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 Establishment of a Pensions Board for personnel 2 as "the Board") which is charged with the responsibility for payment of of the Nigerian Intelligence Agency pensions and gratuities to all personnel of the Agency. 3 Application of the Bill to personnel who retired before the commencement 4 of this Bill. 5 (2) This Bill shall apply to all personnel of the Agency including 6 those who had retired before the commencement of this Bill. 7 (3) The retirement benefits of personnel referred to in subsection 8 (2) above shall be adjusted to be commensurate with the provisions of this 9 Bill. 10 2.-(1) Subject to the provisions of this Bill, any pension or gratuity 11 Computation of pension or gratuity payable to any personnel under this Bill shall be computed In accordance 12 13 with the provisions of the schedule to this Bill. (2) In computing pensionable service and qualifying service for the 4 purpose of this Bill, any period of service over six months and not included 15 in a completed year shall, for the purpose of the schedule to this Bill as it 16 relates to personnel entitled to a pension, count as one year. 17 3. There shall be charged on and paid out of the Consolidated 18 Pension, etc. to be charged on Revenue Fund of the Federation, all such sums of money as may, from time 19 revenue of Nigeria

to time, be granted by the Federal Government by way of pension and

pension;

	ļ	gratuity in accordance with this Bill.
Circumstances in which Pension may be granted	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

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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	Compulsory retirement and
6	from the Agency at any time after he has attained the age of forty five years	retirement on compassionate
7	subject to three months notice in writing of such requirement being given to	grounds
8	the personnel.	•
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	Minimum and maximum pension
13	shall not be less than forty percent of his total emolument.	maximum position
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	Pension and gratuity to be paid
21	shall be paid to his next of kin or designated survivor a gratuity to which the	to dependent, etc. where a pensioner
22	personnel would have been entitled at the date of his death.	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 (I) 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	

pensions may be paid immediately to the person entitled to it.

Pension to run fro five years after	1 r	8. Where a personnel dies within five years after retirement, his next		
death within five years of retiremen	2	of kin or designated survivor shall continue to be paid, for a period which shal		
	3	expire at the end of five years from the date of his retirement, the same pension		
	4	which the deceased personnel was receiving prior of his death. But if the next		
	5	of kin or designated survivor so elects, the balance of his pension at his death		
	6	may be paid immediately to the said next of kin or designated survivor.		
Notice of intention to retire or	7	9(1) A personnel who wishes to retire from the Agency after serving		
withdraw from service	8	for ten years or more shall give the Director-General three months' notice of his		
	9	intention to do so or he shall pay three months' salary in lieu of such notice.		
	10	(2) A personnel who wishes to withdraw from the Agency after		
	11	serving for not less than five years but up to ten years shall give the Director-		
	12	General one month's notice of his intention to withdraw from the Agency or he		
	13	shall pay one month's salary in lieu of such notice.		
	14	PART II - MISCELLANEOUS		
Pension and gratuity not to	15	10. A pension or gratuity granted under this Bill shall not be		
be assignable	16	assignable or transferable or liable to be attached, sequestrated or levied upon		
	17	for or in respect of any debt or claim whatsoever except for the purpose of		
	18 -	satisfying:,		
	19	(a) a debt due to the Federal Government; or		
	20	(b) an order of a Court for the payment of periodical sums of money		
	21	towards the maintenance of the wife or former wife or minor child of the		
	22	personnel to whom the pension or gratuity has been granted.		
Payment of public claims out of	23	11. Where the Board is satisfied that-		
pension and gratuity	24	(a) a sum is due to the Federal Government from a person to whom a		
	25	pension or gratuity is due under this Bill;		
	26	(b) an overpayment on account of any such pension or gratuity has		
	27	been made to any such person by the Federal Government, the Board may		
	28	authorize the deduction from the pension or gratuity, in respect of that sum or		
	29	overpayment of such amounts at such times as it may think fit; and the amounts		

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	Delegation of
4	Delegation of power. delegate to another person or authority all or any of its	power
5	powers under this Bill.	
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	Regulations
9	the structure, personnel, etc of the Board which in turn may make provisions	
10	for carrying into effect the provisions of this Bill.	
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	

- 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	15. This Bill may be cited as the Nigerian Intelligence Agency Citation
2	Pensions Bill, 2016.
3	SCHEDULE
4	Section 2 (1)
5	Computation of Pension and Gratuities to Personnel to whom and what
6	rates pension may be granted
7	1. Subject to the provisions of this Bill, a personnel shall be
8	granted, on retirement, a pension-
9	(a) If he has been in the service for ten years or more, at the rate set
10	out in the application column of the Table below;
- L	(b) If he has completed ten years' qualifying service; or
12	(c) If he has completed five years qualifying service if this
13	retirement is on the ground that he is incapable by reason of any infirmity of
14	mind or body of discharging his duties and such infirmity is likely to be
15	permanent.
16	General Rules as to Qualifying Service
17	2(1) Subject to the provisions of this Bill, qualifying service shall
18	be inclusive of the period between the date on which a personnel was
19	enlisted into the Agency and the date of his leaving such Agency without
20	deduction of any period during which he had been absent on leave.
21	(2) No period which is not qualifying service by virtue of the
22	foregoing paragraphs shall be taken into account as pensionable service.
23	Continuity of Service
24	3(1) Except as otherwise provided in this Schedule, only
25	continuous service shall be taken into account as qualifying service or as
26	pensionable service.
27	(2) A personnel who retires from the Agency and who is re-engaged
28	in the Agency within a period of five years from the date of his retirement, '
29	may be granted the pension or gratuity for which he would have been
30	eligible if any break in his service immediately prior to such re-engagement

1	had	not occurred, such pension or gratuity to b	e in lieu of any pension or	
2	grat	gratuity granted to him from the Consolidated Revenue Fund of the Federation		
3	or o	or of a State or any other approved employment which is required to be		
4	refu	refunded as a condition of the application to the personnel.		
5		However, in calculating a pension or gratuity granted in accordance with the		
6	prov	provisions of this paragraph, account shall not be taken for any purpose of the		
7	peri	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	Year	Years of Qualifying Service Gratuity as Percentage of Pension as Percentage of		
11		Last Pay (%)	Last Pay (%)	
12	05	100	— <u> </u>	
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EXPLANATORY MEMORANDUM

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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.

