

A BILL

FOR

AN ACT TO ESTABLISH NORTH-EAST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT AND INTERNATIONAL DONORS FOR THE SETTLEMENT, REHABILITATION AND RECONSTRUCTION OF ROADS, HOUSES AND BUSINESS PREMISES OF VICTIMS OF INSURGENCY AS WELL AS TACKLING MENACE OF POVERTY, LITERACY LEVEL, ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH EAST STATES AND FOR OTHER RELATED MATTERS

Sponsors:

- | | |
|----------------------------|-------------------------------|
| Sen. Ali Ndume | Sen. Ahmad Lawan |
| Sen. Bukar Baba Ibrahim | Sen. Goje Danjuma |
| Sen. Binta Masi Garba | Sen. Bayero Nafada |
| Sen. Suleiman Nazif | Sen. Abdul Aziz Murtala Nyako |
| Sen. Isah Hama Misau | Sen. Ali Wakili |
| Sen. Abubakar Kyari | Sen. Ahmadu Abubakar |
| Sen. Emmanuel Bwacha | Sen. Bashir Marafa |
| Sen. Abubakar Sani Danladi | Sen. Mohammed Hasan |
| Sen. Joshua Lidani | Sen. Baba Kaka B. Garba |

[] Commencement

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

1 PART I - ESTABLISHMENT OF NORTH EAST DEVELOPMENT COMMISSION

2 1.-(1) There is established a Commission to be known as North
 3 East Development Commission (in this Bill referred to as "the
 4 Commission").

Establishment of North East Development Commission

5 (2) The Commission shall be a body corporate with perpetual

Establishment of
the Commission
Board

- 1 succession and a common seal and may sue or be sued in its corporate name.
- 2 2.-(1) There is established for the Commission, a body to be known as
- 3 the Commission Governing Board (in this Bill referred to as "the Board").
- 4 (2) The Board shall consist of-
- 5 (a) Chairman;
- 6 (b) one person each who shall be an indigene to represent the State
- 7 listed below-
- 8 (i) Adamawa;
- 9 (ii) Bauchi;
- 10 (iii) Borno;
- 11 (iv) Gombe;
- 12 (v) Taraba;
- 13 (vi) Yobe;
- 14 (c) three persons to represent the following Security Organisation-
- 15 (i) the Army who shall not be below the rank of a Colonel;
- 16 (ii) the Police who shall not be below the rank of Superintendent of
- 17 Police;
- 18 (iii) the Civil Defence Corp who shall not be below the rank of Deputy
- 19 Commandant.
- 20 (d) One representative of Solid minerals extracting and Mining
- 21 producing companies in the North East States nominated by those companies;
- 22 (e) one person to represent the-
- 23 (i) Federal Ministry of Finance;
- 24 (ii) Federal Ministry of Education;
- 25 (iii) Federal Ministry of Environment; and
- 26 (3) (d) the Managing Director of the Commission.
- 27 The Chairman and other members-of the Board shall-
- 28 (a) be appointed by the President, subject to the confirmation of the
- 29 Senate, in consultation with the House of Representatives; and
- 30 (4) (b) be person of proven integrity and ability.

1 The members of the Board referred to in paragraph (a - d) of sub- clause (2)
2 of this Clause shall be part-time members.

3 (5) The supplementary provisions set out in the Schedule to this
4 Act shall have effect with respect to the proceedings of the Board and the
5 other matters contained therein.

6 3. Subject to the provisions of Clause 4 of this Bill) a member of
7 the Board) other than an ex-officio member) shall hold office for a term of 4
8 years at the first instance and may be re-appointed for a further term of 4
9 years and no more.

Tenure of office

10 4. The office of the Chairman established in Clause 2(2) shall
11 rotate amongst the member states of the Commission in an alphabetical
12 order.

Rotation of office
of Chairmen

13 5.-(1) The member of the Board mentioned under Clause 2 (2) (a)
14 and (b) may resign their appointment by notice in writing addressed to the
15 President.

Resignation,
cessation or
removal from
membership of
the Board

16 (2) A member of the Board may cease membership if the member-
17 (a) becomes of unsound mind;

18 (b) becomes bankrupt;

19 (c) is convicted of a felony or of any offence involving dishonesty;

20 and

21 (d) is guilty of serious misconduct in relation to the office.

22 (3) A member of the Board other than ex-officio member may
23 resign his or her appointment by notice) in writing to the President which
24 resignation shall take effect upon receipt and approval by the President.

25 (4) Where vacancy exists in the membership of the Board, the
26 vacancy shall be filled by appointment of a person representing the area
27 where the vacancy exists, to complete the remainder of the term of office of
28 the predecessor.

29 6. There shall be paid to every member of the Board such
30 remunerations, allowances and expenses as the Federal Government may,

Remunerations
and Allowances

1 from time to time direct

2 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

3 7.-(1) The Commission shall-

4 (a) formulate policies and guidelines for the development of the
5 Northern East States;

6 (b) conceive, plan and implement, in accordance with set rules and
7 regulations, projects and programmes for the sustainable development of the
8 North East States in the field of transportation including roads, health,
9 education, employment, agriculture, industrialization, housing and urban
10 development, water supply, electricity and telecommunications;

11 (c) cause the North East States to be surveyed in order to ascertain
12 measures which are necessary to promote its physical and socio-economic
13 development;

14 (d) prepare master plans and schemes designed to promote the
15 physical development of the North East States and the estimates of the costs of
16 implementing such master plans and schemes;

17 (e) implement all the measures approved for the development of the
18 North East States by the Federal Government and the member States of the
19 Commission;

20 (f) identify factors inhibiting the development of the North East States
21 and assist the member States in the formulation and implementation of policies
22 to ensure sound and efficient management of the resources of the North East
23 States;

24 (g) assess and report on any project being funded or carried out in the
25 North East States by Solid mineral extracting and mining companies,
26 agricultural processing and any other company including Non - governmental
27 organizations and ensure that funds released for such projects are properly
28 utilised;

29 (h) tackle ecological and environmental problems that arise from the
30 extraction and mining of solid mineral in the North East States and advise the

1 Federal Government and the member States on the prevention and control of
2 water and environmental pollution;

3 (i) liaise with the various Solid mineral extraction and mining
4 companies on all matters of pollution prevention and control; and

5 (j) execute such other works and perform such other functions
6 which in the opinion of the Commission, are required for the sustainable
7 development of the North East States and its peoples.

8 (2) In excising its functions and powers under this Clause, the
9 Commission shall have regard to the varied and specific contributions of
10 each member State of the Commission.

11 (3) The Commission shall be subject to the direction, control or
12 supervision in the performance of its functions under this Bill by the
13 President the Federal Republic of Nigeria.

14 **8.** The Board shall have power to:-

Powers of the
Commission

15 (a) manage and supervise affairs of the Commission;

16 (b) make rules and regulations for carrying out the functions of the
17 Commission;

18 (c) enter and inspect premises, projects and such places as may be
19 necessary for the purposes of carrying out its functions under this Bill;

20 (d) pay the staff of the Commission such remuneration and
21 allowances as appropriate;

22 (e) enter into such contracts as may be necessary or expedient for
23 the discharge of its functions and ensure the efficient performance of the
24 functions of the Commission;

25 (f) employ either directly or on secondment from any civil or
26 public service in the Federation or a State such number of employees as may
27 in the opinion of the Board, be required to assist the Board in the discharge of
28 any of its functions under this Bill;

29 (g) pay to persons so employed such remuneration, including
30 allowances, as the Board may determine; and

- 1 (c) for the-
2 (i) administration of the secretariat of the Board, and
3 (ii) general direction and control of all other employees of the
4 Commission

Pension Reform
Act, No. 2 of 2004

5 **13.**-(1) Service in the Commission shall be approved service for the
6 purposes of the Pensions Reform Act.

7 (2) Nothing in sub- clause (1) of this Clause shall prevent the
8 appointment of a person to any office on terms which preclude the grant of
9 pension and gratuity in respect of that office.

10 (3) For the purposes of the application of the provisions of the
11 Pensions Act, any power exercisable there under by the Minister or other
12 authority of the Government of the Federation, other than the power to make
13 regulations under Clause 23 thereof is vested in and shall be exercisable by the
14 Commission, and not by any other person or authority.

15 PART V - FINANCIAL PROVISIONS

Funds of the
Commission

16 **14.**-(1) The Commission shall establish and maintain a fund from
17 which shall be defrayed all expenditure incurred by the Commission.

18 (2) There shall be paid and credited to the fund established pursuant to
19 sub-clause (1) of this Clause-

20 (a) from the Federal Government, the equivalent of 15 percent of the
21 total monthly statutory allocations due to member States of the Commission
22 from the Federation Account; this being the contribution of the Federal
23 Government to the Commission;

24 (b) 3 percent of the total annual budget of any Solid mineral extracting
25 mining company operating in the North East States, including Agricultural
26 processing companies;

27 (c) 50 percent of monies due to member States of the Commission
28 from the Ecological Fund;

29 (d) such monies as may from time to time, be granted or lent to or
30 deposited with the Commission by the Federal or a State Government, any

1 other body or institution whether local or foreign;

2 (e) all moneys raised for the purposes of the Commission by way of
3 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

4 (f) proceeds from all other assets that may, from time to time,

5 (3) accrue to the Commission.

6 The fund shall be managed in accordance with the rules made by the Board,
7 and without prejudice to the generality of the power to make rules under this
8 sub-clause, the rules shall in particular contain provisions -

9 (a) specifying the manner in which the assets or the fund of the
10 Commission are to be held, and regulating the making of payments' into and
11 out of the fund; and

12 (b) requiring the keeping of proper accounts and records for the
13 purpose of the fund in such form as may be specified in the rules.

14 **15.-(1)** The Commission shall apply the proceeds of the fund
15 established pursuant to Clause 14 of this Bill to-

Application of the
Commission funds

16 (a) the cost of administration of the Commission;

17 (b) the payment of salaries, fees, remuneration, allowances,
18 pensions and gratuities payable to the members of the Board specified in
19 Clause 6 of this Bill or any committee of the Board and the employees of the
20 Commission;

21 (c) the payment for all contracts, including mobilisation,
22 fluctuations, variations, legal fees and cost on contract administration;

23 (d) the payment for all purchases; and

24 (e) undertaking such other activities as are connected with all or
25 any of the Functions of the Commission under this Act.

26 (2) The Commission may accept gifts of land, money, or other
27 property on such terms and conditions, if any, as may be specified by the
28 person or organisation making the gift.

29 (3) The Commission shall not accept any gift if the conditions
30 attached by the person or organisation making the gift are inconsistent with,

1 the functions of the Commission under this Bill.

2 (4) The Commission may, with the consent of the President of the
3 Federal Republic of Nigeria, borrow, on such terms and conditions as the
4 Commission may determine, such sums of money as the Commission may
5 require in the exercise of its functions under this Bill.

Annual Estimate
and Expenditure

6 16.-(1) The Board shall, not later than 30th September in each year,
7 submit to the National Assembly through the President of the Federal Republic
8 of Nigeria an estimate of the expenditure and income of the Commission
9 during the next succeeding year for approval.

10 (2) The Board shall cause to be kept proper accounts of the
11 Commission in respect of each year and proper records in relation thereto and
12 shall cause the accounts to be audited not later than 6 months after the end of
13 each year by auditors appointed from the list and in accordance with the
14 guidelines supplied by the Auditor-General for the Federation.

15 The Commission shall, at the end of every quarter in each year,

Submission of
Report

16 17.-(1) submit to the President of the Federal Republic of Nigeria
17 report on the activities and administration of the Commission.

18 (2) The Board shall prepare and submit to the President of the Federal
19 Republic of Nigeria, not later than 30th June in each year, a report in such form
20 as the President of the Federal Republic of Nigeria may direct on the activities
21 of the Commission during the immediately preceding year, and shall include in
22 the report a copy of the audited accounts of the Commission for that year and
23 the auditor's report thereon.

24 (3) The President of the Federal Republic of Nigeria shall, upon
25 receipt of the report referred to in sub-clause (1) of this Clause, cause a copy of
26 the report and the audited accounts of the Commission and the auditor's report
27 thereon to be submitted to each House of the National Assembly.

28 PART VI - MISCELLANEOUS

Monitoring
Committee

29 18.-(1) There is established for the Commission a Monitoring
Committee which shall consist of such number of persons as the President of

1 Federal Republic of Nigeria may deem fit to appoint from the public or Civil
2 Service of the Federation.

3 (2) The Monitoring Committee shall-

4 (a) monitor the management of the funds of the Commission and
5 the implementation of the projects of the Commission; and

6 (b) have access to the books of account and other records of the
7 Commission at all times, and submit periodical reports to the President of
8 the Federal Republic of Nigeria.

9 19.-(1) For the purposes of providing offices and premises
10 necessary for the performance of its functions under this Bill, the
11 Commission may, subject to the Land Use Act-

Offices and
premises of the
Commission

12 (a) purchase or take on lease any interest in land, or other property;
13 and

14 (b) construct offices and premises and equip and maintain same.

15 (2) The Commission may, subject to the Land Use Act, sell or lease
16 out any office or premises held by it, which office or premises is no longer
17 required for the performance of its functions under this Act.

18 20. Subject to the provisions of this Bill, the President of the
19 Federal Republic of Nigeria, may give to the Commission directives of a
20 general nature or relating generally to matters of Policy with regard to the
21 performance by the Commission of its functions and it shall be the duty of
22 the Commission to comply with the directives.

President
Directives

23 21.-(1) Subject to the provisions of this Bill, the provisions of the
24 Public Officers Protection Act shall apply in relation to any suit instituted
25 against any officer or employee of the Commission.

Public Officer
Protection Act,
Cap. P41 LFN,
2004

26 (2) Notwithstanding anything contained in any other law or
27 enactment, no suit shall lie against any member of the Board, the Managing
28 Director or any other officer or employee of the Commission for any act
29 done in pursuance or execution of this Bill or any other law or enactment, or
30 of any public duty or authority or in respect of any alleged neglect or default

1 in the execution of this Bill or such law or enactment, duty or authority, shall lie
2 or be instituted in any court unless-

3 (a) it is commenced within three months next after the act, neglect or
4 default complained of; or

5 (b) in the case of a continuation of damage or injury, within six
6 months next after the ceasing thereof.

Services of
Notice, Summons
and other
Documents

7 **22.** A notice, summons or other document required or authorised to
8 be served upon the Commission under the provisions of this Bill or any other
9 law or enactment may be served by delivering it to the Managing Director or by
10 sending it by registered post and addressed to the Managing Director at the
11 principal office of the Commission.

Payment of
Judgments debts

12 **23.**-(1) In any action or suit against the Commission, no execution or
13 attachment of process in the nature thereof shall be issued against the
14 Commission.

15 (2) Any sum of money which may by the judgment of any court be
16 awarded against the Commission shall, subject to any direction given by court
17 where notice of appeal of the said judgment has been given, be paid from the
18 general reserve fund of the Commission.

Indemnity of
Staff

19 **24.** A member of the Board, the Managing Director, any officer or
20 employee of the Commission shall be indemnified out of the assets of the
21 Commission against any proceeding, whether civil or criminal, in which
22 judgment is given in his favour or in which he is acquitted, if any such
23 proceeding is brought against him in his capacity as a member of the Board, the
24 Managing Director, officer or employee of the Commission.

Regulations

25 **25.** The Commission may, with the approval of the President of the
26 Federal Republic of Nigeria, make regulations, generally for the purposes of
27 giving full effect to this Bill.

Interpretation

28 **26.** In this Bill-
29 "Chairman" means the Chairman of the Board;
30 "Commission" means the North East Development Commission established

1 by Clause 1 of this Bill;
2 "Board" means the governing Board established for the Commission under
3 Clause 2 (1) of this Act;
4 "Management Committee" includes the Chairman, Managing Director,
5 Executive Directors and Directors;
6 "Member States" include Adamawa, Bauchi, Borno, Gombe, Taraba and
7 Yobe.

8 27. This Bill is cited as the North East Development Commission Citation
9 Bill, 2015.

10 SCHEDULES

11 *Supplementary Provisions Relating to the Board, Etc.*

12 1.-(1). Subject to the provisions of this Bill and section 27 of the
13 Interpretation Act, the Board may make standing orders regulating its
14 proceedings or those of any of its committees.

15 (2) The quorum of the Board shall be the Chairman or the person
16 presiding at the meeting, Managing Director or one Executive Director and
17 one third of other members of the Board. The quorum of any Committee of
18 the Commission shall be as determined by the Board.

19 2.-(1) The Board shall meet whenever it is summoned by the
20 Chairman and if the Chairman is required to do so by notice given to him by
21 not less than 4 other members, he shall summon a meeting of the Board to be
22 held within 14 days from the date on which the
23 Notice is given.

24 (2) At any meeting of the Board the Chairman shall preside but if he
25 is absent, the members present at the meeting shall appoint one of their
26 member to preside at the meeting.

27 3.-(1) The Board may appoint one or more committees to carry out,
28 on behalf of the Board such functions as the Board may determine.

29 (2) A committee appointed under this paragraph shall consist of
30 such number of persons as may be determined by the Board and a person

1 shall hold office on the committee in accordance with the terms of his
2 appointment.

3 (3) A decision of a committee of the Board shall be of no effect until it
4 is confirmed by the Board

5 4.-(1) The fixing of the seal of the Commission shall be authenticated
6 by the signatures of the Chairman or any other member of the Board generally
7 or specifically authorized by the Board to act for that purpose and the
8 Managing Director.

9 (2) A document purporting to be a document duly executed under the
10 seal of the Commission shall be received in evidence and shall, unless and until
11 the contrary is proved be presumed to be so executed.

12 5. The validity of any proceedings of the Board or of a committee
13 shall not be adversely affected by-

14 (a) a vacancy in the membership of the Board or committee;

15 (b) a defect in the appointment of a member of the Board or
16 committee; or

17 (c) reason that a person not entitled to do so took part in the
18 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish North East Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account and International Donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, literacy level, ecological problems and any other related environmental or developmental challenges in the North East States.