

A BILL

FOR

AN ACT SEEKS TO ESTABLISH CRITICAL NATIONAL ASSETS AND INFRASTRUCTURE CENTER TO BE SADDLED WITH THE RESPONSIBILITY OF IDENTIFICATION, PRIORITIZING, COORDINATION AND POLICY DEVELOPMENT FOR PROTECTION OF THE INFRASTRUCTURES AND FOR RELATED MATTERS

Sponsored by Hon. Aminu Sani Jaji

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CRITICAL NATIONAL ASSETS AND
2 INFRASTRUCTURE CENTER

3 1.-(1) There is established an institution to be known as Critical
4 National Assets and Infrastructure Center (in this Bill referred to as "the
5 Center").

Establishment of the Center

6 (2) The Center shall be a corporate body with a perpetual
7 succession and a common seal, may sue and be sued in its corporate name.

8 (3) The Center shall operate in the presidency under the office of
9 the National Security Adviser.

10 2. The objectives of the Center include:

Objectives of the Center

11 (a) to provide coordinative role between relevant institutions for
12 the protection of critical national infrastructures; and

13 (b) ensure protection of critical national infrastructures.

14 3. The National Security Adviser shall have power to:

Powers of the National Security Adviser

15 (a) determine the general policy of the Center;

16 (b) identify critical national infrastructures;

17 (c) provide for the discipline and general welfare of staff of the
18 Center; and

19 (d) issue permits to non-governmental organization that are

1 dealing with protection of Critical National Infrastructures.

2 PART II - FUNCTIONS OF THE CENTER

Functions of
the Center

3 4. The functions of the Center include:

4 (a) inter-agency coordination for protection of critical National
5 Infrastructure;

6 (b) prioritizing critical National Infrastructure that requires
7 protection;

8 (c) policy development for protection of the infrastructures; and

9 (d) any other function that may be assigned to the Center by the
10 President of the Federal Republic of Nigeria.

11 PART III - STRUCTURE OF THE CENTER

Department of
the Center

12 5.-(1) There shall be established for the Center, such departments as
13 the Center may deem necessary.

14 (2) Each Department shall be headed by a Director who shall be
15 professionally qualified to hold the office appointed through competitive
16 process.

17 (3) Subject to the approval of the Council, the management
18 committee, established under Clause 6 of this Bill, may create additional
19 departments, divisions and units as it may deem necessary to achieve the
20 objective of the Center.

Establishment
of state office
and its functions

21 6. There is established for the Center, a State Office in each of the
22 State of the Federation and Federal Capital Territory to carry out some of the
23 functions of the Center.

Establishment
of management
and other
committees for
the Center

24 7.-(1) There is established for the Center, a management committee
25 comprising of all the Directors, the Permanent Secretary of the Center and
26 National Security Adviser who shall be the Chairperson of the Committee.

27 (2) The management committee shall be responsible for the general
28 administration of the Center.

29 (3) The Council may create additional committees, either standing or
30 ad-hoc, and give it specific function.

1 8.-(1) Permanent Secretary in the Office of the National Security Permanent
2 Adviser, shall be appointed for the Center, who shall possess appropriate Secretary and
3 qualification and cognate working experience as the Council may Secretary of the
4 determine. Center

5 (2) The Permanent Secretary shall:

6 (a) be the chief Executive officer of the Center and shall be
7 responsible for all matters relating to the day-to-day management and
8 operations of the Center;

9 (b) be appointed by the President, Commander in-Chief of the
10 Armed Forces, of the Federal Republic of Nigeria, on the recommendation
11 of the Federal Civil Commission; and

12 (c) shall hold office for a period of four years and may be re-
13 appointed for further term of four years and no more.

14 (3) There shall be appointed by the Council for the Center, a
15 Secretary who shall qualify as a legal practitioner and was so qualified for a
16 period of not less than 10 years.

17 (4) The Secretary shall be answerable to the Permanent Secretary
18 of the Center.

19 9.-(1) The staff of the Center other than those mention in this Bill, Staff of the
20 shall be employed according to the procedure stipulated by the Council. Center

21 (2) The Staff can be on permanent or temporary appointment on the
22 terms which preclude the grant of pension and gratuity.

23 (3) The provisions of Pension Reform Act, 2004 apply to the No. 2, 2004
24 service of this Center.

25 10.-(1) The Council may, subject to the provision of this Bill, make Staff regulations
26 staff regulation relating generally to the condition of service of the
27 employees of the Center, such regulation may provide for appointment,
28 promotion, discipline and appeals of the staff of the Center.

29 (2) The staff regulation made under sub-clause (1) of this clause
30 shall not have effect until they are approved by the Minister and gazzetted.

1 PART IV - FINANCIAL PROVISIONS

Establishment
of fund for the
Center

2 11.-(1) The Center shall establish and maintain a fund which shall be
3 applied towards the promotion of the objectives of this Bill.

4 (2) At the beginning of every year, the Council shall approve budget
5 for the Center.

6 (3) There shall be paid and credited to the Fund established for the
7 Center:

8 (a) sums appropriated by the federal government to the Center;

9 (b) sums donated by the Federal, State and Local Governments;

10 (c) gifts, donations and contributions from national and internationals
11 Institutions and philanthropist; and

12 (d) fees, if any, charged by the Center for services rendered.

Application and
management of
the Fund

13 12.-(1) The Center shall manage and apply its Fund in accordance
14 with the general guidelines made by the Management Committee and subject
15 to the approval of the Council.

16 (2) The Center shall apply its Funds in the:

17 (a) administration of the Center;

18 (b) fees payable for procurement; and

19 © consultancy services made for the benefits of the Center, if any.

Power to borrow
money

20 13. The Center may, with the written approval of the Council and
21 Power to borrow money subject to the guidelines and policy of the Federal
22 Government, borrow such money needed for the exercise of its function,
23 provided that such borrowing shall be made on the terms and condition that do
24 not compromise the competence of the Center.

25 PART V - MISCELLANEOUS PROVISIONS

Procedure and
limitation of
suit against
the Center

26 14. A person who has a cause of action against the Center shall:

27 (a) give the Center three months' notice of intention to commence an
28 action in writing disclosing the cause of action and be served to the principal
29 office of the Center; and

30 (b) any cause of action against the Center for any claim must

1 commence within four years from the date the cause of action arose.

2 15. Any document, summons, notices, process or any other thing
3 Service of process required or authorized to be served to the Center shall be
4 served by delivering same to the office of the Director-General of the Center.

Service of
process

5 16.-(1) Every member of the Council, agents or employees of the
6 center shall be indemnified from the Fund of the Center against any liability
7 incurred in defending any proceeding brought against the persons under this
8 Clause, in the person's capacity as member, agent or employee of the Center.

Indemnity of
members etc.

9 (2) For the purpose of official functions of members and staff of the
10 Center, the members and the staff of the Center shall enjoy the provisions of
11 Public Officers Protection Act.

Cap. 15 LFN,
2004

12 17. The Center may subject to the provisions of Land Use Act and
13 any other applicable Law, have powers to lease, rent or acquired an interest
14 in land and other/properties.

Acquisition of
property
Cap. 140 LFN,
2004

15 18. The National Security Adviser shall have power to make
16 regulations to give effect to the provisions of this Bill.

Regulations

17 19. This Bill may be cited as the Critical National Assets and
18 Infrastructure Center (Establishment) Bill, 2017.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to establish Critical National Assets Infrastructure Center to be saddled with the responsibility of identification, prioritizing, coordination, and policy development for protection of the infrastructures.

