

NIGERIAN AUTHORS TRUST FUND BILL, 2019

ARRANGEMENT OF SECTIONS

*Sections:*

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AUTHORS TRUST FUND

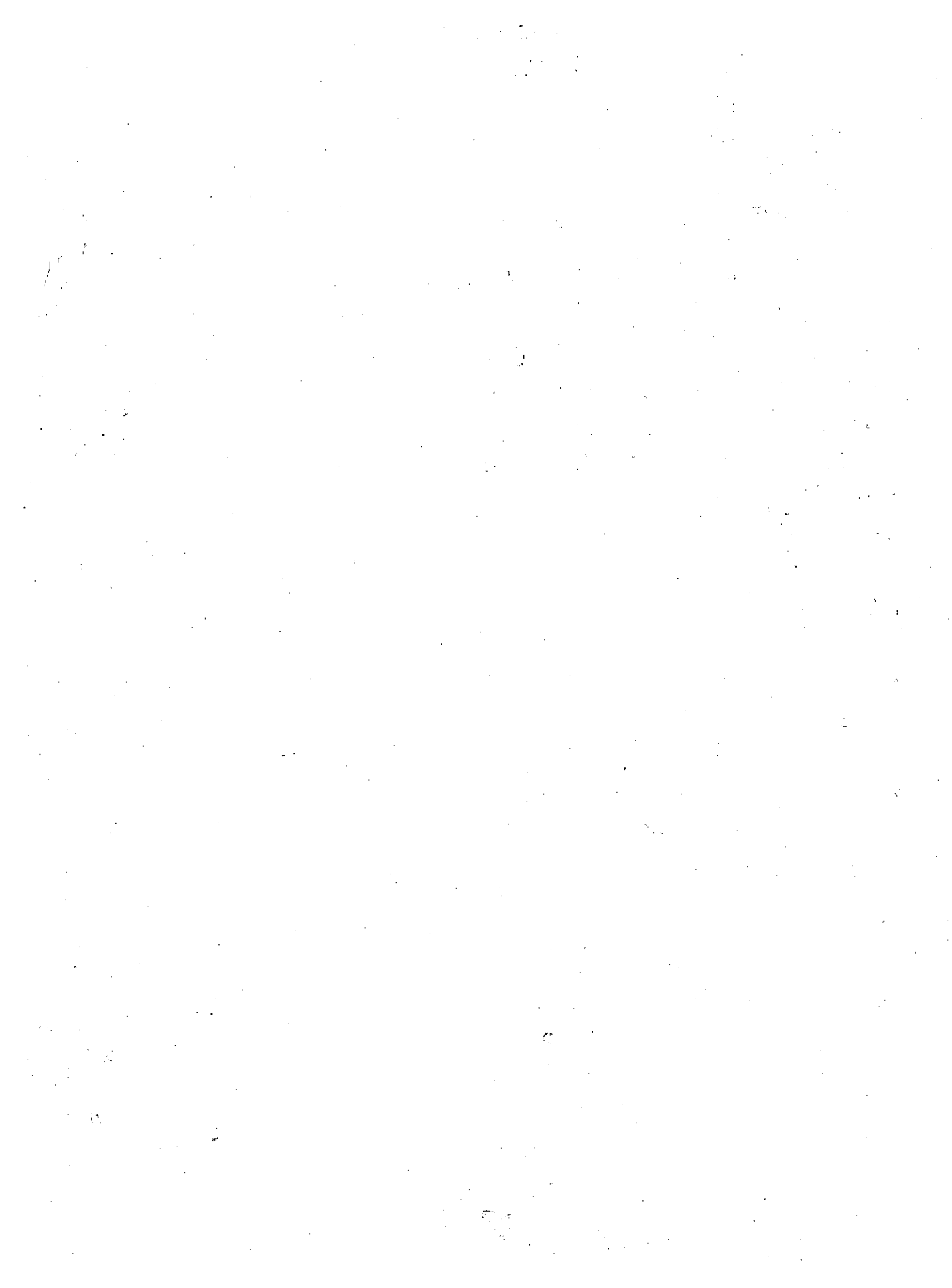
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# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN  
AUTHORS TRUST FUND AND FOR RELATED MATTERS

*Sponsored by Hon. Abdulrazak Namdas*

[ ] Commencement

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

PART 1 - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIAN  
AUTHORS TRUST FUND

1            1. There is established a Fund to be known as the Nigerian Authors  
2 Trust Fund (in this Bill referred to as "the Fund") into which shall be paid all  
3 contributions and other monies as may be paid under this Bill and which  
4 shall be operated and managed as provided in this Bill.

Establishment  
of the Nigerian  
Authors Trust  
Fund

5            2. The Fund shall:  
6            (a) Be a body corporate with a common seal; and  
7            (b) May sue or be sued in its corporate name;

8            3. The monies accruing to the Fund or from investments made by  
9 the Fund shall be used for the following purposes:

Purpose of the  
Fund

10            (a) To provide funding assistance to Nigerian Authors who desire  
11 to get their works published, having met the eligibility criteria as stipulated  
12 by the Board;

13            (b) The Fund shall also cover the following categories of Authors  
14 who meet the Board's eligibility criteria:

- 15            (i) Student Authors;
- 16            (ii) Authors and aspiring authors who are members of the National  
17 Youth Service Scheme;
- 18            (iii) Civil servants who are authors or are aspiring to be authors;
- 19            (iv) Disabled authors and aspiring authors;

1 (c) To encourage reading habit, development of vocabularies,  
2 spelling and pronunciation among Nigerians especially students;

3 (d) The Fund is aimed at talent-hunt for children writers - just to catch  
4 them young, and also to encourage children's literature generally;

5 (e) To encourage research in literature and culture;

6 (f) To encourage research into indigenous languages and songs;

7 (g) To encourage the "Bring back the book project in Nigeria".

Establishment  
of the Nigerian  
Authors Trust  
Fund Management  
Board

8 4.-(1) there is established for the purpose of administering the Trust  
9 Fund, a body to be known as the Nigerian Authors Trust Fund Management  
10 Board (in this Bill referred to as "the Board") which shall be under the  
11 supervision of the Federal Ministry of Education;

12 (2) the provisions of the schedule to this Bill shall have effect with  
13 respect to the subscription to the fund and selection of beneficiaries to the fund  
14 and the other matters contained therein;

Membership  
of the Board

15 5. The Board shall comprise the following members:

16 (a) the Chairman of the Board, who shall be the Minister of  
17 Education;

18 (b) the President Association of Nigerian Authors;

19 (c) the President Guild of Editors;

20 (d) A representative each of the following Ministries, not below the  
21 rank of a Director:

22 (i) Ministry of Education;

23 (ii) Ministry of Women Affairs and Youth development;

24 (iii) Ministry of Finance;

25 (iv) Ministry of Information and National Orientation;

26 (e) A Professor or Doctorate Degree holder in creative writing from  
27 any Tertiary Institution in Nigeria;

Tenure of office  
of members of  
the Board

28 6.-(1) a member of the Board other than ex-officio, shall hold office  
29 for a term of four years and no more.

30 (2) Members of the Board shall be paid allowances as may be

1 determined by the Board consultation with the National Salaries, Wages and  
2 Income Commission.

3 7. A member may resign his appointment by a notice in writing, Resignation by  
4 addressed to the President. a Member of the  
Board

5 8. A member ceases to hold office if he: Cessation of  
6 Membership

6 (a) Becomes of unsound mind;

7 (b) Is withdrawn by the body he represent on the Board;

8 (c) Is convicted of felony or any offence involving dishonesty;

9 (d) Is guilty of misconduct in relation to his duties.

10 9. Notwithstanding the provision of section 6 of this Bill, the Removal from  
11 President may remove a member from the Board if any circumstances arise office of a  
12 which would require the removal of the Member from the Board. Member

13 10.-(1) The Board shall be responsible for: Functions of the  
14 Board

14 (a) Receiving monies accruing to the Fund;

15 (b) Setting out guidelines and criteria for the selection of Authors to  
16 benefit from the Fund;

17 (c) Disbursing monies from the Fund to attain the objectives of the  
18 Fund;

19 (d) Scrutinizing and approving request from Authors or aspiring  
20 Authors seeking to benefit from the Fund;

21 (e) Exercising control over the management of the Fund with a  
22 view to ensuring accountability and proper utilization of the Fund for the  
23 purposes set out in this Bill;

24 (f) Educating and promoting awareness among Nigerians on the  
25 activities, functions and achievements of the Board/Fund;

26 (g) Perform any other function for the purpose of realizing the  
27 objectives of the Fund.

28 11.-(a) At the commencement of any financial year, and for the Application of  
29 purpose of applying the fund, the Board acting through the various state the Fund  
30 chapters of Association of Nigerian Authors shall verify and compile the list

1 of the names of eligible Authors who shall be registered members of the  
2 Association or any other similar association recognized by government;

3 (b) In compiling the list, preference must be given to new authors,  
4 student authors and disabled authors;

5 (c) The Board reserves the right to nullify the eligibility of an author to  
6 benefit from the fund; hence the Board must ensure that the qualities of books  
7 being published by eligible authors are of great value to the education sector  
8 and to social development;

Functions of  
the Executive  
Secretary

9 **12.** The Board shall thereafter deliver the head copy of the list to the  
10 Secretary to the government of the Federation, for the attention of the  
11 President, and copies shall be delivered to:

12 (a) The Accountant General of the Federation;

13 (b) The Minister of Education;

14 (c) The Commissioners of Education! Finance in all states of  
15 Federation;

16 (d) The President, Association of Nigerian Authors;

17 **13.** The Accountant General of the Federation, the Minister of  
18 Education and the Finance Minister shall certify the list for statutory  
19 appropriation for the fiscal year;

20 **14.** Though the Board determines the number of beneficiaries in a  
21 given year, yet any Author who is qualified and enlisted but does not benefit in  
22 that year of qualification and enlistment as a result of lack of sufficient fund  
23 may be given a preference in the subsequent years;

24 PART II - STAFF OF THE FUND

Appointment  
of the Executive  
Secretary

25 **15.-(1)** the Executive Secretary of the Trust Fund shall be appointed  
26 by the President on the recommendation of the Board;

27 (2) There shall be appointed for the Board, an Executive Secretary;  
28 who shall be a person of unquestionable integrity with background in literary  
29 studies or creative writing;

30 (3) other conditions for the appointment of the Executive Secretary

1 shall be as prescribed by the Board from time to time;

2 (4) the Executive Secretary shall hold office for a term of four years  
3 in the first instance and may be eligible for another term of four years.

4 16. The Executive Secretary shall:

5 (i) be the Chief Executive Officer of the Trust Fund;

6 (ii) be responsible for the day to day administration of the Fund;

7 (iii) be the Secretary to the Board;

8 (iv) Keep proper records of the proceedings of the Board; and

9 (v) Carry out such duties as may be assigned to him by the Board;

10 17.-(1) notwithstanding the provision of section 15 of this Bill, the  
11 Executive Secretary may be removed from office by the President if he  
12 deems it necessary for the attainment of the objectives of the Fund;

13 (2) a person appointed as the Executive Secretary after such  
14 removal in subsection (1) shall serve the unexpired period of the term of his  
15 predecessor-in-office;

16 18.-(1) The Board may from time to time appoint such other, staff,  
17 as it may deem necessary to assist the Secretary in the performance of the  
18 function of the Board;

19 (2) The Terms and Conditions of service (including remuneration,  
20 allowances, benefits and pensions) of officers and employees shall be  
21 determined by the Board on the recommendation of the Federal Civil  
22 Service Commission;

23 (3) The staff of the Board shall be:

24 (a) Public servants as defined in the 1999 Constitution of the  
25 Federal Republic of Nigeria as amended; and governed according to the  
26 Civil Service rules.

27 PART III - FINANCIAL PROVISIONS

28 19.-(1) there shall be credited to the Trust Fund established by the  
29 provisions of PART 1 section (1):

30 (a) Such monies and payments as may be made to it by the Federal

Functions of the  
Executive  
Secretary

Removal from  
office of the  
Executive  
Secretary

Appointment of  
other Staff

- 1 government through its Ministry of Education's Annual Budget (perhaps from  
2 part of funds set aside for books/stationeries);
- 3 (b) Contributions from the Tertiary Education Trust Fund (Tetfund);
- 4 (c) Contributions from Petroleum Technology Development Fund  
5 (PTDF);
- 6 (d) Annual contributions from Private Universities operating in  
7 Nigeria;
- 8 (e) Annual contribution from Authors whose books are recommended  
9 in Tertiary institutions and Secondary Schools in Nigeria;
- 10 (f) 0.05% of profit after tax of the Print Media (Newspaper  
11 Houses/Magazines), Private Electronic Media Houses, and foreign Publishing  
12 Companies;
- 13 (f) Gifts and donations; and all other assets accruing, from time to  
14 time, to the Board;
- 15 (g) Internally Generated Revenue (IGR);
- 16 (2) The Board shall apply the proceeds of the Trust Fund to:
- 17 (a) Defray the cost of administration of the Board;
- 18 (b) Pay members of the Board or of any Committee set up by the  
19 Board or such expenses as may be expressly authorized by the Board;
- 20 (c) Publicize and promote the activities of the Board;
- 21 (d) Undertake all activities connected with its functions under this  
22 Bill;
- 23 (e) Maintain any property vested in the Board.
- 24 (3) the Board may accept gifts of land, monies or other on such terms  
25 and conditions, if any, as may be specified.
- 26 (4) The Board shall not accept any gift if the intention for the gift are  
27 inconsistent with the functions of the Board under this Bill.
- 28 **20.**-(1) the Board shall prepare and submit to the presidency, not later  
29 than 30th September of each year, an estimate of the Board for the following  
30 year.



1 (2) The Board shall keep proper account of the Funds created under  
2 this Bill in respect of each year and proper account record in relation thereto  
3 and shall cause the accounts to be audited not later than 6 months after the  
4 end of each year by auditors appointed by the Board in accordance with the  
5 guidelines approved by the Auditor-General for the federation;

6 (3) The Board shall prepare and submit to the presidency, not later  
7 than 30th June in each year, a report on the activities and administration of  
8 funds during the preceding year and shall include in the report a copy of  
9 audited accounts of the Funds for the year and the auditor's report thereof.

10 (4) the Board may, subject to the provisions of this Bill and the  
11 conditions of any trust created in any securities as may, from time to time, be  
12 approved by the Board, creates, enters, or undertake any security, trust,  
13 mortgage; debenture, stock, trade, contract, equities and investment.

14 21. This Bill shall apply to all organizations or establishments  
15 listed in part J, section 19.

Subscription to  
the Fund

16 22. Subject to the aforesaid, all eligible organizations or  
17 establishment (as contained in section 19 shall subscribe 0.05% of their  
18 profit after tax as contribution to the fund.

19 23.-(1) any organization or establishment engaged in a non-profit  
20 making business undertaking, shall submit an application to the Board in the  
21 prescribed form for exemption, seeking to be exempted from contributing to  
22 the Trust Fund;

23 (2) An application shall be accompanied by detailed statements of  
24 the business and activities of the organization with other particulars as may  
25 be required by the Board;

26 (3) Upon the receipt of the application, the Board shall verify and  
27 investigate the fact and shall upon its satisfaction and approval issue a  
28 certificate of exemption from the Trust Fund to such establishment;

29 (4) The certificate of exemption shall be handed over to the

1 organization by the chairman of the Board with the signature of the chairman  
2 thereon;

3 (5) Except in cases of organizations or institutions seeking  
4 registration in first instance, any transaction, registration, rendition, business,  
5 application, notification, returns, notice or reports by any organization or  
6 establishment with the corporate affairs commission, the commission shall  
7 demand from the organizations or establishments concerned, (not being an  
8 exempted organization within the meaning of this Bill) evidence of latest  
9 subscriptions to the trust fund shall seek clearance thereon from the Board.

Exemption from  
Tax

10 24.-(1) The Board shall be exempted from the payment of income tax  
11 or any income derived by it under this Bill or accruing to it from any  
12 investments.

13 (2) The provision of any enactment relating to the Taxation of Trust  
14 shall not apply to the Board.

Offences and  
Punishment

15 25.-(1) Except a statutory Corporation or government parastatal or  
16 Institution, any establishment or person who fails to comply with or  
17 contravenes or abet the contravention of any provision of this Bill in relation to  
18 section 19 shall be guilty of an offence and shall be liable upon conviction to  
19 redeem the default with a fine of N200,000 or imprisonment for 3 years or to  
20 both such fine and imprisonment:

21 (i) Provided that in the case of statutory corporation where the offence  
22 is committed with the consent or connivance of or to be attributable to, any  
23 neglect on the part of any Director, Manager, Secretary or other official of the  
24 Institution or organization, such Director, Manager, Secretary or other official  
25 shall be guilty and liable under this section.

26 (2) any person or group of persons that indulges in dishonest acts to  
27 benefit from the provisions of this Bill; shall be liable upon conviction to a  
28 prison term of 1 year and six months, or a fine of N100,000 or to both such fine  
29 and imprisonment;

30 (3) In the case of connivance between an official of the Board and an

1 applicant, the applicant is liable to the punishment as prescribed under  
2 subsection (2) of section 25. While the official shall be liable on conviction  
3 to a prison term of 2 years and sack thereafter.

4 26.-(1) In this Bill, unless the context otherwise requires:

Interpretation

5 "Board" means the Nigerian Authors Trust Fund Board;

6 "Author" means any person with a published work which must be of value to  
7 the educational sector;

8 "Eligible organization" means companies or establishments that satisfy the  
9 provisions of section 6 of this Bill;

10 27. This Bill may be cited as the Nigerian Authors Trust Fund Bill,  
11 2019.

Citation

## 12 THE SCHEDULE

### 13 PART A

#### 14 RULES AND REGULATIONS OF THE BOARD

15 (1) The Board is to maintain a register of all privately owned  
16 universities and publishing companies in Nigeria;

17 (2) The Board is to transmit the Bill (when passed as an Act) to all  
18 the related companies and Institutions;

19 (3) The Board shall issue subscription form to companies and  
20 Institutions that subscribe to it;

21 (4) The subscription form is to contain the account number of the  
22 Trust Fund;

23 (5) The companies and institutions are to pay directly to the credit  
24 of the Account of the Board;

25 (6) The Board is to document all subscription forms for  
26 verification;

27 (7) The Bank is to transmit a copy of the teller to the Board;

28 (8) The Board is to maintain a book of payment to the Trust Fund;

29 (9) The Board shall publish the names of companies and  
30 Institutions that subscribe to the Trust Fund in three national dailies;

1 (10) The Board is to send one week demand notice to any defaulting  
2 companies and Institutions;

3 (11) The companies in default, are to redeem the default within one  
4 week of demand;

5 (12) The Board is to compile the list of subsequent defaulters and  
6 transmit same to the Attorney -General of the Federation;

7 (13) The office of the Attorney - General of the Federation is to  
8 prosecute defaulters;

9 (14) The office of the Attorney-General is to compile the record of  
10 proceedings at the end of every case and transmit same to the Board.

11 PART B

12 SELECTION OF BENEFICIARIES

13 (1) The Board shall set guidelines and criteria for selection of would  
14 be Authors to be covered under the Bill;

15 (2) During the selection of Authors to be covered under the Bill, the  
16 provisions of section 3, subsection (a) shall apply;

17 (3) Applicants are to apply through the Chairman of the Board;

18 (4) Where the Author's status does not match the criteria set for  
19 beneficiaries of the fund by the Board, the Board's decision thereon is final;

20 (5) The successful applicant is to provide a recommendation letter  
21 along with a certificate of Origin signed by the local government chairman or  
22 from a guarantor who shall recommend and guarantee the applicant as being a  
23 citizen of Nigeria;

24 (6) A guarantor shall be either of the following:

25 (a) A Traditional ruler from the applicant's locality;

26 (b) A senior Civil Servant not below the rank of a Director who is from  
27 the Applicant's state;

28 (c) A military or police officer not below the rank of a lieutenant  
29 Colonel or Assistant Police Commissioner;

- 1                   (d) A known or respectable member of the society where the  
2           applicant resides;
- 3                   (e) The Board is to supervise the Trust Account;
- 4                   (f) Notwithstanding any Bank Practices or regulations, the Board  
5           shall have right and access to the Trust Account;
- 6                   (g) The decision of the Board on the trust Account shall be final.

EXPLANATORY NOTE

This Bill seeks for the establishment of a Nigerian Authors' Trust Fund to provide financial aid to authors and aspiring authors in Nigeria.

