

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL MARINE INSURANCE BUREAU, TO TAKE CHARGE OF AND COLLECT INSURANCE LEVIES ON ALL CARGOS OF CRUDE OR GAS LEAVING SHORES OF THE COUNTRY AND TO CHECK THE BILLIONS OF DOLLARS CAPITAL FLIGHT WHICH NIGERIA LOOSES TO FOREIGN INSURANCE COMPANIES WHO MONOPOLIZE AND SPECIALIZE IN MARINE INSURANCE IN THE COUNTRY AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Garba Gololo

[] Commencement

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

PART 1 - ESTABLISHMENT AND COMPOSITION, ETC

1.-(1) There is hereby established a Bureau to be known as the National Marine Insurance Bureau (in the Act referred to as "the bureau").

Establishment of National Marine Insurance Bureau

(2) The Bureau shall be a body corporate with perpetual succession and a common seal.

(3) May sue and be sued in its corporate name.

(4) The Headquarters of the Bureau shall be located in the Federal Capital Territory.

2.-(1) There is hereby established for the management of the affairs of the Bureau, a governing Board (in this Act referred to as the Board) which shall, subject to this Act, have general control of the Bureau.

Establishment of Governing Board

(2) The Board shall consist of-

(a) a chairman whom shall be nominated by the president, and commander in chief of the Armed Forces, Federal Republic Nigeria subject to the confirmation of the senate, and shall be of utmost integrity and a scholar versed in marine and insurance matters, who shall be the accounting officer;

- 1 (b) One representative of the Federal Ministry of Transport;
- 2 (c) One representative of Federal Ministry of Employment, Labour
3 and Productivity;
- 4 (d) Two representatives of the Nigerian Port Authority;
- 5 (e) One representative of the Nigerian Shipper's Council;
- 6 (f) One representative of the Maritime Worker's Union;
- 7 (g) Two representatives of the Maritime Professionals;
- 8 (h) One representative of the National Association of Dock Labour
9 Employment;
- 10 (i) Two representatives of Shipping Companies; and
- 11 (j) The secretary of the Board.
- 12 (3) The Board shall be responsible for-
- 13 (i) Managing and superintending the affairs of the corporation;
- 14 (ii) For the overall policy and general administration and shall act in
15 the name of the Bureau;
- 16 (iii) Provide effective liaison between the Bureau and the Federal
17 Government;
- 18 (iv) Formulate policies and guidelines for operating the Bureau and
19 ensuring implementation;
- 20 (v) Deciding on and approving the borrowing power and credit limit
21 of the Bureau;
- 22 (vi) Approving annual reports and statement of accounts of the
23 Bureau;
- 24 (vii) Appointing and approving fees for auditors; and
- 25 (viii) carrying out such other activities connected or incidental to
26 other functions of the board.
- 27 (4) The Board shall have powers-
- 28 (a) To acquire offices and other premises for use of the Bureau;
- 29 (b) To fix terms and conditions of service including remunerations of
30 the employees of the Bureau;

Functions of the
Board

Powers of the
Board

1 (c) Establish such zonal and other offices of the Bureau as it may
2 deem necessary for the proper performance of its function; and

3 (d) To do such other things as are necessary for the performance of
4 its function under this Act.

5 3.-(1) The member of the Board appointed under section **Tenure of Office**
6 ~~2(2)(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)~~ of this act shall hold office for a period of 4
7 years in the first instance and may be eligible for re-appointed for a further
8 period of 4 years and no more.

9 (2) The members of the board shall be paid such remuneration and
10 allowances as the Revenue Mobilization Allocation and fiscal commission
11 may, from time to time determine.

12 (3) A member of the board other than that of ex-officio member
13 may resign his appointment by a notice in writing under his hand, address to
14 the president through the permanent secretary Federal Ministry of Transport
15 which shall take effect only upon acknowledgement by the permanent
16 secretary.

17 4.-(1) a Membership of the Board shall cease to hold office if- **Cessation of**
18 **Membership**

18 (a) He becomes of unsound mind;

19 (b) He becomes bankrupt or makes a compromise with his
20 creditors;

21 (c) He is convicted of a felony or of any offence involving
22 dishonest; or

23 (d) He is guilty of serious misconduct in relation to his duties.

24 (2) A member of the board may be removed from office by the
25 president if, it is not in the interest of the Bureau or the interest of the public
26 that, that member should continue in office.

27 (3) Where a vacancy occurs in the membership of the Board, it
28 shall be filled by the appointed of his predecessor, so however that the
29 successor by the represent the same interest and shall be appointed by the
30 president.

1 PART 11- OBJECTS AND FUNCTIONS OF THE BUREAU

2 5.-(1)(a) To implement and administer the marine insurance,
3 established by section 1 of this Act;

4 (b) To carry on insurance business on normal commercial basis and
5 without subsidies on premium as insurers on building, machineries, equipment
6 and other items which form part of total investment on water ways and to
7 reinsure this aspect of its operations through well establish channels with
8 reputable re-insurance companies;

9 (c) To operate other types of insurance business as may be permitted
10 by the commission of insurance at competitive premium;

11 (d) To charge and collect insurance levies on all cargos of crude or gas
12 leaving and coming into the shores of the country;

13 (e) The Bureau shall be primarily charged with the responsibility of
14 checking the Billions of Dollars capital flight which Nigeria losses to foreign
15 insurance in the country; and

16 (f) to do anything or to enter into any transaction which in the opinion
17 of the board is calculated to facilitate the due performance of its functions
18 under this Act.

19 (2) In pursuance of the purpose set out in subsection (1) of this
20 section, the Bureau shall-

21 (a) Make available funds necessarily for the training and retaining of
22 Nigerians in technical skills and hereby checkmate Foreign Nationals
23 domination and monopolization of functions and objectives;

24 (b) Implement and harmonize the overall policies necessary for the
25 carrying of its functions and objectives;

26 (c) pay the costs of administering the commission.

27 6.-(1) Notwithstanding the provisions of subsection (2) of this
28 section, the Bureau shall be responsible for-

29 (a) sponsoring and conveying seminars, workshops and conferences

1 and tailor made programmes in order to acquire need skills and knowledge
2 for this sector;

3 (b) undertake research and educational activities relating to marine
4 insurance;

5 (c) register and keep records of all marine insurance companies
6 operating in Nigeria;

7 (d) regulate and coordinate the activities of the marine insurance.

8 7.-(1) The Bureau shall be a non-profit, nonpartisan Bureau devoid
9 of external influences.

10 PART III - STAFF OF THE COMMISSION

11 8.-(1) there shall be an Executive Director of the Bureau which
12 shall be-

13 (a) Be appointed by the Bureau;

14 (b) Have such qualifications and experience as may be determined
15 by the bureau as are appropriate for a person required to perform the
16 functions of his office under this Act.

17 (2) Subject to the general direction of the Bureau, the Executive
18 Director shall be-

19 (a) Responsible for keeping of proper records of the proceedings of
20 the Bureau;

21 (b) the head of the bureau's secretariat and be responsible for the
22 administration therefore; and

23 (c) Responsible for the direction and control of all other employees
24 of the bureau with the approval of the Bureau.

25 (3) The Bureau shall have power to employ, appoint, dismiss and
26 exercise disciplinary control over its staff as may be prescribed by this Act or
27 any other enactment or law.

28 (4) all employees of the bureau appointed under subsection (3) of
29 this section excluding such as are appointed on a temporal basis for an
30 honorarium shall have the same right and obligation as provided for in the

1 pension reform Act.

2 PART VI - FINANCIAL PROVISION

3 9.-(1) there shall be paid and credited to the Bureau established by this
4 Act-

5 (a) Such sum of money as may be appropriated by the National
6 Assembly;

7 (b) Such sum of money that may accrue to it by way of voluntary
8 contributions or grants from individuals, international organisations and
9 institutions or its national sponsors;

10 (c) all other assets which may, from time to time, accrue to the
11 Bureau.

12 (2) the fund shall be managed in accordance with rules to be made by
13 the Board and without prejudice to the generality of the power to make rules
14 under this subsection; the rules shall in particular contain provision-

15 (a) Specifying the manner in which the assets of the Bureau are to be
16 held; and

17 (b) requiring the keeping of a proper accounts and records for the
18 purpose of the Bureau in such form as may be specified in the rules.

19 (3) The Board may, from time to time, apply the proceeds of the fund
20 for the following purposes-

21 (a) The cost of administration of the Bureau and the Board;

22 (b) The Payment of salaries, fees, and other remuneration,
23 allowances, pension and gratuities payable to members or employees of the
24 fund or experts or professionals appointed by the Board.

Power to accept
gifts

25 10.-(1) The Board may accept gift of land, money or other property
26 upon such terms and conditions, if any as may be specified by the person or
27 organization making the gift.

28 (2) The Board shall not accept any gift if the condition attached by the
29 persons or organization making the gift are inconsistent with the objectives of
30 the bureau under this Act.

1 **11.** the Board shall be exempted from the payment of income tax Exception from
2 on any income accruing to the board or payment of any contributions or Tax
3 otherwise low server.

4 PART V - SUPPLEMENTARY

5 **12.** The Board may with the necessary approval make such Regulations
6 regulations as are necessary or expedient for giving full effect to the
7 provision of this Act.

8 **13.** In this Act, unless the context otherwise requires- Interpretation
9 "Bureau" means the National Marine Insurance Bureau;
10 "Board" means the Board as established by section 2 of the act;
11 "Executive Director" means the executive director to bureau appointed
12 under section 8 of this Act;
13 "Functions" includes power and duty;
14 "president" means the president of the Federal Republic of Nigeria.

15 **14.** This act may be cited as the National Marine Insurance Bureau Citation
16 (Establishment) Bill, 2016.

 EXPLANATORY MEMORANDUM

The Bill seeks to establish the National Marine Insurance Bureau, to take charge of and collect insurance levies on all cargos of crude or gas leaving and entering the shores of the country and to check Billions of Dollars capital flight which Nigeria losses to foreign insurance companies who monopolize and specialize in marine insurance in the country.