

PRESIDENTIAL PROGRAMME ON REHABILITATION AND REINTEGRATION

(ESTABLISHMENT AND IMPLEMENTATION) BILL, 2016

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A BILL

FOR

AN ACT TO ESTABLISH THE PRESIDENTIAL PROGRAMME ON REHABILITATION AND REINTEGRATION FOR THE IMPLEMENTATION OF THE PRESIDENTIAL AMNESTY PROGRAMME IN THE NIGER DELTA AREA OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Oluwole Oke

[] Commencement

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

1 PART I - OBJECTIVE

2 1. The objective of this Act is to- Objective

3 (a) provide legal and institutional framework for the
4 implementation and management of the Presidential Amnesty Programme
5 in Nigeria;

6 (b) consolidate the different phases of the programme
7 commencing from the 2009 Presidential Amnesty Proclamation;

8 (c) ensure an orderly completion of the mandate of the programme;

9 and

10 (d) provide an exit date for the programme.

11 PART II - ESTABLISHMENT OF THE PRESIDENTIAL AMNESTY

12 PROGRAMME

13 2.-(1) There is established a body to be known as the Presidential
14 Programme on Rehabilitation and Reintegration (in this Act referred to as
15 "the Programme"). Establishment of
the Programme

16 (2) The Programme shall be a body corporate-

17 (a) with perpetual succession and a common seal;

18 (b) which may sue or be sued in its corporate name; and

19 (c) which may acquire, hold, purchase, mortgage and deal

1 howsoever with property, movable or immovable, real or personal.

Head office of
the Programme 2 3. The Head Office of the Programme shall be in Abuja with field
3 offices in the Frontline States as defined in Schedule I to this Act.

Establishment
of the Programme
Implementation
Committee 4 4.-(1) There is established the National Committee on the Presidential
5 Programme on Rehabilitation and Reintegration (in this Act referred to as "the
6 Committee").

7 (2) The Committee shall be the governing body for the Programme.

Composition of
the Committee 8 5.-(1) The Committee shall consist of the -
9 (a) the Coordinator as Chairman;
10 (b) one representative each of the Frontline States;
11 (c) one representative each of the Stakeholders;
12 (d) three representatives of the Impacted Communities;
13 (e) three persons to represent the following Security Organisations-
14 (i) the Army who shall not be below the rank of a Lieutenant Colonel,
15 (ii) the Police who shall not be below the rank of Superintendent of
16 Police, and
17 (iii) the Civil Defence Corp who shall not be below the rank of Deputy
18 Commandant.

19 (f) One representative of the following Ministries and Commission-
20 (i) Niger Delta;
21 (ii) Finance;
22 (iii) Environment;
23 (iv) Petroleum Resources; and
24 (v) Niger Delta Development Commission (NDDC).

25 (2) Members referred to in subsection (1) of this section shall be
26 persons versed in areas of resource management, internal security
27 management, environmental management or poverty alleviation programmes
28 management.

29 (3) The Supplementary provisions set out in Schedule II to this Act
30 shall have effect with respect to the proceedings of the Committee and other

1 matters contained therein.

2 **6. The Committee shall carry out the following functions-**

Functions and
powers of the
Committee

3 (a) receive and manage funds from allocation of the Federation
4 Account, budgetary allocations and international donors for the settlement,
5 rehabilitation and reintegration of ex-agitators in the Frontline States;

6 (b) consider and approve policies for the implementation of the
7 Presidential Amnesty Programme (Programme);

8 (c) formulate policies for the attainment of the objectives of the
9 Programme under this Act;

10 (d) ensure the efficient performance of the functions of the
11 Programme;

12 (e) receive and consider for approval the budget, annual report and
13 audited accounts of the Programme;

14 (f) approve staff regulations, rules and operational guidelines; and

15 (g) carry out such other functions as are incidental to the
16 performance of its functions under this Act.

17 **PART III - FUNCTIONS AND POWERS OF THE PROGRAMME**

18 **7. The functions of the Programme are to-**

Functions of the
Programme

19 (a) implement the Presidential Amnesty Programme In the area of
20 disarmament, demobilization, rehabilitation and reintegration;

21 (b) provide baseline information to stakeholders for the
22 implementation of the Programme;

23 (c) formulate strategies and action plans for the implementation of
24 the programme, deployment of delegates for education, vocational skill
25 acquisition and empowerment;

26 (d) coordinate efforts of relevant agencies, organization and
27 institutions towards the attainment of the objectives of the Programme, job
28 placement, internship and sustainable reintegration;

29 (e) build capacity, knowledge and skills at Federal, States and local
30 community levels for the effective implementation of the Programme;

1 (f) serve as the focal point for the coordination of interventions by
2 regional, sub-regional and international organizations, Academic institutions
3 and agencies involved in the implementation of the Programme;

4 (g) ensure compliance with the provisions of International
5 Conventions, Protocols, Agreements and Treaties pertaining to the Programme
6 as may be ratified and domesticated by Nigeria;

7 (h) monitor and ensure compliance with laws, rules and regulations
8 on sustainable management of the Programme in consultation with the
9 Frontline States;

10 (i) ensure uniformity of laws, rules and regulations that impact on the
11 Presidential Amnesty Programme in Nigeria;

12 (j) ensure that projects funded by donor agencies to mitigate or
13 eradicate effects of violence, are properly implemented towards the
14 sustainable restoration of peace and security to the Frontline States and ensure
15 economic sustainability to the country;

16 (k) enter into scientific and technical cooperation with persons and
17 institutions, for the effective implementation of the Programme;

18 (l) implement programmes geared towards the rehabilitation of
19 beneficiaries, engage the services of offshore and Nigerian institutions in the
20 pursuit of the educational needs of ex-agitators;

21 (m) Establish appropriate machinery for monitoring and evaluation
22 of the Programme and put in place appropriate feedback mechanisms for
23 necessary action of implementing institutions and stakeholders;

24 (n) establish data bank for effective delivery of the Programme,
25 maintain stipends payroll and exit lists from the payment of stipends;

26 (o) create public awareness and provide education on the goals and
27 objectives of the Programme in addition to promoting private sector and
28 stakeholders compliance with guidelines, rules and regulations including new
29 orientation on sustainable reintegration; and

30 (p) do any other thing as are expedient for the realization of the

1 functions of the Programme under this Act

2 8.-(1) The Programme shall have powers to-

Powers of the
Programme

3 (a) receive and disburse funds for the carrying out of approved
4 projects;

5 (b) provide guidelines, procedure and strategies for
6 demobilization, disarmament, rehabilitation and reintegration of ex-
7 agitators subject to the approval of the Committee;

8 (c) acquire, hold and manage movable and immovable property;

9 (d) enter into such contracts as may be contained in approved
10 Programmes;

11 (e) purchase or acquire any asset or business considered necessary
12 for the proper conduct of its functions under this Act; and

13 (f) sell, let, lease or dispose of any of the property of the
14 Programme with the approval of the Committee;

15 (2) The powers conferred on the Programme may be exercised by it
16 or through any of its employees or agents as may be specifically authorized
17 by a written mandate or policy direction.

18 PART IV - STAFF OF THE PROGRAMME

19 9.-(1) There shall be for the Programme, a Coordinator who shall
20 be appointed by the President on the recommendation of the National
21 Security Adviser.

The Coordinator
of the Programme

22 (2) The Coordinator shall be -

23 (a) the Chairman and chief executive and accounting officer of the
24 Programme; and

25 (b) responsible for the execution of the policies, programmes and
26 plans as approved by the Committee; and

27 (c) responsible for the day-to-day administration of the
28 Programme.

29 10.-(1) The Coordinator shall hold office-

30 (a) for a period of four years subject to re-appointment by the

Tenure of office
and remuneration
of the Coordinator

1 President on the recommendation of the National Security Adviser for a further
2 term of four years and no more; and

3 (b) on such other terms and conditions as may be specified in his letter
4 of appointment.

5 (2) The office of the Coordinator shall become vacant where-

6 (a) his term of office expires;

7 (b) he resigns his appointment by a notice in writing under his hand
8 addressed to the President;

9 (c) he dies;

10 (d) he is incapable of performing the functions of his office due to
11 mental or physical illness;

12 (e) has been convicted of a felony or any offence involving
13 dishonesty;

14 (f) he is guilty of gross misconduct relating to his duties; or

15 (g) the President directs his removal where he is satisfied that it is not
16 in the interest of the Programme or the public for the person to continue in
17 office as Coordinator.

Appointment of
the Secretary for
the Committee

18 **11.-(1)** There shall be appointed by the Committee, a Secretary who
19 shall not be a member of the Committee, but shall possess relevant and
20 adequate professional qualifications, with not less than 10 years post-
21 qualification experience.

22 (2) The Secretary shall keep the corporate records of the Programme
23 and perform such other functions and duties as the Coordinator may assign to
24 him, from time to time.

Staff of the
Programme and
their remuneration

25 **12.-(1)** The Committee shall appoint for the Programme, directly or
26 on secondment from any public service in the Federation, such number of
27 employees as may, in the opinion of the Committee, be expedient and
28 necessary for the proper and efficient performance of the functions of the
29 Programme under this Act.

30 (2) A person seconded to the Programme under this section may elect

1 to be transferred to the service of the Programme and any previous service
2 that person may have rendered in the public service shall count as service in
3 the Programme for the purpose of any pension or entitlement under the
4 Pension Reform Act.

5 (3) The National Salaries, Incomes and Wages Commission shall
6 be responsible for determining wages and salaries of employees of the
7 Programme.

8 (4) The Committee shall make rules relating generally to the
9 conditions of service of employees of the Programme, including rules
10 providing for the appointment, promotion, advancement, determination of
11 appointment, and disciplinary control of those employees.

12 (5) Service in the Programme shall be subject to the Pension
13 Reform Act provided that nothing in this section shall exclude the
14 Programme from employing staff on non-pensionable terms and conditions.

15 **13.-(1)** The Programme shall be structured into disarmament,
16 demobilization, rehabilitation and reintegration;

The Structure of
the Programme

17 (2) The Programme shall have powers to establish departments,
18 units and such other administrative outfits as the Programme may deem
19 appropriate with the approval of the Committee from time to time.

20 **14.-(1)** Ex-agitators undergoing the Programme shall be paid
21 monthly stipends as may be approved by the President, from time to time,
22 take care of their basic necessities as part of the demobilization and
23 rehabilitation process.

Payment of
stipends

24 (2) Only Ex - agitators whose names are in the Stipends Roll shall
25 be entitled to receive monthly Stipends or allowances.

26 **PART V - FINANCIAL PROVISIONS**

27 **15.-(1)** The Programme shall establish and maintain a fund ("the
28 Fund") into which monies accruable to the Programme shall be paid and
29 from which all the activities of the Programme shall be funded.

Funds of the
Programme

30 (2) There shall be paid and credited to the Fund -

1 (a) all subventions and annual budgetary allocations appropriated by
2 the Federal Government for the Programme;

3 (b) 5 percent of the Ecological Fund accruable to the Federal
4 Government for the Presidential Amnesty Programme;

5 (c) returns on investments;

6 (d) gifts, loans and grants in - aid from national, bilateral and
7 multilateral organizations, donor International development Agencies,
8 individuals or corporate organizations; and

9 (e) the contribution of Companies operating in the area as part of their
10 Corporate Social Responsibility as may be approved by the President, from
11 time to time.

Power to accept
gifts

12 **16.-(1)** The Programme may accept gifts of land, money or other
13 property on such terms and conditions, if any, as may be specified by the person
14 or organisation making the gift.

15 (2) The Programme shall not accept any gift if the conditions attached
16 by the person or organisation making the gift are inconsistent with the
17 functions of the Programme under this Act.

Power to borrow

18 **17.** The Programme may with the approval of the Committee borrow
19 such sums of money as may be required from time to time to execute or
20 complete any special project of the Programme.

Estimates of the
Programme

21 **18.** The Programme shall not later than 30th September in each
22 financial year submit to the National Assembly through the National Security
23 Adviser, an estimate of income and expenditure of the Programme during the
24 next succeeding year.

Accounts and
audit

25 **19.-(1)** The Programme shall keep proper and regular accounts and
26 other records of monies received and paid by the Programme and of the several
27 purposes for which the monies have been received or paid, and of its assets,
28 credits and liabilities.

29 (2) The Programme shall do all things necessary to ensure that all
30 payments out of its funds and bank accounts are correctly made and properly

1 authorised and that adequate control is maintained over the assets in its
2 custody and over the expenditures incurred by the Programme.

3 (3) The Committee shall cause the accounts of the Programme to
4 be audited quarterly and shall be externally audited once every year.

5 (4) The Auditor-General of the Federation shall-

6 (a) inspect and audit the accounts and records of financial
7 transaction of the Programme;

8 (b) inspect records relating to assets of the Programme; and

9 (c) draw the attention of the National Security Adviser to any
10 irregularity disclosed by the inspection and audit.

11 (5) The Auditor-General may dispense with all or any part of
12 detailed inspection and audit of any account or record referred to of this
13 section.

14 (6) The Auditor-General or an officer authorized by him is entitled
15 at all reasonable time to a full and free access to all accounts, records
16 documents and papers of the Programme relating directly or indirectly to the
17 receipt or payment of money by the Programme or to the acquisition,
18 receipt, custody or disposal of assets by the Programme.

19 (7) As soon as the accounts and the financial statements of the
20 Programme have been audited in accordance with the requirement of this
21 Act, the Committee shall forward a copy of the audited financial statements
22 to the National Security Adviser for onward transmission to the National
23 Assembly, together with any report or observations made by the auditors
24 and the Auditor-General on the statement of accounts.

25 (8) The audited accounts of the Programme and the Auditor-
26 General's report on those accounts shall form part of the Auditor-General's
27 overall annual report to the National Assembly.

28 **20.** The Programme shall submit to the National Security Adviser
29 not later than 30th June of each financial year, a report of its activities during
30 the preceding financial year and it shall include a copy of the audited

1 accounts of the Programme for that year and a copy of auditor's report thereon.

2 PART VI - STATES AND LOCAL GOVERNMENTS IMPLEMENTATION

3 COMMITTEES

Establishment
of States and Local
Governments
Implementation
Committees

4 21.-(1) For the purpose of executing the Programme in the frontline
5 States, such States may establish Implementation Committees or such other
6 similar institutions to carry out any component of the Programme in their
7 respective States.

8 (2) The affected Local Governments in the frontline States may
9 establish Local Government Implementation Committees to carry out any
10 component of the Programme at the Local Government and community levels.

Relationship
between the
Programme,
States and Local
Government
Implementation
Committees

11 22.-(1) The Programme shall maintain effective liaison with the
12 Implementation Committees established in the frontline States and Local
13 Government areas of such States to-

14 (a) ascertain the status of the Programme in the States and Local
15 Government areas concerned;

16 (b) review in conjunction with the States or Local Governments
17 matters connected with or expected to affect the progress of the Programme in
18 the States or Local Government areas; and

19 (c) consider and advice the States and Local Governments areas on
20 the adoption of the best strategies for the realization of objectives of the
21 Programme.

22 (2) The Programme, as considered appropriate, may assist a frontline
23 State or Local Government Implementation Committee in the formulation and
24 preparation of strategic plans for the implementation of any component of the
25 Programme in a State or its Local Government or in their local communities.

26 (3) The Programme may provide information and render advice to
27 Implementation Committees in the frontline States and their Local
28 Government areas or to any person or body, where it considers that, to do so
29 will assist in achieving the efficient implementation of the Programme.

30 (4) The Programme shall provide such technical assistance as may be

1 practicable and also encourage frontline States to provide technical and
2 financial assistance, including training, human capacity development,
3 transfer of any required technology to the local communities in the frontline
4 States for the attainment of the objectives of the Programme.

5 **23.-(1)** For the purpose of monitoring progress in the execution of Progress Report
6 the Programme, the Programme may obtain quarterly reports from the
7 States and Local Government Implementation Committees on the activities
8 and progress made in the implementation of the Programme.

9 (2) The quarterly reports on the progress of implementation of the
10 Programme in the frontline States shall include-

11 (a) the progress of the implementation of the strategic plans;

12 (b) the extent to which the projects set out in the strategic plan are
13 being achieved; and

14 (c) the review of any enforcement mechanism contained in a
15 strategic plan.

16 **24.** The Programme shall put in place appropriate machinery for Monitoring of
Programme
Implementation
in Frontline States
17 the monitoring of the implementation of the Programme in the frontline
18 States and their respective Local Government Areas.

19 **PART VII - MISCELLANEOUS**

20 **25.-(1)** The provisions of the Public Protection Act shall apply in Limitation of
suits against the
Programme
21 relation to any suit instituted against any officer or employee of the
22 Programme.

23 (2) No suit shall be commenced against a member of the
24 Committee, the Coordinator, officer or employee of the Programme before
25 the expiration of a period of sixty days after written notice of intention to
26 commence the suit shall have been served upon the Programme by the
27 intending plaintiff or his counsel.

28 (3) The notice referred to in subsection (2) of this section shall state
29 the cause of action, the particulars of the claims, the name and place of abode
30 of the intending plaintiff and the relief which he claims.

Service of documents 1 **26.** A notice, summons or any other document required or authorized
2 to be served upon the Programme under the provisions of this Act or any other
3 law or enactment may be served by delivering it to the Coordinator at the
4 principal office of the Programme.

Restriction on execution against property of the Programme 5 **27.** No execution or attachment of process shall be issued against the
6 Programme in any action or suit without the consent of the Attorney-General of
7 the Federation

Indemnity of officers 8 **28.** A member of the Committee, the Coordinator and officers of the
9 Programme shall be indemnified against any proceeding, whether civil or
10 criminal, in which judgment is given in his favour, or in which he is acquitted, if
11 any such proceeding is brought against him in his capacity as member of the
12 Committee, the Coordinator, officer or employee of the Programme.

Engagement of consultants and experts 13 **29.** The Coordinator may with the approval of the Committee engage
14 persons with expertise in any area pertaining to the functions of the Programme
15 to assist the Programme otherwise than on the basis of full time employment.

Power to make regulations 16 **30.**-(1) Subject to the approval of the National Security Adviser, the
17 Programme shall have powers to make regulations for the proper
18 implementation of the provision of this Act.

19 (2) Any contravention of the provisions of a regulation made under
20 this section shall be penalized as may be prescribed in the regulation.

Power of National Security Adviser to issue directives to the Programme 21 **31.** The National Security Adviser may issue to the Programme
22 directives of a general or special nature with respect to any of the functions of
23 the Programme under this Act.

Duration of Programme 24 **32.**-(1) The Programme, from the commencement of this Act, shall be
25 for a period of three years subject to extension by the President for a further
26 term of three years by an Order published in the Official Gazette.

27 (2) At the expiration of the Programme subject to any extension by the
28 President pursuant to the provisions of subsection (1) of this section, the
29 Federal Government shall continue to provide training and apprenticeship for
30 anyone who is still in the programme and may charge any Ministry,

1 Department or Agency to conclude existing obligations at the expiration of
2 the Programme.

3 **33.**-(1) Any agreement or arrangement in existence before the
4 commencement of this Act shall continue to have effect subject to such
5 modifications as may be necessary to give effect to the provisions of this
6 Act.

Transition
provisions

7 (2) Any subsidiary legislation in force at the commencement of this
8 Act shall continue to have effect with such modifications as are necessary to
9 give effect to the provisions of this Act.

10 **34.** In this Act-

Interpretation

11 "Programme" means the Presidential Amnesty Programme established
12 under section 2 of this Act;

13 "Committee" means the governing Committee of the Programme
14 established under section 4 of this Act;

15 "Frontline States" means affected States of Nigeria listed under Schedule I
16 to this Act;

17 "function" includes power and duty;

18 "Government" where the context so admits include the Federal, State and
19 Local Governments of the Federation;

20 "Implementation Committees" means the Implementation Committees at
21 State and Local Governments level referred under Part V of this Act;

22 "Member" means a member of the Committee and includes the Chairman
23 and the Coordinator;

24 "President" means the President of the Federal Republic of Nigeria; and

25 "Stakeholders" includes Governments of the affected Niger Delta States,
26 State representatives, traditional institutions, community leaders and
27 leaders of the various ex-militant camps.

28 **35.** This Act may be cited as the Presidential Programme on
29 Rehabilitation and Reintegration (Establishment and Implementation) Bill,
30 2016.

Short title

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SCHEDULE I

LIST OF FRONTLINE STATES

[Section 3]

The "Frontline States" under this Act includes-

- (a) Akwa Ibom State;
- (b) Bayelsa State;
- (c) Cross River State;
- (d) Delta State;
- (e) Edo State;
- (f) Imo State;
- (g) Ondo State; and
- (h) Rivers State;

(2) Notwithstanding the meaning of Frontline States under section 34 of this Act, the President may from time to time by order published in the Gazette alter, add, delete or amend the provisions of this Schedule.

SCHEDULE II

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMITTEE

PROCEEDINGS, ETC

[Section 5 (3)]

Proceedings of the Committee

1.-(1) Subject to provisions of this Act and section 27 of the Interpretation Act, CAP 123 LFN 2004 the Committee may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Committee shall be the Chairman, or the person presiding at the meeting, and six other members of the Committee, three of whom shall be ex-officio members, and the quorum of any committee of the Committee shall be as determined by the Committee.

(3) The Committee 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 six other members, he shall summon a meeting of the Committee to be

1 held within twenty-four days from the date on which the notice is given.

2 (4) Where the Committee desires to obtain the advice of any person
3 on a particular matter, the Committee may co-opt him to the Committee for
4 such period as it deems fit, but a person who is in attendance by virtue of this
5 subparagraph shall not be entitled to vote at any meeting of the Committee
6 and shall not count towards a quorum.

7 *Committees of the Committee*

8 2.-(1) The Committee may appoint one or more committees to
9 carry out, on behalf of the Committee such functions as the Committee may
10 determine.

11 (2) The committee appointed under this paragraph shall consist of
12 such number of persons as may be determined by the Committee and a
13 person shall hold office in the Committee in accordance with the terms of his
14 appointment.

15 (3) A decision of a committee of the Committee shall be of no effect
16 until it is confirmed by the Committee.

17 *The seal of the Programme*

18 3.-(1) The fixing of the seal of the Programme shall be
19 authenticated by the signature of the Coordinator and the Head of the Legal
20 Unit of the Programme

21 (2) Any contract or instrument which, if made or executed by a
22 person not being a body corporate, would not be required to be under seal
23 may be made or executed on behalf of the Programme by the Coordinator or
24 any person generally or specifically authorized by the Committee to act for
25 that purpose.

26 *Miscellaneous*

27 4.-(1) The validity of any proceeding of the Committee or its
28 committees shall not be affected by-

29 (a) any vacancy in the membership of the Committee or its
30 committees;

1 (b) reason that a person not entitled to do so took part in the
2 proceedings; or

3 (c) any defect in the appointment of a member.

4 (2) Any member of the Committee or committee who has a personal
5 interest in any arrangement entered into or proposed to be considered by the
6 Committee or any committee shall-

7 (a) disclose his interest to the Committee or committee; and

8 (b) not vote on any question relating to the arrangement.

9 (3) A resolution of the Committee is valid, even though it is not passed
10 at a meeting of the Committee, if-

11 (a) the notice in writing of the proposed resolution was given to each
12 member; and

13 (b) the resolution is signed or assented to by a simple majority of
14 members of the Committee, including the Coordinator.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but it is
intended to explain its purport).*

This Act seeks to provide a legal and institutional framework for the implementation and management of the Presidential Amnesty Programme in Nigeria.