

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL POVERTY ALLEVIATION AND
ERADICATION COMMISSION OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Abdulrahman Shuaibu Abubakar

[] Commencement

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

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- 1.-(1) There is hereby established a body to be known as the

National Poverty Alleviation and Eradication Commission of Nigeria (in

this act referred to as the Commission) which shall be a body corporate with

perpetual succession and a common seal and may sue and be sued in its

corporate name.

(2) There is established for the Commission a governing board

which shall be responsible for the running of the affairs of the Commission.

(3) The Commission's head office shall be at any place designated

as the Federal Capital Territory and it may establish offices in all the states of

the federation.

(4) The governing board shall consist of:

(a) Chairman;

(b) A representative of each of the Ministries responsible for:

(i) Agriculture and Rural Development;

(ii) Education;

(iii) Employment, Labour and Productivity;

(iv) Women Affairs and Youth Development;

(v) Health;

(vi) Works and Housing;

(vii) Environment;

(viii) Solid Minerals Development;
- Establishment of

the National

Poverty Alleviation

and Eradication

Commission of

Nigeria

Establishment of

the Governing

Board

Composition of

the Governing

Board

	1	(ix) Science and Technology;
	2	(x) Finance.
	3	(c) One representative each from the six geo-political zones of the
	4	Federation to be appointed in rotation from each State of the geo-political
	5	zones; and
	6	(d) The Director General.
	7	(2) Members of the board shall be appointed by the President and they
	8	shall be persons with proven integrity and relevant experience in management.
Schedule	9	(3) The supplementary provision set out in the schedule to this act
	10	shall have effect with respect the proceedings of the board and the other matters
	11	contain therein.
Tenure of office etc.	12	2. The Chairman and other member of the board, other than ex-officio
	13	members:
	14	(a) Shall hold office for a period of four (4) years on such terms and
	15	conditions as contained in their letters of appointment; and
	16	(b) May be re-appointed for one further period of four (4) years and no
	17	more.
Removal from office etc.	18	3.-(1)Notwithstanding the provisions of section 2 of this act, a
	19	member may at any time be removed from office by the President of the
	20	Federal Republic of Nigeria for inability to discharge the functions of his office
	21	(weather arising from infirmity of mind or body or any other cause) or for
	22	misconduct.
	23	(2) A member of the board may resign his appointment by a notice in
	24	writing under his hand, addressed to the president, and that member shall, on
	25	the date of the receipt by the President of the Federal Republic of Nigeria cease
	26	to be a member of the board.
Cessation from office	27	4.-(1) Notwithstanding the provisions of section 3 of this Act, a
	28	person shall cease to hold office as a member of the board if:
	29	(a) He becomes bankrupt;

1 (b) He is convicted of a felony or any offence involving dishonesty
2 or fraud;

3 (c) He becomes of unsound mind, or incapable of carrying out his
4 duties;

5 (d) He is guilty of a serious misconduct in relation to his duties;

6 (e) in the case of a person possessed of a professional
7 qualifications, he is disqualified or suspended from practicing his
8 profession in any part of the world by an order of a competent authority
9 made in of that member; or

10 (f) He resigns his appointment by a letter addressed to the
11 President.

12 (2) If a member of the Board ceases to hold office for any reason
13 whatsoever, before the expiration of the term for which he is appointed,
14 another person representing the same interest as that member shall be
15 appointed to the board for that unexpired term.

16 (3) A member of the board may be removed by the Minister, on the
17 recommendation of the board, if he is satisfied that it is not in the interest of
18 the Board or in the interest of the public that the member continues to hold
19 office.

20 **5.** A member of the board shall be paid such emoluments, Emoluments, etc.
21 allowances and benefit as the President of the Federal Republic of Nigeria,
22 may from time to time approve.

23 **6.** The functions of the commission shall be: Functions

24 (a) To focus on the provision of strategies for the eradication of
25 absolute poverty in Nigeria and to coordinate and monitor all the poverty-
26 reduction related activities of all the relevant Ministries, Parastatals and
27 Agencies to ensure that the wide range of activities are centrally planned,
28 coordinated and complement one another so that the objectives of policy
29 continuity and sustainability are achieved;

30 (b) To ensure the economic and empowered independence of all

1 Nigerians through being employable, self-employment and better sustainable
2 family livelihood and to provide support in form of grant to skills acquisition
3 and Training, and to fund agencies or programmes of government geared
4 towards Skills Acquisition and Development, Poverty Alleviation, and
5 employment generation;

6 (c) To coordinate, monitor and oversee poverty eradication by various
7 organizations operating in Nigeria;

8 (d) Define the enabling policy options required in order to implement
9 a national poverty eradication programme;

10 (e) Develop strategies and sectoral policies and assist the key sector
11 ministries responsible for basic economic and social services to define and
12 implement their own poverty reduction targets;

13 (f) Conduct strategic discussions with plan partners and
14 implementing national agencies;

15 (g) Conduct and finance a national public relations and media
16 campaign against poverty;

17 (h) Finance and direct poverty reduction actions in the rural and urban
18 areas and the selection of priority geographical and sector targets for poverty
19 reduction;

20 (i) Encourage citizens, communities, voluntary organizations and the
21 business community to mobilize resources against poverty;

22 (j) Mobilize financial resources and manage the financing of direct
23 poverty reduction action in the rural and urban areas in consultation with states;

24 (k) Undertake demonstration poverty reduction operations in various
25 states and set standards on poverty reduction dissemination within government
26 ministries and other national agencies;

27 (l) Initiate poverty forum at national, state and local government
28 levels to monitor plan implementation and promote coordination;

29 (m) To perform such other functions as may be necessary to
30 effectively and efficiently carry out the provisions of this Act.

1 7. The board of the Commission shall have powers to:

2 (a) Approve the annual budget of the commission;

3 (b) Approve payment to persons employed by the Commission

4 such remuneration (including allowances) as it may determine after

5 consultation with appropriate bodies;

6 (c) Ensure that the fund of the Commission shall be managed in

7 accordance with extant;

8 (d) Strategize and formulate policies for poverty alleviation and

9 eradication and ensure the commission fulfils it's made in line with the

10 provisions of this Act;

11 (e) Do such other things that may be necessary and expedient for

12 the full discharge of any of the functions conferred on the Institute under this

13 Act.

14 8. The Commission shall have service and operational Structure

15 departments as may be determined from time to time by the President.

16 9.-(1) There shall be appointed for the Commission, a Director Appointment of

17 General who shall, subject to the general direction and supervision of the Director-General

18 Board:

19 (a) Be the Chief Executive and accounting officer of the

20 Commission;

21 (b) Be a degree holder with not less than fifteen years cognate

22 experience with matters relating to poverty alleviation, eradication and

23 human capital development;

24 (c) Be responsible for the execution of the policies of the

25 Commission and the day-to-day administration of the affairs of the

26 Commission; and

27 (d) Perform such other duties as the Board may, from time to time

28 direct.

29 (2). The Director General shall hold office:

30 (a) For a term of 4 years in the first instance and may be reappointed

1 for a further term of 4 years and no more; and

2 (b) On such terms and conditions as may be specified in his letter of
3 appointment.

4 **10.** There shall be for the Board, a Secretary who shall:

5 (a) Keep the books and records and conduct the correspondence of the
6 Board;

7 (b) Make arrangement for the meetings of the Board; and

8 (c) Carry out such other duties as the Board or the Director General
9 may, from time-to-time, direct.

10 (2) The Commission shall have the power to appoint either directly or
11 on secondment from any Public Service of the Federation or otherwise
12 howsoever, such number of staff and other employees as it may, from time-to-
13 time, deem necessary to assist the Commission in the discharge of any of its
14 functions under this Act.

15 (3) The terms and conditions of service (including remuneration,
16 allowances, benefits and pensions) of staff and employees of the Commission
17 shall be as determined by the Commission after consultation with the Federal
18 Civil Service Commission.

Other staff of
the Commission

19 **11.** The board shall appoint for the Commission, such officers and
20 other employees as it may from time to time deem necessary for the purposes of
21 the Commission

Pension reform
Act 2004, No.2

22 **12.** It is hereby declared that service in the Commission shall be
23 approve service for the purpose of the Pensions Reform Act 2004 and
24 accordingly employees of the Commission shall be entitled to pension and
25 other retirement benefits.

Funds

26 **13.** The Commission shall establish and maintain a fund to which all
27 monies accruing to it shall be paid into or from which shall be defrayed all
28 expenditure incurred by the Commission.

Financial
Provision

29 **14.-(1)** The funds of the Commission shall consist of:

30 (a) The initial take off grant of the Commission;

1 (b)All monies as may be appropriated by the Federal Government
2 for the Commission;

3 (c)All such other monies as shall be received from states, local
4 governments, corporate bodies and individuals;

5 (d) Sums accruing to the Commission by way of donations,
6 testamentary, gifts, grants and endowment or otherwise;

7 (e) Loans and grants-in-aid from national, bilateral and
8 multilateral agencies;

9 (f) Rents, fees and internally generated revenue from services
10 provided by the commission;

11 (g)All other sum accruing the Commission from time to time.

12 **15.** The Commission may from time to time borrow such sums it Power to borrow
13 may require in the execution of its functions under this act;

14 **16.-(1)**The Commission may accept gifts of land, money or other Gifts
15 property on such terms and conditions, if any, as may be prescribed by the
16 person or organization making the gift.

17 (2) The Commission shall not accept any gifts if the conditions
18 attached are inconsistent with the objectives of the Commission

19 **17.** The Commission may subject to the Land Use Act acquire any Power to acquire
land
20 land for the purpose of discharging its functions.

21 **18.** The Commission shall prepare and submit to the National Annual estimate
22 Assembly through the minister not later than 30th September of each year,
23 an estimate of its expenditure and income during the next succeeding year.

24 **19.** The Commission shall: Accounts

25 (a) Cause to be kept proper accounts and records of the transactions
26 of the Commission;

27 (b) Maintain effective control over its assets and liabilities incurred
28 in the discharge of its functions.

29 (c) Prepare in respect of each financial year a statement of account
30 in such form as the Auditor-General may direct.

Audit 1 **20.-(1)** The Commission shall cause the accounts to be audited not
2 later audit than six months after the end of each year by the Auditor General of
3 the Federation.

4 (2) The Auditor-General or any officer authorized by him is entitled at
5 all reasonable time to full and free access to all accounts, records, documents
6 and paper of the commission relating directly or indirectly to the receipt or
7 payment of money by the Commission or to the acquisition, receipt, custody or
8 disposal of assets by the Commission.

Annual report 9 **21.** The Commission shall submit to the President not later than 30th
10 June of each financial year, a report of its activities during the preceding year
11 and it shall include in such report a copy of the audited accounts of the
12 Commission for that year and a copy of the auditor's report on it.

13- *Miscellaneous Provisions*

Limitation of suits
against the
Commission etc.
Cap. P41 LFN,
2004 14 **22.-(1)** The provisions of the Public Officers Protection Act shall
15 apply in respect of any suit instituted against any officer or employee of the
16 Commission.

17 (2) No suit shall be instituted against any member of the Commission,
18 the Director General, officer or employee of the Commission before the
19 expiration of a period of one month after written notice of intention to
20 commence the suit shall have been served upon the Commission by the
21 intending plaintiff or his agent.

22 (3) The notice referred to in subsection (2) of this section, shall state
23 the cause of action, the particulars of claim, the name and place of abode of the
24 intending plaintiff and the relief sought by him.

Service of
document 25 **23.-(1)** A notice, summons or other documents required or authorized
26 to be served upon the Commission under the provisions of this act, or any other
27 law enactment may be served by delivering it to the Director General at the
28 principal office of the Commission.

Restriction of
execution against
property of the
Commission 29 (2) In any action or suit, no execution or attachment of process shall
30 be issued against the Commission without the consent of the Attorney General

1 of the Federation.

2 **24.** Any sum of money which may by judgment of any court be by
3 the court where notice of appeal of the said judgment has been given, be paid
4 from the general reserve of the Commission.

5 **25.** A member of the Commission, the Director General, any
6 officer or employee of the commission shall be indemnified out of the assets
7 of the Commission against any proceeding whether civil or criminal, in
8 which judgment is given in his favour or in which he is acquired, if any such
9 proceedings is brought against him in his capacity as a member of the
10 Commission, the Director General, officer or employees of the
11 Commission.

Indemnity of
Officers

12 **26.-(1)** On the commencement of this Act, the National Poverty
13 Eradication Programme (in this section referred to as "the Programme")
14 shall cease to exist.

Dissolution of
the National
Poverty Eradication
programme

15 (2) Accordingly, the Programme is hereby dissolved and the assets
16 and liabilities of the Programme and the other matters connected with the
17 Programme including the staff shall vest in the Commission.

18 (3) The dissolution of the Programme specified in subsections (1)
19 and (2) of this section shall not affect anything done or purported to be done
20 under or pursuant to the this act.

21 **27.-(1)** The Commission may Subject to the approval of the
22 President make regulations generally for the purpose of giving effect to the
23 provisions of this Act.

Regulations

24 **28.** In this act unless the context otherwise requires:

Interpretation

25 "Commission" means the National Poverty Alleviation and Eradication
26 Commission of Nigeria established under Section 1 of this act;

27 "Governing board" means the board established under Section 1 (2) of the
28 act;

29 "President" means the President of the Federal Republic of Nigeria.

Citation 1 **29.** This bill may be cited as the National Poverty Alleviation and
2 Eradication Commission of Nigeria, (Establishment, etc) Bill, 2016.

3 SCHEDULE

4 *Section 1 (6)*

5 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD.

6 *Proceedings of the Board.*

7 **1.-(1)** Subject to this act and section 27 of the interpretation Act, the
8 Commission may make standing orders regulating its proceeding or those of
9 any its Committees.

10 (2) The quorum of the commission shall be five members and the
11 quorum of any Committee of the Commission shall be determined by the
12 Commission.

13 **2.-(1)** The commission shall meet not less than four times in each year
14 and subject thereto, the Commission shall meet whenever it is summoned by
15 the Chairman; and if the chairman is required to do so by notice given to him by
16 not less than three other members, he shall summon a meeting of the
17 Commission be held within fourteen days from the date on which the notice is
18 given.

19 (2) At any meeting of the Commission, the Chairman shall preside but
20 if he is absent, the members present at the meeting shall appoint one of their
21 members to preside at that meeting.

22 (3) Where the Commission desires to obtain the advice of any person
23 on a particular matter, the Commission may co-opt such a person for a period as
24 it thinks fit; but a person who is attendance by virtue of this sub-paragraph shall
25 not count towards a quorum.

26 **3.-(1)** The Commission may appoint one or more Committees to carry
27 out, on behalf of the Commission, such of its functions as the Commission may
28 determine.

29 (2) A Committee appointed under this paragraph shall consist of such
30 member of persons (not necessarily members of the Commission) as may be

1 determined by the Commission and shall not hold office on the Committee
2 in accordance with the terms of his appointment.

3 (3) A decision of a Committee of the Commission shall be of no
4 effect until it is confirmed by the Commission.

5 *Miscellaneous*

6 4.-(1) The fixing of the seal of the Commission shall be
7 authenticated by the signature of the Chairman, the Director General, or of
8 any other person authorized generally or specifically to act for that purpose
9 by the Commission.

10 (2) Any contract or instruction which, if made or executed by a
11 person not being a body corporate, would not require to be under seal may be
12 made or executed on behalf of the Commission by the Chairman, Director
13 General, or any person generally or specially authorized to act for that
14 purpose by the Commission.

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

18 5. The validity of any proceeding of the Commission or of a
19 Committee thereof shall not be adversely affected by any vacancy in the
20 membership of the Commission or Committee, or by any defect in the
21 appointment of a member of the Commission, or of a Committee, or by
22 reason that a person not entitled to do so took part in the proceedings of the
23 Commission or Committee.

EXPLANATORY MEMORANDUM

The bill seeks to establish the National Poverty Alleviation and Eradication Commission for the purposes of focusing on the provision of strategies for the eradication of absolute poverty in Nigeria and to coordinate the poverty-reduction related activities of all the relevant Ministries, Parastatals and Agencies to ensure that the wide range of activities are centrally planned, coordinated and complement one another so that the objectives of policy continuity and sustainability are achieved.

The bill also seeks to replace NAPEP with the commission.

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