

NIGERIAN AUTHORS TRUST FUND BILL, 2015.

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN
AUTHORS TRUST FUND AND FOR OTHER RELATED MATTERS

Sponsored by Hon Jerry Alagbaoso

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NIGERIAN AUTHORS TRUST FUND

2 1. There is established a Fund to be known as the Nigerian Authors
3 Trust Fund (in this Bill referred to as "the Fund") into which shall be paid all
4 contributions and other monies as may be paid under this Bill and which
5 shall be operated and managed as provided in this Bill.

6 2. The Fund shall-

- 7 (a) Be a body corporate with a common seal; and
- 8 (b) May sue or be sued in its corporate name;

9 3. The monies accruing to the Fund or from investments made by
10 the Fund shall be used for the following purposes-

Purpose of the
Fund

11 (a) To provide funding assistance to Nigerian Authors who desire
12 to get their works published, having met the eligibility criteria as stipulated
13 by the Board;

14 (b) The Fund shall also cover the following categories of Authors
15 who meet the Board's eligibility criteria-

- 16 (i) Student Authors;
- 17 (ii) Authors and aspiring authors who are members of the National
18 Youth Service Scheme;
- 19 (iii) Civil servants who are authors or are aspiring to be authors;
- 20 (iv) Disabled authors and aspiring authors;
- 21 (c) To encourage reading habit, development of vocabularies,

1 spelling and pronunciation among Nigerians especially students;

2 (d) The Fund is aimed at talent-hunt for children writers - just to catch
3 them young, and also to encourage children's literature generally;

4 (e) To encourage research in literature and culture;

5 (f) To encourage research into indigenous languages and songs;

6 (g) To encourage the "Bring back the book project in Nigeria.

Establishment
of the Nigerian
Authors Trust
Fund Management
Board

7 4.-(1) there is established for the purpose of administering the Trust
8 Fund, a body to be known as the Nigerian Authors Trust Fund Management
9 Board (in this Bill referred to as "the Board") which shall be under the
10 supervision of the Federal Ministry of Education;

11 (2) the provisions of the schedule to this Bill shall have effect with
12 respect to the subscription to the fund and selection of beneficiaries to the fund
13 and the other matters contained therein;

Membership of
the Board

14 5. The Board shall comprise the following members-

15 (a) the Chairman of the Board, who shall be the Minister of
16 Education;

17 (b) the President Association of Nigerian Authors;

18 (c) the President Guild of Editors;

19 (d) A representative each of the following Ministries, not below the
20 rank of a Director-

21 (i) Ministry of Education;

22 (ii) Ministry of Women Affairs and Youth development;

23 (iii) Ministry of Finance;

24 (iv) Ministry of Information and National Orientation;

25 (e) A Professor or Doctorate Degree holder in creative writing from
26 any Tertiary Institution in Nigeria;

Tenure of Office
of Members of
the Board

27 6.-(1) a member of the Board other than ex-officio, shall hold office
28 for a term of four years and no more.

29 (2) Members of the Board shall be paid allowances as may be
30 determined by the Board in consultation with the National Salaries, Wages and

1	Income Commission.	
2	7. A member may resign his appointment by a notice in writing,	Resignation by a members of the Board
3	addressed to the President;	
4	8. A member ceases to hold office if he-	Cessation of Membership
5	(a) Becomes of unsound mind;	
6	(b) Is withdrawn by the body he represent on the Board;	
7	(c) Is convicted of felony or any offence involving dishonesty;	
8	(d) Is guilty of misconduct in relation to his duties.	
9	9. Notwithstanding the provision of section 6 of this Bill, the	Removal from Office of a member
10	President may remove a member from the Board if any circumstances arise	
11	which would require the removal of the Member from the Board.	
12	10.-(1) The Board shall be responsible for-	Functions of the Board
13	(a) Receiving monies accruing to the Fund;	
14	(b) Setting out guidelines and criteria for the selection of Authors to	
15	benefit from the Fund;	
16	(c) Disbursing monies from the Fund to attain the objectives of the	
17	Fund;	
18	(d) Scrutinizing and approving request from Authors or aspiring	
19	Authors seeking to benefit from the Fund;	
20	(e) Exercising control over the management of the Fund with a	Application of the Fund
21	view to ensuring accountability and proper utilization of the Fund for the	
22	purposes set out in this Bill;	
23	(f) Educating and promoting awareness among Nigerians on the	
24	activities, functions and achievements of the Board/Fund;	
25	(g) (f) Perform any other function for the purpose of realizing the	
26	objectives of the Fund.	
27	11.-(a) At the commencement of any financial year, and for the	Application of the Fund
28	purpose of applying the fund, the Board acting through the various state	
29	chapters of Association of Nigerian Authors shall verify and compile the list	
30	of the names of eligible Authors who shall be registered members of the	

1 Association or any other similar association recognized by government;

2 (b) In compiling the list, preference must be given to new authors,
3 student authors and disabled authors;

4 (c) The Board reserves the right to nullify the eligibility of an author to
5 benefit from the fund; hence the Board must ensure that the qualities of books
6 being published by eligible authors are of great value to the education sector
7 and to social development:

8 **12.** The Board shall thereafter deliver the head copy of the list to the
9 Secretary to the government of the federation, for the attention of the President,
10 and copies shall be delivered to-

11 (a) The Accountant General of the Federation;

12 (b) The Minister of Education;

13 (c) The Commissioners of Education/ Finance in all states of
14 Federation;

15 (d) The President, Association of Nigerian Authors;

16 **13.** The Accountant General of the Federation, the Minister of
17 Education and the Finance Minister shall certify the list for statutory
18 appropriation for the fiscal year;

19 **14.** Though the Board determines the number of beneficiaries in a
20 given year, yet any Author who is qualified and enlisted but does not benefit in
21 that year of qualification and enlistment as a result of lack of sufficient fund
22 may be given a preference in the subsequent years;

23 **PART II - STAFF OF THE FUND APPOINTMENT OF THE EXECUTIVE**
24 **SECRETARY**

25 **15.-(1)** the Executive Secretary of the Trust Fund shall be appointed
26 by the President on the recommendation of the Board;

27 (2) There shall be appointed for the Board, an Executive Secretary;
28 who shall be a person of unquestionable integrity with background in literary
29 studies or creative writing:

30 (3) other conditions for the appointment of the Executive Secretary

1 shall be as prescribed by the Board from time to time;

2 (4) the Executive Secretary shall hold office for a term of four years
3 in the first instance and may be eligible for another term of four years.

4 **16. The Executive Secretary shall-**

- 5 (i) be the Chief Executive Officer of the Trust Fund;
6 (ii) be responsible for the day to day administration of the Fund;
7 (iii) be the Secretary to the Board;
8 (iv) Keep proper records of the proceedings of the Board; and
9 (v) Carry out such duties as may be assigned to him by the Board;

Functions of the
Executive
Secretary

10 **17.-(1) notwithstanding the provision of section 15 of this Bill, the**
11 **Executive Secretary may be removed from office by the President if he**
12 **deems it necessary for the attainment of the objectives of the Fund;**

Removal from
office of the
Executive
Secretary

13 (2) a person appointed as the Executive Secretary after such
14 removal in subsection (t) shall serve the unexpired period of the term of his
15 predecessor-in-office;

16 **18.-(1) The Board may from time to time appoint such other, staff,**
17 **as it may deem necessary to assist the Secretary in the performance of the**
18 **function of the Board;**

Appointment of
other Staff

19 (2) The Terms and Conditions of service (including remuneration,
20 allowances, benefits and pensions) of officers and employees shall be
21 determined by the Board on the recommendation of the Federal Civil
22 Service Commission;

23 (3) The staff of the Board shall be-

24 (a) Public servants as defined in the 1999 Constitution of the
25 Federal Republic of Nigeria as amended; and governed according to the
26 Civil Service rules.

27 **PART III - FINANCIAL PROVISIONS**

28 **19.-(1) there shall be credited to the Trust Fund established by the**
29 **provisions of PART I section (1)-**

30 (a) Such monies and payments as may be made to it by the Federal

1 government through its Ministry of Education's Annual Budget (perhaps from
2 part of funds set aside for books/stationeries);

3 (b) Contributions from the Tertiary Education Trust Fund (Tetfund);

4 (c) Contributions from Petroleum Technology Development Fund
5 (PTDF);

6 (d) Annual contributions from Private Universities operating in
7 Nigeria;

8 (e) Annual contribution from Authors whose books are recommended
9 in Tertiary institutions and Secondary Schools in Nigeria;

10 (f) 0.05% of profit after tax of the Print Media (Newspaper
11 Houses/Magazines), Private Electronic Media Houses, and foreign Publishing
12 Companies;

13 (f) Gifts and donations; and all other assets accruing, from time to
14 time, to the Board;

15 (g) Internally Generated Revenue (IGR).

16 (2) The Board shall apply the proceeds of the Trust Fund to-

17 (a) Defray the cost of administration of the Board;

18 (b) Pay members of the Board or of any Committee set up by the
19 Board or such expenses as may be expressly authorized by the Board.

20 (c) Publicize and promote the activities of the Board;

21 (d) Undertake all activities connected with its functions under this
22 Bill;

23 (e) Maintain any property vested in the Board.

24 (3) the Board may accept gifts of land, monies or other on such terms
25 and conditions, if any, as may be specified.

26 (4) The Board shall not accept any gift if the intention for the gift are
27 inconsistent with the functions of the Board under this Bill.

Records, Accounts
and Audit

28 **20.-(1)** the Board shall prepare and submit to the presidency, not later
29 than 30th September of each year, an estimate of the Board for the following
30 year;

1 (2) The Board shall keep proper account of the Funds created under
2 this Bill in respect of each year and proper account record in relation thereto
3 and shall cause the accounts to be audited not later than 6 months after the
4 end of each year by auditors appointed by the Board in accordance with the
5 guidelines approved by the Auditor-General for the federation;

6 (3) The Board shall prepare and submit to the presidency, not later
7 than so" June in each year, a report on the activities and administration of
8 funds during the preceding year and shall include in the report a copy of
9 audited accounts of the Funds for the year and the auditor's report thereof.

10 (4) the Board may, subject to the provisions of this Bill and the
11 conditions of any trust created in any securities as may, from time to time, be
12 approved by the Board, creates, enters, or undertake any security, trust,
13 mortgage; debenture, stock, trade, contract, equities and investment.

14 **21.** This Bill shall apply to all organizations or establishments
15 listed in part 3, section 19.

Subscription to
the Fund

16 **22.** Subject to the aforesaid, all eligible organizations or
17 establishment (as contained in section 19 shall subscribe 0.05% of their
18 profit after tax as contribution to the fund.

19 **23.**-(1) any organization or establishment engaged in a non-profit
20 making business undertaking, shall submit an application to the Board in the
21 prescribed form forexemption, seeking to be exempted from contributing to
22 the Trust Fund.

23 (2) An application shall be accompanied by detailed statements of
24 the business and activities of the organization with other particulars as may
25 be required by the Board.

26 (3) Upon the receipt of the application, the Board shall verify and
27 investigate the fact and shall upon its satisfaction and approval issue a
28 certificate of exemption from the Trust Fund to such establishment;

29 (4) The certificate of exemption shall be handed over to the

1 organization by the chairman of the Board with the signature of the chairman
2 thereon.

3 (5) Except in cases of organizations or institutions seeking
4 registration in first instance, any transaction, registration, rendition, business,
5 application, notification, returns, notice or reports by any organization or
6 establishment with the corporate affairs commission, the commission shall
7 demand from the organizations or establishments concerned, (not being an
8 exempted organization within the meaning of this Bill) evidence of latest
9 subscriptions to the trust fund shall seek clearance thereon from the Board.

Exemption
from tax

10 24.-(1) The Board shall be exempted from the payment of income tax
11 or any income derived by it under this Bill or accruing to it from any
12 investments;

13 (2) The provision of any enactment relating to the Taxation of Trust
14 shall not apply to the Board.

Offences and
Punishment

15 25.-(1) Except a statutory Corporation or government parastatal or
16 Institution, any establishment or person who fails to comply with or
17 contravenes or abet the contravention of any provision of this Bill in relation to
18 section 19 shall be guilty of an offence and shall be liable upon conviction to
19 redeem the default with a fine of N200,000 or imprisonment for 3 years or to
20 both such fine and imprisonment-

21 (i) Provided that in the case of statutory corporation where the offence
22 is committed with the consent or connivance of or to be attributable to, any
23 neglect on the part of any Director, Manager, Secretary or other official of the
24 Institution or organization, such Director, Manager, Secretary or other official
25 shall be guilty and liable under this section.

26 (2) any person or group of persons that indulges in dishonest acts to
27 benefit from the provisions of this Bill; shall be liable upon conviction to a
28 prison term of 1 year and six months, or a fine of N100, 000 or to both such fine
29 and imprisonment;.

30 (3) In the case of connivance between an official of the Board and an

1 applicant, the applicant is liable to the punishment as prescribed under
2 subsection (2) of section 25. While the official shall be liable on conviction
3 to a prison term of 2 years and sack thereafter.

4 26.-(1) In this Bill, unless the context otherwise requires- Interpretation
5 "Board" means the Nigerian Authors Trust Fund Board;
6 "Author" means any person with a published work which must be of value to
7 the educational sector;
8 "Eligible organization" means companies or establishments that satisfy the
9 provisions of section 6 of this Bill.

10 27. This Bill may be cited as The Nigerian Authors Trust Fund Citation
11 Bill, 2015.

12 THE SCHEDULE

13 PART A

14 RULES AND REGULATIONS OF THE BOARD

- 15 1. The Board is to maintain a register of all privately owned
16 universities and publishing companies in Nigeria;
- 17 2. The Board is to transmit the Bill (when passed as an Act) to all
18 the related companies and Institutions;
- 19 3. The Board shall issue subscription form to companies and
20 Institutions that subscribe to it;
- 21 4. The subscription form is to contain the account number of the
22 Trust Fund;
- 23 5. The companies and institutions are to pay directly to the credit
24 of the Account of the Board;
- 25 6. The Board is to document all subscription forms for
26 verification;
- 27 7. The Bank is to transmit a copy of the teller to the Board;
- 28 8. The Board is to maintain a book of payment to the Trust Fund;
- 29 9. The Board shall publish the names of companies and
30 Institutions that subscribe to the Trust Fund in three national dailies;

1 **10.** The Board is to send one week demand notice to any defaulting
2 companies and Institutions;

3 **11.** The companies in default, are to redeem the default within one
4 week of demand;

5 **12.** The Board is to compile the list of subsequent defaulters and
6 transmit same to the Attorney - General of the Federation;

7 **13.** The office of the Attorney-General of the Federation is to
8 prosecute defaulters.

9 **14.** The office of the Attorney-General is to compile the record of
10 proceedings at the end of every case and transmit same to the Board.

11 PART B

12 SELECTION OF BENEFICIARIES

13 **1.** The Board shall set guidelines and criteria for selection of would
14 be Authors to be covered under the Bill;

15 **2.** During the selection of Authors to be covered under the Bill, the
16 provisions of section 3, subsection (a) shall apply;

17 **3.** Applicants are to apply through the Chairman of the Board;

18 **4.** Where the Author's status does not match the criteria set for
19 beneficiaries of the fund by the Board, the Board's decision thereon is final;

20 **5.** The successful applicant is to provide a recommendation letter
21 along with a certificate of Origin signed by the local government chairman or
22 from a guarantor who shall recommend and guarantee the applicant as being a
23 citizen of Nigeria;

24 **6.** A guarantor shall be either of the following-

25 **(a)** A Traditional ruler from the applicant's locality;

26 **(b)** A senior Civil Servant not below the rank of a Director who is from
27 the Applicant's state;

28 **(c)** A military or police officer not below the rank of a lieutenant
29 Colonel or Assistant Police Commissioner;

- 1 (d) A known or respectable member of the society where the
2 applicant resides;
- 3 (e) The Board is to supervise the Trust Account;
- 4 (f) Notwithstanding any Bank Practices or regulations, the Board
5 shall have right and access to the Trust Account;
- 6 (g) The decision of the Board on the trust Account shall be final.

EXPLANATORY NOTE

This is a Bill for an Act seeking for the establishment of A Nigerian Authors' Trust Fund to provide financial aid to authors and aspiring authors in Nigeria and for other purposes connected therewith.

