

A BILL

FOR

AN ACT TO ESTABLISH THE FCT RESETTLEMENT, INTEGRATION AND DEVELOPMENT COMMISSION AND FOR RELATED MATTERS

Sponsored by Hon. Zaphaniah Jisalo

[] Commencement

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

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

Establishment
of the FCT
Resettlement,
Integration and
Development
Commission

4 (2) The Commission—

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

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

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

10 2. The Commission shall consist of—

Establishment of
the Commission

11 (a) Chairman;

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

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

17 (i) Abaji Area Council;

18 (ii) Abuja Area Municipal Council;

19 (iii) Bwari Area Council;

20 (iv) Gwagwalada Area Council

21 (v) Kwali Area Council; and

1 (vi) Kuje Area Council.

2 (d) one person to represent the Agriculture and Rural Development
3 Secretariat of the FCDA;

4 (e) one person to represent the Engineering Department of the FCDA;

5 (f) one person representing the Department of Regional Planning
6 Land and Survey of FCDA

7 (g) The Executive Secretary/Chief Executive Officer shall be the
8 secretary to the Commission.

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

10 (a) be appointed by the Minister.

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

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

Tenure of Office
of Members

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

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

Removal/cessation
from Office

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

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

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

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

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

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

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

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

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

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

Remuneration of
Members

14 6.—(1) The Commission shall—

Functions and
powers of the
Commission, etc.

15 (a) formulate policies and guidelines on the proper Resettlement
16 and Integration of the FCT Aborigines;

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

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

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

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

28 (f) assess and report on any projects being funded or carried out by
29 the Commission, Federal Government, FCT Administration and the Private
30 Sector including non-governmental organizations and ensure that funds

1 released for such projects are properly utilized;

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

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

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

Structure of the
Commission

11 7. There shall be established in the head office of the Commission, the
12 following Departments—

13 (a) the Department of Finance, Administration, and Integration;

14 (b) the Department of Engineering, Re-Settlement and Project
15 Monitoring;

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

17 (d) the Department of Social Services and Research and Information.

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

Establishment
of the Management
Committee

21 8. There shall be for the Commission a Management Committee
22 which shall—

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

27 (b) be responsible to the Commission for the general administration
28 of the Commission.

Staff and other
employees of the
Commission

29 9.—(1) There shall be for the Commission, an Executive
30 Secretary/Chief Executive Officer, and Director of the Departments

1 established in Section 7 of this Act—

2 (a) have such qualification and experience as are appropriate for a
3 person required to perform the functions of those offices under this Act;

4 (b) the Minister shall appoint the Executive Secretary, Chief
5 Executive Officer of the Commission who shall be the accounting officer;
6 and

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

10 (2) The Secretary shall, subject to the general direction of the
11 Commission, be responsible—

12 (a) for the day to day administration of the Commission;

13 (b) for keeping the books and Proper records of the proceedings of
14 the Commission;

15 (c) the administration of the secretariat of the Commission; and

16 (d) the general direction and control of all other employees of the
17 Commission.

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

23 10.—(1) Service in the Commission shall be approved service in
24 line with the provisions of the Contributory Pensions Reform Act, 2004.

Application of
Pensions Reforms
Act, 2004

25 (2) The officers and other persons employed into the Commission
26 shall be entitled to pensions, gratuities and other retirement benefits as are
27 enjoyed by persons holding equivalent grades as appropriate.

28 (3) Nothing in subsections (1) and (2) of this section shall prevent
29 the appointment of a person to any office on terms which preclude the grant
30 of pension and gratuity in respect of that office authority of the Government

1 of the Federation, other than the power to make regulations under section 23
2 thereof is hereby vested in and shall be exercisable by the Commission, and not
3 by any other person or authority.

Financial
Provisions

4 **11.—(1)** The Commission shall establish and maintain a fund from
5 which shall be defrayed all expenditure incurred by the Commission.

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

8 (a) Budgetary provision from Federal Capital Development
9 Authority and the Federal Capital Territory Administration;

10 (b) 5% of all monies accrued to FCTA as charges from the allocation
11 of plots of land in FCT;

12 (c) such monies as may from time to time be granted or lent the
13 Commission;

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

16 (e) proceeds from all other assets that may, from time to time, accrue
17 to the Commission;

18 (f) specifying the manner in which the assets or the fund of the
19 Commission are to be held, and regulating the making of payments' into and
20 out of the fund; and

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

Expenditure of
the Commission

23 **12.** The Commission shall apply the proceeds of the fund established
24 pursuant to section 14 of this Act to—

25 (a) the cost of administration of the Commission;

26 (b) the payment of salaries, fees, remuneration, allowances, pensions
27 and gratuities payable to the members of the Commission specified in section 6
28 of this Act or any committee of the Commission and the employees of the
29 Commission;

30 (c) the payment for all contracts, including mobilization, fluctuations,

1 variations, legal fees and cost on contract administration;

2 (d) the payment for all purchases; and

3 (e) undertaking such other activities as are connected with all or
4 any of the Functions of the Commission under this Act.

5 13.—(1) The Commission may accept gifts of land, money, or
6 other property on such terms and conditions, if any, as may be specified by
7 the person or organization making the gift.

Power to accept
Gifts

8 (2) The Commission shall not accept any gift if the conditions
9 attached by the person or organization making the gift are inconsistent with,
10 the functions of the Commission under this Act.

11 14. The Commission may, with the consent of the Minister,
12 borrow, on such terms and conditions as the Commission may determine,
13 such sums of money as the Commission may require in the exercise of its
14 functions under this Act.

Power to borrow

15 15.—(1) The Commission shall submit to the Minister of FCT its
16 annual Budget for the succeeding year for consideration.

Submission of
Annual Budget

17 (2) The Commission shall be cause to be kept proper accounts of
18 the Commission in respect of each year and proper records in relation
19 thereto and shall cause the accounts to be audited not later than 6 months
20 after the end of each year by auditors appointed from the list and in
21 accordance with the guidelines supplied by the Auditor-General for the
22 Federation.

23 16. The Commission shall, at the end of every quarter in each year,
24 submit to the Minister of the Federal Capital Territory report on the activities
25 and administration of the Commission.

Annual Report

26 17.—(1) The Commission shall prepare and submit to the Minister
27 of the Federal Capital Territory, not later than 30th June in each year, a report
28 in such form as the FCT Minister may direct on the activities of the
29 Commission during the immediately preceding year, and shall include in the
30 report a copy of the audited accounts of the Commission for that year and the

Audit Report

1 auditor's report thereon.

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

Office premises
of the Commission

6 **18.** For the purposes of providing offices and premises necessary for
7 the performance of its functions under this Act, the Commission may, subject
8 to the Land Use Act—

9 (a) purchase or take on lease any interest in land, or other property;

10 and

11 (b) construct offices and premises and equip and maintain same.

12 (2) The Commission may, subject to the Land Use Act, sell or lease
13 out any office or premises held by it, which office or premises is no longer
14 required for the performance of its functions under this Act.

Directives

15 **19.—**(1) Subject to the provisions of this Act, the provisions of the
16 Public Officers Protection Act shall apply in relation to any suit instituted
17 against any officer or employee of the Commission.

18 (2) Notwithstanding anything contained in any other law or
19 enactment, no suit shall lie against any member of the Council, the Executive
20 Secretary or any other officer or employee of the Commission for any act done
21 in pursuance or execution of this Act or any other law or enactment, or of any
22 public duty or authority or in respect of any alleged neglect or default in the
23 execution of this Act or such law or enactment, duty or authority, shall lie or be
24 instituted in any court unless—

25 (a) it is commenced within three months next after the act, neglect or
26 default complained of; or

27 (b) in the case of a continuation of damage or injury, within six
28 months next after the ceasing thereof.

Service of
document

29 **20.** A notice, summons or other document required or authorized to
30 be served upon the Commission under the provisions of this Act or any other

1 law or enactment may be served by delivering it to the Executive Secretary
2 or by sending it by registered post and addressed to the Executive Secretary
3 as the principal officer of the Commission.

4 21.—(1) In any action or suit against the Commission, no
5 execution or attachment of process in the nature thereof shall be issued
6 against the Commission.

Limitation of
suits against the
Commission

7 (2) Any sum of money which may by the judgment of any court be
8 awarded against the Commission shall, subject to any direction given by
9 court where notice of appeal of the said judgment has been given, be paid
10 from the general reserve fund of the Commission.

11 22. A member of the Commission, the Executive Secretary, any
12 officer or employee of the Commission shall be indemnified out of the assets
13 of the Commission against any proceeding, whether civil or criminal, in
14 which judgment is given in his favour or in which he is acquitted, if any such
15 proceeding is brought against him in his capacity as a member of the
16 Commission, the Executive Secretary, officer or employee of the
17 Commission.

Indemnity of staff

18 23. The Commission may, with the approval of the Minister, make
19 regulations, generally for the purposes of giving full effect to this Act. From
20 the commencement of this Act, the Unit of Resettlement, and Integration of
21 the Federal Capital Development Authority stands scrapped and its
22 functions subsumed into the FCT Resettlement, Integration and
23 Development Commission established by this Act.

Power to make
regulations

24 24. In this Act, unless the context otherwise requires—
25 “Chairman” means the Chairman of the Commission;
26 “Commission” means the FCT Resettlement, Integration and Development
27 Commission established by section 1 of this Act;
28 “Member” means a member of the Commission and includes the Chairman,
29 and other Members of the Commission.

Interpretation

1 Commission generally or specifically authorized by the Commission to act
2 for that purpose and the Executive Secretary.

3 (2) A document purporting to be a document duly executed under
4 the seal of the Commission shall be received in evidence and shall, unless
5 and until the contrary is proved be presumed to be so executed.

6 5. The validity of any proceedings of the Commission or of a
7 committee shall not be adversely affected by—

8 (a) a vacancy in the membership of the Commission or committee;

9 (b) a defect in the appointment of a member of the Commission or
10 committee; or

11 (c) reason that a person not entitled to do so took part in the
12 proceedings of the Commission or committee.

EXPLANATORY MEMORANDUM

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