

# A BILL

## FOR

AN ACT TO ESTABLISH THE NORTH CENTRAL DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT FOR THE RECONSTRUCTION AND REHABILITATION OF ROADS, HOUSES AND OTHER INFRASTRUCTURAL DAMAGES SUFFERED BY THE REGION AS A RESULT OF THE EFFECT OF THE COMMUNAL CRISES AS WELL AS TACKLE THE ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH CENTRAL STATES AND FOR RELATED MATTERS

*Sponsored by Hon. Simon D. Mwakwona*

[ ] Commencement

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

PART I- ESTABLISHMENT OF THE NORTH CENTRAL DEVELOPMENT COMMISSION AND THE GOVERNING BOARD

1            1.-(1) There is established a Commission to be known as North  
 2 Central Development Commission (in this Bill referred to as "the  
 3 Commission").

Establishment of  
 the North Central  
 Development  
 Commission

4            (2) The Commission shall be a body corporate with perpetual  
 5 succession and a common seal and may sue or be sued in its corporate name.

6            2.-(1) There is established for the Commission, a body to be known  
 7 as the Governing Board (in this Bill referred to as "the Board") which shall  
 8 consist of-

Establishment  
 of the Governing  
 Board

9            (a) Chairman;

10           (b) One person who shall be an indigène to represent the following  
 11 member states, that is-

12           (I) Benue;

- 1 (ii) FCT;
- 2 (iii) Kogi;
- 3 (iv) Kwara;
- 4 (v) Nasarawa;
- 5 (vi) Niger; and
- 6 (vii) Plateau.
- 7 (c) three persons to represent the following Security Organisation-
- 8 (i) the Army who shall not be below the rank of a Colonel;
- 9 (ii) the Police who shall not be below the rank of Superintendent of
- 10 Police; and
- 11 (iii) the Civil Defence Corp who shall not be below the rank of Deputy
- 12 Commandant.
- 13 (d) one representative of Solid minerals extracting and Mining
- 14 producing companies in the North Central States nominated by those
- 15 companies;
- 16 (e) one person to represent the Federal Ministry of Finance;
- 17 (f) one person to represent the Federal Ministry of Environment;
- 18 (g) the Managing Director of the Commission; and
- 19 (h) two executive Directors;
- 20 (2) The Chairman and other members of the Board Shall-
- 21 (a) be appointed by the President, subject to the confirmation of the
- 22 Senate, in consultation with the House of Representatives; and
- 23 (b) be person of proven integrity and ability.
- 24 (3) The members of the Board referred to in paragraph (1-2) of sub-
- 25 clause (1) of this Bill shall be part-time members.
- 26 (4) The supplementary provisions set out in the Schedule to this Bill
- 27 shall have effect with respect to the proceedings of the Board and the other
- 28 matters contained therein.
- 29 3. Subject to the provisions of clause 4 of this Bill, a member of the
- 30 Board, other than an ex-officio member, shall hold office for a term of 4 years at

1 the first instance and may be re-appointed for a further term of 4 years and no  
2 more.

3 4. The office of the Chairman shall rotate amongst the member Rotation of office  
of Chairman  
4 states of the Commission in the following alphabetical order-

5 (i) Benue;

6 (ii) FCT;

7 (iii) Kogi;

8 (iv) Kwara;

9 (v) Nasarawa;

10 (vi) Niger; and

11 (vii) Plateau.

12 5.-(1) A member of the Board other than ex-officio member, may Resignation,  
cessation or removal  
from membership  
of the Board  
13 resign his or her appointment by notice in writing addressed to the President.  
14 Which resignation shall take effect only upon receipt and approval by the  
15 President.

16 (2) A member of the Board may cease membership if the member-

17 (a) becomes of unsound mind, or incapable of carrying out his  
18 duties;

19 (b) becomes bankrupt, suspends payment or compounds with his  
20 creditors;

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

23 (d) is guilty of serious misconduct in relation to his duties;

24 (e) in the case of a person possessed of professional qualifications,  
25 he is disqualified or suspended, other than at his own request, from  
26 practising his profession in any part of the world by an order of a competent  
27 authority made in respect of that member; or

28 (f) resigns his appointment by a letter addressed to the President.

29 (3) Where a vacancy occurs in the membership of the Board, it  
30 shall be filled by appointment of a person representing the area where the

1 vacancy exists, to complete the remainder of the term of office of the  
2 predecessor and shall be appointed by the President subject to the confirmation  
3 of the Senate in consultation with the House of Representatives.

Allowances  
of members

4 6. There shall be paid to every member of the Board such  
5 remuneration, allowances and expenses as the Federal Government may, from  
6 time to time direct.

7 PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.

Functions and  
Powers of the  
Commission

8 7.-(1) The Commission shall-

9 (a) formulate policies and guidelines for the development of the North  
10 Central States;

11 (b) conceive, plan and implement, in accordance with the set rules and  
12 regulations, projects and programmes for the sustainable development of the  
13 North Central States in the field of transportation including roads, health,  
14 education, employment, agriculture, industrialization, housing and urban  
15 development, water supply, electricity and telecommunications;

16 (c) cause the North Central States to be surveyed in order to ascertain  
17 measures which are necessary to promote its physical and socio-economic  
18 development;

19 (d) prepare master plans and schemes designed to promote the  
20 physical development of the North Central States and the estimates of the costs  
21 of implementing such master plans and schemes;

22 (e) implement all the measures approved for the development of the  
23 North Central States by the Federal Government and the member States of the  
24 Commission;

25 (f) identify factors inhibiting the development of the North Central  
26 States and assist the member States in the formulation and implementation of  
27 policies to ensure sound and efficient management of the resources of the  
28 North Central States;

29 (g) assess and report on any project being funded or carried out in the  
30 North Central States by mineral extracting and mining companies, oil and gas

1 producing companies, and any other company including non-governmental  
2 organisations and ensure that funds released for such projects are properly  
3 utilized;

4 (h) tackle ecological and environmental problems that arise from  
5 the extraction and mining of solid mineral, exploration of oil mineral in the  
6 North Central States and advise the Federal Government and the member  
7 States on the prevention and control of oil spillages, gas flaring and  
8 environmental pollution;

9 (i) liaise with the various solid mineral extraction and mining  
10 companies and oil and gas prospecting and producing companies on all  
11 matters of pollution prevention and control; and

12 (j) execute such other works and perform such other functions  
13 which in the opinion of the Commission are required for the sustainable  
14 development of the North Central States and its peoples.

15 (2) In exercising its functions and powers under this clause, the  
16 Commission shall have regard to the varied and specific contributions of  
17 each member State of the Commission.

18 (3) The Commission shall be subject to the direction, control or  
19 supervision in the performance of its functions under this Bill by the  
20 President of the Federal Republic of Nigeria.

21 8. The Board shall have power to:

22 (a) Manage and superintend the affairs of the Commission;

23 (b) make rules and regulations for carrying out the functions of the  
24 Commission;

25 (c) enter and inspect premises, projects and such places as may be  
26 necessary for the purposes of carrying out its functions under this Bill;

27 (d) pay the staff of the Commission such remuneration and  
28 allowances as are payable to persons of equivalent grades in the civil service  
29 of the Federation;

30 (e) enter into such contracts as may be necessary or expedient for

Powers of the  
Board

1 the discharge of its functions and ensure the efficient performance of the  
2 functions of the Commission;

3 (f) employ either directly or on secondment from any civil or public  
4 service in the Federation or a State such number of employees as may in the  
5 opinion of the Board, be required to assist the Board in the discharge of any of  
6 its functions under this Bill;

7 (g) pay to persons so employed such remuneration, including  
8 allowances, as the Board may determine; and

9 (h) do such other things as are necessary and expedient for the  
10 efficient performance of the functions of the Commission.

### 11 PART III - STRUCTURE OF THE COMMISSION

Structure of the  
Commission

12 9.-(1) There shall be established in the head office of the Commission,  
13 the following Directorates:

14 (a) the Directorate of Administration and Human Resources;

15 (b) the Directorate of Community and Rural Development;

16 (c) the Directorate of Utilities, Infrastructural Development and  
17 waterways;

18 (d) the Directorate of Environmental Protection and Control;

19 (e) the Directorate of Finance and Supply;

20 (f) the Directorate of Solid Minerals, Agriculture and Fisheries;

21 (g) the Directorate of Planning, Research and Statistics and  
22 Management Information System;

23 (h) the Directorate of Legal Services;

24 (i) the Directorate of Education, Health and Social Services;

25 (j) the Directorate of Commercial and Industrial Development; and

26 (k) the Directorate of Projects Monitoring and Supervision.

27 (2) The Board may increase the number of Directorates as it may  
28 deem necessary and expedient to facilitate the realization of the objectives of  
29 the Commission.

1                   **10.** There shall be for the Commission, a Management Committee  
2           which shall-

Management  
Committee

3                   (a) consist of a Chairman who shall be the Managing Director;

4                   (b) the Directors responsible for the Directorates established under  
5           clause 9 of this Bill and such number of other members as may be  
6           determined from time to time by the Board;

7                   (c) be responsible to the Board and the Managing Director for the  
8           general administration of the Commission.

9                   **11.**-(1) There is hereby established for the Commission, A North  
10           Central Development Advisory Committee (in this Bill referred to as 'the  
11           Advisory Committee') which shall consist of-

Establishment of  
the North Central  
Development  
Advisory  
Committee

12                   (a) the Governors of the member States of the Commission; and

13                   (b) two persons as may be determined, from time to time, by the  
14           President of the Federal Republic of Nigeria.

15                   (2) The Advisory Committee shall be charged with the  
16           responsibility of advising the Board and guiding and monitoring the  
17           activities of the Commission with a view to achieving the objectives of the  
18           Commission.

19                   (3) The Advisory Committee may make rules regulating its own  
20           proceedings.

#### 21                   PART IV - STAFF OF THE COMMISSION

22                   **12.**-(1) There shall be for the Commission, a Managing Director,  
23           and two Executive Directors who Shall be indigenes of the North Central  
24           States and shall rotate amongst the member States in alphabetical order and  
25           shall-

Executive  
Secretary of the  
Commission

26                   (a) have such qualification and experience as are appropriate for a  
27           person required to perform the functions of that office under this Bill; and

28                   (b) be the chief executive and accounting officer of the  
29           Commission;

30                   (c) be appointed by the President of the Federal Republic of

1 Nigeria and confirmed by the Senate in consultation with the House of  
2 Representatives;

3 (d) hold office on such terms and conditions' as to emolument,  
4 conditions of service as may be specified in his letter of appointment and  
5 subject to the provision of clause 3 of this Bill.

6 (2) The Managing Director shall, subject to the general direction of  
7 the Board, be responsible:

8 (a) for the day to day administration of the Commission;

9 (b) for keeping the books and proper records of the proceedings of the  
10 Board; and

11 (c) For-

12 (i) the administration of the secretariat of the Board; and

13 (ii) the general direction and control of all other employees of the  
14 Commission.

15 (3) The Board shall have power to-

16 (a) employ either directly or on secondment from any civil or public  
17 service in the Federation or a State such number of employees as may, in the  
18 opinion of the Board, be required to assist the Board in the discharge of any of  
19 its functions under this Bill; and

20 (b) pay to persons so employed such remuneration ( including  
21 allowances) as the Board may, after consultation with the Federal Civil Service  
22 Commission, Determine.

Pension Reform  
Act, No. 2 of  
2004

23 13.-(1) Service in the Commission shall be approved service for the  
24 purposes of the Pensions Act.

25 (2) The officers and other persons employed in the Commission shall  
26 be entitled to pensions, gratuities and other retirement benefits as are enjoyed  
27 by Persons holding equivalent grades in the civil service of the Federation.

28 (3) Nothing in subsections (1) and (2) of this clause shall prevent the  
29 appointment of a person to any office on terms which preclude the grant of  
30 pension and gratuity in respect of that office.



1 (4) for the purposes of the application of the provisions of the  
2 Pensions Act, any power exercisable there under by the Minister or other  
3 authority of the Government of the Federation, other than the power to make  
4 regulations under section 23 thereof, is hereby vested in and shall be  
5 exercisable by the Commission, and not by any other person or authority.

6 PART V - FINANCIAL PROVISIONS

7 14.-(1) The Commission shall establish and maintain a fund from Fund of the  
Commission  
8 which shall be defrayed all expenditure incurred by the Commission.

9 (2) There shall be paid and credited to the fund established  
10 pursuant to sub-clause (1) of this Bill-

11 (a) from the Federal Government, the equivalent of 15 per cent of  
12 the total monthly statutory allocations due to member States of the  
13 Commission from the Federation Account;

14 (b) 3 per cent of the total annual budget of any oil producing  
15 company operating, on shore and off shore, in the North Central States;  
16 including gas processing companies;

17 (c) 3 percent of the total annual budget of any Solid mineral  
18 extracting mining company operating in the North Central States;

19 (d) 50 per cent of monies due to member States of the Commission  
20 from the Ecological Fund;

21 (e) such monies as may from time to time, be granted or lent to or  
22 deposited with the Commission by the Federal or a State Government, any  
23 other body or institution whether local or foreign;

24 (f) all monies raised for the purposes of the Commission by way of  
25 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

26 (g) proceeds from all other assets that may, from time to time,  
27 accrue to the Commission.

28 (3) The fund shall be managed in accordance with the rules made  
29 by the Board, and without prejudice to the generality of the power to make  
30 rules under this sub-clause, the rules shall in particular contain provisions-

1 (a) specifying the manner in which the assets or the fund of the  
2 Commission are to be held, and regulating the making of payments into and out  
3 of the fund; and

4 (b) requiring the keeping of proper accounts and records for the  
5 purpose of the fund in such form as may be specified in the rules.

Expenditure of  
the Commission

6 15. The Commission shall apply the proceeds of the fund established  
7 pursuant to clause 14 of this Bill to-

8 (a) the cost of administration of the Commission;

9 (b) the payment of salaries, fees, remuneration, allowances, pensions  
10 and gratuities payable to the members of the Board specified in clause 6 of this  
11 Bill or any committee of the Board and the employees of the Commission;

12 (c) the payment for all contracts, including mobilization, fluctuations,  
13 variations, legal fees and cost on contract administration;

14 (d) the payment for all purchases; and

15 (e) Undertaking such other activities as are connected with all or any  
16 of the functions of the Commission under this Bill.

Gift to the  
Commission

17 16.-(1) The Commission may accept gifts of land, money or other  
18 property on such terms and conditions, if any, as may be specified by the person  
19 or organization making the gift.

20 (2) The Commission shall not accept any gift if the conditions  
21 attached by the person or organization making the gift are inconsistent with the  
22 functions of the Commission under this Bill.

Power to borrow

23 17. The Commission may, with the consent of the President of the  
24 Federal Republic of Nigeria, borrow, on such terms and conditions as the  
25 Commission may determine, such sums of money as the Commission may  
26 require in the exercise of its functions under this Bill.

Annual Estimates  
and Expenditure

27 18.-(1) The Board shall, not later than 30th September in each year,  
28 submit to the President of the Federal Republic of Nigeria, an estimate of the  
29 expenditure and income of the Commission during the next succeeding year.

30 (2) The Board shall cause to be kept proper accounts of the

1 Commission in respect of each year and proper records in relation thereto  
 2 and shall cause the accounts to be audited not later than 6 months after the  
 3 end of each year by auditors appointed from the list and in accordance with  
 4 the guidelines supplied by the Auditor-General for the Federation.

5 **19.** The Commission shall, at the end of every quarter in each year, Quarterly Report  
 6 submit Quarterly Report to the President of the Federal Republic of Nigeria,  
 7 a report on the activities and administration of the Commission

8 **20.-(1)** The Board shall prepare and submit to the President of the Annual Report  
 9 Federal Republic of Nigeria, not later than 30th June in each year, a report in  
 10 such form as the President of the Federal Republic of Nigeria, may direct, on  
 11 the activities of the Commission during the immediately preceding year, and  
 12 shall include in the report a copy of the audited accounts of the Commission  
 13 for that year and the auditor's report thereon;

14 **(2)** The President of the Federal Republic of Nigeria shall, upon  
 15 receipt of the report referred to in sub-clause (1) of this clause, cause a copy  
 16 of the report and the audited accounts of the Commission and the auditor's  
 17 report there on to be submitted to each House of the National Assembly.

#### 18 PART VI - MISCELLANEOUS

19 **21.-(1)** There is hereby established for the Commission a Monitoring  
 20 Monitoring Committee which shall consist of such number of persons as the  
 21 President of the Federal Republic of Nigeria, may deem fit to appoint from  
 22 the public or civil service of the Federation.

23 **(2)** The Monitoring Committee shall-

24 **(a)** monitor the management of the funds of the Commission and  
 25 the implementation of the projects of the Commission; and

26 **(b)** have access to the books of account and other records of the  
 27 Commission at all times, and submit periodical reports to the President  
 28 Federal Republic of Nigeria.

29 **22.-(1)** For the purposes of providing offices and premises Office and  
 30 necessary for the performance of its functions under this Bill, the Commission

1 Commission may, subject to the Land Use Act-

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

3 and

4 (b) Construct offices and premises and equip and maintain same.

5 (2) The Commission may, subject to the Land Use Act, sell or lease  
6 out any office or premises held by it, which office or premises is no longer  
7 required for the Performance of its functions under this Bill.

Directives by  
the President

8 23. Subject to the provisions of this Bill, the President of the Federal  
9 Republic of Nigeria, may give to the Commission directives of a general nature  
10 or relating generally to matters of policy with regard to the performance by the  
11 Commission of its functions and it shall be the duty of the Commission to  
12 comply with the directives.

Public Officer  
Protection Act,  
Cap. P41 LFN,  
2004

13 24.-(1) Subject to the provisions of this Bill, the provisions of the  
14 Public Officers Protection Act shall apply in relation to any suit instituted  
15 against any officer or employee of the Commission.

16 (2) Notwithstanding anything contained in any other law or  
17 enactment, no suit shall lie against any member of the Board, the Managing  
18 Director or any other officer or employee of the Commission for any act done  
19 in pursuance or execution of this Bill or any other law or enactment, or of any  
20 public duty or authority or in respect of any alleged neglect or default in the  
21 execution of this Bill or such law or enactment, duty or authority, shall lie or be  
22 instituted in any court unless-

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

25 (b) in the case of a continuation of damage or injury, within six  
26 months next after the ceasing thereof.

Service of Notice,  
Summons and  
other Documents

27 25. A notice, summons or other document required or authorized to  
28 be served upon the Commission under the provisions of this Bill or any other  
29 law or enactment may be served by delivering it to the Managing Director or by  
30 sending it by registered post and addressed to the Managing Director at the

1 principal office of the Commission

2           **26.**-(1) In any action or suit against the Commission, no execution  
3 or attachment of process in the nature thereof shall be issued against the  
4 Commission. Restriction on  
execution of  
judgement debts

5           (2) Any sum of money which may by the judgment of any court be  
6 awarded against the Commission shall, subject to any direction given by the  
7 court where notice of appeal of the said judgment has been given, be paid  
8 from the general reserve fund of the Commission.

9           **27.** A member of the Board, the Managing Director, any other  
10 officer or employee of the Commission shall be indemnified out of the assets  
11 of the Commission against any proceeding, whether civil or criminal, in  
12 which judgment is given in his favour, or in which he is acquitted, if any such  
13 proceeding is brought against him in his capacity as a member of the Board,  
14 the Managing Director, officer or employee of the Commission. Indemnity of  
officers

15           **28.** The Commission may, with the approval of the President of the  
16 Federal Republic of Nigeria, make regulations, generally for the purposes of  
17 giving full effect to this Bill. Regulations

18           **29.** In this Bill- Interpretation  
19 "Chairman" means the Chairman of the Board;  
20 "Commission" means the North Central Development Commission  
21 established by clause 1 of this Bill;  
22 "Board" means the governing Board established for the Commission under  
23 clause 2 (1) of this Bill;  
24 "member" means a member of the Board and includes the Chairman,  
25 Managing Director and Executive Directors;  
26 "member States" include Benue, FCT, Kogi, Kwara, Nasarawa, Niger, and  
27 Plateau.

28           **30.** This Bill may be cited as the North Central Development Short title  
29 Commission (Establishment, etc.) Bill, 2019.

## 1 SCHEDULES

## 2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

3 1-(1) Subject to this Bill and section 27 of the Interpretation Act, the  
4 Board may make standing orders regulating its proceedings or those of any of  
5 its committee.

6 (2) The quorum of the Board shall be the Chairman or the person  
7 presiding at the meeting, Managing Director or one Executive Director and one  
8 third other members of the Board. The quorum of any committee of the  
9 Commission shall be as determined by the Board.

10 2-(1) The Board shall meet whenever it is summoned by the  
11 Chairman and if the Chairman is required to do so by notice given to him by not  
12 less than 4 other members, he shall summon a meeting of the Board to be held  
13 within 14 days from the date on which the notice is given.

14 (2) At any meeting of the Board, the Chairman shall preside but if he is  
15 absent, the members present at the meeting shall appoint one of their members  
16 to preside at the meeting.

17 3.-(1) The Board may appoint one or more committees to carry out on  
18 behalf of the Board, such functions as the Board may determine.

19 (2) A committee appointed under this paragraph shall consist of such  
20 number of persons as may be determined by the Board and a person shall hold  
21 office on the committee in accordance with the terms of his appointment.

22 (3) A decision of a committee of the Board shall be of no effect until it  
23 is confirmed by the Board.

24 *Miscellaneous*

25 4.-(1) The fixing of the seal of the Commission shall be authenticated  
26 by the signatures of the Chairman or any other member of the Board generally  
27 or specifically authorized by the Board to act for the purpose and the Managing  
28 Director.

29 (2) A document purporting to be a document duly executed under the  
30 seal of the Commission shall be received in evidence and shall, unless and until

- 1 the contrary is proved, be presumed to be so executed.
- 2 5. The validity of any proceedings of the Board or of a committee
- 3 shall not be adversely affected by-
- 4 (a) a vacancy in the membership of the Board or committee;
- 5 (b) a defect in the appointment of a member of the Board or
- 6 committee; or
- 7 (c) reason that a person not entitled to do so took part in the
- 8 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the North Central Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account for the reconstruction and rehabilitation of roads, houses and other infrastructural damages suffered by the region as a result of the effect of the Communal Crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the North Central States.

