

A BILL

FOR

AN ACT TO ESTABLISH THE FCT RESETTLEMENT, COMPENSATION AND REHABILITATION BOARD AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Iorwase Herman Hembe

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

1 1.—(1) There is hereby established a body to be known as the FCT
2 Resettlement, Compensation and Rehabilitation Board (in this Act referred
3 to as “the Board”).

Establishment of
the FCT
Resettlement,
Compensation and
Rehabilitation
Board

4 (2) The Board—

5 (a) shall be a body corporate with perpetual succession and a
6 common seal;

7 (b) may sue and be sued in its corporate name.

8 (3) The Board shall have its head office in the Federal Capital
9 Territory, Abuja.

10 2. The Board shall consist of—

Establishment of
the Board

11 (a) Chairman;

12 (b) two persons representing public interest in the Federal Capital
13 Territory who shall be persons with cognate experience in Town Planning
14 and Civil Engineering.

15 (c) one person representing each of the Six Area Councils of the
16 Federal Capital Territory as follows—

17 (i) Abaji Area Council;

18 (ii) Abuja Area Municipal Council;

19 (iii) Bwari Area Council;

20 (iv) Gwagwalada Area Council

21 (v) Kwali Area Council; and

- 1 (vi) Kuje Area Council.
- 2 (d) one person to represent the Agriculture and Rural Development
3 Secretariat of the FCDA;
- 4 (e) one person to represent the Engineering Department of the FCDA;
- 5 (f) one person representing the Department of Regional Planning
6 Land and Survey of FCDA;
- 7 (g) The Executive Secretary/Chief Executive Officer shall be the
8 secretary to the Board.

9 (2) The Chairman and other members of the Council shall—

10 (a) be appointed by the Minister.

11 (b) be persons of proven integrity and ability.

12 (3) The members of the Board referred to in paragraph (a) - (f) of
13 subsection (2) of this section shall be part-time members.

Tenure of Office
Members

14 3.—(1) Subject to the provisions of section 4 of this Act a member of
15 the Board, other than an ex-officio member, shall hold office for a term of 4
16 years at the first instance and may be reappointed for a further term of 4 years
17 and no more.

18 (2) A member of the Board other than ex-officio member, may resign
19 his appointment by notice, in writing under his hand addressed to the Minister
20 of the Federal Capital Territory

Removal/cessation
from Office

21 4.—(1) Notwithstanding the provisions of section 3 of this Act, a
22 person shall cease to hold office as a member of the Board if—

23 (a) he becomes bankrupt, suspends payment or compounds with his
24 creditors;

25 (b) he is convicted of a felony or any offence involving dishonesty or
26 fraud,

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

29 (d) he is guilty of a serious misconduct in relation to his duties; or

30 (e) in the case of a person who possessed a professional qualifications,

1 he is disqualified or suspended, other than at his own request, from
2 practicing his profession in any part of the world by an order of a competent
3 authority made in respect of that member: or

4 (f) he resigns his appointment by a letter addressed to the Minister
5 of the Federal Capital Territory.

6 (3) Where a vacancy occurs in the membership of the Board it shall
7 be filled by the appointment of a successor to hold office for the remainder of
8 the term of office of his predecessor, so however, that the successor shall
9 represent the same interest and shall be appointed by the Minister.

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

Remuneration of
Members

13 6.—(1) The Board shall—

Functions and
powers of the
Board, etc

14 (a) formulate policies and guidelines on the proper Resettlement
15 and Compensation and Rehabilitation of the FCT Aborigines;

16 (b) conceive, plan and implement, in accordance with set rules and
17 regulations, projects and programmes of the FCT Aborigines in the areas of
18 Agriculture, Education, Scholarship, Health and Environment

19 (c) implement all the measures approved for the development of
20 the rural and satellite areas by the Federal Government and the Board;

21 (d) identify factors inhibiting the development of such areas and
22 assist in the formulation and implementation of policies to ensure sound and
23 efficient management of the resources of the Board;

24 (e) ensure effective planning, projects assessment, proper
25 resettlement and compensation of FCT aborigines, economic and social
26 development of the people;

27 (f) assess and report on any projects being funded or carried out by
28 the Board, Federal Government, FCT Administration and the Private Sector
29 including non-governmental organizations and ensure that funds released
30 for such projects are properly utilized;

1 (g) execute such other works and perform such other functions which
2 in the opinion of the Board, are required for the sustainable all round
3 development of the rural areas and its peoples; and

4 (2) In excising its functions and powers under this section, the Board
5 shall have regard to the varied and specific contributions of the Federal Capital
6 Administration.

7 (3) The Board shall be subject to the direction, control or supervision
8 in the performance of its functions under this Act by the Minister of FCT.

Structure of
the Board

9 7. There shall be established in the head office of the Board, the
10 following Departments—

11 (a) the Department of Finance, Administration, and Compensation

12 (b) the Department of Engineering, Re-Settlement and Project
13 Monitoring,

14 (c) the Department of Regional Planning and Survey,

15 (d) the Department of Social Services and Research and Information;

16 (2) The Board may with the approval of the FCT Minister increase the
17 number of directorates as it may deem necessary and expedient to facilitate the
18 realization of the objectives of the Board.

Establishment
of the Management
Committee

19 8. There shall be for the Board a Management Committee which
20 shall—

21 (a) consist of a Chairman who shall be the Chief Executive Officer,
22 the Directors responsible for the Department established under section 7 of this
23 Act and such number of other members as may be determined from time to time
24 by the Board.

25 (b) be responsible to the Board for the general administration of the
26 Board.

Staff and Other
Employees of the
Board

27 9.—(1) There shall be for the Board, an Executive Secretary/Chief
28 Executive Officer, and Director of the Departments established in Section 7 of
29 this Act—

30 (a) have such qualification and experience as are appropriate for a

1 person required to perform the functions of those offices under this Act; and

2 (b) the Minister shall appoint the Executive Secretary, Chief
3 Executive Officer of the Board who shall be the accounting officer.

4 (c) hold office on such terms and conditions as to emolument,
5 conditions of service as may be specified in his letter of appointment, and
6 subject to the provision of section 3 of this Act.

7 (2) The Secretary shall, subject to the general direction of the
8 Board, be responsible—

9 (a) for the day to day administration of the Board;

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

12 (c) the administration of the secretariat of the Board, and

13 (d) the general direction and control of all other employees of the
14 Board.

15 (3) The Board shall have power to employ either directly or on
16 secondment from any civil or public service in the Federation or a State such
17 number of employees as may be in the opinion of the Board, be required to
18 assist the Board in the discharge of any of its functions under this Act.

19 10.—(1) Service in the Board shall be approved service in line with
20 the provisions of the Contributory Pensions Reform Act, 2004.

Application of
Pensions Reforms
Act, 2004

21 (2) The officers and other persons employed into the Board shall be
22 entitled to pensions, gratuities and other retirement benefits as are enjoyed
23 by persons holding equivalent grades as appropriate.

24 (3) Nothing in subsections (1) and (2) of this section shall prevent
25 the appointment of a person to any office on terms which preclude the grant
26 of pension and gratuity in respect of that office authority of the Government
27 of the Federation, other than the power to make regulations under section 23
28 thereof is hereby vested in and shall be exercisable by the Board, and not by
29 any other person or authority.

Financial
Provisions

1 **11.—**(1) The Board shall establish and maintain a fund from which
2 shall be defrayed all expenditure incurred by the Board.

3 (2) There shall be paid and credited to the fund established pursuant to
4 subsection (1) of this section—

5 (a) Budgetary provision from Federal Capital Development
6 Authority and the Federal Capital Territory Administration.

7 (b) 5% of all monies accrued to FCTA as charges from the allocation
8 of plots of land in FCT.

9 (c) such monies as may from time to time be granted or lent the Board.

10 (d) all moneys raised for the purposes of the Board by way of gifts,
11 loan, grants-in-aid, testamentary disposition or otherwise; and

12 (e) proceeds from all other assets that may, from time to time, accrue
13 to the Board.

14 (f) specifying the manner in which the assets or the fund of the Board
15 are to be held, and regulating the making of payments' into and out of the fund;
16 and

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

Expenditure of
the Board

19 **12.** The Board shall apply the proceeds of the fund established
20 pursuant to section 14 of this Act to—

21 (a) the cost of administration of the Board.

22 (b) the payment of salaries, fees, remuneration, allowances, pensions
23 and gratuities payable to the members of the Board specified in section 6 of this
24 Act or any committee of the Board and the employees of the Board;

25 (c) the payment for all contracts, including mobilization, fluctuations,
26 variations, legal fees and cost on contract administration,

27 (d) the payment for all purchases; and

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

1 13.—(1) The Board may accept gifts of land, money, or other Power to accept
2 property on such terms and conditions, if any, as may be specified by the Gifts
3 person or organization making the gift.

4 (2) The Board shall not accept any gift if the conditions attached by
5 the person or organization making the gift are inconsistent with, the
6 functions of the Board under this Act.

7 14. The Board may, with the consent of the Minister, borrow, on Power to borrow
8 such terms and conditions as the Board may determine, such sums of money
9 as the Board may require in the exercise of its functions under this Act.

10 15.—(1) The Board shall submit to the Minister of FCT its annual Submission of
11 Budget for the succeeding year for consideration. Annual Budget

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

17 16. The Board shall, at the end of every quarter in each year, submit Annual Report
18 to the Minister of the Federal Capital Territory report on the activities and
19 administration of the Board.

20 17.—(1) The Board shall prepare and submit to the Minister of the Audit Report
21 Federal Capital Territory, not later than 30th June in each year, a report in
22 such form as the FCT Minister may direct on the activities of the Board
23 during the immediately preceding year, and shall include in the report a copy
24 of the audited accounts of the Board for that year and the auditor's report
25 thereon.

26 (2) The Minister shall, upon receipt of the report referred to in
27 subsection (1) of this section, cause a copy of the report and the audited
28 accounts of the Board and the auditor's report thereon to be submitted to
29 each House of the National Assembly.

Office Premises of the Board	1 2 3 4 5 6 7 8 9	18. For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Board 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 Board 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.
Directives	10 11 12 13 14 15 16 17 18 19 20 21 22 23	19.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Board. (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Council, the Executive Secretary or any other officer or employee of the Board for any act done in pursuance or execution of this Act 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 Act 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.
Service of document	24 25 26 27 28	20. A notice, summons or other document required or authorized to be served upon the Board under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary as the principal officer of the Board.
Limitation of suits against the Board	29 30	21.—(1) In any action or suit against the Board, no execution or attachment of process in the nature thereof shall be issued against the Board.

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

5 22. A member of the Board, the Executive Secretary, any officer or Indemnity of staff
6 employee of the Board shall be indemnified out of the assets of the Board
7 against any proceeding, whether civil or criminal, in which judgment is
8 given in his favour or in which he is acquitted, if any such proceeding is
9 brought against him in his capacity as a member of the Board, the Executive
10 Secretary, officer or employee of the Board.

11 23. The Board may, with the approval of the Minister, make Power to make
12 regulations, generally for the purposes of giving full effect to this Act. From regulations
13 the commencement of this Act, the Unit of Resettlement, and Compensation
14 of the Federal Capital Development Authority stands scrapped and its
15 functions subsumed into the FCT Resettlement, Compensation and
16 Rehabilitation Board established by this Act.

17 24. In this Act, unless the context otherwise requires— Interpretation
18 “Chairman” means the Chairman of the Board;
19 “Board” means the FCT Resettlement, Compensation and Rehabilitation
20 Board established by section 1 of this Act;
21 “Member” means a member of the Board and includes the Chairman, and
22 other Members of the Board;

23 25. This Act may be cited as the FCT Resettlement, Compensation Citation
24 and Rehabilitation Board (Establishment, etc.) Bill, 2015.

1 SCHEDULE

2 *Section 2 (4)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.—(1) Subject to this Act and section 27 of the Interpretation Act, the
6 Council may make standing orders regulating its proceedings or those of any of
7 its committees.

8 (2) The quorum of the Board shall be the Chairman the person
9 presiding at the meeting, Executive Secretary and one third of other members
10 of the Board. The quorum of any Committee of the Board shall be as
11 determined by the Board.

12 2.—(1) The Board shall meet whenever it is summoned by the
13 Chairman and if the Chairman is required to do so by notice given to him by not
14 less than 4 other members, he shall summon a meeting of the Board to be held
15 within 14 days from the date on which the notice is given.

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

19 3.—(1) The Board may appoint one or more committees to carry out,
20 on behalf of the Board such functions as the Board may determine.

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

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

26 4.—(1) The fixing of the seal of the Board shall be authenticated by
27 the signatures of the Chairman or any other member of the Board generally or
28 specifically authorized by the Board to act for that purpose and the Executive
29 Secretary.

30 (2) A document purporting to be a document duly executed under the

1 seal of the Board shall be received in evidence and shall, unless and until the
2 contrary is proved be presumed to be so executed.

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

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the FCT Resettlement, Compensation and Rehabilitation Board which shall be responsible for formulating policies and guidelines for the proper resettlement, compensation and Rehabilitation of the FCT aborigines; conceiving, planning and implementing, in accordance with set rules and regulations, projects and programmes for the sustainable development of the rural areas of the FCT, rural industrialization, agriculture and water supply; causing the rural areas to be surveyed in order to ascertain measures which are necessary to promote its agricultural and socio-economic development; preparing master plans and schemes designed to promote the physical development of the areas and the estimates of the costs of implementing such master plans and schemes; implementing all the measures approved for the development of the rural areas by the FCTA; identifying factors inhibiting the proper resettlement of such areas and assist in the formulation and implementation of policies to ensure sound and efficient management of the resources of the Board.