

# A BILL

## FOR

AN ACT TO ESTABLISH THE DEFENCE INTELLIGENCE AGENCY PENSIONS BOARD TO HANDLE PENSION MATTERS FOR PERSONNEL OF THE AGENCY AND FOR RELATED MATTERS, 2018

*Sponsored by Hon. Oluwole Oke*

[ ] Commencement

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

1 PART I - GENERAL

2 1.-(1) There is established a Pensions Board (in this Bill referred to  
3 as "the Board") which shall be charged with the responsibility of managing  
4 payment of pensions and gratuities to all personnel of the Agency.

Establishment of a pension's board for personnel of the Defence Intelligence Agency

5 *Application of the Bill to personnel who retired before the*  
6 *commencement of this Bill*

7 (2) This Bill shall apply to all personnel of the Agency including  
8 those who had retired before the commencement of this Bill.

9 (3) The retirement benefits of personnel referred to in subsection  
10 (2) above shall be adjusted to be commensurate with the provisions  
11 of this Bill.

12 2.-(1) Subject to the provisions of this Bill, any pension or gratuity  
13 payable to any personnel under this Bill shall be computed in accordance  
14 with the provisions of the Agency's Regulations.

Computation of pension or gratuity

15 (2) In computing pensionable service and qualifying service for the  
16 purpose of this Bill, any period of service over six months and not included  
17 in a completed year shall, for the purpose of the schedule to this Bill as it  
18 relates to personnel entitled to a pension, count as one year.

19 3. There shall be charged on and paid out of the Consolidated  
20 Revenue Fund of the Federation, all such sums of money as may, from time

Pension, etc. to be charged on revenue of Nigeria

Circumstances  
in which pension  
may be granted

1 to time, be granted by the Federal Government by way of pension and gratuity  
2 in accordance with this Bill.

3 4.-(1) No pension or gratuity shall be granted under this Bill to any  
4 personnel except on his retirement from the Agency in any of the following  
5 circumstances-

6 (a) after serving for thirty-five (35) years or attained the age of sixty  
7 (60) years, whichever is earlier;

8 (b) upon voluntary retirement after serving for not less than ten years;

9 (c) upon compulsory retirement under the provisions of Section 5 (1)  
10 of this Bill;

11 (d) upon compulsory retirement for the purpose of facilitating  
12 improvements in the Agency, so that greater efficiency or economy may be  
13 effected;

14 (e) at any time on medical evidence to the satisfaction of the Medical  
15 Board that he is incapable by reason of any infirmity of mind or body of  
16 discharging his duties and that such infirmity is likely to be permanent;

17 (f) on voluntary withdrawal after having put in not less than five years  
18 but less than ten years continuous service as a personnel: provided that-

19 (i) in respect of paragraphs (c) to (e) above, if the personnel has served  
20 for not less than five years but less than ten years before his retirement, he shall  
21 be entitled only to a gratuity as specified in the appropriate column of the Table  
22 in the Agency Regulations;

23 (ii) if the personnel has served for a minimum of three years but less  
24 than five years before he is required to retire, he shall be entitled to an ex-gratia  
25 gratuity calculated on pro-rata basis at the rate of ten percent for every  
26 completed year of service.

27 (2) Where a personnel retires pursuant to subsection (f) (i) above-

28 (a) if he has completed five years but not up to ten years in service, he  
29 shall be entitled only to a gratuity;

1 (b) if he has served for not less than ten years, he shall be entitled to  
2 a pension;

3 (c) if he is required to retire after ten years qualifying service  
4 pursuant to the provisions of paragraphs (c) - (e) of subsection (1) above, he  
5 shall be entitled to pensions immediately on retirement even though he has  
6 not attained the age of forty five years.

7 **5.**-(1) It shall be lawful for the Board to require a personnel to retire  
8 from the Agency at any time after he has attained the age of forty five years  
9 subject to three months' notice in writing of such requirement being given to  
10 the personnel.

Compulsory  
retirement and  
retirement on  
compassionate  
grounds

11 (2) A personnel may, on compassionate grounds, be allowed to  
12 resign, withdraw or retire from service, as the case may be, in accordance  
13 with the Agency Regulations.

14 **6.**-(1) A pension granted to a personnel or other rank under this Bill  
15 shall not be less than forty percent of his total emolument.

Minimum and  
maximum pension

16 (2) For the purpose of this section, an additional pension granted in  
17 respect of injury shall not be taken into account; but where the personnel is  
18 granted such an additional pension under this Bill, the amount so granted  
19 together with the remainder of his pension under this Bill shall not exceed  
20 one hundred percent of his highest pensionable emolument at any time in the  
21 course of his service.

22 **7.**-(1) Where a personnel dies in the course of official duty, there  
23 shall be paid to his next of kin a gratuity to which the personnel would have  
24 been entitled at the date of his death.

Pension and  
gratuity to be  
paid to dependent,  
etc. where a  
pensioner dies in  
service

25 (2) Where a personnel dies before completing the minimum period  
26 of qualifying service, his next of kin shall be paid a death gratuity of one  
27 year's salary only.

28 (3) Any pension payable under subsection (1) above shall be paid to  
29 any person entitled thereto for a period expiring at the end of five years after  
30 the death of the personnel, however, a lump sum representing five years

	1	pensions may be paid immediately to the person entitled to it.
Pension to run for five years after death within five years of retirement	2	<b>8.</b> Where a personnel dies within five years after retirement, his next
	3	of kin shall continue to be paid, for a period which shall expire at the end of five
	4	years from the date of his retirement, the same pension which the deceased
	5	personnel was receiving prior of his death. But if the next of kin so elects, the
	6	balance of his pension at his death may be paid immediately to the said next of
	7	kin.
Notice of intention to retire or withdraw from service	8	<b>9.</b> -(1) A personnel who wishes to retire from the Agency after serving
	9	for ten years or more shall give three (3) months' notice or pay the Agency the
	10	equivalent of three (3) months' salary in lieu of notice.
	11	(2) A personnel who wishes to withdraw from the Agency after
	12	serving for not less than five years but up to ten years shall give the Chief of
	13	Defence Intelligence one month's notice of his intention to withdraw from the
	14	Agency or he shall pay one month's salary in lieu of such notice.
	15	PART II - MISCELLANEOUS
Pension and gratuity not to be assignable	16	<b>10.</b> A pension or gratuity granted under this Bill shall not be
	17	assignable or transferable or liable to be attached, sequestrated or levied upon
	18	for or in respect of any debt or claim whatsoever except for the purpose of
	19	satisfying-
	20	(a) a debt due to the Federal Government; or
	21	(b) an order of a Court for the payment of periodical sums of money
	22	towards the maintenance of the wife or former wife or minor child of the
	23	personnel to whom the pension or gratuity has been granted.
Payment of public claims out of pension and gratuity	24	<b>11.</b> Where the Board is satisfied that-
	25	(a) a sum is due to the Federal Government from a person to whom a
	26	pension or gratuity is due under this Bill;
	27	(b) an overpayment on account of any such pension or gratuity has
	28	been made to any such person by the Federal Government, the Board may
	29	authorize the deduction from the pension or gratuity, in respect of that sum or
	30	overpayment of such amounts at such times as it may think fit; and the amounts

1 so deducted shall be applied in or towards paying or repaying that sum or  
2 overpayment.

3 **12.**-(1) The Board may, by order published in the Gazette, delegate Delegation of  
power  
4 to another person or authority all or any of its powers under this Bill.

5 (2) But the delegation of a power under the above subsection shall  
6 not prevent the Board from continuing to exercise the power if it thinks fit.

7 **13.**-(1) The Management of the Agency may make provisions for Regulations  
8 the structure, personnel, etc of the Board which in turn may make provisions  
9 for carrying into effect the provisions of this Bill.

10 (2) Whenever the Board is satisfied that it is equitable that any  
11 regulation made under this section should have retrospective effect in order  
12 to confer a benefit upon or remove a disability attached to any person, that  
13 regulation may be given retrospective effect for that purpose.

14 **14.** In this Bill, unless the context otherwise requires- Interpretation

15 "basic pay" means the daily rate of pay due and payable to a personnel, but  
16 does not include allowances;

17 "Chief of Defence Intelligence" means the Chief of Defence Intelligence of  
18 the Defence Intelligence Agency (DIA);

19 "Federal Government" means the Federal Government of Nigeria;

20 "Gazette" means the official gazette of the Agency;

21 "last pay" in relation to a personnel whose appointment has been terminated,  
22 means the amount payable to him for a month (or if he was on a daily rate of  
23 pay, for thirty one days) multiplied by twelve in respect of the last  
24 substantive rank held by him immediately before the end of his  
25 employment;

26 "lodging" means the provision of furnished accommodation, fuel and light  
27 and personal service;

28 "medical board" means any medical board appointed by the Management of  
29 the Agency or by any other person pursuant to a delegation under section 12  
30 of this Bill, to assess the degree of disablement of personnel;

1 "next of kin" means any person documented by the staff who can legitimately  
2 claim entitlements of the staff in the event of death on behalf of the  
3 beneficiaries;

4 "officer" means a personnel on the rank of Intelligence Officer (SIO II) and  
5 above;

6 "pensionable emoluments" in respect of a personnel, means the salary attached  
7 to the last substantive rank held by the personnel but does not include any  
8 allowance whatsoever;

9 "pensionable service" means service in the Defence Intelligence Agency  
10 (including service or employment under the Government of the Federation or  
11 of a State or any other employment approved by the Agency and which has  
12 been transferred to the Agency) which may be taken into account in  
13 determining whether an officer is eligible by length of service, for a pension or  
14 gratuity;

15 "personnel" means officers and staff in the employment of the Agency;

16 "qualifying service" means service in the Defence Intelligence Agency  
17 (including service or employment in the public service or any other  
18 employment which may be approved by the Defence Intelligence Agency)  
19 which may be taken into account in determining whether an officer is eligible  
20 by length of service for a pension or gratuity;

21 "retirement" means cessation of service after an officer has served for a period  
22 of not less than five years or thereafter for a period of not less than ten years,  
23 being periods respectively appointed as qualifying an officer for gratuity and  
24 pension;

25 "staff" means a personnel below the rank of Intelligence Officer II (IO II) in the  
26 Agency;

27 "termination" in relation to a personnel's employment, means termination of  
28 full pay service by retirement, discharge or otherwise however;

29 "the Board" means the body charged by the Management of the Agency with  
30 the responsibility for the administration of the pensions and gratuities of the

1 personnel of the Agency;

2 "the Agency" means the Defence Intelligence Agency (DIA);

3 **15.** This Bill may be cited as the Defence Intelligence Agency Pensions Board (Establishment) Bill, 2018. Citation

4 SCHEDULE

6 *Section 2 (1)*

7 COMPUTATION OF PENSION AND GRATUITIES TO PERSONNEL TO  
8 WHOM AND WHAT RATES PENSION MAY BE GRANTED

9 1. Subject to the provisions of this Bill, a personnel shall be  
10 granted, on retirement, a pension-

11 (a) if he has been in the service for ten years or more;

12 (b) if he has completed ten years' qualifying service; or

13 (c) if he has completed five years qualifying service if this  
14 retirement is on the ground that he is incapable by reason of any infirmity of  
15 mind or body of discharging his duties and such infirmity is likely to be  
16 permanent.

17 *General Rules as to qualifying Service*

18 2.-(1) Subject to the provisions of this Bill, qualifying service shall  
19 be inclusive of the period between the date on which a personnel was  
20 enlisted into the Agency and the date of his leaving such Agency without  
21 deduction of any period during which he had been absent on leave.

22 (2) No period which is not qualifying service by virtue of the  
23 foregoing paragraphs shall be taken into account as pensionable service.

24 *Continuity of Service*

25 3.-(1) Except as otherwise provided in this Schedule, only  
26 continuous service shall be taken into account as qualifying service or as  
27 pensionable service.

28 (2) A personnel who retires from the Agency and who is re-engaged  
29 in the Agency within a period of five years from the date of his retirement,  
30 may be granted the pension or gratuity for which he would have been

1 eligible if any break in his service immediately prior to such re-engagement  
2 had not occurred, such pension or gratuity to be in lieu of any pension or  
3 gratuity granted to him from the Consolidated Revenue Fund of the Federation  
4 or of a State or any other approved employment which is required to be  
5 refunded as a condition of the application to the personnel.

6 However, in calculating a pension or gratuity granted in accordance with the  
7 provisions of this paragraph, account shall not be taken for any purpose of the  
8 period during which the officer was not in the Agency.

9           4. Formula for calculation of pension and gratuity based on the  
10 percentage of last pay shall be in accordance with the Table in the Agency  
11 Regulations.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Defence Intelligence Agency Pensions Board to be charged with the responsibility of administering the pension's scheme for personnel of the Agency.

This Bill is in consequence of the exit of the Agency from the application of the contributory pension's scheme under the Pensions Reform Act, 2004.