

*Extraordinary*



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# A BILL                      EXECUTIVE

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE  
FEDERAL REPUBLIC OF NIGERIA, 1999 TO ENSURE THE EFFECTIVE  
PERFORMANCE OF THE FUNCTIONS OF THE CODE OF CONDUCT BUREAU  
AND ASSIST THE CODE OF CONDUCT TRIBUNAL IN THE EFFECTIVE AND  
SPEEDY DISPENSATION OF CASES BORDERING ON BREACHES OF THE  
CODE OF CONDUCT FOR PUBLIC OFFICERS IN NIGERIA AND FOR RELATED  
MATTERS

[       ] Commencement

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

- |    |   |  |
|----|---|--|
| 1  | <p><b>1.</b> The Constitution of the Federal Republic of Nigeria, Cap. C23</p>        | <p>Alteration of the<br/>Constitution of<br/>the Federal Republic<br/>of Nigeria, 1999</p> |
| 2  | <p>Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the</p>       |  |
| 3  | <p>Principal Act") is altered as set out in this Act.</p>                             |  |
| 4  | <p><b>2.</b> Part I of the Third Schedule to the Principal Act is altered by</p>      | <p>Alteration of the<br/>Third Schedule</p>  |
| 5  | <p>substituting paragraph 1 with a new paragraph 1-</p>                               |  |
| 6  | <p>1. Code of Conduct Bureau-</p>   |  |
| 7  | <p>(1) The Code of Conduct Bureau shall have a Governing Board</p>                    |  |
| 8  | <p>which shall comprise of a Chairman and six other members.</p>                      |  |
| 9  | <p>(2) The Chairman and other members of the Board shall not be less</p>              |  |
| 10 | <p>than 35 years of age at the time of appointment.</p>                               |  |
| 11 | <p>(3) Subject to the provisions of section 157, the Chairman or any</p>              |  |
| 12 | <p>member of the Board shall cease to hold office at the expiration of the tenure</p> |  |
| 13 | <p>or at attainment of 70 years.</p>  |  |
| 14 | <p><b>3.</b> Part I of the Fifth Schedule to the Principal Act is altered in-</p>     | <p>Alteration of the<br/>Fifth Schedule</p>  |
| 15 | <p>(a) paragraph 1, by substituting paragraph 1 with a new paragraph</p>              |  |
| 16 | <p>1-</p>   |  |
| 17 | <p>1.-(1) A public officer shall not put himself in a position where his</p>          |  |

1 personal interest directly or indirectly influences the impartial or objective  
2 performance of his or her duties or responsibilities.

3 (2) A public officer's personal interest mentioned in subparagraph (1)  
4 of this paragraph includes any-

5 (a) advantage to the public officer, his or her family, close relatives,  
6 friends, persons or organizations with which the public officer has had business  
7 or political affiliations; and

8 (b) liability, whether financial or civil.

9 (b) paragraph 3 by substituting paragraph 3 with a new paragraph 3-

10 "3. Declaration of foreign account-

11 (1) A public officer specified in the Second Schedule to this Act may  
12 maintain or operate a bank account in any country outside Nigeria; provided  
13 that-

14 (a) where such account had been in existence before the assumption  
15 of duty of the officer concerned, details of the foreign accounts at the time of  
16 taking office and annual report on the state of such account shall be submitted  
17 to the Bureau; or

18 (b) where a public officer maintains-

19 (i) an account, while on foreign service posting;

20 (ii) an account for the payment of insurance claims, school fees and  
21 medical bills;

22 (iii) a short term account for official transaction while on course of  
23 study or any other duty for period up to nine months and above; or

24 (iv) such other account as may be permitted by the foreign  
25 government, the public officer shall declare the account and file annual  
26 statements of such accounts to the Bureau.

27 (2) A public officer who violates the provisions of this paragraph  
28 commits an offence and is liable on conviction to the penalty prescribed by an  
29 Act of the National Assembly."

1 (c) paragraph 6, subparagraph (3) by substituting the proviso with a  
2 new proviso-

3 “Provided that a gift or donation to a public officer on any public or  
4 ceremonial occasion, or commission to a public officer on any transaction  
5 shall be treated as a gift or donation or commission to the Government or  
6 institution represented by the public officer and the Government institution  
7 shall keep an inventory of any such gifts”,

8 (d) paragraph 7, by inserting the words "a Director-General"  
9 immediately after the words "Permanent Secretary".

10 (e) paragraph 11(1), by substituting subparagraph (1) with a new  
11 subparagraph (1)-

12 "(1) subject to the provisions of this Constitution, every public  
13 officer shall within three months after the coming into force of this Code of  
14 Conduct or within one month after taking office and thereafter-

15 (a) at any interval the Bureau requires any public officer to make  
16 declaration of assets”.

17 (b) at the end of every four years; and

18 (c) at the end of his term of office,  
19 submit to the code of Conduct Bureau a written or online declaration of all  
20 his properties, assets and liabilities and those of his unmarried children  
21 under the age of eighteen years."

22 (f) paragraph 15(1) by-

23 (i) substituting the words “two other persons” with the words “such  
24 number of members as shall be appointed by the President, on the  
25 recommendation of the National Judicial Council".

26 (ii) adding a new subparagraph (2) and (3)-

27 (2) There shall be established at least a Division of the Tribunal in  
28 each of the six geo-political zones of the Federation.

29 (3) The President shall on the recommendation of the National  
30 Judicial Council, approve-

	1	(a) additional number of panels at the headquarters, as circumstances
	2	may demand; and
	3	(b) for the Divisions in the geo-political zones-
	4	(i) membership of each Division,
	5	(ii) location of each Division, and
	6	(iii) number of panels in each of the Divisions.
Citation	7	<b>4.</b> This Bill may be cited as the Constitution of the Federal Republic of
	8	Nigeria (Alteration) Bill, 2022.

EXPLANATORY NOTE

*(This note does not form part of this Act but intends  
to explain its purports)*

This Bill seeks to alter the provision of the Constitution of the Federal Republic of Nigeria, Cap. C23 Laws of the Federation of Nigeria, 2004 to ensure the effective performance of the functions of the Code of Conduct Bureau and assist the Code of Conduct Tribunal in the effective and speedy dispensation of cases bordering on breaches of the code of conduct for public officers in Nigeria.

CODE OF CONDUCT BUREAU AND TRIBUNAL BILL, 2022

ARRANGEMENT OF SECTIONS

*Section*

PART I - OBJECTIVES AND APPLICATION

1. Objectives
2. Application

PART II - CODE OF CONDUCT BUREAU

5. Establishment of the Code of Conduct Bureau
6. Governing Board of the Bureau
7. Staff of the Bureau
8. Secretary of the Bureau
9. Powers of the Bureau
10. Assets Declaration
11. Conflict of interest with duty
12. Prohibition of multiple employment
13. Declaration of foreign account
14. Retired public officers
15. Certain public officers
16. Gifts or benefits
17. Restriction on gifts, loans or certain benefits to public officers.
18. Bribery by public officers
17. Abuse of powers
19. Membership of Societies
20. Agents, proxies and nominees
21. Exemptions
22. Allegation of Breach
23. Miscellaneous offences

PART III - CODE OF CONDUCT TRIBUNAL

23. Establishment of Code of Conduct Tribunal
24. Staff

- 25. Tenure of office of Chairman and members
- 26. Jurisdiction and powers of the Tribunal to impose punishment
- 27. Rules of procedure and institution of proceedings
- 28. Power to issue search warrants

PART IV - MISCELLANEOUS

- 29. Repeal
  - 30. Savings and transitional provisions
  - 31. Interpretation
  - 32. Short title
- Schedules

# A BILL                      EXECUTIVE

## FOR

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

[     ] Commencement

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

### 1                                      PART I - OBJECTIVES AND APPLICATION

2                      1. The objectives of this Act are to- Objectives

3                      (a) establish and maintain a high standard of morality in the  
4                      conduct of government business and to ensure that the actions and behaviour  
5                      of public officers conform to the highest standards of public morality and  
6                      accountability;

7                      (b) promote transparency and accountability In public service;

8                      (c) ensure prudence and judicious application of state resources for  
9                      national development;

10                      (d) discourage corruption and abuse of power; and

11                      (e) ensure effective and speedy dispensation of cases bordering on  
12                      breaches of the Code of Conduct for public officers in Nigeria.

13                      2. This Act shall apply to all Public Officers in Nigeria. Application

### 14                                      PART II - CODE OF CONDUCT BUREAU

15                      3.-(1) There is established a body to be known as the Code of Establishment  
16                      Conduct Bureau (in this Act referred to as "the Bureau"). of the Code of  
Conduct Bureau

17                      (2) The Bureau-

18                      (a) shall be a body corporate with perpetual succession and a  
19                      common seal;

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

Governing Board  
of the Bureau

1 (c) may acquire, hold and dispose properties for the performance of its  
2 functions under this Act or any other law in force.

3 4.-(1) The Bureau shall have a Governing Board which shall  
4 comprise-

5 (a) a Chairman who shall be a person of unimpeachable integrity who  
6 has held or is qualified to hold office as a Judicial Officer in Nigeria or has been  
7 a law enforcement officer not below the rank of or equivalent to the rank of a  
8 Director in the Federal Civil Service; and

9 (b) six other members who shall be persons of unimpeachable  
10 integrity from each of the six geo-political zones amongst whom there shall be-

11 (i) a retired police officer not below the rank of commissioner of  
12 police,

13 (ii) a legal practitioner with at least 10 years post-call experience,

14 (iii) a retired public servant not below the rank of a Director,

15 (iv) an expert in Information and Communications Technology,

16 (v) a quantity surveyor or estate valuer, and

17 (vi) a chartered accountant.

18 (2) The Chairman and other members of the Board shall not be less  
19 than 35 years of age at the time of appointment.

20 (3) The Chairman or any member of the Board shall cease to hold  
21 office at the expiration of the tenure or at attainment of 70 years, whichever  
22 comes first.

23 (4) The Chairman and other members of the Board shall be appointed  
24 by the President subject to confirmation by the senate.

25 (5) The Chairman and members of the Board shall hold office for a  
26 term of 5 years in the first instance and renewable for another term of five years  
27 and no more.

28 (6) The Chairman or any member of the Board may resign his  
29 appointment by notice in writing under his hand addressed to the President, and  
30 the Chairman or that member shall cease to be a member of the Board on the

1 date of the receipt of such notice by the President.

2 (7) Where vacancy occurs in the membership of the Board, the  
3 President shall appoint a person having same qualification and from the  
4 same geo-political zone, to complete the unexpired term of the member  
5 whose office is vacant.

6 **5.-(1)** The Board shall have power to appoint, promote, discipline  
7 designate and deploy such officers which, in the opinion of the Bureau shall  
8 be required to discharge all or any of its functions. Staff of the  
Bureau

9 (2) The terms and conditions of service, including terms and  
10 conditions as to remuneration, allowances, pensions, and other benefits of  
11 the persons employed by the Bureau shall be determined by the Board  
12 having regards to what is obtainable in other Federal agencies.

13 (3) The Board may subject to the provision of this Act make staff  
14 regulations relating generally to the conditions of service including the  
15 appointment, promotion and disciplinary control of the staff of the Bureau.

16 (4) The remuneration and salaries of staff shall be determined by  
17 the Board in consultation / with the National Income Salaries and Wages  
18 Commission.

19 (5) Service in the Bureau shall be a scheduled service and shall be  
20 pensionable under the Pensions Reforms Act.

21 (6) Without prejudice to the provisions of subsection (5) of this  
22 section, nothing in this Act shall prevent the appointment of a person to any  
23 office on conditions which preclude the grant of a pensions, or other  
24 retirement benefits in respect of that office. Secretary of the Bureau

25 **6.-(1)** The Board shall appoint a Secretary who shall subject to the  
26 directions of the Board- Secretary of the  
Bureau

27 (a) arrange the business of its meetings;

28 (b) conduct its correspondence; and

29 (c) perform such other functions as the Chairman may from time to  
30 time direct.

Powers of the  
Bureau

1 (2) A person to be appointed as Secretary to the Bureau shall be an  
2 officer in the Bureau not below the rank of a Director.

3 7.-(1) The Bureau shall have power to-

4 (a) receive asset declarations made by public officers or any other  
5 person as required by law, in accordance with the provisions of this Act, or any  
6 other law relating thereto;

7 (b) examine and verify the declarations in accordance with the  
8 requirements of this Act or any other law in force;

9 (c) retain custody of such asset declaration and make them available  
10 for inspection on such terms and conditions as the National Assembly may  
11 prescribe;

12 (d) ensure compliance with, and where appropriate, enforce the  
13 provisions of this Act, or any law relating thereto;

14 (e) receive complaints, intelligence reports or petitions about non-  
15 compliance with, or breach of the provisions of this Act or any law relating  
16 thereto;

17 (f) investigate any complaint, petition or intelligence report and  
18 where appropriate, refer such matters to the Code of Conduct Tribunal;

19 (g) where necessary, invite a person for the purpose of carrying out an  
20 investigation;

21 (h) subject to an order of the Tribunal, cause to be arrested, or detained  
22 by the Police or any other relevant law enforcement agency, any person for the  
23 purpose of carrying out investigation;

24 (i) demand for account statements or any document relating to any  
25 account from any financial institution or any document from any person, body  
26 or institution either private or public required by the Bureau for the purposes of  
27 investigation;

28 (j) in collaboration with the Police or any other relevant law  
29 enforcement agency, search any premises or seize any item or article required  
30 by the Bureau for the purposes of investigation;

1 (k) monitor public officers and institutions in line/with the  
2 provisions of this Act or any other law in relation thereto;

3 (l) gather intelligence on breaches of the code;

4 (m) take necessary measures for the prevention of corruption in  
5 public service through education, advocacy and public enlightenment;

6 (n) with an order of the Tribunal, seal any property or freeze any  
7 account under investigation;

8 (o) direct or order the appropriate authority to suspend or interdict  
9 any person under investigation;

10 (p) review, alter or renew the design of the Assets Declaration  
11 form;

12 (q) make regulations or issue guidelines for the effective  
13 implementation of the provisions of this Act; and

14 (r) exercise such other powers, as may be conferred upon it by the  
15 National Assembly.

16 (2) The Bureau may-

17 (a) engage such consultants and advisers as it may require for the  
18 purpose of giving effect to the provisions of this Act;

19 (b) investigate any public officer, who is in control or possession of  
20 property, assets or monies which is not fairly attributable to the public  
21 officer's income, gift or loan approved by this Act after an initial declaration  
22 required under this Act has been made, and such property, assets, monies  
23 shall be deemed to have been acquired in breach of this Act unless the  
24 contrary is proved; and

25 (c) invite any person, body or organization, where there is  
26 reasonable ground for suspecting that the person has conspired to violate the  
27 provisions of this Act or any other law which the Bureau is empowered to  
28 enforce.

29 **8.-(1)** Subject to the provisions of the Constitution, a public officer  
30 specified in the Second Schedule to this Act shall-

Assets  
declaration

- 1 (a) within one month after taking office;  
2 (b) at the end of every four years; and  
3 (c) at the end of his term of office, submit to the Code of Conduct  
4 Bureau a written or online declaration of all his properties, assets and  
5 liabilities, and those of his spouse and unmarried children under the age of  
6 eighteen years.
- 7 (2) Notwithstanding the provisions of sub-section (1) of this section,  
8 the Bureau may at any interval require any public officer to make declaration of  
9 assets.
- 10 (3) A public officer who fails to declare his assets within one month as  
11 provided in this section commits an offence and is liable on conviction to such  
12 penalty as may be imposed by the Tribunal.
- 13 (4) Where the Bureau finds any statement in the declaration of a  
14 public officer to be false, the public officer shall be deemed to have committed  
15 an offence and is liable on conviction to such penalty, as may be imposed by the  
16 Tribunal.
- 17 (5) A public officer who makes an anticipatory declaration, or under  
18 declaration of his assets and liabilities commits an offence and is liable on  
19 conviction to such penalty, as may be imposed by the Tribunal
- 20 (6) A public officer leaving the public service by reason of dismissal,  
21 retirement or voluntary withdrawal shall within thirty days after vacation of  
22 office submit a declaration of his assets and liabilities to the Code of Conduct  
23 Bureau Office in the State where he last served.
- 24 (7) A public officer who refuses to submit a declaration of his assets  
25 and liabilities as required under sub-section (6) of this section commits an  
26 offence and is liable on conviction to such penalty, as may be imposed by the  
27 Tribunal.
- 28 (8) A public officer who for the purpose of concealment, lodges any  
29 money in any bank in the name of any person or corporation or acquires any  
30 property in the name of such person or corporation commits an offence and is

1 liable on conviction to such penalty as may be imposed by the Tribunal.

2 (9) A public officer who collects assets declaration forms for  
3 officers of his establishment or department and delays or fails to distribute  
4 same commits an offence and is liable on conviction to such penalty, as may  
5 be imposed by the Tribunal.

6 **9.-(1)** A public officer shall not put himself in a position where his  
7 personal interest directly or indirectly influences the impartial or objective  
8 performance of his or her duties or responsibilities.

Conflict of  
interest with duty

9 (2) A public officer's personal interest mentioned in subsection (1)  
10 of this section includes any-

11 (a) advantage to the public officer, his or her family, close relatives,  
12 friends, persons or organizations with which the public officer has had  
13 business or political affiliations; and

14 (b) liability, whether financial or civil.

15 (3) Where a public officer knows that he is likely to have an interest  
16 or has interest that may affect the decision of his official duties and  
17 responsibilities, he or she shall-

18 (a) disclose such interest to the appropriate authority; and

19 (b) recuse himself or herself from such duty or responsibility.

20 (4) A Ministry Department or Agency shall maintain and keep a  
21 register of declared conflict of interests pursuant to subsection (3) of this  
22 Act.

23 (5) A public officer who contravenes the provisions of this section  
24 commits an offence and is liable on conviction to such penalty as may be  
25 imposed by the Tribunal.

26 **10.-(1)** A public officer shall not-

Prohibition of  
multiple  
employment

27 (a) receive or be paid the emoluments of any public office at the  
28 same time as he receives or is paid the emoluments of any other public  
29 office; or

30 (b) except where he or she is not employed on full time basis,

Declaration of  
foreign account

1 engage or participate in the management or running of any private business,  
2 profession or trade but nothing in this subparagraph shall prevent a public  
3 officer from engaging in farming.

4 (2) A public officer who contravenes this section commits an offence  
5 and is liable on conviction to such penalty as may be imposed by the Tribunal

6 **11.-(1)** A public officer specified in the Second Schedule to this Act  
7 may maintain or operate a bank account in any country outside Nigeria;  
8 provided that-

9 (a) where such account had been in existence before the assumption  
10 of duty of the officer concerned, details of the foreign accounts at the time of  
11 taking office and annual statement of such account shall be submitted to the  
12 Bureau; or

13 (b) where a public officer maintains-

14 (i) an account while on foreign service posting;

15 (ii) an account for the payment of insurance claims, school fees and  
16 medical bills;

17 (iii) a short term account for official transaction while on course of  
18 study or any other duty for period up to nine months and above; or

19 (iv) such other account as may be permitted by the foreign  
20 government the public officer shall declare the account and file annual  
21 statements of such accounts to the Bureau.

22 (2) A public officer who violates the provisions of this section  
23 commits an offence and is liable on conviction to a penalty, as may be imposed  
24 by the Tribunal.

Retired public  
officers

25 **12.-(1)** A public officer shall not, after his retirement from public  
26 service and while receiving pension from public funds, accept more than one  
27 remunerative position as Chairman, Director or Employee of-

28 (a) a company owned or controlled by the Government; or

29 (b) any public authority.

30 (2) A public officer who contravenes the provisions of this section

1 commits an offence and is liable on conviction to such penalty, as may be  
2 imposed by the Tribunal.

3 **13.**-(1) A public officer who has held the office of President, Vice-  
4 president, Chief Justice of Nigeria, Governor and Deputy Governor of a  
5 State shall not be employed or be in the service of a foreign company or  
6 foreign enterprise.

Certain public  
officers

7 (2) A public officer who contravenes the provisions of this section  
8 commits an offence and is liable on conviction to such penalty, as may be  
9 imposed by the Tribunal.

10 **14.**-(1) A public officer shall not ask for or accept any property or  
11 benefit of any kind for himself or any other person on account of anything  
12 done or omitted to be done by him in the discharge of his duties.

Gifts or benefits

13 (2) For the purpose of sub-section (1) of this section, the receipt by  
14 a public officer of any gifts or benefits from commercial firms, business  
15 enterprises or persons who have contracts with Government shall be  
16 presumed to have been received in contravention of sub-section (1) of this  
17 section, unless the contrary is proved.

18 (3) A public officer shall only accept personal gifts or benefits from  
19 relatives or personal friends to such extent and on such occasions as are  
20 recognized by custom;

21 Provided that a gift or donation to a public officer on any public or  
22 ceremonial occasion, or commission to a public officer on any transaction  
23 shall be treated as a gift or donation or commission to the Government or  
24 institution represented by the public officer and the Government institution  
25 shall keep an inventory of any such gifts.

26 (4) A public officer who contravenes the provisions of this section  
27 commits an offence and is liable on conviction to such penalty, as may be  
28 imposed by the Tribunal.

29 **15.**-(1) The President or Vice-president, Governor or Deputy  
30 Governor, Minister of the Government of the Federation, Commissioner of

Restriction on  
gifts, loans or  
certain benefits  
to public officers

	1	the Government of a State or any other public officer who holds office, as a
	2	Permanent Secretary, Director-General or Head of any public corporation,
	3	University, or other parastatal or organization shall not accept-
	4	(a) a loan, except from government or any of its agencies or a bank,
	5	building society or other financial institution recognized by law; or
	6	(b) any benefit of whatever nature from any company, contractor or
	7	business man or the nominee or agent of such person, Provided that the head of
	8	a public corporation or of a University or other parastatal or organization may,
	9	subject to the rules and regulations of the body, accept a loan from such body.
	10	(2) public officer who contravenes the provisions of this section
	11	commits an offence and is liable on conviction to such penalty, as may be
	12	imposed by the Tribunal.
Bribery by public officers	13	<b>16.</b> -(1) A public officer shall not offer any property, gift or benefit of
	14	any kind to any person as an inducement or bribe for the granting of any favour
	15	or the discharge in his favour of that person's duty.
	16	(2) A public officer who contravenes the provisions of this section
	17	commits an offence and is liable on conviction to such penalty, as may be
	18	imposed by the Tribunal.
Abuse of powers	19	<b>17.</b> -(1) A public officer shall not do or direct to be done in abuse of his
	20	office -
	21	(a) any act prejudicial to the rights of any other person;
	22	(b) any act contrary to any regulations, government policy,
	23	procedures or guidelines in discharge of his official duty; or
	24	(c) any act which tends to confer an advantage on himself or any other
	25	person.
	26	(2) A public officer who contravenes the provisions of this section
	27	commits an offence and is liable on conviction to such penalty, as may be
	28	imposed by the Tribunal.
Membership of Societies	29	<b>18.</b> -(1) A public officer shall not be a member of or belong to or take
	30	part in any society the membership of which is incompatible with the functions

1 or dignity of his office.

2 (2) A public officer who contravenes the provisions of this section  
3 commits an offence and is liable on conviction to such penalty, as may be  
4 imposed by the Tribunal.

5 **19.** A public officer who does any act prohibited by this Act Agents, proxies  
6 through a nominee, trustee or other agent shall be deemed to have and nominees  
7 committed a breach of this Act and is liable on conviction to a penalty as may  
8 be imposed by the Tribunal

9 **20.** In its application to public officers- Exemptions

10 (a) members of legislative houses shall be exempt from the  
11 provisions of section 12 of this Act; and

12 (b) the National Assembly may by law exempt any cadre of public  
13 officers from the provisions of section 10 of this Act if it appears to it that  
14 their position in the public service is below the rank which it considers  
15 appropriate for the application of those provisions.

16 **21.**-(1) Any allegation that a public officer has committed a breach Allegation of  
17 or has not complied with the provision of this Act shall be made to the breach  
18 Bureau.

19 (2) Upon the receipt of any complaint, the Bureau may cause a  
20 notice to be served on the public officer concerned to appear before it within  
21 a period of seven days from the service of the said notice.

22 (3) The Bureau shall upon the commencement of investigation  
23 serve a notice debarring the public officer concerned from disposing of or  
24 otherwise dealing with any property which is the subject of investigation.

25 (4) The Bureau may decline to conduct investigation into any  
26 complaint alleging an offence under this Act or proceed with an  
27 investigation earlier commenced if it is satisfied that the complaint is  
28 frivolous.

29 **22.**-(1) A person who makes any false statement in writing during Miscellaneous  
30 investigation under this Act commits an offence and is liable on conviction offences

1 to a fine not less than Five Hundred Thousand Naira or for a term of  
2 imprisonment not exceeding two years or to both such fine and imprisonment.

3 (2) A person who knowingly makes a false report or complaint to the  
4 Bureau commits an offence and is liable on conviction to a fine of not less than  
5 Two Hundred Thousand or imprisonment for a term of imprisonment not  
6 exceeding two years or to both such fine and imprisonment.

7 (3) A person who wilfully refuses to appear before the Bureau  
8 commits an offence and is liable on conviction to a fine of not less than One  
9 Million Naira or imprisonment for a term of not less than two years or both.

10 (4) A person who wilfully refuses to produce any document or  
11 disclose any information or account as required under section 7(h) of this Act  
12 commits an offence and is liable on conviction to a fine of not less than Five  
13 Million Naira or imprisonment for a term of not less than four years or both.

14 (5) A person who wilfully obstructs, resists or assaults any officer of  
15 the Bureau or Tribunal in the execution of his duties under this Act commits an  
16 offence and is liable on conviction to a fine of not less than Three Million Naira  
17 or imprisonment for a term of not less than two years or both.

18 (6) A public officer who knowingly transfers a property that is the  
19 subject matter of investigation after receiving a notice barring him from doing  
20 so commits an offence and is liable on conviction to a fine of not less than Five  
21 Million Naira or imprisonment for a term of four years or both.

22 (7) A person who engages in the concealment, or disguise of the true  
23 nature, source, location, disposition, movement, right with respect to or  
24 ownership of property knowing that such property is derived from any breach  
25 referred to in this Act, commits an offence and is liable on conviction to a fine  
26 of not less than Five Million Naira or imprisonment for a term not less than four  
27 years or both.

28 (8) Any person who aids, abets or procures any person to commit an  
29 offence under this Act or conspires with any person to commit such offence is

1        liable on conviction to the penalty prescribed under subsection (7) of this  
2        section.

## 3 PART III - CODE OF CONDUCT TRIBUNAL

4	<b>23.-(1)</b> There is established a tribunal to be known as the Code of	Establishment of
5	Conduct Tribunal (in this Act referred as "the Tribunal").	Code of Conduct Tribunal

(2) The Tribunal shall consist of a Chairman and such number of members as may be appointed by the President, on the recommendation of the National Judicial Council.

(3) There shall be established at least a Division of the Tribunal in each of the six geo-political zones of the Federation.

11 (4) The President shall on the recommendation of the National  
12 Judicial Council, approve-

(a) additional number of panels at the headquarters, as  
circumstances may demand; and

15 (b) for the Divisions in the geo-political zones-

16 (i) membership of each Division,

17 (ii) location of each Division, and

18 (iii) number of panels in each of the Divisions.

(5) The Chairman shall be a person who has held or is qualified as a Judicial Officer in Nigeria and shall receive such remuneration as may be prescribed by law.

(6) The Chairman and other members of the Tribunal shall be appointed by the President on the recommendation of the National Judicial Council.

(7) The National Assembly may by law confer on the Tribunal such additional powers as may appear to be necessary to enable the Tribunal to effectively discharge its functions under this Act.

28                   **24.-(1)** There shall be appointed for the Tribunal such number of                   Staff  
29                   staff as are necessary for the effective performance of its functions under this  
30                   Act.

Tenure of office  
of Chairman and  
members

1 (2) The power to appoint the staff of the Tribunal and to exercise  
2 disciplinary control over them shall vest in the members of the Tribunal and  
3 shall be exercisable in accordance with the provision of this Act.

4 (3) Service in Tribunal shall, subject to the provisions of this Act, be  
5 the same as that provided for in respect of officers in the civil service of the  
6 Federation.

7 **25.**-(1) Subject to the provisions of this section, a person holding the  
8 office of chairman or member of the Tribunal shall vacate his office when he  
9 attains the age of seventy years.

10 (2) person who has held office as chairman or member of the Tribunal  
11 for a period of not less than ten years shall, if he retires at the age of seventy  
12 years, be entitled to pension for life at a rate equivalent to his last annual salary  
13 In addition to other retirement benefits to which he may be entitled.

14 (3) A person holding the office of chairman or member of the Tribunal  
15 shall not be removed from his office or appointment by the President except  
16 upon an address supported by two- thirds majority of each House of the  
17 National Assembly praying that he be so removed for inability to discharge the  
18 functions of the officer in question (whether arising from infirmity of mind or  
19 body) or for misconduct or for contravention of this Act.

20 (4) A person holding the office of chairman or member of the  
21 Tribunal shall not be removed from office before retiring age, save In  
22 accordance with the provisions of this section.

Jurisdiction and  
Powers of the  
Tribunal to impose  
punishment

23 **26.**-(1) The Tribunal shall to the exclusion of any other Court or  
24 Tribunal have jurisdiction to hear and determine all questions relating to breach  
25 of this Act or any relevant law passed by the National Assembly.

26 (2) The jurisdiction of the Tribunal shall include issuing Interim and  
27 interlocutory orders to facilitate the enforcement of this Act or any law relating  
28 thereto.

29 (3) Notwithstanding the provisions of this Act or any other law, the  
30 Tribunal shall have jurisdiction to hear applications and make orders for

1 freezing of any accounts, sealing any property, seizure of any property, real  
2 or personal, moveable or immoveable that is subject of investigation upon  
3 application ex-parte by or on behalf of the Code of Conduct Bureau.

4 (4) Where the Tribunal finds a public officer guilty of contravening  
5 any of the provisions of this Act, it shall impose upon that officer any of the  
6 punishment specified under subsection (5) of this section.

7 (5) The punishment which the Tribunal may impose shall include  
8 any of the following-

9 (a) vacation of office;

10 (b) disqualification from holding any public office for a period not  
11 exceeding ten years;

12 (c) imprisonment for a term not less than two years;

13 (d) seizure and forfeiture to the State of any property acquired in  
14 breach of any of the Codes of Conduct for Public Officers; and

15 (e) any other penalty prescribed under this Act.

16 (6) The punishments mentioned in subsection (5) of this section  
17 shall be without prejudice to the penalties that may be imposed by any law  
18 where the breach of conduct is also a criminal offence under the Criminal  
19 Code or any other enactment or law.

20 (7) Where the Tribunal gives a decision as to whether or not a  
21 person is guilty of a contravention of any of the provisions of this Act, an  
22 appeal shall lie as of right from such decision or from any punishment  
23 imposed on such person to the Court of Appeal at the instance of any party to  
24 the proceedings.

25 (8) Any right of appeal to the Court of Appeal from the decision of  
26 the Tribunal conferred by subsection (7) of this section shall be exercised in  
27 accordance with the provisions of the rules of court for the time being in  
28 force regulating the powers, practice and procedure of the Court of Appeal.

29 (9) Nothing in this section shall prejudice the prosecution of a  
30 public officer punished under this section, or preclude such officer from

	1	being prosecuted or punished for an offence in a court of law.
	2	(10) The provisions of the Constitution of the Federal Republic of
	3	Nigeria 1999, relating to prerogative of mercy, shall not apply to any
	4	punishment imposed in accordance with the provisions of this section.
Constitution of the Tribunal	5	27. For the purpose of exercising its jurisdiction under this Act, the
	6	Tribunal shall be duly constituted by a presiding member to be appointed by the
	7	Chairman following seniority and at least one other member.
Rules of procedure and institution of proceedings	8	28.-(1) The rules of procedure to be adopted in any prosecution for the
	9	offences under this Act before the Tribunal, and the forms to be used in such
	10	prosecutions shall be as set out in the Third Schedule to this Act.
	11	(2) Prosecutions for all offences referred to in this Act shall be
	12	instituted in the name of the Federal Republic of Nigeria by the Attorney-
	13	General of the Federation or such officers in the Federal Ministry of
	14	Justice as the Attorney-General of the Federation may authorise so to do.
	15	(3) For the purpose of subsection (2) of this section, the Attorney-
	16	General of the Federation may-
	17	(a) after consultation with the Attorney-General of any State in the
	18	Federation, authorise any officer of the Ministry of Justice of the State
	19	concerned to undertake any such prosecutions directly or assist therein; or
	20	(b) if the Tribunal so requests, or if contingencies so dictate, authorise
	21	any other legal practitioner in Nigeria to undertake any such prosecution or
	22	assist therein: Provided that the question whether any authority has been given
	23	in pursuance of this subsection shall not be inquired into by any person.
	24	(4) Any person accused of any offence referred to in this Act shall be
	25	entitled to defend himself in person or by a person of his own choice who is a
	26	legal practitioner resident in Nigeria.
Power to issue search warrants	27	29. Notwithstanding the provisions of any other enactment conferring
	28	power to search, if the chairman of the Tribunal is satisfied that there is a
	29	reasonable ground to suspect that there may be found in any building or place,
	30	any books, records, statements or information in any form which in his opinion,

1 are or may be material to the charge or any trial under this Act, he may issue a  
 2 warrant under his hand authorising any police officer or any member of the  
 3 security agencies to enter, if necessary by force, the said building or other  
 4 place and every part thereof, and to search for, seize and remove any such  
 5 material found in that place.

6 PART IV - MISCELLANEOUS

7 **30.** The Code of Conduct Bureau and Tribunal Act Cap C 15 Laws Repeal  
 8 of the Federation of Nigeria, 2004 is repealed.

9 **31.**-(1) Anything made or done by the Bureau or Tribunal under the Savings and  
 10 Code of Conduct Bureau and Tribunal Act Cap C 15 Laws of the Federation transitional  
 11 of Nigeria, 2004 ("the repealed Act") and having any resulting or continuing provisions  
 12 effect shall be treated as from the commencement of this Act, as if it were  
 13 made or done by the Bureau or Tribunal established under this Act.

14 (2) Any person who before the commencement of this Act, was  
 15 appointed or employed under the repealed Act shall continue in office and be  
 16 deemed to have been appointed or employed under this Act.

17 (3) All assets, rights, liabilities and obligations of the Bureau or  
 18 Tribunal under the repealed Act shall, by virtue of this Act, be deemed to be  
 19 that of the Bureau or Tribunal established under this Act.

20 **32.** In this Act, unless the context otherwise requires- Interpretation

21 "abuse of office" means the commission of an unlawful act, done in an  
 22 official capacity, which affects the performance of official duties;

23 "abuse of power" means corruption, misuse and misconduct done in an  
 24 official capacity;

25 "Board" means the Governing Board established under Section 4 of this Act;

26 "Bureau" means the Code of Conduct Bureau established by the  
 27 Constitution and under section 3 of this Act;

28 "business" means any profession, vocation, trade or any adventure or  
 29 concern in the nature of trade, and excludes farming;

30 "child" includes a step-child, a lawfully adopted child, a child born out of

1 wedlock and any child to whom any individual stands in place of a parent;  
2 "conflict of interest" means a situation where a public officer is in a position to  
3 derive personal benefit from actions or decisions made in the public officer's  
4 official capacity;  
5 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
6 1999 (as amended);  
7 "emolument" means any salary, wage, overtime or leave pay commission, fee,  
8 bonus, benefit, advantage (whether or not the allowance, pension or annuity is  
9 paid, given or granted in respect of any employment or office);  
10 "engaging in business" means participating or managing any enterprise but  
11 excludes ownership of shares or equity in an enterprise;  
12 "functions" includes powers and duties;  
13 "foreign companies" or "foreign enterprises" means companies or enterprises  
14 in which the controlling shares are owned by persons other than the  
15 Government, its agencies or citizens of Nigeria;  
16 "members" includes the members of the Bureau or the Tribunal as the case may  
17 be;  
18 "liabilities" includes indebtedness, or money owed, or financial obligation to  
19 an individual or an institution;  
20 "President" means the President of the Federal Republic of Nigeria;  
21 "public officer" means a person holding any of the offices specified in the  
22 Second Schedule to this Act;  
23 "the Tribunal" means the Tribunal established by and under section 20 of this  
24 Act.

Short title

25 **33.** This Bill may be cited as Code of Conduct Bureau and Tribunal  
26 Bill, 2022.

**SCHEDULES****FIRST SCHEDULE****[Section 8]****FORM (CCB. 1)****[Order II Rule (2).]**

Writ of summons in action in personam in the Federal High Court in  
the Admiralty Judicial Division

Assets declaration form for public officers

1. Full name of declarant:.....  
.....

2. Present appointment and date:.....  
.....

3. Rank:.....  
.....

4. Address: .....  
.....

5. (a) Last appointment.....  
.....

(b) Date of appointment: From .....To  
.....

6. Details of assets:.....  
.....

(a) Cash in hand (if over N1,000) .....  
.....

(b) Cash in bank in Nigeria (give particulars of banks) .....  
.....  
.....

.....  
.....

(c) Cash in bank outside Nigeria (give particulars of banks and countries)

.....  
.....  
.....  
.....  
.....  
.....

(d) Landed property in Nigeria (give details together with value of each and annual income derived from each) -

Date acquired Total value Annual income

i) Buildings .....

(ii) Farms .....

(iii) Vacant land .....

(iv) Factories .....

(v) Other enterprises .....

How acquired:

(i) .....  
.....

(ii) .....  
.....

(iii) .....  
.....

(iv) .....  
.....

(v) .....  
.....

(e) Movable property or assets:

Date acquired    Total value    Annual income

(i) Vehicles    .....    .....    .....

(ii) Boats/other means of transport.....    .....  
.....

(iii) Machinery, etc    .....    .....    .....

(iv) Furniture    .....    .....    .....

(f) How acquired:

(i).....  
.....

(ii).....  
.....

(iii).....  
.....

(iv).....  
.....

(g) Details of property outside Nigeria (as in (d) and (e) above)

Total value    Annual income

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(h) Government securities including premium banks, savings certificates

.....

.....

.....

.....

(i) Shares, debentures and other securities (i) in Nigeria and (ii) outside Nigeria

(j) Details of assets/property of (a) wife/wives (b) children if not public officers, liable to assets declaration

(i) Wife/wives .....

.....

.....

.....

.....

.....

.....

(ii) Children.....

.....

.....  
.....

(k) I, .....  
..... (full names) solemnly declare that the facts  
given by me in this form are correct and that I conscientiously believe  
same to be true by virtue of the provisions of the Oaths Act.

.....

**Signature of declarant**

Declared at..... Registry.....  
.....

This .....day of .....20 .  
.....

**Before me**

**High Court Judge**

Space for additional relevant information under paragraphs 6 (a)-  
(i) if necessary

**For official use**

1. Date of receipt of Form.....  
.....

2. Action taken (a) acknowledgement slip issued

(b) filed

(c) sent for variation

Signature .....  
.....

Name .....  
.....

(Receiving officer)

## Acknowledgement slip

(From Office of deposit)

Receipt No.....

Received from .....

.....

of.....

.....

copies of Form CCB.I

Signature .....

Name.....

Receiving officer.....

Date.....

---

## SECOND SCHEDULE

*[Section 8]*

Public officers for the purposes of the Code of Conduct

1. The President of the Federation.

2. The Vice-President of the Federation.

3. The President and Deputy President of the Senate, Speakers and Deputy Speakers of the House of Representatives and of the Houses of Assembly of States, and all members and staff of Legislative Houses.

4. Governors and Deputy Governors of States.

5. Chief Justice of Nigeria, Justices of the Supreme Court, President and Justices of the Court of Appeal, all other judicial officers and all staff of courts of law.

6. Attorney-General of the Federation and Attorney-General of each State.

7. Ministers of the Government of the Federation and Commissioners of the Governments of the States.

8. Chief of Defence Staff, Head of the Army, Navy, Air Force and a members of the Armed Forces of the Federation.

9. Inspector-General of Police, Deputy Inspector-General of Police and all members of the Nigeria Police Force and other Government security agencies established by law.

10. Secretary to the Government of the Federation, Head of the Civil Service, Permanent Secretaries, Directors General and all other persons in the civil service of the Federation or of the States.

11. Ambassadors, High Commissioners and other officers of Nigerian Missions Abroad.

12. Chairman and other members and staff of the Code of Conduct Bureau and Code of Conduct Tribunal.

13. Chairmen and other members and staff of local government councils.

14. Chairmen and members of the Boards of other government bodies and staff of statutory corporations and of companies in which the Federal or any State Government has controlling interests.

15. All staff of universities, colleges and institutions owned and financed by the Federal or State Governments or local government councils.

16. Chairmen and other members and staff of permanent commissions or councils appointed on fulltime basis.

### THIRD SCHEDULE

[Section 28.]

## Code of Conduct Tribunal Rules of Procedure

### Commencement and Conduct of Trial

#### *Institution of proceedings*

1. The trial of offences under this Act shall commence by way of an application, supported by a summary of evidence or affidavit to the Tribunal by the prosecutor.

#### *Order on an accused to appear*

2. Where, after the perusal of the application and the summary of evidence, affidavit or any further evidence in such forms as the Tribunal may consider necessary, the Tribunal is satisfied that any person appears to have committed an offence provided under this Act, it shall cause that person to be brought before the Tribunal on such date and at such time as it may direct.

#### *Commencement of trial*

3.-(1) When the Tribunal is ready to commence the trial, the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

(2) If the accused pleads guilty, the plea shall be recorded and he may in the discretion of the Tribunal be convicted thereon.

#### *Plea of not guilty or no plea*

4. If the accused pleads not guilty or makes no plea or refuses to plead

1 or if the Tribunal enters a plea of not guilty on behalf of the accused, the  
2 Tribunal shall proceed to try the case.

3 *Presentation of case for prosecution*

4 5.-(1) After a plea of not guilty has been taken or no plea has been  
5 made, the prosecutor may open the case against the accused, stating shortly  
6 by what evidence he intends to prove the guilt of the accused.

7 (2) The prosecutor shall then examine the witnesses for the  
8 prosecution who may be cross-examined by the accused or his counsel and  
9 may thereafter be re-examined by the prosecutor.

10 *Procedure after presentation of evidence by the prosecutor*

11 6.-(1) After the conclusion of the presentation of evidence by the  
12 prosecutor, the Tribunal shall ask the accused-

13 (a) whether he wishes to give evidence on his own behalf; and

14 (b) whether he intends to call any witness other than witnesses as to  
15 character.

16 (2) If the accused says that he does not intend to call any witnesses  
17 other than witnesses as to character, the prosecutor may sum up his case  
18 against the accused and the Tribunal shall then call upon the accused to enter  
19 upon the defence.

20 (3) Notwithstanding the provisions of paragraph (2) of this rule, the  
21 Tribunal may, if after hearing the evidence against the accused or any of  
22 several accused, it considers the evidence not sufficient to justify the  
23 continuation of the trial, record a finding of not guilty in respect of such  
24 accused without calling upon him or them to enter upon their defence and  
25 such accused shall thereupon be discharged and acquitted and the Tribunal  
26 shall then call upon the remaining accused, if any, to enter upon their  
27 defence.

28 (4) If the accused or anyone of several accused says that he intends  
29 to call any witness, other than a witness as to character, the Tribunal shall  
30 call upon the accused to enter upon his defence.

1 (5) Notwithstanding the provisions of paragraph (4) of this rule, the  
2 Tribunal may, before calling upon the accused to enter upon his defence, call  
3 upon the prosecutor to sum up his case against any one or more of the accused  
4 persons against whom it considers that the evidence is not sufficient to justify  
5 the continuation of the trial and, after hearing the summing up, if any, may in its  
6 discretion record a finding of not guilty in respect of any such accused or call  
7 upon any of them to enter upon his or their defence.

8 *Defence*

9 7. When the Tribunal calls upon the accused to enter upon his defence  
10 the accused or his counsel may open his case stating the facts or law on which  
11 he intends to rely and making such comments as he thinks necessary on the  
12 evidence for the prosecution and the accused may then give evidence on his  
13 own behalf, examine his witnesses, if any, and, after their cross-examination  
14 and re-examination if any, the accused or his counsel may sum up his case.

15 *Right of prosecutor to reply*

16 8.-(1) If the accused or any of the accused calls any witness, other than  
17 a witness as to character, or any document, other than a document relating to  
18 character, is put in evidence for the defence. the prosecutor shall be entitled to  
19 reply.

20 (2) If the accused has called only evidence as to character, the  
21 prosecutor may at the close of the case for the defence adduce evidence of  
22 previous convictions of the accused.

23 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this  
24 rule, the prosecution may, with leave of the Tribunal, be heard in reply on a  
25 point of law or on any new matter or evidence, other than evidence as to  
26 character introduced by the accused.

27 *Consideration of findings*

28 9. When the case for the defence and the reply of the prosecution, if  
29 any, are concluded and the Tribunal does not desire to put any further question  
30 to the accused, the Tribunal shall retire or adjourn to consider its findings.

*Announcement of findings*

10. After the Tribunal has made its findings, the Chairman shall announce such findings and, where the accused is found guilty, it shall impose the appropriate penalty prescribed in this Act, and issue an appropriate order accordingly.

*Notes of evidence to be taken*

11.-(1) The Chairman or any other member of the Tribunal authorised by the Chairman in that behalf shall, in every case, take notes in writing of the oral evidence, or so much thereof as he considers material, in a book to be kept for that purpose and such book shall be signed by the Chairman and not less than two other members of the Tribunal including the person who took down the notes, at the conclusion of each day's proceedings.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses at such proceedings.

*Issue of summons for witness*

12. If the Tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence, the Tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the Tribunal to give evidence in respect of the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

*Warrant of witness after summons*

13. If the person to whom any such summons is directed does not attend before the Tribunal at the time and place mentioned therein. and there does not appear to the Tribunal on inquiry to be any reasonable excuse for such non attendance, then after proof to the satisfaction of the Tribunal that

1 the summons was duly served or that the person to whom the summons is  
2 directed wilfully avoided service, the Tribunal, on being satisfied that such  
3 person is likely to give material evidence, may issue a warrant to apprehend  
4 him and to bring him, at the time and place to be mentioned in the warrant,  
5 before the Tribunal in order to testify as aforesaid.

6 *Local inspections*

7 It shall be the duty of the Tribunal to make or cause to be made such  
8 local inspection as the circumstances of the case may require.

9 *Forms*

10 15. Subject to any express provisions of these rules, the forms  
11 contained in the Annex to these Rules may, in accordance with any instructions  
12 contained in the said forms, and with such variation as the circumstances of the  
13 particular case may require, be used in the case to which they apply, and when  
14 so used, shall be good and sufficient in law.

15 *Application of Criminal Procedure Act or Code*

16 16. Where these Rules contain no provision in respect of any matter relating to  
17 or connected with the trial of offences under this Act, the provisions of the  
18 Criminal Procedure Act or, depending on the venue, the Criminal Procedure  
19 Code shall, with such modifications as the circumstances may require, apply in  
20 respect of such matter to the same extent as they apply to the trial of offences  
21 generally.

22 *Interpretation*

23 17. In these Rules, "the prosecutor" means the Attorney - General of  
24 the Federation or any other person authorised by him pursuant to section  
25 4 this Act to conduct the prosecution of an offence before the Tribunal or to  
26 assist therein.

**ANNEX****FORMS****FORM 1****[Order II Rule (2).]**

To: The Chairman,

Tribunal for the trial of offences under the Code of Conduct B  
ureau and Tribunal Act

.....

.....

.....

1. Pursuant to section 24 of the Code of Conduct Bureau and Tribu  
nal Act, I hereby apply to the commencement of a trial for the off

ence of .....under section of the Act against the undermention  
ed persons-

(i).....  
.....

(ii).....  
.....

2. In support of this application I attach hereto.....  
copies of the summary of evidence or affidavit for the consideration  
of the Tribunal.

3. If this application is granted, I shall be relying on the facts disclos  
ed in the summary of evidence and any further evidence the Tri  
bunal may consider necessary at the trial. I attach hereto four  
copies of the charge against the accused. A list of the deponents  
and their addresses is also attached for the purpose of issuing  
summonses to them.

.....

Prosecutor

## FORM 2

Summons to accused

In the Tribunal for the trial of offences under the Code of Conduct  
Bureau and Tribunal Act.

To. A.B. of .....  
.....

Complaint has been made this day by .....  
.....

for that on the .....day of..... at.....  
..... in the .....aforesaid did\* .....  
.....  
.....

.....  
 .....  
 ..... You are therefore summoned to appear before the  
 Tribunal mentioned above sitting at.....  
 .....on..... to answer the said  
 complaint DATED the .....day of.....  
 .....20.....

.....  
 Chairman of the Tribunal

\*State concisely the substance of the offence.

\_\_\_\_\_

### FORM 3

Warrant for apprehension of accused

In the Tribunal for the trial of offences under the Code of Conduct  
 Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and

Accused

To .....Police Officer, complaint has been made on .....of ..... by .....that...  
 ..... hereinafter called the accused, on the .....  
 ..... day..... of.....  
 ..... did \* You are hereby commanded to bring the accused before the Tribunal mentioned above sitting at .....  
 ..... on .....

.....to answer the said complaint and to be dealt with according to law.

DATED the .....day of .....  
.....20.....

.....

Chairman of the Tribunal

\* State concisely the substance of the offence.

\_\_\_\_\_

#### FORM 4

Summons to witness

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and

Accused

To (i).....  
.....

(ii).....  
.....has been charged by

(iii).....at.....  
..... in.....tha  
t he did (iv)..... and it appearing to me  
on the application of (iii).....  
..... that you are likely to give material evidence therein on behalf  
of the prosecutor (or accused).

You are therefore summoned to appear before the Tribunal named above sitting at..... on the..... day of.....20..... at the hour of.....in the..... noon to testify what you know in such matter.

DATED the..... day of.....  
..... 20.....

.....

Chairman of the Tribunal

- (i) Insert name of witness.
- (ii) Insert name of accused.
- (iii) Insert the name of prosecutor.
- (iv) State concisely the substance of the offence.

\_\_\_\_\_

**FORM 5**

Warrant for apprehension of witness in the first instance

In the Tribunal for the trial of offences under the Code of Conduct  
Bureau and Tribunal Act.

To.....  
.....A.B. has

been charged by.....  
.....for that he on the

..... day of..... at  
..... in the

..... State aforesaid did\*.....  
.....  
.....

And it appearing to me by the oath of that .....  
..... is likely to give material evidence concerning the said matter  
and that it is probable he will not attend to give evidence unless  
compelled to do so.

You are therefore hereby commanded to bring him before the Trib  
unal named above sitting at.....  
.....forthwith to testify to what he knows concerning the  
said matter.

DATED the .....day of.....  
.....20.....

.....  
Chairman of the Tribunal

\*State concisely the substance of the offence.

\_\_\_\_\_

**FORM 6**

Warrant for apprehension of witness

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and Accused

To.....Police Constable or to each and all the Constables

.....  
.....

(i).....was duly summoned to appear before the Tribunal named above sitting at.....on.....at the hour of.....in the

..... noon, to testify to what he knows concerning a certain complaint

against .....

..... And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him and that a reasonable sum has been paid or tendered to him for his costs and expenses in that behalf.

You are therefore commanded to bring him before the Tribunal named above sitting at.

..... For  
the with to testify to what he knows concerning the said matter.

DATED the..... day of.....  
.....20 .....

.....

Chairman of the Tribunal

(i) Insert name of witness.

\_\_\_\_\_

### FORM 7

Warrant for commitment of witness

In the Tribunal for the trial of offences under the Code of Conduct  
Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and

Accused

To.....and to the Superintende  
nt.....of Prison (i)

..... having appeared or been  
brought before the Tribunal

named above sitting at.....on the.....da  
y of.....20.....

to testify what he knows concerning a certain matter against (ii).....  
..... refused to take an oath (or having  
taken an oath) refused to answer any (or a certain) question put  
to him concerning the matter and did not offer any just excuse  
for his refusal.

You, the said Police Officer, are hereby commanded to convey the  
said ..... safely to the prison, and deliver him to the Superintendent  
thereof, together with this warrant and you, the Superintendent of the  
said prison, to  
receive him into your custody and keep him for the

period of .....  
..... Unless, he in the meantime consents to be  
examined and to answer concerning the matter.

DATED the.....day of.....  
..... 20.....

.....

Chairman of the Tribunal

(i) Insert name of witness.

(ii) Insert name of accused.

\_\_\_\_\_

**FORM 8**

Commitment of reward

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and Accused

To.....and Officer-in-Charge of

..... Police Station and to the Superintendent of ..... Prison

(i).....hereinafter called the accused being brought before the Tribunal named above, sitting at..... charged with having

(ii) .....The hearing of the case being adjourned:

You, the said Police Officer, are hereby commanded to convey the accused to Police custody At.....\*to the prison, and there to deliver him to the Officer – in-Charge\*/ Superintendent thereof, together with this warrant, and you, the Officer-in-Charge\*/

the Superintendent of the said prison, to receive him into your custody, and keep him until.....the day of..... 20..... And on that day to convey him before the said Tribunal at the hour of.....

in the..... noon to be further dealt with according to law.

DATED the..... day of.....  
..... 20.....

Chairman of the Tribunal

(i) Insert name of accused.

(ii) State the offence or offences.

\*Delete whichever does not apply. \_\_\_\_\_

### FORM 9

Warrant of conviction

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and

Accused

(i).....having appeared before the Tribunal named above sitting at.....is this day convicted for that he, on the.....day of.....20 ..... at.....within the.....did

(ii) ..... And it is adjudged that the accused, for his said offence, be sentenced to

(iii) ..... and the accused shall until the conviction and/or sentence is confirmed or disallowed by the Court of Appeal be kept in custody at

(iv) .....

DATED the.....day of.....  
.....20 .....

.....

Chairman of the Tribunal

- (i) Insert name of accused.
- (ii) State the offence or offences for which accused is convicted.
- (iii) Insert the Tribunal sentence.
- (iv) Insert name of accused.

#### **EXPLANATORY NOTE**

*(This note does not form part of this Act but intends to explain its  
purports)*

This Bill seeks to ensure the effective performance of the functions of the Code of Conduct Bureau and assist the Code of Conduct Tribunal in the effective and speedy dispensation of cases bordering on breaches of the code of conduct for public officers in Nigeria.

NATIONAL LIBRARY BILL, 2022

ARRANGEMENT OF SECTION

*Section:*

1. Establishment of the National Library
  2. Establishment and membership of the Governing Board of the National Library
  3. Cessation of office
  4. Functions and powers of the Board
  5. Functions of the National Library
  6. Appointment of the National Librarian
  7. Staff of the National Library
  8. Service in the National Library
  9. Deposit obligations
  10. International standard publishing Obligations
  11. Fund of the National Library
  12. Expenditure of the National Library
  13. Account and audit
  14. Annual report
  15. Power to accept gifts
  16. Power to make regulations
  17. Legal proceedings, service of document, etc
  18. Repeal and savings
  19. Interpretation
  20. Short title
- Schedules



# A BILL                      EXECUTIVE

## FOR

AN ACT TO REPEAL THE NATIONAL LIBRARY ACT, CAP N.56, LAWS OF  
THE FEDERATION OF NIGERIA, 2004, AND ENACT THE NATIONAL LIBRARY  
ACT, TO ESTABLISH AND MAINTAIN THE NATIONAL LIBRARY OF NIGERIA,  
STRENGTHEN ITS STATUTORY FUNCTIONS AND FOR RELATED MATTERS

[      ] Commencement

ENACTED By the National Assembly of Federal Republic of  
Nigeria-

- |    |   |                  |
|----|---|------------------|
| 1  | 1.-(1) There is established a National Library of Nigeria, known as       | Establishment    |
| 2  | the National Library.   | of the National  |
| 3  | (2) The National Library-   | Library          |
| 4  | (a) is a body corporate with perpetual succession and a common            |                  |
| 5  | seal;   |                  |
| 6  | (b) may sue and be sued in its corporate name; and                        |                  |
| 7  | (c) may acquire, hold and dispose of property moveable and                |                  |
| 8  | immoveable to carry out its functions under this Act.                     |                  |
| 9  | (3) The headquarters of the National Library shall be situated in         |                  |
| 10 | Abuja, the Federal Capital Territory. .                                   |                  |
| 11 | (4) The National Library shall have branches in each State capital        |                  |
| 12 | of the Federation and the Federal Capital Territory.                      |                  |
| 13 | 2.-(1) There is established for the National Library a Governing          | Establishment    |
| 14 | Board (the Board) which shall direct the affairs of the National Library. | and membership   |
| 15 | (2) The Board shall consist of-   | of the Governing |
| 16 | (a) a Chairman;   | Board of the     |
| 17 | (b) one representative of the Federal Ministry of Education;              | National Library |
| 18 | (c) one representative of the Nigerian Association of University          |                  |
| 19 | Librarians;   |                  |
| 20 | (d) one representative of the Nigerian Library Association;               |                  |

1 (e) one representative' of the Nigerian Authors and Publishers  
2 Association established in Nigeria;

3 (f) one representative of each geopolitical zone of Nigeria;

4 (g) one representative of the National Archives of Nigeria; and

5 (h) the National Librarian.

6 (3) The Chairman and other members of the Board shall be appointed  
7 by the President on the recommendation of the Minister.

8 (4) Subject to section 3 (1)(a) of this Act, a person appointed as a  
9 member of the Board, not being an ex-officio member, shall hold office for four  
10 years and no more.

11 (5) The supplementary provisions contained in the First Schedule to  
12 this Act shall have effect with respect to the proceedings of the Board, and other  
13 matters mentioned in it.

14 (6) There shall be paid to every member of the Board such allowances  
15 and expenses as the Federal Government may, from time to time, direct.

Cessation of  
office

16 **3.-(1)** Notwithstanding the provisions of section 2 (4) of this Act, a  
17 person shall cease to hold office as a member of the Board where-

18 (a) his term of office expires;

19 (b) he resigns his office by a notice in writing under his hand  
20 addressed to the President through the Minister;

21 (c) he dies;

22 (d) he is incapable of carrying out his duties due to physical or mental  
23 illness;

24 (e) he is declared bankrupt;

25 (f) he is convicted of a felony or any offence involving dishonesty;

26 (g) he is found guilty of a gross misconduct relating to his duties;

27 (h) in the case of a person possessed of professional qualification, he  
28 is disqualified or suspended from practicing his profession in any part of the  
29 world by an order of a competent authority; or

30 (i) in the case of an ex-officio member, he ceases to hold the office on

1 the basis of which he is a member of the Board.

2 (2) Notwithstanding the provisions of subsection (1) of this  
3 section, a member of the Board may be suspended 'or removed from office  
4 by the President if he is satisfied that it is not in the interest of the National  
5 Library or the public 'that such member shall continue in office.

6 (3) Where a vacancy occurs in the membership of the Board, it  
7 shall be filled by the appointment of a successor representing the same  
8 interest to hold office for the remainder of the term of office of his  
9 predecessor.

10 4. The Board shall-

11 (a) formulate policy and superintend over the policy, finance and  
12 property of the National Library including its public relations;

13 (b) set out the National Library's economic, financial, operational  
14 and administrative policies, programmes and targets in line with the overall  
15 objective of setting up the organisation, and take into cognisance  
16 Government policy directives as provided by the Minister;

17 (c) measure performance against targets, introduce broad policy  
18 measures and supervise management to ensure that the targets are achieved;  
19 and

20 (d) approve procedures for the collection, preservation and use of  
21 the National Library collections.

22 5. The National Library shall-

23 (a) act as a national depository institution for books and any other  
24 literary output in Nigeria including digital publications;

25 (b) digitise and upload collected legal deposit materials to its  
26 virtual library without compromising the copyright of authors and  
27 publishers;

28 (c) act as the focal institution and advisory body to individual,  
29 corporate and Government institutions on library and information matters;

30 (d) acquire, process, organize, disseminate as well as provide links

Functions and  
Powers of the  
Board

Functions of the  
National Library

1 to information resources to Nigerians and non-Nigerians, for their educational  
2 pursuit and for informed decision making;

3 (e) assemble and maintain a collection of all books, periodicals,  
4 newspapers, maps, gazettes, laws, bye-laws, notices, orders and other  
5 government publications which are published in and about Nigeria;

6 (f) assemble and maintain a collection of all musical recordings and  
7 films produced in and about Nigeria;

8 (g) develop networks and linkages with other libraries in Nigeria and  
9 anywhere in the world;

10 (h) prepare catalogues, indexes and similar research aids;

11 (i) register and represent international standard publishing agencies  
12 in Nigeria, such as International Standard Book Number ("ISBN"),  
13 International Standard Serial Number ("ISSN"), International Standard Music  
14 Number ("ISMN") and any other international standard publishing agency;

15 (j) prescribe the rules and procedures for granting applications and  
16 issuance of ISBN, ISSN, ISMN or as may be applicable;

17 (k) allocate ISBN to publications that emanate from Nigeria, assign  
18 ISSN to new serial titles and ISMN to music publications;

19 (l) make the facilities of the National Library available to members of  
20 the public and others on proper terms, which may include provision for-

21 (i) registration of persons admitted to use the library facilities, and

22 (ii) safe-guard of the property' of the National Library;

23 (m) impose fees or administrative charges for services rendered to the  
24 public, subject to approval of the Board;

25 (n) provide consultancy services to individuals, communities,  
26 corporate bodies, agencies and other government bodies as it relates to library  
27 matters;

28 (o) develop and publish the National Bibliography of Nigeria and  
29 national bibliographical services, either in 9 national bibliographical centre or  
30 elsewhere;

- 1 (p) engage in research on any subject of national interest relating to
- 2 library affairs and publish its findings for public use;
- 3 (q) provide and encourage staff to undertake capacity building and
- 4 skill acquisition programmes to enhance their skills in the performance of
- 5 their duties to the National Library;
- 6 (r) engage in readership promotion campaign with a view to
- 7 encourage reading culture and awareness among Nigerians;
- 8 (s) provide leadership initiative in the area of resource sharing and
- 9 library co-operation;
- 10 (t) audit the sources of unrecorded information such as indigenous
- 11 knowledge which are required for continued research into national heritage
- 12 of Nigerian history and culture;
- 13 (u) develop Information and Communication Technology (ICT)
- 14 facilities to ensure that the services of the National Library are offered in real
- 15 time, more widely and efficiently;
- 16 (v) develop and provide virtual and other ICT related library
- 17 services;
- 18 (w) provide in accordance with this Act such services provided by
- 19 the national libraries of highest standing as the Board may deem;
- 20 (x) establish a Centre for Advanced Library and Information
- 21 Management (CALIM) and other capacity building centres that may be
- 22 responsible for short and long term capacity building of librarians and other
- 23 information personnel;
- 24 (y) subject to extant laws, grant open access in print or electronic
- 25 form to research publications sponsored by Government and international
- 26 agencies;
- 27 (z) be an educational research institution;
- 28 (aa) act as the Bibliographic body of Nigeria;
- 29 (bb) act as Registrar of all other libraries in Nigeria;
- 30 (cc) index and keep the list of all public library in a data base in Nigeria and

	1	cause a certificate of registration to be issued; and
	2	(dd) facilitate collaboration and linkages with related organizations.
Appointment of the National Librarian	3	<b>6.</b> -(1) There is appointed for the National Library a National Librarian
	4	("National Librarian"), by the President on the recommendation of the
	5	Minister.
	6	(2) The National Librarian shall-
	7	(a) be subject to the general direction and supervision of the Board;
	8	(b) be a person who has capacity in the organisation of library and its
	9	services;
	10	(c) be the Chief Executive Officer and Accounting Officer of the
	11	National Library;
	12	(d) be a degree holder with not less than eighteen years cognate
	13	experience on matters which relates to library and information management;
	14	(e) execute the policies of the Board and be responsible for the day-to-
	15	day administration of the National Library; and
	16	(f) perform such other duties as the Board may, from time to time
	17	direct.
	18	(3) The National Librarian shall hold office for a term of four years
	19	and be eligible for another term of four years and no more.
Staff of the National Library	20	<b>7.</b> The National Library may, subject to the approval of the Board,
	21	appoint such staff as it deems necessary and expedient, from time to time-
	22	(a) for the proper and efficient performance of its functions; and
	23	(b) on such terms and conditions, with remunerations, allowances and
	24	benefits as may be determined, from time to time, by the Board, in consultation
	25	with the National Salaries Incomes and Wages Commission.
Service in the National Library	26	<b>8.</b> -(1) Service in the National Library shall be approved service for the
	27	purposes of the Pension Reform Act, and accordingly, staff of the National
	28	Library shall be entitled to pensions and other retirement benefits as are
	29	prescribed under the Pension Reform Act.
	30	(2) Without prejudice to the provisions of subsection (1) of this

1 section, nothing in this Act shall prevent the appointment of a person to any  
2 office on conditions which preclude the grant of a pension, gratuity or other  
3 retirement benefits in respect of the office.

4 (3) For the application of the provisions of the Pension Reform Act,  
5 any power exercisable by a Minister or other authority of the Government  
6 other than the power to make regulations under the Pension Reform Act is  
7 vested in and shall be exercised by the Board.

8 9.-(1) Any author or publisher of a published work in Nigeria shall  
9 within one month after the publication, deposit with the National Library  
10 perfect copies in print and electronic form published work for permanent  
11 preservation and public use at their own expense.

Deposit  
obligations

12 (2) Where the publication is by or on behalf of any department of  
13 the Federal Government, State Government or an individual, the number of  
14 copies to deposit shall be 37 for federal, 18 for states and 4 for individuals,  
15 which shall be delivered to the National Library for permanent preservation  
16 and public use at their own expense.

17 (3) Publications in digital and print forms sponsored by  
18 Government and inter government agencies, deposited with the National  
19 Library shall be made available freely without copyright restrictions.

20 (4) Collection of electronic publications by Nigerians for and  
21 about Nigeria domiciled in other databases and repositories shall be  
22 harvested for free and access given in perpetuity to the National Library. .

23 (5) Where an author or publisher fails to deposit the requisite  
24 number of copies of the published work at the National Library as provided  
25 in subsection (1) of this section, the National Library shall-

26 (a) seize the published work; and

27 (b) impose a fine of five times the cover price of the publication.

28 (6) An author or publisher who fails to comply with the provision  
29 of sub-section (1) of this section, the author or publisher commits an offence  
30 and is liable upon conviction-

1 (a) in the case of an individual to a fine 10 times the cover price of the  
2 publication; or

3 (b) in the case of a body corporate, to a fine twenty times the cover  
4 price of the publication.

5 (7) Without prejudice to sub-section (6) of this section, the court shall  
6 order the person in default to deliver to the National Library the mandatory  
7 number of copies of the publications.

8 (8) Any person who refuses to grant free access for the collection of  
9 electronic publications commits an offence and is liable upon conviction to a  
10 minimum fine of Five Hundred Thousand Naira.

11 (9) A book, periodical or any other publication shall not be launched  
12 publicly anywhere in Nigeria unless the author or publisher has obtained a  
13 certificate of clearance of depositing the publication with the National Library.

14 (10) Any person who fails to present the certificate of clearance,  
15 commits an offence and is liable upon conviction to a minimum fine of Five  
16 Hundred Thousand Naira.

17 (11) The President may by order in the Federal Gazette exclude any  
18 publisher or book from the operation of subsections (1) and (2) of this section.

International  
standard publishing  
obligations

19 **10.-(1)** A book, periodical or publication, including digital materials  
20 published in Nigeria which meets international standard publishing format  
21 shall be assigned an appropriate international standard number by the National  
22 Library.

23 (2) Any author or publisher who fails to obtain international standard  
24 number for his publication, commits an offence and is liable upon conviction to  
25 a fine of not less than One Hundred Thousand Naira.

26 (3) Any author or publisher who obtains an international standard  
27 number from an unauthorized source, commits an offence and is liable upon  
28 conviction to a fine of not less than One Hundred Thousand Naira.

29 (4) Any staff or director of an organisation who issues unauthorised  
30 international standard number commits an offence and is liable upon

1 conviction to imprisonment for a term of two years without an option of fine.

2 **11.** There is established a fund for the National Library ("the Fund of the  
3 Fund") which shall consist of- National Library

4 (a) all subventions and budgetary allocations from the Federal  
5 Government;

6 (b) foreign aid assistance from international, regional or sub-  
7 regional bodies, provided that such foreign aid assistance are not  
8 inconsistent with the objectives of the National Library;

9 (c) all sums which accrue to the National Library by way of gifts,  
10 endowments or testamentary depositions; and

11 (d) such other funds as may accrue to the National Library from its  
12 investments or from the disposal of its assets. .

13 **12.** The National Library shall from time to time, apply the  
14 proceeds of the fund established in section 11 of this Act to- Expenditure of  
the National Library

15 (a) meet its administrative and operating costs;

16 (b) pay salaries, wages, fees, allowances, retirement benefits  
17 including pensions and any other remuneration payable to the staff of the  
18 National Library;

19 (c) publicise and promote the activities, of the National Library;

20 (d) purchase or acquire property, or develop or maintain any  
21 property vested in or owned by the National Library; and

22 (e) undertake any other expenditure in connection with its  
23 functions under this Act.

24 **13.-(1)** The National Library shall keep proper accounts and other  
25 records relating to the National Library and shall prepare in respect of each  
26 financial year a statement of accounts and present it to the Board. Accounts and  
audit

27 (2) The accounts of the National Library shall be audited by  
28 auditors appointed by the Board from the list of auditors and, in accordance  
29 with the guidelines prescribed by the Auditor-General of the Federation.

Annual report	1	<b>14.</b> The National Librarian shall prepare and submit to the Board not
	2	later than 30th May in each financial year, a report in such form as the Board
	3	may direct on the activities of the National Library during the last preceding
	4	financial year, and shall include in the report a copy of the audited accounts of
	5	the National Library for the last preceding financial year and of the auditors'
	6	report on the accounts.
Power to accept gifts	7	<b>15.</b> The National Library may accept gifts on such terms and
	8	conditions, if any, as may be specified by the donor of the gift, provided that the
	9	terms and conditions are not contrary to the objectives and functions of the
	10	National Library.
Power to make regulations	11	<b>16.</b> The National Librarian may make such regulations-
	12	(a) as in his opinion are necessary or expedient to give effect to the
	13	provisions of this Act; and
	14	(b) to vary from time to time, the number of copies of publication to be
	15	deposited by an author or publisher.
Legal proceedings, service of documents, etc.	16	<b>17.-(1)</b> A suit against the National Library of any member, officer or
	17	staff of the National Library in his capacity as such, shall not lie or be instituted
	18	unless it is commenced within the twelve months following the act, neglect or
	19	default complained of or, in the case of a continuance of damage or injury,
	20	within the twelve months following the cessation.
	21	(2) A suit shall not be commenced against the National Library or any
	22	member, officer or staff of the National Library in his capacity as such, unless
	23	at least one month written notice of intention to commence the suit is served on
	24	the National Library by or on behalf of the intending plaintiff, which states the-
	25	(a) cause of action;
	26	(b) particulars of the claim; and
	27	(c) name and place of abode of the intending plaintiff and the relief
	28	claimed.
	29	(3) The notice referred to in subsection (2) of this section and any
	30	summons, notice or other documents required or authorized to be served on the

1 Board or National Library may, except where there is express provision to  
2 the contrary, be served by-

3 (a) delivering it to the National Librarian; or

4 (b) sending it by registered post, addressed to the National  
5 Librarian, at the principal office of the National Library.

6 (4) The National Library shall without prejudice to any other right  
7 of representation, be represented at any stage of the proceedings by any  
8 member, officer or staff of the National Library who is duly authorized in  
9 writing by the National Librarian in that behalf.

10 (5) In any suit against the National Library, no execution,  
11 attachment or process shall be issued against the National Library, except  
12 any sum of money which may by the judgement of the court be awarded  
13 against the National Library and shall subject to any directions given by the  
14 court where notice of appeal has been given by the National Library in  
15 respect of the judgement, be paid by the National Librarian from the funds of  
16 the National Library.

17 (6) In this section "suit" means any civil proceedings however  
18 commenced.

19 **18.-(1)** The National Library Act, Cap N56, 2004 is repealed.

Repeal and saving

20 (2) From the commencement of this Act, all assets, funds,  
21 resources and other movable or immovable property which immediately  
22 before the commencement of this Act is vested on the National Library, is  
23 vested in the National Library established under the Act.

24 (3) From the commencement of this Act-

25 (a) the rights, interests, obligations and liabilities of the former  
26 Board existing immediately before the commencement of this Act under any  
27 contract or instrument, shall by virtue of this Act be assigned and vest in the  
28 Board established in this Act;

29 (b) anything made, done or having effect under the repealed Act  
30 and having any resulting or continuing effect shall be treated from the

	1	commencement of this Act, as if it were made or done by the National Library
	2	established under this Act; and
	3	(c) any person who before the commencement of this Act, is
	4	appointed or employed by the National Library established under the repealed
	5	Act shall continue in office and is deemed appointed or employed by the
	6	National Library established under this Act.
	7	(4) All assets, rights, liabilities and obligations of the National Library
	8	under the repealed Act is, by virtue of this Act, deemed to be that of the National
	9	Library established under this Act.
Interpretation	10	<b>19.</b> In this Act-
	11	"Act" means the National Library of Nigeria Act, 2022;
	12	"bibliographic services" means management and processing of publications by
	13	the National Library for ease of access;
	14	"Board" means the National Library Board, established under section 2 of this
	15	Act;
	16	"Chairman" means the Chairman of the Board;
	17	"competent authority" includes a court and professional bodies;
	18	"National Librarian" means the Chief Executive Officer of the National
	19	Library;
	20	"Minister" means the Minister charged with responsibility for education;
	21	"National Library" means the apex library of Nigeria established under section
	22	1 of this Act; and
	23	"State" means a State of the Federation.
Short title	24	<b>20.</b> This Bill may be cited as the National Library of Nigeria
	25	(Establishment) Bill, 2022.

## 1 SCHEDULES

## 2 FIRST SCHEDULE

3 *Section 2(5)*

## 4 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

5 *Proceedings of the Board*

6 1.-(1) Subject to this Act and section 3 of the Interpretation Act the  
7 Board may make standing orders to regulate the proceedings of the Board or  
8 any of its committee.

9 (2) The quorum of the Board shall be four and the quorum of any  
10 committee of the Board shall be determined by the Board.

11 (3) The Board shall elect a member of the Board to be the deputy  
12 Chairman of the Board for such period as the Board may determine,  
13 however a Deputy Chairman who ceases to be a member shall cease to be  
14 Deputy Chairman.

15 (4) Where the office of the Chairman is vacant or the Chairman is in  
16 the opinion of the Board, unable to perform the functions of his office, the  
17 Deputy Chairman shall perform those functions, and the references in this  
18 Act to the Chairman shall be construed accordingly.

19 (5) The Board shall meet not more than four times in each calendar  
20 year.

21 (6) Subject to paragraph 5 of this Schedule and standing orders of  
22 the Board, the Board shall meet where it is summoned for emergency  
23 meeting by the Chairman and if the Chairman is required to do so by notice  
24 given to him by not less than seven other members, he shall summon an  
25 emergency meeting of the Board to be held within seven days from the date  
26 on which the notice is given.

27 (7) At any meeting of the Board the Chairman, in his absence the  
28 Deputy Chairman, shall preside, but if both are absent, the members present  
29 at the meeting shall elect one of their member to preside at the meeting.

30 (8) Where the Board desires to obtain the advice of any person on a

1 particular matter, the Board may co-opt him as a member for such period as it  
2 thinks fit, but a person who is a member by virtue of this paragraph, shall not be  
3 entitled to vote at any meeting of the Board and shall not count towards a  
4 quorum.

5 (9) The Board shall appoint three Standing Committees which are the  
6 Finance and General Purpose, the Establishment and Planning Committee and  
7 the Development Committee to which the Board shall delegate its functions.

8 (10) The Board shall appoint a Secretary to the Board, who shall-

9 (a) be an officer of the National Library but not a member of the  
10 Board; and

11 (b) perform such duties as the Board or the National Librarian may  
12 determine.

13 (11) Without prejudice to the generality of the powers conferred by  
14 section 2 (3) of this Act, the Board shall have powers to make staff regulations,  
15 to regulate the conditions of service of the staff of the National Library to  
16 provide for-

17 (a) the appointments, promotions, dismissals, disciplines, leave of  
18 absence, sabbatical and study leave of senior staff; and

19 (b) appeals by staff against dismissal or other disciplinary measures  
20 and until such regulations are made any instrument relating to conditions of  
21 service in the Public Service of the Federation shall be applicable, with such  
22 modifications as may be necessary, to the staff of the National, Library.

23 *Miscellaneous*

24 2.-(1) The fixing of the seal of the National Library shall be  
25 authenticated by the signature of the National Librarian or any authorized  
26 officer.

27 (2) Any contract or instrument which, if made or executed by a person  
28 not being a body corporate, is not required to be under seal, may be made or  
29 executed on behalf of the National Library by any person generally or specially  
30 authorized by the National Librarian to act for that purpose.

1 (3) Any document which purports to be a document duly executed  
2 under the seal of the National Library shall be received hi evidence and shall,  
3 unless the contrary is proved, be presumed to be so executed.

4 (4) The validity of any proceedings of the Board or its committee  
5 shall not be affected by any-

6 (a) vacancy in the membership of the Board or committee;

7 (b) defect in the appointment of a member of the Board; or

8 (c) reason that a person not entitled to do so took part in the  
9 proceedings.

10 SECOND SCHEDULE

11 *Section 2(2)(f)*

12 The States in each zone referred to in section 2(2)(0 of this Act are-

13 (1) North-Central - Benue, FCT, Kogi, Kwara, Nasarawa, Niger, Plateau;

14 (2) North-East - Adamawa, Bauchi, Barno, Gombe, Taraba, Yobe;

15 (3) North-West - Jigawa, Kaduna, Kano, Katsina, Kebbi, Sakata, Zamfara

16 (4) South-East - Abia, Anambra, Ebonyi,;Enugu, Imo

17 (5) South-West - Ekiti, Lagos, Ogun, Osun, Ondo Oyo; and

18 (6) South:South - Akwa-..lbom~13ayelsa, Cross=River,Delta, Edo, Rivers.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and enact the National Library Act to strengthen the legal deposit and international standards of publishing for effective compliance and provide adequate sanctions on authors and publishers who default in complying with the deposit of publications.



**A BILL** EXECUTIVE  
**FOR**

AN ACT TO AMEND THE MUTUAL LEGAL ASSISTANCE IN CRIMINAL  
MATTERS ACT, 2018; AND FOR RELATED MATTERS

[     ] Commencement

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

1            **1.** The Mutual Legal Assistance in Criminal Matters Act, 2018,  
2 (the Principal Act) is amended, as set out in this Act.

Amendment of  
the Mutual Legal  
Assistance in  
Criminal Matters  
Act, 2018

3            **2.** Section 2 of the Principal Act is amended-

4            (a) in subsection (2) by deleting the existing paragraph (a), and  
5 renumbering the remaining paragraphs, accordingly; and

Amendment of  
section 2 of the  
Principal Act

6            (b) by inserting a new subsections (3) and (4) immediately after the  
7 existing subsection (2). as follows-

8            “(3) Mutual legal assistance may be provided under this Act,  
9 notwithstanding the fact that the offence committed in a foreign state, for  
10 which the request is made, is not denominated as a known offence in  
11 Nigeria, provided that the ingredients of the offence are similar to any  
12 known offence, by whatever name called in Nigeria.

13            (4) Mutual legal assistance may be provided in non-coercive  
14 requests in so far as the subject matter of the request is non-coercive in the  
15 requesting state.”

16            **3.** Section 17 of the Principal Act is amended by inserting  
17 immediately after the existing subsection (4), a new subsection (5), as  
18 follows-

Amendment of  
section 17 of the  
Principal Act

19            “(5) For the purpose of this subsection (4) of this section, "without  
20 delay" means a period not exceeding 2 months".

Amendment of section 19 of the Principal Act	1	<b>4.</b> Section 19 of the Principal Act is amended-
	2	(a) in subsection (1) by deleting paragraph (g), and renumbering,
	3	accordingly;
	4	(b) by inserting immediately after the existing subsection (4), a new
	5	subsection (5), as follows-
	6	“(5) Without prejudice to the provisions of subsection (3) of this
	7	section, requests for assistance shall not be refused on grounds-
	8	(a) that the offence involves fiscal matters;
	9	(b) of secrecy or confidentiality requirements on financial
	10	institutions; or
	11	(c) where the relevant information sought is held under legal
	12	professional privilege, as provided under the Evidence Act.”; and
	13	(c) by renumbering, accordingly.
Short title	14	<b>4.</b> This Bill may be cited as the Mutual Legal Assistance in Criminal
	15	Matters (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

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

This Bill seeks to amend the Mutual Legal Assistance in Criminal Matters Act, 2018, to enhance the application and implementation of the Principal Act.

EXTRADITION (AMENDMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of the Extradition Act, CAPE25 LFN, 2004
  2. Amendment of section 2 of the Principal Act
  3. Amendment of section 7 of the Principal Act
  4. Amendment of section 15 of the Principal Act
  5. Amendment of section 20 of the Principal Act
  6. Short Title
- Schedule



# A BILL                      EXECUTIVE

## FOR

AN ACT TO AMEND THE EXTRADITION ACT, CAP E25, LAWS OF THE  
FEDERATION OF NIGERIA, 2004; TO EXPAND THE SCOPE OF APPLICATION  
AND FOR RELATED MATTERS

[       ] Commencement

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

- |    |  |   |
|----|--|---|
| 1  | 1. The Extradition Act, Cap E25, Laws of the Federation of                   | Amendment of                                  |
| 2  | Nigeria, 2004, ("the Principal Act") is amended, as set out in this Act.     | the Extradition<br>Act, Cap E25, LFN,<br>2004 |
| 3  | 2. Section 2 of the Principal Act is amended-                                | Amendment of                                  |
| 4  | (a) in the marginal note, by deleting the words "to Commonwealth             | Section 2 of the                              |
| 5  | Countries"; and  | Principal Act                                 |
| 6  | (b) by substituting the sub-section (1) with a new sub-section (1).          |   |
| 7  | as follows-  |   |
| 8  | (1). subject to the provisions of this section, this Act shall apply to      |   |
| 9  | every separate country within the Commonwealth, and any other country        |   |
| 10 | with whom Nigeria establishes an extradition treaty or arrangement".         |   |
| 11 | 3. Section 7 of the Principal Act is amended immediately after the           | Amendment of                                  |
| 12 | existing subsection (3) by inserting a new subsection (4), as follows-       | Section 7 of the<br>Principal Act             |
| 13 | "4. The procedure for the issuance of a warrant of arrest shall be set       |   |
| 14 | out in the Schedule to this Act".  |   |
| 15 | 4. The Principal Act is amended by inserting immediately after the           | Amendment of                                  |
| 16 | existing section 15, a new section 15A, as follows-                          | Section 15 of the<br>Principal Act            |
| 17 | "15A. Prosecution of fugitive upon refusal to surrender;                     |   |
| 18 | Where Nigeria refuses to surrender a fugitive criminal to a requesting state |   |
| 19 | on a ground other than the ground of dual criminality, Nigeria shall upon a  |   |
| 20 | request by the requesting state, commence prosecution of the fugitive under  |   |
| 21 | a special arrangement between Nigeria and the requesting state.              |   |



NATIONAL SOCIAL INVESTMENT PROGRAMME

(ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

*Section:*

PART I - OBJECTIVE AND APPLICATION

1. Objective
2. Application

PART II - NATIONAL SOCIAL INVESTMENT PROGRAMME

3. Establishment of the National Social Investment Programme
4. Beneficiaries of the Programme
5. Enrolment of beneficiaries of the Programme
6. National Social Register
7. Termination of Benefits

PART III - MANAGEMENT OF THE PROGRAMME

8. Establishment of the National Social Investment Programme Agency
9. Establishment of the National Social Investment Programme Agency Governing Board
10. Tenure of office
11. Cessation of Membership
12. Functions of the Agency
13. Functions and Powers of the Board

PART IV - STAFF OF THE AGENCY

14. Appointment of National Coordinator
15. Tenure of office of the National Coordinator.
16. Duties of the National Coordinator
17. Programme managers and other staff

PART V - STATE GOVERNMENT PARTICIPATION

18. Requirements for State Government Participation

## PART VI - FINANCIAL PROVISIONS

19. Establishment of the National Social Investment Programme Fund
20. Annual estimates and accounts
21. Annual reports
22. Gifts to the Agency

## PART VII - MISCELLANEOUS

23. Offence and penalty
  24. Power of the President to give directives of general character to the Agency
  25. Regulations, guidelines, etc
  26. Monitoring and evaluation
  27. Premises
  28. Pre-action notice
  29. Restriction on execution against property of the Agency
  30. Limitation of suits against the Agency
  31. Savings and Transitional provisions
  32. Interpretation
  33. Short title
- Schedule



	1	(a) unemployed persons including unskilled persons;
	2	(b) vulnerable widows, orphans and children;
	3	(c) persons with disabilities;
	4	(d) vulnerable older persons; and
	5	(e) such other category of persons as the National Social Investment
	6	Board may, with the approval of the President, determine from time to time by
	7	an order published in the Official Gazette.
	8	(2) The target beneficiaries of the Programme shall be as set out under
	9	the First Schedule to this Act.
Enrolment of beneficiaries of the Programme	10	<b>5.</b> -(1) The enrolment of beneficiaries of the Programme shall be made
	11	in such form as the Agency, with the approval of the Minister, may determine.
	12	(2) The Agency may investigate to verify the eligibility of an
	13	applicant.
	14	(3) Where in the opinion of the Agency, an applicant is not qualified to
	15	benefit from the Programme, the Agency shall inform the applicant
	16	accordingly and provide the reasons.
National Social Register	17	<b>6.</b> -(1) There is established a National Social Register to be mined for
	18	implementing the Programme and any other related matter.
	19	(2) The National Social Register shall contain the electronic
	20	information and data of poor and vulnerable persons and households from the
	21	States and Federal Capital Territory.
Termination of benefits	22	<b>7.</b> -(1) The Agency may cancel a beneficiary's social investment
	23	benefits where such benefit has been obtained through misrepresentation,
	24	deceit, fraud or failure to disclose any material information.
	25	(2) Any social investment benefits obtained through
	26	misrepresentation, deceit, fraud or failure to disclose any material information
	27	shall be refunded to the Government by the person or from his estate if he is
	28	deceased.
	29	(3) The Agency may terminate the payment of social investment

1 benefits to a beneficiary who is absent from Nigeria for a continuous period  
2 of six months.

3 (4) The provision or payment of any social investment benefits to a  
4 beneficiary shall lapse when the-

5 (a) person dies; or

6 (b) conditions upon which the person was considered a beneficiary  
7 no longer exist.

8 PART III - ESTABLISHMENT OF THE NATIONAL SOCIAL INVESTMENT

9 PROGRAMME AGENCY AND IT'S GOVERNING BOARD

10 **8.-(1)** There is established a body to be known as the National  
11 Social Investment Programme Agency ("in this Act referred to as the  
12 "Agency") for the proper execution and management of the Programme,

Establishment  
of the National  
Social Investment  
Programme Agency

13 (2) The Agency shall-

14 (a) be a body corporate with perpetual succession and a common  
15 seal; and

16 (b) may sue or be sued in its corporate name,

17 **9.-(1)** There is established for the Agency, a Board, to be known as  
18 the National Social Investment Programme Agency Board ("in this Act  
19 referred to as the Board"),

Establishment  
of the National  
Social Investment  
Programme Agency  
Governing Board

20 (2) The Board shall consist of-

21 (a) a Chairman who shall be a person of integrity;

22 (b) representatives of Federal Ministries responsible for the  
23 following, not below the rank of Director-

24 (i) humanitarian affairs, social inclusion and poverty eradication,

25 (ii) finance,

26 (iii) budget,

27 (iv) labour,

28 (v) interior,

29 (vi) education,

30 (vii) health,

- 1 (viii) justice,  
2 (ix) women affairs,  
3 (x) information,  
4 (xi) communication,  
5 (xii) water Resources,  
6 (xiii) industry,  
7 (xiv) youth;  
8 (xv) agriculture; and  
9 (xvi) environment;  
10 (c) Chief Executives of the following Agencies-  
11 (i) National Bureau of Statistics,  
12 (ii) National Directorate of Employment,  
13 (iii) National Population Commission,  
14 (iv) Universal Basic Education Commission,  
15 (v) National Primary Healthcare Development Agency,  
16 (vi) National Orientation Agency,  
17 (vii) National Youth Service Corps,  
18 (viii) Nigerian Communications Commission,  
19 (ix) Small and Medium Enterprises Development Agency of Nigeria,  
20 and  
21 (x) National Information Technology Development Agency.  
22 (d) a representative each of the following bodies-  
23 (i) Nigeria Governors Forum,  
24 (ii) Association of Local Governments of Nigeria (ALGON),  
25 (iii) Civil Society Organisations,  
26 (iv) Organised Private Sector,  
27 (v) International Development Partners,  
28 (vi) International non-Governmental Organisations, and  
29 (vii) Non-Governmental Organisations;  
30 (e) Chairman of the State Coordinators Forum; and

1 (f) the National Coordinator of Programme who shall also be the  
2 Secretary to the Board.

3 (3) Members of the Board other than Ex - Officio members shall be  
4 appointed by the President on the recommendation of the Minister.

5 (4) Members of the Board shall be paid such allowances as may be  
6 approved by the Federal Government.

7 (5) The Chairman and members of the Board other than the  
8 National Coordinator shall hold office on part -time basis.

9 (6) The supplementary provisions set out under the Second  
10 Schedule to this Act shall apply to the proceedings of the Board.

11 **10.** Members of the Board other than Ex-Officio members shall Tenure of office  
12 hold office for a term of four years and may be reappointed for a further term  
13 of four years, and no more, on such terms and conditions as may be specified  
14 in their letters of appointment.'

15 **11.-(1)** The office of a member of the Board shall become vacant Cessation of  
16 where- Membership

- 17 (a) his term of office expires;
- 18 (b) he resigns by notice in writing addressed to the Minister;
- 19 (c) he dies;
- 20 (d) he is declared bankrupt;
- 21 (e) he is convicted of a felony or any offence involving dishonesty;
- 22 (f) he is guilty of gross misconduct relating to his duties; or
- 23 (g) in the case of an ex-officio member, he ceases to hold the office  
24 on the basis of which he is a member of the Board.

25 (2) Notwithstanding the provisions of section 10 of this Act and  
26 subsection (1) of this section, a member of the Board, may at any time be  
27 removed from office by the President for inability to discharge the duties of  
28 his office arising from infirmity of mind or body, misconduct or in the public  
29 interest.

30 (3) Where a vacancy occurs in the membership of the Board before

Functions of the  
Agency

1 the expiration of the term of office of a member, a fit and proper person shall be  
2 appointed for the remainder of the term to represent the same interest as the  
3 predecessor.

4 **12.** The Agency shall-

5 (a) oversee the implementation of policies, projects relating to the  
6 Programme;

7 (b) conduct overall monitoring, evaluation, impact assessment and  
8 review the implementation of the Programme;

9 (c) collaborate and interface with State Coordinators;

10 (d) maintain and facilitate the use of the National Social Register  
11 established under this Act;

12 (e) share national poverty maps to guide State Governments in the  
13 selection of the poorest Local Governments;

14 (f) establish skill acquisition centres for the purpose of training of  
15 beneficiaries of the Programme and other persons;

16 (g) set periodic attainable targets for the implementation of the  
17 Programme;

18 (h) develop regulations on accountability measures and mechanisms;

19 (i) conduct overall monitoring, evaluation and review of the  
20 Programme;

21 (j) prepare and submit annual reports on the implementation of the  
22 Programme to the Minister;

23 (k) from time to time, designate inspectors or monitors, to such areas  
24 of Nigeria as it may determine, to inspect ongoing execution of Programme by  
25 the Agency;

26 (l) collaborate with the media on advocacy and mobilization  
27 activities; and

28 (m) perform such other functions and exercise such powers as are  
29 incidental to the Programme.

1	<b>13.</b> The Board shall-	Powers of the Board
2	(a) advise on the policy and strategic framework for the execution	
3	of the Programme for the implementation of the Agency;	
4	(b) undertake periodic assessment, review, monitoring and	
5	evaluation of the impact of the Programme for the purpose of providing	
6	advice to the Government at all levels;	
7	(c) present timely annual reports to the President and the National	
8	Assembly, through the Minister, on the status of social Investment	
9	Programme and Policy implementation in Nigeria;	
10	(d) ensure the equitable distribution of resources to target	
11	population;	
12	(e) promote effective inter-governmental collaboration in social	
13	Investment Programme Implementation;	
14	(f) initiate studies, surveys and evaluations to generally strengthen	
15	the Implementation of the Programme under this Act;	
16	(g) exercise disciplinary control over staff of the Agency; and	
17	(h) perform such other functions as may be necessary and	
18	expedient to achieve the objectives of this Act.	
19	PART IV - STAFF OF THE AGENCY	
20	<b>14.</b> -(1) There shall be for the Agency, a National Coordinator of	Appointment of National Coordinator
21	Programme ("in this Act referred to as the National Coordinator") who shall	
22	be appointed by the President on the recommendation of the Minister.	
23	(2) The National Coordinator shall-	
24	(a) be the chief executive and accounting officer of the Agency;	
25	(b) possess a university degree in the field of social sciences;	
26	agriculture, engineering, veterinary medicine or business administration;	
27	(c) possess 10 years relevant managerial experience in the public or	
28	private sector in social work, resource generation or poverty eradication	
29	systems;	
30	(d) be advanced in computer literacy and data management;	

	1	(e) be a person of proven integrity and sound mental health; and
	2	(f) be accountable for the overall delivery of the execution of the
	3	Programme.
Tenure of office of the National Coordinator	4	<b>15.</b> -(1) The National Coordinator shall hold office-
	5	(a) for a term of four years and be eligible for reappointment for
	6	another term of four years and no more; and
	7	(b) on such terms and conditions as may be specified in his letter of
	8	appointment.
	9	(2) Notwithstanding the provisions of subsection (1) of this section,
	10	the National Coordinator may be removed from office for inability to discharge
	11	the functions of his office arising from infirmity of body or mind, for
	12	misconduct, or in the public interest.
Duties of the National Coordinator	13	<b>16.</b> The National Coordinator shall-
	14	(a) be responsible for the day-to-day administration of the Agency
	15	established under section 8 of this Act;
	16	(b) coordinate all clusters of the Programme with a view to full
	17	integration and effectiveness;
	18	(c) build sustainable partnerships with stakeholders on the
	19	Programme;
	20	(d) supervise all budgeting and procurement activities of the
	21	Programme;
	22	(e) forge and ensure an effective Monitoring and evaluation, and
	23	impact assessment on all activities of the Programme;
	24	(f) maintain all records and activities on the Programme and ensure
	25	the production of annual reports;
	26	(g) take responsibility of assigning roles, supervision, training and
	27	assessment of all staff of the Programme;
	28	(h) supervise the activities of all State Coordinators to ensure
	29	effectiveness, transparency, accountability and full coordination; and
	30	(i) carry out other assignments that are incidental to his office.

1                   17.-(1) The Agency may request for the deployment of a Programme managers and  
2 Programme Manager for each Programme and other staff from the Public other staff  
3 Service of the Federation in accordance with the Public Service Rules.

4                   (2) Notwithstanding the provision of sub section (1) of this section,  
5 the Board may employ directly such other staff as may be necessary.

6                   (3) The Agency may where necessary, engage ad-hoc staff on  
7 contract to carry out projects and activities under the Programme.

8                   (4) Staff of the Agency shall, in respect of their service in the  
9 Agency, be entitled to pension and other retirement benefits prescribed in  
10 the Pension Reform Act.

#### 11                   PART V - STATE GOVERNMENT PARTICIPATION

12                   18.-(1) A State Government participating in the Programme under Requirements  
13 this Act shall- for State  
Government  
participation

14                   (a) establish a State Social Investment Programme Agency;

15                   (b) appoint a State Coordinator who shall-

16                   (i) possess 10 years relevant managerial experience in the public or  
17 private sector,

18                   (ii) be advanced in computer literacy and data management.

19                   (iii) be a person of proven integrity and sound mental health, and

20                   (iv) be a cabinet ranking appointee;

21                   (c) provide office space, equipment and facilities for the smooth  
22 running of the Programme;

23                   (d) establish and manage the State Social Register;

24                   (e) share State Social Register with the Agency; and

25                   (f) enter into a Programme Implementation Agreement with the  
26 Agency.

27                   (2) The State Coordinator shall-

28                   (a) be responsible for implementing the Programme in the State;

29                   (b) act as a liaison between the State Government and the Agency;

30                   and

1 (c) ensure the State Government's compliance with its obligations  
2 under this Act.

3 PART VI - FINANCIAL PROVISIONS

Establishment  
of the National  
Social Investment  
Programme Fund

4 **19.**-(1) There is established a fund for the Programme (lithe NSIP  
5 Fund") into which shall be credited-

6 (a) such sums as may be appropriated for the Programme by the  
7 National Assembly;

8 (b) such sums as may be provided by the Federal Government to  
9 support the activities of the Agency or a particular Programme;

10 (c) sums accruing to the Agency by way of grants, gifts, donations,  
11 endowments and bequest made to the Agency for the purpose of the  
12 Programme;

13 (d) monies provided by individuals, companies, government  
14 institutions, bilateral or multilateral organisations and development partners  
15 for the purpose of the NSIP;

16 (e) at least 5% of recovered repatriated funds; and

17 (f) such other sums as may accrue to the NSIP Fund from time to time.

18 (2) The NSIP Fund shall be applied for the-

19 (a) payment of benefits to beneficiaries of the Programme established  
20 under this Act;

21 (b) purpose of actualising the functions and powers of the Agency;

22 (c) payment of allowances and other benefits of members of the  
23 Board; and

24 (d) such other purposes incidental to or connected with the attainment  
25 of the objectives of the Programme.

Annual estimates  
and accounts

26 **20.**-(1) The Agency shall not later than 30th September in each  
27 financial year prepare and present to the Minister for approval, a statement of  
28 estimated income and expenditure of the Agency and the Programme for the  
29 following financial year.

30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 the Agency may in any financial year, submit supplementary or adjusted  
 2 statement of estimated income and expenditure of the Agency and the  
 3 Programme to the National /sselll1bly through the Minister.

4 (3) The Agency shall keep proper accounts of the NSIP Fund in  
 5 respect of each year and proper records in relation to those accounts and  
 6 shall cause such accounts to be audited within six months after the end of  
 7 each year by auditors appointed from the list supplied and following the  
 8 guidelines supplied by the Auditor-General for the Federation.

9 21. The Agency shall prepare and submit to the President, through Annual reports  
 10 the Minister not later than 30th June in each year a report on the activities of  
 11 the Agency during the preceding year, and shall include in the report a copy  
 12 of the audited accounts of the Fund of the Programme for that year and of the  
 13 auditor's report on it.

14 22. The Agency may accept gifts of movable or immovable Gifts to the  
 15 properties from individuals or organisations in accordance with its mandate Agency  
 16 under this Act provided that the Agency shall not accept any gifts where the  
 17 conditions of the offer are inconsistent with the functions and mandate of the  
 18 Agency under this Act.

#### 19 PART VII - MISCELLANEOUS

20 23. A person who knowingly- Offence and  
 21 (a) makes a false or misleading statement in any application under penalty  
 22 this Act; or

23 (b) being gainfully employed, makes an application for enrolment  
 24 in a Programme, commits an offence and is liable on conviction to a fine not  
 25 exceeding One Hundred Thousand Naira, or imprisonment for a term of not  
 26 less than six months or both.

27 24. The President may make policy guidelines or give to the Power of the  
 28 Agency directives of a general or specific nature relating generally to President to give  
 29 matters of policy or, as the case may be, with regard to the performance by directives of general  
 30 the Agency of its functions. character to the  
 Agency

Regulations,  
guidelines, etc.

1                   **25.**-(1) The Board may, with the approval of the Minister, make  
2 regulations and issue guidelines generally for the purposes of giving effect to  
3 the provisions of this Act.

4                   (2) Without derogation from the generality of subsection (1) of this  
5 section, regulations and guidelines made pursuant to this section may provide  
6 for-

7                   (a) procedures to determine eligibility for social investment benefits  
8 under the Programme of the Agency;

9                   (b) Implementation of the Programme by the Agency;

10                  (c) procedure for the appointment and operations of inspectors or  
11 monitors; and

12                  (d) any other matter that may be considered expedient to actualise all  
13 or any of the Programmes established under this Act.

14                  (3) The contravention of any Regulations or Guidelines issued under  
15 any of the provisions of this Act shall constitute an offence and shall be  
16 punishable as prescribed in the particular Regulations or Guidelines.

Monitoring and  
evaluation

17                  **26.** The Agency shall ensure the proper monitoring and evaluation of  
18 the executions and implementation of the Programme and shall-

19                  (a) issue guidelines to regulate standards from time to time; and

20                  (b) enforce compliance with quality requirements.

Premises

21                  **27.** For the purpose of providing office premises for the performance  
22 of the functions of the Agency, the Agency may subject to the Land Use Act-

23                  (a) purchase or take on lease, any land, building or property;

24                  (b) build, equip and maintain offices and premises; or

25                  (c) let, lease or sell out any offices or premises held by it which it no  
26 longer requires for the performance of its functions under this Act.

Pre-action notice

27                  **28.**-(1) A civil action shall not be commenced against the Agency or  
28 its authorised officers before the expiration of a period of 30 days after written  
29 notice of intention to commence the suit shall have been served on the Agency  
30 by the intending plaintiff or his agent, and the notice shall clearly state the-

- 1 (a) cause of action;
- 2 (b) particulars of the claim;
- 3 (c) name and place of abode of the intending plaintiff; and
- 4 (d) relief sought.

5 (2) A notice, summons or other document required or authorized to  
 6 be served upon the Agency under the provisions of this Act or any other law  
 7 may be served by delivering it to the Agency of the Minister.

8 **29.** In any action or suit against the Agency, no execution shall be  
 9 levied or attachment process issued against the Agency, unless at least three  
 10 months' notice of the intention to execute or attach has been given to the  
 11 Agency.

Restriction on  
 execution against  
 property of the  
 Agency

12 **30.**-(1) Subject to the provisions of this Act, the provisions of the  
 13 Public Officers Protection Act shall apply in relation to any suit against any  
 14 member of the Board officer or staff of the Agency.

Limitation of  
 suits against the  
 Agency

15 (2) Notwithstanding anything contained in any other law, no suit  
 16 shall lie against the Agency, any member of the Board, the National  
 17 Coordinator or any other officer or staff of the Agency for anything done in  
 18 pursuance of this Act or any other law, or any alleged neglect or default in the  
 19 execution of this Act or such law, duty or authority, unless-

20 (a) it is commenced within three months after the act, neglect or  
 21 default complained of; or

22 (b) in the case of a continuation of damage or injury, within six  
 23 months next after the ceasing of such damage or injury.

24 **31.**-(1) The right, interest, obligation, proceedings, assets and  
 25 liability of the National Social Investment Office existing before the  
 26 commencement of this Act shall by virtue of this Act be deemed to be that of  
 27 the Agency established under this Act, to the extent that they are not  
 28 inconsistent with any of the provisions of this Act.

Savings and  
 transitional  
 provisions

29 (2) Any reference to the National Social Investment Office existing  
 30 before the commencement of this Act or a document issued in the name of

	1	the National Social Investment Office existing before the commencement of
	2	this Act, shall be read, unless the context otherwise requires, as a reference to
	3	the Agency established under this Act.
Interpretation	4	<b>32.</b> In this Act-
	5	"Beneficiary" means a person who receives social investment benefits under
	6	any Programme established under this Act;
	7	"IDPs" means Internally Displaced Persons;
	8	"LGAs" means Local Government Areas which shall where appropriate,
	9	include Area Councils;
	10	"Minister means the Minister charged with responsibility for matters relating
	11	to humanitarian affairs, social inclusion and poverty eradication;
	12	"Ministry" means the Ministry charged with responsibility for matters relating
	13	to humanitarian affairs, social inclusion and poverty eradication;
	14	"National Coordinator" means the coordinator of the Programme and
	15	administrative head of the Agency;
	16	"NSIP" means National Social Investment Programme;
	17	"Agency" means the National Social Investment Programme Agency;
	18	"Official Gazette" means Federal Government Official Gazette;
	19	"Programme Manager" means head of each of the Programme;
	20	"President" means the President of the Federal Republic of Nigeria;
	21	"Programme" means National Social Investment Programme established
	22	under this Act;
	23	"State Coordinator" means administrative head of the Programme appointed
	24	by a State Government; and
	25	"State Government" means the Government of a State of the Federal Republic
	26	of Nigeria.
Short title	27	<b>33.</b> This Bill may be cited as the National Social Investment
	28	Programme (Establishment, Etc.) Bill, 2022.

- 1 SCHEDULES
- 2 FIRST SCHEDULE
- 3 TARGET BENEFICIARIES OF THE PROGRAMME
- 4 *[Section 4(2)]*
- 5 1. The Government Enterprise and Empowerment Programme
- 6 (GEEP) shall have the under listed categories of beneficiaries-
- 7 (a) Trader Moni -Youth Focused Empowerment which shall
- 8 consist of-
- 9 (i) entrepreneurs,
- 10 (ii) religious groups, and
- 11 (iii) persons with disabilities
- 12 (b) Market Moni - Vulnerable Women Focused Empowerment
- 13 which shall consist of-
- 14 (i) female headed households such as, widows, divorcees and
- 15 single mothers,
- 16 (ii) entrepreneurs,
- 17 (iii) IDPs, and
- 18 (iv) persons with disabilities,
- 19 (c) Farmer Moni - Empowerment for Rural Farmers which shall
- 20 consist of- men, women and youth farmers across the 774 LGAs.
- 21 2. The Job Creation Programme (N-POWER) shall have the under
- 22 listed categories of beneficiaries-
- 23 (a) "Graduates" which shall consist of youth male and female of 18
- 24 to 35 years; and
- 25 (b) "Non-Graduates" which shall consist of youth male and female
- 26 of 18 to 35 years.
- 27 3. The National Home-Grown School Feeding Programme
- 28 (NHGSFP) shall have the under listed categories of beneficiaries-
- 29 (a) pupils in public primary school classes 1 - 3;
- 30 (b) selected cooks; and

1 (c) farmers.

2 4. The National Cash Transfer (CCT) Programme shall have the poor  
3 and vulnerable households in the National Social Register as collected from 36  
4 states and the Federal Capital Territory as beneficiaries.

5 5. The target beneficiaries may be expanded as approved by the  
6 President.

7 SECOND SCHEDULE

8 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE  
9 PROCEEDINGS OF THE BOARD

10 [Section 9(5)]

11 *Proceedings*

12 1.-(1) The Board shall, for the purpose of this Act, meet at least four  
13 times in each year.

14 (2) Every meeting of the Board shall be presided over by the  
15 Chairman or his designate, and if the Chairman or his designate are unable to  
16 attend any particular meeting, a member may be appointed by the members  
17 present to act as Chairman for that particular meeting.

18 (3) A quorum at a meeting of the Board shall be one-third of members  
19 of the Board.

20 (4) The Board shall meet whenever it is summoned by the Chairman,  
21 and if the Chairman is required to do so by notice given to him by at least five  
22 members, he shall summon a meeting of the Board to be held within 14 days  
23 from the date on which the notice is given.

24 (5) Where the Board desires to obtain the advice of any person on a  
25 particular matter, the Board may co-opt him to the Board for such period as it  
26 deems fit but a person who is a member by virtue of this Paragraph shall not be  
27 entitled to vote at any meeting of the Board and shall not count towards a  
28 quorum.

29 *Sub-Boards*

30 2.-(1) The Board may appoint one or more Sub-Boards to carry out,

1 on behalf of the Board, its functions under this Act as the Board may  
2 determine.

3 (2) A Sub-Board appointed under this paragraph shall consist of  
4 such number of persons (not necessarily members of the Board as may be  
5 determined by the Board) and a person other than a member of the Board  
6 shall hold office in the Sub-Board in accordance with the terms of his  
7 appointment.

8 (3) A decision of a Sub-Board of the Board shall be of no effect  
9 until it is ratified or adopted by the Board.

10 *Miscellaneous*

11 3.-(1) The fixing of the seal of the Board shall be authenticated by  
12 the signature of the Chairman, Secretary or any other person authorised  
13 generally or specifically to act for that purpose by the Board.

14 (2) Any contract or instrument, which if made or executed by a  
15 person not being a body corporate, may not be required to be under seal, may  
16 be made or executed on behalf of the Board by the Chairman, Secretary or  
17 any person generally or specifically authorised to act for the purpose by the  
18 Board.

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

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of this Act but intends  
to explain its purports)*

This Bill seeks to provides a legal and institutional framework for the establishment and management of National Social Investment Programme in Nigeria aimed at alleviating poverty and improving human development indices; and to establish the National Social Investment Programme Agency for the management of the Programme.