

NATIONAL INFRASTRUCTURE DEVELOPMENT COUNCIL BILL, 2018

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SCHEDULE 1

Public Installations, Structures, Facilities, Systems, Services or Processes in respect of which projects may be designated as Strategic Integrated Projects

SCHEDULE 2

Process and periods of time

A BILL

FOR

AN ACT TO ESTABLISH NATIONAL INFRASTRUCTURE DEVELOPMENT AS THE REGULATORY AUTHORITY TO PROVIDE FOR THE IDENTIFICATION, FACILITATION AND CO-ORDINATION OF PUBLIC INFRASTRUCTURE DEVELOPMENT WHICH IS OF SIGNIFICANT ECONOMIC OR SOCIAL IMPORTANCE TO THE COUNTRY; TO ENSURE THAT INFRASTRUCTURE DEVELOPMENT IN THE COUNTRY IS GIVEN PRIORITY IN PLANNING, APPROVAL AND IMPLEMENTATION; TO IMPROVE THE MANAGEMENT OF SUCH INFRASTRUCTURE DURING ALL LIFE-CYCLE PHASES; AND FOR RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

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

- 1 PART 1 – OBJECTS AND IMPLEMENTATION
- 2 1.-(1) The objects of this Act are to provide for:
- 3 (a) the existence of the Presidential Infrastructure Development
- 4 Council and its structures which must perform the functions provided for in
- 5 this Act;
- 6 (b) the identification and implementation of strategic integrated
- 7 projects which are of significant economic or social importance to the
- 8 Country or which facilitate regional economic integration on the African
- 9 continent, thereby giving effect to the national infrastructure plan;
- 10 (c) the alignment and dedication of capabilities and resources for
- 11 the effective implementation and operation of strategic integrated projects
- 12 across the Country in order to ensure coherence and the expeditious
- 13 completion of infrastructure build and maintenance programmes;
- 14 (d) the appointment of relevant Ministers to chair strategic

Objects and implementation

1 integrated projects;

2 (e) the establishment, appointment and functioning of steering
3 committees to provide technical support and oversight for strategic integrated
4 projects;

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

7 (g) a statutory instrument by which any approval, authorisation,
8 licence, permission or exemption required in terms of other legislation can be
9 facilitated and expedited;

10 (h) a statutory instrument by which obstacles to the expeditious
11 implementation of the national infrastructure plan can be unblocked; and

12 (i) generally, practices and procedures which seek to ensure that
13 infrastructure development is not undertaken merely in a transactional manner,
14 but in a manner which seeks to advance national development goals, including
15 local industrialisation, skills development, job creation, youth employment,
16 small business and cooperatives development, broad-based economic
17 empowerment and regional economic integration.

18 (2) Any person exercising a power in terms of this Act must do so in a
19 manner that is consistent with the Constitution and, in particular, with the
20 functional competences of the different spheres of government.

21 PART 2 - PRESIDENTIAL INFRASTRUCTURE DEVELOPMENT COUNCIL

Composition of
Presidential
Infrastructure
Development
Council

22 2.-(1) The Presidential Infrastructure Development Council which
23 exists when this Act takes effect continues to exist.

24 (2) The Council has the following organs:

25 (a) a Secretariat; and

26 (b) a Chairperson, coordinator and steering committee for each
27 strategic integrated project.

28 (3) The Council has the following members:

29 (a) The President;

30 (b) the Vice President;

- 1 (c) Ministers designated by the President;
2 (d) All the State Governors in Nigeria;
3 (e) the Chairperson and the Secretary of (ALGON) Association of
4 Local Governments of Nigeria.

5 (4) The President, or in his or her absence the Vice President, is the
6 chairperson of the Council.

7 (5) A decision by the majority of the members present at a meeting
8 is a decision of the Council.

9 (6) The Council may determine its own procedures to be followed
10 at its meetings and in the pursuance of the objectives of this Act, and may, in
11 respect of any structure of the Council, determine such procedures.

12 (7) The Council may secure such services, assistance or advice
13 from any person as it considers necessary to assist it to perform any of its
14 functions.

15 3. The functions of the Council are to:

Functions of
Council

16 (a) coordinate the development, maintenance and implementation
17 of the national infrastructure plan;

18 (b) coordinate the determination of priorities for infrastructure
19 development;

20 (c) designate strategic integrated projects contemplated and
21 designate SIP Chairpersons and SIP coordinators for them;

22 (d) ensure that infrastructure development in respect of any
23 strategic integrated project is given priority in planning, approval and
24 implementation;

25 (e) ensure co-operation between various stages affected by
26 projects undertaken;

27 (f) coordinate the identification of strategic international partners
28 with which to conclude agreements which seek to promote the objects of this
29 Act;

30 (g) identify:

- 1 (i) the current and future needs and related priorities in relation to
2 infrastructure development of the Country;
- 3 (ii) any legislation and other regulatory measures that impede or may
4 impede infrastructure development, and advise the executive authority of the
5 relevant sphere of government;
- 6 (iii) the direct and indirect impact of any strategic integrated project
7 on job creation, youth employment and economic inclusiveness, including in
8 relation to women and persons with disabilities;
- 9 (iv) the direct and indirect impact of any strategic integrated project
10 on economic equality and social cohesion;
- 11 (v) financial matters that may impact on infrastructure development
12 and maintenance; and
- 13 (vi) the social impact of strategic integrated projects;
- 14 (h) evaluate existing infrastructure with a view to improving
15 planning, procurement, construction, operations and maintenance;
- 16 (i) consider proposals for infrastructure development and
17 maintenance;
- 18 (j) promote investment and identify and develop strategies to cause
19 the removal of impediments to investment;
- 20 (k) generally encourage and facilitate economic and industrial
21 development connected with infrastructure or any strategic integrated project;
- 22 (l) promote the creation of decent employment opportunities and
23 skills development, training and education, especially for historically
24 disadvantaged persons and communities, women and persons with disabilities,
25 in so far as it relates to infrastructure and any strategic integrated project;
- 26 (m) address in all phases of a strategic integrated project, including its
27 planning, implementation, operation and maintenance phases, capacity
28 constraints and blockages to, infrastructure-development and improve
29 coordination and integration within strategic integrated projects; and
- 30 (n) develop and issue guidelines and frameworks to facilitate and

1 align the implementation of strategic integrated projects.

2 4.-(1) For the purposes of implementing a strategic integrated
3 project, the Council may expropriate land or any right in, over or in respect
4 of land in terms of the Land Use Act, and, subject to the provisions of this
5 section, the provisions of the Land Use Act shall apply to any expropriation
6 in terms of this Act.

Expropriation
of land by Council

7 (2) The Council may only expropriate land or any right in, over or
8 in respect of land after consultation with the state government or department
9 of government in whose favour the expropriation is to be made.

10 (3) Notwithstanding the provisions of the Land Use Act an
11 expropriation in terms of subsection (1), may be effected-

12 (a) for a public purpose or in the public interest;

13 (b) by the Council or, at its request, by the Minister as may be
14 determined by the Council.

15 PART 3 - STRATEGIC INTEGRATED PROJECTS

16 5.-(1) A project or group of projects qualifies as a strategic
17 integrated project (SIP) for the purposes of this Act if:

Requirements
for strategic
integrated projects
and designation
of chairpersons
of strategic
integrated projects

18 (a) it comprises of one or more installation, structure, facility,
19 system, service or process relating to any matter specified in Schedule or
20 such additions to that Schedule as the Council may decide and has published
21 by notice in the Gazette;

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

23 (i) It would be of significant economic or social importance to the
24 Country;

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

27 (iii) it is above a certain monetary value determined by the Council;

28 and

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

1 strategic integrated project.

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

5 (3) A strategic integrated project may include infrastructure that is not
6 public infrastructure, provided it is with the consent of the owner.

7 (4) The Council must designate as Chairperson of a strategic
8 integrated project the Minister under whose portfolio a strategic integrated
9 project falls or, where different components of a strategic integrated project fall
10 under different portfolios, such Minister as the Council may determine as
11 principally responsible for the strategic integrated project.

12 (5) The SIP Chairperson shall as soon as possible after the Council has
13 designated a strategic integrated project:

14 (a) convene and chair a forum of executive authorities that are
15 involved in the strategic integrated project from the three spheres of
16 government;

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

19 (c) ensure that the steering committee of the strategic
20 project provides information as required by the Secretariat; and

21 (d) promote the alignment of relevant government activities in
22 support of implementation, operation and maintenance of the strategic
23 integrated project.

24 6.-(1) The Council may, by notice in the Gazette:

25 (a) designate strategic integrated projects for the purposes of this

26 and

27 (b) amend the designation of a strategic integrated project.

28 (2) If the Council designates a strategic integrated project to
29 be implemented, it must determine whether the federal government has
30 capacity to implement the project or whether the whole or part of the project

Designation
and implementation
of strategic
integrated projects

1 must be put out to tender or procured through another form of procurement
2 under the law.

3 (3) Such Minister as the Council may determine must, whenever
4 the Council decides that a strategic integrated project or any part thereof
5 must be implemented and put out to tender by notice in the Gazette and in at
6 least one national newspaper.

7 PART 4 - IMPLEMENTING STRUCTURES OF COUNCIL

8 7.-(1) The Secretariat of the Council is hereby established.

Secretariat of
Council

9 (2) The Secretariat is appointed by the President and consists of:

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

11 (b) such Ministers and Ministers of State as the President may
12 determine.

13 (3) The Council may determine any matter necessary for the proper
14 functioning of the Secretariat.

15 (4) The Secretariat may determine its own procedures to be
16 followed at its meetings.

17 (5) The Secretariat must report regularly to the Council.

18 8.-(a) The Secretariat must support the Council to carry out its
19 functions;

Functions of
Secretariat

20 (b) The functions of the Secretariat include:

21 (i) ensuring that decisions of the Council are given effect to;

22 [ii] ensuring full implementation of strategic integrated projects,
23 subject to the guidance and direction of the Council;

24 (iii) ensuring coordinated regulatory approvals;

25 (iv) requesting and undertake particular investigations, and to
26 provide analyses of and make recommendations on issues relating to the
27 implementation of infrastructure development;

28 (v) reviewing reports and making recommendations to the Council
29 to ensure the harmonisation and improvement of implementation actions,
30 policies, and laws relating to infrastructure development and investment in

- 1 infrastructure;
- 2 (vi) enable and facilitate operations relating to the implementation
- 3 and long term operation of any strategic integrated project;
- 4 (vii) coordinate the implementation of any strategic integrated
- 5 project;
- 6 (viii) appoint members to a steering committee;
- 7 (ix) appoint a S I P coordinator to chair the steering committee for a
- 8 strategic integrated project and to coordinate and facilitate the implementation
- 9 of the strategic integrated project;
- 10 (x) ensure that members of a steering committee have the necessary
- 11 skills and capabilities to properly perform their functions;
- 12 (xi) issue guidelines relating to the manner in which a steering
- 13 committee must perform its functions;
- 14 (xii) drive and direct the work of a steering committee;
- 15 (xiii) interact with and ensure coordinated interaction within steering
- 16 committees;
- 17 (xiv) ensure the successful finalisation of the work of a steering
- 18 committee;
- 19 (xv) manage the implementation of the day to day work of the Council
- 20 and regularly report to the Council; and
- 21 (xvi) taking such decisions as the Council may assign to it; and
- 22 (xvii) performing any other function as may be delegated or assigned
- 23 to it by the Council.
- 24 9. The main purposes of a steering committee are, for all phases in the
- 25 implementation and operation of a strategic integrated project:
- 26 (a) to develop mechanisms for identification and determine the
- 27 different projects which constitute a strategic integrated project, and submit
- 28 them for approval by the Secretariat;
- 29 (b) to identify ways and means of giving effect, in the most effective,
- 30 efficient and expeditious manner, to the Council's decision to implement a

Main purposes
of steering
committees

1 strategic integrated project and in so doing, to ensure the prompt compliance
2 with all applicable laws;

3 (c) within a period specified by the Minister, to develop and adopt a
4 project plan for approval by the Secretariat for the implementation of the
5 strategic integrated project in the most effective and expeditious manner;

6 (d) to facilitate and monitor the implementation of the strategic
7 integrated project;

8 (e) to coordinate the work of all members of the steering
9 committee;

10 (f) to meet regularly with the SIP Chairperson; and

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

13 **10.-(1)** A steering committee consists of the SIP coordinator and of
14 persons representing departments of government(s) affected by the strategic
15 integrated project, and may consist of, among others:

Appointment
and Composition
of Multi-
Disciplinary
steering Committees

16 (a) officials representing departments in the three tiers of
17 government responsible for environment, water, public works, finance,
18 economic development, spatial planning, land use management or any other
19 relevant portfolio or representing any other person who will be required to
20 grant an approval, authorisation, exemption, licence, permission or
21 exemption necessary for the implementation of the strategic integrated
22 project; and

23 (b) any other person appointed by the Secretariat based on exper
24 knowledge or skills.

25 (2) The SIP coordinator is the chairperson of the steering
26 committee.

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

30 (4) A member of a steering committee must have the relevant

1 knowledge, skills and experience in his or her field of work so as to enable the
2 steering committee to perform its functions effectively and expeditiously.

3 (5) A member of a steering committee:

4 (a) has the authority to take decisions on behalf of the department of
5 government he or she represents, excluding any decision to grant an approval,
6 authorisation, licence, permission or exemption; and

7 (b) has direct access to the head of the department of government he or
8 she represents, the Secretariat and any of its members.

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

11 (b) Membership of a steering committee may not be delegated
12 without the approval of the Council.

13 (8) The Secretariat may, on good cause shown and following a
14 recommendation by a steering committee:

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

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

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

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

24 11. -(1) For the purposes of this section:

25 "family member" means:

26 (a) a person who is related to the member of the steering committee
27 biologically or by statutory law including affinity by marriage, adoption or
28 foster care, or by customary or religious law or custom, covering a husband,
29 wife, parent, sibling, child, nephew, niece, uncle, aunt, first cousin,
30 grandparent and grandchild; or

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

1 (b) a life partner;

2 "public office" means any appointment or position in the service of the
3 federal, state or local governments, and includes any such appointment or
4 position in any legislative or executive arm of government in any tie of
5 government or in the judicial arm of government.

6 (2) This section applies to a member of a steering committee who
7 occupies a public office.

8 (3) A person who occupies a public office may not be appointed as a
9 member of a steering committee or remain a member of such committee:

10 (a) if he or she or his or her family member would benefit
11 financially in any manner whatsoever whether directly or indirectly, from
12 the strategic integrated project for which the steering committee was
13 appointed; or

14 (b) if he or she or his or her family member has any direct or
15 indirect interest in any business or organisation which is not owned by the
16 government and which would in any manner whatsoever benefit financially
17 from the strategic integrated project.

18 (4) If, after the appointment of a member of a steering committee, it
19 appears that the member or a family member would benefit from or has an
20 interest in any business or organisation which is not owned by the
21 government and which would benefit from a strategic integrated project, as
contemplated in subsection (3), the member must without delay:

22 (a) in writing disclose that fact to the steering committee and the
23 Minister; and

24 (b) resign from the steering committee.

25 (5) A member of the steering committee may not be present or take
26 part in the discussion of, or the taking of a decision on, any matter before the
27 steering committee relating to the strategic integrated project for which the
28 steering committee was appointed in which that member or his or her family
29

1 member, business partner or associate has any direct or indirect financial
2 interest.

3 (6) A member of a steering committee or his or her family member,
4 business partner or associate, or an organisation or enterprise in which a
5 member of the steering committee or his or her family member, business
6 partner or associate has a direct or indirect interest, may not:

7 (a) offer goods or services or conduct any business in relation to the
8 strategic integrated project for which the steering committee was appointed; or

9 (b) make improper use, in any manner whatsoever, of the position of
10 member of a steering committee or of any information acquired by virtue of his
11 or her position as a member of a steering committee.

12 (7) (a) Any member of a steering committee who fails to comply with
13 subsection (4)(a) or (b) or who contravenes subsection (5) is guilty of an
14 offence and liable on conviction to a fine or to imprisonment not exceeding five
15 years or to both a fine and such imprisonment;

16 (b) Any person who contravenes subsection (6) is guilty of an offence
17 and liable on conviction to a fine or to imprisonment not exceeding five years
18 or to both a fine and such imprisonment.

19 (8) (a) Any former member of a steering committee who failed to
20 comply with subsection (4)(a) or (b) or who contravened subsection (5) or (6)
21 while he or she was a member of a steering committee commits an offence and
22 is liable on conviction to a fine or to imprisonment not exceeding five years or
23 to both a fine and such imprisonment;

24 (b) Any person, other than the member, referred to in subsection (6),
25 who contravened subsection (6) during the tenure of the former member,
26 commits an offence and is liable on conviction to a fine or to imprisonment not
27 exceeding five years or to both a fine and such imprisonment.

28 12.-(1) A steering committee must, for projects that fall within the
29 government sector but that may be built or operated by either the public or
30 private sector:

- 1 (a) identify the projects required for the implementation of a
2 strategic integrated project;
- 3 (b) identify opportunities for local industrialisation, which include
4 local job creation as well as other opportunities, to ensure that the strategic
5 integrated project contributes to the objects of this Act;
- 6 (c) develop and adopt one or more project plans, including
7 feasibility, financial, operational and maintenance plans, setting out actions,
8 targets and periods of time for the strategic integrated project and submit the
9 plans to the Council for approval;
- 10 (d) identify and ensure compliance with the laws applicable to the
11 strategic integrated project;
- 12 (e) determine the approvals, authorisations, licences, permissions
13 or exemptions required to implement the strategic integrated project;
- 14 (f) ensure that all appropriate persons are appointed as members of
15 the steering committee;
- 16 (g) take all reasonable steps that will assist any relevant authority
17 required to decide an approval, authorisation, license, permission or
18 exemption to take such decision;
- 19 (h) facilitate the implementation of the strategic integrated project;
- 20 (i) report on a monthly basis progress on all phases of the planning,
21 development and implementation of a strategic integrated project to the
22 Secretariat and make such other reports as the Secretariat may request; and
- 23 (j) bring to the attention of the Secretariat challenges or matters that
24 it is unable to resolve for resolution or direction, including proposed
25 remedial actions for consideration by the Secretariat.
- 26 (2) Each member of the steering committee must evaluate the
27 strategic integrated project from the perspective of his or her area of
28 expertise and:
- 29 (a) identify what is required for the expeditious and effective
30 implementation;

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

4 (c) identify amendments required to the strategic integrated project to
5 ensure proper implementation; and

6 (d) identify the amendments required to be effected to the strategic
7 integrated project to ensure compliance with applicable laws.

8 (3) The Secretariat may issue guidelines relating to the manner in
9 which effect must be given to subsections (1) and (2).

Approval,
Authorisation,
Licences,
Permissions and
Exemptions

10 13.-(1) (a) When the steering committee has identified the approvals,
11 authorisations, licences, permissions and exemptions required to enable the
12 implementation of the strategic integrated project, it shall inform, without any
13 delay, the applicant to submit all applications simultaneously to allow for
14 concurrent consideration by the persons authorised by the relevant laws to take
15 the applicable decisions;

16 (b) Notwithstanding paragraph (a), an application which cannot be
17 submitted simultaneously because prior authorisation is required, must be
18 submitted at the earliest opportunity after such authorisation is obtained.

19 (2) A member of the steering committee referred to in section
20 12(1)(a), must do everything possible within his or her power to ensure that an
21 application:

22 (a) complies with applicable legislative and other requirements; and

23 (b) includes all relevant information to enable the relevant authority
24 to consider the application without delay.

25 (3) A member of the steering committee referred to in section 12(1)(a)
26 must monitor the processing of the application and report to the steering
27 committee any undue delays and regulatory concerns emerging for exploration
28 or consideration of solutions thereto.

29 (4) If the approval, authorisation, licence, permission or exemption is
30 not granted the relevant authority must provide reasons for such refusal to the

1 steering committee and the applicant.

2 (5) The steering committee must, without delay, report to the
3 Secretariat the outcomes of all applications for approvals, authorisations,
4 licences, permissions and exemptions.

5 14.-(1) The Council may determine any matter necessary for the
6 proper functioning of steering committees.

Steering
Committees and
procedures

7 (2) Subject to subsection (1), a steering committee may determine
8 its own procedures to be followed at its meetings.

9 (3) (a) The Minister who chairs a strategic integrated project
10 contemplated in this Act must cause to provide a steering committee with
11 such secretarial or administrative support and with accommodation and
12 work related facilities as may reasonably be required for the proper
13 functioning of the steering committee or may, by agreement with the
14 Minister, request the Ministry to provide such facilities and support;

15 (b) The costs relating to the functioning of a steering committee are
16 borne by the Ministry of the Minister who chairs unless otherwise agreed as
17 set out in paragraph (a).

18 PART 5 - PROCESSES

19 15.-(1) Whenever any strategic integrated project is implemented
20 in terms of this Act any processes relating to such implementation, including
21 processes relating to any application for any approval, authorisation,
22 licence, permission or exemption and processes relating to any consultation
23 and participation required by the relevant laws must, as far as it is possible
24 and in order to expedite the matter, run concurrently.

Processes relating
to implementation
of strategic
integrated projects

25 (2) Notwithstanding any other law, the processes set out in
26 Schedule 2 provide a framework and guide for the implementation of any
27 strategic integrated project, but the time-frames in Schedule 2 may not be
28 exceeded.

29 (3) An executing authority may extend the period for completing
30 any process listed in Schedule 2 involving public consultation if the relevant

1 official makes a written request to the executing authority, provided that the
2 relevant executing authority shall inform the Council within five days of such
3 decision, with reasons for the extension.

4 (4) No decision made in respect of any matter contemplated by
5 subsection (1) is invalid merely because it was made outside the relevant
6 period in Schedule 2 or any extended period in terms of subsection (3).

Environmental
assessments

7 16. Whenever an environmental assessment is required in respect of
8 a strategic integrated project, such assessment must be done in accordance of
9 the Environmental Impact Assessment Act of 1992.

10 PART 6 - GENERAL PROVISIONS

Reporting by
Minister

11 17.-(1) The Minister must, on a quarterly basis, report to the Council
12 on each strategic integrated project.

13 (2) The report contemplated in subsection (1) must be in the form and
14 contain the information determined by the Council.

Delegation and
Assignment

15 18.-(1) The Minister may delegate or assign any power granted to or
16 duty imposed upon him or her in terms of this Act to an officer in the Ministry,
17 except the power to make regulations.

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

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

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

Regulations,
guidelines and
targets

26 19.-(1) The Minister may, in consultation with the Council, make
27 regulations regarding:

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

29 (b) the criteria that must be applied in the implementation of a
30 strategic integrated project, relating to:

- 1 (i) skills development;
- 2 (ii) Green Economy;
- 3 (iii) employment creation;
- 4 (iv) youth employment;
- 5 (v) rural development;
- 6 (vi) Broad-Based Economic Empowerment, in particular in
7 relation to women and persons with disabilities; and
- 8 (vii) local industrialisation;
- 9 (c) the monetary values in respect of strategic integrated projects,
10 contemplated in section 7;
- 11 (d) transitional arrangements applicable to strategic integrated
12 projects in existence immediately prior to the date of commencement of this
13 Act.
- 14 (e) generally, any ancillary or incidental administrative or
15 procedural matter which is necessary or expedient to prescribe for the proper
16 implementation or administration of this Act.
- 17 (2) Notwithstanding subsection (i), the Minister may set guidelines
18 or targets relating to criteria set out in subsection (1)(b).
- 19 (3) The Minister must consult with the relevant Minister in making
20 regulations relating to the criteria set out in subsection (1)(b), or in setting
21 guidelines or targets relating to the criteria set out in that subsection.
- 22 20.-(1) The strategic integrated projects which exist when this Act
23 commences are deemed to be strategic integrated - projects contemplated in
24 section 8(1)(a) with effect from the commencement date of this Act.
- 25 (2) Any SIP coordinator, steering or technical committee which
26 had been appointed in respect of a strategic integrated project prior to the
27 commencement of this Act and which existed immediately prior to the date
28 of commencement of this Act continues to exist and must be regarded as
29 having been appointed in terms of this Act.

Transitional
arrangements and
savings

Interpretation

- 1 21. In this Act, unless the context indicates otherwise:
- 2 "applicant" means a person responsible for submitting to the relevant authority
- 3 an application for, an approval, authorisation, licence, permission or
- 4 exemption relating to a strategic integrated project;
- 5 "approval, authorisation, licence, permission or exemption" means any
- 6 approval, authorisation, licence, permission or exemption which in terms of
- 7 any relevant law requires one or more of the following:
- 8 (a) the consideration of jurisdictional facts;
- 9 (b) the consideration of certain requirements or criteria; or
- 10 (c) the exercise of a discretion whether or not to grant the approval,
- 11 authorisation, licence, permission or exemption; and includes decisions in
- 12 respect of environmental authorisations, zoning of land or any planning, use or
- 13 development of land;
- 14 "Council" means the Presidential Infrastructure Development Council;
- 15 "designate", in relation to a strategic integrated project, means the designation
- 16 by the Council by notice in the Gazette of a specific project as a strategic
- 17 integrated project;
- 18 "infrastructure" means installations, structures, facilities, systems, services or
- 19 processes relating to the matters specified in Schedule 1 and which are part of
- 20 the national infrastructure plan;
- 21 "local industrialisation" means procurement by the State, or a contractor or
- 22 agency appointed by it, of locally-produced goods or services for an
- 23 infrastructure project or programme;
- 24 "Minister" means the Minister responsible for budget and national planning;
- 25 "national infrastructure plan" means a plan adopted by the Council for the
- 26 development of public infrastructure;
- 27 "person" includes any organ of state and also any co-operative, non-
- 28 governmental organisation, community-based organisation or other
- 29 organisation or association;
- 30 "prescribe" means prescribe by regulation;

1 "public infrastructure" means infrastructure owned by the federal
2 government or infrastructure in relation to which a public-private
3 partnership or a concession agreement exists;

4 "regulation" means any regulation made under this Act;

5 "SIP" means a strategic integrated project;

6 "SIP chairperson" means the Minister designated by the Council as
7 responsible for a SIP;

8 "SIP coordinator" means a person or agency designated by the Council to
9 coordinate and facilitate the implementation of a strategic integrated
10 project;

11 "strategic integrated project" means a public infrastructure project or group
12 of projects and may comprise of one or more installation, structure, facility,
13 system, service or process

14 "this Act" includes any regulation, guideline or target made or issued in
15 terms of this Act.

16 22. This Bill may be cited as the National Infrastructure Short title
17 Development Bill, 2018.

18 SCHEDULE 1

19 PUBLIC INSTALLATIONS, STRUCTURES, FACILITIES, SYSTEMS, SERVICES
20 OR PROCESSES IN RESPECT OF WHICH PROJECTS MAY BE DESIGNATED
21 AS STRATEGIC INTEGRATED PROJECTS

22 National and international airports

23 Communication and information technology installations

24 Education institutions

25 Electricity transmission and distribution

26 Health care facilities

27 Human settlements and related infrastructure and facilities

28 Economic facilities

29 Mines

30 Oil or gas pipelines, refineries or other installations

- 1 Ports and harbours
- 2 Power stations or installations for harnessing any source of energy
- 3 Productive rural and agricultural infrastructure
- 4 Public roads
- 5 Public transport
- 6 Railways
- 7 Waste infrastructure
- 8 Water works and water infrastructure

9 SCHEDULE 2

10 PROCESS AND PERIODS OF TIME

- 11 1. Period for submitting application and project plan measured from
12 approval by steering committee of project plan. 14 days
- 13 2. Period for public consultation on the application and project plan.
14 30 days
- 15 3. Period for application and project plan to be amended and
16 submitted to the relevant authority for consideration and approval. 52 days
- 17 4. Period for submission to the relevant authority of detailed
18 development and mitigation plan based on an approved project plan. 60 days
- 19 5. Period for public consultation on the development and mitigation
20 plan and review by relevant authority. 44 days
- 21 6. Period for relevant authority to consider and assess development
22 and mitigation plan and make final regulatory decision. 57 days

EXPLANATORY MEMORANDUM

This Bill seeks to priorities infrastructural development in Nigeria by ensuring that the Federal Government identifies and facilitates the full management and implementation of infrastructure that are important to the economic and social development of Nigeria.

The Bill also ensures that the Federal Government's development goals are promoted through infrastructure development.