

NIGERIAN NATIONAL HONOURS AND MERIT AWARD COMMISSION

BILL, 2016

ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL HONOURS ACT, CAP N 43 AND NIGERIAN NATIONAL MERIT AWARD ACT CAP. N122 LAWS OF THE FEDERATION OF NIGERIA 2004, TO ENACT THE NIGERIAN NATIONAL HONOURS AND MERIT AWARD COMMISSION TO AMONG OTHER THINGS PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION THAT WILL REGULATE MATTERS RELATED TO NATIONAL HONOURS AND MERIT AWARD IN NIGERIA; AND FOR RELATED MATTERS, 2016.

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

- 1 **1.**-(1) There is established a Commission to be known as the Establishment of
2 Nigerian National Honours and Merit Award Commission (in this Bill the Commission
3 referred to as "the Commission").
- 4 (2) The Commission shall be a body corporate with perpetual
5 succession and a common seal and may sue or be sued in its corporate name.
- 6 (3) The supplementary provisions set out in the Schedule to this Schedule
7 Bill shall have effect with respect to the proceedings of the Commission and
8 the other matters contained therein.
- 9 (4) The Commission Headquarter shall be in the Federal Capital
10 Territory, Abuja.
- 11 **2.**-(1) There is established for the Commission, a body to be known Establishment of
12 as the Governing Board (in this Bill referred to as "the Board"). the Governing
13 (2) The Board shall consist of: Board and its
14 (a) Chairman; Composition
15 (b) 12 persons, two each representing geo-political zone;
16 (c) a representative of the Secretary to the Government of the

	1	Federation; and
	2	(d) a Secretary, who shall be a legal practitioner of not less than ten
	3	years post call experience.
	4	(3) The Chairman shall be the Chief Executive of the Commission.
	5	(4) The Chairman and other members of the Board shall be:
	6	(a) persons of proven integrity and suitably qualified by reason of
	7	their professional, academic or by their attainments in any field of human
	8	endeavour; and
	9	(b) appointed by the President, subject to the confirmation of the
	10	Senate.
Tenure of Office	11	3. A member of the Board, other than an ex-officio member, shall
	12	hold office for a term of 4 years at the first instance and may be re-appointed for
	13	a further term of 4 years and no more
Regulation, cessation or removal from membership of the Board	14	4. -(1) The member of the Board may resign the appointment by notice
	15	in writing addressed to the President.
	16	(2) A member of the Board may cease membership if the member:
	17	(a) becomes of unsound mind;
	18	(b) becomes bankrupt;
	19	(c) is convicted of a felony or of any offence involving dishonesty;
	20	and
	21	(d) is guilty of serious misconduct in relation to the office.
	22	(3) A member of the Board other than ex-officio member may resign
	23	his or her appointment by notice, in writing to the President which resignation
	24	shall take effect upon receipt and approval by the President.
	25	(4) Where vacancy exists in the membership of the Board, the
	26	vacancy shall be filled by appointment of a person representing the area where
	27	the vacancy exists, to complete the remainder of the term of office of the
	28	predecessor.
Functions of the Commission	29	5. The Commission shall:
	30	(1) Formulate policies and guidelines for the award:

- 1 (a) in respect of Merit award, to deserving citizens of Nigeria for
2 intellectual and academic attainments that contribute to national endeavours
3 in:
- 4 (i) science and technology;
 - 5 (ii) medicine and humanities;
 - 6 (iii) arts and culture; and
 - 7 (iv) any other field of human endeavour whatsoever.
- 8 (b) In respect of National Honour award, to any person who has
9 excelled in a particular field of endeavour and has been so certified by the
10 relevant professional body and contributed positively to the development of
11 the country.
- 12 (2) Establish the honours which may be awarded and specify
13 different ranks within each honour.
- 14 (3) Provide for the precedence to be accorded to different honours
15 and ranks.
- 16 (4) Prescribe the insignia by which honour or rank is to be
17 distinguished.
- 18 (5) Stipulate:
- 19 (a) conditions for the award;
 - 20 (b) closing date for the submission of the nomination; and
 - 21 (c) such other documents or particulars as may be determined from
22 time to time.
- 23 (6) Request for nomination from the public.
- 24 (7) Receive nomination and determine the qualification or
25 otherwise.
- 26 (8) Cause to be published in at least five Nigeria Newspapers the
27 names short listed for nomination and call for objection or otherwise.
- 28 (9) Ensure that the award is to:
- 29 (a) be an order of dignity;
 - 30 (b) entitle a recipient to:

- 1 (i) use the designation applicable after his or her name;
2 (ii) in respect of Merit award, receive a cash prize, a certificate and a
3 medal;
4 (iii) in respect of National Honour, receive a certificate and a medal;
5 and
6 (iv) such other privileges as are enjoyed by recipients of high levels
7 award all over the world.

8 (10) Forward the Commission recommendations to the President for
9 the award.

10 (11) The President upon receipt of recommendation for the award of
11 the National Honour from the Commission, shall:

- 12 (a) vet and examine the suitability of those recommended; and
13 (b) forward the list of those nominees approved to the Senate for
14 confirmation.

Powers of the
Commission

15 **6.**-(1) The Commission shall have power to:

- 16 (a) acquire and hold property of any description;
17 (b) appoint one or more committees to carry out on behalf of the
18 Commission such functions as the Board may determine.

19 (2) The Committee appointed pursuant to the sub- clause (1), shall:

- 20 (a) consist of seven persons of whom one third shall not be members
21 of the Commission; and
22 (b) hold office in accordance with the terms of appointment.

23 (3) The decision of the committee shall not be binding on the
24 Commission until it is confirmed by the Board.

Nomination and
disqualification
for award

25 **7.**-(1) The nomination for consideration of a person for an award may
26 be made by any person, the nominee or indigenous organization.

27 (2) A person shall not be qualified for the award of National Honour
28 under this Bill where he:

- 29 (i) Is of unsound mind and has been so found by a court in Nigeria or
30 elsewhere;

1 (ii) Has within the preceding 4 years being indicted by a panel for
2 act relating to misconduct, fraud or dishonesty and been tried and found
3 guilty;

4 (iii) Has within the preceding 4 years being charged and convicted
5 of criminal offence;

6 (iv) Is certified undischarged bankrupt;

7 (v) Is found to have given false declaration as to certificate age or
8 any undertaking upon which the award was based;

9 (vi) Has reneged his or her allegiance to the Federal Republic of
10 Nigeria if prior to the confirmation of the award is a Nigeria.

11 (3) A person who has been awarded a National Honour shall loose
12 and be divested of the benefit of the award if at any time he fall within those
13 disqualified under this Bill.

14 (4) The divestment of National Honour shall be by the President
15 upon a notice to National Assembly to that effect or a pronouncement of a
16 Court of record.

17 (5) The National Honour award shall be conferred to those
18 qualified persons at an interval period of 5 years from the date of the last
19 award.

20 **8.** The Secretary to the Commission shall:

Duties of the
Secretary

21 (a) keep the records and correspondence of the Commission; and

22 (b) perform such other duties as the Commission or the Chairman
23 may from time to time assign or direct.

24 **9.** The Commission shall subject to the provisions of this Bill have
25 powers to:

Staff of the
Commission

26 (a) appoint such staff of the Commission who are professionally
27 and technically qualified for the purpose of their employment;

28 (b) pay such remuneration and allowances as payable in the Civil
29 Service of the Federation;

30 (c) determine the conditions of service of the employees; and

Pension Reform Act, No.2 of 2004	1	(d) Service in the Commission shall be approved service for the
	2	purposes of the Pensions Reform Act.
Staff Regulation	3	10. The Commission may subject to the provision of this Bill, make
	4	staff regulation relating generally to the condition of service of the employees,
	5	such regulation may provide for the appointment, promotion, discipline and
	6	appeals of the staff.
Fund of the Commission	7	11. -(1) The Commission shall establish and maintain a fund which
	8	shall be applied towards implementing its functions under this Bill.
	9	(2) There shall be paid and credited to the Fund established under this
	10	Bill:
	11	(a) annual subvention received from the Federal Government;
	12	(b) gifts, donations and contributions from national and internationals
	13	Institutions and philanthropist; and
	14	(c) all other assets which may accrue to the Commission from time to
	15	time.
Application of the Fund	16	12. The Commission shall apply the proceeds of the fund established
	17	pursuant to Clause 11 of this Bill to:
	18	(a) the cost of administration of the Commission;
	19	(b) the payment of salaries, fees, remuneration, allowances, pensions
	20	and gratuities payable to the members of the Board and the employees of the
	21	Commission;
	22	(c) the payment for all purchases; and
	23	(d) undertaking such other activities as are connected with other
	24	functions of the Commission under this Bill.
Establishment of Merit Award Endowment Fund	25	13. -(1) There is established a Merit Award Endowment Fund (in this
	26	Bill referred to as "the Fund") for the purpose of the award annually- of prize
	27	known as the Nigerian National Awards to citizens of Nigeria.
	28	(2) The Merit Award Endowment Fund shall be:
	29	(a) moneys granted to the Commission by Federal, States or Local
	30	Government in Nigeria;

1 (b) moneys granted to the Commission by any Statutory Body,
2 Agency or Corporation; and

3 (c) interest accrued from the investments made with the fund by the
4 Commission.

5 (3) The Commission may accept gifts of property including
6 interests in land, money or and other assets for the purpose of giving award
7 upon such trusts and condition if any, as may be specified by the person or
8 organization making the gift.

9 (4) The Commission shall not accept any gift where the condition
10 attached are inconsistent with the objectives of this Bill.

11 **14.** Moneys in surplus to the current need of Commission shall be
12 invested in securities as may from time to time be approved by the Board.

Investment of
moneys in the
fund

13 **15.** The Commission shall submit to the President not later than 30
14 June in each year or any other date as may be directed, an annual estimate of
15 expenditure and income of the Commission for the next fiscal year for
16 incorporation into the National budget.

Annual Estimates

17 **16.** The Commission shall:

Accounts and
audit

18 (a) keep proper accounts of the fund and proper record;

19 (b) prepare in respect of each year a statement of accounts in such
20 form as may be directed;

21 (c) cause its accounts to be audited within six months after the end
22 of each year by external auditors appointed from the list of auditors and in
23 accordance with guidelines supplied by the Auditor-General for the
24 Federation.

25 **17.** Subject to the provision of this Bill, the President may give to
26 the Commission directives of a general nature in relation to its functions
27 under this Bill.

Powers to give
directives

28 **18.**-(1) Subject to the provisions of this Bill, the provisions of the
29 Public Officers Protection Act shall apply in relation to any suit instituted
30 against any officer or employee of the Commission.

Institution of
suit against
employee

Public Officer
Protection Act,
Cap. P41 LFN.
2004

1 (2) A suit shall not be instituted against any member of the Board, the
2 Chairman, officer or employee of the Commission before the expiration of a
3 period of one month after written notice of intention to commence the suit shall
4 have been served-upon the Commission by the intending plaintiff or his agent.

5 (3) The notice referred to in sub-clause (2) of this clause, shall state
6 the cause of action, the particulars of claim, the name and place of abode of the
7 intending plaintiff and the relief sought by him.

Remuneration
and Allowances

8 **19.**-(1) There shall be paid to a member of the Board not being ex-
9 officio such remunerations, allowances and expenses as may be determined by
10 the Salary and Wages Commission.

11 (2) A member of the Committee appointed in Clause 6(1) (b) shall be
12 entitled to such allowances and other entitlement as may be determined by the
13 Board of the Commission.

Service of
documents and
payment of
judgement debt

14 **20.**-(1) A notice, summons or other documents required or authorized
15 to be served upon the Commission under the provisions of this Bill, or any
16 other enactment may be served by delivering it to the Chairman at the
17 Headquarter of the Commission.

18 (2) In any action or suit, no execution or attachment of process shall
19 be issued against the Commission without the consent of the Attorney General
20 of the Federation.

21 (3) Any sum of money which may by the judgment of any court
22 awarded against the Commission shall, subject to any direction given by court
23 where notice of appeal of the said judgment has been given, be paid from the
24 fund of the Commission.

Indemnity of
Staff

25 **21.** The Chairman, member of the Board or employee of the
26 Commission shall be indemnified out of the assets of the Commission against
27 any proceeding, whether civil or criminal, in which judgment is given in his
28 favour or in which he is acquitted, if any such proceeding is brought against
29 him in his capacity as a Chairman, member of the Board or employee of the
30 Commission.

1	22. The National Honours Act, Cap N 43 and Nigerian National	Repeal
2	Merit Award Act Cap. N122 Laws of the Federation of Nigeria 2004 are	
3	repealed.	
4	23. The repeal of the enactments specified in Clause 24 of this Bill	Savings and
5	shall not affect anything done or purported to have been done under the	transitional
6	repealed enactments.	
7	24. Where any person:	Offences and
8	(a) uses a designation or abbreviation specified by the Commission	penalty
9	as a rank or honour or a description so nearly resembling such ranks or	
10	honour as to be likely to deceive;	
11	(b) wears or otherwise uses any insignia so specified or an emblem	
12	so nearly resembling any such insignia as to be likely to deceive; or	
13	(c) by any other means represents himself or herself to be person	
14	who is or was entitled to the honour or rank, shall be guilty of an offence and	
15	liable on conviction to imprisonment for a term not exceeding five years or a	
16	fine-of N500, 000 or both.	
17	25. In this Bill:	Interpretation
18	"Award" means a cash prize, a certificate and a medal as designated by the	
19	Commission;	
20	"Board" means the Governing Board of the Nigerian National Honours and	
21	Merit Award Commission established in Clause 2. "Commission" means the	
22	Nigerian National Honours and Merit Award Commission established in	
23	Clause 1 of this Bill;	
24	"Fund" means fund established in Clause 11 (1) of this Bill;	
25	"Merit Award Endowment Fund" means the Merit Award Endowment Fund	
26	established in Clause 13(1) of this Bill.	
27	26. This Bill may be cited as Nigerian National Honours and Merit	Short Title
28	Award Commission Bill, 2016.	

1 SCHEDULES

2 *Clause 1 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 1.-(1) Subject to the provisions of this Bill and section 27 of the
5 Interpretation Act, the Board may make standing orders regulating its
6 proceedings or those of any of its committees.

7 (2) The quorum of the Board shall be the Chairman or person
8 presiding at the meeting, Managing Director, Chairman or Executive Director
9 and one third of other members of the Board. The quorum of any Committee of
10 the Commission shall be as determined by the Board.

11 2.-(1) The Board shall meet whenever it is summoned by the
12 Chairman and if the Chairman is required to do so by notice given to him by not
13 less than 4 other members, he shall summon a meeting of the Board to be held
14 within 14 days from the date on which the Notice is given.

15 (2) At any meeting of the Board the Chairman shall preside but if he is
16 absent, the members present at the meeting shall appoint one of their member
17 to preside at the meeting.

18 3.-(1) The Board may appoint one or more committees to carry out, on
19 behalf of the Board such functions as the Board may determination.

20 (2) A committee appointed under this paragraph shall consist of such
21 number of persons as may be determined by the Board and a person shall hold
22 office on the 'committee in accordance with the terms of his appointment.

23 (3) A decision of a committee of the Board shall be of no effect until it
24 is confirmed by the Board

25 4.-(1) The fixing of the seal of the Commission shall be authenticated
26 by the signatures of the Chairman or any other member of the Board generally
27 or specifically authorized by the Board to act for that purpose.

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

- 1 **5.** The validity of any proceedings of the Board or of a committee
2 shall not be adversely affected by:
- 3 (a) a vacancy in the membership of the Board or committee;
- 4 (b) a defect in the appointment of a member of the Board or
5 committee;
- 6 (c) reason that a person not entitled to do so took part in the
7 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to Repeal the National Honours Act, Cap N 43 and Nigerian National Merit Award Act Cap. N122 Laws of the Federation of Nigeria 2004, to enact the Nigerian National Honours and Merit Award Commission to among other things provide for the establishment of a Commission that will regulate matters related to national honours and merit award in Nigeria.