provisions of this Act, the provisions of the Limitation of
suits against the
Agency etc.
Cap 379 LFN,
1990
27 Public Officers Protection Act shall apply in relation to any suit instituted
28 against any member or officer or employee of the Agency.

29 A notice, summons or other document required or authorized to be served on
30 the Agency under the provisions of this Act or any other law or enactment

1 may be served by delivering it to the Director-General or by sending it by
2 registered post addressed to the Director-General at the principal office of the
3 Agency.

4 (1) In any action or suit against the Agency, no execution or
5 attachment of processes in the nature thereof shall be issued against the Agency
6 unless not less than three months' notice of the intention to execute or attach has
7 been given to the Agency.

8 (2) Any sum of money which by the judgment of any court has been
9 awarded against the Agency shall, subject to any direction given by the court,
10 where no notice of appeal against the judgment has been given, be paid from
11 the Fund of the Agency.

12 (3) A member of the Council, the Director-General or any officer or
13 employee of the Agency shall be indemnified out of the assets of the Agency
14 against any liability incurred by him in defending any proceeding, whether
15 civil or criminal, if the proceeding is brought against him in his capacity as a
16 member, Director-General, officer or other employee of the Agency.

Directives by
the President

17 **19.** The President may give to the Agency such directives of a general
18 nature or relating Directives by the generally to matters of policy with regards
19 to the exercise of it or his functions under this Act as he (President) may
20 consider necessary and it shall be the duty of the Agency to comply with the
21 directives or cause them to be complied with.

Powers to make
Regulations

22 **20.**-(1) The Agency may, with the approval of the President, make
23 such regulations as in its opinion are necessary or expedient for giving full
24 effect to the provisions of this Act and for the due administration of its
25 provisions.

26 (2) Without prejudice to the generality of subsection (1) of this
27 section, the Council may issue guidelines to give full effect to the provisions of
28 this Act.

Secrecy

29 **21.**-(1) A member of the Council, the Director-General or any other
30 officer or employee shall-

1 (a) not, for his personal gain, make use of any information which
2 has come to his knowledge in the exercise of his powers or is obtained by
3 him in the ordinary course of his duty as a member of the Councilor as the
4 Director-General, officer or employee of the Agency;

5 (b) treat as-confidential any information which has come to his
6 knowledge in the exercise of his powers or is obtained by him in the
7 performance of his duties under this Act;

8 (c) not disclose any information referred to under paragraph (b) of
9 this subsection, except as required by law.

10 (2) Any person who contravenes the provisions of subsection (1) of
11 this section commits an offence and shall on conviction be liable to a fine of
12 not less than N50,000 or imprisonment for a term not exceeding 2 years or to
13 both such fine and imprisonment.

14 **22.** In this Act- Interpretation

Interpretation

15 "Board" means the Governing Board of the Agency established under
16 Section 2 of this Act;

17 "Chairman" means the Chairman of the Governing Council of the Agency
18 appointed under Section 2 of this Act;

19 "Agency" means the Robotic Research Regulatory Agency established
20 under Section 1 of this Act;

21 "Director-General" means the Director-General of the Agency appointed
22 under Section 10 of this Act

23 "Member" means a member of the Governing Council of the Agency and
24 includes the Chairman;

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

26 Ex-officio" means the Attorney-General of the Federation, Minister of
27 Finance, Secretary to the Government of the Federation and Governor of
28 Central Bank of Nigeria.

29 **23.** This Bill may be cited as the Artificial Intelligence and Short title
30 Robotics Research Regulatory Agency (Establishment, etc.) Bill, 2021.

1 SCHEDULE

2 PROCEEDINGS

3 PROCEEDINGS OF THE BOARD SUPPLEMENTARY PROVISIONS

4 RELATING TO THE AGENCY

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

11 2.-(i) There shall be at least four ordinary meetings of the Board in
12 every calendar year and subject thereto, the Council shall meet whenever it is
13 covered by the Chairman, and if the Chairman is requested to do so by notice
14 given to him by not less than 3 other members, he shall convene a meeting of
15 the Board to be held within 14 days from the date on which the notice was
16 given;

17 (ii) Every meeting of the Board shall be presided over by the
18 Chairman and if the Chairman is unable to attend a particular meeting, the
19 members present at the meeting shall elect one of their number to preside at the
20 meeting.

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

24 4. The Council shall meet for the conduct of its business at such places
25 and on such days as the Chairman may appoint.

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

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

1 7. Where the Council seeks the advice of any person on a particular
2 matter, the Council may invite that person to attend for such periods as it
3 thinks fit, but a person who is invited by virtue of this paragraph shall not be
4 entitled to vote at any meeting of the Council and shall not count towards the
5 quorum.

6 8. The Council may appoint one or more committees to carry out on
7 behalf of the Council such of its functions as the Board may determine and
8 report on any matter with which the Council is concerned.

9 9. A committee appointed under paragraph 8 of this Schedule shall
10 be presided over by a member of the Council and consist of such number of
11 persons (not necessarily all members of the Council) as may be determined
12 by the Board, and a person other than a member of the Council shall hold
13 office on the committee in accordance with the terms of his appointment.

14 10. A decision of a committee of the Board shall be of no effect
15 until it is confirmed by the Council.

16 11. The fixing of the seal of the Agency shall be authenticated by
17 the signature of the Chairman and the Director-General or the Director-
18 General and such other person authorized by the Council to act for that
19 purpose.

20 12. The validity of any proceedings of the Board or its committees
21 shall not be affected by-

22 (a) any vacancy in the membership of the Board or its committee;

23 (b) reason that a person not entitled to do so took part in the
24 proceeding; or

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

26 15. Any member of the Board or committee thereof who has a
27 personal interest in any contract or arrangement entered into or proposed to
28 be considered by the Council or any committee thereof - a) shall forthwith
29 disclose his interest to the Council or Committee; and b) shall not vote on
30 any question relating to the contract or arrangement

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Artificial Intelligence and Robotics Research Regulatory Agency for coordinated regulation of Artificial Intelligence and Robotics Research for the purpose of strengthening their capacity to promote economic investment development, information technology, social engagement and development in the country.

DONOR AGENCIES REGULATORY COMMISSION

(ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

1. The Establishment of the Donor Agencies Regulatory Commission, etc.
2. Establishment of the Governing Board for the Commission
3. Tenure of Office
4. Cessation of Membership
5. Disclosure of interest
6. Emolument etc. of Members
7. Powers of the Commission.
8. Functions of the Commission
9. Director-General of the Commission.
10. Other staff of the Commission
11. Pensions Act 2004
12. Funds of the Commission
13. Expenditure of the Commission
14. Annual Estimates and Accounts
15. Annual Reports
16. Power to accept gifts
17. Limitation of suits against the Commission, etc. Cap 379 LFN
18. Directives by the President, etc.
19. Power to Make Regulations
20. Secrecy
21. Interpretation
22. Short title

FOR

Sponsored by Hon. Unyime Idem

[] Commencement

1	1.- (1) There is established a Commission to be known as the Donor	Establishment of Donor Agencies Regulatory Commission
2	Agencies Regulatory Commission (in this Bill referred to as "the	
3	Commission").	
4	(2) The Commission-	
5	(a) Shall be a body corporate with perpetual succession and a	
6	common seal;	
7	(b) May sue and be sued in its corporate name; and	
8	(c) May acquire, hold or dispose of any movable or immovable	
9	property for the purpose of its functions under this Bill.	
10	(3) The headquarters of the Commission shall be located in the	
11	Federal Capital Territory, Abuja.	
12	2.- (1) There shall be established for the Commission a Governing	Establishment of the Governing Council
13	Council (hereinafter referred to as "the Council") which shall be responsible	
14	for running the affairs of the Commission.	
15	(2) The Governing Council shall consist of-	
16	(a) A part-time Chairman;	
17	(b) the Attorney-General of the Federation;	
18	(c) the Minister of Finance;	
19	(d) the Secretary to the Government of the Federation;	
20	(e) the Governor of the Central Bank of Nigeria;	
21	(f) one person each - from the six geopolitical zones of Nigeria who	

1 shall each have cognate experience and expertise in law, business
2 administration, engineering, economics or public administration and two of
3 whom shall be women; and

4 (g) the Director-General of the Commission.

5 (3) The Chairman and members of the Council other than ex-officio
6 member shall be:

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

8 (b) persons of proven integrity, and ability; and

9 (c) part-time members.

10 (3) The Chairman and members of the Commission, other than ex-
11 officio members, shall be appointed by the President subject to confirmation by
12 the Senate.

13 (4) The supplementary provisions set out in the Schedule to this Bill
14 shall have effect with respect to the proceedings of the Council and the other
15 matters mentioned therein.

Tenure of office

16 3. The Chairman and other members of the Commission, other than
17 ex-officio members shall each hold office-

18 (a) for a term of 4 years in the first instance and may be re-appointed
19 for a further term of 4 years; and

20 (b) on such terms and conditions as may be specified in his letter of
21 appointment.

Cessation of
Membership

22 4.-(1) Notwithstanding the provisions of Section 2 of this Bill, a
23 member of the Council shall cease to hold office as a member of the Council if-

24 (a) he resigns his appointment as a member of the Council by notice,
25 under his hand, addressed to the President;

26 (b) he becomes of unsound mind;

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

28 (d) he is convicted of a felony or of any offence involving dishonesty
29 or corruption,

30 (e) he becomes incapable of carrying out the functions of his office

1 either arising from an infirmity of mind or body; or

2 (f) the President is satisfied that it is not in the interest of the
3 Commission or in the interest of the public for the person to continue in
4 office and the President removes him from office.

5 (2) Where a vacancy occurs in the membership of the Board, it
6 shall be filled by the appointment of a successor to hold office for the
7 remainder of the term of office of his predecessor, so however that the
8 successor shall represent the same interest as his predecessor.

9 **5.** A member of the Council who is directly or indirectly interested
10 in a transaction with the Commission or a transaction which the commission
11 is required by this Bill to approve, shall disclose the interest at a meeting of
12 the Council.

Disclosure of
interest

13 **6.** The Chairman and members of the Commission other than ex-
14 officio members shall be paid such emoluments, allowances and benefits as
15 may be recommended by the Revenue Mobilization Allocation and Fiscal
16 Commission.

Emoluments etc.
of Members

17 **7.** The Commission shall have Powers to:

Powers of the
Commission

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

20 (b) manage and superintend the policies of the Commission;

21 (c) subject to the provisions of this Bill, make, alter and revoke
22 rules and regulations for carrying on the functions of the Commission;

23 (d) determine the terms and conditions of service of the employees
24 of the Commission;

25 (e) fix the remuneration, allowances and benefits of the staff and
26 employees of the Commission in consultation with the National Salaries,
27 Income and Wages Commission; and

28 (f) do such other things which in its opinion are necessary to ensure
29 the efficient performance of the functions of the Commission under this Bill.

Functions of
the Commission

- 1 **8.** The Functions of the Commission shall be:
- 2 (a) To determine whether an organization is entitled to be regarded as
- 3 a donor agency;
- 4 (b) Shall take institutional reform processes needed to work with the
- 5 organizational constraints of donor agencies;
- 6 (c) To ensure that such funds and resources as generated are used for
- 7 the purpose with which it was intended and not wasted by inadvertent
- 8 administrative errors or mistakes;
- 9 (d) Complementary long-term, flexible and "hand-on" aid modalities
- 10 and instruments have been required to address institutional blockages;
- 11 (e) ensure efficient execution of any agreement or memorandum of
- 12 understanding entered into between agencies, government and international
- 13 partners;
- 14 (f) ensure compliance with the provisions of this Bill;
- 15 (g) perform such other duties as may be directed by the President,
- 16 from time to time, and as are necessary or expedient to ensure the efficient
- 17 performance of the functions of the Commission under this Bill.

Director-General
of the Commission

- 18 **9.-(1)** There shall be for the Commission, a Director-General who
- 19 shall-
- 20 (a) be appointed by the President subject to confirmation by the
- 21 Senate;
- 22 (b) be the chief executive and accounting officer of the Commission;
- 23 (c) be responsible for the execution of the policy and day-to-day
- 24 administration of the Commission, and
- 25 (d) be a member and the secretary to the Commission.
- 26 **(2)** The Director-General shall hold office-
- 27 (a) for a term of 4 years in the first instance and may be reappointed
- 28 for a further term of 4 years; and
- 29 (b) on such terms and conditions as may be specified in his letter of
- 30 appointment.

1 (3) Notwithstanding the provisions of Subsection (2) of this
2 section, the Director-General may-

3 (a) resign his appointment by a notice in writing under his hand,
4 addressed to the President through the Council; or

5 (b) be removed by the President for inability to discharge the
6 functions of his office (whether arising from infirmity of mind or body or
7 any other cause) or for misconduct or corruption.

8 **10.** The Commission may, subject to the approval of the Council, Other Staff of
the Commission
9 appoint such other staff as it may deem necessary and expedient, from time
10 to time:

11 (a) for the proper and efficient performance of the functions of the
12 Commission; and

13 (b) on such terms and conditions as may be determined; from time
14 to time by the Council.

15 **11.-(1)** The Commission shall be approved for the purpose of the Pension for the
Staff
16 Pensions Act, and accordingly, officers and employees of the Commission
17 shall be entitled to pensions, gratuities and other retirement benefits as are
18 prescribed under the Pensions Act.

19 (2) Without prejudice to the provisions of subsection (1) of this
20 section, nothing in this Act shall prevent the appointment of a person to any
21 office on terms and conditions, which preclude the grant of pension, gratuity
22 or other retirement benefits in respect of that office.

23 (3) For the purposes of the application of the provisions of the
24 Pensions Act, any power exercisable by a Minister or other authority of the
25 Federal Government, other than the power to make regulations, under
26 Section 23 thereof, is hereby vested in and shall be exercisable by the
27 Commission and not by any other person or authority.

28 **12.** The Commission shall establish and maintain a Fund to which Funds for the
Commission
29 shall be paid-

30 (a) grants from the Federal Government;

Expenditure of
the Commission

1 (b) gifts, loans, grant-in-aid from national, bilateral and multilateral
2 organizations and agencies;

3 (c) rents, fees and other internally generated revenues from the
4 services provided by the Commission; and

5 (d) all other sums accruing to the Commission, from time to time.

6 **13.** The Commission may, from time to time, apply the proceeds of
7 the Funds for the Commission, established under Section 12 of this Act-

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

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

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

19 (d) for the development and maintenance of any property vested in or
20 owned by the Commission;

21 (e) for maintaining general financial reserves subject to general or
22 specific directives that may be given in that behalf by the President in
23 accordance with the provisions of this Act; and

24 (f) for and in connection with all or any of its functions under this Act.

Annual Estimate
and Account

25 **14.-(1)** The Commission shall, not later than 30th September in each
26 year, submit to the President an estimate of its expenditure and income
27 (including payments to the Commission Fund) for the next succeeding year.

28 (2) The Commission shall keep proper accounts in respect of each
29 year and proper records in relation to those accounts and shall cause its
30 accounts to be audited within six months after the end of each year by auditors

1 appointed from the lists and in accordance with the guidelines supplied by
2 the Auditor General of the Federation.

3 **15.-(1)** The Commission shall-prepare and submit to the President Annual Report
4 not later than 30th June in each year a report in such form as the President
5 may direct on the activities of the Commission during the immediate
6 preceding year, and shall include in the report a copy of the audited accounts
7 of the Commission for that year and of the Auditor's report thereon.
8 The Auditor General of the Federation shall lay a copy of the report and the
9 Auditor's report thereon before the National Assembly so soon after the
10 receipt thereof.

11 **16.-(1)** The Commission may accept gift of land, money or other Power to accept
12 property on such terms and conditions, deemed lawful Power to accept gifts
13

14 (2) The Commission shall not accept any gift if the conditions
15 attached by the person or organization making the gift are inconsistent with
16 the functions of the Commission under this Act.

17 **17.** Subject to the provisions of this Act, the provisions of the Limitation of
18 Public Officers Protection Act shall apply in relation to any suit instituted suits against the
19 against any member or officer or employee of the Commission. Commission etc.
20

21 A notice, summons or other document required or authorized to be served on
22 the Commission under the provisions of this Act or any other law or
23 enactment may be served by delivering it to the Director-General or by
24 sending it by registered post addressed to the Director-General at the
25 principal office of the Commission.

26 (1) In any action or suit against the Commission, no execution or
27 attachment of processes in the nature thereof shall be issued against the
28 Commission unless not less than three months' notice of the intention to
29 execute or attach has been given to the Commission.

30 (2) Any sum of money which by the judgment of any court has been
awarded against the Commission shall, subject to any direction given by the
court, where no notice of appeal against the judgment has been given, be

1 paid from the Fund of the Commission.

2 (3) A member of the Council, the Director-General or any officer or
3 employee of the Commission shall be indemnified out of the assets of the
4 Commission against any liability incurred by him in defending any
5 proceeding, whether civil or criminal, if the proceeding is brought against him
6 in his capacity as a member, Director-General, officer or other employee of the
7 Commission.

Directives by
the President

8 **18.** The President may give to the Commission such directives of a
9 general nature or relating directives to matters of policy with regards to the
10 exercise of its or his functions under this Act as he (President) may consider
11 necessary, and it shall be the duty of the Commission to comply with the
12 directives or cause them to be complied with.

Powers to make
Regulations

13 **19.-(1)** The Commission may, with the approval of the President,
14 make such regulations as in its opinion are necessary or expedient for giving
15 full effect to the provisions of this Act and for the due administration of its
16 provisions.

17 (2) Without prejudice to the generality of subsection (1) of this
18 section, the Council may issue guidelines to give full effect to the provisions of
19 this Act.

Secrecy

20 **20.-(1)** A member of the Council, the Director-General or any other
21 officer or employee shall-

22 (a) not, for his personal gain, make use of any information which has
23 come to his knowledge in the exercise of his powers or is obtained by him in the
24 ordinary course of his duty as a member of the Council or as the Director-
25 General, officer or employee of the Commission;

26 (b) treat as-confidential any information which has come to his
27 knowledge in the exercise of his powers or is obtained by him in the
28 performance of his duties under this Act;

29 (c) not disclose any information referred to under paragraph (b) of this
30 subsection, except as required by law.

1 (2) Any person who contravenes the provisions of subsection (1) of
2 this section commits an offence and shall on conviction be liable to a fine of
3 not less than N50,000 or imprisonment for a term not exceeding 2 years or to
4 both fine and imprisonment.

5 **21.** In this Act- Interpretation

Interpretation

6 "Council" means the Governing Council of the Commission established
7 under Section 2 of this Act;

8 "Chairman" means the Chairman of the Governing Council of the
9 Commission appointed under Section 2 of this Act;

10 "Commission" means the Infrastructure Concession Regulatory
11 Commission established under Section 1 of this Act;

12 "Director-General" means the Director-General of the Commission
13 appointed under Section 2 of this Act;

14 "Member" means a member of the Governing Council of the Commission
15 and includes the Chairman;

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

17 Ex-officio" means the Attorney -General of the Federation, Minister of
18 Finance, Secretary to the Government of the Federation and Governor of
19 Central Bank of Nigeria.

20 **22.** This Bill may be cited as the Donor Agencies Regulatory Short title
21 Commission (Establishment) Bill, 2021.

1 SCHEDULE

2 PROCEEDINGS

3 PROCEEDINGS OF THE COUNCIL SUPPLEMENTARY PROVISIONS

4 RELATING TO THE COMMISSION

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

11 2.-(i) There shall be at least four ordinary meetings of the Council in
12 every calendar year and subject thereto, the Council shall meet whenever it is
13 convened by the Chairman, and if the Chairman is requested to do so by notice
14 given to him by not less than 3 other members, he shall convene a meeting of
15 the Council to be held within 14 days from the date on which the notice was
16 given;

17 (ii) Every meeting of the Council shall be presided over by the
18 Chairman and if the Chairman is unable to attend a particular meeting, the
19 members present at the meeting shall elect one of their members present to
20 preside at the meeting.

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

24 4. The Council shall meet for the conduct of its business at such
25 places and on such days as the Chairman may appoint.

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

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

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

6 Committees

7 8. The Council may appoint one or more committees to carry out on
8 behalf of the Council such of its functions as the Council may determine and
9 report on any matter with which the Board is concerned.

9. A committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Council and consist of such number of persons (not necessarily all members of the Council) as may be determined by the Board, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

15 10. A decision of a committee of the Council shall be of no effect
16 until it is confirmed by the Board.

17 11. The fixing of the seal of the Commission shall be authenticated
18 by the signature of the Chairman and the Director-General or the Director-
19 General and such other person authorized by the Council to act for that
20 purpose.

12. The validity of any proceedings of the Council or its
committees shall not be affected by:

23 (a) any vacancy in the membership of the Council or its committee;

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

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

13. Any member of the Council or committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any committee thereof-

- 1 (a) shall forthwith disclose his interest to the Councilor Committee;
2 and
3 (b) shall not vote on any question relating to the contract or
4 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Donor Agencies Regulatory Commission for coordinated regulation of donor agencies for the purpose of strengthening their capacity to promote transparency and development in the country.

NIGER DELTA NATURAL DISASTER RESERVED FUND
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT IN SECTIONS

Section:

General Statement of Purpose

Entitlement

Establishment

PART I - THE RESERVED FUND

1. Establishment and objective of the Fund

PART II - RESORT TO THE FUND

4. Natural Disaster and its definition

PART III - THE INVESTMENT COMMITTEE

5. Investment Committee

PART IV - THE TRUSTEES

6. Appointment of Trustees
7. Duties
8. Accounts and audit
9. Bank accounts and mandates
10. Interest on investment
11. Remuneration of trustees
12. Directions by Investment or Legislative Authority
13. Interpretation
14. Citation

SCHEDULE

(a) Code of ethics for the investment Committee of the Federal Executive Council of Nigeria Established under the Provisions of the Niger Delta Natural Disaster Reserved Fund Bill.

(b) The Investment Committee

(c) General Duty of Members of the Committee

(d) Duties of the Committee

- (e) Functions of the Committee
- (f) Frequency of and Proceeding at committee meetings
- (g) Sub-committee
- (h) Provisions relating to all members of the Committee
- (i) Declaration

A BILL

FOR

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A COMPULSORY
NATURAL DISASTER RESERVED FUND FOR THE NIGER DELTA AREA IN
WHICH SHALL BE SAVED A CERTAIN PART OF THE OIL AND GAS REVENUE FOR
USE IN TIME OF NATURAL DISASTER AND FOR RELATED MATTERS

Sponsored by Hon. Dagogo Doctor Farah

[] Commencement

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

PART I - THE RESERVED FUND

1	1.-(1) There shall be established a fund into which shall accrue all	Establishment and Objective of the Fund
2	moneys that shall be saved and employed strictly in the circumstances as	
3	provided for in this Bill.	

(2) The Fund shall be known as the Niger Delta Natural Disaster
Reserved Fund (in this Bill referred to as the "the Reserved Fund").

(3) The sole objective of the Fund shall be to provide an assured security for future generations or citizens or the Niger Delta States, for use in the circumstances provided for in this Bill.

9	2.-(1) The fund shall consist of:	Composition of the Fund

11 crude oil and similar rate of liquefied natural gas sold by Nigeria;

(b) revenue accruing periodically from approved investments made out of the capital in the Reserved Fund;

14 (c) other revenue legitimately accruing to the Reserved fund by
15 means not provided for in this Bill; and

16 (d) such other sums as may accrue to the capital in the Reserved
17 Fund from time to time.

18 PROVIDED that where a fixed minimum capital contribution is

1 made, it shall be adjusted quarterly each financial year by a factor derived from
2 the Consumer price Index confirmed by the CBN to prevail on the first day of
3 that quarter,

4 (2) The President-in-Council shall ensure that, the sum accrued to the
5 Reserved Fund under paragraph (a) of sub-section 1 above is guaranteed by a
6 payment order, however so called issued by the Federal Government to any
7 relevant persons, authorities or agencies directing that a specific sum not less
8 than as provided for in the said paragraph be paid into the fund.

9 PART II - RESORT TO THE RESERVED FUND

Natural Disaster
and its definition

10 3. The Reserved Fund shall be resorted to when a natural disaster
11 occurs in the manner stipulated under this Bill where:

12 (a) the President-in-Council considers and approves a proposal to
13 request that a certain sum be withdrawn out of the capital of the Reserved Fund
14 for use in such a precise manner as shall be contained in the proposal;

15 (b) the sum requested has been determined in a transparent and
16 financially prudent manner to be the sum required solely for the purpose of
17 ameliorating the effects of the situation that led to the natural disaster;

18 (c) the circumstances of the Natural disaster have been clearly
19 identified in the proposal submitted to and by the President-in-Council;

20 (d) the President by a letter forwarding the approved proposal to the
21 National Assembly certifies (a) - (c) herein have been complied with;

22 (e) each Chamber of the National Assembly by the vote of a majority
23 of two-thirds (rounded up to the nearest whole number) of the total
24 membership of the National Assembly approves that no more or less than the
25 sum requested be withdrawn from the accrued income of the Reserved fund,
26 but not the capital thereof and used in the manner stipulated in the proposal;

27 (f) the Trustees of the Reserved fund to be appointed under this Bill
28 shall on each month until the entire sum is fully expended submit a report
29 showing the items of expenditure undertaken as approved and appear before
30 the Public Accounts Committee of each Chamber of the National Assembly to

- 1 answer any questions that may be put in connection therewith;
- 2 (g) upon the full expenditure or the sum approved in paragraph (e)
- 3 above, and not later than thirty days thereafter, the Trustees shall submit a
- 4 Final Report showing the sum received and a comprehensive accounting of
- 5 the expenditure;
- 6 (h) the Natural disaster shall be deemed to have arisen when the
- 7 events stipulated below have occurred and the President, by letter under his
- 8 hand accompanying the proposal referred to in subsection (I) above,
- 9 certifies to each House of the National Assembly that:
- 10 (a) the events constituting as natural disaster have occurred at a
- 11 time and place stated in the letter; and
- 12 (b) the Natural disaster is not contained in the estimates of revenue
- 13 and expenditure contained in the Appropriation Act for the year.
- 14 (2) The Natural disaster as referred to in sub-section I above
- 15 means:
- 16 (a) earth tremor;
- 17 (b) earthquake;
- 18 (c) well-blowout/explosion;
- 19 (d) volcanic eruption;
- 20 (e) adverse oil spill and consequent environmental devastation.
- 21 4. The Reserved fund shall not be used under any circumstances
- 22 for the following purposes:
- 23 (a) as collateral or security for any form of borrowing by the
- 24 Government; or
- 25 (b) to make up shortfalls in the recurrent or capital expenditure of
- 26 Government.
- 27 PART III - THE INVESTMENT COMMITTEE
- 28 5.-(1) The Executive Council shall, subject to the approval by the
- 29 Senate of the Federal Republic, constitute an Investment Committee for the
- 30 purposes of carrying out the various responsibilities set out in this Law and

1 the Schedule, comprising the following:

2	(a) the Vice President	Chairman
3	(b) the Attorney General of the Federation	Member
4	(c) the Federal Minister of Finance	Member
5	(d) the Governor of the Central Bank	Member
6	(e) the Accountant General of the Federation	Member
7	(f) the Permanent Secretary, Budget	Member
8	(g) One Governor from the Niger Delta Region	Member
9	(h) One Financial expert from the Niger Delta Region	Member

10 (2) The Investment Committee shall convene periodically for:

11 (a) regular bi-annual meetings at the invitation of the Vice President;

12 and

13 (b) Extraordinary meetings whenever there are important
14 developments that affect the Fund, at the request of the Trustees.

15 (3) The Investment Committee shall, immediately after each meeting
16 present a report of its deliberations to the Executive Council; and at the option
17 of the Executive Council, issue a news communique for the benefit of the
18 citizenry of the Niger Delta States following any particular meeting,

19 (4) the investment committee shall perform the following duties:

20 (a) approve a benchmark portfolio on the recommendation of the
21 Trustees consistent with the objectives of capital preservation, liquidity (after
22 the moratorium) and return on investment;

23 (b) approve the risk budget or loss limit on under performance as
24 against the approved benchmark portfolio;

25 (c) approve the Investment Policy and Guidelines after taking advice
26 from the Trustees;

27 (d) receive from the Trustees bi-annual reports and consider an
28 analysis of the performance of the investment portfolio;

29 (e) prepare annual reports on the performance of the Reserved Fund
30 during the previous year for consideration and approval by the Executive

1 Council and subsequent publication for the benefit of the citizenry of the
2 Niger Delta States;

3 (f) annually review with the Trustees, the benchmark portfolio,
4 Investment Policy and Guidelines for appropriateness given Nigeria's
5 macroeconomic conditions;

6 (g) recommend the Trustees of the Reserved Fund for appointment
7 by the Federal Executive Council; and

8 (h) appoint custodians and Fund Managers for the Reserved Fund
9 on the advice of the Trustees.

10 (5) The Vice President is obliged to ensure no member of the
11 Investment Committee participates in the meetings and decisions of the
12 Committee until and unless he has a copy of the Code of Ethics set out in the
13 Schedule hereto and deposited a copy thereof with the Secretary to the
14 Federal Government.

15 (6) The Oath of Office of each member of the Committee shall,
16 upon the coming into force of this Bill, be deemed to have been modified to
17 include a statement that the member shall discharge his duties as a member
18 of the Committee conscientiously, in good faith in accordance with the Code
19 of Ethics contained in the Schedule hereto and without mental reservations
20 for the purposes of evading the duties set out herein and in the said Schedule.

21 (7) Breach of sub-sections 4 and 5 by a member of the Committee
22 shall, in the case of the Vice President be deemed to be an act of abuse of
23 office liable to be considered as grounds for impeachment by the National
24 Assembly; and in the case of other members, shall be deemed to be an act
25 rendering the office holder liable to instant dismissal by the President, and
26 for which breach the office holder may in addition be prosecuted in a court of
27 Law

28 PART IV - THE TRUSTEES

29 6.-(1) The Federal Executive Council shall appoint the Trustees on
30 the recommendation of the Investment Committee.

Appointment of
Trustees Duties

Duties of the
Trustees

1 (2)The Trustees shall be a limited liability company licensed by the
2 Securities and Exchange Commission or its successor-in-title to carry on the
3 business of trusteeship, but shall not be a Banking Institution licensed under the
4 laws of Nigeria.

5 (3) The Investment Committee shall ensure that the Trustees have no
6 ownership or equity relationship with any of the financial intermediaries
7 involved in the management of the Reserved Funds and that the Trustees shall
8 at all times maintain a distant relationship with the said intermediary

9 7. The duties of the Trustees shall be to:

10 (a) recommend for approval by the Investment Committee, and
11 annually review with the Trustees, a clearly stated Investment Policy
12 conforming with applicable laws and macroeconomic conditions prevailing in
13 Nigeria;

14 (b) ensure strict compliance with the Investment Policy and the
15 Guidelines by the Fund managers in accordance with such approval as may be
16 granted by the Investment Committee.

17 (c) ensure proper and secure custody of all documents, books and
18 records relating to the monies accruing to the Reserved Fund as capital or
19 income in compliance with all applicable regulatory laws, rules and
20 regulations;

21 (d) monitor and supervise the activities of the Funds managers for and
22 on behalf of the State and for that purpose, recommend to the Investment
23 Committee the appointment and removal of such number or managers (lithe
24 Fund Managers), who shall manage and invest the sums of money given to
25 them for that purpose, recommend to the Investment Committee the
26 appointment and removal of such number of managers (the Funds Managers),
27 who shall manage and invest the sums of money given to them for that purpose
28 out of the capital and income accrued in the Reserved Fund, through' the receipt
29 of regular reports, financial statements and accounts and the conduct of regular
30 meetings with them;

1 (e) ensure the establishment of a modern and up-to-date accounting
2 systems for the operations of the Reserved Fund, based strictly on the best
3 principles of good administration, accounting transparency and ensure
4 adherence therewith;

5 (f) act as Custodian of the Reserved Fund until a Custodian is
6 appointed under this Law, and maintain proper custody of the moneys and
7 securities of the Reserved Fund in accordance with applicable laws and
8 regulations;

9 (g) monitor economic and financial market developments and the
10 credit and operational risk management practices and procedure of the Fund
11 managers to ensure compliance with the parameters set by the Investment
12 Policy and the Guidelines;

13 (h) receive and consider quarterly reports of the activity of the
14 Fund managers;

15 (i) submit a Half-Year and an Annual Report of the activities and
16 operations of the Reserved Fund and its managers to the Investment
17 Committee for onward submission to the Executive Council; and

18 (j) to appear biannually before the Executive Council and the
19 National Assembly in accordance with this Bill.

20 **8.-(1)** The Trustees shall, not later than 30th July each Financial
21 Year, submit to the Investment Committee and to the President of the Senate
22 and Speaker of the House of Representatives a Half- Year Report on the
23 Reserved Fund.

Accounts and
Audit

24 (2) The Half- Year Report shall contain a summary of the accounts
25 of the Reserved fund for the preceding six months, a report of the
26 performance of the Reserved Fund during the period and the Trustees
27 expectations of the performance of the Reserved Fund for the rest of the
28 financial year.

29 (3) The Trustees shall, not later than 3 weeks thereafter meet
30 separately with the Investment Committee and the President of the Senate

1 and the Speaker of the House of Representatives to discuss the said Report.

2 (4) The Trustees shall, not later than 60 days after the end of each
3 financial year submit to the Executive Council and within a further 2 days
4 thereafter lay before each Chamber of the National Assembly the Report.

5 (a) a report of their activities for that Financial Year, which shall
6 include a full and comprehensive report of the management and investment
7 activities of the fund managers during the said Financial Year;

8 (b) the audited revenue and expenditure account, including the
9 balance sheet of the Fund for the Financial Year; and

10 (c) a comprehensive statement of their expectations for the Reserved
11 Fund during the forthcoming Financial Year.

12 (5) The Federal Executive Council shall approve the appointment
13 each year of an external auditor from a list of four reputable accounting firms
14 doing business in Nigeria submitted by the Auditor-General of the Federation
15 to the Investment Committee for the purposes of auditing the accounts of the
16 Reserved Fund.

17 (6) The external auditor shall audit for the previous financial year the
18 financial statements of all receipts into and payments out of the Reserved Fund
19 and the income accruing thereto, and submit an Audit Report to the Investment
20 committee and the Trustees within 45 days of the end of each Financial Year,

21 (7) The financial year for the purposes of accounting, audit, and other,
22 financial reporting of this fund (including the investment as well as those of the
23 Trustees) shall be a period starting from 1st January and ending 31st December
24 of the same year.

25 9. The Trustees shall, subject to the Investment Policy and the
26 Guidelines, approve that specific amounts of the sums accrued in the Reserved
27 Fund and held by the custodian may be assigned to a fund manager and
28 invested by it in a portfolio deluding all or any or a combination of:

29 (a) Federal Government of Nigeria securities;

30 (b) blue chip securities approved by the Securities and Exchange

1 Commission under the ISA or subsequent enactment;

2 (c) convertible foreign currencies, limited only to a basket
3 comprising any or all of foreign currencies designated by the Trustees, with
4 the approval of the Investment Committee, as suitable for investment by the
5 Reserved Fund;

6 (d) securities, financial or capital market instruments,
7 denominated in the foreign currencies designated as provided herein and
8 approve by the capital market regulator of the country in which the
9 instruments are issued; and

10 (e) investment management accounts denominated in Naira or any
11 or all of the foreign currencies designated as provided herein and held in a
12 Nigerian or a foreign bank selected by the funds managers and approved by
13 the Trustees;

14 Provided that investments in foreign currencies or securities and
15 financial or capital market instruments denominated in foreign currencies
16 designated by the Trustees shall be made only after the first four years of
17 payments into the Reserved Fund under this Bill.

18 **10.-(1)** The Trustees shall open and operate separate bank accounts
19 in any reputable Nigerian bank or banks, which bank shall then become a
20 Custodian, for the purposes of receiving into and paying out the sums
21 standing to the credit of the Reserved Fund.

Bank Accounts
and Mandates

22 (2) Any account opened under sub-section (1) above shall be
23 named as the "Niger Delta Natural Disaster Reserved Fund Account."

24 (3) No withdrawal or payment shall be made from a Niger Delta
25 Natural Disaster Reserve Fund Account unless an Instrument of withdrawal
26 or payment order in respect of such withdrawal is validated through a letter
27 of authorization under the hand of two duly authorized first class signatories
28 of the Trustees, supported by a two-thirds majority resolution of all the
29 Members of each Chamber of the National Assembly and a Release

	1	Mandate signed by the President and the Secretary to the Federal Government.
Interest on Investment	2	11. -(1) The trustees shall, subject to the investment policy and
	3	guidelines, ensure that interest of not less than 10% per annum or as may be
	4	fixed by the Central Bank of Nigeria as the minimum interest rate accruable
	5	from such deposits (subject to the prevailing interest rates), is earned on the
	6	amount standing to the credit of the Reserve Fund net of investments.
	7	(2) The Trustees shall report such interest income as in subsection (1)
	8	as distinct from other investment income in the accounts of that financial year.
Remuneration of Trustees	9	12. The Trustees shall be paid a fee as negotiated with the Investment
	10	Committee, and this agreed amount shall be recommended by the Committee
	11	for approval by the Federal Executive Council.
Directions by Investments of Legislative authority	12	13. The Trustees in the discharge of their duties and powers under this
	13	Bill, shall not be obliged to obey any directions of a general or specific nature
	14	from the National Assembly and the Investment Committee.
	15	PART V - MISCELLANEOUS
Interpretation	16	14. In this Law, unless the context otherwise requires:
	17	"CAMA" means the Companies and Allied Matters Act and includes any re-
	18	enactment, amendment or modification thereof means the Central Bank of
	19	Nigeria and includes its successor-in-title howsoever called;
	20	"Custodian" includes the plural and means a financial institution, appointed
	21	under this Bill and incorporated in Nigeria under CAMA and Licensed by the
	22	Securities and Exchange Commission and the Central Bank of Nigeria (or their
	23	respective successors-in-title) to carry on, amongst others, the business of
	24	maintaining records of accounts and custody or possession of funds or
	25	securities;
	26	"Federal Executive Council" means the Federal Executive Council of Nigeria;
	27	"Financial Year" means 1st January to 31st December or such other as may
	28	from time to time be determined by the Federal Government of Nigeria;
	29	"Fund" means the Niger Delta Natural Disaster Reserved Fund established
	30	under this Bill;

1 "Fund Manager" or "Manager" means a body corporate licensed by the
2 Security and Commission or the Central Bank of Nigeria or their successors-
3 in- title to carry on the business of funds or asset portfolio managers;

4 "Intermediaries" or "Financial Intermediaries" means all those parties
5 appointed to carry out any of the duties set out in this law, whether as
6 trustees, fund manager, custodian, external auditor, etc to be carried out by a
7 Limited Liability Company;

8 "ISA" means the Investment and Securities Act and includes any re-
9 enactment, amendment or modification;

10 "Niger Delta States" means the nine oil producing states of Nigeria as
11 follows: Abia, Akwa Ibom, Bayelsa, Cross Rivers, Delta, Edo, Imo, Ondo,
12 and Rivers State;

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

14 "Securities" shall have the meaning assigned to it in Investment and
15 Securities Act;

16 "Trustees" means a corporate body appointed by the Federal Executive
17 Council of Nigeria sin accordance with the provisions of this law;

18 "Vice President" means the Vice President of the Federal Republic of
19 Nigeria and the Chairman of the Niger Delta Natural Disaster Reserved
20 Fund.

21 **15.** This Bill may be cited as the Niger Delta Natural Disaster Citation
22 Reserve Fund Bill, 2021.

1 THE SCHEDULE

2 CODE OF ETHICS FOR THE INVESTMENT COMMITTEE OF THE FEDERAL
3 EXECUTIVE COUNCIL OF NIGERIA, THE PROVISIONS OF THE NIGER DELTA
4 ECOLOGICAL RESERVED FUND BILL

5 This Code is intended to guide the manner in which the Investment Committee
6 shall execute its responsibilities under this Bill. It also defines the internal
7 control mechanism of the Committee, The Code takes account of the trust
8 reposed in and the responsibility imposed on the individual members of the
9 Committee.

10 THE INVESTMENT COMMITTEE

11 *General Duty of Members of the Committee*

12 1. Each member of the Committee shall carry out his/her duty in a
13 manner that he/she brings to bear his/her experience, without compromising on
14 integrity, independence and specific mandates of the Committee.

15 *Duties of the Committee*

16 2. The Committee shall ensure that the Trustees carry out their
17 functions efficiently in accordance with the provisions for all guiding
18 legislation, including this Law, the ISA, CAMA and in accordance with such
19 other mandate as may be defined for it.

20 3. The Committee shall apply the highest ethical standards to
21 themselves, set the same standards for all the other intermediaries and ensure
22 these standards are written into a code of conduct and adhered to by them.

23 4. The Committee ensures that effective channels of communication
24 are established and maintained with its key stakeholders, and in particular with
25 the National Assembly, citizens of the Niger Delta States and the
26 intermediaries.

27 5. Committee members shall not use position to influence the
28 employment by the intermediaries of any person or the placement of reserved
29 funds with any fund manager.

30 6. The members of the Committee shall periodically review this

1 Code to ensure that it conforms to the policy of government relevant
2 legislation and to internationally accepted standards of best practice in
3 ethical behaviour and corporate government.

4 *Functions of the Committee*

5 7. The Committee shall have no rights, powers, duties and
6 responsibilities other than those provided in this Bill and in this Schedule.

7 8. The Committee shall ensure that there is transparency in the
8 Reserved Fund's financial reporting and that, at all times, that the Trustees
9 present a fair, balanced, reasonable and provisionally competent assessment
10 of its existing financial position.

11 9. Particularly, in relation to the finances of the Reserved Fund and
12 the discharge of its duties provided in this Law, the Committee shall:

13 (a) Ascertain that the accounting and reporting policies of the
14 Trustees are in accordance with legal requirements, applicable accounting
15 standards and agreed ethical practices;

16 (b) Review with the Trustees and approve the scope and planning
17 of external audit requirements prior to the commencement of such audit and
18 ensure that audits are appropriately coordinated where they are to be
19 handled by more than one firm;

20 (c) Review the audited accounts, financial statements and balance
21 sheet of the Reserved fund prior to presentation to the Federal Executive
22 Council and in particular focus on:

23 (i) Changes in accounting policies and practices,

24 (ii) Matters involving major issues of judgment,

25 (iii) Significant adjustments in accounting figures,

26 (iv) Responses to audit queries,

27 (v) Compliance with accounting standards; and

28 (vi) Compliance with the legal requirements of any relevant
29 regulatory agency.

30 (d) Maintain a review of the effectiveness of the system of

1 accounting and internal control of the-intermediaries.

2 10. The Committee shall ensure that the Trustees implement all its
3 decisions immediately.

4 *Frequency of and Proceedings at Committee Meetings*

5 11. The Committee shall meet at least bi-annually and more
6 frequently, if so required. Every member of the Committee shall attend
7 meetings, except if he/she has received prior permission from the Governor to
8 be absent there from.

9 12. Not less than 3 days prior written notice of Committee Meetings
10 shall be given to all members unless such meeting is convened for a special
11 purpose in which case not less than 1 days' notice shall be given to the members.

12 13. Every notice of a committee meeting, which may be sent by hand,
13 courier, facsimile, e-mail or telephone, shall include an agenda, specifying the
14 matters to be discussed during the meeting and shall be accompanied by such
15 relevant information on these matters, as will ensure that every Committee
16 member is in a position to make informed contributions towards the
17 deliberations on the said matters.

18 14. The quorum for every meeting shall be not less than six (6)
19 members including the Chairman or, if he so directs, the Attorney General or
20 the Commissioner for Finance. Questions put to the vote at Committee
21 Meetings shall be determined by a majority of the votes cast at the meeting,
22 subject to Article 15 below.

23 15. Where there is an equality of votes on any matter, the Chairman of
24 the meeting shall cast a deciding vote in favour of one or other side of the matter
25 in question.

26 16. Committee members shall neither vote upon, nor participate in
27 any Committee discussions that relate to any matter in which they are
28 personally interested, either directly or indirectly.

29 17. Accurate records of all proceedings at Committee Meetings shall
30 be taken and kept by the Secretary to the Federal Government personally and

1 all members shall be given the opportunity to review, comment upon and
2 where necessary request for amendments to the contents for such Minutes
3 before they are finalized and signed by the Chairman of the Meeting. Where
4 the Secretary to the Federal Government is unavoidably absent, the
5 Chairman shall designate a member of the Committee to act as Secretary of
6 the meeting.

7 *Sub Committees*

8 18. The Committee may, where necessary, delegate any of its
9 responsibilities to a sub-Committee comprised of those members whom, in
10 the opinion of the Committee are best placed to deliberate on such specific
11 matters. Such delegation shall be for a specific purpose and period not to
12 exceed 90 days.

13 19. Any Sub-Committee shall include not less than two Committee
14 members. The Sub-Committee may co-opt the assistance of such other
15 persons not being members of the Committee, who in its opinion will
16 contribute to the execution of its work.

17 20. Committees shall be required to keep accurate Minutes of their
18 deliberations, which shall be tabled at the next Committee Meeting
19 following that of the Sub-Committee.

20 21. The Committee shall appoint a secretary, who shall be an
21 officer not below the rank of Director in the Public Service of the Federation,
22 for any of its Sub-Committee.

23 PROVISIONS RELATING TO ALL MEMBERS OF THE COMMITTEE

24 22. Members of the Committee are required to bring independent
25 judgment to bear on issues relating to all matters brought to their attention.

26 23. Subject to the provisions of this Bill, neither the Committee nor
27 its members shall have or carry out any executive or management functions
28 of the intermediaries in relations to the Reserved fund.

29 24. Conflicts of interest or a vested interest and the appearance or
30 perception of such conflicts between any members personal interest and the

1 business or interests of the Reserved Fund shall be avoided at all times.

2 25. A member of the Committee is deemed to be indirectly interested
3 in a transaction where such a transaction -is between the Trustees and a person
4 connected with a member, which he or any member of his immediate family is
5 a senior management employee or director or has a shareholding interest that is
6 equivalent to or in excess of 5% of such company's issued share capital or is on
7 a retainer, or stands to benefit from a commission from the company.

8 26. Where a member of Committee is directly interested in a
9 transaction or proposed transaction with the Reserved Fund or the Trustees or
10 he/she becomes aware of such a conflict of interest or he ought reasonably
11 know that such a conflict will arise, he/she shall immediately upon becoming
12 aware thereof report the situation in writing to the Chairman.

13 27. Members of the Committee shall not borrow money or other
14 movable or immovable asset or accept a personal preference or gifts or
15 entertainment individually worth in excess of N15,000 (Fifteen Thousand
16 Naira) from any intermediary or its associated or subsidiary company, except
17 with the disclosure to and express approval of the Committee.

18 28. Confidential information about the Reserved Fund shall under no
19 circumstances be disclosed or used for personal, family or commercial reason
20 by any member of the Committee.

21 29. Bribes, kickbacks, agency, commissions and payments in any
22 from and for any purpose whatsoever, paid to a member of the Committee
23 outside his/her salaries and emoluments, fees or other approved payments are
24 strictly prohibited.

25 30. Members of the committee shall not accept any gifts or favour
26 from any third parties in connection with the performance of their official
27 duties that exceed N15,000 in value. A register of all appropriate gifts shall be
28 opened and kept by the Secretary to the Federal State Government. All
29 members of the Committee shall report the receipt of all appropriate gifts
30 received in connection with the fund to the Secretary to the State Government,

1 who: shall enter it into the Register of gifts and report thereon at the next
2 meeting of the Directors.

3 *Declaration*

4 31. To be filled in triplicate and signed immediately this Bill is
5 Assented to or upon appointment or re-appointment {whichever is
6 applicable) to the Secretary to the Federal State Government and one copy
7 retained by the member of the Committee.

8 32. I acknowledge that I have received a copy of this document
9 and have thoroughly read understood it. I will answer the following
10 questions fully, completely and to best of my knowledge on the back of this
11 page.

12 33. Have you fully read and understood this document titled
13 "Code of Ethics for the Investment Committee of the Federal Executive
14 Council of Nigeria Established under the Provisions of the Niger Delta
15 Ecological Reserve Fund Bill"

16 34. Are you a shareholder, debenture holder, partner, creditor, or
17 debtor of any company, professional firm or organization that is currently
18 participating in the management of administration of the Fund? (If. "yes"-
19 please name the organization (s))

20 35. I hereby declare, on my honour, that if I should become aware
21 of any possible conflict of interest or have a vested interest in any business or
22 commercial dealings with the fund, I shall immediately report the matter to
23 the Chairman of the Committee, and not take any action which, without the
24 approval of the Committee would be incompatible with this Code.

25 I also declare that I will honour without any exception the provisions of this
26 Code and any amendment or modification or restatement thereof; and
27 accept that any violation of this Code may lead to the termination of my
28 appointment to the office by virtue of which I am a member of this
29 Committee.

- 1 NAME:.....
- 2 SIGNATURE:.....
- 3 DATE:.....

EXPLANATORY MEMORANDUM

This Bill seeks to protect the Niger Delta against natural disasters like earth tremor, earthquake, well-blowout/explosion, volcanic eruption and adverse oil spill and consequent environmental devastation occasioned by the long period of oil exploration and exploitation. It provides for compulsory saving by the government from the oil revenue in order to assuage the challenge whenever it occurs and provide security for the future generation of the oil producing communities against any of the above mentioned disasters.

FOR

Sponsored by Hon. Doctor Farah Dagogo

[] Commencement

1 **1. The Constitution of the Federal Republic of Nigeria 1999 (in**
2 **this Bill referred to "the Principal Act") is altered to set out in the Bill.**

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

3 **2.** Section 162 (2) of the Principal Act is amended by substituting
4 for subsection (2) a new sub-section '(2)':

Alteration of Section 162 (2)

(a) The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density;

12 Provided that the principle of derivation shall be constantly
13 reflected in any approved formula as being not less than thirteen percent of
14 the revenue accruing to the Federation Account directly from any natural
15 resources.

16 (b) The thirteen percent derivation shall be paid directly to the host
17 communities;

18 (c) The Host Communities Development Commissions is under
19 this Constitution guaranteed; and accordingly, the Government of each

1 beneficiary State shall, subject to this section, ensure their existence under a
2 Law which provides for the establishment, structure, composition, finance and
3 functions of such Commissions within 12 months of the existence of this
4 Alteration;

5 (d) Failure of any State to establish the Host Communities
6 Development Commission shall be deemed as an offence and such a State shall
7 forfeit 30% of her monthly benefit from the 13 % derivation fund till such a
8 time that the Commission is established.

Citation

9 **3.** This Bill may be cited as the Constitution of the Federal Republic
10 of Nigeria, 1999 (Fifth Alteration) Bill, 2021.

Explanatory Memorandum

This Bill seeks to alter Section 162 (2) of the Constitution of the Federal Republic of Nigeria 1999 to establish the Host Communities Development Commission charged responsibility of administering the thirteen percent derivation allocation to the mineral benefiting States under the Constitution.

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA FOREIGN SERVICE COMMISSION WITH RESPONSIBILITY TO PROMOTE, MONITOR AND ENFORCE THE BASIS FOR NIGERIA'S NATIONAL INTEREST ABROAD AND FOR RELATED MATTERS

Sponsored by Hon. Yusuf Buba Yakub

[] Commencement

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

1 PART I - ESTABLISHMENT AND FUNCTIONS, ETC., OF NIGERIA FOREIGN
2 SERVICE COMMISSION

3 1.-(1) There is hereby established a body to be known as the
4 Nigeria Foreign Service Commission (in this Act referred to as "the
5 Commission").

Establishment
of Nigeria Foreign
Service Commission,
etc.

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession;

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

9 (c) shall have its headquarters in the Federal Capital Territory,
10 Abuja; and

11 (3) The Commission shall not be subject to the direction, control or
12 supervision of any other authority or person in the performance of its
13 functions under this Act other than the President.

14 2.-(1) The Commission shall consist of:

Membership of
the Commission

15 (a) a Chairman who shall be the Chief Executive of the
16 Commission: he/she shall either be a serving or retired diplomat with a
17 minimum of university degree in Political Science, International Relations
18 or a degree in any other relevant field of studies preferably History or
19 Economics and must have not less than 15-year experience in foreign
20 service;

	1	(b) a Representative of the Association of Retired Ambassadors of
	2	Nigeria;
	3	(c) a Representative of the Nigeria Diaspora Commission;
	4	(d) a Representative each from Institute of Peace and Conflict
	5	Resolution (IPCR), Nigerian Institute of International Affairs (NIIA) ,
	6	Directorate of Technical Cooperation in Africa (DTCA), the Nigeria
	7	Directorate of Technical Aid Corps (NDT AC), National Intelligence Agency
	8	(NIA), Defence Intelligence Agency (DIA), State Security Service (SSS) and
	9	the Civil Society.
	10	(2) The Chairman and members of the Commission shall, subject to
	11	confirmation of the Senate, be appointed by the President, and they must be
	12	persons of proven integrity, expertise and experience in foreign affairs.
Tenure of office	13	3.-(1) The Chairman and Members of the Commission shall hold
	14	office for a period of five years in the first instance and for a further term of five
	15	years on such terms and conditions as may be specified in their letters of
	16	appointment.
	17	(2) A member of the Commission may only be removed from office
	18	by the President acting on an address supported by two-thirds majority of the
	19	Senate praying that he/she be so removed for inability to discharge the
	20	functions of the office.
	21	(3) A member may resign his/her membership by notice in writing
	22	addressed to the President and that member shall, on the date of the receipt of
	23	the notice by the President, cease to be a member.
	24	(4) There shall be paid to every member of the Commission such
	25	allowances as the Federal Government may, from time to time, direct.
	26	(5) A member shall not while holding office hold any other office of
	27	emolument whether in the Federal or State public service.
	28	PART II
Functions and Powers of the Commission	29	4.-(1) The Commission shall:
	30	(a) be responsible in formulating policies and guidelines for

1 appointment, promotion and discipline of persons in the Nigeria Foreign
2 Service Commission and the Ministry of Foreign Affairs;

3 (b) formulate and implement policies for ensuring the efficiency of
4 the Foreign Service Commission and its personnel;

5 (c) stipulate punitive measures aimed at ensuring disciplinary
6 control and the dismissal of any erring persons in the Commission and
7 Foreign Missions in the execution of Nigeria foreign policy goals and
8 agenda;

9 (d) be responsible for setting the policy agenda and foreign service
10 goals in line with Nigeria's Foreign Policy Objectives, as stipulated in
11 Section 19 of the amended 1999 Constitution of the Federal Republic of
12 Nigeria;

13 (e) facilitate training and retraining of foreign service personnel to
14 enable them develop capacity to represent Nigeria in such critical areas as
15 trade, investment and security, thereby, strengthening her foreign policy for
16 increased output and reciprocal gains in line with the agenda, vision and
17 policies set out in (2);

18 (f) advise the Federal Government of Nigeria on the pursuit of its
19 foreign policy goals and agenda from time to time;

20 (g) to effectively utilise, for the purpose of developing, enhancing,
21 managing and maintaining the Foreign Missions and their staff, all
22 monetary allocations, which may include the budget and or any special
23 allocation from the Federal Government of Nigeria, its Ministries, Agencies
24 and Departments; and

25 (h) perform such other functions which, in the opinion of the
26 Commission, may be required in ensuring the optimal efficiency and
27 performance of the Commission.

28 **5.-(1)** The Commission shall have power to:

Powers of the
Commission

29 (a) formulate and provide guidelines for government on the foreign
30 policy/relations of Nigeria;

1 (b) monitor staff compliance to the foreign policy/relations guidelines
2 by the Federal Government of Nigeria;

3 (c) pay the staff of the Commission such remuneration and
4 allowances as the Chairman may, after consultation with the Salaries and
5 Wages Commission, determine;

6 (d) do anything which, in the opinion of the Commission, is incidental
7 to its functions under this Act.

8 (2) For the purposes of subsection (1) of this section, the Commission
9 shall have power to take such legal action including the prosecution of any
10 person, whether corporate or unincorporate, who being obliged to comply with
11 the provisions of this Act, fails to do so.

Members of the
Commission
disqualified from
holding elective
office

12 6.-(1) Notwithstanding anything to the contrary in any law, a person
13 who holds office as a member of the Commission under this Act shall not be
14 qualified for any elective office or for election as a member of any legislative
15 body.

16 (2) Nothing shall preclude a member of the Commission from
17 resigning his appointment as a member of the Commission at any time for the
18 purposes of contesting for an elective office.

Proceedings, etc.,
of the Commission

19 7.-(1) The Commission shall meet for the conduct of its business at
20 such times, places and on such days as the chairman may appoint.

21 (2) The chairman shall preside at all meetings of the Commission but
22 if he is absent from any meeting of the Commission the members present shall
23 elect one of their number to preside at that meeting.

24 (3) During the chairman's absence on leave or if the chairman is
25 otherwise not available or is unable to perform his functions, the President may
26 appoint any member of the Commission to act as chairman for any specified
27 period.

28 (4) The quorum for a meeting of the Commission shall be not less than
29 one third of the total number of members of the Commission present at the
30 meeting.

1 (5) Questions put before the Commission at a meeting shall be
2 decided by consensus and, where this is not possible, by a majority of the
3 votes of the members present and voting.

4 (6) The chairman shall in the case of an equality of votes have a
5 casting vote in addition to his deliberative vote.

6 (7) Subject to this section, the Commission shall have power to
7 regulate its proceedings and may make standing orders with respect to the
8 holding of meetings, the notice to be given, the procedure thereat, the
9 keeping of minutes of such proceedings and the custody and production for
10 inspection of such minutes.

11 (8) The validity of any proceedings of the Commission shall not be
12 affected by any vacancy in its membership or any defect in the appointment
13 of a member or by reason that a person not entitled to do so took part in the
14 proceedings.

15 **8.**-(1) The Commission may appoint one or more committees to
16 carry out on behalf of the Commission any of its functions under this Act.

Committees of
the Commission

17 (2) A committee appointed by the Commission under this section
18 shall consist of such number of persons as may be determined by the
19 Commission.

20 PART III - STAFF OF THE COMMISSION

21 **9.**-(1) There shall be a secretary to the Commission who shall:

Secretary to the
Commission and
other staff

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

24 (b) be appointed by the President.

25 (2) Subject to the general direction of the Chairman, the Secretary
26 shall:

27 (a) be responsible for keeping proper records of the proceedings of
28 the Commission; and

29 (b) be the head of the Commission's secretariat and be responsible
30 for the administration thereof and the direction and control of all other

1 employees of the Commission with the approval of the chairman.

2 (3) The chairman shall have power to appoint either directly or on
3 secondment from any Public Service in the Federation, such number of
4 employees as may, in the opinion of the Chairman, be required to assist the
5 Commission in the discharge of any of its functions under this Act and shall
6 have power to pay persons so employed such remuneration (including
7 allowances) as the chairman may, after consultation with the Federal Ministry
8 or Department of Establishment, determine.

9 (4) Nothing in subsection (3) of this section, shall preclude the
10 Chairman from appointing persons outside the Federal or State Public Service,
11 whenever it deems it necessary to do so.

12 (5) All employees of the Commission appointed pursuant to
13 subsections (3) and (4) of this section, excluding such as are appointed on a
14 temporary basis for an honorarium, shall have the same rights and obligations
15 as the members of the Public Service defined by section 24 of the Pensions Act.

16 *[Cap. P4.]*

17 PART IV - FINANCIAL PROVISIONS

Fund of the
Commission

18 **10.** There shall be established and maintained by the Commission a
19 fund into which shall be paid and credited:

20 (a) the annual subvention received from the Federal Government;

21 (b) such money as may, from time to time, be lent, deposited with or
22 granted to the Commission by the Government;

23 (c) all fees and charges for services rendered by the Commission; and

24 (d) all other sums which may, from time to time, accrue to the
25 Commission.

26 (2) The Commission may, from time to time, apply the funds at its
27 disposal:

28 (a) to the cost of the administration of the Commission and for the
29 purposes of any research being undertaken by the Commission;

30 (b) to the payment of fees, allowances and expenses of members of

1 the Commission or of any committee set up by the Commission;

2 (c) to the payment of the salaries, allowances and benefits of
3 officers and servants of the Commission;

4 (d) for the maintenance of any property vested in the Commission
5 or under its administration; and

6 (e) for and in connection with all or any of the functions of the
7 Commission under this Act or any other written law.

8 **11.**-(1) The Commission may accept gifts of land, money or other
9 property upon such terms and conditions, if any, as may be specified by the
10 person or organisation making the gift. Power to accept
gifts

11 (2) The Commission shall not accept any gift if the condition
12 attached by the person or organisation making the gift are inconsistent with
13 the functions of the Commission under this Act.

14 **12.**-(1) The Commission shall cause to be prepared not later than
15 30 September in each year an estimate of the expenditure and income of the
16 Commission during the next succeeding year and when prepared, they shall
17 be submitted to the President. Annual Estimates
accounts and audit

18 (2) The Commission shall cause to be kept proper accounts of the
19 Commission and proper records in relation thereto and when certified by the
20 Commission, the accounts shall be audited by auditors appointed by the
21 Commission from the list and in accordance with the guidelines supplied by
22 the Auditor-General for the Federation.

23 **13.** The Commission shall not later than three months before the
24 end of each year, submit to the President a report on the activities and the
25 administration of the Commission during the immediately preceding year
26 and shall include in such reports audited accounts of the Commission and
27 the auditor's report thereon. Annual report

28 **PART V - OFFENCES, ETC.**

29 **14.**-(1) Information supplied by the Commission shall not be made Offences

1 public by any person except if it is duly authorised by the chairman of the
2 Commission.

3 (2) Any person who contravenes the provisions of subsection (1) of
4 this section is guilty of an offence under this Act.

5 (3) Any person, body corporate or unincorporate who:

6 (a) required to furnish any information to the Commission under this
7 Act but fails to do so or in purported compliance with such requirement to
8 furnish information knowingly or recklessly makes any statement which is
9 false in any material particular or is incomplete or inaccurate; or

10 (b) fails, refuses or neglects to comply with any directive given by the
11 Commission pursuant to any provision of this Act; or

12 (c) being subject to the provisions of this Act fails, refuses or neglects
13 to apply the principle of federal character in any area or activity within the time
14 frame set by the Commission; or

15 (d) willfully obstructs, interferes with, assaults or resists any member
16 of the Commission or any other officer or servant of the Commission in the
17 performance of his duty under this Act; or

18 (e) aids, invites, induces or abets any other person to obstruct,
19 interfere with, assault or resist any such member of the Commission, officer or
20 servant of the Commission in the discharge of his lawful activity under this Act;

21 (f) fails to produce a clear criteria and comprehensive guidelines on
22 the procedure for determining eligibility for employment and the provisions of
23 services, goods and socio-economic amenities in Nigeria, is guilty of an
24 offence under this Act.

25 (4) Any person who is found guilty of abuse of office in the
26 observance of any matter under this Act, is guilty of an offence.

Penalties

27 **15.-(1)** Any person who commits an offence under section 14 of this
28 Act is liable on conviction to a fine of N500,000 or to imprisonment for a term
29 of six months or to both such fine and imprisonment.

30 (2) Where an offence under this section is committed by a corporate

body, any of its directors, managers, officers, employees or partners, recklessly, negligently, willfully acquiesces in the commission of the offence shall jointly and severally be guilty of the offence and liable on conviction to a fine of N100,000 in the case of the corporate body or to a fine of N500,000 in the case of individual.

(3) Any person, or body corporate or unincorporate who is in persistent breach of the provisions of this Act is guilty of an offence and liable on conviction to a fine of N500, 000 for every day the offence is committed notwithstanding the fine of N1000,000 specified in subsection (1) of this section and in the case of an individual or staff of such body, to imprisonment for a term of two years without an option of a fine.

16. Subject to the Constitution, where any provision of this Act is inconsistent with the provisions of any other law or enactment, the provisions of this Act shall to the extent of that inconsistency prevail.

Inconsistencies
with other Laws

PART VI - MISCELLANEOUS

17.-(1) The Commission may make regulations generally for the purpose of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1) of this section the provisions of the regulations may include but shall not be limited to the following:

- (a) the proceedings of the Commission;
- (b) the setting up of committees and their functions;
- (c) the appointment of consultants, professionals, etc.;
- (d) the structure of the Commission;
- (e) the keeping of records;
- (f) requiring the preparation of annual accounts, audit and estimates;
- (g) the abuse of office;
- (h) to summon persons to appear before the Commission;
- (i) the submission of complaints to the Commission;

	1	(j) the pro forma forms for submission of returns and other
	2	information required under this Act; and (k) powers of the Commission to
	3	define an indigene of a State.
Jurisdiction	4	18. The Federal High Court shall have power to try offences under
	5	this Act.
Interpretation	6	19. In this Act, unless the context otherwise requires:
	7	"Commission" means the Foreign Service Commission established by section
	8	1 of his Act;
	9	"Constitution" means the Constitution of the Federal Republic of Nigeria
	10	1999;
	11	"chairman" means the chairman of the Commission appointed pursuant to
	12	section 2 (1) (a) of this Act;
	13	"functions" includes powers and duties;
	14	"member" means a member of the Commission and includes the chairman;
	15	"other enterprises" means non-governmental enterprises;
	16	"public company" has the meaning assigned to it under section 24 of the
	17	Companies and Allied Matters Act;
	18	"President" means the President of the Federal Republic of Nigeria;
	19	"Secretary" means the secretary of the Commission appointed pursuant to
	20	section 9 of the Act.
Short title	21	20. This Bill may be cited as the Foreign Service Commission
	22	(Establishment, etc.) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Foreign Service Commission with responsibility to promote, monitor and enforce the basis for Nigeria's national interest abroad.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN MILITARY ACADEMY, UMUOMA (OKPO) IN IGBO-EZE NORTH, ENUGU STATE TO BE A MILITARY INSTITUTION WITH POWER TO AWARD ITS OWN DEGREES IN ACCORDANCE WITH THE ACADEMIC STANDARDS PRESCRIBED BY THE NATIONAL UNIVERSITIES COMMISSION AND FOR RELATED MATTERS

Sponsored Hon. Simon Chukwuemeka Atigwe

[] Commencement

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

- 1 **1.** The Nigerian Military Academy, Umuoma (Okpo) in Igbo-Eze
2 North, Enugu State (in this Act referred to as "the Academy") is hereby
3 established as a military institution and shall have powers to award its own
4 degrees in accordance with the highest academic standards as may be
5 prescribed by the National Universities Commission.
- 6 **2.** The Academy shall provide each officer cadet with the
7 knowledge, skills and values necessary to meet the requirements of a
8 military officer through military, academic and character development.
- 9 **3.** The objects of the Academy shall be to-
10 (a) provide each officer cadet with a broad, balanced curriculum,
11 consisting of military and academic training, general and professional
12 military education, designed to serve as a foundation for his progressive
13 development as an officer in the Armed Forces of Nigeria;
14 (b) develop in each officer cadet, a commitment to those moral
15 qualities required for leadership that are defined by the ideals of unity,
16 honour and service to the country;
17 (c) provide the necessary leadership training opportunities for the

Establishment
of the Nigerian
Military Academy,
Igbo-Eze, Enugu
State

Mission of the
Academy

Objects of the
Academy

1 officer cadet to help his capabilities and skills as a leader;
2 (d) develop in each officer cadet, the physical attributes and skill
3 necessary to meet the requirements of a commissioned officer;
4 (e) encourage the advancement of learning and hold out the
5 opportunity of acquiring higher education in liberal, scientific, engineering
6 and any other discipline to officer cadets of the Armed Forces of Nigeria and
7 those of any other nations that the Federal Government of Nigeria, may, from
8 time to time, decide;
9 (f) prepare officer cadets to earn degrees in those disciplines which
10 are of special interest to the needs and aspirations of the Armed Forces of
11 Nigeria.

Establishment
of the Nigerian
Military Academy
Council

12 **4.** There is hereby established for the Academy a Council to be
13 known as the Nigerian Military Academy Council (in this Act referred to as
14 "the Council") which shall, for all or any of the purposes of this Act, initiate or
15 approve the policy of the Academy, and accordingly the Council may give to
16 the Academy directions of a general or specific nature.

Membership
of the Council

17 **5.** The Council shall consist of-
18 (a) the Minister of Defence who shall be the chairman;
19 (b) the Chief of Defence Staff;
20 (c) the Chief of Army Staff;
21 (d) the Chief of Naval Staff;
22 (e) the Chief of Air Staff;
23 (f) the Commandant of the Academy;
24 (g) the Permanent Secretary of the Ministry of Defence who shall be a
25 member and Secretary to the Council.

Meetings of the
Council

26 **6.** The Council shall meet as and when necessary for the performance
27 of its functions under this Act, and shall meet at least once a year in accordance
28 with the provisions of the First Schedule to this Act.

Implementation
of policy

29 **7.-(1)** No policy initiated in any way other than as provided for in
30 section 4 of this Act shall be implemented without prior reference to and

1 approval of the Council.

2 (2) The deliberations of the Council shall not be inquired into by
3 any court of law.

4 8. There is hereby established for the Academy, the boards, Boards and
5 committees and other bodies whose composition and functions shall be as Committees
6 provided in the Second Schedule to this Act.

7 9.-(1) There shall be appointed for the Academy, a Commandant, Appointment of
8 whose appointment and removal from office shall be in accordance with the Commandant
9 military posting, and who shall be responsible to the Council for-

10 (a) giving to the Council such information as to the activities of the
11 Academy as the chairman of the Council may require;

12 (b) authorizing programmes and plans for giving effect to policy
13 approved by the Council or to any direction of the Council subject to all or
14 any of this section as may be delegated to him by the Council.

15 (2) The fact that any power has been delegated to the Commandant
16 pursuant to sub-section (1) of this section shall not preclude the Council
17 itself from exercising them in any special case.

18 (3) The powers referred to in subsection (2) of this section shall
19 include-

20 (a) the executive control over the military and civilian staff of the
21 Academy;

22 (b) the supervision of accounts and records;

23 (c) the preparation for approval of programmes and plans
24 necessary to carry into effect approved policy or any directive of the
25 Council;

26 (d) the interpretation of such policy to other staff of the Academy;

27 (e) the making of any staff recommendations to the Council; and

28 (f) the establishment of organisational structures, committees and
29 definitions of duties:

30 Provided that nothing in this Act shall be deemed to detract from

	1	the military powers of command of the Commandant.
Appointment of the Deputy Commandant	2	10. There shall be appointed for the Academy a Deputy Commandant,
	3	whose appointment and removal from office shall be in accordance with
	4	military posting, and who shall assist the Commandant in the running of the
	5	Academy in accordance with the provisions of this Act.
Appointment of other staff	6	11. There shall be appointed for the Academy, other members of staff,
	7	in accordance with the provisions of the Third Schedule to this Act.
Power to create offices and department	8	12. Notwithstanding the provisions of the Third Schedule to this Act,
	9	the Council shall have power to create any office or department, necessary for
	10	the efficient running of the Academy.
Posting of staff to the Academy	11	13.-(1) The Nigerian Army, Navy and Airforce may post officers,
	12	soldiers, rating and airmen, from time to time, to fill administrative, teaching
	13	and other military or academic vacancies in the Academy.
	14	(2) The Council may appoint such persons as civilian members of the
	15	academic staff of the Academy for teaching, research, academic and
	16	administration as it considers necessary and may approve terms and conditions
	17	of service including provision for the payment of pensions.
	18	(3) Newly appointed members of staff of the Academy shall, unless
	19	exempted by the Minister, take such oaths as to secrecy and other members as
	20	the Minister may, from time to time, direct.
Commissioning of Cadet	21	14.-(1) A cadet shall be commissioned by the Order of the President
	22	after satisfying all military and academic requirements as provided in this Act.
	23	(2) Any cadet withdrawn before commissioning on disciplinary
	24	grounds or such other grounds except on medical or compassionate reasons
	25	shall not be granted the use of the Academy degree certificate or transcript, as
	26	the case may be.
Union activities	27	15.-(1) No civilian personnel employed in any capacity, whether or
	28	not a member of a trade union, shall engage or take part in any union activities.
	29	(2) Any civilian personnel who contravenes the provisions of
	30	subsection (1) of this section, is guilty of an offence and liable on conviction to a

1 fine of not less than N50,000 or more than N100,000 or to imprisonment for
2 a term of not less than six months or to both such fine and imprisonment.

3 **16.** In this Act, unless the context otherwise requires- Interpretation

4 "Academy" means the Nigerian Military Academy established under
5 section1 of this Act;

6 "Council" means the Nigerian Military Academy Council established under
7 section4of this Act;

8 "Minister" means Minister charged with responsibility for defence matters.

9 **17.** This Bill may be cited as the Nigerian Military Academy, Short title
10 Umuoma (Okpo), Igbo-Eze North, Enugu State Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Military Academy, Umuoma (Okpo) in Igbo-Eze North, Enugu State as a Military institution with power to Award its Own Degrees in accordance with the Academic Standards Prescribed by the National Universities Commission.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 6.]

4 PROVISION AS TO FUNCTIONS, ETC.

5 1. The first meeting of the Council under this Act shall be convened by
6 the chairman on such date and in such manner, as he may determine.

7 2. The meeting of the Academy Board under this Act shall be
8 convened by the Commandant on such date and in such manner as he may
9 determine.

10 SECOND SCHEDULE

11 [Section 8.]

12 NIGERIAN MILITARY ACADEMY, ENUGU STATUTE NO. 1

13 ARRANGEMENT OF ARTICLES

14 *Article*

15 1. The Academy Board

16 2. Functions of the Academy Board

17 3. The Academy Advisory Council

18 4. The Academy Co-ordination Committee

19 5. The Military Training Committee

20 6. The Academic Committee

21 7. The Academic Durbar

22 8. Rules and procedure for meetings of the Academic Durbar

23 9. Organisation of the academic work of the Academy and Faculty

24 *Boards*

25 10. Dean of the Faculty

26 11. Appointment of principal officers of the academic branch

27 12. Appointment of other Academic and non-academic staff of the

28 *branch*

29 13. Miscellaneous staff provisions

30 14. Interpretation

1 15. Short title

2 NIGERIAN MILITARY ACADEMY, ENUGU STATUTE NO. 1

3 The Academy Board:

4 1. The Academy Board shall consist of-

5 (a) the Commandant, who shall be the chairman;

6 (b) the Deputy Commandant;

7 (c) the Academy Provost;

8 (d) the Director of Military Training;

9 (e) the Cadet Brigade Commander;

10 (f) the Deans of Faculties;

11 (g) the Heads of Colleges;

12 (h) the Chief Instructor, Army Wing;

13 (i) the Chief Instructor, Naval Wing;

14 (j) the Chief Instructor, Airforce Wing;

15 (k) members of the Academy, not exceeding two in number, as may

16 be appointed by the Academy Coordination Committee; and

17 (l) the Registrar of the Academy, who shall be the Secretary.

18 *Functions of the Academy Board*

19 2.-(1) The Academy Board shall have the power to approve
20 curricula and programmes taught or to be taught in the Academy.

21 (2) The Board shall also consider and approve examination and
22 other assessment results in both academic and military subjects, determine
23 the class of degree of each cadet and approve the award of degrees.

24 (3) The decisions of the board on all matters pertaining to training,
25 assessment, certification, promotion, relegation and withdrawal of cadets,
26 shall be final and shall not be enquired into by any court of law.

27 *The Academy Advisory Council*

28 3.-(1) The Academy Advisory Council shall consist of-

29 (a) the Commandant, who shall be the chairman;

30 (b) the Deputy Commandant;

- 1 (c) the Academy Provost;
- 2 (d) the Directors of Training at Joint Headquarters, Army
- 3 Headquarters, Naval Headquarters and the Nigerian Airforce Headquarters;
- 4 (e) the Directors of Education Corps in the Army, Navy and Airforce;
- 5 (f) the representative of Permanent Secretary of the Ministry of
- 6 Defence not below grade level 16;
- 7 (g) one representative each of Federal Ministry of Education and
- 8 Federal Ministry of Science and Technology not below the grade level 16;(h)
- 9 two representatives of other Nigerian Universities not below the post of reader;
- 10 (i) one alumnus not below the rank of Colonel or its equivalent;
- 11 (j) one member of the Academic Committee appointed by the
- 12 Commandant;
- 13 (k) one representative of the National Universities Commission not
- 14 below USS 15;
- 15 (l) the Commander TTG;
- 16 (m) the Commandant of the Naval College, Onura-Port-Harcourt;
- 17 and
- 18 (n) the Registrar of the Academy who shall be the Secretary.
- 19 (2) It shall be the function of the Academy Advisory Council to advise
- 20 the Academy on any matter relating to training policies and programmes.
- 21 *The Academy Co-ordination Committee*
- 22 4. -(1) The Academy Co-ordination Committee shall consist of-
- 23 (a) the Deputy Commandant, who shall be the chairman;
- 24 (b) the Academy Provost;
- 25 (c) the Director of Military Training;
- 26 (d) the Cadet Brigade Commander;
- 27 (e) the Registrar of the Academy;
- 28 (f) one civilian member, to be appointed by the Commandant;
- 29 (g) the General Staff Officer, Grade 1 (training), who shall be the
- 30 Secretary.

(2) Subject to the provisions of this Act, the Academy Co-ordination Committee shall perform the following functions, that is-

(a) deliberate on the performance of all cadets in both military and academic subjects at the end of every semester;

(b) determine the passes and failures among cadets of all courses in accordance with the criteria for passing or failing as laid down in the Academy assessment policy;

(c) determine and recommend to the Academy Board in accordance with the Academy assessment policy, the cadets who-

(i) qualify for graduation or passing out or commissioning;

(ii) deserve to be given awards;

(iii) merit promotion to the next higher term;

(iv) deserve to be allowed to resit in the subject failed;

(v) deserve to be relegated to the next lower class for poor performance;

(vi) deserve to be withdrawn from the Academy for poor performance.

The Military Training Committee

5.-(1) The Military Training Committee shall consist of-

(a) the Director of Military Training, who shall be the chairman;

(b) the Cadets Brigade Commander;

(c) the Chief Instructor, Army Wing;

(d) the Chief Instructor, Naval Wing;

(e) the Chief Instructor, Airforce Wing;

(f) the Battalion Commanders;

(g) two representatives of the Academic Branch to be appointed by the Commandant;

(h) the Academy Adjutant;

(i) the General Staff Officer Grade 1, (Training), who shall be the Secretary.

1 (2) Subject to the provisions of the Act, the Military Training
2 Committee shall, in relation to its teaching unit, exercise the following
3 functions, that is-

4 (a) advise the Academy Board on all matters relating to the
5 organisation of military training, instructions and research into military aspects
6 of the subjects taught by that teaching unit of the Academy, including the
7 curricula and the examinations connected with those subjects;

8 (b) monitor and regulate the conduct and progress of cadets in that
9 teaching unit and report thereon to the Academy Board;

10 (c) deliberate on the performance of all cadets in military subjects at
11 the end of each semester;

12 (d) determine the passes and failure among cadets of all terms, in
13 accordance with the criteria for passing or failure, as laid down in the Academy
14 assessment policy for military subjects.

15 (3) The Military Training Committee, shall also determine and
16 recommend to the Academy Co-ordination Committee, in accordance with
17 Academy assessment policy, the cadets who-

18 (a) qualify for graduation, passing out or commissioning;

19 (b) deserve to be given awards, such as-

20 (i) the Sword of Honour;

21 (ii) the Gold Medal;

22 (iii) the Silver Medal;

23 (iv) the Indian Shield;

24 (v) the Service Silver Medal;

25 (c) merit promotion to the next higher class;

26 (d) deserve to be allowed a resit in any military subject failed

27 (e) deserve to be warned for poor performance in certain military
28 subjects and certain aspects of cadet life;

29 (f) deserve to be relegated to the next lower class for poor
30 performance; or

(g) deserve to be withdrawn from the Academy for poor performance.

The Academic Committee

6.-(1) There shall be an Academic Committee which shall have control of the academic affairs to the Academy and be responsible, subject to the control of the Academy Board, for all academic matters.

(2) The Academic Committee shall, except when sitting as prescribed under paragraph (3) of Article 12 of this Statute, consist of-

- (a) the Academy Provost, who shall be the chairman;
- (b) the Deans of Faculties;
- (c) the Heads of Academic Departments;
- (d) all Professors, whether Heads of Departments or not;
- (e) the Academy Librarian;
- (f) two members representing each faculty;
- (g) two military members of the Academy to be appointed by the Commandant, one of whom shall be from the Director of Military Training; and

(h) the Academy Registrar, who shall be the Secretary.

(3) The Academic Committee shall exercise such powers of the Academy Board as the Academy Board may, from time to time, delegate to it.

(4) The Academic Committee shall have the following functions, that is to-

- (a) organise and control the teaching of academic courses, to cadets and the examinations thereto;
- (b) determine the passes and failures among cadets of all courses in accordance with the criteria for passing or failing, as laid down in the Academic assessment policy;
- (c) determine and recommend to the Academy Co-ordination

1 Committee, in accordance with the Academic assessment policy, the cadets
2 who-

3 (i) qualify for graduation or passing out or commissioning;
4 (ii) deserve to be given the academic awards;
5 (iii) merit promotion to the next higher class;
6 (iv) deserve to be allowed a resit in the subjects failed;
7 (v) deserve to be warned for poor performance in certain academic
8 subjects;
9 (vi) deserve to be relegated to the lower class for poor performance in
10 academics;
11 (vii) deserve to be withdrawn from the Academy for poor
12 performance in academics;
13 (d) deal with matters relating to admission into departments and
14 faculties;
15 (e) recommend to the Academy Board persons to be appointed as
16 external examiners for the degree examinations;
17 (f) deal with matters relating to cadets research projects;
18 (g) any other functions assigned to it, from time to time, by the
19 Academy Board.

20 *The Academic Durbar*

21 7.-(1) There shall be an Academic Durbar, whose membership shall
22 consist of all members of the academic staff and graduate members of the
23 administrative staff, with the Commandant or the Deputy Commandant, as the
24 chairman.

25 (2) The Academic Durbar shall meet once at the end of each academic
26 semester, making it two meetings in the academic year.

27 (3) The functions of Academic Durbar shall be primarily to enable
28 staff, as a body, express their views on academic affairs.

29 (4) The Academic Durbar shall be a body through which the

1 recommendations of members are transmitted to the Academy Board or
2 Council.

3 (5) The functions of the Academic Durbar shall not include those of
4 an association of University teachers concerned with salaries and conditions
5 of service, nor a staff club, concerned with general amenities of social
6 activities, it shall only be concerned with all matters affecting the academic
7 well-being of the Academy.

8 *Rules and procedure for meetings of the Academic Durbar*

9 8.-(1) The Council shall maintain a Register containing the names
10 of all members of the Academic Durbar, which shall be kept by the Academy
11 Registrar.

12 (2) The Academic Durbar shall meet at the end of each academic
13 semester of an academic year.

14 (3) Additional meetings may be called by the Commandant or the
15 Deputy Commandant.

16 (4) A standing committee of the Academic Durbar shall prepare the
17 agenda for each meeting of the Academic Durbar, and arrange follow-up
18 action on matters agreed by the Academic Durbar.

19 (5) The composition of this standing committee shall be as directed
20 by the Commandant or the Deputy Commandant.

21 *Organisation of the academic work of the Academy and Faculty Boards*

22 9.-(1) Each Faculty shall be divided into such number of
23 departments as may be prescribed.

24 (2) There shall be established in respect of each Faculty, a faculty
25 board which, subject to the provisions of this Statute and to the directions of
26 the Commandant shall-

27 (a) regulate the teaching and study of, and the conduct of
28 examinations connected with the subjects assigned to the Faculty;

29 (b) deal with any other matter assigned to it by statute or by the
30 Commandant or by the Academy Board; and

1 (c) advise the Commandant or the Academy Board on any matter
2 referred to it by the Commandant or the Academy Board.

3 (3) Where a Faculty consists of two or more colleges or schools, each
4 college or school shall have its own board of studies, which shall be responsible
5 to and be under the control of the Academic Committee, set up under Article 6
6 of this Statute.

7 (4) Each Faculty Board shall consist of-

8 (a) the Provost;

9 (b) the Dean of the Faculty;

10 (c) the persons severally in charge of the Departments of the Faculty;

11 (d) such number of the lecturers assigned to the Faculty and having
12 prescribed qualifications as the Faculty Board may determine; and

13 (e) such number of persons whether or not members of the Academy
14 as the Faculty Board may, with the general or special approval of the Academy
15 Board, determine.

16 (5) The quorum of the Faculty Board shall be eight members or one-
17 third of the members of the Faculty Board, whichever is greater, and subject to
18 the provisions of this statute and any provisions made by regulations on this
19 behalf, the Faculty Board may regulate its own procedure.

20 *The Dean of Faculty, etc.*

21 10.-(1) The Dean of a Faculty shall be appointed in such manner and
22 hold office for such term and subject to such conditions, as may be prescribed
23 by regulations.

24 (2) If there is no professor in a Faculty, the office of the Dean of the
25 Faculty shall be held by a member of the Faculty holding the rank of Reader or
26 Senior Lecturer or senior military officer of comparative academic experience,
27 on the basis of seniority as may be determined by the Commandant.

28 (3) The Dean shall be the chairman at all meetings of the Faculty
29 Board when he is present and he shall be a member of all committees and other
30 boards appointed by the Faculty, and when the Dean is absent from any

1 meeting, the most senior member present shall preside at the meeting.

2 (4) The Dean of a Faculty shall exercise general superintendence
3 over the academic and administrative affairs of the Faculty, and it shall be
4 the function of the Dean to present cadets for the conferment of degrees,
5 after having qualified for the degree of the Academy at examinations held in
6 the departments.

7 (5) The Dean of Faculty may be removed from office by the
8 Commandant for good cause and in the event of a vacancy occurring,
9 following the removal of a Dean, an acting Dean may be appointed by the
10 Commandant, provided that arrangement shall be made for a new Dean to be
11 appointed in the manner prescribed within a period of three months from the
12 date when the acting Dean assumed office.

13 (6) For the purposes of paragraph (5) of this Article, "good cause"
14 shall mean-

15 (a) conviction for any offence which the Commandant considers
16 to be such as to render the person concerned unfit for the discharge of the
17 functions of his office; or

18 (b) any physical or mental incapacity which the Commandant,
19 after obtaining medical advice, considers to be such as to render the person
20 concerned unfit to continue to hold his office; or

21 (c) conduct of a scandalous or other disgraceful nature, which the
22 Commandant considers to be such as to render the person concerned unfit to
23 continue to hold his office; or

24 (d) conduct which the Commandant considers to be such as
25 constitute failure or inability of the person concerned to discharge the
26 functions of his office or to comply with the terms and conditions of his
27 service; or

28 (e) conduct which the Commandant considers to be generally of
29 such nature as to render the continuous appointment or service of the person
30 concerned prejudicial or detrimental to the interest of the Academy.

1 *Appointment of principal officers of the Academic Branch*

2 11.-(1) When a vacancy occurs in the office of the Academy Registrar,
3 Academy Librarian or Directors of non-academic positions, a Selection
4 Committee shall be constituted, consisting of-

5 (a) the Commandant;

6 (b) the Deputy Commandant;

7 (c) the Provost; and

8 (d) two members appointed by the Academy Board.

9 (2) The Selection Committee, after making such inquiries as it thinks
10 fit, shall recommend a candidate to the Academy Council for appointment to
11 the vacant post, and after considering the recommendation of the Selection
12 Committee, the Academy Council may make an appointment to that post.

13 *Appointment of other academic and non-academic staff of*

14 *the Academic Branch*

15 12.-(1) An interview panel to interview candidates, not above the
16 grade of Senior Lecturer or equivalent shall be constituted, consisting of-

17 (a) the Deputy Commandant who shall be the chairman;

18 (b) the Academy Provost;

19 (c) the Deans and Directors of the relevant faculties;

20 (d) the Heads of the Departments concerned, except that if the Head
21 of Department is himself a candidate, he shall not serve on the interview panel;

22 (e) the Academy Registrar, who shall be the Secretary of the interview
23 panel;

24 (f) at least two persons recommended by the Dean to the Provost and
25 such persons must have knowledge of the subject or field in respect of which
26 candidates are being assessed or interviewed, and must not be of lower status
27 than that of the post being interviewed for.

28 (2) For the purpose of filling any vacancies occurring in the post of
29 Professor or Reader, the Academic Committee set up under paragraph (1) of
30 Article 6 of this Statute, shall sit as a Selection Board, to select and recommend

1 to the Academy Board, suitable persons to fill the vacant posts.

2 (3) The Academic Committee, when sitting as a Selection Board,
3 under paragraph 2 of this Article, shall consist of-

4 (a) the Commandant;

5 (b) the Deputy Commandant;

6 (c) the Provost;

7 (d) the Dean and Directors of the Faculty of the teaching unit
8 concerned;

9 (e) the Heads and Directors of the College concerned

10 (f) four members of the Academy Board appointed by the Board,
11 at least two of whom shall be members of the staff of the Faculty or academic
12 unit concerned;

13 (g) two other persons who are not members of the academic staff,
14 appointed, from time to time, by the Academy Board; and

15 (h) the Registrar who shall be the Secretary.

16 (4) Each Selection Board shall have the power to interview
17 candidates directly.

18 *Miscellaneous staff provisions*

19 13. The terms and conditions of service, including those relating to
20 remuneration, allowances, benefits and discipline of the administrative,
21 professional and technical staff shall be as provided in the Act or the
22 conditions of service of senior academic and non-academic staff, as
23 prescribed, from time to time, by the Academy Council as the case may be.

24 *Interpretation*

25 14. In this Statute, the expression "the Act" means the Nigerian
26 Military Academy, Igbo-Eze, Enugu State Act and any expression defined in
27 the Act, has the same meaning as in this Statute.

28 *Short title and commencement*

29 15. This Statute may be cited as the Nigerian Military Academy,
30 Igbo-Eze, Enugu Statute No 1.

1 THIRD SCHEDULE

2 [Section 11, 12.]

3 PRINCIPAL OFFICERS OF THE ACADEMY

4 *Appointment of an Academy Provost*

5 1. There shall be appointed for the Academy an Academy Provost, (in
6 this Act referred to as "the Provost") who shall be responsible to the
7 Commandant for the co-ordination of all academic and administrative
8 activities of the Academic branch and shall be the chairman of the Academic
9 Committee set up under Article 6 of the Military Academy Statute No.1, set out
10 in the Second Schedule to this Act and shall perform such other functions as the
11 Council or the commandant, as the case may be, shall assign to him from time
12 to time.

13 *Director of Military Training*

14 2. There shall be a Director of Military Training, who shall be the
15 Chief Military Training Officer of the Academy and shall be responsible to the
16 Commandant, for the day-to-day training relating to military subjects.

17 *Cadet Brigade Commander*

18 3. There shall be a Cadet Brigade Commander, who shall be
19 responsible to the Commander for the overall administration, welfare,
20 discipline, moral development and grooming of the gentlemen cadets.

21 *Director of administration*

22 4. There shall be a Director of Administration, who shall be the chief
23 administrative officer of the Academy and be responsible to the Commandant,
24 for the day-to-day administrative work of the Academy, except as regard those
25 for which the Provost and the Director of Finance are responsible, in
26 accordance with paragraphs 1 and 7 of this Schedule.

27 *Director of Logistics*

28 5. There shall be a Director of Logistics who shall be the Chief
29 Logistic Officer of the Academy and shall be responsible to the Commandant
30 for overall logistics support and maintenance.

1 *Academy Registrar*

2 6. There shall be an Academy Registrar, who shall be responsible
3 to the Commandant for the day-to-day administrative work of the
4 Academic Branch.

5 *Director of Finance*

6 7. There shall be a Director of Finance, who shall be the chief
7 finance officer of the Academy and shall be responsible to the Commandant,
8 for the day-to-day administration and control of the financial affairs of the
9 Academy.

10 *Academy Librarian*

11 8. There shall be an Academy Librarian who shall be responsible
12 to the Provost, for the administration of the library services in the Academy
13 and its Camps, Colleges, Faculties, Schools, Departments, Institutions and
14 other teaching or research units.

15 9.-(1) The employees specified in this Schedule shall be appointed
16 in such manner as may be specified by military tradition or statutes of the
17 Academy and shall hold office accordingly.

18 (2) Any question as to the scope of the responsibilities of the
19 specified employees shall be determined by the Council or the
20 Commandant, as the case may be.

21 *Method of resignation*

22 10.- (1) Any officer referred to in the provisions of this Schedule
23 may resign his office-

24 (a) in line with military tradition; or

25 (b) if a civilian, by notice to the Council, through the Commandant.

26 (2) Subject as may be otherwise specified, a person who has ceased
27 to hold an office so mentioned otherwise than by removal for misconduct,
28 shall be eligible for re-appointment to that office.