

Extraordinary



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A BILL EXECUTIVE
FOR

AN ACT TO PROVIDE FOR THE EASE OF DOING BUSINESS TO ENSURE
TRANSPARENCY, EFFICIENCY AND PRODUCTIVITY IN NIGERIA, 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) promote the ease of doing business in Nigeria and eliminate
4 critical bottlenecks; and

5 (b) amend relevant legislation in line with the provisions of
6 paragraph (a) of this section; and institutionalise all the reforms for easier
7 implementation.

8 2. This Act shall apply throughout the Federal Republic of Application
9 Nigeria.

10 PART II -TRANSPARENCY AND EFFICIENCY

11 3.-(1) An office of the Federal Government (MDA) which provides Transparency
12 products and services shall publish a complete list of requirements for Requirements
13 obtaining such products and services.

14 (2) The products and services mentioned in subsection (1) of this
15 section shall include permits, licenses, waivers, tax related processes,
16 filings, approvals, registration, certification, and such other products and
17 services, in line with the functions of the MDA.

18 (3) The list of requirements referred to in subsection (1) of this
19 section shall-

20 (a) include all processes, documents, fees and timelines required
21 for the processing of applications for the products and services; and

1 (b) within 21 days from the commencement of this Act, be-
2 (i) conspicuously published on the website of the relevant MDA, and
3 (ii) available at the customer help desk or other office designated for
4 this purpose.

5 (4) The head of an MDA shall ensure that the list of requirements is
6 verified and kept up-to-date at all times.

7 (5) Where there is a conflict between a published and an unpublished
8 list of requirements, the published list shall prevail.

9 (6) An MDA shall maintain a register of applications for products and
10 services.

Default Approvals

11 4.-(1) Where the relevant MDA fails to communicate approval or
12 rejection of an application within the time stipulated in the published list, all
13 applications for products and services not concluded within the stipulated
14 timeline shall be deemed approved and granted.

15 (2) An MDA shall maintain, at least, two modes of communication of
16 its official decisions to applicants, and the preferred modes of communication
17 shall be published on the website of the MDA.

18 (3) Where an application is rejected within the stipulated timeline, the
19 MDA shall communicate the rejection to the applicant stating the grounds for
20 the rejection.

21 (4) For purposes of determination of the commencement of the
22 application timeline, the applicant's physical acknowledgement or electronic
23 copy of the application shall serve as proof of the date of submission of the
24 application.

25 (5) An applicant whose application is deemed granted under
26 subsection (1) of this section may, on the expiration of the application timeline,
27 notify the relevant MDA for the issuance of a certificate or document in
28 evidence of the grant, and the MDA shall within 14 days, issue the certificate or
29 document in evidence of the grant.

30 (6) The notification referred to in subsection (5) of this section shall,

1 for all purposes, be construed as a certificate or document in evidence of the
2 grant.

3 (7) Failure of the appropriate officer to act on any application
4 within the timeline stipulated, without lawful reason, shall amount to
5 misconduct and be subject to appropriate disciplinary proceedings in
6 accordance with the relevant law or regulations applicable to the civil or
7 public service.

8 (8) For the purpose of this Part, "modes of communication"
9 includes letters, emails and publications on official websites.

10 5.-(1) Where an applicant requires services from an MDA, it shall One Government
11 be the responsibility of the MDA to conduct the necessary verification or
12 certification from relevant MDAs, in respect of the applicant.

13 (2) Without prejudice to the provision of subsection (1) of this
14 section, a copy of any document submitted by an applicant in respect of an
15 application shall be prima facie proof of the content of such document.

16 6.-(1) An MDA shall have a Service Level Agreement which shall Service Level
17 provide for- Agreements

18 (a) a list of products and services rendered;

19 (b) documentation requirements;

20 (c) time lines for processing applications;

21 (d) applicable fees;

22 (e) a summary of the procedure of application;

23 (f) redress mechanisms: and

24 (g) such other requirement, as the MDA may consider necessary.

25 (2) The Service Level Agreement of an MDA shall be binding on
26 the MDA in the processing of applications.

27 (3) A Service Level Agreement shall be published on the website of
28 the MDA.

29 (4) Failure of the appropriate officer to act within the timeline
30 stipulated in the Service Level Agreement, without lawful reason, shall

- 1 amount to misconduct and be subject to appropriate disciplinary proceedings
2 in accordance with the relevant law or regulations applicable to the civil or
3 public service.
- Port Operations 4 7.-(1) There shall be no touting by any person at a port in Nigeria.
- 5 (2) On duty staff shall be properly identified by uniform and official
6 cards.
- 7 (3) Off duty staff shall stay away from the ports except with the
8 express approval of the head of the MDA.
- 9 (4) The FAAN Aviation Security (AVSEC) and Nigeria Ports
10 Authority (NPA) Security shall ensure compliance with the provisions of this
11 section.
- 12 (5) A non-official staff shall not be allowed into the secured areas of
13 any of the airports.
- 14 (6) An official of the Federal Airports Authority of Nigeria (FAAN),
15 Nigerian Immigration Service, a security agency, Ministry of Foreign Affairs
16 (MOFA), or MDA shall not be permitted to meet a non-designated dignitary at
17 a secured area of the airport.
- 18 (7) The official approved list of dignitaries that have been pre-
19 approved to be received by protocol officers shall be made available to AVSEC
20 and other relevant agencies ahead of the arrival of such dignitaries at the
21 airport.
- 22 (8) Any official caught soliciting or receiving bribes from passengers
23 or other port users shall be subject to immediate removal from duty post and
24 disciplinary measures shall be meted out, as well as criminal proceedings in
25 line with extant laws and regulations.
- 26 (9) All relevant MDAs at the airports shall within 30 days of the
27 commencement of this Act, merge their respective departure and arrival
28 interfaces into a single customer interface.
- 29 (10) All agencies present in Nigerian Ports shall within 60 days
30 harmonise their operations into one single interface station domiciled in one

1 location in the port and implemented by a single joint task force at all times,
2 without prejudice to necessary procedures which may be utilised at the
3 backend.

4 (11) The new single interface station at each Nigerian Port shall
5 capture, track and record information on all goods arriving and departing
6 from Nigeria and remit captured information to the head of the relevant
7 offices and the head of the National Bureau of Statistics on a weekly basis.

8 (12) Each Port in Nigeria shall assign an existing export terminal
9 dedicated to the exportation of agricultural produce, within 30 days of
10 commencement of this Act.

11 (13) A Port shall, within 30 days of commencement of this Act,
12 maintain a 24- hour operation, or such other periods of operation to be
13 determined by the relevant MDA.

14 (14) In this section "touting" shall include "carrying out unlawful
15 activity for personal gain,

16 **8.** The Registrar-General of the Corporate Affairs Commission
17 (CAC) shall, within 14 days of the commencement of this Act, ensure that all
18 application processes at the CAC are fully automated from the start to
19 completion,

Registration of
Businesses

20 PART III - COMPANIES AND ALLIED MATTERS ACT

21 **9.** The Companies and Allied Matters Act, No.3 of 2020, (in this
22 Part referred to as, ("the Principal Act") is amended, as set out in this part.

Amendment of
the Companies
And Allied Matters
Act

23 **10.** Section 78 of the Principal Act is amended in subsection (3) by
24 inserting paragraph "(c)" immediately after the existing paragraph (b), as
25 follows-

Amendment of
Section 78

26 "(c) exempted under any other extant Act of the National Assembly
27 "in force",

28 **11.** Section 127 is amended by substituting the existing subsection
29 (1) with a new subsection (1) as follows-

Amendment of
Section 127

30 "(1) A company having a share capital may increase its issued share

	1	capital by the allotment of new shares of such amount, as it considers
	2	expedient-
	3	(a) in a general meeting; or
	4	(b) by a resolution of the Board of Directors, subject to the condition
	5	or direction that may be imposed in the Articles or by the company in general
	6	meeting,"
Amendment of Section 142	7	12. Section 142 is amended in -
	8	(a) subsection (1) by inserting in line one the word "private" after the
	9	letter "A": and
	10	(b) subsection (2) by substituting the existing paragraph (c) with a
	11	new paragraph (c) -
	12	" (c) that, if the offer is not accepted within 21 days of the notice, the
	13	offer shall be deemed declined,"
Amendment of Section 149	14	13. Section 149 of the Principal Act is amended by-
	15	(a) substituting the existing subsection (1) with a new subsection (1)-
	16	"(1) The powers to allot the shares of a company are not exercised by
	17	the directors of a company unless express authority to do so has been vested in
	18	the board of directors by the-
	19	(a) company in a general meeting; or
	20	(b) company's articles,"; and
	21	(b) deleting subsection (3),
Amendment of Section 154	22	14. Section 154 is amended in subsection (1) by substituting in line
	23	two, the words "one month" with the words "15 days", as follows-
Amendment of Section 171	24	15. Section 171 is amended by inserting a new subsection (7), as
	25	follows-
	26	"(7) For the purposes of this section, "Certificate" may be in physical
	27	or electronic form",
Amendment of Section 181	28	16. Section 181 of the Principal Act is amended by-
	29	(a) substituting the existing marginal note with a new marginal note,
	30	as follows-

1 "Instrument of transfer"; and

2 (b) substituting the existing subsection (1) with a new subsection
3 (1), as follows-

4 "(1) When the holder of any share of a company wishes to transfer
5 to any person only a part of the shares represented by one or more
6 certificates, the instrument of transfer together with the relevant certificates
7 shall be delivered to the company with a request that the instrument of
8 transfer be recognised and registered and the instrument of transfer shall
9 include certificates issued in electronic form,"

10 **17.** Section 207 is amended in subsection (4) by substituting the
11 existing subsection (4) with a new subsection (4), as follows - Amendment of
Section 207

12 "(4) Notwithstanding any provision in this Act or any other law to
13 the contrary and without prejudice to the provisions of section 204, the
14 holder of a fixed charge shall have priority over other debts of the company
15 including preferential debts,"

16 **18.** Section 222 of the Principal Act is amended in subsection (13)
17 by inserting the following appropriately- Amendment of
Section 222

18 "Cash" means money in any currency, credited to an account, or a similar
19 claim for repayment of money and includes money market deposits and
20 sums due or payable to, or received between the parties in connection with
21 the operation of a financial collateral arrangement or a close-out netting
22 provision;

23 "Financial Collateral" means cash or financial instruments;

24 "Financial Instruments" includes-

25 (a) shares in companies and other securities equivalent to shares in
26 companies,

27 (b) bonds and other forms of instruments giving rise to or
28 acknowledging indebtedness if these are tradeable on the capital market;
29 and

30 (c) any other securities which are normally dealt in and which give

1 the right to acquire any such shares, bonds, instruments or other securities by
2 subscription, purchase or exchange or which give rise to a cash settlement
3 (excluding instruments of payment); and

4 "Security Interest" means-

5 (a) a pledge,

6 (b) a mortgage,

7 (c) a fixed charge,

8 (d) a charge created as a floating charge, where the financial collateral
9 charged is delivered, transferred, held, registered or otherwise designated so as
10 to be in the possession or under the control of the collateral-taker or a person
11 acting on its behalf,"

Amendment of
Section 240

12 **19.** Section 240 of the Principal Act is amended in subsection (2) by
13 inserting in line one, the words "or public" after the word "private",

Amendment of
Section 244

14 **20.** Section 244 of the Principal Act is amended by-

15 (a) substituting subsection (1) with a new subsection (1) as follows-

16 "(1) A notice may be given by the company to any member-

17 (a) personally;

18 (b) electronically;

19 (c) by sending it by post to him or to his registered address; or

20 (d) where he has no registered address within Nigeria, to the address,
21 supplied by him to the company for the giving of notice to him",

22 (b) deleting subsection (3) and renumbering accordingly,

Amendment of
Section 248

23 **21.** Section 248 of the Principal Act is amended in subsection (1) by
24 inserting in line two the words "or electronic voting" immediately after the
25 words "show of hands",

Amendment of
Section 275

26 **22.** Section 275 of the Principal Act is amended by

27 (a) substituting the existing subsection (1) with a new subsection (1) -

28 "(1) A public company shall have at least one-third of the total number
29 of its directors as independent directors,"

30 (b) substituting the existing subsection (2) with a new subsection (2) -

1 "(2) In a public company, any person who nominates candidates
2 for the board, who would comprise a majority of the members of the board
3 shall nominate at least one third number of persons who would be
4 Independent directors,"

5 **23.** Section 283 of the Principal Act is amended by substituting the Amendment of
6 existing paragraph (c) with a new paragraph (c) as follows- Section 283

7 "(c) A person removed under section 288 of this Act, where such
8 removal was on the grounds of fraud, dishonesty or unethical conduct;"

9 **24.** Section 307 of the Principal Act is amended by substituting the Amendment of
10 existing subsection (3) with a new subsection (3)- Section 307

11 "(3) A person can only be a director in five public companies and
12 where the person is a director of more than five public companies before the
13 commencement of this Act, such a person shall resign as a director of all but
14 five of the companies not later than the next annual general meeting of the
15 companies after the expiration of two years from the commencement of this
16 Act.

17 **25.** Section 378 is amended by substituting the existing subsection Amendment of
18 (1) with anew subsection (1)- Section 378

19 (1) Financial statements of a company prepared under section 377
20 of this Act, shall comply with the requirements of the accounting standards
21 laid down in the statements of accounting standards issued by the Financial
22 Reporting Council of Nigeria.

23 **26.** Section 394 of the Principal Act is amended by substituting Amendment of
24 subsection (2) with a new subsection (2)- Section 394

25 "(2) A company qualifies as small in relation to a subsequent
26 financial year if the conditions qualifying it as a small company are met in
27 that year and the preceding financial year."

28 **27.** Section 572 of the Principal Act is amended in paragraph (a) by Amendment of
29 substituting the words "a sum exceeding N200,000" with the words "a sum Section 572
30 to be determined by a regulation issued by the Commission".

Amendment of Section 658	1	28. Section 658 of the Principal Act is amended in subsection (6) by
	2	substituting the words "period of years" with the words "period of two years".
Amendment of Section 868	3	29. Section 868 of the Principal Act is amended by deleting the
	4	definition of definition of "insolvency practitioner".
	5	PART IV - NIGERIAN EXPORT PROMOTION COUNCIL
Amendment of the Nigerian Export Promotion Act	6	30. The Nigerian Export Promotion Act, CAP N108, Laws of the
	7	Federation of Nigeria, 2004, (in this Part referred to as, "the Principal Act") is
	8	amended as set out in this part.
Amendment of Section 2	9	31. Section 2 of the Principal Act is amended by substituting the
	10	existing section "2" with a new section "2" as follows-
	11	(1) There shall be a governing board of the Council ("the Board").
	12	"(2) The Board shall consist of -
	13	(a) a Chairman, who shall be appointed by the President on the
	14	recommendation of the Minister;
	15	(b) a representative from the following Federal Ministries responsible
	16	for-
	17	(i) Foreign Affairs,
	18	(ii) Industry, Trade and Investment,
	19	(iii) Mines and Steel,
	20	(iv) Agriculture,
	21	(v) Culture and Tourism, and
	22	(vi) Finance;
	23	(c) a representative of the following agencies-
	24	(i) the Nigerian Customs Service,
	25	(ii) Bank of Industry, and
	26	(iii) Central Bank of Nigeria;
	27	(d) a representative of the following associations-
	28	(i) Manufacturers Association of Nigeria (Export Group), and
	29	(ii) the Nigerian Association of Chambers of Commerce, Industries,
	30	Mines and agriculture (NACCIMA),

1 (e) one person to be appointed by the Minister from the private
2 sector, who shall be a person with cognate experience in industry,
3 commerce, finance, international trade, or export promotion; and

4 (f) the Executive Director of the Council.

5 (3) The Chairman shall be a person with cognate experience In
6 industry, commerce, finance, international trade, or export promotion.

7 (4) The provisions set out in the schedule to this Act shall have
8 effect with respect to the tenure of office of members, proceedings of the
9 Board, and other matters mentioned therein.

10 PART V - CUSTOMS AND EXCISE MANAGEMENT ACT

11 32. The Customs and Excise Management Act CAP C45, Laws of
12 the Federation of Nigeria, 2004, (in this Part referred to as "the Principal
13 Act"), is amended as set out in this Part.

Amendment of
Customs and Excise
Management Act

14 33. Section 2 of the Principal Act is amended by inserting the
15 definition of the words "single window" after the definition of the word
16 "ship"-

Amendment of
Section 2

17 "Single window" means a platform or facility that allows parties involved in
18 trade and transport to lodge trade-import, export or transit-data required by
19 government departments, authorities or agencies through a single-entry
20 point interface to fulfil all import, export, transit related and other regulatory
21 requirements"

22 34. The Principal Act is amended by inserting sections 18A and
23 18B immediately after section 18 of the principal Act as follows-

Insertion of
section 18A and
18B

24 "18A. Single window:

25 (1) The Board shall establish and maintain a single window to
26 enable traders submit documentation or data requirements for importation,
27 exportation or transit to a single-entry point and utilise information and
28 communications technology to support the single window.

29 (2) The documentation or data requirements maintained in the
30 single window mentioned in subsection (1) of this section shall be made

1 available to the relevant authorities or agencies for examination.

2 (3) The result of the examination mentioned in subsection (2) of this
3 section shall be made available to the applicant, through the single window
4 within a period, as may be prescribed in a regulation.

5 (4) Where documentation or data requirement has been submitted
6 through the single window, such documentation or data requirement shall not
7 be requested by any other authority or agency except in urgent circumstances
8 and other limited exceptions which are made public.

9 (5) All references to delivery of or entry of any documentation, data
10 requirement or information in this Act shall be construed as lodgement of such
11 documentation, data requirement or information on or through the single
12 window.

13 18B. Examination:

14 The inspection or examination of goods under this Act or any other law shall be
15 scheduled to ensure that the inspections or examination by any officer and
16 other relevant authorities are co-ordinated and, if possible carried out at the
17 same time."

Amendment of
Section 31

18 **35.** Section 31 of the Principal Act is amended-

19 (a) in subsection (1) by substituting the word "fifteenth" with the
20 word "fifth", and 17;

21 (b) in subsection (4) by substituting the word "fourteen" with the
22 word "four".

Amendment of
the First Schedule

23 **36.** Paragraph 13 of the First Schedule to the Principal Act is
24 amended-

25 (a) in sub-paragraph (1), by substituting the words "7 days" with the
26 words "3 days";

27 (b) in sub-paragraph (2), by substituting the words "21 days" with the
28 words "7 days";

29 (c) in sub-paragraph (3), by substituting the words "14 days" with the
30 words "5 days";

1 (d) in sub-paragraph (4), by substituting the words "10 days" with
2 the words "4 days"; and

3 (e) in sub-paragraph (5) by substituting the words "14 days" with
4 the words "5 days".

5 PART VI - EXPORT (PROHIBITION) ACT

6 **37.** The Export (Prohibition) Act CAP E22 Laws of the Federation
7 of Nigeria, 2004, (in this Part referred to as, "the Principal Act") is amended
8 as set out in this part. Amendment of
the Export
(Prohibition) Act

9 **38.** Section 1 of the Principal Act is amended by substituting the
10 existing section 1 with a new section 1- Amendment of
Section 1

11 "(1) Notwithstanding the provisions of the Customs Excise Tariff,
12 Etc. (Consolidation) Act, or any other enactment, the goods specified in the
13 Schedule to this Act are prohibited from being exported outside Nigeria.

14 (2) The Minister may by Order vary the goods set out in the
15 Schedule to this Act.

16 (3) In this section, "Minister" means the Minister responsible for
17 finance.

18 PART VII - FINANCIAL REPORTING COUNCIL ACT

19 **39.** The Financial Reporting Council of Nigeria Act, No,6, 2011
20 (in this Part referred to as, ("the Principal Act") is amended, as set out in this
21 part. Amendment of
the Financial
Reporting Council
Act

22 **40.** Section 59 of the Principal Act is amended by inserting
23 subsection (3) after the existing subsection (2), as follows- Amendment of
Section 59

24 "Notwithstanding the provisions of any laws relating to form and content of
25 financial statements in Nigeria, general purpose financial statements
26 prepared by companies, government organizations and corporations shall be
27 prepared in line with standards, regulations, rules and pronouncements
28 issued and adopted by the Financial Reporting Council of Nigeria,"

	1	PART VIII - FOREIGN EXCHANGE (MONITORING AND
	2	MISCELLANEOUS PROVISIONS) ACT
Amendment of the Foreign Exchange (Monitoring and Miscellaneous Provision) Act	3	41. The Foreign Exchange (Monitoring and Miscellaneous
	4	Provision) Act, CAP F34 Laws of the Federation of Nigeria, 2004, (in this Part
	5	referred to as, ("the Principal Act") is amended, as set out in this part.
Amendment of Section 6	6	42. Section 6 of the Principal Act is amended by substituting the
	7	existing subsection (1) with a new subsection (1) -
	8	"(1) The Central Bank may revoke the appointment of an Authorised
	9	Dealer or Authorised Buyer, where the Authorised Dealer or Authorised
	10	Buyer-
	11	(a) fails to utilize the licence within 30 days;
	12	(b) fails to commence its exchange business within six months from
	13	the date of the license;
	14	(c) fails to disclose in their application, any material information
	15	known to the licensee or reasonably expected to have been known by the
	16	licensee;
	17	(d) provides material information, which is false;
	18	(e) has not complied with a directive under the Act;
	19	(f) following the issue of the license ceased to qualify for the license;
	20	(g) is found to be in malpractice or irregularity in the management of
	21	the business of dealing in foreign exchange;
	22	(h) is placed under liquidation, receivership or is adjudged bankrupt;
	23	(i) conducts or intends to administer its business in a manner that
	24	threatens the interest of customers or potential customers;
	25	(j) or any of its shareholders apply for the liquidation of the company;
	26	(k) has a judicial receiver or manager or any similar officer appointed
	27	to manage or take over his undertaking; or
	28	(I) has a bankruptcy order or judgment against him.

1 PART IX - IMMIGRATION ACT

2 **43.** The Immigration Act, 2015, Act NO.8 (in this Part referred to
3 as, "the Principal Act") is amended as set out in this part. Amendment of
the Immigration
Act

4 **44.** Section 36 of the Principal Act is amended- Amendment of
Section 36

5 (a) in subsection(1)(b) by substituting the word "Minister" with
6 the word Comptroller General of Immigration"; and

7 (b) by inserting, immediately after subsection (3), new subsections
8 (4), (5), (6) and (7) -

9 "(4) Notice of any change to the particulars relating to the business
10 permit shall be given to the Comptroller General of Immigration.

11 (5) The Service may establish and use any system, using any means
12 of electronic communication to facilitate the automated filing of any
13 document, information or return contemplated by this Act.

14 (6) The Service may accredit an established system that is capable
15 of facilitating any activity contemplated by subsection (5) of this Section
16 and satisfies any requirements prescribed or adopted by the Service.

17 (7) The Service may-

18 (a) make regulations relating to the standards of operation,
19 accessibility, technical requirements, service quality and fees for the use of
20 any system contemplated by subsections (5) and (6) of this Section; and

21 (b) declare any system established or accredited by the Service to
22 be an acceptable mechanism for filling any document, information or return
23 in lieu of any other requirement stipulated in any legislation relating to the
24 filling of that document, information or return."

25 **45.** Section 20 is amended by inserting subsections (8) and (9)- Amendment of
Section 20

26 "(8) Entry visas to Nigeria shall be issued or rejected with reason
27 within 48 hours of receipt of valid applications.

28 (9) A comprehensive and up to date list of requirements, conditions
29 and procedures for obtaining visa on arrival as well as all other entry visas,
30 including the estimated timeframe, shall be published on all immigration-

	1	related websites, Embassies and High Commissions, and all Nigerian ports of
	2	entry."
	3	PART X - INDUSTRIAL INSPECTORATE ACT
Amendment of the Industrial Inspectorate Act	4	46. The Industrial Inspectorate Act, CAP 18 Laws of the Federation
	5	of Nigeria, 2004, (in this Part referred to as, ("the Principal Act") is amended, as
	6	set out in this part.
Amendment of Section 3	7	47. Section 3 of the Principal Act is amended in subsection (1)(a) by,
	8	substituting the words "expenditure of not less than twenty thousand naira"
	9	with the words "expenditure of N5,000,000; and",
	10	PART XI - INDUSTRIAL TRAINING FUND ACT
Amendment of the Industrial Training Fund Act	11	48. The Industrial Training Fund Act CAP 19, Laws of the Federation
	12	of Nigeria 2004, as amended, (in this Part referred to as, "the Principal Act") is
	13	amended, as set out in this part.
Amendment of Section 6	14	49. Section 6 of the Principal Act is amended by substituting the
	15	existing section 6 with a new section 6-
	16	"(1) Any employer having 25 or more employees in his establishment
	17	and not operating within a free trade zone shall, in respect of each calendar year
	18	and or prescribed date, contribute to the Fund one per centum of his annual
	19	payroll.
	20	(2) Any supplier, contractor or consultant having more than 25
	21	employees in his establishment bidding or soliciting contracts, businesses,
	22	goods and services from any Federal Government Ministry, Department,
	23	Agency commercial, industrial and private entity shall fulfil statutory
	24	obligations of his employees with respect to payment of training contribution
	25	to the fund,
	26	(3) The Ministry may, with the approval of the Federal Executive
	27	Council by order published in the Gazette, vary the rate of contribution
	28	prescribed in subsection (1) of this section,"
Amendment of the Investment and Securities Act	29	PART XII - INVESTMENT AND SECURITIES ACT
	30	50. The Investment and Securities Act, No. 29 of 2007, (in this Part

1 referred to as, "the Principal Act") is amended as set out in this Part.

2 **51.** Section 67 of the Principal Act is amended in subsection (1) by Amendment of
3 substituting the existing subsection (1) with a new subsection (1), as Section 67
4 follows-

5 "(1) No allotment shall be made of any securities of a company
6 offered to the public for subscription unless-

7 (a) in the case of a public company, the amount stated in the
8 prospectus, as the minimum amount, which, in the opinion the Directors, is
9 required to be raised by the issue of share capital in order to provide for the
10 matters specified in paragraph (2) of the Third Schedule to this Act, has been
11 subscribed and the sum payable on application for the amount so
12 stated has been paid to and received by the company; or

13 (b) in the case of a private company, through any lawful means, as
14 the Commission may by regulation prescribe.

15 PART XIII - NATIONAL HOUSING FUND ACT

16 **52.** The National Housing Fund Act CAPN117 2011, (in this Part Amendment of
17 referred to as, "the Principal Act") is amended, as set out in this Part. the National Housing
Fund Act

18 **53.** Section 4 of the Principal Act is amended by substituting for Amendment of
19 the existing Section 4 a new Section 4- Section 4

20 (1) Any employee earning the national minimum wage and above
21 in the-

22 (a) public sector in Nigeria shall contribute 2.5% of his monthly
23 income to the Fund; or

24 (b) private sector in Nigeria may contribute 2.5% of his monthly
25 income to the Fund.

26 (2) Any self-employed person earning the equivalent of the
27 national minimum wage and above shall contribute 2.5% of his monthly
28 income to the Fund.

29 (3) An interest rate of 2% per annum, or as maybe determined by

	1	the bank, shall be payable on the contributions made under subsection (1) and
	2	(2).
	3	(4) The Federal Government may make any grant of money to the
	4	Fund as it may determine.
Amendment of Section 9	5	54. Section 9 of the Principal Act is amended in subsection (1) by
	6	substituting the sum "N3,000" with the words "minimum wage".
	7	PART XIV - NATIONAL OFFICE FOR TECHNOLOGY ACQUISITION AND
	8	PROMOTION ACT
Amendment of the National Office for Technology Acquisition and Promotion Act	9	55. The National Office for Technology Acquisition and Promotion
	10	Act, CAPN62, Laws of the Federation of Nigeria, 2004 (in this Part referred to
	11	as "the Principal Act") is amended, as set out in this Part.
Amendment of Section 5	12	56. Section 5 of the Principal Act is amended-
	13	(a) in subsection (2) by, inserting immediately after the word
	14	"thereof", the words, "provided that companies in their first two years of
	15	business operation shall not be liable to late registration penalties where such
	16	contracts are registered before the end of the second year of their business
	17	operation; and".
	18	PART XV - NATIONAL PLANNING COMMISSION ACT
Amendment of the National Planning Commission Act	19	57. The National Planning Commission Act, CAP N66 Laws of the
	20	Federation of Nigeria, 2004, (in this Part referred to as "the Principal Act) is
	21	amended, as set out in this Part.
Amendment of Section 3	22	58. Section 3 of the Principal Act is amended in subsection (2) by-
	23	(a) inserting a new paragraph (g) -
	24	"(g) Director General of Infrastructure Concession Regulatory
	25	Commission"; and
	26	(b) renumbering accordingly,
	27	PART XVI - NIGERIAN CUSTOMS SERVICE BOARD ACT
Amendment of the Nigerian Customs Service Board Act	28	59. The Nigerian Customs Service Board Act CAPN 100, Laws of the
	29	Federation of Nigeria, 2004 (in this Part referred to as "the Principal Act") is
	30	amended, as set out in this Part.

1	60. Section 3 of the Principal Act is amended in paragraph (b) by	Amendment of
2	inserting a sub- paragraph (iii) -	Section 3
3	"(iii) adopt modern means of operationalization and develop	
4	regulations for the carrying out of the activities of the Service,"	
5	PART XVII - NIGERIAN INVESTMENT PROMOTION COMMISSION ACT	
6	61. The Nigerian Investment Promotion Commission Act, CAP N	Amendment of
7	117, Laws of the Federation of Nigeria, 2004 (in this Part referred to as "the	the Nigerian
8	Principal Act") is amended, as set out in this Part.	Investment
9	62. Section 20 of the Principal Act is amended by inserting	Promotion
10	subsection (3) after the existing (2), as follows-	Commission Act
11	"(3) Notwithstanding the provisions of subsection (1) and (2) of	Amendment of
12	this section, an enterprise registered in Nigeria, which subsequently	Section 20
13	acquires foreign participation after the commencement of business, shall,	
14	within three months of such acquisition, register with the Commission.	
15	63. Section 22 of the Principal Act is amended by substituting the	Amendment of
16	existing section 22 with a new section 22 -	Section 22
17	"22. (1) For the purpose of promoting identified strategic or major	
18	investments, the Commission shall-	
19	(a) specify priority area of investment and their applicable benefits	
20	and incentives; and	
21	(b) negotiate specific incentives packages for strategic investments	
22	in addition to the incentives available to any enterprise under other laws.	
23	(2) The Commission shall publish, in a gazette and on its website-	
24	(a) the criteria for determining strategic investment and designate	
25	an investment that satisfies the criteria, as strategic investment; and	
26	(b) the details of special incentives awarded through negotiation	
27	under this section."	
28	PART XVIII - NIGERIAN OIL AND GAS INDUSTRY CONTENT	Amendment of
29	DEVELOPMENT ACT	the Nigerian Oil
30	64. The Nigerian Oil and Gas Industry Content Development Act,	and Gas Industry
		Content Development
		Act

	1	No.2, 2010 (in this Part referred to as "the Principal Act") is amended, as set out
	2	in this Part.
Amendment of the Section 106	3	65. Section of 106 is amended by inserting after the definition of
	4	"Nigerian Independent Operators", the definition of the words "Nigerian
	5	Content Indicator", as follows-
	6	"Nigerian Independent Operators" means a Nigerian Company;"
	7	PART XIX - NIGERIAN PORTS AUTHORITY ACT
Amendment of the Nigerian Ports Authority Act	8	66. The Nigerian Ports Authority Act CAP N 126 Laws of the
	9	Federation of Nigeria, 2004, (in this Part referred to as "the Principal Act") is
	10	amended, as set out in this Part.
Amendment of Section 7	11	67. Section 7 of the Principal Act is amended-
	12	(a) in paragraph (e) by inserting sub-paragraph (v) immediately after
	13	sub-paragraph (iv) -
	14	"(v) the use of information and communications technology for
	15	operations within the ports.";
	16	(b) by inserting paragraphs (j), (k), and (n) immediately after
	17	paragraph (i) -
	18	(j) removal of all unauthorised personnel from the ports;
	19	(k) provide facilities for the establishment and maintenance of a
	20	single window through, which all the operations required by law of all
	21	government authorities and agencies in any part of Nigeria can be undertaken;
	22	(n) ensure that the operations required by law of all government
	23	agencies in any port in Nigeria are harmonised through the single window
	24	domiciled within the ports;" and
	25	(c) by renumbering accordingly.
Amendment of Section 40	26	68. Section 40 of the Principal Act is amended in subsection (1) (d) by
	27	inserting the words "unauthorised personnel," immediately after the words
	28	"Authority of".
Amendment of the Patent and Design Act	29	PART XX - PATENT AND DESIGN ACT
	30	69. The Patents and Designs Act CAP P2 Laws of the Federation of

1 Nigeria, 2004, (in this Part referred to as "the Principal Act") is amended, as
2 set out in this Part.

3 **70.** The First Schedule of the Principal Act is amended by Amendment of
4 inserting, after the existing paragraph 13, paragraph "13A", as follows- First Schedule
5 "13. The Minister shall by regulation prescribe the procedure for the
6 application, grant, use and withdrawal of compulsory licenses under this
7 clause."

8 PART XXI - PENSION REFORM ACT

9 **71.** The Pension Reform Act No.4 2014, (in this Part referred to as, Amendment of
10 "the Principal Act") is amended, as set out in this Part. Pension Reform
Act

11 **72.** Section 89 of the Principal Act is amended by- Amendment of
12 (a) in subsection (1) by inserting paragraph (d) - Section 89

13 "(d) notwithstanding the provisions contained in subsection (1)(c)
14 of this section, pension assets shall be eligible to participate in securities
15 lending in a manner as the commission may, from time to time approve".

16 (b) substituting the existing subsection (2) with a new subsection
17 (2) -

18 "Notwithstanding the provisions of subsection (1)(c) of this section,
19 Pension Fund Administrator may, subject to guidelines issued to the
20 Commission, apply a percentage of the pension assets in the retirement
21 savings account-

22 (a) towards payment of equity contribution for payment of
23 residential mortgage by a holder of Retirement Savings Account; and

24 (b) for the purpose of securities lending.

25 PART XXII - STANDARD ORGANIZATION OF NIGERIA ACT

26 **73.** The Standard Organization of Nigeria Act No. 14, 2015, (in Amendment of
27 this Part referred to as "the Principal Act") is amended, as set out in this Part. the Standard
Organization of
Nigeria Act

28 **74.** Section 5 of the Principal Act is amended in subsection (1) by Amendment of
29 substituting the existing paragraphs (b), (c) and (I) with new paragraphs (b), Section 5
30 (e) and (1)-

1 "(b) undertake investigations as necessary into the quality of
2 facilities, materials and products imported into Nigeria, and establish a quality
3 assurance system including certification of factories, products and
4 laboratories;

5 (e) compile and publish an inventory of products requiring
6 standardization;

7 (I) undertake the registration of all regulated products in line with
8 paragraph (e) above manufactured products distributed, marketed and
9 consumed throughout Nigeria;"

Amendment of
Section 29

10 **75.** Section 29 is amended by substituting the existing subsection (1)
11 with a new subsection (1)-
12 "Section 29 (1):

13 (1) The Director General may, upon being satisfied that the quality,
14 purity or potency of any product is detrimental or hazardous to life, property
15 and the national economy, make an ex parte application to the court for an order
16 to-

17 (a) seize and detain such products for such a time as may be
18 reasonable, but not exceeding 30 days, for the satisfaction of, and compliance
19 with this Act; provided that before the expiration of the initial 30 days, the
20 Organisation may make further ex parte application to the court for an order to
21 detain such products for a further period not exceeding 30 days;

22 (b) prohibit any person from selling or offering for sale the suspicious
23 product;

24 (c) forfeit such product;

25 (d) seal up the premises where such product is manufactured or
26 stored; or

27 (e) direct the person to rectify the deficiency in the case of a sub-
28 standard, mis-described or hazardous product, subject to such prohibitions as
29 may be imposed,

1 PART XXIII - TRADEMARK ACT

2 **76.** The Trademark Act, CAP T13 Laws of the Federation of
 3 Nigeria, 2004, (in this Part referred to as, "the Principal Act") is amended as
 4 set out in this part.

5 **77.** Section 67 is amended by-

Amendment of
the Trademark Act

6 (a) inserting the definition of the word "Goods"-

Amendment of
Section 67

7 "Goods" includes services: and

8 (b) substituting the definition of the word "Trade mark" with a new
 9 definition, as follows

10 "Trade Mark" means-

11 (a) a mark used or proposed to be used in relation to goods or
 12 services for the purpose of indicating a connection between the goods or
 13 services and a person having the right, either as a proprietor or as a registered
 14 user, to use the mark, whether with or without any indication of the identity
 15 of that person, and may include shape of goods, their packaging
 16 and combination of colours; and

17 (b) in relation to a certification trademark, a mark registered or
 18 deemed to have been registered under section 43 of this Act.",

19 PART XXI - MISCELLANEOUS PROVISIONS

20 **78.** In this Act-

Interpretation

21 "One Government" means collaboration between Ministries, Departments
 22 and Agencies of Government.

23 **79.** This Bill may be cited as the Business Facilitation
 24 (Miscellaneous Provisions) Bill,
 25 2022.

Short title

EXPLANATORY MEMORANDUM

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

This Bill seeks to promote the ease of doing business in Nigeria and
 institutionalise all the reforms for easier implementation.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF AGRICULTURE,
ABUA/ODUAL, RIVERS STATE AND FOR RELATED MATTERS

Sponsored by Senator Betty Apiafi

[] Commencement

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

- 1 **1.-(1)** There is hereby established the Federal College of
2 Agriculture Abua/Odual Rivers state specified in the First Schedule to this
3 Act (in this Act referred to as "the College") which shall have such powers
4 and exercise such functions as are specified in this Act. Establishment of
Federal College
of Agriculture
Abua/Odual,
Rivers State
- 5 **(2)** The college shall be a body corporate with perpetual succession
6 and a common seal and shall have power to acquire and dispose of interests
7 in movable and immovable properties and may sue and be sued in its
8 corporate name.
- 9 **2.-(1)** The functions of the college shall be; Functions
- 10 **(a)** To encourage the advancement of learning and to hold out to all
11 persons without distinction of race, creed, sex or political conviction, the
12 opportunity of acquiring a higher education in agriculture;
- 13 **(b)** To develop and offer academic and professional programmes
14 leading to the award of Professional certificates, First Degrees, Post-
15 graduate research, Diploma and Higher degree which emphasize planning,
16 adaptive, technical, maintenance, developmental and productive skills in
17 Education, Agriculture, technology, applied science, arts, social science,
18 humanities, management and to contribute to the scientific transformation
19 of agriculture;
- 20 **(c)** To carry out research, training, extension and dissemination of
21 findings in agricultural technology, development, applied science,

- 1 commerce and management; and
 - 2 (d) To act as agents and catalysts for effective agricultural system,
 - 3 through Post-Graduate training, research and innovation, for effective
 - 4 economic utilization and conservation of the country's human resources;
 - 5 (e) To improve agricultural practices relating to aspects of agriculture
 - 6 of economic importance;
 - 7 (f) To produce socially mature Agriculturist with capabilities not to
 - 8 only understand agricultural need of Nigeria as a nation but also to exploit
 - 9 existing agro infrastructure and improve on it to develop new ones;
 - 10 (g) To identify agricultural needs of the society with a view to finding
 - 11 solutions to them within the context of overall national development.
 - 12 (h) To promote and emphasize teaching, research and extension of
 - 13 agricultural knowledge, including agriculture extension services and outreach
 - 14 programmes, in-service training, continuing education, and on-farm adaptive
 - 15 research;
 - 16 (i) To organize research relevant to training in agriculture with
 - 17 emphasis on small-scale farming
 - 18 (j) To establish institutional linkages in order to foster collaboration
 - 19 and integration of training, research and extension activities;
 - 20 (k) To perform such other functions as appropriate for Colleges of
 - 21 Agriculture.
- Establishment
of the Governing
Council, etc.
- 22 **3.-(1)** There is established for the college a Governing Council
 - 23 (hereafter in this Bill referred to as "the Council").The Council shall be the
 - 24 governing body of the college and shall be responsible for the general
 - 25 management of the affairs of the college.
 - 26 (2) Without prejudice to the generality of subsection (1) of this
 - 27 section, it shall be the responsibility of the council to consider and approve:
 - 28 (a) The plan of activities of the college;
 - 29 (b) The programme of studies, courses and research to be undertaken
 - 30 by the college;

- 1 (c) The annual estimates of the college and;
 2 (d) The investment plans of the college
 3 (3) The provisions of the first schedule of this act shall have effect
 4 with respect to the council as specified therein

5 **4.-(1)** The Council shall consist of a Chairman and the following
 6 other members, to be appointed by the Minister of Education:

Membership of
the Council and
Tenure of Office
of Members

- 7 (a) One person to represent the Ministry of Education;
 8 (b) One person to represent the Ministry of Agriculture;
 9 (c) One person to represent the National Board for technical
 10 education (NBTE);
 11 (d) One person to represent the alumni association of the College;
 12 (e) Two representatives of the academic board of the college;
 13 (f) Three persons appointed on Individual merit on a nationwide
 14 basis who should have wide experience of service in the public or private
 15 sector;

- 16 (g) The Provost of the college;
 17 (2) A member of the Council (other than an ex-officio member)
 18 shall hold office for a term of Three years and shall be eligible for re-
 19 appointment for a further period of three years and no more

Tenure of Members
of the Council

20 (3) Any member of the Council other than an ex-officio member
 21 may by notice to the Council resign his appointment

22 (4) Any vacancy occurring in the membership of the council shall
 23 be filled by the appointment of a successor who shall represent the same
 24 interest as his predecessor for the remainder of the term of his predecessor.

25 **5.-(1)** For the carrying out of its functions as specified in section 1
 26 of this Act, the council shall have power to:

Powers of the
Council

- 27 (a) Hold examinations and grant diplomas, professional
 28 certificates and other distinctions to persons who have pursued a course of
 29 study approved and accredited by the National Board for Technical

1 Education (NBTE) and have satisfied such other requirements as the council
2 may lay down;

3 (b) Demand and receive from any student or any other person
4 attending the college for the purpose of instruction such fees as the council
5 may, with prior approval of the Minister, from time to time determine;

6 (c) Establish agricultural and rural extension services in various parts
7 of Nigeria;

8 (d) Hold public lectures and undertake printing, publishing and
9 bookselling;

10 (e) Provide amenities for and make such other provision for the
11 welfare of the staff of the college;

12 (f) Encourage and make provision for research in the college

13 (g) Invest the funds of the college in securities specified by Law or in
14 such other securities in Nigeria as may be approved by the minister;

15 (h) Borrow money within Nigeria in such manner and upon such
16 security as the Minister may from time to time authorize;

17 (i) Enter into such contracts as may be necessary or expedient for
18 carrying into effect the objectives of the College;

19 (j) Recruit staff of the right caliber and determine the career structure
20 of such staff;

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

24 (l) Institute and award fellowships, scholarships, medals, prizes and
25 other titles;

26 (m) Erect, provide, equip, and maintain such educational,
27 recreational and residential facilities as College may require;

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

1 (o) Enter into contracts, establish trusts, act as trustee, solely or
2 jointly with any other person, and employ and act through agents; and

3 (p) Do such acts and things whether or not incidental to the
4 foregoing powers as may advance the objects of the College.

5 **6.-(1)** Subject to the provisions of the Act, The Minister may give to
6 the Council directions of a general character or relating generally to matters
7 of policy with regard to the exercise by the Council of its functions under
8 this Act and it shall be the duty of the Council to comply with such
9 directions.

Power of the
Minister to give
direction to the
Council

10 **7.-(1)** The Minister of Education shall be the Visitor to the College. Visitation

11 (2) The Visitor shall, not less than once in every five years, conduct
12 a visitation of the college or appoint a Visitation Panel, consisting of not less
13 than five experts to conduct the visitation:

14 (a) For the purpose of evaluating the quality of research, academic
15 and administrative performance of the college;

16 (b) For such other purpose or in respect of any other affairs of the
17 college as the Visitor may deem fit.

18 **8.-(1)** There shall be established for the college a board to be
19 known as the Academic Board which shall consist of the following
20 members:

Establishment
of the Academic
Board

21 (a) The Provost of the college, who shall be the Chairman;

22 (b) All Heads of Departments;

23 (c) The college Librarian; and

24 (d) Not more than two members of the academic staff, other than
25 heads of departments, who may be appointed by the Academic Board.

26 (2) The Academic Board shall be responsible for:

27 (a) the direction and management of academic matters of the
28 college including the regulation of admission of students, the award of
29 certificates and diplomas, scholarships, prizes and other academic
30 distinctions;

1 (b) the making to the Council of such periodic reports on such
2 academic matter as the Academic Board may think fit or as the Council may
3 from time to time direct; and

4 (c) Discharging any other functions which the Council may from time
5 to time delegate to it.

The Provost of
the College

6 **9.-(1)** There shall be a Provost of the college (in this Act referred to as
7 “the Provost”) who shall be appointed by the Minister in accordance with the
8 provisions of this section.

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

10 (a) Advertise the vacancy in a reputable journal or widely read
11 newspaper in Nigeria, specifying:

12 (i) The qualities of the person who may apply for the post; and

13 (ii) The terms and conditions of service applicable to the post, and
14 thereafter, draw up a short list of suitable candidates for consideration;

15 (b) Constitute a Search Team consisting of:

16 (i) A member of the Council, not being a member of the Academic
17 Board, as Chairman;

18 (ii) Two members of the Academic Board, not below the rank of Chief
19 Lecturer;

20 (iii) Two members of the Academic Community of the college not
21 below the rank of Chief Lecturer, to be selected by Council, to identify and
22 draw up a short list of suitable persons who are not likely to apply for the post
23 for any reason whatsoever.

24 (3) A Joint Council and Academic Selection Board consisting of:

25 (a) The Chairman of the Council;

26 (b) Two members of the Council not being members of the Academic
27 Board;

28 (c) two members of the Academic Board not below the rank of Chief
29 Lecturer, who were not members of the Search Team, shall consider the
30 candidates and persons on the short list drawn up under subsection (2) of this

1 section through an examination of their curriculum vitae and interaction
2 with them and recommend, through the Council to the Minister, three
3 candidates for his consideration.

4 (4) The Minister shall appoint, as Provost, one of the candidates
5 recommended to him under the provisions of subsection (3) of this section.

6 (5) Subject to this Act and the general control of the Council, the
7 Provost shall be the Chief Executive of the college and shall be charged with
8 responsibility for matters relating to the day-to-day management operations
9 of the college.

10 (6) The Provost:

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

14 (b) May be re-appointed for a further period of four years and no
15 more.

16 **10.-(1)** There shall be for the college a Deputy Provost. Deputy Provost

17 (2) The Council shall appoint the Deputy Provost from among the
18 chief lecturers in the college in one of the following ways:

19 (a) From a list of three candidates, in order of preference, submitted
20 by the Provost; or

21 (b) On the recommendation of a Selection Board constituted under
22 this section for that purpose; or

23 (c) On the nomination of the Provost.

24 (3) The Selection Board referred to in subsection (2) of this section
25 shall:

26 (a) Consist of:

27 (i) The Chairman of the Council;

28 (ii) The Provost;

29 (iii) Two members of the Council not being members of the
30 Academic Board;

- 1 (iv) Two members of the Academic Board; and
- 2 (b) Make such inquiries as it deems fit before making the
- 3 recommendation required under that subsection.
- 4 (4) The Deputy Provost:
- 5 (a) Shall assist the Provost in the performance of his functions;
- 6 (b) act in the place of the Provost when the post of Provost is vacant or
- 7 if the Provost is for any reason absent or unable to perform his functions as
- 8 Provost; and
- 9 (c) Perform such other functions as the Provost or the Council may,
- 10 from time to time, assign to him.
- 11 (5) The Deputy Provost:
- 12 (a) shall hold office for a period of two years beginning from the
- 13 effective date of his appointment and on such terms and conditions as may be
- 14 specified in his letter of appointment; and
- 15 (b) may be re-appointed for one further period of two years and no
- 16 more.
- 17 **11.-(1)** The Council shall appoint a Registrar to the college
- 18 (hereinafter referred to as “the Registrar”) who shall keep the records and
- 19 conduct the correspondence of the Council and shall perform such other duties
- 20 as the Council and subject thereto as the Provost may from time to time direct.
- 21 (2) The Registrar shall be the secretary to the Council, the Academic
- 22 Board and any committee of the Council and shall attend all the meetings of
- 23 those bodies unless excused for good reason by the chairman of the Council.
- 24 (3) In the absence of the Registrar, the Chairman of the Council may,
- 25 after consultation with the Provost, appoint a suitable person to act as secretary
- 26 for any particular meeting of the Council.
- 27 (4) The secretary to the Council, who is appointed to act under
- 28 subsection (3) of this section, shall not vote on any question before the Council
- 29 or count towards a quorum unless he is as entitled as a member of the Council.

Registrar of the
College

1	12.-(1) A Registrar:	Tenure of office of the Registrar t
2	(a) shall hold office for a period of four years beginning from the	
3	effective date of his appointment and on such terms and conditions as may	
4	be specified in the letter of his appointment; and	
5	(b) May be re-appointed for one further period of four years and no	
6	more.	
7	<i>Other Staff</i>	
8	13.-(1) There shall be for the college the following other principal	Other principal officers of the College
9	officers in addition to the Registrar, that is:	
10	(a) The Bursar; and	
11	(b) The college Librarian, who shall be appointed by the Council	
12	on the recommendation of the Selection Board constituted under section 10	
13	(3) of this Act.	
14	(2) The Bursar shall be the Chief Financial Officer of the college	
15	and be responsible to the Provost for the day to day administration and	
16	control of the financial affairs of the college.	
17	(3) The college Librarian shall be responsible to the Provost for the	
18	administration of the college library and the co-ordination of the library	
19	services in the teaching units of the college.	
20	(4) The Bursar or Librarian:	
21	(a) Shall hold office for a period of four years in the first instance	
22	and on such terms and conditions as may be specified in his letter of	
23	appointment;	
24	(b) May be re-appointed for a further period of four years and no	
25	more.	
26	14. A principal officer may resign his appointment:	Resignation of appointment of principal officers
27	(a) In the case of the Provost, by notice to the Visitor;	
28	(b) In any other case, by notice to the Council.	
29	15.-(1) The Council may appoint such other persons to be	Other employees of the College
30	employees of the college as the Council may determine to assist the Provost	

1 and the principal officers of the college in the performance of their functions
2 under this Act.

3 (2) Subject to the provisions of this Act, the remuneration, tenure of
4 office and conditions of service of the employees of the Council shall be
5 determined by the Council in consultation with the Federal Civil Service
6 Commission.

Selection Board
for other principal
officers

7 **16.**-(1) There shall be, for each college, a Selection Board which shall
8 consist of:

9 (a) The chairman of the Council;

10 (b) The Provost;

11 (c) Four members of the Council not being members of the Academic
12 Board;

13 (d) Two members of the Academic Board.

14 (2) The functions and procedure and other matters relating to the
15 Selection Board constituted under subsection (1) of this section shall be as the
16 Council may, from time to time, determine.

Pensions

17 **17.**-(1) it is hereby declared that the service in the college shall be
18 approved Service for the purposes of the Pension Reform Act and accordingly,
19 officers and other persons employed in the College shall in respect of their
20 Service in the College be entitles to pensions, gratuities and other retirement
21 benefits as are prescribed there under, so however that nothing in this act shall
22 prevent the appointment of a person to any office on terms which preclude the
23 grant of a pension and gratuity in respect of that office.

24 (2) for the purposes of the application of the provisions of the
25 Pensions Reform Act, any power exercisable there under by a Minister of other
26 Authority of the Government of the Federation (other than the power to make
27 regulations) shall be exercisable by the College and not by any other person or
28 Authority

Funds of the
Council

29 PART II - FINANCIAL PROVISIONS

30 **18.**-(1) The Council shall establish and maintain a Fund which shall

1 be applied towards the promotion of the objectives of this Bill

2 (2) There shall be paid and credited to the Fund Established under
3 subsection (1) of this section:

4 (a) Such sums as may from time to time be granted to the Council
5 by the Federal government through the National Board for Technical
6 Education (NBTE);

7 (b) All monies raised for the purposes of the Council by way of
8 gifts, grants-in-aids or testamentary disposition and;

9 (c) All subscription fees and charges for services rendered by the
10 Council and all other sums that may accrue to the Council from any source;

11 (3) The Council shall submit to the Minister, through the National
12 Board for Technical Education (NBTE), not later than three months before
13 the end of each financial year or at such other time as he may direct, an
14 estimate of its revenue and expenditure for the next succeeding financial
15 year.

16 **19.** The Council shall keep proper accounts of its receipts, Audits of accounts
17 payments, assets and liabilities and shall in respect of each year cause the
18 accounts to be audited.

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

24 **PART III - MISCELLANEOUS AND SUPPLEMENTARY**

25 **21.-(1)** For the purpose of providing offices and premises Office Premises
26 necessary for the performance of its functions, the Council may:

27 (a) Purchase any interest in or take on lease any land; and

28 (b) Build, equip and maintain offices and premises

29 (2) The Council may, with the approval of the Minister, sell any
30 interest in or lease any land, offices or premises held by it and no longer

	1	required for the performance of its functions.
Discipline of Students	2	22. -(1) The Council may make rules providing for the Provost to
	3	conduct enquires into alleged breaches of discipline (including lack of
	4	diligence) by students and such rules may make different provisions for
	5	different circumstances.
	6	(2) The rules shall provide for the procedure and rules of evidence to
	7	be followed at enquiries under this section
	8	(3) Subject to the provisions of subsection (1) of this section, where it
	9	is proved during the enquiry that any student of the College has been guilty of
	10	misconduct, the Provost may, without prejudice to any other disciplinary
	11	powers conferred on him by this Act or any regulations made hereunder direct:
	12	(a) that the student shall not during such period as may be specified in
	13	the direction, participate in such activities of the college, or make use of such
	14	facilities of the college, as he may specify;
	15	(b) that the activities of the student shall, during such period as may be
	16	specified in the directions, be restricted in such manner as may be so specified;
	17	(c) That the student be suspended for such period as may be specified
	18	in the directions; or
	19	(d) That the student be expelled from the college.
	20	(4) Where there is temporarily no Provost or where the Provost
	21	refuses to apply any disciplinary measures, the Council, either directly or
	22	through some other staff, may apply such disciplinary actions as are specified
	23	in subsection (3) of this section to any student of the college who is guilty of
	24	misconduct.
	25	(5) Where a direction is given under subsection (3) (c) or (d) of this
	26	section in respect of any student, the student may, within a period of 21 days
	27	from the date of the letter communicating the decision to him, appeal from the
	28	direction to the Council; and where such an appeal is brought, the Council
	29	shall, after causing such inquiry to be made in the matter as the Council
	30	considers just, either confirm or set aside the direction or modify it in such

1 manner as the Council may think fit.

2 (6) The fact that an appeal from a direction is brought in pursuance
3 of subsection (5) of this section shall not affect the operation of the direction
4 while the appeal is pending.

5 (7) The Provost may delegate his power under this section to a
6 disciplinary committee consisting of such members of the college as he may
7 nominate.

8 (8) Nothing in this section shall be construed as preventing the
9 restriction or termination of a student's activities at the college otherwise
10 than on the ground of misconduct.

11 (9) It is hereby declared that a direction under subsection (3) (a) of
12 this section may be combined with a direction under subsection (3) (b) of
13 this section.

14 (8) In all cases under this section, the decision of the Council shall
15 be final unless reversed by the Minister on appeal by the student.

16 **23.** In this Act, unless the context otherwise requires:

Interpretation

17 "The Chairman" means the Chairman of the Council;

18 "Council" means the Governing Council established under Section 3 of this
19 Act;

20 "The Academic Board" means the board establish under section 8 of this Act

21 "Provost" means the Provost of the college appointed under section 9 of this
22 Act;

23 "College" means the Federal College of Agriculture, Abua/Odual, Rivers
24 state;

25 "The Minister" means the Minister charged with responsibility for matters
26 relating to Education;

27 "The Registrar" means the Registrar of Federal college of Agriculture,
28 Abua/Odual, Rivers state appointed under section 11 of this Act.

29 **24.** This Bill may be cited as the Federal College of Agriculture, Short title
30 Abua/Odual Rivers State (Establishment, etc.) Bill, 2022.

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Section 2 (3)]*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

5 *Terms of Service*

6 1. There may be paid to the members to the members of the Council
7 or any committee, other than ex-officio members, such remuneration and
8 allowances as may from time to time be determined by the Minister.

9 2. The Council may act notwithstanding any vacancy in its
10 membership or any defect in the appointment of a member or the absence of a
11 member.

12 *Proceeding*

13 3.-(1) The Council shall meet for the conduct of business at such
14 times, place and on such days as the chairman of the Council may appoint but
15 shall meet not less than once every four months.

16 (2) The chairman of the Council may at any time and shall at the
17 request in writing of not less than five members of the Council summon a
18 meeting of the Council.

19 (3) at any meeting the chairman shall preside; but in his absence,
20 members present shall elect one of their members to preside at the meeting.

21 (4) Where the Council desires to obtain the advice of any person on
22 any particular matter, it may co-opt such person as a member for a meeting
23 whether or not expressly convened for the purpose of considering the particular
24 matter but no co-opted member shall be entitled to vote or shall count towards
25 quorum.

26 (5) Every question put before the Council at a meeting shall be
27 decided by a simple majority of the members present and voting.

28 (6) One half of the total members of the Council, at least one of
29 whom shall be a member appointed by the Minister shall form a quorum at
30 any meeting of the Council.

Miscellaneous

4. (1) Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.

(2) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(3) The fixing of the seal of the Council shall be authenticated by the signature of the chairman of the Council, the Provost and some other members authorized generally or specifically by the Council to act for that purpose.

(4) Any document purported to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(5) Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of Agriculture, Abua/Odual, Rivers State to offer full-time courses leading to the award of certificates and to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall National Development.

INFRASTRUCTURE DEVELOPMENT BILL, 2022

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SCHEDULE 1

SCHEDULE 2

A BILL

FOR

AN ACT TO PROVIDE FOR THE FACILITATION AND CO-ORDINATION OF PUBLIC INFRASTRUCTURE DEVELOPMENT TO ENSURE THAT INFRASTRUCTURE DEVELOPMENT IN THE COUNTRY IS GIVEN PRIORITY IN PLANNING, APPROVAL AND IMPLEMENTATION; TO ENSURE THAT THE DEVELOPMENT GOALS OF THE COUNTRY ARE PROMOTED THROUGH INFRASTRUCTURE DEVELOPMENT TO BROADEN THE SCOPE OF FUNDING FOR INFRASTRUCTURAL DEVELOPMENT AND TO IMPROVE THE MANAGEMENT OF SUCH INFRASTRUCTURE DURING ALL LIFE-CYCLE PHASES, INCLUDING PLANNING, APPROVAL, IMPLEMENTATION AND OPERATIONS; AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO, 2022

Sponsored Sen. Umar, Sadiq Suleiman

[] Commencement

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

1 PART 1 - DEFINITIONS AND OBJECTS OF ACT

2 1. In this Act, unless the context indicates otherwise-

Definitions

3 "applicant" means a person responsible for submitting an application for an
4 approval, authorisation, licence, permission or exemption relating to a
5 strategic integrated project;

6 "approval, authorisation, licence, permission or exemption" means any
7 approval, authorisation, licence, permission or exemption which in terms of
8 any relevant law requires-

9 (a) the consideration of jurisdictional facts or of certain
10 requirements or criteria and, in addition thereto, the exercise of a discretion
11 whether or not to grant the approval, authorisation, licence, permission or
12 exemption; or

13 (b) either the consideration of jurisdictional facts or of certain

1 requirements or criteria or the exercise of a discretion whether or not to grant
2 the approval, authorisation, licence, permission or exemption, and includes
3 decisions in respect of environmental authorisations, zoning of land or any
4 planning, use or development of land;
5 "Commission" means the Presidential Infrastructure Coordinating
6 Commission referred to in section 3;
7 "Department" means the Economic Development Department;
8 "designate", in relation to a strategic integrated project, means the designation
9 in terms of section 8 by the Commission by notice in the Gazette of a specific
10 project as a strategic integrated project;
11 "infrastructure" means installations, structures, facilities, systems, services or
12 processes relating to the matters specified in Schedule 1 and which are part of
13 the national infrastructure plan;
14 "Management Committee" means the committee established by section 6;
15 "Minister" means the Minister responsible for National Planning;
16 "national infrastructure plan" means a plan adopted by the Commission for the
17 development of public infrastructure;
18 "person" has the meaning assigned thereto in section 2 of the Interpretation Act,
19 and includes any organ of state and also any co-operative, non-governmental
20 organisation, community based organisation or other organisation or
21 association;
22 "prescribe" means prescribe by regulation;
23 "regulation" means any regulation made under this Act;
24 "Secretariat" means the Secretariat established by section 9;
25 "SIP" means a strategic integrated project;
26 "SIP chairperson" means the Minister designated by the Commission as
27 responsible for a SIP;
28 "SIP coordinator" means a person or agency designated by the Commission to
29 coordinate and facilitate the implementation of a strategic integrated project;
30 "steering committee" means a multidisciplinary steering committee appointed

1 in terms of section 12;
2 "strategic integrated project" means a public infrastructure project or group
3 of projects contemplated in section 7; and
4 "this Act" includes any regulation.

5 2. The objects of this Act are to provide for-

Objects of Act

6 (a) the existence of the Presidential Infrastructure Coordinating
7 Commission and its structures which must perform the functions provided
8 for in this Act;

9 (b) the identification and implementation of strategic integrated
10 projects which are of significant economic or social importance to the
11 Nigeria or a State in Nigeria or which facilitate regional economic
12 integration on the African continent;

13 (c) the alignment and dedication of capabilities and resources for
14 the effective implementation and utilisation of strategic integrated projects
15 across the state in order to ensure coherence and the expeditious completion
16 of infrastructure build and maintenance programmes;

17 (d) the appointment of relevant Ministers to chair strategic
18 integrated projects;

19 (e) the establishment, appointment and functioning of steering
20 committees to provide technical support and oversight for strategic
21 integrated projects;

22 (f) processes and periods of time applicable to the implementation
23 of strategic integrated projects; and

24 (g) generally, practices and procedures which seek to ensure that
25 infrastructure development is not undertaken merely in a transactional
26 manner, but in a manner which seeks to advance national development
27 goals, including local industrialisation, skills development, job creation,
28 youth employment, small business and cooperatives development, broad-
29 based economic empowerment and regional economic integration.

	1	PART 2 - PRESIDENTIAL INFRASTRUCTURE COORDINATING COMMISSION
	2	AND STRUCTURES OF COMMISSION
Structures and composition of Presidential Infrastructure Coordinating Commission	3	3.-(1) The Presidential Infrastructure Coordinating Commission
	4	which exists when this Act takes effect continues so to exist.
	5	(2) The Commission has-
	6	(a) a Management Committee;
	7	(b) a Secretariat; and
	8	(c) Chairpersons, coordinators and steering committees of strategic
	9	integrated projects.
	10	(3) The Commission has the following members:
	11	(a) The President;
	12	(b) the Vice President;
Functions of Commission	13	(c) Ministers designated by the President;
	14	(d) the State Governors;
	15	(e) six persons representing the six geo political zones.
	16	(4) The President, or in his or her absence the Vice President, is the
	17	chairperson of the Commission.
	18	(5) A decision by the majority of the members present at a meeting of
	19	the Commission is a decision of the Commission.
	20	(6) The Commission may determine its own procedures to be
	21	followed at its meetings.
	22	(7) The Commission may secure such services, assistance or advice
	23	from any persons it considers necessary to assist it to perform any of its
	24	functions.
	25	4. The functions of the Commission are to-
	26	(a) coordinate the development, maintenance, implementation and
	27	monitoring of the national infrastructure plan;
	28	(b) coordinate the determination of priorities for infrastructure
	29	development;
	30	(c) designate strategic integrated projects contemplated in section 7

- 1 and designate SIP Chairpersons and SIP coordinators for them;
- 2 (d) ensure that infrastructure development in respect of any
3 strategic integrated project is given priority in planning, approval and
4 implementation;
- 5 (e) ensure co-operation between organs of state affected by
6 projects undertaken;
- 7 (f) coordinate the identification of strategic international partners
8 with which to conclude agreements which seek to promote the objects of this
9 Act;
- 10 (g) identify-
- 11 (i) the current and future needs and related priorities in relation to
12 infrastructure development of the Country, or in the as it relates to the ;
- 13 (ii) any legislation and other regulatory measures that impede or
14 may impede infrastructure development, and advise the executive authority
15 of the relevant sphere of government;
- 16 (iii) the direct and indirect impact of any strategic integrated
17 project on job creation, youth employment and economic inclusiveness;
- 18 (iv) the direct and indirect impact of any strategic integrated
19 project on economic equality and social cohesion;
- 20 (v) financial matters that may impact on infrastructure
21 development; and
- 22 (vi) the social impact of strategic integrated projects;
- 23 (h) evaluate existing infrastructure with a view to improving
24 planning, procurement, construction, operations and maintenance;
- 25 (i) consider proposals for infrastructure development and
26 maintenance;
- 27 (j) promote investment and identify and develop strategies to cause
28 the removal of impediments to investment;
- 29 (k) generally encourage and facilitate economic and industrial

- 1 development connected with infrastructure or any strategic integrated project;
- 2 (l) promote the creation of decent employment opportunities and
- 3 skills development ,training and education, especially for historically
- 4 disadvantaged persons and communities, women and persons with disabilities,
- 5 in so far as it relates to infrastructure and any strategic integrated project;
- 6 (m) address in all phases of a strategic integrated project, including its
- 7 planning, implementation, operation and maintenance phases, capacity
- 8 constraints and improve coordination and integration within strategic
- 9 integrated projects; and
- 10 (n) develop and issue guidelines and frameworks to facilitate and
- 11 align the implementation of strategic integrated projects.
- 12 **5.-(1)** The Management Committee of the Commission is hereby
- 13 established.
- 14 (2) The Management Committee and its chairperson are appointed by
- 15 the President and consists of such members of the Commission as the President
- 16 may determine.
- 17 (3) The Management Committee must assist the Commission to carry
- 18 out its functions, which may include-
- 19 (a) ensuring that decisions of the Commission are given effect to;
- 20 (b) overseeing the functions performed by the Secretariat;
- 21 (c) monitoring the implementation of strategic integrated projects,
- 22 subject to the guidance and directions of the Commission;
- 23 (d) ensuring coordinated regulatory approvals;
- 24 (e) considering reports submitted to it by the Secretariat;
- 25 (f) requesting the Secretariat to undertake particular investigations
- 26 and to provide analyses of and make recommendations on issues relating to the
- 27 implementation of infrastructure development;
- 28 (g) reviewing reports and make recommendations to the Commission
- 29 to ensure the harmonisation and improvement of implementation actions,

Management
Committee

1 policies, and laws relating to infrastructure development and investment in
2 infrastructure;

3 (h) define all strategic infrastructure as asset base;

4 (i) ensure that all funding for infrastructure is safe guided by all
5 relevant government guarantees under this Bill;

6 (j) approve the floating of infrastructure bonds which will be
7 guaranteed by appropriate government;

8 (k) taking such decisions of the Commission as the Commission
9 may assign to it; and

10 (l) performing any other function of the Commission delegated or
11 assigned to it by the Commission.

12 (4) The Commission may determine any matter necessary for the
13 proper functioning of the Management Committee.

14 (5) The Management Committee may determine its own
15 procedures to be followed at its meetings.

16 PART 3 - STRATEGIC INTEGRATED PROJECTS

17 6.-(1) A project or group of projects qualifies as a strategic
18 integrated project for the purposes of this Act if-

Requirements for
strategic integrated
projects and
designation of
SIP Chairpersons

19 (a) it comprises of one or more installation, structure, facility,
20 system, service or process relating to any matter specified in Schedule 1;

21 (b) it complies with any of the following criteria:

22 (i) It would be of significant economic or social importance to
23 Nigeria;

24 (ii) it would contribute substantially to any national strategy or
25 policy relating to infrastructure development; or

26 (iii) it is above a certain monetary value determined by the
27 Commission; and

28 (c) the Commission has included the project in the national
29 infrastructure plan and has, in terms of section 8, designated the project as a
30 strategic infrastructure project.

1 (2) The Commission may for the purposes of subsection (1)(b)(iii)
2 determine different values for different types of strategic integrated projects or
3 for different categories of strategic integrated projects.

4 (3) The Commission must designate as Chairperson of a strategic
5 integrated project the Minister under whose portfolio a strategic integrated
6 project falls or, where different components of a strategic infrastructure project
7 fall under different portfolios, such Minister as the Commission may
8 determine as principally responsible for the strategic integrated project.

9 (4) The SIP Chairperson shall as soon as possible after the
10 Commission has designated a strategic integrated project-

11 (a) convene and chair a forum of executive authorities that are
12 involved in the strategic integrated project from the three spheres of
13 government;

14 (b) coordinate implementation of the strategic integrated project that
15 she or he chairs;

16 (c) ensure that the steering committee of the strategic integrated
17 project provides information as required by the Secretariat; and

18 (d) promote the alignment of relevant government activities in
19 support of implementation, operation and maintenance of the strategic
20 integrated project.

Designation of
strategic integrated
projects and
conflicts in
infrastructure or
planning thereof

21 7.-(1) The Commission must, by notice in the Gazette, designate
22 strategic integrated projects for the purposes of this Act.

23 (2) If the Commission designates a strategic integrated project which
24 must be implemented, it must determine whether the States or Government
25 Agencies has the capacity to implement the project or whether the project must
26 be put out to tender.

27 (3) (a) Such Minister as the Commission may determine must,
28 whenever the Commission decides that a strategic integrated project must be
29 implemented and put out to tender by notice in the Gazette and in at least one
30 national newspaper, request the relevant accounting officers or accounting

1 authorities to call for such tenders.

2 (b) The request to the relevant accounting officers or accounting
3 authorities must be made in consultation with the Members of Cabinet
4 responsible for the portfolios under which the infrastructure components
5 fall.

6 (4) (a) Where a strategic integrated project has been designated for
7 implementation, every organ of state must ensure that its future planning or
8 implementation of infrastructure or its future spatial planning and land use is
9 not in conflict with any strategic integrated project implemented in terms of
10 this Act;

11 (b) Paragraph (a) does not derogate from any power of a State or
12 Local Government to implement any infrastructure project which falls
13 outside the ambit of a strategic integrated project;

14 (c) Any conflict which arises in the application of paragraph (a)
15 must be resolved in subject to any national legislation regulating spatial
16 planning and land use management.

17 PART 4 - IMPLEMENTING STRUCTURES OF THE COMMISSION

18 **8.-(1)** The Secretariat of the Commission is hereby established.

Secretariat of
Commission

19 (2) The Secretariat is appointed by the President and consists of-

20 (a) the Minister as chairperson of the Secretariat; and

21 (b) such Ministers as the President may determine.

22 **9.** The Secretariat must-

Functions of
Secretariat

23 (a) enable and facilitate operations relating to the implementation
24 and long term utilisation of any strategic integrated project;

25 (b) coordinate the implementation of any strategic integrated
26 project;

27 (c) appoint members to a steering committee;

28 (d) appoint a SIP coordinator to chair the steering committee for a
29 strategic integrated project and to coordinate and facilitate the
30 implementation of the strategic integrated project;

Main purposes
of steering
committees

- 1 (e) ensure that members of a steering committee have the necessary
- 2 skills and capabilities to properly perform their functions;
- 3 (f) issue guidelines relating to the manner in which a steering
- 4 committee must perform its functions;
- 5 (g) drive and direct the work of a steering committee;
- 6 (h) interact with and ensure coordinated interaction within steering
- 7 committees;
- 8 (i) ensure the successful finalisation of the work of a steering
- 9 committee;
- 10 (j) manage the implementation of the day to day work of the
- 11 Commission and regularly report to the Management Committee and to the
- 12 Commission; and
- 13 (k) perform such other functions as the Management Committee and
- 14 the Commission may assign to it.
- 15 **10.** The main purposes of a steering committee are, for all phases in
- 16 the implementation and utilisation of a strategic integrated project-
- 17 (a) to develop mechanisms to identify and determine the different
- 18 projects which constitute a strategic integrated project, and submit them for
- 19 approval by the Secretariat;
- 20 (b) to identify ways and means of giving effect, in the most effective,
- 21 efficient and expeditious manner, to the Commission's decision to implement a
- 22 strategic integrated project and in so doing, to ensure the prompt compliance
- 23 with all applicable laws;
- 24 (c) within a period specified by the Minister, to develop and adopt a
- 25 project plan for approval by the Secretariat for the implementation of the
- 26 strategic integrated project in the most effective and expeditious manner;
- 27 (d) to facilitate and monitor the implementation of the strategic
- 28 integrated project;
- 29 (e) to coordinate the work of all members of the steering committee;
- 30 (f) to meet regularly with the SIP Chairperson; and

1 (g) to serve as a one-stop-shop where any matter relating to the
2 implementation of a strategic integrated project can be resolved.

3 **11. -(1)** A steering committee consists of the SIP coordinator as
4 described in section 10(d) and of persons representing departments and other
5 organs of state affected by the strategic integrated project, and may consist
6 of, among others-

Appointment
and composition
of multidisciplinary
steering committees

7 (a) officials representing departments in the three spheres of
8 government responsible for environment, water, public works, finance,
9 economic development, spatial planning, land use management or any other
10 relevant portfolio or representing any other person who will be required to
11 grant an approval, authorisation, exemption, licence, permission or
12 exemption necessary for the implementation of the strategic integrated
13 project;

14 (b) any other person appointed by the Secretariat based on expert
15 knowledge or skills.

16 (2) The SIP coordinator is the chairperson of the steering
17 committee.

18 (3) In the event that the SIP coordinator is an entity, that entity shall
19 nominate for approval by the Secretariat a suitably qualified individual to
20 act as chair of the steering committee.

21 (4) The Director-General or head of a public entity responsible for
22 an aspect of infrastructure remains the Accounting Officer or Accounting
23 Authority in terms of the Finance (Management and Control) Act, and the
24 Public Procurement Act

25 (5) A member of a steering committee must have relevant
26 knowledge, skills and experience in his or her field of work so as to enable
27 the steering committee to perform its functions effectively and
28 expeditiously.

29 (6) A member of a steering committee-

30 (a) has, subject to section 20(4), the authority to take decisions on

1 behalf of the organ of state he or she represents, excluding any decision to grant
2 an approval, authorisation, license, permission or exemption; and

3 (b) has direct access to the head of the organ of state he or she
4 represents, the Management Committee and the Secretariat and any of its
5 members.

6 (7) (a) A member of the steering committee must be available at all
7 times to perform his or her functions as a member of the steering committee;

8 (b) Membership of a steering committee may not be delegated
9 without the approval of the Commission;

10 (8) The Secretariat may, on good cause shown and following a
11 recommendation by a steering committee-

12 (a) appoint additional members to the steering committee; and

13 (b) secure the services of or assistance or advice from any person who
14 is not a member of the committee.

15 (9) The Commission may at any stage of the implementation of a
16 strategic integrated project reconstitute the steering committee in order for it to
17 reflect the necessary skills and expertise required for the implementation of the
18 particular stage.

19 (10) The Secretariat must dissolve a steering committee upon
20 completion of its functions.

21 (11) Any SIP coordinator, steering or technical committee which had
22 been appointed in respect of a strategic integrated project prior to the
23 commencement of this Act and which existed immediately prior to the date of
24 commencement of this Act continues to exist and must be regarded as having
25 been appointed in terms of this section.

Disqualification
from membership
of steering
committees,
disclosure and
offences relating
thereto

26 **12.-(1)** For the purposes of this section-

27 "family member" means, in relation to a member of a steering committee-

28 (a) a person who is related to the member biologically or by statutory
29 law including affinity by marriage, adoption or foster care, or by customary or
30 religious law or custom; or

- 1 (b) a permanent life partner;
- 2 "public office" means any appointment or position in the service of the
3 Nation,
- 4 (2) This section applies to a member of a steering committee who
5 occupies a public office.
- 6 (3) A person who occupies a public office may not be appointed as a
7 member of a steering committee or remain a member of such committee-
- 8 (a) if he or she or his or her family member would benefit
9 financially, in any manner whatsoever whether directly or indirectly, from
10 the strategic integrated project for which the steering committee was
11 appointed; or
- 12 (b) if he or she or his or her family member has any direct or
13 indirect interest in any business or organisation which would in any manner
14 whatsoever benefit financially from the strategic integrated project.
- 15 (4) If, after the appointment of a member of a steering committee, it
16 appears that the member would benefit from or has an interest in any
17 business or organisation which would benefit from a strategic integrated
18 project, as contemplated in subsection (3), the member must without delay-
- 19 (a) in writing disclose that fact to the steering committee and the
20 Minister; and
- 21 (b) resign from the steering committee.
- 22 (5) A member of the steering committee may not be present or take
23 part in the discussion of, or the taking of a decision on, any matter before the
24 steering committee relating to the strategic integrated project for which the
25 steering committee was appointed in which that member or his or her family
26 member, business partner or associate has any direct or indirect financial
27 interest.
- 28 (6) A member of a steering committee or his or her family member,
29 business partner or associate, or an organisation or enterprise in which a
30 member of the steering committee or his or her family member, business

- 1 partner or associate has a direct or indirect interest, may not-
- 2 (a) offer goods or services or conduct any business in relation to the
- 3 strategic integrated project for which the steering committee was appointed; or
- 4 (b) make improper use, in any manner whatsoever, of the position of
- 5 member of a steering committee or of any information acquired by virtue of his
- 6 or her position as a member of a steering committee.
- 7 (7) (a) Any member of a steering committee who fails to comply with
- 8 subsection(4)(a) or (b) or who contravenes subsection (5) is guilty of an
- 9 offence and liable on conviction to a fine or to imprisonment not exceeding five
- 10 years or to both a fine and such imprisonment.
- 11 (b) Any person who contravenes subsection (6) is guilty of an offence
- 12 and liable on conviction to a fine or to imprisonment not exceeding five years
- 13 or to both a fine and such imprisonment.
- 14 (8) (a) Any former member of a steering committee who failed to
- 15 comply with subsection (4)(a) or (b) or who contravened subsection (5) or (6)
- 16 while he or she was a member of a steering committee commits an offence and
- 17 is liable on conviction to a fine or to imprisonment not exceeding five years or
- 18 to both a fine and such imprisonment;
- 19 (b) Any person, other than the member, referred to in subsection (6),
- 20 who contravened subsection (6) during the tenure of the former member,
- 21 commits an offence and is liable on conviction to a fine or to imprisonment not
- 22 exceeding five years or to both a fine and such imprisonment.
- 23 **13.-(1)** The steering committee must, for projects that fall within the
- 24 state sector but that may be built or operated by either the public or private
- 25 sector-
- 26 (a) identify the projects required for the implementation of a strategic
- 27 integrated project;
- 28 (b) identify opportunities for localisation, which include local job
- 29 creation and local procurement of goods and services, as well as other

Functions of
steering committees

1 opportunities, to ensure that the strategic integrated project contributes to
2 the objects of the Act;

3 (c) develop and adopt one or more project plans, including
4 feasibility, financial, operational and maintenance plans, setting out actions,
5 targets and periods of time for the strategic integrated project and submit the
6 plans to the Commission for approval;

7 (d) identify and ensure compliance with the laws applicable to the
8 strategic integrated project;

9 (e) determine the approvals, authorisations, licences, permissions
10 or exemptions required to implement the strategic integrated project;

11 (f) ensure that all appropriate persons are appointed as members of
12 the steering committee;

13 (g) take all reasonable steps that will assist any relevant authority
14 required to decide an approval, authorisation, license, permission or
15 exemption to take such decision;

16 (h) facilitate the implementation of the strategic integrated project;

17 (i) report progress on all phases of the planning, development and
18 implementation of a strategic integrated project to the Secretariat; and

19 (j) bring to the attention of the Secretariat challenges or matters that
20 it is unable to resolve for resolution or direction, including proposed
21 remedial actions for consideration by the Secretariat.

22 (2) Each member of the steering committee must evaluate the
23 strategic integrated project from the perspective of his or her area of
24 expertise and-

25 (a) identify what is required for the expeditious and effective
26 implementation;

27 (b) identify challenges presented by the strategic integrated project
28 that will impede or delay the implementation of the project, and identify
29 associated remedial actions required;

30 (c) identify amendments required to the strategic integrated project

	1	to ensure proper implementation; and
Commencement	2	(d) identify the amendments required to be effected to the strategic
	3	integrated project to ensure compliance with applicable laws.
	4	(3) The Secretariat may issue guidelines relating to the manner in
	5	which effect must be given to subsections (1) and (2).
Approvals, authorisations, licences, permissions and exemptions	6	14.-(1) When the steering committee has determined the approvals,
	7	authorisations, licences, permissions and exemptions required to enable the
	8	implementation of the strategic integrated project, it shall inform, without any
	9	delay, the applicant to submit all applications simultaneously for consideration
	10	by the persons authorised by the relevant laws to take the applicable decisions.
	11	(2) A member of the steering committee referred to in section
	12	12(1)(a), must do everything possible within his or her power to ensure that an
	13	application-
	14	(a) complies with applicable legislative and other requirements; and
	15	(b) includes all relevant information to enable the relevant authority
	16	to consider the application without delay.
	17	(3) A member of the steering committee referred to in section 12(1)(a)
	18	must monitor the processing of the application and report to the steering
	19	committee any regulatory concerns emerging for exploration or consideration
	20	of solutions thereto.
	21	(4) If the approval, authorisation, licence, permission or exemption is
	22	not granted the relevant authority must provide reasons for such refusal to the
	23	steering committee and the applicant.
	24	(5) The steering committee must, without delay, report to the
	25	Secretariat the outcomes of all applications for approvals, authorisations,
	26	licences, permissions and exemptions.
Steering committees and procedures	27	15. -(1) A steering committee may determine its own procedures to be
	28	followed at its meetings.
	29	(2) A steering committee must submit a progress report to the
	30	Secretariat at least on a monthly basis.

1 (3) (a) The Minister who chairs a strategic integrated project
 2 contemplated in this Act must cause to provide a steering committee with
 3 such secretarial or administrative support and with accommodation and
 4 work related facilities as may reasonably be required for the proper
 5 functioning of the steering committee or may, by agreement with the
 6 Minister, request the Economic Development Department to provide such
 7 facilities and support;

8 (b) The costs relating to the functioning of a steering committee are
 9 borne by the Department of the Minister who chairs unless otherwise agreed
 10 as set out in paragraph(a).

11 PART 5 - PROCESSES

12 16.-(1) Whenever any strategic integrated project is implemented
 13 in terms of this Act any processes relating to such implementation, including
 14 processes relating to any application for any approval, authorisation,
 15 licence, permission or exemption and processes relating to any consultation
 16 and participation must, as far as it is possible and in order to expedite the
 17 matter, run concurrently.

Processes relating
to implementation
of strategic integrated
projects

18 (2) The processes set out in Schedule 2 provide a framework and
 19 guide for the implementation of any strategic integrated project, but the
 20 time-frames in Schedule 2 may not be exceeded.

21 17. Whenever an environmental assessment is required in respect
 22 of an integrated strategic project, such assessment must be done in terms of
 23 the Environmental Impact Assessment Act,

Environmental
assessments

24 PART 6 - GENERAL PROVISIONS

25 18. -(1) The Minister must, on a quarterly basis, report to the
 26 Commission and to the Management Committee on each strategic
 27 integrated project.

Reporting by
Minister

28 (2) The report contemplated in subsection (1) must be in the form
 29 and contain the information determined by the Commission.

Delegation and
assignment

1 **19.**-(1) The Minister may delegate or assign any power granted to or
2 duty imposed upon him or her in terms of this Act to an officer in the
3 Department, except the power to make regulations.

4 (2) A power or duty so delegated or assigned must be exercised or
5 performed in accordance with the directions of the Minister, who may at any
6 time withdraw such delegation.

7 (3) A delegation or assignment under subsection (1) does not prevent
8 the Minister from exercising the power or performing the duty in question
9 himself or herself.

10 (4) (a) Subject to paragraph (c), a member of a steering committee
11 may exercise or perform any power or duty on behalf of the organ of state he or
12 she represents, if such power or duty is delegated or assigned to the member of
13 the steering committee by virtue of any law;

14 (b) The head of an organ of state may, for the purposes of paragraph
15 (a) and in so far as legislation administered by that organ of state does not
16 provide for a delegation or assignment of a power or duty contemplated in that
17 paragraph, delegate or assign the power or duty to the relevant member of the
18 steering committee by virtue of this subsection;

19 (c) The power to grant an approval, authorisation, licence, permission
20 or exemption may not be delegated in terms of this section.

Regulations

21 **20.**-(1) The Minister may, in consultation with the Commission, make
22 regulations regarding-

23 (a) any matter that may or must be prescribed in terms of this Act;

24 (b) the criteria that must be applied in the implementation of a
25 strategic integrated project, relating to-

26 (i) skills development;

27 (ii) Green Economy;

28 (iii) employment creation;

29 (iv) youth employment;

30 (v) rural development; and

1 (c) the monetary values in respect of strategic integrated projects,
2 contemplated in section 7; and

3 (d) generally, any ancillary or incidental administrative or
4 procedural matter which is necessary or expedient to prescribe for the proper
5 implementation or administration of this Act.

6 (2) The Minister must consult with the relevant Minister in making
7 regulations relating to criteria set out in subsection (1)(b).

8 **21.** This Bill may be cited as the Infrastructure Development Bill, Citation
9 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the facilitation and co-ordination of public infrastructure development to ensure that infrastructure development in the Country is given priority in planning, approval and implementation; to ensure that the development goals of the Country are promoted through infrastructure development to broaden the scope of funding for infrastructural development and to improve the management of such infrastructure during all life-cycle phases, including planning, approval, implementation and operations.

1 SCHEDULE 1

2 (Section 7(1)(a))

3 National and international airports

4 Communication and information technology installations

5 Education institutions

6 Electricity transmission lines

7 Health care facilities

8 Human settlements and related infrastructure and facilities

9 Economic facilities

10 Mines

11 Oil or gas pipelines, refineries or other installations

12 Ports and harbours

13 Power stations or installations for harnessing any source of energy

14 Productive rural and agricultural infrastructure

15 Public roads

16 Railways

17 Sewage works

18 Waste management and disposal

19 Water works and water infrastructure

20 SCHEDULE 2

21 (Section 17(2))

22 PROCESS AND PERIODS OF TIME

23 1. Project plan approved and steering committee determines the
24 applicable legislation and approval, authorisation, licence, permission or
25 exemption required.

26 2. Applicant compiles and submits an application and project plan for
27 consideration by the relevant authority. 7 days

28 3. Public consultation process on the application and project plan. 30
29 days

30 4. Application and project plan amended and submitted to the relevant

-
- 1 authority for consideration and approval. 52 days.
 - 2 5. Based on approved project plan preparation and submission of
 - 3 detailed development and mitigation plan to the relevant authority. 60 days.
 - 4 6. Public consultation on the development and mitigation plan and
 - 5 review by relevant authority. 44 days.
 - 6 7. Relevant authority consideration and assessment of
 - 7 development and mitigation plan. Regulatory decision. 57 days.