

NATIONAL ASSEMBLY BUDGET AND RESEARCH OFFICE

(ESTABLISHMENT)ACT, 20178

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ASSEMBLY BUDGET AND RESEARCH OFFICE WHICH PROVIDES THE NATIONAL ASSEMBLY WITH OBJECTIVE, TIMELY AND NON-PARTISAN ANALYSIS NEEDED FOR ECONOMIC AND BUDGET DECISIONS; AND FOR RELATED MATTERS, 2019

Sponsored by Senator Emmanuel Paulker

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria -

1 1.-(1) There is established the National Assembly Budget and
2 Research Office (in this Act referred to as "the NABRO").

Establishment
of NABRO

3 (2) NABRO is a body corporate with perpetual succession and
4 official seal, and shall have power to sue and be sued in its corporate name.

5 2. The functions of NABRO shall be to-

Functions of
NABRO

6 (a) provide independent, unbiased and non-partisan analysis of the
7 national budget estimates;

8 (b) provide independent unbiased analysis of the budget of the
9 National Assembly and assist all the Committees of the National Assembly
10 in developing their annual budgets;

11 (c) provide independent and continuous review of the budget of the
12 Federal Government including monitoring of existing and proposed
13 programmes and budgets;

14 (d) provide assistance to all Committees in both Chambers of the
15 National Assembly, including-

16 (i) information with respect to budget and all bills relating to new
17 budget heads;

18 (ii) information with respect to estimated future revenue and
19 changing revenue conditions,

1 (iii) aggregate of all current liabilities and existing financial
2 commitments; and

3 (iv) any related information as the Committees may request.

4 (e) provide analysis of the economic implication on the private sector,
5 the budgetary and financial implication on States and Local Governments of
6 any proposed legislation;

7 (f) prepare and present to the National Assembly periodic forecasts of
8 economic trends and alternative fiscal policies;

9 (g) provide the National Assembly with cost estimates including an
10 analysis of the inflationary impact of any proposed legislation;

11 (h) submit to both Chambers of the National Assembly, not later than
12 June every year, a report of-

13 (i) all items funded in the preceding financial year for which no
14 appropriation was made by the National Assembly; and

15 (ii) all items contained in the Appropriation Act in the preceding
16 financial year but which were not funded by the Federal Government;

17 (i) publish and disseminate on its website information it generates
18 including reports, analysis, forecasts, etc.;

19 (j) submit to both chambers of the National Assembly quarterly report
20 on budget implementation;

21 (k) carry out any other functions as the Board may direct, from time to
22 time.

Powers of
NABRO

23 3. NABRO shall have the power to do all things necessary to or in
24 connection with the performance of its functions, including the power to -

25 (a) enter into agreement, acquire, hold and dispose of property;

26 (b) procure the services of experts, consultants and organisations;

27 (c) enter into partnership or affiliation with any company, firm,
28 organisation, agency or person, which in its opinion will facilitate the discharge
29 of its functions;

30 (d) request for, and obtain from, any public enterprise, statistical and

1 other information including reports, memoranda, audited accounts and
2 other information relevant to its functions;

3 (e) liaise with relevant bodies or institutions, national or
4 international for effective performance of its functions;

5 (f) conduct any study necessary to enable it fulfil its mandate; and

6 (g) determine the methodologies needed for use in its works.

7 4.-(1) There shall be for NABRO, a Governing Board (In this Act Governing Board
8 referred to as "the Board").

9 (2) The Board shall consist of:

10 (a) President of the Senate as Chairman or at his instance the
11 Deputy President of the Senate;

12 (b) Speaker of the House of Representatives as the Alternate
13 Chairman or at his instance the Deputy Speaker;

14 (c) 6 serving Senators (one from each geo-political zone from
15 relevant Committees) nominated by the President of the Senate;

16 (d) 6 serving members of the House of Representatives (one from
17 each geo-political zone from relevant Committees) nominated by the
18 Speaker;

19 (e) Clerk to the National Assembly; and

20 (f) Director-General who shall be a member and Secretary.

21 (3) The President of the Senate shall, in consultation with the
22 Speaker of the House of Representatives, appoint Members of the Board.

23 (4) The Chairman, alternate Chairman and other Ex-officio
24 members of the Board shall be part-time members.

25 (5) The provisions of the Schedule to this Act shall apply with Schedule
26 respect to proceedings of the Board.

27 5. The Board shall have supervisory authority over NABRO and Powers and
functions of the
Board
28 shall exercise the following powers-

29 (a) appointment and discipline of Directors;

30 (b) approval and ratification of appointments, promotion and

1 discipline of staff, professional analysts and other professional staff of
2 NABRO, as may be recommended by the Management Committee;

3 (c) approval of NABRO budget;

4 (d) making regulations and guidelines for the operation of NABRO;

5 (e) approval of establishment of departments as the need arises; and

6 (f) take any action necessary for the proper functioning of NABRO.

Establishment
and functions
of the Management
Committee

7 6. -(1) There shall be for NABRO a Management Committee

8 consisting of the Director-General and Directors who shall be responsible for-

9 (a) the implementation of the requests from the committees of the

10 National Assembly and the day-to-day administration of NABRO;

11 (b) making recommendations to the Board on appointment,

12 promotion and discipline of professional staff other than Directors;

13 (c) any other duty as the Board may direct; and

14 (d) The Director-General shall be the Chairman of the Management

15 Committee.

16 (2) NABRO shall be structured into functional departments, each to
17 be headed by a Director.

18 (3) Subject to the power of the Board to create additional departments,
19 the following departments shall exist-

20 (a) Budget Analysis Department;

21 (b) Research Analysis Department; and

22 (c) Administrative and Services Department.

23 (4) Functions and duties of each Department shall be as defined in a
24 operational manual approved by the Board.

Appointment,
duties, tenure
and removal
of the Director-
General

25 7.-(1) The Director-General shall be the Chief Executive and
26 Accounting Officer of NABRO.

27 (2) The President of the Senate shall, in consultation with the Speaker
28 of House of Representatives, appoint the Director-General.

29 (3) The Director-General shall possess appropriate qualifications in a
30 relevant field such as law, Economics, Accounting, Finance, Budgeting,

1 Political Science or related disciplines with not less than 15 years relevant
2 experience to the functions of the agency.

3 (4) The Director-General shall not be a member of a political party.

4 (5) The Director-General shall hold office for a term of 4 years, and
5 may be eligible for reappointment for another term of 4 years only, provided
6 the Board considers his performance satisfactory.

7 (6) The Director-General shall be responsible for the overall
8 operations of NABRO including-

9 (a) procuring the services of experts, consultants or organizations
10 by contracts as independent contractors;

11 (b) steering and overseeing the provision of analysis of the annual
12 budget estimates of the Federal Government and the implementation of the
13 requests of Legislative Committees;

14 (c) general management and administration of NABRO;

15 (d) controlling and disbursing amounts from funds established in
16 accordance with this Act; and

17 (e) the establishment of a transparent system and process for the
18 National Assembly budget.

19 (7) The Director-General shall secure information, data, estimates
20 and statistics from the various departments of the Executive branch of the
21 government and the regulatory agencies and communications of
22 government and all such departments, agencies, establishments, regulatory
23 agencies and commissions shall furnish the Director-General with available
24 material which NABRO determines to be necessary in the performance of
25 its duties and functions other than material disclosure of which would be a
26 violation of this Act.

27 (8) The Director-General is authorised, upon agreement with the
28 head of any such department, agency, establishment, regulatory agency or
29 commission to utilize its services, facilities and personnel with or without
30 reimbursement; and head of each such department, agency or commission is

1 authorised to provide the office such services, facilities and personnel.

2 (9) The Director-General shall be removed from office by the Board
3 on account of the Director-General's inability to perform the functions of the
4 office or for misconduct.

5 (10) The Director-General shall resign from office upon giving 3
6 months written notice of resignation to the Board or payment of 3 months basic
7 salaries in lieu of notice.

8 (11) The Director-General shall be responsible to the Board.

Appointment,
duties, tenure and
removal of
Directors

9 **8.-(1)** The Directors of the Departments shall be appointed by the
10 Board in a transparent manner and the appointments shall be based solely on
11 professional competence and qualification.

12 (2) The Directors shall be professionals in the relevant fields and shall
13 be persons of proven integrity with at least a Master's degree and a minimum of
14 12 years post qualification and relevant experience.

15 (3) The Directors shall not be members of a political party.

16 (4) The Directors may be removed from office by the Board upon
17 recommendation of the Director-General for inability to discharge the function
18 of their office or for misconduct.

19 (5) A Director may resign his office upon giving 3 months written
20 notice of resignation to the Board or payment of 1 month basic salary in lieu of
21 notice.

Remuneration of
Directors,
professional
analysts and
staff

22 **9.-(1)** The Management Committee shall appoint such other staff as
23 may be necessary to carry out the duties and functions of NABRO and such
24 appointments shall be made solely on the basis of qualification and
25 competence.

26 (2) In carrying out the duties and functions of NABRO, the
27 Management Committee may procure the services of experts or consultants by
28 contract, subject to ratification by the Board. Other staff.

Remuneration
of other staff

29 **10.-(1)** The Directors, professional analysts and professional staff of

1 NABRO shall receive such remuneration as shall be determined by the
2 Board.

3 (2) Such remuneration shall be competitive.

4 11.-(1) Service in NABRO shall be approved service for the
5 purpose of the Pensions Reform Act, and accordingly, officers and other
6 persons employed in NABRO in respect of their service shall be entitled to
7 pension, gratuities and other retirement benefits as are enjoyed by persons
8 holding equivalent grades in the public service of the Federation.

Remuneration
of other staff.
Cap. 6 LFN, 2004

9 (2) Nothing in subsection (1) of this section shall prevent the
10 appointment of a person in NABRO on terms which preclude the grant of a
11 pension or gratuity in respect of service in NABRO.

12 12. The Board may, by regulations published in the National
13 Assembly Journal or the Journal of each House of the National Assembly
14 prescribing the-

Regulations

15 (a) duties and responsibilities of the Director-General, Directors,
16 Professional Analysts, and other staff of NABRO;

17 (b) disciplinary control of employees of NABRO and mode of
18 appeal by such employees against dismissals or other disciplinary measure;

19 (c) administrative or organizational structure of NABRO;

20 (d) promotion and staff welfare; and

21 (e) other guidelines.

22 13.-(1) NABRO shall establish and maintain a Fund which shall be
23 applied towards the discharge of its functions.

Funds and
estimates of
expenditure

24 (2) NABRO shall derive its funds from-

25 (a) such monies as may, in each year, be approved by the National
26 Assembly under the Appropriation Act for the purposes of carrying out the
27 duties and functions of NABRO;

28 (b) such monies as may, from time to time, be granted or deposited
29 with NABRO by the National Assembly or anybody or institution;

30 (c) all monies raised for the purposes of NABRO by way of gifts,

1 loans, grants-in-aid, testamentary dispositions or otherwise; and

2 (d) proceeds from other assets that may, from time to time, accrue to
3 NABRO.

4 (3) Such monies derived for the purpose of running NABRO shall be
5 declared to the National Assembly through the Board who shall then
6 appropriate such funds before spending except for grants in aids attached to
7 programme or projects.

8 (4) NABRO shall defray from the Fund all expenditures incurred by it
9 and shall include-

10 (a) the cost of administration;

11 (b) the payment of salaries, fees or other remunerations or allowances
12 and pensions and gratuities payable to members and employees of NABRO;
13 and

14 (c) anything done in connection with any of its functions under this
15 Act.

16 (5) The Director-General shall prepare, not later than 30th June of
17 each year, an estimate of the expenditure and income of the office for the
18 succeeding year which shall be submitted to the Board for approval.

19 (6) The Director-General shall keep accounts and receipts, payments,
20 assets and liabilities and shall in respect of each year prepare a statement of
21 account in such form as the National Assembly through the Board may direct.

22 (7) The Director-General, shall within 3 months after the end of the
23 financial year to which the account relates, cause the account to be audited by
24 auditors appointed from the list and in accordance with guidelines supplied by
25 the Auditor-General of the Federation.

Obtaining of
data by the
Director-General

26 14. The Director-General may, for the purpose of coordinating the
27 operations of NABRO with those of the National Assembly agencies, obtain
28 information, data, estimates and statistics developed by the Committees, Clerk
29 and all other offices of the National Assembly.

1 15.-(1) The Director-General shall, through collaboration, obtain
2 information, data, estimates and statistics from ministries, extra-ministerial
3 departments, government parastatals, agencies, commissions and
4 establishments; and all such ministries, extra-ministerial departments,
5 government parastatals, agencies, commissions and establishments shall
6 furnish the Director-General with all materials that are necessary in the
7 discharge of NABRO's duties.

Obtaining of data
from public bodies

8 (2) The Director-General may with the approval of the supervising
9 Minister or relevant supervising authority, upon agreement with the head
10 of any ministry, extra-ministerial departments, parastatals, agency,
11 commission or establishment, utilise its services, facilities and personnel as
12 needed by NABRO.

13 (3) The Director-General may assign professional and other staff
14 of NABRO with the approval of the Supervising Minister or relevant
15 supervising authority to any ministry, extra-ministerial department,
16 parastatals, agency, commission or establishment including joint ventures
17 where government is a party for the purpose of obtaining primary data and
18 statistics.

19 (4) The Director-General may assign professional staff or
20 consultants to conduct surveys as may be required by NABRO.

21 (5) A ministerial department and agency shall submit information,
22 data, estimates and statistics as requested by NABRO.

23 (6) Any person who refuses or neglects to submit information,
24 data, estimates and statistics as requested by NABRO commits an offence
25 and is liable on conviction to-

26 (a) be dismissed in line with the Civil Service Rules if he is in the
27 employment of the Civil Service of the Federation;

28 (b) be dismissed in accordance with the rules governing public
29 servants if he is in the employment of the Public Service of the Federation;

30 (c) either dismissal as stated above, or a fine not exceeding

1 N1,000,000; or

2 (d) a fine not exceeding N2,000,000 if he is an appointee of
3 government.

Annual report

4 **16.** The Board shall not later than three months after receipt of the
5 audit report of each year, submit to each House of the National Assembly, the
6 report of the activities and the operations of the Board during the immediate
7 preceding year and shall include report of the audited accounts of the Board.

Power to accept
gifts

8 **17.-(1)** NABRO may accept gifts of land, money or other property on
9 such terms and conditions, if any, as may be specified by the person or
10 organisation making the gift.

11 (2) NABRO shall not accept any gift if the conditions attached by the
12 person or organisation making the gift are inconsistent with the functions of
13 NABRO.

Power to borrow

14 **18.** Subject to general guidelines issued by the Government of the
15 Federation, NABRO may borrow by way of loan or over draft from any source
16 within the country, such specified amount required by NABRO for meeting its
17 obligations and discharging its functions under this Act.

Procedure for
suit against
NABRO

18 **19. -(1)** Subject to the provisions of this Act, the provisions of the
19 Public Officers Protection Act shall apply in relation to any suit instituted
20 against any officer or employee of the NABRO.

21 (2) Notwithstanding anything contained in any other law or
22 enactment, no suit shall lie against any member of the Board, the Director-
23 General or any other officer or employee of the NABRO for any act in
24 pursuance or execution of this Act or any other law or enactment, or of any duty
25 or authority or in respect of any alleged neglect or default in the execution of
26 this Act or such law or enactment, duty or authority, shall lie or be instituted in
27 any court unless-

28 (a) it is commenced within three months next after the act, neglect or
29 default complained of; or

30 (b) in the case of a continuation of damage or injury, within six

1 months next after the ceasing thereof.

2 *Cap. P41, LFN, 2004*

3 20. A notice, summons or other document required or authorised
4 to be served upon the NABRO under the provisions of this Act or any other
5 law or enactment may be served by delivering it to the Director-General or
6 by sending it by registered post and addressed to the Director-General at the
7 principal office of NABRO.

Service of
summons

8 21. A member of the Board, the Director any officer or employee
9 of the NABRO shall be indemnified out of the assets of NABRO against any
10 proceeding, whether civil or criminal, in which judgment is given in his
11 favour or in which he is acquitted, if any such proceeding is brought against
12 him in his capacity as a member of the Board, the Director-General, officer
13 or employee of the NABRO.

Indemnity of
members

14 22. -(1) For the purposes of providing offices and premises
15 necessary for the performance of its functions under this Act, the NABRO
16 may, subject to the Land Use Act-

Acquisition of
property by NABRO.
Cap. L5, LFN,
2004

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

18 and

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

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

23 23. In this Act-

Interpretation

24 "committees" means committees established under the rules of both the
25 Senate and the House of Representatives;

26 "misconduct" means misconduct as provided in the Code of Conduct for
27 Public Officers;

28 "property" means land or building and includes intellectual property;

29 "public bodies" means any corporation, board, company or parastatals
30 established by, or under enactment in which the Government of the

1 Federation, a ministry, or extra-ministerial department, agency, or equity
2 interest and include a partnership, joint venture, or any form of business
3 arrangement or organization; and

4 "NABRO" means National Assembly Budget and Research Office.

Citation

5 24. This Bill may be cited as the National Assembly Budget and
6 Research Office (Establishment) Bill, 2019.

7 SCHEDULE

8 *Section 4 (5)*

9 SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

10 1.-(1) At any meeting of the Board, the Chairman shall preside and in
11 the absence of the Chairman, the alternate Chairman or such member of the
12 Board as the other members may elect among themselves for that purpose.

13 (2) The Director-General shall be the Secretary and shall provide
14 secretariat services for all meetings of the Board.

15 (3) Subject to the provisions of this Act and section 27 of the
16 Interpretation Act, the Board may make standing orders regulating its
17 proceeding or those of any of its Committees.

18 2. The quorum of the Board shall be four members of the Board.

19 3. The Board may appoint one or more Committees to carry out, on
20 behalf of the Board, such of its functions as the Board may determine, but no
21 decision of any such Committee shall have effect unless ratified by the Board.

22 4. The Board may co-opt persons who are not members of the Board
23 to any meeting of the Board or any Committee and such persons may take part
24 in the deliberations of the Board or any Committee but shall not be entitled to
25 vote.

26 5. The fixing of the seal of NABRO shall be authenticated by the
27 signature of the Chairman or any other member of the Board generally or
28 specifically authorized by the Board to act for that purpose and the Director-
29 General.

30 6. A document purporting to be a document duly executed under the

1 seal of NABRO shall be received in evidence and shall, unless the contrary
2 is proved, be presumed so executed.

3 7. The validity of any proceeding of the Board or a Committee
4 shall not be adversely affected by -

5 (a) the validity in the membership of the Board or Committee;

6 (b) a defect in the appointment of a member of the Board or
7 Committee; or

8 (c) reason that a person not entitled to do so, took part in the
9 proceeding of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill establishes the National Assembly Budget and Research Office which provides the National Assembly with objective, timely and non-partisan analysis needed for economic and budget decisions.

