

CONSTITUENCIES DEVELOPMENT FUND BILL, 2016

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A BILL

FOR

AN ACT TO ESTABLISH THE CONSTITUENCIES DEVELOPMENT FUND FOR THE PURPOSE OF EVEN DEVELOPMENT OF ALL CONSTITUENCIES IN THE FEDERATION AND FOR CONNECTED PURPOSES

Sponsored by Senator Ali Ndume

[] Commencement

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

PART I - PRELIMINARY

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1. This Bill may be cited as the Constituencies Development Fund Bill, 2016.

Short Title

2. In this Act, unless the context otherwise requires:
"community" means residents of a particular geographical area or region defined as a constituency, location, sub-location or village and having common interests;
"constituency" has the meaning assigned to it in the Electoral Act, 2010;
"Constituency Development Project Advisory Committee" means the committee established under Section 20;
"Department" means the Department of Rural Development under the Federal Ministry of Agriculture and Rural Development;
"Joint Committee" means the National Assembly Joint Committee established in accordance with Section 24;
"project" means an eligible development project as described in the Act;
"sub-project" means a complete unit or part of a project that can be put to use towards the achievement of the project objectives;
"youth" means a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

Interpretations

Object and purpose
of the Act

1 3. The provisions of this Act shall apply, as more specifically
2 provided for in the Act, and shall ensure that specific portion of the Federal
3 annual budget is devoted to the constituencies for the purposes of
4 infrastructural development, wealth creation and the fight against poverty at
5 the constituency level.

6 PART II - ESTABLISHMENT OF THE CONSTITUENCIES DEVELOPMENT FUND

Establishment
of the Fund

7 4.-(1) There is established a Fund to be known as the Constituencies
8 Development Fund which shall:

9 (a) be a national Fund consisting of moneys of an amount of not less
10 than 2.5 % (two and half per centum) of all the Federal Government ordinary
11 budget in every financial year;

12 (b) comprise of any moneys accruing to or received by the
13 Department from any other source;

14 (c) disbursed by the Federal Government to the Department for even
15 development and provision of rural infrastructure in the manner provided by
16 this Act;

17 (d) administered by the Department of Rural Development in the
18 Federal Ministry of Agriculture and Rural Development:

19 Provided that 1.5 % (one and half per centum) and 1 % (one per centum) of the
20 total revenue accruing to the Department under this Act shall be allocated for
21 developmental projects at all Federal Constituencies and Senatorial Districts in
22 the Federation respectively.

Functions of the
Department under
the Act

23 5.-(1) The functions of the Department under this Act shall be to:

24 (a) ensure timely and efficient management of the Fund;

25 (b) receive and discuss list of proposed projects from the
26 constituencies;

27 (c) ensure the execution of approved projects to completion;

28 (d) ensure the compilation of proper records, returns and reports from
29 the constituencies;

30 (e) receive and address complaints and disputes or where necessary,

1 refer such complaints to the appropriate government body or the National
2 Assembly for investigation and resolution;

3 (f) consider projects proposals submitted from various
4 constituencies in accordance with the Act, approve for funding those
5 projects that are consistent with the Act and disburse funds for the execution
6 of the said projects;

7 (g) perform such other duties as the National Assembly may deem
8 necessary from time to time for the proper management of the Fund.

9 (2) Where issues of policy arise in the course functions, the
10 Department shall refer the government body of the performance of its same
11 to the appropriate.

12 6.-(1) Each and every disbursement from the Fund shall be
13 approved and recorded by the Department.

Disbursement
from the Fund

14 (2) All expenditure from the Fund shall be for specific projects as
15 submitted by the constituencies in accordance with the procedures outlined
16 in this Act.

17 (3) The record of the amounts received for each constituency and
18 the record of expenditure of amounts so received shall be kept by the
19 Department and submitted to the National Assembly within thirty days after
20 the close of the relevant financial year.

21 (4) The President, with the concurrence of the National Assembly,
22 shall for each financial year allocate funds to each constituency in
23 accordance with the provisions of this Act.

24 (5) Once funds are allocated for a particular project, they shall
25 remain allocated for that project and may be only be re-allocated for any
26 other purpose during the financial year without the approval of the National
27 Assembly.

28 7.-(1) All receipts, savings and accruals to the Fund and the balance
29 of the Fund at the end of each financial year shall be retained by the Fund and
30 applied in accordance with the provisions of this Act.

Funds to be
retained in the
Fund

1 (2) All funds allocated for projects in a particular constituency shall
 2 be cumulative and shall be carried forward from one financial year to the next,
 3 including funds which are not utilized for whatever reasons.

4 PART III - SUBMISSION OF CONSTITUENCY PROJECTS PROPOSALS

Submission of
list of projects

5 8. The list of proposed constituency based projects to be covered
 6 under this Act shall be submitted by the chairman of the Constituency
 7 Development Project Advisory Committee for that Constituency to the
 8 Department after approval by the Constituency Development Project Advisory
 9 Committee for that Constituency.

Department to
receive list of
constituency
projects

10 9. The Department shall receive and compile the list of proposed
 11 constituency projects submitted to it under this Act and submit same to the
 12 National Assembly for approval.

Period of
submission

13 10. The list of proposed constituency projects shall be submitted to
 14 the Department before the end of the month of June each year or such other
 15 month as may be determined by the National Assembly in order to ensure
 16 timely inclusion of the projects in the annual government budget of a particular
 17 financial year.

Failure to submit
list to the
Department

18 11. Where the chairman of the Committee fails to submit the list of
 19 constituency based projects to the Department within the stipulated time in this
 20 Act, the list shall be deemed to have been submitted to the Department upon
 21 lapse of the stipulated time.

Proposed projects
and cost estimates

22 12. The Department shall list all projects proposed for every
 23 constituency in the form together with the cost estimates, amounts allocated
 24 and amounts available for such projects.

Review of list
of projects
submitted

25 13. The list of projects received by the Department shall be tabled for
 26 review at the meeting of the Department.

Approval of
proposed projects

27 14. The Department shall scrutinize and grant interim approval for
 28 execution of suggested project proposals that are consistent with the Act
 29 pending the final approval by the National Assembly.

1 15. Where the Department does not approve a proposal submitted Failure to approve
2 to it under section 13, it shall refer the matter to the Constituency a project
3 Development Project Advisory Committee for that constituency giving
4 reasons as to why it has declined the proposal.

5 16.-(1) The budget ceiling for each constituency shall be Basis for budget
6 determined in accordance with the basis for allocating resources among ceiling
7 States as approved by the National Assembly on the advice of the Revenue
8 Mobilization and Allocation Commission pursuant to Section 162 of the
9 Constitution.

10 (2) Further to sub-section (1), the budget ceiling for each
11 constituency shall be determined by the President subject to the approval of
12 the National Assembly.

13 (3) The chairman of the Joint Committee of the National Assembly
14 shall table in plenary for deliberation, a schedule showing the ceiling for
15 each constituency, which shall be determined in accordance with section.

16 17.-(1) The types of projects submitted for funding under this Act Proposed projects
17 shall comply with the provisions of this Act. to comply with
18 the Act and
19 budget ceiling

20 (2) It shall be the responsibility of the Constituency Development
21 Project Advisory Committee for each constituency to ensure that the list of
22 projects submitted for funding complies with the provision of the Act, and
23 their total cost does not exceed the allowable ceiling for the particular
24 constituency or is not below that ceiling.

25 (3) If the list of projects submitted for funding is in contravention
26 of subsection (2), the same shall be referred back to the Constituency
27 Development Project Advisory Committee for that constituency for
28 amendment and re-submission.

29 (4) Whenever the amount for projects in a constituency is less than
30 the allowable ceiling for reasons of projects being deleted in accordance
with subsection (3), or for whatever reason, the shortfall shall be indicated as
unallocated amount against that particular constituency on the list

1 forwarded to the Secretary.

2 PART IV - TYPES OF PROJECTS

Projects to be
community based

3 18.-(1) Projects under this Act shall be community based in order to
4 ensure that the prospective benefits are available to a widespread cross-section
5 of the inhabitants of a particular area.

6 (2) Any funding under this Act shall be for a complete project or a
7 defined phase of a project and may include the acquisition of land and
8 buildings.

9 (3) All projects shall be projects as defined under this Act and may
10 include costs related to studies, planning and design or other technical input for
11 the project but shall not include recurrent costs of a facility.

12 (4) Funds provided under this Act shall not be used for the purpose of
13 supporting political bodies or political activities or for supporting religious
14 bodies or religious activities.

15 (5) Notwithstanding the provisions of subsection (4), the Committee
16 may identify a religious body or organization as an appropriate specialized
17 agency for purposes of this Act with regard to emergency support.

18 (6) A Committee office project shall be considered as a development
19 project for purposes of the Act and may include appropriate furniture and
20 equipment for the office.

21 (7) Notwithstanding the provision of subsection (3), up to a maximum
22 of six per centum of the total annual allocation for the constituency may be used
23 for administration, recurrent expenses of vehicles, equipment and machinery
24 and such use shall be listed in the manner prescribed by this Act.

25 (8) Projects may include the acquisition of vehicles, machinery and
26 other equipment for the constituency.

27 (9) Sports activities shall be considered as development projects for
28 purposes of this Act but shall exclude cash awards provided that the allocation
29 to such activities does not exceed two per centum of the total allocation of the
30 constituency in that financial year.

1 (10) Monitoring and evaluation of ongoing projects and capacity
2 building of various operatives may be considered as a development project
3 provided that not more than three per centum shall be allocated for this
4 purpose.

5 (11) Environmental activities may be considered as development
6 projects for purposes of this Act provided that the allocation to such
7 activities does not exceed two per centum of the total allocation of the
8 constituency in that financial year.

9 19.-(1) The number of projects to be included in the constituency
10 projects submission form shall be a minimum of five and a maximum of
11 twenty for every constituency in each financial year. Number of
Projects

12 (2) A joint project may be constructed for the benefit of two or more
13 of the members constituencies subject to the approval of the National
14 Assembly in those constituencies.

15 20.-(1) There shall be a Constituency Development Project Composition of
the Constituencies
Development
Project Advisory
Committee
16 Advisory Committee for every Senatorial District and Federal Constituency
17 in the Federation.

18 (2) Each Committee shall comprise:

19 (a) one person from the constituency or senatorial district as may
20 be designated by the senator or member of the House of Representatives for
21 that senatorial district and Federal constituency respectively;

22 (b) two men from each Local Government Area in the case of a
23 Federal constituency and two in the case of a senatorial district and one of
24 whom shall be a youth at the date of the appointment;

25 (c) two women from each Local Government Area in the case of a
26 Federal constituency and two in the case of a senatorial district and one of
27 whom shall be a youth at the date of the appointment;

28 (d) at least one person with disability as a member;

29 (e) one person nominated from among the active non-
30 governmental organizations in the constituency;

1 Provided that the number of the members of the committee shall not exceed
2 fifteen in the case of a Federal constituency and thirty in the case of a senatorial
3 district.

4 (3) The persons referred to in subsection (2) (b), (c), (d), and (e) shall
5 be nominated through the following procedure:

6 (a) within thirty days of being sworn in, each Member of the National
7 Assembly for a particular Federal constituency or senatorial district shall
8 convene open public meetings of registered voters in each of the Local
9 Governments in the Federal constituency or senatorial district;

10 (b) each Local Government shall then elect six persons in accordance
11 with subsection (2) (a), (b), (c), (d) and (e) which shall be forwarded to the
12 member of the House of Representatives or the senator for the district for
13 appointment into the committee for that Federal constituency or senatorial
14 district;

15 (c) elections into the committee shall take into account the
16 geographical diversity within the constituency, communal, religious, social
17 and cultural interests in the constituency and the requirements of gender, youth
18 and representation of persons with disabilities;

19 (d) the persons elected under this section shall elect from among
20 themselves one person to be the chairman and another person to be the
21 secretary of the Constituency Development Project Advisory Committee for
22 that constituency;

23 (e) upon conclusion of the election of the chairman and secretary in
24 the manner stipulated in paragraph (d), the member of the House of
25 Representatives or the senator shall forward the names of the members of the
26 Constituency Development Project Advisory Committee for his constituency
27 to the Secretary for publication in the gazette;

28 (f) the member of the National Assembly for the Federal constituency
29 or senatorial district shall be an ex-officio member of the committee.

30 (4) (a) The secretary shall cause the names of persons appointed as

1 members of the committee pursuant to subsection (3) to be published in the
2 Federal Government Gazette;

3 (b) The first meeting of the committee shall be convened within the
4 first sixty days of the inauguration of a new session of the National
5 Assembly or a by-election, on such day as may be designated by the Member
6 of the National Assembly representing that constituency;

7 (c) The committee shall, within the first year of a new session of the
8 National Assembly and at least once every year thereafter, convene open
9 forum public meetings in the constituency to deliberate on the
10 developmental matters in the constituency;

11 (d) Each constituency shall come up with a list of priority projects
12 to be submitted to the Department for consideration and execution;

13 (e) The quorum for the committee shall be one half of the total
14 membership.

15 (5) The term of office of the members of the committee shall be
16 four years but may be renewable and shall come to an end upon the election
17 of a new member of National Assembly for that Federal constituency or
18 senatorial district for that constituency.

19 (f) The chairman of the committee shall be the custodian of all
20 records and equipment of the constituency during transitions occasioned by
21 general elections or by-election.

22 (g) Whenever a vacancy occurs in the committee by reason of
23 resignation, incapacitation or demise of a member, then the vacancy shall be
24 filled from the same category of persons where the vacancy has occurred.

25 (h) The committee shall meet at least six times in a year and not
26 more than twenty-four times in every financial year including sub-
27 committee meetings.

28 **21.-(1)** A member of the committee may be removed on anyone or
29 more of the following grounds:

30 (a) lack of integrity;

Removal of a
member of
Constituency
Development
Project Advisory
Committee

- 1 (b) gross misconduct;
- 2 (c) embezzlement of public funds;
- 3 (d) bringing the image of the committee to disrepute through
- 4 unbecoming personal public conduct;
- 5 (e) promoting unethical practices;
- 6 (f) causing disharmony within the committee;
- 7 (g) physical or mental infirmity.

8 (2) A decision to remove a member under subsection (10) shall be

9 made through a resolution of at least five members of the committee and the

10 member sought to be removed shall be given a fair hearing before the

11 resolution is made.

12 (3) A vacancy arising as a result to the removal of a member under

13 subsection (10) shall be filled in the manner set out in subsection (8) and

14 minutes of the meeting shall indicate the fact of the removal of or appointment

15 of a member.

Cost estimated
to be realistic

16 22.-(1) The committee may make appropriate consultations with the

17 relevant government departments to ensure that cost estimates for the projects

18 are as realistic as possible.

19 (2) The committee shall rank the projects in order of priority and

20 whenever, in the Opinion of the Department, the total cost of the projects listed

21 exceed the ceiling for a particular constituency, then the order in which they are

22 listed shall be taken as the order of priority for purposes of allocation of funds,

23 provided that on-going projects shall take precedence over all other projects.

Counter-part
funding to be
permitted

24 23. For the purposes of this Act, the Department may consider part

25 funding of a project financed from sources other than the Fund so long as the

26 other financiers or donors of that project have no objection and provided that

27 the part funding for the project availed pursuant to this Act shall go to a defined

28 unit or any part thereof or phase of the project in order to ensure that the

29 particular portion defined in the allocation is completed with the funds

30 allocated to the constituency under this Act.

1 PART V - NATIONAL ASSEMBLY JOINT COMMITTEE ON CONSTITUENCY
2 DEVELOPMENT FUND

3 24.-(1) The National Assembly shall, in accordance with its
4 standing orders, establish a Joint Committee for Constituency Development
5 Fund consisting of a chairman and not more than twenty-five other members
6 of the National Assembly. Establishment of
the National
Assembly Joint
Committee

7 (2) In determining the membership of the National Assembly Joint
8 Committee, the National Assembly shall ensure proportionate
9 representation of the political parties.

10 (3) The term of office of the members of the National Assembly
11 Joint Committee shall be three years renewable or upon the appointment of a
12 new committee in a manner provided for in this Act, whichever comes
13 earlier.

14 (4) The procedure and rules for the operations of the Joint
15 Committee shall be governed by the standing orders of the Senate.

16 25.-(1) The functions of the National Assembly Joint Committee
17 on Constituency Development Fund shall be: Functions of the
National Assembly
Joint Committee
on Constituency
Development Fund

18 (a) to consider and recommend to the National Assembly any
19 matter requiring action by the National Assembly pursuant to the provisions
20 of this Act;

21 (b) to oversee the implementation of this Act and in this respect,
22 shall every year, submit a report to the National Assembly and where
23 necessary, propose any amendments to this Act, in particular, with respect to
24 the quantum of funds repayable into the Fund in accordance with the
25 provisions of this Act;

26 (c) to oversee the policy framework and legislative matters that
27 may arise in relation to the Fund;

28 (d) to continually review the framework set out for the efficient
29 delivery of development program financed through the Fund;

30 (e) to carry out any other functions relevant to the work of the Fund.

Constituency
Offices

1 26.-(1) The Department shall provide for each Federal constituency
2 and senatorial district, a permanent and befitting constituency office and
3 furniture from the initial funds allocated for development program in that
4 constituency.

5 (2) The budget for every Federal constituency and senatorial district
6 office shall be equal.

7 (3) The constituency office provided in accordance with this section
8 shall be permanent and shall be used by successive members of the National
9 Assembly elected for the Federal constituency and senatorial district.

Quarterly reports
on projects and
expenditure

10 27. The Department shall, on a quarterly basis, submit a report to the
11 Joint Committee detailing:

12 (a) a summary of the project proposals received from the
13 constituencies in the preceding month and indicating the approval status of
14 each project;

15 (b) a summary of the status of expenditure of funds for the execution
16 of projects in the constituencies for the preceding month; and

17 (c) a summary of the status of expenditure from the Federal treasury
18 to the Fund's account.

Department to
ensure funding
of projects

19 28. The Department shall ensure that the list of projects forwarded to
20 it by each constituency is, upon approval, funded in accordance with the Act.

21 PART VI - IMPLEMENTATION OF PROJECTS

Projects to be
executed to
completion

22 29.-(1) Projects under this Act shall be implemented by the
23 Department in each case, with the assistance of the relevant department of
24 Government and all payments through cheques or otherwise shall be processed
25 and effected in accordance with government regulations for the time being in
26 force.

27 (2) Where a project in a constituency involves the purchase of
28 equipment, such equipment shall remain for the exclusive use of that
29 constituency.

30 (3) The Constituency Development Project Advisory Committee and

1 the Joint Committee shall be responsible for monitoring the implementation
 2 of projects and may designate to a sub-committee, a ward committee or a
 3 project committee, the functions of monitoring on-going projects and shall
 4 submit a report on the on-going projects to as provided in this act.

5 (4) All fixed and movable assets, including equipment bought
 6 under this Act for use by the committee shall be the property of the
 7 constituency to be insured in the name of the constituency.

8 (5) No asset or equipment acquired under this section shall be
 9 disposed of without the prior approval of the Department.

10 (6) Any proceeds that may accrue from the disposal of any assets
 11 acquired pursuant to subsection (5) shall be credited to the account of the
 12 constituency from whose funds the asset was acquired and such funds shall
 13 be reflected and declared as part of the following year's constituency fund
 14 for that constituency.

15 30. All works and services relating to projects under this Act shall
 16 be procured in accordance with the provisions of the Public Procurement
 17 Act.

Procurement of
 services and
 works

18 31. All funds received under this Act shall be audited and reported
 19 upon by the Auditor-General of the Federation.

Audit

20 32.-(1) Projects initiated by a community shall be eligible for
 21 support under this Act provided that such projects shall be submitted with
 22 the other projects in conformity with the requirements of this Act.

Community
 initiatives to be
 eligible

23 (2) Pursuant to subsection (1), a community shall maintain an
 24 elected committee to represent the interests.

25 PART VII - MISCELLANEOUS PROVISIONS

26 33.-(1) The expenditure for running the Committee and related
 27 purposes shall be set aside at the beginning of the financial year and not
 28 more than five per centum of the total allocation to the Fund in the financial
 29 year may be used for this purpose, the annual budget of which shall be
 30 approved by the National Assembly.

Finances of the
 Committee

1 (2) The personal emoluments of members of the Constituency
2 Development Project Advisory Committee or other officers working or
3 involved in the management of the Fund shall be provided for under the
4 recurrent expenditure of government but any other emoluments or payments to
5 such officers from the Fund shall be determined by the National Assembly.

6 (3) Sitting allowances for the members of the committee shall be paid
7 out of the funds set aside by the Department under subsection (1) of this Act.

Regulations by
the Department

8 34.-(1) The Secretary may make regulations for the smooth running
9 of the Fund and such regulations shall be approved by the National Assembly
10 before implementation.

Provisions in
the act are
complimentary

11 35.-(1) The provisions of this Act shall be complimentary to any other
12 development efforts by the Federal Government, the State Governments or any
13 other agency and nothing in this Act shall be taken or interpreted to mean that
14 an area may be excluded from any other development programmes of any level
15 of government.

16 (2) For the avoidance of doubt, normal government development
17 allocations shall continue alongside the projects funded under this Act.

Offences and
penalties

18 36. Any person who misappropriates any funds or assets from the
19 fund, or assists or causes any person to misappropriate or apply the funds
20 otherwise than in the manner provided in this Act, shall be guilty of an offence
21 and shall, upon conviction, be liable to imprisonment for a term not less than
22 five years without an option of fine.

Dispute resolution

23 37.-(1) All complaints and disputes by persons arising due to the
24 administration of this Act shall be forwarded to the Department in the first
25 instance.

26 (2) Complaints of a criminal nature shall be forwarded by the
27 Department to the relevant government agencies with the prosecutorial
28 powers.

29 (3) Disputes of a civil nature shall be referred to the Department in the
30 first instance and where necessary an arbitration panel whose costs shall be

1 borne by the parties to the dispute, shall be appointed by consensus of parties
2 to consider and determine the matter before same is referred to the court.

3 (4) Notwithstanding subsection (3), parties shall be at liberty to
4 jointly appoint an arbitrator of their choice in the event of a dispute but
5 where parties fail to jointly agree on an arbitrator, the Secretary may appoint
6 an arbitrator whose cost shall be jointly borne by the parties.

7 (5) Subject to the provisions of this Act, no person in the
8 management of the Fund shall be held personally liable for any lawful action
9 taken in his official capacity or for any disputes against the Fund.

EXPLANATORY MEMORANDUM

This Bill seeks to introduce a regime that will streamline the management and implementation of Constituencies Development Fund in the whole Federation, by entrusting the execution of such projects in the hands of the Rural Development Department while the decisions on the projects to be implemented remain with the various constituencies through the Constituency Development Project Advisory Committees set up for each Federal constituency and senatorial district.

