

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL POVERTY ERADICATION COMMISSION AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Ibrahim Gobir

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL POVERTY ERADICATION
2 COMMISSION (NPEC)

3 1.-(1) There is hereby established a body to be known as the
4 National Poverty Eradication Commission, (hereinafter in this Act referred
5 to as "the Commission").

Establishment
of the National
Poverty
Eradication
Commission

6 (2) The Commission shall be a body corporate with perpetual
7 succession and a common seal; and may sue, and be sued in its corporate
8 name.

9 2.-(1) There is hereby established a National Coordination Council
10 (in this Act, referred to as "the Council ") which shall consist of:

Establishment
and Composition
of the National
Coordination
Council

11 (a) Chairman;

12 (b) six other members one representing each of the six geo-
13 political zones of the country;

14 (c) the Special Adviser to the President on matters relating to
15 Poverty Eradication;

16 (d) the President of the National Association of Small Scale
17 Industrialists; and

18 (e) one representative of each of the following core poverty
19 eradication or reduction Ministries and Agencies who shall not be below the
20 rank of a Director, that is:

- 1 (i) the Federal Ministry of Agriculture and Water Resources,
- 2 (ii) the Federal Ministry of Employment,
- 3 (iii) the Federal Ministry of Employment,
- 4 (iv) the Federal Ministry of Finance,
- 5 (v) the Federal Ministry of Health,
- 6 (vi) the Federal Ministry of Information and Communications,
- 7 (vii) the Federal Ministry of Science and Technology,
- 8 (viii) the Federal Ministry of Women Affairs, and
- 9 (ix) the Federal Ministry of Youths and Social Development.

Appointment of
members of the
Council

10 3.-(1) Members of the Council other than ex-officio members shall be
11 appointed by the President, Commander-in-Chief of the Armed Forces subject
12 to confirmation by the Senate.

13 (2) Ex-officio members of the Council shall be appointed by the
14 organisations they represent.

Tenure of office

15 4.-(1) The Chairman and members of the Council other than ex-
16 officio members shall hold office for a term of four years in the first instance
17 and may be reappointed for a further term of four years and no more.

18 (2) If a member of the Council dies or vacates his office for whatever
19 reason before the expiration of the term for which he is appointed, a fit and
20 proper person shall be appointed for the remainder of the term of office of the
21 predecessor so however that the successor shall represent the same interest.

Removal from
Office

22 5. Notwithstanding the provisions of section 3 of this Act, a member
23 of the Council shall cease to hold office as a member if:

24 (a) he resigns his appointment as a member of the Council by a notice
25 under his hand addressed to the President; or

26 (b) he is removed from office by the President for inability to
27 discharge the functions of his office (whether arising from infirmity of mind or
28 body or any other cause) or for misconduct.

Emoluments,
etc.

29 6. The Chairman and members of the Council shall be paid such

1 emoluments, allowances and benefits as the President may from time to time
2 approve.

3 PART II - FUNCTIONS OF THE COMMISSION

4 7.-(1) The functions of the Commission shall be to:

Functions of the
Commission

5 (a) coordinate and monitor all poverty eradication activities;

6 (b) coordinate, monitor and advise on all social protection
7 activities of Government;

8 (c) assist in formulating and reviewing policies on poverty
9 eradication;

10 (d) provide technical expertise to and sensitize all levels of
11 government and organizations on poverty eradication issues;

12 (e) evaluate and monitor the level of social amenities throughout
13 the country with direct impact on the poor;

14 (f) act as government agency for catalyzing, mobilizing and
15 synergizing resources at all tiers of Government and throughout the
16 economy for the purpose of eradicating poverty for mass participation in the
17 economic development process;

18 (g) maintain a data bank on all poverty issues;

19 (h) periodically extend palliative intervention projects as
20 contained in the Schedule' to this Act, as a cushioning measure for the poor
21 to ensure their overall social protection; and

22 (i) maintain an outreach to International Donor Agencies and
23 Development Partners.

24 8.-(1) The Council shall have powers to:

Powers of the
Council

25 (a) ensure the implementation of the policies and decisions of the
26 Commission;

27 (b) ensure that the programmes and projects as budgeted for and
28 implemented by the Ministries are monitored and co-ordinated
29 multisectorally;

1 (c) review all poverty eradication and reduction activities in the
2 Federation;

3 (d) relate with Community Based Organisations (CBO), Non-
4 Governmental Organisations (NGOs), International Donor Agencies (IDA)
5 and all other major stakeholders in order to facilitate the development of their
6 capabilities as well as foster partnership among them;

7 (e) strategise and formulate intervention programmes and projects
8 based on needs and with a view to complementing the efforts of the
9 implementing Ministries and Agencies;

10 (j) undertake a periodic assessment of programme implementation
11 and prepare reports accordingly for submission to the Federal Executive
12 Council through the Minister;

13 (g) set attainable targets periodically for all poverty reduction and
14 eradication activities of Government;

15 (h) set up such other sub-committees to undertake special
16 assignments as may be required; and

17 (i) do such other things and carry out such other directives as may be
18 given from time to time by the Federal Executive Council.

Application to
States and Local
Governments

19 **9.-(1) In implementing their poverty eradication and reduction**
20 **programmes, States and Local Governments may adopt the provisions of this**
21 **Act with such modifications as may be appropriate and necessary.**

22 **(2) The Federal Government may provide technical and discretionary**
23 **financial assistance to States and Local Governments that give effect to the**
24 **provisions of subsection (1) of this section.**

25 **PART III – STRUCTURE OF THE COMMISSION**

Directorates of
the Commission

26 **10. The Commission shall be structured into such number of**
27 **departments as may be necessary or expedient for the effective discharge of its**
28 **functions and in particular, the structure of the Commission shall include the**
29 **following Directorates:**

30 (a) Directorate of Research Monitoring and Evaluation (DRM&E)

- 1 (b) Directorate of Coordination and Programmes Development
- 2 (CPD);
- 3 (c) Directorate of Finance and Accounts (DFA);
- 4 (d) Directorate of Administration and Supplies (DA&S); and
- 5 (e) such other Departments or units as may be determined by the
- 6 Commission.

7 PART IV - STAFF OF THE COMMISSION

8 11.-(1) There shall be for the Commission, a Director-General who
 9 shall be Director-General appointed by the President, Commander-in-Chief
 10 of the Armed Forces of the Federal Republic of Nigeria subject to the
 11 confirmation by the Senate.

Director-General

- 12 12. The Director-General shall be:
- 13 (a) the accounting officer of the Commission;
 - 14 (b) responsible for the execution of policies, programmes and the
 - 15 day to day administration of the affairs of the Commission;
 - 16 (c) responsible for liaison with international donors for funding
 - 17 and transfer of best practices;
 - 18 (d) a person with cognate experience and skills in related fields in
 - 19 accounting, economics, economic development, micro-finance; banking,
 - 20 human and social development studies, etc.; and
 - 21 (e) responsible to the Chairman of the Commission,

Functions of the Director-General

22 13.-(1) The Director-General shall hold office for a term of four
 23 years in the first instance and may be reappointed for a further term of four
 24 years and no more,

Tenure of Office, etc.

25 (2) The terms and conditions of his service shall be as contained in
 26 the letter of appointment.

27 14.-(1) The Commission shall appoint such officers and other
 28 employees as it may deem fit.

Other staff of the Commission

29 (2) The terms and conditions of service (including remuneration,
 30 allowances, benefits and pensions) of officers and employees of the

1 Commission shall be determined by the Commission in conformity with the
2 National Salaries, Income and Wages Commission.

3 (3) Without prejudice to the generality of subsection (1), the
4 Commission shall have power to appoint either on transfer or on secondment
5 from any public service in the Federation, such number of employees as may in
6 the opinion of the Commission, be required to assist the Commission in the
7 discharge of any of its functions under this Act and shall have the power to pay
8 to persons so employed such remuneration (including allowances) as may be
9 determined by the National Income, Salaries and Wages Commission.

Staff Regulations

10 15.-(1) The Commission may, subject to the provisions of this Act,
11 make staff regulations relating generally to the conditions of service of the
12 employees of the Commission and without prejudice to the generality of the
13 foregoing, such regulations may provide for:

14 (a) the appointment, promotion and disciplinary control (including
15 dismissal) of employees of the Commission; and

16 (b) appeals by such employees against dismissal or other disciplinary
17 measures and until such regulations are made, any instrument relating to the
18 conditions of service of officers in the public service of the Federation shall be
19 applicable.

20 (2) Staff regulations made under subsection (1) of this section shall
21 not have effect until approved by the Commission and when so approved they
22 need not be published in the Federal Gazette but the Commission shall cause
23 them to be brought to the notice of all affected persons in such manner as it may,
24 from time to time, determine.

Pension Reform
Act 2004

25 16.-(1) Service in the Commission shall be approved service for
26 purposes of the Pension Reform Act, 2004 and accordingly, employees of the
27 Commission shall be entitled to pension, gratuities and other retirement
28 benefits as are prescribed under the Pension Reform Act, 2004.

29 (2) Notwithstanding the provisions of subsection (1) of this section,
30 nothing in this Bill shall prevent the appointment of a person to any office on

1 the ten-ns which preclude the grant of a pension, gratuity or other retirement
2 benefits in respect of that office.

3 (3) For the purposes of the application of the provisions of the
4 Pension Reform Act, any power exercisable by a Minister or other authority
5 of the Federal Government, other than the power to make regulations under
6 section 97 of the Pension Reform Act, 2004, is hereby vested in and shall be
7 exercisable by the Commission and not by any other person or authority.

8 PART V - FINANCIAL PROVISIONS

9 17. There shall be established and maintained for the Commission Funds of the
10 a fund into which shall be paid and credited: Commission

11 (a) all budgetary allocation from the Federal Government;

12 (b) all sums accruing to the Commission by way of gifts,
13 endowments, bequest, grants or other contributions by persons and
14 organisations;

15 (c) foreign aid and assistance from bilateral and international
16 donor agencies; and

17 (d) all other sums which may, from time to time, accrue to the
18 Commission.

19 18.-(1) The Commission shall, from time to time, apply the funds at Expenditure of
20 its disposal to: the Commission

21 (a) publicise and promote the activities of the Commission;

22 (b) to defray cost of acquisition and upkeep of premises belonging
23 to the Commission and any other capital expenditure of the Commission;

24 (c) pay allowances, expenses and other benefits of members of the
25 Commission or of any Committee set up by this 'Act or as may be set up by
26 the council;

27 (d) pay the salaries, allowances and benefits of staff of the
28 Commission;

29 (e) pay other overheads, allowances, benefits and other
30 administrative costs of the commission; and

1 (f) any other payment for anything incidental to the foregoing
2 provisions or in connection with or incidental to any other functions of the
3 commission under or pursuant to this Act.

Power to accept
gifts

4 19.-(1) The Commission may accept gift of land, money or other
5 property upon such terms and conditions, if any, as may be specified by the
6 person or organizations making the gift.

7 (2) The Commission shall not accept any gift if the conditions
8 attached by the person or organization making the gift inconsistent with the
9 functions of the commission under this Act.

Power to borrow

10 20.-(1) The Commission may, from time to time, borrow by overdraft
11 or otherwise such sums as it may require for the performance of its functions
12 under this Act.

13 (2) The Commission shall not, without the approval of the Minister,
14 borrow money, which exceeds, at any time, the limit set by the general
15 guidelines on borrowing.

16 (3) notwithstanding sub-section (1) of this section, where the sum to
17 be borrowed is in foreign currency, the Commission shall not borrow the sum
18 without the prior approval of the Minister.

Annual Estimates
and Audit

19 21.-(1) The Commission shall cause to be prepared not later than 30th
20 September in each year an estimate of the expenditure and income of the
21 Commission during the next succeeding year and when prepared, they shall be
22 submitted through the Minister to the Federal Executive Council.

23 (2) The Commission shall cause to be kept accounts of the
24 Commission and proper records in relation thereto and when certified by the
25 Council, the Auditor-General of the Federation shall audit the accounts.

Annual Reports

26 22. The Commission shall, not later than 30th June in each succeeding
27 year, submit to the Minister, a report on the activities and administration of the
28 Commission during the immediate preceding year and shall include in the
29 report, the audited accounts of the Commission and the auditor's report on
30 those accounts.

1 (2) The Commission shall report to the National Assembly on their
2 achievement so far on poverty reduction.

3 PART VI - LEGAL PROCEEDING

4 23. Subject to the provisions of this Act, the provisions of the
5 Public Officers Protection Act shall apply in relation to any suit instituted
6 against any officer or employee of the Commission

Limitation of
suit against the
Commission, etc.

7 (2) Notwithstanding anything contained in any other law or
8 enactment, no suit shall lie or be instituted in any court of law against any
9 member of the Commission, the Director-General, or any other officer or
10 employee of the Commission for any act done in pursuance or execution or
11 any public duty or authority in respect of any alleged neglect or default in the
12 execution of this Act or such law or enactment, duty or authority unless:

13 (a) it is commenced within three months after the act, neglect or
14 default complained of: or

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

17 (3) No suit shall be commenced against a member of the
18 Commission, the Director-General, officer or employee of the Commission
19 before the expiration of one month after written notice of the intention to
20 commence the suit shall have been served upon the Commission by the
21 intending plaintiff or his agent

22 (4) The notice referred to in subsection (3) of this section shall
23 clearly and explicitly state the cause of action, the particulars of the claim,
24 the name and place of abode of the intending plaintiff and the relief which he
25 claims.

26 24. A notice, summons or other documents required or authorised
27 to be served upon the Commission under the provisions of this Act or any
28 other law or enactment may be served by delivering it to the Director-
29 General or by sending it by registered post and addressed to the National
30 Coordinator at the principal office of the Commission.

Service of
documents

Restriction on execution against property of the Commission

1 **25.**-(1) In any action or suit against the Commission, no execution or
2 attachment of process in any nature thereof shall be issued against the
3 Commission.

4 (2) Any sum of money which may by the judgment of any court be
5 awarded against the Commission shall, subject to any direction given by court
6 where notice of appeal of the said judgment has been given, be paid from the
7 fund of the Commission.

Indemnity of officer

8 **26.** A member of the Commission or the Director - General or any
9 officer or employee of the Commission shall be indemnified out of the assets of
10 the Commission against any liability incurred by him in defending any
11 proceeding, whether civil or criminal, if the proceeding is brought against him
12 in his capacity as a member, Director - General, officer or other employee of the
13 Commission.

14 **PART VII - MISCELLANEOUS PROVISIONS**

Directives by the President, etc.

15 **27.** The President may through the Minister give to the Commission
16 or the Director-General such directives of a general nature or relating generally
17 to matters of policy with regard to the exercise of its or his functions as he may
18 consider necessary and the Commission or the National Co-ordinator shall
19 comply with the directives if they are not inconsistent with its functions as
20 prescribed under this Act.

Regulations

21 **28.** The Commission may, with the approval of the Minister, make
22 such regulations as in its opinion are necessary or expedient for giving full
23 effect to the provisions of this Act and for the due administration of its
24 provisions.

Powers to intervene Schedule

25 **29.** The targets of the core Poverty Eradication and Reduction
26 Ministries and Agencies set out in the Schedule to this Act shall have effect
27 with respect to the intervention powers of the Commission.

Interpretation

28 **30.** In this Act, unless the context otherwise requires:
29 "Commission" means the National Poverty Eradication Commission
30 established under section 1 of this Act; "Council" means the Poverty

1 Eradication Council of Nigeria;

2 "Functions" includes powers and duties; "Minister" means the Minister in
3 charge of National Planning by whatever name called;

4 "President" means the President, Commander-in-Chief of the Federal
5 Republic of Nigeria;

6 "Public Service" has the meaning assigned to it in the Constitution of the
7 Federal Republic of Nigeria, 1999;

8 31. This Act may be cited as the National Poverty Eradication Short Title
9 Commission (Establishment, etc.) Bill, 2015.

1 SCHEDULES

2 FIRST SCHEDULE

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

4 *Proceedings of the Council*

5 1.-(1) Subject to this Act and Section 27 of the Interpretation Act, the
6 Council may make standing orders regulating its proceedings or those of any of
7 its Councils.

8 (2) The quorum of the Council shall be the Chairman or the person
9 presiding at the meeting and seven other members of the Council and the
10 quorum of any committee of the Council shall be determined by the Council.

11 2.-(1) The Council shall meet not less than four times in each year and
12 subject thereto, the Council shall meet whenever it is summoned by the
13 Chairman and if the Chairman is required to do so by notice given to him by not
14 less than four other members, he shall summon a meeting of the Council to be
15 held within 28 days from the date on which the notice is given.

16 (2) At any meeting of the Council, the Chairman shall preside but if he
17 is absent, the members present at the meeting shall appoint one of their
18 members to preside at that meeting.

19 (3) Where the Council desires to obtain the advice of any person on a
20 particular matter, the Council may co-opt him to the Council for such period as
21 it deems fit, but a person who is in attendance by virtue of this subparagraph
22 shall not be entitled to vote at any meeting of the Council and shall not count
23 towards a quorum.

24 *Committees*

25 3.-(1) The Council may appoint one or more committees to carry out,
26 on behalf of the Committee, such functions as the Council may determine.

27 (2) A committee appointed under this paragraph shall consist of such
28 number of persons as may be determined by the Council and a person shall hold
29 office on the committee in accordance with the terms of his appointment.

30 (3) A decision of a committee shall be of no effect until it is confirmed

1 by the Council.

2 *Miscellaneous*

3 4. -(1) The fixing of the seal of the Council shall be authenticated
4 by the signature of the Chairman, Director General or any other person
5 generally or specifically authorized by the Committee to act for that
6 purpose.

7 (2) Any document purporting to be a document duly executed
8 under the seal of the Council shall be received in evidence and shall, unless
9 and until the contrary is proved, be presumed to be so executed.

10 (3) The validity of any proceedings of the Councilor of a
11 committee shall not be adversely affected by:

12 (a) a vacancy in the membership of the Councilor committee; or

13 (b) a defect in the appointment of a member of the Councilor
14 committee; or

15 (c) the reason that a person not entitled to do so took part in the
16 proceedings of the Council or committee.

17 SECOND SCHEDULE

18 *Section 7*

19 THE POVERTY ERADICATION SCHEMES

20 I.-(1) Subject to the provisions of this Act, the Council shall
21 periodically extend intervention projects to complement the existing and
22 traditional efforts of the implementing Ministries, departments and relevant
23 parastatals through the creation of major schemes such as:

24 (a) Youth Empowerment Scheme (YES);

25 (b) Farmers Empowerment Scheme (FES);

26 (c) Women Empowerment Scheme (WES);

27 (d) Rural Infrastructures Development Scheme (RIDS);

28 (e) Social Welfare Services Scheme (SQWESS);

29 (f) Natural resources Development and, Conservation Scheme
30 (NRDCS).

1 (2) Subject to the provisions of this Act, the Council shall in addition
2 to its regular budgetary allocation, have the power to mobilize resources for
3 poverty eradication through the following partnership arrangements:

- 4 (a) Multi-Partner Micro- Finance (MP-MF) Scheme;
- 5 (b) Promise Keeper Programme (PKP);
- 6 (c) Give Back Programme (GBP);
- 7 (d) Such other programmes as may be approved by the Committee.

8 (3) The Youth Empowerment Scheme (YES), which is aimed at
9 addressing issues of employment generation, skill acquisition and
10 improvement, wealth generation and youth development is further sub-divided
11 into the following programmes:

- 12 (a) Capacity Acquisition Programme (CAP);
- 13 (b) Mandatory Attachment Programme (MA); and
- 14 (c) Micro Credit Delivery Programme (MCDP)

15 (4) The Rural Infrastructures Development Scheme (RIDS), is aimed
16 at addressing issues related at the provision and maintenance of basic rural
17 infrastructure. This scheme has the following Programmes:

- 18 (a) Rural Works and Transport Programme (RWTP);
- 19 (b) Rural Energy Programme (REP);
- 20 (c) Rural Water Programme (RWP);
- 21 (d) Rural Communication Programme (RCP); and
- 22 (e) Rural Housing Programme (RHP).

23 (5) The Social Welfare Service Scheme (SOWES), is aimed at
24 addressing the issues related to the provision of needed core social and welfare
25 services, under the following programmes:

- 26 (a) Special Education Programme (SEP);
- 27 (b) Primary Healthcare Programme (PHP)
- 28 (c) Social Services and Recreational Programme (SSRP).

29 (6) Natural Resources Development and Conservation Scheme
30 (NRDCS), is aimed at addressing the issue of appropriate tapping of the natural

1 resources while maintaining adequate care for the environment. The
2 programmes under this scheme are as follows:

- 3 (a) Agricultural Resources Programme (ARP);
- 4 (b) Water Resources Programme (WRP);
- 5 (c) Solid Minerals Resources Programme (SMRP); and
- 6 (d) Environmental Protection Programme (EPP)

7 (7) Notwithstanding the provisions of section 5 (1) and section 28
8 of this Act, each core poverty eradication/reduction Ministry/Agency, shall
9 maintain its implementation/execution autonomy while recognizing the
10 complementary needs of other Ministries/Agencies.

11 THIRD SCHEDULE

12 *Section 29*

13 THE FEDERAL CORE POVERTY ERADICATION/REDUCTION MINISTRIES/

14 AGENCIES AND THEIR TARGETS

15 (i) Employment - Federal Ministry of Employment; National
16 Directorate of Employment (NDE);

17 (ii) Education - Federal Ministry of Education; Universal Basic
18 Education (CBE);

19 (iii) Agriculture and Food Security - Federal Ministry of
20 Agriculture and Water Resources; Nigerian Agricultural Cooperative and
21 Rural Development Bank (NACRDB);

22 (iv) Energy - Federal Ministry of Mines and Steel Development;
23 Federal Ministry of Energy; Federal Ministry of Science and Technology;
24 Power Holding Company of Nigeria (PHCN); Nigerian National
25 Petroleum Corporation (NNPC); and Energy Commission of Nigeria
26 (ECN);

27 (v) Healthcare, HIV/AIDS & STD - Federal Ministry of Health;
28 National Programme on Immunization (NPI) National Action Committee
29 on AIDS (NACA); National Primary Healthcare Development Agency
30 (NPHDA);

- 1 (vi) Women, Youth & Gender Dev. - Federal Ministry of Women
- 2 Affairs National Youth National Youth Service Corps (NYSC);
- 3 (vii) Industry - Federal Ministry of Commerce and Industry:
- 4 National Bank for Industry (NBI).