

CONSTITUENCIES DEVELOPMENT CATALYST FUND BILL, 2015

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SCHEDULES

A BILL

FOR

AN ACT TO ESTABLISH THE CONSTITUENCIES DEVELOPMENT CATALYST FUND; TO PROVIDE A DATA BANK OF CONSTITUENCY PROJECTS; ALLOCATION AND AN ORDERLY DISBURSEMENT OF FUNDS TO CONSTITUENCIES AND FOR PRUDENT MANAGEMENT, COMPILATION OF RECORDS, RETURNS AND REPORTS FROM CONSTITUENCIES AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by Senator Buhari Abdulfatai

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria and by the Authority of Same as follows -

PART I - PRELIMINARY PROVISIONS

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(1) This Act may be cited as The Constituencies Development Catalyst Fund Bill, 2015.

Citation and Commencement

(2) This Act shall be deemed to have come into operation on the day the president assents to it.

2. - (1) This Act shall apply to all Federal Constituencies of the Federal Republic of Nigeria;

Application of the Act

(2) This Act shall apply in relation to a portion of the Federal Annual Budget devoted to the Electoral Constituencies for purposes of development of each of such Constituencies.

3. - In this Act, unless the context requires otherwise -

Interpretation

“Committee” means a Constituencies Development Catalyst Committee;

“Community” means residents of a particular geographical area in a Constituency;

“Council” means - when used in relation to a Local Government Area or an Area Council.

1 "Council Planning Officer" means a public officer employed by the
2 Local Government;
3 Authority responsible for all development projects in the Council;
4 "Constituency" means an electoral constituency established by
5 Independent National Electoral Commission Act pursuant to 1999 the
6 Constitution as amended;
7 "Constituency Account" means the account maintained for every
8 constituency in accordance with the provisions of section 22; of this
9 Act;
10 "Minister" means the Minister of Finance and Economic
11 Development;
12 "Constituency Development Catalyst Committee" means the
13 Committee established under Section 10;
14 "Submission List" means the Constituency Projects Submission List
15 compiled in terms of Section 12.

16 PART II - THE CONSTITUENCIES DEVELOPMENT CATALYST FUND

17 Establishment
of CDCF

18 4. -(1) There shall be established for the purposes of development
19 projects in every electoral constituency the Constituency Development
20 Catalyst Fund, also to be known by
21 both acronyms of the Fund or "CDCF".

22 (2) The administration and management of the Constituency
23 Development Catalyst Fund shall be co-ordinated by the Constituency Project
24 Development Board and to administer the funds allocated for Constituencies.

25 (3) The charge on, and every expenditures from the Constituency
26 Development Catalyst Fund, shall be made in accordance with the Financial
27 Regulations, the Public Procurement Act and the provisions of this Act.

28 Allocation of
Funds

29 5. -(1) The Government shall, for each financial year, allocate funds
30 for the development expenditure of each constituency and the funds, shall be
reflected in the printed estimates of that particular financial year.

(2) The funds of the CDCF shall be allocated in the annual budget

1 appropriated by National Assembly for the financial year to which the
2 budget relates, through:

3 (i) in the case of constituencies in the CDCF:

4 (ii) in the case of Allocation of the amount of funds set for the
5 Constituency Development Catalyst Fund for each constituency shall be
6 made on the criteria that:

7 (a) Forty-five percent shall be allocated equally to each
8 constituency; and

9 (b) Fifty-five percent in relation to environmentally challenged
10 areas and populated areas.

11 (4) All funds allocated in terms of subsection (1) shall be:

12 (a) posted directly by the Treasury to the respective Constituency
13 Development Catalyst Fund Account which shall be opened in accordance
14 with the Local Government Financial Laws; and

15 (b) administered in accordance with the provisions of section 22.

16 (5) The Committee shall, at its discretion, determine the quantum
17 of installments to various projects in the constituency taking into account the
18 disbursement received and the requirement of different projects.

19 (6) Once funds are allocated for a particular project in a
20 constituency, they shall remain allocated for that project and not be
21 reallocated during the financial year for any other purpose in that
22 constituency.

23 (7) Where for any reason a particular project is cancelled or
24 discontinued during a financial year, the funds allocated for such project
25 shall remain credited to the account of the relevant constituency from which
26 the funds were withdrawn.

27 6. - (1) All receipts, savings and accruals to the CDCF and the
28 balance of funds at the end of each financial year shall be retained for the
29 purposes for which the CDCF is established.

Funds to be
retained in the
CDCF

30 (2) All funds deposited in a constituency account shall be

1 cumulative and shall be carried forward from one financial year to the next,
2 including funds returned into accounts or funds which are not utilized for
3 whatever reasons.

Disbursement
from the CDCF

4 7. -(1) Every allocation and disbursement of funds from the
5 Constituency Development Catalyst Fund shall be approved by the
6 Constituency Development Catalyst Committee.

7 (2) All disbursements from the Constituency Development Catalyst
8 Committee shall be made through the constituency account.

9 (3) The record of the amount received by each Constituency
10 Development Catalyst Committee and the record of expenditure of amount so
11 received shall be submitted within thirty days after the closure of the relevant
12 financial year together with a copy of the relevant bank statement and no
13 disbursements for the succeeding financial year shall be made into the
14 constituency account until the said records are duly received.

15 (4) Subject to the provisions of the Financial Regulations Public
16 Finance the Constituency Development Catalyst Committee may set out and
17 observe general conditions and requirements for the release of funds and such
18 conditions shall be observed by the Constituency Development Catalyst
19 Committee.

20 (5) The Constituency Development Catalyst Committee may impose
21 reasonable requirements including restrictions on a particular constituency due
22 to previous misuse of funds and such restrictions or requirements shall be
23 reported together with a recommendation on appropriate legal action.

Personal awards
to be excluded

24 8.- A project or any part of the project which involves personal awards
25 to any person in cash or in kind shall not be allowed to be included in the
26 Submission List or projects submitted in accordance with section 18(2).

Accounts and
Audit

27 9.- All funds received under this Act shall be audited and reported
28 upon by the National Audit Office.

1 PART III - CONSTITUENCY DEVELOPMENT CATALYST COMMITTEE

2 10. - (1) There shall be a Constituency Development Catalyst
3 Committee for every constituency which shall be composed of an convened
4 by the elected Members of the National Assembly and shall have a
5 maximum number of seven members, comprising -

Composition of
Constituency
Development
Catalyst
Committee

6 (a) the elected Member of the National Assembly, who shall be the
7 Supervisor of the projects:

8 (b) the Constituency Project Planning Officer, who shall be the
9 Secretary:

10 (c) two Councillors who are residents of the relevant constituency
11 one of whom shall be a woman:

12 (d) one person nominated by the Committee from among the active
13 NGOs in the area, if any:

14 Provided that the members referred to under paragraphs (c) and (d)
15 shall be nominated by Councillors, Ward Executive Officers and the
16 Councillors within their respective constituencies.

17 (2) The person referred to under subparagraph (d) shall be
18 nominated not later than a second sitting from the inauguration of the
19 Committee.

20 (3) The elected Member of the National Assembly constituency
21 shall, within the first year of a new Assembly and at least once every two
22 years thereafter, convene vocational meetings in the constituency to
23 deliberate on development matters in the ward, the constituency and the
24 Senatorial District.

25 (4) Each ward shall come up with a list of priority projects to be
26 submitted to the Constituency Development Catalyst Committee.

27 (5) The meeting of the Constituency Development Catalyst
28 Committees shall be constituted for valid transaction of business upon
29 presence of two-thirds of the total number of members.

(6) The term of office for the members of the Committee shall be 24

1 calendar months renewable, but shall automatically come to an end upon the
2 appointment of a new Committee in a manner provided for in this Act.

3 (7) Where a Member of National Assembly loses his seat in the
4 General Election or a by-election or dies, one of the councilors shall be a
5 Chairman of the Committee until such time when another Member of National
6 Assembly is elected provided that;

7 (a) the Committee existing prior to that National Assembly election or
8 be election shall continue to be in office in a manner provided for under this
9 Act; and

10 (b) the list of projects shall not be changed.

11 (8) Where a vacancy occurs in the Committee by reason of incapacity
12 or death of a member, the Committee shall fill the vacancy from the same
13 category of persons.

Responsibilities
of the Constituency
Development
Catalyst
Committee

14 **11. - Responsibilities of the Constituency Development Catalyst**
15 **Committee.**

16 (1) The Constituency Development Catalyst Committee shall
17 deliberate on project proposals from all the wards in the constituency and any
18 other projects which the Constituency Development Catalyst Committee
19 considers beneficial to the constituency, including joint efforts with other
20 constituencies.

21 (2) Without prejudice to subsection (1), the general responsibility of
22 the Constituency Development Catalyst Committee shall be to :

23 (a) receive and scrutinize project proposals;

24 (b) approve or disapprove project proposals;

25 (c) compile quarterly records, returns and reports of development
26 projects undertaken in the constituency; and

27 (d) execute any other duty as many be necessary.

28 **PART IV - CONSTITUENCY PROJECTS SUBMISSION LIST**

Member of the
National Assembly
to keep Record

29 **12. - (1)** The list of constituency based projects for which funds from
30 the CDCF may be disbursed shall be initiated by the members of the

1 community who are resident in a constituency.

2 (2) Upon compilation of the list, the Member of the National
3 Assembly shall keep the record of the projects to be attached with the list and
4 be submitted to the Constituency Development Catalyst Committee for
5 consideration.

6 (3) The Committee shall deliberate on the projects referred to
7 under subsection (2).

8 (4) The projects to be implemented and for which the Constituency
9 Development Catalyst Committee Fund funds are to be disbursed shall be
10 equitably spread within the constituency.

11 13. - (1) The Constituency Development Catalyst Committee shall
12 approve the record of projects compiled in terms of section 12 before the end
13 of the month of December in each year or such other month as may be
14 determined by the Minister of Finance.

Deadline for
approval of
project

15 (2) All projects proposed for a constituency shall be listed in the
16 Submission List specified in the First Schedule to this Act together with the
17 cost estimates of such projects.

18 PART V - SUBMISSION, SCRUTINY AND

19 IMPLEMENTATION OF PROJECTS

20 14. - (1) All projects approved for financing by all payments shall
21 be processed and effected by cheque in accordance with the Public Finance
22 Act.

Government
department to
implement

23 (2) Where a project in a constituency involves the purchase of
24 equipment, such equipment shall remain for the exclusive use of that
25 constituency and in the event of disposal of such equipment the amount
26 realized shall be paid into the account of that constituency.

27 15. - (1) All works, goods and services relating to projects under
28 this Act shall be procured in accordance with the Public Procurement Act.

Procurement of
services, goods
and works

29 (2) All tenders and quotations tabled at a meeting of the
30 Constituency Development Catalyst Committee shall indicate that the

1 Constituency Development Catalyst Committee has no objection to the award
2 through minute resolution before the tender of quotation is awarded.

Department to
maintain
records

3 16. -The Council Planning Officer shall oversee projects under his
4 jurisdiction and shall keep and maintain records of the disbursements of funds
5 and progress of the projects funded by the CDCF.

Returns to
Constituencies
Development
Fund

6 17. - (1) The Council Planning Officer in every Council shall compile
7 and maintain a record showing all receipts and disbursements on a monthly
8 basis in respect of every project under this Act and shall submit annual returns
9 to the Minister of Finance not later than sixty days after the end of every
10 financial year.

11 (2) The Council Planning Officer in every Council shall make such
12 interim returns as the Constituency Development Catalyst Committee shall, by
13 resolution, deem necessary in order to facilitate the release of the next
14 installment of funds.

Community
Initiative to
eligible

15 18.- (1) Projects initiated by a community under Section 12(2) shall
16 be eligible for support under this Act provided that such projects shall be
17 submitted with other projects in conformity with the requirements of this Act.

18 (2) Pursuant to subsection (1), a community shall maintain the
19 existing committee to represent the interests of that community during and
20 after the implantation of the project and such a committee shall conform to
21 established Government regulation during the discharge of its functions.

The Council
Planning Officer
shall

22 PART VI - TYPES OF PROJECTS

Projects to be
community
based

23 19. - (1) All projects under this Act shall be community based in order
24 to ensure that the prospective benefits are available to a widespread cross-
25 section of the inhabitants of a particular area.

26 (2) All projects shall be development projects and may include costs
27 related to studies, planning and design or other technical input for the project
28 but shall not include recurrent
29 costs of a facility.

The Council
Planning Officer
shall

30 (3) Funds provided under this Act shall not be used for the purpose of

1 supporting political bodies or political activities or for supporting religious
2 bodies or religious activities.

3 20. -The description of projects to be included in the Submission
4 List shall contain precise description of the project, status and the amount of
5 the sums allocated as specified in the Second Schedule.

Description of
Projects

6 PART VII - FINANCE AND ADMINISTRATION

7 21. -(1) Every Council Director shall designate in writing the
8 Council Treasurer to be the accountant of each of the constituency account
9 maintained by the Constituency Development Catalyst Committee within
10 the Council.

Designation of
an Accountant

11 (2) The Council Director shall be the Accounting Officer of the
12 Constituency Development Catalyst Fund of every elected constituency
13 which is situated in his area of jurisdiction.

14 22.- (1) In terms of section 5(4) and for the purposes of
15 disbursement of funds in accordance with the provisions of this Act, there
16 shall be opened, kept and maintained a constituency account for each
17 constituency at such commercial bank approved by the Council's Director
18 into which all funds shall be deposited.

Constituency
Account

19 (2) The bank accounts opened pursuant to subsection (1), shall be
20 separate from that
21 of the Council.

22 (3) Two signatories shall be required for every cheque or
23 instrument for actual payment or withdrawal of funds from a constituency
24 account and the signing instruction shall be such that there shall be a
25 signature of a nominee from group A and a signature of a nominee from
26 group B as follows:

27 (a) signatory group A shall be

28 (i) the Council Director; and

29 (ii) the Council Planning Officer;

30 (b) signatory group B shall be:

1 (i) the Council Treasurer; and

2 (ii) the Council Accountant.

3 (4) Funds from the constituency account shall only be withdrawn as
4 disbursements for a particular project in accordance with the provisions of this
5 Act.

6 (5) Each and every payment out of the constituency account shall
7 strictly be on the basis of a minute resolution of the Constituency Development
8 Catalyst Committee.

9 (6) All receipts, savings and accruals to the constituency account and
10 the balances thereof at the end of each financial year shall be retained in the
11 constituency account for the purposes for which the account is maintained.

12 (7) All unutilized funds shall remain in the constituency account and
13 no investment elsewhere shall be permitted, provided that funds meant for a
14 project that is cancelled or discontinued shall be returned to the CDCF.

15 (8) Notwithstanding any provisions of this Act, CDCF funds shall not
16 be used for purposes other than those provided for under this Act.

Bank Account
of the Fund

17 23. - (1) A bank account of the CDCF shall be opened and maintained
18 at the bank established in accordance with the Banking and Financial
19 Institutions Act.

20 (2) The signature of the persons specified under section 22(3) shall be
21 mandatory on all payment cheques and instruments intended for actual release
22 of money from the CDCF.

Record of
Disbursements
to be kept

23 24. - (1) An accurate record of all disbursements made for projects in
24 each constituency shall be kept and updated every month by the Secretary of
25 the Constituency Development Catalyst Committee.

26 (2) The disbursement of funds to the CDCF account shall be effected
27 within the first six months of each financial year with an initial amount
28 equivalent to fifty percent of the total estimated account for the year and the
29 remaining fifty percent shall be disbursed in the second half of the financial
30 year.

1 (3) Where economic conditions allow, the Treasury may disburse
2 at once the whole amount allocated for each constituency.

3 25. -The financial year of the CDCF shall be a period of twelve Financial Year
4 months ending on 30th day of June.

5 PART VIII - MISCELLANEOUS PROVISIONS

6 26. - (1) The Minister may make regulations for management and Regulations
7 smooth running of the CDCF.

8 (2) The Minister may, by notice in the Gazette, amend any of the
9 Schedules to this Act.

10 27. -(1) The provisions of this Act shall be complementary to any Complementary
11 other development projects financed by the Government or any other to other
12 agency to an area of a constituency and nothing in this Act shall be construed projects
13 as meaning that an area may be excluded from any other development
14 programmes by the Government or any other agency.

15 (2) For the avoidance of doubt, normal allocation of funds by the
16 Government for development project shall continue in tandem with other
17 projects funded under this Act.

18 28.- (1) Any person who misappropriates assists or causes any Offences and
19 person to misappropriate or apply the funds, or assets from the CDCF Penalties
20 otherwise than in the manner provided in this Act, commits an offence.

21 (2) A person who is convicted for an offence under subsection (1)
22 shall be liable to a fine not exceeding fifteen million shillings or to
23 imprisonment for a term not exceeding five years or to both.

FIRST SCHEDULE

(Under section 12)

CONSTITUENCY PROJECTS SUBMISSION LIST

Name of Constituency ----- Financial Year -----

District: ----- Ward -----

Serial number	Name of project	Cost estimates in Naira
1.		
2.		
3.		
4.		
5.		
Total amount for the year -----		N-----

Name of Member of the National Assembly (Supervisor): -----

Signature: -----

Name of the District Planning Officer: -----

Signature: -----

Date: -----

SECOND SCHEDULE

(Under section 20)

**STANDARD PROJECT DESCRIPTION FORM
(to be completed in Constituency Development Catalyst Committee)**

Constituency: _____ District: _____ State: _____

Project Number: _____ Project Title: _____

Status of project (tick one) New: _____ Extension: _____ On-going: _____

Rehabilitation: _____

Brief statement on progress at time of submission

Financial year under reference 1st July: _____ to 30th June: _____

Original cost estimates, in N: _____ Date: _____

Person completing form: Signature: _____

Name of the Secretary: _____

Position: _____

Date: _____
