

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA POLICE REFORM TRUST FUND AND FOR RELATED MATTERS, 2017

Sponsored by Hon. Olamide Oni Johnson

[] Commencement

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

1 PART I - OBJECTIVE, SCOPE AND DURATION

2 1. The objective of this Act is to provide a legal framework for Objective
3 management and control of the special intervention fund established under
4 section 3 of this Act for training and retraining of personnel of the Nigeria
5 Police Force and for the provision of equipment and related facilities for the
6 enhancement of the skills of the personnel of the Nigeria Police in the
7 handling of operational equipment and machineries.

8 2.-(1) The Trust Fund established under section 3 of this Act covers Scope and
9 all personnel of the Nigeria Police Force, including its auxiliary staff in duration
10 Nigeria and abroad for the overall improvement and efficiency in the
11 discharge of their duties and responsibilities.

12 (2) The Trust Fund is to operate for a period of six years from the
13 commencement of this Act and shall at the expiration of that period cease to
14 exist unless extended for any further period by an act of the National
15 Assembly.

16 PART II - ESTABLISHMENT, PURPOSE AND MANAGEMENT OF THE
17 NIGERIA POLICE REFORM TRUST FUND

18 3.-(1) There is established a fund to be known as the Nigeria Police Establishment
19 Reform Trust Fund (in this Act referred to as "the Trust Fund"). of the Nigeria
20 (2) The Trust Fund: Police Reform
21 (a) is a body corporate with a common seal; and Trust Fund

Composition
of the Trust Fund

1 (b) may sue and be sued in its corporate name

2 4.-(1) The Trust Fund shall comprise of:

3 (a) any take-off grant and special intervention funds as may be
4 provided by the Federal, State and Local Government of the Federation;

5 (b) such moneys as may be appropriated to meet the objective of this
6 Act by the National Assembly in the Federal budget;

7 (c) aids, grants and assistance from international bilateral; and
8 multilateral agencies, non-Governmental organizations and the private sector;

9 (d) grants, donations, endowments, bequests and gifts, whether of
10 money, land or any other property whatsoever, from any source;

11 (e) moneys derived from investment made by the Trust Fund; and

12 (f) any other monies which may accrue to the fund from time to time.

13 (2) The sources of monies referred to in the paragraphs (c) and (d) of
14 subsection (1) of this section shall be acceptable to the Trust Fund except where
15 the terms and conditions attached to an aid, grant, donation or gift are
16 inconsistent with the objective of the Trust Fund and the provisions of this Act.

Purpose of the
Trust Fund

17 5.-(1) The Trust Fund shall be utilized:

18 (a) for meeting the training and re-training needs of the personnel of
19 the Nigeria Police Force and its auxiliary staff within and outside Nigeria;

20 (b) for the enhancement of the skills of the personnel of the Nigeria
21 Police Force and its auxiliary staff for improved proficiency in the use of
22 operational equipment and machineries;

23 (c) for the overall improvement, performance and efficiency in the
24 discharge of the duties and responsibilities of the Nigeria Police Force;

25 (d) for the purchase of equipment, machineries, including operational
26 vehicles for the Nigeria Police Force;

27 (e) for the construction of police stations, provision of living
28 facilities, such as quarters or barracks for the Nigeria Police Force;

29 (f) to finance the procurement of books, instructional materials,

1 training equipment for use at Police Colleges and such other similar training
2 institutions;

3 (g) to meet the cost of participation by the personnel of the Nigeria
4 Police Force at seminars and conferences relevant to or connected with
5 policing or intelligence gathering; and

6 (h) for such other purposes incidental to or connected with the
7 attainment of objective of this Act

8 6. The Trust Fund shall:

Functions of the
Trust Fund

9 (a) receive all monies accruing under the provisions of this Act;

10 (b) utilize all monies accruing to the Trust Fund under this Act to
11 meet the stated objectives of this Act; and

12 (c) carry out such other activities as considered necessary for the
13 attainment of the objectives of this Ac. Term of three years in the first
14 instance and may be eligible for re-appointment for another term of three
15 years and no more.

16 (2) members of the board shall be paid such allowances as may be
17 determined by the board in consultation with the National salaries, wages
18 and income commission.

19 7. A member, other than ex-officio member, may resign his
20 appointment by a notice in writing, under his hand, addressed to the
21 President.

Resignation by
a Member

22 8. A member of the Board ceases to hold office if he:

Cessation of
Membership

23 (a) becomes of unsound mind;

24 (b) becomes bankrupt or makes compromises with his creditors;

25 (c) Is convicted of a felony or any offence involving dishonesty; or

26 (d) Is guilty of misconduct in relation to his duties.

27 9. Notwithstanding the provisions of sections 9 and 10 of this Act,
28 the President may remove a member from the Board if any circumstance
29 arises which would require the removal of the member from the Board.

Removal from
Office of a
Member

Functions of the
Board

- 1 **10.**-(1) the board shall be responsible for:
- 2 (a) setting out the policies and programs for the training and training
- 3 of personnel of the Nigeria Police Force and its auxiliary staff in Nigeria and
- 4 abroad in accordance with intendment of this Act.
- 5 (b) approving the disbursement of monies from the Trust Fund to
- 6 Finance projects or activities of the Nigeria Police Force and of the police
- 7 institutions beneficiaries of the proceeds of Trust Fund;
- 8 (c) scrutinizing and approving projects which qualify for financing
- 9 under the Act.
- 10 (d) exercising control over the management of the Trust Fund with a
- 11 view to ensuring accountability and proper utilization of money in the Trust
- 12 Fund for the purposes set out in this Act.
- 13 (e) carrying out such other activities as are considered necessary for
- 14 the attainment of the objectives of this Act.

Powers of the
Board

- 15 **11.**-(1) The Board has powers to:
- 16 (a) award contracts of any kind or description for any amount,
- 17 whether in local or foreign currency in conformity with the due process
- 18 requirements as provided under any law, rules, guidelines or regulations; and
- 19 (b) invest monies accruing to the Trust Fund and approve the
- 20 utilization of the returns on investment in the same way as monies accruing to
- 21 the Trust Fund.
- 22 (2) In the discharge of its functions under this Act, the Board shall:
- 23 (a) through the Ministry, identify the funding needs of the various
- 24 Police institutions for the enhancement of the performance of the Nigeria
- 25 Police Force;
- 26 (b) enter into contractual arrangements of the purpose of executing of
- 27 approved projects on behalf of the Trust Fund;
- 28 (c) oversee the implementation of projects financed through monies
- 29 accruing to the Trust Fund; and
- 30 (d) enter into Public-Private Partnership and private finance initiative

1 arrangements and agreements necessary for project execution

2 12.-(1) For the purpose of implementing any project approved by
3 the Board under this Act, there is established the Police-Reform Trust Fund
4 Project Implementation Committee (in this Act referred to as the
5 implementation committee).

Establishment of
the Police Reform
Trust Project
Implementation
Committee

6 (2) The implementation committee established under subsection
7 (1) of this section is comprised of:

8 (a) the Minister, who shall be the chairman of the committee; and
9 (b) such other member, not exceeding six in number, with proven
10 integrity, to be appointed by the Board.

11 (3) The implementation committee is responsible to the Board in
12 the execution of the duties and responsibilities assigned to it by the Board.

13 PART III - STAFF OF THE TRUST FUND

14 13.-(1) The Executive Secretary of the Trust Fund shall be
15 appointed by the president on the recommendation of the Minister.

Appointment of
the Executive
Secretary and
other Staff of the
Trust Fund

16 (2) The executive secretary shall be a person of unquestionable
17 character and integrity from the public or private sector with cognate
18 experience of not less than fifteen years in any of the following fields:

19 (a) public administration;

20 (b) law;

21 (c) finance;

22 (d) accounting; and

23 (e) management.

24 (3) Subject of subsection (2) of section 2 of this Act, the Executive
25 Secretary shall hold office.

26 (a) for a time of three years in the first instance and may be eligible
27 for re-appointment for another term of three years and no more; and

28 (b) on such other terms and conditions as may be specified in his
29 letter of appointment.

Functions of the
Executive
Secretary

- 1 **14.** The Executive Secretary shall:
- 2 (a) be the Chief Executive Officer of the Trust Fund;
- 3 (b) be responsible for the day to day administration of the Trust Fund;
- 4 (c) be the secretary to the Board;
- 5 (d) keep proper records of the proceedings of the Board;
- 6 (e) work closely with the implementation committee established
- 7 under section 15 of this Act in carrying out such duties and responsibilities as
- 8 may assigned by the Board; and
- 9 (f) carry out such other duties as may be requested of him by the
- 10 Board.

Removal from
of the Executive
Secretary

11 **15.-(1)** Notwithstanding the provision of section 16 of this Act, the

12 Executive Secretary may be removed from office by the President where any

13 circumstances arises which in the opinion of the President makes the Executive

14 Secretary no longer capable of carrying out the duties and responsibilities of

15 the office.

16 (2) A person appointed as the Executive Secretary on the removal of

17 an Executive Secretary under sub-section (1) of this section shall serve the

18 unexpired period of the term of his predecessor-in-office or the remainder of

19 the term of the Trust Fund, whichever is shorter.

Staff of the
Board

20 **16.-(1)** The Board may appoint such other members of staff as may in

21 the opinion of the Board be necessary to assist the Trust Fund in carrying out its

22 functions under this Act.

23 (2) The terms and conditions of service (including terms and

24 conditions as to the remuneration, payment of allowances, and other benefits)

25 of person employed by the Board for Trust Fund shall be as determined by the

26 Board from time to time, and in line with the general conditions of service as

27 obtained in public service of the Federation.

28 (3) The Board shall have power to appoint, either on transfer or on

29 secondment from any public service of the Federation, such number of

30 employees required for the effective discharge of the duties and function of

1 Trust Fund under this Act.

2 17. Service in the Trust Fund shall be for the duration of the Trust Severance
3 Fund and accordingly employees of the Trust Fund, in respect of their Allowance
4 services as shall be entitled to other retirement benefits and severance
5 allowances as shall be approved by the Board.

6 PART IV - FINANCIAL PROVISIONS

7 18. There is established under this Act a general fund for the day to Trust Financial
8 day administration of the Trust Fund comprising of: Provisions for
the Management
of the Fund

9 (a) annual budgetary allocation appropriated by National
10 Assembly for the management of the Trust Fund;

11 (b) take -off grants such other monies as may from time to time be
12 made available to the Trust Fund to meet the cost of administration; and

13 (c) all other monies which may from time to time to be made
14 available for the running of the Trust Fund.

15 19.-(1) There shall be maintained for the Trust Fund an account Accounts of the
16 into which shall be paid all monies accruing to the Trust Fund by virtue of the Trust Fund
17 provision of section 4 of this Act.

18 (2) The Board shall also open and maintain an account into which
19 shall be paid monies received for management of the Trust Fund by virtue of
20 the provision of section 22 of this Act.

21 (3) The accounts referred to in subsections (1) and (2) of this
22 section shall be managed in accordance with the extant financial
23 regulations.

24 (4) The Board shall from time to time:

25 (a) apply the proceeds of the Trust Fund established under section 3
26 of this Act for the purposes set out in section 5 of the Act; and

27 (b) apply the proceeds of the monies referred to in subsection (2) of
28 this section to meet the cost of administration, including payment of salaries,
29 fees and other remunerations and allowances payable to members of the
30 Board and employees of the Trust Fund, and for Payment of experts,

- 1 professionals and consultants engaged by the Board for Trust Fund.
- Budgetary provisions and estimates 2 **20.** The Board shall not later than 30th June of every year submit to
3 the Minister an estimate of its income and expenditure during the succeeding
4 year.
- Annual estimates account and audit 5 **21.** The Board shall cause to be kept for the Trust Fund proper
6 accounts and records, and when certified by the Board, these accounts shall be
7 audited by auditors appointed from the list and in accordance with the
8 guidelines supplied by the Auditor-General of the Federation.
- Exemption from Tax 9 **22.**-(1) The Trust Fund shall be exempted from the payment of
10 income tax on any income accruing from investments made by the Trust Fund
11 or otherwise howsoever.
12 (2) The provisions of any enactment relating to the taxation of
13 companies or trust funds shall not apply to the Trust Fund
- 14 **PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS**
- Quarterly Report 15 **23.** The Board shall at the end of every three months submit to the
16 President a report on its activities and on the administration of the Trust Fund.
- Annual Report 17 **24.** The Board shall not later than three months before end of each
18 year, submit to the President a report on the activities and the administration of
19 the Trust Fund during the preceding year and, shall include in such reports the
20 auditor's report thereon.
- Power of the President to issue directives 21 **25.** The President may give to the Board directives of a general nature
22 with regard to the exercise by the Board of its functions under this Act for
23 compliance by the board.
- Regulations 24 **26.** The Board, may, with the prior approval of the President make
25 such regulations as deemed necessary or expedient for giving full effect to the
26 provisions of this Act.
- Transitional Provisions 27 **27.** Except as provided for under section 2 of this Act, at the
28 expiration of the six year duration of the Trust Fund referred to in that section,
29 the Trust Fund shall have six months to wind up its activities, including the
30 settlement of all liabilities and thereafter and-over all outstanding assets of the

1 Trust Fund to the Nigeria Police Force.

2 28. In this Act, unless the context otherwise require:

Interpretation

3 "Board" means the Police Trust Fund Management Board, established under
4 section 6 of this Act;

5 "Trust Fund" means the Nigeria Police Reform Trust Fund establish under
6 section 3 of this Act;

7 "Minister" means the Minister charged with responsibility for Police Affairs
8 and Ministry shall be constructed accordingly;

9 "Personnel" means officers and men of the Nigerian Police Force, its
10 auxiliary staff and all of its staff, employees or officers within and outside
11 Nigeria;

12 "Police Institutions" include the Police Headquarters, Zonal Commands,
13 State Commands, Divisional Police Stations and Police Training
14 Institutions;

15 "President" and "Vice President" means "President" and
16 "Vice-President" of the Federal Republic of Nigeria;

17 "Executive Secretary" means the Executive Secretary of the Trust Fund
18 appointed under section 17 of this Act;

19 "Due process" means compliances with extant financial rules and
20 regulations on Public Procurement of goods, works and services.

21 29. This Bill may be cited as the Nigeria Police Reform Trust Fund
22 (Establishment) Bill, 2017.

Citation

23 SCHEDULE

24 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

25 1. Subject to the provisions of this Act and section 27 of the
26 Interpretation Act, the Board may make standing orders regulating its
27 proceedings or those of its committee.

28 2. The quorum of the Board shall be the Chairman and ten other
29 members, three of whom shall be from the private sector and the quorum of
30 any committee shall be determined by the Board.

1 3. The Board shall meet not less than four times in each year and
2 subject thereto the Board shall meet whenever it is summoned by the
3 Chairman, or if the Chairman is required to do so by notice given to him by not
4 less than ten members of the Board, he shall summon a meeting of the Board to
5 be held within fourteen days from the date on which the notice was given.

6 4. At any meeting of the Board, the Chairman shall preside but in his
7 absence, the members present at the meeting shall appoint one of their
8 members to preside at the meeting.

9 5. Where the Board desires to obtain the advice of any person on a
10 particular matter, the Board may co-opt the person to the Board for such period
11 as it thinks fit, but a person who is in attendance by virtue of this sub-paragraph
12 is not entitled to vote at any meeting of the Board and does not count towards a
13 quorum.

14 6. All members of the Board shall have equal rights and privileges,
15 and where there is equality in vote, the Chairman shall have a casting vote.

16 *Committees*

17 7. The Board may appoint such number of committees to carry out,
18 on behalf of the Board such of its functions as the Board may, from time to time,
19 determine.

20 8. A committee appointed under paragraph 7 of this schedule shall
21 consist of such number of persons (not necessarily members of the Board) as
22 may be determined by the Board; and the person, other than a member of the
23 Board, shall hold office on the committee in accordance with the terms of his
24 appointment.

25 9. A decision of a committee of the Board shall be of no effect until it
26 is confirmed and or ratified by the Board.

27 *Miscellaneous*

28 10. The fixing of the seal of the Fund shall be authenticated by the
29 signature of the Chairman or of any other person authorized generally or
30 specially to act for that purpose by the Board.

1 11. Any contract or instrument made or executed by a person not
2 being a body corporate, that would not be required to be under seal may be
3 made or executed on behalf of the Board by the Chairman or any person
4 generally or specifically authorized to act for that purpose by the Board.

5 12. Any document purporting to be a document duly executed
6 under the seal of the Trust Fund shall be received in evidence and shall,
7 unless, and until the contrary is proved, be presumed to be so executed.

8 13. The validity of any proceeding of the Board or of a committee
9 thereof shall not be adversely affected by any vacancy in the membership of
10 the Board or committee, or by any defect in the appointment of a member of
11 the Board or of a committee, or by reason that a person not entitled to do so
12 took part in the proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Police Reform Trust Fund to operate for a period of six years, to among other things, provide funds for the training and retraining of the personnel of the Nigeria Police Force, provide equipment and machineries to improve the general welfare of the personnel of the Nigeria Police Force and enhance their preparedness to effectively discharge their constitutional responsibility of protecting life and property of the people of Nigeria.

