

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL CAPITAL
TERRITORY WIDER AREA PLANNING AND DEVELOPMENT COMMISSION
AND MATTERS CONNECTED THEREWITH

Sponsored by Hon. Giza Jonathan Gbafwi

[] Commencement

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

PART 1 - ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD

1.-(1) There is hereby Established a Commission to be known as
Federal Capital Territory Wider Area Planning and Development
Commission" (in the Bill referred to as "the Commission").

Establishment of
the Commission

(2) The Commission shall be a body corporate with perpetual
succession and a common seal, and can sue and be sued.

2. The Commission shall have its head office in Karu, with Area
Offices in each border State.

Officers of the
Commission

3.-(1) There is established for the management of the Commission
a Governing Board (in this Bill referred to as "the Board") which shall
consist of:

Constitution of a
Governing Board
of the Commission

(a) a chairman;

(b) a representative each of the following:

(i) A representative of Nasarawa, Kaduna, Niger and Kogi State;

(ii) Representative of the Minister Federal Capital Territory;

(iii) Representative of the Nigerian Institute of Town Planners,

Nigerian Institute of Estate Surveyors and Valuers and Nigerian Bar

Association;

(iv) the Federal Ministry of Works, Housing and Urban

1 Development;

2 (v) the Federal Ministry of Finance; and

3 (vi) an Executive Secretary.

4 (2) The Chairman shall be a person having cognate experience and
5 proven capacity in discharging his responsibilities to facilitate the
6 accomplishment of the Commission objectives and shall be from the States
7 listed in the second schedule whose members are comprised in the
8 Commission appointed on rotational basis.

9 (3) The Chairman and members of the Board other than ex-officio
10 members shall be:

11 (a) appointed by the President, Federal Republic of Nigeria on the
12 recommendation of the Governors of the Comprising States through the office
13 of the Minister of Special Duties from the Border communities listed in the
14 second schedule to this Act.

15 (4) without prejudice to the provisions of this Act, the Minister shall
16 perform the functions of the Board for a period not exceeding three months
17 where:

18 (a) the Board has not been constituted;

19 (b) the Board has been dissolved;

20 (5) a member shall be paid such allowances payable to Boards of
21 cognate status as the Federal Government may from time to time institute.

22 4.-(1) The tenure of the chairman and other members of the board,
23 other than ex-officio members shall be as follows:

24 (a) the Chairman shall hold office for a non-renewable period of five
25 (5) years on such terms and conditions as contained in his letter of appointment;

26 (b) members other than ex-officio for a non-renewable period of four
27 (4) years.

28 (2) notwithstanding the provisions of section 3 of this Act, a member
29 may at any time be removed from office by the President of the Federal
30 Republic of Nigeria if:

(a) he is unable to discharge the functions of his office whether arising from infirmity of the body or mind;

(b) he is convicted by a court of law of a felony, fraud or any serious act of misconduct;

(c) he without permission of the Board is absent for more than three consecutive meetings of the Board or without such permission is absent from the country for a period exceeding one year.

(3) the Chairman or member may resign by notice addressed through the secretary to the government of the Federation to the President and such notice of resignation shall become effective from the date of acceptance of the resignation by the President.

5.-(1) The Chairman and other members of the Board other than the Secretary may each hold office for a term of four years in the first instance and may be reappointed for a further period of four years and no more.

Schedule

(2) The Supplementary provisions set out in the Schedule to this Bill, shall have effect with respect to proceedings of the Boards and other matters mentioned therein.

6. There shall be established in the Head office of the Commission, the following Directorates:

Structure of the
Commission

(a) Directorate of Administration;

(b) Directorate of Community Services: Health, Education and Agriculture;

(c) Directorate of Utilities and infrastructural Development;

(d) Directorate of Environmental Protection;

(e) Directorate of Traffic;

(f) Finance and Supply;

(g) Land and Property Investments;

(h) Planning Research & Statistics;

(i) Legal Services;

1 (j) Monitoring and Evaluation.

2 7. There shall be for the Commission a Management Committee

3 which shall:

4 (a) Consist of a Chairman who shall be the Managing Director, two
5 Executive Directors, the Directors responsible for the Directorates established
6 under section 6 of this Act and such number of other members as may be
7 determined from time to time by the Board.

8 (b) Be responsible to the Board for the general administration of the
9 Commission.

10 8.-(1) There is hereby established for the Commission, an FCT Wider
11 Area Planning and Development Advisory Committee (in this Act referred to
12 as "the Advisory Committee") which shall consist of:

13 (a) The Governors of the member States of the Commission; and

14 (b) Two other persons as may be determined, from time to time, by the
15 President, Commander-in-Chief of the Armed Forces.

16 (2) The Advisory Committee shall be charged with the responsibility
17 of advising the Board and monitoring the activities of the Commission, with a
18 view to achieving the objective of the Commission.

19 (3) The Advisory Committee may make rules regulating its own
20 proceedings

21 PART II - STAFF OF THE COMMISSION

Staff/Structure
of the Commission

22 9.-(1) There shall be for the Commission an Executive secretary who
23 shall:

24 (a) be a Fellow of any of the relevant Professional body appointed by
25 the Board;

26 (b) be the Chief Executive and Accounting Officer of the
27 Commission;

28 (c) be responsible for the execution of the policy and the day to day
29 administration of the affairs of the Commission;

30 (d) keep the books and records and conduct the correspondence of the

1 Commission;

2 (e) perform such other duties as the Board may from time to time,
3 direct.

4 (2) The Executive Secretary shall hold office:

5 (a) for a term of 4 years in the first instance and may be reappointed
6 for further term of 4 years and no more;

7 (b) on such terms and conditions as may be specified in his letter of
8 Appointment.

9 10.-(1) The Commission shall have power to appoint either
10 directly or on secondment from any public service of the Federation, the
11 State or Local Government, Area Council, or Federal Capital Development
12 Authority such member of staff and other employees as may from time to
13 time, assist the Commission in the discharge of any functions under this Bill.

14 (2) Nothing in subsection (1) of this section shall preclude the
15 Commission from appointing such persons from outside the public service
16 of the Federation or of the State of Area Councillor Local Government
17 Council whenever it deems it necessary for proper and efficient
18 performance of its functions under this Bill.

19 (3) The Board may appoint such other staff as it considers
20 necessary for carrying out its functions under this Bill and may determine
21 the wages, salaries, and conditions of service, of such staff with the approval
22 of the Federal Civil Service Commission.

23 11.-(1) Service in the Commission shall be approved for the
24 purposes of the Pensions Act and accordingly employees of the Commission
25 shall be entitled to pensions and other retirement benefits.

Pension

26 (2) Nothing in this Bill shall prevent appointment of a person to any
27 office on terms which may preclude the grant of a pension, of other
28 retirement benefits.

29 12.-(1) The Board shall have power to promote and discipline any
30 person in the employment of the Commission.

Staff Promotion
and Discipline

1 (2) Any officer aggrieved by any decision of the Commission in
2 respect of discipline, dismissal or termination may appeal to Minister for
3 redress.

4 PART 111- FUNCTIONS AND POWERS OF THE COMMISSION

5 13.-(1) Subject to this Act and in addition to any other functions
6 conferred on it by other provisions of the Act, the Commission shall:

7 (a) Prepare a comprehensive development programme for the
8 elimination of slums in FCT Wider Areas;

9 (b) Execute community development policies and projects;

10 (c) Conduct and sponsor research, investigation and studies including
11 an inventory and analysis of the resources and needs of Wider Area
12 communities;

13 (d) Restore and preserve properties of special value for historic,
14 architectural or tourist reasons;

15 (e) Plan and develop strategies towards a more rational utilization of
16 land and other natural resources as well as the better arrangement of residential,
17 commercial, industrial, recreational and other needed activity centers within
18 these Wider Area communities;

19 (f) Prepare and submit proposal on resettlement of persons with or
20 from the Federal Capital Territory;

21 (g) Advise the stakeholders on borderline communities' development
22 especially the protection of resettled communities in order to preserve the
23 culture and the socio-economic issues that exist in such communities, while
24 improving their living conditions;

25 (h) Ensure the elimination of conditions that are detrimental to health,
26 safety and public welfare, through code enforcement, interim rehabilitation
27 assistance and related activities;

28 (i) Identify and determine annually, such deliberate or conscious
29 infrastructural projects required for the overall development of the
30 communities;

1 (j) Liaise with relevant MDAs in the implementation of wider area'
2 development policies and programmes;

3 (k) Liaise with FCT and State Governments on security of life and
4 property in communities;

5 (l) Implement a Master Plan for FCT Wider Area;

6 (m) Do such other things which it deems expedient and ancillary in
7 the performance of its functions under this Act.

8 PART IV - FINANCIAL PROVISIONS

9 14.-(a) The Commission shall establish and maintain a fund which
10 shall cover all expenditure incurred by it;

11 (b) There shall be credited to the fund, established in pursuance of
12 subsection(a) of this section, 3% of monthly statutory allocation to the
13 States and Local Government scheduled for the running expenses of the
14 Commission and all other assets accruing from time to time to the
15 Commission;

16 (c)The Commission may establish and maintain one or more funds
17 into which shall be credited such payments as may be made to it by donor
18 and other agencies from time to time for the purpose of supporting the wider
19 area Communities.

20 (d) 5% of the FCT internally generated revenue;

21 (e) Income from investment of the commission.

22 15. The Commission shall cause to be prepared, not later than the
23 30th day of September in each year, estimates of its income and of
24 expenditure for the succeeding year which shall be submitted to the National
25 Assembly for approval.

26 16.The Commission shall cause to be kept proper accounts and
27 records in relation thereto, such accounts shall not later than 4 months after
28 the end of each year, be audited. by auditors appointed by the Commission
29 from the list and in accordance with the guidelines supplied by the Auditor
30 General for the Federation.

1 17.-(1) The Commission shall not later than 8 months after the end of
2 each year submit to the President and the Public Account Committee of the
3 National Assembly a report on the activities and administration of the
4 Commission during the immediately preceding year and shall include in such
5 report the audited accounts of the Commission and the auditor's report thereon.

(2) Without prejudice to subsection (1) of this Section, the Commission may submit such other reports to the President on matters of expediency or urgency relating to its functions under this Act as the Commission may from time to time determine.

(3) The Commission shall not later than 60 months after the end of each year publish the annual reports prepared under subsection (1) of this Section in at least 3 national newspapers circulating in Nigeria.

13 **18.-(1)** The Commission may accept gifts of land, money or other
14 property or things upon such terms and conditions if any, as may be specified.
15 by the person or organization making the gift. (2) The Commission shall not
16 accept any gift if the conditions attached by the person or organization making
17 the gift are inconsistent with the aims and objectives of the Commission under
18 this Act.

19 **19.** The Commission may, with approval of the President, borrow
20 money by way of overdraft or loan for the purpose of carrying out its functions
21 under this Act.

22 PART V - MISCELLANEOUS

23 **20.** In the event of any conflict or inconsistency between the
24 provisions of this Act and the provision of any other for the time being in force,
25 the provisions of this Act shall, to the extent of such conflict or inconsistency,
26 prevail.

27 **21. In this Act:**

28 "Commission" means the FCT Wider Area Planning and Development
29 Commission established under Section (1) of this Act;

30 "FCT" means Federal Capital Territory;

- 1 "States" means states sharing border with FCT;
2 "Chairman" means Chairman of the Governing Board of the FCT Wider
3 Area Planning and Development Commission;
4 "President" means the President of the Federal Republic of Nigeria;
5 "Wider Area" is as provided in the second schedule to this Bill.

6 22. This Act may be cited as the FCT Wider Area Planning and
7 Development Commission Bill, 2015.

8 SCHEDULES

9 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS
10 OF THE BOARD FIRST SCHEDULE

11 *Section 4(2)*

12 1.-(1) Subject to this Bill and section 27 of the Interpretation Act,
13 the Board may make standing Orders regulating its proceedings or those of
14 its committees.

15 (2) The Quorum of the Board shall be the Chairman or the person
16 presiding at the meeting, Secretary and one third of other members of the
17 Board. The Quorum of any committee shall be as determined by the Board.

18 2.-(1) The board shall meet whenever. it is summoned by the
19 Chairman, and if the Chairman is required to do so by notice given to him by
20 not less than 4 other members, he shall summon a meeting of the Board to be
21 held within 14 days from the date on which the notice is given.

22 (2) At any meeting of the Board the Chairman shall preside but if he
23 is absent the members present at the meeting shall appoint one of them to
24 preside.

25 *Committees*

26 3.-(1) The Board may appoint one or more committees to carry out,
27 on behalf of the Commission such functions as it may determine.

28 (2) A Committee appointed under this paragraph shall consist of
29 such number of persons as may be determined by the Board and a person
30 shall hold office on the Committee in accordance with the terms of his

1 appointment.

2 (3) A decision of a Committee of the Board shall be of no effect until it
3 is confirmed by the Board.

4 *Miscellaneous*

5 4.-(1) The fixing of the seal of the Commission shall be authenticated
6 by the signature of the Chairman or any other members of the Board generally
7 or specifically authorized by the Board to act for that purpose and the Secretary.

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

11 5. The validity of any proceeding of the Board or a Committee shall
12 not be adversely affected by:

13 (a) a vacancy in the membership of the Board or Committee; or

14 (b) reason that a person not entitled to do so took part in the
15 proceeding of the Board or the committee.

16 6. The Board may enter into partnership agreement with any
17 government of the States sharing boundaries with the FCT for the purpose of
18 infrastructural development.

19 SECOND SCHEDULE

20 BORDER COMMUNITIES

21 Border Communities shall include communities in the following Local
22 Government Areas and any others that in future might border the FCT:

23 1. Karu Local Government Area;

24 2. Suleja Local Government Area;

25 3. Gurara Local Government Area;

26 4. Lapai Local Government Area;

27 5. Tafa Local Government Area;

28 6. Keffi Local Government Area;

29 7. Nasarawa Local Government Area;

30 8. Kogi Local Government Area;

- 1 9. Kagarko Local Government Area;
- 2 10. Akwanga Local Government Area;
- 3 11. Koton Karfe Local Government Area and;
- 4 12. Jaba Local Government Area.

5 THIRD SCHEDULE

6 BORDER STATES

7 Border States consist of the following states that share border with the FCT:

- 8 1. Niger State;
- 9 2. Nasarawa State;
- 10 3. Kaduna State;
- 11 4. Kogi State.

