

# A BILL

## FOR

AN ACT TO ESTABLISH NIGERIAN FALLEN HEROES WELFARE AGENCY TO CATER FOR THE IMMEDIATE FAMILIES OF MILITARY, POLICE, DEPARTMENT OF STATE SECURITY AND OTHER PARA-MILITARY AGENCIES OFFICERS AND MEN WHO DIED IN ACTIVE DUTY AND FOR RELATED MATTERS

*Sponsored by Hon. Bede Eke*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NIGERIAN FALLEN HEROES  
2 WELFARE AGENCY

3 1. There is established a National Heroes Welfare Agency  
4 (hereinafter referred to as "the Agency").

Establishment of the National Heroes Welfare Agency

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

8 2.-(1) There is hereby established for the management of "the  
9 Agency" a governing board (in this Bill referred to as the Board) which shall  
10 consist of-

Establishment of the Governing Board

11 (a) Chairman, who shall be appointed by the President,  
12 Commander-in-Chief of the Armed Forces of Nigeria;

13 (b) Representatives of the following Federal Establishments-

14 (i) Three representatives of the Ministry of Defense;

15 (ii) A representative of the Army;

16 (iii) A representative of the Airforce;

17 (iv) A representative of the Navy;

18 (v) A representative of the Police;

	1	(vi) A representative of the Department of State Security Services;
	2	(vii) A representative each from the Para-military organizations;
	3	(viii) A representative from the Ministry of Finance;
	4	(ix) The Director - General shall be secretary to the Board.
Appointment of the Chairman and Members	5	<b>2.</b> The Chairman and members of the Board shall be appointed by the
	6	President of the Federal Republic of Nigeria;
	7	<b>3.</b> Members of the Board, other than the Director-General shall be
	8	appointed by the President of the Federal Republic of Nigeria
Schedule	9	<b>4.</b> The supplementary provisions set out in the schedule to this Act
	10	shall have effect with respect to the proceedings of the Board and other matters
	11	contained therein.
Tenure of Office	12	<b>5.</b> The Chairman and members of the Board-
	13	(a) shall each hold office for a period of 4 years on such terms and
	14	conditions as may be specified in their letters of appointment; and
	15	(b) May be re-appointed for an additional period of 4 years and no
	16	more.
Removal from Office	17	<b>6.</b> Notwithstanding the provisions of section 2(5) of this Bill the
	18	chairman or any member of the Board may at any time be removed from the
	19	office by the president for inability to discharge the functions of his office
	20	(whether arising from infirmity of mind or body or any other cause).
	21	<b>7.</b> A member of the Board shall be paid such emoluments, allowances
	22	and benefits as the President of the Federal Republic of Nigeria may, from time
	23	to time approve.
	24	PART II - FUNCTIONS AND POWERS OF "THE AGENCY"
Functions of "the Agency"	25	<b>8.</b> The functions of the Agency shall be-
	26	(a) To cater for the welfare of immediate families of officers who died
	27	in active duty particularly those with very young children and unemployed
	28	spouses;
	29	(b) (i) To collate data from the various benefitting agencies in
	30	executing the mandate in section 8(a) above;

1 (ii) Such data collected in subsection (b) above shall be subject to  
2 quarterly review to ensure that appropriate and current data is used in the  
3 execution of the mandate of the Agency;

4 (c) the Agency shall ensure that children of slain officers are given  
5 education opportunities or skill empowerment opportunities where such is  
6 disrupted as a result of the sudden demise of the officer;

7 **9.** The Powers of the "Agency" shall be to-

Powers of "Agency"

8 (a) Demand and obtain relevant information, data, statistics and  
9 report on matters relating to the various benefiting agencies;

10 (b) Liaise with relevant establishments within and outside Nigeria  
11 in pursuance of the functions of the Agency;

12 (c) Initiate and implement skill acquisition programmes geared  
13 towards empowering the children of the deceased officer to live productive  
14 lives;

15 (d) Carry out such activities as are necessary or expedient for the  
16 performance of its functions under this Act;

17 **PART III - FUNCTIONS AND POWERS OF THE BOARD**

18 **10.** The Board shall-

Functions and  
Powers of the  
Board

19 (a) Determine the overall policies of the Agency, including its  
20 financial and operating procedures and ensure the effective implementation  
21 of the policies and procedures;

22 (b) Establish committees, as may be expedient which shall be  
23 charged with specific functions delegated by the Board;

24 (c) Appoint, promote and discipline employees for the proper  
25 discharge of the functions of the Agency;

26 (d) Assess from time to time the medical needs of beneficiaries;

27 (e) Offering them such assistance, either alone or in co-operation  
28 with other related bodies as may improve their overall wellbeing and quality  
29 of life;

30 (f) the Board may, subject to such conditions as it may impose,

1 delegate any of its functions under this act to any of its committees or to the  
2 Director - General;

3 (g) Nothing in this section shall prevent the Board from performing or  
4 exercising any of the functions and powers so delegated and;

5 (g) Open and operate ordinary and domiciliary account for the  
6 Agency in recognized banking institutions in Nigeria as stipulated by extant  
7 financial guidelines of the Federal Government;

8 (i) enter into agreement with public or private organizations and  
9 individuals to develop, utilize, coordinate and share such information as are  
10 determined to be appropriate by the Board for the performance of its functions  
11 under this Act, and,

12 (j) Carry out such other activities which are connected with its other  
13 functions or as may be assigned to it by the Minister of Defense or other  
14 relevant authority.

#### 15 PART IV - STRUCTURE OF THE AGENCY

Structure of the  
Agency

16 **11.** The Centre shall have-

17 (a) A Planning, Research and Statistics Directorate to be headed by a  
18 Director;

19 (b) An Administration and Finance Directorate to be headed by a  
20 Director;

21 (c) Such other Directorates as may be required for the proper  
22 performance of the functions of the Agency, such Directorates shall be  
23 determined by the Board and approved by the Federal Ministry of Finance.

#### 24 PART V - STAFF OF THE AGENCY

Appointment  
of Director-  
General

25 **12.** -(1) there shall be appointed for the Agency by the President of the  
26 Federal Republic of Nigeria, a Director General, who shall be a retired Senior  
27 Military Officer.

28 (2) The Director General shall be-

29 (a) The Chief Executive of the Agency;

30 (b) Be responsible for the day -to-day administration of the Agency,

1 keep the books and records of the Board; and

2 (c) Be subject to the supervision and control of the Board.

3 (3) The Director-General shall hold office for a term of 5 (five)  
4 years and may be renewed for another term and no more.

Tenure of  
Director-General

5 13.-(1) The Board may from time to time, appoint for the Agency  
6 such other, staff, as it may deem necessary to assist the Director-General in  
7 the performance of the function of the Agency and the Board.

Appointment of  
other staff

8 (2) The Terms and Conditions of service (including remuneration,  
9 allowances, benefits and pensions) of officers and employees of the Agency  
10 shall be determined by the Board on the recommendation of the Federal  
11 Civil Service Commission.

12 (3) The staff of the Agency shall be-

13 (a) Public Servants as defined in the 1999 Constitution of the  
14 Federal Republic of Nigeria; and

15 (b) Governed by the rules governing the Civil Service of the  
16 Federation.

17 14.-(1) Service in the Agency shall be approved service for the  
18 purpose of the Pensions Act and accordingly, officers and other persons  
19 employed in the Agency shall, in respect of their services in the Agency, be  
20 entitled to pension, gratuities and other retirement benefits as are prescribed  
21 there under.

Pensions  
Cap 346 LFN

22 (2) Notwithstanding subsection (1) of this section, the Agency may  
23 appoint a person to any office on the terms, which preclude the grant of a  
24 pension, gratuity or retirement benefits.

25 (3) For the purpose of the application of the Pension Act, any power  
26 exercisable there under by a Minister or other authority of the Government  
27 of the Federation other than the power to make regulations is hereby vested  
28 and shall be exercisable by the Board and not by other persons or authority.

29 PART VI - FINANCIAL PROVISIONS

30 15.-(1) The Agency shall establish and maintain a fund from which

Funding of the  
Agency

1 all expenditures incurred by the Agency shall be defrayed.

2 (2) The Fund shall comprise fund derived from but not limited to the  
3 following sources:

4 (a) Such funds as may be appropriated to the Agency from time to  
5 time by the National Assembly;

6 (b) Gifts, loans, grants, aids, etc; and

7 (c) a levy of one percent of profit after tax of security companies  
8 operating in Nigeria;

9 (e) All other assets that may from time to time accrue to the  
10 Agency;

Gift and Monies

11 **16.** The Agency may accept gifts and grants of money or aids or other  
12 property from national and multilateral organization and upon such term and  
13 conditions if any, as may be agreed upon between the donor and the Agency  
14 provided such gift are not inconsistent with the objectives and functions of the  
15 Agency under this Act.

Budget and  
Expenditure

16 **17.**-(1) The Agency shall not later than 30th September in each  
17 financial year prepare and present to the National Assembly through the  
18 President for approval, a statement of estimated income and expenditure for  
19 the following financial year.

20 (2) Notwithstanding the provision of subsection (1) of this section,  
21 the Agency may also, in any financial year, submit supplementary or adjust  
22 statements of estimated income and expenditure to the National Assembly  
23 through the President for approval.

24 (3) Subject to subsection (1) and (2) of this section, the Agency shall  
25 apply the proceeds of the Agency's fund:

26 (a) To meet the administration and operating costs of the Agency;

27 (b) For the payment of salaries, wages, fees and other allowances,  
28 retiring benefits such as pensions and gratuities and other remunerations  
29 payable to the Director - General and staff of the Agency;

30 (c) For the purchase or acquisition of property or other equipment and

1 other capital expenditure and for maintenance of any property acquired or  
2 vested in the Agency; and

3 (d) For or in connection with all or any of the functions of the  
4 Agency under this Act or its subsidiary legislation.

5 **18.**-(1) the financial year shall start on 1st January of each year and  
6 end 31st December of the same year. Financial Year  
and Audit of  
Agency's Account

7 (2) The Agency shall keep proper records of its accounts to be  
8 audited within six from the end of each financial year by auditors whose  
9 appointment shall be approved by the Board and shall be subjected to  
10 reappointment on annual basis provided that such Auditors are on the list of  
11 Auditors approved from time to time by the Auditor - General of the  
12 Federation.

13 **19.** The Agency shall prepare and submit to the National Annual report  
to the National  
Assembly  
14 Assembly annually, through the President not later than six (6) months after  
15 the end of its financial year, a report on the activities of the Agency's audited  
16 accounts for the year under review together with auditor's report thereon.

17 **20.** The provision of any enactment relating to the taxation of Exemption from  
Taxation  
18 companies or trust funds shall not apply to the Agency.

19 **21.**-(1) The Agency may make regulation not inconsistency with Miscellaneous  
20 this Act:

21 (a) Concerning any matter that-

22 (i) May or may not be prescribed in terms of a provision of this Act;

23 (ii) is necessary to prescribe for the effective carrying out of the  
24 objectives of the Act;

25 (b) Providing for payment, by the National Assembly for this  
26 purpose, or compensation to any person or dependents of any person, whose  
27 death, bodily injury or disablement results from any event occurring in the  
28 course of the performance of any function entrusted to such person in terms  
29 of this Act.

30 (2) The Board may, with the approval of the President make the

	1	regulations for the effective operation of this Act.
Limitations against suit	2	<b>22.</b> Subject to the provision of this Act, the provision of the public
	3	officers' protection Act shall apply in relation to any suit instituted against an
	4	officer or employee of the Agency.
Service of Documents	5	<b>23.</b> A notice summons or other document required or authorized to be
	6	served upon the Board under the provisions of this Act or any other law or
	7	enactment may be served by delivering it to the Director-General or by sending
	8	it by registered post and addressed to the Director - General at the principal
	9	office of the Board.
Restriction on executive against properties of the Commission	10	<b>24.</b> In any action or suit against the Board, no execution or
	11	attachment of process shall be issued against the Board.
Interpretation	12	<b>25.</b> In this Bill unless the context otherwise requires:
	13	"Agency" means the Nigerian Fallen Heroes Welfare Agency, established by
	14	section 1 of this Bill;
	15	"Fallen Heroes" means the officers who died in active duty;
	16	"Function" includes duties and powers
	17	"President" means President of the Federal Republic of Nigeria.
Short title	18	<b>26.</b> This Bill may be cited as the Nigerian Fallen Heroes Welfare
	19	Agency Bill, 2020.
	20	SUPPLEMENTARY PROVISION RELATING TO THE AGENCY, ETC
	21	<i>Proceedings of the Agency</i>
	22	1.-(1) Subject to this Bill and Section 20 of the interpretation Act, the
	23	Agency may make standing orders regulating its proceeding or those of its
	24	committee.
	25	(2) The quorum of the Agency's Board shall be the Chairman or the
	26	person presiding at the meeting, and three (3) other members of the Board and
	27	the quorum of any committee of the Agency shall be as determined by the
	28	Agency.
	29	2.-(1) The Agency shall meet whenever it is summoned by the
	30	chairman and if the Chairman is required to do so by giving him not less than

1 four (4) other members, he shall summon a meeting of the Agency to be held  
2 within twenty-four (24) days from the date upon which the notice is given.

3 (2) Where the Agency desires to obtain the advice of any person on  
4 a particular matter, the Agency may co-opt him to the Agency for such  
5 period of time it deems fit, but a person who is in attendance by virtue of this  
6 subparagraph shall not be entitled to vote at any meeting and shall not count  
7 towards a quorum.

8 *Committee*

9 3.-(1) The Agency may appoint one or more committee to carry  
10 out, on behalf of the Centre such functions as the Agency may determine.

11 (2) The Committee appointed under this paragraph shall consider  
12 such number of persons as may be determined by the Agency and a person  
13 shall hold office in the committee in accordance with the term of his  
14 appointment.

15 (3) A decision of a committee of the Agency shall be of no effect  
16 until it is confirmed by the Agency.

17 4.-(1) the fixing of the seal of the Agency shall be authenticated by  
18 the signature of the Chairman or any other member of the Agency generally  
19 or specified by the Agency to act for the purpose and the Chief Executive.

20 (2) Any contract or instrument which, if made or executed by a  
21 person not being a body corporate, would not require to be under seal may be  
22 made or executed on behalf of the Agency by the Chief Executive or any  
23 person generally or specified authorized by the Agency to act for the  
24 purpose.

25 (3) A document purporting to be a document duly executed under  
26 seal of the Agency shall be received in evidence and shall, unless and until  
27 the contrary is proved, be presumed to so execute.

28 5. The validity of any proceeding of the Agency or of a committee  
29 shall not be adversely affected by;

30 (a) A vacancy in the membership of the Agency or committee; or

1                   (b) A defect in the appointment of a member of the Agency or  
2 committee; or

3                   (c) Reason that a person not entitled to do take part in the proceedings  
4 of the Agency or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Nigerian Fallen Heroes Welfare Agency to cater for the welfare of the immediate families of military, police, department of state security and other para-military agencies officers and men who died in active duty.