

ZONAL DEVELOPMENT COMMISSIONS ESTABLISHMENT BILL, 2017

ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE ZONAL DEVELOPMENT COMMISSIONS CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION ACCOUNT FOR ASSISTING MEMBER STATES IN HARNESSING THEIR POTENTIALS AS WELL AS CONCEIVE, PLAN AND IMPLEMENT DEVELOPMENT EFFORTS WITHIN THESE ZONES

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

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

1 PART I – ESTABLISHMENT OF ZONAL DEVELOPMENT COMMISSIONS

2 1.-(1) There are hereby established Five Commissions to be known
3 by the names specified in column 1 of the First Schedule to this Bill (in this
4 Bill referred to as “the Commissions”) which shall have such powers and
5 exercise such functions as are specified in this Bill.

Establishment of
Zonal Development
Commissions

6 (2) The Commissions shall each operate within the area specified
7 in column 2 of the First Schedule to this Bill and have their respective
8 headquarters in the locations specified in column 3 of the same Schedule.

9 (3) The Commissions shall be a bodies corporate with perpetual
10 succession and a common seal and may sue or be sued in their corporate
11 name.

12 2.-(1) There are hereby established for each Commission, Five
13 respective Governing Boards (in this Bill referred to as “the Boards”) which
14 shall each consist of-

Establishment
of Board for the
Commissions

15 (a) Chairman who shall be an elder statesman who has
16 distinguished himself in the area of public service;

17 (b) one person each to represent the member states;

- 1 (c) three persons to represent the following security organizations-
- 2 (i) the Army who shall not be below the rank of Colonel;
- 3 (ii) the Police who shall not be below the rank of Superintendent of
- 4 Police;
- 5 (iii) the National Security and Civil Defence Corps who shall not be
- 6 below the rank of Deputy Commandant.
- 7 (d) One representative to be nominated by Solid Mineral Extracting
- 8 and Mining Producing Companies within the member states;
- 9 (e) One person to represent the-
- 10 (i) Federal Ministry charged with the responsibility of Finance;
- 11 (ii) Federal Ministry charged with the responsibility of Education;
- 12 (iii) Federal Ministry charged with the responsibility of Environment;
- 13 and
- 14 (f) the Managing Director of the Commission.
- 15 (2) The Chairman and other members of each Board shall be-
- 16 (a) appointed by the President, subject to confirmation of the Senate,
- 17 in consultation with the House of Representatives; and
- 18 (b) person(s) of proven integrity and ability.
- 19 (3) The members of the Boards referred to in paragraph (1 -2) Clause
- 20 2(1) of the Bill shall be part-time members.
- 21 (4) The supplementary provisions set out in the Second Schedule to
- 22 this Bill shall have effect respect to the proceedings of the Boards and other
- 23 matters contained therein.
- 24 **3.** Subject to the provisions of clause 4 of this Bill, a member of the
- 25 Board, other than an ex-officio member, shall hold office for a term of 4 years at
- 26 the first instance and may be re-appointed for a further term of 4 years and no
- 27 more.
- 28 **4.** The office of the Chairman of each Board shall rotate amongst the
- 29 member states in each Commission in alphabetical order.

Tenure of Office
of Board members

Rotation of office
of Chairman

- 1 5.-(1) A member of the Board other than ex-officio member, may
2 resign his appointment by notice in writing addressed to the President
3 (2) A member of the Board may cease membership if the member—
4 (a) becomes of unsound mind;
5 (b) becomes bankrupt;
6 (c) is convicted of felony or of any offence involving dishonesty;
7 (d) is guilty of serious misconduct in relation to the office;
8 (e) in the case of a person possessed of professional qualifications,
9 he is disqualified or suspended, other than at his own request, from
10 practicing his profession in any part of the world by an order of a competent
11 authority made in respect of that member;
12 (f) he resigns his appointment by a letter addressed to the President.
13 (3) Where vacancy exists in the membership of the Board, it shall
14 be filled by appointment of a person representing the state(s) or area where
15 the vacancy exists, to complete the remainder of the term of office of the
16 predecessor and shall be appointed by the President subject to confirmation
17 of the Senate in consultation with the House of Representatives.
- 18 6. There shall paid to every member of the Board such
19 remuneration, allowances and expenses as the Federal Government may,
20 from time to time direct.
- 21 PART II – FUNCTIONS AND POWERS OF THE COMMISSIONS
- 22 7.-(1) The Commission shall-
23 (a) formulate policies and guidelines for the development of
24 member states;
25 (b) conceive, plan and implement, for member states, projects and
26 programmes for the sustainable development in the area of transportation,
27 including roads, health, education, employment, agriculture,
28 industrialization, housing and urban development, water supply, electricity
29 and telecommunications in accordance with the prescribed rules and
30 regulations;

Resignation,
cessation or
removal from
membership of
the Boards

Remunerations
and Allowances

Functions and
powers of the
Commissions

1 (c) cause member states to be surveyed in order to ascertain measures
2 which are necessary to promote their respective physical and socio-economic
3 development;

4 (d) prepare master plans and schemes designed to promote the
5 physical development of member states and estimates of the costs of
6 implementing such master plans and schemes;

7 (e) implement all the measures approved for the development of
8 member states by the Federal Government and their respective member states;

9 (f) identify factors inhibiting the development of member states and
10 assist them in the formulation and implementation of policies to ensure sound
11 and efficient management of the resources of member states;

12 (g) assess and report on any project being funded or carried out within
13 respective member states by Solid Mineral Extracting and Mining Companies,
14 agricultural processing and any other company including Non-governmental
15 organizations and ensure that funds released for such projects are properly
16 utilized;

17 (h) tackle ecological and environmental problems that arise from the
18 extraction and mining of solid minerals in member states and advise Federal
19 Government and other respective member states on the prevention and control
20 of water and environmental pollution;

21 (i) liaise with the various Solid Mineral Extraction and Mining
22 Companies of member states on all matters of pollution prevention and control;
23 and

24 (j) execute such other works and perform such other functions which
25 in the opinion of the Commission, are required for the sustainable development
26 of member states and its people.

27 (2) In exercising its functions and powers under this Clause, the
28 Commission shall have regard to the varied and specific contributions of each
29 member state.

30 (3) The Commission shall be subject to the direction, control and

1 supervision in the performance of its functions under this Bill by the
2 President of the Federal Republic of Nigeria.

3 8. The Board shall have the power to –

— Powers of the
Boards

4 (a) manage and supervise the affairs of its respective Commission;

5 (b) make rules and regulations for carrying out the functions of its
6 respective Commission;

7 (c) enter and inspect premises, projects and such places as may be
8 necessary for the purposes of carrying out its functions under this Bill;

9 (d) pay the staff of its respective Commission such remuneration
10 and allowances as appropriate;

11 (e) enter into such contracts as may be necessary or expedient for
12 the discharge of its functions and ensure the efficient performance of the
13 functions of its respective Commission;

14 (f) employ either directly or on secondment from any civil or
15 public service in the Federation or a state each number of employees as may
16 in the opinion of each Board, be required to assist each Board in the
17 discharge of any of its functions under this Bill;

18 (g) pay to persons so employed such remuneration, including
19 allowances, as each Board may determine; and

20 (h) do such other things as are necessary and expedient for the
21 efficient performance of the functions of its respective Commission.

22 PART III – STRUCTURE OF THE COMMISSION

23 9.-(1) There shall be established in the head offices of each
24 Commission the following departments-

Structure of the
Commission

25 (a) Administration and Human Resources;

26 (b) Planning, Research, Statistics and Management Information
27 System;

28 (c) Community and Rural Development;

29 (d) Environmental Protection and Control, Utilities Infrastructural
30 Development;

1 (e) Finance and Supply; and

2 (f) Legal Services.

3 (2) There shall be following Units which shall be under relevant
4 department-

5 (a) Solid Minerals and Agriculture;

6 (b) Education, Health and Social Services;

7 (c) Commercial and Industrial Development; and

8 (d) Projects Monitoring and Supervision.

9 (3) The Board may increase the number of Department(s) and Unit(s)
10 as it may deem necessary and expedient to facilitate the realization of the
11 objectives of each Commission.

Management
Committee

12 10.-(1) There shall be for the Commissions a Management
13 Committee which shall consist of-

14 (a) a Managing Director; and

15 (b) the Directors responsible for the Departments established under
16 Clause 9 of this Bill and such number of other members as may be determined
17 from time to time by each Board.

18 (2) The Management Committee of each Commission shall be
19 responsible to their respective Boards for the general administration of each
20 Commission.

Advisory
Committee of
the Commissions

21 11.-(1) There are established for each Commission, Advisory
22 Committees (in this Bill referred to as the Advisory Committee) which shall
23 each consist of-

24 (a) Governors of member states of each Commission; and

25 (b) two other persons as may be determined, from time to time, by the
26 President of the Federal Republic of Nigeria.

27 (2) Each Advisory Committee shall be charged with the responsibility
28 of advising their respective Boards and also monitoring the activities of their
29 respective Commissions, with a view to achieving the objective of such
30 Commissions.

1 (3) Each Advisory Committee may make rules regulating its own
2 affairs.

3 PART IV – STAFF OF THE COMMISSIONS

4 12.-(1) There shall be for each Commission, a Managing Director Staff of the
Commission
5 who-

6 (a) shall be indigene of member states;

7 (b) shall satisfy the constitutional criteria of being elected
8 governor; and

9 (c) has distinguished himself in public service.

10 (2) The Managing Director shall rotate amongst member states in
11 alphabetical order, and shall-

12 (a) be the chief executive and accounting officer of each
13 Commission;

14 (b) be appointed by the President of the Federal Republic of
15 Nigeria and confirmed by the Senate in consultation with the House of
16 Representatives;

17 (c) hold office on such terms and conditions as to emolument,
18 conditions of service as may be specified in his letter of appointment and
19 subject to the provision of Clause 3 of this Bill.

20 (3) the Managing Director shall, subject to the general direction of
21 their respective Boards, be responsible-

22 (a) for the day to day administration of each Commission;

23 (b) for keeping the books and proper records of the proceedings of
24 their respective Boards; and

25 (c) for the-

26 (i) administration of the secretariat of each Board, and

27 (ii) general direction and control of all other employees of each
28 Commission.

29 13.-(1) Service in the Commissions shall be approved service for
30 the purposes of the Pensions Reform Act.

1 (2) Nothing in sub-clause (1) of this Clause shall prevent the
2 appointment of a person to any office on terms which preclude the grant of
3 pension and gratuity in respect of such office.

4 (3) For the purposes of the application of the provisions of the
5 Pensions Act, any power exercisable there under by any other authority of the
6 Government of the Federation, other than the power to make regulations under
7 Clause 25 thereof is vested in and shall be exercisable by each Commission,
8 and not by any other person or authority.

9 PART V – FINANCIAL PROVISIONS

Funds of the
Commissions

10 14.-(1) Each Commission shall establish and maintain a fund from
11 which shall be defrayed all expenditure incurred by such Commission.

12 (2) There shall be paid and credited to the fund established pursuant to
13 sub-clause (1) of this Clause-

14 (a) from the Federal Government, the equivalent of 15 percent of the
15 total monthly statutory allocations due to member states of each Commission
16 from the Federation Account; this being the contribution of the Federal
17 Government to each Commission;

18 (b) 3 percent of the total annual budget of any Solid Mineral
19 Extracting Company operating within the states located in the area covered by
20 each Commission, including Agricultural processing companies;

21 (c) 50 percent of monies due to member states of each Commission
22 from the Ecological Fund;

23 (d) such monies as may from time to time, be granted or lent to or
24 deposited with each Commission by the Federal Government, any other body
25 or institution whether local or foreign;

26 (e) all moneys raised for the purposes of each Commission by way of
27 gifts, loans, grants-in-aid, testamentary disposition or otherwise; and

28 (f) proceeds from all other assets from time to time, accrue each
29 Commission.

30 (3) The fund shall managed in accordance with the rules made by each

1 Board, and without prejudice to the generality of the power to make rules
2 under this sub-clause, the rules shall in particular contain provisions-

3 (a) specifying the manner in which the assets or the fund of each
4 Commission are to be held, and regulating the making of payments into and
5 out of the fund; and

6 (b) requiring the keeping of proper accounts and records for the
7 purpose of the fund in such form as may be specified in the rules.

8 15.-(1) Each Commission shall apply the proceeds of the fund
9 established pursuant to Clause 14 of this Bill to-

Application of
the Commission
funds

10 (a) the cost of administration of the Commission;

11 (b) the payment of salaries, fees, remuneration, allowances,
12 pensions and gratuities payable to the members of each Board and the
13 employees of the Commission;

14 (c) the payment for all contracts, including mobilization,
15 fluctuations, variations, legal fees and cost on contract administration;

16 (d) the payment for all purchases; and

17 (e) undertaking such other activities as are connected with all or
18 any of the Functions of the Commission under this Bill.

19 (2) The Commission may accept gifts of land, money or other
20 property on such terms and conditions, if any, as may be specified by the
21 person or organization making the gift.

22 (3) The Commission shall not accept any gift if the conditions
23 attached by the person or organization making the gift are inconsistent with,
24 the functions of each Commission under this Bill.

25 (4) Each Commission may, with the consent of the President of the
26 Federal Republic of Nigeria, borrow, such terms and conditions as each
27 Commission may determine, such sums of money as such Commission may
28 require in the exercise of its functions under this Bill.

29 16.-(1) The Board shall, not later than 30th September in each year,
30 submit to the National Assembly through the President of the Federal

Annual Estimate
and Expenditure

1 Republic of Nigeria an estimate of the expenditure and income of its respective
2 Commission during the next succeeding year for approval.

3 (2) The Board shall cause to be kept proper accounts of its respective
4 Commission in respect of each year and proper records in relation thereto and
5 shall cause the accounts to be audited not later than 6 months after the end of
6 each year by auditors appointed from the list and in accordance with the
7 guidelines supplied by the Auditor-General for the Federation.

Submission of
Report

8 17.-(1) The Commission shall, at the end of every quarter submit to
9 the President of the Federal Republic of Nigeria report of activities and
10 administration of such Commission.

11 (2) The Board shall prepare and submit to the President of the Federal
12 Republic of Nigeria, not later than 30th of June in each year, a report in such
13 form as the President of the Federal Republic of Nigeria may direct on the
14 activities of its respective Commission during the immediately preceding year,
15 and shall include in the report a copy of the audited accounts of the
16 Commission for that year and the auditor's report thereon.

17 (3) The President of the Federal Republic of Nigeria shall upon
18 receipt of the report referred to in sub-clause (1) of this Clause, cause a copy of
19 the report and the audited accounts of each Commission and the auditor's report
20 thereon to be submitted to each House of the National Assembly.

21 PART VI – MISCELLANEOUS

Monitoring
Committee

22 18.-(1) There is established for the Commissions, a Monitoring
23 Committee which shall consist of such number of persons as the President of
24 the Federal Republic of Nigeria deem fit to appoint from the public or Civil
25 Service of the Federation.

26 (2) The Monitoring Committee shall-

27 (a) monitor the management of the funds of each Commission and the
28 implementation of the projects of each Commission; and

29 (b) have access to the books of account and other records of each
30 Commission at all times, and submit periodical reports to the President of the

1 Federal Republic of Nigeria.

2 19.-(1) For the purposes of providing offices and premises
3 necessary for the performance of its functions under this Bill, the
4 Commission may, subject to the Land Use Act-

Offices and
Premises of the
Commissions

5 (a) purchase or take on lease any interest in land, or other property;
6 and

7 (b) construct offices and premises and equip and maintain same.

8 (2) The Commission may, subject to the Land Use Act, sell or lease
9 out any office or premises held by it, which office or premises is no longer
10 required for the performance of its functions under this Bill.

11 20. Subject to the provisions of this Bill, the President of the
12 Federal Republic of Nigeria may give to the Commissions directives of a
13 general or specific nature relating generally to matters of policy with regard
14 to the performance by each Commission of its functions and it shall be the
15 duty of such Commission to comply with the directives.

President
Directives

16 21.-(1) Subject to the provision of this Bill the Public Officers
17 Protection Act shall apply in relation to any suit instituted against any officer
18 or employee of the Commissions.

Public Officer
Protection Act,
Cap. P41 LFN
2004

19 (2) Notwithstanding anything contained in any other law or
20 enactment, no suit shall be commenced against a member of the Boards,
21 each Managing Directors, or any other officer or employee of the
22 Commissions for any act done in pursuance or execution of this Bill or any
23 other law or enactment, or of any public duty or authority or in respect of any
24 alleged neglect or default in the execution of this Bill or such law or
25 enactment, duty or authority shall lie or be instituted in any court unless-

26 (a) it is commenced within three months next after the act, neglect
27 or default complained of; or

28 (b) in the case of a continuation of damage or injury, within six
29 months after the ceasing thereof.

Services of Notice,
Summons and
other documents

1 22. A notice, summons or other documents required or authorized to
2 be served upon the Commissions under the provisions of this Bill or any other
3 law or enactment may be served by delivering it to the appropriate Managing
4 Director or by sending it by registered post and addressed to such Managing
5 Director at the principal office of the Commission.

Restriction on
execution of
Judgment Debts

6 23.-(1) In any action or suit against the Commissions, no execution or
7 attachment of process in the nature thereof shall be issued against any
8 Commission.

9 (2) Any sum of money which may by judgment of any court be
10 awarded against the Commissions shall, subject to any direction given by the
11 court where notice of appeal of the said judgment has been given, be paid from
12 the general reserve fund of the Commissions.

Indemnity of
Staff

13 24. A member of the Board, the Managing Directors, any officer or
14 employee of the Commissions shall be indemnified out of the assets of the
15 Commissions against any proceeding, whether civil or criminal, in which
16 judgment is given in his favour, or in which he is acquitted, if any such
17 proceeding is brought against him in his capacity as member of the Board, the
18 Managing Director, any officer or employee of the Commissions.

Regulations

19 25. The Commissions may, with the approval of the President of the
20 Federal Republic of Nigeria make regulations generally, for the purpose of
21 carrying out or giving full effect to the provisions of this Bill.

Interpretation

22 26. In this Bill-
23 “Chairman” means the Chairman of each Board;
24 “Boards” means the Governing Boards established for each Commission
25 under Clause 2 (1) of this Bill and when used in singular means any of those
26 Boards;
27 “Commissions” means the Commissions established by sub-clause (1) of
28 Clause 1 of this Bill and when used in singular means any of those
29 Commissions;
30 “Management Committee” includes the Chairman, Managing Director and

1 Executive Directors;

2 “Member states” include states within the respective areas covered by the
3 Commission(s);

4 “Zonal” means geo-political zones including North West, North Central,
5 South East, South South and South West.

6 27. This Bill is cited as the Zonal Development Commission Citation
7 Establishment Bill, 2017.

SCHEDULES

FIRST SCHEDULE

[Clause 1(1)]

List of Regional Development Commissions

Column 1 Name of Commission	Column 2 Area of Operation	Column 3
North Central Development Commission	Benue, Kwara, Kogi, Nassarawa, Plateau and Niger	Nassarawa
North West Development Commission	Kaduna, Kano, Katsina, Sokoto, Zamfara and Jigawa	Kano
South East Development Commission	Anambra, Abia, Ebonyi, Enugu and Imo	Enugu
South South Development Commission	Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, and Rivers	Edo
South West Development Commission	Ekiti, Lagos, Ogun, Ondo, Osun and Oyo	Oyo

1 SECOND SCHEDULE

2 [Clause 2(4)]

3 *Supplementary Provisions relating to the Board, Etc.*4 *Proceedings of the Boards*5 1.-(1) Subject to this Bill and Section 27 of the Interpretation Act, the
6 Boards may make standing orders regulating its proceedings or those of any of
7 its committees.8 (2) The quorum of the Boards shall be the Chairman, or the person
9 presiding at the meeting, Managing Director or one Executive Director and
10 one-third of other members of the Boards. The quorum of any committee of the
11 Boards shall be as determined by the Boards.12 2.-(1) The Boards shall meet whenever it is summoned by the
13 Chairman and if the Chairman is required to do so by notice given to him by not
14 less than 8 other members, he shall summon a meeting of the Boards to be held
15 within 24 days from the date on which the notice is given.16 (2) Where the Boards desires to obtain the advice of any person on a
17 particular matter, the Boards may co-opt him to the Boards for such period as it
18 deems fit, but a person who is in attendance by virtue of this subparagraph shall
19 not be entitled to vote at any meeting of the Boards and shall not count towards
20 a quorum.21 *Committee*22 3.-(1) The Boards may appoint one or more committees to carry out,
23 on behalf of the Boards such functions as the Boards may determine.24 (2) The committee appointed under this paragraph shall consider
25 such number of persons as may be determined by the Boards and a person shall
26 hold office in the Committee in accordance with the terms of his appointment.27 (3) A decision of a committee of the Boards shall be of no effect until
28 it is confirmed by the Boards.29 4.-(1) The fixing of the seal of the Commissions shall be
30 authenticated by the signature of the Chairman or any other member of the

1 Boards generally or specifically authorized by the Boards to act for that
2 purpose and the Managing Director.

3 (2) Any contract or instrument which, if made or executed by a
4 person not being a body corporate, would not be required to be under seal
5 may be made or executed on behalf of the Commissions by the Managing
6 Director or any person generally or specifically authorized by the Boards to
7 act for that purpose.

8 (3) A document purporting to be a document duly executed under
9 the seal of the Commissions shall be received in evidence and shall, unless
10 and until the contrary is proved, be presumed to be so executed.

11 5. The validity of any proceedings of the Boards or of a committee
12 shall not be adversely affected by-

13 (a) a vacancy in the membership of the Boards or committee; or

14 (b) a defect in the appointment of a member of the Boards or
15 committee; or

16 (c) reason that a person not entitled to do so took part in the
17 proceedings of the Boards or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Zonal Development Commissions charged with the responsibility among other things to receive and manage funds from allocation of the Federation account for assisting member states in harnessing their potentials as well as conceive, plan and implement development efforts within these zones.

