

1 on payment of the levy.

2 (4) A record of payment, of the levies shall be kept at the Office of the
3 Accountant General of the Federal Government.

Establishment
of the Board

4 3. There is hereby established for the management of the Fund, a
5 National Maritime Security Infrastructure Board (in this Act referred to as "the
6 Board"), which shall consist of:

7 (a) a Chairman;

8 (b) 6 Eminent persons drawn from the six geo-political zones of the
9 Country;

10 (c) the Accountant-General of the Federation;

11 (d) a representative of:

12 (i) the Nigerian Navy;

13 (ii) the Nigerian Army;

14 (iii) the Nigerian Air force;

15 (iv) the Nigeria Police;

16 (v) the Nigerian Immigration Service;

17 (vi) the Nigerian Maritime and Safety Administration Agency

18 (vii) the Office of the National Security Adviser; and

19 (e) a legal practitioner within the meaning of the legal practitioner's

20 Act who shall serve as the secretary of the Board. :

Appointment
of Chairman
and Members
of the Board

21 4.-(1) The Chairman and members of the Board shall:

22 (a) be appointed by the President, subject to confirmation by the
23 Senate; and

24 (b) Shall be eminent persons of high integrity and experience.

25 (2) A member of the Board shall hold office for a period 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 (3) A member of the Board may resign his appointment by notice in
29 writing under his hand addressed to the President, which resignation shall take
30 effect only upon approval by the President.

1 **(4) Notwithstanding the provision of section 4 of this Act, a person**
2 shall cease to hold office as a member of the Board if:

3 (a) he becomes bankrupt, suspends payment or compounds with
4 his creditors;

5 **(b) he is convicted of felony or any offence involving dishonesty or**
6 **fraud;**

7 (c) he becomes of unsound mind, or incapable of carrying out his
8 duties;

9 (d) he is guilty of serious misconduct in relation to his duties.

10 (5) where a vacancy occurs in the membership of the Board, it shall
11 be filled by the appointment of a successor, so however, that the successor
12 shall represent the same interest and shall be appointed by the president,
13 subject to the confirmation of the Senate.

14 5.-(1) The Board shall prescribe the amount payable under this Bill
15 and appoint levy collectors who shall collect the levies and perform other
16 duties, which the Board shall from time to time determine.

17 (2) The Board shall also appoint a manager who shall be
18 accountable to the Board for money paid or received from the maritime
19 users.

20 (3) A person to be so appointed as manager shall hold a minimum
21 of first degree or its equivalent in Accounting, Banking and Finance or any
22 other related field with at least 7 years cognate experience in Accounting,
23 Banking and Finance and membership of a recognized professional
24 financial body.

25 **(4) Notwithstanding the generality of the provisions of this Bill, the**
26 board may make regulations for all or any of the following purposes:

27 **(a) The forms of certificates to be issued;**

28 (b) The forms of Annual Returns as provided under section 3 of the
29 Bill;

30 (c) Providing for such other matters as are contemplated by, or are

Appointment of
Levy Collectors

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1 necessary for giving full effect to the provisions of this Bill and for their due
2 administration.

Administration of the Fund

3 6.-(1) Subject to the rules in section 23 of the Finance (Control and
4 Management) Acts, with respect to disbursements from the Fund, there shall be
5 paid out of the Fund such money as the Board considers necessary for:
6 (a) the provision, construction, repairs and maintenance of vessels,
7 maritime patrol aircraft as well as necessary technology; and
8 (b) the construction, repairs and maintenance of security
9 infrastructure;
10 (c) other matters incidental to the realization of the general intent of
11 this bill.

12 (2) Except as expressly provided in this Bill, no charges or fees for the
13 operating expenses of the fund shall be allocated from the fund to the Board.

Allocation of Funds

14 7.-(1) Pursuant to the provision of section 9 on disbursement of funds,
15 the fund shall be shared on a yearly basis among the relevant agencies
16 accordingly:
17 (a) Nigerian Navy - 40%;
18 (b) Nigerian Air Force - 15%;
19 (c) Nigerian Army - 10%;
20 (d) Nigeria Police - 5%;
21 (e) Immigration Services Border Patrol - 5%;
22 (f) Nigerian Ports Authority - 5%;
23 (g) Nigerian Security and Civil Defence Corps - 2%;
24 (h) Department of State Security Service - 5%;
25 (i) Nigerian Custom Service - 3%;
26 (j) Nigerian Maritime and Safety and Maritime Agency - 5%;
27 (k) Anti-piracy, joint patrols and military exercises - 4%;
28 (l) Board's Administrative and operating expenses and reserve - 1%;
29 provided that the Board shall not acquire assets either individually or
30 collectively on behalf of the agencies mentioned under this section.

Allocation of Funds

1 **8. The wages or remuneration payable to the chairman and**
 2 **members of the Board shall be as prescribed by the Revenue Mobilization**
 3 **and Fiscal Commission**

Wages and
Remuneration
of the Board
Members

4 **9.-(1) A person commits an offence under this Bill, who:**

Offences and
Penalty

5 (a) fails to pay the levy or pays later than the first quarter of the
 6 year;

7 (b) fails to produce a valid certificate of payment when required;

8 (c) falsely represents that he has paid or is not liable to pay the levy
 9 or has a valid certificate of payment for the year or period in issue;

10 (d) issues a false or counterfeit certificate of payment.

11 (2) A company or vessel which commits an offence under this Bill
 12 shall on conviction pay a fine not less than N20 million.

13 (3) A person who commits an offence under this Bill shall on
 14 conviction, pay a fine not more than N5 million.

15 **10. The Board shall have the responsibility to provide the National**
 16 **Assembly with a bi-annual report of the allocation and uses of money from**
 17 **the fund.**

Reports

18 **11. The Federal High Court shall have Exclusive jurisdiction in**
 19 **respect of any matter relating to the provisions of this Bill.**

Court with
jurisdiction

20 **12. -Except otherwise provided in this Act:**

Interpretation

21 (a) "Maritime" means the Nigerian seas, territorial waters up to the
 22 continental shelf, oceans or whatever name called, sea lanes, etc.

23 (b) "National Security Infrastructure" shall include
 24 communication infrastructure, gadgets, vessel sensors, unmanned vessel,
 25 aircraft, equipment or other forms of technological or mechanical
 26 infrastructure, principally and predominantly required to support and
 27 advance the national security of Nigeria in the maritime environment;

28 (c) "President" means the President of the Federal Republic of
 29 Nigeria;

30 (d) "Security Officer" means any member of the Nigeria Security

- 1 agencies mentioned in this Act.
- Citation: 2 13. This Bill may be cited as the National Maritime Security
- 3 Infrastructure Fund (Establishment) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Maritime Security Infrastructure Development Fund to ensure and provide for adequate Maritime defence funding and for other security infrastructures in the country.