

A BILL

FOR

AN ACT TO MAKE DEVELOPMENT PLANNING COMPULSORY FOR ALL TIERS OF GOVERNMENT IN NIGERIA AND TO CREATE COHERENT AND MEASURABLE TARGETS IN DEVELOPMENTAL INITIATIVES IN SUPPORT OF THE ATTAINMENT OF THE GOALS OF VISION 20:2020 AND FOR RELATED MATTERS

Sponsored by Hon. Ossai N. Ossai

[] Commencement

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

PART I - ESTABLISHMENT OF PROJECT IMPLEMENTATION PLANS

1. Each of the governments of the Federation shall establish and maintain project implementation plans for the implementation of projects within their jurisdiction from inception to conclusion.

2. Within three months after the enactment of this Act, each of the governments of the Federation shall produce short and medium term development plans within the meaning of Vision 20: 2020 objectives as specified in the Schedule to this Act.

3.-(1) A development plan to be established, as stated in section 1 of this Act, shall be for a period of six years for the Federal Government, four years for State Governments and two years for Local Government Area Councils.

(2) A development plan required to be established under the provision of section 1 of this Act shall:

(a) indicate the economic priorities of the particular tier of government;

(b) state the goal of the project and programme as a developmental initiative;

1 (c) list the specific projects and programmes to be executed within the
2 time frame;

3 (d) identify funding sources and implementation strategies;

4 (e) indicate the financial sustainability of the programme or project;

5 (f) state the environmental impact assessment of the projects; and

6 (g) indicate any other matter pertinent to the viability of the plan.

7 4. As from the commencement of this Act, it shall be unlawful-for a
8 government of the Federation to have an abandoned project in any part of
9 Nigeria.

10 PART II - ESTABLISHMENT OF REGISTER OF PROJECTS

11 5.-(1) A government of the Federation shall maintain an inventory of
12 all projects within its area of jurisdiction (in this Act referred to as "the Register
13 of projects") providing respectively for a list of:

14 (a) on-going projects; and (b) completed projects.

15 (2) The Register of Projects established in accordance with the
16 provisions of subsection (1) of this section shall be published at the beginning
17 of each financial year.

18 (3) A Register of Projects shall include:

19 (a) the location of each project, cost, purpose and provide for other
20 means of identification;

21 (b) the project commencement date;

22 (c) the agreed or projected date of completion;

23 (d) budgetary and funding sources of the project;

24 (e) the contractor in charge of the project;

25 (f) amounts, disbursed and expended on the project;

26 (g) the estimated amount required for completion; and

27 (h) any other information or details pertaining to the implementation
28 of the project.

29 6. The implementing institutions responsible for carrying out the
30 provisions of this Act are:

1 (a) the National Planning Commission, for the Federal
2 Government;

3 (b) the Ministry of Economic Planning or its equivalent, for each
4 State Government;

5 (c) the Planning Department for the Local Government Areas; and

6 (d) such other body as may be established by a government of the
7 Federation for the purpose of carrying out the objectives of this Act.

8 7.-(1) The implementing institutions referred to in-section 5 of this
9 Act shall:

10 (a) review matters expected to affect a development plan in its area
11 of jurisdiction or any part thereof;

12 (b) consider and adopt the best strategies for realizing the
13 development targets:

14 (c) prepare the development plan for the area of jurisdiction;

15 (d) monitor implementation of the development plan throughout
16 the area of jurisdiction;

17 (e) prepare bi-annual report of the state of implementation
18 progress;

19 (f) provide information and advice to any person or body, if it
20 considers that to do so will assist in achieving the implementation of the
21 development plan;

22 (g) consider and engage, in joint development plan, where
23 expedient, for geographically contiguous territories;

24 (h) take directives with regards to the development plan if it
25 requires review, reproduction or representation as contained under this Act;

26 (i) establish appropriate Committees for the effective performance
27 of the provisions of this Act; and

28 (j) where expedient, engage the services of consultants or advisers
29 knowledgeable in the subject matter of the project under implementation for
30 all necessary support services.

1 8.-(1) A development plan initiated by a government of the Federation
2 shall be in full compliance with the goals and targets within the meaning of
3 Vision 20: 2020 objectives as set out in the Schedule to this Act or any national
4 development programmes established by law.

5 (2) The development plan produced by a government of the
6 Federation shall:

7 (a) be submitted to the Minister responsible for National Planning for
8 verification as to whether the development plan is in compliance with the
9 Vision 20: 2020 objectives; and

10 (b) be issued with a Certificate of Compliance (‘the Certificate of
11 Compliance) confirming that it is in conformity with the goals and targets of
12 Vision 20: 2020.

13 (3) A government of the Federation shall ensure full compliance and
14 implementation of the contents of its development plan.

15 (4) A Local Government Area shall, in addition ensure that its
16 Development plan contain a statement of community involvement issued by
17 the authorized community development association or any other appropriate
18 body as the Local Government may determine.

19 9.-(1) The Minister shall have power to review a development plan if
20 in the opinion of the Minister it:

21 (a) contains matters in conflict with the Vision 20: 2020 objectives;

22 (b) does not state specific details as to the nature of the project or
23 programme, funding and timelines for completion; or

24 (c) lacks any other details necessary for the effective execution of the
25 project or programme.

26 (2) The Minister may, in the exercise of the powers conferred on him
27 by this Act, direct or call for a reproduction of the development plan within a
28 specified time to be in compliance with the Vision 20: 2020 objectives.

29 10.-(1) It shall be lawful for two or more States or Local Government
30 Areas to draw up a joint development plan.

1 (2) States or Local Government Areas requiring to present a joint
2 development plan, as provided in subsection (1) of this section, must:

3 (a) be geographically contiguous and share common boundaries;

4 (b) present a memorandum duly signed detailing the States or
5 Local Government Areas programmes, projects, funding sources, timelines
6 for execution and other matters relevant thereto;

7 (c) establish a joint development committee to administer the joint
8 development plan with membership drawn from all participating States or
9 Local Government Areas; and

10 (d) draw up, execute and submit a copy of the joint development
11 plan and the joint memorandum of the States or Local Government Areas to
12 the Minister.

13 11.-(1) Where States or the Local Government Areas decide to
14 dissolve a joint development plan and any development committee
15 established in accordance with the provisions of section 10 of this Act, they
16 may do so by a memorandum duly executed and by the States or Local
17 Government

Dissolution of a
joint development
plan and committee

18 (2) Where a joint development committee has been dissolved, a
19 notification to that effect shall be submitted to the Minister.

20 (3) Without prejudice to the provisions of subsections (1) and (2) of
21 this section, a joint development plan administered by a joint development
22 committee shall not be set aside until after twelve months from the date of
23 execution or adoption, whichever comes later.

24 12.-(1) For the purpose of this section, the Minister shall direct any
25 agency under his responsibility to monitor the compliance and
26 implementation of development plans at all tiers of government.

27 (2) A government of the Federation shall file with the Minister, bi-
28 annual reports on the implementation of development plans.

29 (3) The bi-annual reports on development plans shall contain:

30 (a) the progress of implementation of a development plan;

1 (b) the extent to which the policies set out in a development plan are
2 being achieved; and

3 (c) the review or enforcement mechanism, if any, of a development
4 plan.

5 (4) In addition to the requirement of subsection (3) of this section, bi-
6 annual reports shall:

7 (a) be in respect of such period of six months as prescribed;

8 (b) be made at such time as prescribed;

9 (c) be in such form as the Minister, may from time to time prescribe;

10 and

11 (d) contain such other matters as are specified by the Minister.

12 13.-(1) The Minister may make such regulations as are necessary for
13 the efficient implementation of the provisions of this Act;

14 (2) The regulations may in particular provide for:

15 (a) guidelines and procedures for the carrying out of any duties and
16 responsibility under this Act;

17 (b) the issuance of notices and publicity;

18 (c) perusal or inspection of contents of a development plan by the
19 general public;

20 (d) the nature and extent of consultation with and participation by the
21 public of anything done pursuant to this Act;

22 (e) monitoring of development plans; and

23 (f) penalties for breach of any provisions of this Act.

24 14.-(1) It shall be lawful for any aggrieved person to petition the
25 content of any development plan, if the person is of the opinion that:

26 (a) the programme or project ought not be a priority on the basis of
27 affordability or other competing interests; or

28 (b) such programme or project is manifestly over inflated in terms of
29 cost; or

(c) the programme or project is not reasonably realizable in terms of time line;

(d) the programme or project is injurious to- the environment.

(2) The petition shall be issued under the hand of the petitioner signed, sealed and delivered to the Minister, Commissioner or Head of Planning, as the case may be.

(3) Where a petition, in the form referred to in subsection (2) of this section is delivered to the Minister, Commissioner or Head of Planning as the case may be, the Minister, Commissioner or Head of Planning shall review the merits of the petition and cause a reply to be issued to the petitioner with response as considered appropriate.

(4) Where the petition is accepted, the review necessary to accommodate the petition shall be effected within twenty-one days from the date of receipt of the petition.

PART III - ESTABLISHMENT OF A FEDERAL PROJECTS EXECUTION

COMMITTEE

15.-(1) There is hereby established a Federal Projects Execution Committee (in this Act referred to as "the Committee").

(2) The Committee shall be made up of 21 members including the Chairman to be appointed by the President on the recommendation of the Minister.

(3) The Chairman and members of the Committee shall have cognate experience in planning and development matters.

(4) Membership of the Committee shall be on part time basis and members shall hold office for a period of three years only.

(5) Membership shall as far as possible reflect the federal character principle.

(6) A member of the Committee, who is not an ex-officio, may resign his appointment at any time by notice in writing under his hand addressed to the Minister.

1 (7) The office of a member of the Committee shall become vacant if
2 the member:

3 (a) dies; or

4 (b) resigns his or her appointment on the Committee; or

5 (c) is removed from office by the President, on the advice of the
6 Minister where in the opinion of the Minister it is not in the interest of the
7 Committee or the public that the member continues in office.

8 (8) Where a person is removed before the expiration of his tenure on
9 the Committee, the President, on the advice of the Minister, may appoint such
10 other person to replace that member for the remainder of the term of office of
11 the member removed in so far as the newly appointed member represents the
12 same interest as the member earlier removed.

13 16.-(1) The Committee shall have power to:

14 (a) formulate and provide the general policy guidelines for the
15 management of the affairs of the Committee;

16 (b) carry out the functions and activities as are required to be carried
17 out by the Committee under the provisions of this Act; and

18 (c) carry out such other acts or things which in the opinion of the
19 Committee are necessary to ensure the proper and efficient performance of the
20 functions of the Committee under this Act.

21 17. The Committee shall regulate its proceedings and make standing
22 orders with respect to the holding of its meetings, notices to be given, the
23 keeping of minutes of its proceedings and such other matters the Committee
24 may from time to time, determine.

Application of the
Public Officers'
Protection Act

25 18. The provisions of Public Officers' Protection Act CAP P.41 Laws
26 of the Federation, 2004 shall apply to the members of the Committee in the
27 discharge of their functions under this Act.

28 19.-(1) The Committee shall appoint such staff as are required to
29 assist the Committee in the exercise of its functions under this Act.

30 (2) Staff vacancies shall be filled by secondment of officers from

1 other organizations or by contract employment of suitably qualified persons
2 as determined by the Committee.

3 (3) The terms and conditions of service (including remunerations,
4 allowances, benefits) of the employees of the Committee shall be
5 determined by the Committee after consultation with the Federal Civil
6 Service Commission.

7 **20.** Establishment of Project Execution Committee in States and
8 Local Government Areas States and Local Government Areas of the
9 Federation as far as reasonable practicable within their areas of jurisdiction
10 establish equivalent Committee to carry out the required functions.

11 **PART IV - FINANCIAL PROVISIONS**

12 **21.-(1)** The Committee shall establish and maintain a Fund
13 (hereinafter referred to as 'the Fund') into which shall be paid:

14 (a) such moneys as may be made available by the Federal
15 Government for the running expenses of the Committee under this Act;

16 (b) all fees and other moneys payable to the Committee in
17 pursuance of the objectives of this Act; and

18 (c) such moneys as may be provided by the Federal Government to
19 the Committee by way of grant or loan or otherwise.

20 (2) There shall be paid out of the Fund of the Committee:

21 (a) all expenditures incurred by the Committee in the discharge of
22 its functions under this Act;

23 (b) such reasonable travelling and subsistence allowance of
24 members of the Committee as the Committee may determine; and

25 (c) the remuneration and allowances of staff of the Committee.

26 (3) The Committee may, from time to time, borrow money for the
27 purposes of the Committee and any interest payable on money so borrowed
28 shall be paid out of the Fund.

29 **22.** The Committee shall keep proper accounts in respect of each
30 year and proper records in relation to those accounts and the Committee

1 shall cause the accounts to be audited by an auditor appointed from the list of
2 auditors approved by the Auditor-General of the Federation and in accordance
3 with the guidelines supplied by the Auditor-General for the Federation.

4 23.-(1) The Committee may accept any gift, grant or donation from
5 any person upon such terms and conditions, as may be specified by the person
6 or organization making the gift, grant or donation in so far as such terms and
7 conditions are consistent with the effective realization of the objects for which
8 the Committee was set up under this Act.

9 (2) The Committee shall not accept any gift, grant or donation under
10 subsection (1) of this section if the conditions attached are inconsistent with the
11 functions of the Committee under this Act.

Reports to be
submitted to
Minister

12 24. The Committee shall prepare and submit to the Minister.
13 periodically, a report in such form as the Minister may direct on the activities of
14 the Committee during the immediate preceding year and shall include in such
15 report a copy of the audited accounts of the Committee for that period and the
16 Auditor-General's report thereon.

Power of
investigation by
the Committee

17 25. The Committee shall have power to investigate and determine
18 whether any person has violated any provisions of this Act:

19 26. If the Committee is satisfied that a person has violated provisions
20 of this Act, the Committee shall forward the name of the person to the Attorney-
21 General of the Federation for prosecution and the Attorney-General shall
22 ensure the timely prosecution of the person upon the receipt of the
23 recommendations of the Committee.

24 PART V - OFFENCES AND PENALTIES

25 27.-(1) A government of the Federation or any officer thereof that fails
26 to comply with the provisions of this Act shall be liable to any sanction as
27 prescribed under this Act or in regulations made pursuant to this Act.

28 (2) The following shall constitute offences under this Act: (a)
29 abandonment of projects;

30 (b) refusal to publish register of projects;

1 (c) refusal to produce information lawfully demanded;

2 (d) misappropriation of funds;

3 (e) non-compliance with regulations or directives;

4 (f) non-performance of duty;

5 (g) willful destruction of property;

6 (h) criminal breach of trust;

7 (i) abuse of confidential information;

8 (j) any other offence under any other law.

9 **28.-(1)** Penalties and punishment under this Act shall include:

10 (a) sanctions, official reprimand, forfeiture of salary, demotion,
11 removal from office, suspension, surcharge, payment of fines, etc;

12 (b) a term of imprisonment.

13 (2) A person who without reasonable cause, fails to comply with a
14 requirement made, or a directive given by the Minister, shall be liable as
15 appropriate for any of the offences listed in subsection (2) of section 25 of
16 this Act; and liable on conviction;

17 (a) if it is an individual, to a fine of not less than one hundred
18 thousand Naira; and

19 (b) a corporate body, to a fine of not less than two million Naira.

20 (3) A person who, in the purported performance of his or her duty
21 under this Act, causes to be published or otherwise utters information relied
22 upon for planning purposes knowing same to be false in any material
23 particular, commits an offence and liable on conviction to a fine of not less
24 than two hundred thousand Naira or imprisonment for a term of not less than
25 three years or to both such fine and imprisonment.

26 (4) Any officer of a government of the Federation who refuses to
27 perform his duty or negligently performs his duty commits an offence under
28 this Act and shall be punished in accordance with the established
29 disciplinary rules for public officers.

30 (5) Any officer or person who contravenes the provisions of this

1 Act or regulations made pursuant to this Act commits an offence and is liable
2 on conviction, where no penalty is specified, to a fine of not less than one
3 hundred thousand Naira.

4 (6) Where an institutional responsibility is provided for in this Act, the
5 head of the institution shall ensure the performance of such responsibility and
6 where he fails to do so, he commits an offence punishable under this Act.

7 PART VI - MISCELLANEOUS

8 29. State Governments of the Federation shall ensure the provision of
9 technical and financial assistance, including training, human capacity
10 development, transfer of technology to Local Government Area Councils for
11 the successful implementation of the provisions of this Act.

12 30. The Federal High Court or a High Court of a State shall have
13 jurisdiction over any matter arising under this Act.

Interpretation

14 31. In this Act, unless the context otherwise requires:

15 "Chairman" means the Chairman of the Committee Established under section
16 15 of this Act;

17 "Committee" means the Federal Projects Execution Committee established
18 under subsection (1) of section 15 of this Act;

19 "Certificate of Compliance" means the Certificate referred to in subsection (3)
20 of section 8 of this Act;

21 "Development Plan" means a programme of economic plan developed by a
22 government of the Federation;

23 "a government of the Federation" means the Federal Government, State
24 Governments and includes each of the governments of the seven hundred and
25 seventy-four Local Government Areas of the Federation and the six Area
26 Councils of the Federal Capital Territory, Abuja;

27 "Head of Planning" means the appointed officer in the Local Government Area
28 responsible for planning;

29 "jurisdiction" means the area of control such as the Federation of Nigeria, a
30 State in the Federation or a Local Government Area;

1 "Legislature" means the National Assembly, in the case of the Federal
2 Government, State House of Assembly, in the case of the States and the
3 Local Government Legislature in the case of the Local Government Areas;

4 "member" means a member of the Federal Projects Execution Committee
5 and includes the Chairman;

6 "Minister" means the Minister charged with the responsibility for national
7 planning;

8 "offences" means any offence prescribed under this Act or in any other Act
9 in Nigeria;

10 "sanction" includes official reprimand, forfeiture of salary, demotion,
11 removal from office, suspension, surcharge, payment of fines, etc;

12 "Vision 20: 2020 document" means the document titled Nigerian Vision 20:
13 2020 Economic Transformation blueprint.

14 32. This Bill may be cited as the Development Planning and Projects Continuity Bill, 2016. Short Title

16 SCHEDULE

17 OBJECTIVES OF VISION 20: 2020 VISION STATEMENT

18 By 2020, Nigeria will have a large, strong, diversified, sustainable and
19 competitive economy that effectively harness the talents and energies of its
20 people and responsibly exploits its national endowments to guarantee a high
21 standard of living and quality of life to its citizens.

22 OBJECTIVE I

23 Guaranteeing the Well-Being and Productivity of the People:

- 24 * Eradicate extreme hunger and poverty;
- 25 * Enhance access to quality and affordable healthcare;
- 26 * Provide sustainable access to potable water and basic sanitation;
- 27 * Provide accessible and affordable housing;
- 28 * Build human capacity for sustainable livelihoods and national
29 development;
- 30 * Promote gender equality and empower women;

- 1 * Improve access to micro-credit; and
2 * Foster a culture of entertainment and recreation for enhanced productivity.

3 OBJECTIVE 2

4 *Optimising The Key Source of Economic Growth*

- 5 * Stimulate primary production to enhance the competitiveness of Nigeria's
6 real sector;
7 * Significantly increase production of processed and manufactured goods for
8 export;
9 * Stimulate domestic and foreign trade in value-adding products and services;
10 and
11 * Strengthen linkages between key sectors of the economy.

12 OBJECTIVE 3

13 *Fostering Sustainable Social and Economic Development*

- 14 * Develop efficient, accountable, transparent and participatory governance;
15 * Establish a competitive, private sector led business environment
16 characterized by sustained macroeconomic stability;
17 * Enhance national security and improve the administration of justice;
18 * Promote unity in diversity, national pride, and the conservation of the nation's
19 cultural heritage;
20 * Develop sufficient and efficient infrastructure to support sustained economic
21 growth;
22 * Preserve the environment for sustainable socio-economic development; and
23 (Promote the sustainable development of Nigeria's geo-political regions into
24 economic growth poles.

EXPLANATORY MEMORANDUM

This Bill seeks to make development planning compulsory for all tiers of government in Nigeria as a means of creating coherent and measurable targets in development initiatives by all tiers of government and to facilitate the expeditious achievement of the goals of Vision 20: 2020 which, among other things, is to place Nigeria among one of the twenty largest economies in the world by the year 2020.