

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST; AND OTHER CONNECTED MATTERS

Sponsored by Senator Stella Oduah and Senator Samuel N. Anyanwu

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT
2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the South
4 East Development Commission (in this Act referred to as "the
5 Commission").

Establishment of
the South East
Development
Commission

6 (2) The Commission-

7 (a) shall be a body corporate with perpetual succession and a common
8 seal;

9 (b) may sue and be sued in its corporate name.

10 (3) The Commission shall have its head office in Enugu, Enugu State
11 and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing
15 Board (in this Act referred to as "the Board"), which shall consist of-

Establishment of
Government
Council of the
Commission

16 (a) a chairman;

17 (b) one person who shall be an indigene to represent each the
18 following member States, that is:

19 (i) Abia,

- 1 (ii) Anambra,
 2 (iii) Ebonyi,
 3 (iv) Enugu, and
 4 (v) Imo;
 5 (c) a representative of the Federal Ministry of Finance;
 6 (d) a representative of the Federal Ministry of Justice;
 7 (e) the Managing Director of the Commission; and
 8 (f) two Executive Directors;
- 9 (2) The Chairman and other members of the Board shall-
- 10 (a) be appointed by the President, Commander-in-Chief Forces,
 11 subject to the confirmation of the Senate;
 12 (b) be persons of proven integrity and ability.
- 13 (3) The members of the Board referred to in paragraph (d) of
 14 subsection (i) of this Section shall be part-time members.
- 15 (4) The supplementary provision set out in the schedule to this Act
 16 shall have effect with respect to the proceedings of the Board and the other
 17 matters contained therein.
- 18 3.-(1) Subject to the provisions of section 4 of this Act a member of
 19 the Board, other than an ex-officio member, shall hold office for a term of 4
 20 years at the first instance and may be reappointed for a further term of 4 years
 21 and no more.
- 22 (2) The member of the Board shall be paid such remunerations and
 23 allowances as the Federal Government may, from time to time, determine for
 24 the chairman and members of statutory board generally.
- 25 (3) A member of the Board other than ex-officio members, may resign
 26 his appointment by notice, in writing under his hand addressed to the President
 27 Commander-in-Chief of the Armed Forces.
- 28 4. The office of the Chairman of the Commission shall rotate among
 29 the member states of the Commission in the following alphabetical sequence
 30 of-

Tenure of office

Rotation of Office
of Chairman of
the Commission

- 1 (a) Abia;
2 (b) Anambra;
3 (c) Ebonyi;
4 (d) Enugu; and
5 (e) Imo.

6 5.-(1) Notwithstanding the provisions of section 3 of this Act, a
7 person shall cease to hold office as a member of the Board if-

Cessation of
Membership of
the Board

- 8 (a) he becomes bankrupt, suspends payment or compounds with
9 his creditors;
10 (b) he is convicted of a felony or any offence involving dishonesty
11 or fraud;
12 (c) he becomes of unsound mind, or incapable of carrying out his
13 duties;
14 (d) he is guilty of a serious misconduct in relation to his duties;
15 (e) in the case of a person possessed of professional qualification,
16 he is disqualified or suspended, other than at his own request, from
17 practicing his profession in any part of the world by an order of a competent
18 authority made in respect of that member; or
19 (f) he resigns his appointment by a letter addressed to the President,
20 Commander-in-Chief of the Armed Forces.

21 (3) Where a vacancy occurs in the membership of the Board, it
22 shall be filled by the appointment of a successor to hold office for the
23 remainder of the term of office of his predecessor, so however, that the
24 successor shall represent the same interest and shall be appointed by the
25 President, Commander-in-Chief of Armed Forces subject to the
26 confirmation of the Senate.

27 6. There shall be paid to every member of the council such
28 allowances and expenses as Federal Government may, from time to time,
29 direct.

Allowances of
Members

Functions and
Powers of the
Commission

- 1 PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
- 2 7.--(1) The Commission shall-
- 3 (a) formulate policies and guidelines for the development of the South
- 4 East;
- 5 (b) conceive, plan and implement, in accordance with set rules and
- 6 regulations, projects and programmes for the sustainable development of the
- 7 South East in the field of roads, education, health facilities, employment,
- 8 industrialization, agriculture, housing and urban development, water supply,
- 9 electricity and commerce;
- 10 (c) prepare master plans and schemes designed to promote the
- 11 physical development of the South East and the estimate of the cost of
- 12 implementing such master plans and schemes;
- 13 (d) implement all the measures approved for the development of the
- 14 South East by the Federal Government and the member States of the
- 15 Commission;
- 16 (e) identify factors inhibiting the development of the South East and
- 17 assist the member states in the formulation and implementation of policies to
- 18 ensure sound and efficient management of the resources of the South East;
- 19 (f) Conceive, conceptualize, plan and implement, in accordance with
- 20 set rules and regulations, project and programmes for the sustainable
- 21 development of the South-East area in the field of receiving and management
- 22 of fund from allocation or the Federation and Donor funds for the rehabilitation
- 23 and reconstruction of roads, reparation for houses and lost businesses of victim
- 24 of the 1967-1970 civil war, ecological and soil erosion problems and other
- 25 related environmental or development challenges;
- 26 (g) Cause the South-East area to be surveyed in order to ascertain
- 27 measures which are necessary to promote its physical and socio-economic
- 28 development;
- 29 (h) Assess and report on any project being funded or carried out in the
- 30 South-East area for the purpose of rehabilitation and reconstruction of roads,

1 reparation of houses and lost businesses of victims of the 1967-1970 Civil
2 War by the Federal Government and ensure that the funds released for such
3 projects are properly utilized;

4 (i) Tackle ecological and environmental problems that arise from
5 the soil erosion problems and other related environmental challenges in the
6 South-East and advice the Federal Government and the member states on
7 the prevention and control of the erosion and environmental challenge;

8 (j) carry out such other functions as the President may, from time to
9 time, direct.

10 (2) In exercising its functions and powers under this section, the
11 Commission shall have regard to the varied and specific contributions of
12 each member state of the Commission.

13 **8.** The Board shall have power to-

Powers of the
Board

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

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

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

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

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

24 (f) do such other things as are necessary and expedient for the
25 efficient performances of the functions of the Commission.

26 **PART III - STRUCTURE OF THE COMMISSION**

27 **9.-(1)** There shall be established in the Head Office of the
28 Commission, the following Directorates-

Establishment of
Directorates

29 (a) the Directorate of Administration, Human Resources and man
30 power Development;

- 1 (b) the Directorate of Community and Rural Development;
- 2 (c) the Directorate of Utilities, Infrastructural Development;
- 3 (d) the Directorate of Finance and Supplies;
- 4 (e) the Directorate of Agriculture and Rural Development,
- 5 (f) the Directorate of Planning, Research, Statistics and Management
- 6 Information system;
- 7 (g) the Directorate of Legal Services and Corporate Affairs;
- 8 (h) the Directorate of Education, Health and Social Services;
- 9 (i) the Directorate of Commercial and Industrial Development; and
- 10 (j) the Directorate of Projects Monitoring and Supervision.

11 (2) The Board may increase the number of Directorates as it may

12 deem necessary.

Establishment
of the Management
Committee

13 10. There shall be for the Commission a management Committee

14 which shall-

15 (a) consist of a Chairman who shall be the Managing Director, the

16 Executive Directors, the Directors responsible for the Directorates under

17 section 9 of this Act and such number of other members as may be determined

18 from time to time;

19 (b) be responsible to the Board and the Managing Director for the

20 general administration of the Commission.

Establishment
and Membership
and functions of
the South East
Development

21 11.-(1) There is hereby established for the Commission, a South East

22 Development Advisory Committee (in this Act referred to as "the Advisory

23 Committee") which shall consist of-

24 (a) the Governors of the member states of the Commission; and

25 (b) two other persons as may be determined, from time to time, by the

26 President, Commander-in-Chief of the Armed Forces.

27 (2) The Advisory Committee shall be charged with the responsibility

28 of advising the Board on the activities of the Commission.

29 (3) The Advisory Committee may make rules regulating its own

30 proceedings.

1 PART IV - STAFF OF THE COMMISSION.

2 12.-(1) There shall be for the Commission, a Managing Director,
3 and two Executive Directors who shall-

Appointment of
Executive
Secretary, etc.

4 (a) have such qualification and experience as are appropriate for a
5 person required to perform functions of that office under this Act;

6 (b) be the Chief executive and accounting officer of the
7 Commission; and

8 (c) hold office on such terms and conditions as to emolument,
9 conditions of service as may be specified in his letter of appointment.

10 (2) The Managing Director shall, subject to the general direction of
11 the Board, be responsible-

12 (a) for the day to day administration of the Commission;

13 (b) for keeping the books and proper records of the proceedings of
14 the Board; and

15 (c) for-

16 (i) the administration of the Secretariat of the Board, and

17 (ii) the general direction and control of all other employees of the
18 chairman.

19 (3) The Board shall have to-

20 (a) employ either directly or on secondment from any civil or
21 public service, in the Federation or a State such number of employees as
22 may, in the opinion of the Board, be required to assist the Board in the
23 discharge of any of its functions under this Act; and

24 (b) pay to persons so employed such remuneration (including
25 allowances) as the Board may determine.

26 13.-(1) Service in the Commission shall be approved service for
27 the purposes of the Pension Act.

Service in the
Commission to
be pensionable

28 (2) The officers and other persons employed in the commission
29 shall be entitled to pensions, gratuities and other retirement benefits as are
30 enjoyed by persons holding equivalent grades as appropriate.

1 (3) Nothing in subsections (1) and (2) of this Section shall prevent the
2 appointment of a person to any office on terms which preclude the grant of
3 pension and gratuity in respect of that office.

4 (4) For the purposes of the application of the provisions of the
5 Pensions Act, any power exercisable thereunder by the Minister or other
6 authority of the Government of the Federation, other than the power to make
7 regulations under section 23 thereof, is hereby vested in and shall be
8 exercisable by the commission, and not by any other person or authority.

9 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

10 14.-(1) The Commission shall establish and maintain a fund from
11 which shall be defrayed all expenditure incurred by the Commission.

12 (2) There shall be paid and credited to the fund established pursuant to
13 subsection (1) of this section-

14 (a) from the Federal Government, the equivalent of 15 percent of the
15 total monthly statutory allocations due to the member States of the
16 Commission from the Federation Account; this being the contribution of the
17 Federal Government to the Commission;

18 (b) 50 percent of monies due to member States of the Commission
19 from the Ecological Fund;

20 (c) such monies as may from time to time, be granted or lent to or
21 deposited with the Commission by the Federal or a state Government, any
22 other body or institution whether local or foreign;

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

25 (e) proceeds from all other assets that may, from time to time, accrue
26 to the Commission.

27 (3) The Fund shall be managed in accordance with the rules made by
28 the Board, and without prejudice to the general of the power to make rules
29 under this subsection, the rules shall in particular contain provisions-

30 (a) specifying the manner in which the assets or the fund of the

1 Commission are to be held, and regulating the making of payments into and
 2 out of the fund; and

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

5 15. The Commission shall apply the proceeds of the fund
 6 established pursuant to section 14 of this Act to-

Expenditure of the Commission?

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

8 (b) the payment of salaries, fees, remuneration, allowances,
 9 pensions and gratuities payable to the members of the Board specified in
 10 section 6 of this Act or any Committee of the Board and the employees of the
 11 Commission;

12 (c) the payment for all contracts, including mobilization,
 13 fluctuations, variations, legal fees and cost on contract administration;

14 (d) the payment for all purchases; and

15 (e) undertaking such other activities as are connected with all or
 16 any of the functions of the Commission under this Act.

17 16.-(1) The Commission may accept gifts of land, money or other
 18 property on such terms and conditions; it may be specified by the person or
 19 organisation making the gift.

Gifts to the Commission

20 (2) The Commission shall not accept any gift if the conditions
 21 attached by the person or organisation making the gift are inconsistent with
 22 the functions of the Commission under this Act.

To monitor and maintain

23 17. The Commission may, with the consent of the President,
 24 Commander-in-Chief of the Armed Forces, borrow, on such terms and
 25 conditions as the Commission may require in the exercise of its functions
 26 under this Act.

Power to borrow money

27 18.-(1) The Board shall, not later than 30th September in each year,
 28 submit to the President, Commander-in-Chief of the Armed Forces an
 29 estimate of the expenditure and income of the Commission during the next
 30 succeeding year.

Annual Estimates and Expenditure

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

Quarterly Report

6 19. The Commission shall, at the end of every quarter in each year,
7 submit to the President Commander-in-Chief of the Armed Forces a report on
8 the activities and administration of the Commission.

Annual Report

9 20. The Board shall prepare and submit to the President, Commander-
10 in-Chief of the Armed Forces, not later than 30th June in each year, a report in
11 such form as the President, Commander-in-Chief of the Armed Forces, may
12 direct on the activities of the Commission during the immediately preceding
13 year, and shall include in the report a copy of the audited accounts of the
14 Commission for that year and the auditor's report thereon.

15 (2) The President, Commander-in-Chief of the Armed Forces shall,
16 upon receipt of the report referred to in subsection (1) of this Section, cause a
17 copy of the report and the audited accounts of the Commission and the auditor's
18 report thereon to be submitted to each House of the National Assembly.

19 PART VI - MISCELLANEOUS PROVISION.

Establishment of
Monitoring
Committee

20 21.-(1) There is hereby established for the Commission a monitoring
21 Committee which shall consist of such number of persons as the President,
22 Commander-in-Chief of the Armed Forces may deem fit to appoint from the
23 Public or Civil Service of the Federation.

24 (2) The Monitoring Committee shall-

25 (a) monitor the management of the funds of the Commission and the
26 implementation of the projects of the Commission; and

27 (b) have access to the books of accounts and other records of the
28 Commission at all times, and submit periodical reports to the President,
29 Commander-in-Chief of the Armed Forces.

1 22.-(1) For the purposes of providing offices and premises
2 necessary for the performance of its functions under this Act, the
3 Commission may, subject to the land use Act-

Office and premise
of the Commission,
Cap. 202 LFN

4 (a) purchase or take on lease any interest land, or other property;
5 and

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

7 (2) The Commission may, subject to the land use Act, sell or lease
8 out any office or premises held by it, which office or premises is no longer
9 required for the performance of its functions under this Act.

10 23. Subject to the provisions of this Act, the President,
11 Commander-in-Chief of the Armed Forces may give to the Commission
12 directives of a general nature or relating generally to matters of policy with
13 regard to the performance by the Commission of its functions and it shall be
14 the duty of the Commission to comply with the directives.

Directives by the
President
Commander-in-
Chief of the
Armed Forces

15 24.-(1) Subject to the provisions of this Act, the provisions of the
16 Public Officers Protection Act shall apply in relation to any suit instituted
17 against any Officer or employee of the Commission.

Limitation of
suits against
Commission
Cap. 379 LFN

18 (2) Notwithstanding anything contained in any other law or
19 enactment, no suit shall lie against any member of the Board, the Managing
20 Director or any other officer or employee of the Commission for any act
21 done in pursuance or execution of this Act or any other law or enactment, or
22 of any alleged neglect or default in the execution of this Act or such law or
23 enactment, duty or authority, shall lie or be instituted in any court unless-

24 (a) it is commenced within three months next after the Act, neglect
25 or default complained of; or

26 (b) in the case of a continuation of damage or injury, within six
27 months next after the leasing thereof.

28 25. A notice, summons or other document required or authorised
29 to be served upon the Commission under the provisions of this Act or any
30 other law or enactment may be served by delivering it to the Managing

Service of
Documents

Restriction on Execution against property of the Commission

1 Director or by sending it by registered post and addressed to the Managing
 2 Director at the principal office of the Commission.
 3 26.-(1) In any action or suit against the Commission, no execution or
 4 attachment of process against the Commission unless not less than three
 5 months notice of the intention to execute or attachment has been given to the
 6 Commission.
 7 (2) Any sum of money which by the judgment of any court has been
 8 awarded against the Commission shall be subject to any direction given by the
 9 court, where no notice of appeal against the judgment has been given be paid
 10 from the fund of the Commission.

Indemnity of Officers

11 27. A member of the Board, the Managing Director, any officer or
 12 employee of the Commission shall be indemnified out of the assets of the
 13 Commission against any proceeding, whether civil or criminal, in which
 14 judgment is given in this favour or in which he is acquitted, if any such
 15 proceeding is brought against him in his capacity as a member of the Board, the
 16 Managing Director, officers or employee of the Commission.

Regulations

17 28. The Commission may, with the approval of the President,
 18 Commander-in-Chief of the Armed Forces, make regulations, generally for the
 19 purposes of giving full effect to this Act.

Interpretations

20 29. In this Act, unless the context otherwise requires-
 21 "Chairman" means the Chairman of the Board;
 22 "Commission" means the South East Development Commission established
 23 by section 1 of this Act;
 24 "Board" means the Governing Board established for the Commission under
 25 section 2 (1) of this Act;
 26 "Member" means a member of the Board and includes the Chairman,
 27 Managing Director and Executive Directors;
 28 "Member States" include Abia, Anambra, Ebonyi, Enugu, and Imo States;
 29 and
 30 "President" means the President of the Federal Republic of Nigeria.

1 30. This Act may be cited as the South East Development Citation
2 Commission (Establishment etc.) Bill, 2016.

3 SCHEDULE

4 Section 2(4)

5 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

6 *Proceedings of the Board.*

7 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
8 the Board may make standing orders regulating its proceedings or those of
9 any of its Committees.

10 (2) The Board shall meet whenever it is summoned by chairman is
11 required to do so by notice given to him by not less than 4 other members, he
12 shall summon a meeting of the Board to be held within 14 days from the date
13 on which the notice is given.

14 2.-(1) the Board may appoint one or more Committees to carry out,
15 on behalf of the Board such functions as the Board may determine.

16 (2) A Committee appointed under this paragraph shall consist of
17 such number of persons as may be determined by the Board and a person
18 shall hold office on the Committee in accordance with the terms of his
19 appointment.

20 (3) A decision of a Committee of the Board shall be of no effect
21 until it is confirmed by the Board.

22 *Miscellaneous*

23 3.-(1) The fixing of the seat of the Committee shall be
24 authenticated by the signature of the Chairman and the Secretary to the
25 Board.

26 (2) A document purporting to be a document duly executed under
27 the seat of the Commission shall be received in evidence and shall, unless
28 and until the contrary is proved, be presumed to be so executed.

29 (5) The validity of any proceedings of the Board or of a Committee
30 shall not be adversely affected by-

- 1 (a) a vacancy in the membership of the Board or Committee;
- 2 (b) a defect in the appointment of a member of the Board or Committee;
- 3 (c) reason that a person not entitled to do so took part in the proceedings
- 4 of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South East Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East.