

A BILL

FOR

AN ACT TO ESTABLISH THE SECURITY SERVICES WELFARE
INFRASTRUCTURE DEVELOPMENT COMMISSION TO PROVIDE AMONG
OTHER THINGS, MANAGEMENT AND REVIEW THE STATE OF WELFARE
INFRASTRUCTURE OF THE SECURITY SERVICES; AND FOR CONNECTED
PURPOSES

Sponsored by Hon. Joan Onyemaechi Mrakpor

[] Commencement

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

1 1. -(1) There is established a body to be known as the Security
2 Services Welfare Infrastructure Development Commission (in this
3 Act/referred to as "the Commission")

4 2. -(1) The Commission shall be a body corporate with perpetual
5 succession, and a common seal and may sue and be sued in its corporate
6 name.

Establishment of
the Security
Services Welfare
Infrastructure
Development
Commission

7 3.-(1) The management of the Commission shall vest in the
8 following who shall be appointed by the President subject to the
9 confirmation by the Senate:

Management of
the Commission

10 (a) a Chairman; and

11 (b) ten other Commissioners.

12 (2) The President shall appoint at least one Commissioner from:

13 (a) each of the Security Services; and

14 (b) a professional from outside the Security Services.

15 (3) The Chairman shall be a person who has:

16 (a) attained the rank of at least a Brigadier-General or its
17 equivalent; and

18 (b) retired from active service in any of the security services.

Tenure 1 4. A Commissioner shall hold office:
2 (a) for a period of four years and shall be eligible for re-appointment
3 for a further period of four years and or more;
4 (b) on such terms as to remuneration, salaries and allowances as may
5 be prescribed by the National Revenue Mobilization, Allocation and Fiscal
6 Commission.

Cessation of Membership of the Commission 7 5. Notwithstanding the provisions of Section 3, a Commissioner:
8 (a) may at any time resign his appointment by giving notice in writing
9 to 3. the President;
10 (b) shall vacate his office if the President is satisfied that the
11 Commissioner by reason of mental or physical infirmity or any other cause is
12 incapable of discharging the functions of his office;
13 (c) the Chairman and Commissioners shall hold office subject to the
14 terms and conditions as may be stipulated in their letters of appointment.

15 **FUNCTIONS AND POWERS OF THE COMMISSION**

Functions of the Commission 16 6. -(1) The functions of the Commission shall be:
17 (a) to identify the welfare infrastructure necessary in every security
18 service establishment in Nigeria;
19 (b) to determine the minimum standard of welfare infrastructure to be
20 used in every security service unit;
21 (c) to determine the method for the development of the welfare needs
22 of every unit of the security services;
23 (d) to collect and maintain a fund to be constituted from 5% of the
24 Federation Account to be allocated for that purpose in the budget;
25 (e) to deploy such fund in paragraph (d) for the development of
26 Security Services Welfare Infrastructure;
27 (f) supervise the execution of the development of security services
28 welfare infrastructure;
29 (g) to review the state of welfare infrastructure in the security services

1 from time to time by embarking on regular inspection and assessment of
2 same; and

3 (h) to ensure the efficiency, effectiveness, maintenance and
4 preservation of welfare infrastructure provided for security services.

5 (2) In this section and everywhere it appears in this Bill, "Welfare
6 Infrastructure" includes housing, transport, utilities, education and
7 healthcare.

8 7. -(1) The Commission shall have power to:

Powers of the
Commission

9 (a) procure, hold or own any such movable or immovable property
10 as maybe necessary for giving effect to the provisions of this Act; Security
11 Services Welfare Infrastructure Development Commission;

12 (b) lease, mortgage, sell or otherwise dispose of any property
13 acquired or held under this Act;

14 (c) liaise with international agencies, security services or other
15 bodies as it may deem necessary to enhance the performance of its functions
16 under this Act;

17 (d) invest its unspent fund in such manner as is necessary for giving
18 effect to the provisions of this Act;

19 (e) borrow or obtain credit facilities for the purpose of giving effect
20 to the provisions of this Act;

21 (f) accept contributions, donations or gifts from any person, body
22 or Government upon such terms and conditions, if any, that will not
23 prejudice the Commission in the discharge of its functions;

24 (g) maintain an account with a reputable bank in Nigeria.

25 (2) The supplementary provisions contained in the schedule to this
26 Act shall have effect with respect to the proceedings of the Commission and
27 other matters contained therein.

28 8. The Commission may subject to such condition as it may deem
29 fit, delegate any of its powers under this Bill to:

Terms and
Condition of the
Commission

1 (a) any of the security services (or the Reserve Army if there is any);

2 and

3 (b) any officer in the security services.

Power to appoint
Executive

4 **9.**-(1) The Commission shall have power to appoint:

5 (a) an Administrative Secretary who shall be responsible for the day-
6 to-day affairs of the Commission and perform such other functions as the
7 other, staff. Commission may from time to time assign to him; and

Other Staff

8 **10.**-(a) such other staff as may appear necessary for the efficient
9 performance of its functions under this Act.

Application of
Pension Reform
Act 2004

10 **11.**-(1) Service in the Commission shall be approved service for the
11 purposes of the Pensions Act and accordingly, employees and staff of the
12 Commission shall, in respect of their services be entitled to pensions, gratuities
13 and other retirement benefits.

14 (2) Any powers exercisable under the Pensions Act by the Minister or
15 any authority of the Federal Government (not been powers under Section 32
16 thereof), shall be exercisable by the Commission and not by any other person or
17 Authority.

18 FINANCIAL PROVISIONS

Funds of the
Commission

19 **12.**-(1) The Commission shall establish and maintain a fund, which
20 shall be applied towards the promotion of the functions specified in this Act.

21 (2) The funds of the Commission shall consist of:

22 (a) such monies as may from time to time be provided by the Federal
23 Government for the purposes of this Bill by way of grants or budgetary
24 allocations or both;

25 (b) contributions, donations or gifts received from any person, body
26 or Government; and

27 (c) interests, profits or returns on investment accruing to the
28 Commission for the performance of its functions under this Act.

29 (3) The Commission shall utilize its funds to defray:

30 (a) all expenses in connection with the performance of its functions;

1 (b) the remuneration, fees, and allowances of the Commissioners;

2 (c) the fees, salaries, remuneration, pensions and gratuities of
3 officers, servants, agents and other persons acting under the authority of the
4 Commission.

5 13.-(1) The Commission shall, within three (3) months after the
6 end of each financial year, submit to the President an annual report with
7 regard to the functions, affairs and financial position of the Commission in
8 respect of that financial years.

Annual Report
by the
Commission

9 (2) The annual report shall include:

10 (a) an audited balance sheet and statement of income and
11 expenditure of the Commission, including any notes and documents
12 annexed whereby relevant information is provided;

13 (b) particulars of any contributions, donations or gifts received
14 under Section;

15 (c) a report regarding the strategies and plans of the Commission
16 for the next financial year; and

17 (d) such other information as the President may from time to time
18 require.

19 (3) The Commission shall prepare and submit to the President
20 through the Minister, not later than three months after the end each financial
21 year a report in such form as he may direct on its activities during the
22 immediately preceding financial year, and shall include in such report a
23 copy of the audited accounts for that year and the Auditor-General's report
24 thereon.

25 (4) The President shall within 30 days of receiving the report
26 submit same to the National Assembly.

27 MISCELLANEOUS

28 14.-(1) At the commencement of this Act, anything done in terms
29 of the Armed Forces Act, 1993, the Police Act, or any other law for the time
30 being in force, prior to such commencement and which could have been

Repeals and
Savings. Cap
359 LFN 1990

1 done in terms of the provisions of this Act, shall be deemed to have been done
2 under this Act.

3 (2) The Federal High Court shall have jurisdiction in any dispute
4 arising out of, or in the course of, or related to any of the functions of the
5 Commission.

6 (3) At the commencement of this Act, any provisions of the laws
7 mentioned in Subsection (1) of this section or of any other law for the time
8 being in force, which relates to the functions and powers of the Commission
9 under this act, shall stand repealed.

Interpretation

10 **15.** In this Act:

11 "Administrative Secretary" means the Chief Administrative Office of the
12 Commission;

13 "Bank" means any financial institution duly licensed to operate as such;

14 "Commissioner" includes Chairman;

15 "person" includes a body corporate and individual;

16 "President" means the President, Commander-in-Chief of the Armed Forces of
17 the Federal Republic of Nigeria;

18 "Security Services" includes the Nigerian Army, Nigerian Air-Force, Nigerian
19 Navy, Nigeria Intelligence Agency, State Security Service, Defense
20 Intelligence Agency, Nigeria Police Force, Nigeria Custom Service, Nigeria
21 Immigration Service, Nigeria Security and Civil Defense Corps, and Nigeria
22 Prison Service.

Short Title

23 **16.** This Act may be cited as the Security Services Welfare
24 Infrastructure Development Commission Bill, 2015.

1 SCHEDULE

2 *Committees*

3 3.-(1) The Commission may appoint one or more committees to
4 carry out, on behalf of the Commission, such functions as the Commission
5 may determine.

6 (2) A Committee appointed under this paragraph shall consist of
7 such number of persons as may be determined by the Commission and a
8 person shall hold office on the committee in accordance with the terms of his
9 appointment.

10 (3) A decision of a Committee of the Commission shall be of no
11 effect until it is confirmed by the Commission.

12 *Miscellaneous*

13 4.-(1) The fixing of the seal of the Commission shall be
14 authenticated by the signatures of the Chairman or any other member of the
15 Commission generally or specifically authorized by the Commission to act
16 for that purpose and the Secretary.

17 (2) Any contract or instrument which, if made or executed by a
18 person not being a body corporate, would not be required to be under seal
19 may be made or executed on behalf of the Commission by the Secretary or
20 any person generally or specifically authorised by the Commission to act for
21 that purpose.

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

25 5. The validity of any proceedings of the Commission or of a
26 committee shall not be adversely affected by:

- 27 (a) a vacancy in the membership of the Commission or committee;
 - 28 (b) a defect in the appointment of a member of the Commission or
29 committee; or
 - 30 (c) a reason that a person not entitled to do so took part in the
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proceedings of the Commission or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the Security Services Welfare Infrastructure Development Commission to provide for the Functions and Powers of the Commission; to empower the Commission to Provide, Manage and Review the State of Welfare Infrastructure of the Security Services.