

**DEFENCE SPACE AGENCY BILL, 2016**

**ARRANGEMENT OF SECTIONS**

*Sections:*

**PART I - ESTABLISHMENT OF THE AGENCY**

1. **Establishment of the Defence Space Agency**
2. **Objects of the Agency**

**PART II - ESTABLISHMENT AND COMPOSITION OF THE**

**GOVERNING COUNCIL**

3. **Establishment of the Governing Council of the Agency**
4. **Composition of the Governing Council**
5. **Emoluments, etc of the members**
6. **Functions and powers of the Council**
7. **Meetings of Council**
8. **Tenure of members of Council**

**PART III - STRUCTURE OF THE AGENCY**

9. **Headquarters, Offices and Departments of the Agency**
10. **Maintenance of register of Space Object**
11. **Development Centres of the Agency**
12. **Boards and Committees**
13. **Implementation of Policy**

**PART IV - PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY**

14. **Appointment and functions of the Chief**
15. **Appointment and functions of the Deputy Chief**
16. **Functions of the Secretary to Council**
17. **Appointment of other Staff**
18. **Power to create offices and other department**
19. **Posting of staff to the Agency**
20. **Service in the Agency to be pensionable**
21. **Union Activities**

**PART V - FINANCIAL PROVISIONS**

22. Fund for the Agency
23. Establishment etc, of the Defence Space Fund
24. Expenditure of the Agency
25. Exempted from payment of Income Tax
26. Submission of Programme, Income and Expenditure Estimate to the Board
27. Audit and Accounts of the Fund
28. Annual Report of the Fund
29. Power to Borrow
30. Power to Accept Gifts

**PART VI - TRANSFER OF PROPERTY TO THE AGENCY**

31. Transfer of Property to the Agency
32. Restriction on the disposal of landed property
33. Compulsory acquisition of land
34. Supremacy of the Armed Forces Act
35. Implementation of Policies

**PART VII - MISCELLANEOUS**

36. Establishment of Committees
37. The Seal of the Agency
38. Power to make regulations
39. Limitation of suit against the Agency
40. Interpretation
41. Short title
42. Schedules

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE DEFENCE SPACE  
AGENCY (DSA) AND OTHER RELATED MATTERS

*Sponsored by Senator R. A. Boroffice*

[ ] Commencement

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

### PART I - ESTABLISHMENT OF THE AGENCY

1.-(1) There is establishment of a body to be known as the Defence  
Space Agency (in this Act referred to as "the Agency").

Establishment  
of the Agency

(2) The Agency:

(i) Is a body corporate with perpetual succession and a common  
seal; and

(ii) May sue or be sued in its corporate name.

2.-(1) The Objects of the Agency are to:

Objects of the  
Agency

(a) Develop and operate Military Space Technologies;

(b) supports Nigerian Military operations both within and outside  
the country through the use of many different types of satellites, launch,  
cyber operations and hardware;

(c) provide resilient and affordable Space and Cyberspace  
capabilities for the Nigerian Military and the Country;

(d) provide Space forces support, involving the launching of  
satellites, and other high-value payload into Space using a variety of  
expandable launch vehicles and operating those satellites once in the  
medium of Space;

(e) establish Space Control capable of ensuring the friendly use of  
space through counter space operations encompassing surveillance,  
negation, protection and space intelligence analysis;

- 1 (f) establish Force Enhancement centre capable of providing satellite-  
2 based weather, communications, intelligence, missile warning and navigation,  
3 capabilities for the Nigerian Military in particular and the Country in general.  
4 Force enhancement provides direct support to war fighters;
- 5 (g) expand the knowledge of Military Officers and men in the Space  
6 Science Technology development and management, thereby strengthening  
7 human resources development required for the implementation of the defence  
8 space programmes;
- 9 (h) encourage the development and operation of vehicles capable of  
10 carrying instruments, equipments, supplies and living organisms through  
11 space;
- 12 (i) promote the coordination of space application programmes, for the  
13 purpose of optimizing resources and develop space technologies of direct  
14 relevance to Armed Forces and national objectives;
- 15 (j) develop strategies for the exploitation of the outer space and make  
16 these part of the overall national development strategies, and implement  
17 strategies for promoting Armed Forces participation in the space industry;
- 18 (k) collaborate with international research centres, non-  
19 governmental organisations, universities, private sectors, industries and  
20 national and international space agencies and authorities;
- 21 (l) promote active participation of Nigerian Armed Forces in the  
22 activities of the United Nations Committee on the Peaceful Uses of Outer  
23 Space and Other United Nations Specialised Agencies involved in space  
24 science and technology applications;
- 25 (m) provide support for all Military Formations, Commands, Units,  
26 Institutions, Training Institutions and other Academic Institutions in Nigeria  
27 for research and development projects relevant to the Defence Space  
28 Programmes;
- 29 (n) Undertake all such activities or things as are necessary or  
30 expedient for the carrying out of the objects of the Agency and promotion of

1 space science and technology in the Military.

2 (2) For the purpose of carrying out the objects outlined in section 2  
3 of this Act, the Agency shall:

4 (a) establish such centres, facilities, departments and other  
5 teaching and research units within the Agency as may be necessary from  
6 time to time or desirable, subject to the approval of the governing council;

7 (b) Be responsible for the discipline and welfare of members of the  
8 Agency;

9 (c) Refer matters relating to the discipline of military personnel in  
10 the Agency to their respective service for appropriate action;

11 (d) Conduct and sponsor studies and research in space science and  
12 related fields of learning;

13 (e) Engage top quality staff of international standard aimed at  
14 creating a centre of excellence in mandate fields of study;

15 (f) Subject to the provisions of the Land Use Act, acquire, hold,  
16 grant, charge or otherwise deal with or dispose of moveable and immovable  
17 property wherever situate;

18 (g) Accept gifts, legacies and donations, provided that the terms  
19 and conditions attached to such gifts, legacies or donations are not  
20 inconsistent with the objects and purpose for the establishment of the  
21 Agency;

22 (h) Erect, provide, equip and maintain libraries, laboratories,  
23 lecture halls, and other building as are necessary for the carrying out of the  
24 objects of the Agency;

25 (i) Hold public lectures, symposia and seminars;

26 (j) Undertake printing and selling of books and journals;

27 (k) Subject to any limitations or conditions imposed by Statute,  
28 invest any moneys belonging to the Agency by way of endowment, whether  
29 for general or special purposes or such other money as may not be  
30 immediately required for current expenditure in any investments or

1 securities in the purchase or improvement of land, with power from time to  
2 time to vary any such investments and to deposit any moneys for the time being  
3 not invested with any approved bank on deposit or current account;

4 (l) Borrow, whether on interest or not and if need be upon the security  
5 of any of the property, moveable or immovable of the Agency, such moneys as  
6 the council may from time to time require or expedient to borrow or to  
7 guarantee any loan, advances of credit facilities;

8 (m) Do such other thing as may be required for the effective and  
9 smooth running of the Agency; and

10 (n) Do all such acts or things that are incidental to the attainment of  
11 the powers listed in this section as are considered necessary to promote the  
12 objects of the Agency.

13 PART II - ESTABLISHMENT AND COMPOSITION OF THE

14 GOVERNING COUNCIL

Establishment  
and Composition  
of the Governing  
Council

15 3. There is established for the Agency a Council to be known as the  
16 Governing Council, Space Defence Agency (in this Act referred to as "The  
17 Council") which shall initiate or approve the policy of the Agency and  
18 accordingly, the Council may give the Agency directions on general or specific  
19 matters.

Composition of  
Council

20 4. The Council shall consist of:

21 (a) the President of the Federal Republic of Nigeria as Chairman;

22 (b) the Vice President as Vice Chairman;

23 (c) the Hon. Minister of Defence;

24 (d) the Hon Minister of Science and Technology;

25 (e) the Attorney-General of the Federation and Hon. Min. of Justice;

26 (f) the Chief of Defence Staff;

27 (g) the Chief of Army Staff;

28 (h) the Chief of Navy Staff;

29 (i) the Chief of Air Staff;

30 (j) the Chief of Defence Space Agency;

1 (k) the Permanent Secretary, Ministry of Defence as Secretary;  
2 (l) 3 distinguished scientists, 2 of whom must have relevant  
3 knowledge and competence in space science and technology drawn from the  
4 National Academy of Science and Council of Registered Engineers, whilst  
5 the 3rd person must have distinguished himself in the private sector of  
6 Nigeria economy whose appointment shall be made by the Honourable  
7 Minister of Defence on the recommendation of NACCIMA.

8 5. The allowances payable to non ex-officio members of the  
9 Council shall be in accordance with such rates as may be determined by the  
10 Revenue Mobilization, Allocation and Fiscal Commission.

Emoluments, etc  
of members

11 6. The council shall:

Functions and  
Powers of the  
Council

12 (a) Grant approval for the Agency to enter into research and  
13 production partnerships with any company, Non-Governmental  
14 Organization, firm or individual;

15 (b) appoint technical consultants to advise it from time to time as  
16 the need and situation may arise; and

17 (c) do such other things as are necessary for the successful  
18 performance of the function of the Agency;

19 (d) the Agency may, with the approval of the Council, establish  
20 other centres which shall be located in such places in Nigeria as may be  
21 selected by the Agency;

22 (e) The Council may make regulations generally for the purpose of  
23 giving effect to the provisions of this Act, facilitating the discharge of the  
24 Agency's functions or pursuing the Agency's objectives;

25 (f) The Council may delegate any of its powers or functions to any  
26 person or persons, authority or committee except for its powers to approve  
27 statutes of the Academy;

28 (g) Approve the creation of any office, Department or committee as  
29 may be considered necessary or expedient for the smooth running of the  
30 Agency;

1 (h) Exercise control and supervise the policy, finances and property of  
2 the Agency; and

3 (i) Appoint the provost, professors and other academic and  
4 administrative staff, stipulate terms and conditions of their appointment,  
5 determine the remuneration of the principal officers and other staff of the  
6 Agency that are not military personal and scope of their responsibilities;

Meetings of the  
Council

7 7. The Council shall meet as and when necessary for the performance  
8 of its functions under this Act, and shall meet at least twice a year in accordance  
9 with the provisions of the First Schedule of this Act.

The tenure of  
members of  
Council

10 8. The office of a member, of the Council, shall become vacant if:

11 (a) He ceases to hold the office on the basis of which he became a  
12 member of the Agency; or

13 (b) The president is satisfied that it is not in the interest of the Agency  
14 or of the public for the person to continue in office as a member of the council of  
15 the Agency.

16 PART III - STRUCTURE OF THE AGENCY

Headquarters,  
Offices and  
Directorates of  
the Agency

17 9.-(1) The Headquarters of the Agency shall be situated in the Federal  
18 Capital Territory Abuja.

19 (2) There shall be at the headquarters the following offices and  
20 Directorate:

21 (a) Office of the Chief of the Defence Space Agency and Chief  
22 Executive Officer;

23 (b) Office of the Deputy Chief of Defence Space Agency

24 (c) Directorate of Earth Observation;

25 (d) Directorate of Communication Satellite;

26 (e) Directorates of Navigation Positioning and Timing;

27 (f) Directorate of Launch Services and Space Operations;

28 (g) Directorate of Policy, Planning and Research;

29 (h) Directorate of Cyber Security;

30 (i) Directorate of Support Services;



1 (j) Directorate of Finance and Accounts; and

2 (k) Directorate of Procurement.

3 **10. -(i) The Agency shall maintain a register of Space Objects;**

Maintenance of  
Register of Space  
Objects

4 (ii) There shall be entered in the register particulars of such space  
5 objects as the Agency considers appropriate to comply with the international  
6 obligations of the Federal Republic of Nigeria; and

7 (iii) Any person may inspect a copy of the register on payment of  
8 such fees as the Agency may prescribe.

9 **11.-(1) To achieve the objectives of the Defence Space Policy, the**  
10 **Agency shall operate through the following Development Centres:**

Development  
Centres of the  
Agency

11 (a) Defence Missile System Centre;

12 (b) Defence Spectrum Management Centre;

13 (c) Space Innovations and Development Centre;

14 (d) Defence Space Warfare development Centre;

15 (e) Defence Meteorological Satellite centre;

16 (f) Defence Satellite Communication Centre;

17 (g) Defence Cyber Operations;

18 (h) Defence Network Integration Centre.

19 (2) The Centres shall carry out other activities that are necessary  
20 for the successful implementation of their mandates.

21 (3) Each Centre of the Agency shall have:

22 (a) Support Service; and

23 (b) Technical Divisions, which shall not be more than 4 and if more  
24 divisions are to be established, it shall be with the approval of the Council.

25 (c) The Agency may, with the approval of the Council, establish  
26 other centres which shall be located in such places in Nigeria as may be  
27 selected by the Agency.

28 **12. There is hereby established for the Agency, the boards,**  
29 **committees and other bodies whose composition and functions shall be as**  
30 **provided in the Second schedule of this Act.**

Boards and  
Committees

1 [Second Schedule]

Implementation  
of policy

2 13. No policy initiated in any way other than as provided for in section  
3 6 of this Act shall be implemented without prior reference to and approval of  
4 the Council.

5 PART V - PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

Appointment and  
functions of the  
Chief

6 14.-(1) There shall be appointed for the Agency, a Chief, not below  
7 the rank of Major General or its equivalent whose appointment and removal  
8 from office shall be in accordance with military posting, but must have  
9 demonstrated research experience in engineering, information technology,  
10 science and technology; and knowledgeable in space science and who shall be  
11 responsible to the Council for:

12 (a) giving to the Council such information as to the activities of the  
13 Agency as the Chairman of the Council may require;

14 (b) authorizing programmes and plans for giving effect to policy  
15 approved by the Council or to any direction of the Council subject to all or any  
16 of the powers in this section as may be delegated to him by the Council;

17 (c) Carrying out the day-to-day administration of the Agency;

18 (d) Supervision of the activities of the Directors in the Agency; and

19 (e) Co-ordinating the activities of the Centres.

20 (2) The fact that any power has been delegated to the Chief pursuant to  
21 sub-section (1) of this section shall not preclude the Council itself from  
22 exercising them in any special case.

23 (3) The powers referred to in sub-section (2) of this section shall  
24 include:

25 (a) The executive control over the Military and Civilian staff of the  
26 Agency;

27 (b) The supervision of accounts and records;

28 (c) The preparation for approval of programmes and plans as are  
29 necessary to carry into effect approved policy or any directive of the Council;

30 (d) The interpretation of such policy to other staff of the Agency;

- 1 (e) The making of any staff recommendations to the Council; and  
2 (f) The establishment of organisational structures, committees and  
3 definitions of duties:

4 Provided that nothing in this Bill shall be deemed to detract from the  
5 Military powers of command of the Chief.

6 15.-(1) There shall be appointed for the Agency, a Deputy Chief,  
7 not below the rank of Major General or its equivalent whose appointment  
8 and removal from office shall be in accordance with Military posting, and  
9 who shall assist the Chief in the running of the Agency in accordance with  
10 the provisions of this Act.

Appointment and  
functions of the  
Deputy Chief

11 (2) The Deputy Chief shall assist the Chief in the day to day  
12 administration of the Agency and in any other responsibility as may be  
13 assigned by the Chief.

14 (3) In the absence of the Chief, the Deputy Chief shall act.

15 16.-(1) The Permanent Secretary of the Ministry of Defence shall  
16 be the Secretary to the Council and shall be in charge of the Secretariat of the  
17 Council.

Functions of the  
Secretary to the  
Council

18 (2) The Secretary of the Council shall carry out such function(s)  
19 and duties as the Council may assign including functions specified in sub-  
20 section 3(a) - (d) of this section.

21 (3) The Secretary of the Council shall, in addition to such other  
22 functions and duties as the council may assign to him:

23 (a) prepare the minutes of meetings of the Council and its  
24 Committees;

25 (b) keep and secure the records of the Council;

26 (c) issue notices of meetings of the Council and other  
27 correspondences as may be directed by the Minister on behalf of the  
28 President and Commander in Chief of the Armed Forces of the Federal  
29 Republic of Nigeria; and

30 (d) ensure proper dissemination of the decisions of the Council to

	1	the appropriate persons, institutions or authorities.
Appointment of other staff	2	<b>17.</b> There shall be appointed for the Agency, other members of staff,
	3	in accordance with the provisions of the Third Schedule to this Bill.
	4	<i>[Third Schedule]</i>
Power to create offices and department	5	<b>18.</b> Notwithstanding the provisions of the Third Schedule to this Bill,
	6	the Council shall have power to create any office or department, necessary for
	7	the efficient running of the Agency.
	8	<i>[Third Schedule]</i>
Posting of staff to the Agency	9	<b>19.</b> -(1) The Nigerian Army, Navy and Air force shall post Military
	10	officers, soldiers, rating and airmen, from time to time, to fill administrative,
	11	command, teaching and other military vacancies in the Agency.
	12	(2) The Council may appoint such persons as civilian members of
	13	staff of the Agency for teaching, research and administration as it considers
	14	necessary and may approve terms and conditions of service including
	15	provision for the payment of pensions.
	16	(3) Newly appointed members of staff of the Agency shall, unless
	17	exempted by the Minister, take such oaths as to secrecy and other matters as the
	18	Minister may, from time to time, direct.
Service in the Agency to be pensionable	19	<b>20.</b> -(1) For the military personnel serving in the Agency, the existing
	20	law on pension for military personnel shall apply.
	21	(2) Service in the Agency shall be approved service for purposes of
	22	the Pension Reform Act and accordingly employees of the Agency shall, in
	23	respect of their services, be entitled to pension and other retirement benefits as
	24	are enjoyed by persons holding equivalent offices in the public Services of the
	25	Federation.
	26	(3) Notwithstanding the provisions of subsection (1) of this section
	27	nothing in this Act shall prevent the appointment of a person to any office on
	28	terms which preclude the grant of pension in respect of that office.
Union activities	29	<b>21.</b> -(1) No civilian personnel employed in any capacity, whether or
	30	not a member of a trade union, shall engage or take part in any union activities.

1                   (2) Any civilian personnel who contravenes the provisions of sub-  
2                   section (1) of this section, is guilty of an offence and liable on conviction to a  
3                   fine of not less than N100,000 or to imprisonment for a term of not less than  
4                   six months or to both such fine and imprisonment.

5                   PART V - FINANCIAL PROVISIONS

6                   **22.** -(1) The Agency shall establish a fund from which shall be  
7                   defrayed all expenditure incurred by the Agency for the purpose of this Act.

Fund for the  
Agency

8                   (2) There shall be paid and credited to the Fund:

9                   (a) allocations from the Federal Government of Nigeria budget;

10                  (b) Foreign aids and assistance from bilateral and multilateral  
11                  agencies;

12                  (c) fees charged for services rendered by the Agency; and

13                  **23.** There shall be a Defence Space Trust Funds in which certain  
14                  percentage of annual profits/income of communications companies,  
15                  satellites operators, service providers, multi-national companies,  
16                  corporations, certain individuals or persons and organizations shall be paid  
17                  into as well as all other funds accruing to the Agency by way of gifts,  
18                  endowments, bequest or other voluntary contributions from state  
19                  governments in Nigeria and outside the Country.

Establishment etc.,  
of the Defence  
Space Trust Fund

20                  **24.** The Agency shall apply the funds at its disposal to:

Expenditure of  
the Agency

21                  (a) Researches, developments and production activities necessary  
22                  for the achievement of the objectives of the Agency;

23                  (b) undertake any other activities in connection with all or any of  
24                  the function(s) of the Agency.

25                  (c) publicise and promote research and development results for  
26                  adoption by industrial establishments;

27                  (d) the cost of establishing and maintaining the Headquarters of the  
28                  Agency;

29                  (e) the cost of establishing and operating development centres and  
30                  units;

1 (f) the training of members of staff of the Agency and provision of  
2 scholarships and awards for specialized training of personnel;

3 (g) pay the civilian personnel, overhead allowances, benefits and  
4 other administrative costs of the Agency;

5 (h) support the National Council for Science and Technology and the  
6 Annual Science and Technology Week Celebration;

7 (i) support scientific bodies and Military institutions whose activities  
8 are related to the functions of the Agency; and

Exempted from  
payment of  
Income Tax

9 25. All incomes derived by the Agency from the sources specified in  
10 section 20 of this Act shall be exempted from income tax and all contributions  
11 to the Fund of the Agency shall be tax deductible.

Submission of  
Programme,  
Income and  
Expenditure  
estimate to the  
Board

12 26. The Agency shall submit to the Council, not later than 31<sup>st</sup> July in  
13 each year, its programme of work and estimates of its income and expenditure  
14 for the following year.

Audit and Accounts  
of the Fund

15 27.-(1) The Accounts of the Agency shall be audited not later than 6  
16 months after the end of the year to which they relate by auditors appointed by  
17 the Agency from the list of auditors supplied and in accordance with the  
18 guidelines issued by the Auditor-General for the Federation.

19 (2) An auditor appointed pursuant to subsection (1) of this section  
20 shall have access to all accounts and other records relating to such accounts as  
21 are kept by the Agency and shall have the power to require from any staff of  
22 the Agency such information and explanation as in the auditor's opinion are  
23 necessary for the purpose of the audit.

Annual Report  
of the Fund

24 28.-(1) The Agency shall prepare and submit to the Council not later  
25 than 30th June in each year, a report on the activities of the Agency, the audited  
26 accounts of the Agency and the auditors' report for each year preceding the  
27 report.

28 (2) The Agency shall, not later than 30th September in each year,  
29 submit to the Council the annual report of each of its centers for the preceding  
30 year.

1	<b>29.</b> The Council may, with the consent of or in accordance with the	Power to Borrow
2	general authority given to it by Government, borrow by way of loan or	
3	overdraft from any source or money required by the Agency for meeting its	
4	obligations in the discharge of its functions under this Act.	
5	<b>30.</b> The Agency may accept gift of land, money, property or loan,	Power to accept Gifts
6	upon such terms and conditions if any, as may be specified by the person or	
7	organization making the gift provided that the conditions attached by the	
8	person making the gifts are not inconsistent with the objects of the Agency	
9	and the Federal Government policy.	
10	<b>PART VI - TRANSFER OF PROPERTY TO THE AGENCY</b>	
11	<b>31.</b> All property held by or on behalf of the Agency by any	Transfer of Property to the Agency
12	provisional Council, planning and implementation committee or any	
13	interim body by whatsoever name called, shall by virtue of this section and	
14	without further assurances vest in the Agency such property.	
15	<b>32.</b> All landed property of the Agency shall not be disposed of or	Restriction on the disposal of landed property
16	charged except with the resolution of the Council.	
17	<b>33.</b> For the purpose of the Land Use Act which provides for the	Compulsory acquisition of land
18	compulsory acquisition of land for overriding public interest, any	
19	requirement of land by the Agency shall be deemed to be for the public	
20	purposes of the Federation.	
21	<b>34.</b> Where any of the provisions of this Act relating to matters	Supremacy of the Armed Forces Act
22	affecting the objectives and functions of the Agency is inconsistent with	
23	Military Act, the provisions of the Military Act shall prevail.	
24	<b>35.</b> A policy initiated in any way, other than as provided for in	Implementation of policies
25	section 4 of this Act, shall not be implemented without prior reference to and	
26	approval of the Council	
27	<b>PART VII - MISCELLANEOUS</b>	
28	<b>36.</b> -(1) Bodies established under this Act, shall have power to	Establishment of Committees
29	constitute committees consisting of members of that body and, subject to the	
30	provisions of sections 6 and 14 of this Act, authorize a committee	

1 established by it to exercise on its behalf, such of its functions as may be  
2 delegated to the committee.

3 (2) Subject to subsection (1) of this section, any two or more of the  
4 bodies established by this Act, may arrange for the holding of joint meetings of  
5 those bodies, or for the appointment of committee consisting of members of  
6 those bodies, or for the purpose of considering any matter within the  
7 competence of those bodies or any of them, and either of dealing with it or of  
8 reporting on it to those bodies or any of them.

9 (3) Except as may be otherwise provided under this Act, statute or  
10 regulations, the quorum and procedure of any committee or sub-committee  
11 established under this Act shall be such as may be determined by that body

12 (4) Nothing in subsections (1), (2) and (3) of this section shall be  
13 construed as enabling the:

14 (a) Council to empower any other body to make statute; or

15 (b) The Chief to empower any other body to make regulations or to  
16 award degree or other qualification of the Agency.

The Seal of the  
Agency

17 **37.-(1)** The seal of the Agency shall be such as may be administered  
18 by the Council and the fixing of the seal of the Agency shall be signed by the  
19 Chief and the Registrar.

20 (2) Any contract or instrument which, if made or executed by a person  
21 not being a body corporate, would not be required to be under seal may be made  
22 or executed on behalf of the Agency by any authorized person.

23 (3) Any division established for the Agency and designated by statute  
24 as a centre shall be organized in accordance with the provisions of the Second  
25 Schedule of this Act.

Power to make  
Regulations

26 **38.-(1)** The Council may make regulations:

27 (a) To regulate the activities and programmes of the Agency authority  
28 or any matter connected with the Agency; or

29 (b) For the effective implementation of any of the provisions of this  
30 Act.



1           (2) The council shall have power to amend regulations made under  
2 this Act provided that the proposal for amendment shall be passed by two-  
3 thirds majority of the members.

4           (3) All regulations made by the Council subject to the provisions of  
5 this Act, shall be published in the official Gazette of the government of  
6 Nigeria.

7           (4) Where under any provision of this Act it is stipulated that  
8 proposals are "to be submitted or a recommendation is to be made by one  
9 authority to another through one or more intermediate authorities, it shall be  
10 the duty of every such intermediate authority to forward any proposal or  
11 recommendation received by it in pursuance of that position to the  
12 appropriate authority and any such intermediate authority may, if it thinks  
13 fit, forward therewith its own comments on the proposal or  
14 recommendation.

15           (5) The Council may make such regulations as are necessary or  
16 expedient to give full effect to or for carrying out the provisions of this Act.

17           **39.-(1)** Subject to the provisions of this Act, the provisions of the  
18 Public Officers Protection Act shall apply to any suit instituted against the  
19 Agency, an Officer or employee of the Agency.

Limitation of  
Suit against the  
Agency

20           (2) No suit shall lie or be instituted in any court against the Agency,  
21 a member of the Council or any principal officer or employee of the Agency  
22 for an action carried out in pursuance or execution of this Act or any  
23 enactment or law, or of any public duty or authority in respect of any alleged  
24 neglect or default in the execution of this Act or any other enactment or law,  
25 duty or authority unless it is commenced:

26           (a) Within three months of such act, neglect or default complained  
27 of;

28           (b) in the case of a continuation of damages or injury, within six  
29 months next after the ceasing of the act, neglect or default.

30           (3) No suit shall be commenced against the Agency, a member of

1 the Councilor any principal officer or employee of the Agency before the  
2 expiration of a period of one month after written notice of the intention to  
3 commence the suit has been served on the Agency by the intending plaintiff or  
4 his agent.

5 (4) The notice referred to in subsection (3) of this section shall clearly  
6 and explicitly state the cause of action, the particulars of the claim, the name  
7 and place of abode of the intending plaintiff and the relief sought.

Interpretation

8 **40.** In this Act, unless the context otherwise requires, the following  
9 expressions shall have the following meanings:

10 "Agency" means the Defence Space Agency established under section 1 (1) of  
11 this Act;

12 "Center" means Development Centers of the Agency established under section  
13 11 of this Act;

14 "Chairman" means the Chairman of the Governing Council of the Agency  
15 appointed under section 4(a) of this Act;

16 "Council" means the Defence Space Council or the Agency established by  
17 section 3 of this Act;

18 "DSA" means Defence Space Agency;

19 "Fund" means the Fund of the Agency established under section 22(1) of this  
20 Act;

21 "Member" means a member of the Council;

22 "Minister" means the Minister charged with responsibility for Defence  
23 matters;

24 "Principal Officer" means the Chief, Deputy Chief and any of the Directors  
25 appointed under this Act;

26 "Armed Forces" has the meaning assigned to it in the Constitution of the  
27 Federal Republic of Nigeria;

28 "Tri-Service" has the meaning assigned to it in the Armed Forces Act of the  
29 Federal Republic of Nigeria;

30 "Secretary" means the Secretary of the Council appointed under section 12(1)

- 1 of this Act; and
- 2 "Technical officer" includes scientists, engineers and lawyers working in  
3 the Agency;
- 4 "Chief" means the Chief/Head of the Defence Space Agency;
- 5 "dual-purpose technologies" means space technologies which can  
6 contribute to the proliferation of weapons of mass destruction;
- 7 "facility" means any place, premises, structure or installation designed,  
8 adapted or equipped for the performance of any space or space-related  
9 process or activity;
- 10 "government institutions" means any:
- 11 (a) body or company established by or under any law; or
- 12 (b) other institution or body recognized by the Minister by notice in  
13 the Gazette;
- 14 "launching" means the placing or attempted placing of any spacecraft into a  
15 sub-orbital trajectory or into outer space, or the testing of a launch vehicle or  
16 spacecraft in which it is foreseen that the launch vehicle will lift from the  
17 earth's surface;
- 18 "launch vehicle" means any device manufactured or adapted to launch a  
19 spacecraft;
- 20 "licence" means a licence issued to the Defence Space Agency by the  
21 regulatory Space Agency or proprietary body;
- 22 "licensee" means any person who is the holder of a licence;
- 23 "outer space" means the space above the surface of the earth from a height at  
24 which it is in practice possible to operate an object in an orbit around the  
25 earth;
- 26 "premises" means any place where any facility, installation or structure is  
27 situated or being erected, and where any space or space-related activity is  
28 performed or the performance thereof is contemplated;
- 29 "prescribed" means prescribed by regulation;
- 30 "regulation" means any regulation made under this Act;

1 "space activities" means the activities directly contributing to the launching of  
2 spacecraft and the operation of such craft in outer space;

3 "spacecraft" means any object launched with the purpose of being put and  
4 operated in outer space;

5 "space industry" means any industry utilizing space technologies;

6 "space-related activities" means all activities supporting, or sharing mutual  
7 technologies with, space activities;

8 "space technologies" means technologies specifically developed with a view  
9 to, or which are related to, or are utilized in, space activities;

10 "suborbital trajectory" means the trajectory of any object which leaves the  
11 surface of the earth due to a launch, but returns to the surface of the earth  
12 without completing an orbit around the earth;

13 "technological assets" means any capital assets, patents, designs, data,  
14 equipment and computer software specifically related to space technologies;

15 "this Act" includes any regulation;

16 "weapons of mass destruction" means weapons of mass destruction as defined  
17 in the Non-Proliferation of Weapons of Mass Destruction Act, 1993.

Short title

18 **41.** This Act may be cited as the Defence Space Agency Bill, 2016.

19 SCHEDULES

20 FIRST SCHEDULE

21 *[Section 6]*

22 *Transitional provisions as to functions, etc.*

23 **1.** The first meeting of the Council under this Act shall be convened  
24 by the chairman on such date and in such manner, as he may determine.

25 **2.** The meeting of any Board of the Agency under this Act shall be  
26 convened by the Chief on such date and in such manner as he may determine.

27 **3.** Subject to any direction to the contrary, which may be given in that  
28 regard by the Council, any person who was a member of staff of or was  
29 employed by the Defence Space Agency, before the coming into effect of this  
30 Act shall become the holder of the appointment at the Agency with such status,

1 designation and functions which correspond as nearly as may be to those  
2 which appertained to him as member of staff or such an employee.

3 SECOND

4 SCHEDULE

5 *[Section 8]*

6 *Defence Space Agency Statute No. 1*

7 ARRANGEMENT OF ARTICLES

8 Article:

- 9 1. The Space Activities Board  
10 2. Functions of the Space Activities Board.  
11 3. The Defence Space Advisory Council.  
12 4. The Agency International Collaboration Committee.  
13 5. The Personnel Management Committee.  
14 6. Establishment of any other Committee that could lead to the  
15 smooth running of the DSA.  
16 7. Miscellaneous staff provisions.  
17 8. Interpretation.  
18 9. Short title

19 THIRD SCHEDULE

20 *[Section 11, 12.]*

21 *Principal officers of the Agency*

22 *Appointment of Director of Earth Observation*

23 1. There shall be appointed for the Agency a Director of Earth  
24 Observation, (in this Act referred to as “the DEO”) who shall be responsible  
25 to the Chief for the co-ordination of satellite data acquisition, archiving and  
26 distribution; and develop application solutions and establish a multi-source  
27 satellite receiving station, and shall perform such other functions as the  
28 Council or the Chief, as the case may be, shall assign to him from time to  
29 time.



1 for the day-to-day administration and control the logistics requirements of  
2 the Agency.

3 *Director of Finance and Budgets*

4 8. There shall be a Director of Finance and Budgets, who shall be  
5 shall be responsible to the Chief for the control of financial affairs and  
6 budgetary requirements of the Agency.

7 *Director of Procurements*

8 9. There shall be a Director of Procurements, who shall be  
9 responsible to the Chief for the control of procurement of the re-current and  
10 capital items required by the Agency as well as any other duties as may be  
11 assigned by the Chief.

12 10.-(1) The employees specified in this Schedule shall be  
13 appointed in such manner as may be specified by military tradition or  
14 statutes/Acts of the Agency and shall hold office accordingly

15 (2) Any question as to the scope of the responsibilities of the  
16 specified employees shall be determined by the Council or the Chief, as the  
17 case may be.

18 *Method of resignation*

19 11.-(1) Any officer referred to in the provisions of this Schedule  
20 may resign his office:

21 (a) in line with military tradition; or

22 (b) if a civilian, by notice to the Council, through the Chief.

23 (2) Subject as may be otherwise specified, a person who has ceased  
24 to hold an office so mentioned otherwise than by removal for misconduct,  
25 shall be eligible for re-appointment to that office.

**EXPLANATORY MEMORANDUM**

This Bill establishes the Defence Space Agency for, among other things, to develop Satellite Technology for various applications; ensure the security of the nation's cyber activities and for related matters for military purposes/members of Armed Forces of Federal Republic of Nigeria, the encouragement of Capacity Building in Space Science Technology Development, Cyber Security and their management in Nigeria as specified in the National Space Policy.

A parastatal of the Ministry of Defence, but, operationally, DSA will be under the Chief of Defence Staff. It is a tri-service Agency which comprises of Officers and men of Nigerian Army, Navy, and Airforce. It will also have a civilian component called Civilian employees/staff.