

# A BILL

## FOR

AN ACT TO ESTABLISH DEVELOPMENT PLANNING AND PROJECTS CONTINUITY ACT AND TO MAKE DEVELOPMENT PLANNING COMPULSORY IN NIGERIA AND IN THE AREA COUNCILS OF THE FEDERAL CAPITAL TERRITORY, AND TO CREATE COHERENT AND MEASURABLE TARGETS IN DEVELOPMENTAL PLANS AND FOR RELATED MATTERS

*Sponsored by Hon. Ossai N. Ossai*

[ ] Commencement

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

### PART I - ESTABLISHMENT

1  
2 1.-(1) There is established the Development Planning and Projects Continuity Act. Establishment

3  
4 (2) The headquarters shall be located in the Federal Capital Territory, Abuja.

5  
6 2. The Federal Government and the Area Councils in the Federal  
7 Capital Territory shall each establish and maintain project implementation  
8 plans for the implementation of projects within their jurisdiction from  
9 inception to conclusion.

10 3. Within three months after the enactment of this Act, the Federal  
11 Government and the Area Councils in the Federal Capital Territory shall  
12 produce short and medium term development plans.

13 4.-(1) A development plan to be established, as stated in section 2 Duration of  
14 of this Act, shall be for a period of ten years for the Federal Government and Development  
15 five years for the Area Councils of the Federal Capital Territory. Plan

16 (2) A development plan required to be established under the  
17 provision of section 2 of this Act shall:

18 (a) indicate the economic priorities of the particular government;

1 (b) state the goal of the project and programme as a developmental  
2 initiative;

3 (c) list the specific projects and programmes to be executed within the  
4 time frame;

5 (d) identify funding sources and implementation strategies;

6 (e) indicate the financial sustainability of the programme or project;

7 (f) state the environmental impact assessment of the projects; and

8 (g) indicate any other matter pertinent to the viability of the plan.

Abandon Projects  
Unlawful

9 5. As from the commencement of this Act, it shall be unlawful for a  
10 government of the Federation or any of the Area Councils of the Federal  
11 Capital Territory to have an abandoned project in any part of Nigeria or within  
12 the Area Council of the Federal Capital Territory.

13 PART II - ESTABLISHMENT OF REGISTER OF PROJECTS

Register of  
Projects

14 6.-(1) A government of the Federation shall maintain an inventory of  
15 all projects within its area of jurisdiction (in this Act referred to as "the Register  
16 of projects") providing respectively for a list of:

17 (a) on-going projects; and

18 (b) completed projects.

19 (2) The Register of Projects established in accordance with the  
20 provisions of subsection (1) of this section shall be published at the beginning  
21 of each financial year.

22 (3) A Register of Projects shall include:

23 (a) the location of each project, cost, purpose and provide for other  
24 means of identification;

25 (b) the project commencement date;

26 (c) the agreed or projected date of completion;

27 (d) budgetary and funding sources of the project;

28 (e) the contractor in charge of the project;

29 (f) amounts, disbursed and expended on the project;

30 (g) the estimated amount required for completion; and

1 (h) any other information or details pertaining to the  
2 implementation of the project.

3 7. The implementing institutions responsible for carrying out the  
4 provisions of this Act are:

Implementing  
institutions of  
projects

5 (a) the National Planning Commission, for the Federal  
6 Government;

7 (b) the Planning Department for the Area Councils; and

8 (d) such other body as may be established by a government of the  
9 Federation or the Area Council for the purpose of carrying out the objectives  
10 of this Act.

11 8.-(1) The implementing institutions referred to in-section 6 of this  
12 Act shall:

Duties of  
implementing  
institutions

13 (a) review matters expected to affect a development plan in its area  
14 of jurisdiction or any part thereof;

15 (b) consider and adopt the best strategies for realizing the  
16 development targets;

17 (c) prepare the development plan for the area of jurisdiction;

18 (d) monitor implementation of the development plan throughout  
19 the area of jurisdiction;

20 (e) prepare bi-annual report of the state of implementation  
21 progress;

22 (f) provide information and advice to any person or body, if it  
23 considers that to do so will assist in achieving the implementation of the  
24 development plan;

25 (g) consider and engage, in joint development plan as provided in  
26 section 11 of this Act" where expedient, for geographically contiguous  
27 territories;

28 (h) take directives with regards to the development plan if it  
29 requires review, reproduction or representation as contained under this Act;

30 (i) establish appropriate Committees for the effective performance

1 of the provisions of this Act; and

2 (j) where expedient, engage the services of consultants or advisers  
3 knowledgeable in the subject matter of the project under implementation for all  
4 necessary support services.

Development  
Plans in  
compliance of  
National Goals

5 9.-(1) A development plan initiated by a government of the Federation  
6 shall be in full compliance with the goals and targets of national development  
7 programmes established by law.

8 (2) The development plan produced by a government of the  
9 Federation shall:

10 (a) be submitted to the Minister responsible for National Planning for  
11 verification as to whether the development plan is in compliance with the  
12 national development plan and

13 (b) be issued with a Certificate of Compliance (the Certificate of  
14 Compliance) confirming that it is in conformity with the goals and objectives  
15 of the nation's development plan).

16 (3) A government of the Federation shall ensure full compliance and  
17 implementation of the contents of its development plan.

18 (4) The Area Councils of the Federal Capital Territory shall, in  
19 addition ensure that its Development plan contain a statement of  
20 municipal/community involvement issued by the authorized  
21 municipal/community development association or any other appropriate body  
22 as the Area Council may determine.

Minister's power  
of review

23 10.-(1) The Minister shall have power to review a development plan if  
24 in the opinion of the Minister it:

25 (a) contains matters in conflict with the nation's development plan  
26 objectives;

27 (b) does not state specific details as to the nature of the project or  
28 programme, funding and timelines for completion; or

29 (c) lacks any other details necessary for the effective execution of the  
30 project or programme.

1 (2) The Minister may, in the exercise of the powers conferred on  
2 him by this Act, direct or call for a reproduction of the development plan  
3 within a specified time to be in compliance with the nation's development  
4 plan.

5 11.-(1) It shall be lawful for two or more Area Councils to draw up a  
6 joint development plan.

Joint Development  
Plan t

7 (2) Area Councils requiring to present a joint development plan, as  
8 provided in subsection (1) of this section, must:

9 (a) be geographically contiguous and share common boundaries;

10 (b) present a memorandum duly signed detailing the Areas  
11 Councils' programmes, projects, funding sources, timelines for execution  
12 and other matters relevant thereto;

13 (c) establish a joint development committee to administer the joint  
14 development plan with membership drawn from all participating Area  
15 Councils; and

16 (d) draw up, execute and submit a copy of the joint development  
17 plan and the joint memorandum of the Area Councils to the Minister.

18 12. Dissolution of a joint development plan and Committee:

Dissolution of  
Joint Development  
Plan

19 (1) Where Area Councils decide to dissolve a joint development  
20 plan and any development committee established in accordance with the  
21 provisions of section 11 of this Act, they may do so by a memorandum duly  
22 executed by the Area Councils.

23 (2) Where a joint development committee has been dissolved, a  
24 notification to that effect shall be submitted to the Minister.

25 (3) Without prejudice to the provisions of subsections (1) and (2) of  
26 this section, a joint development plan administered by a joint development  
27 committee shall not be set aside until after twelve months from the date of  
28 execution or adoption, whichever comes later.

29 13.-(1) For the purpose of this section, the Minister shall direct any  
30 agency under his responsibility to monitor the compliance and

Monitoring and  
Bi-annual Report

1 implementation of development plans of the federal government and the Area  
2 Councils of the Federal Capital Territory.

3 (2) A government of the Federation shall file with the Minister, bi-  
4 annual reports on the implementation of development plans.

5 (3) The bi-annual reports on development plans shall contain:

6 (a) the progress of implementation of a development plan;

7 (b) the extent to which the policies set out in a development plan are  
8 being achieved; and

9 (c) the review or enforcement mechanism, if any, of a development  
10 plan.

11 (4) In addition to the requirement of subsection (3) of this section, bi-  
12 annual reports shall:

13 (a) be in respect of such period of six months as prescribed;

14 (b) be made at such time as prescribed;

15 (c) be in such form as the Minister, may from time to time prescribe;

16 and

17 (d) contain such other matters as are specified by the Minister.

Regulations

18 14.-(1) The Minister may make such regulations as are necessary for  
19 the efficient implementation of the provisions of this Act;

20 (2) The regulations may in particular provide for:

21 (a) guidelines and procedures for the carrying out of any duties and  
22 responsibility under this Act;

23 (b) the issuance of notices and publicity;

24 (c) perusal or inspection of contents of a development plan by the  
25 general public;

26 (d) the nature and extent of consultation with and participation by the  
27 public of anything done pursuant to this Act;

28 (e) monitoring of development plans; and

29 (f) penalties for breach of any provisions of this Act.

Petitions on  
Development  
Plan

30 15.-(1) It shall be lawful for any aggrieved person to petition the

1 content of any development plan, if the person is of the opinion that:

2 (a) the programme or project ought not be a priority on the basis of  
3 affordability or other competing interests; or

4 (b) such programme or project is manifestly over inflated in terms  
5 of cost; or

6 (c) the programme or project is not reasonably realizable in terms  
7 of timeline;

8 (d) the programme or project is injurious to- the environment.

9 (2) The petition shall be issued under the hand of the petitioner  
10 signed, sealed and delivered to the Minister or Head of Planning, as the case  
11 may be.

12 (3) Where a petition, in the form referred to in subsection (2) of this  
13 section is delivered to the Minister or Head of Planning as the case may be,  
14 the Minister or Head of Planning shall review the merits of the petition and  
15 cause a reply to be issued to the petitioner with response as considered  
16 appropriate.

17 (4) Where the petition is accepted, the review necessary to  
18 accommodate the petition shall be effected within twenty-one days from the  
19 date of receipt of the petition.

20 PART III - ESTABLISHMENT OF A FEDERAL PROJECTS

21 EXECUTION COMMITTEE

22 16.-(1) There is hereby established a Federal Projects Execution  
23 Committee (in this Act referred to as "the Committee").

Federal Projects  
Execution  
Committee

24 (2) The Committee shall be made up of 7 members including the  
25 Chairman to be appointed by the President on the recommendation of the  
26 Minister.

27 (3) The Chairman and members of the Committee shall have  
28 cognate experience in planning and development matters.

29 (4) Membership of the Committee shall be on part time basis and  
30 members shall hold office for a period of three years only.

1 (5) Membership shall as far as possible reflect the federal character  
2 principle.

3 (6) A member of the Committee, who is not an ex-officio, may resign  
4 his appointment at any time by notice in writing under his hand addressed to the  
5 Minister.

6 (7) The office of a member of the Committee shall become vacant if  
7 the member:

8 (a) dies;

9 (b) resigns his or her appointment on the Committee; or

10 (c) is removed from office by the President, on the advice of the  
11 Minister where in the opinion of the Minister it is not in the interest of the  
12 Committee or the public that the member continues in office.

13 (8) Where a person is removed before the expiration of his tenure on  
14 the Committee, the President, on the advice of the Minister, may appoint such  
15 other person to replace that member for the remainder of the term of office of  
16 the member removed in so far as the newly appointed member represents the  
17 same interest as the member earlier removed.

18 17.-(1) The Committee shall have power to:

19 (a) formulate and provide the general policy guidelines for the  
20 management of the affairs of the Committee;

21 (b) carry out the functions and activities as are required to be carried  
22 out by the Committee under the provisions of this Act; and

23 (c) carry out such other acts or things which in the opinion of the  
24 Committee are necessary to ensure the proper and efficient performance of the  
25 functions of the Committee under this Act;

26 18. The Committee shall regulate its proceedings and make standing  
27 orders with respect to the holding of its meetings, notices to be given, the  
28 keeping of minutes of its proceedings and such other matters the Committee  
29 may from time to time, determine.

Public Protection  
Act

Staff of  
Committee

30 19. Application of the Public Officers' Protection Act



1 The provisions of Public Officers' Protection Act CAP P41 Laws of the  
2 Federation, 2004 shall apply to the members of the Committee in the  
3 discharge of their functions under this Act.

4 20.-(1) The Committee shall appoint such staff as are required to  
5 assist the Committee in the exercise of its functions under this Act.

6 (2) Staff vacancies shall be filled by secondment of officers from  
7 other organizations or by contract employment of suitably qualified persons  
8 as determined by the Committee.

9 (3) The terms and conditions of service (including remunerations,  
10 allowances, benefits) of the employees of the Committee shall be  
11 determined by the Committee after consultation with the Federal Civil  
12 Service Commission.

13 21. Establishment of Project Execution Committee in Area  
14 Councils of the Federal Capital Territory as far as reasonable practicable  
15 shall within their areas of jurisdiction establish equivalent Committee to  
16 carry out the required functions.

Area Council  
Project Execution  
Committee

17 PART IV - FINANCIAL PROVISIONS

18 22.-(1) The Committee shall establish and maintain a Fund  
19 (hereinafter referred to as 'the Fund') into which shall be paid:

Committee Fund

20 (a) such moneys as may be made available by the Federal  
21 Government for the running expenses of the Committee under this Act;

22 (b) all fees and other moneys payable to the Committee in  
23 pursuance of the objectives of this Act; and

24 (c) such moneys as may be provided by the Federal Government to  
25 the Committee by way of grant or loan or otherwise.

26 (2) There shall be paid out of the Fund of the Committee:

27 (a) all expenditures incurred by the Committee in the discharge of  
28 its functions under this Act;

29 (b) such reasonable travelling and subsistence allowance of  
30 members of the Committee as the Committee may determine; and

1 (c) the remuneration and allowances of staff of the Committee.

2 (3) The Committee may, from time to time, borrow money for the  
3 purposes of the Committee and any interest payable on money so borrowed  
4 shall be paid out of the Fund.

Audited Accounts

5 23. The Committee shall keep proper accounts in respect of each year  
6 and proper records in relation to those accounts and the Committee shall cause  
7 the accounts to be audited by an auditor appointed from the list of auditors  
8 approved by the Auditor-General of the Federation and in accordance with the  
9 guidelines supplied by the Auditor-General for the Federation.

Gift, grant, etc.

10 24.-(1) The Committee may accept any gift, grant or donation from  
11 any person upon such terms and conditions, as may be specified by the person  
12 or organization making the gift, grant or donation in so far as such terms and  
13 conditions are consistent with the effective realization of the objects for which  
14 the Committee was set up under this Act.

15 (2) The Committee shall not accept any gift, grant or donation under  
16 subsection (1) of this section if the conditions attached are inconsistent with  
17 the functions of the Committee under this Act.

Periodic Report

18 25. Reports to be submitted to Minister:

19 The Committee shall prepare and submit to the Minister, periodically, a report  
20 in such form as the Minister may direct on the activities of the Committee  
21 during the immediate preceding year and shall include in such report a copy of  
22 the audited accounts of the Committee for that period and the Auditor-  
23 General's report thereon.

Investigative  
Powers

24 26. Power of Investigation by the Committee:

25 The Committee shall have power to investigate and determine whether any  
26 person has violated any provisions of this Act:

27 27. If the Committee is satisfied that a person has violated provisions  
28 of this Act, the Committee shall forward the name of the person to the Attorney-  
29 General of the Federation for prosecution and the Attorney-General shall  
30 ensure the timely prosecution of the person upon the receipt of the

1 recommendations of the Committee.

2 PART V - OFFENCES AND PENALTIES

3 28.-(1) A government of the Federation or any officer thereof that Offences  
4 fails to comply with the provisions of this Act shall be liable to any sanction  
5 as prescribed under this Act or in regulations made pursuant to this Act.

6 (2) The following shall constitute offences under this Act:

- 7 (a) abandonment of projects;  
8 (b) refusal to publish register of projects;  
9 (c) refusal to produce information lawfully demanded;  
10 (d) misappropriation of funds;  
11 (e) non-compliance with regulations or directives;  
12 (f) non-performance of duty;  
13 (g) willful destruction of property;  
14 (h) criminal breach of trust;  
15 (i) abuse of confidential information;  
16 (j) any other offence under any other law.

17 29.-(1) Penalties and punishment under this Act shall include: Penalties

- 18 (a) sanctions, official reprimand, forfeiture of salary, demotion,  
19 removal from office, suspension, surcharge, payment of fines, etc;  
20 (b) a term of imprisonment.

21 (2) A person who without reasonable cause, fails to comply with a  
22 requirement made, or a directive given by the Minister, shall be liable as  
23 appropriate for any of the offences listed in subsection (2) of section 28 of  
24 this Act; and liable on conviction:

- 25 (a) if it is an individual, to a fine of not less than one hundred  
26 thousand Naira; and  
27 (b) a corporate body, to a fine of not less than two million Naira.

28 (3) A person who, in the purported performance of his or her duty  
29 under this Act, causes to be published or otherwise utters information relied  
30 upon for planning purposes knowing same to be false in any material

1 particular, commits an offence and liable on conviction to a fine of not less than  
2 two hundred thousand Naira or imprisonment for a term of not less than three  
3 years or to both such fine and imprisonment.

4 (4) Any officer of a government of the Federation who refuses to  
5 perform his duty or negligently performs his duty commits an offence under  
6 this Act and shall be punished in accordance with the established disciplinary  
7 rules for public officers.

8 (5) Any officer or person who contravenes the provisions of this Act  
9 or regulations made pursuant to this Act commits an offence and is liable on  
10 conviction, where no penalty is specified, to a fine of not less than one hundred  
11 thousand Naira.

12 (6) Where an institutional responsibility is provided for in this Act, the  
13 head of the institution shall ensure the performance of such responsibility and  
14 where he fails to do so, he commits an offence punishable under this Act.

#### 15 PART VI - MISCELLANEOUS

Federal  
Government  
Assistance to  
Area Council

16 30. The Federal Government shall ensure the provision of technical  
17 and financial assistance, including training, human capacity development,  
18 transfer of technology to Area Councils in the Federal Capital Territory for the  
19 successful implementation of the provisions of this Act.

20 31. The Federal High Court shall have jurisdiction over any matter  
21 arising under this Act.

Interpretation

22 32. In this Act, unless the context otherwise requires:

23 "Area Council" means the six Area Councils of the Federal Capital Territory,  
24 Abuja;

25 "Chairman" means the Chairman of the Committee Established under section  
26 15 of this Act;

27 "Certificate of Compliance" means the Certificate referred to III subsection (3)  
28 of section 9 of this Act;

29 "Committee" means the Federal Projects Execution Committee established  
30 under subsection (1) of section 16 of this Act;

- 1 "Development Plan" means a programme of economic plan developed by a  
2 government of the Federation and the Area Councils;  
3 "Government of the Federation" means the Federal Government;  
4 "Head of Planning" means the appointed officer in the Area Council  
5 responsible for planning;  
6 "jurisdiction" means the area of control such as the Federation of Nigeria or  
7 the Area Councils;  
8 "Legislature" means the National Assembly;  
9 "member" means a member of the Federal Projects Execution Committee  
10 and includes the Chairman;  
11 "Minister" means the Minister charged with the responsibility for national  
12 planning;  
13 "offences" means any offence prescribed under this Act or in any other Act  
14 in Nigeria;  
15 "sanction" includes official reprimand, forfeiture of salary, demotion,  
16 removal from office, suspension, surcharge, payment of fines, etc.

17           33. This Bill may be cited as the Development Planning and   Short Title  
18 Projects Continuity Bill, 2017.

#### EXPLANATORY MEMORANDUM

This Bill seeks to make development planning compulsory for the federal government and the Area Councils of the Federal Capital Territory as a means of creating coherent and measurable targets in development plans and to facilitate the expeditious achievement of the nation's development plan.

