

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN INTELLIGENCE AGENCY PENSIONS BOARD TO HANDLE PENSIONS MATTERS FOR PERSONNEL OF THE AGENCY; AND FOR RELATED MATTERS

Sponsored by Hon. Oluwole Oke

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 1.-(1) There is established a Pensions Board (in this Bill referred to
2 as "the Board") which is charged with the responsibility for payment of
3 pensions and gratuities to all personnel of the Agency.

Establishment of a Pensions Board for personnel of the Nigerian Intelligence Agency

4 Application of the Bill to personnel who retired before the commencement
5 of this Bill.

6 (2) This Bill shall apply to all personnel of the Agency including
7 those who had retired before the commencement of this Bill.

8 (3) The retirement benefits of personnel referred to in subsection
9 (2) above shall be adjusted to be commensurate with the provisions of this
10 Bill.

11 2.-(1) Subject to the provisions of this Bill, any pension or gratuity
12 payable to any personnel under this Bill shall be computed in accordance
13 with the provisions of the schedule to this Bill.

Computation of pension or gratuity

14 (2) In computing pensionable service and qualifying service for the
15 purpose of this Bill, any period of service over six months and not included
16 in a completed year shall, for the purpose of the schedule to this Bill as it
17 relates to personnel entitled to a pension, count as one year.

18 3. There shall be charged on and paid out of the Consolidated
19 Revenue Fund of the Federation, all such sums of money as may, from time
20 to time, be granted by the Federal Government by way of pension and

Pension, etc. to be charged on revenue of Nigeria

Circumstances
in which Pension
may be granted

1 gratuity in accordance with this Bill.

2 4.-(1) No pension or gratuity shall be granted under this Bill to any
3 personnel except on his retirement from the Agency in any of the following
4 circumstances-

5 (a) after serving for thirty-five (35) years or attained the age of sixty
6 (60) years, whichever is earlier;

7 (b) on voluntary retirement after serving for not less than ten years;

8 (c) on compulsory retirement under the provisions of section 5 (1) of
9 this Bill;

10 (d) on compulsory retirement for the purpose of facilitating
11 improvements in the Agency, so that greater efficiency or economy may be
12 effected;

13 (e) at any time on medical evidence to the satisfaction of the Medical
14 Board that he is incapable by reason of any infirmity of mind or body of
15 discharging his duties and that such infirmity is likely to be permanent;

16 (f) on voluntary withdrawal after having put in not less than five years
17 but less than ten years continuous service as a personnel: provided that-

18 (i) in respect of paragraphs (c) to (e) above, if the personnel has served
19 for less than five years but less than ten years before his retirement, he shall be
20 entitled only to a gratuity as specified in the appropriate column of the Table in
21 the Schedule to this Bill;

22 (ii) if the personnel has served for a minimum of three years but less
23 than five years before he is required to retire, he shall be entitled to an ex-gratia
24 gratuity calculated on pro-rata basis at the rate of ten percent for every
25 completed year of service.

26 (2) Where a personnel retires pursuant to subsection (f) (i) above-

27 (a) if he has completed five years but not up to ten years in service, he
28 shall be entitled only to a gratuity;

29 (b) if he has served for not less than ten years, he shall be entitled to a
30 pension;

1 (c) if he is required to retire after ten years qualifying service
2 pursuant to the provisions of paragraphs (c) - (e) of subsection (1) above, he
3 shall be entitled to pensions immediately on retirement even though he has
4 not attained the age of forty five years.

5 5.-(1) It shall be lawful for the Board to require a personnel to retire
6 from the Agency at any time after he has attained the age of forty five years
7 subject to three months notice in writing of such requirement being given to
8 the personnel.

Compulsory
retirement and
retirement on
compassionate
grounds

9 (2) A personnel may, on compassionate grounds, be allowed to
10 resign, withdraw or retire from service, as the case may be, in accordance
11 with the Agency Regulations.

12 6.-(1) A pension granted to a personnel or other rank under this Bill
13 shall not be less than forty percent of his total emolument.

Minimum and
maximum pension

14 (2) For the purpose of this section, an additional pension granted in
15 respect of injury shall not be taken into account; but where the personnel or
16 other rank is granted such an additional pension under this Bill, the amount
17 so granted together with the remainder of his pension under this Bill shall
18 not exceed one hundred percent of his highest pensionable emolument at
19 any time in the course of his service.

20 7.-(1) Where a personnel dies in the course of official duty, there
21 shall be paid to his next of kin or designated survivor a gratuity to which the
22 personnel would have been entitled at the date of his death.

Pension and
gratuity to be paid
to dependent, etc.
where a pensioner
dies in service

23 (2) Where a personnel dies before completing the minimum period
24 of qualifying service, his designated survivor shall be paid a death gratuity
25 of one years salary only.

26 (3) Any pension payable under subsection (1) above shall be paid to
27 any person entitled thereto for a period expiring at the end of five years after
28 the death of the personnel, however, a lump sum representing five years
29 pensions may be paid immediately to the person entitled to it.

1 so deducted shall be applied in or towards paying or repaying that sum or
2 overpayment.

3 12.-(1) The Board may, by order published in the Gazette
4 Delegation of power. delegate to another person or authority all or any of its
5 powers under this Bill. Delegation of power

6 (2) But the delegation of a power under the above subsection shall
7 not prevent the Board from continuing to exercise the power if it thinks fit.

8 13.-(1) The Management of the Agency may make provisions for
9 the structure, personnel, etc of the Board which in turn may make provisions
10 for carrying into effect the provisions of this Bill. Regulations

11 (2) Whenever the Board is satisfied that it is equitable that any
12 regulation made under this section should have retrospective effect in order
13 to confer a benefit upon or remove a disability attached to any person, that
14 regulation may be given retrospective effect for that purpose.

15 14. In this Bill, unless the context otherwise requires- Interpretation
16 "basic pay" means the daily rate of pay due and payable to a personnel, but
17 does not include allowances;
18 "Director-General" means the Director-General of the Nigerian Intelligence
19 Agency (NIA);
20 "Federal Government" means the Federal Government of Nigeria;
21 "Gazette" means the official gazette of the Agency;
22 "last pay" in relation to a personnel whose appointment has been terminated,
23 means the amount payable to him for a month (or if he was on a daily rate of
24 pay, for thirty one days) multiplied by twelve in respect of the last
25 substantive rank held by him immediately before the end of his
26 employment;
27 "lodging" means the provision of furnished accommodation, fuel and light
28 and personal service;
29 "medical board" means any medical board appointed by the Management of
30 the Agency or by any other person pursuant to a delegation under section 12

- 1 of this Bill, to assess the degree of disablement of personnel;
- 2 "officer" means a personnel on the rank of Intelligence Officer (SIO II) and
3 above;
- 4 "other rank" means a personnel below the rank of Intelligence Officer (SIO II)
5 in the Agency;
- 6 "pensionable emoluments" in respect of a personnel, means the salary attached
7 to the last substantive rank held by the personnel but does not include any
8 allowance whatsoever;
- 9 "pensionable service" means service in the Nigerian Intelligence Agency
10 (including service or employment under the Government of the Federation or
11 of a State or any other employment approved by the Agency and which has
12 been transferred to the Agency) which may be taken into account in
13 determining whether an officer is eligible by length of service, for a pension or
14 gratuity;
- 15 "personnel" means officers and other ranks in the employment of the Agency;
- 16 "qualifying service" means service in the Nigerian Intelligence Agency
17 (including service or employment in the public service or any other
18 employment which may be approved by the Nigerian Intelligence Agency)
19 which may be taken into account in determining whether an officer is eligible
20 by length of service for a pension or gratuity;
- 21 "retirement" means cessation of service after an officer has served for a period
22 of not less than five years or thereafter for a period of not less than ten years,
23 being periods respectively appointed as qualifying an officer for gratuity and
24 pension;
- 25 "termination" in relation to a personnel's employment, means termination of
26 full pay service by retirement, discharge or otherwise however;
- 27 "the Board" means the body charged by the Management of the Agency with
28 the responsibility for the administration of the pensions and gratuities of the
29 personnel of the Agency;
- 30 "the Agency" means the Nigerian Intelligence Agency (NIA).

1 had not occurred, such pension or gratuity to be in lieu of any pension or
 2 gratuity granted to him from the Consolidated Revenue Fund of the Federation
 3 or of a State or any other approved employment which is required to be
 4 refunded as a condition of the application to the personnel.

5 However, in calculating a pension or gratuity granted in accordance with the
 6 provisions of this paragraph, account shall not be taken for any purpose of the
 7 period during which the officer or other rank was not in the Agency.

8 FORMULA FOR CALCULATION OF PENSION AND GRATUITY BASED ON
 9 PERCENTAGE OF LAST PAY

10	Years of Qualifying Service	Gratuity as Percentage of	Pension as Percentage of
11		Last Pay (%)	Last Pay (%)
12	05	100	—
13	06	110	—
14	07	120	—
15	08	130	—
16	09	140	—
17	10	100	40
18	11	110	42
19	12	120	44
20	13	130	46
21	14	140	48
22	15	150	50
23	16	160	52
24	17	170	54
25	18	180	56
26	19	190	58
27	20	200	60
28	21	210	62
29	22	220	64
30	23	230	66

1	24	240	68
2	25	250	70
3	26	260	72
4	27	270	74
5	28	280	76
6	29	290	78
7	30	300	80
8	31	310	82
9	32	320	84
10	33	330	86
11	34	340	88
12	35	350	90

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Intelligence Agency Pensions Board which shall be charged with the responsibility of administering the pensions scheme for personnel of the service Agency.

This is in consequence of the exit of the Agency from the application of the contributory pension's scheme under the Pensions Reform Act, 2004.

