



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

NATIONAL YOUTH SERVICE CORPS TRUST FUND (NYSCTF) (ESTABLISHMENT) BILL, 2022

(HB. 1795)

A BILL FOR AN ACT TO ESTABLISH NATIONAL YOUTH SERVICE CORPS TRUST FUND (NYSCTF) FOR THE PURPOSE OF PROVIDING A SUSTAINABLE SOURCE OF FUNDS FOR THE NATIONAL YOUTH SERVICE CORPS, SKILL ACQUISITION, TRAINING AND EMPOWERMENT OF CORPS MEMBERS, TRAINING AND RETRAINING OF THE PERSONNEL OF THE NATIONAL YOUTH SERVICE CORPS, DEVELOPMENT OF CAMPS AND NYSC FORMATIONS AND FACILITIES THEREIN; AND FOR RELATED MATTERS,
2022

FIRST READING

WEDNESDAY, 15TH JUNE, 2022

SECOND READING

TUESDAY, 21ST JUNE, 2022

THIRD READING AND PASSAGE

TUESDAY, 21ST JUNE, 2022

National Youth Service Corps Trust Fund (NYSCTF) (Establishment) Bill, 2022



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A BILL FOR AN ACT TO ESTABLISH NATIONAL YOUTH SERVICE CORPS TRUST FUND (NYSCTF) FOR THE PURPOSE OF PROVIDING A SUSTAINABLE SOURCE OF FUNDS FOR THE NATIONAL YOUTH SERVICE CORPS, SKILL ACQUISITION, TRAINING AND EMPOWERMENT OF CORPS MEMBERS, TRAINING AND RETRAINING OF THE PERSONNEL OF THE NATIONAL YOUTH SERVICE CORPS, DEVELOPMENT OF CAMPS AND NYSC FORMATIONS AND FACILITIES THEREIN; AND FOR RELATED MATTERS, 2022 (HB. 1795)

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Commencement

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

PART I — OBJECTIVE AND SCOPE

1. The objective of this Bill is to provide a legal framework for the management and control of the special intervention fund established under section 3 of this Bill for providing sustainable sources of funds for NYSC, Skills Acquisition training and empowerment of corps members, development of Camps and NYSC formations and other facilities, improving the general welfare of the Corps Members and personnel of the Scheme and enhancing their preparedness to effectively discharge their statutory duties of fostering National unity, integration and self-reliance in Nigeria.

Objective.

2. (1) The Trust Fund established under section 3 of this Bill shall cover all Corps Members, personnel of the NYSC, orientation camps, formations, facilities and for the overall improvement and efficiency in the discharge of their duties and responsibilities.

Scope.

(2) The Trust Fund shall operate concurrently with National Youth Service Corps Scheme as from the commencement of the Bill.

PART II — ESTABLISHMENT AND MANAGEMENT OF THE NYSC TRUST FUND

3. (1) There is hereby established the National Youth Service Corps Trust Fund (in this Bill referred to as "the Trust Fund").

Establishment of the NYSC Trust Fund.

(2) The Trust Fund shall be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name.

4. (1) The Trust fund shall consist of:

Sources of the Trust Fund.

(a) a levy of 1% of the assessable profit of companies and organized private sector operating business in Nigeria;

(b) 0.2% of total revenue accruing to the federation account;

(c) any take-off grant and special intervention fund as may be provided by the Federal Government;

(d) such money as may be appropriated to meet the objective of this Bill by the National Assembly in the budget;

(e) aids, grants and assistance from international bilateral and multilateral agencies, non-

governmental organizations and the organized private sector;

(f) grants, donations, endowments, bequests and gifts, whether of money, land or any other property from any source; and

(g) money derived from investments made by the Trust Fund.

(2) Subsections (1) (e) and (f) shall be acceptable to the Trust Fund except where the terms and conditions attached to aid, grant, donation or gift are inconsistent with the objective of the Trust Fund and the provisions of this Bill.

5. (1) The Trust Fund shall be utilised for:

Purposes of the Trust Fund.

(a) meeting the Skill Acquisition Training and Empowerment of Corps Members;

(b) meeting the training and re-training needs of the personnel of the NYSC;

(c) enhancement of the skills of Corps Members for improved proficiency and employment generation;

(d) overall improvement, performance and efficiency in the discharge of constitutional roles and responsibilities;

(e) development of Orientation Camps and NYSC formations with facilities therein;

(f) sponsorship of Corps Members' group Community Development Service projects and activities;

(g) financing the procurement of operational books, instructional materials, vehicles and equipment for use at its organizational objectives;

(h) expansion of existing NYSC Ventures and funding of the establishment of new ones for the training of Corps members and production of items required for the institutional needs such as orientation camps; and

(i) such other purposes incidental to or connected with the attainment of objective of this Bill.

(2) Nothing in this Bill shall derogate from the statutory obligations of the Federal, States, Federal Capital Territory and Local Governments or Area Councils to NYSC, including responsibilities for funding and provision of facilities for its operations as enshrined in the National Youth Service Corps Act Cap. N84, Laws of the Federation of Nigeria.

6. The Trust Fund shall:

Functions of the Trust Fund.

(a) receive all money accruing to it under this Bill;

(b) deploy all money accruing to the Trust Fund under this Bill to meet the stated objectives

of this Bill;

(c) ensure the proper monitoring of the empowered Corps Members and intervention projects for purpose of accountability; and

(d) carry out such other activities considered necessary for the attainment of the objectives of this Bill.

7. (1) There is hereby established a Board of Trustees of the NYSC Trust Fund (in this Bill referred to as "the Board")

Establishment and composition of the board of the Trust Fund.

(2) The Board shall consist of:

(a) Chairman and members of the NYSC National Governing Board as constituted in section 3 subsection 2 (a)-(h) of the NYSC Act;

(b) in addition to the above the following shall also be members of the Board:

(i) representative of NYSC supervising Ministry;

(ii) representative of Federal Ministry of Finance;

(iii) representative of Organized Private Sector;

(iv) Chairman of the Nigeria Governor's Forum or his representative;

(v) President of Association of Local Government of Nigeria (ALGON) or his representative; and

(vi) a retired Director of the NYSC on the recommendation of the NYSC Director-General.

(3) The Director-General NYSC shall serve as the Secretary of the Board of the Trust Fund.

8. (1) Members of the Board of the Trust Fund shall be paid such allowances as may be determined by the Board in consultation with the National Revenue, Mobilisation, Allocation and Fiscal Commission. Tenure.

(2) A member of the Board, other than an ex-officio member:

(a) shall be appointed by the President;

(b) shall hold office for three years in the first instance; and

(c) may be reappointed for another three years and no more.

9. A member, other than ex-officio member, may resign his appointment by a notice in writing under his hand addressed to the President.

Resignation by a member.

10. (1) A member of the Board shall cease to hold office if he:

Cessation of office.

(a) becomes of unsound mind;

(b) becomes bankrupt or makes compromise with his creditors;

(c) is convicted of a felony or any offence involving fraud or dishonesty; or

(d) is guilty of corrupt practices or misconduct in relation to his duties.

(2) A member of the Board may be removed from office by the President if he is satisfied that it is not in the interest of the Trust Fund or Public that the member should continue in that office.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall:

(a) represent the same interest; and

(b) be appointed by the President.

(4) The provisions of the Schedule to this Bill shall have effect with respect to the meetings and proceedings of the Board and other related matters.

11. Notwithstanding the provisions of sections 7 and 8 of this Bill, the President may remove a member from the Board if any circumstance which borders on corruption and other activities that negates the interest and security of the nation would require the removal of the member from the Board.

Removal from office of a member.

12. The Board shall be responsible for:

Functions of the Board.

(a) setting out the policies and programmes for the training and empowerment of exiting Corps Members, training and retraining of NYSC personnel, development of Orientation Camps and NYSC Offices with facilities therein in accordance with objectives of this Bill;

(b) approving the disbursement of money from the Trust Fund to finance projects or activities of the NYSC and its formations being beneficiaries of the proceeds of Trust Fund;

(c) scrutinizing and approving projects which qualify for financing under the Bill;

(d) exercising control over the management of the Trust Fund with a view to ensuring accountability and proper utilisation of money in the Trust Fund for the purposes set out in this Bill;

(e) carrying out such other activities as are considered necessary for the attainment of the objectives of this Bill;

(f) updating the Federal Government on its activities and progress through annual and audited reports;

(g) reviewing progress and suggesting improvements within the provisions of this Bill;

(h) making and issuing guidelines to all beneficiaries on disbursement from the Trust Fund on the use of money received from the Trust Fund; and

(i) generally regulating the administration, application and disbursement of money from the Trust Fund under this Bill.

13. (l) The Board shall have powers to:

Powers of the Board.

(a) award contracts whether in local or foreign currency in conformity with the due process requirements as provided in any law, rule, guidelines or regulations;

(b) invest money accruing to the Trust Fund in accordance with the Trustees Investment Act and approve the utilisation of the returns on investment in the same way as money accruing to the Trust Fund.

(2) In the discharge of its duty under this Bill, the Board shall:

(a) identify the funding needs of the various programmes and activities of the NYSC and its formations for the enhancement of the performance of the Scheme;

(b) enter into contractual arrangements for the purpose of executing approved projects on behalf of the Trust Fund;

(c) oversee the implementation of projects financed through money accruing to the Trust Fund; and

(d) enter into public-private partnership and private finance initiative arrangements and agreements necessary for the project execution in accordance with Infrastructure Concession Regulatory Commission Public Private Partnership Regulations, 2014.

(3) The implementation Committee is responsible to the Board of Trustees in the execution of the duties and responsibilities assigned to it by the Board of Trustees.

14. (1) For the purpose of implementing any project approved by the Board under this Bill, there is hereby established the NYSC Trust Fund Project Monitoring and Implementation Committee (in this Bill referred to as "the Implementation Committee").

Establishment of the Trust Fund project monitoring and implementation committee.

(2) The Implementation Committee shall consist of:

(a) a Chairman; and

(b) other members shall include:

(i) six NYSC Staff with proven integrity;

(ii) such other members, not exceeding six in number, with proven integrity approved by the Board.

(3) The Implementation Committee is responsible to the Board in the execution of its statutory duties and responsibilities assigned to it by the Board.

PART III — SECRETARY OF THE BOARD OF THE TRUST FUND

15. (1) The Director-General NYSC shall serve as the Secretary of the Board of the Trust Fund.

Functions of the
Secretary of the Board
of the Trust Fund.

(2) The Secretary of the Board of the Trust Fund:

(i) shall keep proper records of the proceedings of the Board;

(ii) shall be responsible for the administration of the Trust Fund;

(iii) shall be in charge of the general direction and control of all other employees of the Trust Fund;

(iv) shall work closely with the Implementation Committee in discharging such duties and responsibilities as may be assigned to him by the Board;

(v) shall appoint such staff from within or outside the NYSC with prerequisite qualification and experience as required by the Trust fund for the proper functioning of the Secretariat.

(3) The Secretariat of the Trust Fund shall be domiciled in the NYSC.

PART IV — FINANCIAL PROVISIONS

16. (1) There is hereby established under this Bill a general fund (in this Bill referred to as the Fund") for the administration of the Trust Fund.

Fund of the Trust
Fund.

(2) The Fund shall consist of:

(a) annual budgetary allocation appropriated by National Assembly for the management of the Trust Fund;

(b) take-off grants and such other money as may be made available to the Trust Fund to meet the cost of administration; and

(c) all other money which may be made available for the running of the Trust Fund.

17. (1) There shall be maintained for the Trust Fund, an account into which shall be paid all money accruing to the Trust Fund under section 4 of this Bill. Account of the Trust Fund.

(2) The Board shall also open and maintain an account into which shall be paid money received for management of the Trust Fund under section 16 (2) of this Bill.

(3) The accounts referred to in subsections (1) and (2) shall be managed in accordance with the extant financial regulations of the Federal Government of Nigeria.

(4) The Board of Trustees shall apply the proceeds of:

(a) the Trust Fund for the purposes set out in section 5 of the Bill; and

(b) the money referred to in subsection (2) to meet the cost of administration, including payment of salaries, fees, other remunerations and allowances payable:

(i) to members of the Board and employees of the Trust Fund; and

(ii) for payment of experts, professionals and consultants engaged by the Board for Trust Fund.

(5) The Board of Trustees shall, not later than 30th June of every year, submit to the Minister an estimate of its income and expenditure during the succeeding year.

18. The Board shall, not later than 30th June of every year, submit to the President an estimate of its income and expenditure during the succeeding year. Estimates of expenditure.

19. The Board shall cause to be kept for the Trust Fund proper accounts and records and when certified by the Board, these accounts shall be audited by auditors appointed from the list and in accordance with the guidelines by the Auditor- General of the Federation. Account and audit.

20. (1) The Trust Fund shall be exempted from the payment of income tax on any income accruing from investments made by the Trust Fund or otherwise. Exemption from tax.

(2) The provisions of the Companies Income Tax Act, 2007 or any subsequent amendment thereto and any enactment relating to the taxation of companies or trust funds shall not apply to the Trust Fund.

PART V — SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

21. The Board shall, at the end of every three months, submit to the President a report on its activities and the administration of the Trust Fund. Quarterly report.

22. The Board shall, not later than three months before the end of each year, submit to the President a report on the activities and the administration of the Trust Fund during the preceding year and shall include in such reports the certified auditor's report. Annual report.

23. The President may give to the Board directives of a general nature with regard to the performance by the Board of its functions under this Bill for compliance by the Board. Power of the President to issue directives.

24. The Board may, with the prior approval of the President, make such regulations deemed necessary or expedient for giving full effect to the provisions of this Bill. Regulations.

25. The Federal Inland Revenue Service (in this Bill referred to as the "the Service") shall assess and collect from companies and organized private sectors the levy imposed by this Bill and accordingly: Assessment and collection of levy.

(a) shall, when assessing a company for companies income tax or petroleum profit tax for an accounting period, also proceed to assess the company or private sector for the levy due under this Bill;

(b) the provisions of the Act relating to the collection of companies income tax or petroleum profit tax shall, subject to this Bill, apply to the levy due under this Bill;

(c) the levy imposed under this Bill shall be due and payable within 60 days after the Service has served notice of the assessment on a company or sector;

(d) the Service may, for the purpose of assessment and collection of the levy imposed by this Bill, devise such forms as it may deem necessary.

26. (1) A person who contravenes or fails to comply with the provisions of this Bill shall be guilty of an offence under this Bill. Offences.

(2) Subject to the provisions of sub-section (3) of this section:

(a) If a sum due under this Bill is not paid within the time specified in that section, the Service shall serve on the Company a demand note for the unpaid sum plus a sum which is equal to 5% of the sum; and

(b) if a sum demanded under paragraph (a) of this sub-section is not paid within 2 months of the demand, the Company is guilty of an offence under this Bill.

(3) Notwithstanding any other provision in this Bill, it shall be the duty and responsibility of every Company liable to pay the sum to ensure that its annual returns are filed with the Service for the purpose of assessment of the sum.

(4) The Board shall remit in whole or in part a sum added to the unpaid sum under sub-section (2) (a) of this section.

(5) Where an offence under this Bill is committed by a Body Corporate or firm or other association of individuals:

(a) every Director, Manager, secretary or other similar officer of the Body Corporate;

(b) every partner or officer of the Firm;

(c) every person concerned in the management of the affairs of the association; or

(d) every person who was purporting to act in that capacity, shall be severally guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

27. (1) Except as otherwise provided in this Bill, a person guilty of an offence under this Bill shall, on conviction, be liable: Penalties.

(a) for a first offence, to imprisonment for a term of 6 months or to a fine of up to ₦1,000,000.00 or both; and

(b) for a second and subsequent offences, to imprisonment for a term of 12 months or to a fine of up to ₦2,000,000.00 or both.

(2) The institution of proceedings or imposition of a penalty under this Bill shall not relieve a company or sector from liability to pay to the Service a levy which is or may become due under this Bill.

(3) Notwithstanding the provisions of sub-section (1) (a) and (b) of this section, where any company or sector or corporate body liable to file a return on the levy under this Bill fails in any year to file such return, the Service, if it is of the opinion that such a company or sector or corporate body is liable to pay the levy, may, according to the best of its judgment, determine the amount of assessable profit of such company and make an assessment of the levy in accordance with the provisions of this Bill.

28. The Federal High Court shall have jurisdiction to try offenders under this Bill. Jurisdiction.

29. (1) Without prejudice to the powers of the Attorney-General of the Federation under Section 174 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to institute, continue or discontinue criminal proceedings, complaints or other proceedings arising under this Bill shall be undertaken, conducted or defended in the name of the Board by a Legal Officer of the NYSC or any Legal Practitioner appointed by the Board. Litigation.

(2) Legal Officers of the NYSC or any Legal Practitioner appointed by the Board can appear in Court on behalf of the Trust Fund in civil matters involving the Trust Fund.

(3) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against the Trust Fund or any of its officers.

(4) Notwithstanding anything contained in any other law or enactment, no suit against the Trust Fund or any member of the Board or any other officer or Staff of the Trust Fund for any act done in pursuance or execution of the Act or any other law or enactment or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority shall lie or be instituted in any Court unless:

(a) it is commenced within 3 months next after the act, neglect or default complained of; or

(b) in the case of continuation of damage or injury, within 3 months next after the ceasing

thereof.

(5) No suit shall be commenced against the Trust Fund or any member of the Board or any other officer of the Trust Fund before the expiration of the period of one month after written notice of intention to commence the suit shall have been served upon the Trust Fund by the intending plaintiff or his agent.

(6) The notice referred to in sub-section (5) of this section shall clearly and explicitly state the cause of action, the particulars of the action, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of document.

(7) A notice, summons or other document required or authorized to be served upon the Trust Fund under the provisions of this Bill or any other law or enactment may be served by delivering it to the Secretary of the Board or by sending it by registered post and addressed to the Secretary of the Board at the principal office of the Trust Fund.

30. (1) In any action or suit against the Trust Fund, no execution or attachment of processes in the nature thereof shall be issued against the Trust Fund.

Restriction on execution.

(2) Any sum of money which may, by the judgment of any court, be awarded against the Trust Fund shall, subject to any direction given by the court, be paid from the general reserve fund of the Trust Fund.

31. A member of the Board or the Secretary of the Board or any other officer of the Trust Fund shall be indemnified out of the assets of the Trust Fund against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted if any such proceeding is brought against him in his official capacity as a member of the Board, the Secretary of the Board or officer of the Trust Fund.

Indemnity.

32. In this Bill:

Interpretation.

"Board" means the Board of the NYSC Trust Fund, established under section 7 of this Bill;

"Corps Member" means a Nigerian graduate youth on National Service under the NYSC Scheme;

"Due process" means compliance with extant financial rules and regulations on public procurement of goods, works and services;

"NYSC formations" include the National Directorate Headquarters, Area Offices, State Secretariats, Zonal Offices, Local Government Offices, Ventures and Orientation Camps;

"NYSC Ventures" means small and micro enterprises established by NYSC and the NYSC farm settlements established for the purpose of training Corps Members;

"President" means the President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

"Personnel" means officers of the NYSC and the Trust Fund;

"SAED Centres" means centres where Corps Members acquire vocational and Entrepreneurship skills;

"Trust Fund" means the NYSC Trust Fund established under section 3 (1) of this Bill.

33. This Bill may be cited as the National Youth Service Corps Trust Fund (NYSCTF) (Establishment) Bill, Citation. 2022.

SCHEDULE

Section 9 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

1. Subject to the provisions of this Bill and section 27 of the Interpretation Act the Board may make standing orders regulating its proceedings or those of its committee, including the summoning of a meeting.
2. The quorum of the Board shall be two third of the total number of members, and the Board shall determine the quorum of any committee.
3. The Board shall meet at least four times in each year, and shall meet whenever it is summoned by the Chairman.
4. At any meeting of the Board, the Chairman shall preside but, in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.
5. Where the Board of Trustees desire to obtain the advice of any person on a particular matter, the Board of Trustees may co-opt the person to the Board of Trustees for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph is not entitled to vote at any meeting of the Board of Trustees and shall not count towards a quorum.
6. All members of the Board of Trustees shall have equal rights and privileges and where there is equality in vote, the Chairman shall have a casting vote.

Committees

7. The Board may set up such number of committees to perform, on behalf of the Board of Trustees such of its functions as the Board may determine.
8. A committee set up under this Bill shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board, and the person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment.
9. A decision of a committee of the Board shall have no effect until it is confirmed or ratified by the Board.

Miscellaneous

10. The fixing of the seal of the Trust Fund shall be authenticated by the signature of the Chairman or of any other person authorised generally or specially to act for that purpose by the Board.

11. Any contract or instrument made or executed by a person not being a body corporate, that would not be required to be under seal may be made or executed on behalf of the Board by the Chairman or any person generally or specifically authorised to act for that purpose by the Board.

12. Any document purporting to be a document duly executed under the seal of the Trust Fund shall be received in evidence and is, unless the contrary is proved, presumed to be so executed.

13. The validity of any proceeding of the Board of Trustees or committee shall not be adversely affected by:

(a) any vacancy in the membership of the Board of Trustees or committee;

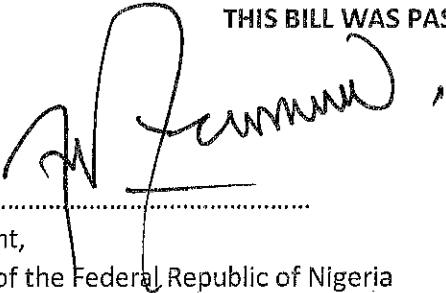
(b) any defect in the appointment of a member of the Board of Trustees or of a committee; or

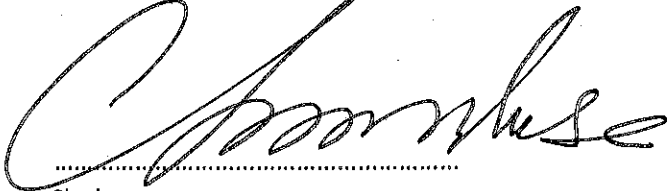
(c) reason that a person not entitled to do so took part in the proceedings of the Board of Trustees or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Youth Service Corps Trust Fund (NYSCTF) to, among other things, provide sustainable source of funds for NYSC, Skills Acquisition training and provision of startup capital to Corps Members, train and retrain the personnel of the NYSC, develop Camps and NYSC formations and provide facilities therein, improve the general welfare of Corps Members and personnel of the Scheme and enhance their preparedness to effectively discharge their statutory duties of promoting National unity, integration, self-reliance and accelerated development of the nation.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 21ST JUNE 2022


.....
President,
Senate of the Federal Republic of Nigeria


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Clerk,
Senate of the Federal Republic of Nigeria