

NIGERIAN AUTHORS TRUST FUND BILL, 2016

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN
AUTHORS TRUST FUND AND FOR RELATED MATTERS

Sponsored by Hon. Abdulrazak Nandas & Hon. Jerry Alagbaoso

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NIGERIAN AUTHORS TRUST FUND

2 1. There is established a Fund to be known as the Nigerian Authors
3 Trust Fund (in this Bill referred to as "the Fund") into which shall be paid all
4 contributions and other monies as may be paid under this Bill and which
5 shall be operated and managed as provided in this Bill.

6 2. The Fund shall:

7 (a) Be a body corporate with a common seal; and

8 (b) May sue or be sued in its corporate name;

9 3. The monies accruing to the Fund or from investments made by
10 the Fund shall be used for the following purposes-

Purpose of the
Fund

11 (a) To provide funding assistance to Nigerian Authors who desire
12 to get their works published, having met the eligibility criteria as stipulated
13 by the Board;

14 (b) The Fund shall also cover the following categories of Authors
15 who meet the Board's eligibility criteria-

16 (i) Student Authors;

17 (ii) Authors and aspiring authors who are members of the National
18 Youth Service Scheme;

19 (iii) Civil servants who are authors or are aspiring to be authors;

20 (iv) Disabled authors and aspiring authors;

21 (e) To encourage reading habit, development of vocabularies,

1 spelling and pronunciation among Nigerians especially students;

2 (d) The Fund is aimed at talent-hunt for children writers - just to catch
3 them young, and also to encourage children's literature generally;

4 (e) To encourage research in literature and culture;

5 (f) To encourage research into indigenous languages and songs;

6 (g) To encourage the "Bring back the book project in Nigeria".

Establishment
of the Nigerian
Authors Trust
Fund Management
Board

7 **4.-(1)** there is established for the purpose of administering the Trust
8 Fund, a body to be known as the Nigerian Authors Trust Fund Management
9 Board (in this Bill referred to as "the Board") which shall be under the
10 supervision of the Federal Ministry of Education;

11 (2) the provisions of the schedule to this Bill shall have effect with
12 respect to the subscription to the fund and selection of beneficiaries to the fund
13 and the other matters contained therein;

Membership of
the Board

14 **5.** The Board shall comprise the following members-

15 (a) the Chairman of the Board, who shall be the Minister of
16 Education;

17 (b) the President Association of Nigerian Authors;

18 (c) the President Guild of Editors;

19 (d) A representative each of the following Ministries, not below the
20 rank of a Director-

21 (i) Ministry of Education;

22 (ii) Ministry of Women Affairs and Youth development;

23 (iii) Ministry of Finance;

24 (iv) Ministry of Information and National Orientation;

25 (e) A Professor or Doctorate Degree holder in creative writing from
26 any Tertiary Institution in Nigeria;

Tenure of office
of Members of
the Board

27 **6.-(1)** a member of the Board other than ex-officio, shall hold office
28 for a term of four years and no more;

29 (2) Members of the Board shall be paid allowances as may be
30 determined by the Board in consultation with the National Salaries, Wages and

- 1 Income Commission;
- 2 7. A member may resign his appointment by a notice in writing, Resignation by
3 addressed to the President; a Member of the
4 8. A member ceases to hold office if he- Cessation of
5 (a) Becomes of unsound mind; Membership
6 (b) Is withdrawn by the body he represent on the Board;
7 (c) Is convicted of felony or any offence involving dishonesty;
8 (d) Is guilty of misconduct in relation to his duties.
- 9 9. Notwithstanding the provision of section 6 of this Bill, the Removal from
10 President may remove a member from the Board if any circumstances arise office of a member
11 which would require the removal of the Member from the Board.
- 12 10.-(1) The Board shall be responsible for: Functions of the
13 (a) Receiving monies accruing to the Fund; Board
14 (b) Setting out guidelines and criteria for the selection of Authors to
15 benefit from the Fund;
16 (c) Disbursing monies from the Fund to attain the objectives of the
17 Fund;
18 (d) Scrutinizing and approving request from Authors or aspiring
19 Authors seeking to benefit from the Fund;
20 (e) Exercising control over the management of the Fund with a
21 view to ensuring accountability and proper utilization of the Fund for the
22 purposes set out in this Bill;
23 (f) Educating and promoting awareness among Nigerians on the
24 activities, functions and achievements of the Board/Fund;
25 (g) Perform any other function for the purpose of realizing the
26 objectives of the Fund.
- 27 11.-(a) At the commencement of any financial year, and for the Application of
28 purpose of applying the fund, the Board acting through the various state the Fund
29 chapters of Association of Nigerian Authors shall verify and compile the list
30 of the names of eligible Authors who shall be registered members of the

1 Association or any other similar association recognized by government;

2 (b) In compiling the list, preference must be given to new authors,
3 student authors and disabled authors;

4 (c) The Board reserves the right to nullify the eligibility of an author to
5 benefit from the fund; hence the Board must ensure that the qualities of books
6 being published by eligible authors are of great value to the education sector
7 and to social development;

8 **12.** The Board shall thereafter deliver the head copy of the list to the
9 Secretary to the government of the federation, for the attention of the President,
10 and copies shall be delivered to-

11 (a) The Accountant General of the Federation;

12 (b) The Minister of Education;

13 (c) The Commissioners of Education/ Finance in all states of
14 Federation;

15 (d) The President, Association of Nigerian Authors;

16 **13.** The Accountant General of the Federation, the Minister of
17 Education and the Finance Minister shall certify the list for statutory
18 appropriation for the fiscal year;

19 **14.** Though the Board determines the number of beneficiaries in a
20 given year, yet any Author who is qualified and enlisted but does not benefit in
21 that year of qualification and enlistment as a result of lack of sufficient fund
22 may be given a preference in the subsequent years;

23 **PART II - STAFF OF THE FUND**

24 **15.**-(1) the Executive Secretary of the Trust Fund shall be appointed
25 by the President on the recommendation of the Board;

26 (2) There shall be appointed for the Board, an Executive Secretary;
27 who shall be a person of unquestionable integrity with background in literary
28 studies or creative writing;

29 (3) other conditions for the appointment of the Executive Secretary
30 shall be as prescribed by the Board from time to time;

1 (4) the Executive Secretary shall hold office for a term of four years
2 in the first instance and may be eligible for another term of four years.

3 **16.** The Executive Secretary shall-

Functions of the
Executive Secretary

4 (i) be the Chief Executive Officer of the Trust Fund;

5 (ii) be responsible for the day to day administration of the Fund;

6 (iii) be the Secretary to the Board;

7 (iv) Keep proper records of the proceedings of the Board; and

8 (v) Carry out such duties as may be assigned to him by the Board;

9 **17.**-(1) notwithstanding the provision of section 15 of this Bill, the
10 Executive Secretary may be removed from office by the President if he
11 deems it necessary for the attainment of the objectives of the Fund;

Removal from
office of the
Executive Secretary

12 (2) a person appointed as the Executive Secretary after such
13 removal in subsection (1) shall serve the unexpired period of the term of his
14 predecessor-in-office.

15 **18.**-(1) The Board may from time to time appoint such other, staff,
16 as it may deem necessary to assist the Secretary in the performance of the
17 function of the Board;

Appointment of
other Staff

18 (2) The Terms and Conditions of service (including remuneration,
19 allowances, benefits and pensions) of officers and employees shall be
20 determined by the Board on the recommendation of the Federal Civil
21 Service Commission

22 (3) The staff of the Board shall be-

23 (a) Public servants as defined in the 1999 Constitution of the
24 Federal Republic of Nigeria as amended; and governed according to the
25 Civil Service rules.

26 **PART III - FINANCIAL PROVISIONS**

27 **19.**-(1) there shall be credited to the Trust Fund established by the
28 provisions of Part I section (1):

29 (a) Such monies and payments as may be made to it by the Federal
30 government through its Ministry of Education's Annual Budget (perhaps

1 from part of funds set aside for books/stationeries);

2 (b) Contributions from the Tertiary Education Trust Fund (Tetfund);

3 (c) Contributions from Petroleum Technology Development Fund
4 (PTDF)

5 (d) Annual contributions from Private Universities operating in
6 Nigeria;

7 (e) Annual contribution from Authors whose books are recommended
8 in Tertiary institutions and Secondary Schools in Nigeria;

9 (f) 0.05% of profit after tax of the Print Media (Newspaper
10 Houses/Magazines), Private Electronic Media Houses, and foreign Publishing
11 Companies;

12 (f) Gifts and donations; and all other assets accruing, from time to
13 time, to the Board;

14 (g) Internally Generated Revenue (IGR);

15 (2) The Board shall apply the proceeds of the Trust Fund to-

16 (a) Defray the cost of administration of the Board;

17 (b) Pay members of the Board or of any Committee set up by the
18 Board or such expenses as may be expressly authorized by the Board;

19 (c) Publicize and promote the activities of the Board;

20 (d) Undertake all activities connected with its functions under this
21 Bill;

22 (e) Maintain any property vested in the Board.

23 (3) The Board may accept gifts of land, monies or other on such terms
24 and conditions, if any, as may be specified.

25 (4) The Board shall not accept any gift if the intention for the gift are
26 inconsistent with the functions of the Board under this Bill.

Records, Accounts,
and Audit

27 **20.-(1)** the Board shall prepare and submit to the presidency, not later
28 than 30th September of each year, an estimate of the Board for the following
29 year.

30 (2) The Board shall keep proper account of the Funds created under

1 this Bill in respect of each year and proper account record in relation thereto
2 and shall cause the accounts to be audited not later than 6 months after the
3 end of each year by auditors appointed by the Board in accordance with the
4 guidelines approved by the Auditor-General for the federation;

5 (3) The Board shall prepare and submit to the presidency, not later
6 than 30th June in each year, a report on the activities and administration of
7 funds during the preceding year and shall include in the report a copy of
8 audited accounts of the Funds for the year and the auditor's report thereof.

9 (4) the Board may, subject to the provisions of this Bill and the
10 conditions of any trust created in any securities as may, from time to time, be
11 approved by the Board, creates, enters, or undertake any security, trust,
12 mortgage; debenture, stock, trade, contract, equities and investment.

13 21. This Bill shall apply to all organizations or establishments
14 listed in part 3, section 19.

Subscription to
the Fund

15 22. Subject to the aforesaid, all eligible organizations or
16 establishment (as contained in section 19 shall subscribe 0.05% of their
17 profit after tax as contribution to the fund.

18 23.-(1) any organization or establishment engaged in a non-profit
19 making business undertaking, shall submit an application to the Board in the
20 prescribed form for exemption, seeking to be exempted from contributing to
21 the Trust Fund;

22 (2) An application shall be accompanied by detailed statements of
23 the business and activities of the organization with other particulars as may
24 be required by the Board;

25 (3) Upon the receipt of the application, the Board shall verify and
26 investigate the fact and shall upon its satisfaction and approval issue a
27 certificate of exemption from the Trust Fund to such establishment.

28 (4) The certificate of exemption shall be handed over to the
29 organization by the chairman of the Board with the signature of the
30 chairman thereon.

1 (5) Except in cases of organizations or institutions seeking
2 registration in first instance, any transaction, registration, rendition, business,
3 application, notification, returns, notice or reports by any organization or
4 establishment with the corporate affairs commission, the commission shall
5 demand from the organizations or establishments concerned, (not being an
6 exempted organization within the meaning of this Bill) evidence of latest
7 subscriptions to the trust fund shall seek clearance thereon from the Board.

Exemption from
Tax

8 **24.**-(1) The Board shall be exempted from the payment of income tax
9 or any income derived by it under this Bill or accruing to it from any
10 investments;

11 (2) The provision of any enactment relating to the Taxation of Trust
12 shall not apply to the Board.

Offences and
Punishment

13 **25.**-(1) Except a statutory Corporation or government parastatal or
14 Institution, any establishment or person who fails to comply with or
15 contravenes or abet the contravention of any provision of this Bill in relation to
16 section 19 shall be guilty of an offence and shall be liable upon conviction to
17 redeem the default with a fine of N200,000 or imprisonment for 3 years or to
18 both such fine and imprisonment:

19 (i) Provided that in the case of statutory corporation where the offence
20 is committed with the consent or connivance of or to be attributable to, any
21 neglect on the part of any Director, Manager, Secretary or other official of the
22 Institution or organization, such Director, Manager, Secretary or other official
23 shall be guilty and liable under this section.

24 (2) any person or group of persons that indulges in dishonest acts to
25 benefit from the provisions of this Bill; shall be liable upon conviction to a
26 prison term of 1 year and six months, or a fine of N100,000 or to both such fine
27 and imprisonment;

28 (3) In the case of connivance between an official of the Board and an
29 applicant, the applicant is liable to the punishment as prescribed under
30 subsection (2) of section 25. While the official shall be liable on conviction to a

1 prison term of 2 years and sack thereafter.

2 26.-(1) In this Bill, unless the context otherwise requires-

Interpretation

3 "Board" means the Nigerian Authors Trust Fund Board;

4 "Author" means any person with a published work which must be of value to
5 the educational sector;

6 "Eligible organization" means companies or establishments that satisfy the
7 provisions of section 6 of this Bill.

8 27. This Bill may be cited as the Nigerian Authors Trust Fund Bill,
9 2016.

Citation

10 THE SCHEDULE

11 PART A

12 RULES AND REGULATIONS OF THE BOARD

13 (1) The Board is to maintain a register of all privately owned
14 universities and publishing companies in Nigeria;

15 (2) The Board is to transmit the Bill (when passed as an Act) to all
16 the related companies and Institutions;

17 (3) The Board shall issue subscription form to companies and
18 Institutions that subscribe to it;

19 (4) The subscription form is to contain the account number of the
20 Trust Fund;

21 (5) The companies and institutions are to pay directly to the credit
22 of the Account of the Board;

23 (6) The Board is to document all subscription forms for
24 verification;

25 (7) The Bank is to transmit a copy of the teller to the Board;

26 (8) The Board is to maintain a book of payment to the Trust Fund;

27 (9) The Board shall publish the names of companies and
28 Institutions that subscribe to the Trust Fund in three national dailies;

29 (10) The Board is to send one week demand notice to any
30 defaulting companies and Institutions;

1 (11) The companies in default, are to redeem the default within one
2 week of demand;

3 (12) The Board is to compile the list of subsequent defaulters and
4 transmit same to the Attorney - General of the Federation;

5 (13) The office of the Attorney-General of the Federation is to
6 prosecute defaulters.

7 (14) The office of the Attorney-General is to compile the record of
8 proceedings at the end of every case and transmit same to the Board.

9 PART B

10 SELECTION OF BENEFICIARIES

11 (1) The Board shall set guidelines and criteria for selection of would
12 be Authors to be covered under the Bill;

13 (2) During the selection of Authors to be covered under the Bill, the
14 provisions of section 3, subsection (a) shall apply;

15 (3) Applicants are to apply through the Chairman of the Board;

16 (4) Where the Author's status does not match the criteria set for
17 beneficiaries of the fund by the Board, the Board's decision thereon is final;

18 (5) The successful applicant is to provide a recommendation letter
19 along with a certificate of Origin signed by the local government chairman or
20 from a guarantor who shall recommend and guarantee the applicant as being a
21 citizen of Nigeria;

22 (6) A guarantor shall be either of the following-

23 (a) A Traditional ruler from the applicant's locality;

24 (b) A senior Civil Servant not below the rank of a Director who is from
25 the Applicant's state;

26 (c) A military or police officer not below the rank of a lieutenant
27 Colonel or Assistant Police Commissioner;

28 (d) A known or respectable member of the society where the applicant
29 resides;

30 (e) The Board is to supervise the Trust Account;

- 1 (f) Notwithstanding any Bank Practices or regulations, the Board
2 shall have right and access to the Trust Account;
3 (g) The decision of the Board on the trust Account shall be final.

EXPLANATORY NOTE

This is a Bill for an Act seeking for the establishment of A Nigerian Authors' Trust Fund to provide financial aid to authors and aspiring authors in Nigeria and for other purposes connected therewith.

(f) Notwithstanding any State Practice or procedure, the Board shall have final and exclusive jurisdiction to determine the amount of the decision of the Board in the case of a judicial officer's appeal from a decision of the Board.

(g) The Board shall have the authority to determine the amount of the decision of the Board in the case of a judicial officer's appeal from a decision of the Board.

(h) The Board shall have the authority to determine the amount of the decision of the Board in the case of a judicial officer's appeal from a decision of the Board.

(i) The Board shall have the authority to determine the amount of the decision of the Board in the case of a judicial officer's appeal from a decision of the Board.