

# A BILL

## FOR

AN ACT TO ESTABLISH THE NORTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ADDRESS THE DEVASTATION CAUSED BY INSURGENCY AND OTHER CONNECTED MATTERS

*Sponsored by Senator Kabiru Gaya*

[ ] Commencement

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

1 PART I — ESTABLISHMENT, ETC. THE NORTH EAST DEVELOPMENT

2 COMMISSION AND GOVERNING BOARD

3 1.—(1) There is hereby established a body to be known as the  
4 North East Development Commission (in this Act referred to as “the  
5 Commission”).

Establishment of  
the North East  
Development  
Commission

6 (2) The Commission —

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

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

10 (3) The Commission shall have its head office in Maiduguri, Borno  
11 State 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  
15 Governing Board (in this Act referred to as “the Board”), which shall consist  
16 of—

Establishment of  
Government  
Council of the  
Commission

17 (a) a chairman;

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

20 (i) Adamawa,

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

1 the member states of the Commission in the following alphabetical  
2 sequence of-

3 (a) Adamawa;

4 (b) Bauchi;

5 (c) Borno;

6 (d) Gombe;

7 (e) Taraba; and

8 (f) Yobe.

9 5.—(1) Notwithstanding the provisions of section 3 of this Act, a  
10 person shall cease to hold office as a member of the Board if—

Cessation of  
Membership of  
the Board

11 (a) he becomes bankrupt, suspends payment or compounds with  
12 his creditors;

13 (b) he is convicted of a felony or any offence involving dishonesty  
14 or fraud;

15 (c) he becomes of unsound mind, or incapable of carrying out his  
16 duties;

17 (d) he is guilty of a serious misconduct in relation to his duties;

18 (e) in the case of a person possessed of professional qualification,  
19 he is disqualified or suspended, other than at his own request, from  
20 practicing his profession in any part of the world by an order of a competent  
21 authority made in respect of that member; or

22 (f) he resigns his appointment by a letter addressed to the President,  
23 Commander-in-Chief of the Armed Forces

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

Allowances of Members	1	6. There shall be paid to every member of the council such
	2	allowances and expenses as Federal Government may, from time to time,
	3	direct.
	4	PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	5	7.—(1) The Commission shall—
	6	(a) formulate policies and guidelines for the development of the North
	7	East;
	8	(b) conceive, plan and implement, in accordance with set rules and
	9	regulations, projects and programmes for the reconstruction of areas destroyed
	10	by insurgents and for the sustainable development of the North East in the field
	11	of roads, education, health facilities, employment, industrialization,
	12	agriculture, housing and urban development, water supply and electricity;
	13	(c) prepare master plans and schemes designed to promote the
	14	physical development of the North East and the estimate of the cost of
	15	implementing such master plans and schemes;
	16	(d) implement all the measures approved for the development of the
	17	North East by the Federal Government and the member States of the
	18	Commission;
	19	(e) identify factors inhibiting the development of the North East and
	20	assist the member states in the formulation and implementation of policies to
	21	ensure sound and efficient management of the resources of the North East;
	22	(f) carry out such other functions as the President may, from time to
	23	time, direct.
	24	(2) In exercising its functions and powers under this section, the
	25	Commission shall have regard to the varied and specific contributions of each
	26	member state of the Commission.
Powers of the Board	27	8. The Board shall have power to—
	28	(a) manage and supervise affairs of the Commission;
	29	(b) make rules and regulations for carrying out the functions of the
	30	Commission;

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

3 (d) pay the staff of the Commission such remuneration and  
4 allowances as appropriate;

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

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

10 PART III — STRUCTURE OF THE COMMISSION

11 9.—(1) There shall be established in the Head Office of the  
12 Commission, the following Directorates—

Establishment of  
Directorates

13 (a) the Directorate of Administration, Human Resources and man  
14 power Development;

15 (b) the Directorate of Community and Rural Development;

16 (c) the Directorate of Utilities, Infrastructural Development;

17 (d) the Directorate of Finance and Supplies;

18 (e) the Directorate of Agriculture and Rural Development,

19 (f) the Directorate of Planning, Research, Statistics and  
20 Management Information system;

21 (g) the Directorate of Legal Services and Corporate Affairs;

22 (h) the Directorate of Education, Health and Social Services;

23 (i) the Directorate of Commercial and Industrial Development; and

24 (j) the Directorate of Projects Monitoring and Supervision.

25 (2) The Board may increase the number of Directorates as it may  
26 deem necessary.

27 10. There shall be for the Commission a management Committee  
28 which shall—

Establishment of  
the Management  
Committee

29 (a) consist of a Chairman who shall be the Managing Director, the  
30 Executive Directors, the Directors responsible for the Directorates under

1 section 9 of this Act and such number of other members as may be determined  
2 from time to time;

3 (b) be responsible to the Board and the Managing Director for the  
4 general administration of the Commission.

Establishment  
and Membership  
and Functions of  
the North East  
Development

5 **11.—(1)** There is hereby established for the Commission, a North  
6 East Development Advisory Committee (in this Act referred to as “the  
7 Advisory Committee”) which shall consist of—

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

9 (b) two other persons as may be determined, from time to time, by the  
10 President, Commander-in-Chief of the Armed Forces.

11 (2) The Advisory Committee shall be charged with the responsibility  
12 of advising the Board on the activities of the Commission.

13 (3) The Advisory Committee may make rules regulating its own  
14 proceedings.

15 **PART IV — STAFF OF THE COMMISSION.**

Appointment of  
Executive  
Secretary, etc.

16 **12.—(1)** There shall be for the Commission, a Managing Director,  
17 and two Executive Directors who shall—

18 (a) have such qualification and experience as are appropriate for a  
19 person required to perform functions of that office under this Act, and

20 (b) be the Chief executive and accounting officer of the Commission.

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

23 (2) The Managing Director shall, subject to the general direction of  
24 the Board, be responsible—

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

26 (b) for keeping the books and proper records of the proceedings of the  
27 Board; and

28 (c) for—

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

30 (ii) the general direction and control of all other employees of the

1 chairman.

2 (3) The Board shall have to—

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

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

9 13.—(1) Service in the Commission shall be approved service for  
10 the purposes of the Pension Act.

Service in the  
Commission to  
be pensionable

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

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

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

#### 22 PART V — FINANCIAL PROVISIONS

23 14.—(1) The Commission shall establish and maintain a fund from  
24 which shall be defrayed all expenditure incurred by the Commission.

Fund of the  
Commission

25 (2) There shall be paid and credited to the fund established  
26 pursuant to subsection (1) of this section—

27 (a) from the Federal Government, the equivalent of 15 percent of  
28 the total monthly statutory allocations due to the member States of the  
29 Commission from the Federation Account; this being the contribution of the  
30 Federal Government to the Commission;

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

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

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

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

10 (3) The Fund shall be managed in accordance with the rules made by  
11 the Board, and without prejudice to the general of the power to make rules  
12 under this subsection, the rules shall in particular contain provisions—

13 (a) specifying the manner in which the assets or the fund of the  
14 Commission are to be held, and regulating the making of payments into and out  
15 of the fund; and

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

Expenditure of  
the Commission

18 15. The Commission shall apply the proceeds of the fund established  
19 pursuant to section 14 of this Act to—

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

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

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

26 (d) the payment for all purchases; and

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

Gifts to the  
Commission

29 16.—(1) The Commission may accept gifts of land, money or other  
30 property on such terms and conditions; it may be specified by the person or



1 organisation making the gift.

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

5 17. The Commission may, with the consent of the President,  
6 Commander-in-Chief of the Armed Forces, borrow, on such terms and  
7 conditions as the Commission may require in the exercise of its functions  
8 under this Act.

Power to borrow  
money

9 18.—(1) The Board shall, not later than 30th September in each  
10 year, submit to the President, Commander-in-Chief of the Armed Forces an  
11 estimate of the expenditure and income of the Commission during the next  
12 succeeding year.

Annual Estimates  
and Expenditure

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

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

Quarterly Report

21 20. The Board shall prepare and submit to the President,  
22 Commander-in-Chief of the Armed Forces, not later than 30th June in each  
23 year, a report in such form as the President, Commander-in-Chief of the  
24 Armed Forces, may direct on the activities of the Commission during the  
25 immediately preceding year, and shall include in the report a copy of the  
26 audited accounts of the Commission for that year and the auditor's report  
27 thereon.

Annual Report

28 (2) The President, Commander-in-Chief of the Armed Forces  
29 shall, upon receipt of the report referred to in subsection (1) of this Section,  
30 cause a copy of the report and the audited accounts of the Commission and

1 the auditor's report thereon to be submitted to each House of the National  
2 Assembly.

3 PART VI — MISCELLANEOUS PROVISION.

Establishment  
of Monitoring  
Committee

4 **21.—**(1) There is hereby established for the Commission a  
5 monitoring Committee which shall consist of such number of persons as the  
6 President, Commander-in-Chief of the Armed Forces may deem fit to appoint  
7 from the Public or Civil Service of the Federation.

8 (2) The Monitoring Committee shall —

9 (a) monitor the management of the funds of the Commission and the  
10 implementation of the projects of the Commission; and

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

Office and  
Premise of the  
Commission,  
CAP. 202 LFN

14 **22.—**(1) For the purposes of providing offices and premises  
15 necessary for the performance of its functions under this Act, the Commission  
16 may, subject to the land use Act—

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

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

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

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

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

Limitation of  
suits against  
Commission,  
CAP. 379 LFN

27 **24.—**(1) Subject to the provisions of this Act, the provisions of the  
28 Public Officers Protection Act shall apply in relation to any suit instituted  
29 against any Officer or employee of the Commission.

30 (2) Notwithstanding anything contained in any other law or

1 enactment, no suit shall lie against any member of the Board, the Managing  
2 Director or any other officer or employee of the Commission for any act  
3 done in pursuance or execution of this Act or any other law or enactment, or  
4 of any alleged neglect or default in the execution of this Act or such law or  
5 enactment, duty or authority, shall lie or be instituted in any court unless—

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

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

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

Service of  
Documents

15 **26.—(1)** In any action or suit against the Commission, no  
16 execution or attachment of process against the Commission unless not less  
17 than three months notice of the intention to execute or attachment has been  
18 given to the Commission.

Restriction on  
Execution against  
property of the  
Commission

19 (2) Any sum of money which by the judgment of any court has been  
20 awarded against the Commission shall be subject to any direction given by  
21 the court, where no notice of appeal against the judgment has been given be  
22 paid from the fund of the Commission.

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

Indemnity of  
Officers

29 **28.** The Commission may, with the approval of the President,  
30 Commander-in-Chief of the Armed Forces, make regulations, generally for

Regulations

1 the purposes of giving full effect to this Act.

Interpretations

2 29. In this Act, unless the context otherwise requires—

3 “Chairman” means the Chairman of the Board;

4 “Commission” means the North East Development Commission established  
5 by section 1 of this Act;

6 “Board” means the Governing Board established for the Commission under  
7 section 2 (1) of this Act;

8 “Member” means a member of the Board and includes the Chairman,  
9 Managing Director and Executive Directors;

10 “Member States” include Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe  
11 States; and

12 “President” means the President of the Federal Republic of Nigeria.

Citation

13 30. This Act may be cited as the North East Development  
14 Commission (Establishment etc.) Bill, 2015.

15 SCHEDULE

16 *Section 2(4)*

17 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

18 *Proceedings of the Board.*

19 1.—(1) Subject to this Act and section 27 of the Interpretation Act, the  
20 Board may make standing orders regulating its proceedings or those of any of  
21 its Committees.

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

26 2.—(1) the Board may appoint one or more Committees to carry out,  
27 on behalf of the Board such functions as the Board may determine.

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

