

[HB. 15.12.330]      CONSTITUENCIES DEVELOPMENT  
FUND BILL, 2015

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# A BILL

FOR

AN ACT TO ESTABLISH THE CONSTITUENCIES DEVELOPMENT FUND FOR THE  
PURPOSE OF EVEN DEVELOPMENT OF ALL CONSTITUENCIES IN THE  
FEDERATION AND FOR CONNECTED PURPOSES

*Sponsored by HON. SOLOMON ADAELU*

/ / Commence-  
ment.

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

## PART I -- PRELIMINARY

- 1  
2       1. This Act may be cited as the Constituencies Development Fund     Short Title.  
3 Bill, 2015.
- 4       2. In this Act, unless the context otherwise requires:             Interpretations.
- 5       “community” means residents of a particular geographical area  
6 or region defined as a constituency, location, sub-location or village  
7 and having common interests;
- 8       “constituency” has the meaning assigned to it in the Electoral  
9 Act, 2010;
- 10       “Constituency Development Project Advisory Committee” means  
11 the committee established under Section 20;
- 12       “Department” means the Department of Rural Development  
13 under the Federal Ministry of Agriculture and Rural Development;
- 14       “Joint Committee” means the National Assembly Joint  
15 Committee established in accordance with Section 24;
- 16       “project” means an eligible development project as described in  
17 the Act;
- 18       “sub-project” means a complete unit or part of a project that can  
19 be put to use towards the achievement of the project objectives;

	1	“youth” means a person who has attained the age of eighteen years
	2	but has not attained the age of thirty-five years.
Object and purpose of the Act.	3	<b>3.</b> The provisions of this Act shall apply, as more specifically
	4	provided for in the Act, and shall ensure that specific portion of the
	5	Federal annual budget is devoted to the constituencies for the purposes
	6	of infrastructural development, wealth creation and the fight against
	7	poverty at the constituency level.
	8	<b>PART II — ESTABLISHMENT OF THE CONSTITUENCIES DEVELOPMENT FUND</b>
Establishment of the Fund.	9	<b>4.—(1)</b> There is established a Fund to be known as the
	10	Constituencies Development Fund which shall:
	11	(a) be a national Fund consisting of moneys of an amount of not
	12	less than 2.5% (two and half per centum) of all the Federal
	13	Government ordinary budget in every financial year;
	14	(b) comprise of any moneys accruing to or received by the
	15	Department from any other source;
	16	(c) disbursed by the Federal Government to the Department for
	17	even development and provision of rural infrastructure in the manner
	18	provided by this Act;
	19	(d) administered by the Department of Rural Development in the
	20	Federal Ministry of Agriculture and Rural Development:
	21	Provided that 1.5% (one and half per centum) and 1 % (one
	22	per centum) of the total revenue accruing to the Department under
	23	this Act shall be allocated for developmental projects at all
	24	Federal Constituencies and Senatorial Districts in the Federation
	25	respectively.
Functions of the Department under the Act.	26	<b>5.—(1)</b> The functions of the Department under this Act shall be
	27	to:
	28	( a) ensure timely and efficient management of the Fund;
	29	(b) receive and discuss list of proposed projects from the
	30	constituencies;
	31	(c) ensure the execution of approved projects to completion;

1 (d) ensure the compilation of proper records, returns and reports  
2 from the constituencies;

3 (e) receive and address complaints and disputes or where  
4 necessary, refer such complaints to the appropriate government  
5 body or the National Assembly for investigation and resolution;

6 (f) consider projects proposals submitted from various  
7 constituencies in accordance with the Act, approve for funding those  
8 projects that are consistent with the Act and disburse funds for the  
9 execution of the said projects;

10 (g) perform such other duties as the National Assembly may  
11 deem necessary from time to time for the proper management of  
12 the Fund.

13 (2) Where issues of policy arise in the course functions, the  
14 Department shall refer the government body of the performance of its  
15 same to the appropriate.

16 6.—(1) Each and every disbursement from the Fund shall be  
17 approved and recorded by the Department.

Disbursement  
from the  
Fund.

18 (2) All expenditure from the Fund shall be for specific projects  
19 as submitted by the constituencies in accordance with the procedures  
20 outlined in this Act.

21 (3) The record of the amounts received for each constituency  
22 and the record of expenditure of amounts so received shall be kept by  
23 the Department and submitted to the National Assembly within thirty  
24 days after the close of the relevant financial year.

25 (4) The President, with the concurrence of the National Assembly,  
26 shall for each financial year allocate funds to each constituency in  
27 accordance with the provisions of this Act.

28 (5) Once funds are allocated for a particular project, they shall  
29 remain allocated for that project and may be only be re-allocated for  
30 any other purpose during the financial year without the approval of the  
31 National Assembly.

Funds to be retained in the Fund.	1	7.—(1) All receipts, savings and accruals to the Fund and the
	2	balance of the Fund at the end of each financial year shall be retained
	3	by the Fund and applied in accordance with the provisions of this Act.
	4	(2) All funds allocated for projects in a particular constituency
	5	shall be cumulative and shall be carried forward from one financial
	6	year to the next, including funds which are not utilized for whatever
	7	reasons.
	8	PART III — SUBMISSION OF CONSTITUENCY PROJECTS PROPOSALS
Submission of list of projects.	9	8. The list of proposed constituency based projects to be covered
	10	under this Act shall be submitted by the chairman of the Constituency
	11	Development Project Advisory Committee for that Constituency to
	12	the Department after approval by the Constituency Development
	13	Project Advisory Committee for that Constituency.
Department to receive list of constituency projects.	14	9. The Department shall receive and compile the list of proposed
	15	constituency projects submitted to it under this Act and submit same to
	16	the National Assembly for approval.
Period of submission.	17	10. The list of proposed constituency projects shall be submitted
	18	to the Department before the end of the month of June each year or
	19	such other month as may be determined by the National Assembly in
	20	order to ensure timely inclusion of the projects in the annual government
	21	budget of a particular financial year.
Failure to submit list to the Department.	22	11. Where the chairman of the Committee fails to submit the list
	23	of constituency based projects to the Department within the stipulated
	24	time in this Act, the list shall be deemed to have been submitted to the
	25	Department upon lapse of the stipulated time.
Proposed projects and cost estimates.	26	12. The Department shall list all projects proposed for every
	27	constituency in the form together with the cost estimates, amounts
	28	allocated and amounts available for such projects.
List of projects to be reviewed.	29	13. The list of projects received by the Department shall be tabled
	30	for review at the meeting of the Department.

1	<b>14.</b> The Department shall scrutinize and grant interim approval	Approval of proposed projects.
2	for execution of suggested project proposals that are consistent with	
3	the Act pending the final approval by the National Assembly.	
4	<b>15.</b> Where the Department does not approve a proposal submitted	Failure to approve a project.
5	to it under section 13, it shall refer the matter to the Constituency	
6	Development Project Advisory Committee for that constituency giving	
7	reasons as to why it has declined the proposal.	
8	<b>16.—(1)</b> The budget ceiling for each constituency shall be	Basis of budget ceiling.
9	determined in accordance with the basis for allocating resources among	
10	States as approved by the National Assembly on the advice of the	
11	Revenue Mobilization and Allocation Commission pursuant to Section	
12	162 of the Constitution.	
13	(2) Further to sub-section (1), the budget ceiling for each	Proposed projects to comply with the Act and budget ceiling.
14	constituency shall be determined by the President subject to the approval	
15	of the National Assembly.	
16	(3) The chairman of the Joint Committee of the National Assembly	
17	shall table in plenary for deliberation, a schedule showing the ceiling	
18	for each constituency, which shall be determined in accordance with	
19	section 16.	
20	<b>17.—(1)</b> The types of projects submitted for funding under this	Proposed projects to comply with the Act and budget ceiling.
21	Act shall comply with the provisions of this Act.	
22	(2) It shall be the responsibility of the Constituency Development	
23	Project Advisory Committee for each constituency to ensure that the	
24	list of projects submitted for funding complies with the provision of	
25	the Act, and their total cost does not exceed the allowable ceiling for	
26	the particular constituency or is not below that ceiling.	
27	(3) If the list of projects submitted for funding is in contravention	
28	of subsection (2), the same shall be referred back to the Constituency	
29	Development Project Advisory Committee for that constituency for	
30	amendment and re-submission.	
31	(4) Whenever the amount for projects in a constituency is less	

1 than the allowable ceiling for reasons of projects being deleted in  
2 accordance with subsection (3), or for whatever reason, the shortfall  
3 shall be indicated as unallocated amount against that particular  
4 constituency on the list forwarded to the Secretary.

5 PART IV — TYPES OF PROJECTS

Projects to  
be  
community  
based.

6 **18.—**(1) Projects under this Act shall be community based in  
7 order to ensure that the prospective benefits are available to a  
8 widespread cross-section of the inhabitants of a particular area.

9 (2) Any funding under this Act shall be for a complete project or  
10 a defined phase of a project and may include the acquisition of land  
11 and buildings.

12 (3) All projects shall be projects as defined under this Act and may  
13 include costs related to studies, planning and design or other technical  
14 input for the project but shall not include recurrent costs of a facility.

15 (4) Funds provided under this Act shall not be used for the purpose  
16 of supporting political bodies or political activities or for supporting  
17 religious bodies or religious activities.

18 (5) Notwithstanding the provisions of subsection (4), the  
19 Committee may identify a religious body or organization as an  
20 appropriate specialized agency for purposes of this Act with regard to  
21 emergency support.

22 (6) A Committee office project shall be considered as a  
23 development project for purposes of the Act and may include  
24 appropriate furniture and equipment for the office.

25 (7) Notwithstanding the provision of subsection (3), up to a  
26 maximum of six per centum of the total annual allocation for the  
27 constituency may be used for administration, recurrent expenses of  
28 vehicles, equipment and machinery and such use shall be listed in the  
29 manner prescribed by this Act.

30 (8) Projects may include the acquisition of vehicles, machinery  
31 and other equipment for the constituency.

1 (9) Sports activities shall be considered as development projects  
 2 for purposes of this Act but shall exclude cash awards provided that  
 3 the allocation to such activities does not exceed two per centum of the  
 4 total allocation of the constituency in that financial year.

5 (10) Monitoring and evaluation of ongoing projects and capacity  
 6 building of various operatives may be considered as a development  
 7 project provided that not more than three per centum shall be allocated  
 8 for this purpose.

9 (11) Environmental activities may be considered as development  
 10 projects for purposes of this Act provided that the allocation to such  
 11 activities does not exceed two per centum of the total allocation of the  
 12 constituency in that financial year.

13 **19.**—(1) The number of projects to be included in the constituency  
 14 projects submission form shall be a minimum of five and a maximum  
 15 of twenty for every constituency in each financial year.

Number of  
 projects.

16 (2) A joint project may be constructed for the benefit of two or  
 17 more of the members constituencies subject to the approval of the  
 18 National Assembly in those constituencies.

19 **20.**—(1) There shall be a Constituency Development Project  
 20 Advisory Committee for every Senatorial District and Federal  
 21 Constituency in the Federation.

Composition  
 of  
 Constituency  
 Development  
 Project  
 Advisory  
 Committee.

22 (2) Each Committee shall comprise:

23 (a) one person from the constituency or senatorial district as  
 24 may be designated by the senator or member of the House of  
 25 Representatives for that senatorial district and Federal constituency  
 26 respectively;

27 (b) two men from each Local Government Area in the case of a  
 28 Federal constituency and two in the case of a senatorial district and  
 29 one of whom shall be a youth at the date of the appointment;

30 (c) two women from each Local Government Area in the case  
 31 of a Federal constituency and two in the case of a senatorial district

1 and one of whom shall be a youth at the date of the appointment;

2 (d) at least one person with disability as a member;

3 (e) one person nominated from among the active non-  
4 governmental organizations in the constituency;

5 Provided that the number of the members of the committee  
6 shall not exceed fifteen in the case of a Federal constituency and  
7 thirty in the case of a senatorial district.

8 (3) The persons referred to in subsection (2) (b), (c), (d), and (e)  
9 shall be nominated through the following procedure:

10 (a) within thirty days of being sworn in, each Member of the  
11 National Assembly for a particular Federal constituency or senatorial  
12 district shall convene open public meetings of registered voters in  
13 each of the Local Governments in the Federal constituency or  
14 senatorial district;

15 (b) each Local Government shall then elect six persons in  
16 accordance with subsection (2) (a), (b), (c), (d) and (e) which shall  
17 be forwarded to the member of the House of Representatives or the  
18 senator for the district for appointment into the committee for that  
19 Federal constituency or senatorial district;

20 (c) elections into the committee shall take into account the  
21 geographical diversity within the constituency, communal, religious,  
22 social and cultural interests in the constituency and the requirements  
23 of gender, youth and representation of persons with disabilities;

24 (d) the persons elected under this section shall elect from among  
25 themselves one person to be the chairman and another person to be  
26 the secretary of the Constituency Development Project Advisory  
27 Committee for that constituency;

28 (e) upon conclusion of the election of the chairman and secretary  
29 in the manner stipulated in paragraph (d), the member of the House  
30 of Representatives or the senator shall forward the names of the  
31 members of the Constituency Development Project Advisory

1 Committee for his constituency to the Secretary for publication in  
2 the gazette;

3 (f) the member of the National Assembly for the Federal  
4 constituency or senatorial district shall be an *ex-officio* member of  
5 the committee.

6 (4) (a) The secretary shall cause the names of persons appointed  
7 as members of the committee pursuant to subsection (3) to be published  
8 in the Federal Government Gazette.

9 (b) The first meeting of the committee shall be convened within  
10 the first sixty days of the inauguration of a new session of the National  
11 Assembly or a by-election, on such day as may be designated by the  
12 Member of the National Assembly representing that constituency.

13 (c) The committee shall, within the first year of a new session of  
14 the National Assembly and at least once every year thereafter, convene  
15 open forum public meetings in the constituency to deliberate on the  
16 developmental matters in the constituency.

17 (d) Each constituency shall come up with a list of priority projects  
18 to be submitted to the Department for consideration and execution.

19 (e) The quorum for the committee shall be one half of the total  
20 membership.

21 (5) The term of office of the members of the committee shall be  
22 four years but may be renewable and shall come to an end upon the  
23 election of a new member of National Assembly for that Federal  
24 constituency or senatorial district for that constituency.

25 (f) The chairman of the committee shall be the custodian of all  
26 records and equipment of the constituency during transitions occasioned  
27 by general elections or by-election.

28 (g) Whenever a vacancy occurs in the committee by reason of  
29 resignation, incapacitation or demise of a member, then the vacancy  
30 shall be filled from the same category of persons where the vacancy  
31 has occurred.

1           (h) The committee shall meet at least six times in a year and not  
2 more than twenty-four times in every financial year including sub-  
3 committee meetings.

Removal of  
member of  
the  
Committee.

4           **21.**—(1) A member of the committee may be removed on anyone  
5 or more of the following grounds:

6           (a) lack of integrity;

7           (b) gross misconduct;

8           (c) embezzlement of public funds;

9           (d) bringing the image of the committee to disrepute through  
10 unbecoming personal public conduct;

11          (e) promoting unethical practices;

12          (f) causing disharmony within the committee;

13          (g) physical or mental infirmity.

14          (2) A decision to remove a member under subsection (1) shall  
15 be made through a resolution of at least five members of the committee  
16 and the member sought to be removed shall be given a fair hearing  
17 before the resolution is made.

18          (3) A vacancy arising as a result to the removal of a member  
19 under subsection (1) shall be filled in the manner set out in subsection  
20 (8) and minutes of the meeting shall indicate the fact of the removal of  
21 or appointment of a member.

Cost  
estimate to  
be realistic.

22          **22.**—(1) The committee may make appropriate consultations with  
23 the relevant government departments to ensure that cost estimates for  
24 the projects are as realistic as possible.

25          (2) The committee shall rank the projects in order of priority and  
26 whenever, in the opinion of the Department, the total cost of the projects  
27 listed exceed the ceiling for a particular constituency, then the order  
28 in which they are listed shall be taken as the order of priority for  
29 purposes of allocation of funds, provided that on-going projects shall  
30 take precedence over all other projects.



1 with respect to the quantum of funds repayable into the Fund in  
2 accordance with the provisions of this Act.

3 (c) to oversee the policy framework and legislative matters that  
4 may arise in relation to the Fund;

5 (d) to continually review the framework set out for the efficient  
6 delivery of development program financed through the Fund;

7 (e) to carry out any other functions relevant to the work of the  
8 Fund.

Constituency  
offices.

9 **26.—**(1) The Department shall provide for each Federal  
10 constituency and senatorial district, a permanent and befitting  
11 constituency office and furniture from the initial funds allocated for  
12 development program in that constituency.

13 (2) The budget for every Federal constituency and senatorial  
14 district office shall be equal.

15 (3) The constituency office provided in accordance with this  
16 section shall be permanent and shall be used by successive members  
17 of the National Assembly elected for the Federal constituency and  
18 senatorial district.

Quarterly  
reports on  
projects and  
disbursements.

19 **27.** The Department shall, on a quarterly basis, submit a report  
20 to the Joint Committee detailing:

21 (a) a summary of the project proposals received from the  
22 constituencies in the preceding month and indicating the approval  
23 status of each project;

24 (b) a summary of the status of expenditure of funds for the  
25 execution of projects in the constituencies for the preceding month;  
26 and

27 (c) a summary of the status of expenditure from the Federal  
28 treasury to the Fund's account.

Department  
to ensure  
implementation  
of projects.

29 **28.** The Department shall ensure that the list of projects forwarded  
30 to it by each constituency is, upon approval, funded in accordance  
31 with the Act.

## 1 PART VI -- IMPLEMENTATION OF PROJECTS

2 **29.**—(1) Projects under this Act shall be implemented by the Department in each case, with the assistance of the relevant department of Government and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations for the time being in force.

Projects to  
be executed  
to  
completion.

7 (2) Where a project in a constituency involves the purchase of equipment, such equipment shall remain for the exclusive use of that constituency.

10 (3) The Constituency Development Project Advisory Committee and the Joint Committee shall be responsible for monitoring the implementation of projects and may designate to a sub-committee, a ward committee or a project committee, the functions of monitoring on-going projects and shall submit a report on the on-going projects to as provided in this act.

16 (4) All fixed and movable assets, including equipment bought under this Act for use by the committee shall be the property of the constituency to be insured in the name of the constituency.

19 (5) No asset or equipment acquired under this section shall be disposed of without the prior approval of the Department.

21 (6) Any proceeds that may accrue from the disposal of any assets acquired pursuant to subsection (5) shall be credited to the account of the constituency from whose funds the asset was acquired and such funds shall be reflected and declared as part of the following year's constituency fund for that constituency.

26 **30.** All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement Act.

Procurement  
of services  
and works.

29 **31.** All funds received under this Act shall be audited and reported upon by the Auditor-General of the Federation.

Audit.



1           **36.** Any person who misappropriates any funds or assets from   Offences  
2 the fund , or assists or causes any person to misappropriate or apply   and  
3 the funds otherwise than in the manner provided in this Act, shall be   penalties.  
4 guilty of an offence and shall, upon conviction, be liable to imprisonment  
5 for a term not less than five years without an option of fine.

6           **37.—(1)** All complaints and disputes by persons arising due to   Dispute  
7 the administration of this Act shall be forwarded to the Department in   resolution.  
8 the first instance.

9           (2) Complaints of a criminal nature shall be forwarded by the  
10 Department to the relevant government agencies with the prosecutorial  
11 powers.

12           (3) Disputes of a civil nature shall be referred to the Department  
13 in the first instance and where necessary an arbitration panel whose  
14 costs shall be borne by the parties to the dispute, shall be appointed by  
15 consensus of parties to consider and determine the matter before same  
16 is referred to the court.

17           (4) Notwithstanding subsection (3), parties shall be at liberty to  
18 jointly appoint an arbitrator of their choice in the event of a dispute but  
19 where parties fail to jointly agree on an arbitrator, the Secretary may  
20 appoint an arbitrator whose cost shall be jointly borne by the parties.

21           (5) Subject to the provisions of this Act, no person in the management  
22 of the Fund shall be held personally liable for any lawful action taken in his  
23 official capacity or for any disputes against the Fund.

#### EXPLANATORY MEMORANDUM

This Bill seeks to introduce a regime that will streamline the management and implementation of Constituencies Development Fund in the whole Federation, by entrusting the execution of such projects in the hands of the Rural Development Department while the decisions on the projects to be implemented remain with the various constituencies through the Constituency Development Project Advisory Committees set up for each Federal constituency and senatorial district.