

*Extraordinary*



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# A BILL

## FOR

AN ACT TO ESTABLISH THE UNCLAIMED FINANCIAL ASSETS COMMISSION  
AND FOR RELATED MATTERS

*Sponsored by Hon. Ademorin A. Kuye*

[ ] Commencement

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

### PART I - ESTABLISHMENT OF UNCLAIMED FINANCIAL ASSETS

#### COMMISSION

1           1.-(1) There shall be established body to be known as the      Establishment  
2      Unclaimed Financial Assets Commission (herein known as the      of the Commission  
3      Commission).

4           (2) The Commission is a body corporate with perpetual succession  
5      and a common seal and shall, in its corporate name, be capable of:

6           (a) suing and being sued;

7           (b) taking, purchasing or otherwise acquiring, holding, charging or  
8      disposing of movable and immovable property;

9           (c) borrowing money or making investments;

10          (d) entering into contracts; and

11          (e) doing or performing all other acts or things for the proper  
12      performance of its functions under this Act which may lawfully be done or  
13      performed by a body corporate.

14          (3) The Commission shall perform the functions assigned to the  
15      Commission under this Act.

16          2.-(1) The Board of the Commission shall comprise:

Composition of  
the Board

17          (a) Six person shall be nominated by the Minister of Finance and  
18      appointed by the President of whom:

19          (i) one shall be appointed by virtue of his knowledge and

- 1 experience in matters relating to banking and investment;
- 2 (ii) one shall be appointed by virtue of his knowledge and experience
- 3 in matters relating to insurance;
- 4 (iii) one shall be appointed by virtue of his knowledge and experience
- 5 in matters relating to accounting and auditing,
- 6 (iv) One shall be appointed by virtue of his knowledge and experience
- 7 of in matters relating to law, and
- 8 (v) one shall be appointed by virtue of his knowledge in matters
- 9 relating to unclaimed assets;
- 10 (vi) one shall be appointed to represent the interest of consumers of
- 11 financial services;
- 12 (b) the Permanent Secretary to the Ministry of Finance;
- 13 (c) the Chief Executive Officer.
- 14 (2) The members of the Board shall, at their first meeting, elect a
- 15 chairperson from amongst the members of the Board appointed under
- 16 subsection (1)(a).
- 17 (3) No person shall be appointed as a member of the Board under
- 18 subsection (1)(a) if such person:
- 19 (a) has been convicted of an offence by a court of competent
- 20 jurisdiction and sentenced to imprisonment for a term of six months or more;
- 21 (b) is adjudged bankrupt or has entered into a composition scheme or
- 22 arrangement with his creditors; or
- 23 (c) is disqualified under the provisions of any other written law from
- 24 appointment as such.
- 25 (4) A member of the Board shall hold office for a period of three years,
- 26 but shall be eligible for re-appointment for one more term only (5) A member of
- 27 the Board under subsection (1)(a) may:
- 28 (a) at any time resign from office by notice in writing to the Minister
- 29 of Finance; or
- 30 (b) be removed from office by the Minister of Finance if the member:

1 (i) has been absent from three consecutive meetings of the Board  
2 without justifiable cause or the permission of the chairperson;

3 (ii) is adjudged bankrupt or enters into a composition scheme or  
4 arrangement with his creditors; or

5 (iii) is convicted of an offence involving dishonesty or fraud;

6 (iv) subject to paragraph

7 (iii) is convicted of a criminal offence and sentenced to  
8 imprisonment for a term of six months or more;

9 (v) is incapacitated by prolonged physical or mental illness; or

10 (vi) is otherwise unable or unfit to discharge his functions.

11 (6) The quorum for any meeting of the Board shall be four.

12 (7) All questions proposed at a meeting of the Board shall be  
13 decided by a majority of the votes of the members present and voting, and in  
14 the event of equality of votes, the chairperson or the person presiding shall  
15 have a casting vote in addition to the deliberative vote.

16 (8) The Board may act notwithstanding any vacancy among the  
17 membership.

18 (9) Subject to this Act, the Board may make rules for regulating the  
19 procedure at its meetings.

20 (10) The seal of the Commission shall be authenticated by the  
21 signature of the chairperson of the Board and the Chief Executive Officer  
22 and any document not required by law to be under seal and all decisions of  
23 the Board may be authenticated by the chairperson and the Chief Executive  
24 Officer:

25 Provided that the Board shall, in the absence of either the  
26 chairperson or the Chief Executive Officer, in any particular case or for any  
27 particular matter, nominate one of their own, in the particular case or matter  
28 in respect of which he is nominated, authenticate the seal of the Board on  
29 behalf of either the chairperson or the Chief Executive Officer.

Objects and  
functions of  
the Board

- 1                   **3.** The objects and functions of the Commission shall be to:
- 2                   (a) enforce, and generally administer, the provisions of this Act;
- 3                   (b) act as the Trustee to the Fund in accordance with Part III of this
- 4                   Act;
- 5                   (c) receive all payments required by this Act to be made to the Fund;
- 6                   (d) make payments out of the Fund to the rightful owners in
- 7                   accordance with the provisions of this Act;
- 8                   (e) manage and invest the funds of the Commission;
- 9                   (f) advise the Minister of Finance on the national policy to be
- 10                  followed with regard to unclaimed assets and to implement all government
- 11                  policies relating to it; and
- 12                  (g) perform such other functions as are conferred on it by this Act or
- 13                  by any other written law.

Appointment  
of Chief Executive  
Officer, etc.

- 14                  **4.-(1)** The Board shall, through a competitive process, appoint a Chief
- 15                  Executive Officer who shall hold office on such terms and conditions of service
- 16                  as may be specified in the instrument of appointment.
- 17                  (2) The Chief Executive Officer shall be the managing trustee of the
- 18                  Fund.
- 19                  (3) The Chief Executive Officer shall be responsible to the Board for
- 20                  the management of the day to day affairs of the Commission.
- 21                  (4) The Board shall have power to appoint on such terms and
- 22                  conditions of service as it may determine, such other officers, servants and
- 23                  agents of the Fund as may be necessary for the efficient administration of the
- 24                  Fund and the Board shall exercise disciplinary control over such officers,
- 25                  servants and agents.
- 26                  (5) The Board may, subject to such Conditions as the Board may think
- 27                  fit, by directions in writing, delegate any of its powers under subsection (4) to
- 28                  anyone or more of the members of the Board or to the Chief Executive Officer
- 29                  or other officer of the Fund.

## PART II - DETERMINATION OF UNCLAIMED ASSETS

5. Unless otherwise provided in this Act or by any other law, assets shall be subject to the custody of the Commission as unclaimed assets, if the condition raising a presumption of abandonment under sections 5 to 19 are satisfied and one or more of the following requirements are met:

(a) the records of the holder do not reflect the identity of the person entitled to the assets;

(b) the holder has not previously paid or delivered the assets to the apparent owner or other person entitled to the assets;

(c) the last known address, as shown on the records of the holder, of the apparent owner is in a country that does not provide by law for the escheat or custodial taking of the assets or its escheat or unclaimed assets law is not applicable to the assets and the holder is domiciled in Nigeria.

6.-(1) Subject to subsection (4), any sum payable in Nigeria on a travellers cheque that is outstanding for more than two years after its issuance is presumed abandoned unless the owner, within the two years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a record prepared by the issuer.

(2) Subject to subsection (4), any sum payable in Nigeria on a money order or similar written instrument that is outstanding for more than two years after its issuance is presumed abandoned unless the owner, within two years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a record prepared by the issuer.

(3) A holder shall not deduct from the amount of a travellers cheque or money order any charge imposed by reason of the failure to present the instrument for payment unless:

(a) the issuer regularly imposes such charges and does not regularly reverse or otherwise cancel them; and

(b) there is an enforceable written contract between the issuer and

Unclaimed Assets  
Preamble

Travellers cheques,  
money orders, etc.

1 the owner of the instrument under which the issuer may impose a charge.

2 (4) A sum payable in Nigeria on a travellers cheque, money order, or  
3 similar written instrument may not be subjected to the custody of the  
4 Commission as unclaimed assets unless one or more of the following  
5 requirements are met:

6 (a) the records of the issuer show that the travellers cheque, money  
7 order or similar written instrument was purchased in Nigeria;

8 (b) the issuer has its principal place of business in Nigeria and the  
9 records of the issuer do not show the country in which the travellers cheque,  
10 money order, or similar written instrument was purchased;

11 (c) the issuer has its principal place of business in Nigeria

Cheques, drafts  
or similar  
instruments

12 7.-(1) Any sum payable in Nigeria on a cheque, draft, or similar  
13 instrument, on which a bank or financial institution is directly liable, including  
14 a banker's cheque, which is outstanding for more than two years after it was  
15 payable or after its issuance if payable on demand, is presumed abandoned,  
16 unless the owner, within the immediately preceding two years, has  
17 communicated in writing with the bank or financial institution concerning it or  
18 otherwise indicated an interest as evidenced by a record prepared by the bank  
19 or financial institution.

20 (2) A holder may not deduct from the amount of any instrument  
21 subject to this section any charge imposed by reason of the failure to present the  
22 instrument for payment unless:

23 (a) the issuer regularly imposes such charges and does not regularly  
24 reverse or otherwise cancel them; and

25 (b) there is an enforceable written contract between the issuer and the  
26 owner of the instrument under which the issuer may impose a charge.

Demand, savings  
or matured time  
deposit

27 8.-(1) Any demand, savings, or matured time deposit with a bank or  
28 financial institution, including a deposit that is automatically renewable, and  
29 any funds paid toward the purchase of a share, a mutual investment certificate,  
30 or any other interest in a bank or financial institution is presumed abandoned



1 unless the owner, within the immediately preceding five years, has met one  
2 or more of the following requirements:

3 (a) in the case of a deposit, increased or decreased its amount or  
4 presented the passbook or other similar evidence of the deposit for the  
5 crediting of interest;

6 (b) communicated, in writing, with the bank or financial institution  
7 concerning the assets;

8 (c) otherwise indicated an interest in the assets as evidenced by a  
9 record prepared by the bank or financial institution;

10 (d) had another relationship with the bank or financial institution  
11 concerning which the owner has met one or more of the following  
12 requirements:

13 (i) communicated, in writing, with the bank or financial institution;

14 (ii) otherwise indicated an interest as evidenced by a memorandum  
15 or other record on file prepared by the bank or financial institution and  
16 unless the bank or financial institution communicates in writing with the  
17 owner with regard to the assets that would otherwise be abandoned under  
18 this subsection at the address to which communications regarding the other  
19 relationship regularly are sent.

20 (2) A holder may not impose with respect to assets described in  
21 subsection (1) any charge due to dormancy or inactivity or cease payment of  
22 interest unless:

23 (a) the holder regularly imposes such charges or ceases payment of  
24 interest and does not regularly reverse or otherwise cancel them or  
25 retroactively credit interest with respect to the assets; and

26 (b) there is an enforceable written contract between the holder and  
27 the owner of the assets providing that the holder may impose a charge or  
28 cease payment of interest.

29 (3) Any assets described in subsection (1) that are automatically  
30 renewable are matured for purposes of subsection (1) seven years after the

1 expiration of its initial time period, but in the case of any renewal to which the  
2 owner consents at or about the time of renewal by communicating in writing  
3 with the bank or financial institution or otherwise indicating consent as  
4 evidenced by a record prepared by the holder, the assets is matured upon the  
5 expiration of the last time period for which consent was given.

6 (4) Where, at the time provided for delivery to the Commission under  
7 section 22, a penalty or forfeiture in the payment of interest would result from  
8 the delivery of the assets, the time for delivery shall be extended until the time  
9 when no penalty or forfeiture would result.

Life or  
endowment  
insurance policy  
or annuity contract

10 9.-(1) Funds held or owing under any life or endowment insurance  
11 policy or annuity contract that has matured or terminated are presumed  
12 abandoned if unclaimed for more than two years after the funds became due  
13 and payable as established from the records of the insurance company holding  
14 or owing the funds.

15 (2) Where a person other than the insured or annuitant is entitled to the  
16 funds referred to in subsection (1) and the address of the person is not known to  
17 the insurance company or it is uncertain from the records of the insurance  
18 company who is entitled to the funds, it shall be presumed that the last known  
19 address of the person entitled to the funds is the same as the last known address  
20 of the insured or annuitant according to the records of the insurance company.

21 (3) For purposes of this Act, a life or endowment insurance policy or  
22 annuity contract not matured by actual proof of the death of the insured or  
23 annuitant according to the records of the insurance company shall be deemed  
24 matured and the proceeds due and payable if one or more of the following  
25 requirements are met:

26 (a) the insurance company knows that the insured or annuitant has  
27 died;

28 (b) the insured has attained, or would have attained if he were living,  
29 the limiting age under the mortality table on which the reserve is based;

30 (c) the policy was in force at the time the insured attained, or would or

1 have attained, the limiting age; and neither the insured nor any other person  
2 appearing to have an interest in the policy within the preceding two years,  
3 according to the records of the insurance company, has assigned, readjusted,  
4 or paid premiums on the policy, subjected the policy to a loan, corresponded  
5 in writing with the, insurance company concerning the policy, or otherwise  
6 indicated an interest as evidenced by a record prepared by the insurance  
7 company.

8 (4) For purposes of this Act, the application of an automatic  
9 premium loan provision or other non-forfeiture provision contained in an  
10 insurance policy shall not prevent a policy from being matured or terminated  
11 under this section if the insured has died or the insured or the beneficiary of  
12 the policy otherwise has become entitled to the proceeds of the policy before  
13 the depletion of the cash surrender value of the policy by the application of  
14 those provisions.

15 (5) Where any law or the terms of the life insurance policy require  
16 the insurance company to give notice to the insured or owner that an  
17 automatic premium loan provision or other non-forfeiture provision has  
18 been exercised and the notice, given to an insured or owner whose last  
19 known address according to the records of the insurance company is in  
20 Nigeria, is undeliverable, the insurance company shall make a reasonable  
21 search to ascertain the policyholder's correct address to which the notice  
22 shall be delivered.

23 (6) Notwithstanding any other law, where the insurance company  
24 learns of the death of the insured or annuitant and the beneficiary has not  
25 communicated with the insurance company within sixty days after the death  
26 of the insured or annuitant, the insurance company shall take reasonable  
27 steps to pay the proceeds to the beneficiary.

28 (7) Every change of beneficiary form issued by an insurance  
29 company under any life or endowment insurance policy or annuity contract  
30 to an insured or owner who is a resident of Nigeria shall request all of the

1 following information:

2 (a) the name of each beneficiary, or if a class of beneficiaries is  
3 named, the name of each current beneficiary in the class;

4 (b) the address of each beneficiary;

5 (c) relationship of each beneficiary to the insured;

6 (d) a copy of at least one identification document of each beneficiary,  
7 including a national identity card or passport.

Demutualization  
of insurance  
company, etc.

8 **10.-(1)** Assets distributable in the course of the demutualization of an  
9 insurance company shall be presumed abandoned where:

10 (a) in the case of any funds, two years after the date of the  
11 demutualization, the funds remain unclaimed and the owner has not otherwise  
12 communicated with the holder or its agent regarding the assets as evidenced by  
13 a record with the holder or its agent;

14 (b) in the case of any stock, two years after the date of the  
15 demutualization, instruments or statements reflecting the distribution are  
16 either mailed to the owner and returned as undeliverable or not mailed to the  
17 owner because of an address on the books and records of the holder that is  
18 known to be incorrect and the owner has not otherwise communicated with the  
19 holder or its agent regarding the assets as evidenced by a memorandum or other  
20 record on file with the holder or its agent.

21 (2) A holder of unclaimed assets described in s section (1) shall file an  
22 initial one-time report of unclaimed demutualization proceeds not later than-  
23 six months after this Act comes into force.

24 (3) In this section, "demutualization" means the payment of  
25 consideration for the relinquishment of a mutual membership interest in a  
26 mutual insurance company, whether or not undertaken in conjunction with a  
27 plan of demutualization, liquidation, merger, or other form of reorganization.

Deposit for utility  
services

28 **11.** A deposit made by a subscriber with a utility to secure provision  
29 of services or any sum paid in advance for utility services to be furnished, that  
30 remains unclaimed by the owner for more than two years after termination of

1 the services for which the deposit or advance payment was made shall be  
2 presumed abandoned.

3 **12.** Except to the extent otherwise ordered by a court, any sum that  
4 a holder has been ordered to refund by a court that remains unclaimed by the  
5 owner for more than two years after it became payable in accordance with  
6 the final determination providing for the refund, whether or not the final  
7 determination requires any person entitled to a refund to make a claim for  
8 the refund, is presumed abandoned.

Determination  
or order by court  
of refund by holder

9 **13.-(1)** Any stock, share, or other intangible ownership interest in a  
10 business entity, the existence of which is evidenced by records available to  
11 the entity, is presumed abandoned and, with respect to the interest, the entity  
12 is the holder, if both of the following apply:

Ownership  
interest, etc,

13 (a) the interest in the entity is owned by a person who for more than  
14 three years has not claimed a dividend, distribution, or other sum payable as  
15 a result of the interest, or who has not communicated with the entity  
16 regarding the interest or a dividend, distribution, or other sum payable as the  
17 result of the interest, as evidenced by a memorandum or other record on file  
18 with the entity prepared by the entity;

19 (b) the entity does not know the whereabouts of the owner at the  
20 end of the three year period.

21 (2) The return of official shareholder notifications or  
22 communications as undeliverable is evidence that the entity does not know  
23 the location of the owner.

24 (3) This section applies to both the underlying stock, share, or other  
25 intangible ownership interest of an owner, and any stock, share, or other  
26 intangible ownership interest of which the business entity is in possession of  
27 the certificate or other evidence or indication of ownership, and to the stock,  
28 share, or other ownership interest of dividend and non-dividend paying  
29 business entities whether or not the interest is represented by a certificate.

30 (4) At the time an interest is presumed abandoned under this ing to

	1	section, any dividend, distribution, or other sum then held for or owing to the
	2	owner as a result of the interest, and not previously presumed abandoned, shall
	3	be presumed abandoned.
Assets from dissolved business entity	4	<b>14.</b> Assets distributable in the course of dissolution of a business
	5	entity that remain unclaimed by the owner for more than two years after the
	6	date specified for final distribution is presumed abandoned.
Assets held in fiduciary capacity	7	<b>15.</b> -(1) Assets held in a fiduciary capacity for the benefit of another
	8	person are presumed abandoned unless the owner, within two years after they
	9	have become payable or distributable, has increased or decreased, the
	10	principal, accepted any payment in respect thereof, communicated concerning
	11	the assets, or otherwise indicated any other interest as evidenced by a record
	12	prepared by the fiduciary.
	13	(2) For the purposes of this Act, a person who is deemed to hold assets
	14	in a fiduciary capacity for a business entity alone is the holder of the assets only
	15	insofar as the interest of the business entity in the assets is concerned, and the
	16	business entity is the holder of the assets insofar as the interest of any other
	17	person in the assets is concerned.
Gift certificate or credit memo	18	<b>16.</b> -(1) Except as provided in subsection (4), a gift certificate, gift
	19	card, or credit memo is presumed abandoned if either of the following apply:
	20	(a) the certificate, card, or memo is not claimed or used for a period of
	21	five years after becoming payable or distributable;
	22	(b) the certificate, card, or memo was used or claimed one or more
	23	times without exhausting its full value, but subsequently was not claimed or
	24	used for an uninterrupted period of five years.
	25	(2) For purposes of subsection (1), a gift certificate or gift card is
	26	considered to have been claimed or used if there is any transaction processing
	27	activity on the gift certificate or gift card including, but not limited to,
	28	redeeming, refunding, or adding value to the certificate or card.
	29	(3) Activity initiated by the issuer of the certificate or card, including,
	30	but not limited to, assessing inactivity fees or similar service fees, does not

1 constitute transaction processing activity for purposes of subsection (2).

2 (4) In the case of a gift certificate or gift card, the owner is  
3 presumed to be a recipient of the gift certificate or gift card, and the amount  
4 presumed abandoned is the price paid by the purchaser for the gift  
5 certificate or gift card, less the total of any purchases or fees assessed a {fist  
6 the certificate or card.

7 (5) In the case of a credit memo, the amount presumed abandoned  
8 is the amount credited to the recipient of the memo.

9 (6) This Act does not apply to a gift certificate that is issued for  
10 retail goods or services by a person engaged in the retail sale of goods or  
11 services.

12 17. Unpaid wages including wages represented by unrepresented Unpaid wages  
13 payroll cheques, allowances, bonuses and terminal benefits owing in the  
14 ordinary course, of the holder's business that remain unclaimed by the  
15 owner for more than one year after becoming payable are presumed  
16 abandoned.

17 18. Assets that by their nature may lawfully be sold, held in a safe Assets held in  
18 deposit box or any other safekeeping repository in Nigeria in the ordinary safe deposit box  
19 course of the holder's business, and proceeds resulting from the sale of the or repository  
20 assets, that remain unclaimed by the owner for more than two years after the  
21 lease or rental period on the box or other repository has expired, are  
22 presumed abandoned.

23 19. Assets held for the owner by a court or a Government Assets held by  
24 department that remains unclaimed by the owner for more than one year court or  
25 after becoming payable or distributable is presumed abandoned. Government  
department

26 20.-(1) Subject to this Act, the Minister of Finance Secretary may Minister of Finance  
27 by order in the Gazette prescribe such further class of assets and such further to prescribe further  
28 class of holders to be assets and holders respectively to which this Act classes of assets  
29 applies. etc.

30 (2) The order referred to subsection (1) shall include such other

1 requirements as the Minister of Finance may deem necessary, including the  
2 period after which assets referred to in subsection (1) may be presumed  
3 abandoned and deemed unclaimed assets.

4 PART III - THE UNCLAIMED FINANCIAL ASSETS TRUST FUND

Establishment  
of the Trust Fund

5 **21.**-(1) There shall be a Fund known as the Unclaimed Assets Trust  
6 Fund which shall vest in, and be operated and managed by, the Commission.

7 (2) There shall be paid:

8 (a) into the Fund, all moneys that become or are deemed to be  
9 unclaimed assets and other payments required by this Act or by any other  
10 written law to be paid into the Fund; and (b) out of the Fund:

11 (i) payment due and payable to owners out of the Fund under the Act;

12 (ii) such amounts as may be approved by the Minister of Finance to  
13 defray costs associated with the administration of the Commission and  
14 performance of its functions under this Act.

Payment of  
claims

15 **22.**-(1) Where the Commission is satisfied that a person is the owner  
16 of all or part of the assets that became unclaimed assets and paid into the Fund,  
17 the Commission may payout of the Fund to the owner an amount equal to the  
18 value of that assets or part of that assets as the case may be.

19 (2) No interest or other earning accrues or is payable to an owner in  
20 respect of the period after assets becomes unclaimed assets and delivered to the  
21 Commission under this Act.

22 (3) A payment under this section to an owner shall discharge the  
23 Commission from liability to the owner in respect of the assets that became  
24 unclaimed assets and were actually paid into the Fund.

Accounts and  
audit

25 **23.**-(1) The Commission shall cause to be kept all proper books of  
26 account and other books and records in relation to the Fund and to all the  
27 undertakings, funds, investments, activities and property of the Fund as the  
28 Commission may deem necessary.

29 (2) Within a period of three months after the end of each financial  
30 year, the Commission shall prepare, sign and transmit to the Auditor-General



1 or to an auditor appointed under subsection (3):

2 (a) a balance sheet showing in detail the assets and liabilities of the  
3 Fund;

4 (b) a statement of income and expenditure of the Fund; and

5 (c) such other statements of account as the Commission may deem  
6 necessary.

7 (3) The accounts of the Fund shall be audited and acted upon, by  
8 the Auditor General, or by an auditor appointed by the Commission under  
9 the Commission of the Auditor-General.

10 (4) The Commission shall cause the audited accounts of the Fund  
11 to be published in the Gazette and in at least two newspapers with national  
12 circulation.

13 **24.**-(1) The Court before whom any person is convicted of an  
14 offence under this Act may, without prejudice to any civil remedy, order  
15 such person to pay to the Fund the amount of any other sum, together with  
16 any interest or penalty thereon, found to be due from such person to the  
17 Fund, and any sum so ordered shall be recoverable as a fine and paid into the  
18 Fund.

Penalties payable  
to the Fund

19 (2) All sums due to the Fund shall be recoverable as debts due to the  
20 Commission and without prejudice to any other remedy shall be a civil debt  
21 recoverable summarily.

22 **25.**-(1) All monies in the Fund which are not for the time being  
23 required to be applied for the purposes of the Fund shall be invested in such  
24 Federal Government investment vehicles, being investments in which any  
25 trust fund (or part thereof) is permitted by the Trustee Investment Act to be  
26 invested, as may be determined by the Commission with the approval of the  
27 Minister of Finance.

Investment of  
funds

28 (2) All investments made under this section shall be held for and on  
29 behalf of the Fund in the name of the Commission.

1 PART IV - DEALING WITH UNCLAIMED ASSETS, DUTIES OF HOLDERS AND  
2 CERTAIN POWERS OF THE COMMISSION, ETC

Duty to locate  
and notify owners  
of assets

3 **26.**-(1) A holder of assets to which this Act applies shall make all  
4 reasonable efforts to locate the owner and to notify the owner about those assets

5 (2) The reasonable efforts required under subsection (1) shall be made  
6 in such manner and within such period as the Commission may prescribe.

7 (3) Without prejudice to the generality of subsections (1) and (2),  
8 within a period not less than sixty days and not more than one year before filing  
9 the report required by section 20, the holder in possession of assets presumed  
10 abandoned and subject to the Commission's custody as unclaimed assets under  
11 this Act shall send written notice to the apparent owner at his last known  
12 address informing him that the holder is in possession of assets subject to this  
13 Act where the holder has in its records an address of the apparent owner.

Report of presumed  
abandoned assets;  
duties of assets  
holder

14 **27.**-(1) A person holding assets presumed abandoned and subject to  
15 the custody of the Commission as unclaimed assets under this Act shall make a  
16 report concerning the assets to the Commission as provided in this section.

17 (2) The report referred to in subsection (1) shall be certified by the  
18 chief executive officer of the holder and shall include all of the following:

19 (a) the name, if known, and last known address, if any, of each person  
20 appearing from the records of the holder to be the owner of assets presumed  
21 abandoned under this Act;

22 (b) in the case of unclaimed assets held or owing under any life or  
23 endowment insurance policy or annuity contract, the full name and last known  
24 address of the insured or annuitant and of the beneficiary according to the  
25 records of the insurance company holding or owing the assets;

26 (c) in the case of the contents of a safe deposit box or other  
27 safekeeping repository or of other tangible assets, a description of the assets  
28 and the place where they are held and may be inspected by the Commission and  
29 any amounts owing to the holder;

30 (d) the nature and identifying number, if any, or description of the

1 assets and the amount appearing from the records to be due;  
2 (e) the date the assets became payable, demandable, or returnable,  
3 and the date of the last transaction with the apparent owner with respect to  
4 the assets;

5 (f) other information the Commission may lawfully require.

6 (3) Where the person holding assets presumed abandoned and  
7 subject to the Commission's custody as unclaimed assets under this Act is a  
8 successor to other persons who previously held the assets for the apparent  
9 owner, or the holder has changed its name while holding the assets, the  
10 holder shall file with the report all known names, addresses and any other  
11 particulars of each previous holder of the assets.

12 (4) Except as otherwise provided in this section, the report referred  
13 to in subsection (1) shall be filed on or before the first day of November of  
14 each year for the twelve-month period ending on the immediately preceding  
15 thirtieth day of June.

16 (5) The Commission may extend the filing date provided for in  
17 subsection (4) for up to sixty days after the deadline if an estimated payment  
18 is paid on or before the deadline for the twelve-month period ending on the  
19 immediately preceding thirtieth of June.

20 (6) A request for extension of time to file the report shall not be  
21 deemed a request for an extension of time to remit payments.

22 (7) The Commission shall determine how estimated payments are  
23 to be remitted to it by a holder under this Act.

24 **28.** For the purposes of this Act, the Commission may request a  
25 person who the Commission reasonably believes is a holder of assets to  
26 provide such information to the Commission as the Commission may  
27 require, within such time or at such intervals as may be specified in the  
28 request.

Commission may  
request for  
information

29 **29.** A person who is required to file a report under section 20 shall  
30 at the time of filing the report pay or deliver to, or hold to the order of the

Commission to  
assume custody;  
rights of assets  
holder, etc.

1 Commission all abandoned assets that are required to be reported under that  
2 section or any balance owing if an estimated payment was earlier made to the  
3 Commission.

4 **30.**-(1) Upon the payment or delivery of assets to the Commission, the  
5 Commission shall assume custody and responsibility for the safekeeping of the  
6 assets.

7 (2) A person who pays or delivers assets to the Commission in good  
8 faith shall be relieved of all liability to the extent of the value of the assets paid  
9 or delivered for any claim then existing or which may arise or be made in  
10 respect to the assets after the payment or delivery to the Commission.

11 (3) Where the holder pays or delivers assets to the Commission in  
12 good faith and another person claims the assets from the holder or another  
13 country claims the money or assets under its laws relating to escheat or  
14 abandoned or unclaimed assets, the Commission, upon written notice of the  
15 claim, shall defend the holder against the claim and indemnify the holder  
16 against any liability on the claim.

17 (4) For the purposes of this section, "good faith" means:

18 (a) that payment or delivery was made in a reasonable attempt to  
19 comply with this Act;

20 (b) that the person delivering the assets was not a fiduciary then in  
21 breach of trust in respect to the assets and had a reasonable basis for believing,  
22 based on the facts then known to him, that the assets was abandoned for the  
23 purposes of this Act; and

24 (c) that there is no indication that the records under which the delivery  
25 was made did not meet reasonable commercial standards of practice in the  
26 industry.

27 (5) Assets removed from a safe deposit box or other safekeeping  
28 repository shall be received by the Commission subject to the holder's right  
29 under this subsection to be reimbursed for the actual cost of the opening and to  
30 any valid lien or contract providing for the holder to be reimbursed for unpaid

1 rent or storage charges.

2 (6) The Commission shall reimburse or pay the holder out of the  
3 proceeds remaining after deducting the Commission's selling cost of an  
4 asset under this Act.

5 **31.**-(1) Before making any deposit to the credit of the Fund, the  
6 Commission may deduct any of the following:

Authorised  
deductions by the  
Commission

7 (a) costs in connection with the sale of abandoned assets;

8 (b) costs of mailing and publication in connection with any  
9 abandoned assets;

10 (c) reasonable service charges;

11 (d) costs incurred in examining records of holders of assets and in  
12 collecting the assets from those holders.

13 (2) The Commission shall ensure that the costs and charges  
14 deducted pursuant to subsection (1) are reasonable and in accordance with  
15 the best market value available.

16 (3) Notwithstanding subsection (2), the charges deducted under  
17 subsection (1)(c) shall not exceed one per cent of the gross value of the asset  
18 in question.

19 **32.** Where assets other than money is delivered to the Commission  
20 under this Act, the owner shall be entitled to receive from the Commission  
21 any dividends, interest, or other income realized or accruing on the assets at  
22 or before liquidation or conversion of the assets into money.

Dividends,  
interest or other  
income

23 **33.**-(1) Except as provided in this section, the Commission, not  
24 later than three years after the receipt of the abandoned assets referred to in  
25 section 25, shall sell such assets, subject to a reserve price, to the highest  
26 bidder at a public auction.

Sale of unclaimed  
assets

27 (2) Any sale held under this section shall be preceded by at least  
28 one publication of notice, at least three weeks in advance of sale, in at least  
29 one newspaper of national circulation.

30 (3) Securities listed on a stock exchange shall be sold by the

1 Commission at prices prevailing at the time of sale on the exchange.

2 (4) Securities not listed on a stock exchange may be sold over the  
3 counter at prices prevailing at, the time of sale or by any such other method as  
4 the Commission may consider appropriate.

5 (5) Unless the Commission considers it to be in the best interest of the  
6 Fund to do otherwise, all securities presumed abandoned under this Act and  
7 delivered to the Commission shall be sold within one year of the receipt of the  
8 securities.

9 (6) The purchaser of assets at a sale conducted by the Commission  
10 under this Act shall take the assets free of all claims of the owner or previous  
11 holder of the assets and of all persons claiming through or under the owner or  
12 previous holder.

13 (7) The Commission shall execute all documents necessary to  
14 complete the transfer of ownership to the purchaser.

Availability of  
information to  
the public

15 **34.** The Commission shall, upon payment of such inspection fee as  
16 the Commission may from time to time determine; make available for public  
17 inspection at all business hours, only the name of the owner or apparent owner  
18 and a general description of the assets delivered to it under this Act.

Claims on assets

19 **35.**-(1) A person claiming an interest in any assets paid or delivered to  
20 the Commission under this Act, may file with the Commission a claim on such  
21 form as may be prescribed for that purpose by the Commission.

22 (2) The Commission shall consider each claim referred to subsection  
23 (1) within ninety days after it is filed and shall give written notice to the  
24 claimant of its decision.

25 (3) The notice under subsection (2) may be given by mailing it to the  
26 last address, if any, stated in the claim as the address to which notices are to be  
27 sent.

28 (4) Where no address for notices is stated in the claim, the notice may  
29 be mailed to the last address, if any, of the claimant as stated in the claim.

30 (5) Where a claim is allowed, the Commission shall pay over or he

1 deliver to the claimant the assets or the amount the Commission actually  
2 received or the net proceeds if it has been sold by the Commission.

3 **36.**-(1) A person who is aggrieved by a decision of the Commission  
4 or whose claim has not been acted upon within ninety days after its filing  
5 may bring an action in court against the Commission.

Action to establish  
claim in court

6 (2) The action shall be brought within ninety days after the decision  
7 of the Commission or within one hundred and eighty days after the filing of  
8 the claim where the Commission has failed to Act on a claim.

9 **37.** The expiration, before or after the commencement of this Act,  
10 of any period of time specified by contract, statute, or court order, during  
11 which a claim for assets can be made or during which an action or  
12 proceeding may be commenced or enforced to obtain payment of a claim' for  
13 money or to recover assets, shall not prevent the assets from being presumed  
14 abandoned or affect any duty to file a report or to pay or deliver abandoned  
15 assets to the Commission as required by this Act and such assets shall be  
16 delivered to the Commission and dealt with as unclaimed assets under this  
17 Act.

Expiration of  
time period  
specified by  
contract, statute  
of court order

18 **38.**-(1) The Commission shall have powers to require a person who  
19 has not filed a report as required by section 27 or a person who the  
20 Commission believes has filed an incomplete, or false report, to file a  
21 certified report in a form specified by the Commission.

Report of unclaimed  
assets, examination  
of records, etc.

22 (2) The report under section (1) shall state whether the person is  
23 holding any unclaimed assets reportable or deliverable under this Act,  
24 describe unclaimed assets not previously reported or as to which the  
25 Commission has made inquiry, and specifically identify and state the  
26 amounts of assets that may be in issue.

27 (3) The Commission shall have powers to, at reasonable times and  
28 upon reasonable notice, examine the records of a person to determine  
29 whether the person has complied with this Act.

30 (4) The Commission shall have powers to conduct the examination

1 referred to in subsection (3) whether or not the person believes he or she is not  
2 in possession of any assets reportable or deliverable under this Act.

3 (5) The Commission shall have powers to enter into contract with any  
4 other person to conduct the examination under this section on behalf of the  
5 Commission.

6 (6) Where an examination of the records of a person results in the  
7 disclosure of assets reportable and deliverable under this Act, the Commission  
8 shall have powers to assess the cost of the examination against the holder at  
9 such daily rate as the Minister of Finance may determine provided that the  
10 charges shall not exceed the value of the assets found to be reportable and  
11 deliverable.

12 (7) The cost of examination made pursuant to subsection (3) shall be  
13 imposed only against the holder.

14 (8) Where after this Act comes into force, a holder fails to maintain the  
15 records required by section 38 and the records of the holder available for the  
16 periods subject to this Act are insufficient to permit the preparation of a report,  
17 the Commission shall have powers to require the holder to report and pay an  
18 amount as may reasonably be estimated from any available records.

Maintenance of  
records, required  
time periods

19 **39.-(1)** A holder required to file a report under section 27, as to any  
20 assets for which it has obtained the last known address of the owner, shall  
21 maintain a record of the name and last known address of the owner for ten years  
22 after the assets becomes reportable, except to the extent that a shorter time is  
23 provided in subsection (2) or by the Commission.

24 (2) An entity that sells in Nigeria its travellers cheques, money orders,  
25 or other similar written instruments on which the business entity is directly  
26 liable, or that provides those instruments to others for sale in Nigeria, shall  
27 maintain a record of those instruments while they remain outstanding,  
28 indicating the country and date of issue for three years after the date the assets  
29 are reportable.



- 1                   **40.**-(1) A person who fails to pay or deliver assets within the time      Failure to pay or  
2                   prescribed by this Act shall pay to the Commission interest at the current      deliver assets and  
3                   monthly rate of one percentage point above the adjusted prime rate per      penalties  
4                   annum per month on the assets or value of the assets from the date the assets  
5                   should have been paid or delivered.
- 6                   (2) The adjusted prime rate shall be based on the Central Bank of  
7                   Nigeria average rate during the twelve-month period ending on thirtieth day  
8                   of September.
- 9                   (3) The resulting current monthly interest rate based on the twelve-  
10                  month period ending thirtieth day of September shall become effective on  
11                  the first day of January of the following year.
- 12                  (4) A person who willfully fails to render any report or perform  
13                  other duties required under this Act shall be liable to pay penalty of seven  
14                  thousand shillings but not more than fifty thousand shillings for each day the  
15                  report is withheld or the duty is not performed.
- 16                  (5) A person who willfully fails to pay or deliver assets to the  
17                  Commission as required under this Act shall be liable to pay a penalty equal  
18                  to twenty-five percent of the value of the assets that should have been paid or  
19                  delivered.
- 20                  (6) A penalty payable under subsections (1), (4) and (5) of this  
21                  section shall be recoverable as civil debt summarily.
- 22                  **41.**-(1) This Act shall, on coming into force, apply to all assets that      Assets deemed  
23                  would, but for the absence of this Act, be deemed unclaimed assets under the      unclaimed before  
24                  provisions of this Act as if this Act had been in force at that earlier date on      this Act came into  
25                  which the assets would have become unclaimed assets under this Act.      force
- 26                  (2) The initial report filed under this Act for assets that are subject  
27                  to this Act shall include all assets that would have been presumed abandoned  
28                  before this Act came into force as if this Act had been in effect during that  
29                  period and such assets shall be dealt with under the provisions of this Act.

Duty to locate  
and notify owners  
or assets

1                   **42.**-(1) The Commission shall make reasonable efforts to locate the  
2 owner of assets in the custody of the Commission and notify him in accordance  
3 with this Act.

4                   (2) In notifying an owner as required by subsection (1), the  
5 Commission shall determine the most cost effective manner of making the  
6 notification depending on the respective value of the assets concerned.

Unclaimed assets  
database

7                   **43.** The Commission shall:

8                   (a) maintain an electronic or other database of all unclaimed assets  
9 submitted to it under this Act;

10                  (b) include in the database the prescribed particulars for each  
11 unclaimed asset;

12                  (c) make the database available to the public, subject to any  
13 restrictions imposed for purposes of protecting the privacy of owners.

Responsibility  
of regulatory  
authorities

14                  **44.**-(1) Any regulatory Commission responsible for the supervision  
15 of a holder shall assist the Commission in the enforcement of the provisions of  
16 this Act and generally ensure that the objectives of this Act are achieved.

17                  (2) Subject to section 3, where there is conflict between the provisions  
18 of this Act and the provisions of any other law on any matter concerning  
19 unclaimed assets, the provisions of this Act shall prevail.

Access to  
information and  
retention of  
records by the  
Commission

20                  **45.**-(1) Subject to any other written law to the contrary, the  
21 Commission shall have the right to any information that is in the custody or  
22 control of a public body if that information can reasonably be expected to assist  
23 the Commission in locating the owner, or determining the correct owner, of an  
24 unclaimed asset for the purposes of this Act.

25                  (2) A public body that has custody or control of information to which  
26 the Commission is entitled under subsection (1) shall disclose that information  
27 to the Commission on request.

28                  (3) Each public body shall meet the standards, as may be set by  
29 regulation, with respect to:

30                  (a) the collection and recording of information concerning any assets

1 that become unclaimed assets; and

2 (b) retention of records containing that information.

3 PART VI - MISCELLANEOUS

4 **46.** The Commission may appoint or license such agents and Commission to  
5 service providers as it may deem necessary for the carrying out of the objects appoint agents, etc.  
6 of this Act and may in that respect and without prejudice to the foregoing  
7 appoint custodians, fund managers and reunification agents to assist in the  
8 reunification of the assets with the owners.

9 **47.** All criminal and civil proceedings under this Act may, without Commission may  
10 prejudice to any other power in that behalf, be instituted by Commission institute proceedings  
11 and, where the proceedings are instituted or brought in a court, an officer of in court  
12 the Commission authorised by the Board in that behalf may prosecute or  
13 conduct the proceedings.

14 **48.-(1)** The Commission shall, for the purpose of ascertaining Powers of the  
15 whether this Act is being or has been complied with by any person, have Commission to  
16 power to enter any premises or place at all reasonable times. enter, etc.

17 (2) An institution liable to inspection under this Act, and any  
18 employee, shall furnish the Commission all such information and produce  
19 for inspection all such documents as the Commission may reasonably  
20 require for the purpose of performing its functions under this Act.

21 **49.-(1)** A holder who: Offences and  
22 (a) fails to maintain a record required under this Act or the penalty  
23 Regulations made thereunder;

24 (b) in a record required or submitted, or in information provided,  
25 under this Act or the Regulations, makes a statement that:

26 (i) is false or misleading with respect to a material particular; or

27 (ii) omits to state a material fact, the omission of which makes the  
28 statement false or misleading, commits an offence.

29 (2) A person is not guilty of an offence under subsection (1)(b) if the  
30 person did not know that the statement was false or misleading and, with the

1 exercise of reasonable diligence, could not have known that the statement was  
2 false or misleading.

3 (3) Where a body corporate commits an offence under this section, an  
4 employee, officer, director or agent of the corporation who authorises, permits  
5 or acquiesces in the commission of the offence commits an offence.

6 (4) Subsection (3) shall apply whether or not the body corporate is  
7 prosecuted for the offence.

8 (5) A person who wilfully refuses after written demand by the  
9 Commission to pay or deliver assets to the Commission as required under this  
10 Act commits an offence.

11 (6) A person Convicted of an offence under this section shall be liable  
12 to a fine of not less than fifty thousand shillings and not more than one million  
13 shillings or to imprisonment for not more than one year, or to both.

Regulations

14 **50.** The Minister of Finance may, on the recommendation of the  
15 Board, make regulations necessary to carry out the provisions of this Act.

Exemption from  
stamp duty

16 **51.** No duty shall be chargeable under the Stamp Duty Act (Cap. 480)  
17 in respect of any instrument executed by any person on behalf of or in favour of  
18 the Fund or in respect of the payment of any benefit or the refunding of any  
19 amount under this Act in any case where, but for this exemption, the Fund or  
20 any person acting on behalf of the Commission.

Interpretation

21 **53.** In this Act, unless the context otherwise requires:  
22 "apparent owner" means the person whose name appears on the records of the  
23 holder as the person entitled to assets held, issued, or owing by the holder;  
24 "assets" means financial assets to which this Act applies and includes any  
25 income, dividend or interest thereon;  
26 "Commission" means the Unclaimed Financial Assets Commission  
27 established by section 1;  
28 "bank" has the meaning assigned to it in the Banking and other Financial  
29 Institution Act (Cap. 488);  
30 "Board" means the board of the Commission;

- 1 "Minister of Finance" means the Minister for the time being responsible for  
2 matters relating to finance;
- 3 "chief executive officer" means the chief executive officer of the  
4 Commission appointed under section 4;
- 5 "financial institution" has the meaning assigned to it in the Banking and  
6 Other Financial Institution Act;
- 7 "Fund" means the Unclaimed Assets Trust Fund established by section 21;
- 8 "holder" means any entity who, in respect to assets to which this Act applies,  
9 holds such assets on behalf of an owner, is in possession of assets belonging  
10 to another, is indebted to another on an obligation or is a trustee;
- 11 "insurance company" has the meaning assigned to it in the Insurance Act;
- 12 "last known address" means a description of the location of the apparent  
13 owner sufficient for the purpose of the delivery of mail;
- 14 "owner" means a person having a legal or equitable interest in assets subject  
15 to this Act and includes the legal representative of the owner;
- 16 "unclaimed assets" means assets that:
- 17 (a) have been presumed abandoned and have become unclaimed  
18 assets under the provisions of this Act;
- 19 (b) have been transferred to the Commission as unclaimed assets  
20 under this Act;
- 21 (c) have been deemed under any other law to be unclaimed assets  
22 and payable to the Authority, and includes all income, dividend or interest  
23 thereon but excludes any lawful charges thereon; and
- 24 "utility" means a person who carries on, the business of transmission, sale,  
25 delivery, or supply of electricity, water or other utility services.
- 26 **54.** This Bill may be cited as the Unclaimed Financial Assets Short title  
27 Commission (Establishment) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Unclaimed Financial Assets Commission.



AUCTIONEERS BILL, 2021  
ARRANGEMENT OF CLAUSES

*Clause:*

PART I - GENERAL

1. Establishment of the Auctioneers Registration Council
2. The Registrar of the Council
3. Objects Of The Council
4. Powers and Functions of the Council

PART II - ESTABLISHMENT OF THE NIGERIA INSTITUTE OF  
PROFESSIONAL AUCTIONEERS

5. Establishment of The Institute
6. Functions of the Institute
7. Members of the Institute
8. Fund of The Institute

PART III - AUCTIONEER PROFESSIONAL PRACTICE PROVISIONS

9. Practice as an Auctioneer
10. Right and Privileges of Auctioneers under the Act
11. Eligibility for License
12. Licensing Auctioneers
13. Issue of License in special circumstances
14. Auctioneer's identification card
15. Conditions of License
16. Renewal of License
17. Refusal to grant or renew License
18. Revocation of License
19. Suspension of License
20. Register of Licenses
21. Preparation and maintenance of the Register
22. Registration of Auctioneers
23. Auction sales
24. Monitoring Auction sales
25. Recovery of charges by Auctioneers
26. Duties of Auctioneers
27. Liability of an Auctioneer

28. Right to recover Right to recover damages from Auctioneer
29. Prohibition against Unlicensed Auctioneers
30. Limitation of lawsuits against the Council
31. Establishment of Auctioneers Disciplinary Committee
32. Complaints against Auctioneers
33. Appeals
34. Acquittal to bar to disciplinary proceedings

PART IV - FINANCIAL PROVISIONS

35. Fund of the Council
36. Accounting and Auditing
37. The Nigeria Association of Auctioneers
38. Establishment of the Auctioneer Review Board

PART V - PROFESSIONAL TRAINING PROVISIONS

39. Auctioneer Advisory Board.
40. Auctioneer Education Programs.
41. Application for Examination.
42. License Examination.
43. Re-examination

PART VI - SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

44. Proceedings of the Council
45. Tenure of office
46. Meeting of the Council
47. Application or Complaint made under this Act,
48. Quorum
49. Common seal
50. Vacancy in the Council
51. Notices
52. Committees

PART VII - MISCELLANEOUS

53. Interpretation
54. Supplementary Provisions on Offences and Penalty.
55. Short Title



FOR

*Sponsored Hon. Muhammed Tahir Monguno*

[ ] Commencement

PART I - GENERAL

1                   1.-(1) There is established a Body to be known as the Auctioneers  
2       Registration Council of Nigeria (in this Bill referred to as "the Council"),  
3       which shall be constituted in accordance with and shall have such functions  
4       as are conferred on it by this Bill.

5                   (2) The Council:

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

8                   (b) may acquire, hold or dispose of any Asset, movable or  
9       immovable; and

10                  (c) may sue and be sued in its corporate name.

11                  (3) For the purpose of carrying out any of its functions under this  
12       Bill, the Council shall consist of:

13                  (a) 4 Principal Officers from the National Association of  
14       Auctioneers national executives

15                  (b) 6 officers from the zonal head offices held by the zonal  
16       chairmen of the Association in the six Geopolitical zones of Nigeria;

17                  (c) one Representative from the following Bodies:

18                  (i) One Nominee from the Ministry of Finance;

1 (ii) Office of the Director General, Bureau of Public Procurement;  
2 (iii) office of the Head of Service;  
3 (iv) office of the Director General, Bureau of Public Enterprises;  
4 (v) Office of the Accountant General of the Federation;  
5 (vi) Office of the Attorney General of the Federation.  
6 (d) chairman Board of Trustees of the Association; and  
7 (e) 3 principal officers from the Nigeria Institute of Professional  
8 Auctioneers.

9 (4) A responsible and reputable citizen of Nigeria and with industry  
10 experience shall be elected by the council to be Chairman.

11 (5) A person elected as a Chairman need not be a Licensed Auctioneer  
12 but may be a co-opted member of the Council.

13 (6) The Council shall elect a person who is a Licensed Auctioneer  
14 with at least 5 years standing as a practicing Auctioneer and registered with the  
15 Nigeria Association of Auctioneers (in this Bill referred to as "the  
16 Association"), to be the Vice- chairman of the Council.

17 (7) One Licensed Auctioneer who must be a University Degree holder  
18 or its equivalent and shall have not less than Two (2) years standing as a  
19 practicing Auctioneer with the Association; and on the election of the  
20 Association shall become the Registrar of the Council.

21 (8) The persons mentioned in clause 1 (2) of this Bill shall be elected  
22 by way of an "open voting system" at an Annual General meeting by 2/3  
23 majority of all the members of the Council present at the meeting except those  
24 co-opted who shall not be eligible to vote.

The Registrar  
of the Council

25 **2.-(1)** The Council shall elect a person who is adjudged fit and proper  
26 having satisfied all the requirements as set down under clause (1) (2) (e) of this  
27 Bill to be the Registrar of the Council.

28 (2) The Registrar shall also be the Secretary of the Council.

29 (3) The Duties of the Registrar shall be prescribed and qualified by the  
30 Council.

1	<b>3.-(1)</b> The objects of the Council shall be to:	Objects of the Council
2	(a) regulate and monitor auctioneering processes throughout	
3	Nigeria;	
4	For the purposes of this Act Auctioneering processes shall relate to	
5	Assets including Public Properties;	
6	(b) harmonize and regulate the auction business and practice either	
7	done online or by the means of a mobile application via any of the prevalent	
8	digital communication media;	
9	(c) exercise general supervision, monitoring and control over the	
10	business and practice of Auctioneers and Auction business in Nigeria;	
11	(d) ensure transparency, probity and accountability in the	
12	Auctioneering profession; and	
13	(e) streamline the Licensing process of the Auctioneers practicing	
14	within Nigeria.	
15	<b>4.-(1)</b> The Council shall be the highest decision making organ of	Powers and Functions of the Council
16	the Nigeria Association of Auctioneers and Nigeria Institute of Professional	
17	Auctioneers and it shall therefore be the function of the Council to:	
18	(a) monitor, regulate the business and practice of Auctioneering	
19	and Auctioneers on any platform including but not restricted to onsite and	
20	online auctions;	
21	(b) certify and License Auctioneers and organizations;	
22	(c) supervise and discipline Licensed Auctioneers;	
23	(d) prescribe the mode of application for the Registration and	
24	Enrollment of Auctioneers;	
25	(e) make rules for professional conduct and ethics to be binding on	
26	all registered professionals;	
27	(f) develop a framework for the implementation of online, mobile	
28	auctions or any form of digital auction types;	
29	(g) facilitate adequate training programs through the Nigeria	
30	Institute of Professional Auctioneers;	

1 (h) determine the application fees, annual subscription and any other  
2 fees payable by registered professionals;

3 (i) endorse the field of practice in which a registered professional or  
4 auctioning entity may engage, and endorse the certificate of practice  
5 accordingly;

6 (j) Maintain the Register Licensed and certified Auctioneers.

7 (k) Remove from the register the name of a person no longer entitled  
8 to practice;

9 (l) Facilitate the development of online and onsite auction marts  
10 across the nation;

11 (m) utilize the funds of the Council in any manner which may be  
12 necessary or expedient;

13 (n) lend or invest the funds of the council against suitable security;

14 (o) for the proper conduct of the functions of the Council make rules  
15 and regulations for the conduct of Disciplinary Proceeding prescribed under  
16 this Bill;

17 (p) do anything which in its opinion is for the advancement of the  
18 powers and functions of the Council as stated in this Bill; and

19 (q) Provide oversight functions for the Nigeria Institute of  
20 Professional Auctioneers and the Nigeria Association of Auctioneers.

21 PART II - ESTABLISHMENT OF THE NIGERIA INSTITUTE OF

22 PROFESSIONAL AUCTIONEERS

Establishment  
of the Nigeria  
Institute of  
Professional  
Auctioneers

23 **5.** There is established a body to be known as the Nigeria Institute of  
24 Professional Auctioneers (in this Act referred to as "the Institute") which:

25 (a) shall be a body corporate with:

26 (i) perpetual succession;

27 (ii) a common seal which shall be kept in such custody as the Council  
28 may direct;

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

30 (c) may, subject to the Land Use Act, hold, acquire and dispose of any

1 property, movable or immovable.

2 **6.** The Institute has the general duty of:

General duty of  
the Institute

3 (a) Professional development and training of auctioneers for the  
4 purpose of this Act;

5 (b) determining what standards of knowledge and skill are to be  
6 attained by persons seeking to become members of the Auctioneers  
7 Registration Council of Nigeria and reviewing those standards from time to  
8 time as circumstances may require;

9 (c) Updating, in accordance with the provisions of this Act, the  
10 maintenance of the register of Fellows, Full Members, Associate Members,  
11 Graduate Member, Student Members, Honorary Fellow and Corporate  
12 Members of the profession and the publicizing, from time to time, of the lists  
13 of those members; with oversight and validation of The Council;

14 (d) To provide physical and digital platforms for Auctioneers that  
15 protect, advance and promote the professional standards of Auctioneers and  
16 to protect the interest of Members as; between Members, non-Members and  
17 the General Public;

18 (e) To promote personal and friendly relations among the Members  
19 of the Institute, to hold meetings for the delivery of lectures, discussions,  
20 conferences, workshops and to encourage the best professional methods of  
21 conducting the business of its Members;

22 (f) To form a library and develop the official 'Body of Knowledge'  
23 for the use of Members of the Institute and the government for reference to  
24 best practices;

25 (g) To watch over, promote and protect the mutual interests of the  
26 Members, to promote honourable practice, to suppress malpractice and to  
27 decide all questions of professional use or courtesy between or among  
28 Members.

29 (h) To provide a system of professional education to achieve the  
30 aforesaid objects;

1 (i) To establish a disciplinary committee consisting of five internal  
2 and two external professionals working with terms of reference from The  
3 Council;

4 (j) Set certification standards, course structure, fees, and learning  
5 modes for the auctioneering profession in Nigeria;

6 (k) The designatory letters for the full members of the Institute shall  
7 be MNIPA (MNIPA) and for fellows of the Institute, FNIPA (FNIPA). Other  
8 designation and requirements to attain these standards shall be determined with  
9 approval from The Council.

Members of the  
Institute

10 7.-(1) Subject to the provisions of this Act, members admitted to the  
11 Institute shall be enrolled as members of the profession in the category of:

12 (a) fellows; or

13 (b) members; or

14 (c) associates or graduates; or

15 (d) honorary members; or

16 (e) honorary fellows.

17 (2) A person accorded by the Council under this Act status as a  
18 Professional Member of the Institute shall be entitled to the use of that  
19 name/designation (FNIPA) and shall be enrolled as:

20 (a) a fellow:

21 (i) if he satisfies the Council that for a continuous period of five years  
22 immediately preceding the application he has been in continuous active  
23 practice as an Auctioneer;

24 (ii) if he is the holder of a certificate of the examination of the Institute  
25 qualifying full members and approved professional qualification;

26 (iii) if he is otherwise considered by the Council to be a fit person to be  
27 so enrolled by the official standard set by The Council and shall have the  
28 designation FNIPA;

29 (b) a member:

30 (i) if he is the holder of a certificate of the examination of the Institute

- 1       qualifying full members and approved academic professional qualification;  
2       and
- 3               (ii) if he is otherwise considered by the Council to be a fit person to  
4       be so enrolled by the official standard set by the council and shall have the  
5       designation MNIPA
- 6               (c) an associate:
- 7               (i) if for 3 years preceeding the application is a student of a  
8       recognized College, Polytechnic or University or graduate member he can  
9       been enrolled as an associate; and
- 10              (ii) if he has satisfied the conditions for education and other  
11       conditions to be enrolled by the standards set by the Council and shall have  
12       the designation a NIPA.
- 13              (d) An honorary fellow:
- 14              (i) If the person has been a member of the Nigeria Association of  
15       Auctioneers for a period greater than 15 years or member of the Board of  
16       Trustees of the Association;
- 17              (ii) Is a responsible citizen and is in the right standing with the  
18       Association for the same time;
- 19              (iii) Satisfy any other condition set by the Council and be referred  
20       to as FNIPA
- 21              (e) An honorary Member:
- 22              (i) If the person has been a member of the Nigeria Association of  
23       Auctioneers for a period greater than 5 years;
- 24              (ii) Is a responsible citizen and is in the right standing with the  
25       Association for the same time;
- 26              (iii) Satisfy any other condition set by the Council and referred to  
27       as MNIPA
- 28              (3) Corporate Membership shall consist of companies engaged in  
29       the business of Auction or employing professionals who engage in the  
30       practise of auctioneering or is interested in auction process certification

Funds of the  
Institute

1 within their procurement departments and have satisfied all the rules and  
2 conditions of The Council.

3 (4) Persons registered as fellows, members, associates, honorary  
4 fellows and honorary members shall be entitled to use after names, the titles  
5 and designations after their names as stated in the preceding clauses.

6 **8.-(1)** There shall be established for the Institute a fund which shall be  
7 managed and controlled by the Council.

8 (2) There shall be paid into the Fund:

9 (a) Loans, investments, grants and aids or any other monies obtained  
10 for the setup of physical and digital infrastructures The Institute;

11 (b) all fees and other moneys payable to the Institute in pursuance of  
12 this Act; and

13 (c) such money as may be payable to the Institute, whether in the  
14 course of the discharge of its functions or not;

15 (d) appraisal, valuation and certification of individuals, companies  
16 and assets in the practice of auctioneering.

17 (3) There shall be paid out of the Fund of the Institute:

18 (a) the remuneration and allowances of the Registrar and employees  
19 of the Institute;

20 (b) such reasonable travelling and subsistence allowances of  
21 Members of the Council in respect of the time spent on the business of the  
22 Institute as the Council may determine; and

23 (c) any other expenses incurred by the Institute in the discharge of its  
24 functions under this Act;

25 (d) Promisory notes, debts or investments by incurred by the Institute.

26 (4) The Institute may invest moneys in the Fund in any security  
27 created or issued by or on behalf of the Federal Government or in any other  
28 securities in Nigeria approved by the Council.

29 (5) The Institute may from time to time, borrow money, for the  
30 purposes of the Institute.



1 and any interest payable on moneys so borrowed shall be paid out of the  
2 Fund.

3 (6) The Council shall keep proper accounts on behalf of The  
4 Institute in respect of each financial year and proper records in relation to  
5 those accounts and the Council shall cause it to be audited by an auditor and  
6 when audited, the accounts shall be presented to the Members of the  
7 Institute for approval at the annual general meeting.

8 PART III - AUCTIONEER PROFESSIONAL PRACTICE PROVISIONS

9 9. A person shall be deemed to carry on the business of Practice as an  
10 Auctioneering in Nigeria if he: Auctioneer

11 (a) attaches for sale any movable or immovable Asset in execution  
12 of a court order made pursuant to the provisions of any written law or  
13 contract;

14 (b) sells or offers for sale any movable or immovable Asset or any  
15 interest therein by auction or by any other mode of sale by competition;

16 (c) levies distress for rent or distrains under the provisions of any  
17 written law;

18 (d) carries out evictions under an order of a court; or

19 (e) repossesses goods from any person pursuant to the provisions  
20 of any written law or contract.

21 10 .-(1) All auction sales of Asset shall be done in an open Right and  
22 competitive auction model by a Licenced Auctioneer. Privileges of  
Auctioneers under  
the Act

23 (2) Auction sales of Public Asset shall be conducted by a Licenced  
24 Auctioneer in an open competitive bidding auction model by way of:

25 (a) a foreclosure sale of real Asset personally conducted by a  
26 trustee under a deed of trust;

27 (b) a foreclosure sale of personal Asset personally conducted by: a  
28 person who holds a security interest in the Asset, including a mortgage;

29 (c) an auction conducted only for student training purposes as part

1 of a course of study approved by Council and under the supervision of a  
2 Licenced Auctioneer.

3 (3) The Government shall levy on or collect from an Auctioneer such  
4 revenue measure as it may deem expedient as consideration for an auctioning  
5 contract due to be allocated.

6 (4) In furtherance to clause 6(3) of this Bill the Government may only  
7 appoint Auctioneers who have been certified, duly Licenced by the Council  
8 and registered within the meaning and provisions of Section (18) of this Act, to  
9 dispose of its Assets.

10 (5) The Government may appoint a company or a body of  
11 professionals with requisite knowledge to dispose its Liquid Assets or Assets  
12 with a specialized technical nature, subject to the absence of such Expertise  
13 amongst the body of Licenced Auctioneers.

Eligibility for  
License

14 **11.-(1)** A person shall be issued an Auctioneer Practitioner License,  
15 registered in the List of Licensed Auctioneers and enrolled in the Nigerian  
16 Auctioneer Association if he satisfies the Council that he:

17 (a) is at least 18 years of age;

18 (b) is a citizen of Nigerian or a Legal Alien;

19 (c) passes a written or oral examination demonstrating knowledge of  
20 auctioning and of the laws of Nigeria relating to the auctioning profession;

21 (d) he holds an Auctioneering qualification granted outside Nigeria  
22 and has satisfied the Council that he has had sufficient practice experience as an  
23 Auctioneer;

24 (e) holds at least a west African Secondary School Certificate or its  
25 equivalent;

26 (f) Has not been convicted of a felony during the five years preceding  
27 the date of application; involving fraud, dishonesty or immorality and is  
28 otherwise of good character and reputation;

29 (g) has satisfied the Council of sufficient knowledge and experience  
30 in the business and practice of Auctioneering.

1 (2) Notwithstanding the provisions of sub clause (1), of this clause,  
2 a person who:

3 (a) is a Judge or a Magistrate or is employed in any capacity as an  
4 executive or subordinate officer of a court; or

5 (b) is a public officer or an officer or employee of any, statutory  
6 body or state corporation or local Authority; shall not be eligible to be  
7 Licensed under this Bill.

8 (3) Any person who obtains or holds a License contrary to any of  
9 the provisions of this Section commits an offence and shall on conviction be  
10 liable to a fine not less than fifty thousand Naira (N50,000), or to  
11 imprisonment for a term not less than two years, or to both.

12 12.-(1) An application for a License shall be made in the prescribed  
13 form and shall be forwarded to the Council together with the fee which shall  
14 be prescribed by the Council.

Licensing  
Auctioneers

15 (2) In considering the application, the Council shall require the  
16 Applicant who is an individual or a Firm to supply such documents as may  
17 be requested for by the Council, but where the Applicant seeks to operate as  
18 a company, it shall supply a copy of the following documents:

- 19 (i) Certificate of Incorporation;  
20 (ii) Form C02 - Allotment of shares;  
21 (iii) Form C07 - List of Directors;  
22 (iv) current Company Tax Clearance Certificate;  
23 (v) PENCOM Certificate;  
24 (vi) Current NSITF and ITF Registration certificates company's  
25 registration certificates (where applicable); or  
26 (vii) documents in support of the application as the council may  
27 deem necessary.

28 (3) The applicant must complete the necessary education and  
29 training from the Institute as required by the Council.

30 (4) The Council may, subject to the provisions of this Act and to the

	1	payment of the prescribed fee, issue a License in the prescribed form to the
	2	Applicant.
	3	(5) Licenses issued by the Council shall be classified in such manner
	4	as maybe prescribed.
	5	(6) A License issued under this Section shall, unless earlier revoked,
	6	be valid for a period of twelve months next following the date of issue.
	7	(7) An application shall be considered within the period of three
	8	months and the same set time within which a reply of acceptance or rejection
	9	must be delivered to the Applicant;
	10	Provided that where an application for its renewal is made, the
	11	License shall be deemed to continue in force until the application for its
	12	renewal is determined.
Issue of License in special circumstances	13	<b>13.</b> Notwithstanding the provisions of clause 7, the Council may issue
	14	a Temporary License to a person who is not a Nigerian citizen but is otherwise
	15	eligible to be licensed, to hold any auction of a specialized nature by reason of
	16	his knowledge and experience in conducting such Auction.
Auctioneer's identification card	17	<b>14.-(1)</b> In addition to the License, the Council shall issue to a
	18	Licensed Auctioneer an identification card, bearing the full names, License
	19	number, and office address of the Licensed Auctioneer and the classification of
	20	his License.
	21	(2) A Licensed Auctioneer shall wear his identification card at all
	22	times while conducting Auctioneer's business within the meaning of this Bill.
	23	(3) An identification card issued to a Licensed Auctioneer under this
	24	clause shall be incidental to the License and shall be subject to status of same
	25	where it has been renewed, revoked or suspended by the Council.
Conditions of License	26	<b>15.-(1)</b> A License issued under this Bill shall not be transferable
	27	whether sale, delegation inheritance or in whatever means.
	28	(2) A Licensed Auctioneer shall carry on business:
	29	(a) in his own name; or
	30	(b) in the name of a partnership of which at least one of the partners is

1 Licensed Auctioneers; or

2 (c) as a company that has at least one Licensed Auctioneer as its  
3 Director.

4 (3) In addition to the conditions set out under this Section, the  
5 Council may impose any such conditions it may consider expedient on a  
6 License, and may add to, substitute or vary such conditions.

7 (4) A person who breaches any of the conditions set out in this  
8 clause, or any of the set out conditions imposed by the Council shall be  
9 deemed to have acted in bad faith and therefore exposes himself to Liability  
10 as contained under clause 22 of this Bill.

11 **16.**-(1) The Council may, on application by a Licensed Auctioneer, Renewal of  
12 renew a License for a further period of twelve months. License

13 (2) An application under this clause shall be:

14 (a) made in the prescribed form and forwarded to the Council  
15 together with the prescribed fee;

16 (b) lodged with the Council at least one month prior to the  
17 expiration of the existing License; and

18 (c) considered in accordance with the provisions of clauses 7,8 of  
19 this Bill.

20 **17.**-(1) The Council may refuse to grant or renew a License if it is Refusal to grant  
21 satisfied that the: or renew License

22 (a) applicant does not meet any of the requirements for the issue or  
23 renewal of a License;

24 (b) information contained in the Application is false in any  
25 particular material.

26 (2) Where the Council refuses to grant or renew a License, it shall  
27 thirty (30) working days notify the applicant in writing, specifying the  
28 reasons for such refusal.

29 **18.**-(1) The Council may revoke a License if: Revocation of

30 (a) It discovers that the Licensed Auctioneer made a statement in or License

1 in connection with the application, which he knew to be false or misleading in  
2 any particular material at the time of the application thereof; or

3 (b) the Licensed Auctioneer as:

4 (i) an Individual is declared bankrupt; or

5 (ii) a Partnership firm is dissolved; or

6 (iii) a company is declared insolvent by a competent Court of  
7 jurisdiction; or

8 (c) the Licensed Auctioneer dies; or

9 (d) the Licensed Auctioneer is convicted by competent court for fraud  
10 or fraudulent Activities; or

11 (e) the Licensed Auctioneer is in breach of any condition attached to  
12 the License; or

13 (f) any event occurs which renders the Licensed Auctioneer ineligible  
14 to hold a License under this Bill; or

15 (g) the Licensed Auctioneer does not comply with any of the  
16 provisions of this Bill or any rules made there under.

17 (2) Where the revocation of a License is initiated, the Council shall  
18 serve the Licensed Auctioneer with a notice of revocation in writing.

19 (3) A notice under sub clause (2) shall be served not less than thirty  
20 (30) days before the date of the intended revocation and shall specify the  
21 grounds for such revocation, and the Council shall consider any defense  
22 representations made to it in writing by the Licensed Auctioneer during that  
23 period and shall take every reasonable precaution to ensure fairness in the  
24 exercise of its powers under this Section.

25 (4) The revocation of a License shall take effect from the date of  
26 service of a notice under sub section (4) where such notice is served on the  
27 Licensed Auctioneer personally, or, where the notice is sent through registered  
28 post, on a date seven (7) days after the date of posting.

29 (5) The Board shall, within fourteen (14) days of the revocation of a  
30 License, cause the name of the Auctioneer whose License is revoked to be

1 published in the Gazette or in one local daily newspaper circulating in the  
2 area or online where the Auctioneer carries on business.

3 (6) An Auctioneer whose License is revoked shall forthwith  
4 surrender his License and identity card to the Council and shall not be  
5 eligible to hold a License under this Bill pending when default has been  
6 made good and considered as so done by the Council.

7 **19. -(1)** The Council may suspend a License if:

Suspension of  
License

8 (a) the Licensed Auctioneer is charged with any offence involving  
9 fraud, dishonesty, or malicious damage to Asset which is a subject of  
10 Auction sales;

11 (b) having received a complaint against a Licensed Auctioneer  
12 under clause 27 of this Bill in respect of his conduct of executing court  
13 orders, the Council considers it appropriate to suspend the License pending  
14 further investigation of the complaint; or

15 (c) In the execution of his duties, the Licensed Auctioneer has acted  
16 in a manner incompatible with his status as a Licensed Auctioneer.

17 (2) Where a License is suspended, the Council shall serve a notice  
18 of suspension writing on the Licensed Auctioneer personally or through  
19 registered post, specifying the reason for the suspension.

20 (3) The suspension of a License under this clause shall take effect  
21 from date of service of a notice under sub clause (2) if served personally on  
22 the Licensed Auctioneer or, if sent through registered post, on a date five (5)  
23 days after the date of posting.

24 **20. -(1)** The Council shall keep a register, in such form as it may  
25 determine, of all Licenses issued under this Bill and shall enter therein in  
26 respect of every License:

Register of  
Licenses

27 (a) the full names and identity card number of the Auctioneer;

28 (b) The place of business in respect of which the License is granted;

29 (c) The date of expiry of the License;

30 (d) Particulars of any amendment to the License;

- 1 (d) Particulars of any revocation or suspension of the License;  
2 (e) Any other particulars the Council may deem fit to be recorded.  
3 (2) Any person may, during working hours and on payment of the  
4 prescribed fee, inspect the register of Licenses:  
5 Provided that where a person who is:  
6 (a) a member of any of the law enforcement agencies or a public  
7 officer Acting in the course of his duty; or  
8 (b) Authorized in writing by the Council, may inspect the register  
9 without payment of any fee.  
10 (3) This list shall form the authorized and complete list of the  
11 members of the Nigerian Association of Auctioneers.  
12 (4) The Federal Ministry of Finance shall also maintain a list of  
13 Practicing Auctioneers for the Government of Nigeria, the list which shall  
14 comprise of Licensed Auctioneers registered as such with the Council,  
15 (5) This List as provided for under clause 16(4) of this Act shall be  
16 subject to the status of Licenses issued by the Council whether the License is  
17 valid, is been renewed, suspended or revoked by the Council.  
18 **21.-(1)** It shall be the duty of the registrar to prepare and maintain, in  
19 accordance to the rules made by the Council, a register of all the Licensed  
20 Auctioneers in accordance with clause 16 of this Bill.  
21 (2) This register shall consist of three parts which shall indicate the  
22 levels of membership in the Nigeria Association of Auctioneers in accordance  
23 with the membership levels stipulated under clause 7 of this Bill.  
24 (3) It shall be the duty of the Registrar to:  
25 (a) enter the names and particulars of Licensed Auctioneers;  
26 (b) correct, in accordance with the Council's direction, any entry in  
27 the Registrar;  
28 (c) make from time to time any necessary alteration in the registered  
29 particulars of the Licensed Auctioneers;  
30 (d) remove from the register the name of any person, firm or company



1 whose License has been revoked for any reason stipulated under clause 14 of  
2 this Bill; and

3 (d) record the names of members of the Council who are in default  
4 and subsequently remove such a person's name on the resolution of the 2/3  
5 majority of the Council members.

6 **22.**-(1) Any person who has been issued a License to practice as an Registration of  
7 Auctioneer by the Council shall possess the right to be registered in Auctioneers  
8 accordance with clause 7,8 of this Bill provided that:

9 (a) at the time of registration the License had not been revoked,  
10 suspended or has not expired;

11 (b) at the time of the registration the Auctioneer satisfies the  
12 Council by presenting evidence that he had paid his annual practicing fees;

13 (c) notwithstanding the provisions of this section, all Licensed  
14 Auctioneers shall also have their names registered with the Government of  
15 Nigeria through the Ministry of Finance and issued a practice number;

16 (d) the practice number shall form the Government authorization  
17 to practice as an auctioneer within Nigeria; and

18 (e) Ministry of Finance shall upon payment of fees as shall be so  
19 prescribed by the Federal Government register the Licensed Auctioneer in  
20 the List of Practicing Auctioneers in Nigeria.

21 **23.**-(1) All Auction sales shall be open and competitive and shall Auction sales  
22 only be done subsequent to a due advertisement in at least one of the  
23 Nigerian national dailies as the Licensed Auctioneer may choose.

24 (2) The date, time and place of every sale by auction shall be  
25 advertised in the manner as the Council may prescribe, and such sale shall  
26 take place on the date, at the time and at the place so advertised.

27 (3) Every Auction sale shall be subject to a rate charged by the  
28 council, such amount to be paid as rate shall be subject to the discretion of  
29 council.

30 (4) Where any movable or immovable Asset is put up for sale by

1 auction in lots, each lot shall prima facie be deemed to be the subject of a  
2 separate contract of sale.

3 (5) It shall be clear in the particulars or conditions of any sale by  
4 auction of any Asset whether such sale shall be subject to a reserve price or not  
5 or whether a right to bid is reserved or not.

6 (6) Where after an auction, the auctioneer does not reach the bench  
7 mark reserved price he, has the right to renegotiate the reserved price with the  
8 seller;

9 Provided that:

10 (a) No Auctioneer shall make a bid either on behalf of himself or as  
11 agent for any other person;

12 (b) A bidder may retract his bid at any time before the sale is complete:

13 (i) An Auctioneer who, knowingly:

14 (a) receives or makes any bid contrary to the provisions of this  
15 Section; or

16 (b) conducts a sale in a manner that is intended to avoid a valid sale of  
17 such asset which is subject to the auction, commits an offence and shall be  
18 liable to a fine of not less than thirty thousand Naira (N30,000).

Monitoring  
Auction Sales

19 **24.-(1)** The council shall create a monitoring task force that shall be  
20 charged with the duty of

21 (a) monitoring, documenting all Auction sales of Assets in Nigeria;  
22 and

23 (b) monitoring the payment of the monies charged as rates on the  
24 disposal of any assets by way of auction in Nigeria.

25 (2) A Licensed Auctioneer must notify the Monitoring task force and  
26 disclose the particulars of an auction he is to contracted to carry out within a  
27 period of Seven days after the coming to knowledge of the Auctioning contract.

28 (3) A Licensed Auctioneer who fails to make such disclosure commits  
29 an offence and shall be liable to a fine of not less than Fifty thousand Naira  
30 (N50,000).

1	<b>25.-(1)</b> A Licensed Auctioneer making any sale of an Asset shall,	Recovers of charges by Auctioneer
2	unless it is otherwise agreed between him and the seller, be entitled to sue	
3	for, recover and discharge all sums due in respect of the sale.	
4	(2) A Licensed Auctioneer making any sale, unless it is otherwise	
5	agreed between him and the seller shall cause the buyer to make due	
6	payment of the net proceeds of all sales of Asset directly into the designated	
7	account so provided by the seller for the purpose.	
8	<b>26.-(1)</b> A Licensed Auctioneer shall:	Duties of Auctioneers
9	(a) at all times act in a manner befitting his profession and shall	
10	ensure that his employees, servants or agents Act in like manner;	
11	(b) act in accordance with such rules as may be prescribed when	
12	repossessing, attaching, storing or selling any Asset pursuant to the	
13	provisions of any written law or contract; and	
14	(c) maintain such books, accounts, records or other documents as	
15	may be prescribed and furnish the same to the Council at such time and in	
16	such manner as may be prescribed.	
17	<b>27.-(1)</b> A Licensed Auctioneer shall be required to perform his duty	Liability of an Auctioneer
18	in good faith and with an utmost sense of honesty and professionalism.	
19	(2) The Licensed Auctioneer, in relation to the conduct of this	
20	business, shall be liable to the extent of professionalism and good faith	
21	displayed by it.	
22	<b>28.-(1)</b> Subject to the provisions of any other relevant written law	Right to recover damages from Auctioneer
23	in operation within Nigeria, a person who suffers an special or general	
24	damages by the unlawful or improper exercise of any power by a Licensed	
25	Auctioneer shall be entitled to recover any damages from the Auctioneer by	
26	Action after delivering a thirty (30) day notice of intention to sue to the	
27	Licensed Auctioneer and the Council.	
28	(2) Nothing in this clause shall prevent the Auctioneer from	
29	claiming indemnity from any other person who was contributory to such	
30	default.	

Prohibition  
against unlicensed  
and unregistered  
Auctioneers

1                   **29.**-(1) No person shall, in Nigeria, carry on the business of an  
2 Auctioneer unless he holds a valid License issued by the Council and has been  
3 so registered under the provisions of clause 18 of this Bill.

4                   (2) A person who contravenes the provisions of sub clause (1)  
5 commits an offence and shall on conviction be liable to a fine not less Fifty  
6 Thousand Naira (N50,000), or to imprisonment for a term not less two years, or  
7 to both.

Limitation of  
lawsuits against  
the Council

8                   **30.**-(1) Subject to the constitution of the Federal Republic of Nigeria,  
9 no suit against the Council or its members and employees or any Licensed  
10 Auctioneer for an Act done in pursuance of any enactment of law or, duties or  
11 authority, shall lie or be instituted in any court unless it is commenced within  
12 three (3) months next after the Act, neglect or default complained of.

13 In the case of a continuance of damage or injury such a suit shall be brought  
14 within three (3) months next after the ceasing thereof.

15                   (2) An intending plaintiff shall deliver a notice of intention to sue to  
16 the council, which shall clearly and explicitly state the cause of Action, the  
17 particulars of claim and the relief which it claims.

18                   (3) A suit shall only be commenced against the Registrar of the  
19 Council, the Council, officer or Licensed Auctioneer within a period of one (1)  
20 month after the written notices of intention to commence the suit have been  
21 served upon the Council by intending plaintiff or his agent.

Establishment  
of Auctioneers  
Disciplinary  
Committee

22                   **31.**-(1) There shall be a standing committee to be known as the  
23 Auctioneers Disciplinary Committee (in this Bill referred to as "the  
24 Disciplinary Committee") which shall consist of Six members of the Council  
25 elected by 2/3 majority vote.

26                   (2) The Disciplinary Committee which shall be charged with;

27                   (a) the duty of considering and determining any case where it is  
28 alleged that a Licensed Auctioneer whose name is on the register has  
29 misbehaved in his capacity as an Auctioneer or;

30                   (b) such other duty that advance high professional discipline for rs In

1 Auctioneers In Nigeria subject to provisions under this Bill.

2 (3) One member who shall be elected by the 2/3 Majority of the  
3 Council from among the ranks of the Committee shall become the Chairman  
4 of the committee.

5 (4) Election shall be done by open voting.

6 **32.-(1)** A complaint against a Licensed Auctioneer of misconduct, Complaints against  
Auctioneers  
7 which expression includes dishonorable conduct incompatible with the  
8 status of a Licensed Auctioneer, may be made to the committee by any  
9 aggrieved person within a period of three months after the occurrence of the  
10 Action giving rise to the complaint.

11 (2) such complaint shall be by way of affidavit signed by such  
12 complainant setting out the allegations of misconduct giving rise to the  
13 complaint, and shall be sent to the committee together with the prescribed  
14 fee.

15 (3) The Committee shall thereafter forward the complaint to the  
16 Licensed Auctioneer upon whom the complaint was made within fourteen  
17 (14) days of receiving the complaint.

18 (4) The Committee shall give the Licensed Auctioneer against  
19 whom the complaint is made an opportunity to file an affidavit in reply to the  
20 allegations, to appear before it, and of any evidence in support thereof.

21 (5) The Council shall give him an opportunity of inspecting any  
22 relevant document not less than seven days before the date fixed for the  
23 hearing:

24 Provided that where in the opinion of the committee the complaint  
25 does not disclose any prima facie case of misconduct, the Board may at any  
26 stage of the proceedings, dismiss the complaint without requiring the  
27 Licensed Auctioneer to whom the complaint relates to answer any allegation  
28 made against him.

29 (6) where after hearing the complaint and considering the evidence  
30 adduced before the Council, a Licensed Auctioneer;

- 1 (a) whose name is on the register is judged by the Disciplinary  
2 Committee to be guilty of infamous conduct in any professional respect; or  
3 (b) whose name is on the register is convicted, by any competent court  
4 of jurisdiction in Nigeria having power to award the sentence of imprisonment,  
5 for an offence which in the opinion of the Disciplinary Committee is  
6 incompatible with the profession of a Licensed Auctioneer; or  
7 (c) whose name was fraudulently enrolled, the Disciplinary  
8 Committee, may, if it thinks fit, decide on the complaint and give  
9 recommendation of same to the Council;  
10 (d) The Council shall therefore give a verdict directing:  
11 (i) that the Auctioneer be admonished; or  
12 (ii) that Registrar strike that Auctioneer's name off the register, or  
13 (iii) that the Auctioneer be suspended from practice for such period as  
14 may be specified in the direction by the Council, or  
15 (iv) that the Auctioneer's License be revoked; or  
16 (v) that such condition or conditions as it deems appropriate be  
17 attached to the Auctioneer's License; or  
18 (vi) that the Licensed Auctioneer pay a fine not less than thirty thousand  
19 Naira(N30,000); or  
20 (vii) that the Licensed Auctioneer pay compensation not less than  
21 fifty hundred thousand Naira(N50,000) to the person demnified by his  
22 misconduct; or  
23 (viii) that the Licensed Auctioneer be disqualified from holding an  
24 Auctioneer's License for such period as the Council thinks fit; or  
25 (ix) such combination of the above orders as the Council thinks fit be  
26 given;  
27 (x) The Council take such other Action as it may deem fit with regards  
28 to the complaint brought before it.  
29 (e) Any order made by the Council may be with the consent of the  
30 Complainant filed with a High court and shall, upon service of the notice of

1 filing thereof upon the Licensed Auctioneer, be enforceable in the same  
2 manner as an order of the high court to the like effect.

3 **33.-(1)** A person aggrieved by a decision of the Council under this Appeals  
4 Bill may, within Twenty one (21) days after receipt by him of written notice  
5 of such decision, appeal against the decision to the Appeal Court by giving a  
6 copy of the notice of appeal to the Registrar of the council, setting out the  
7 grounds of appeal within thirty (30) days after giving him the notice of  
8 intention to sue.

9 (2) The decision of the Appeal Court on an appeal under this clause  
10 shall be final.

11 **34.** The acquittal of a Licensed Auctioneer of an offence by a court Acquittal to bar  
12 of competent jurisdiction shall not prejudice the Council's power to take to disciplinary  
13 disciplinary Action against the Licensed Auctioneer in accordance with the proceedings  
14 provisions of this Bill.

15 **PART IV - FINANCIAL PROVISIONS**

16 **35. -(1)** The Council shall establish, control and maintain a fund Funding of the  
17 which shall bear the burden of all expenditure reasonably incurred by the Council  
18 Council for the execution of its functions under this Act.

19 (2) The revenue of the Council shall include:

20 (a) fees charged by the Council as annual Practicing fees, charges,  
21 dues prescribed and recoverable by the Council;

22 (b) revenues collected by the task force charged with monitoring  
23 the disposal of goods by Auction;

24 (c) Revenues from the certification and training of Auctioneers  
25 coming from the Nigeria Institute of Professional Auctioneers;

26 (d) Revenues from setting facilitating online and on site auction  
27 marts in form of transaction charges and permit charges;

28 (e) all revenue accruing to the Council, as the case may be, by way  
29 of grant-in- aid, investment or otherwise however;

30 (f) investment monies in any security created or issued by or on

1     behalf of the government of the federation or in any other securities in Nigeria  
2     approved by the Council;

3             (g) monies borrowed for the purpose of running the Council;  
4             (h) revenues from all other assets which may from time to time accrue  
5     to the Council.

6             (2) These monies shall so paid and credited directly into the fund  
7     established pursuant to sub clause (1) of this clause.

8             (3) The Council may accept gift of land, money or other Asset  
9     whether within or outside Nigeria upon such terms and conditions, if any, as  
10    may be specified by the person or organization making the gift provided that  
11    the terms and conditions are not contrary to the objectives and functions of the  
12    Council under this Bill.

13            (4) the Council shall charge this fund to meet all its expenditure,  
14    payments and investments goals.

Accounting  
and Auditing

15            **36.** The Council shall;

16            (a) keep proper accounts, in a form which conforms with accepted  
17    commercial standards of its receipts, payments, assets and liabilities for each  
18    financial year;

19            (b) Cause to be prepared annually a budget showing the estimates of  
20    revenue and expenditure of the Council for the ensuing financial year; and

21    c. and shall submit the accounts annually, for auditing by a qualified auditor  
22    independent of the Council, appointed from the list of auditors and in  
23    accordance with the guidelines supplied by the Auditor-General of the  
24    Federation.

The Nigeria  
Association of  
Auctioneers

25            **37.**-(1) There shall be an Association to be called "the Nigeria  
26    Association of Auctioneers" which shall consist of all Auctioneers who have  
27    been Licensed and registered by the Council in accordance with the provisions  
28    of this Bill;

29            (2) Certifications and membership shall follow the membership  
30    categories as defined in Part II, Clause 7.



1 (3) The member shall be registered in the Register of Licensed  
2 Auctioneers kept by the Council in the same order of class.

3 (4) All licensed auctioneers shall register in the state chapter of the  
4 association and attend meetings and functions as set out by the state.

5 (5) All items and terms of Memorandum and Objects of  
6 Association or Constitution of The Association shall be subject to the  
7 oversight of the Council and where there are areas of conflict, the Council's  
8 authority shall prevail.

9 **38.-(1)** There shall be a body of Auctioneers in Nigeria to be known  
10 as "the Auctioneer Review board", and which shall consist of:

Establishment  
of the Auctioneer  
Review Board

11 (a) Chairmen of State Chapters of Nigeria Auctioneers Association  
12 of all the states in Nigeria or their delegates;

13 (b) the Secretary -General of the Association; and

14 (c) the Legal Adviser of the Association;

15 (d) 2 Representatives for the Nigeria Institute for Professional  
16 Auctioneers

17 (2) The Board may make reviews and submissions to the council  
18 on:

19 (a) providing for the appointment of persons of prominent, noble  
20 standing and a clear distinction in Nigeria as honorary members of the  
21 Nigeria Association of Auctioneers and the conditions applicable to such  
22 appointment;

23 (b) providing for the tenure of office of the Executives in the  
24 Association including the conferment of life membership, the  
25 circumstances and the conditions to such conferment;

26 (c) providing for an increase in the membership of the Association  
27 or any of its committees, the qualifications for and conditions applicable to  
28 such membership;

29 (d) providing for the composition and quorum of the Association  
30 for the purpose of exercising of any of the functions conferred on it under

1 this Act and for determining such other matters which in the opinion of the  
2 board, requires to be determined; and

3 (e) Providing, either generally or in respect of any particular case, for  
4 the review of any of the provisions of this Bill or the constitution of the  
5 Association;

6 Provided that such functions shall be subject to the deliberation and  
7 ratification of the Council.

8 (3) The Board shall meet at such times and places as may be  
9 convenient for them and may, as they deem suitable, prescribe the procedure  
10 for their meetings.

11 (4) The Quorum of the Board shall be 12.

12 (5) The validity of any meetings of the Board shall not be affected by  
13 any vacancy in the membership of the Board or any irregularity in the  
14 proceedings of any of their meetings or defect in the appointment of a member.

15 (6) Any member of the Board may in such manner be removed from  
16 office for misconduct subject to such procedure as may be prescribed or as the  
17 Board may, in their discretion, determine to be sufficient.

18 PART V - PROFESSIONAL TRAINING PROVISIONS

Auctioneer  
Advisory Board

19 **39.-(1)** The Nigeria Institute of Professional Auctioneers shall be  
20 primarily responsible for the implementation of the training programs and  
21 education of the Auctioneers.

22 (2) There shall be a standing committee to be known as the  
23 Auctioneers Advisory board (in this Bill referred to as "the Advisory board")  
24 which shall be charged with advising the Council on:

25 (a) Educational matters;

26 (b) operational matters; and

27 (c) common practices within the Auction Industry.

28 (3) The advisory board shall consists of five members appointed as  
29 follows:

30 (a) The registrar of the Council;

1 (b) 3 Senior officer of the Nigeria Institute of Professional  
2 Auctioneers

3 (c) Two members who are Licensed Auctioneers appointed by the  
4 chairman of the Council,

5 (d) Two members who are Licensed Auctioneers who are elected  
6 by the Association by a 2/3 majority vote.

7 (e) 1 Consultant with the appropriate qualifications and knowledge  
8 with international and local exposure appointed by the Chairman of the  
9 Council.

10 (4) Members appointed under sub clause (2)(b) must have been a  
11 member of the National Association of Auctioneers for at least at least Three  
12 years and must satisfy the Chairman of sufficient knowledge and experience  
13 in the business and practice of an Auctioneer:

14 (a) Members appointed under clause (2)(c) must have been a  
15 member of the National Association of Auctioneers for at least at least four  
16 years satisfy the Association of sufficient knowledge and experience in the  
17 business and practice of an Auctioneer.

18 **40.-(1)** The advisory board shall:

Auctioneer  
Education Programs

19 (a) Evaluate and recommend educational programs, seminars, and  
20 training projects to The Institute; and

21 (b) Make recommendations to the Institute on their usefulness and  
22 merit as continuing education tools.

23 (2) On the recommendation of the Advisory board, the Council  
24 may approve any course of training at the Institute which is intended for  
25 persons who are seeking to be licenced as Auctioneers.

26 (3) This training period, learning modes and outcomes and shall be  
27 determined by the Nigeria Institute of Professional Auctioneers.

28 (4) Training for the all license seeking Applicants or honorary  
29 members would be provided by the Institution.

30 (5) Workshops and capacity building shall form part of the training

	1	program provided by the Institution.
	2	(6) The Council may fund or underwrite specific classes, seminars, or
	3	events for the education and advancement of the Auctioneering profession to
	4	already Licenced Auctioneers for the purpose of ensuring that the licenced
	5	Auctioneers have adequate knowledge of the profession at all times.
	6	(7) In the case of a corporate member, such training and examination
	7	shall be carried out on at least one director or designated staff of the company.
Application for Examination	8	<b>41.</b> -(1) An individual who establishes that he in accordance with the
	9	requirements under clause 7 of this Bill is Eligible for an Auctioneer's License
	10	may apply to the chairman of the Council to take the License examination.
	11	(2) The application must be accompanied by the application fee as
	12	shall be prescribed by the Council.
	13	(3) All conditions for the examination or certification must have been
	14	met by the applicant
License Examination	15	<b>42.</b> -(1) The License examination shall by developed the Institute and
	16	must be designed to establish:
	17	(a) an Applicant's general knowledge of the auction business;
	18	(b) the principles and skills needed to conducting an auction;
	19	(c) The Laws of this Country relating to Auctioneers; and
	20	(d) Soft skills of the auction business.
	21	(2) The License examination shall be offered on demand or at
	22	designated times in the year as determined by the Institute.
	23	(3) The Institute shall prepare:
	24	(a) examinations for an Auctioneer's License; and
	25	(b) study and reference materials (Body of Knowledge) on which the
	26	examinations are based.
	27	(4) The mode of examining the Applicant shall be subject to the
	28	decision of the Institute.
Re-examination	29	<b>43.</b> -(1) An applicant who fails the License examination may reapply
	30	to take the examination.

1 (2) If the Applicant fails the examination twice during a one-year  
2 period, the applicant may not reapply for one year.

3 PART VI - SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

4 44.-(1) Subject to the provisions of this Bill, the Council shall  
5 regulate its own procedure: Proceedings of  
the Council

6 (a) In the exercise of this power under this Bill, may set up  
7 committees in the general interest of the Council, and make standing orders  
8 thereto;

9 (b) Standing order shall provide for decisions to taken by a  
10 majority of the members and in the event of equality of votes,

11 (c) Subject to the provisions of this Bill, a decision on any matter  
12 before the Council shall be by a 2/3 majority of votes of the members present  
13 and in the case of an equality of votes, the chairman who is not a co-opted  
14 member or the person presiding shall have a casting vote.

15 45. -(a) Where a member has elected into an office within the  
16 Council, such a member shall hold office for a period of four years  
17 beginning with the date of his appointing or election for a period of two  
18 terms; Tenure of office

19 (b) Any elected member may resign his office by writing under his  
20 hand and so addressing it to the Council;

21 (c) A person who retires from his position as an elected member of  
22 the Council shall be eligible again to be reappointed where he presents  
23 himself and meets up the criteria as a fit and proper person for the position;

24 (d) Where the Council desires to obtain services or advice of an  
25 expert on a particular matter, the Council may co-opt such an individual or  
26 corporate as a member for such period as the Council deems fit, but a person  
27 who is a member by virtue of this sub clause (5) shall not be entitled to vote  
28 at any meeting of the Council, and shall not count towards a quorum.

29 46.-(1) Subject to any order of the Council, it shall meet not less  
30 than twice a year. Meeting of the  
Council

1 (2) A meeting of the Board shall be held on such date and at such time  
2 as the Council shall decide or, in the absence of such decision or on any  
3 occasion on which the chairman in consultation with the secretary shall decide  
4 that a meeting is necessary, on a date and at a time determined by the chairman.

5 (3) The chairman shall, on the application of at least four members,  
6 convene a special meeting of the Council.

7 (4) The chairman shall preside at every meeting of the Council at  
8 which he is present but in the absence of the chairman from a meeting, the Vice  
9 -Chairman shall take up the same position, but in the absence of both, the  
10 Council shall elect one of its members by 2/3 majority vote, who shall, with  
11 respect to that meeting and the business transacted there at, have all the powers  
12 of the chairman.

13 (5) Where the Secretary to the Board is unable to attend a meeting of  
14 the Board, the Board shall appoint one of the members of the Council by 2/3  
15 majority vote to serve as Secretary with respect to that meeting.

16 (6) The Council shall cause minutes of all proceedings of its meetings  
17 to be entered in books kept for that purpose.

Application or  
Complaint made  
under this Bill

18 47.-(1) In the hearing of a complaint the Council may administer  
19 oaths or affirmations to the complainant and the Licensed Auctioneer to whom  
20 a complaint relates.

21 (2) An Applicant making any application to the Council may take out  
22 a summons demanding an Auctioneer to give evidence or to produce  
23 documents.

24 (3) No person shall be compellable under any such summons to  
25 produce any document which he could not legally be compelled to produce at  
26 any trial of a suit.

Quorum

27 48.-(1) The quorum for the Council shall be:

28 (a) in the case of a meeting to consider a matter other than a  
29 disciplinary matter, one third 1/3 of the members of the Council; or;

1 (b) in the case of a meeting to consider a disciplinary matter, four  
2 (4)members:

3 **49.**-(1) The Association shall have a common seal. Common seal

4 (2) When the Association is to fix the common seal it shall only be  
5 used with due must authorization by the signature of the president or of some  
6 other member of the Council authorized generally or specially by the  
7 Council to Act for that purpose.

8 (3) Any document executed under the common seal of Association  
9 shall be received in evidence and shall, unless the contrary is prove, be  
10 deemed to be so executed.

11 (4) All instruments made by and all decisions of the Council shall  
12 be signified under the hand of the Chairman and the Secretary.

13 **50.**-(1) The validity of any committee shall not be affected by: Vacancy in the  
14 Council

14 (a) Any vacancy in membership or;

15 (b) by any defect in the appointment of a member or of a person to  
16 serve on the committee or;

17 (c) by reason that person not entitled to do so took part in the  
18 proceedings.

19 **51.**-(a) For the purpose of this Bill, all Notices shall be deemed as Notices  
20 having been duly sent where it is sent through the following means;

21 (b) Written Document sent through a Registered Post;

22 (c) Written Document sent through the council's centralized Email  
23 Account, and a copy of the said document sent to a designated email account  
24 for such purpose where applicable.

25 **52.**-(1) The Council may appoint one or more committees as it Committees  
26 deems fit to carry out on its behalf such function as the Council may  
27 determine from time to time.

28 (2) A Council shall appoint one third 113 of the members of any  
29 committee so created; such a member so appointed may hold office in  
30 accordance with the terms of the instrument which he is appointed.

	1	PART VII - MISCELLANEOUS
Interpretation	2	<b>53.</b> In this Act, unless the context otherwise requires:
	3	"Auction" means the public sale of assets in an open and competitive manner to
	4	the highest bidder;
	5	Auctioning shall include all forms of internet and electronic invitation for bids.
	6	"Council" means the Auctioneers Licensing Board established by clause 2;
	7	"Court" means any court of competent jurisdiction;
	8	"License" means the authorization issued to an Auctioneer by the Council
	9	under this Bill;
	10	"Institute" means the Nigeria Institute of Professional Auctioneers, the
	11	Education, certification and training arm of the Auctioneers Registration
	12	Council;
	13	"Licensed Auctioneer" means an Auctioneer who has been deemed qualified,
	14	issued an authorization to register as such and practice within Nigeria;
	15	"Seller" the person who contracts a Licensed Auctioneer to sell an Asset by way
	16	of a public invitation for bids;
	17	"Buyer" means the highest bidder who has not retracted his bid, is willing and
	18	able to pay on the declaration of him being the highest bidder;
	19	"Revenue Measure" this means by which the Government gathers revenue for
	20	the running of its day to day governance;
	21	"Consideration" means any such remuneration agreed between the Auctioneer
	22	and the Seller to be his reward for carrying out the auction sales;
	23	"Enrolled" means entering the names of Licenced Auctioneers in the list of
	24	Licenced Auctioneers kept by the council as well as the List of Practicing
	25	Auctioneers kept by the Ministry of finance into the Association;
	26	"Fees" includes annual practicing fees;
	27	"Open voting system" means an election method which involves public show
	28	of hands by persons so voting;
	29	"Registered post" is a mail delivery carrier so accepted by Council to deliver its
	30	Documents;



1 'Public Asset' is defined as assets in the form of Liquid and Fixed assets  
2 (ranging from serviceable to the unserviceable);  
3 Created through public expenditure by the Government,  
4 Acquired on financial instruments (including shares, stocks, bonds, etc  
5 Acquired as a gift or through deeds and agreements;  
6 Acquired by the operation of the Law (that is assets attached in furtherance  
7 of a Court Judgment).;  
8 Acquired in respect of intellectual or proprietary rights.

9 **54.-(1)** Any person who for the purpose of procuring registration of  
10 any name or qualification or any other material matter:

Supplementary  
Provisions on  
Offences and  
Penalty

11 (a) makes a statement which he believes to be false in a material  
12 particular; or

13 (b) Recklessly makes a statement which is false in a material  
14 particular; or

15 (c) Where after application but before approval by the Council an  
16 Applicant holds himself out as a registered Auctioneer or takes or uses any  
17 name, title addition ,or description implying that he is a registered  
18 Auctioneer he shall be guilty of an offence;

19 (d) Where on after the relevant date any person not being a licenced  
20 member of the Association practiced as an Auctioneer for in expectation of  
21 reward, or takes or uses any name ,title, addition or description implying that  
22 he is in practice as an Auctioneer shall be guilty of an office; or

23 (e) Where the register or any other person employed by or on  
24 behalf of the Council wilfully makes any falsification in any matter relating  
25 to the register, he shall be guilty of an offence; or

26 (f) Where an offence under this clause has been committed by a  
27 corporate body is proved to have committed with the connivance of, or to be  
28 attributable to any neglect on the part of any of the directors, secretary or  
29 other similar officer of the body corporate or any person in any capacity for

1 the body corporate, he as well as the body corporate shall be guilty of an  
2 offence.

3 (2) A person guilty of an offence under this clause shall be liable to a  
4 fine not less than Sixty Thousand Naira (N60,000) or to imprisonment for a  
5 term not less than two years or both.

6 (3) The body corporate guilty of an offence under this clause shall be  
7 liable to a fine not less than One Hundred Thousand Naira (N100,000).

8 (4) Unless within that period an applicant is notified that his  
9 application has not been approved, this sub clause shall not apply in respect of  
10 anything done by such applicant between the end of the three months waiting  
11 period for a reply from the Council on the status of his application and the date  
12 on which he is issued a Licence.

Short title

13 **55.** This Bill may be cited as the Auctioneers Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Auctioneers Registration Council of Nigeria for the purpose of regulating and monitoring the business and practice of auctioneers and auctioneering by defining, registering, licensing and maintaining a required standard of professionalism for auctioneers in Nigeria.

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE  
OF NURSING AND MIDWIFERY AYEDUN, KWARA STATE AND FOR RELATED  
MATTERS

*Sponsored by Hon. Abdulraheem Tunji Olawuyi*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

2 1.-(1) There is hereby established for the Federal College to be  
3 known as the Federal College of Nursing and Midwifery Ayedun, Kwara  
4 State.

Establishment  
of the Federal  
College of Nursing  
and Midwifery  
Ayedun, Kwara  
State

5 (2) The College shall:

6 (a) Have the status of a tertiary institution with right and privileges  
7 of such institution; and

8 (b) Be a body corporate with perpetual succession and a common  
9 seal with powers to sue and be sued in its corporate name.

10 2. The object of College shall be:

Object of the  
College

11 (a) To provide training and research in general Nursing, Midwifery  
12 and other specialties of Nursing leading to the award of Professional  
13 Certificates. Diplomas, Degrees and other post Basic Certificates;

14 (b) To provide avenues for continuing education in Nursing,  
15 Midwifery and other specialties of Nursing; and

16 (c) To provide such services that is necessary and incidental to the  
17 object of the College.

18 3.-(1) The College shall be a teaching and examining body and  
19 shall subject to the provisions of this Bill and the regulations of the College  
20 have powers to:

Powers of the  
College

- 1           (a) Provide rules and conditions under which persons may be  
2   admitted as Student for any particular course of study provided by the College;
- 3           (b) Provide courses of instruction in the Academic and Professional  
4   programmes for Students;
- 5           (c) Make provision for research and the dissemination of knowledge;
- 6           (d) Establish Department and such other units of learning and  
7   research as the purpose of the College may require;
- 8           (e) Create such Offices and Posts as the purpose of the College may  
9   require and to appoint persons to and remove person from such Office or Post  
10   and prescribe their conditions of service;
- 11          (f) Maintain libraries, laboratories, workshops lecture halls, hostels,  
12   dining halls, sport field and other building or facilities of the College;
- 13          (g) Provide for residence, recreation and welfare of members of staff  
14   and students of the College as may be deemed necessary;
- 15          (h) Demand and receive from students and other persons attending the  
16   College for the purpose of instruction such fees as the College may from time to  
17   time determine;
- 18          (i) Prescribe rules for the discipline of student of the College;
- 19          (j) Conduct examination and arrange for award of certificates and  
20   distinctions to persons who pursue courses of studies approved by the College  
21   and who satisfy such other requirement as may from time to time be prescribe;
- 22          (k) Subject to specific limitations or conditions that may imposed by  
23   extant Government regulations or circular, invest any fund apportioned to the  
24   College by way of endowment, whether for general or special purpose and such  
25   monies as may not immediately be required be require for current expenditure  
26   in any investment or securities.
- 27          (l) Print or publish works or undertake service as may be deemed  
28   consistent with the object of the College;
- 29          (m) Do such other acts and things necessary under this Acts for the  
30   attainment of the object of the object of the College or incidental to the powers

1 of the College; and

2 (n) Carry out any special or general directive consistent with  
3 Government policy as the Secretary of Health may give in writing.

4 (2) Without prejudice to the generality of the provision of section 2  
5 of this Act and subsection (1) this section, the College may by special  
6 arrangement with the Nursing and Midwifery Council of Nigeria or other  
7 Examination bodies prepare it Students for award of certificates or other  
8 distinctions.

9 (3) Subject to the provisions of this Bill and of any other statute.  
10 The power conferred on the College by subsection (1) of this section shall be  
11 exercise on behalf of the College by the Council and the Committees  
12 established for the College or by such Officers and other Staff of the College  
13 as may be authorize in that behalf and may also be exercised through  
14 Schools established under this Act.

15 **4.-(1)** The Provost shall have custody of the common seal of the Seal of the  
16 College and shall be responsible for affixing same to documents. College

17 (2) The common seal of the College shall not be used save upon the  
18 direction of the council and shall be authenticated by the signature of the  
19 Provost.

20 **PART II - GOVERNMENT COUNCIL OF THE COLLEGE**

21 **5.-(1)** There shall be establish for the College, a Government Establishment  
22 Council to be known as the Governing council of the Federal College of of Governing  
23 Nursing and Midwifery Ayedun, Kwara State. Council of the  
College

24 (2) The Council shall consist of:

25 (a) A Chairman who shall be appointed on part time basis by the  
26 Commissioner on the recommendation of the Secretary of Health;

27 (b) A representative of the Secretary of Health;

28 (c) The Provost of the College;

29 (d) A representative of the Kwara State Chapter of National  
30 Association of Nigeria Nurses and Midwives;

	1	(e) Two members to represent the interest of the public to be
	2	appointed by the Minister on the recommendation of the Secretary of Health;
	3	(f) A representative of Kwara State Treasury;
	4	(g) A representative of Kwara State Legal Service Secretariat;
	5	(h) A representative of Kwara State Education Secretariat;
	6	(i) The Director, Finance and Administration in the Secretariat;
	7	(j) The Director of Nursing in Kwara State Hospitals Management
	8	Board; and
	9	(k) The Director, Nursing Service of the Secretariat who shall also
	10	serve as the Secretary.
Tenure of Members	11	<b>6.-(1)</b> Members of the Council other than ex-officio members shall
	12	hold office for a period of four (4) years from the date of their appointment and
	13	shall be eligible for reappointment for one further term of four (4) years and no
	14	more.
	15	(2) Any member of the Council other than an ex officio member may
	16	by notice to the Council resign his appointment.
	17	(3) Any vacancy occurring in the membership of the Council shall be
	18	filled by the appointed of a successor who shall represent the same interest as
	19	his predecessor for the remainder of the term of the predecessor.
Functions of the Council	20	<b>7.-(1)</b> Subject to the provisions of this Act, the Council shall:
	21	(a) Be the Governing Authority of the College;
	22	(b) Be charged with general control and superintendence of the
	23	policies, finances and properties of the College;
	24	(c) Make regulations for the day to day management of the College;
	25	and
	26	(d) Do any other thing necessary or incidental to attainment of objects
	27	of the College.
Functions of the Academic Committee	28	(2) Without prejudice to the provisions of subsection (1) of this
	29	section, the Council shall:
	30	(a) Ensure that the courses and instructions provided by the College

1 conform to the required standard laid down from time to time by the Nursing  
2 and Midwifery Council of Nigeria;

3 (b) Regulate the teaching of course offered by the College, and also  
4 regulate the conduct of examination with respect to the College;

5 (c) Approve contracts for procurement of equipment, furniture and  
6 other properties required for the purpose of the College;

7 (d) Approve contracts for maintenance of the premises and other  
8 properties of the College;

9 (e) Formulate policies and initiate programmes in all field of  
10 learning conducted by the College;

11 (f) Assess from time to time the course offered by the College; and

12 (g) Perform such other function as may be necessary.

13 (3) The council may delegate any of its functions, other than the  
14 power to make regulates, to the Chairman or any other person, Board or  
15 Committee it deems it fit in that behalf, but no decision of such person or  
16 Committee shall take effect unless ratified by Council.

17 **8.** The Director, Nursing Service of the Secretariat shall be the Secretary to the Council, and for any particular meeting that he may be  
18 absent, he shall send a representative to act in that behalf. Secretary to the Council

20 **9.**-(1) The Secretary of Health may give to the Council directions Directives  
21 as to the discharge of its function in relation to matters appearing to the  
22 Secretary of Health to affect public interest and the Council shall give effect  
23 to such directive.

24 (2) The Council shall afford the Secretary of Health Facilities for  
25 obtaining information with respect to the property of the College and the  
26 functions of the Council and he shall be furnished with returns, accounts and  
27 facilities for verification of the information in such manner and at such times  
28 as he may require.

29 **PART III - SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE**

30 **10.**-(1) There shall be within the College a School of Nursing and a

1 School of Midwifery and such other schools as the Secretariat may with the  
2 approval of the Nursing and Midwifery Council of Nigeria establish.

3 (2) Each School shall provide instruction for courses, conduct  
4 research and carry out such functions as may be prescribed by the Council with  
5 the approval of the Secretary of Health.

6 (3) The constitution of and other matters relating to each Schools may  
7 be prescribed by the council with the approval of the Secretary of Health

8 **11.** In furtherance of the provisions of section 3 (1) (c) of this Act, the  
9 Council shall with the approval of the Secretary of Health establish for each  
10 School such Department as the Nursing and Midwifery Council of Nigeria may  
11 from time to time prescribe.

12 **12.** Subject to the provision to this Act, the Council may with the  
13 approval of the Secretary of Health establish units for special purposes within  
14 the College; and the name, constitution and functions of any such units may be  
15 prescribe by director of the Council.

16 **PART IV - PRINCIPAL OFFICER AND STAFF OF THE COLLEGE**

Provost of the  
College

17 **13.** There shall be for the College a Provost and other Principal  
18 Officers, the designations, qualifications, functions, appointments and  
19 removal of whom shall be as spelt out in section 15 to 22 of this Act.

Principal Officer  
of the College

20 **14.-(1)** The Principal Officers of the College shall include:

21 (b) The Deans of the Schools in the College;

22 (c) The Deputy Deans (Academics and Administration) of the  
23 Schools in the College;

24 (d) The Registrar;

25 (e) The College Librarian; and

26 (f) The Bursar.

27 (2) The Principal Officers of the College other than Deans and Deputy  
28 Deans of Schools in the College shall be appointed by the Council subject the  
29 approval of the Minister through the Secretary of Health.



1                   (3) The Deans and the Deputy Deans of Schools in shall be  
2 appointed by the Council.

3                   **15.**-(1) The Provost shall be appointed from amongst the Academic      Appointment  
4 Staff of the College and shall be the Chief Executive and Administrator of      of Provost  
5 the College and also be responsible to the Council for maintaining and  
6 promoting efficiency and discipline in the College.

7                   (2) The Provost shall hold a Degree in Nursing and shall be a  
8 registered Education in Nursing, Midwifery or other specialty areas of  
9 Nursing with not less than fifteen (15) years of teaching experience.

10                  **16.**-(1) The Deans of Schools in the College shall be responsible to      Deans  
11 the Provost for the Administration of the Schools.

12                  (2) The Deans of Schools in the College shall hold Degree in  
13 Nursing and shall be registered Educators in the Nursing specialty related to  
14 their respective Schools and with not less than Ten (10) years of teaching  
15 experience.

16                  **17.**-(1) The Deputy Deans of Schools in the College shall be the      Deputy Deans  
17 assistants to the Deans of their respective Schools and shall perform such  
18 duties as may be assign to them by the Deans.

19                  (2) The Deputy Deans of schools in the College shall hold Degree  
20 in Nursing and shall be Registered Educator in the Nursing specialty related  
21 to their respective schools with less than seven (7) years teaching  
22 experience.

23                  **18.**-(1) The Registrar of the College shall be the Head of      The Registrar  
24 Administration of the College shall be responsible to the Provost.      of the College

25                  (2) The Registrar shall be an experienced Graduate of Humanities  
26 with not less than fifteen (15) years' experience in Public Administration

27                  (3) The person holding the office of the Registrar of the College  
28 shall by virtue of that office be the Secretary to the Academic Board and the  
29 Finance and General Purpose Committee.

The Bursar	1	<b>19.-(1)</b> The Bursar shall be the Chief Financial Officer of the College
	2	and shall be responsible to the Provost for the day to day administration of the
	3	financial affairs of the College.
	4	(2) The Bursar shall be a qualified Accountant with not less than Ten
	5	(10) years post qualification experience.
The Librarian	6	<b>20.-(1)</b> the Librarian shall be responsible to the Provost for the Co-
	7	ordination of Library Services in College.
	8	(2) The Librarian shall have a Degree in Library Sciences with not
	9	less than ten years post qualification experience as a Librarian.
	10	<b>21.</b> The Council may appoint such other persons to be Staff of the
Removal from Office	11	College as it may deems fit on such terms and conditions as may specified in
	12	their instructions of appointment.
	13	<b>22.-(1)</b> The Principal Officers and other Senior Staff of the College
	14	may be removed from office by the Commissioner for misconduct,
	15	incompetence or any other justifiable reason on the recommendation of the
Finance and General Purpose	16	council.
	17	(2) The Council shall have power to remove any Junior Staff of the
	18	College for justifiable reasons.
	19	PART V - ESTABLISHMENT AND FUNCTIONS OF COMMITTEES
	20	<b>23.</b> There shall be a Committee of the Council to known as the
Composition of the Committee	21	Finance and General Purpose Committee.
	22	<b>24.-(1)</b> The Finance and General Purpose Committee shall consist of:
	23	(a) The Chairman of the Governing Council who shall be the
	24	chairman;
	25	(b) The respective of the Secretary of Health;
	26	(c) The Provost of the College;
	27	(d) The Director of Finance and Administration in the Secretariat;
	28	(e) The Director of Nursing Services in the Secretariat;
	29	(f) One member of the Academic Committee to be appointed by the
	30	Council; and

1 (2) The Registrar shall be Secretary of the Committee.

2 **25.** The finance and general purpose committee shall:

Functions of the  
Committee

3 (a) Exercise control over property, revenue and expenditure of the  
4 College;

5 (b) Award contracts for the execution of project of the College; and

6 (c) Perform such other functions as the Council may delegate to it.

7 **26.-(1)** Anybody of persons established by this Act shall, without  
8 prejudice to the generality of the powers of that body, have power to  
9 constitute Committees, which need not consist exclusively of members of  
10 that body, and to authorize a Committee established by it:

11 (a) To exercise, on its behalf, such of its function as it may  
12 determine; and

13 (b) To co-opt Members, and may direct whether or not co-opted  
14 members if any, shall be entitle to vote in that Committee

15 (2) Any two or more such bodies may arrange for the holding of  
16 Joint meetings of those bodies or for the appointment of Committees  
17 consisting of members of those bodies for the purpose of considering any  
18 matter within the competence of those bodies or any of them and either of  
19 dealing with it or of reporting on it to those bodies or any of them.

20 (3) The quorum and procedure of a committee establish or meeting  
21 held in pursuance of this section shall be such as may be determined by the  
22 body or bodies which have decide to establish the Committee or hold the  
23 meeting.

#### 24 PART VI - ACADEMIC BOARD

25 **27.** There shall be for each School of the College an Academic  
26 Board which shall be responsible for the academic work of the School.

27 **28.** The Academic Board of each school of the College shall be  
28 composed of:

29 (a) The provost of the College, as Chairman;

30 (b) The Dean of the school, as Deputy Chairman;

- 1 (c) The Deputy of Dean of the School;  
2 (d) All Heads of Department of the Schools;  
3 (e) One Academic Staff not below the rank of Senior Lecturer to be  
4 selected from each of the Department of the School;  
5 (f) A representative of the Director, Nursing Service in the Secretariat;  
6 (g) The School Librarian; and  
7 (i) The Registrar who shall be the Secretary of the Board.

8 **29.** Subject to the overall control and direction of the council, the  
9 Academic Board of each school of the College shall perform the following  
10 functions:

11 (1) Regulating and organizing the process of admission, conduct of  
12 Examinations, award of Certificates and all formalities relating to the  
13 registration and licensing of graduates.

14 (2) Making recommendation to the council on appointment of  
15 Academic Staff of the School and on the organization of Department, Libraries  
16 and other Units of learning and Research in the School.

17 (3) Making guidelines for the purpose of exercising any of the  
18 functions conferred on it under the provisions of this section.

19 (4) Preparing curriculum for the school in line with guidelines from  
20 the Nursing and Midwifery Council of Nigeria and or other regulatory bodies.

21 (5) Performing such other functions that may be assigned to it by the  
22 Council.

23 **PART VII - SUPPLEMENTARY PROVISIONS**

24 **30.** The supplementary provisions contained in the schedule shall  
25 have effect in relation to the proceeding of the various bodies appointed under  
26 the provision of this Act.

27 **31.** In the absence of the Council and until it is constituted for the  
28 College, the functions and powers of the Council under this Act may be  
29 Exercise by the Secretary of health in consultation with the Director of Nursing  
30 Services in the Secretariat.

1 PART VIII - PROPERTY AND FINANCE

2 **32.** The Government of Kwara State may, by order transfer any Transfer of  
 3 property whether movable or immovable to the College and from the date of Property  
 4 such order, any property so transferred shall vest in the College and shall be  
 5 used for the purpose of the College.

6 **33.** The Council may, subject to the provision of this Act: Property of the  
College

7 (a) Acquire and hold such movable or immovable property as may  
 8 be necessary or expedient for carrying into effect the provisions of this Act;

9 (b) Invest the funds of the College in such manner and to such  
 10 extent as it may deem necessary or expedient; and

11 (c) Enter into contractual agreement on behalf of the College.

12 **34.**-(1) the Council shall have power to approve expenditure of Expenditure of  
 13 over N100,000.00 but not exceeding N1,000,000.00 per unit transaction for the College  
 14 the procurement of the goods, works and services and shall refer  
 15 procurements exceeding the amount to the secretary of Health.

16 (2) The Provost shall approve procurement of works, goods and  
 17 services not exceeding N100,000.00.

18 (3) The threshold mentioned in this section may be adjusted, in the  
 19 case of:

20 (a) Subsection (1), by the Secretary of Health; and

21 (b) Subsection (2), by the Council.

22 **35.** The revenue of the College shall include:

23 (a) Revenue from time to time accruing to the College by way of Revenue of the  
 24 Government grant, subvention or endowment or other forms of grant-in aid; College

25 (b) Fees charges by and payable in respect of Students;

26 (c) Any other amounts charges or dues recoverable by the College;

27 (d) Receipts for publications or services;

28 (e) Interest on investments;

29 (f) Donations and Legacies.

Annual Estimate	1	<b>36.</b> Before the end of each financial year or at such other time as may
	2	be required by the Council the Director, Finance and Administration or the
	3	Provost shall present for Council estimate of revenue and expenditure for the
	4	ensuring financial year and the accepted estimates shall be presented to the
	5	Secretary Health and Human Services Secretary who shall cause same to be
	6	placed before the Commissioner for approval.
Statement of Account	7	<b>37.</b> -(1) the College shall prepare in respect of each financial year a
	8	statement of account in such form as may be approved by the Secretary of
	9	Health and the said annual statement of account shall be a fair and accurate
	10	statement of the financial position of the College for the financial year to which
	11	it relates.
Account Audit	12	(2) The said annual statement of accounts shall be audited by the
	13	Auditor-General of the Federation or by such competent auditor appointed by
	14	him.
	15	(3) The said audited statement of accounts, after verification by the
	16	Council shall together with the auditor's report is forwarded to the secretary of
	17	Health who shall cause the same to be placed before the Minister.
Interpretation	18	<b>38.</b> In this Act unless the context otherwise requires:
	19	"Academic Board" means the Academic Board established under this Act;
	20	"Chairman" means the Chairman of the Governing Council of the College or
	21	where the context requires Chairman of the respective Committees established
	22	under this Act;
	23	"College" means the Federal College of Nursing and Midwifery Ayedun,
	24	Kwara State;
	25	"Council" means the governing council established under section 4(1) of this
	26	Act for the College;
	27	"Executive Committee" means the Kwara State Executive Committee;
	28	"Commissioner" means the Commissioner of the Kwara State;
	29	"Junior staff" is a reference to staff on CONHESS 01-05 or salary Grade levels
	30	01-06;

1 "Members" means members of the council and includes the chairman of the

2 Council:

3 "Provost" means the provost of the College;

4 "Regulations" means any regulation formulated for the College by the  
5 council;

6 "Secretariat" means Health and Human Services Secretariat of Kwara State;

7 "Secretary" means the Secretary to the council of the College and other-wise  
8 means the Secretary of any Committees established under this Act;

9 "Secretary of Health" means the Secretary of Health and Human Services or  
10 such other official as may be from time to time designation as head of the  
11 body responsible for Health service under Kwara State;

12 "Senior staff" is a reference to staff on CONHESS 06-16 or salary Grade  
13 Levels 07-17.

14 **39.** This Bill may be cited as the Federal College of Nursing and Citation  
15 Midwifery Ayedun, Kwara State Bill, 2021.

#### EXPLANATORY NOTE

This Bill seeks to provide for the establishment of the Federal College of Nursing and Midwifery Ayedun, Kwara State, and to provide training and research in general Nursing, Midwifery and other specialties of Nursing.





# A BILL

## FOR

AN ACT TO ESTABLISH THE PUBLIC ACCOUNTS TRIBUNAL WHICH SHALL BE RESPONSIBLE FOR RECOVERY OF PUBLIC FUNDS OR PROPERTIES FOUND BY THE PUBLIC ACCOUNTS COMMITTEES OF THE NATIONAL ASSEMBLY TO HAVE BEEN MISAPPROPRIATED OR DUE TO THE GOVERNMENT OF THE FEDERATION AND FOR RELATED MATTERS

*Sponsored by Hon. Oluwale Oke*

[ ] Commencement

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

- |  |  |
|--|--|
| <p>1           <b>1.</b> There is hereby established a body to be known as the Public</p> <p>2   Accounts Tribunal (in this Bill referred to as "the Tribunal").</p>   | <p>Establishment<br/>of the Public<br/>Accounts Tribunal</p> |
| <p>3           <b>2.-(1)</b> The Tribunal shall consist of the following members, that is:</p> <p>4           (a) a retired Judge of a superior court of record who shall be the</p> <p>5   Chairman;</p> <p>6           (b) a representative of the Federal Ministry of Justice, not below</p> <p>7   the rank of a Director;</p> <p>8           (c) a representative of the Federal Ministry of Finance, not below</p> <p>9   the rank of a Director;</p> <p>10          (d) a representative of the Accountant - General of the Federation;</p> <p>11   and</p> <p>12          (e) two representatives from the Nigerian Bar Association and the</p> <p>13   Institute of Chartered Accountants of Nigeria who shall serve for a single</p> <p>14   term of four years;</p> <p>15          (2) The Chairman and members of the Tribunal shall be appointed</p> <p>16   by the President for a single term of four years.</p> <p>17          (3) The Chairman shall preside at every sitting of the Tribunal and</p> <p>18   in his absence, the members shall appoint one of them to be the Chairman.</p> | <p>Composition<br/>of the Tribunal</p>                       |

	1	(4) The quorum at any sitting of the Tribunal shall be three members.
Appointment of Secretary to the Tribunal and support Staff and funding of the Tribunal	2	<b>3.-(1)</b> The President shall appoint a Secretary for the Tribunal, who
	3	shall be a legal practitioner who has been so qualified to practice for a period of
	4	not less than 10 years with cognate experience in accounting and finance.
	5	(2) The Secretary shall be responsible for:
	6	(a) keeping records of the proceedings of the Tribunal;
	7	(b) Head the Secretariat of the Tribunal;
	8	(c) manage the day to day administration of the Tribunal;
	9	(d) provide, direction and control for the Tribunal.
	10	(3) The Secretary to the Tribunal shall appoint staff for the Tribunal
	11	for the appropriate functioning of the Tribunal and their remuneration shall be
	12	determined by the National Salaries and Wages Commission.
	13	(4) The Tribunal shall be funded based on appropriations by the
	14	National Assembly in an Appropriation Act passed into law in pursuance of the
	15	Constitution of the Federal Republic of Nigeria 1999 (as altered).
Powers of the Tribunal	16	<b>4.</b> The Tribunal shall have the powers to:
	17	(a) examine the reports and recommendations of the Public Accounts
	18	Committee of either of the Houses of the National Assembly which shall be
	19	referred to the Tribunal, from time to time, by the President;
	20	(b) initiate any steps to recover funds, assets or properties from any
	21	persons which have been investigated and found due to the government of the
	22	Federation by the Public Accounts Committee of either House of the National
	23	Assembly;
	24	(c) apply any appropriate sanctions against any erring official or
	25	officer of Government found to be negligent based on the reports, findings and
	26	recommendations of the Public Accounts Committee of either House of the
	27	National Assembly;
	28	(d) at its discretion, refer a matter for criminal prosecution to the
	29	Federal Ministry of Justice, Economic and Financial Crimes Commission,
	30	Independent Corrupt Practices Commission, Code of Conduct Tribunal,

1 Nigeria Police Force, or any other similar law enforcement agency; and

2 (e) make any appropriate recommendation to the President based  
3 on the report, findings and recommendations of the Public Accounts  
4 Committee of either House of the National Assembly;

5 5.-(1) After examining the reports of the Public Accounts  
6 Committee of either Houses of the National Assembly, as stated in section 4

Power of Tribunal  
to confirm or vary  
decision of Public  
Accounts Committee

7 (a) of this Bill, the Tribunal shall have the power to consider the  
8 recommendations of the Public Accounts Committee and make any such  
9 order which the Tribunal considers appropriate in the circumstances.

10 (2) Where the Tribunal decides to alter the decision of the Public  
11 Accounts Committee, and where such variation or alteration may affect the  
12 proprietary interest of any company or person who has been found liable by  
13 the Public Accounts Committee, then, and in such a case, the company or the  
14 person concerned, shall be given a fair hearing by the Tribunal.

15 6. At a hearing under subsection (2) of section 5 of this Bill, the  
16 Tribunal may exercise any of the following powers:

Powers of the  
Tribunal at the  
hearing

17 (a) require any person to produce before it any books, documents  
18 or records as it may deem necessary or desirable;

19 (b) summon before it any person affected by such order and hear  
20 him or receive necessary representations from such person or his counsel, as  
21 the Tribunal may deem necessary or desirable;

22 (c) in pursuance of paragraph (b) of this section, admit any  
23 evidence, whether written or oral, which would assist the Tribunal to come  
24 to a just decision in the matter before it;

25 (d) do such other things as are necessary and expedient for the full  
26 discharge of its functions under this Bill.

27 7.-(1) An appeal shall lie from the decision of the Tribunal to the  
28 Federal High Court.

Appeal from  
decisions of the  
Tribunal, etc.

29 (2) Any such decision of the Tribunal shall, where necessary, be  
30 communicated to the appropriate Public Institution for enforcement.

	1	(3) Recovery of Funds or Property by Enforcement Officers without
	2	prejudice to section 7 (2) of this Bill, any decision of the Tribunal for the
	3	recovery of any funds, assets or property shall, where the Tribunal deems
	4	appropriate, be referred to a team of enforcement officers who shall enforce
	5	any such order or orders of the Tribunal.
Power of Chairman to issue summons, etc.	6	<b>8.</b> -(1) The Tribunal shall have powers to summon any person to come
	7	and testify, give account, tender documents or any other record in evidence, in
	8	the possession or under the control of that person.
	9	(2) All summonses, subpoenae and other processes, as may be
	10	deemed necessary and expedient for the proper and efficient performance of
	11	any of the Tribunal's functions, shall be signed by the Chairman.
Penalty for failing to respond to a summon or inquiry	12	<b>9.</b> -(1) Where a person fails to honour a summons issued by the
	13	Tribunal under Section 9 of this Bill, the Chairman shall be entitled to issue a
	14	warrant of arrest to a police officer for the person to be apprehended and
	15	brought before the Tribunal.
	16	(2) Any person who, after service on him of a summons from the
	17	Tribunal:
	18	(a) fails to attend either as a witness or as a party; or
	19	(b) fails to produce any book, document or any other thing in his
	20	custody or possession; or
	21	(c) fails, refuses or neglects to answer any question put to him by or
	22	with the concurrence of the Tribunal, shall be guilty of an offence and liable on
	23	summary conviction to a fine of N500 or to imprisonment for a term of one
	24	month.
Order in relation to any property or matter considered by the Tribunal	25	<b>10.</b> The Tribunal may, after due investigation or hearing, make any
	26	order for the refund of any sum of money against any person who has
	27	occasioned a loss or is responsible for any loss of public funds or property or is
	28	in any other way concerned with the loss of any public funds or property and
	29	the Tribunal may further order that the property or any assets of such person be
	30	charged with the payment of such amount due to the Government:

1        Provided that before the Tribunal makes any order under this Section it shall  
2        give the person concerned an opportunity of fair hearing including making  
3        representations before it.

4                **11.** Any person whose conduct or affairs are the subject of the        Appearance of  
5        recommendation of the Public Accounts Committee or who is in any way        Counsel  
6        implicated, connected or concerned in the recommendation of the Public  
7        Accounts Committee shall be entitled to appear before the Tribunal in  
8        person or be represented by Counsel and shall be given a fair hearing by the  
9        Tribunal.

10               **12.** No members of the Tribunal shall be liable to any action or suit        Indemnity of  
11        for anything done or said as a member of the Tribunal during any        Members  
12        proceedings of the Tribunal.

13               **13.** The Public Accounts Implementation Tribunal Act 1990 is        Repeal  
14        hereby repealed.

15               **14.** In this Bill, unless the context otherwise requires:        Interpretation  
16        "Accounts of the Federation" has the meaning assigned to it in the  
17        Constitution of the Federal Republic of Nigeria 1999;  
18        "Enforcement Officers" includes the Nigeria Police and other security  
19        agents or any other organisation of the Government of the Federation as the  
20        President, may, from time to time, designate as such;  
21        "Member" includes the Chairman of the Tribunal;  
22        "Public Accounts Committee" means the Public Accounts Committee of the  
23        Senate of the Federal Republic of Nigeria or of the House of Representatives  
24        of the Federal Republic of Nigeria or both;  
25        "Superior Court of Record in Nigeria" has the meaning assigned thereto in  
26        the Constitution of the Federal Republic of Nigeria 1999;  
27        "Tribunal" means the Public Accounts Tribunal established by section 1 of  
28        this Bill.

29               **15.** This Bill may be cited as the Public Accounts Tribunal Bill,        Short title  
30        2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Public Accounts Tribunal which shall be responsible for recovery of public funds or properties found by the Public Accounts Committees of the National Assembly to have been misappropriated or due to the Government of the Federation.

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO PROVIDE FOR THE PAYMENT  
OF PENSION TO RETIREES IN THE PUBLIC SERVICE WITHIN NINETY (90) DAYS  
OF DISENGAGEMENT FROM SERVICE AND FOR RELATED MATTERS

*Sponsored by Hon. Alex Egbona*

[ ] 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) (as              | Amendment of<br>Constitution of<br>the Federal Republic<br>of Nigeria 1999 |
| 2  | amended) (herein referred to as 'Principal Act') is further amended as set out |  |
| 3  | in this Bill   |  |
| 4  | 2. Section 173 of the Principal Act is altered by inserting                    | Alteration of<br>Section 173   |
| 5  | immediately after the existing subsection (4), new subsections "(5)", "(6)"    |  |
| 6  | and "(7)".   |  |
| 7  | (5) pension or gratuity shall be paid to a retiree within Ninety (90)          |  |
| 8  | days of disengagement from service;  |  |
| 9  | (6) documentation for payment shall commence at least two                      |  |
| 10 | months before retirement date to give sufficient time to process and check     |  |
| 11 | paper works.   |  |
| 12 | (7) without prejudice to section 174 of the Constitution of the                |  |
| 13 | Federal Republic of Nigeria 1999 (as amended), any person who fails to         |  |
| 14 | exercise due diligence to ensure compliance with the provisions of             |  |
| 15 | subsection (5) and (6) of this section shall be deemed to have committed       |  |
| 16 | offence and is liable to prosecution as may be prescribed by an Act of the     |  |
| 17 | National Assembly or State Law as the case may be.                             |  |
| 18 | 3. This Bill may be cited as the Constitution of the Federal                   | Citation   |
| 19 | Republic of Nigeria, 1999 (Amendment) Bill, 2021.                              |  |

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to provide for the payment of pension to retirees in the public service within ninety days of engagement from service.



# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL ASSEMBLY SERVICE COMMISSION ACT,  
2014 AND FOR RELATED MATTERS

*Sponsored by Hon Alex Egbona*

[ ] Commencement

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

1           **1.** The National Assembly Service Commission Act No.3 of 2014  
2           (in this Bill referred to as the "Principal Act") is hereby amended.

Amendment of  
National Assembly  
Service  
Commission  
Act No. 3 of 2014

3           **2.** Section 3 (1) of the Principal Act is amended by deleting the  
4           words "12 other members" and substituting the following new words "one  
5           person from each state of the Federation and the Federal Capital Territory,  
6           Abuja".

Amendment of  
Section 3 (1)

7           **3.** This Bill may be cited as the National Assembly Service  
8           Commission (Amendment) Bill, 2021.

Citation

### EXPLANATORY MEMORANDUM

This Bill seeks to amend some aspects of the National Assembly Service  
Commission Act, 2014 for purposes of streamlining the representation of all  
states of the Federation and the Federal Capital Territory with regards to the  
Commission.



# A BILL

## FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF AGRICULTURE ABI, CROSS RIVER STATE TO PROVIDE FULL-TIME COURSES LEADING TO THE AWARD OF DIPLOMA, HIGHER NATIONAL DIPLOMA IN AGRICULTURE AND ALLIED FIELD, AND BE RESPONSIBLE FOR THE DUE ADMINISTRATION OF THE COLLEGE; AND FOR RELATED MATTERS

*Sponsored by Hon. Alex Egbona*

[ ] Commencement

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

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

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

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

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

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

Power of the  
Council

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

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

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

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

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

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

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

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

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

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

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

1 to time delegate to it.

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

6           **10.**-(1) There shall be a Provost of the College (hereinafter referred   The Provost of  
7 to as "the Provost") who shall be appointed by the President on the   the College  
8 recommendation of the Minister.

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

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

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

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

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

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

23           (5) The Provost:

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

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

29           **11.** There shall be for the College two Deputy Provosts namely:   Deputy Provost  
30 Deputy Provost (Academic) and the Deputy Provost (Administration).

1           (2) The Council shall appoint the Deputy Provosts from among the  
2 chief lecturers in the College in any of the following ways, that is:

3           (a) from a list of five candidates in order of preference, submitted by  
4 the Provost;

5           (b) on the recommendation of a Selection Board constituted for that  
6 purpose; or

7           (c) on the nomination of the Provost.

8           (3) The Selection Board referred to in subsection 2 (b) of this section  
9 shall:

10          (a) consist of:

11          (i) the Chairman of the Council;

12          (ii) the Provost of the College;

13          (iii) two members of the Academic board; and

14          (iv) two members of the Council not being members of the Academic  
15 Board.

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

17          (i) assist the Provost in the performance of his function in Academic  
18 matters of the College;

19          (ii) act as the Provost when the post of the Provost is vacant or if the  
20 Provost is for any reason, absent or unable to perform his function.

21          (b) The Deputy Provost (Administration) shall:

22          (i) assist the Provost in administrative matters of the College; and

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

25          (5) Each of the Deputy Provosts shall:

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

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



**1                    12.-(1) There shall be a Registrar for the College to be appointed by**

**2                    the Council.**

The Registrar  
and other staff  
of the College

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

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

6 (a) the Council;

7 (b) the Academic Board; and

8 (c) any other Committee of the Council.

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

11 (5) The Registrar shall:

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

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

17               **13.**-(1) There shall be for the College in addition to the Registrar: Other Principal  
18               (a) the Bursar; and Officers of the  
College

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

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

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

26 (4) The Bursar and the College Librarian:

(a) shall each hold office for a period of four years beginning from the effective date of his appointment and on such terms and conditions as may be specified in their letters of appointments; and

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

1 Government through the Federal Ministry of Agriculture and Natural  
2 Resources;

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

5 (c) all subscription fees and charges for services rendered by the  
6 Council and all other sums that may accrue to the Council from any source.

7 (3) The Council shall submit to the Minister not later than three  
8 months before the end of each financial year or at such other time as he may  
9 direct an estimate of its revenue and expenditure for the next succeeding  
10 financial year.

11 **19.**-(1) The College may accept gifts of loan, money or of other Power to accept  
12 gifts property upon such terms and conditions, if any as may be specified by gifts  
13 the person making the gifts.

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

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

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

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

25 "Chairman" means the chairman of the Council;

26 "College" means the Federal College of Agriculture, Abi established under  
27 section (1) of this Act;

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

30 "Function" includes power and duties;

Short title

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

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

8 SCHEDULE

9 [Section 2(3)]

10 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, .ETC.

11 *Terms of service*

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

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

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

21 *Proceedings*

22 4.-(1) The Council shall meet for the conduct of business at such  
23 times, places and on such days as the Chairman may appoint but shall meet not  
24 less than once every four months.

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

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

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

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

6 *Miscellaneous*

7                    5.-(1) The fixing of the seal of the College shall be authenticated by  
8                    the signature of the Chairman, Provost and of some other members of the  
9                    Council authorized generally or specially by the Council to act for that  
10                  purpose.

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

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

## EXPLANATORY MEMORANDUM

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



# A BILL

## FOR

AN ACT TO MAKE PROVISION FOR THE PROCEDURE TO PETITION THE  
NATIONAL ASSEMBLY FOR GRIEVANCES TO ENHANCE THE PARTICIPATION  
OF THE PEOPLE IN THEIR GOVERNMENT AND FOR RELATED MATTERS

*Sponsored by Hon. Nkem Uzoma-Abonta*

[ ] Commencement

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

- 1           **1.**-(1) A person shall have the right to present a petition to the      Right to petition  
2      National Assembly in favor of or against policies that affect them or in      the National  
3      which they feel strongly.      Assembly
- 4           (2) The National Assembly shall possess the undoubted right and  
5      privilege to receive petitions and determine if the nature and matter of such  
6      petitions are fit or unfit to be received and responded to.
- 7           (3) Notwithstanding the provisions of this Bill, a petition that is  
8      accompanied with:
- 9           (a) 10,000 signatures shall receive immediate response from the  
10     National Assembly;
- 11          (b) 100,000 signatures shall immediately be considered for debate  
12     by the National Assembly.
- 13          **2.** A petition to the National Assembly shall be in the form set out      Form of Petition  
14     in the Schedule and shall:
- 15          (a) be handwritten, printed, or in a electronic version;
- 16          (b) be in English or any of the three major languages and must be  
17     written in a decorous and formal language;
- 18          (c) be free of alterations and interlineations in its text;
- 19          (d) be addressed to either House of the National Assembly;
- 20          (e) have its subject-matter indicated on every sheet where it

- 1 consists of more than one sheet;
- 2 (f) indicate whether any efforts have been made relating to the matter
- 3 by a relevant government agent and whether there has been any response from
- 4 that agent or whether the response has been unsatisfactory;
- 5 (g) indicate whether the issues in respect of which the petition is made
- 6 are pending before any court of law or other constitutional or legal body;
- 7 (h) conclude with a clear, proper and respectful prayer, reciting the
- 8 definite object of the petitioner or petitioners in regard to the matter to which it
- 9 relates;
- 10 (i) subject to paragraph (m), contain the names, addresses, National
- 11 Identification Numbers, signature or a thumb impression of the petitioner or of
- 12 every petitioner, where there is more than one petitioner;
- 13 (j) contain only signatures or thumb impressions, as the case may be,
- 14 and addresses and National Identification Numbers written directly onto the
- 15 petition and not pasted thereon or otherwise transferred to it;
- 16 (k) not have any letters, affidavits or other documents annexed to it;
- 17 (l) in the case of a petition presented by a member of the legislature on
- 18 behalf of a petitioner, be countersigned by the legislator presenting it; and
- 19 (m) be signed by the petitioner, or if the petitioner is unable to sign, by
- 20 a witness in whose presence the petitioner shall make his or her mark on the
- 21 petition.
- 22 **3.-(1)** A petition to the National Assembly shall be:
- 23 (a) submitted to the Clerk of the relevant House by the petitioner; or
- 24 (b) presented by a member of the legislature on behalf of a petitioner,
- 25 with the consent of the Speaker or Senate President or presiding officer.
- 26 (2) Notwithstanding the provisions of (1) (b) of this clause, a member
- 27 of the legislature shall not be eligible to present a petition on his own behalf.
- 28 (3) The Clerk of the relevant House of the National Assembly shall,
- 29 within seven days of the date of receipt of the petition, review the petition to
- 30 ascertain whether the petition meets the requirements of this Bill.



1                   (4) Where the Clerk of the relevant House of the National  
2           Assembly considers that a petition does not comply with clause 1, the Clerk  
3           may give such directions as are necessary to ensure that the petition is  
4           amended to comply with that clause.

5                   **4.-(1)** The Clerk shall, if satisfied that the petition meets the  
6           requirements of this Bill, forward the petition to the Speaker or Senate  
7           President or Presiding Officer of the relevant House for scheduling on the  
8           Floor of the House. Consideration  
of petition

9                   (2) A petition that is scheduled for consideration under this Bill  
10          shall be considered in accordance with the Standing Orders of the relevant  
11          House of the National Assembly.

12                  (3) The Clerk of the relevant House of the National Assembly shall,  
13          within ten working days of the decision of the relevant House, in writing,  
14          notify the petitioner of the decision of the House.

15                  **5.-(1)** The Clerk of each House of National Assembly shall keep  
16          and maintain a register in which shall be recorded all petitions and  
17          supporting documents, and the decisions of the House. Register of  
petitions

18                  (2) The register of petitions under sub-clause (i) shall be accessible  
19          to the public during working hours.

20                  **6. In this Bill:** Interpretation  
21          "Clerk" means the Clerk of the Senate or House of Representatives;  
22          "petition" means a written prayer to the National Assembly relating to a  
23          grievance made in accordance with this Bill;  
24          "petitioner" means a person who petitions the National Assembly against a  
25          grievance in accordance with the procedure set out in this Bill;  
26          "Presiding Officer" means Senate President or Speaker including the  
27          Deputy Senate President and or Deputy Speaker  
28          "Register" means the register established and maintained by the Clerk under  
29          clause 4;

Citation	1	7. This Bill may be cited as the Petitions to the National Assembly
	2	(Procedure) Bill, 2021.
	3	SCHEDULE
	4	[Clause 1]
	5	FORM OF PETITION
	6	I/We, the undersigned,
	7	(Here, identify in general terms, who the petitioner or petitioners are, for
	8	example, Nigerian citizens, residents of state or local government, workers of
	9	industry, association etc.)
	10	DRAW the attention of the legislature to the following:
	11	[Here, briefly state the reasons underlying the request for the intervention of
	12	the legislative House by outlining the grievances or problems by summarizing
	13	the facts which the petitioner or petitioners wish the House to consider.]
	14	THAT
	15	[Here confirm if efforts have been made to have the matter addressed by any
	16	relevant body or government agent, and it failed to give satisfactory response.]
	17	THAT
	18	[Here confirm that the issues in respect of which the petition is made are not
	19	pending before any court of law, or constitutional or legal body.]
	20	THEREFORE your humble petitioner(s) pray that legislature:
	21	(Here, set out the prayer by stating in summary what action the petitioners wish
	22	the legislature to take or refrain from.)
	23	Name of petitioner:.....
	24	Full Address:.....
	25	National ID (NIN) or valid means of Identification.....
	26	Signature/ Thumb print.....
	27	Or
	28	In the case of more than one petitioner:

S/No	Name	Full Address	National ID (NIN) or valid means of identification	Signature/ Thumb Print
1.				
2.				
3.				

## EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the procedure to Petition the National Assembly for grievances to enhance the participation of the People in their Government.



# A BILL

## FOR

AN ACT TO AMEND THE NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2017 TO DEEPEN THE IMPACT OF THE COMMISSION ON THE LIVES OF EVERY RESIDENT OF MEMBER STATES THROUGH STRATEGIC CAPITAL DEVELOPMENT PROJECTS AND FOR RELATED MATTERS

*Sponsored by Hon. Mansur Manu Soro and 47 others*

[ ] Commencement

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

- |   |   |
|---|---|
| <p>1           <b>1.</b> The North-East Development Commission (Establishment)</p> <p>2      Act, 2017 (in this Bill referred to as "the Principal Act") is amended as set out</p> <p>3      in this Bill.</p>  | <p>Amendment<br/>of North East<br/>Development<br/>Commission<br/>(Establishment)<br/>Act, 2017</p> |
| <p>4           <b>2.</b> Section 14 sub-section 2(b) of the Principal Act is amended to</p> <p>5      read thus "a sum of at least 10% of the Ecological Fund annually for a period</p> <p>6      of 20 years.</p>  | <p>Amendment of<br/>section 14 sub-<br/>section 2(b)</p>  |
| <p>7           <b>3.</b> Section 14 sub-section 2(c) of the Principal Act is amended to</p> <p>8      read thus "a sum equivalent to 3% of the annual VAT collections as first-line</p> <p>9      charge, to accrue to the Commission for a period of 10 years,</p> <p>10     notwithstanding the provisions of any other law.</p>  | <p>Amendment of<br/>section 14 sub-<br/>section 2©</p>  |
| <p>11          <b>4.</b> The Principal Act is amended by introducing a new section 16</p> <p>12     subsection (1) to read thus "The Commission shall establish a District</p> <p>13     Development Trust Fund ("Trust Fund") which shall be used for the</p> <p>14     purpose of initiating, financing, and managing capital projects in</p> <p>15     each State Assembly Constituency of the Member States."</p> | <p>Introduction<br/>of a new<br/>section 16(1)</p>  |
| <p>16          <b>5.</b> The Principal Act is further amended by introducing a new</p> <p>17     section 16(2) which shall read thus "The Commission shall within three (3)</p> <p>18     months of coming into law of this Act incorporate the Trust Fund at the</p>   | <p>Introduction<br/>of a new<br/>section 16(2)</p>  |

	1	Corporate Affairs Commission."
Introduction of a new section 16(3)	2	<b>6.</b> The Principal Act is also amended by introducing a new Section
	3	16(3) which shall read thus "The Commission shall request nominations from
	4	the States Government of Member States for the composition of Board of
	5	Trustees of the Trust Funds.
Introduction of a new section 16(4)	6	<b>7.</b> The Principal Act is further amended by introducing a new Section
	7	16(4) which shall read thus "The Commission shall ensure that persons
	8	nominated as members of the Board of Trustees of the Trust Funds are honest
	9	and of impeccable character and shall work with them to appoint members of
	10	the district management committees."
Introduction of a new section 16(5)	11	<b>8.</b> The Principal Act is further amended by introducing a new Section
	12	16(5) which shall read thus "The district management committees shall
	13	responsible for the general administration of the Trust Fund and shall be
	14	responsible for:
	15	(a) preparation of the budget of the district development trust and
	16	submit it to the Board of Trustees for approval;
	17	(b) development and management of the contracting process for
	18	project a district shall be subject to approval of the Board;
	19	(c) determination of project a district winners and contractors to
	20	execute projects on behalf of the district development trust through a
	21	transparent process subject to approval of the Board;
	22	d) supervision of projects execution;
	23	e) nomination of fund managers for appointment by the Board of
	24	Trustees for approval, to manage the reserve fund; and
	25	(f) reporting on the activities of the management committee,
	26	contractors and other service providers to the Board of Trustees to
	27	enhance the performance of district development trust.
Introduction of a new section 16(6)	28	<b>9.</b> The Principal Act is further amended by introducing a new
	29	Section 16 subsection (6) which shall read thus "The revenue of the Trust
	30	Funds shall be not less than 15% aggregate of the Commission's Fund as

1 provided under section 14 of this Act and the revenue shall be utilised thus-  
 2 (a) 60% to fund capital development projects;  
 3 (b) 35% shall be set aside and invested as reserve fund of the Trust  
 4 Funds; and  
 5 (c) 5% may be utilised for the administration of the various Trust  
 6 Funds."

7 **10.** A new Section 16 subsection (7) is also introduced to read Introduction  
 8 thus: "Notwithstanding any provision of this Act or other laws, capital of a new  
 9 development projects shall mean health, education, water, and micro section 16(7)  
 10 business initiatives."

11 **11.** The Principal Act is further amended by introducing a new Introduction  
 12 Section 17 which shall read thus "The Commission shall establish and of a new  
 13 maintain a fund designated as the General Reserve Fund, to which shall be section 17(1)  
 14 transferred at the end of each financial year at least 15% or any other higher  
 15 amount as the Board may determine, of the Commission's Fund as provided  
 16 under section 14 of this Act."

17 **12.** The Principal Act is also amended by introducing a Introduction  
 18 new Section 17 subsection (2) which shall read thus: "The General Reserve of a new  
 19 Fund shall be invested by licensed fund managers as may be appointed by section 17(2)  
 20 the Board."

21 **13.** This Bill may be cited as the North-East Development Citation  
 22 Commission (Amendment) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to expand the financial provisions of the North-East Development Commission to further align the North-East Development Commission (Establishment) Act, 2017 to the Commission's mandate. The Bill also aims at deepening the impact of the Commission on the lives of every resident of Member States through strategic capital development across the critical sector of the economy.





FEDERAL ORPHANAGE REGULATORY AGENCY BILL, 2021

ARRANGEMENT OF CLAUSES

*Clause:*

PART I - ESTABLISHMENT OF THE FEDERAL ORPHANAGE  
REGULATORY AGENCY

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

PART II - FUNCTIONS OF THE BOARD

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

PART III- STAFF OF THE AGENCY

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

PART IV- STRUCTURE OF THE AGENCY

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

PART V - FINANCIAL PROVISIONS

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

PART VI - MISCELLANEOUS PROVISIONS

17. Procedure and Limitation of suits against the Agency
  18. Service of Process
  19. Indemnity of members etc.
  20. Acquisition of property
  21. Regulations
  22. Powers to obtain information
  23. Citation
- Schedule



FOR

*Sponsored by Hon. James Adisa Owolabi*

[ ] Commencement

1       PART I - ESTABLISHMENT OF THE FEDERAL ORPHANAGE REGULATORY  
2                       AGENCY AND ITS GOVERNING BOARD

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

(a) chairman, who shall be an experienced person(s) in public relations and Administration, shall be appointed by the president of the Federal Republic of Nigeria (FRN).

13 (b) A representative of:

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

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

5 PART II - FUNCTIONS OF THE BOARD

6 5. The Agency shall be responsible for:

Functions of the  
Agency

7 (a) Coordinating and regulating all forms of orphanage registration  
8 in Nigeria for transparency and accountability;

9 (b) Provide comprehensive database of all the children  
10 domesticated in all the orphanage centres across the nation;

11 (c) Provide capturing platform to all the children residing in the  
12 orphanage homes or centres within the country;

13 (d) Make demographical demarcation of the orphans to eschew  
14 immorality within the orphanage domain;

15 (e) Ensure that the children domesticated in the orphanage centres  
16 were impacted with moral values to achieve their safety and healthy life  
17 style within the centres across the federation;

18 (f) Ensure that the new born babies brought to the orphanage  
19 centres were adequately provided with medical care for better survival in  
20 Nigeria;

21 (g) Ensure supervision and control of the movement of the orphans  
22 from time to time to avoid loss of orphans from the centres to unknown  
23 destination within the country; and

24 (h) Ensure monitoring and evaluation mechanism to the orphanage  
25 centres, as to ascertain the number of new orphans and the old ones  
26 especially to avoid selling of babies or manipulation across the federation.

27 6. The Board shall have powers to:

Powers of the  
Board

28 (a) superintend smooth implementation of the functions of the  
29 Agency;

30 (b) ensure and approve the orphans capacity training for inclusion

- 1 in the political participation and administration in the country;
- 2 (c) approve leadership programs for orphanage managers in order to
- 3 manage the orphans in Nigeria;
- 4 (d) approve appointment, discipline and promotion of staff of the
- 5 Agency;
- 6 (e) approve creation of additional departments, divisions and units
- 7 as may deem necessary to achieve the objectives of the Agency; .
- 8 (f) perform any other function that may be assigned to it by the
- 9 President of the "FRN" from time to time; and
- 10 (g) do other thing that is incidental to the objectives of this Bill.

11 PART III - STAFF OF THE AGENCY

Chairman and  
Secretary of the  
Agency

- 12 7.-(1) There shall be appointed for the Agency a chairman, by the
- 13 president of the FRN, who shall possess cognate experience and qualification
- 14 in public relations and Administration, for a period of not less than 10 years.
- 15 (2) The chairman shall:
- 16 (a) be the Chief-Executive and accounting officer of the Agency and
- 17 shall be charged with:
- 18 (i) matters relating to day-to-day management, and operations of the
- 19 Agency; and
- 20 (ii) determining structure of ranks, for staff of the Agency.
- 21 (b) hold office for a term of four "4" years and renewable, subject to
- 22 satisfactory performance, for further term of four "4" years, and no more; and
- 23 (c) be answerable to the Board.
- 24 (3) There shall be appointed for the Agency, by the Board on the
- 25 recommendation of the chairman, a Secretary for the Agency, who shall qualify
- 26 as a legal practitioner and was so qualified for a period of 10 years.
- 27 (4) The Secretary shall be:
- 28 (a) a legal adviser of the Agency and secretary to all the committees to
- 29 be established by the management committees;
- 30 (b) answerable to the chairman of the Agency;

1 (c) handles Junior staff recruitments promotions, welfare and  
2 report back to the chairman for approval.

3 **8.-(1)** The staff of the Agency other than those, mentioned in this Other staff of  
4 Bill, shall be employed according to the procedure stipulated by the Board. the Agency

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

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

11 **9.-(1)** The Agency may subject to the provision of this Bill, with the Staff regulations  
12 approval of the Board, make staff regulations, relating generally to the  
13 condition of service in the Agency such regulation may provide for the  
14 appointment, promotion, discipline and appeals for the staff of the Agency;

15 (2) The staff of the Agency shall be paid such salary and allowances  
16 as may be determined by the president on recommendation of the Board.

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

18 **10.-(1)** There shall be establish for the Agency, such number of Department of  
19 Departments, Divisions, and units as the Agency, may with the approval of the Agency  
20 the Board deem necessary.

21 (2) Each Department shall be headed by a Director who shall be  
22 professionally qualified to hold the office appointed through a competitive  
23 process.

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

27 **11.** The Agency shall:

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

30 (b) establish in each zone, a zonal office and all states of the

	1	federation including FCT.
Establishment of management and other committees for the Agency	2	<b>12.-(1)</b> There is established for the Agency, a management,
	3	committee comprising of all the Directors and the chairman of the Agency, who
	4	shall be the chairperson of the committee.
	5	(2) The committee may create additional standing or Ad-Hoc
	6	committees and give them specific function.
	7	PART V - FINANCIAL PROVISIONS
Establishment of fund for the Agency	8	<b>13.</b> The Agency shall establish and maintain a fund, which shall be
	9	paid and credited:
	10	(a) all subventions and budgetary allocation from the Federal
	11	Government;
	12	(b) all sums accruing to the Agency by the way of gifts, endowments,
	13	bequests, grants or other social contributions, by person(s) and organizations;
	14	(c) returns of investments;
	15	(d) foreign donations or aid;
	16	(e) all local donations or aid and assistances; and
	17	(f) all other sums which may from time to time, accrued to the Agency.
Application and management, of the fund	18	<b>14.</b> The Agency shall manage and apply its fund, in accordance with
	19	the general guidelines made by the management committees, particularly on:
	20	(a) general operations of the Agency;
	21	(b) cost of payment of allowances to the members of the board;
	22	(c) payment of salaries and other allowances for the staff of the
	23	Agency;
	24	(d) maintenance of any property vested in the Agency; and
	25	(e) cost of procurement of goods and consultancy, services for the
	26	benefits of the Agency.
Annual Budget of the Agency	27	<b>15.</b> The Agency shall not later than so" September each . year or other
	28	date stipulated by law or policy, submit to the president an expenditure estimate
	29	or income of the Agency as approved by the Board for the next fiscal year, for
	30	incorporation into the Federation budget.



1	<b>16.</b> The Agency shall submit to the Board quarterly report of the	Reports
2	activities of the Agency and the Board shall submit annual report of its	
3	activities to the president of FRN.	
4	<b>PART VI - MISCELLANEOUS PROVISIONS</b>	
5	<b>17.</b> A person who has a cause of action against the Agency shall:	Procedure and
6	(a) give the Agency three months' notice, in writing, of intention to	Limitation of suit
7	commence an action, and the relief sought to be served on. the Agency at its	against the Agency
8	head office; and	
9	(b) commence the legal action within one '1' month from the date	
10	the cause arose.	
11	<b>18.</b> Any document, summons, notices, process or any other thing	Service of process
12	required or authorized to be served to the Agency, shall be served by	
13	delivering same to the office of the chairman of the Agency.	
14	<b>19.</b> Every member of the Agency, agents or employees of the	Indemnity of
15	Agency, shall be indemnified from the fund of the Agency, against any	members etc.
16	liability incurred in defending any proceeding brought against the person(s)	
17	under this clause, in the person's capacity as member or employee of the	
18	Agency.	
19	<b>20.</b> The Agency may subject to the provisions of, Land Use Act and	Acquisition of
20	any other applicable law, have powers to lease, rent or acquire an interest in	property. Cap. L40
21	land and other properties.	LFN, 2004
22	<b>21.</b> The Agency with approval of the Board shall have power to	Regulations
23	make regulations for effective implementation of the provisions of this Bill.	
24	<b>22.</b> The President may give to the Agency such, directives dealing	Directives by
25	with matters of general policy and maintenance of public safety and peace in	the President
26	Nigeria.	
27	<b>23.</b> For purpose of carrying out the functions of the Agency under	Power to obtain
28	this Bill, the chairman, or any officer of the Agency shall:	information
29	(a) have powers of access to any premises record, within a	

Citation

1 reasonable time to obtain information of record of person affected by this Bill;  
2 and  
3 (b) by notice in writing, served on person to provide an information  
4 required for carrying out the functions of the Agency.

5 **24.** This Bill may be cited as the Federal Orphanage Regulatory  
6 Agency Bill, 2021.

7 SCHEDULE

8 *Clause 2(3)*

9 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

10 *Proceedings of the Board*

11 1.-(1) Subject to the Provisions of this Bill and other applicable laws,  
12 the Board may make Standing orders regulating its proceedings;

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

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

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

22 *Committees*

23 2.-(1) The Board may appoint committees and sub-committees to  
24 carry out, on its behalf, such functions that Board shall do.

25 (2) The decision of the sub-committee appointed under paragraph  
26 2(1) shall have no effect until it is approved by the committee and the Board.

27 *Miscellaneous*

28 3.-(1) The Secretary of the Board shall be the custodian of the seal of  
29 the Board.

30 (2) Fixing of the common seal of the Agency shall be authenticated by

1 the signature of the chairman of the Board or some other person(s)  
2 authorized to do so.

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

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

11 (5) The validity of any proceeding of the Board or of a committee  
12 shall not be adversely affected by any vacancy in the membership of the  
13 Board or committee or by any defect in the appointment of a member of the  
14 Board or committee or by reason that a person not entitled to take part in the,  
15 proceedings of the Board or the committee took part.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Orphanage Regulatory Agency, to be saddled with the responsibility of coordinating and regulating all forms of children under the care of orphanage homes or centres with corporate affairs commission certification for proper management especially monitoring and evaluating on their hygienic conditions, total number of incoming orphans demographically in the centres and outgoing of orphans to any destination through record keeping as to avoid mismanagement or corruption within the orphanage homes generally.