

# **HOUSE OF REPRESENTATIVE**

## **NORTH EAST DEVELOPMENT COMMISSION BILL, 2015 ARRANGEMENT OF CLAUSES**

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ABILL  
FOR

An Act to establish North- East Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account and International Donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, literacy level, ecological problems and any other related environmental or developmental challenges in the North East States and for other related matters.

Sponsor:

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Hon. Monguno Mohammed Tahir  
Hon. Garba Lawai Abubakar  
Hon. Namdas Abdulrazak Saad  
Hon. Yakub Yusuf Buba  
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Hon. Abdulrahman Abubakar Shuaibu  
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Hon. Maina Mahmud Lawan  
Hon. Muktar Betara Aliyu  
Hon. Satumari Jibrin  
Hon. Ngamdu Mohammed Sanda  
Hon. Sherrif Mohammed Nur  
Hon. Abubakar Yunusa Ahmad  
Hon. Kawawa Barambu Umaru  
Hon. Bello Binta

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ENACTED by the National Assembly of the Federal Republic of Nigeria-  
PART I ESTABLISHMENT OF NORTH EAST DEVELOPMENT COMMISSION.

**Establishment of North East Development Commission**

1.-(1) There is established a Commission to be known as North East Development Commission (in this Bill referred to as "the Commission").

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

**Establishment of the Commission Board**

2.-( 1) There is established for the Commission, a body to be known as the Commission Governing Board (in this Bill referred to as "the Board").

(2) The Board shall consist of-

(a) Chairman;

(b) one person each who shall be an indigene to represent the State listed below -

(i) Adamawa

(ii) Bauchi

(iii) Borno

(iv) Gombe

(v) Taraba

(vi) Yobe

(c) three persons to represent the following Security Organisation-

(i) the Army who shall not be below the rank of a Colonel;

(ii) the Police who shall not be below the rank of Superintendent of Police;

(iii) the Civil Defence Corp who shall not be below the rank of Deputy Commandant.

(d) One representative of Solid minerals extracting and Mining producing companies in the North East States nominated by those companies;

(e) one person to represent the-

(i) Federal Ministry of Finance;

(ii) Federal Ministry of Education;

(iii) Federal Ministry of Environment; and

(3) (d) the Managing Director of the Commission.

The Chairman and other members-of the Board shall-

(a) be appointed by the President) subject to the confirmation of the Senate) in consultation with the House of Representatives;

and

(4) (b) be person of proven integrity and ability.

The members of the Board referred to in paragraph (a - d) of sub- clause (2) of this Clause shall be part-time members.

(5) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

**Tenure of office**

3. Subject to the provisions of Clause 4 of this Bill) a member of the Board) other than an ex-officio member) shall hold office for a term of 4 years at the first instance and may be re-appointed for a further term of 4 years and no more

**Rotation of office of Chairmen**

4. The office of the Chairman established in Clause 2(2) shall rotate amongst the member states of the Commission in an alphabetical order.

### **Resignation cessation or removal from membership of the Board**

5(1) The member of the Board mentioned under Clause 2 (2) (a) and (b) may resign their appointment by notice in writing addressed to the President.

(2) A member of the Board may cease membership if the member -

(a) becomes of unsound mind;

(b) becomes bankrupt;

(c) is convicted of a felony or of any offence involving dishonesty;

and

(d) is guilty of serious misconduct in relation to the office.

(3) A member of the Board other than ex-officio member may resign his or her appointment by notice in writing to the President which resignation shall take effect upon receipt and approval by the President.

(4) Where vacancy exists in the membership of the Board, the vacancy shall be filled by appointment of a person representing the area where the vacancy exists, to complete the remainder of the term of office of the predecessor.

### **Remunerations and Allowances**

6. There shall be paid to every member of the Board such remunerations, allowances and expenses as the Federal Government may, from time to time direct

### **PART II FUNCTIONS AND POWERS OF THE COMMISSION**

#### **Functions and Powers of the Commission**

7 (1) The Commission shall-

(a) formulate policies and guidelines for the development of the Northern East States;

(b) conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the North East States in the field of transportation including roads, health, education, employment, agriculture, industrialization, housing and urban development, water supply, electricity and telecommunications;

(c) cause the North East States to be surveyed in order to ascertain measures which are necessary to promote its physical and socio- economic development;

(d) prepare master plans and schemes designed to promote the physical development of the North East States and the estimates of the costs of implementing such master plans and schemes;

(e) implement all the measures approved for the development of the North East States by the Federal Government and the member States of the Commission;

(f) identify factors inhibiting the development of the North East States and assist the member States in the formulation and implementation of policies to ensure sound and efficient management of the resources of the North East States;

(g) assess and report on any project being funded or carried out in the North East States by Solid mineral extracting and mining companies, agricultural processing and any other company including Non - governmental organizations and ensure that funds released for such projects are properly utilised;

(h) tackle ecological and environmental problems that arise from the extraction and mining of solid mineral in the North East States and advise the Federal Government and the member States on the prevention and control of water and environmental pollution;

(i) liaise with the various Solid mineral extraction and mining companies on all matters of pollution prevention and control;  
and

(j) execute such other works and perform such other functions which in the opinion of the Commission, are required for the sustainable development of the North East States and its peoples.

(2) In excising its functions and powers under this Clause, the Commission shall have regard to the varied and specific contributions of each member State of the Commission.

(3) The Commission shall be subject to the direction, control or supervision in the performance of its functions under this Bill by the President the Federal Republic of Nigeria.

### **Powers of the Commission**

8. The Board shall have power to:-

(a) manage and supervise affairs of the Commission;

(b) make rules and regulations for carrying out the functions of the Commission;

(c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Bill;

(d) pay the staff of the Commission such remuneration and allowances as appropriate;

(e) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission;

(f) employ either directly or on secondment from any civil or public service in the Federation or a State such number of employees as may in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Bill;

(g) pay to persons so employed such remuneration, including allowances, as the Board may determine; and

(h) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission,

### **PART 111- STRUCTURE OF THE COMMISSION**

#### **Structure of the Commission**

9.-(1) There shall be established in the head office of the Commission the following Departments-

(a) Administration and Human Resources;

(b) Planning, Research, Statistics and Management Information System;

(c) Community and Rural Development;

(d) Environmental Protection and Control, Utilities Infrastructural Development;

(e) Finance and Supply; and

(f) Legal Services.

(2) There shall be following Units which shall be under relevant department:

(a) Solid Minerals and Agriculture;

(b) Education, Health and Social Services;

(c) Commercial and Industrial Development; and

(d) Projects Monitoring and Supervision

(3) The Board may increase the number of Department and Unit as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission.

#### **Management Committee**

10.-(1) There shall be for the Commission a Management Committee which shall consist of -

(a) a Managing Director; and  
(b) the Directors responsible for the Department established under Clause 9 of this Bill and such number of other members as may be determined from time to time by the Board.

(2) The Management Committee shall be responsible to the Board for the general administration of the Commission.

#### **Advisory Committee of the Commission**

11.-(1) There is established for the Commission a North East Development Advisory Committee (in this Act referred to as "the Advisory Committee") which shall consist of-

(a) the Governors of the member States of the Commission; and  
(b) two other persons as may be determined, from time to time, by the President of the Federal Republic of Nigeria.

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

(3) The Advisory Committee may make rules regulating its own affairs.

#### **PART IV - STAFF OF THE COMMISSION**

##### **Staff of the Commission**

12.-(1) There shall be for the Commission, a Managing Director who shall be indigenes of North East State and shall rotate amongst member states in alphabetical order, and who shall

(a) have such qualification and experience as are appropriate for a person required to perform the functions of the offices under this Bill; and

(b) be the chief executive and accounting officer of the Commission;

(c) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate in consultation with House of Representatives.

(d) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provision of Clause 3 of this Bill.

(3) The Managing Director shall, subject to the general direction of the Board, be responsible-

(a) for the day to day administration of the Commission;

(b) for keeping the books and Proper records of the proceedings of the Board, and

(c) for the-

(i) administration of the secretariat of the Board, and

(ii) general direction and control of all other employees of the Commission

##### **pension Reform Act, No. 2 of 2004**

13.-(1) Service in the Commission shall be approved service for the purposes of the Pensions Reform Act.

(2) Nothing in sub- clause (1) of this Clause shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Clause 23 thereof is vested in and shall be exercisable by the Commission, and not by any other person or authority.

## **PART V - FINANCIAL PROVISIONS**

### **Funds of the Commission**

14.-(1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.

(2) There shall be paid and credited to the fund established pursuant to sub-clause (1) of this Clause-

(a) from the Federal Government, the equivalent of 15 percent of the total monthly statutory allocations due to member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;

(b) 3 percent of the total annual budget of any Solid mineral extracting mining company operating in the North East States, including Agricultural processing companies;

(c) 50 percent of monies due to member States of the Commission from the Ecological Fund,

(d) such monies as may from time to time, be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;

(e) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise;

and

(f) proceeds from all other assets that may, from time to time,

(3) accrue to the Commission.

The fund shall be managed in accordance with the rules made by the Board, and without prejudice to the generality of the power to make rules under this sub-clause, the rules shall in particular contain provisions -

(a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments' into and out of the fund; and

(b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.

### **Application of the Commission funds**

15.-(1) The Commission shall apply the proceeds of the fund established pursuant to Clause 14 of this Bill to-

(a) the cost of administration of the Commission;

(b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in Clause 6 of this Bill or any committee of the Board and the employees of the Commission;

(c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;

(d) the payment for all purchases; and

(e) undertaking such other activities as are connected with all or any of the Functions of the Commission under this Act.

(2) The Commission may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(3) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with, the functions of the Commission under this Bill

(4) The Commission may, with the consent of the President of the Federal Republic of Nigeria, borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the exercise of its functions under this Bill.

#### **Annual Estimate and Expenditure**

16.-(1) The Board shall, not later than 30th September in each year, submit to the National Assembly through the President of the Federal Republic of Nigeria an estimate of the expenditure and income of the Commission during the next succeeding year for approval.

(2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

The Commission shall, at the end of every quarter in each year,

#### **Submission of Report**

17.-(1) submit to the President of the Federal Republic of Nigeria report on the activities and administration of the Commission.

(2) The Board shall prepare and submit to the President of the Federal Republic of Nigeria, not later than 30th June in each year, a report in such form as the President of the Federal Republic of Nigeria may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(3) The President of the Federal Republic of Nigeria shall, upon receipt of the report referred to in sub-clause (1) of this Clause, cause a copy of the report and the audited accounts of the Commission and the auditor's report thereon to be submitted to each House of the National Assembly.

### **PART VI- MISCELLANEOUS**

#### **Monitoring Committee**

18.-(1) There is established for the Commission a Monitoring Committee which shall consist of such number of persons as the President of Federal Republic of Nigeria may deem fit to appoint from the public or Civil Service of the Federation.

(2) The Monitoring Committee shall-

(a) monitor the management of the funds of the Commission and the implementation of the projects of the Commission;

and

(b) have access to the books of account and other records of the Commission at all times, and submit periodical reports to the President of the Federal Republic of Nigeria.

#### **Offices and premises of the Commission**

19( 1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the Commission may, subject to the Land Use Act-

(a) purchase or take on lease any interest in land, or other property; and

(b) construct offices and premises and equip and maintain same.



(2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.

#### **President Directives**

20. Subject to the provisions of this Bill, the President of the Federal Republic of Nigeria, may give to the Commission directives of a general nature or relating generally to matters of Policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives.

#### **Public Officer Protection Act, Cap. P41 LFN, 2004**

21.-(1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority, shall lie or be instituted in any court unless -

(a) it is commenced within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

#### **Services of Notice, Summons and other Documents**

22. A notice, summons or other document required or authorised to be served upon the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and addressed to the Managing Director at the principal office of the Commission.

#### **Payment of Judgment debts**

23.-(1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission

(2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

#### **Indemnity of Staff**

24. A member of the Board, the Managing Director, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officer or employee of the Commission.

#### **Regulations**

25 The Commission may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill.

#### **Interpretation**

26 In this Bill -

"Chairman" means the Chairman of the Board;

"Commission" means the North East Development Commission established by Clause 1 of this Bill

"Board" means the governing Board established for the Commission under Clause 2 (1) of this Act;

"Management Committee" includes the Chairman, Managing Director, Executive Directors and Directors;

"Member States" include Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe.

### **Citation**

27. This Bill is cited as the North East Development Commission Bill, 2015.

### **SCHEDULES**

Supplementary Provisions Relating to the Board, Etc.

1.-(1). Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Managing Director or one Executive Director and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board.

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

Notice is given.

(2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting.

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board

such functions as the Board may determine.

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

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

4.-(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose and the Managing Director.

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

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by-

(a) a vacancy in the membership of the Board or committee;

(b) a defect in the appointment of a member of the Board or committee;

or

(c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish North East Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account and International Donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, literacy level, ecological problems and any other related environmental or developmental challenges in the North East States.